CITY OF LOMPOC PLANNING COMMISSION STAFF REPORT



DATE: November 9, 2016

TO: Members of the Planning Commission

FROM: Lucille Breese, AICP, Planning Manager

RE: Modification to Conditional Use Permit (CUP 12-02)

Santa Rita Hills Wine Center Building 1 Wine Tasting

AGENDA ITEM NO. 2

A request from Steve Zotovich, applicant and Managing Member of Santa Rita Hills Wine Center Investors LP, property owner, for Planning Commission consideration of a request for a Modification to Conditional Use Permit (CUP 12-02) to allow wine tasting to expand onto an existing 1,350 square foot outdoor deck. The site is located at 300 North Twelfth Street in the *Business Park (BP)* Zoning District (Assessor Parcel Number: 099-141-034). This project is categorically exempt from review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

Scope of Review

The Planning Commission is being asked to consider:

- If the proposed project meets the property development standards for the Business Park (BP) Zone District;
- If the proposed project meets the intent of the General Plan for the *Business Park (BP)* Land Use Designation;
- If the proposed project, with a Conditional Use Permit, is compatible with surrounding uses, and appropriate for the site;
- If the required Findings of Fact can be made; and
- If the Conditions of Approval are appropriate for the project.

The Planning Commission has the authority to approve, conditionally approve, modify, or deny a Conditional Use Permit (Lompoc Municipal Code Section 17.124.060).

Planning Commission Action

- 1. Adopt Resolution No. 847 (16), approving Modification to Conditional Use Permit Amendment (CUP 12-02) based upon the Findings of Fact in the Resolution and subject to the attached draft Conditions of Approval; or
- 2. Provide direction to staff and applicant to continue this item as a discussion item during the Zoning Ordinance Update; or
- 3. Provide alternative direction.

Site Data

Property Owner: Santa Rita Hills Wine Center Investors, LP

2. Site Location: 300 North Twelfth Street

3. Assessor's Parcel Number: 099-141-034

4. Site Zoning: Business Park (BP) for Buildings 1 - 4; and

Planned Commercial Development (PCD) for

the undeveloped portion of property

5. General Plan Designation: Business Park (BP) for Buildings 1 - 4; and

General Commercial (GC) for the undeveloped

portion of property

6. Site Use: Existing Wine Production and Storage Facility

with Accessory Wine Tasting

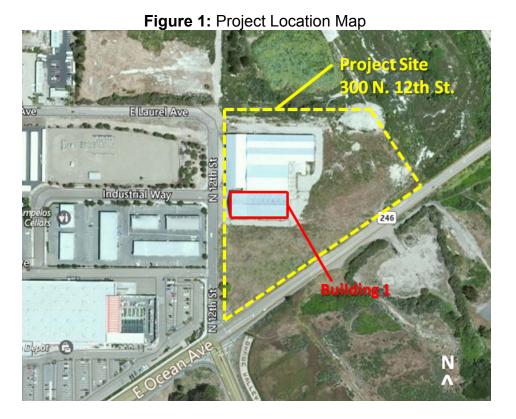
7. Surrounding Uses/Zoning: North – Vacant / R2PD

South – Vacant / RA

East – Vacant / N/A (outside of City limits)

West - Industrial Park / I

8. Site Area: 8.8 acres



Background

May 27, 2009

The Planning Commission approved the following: Resolution No. 643 (09) recommending CC certification of EIR 08-02; Resolution No. 644 (09) recommending CC of GP 08-01; Resolution No. recommending CC approval of ZC 08-01; Resolution No. 646 (09) recommending CC approval of LOM 582-P; and Resolution No. 647 (09) recommending CC approval of DR 08-01 for a resort hotel, event center, restaurant-bar, commercial-retail and offices uses, and a wine processing and storage facility.

July 7, 2009

The City Council approved the following: Resolution No. 5567 (09) certifying EIR 08-02; Resolution No. 5568 (09) approving GP 08-01; Ordinance No. 1559 (09) approving ZC 08-01; Resolution No. 5569 (09) approving LOM 582-P; and Resolution NO. 5570 (09) approving DR 08-01 for a resort hotel, event center, restaurant-bar, commercial-retail and office uses, and wine processing and storage facility.

March 14, 2012

The Planning Commission approved the following: Resolution No. 714 (12) approving LOM 593, a Tentative Parcel Map to subdivide into four (4) parcels; Resolution No. 715 (12) approving DR 12-01 for a Development Plan to consist of four (4) phases; Resolution No. 716 (12) approving CUP 12-01 for Building 4 allowing 2,400 sq. ft. or 25% of the individual tenant spaces for wine tasting and office use; and Resolution No. 717 (12) approving CUP 12-02 for Building 1 allowing 4,000 sq. ft. or 25% of the building for wine tasting and office use.

Proposal

The applicant requests a Modification to Conditional Use Permit (CUP 12-02) to allow wine tasting to expand onto an existing 1,350 square foot outdoor deck. The project site is located on an 8.8-acre parcel at 300 North Twelfth Street (APN: 099-141-034) in the Wine Ghetto. There are currently four (4) buildings within this 8.8-acre parcel which have been developed into a wine production and storage facility. Building 1 consists of approximately 16,000 square feet of building and 6,000 square feet of covered loading dock area.

In March 14, 2012, the Planning Commission approved Conditional Use Permit (CUP 12-02) for the operation of accessory wine tasting or office use in Building 1. The approval consisted of a maximum of 4,000 square feet or 25% of wine tasting or office within the 16,000 square foot space of Building 1. It also included a new deck addition and covered patio on the south side of Building 1 for the access and ingress/egress from the parking lot to the individual suites and restroom area.

The proposed project would allow the wine tasting use to expand onto the existing 1,350 square foot outdoor deck. The existing deck structure and covered patio will not be expanded. A 6-foot wide path of travel will be provided along the south exterior wall along the entire length of the deck, leaving a 4-foot wide tasting area, except for areas with stair and ramp landings. Currently there is no proposed separation between the path of travel and wine tasting area. A new 18-inch counter is proposed along the top of the existing railing, coupled with bar stool-type seating.

The proposed increase of 1,350 square feet of wine tasting use to the outdoor deck would require modification of Condition of Approval P19 from CUP 12-02, which states:

COA No. P19 (CUP 12-02)

The Conditional Use Permit approval allows for wine tasting / office use in Building 1 (16,000 sq. ft.) of a maximum of 25% (4,000 sq. ft.).

Conformance with General Plan

The General Plan Land Use designation for this property is *Business Park (BP)*. The BP land use designation is listed under the Industrial Land Uses category of the General Plan. The stated purpose for the BP land use designation is:

To provide areas for clean and attractive planned industrial centers on large, integrated parcels of land upon which all activities are conducted indoors.

The proposed project will continue to conduct the primary warehouse and storage uses indoors. Wine tasting is allowed with CUP 12-02. The request is for an expansion of wine-tasting, a non-industrial accessory use allowed in BP designated areas with a CUP. The General Plan purpose section above is intended to govern the industrial uses in the Business Park, which here are not proposed for expansion outdoors. The applicant is only proposing to expand a non-industrial accessory use, wine tasting, to outdoors. Therefore, the proposed use would be consistent with the intent of the Business Park (BP) General Plan Land Use designation. (COA P-14)

Conformance with Zoning Ordinance

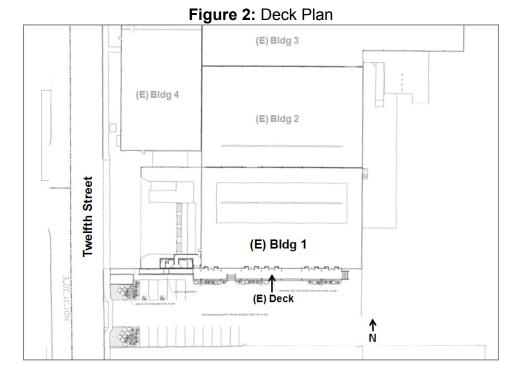
The zoning for the site is *Business Park (BP)*. The purpose of this zone is:

To provide for planned industrial complexes in appropriate areas with sound development standards. The intent is to have primary users share common building complexes with common sign programs, building architecture, utility networks, and landscape areas in compatibly planned developments.

According to Lompoc Municipal Code <u>Section 17.064.060</u>, Wineries are an allowed use in the *Business Park (BP)* Zone District subject to a Development Plan for the first development of a vacant site. Wine Tasting Rooms are subject to a Conditional Use Permit.

The Conditional Use Permit process is a discretionary action which allows the Commission to evaluate each project individually and assure compatibility with other uses in the vicinity. The Commission may determine if the outdoor wine tasting use falls within the intent and purpose of the zoning district that will not be more obnoxious or detrimental to the public welfare, and which are of a comparable nature and of the same class as those identified in <u>Section 17.064.060</u>, shall be allowed with a conditional use permit.

The Planning Commission has previously approved this type of activity where it is not visible from the public right-of-way. The intent is to preserve the character of the Industrial District (*Business Park (BP)* and *Industrial (I)*). The proposed outdoor use would be visible from Twelfth Street and Ocean Avenue.



<u>Parking</u>. Development Plan (12-01) and Conditional Use Permit (CUP 12-02) included the approval of a temporary parking area to accommodate visitors for the wine tasting operations for Phase 1 of the Santa Rita Hills Wine Center. Located south of Building 1, this 30,000 square foot parking area has a decomposed granite surface and currently consists of approximately 26 unmarked parking spaces. At this time, there is no request to move forward with Phase 2 nor is there a request to convert the temporary parking area into a permanent parking lot, for which an asphalt surface per City standards would be required.

Zoning Ordinance Update

On August 24, 2016, a Planning Commission Workshop was held to consider a comprehensive update to various Zoning Districts within the City Zoning Ordinance. The workshop provided an opportunity for the Commission, business owners, and community members to have an open discussion regarding several zoning district areas. One of the main areas discussed was the Wine Ghetto and the possibility of an Overlay Zone for the Wine Ghetto. Currently the Zoning Code does not address the possibility of outdoor wine tasting within the *Business Park (BP)* and *Industrial (I)* Zoning Districts and is silent on this topic.

City Staff, the Planning Commission, business owners, and community members all support the Wine Ghetto area; However, it was acknowledged that the current Zoning Code is outdated when it comes to addressing many of the concerns brought up by the Wine Ghetto community. In 2017, the Zoning Ordinance Update for the Wine Ghetto area is anticipated to be formally evaluated and reviewed. In the meantime, the Planning Commission may make an interim decision regarding the appropriateness of outdoor wine tasting in the *Business Park (BP)* District today. Another option may be to refer the matter to the anticipated Zoning Ordinance Update for the Wine Ghetto so that these items can be formally evaluated and discussed on a more comprehensive level.

If the Commission approves the proposed modification, it is recommended the modification to CUP 12-02 be allowed for one year. If the Zoning Ordinance Update is not finalized, the CUP could be extended for one year periods at the staff level (for a maximum of five years). By this time, the Update should be completed and the regulations revised. If, for some reason, the Update is completed and the use is not permitted, staff would deny the extension.

Staff Review

A Development Review Board (DRB) meeting was not held to review this project. However, the project was reviewed by the Building Division, Engineering Division, and Fire Department who provided Conditions of Approval.

Environmental Determination

The project is categorically exempt from review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA). A Notice of Exemption will be filed for the project following the Planning Commission action.

Noticing

On October 30, 2016:

- 1) Notice of the Public Hearing was published in the Lompoc Record; On October 28, 2016:
 - 2) Notices were mailed to property owners within 300 feet by US mail;
 - 3) Notice was posted on the City website; and
 - 4) The project site was posted by City staff.

Appeal Rights

Any person has the right to appeal the Planning Commission action to the City Council within ten days of the action. Contact a Planning Division staff member for the required appeal form; the fee is \$257.80.

Attachments

- 1. Draft Resolution No. 847 (16) approving Modification to CUP 12-02 and Conditions of Approval
- 2. Project Description (provided by applicant) and Deck Plan (PC only with staff report. Documents available for review in Planning Division)

Staff Report has been reviewed and approved for submission to the Planning Commission								
Teresa Gallavan	Date	Lucille T. Breese, AICP	Date					
Economic Development Director /		Planning Manager						
Assistant City Manager								

RESOLUTION NO. 847 (16)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOMPOC APPROVING A MODIFICATION TO AN APPROVED CONDITIONAL USE PERMIT TO ALLOW WINE TASTING TO EXPAND ONTO AN EXISTING 1,350-SQUARE FOOT OUTDOOR DECK AT 300 NORTH TWELFTH STREET (CUP 12-02)

WHEREAS, a request was received from Steve Zotovich, applicant and Managing Member of Santa Rita Hills Wine Center Investors LP, property owner, for Planning Commission review and consideration of a request for a Modification to an approved Conditional Use Permit (CUP 12-02) to allow wine tasting to expand onto an existing 1,350-square foot outdoor deck. The project is located at 300 North Twelfth Street in the Business Park (BP) Zoning district (Assessor Parcel Number: 099-141-034); and

WHEREAS, at the meeting of November 9, 2016, ______ was/were present and answered Planning Commissioners' questions and addressed their concerns; and WHEREAS, at the meeting of November 9, 2016, _____, spoke in favor of the project; and _____, spoke in opposition to, the project; and _____, spoke in opposition to, the project; and WHEREAS, this project is Categorically Exempt pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LOMPOC RESOLVES AS FOLLOWS:

- **SECTION 1:** After hearing testimony, considering the evidence presented, and due deliberation of the matters presented, the Planning Commission finds that the proposed outdoor wine tasting room on the outdoor deck, as conditioned, meets the requirements of the Lompoc City Code and is consistent with the applicable policies and development standards, therefore it can be found that:
 - A. The proposed use, as conditioned, is consistent with the applicable policies and development standards set forth in Lompoc City Code Section 17.064.
 - B. The site for the proposed use is adequate in size and topography to accommodate said use, and all yards, spaces, walls and fences, parking, loading, and landscaping are adequate to properly adjust such use with the land and uses in the vicinity.

- C. The site for the proposed use relates to streets and highways adequate in width and pavement to carry the quantity and kind of traffic generated by the proposed use.
- D. The proposed use will have no adverse effect upon the abutting and surrounding property from the permitted uses thereof.
- E. The conditions stated in Exhibit A to this resolution are necessary to protect the public health, safety, and welfare.

SECTION 2: Based upon the foregoing, the conditions of approval for CUP 12-02 are hereby amended as identified in the conditions attached as Exhibit A which are incorporated by reference as if fully set forth herein.

The foregoing reswas adopted at following vote:						by	the
AYES:							
NOES:							
Lucille T. Bre	eese, AICP, Se	ecretary	Ron	Fink, Chair	 		

Attachment: Exhibit A – Conditions of Approval

CONDITIONS OF APPROVAL CUP 12-02 – SANTA RITA HILLS 300 NORTH TWELFTH STREET – BUILDING 1 – APN: 099-141-034

The following Conditions of Approval apply to the plans for CUP 12-02, received by the Planning Division and stamped on January 4, 2012, and reviewed by the Planning Commission on March 14, 2012.

I. PLANNING

Planning – General Conditions

- P1. All applicable provisions of the Lompoc City Code are made a part of these conditions of approval in their entirety, as if fully contained herein.
- P2. In conformity with Sections 17.140.010, 17.152.010, and 17.152.020 of the Lompoc City Zoning Ordinance, the violation of any condition listed herein shall constitute a nuisance and a violation of the Lompoc City Zoning Ordinance and the Lompoc City Code. In conformity with Section 1.24.010 of the Lompoc City Code, a violation of the Lompoc City Code and the Lompoc City Zoning Ordinance is a misdemeanor and shall be punishable as provided by law. In addition to criminal penalties, the City may seek injunctive relief to specifically enforce the Conditions of Approval. The applicant agrees to pay for all attorney's fees and costs, including, but not limited to, staff time incurred by the City in obtaining injunctive relief against the applicant as a result of a failure of the applicant to fully perform and adhere to all of the Conditions of Approval.
- P3. Owner agrees to and shall indemnify, defend, protect, and hold harmless City, its officers, employees, agents and representatives, from and against any and all claims, losses, proceedings, damages, causes of action, liabilities, costs and expenses, including reasonable attorney's fees, arising from or in connection with, or caused by (i) any act, omission or negligence of Owner, or their respective contractors, licensees, invitees, agents, sublessees, servants or employees, wherever on or adjacent to the Property the same may occur; (ii) any use of the Property, or any accident, injury, death or damage to any person or property occurring in, or on or about the Property, or any part thereof, or from the conduct of Owner's business or from any activity, work or thing done, permitted or suffered by Owner or its sublessees, contractors, employees, or invitees, in or about the Property, other than to the extent arising as a result of City's sole active negligence or to the extent of any willful misconduct of the City; and (iii) any default in the performance of any obligations of Owner's part to be performed under the terms of this Agreement, or arising from any negligence of Owner, or any such claim or any action or proceeding brought thereon; and in case any action or proceedings be brought against the City, its officers, employees, agents and representatives, by reason of any such claim, Owner, upon notice from City, shall defend the same at its expense by counsel reasonably satisfactory to City.

Owner further agrees to and shall indemnify, defend, protect, and hold harmless the City, its officers, employees, agents and representatives, from and against any and all actions brought by any third party to challenge the Project or its approval by the City, including environmental determinations. Such indemnification shall include any costs and expenses incurred by Agency and City in such action(s), including reasonable attorney's fees.

Planning – Conditional Use Permit Conditions

- P4. The right to use an occupancy permit shall be contingent upon the fulfillment of any general and special conditions imposed by the conditional use permit procedure.
- P5. All of the special conditions shall constitute restrictions running with the land and shall be binding upon the owner of the land, his successors or assigns and a covenant to the effect may be required.
- P6. The applicant shall consent to all of the conditions in writing.
- P7. The resolution granting the application, together with all consent forms and a description of the property shall be recorded by the Recorder of the County of Santa Barbara prior to issuance of a certificate of occupancy.
- P8. This Conditional Use Permit may be reviewed and reconsidered by the Planning Commission at any time for the purpose of imposing new conditions to mitigate a nuisance or to revoke the permit to abate a nuisance.
- P9. The use permit granted is conditioned upon the rights or privileges acquired thereby being utilized within one year after the effective date of approval, and should the rights or privileges authorized hereby fail to be executed or utilized within said year, or when a building permit has not been issued within said year, or when some form of work is involved which has not actually commenced within said year, or if so commenced, is null and void; unless such permit has not been utilized or such construction work started or completed within such one year period by reason of delays caused by the City in approving plans, in which event the Community Development Director shall grant and record a commensurate extension. The Planning Commission may, at its discretion, and with the consent or upon request of the permittee, for any cause, grant a reasonable extension of time in addition to the one (1) year period hereinabove provided. Such a request for extension shall have been filed with the Secretary of the Planning Commission fifteen (15) days prior to the expiration of the one (1) year.

Planning – Project Specific Conditions

- P10. All Conditions of Approval adopted by Resolution 717 (12) on March 14, 2012 shall remain in full force and effect unless superseded by COA in this resolution.
- P11. The applicant shall contact the County of Santa Barbara Health Department and the State of California Alcoholic Beverage Control for appropriate permits.
- P12. Outdoor seating and/or outdoor uses of any type shall be reviewed and approved by Planning and Engineering Division staff prior to installation.
- P13. The Conditional Use Permit approval allows for wine tasting / office use in building 1 (16,000 sq. ft.) of a maximum of 25% (4,000 sq. ft.) a maximum 4,000 sq. ft. of wine tasting / office use inside Building 1 (25% of the 16,000 sq. ft. Building 1) and a maximum 1,350 sq. ft. of wine tasting use on the outdoor deck of Building 1, subject to Condition P14.

- P14. Outdoor wine tasting is permitted for one year from the date of approval of this modification to CUP 12-02, and shall thereafter be prohibited unless (1) outdoor wine tasting is an expressly permitted use at this location in the Lompoc Municipal Code at that time, or (2) Owner obtains approval from the Planning Manager for a one-year extension. No more than four (4) one-year extensions may be granted. The Planning Manager shall deny a request for extension if outdoor wine tasting is prohibited at this location by the Lompoc Municipal Code at the time of the extension request.
- P15. The deck shall be revised to show delineation between the wine tasting and walkway areas. The changes shall be reviewed by staff at plan check and approved if appropriate.

II. BUILDING

Building – General Conditions – Tenant Improvements

- B1. Stairs, ramps, decks, and platforms shall meet the strict guidelines in the most recent adopted Building Code.
- B2. Project shall comply with the most recent adopted City and State building codes.
- B3. Building and Tenant Improvement Plans shall be submitted by a California licensed architect and/or engineer.
- B4. A separate grading plan complying with Appendix J, CBC and City standards will be required for the new bathroom, driveway and parking lot associated with the tenant improvements.
- B5. Approved fire-resistive assemblies shall be provided for each occupancy and/or exterior wall protection. Parapets may be required in accordance with the CBC and CFC.
- B6. Dimensioned building setbacks and property lines, street centerlines, and between buildings or other structures shall be designated on plot plans. Property line setbacks are critical to determine the fire resistive capability of a building wall.
- B7. All property lines and easements must be shown on the plot plan. A statement that such lines and easements are shown is required.
- B8. The Title Sheet for Tenant Improvement plans shall include:
 - a. Scope of work
 - b. Occupancy group
 - c. Description of use
 - d. Type of construction
 - e. Height of the building
 - f. Floor area of building(s)
- B9. California accessibility regulations shall be incorporated within the plans.
- B10. Fire sprinklers and alarm systems may be required per Building, Fire and / or City Codes, if not already provide

- B11. Project shall comply with current City and State water conservation regulations.
- B12. A licensed surveyor/engineer shall verify pad elevations, setbacks, and roof elevations, with all new buildings.
- B13. Building pads shall have a drainage gradient of 2% toward approved drainage facilities.
- B14. Buildings shall comply with the New Green Building Codes and the State's Title-24 Energy Regulations. Title-24 energy forms shall be incorporated within the plans.
- B15. Developer shall minimize the use of on-street parking by construction workers and equipment during construction. Temporary bathroom facilities for construction projects are required.
- B16. All planning, Engineering, Building approvals and permits must be obtained before any demolition or reconstruction can be initiated.
- B17. Accessible parking and path of travel must be provided for the use of all buildings served and be appropriately positioned for the closest possible access to the buildings main entrances.
- B18. Bathroom facilities must be sized from the total square footage of all buildings served, per 412.3 and table 4-1 CPC.
- B19. Occupancy area separation walls maybe required dependent on adjoining mixed use groups. (Wine tasting A-2 or B group depending on square footage and warehouse S-2)
- B20. Designated areas for wine tasting must be clearly defined for area calculations on tenant improvement plan submittals.

III. FIRE

Fire - General Conditions

- F1. All fire extinguishers required to have an 'A' rating shall have a minimum rating of 2A10BC. Location, number and types shall be in accordance to UFC Standard 10-1.
- IV. POLICE DEPARTMENT No General or Project Specific Conditions
- V. **ENGINEERING** No General or Project Specific Conditions
- VI. AVIATION/TRANSPORTATION No General or Project Specific Conditions
- VII. SOLID WASTE No General or Project Specific Conditions
- VIII. ELECTRIC No General or Project Specific Conditions
- IX. WATER No General or Project Specific Conditions
- X. STORMWATER No General or Project Specific Conditions

XI. **WASTEWATER** – No General or Project Specific Conditions I, Stephen M. Zotovich, Principal, Peregrine Realty Partners, the project applicant, do hereby declare under penalty of perjury that the applicant accepts all conditions imposed by the Planning Commission in their approval of the project for CUP 12-02 and the applicant agree to comply with these conditions and all other applicable laws and regulations at all times. Peregrine Realty Partners Stephen M. Zotovich Date G:\COMDEV\Conditions of Approval\CUP\2016\CUP 12-02 Modification - SRH Wine Tasting.doc

City of Lompoc

Community Development Department-Planning Division Request for Amendment to Conditional Use Permit Resolution No. 717 (12) March 14, 2012 300 N. 12th St.

APN: 099-141-22

Project Description

The Planning Commission approved the referenced Conditional Use Permit (CUP) on March 14, 2012 which approved a tasting room and/or office use in 4,000 sq. ft. of Building 1 of the overall project. At the time the application was submitted, it was not completely clear how the access to this 4,000 sq. ft. portion of the project would be accomplished. After the CUP was approved the architect designed a deck with trellis that provided the proper ADA access and additional stairway access to the deck which became the means by which 5 individual suites could be properly accessed. The deck also supports access to the shared two restrooms in the building. The interior spaces (4,000 sq. ft.), exterior deck with ADA parking and access, restrooms, parking area, and entrance driveway from 12th Street were permitted and constructed.

It has now become obvious that this deck area has the size and capability of supporting small tables and chairs outside of the building suites while still maintaining sufficient thoroughfare for patrons to access the suites. This would provide an attractive area for the patrons to enjoy wine tasting during the beautiful weather days in the Lompoc Valley and help the businesses increase sales. The deck area is already used for access and ingress/egress from the parking area to the individual suites, as well as access to the shared restrooms. The individual tasting room businesses would be responsible for modifying their ABC licenses to include this additional area. The ABC has indicated that this would not be an issue. The adjacent parcel to the South is zoned PCD and this use of the deck would not have any adverse impact on future development of this sites.

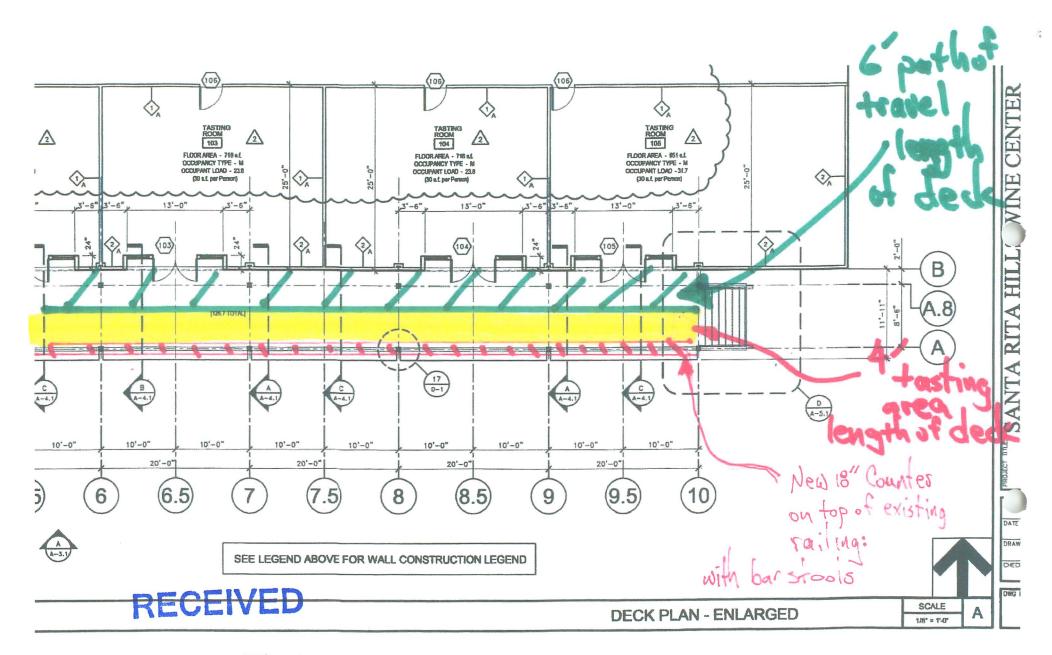
12-02

This request is to amend the existing CUP 717 (12) to allow the use of the deck shown on the attached plan (highlighted) which totals approximately 1,350 sq. ft. for wine tasting. Any tables and/or chairs would be placed against the southern railing of the deck such that a 4 to 5 foot path of travel would be maintained all along the deck.

RECEIVED

JUL 2 2 2016

City of Lompoc
Planning Division



SEP 1 2 2016

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