

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: ^{JLS} Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

DATE: June 9, 2017

SUBJECT: ZC Case 05-28Q: Final Report for Modifications to the First-Stage approval and Second Stage Planned Unit Development (PUD) for Block F, Parcel 9, filed by Parkside Residential LLC

I. APPLICATION

At its public meeting of March 27, 2017, the Commission set down the subject application for a second-stage PUD for two seven-story towers (one residential; one office) with ground floor retail, connected below-grade by a common parking garage, as described below.

Table 1

	First-Stage PUD	Proposed Buildings
Residential (square feet)	151,200	78,460
Retail (square feet)	-- ¹	16,704
Office (square feet)	0	112,595
TOTAL (square feet)	151,200	207,759
Lot Occupancy	50 percent ²	55.4 percent
Floor Area Ratio	3.32 ³	3.81
Building Height (feet)	90 feet & 72 feet	90 feet & 77 feet, 8 inches (office); 85 feet & 74 feet (residential)
Off-Street Parking	114	151

The proposed second-stage application follows the first-stage approval of the PUD by the Commission under Order 05-28 in that it approved two mid-rise buildings with a promenade

¹ No specific retail square footage was specified in the first-stage approval. 30,000 to 50,000 square feet of retail is proposed for the PUD as a whole. To date no retail has been approved.

² Lot Occupancy approved under the first-stage approval was 47% for all of Block F. The subject application is for Parcel 9 only. Development of the remainder of Block F is included in ZC 05-28R/S, set down on May 22, 2017.

³ Gross Floor Area approved under the first-stage approval was 3.32 for all of Block F. The subject application is for Parcel 9 only. Development of the remainder of Block F is included in ZC 05-28R/S, set down on May 22, 2017.



between. The two mid-rise buildings were approved as residential and the applicant requests a modification to convert one of the two buildings to office use.

II. SITE AND AREA DESCRIPTION

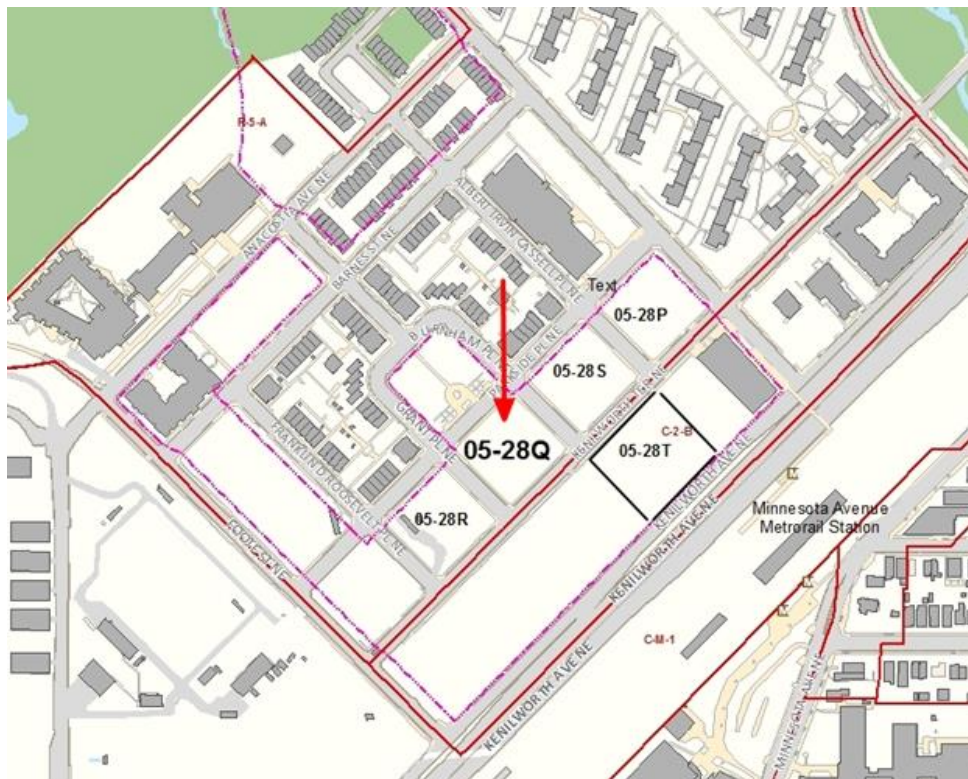
Parcel 9 is centrally located within the Parkside PUD, a two-stage PUD 15.5 acres in size and located in Ward 7 in the North East quadrant of the District. Parcel 9 is bound by Burnham Place to the northeast, Parkside Place to the northwest, Kenilworth Terrace to the southeast and Grant Place to the southwest. It is surrounded by a park the northwest, future mid-rise apartments to the northeast and southwest and high-rise office buildings to the southeast.

Location: Square 5041, Lot 806, and Square 5056, Lots 809 and 813

Ward, ANC: Ward 7, ANC 7D

Applicant: Parkside Residential LLC

PUD-Related Zoning: R-5-A to C-3-A (ZR58⁴)



Vicinity Map

III. PROJECT DESCRIPTION – CHANGES SINCE SETDOWN

A complete discussion of the proposed development can be found in the OP Setdown Report dated March 17, 2017 (ZC Case 05-28Q, Exhibit 15). Since filing for setdown the applicant has revised

⁴ 1958 District of Columbia Zoning Regulations

the application pursuant to comments from the Office of Planning and the Commission. A summary of those comments can be found on pages 3 and 4 of this report.

IV. COMMISSION AND OFFICE OF PLANNING SETDOWN COMMENTS

On May 30, 2017 the applicant filed revised plans (exhibits 27A1 through 27A4) in response to comments received at the Commission’s public meeting on March 27, 2017. A prehearing statement was filed on May 30, 2017 (Exhibit 27). A summary of the Commission’s comments with the applicant’s responses is listed below.

Commission/OP Comment	Applicant’s Response	OP Analysis
<p>1. Refine and enhance the design of the buildings, including additional façade detail and enhancement of the plain boxy design to create a more satisfying visual experience. More information on materials and colors is needed. Make residential bldg. appear more residential.</p>	<p>The applicant added balconies, including juliette balconies to improve the residential appearance. Larger balconies throughout the building would result in reducing the size of the affected units.</p>	<p>OP finds the balconies acceptable and does not support the provision of larger balconies at the expense of reduced unit sizes. The materials board should be revised and expanded to better sync with the facades of the buildings more clearly.</p>
<p>2. Provide additional justification for opening the promenade to vehicular traffic.</p>	<p>Vehicular traffic would enhance the retail having it front on a street and by allowing patrons to park in front of stores and allow for a steady turnover of patrons. It would continue the connection from the pedestrian bridge to the community park and break up what would otherwise appear as one large superblock (see Exhibit 16C).</p>	<p>OP supports the applicant’s analysis on the use of the promenade to break up what would otherwise be a superblock in the middle of this new development as a result of the closure of Grant Place and Burnham Place adjacent to the site.</p>
<p>3. Submit a traffic study 45 days in advance of the hearing.</p>	<p>A Comprehensive Transportation Report (CTR) was filed on May 19, 2017, 31 days in advance of the hearing.</p>	<p>OP has not received comments from DDOT on the CTR.</p>
<p>4. Provide methodology to be used to calculate sale prices of workforce units and how they will differ from comparable market rate units.</p>	<p>Reserved for buyers earning between 80 and 120 percent of AMI, monthly costs would be based on a 30-year fixed rate mortgage, a property tax rate of \$0.85/\$100 valuation minus Homestead Tax deduction and</p>	<p>Although the applicant provided the methodology for calculating the sale prices of the workforce units, no comparison to the market rates within the surrounding neighborhood was provided.</p>

	condo fees estimated at 62 cents/ square foot (see Exhibit 16B).	
5. Meet LEED Gold and Green Communities requirements. Add solar panels and green roof to residential building.	The applicant submitted a LEED v4-for BD+C checklist achieving LEED Gold. Recreational uses on the roof of the residential building make it difficult to provide a green roof or solar panels.	A LEED checklist for Goldv4 was submitted dated April 24, 2017 (Exhibit 16D3). OP suggests the applicant continue to investigate the ability to provide either a green roof or solar panels on a portion of the residential building.
6. Compare application to original PUD with details and pictures. How does this proposal fit into the bigger picture?	The applicant submitted a comparison of the application to the original (see Exhibit 16A).	The comparison describes the differences and similarities between what was approved in the first stage to what has been approved under the various second stage applications.
7. Explain how the office use on the site is consistent with the FLUM.	The subject property is located across Kenilworth Terrace from proposed office uses, making office a reasonable use. Although the FLUM designates the subject site as medium density residential, the lines on the FLUM are not site specific. The proposal is also supported by many policies of the Comp Plan, which promotes a mix of uses on large sites.	OP finds that the office use would not be inconsistent with the Land Use Map in effect at the time of the adoption of the first-stage PUD, and would not be inconsistent with Guiding Principle No. 4, as more fully described under Section X, Comprehensive Plan on page 10 of this report.

V. ZONING AND FLEXIBILITY

Requested Modifications:

a. Uses

The first-stage PUD provided for two mid-rise apartment buildings with ground floor retail. Instead, one of the two would be an office building. Ground floor retail would be provided each of the two buildings.

b. Building Height

The first-stage PUD provided building heights meant to relate to adjacent development, stepping down from 90 feet on the southeast side to between 47 and 72 feet on the northwest. The office building would have a maximum height of 90 feet on the southeast, but would step down to 77 feet, 8 inches on the northwest. The apartment building would be 85 feet on the southeast and step down to 74 feet on the northwest.

c. Parking

Parking for the two buildings was approved as 114 surface spaces. Instead, the applicant proposes a total of 141 spaces. One-hundred-forty-one of those spaces are proposed to be provided within a below-grade parking garage, with the remaining ten within private at-grade parking garages. The below-grade garage would be connected to the below-grade garages to be constructed on Parcels 8 and 10, Block F (see ZC 05-28Q setdown report, dated March 17, 2017, Exhibit 15).

d. Block

The lot area of Block F was listed as 40,000 square feet in the first-stage PUD, and FAR and gross floor area were calculated based on that number. In actuality the square footage of the block is only 34,664 square feet, because the public space had been included in the earlier lot area, resulting in an increase in FAR.

Requested Flexibility:

a. Loading

Two thirty-foot loading berths are required for the office building, and one is proposed. The Comprehensive Transportation Review dated January 24, 2017 concludes that one loading space would be sufficient to accommodate the proposed use of the building.

b. Various Flexibility

The applicant requests flexibility to the following:

- Vary the location and design of internal components,
- Provide a range in the number of residential units and number of parking spaces plus or minus ten percent from the number depicted on the plan;
- Vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction;
- Vary the final selection of landscaping materials utilized, based on availability and suitability at the time of construction;
- Vary the final streetscape design and materials, as required by District public space permitting authorities;
- Make minor refinements to exterior details and dimensions, including balcony enclosures, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or to address the structural, mechanical, or operational needs of the building uses or systems; and
- Vary the number, location, size, and other features of the Project's signage.

OP recommends these flexibilities be substantially limited or refined. When considered in total these flexibilities could result in a project that looks substantially different from the one in the public record and considered by the Commission.

VI. SECOND-STAGE REVIEW CONDITIONS

The Zoning Commission approved a PUD-related map amendment for the subject application, from R-5-A to C-3-A, subject to fifteen conditions, some of which are relevant to this site. Listed below are the relevant conditions and a review of how the subject application conforms to them.

1. *The Applicant shall submit, with the application for second-stage approval of the PUD, an application for rezoning the PUD site from R-5-A and C-2-B to C-3-A and CR that specifies the proposed rezoning by square and lot.*

The subject application includes a request to amend the zoning of Square 5041, Lot 806, and Square 5056, Lots 809 and 813, as approved under the first-stage PUD.

2. *The first-stage PUD is approved in accordance with the plans and materials submitted by the Applicant marked as Exhibits 2, 21, and 52 of the record, as modified by the guidelines, conditions, and standards of this Order.*

The first-stage PUD included an approval for two multi-family buildings with ground floor retail for Block F, Parcel 9. The applicant is now requesting second-stage approval, but with modifications to:

- Permit one of the buildings to be office with ground floor retail;
- Increase the amount of off-street parking from 114 to 141 and provide all but ten of the spaces as structured parking instead of within surface lots;
- Decrease building height from 90 to 85 feet for the residential building, with the residential building stepping down to 74 feet instead of 72 feet and the office building stepping down to 77.67 feet instead of 72 feet; and
- Increase lot occupancy from 50 to 55.4 percent.

3. *The second-stage design of the PUD shall be based on further development and refinement of the plans marked as Exhibits 2, 21, and 52 of the record, as modified by the guidelines, conditions, and standards of this Order and shall include all public benefits described in Findings of Fact 32 through 34.*

The application provides the further development and refinement of the design, necessary for second-stage review. It also includes a listing and description of the public benefits and amenities proposed as a part of this application for the subject property and the PUD as a whole.

4. *In accordance with the plans and materials noted above, the approved PUD shall consist of approximately 1,500–2,000 dwelling units, 500,000–750,000 square feet of office space, 30,000–50,000 square feet of retail, with approximately 2,400 total parking spaces. The entire project will include approximately 3,003,000 square feet of gross floor area resulting in an overall density of approximately 4.44 FAR. The total lot occupancy of the PUD will be approximately 62.4 percent. The maximum height of the PUD will be 110 feet, which will be reserved solely for the buildings located in the center portion of Parcel 12 fronting Kenilworth Avenue. The heights for the remaining buildings shall not exceed 90 feet and must scale down to lesser heights around the existing townhomes, as depicted in the Applicant's plans.*

The subject application is generally consistent with the general layout proposed for the site. However, the applicant proposes to modify the use through the addition of an office building, and modify building height, lot occupancy and floor area ratio,

gross floor area and off-street parking for Block F, Parcel 9 only, through a requested a modification to the first-stage approval.

6. *The PUD will reserve 20 percent of the total residential component as units affordable to households having an income not exceeding 80 percent of Area Median Income for the Washington, DC Metropolitan Statistical Area (adjusted for family size). Those reserved as affordable rental units will remain affordable for at least 30 years; the affordability restriction for the affordable for-sale housing shall be consistent with the terms required by the public subsidy the homebuyer uses to provide gap financing.*⁵

Twenty percent, or 73 units, are proposed to be reserved as workforce housing. No affordable housing is proposed within the multi-family building. Pursuant to the first stage approval 20 percent of the housing within Parkside would be affordable at 80 percent AMI and 20 percent would be workforce housing affordable at between 80 and 120 percent AMI. To date 74 percent of the housing constructed at Parkside is affordable at 60 percent AMI, 11 percent at 80 to 120 percent AMI and 58 units at market rate.

8. *The Applicant shall submit, as part of the second-stage application, landscape plans, detailed architectural plans, and elevations indicating the design treatment of each building.*

The subject second-stage application includes detailed architectural plans, elevations and landscape plans indicating the design of the proposed buildings (exhibits 16D1 through 16D3).

Brick veneer would be used around the base, or first floor, of the residential building. The use of deeper shades of gray, with orange accents on the balconies, helps to differentiate the building from the office building, which remains clad in light gray fiber cement panels. Additional details on the facades of the two buildings should be provided to better describe the proposed use of materials and colors.

The green roof on the office building and the below-grade garage would lessen stormwater runoff impacts. Street trees around the site would be preserved or replaced as necessary. Landscaping within planters above the garage would soften the appearance of the buildings along those facades. The vegetative roof on the office building would reduce the heat island effect. OP continues to recommend that the applicant consider the addition of a green roof and/or solar panels on the roof of the residential building

9. *The Applicant shall submit, as part of a second-stage application, an analysis of the potential for providing access to the PUD Site from Benning Road.*

An analysis on the potential for providing access to the PUD site from Benning Road was submitted as a part of the first second-stage application, ZC 05-28A, when this access was deemed not feasible by the Commission.

⁵ The first-stage PUD predates the Inclusionary Zoning Regulations.

10. *The Applicant shall submit, as part of a Second Stage application, a detailed traffic study that will (a) address the adequacy of pedestrian and vehicular access to the PUD Site, including an analysis of the DDOT recommendation with respect to access; (b) address traffic conditions pertaining Kenilworth Avenue, particularly in light of the transportation initiatives identified by DDOT as planned or underway in the vicinity, such as the Kenilworth Avenue Corridor study; and (c) analyze the traffic impacts of the PUD in light of other new developments and uses in the vicinity, such as the Cesar Chavez Public Charter School.*

A Comprehensive Transportation Review, dated May 18, 2017 (exhibits 25A1 through 25A9) was submitted as a part of this second-stage application. It concludes that the proposed development would not result in detrimental impacts to the surrounding transportation system, provided all planned site design elements and mitigation measures are implemented.

13. *The first-stage approval is valid for a period of one year, within which time a second-stage application shall be filed. If the second-stage application is for less than the entire development described in this Order, no subsequent second-stage application may be filed after three (3) years from date of approval of the partial second-stage. It is within the Zoning Commission's discretion to extend these periods.*

ZC Order 05-28O extended the first-stage PUD until October 3, 2017, within which time any outstanding second-stage PUD applications must be filed. The subject application was filed on January 17, 2017, prior to the expiration of the first-stage PUD.

14. *Given the size of the PUD, the Applicant may file the second-stage application in phases for one or more of the buildings.*

The applicant has opted to file the second-stage applications in phases. The subject application is for an apartment building and an office building, each with ground floor retail, Block F, Parcel 9.

VII. PUD EVALUATION STANDARDS

The objectives of a PUD are to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations or result in an action inconsistent with the Comprehensive Plan. The overall PUD has been determined to be consistent with the objectives and evaluation standards of a Planned Unit Development, as defined in 11 DCMR § 2400.

Second-stage PUD applications are reviewed for consistency with the first-stage PUD approval, the PUD process and the intent and purpose of the Zoning Regulations. The Commission, in approving the application, may attach conditions, guidelines and standards in support of its decision, as described in § 2408.6 of the Zoning Regulations.

VIII. PUBLIC BENEFITS AND AMENITIES

Public benefits are defined in § 2403.5 as “*superior features... that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under... matter of right...*” Amenities are defined under § 2403.7 as including “*one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience or comfort of the project for occupants and immediate neighbors.*”

The applicant proposes the following benefits and amenities for this second-stage PUD:

- **Special Value for the Neighborhood:** The application proposes the provision of new housing and office space that would transition from the office use across Kenilworth Terrace to the lower density housing across Parkside Place, on a long vacant site.
- **Site Planning, and Efficient and Economical Land Utilization:** The proposed development would introduce retail uses into Parkside, within easy access of the lower density housing northwest of Parkside Place, contributing to the creation of a complete and walkable community.
- **Pedestrian Bridge:** As part of the first-stage approval, the applicant committed to providing twenty-five percent of the cost, not to exceed three million dollars, toward the construction of the pedestrian bridge to provide improved access to the Minnesota Avenue Metrorail station and neighborhoods located to the east of Kenilworth Avenue. DDOT expects construction to begin by the end of 2017.
- **Environment and Sustainability:** The office building is designed to achieve LEED Gold and the multi-family building is designed to achieve Green Communities. Overall, the PUD has been designed to exceed of LEED-ND.

IX. COMPREHENSIVE PLAN

As discussed in the OP setdown report dated March 17, 2017 (Exhibit 15), the application would further major policies from various elements of the Comprehensive Plan, including the Land Use, Transportation, Housing, Environmental Protection, and Urban Design elements and the Far Northeast and Southeast Area Element. Since approval of the first-stage PUD the City Council adopted the 2006 Comprehensive Plan and the 2010 amendments. The overall PUD was found to be not inconsistent with the 2006 Plan and the 2010 amendments.



Generalized Policy Map

Future Land Use Map

The Future Land Use Map designates the northeast and southwest edges of the site for Medium Density Residential, with a section designated for Parks, Recreation, and Open Space through the center of the site. Medium Density Residential is defined as “neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use.” Parks, Recreation, and Open Space is defined as including “a mix of passive open space (for resource conservation and habitat protection) and active open space (for recreation).”

The Generalized Policy Map depicts the site as within the “Neighborhood Enhancement Areas” designation. “The guiding philosophy in Neighborhood Enhancement Areas is to ensure that new development “fits in” and responds to the existing character, natural features, and existing /planned infrastructure capacity. New housing should be encouraged to improve the neighborhood and must be consistent with the land use designation on the Future Land Use Map.”

The proposal could be considered not inconsistent with the Future Land Use Map or the depictions on the Generalized Policy Map when viewed comprehensively as part of the overall approved PUD, which includes the mix of uses. As there would be one office building amid a row of five mid-rise apartment buildings, the predominant use along Kenilworth Terrace would remain residential apartments. Additionally, the site is located across from a mixed-use designation that includes medium density commercial uses that would include offices. Section 226 of the Framework Element of the Comprehensive Plan states:

- 226.1 The Generalized Policy Map and Future Land Use Map are intended to provide generalized guides for development and conservation decisions. Several important parameters, defined below, apply to their use and interpretation.
 - a. The Future Land Use Map is not a zoning map. Whereas zoning maps are parcel-specific, and establish detailed requirements for setbacks, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. By definition, the Map is to be interpreted broadly.

At the time of the adoption of the first-stage PUD the entire area of the PUD was designated as mixed use, a combination of Medium Density Residential and Medium Density Commercial on the Generalized Land Use Map in effect at the time. Office use is designated as one of the predominant uses within medium density commercial land use category, and office use was found to be

consistent with the medium density commercial land use designation by the Commission in its adoption of the first-stage PUD. This mixed use category was mapped not only over properties proposed as office by the PUD, but also atop the subject property, now proposed for office use by the applicant.

In 2006 with the adoption of the new Comprehensive Plan the Generalized Land Use Map was replaced with a Future Land Use Map. The Parkside area was identified for land uses that reflect the approved PUD phase 1. Therefore, a modification to change the land use from residential to office for the subject F-1 property would be not inconsistent with the documents upon which the original PUD was approved.

The requested modification to permit office use would also not be inconsistent with the following Comprehensive Plan Guiding Principle:

4. The District needs both residential and non-residential growth to survive. Nonresidential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. 217.4

The addition of this small office building within the Parkside PUD could result in job opportunities for Ward 7 residents that do not currently exist. The subject application would provide new multi-family housing and office space within the Parkside neighborhood. Currently a vacant lot, the site would be developed with two mid-rise buildings intended to provide some step-down in height from the planned high-rise office buildings across Kenilworth Terrace to the lower density housing across Parkside Place from the site.

X. AGENCY REFERRALS

On May 2, 2017 OP notified the following agencies of the scheduling of an inter-agency meeting to be held May 11, 2017 to discuss potential impacts of the proposed development on the provision of their services:

- Department of Consumer and Regulatory Affairs (DCRA);
- Department of Employment Services (DOES);
- Department of Energy and Environment (DOEE);
- Department of Health (DOH);
- Department of Housing and Community Development (DHCD);
- Department of Parks and Recreation (DPR);
- District of Columbia Office on Aging (DCOA);
- District of Columbia Public Schools (DCPS);
- District Department of Transportation (DDOT);
- Fire and Emergency Medical Services (FEMS);
- Metropolitan Police Department (MPD);
- DC Water (DCWater); and
- Washington Metropolitan Area Transit Authority (WMATA).

OP was the only agency in attendance at the inter-agency meeting.

The District Department of Transportation Urban Forestry Division (DDOT-UFD), in a memorandum dated April 6, 2017 and updated June 8, 2017, noted that there are five heritage trees within the area proposed for the area of the promenade and that the proposed buildings may interfere with the root zones.

No other agency comments were received.

XI. COMMUNITY COMMENTS

No comments were received from ANC 7D.

One community resident submitted an email to the file in opposition to the application.

No other community comments were received.

XII. RECOMMENDATION

The Office Planning has no objection to the addition of an office building within this block of Parkside and the opening of the promenade to vehicular traffic. Vehicular traffic within the promenade has the potential improve the chances of success for these new retail spaces. The addition of balconies, including Juliette balconies to the residential building softens the appearance and improves its ability to read as a residential structure, differentiating it from the office building that would face it. Better details on the proposed colors and materials are necessary to fully evaluate the facades of the two buildings.

The Office of Planning recommends approval of the requested modifications, some of which result from the difference in the area of Block F as noted in the first-stage approval versus the actual square footage of the lot and the use of the term “block occupancy” in place of “lot occupancy” in the order for the first-stage approval. OP supports the modification to permit the reduction in loading, as the transportation study indicates that one loading space is sufficient to service the development as proposed. Although the applicant revised the heights of the buildings, they are still designed to step down from Kenilworth Terrace to Parkside Place, in acknowledgment of the lower density residential uses that have already been constructed to the northwest.

OP recommends the Various Flexibilities (Section V, page 5 above) be substantially limited or refined.

The application is not inconsistent with the Comprehensive Plan, including the provision of office use within an area where two land use designation come together, with one permitting medium density commercial uses, and furthering many policies of the Comprehensive Plan, when considered in the context of the approved PUD. Therefore, the Office of Planning recommends that the Commission **APPROVE** the subject application subject to the Various Flexibilities (Section V, page 5 above) being substantially limited or refined and subject to the following conditions to which that the applicant has agreed.

1. Revise sheet A3.02, Material Board, and/or sheet 3.03, Typical Façade, to better coordinate with each other.
2. Provision of a green roof and/or solar panels on the residential building.

3. The cost of residential parking shall be unbundled from the lease or purchase price of each unit.
4. A TDM plan shall be prepared and a TDM coordinator, responsible for organizing and marketing the plan, designated. The TDM coordinator will act as a point of contact with DDOT.
5. All parking on site shall be priced at market rates at a minimum, defined as the average cost for parking in a 0.25-mile radius from the site.
6. A Transportation Information Center Display (electronic screen) shall be installed within the residential lobby, containing information related to local transportation alternatives.
7. Bicycle parking facilities, either meeting or exceeding minimum zoning requirements, shall be provided. Secure long-term bicycle parking shall be located on-site and short-term around the perimeter of the site.
8. The applicant coordinates with DDOT-UFD regarding on-site protection or transplanting of five on-site heritage trees.
9. Provide a comparison of the market rates of housing within the surrounding neighborhood to the sale prices of the proposed workforce housing.

JS/sjm^{AICP}
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