

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
Z.C. Order No. 07-12  
Z.C. Case No. 07-12  
George Washington University: Mount Vernon Campus – Campus Plan Amendment  
and Further Processing of Pelham Replacement Project  
(Square 1374, Lot 50)  
September 17, 2007

This case is an application by the George Washington University (the “University” or the “Applicant”) requesting special exception approval under the campus plan provisions of the Zoning Regulations at 11 DCMR §§ 3104.1 and 210 for an amendment to an approved campus plan for the University’s Mount Vernon campus and further processing under the amended plan to allow the construction and use of the proposed Pelham Replacement Project. In accordance with § 210 of the Zoning Regulations, this case was heard and decided by the Zoning Commission (the “Commission”) using the rules of the Board of Zoning Adjustment at 11 DCMR § 3100, *et seq.* The components of the Applicant’s request were the reallocation of 22,761 square feet of gross floor area from other approved campus plan projects to accommodate a larger new residence hall than was previously approved in the campus plan, construction of the new Pelham Replacement Hall (the “Project”) that will replace the existing Pelham Hall, and construction of a new secondary access road on the campus.

**HEARING DATE:** July 2, 2007  
**DECISION DATE:** September 17, 2007

The zoning relief requested in this case was self-certified, pursuant to 11DCMR § 3113.2.

**FINDINGS OF FACT**

1. Advisory Neighborhood Commission (“ANC”) 3D was a party in this proceeding. The Commission denied a request for party status from Mr. and Mrs. Steven Gardner on behalf of the W Street Neighbors as untimely and for failure to articulate an appropriate rationale for being granted party status. The Commission also noted that a separate request for party status from Mr. Thomas Bradley was withdrawn. (Tr. at pp. 8-10.)
2. The Mount Vernon campus, located at 2100 Foxhall Road, N.W. (Square 1374, Lot 50), is designated as “Institutional” on the Future Land Use Map of the Comprehensive Plan.

The campus is zoned R-1-A and R-1-B and is subject to the terms and conditions of the current Mount Vernon Campus Plan, described below.

3. The University's current campus plan for the Mount Vernon campus, for the period 2000 to 2010, shows the location, height, and bulk of present and proposed improvements as required by 11 DCMR § 210.4 (the "Mount Vernon Campus Plan" or the "Campus Plan"). The Board of Zoning Adjustment ("BZA") approved the Campus Plan by BZA Order No. 16505 (December 15, 1999). (Ex. 11, Pre-Hearing Statement (June 18, 2007), at p. 1.)
4. Two further processing applications were approved concurrently with the Mount Vernon Campus Plan: an addition to Somers Hall to provide additional student residential space and an athletic facilities project that included the construction of a softball field and an elevated tennis court structure with underground storage, athletic support space, and parking for 175 vehicles. No other further processing applications have been filed since that time. (Id.)

#### Project Overview

5. The Project site is the location of the existing Pelham Hall, in the southwest quadrant of the Mount Vernon campus. To the east are the elevated tennis courts structure and underground parking garage referenced above. The Project site is located off Whitehaven Parkway, across the street from the Saint Patrick's Episcopal Day School, and is adjacent to single-family residential homes on Berkeley Terrace. (Tr., Zoning Commission Public Hearing (July 2, 2007), at pp.15-16.)
6. The approved Campus Plan identified Pelham Hall as a site for potential Residential Mixed-Use Development on its "Conceptual Site Plan" and contemplated that the replacement building would contain 70,000 square feet of gross floor area and include new residential space, a potential executive training facility, and an underground parking garage accommodating 100 vehicles. (Ex. 11 at p.1; Tr. at p. 18.)
7. In developing a plan for the replacement of Pelham Hall, the University evaluated its current space requirements and institutional priorities in light of its ongoing efforts to foster and enhance the living and learning experience at the Mount Vernon campus. The University determined that a larger residential facility was more appropriate than the 70,000-square-foot facility already approved. (Ex. 11 at 1; Tr. at pp. 116-19.)
8. The Pelham Replacement Project will provide approximately 287 beds for undergraduate student housing, as well as three apartments for staff. The Project will also provide below-grade residential/campus life and building support space, including a dining facility, which will enable the University to transition space currently accommodating student support functions in and around the campus quadrangle to academic purposes,

consistent with the planning objectives of the Campus Plan. The Project will not include the executive training facility or underground parking contemplated in the approved Campus Plan. (Ex. 11 at pp. 1-2; Tr. at pp. 19-20.)

9. Currently, regular campus-related traffic enters the Mount Vernon campus via an entrance on Whitehaven Parkway, and Pelham Hall is accessed from the north via a perimeter road that loops around the northwest and west portions of the campus. (Tr. at pp. 65-66.) The Conceptual Site Plan within the approved Campus Plan showed an access road that would extend the perimeter road to the south and connect the Pelham site to Whitehaven Parkway. (See Appendix A of the approved Campus Plan; Tr. at pp. 16, 68; see also Figures 2B, 4, 6, 8, 11, 13, and 14 of the approved Campus Plan (depicting the access road).) As part of the Pelham Replacement Project, the University planned to construct the access road, which will supplement the existing campus entrance off Whitehaven Parkway. Once completed, the access road will: (1) allow for two-way direct access to the loading dock of Pelham Replacement Hall from Whitehaven Parkway; (2) allow the University to restrict the use of the perimeter road to one-way, university-related traffic; and (3) continue to direct regular campus-related traffic away from the W Street entrance to the campus. (Ex. 11 at pp. 6, 7-8; Tr. at pp. 24-25.)

#### Campus Plan Amendment

10. The Project will contain approximately 92,761 square feet of gross floor area, which represents approximately 65,100 net new square feet of gross floor area on the Mount Vernon campus. The Project's approximately 287 beds for undergraduate student housing represent approximately an additional (net) 209 beds and will bring the total number of student beds on the Mount Vernon campus to approximately 700. This increase is consistent with the resident student population estimates set forth in the Campus Plan. (Ex. 11 at p. 4; Tr. at p. 19.)
11. In order to efficiently address the University's planning priorities, the University requested an amendment to the Campus Plan to exceed the gross floor area guideline set forth in the Campus Plan for the Pelham site by approximately 22,761 square feet. (Tr. at p. 20.) At the request of the Commission, the University indicated in its post-hearing submission dated July 30, 2007 that it intended to accommodate the additional gross floor area associated with this Project by reallocating gross floor area from two other proposed buildings in the Residential/Campus Life/Athletic use category. Specifically, the University will subtract 761 square feet of gross floor area from the Ames Hall Expansion and 22,000 square feet of gross floor area from the Athletic Center (Fitness Addition), identified in Exhibit F of the existing Campus Plan. As a result, there will be no increase in either the overall campus floor area ratio ("FAR") or the total amount of FAR in the Residential/Campus Life/Athletic use category. (Ex. 40, Post-Hearing Submission (July 30, 2007), at p. 2.)

### Community Outreach and Consensus

12. The University engaged the community in the planning process through quarterly meetings established by the Campus Plan, as well as more focused conversations with interested neighbors. (Ex. 11 at p. 2; Tr. at pp. 20-25; 54.) As a result of these conversations, the University came to consensus with the residents of Berkeley Terrace on various issues associated with the Project, which was memorialized in a letter agreement attached to the Pre-Hearing Submission as Exhibit E. (Tr. at pp. 23-24; Ex. 11.) Both parties requested that the terms of the agreement be made conditions to the approval of the Project. (Ex. 11 at p. 2.)
13. The University also entered into a letter agreement with St. Patrick's School, attached to the Pre-Hearing Submission as Exhibit G, that addressed both construction management issues and post-construction traffic and operations issues. (Tr. at p. 24; Ex. 11.) Both parties requested that the terms regarding post-construction traffic and operations issues (Exhibit B of the St. Patrick's agreement) be made conditions to the approval of the Project. (Ex. 11 at p. 2.)
14. Before and after the public hearing, the University met with residents to the north of campus along W Street, primarily regarding landscape issues. (Tr. at pp. 24-25; Ex. 11 at p. 2.) Based on these discussions, the University developed an Enhanced Landscape Plan for the Mount Vernon campus that included additional plantings around the campus perimeter. The Enhanced Landscape Plan featured a selection of durable, hearty, and appropriate plantings and included commitments by the University to maintain the landscaping. The Enhanced Landscape Plan was filed with the Commission as Exhibit A of the Applicant's July 30, 2007 Post-Hearing Submission. (Ex. 40.) Certain W Street neighbors also raised stormwater management issues.

### Project Design and Impact

15. As detailed by the Applicant's architectural expert at the public hearing, the Pelham Replacement Project was designed to provide a functional and architecturally appropriate building that will minimize impacts on the surrounding residential community. (Ex. 11 at pp. 5, 7-8; Tr. at pp. 26-35.)
  - a. The design of the building drew from the palette of existing materials prevalent throughout the campus and featured the use of red brick and a hip roof with a slate-like appearance. (Tr. at pp. 34-35.)
  - b. The height of the building will be consistent with the Campus Plan, as the roofline of the Project will not exceed the height of the existing Pelham Hall, as required by Condition 8(f) of the Mount Vernon Campus Plan. (Tr. at p. 31.)

- c. The building will be set back 190 feet from the property line along Berkeley Terrace, which will exceed the 125-foot set back required by Condition 8(d) of the Mount Vernon Campus Plan. (Tr. at p. 32.)
  - d. The building will include a courtyard entry oriented toward the center of campus, reducing student activity on the west side of the building facing Berkeley Terrace. (Tr. at p. 29.)
16. The University worked with residents directly affected by the Project to reduce the building's physical impact and modified the design in response to community comments. (Ex. 11 at pp. 5, 7-8; Tr. at pp. 28-34.)
- a. The building footprint was sited to the south and east (away from Berkeley Terrace) to the extent possible, while still accommodating the setback and "protected areas" outlined in the Campus Plan. This will allow the new building to take advantage of existing natural contours and grade changes to limit its visual impact on adjacent Berkeley Terrace residences. (Tr. at pp. 32-34.)
  - b. The University lowered the roofline on the north wing of the building by one floor to mitigate concerns that light and noise emanating from windows on the west (Berkeley Terrace facing) side of the north wing of the building might have an adverse impact on residential neighbors. (Tr. at pp. 32, 33.)
  - c. The Project featured a dense landscaping barrier, including coniferous and other year-round screening elements, as part of its landscape plan to mitigate concerns regarding adverse visual impacts. (Tr. at p. 33.)
17. The building will incorporate a number of sustainable design features and the University will achieve the equivalent of a minimum of sixteen LEED-NC v.2.2 points in the construction of the Project. (Ex. 11 at p. 5; Tr. at p. 35.)

#### Stormwater Management

18. At the public hearing, a University representative testified regarding the University's stormwater management practices. (Tr. at pp. 35-40.) Since the approval of the existing Campus Plan, the University has implemented a stormwater management improvements for its Mount Vernon campus. The improvements, which include systems that capture water on campus and direct it into the city's stormwater system, manage the impacts caused by stormwater leaving the Mount Vernon campus. (Tr. at pp. 35-38.)
19. The Pelham Replacement Project included a series of improvements that will provide stormwater management and quality control. The proposed stormwater management improvements associated with the Pelham Replacement Project, in conjunction with

earlier improvements, will manage natural watershed and site-generated runoff from the project site. (Tr. at pp. 38-40; Tr. at pp. 62-63.)

20. In its post-hearing submission, the University provided further explanation of its storm water features on the northeastern quadrant of campus and clarified that stormwater does not leave the Mount Vernon campus along W Street, because W Street is at a higher elevation than the campus itself. (Ex. 40.)

#### Access, Loading, and Traffic

21. The loading and service facility for the Pelham Replacement Project will be accessed from the two-way access road from Whitehaven Parkway to the Project, which will limit the need for vehicles to use the existing perimeter road to reach the building. (Ex. 11 at pp. 6, 7-8; Tr. at p. 44.) The access road was shown on a conceptual site plan included in the approved 2000 Mount Vernon Campus Plan. (Tr. at pp. 16, 68.)
22. Upon completion of the access road, the University will restrict the use of the perimeter road to one-way, university-related traffic and remove five surface parking spaces along the perimeter road which are adjacent to the residents' backyards. (Tr. at p. 28; Tr. at p. 85.) Use of the additional access point on Whitehaven Parkway, an institutional street, will direct regular campus-related traffic away from the W Street entrance, a key component of the existing Campus Plan. (Ex. 11 at pp. 6, 7-8; Tr. at pp. 44-45.)
23. During the public hearing, the Applicant's traffic consultant testified that the additional resident students and activity associated with the Project will not result in any appreciable increase in traffic. (Tr. at pp. 45-46.)

#### Section 210 Evaluation

24. The Commission finds that the proposed Pelham Replacement Project is not likely to become objectionable to neighboring property because of noise, traffic, number of students, or other objectionable conditions for the following reasons:
  - a. The building will be sited approximately 190 feet to the south and east away from adjacent residential properties and will take advantage of existing contours and vegetation that will provide a natural barrier for noise and visual impacts. The Project will include the addition of a dense landscaping barrier immediately surrounding the Pelham Replacement Hall as well as enhancements to landscaping surrounding the campus perimeter that will further reduce noise and visual impacts.
  - b. The roofline of the Project will not exceed the height of the existing Pelham Hall.

- c. The building's main entrance and courtyard will be located on its east side facing the center of the campus, away from the surrounding residential community, and the building's loading facility will be located in its southeast corner, between the Pelham Replacement Building and the existing tennis courts and will be oriented toward Whitehaven Parkway, an institutional street. This will further limit noise and visual impacts.
  - d. The University continues to maintain adequate parking on campus, enforce parking policies that are intended to minimize neighborhood impacts, and operate an inter-campus shuttle bus system with sufficient capacity to absorb the addition of approximately 209 resident students.
  - e. The access road connecting the Pelham Replacement Project to Whitehaven Parkway will provide direct construction and loading access from Whitehaven Parkway and will allow the University to restrict the use of the existing northwest perimeter road.
  - f. The application for an amendment did not propose any change in the existing student or faculty and staff population caps, nor did it propose an increase in the overall gross floor area approved under the Campus Plan.
  - g. The proposed stormwater management improvements associated with the Pelham Replacement Project, in conjunction with earlier improvements, will manage natural watershed and site-generated runoff at the Project site.
  - h. The design of the new building will enhance the visual quality of the campus.
25. In accordance with 11 DCMR § 210.8, the Applicant demonstrated that the proposed building will be within the FAR limit approved for the campus as a whole. The Mount Vernon Campus Plan approved an overall campus density of 0.49 FAR, below the maximum density of 1.8 FAR permitted under the Zoning Regulations based on the underlying R-1-A and R-1-B zoning. The existing campus density is 0.26 FAR. The proposed Campus Plan amendment and further processing application will not increase the approved campus density limit. After the proposed addition of 65,100 net new square feet of gross floor area, the campus density will remain below the maximum density of 0.49 FAR permitted under the approved Campus Plan. (Ex. 11 at pp. 8-9.)
26. The Commission finds the proposed campus plan amendment and further processing will further the goals and policies of the Comprehensive Plan, including policies aimed at encouraging the provision on-campus housing. (Ex. 11 at p. 9.)

Government Agency Reports

27. By report dated June 22, 2007, the Office of Planning ("OP") recommended approval of the campus plan amendment and approval of further processing for the replacement of Pelham Residence Hall. In its report, OP noted that the University had designed the Project to be "as unobtrusive as possible to the nearest neighbors on Berkeley Terrace" and stated that "it is not expected that the proposed dormitory will cause an increase in objectionable conditions." (Ex. 13.)
28. By report dated June 26, 2007, the District Department of Transportation indicated that it reviewed and agreed with the Applicant's Transportation Impact Study and supported the application provided that the University continued its current shuttle operations and the Mount Vernon campus parking policy, as required under the 2000 Mount Vernon Campus Plan. (Ex. 16.)

Advisory Neighborhood Commission 3D

29. At two regular public meetings on May 2 and June 6, 2007, ANC 3D heard two presentations from the Applicant and, at the June 6 meeting, voted to support the application for special exception approval of a campus plan amendment and further processing of the Pelham Replacement Hall, with conditions. (Ex. 12.) First, ANC 3D requested that the University undertake a comprehensive stormwater management plan for the entire campus. Second, ANC 3D requested that the university reallocate the gross floor area for the Pelham Replacement project from the proposed Hillside dormitories site identified in the existing Campus Plan. Third, ANC 3D requested that the University implement the landscaping buffer outlined in the 2000 Campus Plan. Fourth, ANC 3D requested that the University use its best efforts to reach a signed agreement with its W Street neighbors on issues of concern.
30. The Commission finds that the issue of a comprehensive stormwater management plan for the entire campus is outside the scope of this proceeding, which concerns only the requested amendment of the approved Campus Plan and further processing of the Campus Plan to permit construction of the Pelham Replacement Project. The University will include an update on its stormwater management approach in its next campus plan. (Tr. at pp. 21-22.)
31. The Commission credits the Applicant's testimony that the proposed reallocation of gross floor area from the Ames Hall Expansion and Athletic Center (Fitness Expansion) will not result in an increase in the overall gross floor area approved under the Campus Plan and is consistent with the overall campus plan development limitations set forth in the Campus Plan. (Tr. at pp. 22-23.) The University identified proposed facilities in the Residential/Campus Life/Athletic use category that will be downsized to accommodate the additional FAR for the Pelham Replacement Project. The Commission does not agree



with ANC 3D that the University should be required to reallocate gross floor area from the approved Hillside dormitory site.

32. The Commission finds that the Applicant has met with its W Street neighbors and developed an enhanced landscaping plan for the Mount Vernon Campus. (Tr. at pp. 22, 24-25.) The Commission also finds that the University's enhanced landscaping plan will implement the landscaping buffer outlined in the 2000 Campus Plan. Accordingly, the Commission finds that the University has satisfied these two conditions of the ANC's approval.

#### Persons in Support or Opposition

33. The Commission heard testimony from students, faculty, and neighbors in support of the Project. (Ex. at pp. 24-36; Tr. at pp. 116-25.) Supporters included a representative of the Berkeley Terrace Neighbors and a representative of St. Patrick's School. (Ex. 36; Tr. at pp. 122, 124.)
34. The Commission heard testimony from several individuals in opposition to the Project, who questioned the University's overall landscaping and stormwater management efforts and expressed concern over the agreements with other neighbors and future development on campus.

#### CONCLUSIONS OF LAW

1. The Applicant is seeking special exception approval, pursuant to §§ 210 and 3104 of the Zoning Regulations, for an amendment to and further processing of its approved campus plan for the Mount Vernon campus to allow construction and use of the proposed Pelham Replacement Project. The Commission is authorized to grant a special exception where, in the judgment of the Commission based on a showing through substantial evidence, the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Map and will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map, subject to certain conditions specified in § 210. (D.C. Official Code § 6-641.07(g)(2); 11 DCMR § 3104.1.)
2. Based on the Findings of Fact above, the Commission approves the requested special exception for the Pelham Replacement Project. The project is consistent with the Applicant's use of its property for university purposes, is consistent with the Zoning Regulations and Map, and will not tend to adversely affect the use of neighboring property. The project is consistent with the Comprehensive Plan.

3. The Commission concludes that the Project's location and design, in conjunction with the conditions proffered by the University, will ensure that the Project is not likely to become objectionable due to noise, traffic, or other objectionable conditions.
4. The Commission has given great weight to the issues and concerns raised by the affected ANC.
5. The Commission declines to adopt most of the conditions of approval proffered by the University in conjunction with its agreements reached with the residents of Berkeley Terrace and the St. Patrick's School, because those proposed conditions are beyond the purview of the Commission's jurisdiction in this proceeding.

**DECISION**

Based on the record before it, the Zoning Commission concludes that the Applicant has met the burden of proof pursuant to 11 DCMR §§ 210 and 3104 and it is therefore **ORDERED** that the further processing application and amendment to the 2000 Campus Plan be **GRANTED** subject to the following conditions:

1. The Pelham Replacement Project shall be developed in accordance with the plans and materials submitted by the Applicant marked as Exhibits 11 and 40 of the record, as modified by the guidelines, conditions, and standards herein.
2. The University shall implement the Enhanced Landscaping Plan, attached to Exhibit 40 of the Record as Exhibit A, no later than December 31, 2007. The plantings shall include coniferous trees, at least six feet tall at the time of installation, to provide a permanent evergreen buffer that will screen the view of the parking lot from the W Street residences.

**VOTE:** 3-0-2 (Carol J. Mitten, Anthony J. Hood, and Gregory N. Jeffries [by absentee ballot]; John G. Parsons not voting, not having participated; Michael G. Turnbull not present, not voting).

**BY ORDER OF THE D.C. ZONING COMMISSION**

**Each concurring member approved the issuance of this Order.**

ATTESTED BY: \_\_\_\_\_

  
**JERRILY R. KRESS, FAIA**  
**DIRECTOR, OFFICE OF ZONING**

**FINAL DATE OF ORDER:** OCT 26 2007

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

PURSUANT TO 11 DCMR § 3125.6, THIS ORDER WILL BECOME FINAL UPON ITS FILING IN THE RECORD AND SERVICE UPON THE PARTIES. UNDER 11 DCMR § 3125.9, THIS ORDER WILL BECOME EFFECTIVE TEN DAYS AFTER IT BECOMES FINAL.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE COMMISSION ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE §§ 2-1401.01 *ET SEQ.* ("ACT"), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning



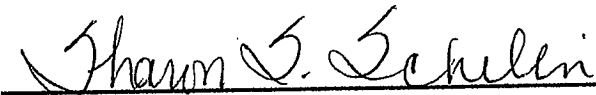
Z.C. CASE NO.: 07-12

OCT 18 2007

As Secretary to the Commission, I hereby certify that on \_\_\_\_\_ copies of this Z.C. Order No. 07-12 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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ATTESTED BY:



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