

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Filed: April 19, 2007
49th Day: June 7, 2007
180th Day: October 16, 2007
Staff: Lilana Roman-LB
Staff Report: May 24, 2007
Hearing Date: June 13-15, 2007
Commission Action:

Th 13e

STAFF REPORT: CONSENT CALENDAR

APPLICATION NUMBER: 5-07-038

APPLICANT: Thirty First Street, LLC – Darren Wilson

AGENT: William Guidero

PROJECT LOCATION: 407, 409, 411 and 413 31st Street, Newport Beach (Orange County)

PROJECT DESCRIPTION: Applicant proposes the demolition of four existing single-story commercial buildings and parking lot and construction of four, 31 ft. high, 3,095.5 sq. ft. mixed-use buildings (2,345.5 sq. ft. residential use above 750 sq. ft. commercial use) including twenty parking spaces (two residential and three commercial per unit) plus one new on-street metered parking space and lot line adjustments on each lot creating four equal sized 3,138 square foot lots in the General Commercial zone.

LOCAL APPROVALS RECEIVED: City of Newport Beach Approval in Concept No. 0043-2007 dated January 18, 2007, City of Newport Beach Planning Commission Resolution #1710

SUBSTANTIVE FILE DOCUMENTS: City of Newport Beach Certified Land Use Plan

SUMMARY OF STAFF RECOMMENDATION:

The applicant proposes a lot line adjustment to create four equal sized lots; 3,138 square foot each; to demolish the existing four single-story commercial buildings and parking lot and construct four 1,160 square foot mixed-use buildings (residential use above commercial use), landscaping and twenty parking spaces (two residential and three commercial per unit) plus one new on-street metered parking space. The major issues before the Commission relate to the effect of the proposed development on water quality and parking.

Staff recommends Commission **APPROVAL** of the proposed development subject to four **(3) SPECIAL CONDITIONS**, requiring: 1) compliance with construction-related best management practices (BMPs) and debris removal; 2) compliance with drainage plan; 3) compliance with revised landscaping plan.

LIST OF EXHIBITS

1. Location Map
2. Assessor's Parcel Map
3. Site Plans

I. STAFF RECOMMENDATION:

Staff recommends that the Commission adopt the following resolution to **APPROVE** the coastal development permit application:

MOTION: *I move that the Commission approve coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

Staff recommends a **YES** vote. Passage of this motion will result in approval of all permits included on the consent calendar. An affirmative vote of a majority of the Commissioners present is needed to pass the motion.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

1. Construction Best Management Practices

A. The permittee shall comply with the following construction-related requirements:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave, wind, rain, or tidal erosion and dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters. Debris shall be disposed of outside the coastal zone.
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents

shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a storm drain, open ditch or surface water; and

- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

2. Drainage Plan

The applicant shall conform to the Drainage Plan submitted on April 19, 2007 documenting the runoff from the roof; driveway and other impervious surfaces will be collected and directed into pervious areas on the site (landscaped areas) for infiltration to the maximum extent practicable in a non-erosive manner, prior to being conveyed off-site.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Landscaping Plan

The applicant shall conform to the Landscaping Plan submitted on April 19, 2007 and revisions submitted on May 22, 2007 showing all areas affected by construction activities not occupied by structural development as re-vegetated for erosion control purposes and shall consist of native and/or non-invasive drought tolerant plant species. No plant species listed as problematic and/or invasive by the California Native Plant Society, California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized within the property. All vegetation shall be maintained in good growing condition throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscaping plan.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

IV. **FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project site is located at 407, 409, 411 and 413 31st Street in the City of Newport Beach, Orange County (Exhibits 1 & 2). The site consists of one 4,135 square foot lot and three 2,790 square foot inland lots on a generally flat pad. The proposed project is consistent with the site's General Commercial designation in the certified Land Use Plan (LUP) and other policies of the LUP pertaining to the Cannery Village Study Area. Surrounding development consists of commercial and mix-use commercial/residential uses. The nearest beach public access is available approximately a quarter of a mile west of the subject site.

The applicant proposes a lot line adjustment to create four equal sized lots each 3,138 square foot; to demolish the existing four single-story commercial buildings and parking lot and construct four new three level 3,095.5 square foot mixed-use buildings (residential use above commercial use). Each building will consist of 750 square feet of commercial space on the ground floor and a two-level 2,345.5 square foot single-family dwelling above. Each residential unit will include an attached one-car garage and a tandem parking space. Each commercial unit will provide two non-tandem partially covered parking spaces. Parking access will be from the alley with the exception of one disabled person parking space required for the commercial use per lot which will require access from the street. The project will have a total of twenty parking spaces, two residential and three commercial per lot; plus one new on-street metered parking space made possible by the proposed new driveway configuration. Each of the four lots will be under separate ownership and the residential units are proposed as owner occupied. 170 cubic yards of fill are proposed for site preparation.

The project's revised landscape plan proposes improvements to the front street facing side of the lots utilizing native and/or non-native plant species that are drought tolerant and non-invasive as typically recommended by the Commission.

The City's certified LUP designates the site for General Commercial (CG-C) which permits a wide range of commercial activities with an emphasis in providing a specialty retail core. Residential uses are permitted on the second floor above commercial uses, consistent with the Cannery Village Specific Plan limitations of the LUP. Similar mixed-use projects exist in the Cannery Village area such as the Cannery Lofts and the Monarch Building.

Parking

The City's certified LUP, to which the Commission may look for guidance, outlines the following policies regarding parking for new commercial development:

Policy 2.9.3-3 "Require that all proposed development maintain and enhance public access to the coast by providing adequate parking pursuant to the off-street parking regulations of the Zoning Code in effect as of October 13, 2005"

Access to the closest public beach is located approximately a quarter of a mile west of the project site. Private development must provide adequate on-site parking to minimize adverse impacts on public access to the beach. The Commission has consistently found that two parking spaces are adequate to satisfy the parking demand generated by one individual residential unit. The proposed residential units will each have two tandem parking spaces and each commercial unit will have three non-tandem spaces including one designated disabled person parking space (1 per 250 sq. ft.). The development is consistent with the Commission's typically applied parking standards and the City's Zoning Code parking regulations. As proposed, the development would

not affect the public's ability to gain access to and/or to make use of the coast and nearby recreational facilities.

Policy 2.9.3-10 "Require new development to minimize curb cuts to protect on-street parking spaces. Close curb cuts to create new public parking wherever feasible."

Currently, the majority of the curb in front of the site consists of two long driveways. As proposed, the development would replace the two long driveways with four smaller driveways to serve each building, thereby providing enough new curb space for one new on-street public metered parking space. The majority of the parking (sixteen spaces) will be accessible from the alley. However, curb cuts were unavoidable in this case as in order to meet Americans with Disabilities Act (ADA) parking requirements, designated disabled person parking spaces could only be provided at the building fronts to provide adequate access.

Policy 2.9.3-11 "Continue to require alley access to parking areas for all new development in areas where alley access exists."

As previously stated, alley access does exist on site and the majority of the parking (sixteen spaces) for both residential and commercial uses will be accessible from the alley.

B. HABITAT, RECREATION AND PARK IMPACTS

The proposed development will have no significant adverse impact on adjacent habitat, recreation areas, or parks. Therefore, the Commission finds that the project conforms to Section 30240(b) of the Coastal Act.

C. DEVELOPMENT

As proposed, the development is located within an existing developed area and is compatible with the character and scale of the surrounding area. The project provides adequate parking based on the Commission's typically applied standards. Therefore, the Commission finds that the development conforms to Sections 30250, 30251, and 30252 of the Coastal Act.

D. WATER QUALITY

The proposed development has a potential for a discharge of polluted runoff from the project site into coastal waters. The development, as proposed and as conditioned, incorporates design features to minimize the effect of construction and post construction activities on the marine environment. These design features include, but are not limited to, the appropriate management of equipment and construction materials, the use of non-invasive drought tolerant vegetation to reduce and treat the runoff discharged from the site, and for the use of post construction best management practices to minimize the project's adverse impact on coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

E. PUBLIC ACCESS

The proposed development will not affect the public's ability to gain access to, and/or to make use of, the coast or nearby recreational facilities. Therefore, as proposed, the development conforms to Sections 30210 through 30214, Sections 30220 through 30224, and 30252 of the Coastal Act.

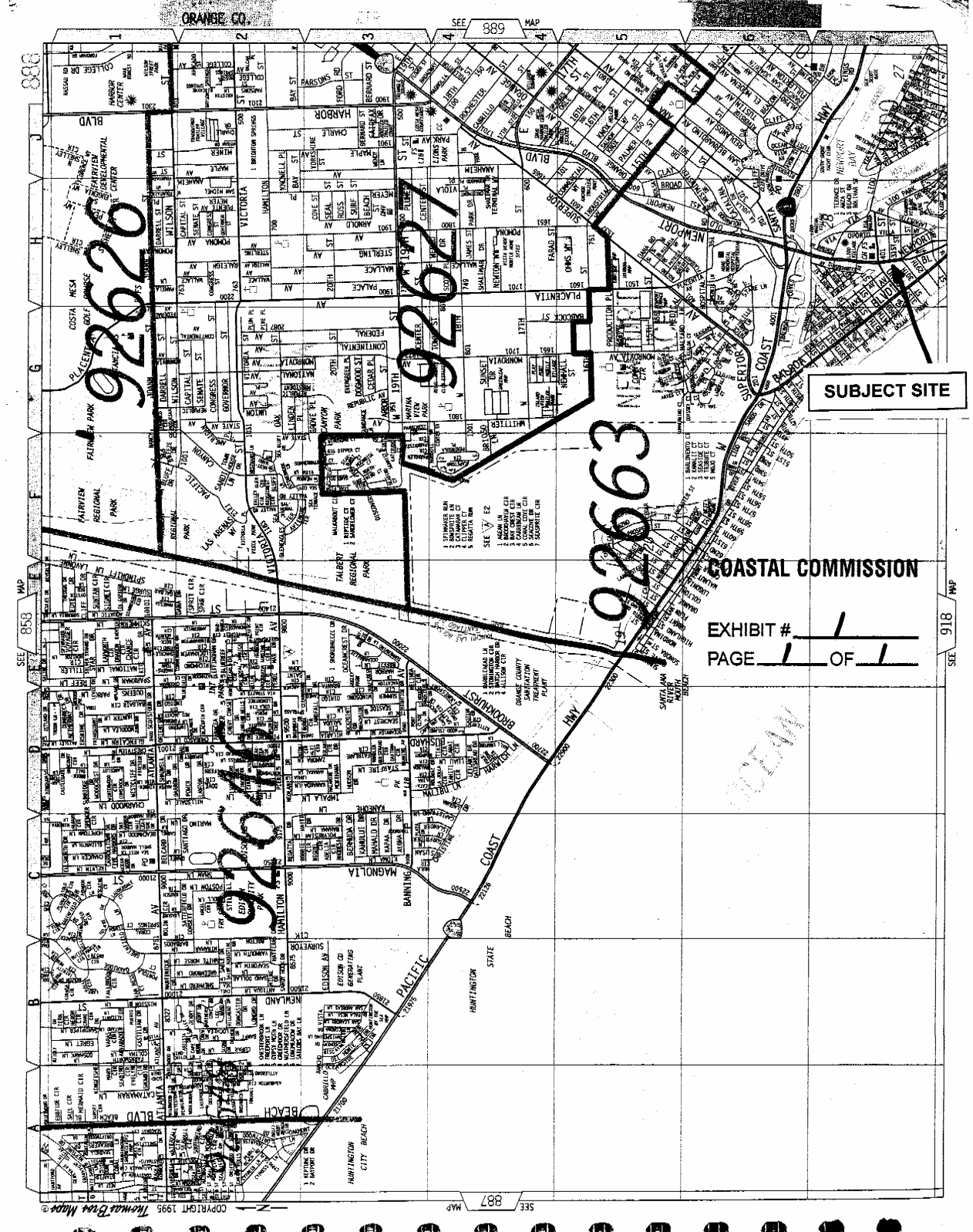
F. LOCAL COASTAL PROGRAM

Coastal Act section 30604(a) states that, prior to certification of a local coastal program ("LCP"), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated on October 13, 2005. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified Land Use Plan for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

G. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

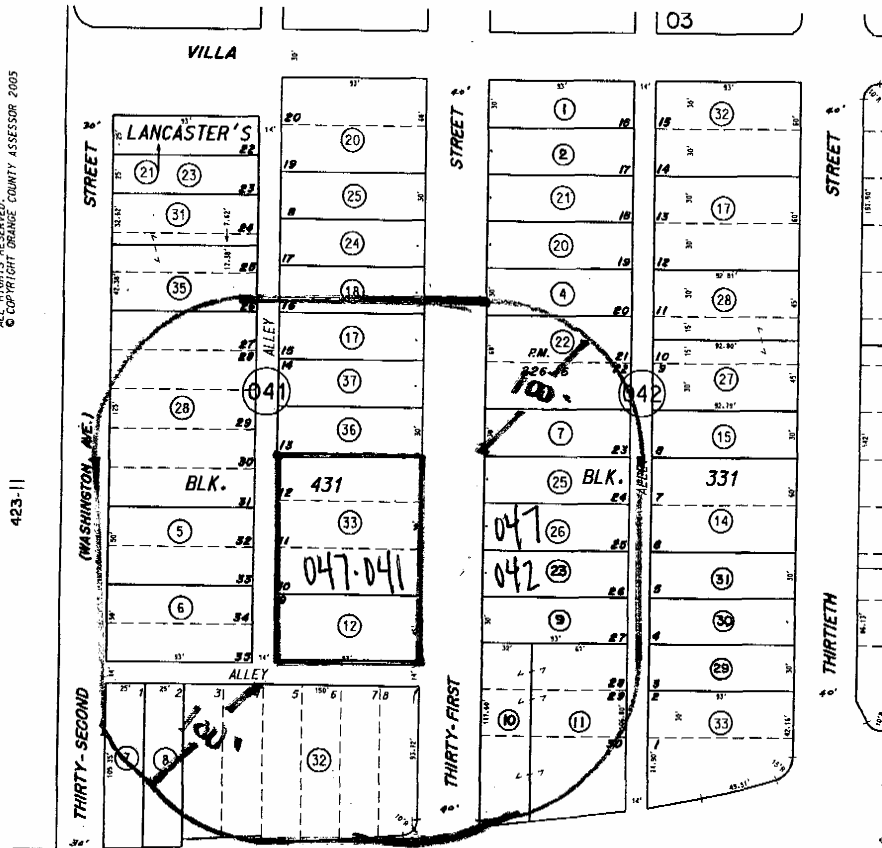
As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.



COASTAL COMMISSION

EXHIBIT # 2
PAGE 1 OF 1

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSessor's OFFICE PURPOSES. THE ASSessor'S OFFICE DOES NOT GUARANTEE THE ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. THIS MAP IS NOT TO BE REPRODUCED. © COPYRIGHT ORANGE COUNTY ASSESSOR 2005



MARCH 1949

06

LANCASTER'S ADD.
PARCEL MAP
PARCEL MAP

M.M. 5-14
P.M. 92-40
P.M. 94-7 (street only)

NOT

Ownership Map

SUSAN W. CASE, INC.
917 GLENNEYRE ST #7
LAGUNA BEACH CA 92651
(949) 494-6105

CITY OF NEWPORT BEACH APPROVAL IN CONCEPT NO. <u>0043-1007</u>		COASTAL COMMISSION
This project conforms to all applicable planning regulations and policies in effect on this date.		EXHIBIT "A"
These plans are not to be used for construction purposes. No change of use will be issued without approval of the Coastal Commission.		EXHIBIT # <u>3</u>
LOT LINE ADJUSTMENT NO. LA 2006- <u>1</u>		PAGE <u>1</u> OF <u>12</u>
PLANNING DEPARTMENT <i>[Signature]</i> Date: <u>1/18/07</u>		(LEGAL DESCRIPTION) PROPOSED PARCELS
OWNER	EXISTING PARCELS A.P. NUMBERS	PROPOSED PARCELS REFERENCE NUMBER
THIRTY FIRST STREET, LLC, A LIMITED LIABILITY CORPORATION	047-041-12	PARCEL 1
	047-041-33	PARCEL 2
		PARCEL 3
		PARCEL 4

PARCEL 1

LOT 9 IN BLOCK 431 OF LANCASTER'S ADDITION TO NEWPORT BEACH, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 5, PAGE 14, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THE EASTERLY 11.25 FEET OF SAID LOT 9.

PARCEL 2

LOT 10 IN BLOCK 431 OF LANCASTER'S ADDITION TO NEWPORT BEACH, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 5, PAGE 14, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THE EASTERLY 7.50 FEET OF SAID LOT 10.

TOGETHER WITH THE EASTERLY 11.25 FEET OF LOT 9 OF SAID LANCSATER'S ADDITION TO NEWPORT BEACH.

PARCEL 3

LOT 11 IN BLOCK 431 OF LANCASTER'S ADDITION TO NEWPORT BEACH, IN THE CITY OF NEWPORT BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 5, PAGE 14, OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM THE EASTERLY 3.75 FEET OF SAID LOT 11.

TOGETHER WITH THE EASTERLY 7.50 FEET OF LOT 10 OF SAID LANCSATER'S ADDITION TO NEWPORT BEACH.

PARCEL 4

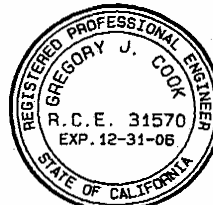
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TOGETHER WITH THE EASTERLY 3.75 FEET OF LOT 11 OF SAID LANCSATER'S ADDITION TO NEWPORT BEACH.

PREPARED UNDER THE SUPERVISION OF:

[Signature]
GREGORY J. COOK

8-2-06
R.C.E. 31570
EXP. 12-31-06

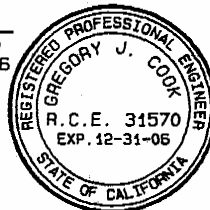


CITY OF NEWPORT BEACH <u>0043-2007</u> APPROVAL IN CONCEPT NO. _____ This project conforms to all applicable planning regulations and policies in effect on this date. These plans are not to be used for construction purposes. No building permit will be issued until approval is received from the California Coastal Commission. PLANNING DEPARTMENT <i>[Signature]</i> Date: <u>1/8/07</u> (MAP)			EXHIBIT "B" COASTAL COMMISSION LOT LINE ADJUSTMENT NO. LA 2006- EXHIBIT # <u>3</u> PAGE <u>2</u> OF <u>12</u>
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		PARCEL 3	
		PARCEL 4	

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LEGEND

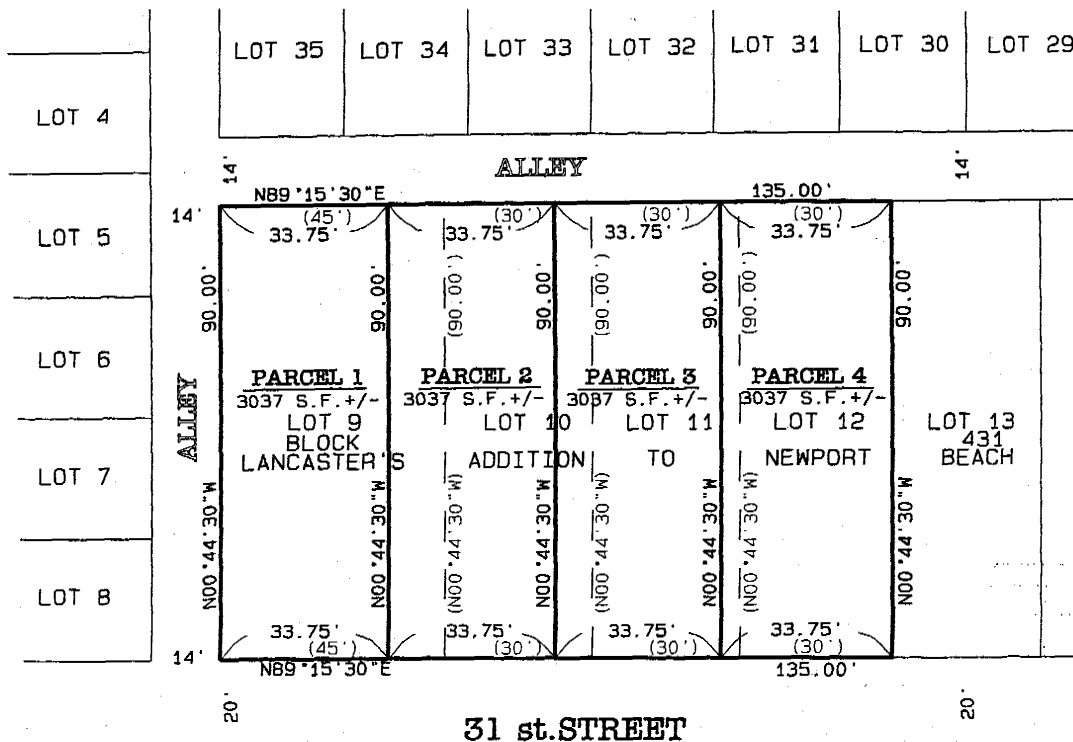
— PROPOSED LOT LINE

--- EXISTING LOT LINE TO BE REMOVED

() RECORD DATA PER 5 M.M. 14.

SCALE: 1"=30'

GROSS AREA= 12, 150 S.F. +/-



CITY OF NEWPORT BEACH PROJECT NO. 0043-1707		COASTAL COMMISSION	
This project conforms to all applicable planning regulations and policies in effect on this date.		EXHIBIT "A"	
These plans are not to be used for construction purposes. No building permit will be issued until approval is received from the California Coastal Commission.		EXHIBIT # 3	
PLANNING DEPARTMENT		PAGE 3 OF 12	
By: <i>[Signature]</i> Date: 1/18/07		(LEGAL DESCRIPTION)	
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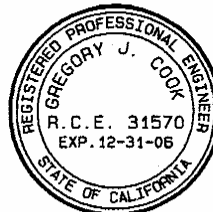
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8-2-06
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EXP. 12-31-06

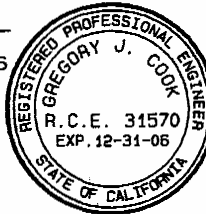


CITY OF NEWPORT BEACH APPROVAL IN CONCEPT NO. <u>0043-2007</u> This project conforms to all applicable planning regulations and policies in effect on this date. These plans are not to be used for construction purposes. No building permit will be issued until approval is received from the California Coastal Commission. PLANNING DEPARTMENT By: <u>[Signature]</u> Date: <u>1-18-05</u> (MAP)		EXHIBIT "B" COASTAL COMMISSION NO. LA 2006 EXHIBIT # <u>3</u> PAGE <u>4</u> OF <u>12</u>
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B-2-06
 R.C.E. 31570
 EXP. 12-31-06



LEGEND

— PROPOSED LOT LINE

--- EXISTING LOT LINE TO BE REMOVED

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GROSS AREA= 12, 150 S.F. +/-

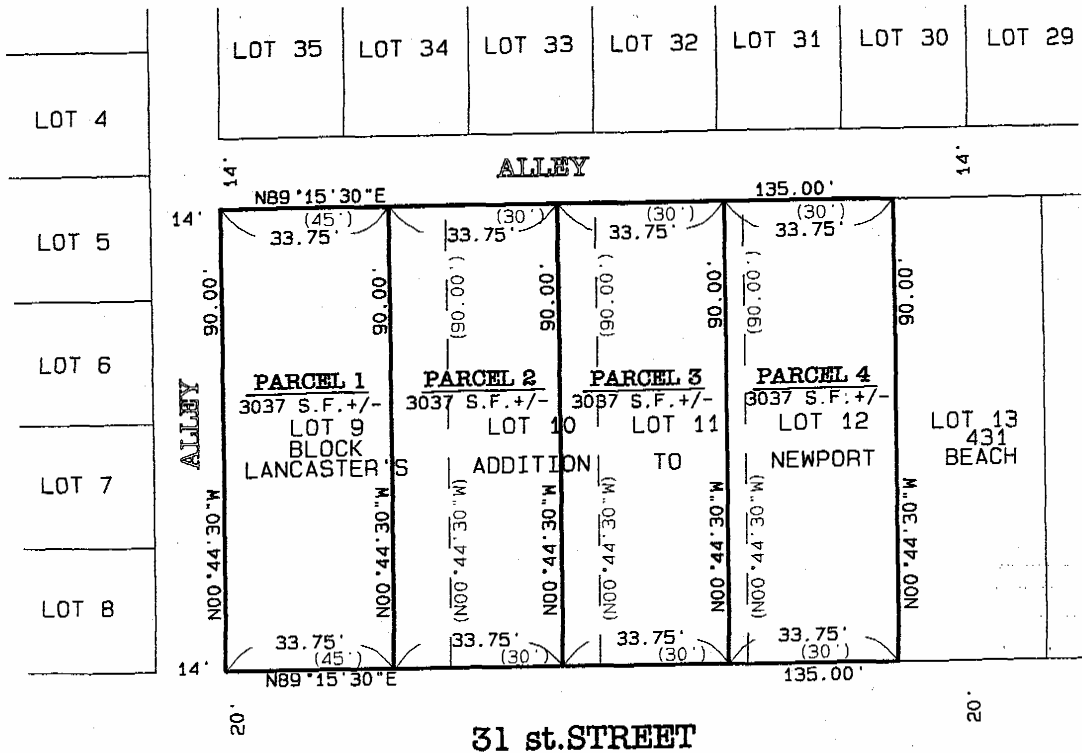


EXHIBIT # 3
PAGE 5 OF 12

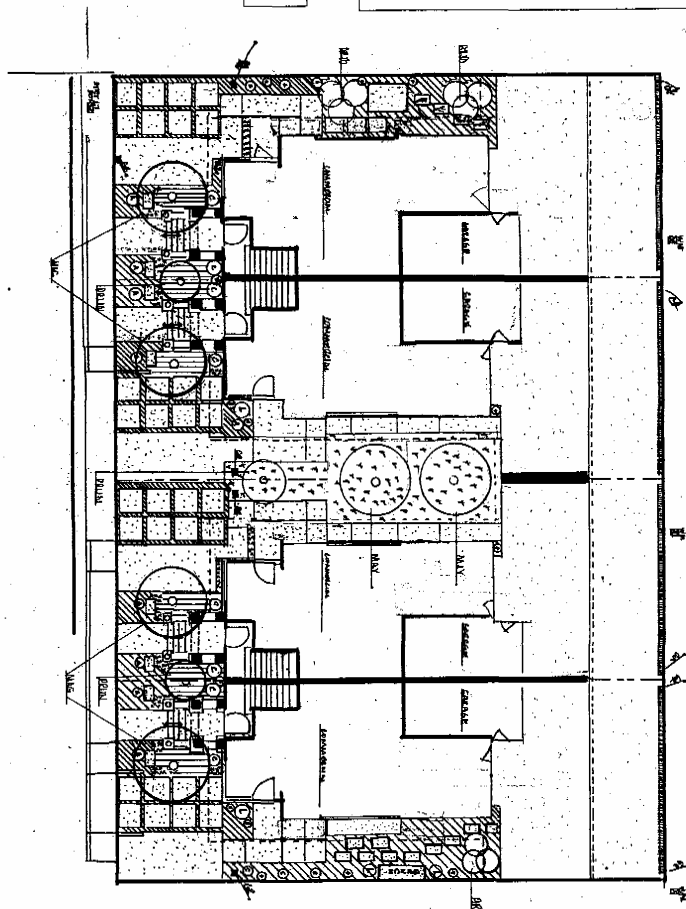
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ALL PLANTS ARE NON-INVASIVE AND LOW WATER CONSUMPTION VARIETIES

CONCURRENZA

CONCURRENZA

NATURAL GREY MEDIUM WASH FINES



31ST STREET

PLANT PLAN

MAY-22-2007 03:18P FROM:WILLIAM GUIDERO

9496752929

TO:15625905084

P.2

COASTAL COMMISSION

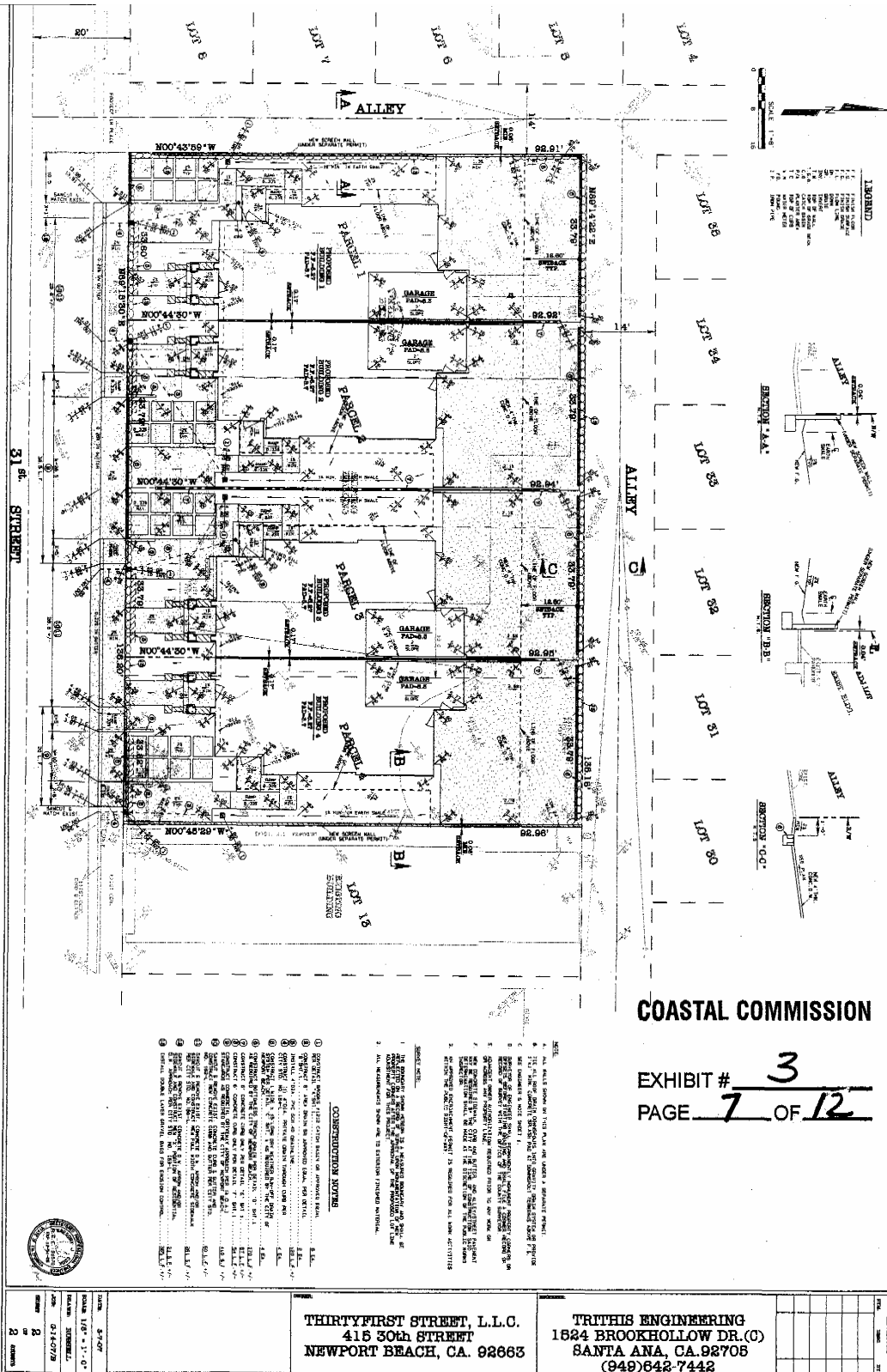
EXHIBIT # 3
 PAGE 6 OF 12

PLANT MATERIAL LEGEND

RECEIVED
 South Coast Region
 MAY 22 2007
 CALIFORNIA
 COASTAL COMMISSION

SYMBOL	BOTANICAL NAME	COMMON NAME	COMMENT	
TREES				
PTR	PYRUS CALLERYANUM	BRADFORD PEAR	STANDARD	36" BOX *
RED	CERCIS CANADENSIS	RED BUD	STANDARD	24" BOX *
ARB	ARBUTUS UNEDO	STRAWBERRY TREE	MULTI	24" BOX
GINK	GINKO BILOBA	GINKO	STANDARD	36" BOX *
SHRUBS				
L	LAURUS NOBILIS SARATOGA	LAUREL		5 G
C	CISTUS PURPUREUS	ORCHID ROCKROSE	BLANCHE	5 G
P	PITOSPORUM CARASSIFOLIUM	KARO PITOSPORUM	DWARF	5 G
A	CEANOTHUS ANCHOR BAY	WILD LILAC		5 G
E	EUPHORBIA CHARACIAS		PERENNIAL	5 G
VINE				
+	PARTHONOCISSUS QUINQUEFOLIA	VIRGINA CREEPER		5 G
GROUND COVERS:				
	ECHEVERIA AGAVOIDES	CHICK AND HENS		1 G
	DYMONDIA MARGAETAE			6" OC
	PACHYSANDRA TERMINALIS	JAPANESE SPURG		6" OC
	ZOYSIA GRASS, AMAZON	ZOYSIA		12" OC *

ALL PLANTS ARE NON-INVASIVE AND LOW WATER CONSUMPTION VARIETIES



COASTAL COMMISSION

EXHIBIT # 3
PAGE 9 OF 12

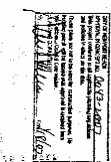
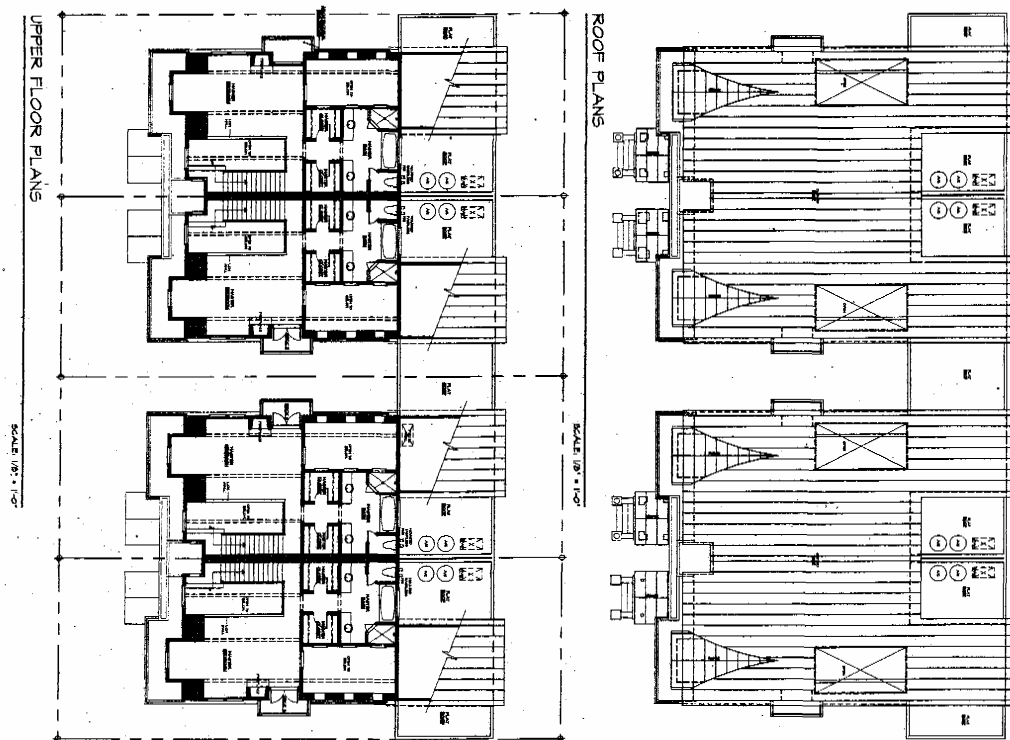
SHEET INDEX

1	SITE / PARKING PLAN
2	COVER FLOOR PLAN - MAIN FLOOR PLAN
3	COVER FLOOR PLAN - ROOF PLAN
4	1st / 2nd FLOOR PLAN
5	3rd FLOOR PLAN
6	4th FLOOR PLAN
7	5th FLOOR PLAN
8	6th FLOOR PLAN
9	7th FLOOR PLAN
10	8th FLOOR PLAN
11	9th FLOOR PLAN
12	10th FLOOR PLAN
13	11th FLOOR PLAN
14	12th FLOOR PLAN
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COASTAL COMMISSION

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UPPER FLOOR PLANS
ROOF PLANS

THIRTY-FIRST STREET LLC



COASTAL COMMISSION

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