# **CITY of NOVI CITY COUNCIL**



Agenda Item C September 27, 2010

SUBJECT: Approval of a one-year extension of previously granted landscape waivers associated with the approval of the Preliminary Site Plan for Building G Partial Demolition at the Novi Town Center, SP09-22. The subject property is located east of Novi Road, north of Grand River Avenue, in the TC, Town Center District. The applicant is proposing to demolish a portion of Building G and construct a parking lot and associated landscaping in its place.

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SUBMITTING DEPARTMENT: Community Development - Planning Division

## CITY MANAGER APPROVAL

**BACKGROUND INFORMATION:** Novi Town Center received approval to demolish the rear (south) portion of Building G and build a parking lot in its place. Building G previously housed Linens N Things and is located near the center of the Novi Town Center development. The applicant redesigned the interior of Building G into smaller tenant spaces and constructed a new façade treatment for approximately 180 linear feet of storefronts on the south side of the building, adjacent to the new parking lot. The update included the addition of 34 parking spaces and ossociated landscaping and pedestrian amenities, along with a new gate to screen the existing loading areas, while allowing emergency access through this area.

As a part of the demolition, the north wall of Building K (the former Mervyn's building) has been exposed and the existing Concrete Masonry Unit (CMU) wall was painted to match existing masonry. There is a 45 foot wide greenbelt in front of this exposed CMU wall, with some landscaping in the greenbelt. The Façade consultant's review indicated that the exposed CMU should either be brought into compliance with the Façade Ordinance (adding a brick veneer) or the building's foundation should be planted heavily for the full length of the wall. At the time of the Preliminary Site Plan approval the applicant contended that the situation with Building K would not last long, and applicant would prefer to paint the wall to match the surrounding masonry, and seek a waiver from the planting requirements.

The landscape review noted that a four foot wide landscape bed is required along all building foundations, with the exception of access points. The applicant proposed lawn area, and a few trees, in a new greenbelt along the north side of Building K. The landscape review recommended that the plans be revised to show a minimum of a 4 foot wide landscaped bed along the available foundation of Building K and irrigation be provided for all plantings.

The Preliminary Site Plan appeared before the City Council on October 12, 2009 where the City Council approved the Preliminary Site Plan and granted a wavier for the required plantings and the lack of irrigation through September 30, 2010, citing the fact that it is expected that the plans for Building K will change in the near future. Relevant meeting minutes are attached.

<u>The applicant has not installed the required landscaping and irrigation</u> and an extension of the previously granted landscape waiver would be required in order for the applicant to remain in compliance with the Preliminary Site Plan approval. The applicant recently submitted plans for Preliminary Site Plan review proposing the <u>demolition of Building K</u>.

**RECOMMENDED ACTION:** Approval of the one-year extension of the required landscape waivers for Novi Town Center Building G Partial Demolition, SP09-22 including waivers to provide:

- Heavier foundation plantings with enough height and opacity to assist in screening the full length of the wall along the north side of Building K and
- Landscape irrigation for all proposed plantings.
  The landscape waivers are valid through September 30, 2011. The applicant may seek an additional extension from the City Council or may install the required landscape plantings and irrigation. If a modified site plan is approved for the subject area and building permits are issued for alternative development before September 30, 2011, landscaping and irrigation associated with SP09-22 may no longer be necessary.

	1	2	Y	N
Mayor Landry				
Mayor Pro Tem Gatt				
Council Member Crawford				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				





## PLAN DETAIL SHEET



## APPLICANT'S REQUEST FOR EXTENSION OF WAIVERS

#### Kapelanski, Kristen

From: JClear@simon.com

Sent: Friday, September 17, 2010 2:05 PM

To: Kapelanski, Kristen

Cc: quinn@gabequinnseymour.com; aburns@theburnscompanies.com

Subject: Novi Town Center - SP-0922 Extension on Landscaping Waiver until 9/30/2011

Hi Kristen:

In follow up to our call today, NTC is requesting an extension of the Landscape Waiver associated with Building "G" from 9.30.10 to 9.30.11. We anticipate the extension will be not be necessary beyond the extension date as new Site Plan submissions (Building "F" and WM) shall become operative thus these Landscape improvements will be replaced by higher use improvements.

You have advised the SP extension is anticipated to be on the City Council consent agenda on 9.27.10 Please let me know if you require any additional information.

Thank you in advance for your assistance in this regard. Jim

James H. Clear General Manager Novi Town Center

248.347.3830 248.347.3833 (f) 248.345.9087 (c) jclear@simon.com CITY COUNCIL MEETING MINUTES EXCERPT OCTOBER 12, 2009

### REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI MONDAY, OCTOBER 12, 2009 AT 7:00 P.M. COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD

Mayor Landry called the meeting to order at 7:00 P.M.

### PLEDGE OF ALLEGIANCE

- ROLL CALL: Mayor Landry, Mayor Pro Tem Gatt, Council Members Burke, Crawford, Margolis-absent/excused, Mutch, Staudt
- ALSO PRESENT: Clay Pearson, City Manager Pamela Antil, Assistant City Manager Tom Schultz, City Attorney

#### APPROVAL OF AGENDA

CM-09-10-130 Moved by Gatt, seconded by Mutch; CARRIED UNANIMOUSLY: To approve the Agenda as presented.

#### Voice Vote

## MATTERS FOR COUNCIL ACTION - Part I

2. Approval of the request of Novi Town Center Investors, LLC, for the Preliminary Site Plan, Section 9 façade waiver and landscaping waivers. The subject property is located east of Novi Road, north of Grand River Avenue, in the TC, Town Center District. The applicant is proposing to demolish a portion of Building G and construct a parking lot and associated landscaping in its place.

Matthew Quinn was present on behalf of Novi Town Center Investors. Mr. Quinn said Building G, which was Linens and Things, would be partially demolished and the part that faced the interior toward the expressway would remain. He said this was another one of the phases of the revitalization of the Town Center and with a portion of the building coming down; they would create parking spaces and a green area. The green area would be a nice pedestrian location to sit with plantings all around it; they proposed the rest of it to be grass and nothing more at this time. Mr. Quinn said the Town Center considered this to be a temporary situation and they would be coming back. He said they had a meeting with the Novi Administration later this month to bring this forward a little more, but this was temporary and there would be further demolition within the center. He noted a guarter of the center would be demolished and then rebuilt. He explained they would put tall plantings along the Mervyns wall to hide it and they would paint it. He said the wall was an interior wall and no one would see it other than possible tenants, however, by the time the space became available, it would be redeveloped again. Mr. Quinn said they believed that the variances they were asking for were 1) they didn't have to put in bushes. 2) didn't have to irrigate this area or 3) put in tall items on an interior wall where no one would see them anyway. He said after this was constructed Jim Clear, Manager of the Mall, would look out on it everyday because it was his in and out. He said the Town Center had gotten the Beautification Award year after year, they took care of their center and wanted everything to look nice and they had done a great job of that in the past.

Mr. Quinn said first of all they were asking for the Section 9 Façade Waiver. They were not going to use the copper colored standard scheme but would continue the blue and green, which had just been completed. He stated everything that was planned to be reconstructed with the blue and green and the new lighting was done. Mr. Quinn said the area that wasn't refurbished was the area that wouldn't be there in the future because they didn't want to pay for something that was just going to be removed. He said they were asking for a landscape waiver for the lack of foundation. The landscaping along the remaining area of Building G, which was up against the front, they were asking to not have to put those plantings on the wall of the Mervyns building. Mr. Quinn said they had stated in the other compliance letters that they would meet the requirements of everyone else, the Fire Marshal, the Planning Department, etc. He said they were present for a preliminary site plan approval, which Council normally didn't see. However, since this was part of the Novi Town Center, and the ordinance that governed it required everything that happened in the Town Center to come before Council. Matt Niles was present to answer any architectural landscaping questions and Jim Clear was present also.

Mr. Pearson said Mr. Quinn accurately described the improvements, etc. and they were looking forward to those improvements in addition to the facades they had already done. He said the only point they had disagreed on, in terms of staff recommendations, was the landscaping. Mr. Pearson said they had all seen projects where they thought something would be temporary and it ended up going on and on and in the minutes of the Planning Commission, they were unwilling to commit to a time frame. He said plant materials could be moved and in the scale of all the other improvements and for consistency, they were recommending that the landscape requirement be maintained as outlined.

Member Crawford said the Administration shared a book with her called City Comforts, which was about how to build an urban village. She said one of the things that had always struck her about the Town Center was that it was Novi's village and it was critical to our existence and to keep the center vibrant. She commented that she liked the changes being made and was very appreciative, as an older adult, of the way parking was close to the various stores. Member Crawford felt that as they grew older as a community, it would become more and more important to have parking close to the stores. She hoped they were including lots of benches and seating in their design and was very happy that they had chosen to make their design a little different and to upgrade the way the buildings looked. She felt there was a lot of hope for the Town Center.

Mayor Pro Tem Gatt stated he was in favor of everything they had proposed and thought the Town Center looked so much better today than it did a few years ago. He thanked Mr. Quinn and his clients for their work. He noted they heard the concerns of the City Manager and they were valid. He said the City would be fearful of approving this without a specific time frame of when the work would be done. Mr. Quinn said what they were concerned with was a blank wall and they would like some taller plantings to shield it. He said they would paint it and as far as shielding, he asked them to look at the pedestrian plaza that would be constructed there. He said anyone in the large parking area would have the pedestrian plaza as something to look through, which would act as the buffer toward the wall. The only people that would see the wall would be the people that parked right in front and those businesses that were there on a temporary basis. Mr. Quinn said they thought the pedestrian plaza gave enough buffer to the larger parking area for people not even to notice the wall. He said if the Council was

looking for a time frame, he could discuss it with Jim Clear. Mayor Pro Tem Gatt said that was what he was looking for and it could be incorporated into a motion.

Member Burke echoed the previous speaker's remarks relevant to the façade. He thought they were doing a great job with the façade. He noted he also appreciated the fact that they were doing whatever they could to keep the businesses open while they were working. Member Burke said he supported that and would support the façade waiver. He said they didn't want to put in irrigation for the green space, so how would they irrigate that area. Mr. Quinn thought that the remedy would be as Mayor Pro Tem Gatt mentioned. As far as a time period, Mr. Clear was talking about 18 months for those items to be installed after somebody moved into the store fronts. So, that worked into what they believed was a good time table for the real demolition that would occur, and all of that would get removed again. He thought 18 months from completion of the renovation of the area; if they wanted to say from the date that the first tenant moved into that renovated area that would be fine.

Mayor Landry said if this item was approved tonight, when would the demolition process begin. Mr. Quinn said the variable was if the demolition of the Mervyns building got put out farther, it would occur sooner. If the demolition of the Mervyns building was going to occur soon, this wouldn't occur. Mayor Landry said then the answer was they didn't know and Mr. Quinn replied that's correct. He said this was preliminary site plan and they still had to come back with final administratively, which Council wouldn't see, so they had that discretion. He said they had to come back within a year for final site plan approval after obtaining preliminary site plan approval. Mayor Landry said then what they were suggesting, with respect to the time frame, was after they demolished part of Building G, divided the rest of the space up, put in the pedestrian plaza and the first tenant moved in, they would like 18 months after that to do this.

Member Mutch said assuming Council approved something tonight that gave them the OK to move forward, what was the time frame for having a clear decision on the Mervyns issue and whether it would come down or not. Mr. Quinn said that was up to people who were on the other side of the table. Member Mutch thought if the Mervyns plan went forward, none of this work would happen because something else would happen in this area. He said if they knew that within the next six months, that would give them some certainty to what the actual direction would be. He said if they proceeded with this plan, the issue of the landscaping and the wall wouldn't be relevant because it would be winter and they wouldn't be landscaping for the next six months anyway. He said if they had an opportunity to revisit this in six months, and they said they were proceeding and needed to address the landscaping or they were not, it wasn't really an issue. Member Mutch said that would give them some comfort knowing they could come back and address it, if it looked like it was going to be a longer term kind of situation, where it would go forward and someone would be looking at that wall for an extended amount of time. He asked Mr. Schultz if Council could put a condition on the approval that said come back in six months to address the landscaping issue separately, as part of the approval. It would be based on whatever activities or decisions were made as far as the rest of the Town Center and construction in that area.

Mr. Schultz said yes; what they were doing now was trying to design what the condition was. He said they had a lot of flexibility, if that was the way they wanted to go, or they could give a straight number of months from the time of demolition. He said it was really what Council was comfortable with for the discretionary approval they were being asked for. Member Mutch said he wasn't sure he had enough information from the applicant to know realistically what kind of time frame they were looking at. He commented that was why he thought six months out would be a long enough time for a decision to be made. If in a month the applicant knew it was going to be the Mervyns plan, then it just went away. If in a month the applicant said it would be two years before the Mervyns plan happened, then they could revisit that one particular issue. Member Mutch said other than that he had no problems with what had been proposed and was just trying to find a midway point that would allow them to proceed but give Council an opportunity to revisit it, if necessary. Mr. Quinn said he was talking about just revisiting the landscaping portion in six months, and Member Mutch said yes, the rest of it was fine.

Mayor Landry said if they received the approval tonight and they decided to go with this plan, how long would it take to demolish and rebuild this. Mr. Quinn said five or six months. Mayor Landry said if Council gave them everything they wanted, they started November 1st, they would be up and running in June. Mayor Landry said they were striving to come up with a compromise to let them go forward and if they didn't approve anything and just said come back in six months, they could build this and there would be no landscaping in the hope that they would come back earlier. He said he wouldn't have a problem with having one summer season without landscaping and would be willing to do that, more than that he wouldn't. The problem he had with the 18 months was if they opened in May, they would have that summer season. Mayor Landry said if they were going with a time limit, he would go with one year rather than 18 months. He said some relief would be fine, if going down that path. He said if they were going with time, he would go one year to approve everything but the landscaping would have to be done within one year after the first tenant moved in.

Mr. Schultz asked if it was after the first tenant moved in or after the building was painted and the grass was installed. He said if Council approved this now, it would be awhile getting the rest of the plans approved and doing the construction. He said in terms of when Council would expect to see the other improvements, it would be at that same time that instead of doing the planting, he's painting, etc. He said it might be the middle of next summer or a year from now.

Mr. Pearson said let's keep it simple and say September 30, 2010 and then if they want an extension beyond that, they would have to come back to Council.

CM-09-10-133 Moved by Mutch, seconded by Crawford; CARRIED UNANIMOUSLY: To approve the request of Novi Town Center Investors, LLC, for the Preliminary Site Plan, Section 9 façade waiver and landscaping waivers. The subject property is located east of Novi Road, north of Grand River Avenue, in the TC, Town Center District. The applicant is proposing to demolish a portion of Building G and construct a parking lot and associated landscaping in its place. This approval is subject to the conditions A through E and all the sub-headings as stated in the memo to the Council with a waiver for the additional landscape plantings as outlined in the staff letters, through September 30, 2010 with the other landscaping requirements to be met and to be built by that date or return to Council.

## Roll call vote on CM-09-10-133

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## Yeas: Burke, Crawford, Mutch, Staudt, Landry, Gatt Nays: None Absent: Margolis

Mr. Schultz assumed the maker of the motion meant conditions A through E and all the subheadings. Member Mutch said he was correct.

## LANDSCAPE REVIEW

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# PLAN REVIEW CENTER REPORT

September 8, 2009 Preliminary & Final Landscape Review Novi Town Center Building G - SP#09-22

Petitioner

Novi Town Center Investors, LLC

## **Review Type**

Preliminary Site Plan

## **Property Characteristics**

- Site Location: 26132 Ingersol Drive
- Zoning: TC, Town Center .
- Adjoining Zoning: North, South, East and West: TC
- Novi Town Center Site Use(s):
- Adjoining Uses: Various retail and restaurant uses bordering Novi Town Center 08/17/09
- Plan Date:

## Recommendation

Approval of the Preliminary Site Plan for SP#09-22 Novi Town Center Building G is recommended provided the Applicant agrees to the conditions outlined below and adjusts the plans as appropriate.

## **Ordinance Considerations**

Adjacent to Residential - Buffer (Sec. 2509.3.a.)

1. The project site is not adjacent to residential properties.

## Adjacent to Public Right-of-Way - Berm (Wall) & Buffer (Sec. 2509.3.b.)

1. The project is not directly adjacent to public right-of-way.

## Street Tree Requirements (Sec. 2509.3.b.)

1. No street trees are required.

## Parking Landscape (Sec. 2509.3.c.)

- 1. The Applicant has provided Four (4) parking lot canopy trees, thereby meeting ordinance requirements.
- 2. Central parking lot islands have been provided as required. However, neither island is of acceptable overall size or width. Ordinance requirements call for minimum 300 SF islands with a minimum 10' width. Please adjust the islands to meet the minimum requirements.

## Building Foundation Landscape (Sec. 2509.3.d.)

1. A 4' wide landscape bed is required along all building foundations with the exception of access points. The Applicant has proposed lawn area adjacent to Building K. Please revise the plan to show a minimum 4' wide landscaped bed along the available foundation at Building K.

2. An area 8' wide multiplied by the length of building foundations is required as foundation landscape area. The addition of the 4' bed at Building K will help meet this requirement. Due to its proximity to the foundation, the proposed seating area landscape can be utilized to help meet this requirement. *Please provide all calculations on the landscape plan.* 

#### Loading Zone Screening

1. All loading zones are required to be screened. The large loading zone adjacent to the proposed parking is fairly well separated from the parking and pedestrian areas. The Applicant has proposed two canopy trees and a single row of evergreen shrubs to screen the loading areas. *Please add larger shrubs or small trees to adequately screen the loading areas to a height of 6' to 8'*.

#### Plant List (LDM)

- 1. A Plant List has been provided. *Costs per City of Novi standards must be included on the plant list, including costs for irrigation (as necessary), seed/sod and mulch.* Costs for landscape performance guarantees, inspections, etc. cannot be calculated until such time as the total landscape installation costs have been provided.
- 2. Errors occur in the plant list labeling and quantities which must be rectified. Specifically:
  - a. Two plantings have the key symbol designation FUG.
  - b. The key symbol JUN shown in the plant list does not appear on the plan. It appears that the key TAM has been substituted.
  - c. The quantity for London Plane Tree LP is shown as one (1). Two Plane Trees are shown on the plan.
  - d. The plant list calls for one (1) Canada Red Cherry CR. No Canada Red Cherry appears on the plan.

#### Planting Details & Notations (LDM)

1. Plan Details and Notations have been provided per Ordinance requirements. The Applicant may wish to adjust the specification for 2"-3" *plastic or nylon guying material to specify that fabric ties may be substituted*. This is due to the limited availability of plastic or nylon guy material of adequate width.

#### Irrigation (Sec. 2509 3.f.(6)(b))

1. All landscape areas are required to be irrigated. *Please provide and Irrigation Plan and cost estimate upon the Stamping Set submittal.* 

Please follow guidelines of the Zoning Ordinance and Landscape Design Guidelines. This review is a summary and not intended to substitute for any Ordinance. For the landscape requirements, see the Zoning Ordinance landscape section on 2509, Landscape Design Manual and the appropriate items in the applicable zoning classification. Also see the Woodland and Wetland review comments.

Reviewed by: David R. Beschke, RLA





50850 Applebrooke Dr., Northville, MI 48167

September 8, 2009

City of Novi Planning Department 45175 W. 10 Mile Rd. Novi, MI 48375-3024

#### Re: FACADE ORDINANCE Novi Town Center Facade Upgrades - Preliminary Site Plan Approval Building "G" SP 09-22 & Building "I" SP 09-23 Façade Region: 1, Zoning District: TC, OS-C

Dear Ms. McBeth;

The following is the Facade Review for Preliminary Site Plan for the above referenced project based on the drawings dated August 17, 2009. The percentages of materials proposed for each façade are as shown on the table below. The maximum (and minimum) percentages allowed by the <u>Schedule Regulating Façade Materials</u> of Ordinance Section 2520 are shown in the right hand column. Materials that are in non-compliance with the Facade Schedule are highlighted in bold.

Building "G" consists of facade upgrades to an existing building within the Novi Town Center project. Building "I" consists of the renovation of a stand-alone structure located on Crescent Blvd. within the Novi Town Center project, and includes the addition of approximately 3,600 S.F., and the demolition of approximately 1,000 S.F. of floor area.

BUILDING "G" (25,400 S.F.)	South (Front)	West	East	North	Ordinance Maximum (Minimum)
Brick	76.8%	74.6%	88.3%	NA	100% (30%)
EIFS	10.7%	24.8%	11.4%	NA	25%
Standing Seam Metal (Roof)	12.2%	0.0%	0.0%	NA	25% (Note 3)
Cast Stone	0.3%	0.6%	0.3%	NA	25%
BUILDING "I" (27,300 S.F.)	South (Parking Lot)	West	East	North (Crescent Blvd.)	Ordinance Maximum (Minimum)
Brick	44.6%	51.5%	39.5%	54.7%	100% (30%)
Cement Plaster (Stucco)	3.0%	4.5%	5.5%	16.8%	0%
EIFS	23.9%	17.8%	24.4%	15.8%	2.5%
Standing Seam Metal (Roofs)	18.7%	14.2%	21.8%	5.9%	25% (Note 3)
Cast Stone	4.8%	5.8%	7.1%	2.4%	25%
Metal Trim	5.0%	6.2%	1.7%	0.4%	15%
Display Glass	0.0%	0.0%	0.0%	4.0%	25%

#### Comments:

**Building "G"** - Note 3 of the Facade Chart states that Standing Seam Metal on buildings located in TC and TC-1 districts must be copper or have a copper bearing painted finish. The applicant has proposed blue and green colors for the Standing Seam Metal roofs and awning. A Section 9 Waiver would be required for use of non-copper colored Standing Seam Metal.

**Building "I"** - As shown above the percentage of Cement Plaster exceeds the ordinance maximum on all facades. Similar to building G, the applicant is proposing non-coppered color for the Standing Seam Metal roofs and awnings. A Section 9 Waiver would be required for the overage of Cement Plaster and the use of non-copper colored Standing Seam Metal.

Recommendation - It should be noted that Building "I" currently features copper-colored domed elements on the west and east ends of the building (Photos 1 & 2) and a larger dome at the entrance on the south facade. The domes distinguish Building "I" from other structures within the complex and together with the clock tower help raise the buildings visual presence to landmark status. While the applicant has preserved the most important element, the clock tower, the proposed design eliminates the three domed elements and replaces them with facade treatment similar to that proposed for all other buildings within the complex. As such, the building has lost much of its distinctive character that has provided an architectural "signature" to the Novi Town Center complex for many years. Of particular concern is the elimination of the east and west domes which also help "anchor" the building and frame the clock tower. It is recommended that the applicant consider adding vertical architectural features to the west and east ends of the building that will anchor and frame the facade and provide visual interest approximately equal to the removed domes. It should be noted that these matters were discussed during the applicant's pre-application meeting and various suggestions were provided to the applicant at that time.

With respect to the use of non-copper colored roof and awnings, the proposed design is consistent with other recent facade upgrades for which the Planning Commission has granted Section 9 waivers for the use of green, blue and black standing seam metal, and the comparatively small overage of Cement plaster. Both Building's "G" and "I" comply with the Town Center Ordinances requirement that building be constructed primarily of Brick and Stone.

It is interesting to note that while this building was actually the impetus for "Note 3" of the ordinance, the copper theme has become dated and revisions to that section of the Ordinance are currently being considered. The proposed facades upgrades and colors will give the complex a fresh new look and will enhance the overall visual appearance of the project.





Photo 2



Page 3 of 3 C:\1 DRN Architects\AA\_Novi\Facade\Facade Reviews\Towne Ctr\_Bldg G&I - Prelin S.P..Docx



**Conclusion** - A Section 9 waiver is recommended for the use of non-copper colored Standing Seam Metal on Building's "G" and "I", and the overage of Cement Plaster on Building "I", contingent upon the applicant adding vertical architectural elements to the east and west ends of Building "I". It is suggested that the vertical elements be of approximately equal size, scale, massing, and visual interest to the removed domes, and that they be designed to visually balance the clock tower with the overall building, for example by using a raised roof element similar to that proposed to replace the existing clock tower roof.

If you have any questions or if I may be of further assistance in working with the applicant on this matter, please do not hesitate to call.

Sincerely, DRN& Associates, Architects PC

lew

Douglas R. Necci, AJA

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