



# **COUNTY OF SAN DIEGO**

### LAND USE AGENDA ITEM

GREG COX

DIANNE JACOB Second District

KRISTIN GASPAR Third District

RON ROBERTS Fourth District

BILL HORN

**DATE:** November 15, 2017

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**TO:** Board of Supervisors

### **SUBJECT**

2017 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT (GPA) AND ZONE RECLASSIFICATION (REZ); GPA 16-001; REZ 16-001 (DISTRICTS: ALL)

### **OVERVIEW**

As part of the August 3, 2011 (1) adoption of the General Plan Update, the Board of Supervisors (Board), directed staff to provide a regular mechanism for making necessary corrections to errors discovered during implementation of the General Plan and to reflect changed circumstances.

Oversights and inconsistencies include typographical errors, incorrect references, missing table information, and the need to clarify or revise certain policies and definitions in the General Plan and community plans. In addition, a clean-up process is needed to handle changed circumstances affecting the General Plan, including changes in State law and changes in ownership that would result in inappropriate land use designations.

This is a request for the Board to review and approve the 2017 General Plan clean-up (Clean-Up) that includes proposed changes to the Land Use Map, Mobility Element Network Appendix, Implementation Plan, and Zoning. Today's recommendations include: 1) adopting the Environmental Findings; 2) adopting a resolution for a General Plan Clean-Up General Plan Amendment; and 3) adopting an ordinance for a Zone Reclassification (REZ).

# RECOMMENDATION(S) PLANNING COMMISSION

On October 6, 2017, the Planning Commission considered the General Plan Amendment (GPA) and Zone Reclassification (REZ), staff recommendations for the Clean-Up, and the information contained in the General Plan Final Program Environmental Impact Report (EIR), dated August 3, 2011, on file with Planning & Development Services (PDS) as Environmental Review Number 02-ZA-001, and the Draft Addendum, dated September 18, 2017, on file with PDS under Environmental Review Log Number 16-00-005, prior to making its recommendations. The Planning Commission concurred with staff's recommendations, except for one modification to the Land Use Map and Zoning designation within the community of Lakeside (LS302). The Planning Commission recommends to the Board of Supervisors:

- 1. Adopt the attached Resolution entitled A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING THE 2017 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT; GPA 16-001 (Planning Commission recommended adoption of this Resolution, excluding staff's recommendation for Item LS302 (Attachment A)).
- 2. Adopt the attached Ordinance entitled AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE 2017 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT AND REZONE [GPA 16-001; REZ 16-001] (Planning Commission recommended adoption of this Ordinance, excluding staff's recommendation for Item LS302 (Attachment B)).

### DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

- 1. Review and consider the information contained in the General Plan Final Program Environmental Impact Report (EIR), dated August 3, 2011, on file with Planning & Development Services (PDS) as Environmental Review Number 02-ZA-001, and adopt the Environmental Findings included in the Draft Addendum, dated September 18, 2017, on file with PDS under Environmental Review Log Number 16-00-005.
- 2. Adopt the attached Resolution entitled A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING THE 2017 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT; GPA 16-001 (staff recommended Resolution, including Item LS302 (Attachment A-1)).
- 3. Adopt the attached Ordinance entitled AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE 2017 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT AND REZONE [GPA 16-001; REZ 16-001] (staff recommended Ordinance including Item LS302 (Attachment B-1)).

### FISCAL IMPACT

There is no fiscal impact associated with today's requested actions. There will be no change in net General Fund cost and no additional staff years.

### **BUSINESS IMPACT STATEMENT**

N/A

### ADVISORY BOARD STATEMENT

The Staff Recommendation (Attachment C) and Staff Analysis (Attachment C-1) for the Clean-Up was distributed to all Community Planning and Sponsor Groups (CPGs/CSGs) in June 2017. In addition, staff attended CPG/CSG meetings in Lakeside, San Dieguito, and Valley Center. All of the CPGs/CSGs providing recommendations have recommended approval of the items in the Staff Recommendation (Attachment C) with the exception of two items. Those items are LS302

(DISTRICTS: ALL)

and VC301 and they are discussed in greater detail in the "Project Issues" section of this Board Letter. Each of the CPG/CSG recommendations received by staff can be found in Attachment D.

### **INVOLVED PARTIES**

This is a County-initiated General Plan Amendment (GPA) and Zone Reclassification.

### PLANNING COMMISSION VOTE

On October 6, 2017, the Planning Commission voted to recommend approval of all staff recommended items in the Clean-Up, with the exception of LS302. The Planning Commission made a motion to deny the staff recommendation for LS302. This item is discussed in greater detail in the "Project Issues" section of this Board Letter. Due to the number of Commissioners present, the Planning Commission vote on this motion was 3-1-1-0-2 (Ayes: Edwards, Seiler, Woods; Noes: Brooks; Recusals: Beck; Abstentions: None; Absent: Barnhart, Pallinger). As described in Planning Commission Policy PC-2 Section 7, in the event that the Commission is unable to take action on an item due to the inability to obtain four votes to pass a motion, and the Commission does not continue the matter or otherwise dispose of it, the result shall be as follows: (c) in cases where the Commission is authorized by law to make a recommendation to a higher decision maker on the application, the Commission shall be deemed to have made a recommendation that the application be disapproved.

### **BACKGROUND**

As part of the August 3, 2011 (1) adoption of the General Plan Update, the Board of Supervisors (Board) directed staff to bring forward a Clean-Up every two years in the form of a General Plan Amendment (GPA). The Board deliberations, motion, and vote related to initiating a clean-up process occurred during the April 13, 2011 (1) Board hearing.

These oversights and inconsistencies include typographical errors, incorrect references, missing table information, and the need to clarify or revise certain policies and definitions in the General Plan and community plans, including changes in State law, and changes in ownership that would result in inappropriate land use designations. Planning & Development Services (PDS) staff coordinated with the County Departments of Public Works, Parks and Recreation, and the Fire Authority for technical clarification and to confirm the findings supporting the staff recommendation.

# General Plan Clean-Up Project Description

The General Plan Clean-Up focuses on modification or adjustments to text in the General Plan, as well as Land Use Map and Zoning changes for consistency. Updates to the Zoning Ordinance are considered through a separate work effort: the Zoning Ordinance Clean-Up project.

General Plan Clean-Up items have typically been limited to ownership changes, mapping errors, errors and omissions, minor community plan changes, and internal clarification and inconsistencies. The Clean-Up process addresses minor changes or additions to the General Plan that do not result in additional environmental impacts, beyond the analysis of the General Plan Environmental Impact Report (EIR). Therefore, project changes qualifying for the Clean-Up require only an Addendum to the previously certified General Plan Update EIR. An Addendum

may be prepared when significant environmental impacts were previously analyzed, and only minor changes or additions to the previously certified EIR are needed.

This Clean-Up includes proposed revisions to the Land Use Map and Zoning designations, Mobility Element Network Appendix, and Implementation Plan. All of the proposed changes in the Clean-Up are described in detail in Attachment C-1, and briefly discussed below.

### 1. Land Use Map and Zoning

The 2017 Clean-Up proposes to change Land Use Map and Zoning designations of 71 parcels that are located in 23 different areas. This consists of 3,368.91 acres, across 13 Community Planning Areas within the unincorporated county. As a result of these changes, the total estimated number of potential new dwelling units will decrease by 607 units when compared to the estimated potential density allowed under the existing General Plan Land Use Map and Zoning designations. The types of Land Use Map and Zoning changes in this Clean-Up include both mapping errors and ownership changes. Attachment C-1 provides a summary of each item.

a. *Mapping Errors* – Corrections to fix mapping errors that were not identified during the General Plan Update process. There are 12 items that involve correcting mapping errors.

Four items containing zoning development designator errors were identified during the Clean-Up. An example of this is LS303, where the zoning designation does not identify the property as being located within a floodway/floodplain. The Clean-Up would add an "F" Special Area Designator to the zoning designation to identify the property as being located within a floodway/floodplain.

Four items containing mapping errors related to ownership were identified. An example of this is SD301, where private property was mistakenly assigned a Land Use Map and Zoning designation of Open Space – Conservation (OS-C) and Open Space (S80). The proposal is to change these designations on this private property to Semi-Rural Residential 10 (SR-10) and Rural Residential (RR).

Four items containing zoning regulations that are inconsistent with their respective General Plan Land Use designations were identified. An example of this is PP301, where private property was assigned a Land Use Map and Zoning designation of Rural Lands 40 (RL-40) and Indian Reservation. The zoning designation is incorrect and not consistent for a RL-40 land use. The proposal is to change the zoning to Limited Agriculture (A70).

b. *Ownership Changes* – Assigning appropriate Land Use designations to account for changes in ownership from public to private or vice versa. There are eleven items that involve ownership changes. These ownership changes are located in Alpine, Bonsall, Lakeside, North Mountain, San Dieguito, and Valley Center.

Eight are open space acquisitions by the County's Department of Parks and Recreation (DPR). The proposal is to change the Land Use Map and Zoning designation to Open Space Recreation (OS-R) and S80.

Two ownership changes are open space acquisitions by the Endangered Habitats Conservancy (EHC). The proposal is to change the Land Use Map and Zoning designation to OS-C and S80.

One ownership change is an acquisition by the San Diego County Water Authority. This item is TO301, where the San Diego County Water Authority purchased one parcel. The proposal is to change the Land Use Map and Zoning designation to Public/Semi-Public Facilities (P-SP).

### 2. Mobility Element Network Appendix

Four corrections are proposed for the Mobility Element Network Appendix. One is a typographical correction to text in the Mobility Element Matrix for consistency with the Mobility Element Map for the Desert Subregion. Three revisions involve map corrections to reflect updated road segments on the Mobility Element Maps for Lakeside, San Dieguito, and Valle de Oro. Details of these changes are provided in Attachment C, Section 4.1.

### 3. Implementation Plan

Described further in Attachment C, Section 4.2, there are two proposed changes to the General Plan's Implementation Plan. These proposed changes include text revisions to the Mobility and Cultural Resources sections to update references to current practices and recent State legislative requirements.

### **PROJECT ISSUES**

As part of the Clean-Up's outreach process, public review, and consideration by the Planning Commission, staff received questions and comments on several proposed changes. These include LS302, NCM301, SD304, and VC301, and are discussed below.

### 1. LS302 (Lakeside)

This item is included in the Clean-Up because it involves an ownership change. The County proposes to change the General Plan Land Use Map and Zoning designation for seven parcels from Semi-Rural 1 (SR-1) and Village Residential 7.3 (VR-7.3) to Open Space – Conservation (OS-C), and from Limited Agriculture (A70) to Open Space (S80). The property consists of approximately 405 acres in Lakeside and was acquired by the Endangered Habitats Conservancy (EHC) in 2015 for the purpose of preserving the site as a conservation area. EHC purchased the parcels with grant funding that precludes development on the property. Prior to its sale to EHC, the property was held in private ownership for approximately 50 years. The perimeter originally installed on the property, deteriorated over the years and has been repaired by EHC.

Staff received 20 comments opposed to LS302 during public review. The majority of the concerns raised were related to fire safety and allowing public access to the site. These concerns were also raised during the October 6, 2017 (2) Planning Commission Hearing. Staff has met with the Department of Parks and Recreation (DPR), the County Fire Authority, and EHC in an effort to clarify these concerns.

a. *Fire Safety* – Residents are concerned that vegetation growth on the site could pose a fire hazard to the surrounding area if the parcel remains undeveloped. Residents are concerned that if the site is no longer accessible, surrounding land owners will not be able to access the property to proactively clear brush from the perimeter.

However, the land owner is responsible for fuel management on their property. The California Department of Forestry and Fire Protection (CAL FIRE) and the Lakeside Fire Protection District enforce the fire code that requires 100 feet of defensible space around structures. The same fire code standards apply to the property regardless of the Land Use Map and Zoning designation.

b. *Public Access* - Residents have indicated that the site was fenced following the purchase, and they are unable to access the informal trails and pathways on the site. The residents have stated they are concerned that if the Land Use Map and Zoning designations change for the site, they will not be able to secure future trail easements.

DPR has confirmed that no trail easements have been secured on the property. The property is privately owned and the owner has no obligation to allow public access through the site. According to the County Trails Program Master Plan (CTMP), the County may only require trail easements as part of certain discretionary actions. The Clean-Up is a County-initiated GPA, not a private discretionary application, and under these circumstances, the County is not able to require trail easements as part of the Clean-Up. Changing the property's Land Use Map and Zoning designations to OS-C and S80 does not preclude or prevent future trail easements from being secured on the property in the future.

### Planning Commission Recommendation:

On October 6, 2017, the Planning Commission concurred with the CPG's recommendation for denial of LS302's inclusion in the Clean-Up based on comments related to fire hazards and public access. Attachments A and B contain the recommended Resolution and Ordinance, which reflect the Planning Commission and CPG recommendation for LS302.

### 2. NCM301 (North County Metro)

This item is included in the Clean-Up because it is a mapping error from the 2011 General Plan Update. The County proposes to change the zoning minimum lot size for one parcel from 15,000 square feet to 10,000 square feet. NCM301 has an area of approximately two acres, and has a General Plan Land Use Map and Zoning designation of Village Residential 4.3 (VR-4.3) and Single Family Residential (RS). Staff received 15 comment letters opposed to NCM301 from neighbors who have expressed concerns that the larger minimum lot size will maintain the unique semi-rural nature of their neighborhood.

The General Plan Land Use designation of VR-4.3 allows 4.3 dwelling units to be built on the property; this requires a lot size of 10,000 square feet or less to be achieved. The zoning is inconsistent with the General Plan because the current minimum lot size of 15,000 square feet will only allow 2.9 dwelling units per acre. Changing the minimum lot size to 10,000 square feet has the potential to yield an additional two units on the property. Staff

recommends including NCM301 as part of the General Plan Clean-Up to ensure the Zoning Ordinance is consistent with the General Plan.

# 3. SD304 (San Dieguito)

This item is included in the Clean-Up because it is a mapping error from the 2011 General Plan Update. The County proposes to change the General Plan Land Use Map and Zoning designation for four parcels from OS-C to Public/Semi-Public Facilities (P/SP) and rezone from S80 to Rural Residential (RR). SD304 consists of approximately 98 acres that are owned by the Olivenhain Municipal Water District. This is a mapping error because the OS-C designation is intended to be applied to large tracts of land, undeveloped, and dedicated to open space that are owned by a jurisdiction, public agency, or conservancy group. According to the General Plan, the appropriate designation for properties owned by municipal water districts should be P/SP and not OS-C. Staff did not receive any comment letters regarding SD304.

### 4. VC301 (Valley Center)

This item is included in the Clean-Up because it is a mapping error from the 2011 General Plan Update. The County proposes to change the zoning code minimum lot size for three parcels from one acre (43,560 square feet) to 6,000 square feet. VC301 consists of approximately four acres that have a General Plan Land Use Map and Zoning designation of General Commercial (GC) and General Commercial (C36). The three parcels were redesignated during the General Plan Update from Rural Residential 1, with a one acre minimum lot size, to GC. This is a mapping error because the surrounding parcels have a Land Use Map and Zoning designation of GC and C36, and all have a minimum lot size of 6,000 square feet. On October 6, 2017, the Planning Commission concurred with the staff recommendation.

On July 10, 2017, the Valley Center Community Planning Group voted not to recommend approval for these three properties. They would like to consider changes to the property in a broader context as part of the upcoming Valley Center Community Plan update.

### **ENVIRONMENTAL STATEMENT**

This project has been reviewed in compliance with the California Environmental Quality Act (CEQA) and the project qualifies for an Addendum to the General Plan Update Environmental Impact Report (EIR) under CEQA Section 15164. An EIR Addendum dated September 18, 2017, has been prepared for the project and is on file with Planning & Development Services (PDS). There are no changes in the project, no changes in the circumstances under which the project is undertaken, and no new information which results in a new significant environmental effect or a substantial increase in the severity of a previously identified significant environmental effect since the certification of the previous EIR for the project dated August 3, 2011, on file with PDS as Environmental Review Number 02-ZA-001. See the EIR Addendum for more information (Attachment F).

### PREVIOUS ACTIONS

As part of the August 3, 2011 (1), adoption of the General Plan Update, the Board directed staff to bring forward a Clean-Up every two years. The first Clean-Up was approved by the Board on June 18, 2014 (2). The second Clean-Up was approved on November 18, 2015 (3).

### **PUBLIC INPUT**

Changes to an adopted General Plan must follow the process specified in Government Code Section 65350, which includes evaluation and analysis, public and agency review, Planning Commission review, and Board of Supervisors approval. Staff also conducted public outreach that included:

## 1. Public Notices

- a. On June 16, 2017, a mailed notification was sent to property owners subject to proposed Land Use Map and Zoning designation changes and a mailed notification was sent to neighboring property owners within 300 feet of the proposed Land Use Map and Zoning designation changes. This notification included information and web links related to the release of the Draft Clean-Up Report and the start of the public review and comment period.
- b. On September 22, 2017 and November 3, 2017, hearing notifications were sent to property owners and the neighboring property owners within 300 feet of the proposed Land Use Map and Zoning designation changes. This notification provided the staff recommendations for changed Land Use designations and changes in zoning, in addition to information on the Planning Commission and Board hearings.

### 2. Web Page

At the initiation of the Clean-Up, a web page was established to provide the most current information as it progressed through the planning phases. The website is:

http://www.sandiegocounty.gov/content/sdc/pds/advance/2017gpclean-up.html

### 3. Public and Agency Review

In addition to the property owner mailed notifications discussed above, a mailed notification was sent to agencies requiring General Plan Amendment (GPA) notification per California Government Code Section 65352 on June 16, 2017. An email notification was also sent to community planning and sponsor groups and other stakeholders. These notifications included a link to the web site with information on the project and the full Draft Plan for the GPA.

The email correspondence to community planning and sponsor groups described changes applicable to specific community planning areas and changes applicable to all planning areas, and requested comments and recommendations. This notification also provided information on the 45-day public review period for comments on the Staff Recommendation. Public review comments and other correspondence on the project can be found in Attachment D.

#### 4. Tribal Consultation

All tribal governments in the San Diego region were notified of the changes proposed in this Clean-Up in accordance with Government Code Section 65352. As a result of these notifications, correspondence was received from the following:

- a. The Viejas Band of Kumeyaay Indians (Viejas) responded on June 29, 2017, requesting (1) a site visit, (2) notifications of plans and mitigation measures, (3) active participation in developing mitigation measures, (4) that all National Environmental Policy Act, California Environmental Quality Act, and Native American Graves Protection and Repatriation Act laws be followed, (5) that qualified cultural monitors be on site at all time, and (6) that Viejas be notified of any changes or inadvertent discoveries. County staff clarified with Viejas that the project is a policy document, that no earth-disturbing activities are proposed, and that any future projects such as maps and permits would be analyzed for impacts to tribal cultural resources. The County requested concurrence to conclude SB-18 consultation. No response was received.
- b. The San Luis Rey Band of Mission Indians responded on August 16, 2017, requesting consultation. Staff met with the San Luis Rey Band of Mission Indians on September 26, 2017, to clarify the project, and they did not request any changes to this Clean-Up.
- c. The Campo Band of Mission Indians responded on September 7, 2017, requesting consultation. Staff met with the Campo Band of Mission Indians on September 29, 2017, to clarify the project, and they did not request any changes to this Clean-Up.

## 5. Additional Community Planning and Sponsor Group Outreach

Staff coordinated extensively with community planning and sponsor groups to provide the information needed to allow them to include the Clean-Up on their agendas for recommendation votes. Staff attended community planning and sponsor group meetings in Lakeside, San Dieguito, and Valley Center, to discuss the project and answer questions. For other planning areas, staff coordinated closely with planning and sponsor group chairs through phone and email, to explain all portions of the project applicable to their planning area, and answer questions.

In addition to the Land Use Map and Zoning designation changes, community planning and sponsor groups had the opportunity to provide recommendations on all of the proposed changes in the project. All of the recommendations received were in favor of the proposed changes, with the exception of item LS302 in Lakeside and item VC301 in Valley Center. The community planning and sponsor group recommendations are included in Attachment D.

### LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today's actions support the Strategic Initiative of Sustainable Environments in the County of San Diego's 2017-2022 Strategic Plan by focusing sustainability and strategic planning to ensure natural habitats are protected and residents may engage in recreational interests by enjoying parks, open spaces, and outdoor experiences.

Respectfully submitted,

SARAH E. AGHASSI Deputy Chief Administrative Officer

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### **ATTACHMENT(S)**

- Attachment A A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING THE 2017 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT; GPA 16-001 [Planning Commission Recommended]
- Attachment A-1 A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING THE 2017 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT; GPA 16-001 [Staff Recommended]
- Attachment B AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE 2017 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT AND REZONE [GPA 16-001; REZ 16-001] [Planning Commission Recommended]
- Attachment B-1 AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE COUNTY OF SAN DIEGO RELATED TO THE 2017 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT AND REZONE [GPA 16-001; REZ 16-001] [Staff Recommended]
- Attachment C Staff Recommendation
- Attachment C-1 Analysis of Proposed Land Use Map and Zoning Designation Changes
- Attachment D Correspondence
- Attachment E Lakeside Proposed Community Trails and Pathways Map
- Attachment F Environmental Findings and Documentation
- Attachment G Planning Commission Hearing Report

**SUBJECT:** 2017 GENERAL PLAN CLEAN-UP GENERAL PLAN AMENDMENT (GPA)

AND ZONE RECLASSIFICATION (REZ); GPA 16-001; REZ 16-001

(DISTRICTS: ALL)

# AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES:		Yes	$\boxtimes$	No
WRITTEN DISCLOSURE PER C  ☐ Yes ⊠ No	COUNT	ГҮ СНА	ARTER	SECTION 1000.1 REQUIRED
PREVIOUS RELEVANT BOARD ACTIONS: November 18, 2015 (3), approved the 2015 General Plan Clean-Up General Plan Amendment and Rezone (GPA 14-001 and REZ 14-001); June 18, 2014 (2), approved the 2013 General Plan Clean-Up General Plan Amendment and Rezone (GPA 12-007 and REZ 13-003); August 3, 2011 (1), adopted the General Plan Update and directed staff to bring forward a "clean-up" every two years.				
<b>BOARD POLICIES APPLICABLE:</b> N/A				
<b>BOARD POLICY STATEMENTS:</b> N/A				
MANDATORY COMPLIANCE: N/A				
ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION NUMBER(S): N/A				
ORIGINATING DEPARTMENT: Planning & Development Services				
OTHER CONCURRENCE(S):	Department of Parks and Recreation San Diego County Fire Authority			
CONTACT PERSON(S):				
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