Authority: Etobicoke York Community Council Item EY26.2, adopted as amended, by City of Toronto Council on October 1 and 4, 2021

CITY OF TORONTO

Bill 769

BY-LAW -2021

To amend City of Toronto Zoning By-law 569-2013, as amended, with respect to the lands municipally known in the year 2020 as 140, 150, 160, 170, 190 and 220 Sherway Drive.

Whereas Council of the City of Toronto has the authority pursuant to Section 34 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass this By-law; and

Whereas Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the Planning Act; and

Whereas authority is given to Council by Section 34 and Section 36 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, to impose the Holding Symbol (H) and to remove the Holding Symbol (H) when Council is satisfied that the conditions relating to the Holding Symbol have been satisfied; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the use of a Holding (H) symbol with conditions in the Zoning By-law; and

Whereas the Official Plan for the City of Toronto contains provisions relating to the authorization of increases in the height or density of development; and

Whereas pursuant to Section 37 of the Planning Act, a by-law under Section 34 of the Planning Act, may authorize increases in the height or density of development beyond those otherwise permitted by the by-law and that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law; and

Whereas subsection 37(3) of the Planning Act provides that where an owner of land elects to provide facilities, services and matters irrespective of the increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services and matters; and

Whereas the owner of the aforesaid lands has elected to provide the facilities, services and matters hereinafter set out; and

Whereas the increase in height or density permitted beyond that otherwise permitted on the aforesaid lands by By-law 569-2013 as amended, is permitted in return for the provision of the facilities, services and matters set out in this By-law which is secured by one or more agreements between the owner of the land and the City of Toronto; The Council of the City of Toronto enacts:

1. The lands subject to this By-law are outlined by heavy black lines on Diagram 1 attached to this By-law.

- 2021
- 2. The words highlighted in bold type in this By-law have the meaning provided in Zoning By-law 569-2013, Chapter 800 Definitions.
- 3. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Zoning By-law Map in Section 990.10, and applying the following zone label to these lands: (H) IH (x3), IH (x3), and ON (x19) as shown on Diagram 2 attached to this By-law.
- 4. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Height Overlay Map in Section 995.20.1, and applying the following height label to these lands: HT 22, as shown on Diagram 3 attached to this By-law.
- 5. Zoning By-law 569-2013, as amended, is further amended by adding the lands subject to this By-law to the Policy Areas Overlay Map in Section 995.10.1, and applying the following Policy Area label to these lands: PA 4, as shown on Diagram 4 attached to this By-law.
- 6. Zoning By-law 569-2013, as amended, is further amended by adding the lands outlined by heavy black lines in Diagram 5 attached to this By-law to the Lot Coverage Overlay Map in Section 995.30.1, with no label.
- 7. Zoning By-law 569-2013, as amended, is further amended by adding the lands outlined by heavy black lines in Diagram 6 attached to this By-law to the Rooming House Overlay Map in Section 995.40.1, with no label.
- 8. Zoning By-law 569-2013, as amended, is further amended by amending and replacing Article 900.31.10.3 so that it reads:

(3) Exception IH 3

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

- (A) On lands municipally known as 140, 150, 160, 170, 190 and 220 Sherway Drive, if the requirements of Section 11 and Schedule A of By-law [Clerks to insert bylaw number] are complied with, buildings and structures may be erected, used or enlarged in compliance with (B) to (P) below;
- For the purposes of this exception: (B)
 - (i) Area A, Area B, Area C and Area D are shown on Diagram 7 of Bylaw [Clerks to insert by-law number];

- (ii) **lot** is defined as the lands outlined by black lines collectively comprising Area A, Area B, Area C and Area D identified on Diagram 7 attached to By-law [Clerks to insert by-law number];
- (iii) **lot line** is defined to include the boundary of any of Areas A, Area B Area C and Area D identified on Diagram 7 attached to By-law [Clerks to insert by-law number]; and
- (iv) Area A, Area B, Area C and Area D are defined to include the corresponding area within the **lot** as identified on Diagram 7 attached to By-law [Clerks to insert by-law number];
- (C) Despite Regulation 80.5.40.10(1), the height of a **building** or **structure** is the vertical distance between the Canadian Geodetic Datum elevations identified for Area A, Area B, Area C, and Area D below and the highest point of the **building** or **structure**. The Canadian Geodetic Datum elevations are as follows:
 - (i) 115.0 metres for Area A;
 - (ii) 111.5 metres for Area B;
 - (iii) 111.4 metres for Area C; and
 - (iv) 110.6 metres for Area D;
- (D) Despite Regulation 80.20.40.10(1), the maximum permitted **building** height for the Area A and Area B shown on Diagram 7 of By-law [Clerks to insert by-law number] are as follows:
 - (i) Area A: 23 metres; and
 - (ii) Area B: 46 metres to a maximum of 9 storeys, in which:
 - a. only indoor **amenity space** is permitted above the 8th storey to a maximum **gross floor area** of 350 square metres.
- (E) Despite Regulation 80.20.40.10(1), within Area C and Area D, the height of any **building** or **structure** existing on the date of the enactment of By-law [Clerks to insert by-law number] is deemed to comply; and
- (F) Despite Regulations 80.5.40.10(3) and (4), and (D) and (E) above, within Area A and Area B as shown on Diagram 7 of By-law [Clerks to insert by-law number], the following elements of a **building** may project to a maximum of 6.0 metres above the maximum permitted **building** heights:
 - (i) equipment used for the functional operation of the **building**, such as electrical, utility, mechanical and ventilation equipment;

- (ii) **structures** or parts of the **building** that are used for the functional operation of the **building**, such as mechanical penthouse, enclosed stairwells, roof access, maintenance equipment storage, elevator shafts, chimneys, vents, and water supply facilities;
- (iii) **structures** that enclose, screen or cover the elements listed in (i) and (ii) above; and
- (iv) parapets, safety screens, and safety railings.
- (G) Despite Regulation 80.20.40.40(1), the maximum permitted **gross floor area** for Areas A, Area B, Area C, and Area D as shown on Diagram 7 of By-law [Clerks to insert by-law number] is as follows:
 - (i) 26,500 square metres in Area A;
 - (ii) 50,500 square metres in Area B, of which a maximum of 47,500 square metres is permitted for a **hospital building**;
 - (iii) 31,000 square metres in Area C; and
 - (iv) 6,600 square metres in Area D.
- (H) Despite Clause 80.20.40.70, **building setbacks** of any existing **buildings** and **structures** within Area C and Area D at the time of the passing of By-law [Clerks to insert by-law number] are the minimum required **building setbacks** for those **buildings** and **structures**;
- (I) Despite Clause 80.20.40.70, the minimum required **building setbacks** from the **lot lines** for Area A and Area B as shown on Diagrams 7 and 8 of By-law [Clerks to insert by-law number] must be:
 - (i) 3.0 metres for **front yards**;
 - (ii) 5.0 meters for rear yards;
 - (iii) 3.0 metres for side yards;
 - (iv) 5.0 metres from any **lot lines** abutting utility corridors; and
 - (v) Notwithstanding provisions (i) to (iii) above, a minimum required **building setback** of 3.0 metres must be provided from any **lot line** abutting a future public **street**, as shown on Diagram 7 and 8 of this By-law.
- (J) For the purposes of this exception, the **front lot line** for:

- (i) Area A is the **lot line** abutting the future public **street** as shown on Diagram 8 of By-law [Clerks to insert by-law number]; and
- (ii) Area B is the **lot line** abutting The West Mall.
- (K) For Area B, where a **main wall** of the **building** has windows and a line projected at a right angle from one of these **main walls** intercepts another **main wall** with windows on the same **building**, the required minimum above-ground separation distance between the **main walls** must be 19.0 metres:
- (L) The minimum **soft landscaping** requirement for Area A and Area B is 10 percent of the total area for each respective Area, as shown on Diagram 7 of By-law [Clerks to insert by-law number];
- (M) Despite Regulation 200.5.10.1 and Table 200.5.10.1, required **parking spaces** for Area A, Area B, Area C and Area D must be provided as follows:
 - (i) 1.59 parking spaces per 100 square metres of gross floor area for a hospital;
 - (ii) 2.4 **parking spaces** per 100 square metres of **gross floor area** for a medical office use; and
 - (iii) 0.3 parking spaces per dwelling unit and bed-sitting room for a hospice care home.
- (N) Despite Clause 80.5.80.10, a maximum of 16 percent of the **parking spaces** required in (M) above may be located off-site within 300 metres of the lands identified in Diagram 1 and must be available for the use for which it is required. Required parking may also be provided in the area allocated for ancillary parking in the ON Open Space Natural Zone, as identified in Diagram 8;
- (O) Despite Clause 220.5.10.1, a minimum of 4 'Type A' **loading spaces** and 2 'Type B' **loading spaces** must be provided for the **hospital** in Area B; and
- (P) The lands identified with the symbol "(H)" in the zone label on Diagram 2 of Bylaw [Clerks to insert by-law number] are restricted in use as specified by Section 10 of By-law [Clerks to insert by-law number].

Prevailing By-laws and Prevailing Sections: (None Apply)

9. Zoning By-law 569-2013, as amended, is further amended by adding Article 900.41.10.19 so that it reads:

(19) Exception ON 19:

The lands, or a portion thereof as noted below, are subject to the following Site Specific Provisions, Prevailing By-laws and Prevailing Sections.

Site Specific Provisions:

(A) Despite Regulation 90.5.80.1(1), 71 existing surface **parking spaces ancillary** to the **hospital** use on the lands municipally known as 140, 150, 160, 170, 190 and 220 Sherway Drive are permitted in the area as shown in hatching on Diagram 8 referencing this section of By-law [Clerks to insert by-law number].

Prevailing By-laws and Prevailing Sections: (None Apply)

10. Holding Provisions:

- (A) The lands zoned with the "(H)" symbol delineated by heavy lines on Diagram 2 attached to and forming part of this By-law must not be used for any purpose other than those the **hospital** and **ancillary** uses located in the **buildings** and **structures** existing on the lands as of [clerks to insert enactment date] until the "(H)" symbol has been removed. An amending by-law to remove the "(H)" symbol may be enacted by City Council when the following conditions have been fulfilled for each respective Area to the satisfaction of, where applicable, the City Solicitor, the Chief Planner and Executive Director, City Planning, the General Manager, Transportation Services, and the Chief Engineer and Executive Director, Engineering and Construction Services, and Council, in respect of the lands as follows:
 - (i) With respect to Area B, the location and configuration of a vehicular connection between lands municipally known in the year 2020 as 140, 150, 160, 170, 190 and 220 Sherway Drive and 2217 The Queensway has been addressed to the satisfaction of the General Manager, Transportation Services, Chief Engineer and Executive Director, Engineering and Construction Services and the Chief Planner and Executive Director, City Planning, including:
 - a. A plan(s) and or reports outlining the location and configuration of the vehicular connection described in 10(A)(i) as well as the preparation of the required engineering drawings for approval and acceptance by General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning;
 - b. If required, necessary approvals, per the *Planning Act* to proceed with the vehicular connection as described in 10(A)(i) above, have been issued to the satisfaction of the General Manager, Transportation Services, the Chief Engineer and Executive Director, Engineering and Construction Services and the Chief Planner and Executive Director, City Planning; and
 - c. Satisfactory arrangements with the General Manager,
 Transportation Services, and Chief Engineer and Executive

Director, Engineering and Construction Services for the construction of new infrastructure or any improvements to the municipal infrastructure have been made, and that the owner has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure.

- (ii) With respect to Area B, the matter of water capacity and updates to engineering plans, drawings, studies and reports that include the proposed central utility plant are addressed by the following:
 - a. Revised engineering plans, drawings, studies and reports have been submitted by the owner and accepted by the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - b. A financially secured agreement has been entered into with the City, to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction and the City Solicitor, for the construction of improvements that may be required to the City's servicing for the lands; and
 - c. Arrangements satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services have been made with the City for the construction of new municipal infrastructure or any improvements to the existing municipal infrastructure, should it be determined that new infrastructure and/or upgrades/improvements are required to the existing infrastructure to support this development, and that the owner has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure.
- (iii) With respect to Area B and Area C, the owner enters into, and registers on title to the lands, an agreement with the City of Toronto pursuant to Section 37 of the Planning Act satisfactory to the City Solicitor.
- (iv) With respect to Area C, the following matters are to be addressed regarding the public **street** in Area C:
 - a. A public **street** in Area C, connecting The Queensway to The West Mall with a minimum 22 metre right-of way, has been designed, satisfactory to General Manager, Transportation Services and the Chief Engineer and Executive Director, Engineering and Construction Services;

- b. Arrangements satisfactory to the Chief Engineer and Executive Director, Engineering and Construction Services have been made with the City for the construction and conveyance of a public **street** and that the owner has entered into a subdivision agreement pursuant to Section 51 of the Planning Act;
- c. the owner has either secured the consolidation and/or elimination of, or has consolidated and eliminated, the surface parking on the lands subject to Article 900.41.10.19 of Zoning By-law 569-2013, as amended in Section 9 of By-law [Clerks to insert by-law number], and such parking spaces are either secured or otherwise moved to Area C from Area A to the satisfaction of the Toronto and Region Conservation Authority, the General Manager, Parks, Forestry and Recreation, the Chief Planner and Executive Director, City Planning; and
- d. the owner shall provide a parking study and transportation impact study to determine the appropriate parking rate for Area C to be inclusive of the surface parking removed from the lands subject to Article 900.41.10.19 of Zoning By-law 569-2013, as amended in Section 9 of By-law [Clerks to insert by-law number], and Area A in b. above.

11. Section 37 Provisions:

- (A) Pursuant to Section 37 of the Planning Act, and subject to compliance with this By-law, the increase in height and/or density of the development is permitted beyond that otherwise permitted on the lands shown on Diagram 1 in return for the provision by the owner, at the owner's expense, of the facilities, services and matters set out in Schedule A hereof which are secured by one or more agreements pursuant to Section 37(3) of the Planning Act that are in a form and registered on title to the lands, to the satisfaction of the City Solicitor;
- (B) Where Schedule A of this By-law requires the owner to provide certain facilities, services or matters prior to the issuance of a building permit, the issuance of such permit shall be dependent upon satisfaction of the same;
- (C) The owner shall not use, or permit the use of, a building or structure erected with an increase in height and density pursuant to this By-law unless all applicable provisions of Schedule A are satisfied; and

(D) Once the agreement or agreements securing the facilities, services and matters set out in Schedule A have been executed and registered, the provisions of Schedule A shall continue to be effective notwithstanding any subsequent release or discharge of all or any part of such agreement.

Enacted and passed on October, 2021.

Frances Nunziata, Speaker John D. Elvidge, City Clerk

(Seal of the City)

SCHEDULE A

Section 37 Provisions

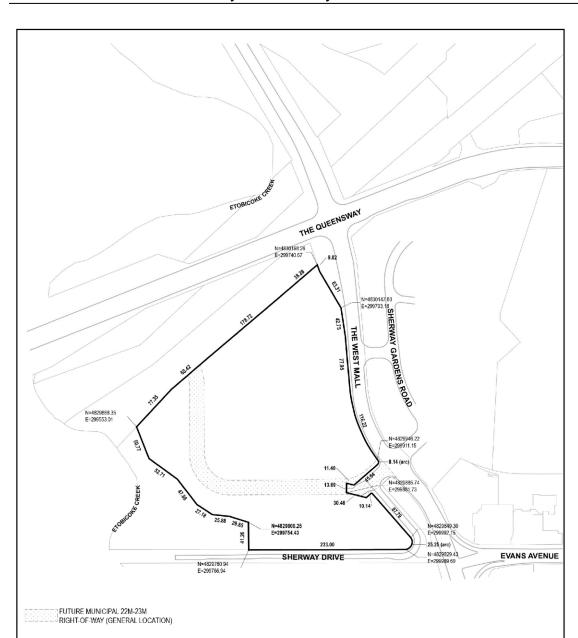
The facilities, services and matters set out below are required to be provided to the City by the owner at the owner's expense in return for the increase in height and density of the proposed development on the lands as shown on Diagram 1 attached to this By-law in accordance with and as secured in an agreement or agreements under Section 37(3) of the Planning Act (the "Section 37 Agreement"), whereby the owner agrees as follows:

- 1. The owner shall construct and convey the future public street with a minimum 22 metre right-of-way as part of the redevelopment of the lands in Area C, to the satisfaction of the General Manager, Transportation Services, the Chief Engineer and Executive Director, Engineering and Construction Services, and the Chief Planner and Executive Director, City Planning.
- 2. As part of the future construction and conveyance of the future public street, in 1. above, the owner shall, at its sole cost and expense, consolidate and/or eliminate the surface parking spaces on lands zoned ON (Open Space Natural), on lands in between the ON zone and the future public street and on lands in the rear of the parking structure in Area A, and provide a landscape and naturalization plan, to the satisfaction of the Toronto and Region Conservation Authority, the General Manager, Parks, Forestry and Recreation, the Chief Planner and Executive Director, City Planning and thereafter implement such approved plan at the owner's sole cost and expense.
- 3. Prior to the issuance of any above grade building permit in Area B, the owner, at their sole and expense, shall address the required alignment between the proposed public street on the lands and the connection to 2217 The Queensway to the satisfaction of the General Manager, Transportation Services, Chief Engineer and Executive Director, Engineering and Construction Services and the Chief Planner and Executive Director, City Planning:
 - (a) the owner shall, to the satisfaction of Hydro One, or such successor organization, provide such required information and material to Hydro One regarding the proposed public street and alignment identified and obtain approval as may be required from Hydro One;
 - (b) the owner shall undertake the design and construction of the intersection of the future public street and The Queensway and that the owner may undertake this work in conjunction with the land owner of 2217 The Queensway to the satisfaction of General Manager, Transportation Services;
 - (c) the owner shall undertake the necessary work to construct and install traffic control signals at the intersection of the future public street and The Queensway, which shall include the preparation of traffic signal design drawings, an acceptable traffic signal timing plan and the installation of the required traffic signal control hardware on-site to the satisfaction of the General Manager, Transportation Services; and

- (d) notwithstanding 3 (a), (b) and (c) above, the owner may submit a revised Transportation Impact Study to provide such alternative timing for the implementation of 3 (a), (b) and (c) above, which may be considered at the sole discretion of, acceptable to, and to the satisfaction of, the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning and with any revised timing and implementation, including any identified improvements, secured in a manner satisfactory to the General Manager, Transportation Services, the Chief Planner and Executive Director, City Planning, and the City Solicitor.
- 4. Prior to the issuance of any above grade building permit in Area B, the owner shall address any modifications to the street network, including any physical modifications, new signalized intersections, and modifications to existing traffic control signals shall be at the owner's sole cost and expense and undertaken to the satisfaction of the General Manager, Transportation Services, including timing and phasing modifications to the signalized intersection of The Queensway and The West Mall and any necessary mitigation measures to address vehicle queue spillover for the northbound left-turn movements at the signalized intersection of The Queensway and The West Mall to the satisfaction of the General Manager, Transportation Services.
- 5. As a pre-approval condition of any site plan approval for Area B on the lands, the owner shall work with the owner of 25 The West Mall (Sherway Gardens Mall), regarding the future alignment and/or realignment of the proposed driveway on the southern portion of Area B with any existing or future condition at 25 The West Mall, whereby such alignments shall be satisfactory to the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning and such alignment of the proposed driveway to the existing and future condition at 25 The West Mall shall also be subject to the following:
 - (a) the owner shall, at its sole expense, conduct a warrant analysis on the intersection of the proposed driveway on the southern portion of Area B in order to determine the appropriate traffic control devices, and thereafter pay for, construct and implement any such approved traffic control devices, at the owner's sole cost and expense; all to the satisfaction of the General Manager, Transportation Services.
- 6. As a pre-approval condition of site plan approval on the lands for Area A, the owner shall convey a public access surface easement, including support rights, at no cost to the City, for public access connecting the existing public street segment of Sherway Drive through the development site connecting at the southern end of Area B to the West Mall, where vehicles would traverse the lands in a forward motion, where the owner shall operate, maintain, and repair the easement area, at its own expense, and the public shall be entitled to use the easement area at all times of the day and night, 365 days of the year, unless otherwise reduced times are authorized by the City whereby the details of terms and conditions relating to the easement and easement area, including indemnity and insurance requirements will be included in the Section 37 Agreement, where such size and location of the easement area be to the satisfaction of the General Manager, Transportation Services and the specific configuration of such easement area be determined in the context of a Site Plan Control application pursuant to Section 114 of the City of Toronto

Act, 2006, and secured in a Site Plan Agreement with the City, including any require signage relating to public access, satisfactory to the Chief Planner and Executive Director, City Planning and General Manager, Transportation Services.

- 7. The owner will construct and maintain the lands in accordance with Tier 1 of the Toronto Green Standard and the owner will be encouraged to achieve Tier 2 of the Toronto Green Standard or higher, where appropriate, consistent with the performance standards of the Toronto Green Standards applicable at the time of the site plan application for each building on the lands.
- 8. As a pre-approval condition of site plan approval on the lands for Area B, the owner shall implement any required mitigation measures including Wind mitigation measures from such accepted studies, at the sole cost and expense of the owner, associated with the proposed development, including any outdoor amenity space.
- 9. The owner shall at their sole expense:
 - (a) submit a revised Functional Servicing Report including confirmation of water and fire flow, sanitary and storm water capacity, Stormwater Management Report and Hydrogeological Review, including the Foundation Drainage Report and required discharge review with the Toronto and Region Conservation Authority (the "Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - (b) secure the design and provision of financial securities for any upgrades or required improvements to the existing municipal infrastructure and/or new municipal infrastructure identified in the accepted Engineering Reports to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services should it be determined that improvements or upgrades and/or new infrastructure are required to support the development and such matters that may be secured through the appropriate agreement(s) satisfactory to the Chief Planner and Executive Director, City Planning, the Chief Engineer and Executive Director, Engineering and Construction Services, and the City Solicitor; and
 - (c) make satisfactory arrangements with the Chief Engineer and Executive Director, Engineering and Construction Services for the construction of new infrastructure or any improvements to the municipal infrastructure, should it be determined that new infrastructure and/or upgrades/improvements are required to the existing infrastructure to support this development, and that the owner has entered into a financially secured agreement to pay for and construct any necessary municipal infrastructure.
- 10. The owner agrees that any off-site parking required to meet the by-law requirement is subject to acceptable and secured agreement(s) with the applicable property owner(s) of the land(s) upon which the off-site parking is located satisfactory to the General Manager, Transportation Services.



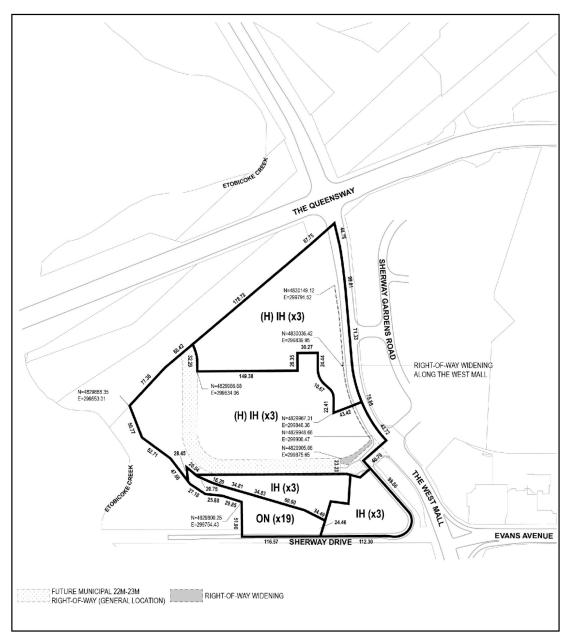
TorontoDiagram 1

140, 150, 160, 170, 190 and 220 Sherway Drive

File # 19 264614 WET 03 0Z

Note: Measurements are approximate and should be superseded by contents of relevant reference survey plans.





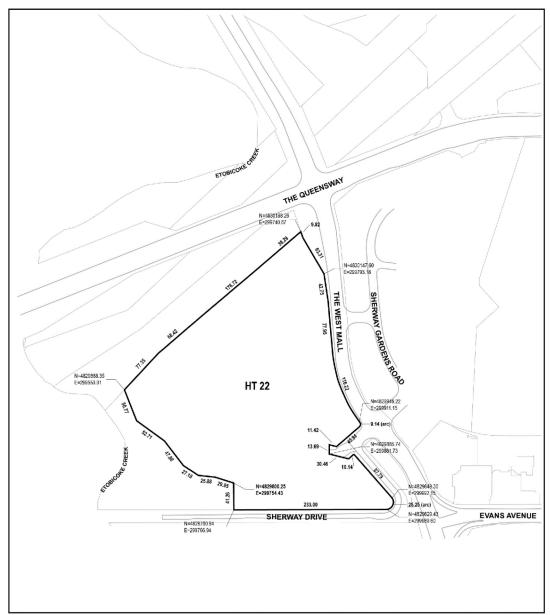
MToronto Diagram 2

140, 150, 160, 170, 190 and 220 Sherway Drive

File # 19 264614 WET 03 0Z

Note: Measurements are approximate and should be superseded by contents of relevant reference survey plans.





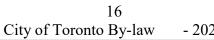
ITORONTO Diagram 3

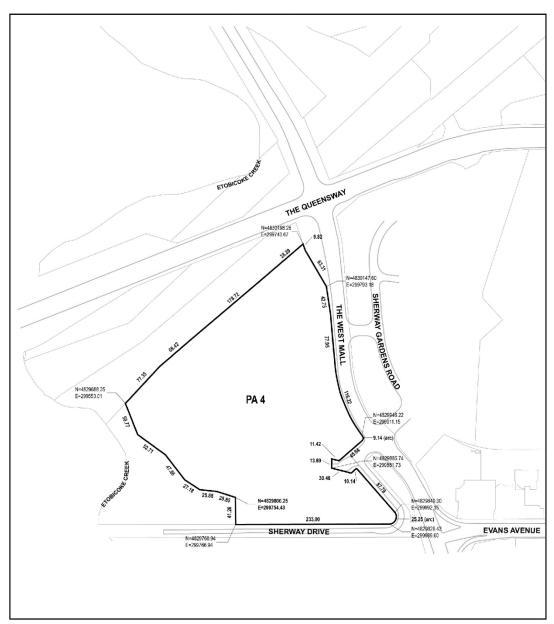
140, 150, 160, 170, 190 and 220 Sherway Drive

File # 19 264614 WET 03 0Z

Note: Measurements are approximate and should be superseded by contents of relevant reference survey plans.







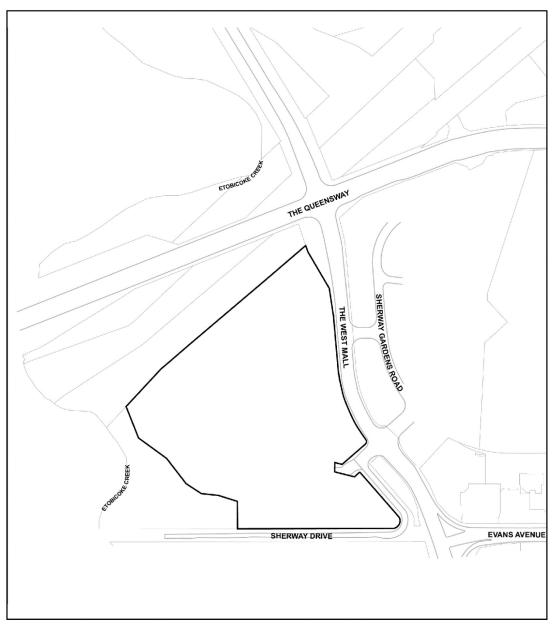
TorontoDiagram 4

140, 150, 160, 170, 190 and 220 Sherway Drive

File # 19 264614 WET 03 0Z

Note: Measurements are approximate and should be superseded by contents of relevant reference survey plans.





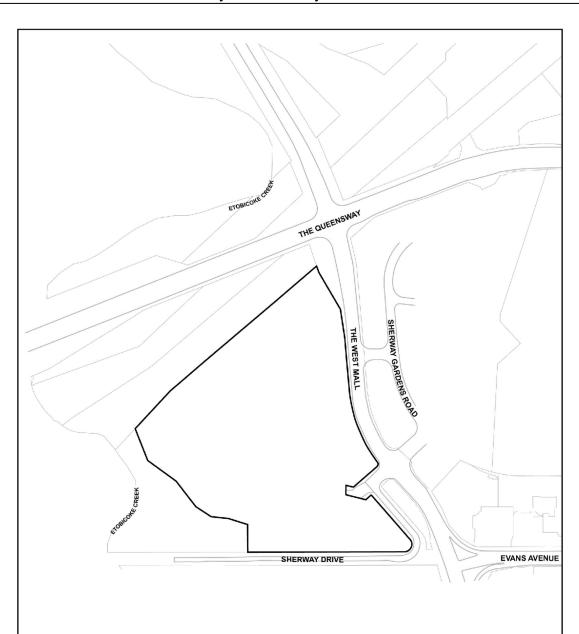
TorontoDiagram 5

140, 150, 160, 170, 190 and 220 Sherway Drive

File # 19 264614 WET 03 0Z

Note: Measurements are approximate and should be superseded by contents of relevant reference survey plans.





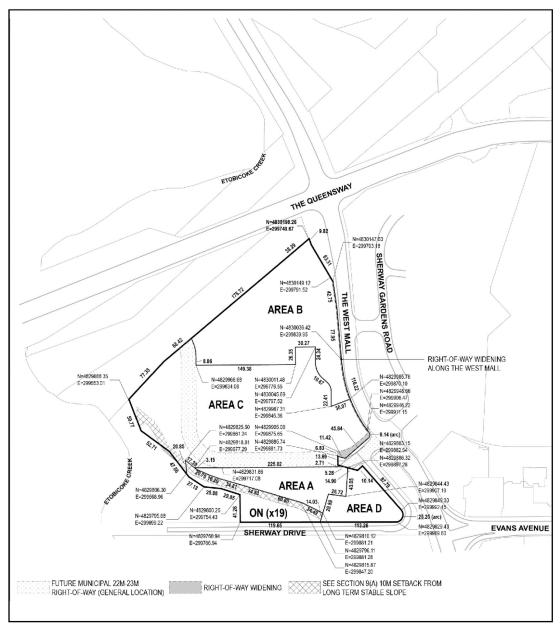
Toronto Diagram 6

140, 150, 160, 170, 190 and 220 Sherway Drive

File # 19 264614 WET 03 0Z

Note: Measurements are approximate and should be superseded by contents of relevant reference survey plans.

City of Toronto By-law 569-2013 Not to Scale 08/25/2021



MToronto Diagram 7

140, 150, 160, 170, 190 and 220 Sherway Drive

File # 19 264614 WET 03 0Z

Note: Measurements are approximate and should be superseded by contents of relevant reference survey plans.



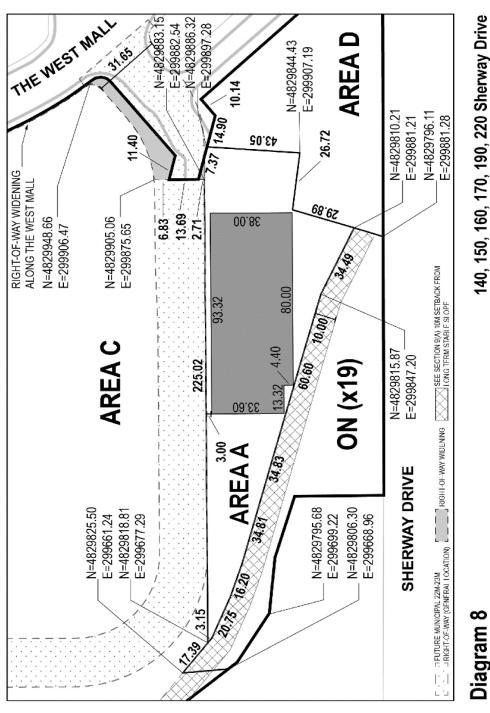


Diagram 8 Area ANote: Measurements are approximate and should be superseded by contents of relevant reference survey plans.

Metres 60

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