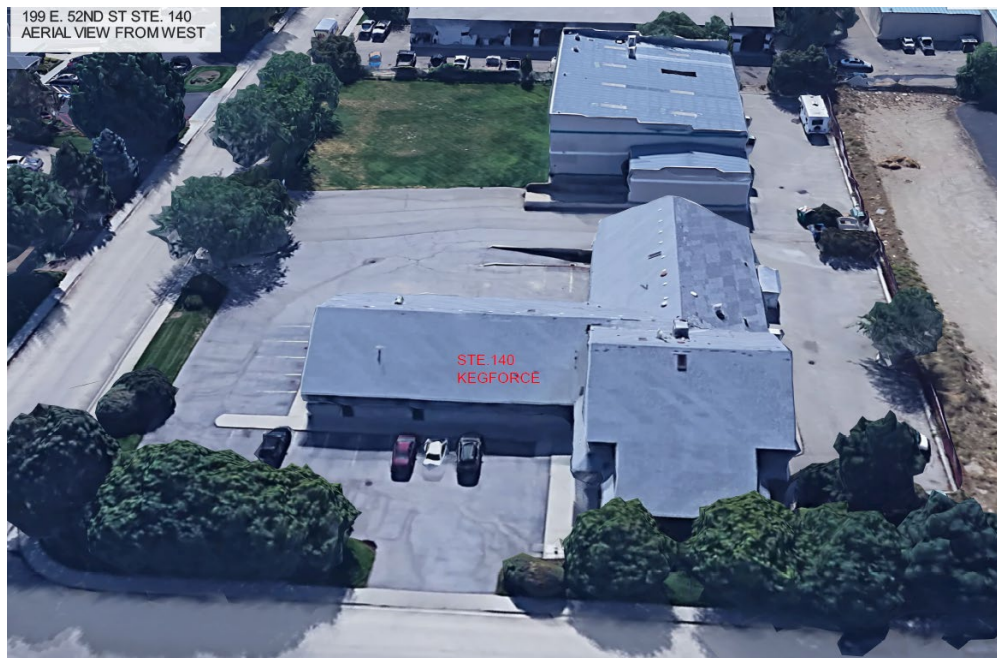




CITY OF GARDEN CITY

6015 Glenwood Street □ Garden City, Idaho 83714
Phone (208)472-2921 □ Fax (208)472-2926

File Number: CUPFY2024 - 0005
Requested Use: Commercial Coffee Roasting
Use as Defined By GCC Title 8: Food Products, Small Scale Processing (Coffee Roasting)
Location: 199 E. 52nd St. STE. 140
Applicant: Patrick McKeegan
Planning and Zoning Commission Hearing Date: March 20, 2024 6:30 p.m.



STAFF REPORT

Prepared by Staff: Hanna Veal and Mariia Antonova
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A. Project Information

Proposed Scope of Work:

Request	Review Process
Conditional Use Permit	GCC 8-6B-2

A conditional use may be found to be appropriate or inappropriate at a given property. In some situations, conditions of approval may be required to assist the proposed use in being appropriate to a location and in conformance with code. In other situations where the use cannot be conditioned to be appropriate to the location or code, it should not be permitted.

Project Details:

- 1) Applicant: Patrick McKeegan
- 2) Owner: SAHARA GROUP LLC
- 3) Title 8 Use: It has been determined that the Garden City defined use that best describes the use is: Food products, small scale processing.
- 4) Definition of Use: Garden City Code 8-7A-1 defines this use as: The use of a site for producing, manufacturing, or processing of food products on a boutique or small scale and limited production. The use often contains a tasting or dining area. The use includes, but is not limited to, catering, smoking and curing, canning and preserving, confectioneries, brewing and winemaking.
- 5) The applicant has not proposed exterior work.

Site Conditions:

- 1) Existing Use: Retail production
- 2) Street Address: 199 E. 52nd St. STE. 140
- 3) Parcel Number(s): R1055420180 & R1055420181
- 4) Property Description: POR LOT 01 BLK 03 IN TCA 06-1 BRADLEY PARK SUB NO 01 #96085105 & POR LOT 01 BLK 03 IN TCA 06 BRADLEY PARK SUB NO 01 #96085105
- 5) Legal Lot of Record: Yes
- 6) Property Size: 1.8 acres
- 7) Zoning District: C-2 General commercial
- 8) Zoning Overlay(s): Neighborhood Commercial Node
- 9) Comprehensive Plan Land Use Map Designation:
 - a) Light Industrial Bradley Technology District
 - b) Activity Node: Neighborhood Destination
- 10) The project is in the:
 - a) outside of the Special Flood Hazard Area according to the 2020 adopted FIRM (the FIRM has adopted seclusion and utilizes the 2003 Flood Insurance Study).
 - b) outside of the Special Flood Hazard Area according to FEMA's most recent model as adopted by resolution 1083-20.
- 11) Surrounding Uses:
 - a) Professional Services
 - b) Drinking establishment, limited service
 - c) Food products, small scale processing
 - d) Animal care Facility
 - e) Warehouse, storage and wholesale
- 12) Adjacent Zoning: C-2

13) Adjacent Comprehensive Plan Designations:

- a) Green Boulevard Corridor
- b) Light Industrial Bradley Technology District
- c) Activity Node: Neighborhood Destination

14) Easements on site: EASEMENTS: BRADLEY FIELD BUSINESS PARK MAP; 200600020; WATER AND SEWER MAIN EASEMENT

15) Site Access:

- a) Front: N. Sawyer Ave.
- b) Side: E. 52 St.

16) Sidewalks: Sidewalks are installed and are in good repair

17) Wetlands on site: None identified

C. Discussion

The applicant is currently operating a small coffee shop at 199 E. 52nd St. Suite 140 and is wanting to add a small capacity coffee roaster.

The requested use of “Coffee Roasting” on a small scale is not listed in Garden City Code schedule of uses. GCC 8-2B-2 allows the planning official to determine whether the use is equivalent to a permitted or conditional use. The applicant’s use is intended to provide coffee for retail consumption versus a large scale wholesale roaster. The use is similar in scope and scale to the use “Food Products, Small Scale Processing” with an Accessory Use”, both defined in GCC 8-7A (Definitions) as:

Food Products, Small Scale Processing: The use of a site for producing, manufacturing, processing of food products on a boutique or small scale and limited production. The use often contains a tasting or dining area. The use includes but is not limited to catering, smoking and curing, canning and preserving, confectionaries, brewing and wine making.

Accessory Use: A use that is incidental, auxiliary and subordinate to the principal use, and is conducted upon the same property. Examples include but are not limited to the parking and storage intended solely for the primary use.

The intent of the use is to provide fresh coffee to consumers for immediate consumption. The small-scale nature of the proposed use positively contributes to bringing a “sense of place” to the neighborhood and is more of an artisanal activity. The use is not intended to be industrial in nature. However, small scale coffee roasting, if not regulated, can produce emissions that can have a negative impact on neighborhood residents.

The planning official has determined the use to be “Food Products Processing, Small Scale with Accessory Coffee Roaster” and requires a conditional use permit in the C-2 Neighborhood Commercial Zoning District due to concerns regarding emissions emitted during the coffee roasting process.

Odor and emissions from the coffee roaster are a significant concern, as they can potentially offend and interfere with adjoining and surrounding property. A condition of approval is recommended prohibiting outdoor coffee roasting and requiring the use to have no discernible odor or emission detectable from outside of the property. An additional condition is recommended requiring the coffee roasting machine to use emission control equipment to eliminate all odors and emissions from the use.

Compliance with Idaho Department of Environmental Quality requirements regarding emissions is governed by the standard conditions of approval applicable to all agency requirements.

D. Decision

The Planning and Zoning Commission has been provided a draft document that includes findings of fact, conclusions of law, and a decision in the affirmative and in denial. This is done to provide potential options based on the staff's review of the project. This is not intended to be a predetermined decision. All evidence will be considered, and the document may be updated based on the Planning and Zoning Commission's review of the application.

Required Decisions:

Pursuant to Garden City Code [Table 8-6A-1 Authorities and Processes](#), Planning and Zoning Commission is the final decision maker for a Conditional Use Permit. There is no recommending authority to the Planning and Zoning Commission. Pursuant to [GCC 8-6A-2A](#), The City Council shall have the authority to review any action taken by the Planning and Zoning Commission regarding Conditional Use Permits, which would be final unless appealed.

Required Findings:

To approve a conditional use permit, the Planning and Zoning Commission must find the application meets the following findings found in [GCC 8-6B-2](#):

1. The use is appropriate to the location, the lot, and the neighborhood, and is compatible with the uses permitted in the applicable zoning district;
2. The use will be supported by adequate public facilities or services to the surrounding area, or conditions can be established to mitigate adverse impacts;
3. The use will not unreasonably diminish either the health, safety or welfare of the community; and
4. The use is not in conflict with the comprehensive plan or other adopted plans, policies, or ordinances of the city.

Decision:

After hearing the evidence and considering the application, the decision maker shall make their decision. The decision maker shall report the facts upon which it based its conclusion, the ordinance and standards used in evaluating the application, the actions, if any, that the applicant could take to obtain a permit, and whether a permit is :

1. Granted,
2. Granted with conditions, or
3. Denied.

The decision maker may find that there is inadequate information to render a decision and may also continue the hearing for additional materials to be supplied. It is recommended that they continue the hearing to a date certain for noticing purposes.

The decision maker shall make its findings and decision no later than by the next regular scheduled meeting.

If there is a denial, state code requires that the decision maker identify what could be done to obtain approval.

Appeal of Decision:

Pursuant to 8-6A-9 Appeals, those with standing may appeal a decision within fifteen days from the date of **action**. Action is the date the Planning and Zoning Commission formalizes their decision. The Planning and Zoning Commission may formalize their decision by approving a draft decision or a draft decision with noted changes at the hearing. If additional time is needed to review the decision document for accuracy, they may continue the formalization of the decision to a subsequent meeting. The date of action may be a different date than the applicant is provided with a signed copy of the decision in accordance with Idaho Code 67-6535.

An appeal is \$210 plus the costs of transcripts and must be filed on the appeal application form provided by the City. Appeals received after the 15-day appeal period will not be considered timely and will not be accepted.

E. Agency Comments

The following agency comments were provided:

Agency	Comment Date	Summary
Ada County Highway District Link to Comment	02/15/2024	The Ada County Highway District (ACHD) has reviewed the submitted application and has determined that there are no improvements required to the adjacent street(s).
Department of Environmental Quality Link to Comment	02/12/2024	General comments provided
Garden City Engineer Link to Comment	02/17/2024	<ul style="list-style-type: none"> • There are two tax parcel numbers for this site. • Approval of the project by the North Ada County Fire and Rescue District will be required. Should fire flow requirements exceed those available, land use, improvement of off-site city water lines or other efforts may be necessary to obtain approval of plans. • New water and sewer services, if any, must be reviewed and approved by the city’s Public Works Department. The applicant is responsible to verify that adequate water system supply is available to provide any fire suppression water needs. The applicant is responsible to confirm/verify that adequate sewer capacity is available, and that the existing system depth is adequate to serve the site. • The applicant should review the original FEMA work maps (not the current adopted maps) as the city has been placed in seclusion. The current maps (June 2020) do not display the possible future risk of the flooding potential of the Boise River. The work maps are available

		on the Garden City website as a link on the right side of the page under "Floodplain". If the lowest floor building elevation is below the draft map BFE, a Flood Risk Acknowledgement form may be required from the landowner/developer.
Idaho Transportation Department Link to Comment	02/20/2024	The Department has no comments or concerns to make currently.
North Ada County Fire and Rescue Link to Comment	02/20/2024	North Ada County Fire & Rescue District has reviewed and can approve the application subject to compliance with all the applicable code requirements and conditions of approval per the International Building Code, International Fire Code, and NACFR rules. These provisions are best addressed by a licensed Architect at the time of building permit application when making tenant improvements.

F. Public Comment

The following public comments were provided:

Commenter	Comment Date	Summary
Klamerus Laurie	02/20/2024	In approval

G. Code/Policy Review

The below serves as an analysis of applicable provisions Garden City Code, Title 8, Development Code and identified applicable policies, plans, and previous approvals.

Garden City Title 8 Code Sections			
Code Section	Review Authority	Compliance Issues	Analysis/ Discussion
Title 8, Chapter 1: General Regulations			
8-1A-4 Applicability	Choose an item.	No compliance issues noted	The regulations of Garden City Code, Title 8 Development Code of the City, shall apply and govern development and use of all properties within the corporate limits of the city.
8-1B-3 Nonconforming Uses			Food Products, small scale processing is a permitted use within the C-2 zoning district that would not require a conditional use permit. However, the installation and use of a coffee roaster as an accessory use is triggering the requirement of a conditional use permit.
Title 8, Chapter 2: Base Zoning District Regulations			
8-2B-1 Purpose	PZ	No compliance issues noted	The purpose of the two (2) commercial districts is to provide a full range of commercial uses and services for both the residents of Garden City and the region. Location determines the type and form of commercial uses. More intense commercial activities are intended to be located along arterial streets in the highway commercial (C-1) district. Activities which are more compatible with mixed use or residential uses

			and minimally disruptive to the neighborhood are to be located in the general commercial (C-2) district.
8-2B-2 Allowed Uses	PZ	Compliant upon approval of CUP	Garden City Code Table 8-2B-1 does not require a conditional use permit for food products, small scale processing. However, the accessory use of a coffee roaster does require a conditional use permit.
8-2B-3 Form Standards	PZ	No compliance issues noted	The applicant is not proposing any exterior changes to the building. The structures and site appear to be compliant with form standards.
8-2C-18 Food Products Processing	PZ	Not Applicable	There are no land use conditions specific to this use.
Title 8, Chapter 4: Design and Development Regulations			
8-4A-3 Fences and Walls	PZ	Compliant as Conditioned	The existing fences are chain link and chain link with slats which are a prohibited fencing materials according to the Garden City Code 8-4A-3. A draft condition of approval has been provided requiring that the fences be removed or replaced with code compliant fencing. Or if the fences do not belong to the subject property, then an affidavit of non-ownership will be required to keep the fences. The tenant space is 2,250sqft of a 21,870sqft building(s) Following the rule of proportionality, the tenant space makes up for 10% of the structure. The tenant could be responsible for replacement of 10% of the existing non-compliant fence.
8-4A-4 Outdoor Lighting	PZ	Compliant as Conditioned	No lighting plan submitted. Any future outdoor lighting will be required to be in compliance with code at the time of development.
8-4A-5 Outdoor Service and Equipment Areas	PZ	May not be compliant	Not enough information. The plans do not reflect information how HVAC, trash enclosure or other service areas are screened. Google Streetview imagery shows trash enclosures being screened via a CMU wall on three sides, exposed to Sawyer Ave. Existing utility boxes and transformers along E. 52 nd are not adequately screened. This CUP does not propose any significant site changes; therefore, the Commission could exempt them from this requirement.
8-4A-7 Stormwater Systems	PZ	Compliant as Conditioned	A draft condition of approval has been provided requiring that the stormwater systems be built in compliance with provisions of 8-4A-7.
8-4A-8 Utilities	PZ	Not Applicable	A new structure is not proposed.

8-4A-9 Waterways	PZ	No compliance issues noted	There does not appear to be Boise River irrigation facilities to the site.
8-4D Parking and Off Street Loading Provisions			
8-4D-3 Parking Design and Improvement Standards	PZ	Compliant as Conditioned	The design standards as set forth in section 8-4D-3 of this chapter, Parking Design and Improvement Standards, shall apply to any new construction, significant improvement, or moving of a structure, and as required by a conditional use permit. Parking space dimensions were not provided. More information required. 90-degree parking is required to be 9' x 20'.
8-4D-4 Parking Use Standards	PZ	No compliance issues noted	Upon any change of use, the number of vehicle parking spaces to be provided shall be calculated according to the requirements for the new use
8-4D-5 Required Number of Off-Street Parking Spaces	PZ	Compliant as Conditioned	Small Scale Food Processing is considered a medium use requiring 1 vehicular parking space per 1,000sqft. The tenant space is 2,250sqft. Vehicle spaces required: 2 Vehicle spaces provided: 21 (on-site) <i>*Building permits associated the property have identified 7 vehicular parking spaces specifically designated to the coffee tenant lease space. (Figure 1)</i> Bicycle spaces required: 2 Provided: 0
8-4D-6 Standards for Equivalent Parking Adjustments	PZ	No compliance issues noted	None requested
8-4E Transportation and Connectivity Provisions			
8-4E-2 Applicability			Provisions apply to any new construction, addition, expansion, grading, alteration, or any new or <u>more intense use of property</u> .
8-4E-3 Public Street Connections	PZ	Compliant as Conditioned	A general condition has been drafted to ensure that the clear vision triangle is maintained.
8-4E-4 Internal Circulation Standards	PZ	No compliance issues noted	Comments have not been received by Republic Services. Staff assumes the continued use of the existing trash enclosures is not impacted by the use.
8-4E-6 Sidewalk Standards	PZ	No compliance issues noted	There is an existing attached 5' sidewalk on the subject property and on both adjacent properties.
8-4E-7 Pedestrian and Bicycle Accessibility Standards	PZ	Compliant as Conditioned	There is no clear pedestrian access from the public sidewalk to the entrance. Code requires that a direct, convenient and attractive pathway system is provided for on site from the public sidewalk to the primary entrances of the building.

8-4I Landscaping and Tree Protection Provisions

8-4I-2 Applicability			For all new residential and nonresidential uses, all landscaping standards of this article shall be met.
8-4I-3 General Landscaping Standards and Irrigation Provisions	PZ	No compliance issues noted	
8-4I-4 Landscaping Provisions for Specific Uses	PZ	Compliant as Conditioned	<p>A minimum of five percent (5%) of the gross site area shall be landscaped areas, excluding areas for setback or perimeter landscaping. Site area: 77,908sqft Required landscaping: 3,895sqft Landscape provided: 22,155sqft (28%) <i>*There is a large grass area on the northeastern portion of the property that measures ~11,000sqft. This area makes up the majority of the landscaping on site, and the calculation does not include the setback area or landscaping most adjacent to N. Sawyer.</i></p> <p>A minimum of one class III or class II tree shall be planted in the frontage and every adjacent streetside. An additional class I tree shall be planted in the corresponding setback for every increment of fifty feet (50') of linear feet of frontage. Required trees on 52nd St. (211LF): 5 Trees provided: 6</p> <p>Required trees on Sawyer (315LF): 7 Trees provided: 6 (Deficient 1) *Applying the rule of proportionality, the tenant does not need to plant this tree.</p> <p>A minimum of one tree per one thousand (1,000) square feet of landscaped area and one shrub per one hundred fifty (150) square feet of landscaped area shall be planted. Landscape provided: 22,155sqft Trees required: 22 Shrubs required: 147</p> <p>The tenant space is 2,250sqft of a 21,870sqft building(s) Following the rule of proportionality, the tenant space makes up for 10% of the structure. The tenant could be responsible for replacement of 10% of the required landscaping. Trees required: 2.2 Provided Shrubs required: 14.7 (15 rounded up) Not enough information to review)</p>
8-4I-5 Perimeter Landscaping Provisions	PZ	Not Applicable	Not required.
8-4I-6 Parking Lot Landscaping Provisions	PZ	Not Applicable	

8-4I-7 Tree Preservation Provisions	PZ	No compliance issues noted	No trees are proposed to be removed.
Title 8, Chapter 6, Article A: Administration			
8-6A-3 General Application Process		No compliance issues noted	The application was reviewed and considered complete within 30 days of submittal, a notice of application acceptance was issued to the applicant, and staff started processing the application.
8-6A-4 Required Application Information			Application waivers requested pursuant to 8-6A-4A: <ul style="list-style-type: none"> - Landscape plan - Building elevations - Public school checklist - Utility plans
8-6A-7 Public Hearing Process		No compliance issues noted	The applicant provided a neighborhood meeting more than one month and less than three months prior to application submittal. The City provided a radius notice, notifications to agencies with jurisdiction, and ran a legal notice in the Idaho Statesman, at least 15 days prior to the first hearing. The applicant provided an affidavit of property posting more than 7 days in advance of the hearing validating that the property was posted more than 10 days prior to the hearing.

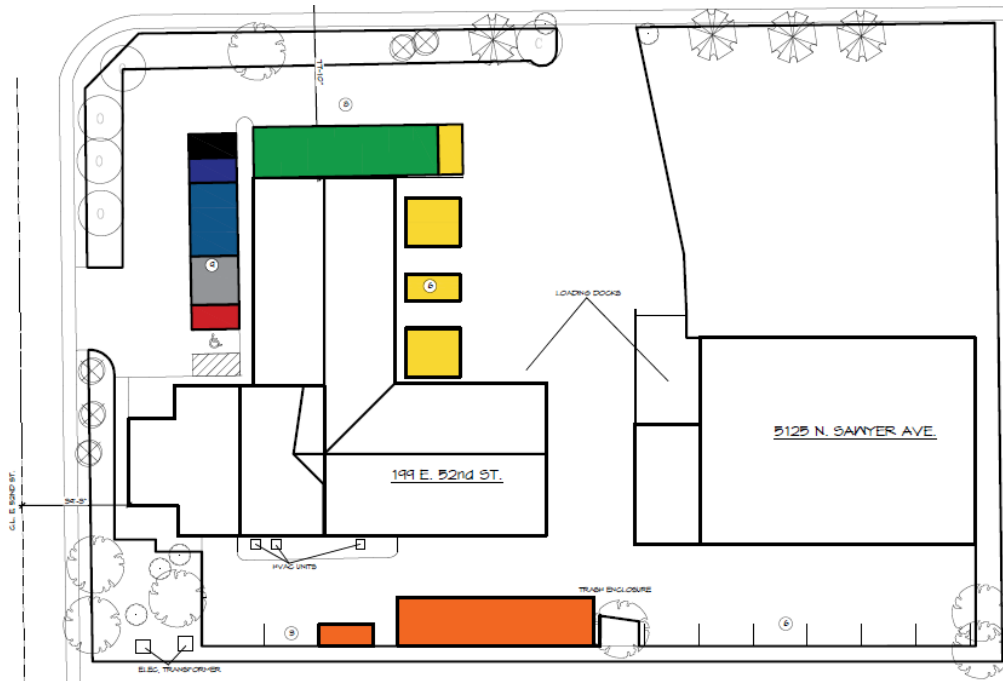
Other Items Reviewed	
Plan/Policy	Discussion/ Analysis
Idaho Code 67-6512 Local Land Use Planning Special Use Permits, Conditions, and Procedures	<p>Garden City Code noticing requirements are compliant with this Statute.</p> <p>The statute notes that upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those:</p> <ol style="list-style-type: none"> (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. <p>Prior to granting a special use permit, studies may be required of the social, economic, fiscal, and environmental effects and any aviation hazard as defined in section 21-501(2), Idaho Code, of the proposed special use. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one (1) parcel of land to another.</p>

<p>Previous entitlement that might affect this project</p>	<p>BUSFY2022-0038; BLDFY2022-0050; BLDFY2023-0073: Identified parking spaces designated for coffee business tenant, and other tenants. Coffee tenant has 7 designated parking spaces.</p>
<p>Garden City Comprehensive Plan</p>	<p>Idaho Code § 67-6512(a), requires that special or conditional use permits shall be issued only when “not in conflict with the [comprehensive] plan.” The reason for the special treatment of conditional use permits, presumably, is that by their nature, they allow uses not in accordance with the normal zoning for an area. Thus, conditional use permits are, in essence, mini-zones. Conditional use permits are not required to be “in accordance with” the comprehensive plan. Instead, it is sufficient that they not be “in conflict” with the comprehensive plan.¹</p> <p>This application is in future land use designations of the Comprehensive Plan:</p> <p>The land use map shows generalized designations for future land uses. The map also identifies unique possibilities for land use and areas for future studies. The following is an explanation for the designations shown in the legend on the land use map.</p> <p>1. ACTIVITY NODE: Activity nodes are identified on the Land Use Map for neighborhood centers, local and regional destinations, and locations in proximity to existing and future transit stations and stops. Activity centers range in size depending on their function and location. Some nodes may be centered around the intersection of major streets or extend down a street to connect major community facilities. The common characteristics of the activity nodes are a mix of uses, public spaces, compatible transition to the uses surrounding the nodes and non-motorized connections to within a quarter mile walkable area of the node center. Some nodes, especially around transit stations, would have higher density (at least 14-20 units per acre) and multi-story development (three or more stories). It is not intended that all nodes could be developed within the twenty-year period of the plan. Activity Nodes by type shown on the Land Use Map are as follows: Neighborhood and Destination Centers: The centers should be focused on uses that facilitate making the location a destination. Uses may include small scale retail, art, office, and higher density residential. <u>Identified centers are:</u></p> <ul style="list-style-type: none"> • Adams and 50th Streets intersection to the Boise River • Adams and 42nd street intersection to the Boise River. • East city boundary to 36th street between the Boise River and Chinden Boulevard • Glenwood and Marigold Streets intersection • Chinden Boulevard and Garrett Street intersection • Chinden Boulevard and 50th Street intersection • State Street and Pierce Park Transit Oriented Development Nodes • Chinden Boulevard and Glenwood Street intersection • Chinden Boulevard and Veterans Parkway intersection • State Street and Horseshoe Bend Road • State Street and Glenwood Street

¹ [2022 Givens Pursley Land Use Handbook](#)

	<p>2. LIGHT INDUSTRIAL BRADLEY TECHNOLOGY DISTRICT: The light industrial designation reflects an intent to maintain the area of existing industrial uses, around Bradley Street and north of Chinden. Industrial development includes: materials processing and assembly, product manufacturing, storage of finished products, and truck terminals. Manufacturing support facilities such as offices and research-related activities should also be allowed in this area, but other non-industrial uses should be limited. Major consideration in regulating industrial uses should be setbacks, buffering and landscaping from adjacent residential uses. Standards should also be directed toward control of light, glare, noise, vibration, water and air pollution; use and storage of toxic, hazardous or explosive materials; and outdoor storage and waste disposal.</p> <p><u>The application may be supported by:</u></p> <p>Goal 1. Nurture the City</p> <ul style="list-style-type: none"> • 1.4 Objective: Create a premier destination place to live, work, and recreate. <p>Goal 2. Improve the City Image</p> <ul style="list-style-type: none"> • 2.2 Objective: Uphold standards for private property maintenance with a focus on nonresidential properties. • 2.4 Objective: Create a vision for the design of all streets and highways consistent with city’s urban setting. <p>Goal 4. Emphasize the “Garden” in Garden City</p> <ul style="list-style-type: none"> • 4.1 Objective: Beautify and landscape. <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> • 7.4 Objective: Maintain and improve standards for sidewalks, curbs and gutters. <p>Goal 12. Evolve as a Destination</p> <ul style="list-style-type: none"> • 12.1 Objective: Support a positive business environment. • 12.2 Objective: Continue to support commercial and industrial land uses. • 12.3 Objective: Create a premier destination for work, recreation, entertainment, culture and commerce. <p><u>The application may not be supported by:</u></p> <p>Goal 7. Connect the City</p> <ul style="list-style-type: none"> • 7.1 Objective: Create pedestrian and bicycle friendly connections.
<p>Garden City Sidewalk Policy</p>	<p>No waiver submitted and no waiver required. Attached sidewalk already exists.</p>
<p>Garden City Street Light Policy</p>	<p>The City has adopted the goal of providing street lights in areas at a maximum spacing of 400 feet, and at locations where street lighting will improve public safety. For purposes of this document, the 400-foot maximum criteria applies in areas of relatively straight and level streets that have no obvious traffic conflict.</p> <p>It has not been conditioned in the drafted decision document to require the installation of a streetlight in accordance with this policy due to the proportionality rule.</p>

Images



suite	uses	sf	per sf	total	rounded
110	office	189	300	0.63	1
130	warehouse	4260	500	8.52	9
140	coffee warehs	1905	300	6.35	7
150	office work	1872	300	6.24	7
220	office	724	300	2.41	3
230	office	290	300	0.97	1
240	office	534	300	1.78	2
250	office	98	300	0.33	1
					31

Parking Key
199 E. 52nd St.

Figure 1: Parking plan for entire site including each tenant's designated parking. Plan is associated with BLDY2022-0054.