Report to Planning and Environment Committee

To: Chair and Members

Planning & Environment Committee

From: Scott Mathers MPA, P. Eng.,

Deputy City Manager, Planning and Economic Development

Subject: 1350 Trafalgar Street

Public Participation Meeting

Date: January 9, 2023

Recommendation

That, on the recommendation of the Acting Director, Planning and Development, the following actions be taken with respect to the application of McFalls Storage o/a Forest City Storage relating to the property located at 1350 Trafalgar Street, the proposed bylaw attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 24, 2023, to amend Zoning By-law No. Z.-1, in conformity with the Official Plan for the City of London (The London Plan, 2016) to change the zoning of the subject property **FROM** a General Industrial (GI1(8)) Special Provision Zone **TO** a Restricted Service Commercial (RSC4(_)) Special Provision Zone.

Executive Summary

Summary of Request

The applicant has requested to rezone the subject site from a General Industrial GI1(8) Special Provision Zone to a Restricted Service Commercial (RSC4(_)) Special Provision Zone to permit a self-storage establishment within the existing building.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended Zoning By-law amendment is to rezone the lands to a Restricted Service Commercial (RSC4(_)) Special Provision Zone to permit a self-storage establishment within the existing structure. The proposed amendment will allow the existing building on site to be used for self-storage purposes and shall accommodate the new use wholly within the existing structure with no exterior changes proposed regarding the site configuration or building footprint. Special provisions are requested to permit the existing front, interior, and rear yard setbacks, landscaped open space, and gross floor area. Changes to the currently permitted land uses and development regulations are summarized below.

Rationale of Recommended Action

- 1. The recommended amendment is consistent with the Provincial Policy Statement, 2020.
- 2. The recommended amendment conforms to the policies of The London Plan, including but not limited to the Key Directions and Light Industrial Place Type.
- The recommended amendment conforms to the in-force policies of the Brydges Street Area regarding commercial uses on lands within the Light Industrial Place Type.
- The recommended amendment would facilitate the reuse of an otherwise underutilized industrial warehouse within an existing area that already facilitates both industrial and commercial uses.
- The proposed amendment will assist in transitioning the area south of the railway corridor to commercial-oriented uses which are appropriate for the existing mixed-use landscape.

1.0 Background Information

1.1 Property Description

The subject lands are located northeast of the Highbury Avenue North and Trafalgar Street intersection, directly south of the Canadian National Railway tracks and within the Hamilton Road Planning District. The site is 1.2 hectares in size at the intersection of Trafalgar Street and Highbury Avenue North, with frontage onto Highbury Avenue North (97.7m). The existing industrial building on site currently contains both industrial and retail uses, while the remainder of the lands are comprised of hardscaped/gravel surface area parking and outdoor storage areas.



Figure 1: Photo of 1350 Trafalgar Street from Trafalgar Street



Figure 2: Photo of 1350 Trafalgar Street from Highbury Avenue North (frontage)

1.2 Current Planning Information

- The London Plan Place Type Light Industrial
- Brydges Street Specific Policy Area
- Existing Zoning General Industrial (GI1(8))
- Street Classification- Civic Boulevard (Trafalgar Street), Urban Thoroughfare (Highbury Ave North)

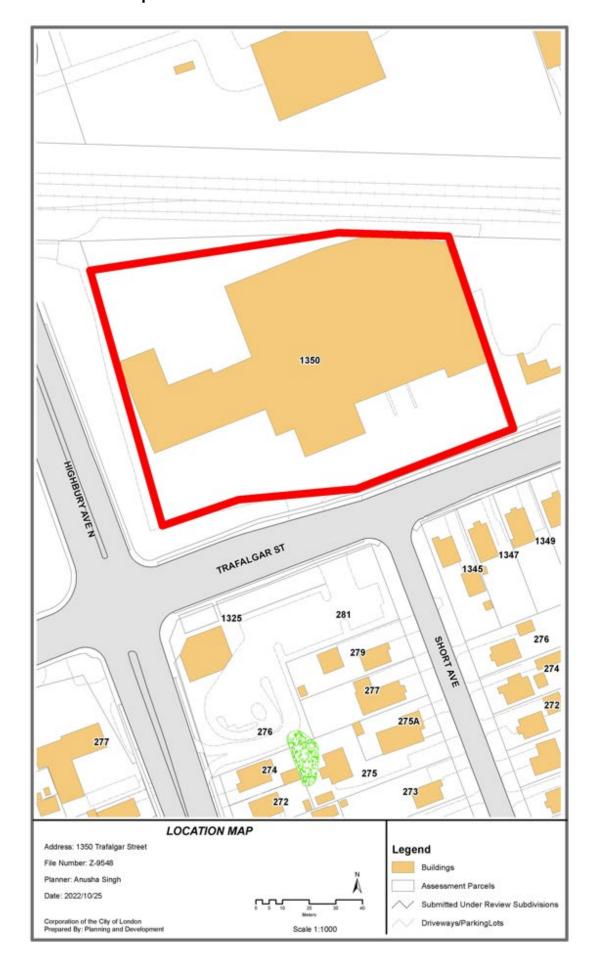
1.3 Site Characteristics

- Current Land Use Industrial Building (containing industrial, retail, and selfstorage uses)
- Frontage –Highbury Avenue North (97.7m)
- Area –1.2 hectares
- Lot Coverage 51%
- Shape Irregular

1.4 Surrounding Land Uses

- North Industrial and CN Railway Tracks
- East Former Industrial Lands and Residential
- South Commercial and Residential
- West Commercial

1.5 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

The applicant has requested to rezone the subject lands to allow the existing building to be re-used to accommodate a self-storage establishment. No exterior changes to the subject lands are proposed save and except for repurposing of existing signage and landscaping.

Figure 2: Existing Site Conditions (Aerial View)



Figure 3: Proposed Site Plan (All changes to remain within the existing building)



2.2 Requested Amendment

The applicant has requested to rezone the lands to a Restricted Service Commercial Special Provision (RSC (_)) Zone to allow the entire building on site to be re-used for a self-storage establishment. Special provisions are requested to permit the existing front, interior, and rear yard setbacks, landscaped open space, and gross floor area.

2.3 Community Engagement (see more detail in Appendix B)

No comments were received from the public on this file.

3.0 Financial Impact/Considerations

None.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: PPS 2020

Provincial Policy Statement, 2020

The PPS promotes the integration of land use planning, growth management, transitsupportive development, intensification, and infrastructure planning to achieve costeffective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)).

Settlement areas are directed to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2). Land Use patterns within these areas shall also be based on densities and a mix of land uses which are transit supportive where transit exist and support active transportation (1.1.3.2).

Employment Areas are intended to be planned for, protected, and preserved for current and future uses. These areas shall ensure that the necessary infrastructure is provided to support current and projected needs. Specifically, planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations (1.3.2.6).

Planning authorities shall also promote economic diversity, development, and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs (1.3.1). Lastly, the PPS encourages long-term economic prosperity to be supported by promoting opportunities for economic development and community investment-readiness (1.7.1 a)).

The recommended amendment is in keeping with the PPS 2020 as it will permit a compatible use within an existing building to broaden the range of uses in the area, meet the long-term needs of the community, and promote a more diverse economic base. The recommended amendment contributes to a land use pattern that makes efficient use of existing land and resources within a settlement area and is appropriate for the available infrastructure (avoiding the need for unjustified and uneconomical expansion).

4.2 Issue and Consideration #2: Key Directions, Use, Intensity and Form

The London Plan

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as

a foundation to the policies of the Plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction for making wise planning decisions by:

- Thinking "big picture" and long-term when making planning decisions considering the implications of a short-term and/or site-specific planning decision within the context of this broader view. (Key Direction #8, Direction 3)
- Ensuring new development is a good fit within the context of an existing neighbourhood. (Key Direction #8, Direction 9)

The London Plan also provides direction for building a mixed-use compact city for London's future by:

Planning for infill and intensification of various types and forms to take advantage
of existing services and facilities and to reduce our need to grow outward. (Key
Direction #5, Direction 4)

The area surrounding the subject lands, south of the CN railway tracks, primarily consists of low-rise residential and commercial uses that cater to the surrounding community. The proposed rezoning supports these Key Directions by requesting permission to allow a commercial-industrial use on a remnant industrial parcel (south of the CN Railway tracks) that would further support the transition of the lands from industrial to commercial uses to better serve the surrounding community. The proposed amendment intends to re-use the existing building and parking area to facilitate a self-storage establishment that would meet the needs of the nearby residential properties, whilst making use of an existing built form that already utilizes existing services and facilities.

The site is located within the Light Industrial Place Type of The London Plan at the intersection of a Civic Boulevard (Trafalgar Street) and an Urban Thoroughfare (Highbury Avenue North) as identified on Map 1 – Place Types and Map 3 – Street Classifications. Permitted uses within the Light Industrial Place Type at this location include a broad range of industrial uses that are unlikely to impose significant impacts on surrounding industrial land uses due to emissions such as noise, odour, particulates, and vibration. Uses with large amounts of open storage may not be permitted dependant on the character of the surrounding industrial area or any applicable guideline documents (The London Plan, Policy 1115_ (1 and 2)). The London Plan also includes regulations for all industrial areas and specifies that large open storage areas will be screened with fencing and landscaping that is appropriate within the surrounding context and view corridors (The London Plan, Policy 1125 (5)).

The site is also located within a Specific Policy Area for the Brydges Street Area which anticipates and allows for a transition to compatible commercial uses (1140A). The London Plan outlines policies specific to lands that are transitioning from industrial uses within areas that were formally dominated by industrial lands. The policy specifies that on remanent industrial parcels that exist within residential neighbourhoods, the repurposing of these parcels will be supported in locations where they are no longer compatible with surrounding land uses (The London Plan, Policy, 1121).

Policy 1121_ of the London Plan identifies the City's vision for parcels transitioning from Industrial uses and mentions that the repurposing of such parcels will be supported for land uses that are compatible with the neighbourhood context. Policies 1125_5 and 1125_7 also regulate that large open storage areas will be screened with fencing and landscaping that is appropriate within the surrounding context and view corridors, and that loading facilities will be located in areas that minimize the visual impact to other industrial uses and the street. Policy 1115_2 reiterates that large amounts of outdoor storage may not be permitted in the Light Industrial Place Type, dependent upon the character of the surrounding industrial area, specific policies at the end of this chapter, or any applicable guideline documents.

The subject site is within the Light Industrial Place Type of The London Plan and is located at the intersection of Highbury Ave N and Trafalgar Street which are considered

an Urban Thoroughfare and a Civic Boulevard, respectively, within The London Plan. At this location, a range of low to medium impact industrial uses that are unlikely to impose significant impacts on surrounding properties regarding noise, odour, vibration, or particulates may be permitted. A limited range of commercial uses that meet the criteria outlined in policy 1140A of The Brydges Street Area policies (and mentioned below) will also be permitted.

Brydges Street Area

The subject site is located within the Brydges Street Specific Policy Area of The London Plan. Within the Brydges Street Area, a limited number of commercial uses may be permitted through a site-specific zoning by-law amendment provided the following conditions can be met:

- 1. The commercial use is located within an existing building.
- Additions to or enlargement of the building to accommodate commercial uses will be discouraged. Substantial additions or alterations to existing buildings to accommodate commercial uses will not be permitted.
- 3. The commercial use does not fit well within the Downtown, Transit Village, Rapid Transit Corridor, Urban Corridor, Shopping Area or Main Street Place Type due to its planning impacts.
- 4. The commercial use may generate noise, vibration, or emission impacts.
- 5. The commercial use may generate large volumes of truck traffic.
- 6. The commercial use may require large storage and/or display space.
- 7. Minor variances to accommodate additional parking or minor variances that could have an impact on the industrial operations in the area will be discouraged.
- 8. The commercial use would not prevent the future re-use of the building for industrial uses.
- 9. The commercial use does not generate significant additional traffic that will interfere with the industrial uses or operations in the area.
- 10. The commercial use does not constitute a sensitive land use which would have an impact on or would impair or interfere with the existing or planned industrial use of the area.

The objective of the area-specific policies is to provide for a range of commercial land uses that are typically not suitable for other commercial areas within the City (The London Plan, 1140A). In 2017, following the Industrial Lands Development Strategy, it was concluded that industrial lands within the interior of the city (like the Brydges Street Area) have been seen to struggle to attract new industrial users. The criteria outlined above is intended to attempt and maintain the existing building stock within this area and to ensure that any commercial uses that do locate within the Brydges Street Area do not negatively impact existing or future industrial or residential uses. Moreover, commercial uses that meet the criteria above are generally inappropriate to be located along main streets or within commercial plazas (Policy 1140A (3)). Allowing the location of such commercial uses within the Brydges Street Area aids in decreasing the amount of underutilized and vacant industrial buildings within the city whilst maintaining the existing building stock should new industrial users be attracted to the area in the future. Commercial uses which are permitted should not outright prevent the existing industrial buildings from being reconverted into industrial uses but should instead aim to aid the transition of a property from industrial to commercial (and vise versa) depending on the context of the surrounding area. Generally, commercial uses will only be permitted within the Brydges Street Area if they are located within an existing building, will not negatively impede on the operations of the industrial uses in the area, and would not prevent the re-use of the building for industrial uses in the future.

Consistent with the Brydges Steet Area Specific Policy Area under The London Plan, the recommended self-storage establishment fulfils all the criteria required under Policy 1140A and is considered an appropriate commercial-industrial use for the lands given the surrounding context. The proposed use will be fully contained within the existing building footprint and would not require the expansion or addition of built form on the property, thereby allowing the building to be re-used for potential industrial purposes in the future. The proposed self-storage establishment is also intended to support the needs of the surrounding residential area whilst providing for a more compatible use south of the CN railway tracks, where lands have already transitioned from industrial uses to residential, commercial, and commercial-industrial uses over time.

Given that no additions or exterior alterations to the existing building are proposed and given that some of the uses within the existing building are already non-industrial in nature, the proposed self-storage establishment is anticipated to have minimal impact on surrounding properties regarding intensity and form and is appropriate for the location given the existing context. Th existing area located within the interior side yard and identified as "open storage" on Figure 3 is also currently screened to prevent visual impacts from Highbury Avenue. As mentioned above, special provisions to recognize the gross floor area, front, interior, and rear yard setbacks of the existing building as well as the existing landscaped open space are also required to ensure that the site configuration and existing building footprint are not altered.

4.3 Issue and Consideration #3: Adjacency to the CN Main Railway Line

Policy 1772 of The London Plan outlines rail and pipelines policies for properties within close proximity to an existing railway line. Specifically, the policy directs that all proposed development adjacent to railways will provide appropriate safety measures such as setbacks, berms, and security fencing, to the satisfaction of the City in consultation with the appropriate railway (The London Plan, Policy 1772_1). As part of the circulation for this application, the proposal was circulated to the Canadian National Railway, full comments of which are provided under Appendix B of this report.

Based on comments received from the CN Railway, the following protective measures were considered to be requirements for non-residential uses adjacent to the Main Rail Lines:

- A minimum 30 metre setback is required for vehicular property access points from at-grade railway crossings. If not feasible, restricted directional access designed to prevent traffic congestion from fouling the crossing may be a suitable alternative
- A chain link fence of minimum 1.83 metre height is required to be installed and maintained along the mutual property line. With respect to schools and other community facilities, parks and trails, CN has experienced trespass problems with these uses located adjacent to the railway right-of-way and therefore increased safety/security measures must be considered along the mutual property line, beyond the minimum 1.83 m high chain link fence.
- Any proposed alterations to the existing drainage pattern affecting Railway property require prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- For sensitive land uses such as schools, daycares, hotels etc, the application of CN's residential development criteria is required.

The proposed self storage establishment is not considered a sensitive land use and the applicants are not intending to implement any exterior alterations or additions to the existing building. As development already exists on site (with no known issues from the CN railway or abutting properties) and as the proposed self-storage use is not expected to generate an increase in traffic, noise, or odour to the area than already exists, the proposal can be considered appropriate for its location and is not anticipated to negatively impact (or be impacted by) the adjacent railway. Furthermore, as municipal

services already exist on the property, the City's Engineering Department has expressed no concern or comment in regard to drainage pattern or additional site requirements to accommodate the new use.

4.3 Issue and Consideration #4: Zoning

The applicant has requested to rezone the lands from the existing General Industrial Special Provision (G1(8)) Zone to a Restricted Service Commercial Special Provision (RSC (_)) Zone. The intent is to permit a self-storage establishment within the existing building on site.

The existing GI1 zone variation permits a broad range of industrial activities which are appropriate in large industrial areas, or areas not adjacent to sensitive land uses. The RSC4 Zone is intended to permit a range of moderate intensity commercial uses and trade service uses which may require significant amounts of land for outdoor storage or interior building space and a location on major streets.

The subject site is located at the intersection of an Urban Thoroughfare (Highbury Ave North) and Civic Boulevard (Trafalgar Street) which are both considered "major streets" within the City of London's Official Plan. The surrounding area consist mostly of residential and commercial uses that cater to the surrounding community. For this reason, staff believe that the proposed RSC4 zone would permit a range of commercial and trade service uses that are suitable for the location and are more compatible with the context of the surrounding area than uses permitted within the General Industrial Zone. Self-Storage establishments can also be considered a commercial-industrial use that requires large amounts of land and interior building space for storage-related purposes and therefore fits the intent and purpose of the Restricted Service Commercial Zone. Furthermore, the proposed special provisions aim to recognize the existing site conditions, will effectively allow for proper functionality of the proposed use without the need for exterior changes or expansions, and will restrict the types of permitted uses to those allowed within the RSC4 that are considered commercial-industrial in nature.

As such, staff are of the opinion that the proposed Restricted Service Commercial (RSC4(_)) Special Provision Zone is appropriate for the site and would permit a range of commercial-industrial uses that are compatible with the surrounding area.

Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the policies of The London Plan for the Light Industrial Place Type and Brydges' Street Area. The recommended Amendment would facilitate the utilization of an existing building on an underutilized industrial parcel of land within an area that is dominated by commercial-industrial, fully commercial, and residential land uses. The recommended amendment would also succeed in broadening the range and mix of uses within the area to further support the needs of the surrounding community. As such, the proposed use is considered appropriate and is being recommended for approval.

Prepared by: Anusha Singh

Planner I

Reviewed by: Mike Corby, MCIP, RPP

Manager, Planning Implementation

Recommended by: Britt O'Hagan, MCIP, RPP

Acting Director, Planning and Development

Submitted by: Scott Mathers, MPA, P. Eng

Deputy City Manager, Planning and Economic

Development

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(%) (Maximum)

		Bill No.(numb 2023	er to be inserted by Clerk's Office)				
		By-law No. 2	Z1- <u> </u>				
		•	amend By-law No. Z1 to rea of land located at 1350 reet				
	d at 1350 Trafalgar Stree		orage has applied to rezone on the map attached to this				
AND WH	EREAS this rezoning cor	nforms to the	Official Plan;				
THEREF London enacts as	•	ıncil of The	Corporation of the City of				
to lands locate comprising pa	d at 1350 Trafalgar Street t of Key Map No. A108, (8)) Zone TO a Restricte	et, as shown of from a Gener					
•	Section Number 28.3 of the Restricted Service Commercial (RSC) Zone is amended by adding the following Special Provisions:						
RSC4 (_) 1350 Trafalgar Street							
a) Permitted Uses							
ii) iii) iv) v)	Self-Storage Establishme Bake Shop Brewing on premises est Duplicating shops Automobile repair garage Automotive uses, restrict	stablishments je					
b) Regul	ations						
i)	Front Yard Depth (Minimum)		1.1 metres (3.6 feet)				
ii)	Rear Yard Depth (Minimum)		0.0 metres (0.0 feet)				
iii)	Interior Side Yard Depth (Minimum)	1	0.0 metres (0.0 feet)				
iv)	Landscaped Open Spac (%) (Minimum)	ce	0				
v)	Gross Floor Area (m2) (Maximum)		6,247 (as existing)				
vi)	Open Storage		11				

vii) The minimum front (west) and interior (north) side yard setbacks for open storage shall be 0m (0 feet)

viii) The permitted uses identified in a) above shall be restricted to the existing building.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act*, *R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

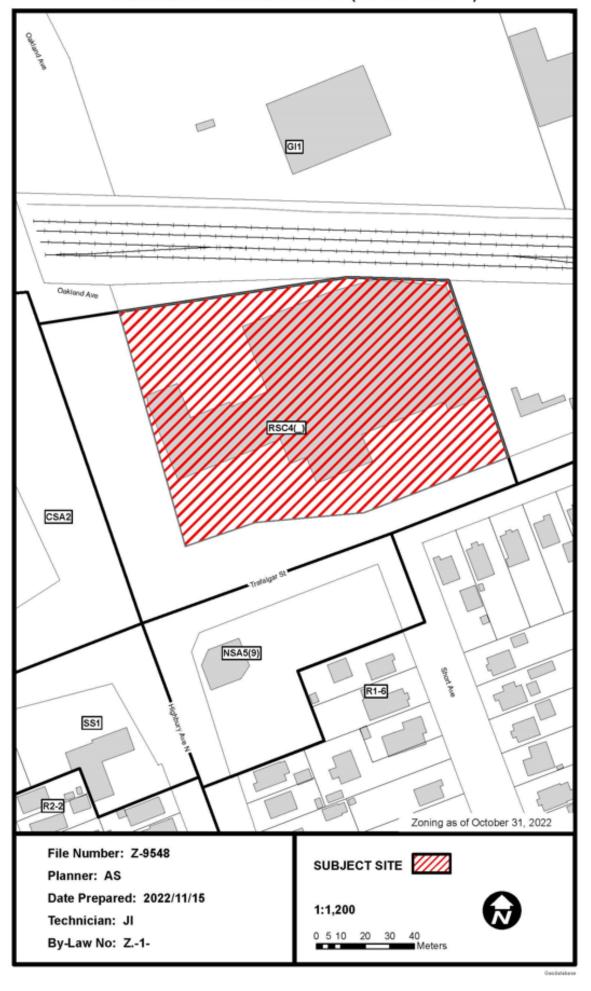
PASSED in Open Council on January 24, 2023

Josh Morgan Mayor

Michael Schulthess City Clerk

First Reading – January 24, 2023 Second Reading – January 24, 2023 Third Reading – January 24, 2023

AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



Appendix B – Public Engagement

Community Engagement

Public liaison: On October 5, 2022, Notice of Application was sent to property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 6, 2022. A "Planning Application" sign was also posted on the site.

No public comments were received.

Nature of Liaison: The purpose and effect of this zoning change is to permit an outdoor storage depot/ transport terminal. Possible change to Zoning By-law Z.-1 **FROM** a General Industrial (GI1(8)) Special Provision Zone **TO** a Restricted Service Commercial (RSC4()) Special Provision Zone.

Public Responses: 0

Agency/Departmental Comments

October 17, 2022: CN Railway

CN recommends the following protective measures for non-residential uses adjacent Main Lines (note some are requirements):

- A minimum 30 metre building setback, from the railway right-of-way, in conjunction with a 2.5 metre high earthen berm or 2.0 metres for a secondary main line, is recommended for institutional, commercial (ie. office, retail, hotel, restaurants, shopping centres, warehouse retail outlets, and other places of public assembly) and recreational facilities (i.e. parks, outdoor assembly, sports area).
- A minimum 15 metre building setback, from the railway right-of-way, is recommended for heavy industrial, warehouse, manufacturing and repair use (i.e. factories, workshops, automobile repair and service shops).
- A minimum 30 metre setback is required for vehicular property access points from at-grade railway crossings. If not feasible, restricted directional access designed to prevent traffic congestion from fouling the crossing may be a suitable alternative.
- A chain link fence of minimum 1.83 metre height is required to be installed and maintained along the mutual property line. With respect to schools and other community facilities, parks and trails, CN has experienced trespass problems with these uses located adjacent to the railway right-of-way and therefore increased safety/security measures must be considered along the mutual property line, beyond the minimum 1.83 m high chain link fence.
- Any proposed alterations to the existing drainage pattern affecting Railway property require prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- While CN has no noise and vibration guidelines that are applicable to non-residential uses, it is recommended the proponent assess whether railway noise and vibration could adversely impact the future use being contemplated (hotel, laboratory, precision manufacturing). It may be desirable to retain a qualified acoustic consultant to undertake an analysis of noise and vibration, and make recommendations for mitigation to reduce the potential for any adverse impact on future use of the property.
- For sensitive land uses such as schools, daycares, hotels etc, the application of CN's residential development criteria is required.
- There are no applicable noise, vibration and safety measures for unoccupied buildings, but chain link fencing, access and drainage requirements would still apply.

October 5, 2022: Landscape Architecture

I have no comments on this Notice of Planning Application for Zoning By-Law Amendment

October 17, 2022: Parks Planning

Parkland dedication is waived as per CP-9 Bylaw Section 2.1.3

October 17, 2022: Ecology

There are currently no ecological planning issues related to this property and/or associated study requirements. No Natural Heritage Features on, or adjacent to the site have been identified on Map 5 of the London Plan or based on current aerial photo interpretation.

October 19, 2022: Urban Design

There are no urban design related comments regarding the ZBA for 1350 Trafalgar Street. As this site previously received urban design comments from PAC, the following comments are to further be addressed.

- Since there are no proposed changes to the building exterior or the site at this time, there are no UD comments related to the existing structure.
- Consider improving the surface parking and loading areas conditions with asphalt and/or landscaping.

October 25, 2022: UTRCA

The UTRCA has no objections or requirements for this application.

October 26, 2022: Site Plan

Site Plan Approval is not required for this application as no exterior changes are occurring. I've looked into this a bit further and based on the definition of front yard, the open storage area is in line with the main wall of the building. The other thing with this one is that they have a trailer in the front yard. If we did the special provision to permit front yard open storage (even existing), it would technically allow the trailer which should be relocated.

Based on this, the special provision can be removed for open storage in the front yard.

October 26, 2022: Engineering

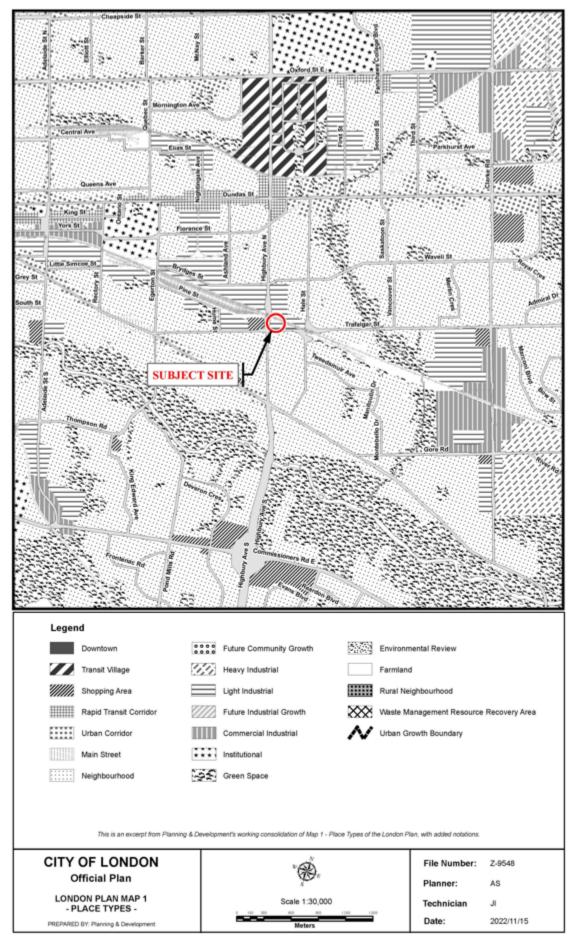
Engineering has no concerns/comments with the re-zoning since there are no exterior/interior changes proposed.

October 27, 2022: London Hydro

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Appendix C - Relevant Background

The London Plan - Map 1 - Place Types



Project Location: \citile1\giswork\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\mxds\Z-9548_Map1_PlaceTypes.mxd

Zoning By-law Z.-1 – Zoning Excerpt

