

****AMENDED**MEETING AGENDA**
LEWISTON PLANNING AND ZONING COMMISSION

APRIL 26, 2023 AT 5:30 P.M.

COMMUNITY DEVELOPMENT DEPARTMENT BUILDING,
215 D STREET, 2ND FLOOR, LEWISTON, ID 83501

Citizen comments and testimony for public hearings may be made: in-person, by emailing Dawn Ortiz at dortiz@cityoflewiston.org, or by calling (208)798-2570 and leaving a message. Citizen comments and testimony for public hearings submitted by email or phone will be forwarded to the Planning & Zoning Commission. If you would like your citizen comment to be read out loud during the meeting, please so indicate in your message. Testimony for public hearings that was submitted by email or phone and unable to be forwarded to the Planning & Zoning Commission prior to the meeting will be read out loud during the public hearing. Members of the public who wish to provide in-person comment or testimony, but who are unable to secure a seat in the designated meeting space and/or overflow room(s) due to occupancy or gathering limits, will be rotated in and out of the designated meeting space in order to provide comment. While not in the designated meeting space, such persons may watch and listen to the livestream of the meeting on their own devices by visiting the City of Lewiston's Facebook page or the City's website at cityoflewiston.org

COMMISSION MEMBERS: Chair; Michael Busch, Vice Chair; Gabriel Iacoboni, Kathy Branson, Cynthia Ball, Kevin Kelly, Maureen Anderson, Open Position

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**AS A MATTER OF PUBLIC SERVICE AND GOVERNMENTAL TRANSPARENCY, THIS MEETING  
 MAY BE RECORDED, STREAMED LIVE AND/OR ACCESSED AT A LATER TIME. NOTE THAT THIS  
 MAY INCLUDE VIDEO AND AUDIO OF ALL PERSONS PRESENT.**  
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- I. **CALL TO ORDER**
- II. **CITIZENS COMMENTS** – An opportunity for citizens to address the Commission with comments and/or questions about Planning and Zoning Commission-related matters that are not a public hearing action item on this agenda. Citizens are asked to limit their time to three minutes each.
- III. **APPROVAL OF APRIL 12, 2023 MEETING MINUTES (ACTION ITEM)**
- IV. **APPROVAL OF THE REASONED STATEMENT FOR ZONE CHANGE APPLICATION ZNC23-000003 BY BRETT KINZER (ACTION ITEM)**: The applicant proposes to rezone from Medium Density Residential, R3, Zone to Community Commercial, C3, Zone, an approximately .52 acre parcel of land at 3133 5th Street, also known as RPL05800010020.

- V. **HEIMGARTNER SUBDIVISION – PRELIMINARY PLAT (ACTION ITEM):** The Heimgartner Subdivision preliminary plat proposes to re-plat an original Orchards Tract lot consisting of approximately 4.20 acres of property, located between Powers and Birch Avenues, and west of 22nd Street, into eleven lots.

VI. **STAFF-COMMISSION COMMUNICATIONS**

- A. Query of Commissioners for the May 10th, 2023 meeting.

VII. **ADJOURN (ACTION ITEM)**

The City of Lewiston is committed to providing access and reasonable accommodation in its services, programs, and activities and encourages persons with disabilities to participate. If you anticipate needing any type of accommodation or have questions about the physical access to the facility within which this meeting is being held, please contact City Planner, Joel D. Plaskon at least forty-eight hours in advance of the meeting at (208) 746-1318 extension 7202 or jplaskon@cityoflewiston.org.

April 12, 2023

The LEWISTON PLANNING AND ZONING COMMISSION met in the Community Development Department Second Floor Conference Room at 215 "D" Street. Chair Busch called the meeting to order at 5:30 p.m.

Planning & Zoning meetings are recorded live. To view the full video, go to <https://livestream.com/accounts/11220190> and select Planning & Zoning.

I. CALL TO ORDER

COMMISSIONERS PRESENT: Michael Busch, Chair; Gabriel Iacoboni, Vice Chair; Kevin Kelly; Kathy Branson; Maureen Anderson

COMMISSIONERS EXCUSED: Cynthia Ball;

STAFF MEMBERS PRESENT: Katie Hollingshead, Assistant Planner; Dawn Ortiz, Community Development Specialist; Aaron Butler, IT; Jennifer Tengono, Assistant City Attorney

II. CITIZEN COMMENTS

None

III. APPROVAL OF MARCH 22, 2023 MEETING MINUTES (ACTION ITEM)

Commissioners Iacoboni and Kelly moved and seconded, respectively, approval of the March 22, 2023 meeting minutes. The motion carried 3-0-2 with Commissioners Branson and Anderson abstaining.

IV. PUBLIC HEARING AND SUBSEQUENT DELIBERATION AND DIRECTION TO STAFF REGARDING THE REASONED STATEMENT FOR ZONE CHANGE APPLICATION ZNC23-000003 BY BRETT KINZER (ACTION ITEM):

Chair Busch explained the public hearing process, opened the public hearing and asked for a staff presentation.

Assistant Planner Katie Hollingshead provided a verbal summary of the staff report with maps and photos so the commission can get geographically familiar with the area.

Chair Busch asked how the applicant would take care of the topography?

Staff Hollingshead stated they can use the existing flat space, but the difference in land height could be used as a separation from the commercial property to the neighboring residential properties.

There being no further questions Chair Busch asked the applicant for testimony.

Applicant Brett Kinzer, owner, 3139 5th St. They need more room at their current location and the home to the north does not seem to be a good choice for a rental. Citizens using the bus stop are standing next to old equipment and they would like the extra space to clean up the current location and expand.

Commissioner Anderson asked the applicant to clarify that this expansion will not turn into a dumping ground.

Applicant stated no it would not.

There being no further questions for the applicant Chair Busch asked for public comment.

Staff Hollingshead read public comment from Spencer Overall located at 114 N. Garden Court and owns 124 N. Garden Court along with 3121 5th St. Spencer is very much opposed to the rezone. He and his wife have lived at their address for 50 years and have seen the development. The business located in the area have been altered in various ways over these 50 years. He wants the commission to consider the impact on their neighboring residential properties. Mr. Kinzer's current business has a junkyard appearance and allowing him to expand will be a detriment to the neighborhood. Two of the properties he owns are rentals and I would hate to lose his rental income because of the rezone. Mr. Kinzer knew what he was getting when he purchased the property and should have better planned for his expansion needs. He is aware that there is a lack of rental housing and the removal of the existing house on the property is one less rental available. Granting this rezone might encourage other property owners to also attempt to rezone to increase commercial uses of residential occupancies.

Commissioner Branson asked the size of the property in question.

Staff Hollingshead stated the property is .52 acres

Applicant Kinzer rebutted that his whole intention is to remove the junk yard appearance off the road.

There being no further public comment, Chair Busch closed the public hearing

After deliberation and discussion of relevant criteria, commissioners Branson and Anderson moved and seconded, respectively, to direct staff to draft a Reasoned Statement approving ZNC23-000003. Motion passed 5-0.

V. COMPREHENSIVE PLAN COMMUNITY QUESTIONNAIRE

Staff Hollingshead provided the Commission with a copy of the City of Lewiston Comprehensive Plan questionnaire. Staff walked the Commission through the questionnaire/survey and had them complete the answers while doing so.

Chair Busch asked how long the survey would be open and when would the information be available.

Staff Hollingshead stated the survey will open until May 14, 2023 at midnight and there will be a phase II that she will come back to talk with the Commission about.

VI. STAFF-COMMISSION COMMUNICATIONS:

A. Query of Commissioners for April 26, 2023 meeting.

All current commissioners will be in attendance at the next meeting on April 26, 2023.

Staff Hollingshead stated there will not be a public hearing, just the reasoned statement for a zone change at the April 26, 2023 meeting. There is a new commissioner that will join at the first meeting in May.

VII. ADJOURN

There being no further business, Chair Busch and Commissioner Kelly moved and seconded, respectively, to adjourn. The motion carried 5-0 and the Planning and Zoning Commission adjourned at approximately 6:20 p.m.

RESPECTFULLY SUBMITTED,

Dawn Ortiz,
Recording Secretary

Chairperson or Acting Chairperson
Planning and Zoning Commission

Approved this _____ day of _____, 2023.

**CITY OF LEWISTON PLANNING AND ZONING COMMISSION
REASONED STATEMENT OF RELEVANT CRITERIA AND
STANDARDS FOR GRANTING OR DENIAL OF
ZONING DISTRICT BOUNDARY CHANGE/REZONE**

This document shall serve as memorialization of the rationale for the granting or denial of a zoning district boundary change/rezone, which shall be based upon relevant criteria and standards, including the Lewiston Comprehensive Plan, Lewiston City Code, and Idaho Code. *See* I.C. § 67-6535.

I. APPLICATION NUMBER:
ZNC23-000003

II. APPLICANT'S NAME AND ADDRESS:
Brett Kinzer
3133 5th Street
Lewiston, ID 83501

III. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:
3133 5th Street
Lewiston, ID 83501

IV. DATE OF PUBLIC HEARING:
April 12, 2023

V. NAME OF HEARING BODY:
Lewiston Planning and Zoning Commission

VI. NATURE OF APPLICATION:
Rezone subject property from Medium Density Residential, R-3, Zone to Community Commercial, C-3, Zone.

VII. DECISION:
The Lewiston Planning and Zoning Commission recommends **APPROVAL** of
ZNC23-000003 to the Lewiston City Council.

VIII. RELEVANT CONTESTED FACTS RELIED UPON:

The relevant contested facts relied upon are: None.

IX. RELEVANT CRITERIA AND STANDARDS:

The following relevant criteria, standards, facts, and considerations are hereby declared as reasons for the decision on this zoning district boundary change/rezone:

1. The proposed rezone **is** in general conformance with the Lewiston Comprehensive Plan. Applicable commentary:

The subject property is located in Neighborhood Number 5 – West Orchards, and is adjacent to an existing Community Commercial, C-3, zoned property. The Comprehensive Plan's desired future land use designation for the subject property is for Commercial uses and this area is specifically identified in the Plan as an area where "Commercial activities should be encouraged in the following established commercial areas: 5th Street and Preston" (Chapter 6. Land Use and Objective LU-10.1). Therefore, the proposed rezone from Medium Density Residential, R-3, Zone to Community Commercial, C-3, Zone is in conformance with the Comprehensive Plan.

2. The subject property **is** at least as well suited or is better suited for the proposed zoning district than the existing zoning district. Applicable commentary:

The Commission discussed that while the removal of a residential rental unit wasn't ideal, the proposed rezone would meet the goals of the Comprehensive Plan, specifically, Chapter 6 Land Use, Objective LU-2.2: "Review the zoning ordinance to assure that commercial zoning designations accommodate varied commercial activities sufficiently, while protecting adjacent land uses. Assure that commercial zoning designations have distinct and meaningful differences that fulfill a planning purpose. Revise the zoning ordinance as necessary," and Goal LU-10.0: "To the extent that the demand for commercial land can be accommodated, encourage the concentration of new and existing commercial uses in existing areas." The proposed rezone will allow an existing commercial use at 3139 5th Street to expand into a property that has a future land use designation of Commercial. The expansion will also provide the applicant the ability to remove potential hazards (used heating and cooling equipment) from being present so close to the right of way and an existing bus stop, and place them on the subject property in a proposed new shop.

3. The proposed rezone **does not** present foreseen, immitigable impacts of incompatible uses or development being located in the same vicinity. Applicable commentary:

The subject property is adjacent to Kinzer Air, a full service heating and cooling company, (owned by the applicant) to the south and will allow for the expansion of the applicant's commercial business. The use is compatible with the commercial businesses already located

in the adjacent Community Commercial, C-3, Zone, which include second-hand retail stores, an eye doctor's office, restaurant, bar, and salon.

4. The effects of the proposed rezone **are not** anticipated to place undue burden upon delivery of services provided by any political subdivision within the planning jurisdiction, including school districts. Applicable commentary:

Political subdivisions were notified of the proposed rezone. Two City departments provided comments. The City of Lewiston Fire Department stated that it had "no issues relevant to the request." The Engineering Division of the Public Works Department stated it had "No objection to zone change." However, it did want to note that there is open drainage channel identified within the subject property (Lot 2, Block 1 of Greenview Addition Subdivision).

5. The size, type, intensity, and density of development expected to occur on the subject property as a result of this rezoning **is** suitable for the area and **will not** unduly burden the neighborhood, public infrastructure, or environmental resources. Applicable commentary:

The subject property currently has water and sewer services already in place. The proposed rezone is not expected to unduly impact the public infrastructure and should fulfill Comprehensive Plan Goal LU-1.0: "To promote orderly development and arrangement of land uses throughout the community; provide ample space for future growth, ensure the compatibility of adjacent land uses and follow sound environmental planning principals."

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant **could not** take actions to obtain approval, the explanation is: Not applicable.

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant **could** take actions to obtain approval, such actions might include: Not applicable.

NOTICE TO APPLICANT: Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003. The mailing of a signed and dated copy of this document by the City to the applicant shall constitute compliance with such notice requirement. An applicant denied an application or an affected person aggrieved by a final decision concerning matters identified in Idaho Code § 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

An action or ruling by the Planning and Zoning Commission pursuant to the City of Lewiston Zoning Code may be appealed to the Lewiston City Council by the person who initiated the action before the Planning and Zoning Commission or by any person entitled to notice by mail of the action under section 37-184(b)(2) of the City of Lewiston Zoning Code. Such appeal must be filed within fifteen (15) calendar days after the Planning and Zoning Commission has adopted its written Reasoned Statement of Relevant Criteria and Standards. Written notice of the appeal must be filed

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS
FOR ZNC23-000003

with the City Clerk within such fifteen (15) day period. If an appeal is not filed and the fee required by section 37-188 of the City of Lewiston Zoning Code is not deposited with the City Clerk within such fifteen (15) day period, the decision of the Planning and Zoning Commission shall be final.

By: _____
Signature of Planning and Zoning Commission Chair or Vice Chair or Acting Chair

Printed: _____

Date of Signature: _____

ATTEST: _____
Dawn Ortiz, Community Development Specialist



April 18, 2023

To: Lewiston Planning and Zoning Commission

Re: Heimgartner Subdivision - Preliminary Plat

Commissioners:

The Heimgartner Subdivision preliminary plat proposes to re-plat an original Orchards Tract lot consisting of approximately 4.20 acres of property, located between Powers and Birch Avenues, and west of 22nd Street, into eleven lots. An existing single family residence will remain, and occupy the proposed Lot 4. Lots located along the north and south boundaries of the proposed subdivision will be accessed from the existing adjacent public streets. A new public street, approximately 250 feet in length, and associated public utilities will need to be constructed to service the five central lots of the finished subdivision. The new street, proposed to be named Casa Court, is proposed to be constructed as a 45 foot wide right-of-way street, and will incorporate a cul-de-sac turn-around with a 45 foot driving radius at its westerly terminus. The developer has requested that the proposed Casa Court be constructed with sidewalk on only one side of the street. In conformance with the requirements for cul-de-sac roadways less than 500' in length, as defined in City drawing 3-5, the developer will be required to provide a fee-in-lieu-of construction, for the omitted sidewalk. Frontage improvements consisting of approximately 1165 l.f. of curb, gutter and sidewalk with required asphalt patch-back are proposed to be constructed along the existing city streets located north, south, and east of the proposed subdivision. Extension of City sewer mains will also be required in the adjacent 22nd Street and Birch Avenue. Extension of City sewer mains will allow the lots in the proposed subdivision to be serviced by the City sewer system. The proposed subdivision is located in the Lewiston Orchards Irrigation District, and the irrigation district has indicated their intent to provide service for the proposed lots contingent upon approval of the developer's design documents. Avista Utilities, CentyryLink/Lumen Technologies, and Sparklight have also confirmed their intent to provide utility service. Stormwater generated outside the City limits which crosses 22nd Street at the Powers Avenue intersection, has caused flooding issues along the north boundary of the proposed subdivision and downstream along the natural drainage path in the past. The development associated with this subdivision should not exacerbate these issues, and it is hoped that the associated frontage improvements may be able to alleviate some of the existing issues.

The subject property is currently zoned RI, and the proposed lot configurations adhere to the requirements of that zone as outlined in the City of Lewiston Zoning Ordinance, City Code Chapter 37.

The preliminary plat complies with the applicable requirements of the City of Lewiston Subdivision Ordinance, City Code Chapter 32.

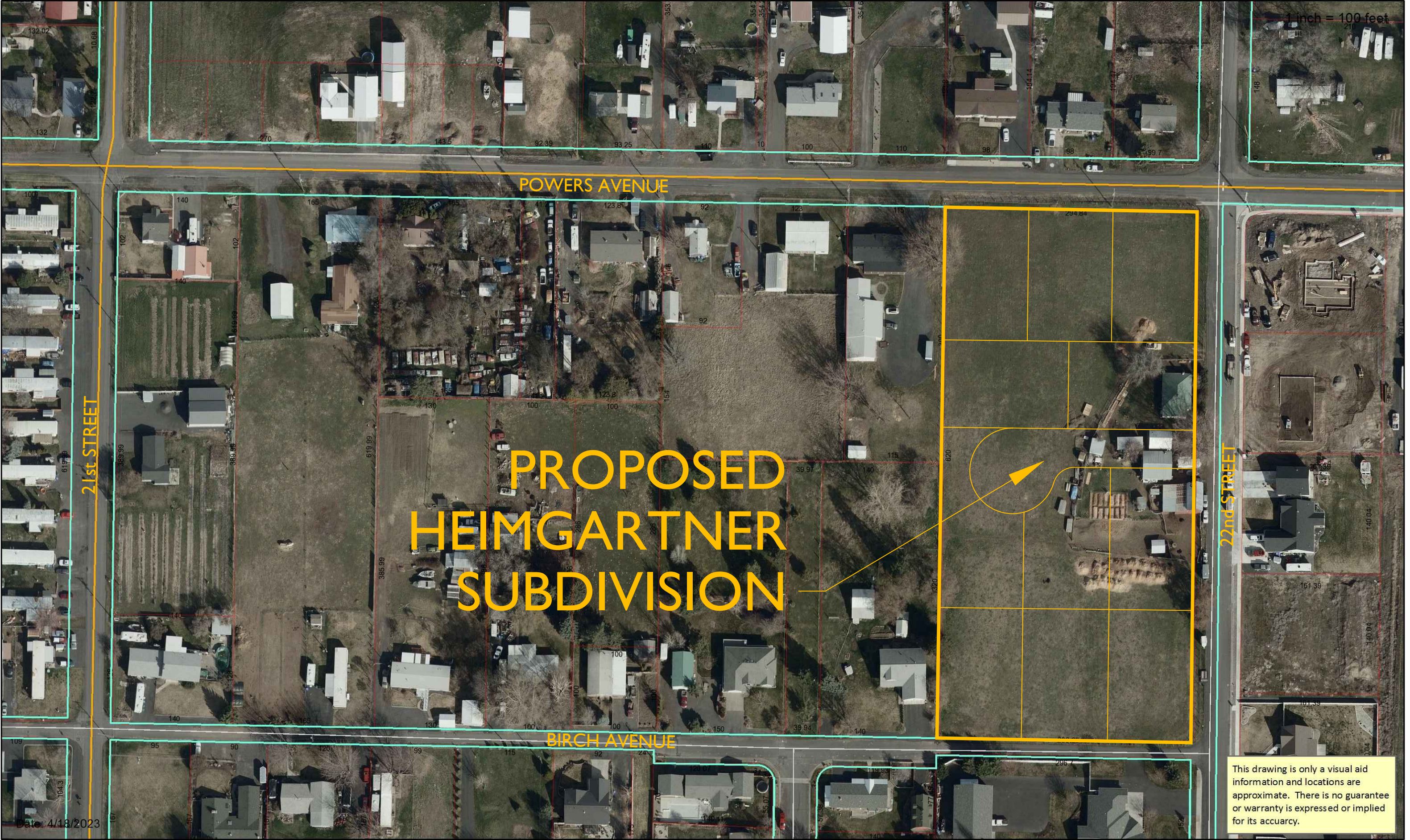
City Staff recommend that the Lewiston Planning and Zoning Commission recommend to the Lewiston City Council approval of the Heimgartner Subdivision preliminary plat as presented.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Weigand", with a stylized flourish at the end.

Mark Weigand, PLS
City Surveyor

City of Lewiston



Date: 4/18/2023

This drawing is only a visual aid information and locations are approximate. There is no guarantee or warranty is expressed or implied for its accuracy.





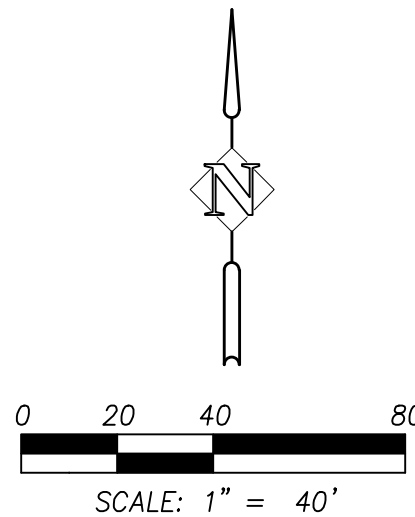
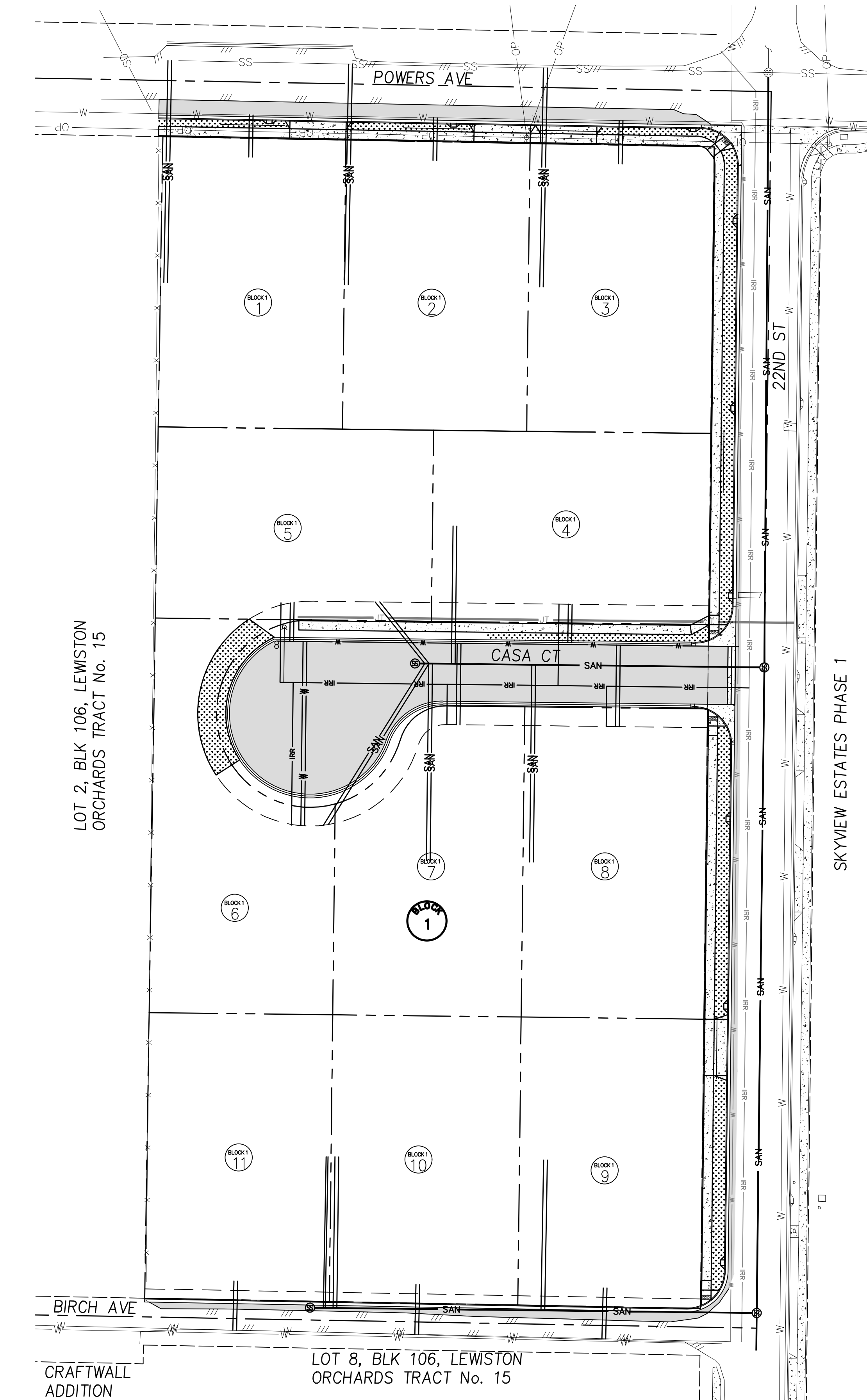
St 3700





HEIMGARTNER SUBDIVISION PRELIMINARY PLAT

LOT 1, BLK 106, LEWISTON ORCHARDS TRACT NO. 15,
NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23 OF TOWNSHIP 35 NORTH,
RANGE 5 WEST, B.M., NEZ PERCE COUNTY, STATE OF IDAHO



SITE ADDRESS
2140 POWERS AVENUE
LEWISTON, ID 83501
PARCEL: RPL01060010010

ENGINEER
SYNTIER ENGINEERING, INC.
ATTN: SCOTT SUMNER, P.E.
405 SE BRELSFORD DRIVE, STE C
PULLMAN, WA 99163
ATTN: 509.339.6187
CELL: 208.596.7912
E-MAIL: SCOTT@SYNTIERENGR.COM

LAND SURVEYOR
SYNTIER ENGINEERING, INC.
JASON VON LINDERN, PLS

OWNER
LAURA HEIMGARTNER
12175 HWY 129
ASOTIN, WA 99402
DHC7CONST@GMAIL.COM
208.305.1224

SHEET INDEX	
1	C1.0 COVER SHEET
2	C2.0 CASA COURT PLAN & PROFILE
3	C3.0 SANITARY PLAN & PROFILES
4	C4.0 WATER PLAN & PROFILES
5	C5.0 PRELIMINARY PLAT

LAND USE ZONING
R-1 (SUBURBAN RESIDENTIAL)

LAND AREAS
GROSS LAND: 4.20 ACRES
RIGHT OF WAY: 0.51 ACRES
NET LOTS: 3.66 ACRES

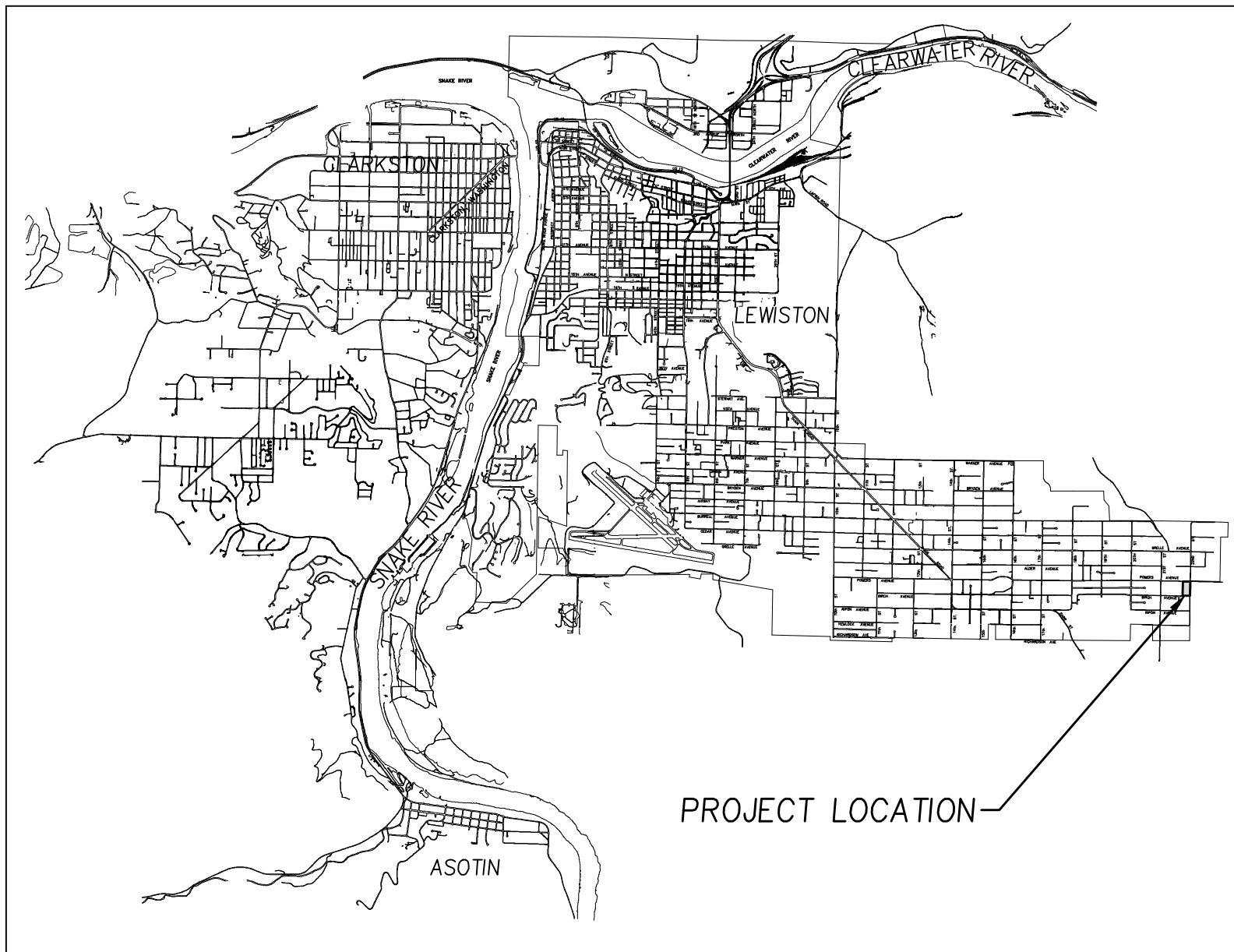
VERTICAL DATUM
NAVD 88

HORIZONTAL DATUM
IDAHO STATE PLANE WEST
NAD 83 (GROUND)

THE PROPOSED SUBDIVISION
WILL CONTAIN 11 LOTS

UTILITY NOTES

1. AVISTA, CENTURYLINK, SPARKLIGHT, AND L.O.I.D. HAVE AGREED TO SERVICE PROPOSED SUBDIVISION.
2. CITY OF LEWISTON WILL PROVIDE SEWER SERVICES.
3. STORMWATER WILL BE DETAINED ON-SITE IN ACCORDANCE WITH CITY ORDINANCE 80-100.



VICINITY MAP

UTILITY STATEMENT

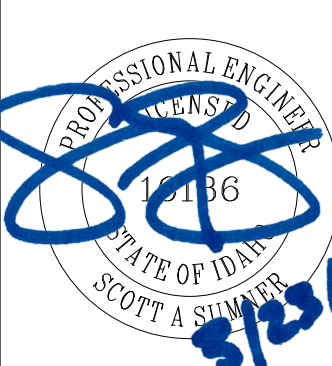
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED AS ACCURATELY AS POSSIBLE FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. SYNTIER ENGINEERING, INC. MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHER, WE DO NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN EXACT LOCATION INDICATED, ALTHOUGH WE DO CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.



FOR REVIEW ONLY
NOT FOR CONSTRUCTION

COVER SHEET
HEIMGARTNER SUBDIVISION PRELIMINARY PLAT
LEWISTON, ID

SYNTIER
Engineering, Inc.
405 SE Brelsford Drive, Suite C Pullman, WA 99163
www.syntierengr.com 509.339.6187



DESIGNED:	ATS
DRAWN:	ATS
CHECKED:	SAS
DATE:	MARCH 21, 2023

NO.	DATE	DESCRIPTION	R	E	V	I	S	I	O	N	S

SHEET NO.

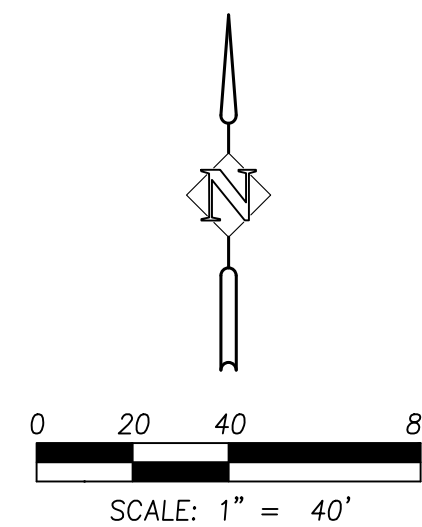
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1 OF 5

JOB NO. HEM-01

CASA COURT PLAN

CASA COURT PROFILE

SCALE: 1" = 40' (HORIZ.)
1" = 10' (VERT.)



CONSTRUCTION NOTES

- (204) CUL-DE-SAC PER CASA COURT SECTION, THIS SHEET.
- (214) FRONTAGE IMPROVEMENTS PER POWERS AVENUE HALF SECTION IMPROVEMENTS, THIS SHEET.
- (215) FRONTAGE IMPROVEMENTS PER 22ND STREET HALF SECTION IMPROVEMENTS, THIS SHEET.
- (216) FRONTAGE IMPROVEMENTS PER BIRCH AVENUE HALF SECTION IMPROVEMENTS, THIS SHEET.

TOPOGRAPHIC SURVEY REQUIRED TO ENSURE POSITIVE CROSS SLOPE DRAINAGE AT TIE IN.

EXISTING ASPHALT

NEW ASPHALT

APPROX. 8'

12.0' DRIVE AISLE

8.0' PARKING

4.0'

5.0'

0.5'

2% SLOPE

SIDEWALK

SWALE

HIGH BACK CURB & GUTTER

10" CRUSHED 3/4" MINUS AGGREGATE BASE

3" ASPHALT PAVEMENT (SINGLE LIFT)

10' UTILITY EASEMENT

R/W

4H:1V MAX.

2H:1V MAX.

4H:1V MAX.

2H:1V MAX.

N.T.S.

[illegible]

N.T.S.

Diagram illustrating the proposed curb and gutter installation details:

- Overall width: 10.0'
- Existing Asphalt: 10.0' wide section.
- Transition Area: 3-5' wide section.
- Aggregate Base: 6" CRUSHED 3/4" MINUS AGGREGATE BASE.
- Pavement: 3" ASPHALT PAVEMENT (SINGLE LIFT).
- Easement: 5.0' PUBLIC UTILITY, ACCESS & STORMWATER EASEMENT.
- Feature: ROLLED CURB & GUTTER.
- Note: TOPOGRAPHIC SURVEY REQUIRED TO ENSURE POSITIVE CROSS SLOPE DRAINAGE AT TIE IN.

N.T.S

N.T.S.

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NOT FOR CONSTRUCTION

CASA COURT PLAN & PROFILE
JUNIOR SUBDIVISION PRELIMINARY PLAT
LEWISTON, ID

SynTier
Engineering, Inc.
405 SE Brelsford Drive, Suite C Pullman, WA 99163
www.SynTierEng.com 509.339.6187

DESIGNED:	ATS
DRAWN:	ATS
CHECKED:	SAS
DATE:	MARCH 21, 2023

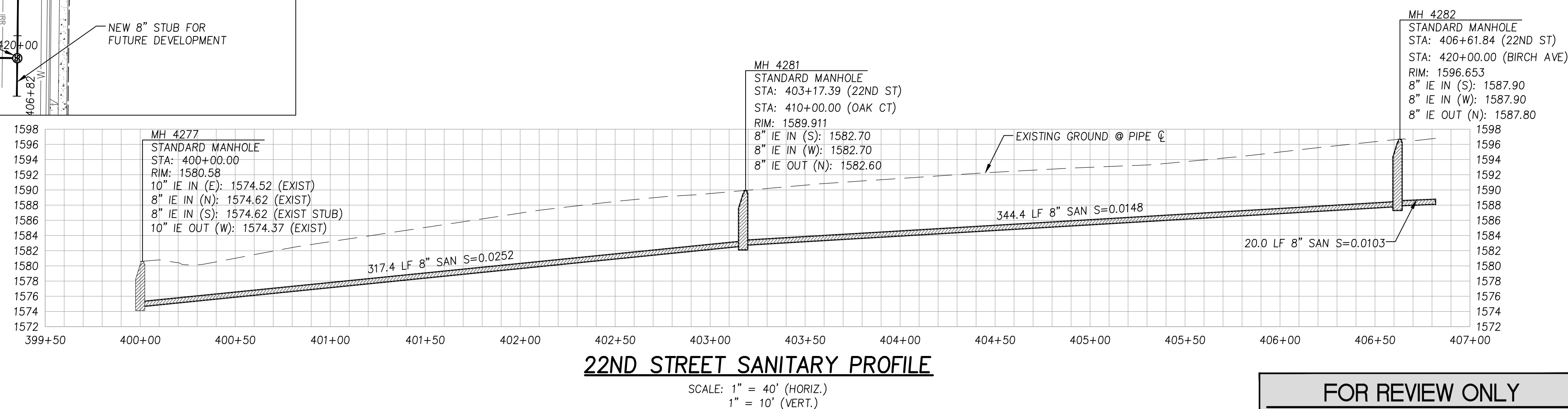
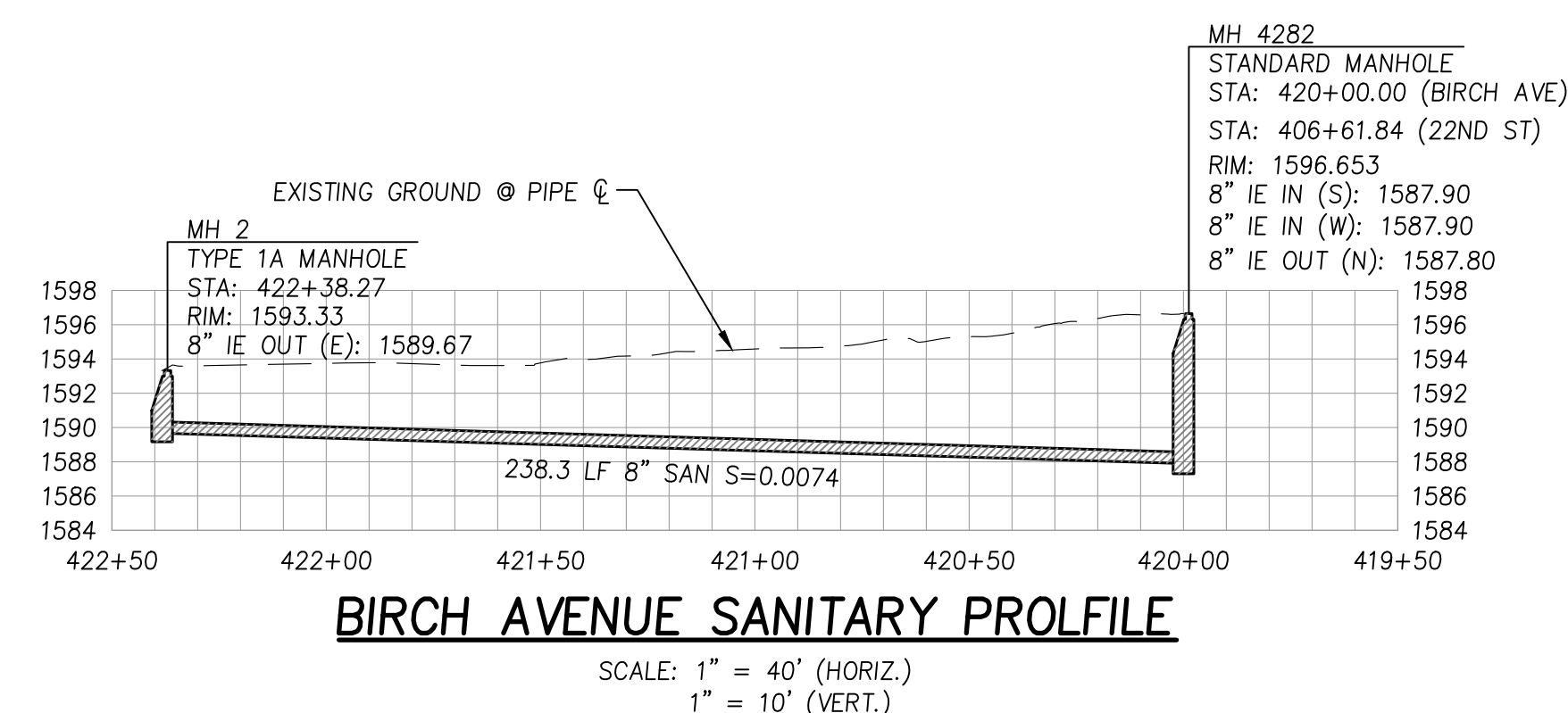
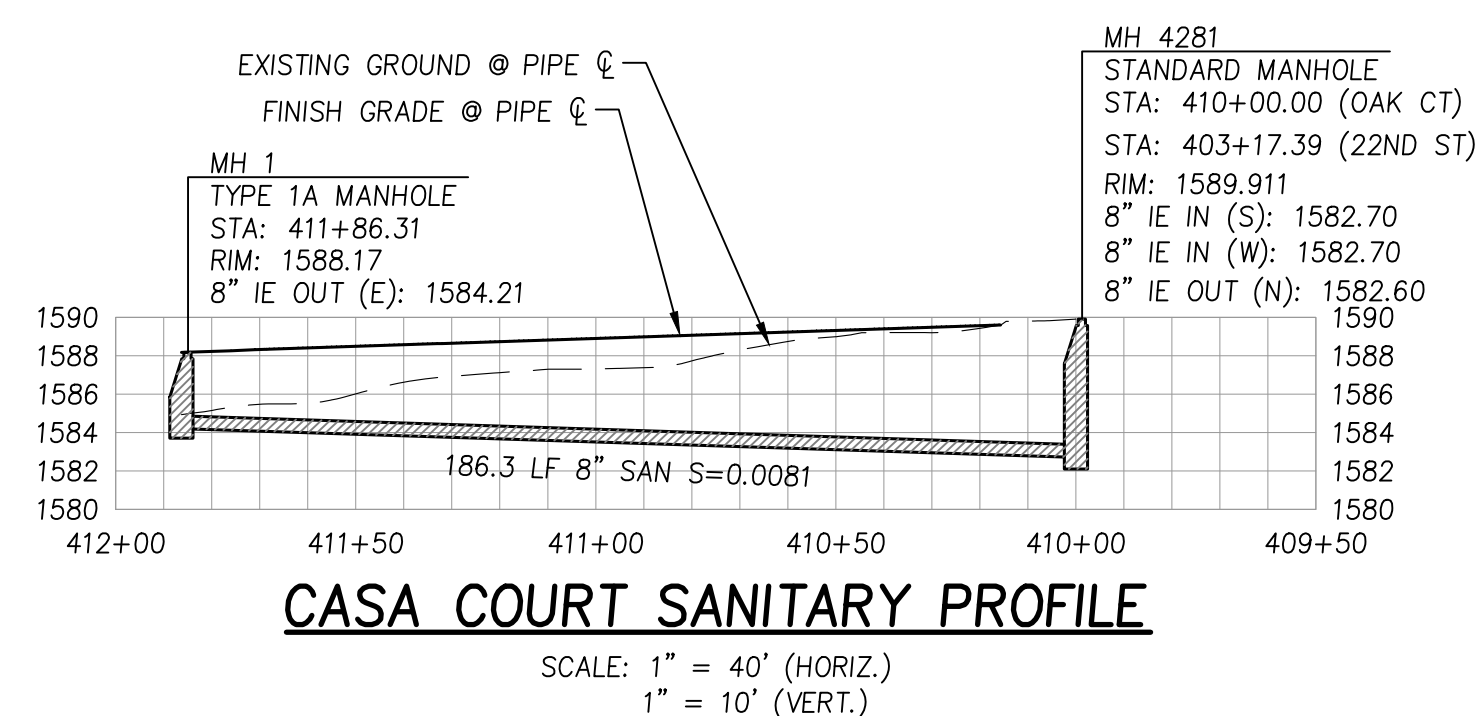
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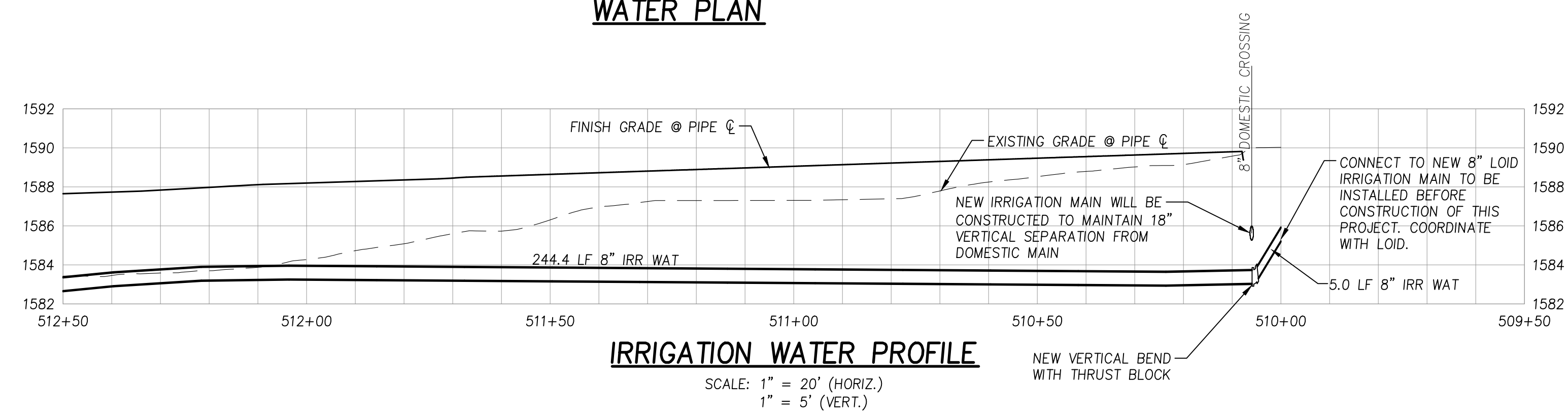
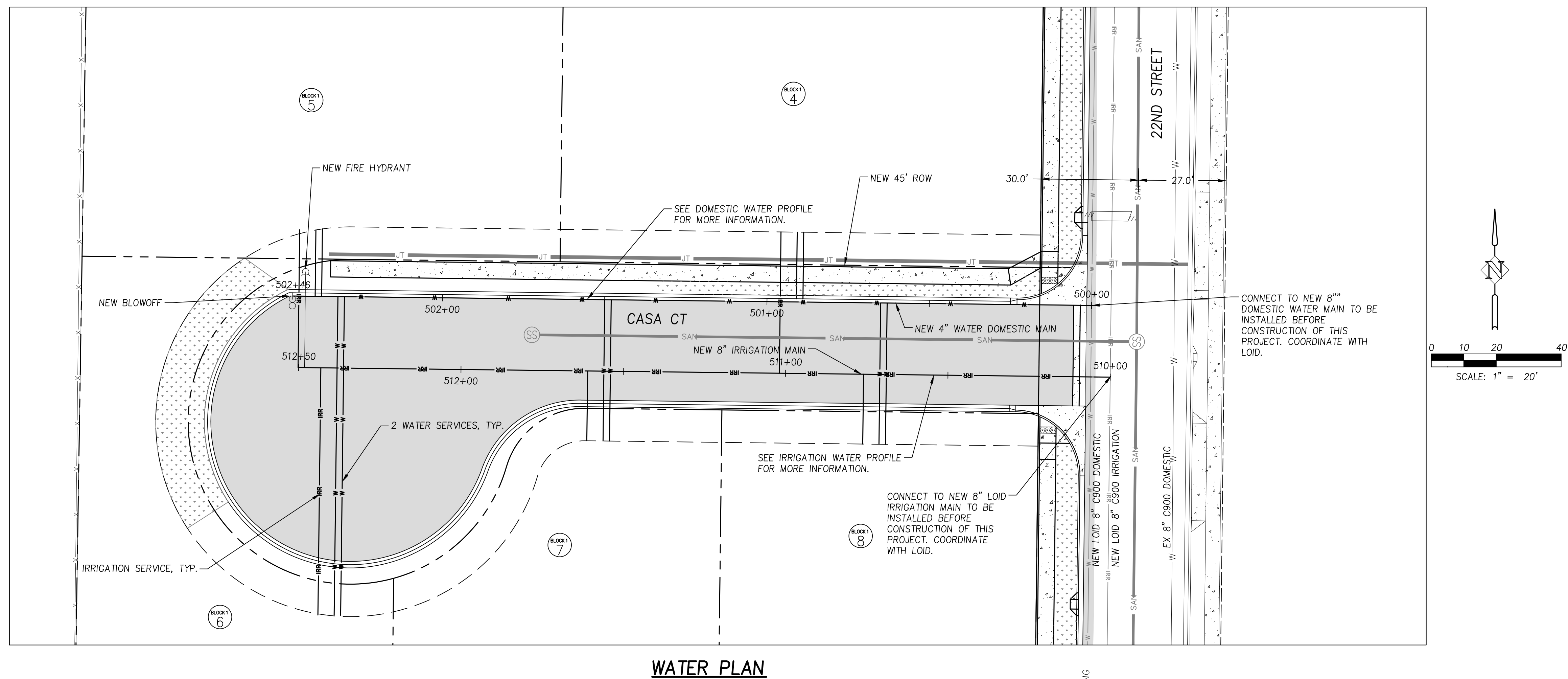
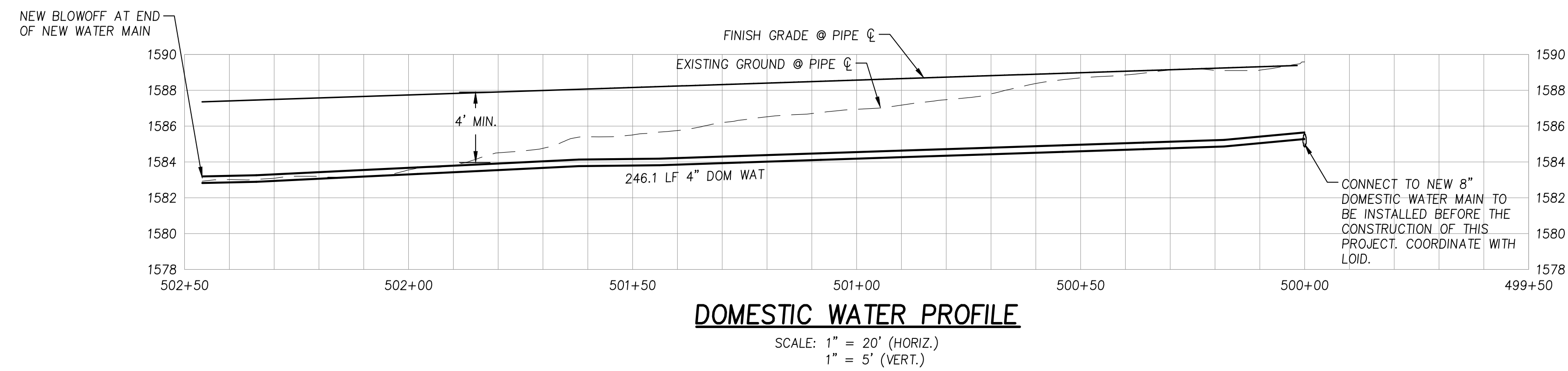
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JOB NO. HEM-01

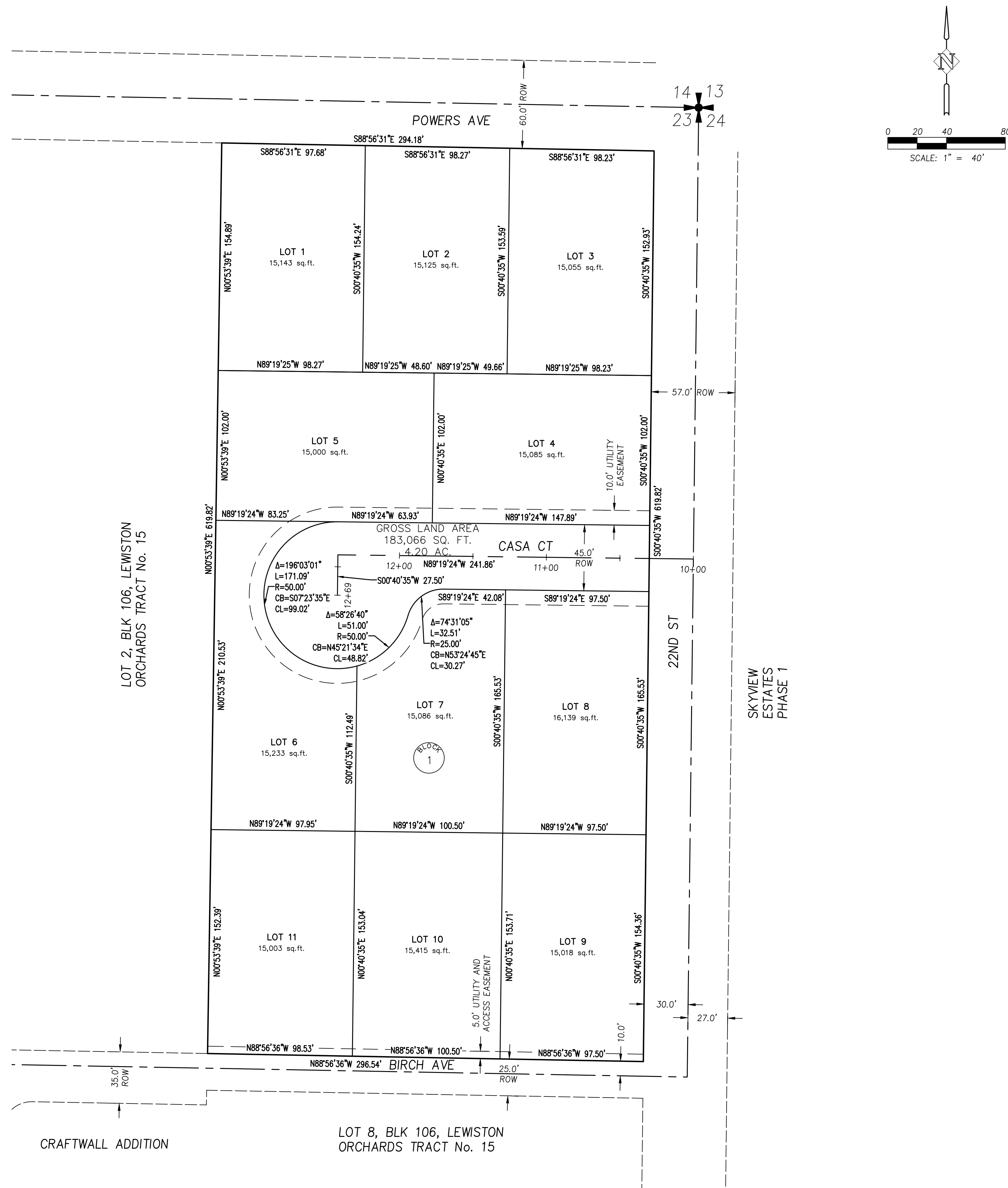


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NOT FOR CONSTRUCTION



FOR REVIEW ONLY
NOT FOR CONSTRUCTION

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FOR REVIEW ONLY
NOT FOR CONSTRUCTION

PRELIMINARY PLAT
HEIMGARTNER SUBDIVISION PRELIMINARY PLAT
LEWISTON, ID

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SHEET NO.
C5.0
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JOB NO.
HEM-01