

Item:



Committee of the Whole Report

DATE: Tuesday, March 05, 2019

WARD: 2

**TITLE: ZONING BY-LAW AMENDMENT FILE Z.18.002
ARBOR MEMORIAL INC.
VICINITY OF REGIONAL ROAD 50 AND REGIONAL ROAD 7**

FROM:

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment File Z.18.002 for the Subject Lands shown on Attachments 1 and 2 to permit a crematorium, funeral home and an employment building, as shown on Attachments 3 and 4.

Report Highlights

- The Owner proposes to develop a portion of the Subject Lands with a crematorium, funeral home and employment building.
- An amendment to Zoning By-law 1-88 is required to rezone the easterly portion of the Subject Lands from “A Agricultural Zone” and “OS2 Open Space Park Zone”, subject to Exception 9(1139) to “EM1(H) Prestige Employment Area Zone” with a Holding Symbol “(H)”, together with the site-specific zoning exceptions identified in Table 1 of this report.
- The Development Planning Department supports the approval of the Zoning By-law Amendment as the proposed development is consistent with the *Provincial Policy Statement 2014* and conforms to the Growth Plan, York Region Official Plan and Vaughan Official Plan 2010.

Recommendations

1. THAT Zoning By-law Amendment File Z.18.002 (Arbor Memorial Inc.) BE APPROVED, to amend Zoning By-law 1-88, to rezone the easterly portion of the Subject Lands from “A Agricultural Zone” and “OS2 Open Space Park Zone”, subject to Exception 9(1139) to “EM1(H) Prestige Employment Area Zone” with a Holding Symbol “(H)”, in the manner shown on Attachments 3 and 4, together with the site-specific zoning exceptions identified in Table 1 of this report.
2. THAT the Holding Symbol “(H)” shall not be removed from the easterly portion of the Subject Lands, or any portion thereof, until the following conditions are satisfied:
 - a) The Owner successfully obtains the approval of a Site Development Application(s) for the proposed development.
 - b) The Owner shall enter into a Servicing/Development and/or Subdivision Agreement with the City to satisfy all conditions, financial or otherwise for the construction of the municipal services including but not limited to roads (extension of Gibraltar Road from the north to south limit of the property), water, wastewater, storm and any land conveyances, as required for the Subject Lands. The Agreement shall be registered to the lands to which it applies to and to the satisfaction of the Development Engineering Department;
 - c) The Owner shall enter into the Developers’ Group Agreement with the other participating landowners within Block 57/58 to the satisfaction of the City. The Agreement shall have regard to but, not limited to, all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services, landscaping and fencing. This agreement shall also include a provision for future developers of land to participate with the Developers’ Group Agreement when they wish to develop their lands, all to the satisfaction of the Development Engineering Department; and
 - d) The Owner shall submit a letter from the Block Trustee for the Block 57/58 Developers’ Group indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 57/58 Landowners Cost Sharing Agreement, to the satisfaction of the Development Engineering Department.
3. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the

Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law.

Background

The Subject Lands (the 'Subject Lands') are located on the east side of Regional Road 50, south of Regional Road 7 and west of Highway 427 and are municipally known as 7541 Regional Road 50. The Subject Lands are bound to the south by a Hydro Corridor and future employment uses north and south, as shown on Attachments 1 and 2. A future Gibraltar Road extension (local road) is required and will traverse north-south through the easterly rear portion of the Subject Lands, which will provide access to the future proposed uses.

The existing cemetery (Glenview Memorial Gardens) occupies two-thirds of the Subject Lands. The proposed employment uses on the Subject Lands are proposed on lands that will be accessed only through the future Gibraltar Road extension (Attachment 2), which is to be constructed. The existing access from Regional Road 50 will remain unchanged and continue serving the cemetery.

A Zoning By-law Amendment application is required to permit the Development

The Owner (Arbor Memorial Inc.) has submitted a Zoning By-law Amendment application (the 'Application') to rezone the easterly portion of the Subject Lands from "A Agricultural Zone" and "OS2 Open Space Park Zone", subject to site-specific Exception 9(1139) to "EM1(H) Prestige Employment Area Zone" with a Holding Symbol "(H)", in the manner shown on Attachment 3, together with the site-specific zoning exceptions identified in Table 1 of this report. The proposed development (the 'Development') includes a crematorium, funeral home and employment building on the Subject Lands, as shown on Attachments 3 and 4.

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

On November 9, 2018, a Notice of Public Hearing was circulated to all property owners within 150 m of the Subject Lands and to the West Woodbridge Homeowners' Association. A copy of the Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and a Notice Sign (on Regional Road 50) was installed on the Subject Lands in accordance with the City's Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Hearing) was held on December 5, 2018, to receive comments from the public, and the Committee of the Whole. Vaughan Council, on December 12, 2018, ratified the Recommendation of the Committee of the Whole to

receive the Public Hearing Report of December 5, 2018. No written submissions regarding the Application were received by the Development Planning Department. No individuals made deputations at the Public Hearing on December 5, 2018, regarding the Application.

Previous Reports/Authority

[Public Hearing: Item 1, Committee of the Whole \(Public Hearing\) Report No. 31, Ratified by Vaughan Council on December 12, 2018](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement 2014 (the “PPS”)

The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS is applied province-wide and provides direction to support strong communities, a strong economy and a clean and healthy environment.

The PPS includes policies on key issues that affect communities including:

- The efficient use and management of land and infrastructure
- Protection of the environment and resources
- Ensuring appropriate opportunities for employment and residential development, including support for a mix of uses

Section 1.3 Employment refers to policies promoting economic development and competitiveness. The Development respects these policies of the PPS as the Development will maintain the vitality of the employment lands as it is compatible with the surrounding land uses in the area. The Development minimizes land consumption by utilizing the surplus lands of the existing cemetery for a crematorium, funeral home and employment buildings.

The Development conforms to the Places to Grow Act - The Growth Plan for the Greater Golden Horseshoe 2017 (the “Growth Plan”)

The Growth Plan came into effect May 2017 and is intended to guide decision making on the development of land by encouraging a compact built-form, transit supportive communities, diverse land uses, and a range of mix of housing types. The Growth Plan encourages the concentration of population and employment growth within settlement areas.

Section 2.2.5 Employment of the Growth Plan refers to policies promoting economic development and competitiveness in the Greater Golden Horseshoe (“GGH”) by efficiently using employment areas and ensuring that sufficient lands are available and ensuring appropriate locations to permit a variety of employment uses. The Development will utilize a vacant portion of lands designated “Prestige Employment” by VOP 2010 to serve an existing cemetery and facilitate new employment uses. The Application conforms to the Growth Plan.

The Development conforms to the York Region Official Plan (the ‘YROP’)

The Subject Lands are designated “Urban Area” on Map 1, “Regional Structures” by the YROP 2010, which permits a range of residential, industrial, commercial and institutional uses. The YROP encourages intensification within the Urban Area and throughout York Region.

The proposed Development is located within lands designated “Prestige Employment” by VOP 2010 and will utilize the vacant surplus lands for future employment uses and permit an accessory crematorium use to the existing cemetery use. The Application conforms to the YROP.

The Application conforms to the Funeral, Burial and Cremation Services Act 2002 (the “FBCSA”)

The *Funeral, Burial and Cremation Services Act* (the “FBCSA”) permits funeral homes, crematoriums and mausoleums to be located on cemetery lands, whereas these uses were not permitted previously by the *Cemeteries Act and the Funeral Directors and Establishments Act, 2002*. The proposed crematorium and funeral home are connected by a breezeway and are intended to function collectively on the cemetery lands. The FBCSA defines a funeral establishment as “*premises established for the purpose of temporarily placing dead human bodies, and in prescribed circumstances cremated human remains, so that persons may attend and pay their respects*”. The implementing Zoning By-law will permit the proposed funeral home and crematorium to be located on the cemetery lands within the EM1 Prestige Employment Area Zone and OS2 Open Space Park Zone and conforms to the FBCSA.

The Application conforms to the Vaughan Official Plan 2010 (“VOP 2010”)

The Subject Lands are designated “Private Open Spaces” (westerly two-thirds abutting Regional Road 50) and “Prestige Employment” (easterly one-third of the Subject Lands abutting the future Gibraltar Road extension) by Vaughan Official Plan 2010 (“VOP 2010”), Volume 2, Section 12.12 Huntington Business Park. The proposed crematorium

is located within the “Private Open Spaces” designation on the Subject Lands and is a permitted use. The proposed crematorium is connected to a proposed funeral home by a breezeway. The crematorium is considered accessory to a funeral home and conforms to the *Funeral, Burial and Cremation Services Act, 2002*. The proposed funeral home and employment uses are permitted uses within the lands designated “Prestige Employment”.

Attachment 3 illustrates the limits of the proposed zone boundary between the “OS2 Open Space Park Zone” and the proposed “EM1 Prestige Employment Area Zone”. The Owner is proposing to adjust the current “OS2 Open Space Park Zone” boundary approximately 18 m to the west. This area is designated “Private Open Spaces” by VOP 2010. Section 10.2.1.6 of VOP 2010 states (in part): “...*where the intent of this Plan is maintained, minor adjustments to boundaries will not require an amendment to this Plan*”. The proposed funeral home and employment uses within the cemetery lands are privately operated and will function collectively and will maintain the intent of the “Private Open Spaces” and “Prestige Employment” designations of VOP 2010. The Development conforms to VOP 2010.

The Application conforms to the Block 57/58 Plan

The Subject Lands are identified within the Block 57/58 Plan as a “Cemetery” and “Prestige Area”. The Owner is required to enter into the Developers’ Group Agreement and identify any needs for cost sharing, which is to be confirmed by the Block 57/58 Trustee. The existing cemetery use will remain and include a proposed crematorium that is permitted as-of-right within the OS2 Zone. Employment uses, and a funeral home are proposed within the lands identified as “Prestige Area”. The proposed uses conform to the Block Plan.

The Development Planning Department supports the Zoning By-law Amendment Application subject to the site-specific zoning amendments identified in Table 1 of this report

The Subject Lands are zoned “OS2 Open Space Park Zone”, subject to Exception 9(1139) (westerly two-thirds along the frontage abutting Regional Road 50) and “A Agricultural Zone” (easterly one-third along the rear abutting the future Gibraltar Road extension) by Zoning By-law 1-88, as shown on Attachment 2. Site-specific Exception 9(1139) for the OS2 Zone permits the following uses on the cemetery lands as-of-right:

- Cemetery and related uses including: Administrative Office, Chapel, Colabrium, Small Scale Colabrium, Crematorium, Mausoleum, Reception Centre and Service Building

The proposed crematorium, which is a permitted use by Zoning By-law 1-88, will be connected to the funeral home by a breezeway and is conceptually shown on Attachment 3. The funeral home and employment uses are not permitted within the “A Agricultural Zone”. The Owner proposes to rezone the rear one-third of the Subject Lands from “A Agricultural Zone” and “OS2 Open Space Park Zone” to “EM1(H) Prestige Employment Area Zone” with a Holding Symbol “(H)” to facilitate the funeral home and future employment uses, as shown on Attachment 4.

TransCanada Pipeline Limited has acquired an 18 m wide pipeline easement parallel to the future Gibraltar Road extension, as shown on Attachment 3. This easement has displaced developable lands on the cemetery lands by approximately 18 m, and therefore the Owner is requesting an adjustment to the OS2 Zone boundary to permit the uses. The easterly portion of the Subject Lands are proposed to be rezoned from “OS2 Open Space Park Zone” to “EM1(H) Prestige Employment Area Zone”, with a Holding Symbol “(H)”, as shown in Attachment 3. The following site-specific exceptions to the “EM1 Prestige Employment Area Zone” are required to permit the Development:

Table 1

	By-law Standard	EM1 Prestige Employment Area Zone Requirements	Proposed Exceptions to the EM1(H) Prestige Employment Area Zone, with Holding Symbol “(H)”
a.	Permitted Uses	A Funeral Home is permitted within a Single Unit Building	Permit a Funeral Home in a Single Unit Building that may be connected to another cemetery use by a covered walkway
b.	Minimum Landscape Strip Width abutting an EM1 Zone boundary Containing a Funeral Home	7.5 m	0 m

	By-law Standard	EM1 Prestige Employment Area Zone Requirements	Proposed Exceptions to the EM1(H) Prestige Employment Area Zone, with Holding Symbol “(H)”
	and Employment Uses		
c.	Minimum Driveway Width (One-Way Beneath Funeral Home Canopy)	5.4 m	5 m
d.	Required Parking for any Building, Structure or Use Across Zone Boundaries	Shared parking spaces for any building, structure, or use is not permitted across zone boundaries.	To permit required parking for any building, structure or use to be shared across zone boundaries.
e.	Minimum Building or Structure Setbacks from TransCanada Pipeline Right-of-Way	No requirements	That no permanent building or structure be located within 7 m of the pipeline right-of-way That no building or structure is permitted within 3 m of a right-of-way. Accessory buildings/structures shall have a minimum setback of at least 3 m from the limit of the right-of-way

The Development Planning Department has reviewed and supports the proposed site-specific exceptions in Table 1 on the following basis:

a) Single-Unit building

A Unit is defined by Zoning By-law 1-88 as a “*building or part of a building that is used for one (1) purpose by one (1) user*”. The proposed crematorium is permitted as-of-right within the OS2 Zone but will be connected by a breezeway to a proposed funeral home on lands proposed to be zoned EM1 Zone. As the crematorium and funeral home are

connected, the proposed exception will permit the two uses, which are accessory to one another, to co-locate and function collectively on the Subject Lands to serve the main cemetery use.

b) Minimum Landscape Strip Width

A breezeway connecting the proposed crematorium and funeral home has resulted in a 0 m setback between the OS2 and EM1 Zone boundary; whereas a minimum 7.5 m wide landscape strip from the limit of the EM1 Zone is required by Zoning By-law 1-88. A landscape strip is not required between the zones as it will allow for the funeral home and crematorium uses to function collectively on the cemetery lands for the purposes of contiguous access. The Development will continue to maintain its minimum landscaping requirements given landscape islands and strips are proposed elsewhere on site along with the TransCanada Pipeline easement lands which will be sodded.

c) Minimum Driveway Width

The proposed drive-aisle width is considered appropriate and specific to a defined area of the site. The drive-aisle is intended for single vehicle pick-up and drop-off and will be one-way in direction.

d) Required Parking Across Zone Boundaries

The Development includes 426 parking spaces to serve the proposed crematorium, funeral home and future employment uses. Approximately 317 of the parking spaces are devoted to the funeral home and crematorium uses. There are 109 parking spaces and 5 loading spaces intended to serve the proposed employment buildings. Based on an approximate GFA of 717.6 m² for the crematorium and 3,486 m² for the funeral home, approximately 94 parking spaces are required to serve the proposed uses. As ample parking will be available throughout the site, the Transportation Division of the Development Engineering Department can support the provision of shared parking for the funeral home, crematorium and the employment building.

e) Minimum Setbacks from TransCanada Pipeline Right-of-Way

In 2015, TransCanada acquired an easement and temporary workspace lands immediately west of the proposed Gibraltar Road extension on the Subject Lands, as shown on Attachment 3. The easement lands are approximately 18 m wide, running north-south on the Subject Lands and are located immediately west of the proposed Gibraltar Road extension. Sections 8.4.3.2 and 8.4.3.3 of VOP 2010 provides Council policies for minimum setback requirements for permanent buildings, buildings and

accessory buildings or structures from the TransCanada Pipeline right-of-way, which includes (in part) the following:

- *“That no permanent building or structure may be located within 7 metres of the pipeline right-of-way.”*
- *“That no building or structure is permitted within 3 metres of the right-of-way. Accessory structures shall have a minimum setback of at least 3 metres from the limit of the right-of-way.”*

TransCanada has reviewed the Application and has requested that the above development standards be included in the implementing Zoning By-law. The proposed amendments will implement the VOP 2010 policies to protect for TransCanada’s interests and are considered appropriate.

The proposed zoning exceptions identified in Table 1 are considered appropriate as it would implement a development which conforms to the Official Plan and is compatible with existing and planned uses in the surrounding area. On this basis, the Development Planning Department can support the approval of Zoning By-law Amendment File Z.18.002, subject to the Recommendations in this report.

The Planning Act permits Vaughan Council to pass a resolution to apply for future Minor Variance Application(s), if required within 2 years of a Zoning By-law coming into full force and effect

Section 45(1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application to the Vaughan Committee of Adjustment within two years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow a landowner to apply for a Minor Variance Application(s) within 2 years of the passing of a by-law amendment.

Should Council approve Zoning By-law Amendment File Z.18.002, the Development Planning Department has included a Recommendation to permit the Owner to apply for a Minor Variance Application(s) if required, prior to the two-year moratorium in order to address minor zoning deficiencies that may arise through the finalization and construction of the Development.

The Development Engineering (“DE”) Department has no objection the Application.

The DE Department has reviewed the Application and has no objection to the Development, subject to the use of a Holding Symbol “(H)” as identified in the

Recommendations of this report. The DE Department has identified the following matters respecting sanitary sewage, stormwater management, construction of the future road network (extension of Gibraltar Road from the north and south limit of the property), site servicing and grading be addressed upon submission of a future Site Development Application, and prior to the removal of a Holding Symbol “(H)”:

a) Block 57/58 Developers’ Group Agreement and Cost Sharing

The Subject Lands are located within an approved Block Plan (Block 57/58), which is subject to an Developers’ Group Cost Sharing Agreement with other participating landowners. The Owner will be required to conform to the Block 57/58 Plan which includes provisions for municipal services, including but not limited to, roads, sewers, and stormwater management facilities. The Owner will be required to enter into the Developers’ Group Agreement with the other participating landowners within the Block 57/58, to the satisfaction of the City. The Block 57/58 Trustee must also confirm any cost sharing requirements to the satisfaction of the City. The Developers’ Agreement and Cost Sharing Agreement shall be signed and registered against the lands to which it applies, to the satisfaction of the DE Department.

b) Servicing/Development and/or Subdivision Agreement with the City

The Owner is required to enter into a Servicing/Development and/or Subdivision Agreement with the City to satisfy all conditions, financial or otherwise of the City with regard to such matters the City may consider necessary including payment of the development levies, the provision of the roads and municipal services landscaping and fencing. The said Agreement shall be registered against the lands to which it applies and to the satisfaction of the DE Department.

c) Additional Engineering Drawings, Studies and Reports

The Owner is required to submit an updated Stormwater Management Report, sanitary servicing/water servicing and site grading plans, truck maneuvering plan, and Traffic Study, and Phase 1 Environmental Assessment upon review of the future Site Development Application(s). The Stormwater Management Report must conform with the recommendations and conclusions of the approved Block 57/58 Master Environmental Servicing Plan (‘MESP’).

The Transportation Services, Parks and Forestry Operations Department ('TSPFO') has no objection to the Development

The TSPFO Department has reviewed the Application and advises that a Private Property Tree Removal and Protection Permit is required for the injury to a 84 cm diameter White Oak tree and shall be addressed upon submission of a future Site Development Application. Tree Protection Fencing is also required to minimize the impact to trees. Heavy Duty Plywood Tree protection fencing is also required prior to construction and must remain until construction is completed.

Ministry of Transportation (the "MTO") requires a MTO Building and Land Use Permit prior to commencement of any construction/works.

The Subject Lands are located within the MTO Permit Control Area and therefore, an MTO Building and Land Use Permit is required prior to the commencement of any on site construction/works. If any signs are proposed on the Subject Lands, that are located within 400 m of the Provincial Highway property line and/or Controlled-Access Highway designation and which are visible from the Provincial Highway property line and/or Controlled-Access Highway designation, a permit will be required from the MTO. The Owner must satisfy all requirements of the MTO prior to final approval of a Site Development Application(s). The Owner shall apply for the MTO Building and Land Use Permit only when MTO has completed its review of the future Site Development Application.

Cash-in-Lieu payment will be required for the proposed employment uses

The Office of the City Solicitor, Real Estate Department has confirmed that cemeteries are exempt from cash-in-lieu payment; however, as employment uses are also proposed, the provision of cash-in-lieu of parkland will be required upon finalization of a future Site Development Application(s) for the employment uses. The Owner is advised of the following:

The Office of the City Solicitor, Real Estate Department has advised that the Owner shall pay to the City of Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands, prior to issuance of a Building Permit, in accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Vaughan Legal Department, Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.

TransCanada Pipeline Limited ('TransCanada') has no objection to the Development

TransCanada has no objection to the Application in-principle and has requested that the implementing Zoning By-law include the appropriate regulations to ensure that buildings and structures are adequately set back from the TransCanada right-of-way. The proposed regulations are considered appropriate and will be included as part of the implementing Zoning By-law, should the Application be approved.

Hydro One Networks Inc. ("HONI") has no objection to the Application in principle and advises that a review of the future Site Development Application(s) will be required

HONI advises that the Subject Lands are abutting a HONI high voltage transmission corridor. HONI has conducted a preliminary review of the Application and advises that the submission of a future Site Development Application is subject to their review and approval. The Owner shall satisfy all requirements of HONI prior to final approval of a future Site Development Application(s).

Financial Impact

There are no requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

York Region Community Planning and Development Services Department has no objection to the Development

The York Region Community Planning and Development Services Department has determined the Application to be a matter of local significance and has no comments to provide.

The Region of Peel has no objection to the Development, and advises that a detailed review will be undertaken as part of a future Site Development Application(s)

The Region of Peel (the 'Region') has reviewed the Application and advises that the Owner will be required to enter into a Site Plan Agreement with the Region. The Region will require the gratuitous dedication of lands to meet the Official Plan mid-block requirement of 45 m for the right-of-way along Regional Road 50. An additional 5.5 m (for a total right-of-way width of 50.5 m) will be required within 245 m of intersections to protect for the provision of, but not limited to; utilities, sidewalks, multi-use pathways and transit bay/shelters. The Region requires the submission of a Traffic Study, site

servicing and grading plans, stormwater management report, functional servicing report upon the submission of a future Site Development Application(s). The Owner must satisfy all requirements of Peel Region prior to final approval of a future Site Development Application(s).

The Toronto and Region Conservation Authority (“the TRCA”) has no objection to the Application in-principle

The southeast corner of the Subject Lands are regulated by the TRCA. The TRCA will undertake a detailed review as part of the future Site Development Application(s), which will include but, not be limited to a Functional Servicing Report and Stormwater Management Report, which shall address how stormwater will be managed on/off-site from the proposed development area.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment File Z.18.002 in consideration of the statutory Provincial Policies, Regional and City Official Plan policies, the requirements of Zoning By-law 1-88, the comments received from City Departments and external public agencies and the surrounding area context. The Development Planning Department is satisfied that the Application to rezone a portion of the Subject Lands to permit a crematorium, funeral home and future employment uses is consistent with the policies of the PPS, conforms to the Growth Plan, York Region Official Plan and VOP 2010. The Application will facilitate uses that provide employment opportunities to serve the immediate area and is compatible with existing employment uses within the surrounding area context. On this basis, the Development Planning Department can support the approval of the Application subject to the Recommendations of this report.

For more information, please contact: Natalie Wong, Planner, Development Planning Department at extension 8866.

Attachments

1. Context Location Map
2. Location Map
3. Proposed Zoning and Overall Site Plan
4. Proposed Zoning and Site Plan

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