

Committee of the Whole (2) Report

DATE: Tuesday, November 12, 2024

WARD(S): 2

TITLE: PRIMONT (SXSW1) INC. AND PRIMONT (SXSW2) INC.
OFFICIAL PLAN AMENDMENT FILE OP.24.005
6, 7, 10 AND 11 FLAVELLE TRAIL
VICINITY OF ISLINGTON AVENUE AND STEELES AVENUE
WEST

FROM:

Haiqing Xu, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from Council for an Official Plan Amendment Application to increase the maximum permitted building height on the portion of the Subject Lands designated “High-Rise Residential” from 32 storeys to 33 storeys (Tower 2). The application would facilitate an additional forty-one (41) units across two (2) residential apartment buildings and one (1) additional storey on all four (4) towers ranging in height from 23 to 33 storeys, as shown on Attachments 1 to 5, and to correct the private amenity space area identified in policy 13.41.1.7 of OPA 27, as amended by OPA 70, from 1,180 m² to 3,620 m².

Report Highlights

- The Owner proposes an amendment to Vaughan Official Plan 2010 to increase the maximum permitted building height from 32 to 33 storeys (Tower 2) to facilitate an additional forty-one (41) units on the portion of the Subject Lands designated “High-Rise Residential” and to amend the private amenity space area from 1,180 m² to 3,620 m²
- Minor Variance Application File A157/24 has also been submitted by the Owner to obtain relief from site-specific Exception 9(1323) of Zoning By-law 1-88 to permit an increase to the maximum building height for the proposed development
- The Development Planning Department supports the proposed development

Recommendations

1. THAT Official Plan Amendment File OP.24.005 (Primont (SXS1) Inc. and Primont (SXS2) Inc.) BE APPROVED, to amend Vaughan Official Plan 2010, Volume 1 and Volume 2, for the Subject Lands shown on Attachment 5, as follows:
 - a) Increase the maximum permitted building height from 32 storeys to 33 storeys (Tower 2) for the “High-Rise Residential” designation.
 - b) Correct the reference to the private amenity space area under policy 13.41.1.7 of OPA 27, as amended by OPA 70 from 1,180 m² to 3,620 m².

Background

Location: 6, 7, 10, and 11 Flavelle Trail, formerly known as 7082 Islington Avenue (the ‘Subject Lands’). The Subject Lands and the surrounding land uses are shown on Attachment 1.

An Official Plan Amendment Application has been submitted to permit the proposed development.

The Owner has submitted Official Plan Amendment File OP.24.005 (the ‘Application’) for the Subject Lands to increase the maximum permitted building height from 32 storeys to 33 storeys (Tower 2) for the “High-Rise Residential” designation, to facilitate the development of two (2) residential apartment buildings, containing four (4) towers (Building A - Towers 1 and 2; Building B - Towers 3 and 4) ranging in height from 23 to 33 storeys (the ‘Development’) as shown on Attachments 1 to 5. The Application also corrects the private amenity space area identified in policy 13.41.1.7 of OPA 27, as amended by OPA 70, from 1,180 m² to 3,620 m².

Through the Application, Tower 2 (Building A), as shown on Attachment 2, will increase by one (1) additional storey from 32 storeys to 33 storeys. One (1) additional storey is also being proposed for the remaining three (3) towers (Towers 1, 3 and 4) to increase their respective maximum building heights to 23, 31 and 23 storeys through Minor Variance Application File A157/24, which will require approval by the Committee of Adjustment.

The Application facilitates an additional 41 residential units across the Development, as shown on Attachment 2, for a total of 1,038 residential units.

Vaughan Council previously approved Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Development applications for the Subject Lands.

Original Approval

- Council approved Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Files OP.15.007, Z.15.030, and 19T-17V006 respectively, to permit the development of 14 residential townhouse blocks (Phase 1) and four (4)

residential apartment buildings ranging in height from 19 to 22 storeys (Phase 2), containing a total of 895 dwelling units and a Floor Space Index ('FSI') of 4.7 times the area of the Subject Lands being designated "High-Rise Residential" ('Original Approval').

- The Original Approval was enacted by Vaughan Council through OPA 27 (By-law 142-2018) and Zoning By-law Amendment (By-law 143-2018) on June 19, 2018.

Revised Applications

- Council approved Official Plan and Zoning By-law Amendment Files OP.19.013 and Z.19.035 to permit revisions to the Original Approval for Building A (Towers 1 and 2) with a maximum building height of 22 storeys and 32 storeys respectively and a 3,620 m² private outdoor amenity area (Phase 1), 11 residential townhouse blocks containing with a density of 43 units per ha (Phase 2), and for Building B (Towers 3 and 4) with a maximum building height of 22 storeys and 30 storeys respectively (Phase 3).
- A new total of 1,100 dwelling units and an FSI 4.5 times the area of the portion of the Subject Lands designated "High-Rise Residential" (2.1 ha - Phases 1 and 3).
- The Subsequent Approval was enacted by Vaughan Council through OPA 70 (By-law 097-2021) and Zoning By-law Amendment (By-law 096-2021) on June 22, 2021.
- Draft Plan of Subdivision File 19T-17V006 was also revised by the Owner to permit the addition of phasing blocks to the overall development. Vaughan Council approved revised Conditions of Draft Approval for File 19T-17V006 on November 16, 2021. The Draft Plan of Subdivision was registered on February 2, 2023, as Registered Plan 65M-4768.

Phase 1 Site Development Application

- Site Development File DA.18.015 for Phase 1 (Building A - Towers 1 and 2) of the Development
- On August 14, 2024, a Site Plan Agreement was registered for Phase 1 of the Development.
- The Owner is required to submit a new Site Development Application to amend the Site Development approval for Phase 1 to facilitate the additional storey on Towers 1 and 2, should the Application be approved.

Phase 2 Site Development Application

- Site Development File DA.18.015 for Phase 2 (4-storey back-to-back and street townhouses, with 103 units in 11 blocks on a private common element road).
- On December 19, 2023, a Site Plan Agreement was registered for Phase 2 of the Development.

Phase 3 Site Development Application

- Related Site Development Application File DA.22.066 for Phase 3 has been

submitted and currently under review by the Development Planning Department.

- In accordance with Bill 109, the approval of Site Development Applications submitted on or after July 1, 2022, has been delegated to the Deputy City Manager, Planning and Growth Management or designate, for approval.
- Site Development Application (DA.22.066) was received after July 1, 2022; therefore its approval has been delegated to the Deputy City Manager, Planning and Growth Management or designate.

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

- Date of Notice (Circulated 150 m from Subject Lands as shown on Attachment 1): September 13, 2024
- Location of Notice Sign: Islington Avenue and Flavelle Trail
- Date of Public Meeting: October 08, 2024, date ratified by Council October 29, 2024
- Date of Committee of the Whole Courtesy Notice sent to those requested to be notified: November 5, 2024.

Public Comments were received on the Application.

The following is a summary of the comments provided and received to date. The comments are organized by theme, as follows:

Traffic Congestion

- the Development will increase traffic congestion in the area and create longer commute times and potential safety hazards.

Built Form and Neighbourhood Character Changes

- the size and scale of the Development will drastically alter the character of the community.

Environmental Impacts

- the construction and increased density will have adverse effects on local wildlife and green spaces.

Infrastructure Strain

- the Development will increase the demand on existing infrastructure, including utilities and public services.

These comments are addressed throughout this report.

Previous Reports/Authority

Previous reports related to the application and Subject Lands can be found at the following links:

Primont (Islington) Inc., Committee of the Whole (Files OP.19.013 and Z.19.035):
[February 9, 2021, Committee of the Whole \(Item 4, Report 6\)](#)

Primont (Islington) Inc., Committee of the Whole (File 19T-17V006):
[November 2, 2021, Committee of the Whole \(Item 2, Report 49\)](#)

Primont (Islington) Inc., Committee of the Whole (Files DA.20.007 and DA.18.015):
[June 21, 2022, Committee of the Whole \(PH\) \(Item 18, Report 30\)](#)

Primont (SXS1) Inc. and Primont (SXS2) Inc., Public Meeting Report (File
OP.24.005):
[October 08, 2024, Committee of the Whole \(PM\) \(Item 2, Report 33\)](#)

Analysis and Options

The Development is consistent with the Provincial Policy Statement 2020 and the Provincial Planning Statement 2024 and conforms to the Growth Plan.

The Provincial Planning Statement 2024 ('PPS 2024') is a policy statement issued pursuant to section 3 of the *Planning Act* and comes into effect on October 20, 2024. All decisions made on or after October 20, 2024, in respect of the exercise of any authority that affects a planning matter shall be consistent with this policy statement.

At the time of drafting this report, transition provisions to facilitate the introduction of the new PPS 2024 were being considered by the Ministry of Municipal Affairs and Housing, and not yet available. This report therefore includes discussion of, inter alia, the Provincial Policy Statement 2020 ('PPS 2020'), the Growth Plan for the Greater Golden Horseshoe, 2019, as amended (the 'Growth Plan'), and the new PPS 2024.

PPS 2020

The PPS 2020 provides direction on matters of Provincial interest related to land use planning and development and include building strong, healthy communities with an emphasis on efficient development and land use patterns, wise use, and management of resources, and protecting public health and safety.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Proposed Development facilitates a compact urban form through the intensification of underutilized lands in the City's established Settlement Area where full municipal services exist. The compact urban form, the ability to utilize existing municipal infrastructure, and the opportunity to provide housing with varying unit sizes facilitate a higher density development that capitalizes on the transportation infrastructure investments, consistent with the PPS. Development Planning staff are satisfied that the Development is consistent with the PPS 2020.

Growth Plan

The Growth Plan provides a framework for implementing the Province's vision for building strong, prosperous communities within the Greater Golden Horseshoe to 2051. The premise of the Growth Plan is building compact, vibrant, and complete communities, developing a strong competitive economy, protecting and wisely using natural resources, and optimizing the use of existing and new infrastructure to support growth in a compact and efficient form. Development Planning staff are satisfied that the Development conforms to the Growth Plan.

PPS 2024

The PPS 2024 provides direction on matters of Provincial interest related to land use planning and development province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

The Subject Lands are within a Settlement Area and the Delineated Built-Up Area of the Built Boundary of York Region. The Application is consistent with the policies of the PPS as they make more efficient use of the Subject Lands by minimizing land consumption and providing a range and mix of housing options, pedestrian access to the adjacent valleylands, and appropriate noise control measures. Development Planning staff are satisfied that the Development is consistent with the PPS 2024.

The Development conforms to the York Region Official Plan 2022 and Vaughan Official Plan 2010.

York Region Official Plan 2022 ('YROP 2022')

York Region Council adopted the YROP 2022 in June 2022. YROP 2022 was approved, as modified, by the Minister of Municipal Affairs and Housing in November 2022, bringing it into full force and effect. Bill 150 (*Planning Statute Law Amendment Act, 2023*) and Bill 162 (*Get It Done Act, 2024*) later rescinded some of those modifications.

On June 6, 2024, Bill 185 (*Cutting Red Tape to Build More Homes Act, 2024*) ("Bill 185") received Royal Assent which includes amendments to the *Planning Act*. In accordance with the amendments to the *Planning Act* implemented through Bill 185, York region became a Region without planning responsibilities effective July 1, 2024.

Pursuant to subsection 70.13(2) of the *Planning Act*, YROP 2022 is deemed to constitute an official plan of the City in respect of any area in the City to which it applies and will remain in effect until the City revokes or amends it.

The YROP 2022 designates the Subject Lands "Urban Area" on Map 1 – Regional Structure. The YROP 2022 also designates the Subject Lands "Community Area" on Map 1A – Land Use Designations which permits a variety of housing, personal services, retail, institutional, cultural and recreational services. The Proposed Development,

which conforms to the YROP 2022, provides for a denser and more intense development on a parcel of the land in close proximity to existing transit facilities.

Vaughan Official Plan 2010 ('VOP 2010')

VOP 2010 sets out the municipality's general planning goals and policies that guide future land use. The Subject Lands are identified in VOP 2010 as follows:

- "Community Area" on Schedule 1 – "Urban Structure" of VOP 2010.
- "High-Rise Residential" with a maximum permitted height of 32 storeys and FSI of 4.5 times the area of the Subject Lands designated "High-Rise Residential" by Site-Specific Policy 13.41 - 7082 Islington Avenue (OPA 27 as amended by OPA 70) of VOP 2010, Volume 2.

The "High-Rise Residential" designation permits a maximum building height of 32 storeys, with site-specific development standards (including height) for each of the four (4) towers being established in the implementing zoning by-law. The following amendments to VOP 2010 are required to permit the Development as shown on Attachments 2 and 5:

- An amendment to VOP 2010 is required to increase the permitted maximum building height from 32 storeys to 33 storeys (Tower 2) for the "High-Rise Residential" designation, as shown on Attachment 5.
- A correction to policy 13.41.1.7 of OPA 27, as amended by OPA 70, is required to update the private outdoor amenity area from 1,180 m² to 3,620 m² to match the private outdoor amenity area identified in the implementing Zoning By-Law.

The Development has an FSI of 4.5 times the area of the Subject Lands designated "High-Rise Residential" and therefore conforms to the maximum permitted FSI by VOP 2010.

The Development Planning Department has no objection to increasing the permitted maximum building height for the following reasons:

- Tower 2 (33 storeys) is the only tower within this proposal with a height that exceeds the maximum permitted building height of 32 storeys as detailed in Site-Specific Policy 13.41 - 7082 Islington Avenue (OPA 27, as amended by OPA 70) of VOP 2010, Volume 2. The proposed height increase is only for an additional storey (32 to 33 storeys). Tower 2 is also located away from low-rise development adjacent to the Subject Lands, minimizing potential visual and shadowing impacts.
- The four (4) proposed towers will not exceed the current permitted maximum building height in metres (m) as identified in site-specific Exception 9(1323) of Zoning By-Law 1-88 for the Subject Lands and the table below:

Tower #	Permitted Height	Proposed Height
Tower 1	79 m (22 storeys)	73.17 m (23 storeys)
Tower 2	105 m (32 storeys)	103.12 m (33 storeys)
Tower 3	97 m (30 storeys)	96.8 m (31 storeys)
Tower 4	79 m (22 storeys)	72.45 m (23 storeys)

- A minimum distance of 20 m between each facing tower will be provided in accordance with Policy 13.41.1.6 of VOP 2010 and the staggering of the tower locations on either side of the road would mitigate privacy concerns.
- The Shadow Study prepared by Quadrangle Architects Limited and submitted to the City on June 20, 2024, demonstrates the additional building height will comply with the Performance Standards under Section 5.2.2 of the City-Wide Urban Design Guidelines by allowing the minimum requirement for five (5) hours of sunlight on adjacent sidewalks.
- The Development provides appropriate transit-oriented intensification on the Subject Lands and are supported by the nearby Regional Rapid Transit Corridor (Steeles Avenue West), York Region Transit (YRT) and Toronto Transit Commission (TTC) transit services along Islington Avenue and Steeles Avenue West. The Owner has agreed to construct the sidewalk extension on the west side of Islington Avenue from the Subject Lands to Steeles Avenue West to ensure future residents have direct access to public transit along Steeles Avenue West.

The Official Plan Amendment for the additional storey as shown on Attachment 2 can be supported as the overall site organization on the Subject Lands will remain unchanged and the additional building height, Gross Floor Area (GFA) and apartment units can be supported from a built form/urban design perspective and will not impact surrounding land uses. On this basis, the Development conforms to VOP 2010.

Council enacted Zoning By-law 001-2021 as the new Vaughan Comprehensive Zoning By-law.

This Application has been determined to be transitioned in accordance with Subsections 1.6.3.3.1 and 1.6.3.3.2, and therefore is subject to Zoning By-law 1-88, as amended, only.

Minor Variances to Zoning By-law 1-88 are required to permit the Development.

The Subject Lands are zoned “RA3 Apartment Residential Zone”, “RA3(H) Apartment Residential Zone” with a Holding Symbol “(H)”, “OS1 Open Space Conservation Zone”, “OS2 Open Space Park Zone” by Zoning By-law 1-88, subject to site-specific Exception 9(1323), as shown on Attachment 1.

Site-specific Exception 9(1323) permits the following maximum building heights:

- Tower 1 - 79 m (22 storeys)
- Tower 2 - 105 m (32 storeys)
- Tower 3 - 97 m (30 storeys)
- Tower 4 - 79 m (22 storeys)

As part of this applications review, the following zoning deficiencies have been identified and therefore relief is required from the zoning by-law to permit the Development:

- Building A, Tower 1 - Proposed total of 23 storeys exceeds the maximum permitted total of 22 storeys.
- Building A, Tower 2 - Proposed total of 33 storeys exceeds the maximum permitted total of 32 storeys.
- Building B, Tower 3 - Proposed total of 31 storeys exceeds the maximum permitted total of 30 storeys.
- Building B, Tower 4 - Proposed total of 23 storeys exceeds the maximum permitted total of 22 storeys.

As mentioned earlier in this report, the proposed increased building heights in storeys does not require relief from the zoning by-law for the maximum permitted building height in metres.

The Development, as shown on Attachments 1 to 2, represents Phases 1 and 3 of the overall development planned for the Subject Lands, as follows:

Site Design

Phase 1 (Building A - Towers 1 and 2) consists of two (2) high-rise residential towers containing 547 units with a total GFA of 46,730 m², five (5) levels of underground parking containing 511 residential parking spaces and 117 visitor parking spaces, and a 3,620 m² private outdoor amenity area. Tower 1 will be 23 storeys and Tower 2 will be 33 storeys.

Phase 3 (Building B - Towers 3 and 4) consists of two (2) high-rise residential towers containing 470 units with a total GFA of 43,286 m², five (5) levels of underground parking containing 423 residential parking spaces and 94 visitor parking spaces. Tower 3 will be 31 storeys and Tower 4 will be 23 storeys.

Access is proposed to the Subject Lands through Flavelle Trail which connects to internal private driveways for Buildings A and B.

Financial Impact

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

Operational Impact

The Policy Planning and Special Programs ('PPSP') Department has no objections to the Development.

The PPSP Department has advised that there are no natural heritage features on the Subject Lands and therefore, has no further concerns respecting this Application. However, all applications regardless of their location are required to abide by the *Endangered Species Act* (2007) regulated by the Ministry of Natural Resources (MNR).

The Development Engineering ('DE') Department supports the Development, subject to the conditions in this report.

The DE Department has provided the following comments:

Municipal Servicing - Water

Two watermain connections are proposed within the new internal roads of the development under Site Development Application File DA.18.015. These watermains will connect to the existing watermain on Islington Avenue at the site entrance. Local, looped watermains are proposed within the private roads to service the development. All proposed units and site plan blocks will be provided with individual water service connections in accordance with the City design criteria.

The relevant Site Development applications (File DA.22.066 & future Site Development Application for Building A) will require updating following the increase in proposed units. In addition, all outstanding comments on the related Site Development Applications will still need to be addressed under the relevant process.

Municipal Servicing – Sanitary Servicing

The Development will be serviced through a proposed, on-site sanitary sewer system within the development under Site Development Application File DA.18.015 consisting of 300 mm sewers within the development limits and a connection to the existing stub within the valley lands.

The relevant Site Development Applications (File DA.22.066 and future Site Development Application for Building A) will require updating following the increase in proposed units. In addition, all outstanding comments on the related Site Development Applications will still need to be addressed under the relevant process.

Municipal Servicing – Storm Servicing

Drainage within the Phase 1 and 2 site plan area will be collected into minor system storm sewers through area drains. The stormwater from the building roofs and the rest of the site area will be collected with storm sewers and stored in a tank in the landscape area. This tank will have sump storage to retain the first five (5) mm rainfall from the site. The tank has been sized to control the 100-year storm to the maximum allowable

discharge rate. The tank will connect to the storm sewers in the roadway at the control manhole.

Noise Assessment

The Owner submitted a Noise Study to investigate the potential environmental noise impact on the Subject Lands from road traffic and surrounding land uses. The Noise Study recommended three (3) upgraded building exterior components, central air conditioning, and noise warning clauses to be included in all Offers of Purchase and Sale or Lease and registered on title to make future occupants aware of potential noise situations.

Environmental Engineering

The Owner has submitted Phase One and Two Environmental Site Assessment ('ESA') Reports which have been reviewed to the satisfaction of the Environmental Engineering Division. The ESA reports indicate that the Development meets the applicable Ministry of Environment, Conservation and Parks Standards and is suitable for residential uses. Fisher Environmental Ltd. has concluded that soil fill containing organic material should be removed from the area around and beneath the former sales office building, and disposed of off-site, or reused on-site only above the finished grade elevation, with no hard cap cover. This removal is recommended to occur at the time Building B (Towers 3 and 4) will be constructed. The imported fill material is estimated by Fisher Environmental Ltd. to be approximately 40 m by 75 m, with an average depth of approximately 1.2 m. As conditions of the future Site Development Application approval process and/or agreement related to Site Development Application File DA.22.066 (Building B – Towers 3 and 4), the Owner will be required to provide a certification letter from a qualified engineer confirming the complete removal of the imported organic soil fill prior to the initiation of building construction.

Transportation

Overall, the Development is anticipated to introduce an acceptable transportation impact. The proposed increase in residential units is considered to be minor. The relevant Site Development Applications (File DA.22.066 and future Site Development Application for Building A will require updating following the increase in proposed units. In addition, all outstanding comments on the related site plan applications will still need to be addressed under the relevant process.

Cash-in-Lieu of the dedication of parkland is required.

The Real Estate Department has advised that for high-density residential development, the Owner shall, prior to the issuance of a Building Permit, convey land at the rate of one (1) ha per 600 net residential units and/or pay to Vaughan by way of certified cheque, cash-in-lieu of the dedication of parkland at the rate of one (1) ha per 1000 net residential units, or at a fixed unit rate, at Vaughan's discretion, in accordance with the *Planning Act* and the City of Vaughan Parkland Dedication By-law. Notwithstanding the

above, such parkland contribution—whether in the form of parkland conveyance or cash-in-lieu as determined by the City—shall be subject to a cap of (i) 10% of the Subject Lands or value of the Subject Lands if the Subject Lands are five (5) ha or less; or (ii) 15% of the Subject Lands or value of the Subject Lands if the Subject Lands are greater than five (5) ha.

City Departments, external agencies and various utilities have no objection to the Development.

Financial Planning and Development Finance, Environmental Services, Infrastructure Planning and Corporate Asset Management, Parks Infrastructure Planning and Development, Forestry division, Alectra Utilities, Rogers, Bell, Canada Post, Hydro One, Enbridge, TTC's Property, Planning, and Development group, York Catholic District School Board, and York Region District School Board, have no objections to the Development.

The Canadian National Railway Company will require the Owner to enter into a Development Agreement and register an easement.

The Canadian National (CN) Railway Company will require a CN development agreement for Phase 3 and easement to be executed prior to Site Development Application approval of File DA.22.066 for the Development. CN is to confirm if a new development agreement is required between the Owner and CN for Phase 1 of the development due to the additional storeys on Tower 1 and 2.

Broader Regional Impacts/Considerations

The Application has been circulated to York Region for the purpose of receiving comments on matters of Regional interest i.e. roads and servicing infrastructure. York Region has no objection to the development. Any technical comments regarding Regional interests will be reviewed in ongoing site development application processes.

The Toronto and Region Conservation Authority (TRCA) has no concerns.

The TRCA do not have any comments or objections to the application as interests related to limits of development, stormwater management design, erosion and sediment control measures, etc., were all addressed in previous planning and permit applications.

Conclusion

The Development Planning Department is satisfied the Application is consistent with the PPS 2020 and PPS 2024, conforms to the Growth Plan, YROP 2022 and VOP 2010, and is appropriate for the development of the Subject Lands. The Development is considered appropriate and compatible with existing and planned surrounding land uses. Accordingly, the Development Planning Department can recommend approval of the Application, subject to the Recommendations in this report.

For more information, please contact Kevin Ayala Diaz, Planner, at extension 8882.

Attachments

1. Context and Location Map
2. Site Plan
3. Building Elevations
4. Landscape Plan
5. Proposed Amendment to Official Plan 2010

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