



Item .....
Meeting .....2013 Jan 14

COUNCIL REPORT

**TO:** CITY MANAGER **DATE:** 2013 January 08  
**FROM:** DIRECTOR PLANNING AND BUILDING **FILE:** 49500 20  
*Reference: Rez#12-15*  
**SUBJECT: REZONING REFERENCE #12-15**  
**6530 AND 6550 NELSON AVENUE**  
**RESPONSE TO PUBLIC HEARING ISSUES**

**PURPOSE:** To respond to issues raised at the Public Hearing for Rezoning Reference #12-15.

**RECOMMENDATION:**

1. **THAT** a copy of this report be sent to the applicant and those who spoke at, or submitted correspondence to the Public Hearing for Rezoning Reference #12-15.

**REPORT**

**1.0 BACKGROUND**

On 2012 November 27, a Public Hearing was held for Rezoning Reference #12-15. The subject rezoning application proposes a single 38-storey apartment tower, with 3-storey townhouses fronting Nelson Avenue and full underground parking, within the Metrotown Development Plan Area (see *attached* Sketches #1 and #2). Vehicular access to the proposed development is via Dunblane Avenue/Grimmer Street, at the rear of the development.

At the Public Hearing, four submissions were received from residents of 4930 Bennett Street, including a petition containing signatures of eight property owners from the Strata Corporation of the multiple-family residential building (Strata Corporation NW 981); two submissions from residents of 6550 Nelson Avenue; one submission from a resident at 5644 Carson Street; one submission from a resident at 6075 Dunblane Avenue; and, one submission from a resident at 8335 Roseberry Avenue. The primary issues raised at the Public Hearing are summarized in this report as follows: density and building form; loss of existing rental housing; relationship to neighbouring sites; vehicular access and traffic on Dunblane Avenue/Grimmer Street; traffic safety; and, construction impacts on the surrounding neighbourhood. At the Public Hearing, Council requested that a staff report be submitted on the issues raised.

**2.0 ISSUES RAISED**

*Issue #1 –Density and building form*

Concerns were raised regarding the proposed density on the site as it relates to the requested Amenity Density Bonus. Concerns were also raised regarding the proposed form of development and its relationship to the surrounding neighbourhood.

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*Response:*

The subject site is located mid-block on the east side of Nelson Avenue, between Bennett and Imperial Streets. Under the Council-adopted Metrotown Town Centre Development Plan, the subject area, excluding Lobley Park, is designated for high density multiple family residential development, using the RM5s District as a guideline for CD Comprehensive Development rezoning (see attached Sketches #1 and #2). The form of development contemplated by the subject rezoning amendment proposal is consistent with the adopted Plan.

Consistent with Council-adopted policies and guidelines, the applicant is pursuing the maximum permitted residential density of 5.0 FAR, inclusive of a 1.60 FAR density bonus in accordance with 's' category provisions within the Zoning Bylaw for the subject site. The estimated total value of the amenity bonus is \$9.5 million. The Committee, on 2012 November 05, adopted the recommendation that Council approve a cash in-lieu contribution to be used towards provision of a future off-site public amenity.

In addition to the foregoing, given that the development's location within the Metrotown Town Centre, its higher quality architecture and urban design, proximity to transit, alternative modes of transportation, major commercial-retail services, and civic/recreational facilities (i.e. Bonsor Recreation Complex and Bob Prittie Metrotown Library), and that the proposal is consistent with the Council-adopted Plan and related policies, the proposed density (5.0 FAR) is considered suitable.

With regard to building form, as noted, the proposal is for a single 38-storey apartment tower with 3-storey townhouses fronting Nelson Avenue with full underground parking. Staff would note that, high-rise to low-rise building form relationships are well established in the region and City's Town Centre areas. It is noted that the subject site is of a sufficient lot area and width to accommodate an apartment tower, and that proposal includes the provision of a townhouse podium component which continues the low-rise relationship to the street. The proposed development will contribute to the completion of the long term vision for the Plan with development accommodated in higher forms that is well designed, human scaled and street-oriented. In view of the above, the relationship of the proposed development to both existing and future development in this area is considered to be appropriate.

*Issue #2 – Loss of rental housing*

Concerns were raised regarding the loss of existing rental housing on the subject site.

*Response:*

The development site comprises two lots at 6530 and 6550 Nelson Avenue. The property at 6530 Nelson Avenue is occupied by a 19-unit low-rise rental building, which was constructed in 1970. The property at 6550 Nelson Avenue is occupied by a 57-unit low-rise rental building, which was constructed in 1968.

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The proposed development is for a 312 unit apartment tower (strata), with street-fronting town houses on Nelson Avenue. While no purpose-built rental units are proposed for the subject development, a percentage of the units within the proposed building will likely be allocated for market rental use (as determined by the future Strata Corporation for the development). It is noted that due to current market factors, new rental units are increasingly provided for by residential strata buildings, in which the building form is typically within apartment towers. Within these residential strata buildings, approximately 15% to 17% of the units are typically used as rental units.

As noted above, the concern raised at the Public Hearing is related to the loss of existing rental housing from the development site, and more generally, the loss of housing which may be more affordable within Metrotown Town Centre. It is acknowledged that the issue of housing affordability is complex and challenging and influenced by many external factors such as market conditions – supply and demand, projected population growth, income, and market costs of land and building construction. While these existing units may provide a measure of affordable housing within the Town Centre, like many buildings that are nearing the end of their life-cycle, they are advanced for redevelopment based on market conditions, and as it becomes increasingly uneconomic to continue to repair and maintain older building stock as they age.

The City, in its land use designation function and its ability to influence development through policies and regulations, provides a facilitating and supportive role in the development of a comprehensive housing continuum within Burnaby. The broad goals of the *Official Community Plan (OCP)* include the provision of a varied range and choice of living opportunities within the City. On that basis, the City has encouraged the development of a range of housing types and levels of affordability within Metrotown (and more broadly the City).

The *Residential Policy Framework* of the City's OCP which guides residential development and growth within Burnaby is premised on the development of the City's four Town Centres: Metrotown, Brentwood, Edmonds and Lougheed. Each Town Centre provides a broad mix of housing. Higher density building forms (i.e. apartment towers and mixed-use developments) are supported within the Town Centres as they are set within the appropriate urban context supported by a broad range of commercial services, civic and recreational facilities, and amenities; and a transit system with strong pedestrian and cycle linkages. Residential areas outside of a Town Centre include Urban Villages, and single- and two-family residential neighbourhoods. These areas provide some of the more ground-oriented, medium and low density forms of housing within the City. The densification of Burnaby's Town Centres also provides for a measure of housing affordability within the City, by providing for a variety of unit sizes and a greater overall supply of units, especially given their relationship to transit and commercial services and amenities, as compared to more traditional single and two-family housing forms.

The City has also implemented a broad range of housing policies and initiatives, to protect, facilitate and provide housing affordability within Burnaby – both market and non-market. These policies and initiatives include the following:

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- *Rental conversion control* – Council adopted policy which restricts the conversion of existing rental apartment buildings to condominium ownership. This policy has and continues to serve in maintaining rental units within existing buildings not undergoing redevelopment.
- *Density bonus* – The Community Benefit Bonus program is intended to secure community amenities, including affordable and special needs housing in exchange for additional density for a development through the CD Comprehensive Development rezoning process. With regard to affordable or special needs housing, Committee and Council have the opportunity to provide these units on-site or provide a cash-in-lieu equivalent to the value of the density bonus granted. Funds obtained through this program are applied to future City-initiated community amenities and/or housing projects. For all cash -in-lieu contributions received by the City, 20 percent of the funds are allocated to a designated account for affordable or special needs housing projects. For contributions less than \$800,000.00, as a policy, the City accepts a cash contribution rather than a direct amenity or housing. As noted above, 20% of the contribution is allocated to future affordable and/or special needs housing. The cash deposit to the City for affordable/special needs housing from this source currently totals \$7.4 million. To date, this program has also yielded 19 affordable housing units. With regard to this rezoning application, a total of \$9.5 million will be taken as a cash contribution in lieu of a physical amenity on the subject site, of which \$1.9 million will be allocated to the housing sub-account to be used in future to support affordable housing initiatives in the City;
- *Inclusionary zoning* – Council adopted policy which requires 20 percent of units in newly developing communities on publicly-owned land to be non-market rental. This policy has resulted in the development of 390 non-market housing units at Oaklands, George Derby, Cariboo Heights, and the former Burnaby South School Site;
- *CD Comprehensive Development District Zoning* - Through the City’s CD District rezoning process, market rental and non-market housing developments can be facilitated by amendments to standard established requirements under the bylaw that would otherwise apply to market housing developments, including building setback, bulk and parking requirements;
- *Deferral of City development cost charges and permit fees* – The policy allows for the deferral of applicable City development cost charges and permit fees for non-market housing projects up to a period of 24 months commencing from the time of final development approval, with the deferred payments required to be paid prior to issuance of occupancy permit;
- *City-supported projects* – The City has initiated and/or facilitated several projects which support and protect affordable housing within Burnaby, including:
  - 5706 Irmin Street – City took over management of affordable housing project previously managed by Action Line Housing Society;

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- 3802 Hastings Street - City commenced work on a preliminary development concept and feasibility study for affordable housing; and,
- City granted Housing Funds to support three affordable housing projects – Dixon Transition Society, Legion 83, and Swedish Canadian Rest Home Association.
- *City land lease* – The City currently leases lands to seven non-profit and co-operative housing providers for 293 non-market rental units at Lions Mulberry Place, Ridgelawn Gardens, Cariboo Co-operative, Hastings Village, Garden Square Co-operative, Marguerite Dixon Transition Society, and Action Line Housing Society; and,
- *City grant* – Providing grants to non-profit housing providers, such as Habitat for Humanity, and as noted above - Dixon Transition Society, Legion 83, and Swedish Canadian Rest Home Association, to assist with project development.

To date, the City has a total of 6,174 non-market housing units within its housing stock. On this basis, Burnaby ranks third overall in the region in terms of the total number of non-market units provided, after Vancouver and Surrey.

While the City actively encourages, supports and assists in the provision of special needs, market and non-market rental housing within Burnaby, initiatives to significantly contribute to provision of affordable market and non-market rental housing principally relies on senior levels of government (provincial and federal), who have the resources and constitutional mandate, to appropriately respond to the housing needs related to income of residents of the City and Metro Vancouver region. In this regard, it is noted that local government does not have the full mandate or capacity to directly respond to the provision of affordable rental housing, while recognizing the evident lack of current market conditions to support development of new purpose built market rental units. In recognition of this, through the Union of B.C. Municipalities and other means, the City has also advocated senior levels of government to renew their commitment to addressing the need for an appropriate response to the housing affordability and related homelessness issues of the City and region. Through work of the City's Community Development Committee, the City also continues to seek additional ways and means to further increase and support the provision of affordable housing in the City.

With regard to the specific development proposal for this rezoning application (Rezoning Reference #12-15), the proposal is providing an additional 312 strata units towards the City's overall housing stock, of which a percentage will be available for rental, as determined by the future Strata Corporation. Further, a total of \$9.5 million will be taken as a cash contribution in lieu of a physical amenity on the subject site. As per the City's Community Benefit policy, 20% of the total deposited in the account (\$1.9 million) would be allocated to the affordable/special needs housing sub-account, leaving the remainder of \$7.6 million available for the provision of other community amenities within Metrotown, including housing, at some point in the future. As indicated, the housing fund is intended to be used broadly in the City to support the provision of non-market and affordable housing units through leveraging partnerships with other levels of government and non-profit housing providers.

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As noted above, 76 existing rental units are proposed to be replaced with strata units as a result of the development proposal. A total of 312 new dwelling units will be developed to contribute towards the City's housing stock to accommodate the anticipated population growth within Metrotown, and more broadly the City, consistent with the City's adopted plan for Metrotown. As part of the development proposal, a total of \$9.5 million will be taken as a cash contribution in lieu of a physical amenity on the subject site for the future provision of other community amenities within Metrotown, including affordable housing initiatives.

*Issue #3- Relationship of the proposed development on neighbouring residential and park sites.*

Concerns were raised regarding the potential impacts of the proposed development on neighbouring residential and park sites, including the potential impact to existing trees within Lobley Park, the structural stability of neighbouring residential buildings due to the excavation for underground parking, the potential impacts of development on nearby creeks, and the overall plan for Lobley Park.

*Response:*

*Concern regarding trees in Lobley Park* – The developer engaged an arborist to establish a tree protection and removal plan for the proposed development site. With regard to coniferous trees along the shared property line between Lobley Park and the subject site, full consideration was given to the root zone of the off-site trees at the planning and design stage of the development. As such, the proposed underground parking structure is setback approximately 3.0 m (10 ft.) to protect the root zones of the trees within Lobley Park. The City's arborist has reviewed the proposal and has confirmed that the proposed setback is sufficient to protect the trees within the park. A tree protection plan will also be required as a condition of rezoning, including bonding and the provision of 4 ft. high chain link fencing around existing trees to be retained during construction along any property lines adjacent the park.

*Concern regarding the structural stability of neighbouring buildings* - The excavation of underground parking structures neighbouring existing underground parking structures is common in high density urban areas such as Metrotown. The project's structural and geotechnical engineers will be required to certify as part of the Building Permit that the proposed structure and bearing soil can withstand the intended load of the building and vehicle traffic, in addition to providing that the construction of the proposed building will not have any adverse affects on the structure of neighbouring sites, prior to issuance of an Excavation or Building Permit for the development site.

*Concern regarding storm water management and potential impact on nearby creeks* – The stormwater from this development site is conveyed to Grey Creek, via a piped stormwater system. The stormwater pipes connect to Grey Creek at Neville Street, between Grey and Nelson Avenues and then drains into Byrne Creek within the Big Bend area.

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To properly manage stormwater from the site, a detailed engineered on-site storm water management design plan (SWMP), complete with maintenance manual is required to be submitted for review and approval of the Acting Director of Engineering prior to final subdivision and Council's approval of the rezoning. The SWMP would generally consist of detention tanks and permeable site features, in which on-site infiltration is provided to improve water quality and flows through the storm sewer, Grey Creek, and Byrne Creek. This approach to stormwater management will result in a net improvement over existing conditions as the current developments on the properties at 6350 and 6550 Nelson Avenue were established prior to the City's development of SWMP requirements in 2002.

*Concern regarding Park Plan for Lobley Park* – Lobley Park is a 2.0 acre park site, which is shared with Fire Hall No. 3. The Park is improved with a tot lot, open grass area and walking paths. The Park was dedicated for park use in 1938. Under the adopted Plan, the site is designated for continued neighbourhood park use. The subject neighbourhood park, as developed, maintained and managed by the Parks Recreation and Cultural Services Department, is in line with the adopted Park Plan. No further development of public facilities in the Park is planned at this time.

*Issue #4 - Vehicular access on Dunblane Avenue/Grimmer Street and traffic impacts to the surrounding neighbourhood*

Concerns were raised regarding the use of Dunblane Avenue/Grimmer Street as the location for vehicular access, including access to the screened enclosure for garbage and recycling to be used on garbage pick-up days.

*Response:*

Vehicular access to the site is proposed via Dunblane Avenue/Grimmer Street. The provision of vehicular access to the site via Nelson Avenue is not advisable, given that Nelson Avenue is designated a *Major Collector – Primary* road, and as such, safety of turning movements on this busier street (Nelson Avenue) would pose potential issues. Vehicular access to the site via Nelson Avenue is also not advisable given the desire to create a strong public realm, and pedestrian orientation for Nelson Avenue to accommodate more significant pedestrian movement on this street in the Town Centre. In light of these considerations, through a review with the Acting Director Engineering, as part of the design terms for the development site, it was determined that the provision of vehicular access via the street network on Dunblane Avenue/Grimmer Street is the preferred option. It is also noted that a future formalized pedestrian crossing is to be located midblock along Nelson Avenue, providing direct access to the Bonsor Recreation Complex, which further limits the feasibility of locating safe vehicular driveway access via the Nelson Avenue frontage.

As a condition of Final Adoption, Traffic Engineering staff will further review the details of the proposed driveway access at Dunblane Avenue/Grimmer Street to ensure that all local pedestrian and vehicular safety requirements are satisfied for the driveway access at this location.

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With regard to the potential traffic impacts of the proposed development, the developer engaged a transportation/traffic consultant to conduct a transportation assessment to determine the potential traffic impact the proposed 312-unit multiple-family residential development would have on the surrounding neighbourhood. The consultant's report concluded that the subject development site would not generate significant vehicular traffic and parking impacts in the area. The report recommended, however, that the City consider the installation of a pedestrian crossing on Imperial Street, between Nelson Avenue and Royal Oak Avenue, regardless of whether the proposed development proceeds or not. Transportation Planning and Traffic Engineering staff have reviewed the consultant's transportation assessment report and concur with its findings, and will be taking the crossing recommendation for Imperial Street under advisement.

Regarding garbage and recycling access, these containers will be stored within the designated garbage and recycling enclosure within the underground parking structure. A temporary staging area, by way of a surface garbage bin enclosure, is provided onsite near the Dunblane Avenue/Grimmer Street front for garbage and recycling for use on pick-up days. This area will not be visible from the park and will be appropriately screened to mitigate visual impacts from the street. Environmental Services – Engineering Division have reviewed the proposed garbage and recycling access area and have indicated that they have no concerns with the space provided.

This approach to placing garbage on surface for pick-up, in this case, within an approved enclosure, is common throughout the region. It ensures that any impacts to neighbours is limited only to pick-up days, as the primary deposit and storage of garbage and recycling is provided and maintained within the underground parking structure, which otherwise fully protects adjacent neighbours from impacts of this activity.

#### *Issue #5 – Safety*

A concern was raised regarding pedestrian and child safety along the Dunblane Avenue/Grimmer Street frontage of the development site and adjacent Lobley Park

#### *Response:*

Dunblane Avenue and Grimmer Street are identified as local residential roads, which are intended to provide direct access to individual residential properties within the neighbourhood. It is also noted that given that the subject public roads are abutting/in proximity to Lobley Park, the maximum vehicular speed within this area is 30 km/hour. Given that the width of the road is intended for local volume of traffic, and that the maximum vehicular speed within this area has been reduced, the area is not considered a high risk with respect to pedestrian/vehicular safety, and as such is appropriate for use to serve the subject and future development in the area.

As noted, Traffic Engineering staff will further review the details of the proposed driveway access at Dunblane Avenue/Grimmer Street to ensure all pedestrian and vehicular safety requirements are fully satisfied.



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*Issue #6 – Construction impacts to the surrounding neighbourhood*

Concerns were raised regarding the potential impacts of the construction phase of development to the surrounding neighbourhood, including traffic, noise and dust.

*Response:*

It is recognized that during the construction phase of any development, there will be some impact to the surrounding area, including traffic, noise and dust. To ensure that impacts to the surrounding neighbourhood are as minimal as possible, the developer will be required to meet the following provisions:

- Submit a construction access plan to the Engineering Department prior to commencement of construction. The plan will include an outline on the location of construction access, construction vehicle staging and proposed temporary road closure areas with view to properly manage potential construction impacts within the surrounding neighbourhood;
- Ensure that contractor vehicle parking be accommodated on-site, off-site within permitted parking lots or within permitted on-street parking areas;
- Submit a sediment control plan to the Engineering Department prior to issuance of a building permit to ensure that dust, and other sediment control matters are properly managed; and,
- Ensure that construction and vehicle noise originating from the proposed development site abide by the permitted hours of construction and the Burnaby Noise Bylaw. The Bylaw limits construction activity to the hours of 7:00 a.m. – 8:00 p.m., Monday to Friday, and 9:00 a.m. - 8:00 p.m. on Saturdays. The Bylaw also limits the level of noise emanating from construction sites to 85 dBAs.

At the Public Hearing, a resident requested that the developer provide compensation for construction-related impacts on the surrounding neighbourhood during the construction phase of development. In addition to the above noted construction access plan and compliance with the Burnaby Noise Bylaw and sediment control requirements, the development is expected to properly manage potential construction-related impacts on the neighbourhood. There is not, however, a basis for the City to require the development to provide for private compensation for construction-related impacts during the construction phase of a development.

While noting the construction impacts are to be properly managed, the development will provide overall benefits from an environmental and community view point. The developer is pursuing quality architecture and urban design, Leadership in Energy and Environmental Design (LEED) – Silver Standard, and progressive landscaping treatment and amenities for the overall development. The development also includes upgrade to sanitary, sewer and water service infrastructure and construction of Nelson Avenue, Dunblane Avenue and Grimmer Street to final standard across the development site's frontage and to the point of logical connection, which will also provide a net benefit to the neighbourhood streetscape. As also noted, a total of \$9.5 million

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will be taken as a cash contribution in lieu of a physical amenity on the subject site, which will contribute to a future community amenity within the Town Centre. The development will also contribute funds to the City's park and school site acquisition program, and residential tax base; contribute funds to the Greater Vancouver Sewerage and Drainage District for the construction and upgrading of sewerage facilities within the City and broader region; and provide for new housing in the community.

### 3.0 CONCLUSION AND RECOMENDATION

The development proposal for the subject rezoning application (Rezoning Reference #12-15) is for a 312-unit, 38-storey apartment tower with townhouses on Nelson Avenue within the Metrotown Town Centre Development Plan Area. The proposal is considered supportable given its consistency with the adopted Metrotown Town Centre Development Plan, in its pursuance of quality architecture and urban design, Leadership in Energy and Environmental Design (LEED) – Silver Standard, and progressive landscaping treatment and amenities for the overall development. The proposed residential development is also in keeping with the objectives of the Metrotown Development Plan for high-density multiple family residential developments which meet City standards, requirements and objectives.

This report presents information in regard to the issues raised at the Public Hearing related to density, rental housing, building form and its relationship to the existing low-rise apartment buildings within the neighbourhood and adjacent park, site access and pedestrian and vehicular safety, neighbourhood traffic and construction-related impacts. As a condition of Final Adoption of the rezoning, the developer will be required to obtain the necessary City-approvals and permits, to ensure that the concerns raised at Public Hearing are appropriately addressed, including concerns related to potential structural damage of adjacent buildings due to the excavation of the development site, stormwater management in relation to Grey Creek/Byrne Creek, and protection of nearby trees within Lobleby Park. In view of the above, the development proposal is considered to be supportable.

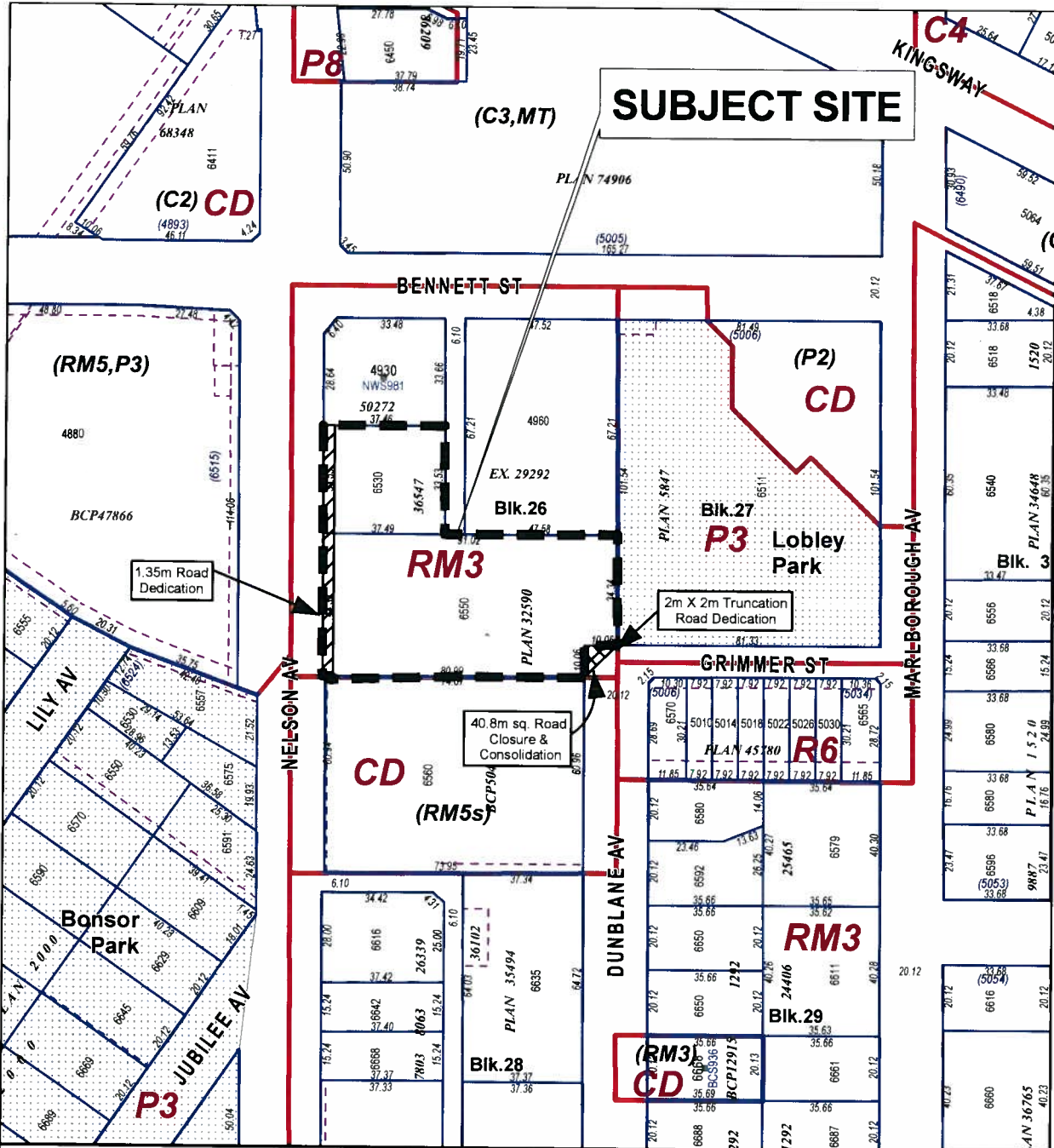
It is recommended that a copy of this report be sent to the applicant and those who spoke at, or submitted correspondence to the Public Hearing for Rezoning Reference #12-15.

  
Lou Pelletier, Director  
PLANNING AND BUILDING

ZT:spf

#### ***Attachments***

cc: Acting Director Engineering  
Acting City Clerk




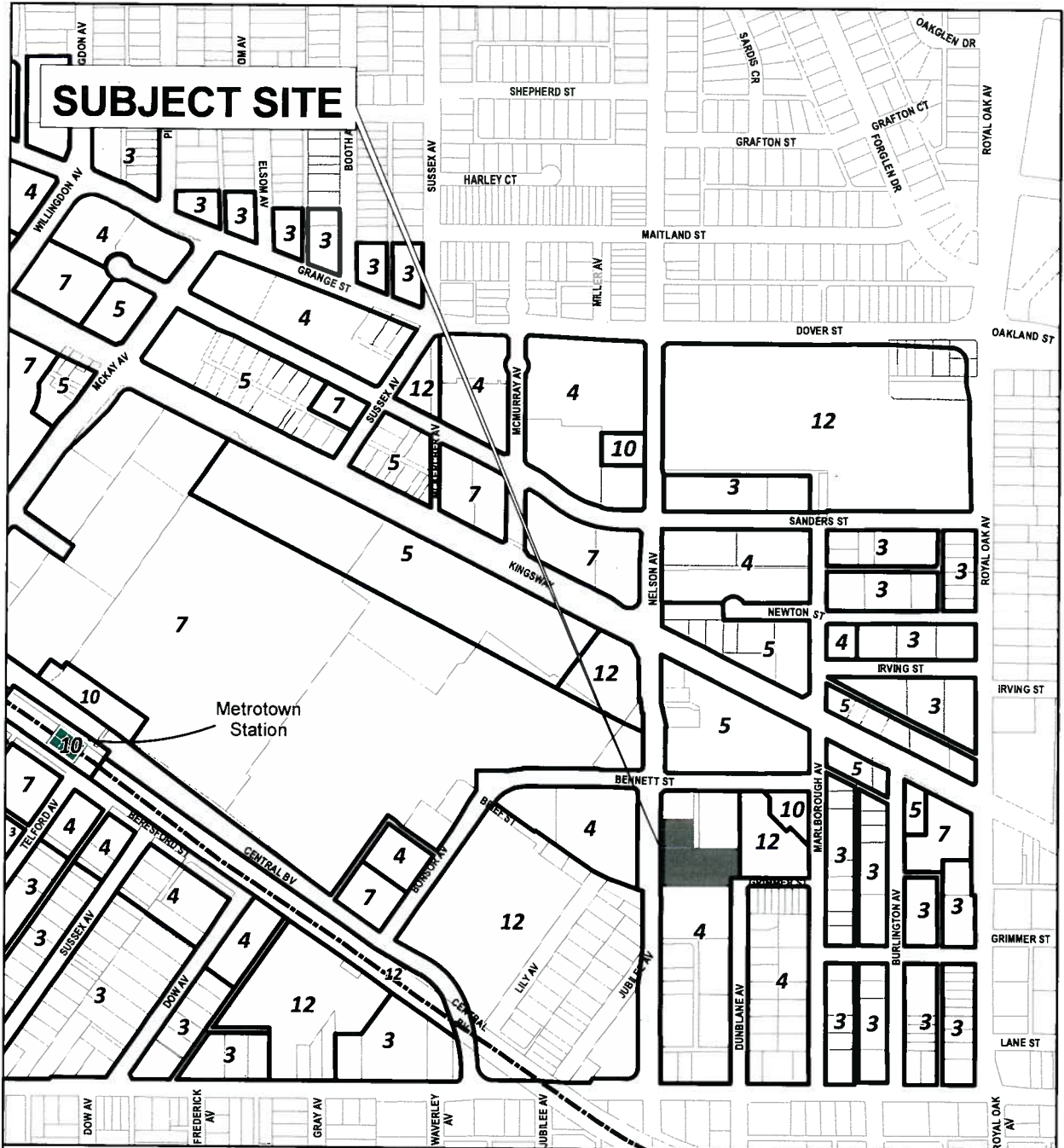
PLANNING & BUILDING DEPARTMENT



DATE:	DEC 19 2012
SCALE:	1:2,000
DRAWN BY:	AY

REZONING REFERENCE #12 -- 15  
6530 & 6550 NELSON AVE

 Subject Site



- |  |                                      |
|--|--------------------------------------|
| 1 Single and Two Family Residential          | 7 High Density Mixed Use             |
| 2 Low Density Multiple Family Residential    | 10 Institutional                     |
| 3 Medium Density Multiple Family Residential | 12 Park and Public Use/Public School |
| 4 High Density Multiple Family Residential   |                                      |
| 5 Commercial                                 |                                      |
| 6 Medium Density Mixed Use                   |                                      |



Planning and Building Dept

## Metrotown Plan

