

1980 AUGUST 19

A Public Hearing was held in the Council Chamber, Municipal Hall, 4949 Canada Way, Burnaby, B.C., on Tuesday, 1980 August 19 at 19:30 h.

PRESENT: Mayor D.M. Mercier, In the Chair
Alderman G.D. Ast
Alderman D.N. Brown
Alderman D.A. Lawson
Alderman F.G. Randall
Alderman V.V. Stusiak

ABSENT: Alderman D.P. Drummond
Alderman A.H. Emmott
Alderman W.A. Lewarne

STAFF: Mr. M.J. Shelley, Municipal Manager
Mr. A.L. Parr, Director of Planning
Mr. P.D. Sanderson, Planner I
Mr. James Hudson, Municipal Clerk
Mr. C.A. Turpin, Municipal Clerk's Assistant

The Public Hearing was called to order at 19:30 h.

1. FROM SPECIAL INDUSTRIAL DISTRICT (M4) TO COMMUNITY COMMERCIAL DISTRICT (C2)

Rezoning Reference #20/80

Lots 5, 6 and 7 of Block 10, D.L. 206, Plan 1323.

517, 523 and 599 Sperling Avenue - located on the west side of Sperling Avenue between East Hastings Street and Frances Street.

The applicant requests rezoning in order to establish a restaurant.

Mr. Richard DeBeck, 621 Sperling Avenue, then addressed the members of Council and read a prepared statement, the text of which is contained hereunder:

"I live at 621 Sperling Avenue, across Francis Street from the proposed restaurant facility at Frances and Sperling. I have come to this Public Hearing because I am opposed to the proposed rezoning of the property at 517, 523 and 599 Sperling Avenue from M4 to C2 zoning. I have a petition to present to Council from property owners and citizens in the community, all of whom live in the immediate area, all of whom are opposed to this rezoning. In fact, the residents of the immediate community are overwhelmingly opposed to the rezoning of this area for commercial use.

We are vitally concerned because this proposed rezoning to C2 will harm our neighbourhood by disrupting its residential character. The proposed restaurant is surrounded by our single and two family homes. Our concerns are the same as those of the Municipal Planning Department with regard to this rezoning. I quote from the Planning Department's submission to Council, 'The proposed commercial development with its required off-street parking and the resulting noise and traffic would disrupt the existing residential character of the general residential area and create an incompatible interface with its immediate residential neighbours located to the south, east and west'. As the 'immediate residential neighbours' in question, we will face an increase in noise and traffic late into the evening and on weekends. In addition, the restaurant will result in parking on our streets and around our homes by patrons. The fact is, even when parking facilities are adequate, which they do not appear to be in the case of this proposed facility, many people prefer parking on the surrounding streets because of easier access. In addition, if the rezoning is approved, immediate neighbours of the restaurant will have to live with the smell of cooking in the evening and on weekends when they are trying to enjoy their sundecks and backyards.

We are also vitally concerned about the negative affect this proposed rezoning will have on the market value of our homes and property, as most people consider a residence close to a commercial establishment, like a restaurant, undesirable because of their high traffic volume and in fact they are open late into the evening as well as Saturdays and Sundays.

As opposed to Lochdale Hall, which serves our direct community, this proposed restaurant facility will have to draw from a much broader area to achieve the volume necessary to be successful. I would also mention that our area is currently serviced by a Neighbourhood Pub and a Little Billy's Restaurant, both of which dispense liquor. In fact, no-one that I know of in our area is opposed to having this restaurant facility in our community. However, we are strongly opposed to having it in a residential area, particularly when commercial sites are available on Hastings Street. Again, I would quote from the Planning Department's submission to Council with respect to this commercial rezoning:

'Commercial development to serve the local retail-commercial needs of the surrounding area is intended to extend along the south side of Hastings Street between Duncan Avenue and Kensington Avenue and on the north side of Hastings Street between Duncan and Grove Avenues. At the present time the majority of the commercially designated lands have been appropriately developed. However, several relatively large parcels fronting Hastings could support additional commercial development as the need arises. Commercial development oriented to Hastings Street in the configuration outlined in the Apartment Study is considered to be appropriate since Hastings Street provides logical access and exposure required for commercial activity without disrupting and penetrating the adjacent residential areas to the south.'

As residents of the 'adjacent residential areas to the south' we are also concerned about the future consequences of the proposed rezoning. Once the proposed area is rezoned C2 its future, and our neighbourhood, is open to commercial facilities without restriction to hours. Such facilities could include clubs or lodges, gas stations, bowling alleys, catering establishments, theatres, taxi dispatch offices, banquet halls, and pubs. Moreover, as the Planning Department says, 'additionally, the subject rezoning would set an unwarranted precedent for similar C2 requests for the east side of Sperling Avenue directly opposite the site'. In short, as residents of the area, our concern for the future is that this proposed rezoning would begin the process whereby the residential character of our neighbourhood would be effectively and permanently destroyed.

As residents of the local community, we would like to see these lots zoned for single and two family dwellings to make them compatible with the surrounding residences. Single and two family dwellings would solidify the residential character of our neighbourhood and, as opposed to commercial development, make it quieter and more liveable.

In conclusion, as residents of the local community we strongly urge Council to reject the proposed rezoning. By locating in an unsuitable residential area the proposed facility presents a liability to our community, when by locating in the commercial centre to the north, on Hastings Street, it could compliment the existing commercial facilities. Quite simply, there is room in our community for this proposed facility. There are appropriate sites on Hastings Street where such a venture would be welcomed into our community instead of being overwhelmingly opposed by local residents concerned about the destruction of their neighbourhood. Like the Planning Department, we would urge the applicant to seek another location within the immediate vicinity that affords the exposure, access and parking necessary to properly support this business enterprise. There are appropriate sites available on Hastings Street and the Planning Department has said it is ready to help the applicant. In closing, we would ask Council to support the wishes of the residents of the local community and the recommendations of the Municipal Planning Department in rejecting this proposed rezoning.

I would also like to hear from the developer, if he is present, his specific plans for the restaurant facility, including such details as hours, seating, parking and building design.

Finally, I would like to present the petition opposing this rezoning from my neighbours and myself."

Mr. Debeck then presented a petition containing the signatures of twenty-one (21) property owners residing in the area adjacent to the proposed development.

In response to questions from Council, Mr. DeBeck advised that he was aware of the uses that are permitted under the current M4 zoning designation, and in addition, all those that signed the petition were aware that the original rezoning proposal had been adjusted to eliminate the proposed banquet facility originally planned for the development.

Mr. Dimitrios Nivolianitis, 1966 West 13th Avenue, Vancouver, B.C., then addressed the members of Council and advised that he was the applicant and property owner respecting this rezoning application. Mr. Nivolianitis presented a sketch of the proposed building to those in attendance and advised that the building will contain 5,000 square feet and seat 150 customers. Mr. Nivolianitis expressed the desire to co-operate with the area residents in order to solve any problems that may arise.

Mr. Gordon Gibb, 2091 Sperling Avenue, then addressed the members of Council and advised that he was opposed to the rezoning of the subject property. Mr. Gibb expressed concern over the fact that once the land has been rezoned it may be used for any of the applicable uses designated within the C2 category of the Zoning By-law. He explained that with the uncertainty of the restaurant business it may be possible that the property may be sold within a relatively short period of time. Mr. Gibb stated that there is no provision under the C2 zoning designation for any residential usage while such usage is permitted under the current M4 zoning designation, and he was also concerned with the lack of control over hours of business, landscaping and noise attenuation considerations, and setback requirements. Mr. Gibb expressed concern over the fact that all the access to the proposed development would be from the rear of the property with no access provided from Sperling Avenue. The speaker stated that he wished to see the property rezoned to some form of residential usage, possibly multiple family dwellings.

Mr. A.L. Parr, Director of Planning, in response to Mr. Gibb's presentation advised that ten (10) foot side and rear yard setbacks would be required with the side yards requiring landscaping.

Mrs. Donna K. Cook, 720 Sperling Avenue, then addressed the members of Council and advised that she was opposed to the rezoning because of the current traffic congestion and noise along Sperling Avenue.

Mr. Frank Navratil, 432 Grove Avenue, then addressed the members of Council and advised that he was opposed to the rezoning as the development will increase the traffic and noise problems currently existing in the immediate area.

Mrs. Opal E. Bentley, 680 Sperling Avenue, then addressed the members of Council and advised that she was opposed to the rezoning on account of the traffic congestion in the area.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN BROWN:

"THAT this portion of the Public Hearing relating to Rezoning Reference #20/80 be now terminated."

CARRIED UNANIMOUSLY

2. FROM GASOLINE SERVICE STATION DISTRICT (C6) TO MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM2)

Rezoning Reference #23/80

Lot B, Ex. Pl. 8898, Block 31, D.L. 152, Plan 5641, NWD.

5157 Imperial Street - situated on the northwest corner of Imperial Street and Royal Oak Avenue.

The applicant requests rezoning in order to construct a strata title apartment building.

No one appeared in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN AST:

"THAT this portion of the Public Hearing relating to Rezoning Reference #23/80 be now terminated."

CARRIED UNANIMOUSLY

3. FROM DRIVE-IN RESTAURANT DISTRICT (C7) TO GENERAL COMMERCIAL DISTRICT (C3)

Rezoning Reference #24/80

Lot "A", Block 4, D.L. 117, Group 1, Plan 23015, NWD.

4315 Loughheed Highway - located at the northeast corner of the intersection of the Loughheed Highway and Madison Avenue. Douglas Road is located along the north side of the property.

The applicant requests rezoning in order to construct a 130 seat Sambo's Restaurant.

No one appeared in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:
SECONDED BY ALDERMAN BROWN:

"THAT this portion of the Public Hearing relating to Rezoning Reference #24/80 be now terminated."

CARRIED UNANIMOUSLY

4. FROM COMMUNITY INSTITUTIONAL DISTRICT (P5) TO COMPREHENSIVE DEVELOPMENT (CD), (BASED UPON RM4 DENSITY GUIDELINES)

Rezoning Reference #28/80

D.L. 120, Lot 2 Ex. Pt. on Filing 34446 and Ex. Sk. 9459 and Ex. Pl. 25111, Plan 3068 (Easterly 5.9 acres).

4305 Halifax Street and 1770 Douglas Road - located on the north side of Halifax Street near the intersection of Rosser Avenue and Halifax Street.

The applicant requests rezoning in order to construct two low-rise residential buildings and one residential high-rise of 24 storeys. A total of 335 units are proposed.

Mr. Stewart Shearman, 225 North Carleton Avenue, then addressed the members of Council and advised that he was representing the North Burnaby Study Committee. Mr. Shearman read a prepared brief, the text of which is contained hereunder:

"My name is Stewart Shearman, I live at 225 North Carleton Avenue and I am here representing the North Burnaby Study Committee.

As you well know, this committee is made up of citizens resident in the Burnaby Heights and Willingdon Heights communities, supported by staff of the Municipal Planning Department. We are charged with providing

community input to the Hastings Street Study Review. A sub-committee of our study committee is studying ways and means of limiting through traffic using our residential streets.

Your Worship, our study group is concerned about the present application for rezoning on both philosophical and practical grounds.

Philosophically, we question the appropriateness of proceeding with this application for rezoning at this time. Practically, we are worried about the impact of this and similar developments on our communities.

At present, the Growth Management Committee is studying the effect of population growth on the municipality, and the proper management of growth within the municipality. It is our understanding that the completion of the report from this study group has already been postponed twice, and is now scheduled, hopefully, for presentation at the end of September.

These postponements have affected the work of the group which I represent tonight. We were asked by the staff of the Planning Department to postpone some of our discussions until the Growth Management Study Report was ready. The planners advised us that this report would undoubtedly have impact on our discussions.

We question, Your Worship, whether the same principle should not apply to the present situation. We believe that to approve a major development of 335 suites before Council has received the Growth Management Study Report is a case of mis-ordered priorities. This is particularly so when one considers other developments, either approved or proposed, within our communities. I refer to the twin towers already approved for the corner of Hastings and Boundary and to the Trizec Property, adjacent to the site of the present application. It is our understanding that the Trizec Property has already been zoned for high-rises and awaits only a development proposal.

Since preparing this brief, Your Worship, I have become aware of the move by Council to downgrade the zoning on the parcel of land in Simon Fraser Hills area. It is gratifying to note that Council is prepared to move to limit growth in North Burnaby, and I wish to commend Council for this action. Similar action in regard to the present application would be a clear indication of the value placed on the work of the Growth Management Committee, and our own North Burnaby Study Committee, work done at considerable cost in terms of time and effort by the participating citizens, and in terms of staff support and assistance, paid for by the taxpayers.

Turning to practical considerations, I wish to leave discussion of the social and aesthetic impact of the proposed development to those who are more directly affected. Our study group's main concern is with the impact on traffic through our communities.

Among the data contained in the Comprehensive Transportation Plan for Burnaby (1979 July 20) is a chart (Figure 11) showing the capacity of conceptual road network and the 1986 forecast traffic flow. It is significant to note that existing volume capacity ratio in the northern half of the municipality stands above 75% while the same ratio in the southern half stands below 70%. In the northwest sector, our two communities, Your Worship, the existing volume capacity ratio stands at 90%.

The 1986 forecast emphasizes this disparity. Only in the northwest sector is the low demand estimate greater than existing demand levels, that is, greater than 90% of capacity. High demand estimates rise to 120% of capacity.

I quote from the Comprehensive Transportation Plan, page 45, Capacity Analysis of Conceptual Transportation Plan, item (d):

'In the event that the projected high demand figures were realized, the growth of traffic along the east-west corridor between and including Highway 1 and Hastings Street - Barnet Highway will out-strip the extra capacity provided by traffic management and/or widening of Loughheed Highway, Barnet Highway, Broadway east of Gagliardi Way, and the Freeway.'

It is inevitable, therefore, that the 14,000+ vehicles/day on Parker Street, 30,000+ vehicles/day on Hastings Street and 7,000+ vehicles/day on Oxford Street plus traffic on all east-west streets, regardless of their designation as residential streets or not, must increase. And yet, to the best of our knowledge, the only significant proposals for either street construction or transit service improvement are located south of Loughheed Highway. Indeed, several of these proposals, to wit, the Kensington Overpass, the Stormont/Newcombe/McBride connector, and the Gagliardi/Hastings connector will serve to increase the pressure on the northwest sector of the municipality.

Your Worship and Members of Council, it is our profound belief that to approve major, new, high-density developments within our communities of Burnaby Heights and Willingdon Heights at this time can only exacerbate an already critical situation. Without adequate solutions to the traffic and transportation problems of the northwest sector of the municipality, additional high density development in that area can only accelerate the arrival of total traffic congestion and the complete frustration of the residents of our two communities."

Mr. Raymond G. McKay, 3959 Napier Street, then addressed the members of Council and advised that he was the Secretary of the Willingdon Heights N.I.P. Committee. Mr. McKay read from a prepared brief, the text of which is contained hereunder:

"The Willingdon Heights N.I.P. Committee approve the design concept, in principle, as outlined. After studying the plans we believe the proposed development should go ahead. We commend the planners for the 45.7 metre (150 foot) buffer strip which we feel is a generous allowance. Some concern was expressed about the height of the proposed high-rise. We would not want to see it towering above the nearby high-rise for students and seniors on Halifax. However, we would be favourable to a compatible height. The opinion of the N.I.P. members who reside in the area is positive and affirmative to the proposed construction. We believe the location is ideal. The vehicle access is ideal. Mention is made of a pedestrian walkway from Graveley Street to Halifax through the site. We believe this would be a desirable feature. Our N.I.P. Committee members were in agreement that this development would be a desirable addition to our neighbourhood."

His Worship, Mayor Mercier, requested that the Director of Planning report to Council respecting the height of the proposed high-rise building versus the height of the existing high-rise building located on Halifax Street.

Mr. Ronald A. Sward, 3766 Oxford Street, then addressed the members of Council and advised that he was opposed to the rezoning until such time as something is done about the traffic in the North Burnaby area.

Mr. Barry McLeod, the architect for the development, then addressed members of Council and advised that the property owner, Mr. Bruno Bosa, and the landscape architect, Mr. Fred Brooks, were in attendance tonight to answer any questions respecting the development. Mr. McLeod presented drawings of the proposal to those in attendance.

His Worship, Mayor Mercier, advised that the proposed development will consist of 57 units per acre, where the normal number of units per acre respecting high density development is approximately 100 units. Therefore, this development is approximately one-half the density of a normal high-density development.

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Ms. Pauline Mudrakoff, 3743 Albert Street, then addressed the members of Council and read a prepared statement, the text of which is contained hereunder:

"For the past eight months, we in Burnaby Heights have been working along with our neighbours in Willingdon Heights on a so-called Community Plan Review and we have come to appreciate each other's aspirations and developed a deep understanding of each other's problems - such as this proposed high density development of 335 units, which could conceivably result in excess of 1,000 inhabitants and 700 vehicles.

In the Planning Department report to the Council Meeting of July 21, it refers to 'Outdoor amenities as for a children's play area'. I also note the 24 storey tower contains 137 two bedroom units, so obviously youngsters would be inmates. At a public hearing last September regarding two towers proposed at Boundary and Hastings, I researched and reported on worldwide studies done on high-rise living, studies which showed that isolation, loneliness and dehumanization of high-rise living can lead to mental disorders and suicide. For the elderly living up there alone, lack of human contact often leads to depression. Are you aware that some occupants of Seton Villa use binoculars to watch activities of families on adjacent streets in a desperate attempt at human contact? Worst of all - for young mothers there is isolation because she cannot watch her child at play way down below, so the little one ends up top with her - locked inside those four walls.

With the adjacent land to the east designated Comprehensive Development, the traffic emanating from this corner will for the most part proceed down Halifax, Douglas to Boundary and then up the hill to Hastings into the mayhem that exists there. Can you imagine all those left hand turns at morning rush hour?

Can you just see the rotten little rat-runners sneaking through the residential streets and lanes?

I have an enquiry for the Planning Department representative. In the report to Council, you mention 'A buffer strip of 45.7 metres (150 feet)'.

What is a buffer strip?

When do you use one?

What are you concealing?

The parking requirements for this project are for 1.5 spaces per unit. This is probably underestimated as with rents and purchase prices soaring, people have doubled and tripled up in accommodation, so these units could have as many as four adults per unit and each person undoubtedly will have a vehicle. Some of these vehicles will wind up parked on Graveley, Dent, Rosser and Whitsell Streets. Underground parking does not appeal to all.

The Willingdon Heights Neighbourhood Improvement Residents Advisory Planning Committee, after working with the local residents, holding public meetings, working on questionnaires and spending the taxpayers' dollars, developed nine goals to guide present and future improvements to the neighbourhood.

Two of these are:

Minimize the impact of cars in the neighbourhood. Residents are concerned with the volume and speed of traffic on some neighbourhood streets, in terms of noise and danger. Also, some people have noted concern with the amount of on-street parking in particular areas.

And

Maintain the present residential character of the neighbourhood. The single and two family character of Willingdon Heights is a

feature which many residents value and would like to see maintained. There is a feeling that new houses should be in keeping with the houses already here. Some concern has been expressed with the scale of buildings allowed for Hastings Street.

From these two goals alone, it is clear that all the work and money poured into neighbourhood studies is pure and simple waste if you support this high density project.

As a resident of Burnaby Heights participating in the current Community Plan Review for my area, I am getting skeptical about its worth, after you indicated approval of high density for our neighbourhood despite overwhelming opposition of residents, and as I anxiously await your decision on the subject project. While we all appreciate the opportunity to take part in reviews, it is somewhat degrading to be treated as exuberant children being handed a lollipop (or should that be sucker?) and told to behave while you do as you wish.

We will believe these reviews are worth our tax dollars and are not a farce when you take your heads out of the sand, and give us our fair share of implementation of citizen's desires - again, again and again."

Mr. James W.R. McLeod, #422 Hycroft Towers, 1445 Marpole Avenue, Vancouver, B.C., then addressed the members of Council and advised that he was President and Director of the Masonic Cemetery Association of B.C. who own the property adjacent to the proposed development. Mr. McLeod advised that the Masonic Cemetery Association of British Columbia were in full support of the proposed development.

His Worship, Mayor Mercier, requested that those in attendance tonight residing within a ten block radius of the proposed development indicate so by raising their hands. Four individuals raised their hands in response to His Worship's request.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"THAT this portion of the Public Hearing relating to Rezoning Reference #28/80 be now terminated."

CARRIED UNANIMOUSLY

5. PROPOSED TEXT AMENDMENT TO ZONING BY-LAW FOR SECTION 407.1

The addition of the following amendment to Clause (12) of Section 407.1 (Uses Permitted) in the Marine District 2 (M7a) category is proposed:

"(12) The storage of petroleum products in areas having an M7a designation, provided that such use is located 61 m (200.13 feet) or more from the zoning boundary of an A2, R or RM District."

This will ensure that petroleum storage facilities will be subject to the same minimum distance separation requirement from residential areas in both the M3 and M7a District designation.

No one appeared in connection with this rezoning application.

MOVED BY ALDERMAN STUSIAK:

SECONDED BY ALDERMAN AST:

"THAT this portion of the Public Hearing relating to the proposed Text Amendment be now terminated."

CARRIED UNANIMOUSLY

The Public Hearing adjourned at 20:40 h.

Confirmed:

Certified Correct:



MAYOR



MUNICIPAL CLERK'S ASSISTANT

THE CORPORATION OF THE DISTRICT OF BURNABY

ZONING BY-LAW AMENDMENTS

PUBLIC HEARING

The Council of The Corporation of the District of Burnaby hereby gives notice that it will hold a Public Hearing on

TUESDAY, 1980 AUGUST 19 at 19:30 h

in the Municipal Hall, 4949 Canada Way, Burnaby, B.C., V5G 1M2 to receive representations in connection with the following proposed amendments to "Burnaby Zoning By-law 1965":

- 1. FROM SPECIAL INDUSTRIAL DISTRICT (M4) TO COMMUNITY COMMERCIAL DISTRICT (C2)
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 33, 1980" - BY-LAW NO. 7534
 Rezoning Reference #20/80

Lots 5, 6 and 7 of Block 10, D.L. 206, Plan 1323.

517, 523 and 599 Sperling Avenue - located on the west side of Sperling Avenue between East Hastings Street and Frances Street.

The applicant requests rezoning in order to establish a restaurant and banquet facility.

- 2. FROM GASOLINE SERVICE STATION DISTRICT (C6) TO MULTIPLE FAMILY RESIDENTIAL DISTRICT (RM2)
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 30, 1980" - BY-LAW NO. 7532
 Rezoning Reference #23/80

Lot B, Ex. Pl. 8898, Block 31, D.L. 152, Plan 5641, NWD.

5157 Imperial Street - situated on the northwest corner of Imperial Street and Royal Oak Avenue.

The applicant requests rezoning in order to construct a strata title apartment building.

- 3. FROM DRIVE-IN RESTAURANT DISTRICT (C7) TO GENERAL COMMERCIAL DISTRICT (C3)
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 31, 1980" - BY-LAW NO. 7532
 Rezoning Reference #24/80

Lot "A", Block 4, D.L. 117, Group 1, Plan 23015, NWD.

4315 Lougheed Highway - located at the northeast corner of the intersection of the Lougheed Highway and Madison Avenue. Douglas Road is located along the north side of the property.

The applicant requests rezoning in order to construct a 130 seat Sambo's Restaurant.

- 4. FROM COMMUNITY INSTITUTIONAL DISTRICT (P5) TO COMPREHENSIVE DEVELOPMENT (CD), (BASED UPON RM4 DENSITY GUIDELINES)
"BURNABY ZONING BY-LAW 1965, AMENDMENT BY-LAW NO. 32, 1980" - BY-LAW NO. 7533
 Rezoning Reference #28/80

D.L. 120, Lot 2 Ex. Pt. on Filing 34446 and Ex. Sk. 9459 and Ex. Pl. 25111, Plan 3068 (Easterly 5.9 acres).

4305 Halifax Street and 1770 Douglas Road - located on the north side of Halifax Street near the intersection of Rosser Avenue and Halifax Street.

The applicant requests rezoning in order to construct two low-rise residential buildings and one residential high-rise of 24 storeys. A total of 335 units are proposed.