

RE: LETTER FROM MR. JOHN SIMMONS WHICH APPEARED ON THE AGENDA FOR THE  
1984 JANUARY 03 MEETING OF COUNCIL (ITEM 4g)  
SECTION 6.13 OF THE BURNABY ZONING BYLAW

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER 1984 JANUARY 03

FROM: DIRECTOR PLANNING &  
BUILDING INSPECTION

SUBJECT: LETTER FROM MR. JOHN SIMMONS  
REGARDING SECTION 6.13 OF THE BURNABY ZONING BYLAW

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. John Simmons, 4192 Victory Street, Burnaby, B.C., V5J 1P5.

REPORT

INTRODUCTION:

Appearing on the 1984 January 03 Council Agenda was a letter from Mr. John Simmons which outlined his concerns regarding Section 6.13 of the Burnaby Zoning Bylaw which regulates "Vision Clearance at Intersections".

1.0 GENERAL COMMENTS:

- 1.1 To summarize Mr. Simmon's letter, he is of the opinion that Section 6.13 of the Zoning Bylaw has the following shortcomings:
  - a) It is an unreasonable, and unnecessary intervention in the affairs of the individual property owner and prejudiced against treed lots in favour of manicured lawns.
  - b) Compliance with the regulations tends to cause a greater number of traffic accidents.
  - c) The Zoning Bylaw permits residential and commercial structures to locate within the area that is intended by the subject regulations to be unobstructed.
  - d) The parking regulations in the Municipality permit street parking that conflicts with the line of vision provided by the subject Zoning Regulations.

1.2 For Council's reference, Section 6.13 of the Burnaby Zoning Bylaw is specifically outlined as follows:

6.13 Vision Clearance at Intersections:

In any zoning district, no fence, wall or structure other than a permitted principal building shall be erected to a greater height than 1 m (3.28 feet) and no hedge, bush shrub, tree or other growth shall be maintained or allowed to grow so as to obstruct vision clearance in the area bounded by:

- (1) The intersecting lot lines at a street corner and a line joining points along said lot lines 9.0 m (29.53 feet) from their point of intersection.
- (2) The intersecting lot lines at a lane corner and a line joining points along said lot lines 6.0 m (19.69 feet) from their point of intersection. A lane intersection shall include the intersection of a lane with any other lane or with a street.

1.3

In response to item "a" above, Council is advised that in general terms, the purpose of the Zoning Bylaw as outlined in Section 2 and the Municipal Act is in part to regulate the development and use of land. In so doing, the Municipal Council is required through the Zoning Bylaw to have due regard to the promotion of health, safety, convenience and welfare of the public, the securing of adequate light air and access, the conservation of property values etc. The specific purpose of Section 6.13 of the Zoning Bylaw is essentially to assist in providing a reasonable margin of public safety on public streets at the approaches to intersections. Compliance with this regulation assists the motorist and the pedestrian by providing a line of unobstructed view of on-coming traffic on an intersecting street.

In view of this information, the subject regulation is intended specifically to assist the general public from a traffic safety point-of-view. The intent of the regulation is clearly not to discriminate against tree or shrub planting in favour of lawns. In practice, landscaping to include trees, shrubs, hedges etc. is encouraged by the Municipality at appropriate locations.

1.4

In response to item "b" as outlined above, Council is advised that there is no clear evidence to conclude that compliance with the Section 6.13 regulations increases the number of accidents at intersections. In this regard, there are numerous variables that may be linked to the incidence of motor vehicle accidents at intersections that may or may not be associated whatsoever with vision clearance. Variables such as traffic volumes and patterns, weather and road conditions, types of intersection controls, street grades, speeds and road construction standards etc. are all important variables that must be taken into consideration. However, the most important overriding factor stems from the degree of caution that is exercised by all motorists who approach intersections under any and all circumstances.

- 1.5 In response to item "c" above, we advise that the R9 District is the only Residential District that will permit a principal building on a conforming lot to locate within the line of vision provided by Section 6.13 of the Zoning Bylaw. Moreover, under the R9 regulations, only a very small and insignificant portion of the structure will potentially obstruct the view line.

It is acknowledged that many of the commercial zones in Burnaby will permit principal buildings to be located within portions of properties that will conflict with the line of vision associated with Section 6.13. However, the vision clearance under these circumstances is not as critical since commercially zoned and developed properties located at intersections are in most cases controlled by stop signs or signals which are used to regulate traffic flows and patterns associated with commercial areas of the Municipality. As such, appropriate public safety at these intersections for both the pedestrians and motorists are appropriately provided under these circumstances.

- 1.6 In reference to item "d", the Burnaby Street and Traffic Bylaw Section 13(2)(c) prohibits parking within 20 ft. of the corner property line. This Bylaw reflects Section 190(1)(f) and (g) of the Provincial Motor Vehicle Act. Amending the Burnaby Street and Traffic Bylaw to coincide with Section 6.13 of the Zoning Bylaw thereby prohibiting parking to a distance of greater than 20 ft. from the corner property would conflict with the Provincial Motor Vehicle Act. The only way in which such an increased restriction would be enforceable would be to place no parking signs adjacent to all intersection approaches. Such a sign installation program would require considerable expense to implement. The approach to this concern has been to install "no parking" signs adjacent to only those intersection approaches where there has been an accident problem related to parked vehicles.

Amending Section 6.13 of the Zoning Bylaw to correspond with the Burnaby Street and Traffic Bylaw (reducing 29.53 ft. to 20 ft.) is not considered to be appropriate. In this regard, it is advisable to maintain the present margin of safety that is provided by the 29.53 ft.

In reference to Mr. Simmons' comments regarding the regulations utilized in the City of Vancouver, we advise that their regulations under the Street and Traffic Bylaw relative to this topic are the same as Burnaby's. As a result, we submit that our regulations pursuant to the Zoning Bylaw are superior and provide a greater degree of public safety. Furthermore, it should be noted that the conclusion drawn by Mr. Simmons in the top paragraph on page 2 of his letter (and reflected in his sketch), with respect to the permitted sight line in Vancouver passing over the intersection point of the property lines, is valid only for the special case of a street having a 20 foot wide boulevard (e.g., a 26 foot street pavement centered in a 66 foot road allowance. This is a hypothetical situation in terms of Burnaby's standards as it does not reflect our minimum finished street width standards.

The Engineering Department's Traffic Division has submitted the following additional comment:

"Comparison between the effectiveness of Burnaby and Vancouver Zoning Bylaws pertaining to vision clearance is not necessarily valid in that there are many variables contributing to an accident, and so relatively few accidents reported within residential areas, that a statistically valid sample is virtually unobtainable. Nonetheless we are of the opinion that our Zoning Bylaw, Section 6.13, is an improvement on that of Vancouver's when the intent, traffic safety, is considered. The reasons are that the section creates a sight line that should allow a safe approach speed of 40 km/h (25 mph) on both streets of an intersection. This speed is actually below the legal speed limit of 50 km/h (30 mph) for most Burnaby streets. The City of Vancouver Bylaw would allow a safe approach speed of less than 30 km/h (20 mph)."

1.7 Staff from the Planning & Building Inspection Department and the Traffic Division of the Engineering Department have met with Mr. Simmons to discuss the situation in detail. In this regard, Mr. Simmons is aware of the staff conclusions on this matter and will await receipt of this report as recommended.

## 2.0 CONCLUSION:

In view of the foregoing information, it is the opinion of this Department that Section 6.13 of the Burnaby Zoning Bylaw is an appropriate land use and development regulation to assist in providing a reasonable measure of safety for motorists and pedestrians approaching uncontrolled intersections. The bylaw is considered to be in no way biased, prejudiced or unreasonable and does not require amending. It is therefore recommended that Council receive this report for information purposes and that a copy be sent to Mr. John Simmons.

*Ad*  
PDS/gj

cc: Director Engineering  
Attn: Harry Bacon, Traffic Supervisor

  
A. L. Parr,  
DIRECTOR PLANNING &  
BUILDING INSPECTION