

TO: CITY MANAGER 1996 DECEMBER 04

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: REZONING REFERENCE #29/96  
PTN. OF 3789 ROYAL OAK AVENUE (See Attached Sketch #1)  
PUBLIC HEARING CONCERNS

PURPOSE: To respond to concerns expressed at the Public Hearing for the subject rezoning.

#### RECOMMENDATIONS:

1. THAT Council add the following prerequisite conditions to the completion of the rezoning:
  - j) the granting of a Section 215 Covenant prohibiting vehicular access from Forest Lawn Cemetery (3789 and 4860 Royal Oak Avenue and 4998 Woodsworth Street) to Woodsworth Street.
  - k) The granting of a Section 215 Covenant prohibiting the construction of any buildings on the overall Forest Lawn Cemetery site within 134 feet of the whole Woodsworth Street frontage as discussed in this report.

#### REPORT

##### 1.0 BACKGROUND:

##### 1.1 Rezoning Report:

On 1996 July 22, Council received a report on Rezoning Reference #29/96, which involves a request to rezone the subject site (portion of 3789 Royal Oak Avenue) from R3 Residential District to P4 Cemetery District to permit the construction of an office building which is accessory to the cemetery use. That report concluded that the construction of a small office building as an accessory use to the cemetery use should create minimal land use conflict if the development is as internalized as possible. The report also stated that in considering this rezoning, Engineering and Transportation Planning staff noted that the intersection of Canada Way and Royal Oak Avenue is a serious safety concern, both for left turn vehicular movement from Royal Oak Avenue onto Canada Way and for vehicles stopping on Canada Way to turn left onto Royal Oak Avenue.

In light of this rezoning application and that the owner of Forest Lawn Memorial Park also owns the undeveloped triangular property surrounded by Royal Oak Avenue, Spratt Street and Canada Way (4750 Canada Way), it would be appropriate to pursue the redesign of

this intersection in connection with this rezoning. It was proposed that a Highway Exchange Bylaw be pursued in order to exchange the necessary lands to redesign the intersection.

The report described the proposed new alignment and the necessary process (see attached Sketch #2).

At that time Council adopted the recommendation that the rezoning be advanced to the 1996 August 12 Public Hearing.

### **1.2 Public Hearing:**

At the Public Hearing, a petition from 41 area residents was presented to Council which stated they were opposed to the rezoning. As well, numerous speakers addressed Council about the rezoning, most of whom expressed opposition to the rezoning. However, many of the comments focused on issues relating to other lands which, while part of the overall Forest Lawn Cemetery property, are beyond the subject rezoning site. The concerns raised at the Public Hearing were:

- i) the vehicular access changes that would result from the proposed intersection realignment and vehicular access to Woodsworth Street from the site;
- ii) the rezoning being a precedent for other potential development along Woodsworth Street;
- iii) loss of trees and shrubs along Woodsworth Street; and
- iv) the impact of the earlier development of the crematorium, particularly visual impact and emissions.

At that time Council directed staff to prepare an information report on the testing for emissions from the crematorium and traffic issues raised at the Public Hearing, as well as more detailed information on the proposed intersection changes.

### **1.3 Second Reading:**

On 1996 September 9, Council referred the subject rezoning back to staff for a report on the concerns raised at the Public Hearing.

This report responds to the concerns raised at the Public Hearing. Other issues raised by Council prior to the Public Hearing and on 1996 September 9, which related to the overall Forest Lawn Cemetery site, are under discussion with Forest Lawn and will be addressed in a separate report, which is expected to be submitted at a future date.

## 2.0 GENERAL DISCUSSION:

### 2.1 Intersection Realignment and Vehicular Access:

The intersection reconfiguration discussed in Section 1.1 above, would involve the realignment of Royal Oak Avenue to Canada Way at a "T" intersection. Inclusion of a left turn lane from Canada Way to Royal Oak and full signalization of the intersection would substantially improve traffic safety. These improvements will become more necessary to accommodate the traffic demands associated with the completion of the Royal Oak Realignment. The issues raised by the residents at the Public Hearing with regard to the intersection reconfiguration and other traffic matters included the following:

#### a. Left turn access into and out of Woodsworth Street

As Woodsworth Street is closed at its western end, access must be taken via Canada Way. Concern was expressed that the introduction of a raised median to accommodate the left turn bay would prevent left turns in and out of Woodsworth Street. The design as shown on **Sketch #3**, however, incorporates a reduced median which maintains full left turn access for Woodsworth Street.

Installation of a signal at Canada Way and Royal Oak is also expected to enhance the safety of left turn movements from Woodsworth onto Canada Way by increasing the number of gaps in the traffic stream in the northbound direction.

#### b. Right-turn-out access to Royal Oak Avenue

Currently, residents on Woodsworth Street right-turn-out directly onto Royal Oak Avenue southbound. Reconfiguration of the intersection would require these residents to make two right turns: one to Canada Way followed by another right turn movement onto Royal Oak Avenue. Concern was expressed that traffic queuing at the signal southbound on Canada Way could obstruct the right turn out movement for residents.

While the intersection reconfiguration would create a less direct right turn, the presence of a signal to slow southbound traffic would enhance the safety of the right turn movement onto Canada Way and Royal Oak, and on balance is viewed as a positive development for residents of Woodsworth Street.

#### c. Traffic Infiltration:

Concerns expressed by residents of Hardwick Street relate to traffic infiltration on local streets between Canada Way and Wayburne Drive. The problem of traffic infiltration, partly attributable to BCIT, could be addressed through the process of a Community Transportation Plan. This process which is available to residents on

request to Council would provide the opportunity for a thorough review of commuter traffic and access issues in the area.

It is also noted that a report of the Traffic Safety Committee was adopted by Council on 1996 December 09, which recommended that existing uncontrolled intersections in the residential area north of Forest Lawn Cemetery be provided with stop sign control to provide a comprehensive and consistent approach to traffic control throughout the area. These measures would be compatible with the future implementation of a Community Transportation Plan for the area.

d. Vehicular Access to Forest Law Cemetery Site

With regards to residents' concerns about vehicular access to Forest Lawn Cemetery from Woodsworth Street, the development proposal for the subject property at 3789 Royal Oak Avenue does not involve any vehicular access from Woodsworth Street, but would continue to utilize the existing access on Royal Oak Avenue. In order to ensure that vehicular access is not permitted from Woodsworth Street to the Forest Lawn Cemetery site, it is recommended that the owner be required to enter into a Section 215 Covenant prohibiting vehicular access to the site from Woodsworth Street.

**2.2 Future Development Along Woodsworth Street:**

As discussed above, vehicular access to the site from Woodsworth Street will be prohibited by a Section 215 Covenant. In terms of future development, the property is governed by the P4 Cemetery District zoning (including the subject rezoning site if it is rezoned to P4 District). The P4 District permits cemeteries, chapels, crematoria and public mausoleums, a dwelling for a caretaker or watchman and accessory buildings. Accessory buildings include office buildings, maintenance buildings and greenhouses. The location of crematoria and public mausoleums are governed by requirements that they are not within 30m (98.43 ft.) of any lot line or 61m (200.13 ft.) from any lot in an A, R, or RM District. As the residentially zoned properties on the north side of Woodsworth Street are 20.12m (66 ft.) from the Forest Lawn Cemetery site, crematoria and mausoleums must be setback 40.8m (134 ft.) from the site's north property line. The remaining permitted buildings are required to be setback 9m (29.53 ft.) from the property line.

Forest Lawn has indicated that they intend to utilize the area defined by the 200 foot setback as a burial area but they are prepared to enter into a Section 215 Covenant prohibiting the construction of any new buildings in the area, which is not required by the Zoning Bylaw. The existing greenhouse in this area would be removed. This would mean that future buildings such as greenhouses, maintenance buildings etc., would observe the same minimum distance from the residential lots as crematoria or mausoleums.

The office building proposed under the subject rezoning, however, appears to extend approximately 8m (26 ft.) into the 134 foot setback area. The owner has indicated that they are willing to attempt to adjust the location of the building to respect the 134 foot setback line. However, the office may be required to be an exception to this requirement. The Covenant would be defined by an Explanatory Plan, which could be drawn to permit the development proposed for the subject rezoning.

### **2.3 Trees and Vegetation Along Woodsworth Street:**

Concerns were raised at the Public Hearing regarding the retention of trees and vegetation along Woodsworth Street. The subject rezoning site (portion of 3789 Royal Oak Avenue) currently features three rows of trees, which are 10 feet high and greater, along the north property line. These trees are considered worthy of retention as a group, and as part of the rezoning Council adopted a prerequisite condition requiring the registration of a Section 215 Covenant and deposit of sufficient monies to ensure their protection.

In terms of the retention of trees and vegetation along Woodsworth Street on the rest of the Forest Lawn site, Forest Lawn has indicated that it is their intention to utilize the area near their north property line as a burial area. In lieu of the future removal of much of the wooded area along Woodsworth Street, Forest Lawn is proposing to contribute \$10,000 toward the planting of boulevard trees along the south side of Woodsworth Street and to plant a laurel hedge for screening along the property line at the time the area is utilized for burials. These are considered beneficial initial proposals, however, the proposed boulevard tree planting and hedge along the property line should be pursued at this time in order to provide effective screening sooner. Also, further review of the existing trees and vegetation is required and Forest Lawn has indicated that they are willing to have an arborist examine the area and prepare a planting plan for some feature trees. This work should be completed and reviewed by Burnaby staff prior to advancing this rezoning to Final Adoption.

### **2.4 Crematorium Issues:**

In December 1991, a Preliminary Plan Approval application was processed for a new crematorium at 4998 Royal Oak Avenue. The crematorium was developed in accordance with the prevailing P4 District zoning, including being setback 232 feet from the property line.

A specific concern about screening noted at the Public Hearing was the visibility of activities related to the crematorium and trees that were previously cut down in relation to that development. Trees that were planted as screening at the time of construction of the crematorium will take many years to mature. Therefore, the applicant is proposing to

construct a 7 foot high solid wood fence toward the north side of the crematorium, which should provide effective screening toward Woodsworth Street.

With regard to the question of emissions from the crematorium, Section 16(1) of the Cemetery and Funeral Services act states:

**“Establishment and operation of crematoria**

16. (1) The registrar shall not issue a certificate of operation for a crematorium until

- (a) the crematorium site and plans are approved by the municipality, and
- (b) a professional engineer appointed by the registrar at the expense of the applicant for the certificate of operation certifies that the crematorium
  - (i) is completed on the approved site and built in accordance with the plans as approved,
  - (ii) is properly equipped with appliances suitable for the cremation of human remains, and
  - (iii) complies with any other prescribed standards.”

The issue of potential emissions is under the jurisdiction of the G.V.R.D., Air Quality Department and the Registrar, Cemetery and Funeral Services with the Ministry of Attorney General. Legal regulations which govern the emissions from crematoria located within the Greater Vancouver Regional District, include the provincial Cemetery and Funeral Services Act and the GVRD Air Quality Management Bylaw No. 725.

With regards to the crematorium at Forest Lawn, the GVRD Air Quality Department required the proponent, North Shore Crematorium Ltd., to submit a report confirming that the following requirements would be met:

- primary and secondary natural gas combustion
- minimum 1500° F. temperature in the secondary combustion chamber
- 20 percent opacity, three minute per hour variance.

Moreover, before beginning construction, the GVRD required North Shore Crematorium Ltd. to obtain written approval from the District Director for their facility. Based upon information received from the proponent, the equipment installed at Forest Lawn was approved in principle by the GVRD. The approval issued by the GVRD was subject to satisfactory emission quality following installation. Also, the Ministry of Labour & Consumer Services issued a Certificate of Operation for the crematorium at Forest Lawn on October 8, 1992.

After approval of the facility, there is no regular system for emission testing. However, if a Municipality and/or members of the public consider there to be a problem, their concerns can be forwarded to the GVRD or the Registrar of Cemetery and Funeral Services for further investigation. The GVRD Air Quality Department can be contacted directly at 436-6777 and the Registrar of Cemetery and Funeral Services can be contacted directly at 387-1271.

### 3.0 SUMMARY:

This report provides responses to the concerns raised at the Public Hearing for this rezoning. With regard to the proposed intersection realignment and vehicular access to the site, the benefits of the realignment for area residents and the possibility of a Community Transportation Plan were discussed and a Section 215 Covenant is recommended prohibiting vehicular access to Forest Lawn Cemetery from Woodsworth Street. In response to the concern about the rezoning being a precedent for other potential development along Woodsworth Street, it is recommended that Forest Lawn be required to enter into a Section 215 Covenant prohibiting the construction of any buildings on the Forest Lawn site within 134 feet of Woodsworth Street as discussed above.

In response to the concern about the loss of trees and vegetation along Woodsworth Street, Forest Lawn is proposing to plant a hedge along the north property line and contribute \$10,000 toward the planting of boulevard trees on the south side of Woodsworth Street. Further review of the existing vegetation and trees should be pursued by an arborist in order to prepare a longer term planting plan. Finally, information was provided on the issue of emissions and possible steps to be taken in light of any problems.



D. G. Stenson  
Director Planning and Building

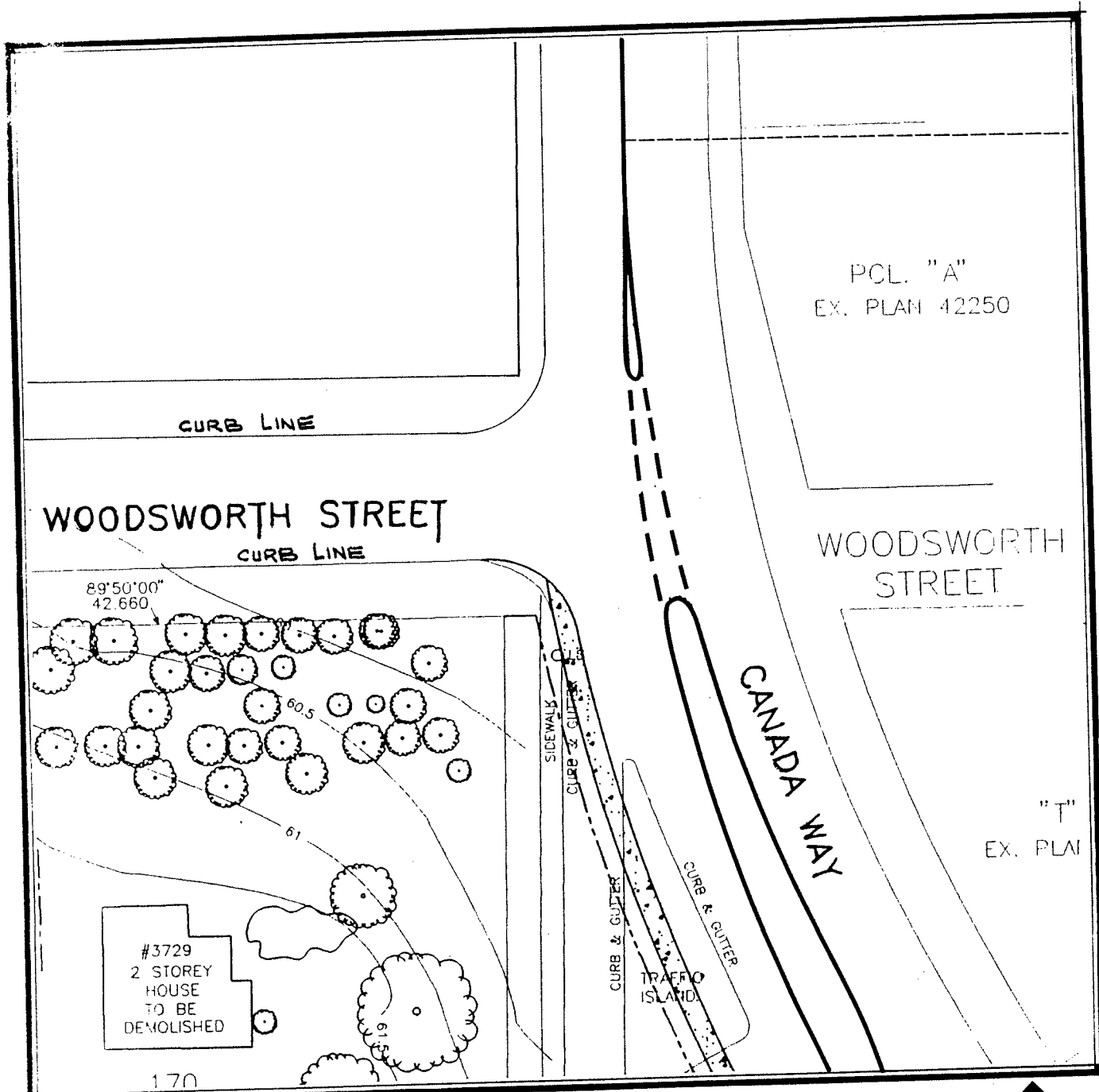
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cc: City Solicitor  
Chief Environmental Health Officer  
Director Engineering









Date:  
NOVEMBER 1996

Scale:  
1:300

Drawn By:  
J.P.C.



City of  
Burnaby

Planning & Building Dept.

REZONING REFERENCE # 29/96  
CANADA WAY/WOODSWORTH ST. INTERSECTION PLAN

SKETCH #3.



North