

**TO:** CITY MANAGER

1999 February 23

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT: BYLAW AMENDMENTS PERTAINING TO CEMETERIES  
AND THE PRESERVATION OF TREES  
RESPONSE TO 1999 JANUARY 18 DELEGATION**

**Purpose:** To provide Council with information in response to the questions raised by the delegation representing Greentree Village with regard to the above bylaws.

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**RECOMMENDATION:**

1. **That** a copy of this report be sent to Ms. Linda Demers of the Greentree Village Committee.

**R E P O R T**

**1.0 BACKGROUND:**

- 1.1 On 1999 January 18 Council received a report, which was submitted in response to Council direction given on 1998 November 23, regarding proposed bylaw amendments to address the edge conditions and the removal of trees on P4 Cemetery District zoned land. At that time, Council adopted the recommendations in the report, including authorizing the City Solicitor to prepare three amendments to the Zoning Bylaw and to create a bylaw to address the removal of trees on lands zoned P4 District.
- 1.2 On 1999 January 18 Council also received a delegation from Ms. Linda Demers of the Greentree Village Committee on the above matter. Ms Demers had a number of questions and concerns regarding the proposed bylaws and Council directed staff to prepare a report addressing the concerns raised by Ms. Demers.

This report is in response to that Council direction.

- 1.3 The Zoning Bylaw amendment was given First Reading by Council on 1999 February 1 and appeared on the 1999 February 16 Public Hearing agenda. The bylaw pertaining to the removal of trees on P4 zoned lands appears elsewhere on this agenda for Three Readings.

## **2.0 GENERAL DISCUSSION**

- 2.1 The subject of this Council report, as well as two other recent reports to Council, and a number of delegations to Council, is the matter of cemeteries providing an adequate land use separation and buffer between the cemetery and adjacent land uses, as well as the preservation of trees on P4 zoned lands.

While the general direction in dealing with this issue has been one of providing further regulation to ensure the provision of adequate land use separation and buffer areas, which could impact the potential number of interments on P4 zoned lands, it is noted that cemetery operators provide a service function and that there is a demand for useable cemetery land that will satisfy a continuing and future public need. To this end, staff acknowledge that the remaining cemetery lands should be developed as efficiently as possible. Recognizing this objective is an important consideration in ensuring a proper balance between addressing local land use relationship/buffering concerns and accommodating the long term service needs of a growing community.

- 2.2 The following provides responses to concerns and questions raised by Ms. Demeres:

- i) Ms Demers' first question/concern related to the adequacy of the setback along the western property line of Forest Lawn Cemetery abutting Greentree Village and the mechanism to be used to address the landscaping requirements.

The recommendation in the 1999 January Council report was that a setback requirement be established for all uses in the P4 District where the yard abuts a lot or is separated by a street in an A, R or RM District and that the setback be 6.0m (20ft.). At the time Council adopted the recommendations, this bylaw amendment was amended by Council to require a 60 foot setback requirement where the yard abuts a lot in the R or RM District. This amendment would apply to the western property line of Forest Lawn Cemetery. With respect to any consideration of a further increase in the setback requirement, two points are noted. The first, most fundamental point, is that these bylaw amendments are not directed at or applicable only to Forest Lawn Cemetery, but are applicable to all four cemeteries in Burnaby. In some cases, due to existing screening and/or orientation, an increased setback may not be necessary or appropriate. The second point is that it should be remembered that the cemeteries are existing businesses and that the restriction of uses through the establishment of a new setback requirement directly results in a decrease in the number of interments that can be accommodated on the property, which directly limits both the potential revenue for the businesses and the level of future service provided by the cemeteries.

In terms of the mechanism to be used to address site specific landscaping, the cemetery owners will be required to apply for a Preliminary Plan Approval (PPA) for development of additional areas of land for in-ground burials in addition to the PPA's that must be submitted for any structures or buildings to be developed on these properties. Through the PPA process, landscape plans will be required to be submitted for the area of development and for any required setback areas which are adjacent to the area of development. Through this process, Burnaby's Landscape Development Technician will assess the development proposal and through discussion with the applicant determine what would constitute a setback area being fully and suitably landscaped. This would involve site specific consideration of what development is proposed, the adjacent land uses and their relationship to the area to be developed, land forms and existing trees and other vegetation.

The possibility was also raised of ensuring that landscaping requirements are met through requiring bonding. It has been standard practice in Burnaby to require bonding in connection with rezoning and subdivision applications. While Burnaby has not taken in bonding in the past through the PPA process, staff will investigate the possibility of requiring bonding to ensure that landscaping requirements are met. In order to institute this practice, it would have to be determined what types of projects would generate a requirement for bonding, what the bonding amount would be based on, what the hold back period would be and other administrative matters.

- ii) The second concern relates to the lack of a specific height requirement for the landscaping and the retention of trees in light of Burnaby's Arborist recommending that at least 50% of the existing width be protected in order to preserve the integrity of the forested area and prevent trees from being blown over. As noted above, with respect to a specific landscaping height requirement, the bylaw amendments would not apply just to Forest Lawn, but would apply to all cemeteries in Burnaby and the appropriate landscaping response must be considered on a site specific basis. The retention of the existing trees must also be considered on a site specific basis, in the context of the proposed bylaw to address the removal of trees on P4 zoned lands, however, it does appear that the significant retention of the trees within a setback area which is considerably less than 50% of the width of the existing forested area adjacent to Greentree Village will be difficult.
- iii) The next issue raised concerned the development of an interment structure called Imperial Garden on the northeast slope of the cemetery. The Greentree Village representative voiced the viewpoint that this development was very unsightly and can be seen from significant distances away. Imperial Garden is a terraced, landscaped structure which accommodates the interment of both bodies and ashes. Imperial Garden is located

on a fairly steep sloping area of Forest Lawn. The interments lots are generally built in to the ground, in what are termed lawn crypts and wall crypts. However, due to the topography of the area, these structures are somewhat imposing from certain angles. Ms. Demers is correct in that this development was not considered to be a mausoleum in terms of the requirements of the Zoning Bylaw, and that a Building Permit was not required for these structures. As has been discussed previously, the Zoning Bylaw requires mausoleums to be setback 30m (98.43ft.) from any lot line and 61m (200.13ft.) from any lot in an A, R or RM District lot. Mausoleums are not defined in the Burnaby Zoning Bylaw, however, from our understanding of the proposal, it did not appear to constitute a mausoleum, which is generally a large building used for the interment of the dead above ground. In any event, Imperial Gardens is located beyond the 61m (200.13 ft.) setback required for mausoleums. The development of Imperial Gardens was a new form of interment in Burnaby in terms of the physical structure, which had already been the cause of some reflection upon its completion with respect to its massing and the intent of the Zoning Bylaw.

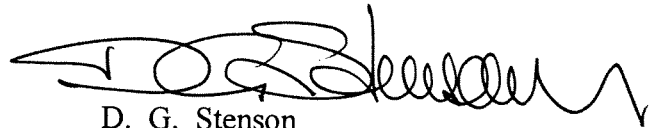
Imperial Gardens represents an efficient use of land in terms of maximizing the potential number of interments without building a mausoleum. However, due to the topography of the land and the potential for significant massing facing Greentree Village to the west, steps need to be taken to ensure that the visible massing of the structural aspect of this form of interment is reduced. Section 6.15 (1)(a) states that in R, RM, C5 and P Districts, any part of a lot not used for building, parking or loading or outdoor recreation shall be fully and suitably landscaped and properly maintained. Through utilizing this section of the bylaw through the PPA process, staff will ensure that any future terraced developments, such as Imperial Gardens, are adequately landscaped to soften the impact on the hillside and screen the use as much as possible from the land uses at the lower grade. This would be done through requiring sufficient landscaping on the “step” of the terraced development to screen the structure. Through requiring adequate landscaping and ensuring that the development is not a mausoleum, the impact of this type of development should be mitigated.

- iv) Finally, the issue of “the promised replacement of landscaping along Woodsworth Street” was raised. In connection with Rezoning Reference #29/98, which was the rezoning for the proposed office building for Forest Lawn at the corner of Woodsworth Street and Royal Oak Avenue, in response to concerns raised by the residents along Woodsworth Street about the future loss of the forest areas, Forest Lawn volunteered to deposit \$10,000 with Burnaby for the planting of boulevard trees along Woodsworth Street. This bonding was collected in connection with that rezoning and Burnaby staff have reminded Forest Lawn of their commitment to plant the boulevard trees. Staff will take all necessary steps to ensure that the boulevard trees are planted in a timely manner.

**3.0 CONCLUSION:**

- 3.1 In response to the delegations' concerns and questions, information has been provided on how the landscaping requirements would be met, the possibility of bonding for the landscaping, the necessity of site specific consideration of the appropriate landscaping requirements, and the planting of boulevard trees on Woodsworth Street.

This is for the information of Council.



D. G. Stenson  
Director Planning and Building

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cc: Landscape Development Technician

