

**TO:** CITY MANAGER

1999 JANUARY 05

**FROM:** DIRECTOR PLANNING AND BUILDING

**SUBJECT: BYLAW AMENDMENTS PERTAINING TO CEMETERIES  
AND THE PRESERVATION OF TREES**

**Purpose:** To respond to the Council direction of 1998 November 23 regarding the Master Plan submission by Forest Lawn and to provide Council with recommendations to address the edge conditions and the removal of trees on P4 Cemetery District zoned land.

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**RECOMMENDATIONS:**

1. **THAT** Council authorize the City Solicitor to amend the Zoning Bylaw to:
  - a) Establish a setback for all uses on lands zoned P4 Cemetery District,
  - b) Require appropriate landscaping within the required setback areas and
  - c) Include the P4 District as a zoning district upon which CD Comprehensive Development District zoning may be based,
 as further described in Section 4.1 of this report.
2. **THAT** Council authorize the creation of a bylaw to address the removal of trees on lands zoned P4 District.
3. **THAT** copies of this report be sent to the owners of the four cemeteries located in Burnaby, Ms. Parvin Chami, Ms. Linda Demers of the Greentree Village Committee, and Mr. Darrin Clarke, 3776 Victory Street, Burnaby, B.C. V5J 1P3.

**R E P O R T**

**1.0 BACKGROUND:**

- 1.1 On 1996 August 26 and then again on 1996 September 9, Council requested information regarding the future plans for Forest Lawn Cemetery. This direction was given in response to information provided to Council that a swath of trees along Moscrop Street had been removed up to the edge of a watercourse which traverses Forest Lawn Cemetery, and

concerns that arose at the Public Hearing for a rezoning to permit construction of an accessory office building.

Since that time, staff have been working with Forest Lawn Cemetery regarding the development of a generalized Master Plan for the site.

- 1.2 On 1998 November 16 Council received a report providing information on the Master Plan submitted for Forest Lawn. The report provided details on the types of interments both planned and existing for Forest Lawn. A principle issue of concern raised in the report is Forest Lawn's intent to develop areas that are currently forested along Moscrop Street, Woodsworth Street and along the westerly property line abutting Greentree Village, with lawn crypts. These areas are to be largely bordered by a 2 foot wide cedar hedge along the westerly property line, a laurel hedge along Woodsworth Street and a small amount of screening along Moscrop Street.

The 1998 November 16 report indicated that while staff recognize the utility of developing cemetery lands for lawn crypts for in-ground burial in light of the regulations restricting mausoleums and the demand that exists for in-ground burial, the loss of significant forested areas is also of great concern in terms of it being an environmental amenity and providing buffering/screening for abutting residents. It does appear, however, that Forest Lawn's Master Plan proposal is not at variance with the present regulations in the Burnaby Zoning Bylaw and that there are no additional requirements of the Ministry of Environment, Lands and Parks or the Department of Fisheries and Oceans which would prohibit the removal of the forested areas.

Arising from consideration of that report, Council directed staff to report on possible amendments to reflect contemporary trends with respect to

- a) neighbourliness,
- b) environmental values,
- c) community values, and
- d) contemporary trends in interment burial, including possible use of comprehensive development guidelines as part of potential new zoning regulations.

This report responds to that Council direction.

- 1.3 On 1998 December 14 Council received a petition from residents of Greentree Village which expressed their opposition to Forest Lawn's Master Plan. At that meeting Council also received a presentation from Ms. Parvin Chami. Arising from the presentation, Council

requested staff to incorporate answers to questions posed by Ms. Chami in the forthcoming overall report to Council. The answers to Ms. Chami's questions are contained in this report.

**2.0 GENERAL DISCUSSION OF ISSUES:**

- 2.1 In response to Council's request for information on interment trends, staff have reviewed data from the British Columbia Vital Statistics Agency, had discussions with representatives of the cemetery and funeral service industry and the Provincial Registrar of Cemeteries and Funeral Services, and referenced relevant literature. The following information reflects this research.

For the past two decades in British Columbia, cremations have exceeded burials as the preferred method of decedent disposition. Today, the province has one of the highest ratios of cremations to burials in North America, with 72% of the province's 1997 dispositions being cremations. Though the cremation rate for Burnaby residents is slightly less than the province as a whole, the rate for the Greater Vancouver area is higher than the province as a whole. Both the Burnaby and Greater Vancouver area cremation rates continue to increase annually.

While many cremated remains are disposed of or stored privately, cemeteries are responding to the increased preference for cremation by providing interment options such as columbaria niches and cremation courtyards. In addition, memorialization options are increasingly common in cemeteries without necessarily being associated with actual remains. For example, memorial paths, benches, walls, gardens, and trees provide a designated place of remembrance though the remains may have been stored or scattered elsewhere.

Concurrent with the increasing trend towards diverse options for cremation disposition and memorialization, is a continuing preference for burial by certain cultural and religious groups. However, cemeteries are changing in this respect also, with the increased use of concrete lawn crypts and the building or expansion of mausoleums.

- 2.2 The above preference became quite important in discussion with the operators of Forest Lawn Cemetery. After reviewing the Forest Lawn Master Plan, staff became concerned that the large forested areas in Forest Lawn were designated for lawn crypts. In order to address this concern, while still being cognizant of the business objectives of the cemetery operators, staff explored the possibility of Forest Lawn being able to achieve more interments through permitting greater mausoleum space than the current regulations allow, in exchange for the preservation of land, which is currently designated for lawn crypts, in a natural state. Forest Lawn indicated, however, that while allowing greater mausoleum space is attractive from the

perspective of the total number of interments, the market demand does not justify such a tradeoff as there is a strong preference for in-ground burials by certain cultural groups.

- 2.3 With respect to the issue of neighbourliness, in most land use relationships there is some form of separation of uses or landscape buffer usually required by the Zoning Bylaw. The regulations for cemeteries, which are permitted in the P4 Cemetery District, however, do not include the separation or screening of certain aspects of a cemetery operation such as in-ground burials. The resultant land use relationship is considered undesirable by some, and staff have heard from some residents of Greentree Village to this effect. The principal concerns are with the time when an undeveloped area is being developed with lawn crypts and the idea of memorial services taking place only a few feet from where residents may be enjoying their back yards, including having social functions. Similarly, the sometimes typical but boisterous use of residential properties may be quite inappropriate while a memorial service is being conducted a few feet away. Therefore, it appears appropriate to consider regulations which provide greater respect for the nature of both land uses. This can be achieved by requiring a setback which is appropriately landscaped for all uses on P4 District zoned land.
- 2.4 The issue of environmental values is also important in considering the protection of trees and/or the provision of adequate landscaping on P4 District zoned land, particularly in the case of the Forest Lawn site. As was discussed in the 1998 November 16 Council report, the Forest Lawn Master Plan shows large areas which are currently forested to be used for lawn crypts, which represents the loss of an environmental amenity. There are roughly 29.3 acres of undeveloped land on the Forest Lawn site, most of which is currently forested. In terms of the loss of this amount of forested land, the elimination of the related number of trees in general deserves some comment considering the environmental impact. Trees provide important environmental benefits, enhance the quality of life in our neighbourhoods and contribute to the health of the Lower Mainland's urban forest. They help clean the air we breathe by absorbing carbon dioxide and releasing oxygen. By shading residences in the summer, trees keep us cool and help to reduce cooling costs. They attract birds and other wildlife which help to control insects and pests. Their greenery connects us with and contributes to our west coast environment.

With respect to the environmental values related to the forested areas within Forest Lawn Cemetery in particular, the forested buffer area along the western boundary of Forest Lawn Cemetery provides significant wildlife habitat and an important vegetated connection which provides a wildlife corridor with Deer Lake Park to the south and east of the cemetery. Deer Lake Park is one of the City's Environmentally Sensitive Areas (ESA's). Environmentally Sensitive development is encouraged by Council in sites adjacent to ESA's.

#### **4.0 BYLAW AMENDMENTS**

4.1 In response to Council direction to consider amendments to the Zoning Bylaw to reflect contemporary trends with respect to the above issues, the following regulatory changes are recommended to be pursued by the City Solicitor:

- a) The establishment of a setback requirement of 6.0m (20ft.) for all uses, including in-ground burials, on properties zoned P4 Cemetery District where the yard abuts a lot or is separated by a street in an A, R or RM District.

There are currently no regulations which require certain aspects of the operation of a cemetery, such as in-ground burials, to be setback from the property lines. As discussed in Section 2.3 above, the normal activities of a cemetery and a residential property, such as the memorial service for a burial and having social activities in one's back yard, are not considered compatible land use relationships, particularly with no separation or screening. Therefore, the establishment of a setback for all cemetery uses is considered to be an appropriate step to defining a more respectful relationship between cemetery and residential land uses. Even more importantly, it provides the foundation for the following recommendations regarding the provision of adequate landscaping and the protection of mature trees.

- b) Section 6.15 of the Zoning Bylaw requires certain setback areas required in the individual zoning districts to be fully and suitably landscaped. In order to address both the issues of neighbourliness and environmental values, this requirement should be instituted for the setback areas discussed in Section 4.1 a) above.

In terms of neighbourliness, the establishment of screening through a landscape buffer requirement is the most beneficial step one can take to provide a more adequate separation of land uses, both physically and psychologically. In terms of environmental values, the landscape buffer provides an opportunity to preserve mature trees where it is appropriate, preserve the wildlife corridor through protection of the understorey and planting of new trees and/or generally move toward the establishment of a new environmental amenity through a long term planting plan. It is possible to stipulate specific landscaping requirements for the setback area, such as a solid hedge along the property line, however, it is considered more appropriate to determine the landscaping requirements on a site specific basis. This approach reflects the fact that in Burnaby there are undeveloped cemetery lands which abut residential lands in varying conditions, such as where there is virtually no separation or screening between land uses versus where there is significant screening along or just outside the property line, or the cemetery lands face a large blank wall.

- c) It is proposed that the City Solicitor be authorized to prepare and introduce a Tree Protection Bylaw pertaining to properties zoned P4 Cemetery District.

In August 1996 Council adopted a report which recommended the introduction of a Tree Protection Bylaw. The report proposed a significant initiative to address increasing community concern about unnecessary tree removal, particularly prior to and during single and two-family development and redevelopment. In considering Provincial Government legislative changes to permit the creation of such Bylaws, Council directed staff to initiate a public consultation process to determine the views of Burnaby residents and property owners concerning the establishment of a tree bylaw. The findings of a 1993 questionnaire showed that 74 percent of the 1,046 respondents were in favour of some form of tree bylaw.

Council has in the past indicated that it wishes to take a measured, cautious approach to implementing a tree protection bylaw for private properties in Burnaby. In light of the concerns which have been raised in response to the Forest Lawn Master Plan, particularly with regard to the removal of large forested areas and the small number of properties which are zoned P4 District in Burnaby (there are four cemeteries located in Burnaby), the introduction of a Tree Protection Bylaw for P4 zoned properties is a reasonable and manageable approach to dealing with this situation. The general intent of a Tree Protection Bylaw for P4 zoned properties would be to first, preserve mature trees where it is desirable and feasible to do so, as determined by the health of the tree, both currently and in the context of future development plans and secondly, require replacement planting where the mature trees cannot be retained.

- d) Finally it is recommended that the Zoning Bylaw be amended to include the P4 District as a Zoning District upon which CD Comprehensive Development zoning may be based.

This recommended amendment to the zoning bylaw is not, strictly speaking, a regulatory change addressing the concerns of Council in the same manner as the above recommended changes to the Zoning Bylaw and the creation of a Tree Protection Bylaw for properties zoned P4 District. The option of cemetery lands being rezoned to CD Comprehensive Development (based on P4 District guidelines) opens up the possibility of there being a negotiated development agreement with the owners of cemetery lands, which could, through discussion and compromise, result in a Comprehensive Development plan which addresses both the concerns of the City and adjacent neighbours and the goals of the land owners from a business perspective. Generally this would only be accomplished through the private property owner submitting a rezoning application and, in this case, would likely only be pursued if some benefit could be seen to be gained by the applicant. This recommended text

amendment does, however, make it possible for more creative solutions to be pursued by staff and cemetery owners, such as reductions in the setback requirements for mausoleums, the retention of greater forested lands and the use of memorializations within treed areas. If more creative solutions were considered through a Comprehensive Development rezoning, the rezoning would receive full consideration by Council and the adjacent property owners through a Public Hearing.

**5.0 RESPONSE TO PUBLIC ENQUIRIES:**

5.1 As noted in Section 1.3 of this report, Council received a delegation from Parvin Chami on this matter and Ms. Chami asked a number of questions about a possible bylaw amendment. Some of the answers to these questions are already contained in this report, with the following further responses provided:

i) Ms Chami asked questions about the scope of the proposed bylaw and whether it would effect other environmentally sensitive areas.

- The proposed bylaws would apply to more than the Forest Lawn site, but they would not apply to all other environmentally sensitive areas in Burnaby. The bylaws would apply to all lands zoned P4 Cemetery District.

ii) Ms. Chami enquired as to what concerned citizens can do to facilitate enactment of the bylaw.

- Public support of Council in pursuing appropriate bylaw amendments is important if the bylaws are to be adopted in an expeditious manner, enabling there to be regulations in place to protect trees on cemetery lands. Citizens might wish to write to Council indicating their support for the bylaw and for the bylaw proceeding directly to Public Hearing.

5.2 In addition to the delegation from Ms. Chami, Burnaby has received input and questions from other citizens who live near cemeteries in Burnaby. The bylaw amendments proposed in this report generally address their concerns, however, the issue of drainage in relation to the clearing of large forested areas has been raised as a concern by some adjacent residents.

Engineering staff advise that drainage is a matter that must be considered by a private land owner when forested areas of land are intended to be cleared. It is the responsibility of the private property owner to provide adequate on-site drainage. While staff may assist in dealing with drainage problems between private properties, it is essentially a civil matter.

If large forested areas abutting a street right-of-way are to be cleared, the land owner must still provide adequate on-site drainage and will need to work with the Engineering Department to ensure that the City drainage system is adequate to handle the increased runoff from the private property.

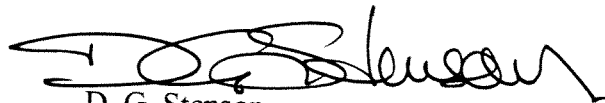
## **6.0 CONCLUSION:**

- 6.1 Arising from consideration of the report on the Forest Lawn Master Plan, Council directed staff to report on possible amendments to the P4 District to reflect contemporary trends with respect to neighbourliness, environmental values, community values and interment burial with a view to enacting zoning regulations, including the possible use of comprehensive development zoning. This report provides information and comment on the above issues relative to the current regulations and development potential for cemeteries in Burnaby, particularly with respect to the Forest Lawn Master Plan.
- 6.2 This report concludes that the current regulations are in need of amendment in order to provide an adequate land use separation and landscape buffer between properties zoned P4 Cemetery District and residential properties. In addition, a bylaw is required to protect trees; or alternatively to provide for tree replacement when tree retention is not viable, on P4 zoned lands in light of the significant forested areas on these lands which could be removed without no City control or input. Also, the inclusion of the P4 District as a zoning District upon which Comprehensive Development zoning may be based is recommended in order to provide the opportunity for a creative approach to the development of cemetery lands, which could reflect the objectives of both the cemetery operator and the City. In order to address these concerns, the following bylaws and bylaw amendments are proposed to be prepared by the City Solicitor:
- 1) The establishment of a setback requirement of 6.0m (20ft.) for all uses in the P4 District where the yard abuts a lot zoned A, R or RM or is separated by a street therefrom.
  - 2) The requirement for the above setback areas to be fully and suitably landscaped.
  - 3) The preparation of a tree bylaw dealing with the protection and/or replacement of mature trees on properties zoned P4 District.
  - 4) The inclusion of the P4 District as a zoning District upon which CD Comprehensive Development zoning may be based.



***City Manager***  
***Bylaw Amendments Pertaining to***  
***Cemeteries and Preservation of Trees***  
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If Council adopts the recommendations in this report, the City Solicitor will provide the necessary bylaws, and the text amendment to the Zoning Bylaw will be presented at the next possible Public Hearing.



D. G. Stenson

Director Planning and Building

BW: gk

Attach

(a:\Tree.byl.amdn)

cc:     Director Engineer  
         City Clerk  
         City Solicitor  
         Chief Building Inspector

