

TO: CITY MANAGER

2002 May 21

FROM: DIRECTOR PLANNING AND BUILDING

SUBJECT: SCHARA TZEDECK CEMETERY,
2345 MARINE DRIVE (NEW WESTMINSTER)

PURPOSE: To report on the City's position regarding a proposed Development Variance Permit for the Schara Tzedek Cemetery located at 2345 Marine Drive in New Westminister.

RECOMMENDATIONS:

1. **THAT** Council advise the City of New Westminister that the City of Burnaby would not object to Development Variance Permit 352 for 2345 Marine Drive (Schara Tzedek Cemetery) as outlined in this report.
2. **THAT** a copy of this report be sent to affected Burnaby residents shown on **attached** Sketch #1.

REPORT

1.0 BACKGROUND

- 1.1 On 2001 July 23, New Westminister City Council defeated a Development Variance Permit application for Schara Tzedek Cemetery which proposed the relaxation of P-1 zoning requirements pertaining to height of structures within required yards to allow for a retaining wall to be constructed along the site's west property line. In 2001 September, New Westminister City Council, upon reconsideration and taking into consideration considerable negative public input received at a Public Hearing, declined to issue the variance permit on the basis of: loss of mature trees; loss of wildlife habitat; and, the visual impact of the proposed 22 foot high portion of the wall.
- 1.2 The subject site, located within the City of New Westminister, is commonly known as the Schara Tzedek Cemetery. The Burnaby/New Westminister border in this area runs along the centre line of the closed Fenwick Street road right-of-way. The eastern portion of the Fenwick right-of-way has been closed and consolidated within the cemetery site. Immediately to the northwest on the Burnaby side is an established R5-zoned single-family enclave (see **attached** Sketch #1) which contains a number of newer houses. The remaining portion of the Fenwick Street right-of-way (that which is owned by Burnaby) is vegetated and currently separates the cemetery from the single-family residences. On the south side of Marine Drive is an area characterized by agricultural uses and large single-family homes developed under A2 Small Holdings District zoning. Willard Park is located nearby within this agricultural and single-family area (see **attached** Sketch #2).

- 1.3 The area surrounding the cemetery has significant slopes and is subject to severe grade fluctuations, namely at the northwest corner of the cemetery where the terrain slopes sharply down toward the southwest.
- 1.4 The City of New Westminster has received a new Development Variance Permit application for another retaining wall proposal for the Schara Tzdeck Cemetery, and is advancing the application to a Public Hearing on 2002 May 27. The City of Burnaby received notification of this proposal on 2002 May 13. As such, this correspondence could not be considered at the Burnaby City Council meeting on Monday, 2002 May 13. Given that Council would not be meeting again until 2002 May 27, and that the deadline for submissions to the City Clerk for the City of New Westminster regarding the subject Development Variance Permit application was on 2002 May 21, staff requested in a letter that the matter be tabled until such time that Burnaby City Council has had an opportunity to consider a staff report on the matter.

2.0 **DISCUSSION**

- 2.1 The original proposal showed a retaining wall along the subject site's west property line 360 ft. in length. The proposed wall was to range in height from grade-level (0 ft.) to approximately 22 ft. at the site's northwest corner. The wall was proposed to allow for regrading at the northwest corner of the site to make it suitable for gravesite development. New Westminster P-1 zoning regulations, however, stipulate that structures within the required 25 ft. setback area be limited to 6 ft. in height. That proposal showed the retaining wall to be setback from the west property line by 5 ft., and to be 22 ft. at its highest point. The variance, therefore, was for height restrictions in required setbacks in the P-1 Zone.
- 2.2 The City of Burnaby expressed its opposition to the proposal based on:
 - 1) it represented an inappropriate edge condition abutting an established single-family enclave in Burnaby; and,
 - 2) it did not comply with New Westminster's P1 zoning regulations, and was incompatible with the intent of the setback requirements recently established in the P4 Cemetery District of the Burnaby Zoning Bylaw.
- 2.3 The revised proposal, the subject of Development Variance Permit #352, shows considerable changes from the original proposal. The new proposal shows a lower retaining wall running parallel to the west property line for approximately 110 feet (see **attached** Sketch #1). The wall curves inward, away from the property line, as it approaches the northwest corner of the site. The retaining wall has an initial setback of 6.3 feet from the west property line and, at such a setback, has a height ranging from 1 foot to 8.5 feet. As the wall arcs away from the property line, and where it is setback 11.5 feet, the height of the wall increases to 11.8 feet. When the setback of the wall is at 19 feet from the west property line, the wall's height remains at 11.8 feet. The wall reaches its highest point, 13.7 feet, when it is setback 24.8 feet away from the west property line. The portion of the wall requiring a variance is 117 feet in length.

The wall is to be constructed and sited in such a way as to retain all of the significant vegetation in the northwest corner of the development site – Council may recall that a key concern with the original proposal was the removal of said vegetation and the potential for habitat destruction and decreasing slope stability. Further, the wall will be constructed of Keystone Copac Units, giving the wall a natural stone colour. Moreover, the west property line will be landscaped with a cedar hedge along its entire length, acting as screening for both the cemetery and retaining wall. The hedge is intended to be 6 feet high at the time of planting, but is expected to grow much higher over time to further screen the wall and have it blend into the landscape.

It is noted that only one Burnaby property, 6429 Marine Drive – abutting the unopened Fenwick Street road right-of-way, is directly affected by the proposed variance, as the wall reaches the New Westminster bylaw limit of 6 feet adjacent to the Holland Street road right-of-way in Burnaby. Including the 33 foot Fenwick Road right-of-way, in addition to a 40 foot setback of the house and a 7.1 foot setback of the wall from the property line, there is approximately 80.1 feet separating the wall from the affected Burnaby residences when the wall is 9.7 feet in height. Considering the extreme grades and the new landscaping, the wall becomes much less visually obtrusive from 6429 Marine Drive. When the wall is at its highest (13.7 feet), the separation increases to 97.8 feet, thereby becoming far less obtrusive.

3.0 CONCLUSION

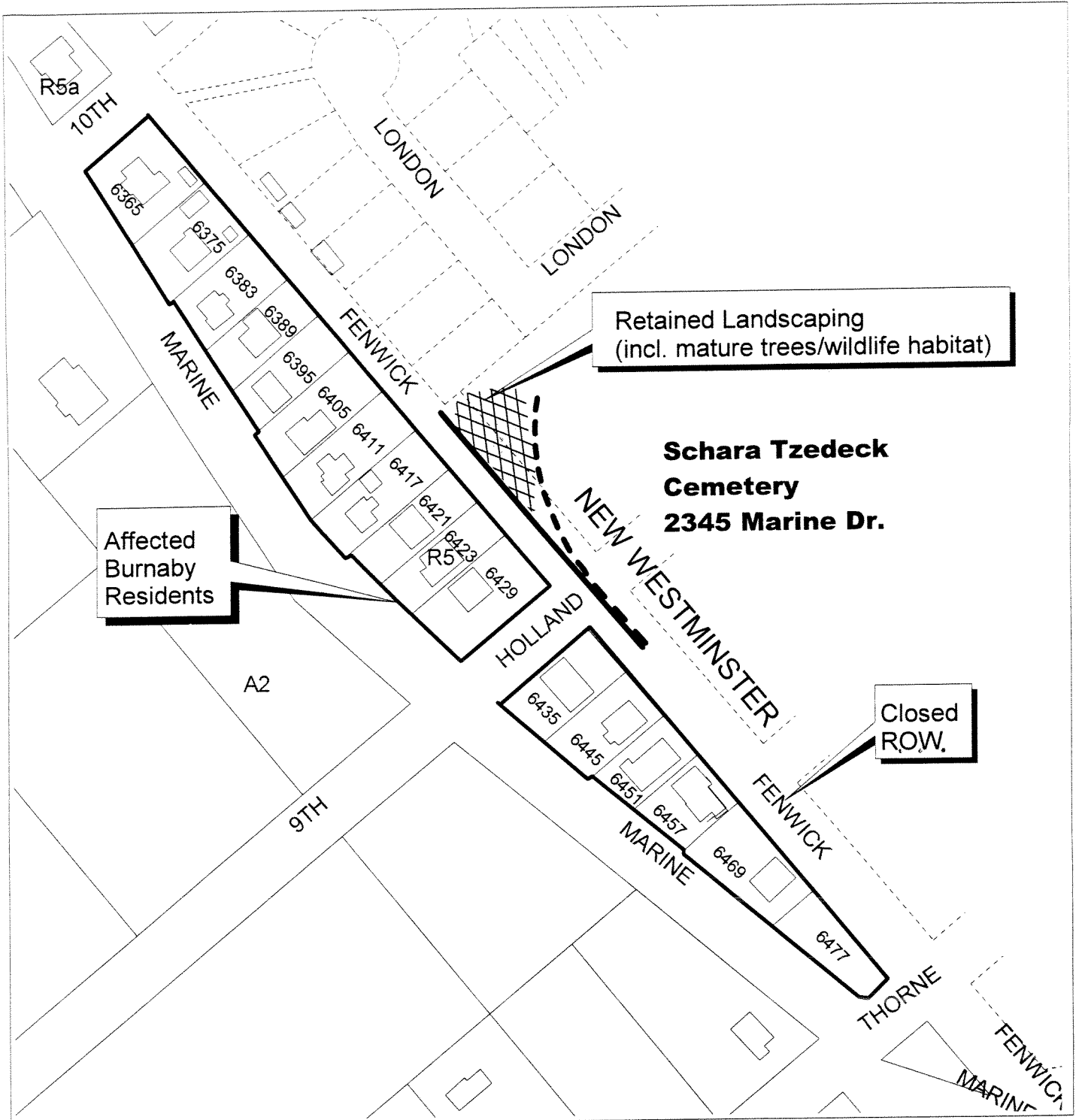
The City of Burnaby has been required to address cemetery development issues over the last few years in light of recent developments at Forest Lawn Cemetery and Ocean View Memorial Park. Council has remained consistently in favour of adequate separation of cemetery uses from residential areas, and has supported efforts to maintain appropriate edge conditions for cemeteries which minimize their visual intrusions and other impacts on abutting residential areas. In the view of staff, the retaining wall associated with regrading the northwest corner of the subject cemetery site represents a reasonable compromise on the part of the applicant. In light of these points, it is recommended that Council advise the City of New Westminster that the City of Burnaby would not object to Development Variance Permit #352 for 2345 Marine Drive (Schara Tzdeck Cemetery) as outlined in this report.



J. S. Belhouse
Director Planning and Building

EK:gk
Attachment

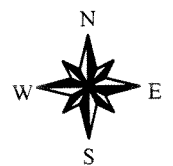
cc: City Solicitor
City Clerk
Director Engineering



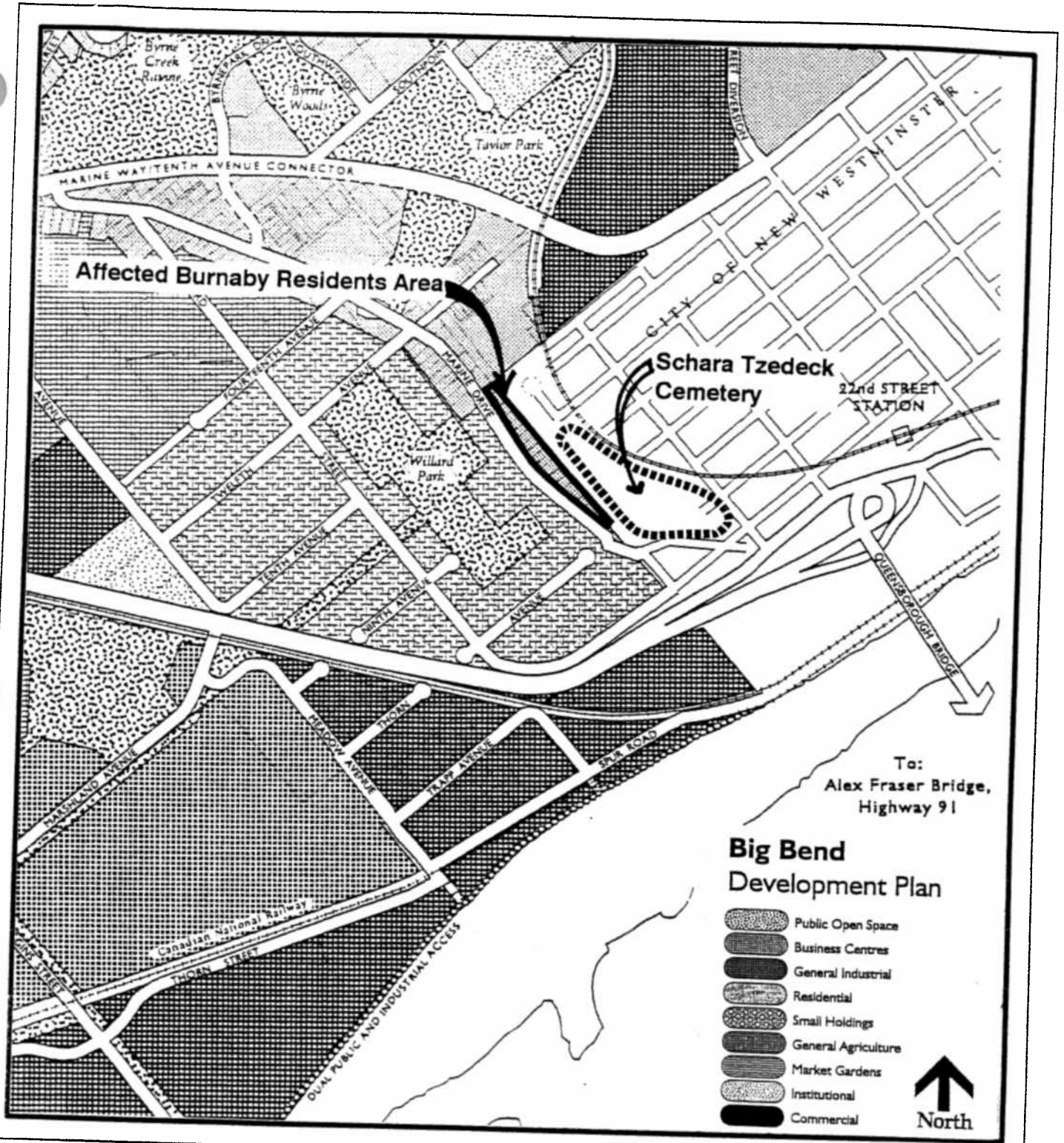
- Original Retaining Wall Proposal
- - - - -** New Retaining Wall Proposal

**Development Variance Permit #352
(2345 Marine Drive, New Westminister)**

1:2000



Sketch #1



Planning And Building Department

Scale: N.T.S.

Drawn By: J.P.C.

Date: August 2001

Development Variance Permit #352
 (2345 Marine Dr. New Westminster)

Sketch # 2

