

TO: MAYOR & COUNCILLORS
FROM: GENERAL MANAGER PLANNING AND DEVELOPMENT
SUBJECT: **REZ #24-07 – PORTION OF 3789 ROYAL OAK AVENUE (FOREST LAWN FUNERAL HOME & MEMORIAL PARK)**
PURPOSE: To seek Council authorization to forward REZ #24-07 to First and Second Reading at a future Council meeting.

REFERENCES

Address: Portion of 3789 Royal Oak Ave.
Legal: PID: 023-992-972
Portion of Lot: 1 District Lot 73, 74 and 81 Group 1 New Westminster District Plan LMP36185
Applicant: John Clark Architect
1798 Peters Rd., North Vancouver, BC V7J 1Y8
Attention: Paul Owens
Current Zoning: P4 Cemetery District
Proposed Zoning: CD Comprehensive Development District (based on P4 Cemetery District as a guideline, and in accordance with the development guidelines provided in Appendix A attached to the Rezoning Bylaw for REZ #24-07)

RECOMMENDATION

THAT a Rezoning Bylaw for REZ #24-07 be prepared and advanced to First and Second Reading at a future Council meeting;

THAT a Public Hearing not be held for the Rezoning Bylaw for REZ #24-07, as it is consistent with the Burnaby Official Community Plan;

THAT the City Solicitor be authorized to discharge Covenant BL418983, and discharge and replace Covenant BL418981 as per Section 3.2 of the report titled “Rez #24-07 – Portion of 3789 Royal Oak (Forest Lawn Funeral Home and Memorial Park)” dated December 16, 2024; and

THAT the items listed in **Attachment 3** to the report be established as prerequisites to consideration of Final Adoption of the Rezoning Bylaw for REZ #24-07.

EXECUTIVE SUMMARY

An application has been received to permit the redevelopment of the Forest Lawn Memorial Park funeral home facilities. To facilitate the proposed redevelopment, the applicant is seeking to rezone a portion of the subject property, discharge Covenant BL418983 (tree preservation) and discharge and replace Covenant BL418981 (no build buffer). The purpose of this report is to provide Council with information on the proposal and to recommend that the Rezoning be advanced to First and Second Readings.

1.0 POLICY SECTION

The proposed rezoning application is consistent with the following policies and plans adopted by Council:

- Corporate Strategic Plan (2022),
- Regional Context Statement (2013),
- Official Community Plan (1998), and
- Burnaby Tree Bylaw (1996).

2.0 BACKGROUND

- 2.1 The 45 hectare subject property (see **Attachment 1**), located along the west side of Royal Oak Avenue, includes a cemetery and funeral home, works and maintenance buildings, storage, offices, chapel and public congregation space, and crematoria. The site is bounded by Woodsworth Street and Canada Way to the north and Moscrop Street to the south. The site’s largest collection of structures and activities are located in the northeast corner, towards the intersection of Royal Oak Avenue and Canada Way. The site is identified for institutional land use within the City of Burnaby Official Community Plan (OCP) in recognition of the long-standing cemetery and crematory uses on the land.
- 2.2 In 2022, the applicant initiated a redevelopment process for a portion of the subject property (see Subject Site, **Attachment 1**). This included preliminary discussions with City staff and the facilitation of an informal open house for area residents in 2023. A rezoning application was received in April 2024 following. The applicant has now submitted a development plan acceptable for First and Second Readings of the Rezoning Bylaw.

3.0 GENERAL INFORMATION

- 3.1 The development proposal is for the demolition of five existing buildings and construction of a new, two-storey facility consolidating existing services into one building at the northeast corner of the site. The proposed new building includes storage, works and maintenance space, and parking below grade. The proposed uses above include office space (approx. 425 m²), chapel and public congregation space (approx. 2,600 m²), and a new three-furnace crematoria (approx. 125 m²) to replace the existing three-furnace crematoria on-site.

Other components of the proposal include landscaping features incorporating new and replacement trees and enhancement of landscape buffer areas facing residents along Woodsworth Street, surface parking areas and signage. Vehicle, pedestrian and cycling access to the building will continue to be provided from the existing driveway connecting to Royal Oak Avenue.

The proposed building will be setback approximately 19 m from Woodsworth Street and the crematoria component of the building will be setback approximately 74 m from the nearest residential property. These setbacks exceed the minimum P4 District building setback of 9 m from Woodsworth Street and the required crematoria setback of 61 m from the nearest residential property. The new crematoria will be physically integrated into the new facility and located to the south-west corner of the building to be screened from either street frontages by the building along with existing and proposed tree plantings. As a condition of development review, an arborist report, tree replacement plan, and landscape plan addressing enhancements to the no-build area are required to be provided for review and approval.

The proposed crematorium will also require review, approval and licensing by Consumer Protection BC, which includes emissions analysis and monitoring. Operators of crematoria are also obliged to meet the requirements of the *Cremation, Interment and Funeral Services Act*.

The proposed development is generally consistent with the site's Zoning Bylaw designation as a P4 Cemetery District and other applicable zoning regulations. However, under Section 504.1 (3) (b) of the P4 District, the proposed relocation and replacement of the crematoria requires a CD (Comprehensive Development) District to support its approval. The primary purpose of this rezoning is to allow for the crematoria use and provide development guidelines for its location and form as indicated on **Attachment 2** – Schedule A to Appendix A. As such, the Appendix A Development Guidelines (**Attachment 2**) include guidance on the general location of the crematoria, the building setbacks from adjacent streets, and the access point to the site. The specific plan of development will be approved through PPA and Building Permit applications, including any Engineering requirements or street frontage improvements in connection with the City's Subdivision Control and Development Servicing Bylaw.

As the design for this building commenced in 2022 through preliminary discussions with City staff, undertaking of a non-statutory public open house, and based on an advanced design of the building, the Development Guidelines include some relaxations to end-of-trip facilities and non-residential EV charging infrastructure requirements.

The proposed development guidelines indicate Comprehensive Development District zoning, utilizing P4 Cemetery District as a guideline. The Development Guidelines provide development parameters for the crematorium and funeral home, including minimum setbacks, building height, and other requirements. The

Appendix A - Development Guidelines and associated Schedule A (**Attachment 2**) will be appended to the rezoning bylaw.

3.2 No Build and Tree Protection Covenants

In 1996, as part of REZ #96-29 to expand on-site facilities, a 40 m no-build covenant (Covenant BL418981, Plan LMP 36188) and tree protection covenant (Covenant BL418983, LMP 36189) were required and registered in respect to the subject property’s Woodsworth Street frontage. The areas subject to these covenants are shown on **Attachment 4**. The intent of the covenants was to increase the building setbacks from Woodsworth Street to limit development in proximity to nearby residents and preserve existing tree plantings and vegetation. While the rezoning was approved and the covenants were implemented, the proposed expansion of on-site facilities did not ultimately proceed.

The applicant has submitted a request to replace Covenant BL418983 to remove a portion of the no-build area (see **Attachment 4** for area proposed to be removed) near the corner of Woodsworth Street and Canada Way, in the northeast corner of the site, and to discharge Covenant BL418981 in respect to tree protection. The request facilitates a building design that is intended to mitigate impacts on surrounding residents, including use of existing site accesses to avoid additional traffic impacts, utilizing the slope along Woodsworth Street to reduce the visual impact of the building, and incorporating the crematoria into the building along the west elevation, away from the Woodsworth Street and Royal Oak Avenue frontages.

Staff recommend replacing the no-build covenant (BL418983) as the City has since adopted a requirement that new crematoria uses will only be permitted as part of Comprehensive Development rezoning and subject to enhanced separation distances from residential uses. REZ #24-07 and the proposed crematorium is subject to these conditions.

In terms of the tree protection covenant (BL418981), the City has since adopted the Burnaby Tree Bylaw. The Bylaw provides protection for certain types of trees and establishes requirements for Tree Cutting Permits and replacement plantings. Protected trees under the Bylaw specifically include all trees on a lot in a P4 Cemetery District. As such, a tree protection covenant is no longer needed and staff agrees with discharging Covenant BL418981.

3.3 Heritage

The subject site (Forest Lawn Memorial Park) is listed on the Heritage Inventory. The Inventory identifies buildings and resources that have significant heritage value. The Inventory identifies the landscape design of the cemetery as a component of its heritage value, as well as the 1962 chapel designed by the architects McCarter & Nairne, who are responsible for several significant buildings in the region

As the property is not listed on the Community Heritage Register, staff are not seeking to prevent demolition of the chapel building. However, this proposal has highlighted the opportunity for the owner of the cemetery to give consideration to the heritage values of

the property, and staff are requesting that the owner undertakes the following measures as conditions of development approval:

- documentation of the chapel building through an as-found report that is acceptable to the City; and,
- preparation of a statement of significance for the site that is acceptable to the City. The statement will identify the heritage values and character defining elements of the heritage resource.

4.0 COMMUNICATION AND COMMUNITY ENGAGEMENT

4.1 Previous Community Engagement

In support of the proposed covenant amendments, the applicant has undertaken community engagement efforts to provide residents with the opportunity for comment and feedback. On May 24, 2023, the applicant hosted an information open house at the Forest Lawn Funeral Home. Notices of the open house were hand delivered to adjacent properties within 30 m of the covenant areas.

At the open house, a questionnaire and display materials were provided for open house attendees. The notice, questionnaire, and open house materials were provided to the City for review and approval in advance, and the open house was attended by representatives of the applicant, along with City staff. The open house was attended by one person, who had no concerns with or objections to the proposed covenant amendments.

4.2 Public Hearing

On December 11, 2023, Council directed staff to include a recommendation to not hold a Public Hearing for rezoning applications that have less than 50% residential uses and that are consistent with the Burnaby Official Community Plan (OCP). This is authorized by section 464(2) of the *Local Government Act*. As this application is consistent with the OCP, it is recommended that a Public Hearing not to be held.

Public notice of the Rezoning Bylaw for REZ #24-07 will be completed prior to bringing forward the Rezoning Bylaw for First Reading, in accordance with section 467 of the *Local Government Act*, the City’s Public Notice Bylaw and Council policy. City staff will mail a notice to those properties that are within a 30 m radius of the subject site. A public notice will also be published on the City’s website, distributed as part of the City’s online newsletter, and a sign regarding the proposal will be posted on the site.

5.0 FINANCIAL CONSIDERATIONS

There are no financial considerations related to this proposal.

Respectfully submitted,

E. W. Kozak, General Manager Planning and Development

ATTACHMENTS

- Attachment 1 – Sketch #1
- Attachment 2 – Appendix A Development Guidelines, Schedule A to Appendix A
- Attachment 3 – Rezoning Prerequisites
- Attachment 4 – Covenant Areas Discharge & Amendment

REPORT CONTRIBUTORS

This report was prepared by Alex Kolsteren, Planner 2, and reviewed by Mark Norton, Manager Development and May Leung, City Solicitor.