



Council Report For the Meeting of September 8, 2022

To: Council **Date:** August 31, 2022
From: Peter Rantucci, Head of Strategic Real Estate
Subject: Road Closure Bylaw No. 22-081 – 2750 Cedar Hill Road

RECOMMENDATIONS

1. That the following bylaw **be given first, second and third readings:**
 - i. Cedar Hill Road Closure and Dedication Removal Bylaw No. 22-081.
2. Subject to Council giving introductory readings to Cedar Hill Road Closure and Dedication Removal Bylaw No. 22-081, that Council direct staff to deliver notice of its intention to the following operators or utilities or transmission or distribution facilities or works that Council considers will be affected by the closure: Telus, BC Hydro, Shaw, and Fortis.
3. Subject to Council giving introductory readings to Cedar Hill Road Closure and Dedication Removal Bylaw No. 22-081, that Council direct staff to provide:
 - i. notice to the public, by way of direct mail out, signage on the affected road right-of-way, and publication in the Times Colonist, that the adoption of the road closure bylaw is scheduled for October 6, 2022; and
 - ii. an opportunity to persons who consider they are affected by the bylaw to make representations to Council prior to October 6, 2022.

EXECUTIVE SUMMARY

To facilitate the expansion of the Jewish Cemetery, the closure and removal of highway dedication for the portion of Cedar Hill Road would be required, as shown on the plan attached to the road closure bylaw (Appendix A). The proposed closure of this portion of Cedar Hill Road will have no impact on the current road alignment or the neighbourhood transportation network. The closure is proposed for unused land adjacent to the current Cedar Hill Road. Cedar Hill Road, along with Fernwood Road, and the intersection of the two will continue to service all adjacent properties. A road closure bylaw has been prepared for Council's consideration should Council wish to proceed with the statutory road closure process. Should Council adopt the road closure bylaw, the newly created parcel of land will be transferred to the Congregation Emanuel by a purchase and sale agreement.

Section 40(3) and (4) of the Community Charter require Council to provide notice prior to adopting road closure and dedication removal bylaws:

(3) Before adopting a bylaw under this section, the council must:

(a) give notice of its intention in accordance with section 94 [public notice], and

(b) provide an opportunity for persons who consider they are affected by the bylaw to make representations to council.

(4) In addition to the requirement under subsection (3), before adopting a bylaw under subsection (1) (a), the council must deliver notice of its intention to the operators of utilities whose transmission or distribution facilities or works the council considers will be affected by the closure.

Staff have prepared a public notice in accordance with section 40(3), which will also invite the public to make submissions to Council by those who consider they are affected by the bylaw. The notice will inform the public that submissions can be made leading up to or at the October 6th 2022 daytime Council meeting.

In addition, staff have identified that the following utilities have facilities or works in the proposed road closure areas and may be affected by the closure: Telus, BC Hydro, Shaw and Fortis. Should Council proceed to introductory readings of the road closure bylaw, staff are prepared to notify such utilities, so that reasonable accommodations can be made to the utilities if required.

PURPOSE

The purpose of this report is to seek Council direction on a road closure bylaw in order to facilitate the expansion of the Jewish Cemetery.

BACKGROUND

In 2019, the City was approached by the Congregation Emanu-El owners of the Jewish Cemetery located at 2750 Cedar Hill Road to acquire approximately 400 square meters of City road to facilitate the expansion of the cemetery.

The Jewish Cemetery is for the interment of people of the Jewish faith. The Congregation has owned and operated the Jewish Cemetery since 1859. As the Congregation's population grows and the need to intern couples of mixed faiths increases, the Congregation approached the City with a proposal to acquire some of the road right-of-way adjacent to the current cemetery for interment purposes. The Congregation's proposal includes improvements to the existing cemetery, particularly at the interface to the public road right-of-way (ROW). This will include the relocation of the current fence, the planting of native species within a buffer area between the existing sidewalk and relocated fence, the protection of the Garry Oaks and the installation of a bench at the north end of the proposed lot.

ISSUES AND ANALYSIS

Public Engagement

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Subject to the initial three readings of the bylaw, Staff will provide notice to the surrounding neighbourhood and the general public of the road closure and disposition in three ways. The same notice will be used in all three mediums, which outlines the area of land affected by the bylaw and the purpose of the disposition.

A direct mail notice will be sent to every civic address in a 200m radius from the area being considered for road closure and disposition; approximately 600 civic addresses are included in this area. This large radius will be used in order to ensure maximum exposure for the neighbourhood, including multi-family buildings on Hillside and a co-op housing society in the vicinity.

A large format sign, similar in size to a typical rezoning sign, will be erected on the proposed road closure site. This will advise residents that use the transportation corridor for commuting and recreation but may not live in the immediate area surrounding the Jewish Cemetery.

Lastly, a road closure and land disposition notice will be circulated in print media form in the Times Colonist on two separate calendar dates. This will notify residents of Greater Victoria that do not live in, or use the area in question of the proposed disposition of the land.

All three notices will inform the public that should they wish to correspond with, or address Council, they can do so prior to, or on October 6, 2022.

Additionally, the City carried out an informal engagement process on the proposal, and public feedback via written correspondence that was collected through Legislative Services from June 24 to July 11, 2022 is compiled in Appendix B. Appendix C is a compilation of historical correspondence that was submitted as part of the public engagement in June and July of this year.

CONCLUSIONS

In July 2022, Council directed staff to proceed with the road closure process and request public feedback on the potential closure and disposition of approximately 400 sq. m. of road ROW. The compilation of the public feedback, along with the initial reading of the road closure bylaw is included in this report.

As the land being considered is currently City ROW, before the City can complete a disposition of this land it must first comply with section 40 of *the Community Charter*. This section requires permanent closure and highway dedication removal of the section of ROW by adopting the necessary road closure bylaw, which permit members of the public a final opportunity to express their views on the road closure.

Should the bylaw receive initial three readings, this would be the final opportunity for members of the public to address Council, either in writing or in person, to inform the decision process. If the bylaw proceeds to adoption, it would be advertised in the three ways outlined in this report; by direct mail, signage on the site and posting in the local newspaper.

Respectfully submitted,

Peter Rantucci
Head of Strategic Real Estate

Report accepted and recommended by the City Manager.

List of Attachments

Appendix A – Bylaw 22-081 Road Closure Cedar Hill Road

Appendix B – Public Feedback June & July 2022

Appendix C – Historical Correspondence submitted as part of Public Feedback July 2022