

## **Congregation Emanu-El Submission to Victoria City Council for October 6 2022 meeting**

### **Regarding land adjacent to Jewish Cemetery**

Victoria's Jewish community has been an active part of life here since the city began, establishing our cemetery in 1859 and building our Congregation Emanu-El synagogue in 1863. We continue to work with others to the betterment of our community in many ways.

Our request to City Council is for the small piece of land adjacent to our cemetery because it would help us meet the needs of our community. Our commitment to the city includes these elements:

1. We have retained an award winning and well-respected designer whose many accomplishments include restoration of three cemeteries in the Lower Mainland.
2. New fencing will be more "transparent" than the existing fence, consistent with City requirements for height, visibility and aesthetics.
3. Preservation of existing trees is important to us. There is no plan to remove existing trees which are in any case subject to the City's tree protection bylaws.
4. All landscape plantings will be limited to native species that are sustainable and drought tolerant. We will work with the City of Victoria Parks Department to establish plantings outside the transparent fence to improve aesthetics.
5. A rest area and bench for neighbourhood use is proposed for the area to the north of the BC Hydro pole outside the cemetery within the existing boulevard.
6. Double depth gravesites will maximize the usability of the site. Headstones will be in a flat/horizontal form in this area.

The design strategy will focus on creating a harmonious connection to the existing cemetery and the neighbourhood. The historic section will not change. Our designs will strive to extend the beauty and flow of our historic cemetery into the new section in order to preserve the character that is so much a part of this place. We have been honoured to have a respectful relationship with all our neighbours, and we are committed to continuing this relationship well into the future.

Submitted on behalf of Congregation Emanu-El

Attachment to presentation  
by Congregation Emanu-El  
for City of Victoria Council's  
meeting on October 6, 2022



## **VICTORIA JEWISH CEMETERY - PROPOSED EXTENSION**

**2750 Cedar Hill Rd, Victoria, BC**

prepared by PECHET Studio / December 2021

**1** location



**EXISTING SITE**

**VICTORIA JEWISH CEMETERY - PROPOSED EXTENSION**  
2750 Cedar Hill Rd, Victoria, BC

**2** existing



**PROPOSED EXTENSION AND ENHANCEMENTS**

**VICTORIA JEWISH CEMETERY - PROPOSED EXTENSION**  
2750 Cedar Hill Rd, Victoria, BC

**3** proposed



**PROPOSED ELEMENTS**

**VICTORIA JEWISH CEMETERY - PROPOSED EXTENSION**  
2750 Cedar Hill Rd, Victoria, BC

**4** elements

**From:** Legislative Services email  
**To:** Ross Carroll  
**Subject:** RE: Sale of public land - Jewish Cemetery Project

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**From:** [REDACTED]  
**Sent:** October 4, 2022 1:22 PM  
**To:** Peter Rantucci <[PRantucci@victoria.ca](mailto:PRantucci@victoria.ca)>  
**Cc:** Thomas Soulliere <[TSoulliere@victoria.ca](mailto:TSoulliere@victoria.ca)>; Jeremy Loveday (Councillor) <[jloveday@victoria.ca](mailto:jloveday@victoria.ca)>; Parks (Public Inquiries) <[parks@victoria.ca](mailto:parks@victoria.ca)>  
**Subject:** Sale of public land - Jewish Cemetery Project

Mr. Peter Rantucci  
Head, Strategic Real Estate  
Legislative Services, City of Victoria  
Via email [prantucci@victoria.ca](mailto:prantucci@victoria.ca)  
cc. Thomas Soulliere, Parks Department, [tsoulliere@victoria.ca](mailto:tsoulliere@victoria.ca)  
cc. Jeremy Loveday, Oaklands council liason [jloveday@victoria.ca](mailto:jloveday@victoria.ca)

Mr. Rantucci

You may recall that we spoke by telephone in July 2016 about the process for the disposition of public land in general and the road right-of-way at Cedar Hill Rd. in particular. This was very helpful and I am satisfied that this process was indeed mostly carried out per your then description.

I am a resident within the affected area of the proposed "road closure" at Cedar Hill Rd. and likewise am in receipt of formal notice with regard to the conversion of this road right-of-way to land title so that it may be sold to the Congregation Emanu-el.

It was a relief to see that as part of this transaction, that all of the trees on the existing right-of-way parcel will be protected by covenant and/or subject to the City's Tree Protection bylaw.

Upon closer examination however, I am confused how the acquisition of this lot will enable the expansion of the Jewish Cemetery?

Specifically, the use of this site for "interment purposes" as described in the aforementioned letter which I think assumes digging or other disruption of the soil and root zone of protected and covenanted trees?

I am therefore concerned that the proposed use of this site will be in direct conflict with the existing provisions of the City's Tree Protection Bylaw 21-035.

Please find attached a detailed overview of the existing trees at Cedar Hill Rd on the site of interest, and other supporting evidence I used in my analysis, including measurements of diameter at breast height (DBH) in order to determine radius of protected root zone. I have converted all measurements to scale in order to represent these protected radiuses on the 1:350 scale map that was provided with the City of Victoria's Notice of Road Closure documents (excerpt below).

It appears that the 391.1 sq. meters that comprises this entire site proposed for disposal is *completely within protected root zone area* and likewise cannot be disturbed by the activities that may be required for the desired use of this site. Further, behind the existing fence, on the property to which this parcel is proposed to be annexed, while these trees were not measured, it is evident visually that at least ten more protected-species trees of much larger size and likewise

greater DBH whose root zones obviously extend within the proposed site will also be affected by any disruption of soil in the existing right-of-way space.

I presume that all of this has been considered already and so hope that you can please speak to this matter and allay my concern for what is as many as 20 well-established and mostly threatened-species trees. I am cc'ing Parks Department in order that they may be able to assist in the review of my calculations in the attached and point out where I might be mistaken so that I, along with my many neighbours, may have assurance that this project is indeed supportable.

Thank-you



**Tree Inventory**  
**Road Right-of-Way Cedar Hill Road**

Background

Per CoV notice delivered September 2022, the intended use of the site is for interment purposes.

Per CoV notice delivered September 2022, as part of the proposed sale of this lot into private hands, all existing trees will be protected by covenant and also subject to the City's Tree Protection bylaw 21-035.

The City's Tree Protection bylaw 21-035 prohibits damage to trees protected under its legislation. Included in the description of damage is "shearing or undermining the roots" within a tree's protected root zone

(Ref. Tree Protection Bylaw 21-035 Part 2. Prohibitions Section 4(5)(d))

Per letter from the Congregation Emanu-El to OCA Land Use Committee January 13, 2016, it was "anticipated that some blasting will have to be done to clear bedrock".

The City's Tree Protection bylaw prohibits damage to trees protected under its legislation. Included in the description of damage is "conducting blasting or excavating" within a tree's root zone

(Ref. Tree Protection Bylaw 21-035 Part 2. Prohibitions Section 4(5)(k) and Section 4(5)(l))

Per CoV notice delivered September 2022, the proposed changes to the site include moving the existing fence to a boundary within 1.5 meters from the existing sidewalk. The existing fence is comprised of vertical metal slats and concrete pillars.

The City's Tree Protection bylaw prohibits damage to trees protected under its legislation. Included in the description of damage is "placing building materials, or any structures within a protected root zone"

(Ref. Tree Protection Bylaw 21-035 Part 2. Prohibitions Section 4(5)(e))

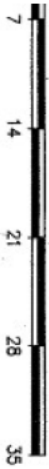
It was deemed useful to determine the protected radius of each tree's root zone in the subject property to understand any potential limitation this might have on the proposed use of this site.

To determine the radius of protected root zone, the diameter at Breast Height (DBH) of all trees in the existing road right-of-way were measured according to the method defined in the Tree Protection bylaw or  $DBH \times 18$

(Ref. Tree Protection bylaw 21-035 Part 1. Introduction, Section 2 Definition "Protected Root Zone" Subsection(b)).

Ref	Species	Distance from existing fence			Circumference at BH 1.4 m				DBH ( $D = C/\pi$ )			Protected Species	Protected Diameter (>30cm)	Protected Root Zone ( $DBH \times 18$ )		
		(ft)	(m)	1:350 scale (cm)	Trunk 1 (ft)	Trunk 2 (ft)	Trunk 3 (ft)	Total (ft)	(ft)	(m)	(cm)			(ft)	(m)	1:350 scale (cm)
1	Quercus Garryana (Garry Oak)	11.6	3.5	1.0	7.2	0.0	0.0	7.2	2.3	0.7	69.3	yes	yes	41.0	12.5	3.6
2	Quercus Garryana (Garry Oak)	3.0	0.9	0.3	2.0	5.3	2.5	9.8	3.1	1.0	95.3	yes	yes	56.4	17.1	4.9
3	Quercus garryana (Garry Oak)	9.0	2.7	0.8	2.6	0.0	0.0	2.6	0.8	0.3	25.2	yes	no	14.9	4.5	1.3
4	Quercus garryana (Garry Oak)	13.0	4.0	1.1	4.3	4.8	0.0	9.1	2.9	0.9	88.1	yes	yes	52.2	15.9	4.5
5	Quercus rubra (Northern Red Oak)	22.4	6.8	1.9	2.2	0.0	0.0	2.2	0.7	0.2	20.9	no	no	12.4	3.8	1.1
6	Nut tree?	49.6	15.1	4.3	3.2	0	0	3.2	1.0	0.3	31.0	no	yes	18.3	5.6	1.6

Survey scale	
1	5555 cm
350	15.9 cm



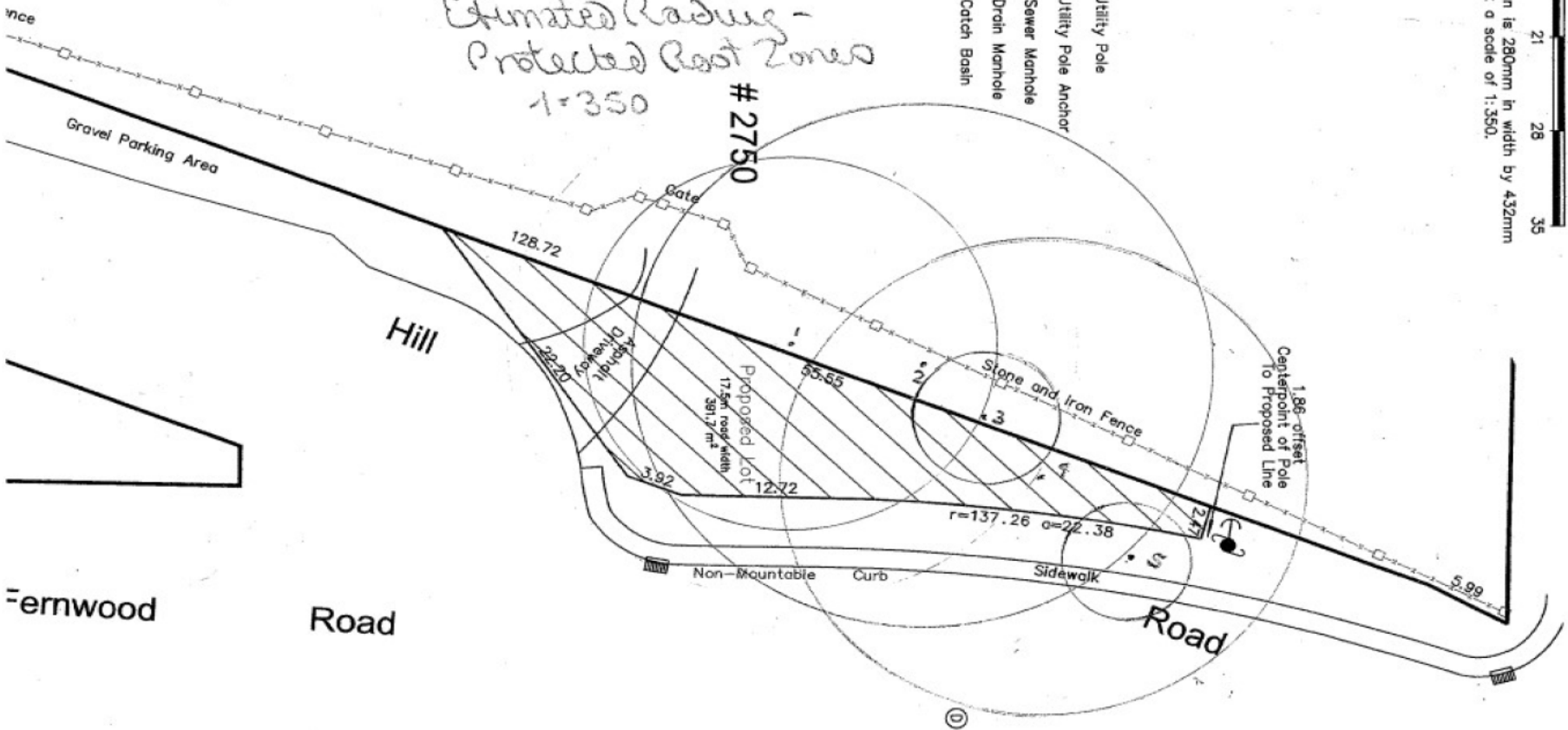
Standard plot size of this plan is 280mm in width by 432mm in height, when plotted at a scale of 1:350.

**GEND**

- Denotes Utility Pole
- Denotes Utility Pole Anchor
- Denotes Sewer Manhole
- Denotes Drain Manhole
- Denotes Catch Basin

*Estimated Radius - Protected Root Zones*  
1:350

# 2750



# 278	# 277	# 276	# 2755	# 2745
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"protected tree"

means any of the following:

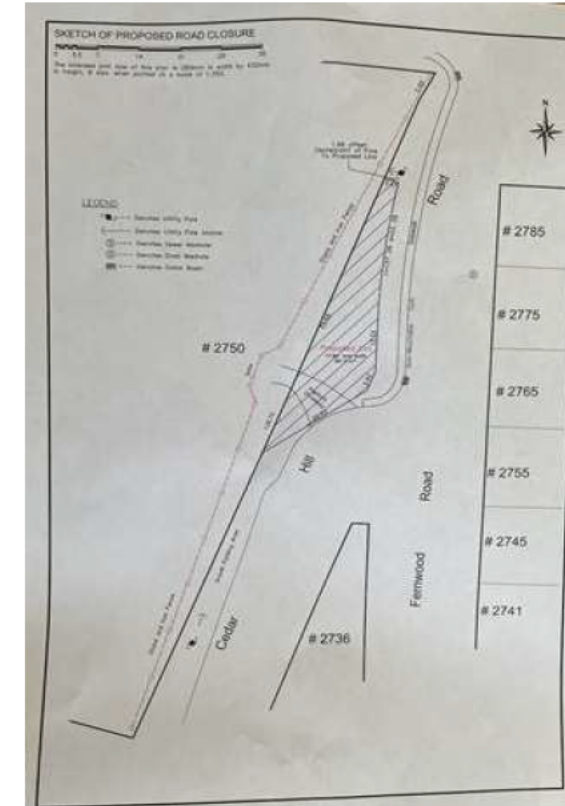
- (a) a hedge that contains any single stem with a DBH over 30 cm,
- (b) a tree with a DBH over 30 cm,
- (c) Garry Oak (*Quercus garryana*), Arbutus (*Arbutus menziesii*), Pacific Yew (*Taxus brevifolia*) or Pacific Dogwood (*Cornus nuttallii*) over 50 cm in height,
- (d) a replacement tree,
- (e) a tree that is protected by a restrictive covenant in favour of the City,
- (f) a tree that is on a slope where the slope grade is greater than 33% over 10 metres, or
- (g) a tree that is within 15 metres of the natural boundary of a watercourse;

"protected root zone"

- (a) means the area of land surrounding the trunk of a protected tree that contains the bulk of the critical root system of the tree, as defined on a plan prepared by an arborist, that the Director approves, or
- (b) where a plan within the meaning of subsection (a) of this definition has not been prepared and approved, means the area of land surrounding the trunk of a protected tree contained within a circle having a radius which is calculated by multiplying the DBH of the tree by 18;

(5) Without restricting the generality of subsection (1), any of the following actions is deemed to constitute damage pursuant to that subsection:

- (a) poisoning, burning, or pruning in a manner not in accordance with arboricultural best practice, including removal of more than 25% of the tree's total live foliage or bud bearing branches or limbs,
- (b) topping, unless the tree in question has been previously topped and regenerative growth has a high likelihood of failure due to weak branch attachment, excessive branch elongation and end weight, or the formation of extensive decay or cavities that cannot be mitigated other than by re-topping the tree,
- (c) raising or lowering the grade within the protected root zone,
- (d) shearing, harming or undermining the roots of the tree growing within the protected root zone,
- (e) placing fill, building materials, asphalt, or a building or structure, or storing or stockpiling of organic material within a protected root zone,
- (f) operating, staging or parking trucks, backhoes, excavators, mini-excavators, hydro-excavators, mechanical trenchers or other heavy equipment within a protected root zone,
- (g) denting, gouging, drilling, harming, or affixing anything to the branches or the trunk of a tree,
- (h) removing bark from a tree,
- (i) depositing concrete, washout, or other liquid or chemical substances harmful to the health of a tree in a protected root zone,
- (j) removing soil from a protected root zone,
- (k) conducting blasting operations within a protected root zone,
- (l) conducting blasting or excavating operations outside of a protected root zone that would harm roots or disturb soil inside a protected root zone, or
- (m) doing anything that would cause the tree to die.



Reference: Protected Tree Bylaw 21-035

<https://www.victoria.ca/assets/Departments/Legislative~Services/Documents/21-035%20Tree%20Protection%20Bylaw.pdf>



Congregation Emanu-El

1461 Blanshard Street, Victoria, BC V8W 2J3



13 January 2016

Benjamin Clark  
Land Use Committee  
Oakland Community Association



Congregation Emanu-El, owner of the historic Jewish Cemetery on Cedar Hill Road, a part of the Oaklands community since 1859, would like to ask the City of Victoria for the 'triangle' of property between the cemetery and Cedar Hill Road to be given to us for cemetery use. We believe that the property has no commercial value, and there appears to be no problems in terms of underground services (see plan on page 2).

Our intent would be to initially maintain the land through grass cutting before we can raise funds to craft a fence in keeping with the historic fence that runs around our present property. We anticipate some blasting will have to be done at some time in the future as it is clear that bedrock is close to the surface in parts of the area. Overall landscaping will be in accordance with the way our cemetery has been developed



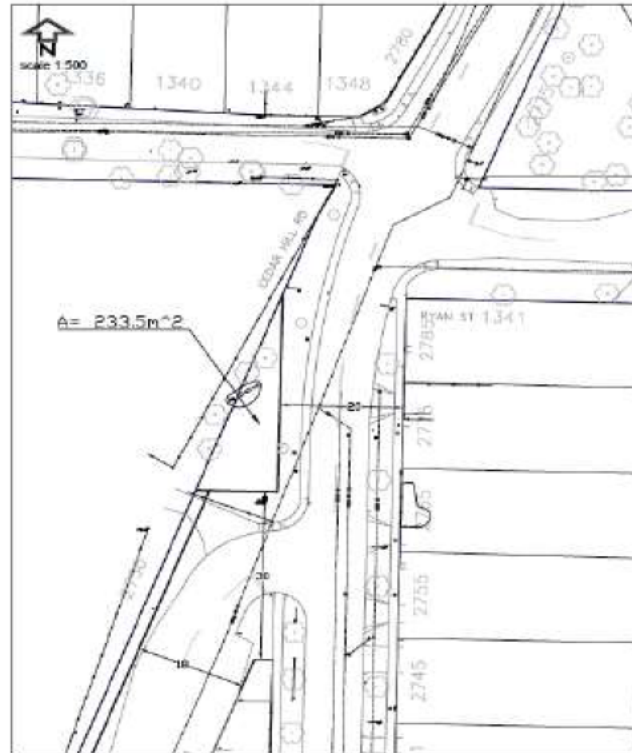
We recognise that this little island of greenery is a beautiful little 'park-let' in the neighbourhood. The fencing we would provide (see photo) allows for easy viewing into the cemetery, and most of the property in this addition would actually return to a green and grassy state, with only vertical headstones on it and no concrete coverings of grave plots.

We would like to ask for the support of the Oaklands Community Association as part of our presentation to the City. As well, we will be soliciting support and feedback from the immediate neighbours through a letter to be mailed out in early February.

Many thanks for this consideration.

Sincerely yours,

Dr. Richard Kool,  
Cemetery Director, Congregation Emanu-El





1 CENTENNIAL SQUARE, VICTORIA, BC V8W 1P6 | victoria.ca

Dear Resident,

#### **Background**

The Congregation Emanu-El has owned and operated the Jewish Cemetery, located at 2750 Cedar Hill Road since 1859. As the Congregation's population grows and the need to inter couples of mixed faiths increases, the Congregation approached the City to acquire 391.1 square meters (4209.8 square feet) of City road right-of-way space for interment purposes. The space the Congregation wishes to acquire is adjacent to their existing property and is located on the open area between the City sidewalk and the current cemetery fence.

#### **What the Road Closure Means**

The area next to Cedar Hill Road shown on the plan included in this package (referred to as Area A) is part of the legal road right-of-way, although it is not part of the road surface that pedestrians, bicycles, and vehicles use. This open area has not been used as road for several decades, however the land has remained designated as road right-of-way. In order to dispose of a piece of land in the road right-of-way, a municipality must pass a bylaw and complete a statutory process to formally close the portion of the road and remove its dedication as highway. Attached to this mailout is the Notice of Road Closure and Removal of Highway Dedication Bylaw 22-081, the bylaw that would have to be adopted by Council in order for the road closure and removal of highway dedication to take place.

The road closure will not affect the current road, sidewalk, or intersection. It will not change how vehicles, bicycles or pedestrian use this stretch of City road. Should the Road Closure and Dedication Bylaw 22-081 be adopted, and the disposition take place, there will be some changes made by the Congregation to the open ground area they acquire. The changes will occur on the open ground area up to a buffer of approximately 1.5 meters (5 feet) from the existing sidewalk.

The changes will include the relocation of the Congregation's current fence, and the planting of native plant species within the 1.5 meter buffer area between the existing sidewalk and the relocated fence. The existing trees, including the Garry Oaks, will be protected by covenant and are also subject to the City's Tree Protection Bylaw (No. 21-035).

If you would feel you are affected by this road closure and would like to address Council regarding it, please see the Notice of Road Closure and Removal of Highway Dedication Bylaw 22-081 included in this package for information on how to do so.

If you would like further information or technical details regarding this road closure, please contact the City Real Estate office (contact details below).

City Hall  
Real Estate  
#1 Centennial Square  
Victoria, BC V8W 1P6  
250.361.0640  
realestate@victoria.ca

[REDACTED]

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**From:** Cox, Katherine (Katie) (NP) [REDACTED]  
**Sent:** Tuesday, October 4, 2022 12:04 PM  
**To:** Legislative Services email  
**Subject:** portion of cedar hill road under consideration

Hi there,

I would like to object the potential sale of 391.7 square metre section of road-right-of-way running adjacent to Cedar Hill Road.

This land is being used frequently. As a resident to this area, I frequently see this land being used by the residents of this area.

There is a group of boys that run around our neighbourhood playing tag outside. They run around the block and hide behind the oak trees in that area. Please don't take away their land. Following National Truth and Reconciliation day I am reminded that *Every Child Matters*. How many times in history does land need to be taken away from children. Don't take away their space! Outside space in unstructured areas is so important to healthy development.

There is a group of trans youth that often sit on the rocks under the trees in that area. They even planted a garden there. They meet there as it is a central space for them to meet. I have spoken to them a few times. Previously, I have seen them at Mt. Stephen Park, around the corner. But they always offer to go when I arrive with my two small children. They have said to me before "sometimes we talk about stuff that you probably don't want your children hearing." The sound of the traffic on Cedar Hill provides some space for confidential discussions. This is a space where they don't feel like they are being watched by doting mothers or child care providers while pushing their kids on the swings. This is a space they use.

This is a place where the 'after school care providers' from the Cridge Centre for the family use with dozens of children. The kids run onto the grass after walking from Oaklands elementary, up Ryan hill in a straight line on the sidewalks. They cross Cedar Hill and then have a little rest under the trees after climbing Ryan Street Hill. This walk can get quite hot along the cement sidewalk so they trees provide a terrific shady break spot.

On my last notification, I saw that the city of Victoria was considering this sale for approx. \$70,000. This is a slap in the face to all of us residents who are paying well over a million dollars for a plot of land not much bigger. I pay my taxes and moved to 'Oaklands' so my family could grow up among the oak trees. These are ancestral lands that should be valued for not only their financial price but their true value that they bring to all of us. These lands nourish us. The expansion of the cemetery would take away this space that us residents regularly use.

The youth that use this space regularly are not going to advocate for this. Most of them are too young to write or engage in this advocacy. Some of the older youth are likely busy with the pressures of the start of school. None of them have been contacted, they do not receive notifications. These notices are sent out via mail to home owners. The staff at the Cridge who use this space, may not have gotten notifications; and the children that they look after certainly are too young to write or be present for your meeting.

I fear that you will not receive many comments of concern regarding advancement of this project because most of us residents are too busy working full time, paying our mortgages (that are way more than 70k) that we do not have time to come down to City Hall in person.

I recognize that there are signs out requesting feedback and that notices to residents have been sent. But I also recognize that the people that use this land are generally so busy managing their own personal lives that they cannot afford this time.

As a person who works in an indigenous community, I regularly see the harms of selling land privately. Selling this land would put it behind bars (fence). Please keep this land open to allow it to continue to nourish our youth; those that cannot advocate for themselves.

I recognize that the cemetery is needing space. But this is not a sustainable solution. In a matter of years, they will again require more space. Lets invest in sustainable creative ideas that honour those that have past while allowing those that are living to continue to thrive.

With Gratitude,

Katie Cox  
2737 Mount Stephen Ave, Victoria BC.



Nurse Practitioner (F)  
Tsartlip First Nation, W̱SÁNEĆ Nations  
Island Health

I am deeply humbled and privileged to live and work on the unceded ancestral homelands of Lək̓ʷəŋən Speaking Peoples and SENĆOŦEN speaking Peoples of W̱SÁNEĆ Nations. I am committed to acknowledging our history and how it continues to shape my life today. I recognize I am coming from a place of privilege and will continue to work towards improving the health equity of Indigenous Peoples whose lives have been unfairly impacted by our colonial history,