

From: ["Mochrie, Paul" <Paul.Mochrie@vancouver.ca>](mailto:Paul.Mochrie@vancouver.ca)
To: ["Direct to Mayor and Council - DL"](#)
Date: 7/10/2023 11:27:47 AM
Subject: Memo - Mountain View Cemetery Overview: Pedestrian Access, Recreational Use, and Other By-law Enforcement Issues
Attachments: ACCS - GM - Memo (Council) - Mountain View Cemetery - Pedestrian Access and Recreational Use (2023-07-10).pdf

Dear Mayor and Council,

Recently, some members of Council received correspondence from neighbours of Mountain View Cemetery, expressing frustration with staff and recent engagement related to the development of a Perimeter Plan for the cemetery.

Attached is a memo from Sandra Singh, General Manager of ACCS, which provides some background on the cemetery, its current operations and some of the challenges of managing the cemetery given different public expectations. Highlights include:

- Statutory context for the cemetery and history of the cemetery's operations;
- Brief discussion of revenue sources and cemetery stakeholders;
- Background on the Perimeter Plan project; and
- Discussion of challenges managing this singular and important space.

If you have any questions, please email Sandra and she will ensure a response through the weekly Q&A.

Best,
Paul

Paul Mochrie (he/him)
City Manager
City of Vancouver
paul.mochrie@vancouver.ca



The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməθkʷəy̍əm (Musqueam), Skwxwú7mesh (Squamish), and səliłwətał (Tsleil-Waututh) Nations.

MEMORANDUM

July 10, 2023

TO: Mayor & Council

CC: Paul Mochrie, City Manager
Armin Amrolia, Deputy City Manager
Karen Levitt, Deputy City Manager
Rosemary Hagiwara, Acting City Clerk
Maria Pontikis, Chief Communications Officer, CEC
Teresa Jong, Administration Services Manager, City Manager's Office
Mellisa Morphy, Acting Chief of Staff, Mayor's Office
Trevor Ford, Director of Operations, Mayor's Office
Sandra Singh, General Manager, Arts, Culture and Community Services

FROM: Sandra Singh, General Manager, Arts, Culture and Community Services

SUBJECT: Mountain View Cemetery: Pedestrian Access, Recreational Use, and Other By-law Enforcement Issues

RTS #: n/a

PURPOSE

This memo provides some background information on Maintain View Cemetery operations, an update on the imminent Perimeter Plan neighbourhood engagement, some responses to questions arising from recent Council correspondence from some neighbours, and a discussion of challenges staff encounter while enforcing the existing by-laws to carry on regular operations as a cemetery.

BACKGROUND

Regulation of the Cemetery

All cemeteries in the province of British Columbia are governed by the *Cremation, Interment and Funeral Services Act* [SBC 2004] and its related Regulations. The Vancouver Charter under S. 331 designates City Council "powers in relation to cemeteries and related property". Through bylaw 8719 Council has established itself as the board of cemetery trustees for the cemetery in compliance with Sec 37 of the Act. As required by the Act S. 39 (1) and under that same bylaw

Council establishes various bylaws regarding the management of the cemetery, the rights, privileges and responsibilities of the operator, persons who visit and suppliers, as well as those of rights holders (grave owners) and provision on the size, class and kind of memorials permitted. Council also approves the cemetery fee schedule within Bylaw.

The Bylaw designates the duties of the Cemetery Manager including to “take care of the cemetery” and to “supervise the operation and maintenance of the cemetery, all works within the cemetery, and agents, employees, and contractors who work at the cemetery”.

The ByLaw also designates to the Cemetery Committee certain powers under the Vancouver Charter and the *Cremation, Interment and Funeral Services Act* and is consistent with the Bylaw. The Committee is also designated powers specifically mentioned in the Bylaw and is empowered to deal with people doing anything in contravention of the Bylaw or rules and directs the committee to implement, amend and establish cemetery rules. Appointed by Council, the Cemetery Committee is comprised of four members: the Cemetery Manager, the Managing Director of Social Operations, the General Manager of ACCS, and the General Manager of FR&SCM (CFO). This structure reinforces and defines the organizational reporting structure of the cemetery with additional financial oversight.

Military Restoration Project

In February 2020, with approval from City Council, Mountain View Cemetery (MVC) entered into a \$2.8 million contract with Veterans Affairs Canada to renovate and restore more than 7,300 military markers in 2 Fields of Honour. The cemetery entered into supply contracts for the two primary materials: geo-grid substrate and granite foundations representing more than 50% of the contract obligation.

Very soon after the agreement was enacted, COVID-19, changes in MVC staff, survey anomalies, historical alignment issues and recruiting shortages all contributed to a series of unforeseen delays. Veterans Affairs Canada (VAC) has been very understanding of the challenges and remains confident in MVC’s ability to successfully execute the project with quality taking precedent over speed.

Part of the work in the military area adjacent to the east side of Prince Edward Street between 31st and 33rd Avenues resulted in the removal of approximately 240 metres of mature, mixed hedge. To ensure residents and visitors were kept informed of the hedge removal, staff posted signage near the site as well as the large military marker restoration project. Feedback from the neighbours was mixed – with strong expressions both for and against the removal.

Perimeter Plan Development

Perimeter Plan Development

Funding to develop a long-range Perimeter Plan for the cemetery was included in the 2015-2018 Capital Budget, and pace of the work has been impacted by staffing capacity. When completed, this plan will provide a long-range schematic document to guide the cemetery and inform the public as to what the outer edges of the cemetery would be (hedge, fence, visually transparent or opaque) as well as where entrances (vehicle and pedestrian) could or should be

maintained, created or closed. Work started in 2022 and the Plan is expected to be completed by 2023.

It is important for Council to be aware that previous projects at MVC related to tree planting, tree removal, hedge removal often resulted in a range of feedback from the neighbours – most negative, but some supportive. The cemetery had also been experiencing persistent vandalism to the cemetery perimeter by people who were determined to establish access to the cemetery from the adjacent neighbourhood by cutting openings in the chain link fence or damaging the hedge. Further, most of the access-related damage to the cemetery fence and hedge have been in places where the entry point resulted in pedestrians walking a path on top of people's graves. Cemetery staff would repair the damage only to have the repaired fence or hedge re-vandalized. In some areas, the cemetery was able to scale up its response, but in some it remains unsuccessful.

Public Engagement

MVC staff worked with the Civic Engagement and Communications team to develop a public engagement process for the Perimeter Plan development process and the public engagement process was launched in March 2023.

Neighbours who live near and around the cemetery are recognized as a stakeholder group. There are, however, other stakeholder groups, including non-neighbouring citizens of Vancouver, people with family or friends buried in MVC, people who own lots and will be buried there in the future, current and future customers who are acquiring – or will acquire – space in the cemetery, veterans groups, service organizations, etc. There are also several organizations and groups that have an interest and have contributed financially to improvements at MVC including the Commonwealth War Graves Commission, Veterans Affairs Canada, The Last Post Fund, The Chinese Benevolent Association and Congregation Schara Tzedek. These organizations have contributed more than \$5 million in improvements to MVC since 2004.

As indicated on the engagement website, “The final outcomes of the consultation will be summarized in a report, available by summer 2023. The schematic plan for perimeter and entrances will be made available at this time as well.”

Focus of Perimeter Plan Engagement

The most significant and active portion of the engagement process was related to an entrance to the cemetery midway along the East 31st to 33rd Avenues portion of Prince Edward Street. As part of the hedge removal, an installation of blue construction fence was erected along this entire section. This temporary fence was noted on the hedge removal sign and installed to mark the construction area and restrict access to the construction site. The closure of this one entrance would require users to walk approximately 375 meters to access already existing entrances from 31st or 33rd Avenues. Following initial installation, the blue construction fence was frequently disconnected by members of the public, requiring staff to regularly reconnect it to prevent pedestrians from walking on graves where restoration work had not yet begun on markers.

The public engagement process attempted to communicate the concerns with this entrance to the public. Concerns included it being narrow and adjacent to military graves on both sides that

were subjected to worn pathways from pedestrians and that it entered asymmetrically at the back of the Field of Honour and behind the cenotaph there. One option presented was to line each side of the path with a granite curb. Another option was to create a new entrance on 33rd Avenue that would have pedestrians instead enter the cemetery onto a 20' wide internal paved road – the predominant walking surface in the cemetery. To be clear, the goal is to create other options so that pedestrians who are primarily using the cemetery as a park do not walk on top of people's graves.

Concurrent Works

No decision has been made yet on the Prince Edward Street access. However, as staff assigned to the project were realigning their storage container and equipment to move to the southerly portion of the work in this area, an opportunity presented to remove a portion of the hedge (4 plants) creating an approximately 8' entry from the 33rd Avenue sidewalk over approximately 15' of crushed rock path to the 20' internal roadway.

This attempt to open a new pedestrian entry has agitated some neighbours, resulting in or increasing their concern of the cemetery's actions and communications. This continued and increased concern is evidenced in the communication to City Council as well as in social media postings to private groups and email messages in closed distribution lists that have been shared with MVC staff by members of those groups whose opinions may not align.

DISCUSSION

Cemetery Context and Various Uses

Although the cemetery grounds appear park-like and many neighbours see the cemetery acting primarily as a park or green space, recreational usage as a core function of the cemetery is not a universally held opinion by all stakeholders and is not always congruent with the active status of the cemetery as a burial and remembrance site. It is also not congruent with the funding source of the cemetery's operations, which is majority revenue-funded.

Cemetery Funding Sources

Once the initial project to reopen the cemetery was approved by Council in 2004, the annual operating contribution from tax payers was frozen at \$820,000 per year. All annual increases in operating and maintenance costs have been covered by cemetery revenue. Assuming annual inflationary increases of 2%, this represents almost \$3 million in increased costs that have not been passed on to taxpayers. Since reopening to the sale of space in December 2008, customers of MVC have contributed more than \$30 million to the operation of MVC and grown the principal of the care fund from under \$3 million to now more than \$10 million. The overall financial impact of MVC customers as a stakeholder group is almost \$40 million in the past 15 years.

Recreational Use and Associated Challenges

The work that resulted in the development and beautification of MVC aimed at increasing sales and interment activity over the past 15 years to ensure financial viability and sustainability of the cemetery has coincided with an increase in the recreational use of the space by the broader

public, primarily local neighbours. The increase in recreational/public use has been welcomed pursuant to the interpretation that public use not inhibit the primary function of the cemetery as a place of interment, contemplation and remembrance of those who have passed away. The MVC Bylaw, site signage, and cemetery staff communicate this to cemetery visitors.

Of note, the desirable features of recreational use – access and expansive open grassy areas – do not actually exist based on the site's legacy as a cemetery. Neighbours are often unaware that, apart from the roadways and designated walkways, there is very limited green space that does not contain active burial/grave sites (i.e., people's graves). Access points desired by local neighbours for recreational use are also not feasible given the historical layout of burial sites and the intended use of the site. For these reasons, pedestrians traversing the cemetery (especially those with dogs) are asked to keep off the grass and to use the appropriate entrances. These requests, relayed through signage, and contained in the MVC Bylaw are contentious to some neighbours and frequently ignored. Anyone visiting during the evenings and weekends will often witness dog owners not in compliance with the requirement to keep dogs on the hard surfaces, on a leash, or to remove the dog's excrement. Staff frequently encounter dog excrement on grave sites and have been repeatedly confronted with toppled signs regarding dog waste and accumulated bags of dog excrement by dog waste signage, and other manner of disregard for the usage guidelines. When engaging with people about managing their dogs while walking in the cemetery, staff and management are often met with anger, sarcasm, and derision.

In addition, some recreational users indicate a lack of awareness or concern as to what constitutes a funeral, memorial service or private moment at the cemetery. Staff regularly see or encounter people walking, jogging, cycling or walking their dogs – both on leash and off leash – through or right beside active interment services and other graveside visits, disrupting individuals and families in their grief and/or remembrance.

Staff observations also seem to support that some people may believe that the cemetery is primarily only active during 'office hours': Monday through Friday between 8:00am and 4:00pm. Volumes of almost all recreational use is higher in the mornings, evenings and on weekends. Although there are fewer interment services during these hours, these are also sometimes the only times when many grave visitors can come as they too have busy working lives.

Staff and Patron Safety

Numerous incidents of grieving families interrupted by pedestrians, commemoration services disrupted by dog walkers, and confrontations between neighbours and cemetery visitors highlight user contention. A recent serious off-leash dog attack focused staff's attention on solutions to the on-going issue of off-leash dogs in the cemetery.

Unlike a park, the cemetery is a site of constant landscaping to maintain the areas around the graves for access by families. Not infrequently, staff who are using at-times dangerous and/or mobile equipment to manage the greenspace have been interfered with in their work by off leash dogs – putting the dogs and staff at risk – and pedestrians assuming staff will interrupt their work to make room for pedestrian traffic.

Increasingly, cemetery staff have been subject to interplay and incidents between neighbours and themselves, neighbours and neighbours, neighbours and visitors, and neighbours and

families over users conflicting desires, their activities, and what each person considers appropriate conduct in a cemetery.

Staff are also frequently the recipients or subjects of very disrespectful and derogatory communications by some neighbours (not all) who are frustrated with staff's continued assertion that the primary role of the cemetery is as an active cemetery and that recreational users, while welcome, must respect certain rules when utilizing the space for recreational purposes.

Answers to Recent Questions

The email forwarded to the City Manager contains two direct questions with answers as follows:

1. Are changes intended to reduce pedestrian access from the outside perimeter of the cemetery?

No. Changes are intended to rationalize where entrances are provided based on a primary principle of protecting adjacent graves from pedestrian damage and ideally where such entries are short distances to the primary wide paved roads.

2. Have there been unexpected delays in work projects related to the cemetery?

Yes. COVID-19, staffing turnover, recruiting shortages, prolonged staff absences, contractor availability, and prioritization of revenue-generating projects have all contributed to delays across the cemetery operation and its projects.

It should also be noted that the closure of the entrance at Prince Edward Street still remains temporary (a decision has not been made) and that the closure did not force pedestrians onto the narrow sidewalk along the busy East 33rd arterial. This East 33rd entrance and another one in a similar location on East 31st Avenue (a traffic-calmed bikeway) have existed for years and remain as two options for pedestrians to choose from.

NEXT STEPS

- MVC staff and senior management will assess consultation results and make decisions on the perimeter plan – specifically the Prince Edward Street entrance – to finalize the consultant report and communicate it to the neighbourhood and other stakeholders;
- The results of the public engagement will be summarized and posted before the end of summer 2023 on the Shape Your City project site.

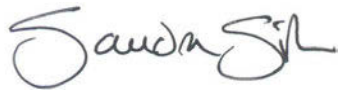
FINAL REMARKS

The cemetery is a unique and special place in Vancouver, for all residents of Vancouver and for a range of visitors from outside of Vancouver. How it is used, viewed and experienced by visitors reflects on Vancouver as a whole. When opinions or positions are presented referring to it as a green space, park, open space public space, etc., these words can serve to minimize its core role as Vancouver's only active cemetery.

Other special green spaces, open spaces, and park-like spaces exist within Vancouver including 3 golf courses, 3 pitch and putts, Van Dusen Botanical Gardens, several sports fields and other examples. Many of these publically owned green spaces also have restricted access,

restricted uses and some require admission fees to utilize or experience the space. Mountain View Cemetery has a unique role as a sacred space to inter and respect those who are deceased. Almost all recreational users of the cemetery have a range of other places to engage in their activities – albeit some less convenient or as close as MVC. People with someone buried in MVC only have one place to come visit them and pay respects. Having one special and sacred space within the city – and what types of activities or uses to allow there – is a challenge and may require reconsideration of other current uses in the future.

If Council requires further information, please feel free to contact me directly and we will provide a response through the weekly Council Q&A.

A handwritten signature in black ink, appearing to read "Sandra Singh". The signature is fluid and cursive, with the first name "Sandra" written in a larger, more prominent script than the last name "Singh".

Sandra Singh, General Manager
Arts, Culture, and Community Services

sandra.singh@vancouver.ca

APPENDIX

History of Mountain View Cemetery Operations

The City owns and operates only one cemetery – Mountain View Cemetery (MVC). Established within months of Vancouver's incorporation in 1886 the now 106 acre site was located well outside of what was then the new City of Vancouver. As early as 1910 residential properties were beginning to be developed around the cemetery. As a public space and historically the primary purpose of MVC is to provide a place to bury, commemorate and honour the dead – both residents and non-residents of Vancouver. It further serves citizens, families and friends and the community as a sacred place of contemplation and remembrance.

Initially families were responsible for the grounds maintenance of their own family sites. Some families did the work themselves and others employed private gardeners. The level of maintenance on sites varied and many graves were not maintained. These sites would be scythed a few times per year by cemetery staff.

In the 1930s, the City established a Perpetual Care Fund. The intention was that the principal of the contributed funds would be protected and the annual interest earned on the investments would be used to pay for regular maintenance of graves under a perpetual care contract. A "lawn section" was established for graves where perpetual care was mandatory and those who already had sites or were acquiring sites outside the lawn section could acquire perpetual care contracts on those sites for a fee.

In 1964, the initial allocation of grave space was almost fully sold. At this stage less than 20% of the graves in MVC were under perpetual care contracts and being maintained regularly by cemetery staff. The remainder of the cemetery was either unmaintained or a patchwork of privately maintained sites.

Faced with an imminent end to the sale of grave space - and the end of the resulting annual revenue – the City decided to invest in the cemetery and develop new grave spaces through a series of section by section renovations spanning the next 2 decades. Perpetual Care would now be mandatory on all new graves sold and the cemetery would assume the perpetual care of all graves within each section as they were renovated. This renovation resulted in the creation of just over 12,000 new graves.

By 1986, MVC contained the remains of more than 145,000 people, in over 92,000 graves and other spaces. The cemetery had once again run out of burial space. With a continuing obligation to provide spaces for indigent burial, Council made the decision to cease the sale of space to the public in March of that year. Indigent burial remained the only active use of unsold graves until 1999 – a few years after the Vancouver Health Department responsibilities were transferred to the provincial government.

With the end of revenue from the sale of graves, the cemetery began to require annual contributions from City operating funds to sustain the maintenance of the entire grounds. These annual operating subsidies from ratepayers would continue to increase year over year.

In 1995, Council was approached with an offer from a company to acquire or enter into an operating agreement and relieve the City of its annual costs. Members of the public, friends and

family members of those buried in MVC as well as local funeral directors and clergy voiced their concerns. Council decided to retain the cemetery and instructed staff to report back on the potential for reopening the cemetery.

On June 18, 1998, Council received a report from the General Manager of Community Services summarizing the work of the master plan team that was documented in a report entitled "A Vision for Mountain View Cemetery." With the potential for reopening feasible, staff were now directed to pursue a more comprehensive plan.

On March 7, 2000, Council adopted the Mountain View Master Plan. The 100 year plan suggested that at least 100,000 more interments, primarily cremated remains, could be accommodated in Mountain View. It included a conceptual and landscaping plan as well as financial and operational plans. It concluded that reopening Mountain View was financially viable and the cemetery would be self-sustaining.

In July 2004, Council approved the implementation of Phase 1 of the Mountain View Cemetery Master plan as outlined in the "Mountain View Cemetery Redevelopment Phase I Landscape and Architectural Plans" and "Mountain View Cemetery Redevelopment Financial Plan"

In May 2006, MVC was rezoned from RS-1 to CD-1, with development permits issued for cemetery use. Over the next several years, City staff, consultants and contractors worked on the planning, design and construction of the buildings, infrastructure, and interment products that would enable the 2008 reopening of the cemetery.

Since reopening in 2008, the cemetery has demonstrated the proposed viability and sustainability of the 2000 Master Plan. Absent further direction from Council, cemetery staff continue to implement decisions and development that support the viable operation of the cemetery within the framework of the Master Plan.