

DISTRICT OF
OAK  BAY

REPORT TO: Mayor and Council

FROM: Warren Jones, Director of Corporate Services

DATE: November 7, 2017

RE: Heritage Conservation Area Working Group Work Plan

EXECUTIVE SUMMARY

The purpose of this report is to recommend that Council approve the Work Plan prepared by the Heritage Conservation Area Working Group (the "Working Group").

BACKGROUND

On July 7, 2017, Oak Bay Council approved the terms of reference (see Attachment "B") for the Oak Bay Heritage Conservation Area Working Group. The Working Group has met three times and have now prepared a Work Group Work Plan (see Attachment "A"). The Work Plan is being brought forward to Council for information and consideration of approval.

STRATEGIC IMPACT

The recommendations contained in this report support the Council Strategic Priority to "recognize and support our unique character and heritage".

OPTIONS

1. That the Work Plan prepared by the Heritage Conservation Area Working Group and attached as Appendix "A" to the Report of the Director of Corporate Services dated November 7, 2017 be approved.
2. An alternate recommendation as determined by Council.

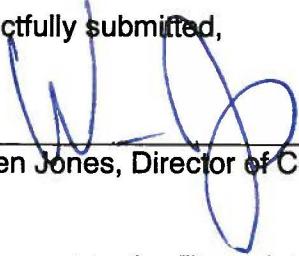
FINANCIAL IMPACT

Council has set aside \$45,000 in the 2017 budget to assist in the HCA project. It is proposed that funds remaining in the budget be carried forward to 2018 to enable the work of the Working Group to continue.

RECOMMENDATION

That the Work Plan prepared by the Heritage Conservation Area Working Group and attached as Appendix "A" to the Report of the Director of Corporate Services dated November 7, 2017 be approved.

Respectfully submitted,



Warren Jones, Director of Corporate Services

With respect to the Financial Impact described in this report, I concur with the recommendation of the Director of Corporate Services.



Debbie Carter, Director of Financial Services

I concur with the recommendation of the Director of Corporate Services.



Helen Koning, Chief Administrative Officer

ATTACHMENT

Attachment "A" Oak Bay Heritage Conservation Area Working Group Work Plan
Attachment "B" Oak Bay Heritage Conservation Area Working Group Terms of Reference

OBHCA

Oak Bay Heritage Conservation Area Working Group

November 13, 2017

WORK PLAN REPORT FOR COUNCIL CONSIDERATION

Background:

On July 7, 2017, Oak Bay Council approved the terms of reference for the Oak Bay Heritage Conservation Area Working Group (the "Working Group"). In the staff report accompanying the terms of reference, it was suggested a work plan would be created for Council approval. While a Council-approved work plan is not required in the Terms of Reference themselves, the Working Group feels it is worthwhile to share an early work plan with Council for review and approval. This provides as much of the "desired outcomes, milestones, and timelines" as is possible at this time; and as the process is just beginning, the work plan is intended as a guidance document, rather than a highly prescribed plan.

It should be recognized that the Working Group will be building upon the excellent work and heritage consultation already undertaken through the development of the initial HCA Statement of Significance ("SoS"), prepared March 2017 for the proposed Prospect Heritage Conservation Area.

Work to Date:

The members of the HCA Working Group were announced on October 17th 2017. To date, the Working Group and municipal staff have undertaken the following activities:

- Two public information sessions were held at Windsor Pavilion (October 19th and 21st). Murray Miller, Heritage Planner, presented a broad overview of how Heritage Conservation Areas can be implemented with examples from around the world; these presentations were intended to provide a shared foundation of knowledge to the community and to the members of the Working Group. The sessions were attended by approximately 70 residents.
- The HCA Working Group has met on October 21st, November 2nd and November 9th to develop this work plan, generate the goals and scope of the Working Group, establish the expertise required of an external consultant, and guide a hiring process.

Important Clarification:

One important point for Council support is requested by the Working Group. In the original staff report accompanying the July 17th Terms of Reference (although not in the terms themselves), it was outlined that the project would move forward based on (among other aspects): *"Inclusion in a potential HCA being voluntary. Private property owners will not be required or "forced" into participating in a HCA."*

The wording of this is unclear, as one could infer that a Heritage Conservation Area won't be created without majority resident support, or one could infer that individual properties would only be included at their individual request.

The Working Group, based on expert advice from Mr. Miller and others, recommend that Council support the following clarifying statement:

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“That the initial Heritage Conservation Area, being created at the voluntary request of the residents, include all properties within the geographical area, with the final boundaries of the HCA still to be finalized.” Specifically, it’s important to be clear that properties within the HCA may not opt in or out on a lot-by-lot basis – in fact, municipal resources such as streets and boulevards are also contained within the HCA. The rationale for a Heritage Conservation Area is that the character of an entire area be protected, and having it implemented in fragments would defeat the fundamental purpose of a Heritage Conservation Area.

While this process is voluntary and resident-driven, the Working Group recognizes that Council may implement future Heritage Conservation Areas under a different process, as allowed under the Local Government and Heritage Conservation Acts.

The Working Group’s goal is to design HCA rules that meet the specific needs of the diverse properties within the HCA, and that residents see the HCA as a positive change. There is sufficient flexibility in the HCA regulations to address the differentiated needs of individual properties and houses of any age.

Work Plan:

The following steps will be undertaken by the Working Group:

- (1) Establish the specific goals of the proposed Heritage Conservation Area.
 - These goals start in the broadest terms: “To protect the character of the neighbourhood,” and “managing elements of continuity within a context of change.”
 - Additional and specific goals of the applicant HCA will be determined through a consultation process
 - A list of potential goals will also be developed to guide future HCA applications
- (2) Establish the scope of the HCA
 - Geographic scope
 - Scope of required protections and permissions
 - Scope of expertise for external consultant
- (3) Determine the best tools to meet the goals and scope of the applicant HCA. This may be limited to the scope of a Heritage Conservation Area, or may include other heritage, planning, or zoning tools in parallel
- (4) Create a scope of requirement for a consultant, which the municipal staff will manage through a request for proposal (RFP), expression of interest (EOI), or other selection tools.
 - The Working Group will aid in developing the selection criteria of the consultant, consultants, or organization
 - The Working Group will select the consultant, consultants, or organization
- (5) Incorporate meaningful public consultation
 - Consult with the broader community on the tools and controls under consideration
 - Consult with the owners and occupants of the proposed HCA and neighbouring areas for input on specifics for the applicant HCA area

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- Consult with the broader community on the draft recommendations before bringing the report to Council for consideration
 - Provide educational and technical materials through the process to improve community knowledge and support meaningful community discussions.
- (6) Create a draft report with recommendations for Council consideration
- (7) If practical, work with consultant and staff to generate draft bylaw changes to enact the initial HCA (and/or other heritage tools) implementations.
- (8) Create an additional or supplemental report with a proposed process for future HCA applications. This may include (but not necessarily be limited to)
- A checklist for applicants
 - A process for application consideration and approval (i.e. committee approval process)
 - A process for changes within an HCA (i.e. approval process or permit process for renovation, new build, or municipal work)
 - Incentives or streamlined processes for heritage protections
 - Requirements of HCA Statements of Significance
 - Other as determined by the Working Group

Next Steps:

The work plan is a living document; there is considerable work to be done to develop specific milestones and timelines. The first order of business will be crafting the goals that will guide the balance of the process. While not explicitly laid out in the work plan, any significant changes to the work plan and any options that arise which would be of considerable community impact will come back to Council for input.

The Working Group Chair, Councillor Murdoch, will be providing ongoing regular updates to Council on the process of the Working Group through the coming months, and public and Council input will be welcomed through the process as we work to determine options and recommendations.

Respectfully Submitted,

Kevin Murdoch

Kevin Murdoch, Chair

On Behalf of the Oak Bay Heritage Conservation Area Working Group

Heritage Conservation Area Working Group Terms of Reference

Purpose

The Oak Bay Heritage Conservation Area Working Group will work with Council, District staff, consultants and the community to explore the possibility and make recommendations to Council on potentially establishing a Heritage Conservation Area and related policies and regulations for a proposed area defined to date as being bordered by Oak Bay Avenue, Beach Drive, Prospect Place, San Carlos Place and York Place.

The Working Group will

1. Work with staff and the District's consultants to:
 - Establish the Working Group's work plan including desired outcomes, milestones and timelines
 - Develop public education, information and consultation processes and activities
 - Identify options for defining the scope and content of the proposed Conservation Area
 - Develop Conservation Area policies, regulations and guidelines

2. Review and provide feedback to staff and the District's consultants on:
 - Consultation materials and outputs
 - Communication materials
 - Proposed design guidelines
 - Other proposed Heritage Conservation Area implementation policies or regulations

3. Participate further by:
 - Attending and participating as hosts in public consultation events
 - Disseminating information about the process and events
 - Reporting regularly to Council, the APC, ADP, Heritage Commission and Community

Working Group Membership

The Working Group include:

- Council Liaison (appointed member of Council – also Working Group Chair)
- Three Members from the proposed HCA Neighbourhood
- Two Community Members "at large" (from outside the proposed HCA Neighbourhood)
- One Heritage Commission members
- One Advisory Planning Commission member
- One Advisory Design Panel Member
- One Parks, Recreation & Culture Commission member

The working group will be supported by District staff led by the Director of Corporate Services and Manager of Planning

Meeting Frequency

The Working Group will meet monthly or bi-monthly depending on the work plan. All meetings will be open to the public. Public information and engagement meetings will be held at times best serving the community including evenings and weekends.

Term

Working Group members will be nominated by their respective Commissions/Committees or selected through an application process. Council will formally appoint all Working Group members. Initial appointments will expire in December 2018.

Procedure

As a District-convened body, the Working Group is governed by the District's policies, procedures and governance protocols.