

Oak Bay is considering the District’s first **Heritage Conservation Area (HCA)**. An HCA is a regulatory tool codified in sections 614 and 615 of the Local Government Act, and identified in the Official Community Plan (OCP) section 4.7.2, as a “**tool to conserve the character of significant clusters of heritage buildings and their associated landscapes.**”

WHY A HERITAGE CONSERVATION AREA (HCA)?

A heritage conservation area is a distinct area with special heritage and/or cultural value, with the specific characteristics (“**character defining elements**”) defined within a Statement of Significance (**SoS**) and captured in the OCP. An HCA is intended to capture and preserve the unique sense of space within that area for the benefit of the broader community.

WHAT ARE CHARACTER-DEFINING ELEMENTS?

Character-defining elements are identified initially in the SoS, then in bylaw as **guidelines** when adopted, and reflect specific elements of the area that merit its protection. Elements are intended to characterize the **sense of neighbourhood** rather than individual buildings, and can identify public spaces, natural features, architectural aspects, sightlines, historical



HOW DOES A CONSERVATION AREA DIFFER FROM HERITAGE DESIGNATION OR THE HERITAGE REGISTER?

In general terms, Heritage Designation provides the most protection and most control over change, Heritage Conservation Areas confer a middle level of protection, and Heritage Registration provides primarily recognition of a heritage. All are tools that help “tell the story” of a community and protect aspects of significance.

- A **Heritage Conservation Area** protects the historic feel of a larger cluster of homes, blocks or larger area; it may contain heritage designated or registered homes (typically these are “listed” properties within the HCA). Unique attributes are captured in guidelines for the area.
- Oak Bay’s **Community Heritage Register** is the official recognition of community heritage value by the local government. It contains a list of individual properties which are not formally protected but are recognized for cultural or architectural significance. There are no approvals required from the municipality for alterations. All properties with *heritage designation* are automatically part of the community heritage register
- Properties with **Heritage Designation** are protected by a municipal heritage designation bylaw and may not be changed or demolished without approval of City Council. There are grants and incentives for heritage designated buildings. Heritage designation provides the highest level of protection.





WHAT IS OAK BAY’S ROLE, WHAT IS THE WORKING GROUP’S ROLE, AND WHAT IS MY ROLE?

This is the first HCA considered in Oak Bay, so prior to a formal legislative process Council has established a “Heritage Conservation Area Working Group” tasked with managing the consideration of the HCA request.

The working group is **seeking community input** from residents within and outside the HCA area, as well as experts and interested parties from around the region. That feedback is critical to ensure the recommendations for the area and processes to manage it in the future meet the needs of the community. The working group will generate a report to Council for consideration; if Council sees merit, they will initiate the more formal District process for bylaw approval. Under Provincial



law, the District is required to prepare a **bylaw to amend the OCP**, a process that includes a public hearing. The District is also required to consult with all property owners within a proposed HCA regarding any regulations which may be included in the bylaw. Feedback and consultation is most valuable during the working group phase where ideas and concerns can be most easily addressed.



BYLAWS, GUIDELINES... WHAT DOES IT MEAN TO PROPERTY OWNERS?

An HCA provides guidelines for development but also requires a bylaw; the bylaw applies to all properties as well as public spaces within the HCA to protect the integrity of the area and the character-defining elements it contains. Generally speaking, a property owner inside an HCA will be required to comply with the guidelines established when constructing a new building or making additions. Under the Local Government Act Section 615, a "heritage alteration permit" is required for changes within an HCA, except where the OCP identifies circumstances that are exempted from this requirement. An HCA does not prohibit the demolition or construction of new buildings. The process chosen to manage changes within the HCA will impact both residents and municipal staff; it will be critical to strike a balance between an effective review process and an efficient application and approval process for the HCA to be a success.