

# THE CORPORATION OF THE DISTRICT OF OAK BAY

## BYLAW NO. 4620.003

### A Bylaw to amend the *District of Oak Bay Official Community Plan Bylaw, 2014*

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts that Bylaw No. 4620, being the *Official Community Plan Bylaw, 2014*, is amended as follows:

1. Section 4.7 Heritage, paragraph 4, is deleted in its entirety, and replaced with the following:

Heritage Conservation Areas (HCAs) have been discussed as a heritage tool and are of interest to many members of the community. Oak Bay has many heritage and character buildings and streetscapes that contribute to the community's values, and some of these could be candidates for heritage conservation.

2. Section 4.7.2 HR5, Heritage Policies, is deleted in its entirety, and replaced with the following:

HR5. Explore opportunities to establish Heritage Conservation Areas, as set out in section 9.0 of this Official Community Plan, as a tool to conserve the character of significant clusters of heritage buildings and their associated landscapes, while ensuring development is appropriate to the heritage character of the neighbourhood.

3. Section 9.0, Heritage Conservation Areas, is added as the following:

#### **9.0 Heritage Conservation Areas**

##### **9.1 Introduction**

Part 15 of the *Local Government Act* provides municipalities with the authority to establish Heritage Conservation Areas (HCA). These HCAs are used by local governments to protect the buildings, structures, land or features that contribute to the overall heritage character of a neighbourhood or distinct areas. An HCA must demonstrate distinct heritage value and character, and design guidelines can direct a variety of character defining elements to reflect heritage values and manage change within a neighbourhood.

For Oak Bay, heritage conservation areas are one tool recognized by the Official Community Plan to conserve the character of clusters of heritage buildings and their associated landscapes. They aid in conserving Oak Bay's history and heritage, as well as its established neighbourhoods and streetscapes.

##### **9.2 Prospect Heritage Conservation Area (HCA1)**

###### **.1 Category**

Sections 614 and 615 of the *Local Government Act*

## .2 Justification

The Prospect Heritage Conservation Area is a predominantly residential neighbourhood with a significant cultural landscape with a sloped topography, narrow scenic roads, significant architecturally designed houses, and a location fronting the Oak Bay beachfront. It is significant for its aesthetic, historic, social, natural history and educational values, particularly its representation of the origins of the Oak Bay community in the late 19<sup>th</sup> century, the leafy suburban character of its evolved cultural landscape, and its mix of architecturally significant and more modest residences.

The Prospect is significant for its use by First Nations for millennia. While more widely understood and acknowledged, the colonial history of this area is only a brief chapter in the overall history of human occupation. There has been Indigenous land use in this area for living, fishing, food and medicine gathering since time immemorial; and there are archaeological sites recorded within the boundary of The Prospect.

The area is important for its integration into a landscape with features such as steep topography that rises in elevation from the foreshore to the higher elevations of York Place, which give some homes a prominent physical status and considerable views; bedrock outcrops; and Rattenbury's Beach and foreshore, all of which have a physical and visual influence on the form of development and overall character of the neighbourhood. The landscape is important for its ecologically significant areas including rare wildlife and plant species, and its lush vegetation, both native and ornamental, safeguards habitat for birds and small mammals.

Of particular importance in the area is the presence of significant residences built with superior material and craftsmanship of the time, and designed by some of BC's most prominent late 19<sup>th</sup> and early 20<sup>th</sup> century architects such as Francis Rattenbury, Samuel Maclure, Karl Spurgin, John Tiarks, Ralph Berrill, Percy L. James and others, often interpreting classic residential building styles such as Queen Anne, Tudor Revival and Classical Revival. The inclusion of contemporary buildings by well known late 20<sup>th</sup> century architects, including a 1996 house designed by Pamela Charlesworth and Campbell Moore's 1992 Barwin House, makes the area a showcase for some of BC's most prominent architects' residential work for over a century.

Significant streetscapes have evolved into a harmonious integration of narrow roadways, buildings, trees, garden and natural vegetation, with remaining evidence of early large estate development and the adaptation of neighbourhood design to the site's natural topography.

The eclectic arrangement of buildings and traces in the landscape, such as openings in walls, overgrown gates, small pathways and laneways, public staircases, a decorative well head, and vegetation and tree patterns, are valued for their physical manifestations of past patterns of land use. Layers of vegetation are important for their contribution to the bucolic nature of the neighbourhood and for softening harder elements such as buildings, structures and roadways. Trees and plantings provide screening between the street and private spaces, and create a peaceful rural atmosphere, including large sequoia trees associated with the garden development at Briarbrae, and others planted around 1912.

Landscape details are fundamentally integral to the character of the place. They include stone walls, some with capped pillars, along most streets; gates and fences; narrow sidewalks; lack of curb and gutter; and the Lych Gate and stone wall at York Place and Oak Bay Avenue.

The important rural character of the place and country lane feel has been retained, even in the presence of new construction that, to date, manages to mostly fit into the character of the neighbourhood.

### **.3 Objectives**

The following are the objectives of the Prospect Heritage Conservation Area:

1. To maintain the distinctive character of the Prospect neighbourhood as expressed by the layout of the neighbourhood, the collection of early homes, as well as the gardens, streetscape, and landscape features.
2. To ensure the long term protection of heritage in the neighbourhood while maintaining flexibility to provide for the upkeep of resident homes and landscapes.
3. To retain the buildings and features as listed in the Schedule of Properties to the greatest extent possible.
4. To ensure new development is respectful of, and contextual to, the heritage character of the neighbourhood.

### **.4 Application**

As provided in section 615 of the *Local Government Act*, the following activities must not occur within the Prospect Heritage Conservation Area (HCA1) unless the owner has first obtained a heritage alteration permit:

1. land must not be subdivided;
2. construction of a building or structure, or an addition to an existing building or structure must not be started;
3. a building, structure or land must not be altered;
4. a feature that is protected heritage property must not be altered.

## **.5 Exemptions**

Heritage alteration permits are not required for the following:

1. interior alterations to a building or structure that do not affect the external appearance;
2. routine maintenance of buildings and structures, such as exterior painting of buildings;
3. construction or demolition of accessory buildings with less than 10 m<sup>2</sup> of floor area, and which are not heritage designated or listed in the Schedule of Properties;
4. subdivision where a rezoning is not required;
5. tree cutting, landscaping or fence construction for which no municipal approval is required, or as may be identified through a heritage designation or the Schedule of Properties;
6. anything that does not require a building permit unless it alters the character defining elements (eg. materials) of a property that is heritage designated or listed in the Schedule of Properties;
7. municipal works;
8. properties identified by Plan VIS1752

## **.6 Guidelines**

Any work for which a heritage alteration permit is required must conform with:

1. all applicable bylaws
2. the latest edition of the Standards and Guidelines for the Conservation of Historic Places in Canada as published by Parks Canada
3. The Prospect Heritage Conservation Area Guidelines, which form a part of the Official Community Plan.

**.7 Schedule of Properties – Prospect Heritage Conservation Area**

<b>Property</b>	<b>Name / Feature</b>
1512 Beach Drive	<i>Sandhurst</i>
1526 Beach Drive	<i>Haynes Cottage</i>
1538 Beach Drive	<i>Bide-A-Wee</i>
1558 Beach Drive	<i>J.W. Morris House</i>
1580 Beach Drive	<i>Home, Stone Walls and Pillars</i>
1590 Beach Drive	<i>Captain and Mrs. L. Adamson House</i>
1701 Beach Drive	<i>Iechinihl</i>
1710 Beach Drive	
2340 Oak Bay Avenue	<i>Lych Gate (Feature Only)</i>
2364 Oak Bay Avenue	<i>Crenellated Stone Walls and Pillars (Features Only)</i>
2390 Oak Bay Avenue	<i>F. Hamilton and E. Harrison House</i>
1513 Prospect Place	<i>Florence E. Rattenbury Home</i>
1525 Prospect Place	<i>C. Dubois Mason Home</i>
1532 Prospect Place	
1535 Prospect Place	<i>Sheilin</i>
1554 Prospect Place	<i>Crenellated Stone Walls, Pillars and Gates (Features Only)</i>
1584 Prospect Place	
1621 Prospect Place	<i>Seldon Humphrey's House</i>
1660 Prospect Place	<i>Conrad P.W. Schwengers Home</i>
1670 Prospect Place	
1680 Prospect Place	
2390 San Carlos Avenue	<i>Patio Court</i>
2396 San Carlos Avenue	<i>Patio Court</i>
2402 San Carlos Avenue	<i>Patio Court</i>
2408 San Carlos Avenue	<i>Patio Court</i>
2414 San Carlos Avenue	<i>Patio Court</i>
1545 York Place	
1561 York Place	<i>Crenellated Stone Walls and Capped Pillars (Features Only)</i>
1574 York Place	<i>Crenellated Stone Pillars (Feature Only)</i>
1580 York Place	<i>Arran</i>
1586 York Place	<i>Mr. &amp; Mrs. J. Harman House, Carriage House</i>
1587 / 1595 York Place	<i>Annandale</i>
1590 York Place	<i>Gibson House</i>
1596 York Place	<i>Woodlawn Summer House (Building Only)</i> <i>Crenellated Stone Wall (Feature Only)</i>
1605 York Place	<i>Briarbrae</i>

4. Schedule I, Heritage Conservation Areas, is added to the District of Oak Bay Official Community Plan Bylaw 2014 as set out in Schedule A to this Bylaw.
5. Appendix A, The Prospect Heritage Conservation Area Guidelines, is added to the District of Oak Bay Official Community Plan Bylaw 2014 as set out in Schedule B to this Bylaw.

This Bylaw may be cited as the *Oak Bay Official Community Plan Amendment Bylaw No. 4620.003, 2020*.

READ a first time by the Municipal Council on January 27, 2020.

AMENDED and READ a second time by the Municipal Council on January 27, 2020.

PUBLIC HEARING held on \_\_\_\_\_

READ a third time by the Municipal Council on \_\_\_\_\_

ADOPTED AND FINALLY PASSED by the Municipal Council on \_\_\_\_\_

\_\_\_\_\_  
Mayor

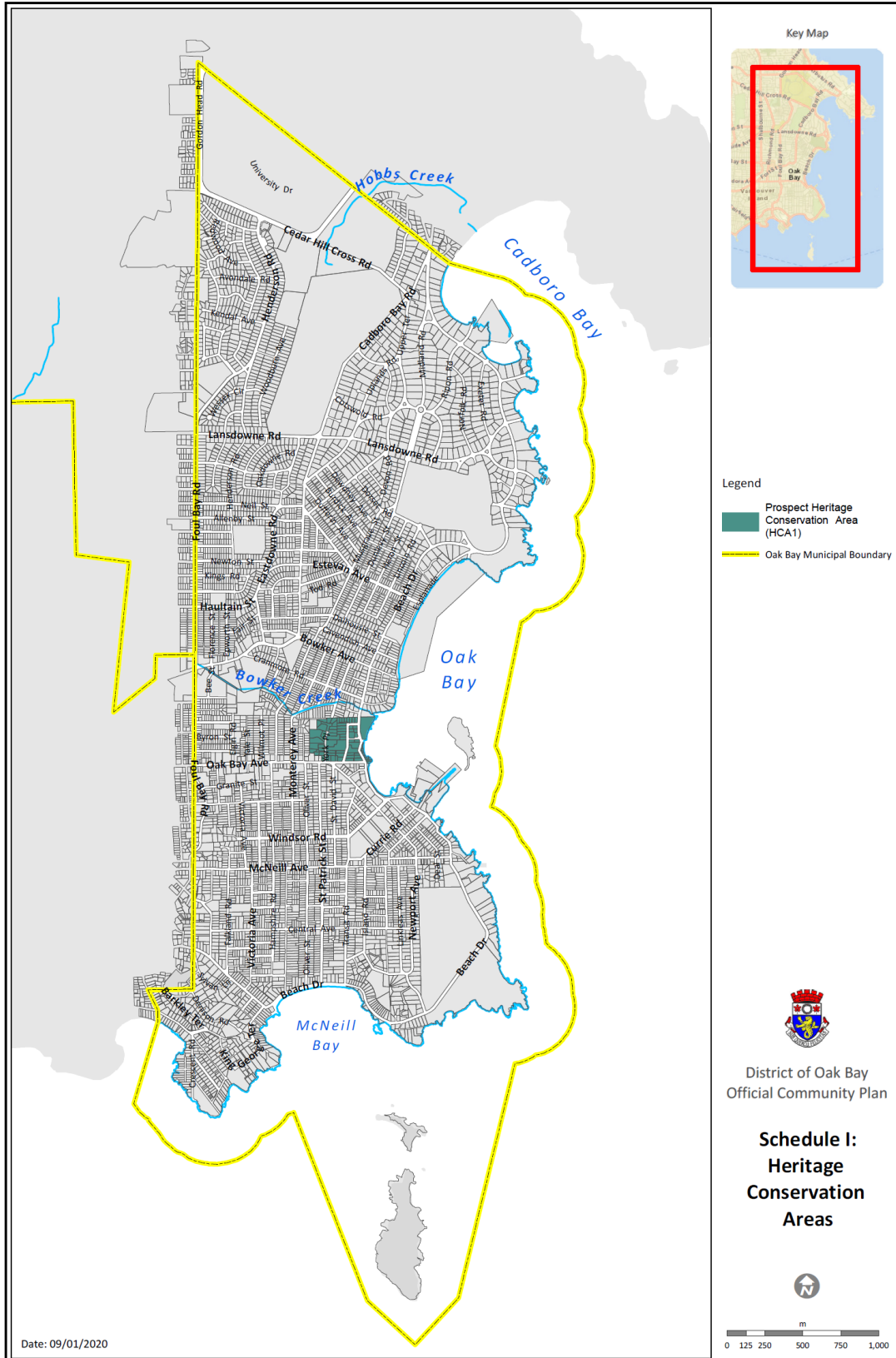
\_\_\_\_\_  
Director of Corporate Services

Sealed with the Seal of The Corporation of  
the District of Oak Bay

File: OCP00004  
Topic: Prospect Heritage Conservation Area

### SCHEDULE A

Schedule I (Heritage Conservation Areas) of the District of Oak Bay Official Community Plan, 2014 is added as the following:



**SCHEDULE B**

The Prospect Heritage Conservation Area Guidelines (66 *pages*)