

2013-147

To: **Mayor & Council**
From: **Director of Parks & Recreation**
Subject: **Recreation Integration Victoria – Agreement Renewal**
Date: **May 27, 2013**

BACKGROUND

Recreation Integration Victoria (RIV) is a partnership between the Victoria Integration Society, the Capital Regional District, West Shore Parks & Recreation Society, the Township of Esquimalt, the City of Victoria, the District of Saanich and the District of Oak Bay. This partnership has been in place for over 25 years with the four core partners, with the other partners coming on board in the 1990's.

RIV coordinates services for residents with physical and developmental disabilities by connecting clients with appropriate recreational programs, training and providing volunteers to enable clients to attend programs at recreation centres, facility accessibility advice, and staff training for municipal staff groups.

DISCUSSION

The Executive Director of RIV reports to the Intermunicipal Recreation Directors group. A representative from that group acts as the direct supervisor for the Executive Director. Each year the RIV annual budget request is vetted through the Recreation Directors. As in past years, Oak Bay's portion of the annual RIV budget is included in the municipal operating budget.

The current Memorandum of Understanding (MOU) for this partnership expires on June 30, 2013. All partners have indicated their willingness to renew the MOU for an additional five year period. Thus, Council approval is requested to renew the MOU from July 1, 2013 to June 30, 2018. There are no other changes proposed to the agreement.

OPTIONS

1. Approve renewal of the Memorandum of Understanding. This will allow the partnership to continue seamlessly. Oak Bay does make good use of RIV's services, particularly during summer camps.
2. Deny the request for approval. This is not recommended, as Oak Bay would not receive these valuable services.

FINANCIAL IMPACT

Oak Bay's portion of RIV's operating budget for 2013 is \$6,439, and is included in the municipal operating budget. There was no increase for 2013. The budget portions are allocated based on population. RIV's operating budget is administered by the City of Victoria, with no charges for providing this service.

RECOMMENDATION

THAT Council authorize the Mayor and the Municipal Clerk to execute the Recreation Integration Victoria Memorandum of Understanding Renewal Agreement for an additional five year period, to expire on June 30, 2018.



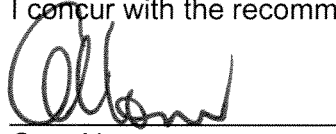
Ray Herman
Director of Parks & Recreation

I concur that the required funds are included in the current Financial Plan.



Patricia Walker
Municipal Treasurer

I concur with the recommendation of the Director of Parks & Recreation.



Gary Nason
Chief Administrative Officer

2013-151-1

MEMORANDUM

TO: Mayor and Council
FROM: Director of Building and Planning
DATE: May 22, 2013
RE: Oak Bay Heritage Plan

BACKGROUND:

As Council is aware, in March 2012 the development of a heritage strategy was identified by Council as a major corporate strategic priority. Accordingly, the Oak Bay Heritage Commission then commenced the process for preparation of a formal Heritage Plan. Heritage consultants Donald Luxton and Associates Inc. & Stuart Stark and Associates were selected to prepare the Oak Bay Heritage Plan. (Attached)

DISCUSSION:

The Heritage Commission formed a sub-committee comprised of Carl Peterson, Pat Wilson, Cora Smith, Richard Collier and the Director of Building and Planning to work with the consultants through the Heritage Plan process. The process involved advertisements and posters, surveys, two town hall meetings, and three focus group meetings to ascertain the "Heritage Community Values". The most significant heritage values were identified as:

- Established Streetscapes & Neighbourhoods
- Historic Buildings & Structures
- Cultural Landscape Features
- Natural Landscape Features
- Oak Bay's Unique History

The various "Goals" and "Actions" identified in the Heritage Plan are based on these five heritage values.

OPTIONS:

1. That the Oak Bay Heritage Plan prepared for the Oak Bay Heritage Commission be endorsed in principle. That Council forward the Oak Bay Heritage Plan and its associated recommendations to the currently ongoing Official Community Plan (OCP) Renewal process for input into the development of the new OCP. The "Actions" proposed in the Plan would be undertaken by the Oak Bay Heritage Commission, and any initiatives which would require funding from Council would be brought to Council for consideration in the course of regular budget deliberations.
2. That Council simply receive the Oak Bay Heritage Plan and forward the Plan to the Official Community Plan (OCP) Renewal process for input into the development of the new OCP.

FINANCIAL IMPACT:

There are two “Actions” in the Oak Bay Heritage Plan that could potentially have some financial impact:

1.2 “Identify specific heritage streetscapes & neighbourhoods that warrant heritage protection.”

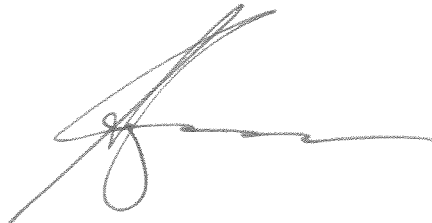
1.3 “Investigate development controls to protect streetscapes and neighbourhoods of exceptional character.”

Both of these items could involve some financial implications if the community and Council wish to include possible Heritage Conservation Areas into the Official Community Plan. The specialized expertise of a heritage planner would likely be required to prepare the guidelines and criteria for identification and protection of heritage streetscapes and neighbourhoods. This is a matter which should more appropriately be discussed following the completion of the OCP Renewal process and during 2014 or future Budget deliberations.

RECOMMENDATION(S):

That the Oak Bay Heritage Plan prepared for the Oak Bay Heritage Commission be endorsed in principle. That Council forward the Oak Bay Heritage Plan and its associated recommendations to the currently ongoing Official Community Plan (OCP) Renewal process for input into the development of the new OCP. The “Actions” proposed in the Plan would be undertaken by the Oak Bay Heritage Commission, and any initiatives which would require funding from Council would be brought to Council for consideration in the course of regular budget deliberations.

Respectfully Submitted,



Roy Thomassen
Director of Building and Planning

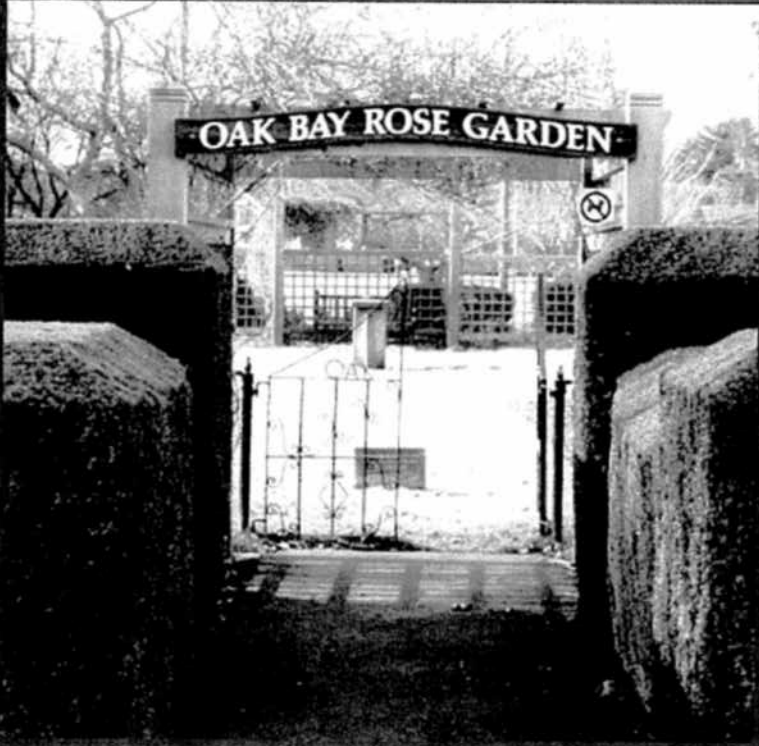
I concur with the recommendation of the Director of Building and Planning.



Gary Nason
Chief Administrative Officer

OAK BAY HERITAGE PLAN

APRIL 2013



Prepared for:

The District of
Oak Bay



DONALD LUXTON
AND ASSOCIATES INC



Stuart Stark & Associates
Heritage Consultants

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Newport Avenue

EXECUTIVE SUMMARY



This Heritage Plan has been developed with the citizens of Oak Bay. It addresses how Oak Bay's heritage values can be conserved for future generations. Through the public consultation process, Oak Bay's most significant heritage values were identified as:

- Established Streetscapes & Neighbourhoods (cited by 65.7% of survey respondents)
- Historic Buildings & Structures
- Cultural Landscape Features
- Natural Landscape Features & Ecological Heritage (cited by 33.3% of survey respondents)
- Oak Bay's Unique History

Goals and actions contained in the Oak Bay Heritage Plan are:

Goal 1: Conserve Established Streetscapes and Neighbourhoods

Actions:

- Update Official Community Plan policies to encourage conservation
- Identify streetscapes that warrant protection
- Identify development control tools to protect streetscapes
- Plan for development compatible with community character

Goal 2: Conserve Historic Buildings & Structures

Actions:

- Continue to evaluate, register, and protect Heritage Buildings & Structures
- Review Heritage Protection policies
- Ensure heritage projects are eligible for equivalencies and exemptions
- Increase support for municipal heritage conservation grants
- Investigate enhanced conservation incentives for heritage building owners
- Develop stewardship policies and conservation plans for municipally owned heritage resources

Goal 3: Conserve Cultural Landscape Features

Actions:

- Identify, record, and protect landscape features that contribute to Oak Bay's character
- Provide enhanced protection for landscape features, especially where redevelopment, paving and blasting is planned
- Strengthen enforcement of tree protection regulations – currently seen as weak
- Promote opportunities for joint activities among community groups and organizations willing to help conserve landscape features

Goal 4: Conserve Natural Landscape Features and Ecological Heritage

Actions:

Continue to encourage inventory, research and good conservation management

Goal 5: Celebrate Oak Bay's Unique History

Actions:

- Continue and enhance support for the Oak Bay Archives
- Continue and enhance support for the Oak Bay Heritage Commission and Heritage Foundation
- Continue to celebrate Oak Bay's unique sense of place and the promotion of local heritage themes

It is recommended that measures to protect Oak Bay's Heritage Values as laid out in this Plan should be incorporated into the new Official Community Plan.

1. A HERITAGE PLAN FOR OAK BAY

"Defining community values related to Oak Bay's history and heritage is no easy task. But as communities continue to grow and change, some things stay the same. Residents came to settle here for a reason, one focused on green space, friends, neighbourhoods and historical "pride of place". People who live here are passionate about what they love about Oak Bay – an unmatched lifestyle quality."

Participant, Oak Bay Heritage Plan

1.1 HERITAGE PLAN MANDATE & METHODOLOGY

The mandate was to produce a Heritage Plan reflecting the community heritage values that the residents of Oak Bay considered to be important in conserving and maintaining the special character of the municipality.

The public was consulted through a public and transparent process. That comprised a significant portion of the work plan. Its purpose was to determine the importance and values collectively placed on:

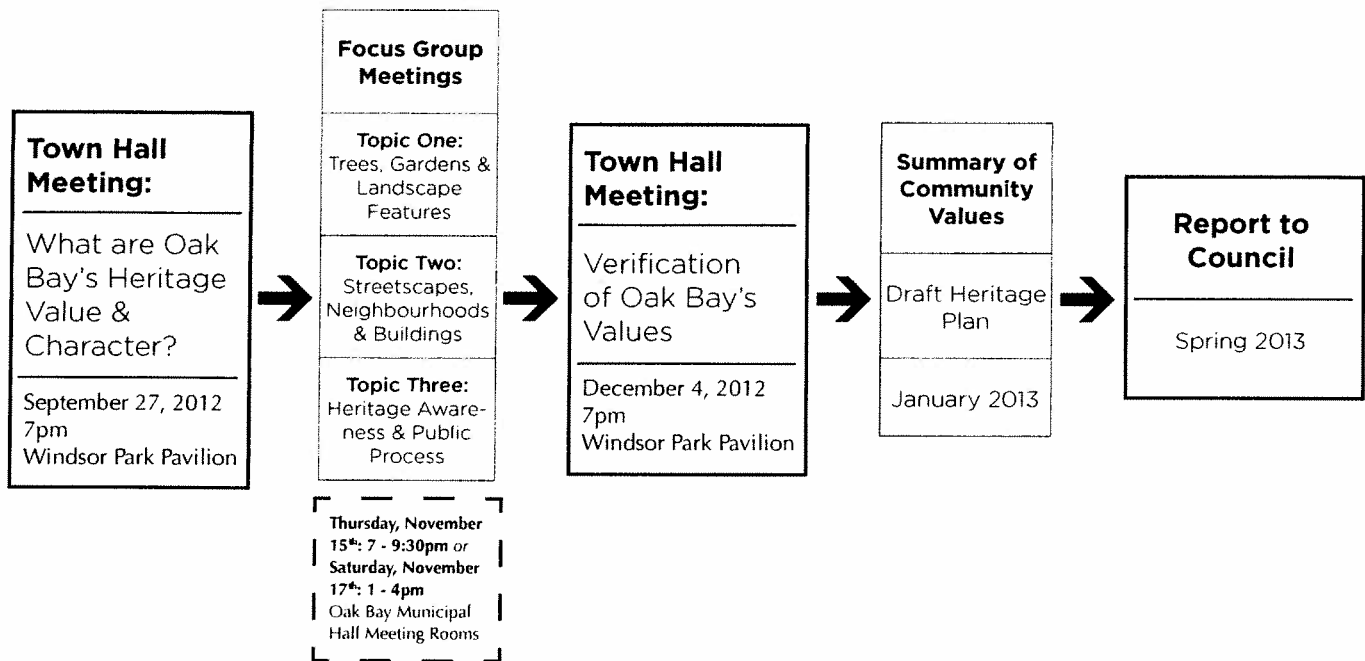
- heritage
- understand broad perspectives and aspirations
- align heritage conservation to broader community and civic goals
- develop a values-based vision grounded in municipal best practices
- build public awareness of local conservation efforts
- set goals and priorities based on public input

Newspaper articles outlined the process and invited residents to take part. Posters were also placed in key locations around the municipality. Two well-attended Town Hall Meetings were held at the Windsor Park Pavilion. The first, on September 27, 2012, was to hear what residents thought were the "Heritage Values" of the municipality. Those values were summarized, and then two Focus Group Meetings were held with participants on Thursday evening, November 15, and again on Saturday afternoon, November 17, where further details of those values were explored. Various community groups were also contacted.

A sequential, multi-stage online survey was conducted throughout the public process, and was revised as information was gathered, to allow for targeted responses. The initial online survey gathered general comments related to what residents valued about Oak Bay's heritage and their vision for heritage in the District, while a subsequent survey requested confirmation of the community heritage values, and solicited suggestions for places that illustrated the heritage values.

A second Town Hall Meeting was held on December 4, 2012 to verify the values with participants. Additional input was gathered from comment sheets and notes that were collected at each meeting. All of the input received from the community has informed the process, and has been considered in the preparation of this report.

It should be noted that many thoughtful comments about other community issues were received that will be more appropriately dealt with through the update of the Official Community Plan, which is under development, scheduled for completion by 2014.



1.2 RESULTS OF THE PUBLIC CONSULTATION

Residents recognized and identified that Oak Bay's heritage features were primarily made up of streetscapes, buildings and established neighbourhoods. While acknowledging that the conservation of heritage buildings and other historic structures is important, other, broader heritage values were also important to their appreciation of living in Oak Bay. The following is a summary of important identified heritage values:

- 65.7% listed established streetscapes, buildings and neighbourhoods.
- 33.3% listed gardens, parks and natural features (also part of above).
- 1% listed community events and celebrations.

Participants mentioned specific streets and neighbourhoods that are worth conserving as having "special character". This special character was recognized as being created by the historic development patterns of the municipality as laid out by traditional zoning regulations: consistent setbacks; building heights; and garden sizes. All rely on zoning laws that prescribe this consistent layout of neighbourhoods.

Mature gardens and tall trees gave these neighbourhoods a green framework that was associated by residents with the overall identified special character of the established neighbourhoods and streetscapes of the District. According to a broad range of residents, when zoning changes take place, these traditional values also change, usually to the detriment of streetscapes and the greater neighbourhood.

"It should be possible to preserve the special ambience valued by the community. Maintaining the ambience of the streetscapes, preserving the tree canopy and protecting view corridors with well planned and regulated zoning should help to promote redevelopment that is appropriate to the scale and context of the area."

Participant, Oak Bay Heritage Plan

Participants also identified other important character features within the municipality: existing heritage houses; the War Memorial; unique Uplands street lights; stone garden walls along street edges; Tod House; the Oak Bay Theatre sign; the legacy of homes across the municipality designed by famous architects like F. M. Rattenbury and Samuel Maclure; and tiny remnants of heritage like the stone dairy behind a home on Hampshire Terrace.

Other features – that are not usually defined as "Heritage" – including lanes, walkways and waterfront access, were considered very important by residents. Residents also had a close appreciation and recognition for small but important details that enhanced their quality of life within Oak Bay. They preferred natural pathways (meandering trails and unpaved lanes) and streets with no curbs, which keep a 'rural feeling' in the municipality. Existing parks – like Bowker Creek, Anderson Hill, the Native Plant Garden, the Ada Beavan Rose Garden in Windsor Park, Lokier Gardens, Uplands Park and others – were all mentioned as significant landscape features having heritage values to the citizens of Oak Bay.



During the consultation process, many residents commented on their perception that there was a continuing erosion of heritage character over time. It was noted that certain apparently unrelated planning and zoning decisions were inadvertently causing great harm to the conservation of heritage streetscapes. New out-of-scale houses, loss of mature trees and gardens, paving of “country” lanes, and curbs being added to ‘rural’ streets were all noted as unwelcome changes. However, residents did not feel that conservation and redevelopment had to be mutually exclusive.

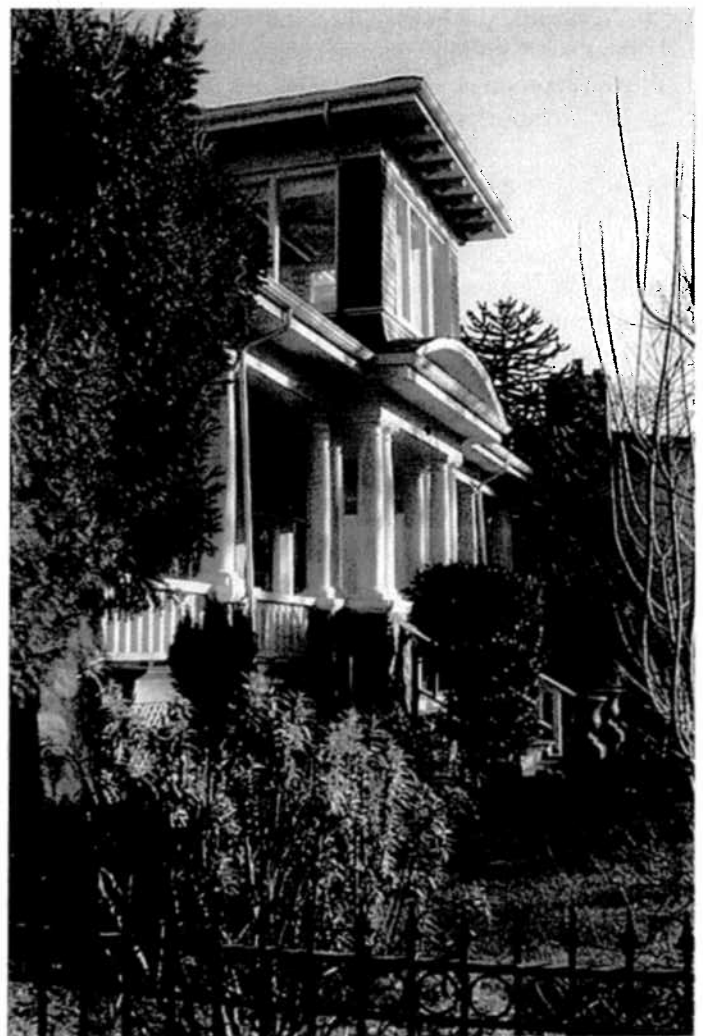
Participants at both the Town Hall and Focus Group meetings were passionate about conserving the overall character of the municipality: the overall ‘feeling’ that the combinations of the above heritage features engender. One participant observed:

“You can stand in a Cathedral, and you can stand in a warehouse – both will shelter you, but each gives a very different visceral feeling.”

Participant, Oak Bay Heritage Plan



St. Patrick Streetscape



Victoria Avenue

2. COMMUNITY HERITAGE VALUES

The following is a summary of the community heritage values determined by the residents of Oak Bay during the consultation process.

2.1 HERITAGE STREETSCAPES & NEIGHBOURHOODS

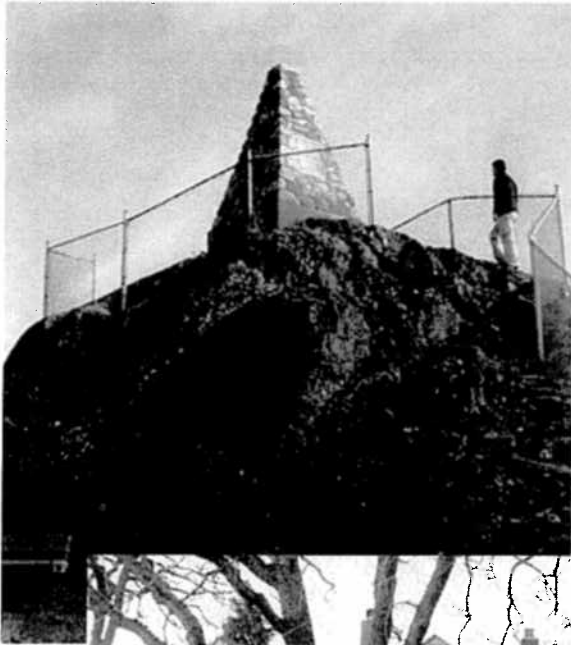
Residents expressed a strong connection with the overall “green” quality of Oak Bay, as seen in the historic neighbourhoods. They appreciated the openness of the existing street/house layouts allowed by traditional zoning, with a recognized building-to-garden ratio, and wanted to see this traditional relationship maintained. Comments from residents included the importance of neighbourhood settings that are harmonious and built at an appropriate scale, that allow a traditional ‘Oak Bay’ relationship between buildings and landscapes.

Specific observations included an appreciation for current setbacks of houses, giving a uniformity of garden size and open spaces along most streets. Residents also recognized the contribution of many streetscape elements and contributing natural features to their overall appreciation of where they live, including mature street trees, stone walls, and unimproved “rural” streets, and lanes with natural features. Private gardens and trees were mentioned as an important community asset.

The diversity of Oak Bay’s streetscapes from all development periods was also appreciated. The small town “village scale” of the municipality as exemplified by the several “micro-villages” in the community (including Oak Bay Village) was broadly appreciated, as was the overall quality of life in Oak Bay.



From top to bottom: Monterey Avenue. Estevan Village, Windsor Road & a streetfront garage



2.2 HISTORIC BUILDINGS & STRUCTURES

Oak Bay has a wide variety of building styles within its boundaries. The traditional homes in South Oak Bay were commonly associated with the Arts & Crafts period (1906-1920), dating from the time of Oak Bay's biggest 'building boom'. A major group of homes dates from the post WW II development period (1950's to 1970's), and covers areas in mid and north Oak Bay, in the areas of Carnarvon Park, the Lansdowne slope and the Henderson Road area.

Scattered throughout examples are homes from all periods, including very rare Victorian houses (1850-1906), and typical "Oak Bay" buildings from all other development periods, ranging from contractor built homes to architect-designed residences.



Examples of houses that contribute to Oak Bay's special character that were specifically mentioned by residents included: Tod House; high-quality Late Victorian and Edwardian era homes including superb examples of the work of Rattenbury, Maclure and other prominent architects; period revival homes of the 1920s-30s; and excellent examples of West Coast Modern houses. There was appreciation for existing designated heritage houses, as well as Heritage Register houses and other potential heritage homes.



Other heritage structures that are already protected with heritage designations include some owned by Oak Bay: the War Memorial; Uplands gates; Willows Park gates; the Gonzales Hill look out; historic markers, First Nations cairns; etc.

From top to bottom: Gonzales Cairn at Walbran Park, house on St. Louis Street & Gates at Willows Park

2.3 CULTURAL LANDSCAPE FEATURES

A wide variety of public landscape features were also recognized for their heritage value, including: public parks and gardens such as the Beavan Rose Garden and Lokier Gardens; public community spaces like boulevards and the grounds of the Municipal Hall; the Chinese Cemetery National Historic Site at Harling Point; the War Memorial in Uplands Park and adjacent garden; and lanes and trails throughout the municipality.



Chinese Cemetery National Historic Site



Bowker Creek pathway



Beavan Rose Garden



Oak Bay War Memorial at Uplands Park



2.4 NATURAL LANDSCAPE FEATURES

The natural heritage of Oak Bay was mentioned frequently as being important to the quality of life in the municipality. This included ocean views, beaches, coves, islands, creeks, rocky outcrops and hills, Garry Oak and Arbutus ecosystems, Uplands Park, mature trees, wildlife habitat and spectacular views, which were all listed as being important.



Uplands Park



Cattle Point

2.5 OAK BAY'S UNIQUE HISTORY

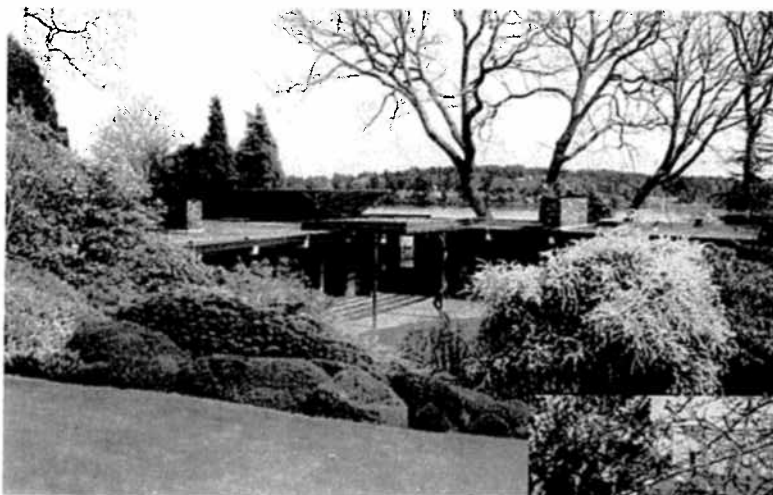
The unique historical development of Oak Bay that everyone can enjoy includes: connections to First Nations history within the municipality; the oldest house in Western Canada; remnants of the municipality's earliest agricultural origins; development of Oak Bay as a high-quality garden suburb with Arts and Crafts homes; the Uplands, representing an impressive Olmstead-designed neighbourhood; postwar developments including West Coast Modern homes; and long-held community events and traditions. These historical values are sometimes intangible, and may require interpretation to explain and teach residents about historical events, trends and patterns.



Arts & Crafts House, St. Patrick Street



Blue streetscape tiles



Mayhew House



Tod House



3. THE OAK BAY HERITAGE PLAN

Oak Bay's current Heritage Program provides a framework for the conservation of identified heritage resources, with a notable focus on individual buildings and historic structures. During the consultation process, the residents of Oak Bay have identified their appreciation of a much broader range of heritage values that define their community. The following **principles** were developed to specifically guide the future direction for Oak Bay's heritage conservation initiatives:

- Conserve and maintain community heritage values.
- Ensure that new development is compatible with the existing community.
- Incorporate conservation principles into the community planning processes.
- Educate residents and visitors about Oak Bay's history and heritage.
- Encourage community involvement around heritage issues.

These principles provide us with a Vision for the Oak Bay Heritage Plan, which is supported by following **Goals**:

- GOAL 1: Conserve Established Streetscapes & Neighbourhoods
- GOAL 2: Conserve Historic Buildings & Structures
- GOAL 3: Conserve Cultural Landscape Features
- GOAL 4: Conserve Natural Landscape Features
- GOAL 5: Celebrate Oak Bay's Unique History

An important outcome of these heritage conservation initiatives will be to retain the historic features and materials that are unique to the Oak Bay community, and to protect the natural and built heritage of neighbourhoods that have helped shaped the architectural, environmental and social history of Oak Bay.

A process is now underway to develop a new Official Community Plan (OCP), scheduled for completion in 2014. During the community consultation, it was clearly stated that the existing OCP does not go far enough in defining or protecting Oak Bay's unique heritage values. The existing OCP focuses on architectural and historical value, specifically of buildings, and does not recognize the broader aspects of Oak Bay's heritage legacy, including varied and mature streetscapes, cultural landscapes and a wide range of natural features. Participants agreed that the broad range of Oak Bay's community heritage values should form the basis of the Heritage Plan, and should also inform the next stage of the Official Community Plan update.

3.1 CURRENT SITUATION

Oak Bay has worked for almost forty years to protect the District's heritage buildings and structures, and there have been a number of successful outcomes, including heritage designations, a Heritage Register and heritage education and awareness initiatives. In 1974, a Heritage Advisory Committee was established to advise Council on heritage issues, and in 1986 a comprehensive inventory was undertaken, and published for general distribution. Heritage Preservation policies are included in the current Official Community Plan. Please see *Appendix B: Enabling Legislation* for further information on the legal framework of Oak Bay's Heritage Program, and *Appendix C: Official Community Plan* for further information on the current OCP.

Oak Bay Municipality has a number of tools at its disposal to assist the community and property owners in maintaining heritage value, including site and building designation, grants for repair, sources of practical information and revitalization agreements.

Despite these successes, there remains a general negative perception of heritage designation or registration, based on potential restrictions or effects on property value. This prevents many property owners from entering into heritage agreements, even though they are voluntary and can result in heritage incentives.

Legal Protection: To date, 33 properties have been protected as designated municipal heritage sites and 3 additional buildings have legal protection under a Heritage Revitalization Agreement (HRA), and two houses are protected by covenant. The Municipality owns and maintains one heritage-designated site: Tod House, the oldest house in Western Canada, built 1850-51 with later additions. The other protected buildings are in private ownership.

Heritage Register: The Oak Bay Community Heritage Register is an official list of buildings and sites deemed of heritage value or character, as adopted by resolution of the Municipal Council. Inclusion of a property on the Heritage Register is voluntary. It does not offer heritage protection, nor is it a formal designation. There are 97 sites listed on the Oak Bay Community Heritage Register. Registration offers the opportunity to encourage owners to recognize heritage.

Tree Protection: The Municipality has also passed a Bylaw to regulate the cutting of trees (Bylaw No. 4326) that includes a list of Significant Trees. A significant number of participants felt that tree preservation bylaws could be enhanced.

Heritage Incentives: The District currently provides modest financial grants administered by the Oak Bay Heritage Foundation to provide cost-sharing grants to owners of buildings listed on the Oak Bay Community Heritage Register and to owners of designated heritage buildings. Buildings protected under a Heritage Revitalization Agreement are also eligible for the

Heritage Restoration Grants programme. The Oak Bay Heritage Foundation receives a \$5,500 annual grant from Oak Bay Council for the purposes of distributing grants for approved work. Homeowners can receive grants – over a ten-year period – of \$3,000 for buildings on the Heritage Register, and grants of up to \$10,000 for buildings that are heritage designated. On average, two grants per year are awarded. For further information regarding the potential heritage incentives the District could consider, please refer to *Appendix E: Heritage Incentives*.

Oak Bay Heritage Commission: The OBHC is mandated to promote public awareness of heritage conservation, including the architectural and cultural history of Oak Bay, provide research and inventories of real property of heritage significance, make recommendations to Council on the content of a heritage registry, and support the work of Municipal Archives volunteers. The Commission also advises Council on specific referrals in the following categories: aspects of specific land redevelopment applications; proposals for heritage designation or conservation to be registered against title to real property; applications to alter designated or protected heritage structures; assessment of property subject to a temporary protection order; and regulatory initiatives pertaining to heritage conservation.

Oak Bay Heritage Foundation: The OBHF was established in 1992 as a non-profit organization. The Foundation raises funds for the conservation and restoration of heritage properties along with other community initiatives. Council appoints members of the Foundation. One of its purposes is to provide cost-sharing grants to owners of designated and registered properties to assist with preservation, maintenance or restoration. The Foundation also promotes education and awareness of heritage in Oak Bay. This is done through the annual fall lecture series and other events or workshops that are sponsored throughout the year.



Oak Bay Archives: The Archives was established in 1995 and collects and preserves material of historical significance to Oak Bay and makes this material available to the public. The Oak Bay Archives serves the community by:

- Collecting and preserving Oak Bay's history
- Cataloguing, indexing and keeping safe collected material
- Making material available for reference and research
- Increasing public knowledge and educating future generations in Oak Bay's heritage

In the past these services have been well performed only because of the exceptional effort of key volunteers. The recent addition of a part-time archivist has been a welcome assistance but there remains a need for increased support.

3.2 ACTION PLAN FOR IMPLEMENTATION

The following Action Plan provides a road map for how the Goals of the Heritage Plan can be prioritized, who can take the lead and who can provide support for each proposed Action. The Action Plan flows from the consensus-based consultative process that was undertaken as part of this project. The recommended Actions will be achieved over a 10-year period, between 2013 and 2023.

The implementation of the Heritage Plan will unfold over time, through the combined efforts of the Mayor and Council of the District of Oak Bay, municipal staff, the Heritage Commission, the Heritage Foundation, the Oak Bay Archives, property owners, other key stakeholders, individuals, volunteers and community partnerships. This process will benefit from a coordinated community effort to advance the goals of heritage conservation.

The proposed timing for the implementation of these Actions is based on current staffing and budget levels, with some potential funding increases for specific initiatives. The Heritage Plan will assist in the development of annual work programs, and in determining budget requirements. Although the cost to implement the Heritage Plan is relatively modest, some items may have additional associated costs that will need to be brought forward for Council consideration as part of the annual budget process. There are a number of outside resources that may be available to help undertake some of these initiatives, including senior government grant programs (such as digital access grants) and private and corporate sponsors; securing these resources will require support time and resources from the District and volunteers.

Time frame for Implementation:

- **Immediate:** Priority Actions for 2013
- **Short Term Actions:** 2-3 years (2014-2015)
- **Medium Term Actions:** 3-10 years (2016-2023)
- **Ongoing Actions:** underway and continuing (2013-2023)

Implementation Partners:

- OBHC: Oak Bay Heritage Commission
- OBHF: Oak Bay Heritage Foundation
- Council
- Staff
- Parks & Recreation Commission
- OPAC: Official Community Plan Project Advisory Committee

GOAL 1: CONSERVE HERITAGE STREETSCAPES & NEIGHBOURHOODS

ACTION	Time	Lead	Partners	Tools	Outcomes
1.1 Update Official Community Plan policies to encourage the conservation of Oak Bay's "Special Character". Include specific goals and objectives based on community heritage values.	Immediate	OB Council & Staff	Community / OBHC	OCP Update incorporating Oak Bay community heritage values	A clear and comprehensive policy framework to support the conservation of community heritage values. Enhanced policies and programs that link heritage conservation to broader civic community planning goals. The community will retain its essential unique character.
1.2 Identify specific Heritage Streetscapes & Neighbourhoods that warrant heritage protection.	Immediate	OB Council & Staff / OBHC	Community	OCP Update	Identify potential Heritage Conservation Areas in OCP. Better understanding of what defines community heritage.
1.3 Investigate development controls to protect streetscapes and neighbourhoods of exceptional character.	Immediate	OB Council & Staff	OBHC / OPAC	Heritage Conservation Areas, Development Permit Areas, Zoning	Protection of community heritage values and quality of life for Oak Bay residents.
1.4 Plan for the development of sustainable and vibrant neighbourhoods by building on existing character, amenities and historic infrastructure. Encourage new development is compatible with community character.	Ongoing	OB Council & Staff	OB Staff / OBHC	Development Permit Areas, Zoning, Design Guidelines	Improved tools for protection of historic neighbourhoods. Retention of community heritage values, qualities and character.



GOAL 2: CONSERVE HISTORIC BUILDINGS & STRUCTURES						
ACTION	Time	Lead	Partners	Tools	Outcomes	
2.1 Continue with the established process of evaluating, registering and protecting Heritage Buildings & Structures in Oak Bay. Broaden the definition of what constitutes Oak Bay's heritage.	Ongoing	OB Council & Staff	OBHC	Annual budget allocation for Statements of Significance; Heritage Designation, Covenants, HRAs, etc.	Retention of community heritage values, qualities and character. Enhanced recognition and protection of heritage resources. Potential to enhance quality of life in Oak Bay's historic neighbourhoods.	
2.2 Review heritage protection policies and develop plan to increase long-term effectiveness of protection mechanisms.	Short Term	OB Staff & OBHC	OB Council	Legal Protection Tools: Heritage Designation, Covenants, HRAs, etc.	Better understanding of how sites will be protected and managed.	
2.3 Increase awareness that heritage projects are eligible for equivalencies and exemptions allowed under provincial enabling legislation.	Ongoing	OB Council & Staff	OBHC / OBHF	BC Building Code, Energy Efficiency Act, Homeowner Protection Act	Better heritage conservation outcomes.	
2.4 Increase support for municipal heritage grants.	Short Term	OB Council	OBHF	Direct Financial Incentives	Heritage incentives to encourage conservation and further investment in the historic building stock.	
2.5 Investigate the possibility of enhanced conservation incentives for heritage building owners, including permissive tax exemptions and property tax incentives.	Medium Term	OB Council & Staff	OBHC / Heritage Property Owners	Local Government Act, Community Charter	Increase the retention and revitalization of historic building stock. Improved tax base through investment in the development of restored heritage sites.	
2.6 Develop stewardship policies and conservation plans for municipally-owned heritage resources.	Medium Term	OB Council & Staff / OBHC	Consultants	Based on <i>Standards and Guidelines</i>	Municipal leadership that will set the standard for private owners. Better heritage conservation outcomes.	

GOAL 3: CONSERVE CULTURAL LANDSCAPE FEATURES

ACTION	Time	Lead	Partners	Tools	Outcomes	
3.1	Continue to identify, record and protect the variety of landscape features that contribute to Oak Bay's character.	Medium Term	OB Parks	Consultants / Volunteers	Tree Protection measures, environmental controls, etc.	Improved conservation of landscape features. Support for sustainability initiatives. Enhanced information on natural resources.
3.2	Provide enhanced protection for specific landscape features, especially where redevelopment, paving and blasting is planned.	Ongoing	OB Council & Staff	OBHC	Consider easements, relaxations of setbacks, variances etc.	Enhanced protection measures. Better conservation of landscape features.
3.3	Strengthen the enforcement of tree protection regulations.	Ongoing	OB Council & Staff	Community partners	Tree Preservation Bylaw	Better conservation of streetscapes. Enhanced protection of landscape features.
3.4	Promote opportunities for joint activities among community groups and organizations that are willing to help conserve landscape features, such as historic parks and gardens.	Ongoing	OB Parks / OBHC	Community Partners	Operating agreements, partnerships	Better support for community initiatives that are already underway or new initiatives. Build capacity to support community involvement.

GOAL 4: CONSERVE NATURAL LANDSCAPE FEATURES

ACTION	Time	Lead	Partners	Tools	Outcomes	
4.1	Continue to encourage inventory, research, and good conservation management unique micro-ecosystems, groves of trees and other significant natural features. Implement appropriate protection measures to ensure the protection of natural landscape features.	Ongoing	OB Parks	Consultants / Volunteers / UVic / Camosun / Government of Canada / Friends of Uplands Park	Local Government Act, Tree Protection measures, environmental controls, Development Permit controls / OCP	Long-term conservation of increasingly rare ecosystems within the municipality. Better understanding of natural community assets.



GOAL 5: CELEBRATE OAK BAY'S UNIQUE HISTORY						
ACTION	Time	Lead	Partners	Tools	Outcomes	
5.1 Continue and enhance support for the Oak Bay Archives, ensuring that they have appropriate resources for the collection, cataloguing, conservation, interpretation and sharing of community information.	Ongoing	OB Council	OB Archives	Increased funding and staffing support over time.	Better community understanding of Oak Bay's history, development and unique heritage resources. Improved information bas for the Heritage Program.	
5.2 Continue and enhance support for the Oak Bay Heritage Commission and Heritage Foundation in providing information about Oak Bay's unique heritage. Celebrate the conservation of Oak Bay's heritage resources through lectures, publications, workshops and other initiatives.	Ongoing	OB Council / Staff	OBHC / OBHF / OB Tourism	Increased staffing support over time.	Increased community involvement and cooperation to conserve heritage within the municipality. Better informed residents heritage; interest in history; more volunteers, and better conserved heritage in Oak Bay.	
5.3 Continue to celebrate Oak Bay's unique sense of place and the promotion of local heritage themes through local events and the media.	Ongoing	OBHC	OBHF / OB Staff	Existing Budgets	Support for community traditions and identity. Enhanced opportunities for community engagement.	

3.3 SUMMARY OF PRIORITIES

2013

IMMEDIATE ACTIONS

- 1.1: Update Official Community Plan (complete in 2014).
- 1.2: Identify specific Heritage Streetscapes & Neighbourhoods that warrant heritage protection.
- 1.3: Investigate development controls to protect streetscapes and neighbourhoods of exceptional character.

2014-2015

SHORT TERM ACTIONS

- 2.2: Review heritage protection policies. Monitor changes to designated and protected properties.
- 2.4: Increase support for municipal heritage grants.

2016-2023

MEDIUM TERM ACTIONS

- 2.5: Investigate the possibility of enhanced conservation incentives.
- 2.6: Develop stewardship policies and conservation plans for municipally-owned heritage resources.
- 3.1: Continue to identify, record and protect the variety of landscape features that contribute to Oak Bay's character.
- 4.2: Investigate historic landscape documentation and inventories that exist for the Uplands.

2013-2023

ONGOING ACTIONS

- 1.4: Plan for the development of sustainable and vibrant neighbourhoods by building on existing character, amenities and historic infrastructure.
- 2.1: Evaluate, register and protect Heritage Buildings & Structures.
- 2.3: Ensure that heritage projects are eligible for equivalencies and exemptions allowed under provincial enabling legislation.
- 3.2: Provide enhanced protection for specific landscape features, especially where redevelopment, paving and blasting is planned.
- 3.3: Strengthen the enforcement of tree protection regulations.
- 3.4: Promote opportunities for joint activities among community groups and organizations that are willing to help conserve landscape features, such as historic parks and gardens.
- 4.1: Identify, inventory and map unique micro ecosystems, groves of trees and other significant natural features. Implement appropriate protection measures to ensure that protection of natural landscape features.
- 5.1: Continue and enhance support for the Oak Bay Archives, ensuring that they have appropriate resources for the collection, cataloguing, conservation, and interpretation and sharing of the unique information in the Archives.
- 5.2: Continue and enhance support for the Oak Bay Heritage Commission and Heritage Foundation in providing information about Oak Bay's unique heritage. Celebrate the conservation of Oak Bay's heritage resources through lectures, publications, workshops and other initiatives.
- 5.3: Continue to celebrate Oak Bay's unique sense of place and the promotion of local heritage themes through local events and the media.



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OAK BAY HERITAGE COMMISSION, FOUNDATION & ARCHIVES

- Judith Andersen, Archives
- Phoebe Chartrand, Archives
- Ben Clinton-Baker, Commission and Foundation
- Richard Collier, Commission
- Marion Cumming, Foundation and Commission
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- Monica Walter, Commission
- Patricia Wilson, Commission Chair and Foundation Secretary-Treasurer
- Cairine Green, Council Liaison, Commission and Foundation
- Roy Thomassen, Director of Building & Planning and Staff Liaison

OAK BAY COUNCIL

- Mayor Nils Jensen
- Councillor Pam Copley
- Councillor Cairine Green
- Councillor John Herbert
- Councillor Michelle Kirby
- Councillor Kevin Murdoch
- Councillor Tara Ney

APPENDIX A: DEFINITIONS

Conservation: all actions or processes that are aimed at safeguarding the character-defining elements of a cultural resource so as to retain its heritage value and extend its physical life. This may involve “Preservation,” “Rehabilitation,” “Restoration,” or a combination of these actions or processes.

Canadian Register of Historic Places: a listing of all historic resources of local, provincial and national significance. Sites are documented through a Statement of Significance and are included at the Heritage Register stage in Alberta. The program is administered by the Government of Canada.

Cultural Landscape: distinct geographical areas that represent the combined work of man and nature, encompass those landscapes deliberately shaped by people, those that have evolved organically and those that have taken on significance by cultural association. The concept of the ‘cultural landscape’ has recently taken root in conservation circles at the international level and is impacting not only the concept of heritage value, but also the selection of places for conservation.

Heritage Register: A list of sites that have been recognized for their heritage value by Council Resolution.

Heritage Value: the historic, aesthetic, scientific, social or spiritual value of a place to past, present or future generations. The heritage value of a historic place is embodied in its character-defining materials, forms, location, spatial configurations, uses and cultural associations or meanings. They must be lasting and maintain ongoing appreciation, teach us about the past and the cultures that came before, provide the context for community identity, afford variety and contrast to our contemporary urban fabric, and supply visible evidence of continuity between the past, present and future.

Historic Place: a structure, building, group of buildings, district, landscape, archaeological site or other place in Canada that has been formally recognized for its heritage value.

Intangible Cultural Heritage: practices, representations, expressions, knowledge and skills, as well as associated tools, objects, artifacts and cultural spaces that communities and groups recognize as part of their history and heritage. [UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage]. The importance of intangible cultural heritage is increasingly being recognized worldwide as a legitimate part of values-based heritage conservation, including culturally-embedded traditions, memories, language, practices, representations, expressions, knowledge and skills, as well as associated tools, objects, artifacts and cultural spaces that communities and groups recognize as part of their history and heritage.



Preservation: the action or process of protecting, maintaining and/or stabilizing the existing materials, form and integrity of an historic place or of an individual component, while protecting its heritage value.

Restoration: the action or process of accurately revealing, recovering or representing the state of a historic place or of an individual component, as it appeared at a particular period in its history, while protecting its heritage value.

Rehabilitation: the action or process of making possible a continuing or compatible contemporary use of an historic place or of an individual component, through repair, alterations, and/or additions, while protecting its heritage value.

Standards and Guidelines: The *Standards and Guidelines for the Conservation of Historic Places in Canada* provide sound, practical guidance to achieve good conservation practice. They establish a consistent, pan-Canadian set of conservation principles and guidelines that will be useful to anyone with an interest in conserving Canada's historic places. The *Standards and Guidelines* offer results-oriented guidance for sound decision-making when planning for, intervening on, and using historic places.

Statement of Significance: a statement that identifies the description, heritage value, and character-defining elements of an historic place. A Statement of Significance is required in order for an historic place to be listed on the Provincial and Canadian Registers of Historic Places. The document is used at the local level as a planning tool for future conservation interventions.

APPENDIX B: ENABLING LEGISLATION

Heritage tools are referenced in a number of other provincial Acts, such as the Land Titles Act (which enables covenants to be registered on land titles), but the majority of the tools the District is likely to use in the conservation of heritage resources are now enabled under the *Local Government Act*. In addition, several others provide key legislative references to heritage conservation, as follows.

Local Government Act

Under the *Local Government Act*, a legal framework is provided for the establishment and continuation of local governments to represent the interests and respond to the needs of their communities. Local governments are enabled with the powers, duties and functions necessary for fulfilling their purposes, including stewardship of public assets, and the flexibility to respond to the different needs and changing circumstances of their communities. The District is empowered to regulate land development through zoning, subdivision control, building by-laws, maintenance and occupancy by-laws, and a number of other regulatory mechanisms. Heritage incentives can be provided through a number of mechanisms including negotiated agreements and 10-year periods of tax relief. Most of the tools that the District will use to provide incentives and regulations for the heritage program are enabled under *Part 27: Heritage Conservation*.

One of the tools commonly used as the basis of a municipal heritage program is a Community Heritage Register, an official listing of properties having heritage value, passed by resolution of local government. Inclusion on a Register does not confer any other form of permanent heritage protection, is not listed on the Land Title and does not create any financial liability for the local government. The Register may, however, be used to “flag” properties for possible future protection, and does enable a local government to withhold approval and/or a demolition permit for a limited amount of time. In addition to the tracking and regulatory powers implied by a Register listing, there are also important incentives that can be offered to assist owners with conservation. Properties on a Register are eligible for special provisions, including equivalencies under the B.C. Building Code, alternative compliance under the *Energy Efficiency Requirements* and exemptions from the *Homeowner Protection Act*. The

District has already established a Heritage Register that lists a variety of historically significant sites. The District has also protected heritage sites through *Heritage Designation* and *Heritage Revitalization Agreements* (a voluntary negotiated agreement that may vary bylaw and permit conditions); this protection is achieved on a site-by-site basis through municipal bylaws.

Heritage Conservation Act

The purpose of this Act is to encourage and facilitate the protection and conservation of heritage property in British Columbia. This Act is most relevant when dealing with archaeological issues, the management of which remains a provincial jurisdiction. The province may enter into a formal agreement with a First Nation with respect to the conservation and protection of heritage sites and heritage objects that represent the cultural heritage of the aboriginal people who are represented by that First Nation. Owners of identified archaeological sites are required to conform to provincial requirements. The provincial Archaeology Branch maintains a list of known archaeological sites.

Community Charter

The *Community Charter* came into effect in 2004, and provides municipalities with a framework for local activities and services. This legislation applies to all municipalities whose core powers were previously found in the *Local Government Act*, and replaces the tradition of prescriptive legislation with enabling legislation that allows municipalities to be innovative in meeting the needs of their communities. The Charter gives municipalities broad powers, including permissive tax exemptions, to regulate activities within their communities. Currently, the District is granting permissive tax exemptions under Section 225 of the Charter to heritage properties leased to non-profit societies.

The Permissive Exemptions provisions in the Community Charter that can be used for facade improvement and heritage conservation projects are listed below:

- **Section 225:** Permissive tax exemptions can be offered to “eligible property”, as defined by heritage protection. A rebate on municipal and provincial taxes can be provided. There is no specified time limit to the



exemption that can be negotiated. These provisions require a 2/3 supporting vote of Council for enactment.

- **Section 226:** Permissive tax exemptions can be offered to revitalization projects. A rebate can only be provided on municipal taxes, and can be offered to any property. There is a 10-year time limit to this exemption, however it requires only a simple majority vote of Council for enactment.

B.C. Building Code

Building Code upgrading is the most important aspect of heritage building rehabilitation, as it ensures life safety and long-term protection for the resource. It is essential to consider heritage buildings on a case-by-case basis, as the blanket application of Building Code requirements does not recognize the individual requirements and inherent performance strengths of each building. A number of equivalencies have been adopted in the British Columbia Building Code that enable more sensitive and appropriate heritage building upgrades; a heritage building is defined as either a designated site or one included on a Heritage Register. As example of a Code equivalency is the use of sprinklers in a heritage structure to satisfy fire separation and exiting requirements.

Given that Code compliance is such a significant factor in the conservation of heritage buildings, the most important consideration is to provide viable economic methods of achieving building upgrades. In addition to the equivalencies offered under the current Code, the District can also accept the report of a Building Code Engineer as to acceptable levels of code performance.

Energy Efficiency Act

The *Energy Efficiency Act* (Energy Efficiency Standards Regulation) was amended in 2009 to include the following definition:

“designated heritage building” means a building that is protected through heritage designation or included in a community heritage register by a local government under the Local Government Act.

Under this new definition, Energy Efficiency standards do not apply to windows, glazing products, door slabs or products installed in heritage buildings. This means that exemptions can be allowed to energy upgrading measures that would destroy heritage character-defining elements such as original windows and doors.

These provisions do not preclude that heritage buildings must be made more energy efficient, but they do allow a more sensitive approach to alternative compliance and a higher degree of retained integrity. Increased energy performance can be provided through non-intrusive methods such as attic insulation, improved mechanical systems, and storm windows. Please refer to *Standards & Guidelines for the Conservation of Historic Places in Canada* for further information.

Homeowner Protection Act

Amendments to the *Homeowner Protection Act Regulation* were made in 2010 to allow for exemptions for heritage sites from the need to fully conform to the B.C. Building Code under certain conditions, thus removing some of the barriers to compliance that previously conflicted with heritage conservation *Standards and Guidelines*. The changes involved:

- an amendment to the Homeowner Protection Act Regulation, B.C. Reg. 29/99 that allows a warranty provider, in the case of a commercial to residential conversion, to exclude components of the building that have heritage value from the requirement for a warranty; and
- clarification of the definition of ‘substantial reconstruction.’ The latter clarification explains that 75% of a home must be reconstructed for it to be considered a ‘new home’ under the Homeowner Protection Act, thus enabling single-family dwelling to multi-family and strata conversions without the Act now coming into play.

The definition of a heritage building is consistent with that under the B.C. Building Code and the *Energy Efficiency Act*.

APPENDIX C: OFFICIAL COMMUNITY PLAN

An Official Community Plan (OCP) is a statement of objectives and policies to guide decisions on planning and land use management respecting the purposes of local government. A process is now underway to develop a new Official Community Plan, scheduled for completion in 2014.

The following statements regarding Heritage Preservation are made in the current District of Oak Bay Official Community Plan (Schedule "A" to Bylaw 3943, passed 1997):

HERITAGE PRESERVATION

14. (1) One of the many elements which, taken together, define the character of Oak Bay, is the architectural heritage of the community. In addition to the substantial dwellings, which showcase the work of eminent architects, Oak Bay neighbourhoods provide well-preserved examples of a great variety of significant residential building styles, from the contractor's cottage to the Edwardian bungalow. Oak Bay residents are sensitive to heritage values. Many have voluntarily included their homes on a municipal heritage registry; others have approached Council requesting formal heritage designation.

The Official Community Plan recognizes the value of preserving the architectural heritage of the municipality as a legacy for the benefit of this generation and those to follow.

(2) *Objective 1: Encourage the preservation, in as original condition as possible, of architecturally and historically significant buildings, their gardens and significant landscaping features which represent the built heritage of the municipality.*

Related policy measures includes the following:

- (a) Continue to encourage the inclusion of significant buildings in the heritage registry.
- (b) Encourage individual heritage preservation initiatives by using heritage designation bylaws and other statutory preservation instruments available to local government.
- (c) Where applicable, include heritage impact assessment in the review of development applications, weighing this consideration along with other objectives and constraints during the development approval process.
- (d) Consider using the Heritage Conservation Area provisions of the Local Government Act to set out guidelines for the preservation of distinct clusters of properties that are determined to have very significant heritage value.
- (e) Consider using the Heritage Revitalization Agreement provisions of the Local Government Act where, after due public process, the Municipality and the owner of a significant heritage property agree on changes to the use or density regulations in return for guarantees as to owner occupancy, preservation, upgrading and ongoing conservation and maintenance. The site-specific zoning philosophy reflected in the heritage revitalization agreement concept necessitates a cautious approach to the use of this instrument, with a careful assessment of the impact on the amenities of nearby properties and the neighbourhood generally.



APPENDIX D: PLANNING TOOLS

Under the provincial enabling legislation, there are a number of regulatory tools that the District can use in the management of heritage sites. Some of these tools, although regulatory, offer the possibility of providing a negotiated incentive, especially through the use of a Heritage Revitalization Agreement. The primary regulatory tools that the District will use in heritage management are mostly enabled under Part 27 of the *Local Government Act (LGA)*:

PLANNING TOOLS

- *Official Community Plan (LGA)*: Sets out the District's intent for development. States overall goals for heritage conservation and can also include heritage area designations.
- *Development Permit Controls (LGA)*: Provides specific requirements for areas designated as Development Permit Areas.
- *Zoning and Development Bylaws (LGA)*: Outlines the general requirements for site development. An appropriate zoning schedule can be tailored to conserve the character of a heritage site or area.
- *Heritage Conservation Areas (LGA)*: The District can define special areas in the Official Community Plan to provide long-term protection to distinct heritage areas.
- *Community Heritage Register (LGA)*: The District has established an official listing of properties defined as having heritage character or heritage value.

ASSESSMENT TOOLS

- *Heritage Inspection (LGA)*: The District can order heritage inspections to assess heritage value and conservation needs.
- *Heritage Impact Assessment (LGA)*: The District can order an assessment to be prepared at either the expense of the owner or the municipality in order to predict the impact of a proposed development on adjacent heritage resources.

PROTECTION TOOLS

There is one temporary way and four permanent ways in which legal protection can be provided:

- *Temporary Heritage Protection (LGA)*: A heritage resource can be temporarily protected through the withholding of permits and approvals, or the adoption of protection orders and bylaws. The resource must be listed on a Heritage Register, and a Heritage Procedures Bylaw should be in place. Specific time periods apply, and this protection cannot be indefinitely extended.
- *Heritage Designation (LGA)*: This tool provides continuing protection and demolition control. Designation is generally negotiated in exchange for development incentives. This is considered a form of continuing protection.
- *Heritage Conservation Covenants (Land Titles Act)*: Allows for the negotiation of a contractual agreement with the owner, which is then registered on the Land Title. This may not vary siting, use or density. This is considered a form of continuing protection.
- *Heritage Revitalization Agreements (LGA)*: This is potentially the most useful conservation tool, and has been widely used by other local governments. It allows for a voluntary negotiated agreement, which may vary bylaw and permit conditions. If use and density are not varied, a Public Hearing is not required. This is considered a form of continuing protection.
- *Heritage Conservation Area (LGA)*: Scheduled properties in a Heritage Conservation Area are considered protected, but their development potential under existing zoning cannot be superseded through the use of this tool.

HERITAGE MANAGEMENT TOOLS

- *Heritage Procedures Bylaw (LGA)*: The District can enact a bylaw that establishes civic procedures and guidelines for heritage conservation. This bylaw may also delegate authority to an officer or authority for the negotiation of heritage issues.
- *Heritage Alteration Permits (LGA)*: HAPs are used to allow changes to legally protected heritage property. If a Heritage Conservation Area is established, HAPs may be used for subdivision, additions, new construction or alteration to an existing building.
- *Heritage Site Maintenance Standards (LGA)*: The District can enact a 'Heritage Site Maintenance Standards Bylaw,' that establishes minimum requirements for the care and maintenance of legally protected heritage properties.

HERITAGE CONSERVATION AREA

The District can define special areas in the Official Community Plan under LGA Section 970.1 to provide long-term protection for a distinctive heritage area. A Heritage Conservation Area (HCA) is intended to provide long-term protection to a distinctive area that contains resources with special heritage value and/or heritage character, and can provide protection to all or some of the properties in the area. Properties that are to be protected must be specifically identified in the bylaw. In the HCA, a property owner may not do any of the following without a Heritage Alteration Permit:

- subdivision of a property;
- addition of a structure;
- addition to an existing structure;
- construction of a new building; or
- alterations to a building, structure, land, or feature.

Implementation of the Heritage Conservation Area involves:

- A process of planning and research, through which a community identifies a distinctive area that it determines should be managed by long-term heritage protection.
- In consultation with the area property owners, the District agrees that an HCA is the best tool to provide long-term protection.
- Consultation with area property owners regarding the control mechanisms (including design controls) that may be included in the bylaw.
- Preparation of a bylaw to amend the Official Community Plan to identify the HCA. The bylaw must include:
- a description of the special features or characteristics which justify the establishment of the HCA;
- the objectives of the HCA; and
- guidelines for how the objectives will be achieved.
- The bylaw may also:
- identify circumstances for which a permit is not required; and
- include a schedule listing the protected properties in the area, and identify features or characteristics that contribute to the heritage value or heritage character of the area.
- At least ten days before a public hearing is held to discuss the amendment, The District must notify all owners of property listed on the HCA schedule.
- The District adopts the HCA bylaw.
- The District notifies the Land Title Office and the minister responsible for the Heritage Conservation Act of the adoption of the HCA bylaw, as well as any additions or deletions that may be made to the HCA schedule.



IMPLICATIONS OF A HERITAGE CONSERVATION AREA:

- The HCA provides overall control, including design control, which is similar in intent to development permit controls but with the specific intent of conserving heritage character.
- HCAs are generally less successful if used for very small areas, as has been undertaken by the Corporation of Delta (where as little as three properties have been listed as an HCA).
- HCA guidelines need to be specifically tailored to the individual circumstance of the area covered. Applications for scheduled properties can be assessed based on the *Standards and Guidelines*. In the experience of other municipalities (e.g. Township of Langley, City of North Vancouver) HCA guidelines for non-scheduled residential properties are difficult to interpret and enforce.
- Scheduled properties in an HCA are considered to be legally protected, but their development potential under existing zoning cannot be superseded through the use of this tool [LGA 948 (3)]. In order to be successful, HCA heritage and design guidelines must recognize and be aligned with the existing zoning, or the zoning must be revised to recognize heritage character retention objectives.

HERITAGE REVITALIZATION AGREEMENT

A Heritage Revitalization Agreement (HRA) is a formal voluntary written agreement negotiated by a local government and an owner of heritage property. An HRA outlines the duties, obligations, and benefits negotiated by both parties to the agreement. An HRA may:

- detail the timing of the agreement terms;
- vary or supplement the provisions of a bylaw that concerns land use designation, development cost recovery, subdivision and development requirements;
- vary or supplement a permit under Part 26 of the *Local Government Act* (Planning and Land Use Management);
- vary or supplement a bylaw or Heritage Alteration Permit under Part 27 of the *Local Government Act*; and/or
- include other terms agreed to by the District and the property owner.

HRAs are intended to provide a powerful and flexible tool that enables agreements to be specifically written to suit unique properties and situations. They may be used to set out the conditions that apply to a particular property. This tool is suited to unique conservation situations that demand creative solutions. The terms of the HRA supersede local government zoning regulations, and may vary use, density, and siting regulations. This can also be used to provide incentives that the owner can accept in lieu of compensation for continuing protection.

An HRA application requires the following process:

1. The District identifies the need for the use of an HRA. The need may arise from the unusual siting of a building, a unique lot configuration or other unique circumstances.
2. The District and the property owner negotiate the terms of the HRA, including the obligations, duties, and benefits of the agreement.
3. The District seeks legal advice and drafts the HRA bylaw.
4. If the use or density of the property is proposed to be changed, a public hearing must be held.
5. Council adopts the HRA bylaw.

6. Within 30 days of adoption of the bylaw, The District files a notice in the Land Title Office to register the HRA on the property title. The District must also notify the minister responsible for the *Heritage Conservation Act*.
 7. The HRA may only be altered with the consent of the property owner and the District. The District must adopt a bylaw to amend the HRA. Amendments to legally protected property are enabled through a Heritage Alteration Permit.
- HRAs are NOT precedent setting. They are always site specific. Any concerns about setting precedents are based on how policy is applied.
 - HRAs are generally used to regularize non-conforming situations and provide conservation incentives. They should not be used as a tool for relocation except as a last resort.
 - As an HRA specifies development potential, including on any newly-subdivided lots, rezoning is not required.
 - If the heritage resource is damaged or destroyed, the owner is obligated to obtain a Heritage Alteration Permit and restore and repair to the same condition and appearance as before the damage. If the resource is considered completely destroyed, the building is required to be constructed in a heritage style acceptable to the District and substantially similar in design.
 - An HRA can include minimum site maintenance requirements.
 - An HRA can outline the owner's obligations to protect, conserve, maintain and rebuild the resource. This may include penalties for lack of protection until completion of the HRA, including compensating the District in the event the heritage improvements or features on the site are moved or destroyed other than through natural causes, or allow additional penalties if the resource has to be replicated.

Other ways in which Heritage Revitalization Agreements can be used to conserve heritage resources and their heritage value is to:

- enable relocation of a threatened resource;
- create or transfer density; and/or
- permit uses not allowed by existing zoning

The requirements of the HRA can be changed through consultation with the District, and if approved the changes can be authorized by the issuance of a Heritage Alteration Permit (HAP). An HAP provides the flexibility to respond to the requests and needs of owners over time. The requirements for HAPs must be established in the HRA bylaw, which can provide exemptions for minor repairs and maintenance, repainting in the same colours, etc. A HAP cannot vary use or density provisions, which would require a revised HRA bylaw.

IMPLICATIONS OF A HERITAGE REVITALIZATION AGREEMENT:

- The HRA supersedes local government zoning regulations and provides continuing protection. Therefore the issue of zoning is moot as each HRA is site specific.
- The application needs to conform generally to the intent of District policies, zoning and bylaws, while making certain exceptions for the conservation of heritage property.

The primary reason for the use of a Heritage Revitalization Agreement should be to ensure conservation of an identified heritage resource. The proposed conservation interventions should protect the heritage value of the resource, and should conform to the requirements outlined in the *Standards & Guidelines for the Conservation of Historic Places in Canada*.



ZONING AND DEVELOPMENT GUIDELINES

Zoning and Development outline the general requirements for site development are enabled under the Local Government Act; they are enacted by bylaws that specify the use, density, siting and subdivision of land, buildings or structures permitted in a community. In order to protect heritage character, a zoning schedule can be tailored to appropriately conserve the character of a heritage area or neighbourhood, in conjunction with appropriate development guidelines. Examples of zoning that have been tailored to facilitate the retention of existing buildings and neighbourhood character may be found in the City of Vancouver:

Kitsilano: RT-7 and RT-8 District Schedules have been adopted for the Kitsilano neighbourhood. The intent of the District Schedules is:

“to encourage the retention and renovation of existing buildings which maintain an architectural style and building form consistent with the historical character of the area. Redevelopment will be encouraged on sites where existing buildings are smaller, or do not contribute to this character. For renovations and additions, emphasis is placed on maintaining existing external architectural character; for new development, on compatibility in external character. In all cases, neighbourly building scale and placement is emphasized.”

Supplementary RT-7 and RT-8 Guidelines have also been adopted. The intent of the guidelines is to:

- (a) encourage retention and renovation of existing buildings, ensuring they maintain an architectural style and form consistent with their original character;
- (b) ensure that new development is compatible with the traditional character of surrounding street and area;
- (c) ensure neighbourliness;
- (d) maintain high quality design; and
- (e) maintain a range of choice of housing.

The guidelines are used to:

- (a) assist owners and applicants in designing developments; and
- (b) provide a basis on which City staff evaluate projects for approval of conditional uses and discretionary variations in regulations.

Discretionary increases in permitted floor space ratio are considered, based on meeting the expectation of the Guidelines regarding architectural design and exterior finishes. Additional density may also be allowed for heritage projects.

Mount Pleasant: RT-4, RT-4A, RT-4N and RT-4AN District Schedules have been adopted for the Mount Pleasant neighbourhood, to encourage the retention of existing residential structures. Similar to RT-7 and RT-8, supplementary Guidelines direct the expectations for architectural expression.

The City of Victoria has used Development Permit controls to protect heritage areas. Under the City's new Official Community Plan, there is one Heritage Conservation Area (Traditional Residential) and eight dual Development Permit / Heritage Conservation Areas, indicating the flexibility that can be achieved under existing legislation.

APPENDIX E: HERITAGE INCENTIVES

The most effective way to encourage heritage resource owners or potential owners to conserve and invest in the rehabilitation of their properties is by offering incentives. Incentives refer to programs or measures administered by the District or other community-based agencies to encourage the protection and retention of historic resources. Unlike regulatory measures, these tools usually offer something to the owner or developer in return for undertaking rehabilitation work or legal protection. Often they work hand-in-hand with the regulatory policies referred to above, in order to offer tangible advantages to heritage property owners. Examples of incentives include grant programs, tax incentives, technical assistance, or negotiated agreements that waive or vary standard requirements.

FINANCIAL INCENTIVES

Heritage conservation incentives can be provided through financial support. Each project needs to be individually assessed to determine which incentives may apply, as different levels of assistance may be required to ensure financial viability.

Direct Grants

One of the most motivating incentives, especially for homeowners, can be direct financial assistance. Modest financial grants are sometimes extremely effective in promoting conservation, especially in the residential context. These are often only seed money or a show of support, rather than reflecting a large share of restoration costs. Grants sometimes “top up” a project so that the specific heritage character-defining elements (e.g., porches) can be restored. Sometimes relatively small projects can have a dramatic impact on the appearance of a heritage building exterior (e.g., opening of an enclosed verandah, heritage paint colours, or re-installation of wood windows and doors). The District has already established a modest budget for heritage restoration grants.

Property Tax Incentives

Currently, if a property owner undertakes a rehabilitation of a heritage building, they usually encounter an increased property tax assessment due to an increase in market value. This, combined with the high cost of meeting building code requirements, can make the upgrade of heritage properties a marginal economic proposition. The assessment and taxation process is governed by provincial legislation and is very inflexible.

Municipalities may choose to forgive all or part of the municipal portion of the property tax on a heritage property as long as the property is legally protected. In these cases, the tax relaxation may be calculated based on the extent and cost of the rehabilitation.

Experience in the United States has demonstrated that incentives tied to income tax are amongst the most effective mechanisms for the conservation of heritage buildings. In Canada, federal income tax incentives for conservation do not currently exist, but municipal tax-based heritage grants have been proven to be successful in many cities including Vancouver and Victoria. The potential for tax-based heritage incentives will need to be explored further as to their applicability within the Oak Bay context.

Permissive Tax Incentives

Permissive tax exemptions are enabled under Section 226 of the *Community Charter*. The City of Port Moody has enacted a Heritage Revitalization Tax Exemption Bylaw, 2011, No.2913 under these provisions. This is expected to encourage revitalization by lowering costs for property owners in the initial years after a major capital investment. The purposes of Port Moody's tax exemption program are to:

- support conservation of heritage properties;
- foster revitalization through heritage and cultural awareness;
- increase the economic viability of the Heritage Conservation Area and Heritage Character Areas of Moody Centre; and,
- enhance quality of life in the city.



The program is intended to accomplish these objectives by:

- lowering costs for heritage property owners to invest in the restoration, rehabilitation and repair of heritage properties;
- establishing a financial incentive for redevelopment that meets heritage and sustainability guidelines;
- cultivating a heritage precinct for business attraction and cultural tourism; and,
- promoting a heritage aesthetic that improves the sense of place and promotes vitality in the identified historic area of the city.

Eligible properties must be listed on the City's Heritage Register or located within the Moody Centre Heritage Conservation and Character Areas. To qualify, a project must be either 1) heritage conservation projects of \$15,000 or above in eligible costs, or 2) projects that retain the existing principal building with a construction value of \$100,000 or greater, as follows:

- i. Wherein the land use is consistent with the Official Community Plan land use designation, as amended from time to time; and
- ii. That involves preservation of the heritage significance of a building on the City's Heritage Register and results in qualifying project costs of \$15,000 or greater (Type I); or
- iii. Improvements on a Lot which result in a construction value of \$100,000 or greater as determined by the building permit(s) issued where (Type II):
 - (a) the existing principal building is retained; and
 - (b) the Project is exemplary of the Moody Centre Heritage Conservation Area Guidelines as determined by the Director of Development Services; and
 - (c) green building elements are included such as reused materials, and/or conservation of water and energy as demonstrated through the completion of the City's Checklist for Community Sustainability; or

- (d) a heritage Statement of Significance is prepared to direct the Project and, upon completion of the heritage conservation works as per the *Standards and Guidelines for the Conservation of Historic Places in Canada*, the Lot is added to the Heritage Register.

iv. In the case of a Type I project as described in this bylaw, qualifying project costs shall include any of the following:

- (e) conservation and repair of significant original architectural elements, including doors, windows, roofing, or other significant features as identified in the Statement of Significance documented in the Heritage Register;
- (f) reconstruction of significant historical features, using materials that replicate the original;
- (g) work to restore a building to structural soundness as per the *Standards and Guidelines for the Conservation of Historic Places in Canada*, with reference to the BC Building Code;
- (h) the conservation of interior elements will be eligible if it is necessary for a building's structural integrity;
- (i) interior services including plumbing, electrical and heating are eligible if necessary to ensure the continued use of the building and the replacement technology is consistent with a recognized Canadian green building standard;
- (j) professional design and engineering reports, drawings, cost estimates, and specifications as required by the District for the project.

Notably, the tax provisions are tied to recognized heritage conservation *Standards and Guidelines*.

Reduced Permit Fees

The District should review its current permit application procedures to ensure that there are no financial disincentives to heritage conservation. In addition, permit fees could be reduced or waived for heritage projects; this would not be a large incentive but would send a message of administrative support. Heritage Revitalization Agreements can also be a cost-effective alternative to rezonings.

Provincial Financial Incentives

Under its Heritage Conservation Program, The Heritage Legacy Fund of British Columbia provides financial contributions of up to \$25,000 for projects involving the preservation, rehabilitation and/or restoration of a built community heritage resource. Eligible applicants include the District, registered non-profit societies and registered federal charities. Under the Heritage Awareness Program, financial contributions of up to \$10,000 are offered for the research, documentation, presentation and publication of information about specific community heritage resources.

Federal Financial Incentives

The Residential Rehabilitation Assistance Program (RRAP), offered through the Canada Mortgage and Housing Corporation, helps low-income Canadians, people with disabilities and First Nations people live in decent, affordable homes. These programs also support renovations to rooming houses and rental units to increase the availability of housing for those in need. Depending on the individual situation for each resource, one of the following programs may apply:

- **Homeowner RRAP:** Financial assistance to repair substandard housing to a minimum level of health and safety
- **Rental RRAP:** Assistance for landlords of affordable housing to pay for mandatory repairs to self-contained units occupied by low-income tenants
- **Secondary/Garden Suite RRAP:** Financial assistance for the creation of a Secondary or Garden Suite for a low-income senior or adult with a disability, making it possible for them to live independently in their community, close to family and friends.

- **RRAP for Persons with Disabilities:** Assistance for homeowners and landlords to improve accessibility for persons with disabilities
- **RRAP for Conversions:** Assistance for converting non-residential buildings into affordable housing

It is recommended that there be further exploration of other available funding sources, especially for non-profit organizations. Additional funding assistance may be available from a wide variety of other government and private programs. Private foundations may also be willing to support local heritage conservation efforts.

NON-FINANCIAL INCENTIVES

Heritage conservation incentives may also be provided through non-monetary support. In addition to the measures listed below, the District should examine the entire permit application and approval process, to ensure the removal of any disincentives to heritage conservation.

Heritage Revitalization Agreements

Heritage Revitalization Agreements provide a powerful and flexible tool that enable agreements to be specifically written to suit unique properties and situations. This formal written agreement can be negotiated by the District and an owner to protect a heritage property, and may be used to set out the conditions that apply to a particular property. A Heritage Revitalization Agreement (HRA) is a contractual agreement between a property owner and the District. The terms of the agreement supersede local government zoning regulations, and may vary use, density, and siting regulations. Through an HRA, heritage projects can be designed with special conditions that promote financial viability for projects that could not otherwise proceed.



Relaxations/Variations

When approving Development Permit applications, the District has discretionary powers and may relax some requirements, especially when other amenities are being offered. In return for the conservation and rehabilitation of a heritage building, the District may be able to relax requirements related to parking, setbacks and access. Similarly, some requirements could be relaxed in order to prevent conservation principles and guidelines from being compromised. One example would be a lot with an existing heritage home that is zoned for duplex use. In this case, an infill house could be built on the property instead, and perhaps a slight increase in allowable density could also be allowed. Each situation will be unique and will require special consideration.

Heritage Register Equivalencies and Exemptions

Specific equivalencies and exemptions are offered to Heritage Register or Protected Heritage Sites under the BC Building Code, the *Energy Efficiency Act (Energy Efficiency Standards Regulation)* and the *Homeowner Protection Act Regulation*. The definition of a heritage building is consistent under all three pieces of legislation. These equivalencies and exemptions are offered on a case-by-case basis, and must be individually applied in each circumstance. See **Appendix B: Enabling Legislation** for more information.

2013-153

TO: Mayor and Council
FROM: Municipal Clerk
DATE: May 13, 2013
RE: Building Permit Referrals for Properties on the Community Heritage Register

BACKGROUND:

At the March 11, 2013 Council meeting, staff was requested to consider the possibility of amending the bylaw related to building permit referrals for properties on the Community Heritage Register. In particular, it was felt that perhaps the building permits should be referred to the Heritage Commission before coming to Council.

The reason for considering such a change was that inasmuch as Council usually refers such applications to the Commission in any event, if the Commission received it first, it would reduce the amount of time an applicant had to wait for the issuance of a building permit.

DISCUSSION:

Pursuant to Section 960 of the Local Government Act, Council adopted the Heritage Register Procedure Bylaw, which, among other things, sets out that "the Director of Building and Planning shall withhold the issuance of a permit or other approval where he is of the opinion that the work authorized by the permit or approval would result in:

- (1) an alteration to the exterior of;
 - (2) a structural change to, or the moving of; or
 - (3) the demolition of,
- a building or other structure included in a community heritage register."

The Bylaw goes on to say that:

- " 3 If a permit or other approval is withheld under Section 2, the matter must be referred to the Municipal Council for consideration at its next regular meeting.
- 4 Subject to Section 5, unless an order for temporary protection is made by the Municipal Council under Section 962 of the *Local Government Act*, nothing in Section 2 authorizes the withholding of the permit or approval to which an applicant would otherwise be entitled, beyond the time of the meeting at which the matter is considered by the Municipal Council under Section 3."

Oak Bay's Bylaw mirrors the *Local Government Act*, which states that withheld building permits for properties on the Community Heritage Register must be referred to the local government at its next regular meeting after the approval is withheld.

OPTIONS:

Deviating from the legislated requirements introduces a risk to the process that is not recommended. However, depending upon the timing of the next Heritage Commission meeting, it *may* be possible in some situations for a withheld building permit application to be referred to the Heritage Commission for a recommendation to Council and still be placed before Council at the next regular Council meeting.

In the majority of cases, however, due to the timing of the regular Commission meetings, this would not be possible without the holding of a special Commission meeting, along with significantly reducing timeframes for staff to prepare the referral to the Commission and for the Commission to prepare any report or minutes back to Council. The usual meeting schedule of the Commission would be disrupted, and Council may wish to consider the rationale for a hurried process in the context of all other applications that go through a process that is subject to normal meeting schedules. Also, the process would be somewhat complicated by being dependent on the timing of an application, and therefore, not all applications would necessarily be treated the same.

The legislation, as written, tasks Council with making an initial decision in respect to withholding building permits for properties on the Community Heritage Register (e.g. to place a temporary protection order on the property or not). Even though the legislation can, in some situations, be accommodated by making a direct referral to the Commission and still having the building permit referred to the next regular Council meeting, Council should determine the appropriateness of having an advisory body review an application before it has been reviewed by the policy making body (Council).

Option 1: That staff implement a process of referring withheld building permits to the Heritage Commission for a recommendation to Council, provided that the application is placed before Council at the next regular meeting pursuant to the Heritage Register Procedure Bylaw.

Option 2: That this report be received for information.

RECOMMENDATION:


Option 2: That this report be received for information.

Respectfully Submitted,



Lorraine Hilton
Municipal Clerk

I concur with the recommendation of the Municipal Clerk.



Gary Nason
Chief Administrative Officer