

# Report to Council



**Date:** May 26, 2025  
**To:** Council  
**From:** City Manager  
**Subject:** Heritage Conservation Area Guidelines and Bylaw Amendments  
**Department:** Long Range Planning

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## **Recommendation:**

THAT Council receive, for information, the report from Long Range Planning dated May 26, 2025, regarding proposed updates to the Heritage Conservation Area - Conservation and Development Guidelines;

AND THAT Official Community Plan Amendment Application No. OCP25-0006 to amend Kelowna 2040 – Official Community Plan Bylaw No. 12300 as outlined in Attachment A and B attached to the report from Long Range Planning dated May 26, 2025, be considered by Council;

AND THAT the Official Community Plan Amending Bylaw be forwarded to Public Hearing for further consideration;

AND FURTHER THAT Bylaw No.12764 being Amendment No. 7 to the Development Application and Heritage Procedures Bylaw No.12310 be advanced for reading consideration.

## **Purpose:**

To amend the Official Community Plan and Development Application and Heritage Procedures Bylaw in order to implement the updated Heritage Conservation Area – Conservation and Development Guidelines.

## **Council Priority Alignment:**

Affordable Housing

## **Background:**

As part of implementation of the 2040 OCP, the Heritage Conservation Area (HCA) - Conservation and Development Guidelines are being updated. These updates were originally envisioned to better align the Guidelines with best practices in heritage management but have since evolved following new provincial housing legislation introduced in 2023 and implemented in 2024. The updated Guidelines

must also provide guidance for small-scale multi-unit housing and low-rise apartment buildings that are permitted in some or all areas of the neighbourhood as a result of the legislation. New Development Guidelines for the HCAs, alongside other amendments to the Official Community Plan, have been developed to respond to this changing context and are included with this report.

#### *Previous Council Resolution*

<b>Resolution</b>	<b>Date</b>
That Council directs staff to bring forward a report and additional workshop to advance the actions identified in option two, as described in the report from the Policy and Planning Department dated February 8, 2021.	February 8, 2021
That Council receives, for information, the report from the Policy and Planning Department, dated May 6, 2024, outlining findings from a review of Kelowna's heritage Conservation Areas;  AND THAT Council direct Staff to proceed with Phase 3 of the Kelowna Heritage Conservation Area Review.	May 6, 2024
THAT Council receives, for information, the report from the Long Range Planning Department, dated January 13, 2025, outlining the draft Heritage Conservation Area Guidelines;  AND THAT Council direct Staff to proceed with refinements to the draft Heritage Conservation Area Guidelines.	January 13, 2025

#### **Discussion:**

The update for the HCA Conservation and Development Guidelines (the Guidelines) has been managed as a three-phase process. Phase 1 involved a quantitative analysis to assess how well the existing Guidelines aligned with their defined objectives and intended outcomes. Among the findings of this phase was that the existing Guidelines lack alignment with the Standards and Guidelines for the Conservation of Historic Places in Canada. Phase 2 focused on targeted engagement activities to gather insights from area residents, heritage preservation organizations, City staff, partners, and professionals with involvement in HCA policies and Development Guidelines. It also included an interactive walking tour of the Abbott Street Heritage Conservation Area. Phase 2 was completed in the fall of 2023.

The update process is now at the end of Phase 3, in which a new set of Guidelines for the Heritage Conservation Areas are developed and adopted. These new Guidelines aim to strike a balance between accommodating provincial housing legislation, integrating community feedback and modernizing the City's approach to heritage conservation based on current best practices.

A draft set of the Guidelines was presented to Council on January 13, 2025. New and refreshed components of these Guidelines included:

- Neighbourhood Statement of Significance and Statement of Future Character.
- Updated HCA Vision and Objectives.
- Introduction of Contributory Properties and Heritage Conservation Area Precincts.
- Directions for management of the urban tree canopy.
- Guidance for new housing types such as four-plexes and low-rise apartments.

The draft Guidelines were made available for public comment between January 13 and February 21, 2025. Approximately 80 responses were received, including a package of 46 signed documents expressing support for feedback from the Friends and Residents of the Abbott Street Heritage Conservation Area Society (FRAHCAS). Key themes identified in the feedback include:

- Support for additional emphasis on trees as a part of the heritage character
- Requests for changes to specific terms such as “Development Guidelines” and “Contributory Buildings”;
- Concerns about the application review process, including incentives for conservation, process for addressing variances and the Heritage Advisory Committee;
- Concerns about contemporary home designs;
- Requests to remove the Hospital Transit Oriented Area, mandated by the Province and implemented in 2024; and
- Suggestions for changes to specific design principles and guidelines.

Building on the themes heard from residents, the draft Guidelines were refined. Key refinements include, but are not limited to:

- Renaming the Development Guidelines to become Conservation and Development Guidelines, reflecting the balance the Guidelines strike in conserving the heritage character of the neighbourhood and accommodating new housing opportunities;
- Removal of the conservation incentive directions from the Guidelines and including them as new OCP Policies in Chapter 11: Heritage to guide Heritage Revitalization Agreements and other tools available to local governments, allowing for consideration to be used for heritage properties both in and out of the HCAs (see Schedule A);
- Revising “Contributory Buildings” to be referenced as “Contributory Houses” to reflect the residential character of the neighbourhood;
- Revisions to building material guidelines that speak to brick and metal cladding;
- Refinements to mapping to clarify Precinct and Hospital TOA boundaries; and
- Minor changes to text to address errors and provide greater clarity.

A summary of the themes identified as part of this feedback and ways that the Guidelines were amended in response are summarized in Attachment A.

#### *Development Applications Procedures Bylaw No. 12310*

Staff are proposing amendments to the bylaw to reflect updates to the draft Guidelines, to align with Chapter 11 Heritage policies, to clarify processing of development applications, and conduct bylaw maintenance. These changes will provide clear direction for application processes that involve heritage properties. Key updates include, but are not limited to:

- Updating definitions from ‘Direct’ to ‘Staff Delegated’ permits in accordance with internal file naming structure;
- Revise submission documents for heritage review and heritage register evaluation criteria within Schedule ‘1’;
- Update the bylaw to reflect current processes of delegated authority for Heritage Alteration Permits (HAP) under Schedule ‘13’, and clarify existing criteria for the Department Manager, Development Planning to consider when issuing a HAP. Delegated authority for properties within the HCA for the construction of four (4) dwelling units or less is maintained;
- Impose further restrictions on delegated authority for HAPs with variances under Schedule ‘13’, which requires the Department Manager, Development Planning to consider findings from a Heritage Review and recommendations from a Qualified Heritage Professional and to ensure

that any proposed variances do not negatively impact the heritage character of the property or community when intended to preserve or retain a building or heritage asset. The delegate must also consider the existing guidelines contained under Section 1.1.2 Schedule '4' of Development Variance Permits;

- Aligning application requirements with other Schedules for the Kelowna Heritage Register Applications and clarifying application procedures under Schedule '14', which specifies the applications to be reviewed by the Long Range Planning Department.

#### *Next Steps*

The HCA Guidelines and amended heritage policies outlined in Chapter 11 form part of the Official Community Plan, meaning an OCP Amendment process is required for them to come into effect. Should Council endorse the refined Guidelines, staff would initiate the Bylaw Reading process and schedule a Public Hearing, providing an opportunity for residents to share their thoughts with Council.

#### **Conclusion:**

What initially began as a comprehensive review of the heritage conservation area and its supporting *Guidelines* evolved significantly due to the impact of provincial housing legislation changes. While the original intent was to assess development changes, guideline efficacy, and heritage values within the area, the focus shifted towards understanding the implications of increased density and devising strategies to effectively manage conservation amidst evolving urban landscapes. This shift underscores the dynamic nature of heritage preservation efforts and the necessity of adapting strategies to manage growth.

With these new directions, Kelowna's HCAs can preserve their heritage values while addressing the needs of a growing population. This approach not only upholds the historical significance of the area but also fosters a dynamic, inclusive and equitable urban environment for both current and future residents.

#### **Internal Circulation:**

Development Planning  
Climate Action and Environment

#### **Considerations applicable to this report:**

##### ***Legal/Statutory Authority:***

*Local Government Act, Part 15 – Heritage Conservation*

##### ***Legal/Statutory Procedural Requirements:***

*Heritage Procedures Bylaw*

##### ***Existing Policy:***

*Official Community Plan Chapter 11: Heritage*

*Official Community Plan Chapter 23: Abbott Street & Marshall Street, Heritage Conservation Area Development Guidelines*

##### ***Financial/Budgetary Considerations:***

The Long Range Planning departmental budget has predominantly financed the activities detailed in this report. However, the adjustments in scope, including those necessitated by changes in provincial legislation requirements, are being partially funded through the Housing Capacity Fund Grant.

***Consultation and Engagement:***

A summary of the engagement process as part of Phase 3 of this is summarized in the body of this report and in Attachment A.

**Considerations not applicable to this report:**

*Communications Comments*

Submitted by:

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**Approved for inclusion:** R. Smith, Division Director, Planning, Climate Action and Development Services

**Attachments:**

Schedule A: Official Community Plan Amendments

Attachment A: Phase 3 Engagement Summary