

# Report to Council



**Date:** July 21, 2025

**To:** Council

**From:** City Manager

**Subject:** Heritage Conservation Area Guidelines: Public Hearing Feedback Summary

**Department:** Long Range Planning

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**Recommendation:**

THAT Council receive for information, the report from Long Range Planning dated July 21, 2025, with the respect to the Heritage Conservation Area Conservation and Development Guidelines Public Hearing Feedback Summary.

AND THAT Council direct staff to proceed with bylaw amendments as outlined in the report from Long Range Planning dated July 21, 2025.

**Purpose:**

To receive a summary of the Public Hearing feedback, including staff's responses, and to consider next steps in the process.

**Council Priority Alignment:**

Affordable Housing

**Background:**

As part of implementation of the 2040 OCP, the Heritage Conservation Area (HCA) Conservation and Development Guidelines (the Guidelines) are being updated. These updates were originally envisioned to better align the Guidelines with best practices in heritage management and 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 because of the legislation. New Development Guidelines for the HCAs, alongside other amendments to the Official Community Plan and the Development Application and Heritage Procedures Bylaw, have been developed and are now being considered for bylaw reading.

*Previous Council Resolution*

Resolution	Date
<p>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;</p> <p>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;</p> <p>AND THAT the Official Community Plan Amending Bylaw be forwarded to Public Hearing for further consideration;</p> <p>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.</p>	May 26, 2025
That Council defer consideration for Bylaw No. 12789.	June 17, 2025

**Discussion:**

The update for the HCA Conservation and Development Guidelines has been managed as a three-phase process. The update process is now at the end of Phase 3, in which a new set of Guidelines for the Heritage Conservation Areas have been developed and are now being considered for bylaw readings by Council. 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.

As part of the bylaw consideration process, a Public Hearing was held on June 17, 2025 to hear from the public on the draft Guidelines and amendments to OCP Chapter 11: Heritage. While not formally the subject of the Public Hearing, amendments to the Development Application and Heritage Procedures Bylaw are also being considered as part of the update process to action the new Guidelines.

During the Public Hearing, the following themes were raised:

Comment	Staff Response
Do not delegate authority to staff for Heritage Alteration Permits and Development Variance Permits and reinstate the Heritage Advisory Committee.	<p>Delegated authority allows staff to approve variances where they can serve the overall intent of the guidelines, encouraging creative design approaches to conserve heritage assets or trees. The proposed amendments to the OCP and the Development Application and Heritage Procedures Bylaw aim to provide flexibility for decision-making as part of the site planning process without additional steps through a variance that requires a Public Input session and a Council decision. They also include direction for when a variance would be brought before Council, most notably with language that states that variances that generate significant public interest should be forwarded to Council for consideration.</p> <p>Notably, changes to use and density are not permitted as a variance as per the Local Government Act and would require Council adoption of a Heritage</p>

	<p>Revitalization Agreement that provides stronger protection for the heritage asset.</p> <p>Firmer criteria could be provided in the Development Application and Heritage Procedures Bylaw to limit delegated authority based on the type and magnitude of the proposed variance. For example, all height variances could be considered by Council. This would allow for more community input on certain applications without the need for a committee.</p>
Do not require heritage consultants for Heritage Alteration Permits.	Registered heritage consultants - members of the Canadian Association of Heritage Professionals - provide specific expertise on heritage conservation and can provide recommendations to guide decision-making for staff and Council with when considering applications in the Heritage Conservation Area. These concerns may be mitigated with firmer direction on when permits may be delegated to staff.
Hire a dedicated staff position for heritage.	<p>Staff availability and qualification is not a barrier. Staff have initiated a training and capacity building program to equip multiple staff with more tools to address heritage matters. Building this internal capacity will assist with applications in the Heritage Conservation Area and will provide more depth of heritage expertise across the team.</p> <p>Concerns about staff capacity may be mitigated with firmer direction on when permits may be delegated to staff.</p>
Do not support houseplexes in the Heritage Conservation Area	The proposal is not lawfully allowed. Zoning to implement Bill 44 was adopted in 2024, allowing for up to four units per lot as of right in the Heritage Conservation Area – distinct from the six units allowed for much of the rest of the Core Area. The Guidelines aim to direct the form and character of new homes and guide considerations for the conservation of heritage assets.
Remove the Hospital Transit Oriented Area from the Heritage Conservation Area.	The proposal is not lawfully allowed. Zoning to implement Bill 47 was adopted in 2024, meaning that low rise apartments are permitted in the TOA today. The Guidelines aim to direct the form and character of new buildings and guide considerations for the conservation of heritage assets.
Do not require or support contemporary designs / materials in the Heritage Conservation Area.	<p>Contemporary design approaches for new builds and additions to historic homes can be supported but are not required. The Guidelines outline the importance of distinguishability of new buildings and additions, while providing flexibility on how that distinguishability is achieved.</p> <p>Distinguishability can be achieved in subtle ways while speaking to many elements of the heritage character of the property and neighbourhood or can involve bolder design choices. Use of more contemporary materials, such as metal, is limited to an accent material only.</p>
Do not allow three-storey buildings in the HCA.	<p>The RU1 zone that is in place for most of the HCA allows for homes up to three storeys in height alongside more stringent setback and site coverage requirements and fewer allowable homes per lot than the MF1 zone that applies to most other residential properties in the surrounding Core Area. The Guidelines speak to accommodating homes or portions of homes of this height in the rear of the property, keeping the existing home or new builds of a smaller scale in the front, with the aim of maintaining the one to two and a half storey streetscape identified as a character defining element in the Statement of Significance.</p> <p>Three-storey homes allow for more creative approaches to accommodating additional units while maintaining the original form of heritage assets on the property. This approach is consistent with provincial policy direction. Changes</p>

	to building height would need further discussion with the BC Government prior to any change.
Do not support garages and carriage homes in the front of the property.	The draft Guidelines encourage the placement of garages, as well as parking access, from the lane and not the front yard, with aim of maintaining the character of the existing neighbourhoods and to preserve the prominence of the existing home.
Do not support consideration for additional homes or non-residential uses as an incentive to conserve heritage assets.	Additional density and changes of use cannot be granted through variances as per the Local Government Act. Heritage Revitalization Agreements (HRAs) are existing tools that the City uses to grant additional homes and/or non-residential uses to property to incentivize the retention of its heritage assets, balancing heritage protection with the impacts of additional uses. HRAs have been used in the HCA in the past to protect heritage assets and, notably, require a decision of Council.
Do not support protecting facades of buildings incorporated into a new development.	<p>Heritage protection often means trade-offs between conserving heritage assets and allowing creative approaches to development to incentivize that conservation. Achieving that balance sometimes includes the removal of low-visibility or lower value parts of a building while retaining components with the most heritage value. This is a common practice in heritage conservation in Canada. The Guidelines do not specifically encourage retaining only the façade of a building, but they do prioritize the conservation of street-facing Contributory homes over what is less visible in the rear of the property.</p> <p>Providing additional guidance in the Development Application and Heritage Procedures Bylaw for when such applications are staff delegated and which go to Council provides an opportunity for public input on how this balance is achieved on a project-by-project basis.</p>
Remove Contributory Properties and Heritage Precincts and use all guidelines consistently across the HCA.	<p>The identification of Contributory Properties prioritizes the use of various tools, such as variances to setbacks or height for example, to incentivize the protection of heritage assets that collectively contribute to the heritage value of the broader neighbourhood. These tools would not be available to Non-Contributory Properties, as their use would not result in the retention of heritage value.</p> <p>Identification of Contributory Properties and Heritage Precincts as distinct properties that contribute to the heritage value and character of the area address a specific recommendation for managing HCAs in the Local Government Act. The Guidelines also provide additional guidance that speak to the unique character of properties or pockets, clarifying the authentic nuances in the HCAs.</p>
Require greater protection for trees on private property.	<p>The Guidelines outline a process to protect existing trees, where possible, citing them as a priority in the Statement of Desired Future Character. Approaches to retaining trees include encouraging site design that allows the trees to remain in place and supporting variances where the result is the retention of existing trees.</p> <p>The Sustainable Urban Forestry Strategy provides additional direction to protect and grow Kelowna's tree canopy across the city, including directions for planting the right species in the best location.</p>
Consider the impact of additional guidelines on homeowners in the area.	The Guidelines allow for a variety of creative approaches to development in the Heritage Conservation Area to meet the intent of the Guidelines and to achieve the desired future character of the neighbourhood.

As outlined in several of the staff responses, many of the concerns relate to how decisions in the Heritage Conservation Area would be made, and when and what types of applications would go to Council or be staff-delegated. Revising the Development Application and Heritage Procedures bylaw to set different criteria for staff delegated authority would result in Council considering more Heritage Alteration Permits and permits with variances. These would allow the public to provide input on proposed variances and for Council to weigh that input with the staff recommendation and make a decision. This approach also recognizes that each project and property presents a unique set of characteristics and considerations.

Moving forward as part of this update process, staff recommend additional amendments to provide more detailed criteria for determining when a Heritage Alteration Permit in the Heritage Conservation Area is delegated to staff. These amendments would continue to aim for staff delegation for some small variances and permits where they would result in better outcomes for desired future character of the neighbourhood but require Council approval for others. For example, staff could explore applications in the HCA that involve variances to height or variances that exceed a certain threshold to be considered by Council, with no staff delegation available.

Heritage Revitalization Agreements – a tool currently used to consider use and density changes to formally protect a heritage asset – cannot be approved by staff and must be adopted by Council.

#### **Conclusion:**

What initially began as a comprehensive review of the HCA and its supporting Guidelines evolved significantly due to the impact of provincial housing legislation changes. It now includes guidance for small scale multi unit housing, apartment housing in the Transit Oriented Area, more robust OCP heritage policies and amendments to the Development Application and Heritage Procedures Bylaw. Together, these elements deliver a refreshed approach that reflect best practices in heritage conservation and significantly strengthen Kelowna's Heritage Program.

Staff recommend further amendments to the Development Application and Heritage Procedures Bylaw to address concerns raised. Subject to Council input and direction, the bylaw amendments would be brought forward for Council consideration along with the OCP Bylaw that was the subject of the June 17, 2025 public hearing.

#### **Internal Circulation:**

Development Planning

#### **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:***

This report outlines feedback received at the Public Hearing dated June 17, 2025.

**Considerations not applicable to this report:*****Communications Comments***

Submitted by:

R.Miles, Long Range Planning Department Manager

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