

DRAFT RESOLUTION

Re: Abbott Street Heritage Conservation Area and Transit-Oriented Area

THAT Council direct the Mayor to immediately write to the Province of British Columbia, including the Minister of Housing and Municipal Affairs as well as the Minister of Transportation and Transit, requesting the immediate removal of the Abbott Street Heritage Conservation Area from the Kelowna General Hospital Transit-Oriented Area designation;

AND THAT, subject to provincial approval, staff be directed to prepare the necessary amendments to the Official Community Plan, zoning bylaw, Heritage Conservation Area Guidelines, and related planning documents to remove Transit-Oriented Area provisions from the Abbott Street Heritage Conservation Area and restore the heritage planning framework that existed prior to the Transit-Oriented Area designation;

AND FURTHER THAT staff report back to Council with an implementation timeline for Council's consideration.

BACKGROUND:

Councillor Cannan indicated their intent to bring forward a resolution regarding the Abbott Street Heritage Conservation Area on June 1, 2026.

COUNCILLOR CANNAN COMMENTS:

The Abbott Street Heritage Conservation Area is a designated Heritage Conservation Area established under the Local Government Act to preserve and protect the area's historic character, cultural heritage, and unique streetscape. It contains some of Kelowna's earliest surviving residential properties dating back to approximately 1904 and is characterized by large lots, mature tree canopy, historic landscaping, and architectural forms that together represent a finite and non-renewable cultural asset.

The Kelowna General Hospital Transit-Oriented Area (TOA) was designated by the Province of British Columbia, not by the City of Kelowna, and therefore cannot be amended or removed by Council. Only the Province has the authority to modify or rescind a TOA designation. Provincial correspondence has confirmed that Transit-Oriented Area legislation does not override existing municipal heritage protections or eliminate the City's ability to apply its Heritage Conservation Area guidelines, heritage designations, and other heritage planning tools.

However, portions of the Abbott Street Heritage Conservation Area fall within the Kelowna General Hospital Transit-Oriented Area. The Province has confirmed in writing that while TOA legislation establishes density and land use expectations, it does not override Heritage Conservation Area protections or the City's authority to regulate form, character, and design through its established heritage planning framework.

At the same time, the Abbott Street Heritage Conservation Area is situated within the Mill Creek and Okanagan Lake floodplains, for which provincial legislation exempts floodplains from Transit-Oriented Areas. Despite this exemption framework, the current mapping still results in an overlap between the TOA designation and the Heritage Conservation Area, creating a complex and unprecedented planning condition.

This overlap creates a challenging policy environment. While the City retains authority over zoning, form, character, design, development permits, and Heritage Conservation Area guidelines, these tools cannot override the minimum density requirements established under the Provincial TOA framework. As a result, the City can influence how development occurs, but not whether the provincially mandated density applies.

Council has approved updated heritage guidelines intended to manage development pressure within heritage areas. However, those tools were not designed to function under the overlay of a Provincial Transit-Oriented Area, where increased density expectations are applied directly within a designated Heritage Conservation Area. This creates a fundamental tension between Provincial housing and density objectives and the City's responsibility to protect irreplaceable heritage character.

The Abbott Street Heritage Conservation Area is not an ordinary residential neighbourhood. Its significance lies not only in individual structures but in the collective relationship between historic homes, streetscape rhythm, mature landscaping, tree canopy, and established lot patterns. Once altered at scale, these defining characteristics cannot be meaningfully restored.

Urbanist Jane Jacobs, author of *The Death and Life of Great American Cities*, cautioned that "old ideas can sometimes use new buildings. New ideas must use old buildings," underscoring a central principle of urbanism: that historic environments provide continuity, identity, and cultural memory that cannot be replaced once lost.

The reality is that six-storey apartment development within this context represents not incremental change but a significant shift in scale that would permanently alter the established heritage character the designation was intended to protect. If Heritage Conservation Areas are to retain meaning, they must function as more than symbolic overlays; they must ensure that change remains subordinate to context, scale, and historic continuity.

Without that balance, the intent of heritage protection is gradually eroded, and what remains is not preservation, but documentation of loss over time.

Date: June 15, 2026