

HA-1 and HA-1A Districts Schedule (Chinatown Historic Area)

1 Intent

Chinatown is one of the city’s original communities. It is a distinct community, which was established in response to the cultural and social needs of its Chinese population, primarily from Guangdong Province. The resulting “Chinatown Architecture” combined 19th century building patterns from Guangdong Province - which themselves were influenced by early contact with European, primarily Portuguese and Italian, cultures - with the local adaptations of Victorian forms. The significant buildings of this period were built between the Great Fire of 1886 and the beginning of the Great Depression in 1929 and many are protected heritage properties. Chinatown has traditionally accommodated a variety of uses from retail to residential to light industrial with a degree of tolerance not found in all parts of the city.

The intent of this Schedule is to encourage the preservation and rehabilitation of the significant early buildings of Chinatown, while recognizing that the evolving activities that make this district an asset to the city need to be accommodated contextually. The Schedule may permit a range of uses provided that reasonable, but not rigorous, concerns for compatibility are met.

To achieve this intent, this Schedule provides the basic development controls that regulate land uses and building form. There are two Districts: HA-1 corresponds to the boundaries of the protected heritage properties; HA-1A is the remainder of Chinatown. There are also two sets of related design guidelines. The guidelines are important for achieving an appropriate level of design sensitivity.

2 Outright Approval Uses

2.1 Subject to all other provisions of this By-law and to compliance with section 2.3 and the regulations of this Schedule, the uses listed in section 2.2 shall be permitted as specified in sections 2.2.1 and 2.2.2 and shall be issued a permit.

2.2 Uses

2.2.1 The uses listed in section 2.2.1 shall be permitted in the HA-1 and HA-1A Districts.

2.2.1.A • Accessory Uses customarily ancillary to any of the uses listed in this Schedule, but not including the sale of liquor accessory to a hotel, provided that unless permitted as an outright approval use pursuant to section 2 of this Schedule, the total floor area of all accessory uses is not greater than 25 percent of the gross floor area of the principal use, and all accessory uses are located within the principal building.

2.2.1.C [Cultural and Recreational]

- Artist Studio - Class A, subject to the provisions of section 11.18 of this By-law.
- Arts and Culture Indoor Event.
- Club.
- Community Centre or Neighbourhood House.
- Fitness Centre.
- Library.
- Museum or Archives.

2.2.1.DW [Dwelling]

- Dwelling Uses.
- Residential Unit associated with and forming an integral part of an Artist Studio - Class A, subject to the provisions of section 11.19 of this By-law.

2.2.1.I [Institutional]

- Child Day Care Facility.
- Church.
- School - Elementary or Secondary.
- School - University or College.
- Community Care Facility – Class A.

2.2.1.M [Manufacturing]

- Bakery Products Manufacturing.
- Clothing Manufacturing.
- Jewellery Manufacturing.
- Printing and Publishing.
- Shoes or Boots Manufacturing.
- Textiles or Knit Goods Manufacturing.

2.2.1.O [Office]

- Financial Institution provided that it occupies a floor at least 3.0 m above grade or, in the case of a floor at or near grade, was in existence as of December 6, 1994.
- General Office.
- Health Care Office.
- Health Enhancement Centre.

2.2.1.R [Retail]

- Furniture or Appliance Store.
- Grocery or Drug Store.
- Retail Store.

2.2.1.S [Service]

- Auction Hall.
- Barber Shop or Beauty Salon.
- Beauty and Wellness Centre.
- Bed and Breakfast Accommodation, subject to the provisions of section 11.4 of this By-law.
- Catering Establishment.
- Laboratory.
- Laundromat or Dry Cleaning Establishment.
- Photofinishing or Photography Laboratory.
- Photofinishing or Photography Studio.
- Print Shop.
- Production or Rehearsal Studio.
- Repair Shop - Class B.
- Restaurant - Class 1.
- School - Arts or Self-Improvement.
- School - Business.
- School - Vocational or Trade.

2.2.1.U [Utility and Communication]

- Radiocommunication Station.

2.2.2 The use listed in section 2.2.2 shall be permitted in the HA-1A District.

2.2.2.O [Office]

- Financial Institution.

2.3 Conditions of Use

2.3.1 All uses listed in this section shall be carried out wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) restaurant and refreshment facilities; and
- (c) display of flowers, plants, fruits, and vegetables.

2.3.2 No portion of any floor of a dwelling unit, except for entrances, shall be permitted within 2.0 m of street grade along a fronting or flanking street.

3 Conditional Approval Uses

3.1 Subject to all other provisions of this By-law, and the provisions and regulations of this Schedule, the Development Permit Board may approve any of the uses listed in section 3.2, subject to the conditions of section 3.3, and including such other conditions as it may decide, provided that it first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council;
- (b) the submission of any advisory group, property owner or tenant; and
- (c) the appropriateness of the use with respect to the items which are shown in italics following the use.

3.2 Uses

3.2.A • Accessory Uses comprising the sale of liquor accessory to a hotel.

3.2.AG [Agricultural]

- Greenhouse. *compatibility with surrounding uses, size*
- Urban Farm - Class B, subject to the provisions of section 11.30 of this By-law.

3.2.C [Cultural and Recreational]

- Arcade. *compatibility with surrounding uses, size, noise control, hours of operation*
- Artist Studio - Class B, subject to the provisions of section 11.18 of this By-law.
- Billiard Hall. *compatibility with surrounding uses, size*
- Bowling Alley. *compatibility with surrounding uses, size, noise and vibration control*
- Bingo Hall.
- Casino - Class 1.

- Hall. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, noise control, size of liquor facilities, parking, taxi and bus ingress and egress*
- Park or Playground. *continuity of pedestrian interest, social and policing impacts, durability of materials*
- Rink. *compatibility with surrounding uses, size*
- Swimming Pool. *compatibility with surrounding uses, noise control, parking, taxi and bus ingress and egress*
- Theatre. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, noise control, size of liquor facilities, parking, taxi and bus ingress and egress*

3.2.DW [Dwelling]

- Micro dwelling, subject to the provisions of section 11.27 of this By-law.
- Residential Unit associated with and forming an integral part of an Artist Studio - Class B, subject to the provisions of section 11.19 of this By-law.
- Seniors supportive or assisted housing, subject to section 11.17 of this By-law.

3.2.I [Institutional]

- Ambulance Station. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*
- Hospital. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*
- Public Authority Use. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*
- Social Service Centre. *compatibility with surrounding uses, pedestrian amenity, provides services primarily for the occupants of dwelling uses within or immediately adjacent to the HA-1 and HA-1A Districts*

3.2.LW [Live-Work Use]

- Live-Work Use, subject to section 11.23 of this By-law.

3.2.M [Manufacturing]

Manufacturing Uses, as listed below. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, location, safety, noise, vibrations, size and odours*

- Dairy Products Manufacturing.
- Electrical Products or Appliances Manufacturing.
- Food or Beverage Products Manufacturing - Class B.
- Furniture or Fixtures Manufacturing.
- Leather Products Manufacturing.
- Miscellaneous Products Manufacturing - Class B.
- Non-metallic Mineral Products Manufacturing - Class B.
- Plastic Products Manufacturing.
- Tobacco Products Manufacturing.
- Wood Products Manufacturing - Class B.

3.2.P [Parking]

- Parking Uses. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, size*

3.2.R [Retail]

- Farmers’ Market, subject to the provisions of Section 11.21 of this By-law. *Compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility, pedestrian amenity.*
- Gasoline Station - Split Island, existing as of December 6, 1994, subject to the provisions of section 11.10 of this By-law. *pedestrian amenity, vehicular ingress and egress*
- Medical Marijuana-related Use, subject to the provisions of section 11.28 of this By-law.
- Pawnshop. *compatibility with surrounding uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, vehicular ingress and egress*
- Public Bike Share.
- Secondhand Store. *compatibility with surrounding uses, pedestrian amenity, number existing, social and policing impacts, hours of operation, vehicular ingress and egress*
- Small-scale Pharmacy, subject to the provisions of section 11.22 of this By-law.
- Vehicle Dealer. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, size, impact on character of area*

3.2.S [Service]

- Cabaret. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, noise control*
- Hotel. *size of liquor facilities, noise control, parking, loading, taxi and bus ingress and egress*
- Laundry or Cleaning Plant. *compatibility with surrounding uses, noise control, vehicular impacts*
- Neighbourhood Public House. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, noise control*
- Restaurant - Class 2. *compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, noise control*
- Sign Painting Shop. *compatibility with surrounding uses*
- Wedding Chapel, subject to section 11.20 of this By-law.

3.2.T [Transportation and Storage]

- Cold Storage Plant. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, size*
- Mini-storage Warehouse. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, size*
- Packaging Plant. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, size*
- Storage Warehouse. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, size*
- Taxicab or Limousine Station. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, size*
- Truck Terminal or Courier Depot. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, size*

3.2.U [Utility and Communication]

- Public Utility existing as of December 6, 1994. *pedestrian amenity, vehicular ingress and egress*
- Recycling Depot. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, size, hours of operations*

3.2.W [Wholesale]

- Lumber and Building Materials Establishment. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, safety, size, impact on character of area*

- Wholesaling - Class A. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*
 - Wholesaling - Class B. *compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress*
- 3.2.Z • Any other use which is not specifically listed and defined as a use in section 2 of this By-law but which the Development Permit Board considers comparable in nature to the uses listed in this Schedule, having regard to the intent of this District Schedule.

3.3 Conditions of Use

3.3.1 All uses listed in this section shall be carried on wholly within a completely enclosed building, except for the following:

- (a) parking and loading facilities;
- (b) restaurant;
- (c) parks and playgrounds;
- (d) neighbourhood public house;
- (e) full serve and split island gasoline station, except that section 11.10.2 of this By-law continues to apply;
- (f) farmers’ market; and
- (g) public bike share.

3.3.2 No use listed in section 3.2 of this Schedule shall involve the bulk storage of vegetable oil or fat, fish, fish oil or meal, scrap, junk, chemicals, paints, varnishes, rags, cotton waste, petroleum, bitumen or tar products or derivatives, or similar flammable products or materials.

3.3.3 Any development permit issued for live-work use must stipulate as permitted uses:

- (a) dwelling unit;
- (b) general office, health care office, barber shop or beauty salon, photofinishing or photography studio, or artist studio – class A; and
- (c) dwelling unit combined with any use set out in subsection (b).

3.3.4 Except for entrances, all floors of a live-work unit must be at least 2.0 m above street grade along a fronting or flanking street.

4 Regulations

All uses approved under sections 2 and 3 of this District Schedule shall be subject to the following regulations.

4.1 Site Area -- Not Applicable.

4.2 Frontage

4.2.1 In the HA-1 District, the maximum frontage for any use shall be 7.6 m, except for individual buildings that are less than 15.0 m in frontage.

4.2.2 The ground floor of all new buildings with widths in excess of 15.2 m shall be divided into more than one shopfront and with the largest shopfronts not exceeding 7.6 m in width.

4.3 Height

4.3.1 In the HA-1 District, the maximum height of a building shall be 15.3 m.

4.3.2 In the HA-1A District, the maximum height of a building shall be 27.4 m.

- 4.3.3 The Development Permit Board or the Director of Planning, as the case may be, may permit an increase in the maximum height, up to 22.8 m in HA-1, providing that he first considers:
- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council;
 - (b) the submission of any advisory group, property owner or tenant;
 - (c) the bulk, location, and overall design of the building and its effect on the site, surrounding buildings and streets;
 - (d) the relationship of the development to any designated heritage building;
 - (e) the design and liveability of any dwelling units; and
 - (f) the effect of an addition on the heritage value of any designated building which is listed on the Vancouver Heritage Register.

- 4.3.4 The Development Permit Board or the Director of Planning, as the case may be, may exclude building cornices and parapets to a maximum height of 2.2 m and vertical decorative elements such as flagpoles and finials from the maximum height in sections 4.3.1, 4.3.2 and 4.3.3 providing that he first considers the intent of this Schedule and all applicable policies and guidelines adopted by Council.

4.4 Front Yard and Setback

- 4.4.1 No front yard shall be permitted, except that where a building includes architectural articulation or decoration of its front facade that project from the front facade of the building, that facade may be set back from the front property line to the extent of that projection up to a maximum of 450 mm. Front setbacks greater than 450 mm shall be permitted for:

- (a) passageways to interior courtyards;
- (b) recessed balconies above the ground floor;
- (c) the upper most storey of the building, provided that the setback is at least 3.0 m behind the principal facade; and
- (d) rooftop mechanical equipment.

- 4.4.2 The Development Permit Board may allow a portion of the building to be recessed above the second floor for the purpose of increasing residential units' exposure to natural light, provided that it first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council;
- (b) the massing, and overall design of the building and its effect on the site, surrounding buildings, block face and character of the area; and
- (c) the submission of any advisory group, property owner or tenant.

4.5 Side Yards and Setbacks

- 4.5.1 No side yards shall be permitted, except that side setbacks shall be permitted in accordance with 4.4.1 where a side property line abuts a street, lane or dedicated public park. Permitted side setbacks shall not occur within 6.0 m of a front property line.

- 4.5.2 The Development Permit Board may allow setbacks for the purpose of creating a light well or providing open space at grade, provided that no portion is closer than 4.0 m to a street facade, and further that any window looking directly into the light well is set back a minimum of 3.0 m from the nearest obstruction, and provided that it first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council;

- (b) the massing, and overall design of the building and its effect on the site, surrounding buildings, block face and character of the area; and
- (c) the submission of any advisory group, property owner or tenant.

4.5.3 For the purposes of section 4.5.2, the following shall be considered obstructions:

- (a) an existing building; and
- (b) the maximum size building permitted on any adjacent site.

4.6 Rear Yard and Setback

4.6.1 There shall be a minimum rear yard or setback of 1.0 m from the rear property line across the full width of the building, except that where any portion of a building contains residential uses, that portion shall be set back 7.0 m from the rear property line, across the full width of the building.

4.7-

4.9 [Reserved]

4.10 Horizontal Angle of Daylight

4.10.1 Each habitable room must have at least one window on an exterior wall of a building.

4.10.2 Each exterior window must be located so that a plane or planes extending from the window and formed by an angle of 50 degrees, or two angles with a sum of 70 degrees, will encounter no obstruction over a distance of 24.0 m.

4.10.3 The plane or planes referred to in section 4.10.2 must be measured horizontally from the centre of the bottom of each window.

4.10.4 The Director of Planning or Development Permit Board may relax the horizontal angle of daylight requirement, if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the minimum distance of unobstructed view is not less than 2.4 m.

4.10.5 An obstruction referred to in section 4.10.2 means:

- (a) any part of the same building including permitted projections; or
- (b) the largest building permitted under the zoning on any adjoining site.

4.10.6 A habitable room referred to in section 4.10.1 does not mean:

- (a) a bathroom; or
- (b) a kitchen whose floor area is the lesser of:
 - (i) 10% or less of the total floor area of the dwelling unit, or
 - (ii) 9.3 m².

4.11-

4.16 [Reserved]

4.17 External Design

All new buildings and alterations or additions to existing buildings require the approval of the Development Permit Board or the Director of Planning for the design of buildings or alterations to elevations facing streets, lanes, and adjacent buildings. The Development Permit Board or the Director of Planning may approve the design of such buildings, alterations or additions provided that he first considers the following:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council;
- (b) the submission of any advisory group, property owner or tenant;
- (c) the effect of new visible exterior surfaces on the architectural and historically significant characteristics of the existing building on site or adjacent buildings;
- (d) the extent to which the alterations to existing buildings are consistent with documented evidence of the original design or an earlier exterior treatment of historical significance to the building;
- (e) the alterations to historically significant characteristics of an existing building are necessary to accommodate a change of use permitted in the Schedule; and
- (f) the alterations to historically significant characteristics of an existing building are necessary to advance public health and safety.

5 Relaxation of Regulations

5.1 The Development Permit Board or the Director of Planning, as the case may be, may relax the frontage and rear yard regulations of sections 4.2 and 4.6 of this Schedule, provided that he first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

5.2 The Development Permit Board or the Director of Planning, as the case may be, may relax the use conditions of sections 2.3.1 and 3.3.1 to permit the outdoor display of retail goods, and may include such other conditions as he deems necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, and the hours of operation, provided that he first considers:

- (a) the intent of this Schedule and all applicable policies and guidelines adopted by Council; and
- (b) the submission of any advisory group, property owner or tenant.

5.3 The Director of Planning may relax the horizontal angle of daylight requirement in section 4.10 if:

- (a) the Director of Planning or Development Permit Board first considers all the applicable policies and guidelines adopted by Council; and
- (b) the building is listed on the Heritage Register or in the opinion of the Director of Planning has sufficient heritage value or heritage character to justify its conservation.

