

**BY-LAW NO. 12238**

**A By-law to amend  
Zoning and Development By-law No. 3575  
regarding amendments to the HA-1 and HA-1A Districts Schedule**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Zoning and Development By-law.
2. Council rescinds the HA-1 and HA-1A Districts Schedule (Chinatown Historic Area) and replaces them with the new HA-1 and HA-1A Districts Schedule (Chinatown Historic Area) as attached as Schedule "A".
3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
4. This By-law is to come into force and take effect on October 15, 2018.

ENACTED by Council this 18<sup>th</sup> day of September, 2018

Signed \_\_\_\_\_ "Gregor Robertson"  
Mayor

Signed \_\_\_\_\_ "Katrina Leckovic"  
City Clerk

## “Schedule A”

### 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 and the National Historic Site on Pender Street; 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 per cent 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, provided that a minimum of 25% of the total number of dwelling units contain 2 or more bedrooms.
- 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.

**2.3 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.

**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.
- Dwelling Uses, provided that a minimum of 25% of the total number of dwelling units contain 2 or more bedrooms;

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 or dwelling use 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 ground floor shopfront shall be 7.6 m.

4.2.2 In the HA-1A District, the maximum frontage for any ground floor shopfront shall be 15.3 m.

4.2.3 In the HA-1 District, the maximum site width, as measured along the front property line for any site shall be 15.3 m or the existing width of the lot as of October 15, 2018.

4.2.4 In the HA-1A District, the maximum site width, as measured along the front property line for any site shall be 22.9 m or the existing width of the lot as of October 15, 2018.

### **4.3 Height**

4.3.1 The maximum height of a building shall be:

- (a) 15.2 m and no more than 5 storeys in the HA-1 District; and
- (b) 21.3 m and no more than 6 storeys in the HA-1A District.

4.3.2 Despite the provision of 4.3.1, the Development Permit Board or the Director of Planning, as the case may be, may permit an increase in the maximum height:

- (a) in the HA-1 District, up to 22.8 m and no more than 7 storeys, provided that no portion below the third storey of a building shall be used for Dwelling Uses except for entrances and amenity spaces that serve the residential portion; and

- (b) in the HA-1A District, up to 27.4 m and no more than 8 storeys, provided that no portion below the third storey of a building shall be used for Dwelling Uses except for entrances and amenity spaces that serve the residential portion.

providing that the Development Permit Board or the Director of Planning, as the case may be, first considers:

- (i) the intent of this Schedule and all applicable policies and guidelines adopted by Council;
- (ii) the submission of any advisory group, property owner or tenant;
- (iii) the bulk, location, and overall design of the building and its effect on the site, surrounding buildings and streets;
- (iv) the relationship of the development to any designated heritage building;
- (v) the design and liveability of any dwelling units; and
- (vi) the effect of an addition on the heritage value of any designated building which is listed on the Vancouver Heritage Register.

4.3.3 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 and 4.3.2 providing that consideration is first given to the intent of this Schedule and all applicable policies and guidelines adopted by Council.

4.3.4 In both the HA-1 and HA-1A Districts, a mezzanine floor located above ground, but below the second storey, shall not be counted as a storey provided:

- (a) the floor area of the mezzanine does not exceed 60% of the site area; and
- (b) the habitable floor area does not contain a Dwelling Use, or any Accessory Uses that are ancillary to Dwelling Use.

#### **4.4 Front Yard and Setback**

4.4.1 All sites must have a Front Yard of 450 mm except where a building includes architectural articulation or decoration of its front façade, then these elements may project into the front yard.

4.4.2 The Development Permit Board or the Director of Planning, as the case may be, may allow portions of the building to be recessed from the Front Yard, at grade or above, for the purposes of:

- (a) providing passageways to interior courtyards;
- (b) providing recessed balconies above the ground floor;
- (c) reducing the visual impact on the public realm of the uppermost storeys of the building, provided that the recess is at least 3.0 m behind the principal facade;
- (d) rooftop mechanical equipment;
- (e) increasing residential units' exposure to natural light; and
- (f) providing a covered area in front of a building entrance.

provided that consideration is first given to:

- (i) the intent of this Schedule and all applicable policies and guidelines adopted by Council;
- (ii) the massing, and overall design of the building and its effect on the site, surrounding buildings, block face and character of the area; and
- (iii) 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 where a side property line abuts a street, lane or dedicated public park, then the Development Permit Board or the Director of Planning, as the case may be, may allow portions of the building to be recessed from the side property line, at grade or above, for the purposes of:

- (a) providing passageways to interior courtyards;
- (b) providing recessed balconies above the ground floor;
- (c) reducing the visual impact on the public realm of the uppermost storeys of the building, provided that the recess is at least 3.0 m behind the principal facade;
- (d) rooftop mechanical equipment;
- (e) increasing residential units' exposure to natural light; and
- (f) providing a covered area in front of a building entrance.

provided that consideration is first given to:

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

4.5.2 The Development Permit Board or the Director of Planning, as the case may be, may allow an additional setback from the sideyard for the purpose of creating a light well or providing open space at grade, provided that no portion of the setback 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 consideration is first given to:

- (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 1.0m 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 Floor Space Ratio**

4.7.1 The floor space ratio in the HA-1 and HA-1A Districts shall not exceed:

- (a) In the HA-1 District:
  - (i) for all combined uses, up to 4.8;
  - (ii) for Dwelling Uses, up to 2.95, provided the floor space ratio for uses other than Dwelling Uses is no less than 1.5;
- (b) In the HA-1A District:

- (i) for all combined uses, up to 5.35;
- (ii) for Dwelling Uses, up to 3.5, provided the floor space ratio for uses other than Dwelling Uses is no less than 1.5;

provided that the Development Permit Board or the Director of Planning first considers:

- (i) the intent of this Schedule and all applicable policies and guidelines adopted by Council;
- (ii) the submission of any advisory group, property owner or tenant
- (iii) the bulk, location, and overall design of the building and its effect on the site, surrounding buildings and streets;
- (iv) the relationship of the development to any designated heritage building;
- (v) the design and liveability of any dwelling units; and
- (vi) the effect of an addition on the heritage value of any designated heritage building or building listed on the Vancouver Heritage Register.

4.7.2 Computation of floor area shall include:

- (a) all floors of all buildings, at or above ground level, to be measured to the extreme outer limits of the buildings;
- (b) floor area, located at or above grade, that is used to access off-street parking and loading spaces in the form of an access ramp, elevator or uses which in the opinion of the Director of Planning or the Development Permit Board are similar to the foregoing; and,
- (c) all interior residential where the distance from a floor to the floor above, or where there is no floor above, the top of the roof structure, exceeds 3.7 m, an amount equal to the area of the floor below the excess height, except that the Director of Planning may exclude an area designed with venting skylights, opening clerestory windows or other similar features if:
  - (i) in the opinion of the Director of Planning, the area is designed to reduce energy consumption or improve natural light and ventilation, and
  - (ii) the area excluded does not exceed 1 % of the permitted floor area.

4.7.3 Computation of floor area shall exclude:

- (a) open or covered balconies and any other appurtenances which, in the opinion of the Director of Planning or the Development Permit Board, are similar to the foregoing, provided that the total area of all exclusions does not exceed 12% of the floor area being provided;
- (b) patios and roof gardens, provided that the Director of Planning or the Development Permit Board first approves the design of sunroofs and walls;
- (c) where floors are used for off-street parking and loading, the taking on or discharging of passengers, bicycle storage, heating and mechanical equipment, or uses which in the opinion of the Director of Planning are similar to the foregoing, those floors or portions thereof so used, which are below the base surface provided that the off-street parking spaces do not have a length of more than 7.3 m;
- (d) all residential storage above or below base surface, except that if the residential storage above base surface exceeds 3.7 m<sup>2</sup> per dwelling unit, there will be no exclusion for any of the residential storage above base surface for that unit; and
- (e) in buildings with commercial, retail or service use at grade, the area occupied by interior commercial kitchen exhaust shafts, to a maximum exclusion of 3.7 m<sup>2</sup> for each floor above the commercial, retail or service use.

#### 4.7.4 Computation of floor area may exclude:

- (a) interior public space, including breezeways, courtyards and other similar spaces, provided that:
  - (i) the excluded area shall not exceed 10% of the permitted floor area;
  - (ii) the excluded area shall be secured by covenant and right-of-way in favour of the City which sets out public access and use; and
  - (iii) the Director of Planning first considers all applicable policies and guidelines adopted by Council;
- (b) indoor amenity areas, including day care facilities and non-profit recreation facilities, to a maximum floor area of the lesser of 10% of the permitted floor area or 1,000 m<sup>2</sup>, provided, in the case of day care facilities, the Director of Planning on the advice of the Director of Social Planning, is satisfied that there is a need for a day care facility in the immediate neighbourhood;
- (c) where floors are used for off-street loading spaces which are located at base surface up to a maximum of 26 m<sup>2</sup>, provided that the Director of Planning first considers all applicable policies and guidelines adopted by Council; and,
- (d) where floors are used for off-street parking of shared vehicles located at base surface, up to a maximum of floor space ratio of 0.07, provided that the Director of Planning considers all applicable policies and guidelines adopted by Council.

4.7.5 Any area excluded shall not be used for any purposes other than those for which it is excluded.

#### **4.8 to**

#### **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 20.0 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 m<sup>2</sup>.

**4.11 to**

**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 consideration is first given to:

- (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 consideration is first given to:

- (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 consideration is first given to:

- (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 Vancouver Heritage Register or in the opinion of the Director of Planning has sufficient heritage value or heritage character to justify its conservation.

**5.4** The Development Permit Board may relax the conditions for Dwelling Uses under section 2.2.2.DW, in this Schedule for:

- (a) the conservation of a building listed on the Vancouver Heritage Register or in the opinion of the Director of Planning a building that has sufficient heritage value or heritage character to justify its conservation; or
- (b) the renovation of existing low cost housing units for persons receiving assistance with the intent to maintain these units with the same tenure.

**5.5** The Development Permit Board may relax the conditions for Dwelling Uses under:

- (a) section 2.2.1.DW,
- (b) sections 4.3.2 (a), 4.3.2 (b), and;
- (c) sections 4.7.2 (a)(ii), 4.7.2 (b)(ii).

where the Dwelling Uses in the proposed development comprise 100% social housing.

**5.6** The Development Permit Board or the Director of Planning, as the case may be, may relax the floor space regulations of section 4.7.1(b) for HA-1A where, due to conditions peculiar either to the site or the proposed development, literal enforcement would result in unnecessary hardship in the following cases:

- (a) the retention of a designated heritage building or a building listed on the Vancouver Heritage Register;
- (b) development on a site constrained by adjacent buildings listed on the Vancouver Heritage Register; or
- (c) development on an a site smaller than 374 m<sup>2</sup>, or on a site with a site depth that is less than 37.2 metres;

provided that:

- (i) The maximum height does not exceed 21.3m (70 ft.);
- (ii) The maximum floor space ratio for all combined uses does not exceed 4.4;
- (iii) The maximum floor space ratio for residential uses does not exceed 3.25; and
- (iv) The minimum floor space ratio for non-residential uses is no less than 0.8.

and provided that the Development Permit Board or the Director of Planning first considers:

- (v) the intent of this Schedule and all applicable policies and guidelines adopted by Council;
- (vi) the submission of any advisory group, property owner or tenant;
- (vii) the bulk, location, and overall design of the building and its effect on the site, surrounding buildings and streets;
- (viii) the relationship of the development to any designated heritage building;
- (ix) the design and liveability of any dwelling units; and
- (x) the effect of an addition on the heritage value of any designated heritage building or building listed on the Vancouver Heritage Register.