

HA-1 and HA-1A

Districts Schedule

1 INTENT AND OVERVIEW

1.1 Intent

The Chinatown Historic Area 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 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. The HA-1 district corresponds to the boundaries of the protected heritage properties and the National Historic Site on Pender Street and the HA-1A district is the remainder of Chinatown.

Without limitation, applicable Council policies and guidelines for consideration include the [Chinatown HA-1 Design Policies](#) and the [Chinatown HA-1A Design Policies](#).

1.2 Overview

The table below provides an overview of outright and conditional approval uses in the HA-1 and HA-1A districts, categorized by the minimum site area required, where applicable. Applicable density, form and placement regulations in section 3 of this schedule are cross-referenced in the third column.

Minimum Site Area	Use	Density, Form and Placement Regulations
--	All uses in section 2.1 of this schedule	3.1

2 USE REGULATIONS

2.1 Outright and Conditional Approval Uses

All outright and conditional approval uses are subject to all other provisions of this by-law, including [Section 2](#), [Section 10](#) and [Section 11](#), and compliance with the regulations of this schedule including section [2.2](#).

The uses identified in the table below as outright approval uses are permitted in these districts and will be issued a permit.

The uses identified in the table below as conditional approval uses may be approved in these districts by the Director of Planning or Development Permit Board, with or without conditions, if the Director of Planning or Development Permit Board considers:

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

Uses are listed under their general land use category. Applicable use-specific regulations in section [2.2](#) of this schedule are cross-referenced in the third column. Cross-references to applicable use-specific regulations are provided for information purposes only and do not form part of this by-law.

Use	Approval	Use-Specific Regulations
Agricultural Uses		
Greenhouse	Conditional	2.2.1 , 2.2.2 , 2.2.3
Urban Farm - Class B	Conditional	2.2.1 , 2.2.2
Cultural and Recreational Uses		
Arcade	Conditional	2.2.1 , 2.2.2 , 2.2.4
Artist Studio - Class A	Outright	2.2.1
Artist Studio - Class B	Conditional	2.2.1 , 2.2.2
Arts and Culture Indoor Event	Outright	2.2.1
Billiard Hall	Conditional	2.2.1 , 2.2.2 , 2.2.3
Bingo Hall	Conditional	2.2.1 , 2.2.2
Bowling Alley	Conditional	2.2.1 , 2.2.2 , 2.2.5
Casino - Class 1	Conditional	2.2.1 , 2.2.2
Club	Outright	2.2.1
Community Centre or Neighbourhood House	Outright	2.2.1
Fitness Centre	Outright	2.2.1

Use	Approval	Use-Specific Regulations
Hall	Conditional	2.2.1, 2.2.2, 2.2.6
Library	Outright	2.2.1
Museum or Archives	Outright	2.2.1
Park or Playground	Conditional	2.2.2, 2.2.7
Rink	Conditional	2.2.1, 2.2.2, 2.2.3
Swimming Pool	Conditional	2.2.1, 2.2.2, 2.2.8
Theatre	Conditional	2.2.1, 2.2.2, 2.2.6
Dwelling Uses		
Dwelling Uses, other than Micro Dwelling and Seniors Supportive or Assisted Housing	Outright	2.2.9
Micro Dwelling	Conditional	2.2.2, 2.2.10
Residential Unit associated with and forming an integral part of an Artist Studio, limited to Artist Studio - Class B	Conditional	2.2.2, 2.2.10
Seniors Supportive or Assisted Housing	Conditional	2.2.2, 2.2.10
Institutional Uses		
Ambulance Station	Conditional	2.2.1, 2.2.2, 2.2.11
Child Day Care Facility	Outright	2.2.1
Church	Outright	2.2.1
Community Care Facility - Class A	Outright	2.2.1
Hospital	Conditional	2.2.1, 2.2.2, 2.2.11
Public Authority Use	Conditional	2.2.1, 2.2.2, 2.2.11
School - Elementary or Secondary	Outright	2.2.1
School - University or College	Outright	2.2.1
Social Service Centre	Conditional	2.2.1, 2.2.2, 2.2.12
Manufacturing Uses		
Bakery Products Manufacturing	Outright	2.2.1
Clothing Manufacturing	Outright	2.2.1
Dairy Products Manufacturing	Conditional	2.2.1, 2.2.2, 2.2.13

Use	Approval	Use-Specific Regulations
Electrical Products or Appliances Manufacturing	Conditional	2.2.1, 2.2.2, 2.2.13
Food or Beverage Products Manufacturing - Class B	Conditional	2.2.1, 2.2.2, 2.2.13
Furniture or Fixtures Manufacturing	Conditional	2.2.1, 2.2.2, 2.2.13
Jewellery Manufacturing	Outright	2.2.1
Leather Products Manufacturing	Conditional	2.2.1, 2.2.2, 2.2.13
Miscellaneous Products Manufacturing - Class B	Conditional	2.2.1, 2.2.2, 2.2.13
Non-Metallic Mineral Products Manufacturing - Class B	Conditional	2.2.1, 2.2.2, 2.2.13
Plastic Products Manufacturing	Conditional	2.2.1, 2.2.2, 2.2.13
Printing or Publishing	Outright	2.2.1
Shoes or Boots Manufacturing	Outright	2.2.1
Textiles or Knit Goods Manufacturing	Outright	2.2.1
Tobacco Products Manufacturing	Conditional	2.2.1, 2.2.2, 2.2.13
Wood Products Manufacturing - Class B	Conditional	2.2.1, 2.2.2, 2.2.13
Office Uses		
Financial Institution	Outright	2.2.1, 2.2.14
General Office	Outright	2.2.1
Health Care Office	Outright	2.2.1
Health Enhancement Centre	Outright	2.2.1
Parking Uses		
Parking Uses	Conditional	2.2.2, 2.2.15
Retail Uses		
Cannabis Store	Conditional	2.2.1, 2.2.2
Farmers' Market	Conditional	2.2.2, 2.2.16
Furniture or Appliance Store	Outright	2.2.1
Gasoline Station - Split Island, existing as of December 6, 1994	Conditional	2.2.2, 2.2.17
Grocery or Drug Store	Outright	2.2.1
Pawnshop	Conditional	2.2.1, 2.2.2, 2.2.18

Use	Approval	Use-Specific Regulations
Public Bike Share	Conditional	2.2.2
Retail Store	Outright	2.2.1
Secondhand Store	Conditional	2.2.1 , 2.2.2 , 2.2.18
Small-Scale Pharmacy	Conditional	2.2.1 , 2.2.2
Vehicle Dealer	Conditional	2.2.1 , 2.2.2 , 2.2.19
Service Uses		
Auction Hall	Outright	2.2.1
Barber Shop or Beauty Salon	Outright	2.2.1
Beauty and Wellness Centre	Outright	2.2.1
Bed and Breakfast Accommodation	Outright	2.2.1
Cabaret	Conditional	2.2.1 , 2.2.2 , 2.2.20
Catering Establishment	Outright	2.2.1
Hotel	Conditional	2.2.1 , 2.2.2 , 2.2.21
Laboratory	Outright	2.2.1
Laundromat or Dry Cleaning Establishment	Outright	2.2.1
Laundry or Cleaning Plant	Conditional	2.2.1 , 2.2.2 , 2.2.22
Neighbourhood Public House	Conditional	2.2.2 , 2.2.20
Photofinishing or Photography Laboratory	Outright	2.2.1
Photofinishing or Photography Studio	Outright	2.2.1
Print Shop	Outright	2.2.1
Production or Rehearsal Studio	Outright	2.2.1
Repair Shop - Class B	Outright	2.2.1
Restaurant - Class 1	Outright	
Restaurant - Class 2	Conditional	2.2.2 , 2.2.20
School - Arts or Self-Improvement	Outright	2.2.1
School - Business	Outright	2.2.1
School - Vocational or Trade	Outright	2.2.1
Short Term Rental Accommodation	Conditional	2.2.1 , 2.2.2
Sign Painting Shop	Conditional	2.2.1 , 2.2.2 , 2.2.23
Wedding Chapel	Conditional	2.2.1 , 2.2.2

Use	Approval	Use-Specific Regulations
Transportation and Storage Uses		
Cold Storage Plant	Conditional	2.2.1 , 2.2.2 , 2.2.15
Mini-Storage Warehouse	Conditional	2.2.1 , 2.2.2 , 2.2.15
Packaging Plant	Conditional	2.2.1 , 2.2.2 , 2.2.15
Storage Warehouse	Conditional	2.2.1 , 2.2.2 , 2.2.15
Taxicab or Limousine Station	Conditional	2.2.1 , 2.2.2 , 2.2.15
Truck Terminal or Courier Depot	Conditional	2.2.1 , 2.2.2 , 2.2.15
Utility and Communication Uses		
Public Utility, existing as of December 6, 1994	Conditional	2.2.1 , 2.2.2 , 2.2.24
Radiocommunication Station	Outright	2.2.1
Recycling Depot	Conditional	2.2.1 , 2.2.2 , 2.2.25
Wholesale Uses		
Lumber and Building Materials Establishment	Conditional	2.2.1 , 2.2.2 , 2.2.26
Wholesaling - Class A	Conditional	2.2.1 , 2.2.2 , 2.2.11
Wholesaling - Class B	Conditional	2.2.1 , 2.2.2 , 2.2.11
uncategorized		
Accessory Uses, customarily ancillary to any use listed in this section 2.1 , other than the sale of liquor accessory to a hotel	Outright	2.2.1 , 2.2.27
Accessory Uses comprising the sale of liquor accessory to a hotel	Conditional	2.2.1 , 2.2.2
Any other use that is not specifically listed and defined as a use in Section 2 of this by-law	Conditional	2.2.1 , 2.2.2 , 2.2.10 , 2.2.28
Live-Work Use	Conditional	2.2.1 , 2.2.2 , 2.2.29

2.2 Use-Specific Regulations

2.2.1 All non-dwelling uses listed in section [2.1](#) of this schedule must be carried on wholly within a completely enclosed building, other than the following:

- (a) display of flowers, plants, fruits and vegetables;
- (b) gas station - split island;
- (c) farmers' market;
- (d) neighbourhood public house;
- (e) outdoor eating area in combination with a cabaret, club, grocery or drug store, or retail store, subject to any conditions that the Director of Planning considers necessary, having regard to the area and location of the eating area with respect to adjoining sites, the hours of operation and the intent of this schedule;
- (f) park or playground;
- (g) parking and loading facilities;
- (h) public bike share; and
- (i) restaurant and refreshment facilities,

except that the Director of Planning may vary this regulation to permit the outdoor display of retail goods, and the Director of Planning may impose any conditions that the Director of Planning considers necessary, having regard to the type of merchandise, the area and location of the display with respect to adjoining sites, the hours of operation, the intent of this schedule and all applicable Council policies and guidelines, and the submission of any advisory group, property owner or tenant.

- 2.2.2 Conditional approval uses listed in section 2.1 of this schedule must not involve the bulk storage of: chemicals, paints or varnishes; cotton waste; fish, fish oil or meal; junk; petroleum, bitumen or tar products or derivatives, or similar flammable products or materials; rags; scrap; or vegetable oil or fat.
- 2.2.3 Greenhouse, billiard hall and rink may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses and size.
- 2.2.4 Arcade may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, size, noise control and hours of operation.
- 2.2.5 Bowling alley may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, size, and noise and vibration control.
- 2.2.6 Hall and theatre may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, number existing, hours of operation, social and policing impacts, noise control, size of liquor facilities, parking, and taxi and bus ingress and egress.

- 2.2.7 Park or playground may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to the continuity of pedestrian interest, social and policing impacts, and the durability of materials.
- 2.2.8 Swimming pool may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, noise control, parking, and taxi and bus ingress and egress.
- 2.2.9 Dwelling uses, other than micro dwelling and seniors supportive or assisted housing, are permitted as outright approval uses if:
- (a) residential unit associated with and forming an integral part of an artist studio is limited to artist studio - class A; and
 - (b) except for residential unit associated with and forming an integral part of an artist studio, a minimum of 25% of the total number of dwelling units contain 2 or more bedrooms, except that the Development Permit Board may vary this condition where dwelling uses are developed as 100% social housing.
- 2.2.10 All floors of a conditional approval dwelling use or live-work use must be at least 2.0 m above street grade along a fronting or flanking street, except for entrances.
- 2.2.11 Ambulance station, hospital, public authority use, wholesaling - class A and wholesaling - class B may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, pedestrian amenity and vehicular ingress and egress.
- 2.2.12 Social service centre may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, pedestrian amenity, and provision of services primarily for the occupants of dwelling uses within or immediately adjacent to the HA-1 and HA-1A districts.
- 2.2.13 Any manufacturing use that is a conditional approval use in section 2.1 of this schedule may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, location, safety, noise, vibrations, size and odours.
- 2.2.14 Financial institution is permitted as an outright approval use if it occupies a floor that is 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.
- 2.2.15 Parking uses, cold storage plant, mini-storage warehouse, packaging plant, storage warehouse, taxicab or limousine station, and truck terminal or courier depot may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress and size.

- 2.2.16 Farmers' market may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with nearby sites, parking, traffic, noise, hours of operation, size of facility and pedestrian amenity.
- 2.2.17 Gasoline station - split island, existing as of December 6, 1994, may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to pedestrian amenity and vehicular ingress and egress.
- 2.2.18 Pawnshop and secondhand store may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, pedestrian amenity, number existing, social and policing impacts, hours of operation and vehicular ingress and egress.
- 2.2.19 Vehicle dealer may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, size and impact on character of area.
- 2.2.20 Cabaret, neighbourhood public house and restaurant - class 2 may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, number existing, hours of operation, social and policing impacts and noise control.
- 2.2.21 Hotel may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to size of liquor facilities, noise control, parking, loading, and taxi and bus ingress and egress.
- 2.2.22 Laundry or cleaning plant may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, noise control and vehicular impacts.
- 2.2.23 Sign painting shop may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses.
- 2.2.24 Public utility, existing as of December 6, 1994, may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to pedestrian amenity and vehicular ingress and egress.
- 2.2.25 Recycling depot may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, size and hours of operation.
- 2.2.26 Lumber and building materials establishment may be permitted if the Director of Planning or Development Permit Board considers the appropriateness of the use with respect to compatibility with surrounding uses, pedestrian amenity, vehicular ingress and egress, safety, size and impact on character of area.
- 2.2.27 Accessory uses customarily ancillary to any use listed in section [2.1](#) of this schedule, other than the sale of liquor accessory to a hotel, are permitted as an outright approval use if:

- (a) the total floor area of all accessory uses does not exceed 25% of the gross floor area of the principal use, unless permitted as an outright approval use pursuant to section 2.1 of this schedule; and
- (b) all accessory uses are located within the principal building.

2.2.28 Any other use that is not specifically listed and defined as a use in **Section 2** of this by-law may be permitted if the Director of Planning considers the use to be comparable in nature to the uses listed in section 2.1 of this schedule, having regard to the intent of this schedule.

2.2.29 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 in combination with any use listed in **2.2.29(b)** above.

3 DENSITY, FORM AND PLACEMENT REGULATIONS

This section contains density, form and placement regulations organized by use.

3.1 All Uses

All uses in these districts are subject to the following regulations.

3.1.1 Density and Floor Area

3.1.1.1 The maximum floor space ratio is:

(a) in the HA-1 district:

- (i) 4.80 for all uses combined,
- (ii) 2.95 for dwelling uses, provided that the floor space ratio for non-dwelling uses is at least 1.50; and

(b) in the HA-1A district:

- (i) 5.35 for all uses combined,
- (ii) 3.50 for dwelling uses, provided that the floor space ratio for non-dwelling uses is at least 1.50,

if the Director of Planning or Development Permit Board considers: the bulk, location, and overall design of the building and its impact on the site, surrounding buildings and streets; the relationship of the development to any designated heritage building; the design and liveability of any dwelling units; the impact of an addition on the heritage value of any designated heritage building or building listed on the Vancouver Heritage Register; the intent of this schedule and all applicable Council policies and guidelines; and the submission of any advisory group, property owner or tenant.

3.1.1.2 The Development Permit Board may vary the maximum floor space ratio for dwelling uses in section [3.1.1.1](#) above, where the dwelling uses in the proposed development are developed as 100% social housing.

3.1.2 Building Form and Placement

Regulations	HA-1	HA-1A
3.1.2.1 Maximum unit frontage for any ground floor shopfront	7.6 m	15.3 m
3.1.2.2 Maximum site width	15.3 m or the existing width of the lot as of October 15, 2018	22.9 m or the existing width of the lot as of October 15, 2018
3.1.2.3 Maximum building height	15.2 and 5 storeys	21.3 m and 6 storeys

Regulations		HA-1	HA-1A
3.1.2.4	Required front yard depth	0.45 m	
3.1.2.5	Side yard	not permitted	
3.1.2.6	Minimum rear yard depth and rear setback for portions of a building:		
	(a) containing non-dwelling uses only	1.0 m	
	(b) containing dwelling uses	7.0 m	

Frontage

3.1.2.7 The Director of Planning may increase the maximum unit frontage if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines and the submission of any advisory group, property owner or tenant.

Building Height

3.1.2.8 Subject to the considerations in section 3.1.2.9 below, the Director of Planning or Development Permit Board may increase the maximum building height:

- (a) in the HA-1 district, to a maximum of 22.8 m and 7 storeys; and
- (b) in the HA-1A district, to a maximum of 27.4 m and 8 storeys,

provided that no portion below the third storey of a building is used for dwelling uses, except for entrances and amenity spaces that serve the residential portion.

3.1.2.9 The Director of Planning or Development Permit Board may increase the maximum building height in accordance with section 3.1.2.8 above if the Director of Planning or Development Permit Board considers:

- (a) the bulk, location, and overall design of the building and its impact on the site, surrounding buildings and streets;

Diagram: Unit frontage

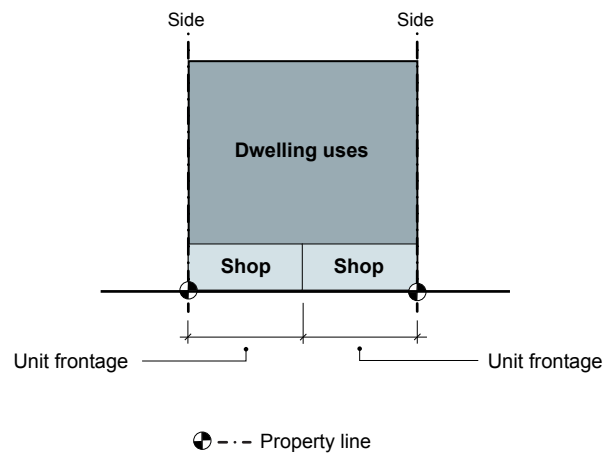
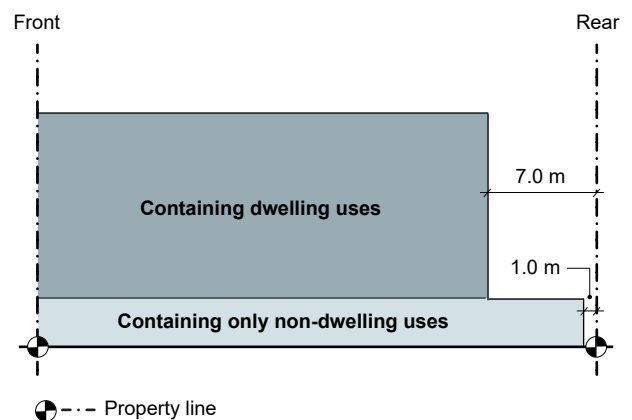


Diagram: Rear yard and rear setback for a building containing only non-dwelling uses on the first floor



- (b) the relationship of the development to any designated heritage building;
- (c) the design and liveability of any dwelling units;
- (d) the impact of an addition on the heritage value of any designated building that is listed on the Vancouver Heritage Register;
- (e) the intent of this schedule and all applicable Council policies and guidelines; and
- (f) the submission of any advisory group, property owner or tenant.

3.1.2.10 The Development Permit Board may vary the conditions for dwelling uses in section 3.1.2.8 above, where the dwelling uses in the proposed development are developed as 100% social housing.

3.1.2.11 The Director of Planning or Development Permit Board may exclude from the maximum building height:

- (a) building cornices and parapets to a maximum height of 2.2 m; and
- (b) vertical decorative elements such as flagpoles and finials,

if the Director of Planning or Development Permit Board considers the intent of this schedule and all applicable Council policies and guidelines.

3.1.2.12 A mezzanine floor located above ground, but below the second storey, will not be counted as a storey if:

- (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 a dwelling use.

Front Yard

3.1.2.13 Despite the required front yard depth in section 3.1.2.4 above, the following may project into the front yard:

- (a) architectural articulation on a building; or
- (b) decoration of the front facade of a building.

3.1.2.14 The Director of Planning or Development Permit Board may allow a portion of the building to be recessed above the second storey 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,

if the Director of Planning or Development Permit Board considers: the massing and overall design of the building and its impact on the site, surrounding buildings, block face and character of the area; the intent of this schedule and all applicable Council policies and guidelines; and the submission of any advisory group, property owner or tenant.

Side Yard and Side Setbacks

3.1.2.15 Where a side property line abuts a street, lane or dedicated public park, the Director of Planning or Development Permit Board 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 dwelling units' exposure to natural light; and
- (f) providing a covered area in front of a building entrance,

if the Director of Planning or Development Permit Board considers: the massing and overall design of the building and its impact on the site, surrounding buildings, block face and character of the area; the intent of this schedule and all applicable Council policies and guidelines; and the submission of any advisory group, property owner or tenant.

3.1.2.16 The Director of Planning or Development Permit Board may allow setbacks for the purpose of creating a light well or providing open space at grade, provided that:

- (a) no portion is closer than 4.0 m to a street facade;
- (b) any window looking directly into the light well is set back a minimum of 3.0 m from an existing building or the maximum size building permitted on any adjacent site; and
- (c) the Director of Planning or Development Permit Board considers:
 - (i) the massing and overall design of the building and its impact on the site, surrounding buildings, block face and character of the area,
 - (ii) the intent of this schedule and all applicable Council policies and guidelines, and
 - (iii) the submission of any advisory group, property owner or tenant.

Rear Yard and Rear Setback

3.1.2.17 The Director of Planning may decrease the minimum rear yard depth and rear setback if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines, and the submission of any advisory group, property owner or tenant.

4 GENERAL REGULATIONS

All uses in these districts are subject to the following regulations.

4.1 Computation of Floor Area

4.1.1 Computation of floor area must include:

- (a) all floors of all buildings, both above and below ground level, measured to the extreme outer limits of the building;
- (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 the Director of Planning or Development Permit Board considers similar to the foregoing; and
- (c) all interior residential floor area 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, to 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 excluded area does not exceed 1% of the permitted floor area.

4.1.2 Computation of floor area must exclude:

- (a) balconies and decks, and any other appurtenances that the Director of Planning or Development Permit Board considers similar to the foregoing, provided that the total area of these exclusions does not exceed 12% of the permitted floor area;
- (b) patios and roof decks, if the Director of Planning considers the impact on privacy and overlook;
- (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 that the Director of Planning considers similar to the foregoing, those floors or portions thereof, which are located below the base surface, provided that the maximum exclusion for a parking space does not exceed 7.3 m in length; and
- (d) all residential storage area above or below base surface, except that if the residential storage area above base surface exceeds 3.7 m² per dwelling unit, there will be no exclusion for any of the residential storage area above base surface for that unit.

4.1.3 The Director of Planning may permit the following to be excluded from the computation of floor area:

- (a) interior public space, including breezeways, courtyards and other similar spaces, if:
 - (i) the excluded area does not exceed 10% of the permitted floor area,
 - (ii) the excluded area is 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 considers the intent of this schedule and all applicable Council policies and guidelines;
- (b) indoor amenity areas, including child day care facilities and non-profit recreation facilities, to a maximum floor area of the lesser of 10% of the total permitted floor area or 1,000 m², if, in the case of child day care facilities, the Director of Planning is satisfied that there is a need for a child day care facility in the immediate neighbourhood;
- (c) floors used for off-street loading spaces located at base surface, to a maximum floor area of 26 m², if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines; and
- (d) floors used for off-street parking of shared vehicles located at base surface, to a maximum floor space ratio of 0.07, if the Director of Planning considers the intent of this schedule and all applicable Council policies and guidelines.

4.2 Side Width: Measurement

- 4.2.1 Site width must be measured along the front property line.

4.3 Rear Yard and Rear Setback: Measurement

- 4.3.1 Rear yard and rear setback must be measured from the rear property line across the full width of the building.

4.4 Horizontal Angle of Daylight

- 4.4.1 Each habitable room must have at least 1 window on an exterior wall of a building.
- 4.4.2 For the purposes of section 4.4.1 above, habitable room means any room except a bathroom or kitchen.
- 4.4.3 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 2 angles with a sum of 70 degrees, will encounter no obstruction over a distance of 20.0 m.
- 4.4.4 The plane or planes referred to in section 4.4.3 above must be measured horizontally from the centre of the bottom of each window.
- 4.4.5 An obstruction referred to in section 4.4.3 above means:
 - (a) any part of the same building excluding permitted projections; or
 - (b) the largest building permitted on any adjoining site.
- 4.4.6 The Director of Planning may vary the horizontal angle of daylight requirement if:

- (a) the Director of Planning considers all applicable Council policies and guidelines;
- (b) the minimum distance of unobstructed view is at least 2.4 m; and
- (c) the building is listed on the Heritage Register or, in the opinion of the Director of Planning, the building has sufficient heritage value or heritage character to justify its conservation.

4.5 External Design

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

- (a) the impact of new visible exterior surfaces on the architectural and historically significant characteristics of the existing building on site or adjacent buildings;
- (b) 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;
- (c) whether the alterations to historically significant characteristics of an existing building are necessary to accommodate a change of use permitted in the schedule;
- (d) whether the alterations to historically significant characteristics of an existing building are necessary to advance public health and safety;
- (e) the intent of this schedule and all applicable Council policies and guidelines; and
- (f) the submission of any advisory group, property owner or tenant.

5 RELAXATIONS

5.1 The Development Permit Board may relax the conditions for dwelling uses in section [2.2.9](#) of this schedule for:

- (a) the conservation of a building listed on the Vancouver Heritage Register or a building that, in the opinion of the Director of Planning, 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.

5.2 Subject to the requirements in section [5.3](#) below, the Director of Planning or Development Permit Board may relax the floor space ratio regulations of section [3.1.1.1\(b\)](#) of this schedule, for the HA-1A district, 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 a site smaller than 374 m², or on a site with a site depth that is less than 37.2 m.

5.3 The Director of Planning or Development Permit Board may relax the floor area regulations of section **3.1.1.1(b)** of this schedule, for the HA-1A district, in accordance with section **5.2** above, provided that:

- (a) the maximum height does not exceed 21.3 m;
- (b) the maximum floor space ratio for all uses combined does not exceed 4.40;
- (c) the maximum floor space ratio for dwelling uses does not exceed 3.25;
- (d) the minimum floor space ratio for non-dwelling uses is at least 0.80; and
- (e) the Director of Planning or Development Permit Board considers:
 - (i) the bulk, location, and overall design of the building and its impact on the site, surrounding buildings and streets,
 - (ii) the relationship of the development to any designated heritage building,
 - (iii) the design and liveability of any dwelling units,
 - (iv) the impact of an addition on the heritage value of any designated heritage building or building listed on the Vancouver Heritage Register,
 - (v) the intent of this schedule and all applicable Council policies and guidelines, and
 - (vi) the submission of any advisory group, property owner or tenant.