

**MINUTES OF THE COMMITTEE OF THE WHOLE MEETING**  
**HELD THURSDAY, APRIL 3, 2008, 8:30 a.m.**

1. THE CHAIR CALLED THE MEETING TO ORDER AT 8:32 a.m.
2. CLOSED MEETING 8:32 a.m.

**Committee Members Present:** Mayor Lowe in the Chair, Councillors Coleman, Fortin, Holland, Hughes, Madoff and Young.

**Absent for a Portion of the Meeting:** Councillors Chandler and Thornton-Joe.

**Staff Present:** M. McCliggott – Assistant City Manager; R. Woodland - Corporate Administrator; P. Sparanese – Director of Engineering; J. Jenkyns – General Manager, VCC; C. O’Regan – Manager, Facilities and Operations; C. Havelka – Recording Secretary.

**Action:** Councillor Fortin moved that Committee of the Whole convene a Closed meeting that excludes the public under Section 11(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Section 11(3) and/or (4) of the Council Bylaw.

CARRIED 08/240

**2.1 Legal – Governance Model for the VCC**

Committee received a report dated April 3, 2008 from the City Manager’s office regarding the Governance Model for the Victoria Conference Centre (VCC).

*Councillor Thornton-Joe joined the meeting at 8:35 a.m.*

*Councillor Chandler joined the meeting at 8:42 a.m.*

The discussion and motion were recorded and kept confidential.

(Closed Resolution 08/239)

**2.2 Minutes of the Closed Portion of the Committee of the Whole Meeting held March 20, 2008**

**Action:** Councillor Hughes moved that the Closed Minutes from the Committee of the Whole Meeting held March 20, 2008 be adopted.

CARRIED 08/238

### **2.3 Land – New Licence of Use**

Committee received a report dated March 19, 2008 from Legislative and Regulatory Services with respect to a New Licence of Use for IL Terrazo Ristorante Ltd.

- Action:** Councillor Hughes moved that Council approves a new Licence of Use agreement with IL Terrazo Ristorante Ltd., as follows:
1. Term: 2 years commencing April 21, 2008 with a 2 year renewal option.
  2. Rent: \$3185.00 (plus gst) per year for the first term; market rate thereafter.
  3. Termination clause in favour of the City for reason of construction.
  4. Licencee responsible for general liability insurance and shall indemnify City.

CARRIED 08/237

### **2.4 Land – Amendment of Use**

Committee received a report dated March 17, 2008 from Legislative and Regulatory Services for Lease Amendment for Unit # 11, Victoria Conference Centre.

- Action:** Councillor Hughes moved that Council approve the proposed amendment to the Lease with Something Fishy Salmon Gifts Inc., as follows:
1. Term to be extended until September 30, 2009.
  2. Basic rent to be fixed at \$22,274.00 per year.
  3. Percentage rent of 9%.
  4. Tenant may terminate after October 31, 2008 with not less than 2 months notice.
  5. City may relocate tenant to another location at the Victoria Conference Centre (VCC) if the City requires the space in order to provide general business service to VCC delegates.
  6. Subject to advertising requirements of the Community Charter.

CARRIED 08/236

### **2.5 Personnel – Appointment of Emergency Program Coordinator**

Committee received a report dated March 25, 2008 from the Fire Chief regarding the Appointment of Emergency Program Coordinator.

- Action:** Councillor Hughes moved that Council support and endorse the appointment of Mr. Rob Johns to the position of Emergency Program Coordinator for the City of Victoria in accordance with Bylaw No. 04-23 Part 2 Section 2.1.

CARRIED 08/235

## **2.6 Councillor Hughes – Letter of Support**

Councillor Hughes outlined for Committee an inquiry regarding a requested letter of support from an organization. Committee members discussed the matter and advised Councillor Hughes that proceeding with her support for the organization was appropriate.

## **2.7 Intergovernmental Negotiations - Announcement**

The Mayor advised Committee on an upcoming announcement regarding a grant from the federal and provincial governments.

## **2.8 Personnel Matter**

The Mayor updated Committee on a matter regarding a staff member's absence and staff coverage during that period.

## **2.9 Land - Children's Museum**

The Mayor updated Committee on the Children's Museum and their upcoming delegation at Committee of the Whole.

## **2.10 Legal – Lease of a City Building**

Committee received a report dated April 2, 2008 from Legislative and Regulatory Services with respect to a Lease of a City Building.

Committee members agreed to defer this discussion and recommendation to later in the meeting.

## **3. ADJOURNMENT OF CLOSED MEETING**

**Action:** Councillor Coleman moved that the Closed Committee of the Whole meeting be adjourned at 9:02 a.m.

CARRIED 08/234

## **4. THE CHAIR CALLED THE OPEN MEETING TO ORDER AT 9:05 a.m.**

**Committee Members Present:** Mayor Lowe in the Chair, Councillors Chandler, Coleman, Fortin, Holland, Hughes, Madoff, Thornton-Joe and Young.

**Staff Present:** M. McCliggott – Assistant City Manager; R. Woodland – Corporate Administrator; C. Havelka - Recording Secretary.

**Staff Present for a Portion of the Meeting:** D. Day – Director of Planning & Development; B. Sikstrom – Senior Planner; A. Hudson – Senior Planner; A. Meyer – Manager, Development Services; M. Lam – Senior Urban Design Planner; S. Barber – Senior Heritage Planner; K. Ramsay Cline – Planner; P. Sparanese – Director of Engineering; K. Stratford – Research Analyst; C. O’Regan – Manager, Facilities and Operations.

## 5. APPROVAL OF THE AGENDA

The Chair outlined the following changes to the April 3, 2008, Committee of the Whole agenda:

Open Meeting:

- Item # 2 – Additional Correspondence
- Item # 13 – Additional Correspondence
- Item # 14A – Rezoning of Dockside Lands
- Item # 15A – Victoria Hospitality Award Program

Closed:

- Item # – Legal – Lease of City Building

Councillor Inquiries / Information Sharing:

1. Councillor Hughes - one sharing
2. Councillor Thornton-Joe – one sharing and one inquiry
3. Councillor Fortin – one inquiry

**Action:** Councillor Hughes moved that the Agenda of the April 3, 2008 Committee of the Whole meeting be approved as amended.

CARRIED 08/233

## 6. ADOPTION OF MINUTES

### 6.1 March 20, 2008 Committee of the Whole Minutes

**Action:** Councillor Young moved that the minutes of the Committee of the Whole meeting held March 20, 2008, item 6.1 *Rezoning Application # 000169 for Dockside Lands – Rezoning to Increase Floor Area of DA-B*, be corrected to read as follows:

**Councillor Holland moved that Council direct staff to proceed with the following actions:**

1. Completion of an independent analysis, regarding the justification for the increased density by a consultant with an expertise in urban land and development economics.

2. Amendment of the Master Development Agreement regarding the provision of an additional \$500,000 towards affordable housing to the satisfaction of the Director of Planning and Development.
3. The applicant working with the community and staff to develop options for relocating and distributing the density to minimize the impact of density and height and report back to Committee of the Whole.

CARRIED 08/198

CARRIED 08/232

## 7. REQUEST TO BRING FORWARD

### **Mayor Lowe canvassed Council, which approved bringing forward the following reports for approval:**

- Rezoning Application # 00179 for 2546 Government Street
- Heritage Designation # 000064 for 432 Heather Street
- Heritage Designation # 000056 for 417 Arnold Avenue
- Heritage Alteration Permit # 00074 for 221 Quebec Street
- District of Saanich Draft Official Community Plan, December 2007
- Disposition of Communications dated March 28, 2008
- Proclamations
- Trip to Gothenburg, Sweden, April 16 - 19, 2008 and IMEX Convention, April 20 - 23, 2008
- AVICC Annual Convention
- FCM – Quebec

#### **7.1 Rezoning Application # 00179 for 2546 Government Street**

Committee received a report dated April 3, 2008 from Development Services with respect to Rezoning Application # 00179 for 2546 Government Street. This application is to rezone the car dealership property at this location to permit up to 445m<sup>2</sup> of general office use. A rezoning is required because the existing M-2 Zone, Light Industrial District, requires that office use be accessory to the main use and not occupy more than 25% of the total building area. The applicant wishes to separate the Three Point Motors and Three Point Properties as business entities. No physical changes to the building or property are proposed.

The following points were considered in reviewing this application:

- The *Official Community Plan, 1995* and the *Burnside Neighbourhood Plan, 1992* recognize the area as industrial.
- This proposal is for a relatively small amount of general office floor area that is already in existence.
- The location is in a service/commercial area rather than heavy industrial area further to the west. It is also shown as being within the “Humber Green” major commercial area in the *Burnside Neighbourhood Plan*.
- The relatively small amount of general office floor space, as well as the location in a largely service/commercial area of the neighbourhood, makes this application supportable.

The Burnside-Gorge Community Association and neighbours have been consulted.

The applicant's letter outlining the proposal and its rationale are attached to the report.

**Action:** Councillor Fortin moved that the application be forwarded for consideration at a Public Hearing and that the City's Solicitor be instructed to prepare the necessary Zoning Regulation Bylaw amendments based on the project information table contained in the report dated April 3, 2008.

CARRIED 08/231

## **7.2 Heritage Designation # 000064 for 432 Heather Street**

Committee received a report dated April 3, 2008 from Development Services with respect to Heritage Designation # 000064 for 432 Heather Street. This is an owner request to designate an 1891 Italianate-style dwelling in the James Bay neighbourhood as a municipal heritage site. It is not on the Heritage Registry, but is a significant example of this architectural style.

**Action:** Councillor Fortin moved that, whereas the house at 432 Heather Street is of heritage significance, City Council designate it as a municipal heritage site.

CARRIED 08/230

## **7.3 Heritage Designation # 000056 for 417 Arnold Avenue**

Committee received a report dated April 3, 2008 from Development Services with respect to Heritage Designation # 000056 for 417 Arnold Avenue. This is an owner request to designate a Craftsman-style bungalow in the Fairfield neighbourhood as a municipal heritage site. The property is not on the Heritage Registry, but is part of an area of historic value identified in the current Fairfield Community Heritage Registry update.

**Action:** Councillor Fortin moved that, whereas the house at 417 Arnold Avenue is of heritage significance, City Council designate the house and garage as a Municipal Heritage Site, including the features and finishes of the following interior rooms of the house:

- Living room (including built-in bookcases, wood ceiling beams and wood columns, front hall, and dining room with built-in buffet)

CARRIED 08/229

## **7.4 Heritage Alteration Permit # 00074 for 221 Quebec Street**

Committee received a report dated April 3, 2008 from Development Services with respect to Heritage Alteration Permit # 00074 for 221 Quebec Street. The proposal is to rehabilitate on designated heritage building with a new addition for three transient suites, one in the basement and one each on the first and second storeys. The application is part of a proposed Heritage Revitalization Agreement (HRA) involving the assembled site of 221 Quebec Street, 506 – 508 Pendray

Street and 225 Quebec Street. The retention and rehabilitation of 221 Quebec Street is proposed in conjunction with new townhouses on 506 – 508 Pendray Street. As this heritage property is designated, a Heritage Alteration Permit is required for all exterior alterations. A public hearing is not required.

**Action:** Councillor Fortin moved that, pursuant to Heritage Designation Bylaw No. 51, City Council authorize the issuance of Heritage Alteration Permit # 00074 in accordance with:

1. Plans dated February 17, 2008.
2. Development meeting all bylaw requirements.
3. Final plans to be in accordance with plans identified above.
4. Submission of final details prior to building permit, including:
  - a. Repair, refinishing or painting of all wood components;
  - b. Detailed working drawings of proposed new windows, new side entrance, new wood detailing, new front entry stairs and handrail, new red brick foundation and new fibreglass shingles.

CARRIED 08/228

## **7.5 District of Saanich Draft Official Community Plan, December 2007**

Committee received a report dated April 3, 2008 from Development Services regarding the District of Saanich Draft Official Community Plan, December 2007. The District of Saanich has referred their Draft Official Community Plan (OCP) to Victoria Mayor and Council by letter dated January 24, 2008, as required under the consultation requirements of Section 879 of the *Local Government Act*. The purpose of this report is to present the findings of a staff review of the draft OCP (December 2007).

The District of Saanich has spent the last year or so undertaking a focused review of its OCP. The majority of the OCP's policies, goals and objectives are not being revised. Rather, the review focused on issues related to climate change, growth and urban design.

Staff's review of the draft OCP indicates that it is generally in alignment with City of Victoria policy. There are, however, two specific areas that require mention. These include bicycle network connectivity across the municipal boundary, and continuity with future development patterns that overlap the municipal boundary. However, the report concludes that the City of Victoria has no objection to the draft 2007 District of Saanich OCP.

**Action:** Councillor Fortin moved that the Director of the Planning and Development Department be instructed to write to the Director of Planning for the District of Saanich, that:

1. the City of Victoria has no objection to the draft 2007 District of Saanich Official Community Plan:
2. the District of Saanich staff continue to work with City of Victoria staff to ensure designated bicycle route continuity across the municipal boundary; and,

3. the District of Saanich continues to work with its partners in the region to meet the goals of the *Capital Regional District Regional Growth Strategy*.

CARRIED 08/227

#### **7.6 Victoria Hospitality Award Program**

Committee received a report dated March 4, 2008 from the Mayor's Office with respect to Victoria Hospitality Award Program.

- Action:** Councillor Fortin moved that Council approve the recommended grant allocation of \$950.00 to cover the costs of the City of Victoria Hospitality Award Pin and engraving with the following standard conditions:
1. Acknowledgment of the City's support of the program in print and publicity materials for the program.
  2. Results of applicable exit surveys.
  3. Access to photographic databases (where they exist) for use in City of Victoria publications.

CARRIED 08/226

#### **7.7 Disposition of Communications dated March 28, 2008**

- Action:** Councillor Fortin moved that the Disposition of Communications dated March 28, 2008 from the Manager, Administration, be received for information and filed.

CARRIED 08/225

#### **7.8 Proclamation – “National Public Works Week”**

- Action:** Councillor Fortin moved that the week of May 18 - 24, 2008 be proclaimed as “National Public Works Week” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 08/224

#### **7.9 Proclamation – “National Day of Mourning”**

- Action:** Councillor Fortin moved that April 28<sup>th</sup>, 2008 be proclaimed as “National Day of Mourning” in the City of Victoria, Capital City of the Province of British Columbia.

CARRIED 08/223

#### **7.10 Trip to Gothenburg, Sweden, April 16 – 19, 2008 and IMEX Convention – April 20 – 23, 2008**

Committee received a report dated March 17, 2008 from the Mayor's Office with respect to a trip to Gothenburg, Sweden and the IMEX Convention in April 2008. The IMEX International Convention and Politician's Forum is being held from Sunday April 20 to Tuesday, April 23, 2008 in Frankfurt, Germany. Prior to the

convention in Frankfurt, the Mayor has expressed an interest in travelling to Gothenburg, Sweden to visit their sewage treatment plants.

**Action:** Councillor Fortin moved:

1. That Council approves the attendance of Mayor Alan Lowe to the IMEX Convention 2008 and to travel to Gothenburg, Sweden.
2. That Council approves funding of approximately \$2867.00 to cover related expenses.

CARRIED 08/222

### **7.11 AVICC Annual Convention**

Committee received a report dated March 20, 2008 from the City Manager's office with respect to the AVICC Annual Convention, which is being held at Bear Mountain from April 11 to 13, 2008. Councillor Holland would like to attend with the approximate costing being \$520.00.

**Action:** Councillor Fortin moved that Council approve the attendance of Councillor Holland at the 2008 AVICC Convention.

CARRIED 08/221

### **7.12 FCM – Quebec**

Committee received a report dated March 27, 2008 from the City Manager's office regarding the FCM Conference being held in Quebec from May 30 to June 3, 2008. Councillor Chandler would like to attend with the approximate cost being \$2,700.

**Action:** Councillor Fortin moved that Council approve the attendance of Councillor Chandler at the 2008 FCM Conference.

CARRIED 08/220

## **8. DEVELOPMENT SERVICES**

### **8.1 Rezoning Application # 00128 for 253 Esquimalt Road (Roundhouse)**

Committee received a report dated April 3, 2008 from Development Services with respect to Rezoning Application #00128 for 253 Esquimalt Road (Roundhouse) to allow a mixed residential/commercial development and to amend the Official Community Plan. The purpose of this report is to present Council with information, analysis and recommendations regarding this rezoning application. The proposal is for approximately 460 residential units, 15 live/work units and 180 residential/hotel units as well as a combination of retail, restaurant, pub, artisan, light industry and office uses. The rail corridor, which presently runs through the site, would be maintained and a section of the Roundhouse would continue to be used for storing and maintaining rail cars. The overall site density would be 2.0:1.

One of the key features of this proposal is that the designated Heritage Roundhouse buildings, the turntable and associated structures would be rehabilitated and retrofitted with uses that would welcome the public onto the site

and into the buildings. Other key features of the proposal include developing a pedestrian and cyclist greenway parallel to the rail line, and making improvements to Lime Bay Park and the City-owned park at the corner of Sitkum and Kimta Roads. The development would also result in extensive site remediation across the site.

The proposal includes a series of four high-rise buildings, sited atop podiums. The proposed building heights are 21, 20, 16 and 12 storeys. The applicant has explained that the proposed height is required in order to make the project viable at a density of 2.0:1. If a lower building form were pursued, additional density would be required to make the project and proposed amenities economically viable.

There is no formal policy or measuring stick which staff can use to evaluate this sort of request for density and building height in relation to community benefits in this location. An independent analysis, by a consultant with expertise in urban land and development economics, would be required if Council would find a more thorough evaluation of the value of the requested density useful.

The applicant has provided draft design guidelines that have been reviewed by the community and staff. These would benefit from additional review by the Advisory Design Panel and the Heritage Advisory Committee. It is suggested that the review of the proposal occur at a joint meeting of these two committees so that the design issues can be dealt with in a holistic manner.

Committee members discussed with staff the following:

- Environmental initiatives to ameliorate the impact on City infrastructure.
- The 3700 sq of retail activity and if it is sufficient to support community vibrancy.
- Parking on site; staff advised parking will primarily be underground.
- Timing in regards to:
  - Expediency with respect to heritage buildings and their state of disrepair.
  - Moving events forward simultaneously, rather than sequentially.
  - Due diligence required in the reviewing and decision making process.

Staff advised that approvals are subject to the Director of Planning and Development's discretion and should not hold up the process. The MDA would have components built in to move requirements forward simultaneously. Also noted was that before the public hearing the MDA should be in final form so that Council's decision is made on a sound basis.

Some Committee members requested a pro forma analysis and input from social planning. Other Committee members expressed the view that enough consultation had occurred. Staff advised that the type of methodology used in pro forma analysis involves a business aspect that creates confidentiality issues. The intention of recommendation 1a is to give a land lift analysis as well as a suite of amenities and costs. Committee members and staff discussed the methodology to be used by the consultant to provide a thorough review. Also noted was that the City will be paying for the consultant; the policy for the developer to pay for consultations was not in place for this application.

A Committee member requested that staff provide Committee with a memo on business pro formas and how other municipalities may use this analysis.

A Committee member requested that staff provide Committee with a memo outlining an estimated schedule for the steps required in this application.

A Committee member inquired about recommendation 1f with staff advising that this review is to determine if national brand retail outlets would impact the community. A review regarding specialized retail outlets has been completed.

A Committee member inquired about a designated artisan use site and suggested that this location be tied to artisan use rather than the suggested flexibility.

Committee members commended staff on the thoroughness of the report and the recommendations.

**Action:** Councillor Holland moved:

1. That Council advance this application for consideration at a public hearing and direct the City's Solicitor to prepare Zoning Regulation Bylaw Amendments which will create a new Comprehensive Development District Zone for the Roundhouse site and *Official Community Plan* Amendments to change the land use designation and to establish a new Development Permit Area regulating form, character, exterior design and landscaping and establishing new Design Guidelines, subject to:
  - a. review of the proposed community amenities in relation to the proposed density by a consultant with a background in urban land and development economics.
  - b. review by Advisory Planning Commission with special attention to requested uses and density.
  - c. review of the draft Roundhouse Design Guidelines by a joint committee of Advisory Design Panel and Heritage Advisory Committee with special attention to height, massing and relationship to the heritage buildings.
  - d. revision and refinement of the Roundhouse Design Guidelines incorporating comments from City Staff, Advisory Design Panel and Heritage Advisory Committee to the satisfaction of the Director of Planning & Development.
  - e. confirmation from CP Rail, Southern Rail and any other agency with jurisdiction over the rail corridor, stating that the proposed crossing and trail design are acceptable to the satisfaction of the Director of Engineering.
  - f. confirmation from PricewaterhouseCoopers Real Estate Incorporated that neighbouring commercial centres are viable even if a traditional marketing approach is used at the Roundhouse site.
  - g. development of a Housing Agreement requiring compliance with adaptable housing guidelines and ensuring that strata bylaws are crafted to allow owners to rent out all or a portion of their suites to the satisfaction of the Director of Planning & Development.
  - h. development of a legal agreement detailing rehabilitation of the Roundhouse buildings and associated structures including providing

timelines for the various stages of rehabilitation, ensuring that immediate measures are taken to address any imminent concerns regarding the stability and safety of the heritage buildings and structures. The agreement may take the form of either a Heritage Revitalization Agreement or the inclusion of requirements in a Master Development Agreement.

- i. a Master Development Agreement being registered on title which secures and provides remedial measures for non-performance, detailing:
  - i. a Transportation Demand Management Program to the satisfaction of the Director of Engineering.
  - ii. sanitary and stormwater improvements to the satisfaction of the Director of Engineering.
  - iii. off-site improvements to streets, boulevards and sidewalks and any necessary statutory right-of-ways to the satisfaction of the Director of Engineering.
  - iv. preservation and maintenance of protected tree species during construction, and in the long term, to the satisfaction of the Director of Parks, Recreation and Community Development.
  - v. improvements to Lime Bay Park and the City-owned park at the corner of Kimta and Sitkum Roads to the satisfaction of the Director of Parks, Recreation & Community Development.
  - vi. phasing and interim landscaping strategies to the satisfaction of the Director of Planning and Development.
  - vii. adherence to sound attenuation measures and standards to the satisfaction of the Director of Planning and Development.
  - viii. sale of City-owned property to the satisfaction of the Director of Legislative & Regulatory Services.
  - ix. provision of the E&N Rail/Trail through the site and any related statutory rights-of-way, to the satisfaction of the Director of Engineering, the Director of Parks, Recreation and Community Development and the Director of Planning and Development.
  - x. details regarding the provision of any community space in the Roundhouse building to the satisfaction of the Director of Parks, Recreation & Community Development.
  - xi. any other community amenities or development issues to the satisfaction of the Director of Planning and Development.
2. That Council considers consultation under 879 (2) of the *Local Government Act* and determines that no referrals are necessary to the Capital Regional District Board, Councils of Oak Bay and Saanich, the Songhees and Esquimalt First Nations, the School District Board and the federal government and its agencies; however the application will be referred to the Township of Esquimalt and the Songhees and Esquimalt First Nations for their comment because of their close proximity to the site.
3. That Council direct staff to amend the Policy Plan and *Design Guidelines for the Songhees Area of Victoria West, 1986* to remove the Roundhouse properties from the document and to direct readers to the new Roundhouse Design Guidelines, concurrent with a successful rezoning and OCP amendments.
4. That Council direct staff to amend the Victoria West Plan concurrent with a successful rezoning and OCP amendments.

5. That Council authorize the sale of City property, identified as Part East 1/2, Section 31, Esquimalt District (PID 010-218-769) concurrent with a successful rezoning and OCP Amendments, at market value, to be determined by an appraisal. Land to be sold “as is where is” and shall be consolidated with the parent parcel at the time of transfer. Disposition of land is subject to the advertising requirements of the Community Charter.
6. That Council amend Bylaw #04-89 related to the rail corridor by removing properties identified as:  
 PID: 008-944-164 - LOT 52A, SECTION 31, ESQUIMALT DISTRICT, PLAN 549  
 PID: 008-944-229 - LOT 54, SECTION 31, ESQUIMALT DISTRICT. PLAN 549  
 PID: 008-944-253 - LOT 55, SECTION 31, ESQUIMALT DISTRICT, PLAN 549  
 PID: 008-944-369 - LOT 58, SECTION 31, ESQUIMALT DISTRICT, PLAN 549  
 PID: 008-944-377 - LOT 59, SECTION 31, ESQUIMALT DISTRICT, PLAN 549  
 PID: 026-685-507 - LOT 2, OF THE UNNUMBERED PART OF ESQUIMALT DISTRICT, PLAN VIP81036  
 from the bylaw, concurrent with a successful rezoning.
7. That Council direct staff to require the applicant to pay for and organize a second “Community Meeting,” prior to the public hearing, if the Director of Planning and Development determines that substantial changes occurred to the proposal as a result of further review.

CARRIED 08/219

## **8.2 Rezoning Application # 00168 for 1016, 1020, 1028, 1030 Richardson Street**

Committee received a report dated April 3, 2008 from Development Services with respect to Rezoning Application #00168 for 1016, 1020, 1028 and 1030 Richardson Street. This proposal is for a sixteen-unit townhouse development on Richardson Street, located east of Vancouver Street. The applicant is proposing to consolidate three lots.

The points considered in assessing this application include the following:

- The proposal is consistent with the City of Victoria’s *Official Community Plan* and *Suburban Neighbourhood Plan* policies relating to Fairfield.
- The proposed zone is different than the standard R-K Zone for minimum site area in relation to number of units, density, site coverage, front and rear setbacks, and minimum separation space between units. The differences are supportable and the rationale is outlined in detail in the analysis section of this report.
- There are three existing houses on the property which will be deconstructed and recycled: a single family dwelling, duplex and a vacant rooming house. The rooming house was designed by Samuel McClure but is not designated as heritage. The applicant has explored the option of moving the rooming house with the Heritage Society but after consulting with Nickel Brothers House

Moving Ltd., has determined that this option is not feasible. The Senior Heritage Planner has determined that the rooming house is in poor condition.

- The Tree Preservation Officer has assessed the development proposal and its impact on trees. As four protected trees will need to be removed as a result of this application as well as eight non-protected trees, the applicant has agreed to provide a total of sixteen trees to the City. The applicant is also responsible for replacement of a decaying boulevard tree and ensuring trees are planted every ten metres.
- The Fairfield Community Association and neighbours have been consulted.

*Councillor Coleman withdrew from Council Chambers at 10:41 a.m.*

A Committee member expressed concerns with respect to the removal of vital housing stock considering the low vacancy rate.

A Committee member noted that several options for this site have been reviewed by the Fairfield Community Association, with this proposal being the final selection.

*Councillor Coleman returned to Council Chambers at 10:43 a.m.*

The applicant, Mike Miller, advised Committee that he has consulted with Nickel Brothers House Moving Ltd., who reviewed options for moving the houses and found none of the options were viable.

A Committee member expressed some concerns regarding the planning of the house and how the rear townhouses fit onto the site.

Staff advised that Legislative and Regulatory staff are working on a report regarding the loss of rental housing stock.

**Action:** Councillor Holland moved:

1. That Council forward the application for consideration at a Public Hearing and the City's Solicitor be instructed to prepare the necessary *Zoning Regulation Bylaw* amendments based on the data table, and *Official Community Plan* amendments to place this site in Development Permit Area 35, Humboldt Valley subject to:
  - a) Review by the Advisory Design Panel;
  - b) The Development Permit being processed concurrently with the rezoning, in accordance with plans date stamped November 22, 2008 and Parking Level Plan, Block 1 and 2 Elevations dated February 6, 2008.
2. That Council considers consultation under 879 (2) of the *Local Government Act* and determines that no referrals are necessary with the Capital Regional District Board, Councils of Oak Bay, Esquimalt and Saanich, the Songhees and Esquimalt First Nations, the School District Board, and the federal government and its agencies because the amendment affects three properties and can be considered under approved neighbourhood plan policies.

CARRIED 08/218

Councillors Chandler and Madoff voted against this motion.

### **8.3 Rezoning Application # 00159 for 28 Oswego Street**

Committee received a report dated March 11, 2008 from Development Services regarding Rezoning Application #00159 for 28 Oswego Street to rezone a 487 m<sup>2</sup> lot fronting on Oswego Street to permit the use of a rear yard accessory studio building as a self-contained dwelling unit.

The following points were considered in reviewing this application:

- The *James Bay Neighbourhood Plan* identifies this area as one of “greatest stability”, where little change in the type of housing is expected.
- The City’s conversion policies and regulations do not support the location of self-contained dwelling units in accessory buildings.
- The proposal has minimal privacy impacts as the accessory building does not have any windows facing the adjacent yards to the west and north. It is also screened by high fences.
- The effect of approving of this application, based on “merit”, may be the receipt of more garage conversion applications. The effect of declining the application is likely to be a reinforcement of the current policy of non-support and the discouraging of future applications.

The James Bay Neighbourhood Environment Association and neighbours have been consulted. The applicant’s letter outlining the proposal and its rationale are attached to the report.

Some Committee members were supportive of this garage conversion as an alternate form for residential use. Committee members discussed the precedent set should this application move forward and the possible influx of applications. Another ramification would be a significant policy discussion on this type of use for ancillary buildings.

Committee members discussed the following:

- Assessing these applications on an individual basis;
- Garages being purpose built to convert to rental housing;
- Protecting garages suggests protecting accommodation for cars;
- Garage conversions rented below market rates;

Staff advised that a covenant be secured to ensure that the self-contained dwelling cannot be strata-titled. A Committee member requested a legal opinion on this proposal.

Staff advised that a review of the secondary suite policy will be brought forth to Committee at the end of the year.

Staff advised that the type of policy work required for this issue would be complex and there are no plans to undertake such a study at this time.

**Action:** Councillor Coleman moved:

1. That the application be forwarded for consideration at a Public Hearing and that the City's Solicitor be instructed to prepare the necessary Zoning Bylaw amendments, based on the project information table.
2. That rental of the self-contained dwelling unit in the accessory building be secured in perpetuity.

CARRIED 08/217

The Mayor, Councillors Fortin and Young voted against this motion.

#### **8.4 Development Permit # 000114 for 608 Broughton Street**

Committee received a report dated April 3, 2008 from Development Services with respect to Development Permit # 000114 for 608 Broughton Street. The proposal is to construct an eleven-storey mixed-use residential building with commercial uses at the ground floor. The proposed building has two distinct components. The lower portion (9 levels) recalls the more traditional proportions and rhythms of the surrounding buildings, but uses a contemporary expression. The upper two floors incorporate a curved glazed façade terminated with a glazed canopy.

The following points were taken into consideration in reviewing this proposal:

- While the proposal has taken a contemporary approach to reflect the value of the current times, it is strongly contextual in its response to the existing urban structures in Old Town. It is consistent with the intent of the *Design Guidelines: Old Town, Victoria, BC (2006)*, *Downtown Victoria Plan (1990)* and *Advisory Design Guidelines for Buildings, Signs and Awnings (1981)*.
- At its February 28, 2008 meeting, Advisory Design Panel reviewed a revised design and recommended approval with a strong suggestion that plantings be added to the ninth floor patio on the south and west sides.
- The proposal complies with the current zoning and there are no variances required.
- Developing the vacant site for residential use and reinstating retail frontage will add to the vitality of the Old Town area.

As this Development Permit application does not include variances, there is no requirement for notification, sign posting and a hearing.

Some Committee members expressed concerns regarding the termination of the upper two storeys of the building and that it is out of character with 'Old Town'. Also noted was that this important development was not reviewed by the joint Advisory Design Panel (ADP) and Heritage Advisory Commission (HAC).

Committee members discussed the outcome of the two ADP meetings where there was a discussion regarding traditional and contemporary termination of the building. The Heritage Planner spoke to Committee regarding this proposal and the response at the ADP meetings. Many Committee members felt a reduction in the canopy would be a more acceptable design.

Some Committee members commented that they would like to see other options for a building that stands out less in 'Old Town'.

**Action:** Councillor Madoff moved that the motion be amended to include other options with respect to the treatment of the top floors of the proposed building.

DEFEATED 08/216

The Mayor and Councillor Coleman, Holland, Hughes and Young voted against this motion.

Staff presented to Committee alternate design considerations for this project.

**Action:** Councillor Holland moved that Council authorize the issuance of a Development Permit in accordance with:

1. Plans stamped "Development Permit 000114" dated February 28, 2008.
2. Development meeting all Zoning Bylaw requirements.
3. **The Developer reviewing options to reduce the top floor cantilevered canopy and** that final plans to be in accordance with the plans identified above with responses to the Advisory Design Panel and staff comments to the satisfaction of the Director of Planning and Development prior to building permit stage.

CARRIED 08/215

Councillors Chandler, Fortin and Madoff voted against this motion.

### **8.5 Development Permit # 000096 for 1077 – 1081 Verrinder Avenue**

Committee received a report dated April 3, 2008 from Development Services with respect to Development Permit # 000096 for 1077 – 1081 Verrinder Avenue. This is a Development Permit application for the property located at 1077-1081 Verrinder Avenue. The proposal is to convert a triplex into a four-plex. The application meets the intent of the Development Permit Area guidelines for Oak Bay Avenue.

The applicant met with the Rockland Neighbourhood Association to outline the current proposal and provide details of future development plans for the adjoining properties. The Neighbourhood Association's comments are provided with the report. This Development Permit application includes variances, therefore requires notification, sign posting and a hearing.

**Action:** Councillor Holland moved that Council authorize the issuance of a Development Permit in accordance with:

1. Plans stamped "Development Permit 000096" dated February 20, 2008
2. Development meeting all Zoning Bylaw requirements, except for:  
Section 1.1.5 - Side yard setback (south) relaxed from 3.0m to 2.4m  
Section 1.2.1 (o) (x) - Maximum height of conversion relaxed from 7.6m to 7.8m  
Schedule "C" Section 72(h) - Landscape belt relaxed from 0.6m to nil and wrought iron fence in place of a solid fence.

3. Final plans to be in accordance with the plans identified above to the satisfaction of the Director of Planning and Development.

CARRIED 08/214

#### **8.6 Development Permit # 000116 for 1006 Wharf Street**

Committee received a report dated April 3, 2008 from Development Services with respect to Development Permit # 000116 for 1006 Wharf Street. The applicant proposes a one-storey storage container-type structure sited on the landward side of the pier, 2.4m east of the canteen-style fish and chip take-out (Red Fish Blue Fish). The location hugs the ramp leading from the pier to the street. The container would be similar in design and height to the canteen, including a green roof, but approximately half its footprint size. A small yard between the structures will be enclosed by existing ornamental "fish net" fencing. The proposed exterior wall material is corrugated metal painted dark teal to match the canteen. No windows or vents are planned. The applicant has described the proposed design in the letter dated February 11, 2008 attached to the report.

This application has a variance which requires public notification and a hearing.

**Action:** Councillor Holland moved that Council instruct staff to provide notice for a Public Hearing to consider this Development Permit with Variance and following the Hearing consider the following resolution:

1. That Council authorize the issuance of a Development Permit with Variance in accordance with:
  - a. Plans stamped 'Development Permit 000116' dated Dec. 21, 2007.
  - b. Development meeting all bylaw requirements except vary Part 8.17.4 reducing the setback from the high water mark from 7.5 to 1.82 m
  - c. Refinement of the north façade for visual interest to the satisfaction of the Director of Planning and Development.
  - d. Final plans to be in accordance with plans identified above to the satisfaction of the Director of Planning and Development.

CARRIED 08/213

#### **8.7 OCP Amendment # 00143 and Development Permit Application # 000093 for 750 Pandora Avenue**

*Councillor Holland withdrew from Council Chambers at 12:04 p.m.*

*The Mayor withdrew from Council Chambers at 12:04 p.m. Councillor Coleman assumed the Chair.*

Committee received a report dated April 3, 2008 from Development Services with respect to Official Community Plan (OCP) Amendment # 00143 and Development Permit Application # 000093 for 750 Pandora Avenue. Staff and the Advisory Design Panel (ADP) have concluded their review of the applications and support

the fundamental design approach, with some further recommended design refinements and work to be completed prior to public hearing.

The applicant proposes a phased project for two residential towers with shop frontage, underground parking, an internal courtyard comprising both semi-private and public open space and mid-block walkway. The proposal requires an amendment to the design guidelines within the *Official Community Plan* and a Development Permit with variances for height, side setbacks, massing on both streets and siting of residential at street level. At its December 13, 2007 meeting, Council passed a motion that the application proceed for consideration at a public hearing concurrent with the Development Permit, conditional on the applicant making revisions and a review by the ADP.

The applicant initially proposed that the higher, nineteen storey tower be sited on Pandora Avenue. Committee of the Whole was concerned with the visual impact to Douglas Street and to the architectural landmark of the City Hall clock tower. The Downtown Victoria Plan identifies the importance of opening a view of the clock tower from the Pandora Avenue approach and a height-sensitive zone within approximately 90 metres of the clock tower. The applicant has revised the design in response to this by placing the higher tower on Cormorant Street which has resulted in more compatible massing. Both towers are sited outside of the height sensitive zone. The north tower's 54.4 m exceeds the CA-40 Zone's height limit of 43 m by 27% (11.4 m) however Council's *Interim Building Height Policy* permits consideration of height increases of up to 35% in this location. A comprehensive skyline impact analysis supports this design solution.

At its January 2008 meeting, the Advisory Design Panel moved that the application be recommended for approval with a strong recommendation to further refine the public realm. Staff recommend that the design guidelines be revised to include a guideline that encourages the public open space to be integrated with and visible from Pandora Avenue, and that the applicant continue to refine the design to ensure that the walkway and courtyard are as successful as possible.

Finally, there is a technical issue that requires resolution prior to this proposal proceeding. There is an existing easement over the subject property that permits vehicular access off Cormorant Street into the Rotherham site's underground parking. The applicant has indicated that discussions have taken place with the adjacent property owner to discharge that easement and relocate formal driveway access onto the Rotherham site. This issue is critical to this project as the easement is currently over the area where the proposed mid-block walkway and portion of the Cormorant Street tower are located. As the fundamental design approach is dependent upon discharge of the existing easement, staff recommend that an agreement with the adjacent property owner be submitted to the City prior to Council giving any readings of the OCP amendment bylaw.

*The Mayor returned to Council Chambers at 12:06 p.m. and assumed the Chair.*

*Councillor Holland returned to Council Chambers at 12:07 p.m.*

A Committee member expressed concerns and questioned the policy to allow an additional lift of up to 35% in this area as outlined in the interim height policy. Staff

advised that an allowance is given on merits based on the application. Staff advised Committee that this application doesn't have flexibility due to the 90 m height sensitive zone and the allowance for the mid block walkway.

*Councillor Hughes withdrew from Council Chambers at 12:14 p.m.*

*Councillor Hughes returned to Council Chambers at 12:16 p.m.*

Committee members noted the following:

- The quality of the public space.
- The application has met the constraints of this site.
- The view corridor may be obstructed by a future building.

**Action:** Councillor Holland moved:

1. That with respect to the amendment to the *Official Community Plan* (OCP), that the application be forwarded for consideration at a Public Hearing and that staff be instructed to prepare an OCP amendment bylaw subject to:
  - a. Revision of the design guidelines applicable to 750 Pandora Avenue, marked "revised Dec. 21, 2007" as follows:
    - i. Add this wording in its introduction:  
"These design guidelines have effect solely on 750 Pandora Avenue and do not constrain design of other properties e.g. references to conserving the vista of City Hall clock tower from 750 Pandora's central courtyard and a future walkway link from the courtyard to Douglas Street are subject to private negotiation and are not in any way guaranteed by their reference in these guidelines."
    - ii. Add a guideline that encourages the public open space to be integrated with and visible from Pandora Avenue.
  - b. That prior to Council giving any readings to the OCP amendment bylaw, that the applicant submit an agreement with the adjacent property owner to discharge the existing easement, to the satisfaction of the Director of Planning and Development.
  - c. That prior to scheduling the public hearing, legal agreements be finalized to secure the commitments for adaptable design, green building, public art, public access, phasing and off-site improvements in a form satisfactory to the Director of Planning and Development.
2. That following the public hearing and adoption of an amendment to the *Official Community Plan*, Council authorize the issuance of Development Permit #000093 based on plans labelled "Revision 02/March 19, 2008 subject to:
  - a. Confirmation of acceptance of the site profile by the BC government;
  - b. Development meets all zoning requirements except for the following variances:
    - 6.8.1 (e) Relaxation to locate residential use on the ground floor of north tower
    - 6.8.3 (b) Massing setback from streets relaxed from 8.9m to 4.0m (Pandora Avenue) and 2.2m (Cormorant Street) for building over 12m in height

- 6.8.3(c) Height limit relaxed from 43m maximum to 54.4m
- 6.8.5 Side yard setback for buildings over 15m in height relaxed from 4.5m to nil (east)
- c. Further refinement of the south podium for improved visibility of retail uses within the public space and integration with Pandora Avenue; and submission of plans showing these refinements along with details of the relationship between the common terrace and the public open space including provisions of potential security fencing and gates to the satisfaction of the Director of Planning and Development.

CARRIED 08/212

Councillors Chandler, Fortin and Madoff voted against this motion.

## **8.8 Official Community Plan Bylaw Amendment # 08-019 for 203 – 345 Harbour Road**

*Councillor Chandler withdrew from Council Chambers at 12:29 p.m.*

*Councillor Chandler returned to Council Chambers at 12:31 p.m.*

Committee received a report dated April 3, 2008 from Development Services with respect to Official Community Plan (OCP) Bylaw Amendment # 08-019 for 203 – 345 Harbour Road. The purpose of this report is to provide Council with information regarding a City-initiated application to amend the Official Community Plan (OCP). The proposal is to remove the Harbour Road Industrial Waterfront site located at 203 to 345 Harbour Road from the existing Development Permit Area #4 (Songhees) and place it into Development Permit Area (DPA) #36 (Dockside). New Design Guidelines, specifically created for the Harbour Road Industrial Waterfront, would also be incorporated into DPA #36.

The existing Development Permit Area only gives the City the authority to regulate form and character. The new DPA would give the City authority to regulate exterior design, finishes and landscaping as well as form and character. This greater degree of control is desirable as the eastern edge of the Songhees area is changing. While long-standing marine-based businesses are remaining, a new community is emerging as part of the Dockside Green development. The proposed new Harbour Road Industrial Waterfront Design Guidelines are aimed at reducing the potential for conflict between the existing marine industrial uses and neighbouring non-industrial uses.

Extensive community consultation has occurred in the development of the proposed Design Guidelines. The OCP amendment will require notification, sign posting and a Public Hearing.

Committee members agreed that a more fulsome discussion would occur in two weeks and allow time for a response to a letter received from Point Hope Maritime.

The consultants advised that changes in the plan had been reviewed with the community.

**Action:** Councillor Hughes moved that Council postpone this report until the next Committee of the Whole meeting on April 17, 2008.

CARRIED 08/211

*Councillor Fortin noted that the partnership agreement between Burnside Gorge Community Association and Van City has come to an end and he is now able to partake in these discussions.*

### **8.9 Rezoning Application # 000169 for Dockside Lands – Rezoning to Increase Floor Area of DA - B**

Committee received copies of the report dated March 12, 2008 from the March 20 Committee of the Whole meeting with respect to Rezoning Application # 000169 for Dockside Lands – Rezoning to Increase Floor Area of DA-B. The motion from March 20, 2008 Committee of the Whole meeting was corrected to show that the motion to move forward towards a public hearing was not passed. However, issues contained in that motion are to be investigated.

Committee members and staff discussed the issues of fitting density onto this site and the affordable housing strategy. Staff noted that the City will be paying for the consultant who will undertake the study. The policy for the developer to pay for the consultant was not in place for this application.

The applicant, Joe Van Belleghem, expressed his doubts as to the necessity of a economic analysis.

Staff advised that a report will be brought forward to Committee of the Whole once the additional information as been analysed.

## **9. COMMUNITY DEVELOPMENT**

*Councillor Fortin withdrew from Council Chambers at 12:49 p.m. as he is the Executive Director of the Burnside Gorge Community Association and has a direct pecuniary interest with the following item.*

*Councillor Chandler withdrew from Council Chambers at 12:49 p.m. as she is associated with a community project linked to the following grants which creates an indirect pecuniary interest.*

### **9.1 Community Development Program Grants**

Committee received a report dated April 3, 2008 from Community Development with respect to Community Development Program Grants. This report is a summary of the 2008 program grant requests and recommendations. Staff within the Social Planning and Housing Division has completed the analysis of nine organizations that applied for a grant. While these specific organizations were not identified in the Budget presented to Council earlier this year, the categories were,

and included Program Grants, Youth Outreach and Adult Outreach. The table below identifies the organizations along with the 2007 approvals and the 2008 requests and recommendations.

	<b>Organization Name</b>	<b>2007 Grant</b>	<b>2008 Request</b>	<b>2008 Recommendation</b>
	<b>Program Grants (CD1-CD4)</b>			
CD1	Downtown Ambassadors Program (Tourism Victoria)	\$15,000	\$20,000	\$15,000
CD2	Bike to Work Week (Greater Victoria Bike to Work Society)	\$2,500	\$2,500	\$2,500
CD3	Summer Opportunities Program (Youth Empowerment Society)	\$2,000	\$2,000	\$2,000
CD4	Meet & Greet Program (Victoria AM Society)	\$2,000	\$2,000	\$2,000
CD5	<b>Youth Outreach Worker Program</b> (Youth Empowerment Society, Fairfield Community Assoc., Burnside Gorge Community Assoc., Victoria West Community Y, James Bay Community Project)	\$55,000	\$60,000	\$60,000
CD6	<b>Adult Street Outreach Program</b> (Our Place Society)	\$25,000	\$25,000	\$25,000
	<b>Total</b>	<b>\$101,500</b>	<b>\$111,500</b>	<b>\$106,500</b>

The total amount of the program grants recommended for 2008 is \$106,500. Recommendations for each organization remain at the same levels as 2007 with the exception of a \$5000 increase to the Youth Outreach Worker grant for the Downtown. This increase can be accommodated within the existing program grant budget.

**Action:** Councillor Holland moved that Council approve the recommended 2008 Program Grants allocations of \$106,500 as presented with the following standard conditions:

1. Acknowledgment of the City's support of the program in print and publicity materials for the program;
2. Submission of interim and final reports.

CARRIED 08/210

*Councillors Fortin and Chandler returned to Council Chambers at 12:51 p.m.*

## 10. RECESS

**Action:** Councillor Hughes moved that Committee of the Whole recess at 12:51 p.m.

CARRIED 08/209

**11. RECOVENE**

Committee reconvened at 2:17 p.m.

**12. CLOSED MEETING at 2:18 p.m.**

**Committee Members Present:** Mayor Lowe in the Chair, Councillors Coleman, Fortin, Holland, Hughes, Madoff and Thornton-Joe.

**Absent:** Councillor Chandler.

**Absent for a Portion of the Meeting:** Councillor Young.

**Staff Present:** M. McCliggott – Assistant City Manager; R. Woodland - Corporate Administrator; B. Macquisten – Staples McDannold Stewart; C. Havelka – Recording Secretary.

**Action:** Councillor Coleman moved that Committee of the Whole convene a Closed meeting that excludes the public under Section 11(6) of the Council Bylaw for the reason that the following agenda items deal with matters specified in Section 11(3) and/or (4) of the Council Bylaw.

CARRIED 08/208

**12.1 Councillor Thornton-Joe – Hotel Zone Parking**

Councillor Thornton-Joe outlined for Committee an inquiry regarding parking in Hotel Zones. She requested that staff review the possibility of extending the allowed time in those zones or changing the enforcement.

**12.2 Councillor Thornton-Joe – CRD Smoking Bylaw**

Councillor Thornton-Joe advised Committee that enforcement of smoking bylaw is handled by the Regional Tobacco Control office within VIHA. The City has been receiving calls on this issue which is outside the City's jurisdiction. If the public has complaints, they should call the Regional Tobacco Control office at 360-1450.

**12.3 Legal – Lease of City Building**

Committee members continued with a discussion with respect to a report dated April 2, 2008 from Legislative and Regulatory Services with respect to a Lease of a City Building.

*Councillor Young joined the meeting at 2:45 p.m.*

*Mayor Lowe withdrew from the meeting at 2:45 p.m. Councillor Coleman assumed the Chair.*

*Mayor Lowe returned to the meeting at 2:46 p.m.*

The discussion and motion were recorded and kept confidential.

(Closed Resolution 08/207)

Committee members discussed forwarding this resolution for ratification at a Special Council meeting. Notice of a special council meeting must be given at least 24 hours before the time of the meeting, as outlined in section 9 of the *Council Bylaw*, unless notice is waived by a unanimous vote of all council members, as per section 127(4) of the *Community Charter*. Councillor Chandler was absent from the meeting; however under section 14 of the *Council Bylaw*, a member of council may participate in the meeting by means of a telephone conference call.

The Mayor instructed staff to contact Councillor Chandler to request her attendance via a telephone conference call at a special Council meeting.

Committee agreed to adjourn the Closed Committee of the Whole meeting for the purpose of convening a Special Council meeting to consider approval of the recommendation to give notice to terminate the lease with the Fernwood Community Association

### **13. ADJOURNMENT**

**Action:** Councillor Thornton-Joe moved that the Closed Committee of the Whole meeting of April 3, 2008 be adjourned at 3:03 p.m.

CARRIED 08/206

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Mayor Lowe, Chair