



## Council Member Motion

For the Planning and Land Use Committee of March 19, 2015

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**Date:** March 13, 2015

**From:** Mayor Helps and Councillor Alto

**Subject:** The Wave – Development Permit

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### Recommendation

*WHEREAS the strata corporation at The Wave submitted a development permit application that was rejected by Council;*

*AND WHEREAS the solution that was imposed by Council through Development Permit is proving both technically difficult and cost prohibitive for the strata given that a portion of their residents are seniors living on fixed incomes;*

*THEREFORE BE IT RESOLVED that Council allow the strata corporation for the Wave to resubmit a similar Development Permit to the original in less than the one year required as set out in the Land Use Procedures Bylaw, Section 3.2.2.*

Respectfully submitted,

A handwritten signature in black ink, appearing to read "L. Helps".

Mayor Lisa Helps

A handwritten signature in black ink, appearing to read "M. Alto".

Councillor Marianne Alto

December 29, 2014

Members Of City Council  
City of Victoria  
1 Centennial Square  
Victoria, BC V8W 1P6

Re: The Wave - Strata VIS611

Dear Council Members:

First, let me extend congratulations on your recent electoral victories. I am writing to seek your assistance in a matter that came before city council earlier this year.

You may recall that on June 12, 2014 city council voted to deny approval of development permit #000347. The application for the permit was part of a settlement agreement between the strata corporation and the parties (including the City of Victoria) named in a lawsuit (court registry S-124601) related to tile and stone falling off the east facade of the building. The permit would have allowed the existing stone and tile mosaic to be removed and replaced with a painted mosaic substantially the same in appearance. The majority of city council was of the opinion that because the original development permit specified stone and tile, any repair or replacement should use similar materials.

I am writing both as an owner and as the strata council president on behalf of the strata council and a number of owners who have asked whether this decision can be reconsidered.

We have now received detailed estimates of project management and construction costs for removing and replacing the tile in a secure manner. The estimated project cost is \$650,000. This will require a special assessment of the owners averaging \$6,500 per unit. This is in addition to \$120,000 already incurred to secure the wall with netting, perform inspections, develop design solutions and estimates, and pursue legal action. We anticipate at least another \$50,000 in additional legal fees to get us to trial, plus an unknown cost for the trial itself. All told, the final cost to the strata corporation for a problem not of its own making, in a building less than 10 years old, will likely be between \$800,000 and \$1,000,000. This could have been avoided had the development permit been approved.

We completely understand, and agree with city council, that the 'Wave' mosaic is a city landmark that contributes to the city's culture and enhances the region's appeal for tourism and recruiting, and as such, we are committed to preserving it. However the strata corporation's position has always been that:

- a) the painted mosaic will be indistinguishable from the tile mosaic at the distances from which it is viewed
- b) paint, rather than stone and tile, is far safer
- c) the effort to maintain stone and tile is similar in scope and cost to that required for paint

We also wonder whether this situation might dissuade developers from incorporating such artistic elements in future developments, or dissuade buyers from purchasing in buildings with this type of public art installation.

I would also note that the Planning and Land Use Committee Report from the city's planning department dated April 3, 2014 recommended approving the permit subject to a reduction in grid size, to which we agreed.

Based on the figures cited above, the average total cost per unit will likely be between \$8,000 and \$10,000. Although we will pursue recovering these costs in court, a number of owners have expressed concern at the hardship this entails as there is no chance of recovering these until after trial - currently set for March 29, 2016. Concern has been expressed that some owners may be forced to sell their units or face foreclosure as they cannot afford the assessments required to complete the repair.

I am respectfully asking that council reconsider the matter and advise as to whether there is a mechanism to appeal the original decision. Our annual general meeting is scheduled for January 22, 2015 and I would very much like to be able to report your thoughts on the matter to our owners.

I look forward to hearing from you.

Thank you.

Sincerely,

Eric Metson  
Strata Council President - VIS6115 (The Wave)  
Unit 1210 - 845 Yates Street  
Victoria, BC V8W 4A3

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