

## Amanda Ferguson

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**Subject:** FW: 848 Yates /Walkway - Applicants comments to Council on staff report.

**Importance:** High

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**From:** Charlayne Thornton-Joe (Councillor) <[cthorton-joe@victoria.ca](mailto:cthorton-joe@victoria.ca)>  
**Sent:** October 7, 2021 8:47 AM  
**To:** Christine Havelka <[chavelka@victoria.ca](mailto:chavelka@victoria.ca)>; Curt Kingsley <[ckingsley@victoria.ca](mailto:ckingsley@victoria.ca)>  
**Subject:** Fwd: 848 Yates /Walkway - Applicants comments to Council on staff report.

Good morning,

Can copies from f this email be printed for councillors this morning please.

Charlayne  
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**From:** Dave Chard <[dchard@charddevelopment.com](mailto:dchard@charddevelopment.com)>  
**Sent:** Thursday, October 7, 2021 8:13:23 AM  
**To:** Councillors <[Councillors@victoria.ca](mailto:Councillors@victoria.ca)>; Lisa Helps (Mayor) <[LHelps@victoria.ca](mailto:LHelps@victoria.ca)>  
**Cc:** Byron Chard <[BChard@charddevelopment.com](mailto:BChard@charddevelopment.com)>  
**Subject:** 848 Yates /Walkway - Applicants comments to Council on staff report.

Dear Mayor and Council,

I am writing to provide background and clarity to the 848 Yates Street midblock request which is being presented to Committee of the Whole this morning. Chard remains committed to delivering a 5.79M midblock and has already built and delivered the 1.22m section on our property. As staff outline on page 2, “the final design of the walkway was a collaborative process between staff and Chard, with agreement in principle from the owner of 836 Yates”. Chard does not own or control 836 Yates Street. We committed to funding and building the walkway on the 836 Yates property; however, Chard cannot built or construct on a property we do not own or the City does not have a statutory right of way over. The staff report is silent that the City has been unable to secure the legal rights for Chard to build the walkway portion on 836 Yates. Chard is requesting an amendment to the Statutory Right of Way over 848 Yates to restrict public access until the City staff are able to meet their commitment to allow the midblock to be a safe and usable area. Once the midblock meets the design standards of being 5.79m, the SRW would be adjusted back to the wording it is today to allow public through the space between 7am and 10pm.

The project was approved by council in May 2017 and is now occupied by 262 residents, of which 135 are first time home buyers under an Affordable Homeownership program with BC Housing which Chard voluntarily entered into. During the design process with City Staff, the midblock was a significant topic of discussion. As outlined in the staff report (page 3), “staff expressed concerns that the expansion of the walkway on our property was too narrow and did not meet minimum standards for accessibility; however, the commitment to match the grade of the adjacent site was considered an acceptable compromise for the 1.22m setback” on our property. Chard made this adjustment which required Chard to incur significant costs in the range of \$500,000 to excavate the additional depth to match the grades. The project has been built as per the approved amended Development Permit drawings on the land owned by Chard.

Chard is greatly concerned about the pedestrian experience and safety of the residents with a 1.22m midblock. This size of midblock does not meet the City's design standards and does not follow CPTED (Crime Prevention Through Environmental Design) principals until the City staff can secure an SRW on the neighbour property. There are townhomes that face onto this midblock, which were built at the request of City staff to animate the midblock; however, these homeowners livability are now greatly impacted given the narrow midblock they face onto.

The gate heights are discussed in the report as a request from Chard; however, this has already been approved by Staff and built to this approval. As outlined on the staff report on Page 3, "As part of the staff approval in November 2017, the height of the gates was increased from 1.83m to 2.59m on Yates Street and 2.8m on Johnson Street." The gates have been built and constructed as per these approved plans. As part of this request, Chard is not asking to adjusted these already approved plans,

Chard is greatly concerned that the staff report references but does not outline fundamental facts of the history of this midblock. Chard has delivered all obligations as required on our property. Chard has even suggested a cash contribution to build the remaining midblock once the City can secure the rights over the neighbour to show our good faith commitment to expand the walkway. However, Chard cannot legally build on someone else's property. This obligation is on the City. Chard finds is puzzling that on page 8 of the report as a challenge of Option 3, approval as proposed, staff outline a challenge could be "the loss of public access to the walkway could be indefinite." If it was indefinite, why did the Staff design a walkway on the neighbour property without having legal rights on it in the first place?

I am available to discuss further at your convenience on my cell 604-970-4900 or Byron Chard is available at 778-833-2574.

Sincerely,  
Dave Chard

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