

Dear Members of City Council,

I am writing to formally oppose the proposed Direct Control (DC) District redesignation based on the M-H1 district. This application would enable subsurface disturbance on a known contaminated site adjacent to an established residential neighborhood to accommodate an underground parkade. While the applicant has obtained a provincially approved Risk Management Plan, it addresses only the indoor air quality of the proposed building. **The plan calls for the collection and concentration of potentially contaminated underground vapours, which are then vented into the surrounding community—without any provisions for ongoing monitoring or mitigation.** This approach raises serious concerns about long-term public health risks and the adequacy of protections for existing residents.

Furthermore, while the DC Bylaw claims its primary purpose is to “respond to the low-density context,” its actual provisions do the opposite—**increasing building heights and reducing setbacks precisely where greater sensitivity is required.** This is not a minor oversight; it is a clear contradiction of the bylaw’s stated intent. Presenting a policy that purports to respect adjacent development while structurally undermining it is misleading and erodes public trust. This lack of transparency raises serious ethical concerns about how this proposal has been framed and communicated to both Council and the community.

## 1. Creosote Contamination: Ensuring Public Health and Safety

This site is classified as contaminated due to creosote that exists below the surface. While the applicant has secured a provincially approved Risk Management Plan to protect future residents within the proposed building, these mitigations are narrowly focused on indoor air quality. The plan collects and concentrates vapours, then vents them directly into the surrounding community—without any commitment to ongoing monitoring or mitigation. This raises serious and unresolved concerns, particularly during construction and from the long-term release of vapours from the underground parkade.

Unlike the previously approved townhouse slab development on this site—which involved minimal subsurface disturbance—this proposal includes excavation and an underground parkade. The scale of subsurface disturbance introduces new risks, for which adequate safeguards for neighbouring residents have not been demonstrated.

A February 2024 report from the [Environmental Law Centre of Alberta, The Regulation of Pollution and Contaminated Sites in Alberta](#), emphasizes that both the City and the Province share jurisdiction over developments on contaminated land. It calls for significant remediation, careful planning, and strong oversight. Critically, the report highlights major regulatory gaps in Alberta’s framework—especially regarding long-term risk management and public exposure—making the need for municipal leadership and caution even more urgent.

These concerns are amplified by the estimated 100-year-plus lifespan of this development and the inability to predict environmental conditions that far into the future. Without continuous

monitoring of vapour emissions and a clear mitigation strategy if conditions shift, the health risk to nearby residents will be at risk for the long-term.

In 2022, the Province commissioned a study titled [Assessment of the Potential Risks to Human Health from Creosote-Related Contamination in the Community of West Hillhurst, Calgary](#) with the purpose of understanding the risks to human health from creosote-related contamination in the community and to address concerns raised by local residents. This assessment must be updated to reflect the scope of subsurface disturbance of this current development proposal and re-assess the risks to human health.

Despite repeated requests, both City Administration and the Province have failed to provide meaningful information or engage with the community on these critical environmental and public health issues. **There has been no indication that contaminated site experts representing the City were consulted as part of the City's review, rather it seems there has been a reliance on the developer's consultants.** This lack of transparency raises serious concerns about due diligence, accountability, and public trust.

As the approving authority, City Council has an obligation to ensure that both future residents and the existing community are protected. I urge you not to approve this land use redesignation until the following conditions are met:

- A **comprehensive, publicly accessible plan** is in place for monitoring and mitigating vapour exposure throughout construction and the full lifespan of the development; and
- The **2022 West Hillhurst health risk assessment is updated** to account for the proposed development, with full analysis of the cumulative impact to the community.

The long-term health and safety of West Hillhurst residents must come before redevelopment ambitions. We ask that you act with precaution, transparency, and integrity by pausing this application until the risks are fully understood and addressed.

## 2. Building Height: Inconsistent with Transition Objectives

The M-H1 district is designed for high-density developments typically situated in community nodes—not within or adjacent to low-density residential neighborhoods. While the DC Bylaw claims to tailor these regulations to be more context-sensitive, the actual modifications do the opposite:

- Along Rear Lanes:
  - **Current M-H1 (LUB Section 644(4)):** Height reduced to 10 metres within 6 metres of the property line.
  - **Proposed DC (Section 9(2)):** Height reduced to 18 metres within 11 metres.
  - **Impact:** Instead of a decrease, this change results in an **8-metre increase** in allowable height at the lane interface, significantly intensifying massing adjacent to low-density homes.
- Along Streets:

- **Current M-H1 (LUB Section 644(3)):** Height reduced to 10 metres within 4 metres of the street.
- **Proposed DC (Section 9(1)):** No height reduction (24 metres allowed).
- **Impact:** This permits a **14-metre height increase** at the street-facing façade, eliminating any meaningful height transition to the neighboring low-density area.

The proposed DC Bylaw does not achieve the context sensitivity it claims. Instead, it introduces greater height and massing precisely where careful transition to adjacent low-density homes is most essential. Framing these changes as compatible is misleading and undermines the integrity of both the planning process and public trust. We urge Council to reject this bylaw in its current form and require substantive revisions that align with its stated intent and uphold the principles of responsible, transparent land use decision-making.

### 3. Setbacks: Reduction in Spatial Buffering

Adequate setbacks are essential for preserving neighborhood character and ensuring a respectful transition from higher- to lower-density forms. However, the proposed DC bylaw reduces or eliminates setbacks in key areas:

- Street Frontages:
  - **Current M-H1 (LUB Section 642(1)):** 6-metre minimum setback.
  - **Proposed DC (Section 7(1)):** 1.5 metres.
  - **Impact:** This represents a **4.5-metre reduction**, pushing massing closer to the public realm and adjacent residences.
- Lane Setbacks:
  - **Unchanged** from M-H1, and therefore fail to accommodate a lower-density context.

By contrast, both the M-C1 and M-C2 districts—which are explicitly intended for locations adjacent to low-density residential areas—include more appropriate setback requirements:

- **Street setbacks:** 3 metres (vs. 1.5 metres in the proposed DC).
- **Lane setbacks:** 1.2 metres (vs. 0 metres in the proposed DC).

As with the building heights above, the proposed setback reductions directly contradict the bylaw's stated intent of ensuring a sensitive interface with adjacent development. Presenting this DC as context-sensitive, while in fact applying standards that intensify massing and reduce separation, is deeply misleading. We urge Council to recognize this for what it is—a misrepresentation of planning intent—and reject the bylaw in its current form. Approving a policy that claims to mitigate impacts while doing the opposite undermines public trust and the integrity of the planning process.

### 4. Commercial and Retail Uses: Unresolved Conflicts with Residential Context

In the Applicant Outreach Summary, the applicant acknowledged that market analysis and community feedback did not support commercial or mixed-use development on this site. Despite this, the proposed DC Bylaw continues to include commercial and retail uses.

These uses are inconsistent with both the applicant's own findings and the stated objective of ensuring compatibility with the surrounding low-density residential area. If the intent is to adapt the M-H1 district to a residential context, these non-residential uses should be explicitly **excluded** from the proposed DC.

## 5. Site Access: Protecting Valuable Community Amenity Space

It is important to note that the proposed site access, as outlined by the applicant and City Administration, is intended to come from the back lane—a highly valued and frequently used community amenity. The back lane serves as one of the few accessible open spaces in the neighborhood, providing important access to the pocket park adjacent to the proposed development.

The neighborhood has limited amenity space for children and pedestrians. This lone pocket park is a key local feature, and other spaces, such as the Lawn Bowling Club and a soccer field on the west side of 19th Street, are either private or restrict public access. There are no other nearby recreational facilities, such as basketball courts or bike-friendly spaces, making the back lane critical for local children and families.

Additionally, this back lane provides direct access to the 14th Street bridge, a popular route for pedestrians and cyclists seeking access to the River Pathway system on the south side of Memorial Drive. Given the significance of this space to the community's mobility and quality of life, the decision to utilize the lane for site access is troubling. By directing vehicular access to the back lane, the proposed development risks compromising this important community resource, increasing traffic and safety concerns for pedestrians and cyclists alike.

We strongly urge the Council to amend the proposed DC Bylaw to **exclude the back lane** as a means of site access and instead prioritize access from **Westmount Boulevard**. Westmount Boulevard currently serves as the primary vehicular access point to the site and has little to no pedestrian or cycling activity. Requiring site access from Westmount Boulevard would preserve the integrity of the back lane as a vital community amenity.

## 6. Traffic Impacts: Premature Without a Transportation Plan

With 250 to 300 units, the proposed development will introduce a significant increase in vehicular traffic to an area already experiencing pressure from increasing density and ongoing shortcircuiting through residential streets. Residents are contending with growing congestion, reduced pedestrian safety, and increased traffic volumes on roads not designed to support this level of use—especially during peak hours.

While a Transportation Impact Assessment (TIA) was submitted as part of the application, the applicant has not made this document available to the community. This lack of transparency has only added to growing frustration about how this proposal has been handled. Residents have repeatedly asked for meaningful engagement and access to the information needed to understand how the development will affect their daily lives—yet key documents remain out of reach.

Moreover, despite acknowledging existing and anticipated traffic issues, the TIA has not been accompanied by a clear or funded plan to mitigate impacts. No traffic calming measures, intersection upgrades, or active transportation improvements have been confirmed or committed.

Approving this land use redesignation without a transportation strategy and supporting infrastructure investment is premature and risks compounding an already challenging situation. We urge Council to defer approval until a comprehensive, publicly accessible transportation plan is in place to support the increased demand this development will generate.

## Conclusion

This application poses significant and unresolved risks across multiple dimensions—environmental health, planning integrity, community safety, and public transparency. From venting concentrated vapours into a residential area without monitoring, to claiming context sensitivity while increasing height and reducing setbacks, the proposal contradicts its stated intentions and misrepresents its impacts.

**The failure to engage the community meaningfully, disclose critical information, or demonstrate adequate planning to mitigate long-term risks is unacceptable.** It undermines public trust in the planning process and places the burden of risk on existing residents.

City Council has both the authority and the responsibility to uphold the principles of responsible urban development. This includes protecting public health, ensuring transparency, and demanding alignment between policy intent and implementation.

We respectfully urge Council to reject this land use redesignation in its current form. It is premature, inconsistent with sound planning principles, and lacking the safeguards needed to ensure the long-term safety, livability, and trust of the West Hillhurst and Hillhurst communities. Until a complete and accountable framework is in place—backed by updated risk assessments, meaningful engagement, and enforceable protections—this application should not proceed.

The community is not opposed to development. We are opposed to development that puts residents at risk, undermines due process, and compromises the values of integrity, transparency, and accountability that City Council is elected to uphold.

Sincerely