

PROPOSED

IP2021-1506
ATTACHMENT 4

BYLAW NUMBER 69M2021

BEING A BYLAW OF THE CITY OF CALGARY TO DESIGNATE THE SENATOR PATRICK BURNS MEMORIAL ROCK GARDEN AS A MUNICIPAL HISTORIC RESOURCE

WHEREAS the *Historical Resources Act*, R.S.A. 2000 c. H-9, as amended (the “Act”) permits the Council of The City of Calgary to designate real property as a Municipal Historic Resource whose preservation the Council considers to be in the public interest because of their heritage value;

AND WHEREAS the Owner(s) of the Senator Patrick Burns Memorial Rock Garden has been given sixty (60) days written notice of the intention to pass this Bylaw in accordance with the *Act*;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as “City of Calgary Bylaw to Designate the Senator Patrick Burns Memorial Rock Garden as a Municipal Historic Resource”.

BUILDING AND LAND DESIGNATED AS A MUNICIPAL HISTORIC RESOURCE

2. the “Senator Patrick Burns Memorial Rock Garden” comprises:
 - a) 13,586.47 square-meters (3.36 acres) more or less, of land which comprises the parcel; and
 - b) Is located at 1103 10 ST NW as shown on attached Schedule “A” and legally described as:

PLAN 9410473
LOT 5MR (MUNICIPAL RESERVE)
EXCEPTING THEREOUT ALL MINES AND MINERALS
AREA: 1.36 HECTARES (3.36 ACRES) MORE OR LESS
3. “Senator Patrick Burns Memorial Rock Garden” is designated as a Municipal Historic Resource as defined in the *Act*.
4. The heritage value of Senator Patrick Burns Memorial Rock Garden is described in the attached Schedule “B”.
5. The specific elements of Senator Patrick Burns Memorial Rock Garden possessing heritage value are identified as the “character defining elements” in the attached Schedule “B”. Those specific elements identified as “character defining elements” in the attached Schedule “B” are known as the Regulated Portions (“Regulated Portions”).

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PERMITTED REPAIRS AND REHABILITATION

6. a) The Regulated Portions of Senator Patrick Burns Memorial Rock Garden shall not be removed, destroyed, disturbed, altered, rehabilitated, repaired or otherwise permanently changed, other than routine preservation and maintenance work, without prior written approval from the City of Calgary Council, or the heritage planner appointed by the City of Calgary Council as the Approving Authority for the purposes of administration of Section 26 of the *Act*. Any alteration, rehabilitation, repair or change to the Regulated Portions must be in accordance with the terms of the Parks Canada 2010 publication Standards and Guidelines for the Conservation of Historic Places in Canada, (*Standards and Guidelines*), as referenced and summarized in the attached Schedule "C".

b) All portions of Senator Patrick Burns Memorial Rock Garden which are not specifically described or identified as a Regulated Portion are hereby known as the Non-Regulated Portions ("Non-Regulated Portions"). The Non-Regulated Portions are not subject to the *Standards and Guidelines* and may be rehabilitated, altered or repaired, provided that such rehabilitation, alteration or repair does not negatively impact the Regulated Portions, and that all the other permits required to do such work have been obtained.

COMPENSATION

7. No compensation pursuant to Section 28 of the *Act* is owing.

EXECUTION OF DOCUMENTS

8. Any employees of The City of Calgary who exercise land use and heritage planning powers and duties are hereby authorized to execute such documents as may be necessary to give effect to this Bylaw.

SCHEDULES

9. The schedules to this Bylaw form a part of it.

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10. This Bylaw comes into force on the day it was passed.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____

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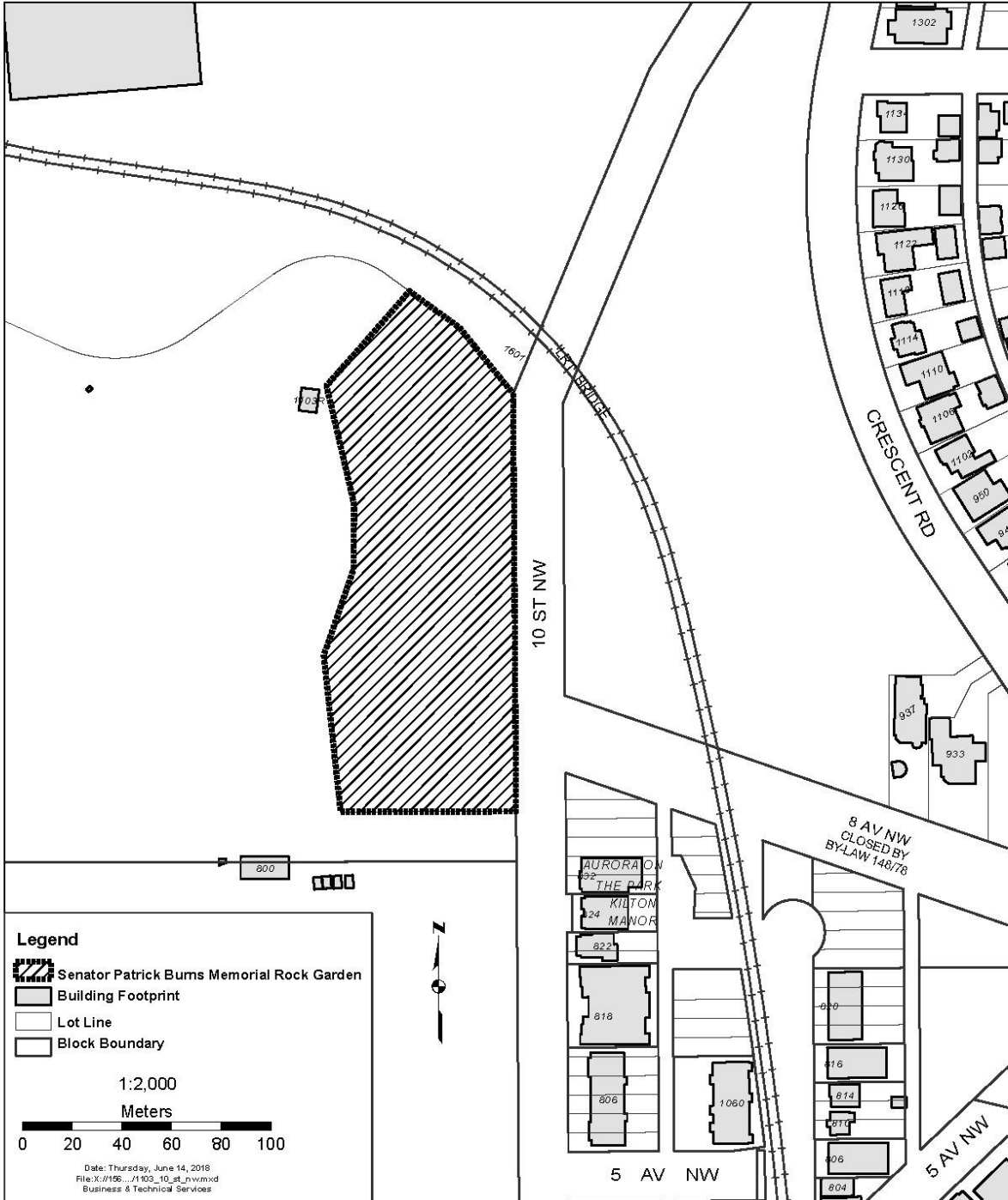
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SCHEDULE "A"

Calgary



1103 10 ST NW



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SCHEDULE "B"

Description

The Senator Patrick Burns Memorial Garden is a 1.44 hectare Alpine Rock Garden located on 10 St NW in the community of Hillhurst. The garden was created by former City of Calgary Parks Superintendent Alex Munro, a Fellow of the Royal Horticultural Society using demolished stone from the Burns mansion in Connaught. The Senator Patrick Burns Memorial Garden was the last municipal park of its kind to be developed in Calgary.

Heritage Value

The Senator Patrick Burns Memorial Rock Garden is valued for location, design, and its connection to two prominent Calgarians Senator Patrick Burns, one of the 'Big Four' financial backers of the first Calgary Stampede, and Alex Munro, Superintendent of Calgary Parks 1949-1960. The rock garden was designed by Alex Munro in 1956 and was constructed using 20,000 sandstone blocks from the mansion of Patrick Burns. The mansion – located at 510 13 Av SW - was constructed in 1901 and was demolished in 1955 to make way for a new entrance to the Colonel Belcher Hospital.

The Rock Garden is located adjacent to 10 St NW on a sloping hillside south of the Southern Alberta Institute of Technology (SAIT) campus. The land is rooted in Calgary history having first been occupied by Thomas E. Riley (1842-1909) who had homesteaded in the area since 1887. This land was subdivided into residential lots prior to the First World War and became the residential district of Hillhurst. The land was sold in 1910 when the City of Calgary annexed areas of farmlands surrounding the city. In 1919 the area became provincial government property as part of the development plan for the Provincial Institute of Technology and Art (the precursor to SAIT) and became City of Calgary property in 1993.

The garden was designed by Alex Munro, Parks Superintendent for the City of Calgary, and a prominent figure in the Calgary gardening community, where he authored a weekly gardening column for the Calgary Herald, hosted a gardening radio talk show, and published a Calgary-area gardening book titled *The Calgary Herald's Gardening Book*. He was also a fellow of the Royal Horticultural Society.

In England, rock gardens had been popular since the early 1900's and were part of the move away from the artificially 'extreme landscapist' styles of the Victorian period, to more naturalistic styles that celebrated local plants, rocks, and forms. In North America, a similar sentiment was growing amongst gardeners wanting to build viable, less labour-intensive gardens that featured native plants adapted to local climate and elevations. Alex Munro embraced this naturalistic style of alpine rock garden that celebrated native plants, rocks, and forms, using local repurposed sandstone for rock features, and local alpine plants such as blue spruce, flowering crabapple, highbush cranberry, rocky mountain juniper, oak, scots pine, and snowy mountain ash.

The Calgary Herald's Gardening Book provides helpful insight into Alex Munro's strategy and design for the Burns Memorial Rock Garden. The book describes in detail his ideal rockery design, construction, and maintenance, the results of which are still apparent in the garden today. He asserts "a piece of sloping ground that might not be practical for other gardening could be converted into a fascinating rock garden", and that a rockery should be completed with "one kind of rock, as it gives it a much more natural effect... the more jagged and uneven the rocks are, the better... tufa rock, sandstone, and limestone are about the three best procurable

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here". The empty sloping land adjacent to 10 St NW was likely selected for development due to the unlikelihood that the slope would be used by the campus, and the opportunity for the re-use of several tons of jagged demolished sandstone. Alex Munro and J.A. Ingles, Custodial Supervisor at the City of Calgary arranged to have 20,000 sandstone blocks from the Burns Mansion relocated, increasing the feasibility of the project that otherwise would have been more costly.

Construction of the Burns Memorial Rock Garden began in 1956 and was completed in a single season to allow the rocks and soils to settle. In 1957 the garden was planted with trees, shrubs, and alpine plants for a total of 15,000 plants overall and the final section of the garden was constructed in 1959.

Character-defining Elements

Key elements that define the heritage character include:

- Topography with southeast facing slope;
- The tiered footpaths, in a naturalistic layout, forming the edges of the planting beds;
- The sandstone blocks that provide the structure to both the rock garden and footpaths;
- The pond and fountain water feature on the north-east side;
- The arched footbridge;
- The Burns cattle brand flower garden on the south end of the garden;
- The continued use of blue spruce, flowering crabapple, highbush cranberry, rocky mountain juniper, bur oak, scots pine, and snowy mountain ash trees
- The continued use of annual plantings along 10 St NW;
- The plaque honouring Alex Munro; and
- The plaque honouring Senator Patrick Burns.

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SCHEDULE "C"

The primary purpose of the *Standards and Guidelines* is to provide guidance to achieve sound conservation practice. They are used to assess proposed changes to designated Municipal Historical Resources and form the basis for review and assessment for the approved rehabilitation program.

The *Standards and Guidelines* were developed by Parks Canada and were formally adopted by The City of Calgary in 2005. They provide a philosophical consistency for project work; and while neither technical nor case-specific, they provide the framework for making essential decisions about those features of a historic place, which should be maintained and cannot be altered.

The *Standards* listed below and the referenced *Guidelines* shall apply to the Regulated Portions and any rehabilitation or maintenance work undertaken with respect to them at any time.

The Standards

Definitions of the terms in italics below are set forth in the Introduction of the *Standards and Guidelines*. In the event of a conflict between the italicized terms below and those in the *Standards and Guidelines*, the latter shall take precedence. The Standards are not presented in a sequential or hierarchical order, and as such, equal consideration should be given to each. All Standards for any given type of treatment must therefore be applied simultaneously to a project.

General Standards (all projects)

1. Conserve the *heritage value* of a *historic place*. Do not remove, replace, or substantially alter its intact or repairable *character-defining elements*. Do not move a part of a *historic place* if its current location is a *character-defining element*.
2. Conserve changes to a *historic place* which, over time, have become *character-defining elements* in their own right.
3. Conserve *heritage value* by adopting an approach calling for *minimal intervention*.
4. Recognize each *historic place* as a physical record of its time, place and use. Do not create a false sense of historical development by adding elements from other *historic places* or other properties or by combining features of the same property that never coexisted.
5. Find a use for a *historic place* that requires minimal or no change to its *character defining elements*.
6. Protect and, if necessary, stabilize a *historic place* until any subsequent *intervention* is undertaken. Protect and preserve archaeological resources in place. Where there is potential for disturbance of archaeological resources, take mitigation measures to limit damage and loss of information.
7. Evaluate the existing condition of *character-defining elements* to determine the appropriate *intervention* needed. Use the gentlest means possible for any *intervention*. Respect *heritage value* when undertaking an *intervention*.
8. Maintain *character-defining elements* on an ongoing basis. Repair *character-defining elements* by reinforcing their materials using recognized conservation methods. Replace in

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kind any extensively deteriorated or missing parts of *character-defining elements*, where there are surviving prototypes.

9. Make any *intervention* needed to preserve *character-defining elements* physically and visually compatible and identifiable upon close inspection and document any *intervention* for future reference.

Additional Standards Relating to Rehabilitation

10. Repair rather than replace *character-defining elements*. Where *character-defining elements* are too severely deteriorated to repair, and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements. Where there is insufficient physical evidence, make the form, material and detailing of the new elements compatible with the character of the *historic place*.
11. Conserve the *heritage value* and *character-defining elements* when creating any new additions to a *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the *historic place*.
12. Create any new additions or related new construction so that the essential form and integrity of a *historic place* will not be impaired if the new work is removed in the future.

Additional Standards Relating to Restoration

13. Repair rather than replace *character-defining elements* from the restoration period. Where *character-defining elements* are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
14. Replace missing features from the restoration period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

Guidelines

The full text of the *Standards and Guidelines* is available online through www.historicplaces.ca, or from:

Parks Canada National Office
25 Eddy Street
Gatineau QC, K1A 0M5