

BYLAW NUMBER 31M2014

**BEING A BYLAW OF THE CITY OF CALGARY
TO DESIGNATE GARDEN CRESCENT 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 Garden Crescent 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 Garden Crescent as a Municipal Historic Resource".

BUILDING AND LAND DESIGNATED AS A MUNICIPAL HISTORIC RESOURCE

2. "Garden Crescent" comprises:
 - a) 677.73 square-meters (0.17 acres) of land; and
 - b) Is located at 125 Garden Crescent SW, and legally described as Plan 3824AH; Lot A, as shown on attached Schedule "A".
3. "Garden Crescent" is designated as a Municipal Historic Resource as defined in the Act.
4. The heritage value of Garden Crescent is described in the attached Schedule "B".
5. The specific elements of Garden Crescent 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").

PERMITTED REPAIRS AND REHABILITATION

6. a) The Regulated Portions of Garden Crescent 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 Garden Crescent 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.
- 7.
- a) Any changes to Garden Crescent that require a building permit or a development permit also require the approval of 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 such changes must be done in accordance with the terms of the Standards and Guidelines.
 - b) Changes to Garden Crescent that do not require a building permit or development permit are not subject to the Standards and Guidelines.

COMPENSATION

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

EXECUTION OF DOCUMENTS

9. 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

10. The schedules to this Bylaw form a part of it.
11. This Bylaw comes into force on the date it is passed.

READ A FIRST TIME THIS ____ DAY OF _____, 2014.

READ A SECOND TIME THIS ____ DAY OF _____, 2014.

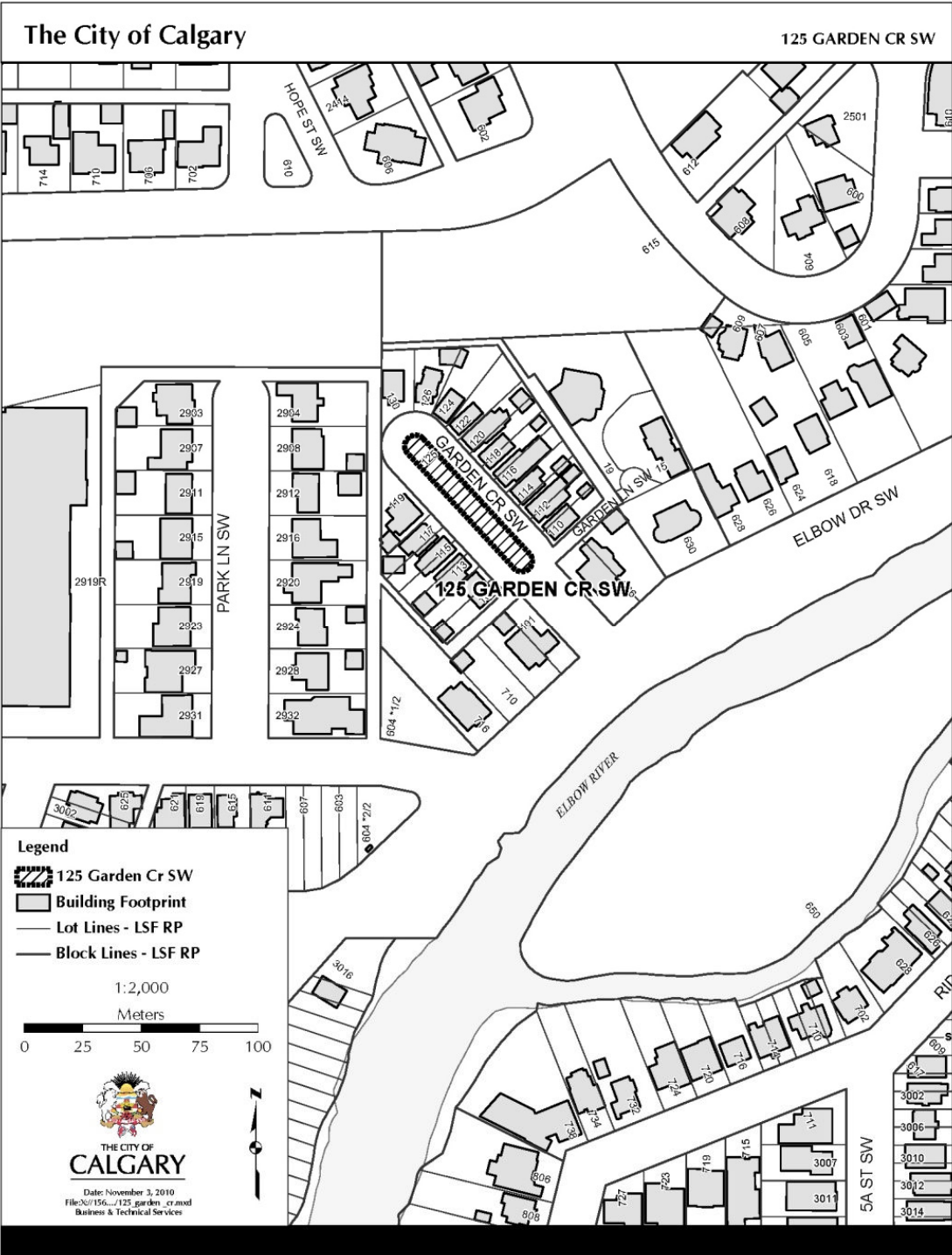
READ A THIRD TIME THIS ____ DAY OF _____, 2014.

MAYOR
SIGNED THIS ____ DAY OF _____, 2014.

CITY CLERK
SIGNED THIS ____ DAY OF _____, 2014.

SCHEDULE "A" TO THE BYLAW TO DESIGNATE GARDEN CRESCENT AS A MUNICIPAL HISTORIC RESOURCE

PROPOSED



SCHEDULE “B” TO THE BYLAW TO DESIGNATE GARDEN CRESCENT AS A MUNICIPAL HISTORIC RESOURCE

Description

Garden Crescent is the landscaped street median of a cul-de-sac street of the same name. The 9-metre-wide by 76-metre-long median, established in 1911, is abundantly planted with trees, shrubs and perennials. The site is situated within a residential context and is surrounded by a collection of 15 houses that are oriented towards the median.

Heritage Value

Garden Crescent is believed to be the only historical streetscape design element of its kind in Calgary. The median is part of the historic residential development that, along with the street, forms a small cul-de-sac that was part of the larger Elbow Park subdivision that occurred in 1911, and was developed through the 1950s. The median serves as the focal point of this desirable residential enclave, with all houses oriented towards it. The median dominates its context as a grand landscape element within an intimate space, thereby creating a residential setting unique in Calgary.

Garden Crescent exemplifies the historic aspirations and actions in the city for urban-landscape beautification. The design and quality of this landscape represents the aspirations for urban beautification held not only by the developer who initiated it, but also by the Parks Department which applied an extraordinary level of resources to its development and care. William Reader, the pioneering Parks superintendant implemented street boulevard beautification. Garden Crescent is a superlative example of the City Beautiful vision, implemented in Calgary by Reader. The landscape features of Garden Crescent included intensive plantings of trees, shrubs and perennial flowers as well as rockeries, a trellis fence and gate, and a fountain. The abundant plantings of Garden Crescent contribute to the impressive streetscape - its tall trees contributing to the grand, vertical spatial proportions. These trees, as well as certain smaller ornamental trees and shrubs, were also representative of those used by Reader during the early part of his tenure.

Garden Crescent is associated with its developer and namesake, James Hay Garden. James Garden was a prominent builder in Calgary. He served three terms as alderman, an organizer and member of the Town Planning Commission and a director of other institutional boards.

Character-defining Elements

Key elements that define the heritage character include:

- The long, narrow, oblong proportions of the 76m by 9m central median;
- The grand yet intimate space as formed and enriched by the abundant planting of the median;
- The tall trees in the median, particularly the Russian and Plains Cottonwood poplars, Willows and White spruce; and
- Ornamental and flowering trees and shrubs: Blue Spruce, Caragana, Japanese Lilac, Black Cherry and Crabapple which are representative of the William Reader Parks era and further complement the space and image of the crescent.

SCHEDULE "C" TO THE BYLAW TO DESIGNATE GARDEN CRESCENT AS A MUNICIPAL HISTORIC RESOURCE

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 conserved.

The Standards

Definitions of the terms in italics below are set forth in 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 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 from:

City of Calgary	Parks Canada National Office
Planning, Development and Assessment	25 Eddy Street
Department	Gatineau, Quebec
P.O. Box 2100, Stn. M, #8117	Canada
Calgary, Alberta, T2P 2M5	K1A 0M5