

PROPOSED

IP2024-0682
ATTACHMENT 3

BYLAW NUMBER 21M2024

BEING A BYLAW OF THE CITY OF CALGARY TO DESIGNATE THE MAGARRELL RESIDENCE AS A MUNICIPAL HISTORIC RESOURCE

WHEREAS the *Historical Resources Act*, R.S.A. 2000 c. H-9, as amended (the “Act”) permits The City of Calgary Council (“City Council”) to designate any historic resource within the municipality whose preservation City Council considers to be in the public interest together with any specified land in or on which it is located, as a Municipal Historic Resource;

AND WHEREAS the owners of the Magarrell Residence have 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 Magarrell Residence as a Municipal Historic Resource”.

BUILDING AND LAND DESIGNATED AS A MUNICIPAL HISTORIC RESOURCE

2. The building known as the Magarrell Residence, located at 1501 25 AV SW, and the land on which the building is located being legally described as PLAN 3910R BLOCK 2 THE EASTERLY 40 FEET THROUGHOUT LOTS 2, 3 AND 4 (the “Historic Resource”), as shown in the attached Schedule “A”, are hereby designated as a Municipal Historic Resource.
3. The specific elements of the Historic Resource possessing heritage value are hereafter referred to as the Regulated Portions (the “Regulated Portions”). The Regulated Portions are identified in the attached Schedule “B”.

PERMITTED REPAIRS AND REHABILITATION

4. a) The Regulated Portions of the Historic Resource as described or identified in Schedule “B” shall not be removed, destroyed, disturbed, altered, rehabilitated, repaired or otherwise permanently changed, other than for routine preservation and maintenance work, without prior written approval from City Council, or the person appointed by City 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, (the “*Standards and Guidelines*”), as referenced and summarized in the attached Schedule “C”.
- b) All portions of the Historic Resource which are not described or identified as a Regulated Portion in Schedule “B” are hereby known as the Non-regulated Portions (the “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,

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alteration, and repair does not negatively impact the Regulated Portions or adversely affect the historical, contextual or landmark character of the property, and that all other permits required to do such work have been obtained.

COMPENSATION

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

EXECUTION OF DOCUMENTS

6. 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

- 7. The schedules to this Bylaw form a part of it.
- 8. 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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SCHEDULE "A"



1501 25 AV SW



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SCHEDULE "B"

REGULATED PORTIONS

1.0 Context, Orientation and Placement

The following elements are regulated:

- a) The building's existing location and placement on the property (attached Schedule "A")

2.0 Exterior

The following elements are regulated:

- a) Two and a half storey form, scale and massing as expressed by the rectangular plan with short front façade (Images 2.1-2.4);
- b) Medium pitched hipped roof with bell-cast eaves with closed wooden tongue-and-groove soffits and moulded frieze (Image 2.1 and 2.2);
- c) Centered upper storey bay (north) and two storey bay (east) both with gabled dormer roofs with bell-cast pedimented eaves and decorative barge boards (Images 2.1 and 2.2).
- d) Red brick cladding in running bond at first storey; upper storey clad in painted wood square shingles, flared above a plain wood continuous band; stucco finish above triple assembly window east façade bay (Image 2.1–2.5);
- e) Enclosed porch with low-pitched hipped roof and offset entrance; closed wooden balustrade and soffits; tapered posts atop concrete and brick pedestals with sandstone caps (Images 2.1 and 2.6);
- f) Two storey open porch with shed roof (south); closed wooden tongue-and-groove soffits; plain frieze above tapered posts atop concrete and brick pedestals with stone caps at first storey; wooden posts and square shingle clad balustrade at upper portion (Image 2.4);
- g) Original fenestration on main floor and second storey comprised of 1-over-1 and single sash windows, with decorative diamond patterned multi-pane sashes on north and east facades except the porch and upper storey bay; segmental arch brick headers topped with rusticated course and protruding double course brick sills on first storey; wooden casings with protruding drip molds and sills on upper storey (Images 2.1–2.4 and 2.7 – 2.9); and
- h) East facing red-brick chimney with corbeling at top (Images 2.1 and 2.2).

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(Image 2.1: North façade)

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(Image 2.2: East façade)

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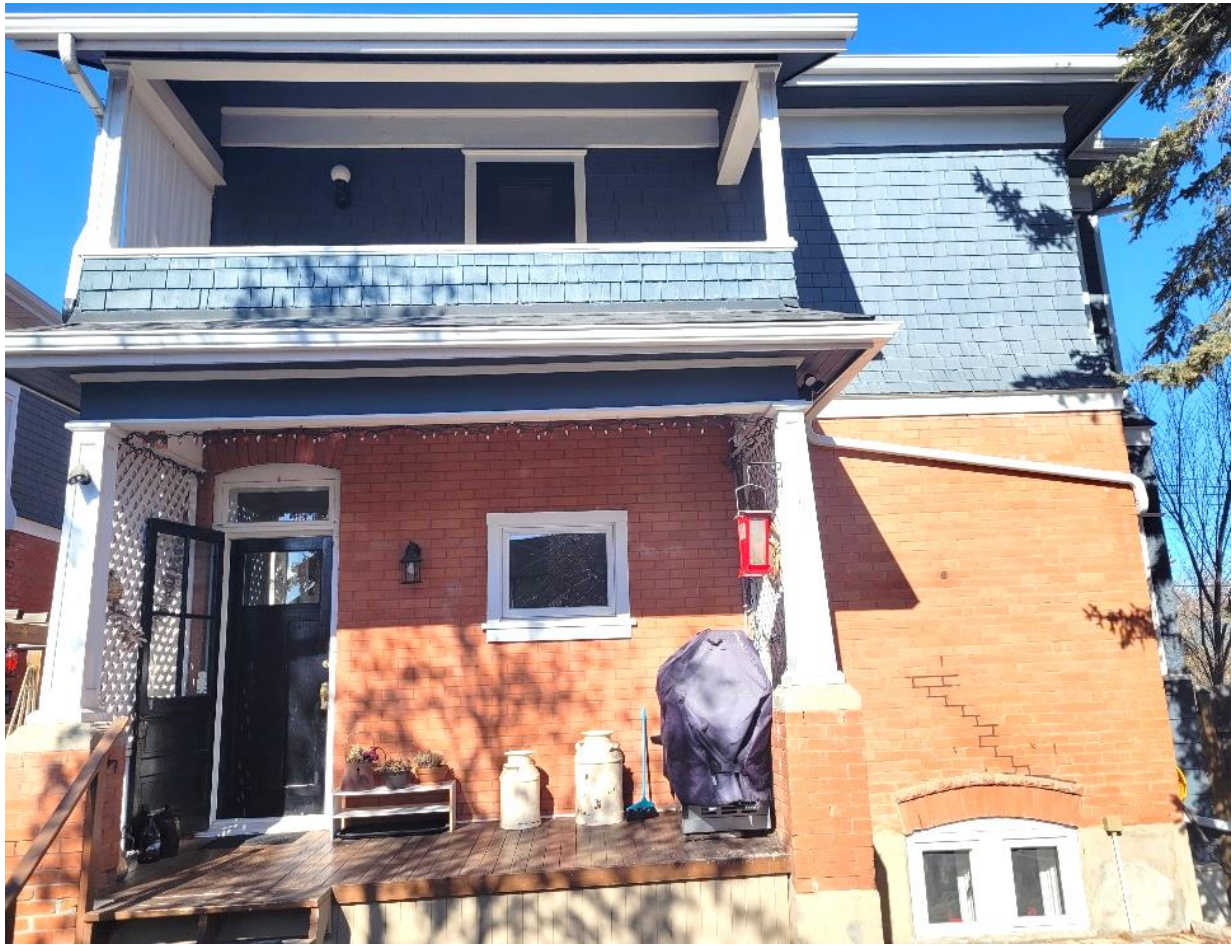
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(Image 2.3: West façade)

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(Image 2.4: South façade – main floor window is not regulated)

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(Image 2.5: example of closed wooden tongue-and-groove soffits)



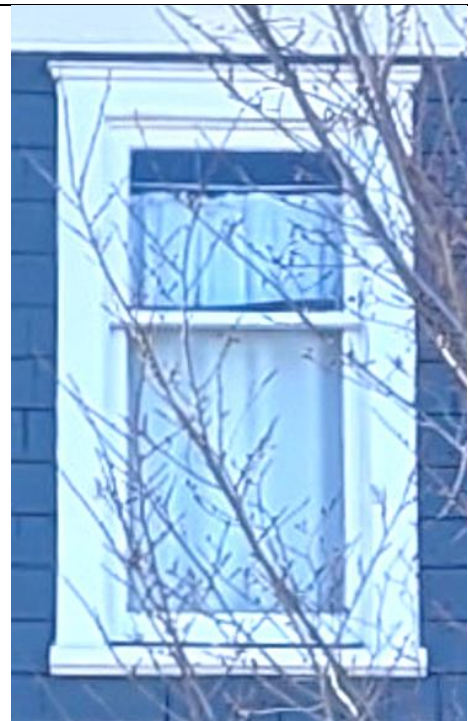
(Image 2.6: concrete and brick pedestals with stone caps)



(Image 2.7: example of single sash window with decorative diamond patterned)



(Image 2.8: example of 1-over-1 window with decorative diamond patterned upper sash; segmental arch brick headers topped with rusticated course and protruding double course brick sills)



(Image 2.9: example of wooden casings with protruding drip molds and sills on upper storey)

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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 kind any

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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, Quebec K1A 0M5