

Proposed Wording for a Bylaw to Designate the Upton 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 Upton 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 Upton Residence as a Municipal Historic Resource”.

BUILDING AND LAND DESIGNATED AS A MUNICIPAL HISTORIC RESOURCE

2. The building known as the Upton Residence, located at 1035 1 AV NW, and the land on which the building is located being legally described as

PLAN 2448O
BLOCK 15
LOT 7

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, 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

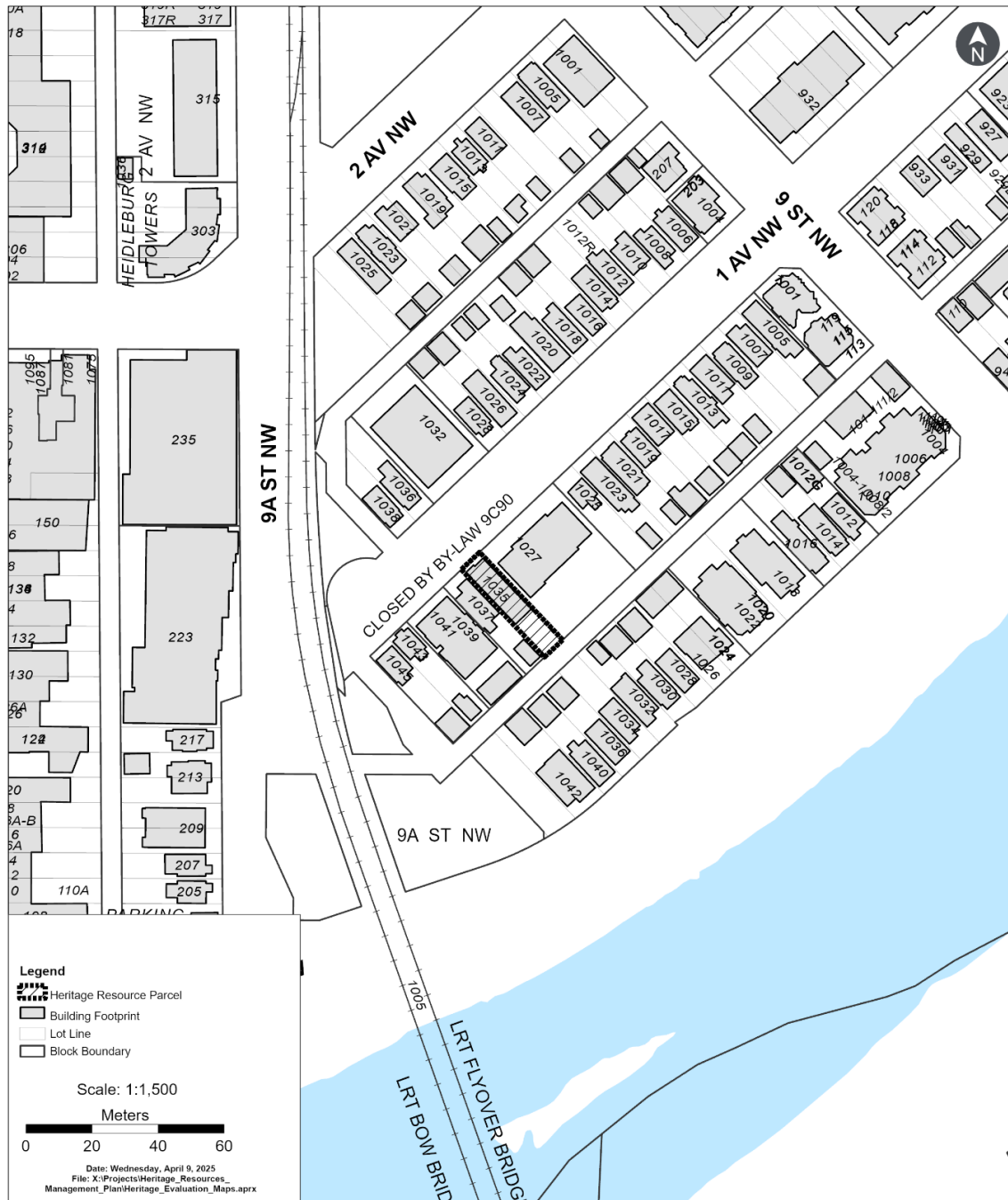
7. The schedules to this Bylaw form a part of it.

TEXT FOR DISCUSSION ONLY

SCHEDULE "A"



1035 1 AV NW



SCHEDULE “B”

REGULATED PORTIONS

1.0 Land

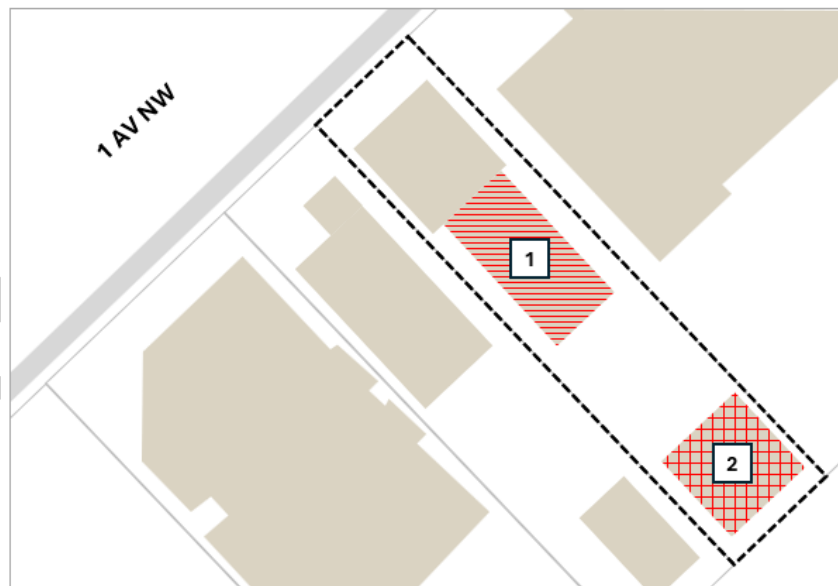
The following elements are regulated:

- a) The location of the Upton Residence on the parcel of land (as shown on attached Schedule “A”)

2.0 Exterior

The following elements are regulated:

- a) The one-and-one-half storey, square form of the original historic house (contemporary rear addition is not regulated) (Images 2.0 – 2.7);
- b) The wood-frame construction;
- c) The exterior cladding: Narrow-width lapped wooden siding, decorative woodwork including: Corner boards, scroll-cut window casings, brackets, frieze, cornice with block modillion, plain bargeboards, closed soffits (Images 2.1 – 2.11);
- d) The hipped roof with a flat top, north-facing gable-front dormer; location, scale and massing of historic south-facing dormer (modified to incorporate contemporary addition); hipped window hood above north-facing window, shed-style roof on reconstructed front porch (Images 2.0 – 2.10);
- e) The historic fenestration on the north, east and west façades (Images 2.1 – 2.5), original wood sash windows and reconstructed wood storm sashes as indicated in Images 2.9 – 2.11; and
- f) The location, form, scale, massing and plain appearance of the reconstructed open front porch with squared supports and balustrade as indicated in Image 2.8.



(Image 2.0: Site plan illustration showing non-regulated elements; contemporary addition (Item 1) indicated with diagonal red lines, detached garage (Item 2) indicated with hatched red lines)



(Image 2.1: Oblique image showing north and east façades of historic Upton Residence; non-regulated contemporary addition behind)



(Image 2.2: North façade of the historic Upton Residence)



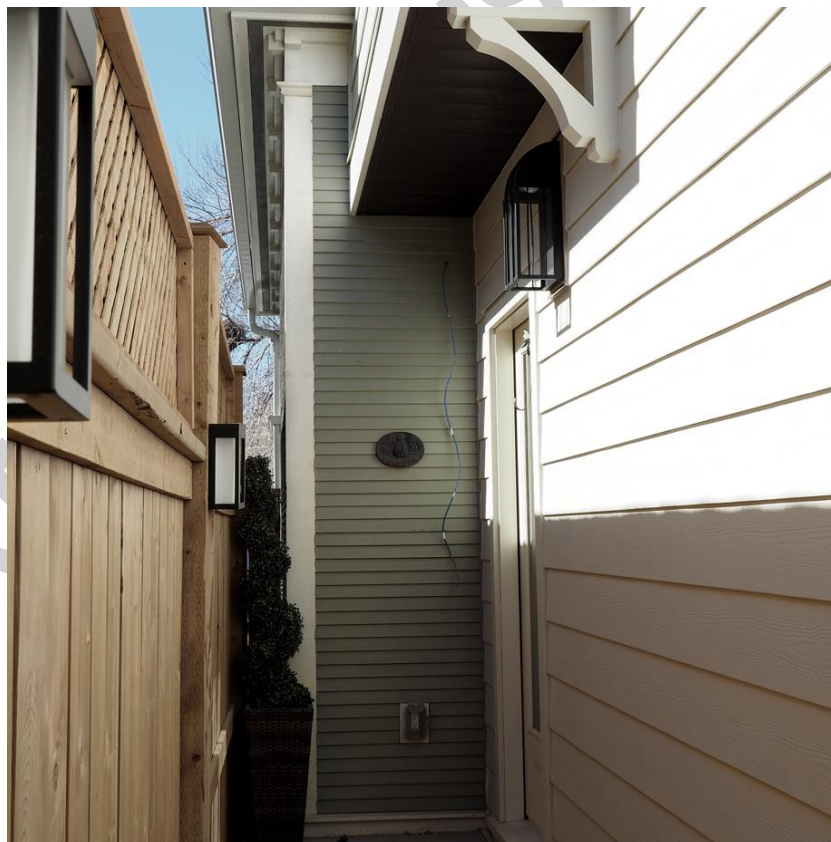
(Image 2.3: Oblique image showing north and west façades of historic Upton Residence; non-regulated contemporary addition behind)



(Image 2.4: West façade of the historic Upton Residence)



(Image 2.5: East façade of the historic Upton Residence)



(Image 2.6: Oblique image showing south façade of the historic Upton Residence and west façade of non-regulated contemporary addition in foreground)



(Image 2.7: Oblique image showing south and east façades of the historic Upton Residence; non-regulated contemporary addition in foreground)



(Image 2.8: Reconstructed front porch on the north façade, including restored shed roof; existing platform, supports and balustrade are not regulated)



(Image 2.9: Detail of main floor regulated windows on north façade, showing restored original wood sash windows and reconstructed wood storm sashes)



(Image 2.10: Detail of second-storey dormer on north façade, showing restored original wood sash windows and reconstructed wood storm sashes)



(Image 2.11: Detail of regulated window on east façade, showing restored original wood sash window and reconstructed wood storm sash)

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

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