

FINAL REPORT:

Heritage Impact Assessment

5438 Ferry Street, Niagara Falls, ON



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24 July 2023

Project # LHC0325

LHC

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REPORT LIMITATIONS

The qualifications of the heritage consultants who authored this report are provided in Appendix A. All comments regarding the condition of the Property are based on a superficial visual inspection and are not a structural engineering assessment unless directly quoted from an engineering report. The findings of this report do not address any structural or physical condition related issues associated with the Property or the condition of any heritage attributes.

Concerning historical research, the purpose of this report is to assess potential impacts of the proposed site alteration on the cultural heritage value or interest and heritage attributes of the Property and to the Abigail Frolick House at 5485 Ferry Street. The authors are fully aware that there may be additional historical information that has not been included and may require more research. Nevertheless, the information collected, reviewed, and analyzed is sufficient to conduct this assessment. This report reflects the professional opinion of the authors and the requirements of their membership in various professional and licensing bodies.

The review of policy and legislation was limited to information directly related to cultural heritage management and is not a comprehensive planning review. Additionally, soundscapes, cultural identity, and sense of place analyses were not integrated into this report.

EXECUTIVE SUMMARY

The Executive Summary only provides key points from the report. The reader should examine the complete report including background, results as well as limitations.

LHC Heritage Planning & Archaeology Inc. (**LHC**) was retained by 1788618 Ontario Inc. (the **Owner**) in June 2022 to prepare a Heritage Impact Assessment (**HIA**) for proposed development for 5438 Ferry Street (the **Property**), in the City of Niagara Falls, Ontario.

The development site includes the current property parcel municipally addressed as 5438 Ferry Street, and the former consolidated parcels municipally addressed as 5402 Ferry Street, 5420 Ferry Street, and 5913 Fallsview Boulevard.

The Owner is proposing to remove all extant structures on the Property and construct a new 30-storey mixed-use condominium. Vehicular and pedestrian access routes and associated underground and exterior parking will be constructed.

The Property is not listed under Section 27, Part IV, designated under Section 29, Part IV or Section 41 Part V of the *Ontario Heritage Act (OHA)*. The City of Niagara Falls requested an HIA to review potential impacts on the Abigail Frolick House property at 5485 Ferry Street which is listed under Section 27, Part IV of the *OHA*.

This HIA was prepared to assess potential impacts of the proposed development on a nearby property of potential cultural heritage value or interest. LHC has evaluated the Abigail Frolick House –for the purposes of identifying likely heritage attributes –and finds in its professional opinion the property municipally known as 5485 Ferry Street meets two criteria of *O. Reg. 9/06* (Criteria 4 and 7) for its historical and associative value and contextual value. The Abigail Frolick House is eligible for designation under Section 27, Part IV of the *OHA*.

LHC has evaluated specific potential direct or indirect impacts of development to the Abigail Frolick House at 5585 Ferry Street. The assessment of potential direct or indirect adverse impacts on the adjacent heritage properties is presented in Table 3.

This impact assessment determined that the proposed development will not have direct adverse impacts on the likely heritage attributes of the Abigail Frolick House. The Abigail Frolick House will maintain its relationship to Ferry Street, Stanley Street and the Historic Drummondville area. The proposed development is unlikely to cast shadows that will have an adverse impact on likely heritage attributes of the Abigail Frolick House.

Table of Contents

RIGHT OF USE III

REPORT LIMITATIONS III

EXECUTIVE SUMMARY IV

1.0 INTRODUCTION 1

 1.1 Property Location and Description 1

 1.2 Adjacent Heritage Properties 1

2.0 STUDY APPROACH 5

 2.1 City of Niagara Falls *A Guide to Preparing Heritage Impact Assessments in the City of Niagara Falls* Terms of Reference (2014) 5

 2.2 Legislation and Policy Review 7

 2.3 Historical Research 7

 2.4 Enquiries 7

 2.5 Site Visit 8

 2.6 Impact Assessment 8

3.0 POLICY AND LEGISLATION CONTEXT 9

 3.1 Provincial Context 9

 3.1.1 *Planning Act*, R.S.O. 1990 9

 3.1.2 *Provincial Policy Statement (2020)* 10

 3.1.3 Ontario Heritage Act, R.S.O. 1990, c.O.18 11

3.1.4 Places to Grow Act, 2005, S.O. 2005 13

3.1.5 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) 13

 3.2 Region Framework 14

 3.2.1 Region of Niagara Official Plan (1970, consolidated 2014) 14

 3.2.2 Regional Planning Context Summary 16

 3.3 Local Framework 16

 3.3.1 Niagara Falls Official Plan (1993, consolidated 2019) 16

 3.3.2 City of Niagara Falls Heritage Master Plan (2005) 21

 3.3.3 Historic Drummondville Community Improvement Plan (2006) 21

3.3.4 City of Niagara Falls Zoning By-law 79-200 (amended by By-law 2012-061) 22

3.3.5 Local Planning Context Summary..... 22

4.0 HISTORIC CONTEXT..... 23

4.1 Indigenous Pre-Contact History 23

4.1.1 Archaic Period (8000-1000 BCE) 23

4.1.2 Woodland Period (1000 BCE – CE 1650)..... 23

4.2 Seventeenth-Century History..... 24

4.3 Niagara Purchase (Treaty 381)..... 25

4.4 Survey and Early Euro-Canadian Settlement 25

4.5 Township of Stamford and City of Niagara Falls History..... 26

4.5.1 Drummondville..... 26

4.5.2 City of the Falls Project..... 27

4.5.3 The City of Niagara Falls..... 27

4.6 Property History 28

4.6.1 5913 Fallsview Boulevard..... 28

4.6.2 5402 Ferry Street..... 29

4.6.3 5420 Ferry Street..... 34

4.6.4 5438 Ferry Street..... 37

4.7 5485 Ferry Street – Abigail Frolick House 38

4.7.1 The Frolick Family..... 41

4.7.2 William Russell 43

5.0 EXISTING CONDITIONS..... 46

5.1 Surrounding Context 46

5.2 The Property..... 54

5.3 5485 Ferry Street - Abigail Frolick House 54

6.0 UNDERSTANDING OF CULTURAL HERITAGE VALUE OR INTEREST..... 57

7.0 DESCRIPTION OF PROPOSED DEVELOPMENT 61

8.0 IMPACT ASSESSMENT..... 66

8.1 Shadow Study..... 67

8.2 Summary of Impacts 68

8.3 Implementation and Monitoring 68

9.0 CONSIDERATION OF ALTERNATIVES AND MITIGATION MEASURES/CONSERVATION STRATEGY 70

9.1 Considered Options..... 70

9.1.1 Do Nothing 70

9.1.2 Redevelopment 70

9.1.3 Preferred Option 70

9.2 Mitigation Measures 70

10.0 CONCLUSION AND RECOMMENDATIONS 71

SIGNATURES..... 72

REFERENCES 73

Policy and Legislation Resources..... 73

Mapping Resources..... 74

Additional Resources 75

APPENDIX A: PROJECT PERSONNEL..... 79

APPENDIX B: ARCHITECTURAL DRAWINGS 81

APPENDIX C: SHADOW STUDY 82

APPENDIX D: INVENTORY SHEETS 83

List of Figures

Figure 1: Location Plan..... 3

Figure 2: Current Conditions..... 4

Figure 3: 1838, 1841, 1857, 1862, and 1876 Historic Maps Showing the Study Area 44

Figure 4: 1921, 1927, 1934, 1954-55, 1966, 1968, 1971, and 1995 Aerial Photos Showing the Property 45

Figure 5: Proposed limiting distance, zoning setback, and site statistics..... 62

Figure 6: Proposed site plan. 63

Figure 7: Proposed development, 3D axonometric views..... 64

Figure 8: Proposed development, 3D rendering. 65

Figure 9: Shadow Study 69

List of Photos

Photo 1: View north at Buchanan Avenue and Spring Street intersection	47
Photo 2: View south on Buchanan Avenue towards the Property.....	47
Photo 3: View north at Buchanan Avenue and Forsythe Street intersection.	48
Photo 4: View south on Stanley Avenue towards Ferry Street.	48
Photo 5: View south of skyline from Desson Avenue and Forsythe Street intersection.....	49
Photo 6: View west on Peer Street, community of Drummondville.	49
Photo 7: View north on Grey Avenue, in the community of Drummondville.	50
Photo 8: View south towards Property from 5435 Ferry Street.	50
Photo 9: View north towards the Property from 6039 Fallsview Boulevard.	51
Photo 10: View east at Stanley Avenue and Robinson Street intersection.....	51
Photo 11: View north towards the Property from Murray Street.....	52
Photo 12: View east towards the Property from Gladstone Avenue and Ferry Street intersection.	52
Photo 13: View south towards the Property from Gladstone Avenue and Spring Street.....	53
Photo 14: View east towards residences on Spring Street towards Stanley Avenue.	53
Photo 15: View south of the Property from Ferry Street.	54
Photo 16: View west of east elevation of the Abigail Frolick House.	55
Photo 17: View southwest of the northeast elevation of the Abigail Frolick House.	55
Photo 18: View north of south elevation of the Abigail Frolick House.	56
Photo 19: View northeast of the Abigail Frolick House from Gladstone Avenue and Peer Street intersection.	56
Photo 20: Photo comparison of the Abigail Frolick House, 1968 and 2022.	59

List of Images

Image 1: View of 5913 Fallsview Boulevard, 2007 (Google Streetview, 2007).	29
Image 2: Invoice from the Niagara Plumbing Supply Co. Ltd, 1936.	31
Image 3: Advertisement for Niagara Plumbing Supply Co. Ltd, 1947.	31
Image 4: Photo of 3 Coins in the Fountain Restaurant, 1965.....	32
Image 5: Menu from Mia Kai restaurant, date unknown.	33
Image 6: Photo of VIP Restaurant, 2005.....	34
Image 7: Photo of the building at 5402 Ferry Street being demolished, 2017.	34
Image 8: Bird's Eye View of the approximate location of the Property, 1893. [Location annotated by LHC]	36
Image 9: Photographs of the Spong House, 1968.	36
Image 10: View of Spong House, 2007.	37
Image 11: Photo of Capri Restaurant, 1960.....	38
Image 12: Photos of the Abigail Frolick House, 1968.	40
Image 13: Photo of the Abigail Frolick House, 2005.....	41
Image 14: Photo of the Robert Frolick House, 1946.	43

Image 15: Engraving of William Russell's Brewery & Residence, 1862. 43

List of Tables

Table 1: City of Niagara Falls Heritage Impact Assessment Terms of Reference Requirements ... 5
Table 2: *O. Reg. 9/06* Evaluation for 5485 Ferry Street..... 57
Table 3: Impact assessment using criteria from the Ontario Heritage Tool Kit 66

1.0 INTRODUCTION

LHC Heritage Planning & Archaeology Inc. (**LHC**) was retained by 1788618 Ontario Inc. (the **Owner**) in June 2022 to prepare a Heritage Impact Assessment (**HIA**) for proposed development for 5438 Ferry Street (the **Property**), in the City of Niagara Falls, Ontario. The development site includes the current property parcel municipally addressed as 5438 Ferry Street, and the former consolidated parcels municipally addressed as 5402 Ferry Street, 5420 Ferry Street, and 5913 Fallsview Boulevard.

The Owner is proposing to remove all extant structures on the Property and construct a new 30-storey mixed-use condominium. Vehicular and pedestrian access routes and associated underground and exterior parking will be constructed.

The Property is not listed under Section 27, Part IV, nor currently designated under Section 29, Part IV or Section 41, Part V of the *Ontario Heritage Act (OHA)*.

The City of Niagara Falls requested an HIA to review potential impacts on the nearby property at 5485 Ferry Street –also known as the Abigail Frolick House—which is listed under Section 27 Part IV of the *OHA*.

This HIA follows best practices drawing upon applicable frameworks, such as the Ministry of Citizenship and Multiculturalism (**MCM**) *Info Sheet #5 Heritage Impact Assessments and Conservation Plans*. The HIA was prepared in accordance with *A Guide to Preparing Heritage Impact Assessments in the City of Niagara Falls* (see Section 2.1).

1.1 Property Location and Description

The Property is located at 5438 Ferry Street (Figure 1 and Figure 2). It is located on the south side of Ferry Street, west of Fallsview Boulevard, directly southwest at intersection of Ferry Street and Fallsview Boulevard. The Property is roughly square in shape and is 0.37 hectares. The Property abuts Ferry Street to the north, 5927 Fallsview Boulevard to the south, and 5444 Ferry Street to the west. There is one structure located on the Property, a one-storey commercial restaurant building which is surrounded by an asphalt parking lot and access driveway.

The Property is currently zoned for TC – Tourist Commercial in accordance with Zoning By-law No. 79-200, as amended by By-law No. 2012-061.¹ It is located in the Clifton Hill Subdistrict, where hotels and apartment buildings with building heights between 10 to 30 storeys are expected. The Property is not located within the Niagara Escarpment and the policies of the Niagara Escarpment Plan do not apply.

1.2 Adjacent Heritage Properties

The *Niagara Region Official Plan (ROP)* provides the following definition for adjacent, with respect to cultural heritage as “those properties immediately abutting built heritage resources or

¹ City of Niagara Falls, “By-law No. 79-200”, <https://niagarafalls.ca/pdf/planning/zoning-by-law-79-200.pdf>

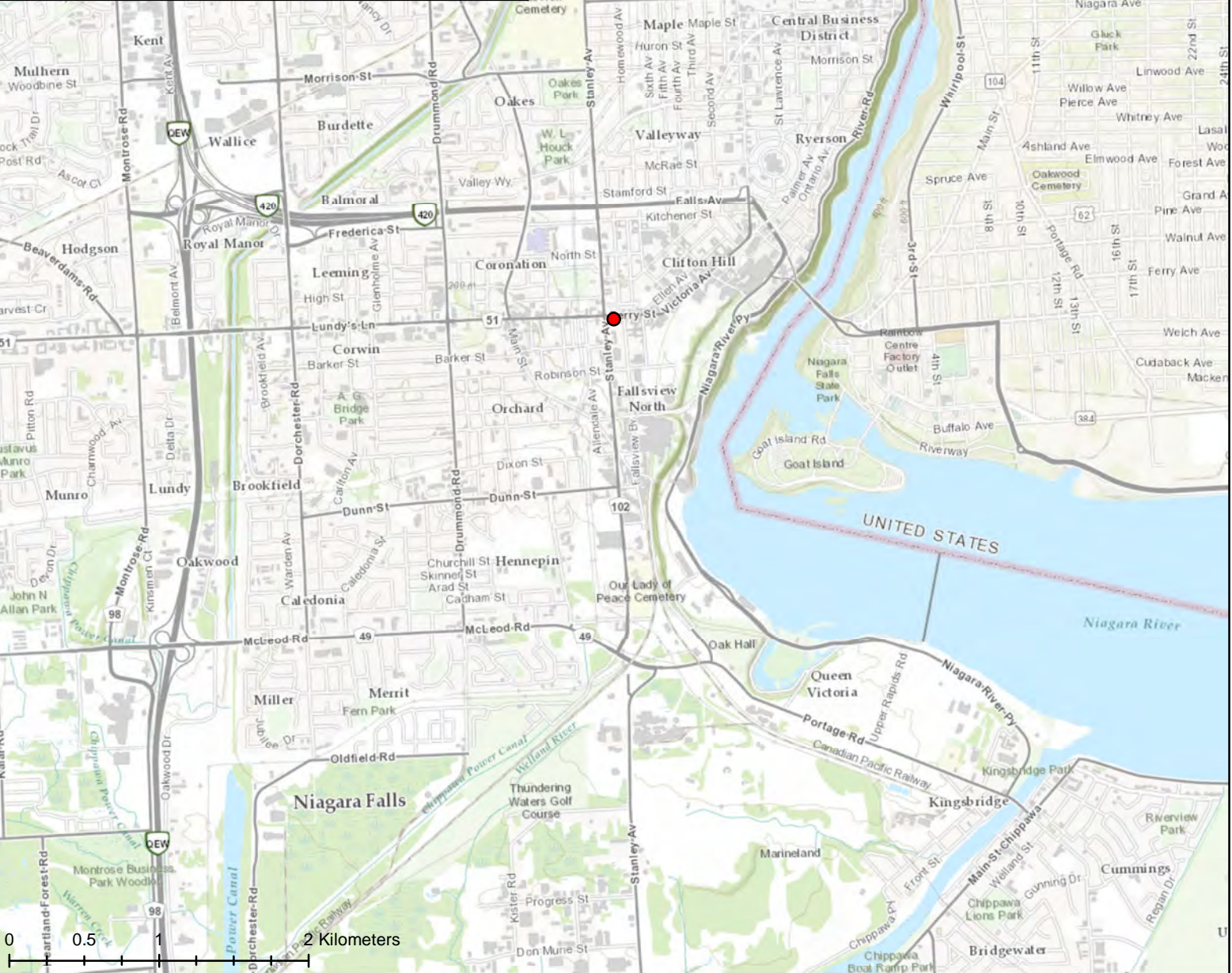
a locally identified Cultural Heritage Landscape.² Using the *ROP* definition, there are no adjacent heritage properties.

² Regional Municipality of Niagara, "Regional Official Plan," 1970, consolidated 2014, <https://www.niagararegion.ca/living/icp/policy-plan.aspx>, 15-3.

KEY MAP



SCALE 1:2,500,000



Legend

● Property

NOTE(S)
1. All locations are approximate.

REFERENCE(S)
Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
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TITLE
Location Plan

CLIENT
Rick Dritsacos (1788618 Ontario Inc.)

PROJECT
Heritage Impact Assessment, 5438 Ferry Street, Niagara Falls, ON

PROJECT NO. LHC0325

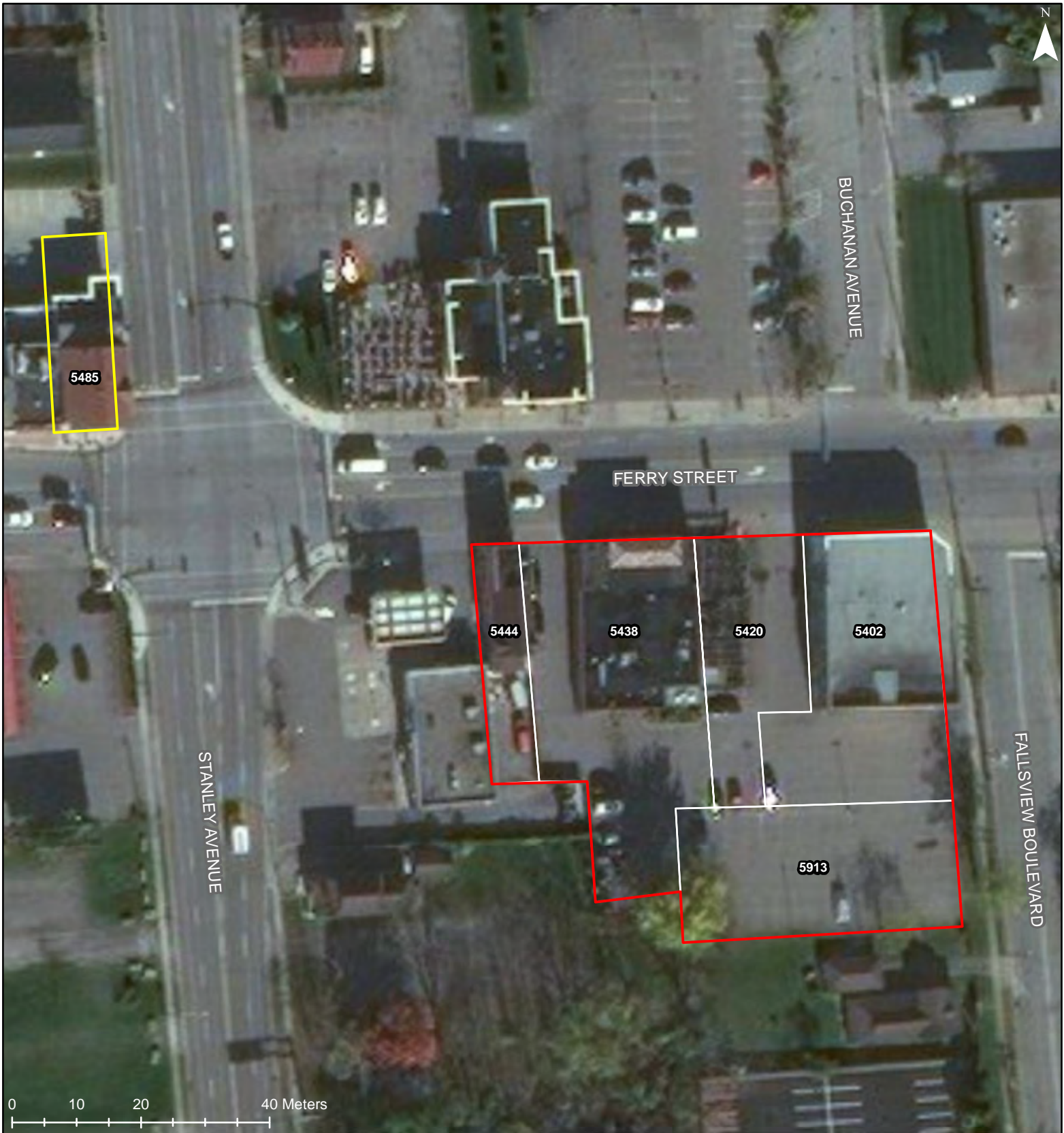
CONSULTANT
YYYY-MM-DD 2022-08-12







PREPARED LHC

DESIGNED JG

FIGURE # 1



Legend  Study Area  Property Parcels  5485 Ferry Street, Abigail Frolick House	TITLE Current Conditions	
	CLIENT Rick Dritsacos (1788618 Ontario Inc.)	
NOTE(S) 1. All locations are approximate. REFERENCE(S) Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community Portions of this document include intellectual property of Esri and its licensors and are used under license. Copyright (c) Esri and its licensors. All rights reserved.	PROJECT Heritage Impact Assessment, 5438 Ferry Street, Niagara Falls, ON	
	PROJECT NO. LHC0325	
	CONSULTANT	YYYY-MM-DD 2022-08-18
		PREPARED LHC
	DESIGNED JG	
	FIGURE # 2	

2.0 STUDY APPROACH

LHC follows a three-step approach to understanding and planning for cultural heritage resources based on the understanding, planning and intervening guidance from the Canada's Historic Places *Standards and Guidelines for the Conservation of Historic Places in Canada* and the MCM *Ontario Heritage Tool Kit*.³ Understanding the cultural heritage resource involves:

- Understanding the significance of the cultural heritage resource (known and potential) through research, consultation and evaluation—when necessary.
- Understanding the setting, context and condition of the cultural heritage resource through research, site visit and analysis.
- Understanding the heritage planning regulatory framework around the cultural heritage resource.

This HIA is also guided by the MCM's *Info Sheet #5, Heritage Impact Assessments and Conservation Plans*.⁴ A description of the proposed development or site alteration, measurement of development or site impact and consideration of alternatives, mitigation and conservation methods are included as part of planning for the cultural heritage resource.⁵

This is consistent with the recommended methodology outlined by the MCM in the *Ontario Heritage Tool Kit: Heritage Property Evaluation*. To evaluate a property for cultural heritage value or interest (CHVI) the MCM identifies three key steps: Historical Research, Site Analysis, and Evaluation.

2.1 City of Niagara Falls A Guide to Preparing Heritage Impact Assessments in the City of Niagara Falls Terms of Reference (2014)

This HIA is scoped following guidance from the City of Niagara Falls. Requirements for this scoped HIA include the following:

Table 1: City of Niagara Falls Heritage Impact Assessment Terms of Reference Requirements⁶

Requirement	Location
Introduction, Study Approach and Policy Context <ul style="list-style-type: none"> • Provides a detailed description of the proposal, including all key components as part of an explanation of the background to the study; • Describes the location, site characteristics and surroundings of the site. 	Property Location and Description is in Section 1.0. Study Approach is in Section 2.0. Policy and Legislation Context is in Section 3.0.

³ Canada's Historic Places, "Standards and Guidelines for the Conservation of Historic Places in Canada", 2010, 3, and Ministry of Citizenship and Multiculturalism, "Heritage Property Evaluation" Ontario Heritage Tool Kit, 2006, 18.

⁴ MCM, "Heritage Resources in the Land Use Planning Process" Ontario Heritage Tool Kit, 2006

⁵ MCM, "Heritage Resources in the Land Use Planning Process" Ontario Heritage Tool Kit, 2006.

⁶ City of Niagara Falls, "A Guide to Preparing Heritage Impact Assessments in the City of Niagara Falls", 2014, 1-3.

Requirement	Location
<p>Historical Research and Site Analysis</p> <ul style="list-style-type: none"> • Makes conclusions about the history of the site’s development as documented in pictorial and textual records and as observed through as-found evidence; • Documents the architecture of the exterior and interior of buildings or other structures on the site, including building materials, interior finishes and landscaping; • Appraises the physical condition of buildings or other structures on the site, and where required, a structural report from a qualified engineer. 	<p>Historical Research is in Section 4.0 and Appendix D: Inventory Sheets. Site Analysis is in Sections 5.0 and 6.0.</p> <p>The description of the Property at 5438 Ferry Street is in Section 4.6. The description of the <i>Abigail Frolick House</i> is in Section 4.7.</p>
<p>Understanding of Cultural Heritage Value or Interest</p> <ul style="list-style-type: none"> • Identifies the heritage attributes of the site; • Evaluates the cultural heritage significance of the site in terms of the history, architecture and landscapes relative to the City of Niagara Falls. 	<p>Section 6.0.</p>
<p>Description of the Proposed Development or Site Alteration</p> <ul style="list-style-type: none"> • Provides a detailed description of the proposal, including all key components as part of an explanation of the background to the study 	<p>Section 7.0</p>
<p>Description of the Proposed Development or Site Alteration</p> <ul style="list-style-type: none"> • A current site plan, current floor plans, conceptual site plan, conceptual drawings of all building elevations, conceptual floor plans, conceptual interior plans (not applicable). 	<p>Section 7.0 and Appendix B: Architectural Drawings</p>
<p>Measurement of Development or Site Alteration Impact</p> <ul style="list-style-type: none"> • Discusses the potential impacts the proposal may have on the site’s heritage attributes. 	<p>Section 8.0 and Appendix C: Shadow Study</p>
<p>Consideration of Alternatives, Mitigation and Conservation Methods</p> <ul style="list-style-type: none"> • Recommends measures for the protection of the site’s heritage attributes and for the mitigation of impacts (the measures may be presented as options/alternatives for conservation and development) (not applicable). 	<p>Section 9.0.</p>

Requirement	Location
<p>References</p> <ul style="list-style-type: none"> • Is fully referenced; • Reproduction of any pictorial records found during the conducting of historical research; • A list of primary and secondary sources consulted in documenting the site’s history and a summary of the qualifications of the study report’s authors. 	References.

2.2 Legislation and Policy Review

The HIA includes a review of the provincial legislation, plans and cultural heritage guidance, and relevant municipal policy and plans. This review outlines the cultural heritage legislative and policy framework that applies to the Property. This HIA considers the proposed development against this framework.

2.3 Historical Research

Historical research for this HIA included local history research. LHC consulted primary and secondary research sources including:

- Local histories;
- Historic maps;
- Aerial photographs; and,
- Online sources about local history.

Online sources consulted included (but was not limited to):

- The Archives of Ontario;
- Library and Archives Canada;
- The Ontario Council of University Libraries, Historical Topographic Map Digitization Project;
- The Canadian County Atlas Digital Project;
- The Niagara Falls Public Library;
- The Niagara Falls Museum; and,
- The Internet Archive

2.4 Enquiries

LHC contacted:

- Jodi Szoke, Niagara Falls Public Library for local history information of the Property and the surrounding area.
- Peggy Boyle, Assistant Planner I, City of Niagara Falls for local history information of the Property, the surrounding area, and the Heritage Impact Assessment guidelines.

- Jonathan Milner, researcher, Niagara Falls Museum for local history information of the Property and the surrounding area.

2.5 Site Visit

A site visit was conducted by Colin Yu, on 26 July 2022. All photographs were taken from the road right-of-way. The primary objective of the site visit was to document and gain an understanding of the Property and its surrounding context. The site visit included photographic documentation of the interior and exterior of the structures on the Property and the surrounding area. Unless otherwise attributed, all photographs in this HIA were taken during the site visit. A selection of photographs from the site visit that document the Property are included in Section 5.0.

2.6 Impact Assessment

The MCM's *Info Sheet #5 Heritage Impact Assessments and Conservation Plans*⁷ outlines seven potential negative impacts to be considered with any proposed development or site alteration. The impacts include, but are not limited to:

1. **Destruction** of any part of any significant heritage attribute or features;
2. **Alteration** that is not sympathetic or is incompatible, with the historic fabric and appearance;
3. **Shadows** created that alter the appearance of a heritage attribute or change the viability of a natural feature or planting, such as a garden;
4. **Isolation** of a heritage attribute from its surrounding environment, context, or a significant relationship;
5. **Direct or indirect obstruction** of significant views or vistas within, from, or built and natural features;
6. **A change in land use** such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces; and
7. **Land disturbances** such as a change in grade that alters soils, drainage patterns that adversely affect an archaeological resource.

This HIA includes a consideration of direct and indirect adverse impacts on the Property with known or potential cultural heritage value or interest in Section 8.0.

⁷ MCM, "Heritage Resources in the Land Use Planning Process" Ontario Heritage Tool Kit, 2006.

3.0 POLICY AND LEGISLATION CONTEXT

3.1 Provincial Context

In Ontario, cultural heritage is considered a matter of provincial interest and cultural heritage resources are managed under Provincial legislation, policy, regulations, and guidelines. Cultural heritage is established as a key provincial interest directly through the provisions of the *Planning Act*, the *Provincial Policy Statement (PPS)*, the *Ontario Heritage Act (OHA)* and the *Environmental Assessment Act (EAA)*. Other provincial legislation deals with cultural heritage indirectly or in specific cases. These various acts and the policies under these acts indicate broad support for the protection of cultural heritage by the Province. They also provide a legal framework through which minimum standards for heritage evaluation are established. What follows is an analysis of the applicable legislation and policy regarding the identification and evaluation of cultural heritage.

3.1.1 *Planning Act*, R.S.O. 1990

The *Planning Act* is the primary document for municipal and provincial land use planning in Ontario and was consolidated on 6 April 2023. This *Act* sets the context for provincial interest in heritage. It states under Part I (2, d):

The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as...the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.⁸

Part 1, Section 3 (1) of *The Planning Act* states:

The Minister, or the Minister together with any other minister of the Crown, may from time-to-time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest.⁹

Under Part 1, Section 3 (5) of *The Planning Act*:

A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter...

- (a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and

⁸ Province of Ontario, *Planning Act*, R.S.O. 1990, c. P.13, last modified 6 April 2023, <https://www.ontario.ca/laws/statute/90p13>, Part I (2, d).

⁹ Province of Ontario, *Planning Act*, Part 1 S.3 (1).

- (b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be.¹⁰

Section 3 (1) refers to the *PPS*. Decisions of Council must be consistent with the *PPS* and relevant provincial plans. Details about provincial interest as it relates to land use planning and development in the province are outlined in the *PPS* which makes the consideration of cultural heritage equal to all other considerations concerning planning and development in the province.

3.1.2 Provincial Policy Statement (2020)

The *Provincial Policy Statement (PPS)* provides further direction for municipalities regarding provincial requirements and sets the policy foundation for regulating the development and use of land in Ontario. Land use planning decisions made by municipalities, planning boards, the Province, or a commission or agency of the government must be consistent with the *PPS*. The Province deems cultural heritage and archaeological resources to provide important environmental, economic, and social benefits, and *PPS* directly addresses cultural heritage in Section 1.7.1e and Section 2.6.

Section 1.7 of the *PPS* regards long-term economic prosperity and promotes cultural heritage as a tool for economic prosperity. The relevant subsection states that long-term economic prosperity should be supported by:

- 1.7.1e encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

Section 2.6 of the *PPS* articulates provincial policy regarding cultural heritage and archaeology. The subsections state:

- 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- 2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.
- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.
- 2.6.4 Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.

¹⁰ Province of Ontario, *Planning Act*, Part I S. 3 (5).

- 2.6.5 Planning authorities shall engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.¹¹

The definition of significance in the *PPS* states that criteria for determining significance for cultural heritage resources are determined by the Province under the authority of the *OHA*.¹² The *PPS* makes the consideration of cultural heritage equal to all other considerations and recognizes that there are complex interrelationships among environmental, economic and social factors in land use planning. It is intended to be read in its entirety and relevant policies applied in each situation.

An HIA may be required by a municipality in response to Section 2.6.1 and 2.6.3 to conserve built heritage resources, cultural heritage landscapes, and the heritage attributes of a protected heritage property.

3.1.3 Ontario Heritage Act, R.S.O. 1990, c.O.18

The *Ontario Heritage Act, R.S.O. 1990, c O.18 (Ontario Heritage Act or OHA)* enables the provincial government and municipalities powers to conserve, protect, and preserve the heritage of Ontario. The *Act* is administered by a member of the Executive Council (provincial government cabinet) assigned to it by the Lieutenant Governor in Council. At the time of writing the *Ontario Heritage Act* is administered by the Minister—Ministry of Citizenship and Multiculturalism (MCM).¹³

The *OHA* (consolidated on 1 January 2023) and associated regulations set minimum standards for the evaluation of heritage resources in the province and give municipalities power to identify and conserve individual properties, districts, or landscapes of cultural heritage value or interest. Individual heritage properties are designated by municipalities under Section 29, Part IV and heritage conservation districts are designated by municipalities under Section 41, Part V of the *OHA*. Generally, an *OHA* designation applies to real property rather than individual structures.¹⁴

¹¹ Province of Ontario, “Provincial Policy Statement”, last modified May 2020, 29, <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf>.

¹² Province of Ontario, “Provincial Policy Statement”, 2020, 51.

¹³ Since 1975 the Ontario ministry responsible for culture and heritage has included several different portfolios and had several different names and may be referred to by any of these names or acronyms based on them:

- Ministry of Culture and Recreation (1975-1982),
- Ministry of Citizenship and Culture (1982-1987),
- Ministry of Culture and Communications (1987-1993),
- Ministry of Culture, Tourism and Recreation (1993-1995),
- Ministry of Citizenship, Culture and Recreation (1995-2001),
- Ministry of Tourism, Culture and Recreation (2001-2002),
- Ministry of Culture (2002-2010),
- Ministry of Tourism, Culture and Sport (2011-2019),
- Ministry of Heritage, Sport, Tourism, and Culture Industries (2019-2022),
- Ministry of Tourism, Culture and Sport (2022),
- Ministry of Citizenship and Multiculturalism (2022-present).

¹⁴ Province of Ontario, *Ontario Heritage Act* R.S.O. 1990, c. O. 18, last modified 1 January 2023, <https://www.ontario.ca/laws/statute/90o18>

Part I (2) of the *OHA* enables the Minister to determine policies, priorities, and programs for the conservation, protection, and preservation of the heritage of Ontario. The *OHA* gives municipalities power to identify and conserve individual properties, districts, or landscapes of cultural heritage value or interest.¹⁵ Regulations under the *OHA* set minimum standards for the evaluation of heritage resources in the province.

A municipality may list a property on a municipal heritage register under Section 27, Part IV of the *OHA* if it meets one of the nine criteria from *O. Reg. 9/06*. Under Section 27(3), a property owner must not demolish or remove a building or structure unless they give council at least 60 days notice in writing. Under Section 27(5), council may require plans and other information to be submitted with this notice which may include a HIA. Individual heritage properties are designated by municipalities under Section 29, Part IV of the *OHA*. A municipality may designate heritage conservation districts under Section 41, Part V of the *OHA*. An *OHA* designation applies to real property rather than individual structures.

O. Reg. 9/06 as amended by *O. Reg. 569/22* –in force and effect 1 January 2023—identifies the criteria for determining cultural heritage value or interest under Section 29, Part IV of the *OHA* and is used to create a Statement of Cultural Heritage Value or Interest. *O. Reg 569/22* revokes Section 1 and 2 of *O. Reg. 9/06*, substituting the following nine criteria, of which two must be met to designate a property under Section 29 of the *OHA*:

1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.
3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.
4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.
5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.
6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.
9. The property has contextual value because it is a landmark.¹⁶

¹⁵ Province of Ontario, *Ontario Heritage Act*.

¹⁶ Province of Ontario, "O. Reg. 9/06: Criteria for Determining Cultural Heritage Value or Interest under Ontario Heritage Act, R.S.O. 1990, c. O.18," as amended by Ontario Regulation 569/22, 2022.

If a property has been determined to meet two or more of the above criteria, and the decision is made to pursue designation, the *OHA* prescribes the process by which a designation must occur.

3.1.4 Places to Grow Act, 2005, S.O. 2005

The *Places to Grow Act* guides growth in the province and was consolidated 1 June 2021. It is intended:

- a) to enable decisions about growth to be made in ways that sustain a robust economy, build strong communities and promote a healthy environment and a culture of conservation;
- b) to promote a rational and balanced approach to decisions about growth that builds on community priorities, strengths and opportunities and makes efficient use of infrastructure;
- c) to enable planning for growth in a manner that reflects a broad geographical perspective and is integrated across natural and municipal boundaries;
- d) to ensure that a long-term vision and long-term goals guide decision-making about growth and provide for the co-ordination of growth policies among all levels of government.¹⁷

This Act is administered by the Ministry of Infrastructure and enables decision making across municipal and regional boundaries for more efficient governance in the Greater Golden Horseshoe area.

3.1.5 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The Property is located within the area regulated by *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the Growth Plan)*, which came into effect on 16 May 2019 and was consolidated on 28 August 2020.

In Section 1.2.1, the *Growth Plan* states that its policies are based on key principles, which includes:

Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.¹⁸

Section 4.1 Context, in the *Growth Plan* describes the area it covers as containing:

...a broad array of important hydrologic and natural heritage features and areas, a vibrant and diverse agricultural land base, irreplaceable cultural heritage resources, and valuable renewable and non-renewable resources.¹⁹

¹⁷ Province of Ontario, "Places to Grow Act, 2005, S.O. 2005, c. 13," last modified 1 June 2021, <https://www.ontario.ca/laws/statute/05p13>, 1.

¹⁸ Province of Ontario, "A Place to Grow: Growth Plan for the Greater Golden Horseshoe," last modified August 2020, <https://files.ontario.ca/mmah-place-to-grow-office-consolidation-en-2020-08-28.pdf>, 6.

¹⁹ Province of Ontario, "A Place to Grow: Growth Plan for the Greater Golden Horseshoe," 39.

It describes cultural heritage resources as:

The *GGH* also contains important cultural heritage resources that contribute to a sense of identity, support a vibrant tourism industry, and attract investment based on cultural amenities. Accommodating growth can put pressure on these resources through development and site alteration. It is necessary to plan in a way that protects and maximizes the benefits of these resources that make our communities unique and attractive places to live.²⁰

Policies specific to cultural heritage resources are outlined in Section 4.2.7, as follows:

Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas;

Municipalities will work with stakeholders, as well as First Nations and Métis communities, in developing and implementing official plan policies and strategies for the identification, wise use and management of cultural heritage resources; and,

Municipalities are encouraged to prepare archaeological management plans and municipal cultural plans and consider them in their decision-making.²¹

Amendment 1 to A Place to Grow aligns the definitions of A Place to Grow with PPS 2020.

3.2 Region Framework

3.2.1 Region of Niagara Official Plan (1970, consolidated 2014)

The *Niagara Regional Official Plan (ROP)* was approved in 1970 and last consolidated in 2014. The Region has been working on a new *ROP* since 2017. Currently, a Draft Consolidated Niagara Official Plan has been prepared but has not been approved by Council. The purpose of the *ROP* is to outline policies for the physical, economic, and social development in the Region. As noted within Section 2: Growing the Economy:

As a community, Niagara has special qualities, rooted in its rich cultural and historical heritage, its unique mix of natural resources, and in its diversity.²²

Section 10.C. deals with heritage conservation and requires that municipalities enact policies to identify cultural heritage resources. As this section notes:

The story of Niagara region can be found in thousands of places and spaces that represent its historical and contemporary identity. The Region recognizes these assets are a physical representation of Niagara's unique characteristics. These places and spaces should be recognized for the critical role they play in creating a sense of place and improving quality of life for residents and visitors.²³

It states that the Region aims to:

²⁰ Province of Ontario, "A Place to Grow: Growth Plan for the Greater Golden Horseshoe," 39.

²¹ Province of Ontario, "A Place to Grow: Growth Plan for the Greater Golden Horseshoe," 47.

²² Regional Municipality of Niagara, "Regional Official Plan," 1970, consolidated 2014, <https://www.niagararegion.ca/living/icp/policy-plan.aspx>, 2-3.

²³ Regional Municipality of Niagara, "Regional Official Plan," 1970, consolidated 2014, 10-7.

Objective 10.C.1.1 support the conservation of significant built heritage resources, significant CHLs and archaeological resources and areas of archaeological potential; and

Objective 10.C.1.5 conserve significant built heritage resources and cultural heritage landscapes within the unique community context of every site.²⁴

Supporting these key objectives, the *ROP* contains several policies requiring that significant heritage resources be conserved:

Table 2: Niagara Region Official Plan Relevant Policies Related to Cultural Heritage²⁵

Policy Number	Policy
10.C.2.1.1	Significant built heritage resources and cultural heritage landscapes shall be conserved using the provisions of the Heritage Act, the Planning Act, the Environmental Assessment Act, the Funeral, Burial and Cremations Act and the Municipal Act.
10.C.2.1.2	The Region shares an interest in the protection and conservation of significant built heritage resources and encourages local municipalities to develop policies to protect and conserve locally significant built heritage resources and to utilize its authority under the Ontario Heritage Act to designate individual properties, cultural heritage landscapes and heritage conservation districts that are of cultural heritage value or interest.
10.C.2.1.3	Municipalities are encouraged to establish a Municipal Heritage Committee (MHC) to advise and assist Council on matters related to Parts IV and V of the Ontario Heritage Act. Local Councils may expand the role of this committee to advise and assist Local Councils on other matters of cultural heritage conservation.
10.C.2.1.6	The Region encourages local municipalities to establish CHLs policies in their Official Plans and identify Significant CHLs for designation. The purpose of this designation is to conserve groupings of features (buildings, structures, spaces, archaeological sites, and natural elements) with heritage attributes that together form a significant type of heritage form, distinctive from that of its constituent elements or parts.
10.C.2.1.7	The local municipalities shall adopt official plan policies to conserve significant cultural heritage resources and ensure that development and site alteration on adjacent lands to protected properties will conserve the heritage attributes of the protected heritage property.
10.C.2.1.9	The Region, in collaboration with local municipalities, will prepare and maintain a Regional Implementation Guideline for Significant CHL Conservation.

²⁴ Regional Municipality of Niagara, "Regional Official Plan," 1970, consolidated 2014, 10-7.

²⁵ Regional Municipality of Niagara, "Regional Official Plan," 1970, consolidated 2014, 10-7 to 10-8.

The *ROP* requires that a Heritage Impact Analysis be prepared for any development or site alteration proposed on or adjacent to lands, structures or buildings designated under the *OHA* or listed on an approved heritage resource inventory.

3.2.2 Regional Planning Context Summary

The Region has acknowledged the identification and conservation of cultural heritage resources as important processes. Further, the Region has identified the need for cultural heritage resource evaluations and impact assessments.

3.3 Local Framework

3.3.1 Niagara Falls Official Plan (1993, consolidated 2019)

The *Niagara Falls Official Plan (OP)* was approved on 6 October 1993 and last consolidated in April 2019. The OP is a document outlining the long-term objectives and policies of the City with respect to the growth and development of urban lands; the protection of agricultural lands and the conservation of natural heritage areas; and the provision of the necessary infrastructure. It is intended to guide growth and development to the year 2031.²⁶

Section 4 (Cultural Heritage Conservation) of Part 3: Environmental Management contains policies related to cultural heritage resources. The following are relevant to this HIA (Table 3):

Table 3: City of Niagara Falls Official Plan Relevant Policies Related to Cultural Heritage

Policy Number	Policy Content	Comments
4.1	The City of Niagara Falls has a rich historical background and in order to promote the conservation of heritage resources, the City shall appoint citizen representatives to a Municipal Heritage Committee (MHC) under the terms of the Ontario Heritage Act. This Committee shall research and advise City Council on heritage matters relating to the identification, protection and/or management of properties of cultural heritage value or interest. The MHC may also advise and assist Council on other heritage related matters as required.	N/A
4.2	The City shall maintain a register of properties that are considered to be of cultural heritage value or interest. The registry shall contain both those lands that have been designated under Parts IV or V of the Ontario Heritage Act as well as	The Abigail Frolick House is listed under Section 27, Part IV of the <i>OHA</i> and is on the City of Niagara Fall's Heritage Register.

²⁶ City of Niagara Falls, "Official Plan for the City of Niagara Falls," 1993, consolidated 2019, <https://niagarafalls.ca/pdf/planning/official-plan/official-plan-november-2019.pdf>, 1-3.

Policy Number	Policy Content	Comments
	listed properties believed to be worthy of future designation.	
4.3	The City shall consider the addition of cultural heritage properties that have not been designated under the Ontario Heritage Act to the municipal register where preliminary research has shown that there is sufficient merit to undertake a more detailed review and evaluation of the property for future designation.	The Abigail Frolick House is listed under Section 27, Part IV of the <i>OHA</i> and is on the City of Niagara Fall's Heritage Register.
4.4	In order to promote the conservation of heritage resources, the City shall, through the MHC, designate significant properties of cultural heritage value or interest as permitted under Parts IV or V of the Ontario Heritage Act.	N/A
4.5	<p>In consultation with the MHC, built heritage resources within the municipality shall be assessed by use of studies, surveys or other methods. The following criteria shall be considered when identifying, studying, assessing or conserving properties of cultural heritage value.</p> <p>4.5.1 The property represents a rare, unique, or early example of a style, type, expression, material or construction method.</p> <p>4.5.2 Built resources or design of the property displays exceptional craftsmanship or artistic merit.</p> <p>4.5.3 Elements of the property demonstrate a high degree of technical or scientific achievement.</p> <p>4.5.4 The property is significant to the community because of direct associations to a theme, event, belief, person, activity, organization or institution.</p> <p>4.5.5 The property contributes to the understanding of a community or culture.</p> <p>4.5.6 The property demonstrates/reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community.</p> <p>4.5.7 The property is important in defining, maintaining or supporting the character of an area.</p>	The Property does not meet any <i>O. Reg 9/06</i> criteria. The Abigail Frolick House meets one criterion (Criteria 4) and may meet one criterion (Criteria 7) of <i>O. Reg 9/06</i> .

Policy Number	Policy Content	Comments
	<p>4.5.8 The property is physically, functionally, visually or historically linked to its surroundings.</p> <p>4.5.9 The property is a landmark.</p>	
<p>4.6.</p>	<p>In consultation with the MHC the following criteria shall be considered when identifying, studying, assessing or conserving heritage districts.</p> <p>4.6.1 The majority of properties represents a rare, unique, or early example of a style, type, expression, material or construction method; display exceptional craftsmanship or artistic merit; or demonstrate a high degree of technical or scientific achievement.</p> <p>4.6.2 The majority of properties have a direct association to a theme, event, belief, person, activity organization or institution that is significant to the community or contributes to the understanding of a community or culture.</p> <p>4.6.3 The majority of the properties demonstrate or reflect the work or ideas of an architect, artist, builder, designer or theorist who is significant to the community.</p> <p>4.6.4 The district consists of a homogeneous collection of properties that are important in defining, maintaining or support the character of an area; are physically, functionally, visually or historically linked to their surroundings; or form a landmark.</p>	<p>N/A</p>
<p>4.13</p>	<p>In order to assist in the preservation and conservation of heritage resources, the City may develop Plans and Guidelines such as, but not limited to, Heritage Impact Assessment Guidelines, Landscape Guidelines, Urban Design Guidelines or an Archaeological Master Plan, that will be used to further define, identify and evaluate properties of cultural heritage value or interest as well as outline the appropriate methods of protection including designation under the Ontario Heritage Act. Where such documents have been adopted by Council they shall be used as a guideline for future</p>	<p>This HIA is being prepared in accordance with the City of Niagara Falls <i>A Guide to Preparing Heritage Impact Assessments in the City of Niagara Falls</i> Terms of Reference.</p>

Policy Number	Policy Content	Comments
	development on heritage properties and lands adjacent to them.	
4.14	<p>Council may utilize other measures to pursue heritage preservation such as, but not limited to, the following:</p> <ul style="list-style-type: none"> a) a special policy provision or heritage overlay designation b) site specific zoning or area zoning to regulate building setbacks, massing, height and density; c) area design guidelines; d) transfer of development rights through the use of heritage easements and agreements; e) site plan control; f) public education initiatives and publications; g) Community Improvement Plans; or h) conservation plans which may be required as a condition of development approval together with financial securities such as a letter of credit. 	While the Property is not located in or immediately adjacent to the Historic Drummondville CIP area, the Abigail Frolick House is located within the boundary as a gateway or transition point to the Historic Drummondville community.
4.16	In consultation with the MHC, the City may regulate demolition alterations, additions, maintenance and repairs to designated properties of cultural heritage value or interest. Property owners shall be required to make application and receive permission from the City Council or designate prior to commencing any such work.	N/A
4.17	The City shall foster creative and functional uses of heritage resources in the economic and social life of the community. Encouragement shall be given to appropriate types of development or uses which propose to incorporate a building or group of buildings with historic or architectural value. At the local level incentives, bonuses or exceptions to development requirements may be considered for those proposals which incorporate heritage conservation properties in development or redevelopment projects.	N/A
4.19	Development adjacent to and surrounding significant heritage properties shall be designed as to not adversely impact on the character, quality or amenity associated with the heritage resource.	The Property is located diagonally across Ferry Street from the Abigail Frolick House, which is listed under

Policy Number	Policy Content	Comments
	<p>4.19.1 In consultation with the MHC, the City may require a proponent of development to submit a heritage impact assessment to determine the impact of a specific development proposal on any heritage resource or area of archaeological potential and to recommend the most appropriate method of conservation through mitigative measures or alternative development.</p> <p>4.19.2 The City shall consider the impact of public works activities on heritage properties or districts and design such necessary work to mitigate the effects on heritage resources as outlined in a heritage impact assessment.</p>	<p>Section 27, Part IV of the <i>OHA</i> and on the City of Niagara Falls Heritage Register.</p>
4.20	<p>When considering an amendment to this Plan or through a zoning by-law amendment application within an area identified by the City as a cultural heritage landscape, the proponent shall address the following as part of a heritage impact assessment to be submitted with the application:</p> <ul style="list-style-type: none"> a) the significance of the place and its contribution to the City's heritage; b) the impact of the proposal on the significance of the place; and c) the alternatives to the development as proposed and how development impacts will be minimized and/or mitigated. 	<p>This HIA is being prepared as part of a Site Plan Application and a Zoning By-law Amendment and includes discussion of all the aforementioned items (Sections 4.6, 4.7, and 9.0).</p>
4.22	<p>In recognition of the ongoing evolution of heritage, the City shall continue to study areas of cultural heritage interest to understand the history of place and for possible recognition as a significant heritage resource. Areas identified for possible future studies are listed in Appendix VI.</p>	<p>While the Property is not located in or immediately adjacent to the Historic Drummondville CIP area, the Abigail Frolick House is located within the boundary as a gateway or transition point to the Historic Drummondville community.</p>

3.3.2 City of Niagara Falls Heritage Master Plan (2005)

The City of Niagara Falls Heritage Master Plan was prepared in September 2005. The Heritage Master Plan guides the management of heritage resources in the City by setting out the City's

principles, creating potential Heritage Conservation Districts, linking heritage and economic development through tourism, and developing conservation and development guidelines.

The objectives of the Heritage Master Plan are:

1. Better information on heritage resources;
2. Improved conservation and interpretation of heritage resources;
3. A strengthened management framework;
4. Development and promotion of heritage tourism products; and,
5. Enhanced community support.

The principles of the Heritage Master Plan to be achieved through an action plan are:

1. Focus on the local community;
2. Set modest goals;
3. Strengthen existing heritage groups;
4. Create an organizational framework;
5. Find a central home for heritage activity; and,
6. Make partnerships work.²⁷

3.3.3 Historic Drummondville Community Improvement Plan (2006)

Section 28 of the *Planning Act* permits a municipality to identify specific areas as community improvement areas and, in conformity with an implementing Community Improvement Plan, offer grants or loans to pay for the whole or part of the eligible costs of the community improvement to property owners. The City of Niagara Falls approved the Historic Drummondville Community Improvement Plan in October 2006 which provides guidelines and financial incentives towards physical, economic and environmental improvements within the Historic Drummondville plan area.²⁸

The objectives of the CIP are:

- a) Define an appropriate community improvement project area;
- b) Develop a Land Use Plan that defines the changes necessary to the planning policy and regulatory framework to provide the opportunity for and guide revitalization in Historic Drummondville;
- c) Develop Conceptual Urban Design Guidelines to assist the City and the Main and Ferry Business Improvement Association (BIA) in their review and response to proposals for rehabilitation, infill, intensification and new development;

²⁷ Carl Bray & Associates, "City of Niagara Falls Heritage Master Plan", September 2005, 9.

²⁸ City of Niagara Falls, "Community Improvement Plans", accessed 15 August 2022, <https://niagarafalls.ca/business/community-improvement-plans/default.aspx>

- d) Develop a customized package of financial incentives to promote private sector investment and redevelopment; and
- e) Plan physical improvements within the project area that are designed to lead and stimulate private sector investment and redevelopment.²⁹

While the Property is not located in or immediately adjacent to the Historic Drummondville CIP area, the Abigail Frolick House is located within the boundary as a gateway or transition point to the Historic Drummondville community.

Section 7.2.2 Gateways and Landscaped Entry Points notes the following:

The Historic Drummondville gateways are the points of transition from Lundy's Lane, Fallsview and Clifton Hill to or from the community. As people enter, the unique identity of the area should be visible and apparent at these thresholds. In terms of the design of gateways, building upon the existing heritage features or other unique features is the best method of reinforcing or distinguishing the identity of an area. The Historic Drummondville gateways are the points of transition from Lundy's Lane, Fallsview and Clifton Hill to or from the community. As people enter, the unique identity of the area should be visible and apparent at these thresholds. In terms of the design of gateways, building upon the existing heritage features or other unique features is the best method of reinforcing or distinguishing the identity of an area.

3.3.4 City of Niagara Falls Zoning By-law 79-200 (amended by By-law 2012-061)

The Property and the Abigail Frolick House are currently zoned for TC – Tourist Commercial in accordance with Zoning By-law No. 79-200, as amended by By-law No. 2012-061.³⁰ They are located in the Clifton Hill Subdistrict, where a wide range of commercial/entertainment uses are permitted including but not limited to tourist retail, hotels, restaurants, cafes, nightclubs, museums, art galleries, theatres and other tourist-related uses, all of which provide a pedestrian focus at street level.³¹ New development within the Clifton Hill Subdistrict is to be consistent with respect to the relationship of new development to public streets and open spaces and with respect to the development's built form.

3.3.5 Local Planning Context Summary

The City has acknowledged the identification and conservation of cultural heritage resources as important processes through policies in the Official Plan, the Heritage Master Plan, the Historic Drummondville Community Improvement Plan, and has developed a HIA terms of reference for built heritage resources and cultural heritage landscapes.

²⁹ City of Niagara Falls, "Historic Drummondville Niagara Falls – Community Improvement Plan", October 2006.

³⁰ City of Niagara Falls, "By-law No. 79-200", <https://niagarafalls.ca/pdf/planning/zoning-by-law-79-200.pdf>

³¹ City of Niagara Falls, "By-law No. 79-200", 82-84, <https://niagarafalls.ca/pdf/planning/zoning-by-law-79-200.pdf>

4.0 HISTORIC CONTEXT

4.1 Indigenous Pre-Contact History

The cultural history of southern Ontario began around 11,000 years ago following the retreat of the Wisconsin glacier.³² During this archaeological period, known as the Paleo period (9500-8000 BCE), the climate was like the present-day sub-arctic and vegetation was dominated by spruce and pine forests.³³ The initial occupants of the province had distinctive stone tools. They were nomadic big-game hunters (i.e., caribou, mastodon, and mammoth) who lived in small groups and travelled over vast areas, possibly migrating hundreds of kilometres in a single year.³⁴

4.1.1 Archaic Period (8000-1000 BCE)

During the Archaic archaeological period (8000-1000 BCE), the occupants of southern Ontario continued their migratory lifestyles although they were living in larger groups and transitioning towards a preference for smaller territories of land – possibly remaining within specific watersheds. People refined their stone tools during this period and developed polished or ground stone tool technologies. Evidence of long-distance trade has been found on archaeological sites from the Middle and Later Archaic times including items such as copper from Lake Superior, and marine shells from the Gulf of Mexico.³⁵

4.1.2 Woodland Period (1000 BCE – CE 1650)

The Woodland period in southern Ontario (1000 BCE – CE 1650) represents a marked change in subsistence patterns, burial customs, and tool technologies as well as the introduction of pottery making. The Woodland period is sub-divided into the Early Woodland (1000–400 BCE), Middle Woodland (400 BCE – CE 500) and Late Woodland (CE 500 - 1650).³⁶ The Early Woodland is defined by the introduction of clay pots, which allowed for preservation and easier cooking.³⁷ During the Early and Middle Woodland, communities grew and were organized at a band level. People continued to follow subsistence patterns focused on foraging and hunting.

Woodland populations transitioned from a foraging subsistence strategy towards a preference for agricultural village-based communities around during the Late Woodland. During this period people began cultivating maize in southern Ontario. The Late Woodland period is divided into three distinct stages: Early (CE 1000–1300), Middle (CE 1300–1400), and Late (CE 1400–1650).³⁸ The Late Woodland is generally characterized by an increased reliance on cultivation of domesticated crop plants, such as corn, squash, and beans, and a development of palisaded village sites which included more and larger longhouses. By the 1500s, Iroquoian communities in

³² Christopher Ellis and D. Brian Deller, "Paleo-Indians," in *The Archaeology of Southern Ontario to A.D. 1650*, ed. Christopher Ellis and Neal Ferris (London, ON: Ontario Archaeological Society, London Chapter, 1990), 37.

³³ Toronto Region Conservation Authority, "Chapter 3: The First Nations," in *Greening Our Watersheds: Revitalization Strategies for Etobicoke and Mimico Creeks* (Toronto: Toronto Region Conservation Authority, 2002). <http://www.trca.on.ca/dotAsset/37523.pdf>.

³⁴ Toronto Region Conservation Authority, "Chapter 3: The First Nations," 2002.

³⁵ Toronto Region Conservation Authority, "Chapter 3: The First Nations," 2002.

³⁶ Toronto Region Conservation Authority, "Chapter 3: The First Nations," 2002.

³⁷ Toronto Region Conservation Authority, "Chapter 3: The First Nations," 2002.

³⁸ Toronto Region Conservation Authority, "Chapter 3: The First Nations," 2002.

southern Ontario – and more widely across northeastern North America –organized themselves politically into tribal confederacies. South of Lake Ontario, the Haudenosaunee Confederacy comprised the Mohawks, Oneidas, Onondagas, Cayugas, and Senecas, while Iroquoian communities in southern Ontario included the Petun, Huron, and Neutral Confederacies.³⁹

It should be noted that in many cases the historical documentation related to the location and movement of Indigenous peoples in present-day Ontario is based on the documentary record of the experiences and biases of early European explorers, traders and settlers. This record provides only a brief account of the long, varied, and continuing occupation of the area.

4.2 Seventeenth-Century History

French explorers and missionaries began arriving in southern Ontario during the first half of the 17th century, bringing with them diseases for which the Indigenous peoples had no immunity and contributing to the collapse of the three southern Ontario Iroquoian confederacies. Also contributing to the collapse and eventual dispersal of the Huron, Petun, and Attiwandaron, was the movement of the Haudenosaunee Confederacy from south of Lake Ontario. Between 1649 and 1655, the Haudenosaunee Confederacy waged military warfare on the Huron, Petun, and Attiwandaron pushing them out of their villages and the general area.⁴⁰ As the Haudenosaunee Confederacy moved across a large hunting territory in southern Ontario, they began to threaten communities further from Lake Ontario, specifically the Ojibway (Anishinaabe). The Anishinaabe had occasionally engaged in military conflict with the Haudenosaunee Confederacy over territories rich in resources and furs, as well as access to fur trade routes, but in the early 1690s, the Ojibway, Odawa and Potawatomi allied as the Three Fires initiated a series of offensive attacks on the Haudenosaunee Confederacy, eventually forcing them back to the south of Lake Ontario.⁴¹

In May 1720, the French constructed a *Magasin Royal*, in present-day Lewiston, New York. In 1725, a “stone castle” was built to replace the *Magasin Royal*, at Fort Niagara; which was converted to a blockhouse and renamed “Little Fort Niagara.”⁴² The French, either unwilling or unable, never truly developed a permanent settlement on the western banks of the Niagara River.⁴³ A possibly was, by the late 17th century, the Mississaugas began to occupy the area around Niagara Region; who were on friendly terms with the British.⁴⁴ In 1759, Fort Niagara was captured by William Johnson and ended French occupation in the area.⁴⁵ The Mississaugas, who

³⁹ Toronto Region Conservation Authority, “Chapter 3: The First Nations,” 2002.; Haudenosaunee Confederacy, “Who We Are: About the Haudenosaunee Confederacy,” accessed April 13, 2020, <https://www.haudenosauneeconfederacy.com/who-we-are/>.

⁴⁰ Mississaugas of the Credit First Nation, “The History of the Mississaugas of the New Credit First Nation,” Mississaugas of the New Credit First Nation, 2018, <http://mncfn.ca/wpcontent/uploads/2018/04/The-History-of-MNCFN-FINAL.pdf>

⁴¹ Mississaugas of the Credit First Nation, “History”, 3-4.

⁴² ASI, *New Niagara Official Plan, Niagara Region Archaeological Master Plan: Appendix B – Historical Thematic Analysis*, City of Niagara Falls, 2021, 5

⁴³ ASI, *New Niagara Official Plan, Niagara Region Archaeological Master Plan*,” 5

⁴⁴ ASI, *New Niagara Official Plan, Niagara Region Archaeological Master Plan*,” 5

⁴⁵ ASI, *New Niagara Official Plan, Niagara Region Archaeological Master Plan*,” 6

fought with the British, were formally recognized by the Crown, as the rightful *owners* of the west shore of the Niagara River.⁴⁶

4.3 Niagara Purchase (Treaty 381)

The Property is located within Treaty 381, also known as the Niagara Purchase.⁴⁷ Following the American Revolutionary War, although Fort Niagara was on the east bank of the Niagara River, the best area for farming was on the opposite side. The 1764 treaty negotiated by Sir William Johnson, however, imposed constraints on any settlement. Haldimand ordered the negotiation of a new treaty to resolve any outstanding Indigenous claims to the riverbanks so that his proposal for agricultural settlements could proceed. In 1781, after Loyalists had already started to settle on the land, Johnson met with the chiefs of the Mississaugas in open council to discuss their claim and purchase a six-and-a-half-kilometre-wide strip of land along the west bank between Lakes Ontario and Erie. On 9 May, an agreement was reached and the Mississaugas accepted 300 suits of clothing as payment for the strip of land.⁴⁸ The treaty was signed during the American Revolution and was one of the first treaties in what would become Upper Canada.

4.4 Survey and Early Euro-Canadian Settlement

The present-day City of Niagara Falls is located on land which was originally known as Township Number 2, the second township surveyed after the Township of Niagara. It was also known as Mount Dorchester, named for Governor General Sir Guy Carleton, Earl of Dorchester.⁴⁹ The earliest European settlers in Township Number 2 were Philip Bender and Thomas McMicken (or McMicking), United Empire Loyalists who, along with their families, immigrated to Canada from the United States in 1782; by the census of 1783, there were ten families living in Township Number 2. Lundy's Lane was the first road used by the settlers which originally was an Indigenous trail. Other early roads included Portage Road and Mountain Road.⁵⁰

The settlers of Stamford Township, while being subject to all the hardships entailed by clearing farms in the forest and dwelling in rudimentary log houses, with none of the luxuries and but a scanty supply of the necessaries of life, fared better than many of those who established themselves farther from the frontier.⁵¹ In 1785, John Burch received permission to build the first saw and grist mill along the shore of the Niagara River approximately 1.6 kilometres upstream of the Horseshoe Falls at the present-day location of the Toronto Power Generating Plant. He would become the first man to use water from the Niagara River for industrial purposes. After

⁴⁶ ASI, *New Niagara Official Plan, Niagara Region Archaeological Master Plan*,” 6

⁴⁷ Government of Ontario, “Niagara Purchase (Treaty 381), 2018, accessed 4 August 2022,

<https://www.ontario.ca/page/map-ontario-treaties-and-reserves#t1>

⁴⁸ John Boileau, “Niagara Purchase”, The Canadian Encyclopedia, 20 August 2021, accessed 4 August 2022,

<https://www.thecanadianencyclopedia.ca/en/article/niagara-purchase>

⁴⁹ “Evolution of the City of Niagara Falls”, Niagara Falls Museums, accessed 15 August 2022,

<https://niagarafallsmuseums.ca/discover-our-history/history-notes/cityofniagarafalls.aspx>

⁵⁰ “Evolution of the City of Niagara Falls”, Niagara Falls Museums, accessed 15 August 2022,

<https://niagarafallsmuseums.ca/discover-our-history/history-notes/cityofniagarafalls.aspx>

⁵¹ H.R. Page, *Illustrated historical atlas of the counties of Lincoln and Welland, Ont.*, Toronto: H.R. Page, 1876.

his death, Burch's Mills were sold to Samuel Street, his former partner in a company for carrying goods over the Niagara Falls portage until the mills burned down during the War of 1812.⁵²

The second survey of Niagara west of the Niagara River took place in 1787. The survey was conducted by Phillip Frey. In 1791, the first map of this survey area was published. The population grew rapidly until all 22,881 acres of land in the Township were claimed by United Empire Loyalists or members of Butler's Rangers. In 1791, John Graves Simcoe, the first Lieutenant Governor of the Province of Upper Canada, gave the name of Stamford to Township Number 2, after the Town of Stamford in Lincolnshire, England. By 1793, Stamford Township had a municipal government. The first town clerk was Ezekiel Woodruff. The first assessors were John Wilson and Benjamin Skinner. The first town wardens were John Wilson and Thomas McMicking.⁵³

4.5 Township of Stamford and City of Niagara Falls History

4.5.1 Drummondville

The first community in Stamford Township was the village of Drummondville, a cluster of houses and businesses located around the Portage Road, Ferry Road and Lundy's Lane intersection. This area is referred to as the Village of Lundy's Lane in some old records but became known as Drummond Hill after the 1814 Battle of Lundy's Lane, in which Sir Gordon Drummond led the British forces. Present-day boundaries of the village were North Street, Stanley Avenue, Dixon Street and Drummond Road and the population was about 150 persons. In official records, the name of Drummondville does not appear until 1831, when the area obtained village status with a population of about 150 people.⁵⁴ In 1844, William Russell built his brewery in Drummondville, the community's largest industry until it was destroyed in a spectacular fire in 1886. By 1850, Drummondville had a population of five hundred and included a brewery, a hotel, a tannery, eight taverns and five churches.

In 1849, Drummondville was the residence of Lord Elgin, Governor General of Canada. He lived at the Forsyth House on Main Street with his wife and newborn son as a means to escape mob violence raging in Montreal, stemming from his signing of the Rebellion Losses Bill. In addition to the Niagara Falls located nearby, the Lundy's Lane Battlefield became a popular tourist attraction. Between 1845 and 1870, a number of observation towers were built overlooking the battlefield to provide tourists with an excellent aerial view.⁵⁵

By 1880, when Drummondville had a population of about 850, A petition was struck by William Russell, contractor and brewery owner, and 126 others, requesting County Council to grant the

⁵² Peter N. Moogk, "Burch, John", Dictionary of Canadian Biography, vol. 4, University of Toronto/Université Laval, 1979, accessed 5 August 2022, http://www.biographi.ca/en/bio/burch_john_4E.html

⁵³ Rick Berketa (ed.), "Niagara Falls Tale of Two Cities", Niagara Falls Thunder Alley, 2014, accessed 5 August 2022, <http://www.niagarafontier.com/niagarafallscity.html>

⁵⁴ "A Brief History of Drummondville", Niagara Falls Museums, n.d, accessed 11 August 2022, <https://niagarafallsmuseums.ca/discover-our-history/history-notes/drummondville.aspx>

⁵⁵ Rick Berketa (ed.), "Niagara Falls Tale of Two Cities", Niagara Falls Thunder Alley, 2014, accessed 5 August 2022, <http://www.niagarafontier.com/niagarafallscity.html>

incorporation of Drummondville into the Village of Niagara Falls, which occurred in 1882 with William Russell as the first Reeve.⁵⁶

4.5.2 City of the Falls Project

In the 1830s, prominent citizens aimed to establish a large residential city on lands known as Falls View. In 1832, James Buchanan wrote a letter to the Honourable Thomas Clark stating that he had seen an advertisement that William Forsyth wished to dispose of his establishments and lands at the Falls. Buchanan suggested Clark and Samuel Street buy out Forsyth and outlined his plans in his letter for the planned development of the land for financial gain and as a means to preserve the landscape of the Falls from excessive commercialism.⁵⁷

Until the 1940s, Falls View was commonly known and referred to as the City of the Falls. The name Falls View was derived from the fact that trains of the Michigan Central Railroad (Canadian Southern Railroad) had been stopping their trains at this area since 1885 in order to give their passengers a few minutes to view the Falls. The area was located at the top of the moraine, which provided an unobstructed panoramic view of the Falls.

The newly formed City of the Falls Company purchased 400 acres of land from William Forsyth. Building lots for mixed commercial and residential use were laid out between Murray Hill and Table Rock. The Company had subdivided the new city into approximately 300 – 400 lots worth \$400 per lot. Each average lot had a frontage of up to 35 feet by 140 feet deep. A space measuring 100 – 200 feet was set aside for gardening and walks, which offered one of the most sublime promenades in the world looking down upon the great Falls of Niagara. Every person buying a lot would also be awarded one share in the City of the Falls Company. In addition, the City of Falls Company sold 2600 shares at \$100 each.⁵⁸

Stanley Street was 100 feet wide. All other streets were 80 feet wide. Stable Lanes were 20 feet wide. The plan of 1833, surveyed by E. Clements was not registered but another sub-division plan of the City of the Falls was registered at the Fonthill registry office in 1851. Presently, no remnants of the City of the Falls Project exist with the exception of the surveyed lots several street names including Stanley, Robinson, Dixon, Dunn, Murray, Allan, Clark, and Buchanan Streets (later renamed to Fallsview Boulevard).⁵⁹

4.5.3 The City of Niagara Falls

In 1881, Clifton changed its name to the Town of Niagara Falls. The following year Drummondville became the Village of Niagara Falls. The two communities amalgamated to create the City of Niagara Falls in 1904.⁶⁰ Within two years, three large hydroelectric generating

⁵⁶ "A Brief History of Drummondville", Niagara Falls Museums, n.d, accessed 11 August 2022, <https://niagarafallsmuseums.ca/discover-our-history/history-notes/drummondville.aspx>

⁵⁷ Rick Berketa (ed.), "Niagara Falls City of the Falls", Niagara Falls Thunder Alley, 12 February 2012, accessed 11 August 2022, <http://www.niagarafontier.com/cityfalls.html>

⁵⁸ Rick Berketa (ed.), "Niagara Falls City of the Falls", Niagara Falls Thunder Alley, 12 February 2012, accessed 11 August 2022, <http://www.niagarafontier.com/cityfalls.html>

⁵⁹ Rick Berketa (ed.), "Niagara Falls City of the Falls", Niagara Falls Thunder Alley, 12 February 2012, accessed 11 August 2022, <http://www.niagarafontier.com/cityfalls.html>

⁶⁰ "Evolution of the City of Niagara Falls", Niagara Falls Museums, accessed 15 August 2022, <https://niagarafallsmuseums.ca/discover-our-history/history-notes/cityofniagarafalls.aspx>

plants began operating in the area around the Horseshoe Falls. Inexpensive and plentiful electricity, along with excellent rail transportation and close proximity to the U.S. market soon attracted many manufacturing industries to Niagara Falls, thus ensuring the new city's growth and prosperity. A significant tourism industry also became increasingly important.⁶¹

Niagara Falls' area and population increased dramatically in 1963 when the adjacent Township of Stamford amalgamated with the City. With the advent of regional government in 1970, Chippawa, Willoughby Township and a small portion of Crowland Township also became part of Niagara Falls.⁶²

4.6 Property History

The current extent of the Property at 5438 Ferry Street came from the consolidation of three former parcels at 5913 Fallsview Boulevard, 5402 Ferry Street, and 5420 Ferry Street respectively. The original Crown Patent was granted in 1798 to James Forsyth for 200 acres of land in Lots 143 and 144.⁶³ His son, Samuel Forsyth would sell parts of Lot 143, 144, and 145 to Thomas Clark and Samuel Street in 1829 for a sum of £87/10s.⁶⁴ In 1846, Samuel Falconbridge purchased land totaling 10080 ft² from Thomas Street (the heir of Samuel Street) for a sum of £50.⁶⁵

In 1874, Richard and Mary Ann Spong purchased two lots respectively from Mary Falconbridge (the executor of Armanilla Corbett's estate) and John A. Orchard (the executor of Lieutenant General John Murray's estate) for a combined sum of \$250.⁶⁶ In 1882, the lots were re-surveyed and numbered as parts of Lot 19 and Lot 20 became Lot A and B, measuring 140 feet by 72 feet / 66 feet each respectively.

4.6.1 5913 Fallsview Boulevard

The legal description for this former property is Stamford Township Lot 144, Plan 653, Lot 1.

This was a former residential property that was demolished between 2008 and 2009. There was a two and-a-half storey building clad in red brick with a rear addition and a detached garage.

It is possible that the residential property may have appeared in the 1893 Bird's Eye View map along with the adjacent property at 5927 Fallsview Boulevard (see Image 8). According to the 1893 assessment roll, George Packer owned Lot 1 to the west of Buchanan Street directly south of Lot B upon which a building was erected.⁶⁷ In 1917, when he died, the property including the

⁶¹ "Evolution of the City of Niagara Falls", Niagara Falls Museums, accessed 15 August 2022, <https://niagarafallsmuseums.ca/discover-our-history/history-notes/cityofniagarafalls.aspx>

⁶² "Evolution of the City of Niagara Falls", Niagara Falls Museums, accessed 15 August 2022, <https://niagarafallsmuseums.ca/discover-our-history/history-notes/cityofniagarafalls.aspx>

⁶³ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 144, Book A, Folio 441, Inst. Crown Patent

⁶⁴ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 144, Book A, Folio 441, Inst. A7799.

⁶⁵ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 144, Book A, Folio 441, Inst. A2894.

⁶⁶ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 114, Book A, Folio 441, Inst. G1012 & Inst. H1144.

⁶⁷ Assessment Roll for the Municipality of Niagara Falls Village, 1893, Line 3.

premises was sold by his wife, Fannie Packer to Ada L. Didamus for a sum of \$1300.⁶⁸ It was sold to Pasquale Salfi in 1920 who then sold it to Annie Ziff in 1921.⁶⁹⁷⁰

The building appeared in the 1921 aerial photograph and those for subsequent years (see Figure 4). Nicholas and Alice Mizibrocky purchased the property in 1944 and had retained ownership for several decades.⁷¹ Yolanda Schenck purchased the property in 1986.⁷² The building was demolished between 2008 and 2009 (Image 1).



Image 1: View of 5913 Fallsview Boulevard, 2007 (Google Streetview, 2007).

4.6.2 5402 Ferry Street

The legal description for this former property is Stamford Township Lot 144, Plan 653, Lot 1, Part Lots A & B.

In addition to his land purchases made in 1874, Richard Spong bought a part of Lot 19 from John A. Orchard, executor for John Murray's estate, in 1884 for a sum of \$75.⁷³ The 1893 Bird's Eye View map illustrates the location of the Spong House and the corner yard (see Image 8). Upon passing, his wife Mary A. Sprong sold the property to George and Mary Trimpani in 1919.⁷⁴ According to the 1921 aerial photograph, the corner yard was visibly vacant but associated with the adjacent Spong House (see Figure 4).

Throughout 1922 and 1923 numerous mechanic liens claimed against the owners from William L. Doran, Samuel L. Lambert, William Briscall Company, and the Standard Steel Construction Company are listed, indicating that the former building on the property may have been

⁶⁸ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book A, Plan 653, Folio 217, Inst. R11159.

⁶⁹ Land Registry Ontario, Niagara South (30) – Niagara Falls Lot 1, Book A, Plan 653, Folio 217, Inst. Q16685.

⁷⁰ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book A, Plan 653, Folio 217, Inst. R16694.

⁷¹ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book A, Plan 653, Folio 217, Inst. 42562.

⁷² Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book A, Plan 653, Page 1, Inst. 480072.

⁷³ Land Registry Ontario, Niagara South (30) – Niagara Falls Lot A, Book B, Plan 653, Folio 133, Inst. 114.

⁷⁴ Land Registry Ontario, Niagara South (30) – Niagara Falls, Book B, Plan 653, Folio 133, Inst. P14405

constructed around this time.⁷⁵ In 1923, it was transferred from Mary Trimpani to Joseph Sirianni.⁷⁶ William M. German owned the property and sold it to Joseph Sirianni in 1926 for a sum of \$7741.⁷⁷ Sirianni would sell part of the property to Charles J Blythe, a part-owner of the Niagara Plumbing Supply Company that same year. Joseph Sirianni and Charles J Blythe sold their parts of the Lot to Ralph Mitchell and the Niagara Plumbing Supply Company respectively in 1926 and 1927 of sum of \$7750.⁷⁸⁷⁹ According to the 1926 City Directory, 1402 Ferry Street was the location of Bullock (Nash) & Mortimer Autos, and the Niagara Plumbing Supply Company was at 1406 Ferry Street indicating that the building was shared.

The Niagara Plumbing Supply Company was established in 1926.⁸⁰ The company originally had its offices and a showroom in the building (see Image 2 and Image 3). In 1949, Ralph Mitchell sold part of the property to Yolanda Mitchell for a sum of \$5000.⁸¹ The property was sold from the Niagara Plumbing Supply Company Limited to Yolanda Shenck in 1964 for a sum of \$40,000.⁸² According to the City Directory, the first listing for an Italian restaurant named 3 Coins in the Fountain Restaurant was in 1964 (see Image 4). In 1970, the municipal address changed from 1402 Ferry Street to 5402 Ferry Street. The building was leased from that year to Sabatino Pingue until 1972 when the lease was transferred to Cheung Ma.⁸³ From the 1970s to 1990s, it served as the location of a Chinese-Polynesian restaurant named Mia Kai (see Image 5).⁸⁴

Around 2002, it became Young Bin Kwan VIP Chinese Korean Restaurant (see Image 6) and was soon abandoned and left to neglect.⁸⁵ The building was demolished in 2017 (see Image 7).

⁷⁵ Land Registry Ontario, Niagara South (30) – Niagara Falls, Book B, Plan 653, Folio 133, Inst. S19111, S19118, S19170

⁷⁶ Land Registry Ontario, Niagara South (30) – Niagara Falls, Book B, Plan 653, Folio 403, Inst. J20873.

⁷⁷ Land Registry Ontario, Niagara South (30) – Niagara Falls, Book B, Plan 653, Folio 403, Inst. 24759.

⁷⁸ Land Registry Ontario, Niagara South (30) – Niagara Falls, Book C, Plan 653, Folio 403, Inst. Y26932.

⁷⁹ Land Registry Ontario, Niagara South (30) – Niagara Falls, Book C, Plan 653, Folio 403, Inst. X25264.

⁸⁰ Annual Departmental Reports of the Dominion of Canada 1925-1926, "Synopsis of Letters Patent", Vol. 3, Ottawa: F.A Acland, 1927, 187, accessed 4 August 2022,

<https://archive.org/details/v3annualdepartme1926canauoft/page/186/mode/2up>

⁸¹ Land Registry Ontario, Niagara South (30) – Niagara Falls, Book C, Plan 653, Folio 488, Inst. 48955.

⁸² Land Registry Ontario, Niagara South (30) – Niagara Falls, Book W, Plan 653, Folio 352, Inst. B263B.

⁸³ Land Registry Ontario, Niagara South (30) – Niagara Falls, Inst. BB60592.

⁸⁴ Land Registry Ontario, Niagara South (30) – Niagara Falls, Inst. R0178612; Tim Jepson, Phil Lee, & Tania Smith, *The Real Guide: Canada*, Hoboken, NJ: Prentice Hall Travel, 1992, 248.

⁸⁵ Korean Real Estate Post, 2004, accessed 4 August 2022,

<https://budongsanacanada.com/WebPage.aspx?pageid=11&categorygroupid=19&categoryid=128&idx=3390>



Image 2: Invoice from the Niagara Plumbing Supply Co. Ltd, 1936.⁸⁶

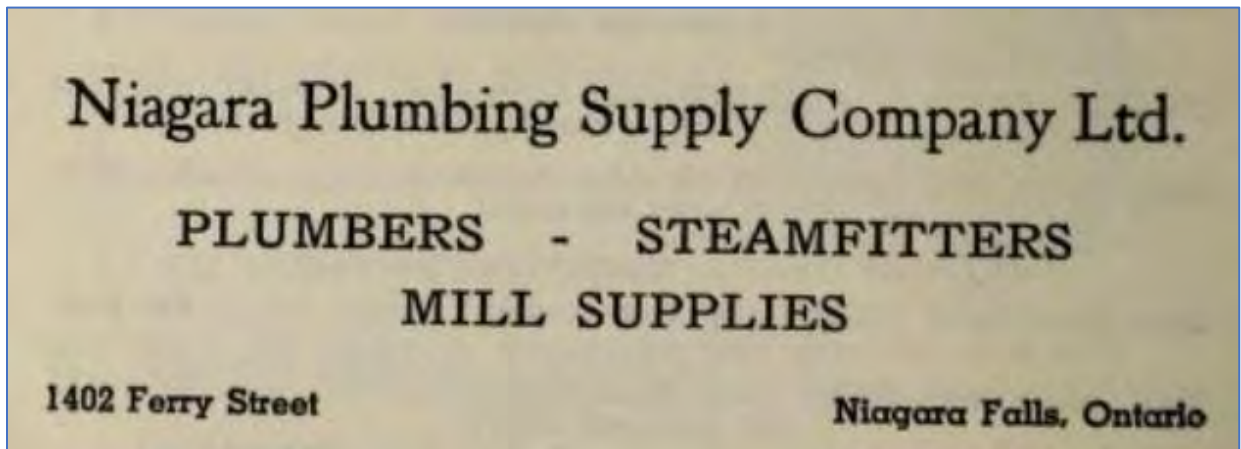


Image 3: Advertisement for Niagara Plumbing Supply Co. Ltd, 1947.⁸⁷

⁸⁶ "Receipt of payment from E.B. Bigger to Niagara Plumbing Supply Company Limited", Niagara Falls Museum, 2015.029, 1936, accessed 16 August 2022, <https://niagarafalls.pastperfectonline.com/archive/7FB1B490-81BA-4880-A652-183955705850>

⁸⁷ The Niagara Falls Music Festival Association, Official Syllabus Fourteenth Annual Niagara Falls Music Festival", 1947, 24, accessed 4 August 2022, <https://archive.org/details/Prog-0999a/page/24/mode/2up>

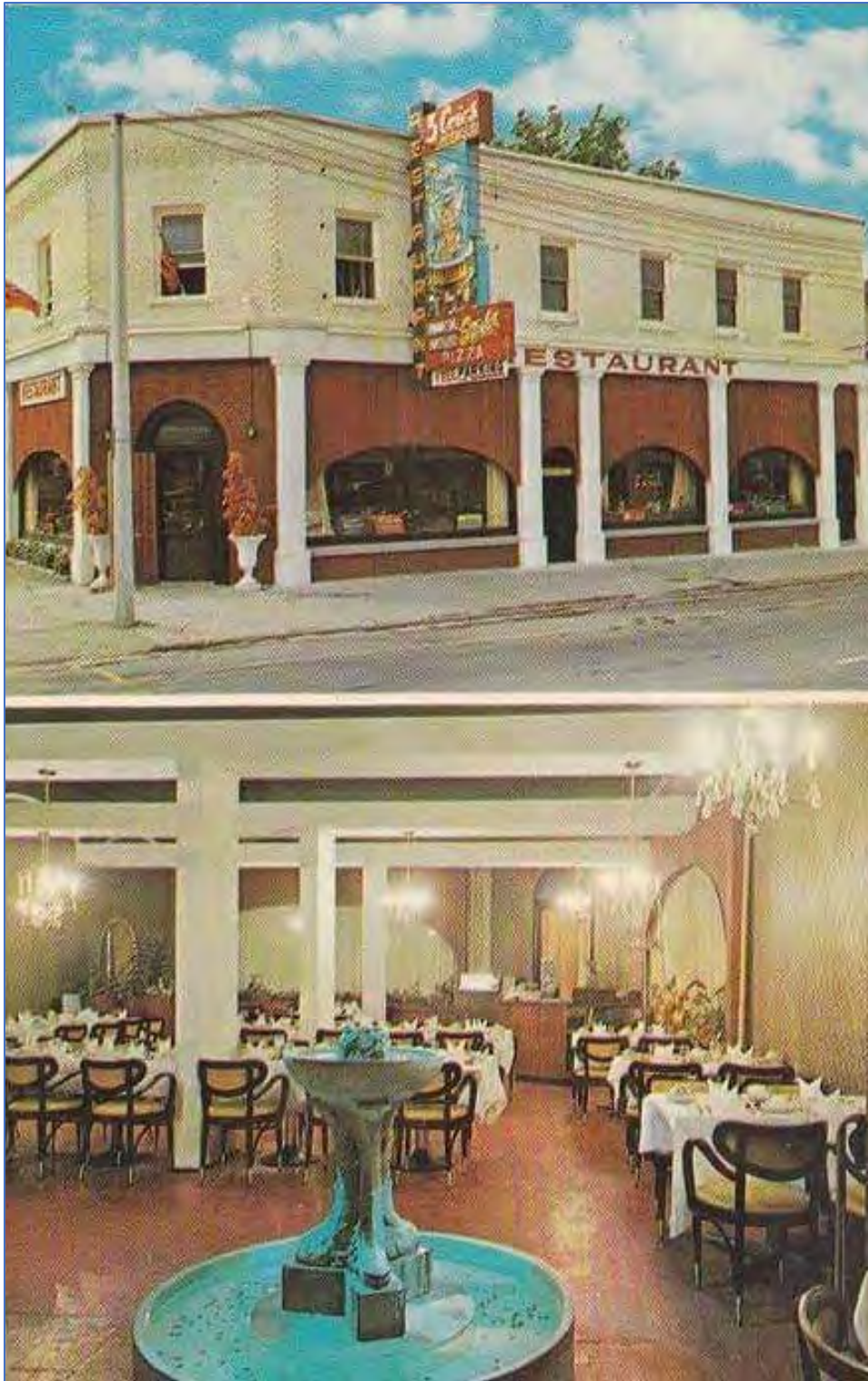


Image 4: Photo of 3 Coins in the Fountain Restaurant, 1965.⁸⁸

⁸⁸ Paula McLaren, "Niagara History and Trivia – Facebook Group", 22 May 2018, accessed 4 August 2022, <https://m.facebook.com/groups/149469265088626/permalink/1695382327163971/>

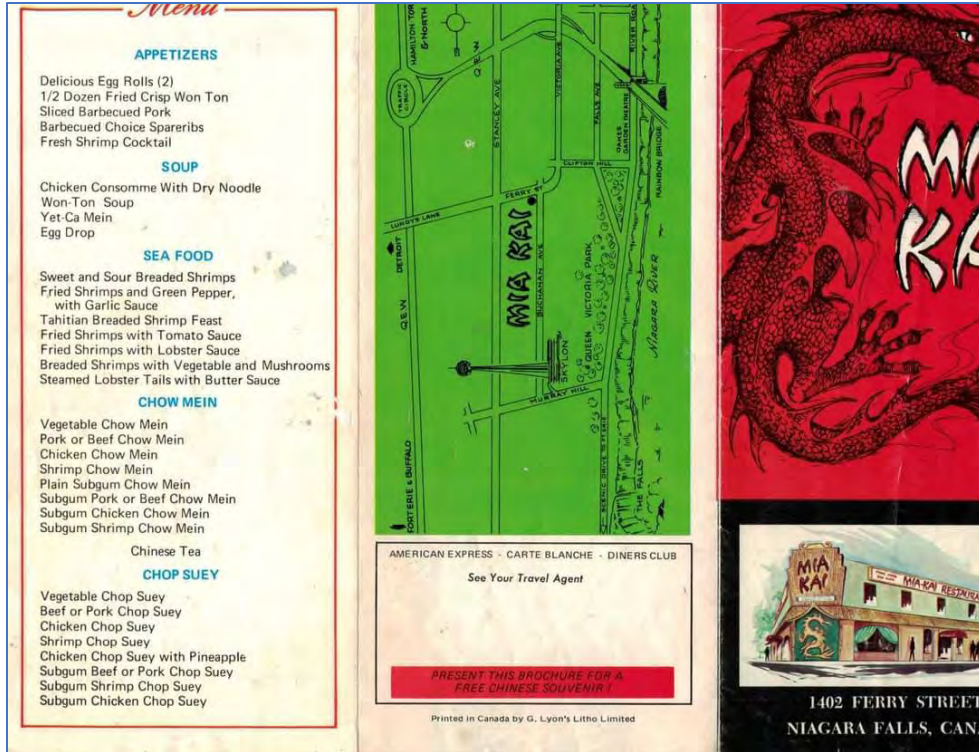


Image 5: Menu from Mia Kai restaurant, date unknown.⁸⁹

⁸⁹ Anthony Pingue, "Niagara History and Trivia – Facebook Group", 14 April 2020, accessed 4 August 2022, <https://m.facebook.com/groups/149469265088626/permalink/2861430600559132/>



Image 6: Photo of VIP Restaurant, 2005.⁹⁰



Image 7: Photo of the building at 5402 Ferry Street being demolished, 2017.⁹¹

4.6.3 5420 Ferry Street

The legal description for this former property is Stamford Township Lot 144, Plan 653, Lot 19, Part Lots A & B.

⁹⁰ Niagara Falls Public Library, "VIP Restaurant", 2005, accessed 4 August 2022, <https://nfpl.historicniagara.ca/s/images/item/311603>

⁹¹ Paula McLaren, "Niagara History and Trivia – Facebook Group", 22 May 2018, accessed 4 August 2022, <https://m.facebook.com/groups/149469265088626/permalink/1695382327163971/>

The property at 5420 Ferry Street contained a beige and brown two storey residential building named the Spong House after the Spong family who owned it. Richard Spong (1836-1919) was born in Berkshire, England and married Mary A. Spong (nee Packer) in 1866. They had immigrated from England to Canada in 1871.⁹² In addition to Richard Spong's land purchases made in 1874, Richard Spong and George Packer bought a part of Lot 19 from John A Orchard, executor for John Murray, in 1884 for a sum of \$75.⁹³

According to the 1891 Census, both the Spong family and the Packer family were living adjacent to each other and Richard and George both worked as plaster masons.⁹⁴ According to the 1893 and 1896 tax assessment rolls, Richard was noted as living at this location.⁹⁵ In the 1893 Bird's Eye View map, the Spong House is visible along with the corner yard (see Image 8). In the early 1900s, he constructed sections of the city's sewers and sidewalks.^{96,97} According to the 1911 Census, Richard was living at 660 Ferry Street with his wife Mary and daughter Jessie.

The south half of Lot 19 and premises was sold to Ada L. Didemus in 1917.⁹⁸ Upon passing, his wife, Mary A. Sprong sold the north half of Lot 19 to George and Mary Trimpani in 1919.⁹⁹ The south-half was purchased by George Trimpani from Pasquale Salfi in 1921 for a sum of \$250.¹⁰⁰ Joseph Sirianni sold Lot 19 to Ralph Mitchell in 1926.¹⁰¹ In 1949, Ralph Mitchell sold Lot 19 to Yolanda Mitchell for a sum of \$5000.¹⁰² The ownership was maintained by Yolanda Schenck and Peter Rodney Schenck until 2009.

The Spong House was formerly a listed property under Section 27 of the *Ontario Heritage Act* until it was demolished in 2009 (see Image 9 and Image 10).¹⁰³ It was removed from the Municipal Register of Historic Properties in 2012.

⁹² Library and Archives Canada, "Census of 1911 (Ontario) for Image No. e002034548," page 23, line 12, item number 6751739.

⁹³ Land Registry Ontario, "Niagara South LRO 30 – Niagara Falls", Lot 19, Book A, Plan 653, Folio 232, Inst. A118.

⁹⁴ Library and Archives Canada, "Census of 1891 (Ontario) for Image No. 30953_148178-00126," page 36, line 11, item number 2928786.

⁹⁵ Assessment Roll for the Municipality of Niagara Falls Village, Line 8, 1896, 18.

⁹⁶ "Canadian – From Across the Gorge", Niagara Falls Gazette, 9 October 1906, 5.

⁹⁷ "Aldermen Confer and Recommend", Niagara Falls Gazette, 15 November 1907, 7.

⁹⁸ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 19, Book A, Plan 653, Folio 232, Inst. N11159

⁹⁹ Land Registry Ontario, Niagara South (30) – Niagara Falls, Folio 232, Inst. P14402 & P14404.

¹⁰⁰ Land Registry Ontario, Niagara South (30) – Niagara Falls, Folio 232, Inst. R19572.

¹⁰¹ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 19, Book C, Plan 653, Folio 399, Inst. X25264

¹⁰² Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 19, Book Q, Plan 653, Folio 448, Inst. 48955.

¹⁰³ City of Niagara Falls, "Heritage Properties – Spong House", 2012, accessed 4 August 2022,

<http://web.archive.org/web/20120513174902/http://www.niagarafalls.ca/living/heritage/273335-spong-house.hp>

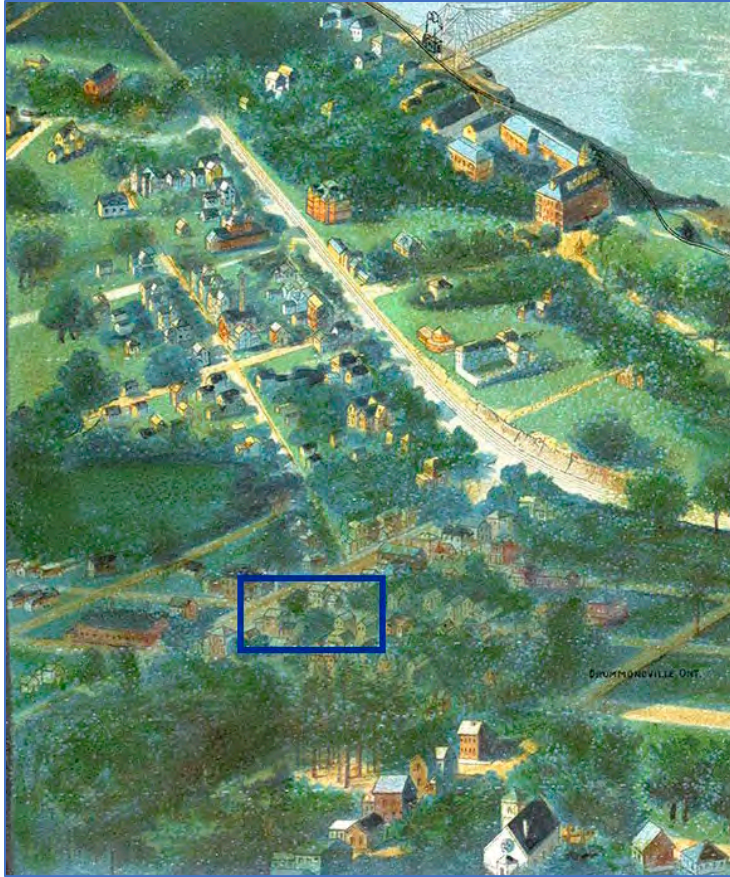


Image 8: Bird's Eye View of the approximate location of the Property, 1893. [Location annotated by LHC]¹⁰⁴



Image 9: Photographs of the Spong House, 1968.¹⁰⁵

¹⁰⁴ "Niagara Falls and Niagara River from Lake Erie down to Lake Ontario", American Fine Art Company, 1893.

¹⁰⁵ Niagara Falls Public Library, "Ontario Inventory of Buildings – Spong House", 1968, accessed 8 August 2022.



Image 10: View of Spong House, 2007.¹⁰⁶

4.6.4 5438 Ferry Street

The legal description for the Property at 5438 Ferry Street is Stamford Township Lot 44, Plan 653, Lot 19, Part Lots 18, A, & B.

The Property was the site of Capri Restaurant which was owned by Yolanda Schenck and operated by Sam and Mary Alfieri beginning around 1955 (see Image 11). In 1958, he was granted building permits for a 1 storey side addition and a neon sign.¹⁰⁷ In 1970, the municipal address changed from 1438 Ferry Street to 5438 Ferry Street. Sam Alfieri assigned a lease of the property to M. S. & J. Restaurants Limited in 1971. Sam Alfieri (1937-1996) was a restaurateur who operated Capri Restaurant for decades. It was frequented by thousands of tourists and Hollywood stars including Sophia Loren¹⁰⁸, Mariah Carey, and Tom Cruise.¹⁰⁹ Sam was a committed member of the Niagara Falls community who served on the City's Parking and Traffic Committee, the Niagara Falls Visitor and Convention Bureau and spearheading efforts to improve Ferry Street.¹¹⁰ The Capri Restaurant earned many awards and commendations through

¹⁰⁶ Google Street View, September 2007.

¹⁰⁷ Council Minutes, 3 March 1958, 356, 399.

¹⁰⁸ Niagara Falls Public Library, "Sophia's surprise", 5 June 1986, 3, accessed 4 August 2022, <http://www.nfplibrary.ca/nfplindex/show.asp?id=146378&b=1>

¹⁰⁹ Niagara Falls Public Library, "Then & Now", 2017, accessed 4 August 2022, <https://150.niagarafallsheritage.ca/details?ID=248>

¹¹⁰ Legislative Assembly of Ontario, Members' Statements - Bart Maves (Niagara Falls), 36th Parliament, 8th Session, 8 October 1996, accessed 4 August 2022, ola.org/en/legislative-business/house-documents/parliament-36/session-1/1996-10-08/hansard

the years from travel and dining publications, and local “People’s Choice” awards as Best Italian Restaurant in the city. Mary and her daughter Marisa continued to run the restaurant after Sam’s death in 1996, until the restaurant was closed in 2009. The Bravo! Pizzeria and Grill opened in July 2010 following extensive renovations to the site.¹¹¹ It is now the site of Eighty 88 Eight South restaurant.



Image 11: Photo of Capri Restaurant, 1960.¹¹²

4.7 5485 Ferry Street – Abigail Frolick House

The legal description for this property is Stamford Township Lot 130, Plan 3, Part Lots 1 and 2.

According to the land registry records, the original Crown Patent being 100 acres, was deeded to Thomas Merritt in 1797.¹¹³ Both Lot 112 and Lot 130, being 200 acres combined, was sold to Samuel Street in 1821 for a sum of £26/6s/6d.¹¹⁴

According to the 1838 and 1841 historic maps (see Figure 3), the Abigail Frolick House did not yet exist. The 1841 map illustrates that located diagonally across Ferry Street to the southeast was the Robert Frolick House and directly across Stanley Street to the east was the Railway Hotel/Inn.

¹¹¹ City of Niagara Falls, 2010 Annual Business Development Report, 2010, 14.

¹¹² Niagara Falls Public Library, “Then & Now”, 2017, accessed 4 August 2022, <https://150.niagarafallsheritage.ca/details?ID=248>

¹¹³ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book A, Plan 3, Folio 1, Inst. Crown Patent.

¹¹⁴ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book A, Plan 3, Folio 1, Inst. A238 5933.

In 1853, 200 acres of land being both Lot 112 and Lot 130 was sold to Gilbert McMicken from Rawson Vantassel et ux for a sum of £300.¹¹⁵ In 1856, 31 acres of land were surveyed for McMicken and Dawson as Plan 3 by James Pollock, P.L.S.

Gilbert McMicken sold 26 acres including Lot 1 to Richard Miller in 1857 for a sum of £1500.¹¹⁶ Richard Miller sold 26 acres including Lot 1 to William Lowell in 1859 for a sum of \$1500.¹¹⁷ William Lowell placed a quitclaim on Lot 1 and released it to William Russell that same year. According to the date provided on the Municipal Register of Historic Properties, the Abigail Frolick House was constructed c. 1865. William Russell sold the property to Anderson Smith in 1872 for a sum of \$250.¹¹⁸ The Abigail Frolick House does not appear in the Tremaine's Map of 1862; however, it appears in the H.B. Page map of 1876, at the northwest corner of Stanley and Ferry Streets (see Figure 3).

Lots 1 and 2 were transferred as the estate of Anderson Smith back to William Russell in 1883 for a sum of \$300.¹¹⁹ Russell would sell the property to William F. Kline for a sum of \$400 in 1883.¹²⁰ Kline would sell the property to Thomas Lugby for a sum of \$400 in 1893.¹²¹ Anthony S. DeSantis would purchase the property from Lugby in 1903 and two years later he would sell the property to Vincenzo, Francesco, and Maria Gracitano. Over the next few decades, the property would change ownership between John Carter to Joseph G. Cadham in 1909, Joseph G. Cadham et ux, to Albert Myers in 1913,¹²² Albert Myers to Fannie Myers in 1914,¹²³ and then Thomas Murphy et ux, to Raffaele Borelli for a sum of \$3300 in 1916.¹²⁴ Borelli appears in the Niagara Falls directories at this location between 1916 and 1922. In 1932, Borelli appears to have operated a barber shop in the building with a grocer alongside to 1938. In 1943 and 1944, the building was noted as being called "Borelli Ladies' Ready-to-Wear".¹²⁵ From 1945 to 1961 it had been listed as pharmacy and it was known that pharmacist W.H. Peterson leased a part of the premises between 1961 and 1971.¹²⁶ In 1973, the property was transferred from Pasquale Borelli et ux, to Natalie and Antonnieta Carducci.¹²⁷ In 2000, it was purchased by Feliciano Pingue who maintains the current ownership of the property.¹²⁸

It is inconclusive if Abigail Frolick or her husband Robert Frolick appear in the land registry records for the property at 5485 Ferry Street. The 1968 Ontario Building Inventory sheet for the Abigail Frolick House (see Appendix D) notes that it may have once been the location of the Railway Inn or Railway Hotel owned by proprietor Lanty McGilly. However, it is noted through

¹¹⁵ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book A, Plan 3, Folio 1, Inst. B110 1479.

¹¹⁶ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book A, Plan 3, Folio 1, Inst. A47 5600.

¹¹⁷ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book A, Plan 3, Folio 1, Inst. A164 7689.

¹¹⁸ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book A, Plan 3, Folio 2, Inst. G298 644.

¹¹⁹ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book A, Plan 3, Folio 1, Inst. A58.

¹²⁰ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1 Book B, Plan 3, Folio 21, Inst. B650.

¹²¹ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book B, Plan 3, Folio 21, Inst. C710.

¹²² Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book C, Plan 3, Folio 73, Inst. A8284.

¹²³ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book C, Plan 3, Folio 325, Inst. K8628.

¹²⁴ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book C, Plan 3, Folio 325, Inst. M10430.

¹²⁵ Jonathan Milner, Niagara Falls Museum email correspondence, 25 August 2022.

¹²⁶ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Book R, Plan 3, Folio 273, Inst. 61294A.

¹²⁷ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Inst. RO179858.

¹²⁸ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 1, Inst. LT152577.

land registry records that McGilly owned various parts of the property described as Township Lot 129, Plan 653, Lot 9 situated directly across on the east side of Stanley Street in 1842, 1849, and 1866.¹²⁹¹³⁰ In addition, the 1838 map (see Figure 3) illustrates the location of “Bender’s Cottage” in the same location as it was recorded that George and Phillip Bender owned Lot 129 from 1797 to the 1830s.

Photographs from the 1968 inventory sheet demonstrate that the building once had symmetrical five-bay window façades on the upper front and side elevations and two symmetrically placed rooftop chimneys. Over time, several windows were boarded up, a chimney was removed, and a large rear addition was constructed as the restaurant was expanded as can be seen in the 2005 photo (see Image 13).

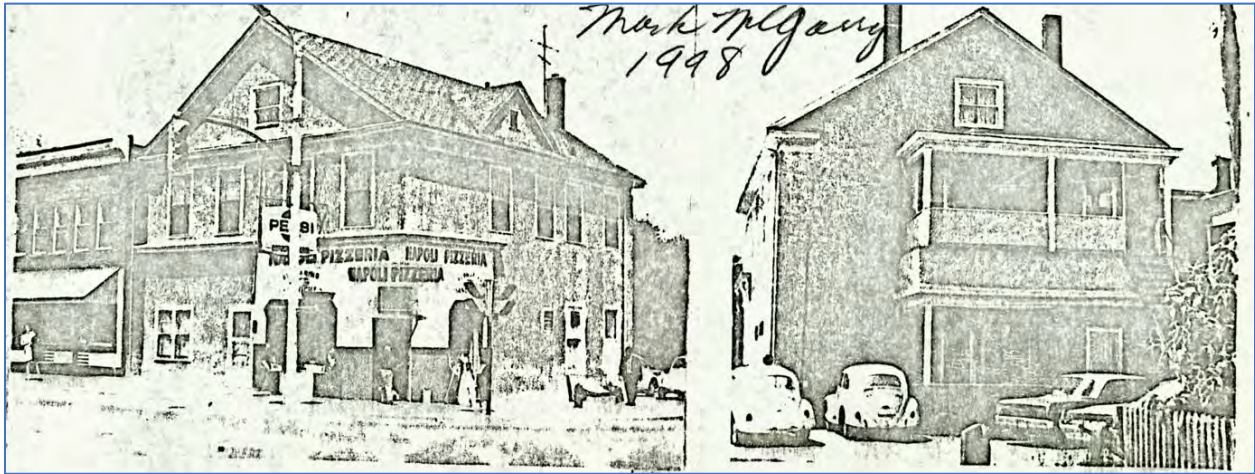


Image 12: Photos of the Abigail Frolick House, 1968.¹³¹

¹²⁹ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 129, Book A, Folio 13-, Inst. C423 230.

¹³⁰ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 129, Book A, Folio 268, Inst. B472 954.

¹³¹ Niagara Falls Public Library, “Ontario Inventory of Buildings – Abigail Frolic House”, 1968, accessed 5 August 2022.



Image 13: Photo of the Abigail Frolick House, 2005.¹³²

4.7.1 The Frolick Family

The Frolick (also written as Fralick, Frelick, or Fraligh) family originally descended from Dutch lineage and lived in New Jersey. During the American Revolution they fled to New Brunswick, then to the Bay of Quinte, before settling in Niagara as United Empire Loyalists.¹³³

John Frolick (1755-1839) was a United Empire Loyalist who served in Butler's Rangers and was a Sergeant in Captain Robert Grant's Lincoln militia during the War of 1812.¹³⁴ He married Abigail Frolick (nee Spencer) (1761-1844), who was the daughter of Robert Spencer, a United Empire Loyalist. They had a son, Robert Frolick.

Robert Frolick (1795-1838) was born in Stamford Township. He owned several parcels of City of the Falls project land during the 1830s. During the Rebellion of 1837-1838, he had kept a transportation contract on Portage Road (Main Street) and also owned a coaching-inn at the intersection of Stanley and Ferry Streets. Robert had also served in Captain Robert Grant's Lincoln militia during the War of 1812 and during the Rebellion of 1837-1838.¹³⁵

Abigail Frolick (nee Van Wyck) (1799-1858) was born in Stamford Township. She was the daughter of Veart Van Wyck (1770-1815), a United Empire Loyalist from New York who fled during the American Revolution to York, then to Niagara-on-the-Lake, and finally to Clifton where he erected a farmhouse on Victoria Avenue.¹³⁶ In July 1814, the family fled to the Fonthill/Pelham area as their residence was plundered, returning to Lundy's Lane after the war was over. Abigail married Robert in 1826 and together they had several children: Elizabeth Hewlitt Green (1825-1910), Veart Frolick (1829-1908), Robert Welcome Frolick (1833-1902),

¹³² Niagara Falls Public Library, "Stanley Avenue and Ferry Street intersection", 2005.

¹³³ Ernest Green, "Some Graves in Lundy's Lane", Niagara Historical Society, No. 22, 1909, 34.

¹³⁴ Ernest Green, "Some Graves in Lundy's Lane", Niagara Historical Society, No. 22, 1909, 34.

¹³⁵ "Veart Fralick Died at Midnight Hour", Niagara Falls Gazette, 17 January 1908, 7.

¹³⁶ "Veart Fralick Died at Midnight Hour", Niagara Falls Gazette, 17 January 1908, 7.

Samuel Frolick, Mary Frolick, Maria Frolick, Marjory Frolick, and Sarah Frolick.¹³⁷ She passed away at the age of 58 and was buried at the Drummond Hill Cemetery.

The coaching-inn (see Image 14) that Robert and Abigail Frolick owned was at the south-east corner of the intersection between Stanley and Ferry Streets legally described as being on Stamford Township Lot 144, Plan 653, Lot 17.

It was constructed by Robert Frolick in 1832 and was a popular resting point along the Second Concession Road (Stanley Street).¹³⁸ The building was then used by troops during Navy Island operations during the Mackenzie-led Upper Canada Rebellion in 1837. The location of the tavern along Lundy's Lane suggested the importance of this route for transporting people and goods during early development. This was the family home in which Robert Frolick passed away in. After Robert's death and her eldest son Samuel's death, Abigail Frolick kept the family together in this home and Veart Frolick became a cab driver in order to support the family.¹³⁹

In 1839, Abigail Frolick purchased 1 rood, 23 perches of land in Township Lot 144, the east half of Block 36, and west half of the north half of Block 37 for a sum of £56/6s/8d from Samuel Street, the executor for Thomas Clark.¹⁴⁰ This was also noted as being in Block 28 of General Murray's survey. The property was transferred to her son, Veart Frolick in 1851. The boundaries indicated it was situated on the east side of Stanley Street and south side of Ferry Street, 122 feet by 140 feet, for a sum of £150.¹⁴¹ In 1858, Veart Frolick placed a quitclaim on that same parcel of land as it was transferred to Robert Welcome Frolick for a sum of £100.¹⁴²

Veart Frolick lived all his life together with his wife Catherine in the house according to the 1891 Census, 1890s tax assessment records, and the 1908 obituary in the Niagara Falls Gazette.¹⁴³ The house was renovated with a new sash and verandah put on in the late 1880's. Large barns and stables along Stanley Street were built to accommodate portage teams but were burned by an incendiary. They were replaced by smaller stables. Later the site served as a Shell gas station as the building was demolished in 1946.¹⁴⁴¹⁴⁵

¹³⁷ "Veart Fralick Died at Midnight Hour", Niagara Falls Gazette, 17 January 1908, 7.

¹³⁸ Ernest Green, "The Niagara Portage Road", in Papers and Records, Ontario Historical Society, Vol. 23, Toronto: Ontario Historical Society, 1926, 308.

¹³⁹ "Veart Fralick Died at Midnight Hour", Niagara Falls Gazette, 17 January 1908, 7.

¹⁴⁰ Land Registry Ontario, Niagara South (30) – Niagara Falls, Lot 146, Book A, Folio 380, Inst. C171 12752.

¹⁴¹ Land Registry Ontario, Niagara South (30) – Niagara Falls, Township Lot 144, City of the Falls Lot 36, Book A, Folio 181, Inst. B9 684.

¹⁴² Land Registry Ontario, Niagara South (30) – Niagara Falls, Township Lot 144, City of the Falls Block 28, Book A, Folio 443, Inst. A191 9721.

¹⁴³ Assessment Roll for the Municipality of Niagara Falls Village, Line 5, 1896, 7.

¹⁴⁴ "Niagara Falls Then & Now", Niagara Falls Public Library & Niagara Falls Museums, 2017, <https://www.guidetags.com/mindmaps/explore//4211-fralick-inn-macs-shell-station>

¹⁴⁵ "Veart Fralick Died at Midnight Hour", Niagara Falls Gazette, 17 January 1908, 7.



Image 14: Photo of the Robert Frolick House, 1946.¹⁴⁶

4.7.2 William Russell

William Russell was born in 1810 in Yorkshire, England. He emigrated to North America in 1832, first to Lockport, New York, then relocated to Drummondville where he married Elizabeth Russell (nee Evans) having 10 children. Having trained as stonemason contractor, he built several structures in the area including the Drummondville/Russell Brewery in 1844 (see Image 15) and the All Saint's Church in 1856. As the most prominent business in Drummondville, the brewery would become the largest one in the Niagara region, producing 20,000 barrels of lager beer every year until it burned down in 1881. From 1865 to 1866, he served as the deputy reeve of Stamford Township, and in 1882 he became the first reeve of the Village of Niagara Falls. He died in 1899 and was buried in the cemetery beside All Saints Church.¹⁴⁷

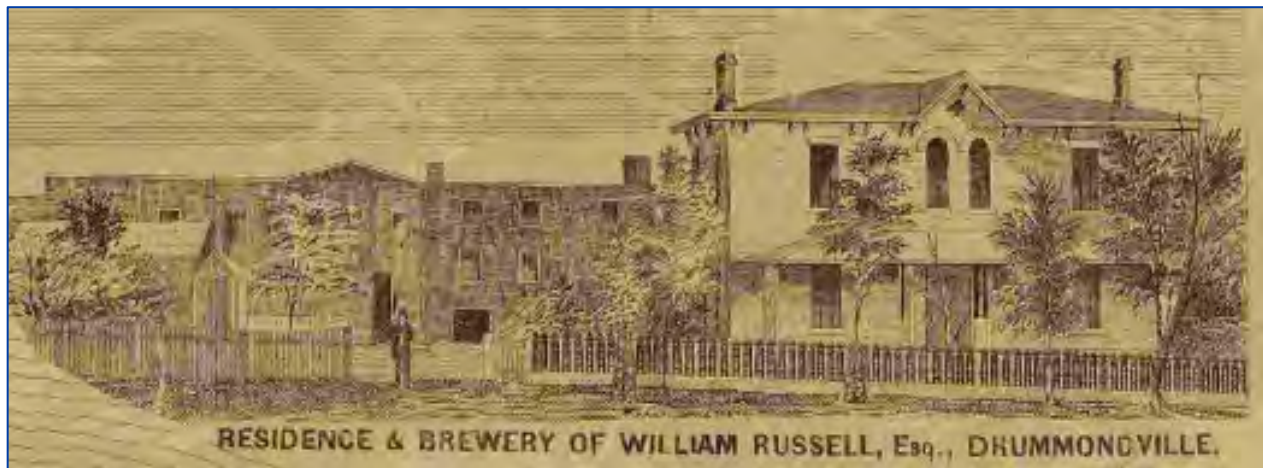


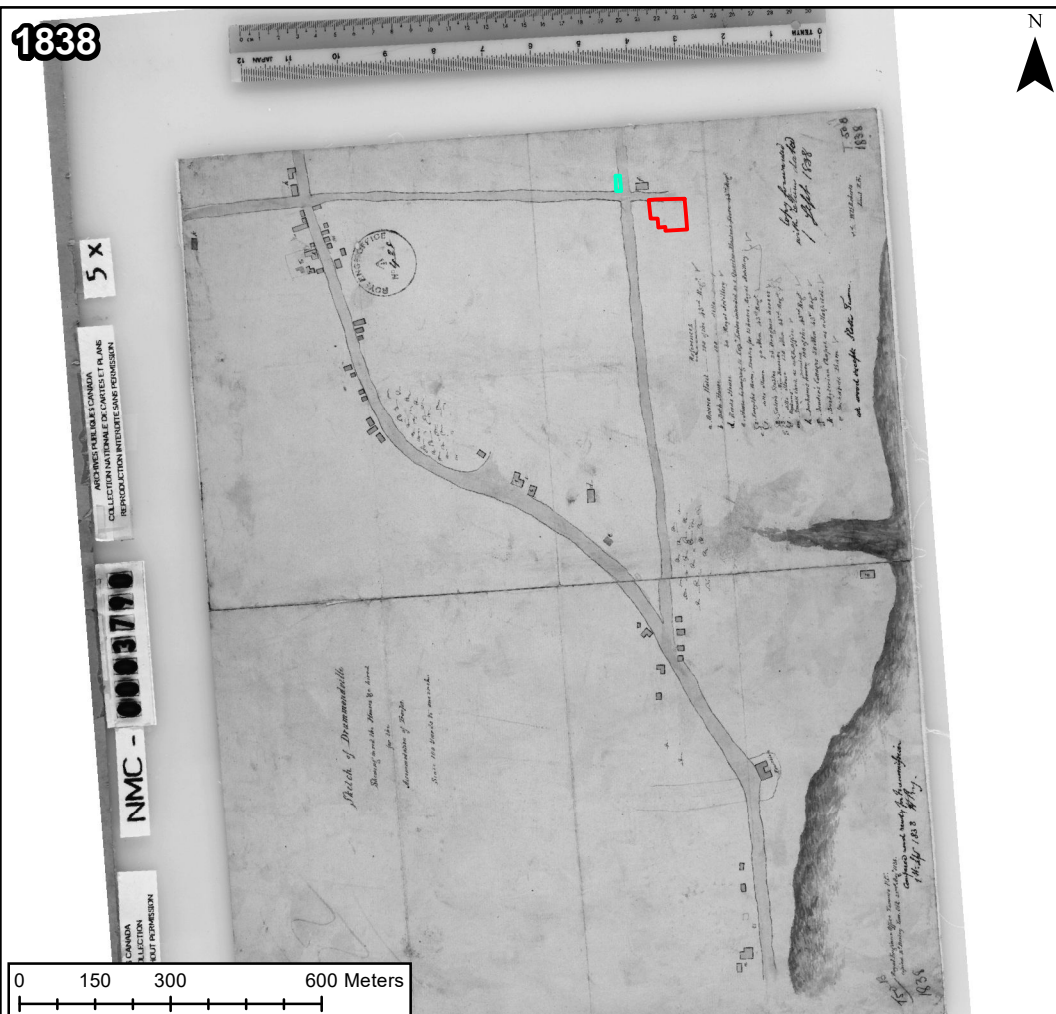
Image 15: Engraving of William Russell's Brewery & Residence, 1862.¹⁴⁸

¹⁴⁶ Frolick House on the Corner of Stanley and Ferry Streets – Details, General Photograph Collection LHC - Historic Houses - Niagara Falls #3, Niagara Falls Public Library, 1946, accessed 4 August 2022, <http://www.nfplibrary.ca/nfplindex/show.asp?id=95809&b=1>

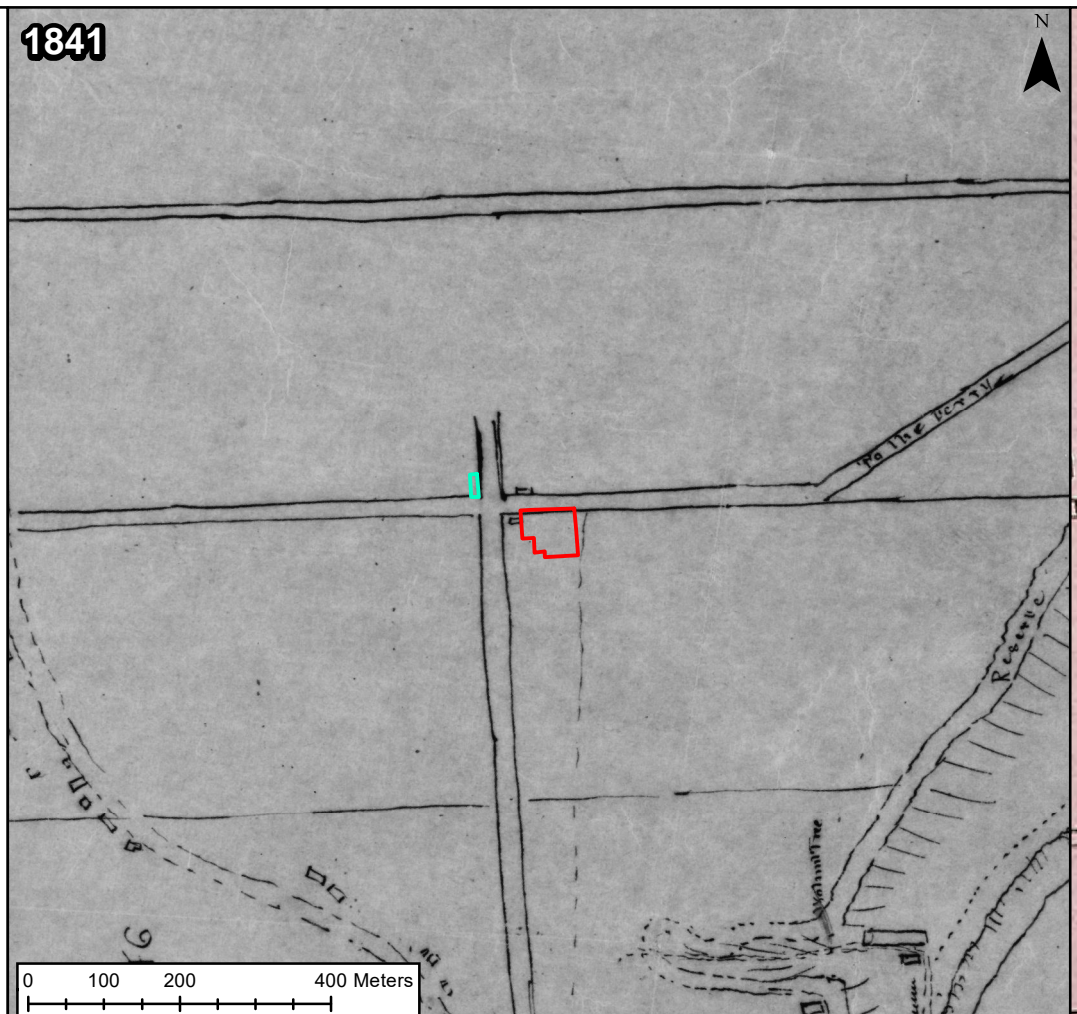
¹⁴⁷ Sherman Zavitz, "19th century Falls citizen known for patriotism", *Niagara Falls Review*, A6, 22 June 2002.

¹⁴⁸ Geo. R. & G. M Tremaine, *Tremaines' Map of the Counties of Lincoln and Welland Canada West*, Toronto: Geo. R. & G. M Tremaine, 1862.

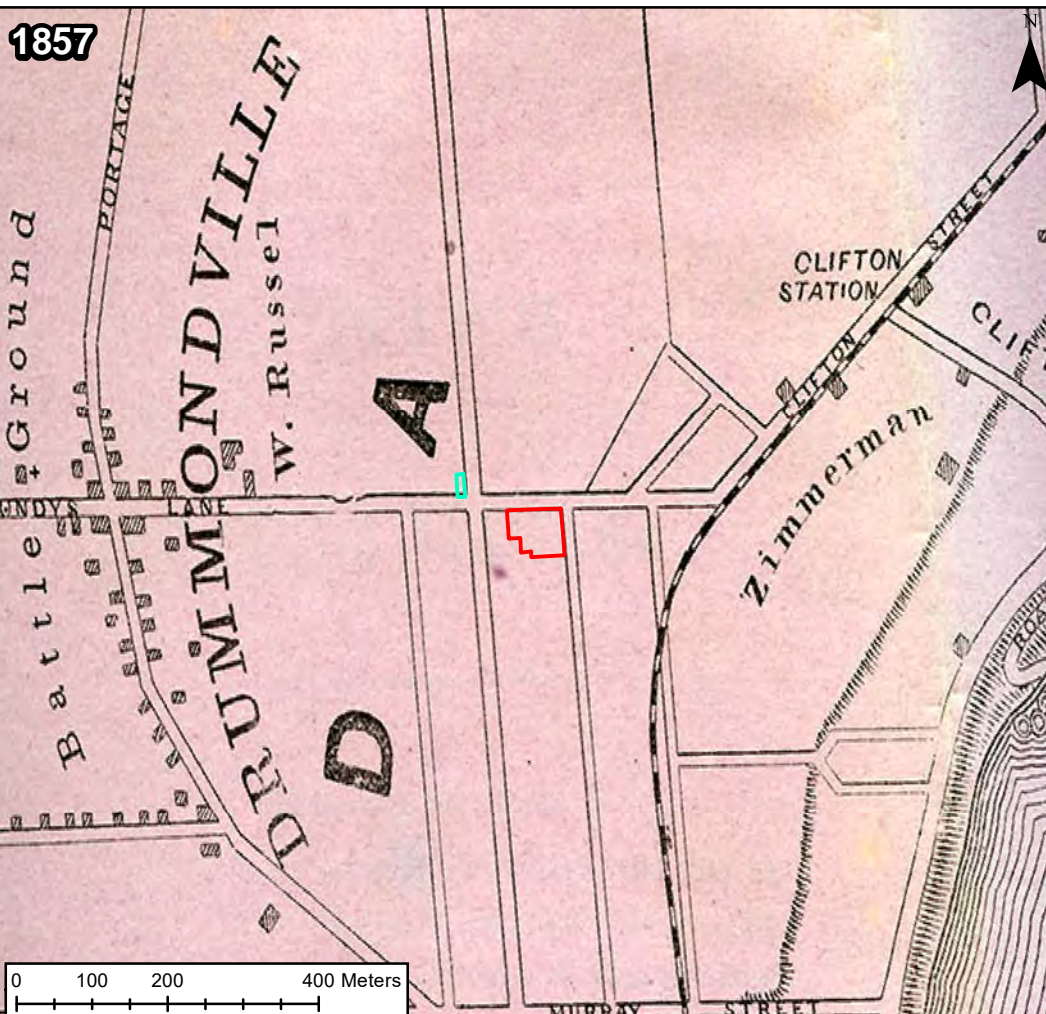
1838



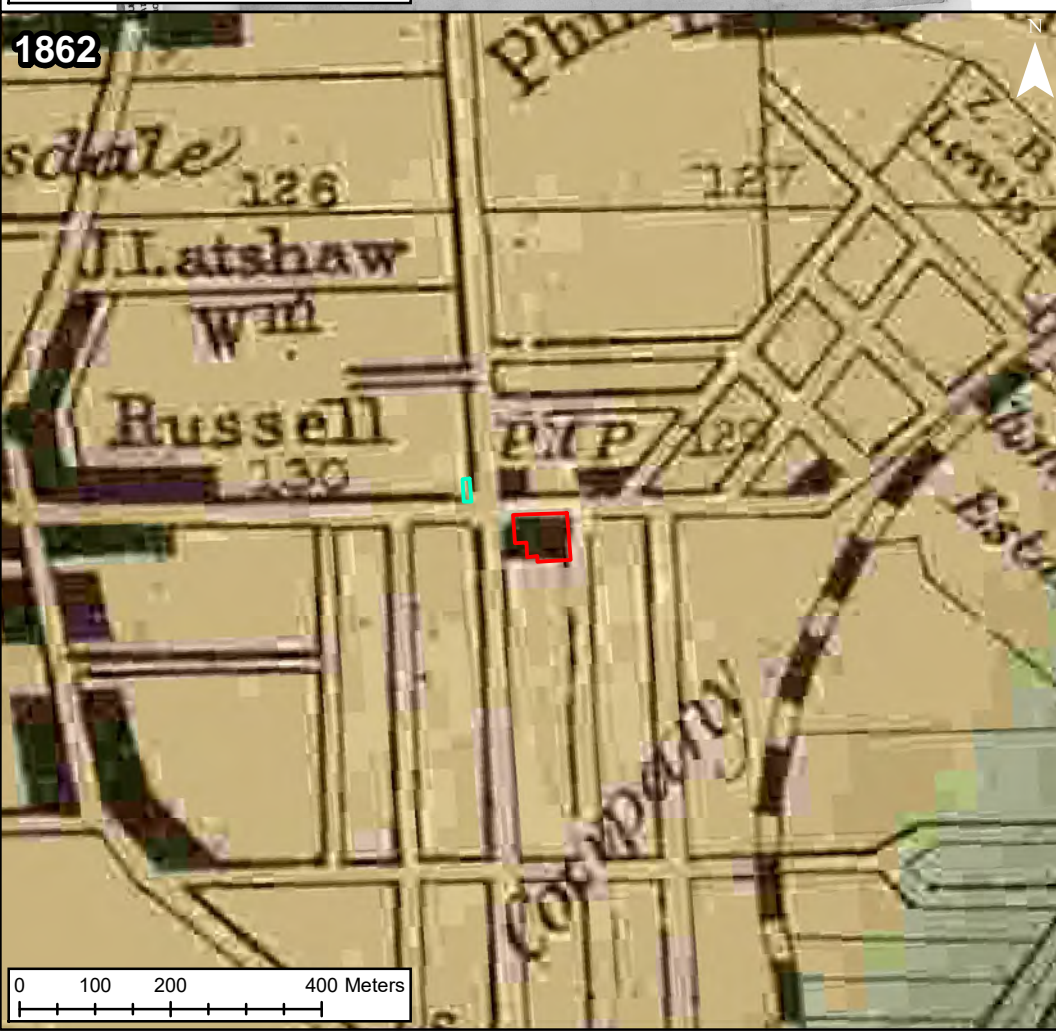
1841



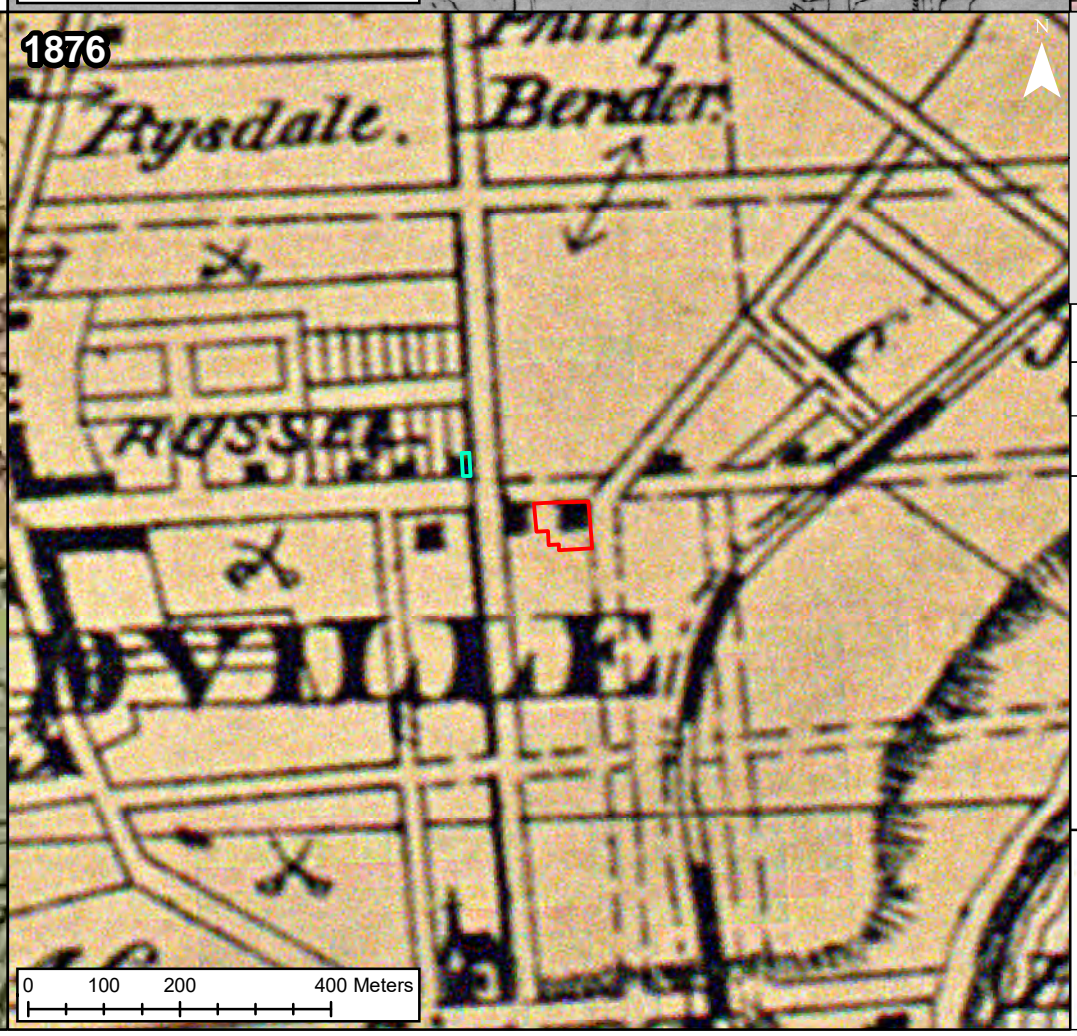
1857



1862



1876



Legend

- Study Area
- 5485 Ferry Street, Abigail Frolick House

TITLE
1838, 1841, 1857, 1862, and 1876 Historic Maps Showing the Study Area

CLIENT
Rick Dritsacos (1788618 Ontario Inc.)

PROJECT
Heritage Impact Assessment, 5438 Ferry Street, Niagara Falls, ON PROJECT NO. LHC0325

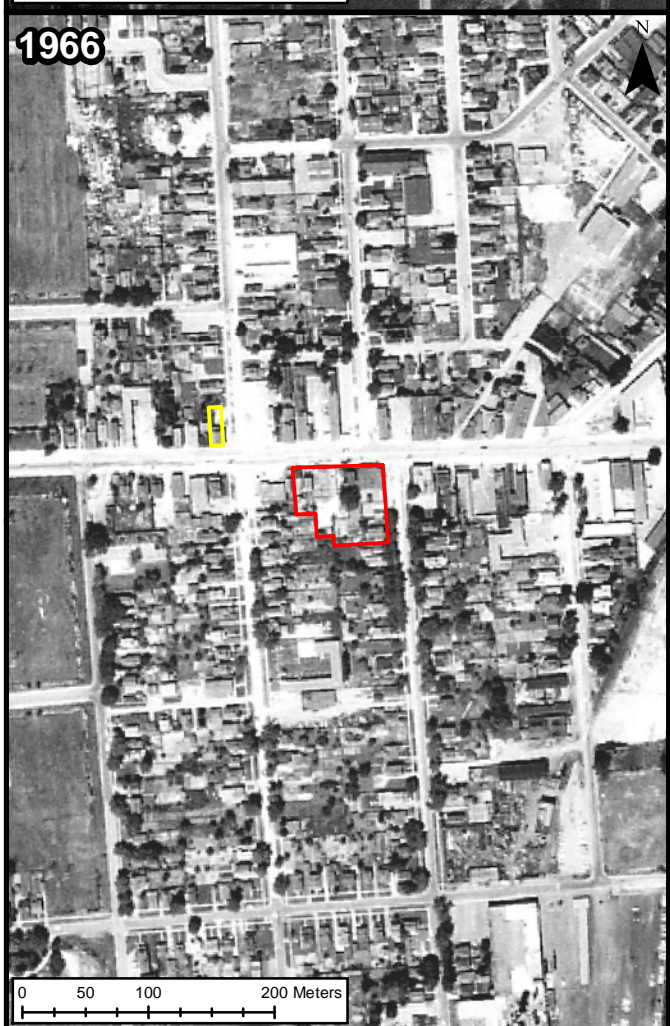
NOTE(S)
1. All locations are approximate.

REFERENCE(S)

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3. Fairbank, J.H., "A map of the vicinity of Niagara Falls drawn from actual survey for Tunis' Guide by J.H. Fairbank", Brock University Archives and Special Collections: #SPCL F 127 N8 T9 1872, scale unknown, 1857.
4. Tremaine, Geo. R. & G.M., "Tremaine's Map of the Counties of Lincoln and Welland Canada West", (<https://www.arcgis.com/apps/webappviewer/index.html?id=8cc6be34f6b54992b27da17467492d2f>: accessed August 3, 2022), scale unknown, Toronto: Geo. R. & G.M. Tremaine, 1862.
5. Barrow, Ernest G., "Township of Stamford", In: H.R. Page, "Illustrated Historical Atlas of the Counties of Lincoln & Welland Ont.", (<https://digital.library.mcgill.ca/countyatlas/searchmapframes.php>: accessed August 3, 2022), McGill University The Canadian County Digital Atlas Project, scale unknown, Toronto: H.R. Page, 1876.

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CONSULTANT	YYYY-MM-DD	2022-08-19
	PREPARED	LHC
	DESIGNED	JG
	FIGURE #	3



TITLE
1921, 1927, 1934, 1954-55, 1966, 1968, 1971, and 1995 Aerial Photos Showing the Property

CLIENT
Rick Dritsacos (1788618 Ontario Inc.)

PROJECT PROJECT NO. LHC0325
Heritage Impact Assessment, 5438 Ferry Street,
Niagara Falls, ON


Legend

- Study Area
- 5485 Ferry Street,
Abigail Frolick House

NOTE(S)
1. All locations are approximate.

REFERENCE(S)

1. Ontario Ministry of Natural Resources, "H21-50", (<https://www.arcgis.com/apps/webappviewer/index.html?id=33873be7155423db62472eebf317042>; accessed August 15, 2022), Brock University Niagara Air Photo Index, scale 1:6,000, Ottawa: Ontario Ministry of Natural Resources, 1921.
2. Fairchild Aerial Services Inc., "8226-958", (<https://library.buffalo.edu/maps/img/8226-958-1927.jpg>; accessed August 15, 2022), University at Buffalo Aerial Photographs of Buffalo and WNY: 8226 Series, scale 1:9,500, 1927.
3. Ministry of Natural Resources Canada, "A4809-81", (<https://www.arcgis.com/apps/webappviewer/index.html?id=33873be7155423db62472eebf317042>; accessed August 15, 2022), Brock University Niagara Air Photo Index, scale 1:16,000, Ottawa: Ministry of Natural Resources Canada, 1934.
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5. U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, "Aeries ARE-2GG, 89 - 2GG-n", (<https://library.buffalo.edu/maps/img/are-2gg-89-june1966.jpg>; accessed August 15, 2022), University at Buffalo Aerial Photographs of Buffalo and WNY: Agricultural Stabilization and Conservation Service (1966), scale 1:20,000, Philadelphia, Pa: Keystone Aerial Surveys Inc., 1966.
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CONSULTANT	YYYY-MM-DD	2022-08-15
	PREPARED	LHC
	DESIGNED	JG
	FIGURE #	4

5.0 EXISTING CONDITIONS

5.1 Surrounding Context

The surrounding area largely consists of commercial properties, interspersed with residential properties and undeveloped scrub land.

The major natural feature is the Niagara River and the Niagara Falls (the **Falls**) – a collection of the Horseshoe Falls, American Falls, and Bridal Veil Falls (not to be confused with the City for the same name). The Falls are located approximately 1.5 km southeast of the Property.

The historic community of Drummondville is located approximately 500 m west of the Property. The community generally consists of single detached houses with narrow setbacks. Residences vary between one-and-two-storeys in height and generally have either brick or vinyl cladding followed by the less common plaster/stucco cladding.

To the west of the Property is a hydro corridor, which traverses in a north-south direction. Ferry Street is a wide two-lane street with parking lanes. There are concrete sidewalks, concrete curbs, and concrete hydro poles on both sides of the street. Fallsview Boulevard is a two-lane street. There are concrete sidewalks, concrete curbs, and wooden hydro poles on both sides of the street.

See Photo 1 through Photo 14.



Photo 1: View north at Buchanan Avenue and Spring Street intersection



Photo 2: View south on Buchanan Avenue towards the Property.



Photo 3: View north at Buchanan Avenue and Forsythe Street intersection.



Photo 4: View south on Stanley Avenue towards Ferry Street.



Photo 5: View south of skyline from Desson Avenue and Forsythe Street intersection.



Photo 6: View west on Peer Street, community of Drummondville.



Photo 7: View north on Grey Avenue, in the community of Drummondville.



Photo 8: View south towards Property from 5435 Ferry Street.



Photo 9: View north towards the Property from 6039 Fallsview Boulevard.



Photo 10: View east at Stanley Avenue and Robinson Street intersection.

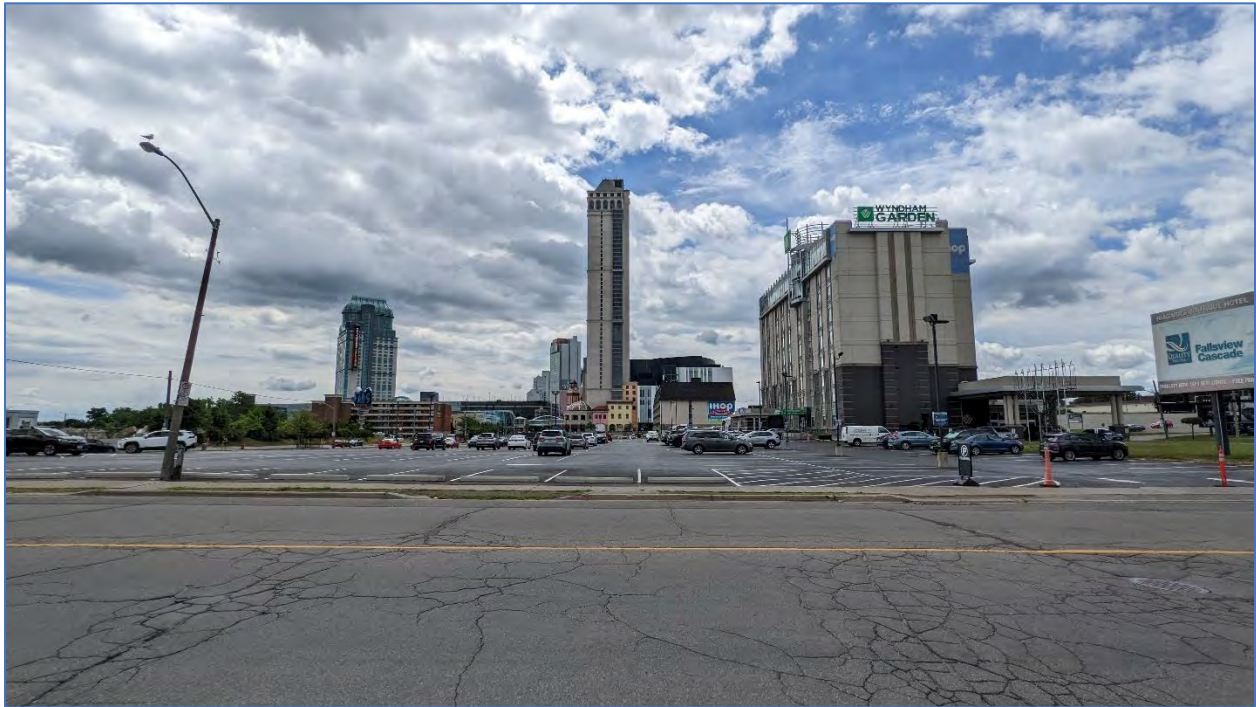


Photo 11: View north towards the Property from Murray Street.



Photo 12: View east towards the Property from Gladstone Avenue and Ferry Street intersection.



Photo 13: View south towards the Property from Gladstone Avenue and Spring Street.



Photo 14: View east towards residences on Spring Street towards Stanley Avenue.

5.2 The Property

The Property contains a modern one-storey commercial building and asphalt parking lot. Lighting poles encased in concrete are found throughout the parking lot. The commercial building serves as a restaurant and is located at the northwest corner of the Property. It contains an outdoor patio and loading/servicing area to the side and rear (Photo 1).



Photo 15: View south of the Property from Ferry Street.

5.3 5485 Ferry Street - Abigail Frolick House

The 5485 Ferry Street parcel is a rectangular shape with the Abigail Frolick House, a two-and-a-half storey vernacular Classical Revival commercial building now used as a restaurant. It is located at the northwest corner of the intersection between Stanley and Ferry Streets. The Abigail Frolick House has a roughly rectangular footprint with a moderately-pitched gable roof. The exterior walls of the building have been covered with stucco. Between the first and second storeys, an overhanging eaves wraps around and is supported by evenly-spaced corbels. The main diagonal entrance is located at the northwest corner.

See Photo 16 through Photo 19.



Photo 18: View north of south elevation of the Abigail Frolick House.



Photo 19: View northeast of the Abigail Frolick House from Gladstone Avenue and Peer Street intersection.

6.0 UNDERSTANDING OF CULTURAL HERITAGE VALUE OR INTEREST

The property at 5438 Ferry Street is not a cultural heritage resource. Based on the information and analysis presented in Sections 4.0 and 5.0 of this document, the Property—comprising of a paved parking lot and modern commercial restaurant building—does not have cultural heritage value or interest and no heritage attributes have been identified.

This section focuses on the Abigail Frolick House at 5485 Ferry Street which was listed on the City's Municipal Register of Historic Properties under Section 27, Part IV of the *OHA*. It was evaluated for Cultural Heritage Value or Interest (CHVI) against *Ontario Regulation 9/06 (O. Reg. 9/06)* under the *OHA* with the goal of identifying and articulating likely heritage attributes. It should be noted that this evaluation was undertaken for the purpose of identifying likely heritage attributes against which to assess the impacts of the proposed development of the Property at 5438 Ferry Street. The evaluation of 5485 Ferry Street was undertaken without access to interiors and may not reflect a complete understanding of existing conditions as a result. No statement of cultural heritage value or interest has been prepared; however, a list of heritage attributes follows the evaluation (Table 4).

Table 3 : *Ontario Regulation 9/06* Evaluation for 5485 Ferry Street

Criteria	Criteria Met	Justification
1. The property has design value or physical value because it is a rare, unique, representative or early example of a style, type, expression, material or construction method.	N	The Abigail Frolick House is neither rare, unique, nor representative of a style, type, expression, material, or construction method. The Abigail Frolick House is vernacular in nature, built c. 1865 in the historic Drummondville area. The building exhibits elements of the Classical Revival style but has otherwise been modified and altered in its conversion to a commercial establishment (Sections 4.7 and 5.3)
2. The property has design value or physical value because it displays a high degree of craftsmanship or artistic merit.	N	The Abigail Frolick House does not display a high degree of craftsmanship or artistic merit. The materials used in the construction of the building do not demonstrate or presents craftsmanship or artistic merit that is greater than normal quality or above industry standards. Neither is the execution of materials used in the construction are of greater quality than that seen in vernacular structures.

Criteria	Criteria Met	Justification
<p>3. The property has design value or physical value because it demonstrates a high degree of technical or scientific achievement.</p>	N	<p>The Abigail Frolick House does not demonstrate a high degree of technical or scientific achievement.</p> <p>The building does not display technical expertise in construction methods, scientific achievement regarding material use, form, or spatial arrangement, or breakthroughs in design or construction technique.</p>
<p>4. The property has historical value or associative value because it has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community.</p>	Y	<p>The Abigail Frolick House, constructed c.1865 is understood to be associated with Abigail Frolick.</p> <p>The Frolick family were prominent community members of Drummondville. The property was also owned by William Russell between 1859 and 1872, a successful brewery owner, merchant, and the first reeve of the Village of Niagara Falls (Section 4.7).</p>
<p>5. The property has historical value or associative value because it yields, or has the potential to yield, information that contributes to an understanding of a community or culture.</p>	N	<p>The Abigail Frolick House does not appear to yield or have the potential to yield information that contributes to the understanding of the community.</p>
<p>6. The property has historical value or associative value because it demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.</p>	N	<p>The Abigail Frolick House does not demonstrate or reflect the work or idea of a builder who is significant to the community.</p> <p>No person was identified with the construction of the Abigail Frolick House who was significant to the community.</p>
<p>7. The property has contextual value because it is important in defining, maintaining or supporting the character of an area.</p>	Y	<p>The Abigail Frolick House is important in defining, maintaining, or supporting the character of the area.</p> <p>The building lies at a prominent intersection within the Historic Drummondville area and acts as a gateway point to the area from the more commercialized Clifton Hill and</p>

Criteria	Criteria Met	Justification
		Fallsview areas (Sections 3.3.3, 4.5.1, and 4.7).
8. The property has contextual value because it is physically, functionally, visually or historically linked to its surroundings.	N	The Abigail Frolick House is not physically, functionally, visually, or historically linked to its surroundings.
9. The property has contextual value because it is a landmark.	N	The Abigail Frolick House is not a landmark.

In LHC’s professional opinion, the Abigail Frolick House municipally known as 5485 Ferry Street meets **two** criterion of *O. Reg. 9/06* (Criteria 4 and 7) for its historical and associative value, and contextual value. The Abigail Frolick House is **eligible** for designation under Section 29, Part IV of the *OHA*.



Photo 20: Photo comparison of the Abigail Frolick House, 1968 and 2022.

The 2022 and 1968 photos of the Abigail Frolick House demonstrate key alterations that had occurred to the building’s earlier heritage attributes. The building may have had a symmetrical five-bay window arrangement on the second storey south and east elevations that has now been altered as some windows have been covered and the window frames altered. The pedimented gable windows on the south, east, and north elevations have been covered and altered. The red

brick rooftop chimney on the east elevation was removed. The diagonal/corner main entrance has been altered and has been relocated to front Ferry Street.

A wrap-around roof skirt between the first and second storeys with terracotta shingles was added. A rear one-and-a-half storey addition was constructed along with a chimney at the east elevation. In the 1968 photos there is no indication that the corbel and dentil mouldings are original to the building.

Based on readily available research outlined in Section 4.7, photographs (see Image 12, Image 13, Photo 16 through Photo 18 and Photo 20) and correspondence with the City Planner, and staff at the Niagara Falls Public Library, LHC finds that likely heritage attributes of the Abigail Frolick House at 5485 Ferry Street may include:

- The front, side and rear sections of the c.1865 building, including its:
 - Form, scale, and massing;
 - Stuccoed exterior walls;
 - Red brick rooftop chimney on the west elevation; and
 - The moderately-pitched pedimented gable roof with centrally-placed pedimented side gable on the east elevation.

7.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development is to remove all extant structures on the Property and construct a new 30-storey mixed used condominium with 456 residential suite units (see Figure 5 through Figure 8 and Appendix B). The 30-storey condominium will encompass 83% of the lot with a building height of 85.0 m. The structure will have a lot area of 3,696 m² with a building footprint of 3,070 m² and a GFA of 47,670 m². The structure is setback 63.6 m from Fallsview Boulevard, which is the shortest lot line.¹⁴⁹ Vehicular parking includes 444 regular stalls and 12 universal stalls with a total of 456 stalls. Bicycle parking includes 45 indoor private stalls, 230 outdoor private stalls, and 60 outdoor public stalls with a total of 335 stalls.

A general layout of the condominium will have three stories of below grade parking, at grade commercial properties and at-grade parking followed by five storeys of parking with the remaining floors dedicated to residential suite units. Floor 6 through Floor 29 will have 444 residential suite units with a one and two bedroom configuration. Floor 30 will have 12 residential penthouse suites. Additionally, Floor 19 will have a residential and amenity hybrid floor.

Two vehicular access routes will be provided, one from Ferry Street and another from Fallsview Boulevard. An additional access point for pedestrians will be provided from the northeast; at the southwest corner of the Ferry Street and Fallsview Boulevard intersection. The main structure will be located towards the northeast of the Property with a “paver pattern” buffer that will include a patio fronting Ferry Street. Exterior parking will be located at grade but is limited and towards the rear. A loading dock is located at the southeast corner of the Property with a one-way lane of traffic. Trees will be planted along the northern and eastern limits of the Property at regular intervals.

¹⁴⁹ According to the City of Niagara Falls, Fallsview is the front lot line.

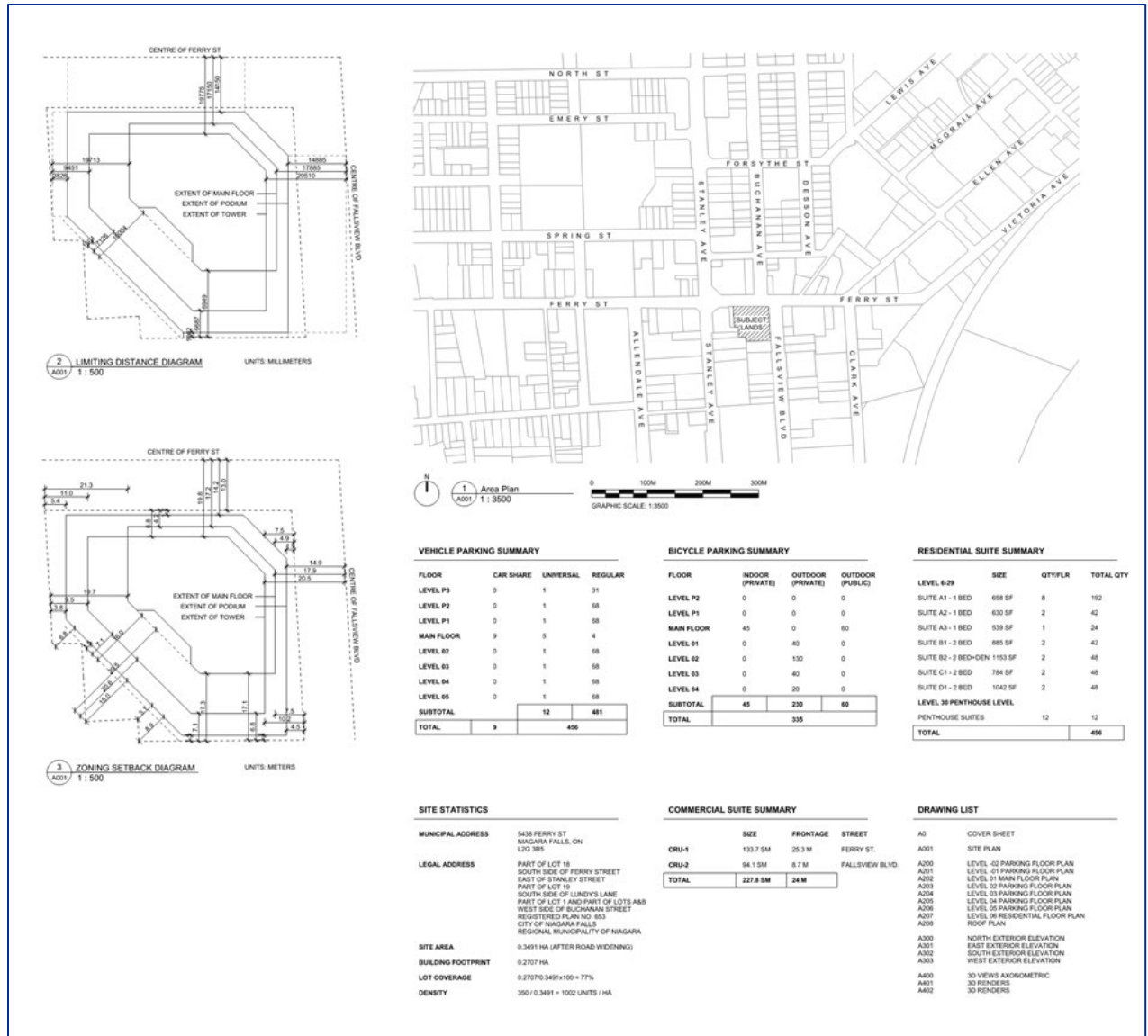


Figure 5: Proposed limiting distance, zoning setback, and site statistics.

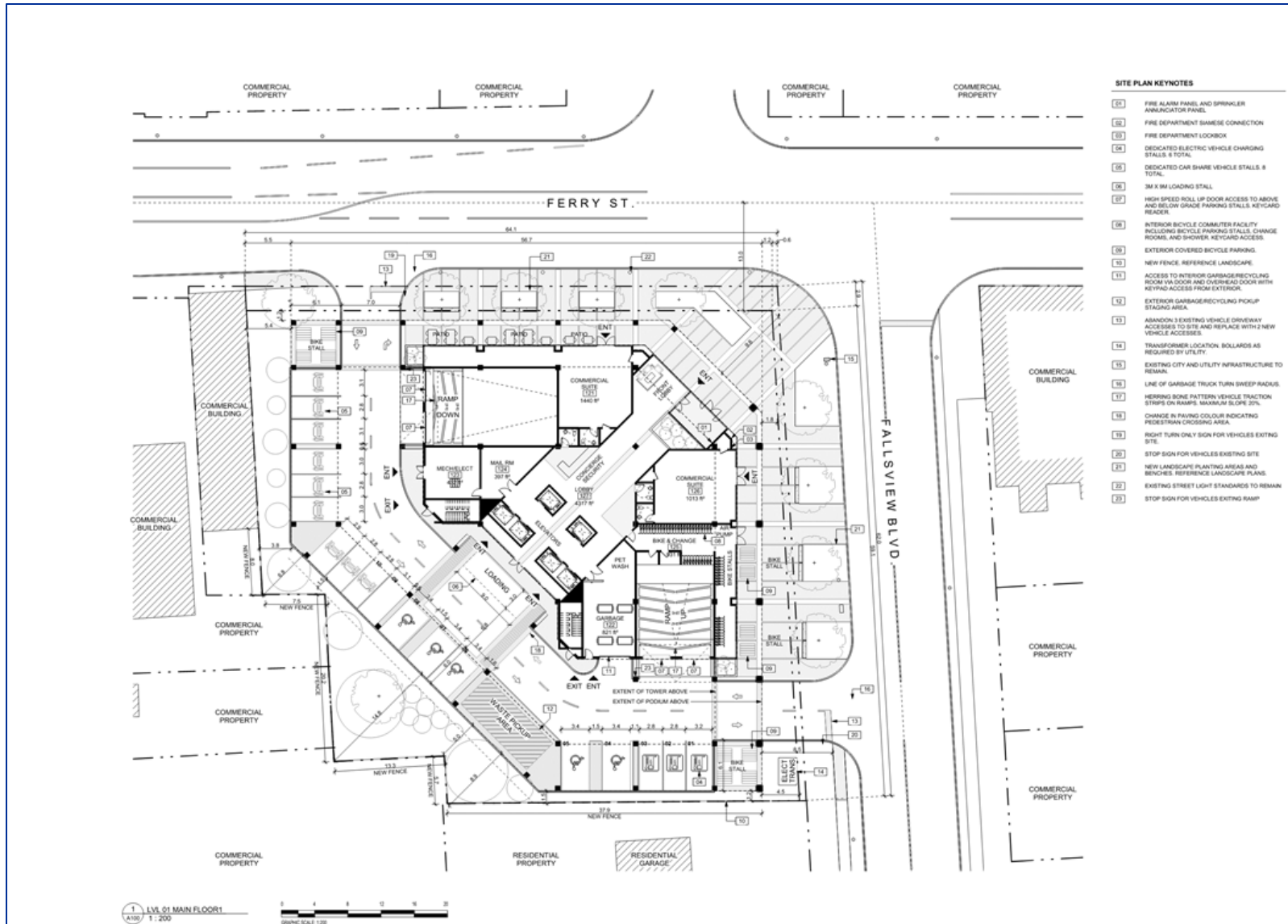


Figure 6: Proposed site plan.

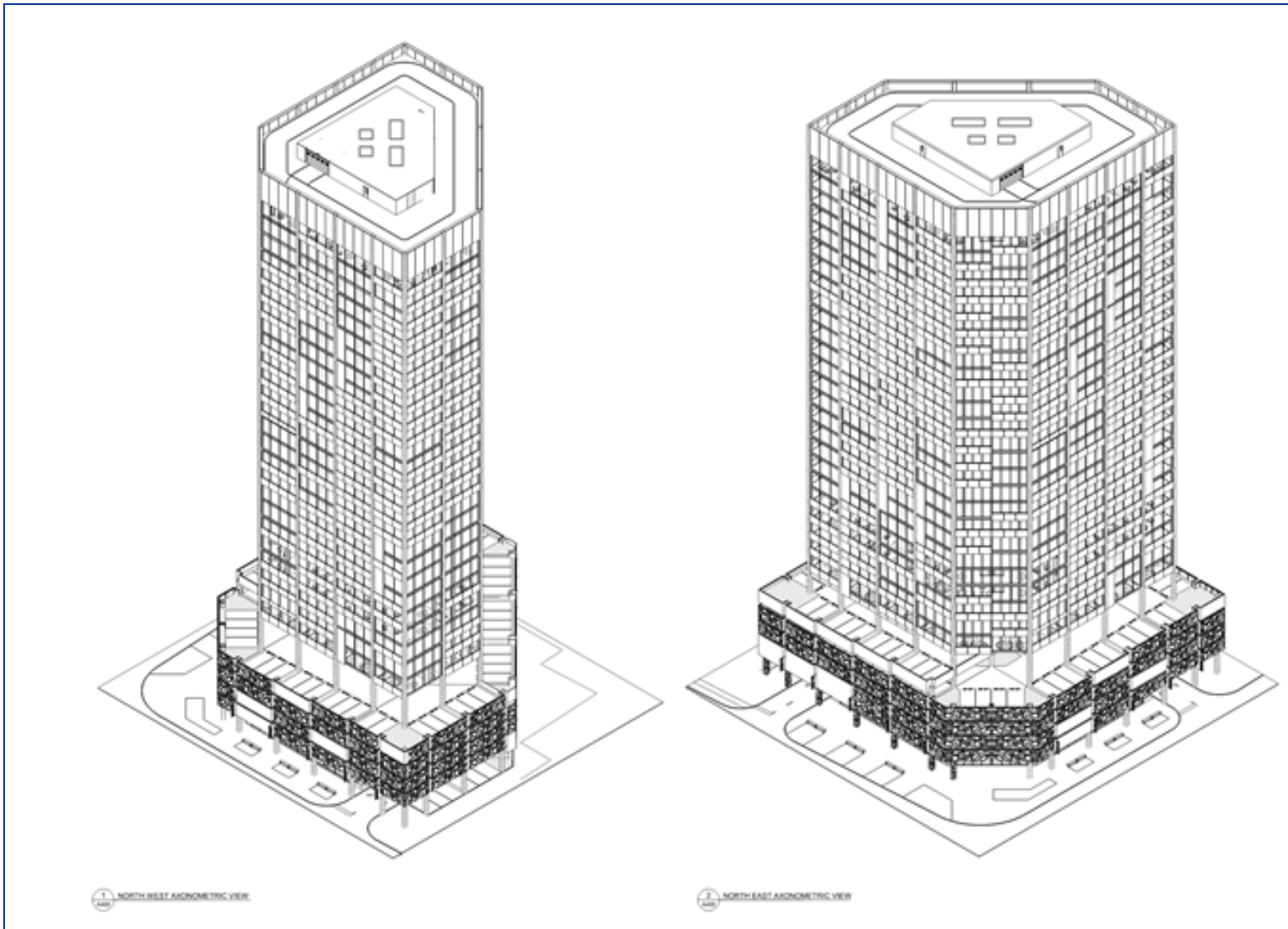


Figure 7: Proposed development, 3D axonometric views.



Figure 8: Proposed development, 3D rendering.

8.0 IMPACT ASSESSMENT

The Property was evaluated against *O. Reg. 9/06* and it was determined to not exhibit any CHVI. As due diligence, the proposed development was assessed for potential direct or indirect impacts in relation to any heritage attributes of the Abigail Frolick House property at 5485 Ferry Street under the guidelines provided by the MCM (see Table 3).

The MCM's *Info Sheet #5 Heritage Impact Assessments and Conservation Plans* outlines seven potential negative impacts to be considered with any proposed development or site alteration. The impacts include:

1. **Destruction** of any part of any significant heritage attribute or features;
2. **Alteration** that is not sympathetic or is incompatible, with the historic fabric and appearance;
3. **Shadows** created that alter the appearance of a heritage attribute or change the viability of a natural feature or planting, such as a garden;
4. **Isolation** of a heritage attribute from its surrounding environment, context, or a significant relationship;
5. **Direct or indirect obstruction** of significant views or vistas within, from, or built and natural features;
6. **A change in land use** such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces; and
7. **Land disturbances** such as a change in grade that alters soils, drainage patterns that adversely affect an archaeological resource

Table 4: Impact assessment using criteria from the Ontario Heritage Tool Kit

Potential Adverse Impacts Ontario Heritage Tool Kit	Impact (Yes/No)	Discussion
Destruction of any part of any significant heritage attribute or features	No	The proposed development will not destroy any likely heritage attributes—as identified in Section 6.0—of the Abigail Frolick House property. The proposed development will be confined to the Property limits, and it is not anticipated it will encroach on the surrounding properties.
Alteration that is not sympathetic or is incompatible, with the historic fabric and appearance	No	The proposed development will not alter any likely heritage attributes of the Abigail Frolick House property. The proposed development will be confined to the Property limits, and it is not anticipated it will encroach on the surrounding properties.
Shadows created that alter the appearance of a	No	The proposed development will not create shadows that will negatively impact the likely

Potential Adverse Impacts Ontario Heritage Tool Kit	Impact (Yes/No)	Discussion
heritage attribute or change the viability of a natural feature or planting, such as a garden		heritage attributes of the Abigail Frolick House property. Refer to Section 8.1 for further detail.
Isolation of a heritage attribute from its surrounding environment, context, or a significant relationship	No	The proposed development will not isolate any likely heritage attributes of the Abigail Frolick House property. The proposed development will be confined to the Property limits and all likely heritage attributes of the Abigail Frolick House will not be affected. The relationship of the Abigail Frolick House property with the street and with adjacent properties will not be isolated by the proposed development.
Direct or indirect obstruction of significant views or vistas within, from, or built and natural features	No	The proposed development will not create direct or indirect obstruction of significant views or vistas of the Abigail Frolick House property.
A change in land use such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces	No	The proposed development will not change the land use for the Abigail Frolick House property.
Land disturbances such as a change in grade that alters soils, drainage patterns that adversely affect an archaeological resource	No	The proposed development will not cause land disturbances that will change the grade or alter soils that will adversely impact the Abigail Frolick House property.

8.1 Shadow Study

A shadow study was conducted for the proposed development (see Figure 9 and Appendix C). The shadow study simulated the Summer Solstice (June), Spring/Fall Equinox (March/September), and Winter Solstice (December), at varying times during the morning, afternoon, and evening.

During the month of June, shadows created from the proposed development did not create significant shadows that would affect the likely heritage attributes of the Abigail Frolick House property.

The months of March and September will see shadows cast onto the Abigail Frolick House property around 8:00 am for a couple of hours until 10:00 am. The shadows cast during the period cover portions of the front and side elevations. In December, shadows will cast on the

Abigail Frolick House property in the early morning from sunrise to around 9:00 am. The shadows cast during the period cover portions of the front and side elevations.

Overall, the shadow study demonstrates shadows cast over the Abigail Frolick House will generally occur during the morning in the spring, fall, and winter months. The building itself casts shadows onto Stanley Street and into the rear portion of the property at these times.

Based on the shadow study and review of historic aerial photographs it is LHC's opinion that shadows cast by the proposed development are unlikely to visibly alter or have adverse impacts to the likely heritage attributes of the Abigail Frolick House.

8.2 Summary of Impacts

The proposed development was evaluated against potential direct and indirect impacts to the likely heritage attributes of the property known as the Abigail Frolick House, located at 5485 Ferry Street. This impact assessment is based on guidance from the City of Niagara Falls Heritage Impact Assessment guidelines (Section 2.1) which are based on guidance from the Ontario Heritage Tool Kit.

The proposed development is not likely to result in direct or indirect impacts to the likely heritage attributes of the Abigail Frolick House property. The proposed development will remain within the limits of the Property.

8.3 Implementation and Monitoring

No adverse impacts to the Abigail Frolick House cultural heritage resource at 5485 Ferry Street have been identified.

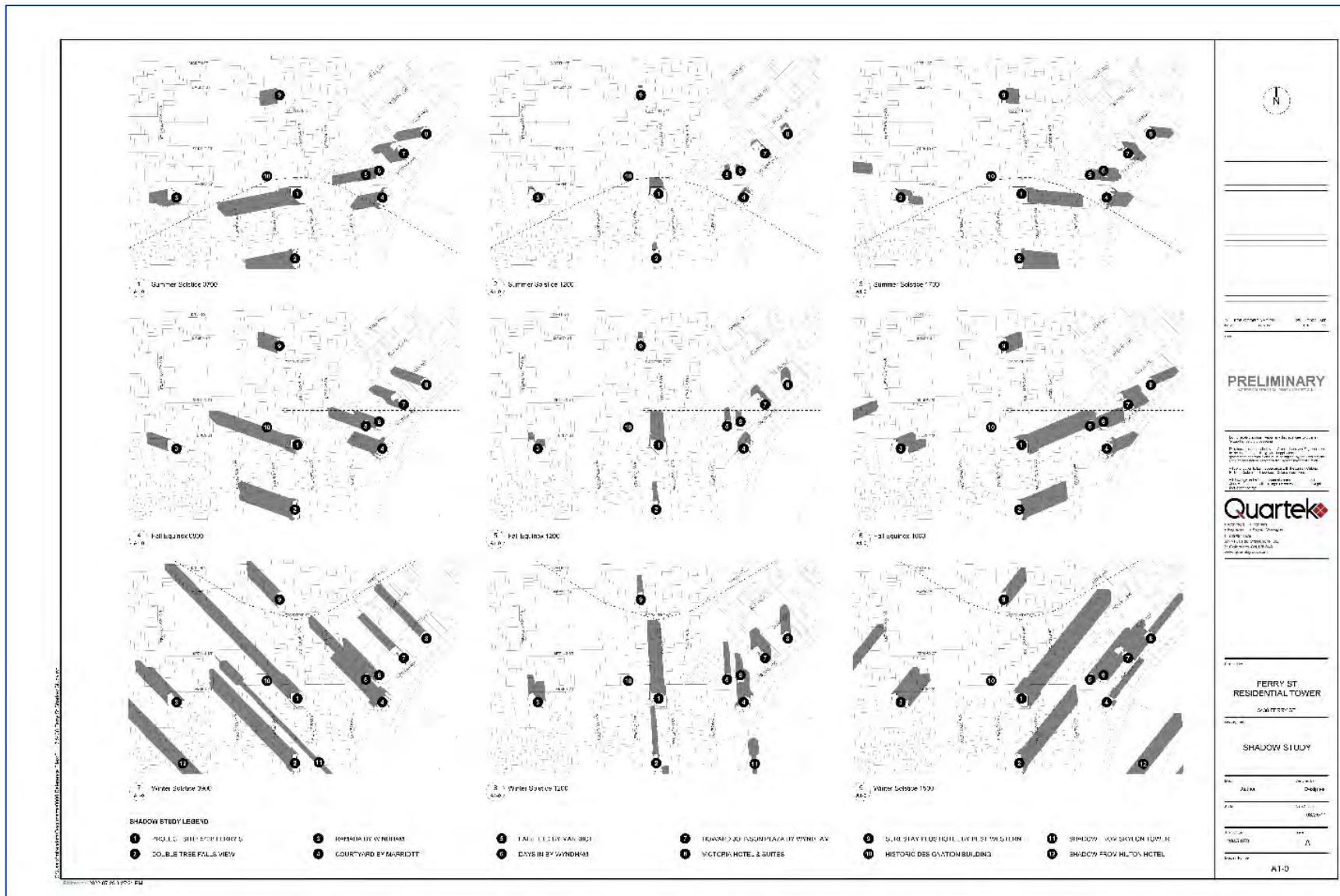


Figure 9: Shadow Study

9.0 CONSIDERATION OF ALTERNATIVES AND MITIGATION MEASURES/CONSERVATION STRATEGY

The following range of possible development alternatives was explored. All options have been considered in relation.

9.1 Considered Options

The following range of possible development alternatives was explored. All options have been considered in relation to the applicable planning framework outlines in Section 3. As identified in Section 6, LHC did not find 5538 Ferry Street to meet *O. Reg. 9/06* and it does not have heritage attributes. The options have considered existing conditions. The preferred option is identified.

9.1.1 Do Nothing

This would leave the Property as is and the existing commercial building and parking lot would remain *in situ*. The extant commercial building is currently arranged to continue to support its use as a restaurant.

The 'do nothing' option would not result in any direct impacts to adjacent heritage properties as there would be no changes to the Property. This option would still require regular maintenance of the building and the parking lot. In the context of proposed redevelopment of this site, leaving the Property 'as is' is not a viable option.

9.1.2 Redevelopment

This is the option that is currently being proposed for the redevelopment of the Property. A new 30-storey structure is proposed. Potential adverse impacts on the Abigail Frolick House at 5585 Ferry Street were reviewed in Section 8.0, above. No significant adverse impacts related to shadows were identified and the design is compatible with the surrounding streetscape.

Option 2 is the preferred option if undertaken in a manner that controls for potential indirect adverse impacts.

9.1.3 Preferred Option

Given that Option 1 is not viable within the context of the proposed site alteration, Option 2: Redevelopment is the preferred option.

9.2 Mitigation Measures

As outlined in Table 3, potential adverse impacts were not identified for the likely heritage attributes of the Abigail Frolick House at 5585 Ferry Street.

10.0 CONCLUSION AND RECOMMENDATIONS

LHC was retained by 1788618 Ontario Inc. in June 2022 to prepare a Heritage Impact Assessment for proposed development for 5438 Ferry Street in the city of Niagara Falls, Ontario.

The Owner is proposing to remove all extant structures on the Property and rebuild with a 30-storey mixed used condominium. Vehicular and pedestrian access routes and associated underground and exterior parking will be constructed. This HIA follows best practices drawing upon applicable frameworks, such as the MCM's *Info Sheet #5 Heritage Impact Assessments and Conservation Plans*. This HIA also considers the applicable planning framework such as the City of Niagara Falls *Official Plan*.

The Property is not currently listed under Section 27, Part IV, nor currently designated under Section 29, Part IV, or Section 41, Part V of the *OHA*.

This HIA was prepared to assess potential impacts of the proposed development on a nearby property of potential cultural heritage value or interest. LHC has evaluated the Abigail Frolick House and finds in its professional opinion the property municipally known as 5485 Ferry Street meets two criteria of *O. Reg. 9/06* (Criteria 4 and 7) for its historical and associative value and contextual value. The Abigail Frolick House is eligible for designation under Section 27, Part IV of the *OHA*.

LHC has evaluated specific potential direct or indirect impacts of development to the Abigail Frolick House at 5585 Ferry Street. The assessment of potential direct or indirect adverse impacts on the adjacent heritage properties is presented in Table 3.

This impact assessment determined that the proposed development will not have direct adverse impacts on the likely heritage attributes of the Abigail Frolick House. The Abigail Frolick House will maintain its relationship to Ferry Street, Stanley Street and the Historic Drummondville area. The proposed development is unlikely to cast shadows that will have an adverse impact on the likely heritage attributes of the Abigail Frolick House.

LHC determined that the proposed redevelopment of the Property generally conforms to the cultural heritage policies of the City of Niagara Falls *Official Plan*.

SIGNATURES



Christienne Uchiyama, M.A, CAHP
Principal, Manager Heritage Consulting
Services
LHC

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APPENDIX A : PROJECT PERSONNEL

Christienne Uchiyama, MA, CAHP – Principal, LHC

Christienne Uchiyama MA CAHP is Principal and Manager - Heritage Consulting Services with LHC. She is a Heritage Consultant and Professional Archaeologist (P376) with two decades of experience working on heritage aspects of planning and development projects. She is currently President of the Board of Directors of the Canadian Association of Heritage Professionals and received her MA in Heritage Conservation from Carleton University School of Canadian Studies. Her thesis examined the identification and assessment of impacts on cultural heritage resources in the context of Environmental Assessment.

Since 2003 Chris has provided archaeological and heritage conservation advice, support and expertise as a member of numerous multi-disciplinary project teams for projects across Ontario and New Brunswick, including such major projects as: all phases of archaeological assessment at the Canadian War Museum site at LeBreton Flats, Ottawa; renewable energy projects; natural gas pipeline routes; railway lines; hydro powerline corridors; and highway/road realignments. She has completed more than 300 cultural heritage technical reports for development proposals at all levels of government, including cultural heritage evaluation reports, heritage impact assessments, and archaeological licence reports. Her specialties include the development of Cultural Heritage Evaluation Reports, under both O. Reg. 9/06 and 10/06, and Heritage Impact Assessments.

Colin Yu, MA – Cultural Heritage Specialist and Archaeologist

Colin Yu is a Cultural Heritage Specialist and Archaeologist with LHC. He holds a BSc with a specialist in Anthropology from the University of Toronto and a M.A. in Heritage and Archaeology from the University of Leicester. He has a special interest in identifying socioeconomic factors of 19th century Euro-Canadian settlers through quantitative and qualitative ceramic analysis.

Colin has worked in the heritage industry for over eight years, starting out as an archaeological field technician in 2013. He currently holds an active research license (R1104) with the Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI). Colin is a professional member of Canadian Association of Heritage Professionals (CAHP).

At LHC, Colin has worked on numerous projects dealing with all aspects of Ontario's cultural heritage. He has completed over thirty cultural heritage technical reports for development proposals and include Cultural Heritage Evaluation Reports, Heritage Impact Statements, Environmental Assessments, and Archaeological Assessments. Colin has worked on a wide range of cultural heritage resources including; cultural landscapes, institutions, commercial and residential sites as well as infrastructure such as bridges, dams, and highways.

Diego Maenza, B.A., M.Pl. – Heritage Planner

Diego Maenza is a Heritage Planner with LHC Heritage Planning & Archaeology Inc. He holds a B.A. in Human Geography and Urban Studies from the University of Toronto and a Master of Planning degree from Dalhousie University. His thesis considered the urban morphological

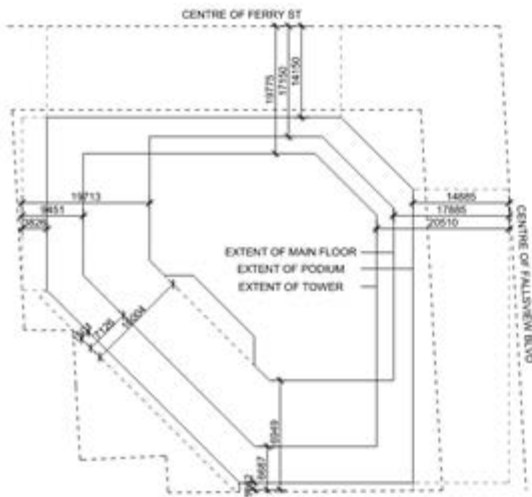
changes of railway infrastructure, landscapes, and neighbourhoods before and after the 1917 Halifax Explosion. Diego is a heritage professional with three years of public sector experience in Alberta, Nova Scotia, and Ontario through team-based and independent roles. He is an intern member of the Canadian Association of Heritage Professionals (CAHP) and a candidate member of the Ontario Professional Planners Institute (OPPI).

At LHC, Diego has worked on numerous projects dealing with all aspects of Ontario's cultural heritage. He has been lead author or co-author of over twelve cultural heritage technical reports for development proposals including Cultural Heritage Evaluation Reports, Heritage Impact Assessments, and Heritage Documentation Reports. Diego has also provided heritage planning advisory support for the Town of Niagara-on-the-Lake and the Municipality of Port Hope which included work on heritage permit applications and work with municipal heritage committees. His work has involved a wide range of cultural heritage resources including institutional, infrastructural, industrial, agricultural, and residential sites in urban, suburban, and rural settings.

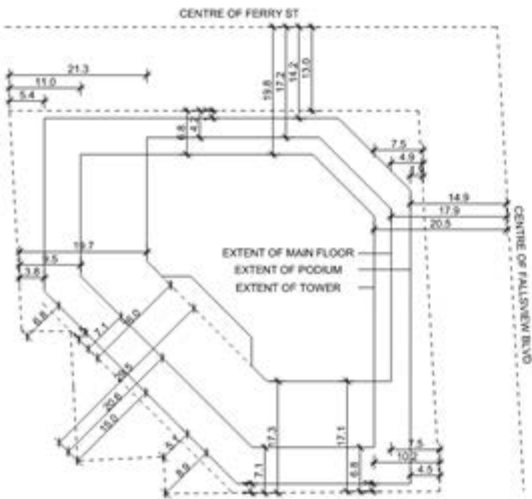
Jordan Greene, BA (Hons)– Mapping Technician

Jordan Greene is a mapping technician with LHC. She holds a Bachelor of Arts in Geography with a Certificate in Geographic Information Science (GIS) and a Certificate in Urban Planning Studies from Queen's University. Jordan joined the LHC team shortly after graduating and during her time at the firm has contributed to over 100 technical studies. Jordan has completed mapping for projects including, but not limited to, cultural heritage assessments and evaluations, archaeological assessments, environmental assessments, hearings, and conservation studies. In addition to project mapping Jordan has also begun to develop interactive maps and tools that will contribute to LHC's internal data management. She has also taken on the role of Health and Safety representative for the firm. Between graduation and beginning work with LHC her GIS experience allowed her the opportunity to briefly volunteer as a research assistant contributing to the study of the extent of the suburban population in America with Dr. David Gordon. Jordan is excited to continue her work with LHC to further develop her GIS skills and learn more about the fields of heritage and archaeology.

APPENDIX B : ARCHITECTURAL DRAWINGS



2 LIMITING DISTANCE DIAGRAM
A001 1 : 500 UNITS: MILLIMETERS



3 ZONING SETBACK DIAGRAM
A001 1 : 500 UNITS: METERS



1 Area Plan
A001 1 : 3500



VEHICLE PARKING SUMMARY

FLOOR	CAR SHARE	UNIVERSAL	REGULAR
LEVEL P3	0	1	31
LEVEL P2	0	1	68
LEVEL P1	0	1	68
MAIN FLOOR	9	5	4
LEVEL 02	0	1	68
LEVEL 03	0	1	68
LEVEL 04	0	1	68
LEVEL 05	0	1	68
SUBTOTAL		52	481
TOTAL	9	456	

BICYCLE PARKING SUMMARY

FLOOR	INDOOR (PRIVATE)	OUTDOOR (PRIVATE)	OUTDOOR (PUBLIC)
LEVEL P2	0	0	0
LEVEL P1	0	0	0
MAIN FLOOR	45	0	60
LEVEL 01	0	40	0
LEVEL 02	0	130	0
LEVEL 03	0	40	0
LEVEL 04	0	20	0
SUBTOTAL	45	230	60
TOTAL	335		

RESIDENTIAL SUITE SUMMARY

LEVEL 6-29	SIZE	QTY/FLR	TOTAL QTY
SUITE A1 - 1 BED	658 SF	8	192
SUITE A2 - 1 BED	630 SF	2	42
SUITE A3 - 1 BED	539 SF	1	24
SUITE B1 - 2 BED	885 SF	2	42
SUITE B2 - 2 BED+DEN	1153 SF	2	48
SUITE C1 - 2 BED	784 SF	2	48
SUITE D1 - 2 BED	1042 SF	2	48
LEVEL 30 PENTHOUSE LEVEL			
PENTHOUSE SUITES		12	12
TOTAL		456	

SITE STATISTICS

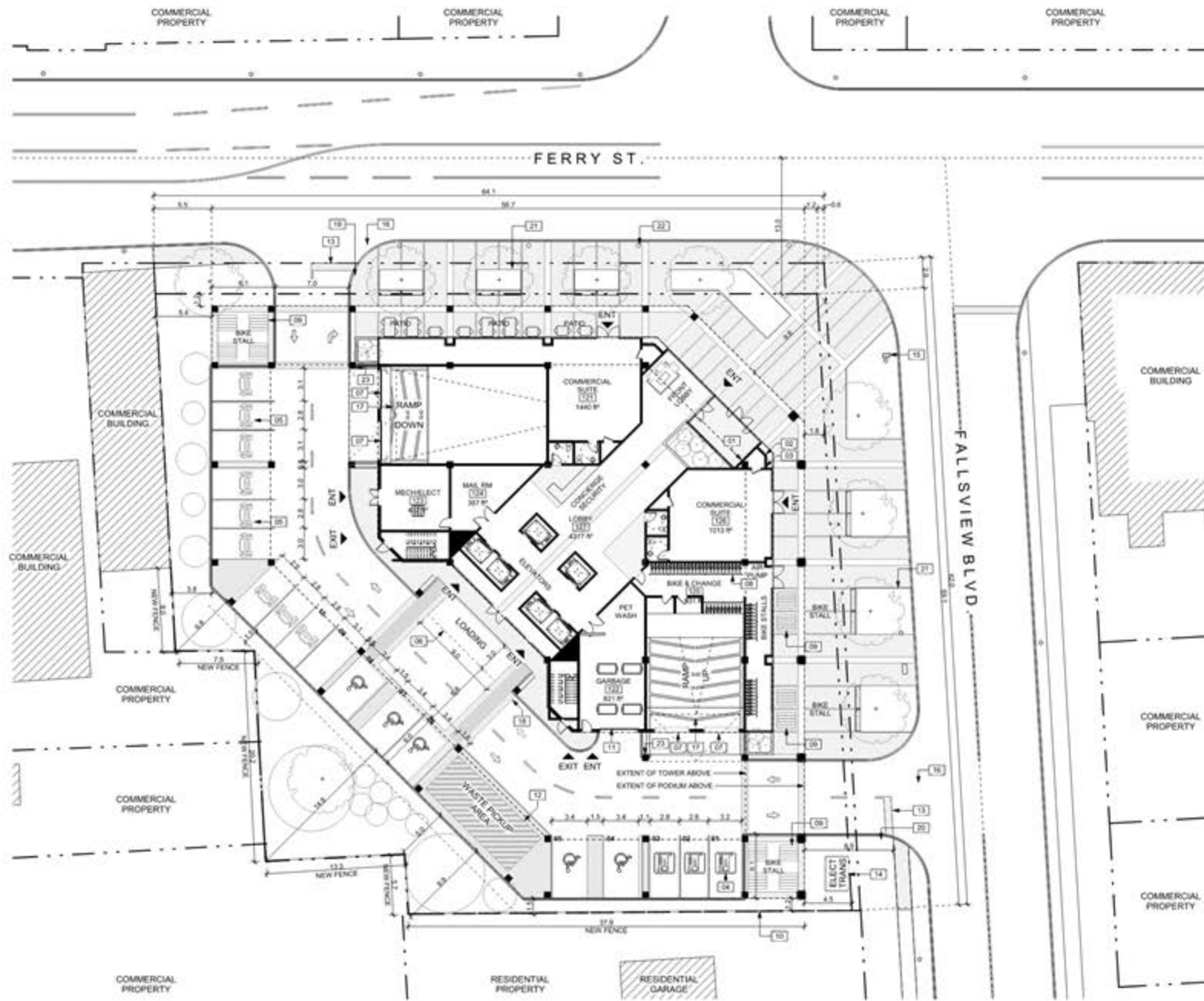
MUNICIPAL ADDRESS	5438 FERRY ST NIAGARA FALLS, ON L2G 3R5
LEGAL ADDRESS	PART OF LOT 18 SOUTH SIDE OF FERRY STREET EAST OF STANLEY STREET PART OF LOT 19 SOUTH SIDE OF LUNDY'S LANE PART OF LOT 1 AND PART OF LOTS A&B WEST SIDE OF BUCHANAN STREET REGISTERED PLAN NO. 883 CITY OF NIAGARA FALLS REGIONAL MUNICIPALITY OF NIAGARA
SITE AREA	0.3491 HA (AFTER ROAD WIDENING)
BUILDING FOOTPRINT	0.2707 HA
LOT COVERAGE	0.2707/0.3491x100 = 77%
DENSITY	350 / 0.3491 = 1002 UNITS / HA

COMMERCIAL SUITE SUMMARY

	SIZE	FRONTAGE	STREET
CRU-1	133.7 SM	25.3 M	FERRY ST.
CRU-2	94.1 SM	8.7 M	FALLSVIEW BLVD.
TOTAL	227.8 SM	24 M	

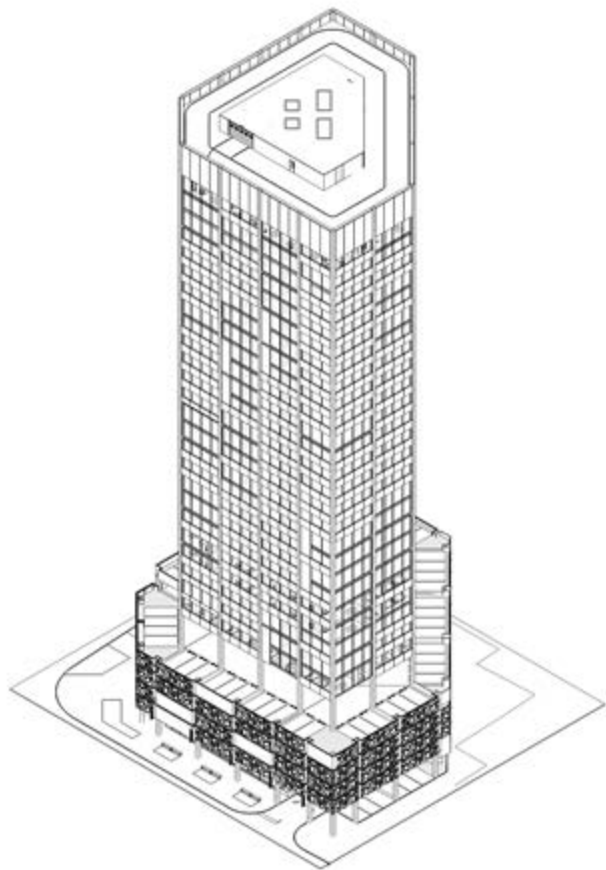
DRAWING LIST

A0	COVER SHEET
A001	SITE PLAN
A200	LEVEL -02 PARKING FLOOR PLAN
A201	LEVEL -01 PARKING FLOOR PLAN
A202	LEVEL 01 MAIN FLOOR PLAN
A203	LEVEL 02 PARKING FLOOR PLAN
A204	LEVEL 03 PARKING FLOOR PLAN
A205	LEVEL 04 PARKING FLOOR PLAN
A206	LEVEL 05 PARKING FLOOR PLAN
A207	LEVEL 06 RESIDENTIAL FLOOR PLAN
A208	ROOF PLAN
A300	NORTH EXTERIOR ELEVATION
A301	EAST EXTERIOR ELEVATION
A302	SOUTH EXTERIOR ELEVATION
A303	WEST EXTERIOR ELEVATION
A400	3D VIEWS AXONOMETRIC
A401	3D RENDERERS
A402	3D RENDERERS

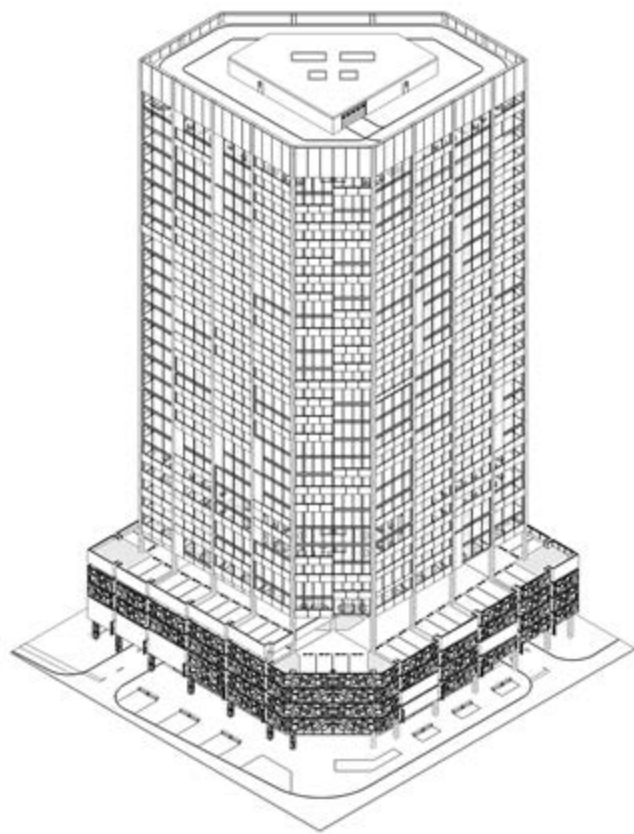


SITE PLAN KEYNOTES

- 01 FIRE ALARM PANEL AND SPRINKLER ANNUNCIATOR PANEL
- 02 FIRE DEPARTMENT BEMISE CONNECTION
- 03 FIRE DEPARTMENT LOOKBOX
- 04 DEDICATED ELECTRIC VEHICLE CHARGING STALLS 8 TOTAL
- 05 DEDICATED CAR SHARE VEHICLE STALLS 8 TOTAL
- 06 3M X 9M LOADING STALL
- 07 HIGH SPEED ROLL UP DOOR ACCESS TO ABOVE AND BELOW GRADE PARKING STALLS. KEYCARD READER
- 08 INTERIOR BICYCLE COMMUTER FACILITY INCLUDING BICYCLE PARKING STALLS, CHANGE ROOMS, AND SHOWER. KEYCARD ACCESS
- 09 EXTERIOR COVERED BICYCLE PARKING
- 10 NEW FENCE, REFERENCE LANDSCAPE
- 11 ACCESS TO INTERIOR GARBAGE/RECYCLING ROOM VIA DOOR AND OVERHEAD DOOR WITH KEYCARD ACCESS FROM EXTERIOR
- 12 EXTERIOR GARBAGE/RECYCLING PICKUP STAGING AREA
- 13 ABANDON 3 EXISTING VEHICLE DRIVEWAY ACCESSES TO SITE AND REPLACE WITH 2 NEW VEHICLE ACCESSES
- 14 TRANSFORMER LOCATION. BOLLARDS AS REQUIRED BY UTILITY
- 15 EXISTING CITY AND UTILITY INFRASTRUCTURE TO REMAIN
- 16 LINE OF GARBAGE TRUCK TURN SWEEP RADIUS
- 17 HERRING BONE PATTERN VEHICLE TRACTION STRIPS ON RAMPS. MAXIMUM SLOPE 20%
- 18 CHANGE IN PAVING COLOUR INDICATING PEDESTRIAN CROSSING AREA
- 19 RIGHT TURN ONLY SIGN FOR VEHICLES EXITING SITE
- 20 STOP SIGN FOR VEHICLES EXITING SITE
- 21 NEW LANDSCAPE PLANTING AREAS AND BENCHES. REFERENCE LANDSCAPE PLANS
- 22 EXISTING STREET LIGHT STANDARDS TO REMAIN
- 23 STOP SIGN FOR VEHICLES EXITING RAMP



1 NORTH-WEST AXONOMETRIC VIEW



2 NORTH-EAST AXONOMETRIC VIEW



APPENDIX C: SHADOW STUDY

APPENDIX D: INVENTORY SHEETS

5485 Ferry Street – Abigail Frolick House

We - N. 1. - 89
99

Name of recorder D. ANDERSON Date JUNE, 1988
 Name of photographer K. Cuddy Date "

ONTARIO INVENTORY OF BUILDINGS

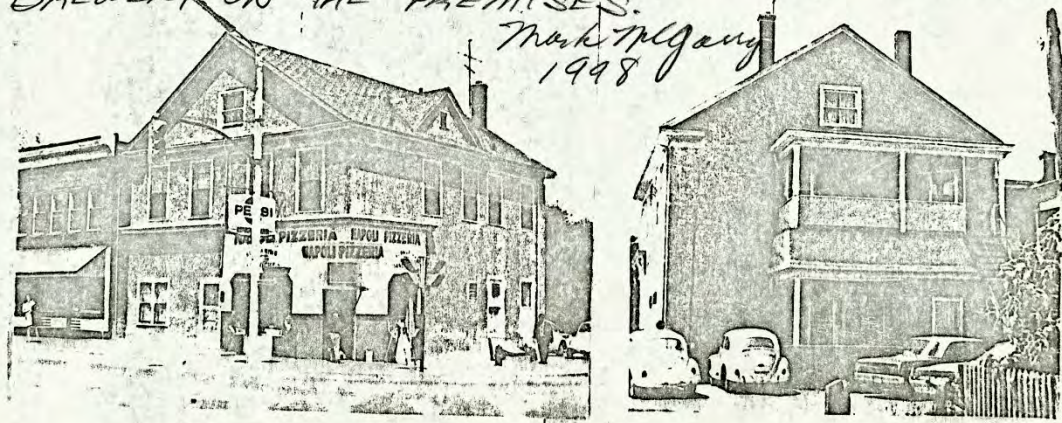
Identity: County WELLAND
 Number, street, town, or lot, concession, township. CORNER of STANLEY & FERRY ST. NIAGARA FALLS
 Name of Building ABIGAIL FROLICK HOUSE

History: Date of construction _____
 Original Owner _____
 Original Use HOTEL
 Present Owner _____
 Present Use PIZZERIA

Construction: Wall material, Stone _____ Brick _____ Frame _____ Stucco Other _____
 Condition of structure, Very _____ Fair Poor _____ Much _____
 Good _____ Altered _____

Reference: Sources of information on construction date.
MRS. WALKER SAYS BUILDING IS OVER 100 YRS. OLD.

Notes on the architecture or history of the building.
LANTY MCGILLY FIRST OWNED THIS BUILDING, "THE RAILROAD HOTEL", CIRCA 1830 - HIS DAUGHTER ESTHER LYDIA MARRIED DR. JAMES MCGARRY (1835-1903). LANTY OPERATED A BREWERY ON THE PREMISES.
Mark McGarry 1998



5420 Ferry Street – Spong House

Name of recorder D. ANDERSON Date JUNE, 1968 76
NIAGARA FALLS PUBLIC LIBRARY
 Name of photographer K. Cuddy Date _____

ONTARIO INVENTORY OF BUILDINGS

Identity: County WELLAND

Number, street, town, or lot, 1420 FERRY STREET
 concession, township. NIAGARA FALLS

Name of Building SPONG HOUSE

History: Date of construction _____

Original Owner SPONG FAMILY
 Original Use _____

Present Owner YOLANDA SHENCK
 Present Use RESIDENCE

Construction: Wall material, Stone _____ Brick _____ Frame _____ Other _____
Stucco

Condition of structure, Very _____ Fair Poor _____ Much _____
 Good _____ Altered _____

Reference: Sources of information on construction date.

Notes on the architecture or history of the building.
WAS RE-STUCCOED 40 YRS. AGO.

