



ARCHAEOLOGY | HERITAGE | OUTREACH | EDUCATION

**Heritage Impact Assessment  
6179 Lundy's Lane  
City of Niagara Falls  
Regional Municipality of Niagara  
Lot 130  
Geographic Township of Stamford  
Former Welland County**

Prepared for

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## EXECUTIVE SUMMARY

Under a contract awarded in December 2022 and a change order approved in September 2023, and October 2024, Archaeological Research Associates Ltd. was retained to complete a Heritage Impact Assessment in advance of a proposed development that includes the construction of a ten-storey mixed-use commercial and residential development on land that is currently occupied by a low-rise motel and paved parking area at 6179 Lundy's Lane in the City of Niagara Falls, Regional Municipality of Niagara. The project location at 6179 Lundy's Lane is adjacent to 6137 Lundy's Lane, a property with several layers of heritage value recognition, including 1) a Part IV designation under the Ontario Heritage Act (By-law 2014-97), 2) is a National Heritage Site and 3) is protected by an Ontario Heritage Trust easement established in December 1996. As such, the City of Niagara Falls requested a Heritage Impact Assessment be submitted with the proposed development package that should consider potential impacts to the adjacent building at 6137 Lundy's Lane.

The approved Heritage Impact Assessment approach consisted of the following:

- Identification of any designated or recognized cultural heritage properties within and adjacent to the project location;
- Field survey to document the known and potential cultural heritage resources adjacent to the project location;
- A description of the existing conditions at 6179 Lundy's Lane and 6137 Lundy's Lane;
- A description of the proposed development at 6179 Lundy's Lane;
- Evaluation of potential impacts from the proposed development; and
- Suggest mitigation measures.

The proposed development at 6179 Lundy's Lane has the potential to have direct and indirect impacts on the adjacent heritage property at 6137 Lundy's Lane as follows:

- Impact 1 – There is the potential for impacts to heritage attributes of 6137 Lundy's Lane, resulting from accidental damage during construction
- Impact 2 – There is the potential for impacts from vibrations during construction.
- Impact 3 – There is the potential for accidental impacts to the heritage attributes of 6137 Lundy's Lane as a result of the construction phase work to address the grade change between the lots
- Impact 4 – There is the potential for accidental impacts as a result of vehicular collisions.
- Impact 5 – The proposed development will detract from the visual context of the adjacent heritage property of 6137 Lundy's Lane and it is incompatible in scale, massing and height relative to the adjacent designated property at 6137 Lundy's Lane.

Mitigation measures to address the potential impacts are suggested as follows:

- Retain a structural engineer prior to starting construction to assess potential structural impact to Fralick's Tavern as a result of any grade changes along the shared property boundary. This mitigation measure should be implemented during the Site Plan approval process.
- To protect the adjacent property at 6137 Lundy's Lane during the construction period of the proposed new building, a Temporary Protection Plan should be developed and distributed to demolition and construction personnel. This mitigation measure should be implemented during the Site Plan approval process.

- Protect the adjacent building 6137 Lundy's Lane by completing a Vibration Study to determine the Zone of Influence and if there will be any impacts on Fralick's Tavern at construction phase. A Zone of Influence study identifies buildings which may require vibration monitoring during the construction phase to which monitoring strategies can be determined and integrated into the Temporary Protection Plan. This mitigation measure should be implemented during the Site Plan approval process.
- Move forward with planned landscape screening/buffer and maintain existing tall trees on property line with 6137 Lundy's Lane as a method of minimizing negative visual impacts and incorporate the installation of concrete planters, fencing, wall and/or bollards into the landscape plan to mitigate the risk of accidental physical vehicular impacts during and after demolition and construction phase

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## ABBREVIATIONS

ARA – Archaeological Research Associates Ltd.  
BHR – Built Heritage Resource  
CHL – Cultural Heritage Landscape  
CHIA – Cultural Heritage Impact Assessment  
CHVI – Cultural Heritage Value or Interest  
HSMBC – Historic Sites and Monuments Board of Canada  
MCM – Ministry of Citizenship and Multiculturalism  
MHC – Municipal Heritage Committee  
MMAH – Ministry of Municipal Affairs and Housing  
OHA – Ontario Heritage Act  
OHT – Ontario Heritage Trust  
O. Reg. – Ontario Regulation  
PPS – Provincial Planning Statement  
ZOI – Zone of Influence

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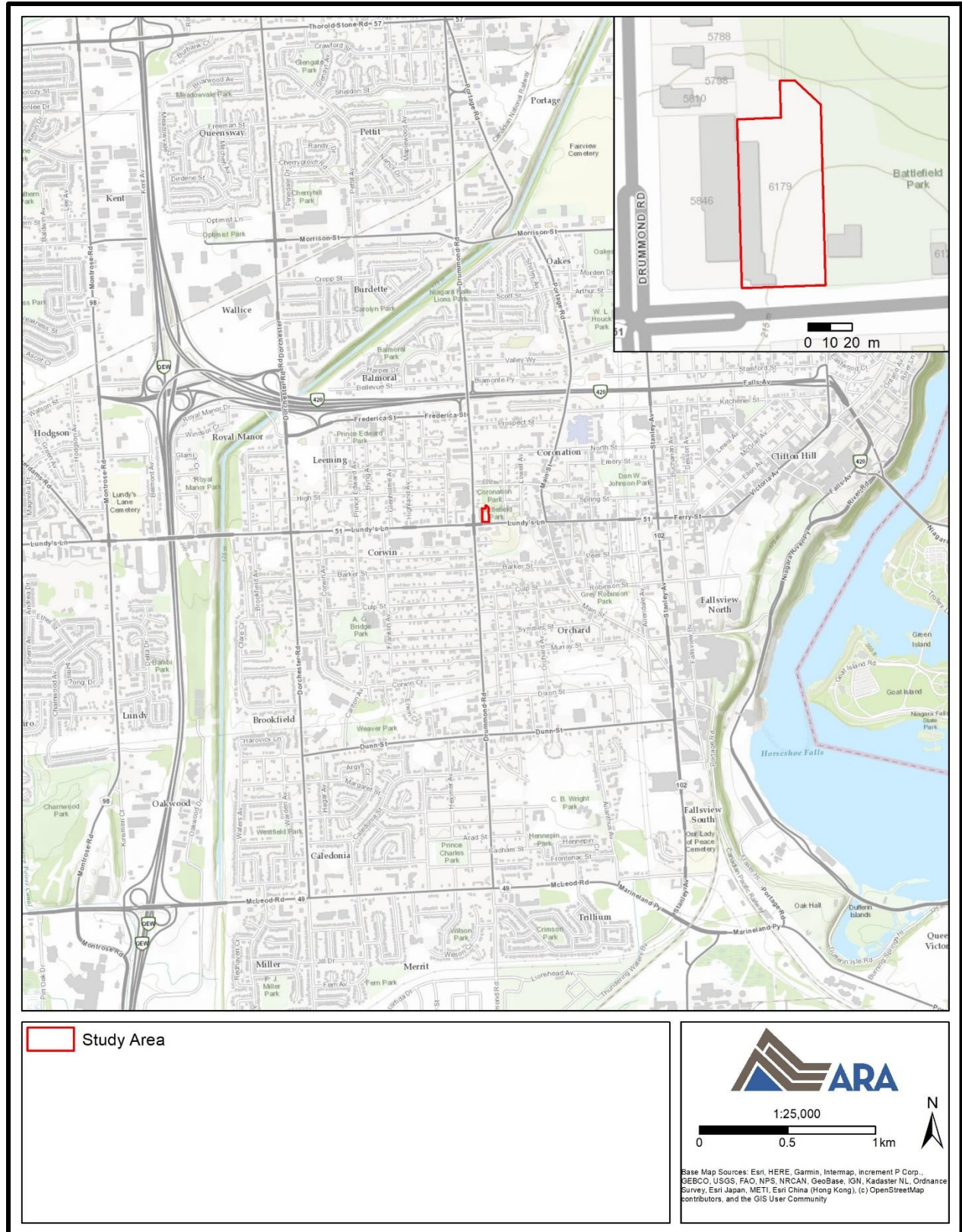
Biographies that demonstrate the qualifications and expertise of key team members to perform cultural heritage work in Ontario are provided in Appendix F.



## 1.0 PROJECT CONTEXT

Under a contract awarded in December 2022 and a change order approved in September 2023, and October 2024, Archaeological Research Associates Ltd. (ARA) was retained to complete a Heritage Impact Assessment (HIA) in advance of a proposed development that includes the construction of a ten-storey mixed-use commercial and residential development on land that is currently occupied by a low-rise motel and paved parking area at 6179 Lundy's Lane in the City of Niagara Falls, Regional Municipality of Niagara. The project location at 6179 Lundy's Lane is adjacent to 6137 Lundy's Lane, a property with several layers of heritage value recognition, including 1) a Part IV designation under the Ontario Heritage Act with By-law 2014-97 (City of Niagara Falls 2014a), 2) is a National Heritage Site and 3) is protected by an Ontario Heritage Trust easement established in December 1996. As such, the City of Niagara Falls requested a HIA to be submitted with the proposed development package that should consider potential impacts to the adjacent building at 6137 Lundy's Lane.

The purpose of this assessment is to determine the cultural heritage resources of the adjacent property that may be impacted by the proposed demolition and redevelopment of 6179 Lundy's Lane and propose mitigation measures to reduce or mitigate any potential impacts. This CHIA is in accordance with current best practices and requirements of the *Ontario Heritage Act* (R.S.O. 1990); *Provincial Planning Statement* (Ministry of Municipal Affairs and Housing (MMAH 2024); Parks Canada's *Standards and Guidelines for the Conservation of Historic Places in Canada* (2010); the Ministry of Citizenship and Multiculturalism's (MCM) *Ontario Heritage Tool Kit Series* (2006a); the City of Niagara Fall's *Guide to Preparing Heritage Impact Assessments* (2014b); as well as local and regional Official Plans.



**Map 1: 6179 Lundy's Lane in the City of Niagara Falls**  
(Produced by ARA under licence using ArcGIS® software by Esri, © Esri)

## 2.0 LEGISLATION AND POLICY REVIEW

The framework for this assessment report is provided by federal guidance, provincial environmental, heritage and planning legislation, and policies as well as regional and local municipal Official Plans and guidelines.

### 2.1 Federal Guidelines

At the national level, the *Standards and Guidelines for Conservation of Historic Places in Canada* (Parks Canada 2010) provides guidance for the preservation, rehabilitation, and restoration of historic places, including cultural heritage landscapes (CHLs) and built heritage resources (BHRs). Such guidance includes the planning and implementation of heritage conservation activities.

#### 2.1.1 Provincial Policies and Guidelines

#### 2.1.2 Planning Act

Section 2 of the Ontario *Planning Act* indicates that a council of a Municipality have regard for matters of provincial interest such as: "(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest" (Government of Ontario 1990). Section 3 of the *Planning Act* directs a municipal Council's decisions to be consistent with the *Provincial Planning Statement* (PPS 2024).

#### 2.1.3 The Provincial Planning Statement (2024)

The *Provincial Planning Statement* (PPS 2024) contains a combined statement of the Province's land use planning policies. It provides the provincial government's policies on a range of land use planning issues including cultural heritage outlined in Chapter 1:

*Cultural heritage and archaeology in Ontario will provide people with a sense of place... The Province's rich cultural diversity is one of its distinctive and defining features.* (MMAH 2024:1-2).

The PPS 2024, which is enforced as of October 20, 2024, promotes the conservation of cultural heritage resources through detailed policies in Section 4.6, such as 4.6.1 "*Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved*" and 4.6.3 "Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserve" (MMAH 2024:28).

Further, 4.6.5 b) notes "Planning authorities are encouraged to develop and implement: b) proactive strategies for conserving *significant built heritage resources and cultural heritage landscapes*" (MMAH 2024:28).

#### 2.1.4 Ontario Heritage Act

The *Ontario Heritage Act* (OHA), R.S.O. 1990, c.018 is the guiding piece of provincial legislation for the conservation of significant cultural heritage resources in Ontario. The OHA gives provincial and municipalities governments the authority and power to conserve Ontario's heritage. The OHA has policies which address individual properties (Part IV), heritage districts (Part IV), and allows

municipalities to create a register of non-designated properties which may have cultural heritage value or interest (Section 27).

In order to objectively identify cultural heritage resources, Ontario Regulation (O. Reg) 9/06 (as amended by O. Reg 569/22) made under the *OHA* sets out nine principal criteria for determining cultural heritage value or interest (CHVI) (MCM 2006b:20–27). The criteria set out in the regulation were developed to identify and evaluate properties for designation under the *OHA*. Best practices in evaluating properties that are not yet protected employ O. Reg. 9/06 to determine if they have CHVI. These nine criteria are:

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, or*
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, or*
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, or*
9. *The property has contextual value because it is a landmark.* O. Reg. 569/22, s. 1 (2).

A property must meet two of the criteria. An *OHA* designation provides the strongest heritage protection available for conserving cultural heritage resources.

## **2.2 Municipal Policies**

### **2.2.1 Regional Municipality of Niagara Official Plan**

The *Niagara Official Plan* (Region of Niagara 2022) Chapter 6 focuses on creating a “Vibrant Region” (2022:175). Section 6.5 contains policies related specifically to cultural heritage in the Niagara Region. This section recognizes the importance of cultural heritage in the Region as it states:

*Niagara is home to distinctive cultural heritage resources that contribute to a sense of identity and provide important social and economic benefits. Buildings, structures, spaces, views, archaeological sites and natural elements of cultural heritage value are visible across the region. They contribute to Niagara’s identity, individually and together, within the region’s urban and rural communities and across the Greenbelt and Niagara Escarpment landscapes.*

*These defining features contribute to understanding Niagara's history and provide a unique sense of place that support tourism opportunities and long-term economic prosperity (2022:185).*

The two main objectives of this Section include the following:

- a) *Support the identification, conservation, wise use and management of cultural heritage resources; and*
- b) *Promote the Welland Canal Cultural Heritage Landscape as a multi-faceted cultural heritage designation (Region of Niagara, 2022:185).*

Policy 6.5.1.1 indicates that "Significant cultural heritage resources shall be conserved in order to foster a sense of place and benefit communities..." (2022:185).

Additional policies echo the PPS 2020 including Policy 6.5.1.5 which states:

*Development and site alteration on protected heritage property or adjacent lands shall not be permitted, except where the proposed development and site alteration has been evaluated through a heritage impact assessment and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved (Regional Municipality of Niagara 2022:186).*

## **2.2.2 Official Plan for the City of Niagara Falls**

With respect to cultural heritage in the City of Niagara Falls, *The Official Plan for the City of Niagara Falls* contains policies that provide for cultural heritage conservation. In Part 1, Section 3, Policy 3.14.1.e, that "all new buildings and developments shall be designed so as not to impede the views and vistas of natural or cultural heritage landscapes" (City of Niagara Falls 2024a:1-9). Within Part 3, Section 4, Policy 4.13, the *Plan* states that:

*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 (City of Niagara Falls 2024a:3-24).*

Policies 3.14.3 and 4.19 in the Plan state that "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" (City of Niagara Falls 2024a:1-11, 3-25).

The City of Niagara Falls' *Official Plan* contains many other policies for the protection and conservation of cultural heritage resources including policies to identify and designate cultural heritage resources, promote the adaptive reuse of heritage properties, encourage new development and redevelopment adjacent to heritage properties to be designed to protect the heritage character of these resources.

## 2.3 Policy Conclusions

Federal guidance, provincial legislation and policies of *Region of Niagara Official Plan* and *Official Plan for the City of Niagara Falls* call for the conservation of cultural heritage resources and provide policies related to potential development impacts to cultural heritage resources. This HIA will address these cultural heritage policies as they relate to the study area and the proposed project.

## 2.4 Key Concepts

The following concepts require clear definition in advance of the methodological overview; proper understanding is fundamental for any discussion pertaining to cultural heritage resources:

- **Built Heritage Resource (BHR)** can be defined in the *PPS* as: “a building, structure, monument, installation or any manufactured part or remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Indigenous community. Built heritage resources are located on property that has been designated under Parts IV or V of the *OHA*, or that may be included on local, provincial, federal and/or international registers” (MMAH 2024:41).
- **Conserved** means “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision-maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments” (MMAH 2012:41-42).
- **Cultural Heritage Landscape (CHL)** is defined in the *PPS* as: “a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may involve features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act, or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms” (MMAH 2024:42).
- **Cultural Heritage Value or Interest (CHVI)**, also referred to as Heritage Value, is identified if a property meets one of the criteria outlined in O. Reg. 9/06 namely historic or associate value, design or physical value and/or contextual value. Provincial significance is defined under *Ontario Heritage Act (OHA)* O. Reg. 10/06.
- **Heritage Attributes** are: “the principal features or elements that contribute to a protected heritage property’s cultural heritage value or interest, and may include the property’s built, constructed or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g., significant views or vistas to or from a protected heritage property)” (MMAH 2024:44-45).
- **Significant** in reference to cultural heritage is defined as: “resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people” (MMAH 2014:49).

Key heritage definitions from the *Region of Niagara Official Plan* are as follows:

- **Adjacent Lands** is defined as “For the purposes of section 6.4 and 6.5, those lands contiguous to a protected heritage property or as otherwise defined in the municipal official plan (PPS 2020)” (2022:270).
- **Conserved** is detailed as “the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment that has been approved, accepted or adopted by the relevant planning authority and/or decision maker. Mitigative measures and/or alternative development approaches can be included in these plans and assessments” (2022:G-281).
- **Cultural Heritage Landscapes** are “defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Cultural heritage landscapes may be properties that have been determined to have cultural heritage value or interest under the Ontario Heritage Act or have been included on federal and/or international registers, and/or protected through official plan, zoning by-law, or other land use planning mechanisms (PPS 2020)” (2022:G-282).
- **Cultural Heritage Resources** are “Built heritage resources, cultural heritage landscapes and archaeological resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation (Greenbelt Plan 2017)” (2022:G-282).
- **Protected Heritage Property** is defined as “Property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites (PPS 2020)” (2022:G-301).
- **Significant** “in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act” (2022:G-306).

Key heritage definitions from the *City of Niagara Falls Official Plan Appendix 1 – Definitions* (2023) are as follows:

- **Built Heritage Resource** is defined as “one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history that are of value for the important contribution they make to our understanding of the history of a place, an event, or a people” (2023).

- **Conservation Plan** means “a document prepared by a qualified person(s) that details how the heritage values, attributes and integrity of a cultural heritage resource can be retained through descriptions of repairs, stabilization and preservation activities as well as long term conservation, monitoring and maintenance measures” (2023).
- **Cultural Heritage Value or Interest** “includes built heritage resources, cultural landscapes and sites of archaeological importance” (2023).
- **Property** “for the purposes of “Section 3.2 means real property and includes all buildings and structures thereon, as defined in the Ontario Heritage Act” (2023).



### 3.0 CONSULTATION

Built Heritage Resources (BHRs) and Cultural Heritage Landscapes (CHLs) are broadly referred to as cultural heritage resources. A variety of types of recognition exist to commemorate and/or protect cultural heritage resources in Ontario.

A desktop database search was completed to identify any known/identified cultural heritage properties within or adjacent to the study area which are recognized at a federal, provincial, or municipal level. The National Historic Sites program commemorates important sites, people or events that had a nationally significant effect on, or illustrate a nationally important aspect of, the history of Canada. The Minister of Environment on the advice of the Historic Sites and Monuments Board of Canada (HSMBC) makes recommendations to the program. The *Directory of Federal Heritage Designations* was searched, and no plaques were noted within or adjacent to the study area (Parks Canada 2024a). The adjacent property and surrounding area have been federally designated as the Battle of Lundy's Lane National Historic Site of Canada (Parks Canada 2024b; see Section 7.1).

Another form of recognition at the federal level is the Canadian Heritage Rivers System program. It is a federal program to recognize and conserve rivers with outstanding natural, cultural and recreational heritage. It is important to note that neither of these federal commemoration programs offer protection from alteration or destruction. There are no heritage rivers in proximity to the study area.

Additionally, there is the *Canadian Register of Historic Places* (Historic Places of Canada 2024) which contains properties recognized by federal, provincial and territorial governments. As noted for other forms of recognition, recognition in the Register does not offer protection from alteration/destruction but these properties may have other government designations/protections that do offer protections. The Battle of Lundy's Lane is on the Register (see Section 7.1).

The Ontario Heritage Trust (OHT) operates the Provincial Plaque Program that has over 1,250 plaques located across the province recognizing key people, places and events that shaped Ontario. None of the properties in the vicinity of 6179 Lundy's Lane are commemorated with an OHT plaque (OHT 2022).

The MCM current list of Heritage Conservation Districts was consulted. No designated districts were identified in the study area (MCM 2020). The list of properties designated by the MCM under Section 34.5 of the *OHA* was consulted and there are no provincially designated properties within or adjacent to the study area.

Under *Section 27* of the *OHA*, a municipality must keep a Municipal Heritage Register. A Municipal Heritage Register lists designated properties as well as other properties of cultural heritage value or interest in the municipality. Properties on this Register that are not formally designated are commonly referred to as "listed." Listed properties are flagged for planning purposes and are afforded a 60-day delay in demolition if a demolition request is received. The project location at 6179 Lundy's Lane is not a listed property on the City of Niagara Falls' *Heritage Properties* (City of Niagara Falls 2024b). The adjacent property at 6137 Lundy's Lane is a designated property under Part IV of the *Ontario Heritage Act* under By-law No. 2014-97.

In correspondence between the client and the City of Niagara Falls on January 20, 2022, the City noted that a HIA is required to discuss proposed development and its design impact on the adjacent heritage property. Additionally, within the March 3, 2022 pre-consultation minutes the

instructions regarding heritage assessment work were as follows: "The Cultural Heritage Impact Assessment will need to evaluate the proposal's design impacts on the abutting heritage property (massing, treatments, shadowing, and views) and if there will be any impacts with construction." On May 15, 2023, ARA reached out to City of Niagara Falls planners to request additional information regarding the subject and adjacent properties on Lundy's Lane. The planner responded with information on the adjacent property at 6137 Lundy's Lane which has a Part IV designation under the *Ontario Heritage Act* (OHA) and a heritage easement (see Sections 7.2 and 7.3). A hand drawn map depicting the study area and Fralick's Tavern within the context of the Battle of Lundy's Lane battle lines and fronts was provided (see Figure 1).

ARA also reached out to the OHT on May 19, 2023 regarding the heritage easement on 6179 Lundy's Lane and as of the time of writing of this report no response has been received. While no reply has been received to date, a copy of the OHT easement was provided by the City of Niagara Falls (see Section 7.2 and Appendix D).

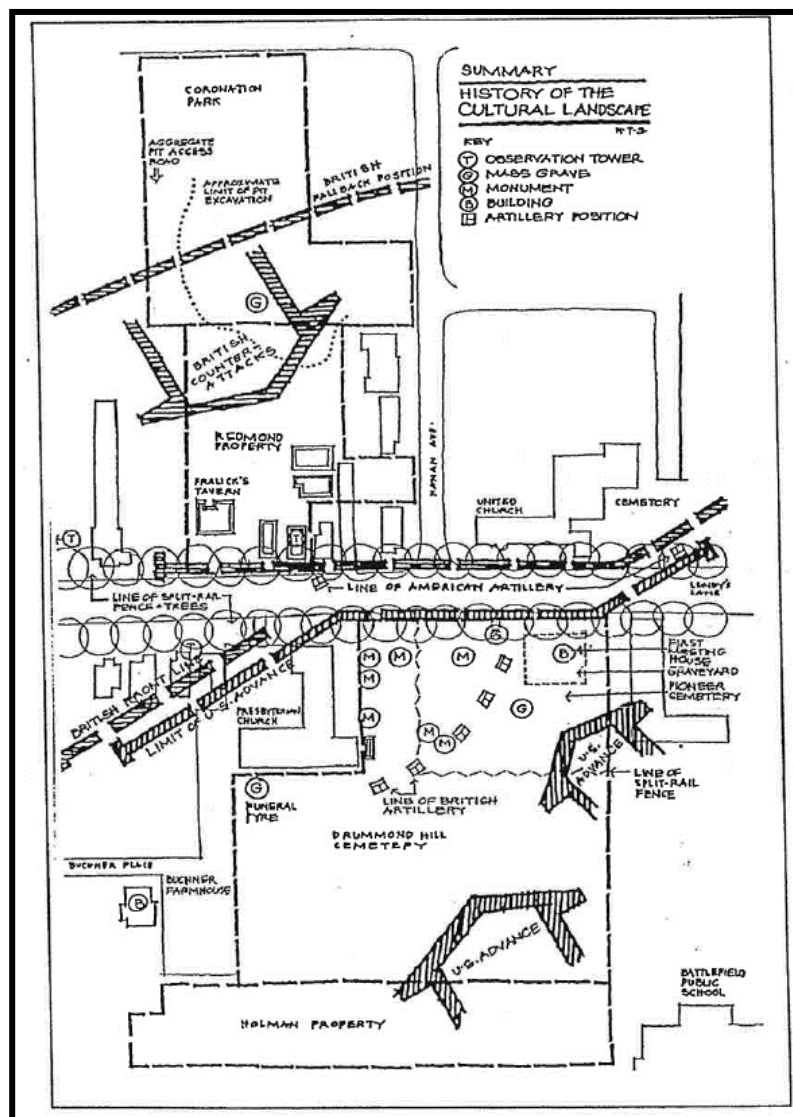


Figure 1: Map of the Battle of Lundy's Lane  
(CHRM 1998:13)

#### **4.0 FIELD SURVEY**

Two field surveys were conducted: first was a preliminary site visit conducted by K. Jonas Galvin on February 21, 2023, and second was a full site visit performed by J. McDermid on October 20, 2023, to photograph and document the project location and adjacent property at 6137 Lundy's Lane, to record any local features that could enhance ARA's understanding of their setting in the landscape and to contribute to the cultural heritage evaluation process. ARA staff received permission to enter 6179 Lundy's Lane (the subject property) to conduct the field survey. Given the adjacent property at 6137 Lundy's Lane is a public, no permission to enter was necessary. Photographs can be found in Appendix A.

## **5.0 DESCRIPTION OF BUILDINGS AND STRUCTURES – PROJECT LOCATION 6179 LUNDY'S LANE**

The subject property at 6179 Lundy's Lane, also known as "The Highlander Inn," on the north side of Lundy's Lane contains a two-storey motel. The motel is surrounded by manicured lawn, parking lots, open parkland, and low-scale commercial and residential properties. The motel is set close to the road and is on grade with the road level (see Image 1–Image 20).

### **5.1 Context**

6179 Lundy's Lane is bound to the south by Lundy's Lane and to the west by a commercial strip mall (see Image 1). Coronation Park and low-density residential lots are located to the rear of the subject property, and it is bounded on the east by Fralick's Tavern/Battleground Hotel Museum and Battlefield Park, which have heritage recognition by various municipal, provincial, and national agencies (the City of Niagara Falls, the OHT, and Parks Canada). The site and general area is denoted by a large sign that spans Lundy's Lane as a gateway feature (see Image 2). In general, the character of the area is a mix of 19<sup>th</sup> and early 20<sup>th</sup> century residences on large lots, a church and cemetery, as well as the more recent commercial area at the crossroad of Lundy's Lane. Topographically, the area is located at the top of the Lundy's Lane hill, sloping downward to the north and east.

### **5.2 Arrangement of Buildings and Structures**

The subject property is accessed from Lundy's Lane. An asphalt parking lot runs the length of the east side of the property and a narrow strip of grassed lawn is separated from the designated property by a white picket fence (see Image 7, Image 8). The grassed area contains some motel amenities including a gazebo and a fire pit area. The motel office fronts Lundy's Lane (see Image 6) with the motel structure running north-south on the west side of the parcel.

### **5.3 Landscape Features**

6179 Lundy's Lane is set close to Lundy's Lane and pedestrian sidewalk (see Image 9). The subject property slopes upwards towards the adjacent heritage property to the east, and downward toward the rear (see Image 10 Image 13). The north property boundary is indicated by a chain-link fence and a pool (see Image 14). The landscape beyond the subject property consists of parkland (see Image 15 and Image 16).

### **5.4 Building Exterior**

The building is a two-storey narrow rectangular plan motel with a combination shallow gable and flat roof. The motel is clad with white bricks, the façade exhibits a red brick cross-shape pattern. The south elevation has a one-storey shallow gable roof vestibule with large window openings. The main public entryway is in the east elevation sheltered by the gable roof overhang. The west elevation closely abuts the commercial strip mall. The motel rooms occupy the first and second storeys and are accessed by exterior doors along the east elevation. Each room has a rectangular window opening. The second storey covered veranda is reached by exterior stairs (see Image 17 Image 19). A fenced pool facility is located directly behind the motel building (see Image 20).

## 6.0 DESCRIPTION OF BUILDINGS AND STRUCTURES – 6137 LUNDY'S LANE

The adjacent property at 6137 Lundy's Lane is designated under Part IV of the OHA, has an OHT Heritage Easement and is recognized by Parks Canada as a National Historic Site. The property contains Fralick's Tavern/Battleground Hotel Museum, a former residence that has a narrow setback from the road with landscaped open parkland containing paved walkways, numerous memorials, plaques, and commemorative markers explaining the significance of the battle of Lundy's Lane and the War of 1812 (see Image 21 – Image 40).

### 6.1 Context

6137 Lundy's Lane is on the north side of the road, immediately east of the project location. It is flanked on the north by Battlefield Park and Coronation Park, on the west by the commemorative Battle of Lundy's Lane sign that spans the road, and on the south by Lundy's Lane (see Image 21). Figure 1 illustrates the subject property at 6179 Lundy's Lane in relation to the Battle of Lundy's Lane, based on the Lundy's Lane Battlefield Master Plan (2018).

### 6.2 Arrangement of Buildings and Structures

The designated property at 6137 Lundy's Lane contains one building known as Fralick's Tavern or the Battleground Hotel Museum. The small building has a small setback facing Lundy's Lane neat the southwest corner of the property.

### 6.3 Landscape Features

The landscape can be described as sloping with grassy manicured lawn dotted with plantings and mature trees. Many interpretive plaques are located throughout the property, one of which commemorates the Battleground Hotel (Fralick's Tavern), located near the property boundary with the project location and reads: *"Circa 1830, Restored 2001 as the Canada Millennium Partnership Project of the Friends of the Lundy's Land Battlefield and the Millennium Bureau of Canada with the generous support of City of Niagara Falls, Casina Niagara Cares, Ontario Heritage Challenge Fund, Canada Post International Hockey Tournament"* and is followed by a number of other supporters' names (see Image 28). Other historical markers and commemorative objects are located throughout Battlefield Park's grassy lawn (see Image 29), stone features (see Image 30), and markers indicating the positions of combatants (see Image 31).

Fralick's Tavern is surrounded by a white picket fence (see Image 32, Image 36) and to the rear and east side is Battlefield Park with paved pedestrian pathways and mature trees (see Image 33). The park is terraced, the lower stairs to the rear of the property lead to Coronation Park, situated at the bottom of a steep rise or ravine (see Image 34). The topography of Battlefield Park slopes down to the north (see Image 35). The shared property line with the subject property hosts existing tall mature trees.

### 6.4 Building Exterior

The building is described in By-Law No. 2014-97 as *"...a one and a half storey building of the early 19<sup>th</sup> century [which] now functions as a cultural heritage museum at the centre of the lands involved in the 1814 Battle of Lundy's Lane. With its front temple façade and clear Classical revival elements the building was extensively restored in 2001 to its c. 1850 appearance"* (City of Niagara Falls 2014a; see Image 36). The building was originally T-shaped, but later two shed-roofed additions were constructed on each side, resulting in a more rectangular footprint.

Currently, Fralick's Tavern is a one-and-a-half storey square plan building with a side gable roof and symmetrical seven-bay façade and horizontal clapboard cladding on a rubble stone foundation. There is a centrally placed large gable roof dormer with return eaves and a small square window opening and shutters. The recessed entryway is covered by the gable roof supported by four (two engaged) columns (see Image 37). The single front entry is flanked by rectangular window openings. A red brick chimney is located on the east side of the building. The property is marked with two blue plaques, one of which designates the property as Fralick's Tavern (1836), a Heritage Landmark, and the other bilingual plaque notes that the property is a Heritage Conservation Easement Site recognized by the Ontario Heritage Foundation, and "*The heritage character and integrity of this property are protected by a legal agreement between the owner and the Ontario Heritage Foundation*" (see Image 38).

The shed-roof side and rear elevations exhibit rectangular window openings and door openings (see Image 39), a wood porch, stone and poured concrete stoops as well as exterior cellar access doors (see Image 40).

### **6.5 Architectural Style/Design**

The one-and-a half-storey frame side gable roof building with clapboard cladding is a representative example of a Classical Revival building (City of Niagara Falls 2014a; Appendix B for the full Statement of Significance and List of Heritage Attributes).

## 7.0 HERITAGE ASSESSMENT

The property located at 6137 Lundy's Lane is recognized and protected through several heritage mechanisms. It is recognized at the federal level as a National Historic Site (Parks Canada 2024b). It also has a heritage easement held with the Ontario Heritage Trust. Additionally, it is municipally designated under Part IV of the OHA through Designation By-law No. 2014-97. *Schedule B* of By-law No. 2014-97 provides the Statement of Cultural Heritage Value or Interest and Heritage Attributes. The full designation by-law can be found in Appendix C and transcribed in Section 7.3. See Sections below outlining the heritage recognition and protection mechanisms.

### 7.1 National Historic Site

The Battle of Lundy's Lane was recognized as a National Historic Site in 1937 (Parks Canada 2024b). Information provided on the National Historic Site includes:

**Existing plaque:** *on Lundy's Lane Monument in cemetery Niagara Falls, Ontario  
This was the site of the bloodiest battle of the War of 1812. On the afternoon of 25th July, 1814, Lieutenant-General Gordon Drummond with about 2800 men engaged the invading American army which had recently been victorious at Chippewa. The armies were evenly matched and the six-hour battle lasted until darkness and heavy losses put an end to the fighting. Each force had lost over 800 men. Although each claimed victory, the Americans had failed to dislodge Drummond from his position. They withdrew the next day, ending their offensive in Upper Canada.*

#### **Description of the Historic Place**

*The Battle of Lundy's Lane National Historic Site of Canada is located in Niagara Falls, Ontario. The battle occurred on July 25, 1814 on what was a rise of clear farmland surrounded by an orchard and forest, situated upon Lundy's Lane. The location of the site is now marked by a plaque located within Drummond Hill Cemetery. Lundy's Lane was the site of a major battle between the British and American forces in which the Americans, who were advancing after the Battle of Chippewa, attacked the British defensive position that they had taken up. Following a bitterly contested engagement, the Americans withdrew. The six-hour long battle was one of the bloodiest battles of the War of 1812 and marked the end of American offensive action in Upper Canada. Official recognition refers to a parcel of land in the City of Niagara Falls that is roughly four-blocks square and encompasses the site of the battle.*

### **Heritage Value**

*The Battle of Lundy's Lane was designated a national historic site of Canada in 1937. It is designated because: it was the bloodiest battle of the War of 1812; and, the Americans failed to dislodge the British from their position, ending the American offensive in Upper Canada.*

*In the summer of 1814, American forces crossed the Niagara River at Fort Erie to invade Upper Canada. Advancing northward along the Niagara River, they had initial success, defeating a British force at the Battle of Chippawa. The British under Sir Gordon Drummond regrouped and on the evening of 25 July, on Lundy's Lane almost within sight of Niagara Falls, the British regulars and Canadian fencibles and militia were attacked by the American forces. Throughout the evening the two armies attacked each other and the battle surged back and forth, especially around the field guns in what is now the Drummond Hill Cemetery. Both sides suffered heavy casualties but by midnight the Americans retired leaving the exhausted British and Canadians holding the field. The Battle of Lundy's Lane was the bloodiest and bitterest contest of the War of 1812 and it broke the American thrust in 1814 to take Upper Canada.*

The National Historic Site listing in the register has a series of **Character-Defining Elements** associated with site, which are:

- *its location within the limits of Niagara Falls;*
- *the setting on a grassed area of the Drummond Hill Cemetery where the plaque commemorating the site is located;*
- *the location and integrity of the monument to the battle erected in 1895, and the three tablets fixed to the monument in 1935 that bear the names of the officers and soldiers of the regular regiments of the British Army and Canadian militia killed in action during the engagement; and*
- *the integrity of any surviving or as yet unidentified archaeological remains which may be found within the site in their original placement and extent (Parks Canada 2024b).*

It should be noted that no mapping is provided with the above statement of cultural heritage value.

## **7.2 Ontario Heritage Trust Easement**

6137 Lundy's Lane is protected through a heritage easement held with the Ontario Heritage Trust under Part II of the OHA. The easement agreement was signed and enacted in 1996 and it was stated to be for 6151 Lundy's Lane, which later became 6137 Lundy's Lane. The heritage easement can be found in Appendix D. While Fralick's Tavern is noted on a hand drawn map within the easement document, no Heritage Attributes are listed.



### 7.3 Designation By-law 2014-97

The City of Niagara Falls provided the designation By-law No. 2014-97 for 6137 Lundy's Lane and it is summarized below (see Appendix C for the full designation by-law):

#### **Description of Property – Battleground Hotel, 6137 Lundy's Lane**

The Battleground Hotel is a one and a half-storey building of the early 19th century and now functions as a cultural heritage museum at the centre of the lands involved in the 1814 Battle of Lundy's Lane. With its front temple façade and clear Classical revival elements the building was extensively restored in 2001 to its c. 1850 appearance.

#### **Statement of Cultural Heritage Value or Interest**

The land on which the former hotel was built had originally belonged to Thomas Millard Sr., one of the first ten settlers in the Stamford Township. In 1836, Adam Fralick purchased approximately 20,000 sq. ft. (1,858 sq. m.) of this land for the purpose of constructing a tavern. Offering lodging, food and drink to travelers, the business quickly benefited from its location on the Historic Lundy's Lane Battlefield, and Fralick's also owned the adjacent Battlefield observation tower. What began as a simple storey and a half dwelling was further expanded to accommodate a growing number of tourists.

The Hotel continued to be passed through the Fralick family until it was sold to Jame A. Lowell in 1898. Eventually, the lot was acquired by Ruth Evelyn Redmond, who donated the land and building to the City in 1996. As a testament to the City's earliest forms of tourism, the Battleground Hotel remains a noteworthy site in one of the most historically significant areas of Niagara Falls.

Consistent with the Classical revival style, the building is symmetrical in appearance and features a seven bay façade. Originally consisting of a "T" shaped structure, the "T" shaped void was later filled in by two single storey structures with lean-to roofs, behind the east and west wings. The primary gable contains a recessed centre porch, and forms a classical temple façade. This umbrage is supported by two Doric order columns, and contains three points of entry, most likely reflecting the building's use as an inn. The centre door features six raised panels and two incised panel pilasters with simple capitals supporting a plain stepped entablature. Along the front (south) façade are six 12 over 12 restored windows, as well as three 9-light windows along the south facing gable end. The fenestration for the east, west and north elevations consist primarily of 12 over 1 and 8 over 8 sash. The trim of the windows are plain and flat, and feature louvered shutters fixed with a centre cross-rail.

Constructed on a rubble stone foundation, the structure is finished with clapboard siding, and features frieze, sill and beaded corner boards in the same colour and material. Eave returns, another element of the Classical revival style, are also evident. Galvanized copper roofing is used on the east side of the Tavern's leanto to avoid weather complications associated with the shallow pitch, whereas cedar shingles comprise the primary and south facing gable ends. A remnant of the Cornice gutter was found insitu in the attic area formed by the western leanto-roof. Inside, the east parlour retains its fireplace and mantel with pilasters, baseboards and trim, and panels beneath the windows. A simple, yet early, banister is intact on the second floor, as well as the sponge painted walls on the first floor. Evidence of split lath and plaster, an early construction technique, was found in some locations.

The Battleground Hotel is one of many historical sites designated for its heritage value in the area due to its association with the 1814 Battle of Lundy's Lane. Although the building had been built after the Battle had occurred, its creation and success were directly impacted by the Battle's legacy. Furthermore, both the building and its original owner, Adam Fralick, had heavily assisted in the development of early tourism in the Niagara Region. With Fralick's construction of a third observation tower in the area and the Hotel's commercial success, the structure is instrumental to understanding the history and evolution of tourism in the City of Niagara Falls.

### **Description of Heritage Attributes**

Key exterior features that embody the heritage value and are important to the preservation of 6137 Lundy's Lane include the following heritage attributes:

- primary gable with eave returns typical of the Classical revival style
- central front door with simple square profiles featuring 6 raised panels, two pilasters with heavy cornice, and a plain stepped entablature
- temple façade form, characteristic of Classical Revival style, supported by two Doric order columns (restored)
- symmetrical façade with a seven-bay arrangement providing a balanced appearance
- 12 over 12, 12 over 8, and 8 over 8 sash window arrangement and fixed louvered shutters
- refurbished clapboard siding
- rubble stone foundation
- cornice gutters restored on second floor roof
- cedar shingles used on the primary gable and south facing gable end
- retained interior features in the east parlour, including a fireplace with mantle, baseboards and trim and panels beneath the windows
- Original banister and sponge painted walls
- association with Adam Fralick, owner of the house and key player in the development of early tourism in the Niagara region
- proximity to other properties designated for their heritage value in relation to the Battle

Potential impacts to these attributes by the proposed construction are examined in Section 9.0.

## 8.0 PROPOSED DEVELOPMENT

### 8.1 Proposed Development Description

A design revision was submitted in September 2024 with some changes as a result of this HIA's recommendations. Specific changes to the design include: an additional floor level, making the building ten storeys. In an attempt to mitigate the impact on 6137 Lundy's Lane, the design was revised as follows: 1) *Step-back design has been introduced at the south east corner towards 6137; and 2) Brick walls have been added at the ground floor level, as well as on the balcony walls and the step-back facades at the upper levels. The brick colour will be dark brown-red, similar to the brick colours on the facades of neighbouring buildings. Please refer to the elevations and 3D rendering.* (CY Lee Pers Comm 2024c).

The proposed development entails the redevelopment of the existing motel ("The Highlander Inn") at 6179 Lundy's Lane. The proposal requires the demolition of the existing motel to be replaced with a ten-storey mixed use building with retail on the ground floor and 144 dwelling units above grade (see Figure 2). The proposed development includes 159 parking spaces; 141 underground for residential uses and 18 at grade to accommodate visitors and commercial uses. Access to the at-grade commercial and visitor spaces as well as the underground garage will be located on the east side of the property, where the parking lot is currently located (see Figure 3). The at-grade floor plan can be seen in Figure 4, and additional proposed floor plans can be found in Figure 5, Figure 6 and Figure 7.

Bird's Eye Views of the proposed development illustrate the massing and scale of the proposed ten-storey building and parking area in relation to the surrounding landscape; specifically to the adjacent designated property and historical site to the east (see Figure 8). The Conceptual Building Drawing of the proposed development also illustrates the massing and scale of the proposed ten-storey building in a rendering with Fralick's Tavern (Figure 2).

The south elevation or façade of the proposed building is predominately vertical in massing with the first floor recessed under Levels 5 and up to the roof (see Figure 2). The step back in the upper southeast corner was incorporated as part of the September 2024 revision to the design. The first floor consists of horizontal bands of window openings interspersed with porch/balcony space (see Figure 2 and Figure 8). The building's main entrance is on the eastern portion of the façade recessed/under the tower and faces onto the adjacent designated property at 6137 Lundy's Lane (see Figure 2). The main entryway exhibits Doric Columns that echo the Neoclassical architecture of the adjacent designated property. Brick veneer is proposed as cladding at the ground floor level, as well as on the balcony walls and the step-back facades at the upper levels.

The north elevation at the rear of the proposed building is stepped up at a 45-degree angle (see Figure 11–Figure 12). The first floor of the west elevation of the proposed development has no openings (see Figure 13).

### 8.2 Shadow Study

Shadow studies were conducted for the property and are included in Appendix E (C.Y. Architect Inc. 2024b). The study concluded that the adjacent designated property of 6137 Lundy's Lane will incur shadow impacts as a result of the proposed redevelopment of 6179 Lundy's Lane in the late afternoon into the evening throughout the year (March, June, September and December 21). In MB1 Urban Planning (2023b) *Planning Justification Report Proposed Mixed Use Development*:

6179 Lundy's Lane, Niagara Falls, the shadow study is discussed as it relates to 6137 Lundy's Lane: *The shadow studies prepared as part of the architectural package...illustrate that the proposed building will have limited shadow impact on the low density residential uses to the north and the heritage property to the east* (MB1 Urban Planning 2023b:22; see Appendix E).

### 8.3 Design Rationale for Proposed Development

MB1 Urban Planning (2023b) detailed the proposed development design and its integration into the existing surrounding environment area in their Planning Justification report (PJR). The proposal for the development contains the following design elements to integrate it within the area:

- *The proposed building has been situated towards the west side of the Subject Property with the drive aisle, surface parking and below grade parking access along the easterly property line to provide spatial separation and buffering from the heritage property to the east;*
- *The proposed building steps down in height from the maximum of 10 storeys at the front property line to provide a 45-degree angular plane at the rear property line adjacent to the existing low density residential uses;*
- *The ground floor incorporates commercial uses with windows and entrances oriented towards the public realm; and*
- *The proposed building will provide a strong and animated street edge to enhance the quality of built form along this corridor* (MB1 Urban Planning 2023b:21-22).
- *The tenth storey was added to make up for lost units as a result of reimagining the step-back in the upper southeast corner of the 2024 proposed design* (CY Lee Pers Comm 2024b)

### 8.4 Land Use Planning Context

The PJR outlines various provincial, regional and municipal legislation and policies and guidelines related to all aspects of the proposed development (MB1 Urban Planning 2023b). Of particular relevance the adjacent heritage property are the *City of Niagara Falls Official Plan* sections discussing the Drummondville Node and the Lundy's Lane Satellite Tourist District.

#### 8.4.1 Drummondville Node and the Lundy's Lane Satellite Tourist District in the City of Niagara Falls Official Plan

The proposed development and the adjacent heritage property are situated within the Official Plan area defined Drummondville Node (City of Niagara Falls 2024a:1-8). As stated in OP Policy 3.11, the Drummondville node, along with the Downtown node, "have been identified through Community Improvement Plans as nodes for residential intensification."

While Policy 3.13 (City of Niagara Falls 2024a:1-8) notes development within the Drummondville Node "shall respect the existing built form of 4 storeys while allowing for intensification" it also states that:

*increases in building height may be considered for lands outside those designated for additional height through an amendment to the Zoning By-law, subject to the following criteria...:*

- *setbacks and separation distances are provided that are in character with adjacent properties so as to avoid or reduce impacts;*

- *the scale and massing of the proposed building respects the surrounding built form (City of Niagara Falls 2024a:1-8).*

Development to revitalize the Drummondville node is to be supported by City of Niagara Falls' Council and they are to "promote development that builds on the unique features and heritage aspects of the nodes" (City of Niagara Falls 2020:1-9).

And there is a detailed heritage related policy, Policy 3.14.3, for Drummondville and the Downtown which acknowledges these important historic centres stating:

*These nodes exhibit a rich architectural heritage comprised of several architectural styles and periods including buildings designated under the Ontario Heritage Act, as well as buildings or properties listed on the Municipal Register of Heritage Properties. Development adjacent to and surrounding any significant heritage properties shall be designed so as not to adversely impact on the character, quality or amenity associated with the heritage resource.*

*New development shall be of original design which reflects the character of the heritage buildings through consideration of massing, scale and, to a lesser degree, elements and details. Particularly in infill situations, new development, should respect the height, street wall setback and massing of adjacent heritage buildings and/or reintegrate those aspects of heritage design which have been lost in a particular street segment (City of Niagara Falls 2020:1-11).*

The Official Plan also presents information on Tourist Districts within the City of Niagara Falls. Section 4.2 of the Official Plan details four Satellite Districts within the City (2024a:2-24). 6179 Lundy's Lane is part of the Lundy's Lane Satellite District, and this District provides opportunities for cultural heritage preservation as noted in Policy 4.2.3 (2024a:2-24). "Defined roles and functions" are detailed in policies for the Lundy's Lane Satellite District including Policy 4.2.28 which states "The enhancement of the Lundy's Lane Battlefield site and its retention as a historically important open space together with other related historical uses such as the Lundy's Lane Museum shall be supported" (2024a:2-28).

#### **8.4.2 Land Use Planning Summary**

The planning rationale and intent for the proposed development at 6179 Lundy's Lane is described by MB1 Urban Planners as supportive of mixed use development as it will create an active streetscape and the above apartments will assist in meeting housing demand through intensification, and a way "...to more efficiently utilize the property through transit-oriented development that increases the population and employment density along the Lundy's Lane corridor and in the Drummondville node" (MB1 Urban Planners 2023b:21).



**Figure 2: 2024 Proposed Development at 6179 Lundy's Lane - Conceptual Building Drawing**  
(CY Lee Architects Ltd. 2024a)

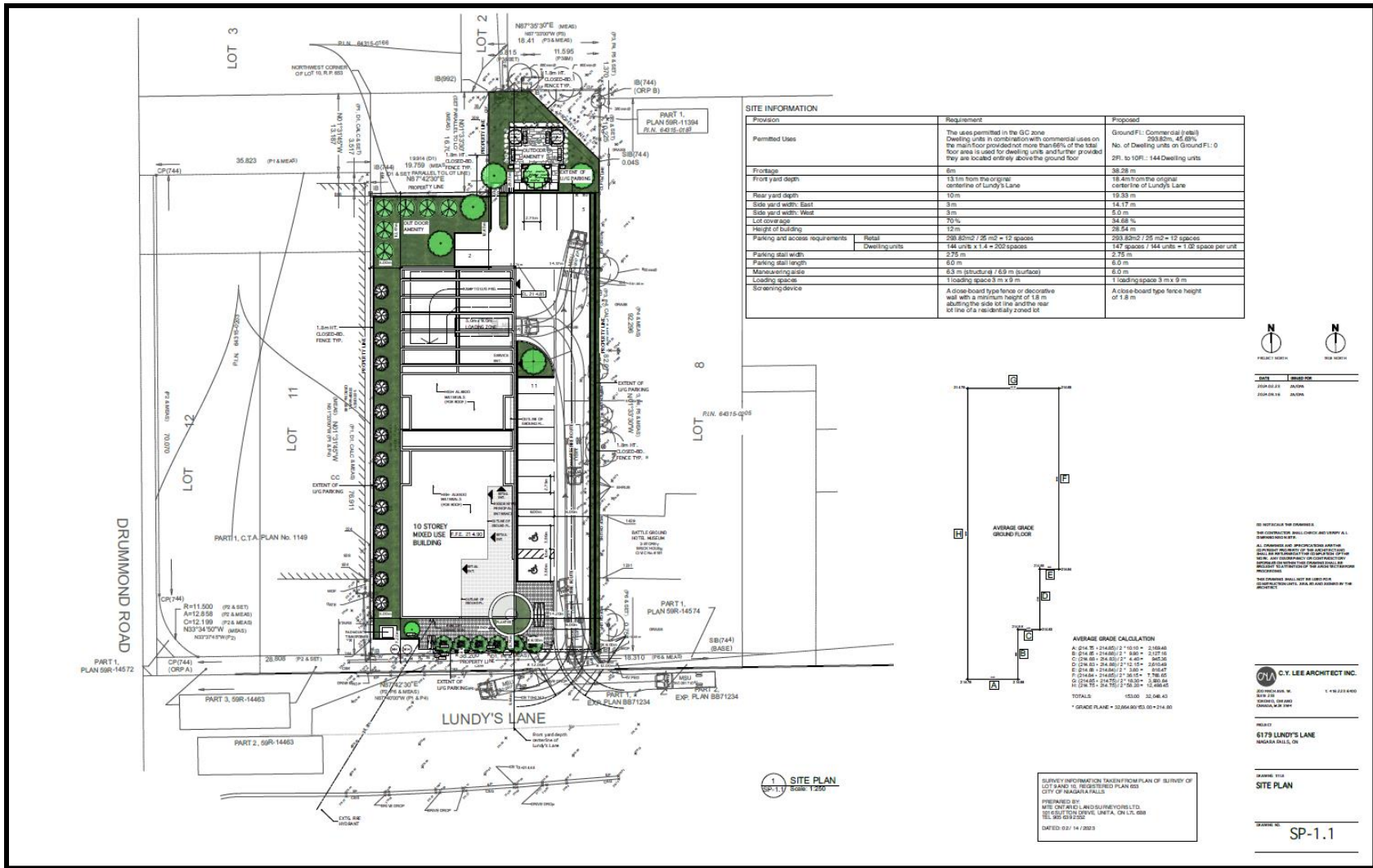
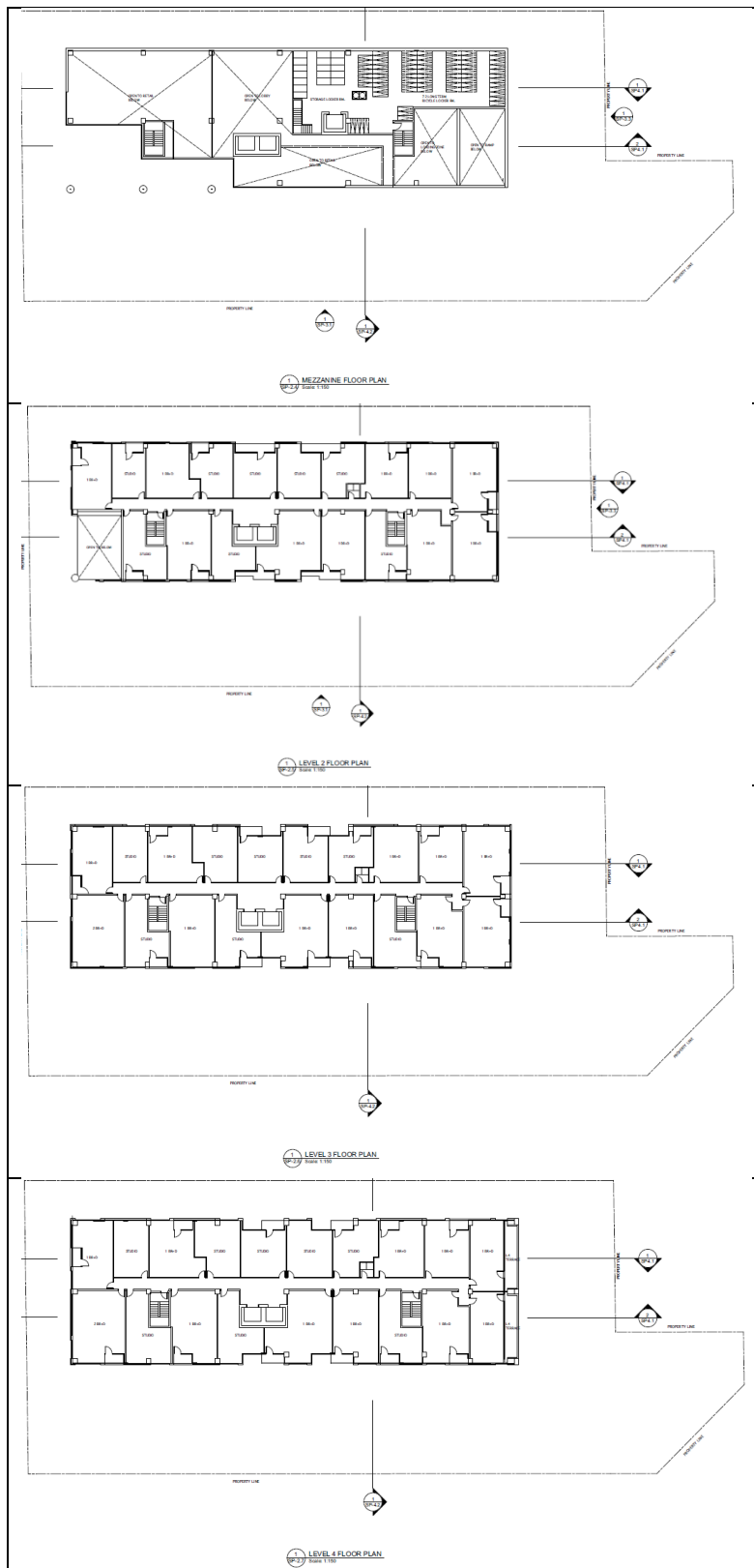


Figure 3: 2024 Proposed At-Grade Site Plan of 6179 Lundy's Lane (CY Lee Architects Ltd. 2024a)







**Figure 5: 2024 Proposed Development at 6179 Lundy's Lane - Floorplans of Mezzanine – Floor 5 (CY Lee Architects Ltd. 2024a)**

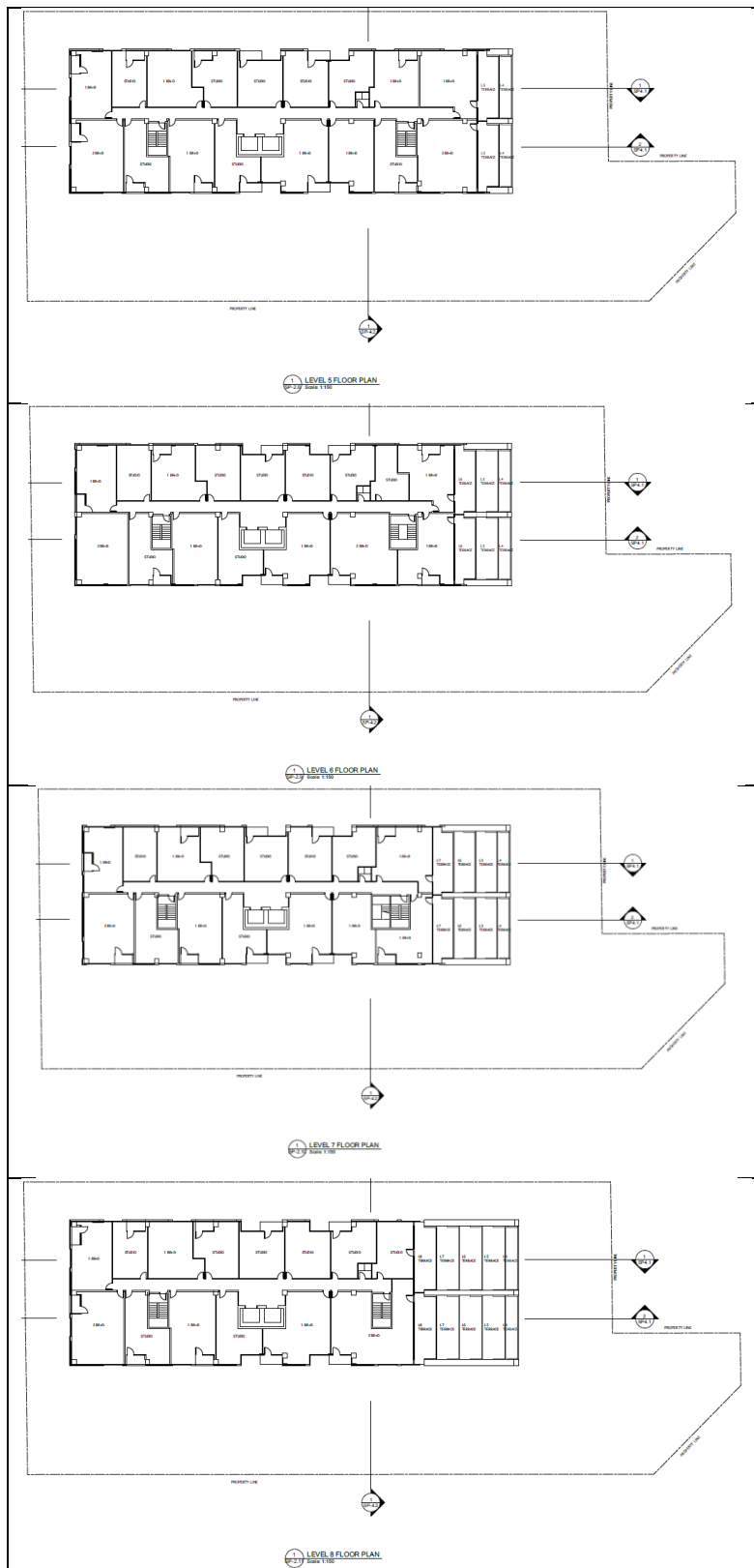


Figure 6: 2024 Proposed Development at 6179 Lundy's Lane - Floorplans of FI 5-8  
(CY Lee Architects Ltd. 2024a)

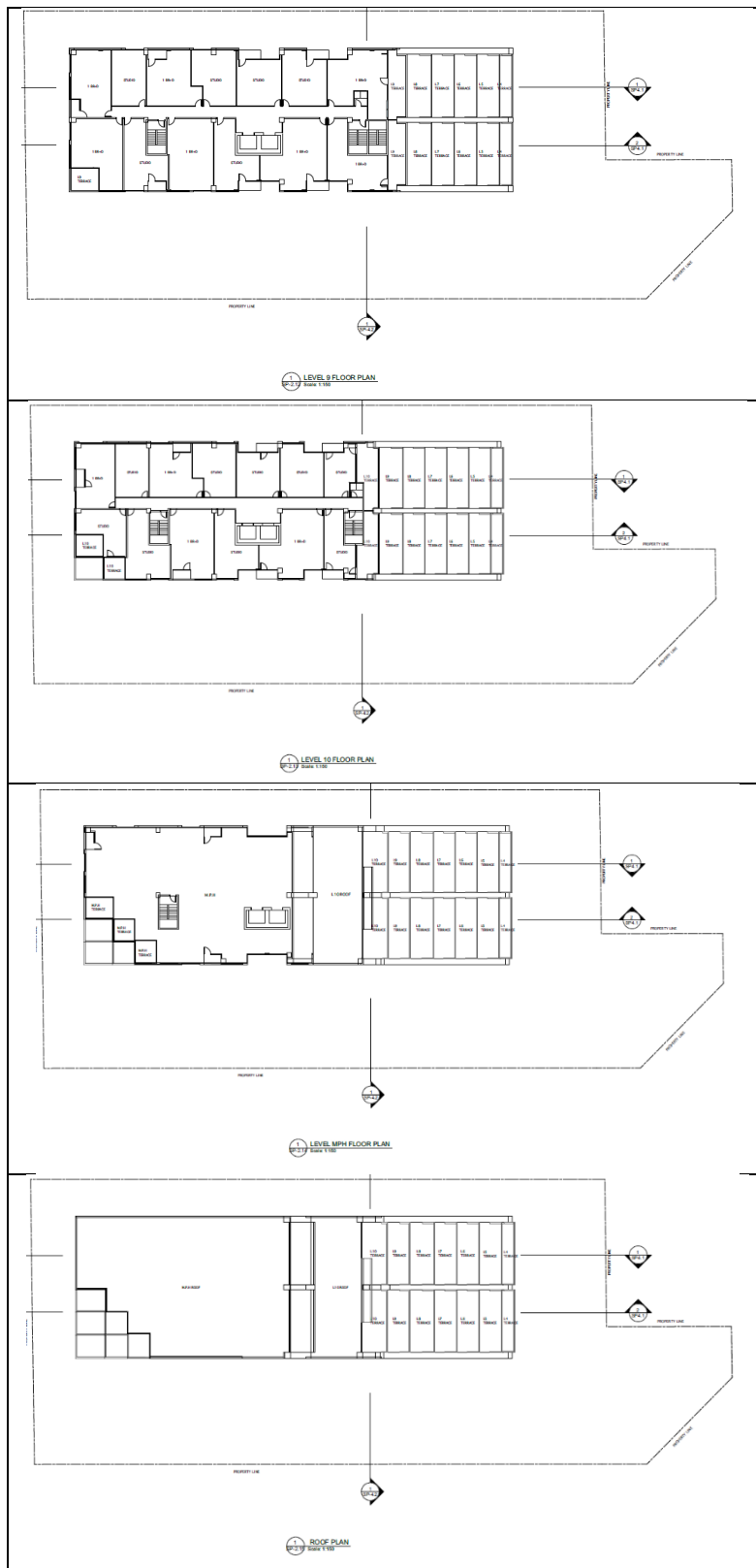


Figure 7: 2024 Proposed Development at 6179 Lundy's Lane – Floor 9 - Roof  
(CY Lee Architects Ltd. 2024a)



**Figure 8: 2024 Proposed Development at 6179 Lundy's Lane - Bird's Eye View**  
(CY Lee Architects Inc. 2024a)

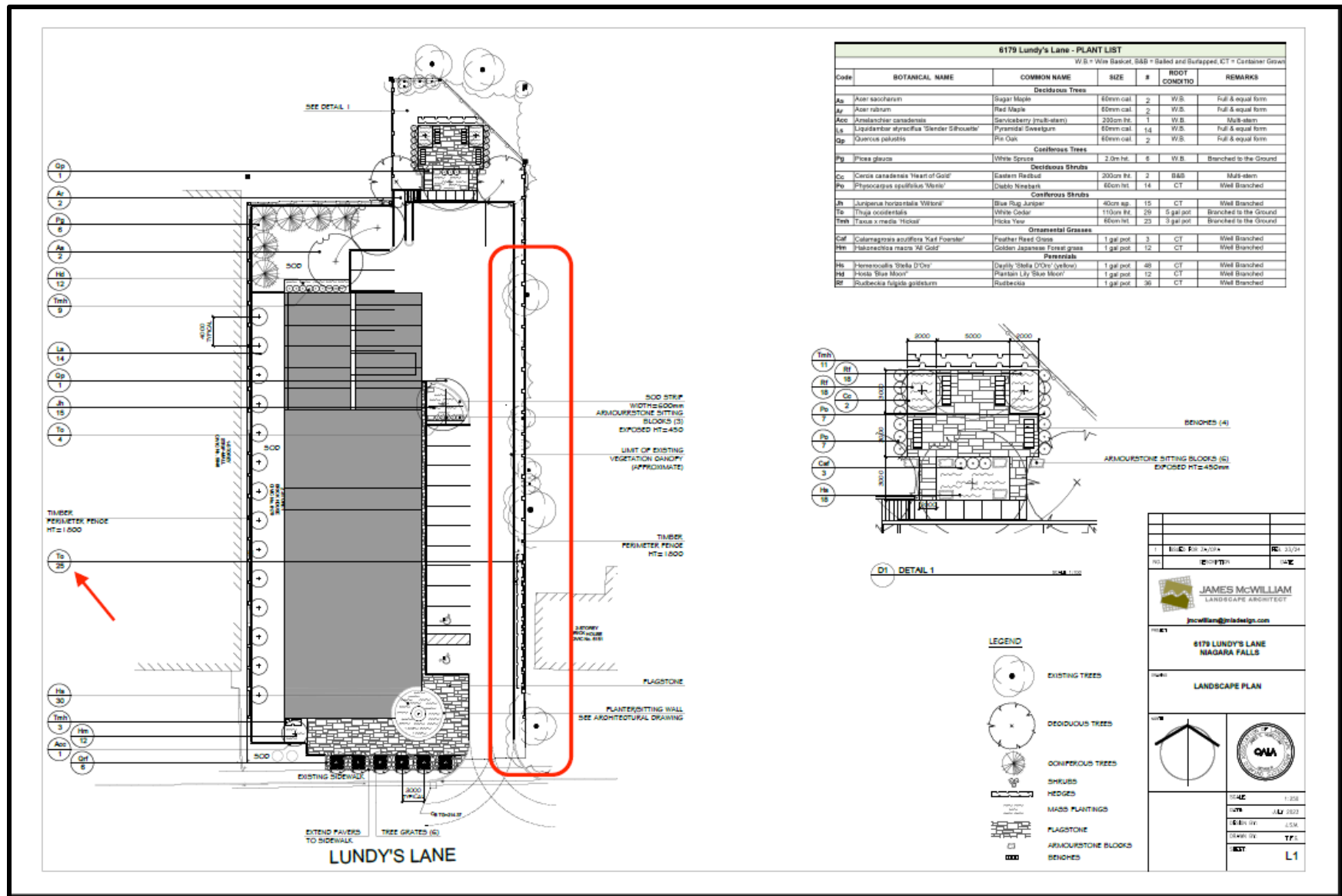


Figure 9: Landscape Plan of Proposed Development at 6179 Lundy's Lane (McWilliam 2024)



Figure 10: 2024 Proposed Development at 6179 Lundy's Lane - Façade  
(CY Lee Architects Inc. 2024a)

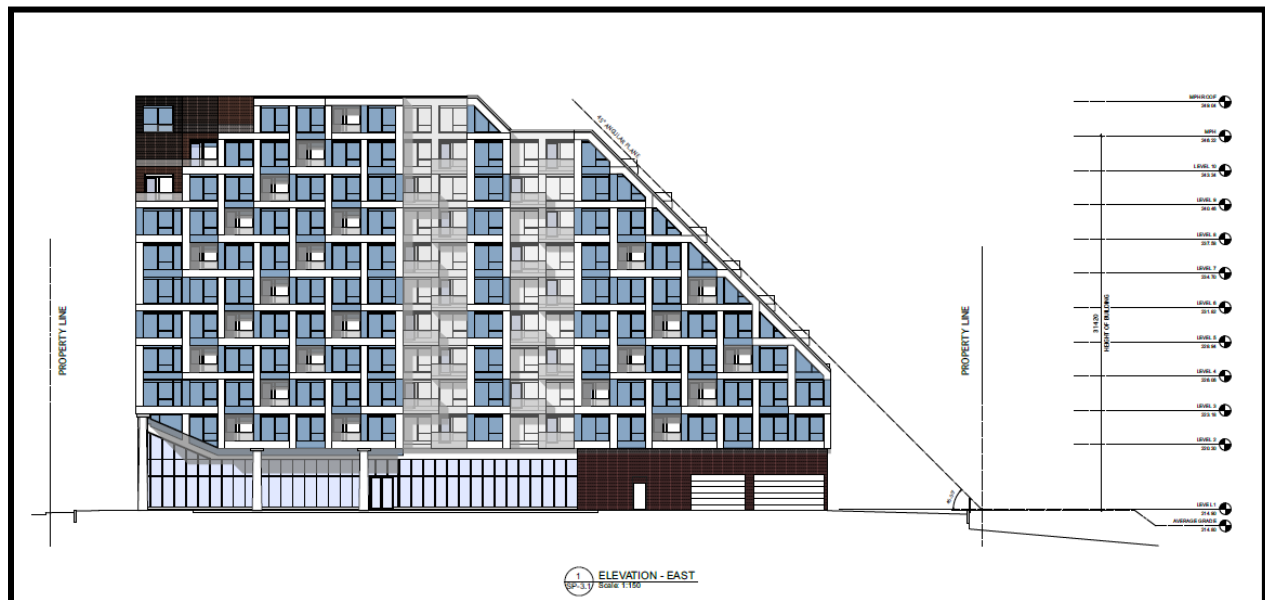


Figure 11: 2024 Proposed Development at 6179 Lundy's Lane - East Elevation  
(CY Lee Architects Inc. 2024a)



Figure 12: 2024 Proposed Development at 6179 Lundy's Lane - North Elevation  
(CY Lee Architects Inc. 2024a)

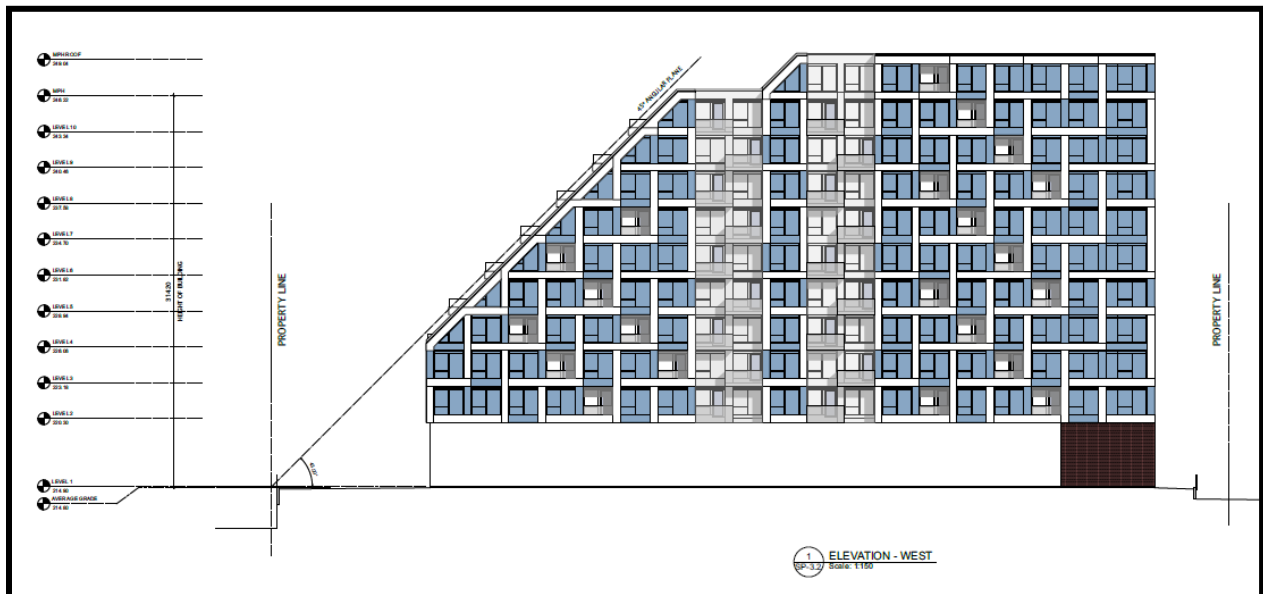


Figure 13: 2024 Proposed Development at 6179 Lundy's Lane - West Elevation  
(CY Lee Architects Inc. 2024a)

## 9.0 ANALYSIS OF POTENTIAL IMPACTS

The City of Niagara Fall's *Guide to Preparing Heritage Impact Assessments* (2014b) indicates the requirement to discuss the potential impacts the proposal may have on the site's heritage attributes. The *InfoSheet #5: Heritage Impact Assessments and Conservation Plans* (MCM 2006c:3) provides a list of potential negative impacts to consider when evaluating any proposed development or site alteration.

Impacts can be classified as either direct or indirect. Direct impacts (those that physically affect the heritage resources themselves) include, but are not limited to initial project staging, excavation/levelling operations, construction of access roads and renovations or repairs over the life of the project.

Indirect impacts include but are not limited to: alterations that are not compatible with the historic fabric and appearance of the area; alterations that detract from the cultural heritage values, attributes, character or visual context of a heritage resource such as the construction of new buildings; the creation of shadows that alter the appearance of an identified heritage attribute; the isolation of a heritage attribute from its surrounding environment; the obstruction of significant views and vistas; and other less-tangible impacts.

An assessment of potential impacts on the property at 6137 Lundy's Lane can be evaluated using the negative impacts presented in *InfoSheet #5: Heritage Impact Assessments and Conservation Plans* (MCM 2006). The impacts are examined below in Table 1.

**Table 1: Impact Evaluation for 6137 Lundy's Lane**  
(Adapted from MCM 2006b:3)

Type of Negative Impact	Applicable? (Y/N)	Comments
Destruction of any, or part of any, significant heritage attributes.	Yes	<p>There is no proposed destruction of any, or part of any, significant heritage attributes of the listed heritage attributes of 6137 Lundy's Lane as a result of the proposed development.</p> <p>The motel at 6179 Lundy's Lane is proposed to be demolished, this is not considered an impact as the property is not designated or listed.</p> <p>Accidental impacts to 6137 Lundy's Lane as the result of movement of construction equipment is possible. Continued exposure to vibrations caused during the construction phase are also of concern.</p> <p>There is also a risk of accidental impacts from vehicles after construction phase given the proximity of the designated building to the parking lot and driveway entrance.</p> <p>There is a risk of impacts to the structural integrity of the Fralick Tavern building as a result of regrading of small earth embankment that appears to be immediately against the foundation of Fralick's tavern.</p>
Alterations to a property that detract from the cultural heritage values, attributes, character, or visual context of a heritage resource, such as the construction of new buildings that are incompatible in scale, massing, materials, height, building orientation or location relative to the heritage resource.	Yes	<p>The proposed development will detract from the visual context of the adjacent heritage property of 6137 Lundy's Lane and it is incompatible in scale, massing and height relative to the adjacent designated property at 6137 Lundy's Lane.</p>



Type of Negative Impact	Applicable? (Y/N)	Comments
Shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden.	No	The proposed development will create new shadows on 6137 Lundy's Lane in the late afternoon and evening throughout the year. Given there are existing tall mature trees on the property line that already cast these shadows on 6137 Lundy's Lane, no new shadows will be cast as a result of the proposed development. If the existing trees are retained according to the landscape plan (McWilliam 2024), no new shadow impacts are anticipated.
Isolation of a heritage attribute from its surrounding environment, context, or significant relationship.	No	The proposed development will not isolate any heritage attributes of the designated property at 6137 Lundy's Lane from the surrounding environment, context, or significant relationship.
Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features.	No	No significant views or vistas will be directly or indirectly impacted as a result of the proposed development as views or vistas are not included as heritage attributes of 6137 Lundy's Lane.
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 land use of the designated property at 6137 Lundy's Lane will not change.
Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect an archaeological resource.	No	The designated property at 6137 Lundy's Lane is located close to the shared property line. No land disturbance is anticipated on 6137 Lundy's Lane as a result of the construction work. The archaeology of 6179 Lundy's Lane is addressed in a separate report.

The redevelopment of the motel at 6179 Lundy's Lane into a proposed ten-storey mixed use commercial and residential building has the potential to indirectly impact the heritage attributes of the designated property at 6137 Lundy's Lane as follows:

- Impact 1 – There is the potential for impacts to heritage attributes of 6137 Lundy's Lane, resulting from accidental damage during construction
- Impact 2 – There is the potential for impacts from vibrations during construction.
- Impact 3 – There is the potential for accidental impacts to the heritage attributes of 6137 Lundy's Lane as a result of the construction phase work to address the grade change between the lots
- Impact 4 – There is the potential for accidental impacts as a result of vehicular collisions.
- Impact 5 – The proposed development will detract from the visual context of the adjacent heritage property of 6137 Lundy's Lane and it is incompatible in scale, massing and height relative to the adjacent designated property at 6137 Lundy's Lane.

## 10.0 ALTERNATIVES CONSIDERED

As noted in Sections 1.0 and 8.1, the current 2024 proposed redevelopment is a September 2024 iteration of the previous 2023 design, which was recently revised in consideration of heritage impacts noted within this HIA report (CY Lee Architects Ltd. 2024, see Appendix B and Figure 14). In an attempt to mitigate the impact on 6137 Lundy's Lane, the design was revised as follows: 1) *Step-back design has been introduced at the south east corner towards 6137; and 2) Brick walls have been added at the ground floor level, as well as on the balcony walls and the step-back facades at the upper levels. The brick colour will be dark brown-red, similar to the brick colours on the facades of neighbouring buildings. Please refer to the elevations and 3D rendering.* In addition to these design revisions, an additional floor level was added, making the building ten storeys high (CY Lee Pers Comm 2024b).

The current 2024 design reimagines the step-back featured in the 2022 rendering, and is a preferred design choice from the heritage perspective which works to reduce the solid massing from the façade, thus improving the visual impacts.

Before the current proposed alternative, there were two preceding designs, 1) 2022 Proposed Redevelopment (see Appendix B; Figure 14) and 2) 2023 Proposed Redevelopment (see Appendix B; Figure 15–Figure 24). The 2023 proposed redevelopment follows on the initial architectural design from January 2022. The 2023 proposed plan was revised to incorporate a recessed entryway, a preferred design choice for heritage as it reduces the solid massing that would have greater negative impact on the visual field of and from the designated property.

Inspiration for the current design *draws from the cascading beauty of Niagara Falls and Niagara Escarpment. Its architectural lines follow the 45-degree angular plane on the north side, maximizing the uniqueness of the building form while ensuring ample sunlight exposure for neighbouring properties. At ground level, active uses along Lundy's Lane include retail spaces and a residential lobby. The tapered Colonial (Doric) columns define the circular seating space and the retail space, and reinterpret the heritage building's architectural elements* (CY Lee Pers. Comm 2024). Retaining the step back at the front was considered by the current architect and developer; however, the current design has a different inspiration, noted above, as well as the following rationale that preclude this design feature: *there is no street-facing building facade that corresponds to the step-back design; the majority of buildings on Lundy's Lane consist of one or two-story street plaza structures with flat roofs, none of which exhibit a step-back façade; step-back facade will result in the loss of 8 to 10 residential units, which is a significant loss for the development; the abrupt and random step-back facade design is not consistent with the proposed overall design and massing* (CY Lee Pers. Comm. 2024). After some consideration, the step-back has been reimagined in the 2024 proposed design, with a single added storey to account for the residential unit loss.

Incorporation of cladding material similar to the horizontal cladding of Fralick's Tavern, noted as potentially providing horizontal visual relief to the proposed building's ground floor further softening the stark contrast of the modern vs. heritage aesthetic was also considered. As a result of consultation with the architect and developer, it was found that the use of horizontal cladding similar to Fralick's Tavern is not feasible because *clapboard material cannot be used for 9 storey building due to Ontario Building Code requirements for the non-combustible materials* (CY Lee Pers. Comm. 2024).

While suggested use of clapboard in the current design was ruled out as a feasible option, the 2024 design has instead incorporated brown-redbrick into some elevations as described by the

architect: *Brick walls have been added at the ground floor level, as well as on the balcony walls and the step-back facades at the upper levels. The brick colour will be dark brown-red, similar to the brick colours on the facades of neighbouring buildings. Please refer to the elevations and 3D rendering.* This brick cladding can be considered as sympathetic to the overall late 19<sup>th</sup>-mid 20<sup>th</sup> century character of buildings across the street, and the red brick chimneys on the adjacent designated building at 6137 Lundy's Lane.



**Figure 14: Original 2022 Rendering (left) and 2023 Rendering (centre) and Current 2024 Rendering (right)**  
(left: AAA Architects 2022 and centre: MB1 Urban Planning 2023 and CY Architects Inc. 2024)

## **11.0 MITIGATION MEASURES**

If potential impacts to identified heritage resources are determined, proposed conservation or mitigative/avoidance measures must be recommended “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)” (City of Niagara Falls 2014b:2). The MCM’s *InfoSheet #5: Heritage Impact Assessments and Conservation Plans* (2006c:3) lists several methods of minimizing or avoiding negative impacts. The following mitigation measures are recommended. Some mitigation measures noted below should be implemented during the Site Plan approval process, or during building permit process.

### **11.1 Structural Engineer (Impact 3)**

An engineer should be retained prior to construction work in order to assess any structural impact to Fralick’s Tavern as a result of potential grade changes along the shared property boundary. Findings of the engineering report should be implemented and flagged within the Temporary Protection Plan (see below). It is noted that this mitigation measure should be implemented during the Site Plan approval phase.

### **11.2 Temporary Protection Plan (Impact 1)**

To protect 6137 Lundy’s Lane during the construction period of the proposed new buildings, a Temporary Protection Plan (TPP) should be developed. The heritage attributes should be marked on the construction plans. Temporary construction fencing should be erected as a buffer along the entire shared property boundary between 6179 and 6137 Lundy’s Lane. The fencing should be erected at a sufficient distance to ensure that there will be no direct or indirect impacts to Fralick’s Tavern or the park landscape as a result of the construction activities or equipment. The TPP should also include a communication protocol that details who needs to be informed about the heritage attributes and who should be contacted if there is an issue. The TPP should include a plan for potential physical impact (i.e., a plan if there is any damage resulting from machinery). Currently, there is the potential for accidental physical impacts. The TPP protocol should address the possibility of physical impacts and will outline who to contact if an impact occurs and that proper repairs would be required to return the building to its previous condition. It is noted that this mitigation measure should be implemented during the Site Plan approval phase.

### **11.3 Vibration Monitoring (Impact 2)**

Construction activities associated with the current proposed development have the potential to create vibrations that could impact the cultural heritage resource located at 6137 Lundy’s Lane. With respect to vibrations, the Zone of Influence (ZOI) is considered the area of land which is within or adjacent to a construction site and in this case would include 6137 Lundy’s Lane. A ZOI study identifies building/s which may require vibration monitoring during the construction phase to which monitoring strategies can be determined. For example, the City of Toronto By-law 515-2008 To amend City of Toronto Municipal Code Chapter 363, Building Construction and Demolition, with respect to regulations of vibrations from construction activity provides an example of a detailed vibration assessment method and criteria. Typically, a ZOI study is carried out after site plan approval and construction methods and equipment is known and prior to the construction phase. To mitigate any potential impacts caused by vibrations, it is recommended that City of Niagara Falls staff determine if a ZOI study is required and when this step will be required. It is noted that this mitigation measure should be implemented during the Site Plan Agreement phase.

#### 11.4 Landscape Screening/Buffer (Impact 4 and Impact 5)

The creation of or maintenance of existing buffer zones is noted as a method of minimizing or avoiding negative impacts to a property (MCM 2006c:4). A vegetative buffer between the 6179 Lundy's Lane and the adjacent heritage property will assist with reducing, but not eliminating, the visual impact of the modern design and scale of the proposed new building. Vegetative screen is proposed to enhance the separation between the proposed new building and 6137 Lundy's Lane.

Currently, the proposed landscape plan (Figure 9) illustrates the planned screening buffer that includes wood board fence and a row of white cedar trees next to board fence. The visual impact is further mitigated within the proposed landscape plan with the conservation of the existing trees that are noted as 40-60 feet tall.

Concrete planters, fencing, wall and/or bollards can be installed to mitigate the risk of accidental physical vehicular impacts. The design should be sympathetic to the heritage attributes of 6137 Lundy's Lane.

#### 11.5 Design Considerations (Impact 5)

The current proposed development is an alteration of the adjacent lots which detracts from the visual context of the surroundings and is incompatible in scale, massing and height relative to 6137 Lundy's Lane. The MCM's *InfoSheet #5: Heritage Impact Assessments and Conservation Plans* (2006c:4) lists several specific methods of minimizing or avoiding a negative impact on a cultural heritage resource. Some of the methods to minimize negative impacts on a cultural heritage resource include integrating design elements through massing, setback, and materials, and adding buffer zones.

The general character of the area exhibits buildings with varying setbacks and height from low profile one storey strip mall and the one-and-a-half storey craftsman house to the taller massing of a redbrick church with a tower and tall water tower across the road. Despite this variable context, the scale, massing and height of the proposed ten-storey building remains in contrast to the heritage property at 6137 Lundy's Lane.

Section 10.0 provides an analysis of proposed previous and current designs as well as design alternatives that were considered and determined to be not feasible. Some elements from each design were noted to be preferable as mitigations to potential impacts to the heritage attributes of 6137 Lundy's Lane. Some suggested mitigative design elements were discussed including massing and materials/decorative elements as follows: 1) cladding and columns; 2) recessed entryway and 3) step back of façade. See Section 10.0 for alternatives that were considered.

The proposed development appears starkly modern in relation to the to adjacent heritage property and surrounding neighbourhood (Figure 2–Figure 13). The document *Urban Design: Street Wall Articulation*, outlines that “articulation of building facades...creating visual interest and maintaining the pedestrian scale” should be accomplished, and that it is beneficial to “vary and articulate building massing and façades to contribute to a fine-grained, pedestrian scale environment at the street level while avoiding uninterrupted blank walls along all building facades” (San Diego 2018). In practical terms the plain unfluted doric columns in the current proposed plan echo and give reverence to the Neoclassical design of Fralick's Tavern, this design feature is preferred from a cultural heritage perspective, and can help mitigate the visual impact.

As noted at the end of Section 10.0, the revised September 2024 Design had now included red-brown brick cladding *at the ground floor level, as well as on the balcony walls and the step-back facades at the upper levels. The brick colour will be dark brown-red, similar to the brick colours on the facades of neighbouring buildings.* This brick cladding can be considered as sympathetic to the overall late 19<sup>th</sup>-mid 20<sup>th</sup> century character of buildings across the street, and the red brick chimneys on the adjacent designated building at 6137 Lundy's Lane.

The recessed entryway with neoclassical design elements like unfluted columns works to minimize the impact of the scale and height of the current proposed development resulting in reduced visual impact.

## 12.0 SUMMARY STATEMENT AND CONSERVATION RECOMMENDATIONS

The project location at 6179 Lundy's Lane is not listed on the *City of Niagara Falls' Heritage Properties Register*. The adjacent property at 6137 Lundy's Lane is designated under Part IV of the Ontario Heritage Act (OHA) under By-law No. 2014-97 and is subject to a heritage easement held by the Ontario Heritage Trust, is federally listed as the Battle of Lundy's Lane National Historic Site and is on the *Canadian Register of Historic Places*.

The proposed development entails the demolition of the existing structure and the redevelopment of the property into a proposed ten-storey mixed use commercial and residential building with parking both underground and at-grade.

The proposed development at 6179 Lundy's Lane has the potential to have direct and indirect impacts on the adjacent heritage property at 6137 Lundy's Lane as follows:

- Impact 1 – There is the potential for impacts to heritage attributes of 6137 Lundy's Lane, resulting from accidental damage during construction
- Impact 2 – There is the potential for impacts from vibrations during construction.
- Impact 3 – There is the potential for accidental impacts to the heritage attributes of 6137 Lundy's Lane as a result of the construction phase work to address the grade change between the lots
- Impact 4 – There is the potential for accidental impacts as a result of vehicular collisions.
- Impact 5 – The proposed development will detract from the visual context of the adjacent heritage property of 6137 Lundy's Lane and it is incompatible in scale, massing and height relative to the adjacent designated property at 6137 Lundy's Lane.

Mitigation measures to address the potential impacts are suggested as follows:

- Retain a structural engineer prior to starting construction to assess potential structural impact to Fralick's Tavern as a result of any grade changes along the shared property boundary. This mitigation measure should be implemented during the Site Plan approval process.
- To protect the adjacent property at 6137 Lundy's Lane during the construction period of the proposed new building, a Temporary Protection Plan should be developed and distributed to demolition and construction personnel. This mitigation measure should be implemented during the Site Plan approval process.
- Protect the adjacent building 6137 Lundy's Lane by completing a Vibration Study to determine the Zone of Influence and if there will be any impacts on Fralick's Tavern at construction phase. A Zone of Influence study identifies buildings which may require vibration monitoring during the construction phase to which monitoring strategies can be determined and integrated into the Temporary Protection Plan. This mitigation measure should be implemented during the Site Plan approval process.
- Move forward with planned landscape screening/buffer and maintain existing tall trees on property line with 6137 Lundy's Lane as a method of minimizing negative visual impacts and incorporate the installation of concrete planters, fencing, wall and/or bollards into the landscape plan to mitigate the risk of accidental physical vehicular impacts during and after demolition and construction phase.



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Appendix A: Maps



**Map 2: Photo Location Map**  
(Produced by ARA under licence using ArcGIS® software by Esri, © Esri)



**Image 1: Contextual View Looking West Down Lundy's Lane from Subject Property**  
(Photo taken on October 20, 2023; Facing West)



**Image 2: Contextual View Looking East Down Lundy's Lane from Subject Property**  
(Photo taken on October 20, 2023; Facing East)



**Image 3: Adjacent Arts and Crafts Property at 6164 Lundy's Lane**  
(Photo taken on October 20, 2023; Facing South)



**Image 4: Adjacent Georgian Property at 6150 Lundy's Lane**  
(Photo taken on October 20, 2023; Facing South)



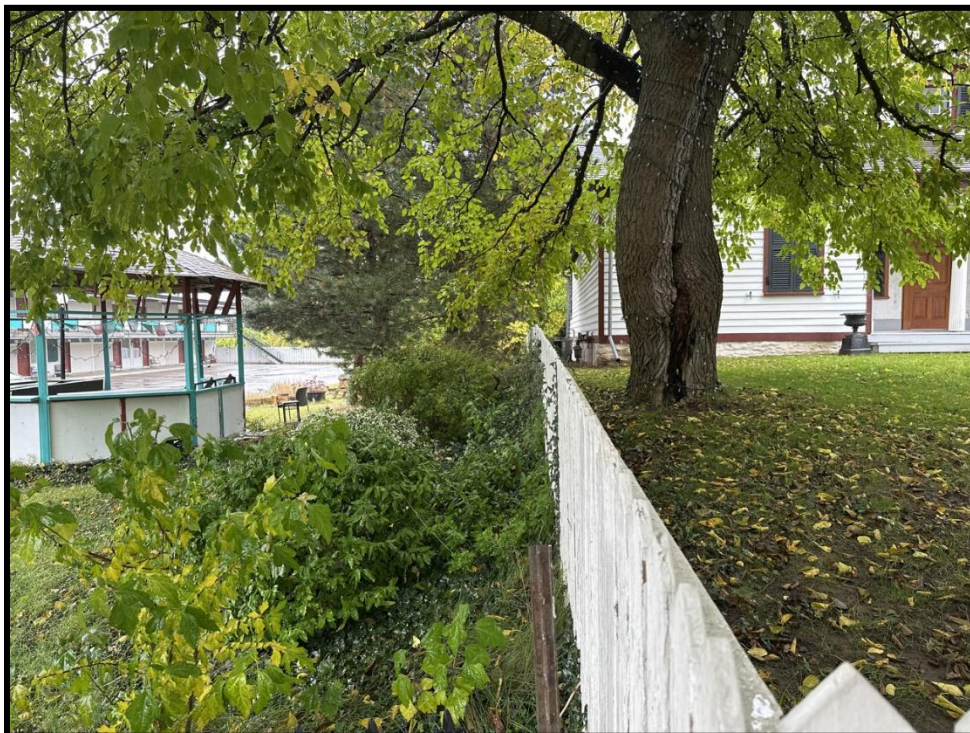
**Image 5: Adjacent Gothic Revival Church at 6136 Lundy's Lane, Built c. 1876**  
(Photo taken on October 20, 2023; Facing Southeast)



**Image 6: Motel Office, East Elevation, Parking Lot, and Gazebo**  
(Photo taken on October 20, 2023; Facing North)



**Image 7: Façade of Subject Property, Parking Lot, and Property Line**  
(Photo taken on October 20, 2023; Facing Southeast)



**Image 8: Subject Property and Proximity to Adjacent Heritage Resource**  
(Photo taken on October 20, 2023; Facing North)



**Image 9: Fence Between Pedestrian Sidewalk and Subject Property**  
(Photo taken on October 20, 2023; Facing Northwest)



**Image 10: Slight Rise in Topography Between Subject Property and Adjacent Heritage Property**  
(Photo taken on October 20, 2023; Facing North)





**Image 11: Parking Lot of Subject Property, Gazebo, and Property Line**  
(Photo taken on October 20, 2023; Facing South)



**Image 12: Manicured Grassy Area at Rear of Subject Property**  
(Photo taken on October 20, 2023; Facing North)



**Image 13: Motel and Parking Lot from Rise at Rear of Subject Property**  
(Photo taken on October 20, 2023; Facing South)



**Image 14: Overgrown and Wooded Fenceline of Subject Property**  
(Photo taken on October 20, 2024; Facing Northeast)



**Image 15: View from Rear of Subject Property**  
(Photo taken on October 20, 2023; Facing North)



**Image 16: View from Rear of Subject Property into Coronation Park**  
(Photo taken on October 20, 2023; Facing Northeast)



**Image 17: Subject Property at 6179 Lundy's Lane – South and West Elevations**  
(Photo taken on October 20, 2023; Facing Northeast)



**Image 18: Subject Property at 6179 Lundy's Lane – Façade**  
(Photo taken on October 20, 2023; Facing Northwest)



**Image 19: Subject Property at 6179 Lundy's Lane – Façade and Parking Lot from Property Line**  
(Photo taken on October 20, 2023; Facing Northwest)



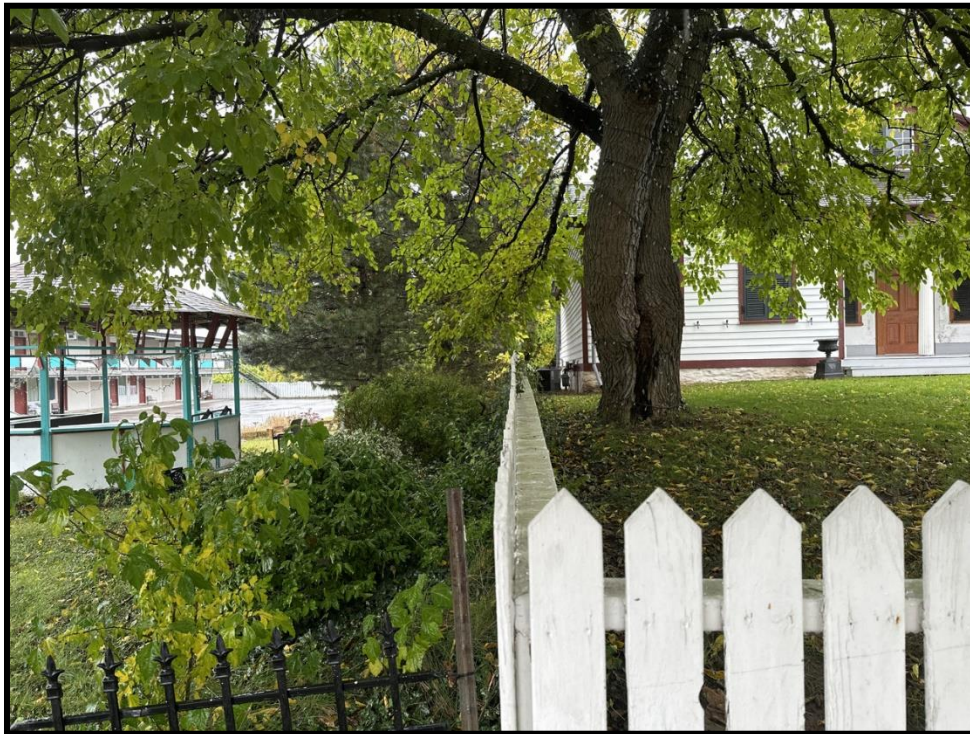
**Image 20: Subject Property at 6179 Lundy's Lane – Pool at Rear of Motel**  
(Photo taken on October 20, 2023; Facing Northwest)



**Image 21: Contextual View Looking East Down Lundy's Lane from Adjacent Heritage Property**  
(Photo taken on October 20, 2023; Facing East)



**Image 22: Contextual View Looking East at Potential Adjacent Heritage Resources at 6137 Lundy's Lane**  
(Photo taken on October 20, 2023; Facing East)



**Image 23: Proximity of Adjacent Heritage Resource to Subject Property**  
(Photo taken on October 20, 2023; Facing North)



**Image 24: View of Adjacent Heritage Property Commemorating Battle of Lundy's Lane**  
(Photo taken on October 20, 2023; Facing Northwest)



**Image 25: Plaques and Commemoration of Battle Near Lundy's Lane Sign**  
(Photo taken on October 20, 2023; Facing East)



**Image 26: Commemorative Plaques on Battle Memorial**  
(Photo taken on October 20, 2023; Facing Southeast)



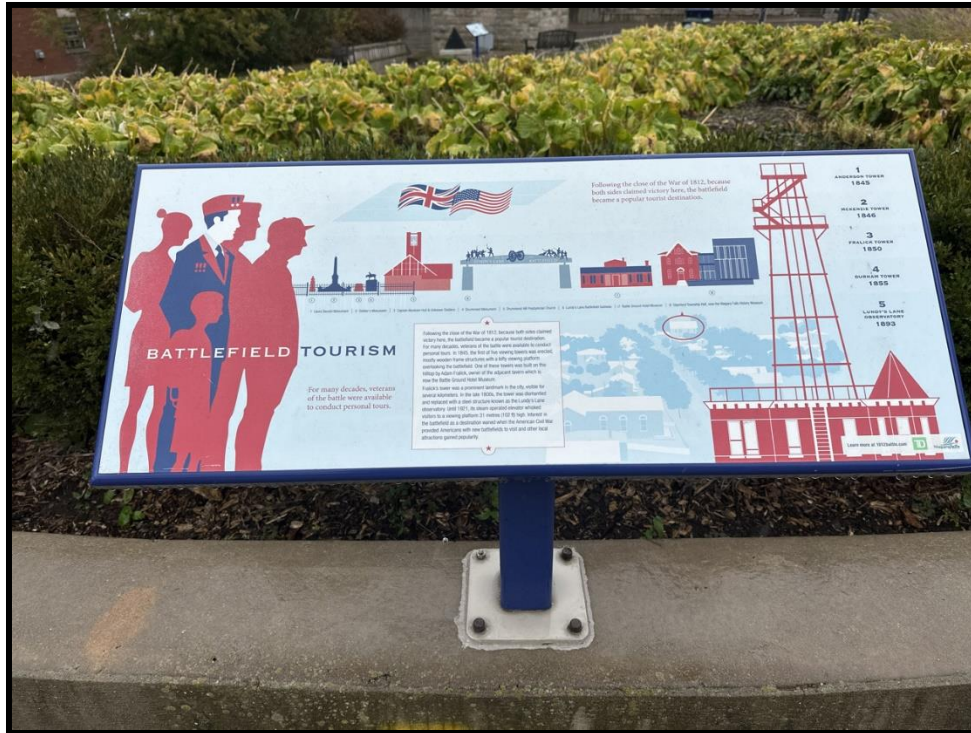


Image 27: Commemorative Plaques on Battle Memorial  
(Photo taken on October 20, 2023; Facing Southeast)



Image 28: Commemorative Plaque Near Boundary with Subject Property  
(Photo taken on October 20, 2023; Facing West)



**Image 29: Stone Feature - Buggy or Carriage Step**  
(Photo taken on October 20, 2023; Facing West)



**Image 30: Stone Monument Near Property Line with Subject Property**  
(Photo taken on October 20, 2023; Facing Southwest)



**Image 31: US Position Marker Illustrating History of Battle of Lundy's Lane**  
(Photo taken on October 20, 2023; Facing West)



**Image 32: Picket Fence and Lawn at Property Boundary**  
(Photo taken on October 20, 2023; Facing Northwest)



**Image 33: Manicured Lawn of Adjacent Park with Vegetation at Property Line**  
(Photo taken on October 20, 2023; Facing South)



**Image 34: Staircase and Paved Pathways Between Battlefield and Coronation Parks**  
(Photo taken on October 20, 2023; Facing Northeast)



**Image 35: Manicured Lawn, Interpretive Plaques, and Battle Memorial**  
(Photo taken on October 20, 2023; Facing South)



**Image 36: Façade of 6137 Lundy's Lane from Sidewalk**  
(Photo taken on October 20, 2023; Facing North)



**Image 37: 6137 Lundy's Lane – Façade**  
(Photo taken on October 20, 2023; Facing North)



**Image 38: 6137 Lundy's Lane – Heritage Landmark Plaque**  
(Photo taken on October 20, 2023; Facing West)

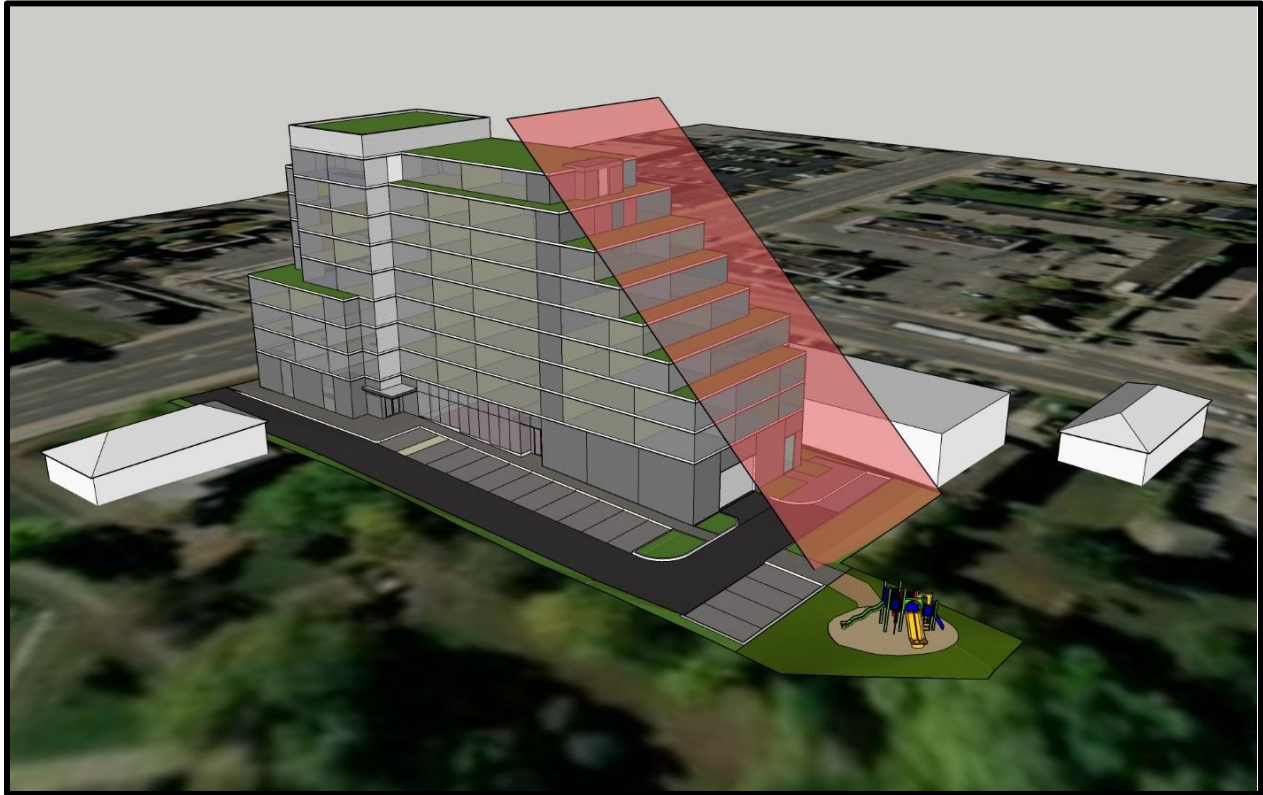


**Image 39: 6137 Lundy's Lane – East Elevation**  
(Photo taken on October 20, 2023; Facing West)



**Image 40: 6137 Lundy's Lane – Rear Elevation**  
(Photo taken on October 20, 2023; Facing West)

**Appendix B: Plans and Renderings for Alternatives Considered**



2022 Rendering  
(AAA Architects 2022)





2022 Rendering  
(AAA Architects 2022)



2022 Rendering  
(AAA Architects 2022)



**Figure 15: 2023 Proposed Development at 6179 Lundy's Lane - Conceptual Building Drawing (MB1 Urban Planning 2023a)**

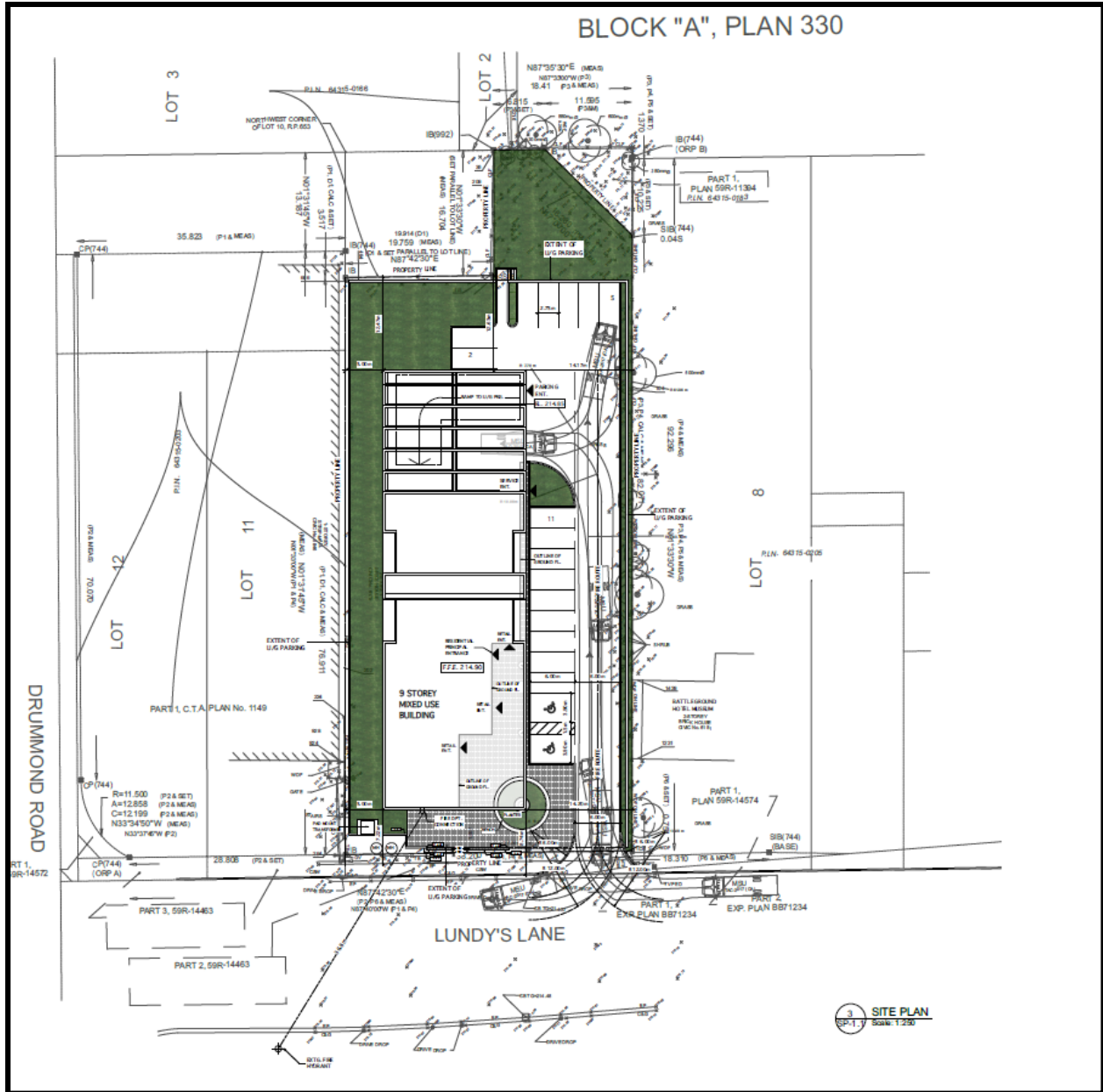


Figure 16: 2023 Plan 6179 Lundy's Lane Proposed At-Grade Site Plan  
(MB1 Urban Planning 2023b)



Figure 17: 2023 Proposed Development at 6179 Lundy's Lane Ground Level  
(MB1 Urban Planning 2023b)

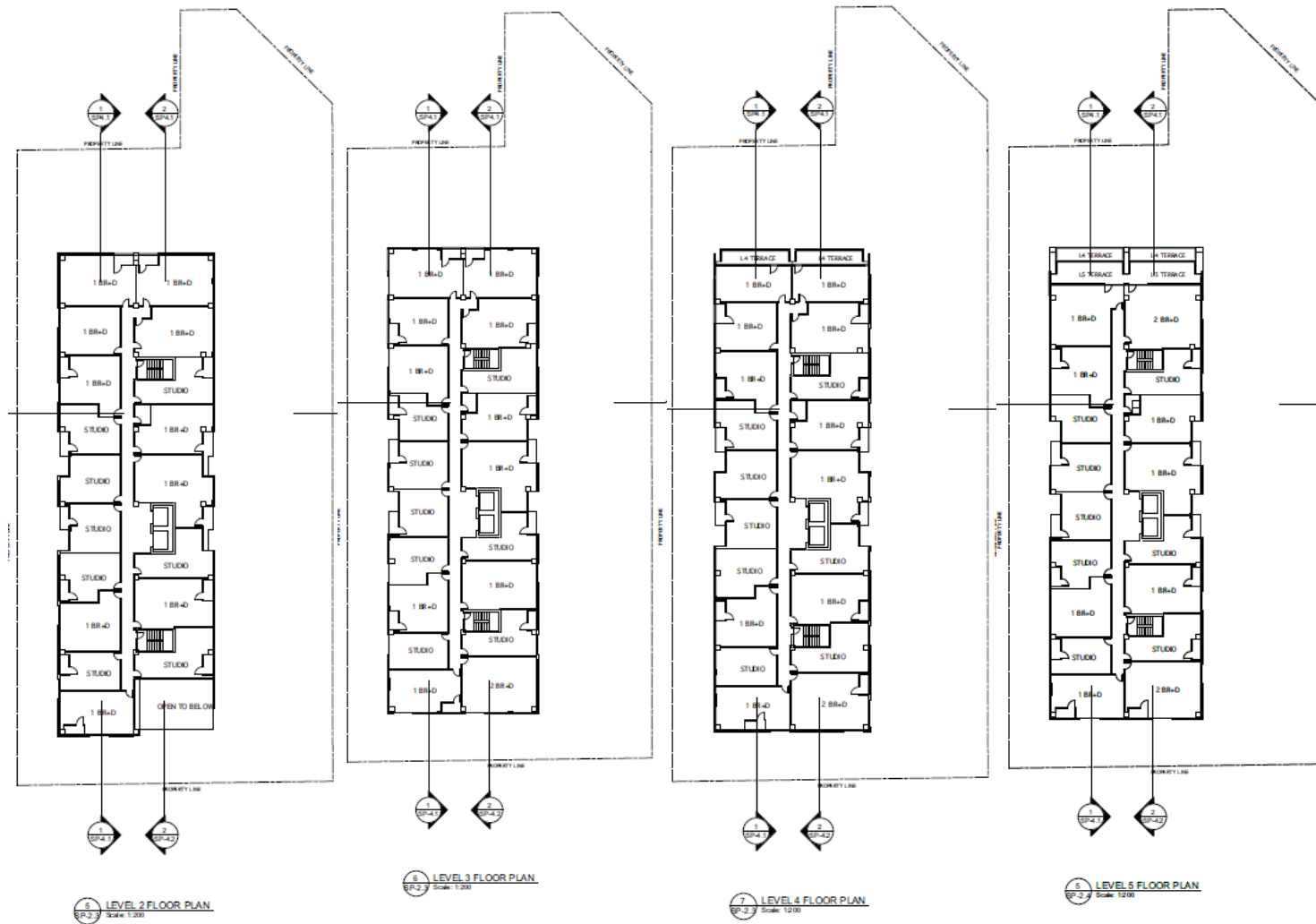


Figure 18: 2023 Proposed Development at 6179 Lundy's Lane - Floorplans of Floors Two Through Five (MB1 Urban Planning 2023b)

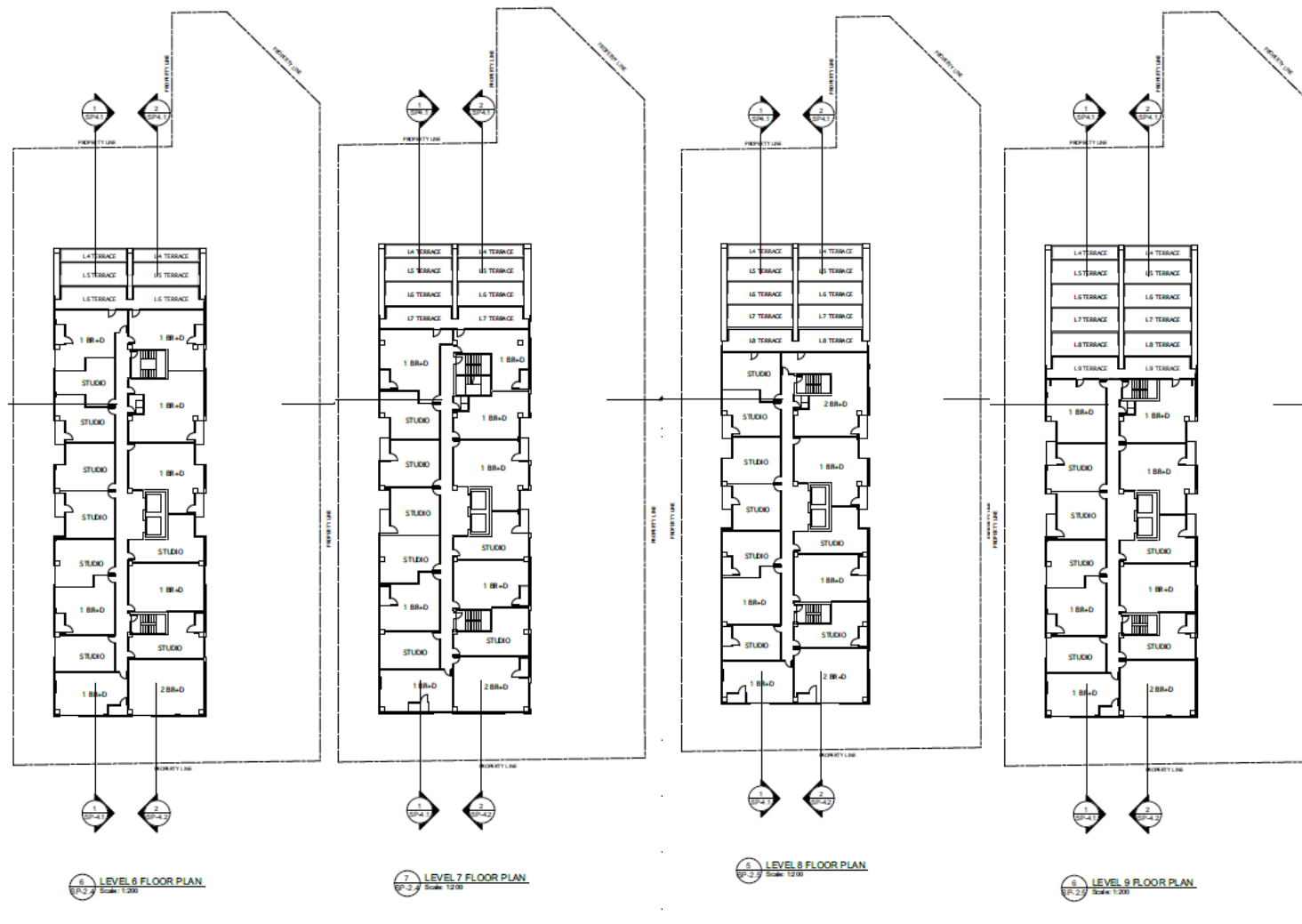
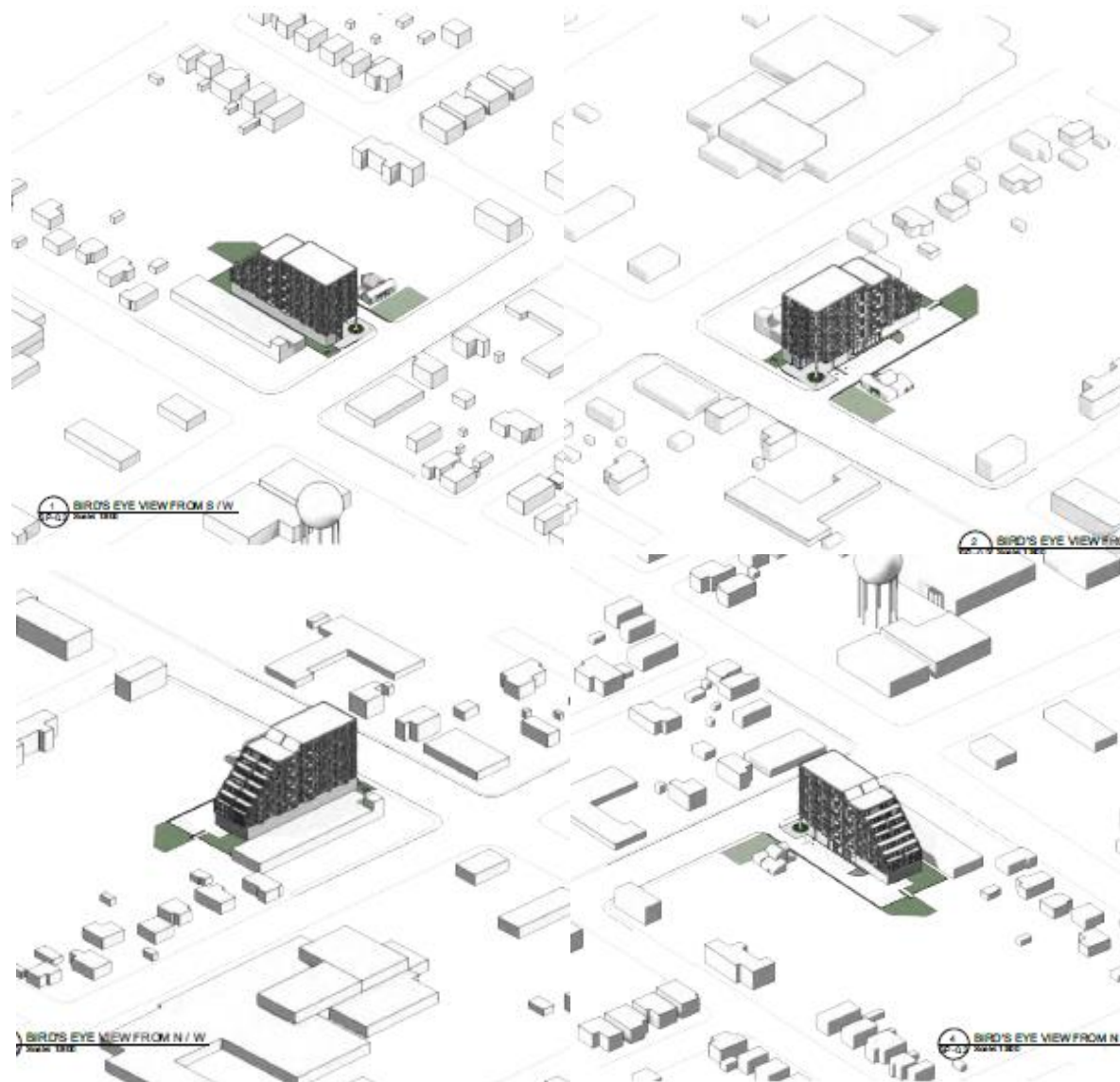


Figure 19: 2023 Proposed Development at 6179 Lundy's Lane Floorplans of Floors Six Through Nine (MB1 Urban Planning 2023b)



**Figure 20: 2023 Proposed Development at 6179 Lundy's Lane Bird's Eye View  
(MB1 Urban Planning 2023b)**



Figure 21: 2023 Proposed Development at 6179 Lundy's Lane - Façade  
(MB1 Urban Planning 2023b)

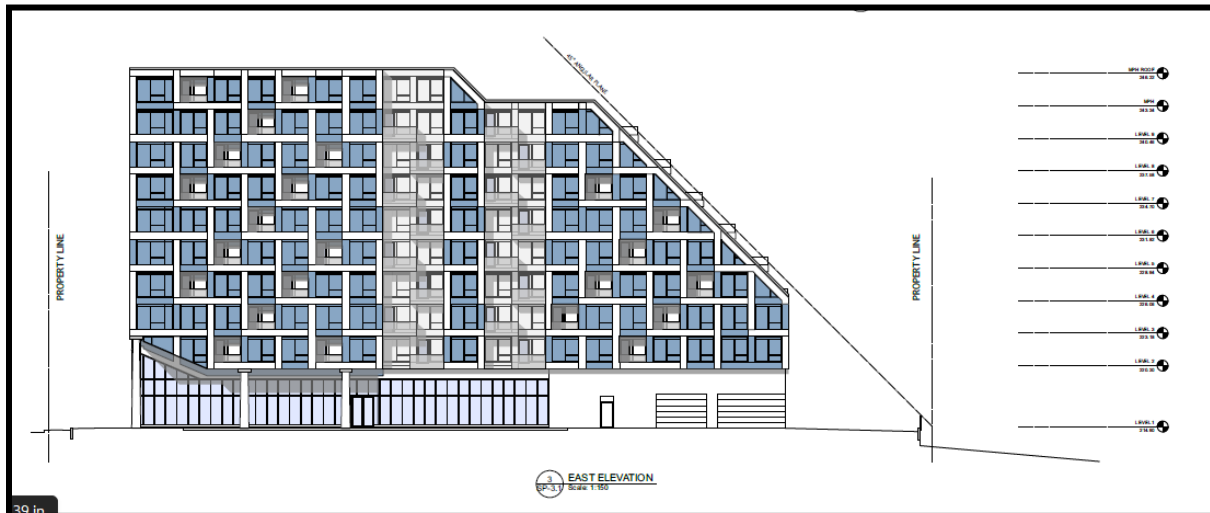


Figure 22: 2023 Proposed Development at 6179 Lundy's Lane East Elevation  
(MB1 Urban Planning 2023b)





Figure 23: 2023 Proposed Development at 6179 Lundy's Lane - North Elevation  
(Provided by MB1 Urban Planning 2023)

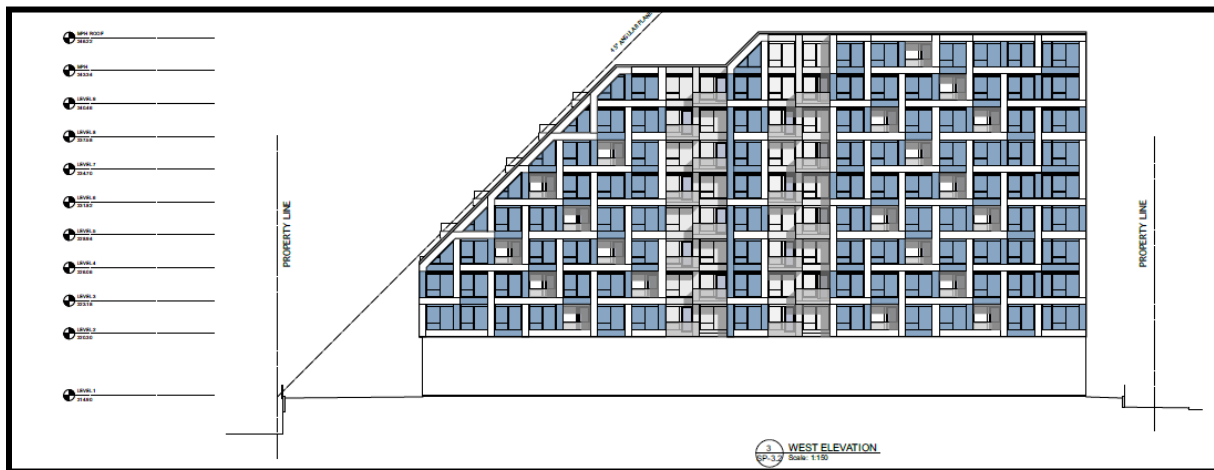


Figure 24: 2023 Proposed Development at 6179 Lundy's Lane West Elevation  
(Provided by MB1 Urban Planning 2023)

### Appendix C: Bylaw No. 2014-97 of the City of Niagara Falls

**CITY OF NIAGARA FALLS**

**By-law No. 2014 - 97**

I, the undersigned, Deputy Clerk of the Corporation of the City of Niagara Falls, hereby certify the foregoing to be a true and correct copy of \_\_\_\_\_  
Given under my hand and the seal of the said Corporation this \_\_\_\_\_ day of August, 2014.  
Deputy Clerk

A by-law to amend By-law No. 99-109, being a by-law to designate 6137 Lundy's Lane, formerly with the municipal address of 6151 Lundy's Lane, known as the Battle Ground Hotel Museum, to be of cultural heritage value and significance.

**WHEREAS** By-law No. 99-109 designated the Battle Ground Hotel Museum located at 6137 Lundy's Lane to be of cultural heritage value and interest;

**AND WHEREAS** pursuant to Section 30.1 (2) (a) , the council of a municipality may by by-law amend a by-law designating property under Section 29 of the *Ontario Heritage Act* to clarify or correct the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes;

**AND WHEREAS** a Notice of Intention to Repeal a portion of the designating by-law was published in the Niagara Falls Review on June 28, 2014 in order to facilitate a land transfer to the Regional Municipality of Niagara for road widening;

**AND WHEREAS** the requirement for Council to consult with its Municipal Heritage Committee pursuant to Section 30.1 (5) has been fulfilled;

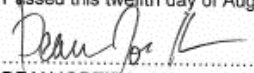
**AND WHEREAS** The Corporation of the City of Niagara Falls has caused to be served on the owner and the Ontario Heritage Trust, a Notice of the proposed Amendment;

**AND WHEREAS** no objections have been filed with the Clerk of the Municipality;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:**

1. That By-law 99-109 be amended by deleting Schedule "A" thereto and substituting Schedule "A" attached hereto.
2. That By-law 99-109 be amended by deleting Schedule "B" thereto and substituting Schedule "B" attached hereto.
3. The City Solicitor is hereby authorized to cause a copy of this by-law to be registered against the property described in Schedule "A" hereto in the proper Land Registry Office.
4. The City Clerk is hereby authorized to cause a copy of this by-law to be served upon the owner of the property and upon the Ontario Heritage Trust.

Passed this twelfth day of August, 2014.

  
DEAN IORFIDA, CITY CLERK

  
JAMES M. DIODATI, MAYOR

First Reading: August 12, 2014  
Second Reading: August 12, 2014  
Third Reading: August 12, 2014

**SCHEDULE "A" TO BY-LAW NO. 2014-97**

Lot 8 north side of Lundy's Lane, west of Portage Road, Plan 653 abstracted as Block 8 Village of Niagara Falls except BB71234; Part Lot 7, north side of Lundy's Lane, west of Portage Road Plan 653, abstracted as Block 8, Village of Niagara Falls, Part 1, 59R9693; s/t AA89697; Part Lot 7, north side of Lundy's Lane, west of Portage Road Plan 653, abstracted as Block 8, Village of Niagara Falls, as in AA50650 except BB71234; save and except Part 1 on Reference Plan 59R-14574. Being part of PIN 64315-0195.

### SCHEDULE "B" to BY-LAW NO. 2014-97

#### Description of Property – Battleground Hotel, 6137 Lundy's Lane

The Battleground Hotel is a one and a half-storey building of the early 19<sup>th</sup> century and now functions as a cultural heritage museum at the centre of the lands involved in the 1814 Battle of Lundy's Lane. With its front temple façade and clear Classical revival elements the building was extensively restored in 2001 to its c. 1850 appearance.

#### Statement of Cultural Heritage Value or Interest

The land on which the former hotel was built had originally belonged to Thomas Millard Sr., one of the first ten settlers in the Stamford Township. In 1836, Adam Fralick purchased approximately 20,000 sq. ft. (1,858 sq. m.) of this land for the purpose of constructing a tavern. Offering lodging, food and drink to travelers, the business quickly benefited from its location on the Historic Lundy's Lane Battlefield, and Fralick's also owned the adjacent Battlefield observation tower. What began as a simple storey and a half dwelling was further expanded to accommodate a growing numbers of tourists.

The Hotel continued to be passed through the Fralick family until it was sold to James A. Lowell in 1898. Eventually, the lot was acquired by Ruth Evelyn Redmond, who donated the land and building to the City in 1996. As a testament to the City's earliest forms of tourism, the Battleground Hotel remains a noteworthy site in one of the most historically significant areas of Niagara Falls.

Consistent with the Classical revival style, the building is symmetrical in appearance and features a seven bay façade. Originally consisting of a "T" shaped structure, the "T" shaped void was later filled in by two single storey structures with lean-to roofs, behind the east and west wings. The primary gable contains a recessed centre porch, and forms a classical temple façade. This umbrage is supported by two Doric order columns, and contains three points of entry, most likely reflecting the building's use as an inn. The centre door features six raised panels and two incised panel pilasters with simple capitals supporting a plain stepped entablature. Along the front (south) façade are six 12 over 12 restored windows, as well as three 9-light windows along the south facing gable end. The fenestration for the east, west and north elevations consist primarily of 12 over 8 and 8 over 8 sash. The trim of the windows are plain and flat, and feature louvered shutters fixed with a centre cross-rail.

Constructed on a rubble stone foundation, the structure is finished with clapboard siding, and features frieze, sill and beaded corner boards in the same colour and material. Eave returns, another element of the Classical revival style, are also evident. Galvanized copper roofing is used on the east side of the Tavern's lean-to to avoid weather complications associated with the shallow pitch, whereas cedar shingles comprise the primary and south facing gable ends. A remnant of the Cornice gutter was found insitu in the attic area formed by the western lean-to-roof. Inside, the east parlour retains its fireplace and mantel with pilasters, baseboards and trim, and panels beneath the windows. A simple, yet early, banister is intact on the second floor, as well as the sponge painted walls on the

first floor. Evidence of split lath and plaster, an early construction technique, was found in some locations.

The Battleground Hotel is one of many historical sites designated for its heritage value in the area due to its association with the 1814 Battle of Lundy's Lane. Although the building had been built after the Battle had occurred, its creation and success were directly impacted by the Battle's legacy. Furthermore, both the building and its original owner, Adam Fralick, had heavily assisted in the development of early tourism in the Niagara Region. With Fralick's construction of a third observation tower in the area and the Hotel's commercial success, the structure is instrumental to understanding the history and evolution of tourism in the City of Niagara Falls.

#### **Description of Heritage Attributes**

Key exterior features that embody the heritage value and are important to the preservation of 6137 Lundy's Lane includes the following heritage attributes:

- primary gable with eave returns typical of the Classical revival style
- central front door with simple square profiles featuring 6 raised panels, two pilasters with heavy cornice, and a plain stepped entablature
- temple façade form, characteristic of Classical Revival style, supported by two Doric order columns (restored)
- symmetrical façade with a seven-bay arrangement providing a balanced appearance
- 12 over 12, 12 over 8, and 8 over 8 sash window arrangement and fixed louvered shutters
- refurbished clapboard siding
- rubble stone foundation
- cornice gutters restored on second floor roof
- cedar shingles used on the primary gable and south facing gable end
- retained interior features in the east parlour, including a fireplace with mantle, baseboards and trim and panels beneath the windows
- Original banister and sponge painted walls.
- association with Adam Fralick, owner of the house and key player in the development of early tourism in the Niagara region
- proximity to other properties designated for their heritage value in relation to the Battle

**Appendix D: Ontario Heritage Trust Easement Agreement  
Document General**

Province of Ontario  
Form 4 — Land Registration Reform Act

**D**

FOR OFFICE USE ONLY

(1) Registry  Land Titles  (2) Page 1 of 17 pages

(3) Property Identifier(s) Block Property Additional: See Schedule

(4) Nature of Document  
HERITAGE EASEMENT AGREEMENT  
*Ontario Heritage Act, section 22*


(5) Consideration  
TWO Dollars \$ 2.00

(6) Description  
Part Lots 7 and 8 North Side of Lundy's Lane  
and part unnumbered Lot in Stamford Township Lot 130  
all on Plan 653, City of Niagara Falls  
Regional Municipality of Niagara  
(formerly Village of Niagara Falls, County of Welland)  
Registry Division of Niagara South  
designated as Parts 1, 2, 5 and 6 on Reference Plan 59R-9693

(7) This Document Contains: (a) Redescription New Easement Plan/Sketch  (b) Schedule for: Description  Additional Parties  Other

(8) This Document provides as follows:  
Covenants and easements pursuant to section 22 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18.  
See Easement Agreement attached.  
Continued on Schedule

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest)  
Name(s) Signature(s) Date of Signature  
Y M D  
ONTARIO HERITAGE FOUNDATION  
by its solicitor Mandra Zweig  1996 12 19

(11) Address for Service 10 Adelaide Street East, Toronto ON M5C 1J3

(12) Party(ies) (Set out Status or Interest)  
Name(s) Signature(s) Date of Signature  
Y M D

(13) Address for Service

(14) Municipal Address of Property  
Fralich's Tavern and  
Lundy's Lane Battlefield  
6151 Lundy's Lane  
Niagara Falls ON L2G 1T4

(15) Document Prepared by:  
Mandra Zweig, Counsel  
Legal Services Branch  
Ministry of Citizenship, Culture and  
Recreation: 77 Bloor Street West F2  
Toronto ON M7A 2R9 (dp)

FOR OFFICE USE ONLY

Fees and Tax	
Registration Fee	
<b>Total</b>	

**SCHEDULE**

THIS EASEMENT AGREEMENT dated as of the *16th* day of *December*, 1996.

BETWEEN:

Ruth Evelyn REDMOND,  
(the "Owner")

OF THE FIRST PART;

- and -

ONTARIO HERITAGE FOUNDATION,  
(the "Foundation")

OF THE SECOND PART.

WHEREAS the Owner is the registered owner of certain lands and premises situated in the City of Niagara Falls in the in The Regional Municipality of Niagara and Province of Ontario (hereinafter called the "Property"), being composed of part of Lots 7 and 8, and of an unnumbered Lot within Stamford Township Lot 130, all according to Plan 653 and more particularly described in Appendix "A" attached hereto;

AND WHEREAS the Property forms part of an historic battlefield site upon which was fought the Battle of Lundy's Lane on July 25, 1814 (the "Battle");

AND WHEREAS there is situated on the Property a building commonly known as Fralich's Tavern (hereinafter called the "Building") the approximate location of which is shown on the site plan sketch in Appendix "B" attached hereto;

AND WHEREAS by section 7(c) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, one of the objects of the Foundation is to support, encourage and facilitate the conservation, protection and preservation of the heritage of Ontario;

AND WHEREAS by section 10 (l) (b) of the *Ontario Heritage Act*, the Foundation is entitled to enter into agreements, covenants and easements with owners of real property, or interests therein, for the conservation, protection and preservation of the heritage of Ontario;

AND WHEREAS by section 22 of the *Ontario Heritage Act*, such covenants and easements entered into by the Foundation, when registered in the proper land registry office against the real property affected by them, shall run with the real property and may, whether positive or negative in nature, be

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enforced by the Foundation or its assignee against the owner or any subsequent owners of the real property, even where the Foundation owns no other land which would be accommodated or benefited by such covenants and easements;

AND WHEREAS the Owner and the Foundation desire to conserve the archaeological, aesthetic and scenic character and condition of the Property and the historical, architectural, aesthetic and scenic character and condition of the exterior of the Building on the Property together with the entire interior of the Building (all of which are hereinafter called the "Heritage Elements");

AND WHEREAS to this end, the Owner and the Foundation desire to enter into this Easement Agreement (hereinafter called the "Agreement");

AND WHEREAS the Owner has entered into an agreement with The Corporation of the City of Niagara Falls (the "City") to donate the Property, upon certain conditions, to the City, subsequent to granting this Agreement to the Foundation;

AND WHEREAS certain conditions of the Owner's donation of the Property to the City include that the City: establish a public heritage park on the Property to commemorate the Battle; utilize the Property exclusively and continuously in perpetuity as a heritage park in commemoration of the Battle; and restore the Building;

AND WHEREAS a further condition of the Owner's donation of the Property to the City is that, upon the transfer of the Property, the City will immediately develop a master plan for the establishment of a heritage park on the Property to commemorate the Battle which master plan shall, by operation of this Agreement, be subject to the written approval of the Foundation before it can be implemented to the extent that provisions of the master plan are covered by the covenants, easements and restrictions of this Agreement;

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the sum of TWO DOLLARS (\$2.00) of lawful money of Canada now paid by the Foundation to the Owner (the receipt of which is hereby acknowledged), and for other valuable consideration, and in further consideration of the granting of the easements herein and in further consideration of the mutual covenants and restrictions hereinafter set forth, the Owner and the Foundation agree to abide by the following covenants, easements and restrictions which shall run with the Property forever.

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18.0 Headings

18.1 The headings in the body of this Agreement form no part of the Agreement but shall be deemed to be inserted for convenience of reference.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED )

in the presence of: )

  
witness )

  
Ruth Evelyn REDMOND )

I am not a spouse )

ONTARIO HERITAGE FOUNDATION )

per: )

  
Chair - Joanna Bedard )

  
Executive Director - Lesley Lewis )

We have authority to bind the corporation. )

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**APPENDIX "A"**

Attached to and forming part of the Easement Agreement between Ruth Evelyn REDMOND and ONTARIO HERITAGE FOUNDATION, dated as of the *16th* day of *December*, 1996.

**DESCRIPTION OF THE PROPERTY**

City of Niagara Falls  
Regional Municipality of Niagara

(formerly Village of Niagara Falls  
County of Welland)

Registry Division of Niagara South:

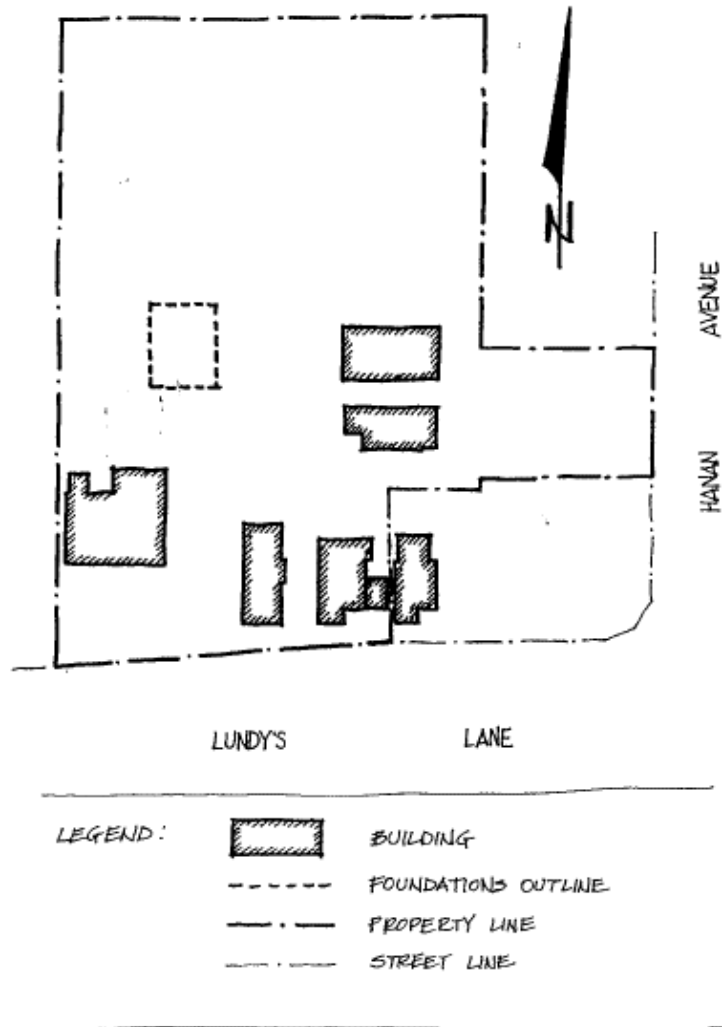
part of Lots 7 and 8, and of unnumbered Lot in Stamford Township Lot 130,  
all according to Plan 653:

Parts 1, 2, 5 and 6 on Reference Plan 59R-9693.

APPENDIX "B"

Attached to and forming part of the Easement Agreement between Ruth Evelyn REDMOND and ONTARIO HERITAGE FOUNDATION, dated as of the 16th day of December, 1996.

SITE PLAN SKETCH OF THE PROPERTY SHOWING THE APPROXIMATE LOCATION OF FRALICH'S TAVERN



CONSENT

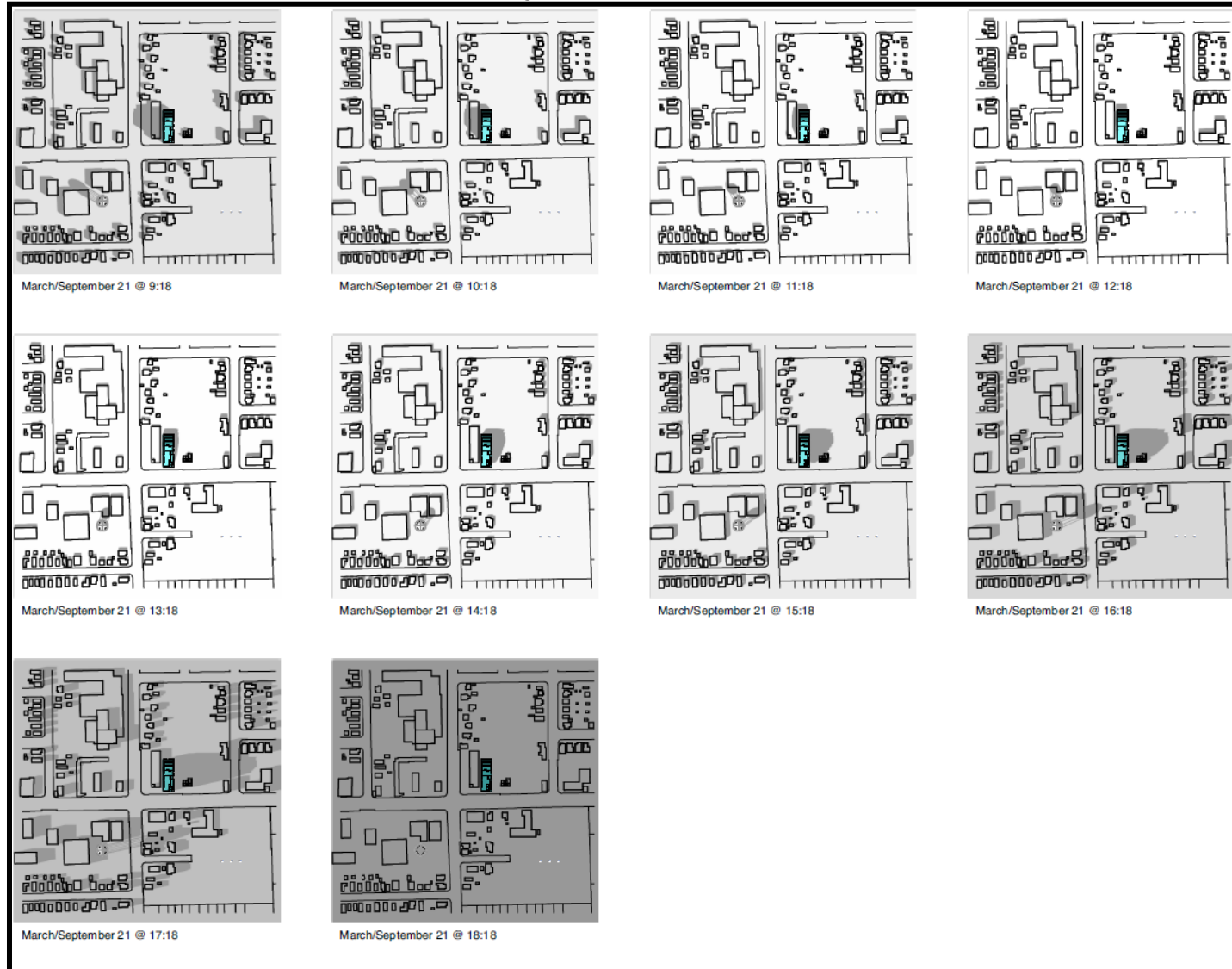
Pursuant to section 10(1) of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18, and delegated authority pursuant to section 7(1) of the *Ministry of Citizenship and Culture Act*, R.S.O. 1990, c.M.18, I, the undersigned Assistant Deputy Minister, Culture Division, Ministry of Citizenship, Culture and Recreation for the Province of Ontario, hereby consent to the execution by the Ontario Heritage Foundation of the attached Easement Agreement between Ruth Evelyn REDMOND as Owner and the ONTARIO HERITAGE FOUNDATION, dated as of December 16, 1996, and hereby certify that the said document is in accordance with policies and priorities for the conservation, protection and preservation of the heritage of Ontario.

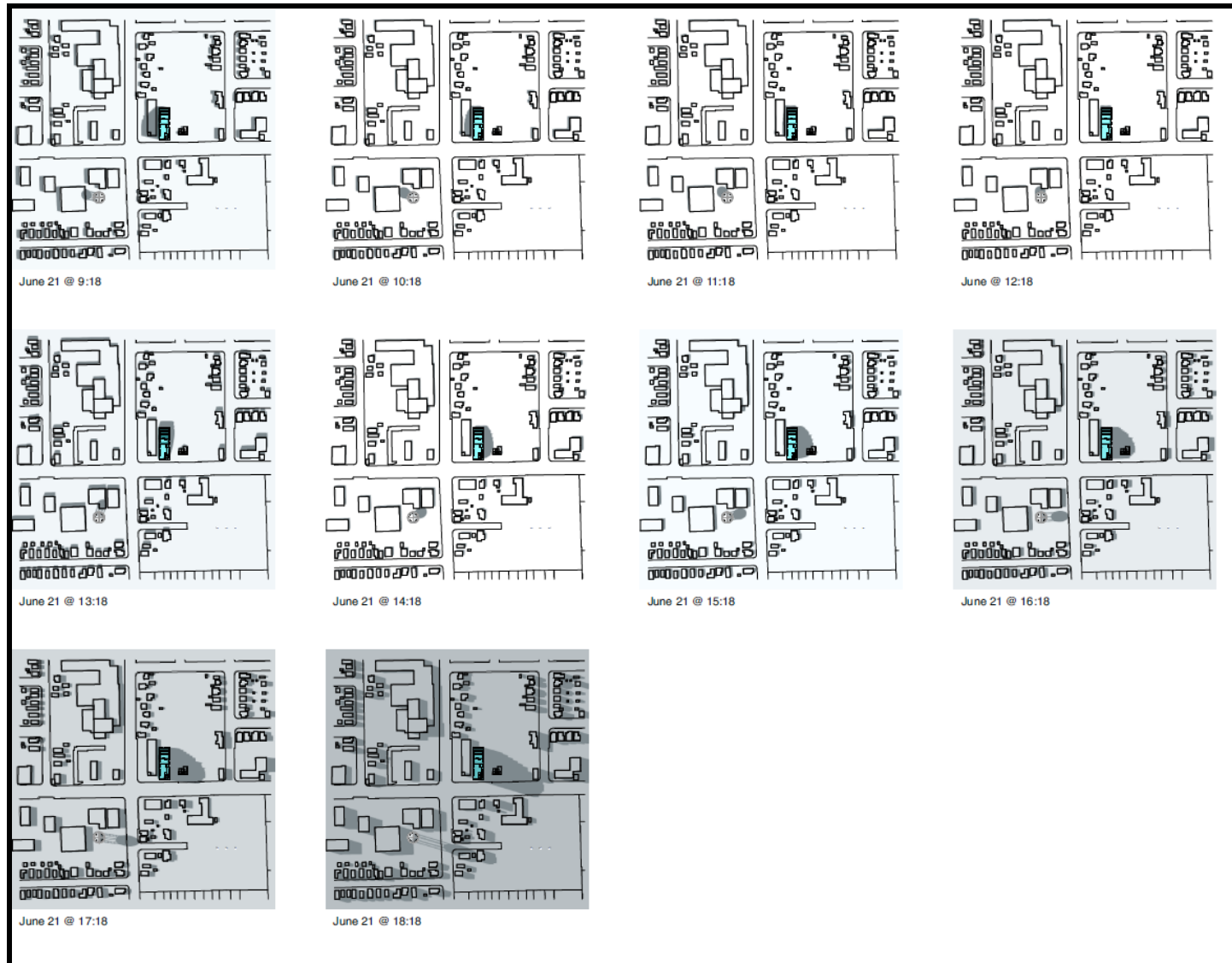
DATED at Toronto this 17<sup>th</sup> day of December 1996



JANE MARLATT  
Assistant Deputy Minister  
Culture Division  
Ministry of Citizenship, Culture and Recreation

Appendix E: Shadow Study Documentation (C.Y. Architect Inc. 2024b)







## Appendix F: Key Team Member Biographies

### **Kayla Jonas Galvin, MA, RPP, MCIP, CAHP, Director - Heritage Operations**

Kayla Jonas Galvin, Archaeological Research Associates Ltd.'s Director - Heritage Operations, has extensive experience evaluating cultural heritage resources and landscapes for private and public-sector clients to fulfil the requirements of provincial and municipal legislation such as the *Environmental Assessment Act*, the *Standards & Guidelines for the Conservation of Provincial Heritage Properties* and municipal Official Plans. She served as Team Lead on the Ministry of Tourism, Culture and Sport Historic Places Initiative, which drafted over 850 Statements of Significance and for *Heritage Districts Work!*, a study of 64 heritage conservation districts in Ontario. Kayla was an editor of *Arch, Truss and Beam: The Grand River Watershed Heritage Bridge Inventory* and has worked on Municipal Heritage Registers in several municipalities. Kayla has drafted over 150 designation reports and by-laws for the City of Kingston, the City of Burlington, the Town of Newmarket, Municipality of Chatham-Kent, City of Brampton and the Township of Whitchurch-Stouffville. Kayla is the Heritage Team Lead for ARA's roster assignments for Infrastructure Ontario and oversees evaluation of properties according to *Standards & Guidelines for the Conservation of Provincial Heritage Properties*. Kayla is a Registered Professional Planner (RPP), a Member of the Canadian Institute of Planners (MCIP), is a professional member of the Canadian Association of Heritage Professionals (CAHP) and sits on the board of the Ontario Association of Heritage Professionals.

### **Jacqueline McDermid, BA, CAHP, Heritage Team, Project Manager**

Jacqueline McDermid has ten years of technical writing and management experience. Presently, she works as a Heritage Project Manager. She assists in the preparation of reports and is responsible for the submission of deliverables to clients. She has experience conducting primary and secondary research for archaeological and heritage assessments, drafting reports and evaluating property according to Ontario Regulation 9/06. Jacqueline has completed property evaluations and drafted reports for potential Heritage Conservation Districts in the City of Toronto (Weston HCD) and the Township of Bradford West Gwillimbury (Bond Head HCD). Jacqueline is an expert at copy editing heritage reports including checking grammar, consistency and fact checking, to ensure a high-quality product is delivered to clients. Jacqueline has proven project management experience gained by completing projects on time and on budget as well as formal Project Management training. In 2017-2018, she was acting Heritage Operations Manager and oversaw the operations of the heritage team. In 2018, under a six-month contract as the Heritage Planner at the Ministry of Transportation, Jacqueline acquired considerable experience conducting technical reviews of consultant heritage reports for Ministry compliance including Cultural Heritage Evaluation Reports, Heritage Impact Assessments, Strategic Conservation Plans, and Cultural Heritage Resource Assessments and gained valuable insight on provincial heritage legislation and inter-governmental processes.

### **Penny Young, MA, CAHP, Heritage Team, Project Manager**

Penny Young has over 21 years of experience working in government where she managed and coordinated the impacts to cultural heritage resources including built heritage, archaeological sites and cultural heritage landscapes for compliance with municipal, provincial and federal legislation and policy. Penny has held positions at the Ministry of Citizenship and Multiculturalism, Ministry of Transportation, City of Brampton, City of Burlington and City of Mississauga. In these roles she managed and coordinated the evaluations of, impacts to, and mitigation measures for cultural heritage resources including projects impacting heritage buildings, rehabilitation of bridges, archaeological sites and cultural heritage landscapes for compliance with municipal, provincial and federal legislation and policy. She also has considerable experience managing technical reviews of planning documents and environmental assessment reports conducted for



undertakings/planning activities e.g. Official Plans, Official Plan amendments, aggregate pits, mines, highway construction impacts, burial sites and Indigenous traditional use sites. Penny developed and commented on heritage and archaeological policies for numerous municipalities' Official Plans throughout Ontario to meet Provincial Policy Statements 2005 and 2014. She participated in heritage policy development for the City of Toronto's Official Plan, which won a 2013 Award of Excellence from the CAHP. Also, she revised, updated, and developed policy for the MTO 2008 Ontario Heritage Bridge Guidelines for Provincially Owned Bridges. She is a professional member of the Canadian Association of Heritage Planners (CAHP) and holds Professional License (archaeology) #P092 from the MCM. She also holds memberships in the Ontario Professional Planners Institute (OPPI) and the Ontario Archaeological Society (OAS).

**L. Renee Hendricks, MA, Heritage Team, Cultural Heritage Technician**

Renee currently works as a Technical Writer/Background Researcher for the Heritage Team and assists in researching and evaluating the significance of cultural heritage resources using existing legislation. Most recently, she has worked on a number of projects for various municipalities across southern Ontario as well as Infrastructure Ontario. She also occasionally assists Business and Development in drafting proposals for prospective clients. Her work experience includes cultural heritage evaluation reports, heritage impact assessments, cultural heritage assessments, and conservation plans. Renee obtained a Master of Arts degree in archaeology from Trent University in 2018 and has a Bachelor of Arts with a major in archaeology and a minor in history from Texas State University. Prior to working for ARA's heritage department, Renee worked in the archaeological field as both a field technician and field director, in addition to extensive work as a lab technician analyzing predominately nineteenth century historic artifacts and drafting sections of archaeological reports.