SUBJECT: Application of a Modification in Zoning for the Property Located at 99 Ferguson Avenue North (Dr. Edgar Davey Elementary School) (Hamilton) (PED09035) (Ward 2)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-08-055, Hamilton-Wentworth District School Board, Owner, for a modification to the Downtown Multiple Residential (D6) Zone, and a change in zoning from the Community Park (P2) Zone to the Downtown Multiple Residential (D6) Zone, modified, in order to permit a Community Centre to be located at 99 Ferguson Avenue North (Dr. Edgar Davey Elementary School) (Hamilton), as shown on Appendix “A” to Report PED09035, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09035, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the application is to provide for a change and modification in zoning to add a Community Centre as an additional permitted use.
The proposal has merit and can be supported as the changes in zoning are consistent with the Provincial Policy Statement, and conform to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan. The proposal is compatible with existing and planned land uses in the surrounding area.

**BACKGROUND:**

**Proposal**

The City of Hamilton, along with the Hamilton-Wentworth District School Board (HWDSB), have been working collaboratively to develop plans for the Beasley Community Centre to be built in conjunction with the replacement school on the Dr. Edgar Davey Elementary School site (see attached Appendix “C”, Report ECS07092; Appendix “D”, Information Report ECS07092(a); and Appendix “E”, Information Report ECS08035). Dr. Edgar Davey Elementary School is scheduled to be torn down at the end of June 2009, and rebuilt on its current site in time for school opening in September 2010; having the students bussed to other City schools in the interim. The addition of a Community Centre, as envisioned, would provide synergistic benefits beyond those possible within the existing Community Centre, located within the Beasley Park, or a new Community Centre located elsewhere in the community. This joint facility will allow for City use of the School gymnasium after school hours for recreational programming, and for supplementing programs that can occur in Community Centre facilities. The shared use of the kitchen facilities is also provided for in this design. In addition, the floor plan provides for community use of the school library, computer lab, seminar room and exercise room after normal school hours, should the need arise.

This design overcomes many of the limitations that are present with this small site, while leveraging the existing school design with minimal modifications. In addition, the proposed floor plan does address many of the security and people flow concerns that were raised when an integrated building approach was first proposed, and allows for elements such as the kitchen and elevator to be shared between the school and Community Centre. It goes beyond what was originally discussed for the site, and provides much greater community access to the school building by the extended community. In short, the integration of the Community Centre within the redesigned school leverages these two public assets to provide flexible and appropriate space needed for the creation of a true community hub in Beasley. Each facility is greater than it would otherwise be on this constrained site, and each change to the original design has been made with improved community access as the driver.

In order to move forward with providing a City owned Community Centre to be located on the subject lands, these lands are required to be rezoned to permit this additional use. It should also be noted that to fully develop the subject lands, the Elgin Street Road Allowance (Block 2 - Appendix “A”), which is concurrently in circulation for an official road closure, is proposed to be rezoned to permit it to be developed in conjunction with the School Board Lands.
SUBJECT: Application for a Modification in Zoning for Lands Located at 99 Ferguson Avenue North (Dr. Edgar Davey Elementary School) (Hamilton) (PED09035) (Ward 2) - Page 3 of 10

Location: 99 Ferguson Avenue North (see Appendix “A”)

Owner/Applicant: Hamilton-Wentworth District School Board (Owner of 99 Ferguson Avenue North); and, The City of Hamilton (Owner of Elgin Street)

Property Description: Frontage: +/- 91.1 metres
Depth: +/- 82.9 metres
Area: +/- 0.76 ha (1.87 acres)

EXISTING LAND USE AND ZONING:

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<th>Subject Lands</th>
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<td>Elgin Street Road Allowance</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   (i) It is consistent with the Provincial Policy Statement;
   (ii) It conforms to the Hamilton-Wentworth Official Plan;
   (iii) It conforms with the “Downtown Hamilton” designation in the City of Hamilton Official Plan and the “Public Use” designation within the Downtown Hamilton Secondary Plan; and,
   (v) The proposed development is considered to be compatible with the existing development in the immediate area, and is an efficient use of the existing property.

2. The Community Centre that is to be run by the City of Hamilton, but will be built within the Hamilton-Wentworth District School Board’s site, is currently not permitted on these lands and cannot be distinguished as a Public Use, that is permitted in all zones, due to the fact that the Community Centre will be incorporated within the actual structure of the new Dr. Davey Elementary School that is to be constructed on the site. The provision of a Community Centre on the same lands and in conjunction with an Elementary School provides for synergies between the two uses. A Community Centre provides the surrounding community with after school programs and other activities for residents, and will create a Community ‘Hub’ on this site. The provision of additional parking within the Elgin Street Road Allowance by the City will also result in synergies between the two properties and various users of the Park, Community Centre, and the School. Therefore, modifying the zoning of the School Board site (Block 1 - Appendix “A”), and changing the zoning of the Elgin Street road allowance (Block 2 - Appendix “A”), will facilitate a much needed development that will benefit the community, and is seen as desirable and appropriate for the use of these lands.

3. The Forestry Division identified that there are several City trees that may be affected by this development, however, at this rezoning stage, further detail has not been submitted and, therefore, prior to development, the applicant/owner will be required to submit both a Tree Management Plan and Landscape Plan as part of the required Site Plan approval process. It should be noted that the applicant has identified that some trees are to be removed to accommodate the proposed school and Community Centre design, particularly in the required play area and, therefore, plans have been optimized to reduce the impact on existing trees and park space to the greatest extent possible. The required landscape plans to be submitted through the site plan process will recognize these concerns and remediate appropriately.

4. As stated above, the proposed development will be subject to Site Plan Control, at which time a Tree Management Plan and road dedications will be required.
Other matters, such as access, grading, landscaping, etc., will also be reviewed in detail.

5. The applicant has submitted a draft Site Plan (see Appendix “F”) which identifies that they require a reduced landscape strip and setback adjacent to the parking lot fronting Wilson Street. This 0.0 metre versus the required 3.0 metre setback can be justified due to the change in elevation (i.e. the parking will be below the grade of the roadway) and since a road widening of 3.0 metres will be taken at the Site Plan stage. This road widening will just be a land transfer to the City and will not involve any visual changes to the landscape, which allows the parking to be shielded from the street by existing landscaping. Therefore, it has been determined this proposed modification is minor in nature, and is desirable and appropriate for the use of the lands.

6. For the purposes of this site-specific By-law, the front lot line must be specifically defined as Ferguson Avenue North, rather than the shorter of the lot lines for a corner lot, due to the fact that this lot actually has four street frontages. This is considered minor in nature and is desirable and appropriate for the use of the lands. Furthermore, due to the positioning of Kelly Street, and the potential closure, the maximum side yard of 7.5m required or the maximum flankage yard of 3.0m may not be met and, therefore, these regulations have been removed from this site-specific By-law because it is considered minor in nature and is desirable and appropriate for the use of the lands.

7. The intent of this application is to develop 99 Ferguson Avenue North for an Elementary School with a City run Community Centre attached; however, these lands will remain in the School Board’s ownership. The lands that form the portion of Elgin Street that are slated to be closed (through a proposed By-law going to the Public Works Committee) will remain in the City’s ownership, and will provide parking for both the Community Centre and Beasley Park (Block 2 - Appendix “A”). In this regard, an exemption to regulation 5.1a(vi), that states: no new surface parking lots in a downtown zone, except where the parking is accessory to the main use on the same lot, is required, as the primary use of these lands (i.e. Elgin Street) will be parking for the Community Centre and Beasley Park. Therefore, a zoning exemption for this site is seen to be minor in nature, and is desirable and appropriate for the intended use of these lands.

8. The Elgin Street Road Allowance, which will remain in the City’s ownership, and the lands at 99 Ferguson Avenue North, which will remain in the School Board’s ownership, will be developed in conjunction with each other but will not merge. Therefore, the zoning provision requiring a visual barrier for any parking area adjacent to any Residential Zone must be removed. Due to the overall intent of comprehensive development on two lots, the removal of this regulation is seen to be minor in nature, and is desirable and appropriate for the intended use of these lands.
9. The required parking for this development is 1.25 spaces for each classroom which, based on the 34 proposed classrooms, would equate to 43 required parking spaces on the School Board’s lands, whereas 39 parking spaces are proposed to accommodate the standardized Elementary School and Community Centre. However, the adjacent lands of the Elgin Street road allowance (Block 2 - Schedule “A”) will accommodate an additional 33 parking spaces that are being developed in conjunction with this development, for a total of 72 parking spaces. Therefore, the reduction of the parking requirements to 39 parking spaces for the school is considered minor in nature, and is desirable and appropriate for the intended use of these lands.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the proposed modification in zoning, the lands will be subject to the existing regulations in the Downtown Multiple Residential (D6) Zone, and the Community Park (P2) Zone which will not permit a Community Centre to be located at this site.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - This rezoning application does not involve any projected financial requirements. However, the project cost estimates are $2.0 million, representing the City’s share of design, construction and contingency costs for the Community Centre. This estimate includes the proposed building, as well as outdoor site improvements (parking, etc.), but does not include any estimate for additional improvements to Beasley Park.

Staffing - N/A.

Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act.

As the nature of the application is for a change in zoning to allow for a Community Centre within a settlement area, the proposal is consistent with the policies that focus growth in Settlement Areas 1.1.3.1.
However, Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity on the site associated with the proposed use such that there will be no adverse effects. The applicant has submitted a Hazard and Asbestos Inventory with the application. As such, the applicant/owner is advised that as part of the Site Plan Approval process, the following note will be included:

**Note:**

1. That the applicant/owner shall be advised that prior to redevelopment of the site, the applicant/owner shall confirm that all substances on the site which are potentially hazardous to public health (e.g. asbestos, PCBs) have been removed in accordance with Ministry of Environment guidelines.

**Hamilton-Wentworth Official Plan**

The subject lands are designated “Urban” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

As the nature of the application is for a change in zoning to permit a Community Centre where full municipal services are available, the proposal is consistent with the policies of the Hamilton-Wentworth Official Plan.

**City of Hamilton Official Plan**

The subject properties are designated “Downtown Hamilton” on Schedule ‘A’ - Land Use Concept within the City of Hamilton Official Plan, and “Public Use” on Schedule L-8 “Overall Land Use Strategy” of the Downtown Hamilton Secondary Plan. Therefore, the following policies of the Downtown Hamilton Secondary Plan, among others, are applicable to the proposed development:

“6.2.3.3.1 e) In addition to the land uses described in Section 2.4.3.3, the following uses will be permitted throughout the Downtown:

- Public Uses including Schools.
- Social service facilities.
- Places of worship.

f) The following shall apply to land uses shown on Schedule “L-1” as Public Uses:

ii) Sir John A. McDonald High School and Dr. J. Edgar Davy School - should the school cease to exist, the permitted uses will be Low Density Residential in accordance with this plan.
6.2.4.3 a) New development in the Downtown, and redevelopment, will address the urban design principles in this plan, and particularly, the following:

- Achieving a comfortable and intimate pedestrian environment;
- Ensuring that new development is compatible with existing and adjacent structures and streetscapes in terms of design, scale, massing, setbacks, height, integration with the built form, and use;
- Providing “eyes on the street” and an interesting pedestrian experience by ensuring that the ground floors of all buildings have windows and doors opening onto the street or public laneways, where appropriate. Entrances are to be provided at grade;
- Ensuring barrier-free access from grade level; and,
- Eliminating expanses of blank walls along street frontages.

6.2.6.3.4.1 d) The following policies will apply to building alterations or the redevelopment of a site:

- The height of new building and additions shall be low-to-mid rise, in accordance with Schedule “L-3”, in order to maintain and enhance pedestrian comfort at street level;
- Building height may be increased above the normally permitted height, provided the project is massed as to achieve a compatible relationship with adjoining buildings and public spaces; and,
- Signage will be designed and located to respect the architectural integrity of the host building and to be compatible with a residential environment.”

Based on the foregoing, and acknowledging that this redevelopment is subject to Site Plan Approval, the proposal conforms with the “Downtown Hamilton” and the “Public Use” policies of the Hamilton Official Plan and the Downtown Hamilton Secondary Plan.

Neighbourhood Plan

The subject lands are located in the Beasley Neighbourhood. The policies of the Beasley Neighbourhood Plan no longer apply to this area, as per Policy 6.2.3.3.1a) of the Downtown Hamilton Secondary Plan.
RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Hamilton Street Railway (HSR).
- Tax Administration/Banking Section, Taxation, Corporate Services Department.
- Water and Wastewater Division, Public Works Department.
- Open Space Development and Park Planning Section, Capital Planning and Implementation Division, Public Works Department.
- Traffic Engineering and Operations Section, Operations and Maintenance Division, Public Works Department.
- Environmental Planning Section, Capital Planning and Implementation Division, Public Works Department.
- Hamilton Municipal Parking System.
- Strategic Planning Section, Capital Planning and Implementation Division, Public Works Department.

Forestry and Horticulture Section, Operations and Maintenance Division, Public Works Department:

An assessment of the Zoning By-law Amendment Application for the Dr. J. Edgar Davey Elementary School, which proposes to demolish the existing school and construct a new 3-storey school with an attached Community Centre, shows that there are Municipal Urban Forestry concerns and potential conflicts.

A review of the preliminary Site Plan shows that there are mature trees located on or directly adjacent to the Road Allowance of Ferguson Avenue, Wilson Street, Elgin Street, and Kelly Street, as well as within Beasley Park. These trees are governed under The City of Hamilton Tree By-law 06-151. With the current information provided, it appears that Municipal Tree Assets and private trees will be impacted.

Approximately 34 total trees, including 21 Municipal Tree Assets {232453 to 232473} comprised of Pines, Maple, Ash, Linden and Hackberry, are located within or adjacent to the perimeter of the proposed work.

Therefore, the Forestry and Horticulture Section will request that all trees within this proposed development area be accurately plotted on the Site Plan, and identified, and that a Tree Management Plan be prepared by a Landscape Architect.
The Tree Management Plan will be identified as a condition of Site Plan Approval, and shall be addressed at that time.

Public Consultation

In accordance with the Council approved Public Participation Policy, the application for a Change in Zoning was pre-circulated to all property owners (a total of 222) within 120 metres of the subject land. In addition, a Public Notice sign was placed on the subject lands, and a Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, no comments have been received with respect to this application.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions. The creation of a larger community centre in Beasley will allow the provision of needed programs and services in this inner-city neighbourhood.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
This proposal will maintain City parkland and promote the merging of services within one facility, rather than constructing multiple facilities.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported through the creation of a larger community centre in Beasley, which will demonstrate that Hamilton is making concerted efforts to improve inner-city neighbourhoods.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No

:TH
Attachs. (6)
Location Map

Planning and Economic Development Department

File Name/Number: ZAR-08-055
Date: October 21, 2008
Appendix "A"

Subject Property
99 Ferguson Ave. N. (Dr. Davey Elementary School)

Block 1 - Change in Zoning from the Downtown Multiple Residential (D6) Zone to the Downtown Multiple Residential (D6-18) Zone, in order to permit a Community Centre use within the Elementary School proposed for the site.

Block 2 - Change in Zoning from the Community Park (P2) Zone to the Downtown Multiple Residential (D6-18) Zone.
CITY OF HAMILTON

BY-LAW NO. 05-200
To Amend Zoning By-law No. 05-200
Respecting Lands Located at 99 Ferguson Avenue North
(Dr. Edgar Davey Elementary School)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS the first stage of the new Zoning By-law, being By-law 05-200, came into force on May 25, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 09- of the Economic Development and Planning Committee at its meeting held on the day of , 2009, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map 953 of Schedule “A” of By-law 05-200 be amended as follows:
   a) by changing the zoning from the Downtown Multiple Residential (D6) Zone to the Downtown Multiple Residential (D6-18) Zone, the lands comprised of “Block 1”; and,
   b) by changing the zoning from the Community Park (P2) Zone to the Downtown Multiple Residential (D6-18) Zone, the lands comprised of “Block 2”;

   the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Schedule “C” of By-law 05-200 is amended by adding an additional special exception as follows:
“18. Within the lands zoned Downtown Multiple Residential (D6) Zone, identified on Map 953 of Schedule “A” and described as 99 Ferguson Avenue North (Dr. Edgar Davey Elementary School), the following special provisions shall apply:

a) That notwithstanding Section 6.6.1 of this By-law, a Community Centre shall also be permitted;

b) That Section 6.6.2.1c) and Section 6.6.2.1d) of this By-law shall not apply;

c) That notwithstanding Section 3 of this By-law, the definition of the Front Lot Line shall mean the lot line abutting Ferguson Avenue North;

d) That Section 5.1a)vi) and Section 5.1a)vi) of this By-law shall not apply;

e) That Section 5.2a) of this By-law shall not apply; and,

f) That notwithstanding Section 5.6a)iii.a) of this By-law, a minimum of 39 parking spaces shall be provided and maintained for an Elementary School and Community Centre.”

3. That the Clerk is authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

4. That this By-law No. 05-200 shall come into force and be deemed to come into force in accordance with Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Subsection.

PASSED and ENACTED this _____ day of _____, 2009.

_________________________________  _________________
Fred Eisenberger                  Kevin C. Christenson
Mayor                              Clerk

ZAR-08-055
Schedule "A"
Map Forming Part of
By-Law No. 09-_____ to Amend By-law No. 05-200

This is Schedule "A" to By-Law No. 09-
Passed the .......... day of ...................., 2009

Clerk
Mayor

Subject Property
99 Ferguson Ave. N (Dr. Davey Elementary School)

Block 1 - Change in Zoning from the Downtown Multiple Residential (D6) Zone to the Downtown Multiple Residential (D6-18) Zone.

Block 2 - Change in Zoning from the Community Park (P2) Zone to the Downtown Multiple Residential (D6-18) Zone.
SUBJECT: Beasley Community Centre (ECS07092) (Ward 2)

RECOMMENDATION:

That the General Manager of Community Services be authorized and directed to draft, in partnership with the Hamilton-Wentworth District School Board, an Agreement respecting the design and build of a City owned community centre that is to be joined to the new school building, which is scheduled to be constructed on the existing site of the Dr. Edgar Davey Elementary School, and to report back to the Emergency & Community Services Committee.

Joe-Anne Priel
General Manager,
Community Services Department

EXECUTIVE SUMMARY:

Hamilton-Wentworth District School Board has confirmed their plans to rebuild the Dr. Edgar Davey Elementary School (the school) on its present site adjacent to Beasley Park.

City staff from the Planning and Economic Development and Community Services Departments have met with representatives from HWDSB to investigate opportunities to build a new Beasley Community Centre attached to or adjacent to the new school. City/HWDSB staff have determined that a community centre can be built attached to the school in a manner that accommodates school needs and has little impact on green
SUBJECT: Beasley Community Centre (ECS07092) (Ward 2) – Page 2 of 8

space in Beasley Park. Site Plans for the school will be submitted to the City for comment in early December as part of the site plan approval process; these plans will include a “grey line” representation of the proposed community centre attached to the school. Hamilton-Wentworth District School Board staff have been clear that they are willing to collaborate with the City to develop a “community hub”, but will not jeopardize the timeline needed to ensure that the school will open in September, 2010.

Construction of a new community centre in Beasley would provide the City and other community groups an opportunity to offer needed programs and services in this inner-city neighbourhood, and support current community efforts that address challenges that exist in the poorest neighbourhood in Hamilton. Extension of existing reciprocal use agreements between the City’s Recreation Division and HWDSB would allow after-hour use of the school gym in return for specified school uses of City recreation facilities, further leveraging these important community assets for mutual and community benefit.

Designing the community centre within the timetable and on the site provided by HWDSB will provide operating efficiencies and program opportunities beyond what a separate centre could provide in this underserved community, in addition to considerable savings in facility construction. Report ECS07092 further recommends a joint design process to investigate opportunities that increase the amount of shared space and facilities within the new school and proposed community centre. This approach will maximize the benefits available to the community while respecting operational and financial requirements that exist within the City and HWDSB.

BACKGROUND:

School and Neighbourhood Needs

The Beasley neighbourhood spans 42 inner-city blocks, between James Street East to Wellington Street, and from Main Street North to the railway tracks. It is home to more than 5,000 residents from 41 countries. This neighbourhood has been recognized as the poorest neighbourhood in Hamilton and the 15th poorest neighbourhood in all of Canada, and has a poverty rate of two-and-a-half times the city average. Over half of Beasley residents and two-thirds of single parent-families live below the poverty line; the average household income in Beasley is less than half of the Hamilton average.¹

Beasley Park is a small, urban park that has a community hall, a skateboard park and playground equipment. The community centre within the park has only 1,100 square feet of program space within a 1,500 square foot building. While it is widely used for various activities organized by City staff, other providers and neighbourhood groups, its small size significantly limits the programming and community activities that are sought after by the community. The recently presented Use, Renovation and Replacement

¹ Hamilton Spectator, June 26, 2007
SUBJECT: Beasley Community Centre (ECS07092) (Ward 2) – Page 3 of 8

Study of Hamilton’s Public-Use Recreation Facilities (Report ECS07068) reviewed the distribution and use of Hamilton’s recreation facilities, and noted that programming and community use of this facility is restricted by its small size.

Dr. Edgar Davey Elementary School has been scheduled for replacement for quite some time. In 2004, by way of a Council motion, Council directed staff to investigate an exchange of a portion of Beasley Park land with HWDSB to facilitate building a new school in a manner that would avoid student displacement and provide park land with improved street frontage. However, numerous issues related to this approach have prevented this from being achieved. On April 27, 2005, City Council endorsed Item 15 of the Planning and Economic Development Committee Report 05-009 directing staff to inform the HWDSB that the City of Hamilton no longer wished to pursue the land exchange between Dr. Davey Elementary School for a portion of Beasley Park.

Dr. Edgar Davey Elementary School is now scheduled to be torn down at the end of June 2009 and rebuilt on its current site in time for school opening in September, 2010. Students will be bussed to other city schools for the 2009/2010 school year while the new school is under construction. Current HWDSB plans are to build a three-storey school on the site, set back further from Ferguson Avenue than the current building. This placement on the site not only accommodates needed parking, but provides the best opportunity for location of a recreation centre attached to the school should the City and HWDSB officials decide to pursue this opportunity. With or without the addition of a recreation centre, the site has limited space for a school playground, and HWDSB has requested that the adjacent park space be available for use by the school to supplement onsite playground space.

Creation of a Community Hub

City staff has met with HWDSB to discuss the concept of building a larger community centre that is attached or adjacent to the new school. An attached centre, such as that envisioned, would provide synergistic benefits beyond those possible within the existing community centre or a new community centre located elsewhere in the community. This close proximity would allow for City use of the school gym after school hours for recreational programming, supplementing programs that can occur in community centre facilities.

The combined space would be used by City Recreation staff, community groups, and external service providers, such as Wesley Urban Ministries, to provide an increased level of recreation and community programming. It is envisioned that the community centre would provide dedicated space for the existing parent-child drop-in program, currently overseen by Wesley Urban Ministries, and allow increased services including early literacy services, nutrition programs and referrals to other community resources.
Site Limitations & Opportunities

Site restrictions (including water, sewer and other underground utilities on portions of the Park that abut the school site) severely restrict construction of a City building on the portions of the Park that are adjacent to the school. Location of a community centre in other portions of the Park would result in operational difficulties for City staff when operating the school gym.

City and HWDSB staff have determined that a community centre of sufficient size could be attached to the school in a location that would provide easy access to the school gym and have little impact on the green space within the park. This approach requires that the community centre be built on HWDSB land, which has been done in other City facilities managed by the Recreation Division. While the proposed community centre will have no direct impact on the Park, it should be noted that HWDSB will be requesting confirmed access and improvements to Beasley Park as part of their site plan submission, regardless of the City’s decision to proceed with the community centre.

A preliminary site plan of the school with the attached community centre is provided as Appendix A to Report ECS07092. The proposed community centre is shown as a “grey line” to demonstrate site placement and relative size of the proposed addition as compared to the school and site.

Joint Development of a Community Centre

One method of developing an attached community centre would be for the City to independently design a community centre with the needed building features and functionality, noting that the centre would need to conform to the overall design of the school that will be built on the site. This approach, however, will limit the amount of the shared space in the building to the school gym and any other pre-defined building elements.

As an alternative, joint planning with the HWDSB on the features and functionality of the community centre as well as some adjacent spaces within the school could result in a larger amount of shared space for use by students and the community on a scheduled and spontaneous basis. A joint facility planning exercise could expand the list of programs available to both students and the general community and ensure that the building was capable of facilitating program delivery in a cost efficient manner. This joint development approach increases the potential benefit of this project for the City, the school board, and local residents.

If a joint development approach were to be taken, including needed input from the community members and stakeholders, all parties must be aware that an expanded design process increases the risk of a construction delay for both the community centre and the school. While staff are recommending the exploration of opportunities that will
SUBJECT: Beasley Community Centre (ECS07092) (Ward 2) – Page 5 of 8

maximize the community benefit of the project, this process cannot be allowed to inhibit HWDSB’s ability to open the school on time in September 2010. Staff believe that the current timetable does provide time for joint development to occur if staff groups within the City and HWDSB are directed to undertake this collaborative effort.

Regardless of the degree of joint development that is chosen, the scope of this process needs to be limited to areas of mutual concern and opportunity. These include building aesthetics, on-site parking and traffic flow, park access and improvements, as well as other minor design elements that are required to marry the two structures. The significant difference envisioned in a more robust joint design process is the additional effort spent determining ways to increase amount and multi-use aspect of common space that will be shared by both students and community members at different times of day.

Approval and Governance

The City and HWDSB must remain aware that pre-existing limitations exist that impact collaborative projects between the two organizations. In the case of this potential project, they include separate approval processes as well as different policies governing procurement of architectural and construction services. Proactive efforts will be required to effectively address these and other challenges in a timely manner.

It is envisioned that if approved by both the City and HWDSB, the City would utilize the design and construction services chosen by HWDSB for the school in recognition that the school is the larger project and its design is near complete except for minor changes needed to accommodate the addition of the community centre. City Purchasing Policy 4.12 Policy for Cooperative Purchasing provides for this circumstance by allowing the City to participate with other government agencies or public authorities in cooperative acquisition ventures for Goods and/or Services when it is in the best interest of the City to do so, and to follow the purchasing procedures and policies of the government agency or public authority initiating the procurement process.

ANALYSIS/RATIONALE:

Development of a new community centre in Beasley provides the opportunity to provide services and programming to help address some of the challenges faced by residents within this community. Community stakeholders have shown the willingness of the Hamilton community to provide assistance and opportunities to Beasley residents; larger and improved community facilities are required to capitalize and expand on these efforts.
SUBJECT: Beasley Community Centre (ECS07092) (Ward 2) – Page 6 of 8

The costs to build a community centre onto the school are anticipated to be lower than the costs of building a similar, independent community centre elsewhere for a number of reasons:

- Shared use of the school gym without incurring capital costs to build the gym;
- Shared use of common, non-programming space (entrances/exits, hallway space, emergency egress exits, parking);
- Ability to leverage existing design elements already determined for school (building style, exterior materials, etc.) as well as site approval and construction efficiencies.

The location of the proposed attached community centre will have little impact on available green space within the park, and does not require the purchase of any additional land to accommodate the building or achieve the anticipated benefits of this project.

A joint development process would demonstrate the willingness and ability of the City to collaborate with other publicly funded organizations (HWDSB) to address community needs in a fiscally and socially responsible manner. This level of collaboration and joint effort is sought after by residents who are often unaware or not concerned with the complexities such efforts entail. Successful projects between the City and other public organizations that address topics of focus for other levels of government are positively received as well, furthering Hamilton’s reputation as being a municipal government able to find creative solutions in collaborative relationships.

ALTERNATIVES FOR CONSIDERATION:

No Action: Not proceeding with this collaborative effort is an option. This option does not address the demonstrated needs of the community.

Alternate Location in the Park: Building the community centre at another location in Beasley Park would result in a reduction of green space within this neighbourhood. It is anticipated that construction and design costs would be greater than if an attached building was developed as we would lose the anticipated design, approval and construction efficiencies envisioned with co-development. Further, location of the community centre in other portions of the Park would result in operational difficulties for City staff when operating the school gym.

Later Date: Building an attached building at a later date would result in an increased impact on the community and students at the school due to the extended overall construction period. The envisioned design, site approval and construction efficiencies made possible by co-development would be lost, and the likelihood of exploiting opportunities for increased shared space are significantly reduced. Initial estimates for the increased cost of building the community centre at a later date are between
$250,000 and $500,000 ($50 and $100 per square foot) based on lost construction and design efficiencies.

Build Elsewhere: Building a community centre to serve the Beasley community at another, remote location would not leverage the school facility in any way. This option would require a new site (i.e.: land costs) as well as increased construction costs to build a gymnasium and other shared spaces that would be possible in the preferred option. Further, the opportunity to utilize Beasley Park space within programming at the centre would be greatly reduced.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

**Financial:**

It is anticipated that joint development as proposed within Report ECS07092 will be more cost effective than sole development of a similar facility. However, new design, construction and operating costs will result from approval of Report ECS07092.

Design costs are anticipated to be less than $75,000. Preliminary estimates for construction of a 5,500 square foot addition to the school are $825,000; final estimates will be provided after completion of the design efforts and in time for the 2009 Capital budget process.

Construction costs will be put forward as part of the recreation block funding for 2009.

**Staffing:**

No increases in staff levels are included in this request. Participation in a joint design effort should be achieved using existing staff.

**Legal:**

Legal implications that will be explored as part of this proposed project include:

- Land use, construction and operating related to building a community centre on land owned by HWDSB; and,
- Purchasing policy and other implications of utilizing HWDSB architects, contractor and sub-contractors to complete this project.

**POLICIES AFFECTING PROPOSAL:**

Reciprocal Use Agreement with HWDSB for existing combined sites. Purchasing Policy 4.12 Policy for Cooperative Purchasing.
SUBJECT: Beasley Community Centre (ECS07092) (Ward 2) – Page 8 of 8

RELEVANT CONSULTATION:

City staff have consulted with senior facilities management staff at HWDSB
City staff consulted include:
- Manager of Purchasing
- Acting Manager, Development Planning
- Manager Lower Central Hamilton, Recreation Division
- Manager, Real Estate
- Manager, Open Space Development
- Researcher, Parks Maintenance

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Creation of a larger community centre in Beasley will allow provision of needed programs and services in this inner-city neighbourhood.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
City parkland is maintained with the recommended option.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Creation of a larger community centre in Beasley will demonstrate that Hamilton is making concerted efforts to improve inner-city neighbourhoods.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No
To: Chair and Members
Emergency & Community Services Committee

From: Joe-Anne Priel
General Manager,
Community Services Department
Telephone: 905 546-4839
Facsimile: 905 540-5608
E-mail: jpriel@hamilton.ca

Date: May 30, 2008
Re: Beasley Community Centre (ECS07092(a)) (Ward 2)

Council Direction:

At its meeting of December 12, 2007, Council approved Item 10 of the Emergency & Community Services Committee Report 07-015, as follows:

10. Beasley Community Centre (ECS07092) (Ward 2) (Item 8.3)

That the General Manager of Community Services be authorized and directed to draft, in partnership with the Hamilton-Wentworth District School Board, an Agreement respecting the design and build of a City owned community centre that is to be joined to the new school building, which is scheduled to be constructed on the existing site of the Dr. Edgar Davey Elementary School, and to report back to the Emergency & Community Services Committee.

Information:

Significant progress has been made in the plans for building a Community Centre in Beasley. This report provides an update on the effective collaboration between Hamilton Wentworth District School Board (HWDSB) and City staff groups, which resulted in an innovative and effective design that will support the development of a true “community hub” in Beasley. Further, this report advises that the Community Centre, due to the integration within the school building, can best be built by the HWDSB with City funds and leased to the City in return for a long-term, renewable lease.
SUBJECT: Beasley Community Centre (ECS07092(a)) (Ward 2) – Page 2 of 6

Collaborative Approach

City and the HWDSB staff groups have been working collaboratively to develop plans for the Beasley Community Centre to be built in conjunction with the replacement school on the Dr. Edgar Davey Elementary School site. Representatives from Wesley Urban Ministries, who currently operates the Ontario Early Years Centre (OEYC) at the existing Beasley Community Centre, have participated in all meetings, as has the architect who is revising existing school plans to accommodate this project. All members of this informal working group have been encouraged by the opportunities that this collaborative approach as provided.

While the primary topic discussed has been changes to the standard HWDSB 3-story school plan, which is required to incorporate the Community Centre; discussions have included building aesthetics, on-site waste management, parking & traffic flow, as well as park access & improvements. A significant amount of time has been spent determining ways to increase the amount and multi-use aspect of common space that could be shared by both students and community members at different times of day. The resulting building and site plans are shown in Appendix “A” to Report ECS07092(a).

Creation of a Community Hub

The working group has developed plans for the Community Centre that is much more integrated within the school building design than first discussed. The proposed integrated building plan can provide synergistic benefits beyond those possible with a separate centre simply attached to the school, and certainly more than a new community centre located elsewhere in the community. Further, it addresses many of the challenges that exist on this small site that could not otherwise be satisfactorily addressed.

Key features of the proposed Community Centre include:

- A Wilson Street frontage for improved visibility, with a separate entrance and clear City signage;
- Interior access between Community Centre and gymnasium with restricted access to classroom spaces;
- Dedicated and purposefully designed space for the OEYC;
- Shared use of dedicated kitchen space by OEYC, Beasley Community Centre programs (such as the existing breakfast program), and school special events;
- Shared / coordinated use of ‘kindergarten’ playground space with school and OEYC participants;
- A multi-purpose room for daytime and evening programming;
- Adequate staff office space and storage;
- Controlled access to non-classroom space within the school on the 2nd floor, including the school library, computer laboratory and an equipped exercise room for potential after-school use by either City or community organization led
programming. The proposed floor plan eliminates physical and classroom security issues that would otherwise prevent such collaborative uses of this space in the future;

- Access to the school elevator for 2nd floor accessibility; and,
- Suitable onsite parking for Community Centre participants with an enlarged parking space with an electrical connection for periodic visits from the Community Health Bus.

At a minimum, the proposed design allows for community use of the school gym after school hours for recreational programming, which will supplement programs that will occur in the community centre multi-purpose room. Dedicated space for the OEYC with shared use of the kitchen facilities is also provided for in this design.

In addition, the floor plan provides for community use of the school library, computer lab, seminar room and exercise room after normal school hours should the need arise. While agreements for such use have not been negotiated, this floor plan maintains this option as a possible and workable opportunity to be pursued in the future.

This design overcomes many of the limitations that are present with this small site while leveraging the existing school design with minimal modifications. In addition, the proposed floor plan does address many of the security and people flow concerns that were raised when an integrated building approach was first proposed and allows for elements such as the kitchen and elevator to be shared between the school and community centre. It goes beyond what was originally discussed for the site, and provides much greater community access to the school building by the extended community. In short, the integration of the Community Centre within the redesigned school leverages these two public assets to provide flexible and appropriate space needed for the creation of a true community hub in Beasley. Each facility is greater than it would otherwise be on this constrained site, and each change to the original design has been made with improved community access as the driver.

Site Constraints & Opportunities

The constrained school site and decision to co-locate the ~6000 ft$^2$ Community Centre on HWDSB property puts further pressure on remaining space for school playgrounds and required parking. Three offsetting solutions have been identified and will be included in the site plan that will be submitted to the City by HWDSB:

- Provide exclusive, school day use of approximately 6000 ft$^2$ of City park land, immediately adjacent to the school playground. This area would be fenced to ensure security for and control of students during the school day, with gates locked in the open position outside of school hours. It is proposed that a multi-purpose court be installed in this area, for use by students during the school day and by residents outside of school hours.
SUBJECT: Beasley Community Centre (ECS07092(a)) (Ward 2) – Page 4 of 6

- Road closure and sale of the dead-end section of Kelly Street that is immediately north of the HWDSB property to HWDSB, helping the school meet the required number of parking spaces and reduce the amount of parking elsewhere on this compact site. This will require a road closure of this underutilized portion of Kelly Street for which there is no thoroughfare required.
- Incorporate the dead-end section of Elgin Street that is immediately west of the HWDSB property into the site access and parking solution for the community centre and school. This approach better utilizes this dead-end roadway and resolves concerns raised by City Planning representatives related to vehicle traffic and waste storage. This will require a road closure of this underutilized portion of Elgin Street for which there is no thoroughfare required, and an easement provided to the neighbouring Horizon Utilities hydro transformer site.

City representatives who have been meeting with HWDSB to develop the plans provided in Appendix B support all three solutions, subject to final review by the appropriate City Departments. They believe that these solutions are the best overall approach to addressing the site restrictions and balance HWDSB, City and resident perspectives.

When submitted, the site plan will identify some trees on City property that are to be removed to accommodate the proposed school and community centre design, particularly in the required play area. Plans have been optimized to reduce the impact on existing trees and park space to the greatest extent possible. Landscape plans to be submitted will recognize these concerns and remediate appropriately.

Long Term Lease

The original concept presented to Council in November envisioned a Community Centre that was attached to the school, built on HWDSB property. Ownership of the building by the City was envisioned, with a long-term lease from HWDSB for the land below the building. For the reasons outlined in this report, the current design of the Community Centre being proposed is nested within the school, with the school library and other rooms directly on top of the Community Centre space (see Appendix A to Report ECS07092(a)). In this configuration, direct ownership by the City of the Community Centre space becomes problematic.

The City’s legal services division has recommended that a lease arrangement is the most feasible solution to this situation, albeit not the only solution. Ownership of the entire building, including the Community Centre, would be maintained by HWDSB. In the proposed arrangement, the City would provide construction costs for the portions of the project that are directly related to the Community Centre, and in return, receive a long-term, renewable lease from HWDSB. Monthly lease costs would only include amounts required for the ongoing maintenance & operation of the Community Centre space (i.e.: utilities).
SUBJECT: Beasley Community Centre (ECS07092(a)) (Ward 2) – Page 5 of 6

Lease provisions would have to be negotiated to protect both the City’s investment and ongoing interest in the Community Centre. The City’s legal department has indicated that appropriate protections could be included in a lease, following approaches used in other lease arrangements in which the City has been involved. Key interests of the City to be protected through lease provisions include:

- City lease would be for a twenty-five year period, with rights to renew after the twenty-five year period;
- Financial protection of the City’s capital investment to construct the Community Centre portion of the project. It is envisioned that the investment would be protected on a straight line, declining balance basis over a twenty-five year period. Should HWDSB need to cancel the lease for some unforeseen reason, it would be required to repay the City the remaining balance;
- City would be among the parties with a first right of purchase in the event that the school was sold, in accordance with the Education Act.

The foregoing protections in favour of the City will have to be negotiated with the HWDSB along with the other lease provisions. Lease provisions will be developed in cooperation with the City’s legal services division.

Financial

Project cost estimates are $2.0 million, representing the City’s share of design, construction and contingency costs. This estimate includes the proposed building as well as outdoor site improvements (parking, etc.), but does not include any estimate for additional improvements to Beasley. This project has been listed by Council on their March 20, 2008 Capital Budget Priorities list; financing of this project has not been further investigated pending additional direction of Council.

Review by Hamilton Wentworth District School Board Trustees

HWDSB staff will be presenting this overall project to school board Trustees at their June meeting and seeking approval to move forward with this concept. HWDSB staff has indicated that they cannot proceed with implementation of this project, as presented, until approval has been received. Trustee support is anticipated.

Next Steps

Staff are preparing agreements with HWDSB that protect City interests and leverage opportunities that co-location with the school may provide. All agreements will be prepared in a form satisfactory to the City Solicitor and presented to Council at a later date.
SUBJECT: Beasley Community Centre (ECS07092(a)) (Ward 2) – Page 6 of 6

In addition, various applications will be submitted by HWDSB that are required to implement this project in time for the September 2010 required school re-opening. While each agreement and application need be prepared and reviewed to ensure all City interests are protected, it is important to highlight the inter-dependencies of each item that will come before staff and Council in the upcoming months. In order for this project to progress on schedule and succeed, all parties must understand the overall direction and agree in principle to that direction.

HWDSB staff support this project and have been collaborative partners in the discussions. They do emphasize, however, that delays on the necessary approvals required will jeopardize the timely opening of their school in September 2010, which would be unacceptable to Board Trustees and the community. A timetable has been developed that reaches the required construction date and is respectful of the City’s required approval processes and timeframes.

Next steps include:

- HWDSB will apply to rezone the current school site to allow construction of the community centre on HWDSB land;
- HWDSB will apply to close and purchase the portion of Kelly Street that immediately adjacent to the north border of their site;
- City will begin process of closing the affected portions of Elgin Street and Kelly Street;
- City will develop any mutual access agreement and necessary easements across Elgin Street and Kelly Street in favour of the various parties;
- Site plans will be submitted for approval pending zoning and road closure decisions;
- Construction, Facility Lease agreements and a Park-Use agreement will be prepared in a form satisfactory to the City Solicitor;
- Sub-lease agreement with Wesley Urban Ministries (OEYC) will be prepared in a form satisfactory to the City Solicitor and other parties;
- Existing reciprocal use agreements between the Recreation Division and HWDSB will be updated to include the gym at this new school.

Joe-Anne Priel
General Manager,
Community Services Department
To: Chair and Members
   Emergency & Community Services Committee
   Outstanding Business Item No. ___ and Issue:

From: Joe-Anne Priel
       General Manager
       Community Services Department

Telephone: 905 546-4839
Facsimile: 905 540-5608
E-mail: jpriel@hamilton.ca

Date: May 30, 2008

Re: Beasley Community Centre (ECS08035) (Ward 2)

Council Direction:

Report ECS07092 in December, 2007 directed that the General Manager of Community Services be authorized and directed to draft, in partnership with the Hamilton-Wentworth District School Board, an Agreement respecting the design and build of a City owned community centre that is to be joined to the new school building, which is scheduled to be constructed on the existing site of the Dr. Edgar Davey Elementary School, and to report back to the Emergency & Community Services Committee.

Information:

Significant progress has been made in the plans for building a Community Centre in Beasley. This report provides an update on the effective collaboration between Hamilton Wentworth District School Board (HWDSB) and City staff groups, which resulted in an innovative and effective design that will support the development of a true “community hub” in Beasley. Further, this report advises that the Community Centre, due to the integration within the school building, can best be built by the HWDSB with City funds and leased to the City in return for a long-term, renewable lease.

Collaborative Approach

City and Hamilton-Wentworth District School Board (HWDSB) staff groups have been working collaboratively to develop plans for the Beasley Community Centre to be built in
SUBJECT: Beasley Community Centre (ECS08035) (Ward 2)  
January 29, 2009

conjunction with the replacement school on the Dr. Edgar Davey Elementary School site. (see Appendix A of Report ECS08035 for staff representatives). Representatives from Wesley Urban Ministries, who currently operates the Ontario Early Years Centre (OEYC) at the existing Beasley Community Centre, have participated in all meetings, as has the architect who is revising existing school plans to accommodate this project. All members of this informal working group have been encouraged by the opportunities that this collaborative approach as provided.

While the primary topic discussed has been changes to the standard HWDSB 3 story school plan that are required to incorporate the Community Centre, discussions have included building aesthetics, on-site waste management, parking & traffic flow, as well as park access & improvements. A significant amount of time has been spent determining ways to increase the amount and multi-use aspect of common space that could be shared by both students and community members at different times of day. The resulting building and site plans are shown in Appendix “B" of Report ECS08035.

Creation of a Community Hub

The working group has developed plans for the Community Centre that is much more integrated within the school building design than first discussed. The proposed integrated building plan can provide synergistic benefits beyond those possible with a separate centre simply attached to the school, and certainly more than a new community centre located elsewhere in the community. Further, it addresses many of the challenges that exist on this small site that could not otherwise be satisfactorily addressed.

Key features of the proposed Community Centre include:

- A Wilson Street frontage for improved visibility, with a separate entrance and clear City signage;
- Interior access between Community Centre and gymnasium with restricted access to classroom spaces;
- Dedicated and purposefully designed space for the OEYC;
- Shared use of dedicated kitchen space by OEYC, Beasley Community Centre programs (such as the existing breakfast program), and school special events;
- Shared / coordinated use of ‘kindergarten’ playground space with school and OEYC participants;
- A multi-purpose room for daytime and evening programming;
- Adequate staff office space and storage;
- Controlled access to non-classroom space within the school on the 2nd floor, including the school library, computer laboratory and an equipped exercise room for potential after-school use by either City or community organization led programming. The proposed floor plan eliminates physical and classroom security issues that would otherwise prevent such collaborative uses of this space in the future;
SUBJECT: Beasley Community Centre (ECS08035) (Ward 2)  
January 29, 2009

- Access to the school elevator for 2nd floor accessibility;
- Suitable onsite parking for Community Centre participants with an enlarged parking space with an electrical connection for periodic visits from the Community Health Bus.

At a minimum, the proposed design allows for community use of the school gym after school hours for recreational programming, which will supplement programs that will occur in the community centre multi-purpose room. Dedicated space for the OEYC with shared use of the kitchen facilities is also provided for in this design.

In addition, the floor plan provides for community use of the school library, computer lab, seminar room and exercise room after normal school hours should the need arise. While agreements for such use have not been negotiated, this floor plan maintains this option as a possible and workable opportunity to be pursued in the future.

This design overcomes many of the limitations that are present with this small site while leveraging the existing school design with minimal modifications. In addition, the proposed floor plan does address many of the security and people flow concerns that were raised when an integrated building approach was first proposed and allows for elements such as the kitchen and elevator to be shared between the school and community centre. It goes beyond what was originally discussed for the site, and provides much greater community access to the school building by the extended community. In short, the integration of the Community Centre within the redesigned school leverages these two public assets to provide flexible and appropriate space needed for the creation of a true community hub in Beasley. Each facility is greater than it would otherwise be on this constrained site, and each change to the original design has been made with improved community access as the driver.

Site Constraints & Opportunities

The constrained school site and decision to co-locate the ~6000 ft² Community Centre on HWDSB property puts further pressure on remaining space for school playgrounds and required parking. Three offsetting solutions have been identified and will be included in the site plan that will be submitted to the City by HWDSB:

- Provide exclusive, school day use of approximately 6000 ft² of City park land, immediately adjacent to the school playground. This area would be fenced to ensure security for and control of students during the school day, with gates locked in the open position outside of school hours. It is proposed that a multi-purpose court be installed in this area, for use by students during the school day and by residents outside of school hours.

- Road closure and sale of the dead-end section of Kelly Street that is immediately north of the HWDSB property to HWDSB, helping the school meet the required
number of parking spaces and reduce the amount of parking elsewhere on this compact site. This will require a road closure of this unused portion of Kelly Street for which there is no thoroughfare required.

- Incorporate the dead-end section of Elgin Street that is immediately west of the HWDSB property into the site access and parking solution for the community centre and school. This approach better utilizes this dead-end roadway and resolves concerns raised by City Planning representatives related to vehicle traffic and waste storage. This will require a road closure of this unused portion of Elgin Street for which there is no thoroughfare required, and an easement provided to the neighbouring Horizon Utilities hydro transformer site.

City representatives who have been meeting with HWDSB to develop the plans provided in Appendix B support all three solutions, subject to final review by the appropriate City Departments. They believe that these solutions are the best overall approach to addressing the site restrictions and balance HWDSB, City and resident perspectives.

When submitted, the site plan will identify some trees on City property that are to be removed to accommodate the proposed school and community centre design, particularly in the required play area. Plans have been optimized to reduce the impact on existing trees and park space to the greatest extent possible. Landscape plans to be submitted will recognize these concerns and remediate appropriately.

Long Term Lease

The original concept presented to Council in November envisioned a Community Centre that was attached to the school, built on HWDSB property. Ownership of the building by the City was envisioned, with a long-term lease from HWDSB for the land below the building. For the reasons outlined in this report, the current design of the Community Centre being proposed is nested within the school, with the school library and other rooms directly on top of the Community Centre space (see appendix B). In this configuration, direct ownership by the City of the Community Centre space becomes problematic.

The City’s legal department has recommended that a lease arrangement is the most appropriate solution to this situation. Ownership of the entire building, including the Community Centre, would be maintained by HWDSB. In the proposed arrangement, the City would provide construction costs for the portions of the project that are directly related to the Community Centre, and in return, receive a long-term, renewable lease from HWDSB. Monthly lease costs would only include amounts required for the ongoing maintenance & operation of the Community Centre space (ie: utilities).
SUBJECT: Beasley Community Centre (ECS08035) (Ward 2)  January 29, 2009

Lease provisions would be written to protect both the City’s investment and ongoing interest in the Community Centre. The City’s legal department has indicated that appropriate protections could be included in a lease, following approaches used in other lease arrangements that the City has been involved. Key interests of the City to be protected through lease provisions include:

- City lease would be for a twenty-five year period, with rights to renew after the twenty-five year period;
- Financial protection of the City’s capital investment to construct the Community Centre portion of the project. It is envisioned that the investment would be protected on a straight line, declining balance basis over a twenty-five year period. Should HWDSB need cancel the lease for some unforeseen basis, they would be required to repay the City the remaining balance;
- City will have first right of purchase in the event that the school was sold.

Lease provisions will be developed in cooperation with the Legal Services.

Financial

Project cost estimates are $2.0 million, representing the City’s share of design, construction and contingency costs. This estimate includes the proposed building as well as outdoor site improvements (parking, etc.), but does not include any estimate for additional improvements to Beasley. This project has been listed by Council on their March 20 Capital Budget Priorities list; financing of this project has not been further investigated pending additional direction of Council.

Review by Hamilton Wentworth District School Board Trustees

HWDSB staff will be presenting this overall project to school board Trustees at their June meeting and seeking approval to move forward with this concept. HWDSB staff have indicated that they cannot proceed with implementation of this project as presented until approval has been received. Trustee support is anticipated.

Next Steps

Staff are preparing agreements with HWDSB that protect City interests and leverage opportunities that co-location with the school may provide. All agreements will be prepared in a fashion satisfactory to the City Solicitor and presented to Council at a later date.

In addition, various applications will be submitted by HWDSB that are required to implement this project in time for the September, 2010 required school re-opening.
While each agreement and application need be prepared and reviewed to ensure all City interests are protected, it is important to highlight the inter-dependencies of each item that will come before staff and Council in the upcoming months. In order for this project to progress on schedule and succeed, all parties must understand the overall direction and agree in principal to that direction.

HWDSB staff support this project and have been collaborative partners in the discussions. They do emphasize, however, that delays on the necessary approvals required will jeopardize the timely opening of their school in September, 2010, which would be unacceptable to Board Trustees and the community. A timetable has been developed that reaches the required construction date and is respectful of the City’s required approval processes and timeframes.

Next steps include:

- HWDSB will be applying for rezoning of the current school site to allow construction of the community centre on HWDSB land;
- HWDSB will apply for purchase and conveyance of the portion of Kelly Street that immediately adjacent to the north border of their site;
- City will begin process of closing the affected portions of Elgin Street and Kelly Street;
- City will develop an access agreement across Elgin Street land for Horizon Utilities’ transformer station;
- Site plans will be submitted with conditional approval being requested pending zoning and road closure decisions;
- Construction, Facility Lease agreements and Park-Use agreement will be prepared in a fashion satisfactory to the City Solicitor;
- Sub-lease agreement with Wesley Urban Ministries (OEYC) will be prepared in a fashion satisfactory to the City Solicitor and other parties;
- Existing reciprocal use agreements between Recreation Division and HWDSB will be updated to include the gym at this new school.

Joe-Anne Priel
General Manager,
Community Services Department