

Questions & Answers
Development at 18-30 Erskine Avenue – Mitigation Strategy
May 18, 2017

Over the last few days, the school community has raised several questions regarding mitigation measures and the proposed agreement between the TDSB and KG Group.

The questions and answers set out below are intended to provide further information/details on the mitigation agreement. Please note we have grouped many of these questions to avoid duplication.

1. How will the TDSB attenuate noise levels in the outdoor play areas and inside the school?

The Master Plan is posted on the school website. The school will have multiple playing areas including the artificial turf field and three other playgrounds. One of them will be located in the existing parking lot on the east side and effectively replaces the “Neptune” play area which will not be in use during construction and another of which will house the new play equipment. Once the noise impact of the tower development is established based on on-site noise measurements, immediate action will be taken to direct the use or non-use of the various play areas to ensure the safest play environment for students. It is the intention to work as fast as we can to complete the play areas for the children; however, the artificial turf installation and all additional landscaping may not be completed until the middle of October, 2017, weather permitting.

In addition, we have negotiated an agreement with the developer, pending Board approval, which addresses all noise mitigation measures that were recommended by ECOH as set out in the mitigation chart attached to the agreement. On-site third party inspection and monitoring will ensure compliance with both, the mitigation chart and the developer’s construction mitigation plan as well as the City of Toronto noise by-law, which stipulates certain measures that must be complied with to attenuate construction noise. The TDSB will also instruct its third party monitor to develop and implement a rigorous noise monitoring protocol. If, at any time, the third party monitor determines that noise levels being generated by the development are causing a material adverse impact on staff and students; and/or, learning environment, the TDSB will act immediately. Measures may include seeking injunctive relief from the Court to protect TDSB staff and students. The TDSB will not allow the development to generate an unsafe environment for students or staff.

However, the noise risk must be put into context. In its Phase II Risk Assessment Report, ECOH estimates that noise levels inside the school while the windows are closed and outside on the east play areas will be safe. In addition, keeping windows closed will not present a problem as the TDSB will be installing air conditioners.

It is important to note that:

- (a) ECOH’s outdoor noise exposure calculations were based on the assumption that the developer would erect an eight foot hoarding wall. Since then, the developer has committed to increasing the height of the hoarding wall to 12 feet. In addition, the TDSB will erect an additional 12 foot high barrier wall on its property



(between the developer's hoarding wall and the school) to provide further buffer and greater noise attenuation.

- (b) ECOH has advised that the soft surface of the playground will further attenuate the noise levels as more absorption of noise occurs on soft soil surfaces as compared to concrete.
- (c) Much of the excavation and foundation work will be below grade and the soil around the excavated pit will provide additional noise attenuation.
- (d) ECOH's indoor noise calculations did not consider the interior plaster wall and were based on single pane windows and on the assumption that there would be no air conditioners installed to alleviate the need to open windows. The TDSB has confirmed that double pane windows and air conditioning units will be installed.

2. What's the schedule for replacing windows and installing air conditioner units? Would you be able to provide details on the work to be done?

In an Addendum dated May 11, 2017, ECOH clarified which of the windows needed replacement with double pane glass windows before construction started.

The TDSB expects to be able to complete the installation of these windows prior to the start of the new school year. In the unlikely event of any delay in that regard, the TDSB has secured, as a term of the conditional Mitigation Agreement with the developer, a commitment from the developer to suspend certain construction activity until October 15, 2017, to allow any of these remaining installations to be completed. Over and above ECOH requirements, and as planned by the TDSB, replacement of the remaining windows will be completed as quickly as possible during the school year and with minimal disruption to school operations. This may require the use of temporary internal hoarding and relocation of classes, consistent with existing TDSB practices at all other school sites.

ECOH has confirmed that the use of window air conditioning units is acceptable.

3. Will the TDSB ensure the removal of asbestos or lead paint prior to excavation? Why is this work not shown in the budget?

The TDSB will remove the asbestos and lead paint prior to excavation or the start of school, whichever comes first. This work is in the budget as it is included in Table 1 (page 55) of the Planning & Priorities Committee report, entitled "Painting and General Upgrade of Interior of School".

4. Based on ECOH's risk assessment report, an independent third party daily monitoring system and enforcement process needs to be in place. Will there be daily monitoring and is there an enforcement process in place?

The TDSB will retain and instruct its third party monitor to develop and implement a rigorous inspection and monitoring protocol for daily monitoring for any activity that might generate noise, vibration, and/or, any potential adverse impact on air quality.

The developer's mitigation obligations, as outlined in the mitigation chart, will be enforced through the process as outlined in the mitigation chart and the document attached to the chart entitled "Section 14 Enforcement" and any additional action that the TDSB deems appropriate. The enforcement provisions of the mitigation agreement also provide the TDSB with the right to enforce the provisions of the developer's construction mitigation plan. The enforcement regime contemplates active involvement, communication and co-operation of independent third party professionals engaged by the developer and the TDSB to keep staff and students safe, while preserving all remedies available to the TDSB, including an injunction from the Court if that becomes necessary. While there is no unilateral authority on the part of the TDSB or the third party monitor to stop construction based on a specified threshold, the agreement provides the necessary monitoring, communication and enforcement provisions to allow the TDSB to protect its staff and students. If, at any time, the third party monitor determines that levels being generated by the development are causing a material adverse impact on staff and students; and/or, learning environment, the TDSB will act immediately. Measures may include seeking injunctive relief from the Court; and/or, enforcement action by the City of Toronto for any conduct that violates City by-laws or Toronto Public Health requirements. The TDSB will not allow the development to generate an unsafe environment for students or staff.

ECOH has reviewed the mitigation chart, including the enforcement process and has found the provisions acceptable.

5. How will diesel fumes be monitored?

There will be monitoring and corrective action for particulates matter (PM) down to 2.5. The TDSB will also monitor for Nitrogen Oxides (NOx). ECOH has confirmed that the provisions around monitoring and enforcement for PM 2.5 can and will act as a proxy for NOx.

6. How will the TDSB mitigate an increase in traffic?

The City is responsible for traffic control. The TDSB will continue working with the City and developer to address any increase in traffic as a result of the construction, in particular, at drop-off and pick-up times. In its construction mitigation plan, the developer has committed to having trained traffic coordinators on-site. In addition, the TDSB has committed to increase vigilance regarding traffic by implementing a safety protocol regarding pick-up and drop-off and provide the requisite training to affected staff.

7. The TDSB is receiving \$500,000 from KG under the agreement, upon KG receiving all City permits. Will the TDSB receive additional financial compensation from entering into a tieback agreement?

The TDSB's commitment to a tieback agreement is part and parcel of the Mitigation Agreement. There will be no additional funding.

8. Will the TDSB monitor vibration, air quality and dust?

Yes, the TDSB will monitor vibration, air quality and dust. Please see the mitigation chart and Q &A's 1-5 above.

9. Who will determine the suspension of construction activity if the TDSB doesn't complete the installation of windows; and/or, AC units before the start of the new school year?

The terms of the Mitigation Agreement require the developer to suspend all construction activities (except movement of equipment/supplies and construction of the staging area) until all the specified windows and air conditioning units are installed.

10. Will the KG Group start demolition/excavation after the end of the current school year; and/or, once the French Connection Child Care Centre is relocated?

The North York Community Council will vote on the demolition permit and Site Plan Approval at its meeting on June 13, 2017. If it is approved by NYCC, it will be sent to City Council for consideration on July 5. If City Council approves, site preparation for the demolition/excavation can start after July 5 if the developer has fulfilled all the conditions required in the City's approval process. The French Connection Child Care Centre will be relocated prior to that time.