

## **402, 404, 406 and 408 Livingston Road North - Official Plan Amendment and Zoning By-law Amendment Applications – Decision Report – Refusal**

Date: October 3, 2025

To: Scarborough Community Council

From: Director, Community Planning, Scarborough District

Ward: 24 - Scarborough-Guildwood

**Planning Application Number:** 25 138374 ESC 24 OZ

### **SUMMARY**

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This report reviews and recommends refusal of the application to amend the Official Plan and Zoning By-law to permit the development of a 35-storey residential building at 402-408 Livingston Road North. The proposed total gross floor area is 30,888 square metres with 442 residential units, resulting in a density of 5.4 times the lot area. A total of 336 vehicular parking spaces are proposed, located within one level of underground parking and four levels of above-grade parking.

The application is not consistent with the Provincial Planning Statement 2024 (PPS 2024) and fails to meet applicable Official Plan policies. The proposed scale and massing of the 35-storey building represents an overdevelopment of the site in a way that is not contextually appropriate.

### **RECOMMENDATIONS**

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The Director, Community Planning Scarborough District recommends that:

1. City Council refuse the applications for the Official Plan Amendment and Zoning By-law Amendment (Application No. 25 138374 ESC 24 OZ) for the lands municipally known as 402, 404, 406 and 408 Livingston Road North for the reasons identified in this Report.
2. City Council authorize the City Solicitor, together with appropriate City Staff, to appear before the Ontario Land Tribunal in support of City Council's decision to refuse the application, in the event that the decision is appealed to the Ontario Land Tribunal.
3. City Council authorize the City Solicitor and other appropriate City Staff to take any necessary steps to implement City Council's decision, including requesting any

conditions of approval that would be in the City's interest, in the event an appeal of Council's decision is allowed by the Ontario Land Tribunal, in whole or in part.

## **FINANCIAL IMPACT**

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The Development Review Division confirms that there are no financial implications resulting from the recommendations included in this Report in the current budget year or in future years.

## **THE SITE AND SURROUNDING LANDS**

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### **Description**

The subject site is comprised of four lots municipally known as 402, 404, 406 and 408 Livingston Road North and is currently occupied by two residential buildings, and one commercial building. The lot area of the subject site is 5,676 square metres and is located at the southern end of Livingston Road North which terminates without access to Kingston Road. The subject site has a lot frontage of 64 metres along Livingston Road North and a total depth of 99 metres. The southern portion of the lot includes 99 metres of frontage along the CN and Metrolinx rail corridor. See Attachment 2 for the Location Map.

### **Surrounding Uses**

**North:** Established low-rise residential neighbourhood, containing one and two-storey detached dwellings. Further north is Highland Creek Park (designated *Natural Areas*), Greenvale Park and Cedar Ridge Park (both designated *Parks*).

**South:** Immediately south of the site is the CN/GO Rail corridor and the Kingston Road overpass. South of the rail corridor and beyond the Kingston Road overpass is an approved 7 and 12 storey apartment building and an existing 17 storey apartment building, beyond which lies an established low-rise residential neighbourhood.

**East:** Immediately east of the subject property along Livingston Road North is an established low-rise, residential neighbourhood containing one and two-storey detached dwellings. Further east on Kingston Road is the Guildwood GO station and associated surface parking lot. North of the Guildwood GO Station there is an OLT approved development along Kingston Road (4121 Kingston Road), comprised of 29 and 38 storey towers and two mid-rise buildings of 12 and 13 storeys.

**West:** Immediately west of the subject site is the Scarboro Golf and Country Club, which is designated *Other Open Space Areas* in the City of Toronto's Official Plan.

## THE APPLICATIONS

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### Description

The application proposes a 35-storey (119.7 metres, including mechanical penthouse) residential building with a total gross floor area of 30,888 square metres. A total of 442 residential dwelling units are proposed. The existing buildings are proposed to be demolished.

### Density

The total gross floor area of the building would be 40,839 square metres (inclusive of the above grade parking), with a residential gross floor area of 30,888 square metres. The proposed density is 5.4 times the area of the lot.

### Residential Component

The proposal includes 442 dwelling units, 265 one-bedroom (60%), 131 two-bedroom (30%), and 46 three-bedroom units (10%).

### Access, Parking and Loading

A 6.0 metre wide private driveway is proposed on the north side of the proposed building, providing access from Livingston Road North to the loading and parking areas. The proposed driveway access is taken via a proposed new cul-de-sac which would be constructed to facilitate the access to the subject site for vehicles and pedestrians.

The proposal includes a total of 336 vehicular parking spaces distributed through one level of underground parking and four levels of above ground parking contained within the podium element of the building. In total, there are 310 vehicular parking spaces, 24 visitor parking spaces and 2 pick-up/drop-off spaces.

A total of 332 bicycle parking spaces are proposed, consisting of 301 long-term bicycle parking spaces located in a bicycle parking room at the southeast portion of the site and 31 short-term bicycle parking spaces located at-grade. One Type C and one Type G loading space are proposed.

### Additional Information

See the attachments of this Report for the Application Data Sheet, Location Map, a site plan, elevations, and 3D massing views of the proposal. Detailed project information including all plans and reports submitted as part of the application can be found on the City's Application Information Centre at: [www.toronto.ca/402LivingstonRd](http://www.toronto.ca/402LivingstonRd)

### Reasons for Application

The application proposes to redesignate the subject lands from a *Neighbourhoods* land use designation to *Apartment Neighbourhoods*. An amendment to the Official Plan is

required to permit residential development at the proposed height and density, neither of which is permitted by the current *Neighbourhoods* designation.

A Zoning By-law Amendment to the City of Toronto Zoning By-law 569-2013 is required as the site's current Residential Detached (RD) zoning does not permit this form of residential development. Amendments are also required to establish appropriate development standards for the proposed apartment building and to determine the appropriate uses for this type of building at this location.

## **APPLICATION BACKGROUND**

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A pre-application consultation (PAC) meeting was held on June 4, 2024.

The current application was submitted on April 15, 2025 and deemed complete on July 4, 2025, satisfying the City's minimum application requirements. The reports and studies submitted in support of this application are available on the Application Information Centre: [www.toronto.ca/402LivingstonRd](http://www.toronto.ca/402LivingstonRd)

### **Agency Circulation Outcomes**

The application together with the applicable reports noted above, have been circulated to all appropriate agencies and City Divisions. Responses received have been used to assist in evaluating the application.

## **POLICY & REGULATION CONSIDERATIONS**

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### **Provincial Land-Use Policies**

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (2024), and shall conform to provincial plans, including the Greenbelt Plan (2017), and others.

### **Official Plan**

The Official Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision making.

The subject lands are designated *Neighbourhoods* on Land Use Map 23 of the Toronto Official Plan, and front onto Livingston Road, a local street. The subject site immediately abuts lands designated as *Utility Corridors* in the Official Plan and is also partially located to the east of lands designated *Other Open Space Areas* on Map 23. The subject property is also located south of lands that form part of the City's Natural Heritage System as shown on Map 2 and 9 of the Official Plan.

The City of Toronto Official Plan can be found here:

<https://www.toronto.ca/citygovernment/planning-development/official-plan-guidelines/official-plan/>.

### **Site and Area Specific Policy 570**

At its meeting on July 19-22, 2022, City Council adopted the recommended Major Transit Station Areas (MTSA) and Protected Major Transit Station Areas (PMTSA) frameworks as part of Official Plan Amendments (OPA 540, OPA 544, OPA 570 and OPA 575). OPA 570 includes the delineation of the Guildwood GO Station PMTSA which the subject lands fall within. Detailed policy direction is included within OPA 570 as part of Site and Area Specific Policy 641 (SASP 641). Within this policy, the Guildwood GO PMTSA would be planned for a projected minimum population and employment target of 150 residents and jobs combined per hectare. The minimum density identified on Map 2 of Site and Area Specific Policy 641 for the subject site is 0.5 FSI or 3 units.

The OPAs noted above were forwarded to the Minister of Municipal Affairs and Housing (MMAH) for approval pursuant to the *Planning Act*. On August 15, 2025, the Minister approved, with modifications, 120 MTSA and PMTSA boundaries and associated policies. The City's website has been updated with the Minister's decisions [here](#).

As it relates to the subject application, the Minister has deferred its decision regarding the Guildwood GO Station PMTSA, and, as such, SASP 641 is not in full force and effect.

### **Zoning**

The subject site is zoned Residential Detached Zone (RD) (f12.0; a464) (x472) under City-wide Zoning By-law 569-2013 which permits single detached dwellings and other low scale residential uses. The maximum permitted building height is 9 metres (2 storeys).

See Attachment 4 of this Report for the existing Zoning By-law Map.

### **Design Guidelines**

The following [design guidelines](#) have been used in the evaluation of this application:

- Tall Building Design Guidelines
- Growing Up Guidelines for Children in Vertical Communities
- Pet Friendly Design Guidelines for High Density Communities
- Percent for Public Art Program
- Toronto Accessibility Design Guidelines

### **Toronto Green Standard**

The Toronto Green Standard (TGS) is a set of performance measures for green development. Applications for Zoning By-law Amendments, Draft Plans of Subdivision and Site Plan Control are required to meet and demonstrate compliance with Tier 1 of

the TGS. Tiers 2 and above are voluntary, higher levels of performance with financial incentives (partial development charges refund). Tier 1 performance measures are secured on site plan drawings and through a Site Plan Agreement or Registered Plan of Subdivision.

## **PUBLIC ENGAGEMENT**

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### **Community Consultation**

A Virtual Community Consultation Meeting was hosted by Community Planning staff on September 9, 2025.

Approximately 49 members of the public attended the virtual meeting, as well as, the local Ward Councillor, applicant team and staff. City staff provided a presentation on the planning process, policy and site context, nearby development activity and the applicant presented the development proposal in detail.

The following comments and concerns were raised by members of the public at the meeting as well as through written correspondence:

- Concerns about on-street parking in the area;
- Concerns about impacts on local infrastructure, including community services and facilities and local schools;
- Concerns regarding a potential increase in crime;
- Concerns about increased traffic from the proposed development and broader area;
- Concerns about vehicular traffic on local streets, ingress and egress from the building and lack of visitor parking;
- Concerns about construction management, including safety concerns;
- Concerns about the building height and density;
- Concerns about noise from the proposed development and construction; and
- Concerns about loss of sunlight and shadow impacts.

A petition was provided to Community Planning staff, which was signed by 24 neighbourhood residents in opposition to the application.

Community Planning staff are also in receipt of email correspondence and letters of opposition to the proposed development, which conveyed similar concerns to those listed above.

The issues raised through the community consultation process have been considered through the review of the application and commented on as necessary in the body of this report.

## COMMENTS

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### Provincial Planning Framework

Staff's review of this application has had regard for the relevant matters of provincial interest set out in the *Planning Act*. Staff have reviewed the current proposal for consistency with the Provincial Planning Statement (2024) (PPS 2024).

Section 2 of the *Planning Act* details matters of Provincial interest. The proposal fails to have appropriate regard for matters of provincial interest as detailed in the Act, notably:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (h) the orderly development of safe and healthy communities;
- (p) the appropriate location of growth and development; and
- (r) built form that is well designed, encourages a sense of place, and provides for public spaces of high quality.

Orderly development requires a coordination of both land use and transportation while deploying density and height at a locationally appropriate scale. Growth and intensification at this scale is typically directed to locations with direct access to high order transit. The subject lands, while in the vicinity of higher order transit, do not have a direct relationship to higher order transit that would underpin the justification for the proposed height and density. The adjacent Kingston Road overpass severs potential access from the site directly to Guildwood GO Station and the site does not benefit from frontage or access to Kingston Road and the existing/planned transit options. The current walking distance to the Guildwood GO station is approximately 1.2 kilometers via Livingston Road North, Greenvale Terrace and Celeste Drive.

Furthermore, orderly development requires that a tall building fit within both the existing and planned context and be located appropriately. The City of Toronto's Official Plan currently designates the site as *Neighbourhoods* where residential development is anticipated at a lower scale than what is proposed through this application. The proposed built form fails to provide an adequate transition through massing and scale that would be considered appropriate for this location.

In the opinion of Staff, the proposal has not demonstrated consistency with the PPS (2024). The Provincial Planning Statement (2024) highlights a need to increase housing supply that meets market demands, while prioritizing transit supportive design in appropriate locations. Planning authorities are to implement this vision through prioritizing intensification and by promoting transit supportive density in close proximity to transit, where locationally appropriate. The policies contained within the PPS are intended to be read as a whole, therefore, the direction to prioritize transit supportive development must be weighed against other directives contained within the PPS. Context and transition in built form to adjacent lands is emphasized.

A key component of implementing this provincial direction is through the establishment of Major Transit Station Areas. The Guildwood GO Station Protected Major Transit

Station Area (PMTSA) was delineated Official Plan Amendment 570 (OPA 570) with an identified minimum density of 0.5 FSI. As noted, while many MTSA's and PMTSA's were approved on August 15, 2025, the Guildwood GO PMTSA has yet to be approved by the Ministry of Municipal Affairs and Housing (MMAH).

The scale of development fails to appropriately transition built form to adjacent areas as provided for by PPS Policy 2.4.1.3b. The adjacent areas and subject lands, characterized by low scale development, are not planned for significant intensification though within a delineated PMTSA as is proposed through this application. In approving other PMTSA's, the Minister did not adjust land use designations but did modify the policy framework advanced through Council to provide for multi-plexes in four storey buildings. It is acknowledged the Minister has deferred his decision on the Guildwood GO PMTSA, but the decision in other areas demonstrate that lands designated *Neighbourhoods* can provide intensification opportunities that contribute towards the goal of providing housing opportunities with access to transit. This objective can be achieved without a need to redesignate and redevelop the subject lands at the scale proposed given the site's physical isolation from the transit options needed to justify this scale as a transit oriented development.

Additional information is required to determine if the application is consistent with Policy 3.6.1 of the PPS which provides for the efficient use and optimization of existing municipal sewage services and that servicing and land use considerations are integrated throughout all stages of the planning process. It has not yet been demonstrated that there is adequate capacity to support the proposed development.

While the development proposes residential intensification in order to achieve the objectives of the Provincial Planning Statement 2024 (PPS 2024), the proposed development is not consistent with the PPS. The proposed form of development is not considered appropriate for the local context.

## **Official Plan Policies and Design Guidelines**

This application has been reviewed against the Official Plan policies, planning studies, and design guidelines described in the Policy and Regulation Considerations Section of this Report.

## **Land Use**

The subject property is designated *Neighbourhoods* in the Official Plan and is located adjacent to lands designated *Utility Corridors* in the Official Plan. *Neighbourhoods* are considered physically stable areas made up of residential uses in lower scale buildings such as detached houses, semi-detached houses, duplexes, triplexes and townhouses, as well as interspersed walk-up apartments that are no higher than four storeys. While residential uses are permitted in the *Neighbourhoods* designation, the proposed development with a tower height of 35 storeys exceeds the height permission of the Official Plan's *Neighbourhoods* designation.

The application is proposing to redesignate the lands from *Neighbourhoods* to *Apartment Neighbourhoods* in order to accommodate a 35 storey building. The Official



Plan states that development in *Apartment Neighbourhoods* will contribute to quality of life by locating and massing new buildings to provide a transition between areas of different development intensity and scale, as necessary to achieve the objectives of this Plan, through means such as providing setbacks from, and/or a stepping down of heights towards, lower-scale *Neighbourhoods*. At present, the lands to the north and to the east on Livingston Road North, would remain *Neighbourhoods* and the proposal has not demonstrated sufficient transition between these two areas of different development scale as discussed in greater detail below.

Official Plan Policy 5.3.1.3 specifies that when considering a site-specific amendment to the Official Plan, Council will be satisfied that any development permitted under an amendment should be compatible with its physical context and will not affect nearby *Neighbourhoods* or *Apartment Neighbourhoods* in a manner contrary to the neighbourhood protection policies. The proposed height and density represent an overdevelopment of the site, and results in a massing and scale that is not compatible with the surrounding context, thus failing to comply with the Official Plan's land use policies.

The application has not demonstrated that the proposed scale and density is appropriate for the subject site, nor is there adequate transition to satisfy the Official Plan's policies regarding transition between different scales of development.

### **Land Use Compatibility**

Official Plan Policy 2.2.4.5 requires that sensitive land uses proposed adjacent to or within the influence area of major facilities, should be planned to ensure that they are appropriately designed, buffered and/or separated from major facilities. *Utility Corridors*, which includes rail corridors, are considered a major facility in the Official Plan. As such, a Noise and Vibration Impact Study and Rail Safety Study were required as part of a complete application, in order to ensure that the policies of the Official Plan are met. The aforementioned studies are intended to demonstrate that the proposal is sufficiently designed to prevent or mitigate adverse effects from noise, vibration, and emission and minimize risk to public health and safety. A peer review of the materials will be undertaken by the City of Toronto and their consultant to ensure that Official Plan policies are met with respect to land use compatibility.

### **Density, Height and Massing**

Staff have reviewed the proposed built form, including building height and massing against the policies of the Official Plan as well as relevant design guidelines.

The proposed 35-storey tower is composed with a five-storey base building that steps up to a 10-storey wing in some locations.

The Official Plan states base buildings should define and support adjacent streets, parks and open space at an appropriate scale, integrate with the adjacent streetwall. Base buildings are the component of a tall building most able to assist to achieving transition down to lower-scale land uses and should be the primary defining element for the site and adjacent public realm. The proposed development has not demonstrated an

appropriately defined base building as the 10 storey wing creates an unacceptable relationship with properties designated to the north designated *Neighbourhoods*. Similarly, the base building does not relate directly to the height and typology of the existing or planned streetwall context along Livingston Road North.

The proposed tower height greatly exceeds the existing, proposed and approved building heights in the immediate vicinity which are designated *Neighbourhoods*. Existing and approved higher density developments within existing *Apartment Neighbourhoods* and *Mixed Use Areas* demonstrate a more appropriate relationship with nearby sensitive land uses through separation distances and transitions in scale between differing areas of development. These buildings, which range in height from 7 to 38 storeys are deployed in a manner that allows for shadows to be adequately limited and climate conditions to be controlled to acceptable levels as directed by Official Plan policies and City-wide Urban Design Guidelines.

Lands fronting Livingston Road, designated *Neighbourhoods*, are planned for lower scale buildings of up to four storeys in height, and the tower building type sought by this application represents a significant departure from the planned context of the subject lands. Built form policies (3.1.3) and development criteria in both the *Apartment Neighbourhoods* (4.2.2) and *Neighbourhoods* land use designations speak to the need for new development to be located and massed to fit within existing and planned contexts, including the deployment of appropriate setbacks, stepbacks and street wall height. These policies also provide for transition in scale between areas of different development intensities. The subject proposal, with an overly tall base building and large tower on a small site do not achieve these objectives.

In summary, the proposal is considered an overdevelopment of the subject property and the development's form and massing does not fit within the existing and planned context. The proposed tall building is not compatible with the surrounding *Neighbourhood* context, and fails to provide an adequate transition of scale and density, thus failing to address the development criteria for *Apartment Neighbourhoods* in addition to the Official Plan's land use and built form policies.

### **Public Realm and Streetscape**

At the northern edge of the subject site, the proposed building is set back 13.4 metres from the property line along Livingston Road. A portion of the base building cantilevers in order to provide a drive aisle, passenger pick up and drop off and access to the parking facilities. Along the southern edge of the site, adjacent to the rail corridor, the front yard setback increases to 17.8 metres from Livingston Road due to the orientation of the site.

A total of seven trees and soft landscaping are proposed along the Livingston Road North frontage. A new 2.1 metre sidewalk is proposed along Livingston Road where there currently is none. A significant portion of the ground floor and frontage along Livingston Road North is dominated by servicing, driveways and pick up/drop off activity space. This auto-oriented streetscape design is in direct contravention of Official Plan policies which seek to activate the public realm on street frontages with both active uses and open space.

Community Planning and Urban Design staff are not supportive of the current site layout and configuration and have concerns regarding the lack of outdoor open space at grade and the failure to deploy appropriate setbacks at both the western and southern portion of the building.

### **Unit Mix**

Guideline 2.1 of the Growing Up Guidelines states that a building should provide a minimum of 25% large units (10% of the units should be three-bedroom units and 15% of the units should be two-bedroom units). Guideline 3.0 states that the ideal unit size for large units, based on the sum of the unit elements, is 90 square metres for two bedroom units and 106 square metres for three-bedroom units, with ranges of 87-90 square metres and 100-106 square metres representing a diversity of sizes for such bedroom types.

A total of 442 dwelling units are proposed, including: 265 one-bedroom (60%), 131 two-bedroom (30%), and 46 three-bedroom units (10%). A mix of unit sizes has been proposed, however, insufficient information has been provided to confirm the average unit size.

### **Amenity Space**

A total of 884 square metres (2.0 square metres per unit) of indoor amenity space and 885 square metres (2.0 square metres per unit) of outdoor amenity space is proposed. The indoor amenity spaces are located on the ground floor and the mezzanine level. The proposal includes additional indoor and outdoor amenity spaces on the 5th and 10th floors towards the west side of the proposal which is oriented towards the Scarborough Golf and Country Club. The minimum requirements of Zoning By-law 569-2013 as it relates to amenity space have been met.

### **Shadow Impact**

A Sun/Shadow Study, prepared by Arcadis, dated January 29, 2025, depicts the shadow impacts during the Summer, Spring, Fall and Winter equinoxes. The Official Plan requires development to locate and mass new buildings to maintain sunlight and comfortable wind conditions for pedestrians on adjacent streets, parks and open spaces.

City staff have concerns about the extent of the shadow impact resulting from the proposed development in its current form. The subject application inappropriately shadows both *Neighbourhoods*, *Natural Areas* and *Parks* designated lands. Due to the orientation of the site, shadows fall primarily north and east of the property, which means the adjacent *Neighbourhood* designated lands and low-rise buildings are most impacted. On the Spring equinox, the two properties immediately adjacent to the subject lands will be shadowed from 9:18 AM until approximately 4:18 P.M. At 2:18 pm, the shadow will have impacts on both properties to the north of the subject site and to the east of the subject site across Livingston Road North. Shadowing will remain on the properties to the east of Livingston Road North until sunset. Shadow impacts during the

fall equinox essentially mirror the spring equinox. At the summer solstice, shadowing on adjacent properties are less impactful, since shadows are shorter at this time of year. However, the two most immediate properties to the north of the subject property will experience shadowing from 10:18 a.m. until approximately 2:18 p.m. Thereafter, shadowing will be minimized to only two properties immediately east of the subject lands, until approximately 4:18 p.m.

Given that a tall building is proposed on site, the shadows from the tower fall directly onto the entirety of the buildings located on Livingston Road north. Shadows also impact Greenvale Park and Highland Creek Park. The proportion of shadowing is directly related to and corresponds to the overall height of the building. A reduced height would reduce the length of shadowing correspondingly. Development criteria in *Apartment Neighbourhoods* provides direction to locate and mass new buildings to limit shadow impacts on properties in adjacent lower-scale *Neighbourhoods*, particularly during the Spring and Fall equinoxes (Policy 4.2.2 b)). Moreover, the tower portion of tall buildings (Policy 3.1.4.10), tall buildings should limit shadow impacts on the public realm and surrounding properties. The proposal does not uphold this policy intention contained within the Official Plan and casts shadows on adjacent *Neighbourhood* designated properties.

## **Wind Impact**

A Pedestrian Level Wind Study, prepared by RWDI., was submitted in support of the application. Uncomfortable wind conditions are expected at several locations on and around the proposed building including the north side of the main entrance in the Spring and Winter. Most significantly, the study identifies uncomfortably high wind speed conditions that exceed the wind safety criterion at the northwest corner of the site on Level 5, Level 10 and at grade during the winter. A location on the Kingston Road overpass will be subject to excessive wind conditions during the winter, which staff have concerns about as pedestrian safety will be adversely impacted. Wind conditions in these locations are considered excessive gust speeds that can adversely affect a pedestrian's balance and footing and require mitigation.

The Pedestrian Level Wind Study report recommends mitigation measures to reduce undesired wind conditions both at and above grade. As proposed, the wind conditions as detailed in the Pedestrian Level Wind Study, are not appropriate and not acceptable to City staff.

## **Servicing**

A Functional Servicing and Storm Water Management Report has been submitted in support of the proposal. The report requires revisions as further analysis is required to demonstrate whether there is adequate capacity in the existing municipal infrastructure to accommodate the proposed development demands or confirm that municipal infrastructure upgrades are required to provide adequate capacity to support the development. As such, the owner is required to submit plans, drawings, and any required studies, including a revised Functional Servicing and Stormwater Management Report, demonstrating to the satisfaction of the Director, Engineering Review, Development Review that the City's water distribution system and sewer network have

sufficient capacity to accommodate any proposed increase in flows resulting from the development.

Should these applications be approved, either the final Order should be withheld, until such time as the owner has addressed all outstanding comments from Engineering Review to the satisfaction of the Director, Engineering Review, or a Holding Provision should be applied to the implementing Zoning By-law to ensure the provision of a satisfactory report and secure any necessary upgrades and/or improvements to the City's servicing infrastructure to the satisfaction of Director, Engineering Review.

### **Traffic Impact, Access and Parking**

A Transportation Impact Study (TIS), was submitted in support of the application. Transportation Review Staff have identified the following issues within the TIS to be addressed:

- Transportation Review staff consider the modal split provided in the TIS to be understated/unsupported for some modes of travel, particularly automobile trips. The applicant is required to provide rationale in support of the modal splits provided in Transportation Impact Assessment dated March 17, 2025;
- The ability to fund, design and construct a pedestrian connection to Guildwood GO Station underneath the Kingston Road overpass to the station from the proposed development must be confirmed before it can be used as a mobility option;
- Transportation Demand Management (TDM) measures need to be revisited and provisions for car-share parking spaces, promotional carshare membership and/or transit subsidy via preloaded PRESTO cards for future residents explored; and
- The provision for public bike-share station/contribution along the frontage of Livingston Road North should be examined.

Transit options in the neighbourhood include Guildwood GO Station, high frequency bus routes along Kingston Road and the future planned Eglinton East LRT. This transit context has been used to justify development in the area approved at similar heights and densities as provided for by the in-force planning frameworks. However, these other sites, in existing *Mixed Use Areas* and *Apartment Neighbourhoods* are considered transit oriented as they have direct access to both the entrance of the Guildwood GO station and transit stops along Kingston Road. These factors underpin the rationale for a transit-oriented, higher scale building on these other sites.

Although within the PMTSA and in proximity to these transit options, the development site lacks access to Kingston Road and does not benefit from direct, safe and publicly secured access under the Kingston Road overpass to the Guildwood station. Transit riders would be expected to walk a considerable distance to access service. Similarly much of the base building is occupied by 336 vehicular parking spaces, a total which approaches the maximum permitted by the Zoning By-law. As such, it is difficult to consider the site “transit oriented” in a way that would justify the proposed scale.

Access to the site is proposed from Livingston Road North via a proposed cul-de-sac at the southern terminus of Livingston Road North. Vehicular access will be taken directly from Livingston Road via a 6-metre-wide driveway. A part of the proposed cul-de-sac at

the south end of Livingston Road North (the east frontage of the property) is within private property and cannot be accommodated within the available right-of-way. Pedestrian access to the subject site will be provided via a 2.1 metre sidewalk from the Livingston Road North frontage, to a centralized lobby located adjacent to the street.

One Type 'G' and one Type 'C' loading space are proposed. The Type 'G' loading space is located internal to the building, and the Type 'C' is located external to the building on the northern portion of the site. The loading requirements have been met subject to the resubmission of a revised truck turning path diagram that confirms the Type G and Type C space can be independently accessed simultaneously.

For Bicycle Zone 2, the proposed development is required to provide a total of 301 long-term and 31 short-term bicycle parking spaces. A total of 336 bicycle parking spaces (310 long-term and 24 short-term) are proposed. The proposed bicycle parking supply satisfies the requirements subject to confirming the requirements of visitor and accessible bike parking spaces have been met.

### **Guildwood GO Station Pedestrian Connection**

The proposal seeks to improve pedestrian connectivity to the Guildwood GO station through an improved multi-use pathway connection underneath the Kingston Road overpass. Although there is no connection currently in place, it is understood that Metrolinx is in ongoing discussions with the developer to explore the opportunity for a pathway connection. At this time, no detailed design or commitment has been established. Metrolinx has confirmed that they remain open to exploring pedestrian connections to GO stations proposed by adjacent developers where capital costs of delivery are funded by third parties.

### **Parkland**

The site is approximately 130 metres from Greenvale Park, a 24,788 square metre park which contains a baseball diamond, Highland Creek trail, a playground, and horticulture beds.

The City of Toronto Parkland Strategy (PLS) is a 20-year strategic City-wide plan that guides long-term planning for new parks, park expansions and improvements, and improved access to existing parks. The PLS assesses parkland provision using the baseline of residential population against the area of parkland available across the City. According to the 2022 draft update to the PLS methodology, the development site is currently in an area with 28 square metres of parkland per person, which is the City-wide average provision of parkland per person (2022).

In accordance with Section 42 of the *Planning Act*, the Owner is required to satisfy the parkland dedication requirement through cash-in-lieu. As per Toronto Municipal Code Chapter 415-29, the appraisal of the cash-in-lieu will be determined under the direction of the Executive Director, Corporate Real Estate Management. Additionally, the Toronto Municipal Code Chapter 415-28, requires that the payment be made prior to the issuance of the first above-ground building permit for the land to be developed.

## **Natural Heritage Protection**

The subject site is location partially within and adjacent to the Natural Heritage System. A Natural Heritage Impact Study (NHIS) was prepared by Pinchin, and was submitted in support of the application.

A peer review was undertaken of the submitted NHIS by the City of Toronto's third party peer reviewer, North-South Environmental Inc (NSE). The peer review noted that the hedgerow trees occurring on the subject site and currently identified in the City's mapping as Natural Heritage System have limited ecological function given their narrow linear structure and lack of natural understory (groundcover is maintained as manicured residential or golf course greenspace). The peer reviewer concludes that the ecological function of this hedgerow is likely limited to an informal corridor for urban species, as has been documented in the NHIS.

NSE is satisfied with the assessment provided in the NHIS pending completion of the outstanding field work documented in their memorandum to City Staff, dated: July 22, 2025, and does not identify any unanticipated sensitivities (e.g., Species at Risk).

## **Tree Preservation**

An Arborist Report and Tree Preservation Strategy was submitted in support of the application.

The application is subject to the provisions of the City of Toronto Municipal Code, Chapter 813 Articles II (Street Trees by-law) and III (Private Tree by-law). A total of 41 by-law protected trees are located on site, with 16 trees proposed to be preserved and 25 trees proposed for removal. A total of 18 trees have been proposed for planting. The proposal fails to meet the City's requirements for replanting. A typical replacement ratio is 3:1 for private trees and 1:1 for City trees removed.

Urban Forestry does not support the proposal at this time, due to lack of consistency with the City's Official Plan as well as Council's objectives regarding increasing the City's tree canopy cover. Furthermore, the application does not demonstrate compliance with Tier 1 of TGS Version 4 (ecology section).

## **Rail Safety**

A Rail Safety and Risk Mitigation Report was submitted in support of the application due to the location of the subject site within 30 metres of the rail corridor to the south of the site.

The report has been circulated to Metrolinx and CN Rail for review and comment to ensure appropriate setbacks and derailment protection measures are proposed and that any conditions to secure their implementation are included. The Rail Safety study will be subject to a peer review process which has not been initiated yet.

Further comments from CN Rail and Metrolinx have not yet been received to date.

## **Noise and Vibration Impact Study**

A Noise and Vibration Impact Study (dated: March 27, 2025), was submitted in support of the application as the site is adjacent to a rail corridor, which is considered a major facility in the City of Toronto's Official Plan.

The Noise and Vibration Impact Study will be subject to a peer review process which has not been initiated yet. The conclusions of the study and peer review process may include recommended noise mitigation measures which will be required to be incorporated into any future design.

## **Toronto Green Standard**

The applicant is required to meet Tier 1 of the TGS in force at the time of a complete application for Site Plan Control. The applicant is encouraged to achieve Tier 2 or higher to advance the City's objectives for resilience and to achieve net-zero emissions by 2040 or sooner.

## **School Boards**

The Toronto Catholic District School Board (TCDSB) has advised that the local Catholic school is operating at capacity and cannot accommodate additional students from the proposed development. Sufficient space exists within the local secondary schools to accommodate additional students. The Catholic schools serving this area are: St Ursula Catholic School, St. John Paul II Catholic Secondary School, St Joan of Arc Catholic Academy.

Toronto District School Board (TDSB) staff have determined that there may be insufficient capacity to accommodate students from new residential developments at the local schools, based on the data available at this time. The local schools are Galloway Road Public School (Primary) and Sir Wilfrid Laurier Collegiate Institute (High School). To address accommodation challenges that may arise, the Board may need to use portables to accommodate students or engage in studies to explore options for creating additional school space. These options include changing school boundaries, moving programs, or bussing new students to another school, among others.

## **Community Services and Facilities**

The Official Plan establishes and recognizes that the provision of and investment in community services and facilities supports healthy, safe, liveable, and accessible communities. Community services and facilities are foundational to creating complete communities, and providing for a full range of community services and facilities in areas that are inadequately serviced or experiencing growth is a shared responsibility.

A Community Services and Facilities study was submitted in support of the application and concludes that the surrounding area is well serviced by public community facilities, and the proposal will not yield significant adverse impacts or create any undue burden on surrounding community services and facilities. The applications are not proposing any in-kind benefit on site. Growth-related Community Services and Facilities needs and priorities identified in the area of the proposed development in the applicant's CS&F



Study include prioritizing investment towards the revitalization of the Guildwood Library. These priorities will inform the allocation of future Community Benefits Charge (CBC) funds, should development take place on the subject lands.

### **Summary of Issues to be Resolved**

Based on the review of the applications, the following issues have not been addressed and need to be resolved in order for redevelopment to proceed on the subject site.

- Height, density and massing of the development and appropriateness of the scale of the development within the existing and planned context;
- Setbacks, stepbacks and separation distances, including relationships to, and impacts on, adjacent properties;
- Shadow and wind impacts to the public realm and adjacent *Neighbourhoods* designated properties; and
- Site servicing including determining the servicing capacity for the proposed development and identifying any necessary upgrades.

Should the decision to refuse the application be appealed to the Ontario Land Tribunal, and Staff continue to receive additional or supplementary information regarding this application or be required to review a revised proposal, Staff may refine or identify further issues and/or supplement the reasons provided in this Report.

### **Conditions to Any Tribunal Order**

Should the refusal of Council's decision be appealed to the Ontario Land Tribunal, and not resolved or otherwise approved by City Council, and the Ontario Land Tribunal decides to grant the approval, in whole or in part, the following include a preliminary list of conditions that should be imposed on the issuance of any final order of the Tribunal to the satisfaction of the appropriate City Officials:

- The final form and content of the draft Official Plan Amendment;
- The final form and content of the draft Zoning By-law Amendment;
- The owner has at its sole expense:
  - Submitted a revised Functional Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report ("Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
  - Secured the design and provided financial securities in respect of any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the Engineering Reports accepted by the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water;

- Ensured that implementation of the accepted Engineering Reports does not require changes to the proposed amending By-law or that any required changes have been made to the proposed amending By-law to the satisfaction of the Executive Director, Development Review, and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new municipal servicing infrastructure or upgrades to existing municipal servicing infrastructure, as may be required;
- Submission of a revised Rail Safety and Risk Mitigation Report, which is subject to a third-party review, including any identified mitigation measures; and
- Submission of a revised Noise and Vibration Impact Study, which is subject to a third-party review, including any identified mitigation measures.

## CONCLUSION

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The proposal has been reviewed against the policies of the Provincial Planning Statement, the City of Toronto's Official Plan, and the applicable Design Guidelines. Staff are of the opinion that the proposal is not consistent with the Provincial Planning Statement (PPS 2024) and fails to implement the Official Plan policies with respect to *Neighbourhoods* and *Apartment Neighbourhood* designated lands. Furthermore, the proposed development does not represent good planning in the public interest.

The proposal is not considered to be supportable in its current form and recommend that Council refuse the application. Staff also recommend Council utilize the dispute resolution mechanisms under the *Planning Act*, to resolve the issues generally outlined in this Report with the application in its current form.

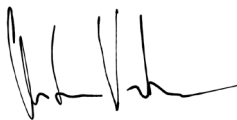
## CONTACT

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Samuel Baron, Senior Planner, Community Planning, Scarborough District, Tel. No. (416) 392-4582, E-mail: Samuel.Baron@toronto.ca

## SIGNATURE

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Christian Ventresca, M.Sc.Pl, MCIP, RPP  
Director, Community Planning  
Scarborough District

## **ATTACHMENTS**

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### **City of Toronto Information/Drawings**

Attachment 1: Application Data Sheet

Attachment 2: Location Map

Attachment 3: Official Plan Land Use Map

Attachment 4: Existing Zoning By-law Map

### **Applicant Submitted Drawings**

Attachment 5: Site Plan

Attachment 6: North Elevation

Attachment 7: East Elevation

Attachment 8: South Elevation

Attachment 9: West Elevation

Attachment 10: 3D Massing Model Looking Southwest

## Attachment 1: Application Data Sheet

### APPLICATION DATA SHEET

**Municipal Address:** 402 LIVINGSTON ROAD NORTH      **Date Received:** April 2, 2025

**Application Number:** 25 138374 ESC 24 OZ

**Application Type:** OPA / Rezoning, OPA & Rezoning

**Project Description:** Propose to construct a 35-storey residential building containing 442 new dwelling units, a total of 30,888 sq. m of gross floor area (GFA), which results in a total Floor Space Index (FSI) of 5.4

<b>Applicant</b>	<b>Agent</b>	<b>Architect</b>	<b>Owner</b>
LIVINGSTON REALTY HOLDINGS INC		ARCADIS	DANIEL JOHN THOMAS

### EXISTING PLANNING CONTROLS

Official Plan Designation: Neighbourhoods      Site Specific Provision: N

Zoning: Residential  
Detached (RD) (f12.0;  
a464) (x472)      Heritage Designation: N

Height Limit (m): 9.0      Site Plan Control Area: Y

### PROJECT INFORMATION

Site Area (sq m): 5,676      Frontage (m): 64      Depth (m): 99

<b>Building Data</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
Ground Floor Area (sq m):				
Residential GFA (sq m):			30,888	<b>30,888</b>
Non-Residential GFA (sq m):				
<b>Total GFA (sq m):</b>			<b>30,888</b>	<b>30,888</b>
Height - Storeys:			35	<b>35</b>
Height - Metres:			120	<b>120</b>

Lot Coverage Ratio  
(%): 0

Floor Space Index: 5.4

**Floor Area Breakdown**    **Above Grade** (sq m)    **Below Grade** (sq m)

Residential GFA: 30,888

Retail GFA:

Office GFA:

Industrial GFA:

Institutional/Other GFA:

<b>Residential Units by Tenure</b>	<b>Existing</b>	<b>Retained</b>	<b>Proposed</b>	<b>Total</b>
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Rental:

Freehold:	4	0		
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Condominium:			442	<b>442</b>
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Other:

<b>Total Units:</b>			<b>442</b>	<b>442</b>
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**Total Residential Units by Size**

	<b>Rooms</b>	<b>Bachelor</b>	<b>1 Bedroom</b>	<b>2 Bedroom</b>	<b>3+ Bedroom</b>
Retained:					
Proposed:			265	131	46
<b>Total Units:</b>			<b>265</b>	<b>131</b>	<b>46</b>

**Parking and Loading**

Parking Spaces:	336	Bicycle Parking Spaces:	332	Loading Spaces:	2
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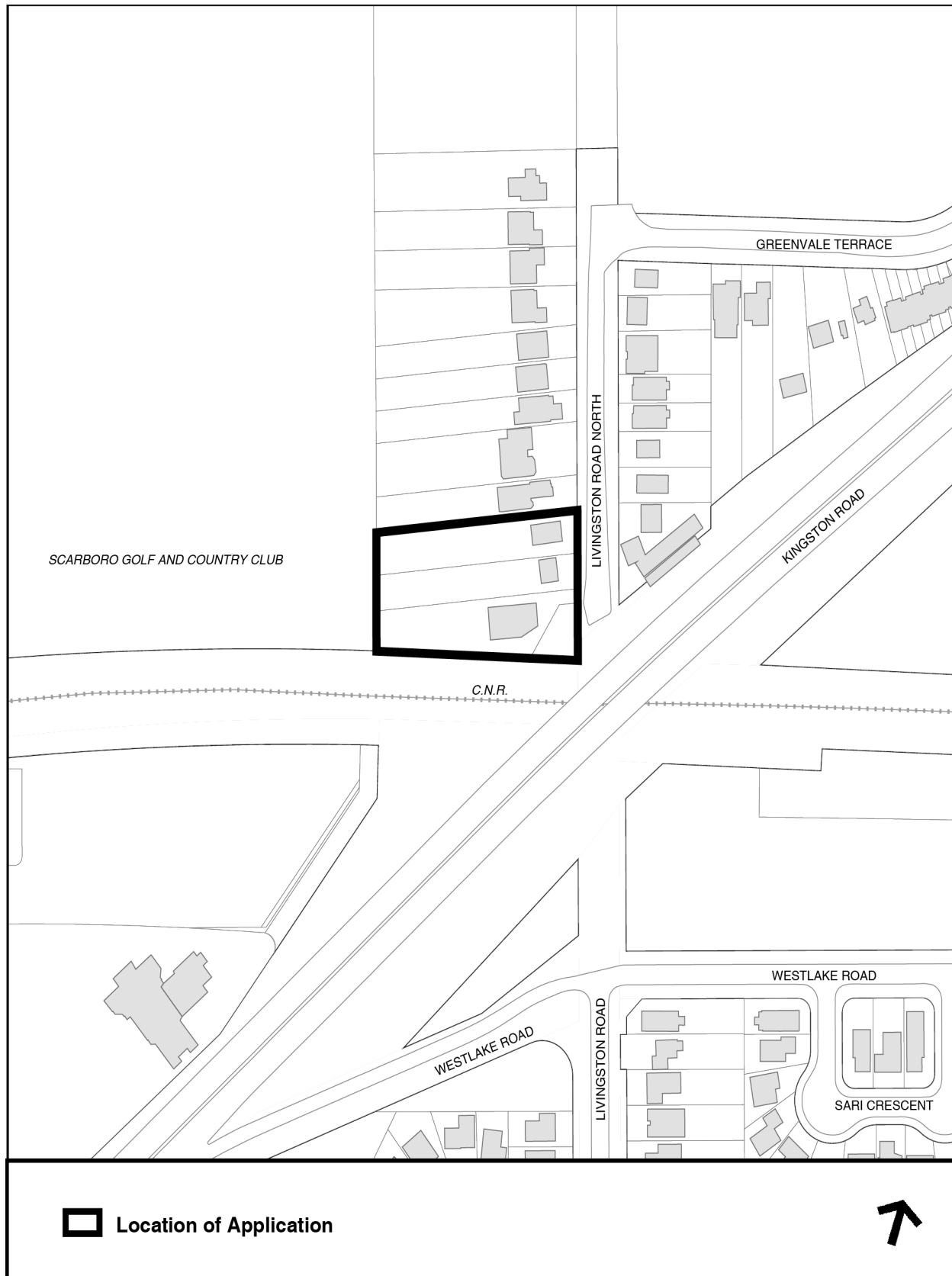
**CONTACT:**

Samuel Baron, Senior Planner, Community Planning

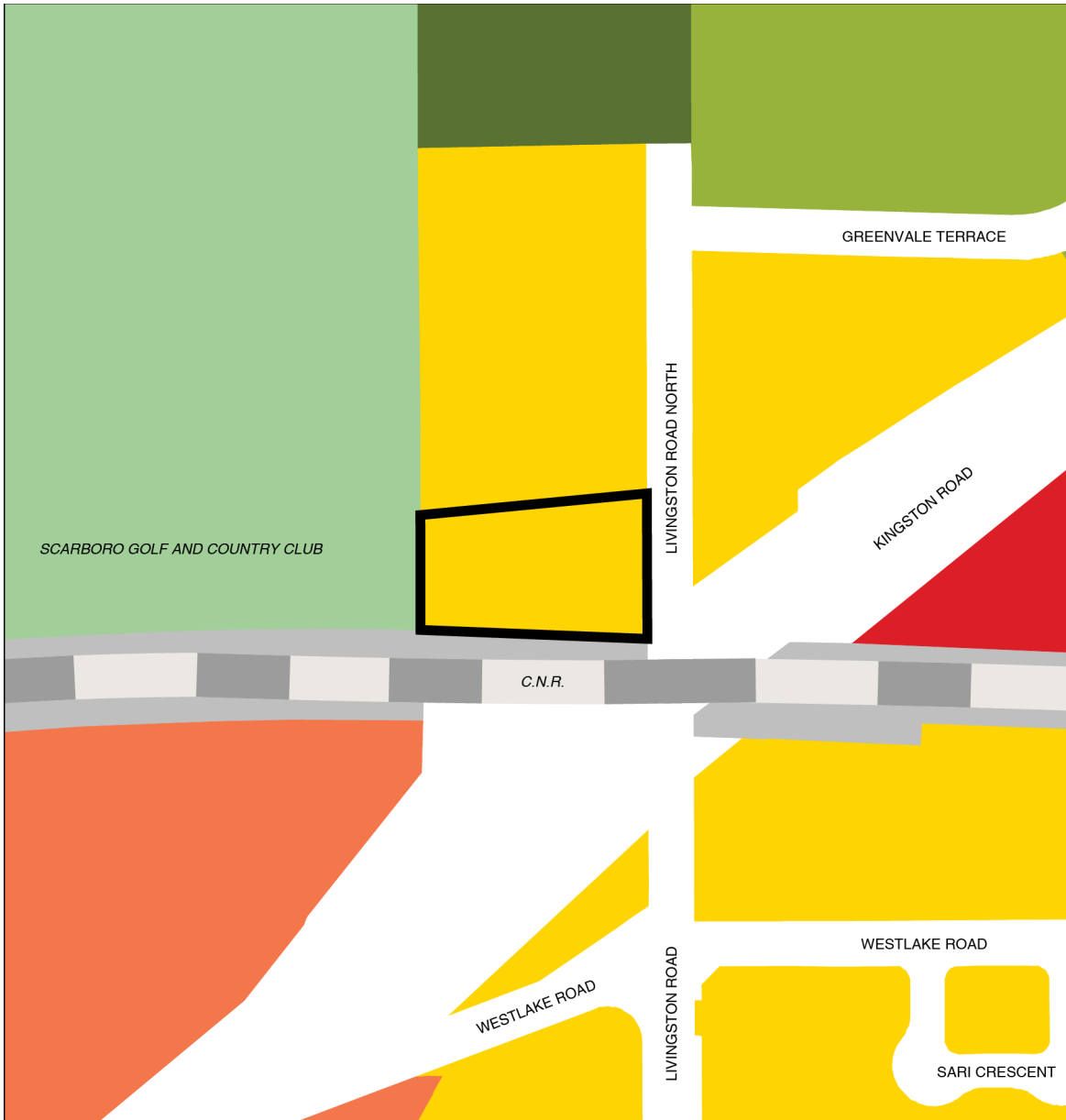
(416) 392-4582

Samuel.Baron@toronto.ca

## Attachment 2: Location Map



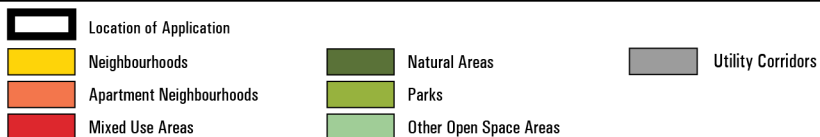
## Attachment 3: Official Plan Land Use Map




Official Plan Land Use Map 23

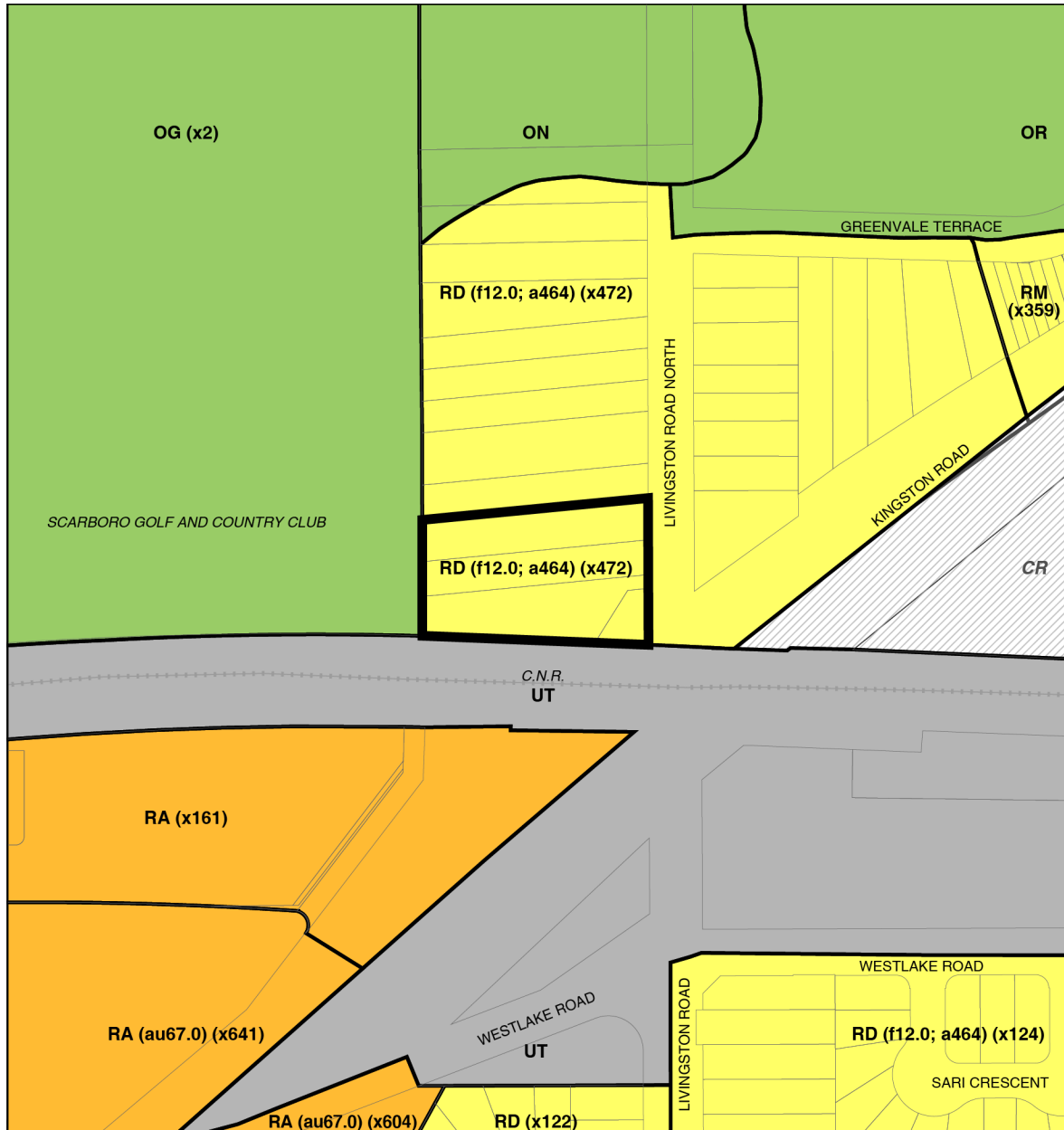
402-408 Livingston Road North

File # 25 138374 ESC 24 02



  
 Not to Scale  
 Extracted: 04/07/2025

## Attachment 4: Existing Zoning By-law Map



Zoning By-law 569-2013

402-408 Livingston Road North

File # 25 138374 ESC 24 0Z

Location of Application

**RD** Residential Detached  
**RM** Residential Multiple  
**RA** Residential Apartment  
**UT** Utility and Transportation

**ON** Open Space Natural  
**OR** Open Space Recreation  
**OG** Open Space Golf Course

See Former City of Scarborough West Hill Community By-law No.10327

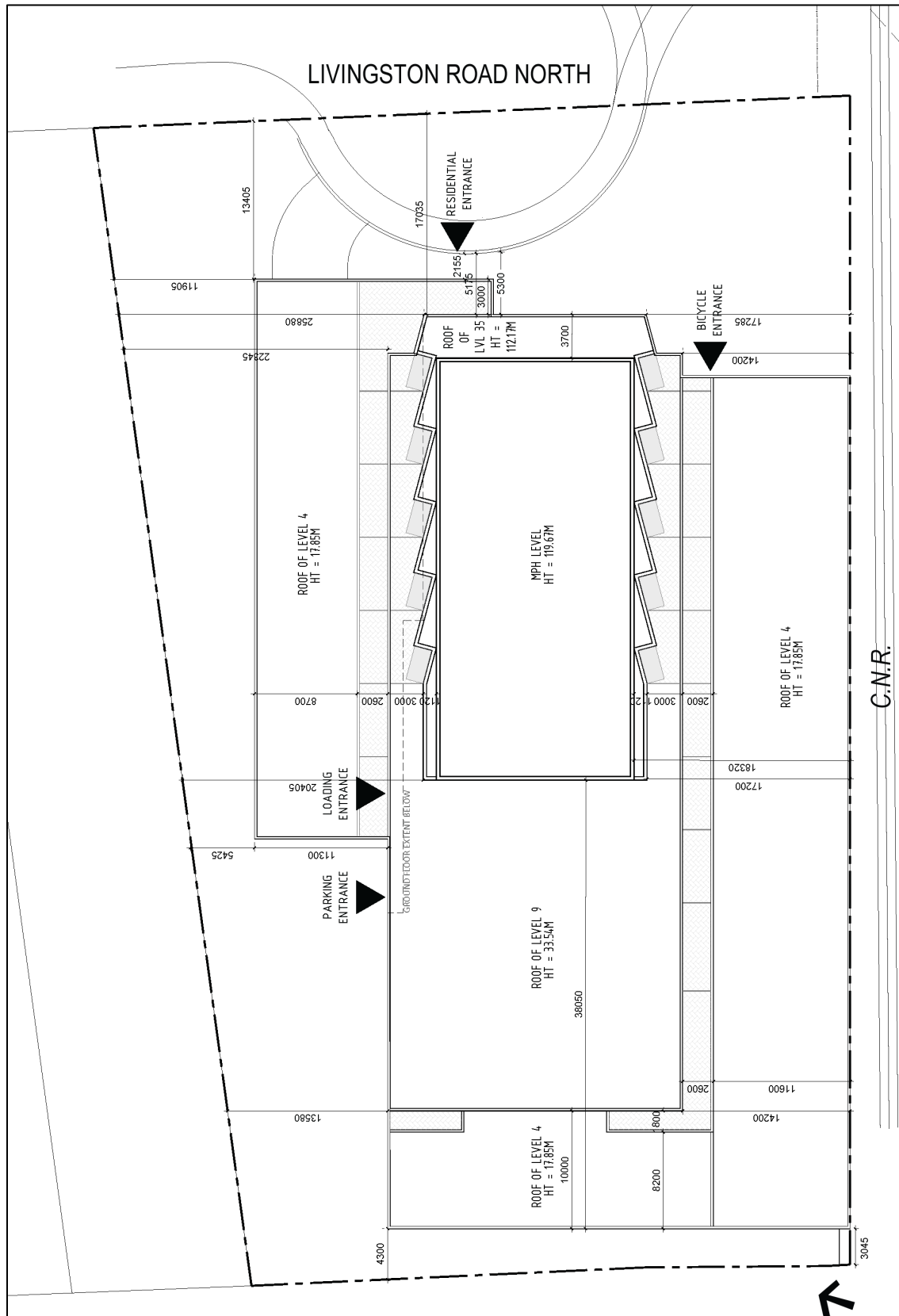
**CR** Commercial-Residential



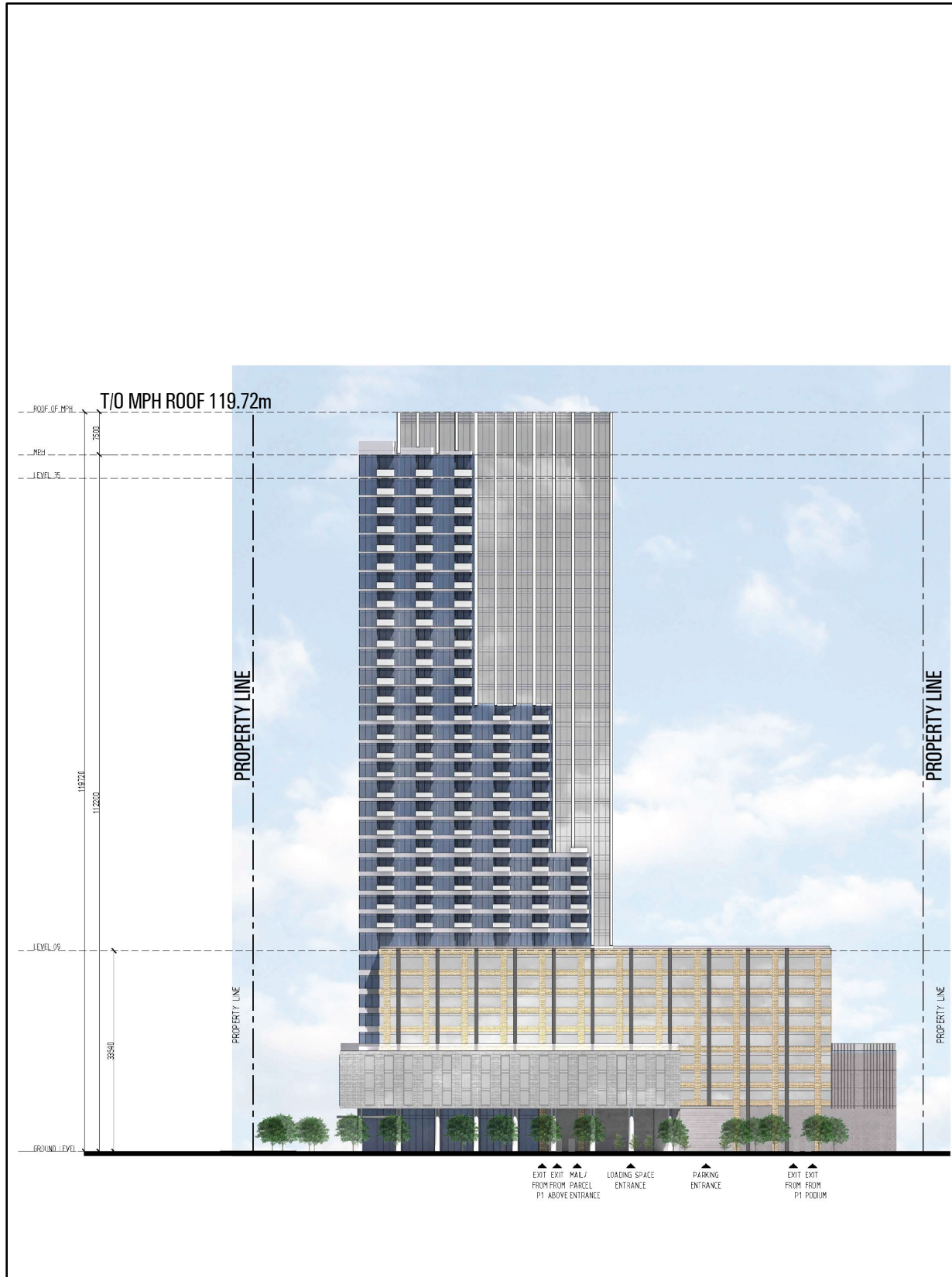
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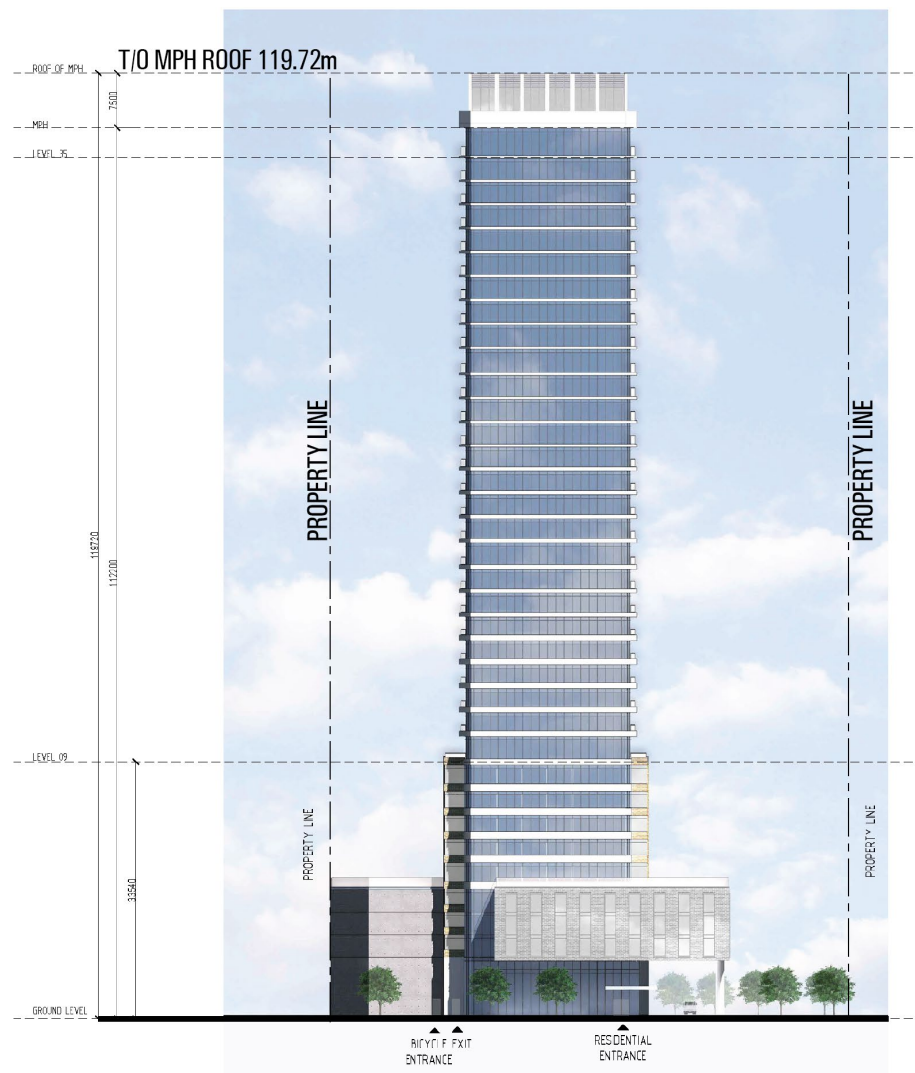
## Attachment 5: Site Plan



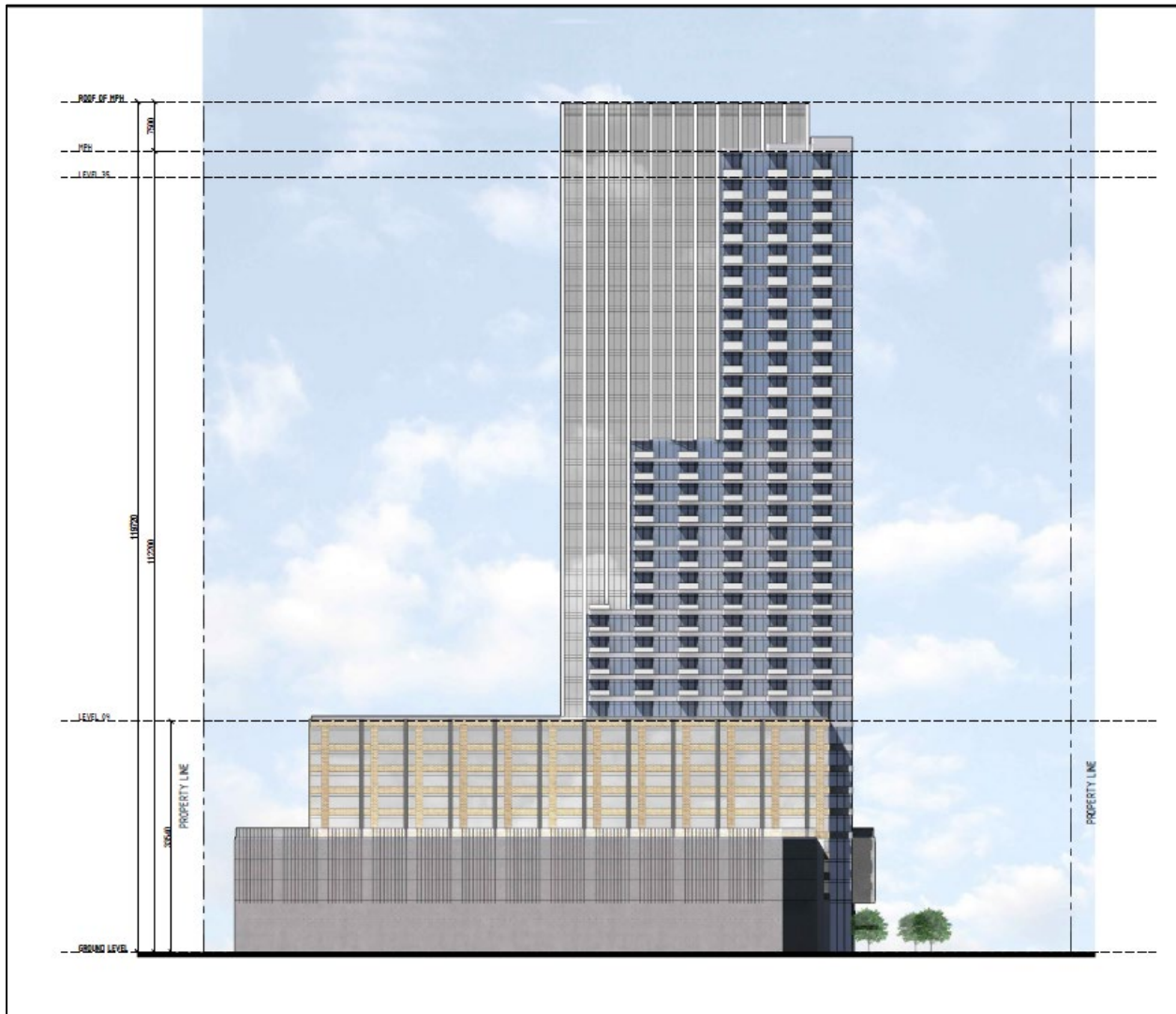
## Attachment 6: North Elevation



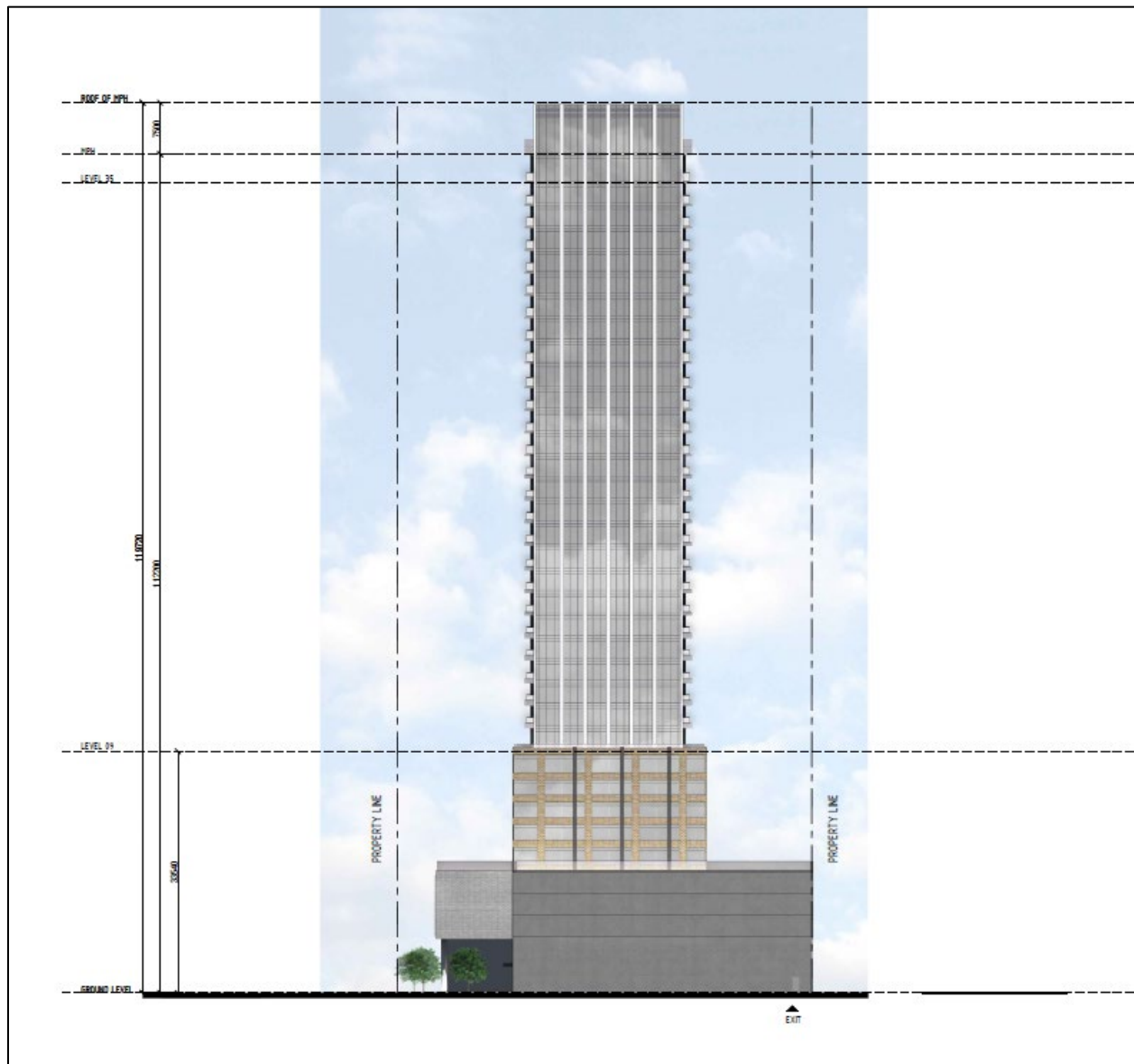
## Attachment 7: East Elevation



## Attachment 8: South Elevation



## Attachment 9: West Elevation





## Attachment 10: 3D Massing Model Looking Southwest

