

## **131 McCormack Street Committee of Adjustment Application**

**Date:** July 2, 2025

**To:** Chair and Committee Members of the Committee of Adjustment, Etobicoke York District

**From:** Director, Community Planning, Etobicoke York District

**Ward:** 5 (York South-Weston)

**File No:** A0189/25EYK

**Hearing Date:** July 10, 2025

### **RECOMMENDATIONS**

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Community Planning staff recommend that the Minor Variance application to legalize and maintain the Entertainment Place of Assembly use be refused.

Should the Committee of Adjustment choose to approve the Minor Variance application, Community Planning staff recommend that the Committee impose the following condition:

1. The Entertainment Place of Assembly use be permitted for no more than two (2) years from the date that the Committee of Adjustment decision is final and binding to provide opportunity for the business to submit a Zoning By-law Amendment application in conformity with the policy direction of Site and Area Specific Policy 437 of the Official Plan.

### **APPLICATION**

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To legalize and to maintain the existing Entertainment Place of Assembly.

### **CONTEXT**

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The subject property is located north of St. Clair Avenue West and west of Weston Road. The site is located along the south side of McCormack Street which is characterized with industrial warehouse buildings and activity. To the north is a residential community and to the south is an industrial area.

The property is designated *Mixed Use Areas* on Map 17 of the Official Plan and is subject to Site and Area Specific Policy ("SASP") 437.

The property is zoned Employment Industrial (E 1.0.) under city-wide Zoning By-law 569-2013.

### **COMMENTS**

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Community Planning Staff have reviewed the application and supporting materials.

The applicant is requesting relief from city-wide Zoning By-Law 569-2013 to permit an *Entertainment Place of Assembly* at the subject property in an Employment Industrial Zone (E 1.0) to legalize and maintain an Entertainment Place of Assembly use within the existing industrial building through the Minor Variance application. According to the applicant's cover letter dated May 9, 2025, Lands Black Creek Arts and Culture operates the Black Creek Assembly at the subject property, which is a venue dedicated to the creation and presentation of artistic works and events by a diverse range of artists. The building's primary assembly space would be used for video and film screenings, runway and other fashion shows and musical and dance live performances.

The site was within the *General Employment Areas* land use designation until the approval of Official Plan Amendment 591 in 2023 which redesignated the lands to *Mixed Use Areas* and introduced SASP 437. While the designation *Mixed Use Areas* would permit an entertainment use, the provisions of SASP 437 provide specific policy direction on the redevelopment of the area from employment uses to mixed uses. In particular, SASP 437 provides development criteria including the requirement for uses to be compatible with residential and other sensitive uses to the north, and compatible with the industrial uses in the Employment Area to the south. Further, SASP 437 directs that "existing permitted uses on a lot would continue to be permitted until such time that the owner of a lot applies for, and has approved, a Zoning By-law Amendment to redevelop the lot for mixed commercial-residential uses."

An *Entertainment Place of Assembly* use is not an existing permitted use on the lot and this use is not a permitted use within the Employment Industrial Zone (E 1.0). As such, a change in use to permit an Entertainment Place of Assembly would require a Zoning By-law Amendment application. A Zoning By-law Amendment application would enable further study of the proposed use in relation to the immediate and surrounding context and conformity with the policy direction of SASP 437 of the Official Plan.

The introduction of a permanent entertainment use at this time, without a more comprehensive assessment, could result in adverse impacts on future residential development and adjacent land uses along McCormack Street as envisioned by SASP 437. It should be noted that the application might also be introducing a sensitive land use in close proximity to and within Area of Influence (per D6 Guidelines) of major facilities / active industry (including Class 3 industry) to the south. Normally issues concerning 'adverse effect' are most effectively addressed through a land use compatibility and mitigation study and peer review during the Rezoning process. A rezoning process would also provide for a wider notification and public (including local business) consultation.

Community Planning staff are of the opinion that the application for the requested change in use is not minor in nature and a Zoning By-law Amendment application would be the required process to introduce a use that is currently not permitted in the Employment Industrial zone which applies to the subject property. However, should the Committee of Adjustment choose to approve the application, Community Planning staff recommend that the use be permitted for no more than two (2) years from the date that the Committee of Adjustment decision is final and binding to provide opportunity for the business to submit a Zoning By-law amendment application in conformity with SASP 437.

## CONTACT

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## SIGNATURE

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on behalf of

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