



## COUNCIL REPORT

Report Date: February 28, 2023  
Contact: Sarah Hicks  
Contact No.: 604.873.7546  
RTS No.: 15543  
VanRIMS No.: 08-2000-20  
Meeting Date: March 29, 2023  
[Submit comments to Council](#)

TO: Standing Committee on Policy and Strategic Priorities  
FROM: General Manager of Development, Buildings and Licensing  
SUBJECT: 1728 Commercial Drive – 1280646 B.C. Ltd (“Osita”) Liquor Primary Licence  
Application Liquor Establishment – Class 2

### Recommendations

THAT Council, having considered the opinion of area residents and business operators as determined by neighbourhood notification, site sign, noise impacts and relevant Council policy as outlined in this Report, endorse the application submitted by Jesse Sugarman, on behalf of 1280646 B.C. Ltd., to operate a new Liquor Primary licence, with an interior capacity of 150 persons and a seasonal outdoor patio with a capacity of 22 persons (transferred from the interior) (Liquor Establishment – Class 2) via the conversion of the existing Food Primary liquor licence (Restaurant – Class 2), located at 1728 Commercial Drive, subject to:

- i. A total maximum interior capacity of 150 persons and outdoor patio capacity of 22 persons, transferred from the interior;
- ii. Extended Hours of operation limited to 9 am to 1 am, Sunday to Thursday, and 9 am to 2 am, Friday to Saturday;
- iii. No music or entertainment permitted on the patio;
- iv. A Time-Limited Development Permit;
- v. An acoustic report certifying that the establishment meets Noise Control By-law requirements;
- vi. Signing a Good Neighbour Agreement with the City prior to business licence issuance; and
- vii. The surrendering of the existing Food Primary liquor licence (#185133) at the time of issuance of the new Liquor Primary licence.

## **Purpose and Executive Summary**

Staff recommend Council endorse the applicant’s request to operate a new 150 person and 22 person outdoor patio Liquor Primary licence (Liquor Establishment – Class 2) via the conversion of the existing Food Primary liquor licence (Restaurant – Class 2), located at 1728 Commercial Drive, subject to the conditions noted in this report. The application complies with current Council policy regarding size and location. The requirements for a Time-Limited Development Permit, a Good Neighbour Agreement and submission of an acoustical report will provide the necessary controls to ensure the premise operates in a manner that will mitigate impacts to the neighbourhood and surrounding area.

## **Council Authority/Previous Decisions**

[City role in Liquor Primary licence applications](#) – The Liquor and Cannabis Regulation (LCRB) of the Provincial Government regulations require local government to provide a Council resolution on new liquor primary licence applications unless the local government decides to opt out of the application review process. Council policy has been to consider the impact of the new licence application on the community and to provide comment, generally in the form of a resolution.

[Liquor Licence Policy: Liquor Primary Size, Capacity, and Location \(July 14, 2005\)](#) – Council Policy states that no Class 2 Liquor Primary establishment shall be located within 500 metres of another Class 2 Establishment, in the non-downtown area. This policy only pertains to Liquor Primary establishments and not Food Primary establishments (restaurants).

## **City Manager’s Comments**

The City Manager concurs with the foregoing recommendations.

## **Context and Background**

The Liquor and Cannabis Regulation Branch (LCRB) requires that Local Government provide a resolution with comments on public input gathered from the community within the immediate vicinity of the establishment, including the location of the establishment, its person capacity and hours of liquor services. Once received, the LCRB will review the resolution and any comments for a final decision to issue/endorse the liquor licence.

The proposed establishment, located at 1728 Commercial Drive, “The Drive”, is for a 150 person interior service area and a 22 person outdoor patio (capacity transferred from the interior) Liquor Primary licence, via conversion of the existing Food Primary liquor licence. The applicant, 1280646 BC Ltd., with Jesse Sugarman listed as its sole Director, has been operating a Food Primary liquor licence (Restaurant – Class 2) at this location since November 29, 2021. If the application is approved, 1280646 BC Ltd. would become the Licensee (holder of the liquor licence) and they intend to operate and manage the business.

This proposal will replace the existing Food Primary liquor licence (restaurant) with a new Liquor Primary licence. The exiting seating capacity of 150 persons and 22 person outdoor patio will remain unchanged and there will be no structural alterations or changes to the facilities. The full food menu will continue to be offered to patrons, as the goal of the establishment is to provide the community with a one of kind experience that encompasses unique cuisine, creative cocktails while showcasing local artists. Osita’s kitchen menu has taken the ideals of European style dining and blended it with West Coast comfort foods.

Current hours of liquor service for the restaurant are 9 am to 1 am, Sunday to Thursday, and 9 am to 2 am, Friday to Saturday. If approved there would be no changes to the hours of operation, as the establishment’s current operating hours are the same as those allowed under the extended hours for liquor establishments as per the [City of Vancouver Business Premises Regulation of Hours By-Law No. 8022](#). Entertainment will consist of, but is not limited to live music, live performing arts (stand-up comedy, talent shows, poetry reading) and dancing.

The outdoor patio may operate in accordance with The Patio Hours Extension Pilot Program. No music or entertainment is permitted on the patio.

The applicant is also applying for a Family Food Service endorsement to their Liquor Primary licence which allows minors, accompanied by a parent or guardian, to enter in all licensed areas until 10 pm when food service is available.

## **Discussion**

### Public Input – Results of Neighbourhood Notification

A neighbourhood notification advising of the Liquor Primary application was conducted by distributing 249 postcard notifications to property owners within a 750 foot radius of the subject site (see Appendix B). A site sign was installed advising the community of the application and where to send comments or concerns. Staff allowed three weeks for the community to respond with concerns or support for the application.

A total of three (3) pieces of feedback were received from the public in response to the liquor primary application. Of the respondents, one (1) was in support and two (2) were in opposition. All responses received were from the notification areas.

Respondents in support of this application expressed how this type of establishment would help create and foster a sustainable and vibrant community.

Respondents expressed concerns regarding potential increases in noise, parking concerns, public nuisances and disturbances. The applicant is committed to working with the area residents and the community to help address and mitigate any concerns to minimize negative impacts.

### Location of Establishment

The subject site is located in the C-2C zoning (Commercial) District and for the purpose of liquor policy, it is considered to be located in the Non-Downtown – Primarily Mixed-Use area. The establishment is located on the ground level of a mixed-use building on “The Drive”.

### Proximity to other Liquor Primary Establishments

There are no other Class 2 liquor establishments within a 500 metre radius of the proposed site and therefore, the application meets City liquor policy distancing requirements for liquor primary size and location. The nearest Liquor Primary establishment is Junior’s Bar & Grill (Class 3) located at 1601 Commercial Drive, approximately 130 metres away from the subject site.

Within the 750 foot radius there are currently two (2) Liquor Primary establishments and eighteen (18) Food Primary establishment with active business licenses in the area. It should be noted that a Food Primary establishment’s primary purpose is the service of food with liquor as an additional service.

### Person Capacity and Hours of Operation

The proposed capacity for the Liquor Primary licence at this location is 150 person interior and a 22 person seasonal outdoor patio, with the patio capacity transferred from the interior (see Appendix A). Final occupancy calculations will be provided in accordance with Building and Fire codes. Final occupant load calculation will not increase beyond what Council approves.

The proposed hours of operation for the Liquor Primary licence are 9 am to 1 am, Sunday to Thursday, and 9 am to 2 am, Friday to Saturday, which are within the parameters of the Extended Hours permitted in this Non-Downtown – Primarily Mixed-Use area. The outdoor patio is part of the Current Patio Hours Extension Pilot Program that allows the patio to extend their operating hours until 1 am daily between April 1 and October 31.

If approved there would be no changes to the hours of operation, as the establishment’s current operating hours are the same as those allowed under the extended hours for liquor establishments as per the [City of Vancouver Business Premises Regulation of Hours By-Law No. 8022](#).

### Noise

Staff have considered the impact for noise on the community and have no concerns at this time. An acoustical report certifying that the establishment meets Noise Control By-law requirements will be required and should mitigate potential negative community impacts due to noise. The acoustical report is a by-law requirement of the business licence and will support compliance and enforcement efforts if necessary.

### Impact on the Community

A Time-Limited Development Permit will be required which will provide ongoing reviews to ensure the land-use and business remains compatible with the surrounding community. The permit review process will involve an assessment of neighbourhood impacts, including compatibility with surrounding uses, hours of operation, social and policing impacts and noise control. In addition, the Good Neighbour Agreement will set out City expectations that the business needs to be responsive in dealing with any issues and responsible for creating a positive relationship with the community.

Since opening in November 2021, the establishment has not received any complaints relating to their current operation.

The Vancouver Police Department has reviewed this application and have no concerns.

### **Financial Implications**

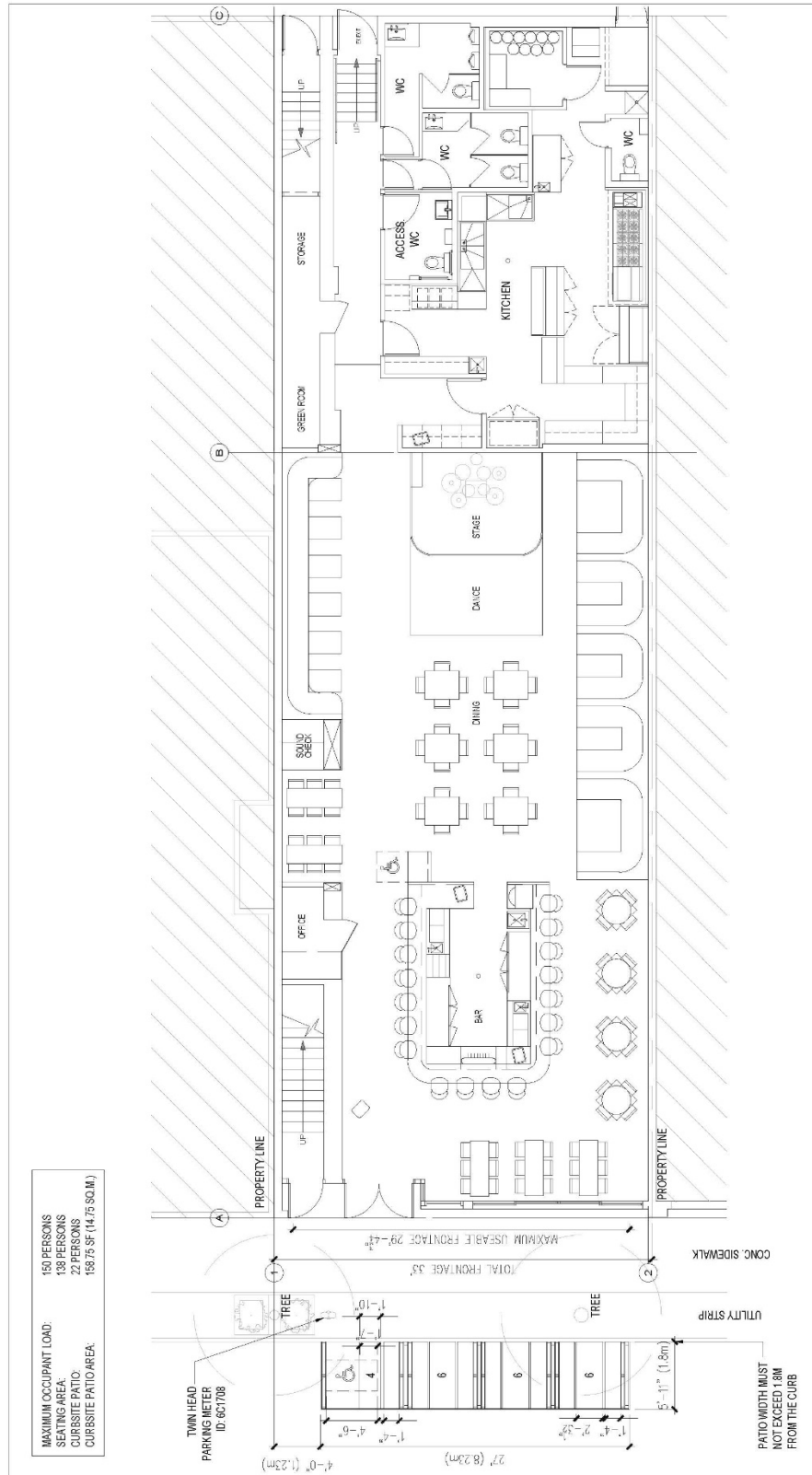
There are no financial implications associated with this report’s recommendations.

### **Legal Implications**

There are no legal implications associated with this report’s recommendations.

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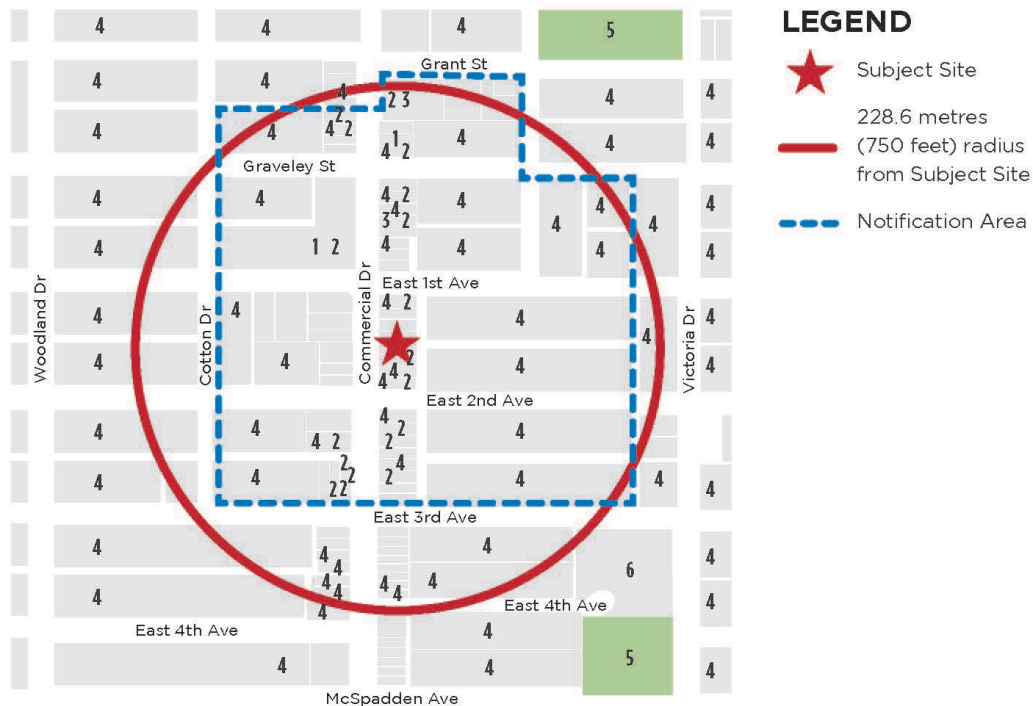
## APPENDIX A Establishment Floor Plan



## APPENDIX B Notification Area and Surroundings

# DUAL LICENCE – LIQUOR PRIMARY (Liquor Establishment – Class 2)

OSITA – 1728 Commercial Drive



### 1 Liquor Establishments:

- Bar Corso – Class 1
- Juniors Pub & Grill – Class 3

### 2 Restaurants with Liquor Service:

- 18 Restaurants

### 3 Liquor Retail Stores:

- BCLS # 111 Commercial Drive
- Liberty Wine Merchants

### 4 Residential

### 5 Parks:

- McSpadden Park
- Victoria Park

### 6 Schools:

- Queen Victoria Annex

