



WHISTLER

MINUTES

REGULAR MEETING OF LIQUOR LICENSE ADVISORY COMMITTEE

THURSDAY, MAY 1, 2014, STARTING AT 8:45 A.M.

In the Flute Room at Whistler Municipal Hall
4325 Blackcomb Way, Whistler, BC V0N 1B4

PRESENT:

Accommodation Sector Representative, Colin Hedderson
Food & Beverage Sector Representative – Nightclubs, Terry Clark
Food & Beverage Sector Representative – Pubs/Bars, Chair, Mike Varrin
Food & Beverage Sector Representative – Restaurants, Vice-Chair, Brenton Smith
Liquor Control and Licensing Branch (LCLB) Inspector, Holly Glenn
Public Safety Representative, RCMP, Rob Knapton
Whistler Community Services Society Representative, Jackie Dickinson
Whistler Fire Rescue Service (WFRS) Representative, Sheila Kirkwood
Councillor, John Grills
RMOW Staff Representative, Secretary, Frank Savage
Recording Secretary, Kay Chow

Call to Order

Mike Varrin called the meeting to order at 8:47 a.m.

ADOPTION OF AGENDA

Moved by C. Hedderson

Seconded by B. Smith

That Liquor License Advisory Committee adopt the Liquor License Advisory Committee agenda of May 1, 2014.

CARRIED.

Nomination and Election
of Vice-Chair

Moved by M. Varrin
Seconded by T. Clark

That the Liquor License Advisory Committee elect Brenton Smith as Vice-Chair.

CARRIED.

ADOPTION OF MINUTES

Moved by J. Dickinson

Seconded by S. Kirkwood

That the Liquor License Advisory Committee adopt the Regular Liquor License Advisory Committee minutes of April 3, 2014.

CARRIED.

COUNCIL UPDATE

Councillor Grills provided an update of the most current topics being discussed by Council: May long weekend activities; operational changes and changes to hours of operation at the waste transfer sites effective May 19; renovations to Whistler Village buildings; community trial for burning of yard debris; Suzanne Anton, Attorney General, announcement regarding changes to beer gardens.

PRESENTATIONS/DELEGATIONS

LLAC Conflict of Interest Guideline

1. Frank Savage presented the proposed LLAC Conflict of Interest Guideline:
 - A. A committee member who is involved in a topic under review by the committee must declare his/her conflict and not take part in the discussion of the topic or vote on any question in respect of the topic;
 - B. Must leave the meeting the meeting for the period of time during which the topic is under consideration; and
 - C. Must not attempt in any way, whether before, during or after the meeting to influence the voting or on any question in relation to the topic.
2. There was a discussion and clarification of conflict of interest.
3. If an application/proposal directly involves the committee member's business then a conflict of interest occurs. If the proposal affects all food primary or liquor primary licenses then a conflict of interest does not occur.
4. If the member is deemed to be in conflict, the member is not permitted to give or attend the presentation for the application/proposal.
5. Staff will amend the LLAC Terms of Reference to include the Conflict of Interest Guideline.

Moved by B. Smith
Seconded by C. Hedderson

That the Liquor License Advisory Committee adopt the proposed amendment to the LLAC Terms of Reference to include the Conflict of Interest Guideline.

CARRIED.

Garibaldi Lift Company (GLC) File No. LLR1186

Mike Varrin declared a conflict of interest with the Garibaldi Lift Company application and left the room.

Brenton Smith assumed the role of Chair.

Frank Savage introduced the application and advised on the following.

1. The applicant GLC is applying for a permanent change to its liquor primary license hours of sale, an increase to interior occupant load, an increase to the occupant load of the existing patio and the addition of a new patio area.
2. A resolution is required from municipal council.
3. Current hours of sale 11:00 a.m. to 1:00 a.m. Permanent change request to hours of sale from 9:00 a.m. to 1:00 a.m., 7 days/week.
4. Municipal policy permits the requested hours for a lounge or pub subject

to the establishment maintaining a fully operational kitchen and breakfast food service.

5. Current interior occupant load 202 persons. The applicant is requesting an increase to 214 persons based on their architect's review of the space.
6. Addition of a new patio area in place of a temporary structure licensed for special events. Building and Development Permit processes underway for addition of a permanent patio enclosure.
7. Existing patio capacity 225 persons, but 359 persons can be permitted based on occupant load policy calculation of 1.2 m² per person.
8. Addition of the new patio area will permit an occupant load of 463 persons.
9. The applicant intends to operate the patio with a maximum of 375 persons.
10. Drawings have not yet been finalized.
11. Comments received from the LLAC referral process:
 - a) Whistler Community Services Society expressed concern regarding the 9:00 a.m. sale and service of alcohol. The applicant has responded that they wish to accommodate demand from corporate groups and that adjacent pub establishments offer 9:00 a.m. sale of alcohol.
 - b) Restaurant Sector: some in favour, though there is some concern that the larger patio in a lucrative location will impact smaller operators. The applicant has responded that there is strong demand for patio seats and they intend to operate at a maximum of 375 persons.
 - c) Accommodation Sector expressed some concern regarding the large increase in occupant load, but felt that the establishment has a good record. If the applicant is mindful of exit strategies, there is no concern.
 - d) Community input: no comments received to date; 30 day comment period ends May 3.
12. The applicant is deemed to be in good standing.

The applicant Mike Wilson, Garibaldi Lift Company advised on the following.

1. GLC and Whistler/Blackcomb desire to re-invest in the patio and to revitalize Skiers Plaza, as other establishments have done.
2. The GLC patio provides an opportunity for the general public to view bike park activities – front row seats.
3. Try to better the après experience and generally deliver a great experience to the resort guest particularly during peak times.
4. Previous patio license extensions for events such as Crankworx, World Ski & Snowboard Festival for 335 persons. The current infrastructure does not work well for service over 375 persons.
5. Capacity will likely only be reached during festivals, resort events and peak times such as Christmas and during après from 2:30 to 6:30 p.m.
6. Benefits to mountain bikers using the summer bike park.
7. Exits and washrooms meet Building Code. There are also two washrooms available for use downstairs.
8. Noise mitigation measures taken to ensure disturbances are not created at closing time.
9. Would like to align breakfast service with competitors such as Black's,

Longhorn, Dubh Linn Gate and for corporate events and conferences.

LLAC Member Questions and Comments

1. RMOW Resort Experience Dept. is supportive of this application; there is high demand for patio seats generally during summer, après and particularly in Skiers Plaza area; do not see any community problems.
2. LCLB: there have not been any problems in past.
3. Whistler Fire Service: support this application subject to exit review. Washroom capacity is determined by Building Code, which considers interior seats but not patio seats. This presents a potential issue with respect to guest experience when the venue is at capacity.
4. LCLB: location of washrooms downstairs or outside of a venue is beneficial for monitoring patron behavior and activity.
5. Accommodation Sector: well thought out plan, concerns have been addressed, the GLC experience is second to none, ability to view Bike Park is exceptional, a positive guest experience.
6. Restaurant Sector: there was one comment of non-support pertaining to the GLC's prime location at the base of the mountain. This should not be taken into consideration as Whistler is a mountain town and the GLC is part of the mountain. The request for capacity increase is based on occupant load. No concerns with this application.
7. Councillor: supportive of patios, reinvestment is great, but would also like to ensure the smaller independent operators survive. From a guest experience perspective would like to see the level of food and beverage service increased in conjunction with the increase in capacity. Some concern with impacts to the Village given the dramatic increase to the number of seats in this prime location.

Rob Knapton entered the meeting at 9:34 a.m.

8. Whistler Community Services: concerns regarding catering to breakfast crowds have been adequately addressed; some concern with the increase to occupant load but in general concerns and needs have been met.
9. Nightclub Sector: hours of operation don't impact the nightclub sector; reiterate Whistler Fire Service comments regarding the washrooms.
10. RCMP: past temporary capacity increases have not created any policing concerns and no impacts to policing operations; applicant has a good track record, no concerns.

Moved by S. Kirkwood
Seconded by C. Hedderson

That the Liquor License Advisory Committee supports the application by the Garibaldi Lift Company for a change in hours of sale; a change in interior occupant load and an increase in patio occupant load of the expanded patio to that permitted by Council Policy G-17 Schedule 2.

CARRIED.

Mike Varrin returned to the meeting and resumed the role of Chair.

Longhorn Pub
File No. LLR1188

Terry Clark declared a conflict of interest with the Longhorn Pub application and left the room.

Frank Savage introduced the application and advised on the following.

1. The Longhorn Pub is applying for a structural change to its liquor primary license to increase the patio's physical size and capacity of the liquor primary license.
2. A resolution is required from municipal council.
3. Existing liquor primary interior licensed capacity 275 persons.
4. Existing liquor primary patio licensed capacity 170 persons.
5. There is a 94 person capacity food primary patio license adjacent to the liquor primary patio.
6. This application requests removal of the food primary patio license and to license the entire area as liquor primary.
7. Rationale: when the food primary patio license was put in place, minors were not permitted in liquor primary areas. Since then LCLB policy has changed, minors are now permitted in liquor primary establishments until 8:00 p.m. when accompanied by a parent or guardian.
8. The proposed redevelopment increases the total size of the patio area from 311 m² to 380 m², a 22% increase.
9. Based on a calculation of 1.2 m² per person seated the proposed 180 m² permits capacity of 150 persons seated.
10. Based on a calculation of 0.95 m² per person standing for the remaining area, permits capacity of 210 persons standing.
11. Existing total patio capacity 264 persons; propose increase to 360 persons.
12. Comments received from the LLAC referral process:
 - a) LCLB supports the application to remove food primary patio;
 - b) Pub Sector supports the application;
 - c) Accommodation Sector felt this would increase the numbers of patrons in the area but noted that the establishment has been managed well and continues to be mindful of late night exit strategies and handle any late night disturbances. The sector supports this application.
 - d) Restaurant Sector noted that the advantage of having this all under one license type is a good customer benefit. The very lucrative space could potentially affect business of smaller operators. Creation of a 210 persons standing space could be similar to an underground nightclub-like space.
 - e) Community input: no comments received to date, 30 day comment period ends May 24.
13. The applicant is deemed to be in good standing.
14. There is demand for a license change. The establishment's location is highly visible, with desirable après and summer patio.
15. The license change will permit the establishment to operate to the full policy limits.
16. Potential noise impacts to the community. Amplified music will be turned off by 10:00 p.m. and it is not anticipated that this will create any problems for the community.
17. There have not been any problems with crowd control or any police issues.

The applicant Joey Gibbons, Longhorn Pub advised on the following.

1. The Longhorn Pub has been in this location since 1980.
2. Carleton Lodge renovations and are currently under way.
3. The food primary license has caused confusion for guests. The food service accounts for 40% of the business.
4. The proposed expansion area is owned by the Longhorn.
5. The expanded patio space has been used for festivals; there were no problems with kitchen and liquor service.
6. Phase I target completion end of June 2014, awnings by fall 2014.
7. This will add to guest experience at the base of mountain.

LLAC Member Questions and Comments

1. Will there be restrictions for patio access by minors? It will change depending on the time of year and the activities in Skiers Plaza. . If adult type activities are taking place minors would not be permitted.
2. What is the seating plan, bar stools, high tops? There will be some stand up tables as well as maintain existing seated tables. Table formations will change depending on activity. There is no intention of becoming a nightclub space.
3. There will be a new ski rack system and mitigation measures to prevent people jumping over and into the space.
4. How will this change be communicated to guests and the community? The door host will communicate to patrons based on what's happening and give options for other establishments.
5. The concept of standing space on a patio has not come up before. How should it be treated? Different multipliers are used to calculate occupant loads for standing capacity and seated capacity. What if the establishment wishes to add seating or change the furniture around? Does the license capacity change? The establishment cannot exceed the maximum occupant load.
6. As an example Whistler Conference Centre rooms are licensed for both a seated occupant load and a standing occupant load.
7. The overriding factor is exit capacity. The exit capacity must support the number of persons. Consideration must also be given to persons exiting from the interior, it becomes combined capacity.
8. It is important to keep up with demand and maintain flexibility and be able to adapt to events and festivals that are going on in the resort.
9. Is it possible to have two licensed capacities? One for standing capacity and one for seated capacity? Approval could be given based on two floor plans; this would be a simple way to handle it. This gives some control and leaves the guesswork out.
10. The seated occupant load calculation could be based on the entire patio area divided by 1.2, resulting in an occupant load of 316 persons.
11. The maximum occupant load would be 360 persons for a combined standing/seated configuration.
12. RMOW Resort Experience Dept.: is supportive of patios, the Longhorn has been a very well managed establishment, there are no concerns with the requested additional patio capacity, RMOW will provide a separate occupant load stamp for seated capacity.
13. Pub Sector: full support, this is the only patio in world that can be full on

a rainy day, there is year round demand, important to accommodate guest needs, Gibbons Hospitality Group sets benchmark for security and hosting, well managed.

14. Whistler Community Services: concerns with capacity increase, echo Restaurant Sector comments that it appears as an above ground nightclub-like space; however questions and concerns have been answered adequately, appreciate using 1.2 m² per person to calculate occupant load compared to other provinces. Overall, great idea for the management team to use their discretion to determine the appropriate family times. At this point there are no concerns.
15. Councillor: appreciate reinvestment by Carleton Lodge owners and Gibbons Hospitality, replacement of cloth awnings with structural awnings and new perimeter is an improvement, it will look spectacular. There is some concern with the space becoming bigger and potential impacts to other businesses; however the seats are filled even with growth in capacity.
16. Restaurant Sector: there was one comment of opposition regarding the great location and additional seats which take away from smaller operators. Minor issue regarding the above ground nightclub-like space comments. The Gibbons Hospitality Group is very good at creating atmosphere; the Longhorn contributes vibrancy to Skiers Plaza and is an excellent showcase of what the resort is capable of. Success of one operator will in the long run ultimately benefit the resort and all operators. A minor concern regarding the decreased seating capacity, however the mixed ratio and the ability to increase seating capacity at management discretion is an excellent option. The Restaurant Sector supports this application.
17. Accommodation Sector: there are some after hours concerns. Overall this is an exceptional space; the Longhorn is very much front stage, it almost serves as a venue. The ability to adapt flexibility in standing vs. seated creates a potential to investigate capacity and use of the space. Envision a stand up space for events such as Crankworx; the patron becomes part of the front stage and part of the mixture along with the other 10,000 standing spectators. Adds to the guest experience.
18. Whistler Fire Service: support this application, no concerns.
19. LCLB: support this application.
20. RCMP: any increase to capacity is always a concern but the establishment is run well. There are no concerns.

Moved by S. Kirkwood
Seconded by C. Hedderson

That the Liquor License Advisory Committee supports the application by the Longhorn Pub for an increase in patio occupant load for up to 360 persons for a combined seated and standing configuration and to 316 persons for a seated configuration.

CARRIED.

Terry Clark returned to the meeting.

OTHER BUSINESS

LCLB Policy Directive –
Festival Site Licensing

Frank Savage provided an overview of the recent LCLB Policy Directive 14-02 pertaining to festival site licensing:

1. Minors will be permitted at site licensed SOL (Special Occasion License) events, subject to police and local government conditions.
2. Holly Glenn provided further clarification; there would still be parameters around the event area. For instance a low risk event such as a wedding held in a park would still have a fence around it or could be a natural barrier.
3. Bigger events such as the Squamish Music Festival would not receive licensing for the entire area. Beer gardens would be an option for this type of event.
4. The LCLB risk assessment tools have not changed.
5. Minors will not be permitted in areas where there are liquor tastings.
6. In future on site liquor sales at tasting events will be permitted. The liquor can be purchased but not consumed at the event. However municipal policies still apply.
7. Policy updates are available from the LCLB website.

Next Meeting

The next meeting is scheduled for Thursday, June 5, 2014.

ADJOURNMENT

Moved by Mike Varrin

That Liquor License Advisory Committee adjourn the May 1, 2014 committee meeting at 10:39 a.m.

CARRIED

CHAIR: Mike Varrin

SECRETARY: Frank Savage