



# WHISTLER

## MINUTES

REGULAR MEETING OF LIQUOR LICENCE ADVISORY  
COMMITTEE  
THURSDAY, AUGUST 10, 2017 STARTING AT 8:46 A.M.

**At Municipal Hall – Flute Room  
4325 Blackcomb Way, Whistler, BC V0N 1B4**

### **PRESENT:**

Food & Beverage Sector Representative – Pubs, Mike Wilson  
Food & Beverage Sector Representative – Nightclubs, Terry Clark  
Food & Beverage Representative – Restaurants, Vice-Chair, Kevin Wallace  
Whistler Fire Rescue Service Representative, Geoff Playfair  
Public Safety Department Representative, RCMP, Rob Knapton  
RMOW Staff Representative, Secretary, Frank Savage  
Liquor Control and Licensing Branch (LCLB) Inspector, Holly Glenn  
Councillor, Steve Anderson  
Recording Secretary, Shannon Perry

### **REGRETS:**

Whistler Community Services Society Representative, Cheryl Skribe  
Accommodation Sector Representative, Chair, Colin Hedderon

### **GUESTS:**

Nita Lake Lodge – General Manager, Theresa Ginter

### **ADOPTION OF AGENDA**

Moved by Terry Clark  
Seconded by Rob Knapton

**That** Liquor Licence Advisory Committee adopt the Liquor Licence Advisory  
Committee agenda of August 10, 2017.

CARRIED

### **ADOPTION OF MINUTES**

Moved by Mike Wilson  
Seconded by Rob Knapton

**That** Liquor Licence Advisory Committee adopt the Liquor Licence Advisory  
Committee minutes of July 13, 2017.

CARRIED

### **COUNCIL UPDATE**

There were no updates from Council relevant to the LLAC.

## PRESENTATIONS/DELEGATIONS

LLR1292 – Nita Lake  
Lodge Cure Lounge New  
Liquor Primary Licence

A presentation on an application from Nita Lake Lodge for a new liquor primary licence for the Cure Lounge and patio. Frank Savage presented the highlights of the report to the committee:

1. Nita Lake Lodge has operated a hotel at 2131 Lake Placid Road in Whistler Creek since 2007. They have applied to the Municipality and the Liquor Control and Licensing Branch (LCLB) for a new liquor primary licence for the Cure Lounge and patio, currently included in the food primary licence.
2. For this type of application the LCLB requires a resolution from local government Council addressing prescribed regulatory criteria.
3. The municipal process requires a review by the LLAC with a recommendation to municipal Council.
4. Nita Lake Lodge currently has a food primary licence with a number of licensed areas and a total licensed interior capacity of 557 persons and a total patio capacity of 186 persons. The hours of liquor service are 9 a.m. to 1 a.m. daily.
5. The present application is to licence the Cure Lounge and patio as liquor primary and remove those areas from the food primary licence. The hours of liquor service would remain as 9 a.m. to 1 a.m., and the capacities would remain at 96 interior and 40 patio. The application includes a Family Foodservice term and condition, which would permit minors until 10 p.m. when accompanied by a parent or guardian.
6. The rationale for the change to liquor primary is that it would permit cocktail service events in the Cure Lounge without providing food and would permit the lounge to provide liquor service in the late evening after the kitchen has closed.
7. When the hotel opened in 2007, hotel management had indicated a future intention to apply for a liquor primary licence for the lounge area.
8. The floor plan of the present food primary licensed areas was presented, and a floor plan of the recently renovated Cure Lounge and patio was then shown, stamped with an occupant load of 96 persons interior and 40 persons patio.
9. The preliminary municipal review showed the applicant to be in good standing based on a compliance review. A public notification sign is displayed on the front of the hotel and two ads have been posted in the local newspaper, with comments due by August 26. No comments have been received to date.
10. The CC3 zone for the hotel permits “entertainment use,” which permits a neighbourhood pub or lounge.
11. The LLAC review criteria from Council Policy G-17 were summarized relative to the applicant’s submission:
  - There is a demand for an upscale lounge experience from hotel guests and from visitors and residents in the area. Such an establishment would be unique in the Whistler Creek area.
  - The concern with a liquor primary establishment would be the potential for noise and disturbances. The applicant letter addressed this by requiring that doors and windows be closed by 10 p.m. and

asserting that the hotel keeps noise to a minimum after 10 p.m. in order not to disturb its guests and neighbours.

- No impacts on traffic, parking, crowd control and ability to police are anticipated. Lounge capacity and hours of service would remain the same as at present.

Theresa Ginter General Manager at the Nita Lake Lodge presented to the committee, providing the rationale for the application for a liquor primary licence for the Cure Lounge. Nita Lake does not intend to reduce their food service, as the service of food in the lounge generates 55% of its annual revenue. Applying for a liquor primary licence would enable more flexibility for the space. For example, a corporate group having a cocktail hour, or hotel guests returning from the Village wanting a glass of wine or cocktail later in the evening. It is important to Nita Lake Lodge that they still provide a relaxing and family friendly atmosphere for their guests. There is no desire to change this atmosphere; they are just seeking more flexibility. Noise isn't predicted to be an issue as the hotel strives to be a relaxing environment away from the hustle and bustle of the Village.

**Questions, answers and comments:**

Nightclub sector representative: No concerns identified

LCLB Liquor Inspector: Supports the liquor primary application for the Cure lounge as a means of maintaining full compliance with provincial liquor regulations when providing liquor service without a focus on food service. A liquor primary licence would give the hotel the flexibility of providing the services they want to offer. Ms. Ginter noted that Nita Lake Lodge takes measures to reduce noise impacts.

Whistler Fire Rescue Services representative: No concerns identified

Q: Council representative: Would food be available late in evening?

A: At the moment with a food primary licence the full menu has to be available until closing time. The hotel would like close the kitchen and still have a late night menu of pre-made food available after 10 p.m.

Pub sector representative: No concerns identified. Operating a lounge in a hotel is self-regulating, because of the need of hotel guests to have a quiet atmosphere at night.

Restaurant sector representative: Shared the application with the restaurant sector, and there was full support. It is admirable how Nita Lake Lodge is desiring to maintain compliance with liquor regulations.

Q: RCMP representative: Will there still be a children friendly environment?

A: Yes, absolutely. Nita Lake Lodge is known for one of the best kids' menus in town and don't plan to change that. The Cure Lounge is very popular for families and Nita Lake Lodge wants this to continue.

Q: Resort Experience representative: How do you host events with music and dancing with the Cure Lounge open to the hotel lobby?

A: Nita Lake Lodge has used drapes in the past, and they also do noise assessments inside and at locations outside using a decibel meter. The hotel does strive to discourage wedding receptions in the lounge. A system often used is to have a formal dinner in the lounge and then move guests to a banquet room for dancing.

Q: After 10 p.m. doors and windows are closed, does that block the noise from the Cure Lounge?

A: Yes, once the doors and windows are closed the sound is contained within the hotel. The hotel also has a no-noise policy after 10 p.m. for quests, and the hotel plans to stick to those rules.

Moved by Rob Knapton.  
Seconded by Mike Wilson

**That** Liquor Licence Advisory Committee supports the application from Nita Lake Lodge for a new liquor primary licence for the Cure Lounge and patio.

CARRIED

LLR8292 – Liquor  
Licence Advisory  
Committee Terms of  
Reference Amendments

A presentation on proposed amendments to the Terms of Reference of the Liquor Licence Advisory Committee, a Select Committee of Council. Frank presented a report regarding a proposed update to the Terms of Reference of the committee, last updated in 2012. Key suggested changes are:

1. Update the document format to conform to those of other committees of Council.
2. The Purpose of Committee, Composition of Committee and Roles and Responsibilities were revised to conform to policy statements from newly amended Council Policy G-17, *Municipal Liquor Licensing Policy*.
3. Roles of the committee chair, vice-chair and secretary were updated.
4. A Conflict of Interest clause was added, which had previously been adopted by the LLAC as a guideline.
5. It was proposed to continue having the Resort Experience staff representative as a voting member and the Council representative as a non-voting member, but felt that the matter should be discussed with LLAC members. It was noted that some committees of Council have the Council representative as a full voting member and the staff member non-voting.

A discussion was held by the committee to consider the merits of having the municipal staff or Council representative as a voting member. It was mentioned that liquor licence applicants are in frequent contact with the staff member during the licence application process. The consensus was that the Councillor should have a vote, but not the staff member.

Moved by Terry Clark  
Seconded by Rob Knapton

**That** the Liquor Licence Advisory Committee supports the proposed changes to the LLAC Terms of Reference, with the provision that the Council representative be a voting member and that the Resort Experience staff representative be a non-voting member.

CARRIED

## **OTHER BUSINESS**

### **Temporary Patron Participation Entertainment on New Year's Eve**

The restaurant sector representative said that it is an onerous process for restaurants to apply for a temporary patron participation entertainment endorsement to permit dancing on New Year's Eve and then have to stop dancing at midnight to comply with LCLB policy. Establishments can then operate until 3 a.m. on New year's Eve, though dancing would not be permitted. A Restaurant Association of Whistler meeting will be held at the end of September, 2017, where the issue will be discussed.

Q: Is it possible to have dancing until later than midnight on New Year's Eve?

A: There may have been a LCLB policy change related to this topic.

[Note: LCLB Policy Directive 15-13, 2015 covers this situation. Those food primary establishments with a patron participation entertainment endorsement (permanent or temporary) may allow dancing until 1 a.m. on New Year's Eve.]

### **Cannabis Policy**

Q: Will the LCLB be involved in cannabis distribution once the anticipated federal regulations are implemented? Would the LLAC be involved?

A: Still awaiting the federal legalization of cannabis. It is yet to be determined how provincial and municipal regulation will be managed.

### **Next LLAC Meetings**

The next meetings of the LLAC are scheduled for September 14 and October 12, 2017.

## **ADJOURNMENT**

Moved by Rob Knapton

**That** Liquor Licence Advisory Committee adjourn the August 10, 2017 meeting at 10:02 a.m.

CARRIED

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VICE-CHAIR: Kevin Wallace

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SECRETARY: Frank Savage