



**RESORT MUNICIPALITY OF WHISTLER**

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## STAFF REPORT TO COUNCIL

**PRESENTED:** December 20, 2022 **REPORT:** 22-155  
**FROM:** Planning - Development **FILE:** LLR01381  
**SUBJECT:** HILTON RESORT AND SPA PERMANENT CHANGES TO HOURS OF LIQUOR SERVICE

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of the General Manager of Resort Experience be endorsed.

### RECOMMENDATION

**That** Council approve a permanent change to the licensed hours of sale to 9:00 a.m. to 1:00 a.m. Monday through Sunday for Liquor Primary Licence No. 035049 held by the Hilton Whistler Resort and Spa, having considered the criteria as required by the Liquor and Cannabis Regulation Branch (LCRB) as set out in support of this application attached as Appendix A to Administrative Report to Council 22-155; and further

**That** Council authorize the letter attached as Appendix A to be executed on behalf of the Resort Municipality of Whistler by its authorized representatives and sent to the LCRB in support of the application.

### PURPOSE OF REPORT

This report presents a recommendation for Council's consideration regarding an application for a permanent change to hours of liquor service for Hilton Whistler Resort and Spa liquor primary licence. For this type of licence change, G-17: Municipal Liquor Licensing Policy requires Council approval and the provincial Liquor and Cannabis Regulation Branch (LCRB) requires a local government comment in the form of a resolution from Council addressing prescribed criteria and a recommendation as to whether or not the application should be approved. The proposed letter, including the Council resolution in favour of the application and the rationale for support, is attached as Appendix A.

Information Report  Administrative Report (Decision or Direction)

### DISCUSSION

#### Background

The Resort Municipality of Whistler (RMOW or Municipality) has received an application from the Hilton Whistler Resort and Spa for a permanent change to hours of liquor service for its existing liquor primary licence no. 035049. The Hilton Resort and Spa is located at 4050 Whistler Way (See Appendix B for a

location map). Specifically, liquor primary licence no. 035049 is for use by Cinnamon Bear Bar located in the Hilton Whistler Resort and Spa, having a 128 person occupant load. Immediately adjacent to the Cinnamon Bear Bar is the food primary licensed Grille Restaurant.

### **Analysis**

The current and requested liquor primary hours of liquor service are as follows:

<b>Days of the week</b>	<b>Current Hours of Sale</b>	<b>Requested Hours of Sale</b>
Monday through Saturday	11 am to 1 am	9 am to 1 am
Sunday	11 am to 12:30 am	9 am to 1 am

The requested change represents a two hour extension of opening for Monday through Sunday and a ½ hour extension of closing on Sunday.

The letter of intent from the applicant (attached as Appendix C) describes the rationale for the requested permanent change to hours of liquor service is to permit the Hilton Whistler Resort and Spa to compete with other liquor primary licensed establishments in the area and to better service the general and travelling public.

For this type of application, *Council Policy G-17: Municipal Liquor Licensing Policy* (Council Policy G-17) specifies that the application be consistent with the applicable guidelines contained in Council Policy G-17, and requires a 30-day public advertising period, a good standing review, a referral to the Liquor Licence Advisory Committee (LLAC) members, a staff report to Council and a Council resolution to the LCRB in a prescribed format.

The application is consistent with Council Policy G-17 hours of liquor services guidelines for lounges/pubs which provides for hours of liquor service between 9 a.m. to 1 a.m. Monday to Sunday, with liquor service between 9 a.m. and 11 a.m. being subject to maintaining a fully operational kitchen and breakfast food service. The applicant has confirmed there will be a fully operational kitchen and breakfast food service from 9 a.m. to 11 a.m. The recommendation of support is conditional upon the establishment entering into an updated Good Neighbour Agreement with the Municipality that will require fully operational kitchen and breakfast service from 9 a.m. to 11 a.m.

No comments were received during the 30-day public advertising period and no concerns were expressed by the LLAC members who provided comment.

### **Current Good Standing Status**

Council Policy G-17 requires that any establishment applying for a permanent liquor license change to be in Good Standing with respect to compliance and enforcement history of the establishment. The application was referred to the RCMP, the Whistler Fire Rescue Service and Municipal Building and Bylaws Departments. There were no compliance issues identified. The applicant is in Good Standing with no outstanding issues.

### **LCRB Review Criteria and Process**

The maximum hours of sale allowed by the LCRB for a licensed establishment are between the hours of 9:00 am and 4:00 am, subject to limitation by local government.

The LCRB process requires that a local government must provide comments to the LCRB in the form of a resolution from Council for a liquor primary licensed establishment applying for a permanent change to hours of liquor service. Local government must also gather public input for the community in the immediate vicinity of the proposed service area. The resolution from Council must consider:

- The location of the establishment; and
- The person capacity and hours of liquor service of the establishment.

The resolution from Council must specifically comment on the following:

- The impact of noise on nearby residents;
- The impact on the community if the application is approved;
- The views of the residents and a description of the methods used to gather views; and
- The local government recommendations (including whether or not the application be approved) and the reasons on which they are based

The proposed letter presented in Appendix A addresses all of the LCRB requirements.

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## **POLICY CONSIDERATIONS**

### **Relevant Council Authority/Previous Decisions**

In accordance with Council Policy G-17, an application for a permanent change to hours of sale for a liquor primary licence within municipal hours of services guidelines specifies a 30-day public comment period, a good standing review, a LLAC referral, a staff report to Council and a resolution to the LCRB in a prescribed format.

In summary, the proposed licensing change is consistent with Council Policy G-17, would provide for improved customer service for both visitors and residents and is not expected to have any significant negative impacts on the resort community.

### **Zoning Analysis**

The lands are zoned CC1. A permitted use in CC1 zone is establishments licenced for the sale and consumption of alcoholic beverages on the premises including: hotel, club, recreational centre, restaurant, cabaret, neighbourhood public house, lounge, concert hall, sports stadium and municipally owned cultural centre. The proposal is compliant with all other applicable zoning bylaw regulations.

### **Corporate Plan**

The RMOW Corporate Plan is updated annually and articulates strategic direction for the organization. This section identifies how this report links to the plan.

#### **Council Focus Areas**

Community Balance

*Effectively **balance resort and community needs** through deliberate planning, partnerships and investment*

Climate Action

*Provide leadership to **accelerate climate action and environmental performance** across the community*

Housing

*Advance strategic and innovative initiatives to enable and **deliver additional employee housing***

Pandemic Recovery

*Leadership and support for **community and tourism recovery and sustainability** – priority focuses are where recovery needs intersect with other Council focus areas*

Not Applicable

### **Community Vision and Official Community Plan**

The Official Community Plan (OCP) is the RMOW's most important guiding document that sets the community vision and long-term community direction. This section identifies how this report applies to the OCP.

The recommended resolution included within this report is consistent with the goals, objectives and policies included within "OCP Bylaw No. 2199, 2018".

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### **BUDGET CONSIDERATIONS**

There are no budget considerations. The municipal application fee for an amendment to an existing licence is structured to cover staff costs for processing the application.

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### **LÍLWAT NATION & SQUAMISH NATION CONSIDERATIONS**

The RMOW is committed to working with the Líl'wat People, known in their language as *L'il'wat7úl* and the Squamish People, known in their language as the *Skwxwú7mesh Úxwumixw* to: create an enduring relationship; establish collaborative processes for Crown land planning; achieve mutual objectives; and enable participation in Whistler's resort economy.

There are no specific considerations to include in this report.

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### **COMMUNITY ENGAGEMENT**

Level of community engagement commitment for this project:

Inform     Consult     Involve     Collaborate     Empower

Comment(s):

In accordance with Council Policy G-17, the applicant advertised the proposed permanent changes to its liquor primary licence in the November 3 and 10, 2022 editions of *Pique Newsmagazine* and posted a sign at the establishment for 30 days (commencing Nov 3, 2022) to provide opportunity for public

comment. The advertisements and notice sign requested that any comments be provided in writing to municipal staff on or before December 3, 2022. No comments were received.

Also in accordance with Council Policy G-17, the application was referred to the LLAC for their individual comments. No concerns were expressed.

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## REFERENCES

Appendix A – Letter to LCRB with Council Resolution for a permanent change to a liquor licence  
Appendix B – Location Map  
Appendix C – Applicant Letter of Intent October 24, 2022

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## SUMMARY

This report presents a recommendation regarding an application for a permanent change to hours of liquor service the liquor primary licence held by the Hilton Whistler Resort and Spa. This recommendation is a result of the application of municipal policy and consultation with the community.

The report also provides a recommended resolution in support of the application for Council's consideration that addresses criteria specified by the LCRB. The recommendation of support is conditional upon the Hilton Resort and Spa entering into an updated Good Neighbour Agreement with the Municipality that will require fully operational kitchen and breakfast service from 9 a.m. to 11 a.m. consistent with municipal policy.

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## SIGN-OFFS

### Written by:

Brook McCrady,  
Planning Analyst

### Reviewed by:

Melissa Laidlaw,  
Manager of Development Planning

Mike Kirkegaard,  
Director of Planning

Jessie Gresley-Jones,  
General Manager of Resort Experience

Virginia Cullen,  
Chief Administrative Officer