



**RESORT MUNICIPALITY OF WHISTLER**

4325 Blackcomb Way TEL 604 932 5535  
Whistler, BC Canada V8E 0X5 TF 1 866 932 5535  
whistler.ca FAX 604 935 8109

## STAFF REPORT TO COUNCIL

**PRESENTED:** November 21, 2023 **REPORT:** 23-114  
**FROM:** Planning - Development **FILE:** 4320-30-1394  
**SUBJECT:** LLR01394 - BAR OSO LIQUOR PRIMARY CAPACITY INCREASE

### RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

**That** the recommendation of General Manager of Climate Action, Planning and Development Services be endorsed.

### RECOMMENDATIONS

**That** Council approve the application for Bar Oso, located at 150-4222 Village Square in Whistler Village, to increase the licensed capacity on the lower level of the establishment from 18 to 58 persons for its Liquor Primary Licence No. 162781, having considered the criteria as required by the Liquor and Cannabis Regulation Branch (LCRB), as set out in support of this application in Appendix A to Administrative Report No. 23-114; and further,

**That** Council authorize the letter attached as Appendix A to Administrative Report No. 23-114 to be executed on behalf of the Resort Municipality of Whistler by its authorized representatives and sent to the LCRB in support of the Bar Oso application.

### PURPOSE OF REPORT

This report presents a recommendation for Council's consideration regarding an application for Bar Oso to increase the licensed capacity on the lower level of the establishment from 18 to 58 persons. For this type of licence change, which is a proposed increase to capacity for a liquor primary license, *Council Policy G-17: Municipal Liquor Licensing Policy* requires (Council Policy G-17) Council approval and the provincial Liquor and Cannabis Regulation Branch (LCRB) requires local government comment in the form of a resolution from Council that addresses prescribed regulatory criteria and provides a recommendation as to whether the licence change 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

#### Analysis

Bar Oso has applied to increase the licensed capacity on the lower level of their liquor primary establishment from 18 to 58 persons (increase of 40). The lower level (basement) is currently licensed

for 18 persons and the upper floor (Village Stroll level) is currently licensed for 74 persons. There is also a small patio licensed for eight persons. Current hours of liquor service are 9:00 a.m. to 1:00 a.m. Monday to Sunday.

Bar Oso is located at 150-4222 Village Square in Whistler Village (see location map, Appendix B). The parcel contains the Blackcomb Lodge on the upper levels and six commercial tenancies on the ground floor. The subject parcel is zoned Commercial Core One (CC1). The CC1 Zone permits establishments licensed for the sale and consumption of alcoholic beverages on the premises.

A rationale letter submitted by the applicant (Appendix C) describes that the proposed capacity increase will provide an improved bar and lounge experience for the general public and also enable the lower level of the establishment to hold family events and corporate gatherings. Total capacity change for the establishment is proposed to increase from 100 to 140 persons (increase of 40). An architectural plan showing the redlined area with the proposed increase in capacity has been provided and is attached to this report as Appendix D.

The floor plan has been reviewed by the Resort Municipality of Whistler (RMOW) Building Department and Whistler Fire Rescue Services (WFRS) for code compliance and deemed acceptable. The floor plan has been stamped by WFRS for an occupant load of 58 persons on the lower level, 82 persons on the main level and eight persons on the main floor patio (total occupant load of 140 persons). This stamped plan is attached as Appendix E.

### **Current Good Standing Status**

As per Council Policy G-17, an application requesting a permanent change to a liquor licence the applicant must be in "Good Standing" with respect to the compliance and enforcement history of the establishment. A Good Standing review was conducted to determine the compliance history of the applicant. The application was referred to the RCMP, the WFRS and the RMOW Building and Bylaws Departments. Each was asked to provide a written list of any contraventions and their disposition for the 12-month period preceding the date of the application and any other comments considered to be relevant. There were no compliance issues identified, and the RCMP have determined Bar Oso to be in Good Standing.

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

For a liquor licence application that requests to increase capacity of an existing liquor primary establishment, local government must provide comments to the LCRB in the form of a resolution from Council. Local government must also gather public input from the community in the immediate vicinity of the proposed service area. The resolution from Council must take into account:

- 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 the community in the immediate vicinity of the establishment;
- 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
- A recommendation as to whether or not the capacity increase should be approved and the reasons on which the recommendation is based.

Recommendations to the LCRB must include whether the application should be approved or rejected and must include the reasons on which those recommendations are based.

The proposed letter recommending approval of the application is presented in Appendix A addresses all the LCRB requirements. Bar Oso has recently undergone significant reinvestment and the proposed increase in liquor primary capacity within the basement area will provide enhanced service and capacity for special events and family events. The additional capacity is not expected to create any potential negative noise impacts and will be a positive addition to Whistler's food and beverage offerings. Views of residents and the community were solicited through the Liquor License Advisory Committee (LLAC), advertisement in the *Pique Newsmagazine* and a site application notification sign. As discussed in further detail below, the LLAC supported the application and there were no comments received from the public.

### **LLAC Review Process**

As part of the LLAC review process, a summary of the applicant's proposal was referred by e-mail to LLAC members on August 31, 2023 and members were asked to provide their initial comments. Staff then prepared a report, which was presented at the October 12, 2023 LLAC meeting. The report addressed the LLAC review criteria regarding the need for the licence amendment and the potential impacts on the resort community. An applicant presentation clarified details of the application. The applicant addressed LLAC member questions regarding layout details for the lower level. The LLAC passed a resolution in support of the application by Bar Oso for an increase to their lower level interior capacity to their liquor license. An excerpt of draft minutes of the LLAC meeting are attached as Appendix F.

---

## **POLICY CONSIDERATIONS**

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

For a change to a liquor primary licence resulting in an increase in total occupant load, *Council Policy G-17: Municipal Liquor Licensing Policy* requires Council approval and the provincial LCRB requires local government comment in the form of a resolution from Council addressing prescribed regulatory criteria and a recommendation as to whether the licence change should be approved.

### **2023-2026 Strategic Plan**

The 2023-2026 Strategic Plan outlines the high-level direction of the RMOW to help shape community progress during this term of Council. The Strategic Plan contains four priority areas with various associated initiatives that support them. This section identifies how this report links to the Strategic Plan.

### **Strategic Priorities**

Housing

*Expedite the delivery of and longer-term planning for employee housing*

Climate Action

*Mobilize municipal resources toward the implementation of the Big Moves Climate Action Plan*

Community Engagement

*Strive to connect locals to each other and to the RMOW*

Smart Tourism

*Preserve and protect Whistler's unique culture, natural assets and infrastructure*

Not Applicable

*Aligns with core municipal work that falls outside the strategic priorities but improves, maintains, updates and/or protects existing and essential community infrastructure or programs.*

### **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 applicable goals, objectives and policies included within "OCP Bylaw No. 2199, 2018". Specifically, the proposal is consistent with:

- **Policy 5.6.3.18** to manage liquor licensing to support a wide variety of food and beverage offerings and maintain a safe and friendly atmosphere. The application review process included review by relevant agencies and public notice to reduce potential negative impacts of liquor-related issues associated with late-night entertainment uses;
- **Policy 5.6.2.4** to work collaboratively with property owners and the business community to support rejuvenation, reinvestment and the ongoing success of Whistler's commercial area; and,
- **Policy 5.6.3.1** to reinforce Whistler Village as the primary multi-use centre with a wide variety of retail, office, service, food and beverage, entertainment, recreation, leisure, institutional, cultural and visitor accommodation uses.

---

### **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.

---

### **LÍ'WAT 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.

---

### **COMMUNITY ENGAGEMENT**

Level of community engagement commitment for this project:

Inform     Consult     Involve     Collaborate     Empower

Comment(s):

In compliance with Council Policy G-17, the applicant advertised the proposed licence change in the September 8 and 15, 2023 editions of the *Pique Newsmagazine* and a notification sign was posted at

the establishment since September 8, 2023 to provide an opportunity for public comment. The advertisements and site sign requested that any comments be provided in writing to the RMOW Planning Department before October 8, 2023. No comments were received.

---

## REFERENCES

Appendix A – Letter to LCRB including Council resolution for lower level capacity increase  
Appendix B – Location Map  
Appendix C – Rationale  
Appendix D – Architectural Plan  
Appendix E – Occupant Load Stamped Plan  
Appendix F – Draft Minutes of October 12, 2023 LLAC Meeting (relevant excerpt)

---

## SUMMARY

This report provides a recommendation regarding an application for Bar Oso to increase the licensed capacity on the lower level of the establishment from 18 to 58, resulting in a total capacity change for the establishment from 100 to 140. The report provides a recommended resolution to support the application for Council's consideration that addresses criteria specified by the LCRB. The recommended resolution is a result of review of the application in accordance with Council Policy G-17 and consultation with the community.

---

## SIGN-OFFS

### Written by:

Brook McCrady,  
Planning Analyst

### Reviewed by:

Melissa Laidlaw,  
Manager of Development Planning

Mike Kirkegaard,  
Director of Planning

Dale Mikkelsen,  
General Manager, Climate Action Planning and  
Development Services

Virginia Cullen,  
Chief Administrative Officer