



WHISTLER

REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: August 18, 2020
FROM: Resort Experience
SUBJECT: LLR1345 – FORGED AXE THROWING LTD. – NEW LIQUOR PRIMARY APPLICATION

REPORT: 20-074
FILE: LLR1345

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

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

RECOMMENDATION

That Council pass the resolution attached as Appendix “A” to Administrative Report 20-074 providing Council’s recommendation to the Liquor and Cannabis Regulation Branch in support of an application from Forged Axe Throwing Ltd. for a new liquor primary application to add liquor service to their existing axe throwing business with an interior occupant load of 61 persons and for hours of service from 11 a.m. to 11 p.m. Sunday through Thursday and 11 a.m. to midnight Friday and Saturday.

REFERENCES

Owner: Forged Axe Throwing Ltd.
Location: 1-1208 Alpha Lake Road
Appendices: “A” – RMOW Resolution – new liquor primary licence
“B” – Location map
“C” – Letter of intent from applicant
“D” – Forged Axe safety protocols
“E” – Occupant load plan and rendering detail for proposed liquor licence area
“F” – Correspondence

PURPOSE OF REPORT

The purpose of this Report is to provide a recommendation for Council’s consideration regarding an application for a new liquor primary licence for Forged Axe Throwing Ltd. at 1-1208 Alpha Lake Road. For this type of application, the Provincial Liquor and Cannabis Regulation Branch (LCRB) requires municipal comment in the form of a Council resolution addressing prescribed criteria and a recommendation as to whether the licence should be approved (Appendix “A”). The municipal liquor licence application process also requires review and a recommendation from the Liquor Licence Advisory Committee (LLAC), as well as Council approval. The proposed resolution to the LCRB in favour of the application, including the rationale for support is attached as Appendix “A”.

Background

Forged Axe Throwing Ltd. is located at 1-1208 Alpha Lake Road in Function Junction (see Appendix “B”), and has been in operation since 2016. Axe throwing is a sport in which participants throw an axe at a target, attempting to hit the bullseye that is a featured event in most lumberjack competitions and has become a form of recreation for the general public. Forged Axe Throwing Ltd. also has a mobile

axe throwing trailer, which the business takes to community events and fundraisers. Some of these private axe throwing events (i.e. corporate or group events) have been licenced for liquor service via Special Event Permits (SEPs). The establishment also has a variety of entertainment in addition to the primary focus of axe throwing (i.e. background music, television monitors for sports and movies, and live music from time to time).

Forged Axe Throwing Ltd. is located on the ground floor of a 12-unit building, and is zoned IS1 (Industrial Service One). The intent of the IS1 Zone is to provide for light industrial uses, commercial services and certain office uses having similar space requirements or close business ties with industrial activities. The IS1 Zone permits indoor recreation and “establishments licensed for the sale and consumption of alcoholic beverages on the premises including neighbourhood public house”. The IS1 Zone also permits auxiliary residential dwellings units (ARDUs).

Originally developed as Whistler’s industrial area, Function Junction has evolved over time into a general business district and is the community’s primary location for light industrial, service commercial and retail sales of hardware, household goods and building supplies. Within Function Junction there are several licensed establishments including two local breweries and a distillery. The direct distances to other licensed establishments are:

- Whistler Brewing Company – approximately 200 metres;
- Coast Mountain Brewery – adjacent parcel to the north;
- Montis Distilling Ltd. – 300 metres to the south; and
- Forecast Coffee and Groceries (food primary) – adjacent parcel to the south.

There are now approximately six liquor licenced axe-throwing locations in Ontario, one in Calgary and one in Revelstoke. The applicant’s liquor licensing consultant has indicated that there have not been any infractions or safety incidences related to the operation of these establishments.

Application for a New Liquor Primary Licence

Forged Axe Throwing Ltd.’s LCRB application includes:

- Proposed hours of service: 11:00 a.m. to 11:00 p.m. Sunday through Monday and 11:00 a.m. to midnight Friday and Saturday less than the maximum hours of service permitted under Council Policy G-17 *Municipal Liquor Licensing Policy*, as requested by the applicant.
- Occupant load: Interior - 61 persons.
- Minors: The applicant is requesting for this to be considered a ‘Neighbourhood House’ with a minor’s endorsement to permit minors to be present accompanied by a parent or guardian until 10:00 p.m..
- The sale, service and consumption of liquor for the interior of the establishment is to be restricted to the interior licensed spaces - approximately 170 square metres in area, as shown on the floor plan in Appendix “C”. Please note that the application has since been amended and no exterior areas are proposed.

Forged Axe Throwing Ltd. will have a food menu featuring bar food, snacks and sandwiches. The applicant may also use a caterer to provide food service for some booked events, such as, corporate team building, birthdays and other similar occasions. There will be a variety of hot and cold snacks available and non-alcoholic beverages.

Safety

Safety procedures for patrons and staff to accommodate the addition of liquor service have been expanded upon from the policies utilized for the approximately 20 licenced SEPs issued by the LCRB since January 22, 2018. One incident involving a staff member cutting their finger during routine axe sharpening has been recorded. In addition to the LCRB's employee manual and liquor service policy procedures manual, as well as the required "Serving it Right" program, Forged Axe has also developed enhanced safety protocols and measures (Appendix "D") to be enforced by the management team and guest experience hosts, which include:

- Axe throwing areas to be unlicensed. The rendering in Appendix "E" shows how plexiglass dividers will be placed on the edge of the tables to define the licensed from the unlicensed areas. Signage will also be placed on the plexiglass stating "no liquor beyond this point". This is similar to what the LCRB accepts as suitable separation in bowling centres to define the licensed versus non-licensed areas.
- No consumption of liquor products by individuals when they are participating in axe-throwing, and no liquor will be served or consumed in the axe throwing lanes;
- Each axe throwing lane is to be separated from the other lanes by full height chain link fencing;
- Minors may only be present when accompanied by a parent or guardian, and only until 10:00 p.m.;
- The number of axe throwers is to be limited to five people per lane with a host assigned to each lane;
- Each group must have a dedicated host who will be monitoring the group's alcohol consumption and safety at all times;
- A security camera system with full coverage of all liquor service areas is monitored by additional staff (i.e. non-hosts) who are also onsite;
- All staff must complete the "Serving It Right" program to monitor for signs of intoxication and ensure no patrons are over-served; and,
- The amount of drinks per person while customers are engaged in axe throwing activities is to be limited to three; Non-alcoholic beverages and food must be available throughout the liquor service hours.

LCRB Review Criteria and Process

The LCRB process for reviewing an application for a new liquor primary licence is more comprehensive than for an amendment to an existing food primary or liquor primary licence. For this type of application the LCRB requires local government comment in the form of a resolution from Council which 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 regulatory criteria:

- The impact of noise on nearby residents;
- The impact on the community if the application is approved;
- The views of residents and a description of the methods used to gather views; and
- Local governments must include in its resolution a recommendation as to whether or not the new licence should be approved and the reasons on which the recommendation is based.

The recommended resolution from Council, which addresses the prescribed criteria is presented in Appendix “A”.

Municipal Review Process

For a new liquor primary licence Council Policy G-17 *Municipal Liquor Licensing Policy* specifies a 30-day public advertising period, an LLAC referral/report/recommendation and a staff report to Council with a resolution to the LCRB in a prescribed format. Also part of the municipal process is a review of the proposed floor plan drawing of the establishment for building code compliance and a determination of occupant load. Whistler Fire Rescue Service has stamped the plan drawing of Appendix “E” with an interior occupant load of 61 persons for the proposed licence area. While the applicant requested a 1 a.m. closing time for liquor service, since this establishment is located outside of Whistler Village the core commercial area for visitor activities, staff support the following closing times: 11 p.m. Sunday through Thursday and midnight Friday and Saturday.

Current Good Standing Status

A Good Standing review was conducted to determine the compliance history of the applicant’s existing business licence. The applicant has also operated with a number of Special Event Permits issued by the LCRB. The application was referred to the LCRB inspector, the Whistler Detachment of the RCMP, the Whistler Fire Rescue Service and the RMOW Building and Bylaw 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 the applicant to be in Good Standing.

Liquor Licence Advisory Committee Review Process

A summary of the applicant’s proposal was referred by email to the LLAC members on February 4, 2020 and members were asked to provide their initial comments. Two comments of concern were expressed by individual representatives. One comment related to overall safety and the second to the location of this establishment outside of the Village core area. Staff then prepared a report, presented at the March 12, 2020 meeting of the committee, which addressed the LLAC review criteria regarding the need for the new licence and the potential impacts on the resort community. At this meeting, the LLAC passed the following motion:

THAT the Liquor Licence Advisory Committee support the application from Forged Axe Throwing Ltd. for a new liquor primary licence at 1-1208 Alpha Lake Road secondary to the axe throwing business.

OTHER POLICY CONSIDERATIONS

Under policies developed and supported by the Liquor Licence Advisory Committee and in *Council Policy G-17 Municipal Liquor Licensing Policy*, an application for a new liquor licence specifies a public advertising period, a good standing review, an LLAC referral/report/recommendation, a staff report to Council and a Council resolution to the LCRB in a prescribed format have now been completed.

Official Community Plan

The municipality’s new Official Community Plan (OCP) supports indoor recreation uses in Function Junction that are “compatible” and “that primarily serve the needs of Whistler’s residents and businesses and do not duplicate uses that are principally located in Whistler’s core commercial areas”. The subject property is located in a Commercial Industrial Development Permit Area and is subject to the applicable development permit area guidelines for form and character, protection of the natural environment and

protection of development from hazardous conditions. A development permit is not required as no exterior alterations to the building are proposed in conjunction with this application.

Zoning and Parking Bylaw No. 303, 2015

The existing use is permitted under the IS1 zone as indoor recreation. This zone also permits the proposed liquor service. The establishment also provides for required parking.

COMMUNITY ENGAGEMENT AND CONSULTATION

In accordance with municipal policy the applicant advertised the proposed new liquor primary licence in the February 6 and 13, 2020 editions of the Pique Newsmagazine, and posted a sign at the establishment (commencing on February 4, 2020) in order to provide opportunity for public comment. The advertisements and sign requested that any comments be provided in writing to municipal staff on or before March 7, 2020. The RMOW received a letter of support from Tourism Whistler and 151 letters of support broken down geographically as follows: 32 - Function Junction; 3 - Cheakamus Crossing; 99 - other Whistler neighbourhoods; 3 - Pemberton; 7 - Squamish; 5 - Squamish-Lillooet Regional District; and 2 - outside of Canada (Appendix "F"). No letters of opposition were received.

SUMMARY

This Report presents an application from Forged Axe Throwing Ltd. for a new liquor primary licence at 1-1208 Alpha Lake Road. The recommendation is to support the application with an interior occupant load of 61 persons and for hours of service from 11 a.m. to 11 p.m. Sunday through Thursday and 11 a.m. to midnight Friday and Saturday. This Report also provides a resolution in support of the application for Council's consideration that addresses criteria specified by the LCRB. This resolution is a result of the application of municipal policy, LLAC recommendation and consultation with the community.

Respectfully submitted,

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PLANNER, RPP MCIP

For
Mike Kirkegaard
DIRECTOR OF PLANNING

For
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INTERIM GENERAL MANAGER OF RESORT EXPERIENCE