



Governance and Priorities Committee Report

For the April 23, 2015 Meeting

To: Governance and Priorities Committee **Date:** April 8, 2015
From: Robert Woodland, Director of Legislative and Regulatory Services
Subject: Application for a Liquor Primary Licence, **Helijet International Inc. (Helijet Victoria Terminal)**, 79 Dallas Road

Executive Summary

The purpose of this report is to seek a Council resolution regarding an application by Helijet International Inc. (Helijet Victoria) located at 79 Dallas Road for a Liquor Primary Licence. This is a new licence application and will require Council to receive input from the Public through a Liquor Licence hearing as set out in the Liquor Licensing Fee Bylaw and the City's Liquor Licensing Policy and Process.

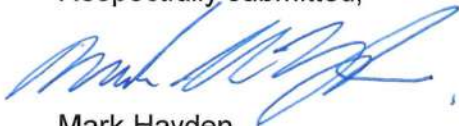
The proposed hours of liquor service would be from 09:00h (9:00AM) to 21:00h (9:00PM) seven days per week. The occupant load for the terminal lounge proposed for liquor service is 30 persons (all inside the building).

Recommendation:

That Council, after conducting a review of the staff assessment of the application for a Liquor Primary Licence for **Helijet** located at 79 Dallas Road and in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy approves:

1. The scheduling of a Liquor Licence Hearing before Council to receive written and oral submissions from residents, property owners and the public with respect to this application; and
2. Based upon the results of the public input received through the Liquor Licence hearing process, approve a resolution (with comments on the relevant factors) either supporting the licence application or not supporting the licence application. The appropriate resolution will be brought to Council at the earliest opportunity after completion of the Liquor Licence hearing.

Respectfully submitted,



Mark Hayden
Manager, Bylaw and
Licensing Services



Robert Woodland
Director Legislative and
Regulatory Services

Report accepted and recommended by the City Manager:



Date:

April 14, 2015

Purpose

The purpose of this report is to seek Council direction regarding a Liquor Primary Liquor Licence application by Helijet International Inc., in relation to their proposed liquor primary lounge in their passenger terminal located at 79 Dallas Road.

Background

This is a new application requesting the ability to provide liquor service as part of a passenger terminal for their helicopter air service business. The original proposal was to provide liquor service from 9:00AM to Midnight seven days per week. However, based on the fact that liquor service can only be an ancillary use in this zone, the applicant has provided an email (attached in the Appendix to this report) agreeing to operating hours of 9:00AM to 9:00PM seven days per week. These hours more closely reflect the scheduled service hours of the passenger terminal.

The proposed business is located at 79 Dallas Road on the GVHA property near Ogden Point and is included within the current Helijet passenger terminal building. The applicant is seeking to have a liquor licence in order to be able to provide liquor service to their passengers. A Letter of Intent from the business owner (submitted in August 2014 to the LCLB when the applicant first initiated this request) is attached in the Appendix to this Report as well as the Application Summary prepared by the LCLB. While the original application was for an occupant load of 50 persons, a review by the City's Chief Building Official has approved an occupant load of 30 persons which has amended the original application accordingly.

Location

Official Community Plan:

- This area includes marine industrial use, portions of the Working Harbour, adjacent Urban Residential and some General Employment uses. It is an important maritime gateway to the City containing major transportation facilities.
- The area is designated within Development Permit Area 11, James Bay and Outer Harbour.

Zoning:

- The Helijet Terminal is located at Ogden Point which is zoned M-2; Light Industrial District.
- Residential use (with the exception of a residence for a watchman as an ancillary use) is not permitted within the M-2 Zone.
- Food and beverage service would only be permitted in this zone as an ancillary use to a permitted use. The helicopter passenger terminal is a permitted use and therefore this application will only comply with zoning if the liquor service remains an ancillary use to the passenger terminal operation.

Neighbourhood Compatibility:

- The subject property is in the Activity District pursuant to the terms of the Noise Bylaw although the adjacent residential areas, on the opposite side of Dallas Road, are located in an Intermediate District.
- The nearest residences are located to the east, on the opposite side of Dallas Road.
- If Liquor is sold to ticketed passengers during hours of operation only and those hours of operation are consistent with the schedule provided by Rising Tide consultants, then it is considered that the proposed operation would have little impact upon the neighbouring community.

The Sustainable Planning & Community Development Department has no objection to the application as long as the use is ancillary to the operation of a passenger terminal.

Liquor Control and Licensing Branch

The General Manager of the provincial Liquor Control and Licensing Branch (LCLB) issues liquor licences under the authority of the *Liquor Control and Licensing Act* and regulations. Local government is to provide comments and recommendations to the LCLB on all new liquor-primary licence applications regarding the following criteria:

- a) The location of the establishment;
- b) The proximity of the establishment to other social or recreational facilities and Public buildings;
- c) The person capacity and hours of liquor service of the establishment;
- d) The number and market focus or clientele of liquor-primary licence establishments within a reasonable distance of the proposed location;
- e) The impact of noise on the community in the immediate vicinity of the establishment; and
- f) The impact on the community if the application is approved.

Relevant City Policy / Bylaw

- a) Liquor Licensing Policy;
- b) Liquor Licensing Fee Bylaw.

Issues and Analysis

As stipulated in the *Liquor Control and Licensing Act*, Council has been requested to provide input to the LCLB with respect to this application. Under the City's Liquor Licensing Fee Bylaw and the City's Liquor Licensing Policy, Council is required to hold a Liquor Licence hearing to receive input on new applications for a Liquor Primary Licence, such as this application.

Under the rules established by the Liquor Control and Licensing Branch, Council can choose to "opt out" of providing comment on this application. As proceeding to opt out is contrary to the City's Policy on Liquor Licensing, that option has not been further explored in this report.

Within a 2 block radius of the proposed business, there are 2 other Liquor Primary Licensed establishments with a total patron capacity of 830 seats. Both establishments are private clubs in nature and do not provide liquor service to the general public. Details are set out in the table:

VENUE	HOURS	SUNDAY HOURS	SEATING	TYPE
HMCS Malahat 20 Huron St.	09:00h to 02:00h	09:00h to 02:00h	310	Military Mess
Victoria Edelweiss Club 108 Niagara St.	11:00h to 01:00h	11:00h to Midnight	520	Private Club

Bylaw Enforcement

The Bylaw and Licensing Services Division has no concerns with the application. If this application is ultimately approved, the applicant would need to complete a Good Neighbour Agreement in accordance with the requirements of the Business Licence Bylaw. This would become a condition of their City issued business licence.

Engineering & Public Works Department

The Community Development Coordinator has no concerns with this application as the liquor service would be restricted to Helijet customers.

Police

Based upon the assumption that liquor service at this location will be restricted to Helijet passengers, the Police Department has no concerns with this application being approved.

Public Engagement and Consultation

If Council endorses the recommendation of this Report, in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy, all owners and occupiers of property within 100 metres of the applicant's location will be solicited by mail to provide input regarding this application and invited to attend the Liquor Licence Hearing. In addition, the business will be required to display posters at the access points to their proposed business location for a minimum 3 week period which will also invite the Public to provide input to the City with respect to this application and to attend the Liquor Licence Hearing.

Conclusions

As required under the City's bylaws and policy, the staff review has been completed and has identified no barriers to this application proceeding to the next step – public consultation via a Liquor Licence hearing before Council.

If the recommendations are approved, staff will arrange to receive public input via a Liquor Licence hearing in accordance with City policy within 30 days. A final Report to Council would be prepared and submitted summarizing the results of the Liquor Licence Hearing. This report will also provide a draft Resolution for submission to the Liquor Control and Licensing Branch for Council's consideration.

Recommendation

That Council, after conducting a review of the staff assessment of the application for a Liquor Primary Licence for **Helijet** located at 79 Dallas Road and in accordance with the City's Liquor Licensing Fee Bylaw and Liquor Licensing Policy approves:

1. The scheduling of a Liquor Licence Hearing before Council to receive written and oral submissions from residents, property owners and the public with respect to this application; and
2. Based upon the results of the public input received through the Liquor Licence hearing process, approve a resolution (with comments on the relevant factors) either supporting the licence application or not supporting the licence application. The appropriate resolution will be brought to Council at the earliest opportunity after completion of the Liquor Licence hearing.

ATTACHMENTS

The following documents are attached:

1. An aerial photograph (map) of the property and surrounding area.
2. The Application Summary prepared by LCLB
3. A letter from the applicant explaining the purpose for the application.
4. An email from the applicant's agent requesting a change to the permitted hours of operation.



Legend

 Victoria Parcels

1: 1,627



Notes

Helijet International Inc.
Victoria Terminal
79 Dallas Road

82.6 0 41.31 82.6 Meters

NAD_1983_CSRS_UTM_Zone_10N

Public domain: can be freely printed, copied and distributed without permission.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



APPLICATION SUMMARY
For Applicant and Local Government/First Nations

Date: December 11, 2014

Job #24236670-1

Created by: Janine Lind

Re: Application for a Liquor-Primary (LP) Licence

Applicant: Helijet International Inc.

Proposed Location: 79 Dallas Road, Victoria

Proposed Establishment Name: Helijet Victoria Terminal

1. APPLICATION INFORMATION

Date application deemed complete: December 11, 2014

Local Government Jurisdiction: City of Victoria

The primary business focus of the proposed establishment: Hospitality

Total person capacity/occupant load requested: Person 01 = 50 persons
(this number includes patrons plus staff)

Hours of Operation requested:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM	9:00 AM
12:00	12:00	12:00	12:00	12:00	12:00	12:00
Midnight	Midnight	Midnight	Midnight	Midnight	Midnight	Midnight

Terms and Conditions and/or Endorsements Requested:

- Minors permitted to be present while liquor is being served.
- Liquor service is only permitted in conjunction with passenger flights.

2. APPLICANT ELIGIBILITY AND SUITABILITY INFORMATION (Fit and Proper)

Applicant has met the eligibility and suitability requirements of the Liquor Control and Licensing Act (LCLA) as well as Liquor Control and Licensing Policy section 3.2.

3. LOCATION/SITE FACTORS

The following sections are compiled from information provided by the applicant except where indicated otherwise.

The proposal is to licence the passenger waiting area of the Helijet terminal building.

The legal description of the proposed site is: Lot 1, Section 31, Beckley Farm, Victoria & Part of the Bed of Victoria Harbour VIP80448.

See the attached **Applicant's Letter of Intent** for details of the proposed Liquor Primary establishment, including the following details:

- a) **Business Focus or Purpose**
- b) **Target Market**
- c) **Composition of the Neighbourhood and Reasonable Distance Measure**
- d) **Benefits to the Community**
- e) **Noise in the Community**
- f) **Impact on the Community**
- g) **Other impacts, comments or requests**

Please note that the applicant's letter of intent is attached to this report for reference purposes. The information or statements included in the letter of intent have not been confirmed unless otherwise stated in this report.

Community Indicators

Contravention Statistics

- The Liquor Control and Licensing Branch can provide contravention statistics for liquor primary and liquor primary club establishments within your area upon request.

POPULATION AND SOCIO-ECONOMIC INFORMATION

- Circle population statistics for 2001 and 2006 are available from BC Stats by emailing your request to BC.Stats@gov.bc.ca
- BC Stats Community Facts includes the BC Benefits recipient and EI Beneficiary statistics and is available at <http://www.bcstats.gov.bc.ca/data/dd/facsheet/facsheet.asp>

4. PUBLIC INTEREST

In providing its resolution on the proposed Liquor Primary application, local government must consider and comment on each of the regulatory criteria indicated below. The written comments must be provided to the general manager by way of a resolution within 90 days after the local government receives notice of the application, or any further period authorized by the general manager in writing.

Section 10 of the Liquor Control and Licensing Regulation states that local government or First Nation must consider and comment on each of the following criteria:

- a) The location of the establishment;
- b) The proximity of the establishment to other social or recreational facilities and public buildings;
- c) The person capacity and hours of liquor service of the establishment;
- d) The number and market focus or clientele of liquor primary establishments within a reasonable distance of the proposed location;
- e) The impact of noise on the community in the immediate vicinity of the establishment; and
- f) The impact on the community if the application is approved.

The local government or first nation must gather the views of residents in accordance with section 11.1 (2) (c) of the Act and include in their resolution:

- (i) the views of the residents,
- (ii) the method used to gather the views of the residents, and
- (iii) its comments and recommendations respecting the views of the residents;

The local government or first nation must provide their recommendations with respect to whether the licence should be issued and the reasons for its recommendations.

The resolution must be provided to the general manager within 90 days after the local government or first nation receives notice or any period authorized by the general manager in writing.

A sample resolution template and comments are enclosed as attachments 2 and 3 to this report for reference purposes.

For use by Liquor Control and Licensing Branch:

5. REGULATORY CONSIDERATIONS

Liquor Control and Licensing Act, sections: 11, 16 and 18

Liquor Control and Licensing Regulations sections: 4, 5, 6, 8, 10

6. POLICY CONSIDERATIONS

Policy Manual Section 3.2 Applicant Eligibility Assessment

Policy Manual Section 3.3 Site and Community Assessment

Policy Manual Section 3.4 Building Assessment and Issue of a Licence

APPLICATION FOR A LIQUOR PRIMARY LICENSE

AT: HELIJET
79 Dallas Road
Victoria, BC V8V 1A1



APPLICANT: Helijet International Inc.

LETTER OF INTENT FOR THE APPLICATION FOR A LIQUOR PRIMARY LICENSE as of August 15, 2014

The following is the Letter of Intent for this application for a liquor primary license.

PURPOSE

The applicant is applying for a liquor primary license to be situated inside the applicant's existing Helijet Terminal building located at 49 Dallas Road, Victoria, BC.

The applicant is proposing to add the sale and service of liquor within the existing Helijet terminal building located on the water at Ogden Point in Victoria. Helijet wishes to have the additional hospitality amenity of liquor service (primarily beer and wine) to cater to their Helijet passengers who are primarily tourists, government officials and business professionals in Victoria. Helijet is proposing to have a small liquor service counter in the passenger waiting area that will be available for customers to purchase liquor prior to a flight or disembarking from a flight. The applicant is not proposing to operate as a pub or nightclub. The sale of liquor is intended to be added amenity for their passengers.

This establishment will cater to a range of passengers such as government officials, tourists and business people utilizing the charter helicopter service, scenic tours and the regular scheduled Helijet commuter flights.

The licensed hours the applicant is seeking are between 9:00 a.m. to 12:00 midnight, Sunday to Saturday. However, the applicant will restrict the sales to be around the times of scheduled Helijet flights which usually end around 8:00 p.m.

The applicant will comply with section 10.3.5.2 of the Liquor Licensing Policy manual for the sale and service of liquor in an establishment that does not service liquor as their primary purpose. Attached is a copy of this policy provision. Therefore, the applicant is requesting a Minors Endorsement to permit minors to be present in the terminal in the accompaniment of a parent or guardian when liquor is being served.

TARGET MARKET

The location of this establishment is such that a liquor primary license would cater to government officials, tourists and business professionals who are travelling passengers on Helijet. The service of liquor to this target market will be an added hospitality amenity for the passengers using Helijet services.

This liquor license will contribute to the hospitality and tourism development in the city of Victoria by providing an added amenity for passengers using the services of Helijet, similar to liquor primary establishments at airports. As the liquor service will only be an amenity for passengers who booked a scheduled flight, tour or charter service, it is not expected that the liquor sales will be significant. The establishment will not cater to the general public as the sale and service is intended to be a hospitality feature only for passengers.

COMPOSITION OF THE NEIGHBOURHOOD

Attached to this Letter of Intent is a Victoria zoning map showing the location of the proposed licensed establishment. The zoning of the property is M-2 Light Industrial and attached is a copy of the M-2 zoning provision. The location of the terminal is in the James Bay community on the waterfront and beside the Coast Guard base and cruise ship terminal at Ogden Point. The immediate area is industrial with residential on the opposite side of Dallas Road.

The land use is a factor the City of Victoria will consider when they assess this application.

BENEFITS OF THE PROPOSED ESTABLISHMENT

The applicant's proposed establishment will benefit the community in the following ways:

- Provide a source of additional tax revenue for the city, the provincial and federal governments;
- Provide an additional hospitality amenity and enhance the travel experience for tourists, business professionals and government officials using the services of Helijet, similar to that of lounges at airports.
- Create employment.



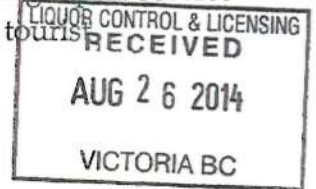
IMPACT OF NOISE ON THE COMMUNITY

This application is for a liquor primary license to be located inside the existing Helijet passenger terminal building. The sale and service of liquor will merely be an added amenity to the primary business which is the provision of helicopter charters, scheduled commuter flights and tourist sightseeing services. Therefore, this small licensed establishment will not have a negative noise impact on the community. From the photographs submitted with this application, it is clear that this site is in a commercial and industrial area and removed from residential areas. Also, given the small size of the establishment and the passenger profile, it is not expected that this establishment would impact negatively on the community.

The applicant will have to comply with the City of Victoria noise bylaw. This is a factor the City of Victoria will consider when it assesses the application.

OTHER IMPACTS ON THE SURROUNDING AREA

There are no other foreseeable impacts of the license on the surrounding area as the applicant will not be operating like a pub or a nightclub. They are proposing liquor service as merely an added hospitality amenity for the business, government and tourist passengers of Helijet.



OTHER

- Liquor service will be limited to times around the scheduled arrivals and departures of commuter flights, tours and charters. Liquor service is merely an added service for the government, business and tourist passengers of Helijet.
- The applicant is requesting a Minors Endorsement for this establishment under policy 10.3.5.2 of the Liquor Licensing Policy Manual.
- From the enclosed aerial photograph, it is evident that the proposed site for this small liquor primary licensed establishment with limited service is in an industrial area bounded by the entrance to Victoria Harbour and the Coast Guard base on one side, Ogden Point shipping terminal and parking on the other side, and a very large parking lot. Therefore, there will be no negative impacts on the community.

SITE MAP

Attached to the Letter of Intent is a site map which shows the location of the existing facility at 79 Dallas Road which is the site for the proposed location for this liquor primary licensed establishment.

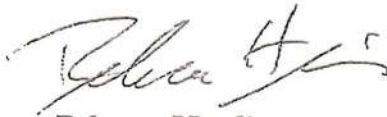
For the purpose of this application, the proposed site is in the industrial/waterfront area of Victoria. The applicant has determined that a three block radius would be a reasonable distance created for proximity to other relevant establishments.

The applicant could not identify any other liquor primary licensed establishments within a three block radius of the site, either licensed or an application in progress. Within a three block radius, the applicant could not identify any clubs, schools, preschools, daycare centres, health care facilities, senior's facilities, recreation/sports clubs, police stations, fire halls or libraries. There is a Canada Coast Guard base directly beside the terminal on one side and the Ogden Point Cruise Ship Terminal on the other side. MacDonald Park and Fisherman's Wharf Park are located within a four block radius.

The three block radius around the site is commercial and industrial in use. The applicant has attached to this Letter of Intent a map showing the location of Helijet and the surrounding area.

Therefore, the applicant is requesting approval of this small liquor primary licensed establishment that will be an added amenity to enhance the travel and hospitality experience for the passengers of Helijet.

All of which is respectfully submitted this 15th day of August 2014.

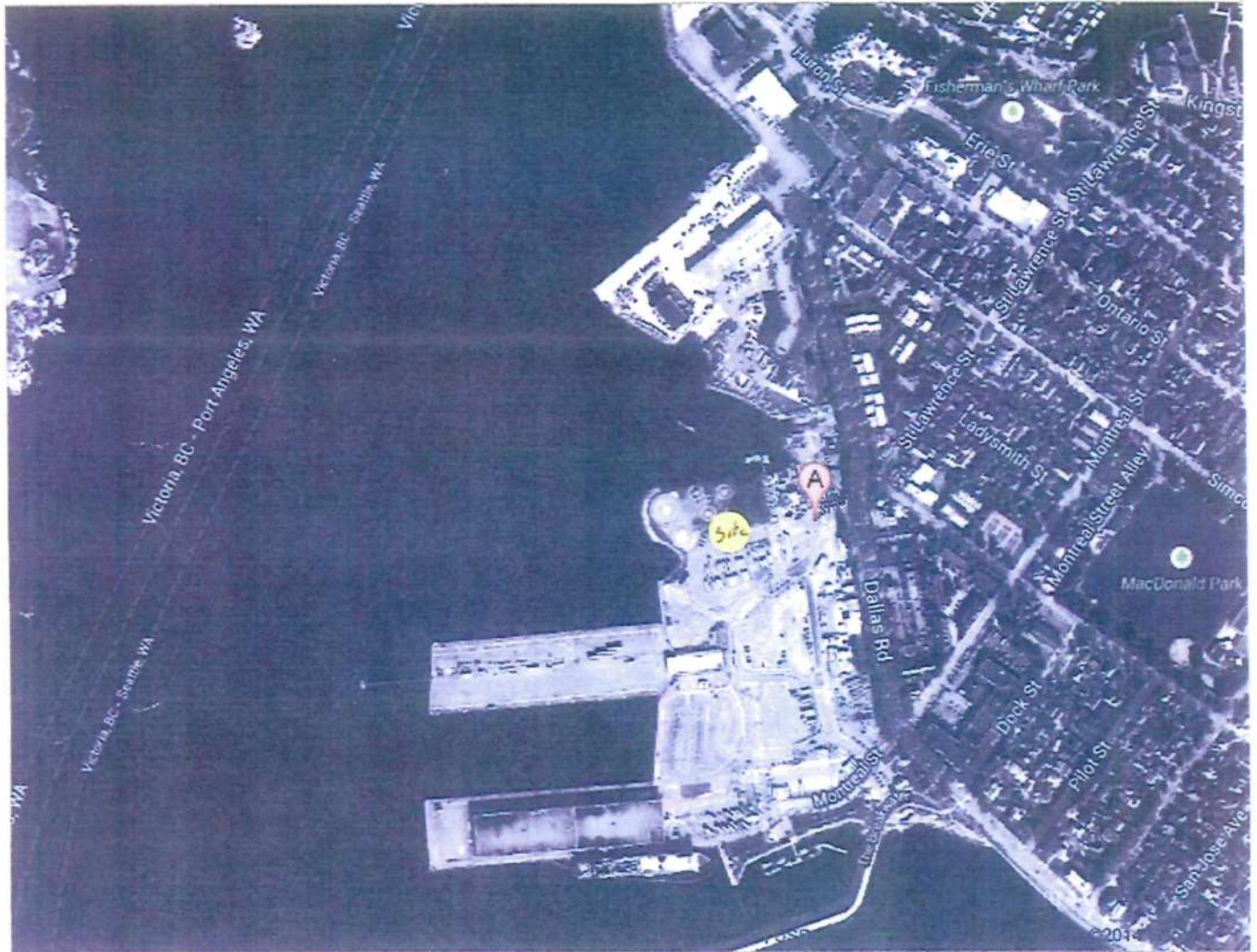


Rebecca Hardin
Rising Tide Consultants Ltd.
1090-1130 West Pender Street
Victoria, British Columbia
V6E 4A4



Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



Mark Hayden

Subject: Hellijet Victoria

From: Rebecca Hardin
Sent: Tuesday, Feb 17, 2015 13:42
To: Mark Hayden
Subject: RE: Hellijet Victoria

Hi Mark,

Thank you for your time today. To confirm, we wish to amend our application with respect to the opening and closing hours for the proposed liquor license at the Hellijet terminal in Victoria. The proposed hours of operation for liquor service are to be 9am - 9pm Monday to Sunday.

With respect to the occupant load, this number is to remain unchanged at this time. We are underway with obtaining our stamped floor plan with occupancy, but have not received this final number yet. Once we receive we will forward direct to you.

Thank you again,
Rebecca

Rebecca Hardin

Vice President Operations & Licensing

RisingTide
CONSULTANTS

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