

---

CITY OF KELOWNA

MEMORANDUM

---

DATE: NOVEMBER 1, 2007

TO: CITY MANAGER

FROM: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

APPLICATION NO. LL07-0007

LICENSEE: Cabana Grille Restaurants Inc.

AT: Playa del Sol  
3799 Lakeshore Road

APPLICANT: Michael Borg

PURPOSE: TO OBTAIN COUNCIL SUPPORT FOR A PATRON PARTICIPANT ENTERTAINMENT ENDORSMENT AND A PERMANENT EXTENSION OF HOURS FOR LIQUOR SERVICE IN CONJUNCTION WITH A PROPOSED FOOD PRIMARY LIQUOR LICENSE, CABANA GRILLE RESTAURANT, TO BE LOCATED AT THE PLAYA DEL SOL DEVELOPMENT

REPORT PREPARED BY: Corine (Cory) Gain, MCIP, CPT

---

1.0 **RECOMMENDATION**

In compliance with Section 53 of the *Liquor Control and Licensing Regulation* be it resolved THAT:

1. Council supports an application from Cabana Grille Restaurants Inc. located in the Playa del Sol development at 3799 Lakeshore Road and legally described as: Strata Lot 159 District Lot 134 ODYD Plan KAS3262 for a **Patron Participation Entertainment Endorsement** because the requested amendments are not anticipated to have significant impact on the tenants or patrons of Playa del Sol or the surrounding neighbourhood. The proposal is consistent with the type of mixed use development proposed for the area.
2. The Council's comments on the prescribed considerations are as follows:
  - a) The potential for noise if the amended application is approved remains relatively unchanged.
  - b) The impact on the community if the application is approved is considered minimal given that the establishment is located within a tourist commercial area with ample parking on site.
  - c) It is not anticipated that the amendment will result in the establishment being operated in a manner that is contrary to its primary purpose.

3. The Council's comments on the views of residents are as contained within the staff report submitted for consideration and the minutes of the meeting at which the application was considered by Council.

AND FURTHER THAT:

1. Council supports an application from Cabana Grille Restaurants Inc. located in the Playa del Sol development at 3799 Lakeshore Road and legally described as: S.L. 159 District Lot 134 ODYD Plan KAS3262 for an **extension of hours of liquor service** because the changes proposed will be confined to the interior of the establishment and are not anticipated to have significant impact on the tenants or patrons of Playa del Sol or the surrounding neighbourhood that would be inconsistent with this type of mixed use development.
2. The Council's comments on the prescribed considerations are as follows:
  - a) The potential for noise if the application is approved remains relatively unchanged.
  - b) The impact on the community if the application is approved is considered minimal given that the establishment is located within an established tourist commercial area with ample parking on site.
  - c) It is not anticipated that the amendment will result in the establishment being operated in a manner that is contrary to its primary purpose.
3. The Council's comments on the views of residents are as contained within the staff report submitted for consideration and the minutes of the meeting at which the application was considered by Council.

## 2.0 SUMMARY

The applicant has applied for a Food Primary License with an interior capacity of 148 persons and a Patio capacity of 98 persons. The proposed establishment is seeking Council support for a Patron Participation Entertainment Endorsement and an extension of the hours of liquor service from midnight to 1:00 am relative to the proposed Food Primary Liquor License.

While the patron participation entertainment endorsement would allow any form of entertainment that encourages patrons to participate, such as sing-along, dancing and karaoke, or perform stand-up comedy routines until midnight, the applicant advises that the activity permitted by the endorsement will be limited to entertainment and/or dancing at private/corporate function such as weddings, receptions, seasonal events, local festival participation consistent with a food primary business, not a bar or nightclub. A copy of the letter of intent submitted by the applicant to the Liquor Control and Licensing Branch (LCLB) describing the proposed establishment is attached for your reference as Attachment 'D'.

The extension of hours of service would allow the restaurant to serve liquor beyond midnight to 1:00 am.

### 3.0 **LIQUOR LICENSE INFORMATION**

<b>Proposed Licence Summary</b>	<b>Details</b>
Food Primary Licence Capacity	246 persons
Hours of Operation	9:00 am – 1:00 am

- For the sale and consumption of all types of liquor in establishments with a primary focus on the service of food
- Patron non-participation entertainment permitted

### 4.0 **LIQUOR CONTROL AND LICENSING BRANCH CRITERIA**

- (a) The potential for noise if the application is approved:

No concerns have been identified; it is not anticipated that there will be a significant change over the level of noise generated by non-participation entertainment given the tourist commercial character of the proposed establishment.

- (b) The impact on the community if the application is approved:

No concerns have been identified; it is not anticipated that there will be any change to the existing level of impact on the community as a result of the patron participation entertainment endorsement or the extension of hours from midnight to 1 am.

- (c) Whether the amendment may result in the establishment being operated in a manner that is contrary to its primary purpose:

It is not anticipated that the amendments will result in the establishment being operated in a manner that is contrary to its primary purpose. The applicant advises that the business, Cabana Grille Restaurant will limit entertainment to forms that are complementary to the Playa del Sol resort development in which it is located.

- (d) The views of residents:

Views of the residents will be gathered at a public meeting in accordance with Council Policy #315.

### 5.0 **TECHNICAL COMMENTS**

See Attachment 'C'.

## 6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

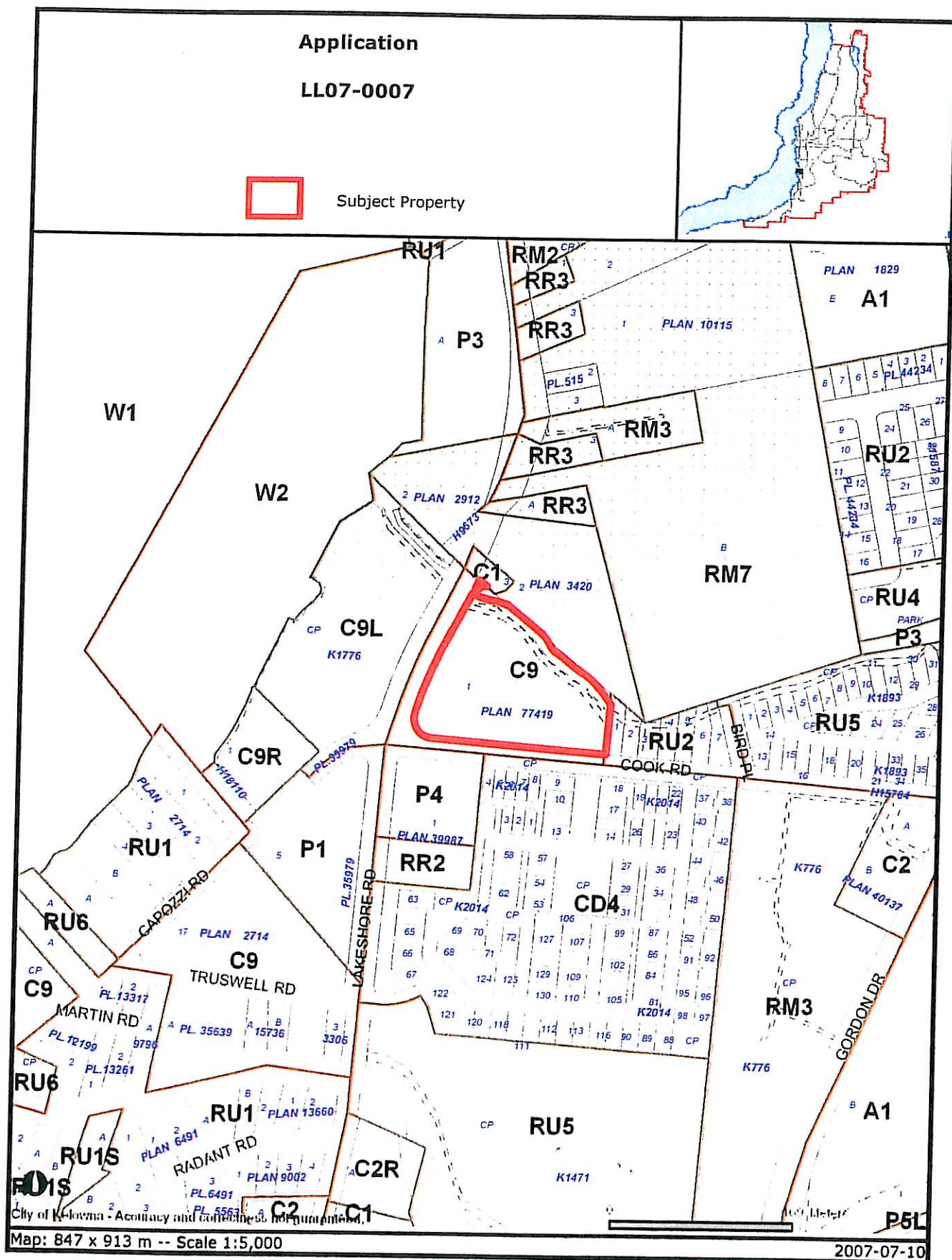
The Planning and Development Services Department has no concerns with the applicant's request for patron participation entertainment endorsement or the extension of hours of liquor service to 1 am.

  
Shelley Gambacort  
Current Planning Supervisor

### Attachments:

- A - Location Map
- B - Orthophoto Map
- C - Technical Comments
- D - Letter of Intent
- E - Occupant Load Calculation confirmation

;cg



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.





# City of Kelowna - DA026 Development Application Detail Report

ATTACHMENT C

File: LL07-0007

Existing Use: Hotel Resort  
Proposed Use: Obtain food primary licence for lounge

Conform: Yes

Proposed Lots: Units:  
Final Lots: Units: General Comment:  
Remainder Lots: ESA Remainder Comment:  
Floor Space: m2  
Lot Size: ha m2  
Front x Depth: m X m Irregular:

## Development Areas

Area Location

NATURAL ENVIRONMENT AREA

## Zoning

Existing Zone: C9 # Lots: 1

## Fees

Invoice	Status	Date	Parameter	Fee	Charge
104081	Active	2007-07-10	Liquor License Application (public meeting)		500.00
					500.00

## File Progress

Step	Date	Comment
Application Accepted	2007-07-10	
Applicant Contacted Re Sign		
Application Circulated	2007-07-12	
All Agency Comments Received	2007-09-19	
Additional Info Required		
Additional Info Received		
Report Forwarded to Council		
Council Consideration		
Fwd Resolution to LCCB		
File Closed		

## File Circulation

Seq	Out	In	By	Comment
	2007-07-12	2007-07-26	MNEID	Must conform to section 2.7, Life safety (exiting etc) and section 2.8 Emergency Planning (fire safety plan, non fixed seating etc.) of the BC Fire Code.
	2007-07-12	2007-08-08		Occupant load calculation required. Building & plumbing permits required. Sign permit required.
	2007-07-12	2007-08-10		no comment
	2007-07-12	2007-09-19		no response.

## Remarks



July 4, 2007

LCLB

To whom it may concern,

It is our intent to submit with this Food Primary License Application a request for a Patron Participation Entertainment Endorsement.

*"Cabana grille"* intends to be a comfortable, stylish, casual / upscale restaurant & lounge located in the heart of the Lower Mission in Kelowna B.C. with some similarities in its layout and operation to Joey's Global Grill, Cactus Club or Milestones.

The establishment will be a food primary restaurant overseen by renowned Executive Chef and operating partner Ned Bell. This dynamic culinary team will fuse their relationship with local wineries, organic farmers, and a discerning clientele to serve fantastic fresh food with integrity and passion.

*Cabana grille* as a food concept is firmly rooted in local and contemporary cuisine, focused primarily on an "every day" affordable menu while focusing on a healthy attitude toward its preparation.

Due to the fact that *Cabana grille* is located within a new 283 unit luxury resort development known as Playa Del Sol we may on occasion be asked to host private/corporate functions such as weddings, receptions, seasonal events, local festival participation etc. These types of functions may desire to showcase entertainment as part of the experience for their guests. This entertainment may include but is not limited to musicians and/or Dj's to complement the background music, in doing so dancing may occur. Other forms of patron participation will not occur nor will be encouraged on our behalf.

It is our intention to operate a food primary business not a bar or nightclub. We would like the opportunity not to be restricted from utilizing our unique space as an alternative venue for local residents and tourists to host their special function.

As experienced operators in the hospitality business we will ensure that any entertainment that falls within this endorsement conforms to all municipal bylaws pertaining to noise restrictions as well as being sensitive and understanding to the local community, their views and opinions.

The entertainment within *Cabana grille* will always complement the not only the beautifully renovated space, but will respect our neighborhood and its serene surrounding.

Sincerely,

Ned Bell  
Michael Borg  
Jason Blackford

Cabana Grille Restaurants Inc.



PUBLIC CORRIDOR

19'-8 1/4"

19'-8 1/4"

19'-8 1/4"

19'-8 1/4"

LAKE SHORE ROAD

SEATING

INTERIOR

LOUNGE 29 SEATS

DINING (INC. PDR) 119 SEATS

TOTAL INTERIOR SEATING = 148

PATIO

LOUNGE 19 SEATS

DINING 79 SEATS

TOTAL PATIO SEATING = 98

Reviewed  
by City of Kelowna  
Inspection Services

PROJECT:

**CABANA GRILLE**

104 COCKEY RD, UNIT 2

KELOWNA

DRAWING TITLE:

**SEATING PLAN**

THIS OCCUPANT LOAD IS BASED  
ON THE PRESENT LAYOUT. THIS  
OCCUPANT LOAD CALCULATION IS  
VOID IF NOT CONSTRUCTED AS  
PER PLAN

The ~~INTERIOR AREA~~  
has a net floor area of  
m<sup>2</sup>. The maximum  
occupant load shall be  
148 persons based on  
1.2 persons/m<sup>2</sup>.

The ~~EXTERNAL PATIO~~  
has a net floor area of  
m<sup>2</sup>. The maximum  
occupant load shall be  
98 persons based on  
1.2 persons/m<sup>2</sup>.

WALK IN COOLERS

PDR

WINE FEATURE

PDR ROOM

LIQUOR ROOM

MENS WASHROOM

WOMENS WASHROOM

LOUNGE

PATIO LOUNGE

DINING

HMA

DRAWN:	MU	DRAWING NO.:	LL-1
DATE:	JULY 25-07	SCALE:	1/8"
PROJ. NO.:	0716		
FILE:	CABANA LL PLAN		

**HMA Architects Inc.**  
106-1405 St. Paul St. Kelowna V1Y 2E4  
Tel: (250) 762-4407 Fax: (250) 762-7033  
www.hma.net