



## CITY COUNCIL STAFF REPORT

DATE: November 17, 2010 CONSENT CALENDAR

SUBJECT: REQUEST BY 7-ELEVEN, INC. FOR A RESOLUTION OF PUBLIC CONVENIENCE OR NECESSITY (PCN) TO SELL BEER AND WINE FOR CONSUMPTION OFF PREMISES (TYPE 20 ALCOHOL LICENSE) AT A 7-ELEVEN CONVENIENCE STORE AT 150 WEST VISTA CHINO ROAD (APN 504-320-016; ZONE C-1/R-3).

CASE: 5.1247 – PCN

FROM: David H. Ready, City Manager

BY: Craig Ewing, AICP, Director of Planning Services

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### SUMMARY

The applicant, 7-Eleven, Inc., is requesting the Council to adopt a Resolution of Public Convenience or Necessity (PCN) for the sale of beer and wine for consumption off site (Alcohol and Beverage Control Type 20 license) at a proposed 24-hour convenience store to be located at 150 West Vista Chino Road. A related application for a Conditional Use Permit (CUP) for approval of the convenience store uses at this location is tentatively scheduled to be heard by the Planning Commission on Wednesday, December 8, 2010.

### RECOMMENDATION:

Adopt Resolution No. \_\_\_\_\_, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, OF PUBLIC CONVENIENCE OR NECESSITY IN ORDER TO SELL BEER AND WINE FOR OFF SITE CONSUMPTION (TYPE 20 ALCOHOL LICENSE) TO BE LOCATED AT A PROPOSED 24-HOUR CONVENIENCE STORE AT 150 WEST VISTA CHINO ROAD, APN 504-320-016, ZONE C-1/R-3, SECTION 3/T4/R4."

### BACKGROUND:

The applicant has applied for a Type 20 license through the State of California Department of Alcoholic Beverage Control (ABC) for a 24-hour convenience store at

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150 West Vista Chino Road. The "Type 20" license authorizes the sale of beer and wine for off-site consumption. Under this license category, minors are allowed on the premises. This location previously was previously occupied by the Uptown Grill Restaurant and had an approved Type 47 license (on-sale general eating place). Because of the "undue concentration" of Type 20 licenses in this particular census tract, the ABC will not issue the license unless the City Council adopts a resolution pursuant to state law, indicating that granting a Type 20 alcohol license for the subject premises will provide for the public convenience or necessity.

RELATED PRIOR ACTIONS:

None.

ANALYSIS:

The applicant is applying for a new Type 20 alcohol license at 150 West Vista Chino Road for the sale of beer and wine for off-site consumption. The Department of Alcoholic Beverage Control is requiring a resolution from the City Council to approve an "undue concentration" of such licenses. In accordance with Section 23958.4 of the Business and Professions Code which took effect on January 1, 1995, "undue concentration" means a property that is located in a census tract (or division) where the ratio of on-sale retail licenses to the population in that tract (or division) exceeds the ratio of licenses to the population in the subject county. When an undue concentration is determined to exist, the State Department of Alcoholic Beverage Control will not issue a license for the sale of alcohol without a letter or resolution from the City Council which indicates the premises will provide for the public convenience or necessity, by granting such license.

Currently, the State Department of Alcoholic Beverage Control considers the census tract that the proposed license is to be located as having an "undue concentration" of liquor licenses. The subject property is located within Census Tract #0446.01 (see attached census map). This tract currently has 14 active Type 20 / 21 off-sale liquor licenses. Four (4) off-sale licenses are authorized for the tract. For comparison, there are 87 on-sale licenses in this census tract and six (6) are authorized for the tract. State law was enacted to allow local government the opportunity to regulate the number and location of such uses. By making a finding of "Public Convenience or Necessity", the City Council may determine that the subject premises will provide for the convenient patronage of the public whereby the convenience does not already exist in the immediate area.

The subject property is in a fully developed commercial and residential area of the City. Surrounding zoning, general plan land use designations and existing uses are denoted in the following table.

**Table 1 General Plan, Zoning and Existing Surrounding Land Uses**

	General Plan	Zone	Land Use
North	Tourist Resort Commercial	C-1 / R-3	School (Mojave River Academy)
South	Mixed Use	R-3	Restaurant (Rick's Desert Grill)
East	Tourist Resort Commercial	R-3	Hotel Resort (The Riviera)
West	Tourist Resort Commercial	C-1	Gas Station (Shell)



**AERIAL PHOTO SHOWING PROJECT SITE AND SURROUNDING DEVELOPMENT**

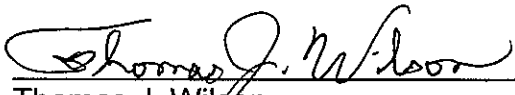
Several of the immediately adjacent businesses have various types of licenses for the sale and consumption of alcohol, including the Riviera Resort, Ricks Desert Grill, Las Palmas Liquor, and the Santa Maria Meat Market. The adjacent Shell station applied for a Type 20 alcohol license and PCN and was denied in 2008.


There is a school immediately north of the site at 1776 North Palm Canyon Drive (The Mojave River Academy). The applicant has contacted the school administrator who has provided a written letter of support of the development of the site for a convenience store that also sells beer and wine (attached).

The sale of alcohol at this location is contingent on the City's approval of the CUP application for the convenience store uses at this site. (That hearing is tentatively scheduled before the Planning Commission on December 8, 2010.)

FISCAL IMPACT:            None.

*for*   
Craig A. Ewing, AICP,  
Director of Planning Services

  
Thomas J. Wilson,  
Assistant City Manager

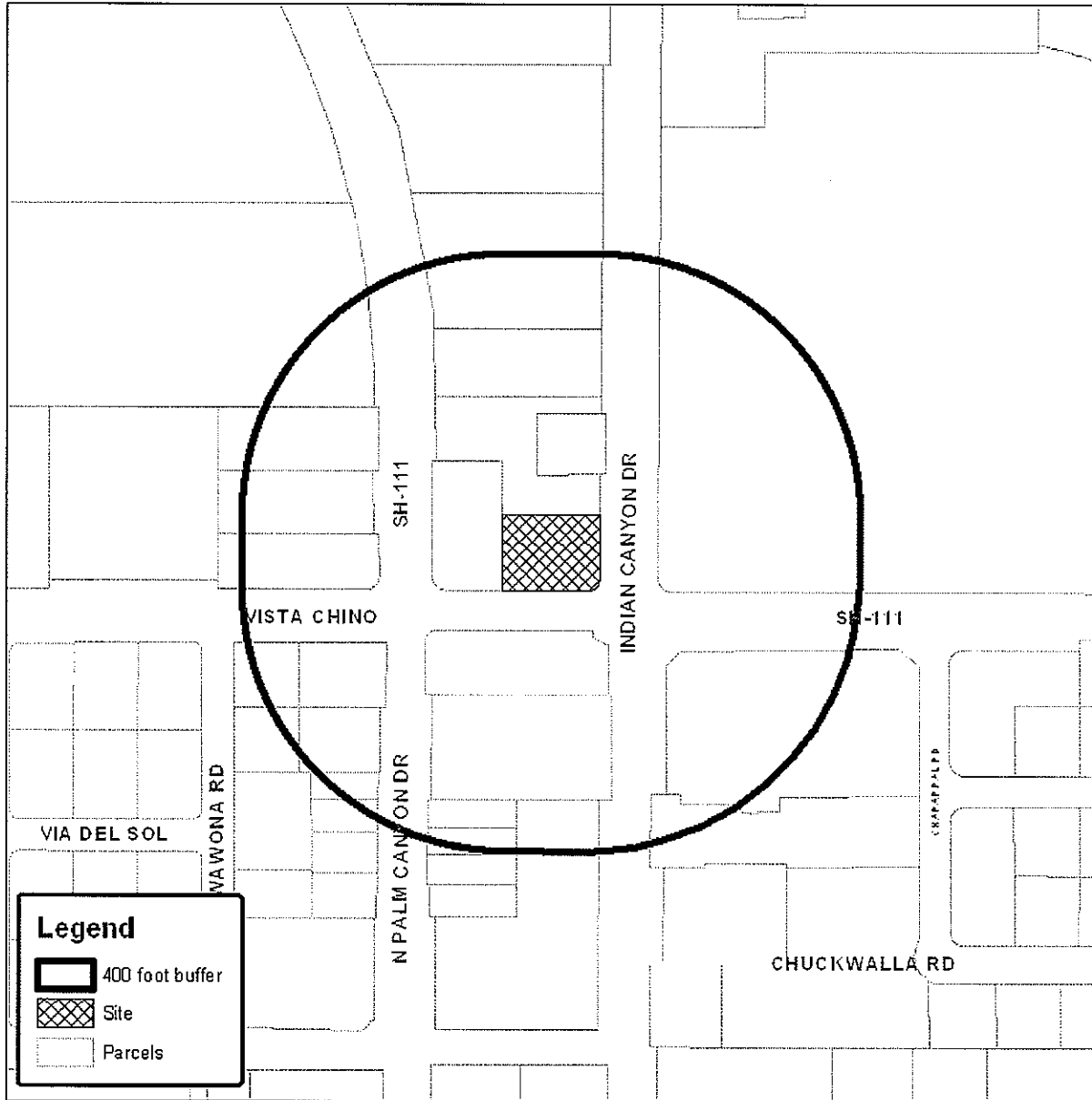
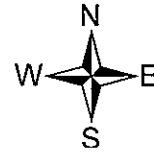
  
David H. Ready, City Manager.

Attachments:

1. 400' Vicinity Map
2. Draft Resolution
3. Letter of Request from applicant
4. Mojave River Academy to City letter dated May 10, 2010.
5. Census map
6. List of Off-sale alcohol license in census tract 466.01



# Department of Planning Services Vicinity Map



## CITY OF PALM SPRINGS

CASE NO.: 5.1247 PCN

APPLICANT: 7-Eleven, Inc.

DESCRIPTION: A request for a Resolution of Public Convenience or Necessity for a Type 20 Alcohol license to sell beer and wine at a 24 hour convenience store proposed at 150 West Vista Chino Road, Zone C-1 / R-3, Section 3

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING A RESOLUTION OF PUBLIC CONVENIENCE FOR ISSUANCE OF A TYPE 20 ALCOHOL LICENSE FOR THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT A PROPOSED 24-HOUR CONVENIENCE STORE AT 150 WEST VISTA CHINO ROAD, APN 504-320-016, ZONE C-1/R-3, SECTION 3/T4/R4.

WHEREAS, 7-Eleven Inc. ("Applicant") has requested the adoption of a Resolution of Public Convenience for a Type 20 alcohol license sell beer and wine for off-site consumption at a proposed 24-hour convenience store located at 150 West Vista Chino Road, APN 504-320-016, Zone C-1/R-3, Section 3/T4/R4.; and

WHEREAS, the Applicant proposes to sell beer and wine as part of a proposed 24-hour convenience store; and

WHEREAS, the City Council is being asked to adopt a Resolution of Public Convenience pursuant to the requirements of the Alcoholic Beverage Control Board (ABC); and

WHEREAS, the City Council has carefully reviewed and considered all of the evidence presented in connection with the request for a Resolution of Public Convenience, including but not limited to the staff report and all written and oral testimony, and

WHEREAS, the applicant has made an application to the State of California Alcoholic Beverage Control Board for a Type 20 license to sell beer and wine for consumption off-premises at a 24-hour convenience store proposed at 150 West Vista Chino Road.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council finds that a Type 20 liquor license (Off Sale Beer & Wine) at 150 West Vista Chino Road, serves the Public Convenience.

SECTION 2: This resolution is contingent on the City granting a Conditional Use Permit for a 24-hour convenience store at this location.

ADOPTED THIS 17<sup>TH</sup> DAY OF NOVEMBER, 2010.

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David H. Ready, City Manager

ATTEST:

\_\_\_\_\_  
James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California

# CADENCE CAPITAL INVESTMENTS LLC

8480 E. ORCHARD RD #2499  
GREENWOOD VILLAGE, COLORADO 80123

November 8, 2010

Mr. Craig A. Ewing, AICP  
Director of Planning  
City of Palm Springs  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

**RE:** 7 Eleven Inc.  
150 W. Vista Chino  
Palm Springs, CA 92262  
Determination of Public Convenience or Necessity

Dear Mr. Ewing:

According to the statistics provided by the Department of Alcohol Beverage Control, the above referenced premises is located within a census tract in which an undue concentration of licenses exists pursuant to §23958.4 of the Business and Professions Code. It is my understanding that the City of Palm Springs has been delegated their authority to make the determination of Public Convenience or Necessity as required by §23958.4 by the Department. Therefore, on behalf of 7-Eleven, Inc., I respectfully request that the City of Palm Springs find favorably that Public Convenience will be served by issuance of an off sale beer and wine license at the above referenced location.

## **BACKGROUND**

On November 4<sup>th</sup>, 2010, 7 Eleven, Inc. applied for an original off-sale beer and wine (type 20) license with the Department of Alcoholic Beverage Control at the above referenced location. The Department of Alcoholic Beverage Control has determined that the proposed 7 Eleven is located within Census Tract 0446.01. Pursuant to §23958.4 of the California Business and Professions Code, the Department determined that Census Tract 0446.01 is allowed 4 off-sale licenses and that 14 licenses currently exists within the tract. Therefore, in order for the proposed 7 Eleven to obtain an off sale beer and wine license, a critical element to its retailing strategy, the City of Palm Springs must make a finding that the proposed use would be a public convenience or necessity.



## OVERVIEW AND PROJECT DESCRIPTION

7 Eleven, Inc. proposes to lease 2,800 square feet of a fully remodeled retail building that previously operated as a restaurant just under 5000 square feet in size. This restaurant is currently closed and is in poor condition. This location previously operated with a liquor license and served wine, beer and spirits for on premises consumption. 7 Eleven's long term commitment to the project will enable this building to be upgraded to a retail facility that will include a 2,800-square-foot, 24-hour mini market (with beer and wine sales for off-site consumption) and a small 1200 square foot retail space. The high quality remodel will result in a new exterior of stucco and CMU and bright canopies as well as site enhancements including upgraded landscaping, lighting and parking lot. This project will create an attractive and active corner that will conveniently serve the surrounding hotel and business traffic as well as nearby neighborhood traffic.

### CLARIFICATION OF THE LEGAL STANDARD: "PUBLIC CONVENIENCE OR NECESSITY"

First, it is important to emphasize that Business & Professions Code § 23958.4 requires a positive finding of public convenience *"or"* necessity in order for an off-site ABC application to be approved. Thus, it is legally sufficient if 7 Eleven shows *either* public convenience *or* public necessity. It is *not* legally necessary to show both.

Second, it is only necessary to show public convenience or necessity where there is an "undue concentration" of licensees in the census tract. The term "undue concentration" (also referred to as "over concentration") is specifically defined in Business & Professions Code § 23958.4 as simply a ratio of *the number of licenses in a census tract* compared to *the average number of licenses in a County, as a whole*. It does *not* mean that a particular census tract necessarily has too many licenses for the needs or convenience of residents in that tract.

"Over concentration" also does not mean that the State, or anyone else, has previously looked at this census tract and determined that it has suffered any deleterious effects from the actual number of licenses existing; or that it will suffer if a new license is issued. It merely provides a guideline for making such a determination, in the form of determining whether, in a particular situation, the ABC license would serve the "public convenience or necessity."

Thus, in this case, the fact that the census tract in which 7 Eleven's site is located is statutorily "over concentrated" does not mean that selling a small amount of beer and wine in an newly remodeled market will have adverse impacts. Rather, it simply means that the City of Palm Springs must find that either public convenience or public necessity will be served by the sale of beer and wine at the site. As demonstrated below, permitting the sale of beer and wine at this site will clearly satisfy this standard, and the City of Palm Springs should grant 7 Eleven's application.

Selling beer and wine at this location will benefit the community surrounding the site by providing a close, convenient, and safe place to make purchases. Concentration issues are a relatively minor factor for this commercial area that does not justify a negative finding of public convenience or necessity for this site. Moreover none of the surrounding area will be adversely affected.

**The convenience of 7 Eleven's Concept:** 7 Eleven proposes to operate the site as a modern neighborhood market and convenience store. The larger and updated 7-Eleven store provides a wide selection of food and sundry items. In fact, 7 Eleven carries over 2500 different items. 7 Eleven's standard products includes hundreds of items from milk to magazines, cheeses to chips, prepared and fresh foods, baked goods, along with soft drinks and other non-alcoholic beverages. Although 7 Eleven sells more than 1 million cups of fresh brewed coffee and more than 2 million immediately consumable food items a day, 7 Eleven is much more than a food store. For example, 7 Eleven is the nation's leading retailer of USA Today and Sports Illustrated magazines and the leading provider of money orders. The 7 Eleven concept is intended to provide a broad array of products for the consumer's convenience.

The sale of beer and wine is a critical element of this 7 Eleven concept. Although beer and wine is expected to comprise a very small percent of the site's shelf-space, and only a small portion of 7 Eleven's sales (between 10% and 15%), it is nevertheless necessary in order to provide the public a complete range of products in accordance with 7 Eleven's retailing strategy. Thus, beer and wine is a key component of this 7 Eleven store.

By providing a whole host of basic products, *including beer and wine*, to the consumer at this 7 Eleven store, the public convenience of the area will certainly be served. Without it, the customer is required to make two or more trips (i.e., one to get food, and a second to get alcoholic beverages). Thus, a positive finding of public convenience or necessity is appropriate.

**The business community will benefit by enhancing an old building into a vital, convenient and safe location to purchase convenience items including beer and wine.** The proposed 7 Eleven is located within a significant commercial area in the City of Palm Springs. The specific area has a concentration of hotels and other commercial sites. The current building sits vacant and is in poor condition. By developing a new convenience store, 7 Eleven will dramatically improve the appearance of the intersection and enhance the services offered to the immediate neighborhood in which it will be located, including the newly renovated Riviera Hotel across the street from the site. By adding a convenience oriented food store with a large selection of products, patrons will be able to complete most of their quick shopping needs without traveling to other areas of the community. Hotel patrons can even walk to the new store to complete their purchases.

Enabling 7 Eleven to sell beer and wine at its store will allow the business people in the area, employees, hotel patrons and residents the convenience of making quick, easy purchases at a safe location without the time-consuming trip out of their neighborhood. Thus, the public convenience will certainly be served by permitting the sale of beer and wine at 7 Eleven's site.

Furthermore, 7 Eleven wants to maximize the availability of a large diversity of food and sundry items at the site pursuant to its 7 Eleven concept as previously described. Permitting the sale of beer and wine at the site is necessary to 7 Eleven's concept, enabling customers to purchase a variety of products at one convenient stop. Providing customers all of these product offerings at one location results in significant "public convenience".

**The commercial activity within the census tract justifies additional alcoholic beverage retailers:** The statutory threshold for over concentration established by the ABC, is determined using population from the 2000 Census tract. It is a limited measure. Because of that, the statute for over concentration should only be used as a guideline and not a decisive measure when considering approving additional licenses.

It does not take into account specific zoning of an area, the commercial character of an area or a city's specific general plan designations. As a result, the ABC over concentration measure, taken in isolation, can tend to establish high over concentration thresholds for largely residential census tracts and low thresholds for densely commercial tracts. In addition, the fact that the Census Tract 0446.01, is geographically large as compared with other tracts, as shown on the attached map, can further impact the threshold levels in that convenience might be served in a large area with more licenses even though the population is the same.

In addition, the population of the Census tract is based on the 2000 census only, and does not account for any increase in population within the tract over the past ten years or for temporary visitors that result from a highly visited tourist or convention center destination. If we were to use the census tract from the State office of Finance for example, the population has grown by more than 11% since 2000 (see chart attached). In addition, according to the City's official web page, Palm Springs enjoys more than 1 million hotel visitors per year and another 600,000 non-hotel accommodation visitors a year. This would clearly justify a greater concentration of licenses in commercial and hotel districts.

The proposed 7 Eleven store will be located at the intersection of W. Vista Chino and Indian Canyon Drive. Given that this corner is surrounded by commercial activities including two hotels, a gas station and a restaurant, and that Indian Canyon Drive and Vista Chino are both main arterial streets within the City, it is appropriate to have a greater concentration of licenses in this particular location. A 7 Eleven in this heavily commercialized and trafficked area will serve the residences, employees and visitors of the Palms Springs area.

In addition, the 7 Eleven at this location has the appropriate road infrastructure to make this an appropriate location for a convenience market. It provides convenience to the population that is traveling to work or to home, as well as provides an accessible, visible and safe location to shop to the employees in nearby commercial establishments and the hotel patrons that are prevalent in the area.

**7 Eleven is a responsible retailer and the sale of beer and wine for off premises consumption at this establishment will not result in an adverse impact on public health, safety, or welfare:** The development of the property with a 7 Eleven facility that sells beer and wine as part of a wide array of food and sundry items will not negatively impact public health, safety, or welfare. Presently, the site does not serve the public interest as a vacant building. It is not well lit and encourages graffiti and vagrancy. Attached is a letter of support from the Mojave River Academy which is located to the northwest of the site and separated by a wall. The school was fully in support of the proposed use including the sale of beer and wine and believes it to be a substantial enhancement over the current conditions of the property.

By providing better lighting, improved access and by providing a convenient active location to make quick purchases, public health, safety, and welfare will be enhanced at this site. The addition of selling beer and wine will not change this. These items will account for only a small portion of the sales generated from the store and are not primary reasons for patrons to shop at the 7 Eleven although the convenience is greatly enhanced by making it part of their overall selection.

The addition of an active, well lit and managed convenience store and market should reduce incidences of crime as opposed to a vacant and derelict building. The license being requested is for off premise consumption for beer and wine only; It represents only a small portion of the overall product offering of the store and it should not contribute to increase in crime or traffic problems. Moreover, the proposed location is located in a place where a previous on-premise license existed that served on premise alcohol.

Beyond this, it should be noted that 7 Eleven has a very extensive training program for its employees to help ensure that it is a responsible retailer of alcoholic beverages. 7 Eleven's "Come of Age" program is a multi media, computer based training program to ensure that employees understand and implement the procedures imposed by 7 Eleven to comply with ABC laws and regulations. Moreover, the "Come of Age" program incorporates training on all age-restricted products, including tobacco, lottery, inhalants and alcohol. Indeed, 7 Eleven will likely be a more responsible retailer of beer and wine than any other retailer in the area.

Furthermore, 7-Eleven's compliance program requires that the following standards be followed:

1. No illuminated (i.e. neon) alcohol advertising will be located in the windows or on the storefront.

2. No beer or wine will be sold from ice tubs.
3. Employees on duty who sell beer and wine shall comply with all requirements for selling beer and wine and be at least 21 years of age.
4. Alcoholic beverage sales shall be limited to beer and wine only with no distilled spirits sold.
5. No beer and wine will be displayed within five feet of the cash register or the front door, unless, it is in a permanently affixed cooler.
6. The sale and delivery of alcoholic beverages shall be made only to persons who are within the licensed premises, and not through a pass-out window or a slide out tray to the exterior of the premises.
7. No alcoholic beverages shall be sold to any person while such person is in a motor vehicle.
8. Any graffiti painted or marked upon the premises shall be removed or painted over within 120 hours of discovery thereof.
9. Litter shall be removed daily from the premises, including adjacent public sidewalks and all parking areas under the control of the licensee.
10. Subject to the City's specific sign ordinance, ensure no more than 33 percent of the square footage of the windows and clear doors of the premises shall bear advertising or signs of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance.

In addition to responsible retailing, crime deterrence is a priority at 7-Eleven. Our focus is on the safety and awareness of store staff and to ensure a positive shopping experience for our customers. Some of the key elements of our safety and security program include:

- 1) Employee Training:
  - a) "Operation Alert" is a multi-media training tool that includes a video, booklet and backroom posters that discuss crime deterrence and violence avoidance.
  - b) "Come of Age" is a video program that emphasizes the appropriate techniques for selling age-restricted products.
- 2) Timed-Access Safes:
  - a) 500-pound Timed-Access Cash Controller is utilized with one locked section available for employees to drop large bills and checks and a second section that dispenses change (coin or bills) only at predetermined time intervals.
  - b) 7-Eleven employees are instructed to keep no more than \$50 (\$30 at night) in the cash register.
  - c) Signs notify would-be robbers that less than \$30 is kept in the cash register after dark and that the store staff cannot open the safe.
- 3) Point of Sale (POS) Register:
  - a) A touch screen monitor and handheld scanning device provide assistance to the store staff by notifying when an age-restricted product has been offered for purchase.
  - b) A transaction cannot be completed until identification has been presented and legal age has been verified.

- 4) The "Fishbowl" floor layout:
  - a) 7-Eleven puts cash registers in the front of stores and keeps windows in front of the sales counter free of signs and merchandise.
  - b) Subject to the City lighting ordinances, 7-Eleven uses a variety of lighting options including perimeter pole lights, apron lights, flood lights on side and rear of store, and extensive interior lighting to ensure a bright exterior and inviting interior shopping environment.
- 5) Video camera and Alarm System
  - a) Subject to City code requirements, Video includes a 24-hour, closed circuit video camera with audio capabilities, a high-resolution color monitor mounted in clear view of the customer and a black and white monitor in the back room.
  - b) The alarm system includes both fixed (under counter) and remote (handheld) activator devices whose signal is monitored by an independent security company and silent alarms are automatically routed to the local law enforcement authority.

7 Eleven realizes that a healthy community translates to healthy business, and is willing to accept the ABC's imposition of these conditions when a license is issued in order to ensure that the public health, safety, and welfare are protected. In short, 7 Eleven is committed to protecting the public health, safety, and welfare of the community, and will take appropriate steps to do so. The sale of beer and wine on the site will *not* threaten these important concerns.

### Community Service and Investment

7 Eleven is committed to improving the communities in which they operate. This location will support the City of Palm Springs in several ways. Sales tax, increased property taxes and revenues from the initial construction of this project, including all applicable city permits and fees, will filter into the city benefiting the city in both the short term and long term.

The project will dramatically enhance that specific corner of the City of Palm Springs with architectural enhancements that are in character with the City's guidelines. The investment in the building and grounds will preserve the character and quality of this commercial intersection while increasing public safety through lighting and having an active business at the site.

7-Eleven believes in being a part of the neighborhoods in which its stores operate. To demonstrate this commitment, 7-Eleven devotes the majority of its charitable contributions to 501© (3) tax-exempt organizations that support specific projects, programs or events in areas where its stores are located. The company's corporate-giving program focuses on three specific areas: education, multi-cultural understanding and community challenges.

#### Education

7-Eleven is a strong supporter of reading and literacy. Through the company's national People Who Read Achieve literacy program, 7-Eleven hopes to increase public awareness of literacy issues and provide funding for local programs that teach people to read. During the last decade,

7-Eleven stores have awarded approximately \$3 million to schools, libraries, community centers, churches, day-care facilities and other grassroots organizations through People Who Read Achieve.

#### Multi-Cultural Understanding

7-Eleven supports a variety of organizations that promote or educate others on multicultural diversity. The company also backs numerous programs, such as NAACP Voter Registration Drives, that serves ethnic and urban constituents.

#### Community Challenges

Individual 7-Eleven franchisees, store managers and the management team on a local basis identify this area of corporate giving. It can range from support for a neighborhood school to contributions to the city library to sponsorship of a Little League team. Other efforts are aimed at crime prevention and support of law enforcement.


In addition to these community initiatives, 7-Eleven has developed a food donation program known as Harvest that provides unsold fresh-food items to designated food banks. At the end of the day, unsold fresh-food products are returned to the stores' Centralized Distribution Center where they are picked up by local food banks for delivery to those in need. Even though this food is no longer sold at 7-Eleven, it is still nutritious and high quality. Currently, 7-Eleven donates to 21 food banks nationwide and has been recognized by the Department of Agriculture as one of the largest fresh food donors in the United States.

### CONCLUSION

As indicated above, this site will clearly serve the public convenience of residents, visitors, shoppers, and workers of Palm Springs. The development of the property as a New 7 Eleven will not adversely affect any portion of the surrounding area but rather enhance it through quality architecture, lighting, security monitoring and site management. 7 Eleven has been a responsible retailer of alcoholic beverages nationwide. Permitting the sale of beer and wine at the site enhances 7 Eleven's convenience grocery concept at this site, providing customers the added convenience to make quick, efficient, and safe purchases of beer and wine along with their other convenience good purchases. The site previously operated with a liquor license at the restaurant. A positive finding of Public Convenience or Necessity is appropriate.

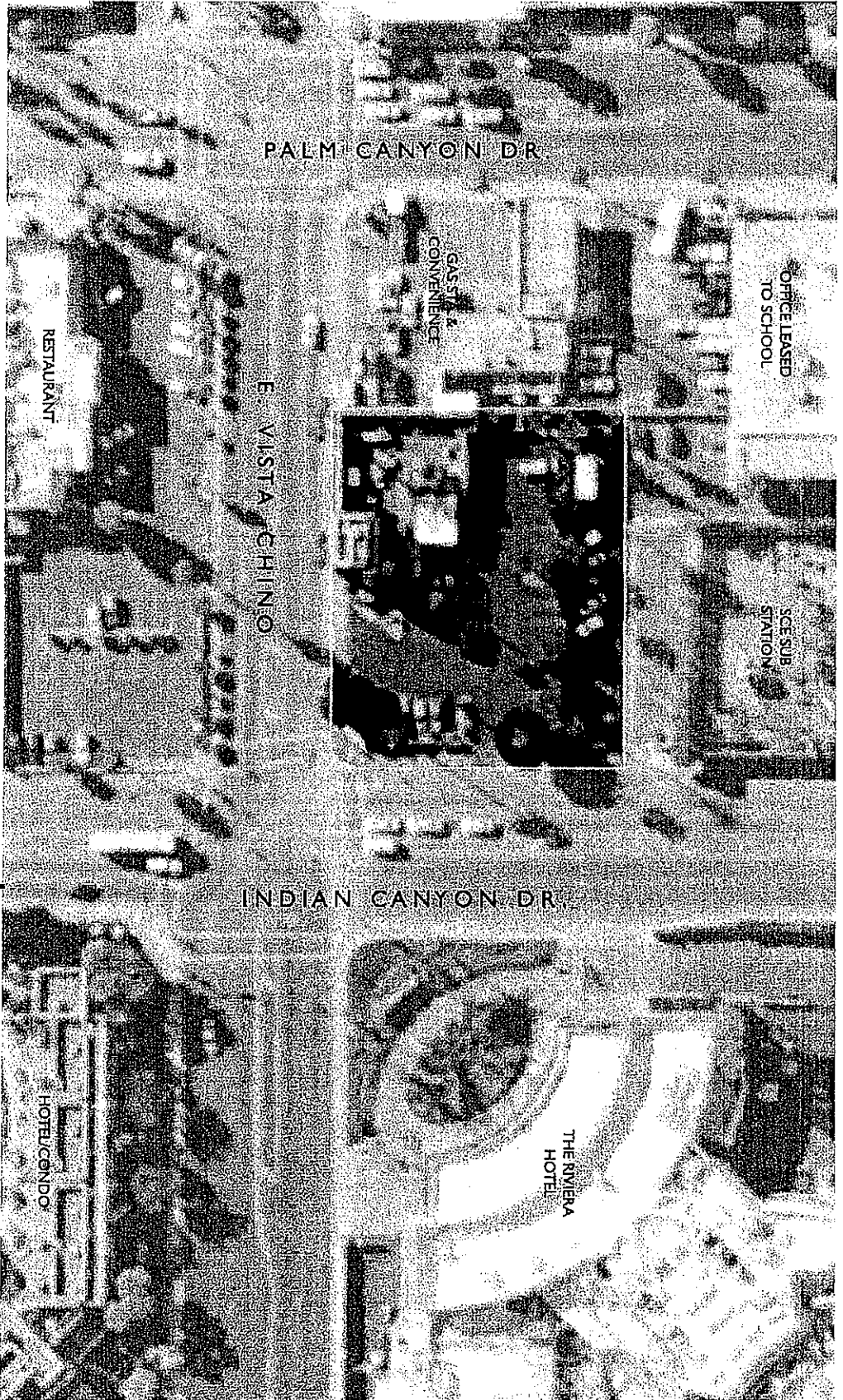
Should you have any questions or concerns regarding the proposed 7 Eleven we would be happy to meet with you at your convenience. In addition, 7 Eleven is excited about opening this new store and looks forward to serving the citizens of Palm Springs. Thank you for your consideration in this matter.

Sincerely,



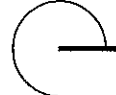
Lucy Dinneen

Cadence Capital Investments  
On Behalf of 7 Eleven



CADENCE CAPITAL INVESTMENTS

150 EAST VISTA CHINO  
PALM SPRINGS, CA 92282  
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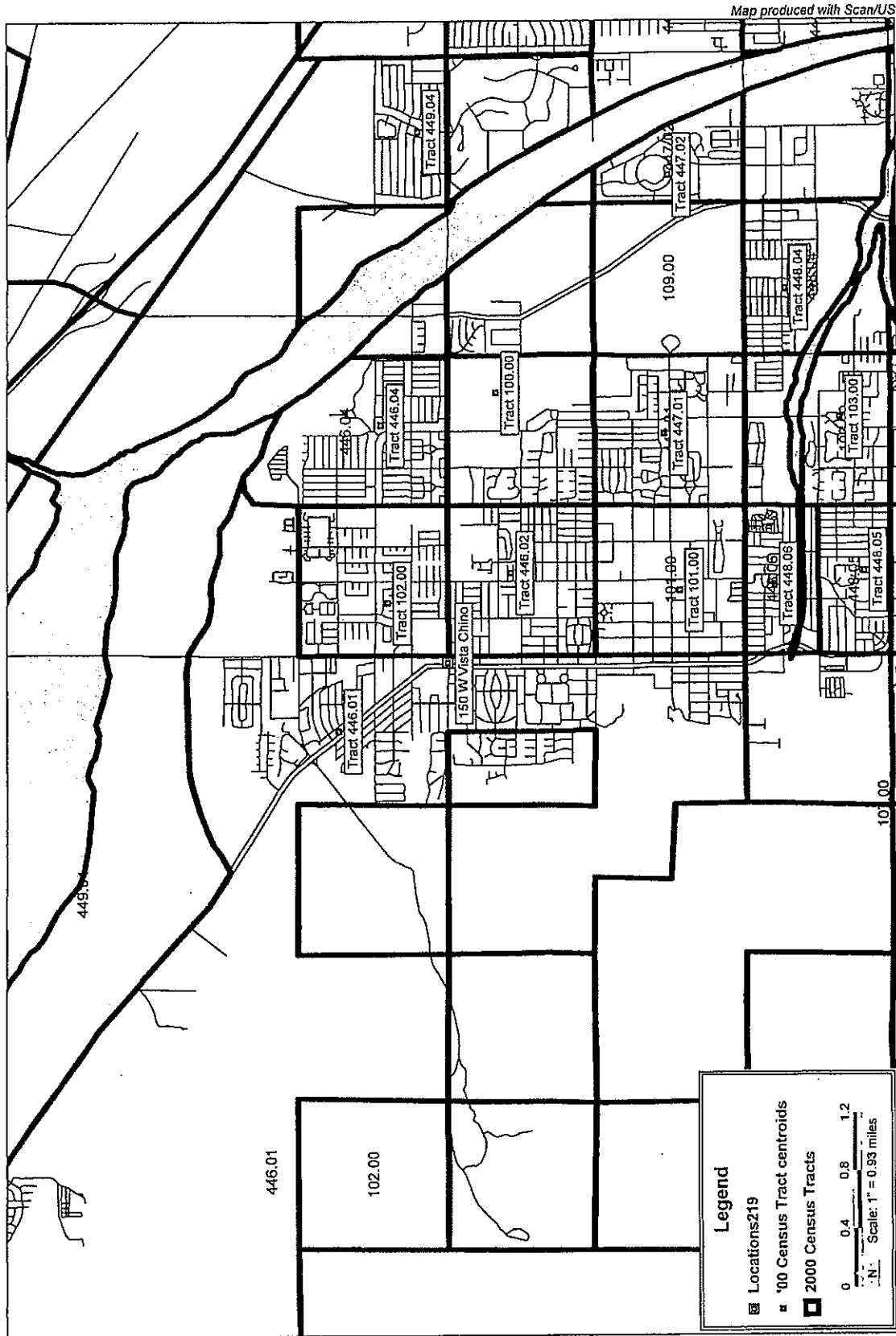
Scale: N.T.S.  
Job Number: 75-10414-01  
Date: 10-27-10  
490 S. Farnell Drive, Suite C-203, Palm Springs, CA 92282-7944 / 760.320.1703





# StudyArea0458

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Table 2: E-4 Population Estimates for Cities, Counties and State, 2001-2009  
with 2000 Benchmark

COUNTY/CITY	4/1/2000	1/1/2001	1/1/2002	1/1/2003	1/1/2004	1/1/2005	1/1/2006	1/1/2007	1/1/2008	1/1/2009
<b>Plumas County</b>										
Portola	2,227	2,211	2,189	2,170	2,173	2,156	2,116	2,089	2,039	2,016
Balance Of County	18,597	18,555	18,646	18,723	18,809	18,944	18,987	18,883	18,747	18,616
Incorporated	2,227	2,211	2,189	2,170	2,173	2,156	2,116	2,089	2,039	2,016
County Total	20,824	20,766	20,835	20,893	20,982	21,100	21,103	20,972	20,786	20,632
<b>Riverside County</b>										
Banning	23,562	23,958	24,586	25,606	27,549	27,996	28,185	28,174	28,148	28,457
Beaumont	11,384	11,555	12,269	13,941	16,593	19,051	23,238	28,209	31,317	32,403
Blythe	20,465	20,831	21,292	21,362	22,168	22,052	22,234	22,608	21,627	21,329
Calimesa	7,139	7,238	7,339	7,447	7,490	7,491	7,475	7,435	7,423	7,498
Canyon Lake	9,952	10,158	10,401	10,634	10,822	10,950	10,983	10,955	10,994	11,128
Cathedral City	42,647	44,085	45,659	47,841	49,338	50,819	51,294	52,045	51,972	52,447
Coachella	22,724	23,356	24,412	27,086	28,082	30,879	35,354	38,437	40,317	41,000
Corona	124,966	129,720	134,683	138,604	143,939	144,600	145,265	145,847	146,698	148,597
Desert Hot Springs	16,582	16,771	16,976	17,380	19,329	20,820	23,459	24,856	25,939	26,552
Hemet	58,812	60,570	62,388	63,566	65,552	67,555	70,728	72,537	73,205	74,361
Indian Wells	3,816	4,147	4,371	4,446	4,501	4,796	4,885	4,934	5,000	5,093
Indio	49,116	50,435	52,463	55,078	60,035	66,358	71,949	77,046	80,962	82,230
Lake Elsinore	28,930	30,027	31,223	33,421	35,904	38,185	41,156	47,568	49,556	50,267
La Quinta	23,694	26,081	28,869	30,808	33,026	36,278	38,500	41,039	42,743	43,778
Menifee	0	0	0	0	0	0	0	0	0	67,705
Moreno Valley	142,379	144,316	147,216	151,674	157,496	165,935	175,294	180,228	182,945	186,301
Murrieta	44,282	46,437	51,905	68,391	78,783	85,328	93,221	97,031	99,576	100,714
Norco	24,157	24,485	25,007	25,485	25,810	26,783	27,355	27,329	27,143	27,160
Palm Desert	41,155	42,074	43,092	44,427	45,503	49,490	49,774	49,717	50,686	51,509
Palm Springs	42,805	43,396	43,944	44,502	44,935	45,877	46,629	46,796	47,019	47,601
Perris	36,189	36,905	37,710	38,645	41,951	44,758	47,335	50,597	53,340	54,323
Rancho Mirage	13,249	13,841	14,420	15,135	15,752	16,476	16,740	16,923	16,975	17,180
Riverside	255,166	262,159	270,781	277,150	281,173	286,563	288,984	291,812	296,191	300,430
San Jacinto	23,779	24,612	25,424	26,343	27,134	28,540	31,194	34,297	35,491	36,477
Temecula	57,716	61,766	73,086	75,873	78,640	81,681	93,673	97,141	99,873	102,604
Wildomar	0	0	0	0	0	0	0	0	0	31,321



1776 N Palm Canyon Drive • Phone 760.524.1130 • Fax 760.327.9780  
• nlewis@mojaveriver.net • www.mojaveriver.net

Palm Springs

May 10, 2010

City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

**c/o Palm Springs City Council**  
Steve Pougnet, Mayor  
Rick Hutcheson, Mayor pro tem  
Ginny Foat, Councilmember  
Chris Mills, Councilmember  
Lee Weigel, Councilmember

**c/o Palm Springs Planning Commission**  
Leo Cohen, Chair  
Jon Caffery, Vice Chair  
Bill Scott  
Tracy Conrad  
Doug Donenfeld  
Doug Hudson  
Leslie Munger

Dear Council Members and Commissioners,

I am writing this letter in support of the development project proposed by Cadence Capital Investments, LLC at the site of the former Uptown Grill Restaurant (150 W Vista Chino; Riverside County Parcel Number 504-320-016).

I am the Administrator of Mojave River Academy located at 1776 N Palm Canyon Dr, Palm Springs, CA 92262. Mojave River Academy is a Public Charter School serving grades K-12.

I feel strongly that the community would benefit from the redevelopment of what is an underutilized property and is an unrepresentatively tattered gateway to the City of Palm Springs.

I am in support of the proposed zone change from Residential to Commercial. Furthermore, I am in support of the proposed use of a small-format, neighborhood grocery store, serving both pre-packaged and fresh foods, and selling beer/wine for offsite consumption in a limited fashion.

Thank you for your consideration. We look forward to the proposed redevelopment.

Sincerely,

Mr. Mecham  
Mojave River Academy  
jmecham@mojaveriver.net  
(760) 524-1130



**California Department of Alcoholic Beverage  
Control  
For the County of RIVERSIDE - (Off-Sale Licenses)  
and Census Tract = 446.01**

Report as of 10/8/2010

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	204915	ACTIVE	21	3/24/1988	6/30/2011	AILABOUNI, KHALIL 3395 N INDIAN CANYON DR PALM SPRINGS, CA 92262  Census Tract: 0446.01	JULIANS MARKET		3310
2)	282471	ACTIVE	20	4/13/1993	6/30/2011	7 ELEVEN INC 2493 N PALM CANYON DR PALM SPRINGS, CA 92262  Census Tract: 0446.01	7 ELEVEN 2171 17666	PO BOX 2245 BREA, CA 92822-2245	3310
3)	376692	ACTIVE	20	8/3/2001	7/31/2011	MATTA, TREAZ SADARY 2796 N PALM CANYON DR PALM SPRINGS, CA 92262  Census Tract: 0446.01	NORTH PALM CANYON SHELL		3310
4)	381844	ACTIVE	21	2/20/2002	1/31/2011	KIM, MELISSA KYOUNGEUN 1200 N PALM CANYON DR PALM SPRINGS, CA 92262  Census Tract: 0446.01	PALM SPRINGS LIQUOR		3310
5)	390499	ACTIVE	21	9/16/2002	8/31/2011	KASIRA, MAJED 1595 N PALM CANYON DR PALM	LAS PALMAS LIQUOR		3310

						SPRINGS, CA 92262  Census Tract: 0446.01			
6)	420357	ACTIVE	21	1/1/1994	1/31/2011	SALAMEH, LAWRENCE FOUAD 2781 N PALM CANYON DR PALM SPRINGS, CA 92262  Census Tract: 0446.01	LARRYS SPIRITS WINES & GOURMET DELI		3310
7)	425961	ACTIVE	21	6/2/2005	1/31/2011	DESERT CELLAR INC 342 N PALM CANYON DR PALM SPRINGS, CA 92262  Census Tract: 0446.01	CORK N BOTTLE		3310
8)	441921	ACTIVE	20	12/22/2006	11/30/2010	REYES, DORE A 1566 N PALM CANYON DR PALM SPRINGS, CA 92262  Census Tract: 0446.01	SANTA MARIA MEAT MARKET	1550 N PALM CANYON DR PALM SPRINGS, CA 92262	3310
9)	442775	ACTIVE	20	12/1/2006	11/30/2010	SHRIJI ENTERPRISES INC 155 S PALM CANYON DR, STE A3 PALM SPRINGS, CA 92262-8305  Census Tract: 0446.01	FAME TOBACCONIST		3310
10)	442974	ACTIVE	21	3/5/2008	2/28/2011	CANYON FOOD & GAS LLC 3689 N INDIAN CANYON DR PALM SPRINGS, CA 92262-1615  Census Tract: 0446.01	P S GAS & MINI MART		3310

11)	451344	ACTIVE	20	4/10/2007	3/31/2011	DESERT PETRO INC 60490 OVERTURE DR PALM SPRINGS, CA 92262-1087  Census Tract: 0446.01	WINDY COVE MARKET & GAS		3300
12)	486444	ACTIVE	20	4/21/2010	3/31/2011	GARRIC CELLARS INC 418 W CHINO CANYON RD PALM SPRINGS, CA 92262-2906  Census Tract: 0446.01	GARRIC CELLARS	40 PENTWATER DR SOUTH BARRINGTON, IL 60010-9331	3310
13)	56731	ACTIVE	21	1/1/1994	6/30/2011	THRIFTY PAYLESS INC 366-68 S PALM CANYON DR PALM SPRINGS, CA 92262  Census Tract: 0446.01	RITE AID STORE 5683	2600 CAPITOL AVE, STE 300 SACRAMENTO, CA 95816-5930	3310

--- End of Report ---

For a definition of codes, view our [glossary](#).