



Planning Commission Staff Report

Date: September 14, 2011

Case No.: 5.1269 CUP

Type: Conditional Use Permit

Location: 611 South Palm Canyon Drive, Suite #D

APN: 513-290-015

Applicant: Lend Lease for 7-Eleven

General Plan: MU / MU (Mixed Use / Multi-use)

Zone: PD-77 (Planned Development District 77)

From: Craig A. Ewing, AICP, Director of Planning

Planner: David A. Newell, Associate Planner

PROJECT DESCRIPTION:

The applicant, Lend Lease, has submitted an application for a Conditional Use Permit (CUP) seeking approval of a 24-hour convenience store use within a portion of the existing shopping center known as the Sun Center at 611 South Palm Canyon Drive. The proposed convenience store will be located within a recently constructed building fronting South Palm Canyon Drive.

RECOMMENDATION:

That the Planning Commission approves Case 5.1269 CUP, subject to the conditions of approval attached as Exhibit A.

BACKGROUND AND SETTING:

The shopping center is approximately 4.77 acres in size and adjacent to commercial uses to the north and east; residential uses to the west; and vacant land exists to the south. The property is a fully developed shopping center. The surrounding Land Uses are noted in the table below:

Table 1: Adjacent General Plan Designations, Zones and Land Uses:

	General Plan	Zoning	Existing Land Uses
North	CBD (Central Business District)	PD-82 (Planned Development District 82)	Multi-tenanted Commercial
South	MU / MU (Mixed Use / Multi-Use)	R-3 (Multiple-family Residential and Hotel) & C-2 (General Commercial)	Vacant
East	TRC (Tourist Resort Commercial)	PD-187 (Planned Development District 187)	Resort Hotel (Motel 6)
West	LDR (Low Density Residential)	R-2 (Limited Multiple-family Residential)	Single-family Residences

The following aerial photo shows the shopping center site and surrounding existing uses and development.



Sun Center Shopping Center

Proposed Convenience Store

PROJECT DESCRIPTION:

The project proposes a convenience store in a newly constructed addition to the Sun Center shopping complex located at 611 South Palm Canyon Drive. Specifically, the proposed store will be located near the southwest corner of South Palm Canyon Drive and Camino Parocela. The approximately 8,380 square foot addition was constructed in 2008 and has been vacant since then. The proposed convenience store will occupy approximately 3,574 square feet of the building and operate 24-hours daily. The applicant describes items sold as follows:

7-Eleven has a new fresh food product line which is a centerpiece of its offerings which includes fresh daily prepared sandwiches and wraps, salads, fruit cups, and other fruits and vegetables. Dairy items such as milk, yogurt, and cheese. We will also be offering our recognized brand of 7-Eleven Coffees, and Slurpees. We will have our fresh hot foods along with our cold soft drinks, and beer and wine. In all, 7-Eleven convenience markets offer over 2000 different products.

ANALYSIS:

General Plan:

The General Plan designation of the subject site is MU / MU (Mixed Use / Multi-Use). The General Plan states, "Specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses."

The proposed use as a convenience store is consistent with this General Plan designation because it is a retail commercial use that provides a variety of goods and products for the community.

Zoning Designation:

The site is zoned Planned Development District 77 (PD-77). The underlying zoning of the site is C-1 and R-3; the proposed convenience store is located within the C-1 portion of the property.

Pursuant to Section 92.12.01(D)(11) of the City of Palm Springs Zoning Code (PSZC), Convenience Store uses are permitted within the C-1 zone subject to approval of a CUP.

Off-Street Parking:

The shopping center's addition was approved with the addition of 28 parking spaces on the easterly portion of the site in 2007 under PD-77. It was determined at that time to be in conformance with the off-street parking standards for a mixed-use retail center. Since the proposed use is a retail establishment, it is considered to be in conformance with the off-street parking standards of PD-77.

Redevelopment Area.

The project is located in Redevelopment Area One. Redevelopment of this parcel with viable new uses will provide the RDA with incremental tax funding in the future based on the increased valuation of the property.

REQUIRED FINDINGS:

Convenience Store uses may be approved in the C-1 zone subject to the findings set forth in Section 94.02.00 "Conditional Use Permit" as follows.

The commission shall not approve or recommend approval of a conditional use permit unless it finds as follows:

- a. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;*

The application proposes a convenience store use on a parcel zoned C-1/R-3. Pursuant to PSZC Section 92.12.01(D)(11), convenience stores are permissible in the C-1 zone subject to a conditional use permit (CUP).

- b. *That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;*

The applicant is proposing a 24-hour convenience store at 611 South Palm Canyon Drive. The zone where the proposed use is to be located is PD-77, with an underlying zone of C-1. The Zoning Code defines the intent of the C-1 zone as "a business district, primarily retail business in character, with related hotels, service, office, cultural and institutional uses." The proposed use will be consistent with this intent by offering various convenience food and beverage items for sale twenty-four hours daily. There are no convenience store uses in the immediate area. Therefore, it is believed that the proposed convenience store is desirable due to its location in this zone, and will not be detrimental to existing or future uses specifically permitted in this zone since it is a food and beverage retail business establishment.

The General Plan designation of the subject site is MU / MU (Mixed Use / Multi-Use). The General Plan states, "Specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses." Therefore, the proposed use as a convenience store is consistent with this General Plan designation because it is a retail commercial use that provides a variety of goods and products for the community.

- c. *That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;*

The project does not propose any exterior changes to the site. The existing site is a large mixed-use commercial complex with a variety of office and commercial uses. The proposed retail establishment will offer convenience food and beverage items in an approximately 3,574-square foot site or approximately 3.3% of the entire shopping center. Therefore, the site for the intended use is adequate in size and shape to accommodate such use to those existing or permitted future uses of land in the neighborhood.

- d. *That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;*

The project site is located along South Palm Canyon Drive, which is a Major Thoroughfare, and South Belardo Road, which is a Collector Street, according to the General Plan Circulation Element. Both of these two-way streets are fully paved and include sidewalks. The proposed use will be adequately served by the existing parking on the site, and the use is expected to generate minimal traffic as a retail establishment. Therefore, the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.

- e. *That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.*

A proposed set of Conditions of Approval accompany this staff report in Exhibit A.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the project is Categorically Exempt as a Class I exemption per Section 15301 (Existing Facilities).

CONCLUSION:

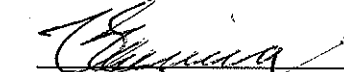
The proposed project is consistent with the use on the site and is compatible with the General Plan and Zoning Ordinance land uses. Staff recommends the required findings necessary for the issuance of a Conditional Use Permit and is therefore recommending approval of Case 5.1269 – CUP, subject to the attached Conditions of Approval outlined in Exhibit A.

NOTIFICATION:

Notification of this public hearing was sent to property owners within a 400 foot radius of the subject parcel. As of the writing of this report, staff has received written correspondence from the public, which is attached to this staff report.



David A. Newell
Associate Planner



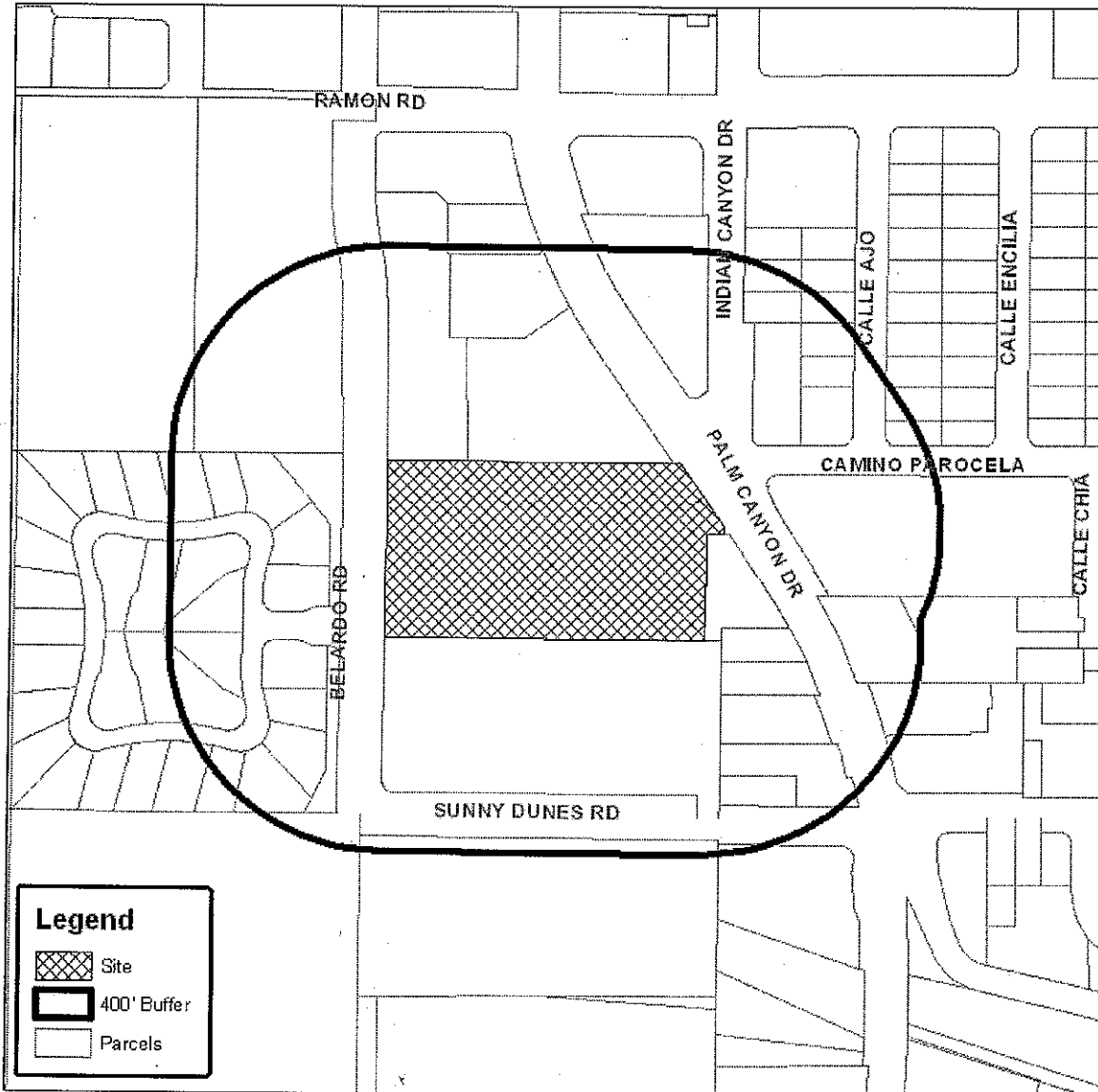
Craig A. Ewing, AICP
Director of Planning

Attachments:

1. Vicinity Map
2. Draft Resolution and Conditions of Approval
3. Reductions of site plan and floor plan
4. Public correspondence



Department of Planning Services Vicinity Map



CITY OF PALM SPRINGS

CASE NO: 5.1269 CUP

APPLICANT: Lend Lease for
7-Eleven

DESCRIPTION: To consider an application by Lend Lease for 7-Eleven requesting a Conditional Use Permit (CUP) for a 24-hour convenience store use at 611 South Palm Canyon Drive, Zone PD-77.

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PALM SPRINGS, CALIFORNIA FOR THE APPROVAL OF CASE 5.1269 CUP, A CONDITIONAL USE PERMIT FOR THE ESTABLISHMENT OF A CONVENIENCE STORE USE AT 611 SOUTH PALM CANYON DRIVE.

WHEREAS, Lend Lease for 7-Eleven, "applicant", has filed an application with the City pursuant to Section 94.02.00 (Conditional Use Permit) of the Zoning Code seeking approval to establish a convenience store use of approximately 3,574 square feet at 611 South Palm Canyon Drive, APN: 513-290-015, Zone PD-77, Section 22/T4/R4; and

WHEREAS, a notice of public hearing for Case 5.1269 CUP was given in accordance with applicable law; and

WHEREAS, on September 14, 2011, a public hearing on Case 5.1269 CUP was held by the Planning Commission in accordance with applicable law; and

WHEREAS, the proposed project is considered a "project" pursuant to the terms of the California Environmental Quality Act ("CEQA") The project has been evaluated in accordance with the guidelines of CEQA and determined to be Categorically Exempt pursuant Section 15301 (Existing Facilities), and

WHEREAS, the Planning Commission has carefully reviewed and considered all of the evidence presented in connection with the hearing on the project, including, but not limited to, the staff report, and all written and oral testimony presented.

THE PLANNING COMMISSION HEREBY FINDS AS FOLLOWS:

Section 1: Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the Planning Commission finds that the proposed project is Categorically Exempt pursuant to Section 15303 (Conversion of Small Structures).

Section 2: Pursuant to PSZC Section 94.02.00 (Conditional Use Permit), the Planning Commission finds as follows:

- a. *That the use applied for at the location set forth in the application is properly one for which a conditional use permit is authorized by this Zoning Code;*

The application proposes a convenience store use on a parcel zoned C-1/R-3. Pursuant to PSZC Section 92.12.01(D)(11), convenience stores are permissible in the C-1 zone subject to a conditional use permit (CUP).

- b. That the use is necessary or desirable for the development of the community, is in harmony with the various elements or objectives of the general plan, and is not detrimental to existing uses or to future uses specifically permitted in the zone in which the proposed use is to be located;*

The applicant is proposing a 24-hour convenience store at 611 South Palm Canyon Drive. The subject site is a mixed-use commercial retail center located on a major thoroughfare which contains a mixture of commercial uses. There are no convenience store uses in the immediate area and the proposed use will be desirable for the nearby community.

The General Plan designation of the subject site is MU / MU (Mixed Use / Multi-Use). The General Plan states, "Specific uses intended in these areas include community-serving retail commercial, professional offices, service businesses, restaurants, daycare centers, public and quasi-public uses." Therefore, the proposed use as a convenience store is consistent with this General Plan designation because it is a retail commercial use that provides a variety of goods and products for the community.

The zone where the proposed use is to be located is PD-77, with an underlying zone of C-1. This zone is intended to offer commercial and business services, and the proposed use will be consistent with this intent by offering various food and beverage items for sale. Therefore, the proposed convenience store use will not be detrimental to existing or future uses specifically permitted in this zone.

- c. That the site for the intended use is adequate in size and shape to accommodate such use, including yards, setbacks, walls or fences, landscaping and other features required in order to adjust such use to those existing or permitted future uses of land in the neighborhood;*

The project does not propose any exterior changes to the site. The existing site is a large mixed-use commercial complex with a variety of office and commercial uses. The proposed retail establishment will offer convenience food and beverage items in an approximately 3,574-square foot site or approximately 3.3% of the entire shopping center. Therefore, the site for the intended use is adequate in size and shape to accommodate such use to those existing or permitted future uses of land in the neighborhood.

- d. That the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use;*

The project site is located along South Palm Canyon Drive, which is a

Major Thoroughfare, and South Belardo Road, which is a Collector Street, according to the General Plan Circulation Element. Both of these two-way streets are fully paved and include sidewalks. The proposed use will be adequately served by the existing parking on the site, and the use is expected to generate minimal traffic as a retail establishment. Therefore, the site for the proposed use relates to streets and highways properly designed and improved to carry the type and quantity of traffic to be generated by the proposed use.

e. That the conditions to be imposed and shown on the approved site plan are deemed necessary to protect the public health, safety and general welfare and may include minor modification of the zone's property development standards.

A proposed set of Conditions of Approval accompany this Resolution as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED that, based upon the foregoing, the Planning Commission hereby approves Case 5.1269-CUP for the establishment of a 24-hour convenience store at 611 South Palm Canyon Drive, subject to the attached conditions set forth in Exhibit A.

ADOPTED this 14th day of September 2011.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

CITY OF PALM SPRINGS, CALIFORNIA

Craig A. Ewing, AICP
Director of Planning Services

RESOLUTION NO.

EXHIBIT A

Case 5.1269 CUP

611 South Palm Canyon Drive
September 14, 2011

CONDITIONS OF APPROVAL

Before final acceptance of the project, all conditions listed below shall be completed to the satisfaction of the City Engineer, the Director of Planning Services, the Director of Building and Safety, the Chief of Police, the Fire Chief or their designee, depending on which department recommended the condition.

Any agreements, easements or covenants required to be entered into shall be in a form approved by the City Attorney.

ADMINISTRATIVE CONDITIONS

- ADM 1. Project Description. This approval is for the project described per Case 5.1269 CUP; except as modified with the conditions below.
- ADM 2. Reference Documents. The site shall be developed and maintained in accordance with the approved plans on file in the Planning Division except as modified by the approved conditions below.
- ADM 3. Conform to all Codes and Regulations. The project shall conform to the conditions contained herein, all applicable regulations of the Palm Springs Zoning Ordinance, Municipal Code, and any other City County, State and Federal Codes, ordinances, resolutions and laws that may apply.
- ADM 4. Minor Deviations. The Director of Planning or designee may approve minor deviations to the project description and approved plans in accordance with the provisions of the Palm Springs Zoning Code.
- ADM 5. Indemnification. The owner shall defend, indemnify, and hold harmless the City of Palm Springs, its agents, officers, and employees from any claim, action, or proceeding against the City of Palm Springs or its agents, officers or employees to attach, set aside, void or annul, an approval of the City of Palm Springs, its legislative body, advisory agencies, or administrative officers concerning Case 5.1269 CUP. The City of Palm Springs will promptly notify the applicant of any such claim, action, or proceeding against the City of Palm Springs and the applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. If the City of Palm Springs fails to

promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Palm Springs. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

- ADM 6. Maintenance and Repair. The property owner(s) and successors and assignees in interest shall maintain and repair the improvements including and without limitation all structures, sidewalks, parking areas, landscape, irrigation, lighting, signs, walls, and fences between the curb and property line, including sidewalk in a first class condition, free from waste and debris, and in accordance with all applicable law, rules, ordinances and regulations of all federal, state, and local bodies and agencies having jurisdiction at the property owner's sole expense. This condition shall be included in the recorded covenant agreement for the property if required by the City.
- ADM 7. Time Limit on Approval. Approval of this Conditional Use Permit shall be valid for a period of two (2) years from the effective date of the approval. Once the use has commenced, the Conditional Use Permit, provided the project has remained in compliance with all conditions of approval, does not have a time limit.
- ADM 8. Right to Appeal. Decisions of an administrative officer or agency of the City of Palm Springs may be appealed in accordance with Municipal Code Chapter 2.05.00. Permits will not be issued until the appeal period has concluded.
- ADM 9. Public Art Fees. This project shall be subject to Chapters 2.24 and 3.37 of the Municipal Code regarding public art. The project shall either provide public art or payment of an in lieu fee. In the case of the in-lieu fee, the fee shall be based upon the total building permit valuation as calculated pursuant to the valuation table in the Uniform Building Code, the fee being 1/2% for commercial projects or 1/4% for residential projects with first \$100,000 of total building permit valuation for individual single-family units exempt. Should the public art be located on the project site, said location shall be reviewed and approved by the Director of Planning and Zoning and the Public Arts Commission, and the property owner shall enter into a recorded agreement to maintain the art work and protect the public rights of access and viewing.
- ADM 10. Cause No Disturbance. The owner shall monitor outdoor parking areas, walkways, and adjoining properties and shall take all necessary measures to ensure that customers do not loiter, create noise, litter, or cause any disturbances while on-site. The owner and operator shall ensure that at

closing time, all customers leave the property promptly and that the property is clean and secure before the owner/operator leaves the premises. The Police Chief, based upon complaints and/or other cause, may require on-site security officers to ensure compliance with all City, State, and Federal laws and conditions of approval. Failure to comply with these conditions may result in revocation of this permit, temporary business closure or criminal prosecution

- ADM 11. Grounds for Revocation. Non-compliance with any of the conditions of this approval or with City codes and ordinances, State laws; any valid citizen complaints or policing and safety problems (not limited to excessive alcohol consumption, noise, disturbances, signs, etc) regarding the operation of the establishment; as determined by the Chief of Police or the Director of Building and Safety, may result in proceedings to revoke the Conditional Use Permit. In addition, violations of the City Codes and Ordinances will result in enforcement actions which may include citations, arrest, temporary business closure, or revocation of this permit in accordance with law.
- ADM 12. Notice to Tenants. The applicant shall provide all tenants with a copy of the Conditions of Approval for this project.
- ADM 13. Conditional Use Permit Availability. The applicant shall provide a copy of this Conditional Use Permit to all buyers and potential buyers.

ENVIRONMENTAL ASSESSMENT CONDITIONS

- ENV 1. Notice of Exemption. The project is exempt from the California Environmental Quality Act (CEQA); therefore, an administrative fee of \$64 shall be submitted by the applicant in the form of a money order or a cashier's check payable to the Riverside County Clerk within two business days of the Commission's final action on the project. This fee shall be submitted by the City to the County Clerk with the Notice of Exemption. Action on this application shall not be considered final until such fee is paid.

PLANNING DEPARTMENT CONDITIONS

- PLN 1. Sign Applications Required. No signs are approved by this action. Separate approval and permits shall be required for all signs in accordance with Zoning Ordinance Section 93.20.00. The applicant shall submit a sign program to the Department of Planning Services prior to the issuance of building permits.
- PLN 2. Maintenance of Awnings & Projections. All awnings shall be maintained and periodically cleaned.

- PLN 3. Screen Roof-mounted Equipment. All roof mounted mechanical equipment shall be screened per the requirements of Section 93.03.00 of the Zoning Ordinance.
- PLN 4. Exterior Alarms & Audio Systems. No sirens, outside paging or any type of signalization will be permitted, except approved alarm systems.
- PLN 5. Outside Storage Prohibited. No outside storage of any kind shall be permitted except as approved as a part of the proposed plan.
- PLN 6. No off-site Parking. Vehicles associated with the operation of the proposed development including company vehicles or employees vehicles shall not be permitted to park off the proposed building site unless a parking management plan has been approved.
- PLN 7. (add any additional conditions imposed by the Planning Commission here)

POLICE DEPARTMENT CONDITIONS

- POL 1. Developer shall comply with Section II of Chapter 8.04 "Building Security Codes" of the Palm Springs Municipal Code.
- POL 2. The applicant must post "No Loitering" signs on the premises applicable to city ordinance regulations approved by Code Enforcement and the Police Department.
- POL 3. The applicant must provide security lighting externally and cameras internally and externally approved by Code Enforcement and the Police Department.
- POL 4. Proper signage must be displayed throughout the store that indicates it is against the law to sell tobacco products to anyone under the age of 18 years.
- POL 5. Proper signage must be displayed throughout the store that indicates it is against the laws to sell alcohol products to anyone under the age of 21 years.

BUILDING DEPARTMENT CONDITIONS

- BLD 1. Prior to any construction on-site, all appropriate permits must be secured.

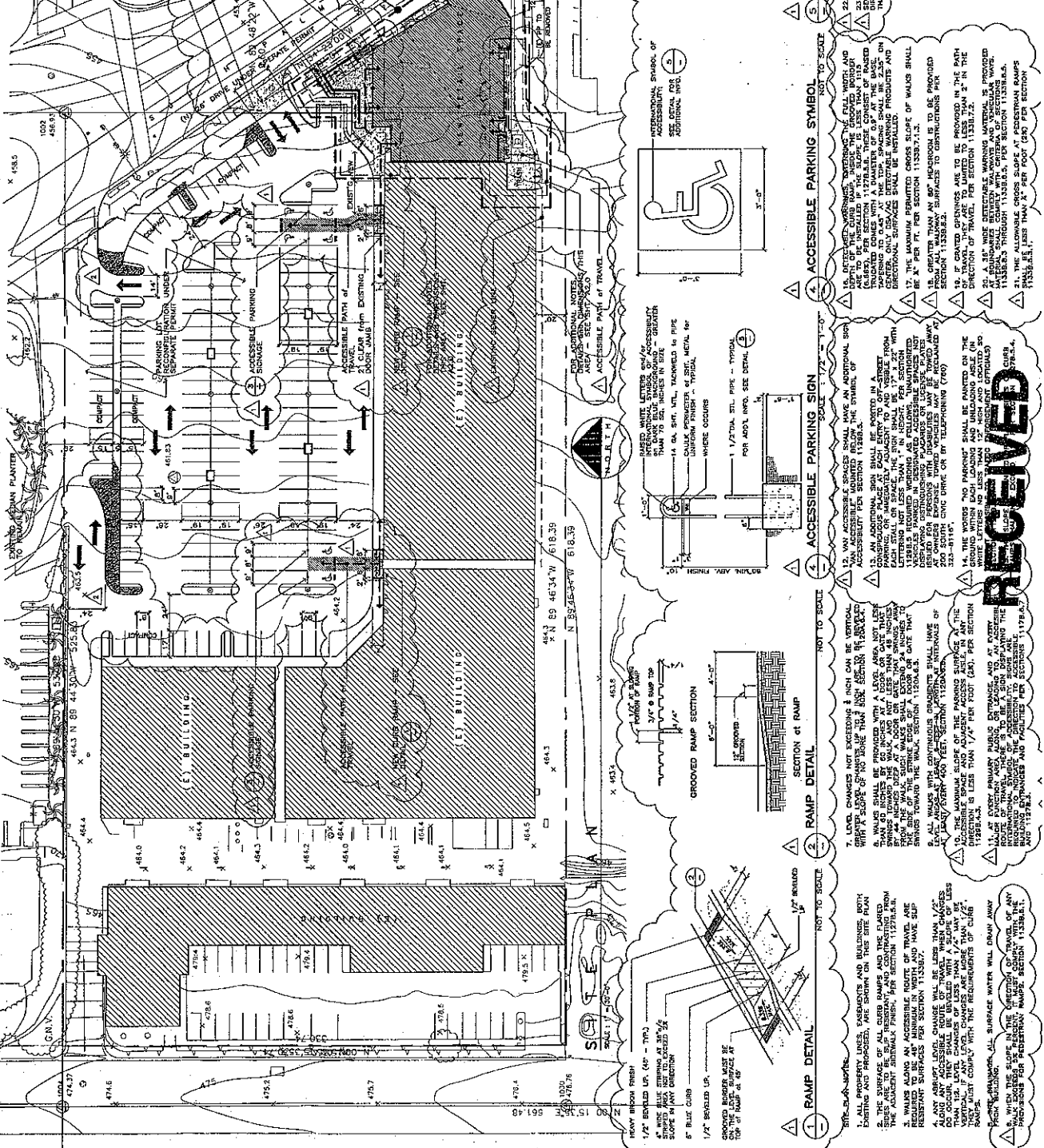
END OF CONDITIONS

AREA CALCULATIONS
 SITE 4.38 ACRES 21,579 SQ. FT. 100 %
 BUILDINGS 90,085 SQ. FT. 43 %
 PARKING 101,553 SQ. FT. 48 %
 OPEN SPACE 19,936 SQ. FT. 9 %

PARKING CALCULATIONS
 (A) SITE PRIOR TO BLDG ADDITION 142 SPACES
 (B) BUILDING ADDITION 2,380 SPACES / 300 - PROVIDED 28 SPACES
 (C) SITE w/ BLDG ADDITION TOTAL 170 SPACES

RELOCATED (E) RAMP
 NEW CONCRETE WALKWAY AT STAIR EXISTING SIDEWALK
 RELOCATED (E) RAMP
 NEW CONCRETE WALKWAY AT STAIR EXISTING SIDEWALK
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AREA OF WORK UNDER THIS PERMIT



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AREA OF WORK UNDER THIS PERMIT

1. ALL PROPERTY LINES, EASEMENTS AND BUILDINGS, BOTH EXISTING AND PROPOSED, ARE SHOWN ON THIS SITE PLAN.
 2. THE SURFACE OF ALL CURB RAMP AND THE FLARED PORTION OF THE ADJACENT SIDEWALK FINISH, PER SECTION 1127B.6.3.
 3. WALKS ALONG AN ACCESSIBLE ROUTE OF TRAVEL ARE REQUIRED TO BE FINISHED WITH A FINISH THAT MEETS THE REQUIREMENTS OF SECTION 1127B.6.3.
 4. ANY ABRUPT LEVEL CHANGE WILL BE LESS THAN 1/4" PER FOOT (1:40) SLOPE. THE SURFACE OF THE WALK SHALL BE FINISHED WITH A FINISH THAT MEETS THE REQUIREMENTS OF SECTION 1127B.6.3.
 5. WHEN THE SLOPE IN THE DIRECTION OF TRAVEL OF ANY WALKWAY IS GREATER THAN 1:40, THE SURFACE SHALL BE FINISHED WITH A FINISH THAT MEETS THE REQUIREMENTS OF SECTION 1127B.6.3.

6. ALL WALKS WITH CURBWAYS OR SIDEWALKS SHALL HAVE A MINIMUM WIDTH OF 4 FEET (SECTION 1127B.6.3).
 7. CURBWAYS NOT EXCEEDING 8 INCH CAN BE CROWNED WITH A SLOPE OF 1:40 IN THE DIRECTION OF TRAVEL.
 8. THE SURFACE OF ALL CURBWAYS SHALL BE FINISHED WITH A FINISH THAT MEETS THE REQUIREMENTS OF SECTION 1127B.6.3.
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 50. THE SURFACE OF ALL CURBWAYS SHALL BE FINISHED WITH A FINISH THAT MEETS THE REQUIREMENTS OF SECTION 1127B.6.3.



GFA ENGINEERS
 ARCHITECTS
 ENGINEERS
 INTERIORS

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7-BLVDN
 611 S. PALM CANYON
 DRIVE
 PALM SPRINGS, CA
 92264
 JOB NUMBER 12-10-00728

NO.	DESCRIPTION

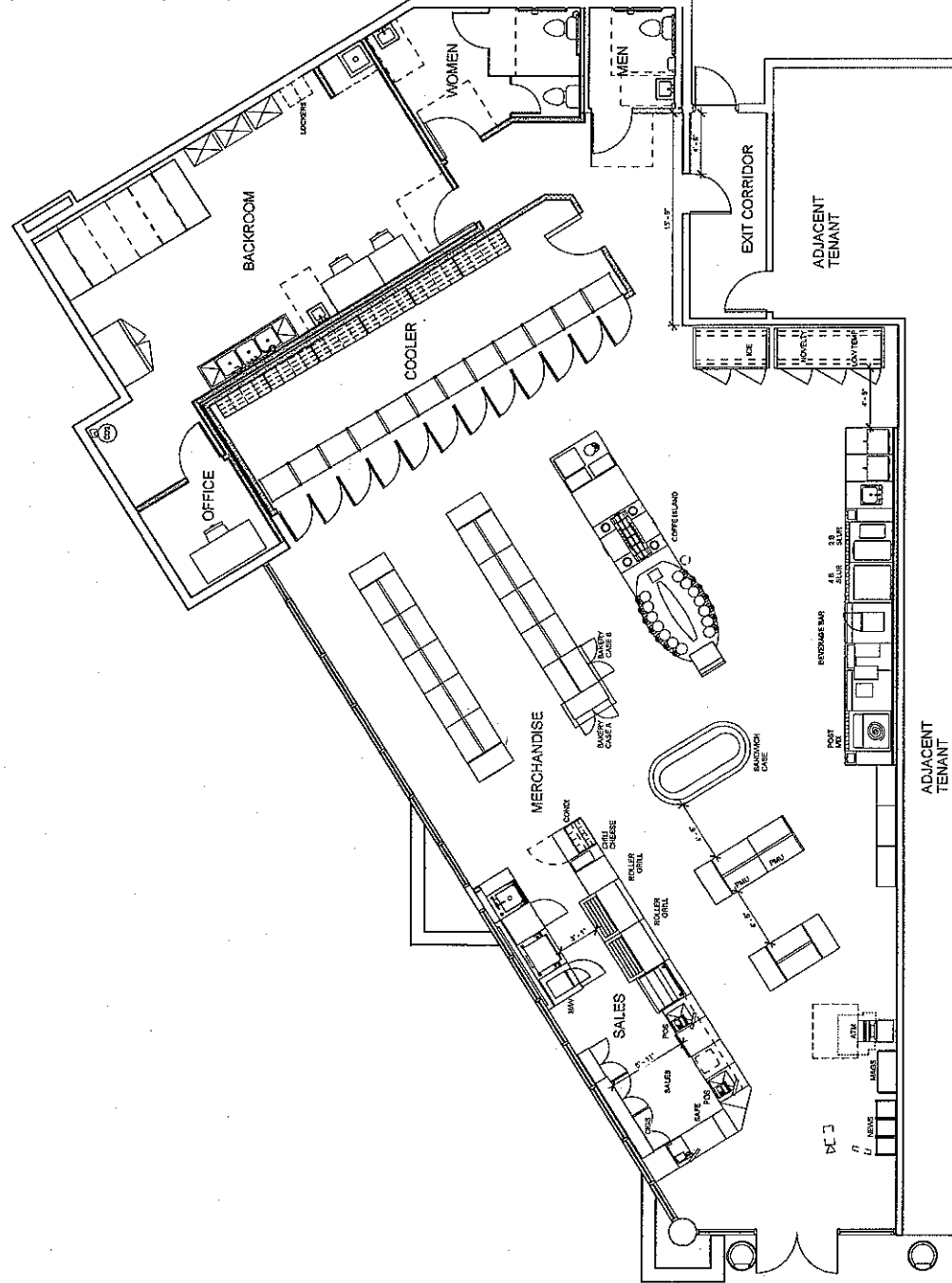
DATE: 10/20/07
 DRAWN BY: B/S
 CHECKED BY: B/S
 PROJECT NO.: 1026067

EQUIPMENT LAYOUT

EL

ROOM AREAS

MERCHANDISE 2120.10 SQ. FT.
 SALES 255.78 SQ. FT.
 COOLER 304.35 SQ. FT.
 BACKROOM 560.92 SQ. FT.
 OFFICE 70.53 SQ. FT.
 MEN 66.05 SQ. FT.
 WOMEN 142.07 SQ. FT.
 EGRESS CORRIDOR 54.25 SQ. FT.
 TOTAL 3574.05 SQ. FT.



DISCLAIMER:
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1026067 Palm Springs, CA - EL1

1

JUL 05 2011

PLANNING SERVICES

David Newell

From: Craig Ewing
Sent: Wednesday, August 31, 2011 8:25 AM
To: David Newell
Subject: FW: 7-11

From: Sheryl Hamlin [mailto:sherylhamlin@gmail.com]
Sent: Tuesday, August 30, 2011 3:55 PM
To: Craig Ewing
Subject: 7-11

Hi,

HTCNO had to move its board out two week to the 26th of September, so we can't meet to discuss the 7-11 until then. We had originally planned for the 12th of September.

Why can't the 7-11 be moved to the Planning Commission of the 28th of September?

We had many community meetings on the KFC prior to their building and our input was essential.

The applicant sent us the site plan and layout, but we are awaiting the signage plan.

Thanks.

P.S. He said they got a beer and wine liquor license from another business. Do you know from whom?

8/31/2011

September 6, 2011

To: Palm Springs Planning Commissioners

Fm: Robert Stone
Chair, Warm Sands Neighborhood Organization

Re: Proposed 7/11 Store for 611 S. Palm Canyon
Planning Commission meeting of September 14, 2011

I am writing on behalf of our neighborhood organization which opposes the proposed 7/11 store in the Sun Center at 611 S. Palm Canyon Drive. I will be out of town for the upcoming hearing, and I'm submitting these comments in writing since I will not be able to testify personally. I have communicated the neighborhood's opposition to the permit applicant. Our reasons follow.

When we first learned of the proposal, all members of the Neighborhood Organization were notified and asked for feedback. Everyone who responded was opposed. Certain neighborhood factors make our situation unique and, when combined with the retail profile of 7/11 stores, problems will be inevitable.

In the last few years, the owners of the Sun Center have acquired good tenants and made positive improvements. It is a much better looking place now than it was five years ago. The most significant recent change in tenancy was the move of Zeldaz nightclub from the Town and Country Center to the Sun Center. The owners of Zeldaz are responsible, but calls to the police for alcohol and noise-related complaints have increased since the nightclub arrived. A less responsible, and more problematic neighbor is Motel 6, directly across the street from the Sun Center and the proposed 7/11 store.

Motel 6 is often a parolee's destination of choice. Many convicts choose it for their first post-prison residence. It is cheap and central. Along with this demographic we have had to deal with prostitutes and pimps working out of the motel and drug deals going down on or near the premises. Warm Sands residents whose homes are adjacent to the motel have had a litany of complaints over the years which continue to this day. A homeless encampment on a vacant lot across the street from the motel was just disbanded last year. The police department is well aware of these problems and they make sporadic attempts to address them but Motel 6 remains a problem. In or near our neighborhood we have residential recovery centers for people trying to get clean from a variety of addictions. The proposed 7/11 outlet will become an attractive nuisance as a beacon of cash-and-carry commerce for a problematic clientele.

The retail profile of 7/11 stores is uniform and consistent. They sell junk food, sugar-filled sodas, tobacco products, caffeine, candy, and – when allowed – alcoholic beverages. These are the staples of an addict's diet. Retailing at 7/11 is done beneath harsh fluorescent lights in a store filled with garish ads, posters, and display stands. Although the bulk of 7/11 customers are not well off, 7/11 prices are high; and since cash customers predominate, 7/11 stores become prime targets for robberies at gunpoint. What neighborhood has ever been improved by the opening of a 7/11?

The modus operandi of 7/11 stores is to get their foot in the door with the promise that they will *not* sell alcohol. Once the store is up and running, the owner then files a

request for a liquor license. This precise scenario is unfolding now in Palm Springs with the existing 7/11 store located at 150 W. Vista Chino. The owner's request for a liquor license has been denied, reportedly on more than one occasion.

The addition of a 7/11 to the Sun Center promises adverse consequences for our neighborhood and no direct benefits. The spillover from the Motel 6 to the 7/11 may be good for 7/11, but not for our neighborhood. If a liquor license were to be granted, patrons ejected from Zeldaz for intoxication would only have a few feet to walk in order to pick up where they were forced to leave off. We are actually surprised the owners of the Sun Center do not understand the significant negative impact the store will have on the center and existing patrons. But we trust the Planning Commission will see the future will not be bright for those who live nearby.

**Proposed 7-11 for Sun Center 611 South Palm Canyon Drive
Analysis: Hamlin, Roath, Tysen**

Overview

The proposed 7-11 will occupy a newly designed and attractive building at 611 South Palm Canyon Drive adjacent to South Palm Canyon Drive. This site is particularly sensitive due to its massive window space and the fact that it was apparently designed for a different use. Members of the Historic Tennis Club Neighborhood Organization board have prepared this analysis for the Palm Springs Planning Commission.

The HTCNO board had originally scheduled a meeting with the 7-11 representative, but had to reschedule the meeting for later in the month of September after the Planning Commission meeting. HTCNO suggested the 7-11 discussion be moved to the Planning Commission of September 26th, but the applicant declined.

Convenience Food in/near the Historic Tennis Club Neighborhood

In addition to the Rite-Aid at 366 South Palm Canyon Drive near Ramon which is open 24 hours and sells liquor, beer, wine and food, there are three convenience markets located: a) 162 South Palm Canyon Drive, b) 1400 South Palm Canyon Drive (near Sonora) and c) 1111 South Palm Canyon on the west side across from Palo Verde Street. These stores all exhibit the same characteristics: window clutter and signage chaos. See Exhibit A labeled 'Convenience Clutter'.

This clutter and chaos is synonymous with convenience stores. It should NOT be permitted in existing stores nor in any new stores. Note that none of the stores in Exhibit A are 7-11 stores.

This proposed store raises the risk of over saturation of such uses in the area. Please see map in the appendix labeled 'Exhibit D'.

Existing 7-11 on Racquet Club

Exhibit B labeled 'Racquet Club 7-11' shows a similar issue with signage and chaos, however, they have attempted to mitigate the problem with etched glass. They have egregiously reiterated their logo on the trash cans, the phone booth, the glass as well as the walls. Note the two signs connected by a conduit where the cable has been hastily attached to the exterior of the building.

The owner has obviously made an arrangement with Citicorp to promote an ATM, so this 7-11 proudly displays not only its signage, but that of a partner. How does such a partnership fit into the Palm Springs sign ordinance? Is there provision for piggy-backing like this partnership?

The Racquet Club 7-11 is clearly a typical convenience store and is not a store that should be replicated in the Sun Center.

RECEIVED

SEP 07 2011

PLANNING SERVICES
DEPARTMENT

Proposed 7-11 for Sun Center 611 South Palm Canyon Drive Analysis: Hamlin, Roath, Tysen

Layout

The representative indicated that 7-11 is adding more foodstuffs and is trying to become more than a purveyor of junk food and alcohol. The provided store layout indicates the contrary. With coffee and hotdogs in the windows and two gondolas of food, there is nothing new in this store. Given the attractively upgraded and renovated Sun Center, the owner and neighbors would expect an innovative proposal from this company.

History of Fast Food in the Historic Tennis Club Neighborhood (HTCN)

Both Jack in the Box and the KFC (Yum, Inc.) decided to build near the HTCN. Members of the HTCNO spent time with both companies to produce fast food sites unique to their respective companies.

In the case of the Box, note the pleasant outdoor areas and the recessed, back lit signage which does not glare up and down the street.

The originally proposed KFC was a run-of-the mill corporate box which can be seen on Washington Blvd in Bermuda Dunes. The new, Palm Springs KFC became a spectacular piece of corporate responsibility thinking out of the box to tailor a solution with a modernist theme for Palm Springs with its trove of mid-century architecture. Please see Exhibit C "History of Fast Food in the Historic Tennis Club Neighborhood.

Signage in the Proposed 7-11

The proposed 7-11 contains three signs: two (2) of the smaller logo type which is seen on the Racquet Club building and one (1) of the large, rectangular white signs which can be seen on the 7-11 on East 111 in Palm Desert where all of the strip centers are located.

The large sign is redundant and unattractive, while the small logo sign on the rear near the car wash is excessive. Furthermore this rear sign will only be seen for a few seconds from cars driving at the speed limit in one direction only, so is a waste of money. Recall that Zeldas also wanted to put a sign in this rear part of the building. The building should be limited to two (2) small logo signs with minimal lighting.

A recommendation that the Sun Center create a sign program including a monument had been made. Planning should follow up with this recommendation. We recommend such a sign program include a tenant monument.

Lighting

Because the building is elevated, lighting should be subdued and or shielded so as not to disturb traffic and create an aesthetic nuisance.

**Proposed 7-11 for Sun Center 611 South Palm Canyon Drive
Analysis: Hamlin, Roath, Tysen**

Security

Because this business will be 24 hours a day, will sell liquor and also has restroom facilities, it will be a magnet for transients. The business must present a security plan.

Conclusion and Recommendation

Because the proposed 7-11 is to be created in a new retail location inside a newly renovated neighborhood center, the 7-11 should be designed to new standards. 7-11 should abandon its corporate issue layout and signage and think outside the box.

They need to answer the question: how could a 7-11 located near several residential areas serve those areas, particularly in light of the fact that the nearest supermarkets are miles away.

In this highly visible location we would request that no approval be given until such time that the neighborhood has been given the opportunity to provide input.

Proposed 7-11 for Sun Center 611 South Palm Canyon Drive
Analysis: Hamlin, Roath, Tysen

Exhibit A "Convenience Clutter"

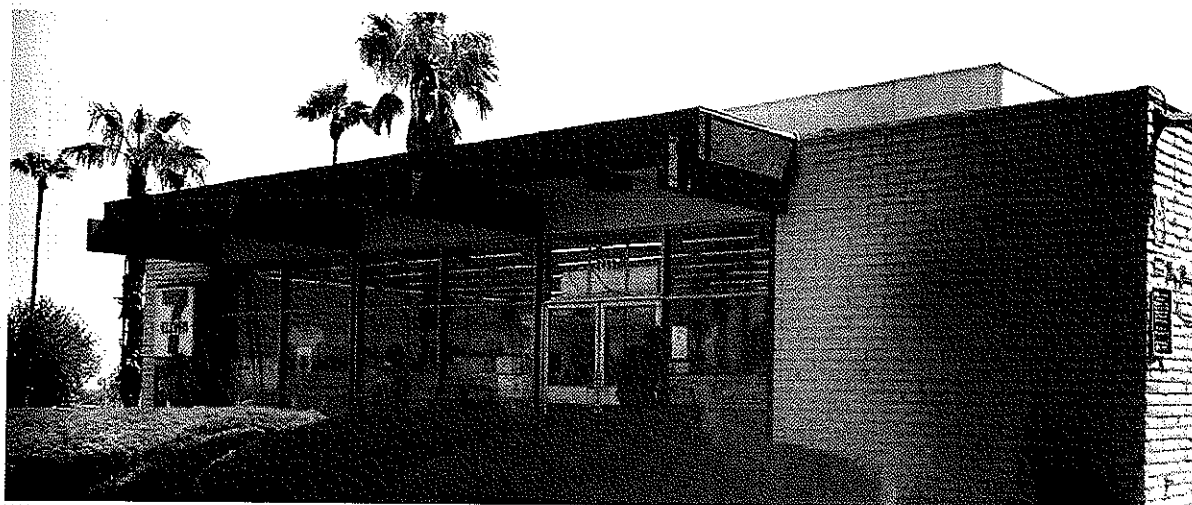


Locations:

- 162 East Palm Canyon Drive
- 1400 South Palm Canyon Drive
- 1111 South Palm Canyon Drive

**Proposed 7-11 for Sun Center 611 South Palm Canyon Drive
Analysis: Hamlin, Roath, Tysen**

Exhibit B – “7-11 on Racquet Club and North Palm Canyon Drive”



**Proposed 7-11 for Sun Center 611 South Palm Canyon Drive
Analysis: Hamlin, Roath, Tysen**

Exhibit C – “History of Fast Food in the Historic Tennis Club Neighborhood

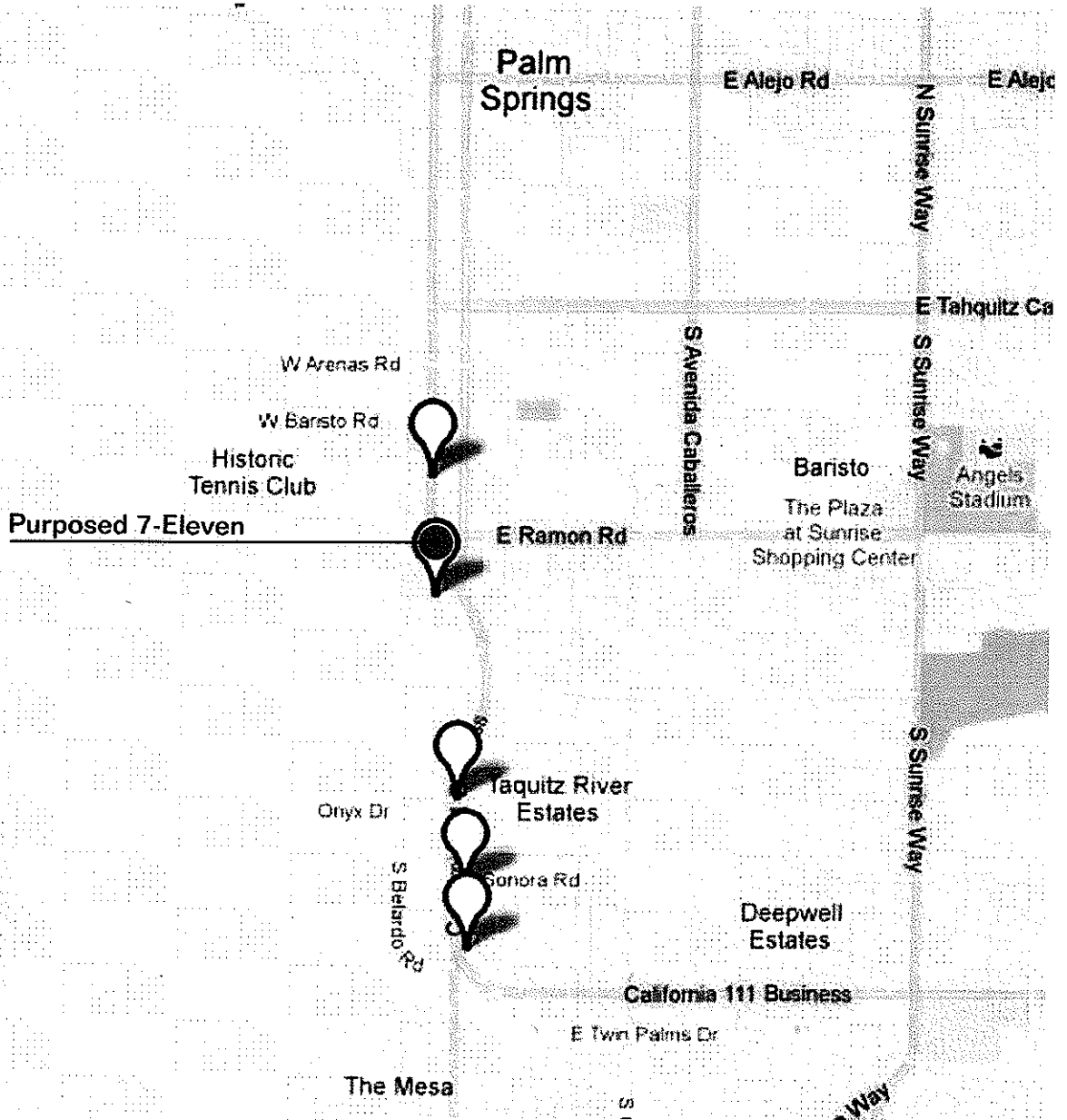
Jack in the Box and Kentucky Fried Chicken



**Proposed 7-11 for Sun Center 611 South Palm Canyon Drive
Analysis: Hamlin, Roath, Tysen**

Exhibit D – “Map of Existing and Proposed Convenience Locations”

- 162 East Palm Canyon Drive
- 1400 South Palm Canyon Drive
- 1111 South Palm Canyon Drive
- 611 South Palm Canyon Drive (Sun Center – proposed)
- 366 South Palm Canyon Drive (Rite Aid)



David Newell

From: Craig Ewing
Sent: Wednesday, September 07, 2011 4:16 PM
To: 'Gary Hunter'
Cc: David Newell
Subject: RE: That 7_Eleven at the Sun Center!!!!!!!

From: Gary Hunter [mailto:gary@mccormackassociates.com]
Sent: Wednesday, September 07, 2011 3:57 PM
To: Craig Ewing
Subject: That 7_Eleven at the Sun Center!!!!!!!
Importance: High

Hi Craig:

We have heard that there is a 7-Eleven planned to go in to lease space at the Revivals Shopping Center (Sun Center). First, I'm imagining that it is planned to go into that brand new vacant store that was built on the east end of the shopping center, bordering Palm Canyon.

I think it a bad bad idea. Those places just seem to attract real shady people, like the one up on Racket Club and N. Palm Canyon, near where I used to live. On rare occasion when I'd go in there, I'd just see the creepiest people hanging around the outside.

I've heard from neighbors close to this store that drugs were commonly sold there in the past, and one of them had a daughter who actually bought some stuff and brought it back to their house..

There are so many other stores that would be so much more appealing to our community. A 7-Eleven just seems like a "least common denominator" choice for our community. I think they are much more appealing a MAJOR intersections or near freeway on/off ramps.

Even the Starbucks across from the shopping center pulls in its share of neer-do-wells, as I see them lingering outside,

As a city planner, you should know that I and my neighbors are STRONGLY against having them there.

Thanks,

Gary Hunter
A San Lucas Road resident

David Newell

From: Craig Ewing
Sent: Wednesday, September 07, 2011 4:17 PM
To: 'Gary Hunter'
Cc: David Newell
Subject: RE: That 7_eleven over in the Revivals Center

From: Gary Hunter [mailto:myamberdog@gmail.com]
Sent: Wednesday, September 07, 2011 3:52 PM
To: Craig Ewing
Subject: That 7_eleven over in the Revivals Center

The name is Chuck Walker, 1098 E. Palm Canyon Road. When I heard from my neighbor that you were planning to put a Seven-11 into that vacant store over near Parocela and Palm Canyon, I knew i had to write to you and ask:

PLEASE PLEASE reconsider. We have two Ralphs stores, less than a mile apart, a Von's that's barely 2 miles from us -we simply don't need a little convenience store in that area! It will only attract criminal types, drunks and shady people who will just hang outside and ugly up our little corner of the city.

My wife and I can't imagine why you'd want to put that type of store there! it would be much more appropriate to put one over at an offramp to the 10 freeway or something....

We are definitely against it!

Chuck and Marilyn Walker
1098 E. San Lucas Road
Palm Springs, CA

David Newell

From: Joe McCormack [joem@mccormackassociates.com]
Sent: Wednesday, September 07, 2011 4:58 PM
To: Craig Ewing
Cc: Steve Pougnet; Rick Hutcheson; Ginny Foat
Subject: Proposed 7-Eleven at Parocela and Palm Canyon

Dear Mr. Ewing,

As a neighborhood resident and frequent visitor to the Sunrise Plaza Mall, I have some serious concerns about the opening of a 7-Eleven at this proposed location. If it's typical of other such stores, such as the one at Racquet Club Drive and Palm Canyon, it will attract an undesirable element already visible on a smaller scale at the Starbuck's across the street, i.e. homeless people, addicts and drug dealers. With major supermarkets less than a mile away in either direction, there is no compelling need for a convenience store at that location and many reasons why it would not be a good neighbor to the emerging upscale businesses and restaurants that make the plaza their home. I hope the City of Palm Springs will reconsider this location and encourage the company to open the store in another part of town.

Sincerely,

Joseph A. McCormack
McCormack & Associates
(323) 549-9200

9/8/2011

David Newell

From: Gil Rose [homes@gilrose.com]
Sent: Wednesday, September 07, 2011 5:03 PM
To: Craig Ewing
Subject: Sun Center Conditional Use Permit

I am writing regarding the City's review of a 7-Eleven to partially occupy that portion of Sun Center that fronts S. Palm Canyon.

Such a facility would be a deterrent to the community in a sense it would attract an undesirable populace that you usually see congregate at such retail locations. This in turn could effect property value in the surrounding residential parcels. You may recall this area of town has already had criminal issues associated with prostitution.

Much better use of this space would be for an upscale restaurant or boutique, which I believe was the landlord's original intention.

I would appreciate your being my advocate with the City Counsel on this matter.

Your time is appreciated.

Gil Rose, broker
Prudential California Realty
DRE #01027089
760.318.9191 direct
760.406.6062 fax
homes@gilrose.com
www.gilrose.com



David Newell

From: Donald Beck [dgwebbeck@aol.com]
Sent: Wednesday, September 07, 2011 5:12 PM
To: David Newell
Subject: Proposed 711 in Sun Center

I have been a full time resident of Palm Springs since 1980. These places attract the sleaziest kind of people. I am very opposed too this kind of store in this area or in Palm Springs.

Hopefully this will not be approved Donald R. Beck

David Newell

From: steve warden [steverave@yahoo.com]
Sent: Thursday, September 08, 2011 10:10 AM
To: David Newell
Subject: 7 eleven

Hi- wanted to send a note voicing my opposition to the proposed 7 eleven. Not only will it be unattractive but with Zeldas in the same shopping center it will become a late night hang out spot. I believe it will not benefit Palm Springs to have it there. I have always believed Palm Springs big attraction is the "village feel"and a 7 eleven right on Palm Canyon is not going to promote that value.

Do we really need another convience type store there? No. Will it detract from Palm Canyon? Yes.

thanks
Steve Warden
645 E. Palo Verde
Palm Springs

David Newell

From: John Acosta ARA, Architect [john.acosta13@verizon.net]
Sent: Thursday, September 08, 2011 10:28 AM
To: David Newell
Subject: Re: Seven-eleven at 611 South Palm Canyon Drive.

That sounds like a great place....I'm all for it!

Have a good weekend (I'm on a four-day workweek like you guys are, so today is our "Friday", as well.)

John

John F. Acosta III ARA, Architect
MOUNTAIN ARCHITECTURE, INC.
www.mtn-arch.com

From: David Newell
Sent: Thursday, September 08, 2011 10:19 AM
To: John Acosta ARA, Architect
Subject: RE: Seven-eleven at 611 South Palm Canyon Drive.

Good morning John,

Yes, the 7-Eleven convenience store is proposed to be located in the recently completed addition in the Sun Center, more specifically in the tenant space fronting S. Palm Canyon Drive.

Let me know if you have additional questions.

David A. Newell
Associate Planner
City of Palm Springs
3200 E. Tahquitz Canyon Way
P.O. Box 2743
Palm Springs, CA 92263-2743
Office: (760) 323-8245 Fax: (760) 322-8360

From: John Acosta ARA, Architect [mailto:john.acosta13@verizon.net]
Sent: Thursday, September 08, 2011 10:16 AM
To: David Newell
Subject: Seven-eleven at 611 South Palm Canyon Drive.

Good morning David

Is the proposed new 7-11 going to be in the new addition to the Sun Plaza, immediately east and adjacent to the bicycle shop....the addition with all the glass?

Thanks.

John

John F. Acosta III ARA, Architect
MOUNTAIN ARCHITECTURE, INC.
www.mtn-arch.com

No virus found in this message.

Checked by AVG - www.avg.com

Version: 10.0.1392 / Virus Database: 1520/3884 - Release Date: 09/08/11

9/8/2011

David Newell

From: Mike Kohl [MikeK@starpointproperties.com]
Sent: Thursday, September 08, 2011 1:11 PM
To: David Newell
Subject: Opposition to the Proposed 7/11 Convenience Store

David,

I reside at 645 E Palo Verde in Palm Springs. I respectfully submit my opposition to allowing a 7/11 Convenience Store to lease in the same shopping center as Zeldas. There is a convenience store on Palm Canyon literally feet away from the shopping center at the intersection with Palo Verde. 7/11 Stores typically are open 24 hours – we do not need a second convenience store especially one open 24 hours a day. Residents in the area do not have a need to shop at 7/11 and we are not in a tourist section of Palm Springs.

Thank you.

Regards,

Michael S. Kohl
Chief Financial Officer



450 North Roxbury Drive, Suite PH
Beverly Hills, CA 90210
310.247.0550 x-221
310.247.2284 Fax
mikek@starpointproperties.com



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