



CITY COUNCIL STAFF REPORT

DATE: May 2, 2012

PUBLIC HEARING

SUBJECT: AN APPEAL OF THE DECISION BY THE PLANNING COMMISSION TO DENY A CONDITIONAL USE PERMIT APPLICATION FOR THE OPERATION OF A CONVENIENCE STORE USE WITHIN THE SUN CENTER COMPLEX LOCATED AT 611 SOUTH PALM CANYON DRIVE – CASE NO. 5.1269 CUP.

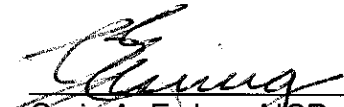
FROM: David H. Ready, City Manager

BY: Department of Planning Services

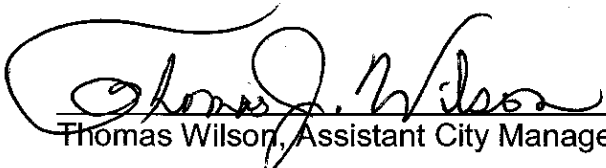
SUMMARY

On March 22, 2012, Gresham Savage Nolan & Tilden (“Gresham Savage” or “appellant”), representing Lend Lease Corporation and 7-Eleven Stores, Inc., requested that the City Council overturn the Planning Commission’s decision of March 14, 2012, denying a Conditional Use Permit application to allow a convenience store use within the Sun Center commercial complex located at 611 South Palm Canyon Drive. A public hearing on the matter was scheduled for May 2, 2012.

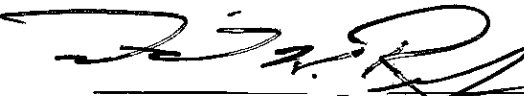
On April 25, 2012, and after the notice of public hearing, this appeal was withdrawn by the applicant / appellant. No further action is necessary.



Craig A. Ewing, AICP
Director of Planning Services



Thomas Wilson, Assistant City Manager



David H. Ready, City Manager

ITEM NO. 1A

Kathie Hart

From: Ernest Riffenburgh [Ernest.Riffenburgh@greshamsavage.com]
Sent: April 25, 2012 11:54 AM
To: David Newell
Cc: Jay Thompson; Kathie Hart; 'Sabin, David'; 'Oliver, Stephen (Stephen.Oliver@7-11.com)'; 'Smirt, Brett (Brett.Smirt@7-11.com)'; 'Danny C. Ramirez (YESCO)'; Jennifer Guenther; Vilma Uribe
Subject: RE: Withdrawal of CUP Application & Appeal, Case 5.1269 CUP; Proposed Convenience Store at 611 South Palm Canyon

Dear Mr. Newell:

Effective immediately, our client, 7-Eleven, Inc., has elected to withdraw the above-referenced CUP application filed on its behalf by LendLease Corporation, including the pending appeal to the City Council. It has also elected to withdraw the related sign program application filed on its behalf by YESCO.

Please remove the pending CUP appeal from the Council's May 2 agenda, but forward to me a copy of the Staff Report which has been prepared for this matter. Please also delete the sign program application as a matter for future Planning Commission consideration.

Thank you for your courtesy and cooperation during the pendency of these applications.

Best regards,
Ernie Riffenburgh

Ernest Riffenburgh
Shareholder

Gresham Savage Nolan & Tilden, PC
550 East Hospitality Lane, Suite 300
San Bernardino, CA 92408-4205
Office: (909) 890-4499 Ext.1758
Fax: (909) 890-9877 | Cell: (951) 314-4260
www.GreshamSavage.com

CONFIDENTIALITY STATEMENT: This electronic message contains information from the law firm of Gresham Savage Nolan & Tilden, a Professional Corporation, and may be confidential or privileged. The information is intended solely for the use of the individual(s) or entity(ies) named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this message is prohibited. If you have received this e-mail in error, please notify us immediately by telephone at (909) 890-4499 or by e-mail reply and delete this message. Thank you.

The following disclaimer is included to insure that we comply with U.S. Treasury Department Regulations. Those Regulations now require that we either (1) include the following disclaimer in written correspondence with potential impact on Federal tax matters or (2) undertake significant due diligence which we have not performed (but can perform for a fee on request).

ANY STATEMENTS CONTAINED HEREIN ARE NOT INTENDED OR WRITTEN BY THE WRITER TO BE USED, AND NOTHING CONTAINED HEREIN CAN BE USED BY YOU OR ANY OTHER PERSON, FOR THE PURPOSE OF (1) AVOIDING PENALTIES THAT MAY BE IMPOSED UNDER FEDERAL TAX (2) PROMOTING, MARKETING OR RECOMMENDING TO ANOTHER PARTY ANY TAX-RELATED TRANSACTION OR MATTER ADDRESSED HEREIN.

From: David Newell [mailto:David.Newell@palmsprings-ca.gov]
Sent: Wednesday, April 25, 2012 9:22 AM
To: Sabin, David
Cc: Ernest Riffenburgh; Jay Thompson; Kathie Hart
Subject: Appeal of Case 5.1269 CUP; Proposed Convenience Store at 611 South Palm Canyon Drive, Palm Springs, CA

04/25/12

Mr. Sabin,

The attached letter will supplement the Public Hearing Notice mailed to you last week regarding your appeal of Case 5.1269 CUP; a proposed convenience store at 611 S. Palm Canyon Drive, Palm Springs, CA.

Feel free to contact me should you have 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

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



City Council

Meeting Date: May 2, 2012

Subject: Case 5.1269 CUP -- 7-Eleven, 611 South Palm Canyon Drive

AFFIDAVIT OF MAILING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on April 19, 2012, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (77 notices)

I declare under penalty of perjury that the foregoing is true and correct.



Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF PUBLICATION

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on April 21, 2012.

I declare under penalty of perjury that the foregoing is true and correct.



Kathie Hart, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Kathie Hart, Chief Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board and in the Office of the City Clerk on April 19, 2012.

I declare under penalty of perjury that the foregoing is true and correct.



Kathie Hart, CMC
Chief Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

APPEAL OF CASE 5.1269 CONDITIONAL USE PERMIT
7- ELEVEN - CONVENIENCE STORE
611 SOUTH PALM CANYON DRIVE

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of May 2, 2012. The City Council meeting begins at 6:00 p.m., in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of this hearing is to consider an appeal of the Planning Commission's March 24, 2012, denial of a Conditional Use Permit application by Lend Lease to operate a 24-hour convenience store use at 611 South Palm Canyon Drive, Zone PD-77.

ENVIRONMENTAL DETERMINATION: An environmental assessment has been prepared under the guidelines of the California Environmental Quality Act (CEQA) and a Categorical Exemption has been proposed.

REVIEW OF PROJECT INFORMATION: The staff report and other supporting documents regarding this are available for public review at City Hall from 8:00 a.m. to 11 a.m. and 2 p.m. to 6:00 p.m. Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

COMMENT ON THIS APPLICATION: Response to this notice may be made verbally at the public hearing and/or in writing before the hearing. Written comments may be made to the Planning Commission by letter (for mail or hand delivery) to:

James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior, to the public hearing. (Government Code Section 65009(b)(2)).

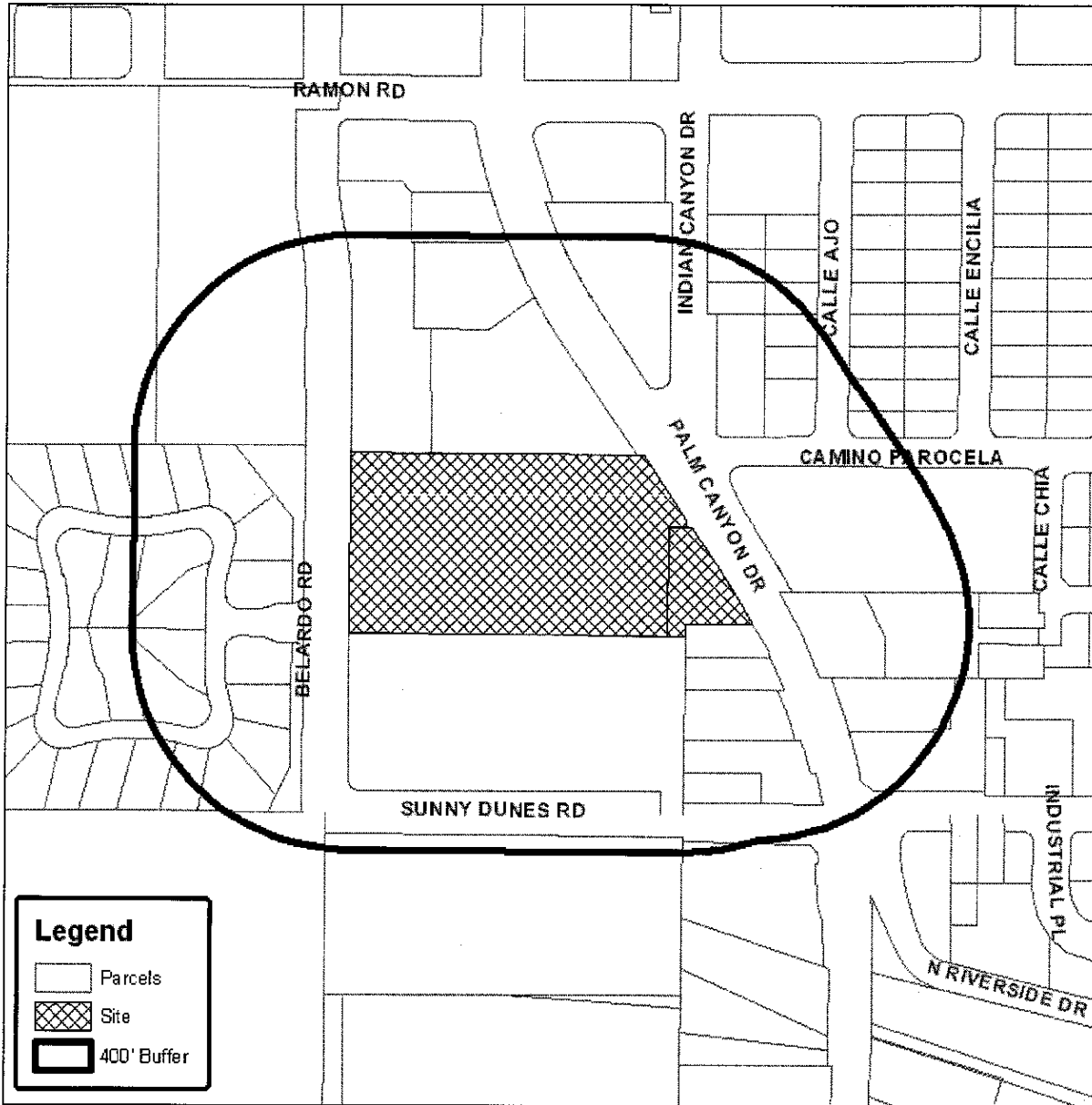
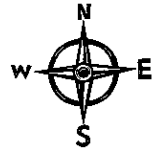
An opportunity will be given at said hearing for all interested persons to be heard. Questions regarding this case may be directed to David A. Newell, Associate Planner, at (760) 323-8245.

Si necesita ayuda con esta carta, por favor llame a la Ciudad de Palm Springs y puede hablar con Nadine Fieger telefono (760) 323-8245.


James Thompson, City Clerk



Department of Planning Services Vicinity Map



Legend

- Parcels
- Site
- 400' Buffer

CITY OF PALM SPRINGS

CASE NO: 5.1269 CUP

APPLICANT: Lend Lease for
7-Eleven

DESCRIPTION: To consider an appeal of the Planning Commission's March 24, 2012, denial of a Conditional Use Permit application by Lend Lease to operate a 24-hour convenience store use at 611 South Palm Canyon Drive, Zone PD-77.



City of Palm Springs

Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, CA 92262

Tel: (760) 323-8204 • Fax: (760) 322-8332 • TDD: (760) 864-9527 • Web: www.palmspringsca.gov

April 19, 2012

Ms. Claudia Salgado
Bureau of Indian Affairs
P. O. Box 2245
Palm Springs, CA 92263

Fax To: Belinda Ray
(760) 416-2687

RE: City Council Meeting – May 2, 2012
Public Hearing Notice – Case 5.1269 CUP – 7- Eleven
611 South Palm Canyon Drive

Dear Ms. Salgado:

The City Council will be conducting a public hearing at 6:00 p.m. on May 2, 2012, to consider an appeal of the Planning Commission's March 24, 2012, denial of a Conditional Use Permit application by Lend Lease to operate a 24-hour convenience store use at 611 South Palm Canyon Drive, Zone PD-77.

I have enclosed copies of the notice for distribution and your file; however, please advise if additional notices are required. The allotment numbers and corresponding APN within 400 feet of the subject property are as follows:

APN	Allotment Number
513-250-020 now 513-250-050	119B
513-250-024 now 513-250-049	T17CB
513-280-005	10B
513-280-015 – 513-280-018	5B & 35B
513-290-004	26B

Thank you for your continuous assistance and support. Please feel free to contact me if there are any questions or concerns, 323-8206.

Sincerely,

Kathie Hart, CMC
Chief Deputy City Clerk

/kdh

Encl: Public Hearing Notices (7 copies)



City of Palm Springs

Department of Planning Services

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262
Tel: (760) 323-8245 • Fax: (760) 322-8360 • Web: www.palmspringsca.gov

April 24, 2012

7-Eleven Stores, Inc.
c/o Lend Lease
Attn: Mr. David Sabin
800 West 6th Street, 16th Floor
Los Angeles, CA 90017

**RE: Appeal of Planning Commission Decision on Case 5.1269 CUP
Conditional Use Permit for a Convenience Store Use
611 South Palm Canyon Drive**

Mr. Sabin,

This letter is notice to you that the public hearing on your appeal in the above matter has been scheduled for the City Council meeting of Wednesday, May 2, 2012. The meeting begins at 6:00 p.m. and will be held in the Council Chambers of City Hall, 3200 E. Tahquitz Canyon Way. A staff report on the matter will be forwarded to you approximately five (5) days prior to the hearing.

Feel free to contact me at (760) 323-8245 if you have any questions.

Sincerely,

David A. Newell
Associate Planner

cc: Gresham Savage Nolan & Tilden, Attn: Ernest Riffenburgh, Esq.
City Clerk



City of Palm Springs

Department of Planning Services

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262
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April 24, 2012

7-Eleven Stores, Inc.
c/o Lend Lease
Attn: Mr. David Sabin
800 West 6th Street, 16th Floor
Los Angeles, CA 90017

**RE: Appeal of Planning Commission Decision on Case 5.1269 CUP
Conditional Use Permit for a Convenience Store Use
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Sincerely,

David A. Newell
Associate Planner

cc: Gresham Savage Nolan & Tilden, Attn: Ernest Riffenburgh, Esq.
City Clerk