



# **CITY COUNCIL AGENDA REPORT**

MEETING DATE: JANUARY 17, 2012

ITEM NUMBER:

**SUBJECT: APPEAL OF AN AMENDMENT TO DEVELOPMENT REVIEW DR-99-22 A2 FOR EXPANDED WINTER HOLIDAY OPERATING HOURS FOR TARGET COSTA MESA 3030 A HARBOR BOULEVARD**

**DATE: JANUARY 6, 2012**

**FROM: DEVELOPMENT SERVICES DEPARTMENT**

**PRESENTATION BY: MEL LEE, AICP, SENIOR PLANNER**

**FOR FURTHER INFORMATION CONTACT: MEL LEE (714) 754-5611  
mel.lee@costamesaca.gov**

---

The appeal of the winter holiday operating hours for Target has been withdrawn. Please see the attached letter from the appellant (4 pages, Attachment 1).

Due to the fact that this item has been withdrawn, no action is required from the City Council. Mr. Morelli has requested a refund of the \$1,220 appeal fee, and this request is described in a separate report for the January 17<sup>th</sup> Council meeting.

  
\_\_\_\_\_  
KHANH NGUYEN  
Interim Development Services Director

**ATTACHMENT: 1. Withdrawal letter dated January 3, 2012**

**DISTRIBUTION:** Chief Executive Officer  
Assistant Chief Executive Officer  
City Attorney  
Interim Development Services Director  
Interim Public Services Director  
Transportation Services Manager  
City Clerk (2)  
Staff (4)  
Planning Staff (8)  
File (2)

John Warren, AICP  
Pacific Land Services  
2151 Salvio Street, Suite S  
Concord, CA 94520

Target Corporation  
Attn: Timothy Kindig  
3030 A Harbor Boulevard  
Costa Mesa, CA 92626

Target Corporation  
PO Box 9456  
Minneapolis, MN 55440

Al Morelli  
3412 Geranium Street  
Costa Mesa, CA 92626

RECEIVED  
CITY CLERK

January 03, 2011

2012 JAN -3 AM 10: 58

CITY OF COSTA MESA  
BY \_\_\_\_\_

City Council  
City Of Costa Mesa

Please note that I like to **withdraw my "Appeal"** request as it was submitted to the City Council regarding:

---

Appeal of the Planning Commission (**Application No.: DR-99-22-A2**) - Extension of Target Store Hours. "Based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission approved DR-99-22 A2 for the requested hours of 12 midnight to 11:00 pm the day after Thanksgiving only, known as "Black Friday", for Target Costa Mesa on an annual basis. The hours of operation of 7:00 am to 11:00 pm Mon-Fri., and 8:00 am to 11:00 pm Sat. and Sun. from the day after Black Friday to New Year's Day as approved under DR-99-22A shall remain un-changed".

My withdrawal request is based on the evidence that the City and Target did not abide by the governance of the appeal process and thus the store was allowed to open during 00 hours for Black Friday.

Thank you for your consideration

  
Al Morelli



City of Costa Mesa

RECEIVED CITY CLERK

2011 NOV 21 AM 11:12

- Appeal of Planning Commission Decision/Rehearing: \$1,220.00
- Appeal of Zoning Administrator/Building Official/Fire Marshal/Staff Decision: \$690.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name\* AL MORELLI  
 Address Costa Mesa CA 92626  
 Phone ( ) \_\_\_\_\_ Representing Self - resident impacted by Target actions.

REQUEST FOR:  REHEARING  APPEAL  REVIEW\*\*

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

Appeal to the City Council regarding DR 99-22-2A  
 "Black Friday hours: 12:00 A.M. store hours"  
 "attached"

Decision by: \_\_\_\_\_  
 Reasons for requesting appeal, rehearing, or review:

By having store hours at 12:00 A.M. violate the original land use agreement & conditions of approval for DR 99-22 as issued in year 2000.  
 12:00 A.M. hours violate the noise ordinance for residential area. Sec. 13-280(a) and sec 13-283 which is unlawful for any person to make unusual noise which disturbs the peace or quiet of any neighborhood for which cause annoyance to any reasonable person of normal sensitiveness residing in the area.  
 Target (applicant) had failed to comply with the terms and conditions and have demonstrated lack of faith compliance with the terms and condition per DR 99-22. The original land use permit should be subject to revocation as there has been several changes and violations.

Date: 11/21/2011 Signature: Al Morelli

\*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.  
 \*\*Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:  
 If appeal, rehearing, or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal, rehearing, or review:

SARAH A. MORELLI  
A. MORELLI

476

16-24/12204494  
0288909518

11/21/11 Date

Pay to the Order of City of Costa Mesa \$ 1,220.00

One thousand two hundred and twenty dollars



For Appeal DR99-22-A

Description: Amend the condition of approval for Target Costa Mesa's Winter Holiday hours as follows: 12 midnight to 11 p.m. the day after Thanksgiving; and 7 a.m. to 12 a.m. thereafter until New Year's day. Current approved holiday hours are 7 a.m. to 11 p.m. Mon.-Fri., and 8 a.m. to 11 p.m. Saturday and Sunday from the day after Thanksgiving to New Year's day.  
Public Comments: Oral or written comments must be received by the Planning Division prior to the hearing date (see above) or presented in-person at the hearing. If you challenge this action in court, you may be limited to raising only those issues you, or someone else raised, at or prior to the hearing.

HEARING DATE:	November 14, 2011
HEARING TIME & LOCATION:	6:00 P.M. Council Chambers City Hall
Application No.:	DR-99-22 A2
Site Address:	3030 A Harbor Blvd.
Contact:	Planning Division (714) 754-5245
Email:	PlanningCommission@costamesaca.gov
Applicant:	Costa Mesa, CA 77 Fair Drive Pacific Land Services
Zone:	C1
Environmental Determination:	Exempt
Website:	costamesaca.gov

The Costa Mesa Planning Commission will hold a public hearing as follows to consider:

**OFFICIAL CITY NOTICE**

CIVIL CITATION

B 9198

Costa Mesa Municipal Code Violation

with  
11-28-2011 1115 MONDAY 2  
Date Time  am  pm Day of the Week Prior Citation

TIM RINDIG  
Name (First) Middle Last

3030 HARBOR BLVD.  
Residence Address

COSTA MESA CA 92626  
City State Zip Code

Driver License Number State Age Birth Date

Sex Hair Eyes Height Weight Race

3030 HARBOR BLVD.  
Address Of Violation

COSTA MESA CA 92626  
City State Zip Code

20-4(b)  
Violation CMMC Sec. Violation CMMC Sec.

Fine: \$ 500.00 Fine: \$

OFFICER'S OBSERVATIONS: On the date specified herein, the undersigned officer observed at the specified address, the following conditions:

VIOLATION OF THE C.O.P.  
(HOURS)

\$ 500.00

VIOLATION NOTICE BY:

- Personal Service
- Mail
- Property Posted
- Person Cited Refused To Sign Receipt For Citation
- Violation(s) not committed in my presence, certified on information and belief

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT. EXECUTED ON DATE SHOWN ABOVE.

X VIOLATOR: Without admitting guilt, I acknowledge having received the citation.

G. Nickols 11 2008 ENFORCEMENT  
Issuing Officer ID Number Department

THE LAW REQUIRES THAT YOU COMPLY WITH THIS CITATION OR CONTEST THE VIOLATION. (1) TO COMPLY with this citation, correct the violation immediately, and pay the fine within 30 days (see reverse side). (2) TO CONTEST this citation, you must pay the fine, and request a hearing within 30 days (follow procedure on reverse side).

If you have followed the procedure to contest this citation, your Administrative Hearing will be held at the Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, First Floor, on the 7 day of FEB 20 12 at 1:30 pm.

Check in at the City Clerk's office.