



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 17, 2012

ITEM NUMBER:

SUBJECT: REVIEW OF AMENDMENT TO DEVELOPMENT REVIEW DR-99-22 A3 FOR EXPANDED NON-HOLIDAY OPERATING HOURS FOR TARGET COSTA MESA 3030 A HARBOR BOULEVARD

DATE: APRIL 5, 2012

FROM: DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

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

RECOMMENDATION:

Uphold or reverse the Planning Commission's decision to amend the condition of approval for Target Costa Mesa's regular (i.e., non-holiday) operating hours as follows:

Originally Approved Regular (Non-Holiday) Hours:

- 8:00 am to 10:00 pm, seven days a week.

Revised Regular (Non-Holiday) Hours as Approved by Planning Commission:

- 8:00 am to 11:00 pm, Monday through Saturday.
- 8:00 am to 10:00 pm, Sunday.

**TABLE 1
Target Costa Mesa Hours (Annually)**

Originally Approved Hours (DR-99-22)	
<ul style="list-style-type: none"> 8:00 am to 10:00 pm, seven days a week 	Current Hours: Same, pending outcome of City Council review
Originally Approved Winter Holiday Hours (DR-99-22 A)	
From Day After Thanksgiving to New Years Day: <ul style="list-style-type: none"> 7:00 am to 11:00 pm – Monday through Friday 8:00 am to 11:00 pm – Saturday and Sunday 	Current Hours: See Below
Winter Holiday Hours as amended by Planning Commission (DR-99-22 A2)	
<ul style="list-style-type: none"> 12 am/midnight to 11:00 pm – Day after Thanksgiving only 7:00 am to 11:00 pm – Monday through Friday 8:00 am to 11:00 pm – Saturday and Sunday 	Current Hours: No Change
Requested Non-Holiday Hours by Target (DR-99-22 A3)	
<ul style="list-style-type: none"> 8:00 am to 11:00 pm, seven days a week 	Current Hours: Not Applicable
Non-Holiday Hours as Approved by Planning Commission (DR-99-22 A3)	
<ul style="list-style-type: none"> 8:00 am to 11:00 pm, Monday through Saturday 8:00 am to 10:00 pm, Sunday 	Current Hours: (Current Proposal)

Operating hours for other Target Stores in the area are summarized in the table below.

**TABLE 2
Other Target Stores Regular (Non-Holiday) Hours***

Store Location	Monday Through Friday	Saturday	Sunday
Huntington Beach	8:00 am to 11:00 pm	8:00 am to 11:00 pm	8:00 am to 10:00 pm
Irvine - Barranca Pkwy.	8:00 am to 10:00 pm	8:00 am to 10:00 pm	8:00 am to 9:00 pm
Irvine - Jamboree Rd.	8:00 am to 11:00 pm	8:00 am to 11:00 pm	8:00 am to 10:00 pm
Santa Ana - Bristol St.	8:00 am to 11:00 pm	8:00 am to 11:00 pm	8:00 am to 10:00 pm
Santa Ana - E. 17th St.	8:00 am to 10:00 pm	8:00 am to 10:00 pm	8:00 am to 9:00 pm
Tustin	8:00 am to 11:00 pm	8:00 am to 11:00 pm	8:00 am to 10:00 pm

*Source: Target

BACKGROUND:

History of Target's Store Hours

- On March 13, 2000, Planning Commission approved Development Review DR-99-22 to construct a 143,500 square-foot Target store, a 3,420 square-foot district office, and a 10,830 square-foot outdoor garden center (now closed). The approved regular (i.e., non-holiday) store hours pursuant to Condition of Approval No. 57 were 8:00 am to 10:00 pm, seven days a week.
- On November 13, 2000, Planning Commission approved winter "holiday hours" for Target from the day after Thanksgiving ("Black Friday") to New Year's Day.
- On July 11, 2005, Planning Commission denied a request to allow Target to open an hour earlier during the winter holiday season period.
- On November 14, 2011, Planning Commission approved, in part and subject to conditions, the applicant's request for a midnight opening on Black Friday, the day after Thanksgiving, on an annual basis. However, Planning Commission denied the request to further extend the remaining holiday hours.

The basis for the Commission's decision to approve the Black Friday hours and not approve the remaining requested hours was based on a complaint received from Mr. Al Morelli, area resident that Target was operating in violation of their approved non-holiday closing time of 10:00 pm. At the hearing, Target representatives stated that for the last year and a half, the store was closing at 11:00 pm Monday through Saturday (the store was still closing at 10:00 pm on Sundays).

- On November 21, 2011, Mr. Morelli appealed Planning Commission's action to approve the annual midnight opening on Black Friday to City Council, which was withdrawn on January 3, 2012.
- On March 12, 2012, Planning Commission approved, on a 3-2 vote, the applicant's request to extend the 10:00 pm closing time to 11:00 pm, with the exception of Sundays, on which they are required to close at 10:00 pm per Condition No. 4 (the applicant's request was to close at 11:00 pm seven days a week). The Commission also required the applicant to return to the Commission in six months to determine if the extended hours of operation may be permitted to remain in effect (Condition No. 6).
- During their deliberations, the Commissioners expressed the following opinions and points of view related to Target's request:
 - A Commissioner expressed concerns with how Target has handled the operation of store and the outreach to the neighbors and could not support the request for extended hours.

- A Commissioner indicated that Target had not given sufficient justification for support of the extended hours based on non-compliance of the Black Friday hours during the appeal period.
- A Commissioner indicated that while he was sympathetic to the neighbor's concerns, Target's request for extended hours was reasonable and should be granted provided that better monitoring of neighbor complaints were in place, the request be required to come back to them in 6 months, and the store should still be required to close at 10:00 pm on Sunday.

Request for Review of Planning Commission's Decision

On March 19, 2012 a request for City Council review of the Planning Commission's approval filed by Council member Leece.

The major issues regarding the applicant's request are addressed in the question and answer format below.

ANALYSIS / Q&A

1. Were the originally approved hours of operation for Target negotiated between the developer and the adjacent neighbors when Target was approved in 2000?

The original 10:00 pm closing time was offered by Target in 2000 and therefore reflected as a condition of approval. The 10:00 pm closing reflected the operations of Target stores in general at that time and were not adjusted due to community concerns. Issues that were raised in a letter submitted to Target by a neighbor in 1999 included restricted hours of operation for parking lot sweepers, but not for the store itself (Attachment 7, related correspondence, letter dated August 26, 1999).

Code does not restrict the business hours of retail stores in a C1 zone. Because the store hours were included a condition of approval for DR-99-22, Target is required to formally request changes to the store hours (i.e. modify the condition) and could not proceed with the extended store hours by right.

2. Can the original conditions of approval (i.e., store hours) from the 2000 Target Development Review application be amended?

Concerns have been raised that the Target conditions of approval represent a "binding agreement" that cannot be modified. Code Section 13-29(p) indicates that "any approved planning application may be amended by following the same procedure and fee schedule as required for the initial approval."

It should also be noted that after the Planning Commission approved Target's request for holiday hours in November 2000 as DR-99-22 A, the Commission directed that any future amendments to the hours of operation be processed as a public hearing before

the Planning Commission to ensure surrounding neighbors are notified of the proposal and have an opportunity to provide input.¹

3. *What steps, if any, has the applicant taken to address the ongoing concerns raised by the neighbors?*

On January 27, 2012, Mr. Morelli and Target representatives met with staff, as well as a Planning Commissioner and a Council member, to determine if Target could operate with the proposed 11:00 pm closing time in a manner that was consistent with the original provisions for minimizing impacts to adjacent residential properties. During the meeting, three additional operational restrictions were suggested to Target:

- Close northerly entrance doors closest to the residential properties after 10:00 pm;
- Reduce parking lot lighting after 10:00 pm; and
- Increase security after 10:00 pm if requested by the Police Department.

Following the meeting, Target determined that, based on lack of complaints received during the 11:00 pm closing time previously approved for the holidays, the additional operational restrictions were not required in order to ensure any impacts to the adjacent properties and uses is minimized.

After the meeting, Mr. Morelli also submitted correspondence via email which appeared to indicate that he would not support the extended regular store hours, including incorporation of the three suggested conditions (Attachment to Planning Commission Staff Report, e-mail from Mr. Morelli dated February 5, 2012 – Attachment 5).

4. *Did the Planning Commission incorporate the suggested three operational restrictions described above?*

The Planning Commission did not add these conditions of approval to the approval. The Commission approved Target's request in part, excluding the request to extend the store hours on Sunday to 11:00 pm. The Commission modified Condition number 4 requiring a 10:00 pm closing time on Sundays (Attachment 6). The attached draft Council resolution to uphold the Commission's decision to approve the Target store hours does not include 11:00 pm closing on Sunday originally requested by the applicant. If Council wishes to approve this, Condition No. 4 would need to be modified.

5. *Has the existing noise environment been studied by Target?*

On December 6, 2011 Target had the original noise study prepared for the project by Mestre Greve Associates re-evaluated by a new consultant (RK Engineering Group), which concluded that the extended closing time would not result in an increase in noise levels in excess of the City Noise Ordinance (Attachment to Planning Commission Staff Report, Attachment 5). On March 9, 2012, Target conducted an

¹ Per Code Section 13-29(c) (Planning Application Review Process) public notice is not required for Development Reviews (DRs).

additional analysis with noise meters that indicated that the existing wall provided an appropriate noise barrier, and that the store operations complied with the City's noise ordinance (Attachment 7, related correspondence, dated March 9, 2012).

6. What steps has staff taken to address the concerns raised regarding documentation of resident complaints or calls for service?

At the request of the Commission, staff prepared a summary of Costa Mesa Police Department calls for service for Target from March 1, 2010 to March 6, 2012 (Attachment 5, Supplemental Memo dated March 9, 2012). However, a resident indicated during the hearing that their complaint was not part of the summary. Future complaints received by City staff will be forwarded to the Police Department for their records and the complainant will be notified of the outcome of the specific complaint. It should be noted that, with regard to Code Enforcement complaints, these complaints are documented in the case file.

ALTERNATIVES CONSIDERED:

City Council has the following options related to this request:

- A. Alternative A, Uphold Commission's Action: Uphold the Commission's action by approving the extended non-holiday hours (excluding Sunday) with the additional conditions of approval as shown in the draft Council resolution.

Consistent with the Commission's action, the attached draft Council resolution does not include the extended hours on Sunday. If Council wishes to approve Sunday hours, Condition No. 4 would need to be modified.

- B. Alternative B, Reverse Commission's Action: Deny the Commission's action approving the extended non-holiday hours. The store hours will be unchanged. The store shall be required to close at 10:00 pm, seven days a week per the original DR-99-22.

For clarity, the following summary table provides information on the store hours based on each of these alternatives:

TABLE 3
SUMMARY OF ALTERNATIVES (A & B) Target's Non-Holiday Hours

ALTERNATIVE A – UPHOLD COMMISSION'S ACTION This would allow the following hours:
<ul style="list-style-type: none">○ 8:00 am to 11:00 pm – Monday through Saturday○ 8:00 am to 10:00 pm – Sunday
ALTERNATIVE B – DENY COMMISSION'S ACTION This would allow the following hours:
<ul style="list-style-type: none">○ 8:00 am to 10:00 pm – Seven days a week

ENVIRONMENTAL REVIEW

The request has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.

If the request is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

GENERAL PLAN CONFORMITY

With the recommended conditions of approval, the request will be consistent with surrounding uses, as specified in Objective LU-1F.2 of the General Plan Land Use Element.

LEGAL REVIEW:

The City Attorney's Office has reviewed the attached resolutions and approved them as to form.

CONCLUSION:

The City Council may uphold, or reverse the discretionary decision of the Planning Commission.



MEL LEE, AICP
Senior Planner



KHANH NGUYEN
Interim Development Services Director

ATTACHMENTS:

1. Location Map
2. Draft City Council Resolutions
3. Request for Review
4. Planning Commission Minute Excerpts
5. Planning Commission Report With Attachments
6. Planning Commission Resolution
7. Related Correspondence

DISTRIBUTION:

Chief Executive Officer
Assistant Chief Executive Officer
Economic Development Director
Public Services Director
City Attorney
Transportation Services Manager
City Engineer
City Clerk (9)
Staff (4)
File (2)

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

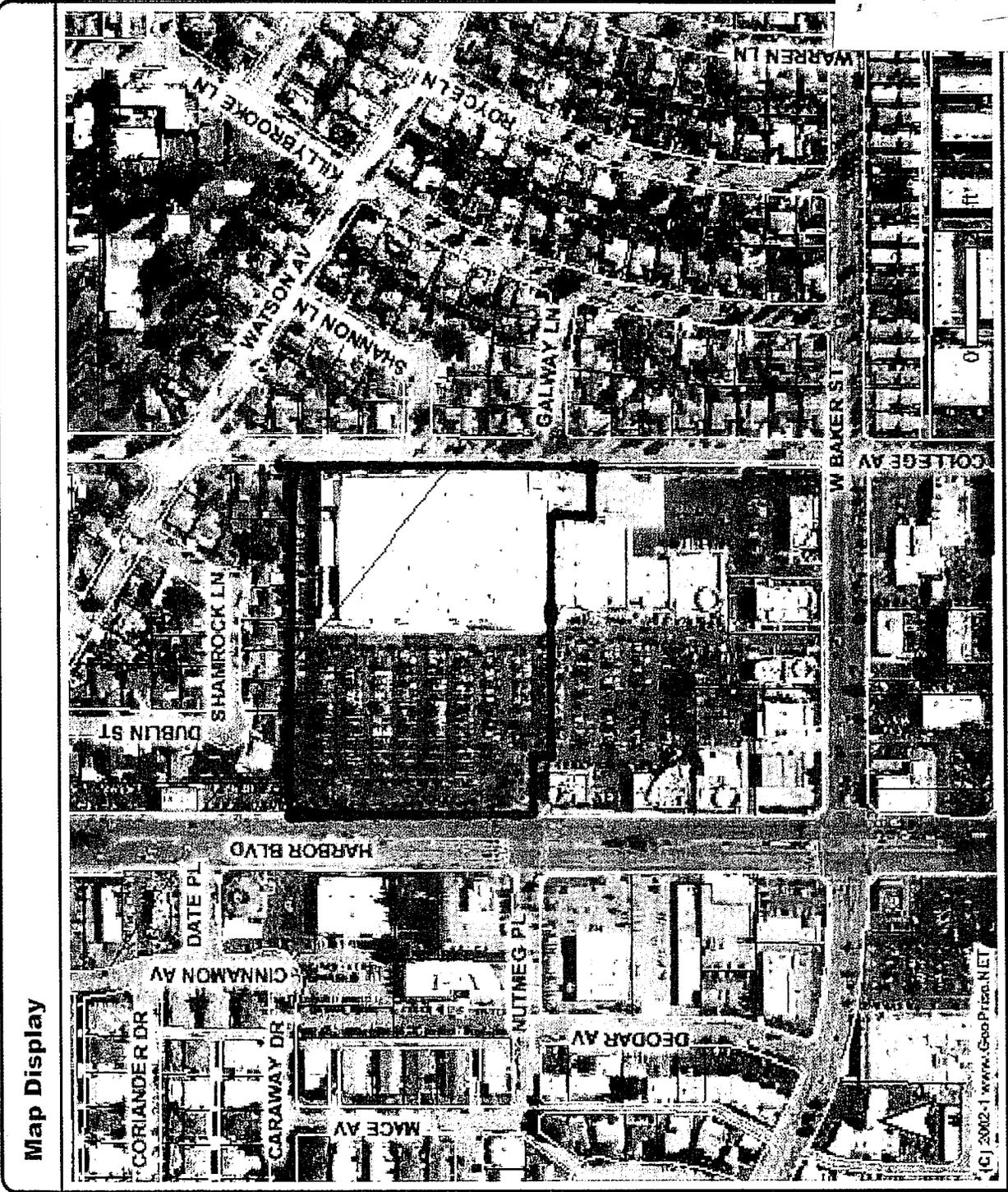
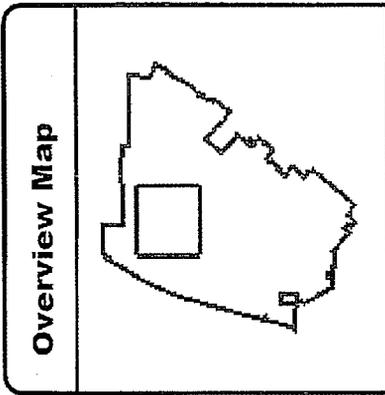
Target Corporation
Attn: Timothy Kindig
3030 A Harbor Boulevard
Costa Mesa, CA 92626

Target Corporation
PO Box 9456
Minneapolis, MN 55440

Al Morelli
3412 Geranium Street
Costa Mesa, CA 92626

Tom and LouAnne McCormick
1451 Shamrock Lane
Costa Mesa, CA 92626

**ATTACHMENT 1
LOCATION MAP**



Legend

Hydrology Channel	Water Ways
Street Names	Ortho 2010 Level 3
ROW Lines	Ortho 2008 Level 3
Parcel Lines	Ortho 2006 Level 3
	Parcels

**ATTACHMENT 2
DRAFT RESOLUTIONS**

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING DEVELOPMENT REVIEW AMENDMENT DR-99-22 A3 FOR EXTENDED NON-HOLIDAY HOURS FOR TARGET COSTA MESA AS AMENDED

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by John Warren, authorized agent for Target Corporation, requesting approval to amend the condition of approval for Target Costa Mesa's regular operating hours as follows:

Originally Approved Regular (Non-Holiday) Hours

- o 8:00 am to 10:00 pm, seven days a week.

Requested Regular (Non-Holiday) Hours

- o 8:00 am to 11:00 pm, seven days a week.

WHEREAS, a duly noticed public hearing held by the Planning Commission on March 12, 2012 with all persons having the opportunity to speak and be heard for and against the proposal, and DR-99-22 A3 was approved as follows:

Revised Regular (Non-Holiday) Hours as Approved by Planning Commission

- o 8:00 am to 11:00 pm, Monday through Saturday.
- o 8:00 am to 10:00 pm, Sunday;

WHEREAS, on March 19, 2012, the Planning Commission's decision for DR-99-22 A3 was called up for review by a council member;

WHEREAS, a duly noticed public hearing was held by the City Council on April 17, 2012.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the City Council hereby **UPHOLDS THE PLANNING COMMISSION'S DECISION AND APPROVES** DR-99-22 A3 as amended.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for DR-99-22 A3 and upon applicant's compliance with each and all of the conditions contained in Exhibit B as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to

review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 17th day of April, 2012.

ERIC BEVER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

EXHIBIT A**FINDINGS**

- A. The proposal complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The request is compatible and harmonious with the use and site development, and use(s), and site developments that exist or have been approved for the general neighborhood. Specifically, The extended hours would be subject to applicable conditions of approval to ensure that no adverse impacts to adjacent uses and properties is created, including requiring the store be operated in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The Police Department has reviewed the proposed extended hours and has no objections to the proposal. The original noise study prepared for the project by Mestre Greve Associates was re-evaluated by a new consultant, which concluded that the extended closing time would not result in an increase in noise levels in excess of the City Noise Ordinance. The code enforcement activity for the site has been taken into consideration and this activity is not at a level that would preclude the approval of extended hours. Specifically, until the November 2011 complaint received regarding the 11:00 pm closing time, the previous noise-related complaint received by staff was in 2007.
 2. The request complies with any performance standards as prescribed elsewhere in this Zoning Code.
 3. The request is consistent with the general plan and any applicable specific plan.
 4. The request is for a project-specific case and is not to be construed to be setting a precedent for future development.
 5. The cumulative effect of all the planning applications has been considered.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B**CONDITIONS OF APPROVAL**

- Plng. 1. The use shall be limited to the type of operation as described in the staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment to the development review, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
2. A copy of the conditions of approval shall be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
3. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator shall institute whatever security and operational measures are necessary to comply with this requirement.
4. The use shall be limited to the following hours of operation: 8:00 am to 11:00 pm, Monday through Saturday, and 8:00 am to 10:00 pm Sunday. Changes to the hours of operation that extend the opening and closing times past the above hours shall be submitted to the Planning Commission for review.
5. All other applicable conditions of approval for DR-99-22 and its subsequent amendments shall remain in effect.
- Plng. 6. DR-99-22 A3 shall be reviewed by the Planning Commission no later than six months from the date of approval to determine if the extended hours of operation may be permitted to remain in effect.
- Comm.
- Council 7. The store operator shall close northerly entrance doors closest to the residential properties after 10:00 pm.
- Council 8. The store operator shall reduce parking lot lighting after 10:00 pm.
- Council 9. The store operator shall increase security after 10:00 pm if requested by the Police Department.

RESOLUTION NO. 12-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA DENYING DEVELOPMENT REVIEW AMENDMENT DR-99-22 A3 FOR EXTENDED NON-HOLIDAY HOURS FOR TARGET COSTA MESA

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by John Warren, authorized agent for Target Corporation, requesting approval to amend the condition of approval for Target Costa Mesa's regular operating hours as follows:

Originally Approved Regular (Non-Holiday) Hours

- o 8:00 am to 10:00 pm, seven days a week.

Requested Regular (Non-Holiday) Hours

- o 8:00 am to 11:00 pm, seven days a week.

WHEREAS, a duly noticed public hearing held by the Planning Commission on March 12, 2012 with all persons having the opportunity to speak and be heard for and against the proposal, and DR-99-22 A3 was approved as follows:

Revised Regular (Non-Holiday) Hours as Approved by Planning Commission

- o 8:00 am to 11:00 pm, Monday through Saturday.
- o 8:00 am to 10:00 pm, Sunday;

WHEREAS, on March 19, 2012, the Planning Commission's decision for DR-99-22 A3 was called up for review by a council member;

WHEREAS, a duly noticed public hearing was held by the City Council on April 17, 2012.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the City Council hereby **DENIES** DR-99-22 A3.

PASSED AND ADOPTED this 17th day of April, 2012.

ERIC BEVER
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE
CITY OF COSTA MESA

CITY ATTORNEY

EXHIBIT A

FINDINGS

- A. The proposal does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
 - 2. The proposal is not consistent with the General Plan or Redevelopment Plan.
- B. The Costa City Council has denied DR-99-22 A3. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**ATTACHMENT 3
REQUEST FOR REVIEW**



2012 MAR 19 PM 3:13

Appeal of Planning Commission Decision - \$1070.00
 Appeal of Zoning Administrator/Staff Decision - \$670.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name* Wendy Leese
Address 1804 Capetown Circle
Phone _____ Representing Council Member

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.)

March 12, 2012 Planning Commission Public Hearings - App # DR-9922A3 3030 A Harbor Blvd. Appeal decision to amend condition of approval for non-holiday hours to 8am to 11pm. 7 days a week.

Decision by: Planning Commission
Reasons for requesting appeal, rehearing, or review:

In 2000 the city council negotiated a compromise with the Hedecrest neighbors/residents for allowing the development of the Target Center - Mesa Square at 3030 Harbor. The city council approved the land use agreement, which contains the binding conditions for the Target store operations. DR-99-22 "the Agreement" was recorded April 18, 2000. Item 57, store operating hours allowed from 8:00 AM to 10:00 P.M. seven days a week. On behalf of residents I am appealing this decision because any deviations from above agreement need to have a public hearing by the City Council. Also the City needs to notify residents of the public hearing so residents can present their comments.

Date: 3/18/12 Signature: Wendy Leese

*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:

**ATTACHMENT 4
PLANNING COMMISSION MINUTE
EXCERPTS**

5. **Application No.:** DR-99-22 A3
Site Address: 3030 A Harbor Boulevard
Applicant: Pacific Land Services
Zone: C-1
Project Planner: Mel Lee
Environmental Determination: Exempt

Description:

Amend condition of approval for Target Costa Mesa's non-holiday store hours as follows: 8:00 am to 11:00 pm, 7 days a week (8:00 am to 10:00 pm, 7 days a week currently approved).

PUBLIC COMMENTS:

Chair McCarthy asked staff to explain what the thought process was behind recommending the time extension when Target agreed to the 10:00 closing time originally?

John Warren, with Pacific Land Services, explained the reason for the request and stated that there would be no negative impact on the City by staying open the extra hour and that the City would benefit as well as the employees who live in the City.

Al Morelli, Beth Refakes, Sarah Morelli, & LouAnn McCormick, residents, spoke in opposition to the extended hour. They felt that Target agreed to the original hours and should stick to that agreement. Their main concern was the noise that they would experience later into the night. Ms. Refakes had concerns about rewarding Target after ignoring the conditions of approval and staying open without approval. She also mentioned car alarms that go off in the parking lot at night and disturb the residents, but are not issues that could be addressed by Code Enforcement or the Police Department.

Mr. Warren, in response to the residents' complaints, stated that they have attempted to work with the residents. He reiterated that they have made several changes in response to the complaints and does not know what else they can do.

No one else wished to speak so the Chair closed public comments.

Chair McCarthy and Vice Chair Clark both stated opposition to the extended hours and would not support the request. They agreed that Target should not be rewarded for bad behavior and should stick to their original agreement.

No one wished to speak and the Chair closed the Public comments.

MOTION: Approve Planning Application DR-99-22 A3 by adoption of Planning Commission Resolution PC-12-06, based on the evidence in the record and the findings contained in Exhibit A, subject to conditions in Exhibit B with the following additional conditions:

4. The use shall be limited to the following hours of operation: 8:00 a.m. to 11:00 p.m., Monday through Saturday, and 8:00 a.m. to 10:00 p.m. Sunday. Changes to the hours of operation that extend the opening and closing times past the above hours shall be submitted to the Planning Commission for review.

6. DR-99-22 A3 shall be reviewed by the Planning Commission no later than six months from the date of approval to determine if the extended hours of operation may be permitted to remain in effect.

Moved by Commissioner Dickson, seconded by Commissioner Salcedo.

The motion carried by the following roll call vote:

Ayes:	Dickson, Fitzpatrick, Salcedo
Noes:	McCarthy, Clark
Absent:	None

**ATTACHMENT 5
PLANNING COMMISSION REPORTS AND
ATTACHMENTS**



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: MARCH 12, 2012

ITEM NUMBER:

**SUBJECT: AMEND DEVELOPMENT REVIEW DR-99-22 A3 FOR EXPANDED REGULAR
(I.E., NON-HOLIDAY) OPERATING HOURS FOR TARGET COSTA MESA
3030 A HARBOR BOULEVARD**

DATE: MARCH 1, 2012

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

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

PROJECT DESCRIPTION

The proposed project is an amendment to a previously-approved Development Review to allow the following:

- Amend the condition of approval for Target Costa Mesa's regular operating hours as follows:

Current Approved Regular (Non-Holiday) Hours:

- 8:00 am to 10:00 pm, seven days a week.

Proposed Regular (Non-Holiday) Hours:

- 8:00 am to 11:00 pm, seven days a week.

APPLICANT

The applicant is John Warren, representing Target Corporation, the property owner.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions of approval.

BACKGROUND

Project Site/Environs

Target is located within the Costa Mesa Square shopping center on the east side of Harbor Boulevard, north of Baker Street.

History of Target's Store Hours

- On March 13, 2000, Planning Commission approved Development Review DR-99-22 to construct a 143,500 square-foot Target store, a 3,420 square-foot district office, and a 10,830 square-foot outdoor garden center (now closed). The approved regular store hours pursuant to Condition of Approval No. 57 were 8:00 am to 10:00 pm, seven days a week.
- On November 13, 2000, Planning Commission approved winter "holiday hours" for Target from the day after Thanksgiving ("Black Friday") to New Year's Day.
- On July 11, 2005, Planning Commission denied a request to allow Target to open an hour earlier during the winter holiday season period.
- On November 14, 2011, Planning Commission approved, in part and subject to conditions, the applicant's request for a midnight opening on Black Friday, the day after Thanksgiving, on an annual basis. However, Planning Commission denied the request to further extend the remaining holiday hours.

The basis for the Commission's decision to approve the Black Friday hours and not approve the remaining requested hours was based on a complaint received from Mr. Al Morelli, area resident that Target was operating in violation of their approved non-holiday closing time of 10:00 pm. At the hearing, Target representatives stated that for the last year and a half, the store was closing at 11:00 pm Monday through Saturday (the store was still closing at 10:00 pm on Sundays).

- On November 21, 2011, Mr. Morelli appealed Planning Commission's action to approve the annual midnight opening on Black Friday to City Council, which was withdrawn on January 3, 2012.

Target's approved and proposed operating hours is summarized in the table on the next page.

A copy of the November 14, 2011 Planning Commission report can be found on the City website at the below link:

http://www.ci.costa-mesa.ca.us/council/planning/pa_111114.pdf

A copy of the November 14, 2011 Planning Commission meeting minutes can be found on the City website at the below link:

http://www.ci.costa-mesa.ca.us/council/planning/pm_111114.pdf

PLANNING APPLICATION SUMMARY

Target Costa Mesa Hours (Annually)

Originally Approved Hours (DR-99-22)	
<ul style="list-style-type: none"> 8:00 am to 10:00 pm, seven days a week 	Current Hours: Same
Originally Approved Winter Holiday Hours (DR-99-22 A)	
From Day After Thanksgiving to New Years Day: <ul style="list-style-type: none"> 7:00 am to 11:00 pm – Monday through Friday 8:00 am to 11:00 pm – Saturday and Sunday 	Current Hours: See Below
Winter Holiday Hours as amended by Planning Commission (DR-99-22 A2)	
<ul style="list-style-type: none"> 12 am/midnight to 11:00 pm – Day after Thanksgiving only 7:00 am to 11:00 pm – Monday through Friday 8:00 am to 11:00 pm – Saturday and Sunday 	Current Hours: No Change
Requested Non-Holiday Hours (DR-99-22 A3)	
<ul style="list-style-type: none"> 8:00 am to 11:00 pm, seven days a week 	Current Hours: N/A (Current Proposal)

ANALYSIS

Request for extended hours

Since the end of the holiday period, the store has been closing at 10:00 pm per the current condition of approval. The applicant has submitted a request to amend the current condition of approval to allow an 11:00 pm closing, seven days a week. No change to the approved holiday hours is proposed. Typically, amendments to Development Reviews are approved at staff level (no public hearing required); however, due to the proximity of the development to residential properties, the Commission directed staff to provide public notice for any revisions to Target's conditions of approval.

According to the request submitted by the applicant (Attachment 3), the request is based on the years the store has been permitted to close at 11:00 pm during the holiday period (since DR-99-22 A was approved in November 2000) without any adverse impacts to adjacent residences.

Code Enforcement Activity

A separate memo summarizing the history of Code Enforcement complaints related to Target was presented at the November 14, 2011 Planning Commission meeting.

Since November 2011, the City's Code Enforcement Division received complaints that Target was violating several conditions of approval. These included:

- A delivery occurring in front of the north entrance of Target;
- Hours of operation extending past those approved on both a daily basis as well as on Black Friday;
- Employees parking along the north property line; and
- Parking lot sweeping occurring outside of approved hours.

Code Enforcement was unable to confirm the complaints regarding the delivery truck location and employees parking along the north property line, as well as the later daily operating hours. However, a citation was issued for both the Black Friday operating hours and the parking lot sweeping. Once the holiday season ended, staff confirmed that the operating hours posted on Target's doors, website, and automated phone message comply with the 10:00 pm closure required by the conditions of approval.

Staff Justifications for Approval

Staff supports the request based on the following:

- *The proposed use is compatible with adjacent residential uses.*

The extended hours would be subject to applicable conditions of approval to ensure that no adverse impacts to adjacent uses and properties is created, including requiring the store be operated in a manner that will allow the quiet enjoyment of the surrounding neighborhood (Condition No. 3).

On January 27, 2012, Mr. Morelli and Target representatives met with staff, as well as a Planning Commissioner and a Council Member, to determine if Target could operate with the extended hours in a manner that was consistent with the original provisions for minimizing impacts to adjacent residential properties. During the meeting three additional operational restrictions were suggested to Target:

- Close northerly entrance doors closest to the residential properties after 10:00 pm;
- Reduce parking lot lighting after 10:00 pm; and
- Increase security after 10:00 pm if requested by the Police Department.

Following the meeting, Target determined that, based on lack of complaints received during the 11:00 pm closing time during the holidays, the additional operational restrictions were not required in order to ensure any impacts to the adjacent properties and uses is minimized; however, the Planning Commission may add these as conditions of approval if additional safeguards for the adjacent residents is desired.

After the meeting, Mr. Morelli also submitted correspondence via email which appeared to indicate that he would not support the extended regular store hours, including incorporation of the three suggested conditions. (Mr. Morelli's e-mail dated February 5, 2012, Attachment 5).

Target also had the original noise study prepared for the project by Mestre Greve Associates re-evaluated by a new consultant (RK Engineering Group), which concluded that the extended closing time would not result in an increase in noise levels in excess of the City Noise Ordinance (Attachment 4).

- The Police Department has no objections to the proposed use.

The Police Department has reviewed the proposed extended hours and has no objections to the proposal.

Staff has also taken into consideration the code enforcement activity for the site discussed on the previous pages, and staff believes that this activity is not at a level that would preclude the approval of extended hours. Specifically, until the November 2011 complaint received regarding the 11:00 pm closing time, the previous noise-related complaint received by staff was in 2007. As noted earlier, the Commission may impose the additional conditions of approval noted earlier if additional safeguards for the adjacent residents is desired.

ENVIRONMENTAL DETERMINATION

If approved, the request would be exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities. If the request is denied, they would be exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

GENERAL PLAN CONFORMITY

With the recommended conditions of approval, the request will be consistent with surrounding uses, as specified in Objective LU-1F.2 of the General Plan Land Use Element.

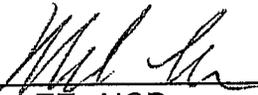
ALTERNATIVES

The Commission has the following alternatives:

1. Approve the request subject to conditions of approval to ensure any impacts to the adjacent properties and uses is minimized. The three conditions discussed on Page 4 are not included in the draft resolution because the applicant has not concurred with these conditions. Commission may choose whether or not to incorporate these conditions.
2. Deny the request. Target could still continue to operate under the currently approved non-holiday store hours.

CONCLUSION

It is staff's opinion that the request, subject to the recommended conditions of approval, will be consistent with the City's Zoning Code and General Plan. The proposed conditions will minimize any adverse impacts to surrounding properties. Therefore, staff supports the applicant's request.



MEL LEE, AICP
Senior Planner



CLAIRE FLYNN, AICP
Acting Asst. Development Services Director

- Attachments: 1. ~~Draft Planning Commission Resolution~~
 2. ~~Location Map~~
 3. Applicant's Request
 4. Review of Target Noise Study Prepared by Applicant
 5. Mr. Morelli email dated February 5, 2012

cc:

Assistant Chief Executive Officer
 Interim Development Services Director
 Deputy City Attorney
 City Engineer
 Transportation Services Manager
 Fire Protection Analyst
 Doug Johnson, Police Department
 Staff (4)
 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



*Fred Sena, PE
Chris Long, RLA
John Warren, AICP*

DESCRIPTION/JUSTIFICATION FORM

The Target Store proposed operating hours during the non-holiday season are 8:00 AM-11:00 PM daily. The store currently opens during the holiday season until 11:00 PM without impact to the community. The proposed change will enable the Target Store to be open during the non-holiday season until 11:00 PM. The extra hour of operation is not anticipated to have any negative impacts on the surrounding community.

This analysis is based upon the many years of successful operation that the store has maintained for this same time period during the holiday season without complaints or impacts. The proposed extra hours will provide additional employment opportunities and the change is critical to overall store sales.



transportation planning • traffic engineering
acoustical engineering • parking studies

December 6, 2011

Mr. John Warren
PACIFIC LAND SERVICES, INC.
2151 Salvio Street, Suite S
Concord, CA 94520

Subject: Target Noise Study Review, City of Costa Mesa

Dear Mr. Warren:

Introduction

The existing Target Costa Mesa store has requested a change in its operating hours during the holiday season, from late November to the end of December. At the present time, they have approval to operate up to 11:00 PM and have requested to extend their operating hours to 12-midnight. There has been some concern by local residents as a result of noise issues related to the extended hours. Based upon our review of the previous noise study, it does appear that the extended hours are possible without exceeding the City's Noise Standards.

RK ENGINEERING GROUP, INC. (RK) has completed a review of the previous Target Noise Study (performed by Mestre Greve Associates, 12/23/1999). This study was part of the approval process for the Target Costa Mesa store in 2000. The project site is located at 3030 Harbor Boulevard in the City of Costa Mesa. It was requested that RK review the previous noise study and detail the following: provide further insight into the project's operational impact along the northern property line and provide a simple letter outlining the findings. The City of Costa Mesa noise ordinance is specified in Figure 1 on the following page.

4000 westerly place, suite 280
newport beach, california 92660
tel 949.474.0809 fax 949.474.0902
<http://www.rkengineer.com>

**Figure 1
 Municipal Code Stationary Noise Standards**

	Time	Noise Criteria Level (dBA)					
		Cumulative Time Period	0 Minutes	1 Minute	5 Minutes	15 Minutes	30 minutes
		Symbol	L _{max}	L ₂	L ₅	L ₂₅	L ₅₀
Exterior	Daytime (7 AM – 11 PM)		75.0	70.0	65.0	60.0	55.0
	Nighttime (11 PM – 7 AM)		70.0	65.0	60.0	55.0	50.0
Interior	Daytime (7 AM – 11 PM)		65.0	60.0	55.0	N/A	N/A
	Nighttime (11 PM – 7 AM)		55.0	50.0	45.0	N/A	N/A

A common way of describing noise levels from stationary sources is with the percent noise level (L_%). The percent noise level indicates the noise level which is exceeded during a certain percentage of time and represents the average noise level.

Findings

1. The original noise study (12/23/99) indicates four (4) noise measurements were taken at the project site as shown in Figure 2. The noise measurements were utilized to describe the existing ambient noise environment surrounding the project site during daytime (7AM – 11PM) hours. This review will only focus on Site 2 because it represents the residential units at the northeastern property line.

Figure 2

**Table 2
 Existing Noise Measurements**

Site	Start Time	Leq	Lmax	L2	L5	L25	L50	L90	Lmin
1	4:19 p.m.	61.9	74.2	68.5	64.5	62.0	60.5	54.0	49.7
2	4:41 p.m.	51.8	67.3	58.0	55.0	52.0	49.5	46.5	45.0
3	5:23 p.m.	62.1	82.9	70.0	65.0	58.0	53.0	51.0	49.7
4	5:41 p.m.	58.4	73.1	66.5	62.5	56.5	53.5	51.5	49.3

(Note) The original noise study did not conduct any nighttime (11PM – 7AM) ambient noise level measurements. All noise impact calculations assume daytime ambient noise levels. The study uses the daytime noise measurements; referenced stationary noise levels (i.e. truck delivery, loading dock, parking lot) and estimates the future noise impact onto the adjacent properties. At no time does the study utilize a nighttime ambient noise measurement and combine that with stationary noise levels.

2. The original noise study (12/23/99) indicates the anticipated truck delivery noise impact to the adjacent units. The highlighted segment indicates the impact during daytime conditions to the homes north of the project site as illustrated in Figure 3.

Figure 3

Mestre Greve Associates

Target Greatlands Costa Mesa
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Table 3
 Delivery Truck/Loading Dock Noise Levels

Source	Metric	Receiver	Noise Level (dBA)	
			Outdoor	Indoor
Delivery Truck Near Loading Dock (Includes 8' Barrier)	Lmax	Homes To East	70.1*	57.5*
Delivery Truck Near Turn/College Avenue Driveway (No Barrier)	Lmax	Homes To East	74.8*	62.2*
Refrigerator Unit	L50	Homes To East	61.2*	47.5*
Trash Compactor	Lmax	Homes To East	61.1	49.1
Trash Compactor (Target)	L50	Homes To East	41.9	29.9
Trash Compactor (Typical)	L50	Homes To East	48.9	35.7
Garden Center Delivery Truck	Lmax	Homes To North	72.3*	60.1*

† Exceeds Daytime & Nighttime Noise Standard

* Exceeds Nighttime Noise Standard

(Note) The Garden Center at Target is non-operational.

3. The original study (12/23/99) indicates the anticipated parking lot noise impact during daytime conditions to the adjacent residential units. The highlighted segment indicates the impact to residential units to the northeast during daytime (7AM – 11PM) hours as shown in Figure 4.

Figure 4

Table 5
 Parking Lot Noise Levels

Metric	Receiver	Noise Level (dBA)	
		Outdoor	Indoor
Lmax	Homes To East	64.4	51.2
L50	Homes To East	52.8*	39.4
Lmax	Homes To North	68.7	50.8
L50	Homes To North	51.6*	39.3

† Exceeds Daytime & Nighttime Noise Standard

* Exceeds Nighttime Noise Standard

(Note) The 68.7 dBA Lmax does not exceed both the daytime and the nighttime Lmax exterior standard set forth by the City of Costa Mesa's noise ordinance. The 51.6 dBA L50 does not exceed the daytime exterior standard.

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4. The original study (12/23/99) indicates that it is reasonable to assume that nighttime (11PM – 7AM) parking lot activity will be at most half the peak hour. As a result, the noise level will decrease by 3 dBA; therefore, the 51.6 dBA L50 will decrease by 3 and will be 48.6 dBA L50. The parking lot noise level will not exceed the nighttime exterior noise standard. The highlighted segment indicates the statement within the original report as illustrated in Figure 5.

Figure 5

Mestre Greve Associates

Target Greatlands Costa Mesa
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Table 5 shows that the only noise ordinance exceedences due to the parking lot activities is the outdoor nighttime L50 noise standard. However, the L50 noise levels calculated are for peak hour activity. This will definitely occur during the daytime hours (7 a.m. to 11 p.m.). The Target Store will be open from 8 a.m. to 10 p.m. The hours of operation for the other tenants is not currently known. It is reasonable to assume that nighttime parking lot activity will be at most half of the peak hour. At this activity level the noise level will be 3 dB lower. This is below the nighttime noise standard.

Conclusion

Based upon a review of the data and information contained in the original Mestre Greve Noise Study, it is not anticipated that the Target Store operations will exceed the City's Noise Ordinance Standards during nighttime (after 11:00 PM) conditions. Therefore, a change in store hours, during late November to the end of December from 11:00 PM to 12-midnight, is not projected to exceed the City's Noise Standards based upon the original noise study.

RK is pleased to provide you with this noise review, if you have any questions regarding this letter or would like further review, please don't hesitate to contact us at (949) 474-0809.

Sincerely,
RK ENGINEERING GROUP, INC.



Mike Dickerson, INCE
Air/Noise Specialist



Robert Kahn
Principal

Noise Assessment For:

TARGET GREATLANDS COSTA MESA

Prepared For:
PERKOWITZ + RUTH
111 W. Ocean Boulevard, Floor 21
Long Beach, CA 90802

Submitted By:
MESTRE GREVE ASSOCIATES
280 Newport Center Drive
Suite 230
Newport Beach, CA 92660
949-760-0891
Fax 949-760-1928

December 23, 1999
Report#99-193d

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1.0 Project Description

The project calls for the demolition of the existing Fedco store and the construction of a Target Greatlands store with a garden center along with another major retail (possibly a grocery store) and several other smaller shops. The project is located near the corner of Harbor Boulevard and Baker Street in the City of Costa Mesa. There are residential land uses located directly adjacent to the northern boundary of the project site and across College Avenue to the east. The purpose of this study is to assess the noise impacts from the activities on the project site on the near by residences.

The project calls for the construction of a 8' screen wall that runs along the northern boundary of the project turns south to the northeast corner of the Target building. The project also calls for the construction of an 8' screen wall near the eastern edge of the project from the southeast of the Target building. These walls are shown in Exhibit 1. For the purposes of this report these walls were considered to be noise barriers. In order to be effective noise barriers the walls must be constructed of standard masonry or concrete block, or any other material with a surface weight of 3.5 pounds per square foot. No gaps or openings are permitted. All gaps are to be sealed.

2.0 Background Information on Noise

2.1 Noise Criteria Background

Sound is technically described in terms of the loudness (amplitude) of the sound and frequency (pitch) of the sound. The standard unit of measurement of the loudness of sound is the decibel (dB). Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more usable range of numbers in a manner similar to the Richter scale used to measure earthquakes. In terms of human response to noise, a sound 10 dB higher than another is judged to be twice as loud; and 20 dB higher four times as loud; and so forth. Everyday sounds normally range from 30 dB (very quiet) to 100 dB (very loud).

Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear. Community noise levels are measured in terms of the "A-weighted decibel," abbreviated dBA. Exhibit 2 provides examples of various noises and their typical A-weighted noise level.

Sound levels decrease as a function of distance from the source as a result of wave divergence, atmospheric absorption and ground attenuation. As the sound wave form travels away from the source, the sound energy is dispersed over a greater area, thereby dispersing the sound power of the wave. Atmospheric absorption also influences the levels that are received by the observer. The greater the distance traveled, the greater the influence and the resultant fluctuations. The degree of absorption is a function of the frequency of the sound as well as the humidity and temperature of the air. Turbulence and gradients of wind, temperature and humidity also play a significant role in determining the degree of attenuation. Intervening topography can also have a substantial effect on the effective perceived noise levels.

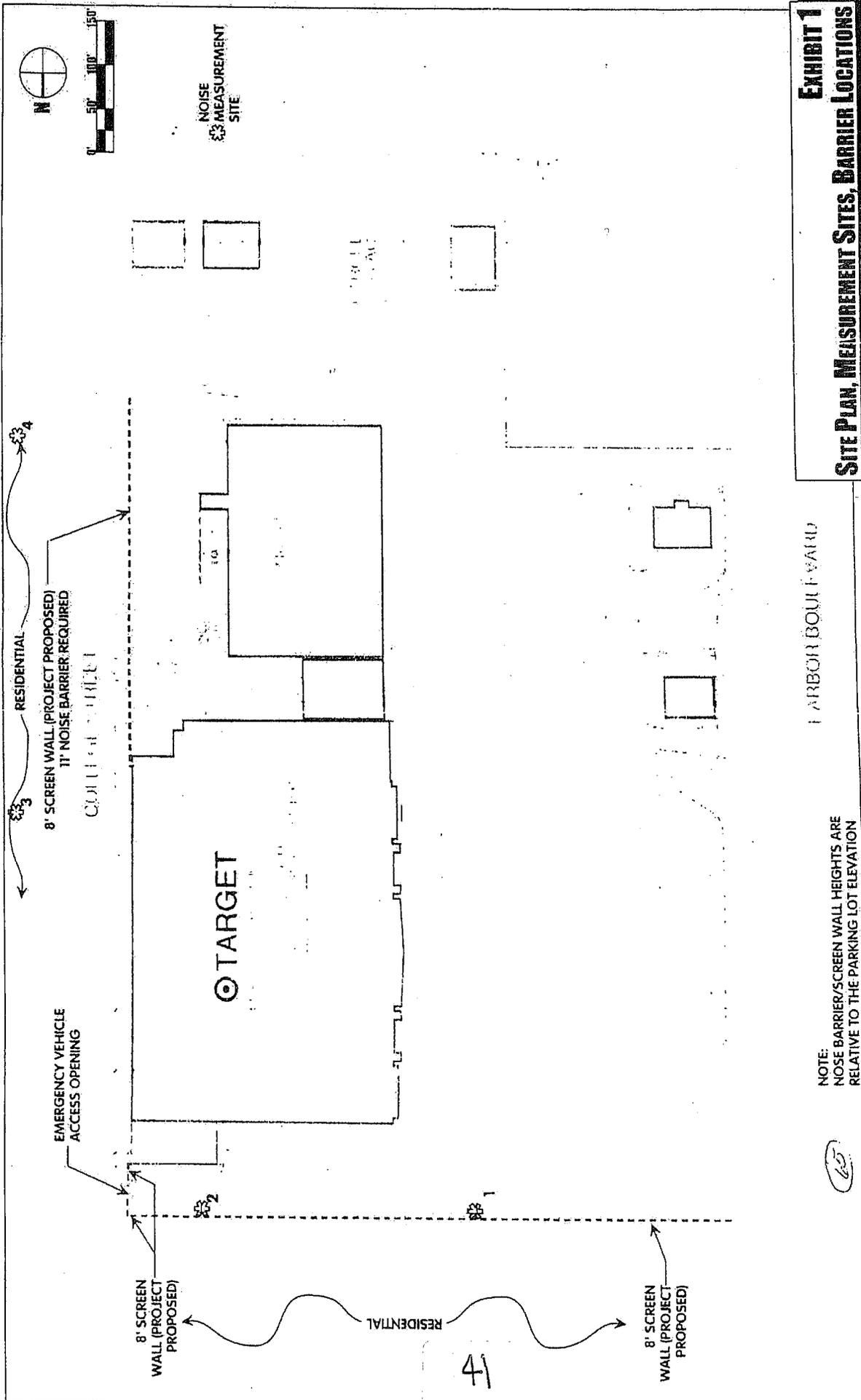


EXHIBIT 1
SITE PLAN, MEASUREMENT SITES, BARRIER LOCATIONS

CARBON BOULEVARD

NOTE:
 NOISE BARRIER/SCREEN WALL HEIGHTS ARE
 RELATIVE TO THE PARKING LOT ELEVATION

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Mestre Frazer Associates

SOUND LEVELS AND LOUDNESS OF ILLUSTRATIVE NOISES IN INDOOR AND OUTDOOR ENVIRONMENTS

Numbers in Parentheses are the A-Scale Weighted Sound Levels for that Noise Event

dB(A)	OVER-ALL LEVEL Sound Pressure Level Reference: 0.0002 Microbars	COMMUNITY (Outdoor)	HOME OR INDUSTRY	LOUDNESS Human Judgment of Different Sound Levels
130		Military Jet Aircraft Take-Off With After-burner From Aircraft Carrier @ 50 Ft. (130)	Oxygen Torch (127)	120 dB(A) 32 Times as Loud
120	UNCOMFORTABLY LOUD	Turbo-Fan Aircraft @ Take Off Power @ 200 Ft. (110)	Riveting Machine (110) Rock-N-Roll Band (108-114)	110 dB(A) 16 Times as Loud
100		Jet Flyover @ 1000 Ft. (83) Boeing 707, DC-8 @ 6080 Ft. Before Landing (104) Bell J-2A Helicopter @ 100 Ft. (100)		100 dB(A) 8 Times as Loud
90	VERY LOUD	Power Mower (74) Boeing 737, DC-9 @ 6080 Ft. Before Landing (97) Motorcycle @ 25 Ft. (90)	Newspaper Press (97)	90 dB(A) 4 Times as Loud
80		Car Wash @ 20 Ft. (87) Prop. Airplane Flyover @ 1000 Ft. (88) Diesel Truck, 40 MPH @ 50 Ft. (84) Diesel Train, 45 MPH @ 100 Ft. (83)	Food Blender (88) Milling Machine (85) Garbage Disposal (80)	80 dB(A) 2 Times as Loud
70	MODERATELY LOUD	High Urban Ambient Sound (80) Passenger Car, 65 MPH @ 25 Ft. (77) Freeway @ 50 Ft. From Pavement Edge, 10:00 AM (76 + or - 6)	Living Room Music (76) TV-Audio, Vacuum Cleaner	70 dB(A)
60		Air Conditioning Unit @ 100 Ft. (60)	Cash Register @ 10 Ft. (65-70) Electric Typewriter @ 10 Ft. (64) Dishwasher (60) @ 10 Ft. (60) Conversation (60)	60 dB(A) 1/2 as Loud
50	QUIET	Large Transformers @ 100 Ft. (50)		50 dB(A) 1/4 as Loud
40		Bird Calls (44) Lower Limit Urban Ambient Sound (40)		40 dB(A) 1/8 as Loud
20	JUST AUDIBLE	Desert at Night (dB(A) Scale Interrupted)		
10	THRESHOLD OF HEARING			

SOURCE: Reproduced from Melville C. Branch and R. Dale Bland, "Outdoor Noise in the Metropolitan Environment,"
Published by the City of Los Angeles, 1970, p.2.

EXHIBIT 2

TYPICAL A-WEIGHTED NOISE LEVELS

Noise has been defined as unwanted sound and it is known to have several adverse effects on people. From these known effects of noise, criteria have been established to help protect the public health and safety and prevent disruption of certain human activities. This criteria is based on such known impacts of noise on people as hearing loss, speech interference, sleep interference, physiological responses and annoyance. Each of these potential noise impacts on people are briefly discussed in the following narratives:

HEARING LOSS is not a concern in community noise situations of this type. The potential for noise induced hearing loss is more commonly associated with occupational noise exposures in heavy industry or very noisy work environments. Noise levels in neighborhoods, even in very noisy airport environs, is not sufficiently loud to cause hearing loss.

SPEECH INTERFERENCE is one of the primary concerns in environmental noise problems. Normal conversational speech is in the range of 60 to 65 dBA and any noise in this range or louder may interfere with speech. There are specific methods of describing speech interference as a function of distance between speaker and listener and voice level.

SLEEP INTERFERENCE is a major noise concern for traffic noise. Sleep disturbance studies have identified interior noise levels that have the potential to cause sleep disturbance. Note that sleep disturbance does not necessarily mean awakening from sleep, but can refer to altering the pattern and stages of sleep.

PHYSIOLOGICAL RESPONSES are those measurable effects of noise on people that are realized as changes in pulse rate, blood pressure, etc. While such effects can be induced and observed, the extent is not known to which these physiological responses cause harm or are sign of harm.

ANNOYANCE is the most difficult of all noise responses to describe. Annoyance is a very individual characteristic and can vary widely from person to person. What one person considers tolerable can be quite unbearable to another of equal hearing capability.

2.2 Noise Assessment Metrics

The description, analysis and reporting of community noise levels around communities is made difficult by the complexity of human response to noise and the myriad of noise metrics that have been developed for describing noise impacts. Each of these metrics attempts to quantify noise levels with respect to community response. Most of the metrics use the A-Weighted noise level to quantify noise impacts on humans. A-Weighting is a frequency weighting that accounts for human sensitivity to different frequencies.

Noise metrics can be divided into two categories: single event and cumulative. Single-event metrics describe the noise levels from an individual event such as an aircraft fly over or perhaps a heavy equipment pass-by. Cumulative metrics average the total noise over a specific time

period, which is typically 1 or 24-hours for community noise problems. For this type of analysis, cumulative noise metrics will be used.

Several rating scales have been developed for measurement of community noise. These account for: (1) the parameters of noise that have been shown to contribute to the effects of noise on man, (2) the variety of noises found in the environment, (3) the variations in noise levels that occur as a person moves through the environment, and (4) the variations associated with the time of day. They are designed to account for the known health effects of noise on people described previously. Based on these effects, the observation has been made that the potential for a noise to impact people is dependent on the total acoustical energy content of the noise. A number of noise scales have been developed to account for this observation. Two of the predominate noise scales are the: Equivalent Noise Level (LEQ) and the Community Noise Equivalent Level (CNEL). These scales are described in the following paragraphs.

LEQ is the sound level corresponding to a steady-state sound level containing the same total energy as a time-varying signal over a given sample period. LEQ is the "energy" average noise level during the time period of the sample. LEQ can be measured for any time period, but is typically measured for 1 hour. This 1 hour noise level can also be referred to as the Hourly Noise Level (HNL). It is the energy sum of all the events and background noise levels that occur during that time period.

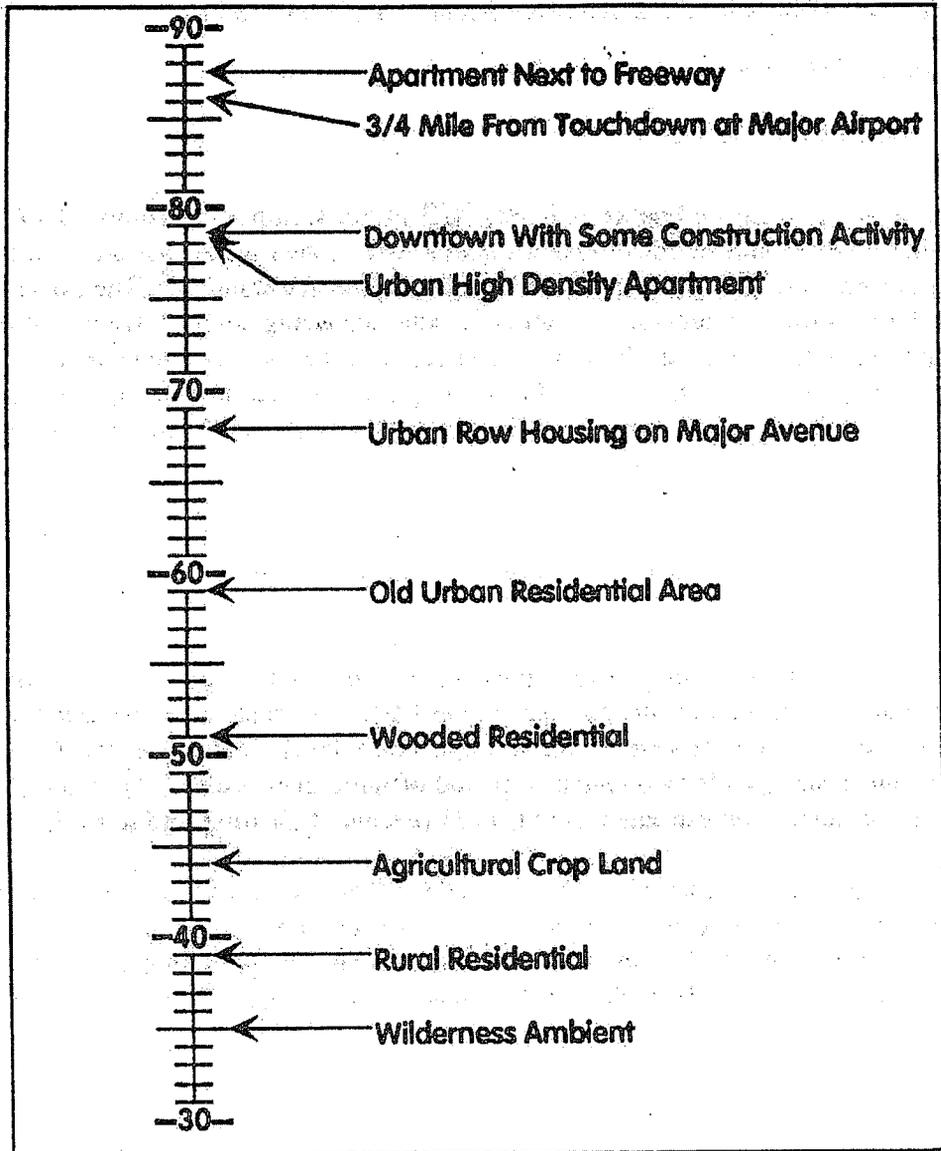
CNEL, Community Noise Equivalent Level, is the predominant rating scale now in use in California for land use compatibility assessment. The CNEL scale represents a time weighted 24-hour average noise level based on the A-weighted decibel. Time weighted refers to the fact that noise that occurs during certain sensitive time periods is penalized for occurring at these times. The evening time period (7 p.m. to 10 p.m.) penalizes noises by 5 dBA, while nighttime (10 p.m. to 7 a.m.) noises are penalized by 10 dBA. These time periods and penalties were selected to reflect people's increased sensitivity to noise during these time periods. A CNEL noise level may be reported as a "CNEL of 60 dBA," "60 dBA CNEL," or simply "60 CNEL." Typical noise levels in terms of the CNEL scale for different types of communities are presented in Exhibit 3.

Ldn, the day-night scale is similar to the CNEL scale except that evening noises are not penalized. It is a measure of the overall noise experienced during an entire day. The time-weighted refers to the fact that noise that occurs during certain sensitive time periods is penalized for occurring at these times. In the Ldn scale, those noise levels that occur during the night (10 pm to 7 am) are penalized by 10 dB. This penalty was selected to attempt to account for increased human sensitivity to noise during the quieter period of a day, where home and sleep is the most probable activity.

L(%) is a statistical method of describing noise which accounts for variance in noise levels throughout a given measurement period. L(%) is a way of expressing the noise level exceeded for a percentage of time in a given measurement period. For example since 5 minutes is 25% of 20 minutes, L(25) is the noise level that is equal to or exceeded for five minutes in a twenty minute measurement period. It is L(%) that is used for most noise ordinance standards. For example most daytime city, state and county noise

CNEL

Outdoor Location



Source: U.S. Environmental Protection Agency, "Impact Characterization of Noise Including Implications of Identifying and Achieving Levels of Cumulative Noise Exposure," EPA Report NTIS 73.4, 1973.

ordinances use an ordinance standard of 55 dBA for 30 minutes per hour or an L(50) level of 55 dBA. In other words the noise ordinance states that no noise level should exceed 55 dBA for more that fifty percent of a given period.

2.3 Noise Criteria

2.3.1 City of Costa Mesa

The Costa Mesa Noise Ordinance (Chapter XIII Noise Control - Sections 13-277 to 13-287) establishes exterior and interior noise standards that protect areas that are zoned residential. Table 1 presents the City of Costa Mesa's Noise Ordinance standards. The noise ordinance is designed to control unnecessary, excessive and annoying sounds from stationary (non-transportation) sources such as those noise sources from parking lots, loading docks, etc., at the residential property line. The noise ordinance requirements can not be applied to mobile noise sources such as heavy trucks when traveling on public roadways. Control of the mobile noise sources on public roads is preempted by federal and State laws.

Community noise levels are measured in terms of the "A-weighted decibel," abbreviated dBA. A common method of characterizing noise levels from industrial sources is with the "percent noise level" or L%. The percent noise level describes the noise level which is exceeded during a certain percentage of the measurement period. For example, according to the City of Costa Mesa Noise Ordinance, the L50 noise level represents the noise standard for a cumulative period of more than thirty (30) minutes in any hour, or the L50 is the noise level exceeded more than 50 percent of the time and represents the average noise level. Similarly, the L25 noise level represents noise standard for a cumulative period of more than fifteen (15) minutes in any hour. The L25 is the noise level exceeded more than 25 percent of the time, and so forth.

The City of Costa Mesa establishes exterior and interior noise criteria for non-transportation related noise which impacts adjacent properties. This criteria is given in terms of average L50 noise levels at the property boundary. Greater noise levels are permitted during the day (7 a.m. to 11 p.m.) as compared to the night-time period (11 p.m. to 7 a.m.).

Table 1
CITY OF COSTA MESA NOISE ORDINANCE STANDARDS
RESIDENTIAL ZONE

MAXIMUM TIME OF EXPOSURE	NOISE METRIC	NOISE LEVEL NOT TO BE EXCEEDED	
		7 a.m. to 11 p.m. (daytime)	11 p.m. to 7 a.m. (nighttime)
<i>EXTERIOR NOISE STANDARDS</i>			
30 Minutes/Hour	L50	55 dBA	50 dBA
15 Minutes/Hour	L25	60 dBA	55 dBA
5 Minutes/Hour	L8.3	65 dBA	60 dBA
1 Minute/Hour	L1.7	70 dBA	65 dBA
Any period of time	Lmax	75 dBA	70 dBA
<i>INTERIOR NOISE STANDARDS</i>			
5 Minutes/Hour	L8.3	55 dBA	45 dBA
1 Minute/Hour	L1.7	60 dBA	50 dBA
Any period of time	Lmax	65 dBA	55 dBA

The Costa Mesa Noise Ordinance states that the daytime noise level for a stationary noise source measured at an outdoor area of a residential property cannot exceed 75 dBA ever, 70 dBA for more than 1 minute of any hour, 65 dBA for more than 5 minutes of any hour, 60 dBA for more than 15 minutes of any hour, or 55 dBA for more than 30 minutes of any hour. The nighttime noise levels must be penalized by 5 dB to reflect the increased sensitivity to noise occurring during this time period. The noise ordinance also states that the noise level for a stationary source measured at an indoor area of a residential property cannot exceed 65 dBA ever, 60 dBA for more than 1 minute of any hour, and 55 dBA for more than 5 minutes of any hour. The nighttime noise levels must be penalized by 10 dB for the indoor noise standards. In the event that the ambient noise level exceeds any of the noise limit categories, the cumulative period applicable to that category shall be increased to reflect the ambient noise level.

The City Noise Ordinance is important because it provides noise levels which are deemed to be acceptable in residential areas. The Noise Ordinance is designed to control unnecessary, excessive and annoying sounds generated from a stationary source impacting an adjacent property. The nearest existing residential areas will be directly adjacent to the project's eastern and northern boundaries.

3.0 Existing Setting

3.1 Existing Noise Measurements

To determine the existing noise environment at the proposed project site, ambient noise measurements were made on August 27, 1999 between 4:00 p.m. and 6:30 p.m. at four locations at the perimeter of the proposed project site near existing residential areas. The locations of the noise measurement sites are shown in Exhibit 1.

The measurements were made with a Brüel & Kjær Modular Precision Sound Level Meter, Type 2236. The systems were calibrated before and after each measurement series with calibration traceable to the National Institute of Standards and Technology. The wind speeds during the time of measurements were light (0 to 5 miles per hour).

Fifteen minute measurements were made at each of the four measurement sites. Measurement Site 1 was set approximately 200 feet in from Harbor Boulevard along the project's northern boundary. Measurement Site 2 was located approximately 120 feet in from the eastern property line near the project's northern boundary. Measurement Sites 3 and 4 were located across College Avenue. Site 3 was located near the center of the project site. Site 4 was located approximately 300 feet north of Baker Street. Currently, there is an existing masonry wall approximately 6 feet high along the northern boundary of the project. There is also a masonry wall on the projects eastern boundary along College Avenue. There are some breaks in this wall for traffic ingress and egress. All of the homes to the north of the project site and to the east along College Avenue are single story homes. The noise measurement results are given in Table 2.

The measurement results are presented in terms of the equivalent noise levels (Leq), maximum noise levels, minimum noise levels and percentile noise levels (L%). The L50 percentile level for example, represents the noise levels exceeded 50 percent of the time, and usually represent the average ambient noise level. The L90 noise levels represent the background noise levels which are exceeded 90 percent of the time.

Table 2
Existing Noise Measurements

Site	Start Time	Leq	Lmax	L2	L8	L25	L50	L90	Lmin
1	4:19 p.m.	61.9	74.2	68.5	64.5	62.0	60.5	54.0	49.7
2	4:41 p.m.	51.8	67.3	58.0	55.0	52.0	49.5	46.5	45.0
3	5:23 p.m.	62.1	82.9	70.0	65.0	58.0	53.0	51.0	49.7
4	5:41 p.m.	58.4	73.1	66.5	62.5	56.5	53.5	51.5	49.3

The noise environment at Site 1 is determined by traffic noise on Harbor Boulevard. The noise environment at the other sites is primarily determined by traffic noise on College Avenue and distant traffic noise on Baker and Harbor. To some extent light activity in the Fedco parking lot contributed to the noise levels at Sites 1 and 2. A semi-trailer truck was parked in the Fedco parking lot, idling, during the measurements at Sites 3 and 4. This affected the background L90

and Lmin noise levels. A few general aviation aircraft and a helicopter flew over the project area during the noise measurements.

The maximum noise level during the measurement at Site 1 was due to a truck in the Fedco parking lot passing, at low speed, as close as 30 feet from the measurement site. At Site 2 the maximum was due to a forklift in the Fedco parking lot. The maximum noise level during the measurement at Site 3 was due to a loud motorcycle on College Avenue. At Site 4 the maximum noise level was due to a car on College Avenue.

4.0 Potential Noise Impacts

Potential noise impacts are commonly divided into two groups; temporary and long term. Temporary impacts are usually associated with noise generated by construction activities. Long term impacts are those associated with the operation of the project.

4.1 Temporary Impacts

4.1.1 Construction Noise

Construction noise represents a short term impact on ambient noise levels. Noise generated by construction equipment, including trucks, graders, bulldozers, concrete mixers and portable generators can reach high levels.

Worst case examples of construction noise at 50 feet are presented in Exhibit 4. The equipment directly involved in the excavation of the site as well as the trucks used to haul the dirt from the site could produce high noise levels. According to the information presented in Exhibit 4, the peak noise level for most of the equipment that will be used during the construction is 70 to 95 dBA at a distance of 50 feet. At 70 feet, construction noise may range between 67 and 92 dBA. At 100 feet, the construction noise levels may range from 64 to 89 dBA, or less. Note that these noise levels are based upon worst case conditions. Typically noise levels on the site will be less.

Grading activities present the highest potential for noise impacts. For short periods of time grading equipment could operate directly adjacent to the homes along the northern property line and generate significant noise levels at these homes. However much of the grading will take place away from the edges of the project site. The nearest existing rear yards could be located as close as 80 feet from the potential building construction. At this distance, the construction noise levels may range from 66 to 91 dBA. The noise levels generated by construction considered to be substantial. Mitigation measures for construction are recommended in Section 5.1 and include installation of the permanent solid noise wall along the northern property line.

The noise impacts mentioned in the previous paragraphs are significantly loud and would represent short-term noise impact. It is not possible at this time to determine the exact length of time that will be needed to excavate and grade the site but construction activities may last several months.

4.2 Long Term Off-Site Impacts

The proposed project will produce noise from delivery trucks, loading docks, and trash compactors associated with operations at Target and the other major retail store. Of these noise sources, the loudest noise events associated with delivery truck operations are from truck accelerating or decelerating, or truck brake squeal. Due to the short-term nature of these noise events, compliance with the Lmax criteria is the most stringent. Therefore a maximum (Lmax) noise level standard, such as that used in the City of Costa Mesa Noise Ordinance, is the most relevant and suitable criteria for determining loading truck noise impacts.

Additionally, some of the delivery trucks for the may be refrigerated trucks. The operation of the refrigeration unit that cools the trailer of the truck will be the most critical noise event if it is left running while at the loading dock area. Although the maximum noise levels due to refrigeration units are less than the noise levels associated with truck drive-bys, the operation of these refrigeration units may continue for a longer duration. Each refrigerated delivery truck operation at the grocery store loading docks may exceed 30 minutes. Therefore, the noise ordinance standard that would be most appropriate to apply to these refrigerated truck operations that are idling at the loading docks is the L50 level.

All delivery trucks except garden center delivery will be using the designated truck delivery and loading corridor that runs along the eastern perimeter of the project site. Garden center delivery trucks will be smaller (i.e. not semi-trailers) panel trucks. These trucks will enter the site from Harbor Boulevard near the northern boundary of the site and travel directly to the garden center.

For daytime hours between 7 a.m. and 11 p.m., delivery truck noise will be subject to the exterior Lmax limit of 75 dBA at the nearest residential outdoor areas and the interior Lmax limit of 65 dBA at the nearest residential indoor area.

For nighttime hours between 11 p.m. and 7 a.m., delivery truck noise will be subject to the exterior Lmax limit of 70 dBA at the nearest residential outdoor area and will also be subject to the interior Lmax limit of 55 dBA at the nearest residential indoor areas.

4.2.1 Delivery Truck/Loading Dock Noise

Noise Data

Noise measurements have been previously conducted by Mestre Greve Associates at the Knott's Berry Farm food processing plant loading dock. Truck noise was measured for approximately 40 trucks as they entered and left the site. A maximum noise level was noted for each arrival and departure. Noise measurements were also made of the loading and unloading operations and the forklifts. These measurements confirmed that the truck arrival and departures were in fact the noise source of most concern. That is, the noise levels associated with the truck accelerate or decelerate or truck braking during arrival and departure are the loudest. The measurement data indicated that the majority of truck pass-bys have a maximum sound level in the range of 65 to 75 dBA (at 70 feet). The loudest truck measured was approximately 82 dBA at 70 feet. The average of the data was 69 dBA at 70 feet with a standard deviation of 4.8.

The California Motor Vehicle Code establishes maximum sound levels for trucks operating at speeds less than 35 miles per hour (Section 23130). The maximum sound level established by the code is 86 dBA at 50 feet which translates to 83 dBA at 70 feet. None of the trucks measured exceeded this level. However, the loudest truck measured was very close to this limit. If a statistical normal distribution curve is fitted to the data obtained, the frequency that trucks will exceed certain noise limits can be predicted. For example, based on the data collected 1 out of every 125 trucks that would use the facility would be expected to exceed the motor vehicle code standard.

Target projects between 6 and 14 large semi-trailer truck deliveries per week to the store. Between 5 and 9 of these will be from the Target distribution center and grouped 2 or 3 at a time. There are projected to be 8 to 10 medium truck and van deliveries per day. All Target deliveries will occur during daytime hours. The Target store receiving dock hours for vendors and local carriers are from 8 a.m. to 12 noon. Information from previous studies indicates that a grocery store can receive between 6 to 9 semi-truck trailers per day and approximately 18 medium truck deliveries. Some of deliveries may occur during nighttime hours.

It is estimated that a maximum average 40 truck trips per day may be expected to service the Target and other major retail store. The total estimated number of trucks is a combination of medium trucks and heavy trucks. While an increased number of truck trips does not necessarily mean that the trucks will be louder, it does increase the likelihood of a uniquely loud truck event to occur. It should be noted that statistically, there is no noise level that would not eventually be exceeded given a sufficient number of truck pass-bys. Therefore, for design purposes, it was assumed that one exceedence every other day was a reasonable design criterion. Based on the estimate of 40 truck trips per day, this means that 1 out of every 80 truck events may exceed the design noise level. In the case of this project, the nighttime indoor noise standard presents the most stringent noise levels the delivery trucks can produce. It is expected that most of the truck deliveries will be during the day. If the loudest truck of the 80 occurs during the day it will likely not exceed the standard. Therefore, we would expect fewer than one exceedence every other day. Remember that we are looking at a Lmax noise level. Typically this noise level would be reached for only a very short period of time.

Utilizing the noise measured data from Knott's Berry Farm food processing plant, it was found that the design Lmax noise level that meets the design criteria just mentioned is an Lmax of 80.2 dBA at 70 feet.

Additionally, the refrigerated trucks will typically generate an average L50 noise level of approximately 73.7 dBA at 40 feet or 68.8 dBA at 70 feet, based on a noise measurement survey conducted by Mestre Greve Associates. (The noise measurements were taken from the noise study titled "Noise Ordinance Assessment for the Servicecraft Corporation Warehouse Modification", October, 1993). As mentioned earlier, the Lmax noise levels due to the refrigeration units on refrigerated trucks are much less than the Lmax noise levels due to truck drive-bys.

Another potential noise source at the loading dock area are the trash compactors. There will be two trash compactors located in the loading dock area. One serving Target and the other serving the major retail store. Target information states that their trash compactors produce noise levels below 50 dBA at a distance of 100 feet. Measurements made previously by Mestre Greve Associates have shown that trash compactors typically operate at a noise level of approximately 57 dBA at 100 feet with maximums up to 69.2 dBA at 100 feet.

Project Generated Noise Levels

Table 3 shows the projected noise levels from delivery truck/loading dock operations at the most impacted residences. The nearest property line of the homes to the east is located approximately 120 feet from the loading dock area. The nearest home is located 130 feet from the loading dock area. The project calls for an 8 foot high wall between the loading dock and College Avenue. This noise barrier was accounted for in the calculations.

Exhibit 1 shows the path that the trucks will take from Baker Street to the loading dock. There will be a height restriction bar to restrict the trucks from using the driveway at College Avenue to enter and exit the project site. However, this driveway will preclude construction of a noise barrier completely between the truck path and College Avenue. The landscaped peninsula at the driveway and the parking spaces will restrict the trucks from traveling closer than 130 feet from the property lines of the residences located across College Avenue and 140 from the structures. The second row of Table 3 shows the potential maximum noise levels generated by the trucks at the residences located across College Avenue where there is no barrier at the driveway along College Street.

The nearest property line of homes to the north is located approximately 40 feet from the route the garden center delivery trucks will travel. The nearest home is located approximately 60 feet from the route. The elevation of the rear yards and building pads are approximately 2 feet lower than the parking lot elevation. The project calls for the construction of a 8 foot high wall along the northern boundary of the project. This noise barrier was accounted for in the calculations.

Table 3
Delivery Truck/Loading Dock Noise Levels

Source	Metric	Receiver	Noise Level (dBA)	
			Outdoor	Indoor
Delivery Truck Near Loading Dock (Includes 8' Barrier)	Lmax	Homes To East	70.1*	57.5*
Delivery Truck Near Turn/College Avenue Driveway (No Barrier)	Lmax	Homes To East	74.8*	62.2*
Refrigerator Unit	L50	Homes To East	61.2*	47.5*
Trash Compactor	Lmax	Homes To East	61.1	49.1
Trash Compactor (Target)	L50	Homes To East	41.9	29.9
Trash Compactor (Typical)	L50	Homes To East	48.9	35.7
Garden Center Delivery Truck	Lmax	Homes To North	72.3*	60.1*

† Exceeds Daytime & Nighttime Noise Standard

* Exceeds Nighttime Noise Standard

Table 3 shows that the nighttime outdoor and indoor Lmax noise standards will be exceeded at the homes to the east due to the delivery trucks. Continued operation of the refrigerator units will result in exceedences of the nighttime outdoor L50 and indoor L8.3 standards. Mitigation will be required for these exceedences and is prescribed in the mitigation section 5.2.

Table 3 also shows that the nighttime outdoor and indoor Lmax noise standards will be exceeded at the homes along the northern project boundary. However, these delivery trucks will not operate during the nighttime hours (11 p.m. to 7 a.m.). Restriction of nighttime trucks along the northern boundary of the project should be called for in the mitigation measures.

CNEL Noise Levels Associated with Delivery Truck Traffic

Although the Noise Ordinance is the controlling document, some communities also like to look at noise impacts in terms of the CNEL noise scale. The noise levels in terms of the CNEL scale due to the truck traffic on the site will be very low. Analysis indicates that the truck noise levels at the residential areas to the north will be approximately 56 dBA CNEL with no barriers. This level will be lower with the required sound walls given in the mitigation section. The noise levels in terms of the 24-hour CNEL scale at this distance will be very low.

4.2.2 Parking Lot Activities

Noise Data

Traffic associated with parking lots is not of sufficient volume to exceed community noise standards that are based on a time averaged scale such as the CNEL scale. However, the instantaneous maximum sound levels generated by car door slamming, engine start-up, and car pass-bys can be annoying to nearby residents. Tire squeal may also be a problem depending on the type of parking surface. Estimates of the maximum noise levels associated with some parking lot activities are presented below and are based on limited measurements conducted by Mestre Greve Associates (Table 4). The noise levels presented are for a distance of 50 feet from the source, and are the maximum noise level generated. A range is given to reflect the variability of noise generated by various automobile types and driving styles.

Table 4
MAXIMUM NOISE LEVELS GENERATED BY PARKING LOTS
(dBA at 50 feet)

Event	Lmax
Door Slam	60 to 70
Car Alarm Activation	65 to 70
Engine Start-up	60 to 70
Car pass-by	55 to 70

Measurements indicate that vehicles have average SEL's (Single Event Level) of 69.7 dBA entering a parking space 70.3 dBA exiting a parking space at a distance of 50'. The SEL is a measure of the total energy of an event. Using the SEL level and the number of events during a period of time the average noise level (Leq) can be calculated for that time period. In typical community noise environments, the Leq noise level is greater than the L50 noise level.

Target estimates that during the peak hour 990 vehicles will enter and exit their parking lot. If we assume that one half of these vehicles (i.e. 445) travel in the parking lot near the northern boundary the resulting Leq noise level would be 63.0 dBA at 50 feet. If we assume that one quarter of the total peak hour vehicles (i.e. 223) travel near the eastern border of the project the Leq noise level would be 60.0 dBA at 50 feet. These levels will be used as the basis to calculate the L50 noise levels from parking lot activities.

Project Generated Noise Levels

Table 5 shows the projected worst case noise levels at the residences to the north and to the east of the project site. The nearest property line of the homes to the east is located approximately 95 feet from nearest parking spaces and 115 feet from areas of significant parking lot activity. The nearest home is located approximately 20 feet farther. As there is no noise barrier along a portion of the eastern boundary, noise reduction from a barrier was not considered. The nearest property line of the homes to the north is located approximately 5 feet from the nearest parking spaces and 25 feet from the areas of significant parking lot activity. The nearest building is located approximately 20 feet further. The elevation of rear yards and building pads are approximately 2 feet lower than the parking lot. The project includes the construction of a 10-foot screen wall along the northern boundary. The calculations include the effect of this barrier.

Table 5
Parking Lot Noise Levels

Metric	Receiver	Noise Level (dBA)	
		Outdoor	Indoor
Lmax	Homes To East	64.4	51.2
L50	Homes To East	52.8*	39.4
Lmax	Homes To North	68.7	50.8
L50	Homes To North	51.6*	39.3

† Exceeds Daytime & Nighttime Noise Standard

* Exceeds Nighttime Noise Standard

Table 5 shows that the only noise ordinance exceedences due to the parking lot activities is the outdoor nighttime L50 noise standard. However, the L50 noise levels calculated are for peak hour activity. This will definitely occur during the daytime hours (7 a.m. to 11 p.m.). The Target Store will be open from 8 a.m. to 10 p.m. The hours of operation for the other tenants is not currently known. It is reasonable to assume that nighttime parking lot activity will be at most half of the peak hour. At this activity level the noise level will be 3 dB lower. This is below the nighttime noise standard.

5.0 Mitigation Measures

5.1 Temporary Impacts

This section of the report deals with possible methods of minimizing the impact of construction noise upon the nearby residential areas. Due to the preliminary stage of the project, it is unknown exactly what procedures will be used in the project's construction. For this reason, the exact noise impact upon the nearby residents is also unknown. The potential construction noise impacts on the nearby residents may be noticeable. Therefore, construction noise mitigation measures are recommended for this project. Several mitigation methods are recommended for this project and described below:

Local Control of Construction Hours - The most effective method of controlling construction noise is through local control of construction hours. The City of Costa Mesa has adopted noise ordinances that limit construction activities hours to between 7 a.m. and 8 p.m.

Truck Routes - Truck routes in general should be steered away from residential areas.

Stock Piling Areas should be located as far from the residents as possible - The stocking of construction materials such as steel girder, loading/unloading trucks and moving equipment such as mobile cranes, can create high noise levels. This is not intended to apply to temporary piles of the materials that will be used up in a short period of time (i.e. less than 2 weeks). Stock piling area for this project may not be necessary, however if necessary, the stock piling area should be located as far as possible from the existing homes.

5.2 Off-Site Impacts

Mitigation measures are required to ensure that noise levels are mitigated to be in compliance with the noise ordinance standards. The required mitigation measures are described below.

Eastern and Northern Perimeter Wall - The project proposed 8 foot screen wall along the northern and eastern boundary will be adequate to reduce noise levels to below the daytime noise ordinance standards. The project propose 8 foot screen wall along the eastern boarder near the loading dock will not be adequate to reduce delivery truck maximum noise levels below the daytime and nighttime noise ordinance standards.

If nighttime deliveries to the loading dock are a part of the project, the screen wall adjacent to the loading dock will need to be 11 feet high and located as shown in Exhibit 1. This barrier is required to reduce the maximum noise levels from the delivery trucks to below the nighttime noise ordinance standards for the residences across College Street. However, the noise barrier cannot continue through driveway along College Street. This may result in some nighttime noise ordinance exceedences.

A noise barrier is only effective if it breaks line of site between the observer and the noise source. Because the wall cannot continue through the driveway, some residences will have direct line of sight to a truck for a portion of its route to and from the loading dock. However, the noise data used in this study and most stringent criteria for truck operations is the maximum noise level. This typically occurs for only an instant during acceleration or breaking. There is no way to tell where the trucks will be breaking or accelerating in a way cause a maximum noise level event while some homes have direct line of site to the truck. Therefore, there is a possibility that the Lmax noise ordinance will be exceeded at the homes across from the driveway opening. However, it is difficult to predict if exceedences will actually occur or the potential frequency of exceedences.

For homes with no direct line of site to the trucks the outdoor maximum noise levels will be 65.3 dBA and the indoor maximum noise levels will be 50.1 dBA with the 11' noise barrier. For homes with line of site to the trucks the potential outdoor maximum noise level will be 74.8 dBA and the indoor noise level will be 62.2 dBA.

We would highly recommend that height of the eastern screen wall be 11' unless there is a great deal of confidence that nighttime deliveries will never be a part of the project. If there are not to be any nighttime deliveries the barrier as shown in Exhibit 1 can be 8' high and the daytime noise ordinance will not be exceeded.

At this time, to eliminate potential noise ordinance exceedences, nighttime (i.e. 11 p.m. to 7 a.m.) deliveries to the loading dock must be restricted. If at a later date, after construction, nighttime deliveries are desired a noise study could be undertaken to measure actual delivery truck noise levels at the homes across College Street to determine the potential of nighttime noise ordinance exceedences.

Nighttime deliveries to the Garden Center along the northern boundary must be restricted.

Require Idling Trucks to Turn Engines and Refrigeration Units Off - All non-refrigerated delivery trucks shall be required to turn engines off and all refrigerated trucks shall be required to turn engines and refrigeration units off while trucks are waiting in the delivery route or while loading or unloading in the

loading dock. Signs shall be posted informing delivery trucks to turn-off truck engines (and refrigeration units for refrigerated trucks) when not in use.

Additionally recommended mitigation measures

- Do not use speed bumps in the truck access areas.
- Use signs to control truck and other vehicle speed.
- Use signs to limit use of horns and yelling at loading dock.
- No paging or radio system at the Target garden center or loading dock.
- No door bell or audible alert at any doors along the north side of the Target store or in the garden center.
- Doors and roll-up doors are to be closed when not in use.
- Restrict noise generating maintenance activities such as parking lot sweepers and leaf blowers to non-holiday weekdays between 7:00 a.m. and 8:00 p.m.
- Wall materials can be standard masonry or concrete block, or any other material with a surface weight of 3.5 pounds per square foot. No gaps or openings are permitted. All gaps are to be sealed.

5.3 Impacts After Mitigation

With the mitigation measures given above, all applicable noise standards will be achieved for the noise sources analyzed.

BARRIER PREDICTION WORKSHEET, POINT SOURCE
 Last Update: 7/1/99 ME-J

Delivery Trucks Near Loading Dock Lmax

Noise Level of	80.2 dBA
At	70.0 feet
Critical Freq. (Hz)	500 Hz
Source Elevation	8.0 Ft

Noise Level at 50'	83.1
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To get other noise levels,
 Put in Distances

Dist.	dBA
50	83.1
100	77.1
150	73.6
200	71.1

To get other distances,
 Put in other noise levels.

dBA	Dist.
75	127
70	227
77	101
67	3.0

Lot	Source Elevation	Base of Wall	Distance To Wall	Dist. To Observer	Pad Elevation	Observer Height	Wall Height	Breaks LOS	Barrier Reduction	Noise Level (dBA)
Unmitigated	0	0	5	125	0	5	8.0	Yes	5.0	70.1
	0	0	15	135	0	5	8.0	Yes	5.1	69.4
	0	0	30	150	0	5	8.0	Yes	5.1	68.5
	0	0	35	155	0	5	8.0	Yes	5.1	68.2
Daytime Standard Outdoor 75 dBA	0	0	5	125	0	5	8.0	Yes	5.0	70.1
	0	0	15	135	0	5	8.0	Yes	5.1	69.4
	0	0	30	150	0	5	8.0	Yes	5.1	68.5
	0	0	35	155	0	5	8.0	Yes	5.1	68.2
Nighttime Standard Outdoor 70 dBA	0	0	5	125	0	5	11.0	Yes	12.4	62.8
	0	0	10	130	0	5	11.0	Yes	10.4	64.4
	0	0	30	150	0	5	11.0	Yes	8.3	65.3
	0	0	35	155	0	5	11.0	Yes	8.1	65.2
Daytime Standard Indoor 65 dBA	0	0	5	135	0	5	8.0	Yes	5.0	57.5
	0	0	15	145	0	5	8.0	Yes	5.1	56.8
	0	0	30	160	0	5	8.0	Yes	5.1	55.9
	0	0	35	165	0	5	8.0	Yes	5.1	55.6
Nighttime Standard Indoor 55 dBA	0	0	5	135	0	5	11.0	Yes	12.4	50.1
	0	0	15	145	0	5	11.0	Yes	9.4	52.5
	0	0	30	160	0	5	11.0	Yes	8.2	52.8
	0	0	35	165	0	5	11.0	Yes	8.0	52.8

Outdoor to Indoor Noise Reduction 12

BARRIER PREDICTION WORKSHEET, POINT SOURCE
 Last Update: 7/1/99 MBJ

Parking Lot Activity (Lmax)

Noise Level of	70.0 dBA
At	50.0 feet
Critical Freq. (Hz)	250 Hz
Source Elevation	3.5 Ft

Noise Level at 50'	70.0
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To get other noise levels,
 Put in Distances

Dist.	dBA
50	70.0
50	70.0
50	70.0
210	57.5

To get other distances,
 Put in other noise levels.

dBA	Dist.
55	281
52	397
45	889
40	1581

Lot	Source Elevation	Base of Wall	Dist. To Observer	To Pad Observer Elevation	Observer Height	Wall Height	Breaks LOS	Barrier Reduction	Noise Level (dBA)
Homes to North									
Nighttime Standard	0	0	10	-2	5	8.0	Yes	15.3	68.7
Outdoor Lmax	0	0	15	-2	5	8.0	Yes	14.3	66.1
70 dBA	0	0	25	-2	5	8.0	Yes	13.6	62.4
	0	0	35	-2	5	8.0	Yes	13.4	59.7
Nighttime Standard	0	0	25	-2	5	8.0	Yes	13.3	50.8
Indoor Lmax	0	0	30	-2	5	8.0	Yes	11.7	50.7
55 dBA	0	0	40	-2	5	8.0	Yes	10.4	49.5
	0	0	50	-2	5	8.0	Yes	9.9	48.1
Homes to East									
Nighttime Standard	0	0	95	0	5	0.0	No	0.0	64.4
Outdoor Lmax	0	0	100	0	5	0.0	No	0.0	64.0
70 dBA	0	0	110	0	5	0.0	No	0.0	63.2
	0	0	120	0	5	0.0	No	0.0	62.4
Nighttime Standard	0	0	110	0	5	0.0	No	0.0	51.2
Indoor Lmax	0	0	115	0	5	0.0	No	0.0	50.8
55 dBA	0	0	125	0	5	0.0	No	0.0	50.0
	0	0	135	0	5	0.0	No	0.0	49.4

Outdoor to Indoor Noise Reduction 12

BARRIER PREDICTION WORKSHEET, POINT SOURCE
 Last Update: 7/1/99 MBJ

Trash Compactor (Target Standard)

Noise Level of	50.0 dBA
At	100.0 feet
Critical Freq. (Hz)	125 Hz
Source Elevation	7.0 Ft

Noise Level at 50'	56.0
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To get other noise levels,
 Put in Distances

Dist.	dBA
50	56.0
50	56.0
50	56.0
210	43.6

To get other distances,
 Put in other noise levels.

dBA	Dist.
55	56
52	79
45	178
40	316

Lot	Source Base Elevation	Distance To Wall	Base Of Wall	Dist. To Observer	Pad Elevation	Observer Height	Wall Height	Breaks LOS	Barrier Reduction	Noise Level (dBA)
Unmitigated	0	50	0	140	0	5	8.0	Yes	5.2	41.9
Daytime Standard Outdoor 55 dBA	0	50	0	140	0	5	8.0	Yes	5.2	41.9
Nighttime Standard Outdoor 50 dBA	0	50	0	140	0	5	8.0	Yes	5.2	41.9
Daytime Standard Indoor 55 dBA	0	50	0	140	0	5	8.0	Yes	5.2	29.9
Nighttime Standard Indoor 45 dBA	0	50	0	140	0	5	8.0	Yes	5.2	29.9

Outdoor to Indoor Noise Reduction 12

BARRIER PREDICTION WORKSHEET, POINT SOURCE
 Last Update: 7/1/99 MBJ

Trash Compactor (Running Level-L50)

Noise Level of	69.0 dBA
At	25.0 feet
Critical Freq. (Hz)	125 Hz
Source Elevation	7.0 Ft

Noise Level at 50'	63.0
--------------------	------

To get other noise levels,
 Put in Distances

Dist.	dBA
50	63.0
50	63.0
50	63.0
210	50.5

To get other distances,
 Put in other noise levels.

dBA	Dist.
55	125
52	177
45	396
40	705

Lot	Source Elevation	Base Of Wall	Dist. To Observer	To Pad Elevation	Observer Height	Wall Height	Breaks LOS	Barrier Reduction	Noise Level (dBA)
Unmitigated	0	0	140	0	5	8.0	Yes	5.2	48.9
Daytime Standard Outdoor 55 dBA	0	0	140	0	5	8.0	Yes	5.2	48.9
Nighttime Standard Outdoor 50 dBA	0	0	140	0	5	8.0	Yes	5.2	48.9
Daytime Standard Indoor 55 dBA	0	0	160	0	5	8.0	Yes	5.2	35.7
Nighttime Standard Indoor 45 dBA	0	0	160	0	5	8.0	Yes	5.2	35.7

Outdoor to Indoor Noise Reduction 12

BARRIER PREDICTION WORKSHEET, POINT SOURCE
 Last Update: 7/1/99 MBJ

Trash Compactor (Lmax)

Noise Level of	75.2 dBA
At	50.0 feet
Critical Freq. (Hz)	125 Hz
Source Elevation	7.0 Ft

Noise Level at 50'	75.2
--------------------	------

To get other noise levels,
 Put in Distances

Dist.	dBA
50	75.2
50	75.2
50	75.2
210	62.7

To get other distances,
 Put in other noise levels.

dBA	Dist.
55	512
52	723
45	1618
40	2877

Lot	Source Elevation	Base Of Wall	Dist. To Observer	To Pad Elevation	Observer Height	Wall Height	Breaks LOS	Barrier Reduction	Noise Level (dBA)
Unmitigated	0	0	140	0	5	8.0	Yes	5.2	61.1
Daytime Standard Outdoor 75 dBA	0	0	140	0	5	8.0	Yes	5.2	61.1
Nighttime Standard Outdoor 70 dBA	0	0	140	0	5	8.0	Yes	5.2	61.1
Daytime Standard Indoor 65 dBA	0	0	140	0	5	8.0	Yes	5.2	49.1
Nighttime Standard Indoor 55 dBA	0	0	140	0	5	8.0	Yes	5.2	49.1

Outdoor to Indoor Noise Reduction 12

MacPoint

BARRIER PREDICTION WORKSHEET, POINT SOURCE

Last Update: 7/1/99 MBJ
 Target Info -990 Vehicles In & Out at Peak Hour
 Assume 1/2 Go Along North Boundary

Parking Lot Activity (L50) Assume 1/4 Go Along North Boundary

Noise Level of	At	63.0 dBA
Critical Freq. (Hz)	500 Hz	
Source Elevation	3.5 Ft	

Noise Level at 50'	63.0
--------------------	------

To get other noise levels,
 Put in Distances

Dist.	dBA
50	63.0
50	63.0
50	63.0
210	50.6

To get other distances,
 Put in other noise levels.

dBA	Dist.
55	126
52	178
45	399
40	701

SEL	#
Cars In	247.5
Cars Ou	247.5
Total	495
Leq L5C	63.0

Lot	Source Base Elevation	Distance To Wall	Base Of Wall	Dist. To Observer	Pad Elevation	Observer Height	Wall Height	Breaks LOS	Barrier Reduction	Noise Level (dBA)
Homes to North	0	25	0	30	-2	5	8.0	Yes	16.4	51.1
Daytime Standard Outdoor	0	25	0	35	-2	5	8.0	Yes	14.5	51.6
55 dBA	0	25	0	40	-2	5	8.0	Yes	13.4	51.6
	0	25	0	45	-2	5	8.0	Yes	12.7	51.3
Daytime Standard Indoor L8.3	0	25	0	45	-2	5	8.0	Yes	12.7	39.3
55 dBA	0	25	0	115	0	5	0.0	No	0.0	52.8
Homes To East	0	25	0	115	0	5	0.0	No	0.0	52.8
Daytime Standard Outdoor	0	25	0	115	0	5	0.0	No	0.0	52.8
55 dBA	0	25	0	115	0	5	0.0	No	0.0	52.8
Daytime Standard Indoor L8.3	0	25	0	135	0	5	0.0	No	0.0	39.4
55 dBA	0	25	0	135	0	5	0.0	No	0.0	

BARRIER PREDICTION WORKSHEET, POINT SOURCE
 Last Update: 7/1/99 MBEJ

Truck Refrigerator Units-Running

Noise Level of	73.7 dBA
At	40.0 feet
Critical Freq. (Hz)	250 Hz
Source Elevation	8.0 Ft

Noise Level at 50'	71.8
--------------------	------

To get other noise levels,
Put in Distances

Dist.	dBA
50	71.8
50	71.8
50	71.8
210	59.3

To get other distances,
Put in other noise levels.

dBA	Dist.
55	344
52	486
45	1089
40	1937

Lot	Source Elevation	Base To Wall	Dist. To Observer	Pad Elevation	Observer Height	Wall Height	Breaks LOS	Barrier Reduction	Noise Level (dBA)
Unmitigated	0	5	95	0	5	8.00	Yes	5.0	61.2
	0	10	100	0	5	8.00	Yes	5.0	60.7
	0	20	110	0	5	8.00	Yes	5.1	59.8
	0	30	120	0	5	8.00	Yes	5.1	59.1
Daytime Standard	0	5	95	0	5	8.00	Yes	5.0	61.2
Outdoor	0	10	100	0	5	8.00	Yes	5.0	60.7
55 dBA	0	20	110	0	5	8.00	Yes	5.1	59.8
	0	30	120	0	5	8.00	Yes	5.1	59.1
Nighttime Standard	0	5	95	0	5	16.00	Yes	16.5	49.7
Outdoor	0	20	110	0	5	17.00	Yes	13.8	51.1
50 dBA	0	35	125	0	5	17.00	Yes	12.4	51.4
	0	40	130	0	5	17.00	Yes	12.1	51.3
Daytime Standard	0	5	110	0	5	8.00	Yes	5.0	47.9
Indoor	0	10	115	0	5	8.00	Yes	5.0	47.5
55 dBA	0	20	125	0	5	8.00	Yes	5.1	46.7
	0	30	135	0	5	8.00	Yes	5.1	46.1
Nighttime Standard	0	5	110	0	5	11.00	Yes	9.9	43.0
Indoor	0	10	115	0	5	11.00	Yes	8.4	44.1
45 dBA	0	20	125	0	5	11.00	Yes	7.4	44.4
	0	30	135	0	5	11.00	Yes	7.0	44.2
	0	35	140	0	5	11.00	Yes	6.8	44.0

Outdoor to Indoor Noise Reduction 12

BARRIER PREDICTION WORKSHEET, POINT SOURCE
 Last Update: 7/1/99 MBJ

Garden Center Delivery Trucks

Noise Level of	80.2 dBA
At	70.0 feet
Critical Freq. (Hz)	500 Hz
Source Elevation	8.0 Ft

Noise Level at 50'	83.1
--------------------	------

To get other noise levels,
 Put in Distances

Dist.	dBA
50	83.1
50	83.1
50	83.1
210	70.7

To get other distances,
 Put in other noise levels.

dBA	Dist.
55	1274
52	1799
45	4028
40	7163

Lot	Source Elevation	Base Of Wall	Distance To Wall	Dist. To Observer	Pad Elevation	Observer Height	Wall Height	Breaks LOS	Barrier Reduction	Noise Level (dBA)
Daytime Standard Outdoor 75 dBA	0	0	40	45	-2	5	8.0	Yes	15.0	69.0
	0	0	40	50	-2	5	8.0	Yes	12.3	70.8
	0	0	40	55	-2	5	8.0	Yes	10.6	71.7
	0	0	40	65	-2	5	8.0	Yes	8.6	72.3
	0	0	40	70	-2	5	8.0	Yes	7.9	72.3
Daytime Standard Indoor 65 dBA	0	0	40	60	-2	5	8.0	Yes	9.4	60.1

Outdoor to Indoor Noise Reduction 12

BARRIER PREDICTION WORKSHEET, POINT SOURCE
 Last Update: 7/1/99 MBJ

Delivery Trucks Near Turn/Driveway Lmax

Noise Level of	80.2 dBA
At	70.0 feet
Critical Freq. (Hz)	500 Hz
Source Elevation	8.0 Ft

Noise Level at 50'	83.1
--------------------	------

To get other noise levels,
 Put in Distances

Dist.	dBA
50	83.1
100	77.1
150	73.6
200	71.1

To get other distances,
 Put in other noise levels.

dBA	Dist.
75	127
70	227
77	101
67	320

Lot	Source Elevation	Base To Wall	Of Wall	Dist. To Observer	Pad Elevation	Observer Height	Wall Height	Breaks LOS	Barrier Reduction	Noise Level (dBA)
Unmitigated	0	5	0	130	0	5	0.0	No	0.0	74.8
Daytime Standard Outdoor 75 dBA	0	5	0	130	0	5	0.0	No	0.0	74.8
Nighttime Standard Outdoor 70 dBA	0	5	0	130	0	5	0.0	No	0.0	74.8
Daytime Standard Indoor 65 dBA	0	5	0	140	0	5	0.0	No	0.0	62.2
Nighttime Standard Indoor 55 dBA	0	5	0	140	0	5	0.0	No	0.0	62.2

Outdoor to Indoor Noise Reduction 12

ATTACHMENT 5

LEE, MEL

From: Al Morelli [mailto:al.morelli@costamesaca.gov]
Sent: Sunday, February 05, 2012 10:51 AM
To: LEE, MEL
Subject: Re: Target Meeting Follow-Up

Please note our understanding for the 30030 Harbor properties has been consistent and is not subject to change. We did offer a lot of sacrifices and compromises to adapt the Target store properties and to set limits for the original land use development. Therefore, for such we do not wish to depart from the permitted DR99-22. In addition, the negative declaration or environmental impact report (EIR) as prepared by the city did not fully address the compliance aspect where Target has repeatedly ignored to comply with DR99-22 Agreements.

Regarding the application for extension of store hours to 11 PM, Target Corporation can offer whatever they are willing to recommend for their given mitigation efforts. Regarding such mitigation efforts, Target Corporation need to put forward the suggestions in writing, to be included/or added as supplemental notes along with the development application.

- Close northerly entrance doors after 10:00 pm;
- Reduce parking lot lighting after 10:00 pm;
- Increase security after 10:00 pm.

In conclusion, we do hold both the Target's management and the city's staff to abide and to enforce the entire conditions and land use restriction as recorded with the original DR99-22.

On Fri, Feb 3, 2012 at 1:34 PM, LEE, MEL <MEL.LEE@costamesaca.gov> wrote:

Mr. Morelli -

Please let me know if you and/or the neighbors would support Target's request for the 11:00 pm closing time if they were to agree to comply with the items, as conditions of approval, discussed in our meeting last week below:

- Close northerly entrance doors after 10:00 pm;
- Reduce parking lot lighting after 10:00 pm;

02/13/2012

67

- Increase security after 10:00 pm.

Thanks,

Mel Lee, AICP

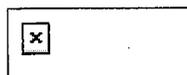
Senior Planner

City of Costa Mesa

77 Fair Drive, Costa Mesa, 92628

Ph. (714) 754-5611 Fax. (714) 754-4856

mel.lee@costamesaca.gov



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Al Morelli
Searchtec Consulting Group

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PLANNING COMMISSION **VII. 5c**
SUPPLEMENTAL MEMORANDUM

MEETING DATE: MARCH 12, 2011

ITEM NUMBER:

SUBJECT: AMEND DEVELOPMENT REVIEW DR-99-22 A3 FOR EXPANDED REGULAR
(I.E., NON-HOLIDAY) OPERATING HOURS FOR TARGET COSTA MESA
3030 A HARBOR BOULEVARD

DATE: MARCH 9, 2011

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: MEL LEE, SENIOR PLANNER

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

Attached is the following information per Commissioner Dickson's request related to Target:

1. Copies of recent Code Enforcement complaints.
2. Summary of Costa Mesa Police Department calls for service from November 25, 2011, to March 6, 2012.
3. Summary of Costa Mesa Police Department calls for service from March 1, 2010 to March 6, 2012.

MEL LEE, AICP
Senior Planner

Attachments

cc: Assistant Chief Executive Officer
Interim Development Services Director
Deputy City Attorney
City Engineer
Transportation Services Manager
Fire Protection Analyst
Doug Johnson, Police Department
Staff (4)
File (2)

COMPLAINT INVESTIGATION

City of Costa Mesa, Development Services Department

ATTACHMENT 1

Assi _____

COMPLAINT LOCATION

CDBG

Complaint Address: 3030 HARBOR BL CM Case No.: C11-1628

Property Owner: DAYTON HUDSON CORP Phone: _____

Address: %ATTN PROPERTY TAX, 777 NICOLLET MALL, MINNEAPOLIS, MN55402-2004

COMPLAINANT

Name: AL MORELLI Phone: 714-307-2227

Address: _____

Complaint Received By: GAMBO_R. Hotline Date: 11/08/2011 Time: ± 1:20 pm

~~Describe Complaint~~ DAILY DELIVERIES/DELIVERIES TAKING PLACE IN FRONT OF STORE BY ENTRANCE. TODAY UNANNOUNCED DELIVERY @ 1:15PM. GMC TRUCK CA. LIC. # 6S13517 CANTEEN FRESH TO USE ADVERTISED ON TRUCK.

Action:

Item: 00590 COMPLAINT

Item: 00595 FIELD OBSERVATION

Item: 00597 CITATION

??

11-8-11 went out to site @ 1:40 pm - no GMC truck at front or north side. Body Enforcement Officer George Nichols will see if can confirm the truck by viewing security tapes.

1-16-12 surge has forwarded info to PP so they can run plates. No info yet. When

COMPLAINT INVESTIGATION

City of Costa Mesa, Development Services Department

Assigned to: GN

COMPLAINT LOCATION

CDBG

Complaint Address: 3030 Harbor Blvd. - Target Case No. C11-1643

Property Owner: Target Corp Phone: _____

Address: PO Box 9456, Minneapolis, MN 55440

COMPLAINANT

Name: AL Morelli Phone: (714) 957-1577

Address: ~~1421 Shawrock~~ Costa Mesa

3412 Geranium St Costa Mesa CA

Complaint Received By: _____ Hotline Date: 11/4/11 Time: 11:55am

Describe Complaint:

DR-99-22

Target @ Harbor Blvd

violation/s per DR 99-22

Hours of operation, staff parking Exit Bar on
as late as 11:00pm / parking adjacent to corp. office / College Blvd.

Action: #57 Item 42 Exit bar has been
Item 55 removed.

metal grades - missing - blk parking lot
employee parking along north pt

I do request an code enforcement

to visit the site today for
check. 11/4/11 @ 12:00P-M

11-9-11 citation issued for hours of operation. Removal
of truck bar and gates not on Target
property so requires separate case / enforcement.
need to run license plate numbers for cars
parked along north pt.

LOCATION: 3030 WARDEN BLVD.

CASE LOG Cont:

11-9-2011 1st CITE for C.U.P. WRITTEN & GIVEN TO THE STORE. (GN)

11-22-2011 2nd CITE FOR ANOTHER CUP VIOLATION (GN)

11-28-2011 3rd CITE FOR CUP HOURS (GN)

01-04-2012 STORE HOURS SIGN MUST CLOSE AT 10:00 P.M. PHOTO TAKEN (GN)

02-07-2016 STORE HOURS SIGNS CORRECTED CASE CLOSED (GN)

Calls For Service to 3030 Harbor Blvd. from November 25, 2011 through March 6, 2012

Locations are those dispatched as "Target" or listing no specific business name

CFS to the location which resulted in a report and/or arrest:

Location	CAD #	DR #	Code	Incident Type	Dispo	Date	Time
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*Types of calls resulting in a report being taken are listed below.
There were 25 RTF's taken where Target and/or no specific location were listed during the time frame documented

***Call types resulting in RTF (RTF = Report Taken):**

COMMERCIAL BURGLARY	POSSESSION OF SWITCH
PETTYTHEFT	RECOVER STOLEN VEHICLE
IN CUSTODY	SUSPICIOUS MALE
FRAUD	MISC MISDEMEANOR INC
IDENTITYTHEFT	TOWED/STORED VEHICLE
THEFT REPORT	TRAFFIC STOP
DRUGS INVOLVED INCID	HIT AND RUN ACC NOI

CFS to the location resulting in no report taken:

Location	CAD #	DR #	Code	Incident Type	Dispo	Date	Time
TARGET	CAD 111130079741		BEGGAR	BEGGING	UTL	11/30/11	16:20
TARGET	CAD 111215083191		BEGGAR	BEGGING	GOA	12/15/11	20:42
TARGET	CAD 120128006781		BEGGAR	BEGGING	GOA	01/28/12	19:15
TARGET	CAD 120213010776		415	DISTURBANCE	PAWC	02/13/12	15:55
TARGET	CAD 120302015317		415	DISTURBANCE	UTL	03/02/12	13:29
TARGET	CAD 111127079066		415F	FAMILY DISTURBANCE-A	PAWC	11/27/11	15:21
TARGET	CAD 111231086836		919	KEEP THE PEACE	UTL	12/31/11	18:59
TARGET	CAD 120211010276		919	KEEP THE PEACE	PAWC	02/11/12	13:39
TARGET	CAD 120218011959		919	KEEP THE PEACE	PAWC	02/18/12	9:32:52
TARGET	CAD 120226014030		919	KEEP THE PEACE	PAWC	02/26/12	6:48:58
TARGET	CAD 111207081244		919P	KEEP THE PEACE - PRO	UNF	12/07/11	13:22
TARGET	CAD 111130079710		PC	PATROL CHECK	UTL	11/30/11	14:20
TARGET	CAD 111206081097		PC	PATROL CHECK	GOA	12/06/11	19:52
TARGET	CAD 120212010534		PC	PATROL CHECK	UTL	02/12/12	14:36
TARGET	CAD 120220012576		925	SUSPICIOUS CIRCS OR	CC	02/20/12	22:13
TARGET	CAD 111218083973		925	SUSPICIOUS CIRCS OR	UTL	12/18/11	20:58
TARGET	CAD 111125078498		925MAL	SUSPICIOUS MALE	UTL	11/25/11	0:32:13
TARGET	CAD 111203080364		925MAL	SUSPICIOUS MALE	PAWC	12/03/11	13:31
TARGET	CAD 120302015463		925C	SUSPICIOUS PERSON IN	PAWC	03/02/12	23:22
TARGET	CAD 120127006595		925V	SUSPICIOUS VEHICLE	PAWC	01/27/12	23:46
TARGET	CAD 111125078540		UNWANT	UNWANTED GUEST REFUS	CAN	11/25/11	8:36:14
TARGET	CAD 111216083501		UNWANT	UNWANTED GUEST REFUS	PAWC	12/16/11	23:24

Location	CAD #	DR #	Code	Incident Type	Dispo	Date	Time
TARGET	CAD 111127079065		W911NV	WIRELESS 911 CALL NO	CAN	11/27/11	15:21
TARGET = 23							
NO SPECIFIC LOC	CAD 111213082566		586	PARKING VIOLATION	CI	12/13/11	9:39:17
NO SPECIFIC LOC	CAD 111222084808		586	PARKING VIOLATION	CI	12/22/11	14:34
NO SPECIFIC LOC	CAD 120126006180		586	PARKING VIOLATION	CI	01/26/12	14:01
NO SPECIFIC LOC	CAD 111229086305		586	PARKING VIOLATION	CI	12/29/11	12:56
NO SPECIFIC LOC	CAD 120112002715		586	PARKING VIOLATION	CI	01/12/12	13:07
NO SPECIFIC LOC	CAD 120216011478		586	PARKING VIOLATION	CI	02/16/12	14:14
NO SPECIFIC LOC	CAD 120202007993		586	PARKING VIOLATION	CI	02/02/12	14:50
NO SPECIFIC LOC	CAD 120223013272		586	PARKING VIOLATION	CI	02/23/12	14:34
NO SPECIFIC LOC = 8							

Grand Total = 31

Calls For Service to 3030 Harbor Blvd. from March 1, 2010 through March 6, 2012

Locations are those dispatched as "Target" or listing no specific business name

CFS to the location which resulted in a report and/or arrest:

Location	CAD #	DR #	Code	Incident Type	Dispo	Date	Time
----------	-------	------	------	---------------	-------	------	------

***Types of calls resulting in a report being taken are listed below.
 There were 193 RTF's taken where Target and/or no specific location were listed during the 2 year period documented

****Call types resulting in RTF (RTF = Report Taken):**

ROBBERY	FOUND PROPERTY
INDECENT EXPOSURE	THREAT
AUTO THEFT	BATTERY
RECOVER STOLEN VEHIC	TRESPASSING
COMMERCIAL BURGLARY	FOOT PURSUIT
VEHICLE BURGLARY	WARRANT ARREST
GRAND THEFT FROM VEH	DISTURBANCE MALE
PETTY THEFT FROM VEH	MEDICAL AID
PETTY THEFT	PROPERTY REPORT
THEFT	MISC MISDEMEANOR INC
VANDALISM - VEHICLE	SUSPECT PRESENT
THEFT-CREDIT CARD	SUSPICIOUS CIRCS
FORGED NOTES	SUSPICIOUS MALE
FORGERY OF CREDIT CA	DUI-DRIVING UNDER TH
COUNTERFEIT MONEY IN	NON INJURY ACC-DRUNK
FRAUD REPORT	HIT & RUN PARKED VEH
IDENTITY THEFT	HIT AND RUN ACC NO INJ
NON SUFFICIENT FUNDS	HIT AND RUN ACC-PROP
POSSESSION OF DANGER	VEHICLE CODE VIOLATION
POSSESSION OF SWITCH	TC NON INJ
SELLING NARCOTICS	TOWED/STORED VEHICLE
11350-DRUGS	TRAFFIC STOP
DRUGS INVOLVED INCID	CAR STOP
IN CUSTODY	30 DAY IMPOUND

*****Disposition translation (Dispo):**

CAN = Cancelled
 CI = Citation Issued
 UTL = Unnesseary To Log
 FUR = Follow Up Report
 PAWC = Party Advised, Will Comply
 NRD = No Report Desired
 ALARM = Alarm
 GOA = Gone On Arrival
 UNF = Unfounded
 CC = Contact Card
 RTF = Report To Follow
 RTFA = Report To Follow Arrest

Location	CAD #	DR #	Code	Incident Type	Dispo	Date	Time
TARGET	LPD110415024394		602	TRESPASSING	PAWC	04/15/11	22:19
TARGET	LPD100507034375		415M	DISTURBANCE-MECHANIC	UTL	05/07/10	4:22:32
TARGET	LPD110221012324		MUNI	MUNI ORDINANCE VIOLA	CI	02/21/11	14:28
TARGET	LPD110628042052		MUNI	MUNI ORDINANCE VIOLA	PAWC	06/28/11	19:10
TARGET	LPD11120077500		MUNI	MUNI ORDINANCE VIOLA	UTL	11/20/11	6:59:45
TARGET	LPD100807059178		DRINK	DRINKING IN PUBLIC -	UNF	08/07/10	4:09:51
TARGET	LPD100812060602		ILSOLI	POSSIBLE ILLEGAL SOL	GOA	08/12/10	17:32
TARGET	LPD100904066986		ILSOLI	POSSIBLE ILLEGAL SOL	GOA	09/04/10	14:46
TARGET	LPD110418025019		ILSOLI	POSSIBLE ILLEGAL SOL	PAWC	04/18/11	14:48
TARGET	LPD110503028475		ILSOLI	POSSIBLE ILLEGAL SOL	GOA	05/03/11	18:31
TARGET	LPD110703043487		ILSOLI	POSSIBLE ILLEGAL SOL	GOA	07/03/11	12:34
TARGET	LPD110808053022		ILSOLI	POSSIBLE ILLEGAL SOL	PAWC	08/08/11	18:14
TARGET	LPD101023079708		UNWANT	UNWANTED GUEST REFUS	PAWC	10/23/10	10:01
TARGET	LPD110615038763		UNWANT	UNWANTED GUEST REFUS	CAN	06/15/11	14:13
TARGET	LPD110725049468		UNWANT	UNWANTED GUEST REFUS	PAWC	07/25/11	17:51
TARGET	LPD11125078540		UNWANT	UNWANTED GUEST REFUS	CAN	11/25/11	8:36:14
TARGET	LPD111216083501		UNWANT	UNWANTED GUEST REFUS	PAWC	12/16/11	23:24
TARGET	LPD110827057572		510	VEHICLES(S) RACING	UTL	08/27/11	4:49:29
TARGET	LPD110530034883		RAGE	ROAD RAGE/RECKLESS D	UTL	05/30/11	9:35:25
TARGET	LPD100428032255		PDUMPS	DUMPSTER FIRE	CAN	04/28/10	21:12
TARGET	LPD100916070101		PFINVE	FIRE INVESTIGATION	CAN	09/16/10	17:36
TARGET	LPD110225013270		SHOTSH	POSSIBLE SHOT(S) HEA	UTL	02/25/11	22:51
TARGET	LPD110514031009		SLEEP	SLEEPER IN PARK AT N	UTL	05/14/11	8:46:29
TARGET	LPD101015077585		SLEEPV	SLEEPER IN VEH (CMMC	GOA	10/15/10	6:31:19
TARGET	LPD100820062803		C5	STAKEOUT	UTL	08/20/10	16:28
TARGET	LPD110328020224		BEGGAR	BEGGING	GOA	03/28/11	14:37
TARGET	LPD100504033829		BEGGAR	BEGGING	GOA	05/04/10	21:49
TARGET	LPD100609043487		BEGGAR	BEGGING	GOA	06/09/10	16:13
TARGET	LPD100817062018		BEGGAR	BEGGING	GOA	08/17/10	21:10
TARGET	LPD100817062030		BEGGAR	BEGGING	CAN	08/17/10	22:13
TARGET	LPD100913069201		BEGGAR	BEGGING	GOA	09/13/10	11:45
TARGET	LPD100930073797		BEGGAR	BEGGING	GOA	09/30/10	15:23
TARGET	LPD110105000870		BEGGAR	BEGGING	UTL	01/05/11	10:55
TARGET	LPD110113002945		BEGGAR	BEGGING	GOA	01/13/11	16:05
TARGET	LPD110118004182		BEGGAR	BEGGING	PAWC	01/18/11	13:47
TARGET	LPD110331020890		BEGGAR	BEGGING	CAN	03/31/11	17:21
TARGET	LPD110411023382		BEGGAR	BEGGING	PAWC	04/11/11	12:50
TARGET	LPD110714046601		BEGGAR	BEGGING	GOA	07/14/11	15:32
TARGET	LPD110922063839		BEGGAR	BEGGING	CAN	09/22/11	10:59
TARGET	LPD111006067055		BEGGAR	BEGGING	UTL	10/06/11	21:11

CFS to the location specifically naming TARGET but resulted in no report taken:

Location	CAD #	DR #	Code	Incident Type	Dispo	Date	Time
TARGET	LPD11007067209		BEGGAR	BEGGING	GOA	10/07/11	15:49
TARGET	LPD11115076344		BEGGAR	BEGGING	PAWC	11/15/11	13:20
TARGET	LPD111130079741		BEGGAR	BEGGING	UTL	11/30/11	16:20
TARGET	LPD111215083191		BEGGAR	BEGGING	GOA	12/15/11	20:42
TARGET	LPD120128006781		BEGGAR	BEGGING	GOA	01/28/12	19:15
TARGET	LPD100426031558		919	KEEP THE PEACE	PAWC	04/26/10	12:50
TARGET	LPD110211010134		919	KEEP THE PEACE	PAWC	02/11/11	22:09
TARGET	LPD110624040935		919	KEEP THE PEACE	UTL	06/24/11	13:01
TARGET	LPD111231086836		919	KEEP THE PEACE	UTL	12/31/11	18:59
TARGET	LPD120211010276		919	KEEP THE PEACE	PAWC	02/11/12	13:39
TARGET	LPD120218011959		919	KEEP THE PEACE	PAWC	02/18/12	9:32:52
TARGET	LPD120226014030		919	KEEP THE PEACE	PAWC	02/26/12	6:48:58
TARGET	LPD110915062421		919C	KEEP THE PEACE - CHI	GOA	09/15/11	20:28
TARGET	LPD111207081244		919P	KEEP THE PEACE - PRO	UNF	12/07/11	13:22
TARGET	LPD111127079066		415F	FAMILY DISTURBANCE-A	PAWC	11/27/11	15:21
TARGET	LPD100605042327		415F	FAMILY DISTURBANCE-A	NRD	06/05/10	15:18
TARGET	LPD110630042634		FIGHT	FIGHT	CAN	06/30/11	22:27
TARGET	LPD110630042638		FIGHT	FIGHT	UTL	06/30/11	22:41
TARGET	LPD100413027912		415	DISTURBANCE	CAN	04/13/10	18:55
TARGET	LPD100912069102		415	DISTURBANCE	GOA	09/12/10	19:16
TARGET	LPD110821056226		415	DISTURBANCE	PAWC	08/21/11	15:07
TARGET	LPD120213010776		415	DISTURBANCE	PAWC	02/13/12	15:55
TARGET	LPD120302015317		415	DISTURBANCE	UTL	03/02/12	13:29
TARGET	LPD100719054104		NOISE	DISTURBANCE - NOISE	UNF	07/19/10	2:04:13
TARGET	LPD100724055624		415BG	DISTURBANCE BOYFRIEN	PAWC	07/24/10	17:22
TARGET	LPD110710045628		415BG	DISTURBANCE BOYFRIEN	GOA	07/10/11	13:19
TARGET	LPD100918070606		415FEM	DISTURBANCE FEMALE	GOA	09/18/10	12:49
TARGET	LPD100309018468		415MAL	DISTURBANCE MALE	CAN	03/09/10	19:13
TARGET	LPD100813060868		415MAL	DISTURBANCE MALE	GOA	08/13/10	16:24
TARGET	LPD101226094811		415MAL	DISTURBANCE MALE	UTL	12/26/10	11:03
TARGET	LPD110105001012		415MAL	DISTURBANCE MALE	PAWC	01/05/11	19:05
TARGET	LPD110217011351		415MAL	DISTURBANCE MALE	UTL	02/17/11	14:20
TARGET	LPD110401021100		415MAL	DISTURBANCE MALE	UTL	04/01/11	15:11
TARGET	LPD110615038724		415MAL	DISTURBANCE MALE	UTL	06/15/11	12:10
TARGET	LPD111107074454		415MAL	DISTURBANCE MALE	UTL	11/07/11	9:40:50
TARGET	LPD100912069076		415JUV	DISTURBANCE-JUVENILE	GOA	09/12/10	16:52
TARGET	LPD111022070783		415JUV	DISTURBANCE-JUVENILE	PAWC	10/22/11	16:40
TARGET	LPD100912069087		FU415	PRIOR 415 OCCURRING	PAWC	09/12/10	17:46
TARGET	LPD100613044677		SUSPEC	SUSPECT PRESENT OR I	FUR	06/13/10	18:48
TARGET	LPD101229095510		SUSPEC	SUSPECT PRESENT OR I	UTL	12/29/10	18:40
TARGET	LPD110702043215		SUSPEC	SUSPECT PRESENT OR I	RTF	07/02/11	19:32
TARGET	LPD110106001156		925	SUSPICIOUS CIRCS	UTL	01/06/11	13:37

Location	CAD #	DR #	Code	Incident Type	Dispo	Date	Time
TARGET	LPD110317017807		925	SUSPICIOUS CIRCS	CAN	03/17/11	21:27
TARGET	LPD110606036672		925	SUSPICIOUS CIRCS	UTL	06/06/11	17:15
TARGET	LPD120220012576		925	SUSPICIOUS CIRCS	CC	02/20/12	22:13
TARGET	LPD100308018220		925	SUSPICIOUS CIRCS	UTL	03/08/10	19:00
TARGET	LPD110121005035		925	SUSPICIOUS CIRCS	GOA	01/21/11	16:23
TARGET	LPD110223012807		925	SUSPICIOUS CIRCS	CAN	02/23/11	20:56
TARGET	LPD110407022486		925	SUSPICIOUS CIRCS	UTL	04/07/11	14:04
TARGET	LPD111218083973		925	SUSPICIOUS CIRCS	UTL	12/18/11	20:58
TARGET	LPD100819062629		925FEM	SUSPICIOUS FEMALE	UTL	08/19/10	23:53
TARGET	LPD100314019646		925MAL	SUSPICIOUS MALE	GOA	03/14/10	1:40:16
TARGET	LPD100427031952		925MAL	SUSPICIOUS MALE	GOA	04/27/10	19:03
TARGET	LPD100715053135		925MAL	SUSPICIOUS MALE	UTL	07/15/10	20:11
TARGET	LPD100815061414		925MAL	SUSPICIOUS MALE	UTL	08/15/10	13:18
TARGET	LPD110126006068		925MAL	SUSPICIOUS MALE	GOA	01/26/11	11:46
TARGET	LPD110210009711		925MAL	SUSPICIOUS MALE	PAWC	02/10/11	11:13
TARGET	LPD110215010913		925MAL	SUSPICIOUS MALE	GOA	02/15/11	13:32
TARGET	LPD110225013208		925MAL	SUSPICIOUS MALE	GOA	02/25/11	16:47
TARGET	LPD110511030287		925MAL	SUSPICIOUS MALE	NRD	05/11/11	15:06
TARGET	LPD110720048202		925MAL	SUSPICIOUS MALE	UTL	07/20/11	20:44
TARGET	LPD110912061686		925MAL	SUSPICIOUS MALE	GOA	09/12/11	17:49
TARGET	LPD111125078498		925MAL	SUSPICIOUS MALE	UTL	11/25/11	0:32:13
TARGET	LPD111203080364		925MAL	SUSPICIOUS MALE	PAWC	12/03/11	13:31
TARGET	LPD100512035597		925C	SUSP PERSON IN CAR	UNF	05/12/10	2:21:03
TARGET	LPD110220012179		925C	SUSP PERSON IN CAR	UTL	02/20/11	19:23
TARGET	LPD120302015463		925C	SUSP PERSON IN CAR	PAWC	03/02/12	23:22
TARGET	LPD110217011245		925V	SUSPICIOUS VEHICLE	UTL	02/17/11	0:03:57
TARGET	LPD120127006595		925V	SUSPICIOUS VEHICLE	PAWC	01/27/12	23:46
TARGET	LPD110815054689		CKWELF	CHECK WELFARE	UTL	08/15/11	10:09
TARGET	LPD110303014463		PPA	POLICE PUBLIC ASSIST	UTL	03/03/11	15:48
TARGET	LPD110707044762		PPA	POLICE PUBLIC ASSIST	UTL	07/07/11	8:47:42
TARGET	LPD110601035376		PPA	POLICE PUBLIC ASSIST	GOA	06/01/11	14:14
TARGET	LPD101217092845		GB	GENERAL BROADCAST -	CAN	12/17/10	22:06
TARGET	LPD110911061438		GB	GENERAL BROADCAST -	UTL	09/11/11	18:03
TARGET	LPD100727056340		586	PARKING VIOLATION	CAN	07/27/10	14:31
TARGET	LPD101026080451		586	PARKING VIOLATION	UTL	10/26/10	13:03
TARGET	LPD111122078022		586	PARKING VIOLATION	UTL	11/22/11	13:36
TARGET	LPD100614044879		PC	PATROL CHECK	GOA	06/14/10	13:40
TARGET	LPD100713052478		PC	PATROL CHECK	UTL	07/13/10	12:45
TARGET	LPD100731057352		PC	PATROL CHECK	GOA	07/31/10	14:22
TARGET	LPD100813060897		PC	PATROL CHECK	GOA	08/13/10	18:26
TARGET	LPD100830065690		PC	PATROL CHECK	UTL	08/30/10	16:06
TARGET	LPD100922071774		PC	PATROL CHECK	GOA	09/22/10	20:45

Location	CAD #	DR #	Code	Incident Type	Dispo	Date	Time
TARGET	LPD101014077420		PC	PATROL CHECK	GOA	10/14/10	13:34
TARGET	LPD110610037578		PC	PATROL CHECK	GOA	06/10/11	16:09
TARGET	LPD110710045716		PC	PATROL CHECK	GOA	07/10/11	19:33
TARGET	LPD111130079710		PC	PATROL CHECK	UTL	11/30/11	14:20
TARGET	LPD111206081097		PC	PATROL CHECK	GOA	12/06/11	19:52
TARGET	LPD120212010534		PC	PATROL CHECK	UTL	02/12/12	14:36
TARGET	LPD100312019276		909T	TRAFFIC HAZARD	UTL	03/12/10	19:05
TARGET	LPD100421030198		909T	TRAFFIC HAZARD	UTL	04/21/10	22:07
TARGET	LPD100716053334		909T	TRAFFIC HAZARD	UTL	07/16/10	14:32
TARGET	LPD100825064205		909T	TRAFFIC HAZARD	GOA	08/25/10	13:36
TARGET	LPD110315017257		909T	TRAFFIC HAZARD	UNF	03/15/11	13:13
TARGET	LPD110227013588		911NVC	911 CALL NO VOICE CO	CAN	02/27/11	11:34
TARGET	LPD110629042309		911NVC	911 CALL NO VOICE CO	CAN	06/29/11	18:07
TARGET	LPD11127079065		W911NV	WIRELESS 911 CALL NO	CAN	11/27/11	15:21
TARGET	LPD110316017464		W911NV	WIRELESS 911 CALL NO	CAN	03/16/11	15:27

CFS to 3030 Harbor that gave no specific business location upon dispatch:

Location	CAD #	DR #	Code	Incident Type	Dispo	Date	Time
3028 COLLEGE AV	LPD101207090394		919	KEEP THE PEACE	UTL	12/07/10	11:07
NO SPECIFIC LOC	LPD100516036854		415	DISTURBANCE	UTL	05/16/10	10:01
NO SPECIFIC LOC	LPD110905059881		415	DISTURBANCE	UTL	09/05/11	13:16
NO SPECIFIC LOC	LPD100723055274		C5	STAKEOUT	UTL	07/23/10	13:13
NO SPECIFIC LOC	LPD100402024901		SS	SUBJECT STOP	UTL	04/02/10	18:22
NO SPECIFIC LOC	LPD110708045140		925	SUSPICIOUS CIRCS	UTL	07/08/11	17:20
NO SPECIFIC LOC	LPD110223012691		925MAL	SUSPICIOUS MALE	CI	02/23/11	12:48
NO SPECIFIC LOC	LPD100603041580		925C	SUSP PERSON IN CAR	PAWC	06/03/10	0:29:11
NO SPECIFIC LOC	LPD110620039905		925C	SUSP PERSON IN CAR	PAWC	06/20/11	1:38:19
NO SPECIFIC LOC	LPD100924072212		911NVC	911 CALL NO VOICE CO	CAN	09/24/10	14:04
NO SPECIFIC LOC	LPD110530034968		BEGGAR	BEGGING	GOA	05/30/11	16:40
NO SPECIFIC LOC	LPD110225013188		C6	OUT FOR INVESTIGATIO	UTL	02/25/11	15:12
NO SPECIFIC LOC	LPD100302016386		586	PARKING VIOLATION	CI	03/02/10	9:31:14
NO SPECIFIC LOC	LPD100303016714		586	PARKING VIOLATION	CI	03/03/10	15:01
NO SPECIFIC LOC	LPD100311018908		586	PARKING VIOLATION	CI	03/11/10	14:42
NO SPECIFIC LOC	LPD100318020712		586	PARKING VIOLATION	CI	03/18/10	13:13
NO SPECIFIC LOC	LPD100324022374		586	PARKING VIOLATION	CI	03/24/10	14:27
NO SPECIFIC LOC	LPD100325022594		586	PARKING VIOLATION	CI	03/25/10	13:58
NO SPECIFIC LOC	LPD100420029739		586	PARKING VIOLATION	CI	04/20/10	10:03
NO SPECIFIC LOC	LPD100422030321		586	PARKING VIOLATION	CI	04/22/10	13:20
NO SPECIFIC LOC	LPD100428032175		586	PARKING VIOLATION	CI	04/28/10	15:06
NO SPECIFIC LOC	LPD100429032382		586	PARKING VIOLATION	CI	04/29/10	12:33
NO SPECIFIC LOC	LPD100506034221		586	PARKING VIOLATION	CI	05/06/10	14:43
NO SPECIFIC LOC	LPD100519037640		586	PARKING VIOLATION	CI	05/19/10	14:39

Location	CAD #	DR #	Code	Incident Type	Dispo	Date	Time
NO SPECIFIC LOC	LPD100527039868		586	PARKING VIOLATION	CI	05/27/10	14:35
NO SPECIFIC LOC	LPD100601041178		586	PARKING VIOLATION	CI	06/01/10	10:06
NO SPECIFIC LOC	LPD100603041728		586	PARKING VIOLATION	CI	06/03/10	14:04
NO SPECIFIC LOC	LPD100616045398		586	PARKING VIOLATION	CI	06/16/10	14:33
NO SPECIFIC LOC	LPD100617045662		586	PARKING VIOLATION	CI	06/17/10	14:00
NO SPECIFIC LOC	LPD100624047588		586	PARKING VIOLATION	CI	06/24/10	14:23
NO SPECIFIC LOC	LPD100701049301		586	PARKING VIOLATION	CI	07/01/10	13:46
NO SPECIFIC LOC	LPD100720054507		586	PARKING VIOLATION	CI	07/20/10	17:02
NO SPECIFIC LOC	LPD100805058677		586	PARKING VIOLATION	CI	08/05/10	14:42
NO SPECIFIC LOC	LPD100812060557		586	PARKING VIOLATION	CI	08/12/10	14:26
NO SPECIFIC LOC	LPD100902066389		586	PARKING VIOLATION	CI	09/02/10	14:03
NO SPECIFIC LOC	LPD100923071984		586	PARKING VIOLATION	CI	09/23/10	14:47
NO SPECIFIC LOC	LPD101007075660		586	PARKING VIOLATION	CI	10/07/10	15:12
NO SPECIFIC LOC	LPD101014077426		586	PARKING VIOLATION	CI	10/14/10	14:06
NO SPECIFIC LOC	LPD101202089256		586	PARKING VIOLATION	CI	12/02/10	14:15
NO SPECIFIC LOC	LPD101216092477		586	PARKING VIOLATION	CI	12/16/10	13:54
NO SPECIFIC LOC	LPD101222093961		586	PARKING VIOLATION	CI	12/22/10	15:13
NO SPECIFIC LOC	LPD101223094197		586	PARKING VIOLATION	CI	12/23/10	14:02
NO SPECIFIC LOC	LPD101230095699		586	PARKING VIOLATION	CI	12/30/10	14:03
NO SPECIFIC LOC	LPD110106001148		586	PARKING VIOLATION	CI	01/06/11	13:03
NO SPECIFIC LOC	LPD110127006365		586	PARKING VIOLATION	CI	01/27/11	14:38
NO SPECIFIC LOC	LPD110210009752		586	PARKING VIOLATION	CI	02/10/11	14:35
NO SPECIFIC LOC	LPD110310016071		586	PARKING VIOLATION	CI	03/10/11	13:32
NO SPECIFIC LOC	LPD110315017218		586	PARKING VIOLATION	CI	03/15/11	9:48:31
NO SPECIFIC LOC	LPD110407022489		586	PARKING VIOLATION	CI	04/07/11	14:11
NO SPECIFIC LOC	LPD110421025629		586	PARKING VIOLATION	CI	04/21/11	14:11
NO SPECIFIC LOC	LPD110426026800		586	PARKING VIOLATION	CI	04/26/11	9:55:57
NO SPECIFIC LOC	LPD110428027309		586	PARKING VIOLATION	CI	04/28/11	14:15
NO SPECIFIC LOC	LPD110616038983		586	PARKING VIOLATION	CI	06/16/11	14:22
NO SPECIFIC LOC	LPD110616038978		586	PARKING VIOLATION	CI	06/16/11	14:07
NO SPECIFIC LOC	LPD110706044670		586	PARKING VIOLATION	UTL	07/06/11	19:51
NO SPECIFIC LOC	LPD110707044815		586	PARKING VIOLATION	CI	07/07/11	13:03
NO SPECIFIC LOC	LPD110721048341		586	PARKING VIOLATION	CI	07/21/11	14:32
NO SPECIFIC LOC	LPD110906060021		586	PARKING VIOLATION	CI	09/06/11	9:06:04
NO SPECIFIC LOC	LPD110908060560		586	PARKING VIOLATION	CI	09/08/11	14:58
NO SPECIFIC LOC	LPD110929065430		586	PARKING VIOLATION	CI	09/29/11	15:02
NO SPECIFIC LOC	LPD111012068349		586	PARKING VIOLATION	CI	10/12/11	13:32
NO SPECIFIC LOC	LPD111020070222		586	PARKING VIOLATION	CI	10/20/11	13:39
NO SPECIFIC LOC	LPD111103073592		586	PARKING VIOLATION	CI	11/03/11	14:50
NO SPECIFIC LOC	LPD11110075153		586	PARKING VIOLATION	CI	11/10/11	12:36
NO SPECIFIC LOC	LPD111117076808		586	PARKING VIOLATION	CI	11/17/11	14:01
NO SPECIFIC LOC	LPD111213082566		586	PARKING VIOLATION	CI	12/13/11	9:39:17

Location	CAD #	DR #	Code	Incident Type	Dispo	Date	Time
NO SPECIFIC LOC	LPD111222084808		586	PARKING VIOLATION	CI	12/22/11	14:34
NO SPECIFIC LOC	LPD111229086305		586	PARKING VIOLATION	CI	12/29/11	12:56
NO SPECIFIC LOC	LPD120112002715		586	PARKING VIOLATION	CI	01/12/12	13:07
NO SPECIFIC LOC	LPD120126006180		586	PARKING VIOLATION	CI	01/26/12	14:01
NO SPECIFIC LOC	LPD120202007993		586	PARKING VIOLATION	CI	02/02/12	14:50
NO SPECIFIC LOC	LPD120216011478		586	PARKING VIOLATION	CI	02/16/12	14:14
NO SPECIFIC LOC	LPD120223013272		586	PARKING VIOLATION	CI	02/23/12	14:34
NO SPECIFIC LOC	LPD100726056159		PC	PATROL CHECK	UTL	07/26/10	19:17
NO SPECIFIC LOC	LPD110306015279		PC	PATROL CHECK	UTL	03/06/11	15:55
NO SPECIFIC LOC	LPD110831058726		909T	TRAFFIC HAZARD	UTL	08/31/11	21:10
IN THE AREA OF	LPD100704050132		W911NV	WIRELESS 911 CALL NO	CAN	07/04/10	11:47
IN THE AREA OF	LPD100817061871		W911NV	WIRELESS 911 CALL NO	UTL	08/17/10	9:36:26
NO SPECIFIC LOC	LPD100717053770		W911NV	WIRELESS 911 CALL NO	UTL	07/17/10	22:26
NO SPECIFIC LOC	LPD100415028465		W911NV	WIRELESS 911 CALL NO	UTL	04/15/10	20:18
NO SPECIFIC LOC	LPD110115003435		W911NV	WIRELESS 911 CALL NO	CAN	01/15/11	10:31
NO SPECIFIC LOC	LPD110403021637		W911NV	WIRELESS 911 CALL NO	UTL	04/03/11	15:17
NO SPECIFIC LOC	LPD110716047123		W911NV	WIRELESS 911 CALL NO	CAN	07/16/11	14:06
NO SPECIFIC LOC	LPD110806052494		W911NV	WIRELESS 911 CALL NO	UTL	08/06/11	17:44
NO SPECIFIC LOC	LPD111123078229		W911NV	WIRELESS 911 CALL NO	UTL	11/23/11	11:06

**ATTACHMENT 6
PLANNING COMMISSION RESOLUTION**

RESOLUTION NO. PC-12-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING DEVELOPMENT REVIEW AMENDMENT DR-99-22 A3 FOR EXTENDED REGULAR (I.E., NON-HOLIDAY) HOURS FOR TARGET COSTA MESA.

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by John Warren, authorized agent for Target Corporation, requesting approval to amend the condition of approval for Target Costa Mesa's regular (i.e., non-holiday) operating hours as follows:

Current Approved Regular (Non-Holiday) Hours:

- o 8:00 am to 10:00 pm, seven days a week.

Requested Regular (Non-Holiday) Hours:

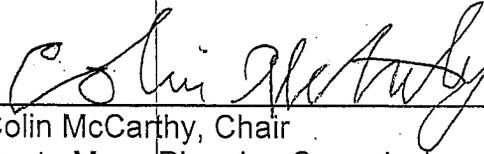
- o 8:00 am to 11:00 pm, seven days a week.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 12, 2012, with all persons having the opportunity to speak for and against the proposed project:

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **APPROVES** DR-99-22 A3 with respect to the property described above for 8:00 am to 11:00 pm, seven days a week hours for Target Costa Mesa.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for DR-99-22 A3 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B" as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 12th day of March, 2012.

A handwritten signature in cursive script, appearing to read "Colin McCarthy", is written over a horizontal line.

Colin McCarthy, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposal complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The request is compatible and harmonious with the use and site development, and use(s), and site developments that exist or have been approved for the general neighborhood. Specifically, The extended hours would be subject to applicable conditions of approval to ensure that no adverse impacts to adjacent uses and properties is created, including requiring the store be operated in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The Police Department has reviewed the proposed extended hours and has no objections to the proposal. The original noise study prepared for the project by Mestre Greve Associates was re-evaluated by a new consultant, which concluded that the extended closing time would not result in an increase in noise levels in excess of the City Noise Ordinance. The code enforcement activity for the site has been taken into consideration and this activity is not at a level that would preclude the approval of extended hours. Specifically, until the November 2011 complaint received regarding the 11:00 pm closing time, the previous noise-related complaint received by staff was in 2007.
 2. The request complies with any performance standards as prescribed elsewhere in this Zoning Code.
 3. The request is consistent with the general plan and any applicable specific plan.
 4. The request is for a project-specific case and is not to be construed to be setting a precedent for future development.
 5. The cumulative effect of all the planning applications has been considered.
- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines; and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng. 1. The use shall be limited to the type of operation as described in the staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment to the development review, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].
2. A copy of the conditions of approval shall be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
3. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator shall institute whatever security and operational measures are necessary to comply with this requirement.
4. The use shall be limited to the following hours of operation: 8:00 am to 11:00 pm, Monday through Saturday, and 8:00 am to 10:00 pm Sunday. Changes to the hours of operation that extend the opening and closing times past the above hours shall be submitted to the Planning Commission for review.
5. All other applicable conditions of approval for DR-99-22 and its subsequent amendments shall remain in effect.
6. DR-99-22 A3 shall be reviewed by the Planning Commission no later than six months from the date of approval to determine if the extended hours of operation may be permitted to remain in effect.

**ATTACHMENT 7
RELATED CORRESPONDENCE**

FROM THE DESK OF TOM MCCORMICK

8-26-99

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

AUG 30 1999

AM PM
71819110111112111213141516

Mr. Jim Theusch
1000 Nicollette Mall
Mail stop 11NMI-121
Minneapolis, MN., 55403

Dear Jim,

My wife and I want to take this opportunity to thank you for the meeting that we had with your architect, Mr. Howard Covert. Although Howard didn't mention that he was bringing four extra people, they were very helpful, and we were all able to fit into our living room and have a productive meeting.

Let me start by saying that we are thrilled to have a new Target store replacing the old, ailing Fedco store. It's a little bittersweet as Fedco was my first job out of high school 25 years ago. But I think most people will agree that Target will benefit our community more than Fedco. My wife Debby takes our three little girls to the Huntington Beach Target every Saturday. She's what I refer to as a black belt Target shopper. Many employees know her by name.

I am going to follow Mr. Grimes suggestion and list in writing some of our concerns about being neighbors, so that our communications will remain consistent and clear:

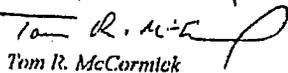
- As a part of the original conditional use permit 30 years ago, Fedco installed chains at every entrance (Except one for emergency vehicles). The chains would go up at 10:00 pm and come down at 7:00 am. At sometime they stopped utilizing the chains. Then in 1995, after numerous police reports and discussions with the city, they agreed to put the chains back up. (Please see attached report) This put a stop to the trucks that used to camp out on the property, many of them with idling engines or refrigerated loads, not to mention smaller vehicles, homeless people and others that have awoken us at all hours of the night. The 405 freeway is located just one block north of the property line and draws extra truckers and others looking for a rest stop. We are very hopeful that Target will not take away these chains, as they have proven to be the only successful measure taken to ensure us peaceful evenings.*
- We also discussed the new sound wall behind the Shamrock Lane residents to be at least ten feet in height to help with all the new customer parking. With Fedco, the parking behind these residents were the furthest stalls from the front door entrance, which then faced Baker St. ,therefore they were almost never used, along with the dozens of stalls behind them staying empty most of the year.. With the new entrance*

of Greatland Target facing Harbor Blvd., these stalls are now much closer to the store entrance, making them much more attractive to utilize, along with the dozens behind them filling up. This wall would definitely help with the influx of vehicles driving, parking, slamming doors, talking, car alarms, etc.; Howard and Peter mentioned that this wall would be a common wall that would eliminate our backyard wall that stands right next to it. All neighbors are in agreement that it would be optimum to keep parking off this wall, and maybe install some nice landscaping instead.

- Peter had suggested adding additional, taller landscaping to help buffer these noises behind our residences.
- We discussed keeping the parking lot sweeper hours to existing hours of not before 7:00 am and not after 7:00 pm. These vehicles are particularly noisy.
- Peter and I discussed not losing our existing "NO TRUCK PARKING" and "NO TRUCKS STOPPING OR IDLING" signs along the north property wall.

Along with our concerns we are all excited to have a new Target within walking distance. We want to be good neighbors, and we feel confident that a company with the integrity and fine reputation as Target will also desire a good relationship, so we all can enjoy being neighbors for years to come.

Sincerely,


Tom R. McCormick

cc: Mr. John Grimes
Mr. Melvin F. Lee
Mr. Howard Covert
Mr. Gilbert Collins

Enclosure

From: Louanne McCormick
Sent: Monday, March 05, 2012 3:06 PM
To: mel.lee@costamesaca.gov
Subject: Target Hours

Hi Mel – regarding Targets latest request for extended hours:

- 1) As of this afternoon the Target.com website has the Costa Mesa Stores hours posted as 8:00 – 11:00!!!!
- 2) We are concerned that agreeing to what previously were considered extended holiday closing hours all year long will put Target back on track to request a FURTHER extension of Holiday hours to Midnight, which for a store boarding by residences is unacceptable.
- 3) None of the Target stores are open until 11:00 on Sundays.

Note: Tom and I would like to reiterate that there is no practical way to record disturbances with the City. The reason the CUP was put into place is because common sense says that there will be ambient noise associated with a large retail store and parking lot and that reasonable limits must be in place to protect the peaceful enjoyment of the boarding residences. It is not an appropriate argument to say that because there are no complaints on record they should be able to alter the agreement – it was put in place for good reasons. We would prefer that Target closed at 9:00 each night – but we don't get our wish either.

Kind regards,
LouAnne R. McCormick

CA DRE# 01194643

VII. 5b

From: Jeff Gibbs
Sent: Wednesday, March 07, 2012 7:28 AM
To: PLANNING COMMISSION
Subject: Target Hours

To whom it may concern:

I live at 3111 Dublin St, 3 houses down from the Target parking lot. I am opposed to the extension of their hours due to increase noise and activity in their parking lot after hours.

Target knew this when they came into the neighborhood, and they accepted it then.

There is still a family community just outside their walls. There must be a reason the city did not allow a 11 pm close then, just as there should be now. What is next? 12 midnight close? Or will they look to be open from 6 am to 2 am? When will it stop?

If someone in the city does feel it is a good idea to move forward, can you please provide the details of the economic impact to the city by Target staying open until 11 pm? What is the value of the customers that would shop between 10 and 11 pm, that we otherwise would not have in Costa Mesa. Because Target is serving neighbors, I find it hard to believe that they lose much (or any) business because they close at 10 pm. In other words, how many people are going there between 10 and 11 pm because they need a product that they must have that day, otherwise they are driving to another Target. I cannot imagine there is much of a tax revenue being driven to the city that we already do not have. Beer and wine purchases will still exist, just maybe from 7 eleven or a locally owned liquor store.

Please deny Target the request for 11 pm close, have courage. Also, have courage to state that this is the last request that will be considered for a hour store extension.

Thank you for the time.

Jeff Gibbs

VII. 5d

From: John Warren
Sent: Thursday, March 08, 2012 3:17 PM
To: LEE, MEL
Cc: FLYNN, CLAIRE
Subject: Planning Commission

Mel,

Attached are some photos for the Planning Commission meeting. The photos show some of the compliance items that Target has implemented since the November Planning Commission meeting. There is a bulletin board which is prominently displayed for employees indicating where they should park their vehicles. We also have photos of the power washing operation which does not start until after 8:00 am.

There are also a few photos of the Black Friday program that was implemented per the Planning Commission direction. I will send you the results of the additional noise analysis either today or tomorrow.

John

John Warren

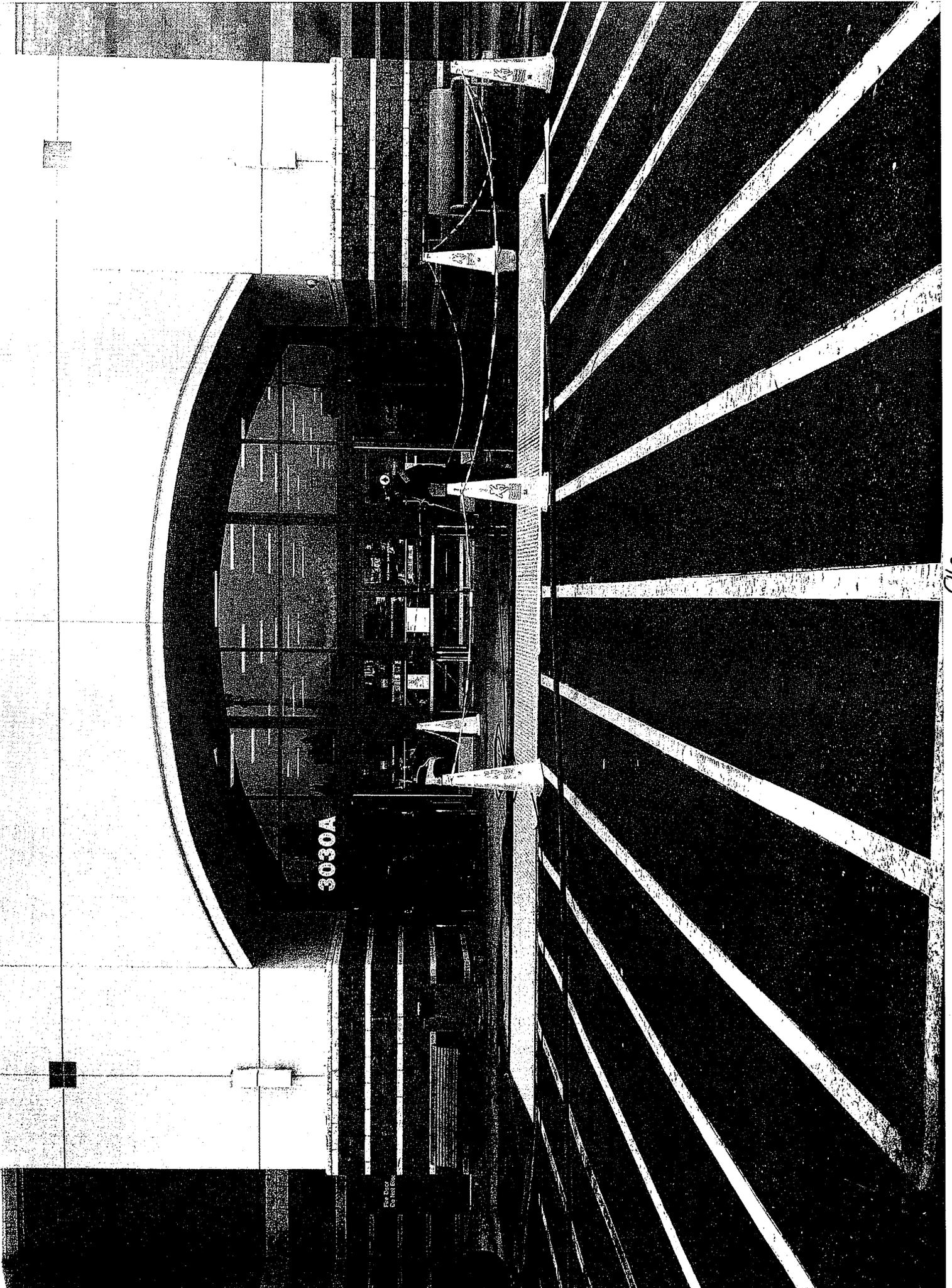
MD ACCESS
ID
COLLEGE AT

TM PARKING

According to city requirements,
team members must park
in the area that is outlined.
Please observe these
requirements or your
car will be towed.

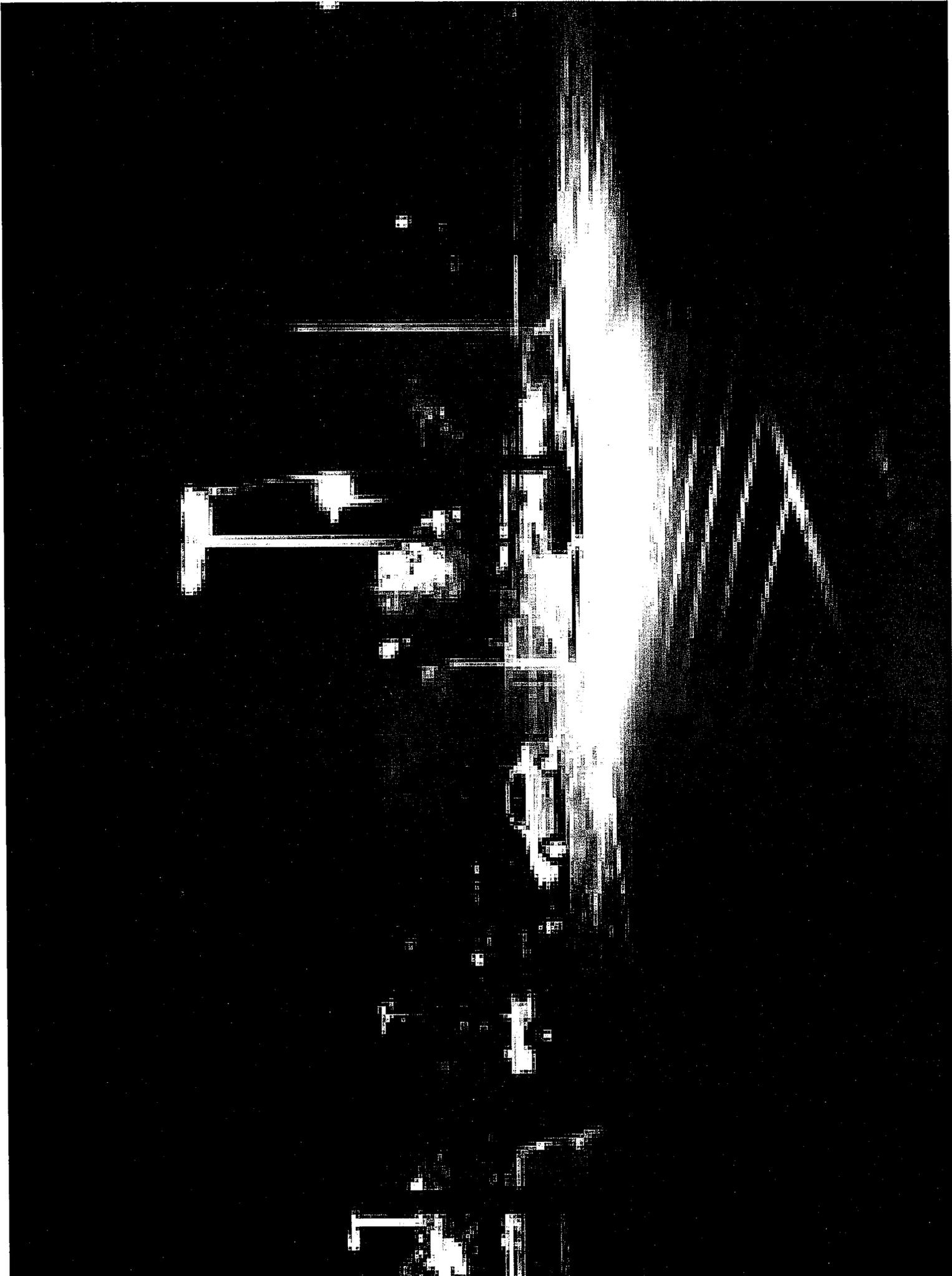
Team members, please
also only smoke in the
designated areas.
Thank you!

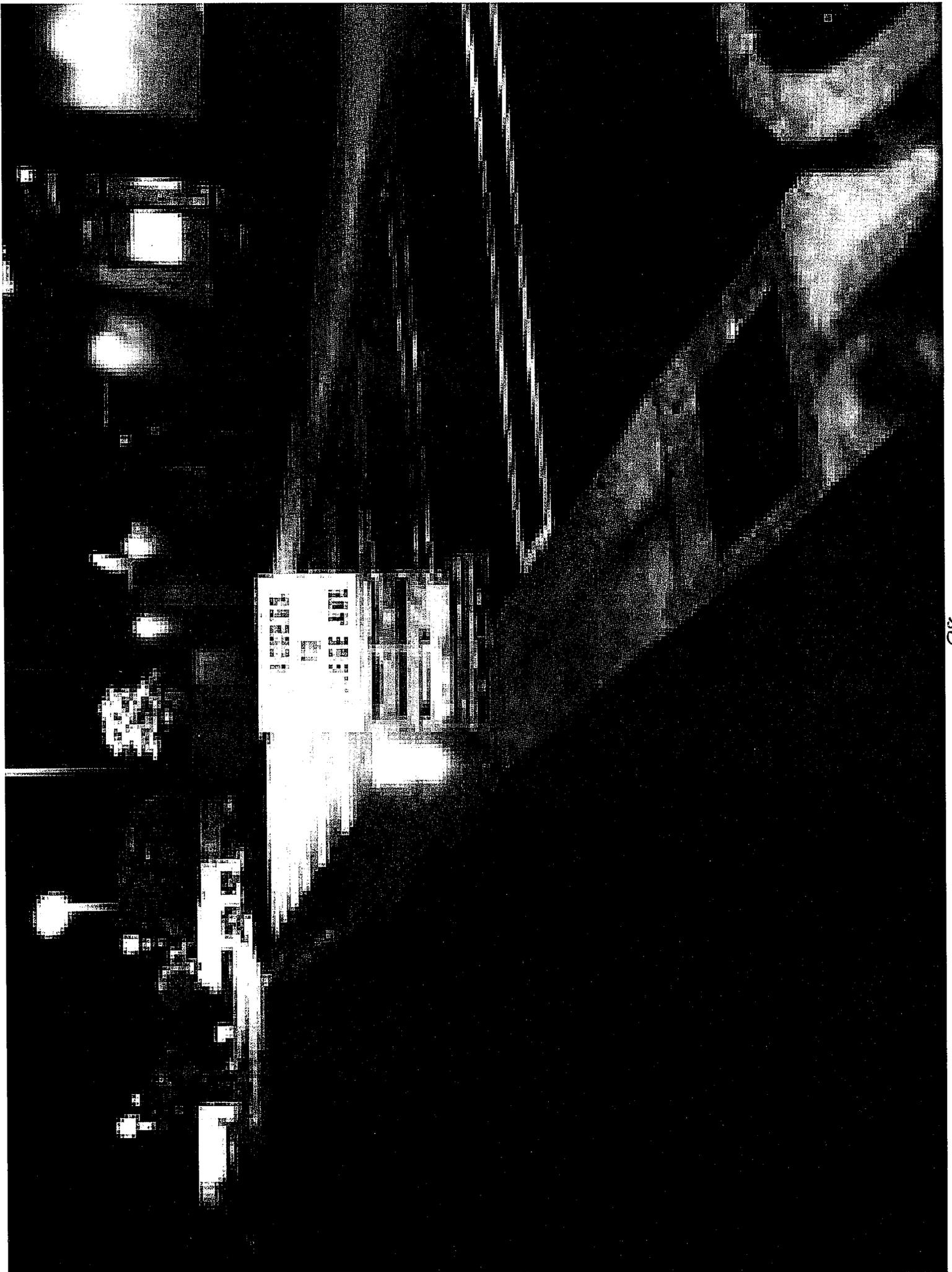
TM SMOKING
AREA



3030A

96





From: John Warren [mailto:john@PacificLandServices.COM]
Sent: Friday, March 09, 2012 1:01 PM
To: LEE, MEL
Cc: FLYNN, CLAIRE
Subject: Planning Commission

Mel,

Attached is the analysis of the noise meters that were set up during the last hour of operation of the Target Store to give an indication as to what the noise levels are from normal operations of the store. As you can see, they readings are well below the City noise threshold.

John

John Warren
Pacific Land Services
2151 Salvio Street, Suite S
Concord, CA 94520
Ph: (925) 680-6406
Fax: (925) 680-6407
www.pacificlandservices.com

March 9, 2012

Mr. John Warren
PACIFIC LAND SERVICES, INC.
2151 Salvio Street, Suite S
Concord, CA 94520

Subject: Target (T-1293) Noise Evaluation, City of Costa Mesa

Dear Mr. Warren:

RK ENGINEERING GROUP, INC. (RK) has completed a noise evaluation for the Target Store T-1293. The project site is located at 3030 Harbor Boulevard in the City of Costa Mesa. It was requested that RK conduct noise measurements along the northern property line near the existing residential units. An eight-foot high property wall exists separating the residence to the north and the Target parking lot to the south.

For this noise evaluation, three (3) noise monitoring locations were chosen and are illustrated in Exhibit A. Location 1 is located at the northeast corner of the project site. Location 2 is located along the northern property line (in the middle). Location 3 is located near the northwest property line closest to Harbor Boulevard. The noise meter was placed approximately 15 feet from the existing eight-foot high wall (parking lot side), the duration lasted ten (10) minutes (short-term), and comments were made to highlight noise activities for each noise measurement. Noise monitoring occurred on March 8, 2012 starting at 8:45 PM and ending at 9:25 PM.

The City of Costa Mesa's noise ordinance is specified in a table format in Figure 1.

**Figure 1
Municipal Code Stationary Noise Standards**

Time		Noise Criteria Level (dBA)					
		Cumulative Time Period	0 Minutes	1 Minute	5 Minutes	15 Minutes	30 minutes
		Symbol	L_{max}	L_2	L_8	L_{25}	L_{50}
Exterior	Daytime (7 AM - 11 PM)		75.0	70.0	65.0	60.0	55.0
	Nighttime (11 PM - 7 AM)		70.0	65.0	60.0	55.0	50.0
Interior	Daytime (7 AM - 11 PM)		65.0	60.0	55.0	N/A	N/A
	Nighttime (11 PM - 7 AM)		55.0	50.0	45.0	N/A	N/A

A common way of describing noise levels from stationary sources is with the percent noise level ($L_{\%}$). The percent noise level indicates the noise level which is exceeded during a certain percentage of time and represents the average noise level.

Findings

Table 1 indicates the results of the noise measurements. Noise measurement results indicate the noise levels are below the City of Costa Mesa's Noise Standards set forth in the Noise Ordinance. Noise monitoring Locations 1 and 2 indicate typical parking lot noise levels. Noise levels increase as one continues to approach Harbor Boulevard. Noise monitoring Location 3 includes parking lot noise levels but also has more traffic noise levels from Harbor Boulevard. It should be noted that the maximum noise levels were created by pass-by traffic (i.e. tire noise and muffler noise) and not from parking lot noise.

Tables 2, 3, and 4 compare the measured noise levels to the City's daytime (7:00 AM – 11:00 PM) and nighttime (11:00 PM – 7:00 AM) noise ordinance. Noise attenuation from an eight-foot wall is factored into the projected noise levels. It is projected that the eight-foot wall will provide approximately seven (7) decibels (dB) of noise attenuation.

The following outlines the findings:

1. Table 2 indicates that during daytime hours the maximum noise level will be approximately 21.7 dB below the City's maximum standard and 7.1 dB below the City's L_{50} standard. (Please review Table 2 to compare all of the noise statistics to the City's noise ordinance.) The City's nighttime noise ordinance is illustrated as a reference. It should be noted that measured noise levels do not exceed the City's nighttime noise standard.
2. Table 3 indicates that during daytime hours the maximum noise level will be approximately 19.2 dB below the City's maximum standard and 7.0 dB below the City's L_{50} standard. (Please review Table 3 to compare all of the noise statistics to the City's noise ordinance.) The City's nighttime noise ordinance is illustrated as a reference. It should be noted that measured noise levels do not exceed the City's nighttime noise standard.
3. Table 4 indicates that during daytime hours the maximum noise level will be approximately 18.3 dB below the City's maximum standard and 5.1 dB below the City's L_{50} standard. (Please review Table 4 to compare all of the noise statistics to the City's noise ordinance.) Noise levels are louder as a result of traffic pass-by from Harbor Boulevard.

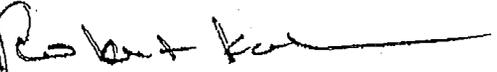
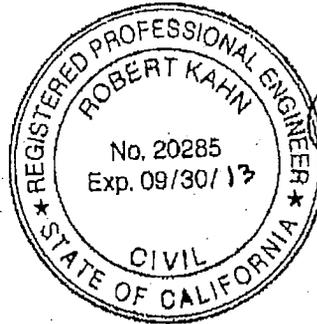
Mr. John Warren
PACIFIC LAND SERVICES, INC.
March 9, 2012
Page 3

RK is pleased to provide PACIFIC LAND SERVICES, INC. with this noise evaluation, if you have any questions regarding this letter or would like further review, please don't hesitate to contact us at (949) 474-0809.

Sincerely,
RK ENGINEERING GROUP, INC.



Mike Dickerson, INCE
Air/Noise Specialist

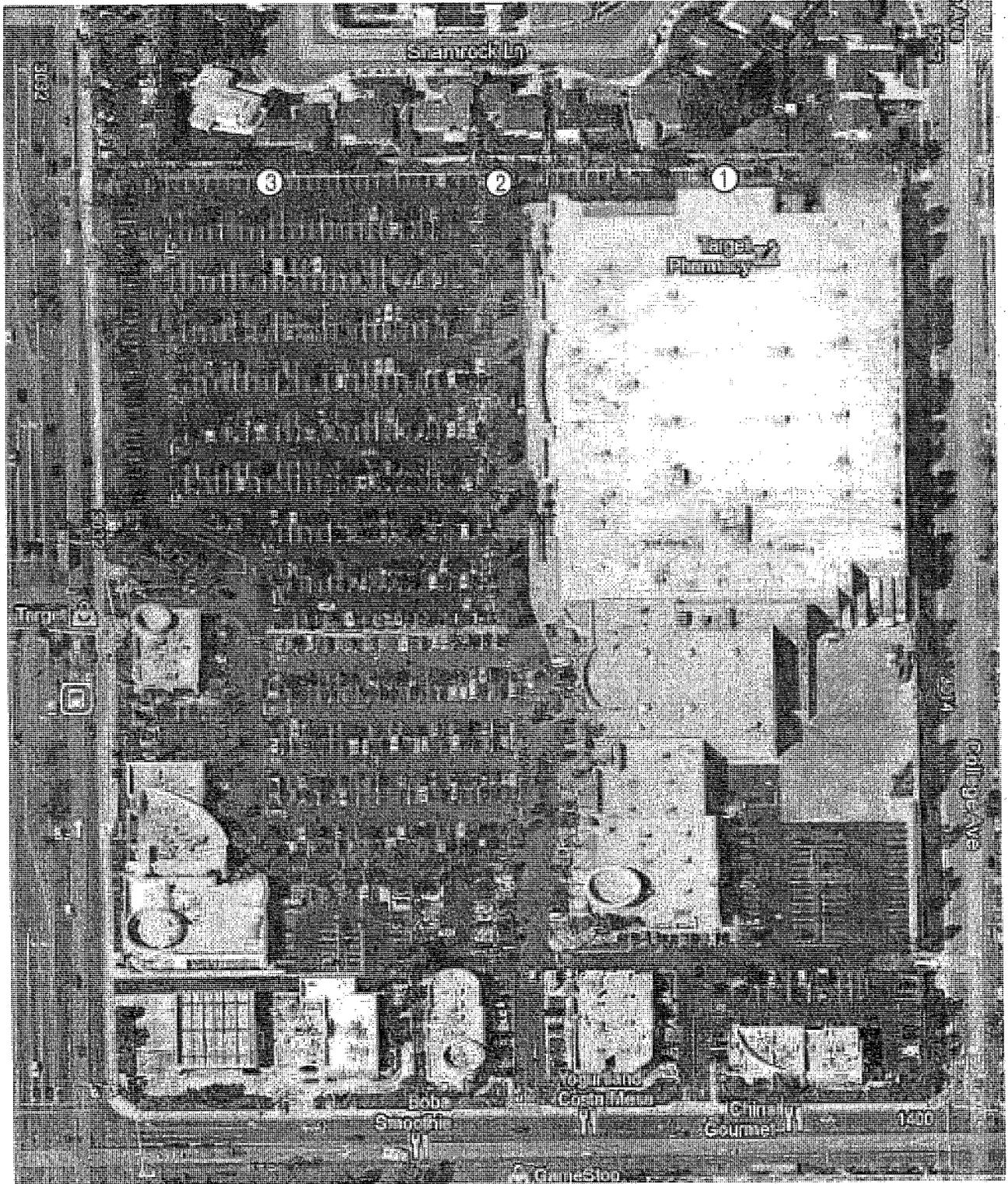


Robert Kahn, P.E.
Principal

Attachments

Exhibits

Exhibit A
Noise Monitoring Location



Legend:

① = Noise Monitoring Location



Tables

TABLE 1
Noise Level Measurements (dBA)¹

Measured Noise Level (dBA)

Site No.	Time Started ²	L _{eq}	L _{max}	L _{min}	L ₂	L ₈	L ₂₅	L ₅₀	Comments
1	8:45 PM	55.3	60.3	53.6	57.8	56.7	55.7	54.9	Can hear local traffic from Harbor. No other parking lot noise was present.
2	8:59 PM	55.5	62.8	51.2	60.2	57.5	56.0	55.0	Local traffic from Harbor and 405 fwy. A few carts can be heard in parking lot. No cars drove by meter. Cars starting.
3	9:15 PM	57.7	63.7	51.6	62.2	60.5	58.6	56.9	Local traffic from Harbor Blvd. Cars exit along aisles adjacent to meter.

¹ Noise measurements taken on March 8, 2012.

² Each noise measurement was taken for approximately 10 minutes at the site.

TABLE 2

Projected Exterior Noise Levels at North Property Line Location 1 (dBA)¹
Near Northeast Corner of Parking Lot

	Source	1st Floor Adjusted Noise Levels (dBA)						
		Distance from P/L (feet)	L _{eq}	L _{max}	L ₂	L ₈	L ₂₅	L ₅₀
Daytime (7 AM - 11 PM)	Existing Ambient Measurement ²	15	55.3	60.3	57.8	56.7	55.7	54.9
	8 foot Wall ³	--	-7.0	-7.0	-7.0	-7.0	-7.0	-7.0
	Total Combined Noise Impact ⁴		48.3	53.3	50.8	49.7	48.7	47.9
	City of Costa Mesa not to exceed Noise Standards	--	--	75.0	70.0	65.0	60.0	55.0
	Delta	--	--	-21.7	-19.2	-15.3	-11.3	-7.1

	Source	1st Floor Adjusted Noise Levels (dBA)						
		Distance from P/L (feet)	L _{eq}	L _{max}	L ₂	L ₈	L ₂₅	L ₅₀
Nighttime (11 PM - 7 AM)	Existing Ambient Measurement ²	15	55.3	60.3	57.8	56.7	55.7	54.9
	8 foot Wall ³	--	-7.0	-7.0	-7.0	-7.0	-7.0	-7.0
	Total Combined Noise Impact ⁴		48.3	53.3	50.8	49.7	48.7	47.9
	City of Costa Mesa not to exceed Noise Standards	--	--	70.0	65.0	60.0	55.0	50.0
	Delta	--	--	-16.7	-14.2	-10.3	-6.3	-2.1

- ¹ Noise measurement performed along northern property line within Target parking lot
- ² Refer to Table 1 for ambient measurement.
- ³ A seven (7) decibel (dB) attenuation factor was applied due to the height of the wall.
- ⁴ Does not exceed the City's daytime stationary noise standard.

TABLE 3

Projected Exterior Noise Levels at North Property Line Location 2 (dBA)¹
Near Garden Center

	Source	1st Floor Adjusted Noise Levels (dBA)						
		Distance from P/L (feet)	L _{eq}	L _{max}	L ₂	L ₈	L ₂₅	L ₅₀
Daytime (7 AM - 11 PM)	Existing Ambient Measurement ²	15	55.5	62.8	60.2	57.5	56.0	55.0
	8 foot Wall ³	--	-7.0	-7.0	-7.0	-7.0	-7.0	-7.0
	Total Combined Noise Impact ⁴		48.5	55.8	53.2	50.5	49.0	48.0
	City of Costa Mesa not to exceed Noise Standards	--	--	75.0	70.0	65.0	60.0	55.0
	Delta	--	--	-19.2	-16.8	-14.5	-11.0	-7.0

	Source	1st Floor Adjusted Noise Levels (dBA)						
		Distance from P/L (feet)	L _{eq}	L _{max}	L ₂	L ₈	L ₂₅	L ₅₀
Nighttime (11 PM - 7 AM)	Existing Ambient Measurement ²	15	55.5	62.8	60.2	57.5	56.0	55.0
	8 foot Wall ³	--	-7.0	-7.0	-7.0	-7.0	-7.0	-7.0
	Total Combined Noise Impact ⁴		48.5	55.8	53.2	50.5	49.0	48.0
	City of Costa Mesa not to exceed Noise Standards	--	--	70.0	65.0	60.0	55.0	50.0
	Delta	--	--	-14.2	-11.8	-9.5	-6.0	-2.0

¹ Noise measurement performed along northern property line within Target parking lot

² Refer to Table 1 for ambient measurement.

³ A seven (7) decibel (dB) attenuation factor was applied due to the height of the wall.

⁴ Does not exceed the City's daytime stationary noise standard.

TABLE 4

Projected Exterior Noise Levels at North Property Line Location 3 (dBA)¹
Near Harbor Boulevard

	Source	1st Floor Adjusted Noise Levels (dBA)						
		Distance from P/L (feet)	L _{eq}	L _{max}	L ₂	L ₈	L ₂₅	L ₅₀
Daytime (7 AM - 11 PM)	Existing Ambient Measurement ²	15	57.7	63.7	62.2	60.5	58.6	56.9
	8 foot Wall ³	--	-7.0	-7.0	-7.0	-7.0	-7.0	-7.0
	Total Combined Noise Impact ⁴		50.7	56.7	55.2	53.5	51.6	49.9
	City of Costa Mesa not to exceed Noise Standards	--	--	75.0	70.0	65.0	60.0	55.0
	Delta	--	--	-18.3	-14.8	-11.5	-8.4	-5.1

	Source	1st Floor Adjusted Noise Levels (dBA)						
		Distance from P/L (feet)	L _{eq}	L _{max}	L ₂	L ₈	L ₂₅	L ₅₀
Nighttime (11 PM - 7 AM)	Existing Ambient Measurement ²	15	57.7	63.7	62.2	60.5	58.6	56.9
	8 foot Wall ³	--	-7.0	-7.0	-7.0	-7.0	-7.0	-7.0
	Total Combined Noise Impact ⁴		50.7	56.7	55.2	53.5	51.6	49.9
	City of Costa Mesa not to exceed Noise Standards	--	--	70.0	65.0	60.0	55.0	50.0
	Delta	--	--	-13.3	-9.8	-6.5	-3.4	-0.1

¹ Noise measurement performed along northern property line within Target parking lot

² Refer to Table 1 for ambient measurement.

³ A seven (7) decibel (dB) attenuation factor was applied due to the height of the wall.

⁴ Does not exceed the City's daytime stationary noise standard.

Repeat, REPEAT, Repeat

VII. 5f

The request by the Target Company is a **REPEAT** request of the same, which is to change the original land use restriction and to dilute the property development agreement as approved on April 18, 2000. For that, I am re-sending (repeating) our revised input as has been submitted over the years, which is to explain the burden of having a Target store adjacent to our properties.

For the record, the environmental impacts conditions as originally implied have increased over the years. Now, we have more noise, more traffic and also we have a proven demonstrated lack of compliance by Target Company at 3030 Harbor property.

*Revised -Supplemental Document: Re-submit; Appeal To DR 99-22 A2”, December 6, 2011
Costa Mesa City Council Meeting.....*

Fellow City Council - 11/26/2011- (03/09/2012 - now Planning Commission-DR99-22 A3):

I am asking you to **deny the request for extended hours regarding the Target Store**, grateful for the trust that you will make the right decision.

There is an old saying that a lie can go half way around the city while the truth is putting its shoes on----and as for Target store, a steady drumbeat of misinformation and mischaracterization are given as often to hide the truth.

So instead of asking you to apply the moral, ethical and legal to **deny Target** store request for modification to the original DR99-22 (land use restrictions); here are real and truthful facts for why you should **DENY** Target with their request.

FACT: DR99-22 was recorded in the official records with the County of Orange, on April 18, 2000. Owner (Target) as signed agreed to **execute and uphold all the land restrictions**. Per item 57 of conditions: “Hours of operations for the Target Store shall be limited to between the hours of 8:00 a.m. to 10:00 p.m., seven days a week”.

FACT: As discovered during the Planning Commission meeting, **Target did violate the store operating hours during year 2010 -2011** (for a full year and half). The store hours are limited to 10:00 PM, where the Target violated the land use restriction by operating till 11 PM. (Refer to citation#9511). A citation fine of \$150 was given for the violation that was occurring for a

period longer than a year, which by the way such dollar fine is less than a CM parking dog fine violation.

FACT: Mel lee – CM City Sr. Planner, met with Target staff for his **2010 bi-annual review**, and he denied any knowledge about such violations. During year 2000, and thereafter, Mel Lee has been responsible for conducting Target Store review since year 2000. Mel lee/city review giving Target good faith finding by his report is now questionable. **Also, it appears that the Police department was aware of the violations for the un-authorized extended hours and thus encouraged Target Company to break the law.**

FACT: Holiday hours during year 2010. Target was operating till **mid night 12:00AM without authorization-** The city staffs were absent and thus they failed to report. (Refer to photo taken during this period).

FACT: During the planning meeting of Nov 14, 2011, where Target claimed they were abiding by all the land restriction and rules, then a week later another violation did occur on Sunday 11/20/2011(Refer to citation#9533)

FACT: Friday morning Nov 25, 2011, Target opened the store at midnight 12:00AM and thus violating the land use restriction regarding store hours. During the Nov 25 Friday early morning, the police (Officer N. Brown) was present at 3030 Harbor and she can testify to the record. She was informed (**2:00AM**) of the violation by showing her the land use restriction/hours document item 57 under DR99-22 (police case #11-12740). **The city of Costa Mesa encouraged Target Company to allow them to break the law.**

FACT: Target management publicly acknowledged during year 2000 Planning and City Council meeting/s that they have no intention to open the store beyond 10:00 PM. For witness and facts—refer to the recorded minutes of the city council meeting during year 2000.

FACT: The Targets store at 3030 Harbor is now selling grocery and alcohol, a change from the original use permit as claimed in year 2000. **Groceries are not subject to sales tax.** The **California Supreme Court** ruled on July 13, 2007 that cities and counties can restrict development of big-box superstores in order to **protect local businesses**. The decision upholds the lower court ruling that allowed city to enact an ordinance prohibiting development of retail stores larger than 100,000 square feet that use more than 5 percent of their space for grocery sales. The 3030 Harbor Target store have a total of 143,500 square feet.

FACT: Per Planning Commission meeting on July 15, 2005, Target was **DENIED** their request to open the store at **6:00AM**. Former planning commissioner Egan clearly expressed her concerns: “As to the 6 a.m. opening, she felt it was unreasonable to impose that on the residents to the north. There is no reason they should bear that burden”. Commissioner Garlich:”he felt this application was overreaching.” Vice Chair Hall: “said he agrees with this denial because the

residents next to this property have gone through an awful lot over the years and he saw no reason to subject them to further inconvenience”.

FACT: the Target’s management folks cannot be trusted. The record shows that **Target provided false and broken promises.** Here are samples of **Violation and Citation:**

- 7/26/07- 5:45 AM Gardner blowing leafs, violation under item 30 -DR99-22
- 7/26/06 : 5:00 AM Noise complain, item 43 per DR99-22
- 11/22/2004, (Sunday) citation # 5751 issued for large semi truck-idling/loading by near the north neighbor area, violation under item 10, ZA-99-47.
- 1/27/03 (1:00AM-3:00AM) parking lot sweeper, violation, item 30 under DR99-22
- 9/14/02 Deliveries in front of the store-citation # 3427
- **Also, the fact, as given by the residents that several incidents and violations as occurred were not reported to the code enforcements.**

FACT: Target store manager (Tim Kindig) has been the same manager since year 2000 and thus he is fully aware of the conditions and land use restriction. However, he and or his staff do not abide by the law and have so many times violated the land use restrictions.

FACT: the dollar value per each citation as given by code enforcement has been irrelevant considering the punishment for breaking the law. Thus fines ranged from \$75 to \$500 per incident.

FACT: Based on the evidence in the record (**code enforcement and police records**) and find that “Target “store management has demonstrated **lack of faith compliance** with the terms and conditions of development agreement DR99-22 by order.”

FACT; During Commission Planning Nov.14, 20011, Mr. Al Morelli (party of interest /owner of adjacent property) was given only 3 minutes to present his input. Mr. William Morelli asked the Planning Commission to yield his three minute time to A.Morelli and he was denied. However, then thereafter Target were called back to answer question, while Mr. A. Morelli was not given any opportunity for rebuttal or express clarification.

FACT: for a Costa Mesa citizen at large—to **appeal** the planning commission decision, where the **citizen** (not the applicant) have to pay \$1,220. **Such \$1,220 fee is prohibitive and restrictive** as most citizens cannot afford or are willing to pay. As with such, the voices of Cost Mesa citizens are mostly do not come forward. Per Mr. Morelli request a refund of the payment was returned and approved.

FACT: City of Costa **Code of Enforcement is lacking oversight** in relation to monitoring Target store. Most citations were issued after neighbors calling the city to report violation. The Code Enforcements staff does not work during night hours. Also, Police as they were often called upon, do not normally report a given violation to the code enforcement. **For the record, Specific calls were to made the police over the years, however no records are shown.**

FACT: Regarding Target claim of being responsible corporation - March 11, 2011, **Target Corporation paid California \$22.5 million Settlement for Environmental Violations: Stores Illegally Dumped Pesticides and Hazardous Chemicals.** The lawsuit included all 240 Target stores in the State of California.

FACT: Per original **noise study (March 2, 2000)**, "Parking lot noise", as claimed in the study, the homes to north to a have interior home noise level with 52 dBA. The study was based exclusively with store hours limited by 10:00PM. However, Per CM City **noise ordinance**, the **noise cannot exceed 50dBA after 11:00.**

FACT: As indicated per CM review March 8, 2000 traffic generation study were not conducted claiming the proposed project is within the and below .30 maximum FAR and trip per hour guidelines. However, several years later, the CM city while applying to **Measure M funding** provided **different data** by presenting adverse impact on Harbor Blvd to support their request for funding.

FACT: Per evidence in the record (code enforcement and police records) "Target "store management has demonstrated **lack of faith compliance** with the terms and conditions of development agreement DR99-22 by order.

FACT: Per city code sec 13-15 – "All departments, officials and public employees of the city invested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Code and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this code; and any such permit or licenses issued in conflict with the provisions of this Zoning Code shall be null and void. **It shall be the duty of the development services director to enforce** the provisions of this Zoning Code ". Also, "any such **permit or licenses issued in conflict with the provisions of this Zoning Code shall be null and void.**

FACT: For record, **written request were made to City CEO and City Council** concerning the ongoing and severity of violation as associated with Target, and thus the City has not been willing to address the null and void legal requirements, nor willing to file misdemeanor charges as required under **Criminal citation**. Pursuant to State Government Code Sections 36900 and 36901

FACT: Significant changes had occurred since year 2000, at 3030 Harbor location, regarding the original land development. **Thus the city had failed to re-compare year 2000 former analysis to today current data.** All new reviews should match and re-address the negative declaration data, **CEQA, EIR** and compare to the originally specified by staff reports during year 2000.

FACT: Target management and city staff are compensated and paid to present their organization. However, Mr. Morelli is not paid to defend to protect his property rights. Thus Mr. Morelli efforts to deal with CM city had cost him time, money and **undue hardship.**

I am asking you to deny the request for extended hours regarding the Target Store. Deny the adoption of any modifications to the original DR99-22. Also, constrain any and all future reviews to DR99-22 as it should be legally binding per agreed and recorded with the land deed use agreement for the 3030 Harbor Blvd. property.

Based on the evidence and facts, Target has shown their lack of compliance. In addition, I am asking the city officials to apply the governing laws per city code Sec 13-16 (Enforcement) and file criminal charges against Target management for present and any future code violations.

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Esta no es Ent

Holiday Store Hours

Daily (11/23 - 12/10) 8am - 11pm	Daily (12/13 - 12/23) 8am - 12am	Thanksgiving Day CLOSED
Sunday (11/23 & 12/19) 8am - 10pm	Sunday (12/12) 8am - 11pm	Thanksgiving Friday 4am - 11pm
Sunday (12/19) 8am - 12am	Christmas Eve 7am - 8pm	
Christmas Day CLOSED		
Day After Christmas 7am - 11pm		

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Holiday Pharmacy Hours

Mon-Fri 9am - 9pm	Sat & Sun 9am - 6pm	Christmas Eve 9am - 5pm	Christmas Day CLOSED
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CIVIL CITATION
Costa Mesa Municipal Code Violation

009511

Date 11-09-2011 Time 0840 am pm Day of the Week WEDNESDAY Prior Citation

Name (First) TARGET Middle Last

Residence Address 1000 NICOLLET

City MINNEAPOLIS MN State 55480 Zip Code

Driver License Number State Age Birth Date

Sex Hair Eyes Height Weight Race

Address Of Violation 3030 TARGET HARBOUR BLVD

City COSTA MESA CA 92626 State Zip Code

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

Fine: \$ 150.00 Fina: \$

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

VIOLATION OF THEIR C.U.P.
HOURS OF OPERATION.

\$150.00.

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.

Co. Nicollet 11 COSTA
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 5 day of JANUARY 20 12 at 1:30 pm. Check in at the City Clerk's office.

CIVIL CITATION 009515
Costa Mesa Municipal Code Violation

Date 11-14-2011 1030 MONDAY @
Time am pm Day of the Week Prior Citation

Name (First) ROYAL OAK PROPERTY SERVICE Middle Last

Residence Address 7750 BURNET AVE.

City VAN NUYS CA 91405 State Zip Code

Driver License Number State Age Birth Date

Sex Hair Eyes Height Weight Race

Address Of Violation 3030 WARDEN BLVD.

City COSTA MESA CA 92626 State Zip Code

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

Fine: \$ 150.00 Fine: \$

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

TO THE REAR PARKING AREA ARE MISSING 2 DRAINAGE GOODS AND THE TRUCK HEIGHT LIMIT PAUL

\$150.00

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.

6. Nicolas Issuing Officer ID Number 11 Department COSTA REINFORCEMENT

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 5 day of January 2012 at 1:30 pm. Check-in at the City Clerk's office.

CIVIL CITATION
Costa Mesa Municipal Code Violation

009533

11-22-2011 0800 TUESDAY 1
Date Time am pm Day of the Week Prior Citation

TIM KINBIL
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: \$ 300.00 Fine: \$

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

VIOLATION OF THEIR C.U.P.
PERMIT NUMBER 30.

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.

L. NICHOLS Issuing Officer 11 ID Number COSTA Mesa 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.

COMPLAINT INVESTIGATION

City of Costa Mesa, Development Services Department

Assigned to: GN

COMPLAINT LOCATION

CDBG

Complaint Address: 3030 Harbor Blvd - Target Case No: C111-11043

Property Owner: Target Corp Phone: _____

Address: PO Box 9456, Minneapolis, MN 55440

COMPLAINANT

Name: AL Morell Phone: (514) 957-1570

Address: 1421 Shawrock Costa Mesa

3412 Geranium St Costa Mesa CA

Complaint Received By: _____ Hotline Date: 11/4/11 Time: 11:55am

Describe Complaint:

DR-99-22

Target @ Harbor Blvd

violations per DR 99-22

Hours of operation, staff parking Exit Bar on
as late as 11:00pm parking adjacent to Corp office College Blvd

Action:

#57

Item 42

Exit bar has been
Item 55 removed

metal gates - missing - blk parking lot
employee parking along north pt

I do request an code enforcement
to visit the site today for
check 11/4/11 @ 12:00 P.M.

11-9-11 citation issued for hours of operation removal
of truck bar and gates not on Target
property so require's separate case / enforcement.
Need to run license plate numbers for cars
parked along north pt.

CIVIL CITATION

B 9198

Costa Mesa Municipal Code Violation

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

Name (First) TIM Middle RINDIG Last

Residence Address 3030 HARBOR BLVD.

City COSTA MESA CA State Zip Code 92626

Driver License Number State Age Birth Date

Sex Hair Eyes Height Weight Race

Address of Violation 3030 HARBOR BLVD.

City COSTA MESA CA State Zip Code 92626

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

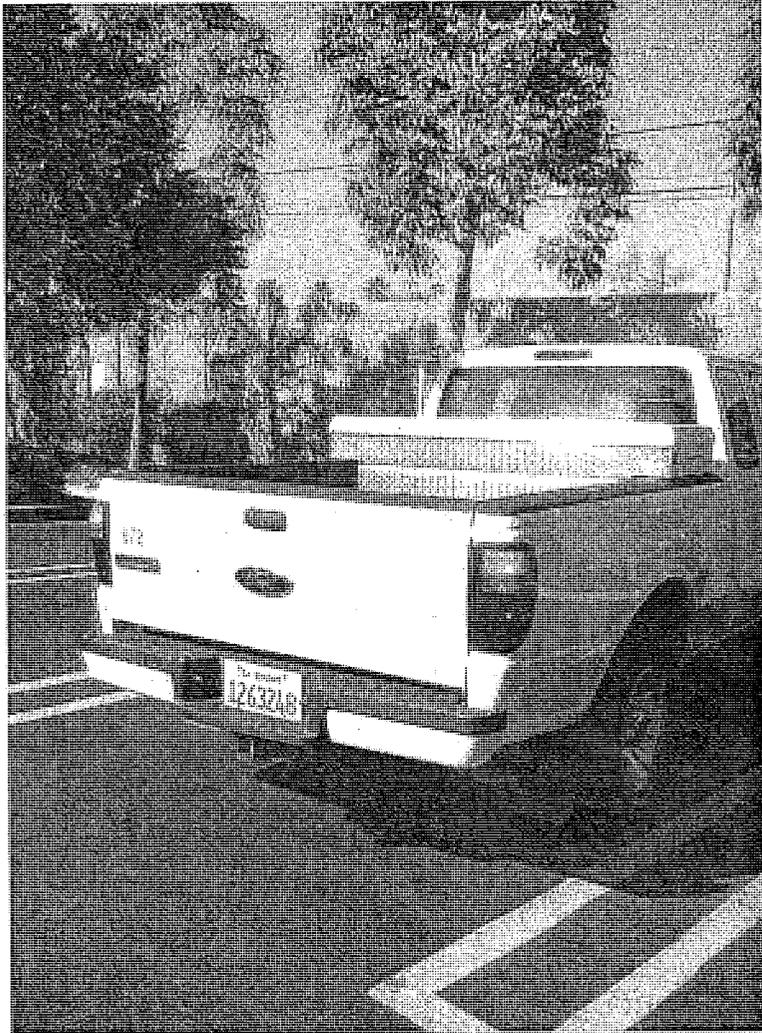
G. Nicolls Issuing Officer 11 ID Number ENFORCEMENT Department

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 1 day of DEC 2012 at 1:30 pm.

Check in at the City Clerk's office.

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This picture shows lack of compliance by Target Company as the picture was taken on 02/12/2012 at 1:15 PM (truck parked on the red curb as such it is prohibited in the area)

Additional Input in response to city staff analysis (Mel Lee) and report -dated March 01, 2012

FACT; NO actual physical study was conducted to observe the **2012 noise area conditions:** The noise study as written in defense for Target Company by RK Engineering-“Mike Dickerson”, in its conclusion was based on past 1999 old data. **Note; for year 2012 - NO Actual OR Current Noise study were Conducted.** If so, where is the calibration certificate for the noise instruments?

FACT: Adverse impact---complaints by adjacent neighbors were reported to the police department during 2010-2011 year and thus the City failed to document and not to report them. In addition, by the virtue of lack of enforcement, most adjacent residents have given up in coming forward as they the City or Target have been ignoring the correction of the violations.

FACT: Code Enforcement staffs were usually absent-Most violations as reported, were submitted by the residents rather than by city staff oversight. In addition, Target Company refuses to show the security tapes to the code enforcement staff which to reveal the truth about the incidents as reported by the residents.

FACT: the extended hours till 11:00PM are not compatible with the adjacent residential uses. Mel Lee subjective finding and thus is contrary to the facts. Mel lee report failed to present scientific data, but rather opinions. In addition, safe guards or mitigations efforts were not presented and thus there is no assurance by Target Company to abide for the quiet and enjoyment of the surrounding neighborhood.

FACT: the police department review which reveals no objection did not address police matters or crime data. For the record-where is the police report review and the analysis.

FACT: why the city staff keep ignoring the need for comparative review against the original analysis as given by year 2009-2010. Why CEQA analysis was not conducted. **The environmental impacts for the 3030 Harbor has increased –not decreased over the years.**

FACT: Target management, acknowledged a \$5000 is usually generated in sales revenue per for that extra hour--per math it is a \$1.8 million is sales revenues per year --so the city can get (one) 1 percent which is \$18,000 possible increase in tax revenue per given year.

Using the math again—the current store hours are from 8:00 to 10PM, which is about 14 operating hours per day, a \$2.5 million dollars in anticipated sales revenue for the city. It is all about money and thus it is a classical comparison to eminent domain takes over, without just compensation. The fact, it is about enriching special interest by damaging the property value of the eight resident northerly adjacent neighbors. The on-going trend of fabrication of the facts, fueled in part by spurious city of Costa Mesa staff analysis in which where the city self financial interest are governed- which is sales revenue- which is MONEY.

FACT: the extension of hours is about MONEY and for enriching the City and Target Company-which is a conflict of interest for the city to be a judge on the merits of protecting the residence. The extension of store hour's case as presented by the folks at the Target Store, are regimentally fabricated facts nor is it as such more objectives. The Target management folks are biased in with their arguments towards their own direction. Target and the city staff keep finding arguments in order to favor their claim for enriching themselves – it is all about MONEY.



In conclusion, for our family, we have been going through a lot of **emotional, physical and mental stress**. We have put our lives on hold during all these hearing, for which it consume time, energy and efforts. This has been on-going efforts in order to protect our property rights against the unlawful abuse of the City of Costa Mesa and the Target Corporation. **In addition, we have been deprived the full benefits of having peace and enjoyment of our property.** These on- going manipulation efforts to chip away by diluting the original DR99-22 land use conditions need to be stopped- **the city and Target needs to conclude and abide by the original DR99-22 agreement. PERIOD.**

LEE, MEL

From: Louanne McCormick [louanne.mccormick@camoves.com]
Sent: Tuesday, March 13, 2012 3:30 PM
To: PLANNING COMMISSION
Cc: LEE, MEL; 330tom@ca.rr.com
Subject: Target Hours Decision

To the members of the Planning Commission:

My husband and I were saddened to watch the "bad guy's" win last night in the Council Chambers. The decision amazed us after Chairman McCarthy and Vice Chair Clark so clearly understood and voiced our concerns, we are grateful that they heard us and we were feeling confident that the Commission was heading towards denial of Target's latest request.

I then ever after I carefully explained how we, the neighbors, have no mechanism to document disturbances the decision ends up to allow them the extended hours with a review in 6 months to see if any disturbance have been documented – really?

Target has not had any meaningful repercussions for their blatant disregard for the CUP and the City Codes. A more effective fine schedule would have racked up a year and half of CUP hours violations – now that dollar figure might at least get their attention – but instead they got what they wanted at the expense of the neighborhood one more time.

Our obvious concern is that Target, having now secured what were extended Holiday hours as their normal daily hours, will once again request to extend their Holiday hours by 2 hours a day to 7 a.m. – 12 p.m. I would not put it past them to try – but I can tell you that the neighborhood is absolutely furious and sick to death of Target doing what they want when they want. If one more request comes our way we are organized and ready with petitions and we will picket if we have to.

Hopefully Target will consider themselves lucky for dodging yet another bullet and leave well enough alone – but I wouldn't count on it.

Kind regards,
LouAnne R. McCormick

CA DRE# 01194643
949.721.5423 Direct Line
949.640.3610 Fax Line
949.463.0977 Cell

Your referrals are always appreciated.



03/16/2012

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140 Newport Center Drive, Suite 100
Newport Beach, CA 92660

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From: Al Morelli [mailto:morelli4@gmail.com]
Sent: Monday, March 26, 2012 9:05 PM
To: Jim Fitzpatrick
Cc: HATCH, THOMAS
Subject: Re: follow up re code enforcement 3030 Harbor

re send--as I forgot to include the pictures. Please see attached

On Mon, Mar 26, 2012 at 7:18 PM, Al Morelli <morelli4@gmail.com> wrote:

This is a follow up regarding my comments and yours during the planning commission meeting - public comments- March 26.

I do appreciate that you said, you did follow up with staff regarding bringing up the code enforcement officer while he was shopping at 3030 harbor Target store

during 02/02/2012 at 1:15 PM.

However, FYI- prior to your public statement, no staff from the city did follow up with me nor did communicate with me to this regards.

So according to your public statement during the commission meeting., officer David Saito was shopping at Target during city business hours , using city vehicle -shopping for camera at Target at 1:15 PM.

Can you please provide a receipt of such purchase along with city reimbursement expense form for his camera purchase; and a copy of his official time card.

That will satisfy what I consider a follow up, and not he say, staff said.

Most important, officer Saito observed a code violation per DR99-22, the truck was parked on the red curb and thus he did not act on it. I submitted 2 pictures for the record during the Planning commission meeting--

Officer Saito, as code enforcement officer, during city time and thus he did not act on something he observed--.

So, here is my question to you for clarification, if future non compliance observation do happen at 3030 harbor Target , what we should be the outlook from our city employees.

I trust to hear from you.

Thanks for all your efforts

Al Morelli

--

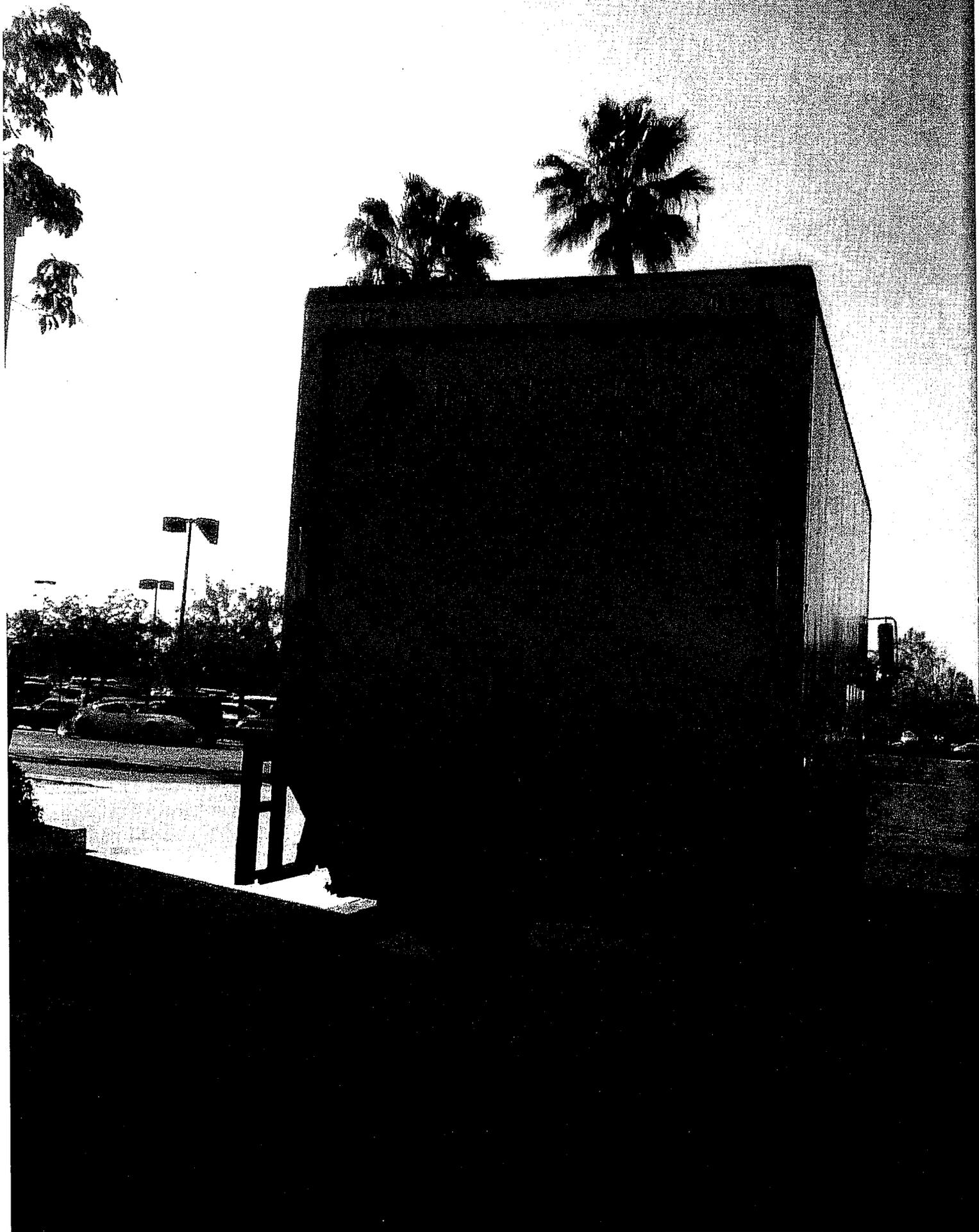
Al Morelli
Searchtec Consulting Group

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--

Al Morelli
Searchtec Consulting Group

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April 4, 2012

Repeat, REPEAT, Repeat, REPEAT, Repeat

The request by the Target Company is a **REPEAT** request of the same, which is to change the original land use restriction and to dilute the “AGREEMENT” as approved and adopted on April 18, 2000.

For that, I am **re-sending (repeating) our revised input** as has been submitted over the years, which is to explain the burden of having a Target store adjacent to our properties.

For the record, the environmental impacts conditions as originally implied have increased over the years. Now, we have more noise, more traffic and also we have a proven demonstrated lack of compliance by Target Company at 3030 Harbor property.

Revised -Supplemental Document: Re-submit; City Council Appeal to DR 99-22 A3”,



Fellow City Council:

I am asking you to **deny the request for extended hours regarding the Target Store**, grateful for the trust that you will make the right decision.

There is an old saying that a lie can go half way around the city while the truth is putting its shoes on----and as for Target store, a steady drumbeat of misinformation and mischaracterization are given as often to hide the truth.

So instead of asking you to apply the moral, ethical and legal to **deny Target** store request for modification to the original DR99-22 (land use restrictions); here are real and truthful facts for

why you should **DENY** Target with their request. **We have an official agreement and the agreement should be honored as the land use conditions are still the same.**

FACT: DR99-22 was recorded in the official records with the County of Orange, on April 18, 2000. Owner (Target) as signed agreed to **execute and uphold all the land restrictions**. Per item 57 of conditions: "Hours of operations for the Target Store shall be limited to between the hours of **8:00 a.m. to 10:00 p.m., seven days a week**".

FACT: As discovered during the Planning Commission meeting, **Target did violate the store operating hours during year 2010 -2011** (for a full year and half). The store hours are limited to 10:00 PM, where the Target violated the land use restriction by operating till 11 PM. **(Refer to citation#9511)**. A citation fine of \$150 was given for the violation that was occurring for a period longer than a year, which by the way such dollar fine is less than a CM parking dog fine violation.

FACT: Mel lee – CM City Sr. Planner, met with Target staff for his **2010 bi-annual review, and he denied any knowledge about such violations**. During year 2000, and thereafter, Mel Lee has been responsible for conducting Target Store review since year 2000. Mel lee/city review giving Target good faith finding by his report is now questionable. **Also, it appears that the Police department was aware of the violations for the un-authorized extended hours and thus encouraged Target Company to break the law.**

FACT: Holiday hours **during year 2010**. Target was operating till **mid night 12:00AM without authorization-** The city staffs were absent and thus they failed to report. (Refer to photo taken during this period).

FACT: During the planning meeting of Nov 14, 2011, where Target claimed they were abiding by all the land restriction and rules, then a week later another violation did occur on Sunday 11/20/2011(Refer to citation#9533)

FACT: Friday morning Nov 25, 2011, **Target opened the store at midnight 12:00AM** and thus **violating the land use restriction regarding store hours**. During the Nov 25 Friday early morning, the police (Officer N. Brown) was present at 3030 Harbor and she can testify to the record. She was informed (**2:00AM**) of the violation by showing her the land use restriction/hours document item 57 under DR99-22 (police case #11-12740).**The city of Costa Mesa encouraged Target Company to allow them to break the law.**

FACT: Target management publicly acknowledged during year 2000 Planning and City Council meeting/s that they have no intention to open the store beyond 10:00 PM. For witness and facts– refer to the recorded minutes of the city council meeting during year 2000.

FACT: The Targets store at 3030 Harbor is now selling grocery and alcohol, a change from the original use permit as claimed in year 2000. **Groceries are not subject to sales tax.** The

California Supreme Court ruled on July 13, 2007 that cities and counties can restrict development of big-box superstores in order to **protect local businesses**. The decision upholds the lower court ruling that allowed city to enact an ordinance prohibiting development of retail stores larger than 100,000 square feet that use more than 5 percent of their space for grocery sales. The 3030 Harbor Target store have a total of 143,500 square feet.

FACT: Per Planning Commission meeting on July 15, 2005, Target was **DENIED** their request to open the store at **6:00AM**. Former planning commissioner Egan clearly expressed her concerns: "As to the 6 a.m. opening, she felt it was unreasonable to impose that on the residents to the north. There is no reason they should bear that burden". Commissioner Garlich:"he felt this application was overreaching." Vice Chair Hall: "said he agrees with this denial because the residents next to this property have gone through an awful lot over the years and he saw no reason to subject them to further inconvenience".

FACT: the Target's management folks cannot be trusted. The record shows that **Target provided false and broken promises**. Here are samples of **Violation and Citation**:

- 7/26/07- 5:45 AM Gardner blowing leafs, violation under item 30 -DR99-22
- 7/26/06 : 5:00 AM Noise complain, item 43 per DR99-22
- 11/22/2004, (Sunday) citation # 5751 issued for large semi truck-idling/loading by near the north neighbor area, violation under item 10, ZA-99-47.
- 1/27/03 (1:00AM-3:00AM) parking lot sweeper, violation, item 30 under DR99-22
- 9/14/02 Deliveries in front of the store-citation # 3427
- **Also, the fact, as given by the residents that several incidents and violations as occurred were not reported to the code enforcements.**

FACT: Target store manager (Tim Kindig) has been the same manager since year 2000 and thus he is fully aware of the conditions and land use restriction. However, he and or his staff do not abide by the law and have so many times violated the land use restrictions.

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FACT: for a Costa Mesa citizen at large—to **appeal** the planning commission decision, where the **citizen** (not the applicant) have to pay \$1,220. **Such \$1,220 fee is prohibitive and restrictive** as most citizens cannot afford or are willing to pay. As with such, the voices of Cost Mesa citizens are mostly do not come forward. Per Mr. Morelli request a refund of the payment was returned and approved.

FACT: City of **Costa Code of Enforcement is lacking oversight** in relation to monitoring Target store. Most citations were issued after neighbors calling the city to report violation. The Code Enforcements staff does not work during night hours. Also, Police as they were often called upon, do not normally report a given violation to the code enforcement. **For the record, Specific calls were to made the police over the years, however no records are shown.**

FACT: Regarding Target claim of being responsible corporation - March 11, 2011, **Target Corporation paid California \$22.5 million Settlement for Environmental Violations: Stores Illegally Dumped Pesticides and Hazardous Chemicals.** The lawsuit included all 240 Target stores in the State of California.

FACT: Per original **noise study (March 2, 2000)**, “Parking lot noise”, as claimed in the study, the homes to north to a have interior home noise level with 52 dBA. The study was based exclusively with store hours limited by 10:00PM. However, Per CM City **noise ordinance**, the **noise cannot exceed 50dBA after 11:00.**

FACT: As indicated per CM review March 8, 2000 traffic generation study were not conducted claiming the proposed project is within the and below .30 maximum FAR and trip per hour guidelines. However, several years later, the CM city while applying to **Measure M funding** provided **different data** by presenting adverse impact on Harbor Blvd to support their request for funding.

FACT: Per evidence in the record (code enforcement and police records) “Target “store management has demonstrated **lack of faith compliance** with the terms and conditions of development agreement DR99-22 by order.

FACT: Per city code sec 13-15 – “All departments, officials and public employees of the city invested with the duty or authority to issue permits or licenses shall conform to the provisions of this Zoning Code and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this code; and any such permit or licenses issued in conflict with the provisions of this Zoning Code shall be null and void. It shall be the duty of the development services director to enforce the provisions of this Zoning Code “. Also, “any such permit or licenses issued in conflict with the provisions of this Zoning Code shall be null and void.

FACT: For record, **written request were made to City CEO and City Council** concerning the ongoing and severity of violation as associated with Target, and thus the City has not been willing to address the null and void legal requirements, nor willing to file misdemeanor charges

as required under *Criminal citation*. Pursuant to State Government Code Sections 36900 and 36901

FACT: Significant changes had occurred since year 2000, at 3030 Harbor location, regarding the original land development. **Thus the city had failed to re-compare year 2000 former analysis to today current data.** All new reviews should match and re-address the negative declaration data, **CEQA, EIR** and compare to the originally specified by staff reports during year 2000.

FACT: Target management and city staff are compensated and paid to present their organization. However, Mr. Morelli is not paid to defend to protect his property rights. Thus Mr. Morelli efforts to deal with CM city had cost him time, money and undue **hardship**.

I am asking you to **deny the request for extended hours regarding the Target Store. Deny the adoption of any modifications to the original DR99-22. Also, constrain any and all future reviews to DR99-22 as it should be legally binding per agreed and recorded with the land deed use agreement for the 3030 Harbor Blvd. property.**

Based on the evidence and facts, Target has shown their lack of compliance. In addition, I am asking the city officials to apply the governing laws per city code Sec 13-16 (Enforcement) and file criminal charges against Target management for present and any future code violations.

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Esta no es En

Holiday Store Hours

Daily (11/22 - 12/10) 8am - 11pm	Daily (12/13 - 12/29) 8am - 12am	Thanksgiving Day Thanksgiving Friday	CLOSED 4am - 11pm
Sunday (11/28 & 12/5) 8am - 10pm	Sunday (12/12) 8am - 11pm	Christmas Eve Christmas Day	7am - 8pm CLOSED
	Sunday (12/19) 8am - 12am	Day After Christmas	7am - 11pm

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Holiday Pharmacy Hours

Mon-Fri 9am - 9pm	Sat & Sun 9am - 6pm	Christmas Eve 9am - 5pm	Christmas Day CLOSED
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CIVIL CITATION
Costa Mesa Municipal Code Violation

009511

Date 11-09-2011 Time 0840 am pm Day of the Week WEDNESDAY Prior Citation 0

Name (First) TAVIST Middle _____ Last _____

Residence Address 1000 NICOLLET

City MINNEAPOLIS State MN Zip Code 55440

Driver License Number _____ State _____ Age _____ Birth Date _____

Sex _____ Hair _____ Eyes _____ Height _____ Weight _____ Race _____

Address Of Violation 3030 TAVIST HARBOR BLVD

City COSTA MESA State CA Zip Code 92626

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

Fine: \$ 150.00 Fine: \$ _____

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

VIOLATION OF TAVIST C.U.P.
HOURS OF VIOLATION.

\$150.00.

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.

Co. Nicolis 11 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 5 day of JANUARY 20 12 at 1:30 pm.

Check in at the City Clerk's office.

CIVIL CITATION

009515

Costa Mesa Municipal Code Violation

Date 11-14-2011 1030 MONDAY 0
Time am pm Day of the Week Prior Citation

Name (First) ROYAL OAK PROPERTY SERVICE Middle Last

Residence Address 7750 BURNET AVE.

City VAN NUYS CA 91405 State Zip Code

Driver License Number State Age Birth Date

Sex Hair Eyes Height Weight Race

Address Of Violation 3030 HARBOR BLVD.

City COSTA MESA CA 92626 State Zip Code

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

Fine: \$ 150.00 Fine: \$

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

TO THE REAR PARKING AREA FINE
MESSING 2 ORIGINATE GOODS
AND THE TRUCK HEIGHT LIMIT
PAULI

\$150.00

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.

6. NICOLS Issuing Officer 11 ID Number CODE ENFORCEMENT 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 5 day of January 2012 at 1:30 pm. Check in at the City Clerk's office.

CIVIL CITATION
Costa Mesa Municipal Code Violation

009533

11-22-2011 0800 TUESDAY 1
Date Time am pm Day of the Week Prior Citation

TIM KINBALL
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: \$ 300.00 Fine: \$

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

VIOLATION OF THEIR C.U.P.
APPROVAL NUMBER 30.

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.

Co. NUCOLS 11 CODE 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.

COMPLAINT INVESTIGATION

City of Costa Mesa, Development Services Department

Assigned to: GN

COMPLAINT LOCATION

CDBG

Complaint Address: 3030 Harbor Blvd. - Target Case No. 211-11043

Property Owner: Target Corp Phone: _____

Address: PO Box 9456, Minneapolis, MN 55440

COMPLAINANT

Name: AL Morelli Phone: (714) 957-1877

Address: 1421 Shamrock - Costa Mesa

3412 Geranium St Costa Mesa CA

Complaint Received By: _____ Hotline Date: 11/4/11 Time: 11:55am

Describe Complaint:

DR-99-22

Target @ Harbor Blvd

violation/s per DR 99-22

Hours of operation, staff parking Exit Bar on
as late as 11:00pm parking adjacent to corp. office College Blvd

Action: #57 Item 42 Exit bar has been

Item 55 removed

metal gates - missing - blk parking lot

employees parking along north pt

I do request an code enforcement

to visit the site today for

check 11/4/11 @ 12:00 P.M.

11-9-11 citation issued for hours of operation removal

of truck bar and gates not on Target

property so requires separate case / enforcement.

need to run license plate numbers for cars

parked along north pt.

CIVIL CITATION

B 9198

Costa Mesa Municipal Code Violation

Date 11-28-2011 ^{NOT} (11/15 MONDAY) 2
Time am pm Day of the Week Prior Citation

Name (First) TIM Middle PINDIG Last

Residence Address 3030 HARBOR BLVD.

City COSTA MESA CA State CA Zip Code 92626

Driver License Number State Age Birth Date

Sex Hair Eyes Height Weight Race

Address Of Violation 3030 HARBOR BLVD.

City COSTA MESA CA State CA Zip Code 92626

Violation CMMC Sec. 20-4(b) 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.

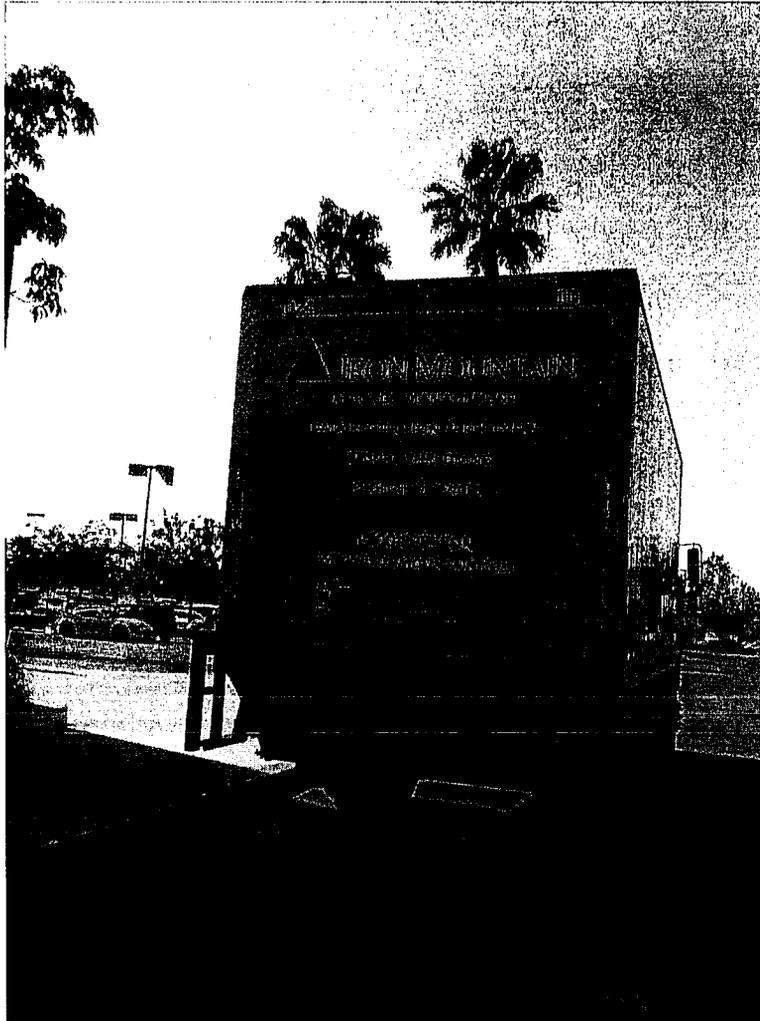
G. Nicolls 11 ENFORCEMENT
Issuing Officer ID Number Department

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.



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This picture shows lack of compliance by Target Company as the picture was taken on 02/12/2012 at 1:15 PM (truck parked on the red curb as such it is prohibited in the area)

Additional Input in response to city staff analysis (Mel Lee) and report -dated March 01, 2012

FACT; NO actual physical study was conducted to observe the **2012 noise area conditions:** The noise study as written in defense for Target Company by RK Engineering-"Mike Dickerson", in its conclusion was based on past 1999 old data. **Note; for year 2012 - NO Actual OR Current Noise study were Conducted.** If so, where is the calibration certificate for the noise instruments?

FACT: Adverse impact---complaints by adjacent neighbors were reported to the police department during 2010-2011 year and thus the City failed to document and not to report them. In addition, by the virtue of lack of enforcement, most adjacent residents have given up in coming forward as they the City or Target have been ignoring the correction of the violations.

FACT: Code Enforcement staffs were usually absent-Most violations as reported, were submitted by the residents rather than by city staff oversight. In addition, Target Company refuses to show the security tapes to the code enforcement staff which to reveal the truth about the incidents as reported by the residents.

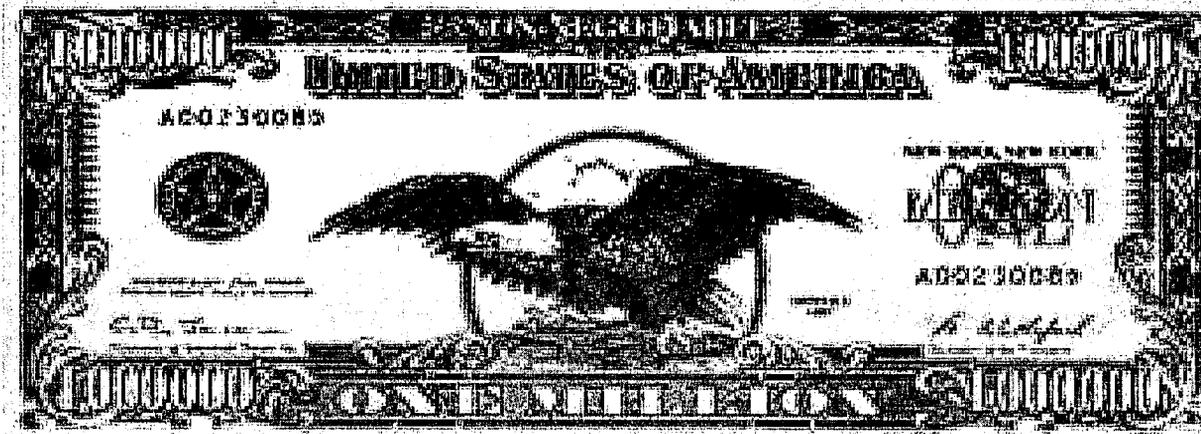
FACT: the extended hours till 11:00PM are not compatible with the adjacent residential uses. Mel Lee subjective finding and thus is contrary to the facts. Mel lee report failed to present scientific data, but rather opinions. In addition, safe guards or mitigations efforts were not presented and thus there is no assurance by Target Company to abide for the quiet and enjoyment of the surrounding neighborhood.

FACT: the police department review which reveals no objection did not address police matters or crime data. For the record-where is the police report review and the analysis.

FACT: why the city staff keep ignoring the need for comparative review against the original analysis as given by year 2009-2010. Why CEQA analysis was not conducted. **The environmental impacts for the 3030 Harbor has increased -not decreased over the years.**

FACT: Target management, acknowledged a \$5000 is usually generated in sales revenue per for that extra hour--per math it is a \$1.8 million is sales revenues per year --so the city can get (one) 1 percent which is \$18,000 possible increase in tax revenue per given year. Using the math again---the current store hours are from 8:00 to 10PM, which is about 14 operating hours per day, a \$2.5 million dollars in anticipated sales revenue for the city. It is all about money and thus it is a classical comparison to eminent domain takes over, without just compensation. The fact, it is about enriching special interest by damaging the property value of the eight resident northerly adjacent neighbors. The on-going trend of fabrication of the facts, fueled in part by spurious city of Costa Mesa staff analysis in which where the city self financial interest are governed- which is sales revenue- which is MONEY.

FACT: the extension of hours is about MONEY and for enriching the City and Target Company-which is a conflict of interest for the city to be a judge on the merits of protecting the residence. The extensions of store hour's case as presented by the folks at the Target Store are fabricated facts or are it truly objectives. The Target management folks are biased in with their arguments towards their own direction. Target and the city staff keep finding arguments in order to favor their claim for enriching themselves – it is all about MONEY.



In conclusion, for our family, we have been going through a lot of **emotional, physical and mental stress**. We have put our lives on hold during all these hearing, for which it consume time, energy and efforts. This has been on-going efforts in order to protect our property rights against the unlawful abuse of the City of Costa Mesa and the Target Corporation.

In addition, we have been deprived the full benefits of having peace and enjoyment of our property. These on- going efforts to chip away by diluting the original DR99-22 land use conditions *need to be stopped*. **The city and Target needs to conclude and abide by the original DR99-22 land use agreement. PERIOD.**