



# **CITY COUNCIL**

## **SUPPLEMENTAL MEMORANDUM**

MEETING DATE: APRIL 17, 2012

**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 10, 2012**

**FROM: PLANNING DIVISION/DEVELOPMENT SERVICES**

**FOR FURTHER INFORMATION CONTACT: MEL LEE, SENIOR PLANNER (714) 754-5611** *ML*  
[mel.lee@costamesaca.gov](mailto:mel.lee@costamesaca.gov)

Page 5 of the Council staff report provides information regarding a meeting where three additional operational restrictions were suggested to Target.

Please note that these operational restrictions were neither adopted by the Planning Commission nor originally recommended for inclusion by Planning staff in the 3/12/2012 report to the Commission. It is up to the final review authority (City Council) to incorporate these additional conditions if Council chooses to do so.

The Council staff report contains no language indicating that these conditions be incorporated. However, the draft resolution (page 17 of the Council report) inadvertently makes reference to these three conditions as requiring "Council" direction.

Therefore, please find attached an updated draft resolution which strictly reflects the conditions of approval as adopted by the Planning Commission. As indicated in the original report, the Council may add these conditions of approval, or modify any of the other conditions of approval, if it is desired.

**ATTACHMENT: 1. Updated Draft Resolution**

**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

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

- PIng. 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.
- PIng.  
Comm. 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.

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:

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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.**

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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.