



PLANNING COMMISSION AGENDA REPORT

VI. 5

MEETING DATE: NOVEMBER 14, 2011

ITEM NUMBER:

**SUBJECT: AMEND DEVELOPMENT REVIEW DR-99-22 A2 FOR EXPANDED ANNUAL WINTER HOLIDAY OPERATING HOURS FOR TARGET COSTA MESA
3030 A HARBOR BOULEVARD**

DATE: NOVEMBER 3, 2011

**FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(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 annual operating hours during the winter holiday season from the day after Thanksgiving to New Year's day to allow increased opportunities for holiday shopping, as follows.

Current Approved Winter Holiday Hours:

- 7:00 am to 11:00 pm Mon.-Fri., and 8:00 am to 11:00 pm Sat. and Sun. from the day after Thanksgiving to New Year's Day.

Proposed Winter Holiday Hours:

- 12 midnight to 11:00 pm the day after Thanksgiving, and 7:00 am to 12 midnight seven days a week thereafter until New Year's Day.

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.

On March 13, 2000, the Planning Commission, by a vote of 5-0, 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 (since closed).

Target's normal (i.e., non-holiday) hours are 8:00 am to 11:00 pm Mon-Sat, and 8:00 am to 10:00 pm Sun.

On November 13, 2000, Planning Commission approved a modification to the Development Review as DR-99-22A to allow extended winter holiday sale hours from 7:00 am to 11:00 pm, seven days a week, on an annual basis, beginning from the day after Thanksgiving through New Year's Day. The extended holiday sale hours apply to the store operating hours for customer service only and do not apply to the delivery hours for the Target store.

On July 11, 2005, Planning Commission, by a vote of 5-0, denied DR-05-09, a request to allow Target to open an hour earlier (6:00 am) during the same holiday season period, citing potential adverse noise impacts to the single-family residences to the north of the property.

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

<http://www.ci.costa-mesa.ca.us/council/planning/2005-07-11/071105DR0509.pdf>

A copy of the 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_050711.pdf

ANALYSIS

Request for extended hours

The applicant has submitted a request to amend the current condition of approval for annual winter holiday sales. 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 applicant, the trend in retail over the last several years has been to open early the day after Thanksgiving (usually referred to as "Black Friday") to meet the extra customer demand that the shopping day generates. The applicant is proposing to open the store at 12 midnight the day after Thanksgiving - Friday, November 25, 2011 - which is

consistent with the opening time for the other Target stores in the Southern California region.

Staff Justifications for Approval

Staff supports the request based on the following:

- *The recommended conditions of approval will ensure 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, and provide additional on-site security if requested by the Police Department.

- *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. With regard to crowd control, all Target stores are required to adhere to a crowd control plan implemented by Target's corporate offices and with input from law enforcement. A condition of approval also requires increased on-site security on an as needed basis if determined by the Police Department.

- *The Costa Mesa community will gain a benefit from the extended winter holiday hours as City residents will not have to travel to Target stores outside of the City that open earlier for holiday sales.* Other Target stores in Santa Ana and Irvine will observe the same extended holiday hours. Additionally, there would be a tangible economic benefit in terms of additional sales tax revenue to the City as a result of the extended holiday hours.

It is staff's opinion that the request, with the recommended conditions of approval, will be compatible with the other uses in the immediate vicinity. Compliance with the conditions of approval will allow this use to operate with minimal impact on surrounding properties and uses.

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 with the recommended conditions of approval to ensure any impacts to the adjacent properties and uses is minimized; or
2. Deny the request. Target could still continue to operate under the currently approved winter holiday 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. [Applicant's Request](#)
 3. [Location Map](#)

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

John Warren, AICP
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2151 Salvio Street, Suite S
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Target Corporation
Attn: Timothy Kindig
3030 A Harbor Boulevard
Costa Mesa, CA 92626

Target Corporation
PO Box 9456
Minneapolis, MN 55440

File:	Date:	Time:
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RESOLUTION NO. PC-11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING DEVELOPMENT REVIEW AMENDMENT DR-99-22 A2 FOR EXTENDED ANNUAL WINTER 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 annual operating hours from the day after Thanksgiving to New Year's Day as follows:

- o 12 midnight to 11:00 pm the day after Thanksgiving, and 7:00 am to 12:00 am seven days a week thereafter until New Year's Day.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 14, 2011, 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 A2 with respect to the property described above for extended winter holiday hours for Target Costa Mesa on an annual basis, which is consistent with the winter holiday hours for other Target stores in the region.

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 A2 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 14th day of November, 2011.

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. Compatible and harmonious relationship between the use and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood. Specifically, the request would be subject to applicable conditions of approval to ensure that no adverse impacts to adjacent uses and properties is created, including requiring the use be operated in a manner that will allow the quiet enjoyment of the surrounding neighborhood, and additional on-site security if requested by the Police Department.
 - 2. Compliance with any performance standards as prescribed elsewhere in this Zoning Code.
 - 3. Consistency with the general plan and any applicable specific plan.
 - 4. The planning application 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 operator shall be required to provide additional on-site security if requested by the Police Department.
 5. The use shall be limited to the following hours of operation on an annual basis: 12 midnight to 11:00 pm the day after Thanksgiving, and 7:00 am to 12:00 am seven days a week thereafter until New Year's day. Changes to the winter holiday hours of operation that extend the opening and closing times past the above hours shall be submitted to the Planning Commission for review.
 6. All other applicable conditions of approval for DR-99-22 and its subsequent amendments shall remain in effect.

RESOLUTION NO. PC-11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING DEVELOPMENT REVIEW AMENDMENT DR-99-22 A2 FOR EXTENDED ANNUAL WINTER 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 of an amendment Amend the condition of approval for Target Costa Mesa's annual operating hours from the day after Thanksgiving to New Year's Day as follows:

- o 12 midnight to 11:00 pm the day after Thanksgiving, and 7:00 am to 12:00 am seven days a week thereafter until New Year's Day.

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 14, 2011, 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 **DENIES DR-99-22 A2** with respect to the property described above.

PASSED AND ADOPTED this 14th day of November, 2011.

Colin McCarthy, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (DENIAL)

- 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 Mesa Planning Commission has denied DR-99-22 A2. 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.