

From: Al Morelli
Sent: Sunday, November 06, 2011 9:29 PM
To: PLANNING COMMISSION
Subject: re nov 14 meeting DR99-22

Public input regarding DR99-22
Thank you for your consideration

Also, please note that the staff report does include **a major error** regarding the current store hours.

Per the official DR99-22 document, item 57: "Hours of operation for the Target Store shall be **limited to between the hours of 8:00Am to 10:00PM** , seven days a week". Staff should and need to provide the official DR99-22 full document as recorded into the county records to be part of the meeting record. Also, item 42 and item 55 per the DR99-22 should be noted.

Also, the staff need to provide a copy/s of all the code enforcement citations and tabulate all the results as issued by the city against Target store for failing to abide by the DR99-22 conditions. For the records, there were several **police reports** and **code enforcement documents** toward that regards. Also note, as per last Friday 11/4/11, the store was operating and open with hours to 11:00PM which is in violation.

--

Al Morelli
714 957-1577

Items for considerations.....

The Planning Commission should investigate the city of Costa Mesa for the legality of continuous changes against the mitigated land use agreement DR99-22, lack of code enforcement oversight for the pre-agreed DR99-22 and the manipulation of the Environmental Impact Report (EIR), all as part of Target Store land use (3030 Harbor Blvd.) development agreement. Also, the city plays with different rules and failed to file under the California Environmental Quality Act (CEQA) as mandated by law. Any orders as recorded per DR99-22 as subject to conditions should be enforced.

The original store hours as originally as adopted (year 2000), were to be governed by and shall be limited to between the hours of 8:00AM to 10:00PM,

seven days a week. Any changes to store operating hours will impact and violate the quiet enjoyment of the surrounding neighborhood.

Based on the evidence in the record and find that “Target “store management has demonstrated **lack of faith compliance** with the terms and conditions of development agreement DR99-22 by order. The original land use permit should be subject to revocation as there have been material changes and violations that occurred in the operation and the Target’s management had failed to comply with several conditions of approval.

The review finding by city staff as given are based on self generated opinion and does not contain actual studies nor based on scientific facts. Staff has omitted needed studies like noise impact during night hours, traffic impact studies, crowd control and security, etc. Such subjective opinion is a conflict of interest, as driven by the economic benefits in terms of increase of sales tax revenues to the city as a result of extended hours. Associated data with regards to past code violations were omitted and not presented regarding staff finding. Also, the opinion omit the neighbors reported complains over the years.

While the city of Costa Mesa keep changing the land use mitigation conditions, significant impacts would occur at 3030 harbor location and for the surrounding residential neighbors, the city does not provide adequate information to determine that impacts and how it would be reduced or fully mitigated at location.

Deny the current adoption of any modifications to DR99-22 and 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.