



# *CITY COUNCIL AGENDA REPORT*

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**MEETING DATE:** March 15, 2005      **ITEM NUMBER:** Item Number

**SUBJECT:** REQUEST FOR COUNCIL DIRECTION REGARDING TRINITY BROADCASTING NETWORK'S CONDITIONAL USE PERMIT

**DATE:** MARCH 3, 2005

**FROM:** Council Member Linda Dixon

**PRESENTATION BY:** COUNCIL MEMBER DIXON

**FOR FURTHER INFORMATION CONTACT:** Steven E. Hayman, Assistant City Manager  
754-5328

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## **RECOMMENDATION:**

Provide direction to the Planning Commission requesting that they hold a Public Hearing on the Conditional Use Permit currently detailing the operations of Trinity Broadcasting Network.

## **BACKGROUND:**

Trinity Christian Center operates their Trinity Broadcasting Network (TBN) on the property located at 3150 Bear Street in Costa Mesa. They operate under a Conditional Use Permit granted them by the Planning Commission as PC-03-24. This action modified Planning Applications PA-96-19 and PA-98-24. Attached please find a copy of the adopted Conditions of Approval and related Resolution of the Planning Commission ("Attachment 1"). One of the Conditions of Approval is the requirement that TBN confine their external property maintenance and related activities to the approved "Operations Management Plan" ("Attachment 2").

## **DISCUSSION:**

The Planning Commission is the body with the authority to modify the Conditional Use Permit, which TBN operates under. Numerous complaints have been made by resident Ms. Schofro that include: use of noisy, heavy equipment (hydraulic lifts) which may be beyond what is allowed by the "Operations Management Plan" and parking of large vehicles, including buses, in areas other than those designated. Besides the engine noise and exhaust problems, these vehicles are reported to have loud "backup" safety devices that create a constant intrusion for the neighbors. I have asked that staff pull together relevant correspondence and activity related to the subject property. "Attachment 3" is a memorandum last distributed to the City Council in January of 2005 which includes a good deal of the history as well as activity reports by Code

Enforcement. "Attachment 4" is a copy of the last correspondence sent to Ms. Schofro and referred to in the prior attachment.

**LEGAL REVIEW:**

The City Attorney's office has indicated that if review of these complaints and TBN's compliance with its CUP conditions is to be made, either a referral of the matter to the Planning Commission must be made by a Council majority or it may be placed on the Planning Commission's agenda by a member of the Planning Commission. If the Planning Commission deems a review warranted, the Planning Commission should hold a public hearing to hear from the permit holder, neighboring property owners and the public and determine whether TBN is in compliance with its permit operating conditions and if not, what appropriate steps should be taken.

**CONCLUSION:**

The City Council is asked to refer this matter to the Planning Commission for their review and, if a Public Hearing is in order, to determine if the Conditions of Approval are being met and continue to be appropriate.

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STEVEN E. HAYMAN  
Assistant City Manager

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ALLAN L. ROEDER  
City Manager

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KIMBERLY HALL BARLOW  
City Attorney

DISTRIBUTION: Deputy City Clerk  
Development Services Director

ATTACHMENTS: 1 [Adopted Conditions of Approval and related Resolution of the Planning Commission](#)  
2 [Operations Management Plan](#)  
3 [City Council Memorandum dated January 7, 2005](#)  
4 [Correspondence to Ms. Schofro dated December 21, 2004](#)