



# CITY OF COSTA MESA

CALIFORNIA 92626-1200

P.O. BOX 1200

ATTACHMENT 1

FROM THE OFFICE OF THE CITY CLERK

July 30, 2003

John B. Casoria  
Trinity Christian Center of Santa Ana, Inc.  
2442 Michelle Drive  
Tustin, CA 92780

Dear Mr. Casoria:

At the regular City Council meeting of April 21, 2003, Resolution 03-27 was adopted: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DENYING MINOR CONDITIONAL USE PERMIT ZA-02-75, to conduct a portion of religious church services and television programming, and similar related uses, outside the building, located at 3180 Bear Street in an AP zone.

A copy of the resolution is enclosed for your records.

Very truly yours,

JULIE FOLCIK  
Deputy City Clerk

JF:rd

cc: Planning Division

Enclosure

RECEIVED  
CITY OF COSTA MESA  
DEVELOPMENT SERVICES DEPARTMENT

JUL 30 2003

RESOLUTION NO. 03-27

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF COSTA MESA,  
CALIFORNIA, DENYING MINOR  
CONDITIONAL USE PERMIT ZA-02-75

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

WHEREAS, an application was filed by John Casoria, authorized agent for Trinity Christian Center of Santa Ana Inc., with respect to the real property located at 3150 Bear Street, requesting approval of a minor conditional use permit to allow religious related activities and television programming outside of the building; and

WHEREAS, The Zoning Administrator forwarded the application to Planning Commission for public hearing; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 24, 2003, and continued to March 24, 2003; and

WHEREAS, Planning Commission continued ZA-02-75 for 9 months; and

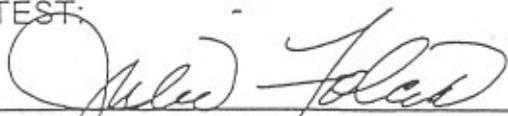
WHEREAS, Planning Commission action on ZA-02-75 was appealed to City Council; and

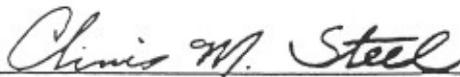
WHEREAS, a duly noticed public hearing was held by the City Council on April 21, 2003.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council hereby Denies Minor Design Review ZA-02-75 with respect to the property described above.

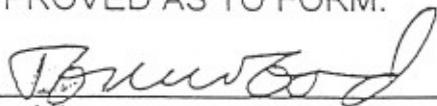
PASSED AND ADOPTED this 21st day of April, 2003.

ATTEST:

  
\_\_\_\_\_  
Deputy City Clerk of the City of  
Costa Mesa

  
\_\_\_\_\_  
Mayor of the City of Costa Mesa  
Mayor Pro Tem

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

STATE OF CALIFORNIA)  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Resolution No. 03-27 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 21<sup>st</sup> day of April, 2003, by the following roll call vote:

AYES: Steel, Cowan, Monahan, Mansoor

NOES: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Costa Mesa this 22<sup>nd</sup> day of April, 2003.

  
\_\_\_\_\_  
Deputy City Clerk and ex-officio Clerk of  
the City Council of the City of Costa Mesa

## EXHIBIT "A"

### FINDINGS

- A. Based on the evidence and testimony presented at the hearing before the City Council, the City Council finds that the proposed use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
1. The use is not compatible and harmonious with uses that exist in the general neighborhood. Residents living adjacent to the subject property testified about existing adverse impacts on the both the adjacent neighborhood and individual homeowners who lived directly on the border of the subject property. Because these activities occur in the evening hours (approximately 7:00 p.m. to 9:00 p.m.) the noise, lighting, traffic and parking impacts are disruptive to adjacent residential properties and the outdoor uses proposed would increase the intensity of the already existing adverse affects. In particular, testimony was presented that residents adjacent to the property could hear the outdoor performances, which often included amplified music, within the confines of their homes, even with all their windows and doors closed. In addition, there was testimony regarding the noise of traffic in the parking lot created by doors slamming and honking of horns from the many vehicles leaving the parking lot upon conclusion of the performances. The noise from both the parking lot and the performances would often waken sleeping residents, including young children. Testimony was also presented from the neighbors regarding the intrusion of bright lights from both the decorative light display and from the lights used for outdoor filming.
  2. Although the proposed use is consistent with the General Plan, the City Council specifically finds that the proposed use is inconsistent with General Plan Objective LU-1F.1 in that the proposed use harms the "existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities" for the above stated reasons.
  3. The cumulative effects of all planning applications (existing conditional use permits and minor conditional use permit) have been considered and a determination made that the testimony presented indicates that approval of any additional outdoor uses would create an unreasonable incompatibility with the adjacent residential use.
- B. Based on the testimony and evidence presented at the hearing before the City Council, the proposed use does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

1. For the reasons stated above in paragraph A, the proposed use is not compatible with developments in the same general area because of the close proximity to single family residences.
2. For the reasons stated above in paragraph A, granting the minor conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, testimony as discussed herein above, was presented by adjacent residential property owners about the adverse affects of past outdoor activity (live tapings and broadcasts), which activities are the subject of the current application for a conditional use permit. Because these activities occur in the evening hours (approximately 7:00 p.m. to 9:00 p.m.) the noise and lighting impacts are disruptive to adjacent residential properties.

Furthermore, no testimony was presented as to why the activities the applicant requested be allowed to be conducted outdoors had to be conducted outdoors other than the applicant desired to use the outdoor setting as an alternative backdrop for the filming activity. It is specifically found that, sufficient alternatives exist to eliminate the adverse impacts of the requested outdoor activities, such as conducting all activities entirely within the existing building.

- C. The City Council finds that denial of the application would not substantially burden the applicant's exercise of religion. Specifically, the Council finds that the applicant has failed to prove that the proposed outdoor activities cannot be conducted entirely within the existing building and therefore sufficient alternatives exist.