



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: SEPTEMBER 22, 2008

VI.1
ITEM NUMBER:

SUBJECT: ZONING APPLICATION ZA-08-10 (APPEAL)
TRINITY CHRISTIAN CENTER
3150 BEAR STREET

DATE: SEPTEMBER 11, 2008

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611

DESCRIPTION

The request is an appeal of the Zoning Administrator's approval of Zoning Application ZA-08-10, to allow a maximum of 12 outdoor filming activities per year at Trinity Christian Center.

APELLANT/APPLICANT

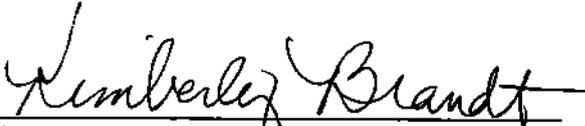
The appellant is Stacy Schofro, a neighboring property owner. The original applicant is the Sheldon Group, representing Trinity Christian Center, the property owner.

RECOMMENDATION

Conduct a public hearing and either uphold, reverse, or modify the Zoning Administrator's decision.



MEL LEE, AICP
Senior Planner



KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND INFORMATION – PROPERTY AND SURROUNDING USES

Trinity Christian Center is located on a six-acre property bounded by Bear Street on the west, the I-405 Freeway on the north, and single-family residences on the south and east. The residences to the south of the property were constructed in the mid-to-late 1990's as part of the 79-home single-family residential development called Lifestyles; the single-family residences to the east of the property were constructed in the early 1960's as part of a 62-home residential tract (Tract Number 3500).

BACKGROUND INFORMATION – TRINITY CHRISTIAN CENTER

In 1979, a 65,650 square-foot, three-story building was constructed on the property and used as offices for Full Gospel Businessmen's Fellowship International. In January 1996, the property was acquired by Trinity Christian Center, also known as Trinity Broadcasting Network, referred to as TBN in the remainder of this report.

TBN's primary television production facilities and day-to-day business operations are located in the City of Tustin, while the Costa Mesa location functions as a showcase facility. Although TBN uses this property for limited television production, the primary activities include special events, such as their annual holiday light displays, as well as meeting facilities for group functions. This location also has a gift shop, exhibits and attractions, offices, and food uses per their conditional use permits summarized in the table below. The major dates related to the property since it was acquired by TBN follows.

TBN TIMELINE	
January 1996	Property acquired by TBN.
March 1996	A conditional use permit to operate administrative offices, television production facilities, screening and meeting rooms, incidental retail (gift shop) and meditation areas for TBN is approved by the Commission as Planning Application PA-96-19.
April 1998	An amendment to the conditional use permit to allow food service to the general public, as well as employees, and to allow an outside food cart for special events, is approved by the Commission as Planning Application PA-98-24.
July 2000	Variance to raise the height of the wall separating TBN property from the Lifestyles residences to the south (including the appellant's property) from six feet to 22 feet is denied by the Commission as Planning Application PA-00-19.
April 2001 thru December 2004	In response to a neighbor complaint regarding the removal of a large tree at the entry to the property from Bear Street, TBN plants a row of trees along the southerly boundary of the property (including the appellant's property). Over the next several years, the City and TBN receive complaints from neighbors regarding the trees and noise related to their maintenance, which leads to a civil lawsuit between TBN and the neighbors. A copy of the lawsuit was provided by the appellant and is attached (Attachment 3).

TBN TIMELINE	
March 2003 thru August 2003	A minor conditional use permit to allow outdoor filming with amplified sound and audience members up to 72 times per year (Zoning Application ZA-02-75) is considered by the Commission along with a request to call up Planning Applications PA-96-19 and PA-98-24 for review. As part of the review, the Commission added several conditions of approval for parking control, hours of landscape maintenance, special events such as holiday light displays, and other items to minimize noise and lighting impacts on adjacent residential properties. A copy of the conditions of approval are included as <u>Attachment 7</u> . The Commission deferred taking action to approve or deny ZA-02-75 so that staff could monitor TBN's compliance with the conditions of approval. TBN appealed the Commission's deferral to the City Council. City Council denied ZA-02-75 because they did not believe they had adequate evidence to demonstrate that the outdoor filming would be compatible with adjacent residential properties.
November 2005 Thru July 2008	Although the minor conditional use permit for outdoor filming on a regular basis was denied by City Council, TBN is allowed to obtain a film permit for outdoor filming for a special occasion or event, such as for holiday shows (Municipal Code Section 9-473). Under this code section, notification of surrounding property owners is not required. A total of seven outdoor film permits are issued to TBN during this time period. The July 2008 filming activity was observed by staff and is discussed later in this report.
March 2008	New application for outdoor filming filed (see section below).

ADDITIONAL BACKGROUND INFORMATION

The March 24, 2003 Planning Commission meeting minutes for the review of TBN's conditional use permits and the original request for outdoor filming can be viewed on the City's Web page at the link below:

http://www.ci.costa-mesa.ca.us/council/planning/pm_030324.pdf

The April 21, 2003 City Council meeting minutes for the original request for outdoor filming can be viewed on the City's Web page at the link below:

<http://www.ci.costa-mesa.ca.us/council/minutes/2003-04-21.pdf>

CURRENT OUTDOOR FILMING REQUEST (ZA-08-10)

The current request is to allow outdoor filming activities a maximum of 12 times, instead of the 72 times previously requested, per calendar year. Also, in contrast to the prior request, amplified sound is not proposed or allowed via the conditions of approval; singers and speakers are required to sing or talk into a microphone that transfers the

sound to on-site recording equipment, and no audience members or spectators are proposed.

All outdoor filming will take place entirely on TBN's property, specifically, in the patio south of the building. The filming hours, including set up and take down of the equipment, is from 5:30 p.m. to 9:00 p.m. The outside setup for the filming activities consists of four to five cameras and a small video monitor. Four permanent light stands approximately 20 feet tall presently exist on-site and include shields to prevent light spillage on abutting properties. The production crew will typically consist of a maximum of 20 individuals. The area in the courtyard in which the outdoor filming takes place is setback approximately 180 feet from the residential property line to the south and approximately 190 feet from the residential property line to the east.

On April 30, 2008, the applicant held an open house at TBN in which the surrounding area residents were invited to attend to discuss any concerns with the proposed outdoor activities. Senior Planner Mel Lee also attended the open house. The open house was attended by three residents, none of whom indicated concerns with the proposed use. The appellant did not attend this open house.

Although no concerns were raised by the three residents that attended the open house, the applicant requested that the Zoning Administrator's decision on the minor conditional use permit be delayed for several months so that staff could observe an actual outdoor filming to evaluate any potential lighting or noise impacts to the adjacent residences. A film permit was issued for an outdoor filming event that took place on July 9, 2008, which was attended by Senior Planner Mel Lee and Council Member Wendy Leece. The appellant was also invited to attend this filming, but declined the invitation.

It was staff's opinion that the sound generated during this outdoor filming event was not audible beyond the patio area where the filming was being conducted and, although the filming took place in the evening, no light spillover beyond the patio area was observed. According to the Police Department, no complaints regarding outdoor noise or lighting related to outdoor filming or equipment installation and removal were received on this or any dates the prior outdoor filming events occurred.

Based on this information, the Zoning Administrator approved the applicant's request on August 21, 2008, subject to conditions of approval to ensure surrounding properties are not disrupted by any activities related to the outdoor filming (see Attachment 9), including the conditions noted below:

2. Each of the 12 outdoor filming activities shall be limited to a single day.
3. Activities related to outdoor filming, including equipment installation and removal, shall be limited to between 5:30 p.m. and 9:00 p.m. No outdoor filming activities shall occur on Sundays or holidays.
4. Outdoor filming activities shall not occur more than 12 times per year from the effective date of this approval.
5. Audiences, spectators, or noise-generating props (such as live animals) shall not be permitted during any outdoor filming activities.
6. Amplified sound, loudspeakers and/or public address systems shall not be

permitted.

Also, TBN will be required to apply for a film permit for each of the 12 outdoor events. An appeal of the Zoning Administrator's decision was filed by the appellant on August 25, 2008.

APPEAL

A copy of the appeal is attached to this report as Attachment 2. The appellant states that her home is under constant noise attack that has not been able to be documented by Code Enforcement. The appeal also states Costa Mesa Police Officers are employed by TBN and have said they will not document the complaints or must contact other officers. The appellant also references other documentation, which is attached to this report as Attachment 3.

Existing Noise Issues

As noted in the Background discussion, Planning, Code Enforcement, and Police staff have received numerous complaints regarding noise generated by TBN from the appellant. The majority of these complaints relate to TBN's use of leaf blowers and tree trimming equipment used to maintain the landscaping. One of the conditions of approval Commission added in March 2003 prohibits the operation of leaf blowers, tree trimmers, and other noise-generating equipment before 8:00 a.m. (see condition of approval number 26 in Attachment 7). The appellant claims this condition of approval is routinely violated by TBN.

In response to the appellant's noise complaints, Code Enforcement staff conducted over 70 site visits to TBN over a three-and-a-half year period (between April 2001 and December 2004). These 70+ site visits were in addition to Code Enforcement's response to the appellant's individual complaints of noise violations. Over that period, a total of two citations for noise violations were issued to TBN for the operation of lifts for the installation of the holiday lights after 5:00 p.m. (see condition of approval number 21 in Attachment 7). In the other instances, the Code Enforcement Officer observed either:

- No activity occurring on the property;
- The activity being conducted was not generating any noise; or
- The noise generating activity being conducted (use of leaf blowers, tree trimmers, etc.) was within the hours allowed under the conditions of approval.

For a more recent accounting of noise complaints, staff checked the number of noise complaints received by Code Enforcement from January 2007 to the present. Of the 11 noise complaints received, 10 were found by the Code Enforcement Officer to not be in violation of the conditions of approval. The one complaint that was not investigated by the Code Enforcement Officer was one that occurred on a Saturday, when the officer was unavailable to respond; as a result, this noise complaint was investigated by Police, which the patrol officer determined was also not in violation of the conditions of approval.

Despite the lack of evidence that TBN is routinely violating their conditions of approval as claimed by the appellant, the Director of the Development Services Department, Don Lamm, and Senior Planner Minoo Ashabi met with the appellant at her residence on May 7, 2008, to discuss her concerns regarding TBN's operation. Mr. Lamm prepared a letter to the applicant outlining some of the issues raised by the appellant (Attachment 6), however, this did not appear to alleviate the appellant's concerns. On August 6, 2008, staff was informed by TBN via e-mail that the appellant has allegedly been videotaping activities on TBN's property (see Attachment 5).

Police Issues

TBN previously contracted with the Police Department for special events such as their holiday light displays. This type of Police Department contract is similar to contracts with the Orange County Fair and Event Center, and with other organizations for parades, 5K/10K runs, or similar events that require additional traffic control or security measures. Staff believes there is no basis to the appellant's claim that Police do not respond to complaints because they are working a special event for TBN. Staff notes that the officers that work special events are City employees filling a contracted position. Additionally, the Police responded to 10 noise complaints at TBN from January, 2007 to the present. These complaints are separate from the complaints the appellant has made to Code Enforcement over the same period. Of these 10 noise complaints, none were found to be in violation of the conditions of approval.

GENERAL PLAN CONFORMITY

The property is zoned AP (Administrative and Professional) and has a General Plan Designation of General Commercial. The outdoor filming activity is a permitted use, with a minor conditional use permit, in the AP zone. However, in order to ensure the use is not disruptive to the surrounding neighborhood (Objective LU-1F), the use is must be operated in compliance with the conditions of approval of all City permits.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Uphold the Zoning Administrator's decision to approve a maximum of 12 outdoor filming activities per year per the applicant's request;
2. Modify any of the conditions of approval to minimize any impacts to surrounding residents;
3. Overturn the Zoning Administrator's decision and deny the request for a maximum of 12 outdoor filming activities per year per the appellant's request. If the request is denied, the applicant could not submit substantially the same type of operation for six months. The applicant may continue to obtain film permits for individual outdoor filming events per Municipal Code Section 9-473.

ENVIRONMENTAL DETERMINATION

The use is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

CONCLUSION

It is the Zoning Administrator's opinion that approval of TBN's request to conduct a maximum of 12 outdoor filming events per year will not adversely impact the surrounding neighbors, provided TBN complies with the proposed conditions of approval.

Staff believes the appellant's premise for the appeal is that TBN continually violates its current conditions of approval, and therefore the City should not grant any additional use permits for the property. However, according to City records from two different time periods (April 2001 to December 2004, and January 2007 to the present) the vast majority of complaints regarding TBN's noise impacts received and investigated by the City were unfounded. Furthermore, staff's ongoing efforts to address the appellant's concerns, including numerous staff visits to the TBN property, meeting with the appellant at her home, and offers for the appellant to meet directly with TBN to discuss concerns, have not resulted in a reduction in complaints. Because staff has found the complaints to be invalid, staff recommends the Zoning Administrator's approval be upheld.

- Attachments:
1. Draft Planning Commission Resolutions (Approval and Denial)
Exhibit "A" – Draft Findings
Exhibit "B" – Conditions of Approval
 2. Appeal Application
 3. Additional Exhibits Previously Submitted by Appellant
 4. Correspondence Received From Other Members of The Public
 5. Correspondence from TBN Regarding Appellant's Property
 6. Letter from Don Lamm to Applicant Regarding Appellant's Concerns
 7. List of TBN Conditions of Approval
 8. Location Maps and Plans
 9. Zoning Administrator's Letter for ZA-08-10 and Description of Proposed Use Provided By the Applicant

cc: Deputy City Manager - Dev. Svs. Director
City Attorney
Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Stacy Schofro
3131 Encore Court
Costa Mesa, CA 92626

Sheldon Group
Attn: Vicki Green
901 Dove Street, Suite 140
Newport Beach, CA 92660

Trinity Broadcasting Network – International Headquarters
2442 Michelle Drive
Tustin, CA 92780-7091

Mariann Ross
3147 Canadian Drive
Costa Mesa, CA 92626

Harold Orlando
876 Liard Place
Costa Mesa, CA 92626

File: 092208ZA0810Appeal	Date: 091108	Time: 3:30 p.m.
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RESOLUTION NO. PC-08-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE ZONING ADMINISTRATOR'S DECISION TO APPROVE ZONING APPLICATION ZA-08-10

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Sheldon Group, authorized agent for Trinity Christian Center, owner of real property located at 3150 Bear Street, requesting approval of a minor conditional use permit allowing a maximum of 12 outdoor filming activities per year at Trinity Christian Center, located at 3150 Bear Street, in an Administrative and Professional (AP) zone; and

WHEREAS, on August 21, 2008, the Zoning Administrator approved Zoning Application ZA-08-10; and

WHEREAS, on August 25, 2008, the Zoning Administrator's approval of Zoning Application ZA-08-10 was appealed to the Planning Commission; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on September 22, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **UPHOLDS** the Zoning Administrator's approval of Zoning Application ZA-08-10 with respect to the property described above.

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 Zoning Application ZA-08-10 and upon applicant's compliance with each and all of the conditions as modified 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 22nd day of September, 2008.

Donn Hall Chair,
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (APPROVAL)

- A. The use complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The use, as conditioned, is compatible and harmonious with uses that exist in the general neighborhood.
 - The use, as conditioned, complies with applicable performance standards as prescribed in the Zoning Code, specifically, compliance with the City's noise ordinance provisions.
 - The use is consistent with the General Plan, specifically General Plan Goal LU-1F.1, because the recommended conditions of approval will ensure the protection of existing residential neighborhoods from incompatible or disruptive land uses and/or activities.
 - The zoning application is for a project-specific case and does not establish a precedent for future development.
 - The cumulative effects of all planning applications have been considered.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, based upon staff's observation of the outdoor filming activity related to TBN, the sound generated during filming was not audible from adjacent residential properties and no light spillover was observed. The Police Department has no record of complaints related to the outdoor filming events that have taken place at TBN. The applicant will be required to comply with the conditions of approval to ensure that the use is not disruptive to adjacent uses or properties.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The minor conditional use permit herein approved shall be valid until revoked. The minor conditional use permit may be modified or revoked if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
2. Each of the 12 outdoor filming activities shall be limited to a single day.
3. Activities related to outdoor filming, including equipment installation and removal, shall be limited to between 5:30 p.m. and 9:00 p.m. No outdoor filming activities shall occur on Sundays or holidays.
4. Outdoor filming activities shall not occur more than 12 times per year from the effective date of this approval.
5. Audiences, spectators, or noise-generating props (such as live animals) shall not be permitted during any outdoor filming activities.
6. Amplified sound, loudspeakers and/or public address systems shall not be permitted.
7. A copy of the conditions of approval for the minor conditional use permit shall be kept on premises and presented to any authorized city official upon request. Trinity Christian Center shall notify new business/property owners of conditions of approval upon transfer of business or ownership of land.
8. Outdoor activities shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. Trinity Christian Center shall institute whatever security and operational measures are necessary to comply with this requirement.
9. All conditions of approval, code requirements, and special district requirements for Planning Applications PA-96-19 and PA-98-24 shall continue to be complied with.
10. Complaints regarding noise related to the violation of any of the operating conditions and restrictions shall be immediately remedied by Trinity Christian Center.
11. Exterior lighting, either for the parking lot, to illuminate the building, or for television production, shall be designed and/or adjusted to prevent spillover light or glare onto adjacent properties. Shielding or other methods necessary to prevent light or glare spill-over shall be incorporated.

RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING ZONING APPLICATION
ZA-08-10**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Sheldon Group, authorized agent for Trinity Christian Center, owner of real property located at 3150 Bear Street, requesting approval of a minor conditional use permit allowing a maximum of 12 outdoor filming activities per year at Trinity Christian Center, located at 3150 Bear Street, in an Administrative and Professional (AP) zone; and

WHEREAS, on August 21, 2008, the Zoning Administrator approved Zoning Application ZA-08-10; and

WHEREAS, on August 25, 2008, the Zoning Administrator's approval of Zoning Application ZA-08-10 was appealed to the Planning Commission; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on September 22, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **DENIES** Zoning Application ZA-08-10 with respect to the property described above.

PASSED AND ADOPTED this 22nd day of September, 2008.

Donn Hall Chair,
Costa Mesa Planning Commission

FINDINGS (DENIAL)

- A. The use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
- The use is not compatible and harmonious with uses that exist in the general neighborhood.
 - The use is not consistent with the General Plan.
 - The cumulative effects of all planning applications have been considered.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is not compatible with developments in the same general area. Granting the minor conditional use permit will be detrimental to the health, safety and general welfare of the public and other properties or improvements within the immediate vicinity.
- C. The Costa Mesa Planning Commission has denied Zoning Application ZA-08-10. 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.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

ATTACHMENT 2
Appeal Application



City of Costa Mesa

Appeal of Planning Commission Decision
 Appeal of Zoning Administrator/Staff Decision

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name* Stacy Ichiro
Address 3131 Encore Court Costa Mesa, CA 92626
Phone 714 437-3131 Representing _____

REQUEST FOR: REHEARING APPEAL REVIEW**

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

Constant noise attack on our home. Code Enforcement unable to document. Costa Mesa police employed by TBN have said they will not document, or have told us we must call separate police, because the 3-4 police employed on lot only there specifically for TBN

Decision by: _____
Reasons for requesting appeal, rehearing, or review:

please refer to the years of documentation

RECEIVED
CITY OF COSTA MESA
AUG 25 2008

Date: August 25, 2008 Signature: Stacy Ichiro

*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.
**Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:
If appeal, rehearing, or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal, rehearing, or review:

22 September 2008

ATTACHMENT 3

Additional Exhibits Previously Submitted by Appellant

Transmittal Letter - Documentation
for May 8th TBN - Re Zoning

J. Schupro
3131 Encore Court
Costa Mesa, CA. 92626
(714) 504-3126

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

MAY -2 2008

Kimberly Brandt,
Zone Administrator
Assistant Director of Development Services Dept.
City of Costa Mesa

April 27, 2008

Costa Mesa City Council- Eric Bever, Allan Monsoor, Linda Dixon, Katrina Foley,
Wendy Leece

RE ZA-08-10 (AP Zoning for Trinity Christian Center not Trinity Broadcasting

We are once again put in the position of requesting that the City of Costa Mesa protect the peaceful and quiet enjoyment of our home and neighborhood. Since Trinity Broadcasting Network has been our neighbor for the past 11 years, we have not been able to maintain the quiet enjoyment of our home! We live next door to what was supposed to have been an **ADMINISTRATIVE** facility only for TBN, aka Trinity Christian Center. Since they have moved in they have been allowed a restaurant, a movie theatre, a gift shop, to hold weekly indoor day and night performances and were allowed Cal Trans signs directing crowds to their facility. This never-ending growth of this tax-exempt facility has created an ever-growing noise pollution problem for our neighborhood. We have documented for the city of Costa Mesa, the constant noise pollution that we have had to endure for years and tried to explain the emotional roller coaster and financial burden on our lives to no avail.

We no longer have any neighbors left to help us speak out about the problem. TBN has managed to obtain all of the houses surrounding our home. Since TBN attempted to get us to sign a confidentiality agreement, where we would be sued if we spoke out in public against them (we were told what we were to say), we can't help but assume that our neighbors were asked to sign the same agreement when making the sale of their homes. (See Attached). We do understand their need to just want out because; despite the unending complaints from all of the neighbors prior to their giving up and selling their homes at what appeared to be under market values to TBN. TBN has been allowed to move forward with more and more expansions. Three of us (homeowners on their wall) were sued by TBN for conspiracy and harassment for documenting our unending noise problems with the city, as the city had instructed us to do. We were also sued for damage to the ficus trees that the city allowed TBN to plant. (See Attached). To this date the ficus trees grow without the root barriers the city stipulated be put in when TBN was given a city permit to plant them! When we asked the city for help regarding the trees, we were told the trees were a civil matter and of no concern to the city. After our conversation with the city, our son's small Christian school was told by the city to remove much smaller ficus trees due to their ability to damage adjacent city property, or the school would have to take all liability for the trees. The small school (Prince of Peace) at great expense said they felt forced to remove the trees. The city has done nothing so far to address the trees planted up against the wall of our home without a root barrier. (See attachments).

TBN (aka TCC) has another local facility which they could use for all their commercial ventures should they choose. We have been told it is commercially zoned and does not have surrounding neighbors to have the devastating impact they have had on our homes. We feel our neighbors gave up their homes out of exhaustion and the feeling that they would always have to fight to have a peaceful neighborhood. Allowing TBN to take control of a neighborhood is not a solution, but we want you to understand it does feel as though this is what the city of Costa Mesa has supported by their actions. We are not interested in selling our home to TBN now or ever! We ask you to halt the growth TBN has been allowed, it is already out of control with what you have given them. Please consider ceasing to give them more venues to cause continued disruption to our lives and overall health.

We can't afford to employ a PR firm to petition the city to protect us. The PR firm TBN has hired to get them more privileges, also advertises its close connections to local city governments. We feel sure they are capable of making it appear that everything is wonderful now and it is only going to get better when TBN expands. We have let the city know over and over to no avail, that it is already unbearable – due to noisy lifts, hours of leaf blowers, regular chain saws and wood chippers for trimming of trees and small bushes, commercial trucks barreling past to stock the restaurant and building, loud music from workers while they prepare the lot for the next event, screaming people, backup beepers and loud music from cars, car alarms, busses, loud humming of their air conditioners to support the crowds and too many other things to list all generated because of their “regular events”.

Even the presence of Costa Mesa police officers working inside TBN has not helped. We have been told they are on duty, but are also obtaining an added salary from TBN. We cannot expect unbiased help from them when it is us versus their employer. There are many occasions where two to four officers appear to be working inside their building. (documented on tape) On April 1st when we had loud music coming in to the second story of our home we were told the “the regular police officers” (Yenesee and Gilman) working inside the building documented there was no sound coming from the building!!

Up until recently we have been told by the city that our calls about the noise problems are considered and are being documented as harassment of the city! Over the last month however, we received a more friendly response from the city. We were feeling more hopeful, until we found out at the last minute that there will be a non-public hearing on April 24th (moved to May 8th) to give TBN more commercial use privileges.

We have never felt like we live next to a Christian organization, but rather a manipulative organization that will stop at nothing for their own financial gain. We once again plead with the City of Costa Mesa to do their job and protect our home from the constant noise pollution created by TBN. Once they are allowed more privileges for their facility there will be no hope of protecting us from a constant barrage of noise that is generated from its ever expanding commercialization. We appeal to the City to not allow more privileges to TBN than they already have, which continues to cause great emotional and financial damage to our lives.

There is a simple solution. Ask TCC-TBN to conduct **ALL** of their commercial ventures at their local Michelle Drive address, or their numerous other facilities---Florida, Texas, Tennessee, Georgia...many of which we are told are completely equipped and commercially zoned, so they will not destroy the quality of life of the neighbors surrounding their facility. If they are not allowed their commercial ventures maybe they will not require the homes they appear to use as hotels surrounding us. These homes have strangers coming and going sometimes loudly day and night. Require them to behave like the Christian facility they keep claiming they are and disallow them any further growth.

The Schofro Family

cc- Senator Chuck Grassley-United States Senate Judiciary Committee

City of Costa Mesa
Mel Lee, AICP
Associate Planner

Costa Mesa, January 7th, 2003

Dear Mr. Lee

Subject: Trinity Broadcasting (TBN)

Dear Mr. Lee,

I have received your letter of January 3rd, 2003 today and I have been informed that you have allowed TBN, which I now realize has changed their name to Trinity Christian Center, to run a preview of their proposed weekly outdoor entertainment activity the day after tomorrow and have now continued the public hearing twenty-nine days to February 10, 2003. As I would expect such an important preview should be a show that no one would raise objections to.

I am astonished that the City would give such short notice to its citizens on a matter of such importance. An issue of far reaching consequences, which if ultimately approved by Costa Mesa will take the activities of TBN to the next level of allowing them to become the Trinity Entertainment Center (TEC), which would forever change the cultural atmosphere of the community and the City. I do not believe that the citizens would object to TBN's original stated purpose, which was to use their property as an inside production studio, corporate headquarters and to have beautiful grounds and fountains for the public to visit and enjoy. Personally I welcome the City of Costa Mesa to give TBN or should it be TCC the opportunity to put on their show, but I am not sure what it will prove.

As you are aware I will not be able to observe their Dog and Pony show since I will be out of town, but I am sure a number of my neighbors will.

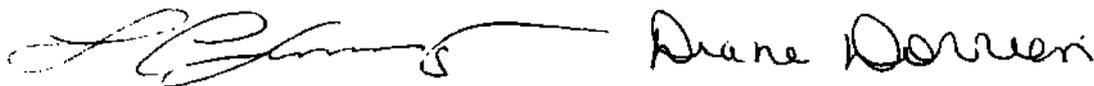
To make it equitable I suggest that The City of Costa Mesa should also take the opportunity to visit our homes and backyards and to see what we have been objecting to for the past six years.

Please come and look at the Ficus Trees planted by TBN (TCC) as close as possible up against our wall. See how our City View, which we paid a premium for, when we purchased our homes, has been obstructed. See how our concrete wall is now broken and tilting three inches from vertical, which we believe is a direct result of the ficus trees being planted. Keep in mind that this planting was done by TBN (TCC) as their wrath against us the neighbors for not going their way with the 22 foot wall that they wanted to construct, to block us from being able to view their property.

To be unbiased please require that TBN (TCC) park tour busses right up to our wall and have the engines running during their show . Also require that TBN (TCC) have their heavy equipment lifts operating so that you will have some idea of what it is really like. I might add that as I am writing this letter to you at 6:30 in the evening that the heavy equipment began making a racket just about one hour ago, which has been the case for the past three nights, as they prepare to put on their show in two days. You need to realize that when the show begins on Thursday that many days of preparation go into each and every outdoor activity, such as their three hour taping session, which they will produce this week.

If the City of Costa Mesa wants a reality show why not put it all together at one time for all to see and evaluate so we might finally get our elected officials to understand the importance of protecting the citizens and taxpayers of Costa Mesa. Maybe then as stated in exhibit B of the original application PA-96-19 of the conditions of approval, for TBN to operate, that the business (TBN) shall be conducted "at all times, in a manner that will allow the quiet enjoyment of the surrounding neighbors", instead of continuing to give into Corporate Bullies.

Sincerely

The image shows two handwritten signatures in black ink. The signature on the left is for Lars Sivring, and the signature on the right is for Diane Dorrien. Both signatures are fluid and cursive.

Lars Sivring and Diane Dorrien
3128 Encore Court
Costa Mesa, California 92626

Copy: Mayor Mrs. Karen Robinson
City Council
City Manager

THE LAW OFFICE OF
JOHN B. CASORIA
17 WEATHER LEDGE, SUITE A
TRABUCO CANYON, CALIFORNIA 92679
TEL: 949-709-8742 FAX: 949-709-8743

April 30, 2003

Mr. Vance Ito
3127 Tara
Costa Mesa, California 92626

Re: Your letter of April 30, 2003

Dear Mr. Ito:

Your letter of April 30, 2003 was received by me today.

In specific response to your question, TBN is not inclined, at this time, to remove the trees. They were lawfully planted; they are adequately maintained and do not present a hazard at this time, notwithstanding unfounded allegations to the contrary.

Clearly this issue is directly connected to the wall issues and should be jointly addressed and discussed.

TBN was compelled, at great expense, to plant the trees as a partial remedy to the complaints of the adjoining land owners. We find it somewhat disingenuous for those same adjoining land owners to now complain that the remedy may be worse than the original alleged problem.

Your proposal for TBN to bear the expense, in time, money and obtaining approvals from the city of Costa Mesa, in replacing the trees, is respectfully declined. However, we would be open to discuss alternative proposals.

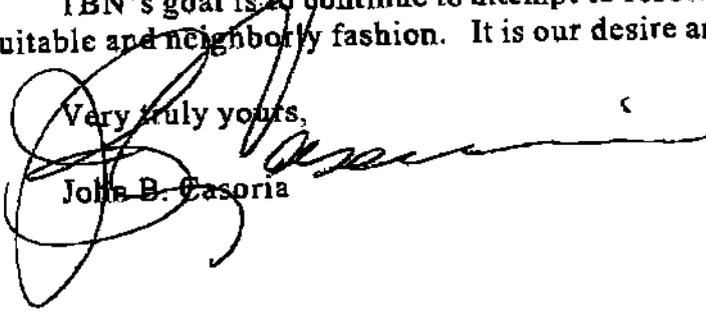
Finally, I respectfully disagree with your last paragraph. TBN did not plant the trees to protect the adjoining neighbors from anything. TBN was compelled to plant the trees to protect itself from the unfair and undue harassment it has received over the course of time from the adjoining land owners. In addition, based on the rather acrimonious and antagonistic response TBN has received recently from those same land owners, TBN does not believe that it would be in its best interests to remove the trees.

If you have any questions or would like to discuss this matter further, please contact me at your earliest convenience. For the purposes of this matter you may bypass my law office and contact directly at TBN at (714) 665-2102. My fax at TBN is (714) 665-2168. You may also utilize my cell phone at (949) 633-6159. You may also email me at jcasoria@tbn.org.

I note that you have faxed me twice without providing me a return fax number. Since it appears that you prefer this method of communication, I would appreciate you providing me with your fax number so that I can respond in the same manner.

TBN's goal is to continue to attempt to resolve this matter in an amicable, equitable and neighborly fashion. It is our desire and prayer that yours is likewise.

Very truly yours,


John B. Casoria

It was on my
fax cover sheet.

ITD
U.S.
Trinity

SUMMONS ON CROSS-COMPLAINT

(CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**CROSS-
NOTICE TO DEFENDANT: (Aviso a Acusado)**
VANCE Y. ITC; STACY K. SWANSON-SCHOFFRO; STEVE
SCHOFFRO; DIANNE K. DORRIEN, individually and as Co-
Trustee of the Dianne K. Dorrien Trust dated May
29, 1998; LARS SIVRING; and ROES 1 through 10,
inclusive.

YOU ARE BEING SUED BY PLAINTIFF: CROSS-COMPLAINANT
(A Ud. le está demandando)
TRINITY CHRISTIAN CENTER OF SANTA ANA, INC., a
California Non-Profit corporation.

You have 30 CALENDAR DAYS after this summons is served on you to file a typewritten response at this court.
A letter or phone call will not protect you; your typewritten response must be in proper legal form if you want the court to hear your case.
If you do not file your response on time, you may lose the case, and your wages, money and property may be taken without further warning from the court.
There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may call an attorney referral service or a legal aid office (listed in the phone book).

Después de que le entreguen esta citación judicial usted tiene un plazo de 30 DIAS CALENDARIOS para presentar una respuesta escrita a máquina en esta corte.
Una carta o una llamada telefónica no le ofrecerá protección; su respuesta escrita a máquina tiene que cumplir con las formalidades legales apropiadas si usted quiere que la corte escuche su caso.
Si usted no presenta su respuesta a tiempo, puede perder el caso, y le pueden quitar su salario, su dinero y otras cosas de su propiedad sin aviso adicional por parte de la corte.
Existen otros requisitos legales. Puede que usted quiera llamar a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de referencia de abogados o a una oficina de ayuda legal (vea el directorio telefónico).

The name and address of the court is: (El nombre y dirección de la corte es)
Superior Court of California
County of Orange
700 Civic Center Drive West
Santa Ana, California 92701

CASE NUMBER (Número del Caso)
03CC11567

Judge Thierry P. Colaw
Dept. C-21

Cross-Complainant's **Cross-Complainant**
The name, address, and telephone number of ~~your~~ attorney, or ~~YOURSELF~~ without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es)
(949) 709-8742

LAW OFFICES OF JOHN B. CASORIA
JOHN B. CASORIA, 110300
17 WEATHER LEDGE, STE. A
TRABUCO CANYON, CA 92679

DATE: **OCT 28 2003**
(Fecha)

ALAN SLATER

Clerk, by
(Actuario)

Angela K...
ANGELA K... Deputy
(Delegado)



NOTICE TO THE PERSON SERVED: You are served

- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):
- 3. on behalf of (specify):
- under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (individual)
 other:
- 4. by personal delivery on (date):

1 DAVERT & LOE, LAWYERS
David C. Loe, Esq. SBN 148968
2 Douglass S. Davert, Esq. SBN 160330
Cosmo A. Taormina, Esq. SBN 218203
3 110 Pine Avenue, Suite 600
Long Beach, California 90802
4 (562)901-3060; Fax(562)901-3062

5 Attorneys for Defendants
and Cross-Complainants,
6 TRINITY CHRISTIAN CENTER
OF SANTA ANA, INC.

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF ORANGE, WEST JUSTICE CENTER

11 VANCE Y. ITO, STACY K SWANSON
12 SCHOFR0; et al,

13 Plaintiffs,

14 vs.

15 TRINITY CHRISTIAN CENTER OF
SANTA ANA, INC., et al.,

16 Defendants.

17 AND RELATED CROSS-ACTIONS
18

CASE NUMBER: 03CC11567

Assigned for all purposes to:

Hon. Thierry P. Colaw

Dept. W-12

Date Action Filed: 9/18/03

Cross-Complaint Filed: 10/28/03

Trial Date: None Set

**DECLARATION OF JOHN CASORIA
IN SUPPORT OF THE JOINT
OPPOSITION TO CROSS-
DEFENDANTS SPECIAL MOTIONS
TO STRIKE**

Date: 1/22/04

Time: 3:30 p.m.

Dept.: W-12

20 I, JOHN B. CASORIA declare that if called as a witness I could and would testify
21 competently of my own personal knowledge to the facts contained herein.

22 1. I am an attorney with the LAW OFFICES OF JOHN B. CASORIA who is presently
23 the attorneys for TRINITY CHRISTIAN CENTER OF SANTA ANA, INC. ("Trinity"), defendant
24 and Cross-Complainant in this action.

25 2. Trinity Christian Center of Santa Ana, Inc., engages in the production and multimedia
26 release of religious Christian films, produces and broadcasts religious television programs, and
27 provides care, comfort and emergency aid to the sick, handicapped, and homeless for the purpose
28 of spreading the Gospel to the world. Trinity maintains the Trinity Broadcasting Network (TBN),

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DECLARATION OF JOHN B. CASORIA IN SUPPORT OF JOINT OPPOSITION

1 which is now the world's largest Christian television network. Across America and around the world,
2 TBN is seen on over 3171 television stations, 21 satellites, the Internet, and thousands of cable
3 systems.

4 3. Trinity has filed its cross-complaint for civil conspiracy to harass and defame based
5 on the numerous and false claims lodged with the City of Costa Mesa. Trinity does not seek to chill
6 or enjoin the protected activity of petitioning a governing body for the right to address grievances
7 and express opinions in an public forum. Rather, Trinity seeks damages for the repeated false
8 statements made to the City of Costa Mesa; activities that are not protected as free speech. Further,
9 the actions of Cross-Defendants are harassing and seek to cease the on-going work that is Trinity's
10 business; that of organizing and facilitating the meetings of persons to worship and pray, and to
11 extort Trinity. Thus, such actions are discriminatory on the part of the Cross-Defendants, against
12 the religious activity of Cross-Complainant and motivated by malice, ill-will and a desire to extort.
13 Therefore, Trinity seeks damages for discrimination as well.

14 4. Although the history of the discrimination and harassment suffered by Trinity goes
15 beyond the time period that this instant litigation covers, only those complaints that are relevant will
16 be explained in this declaration.

17 5. Trinity has operated at the 3150 Bear Street, Costa Mesa, California address for many
18 years. Trinity has held many public gatherings, rallies, conventions and other large parishioner
19 intensive meetings at its location without incident, complaint or problem.

20 6. In early March of 2003, four particular people, Lars Sivring, Vance Ito, Stacy Schofro
21 and Diane Dorrien (collectively, "Cross-Defendants") began to complain about the lights, noise and
22 activities at Trinity's location. No other people out of numerous neighbors, made formal complaints
23 to the City. In response to the complaints, Trinity's staff attempted to work with Cross-Defendants
24 in order to peaceably resolve any dispute and make the neighborhood pleasant for all residents.
25 Trinity's staff was met with anger and an unreasonable level of resentment that seemed to go beyond
26 aggravation due to noise.

27 7. The formal complaints by the Cross-Defendants were directed to Mr. Mel Lee of the
28 City of Costa Mesa Development Services Department. The complaints began in mid March of 2003.

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DECLARATION OF JOHN B. CASORIA IN SUPPORT OF JOINT OPPOSITION

1 The complaints deal with noise and non-issues such as, "Heavy lift operated on Trinity property 7:00
2 p.m.". True and correct copies of the written complaints of the Cross-Defendants, spanning from
3 March, 2003, to October 2003 that I obtained from the Costa Mesa Planning Department are attached
4 hereto collectively, as Exhibit "A" and incorporated reference herein.

5 8. There are 23 complaints attached as Exhibit "A". The allegations in each complaint
6 are addressed below, showing that the complaints are not based on truth, are motivated by malice
7 and a conspiracy to harass Trinity and discriminate against the religious activity of Trinity.

8 A. Complaint Date: March 27, 2003
9 Complainant: Lars Sivring/Diane Dorrien
10 Subject of Complaint: Landscape crews were working on property at 6:55
11 a.m. on March 26, 2003, rather than 8:00 a.m. as
12 required.
13 Response: This is untrue. Any landscaping operations on that
14 date were in compliance with the conditional use
15 permit.

16 B. Complaint Date: March 27, 2003
17 Complainant: Lars Sivring/Diane Dorrien
18 Subject of Complaint: Heavy lift was operated on property at 7:00 p.m. on
19 March 26, 2003.
20 Response: This is untrue. Any heavy lift operations on that date
21 occurred during the required time to operate.

22 C. Complaint Date: March 28, 2003
23 Complainant: Vance Ito/Lars Sivring/Diane Dorrien
24 Subject of Complaint: A vehicle on TBN property awakened the
25 complainants at 9:30 p.m. on March 27, 2003.
26 Response: We are required to have the public off the property by
27 10:00 p.m.

28 D. Complaint Date: March 28, 2003

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Complainant: Vance Ito/Lars Sivring/Diane Dorrien
Subject of Complaint: Heavy lift was operating on the property at 6:45 p.m.
on March 28, 2003.
Response: This is untrue. Any heavy lift operations on that date
occurred during the required time to operate.
e. Complaint Date: March 29, 2003
Complainant: Vance Ito/Lars Sivring/Diane Dorrien
Subject of Complaint: Heavy lift was operating on the property at 6:45 p.m.
on March 29, 2003.
Response: This is untrue. Any heavy lift operations on that date
occurred during the required time to operate.
f. Complaint Date: April 1, 2003
Complainant: Lars Sivring/Diane Dorrien
Subject of Complaint: Trinity continues to ignore the hours they are required
to stop heavy equipment activity on the property
Response: This is untrue. Any heavy lift operations occurred
prior to the required time to cease operations.
g. Complaint Date: April 3, 2003
Complainant: Lars Sivring/Diane Dorrien
Subject of Complaint: Landscaping crews were working on property at 7:00
a.m., on April 2, 2003.
Response: This is untrue. Any landscaping operations on that
date were in compliance with the conditional use
permit.
h. Complaint Date: April 4, 2003
Complainant: Lars Sivring/Diane Dorrien
Subject of Complaint: Parking lot on property did not empty by 10:00 p.m.
on April 2, 2003.

1 Response: This is untrue. The public was off the property as
2 required on that date.

3 i Complaint Date: April 4, 2003

4 Complainant: Diane Dorrien

5 Subject of Complaint: A TBN telecast with an audience continued until
6 10:00 p.m. on April 3, 2003.

7 Response: This is untrue. During any events with an audience,
8 the public is vacated by 10:00 p.m. as required.

9 j Complaint Date: April 5, 2003

10 Complainant: Diane Dorrien

11 Subject of Complaint: The parking lot on the property did not begin to be
12 vacated until after 10:00 p.m. on April 4, 2003.

13 Response: This is untrue. All public is vacated from the premises
14 as required.

15 k Complaint Date: April 7, 2003

16 Complainant: Diane Dorrien

17 Subject of Complaint: TBN did not vacate its parking lot until after 10:00
18 p.m. each night during the week of March 31 to April
19 6, 2003.

20 Response: This is untrue. As stated above, the public is vacated
21 from the property as required.

22 l Complaint Date: April 9, 2003

23 Complainant: Diane Dorrien

24 Subject of Complaint: Landscapers vehicles were parked in violation of
25 conditions and operating in violation of conditions on
26 April 9, 2003.

27 Response: This is untrue. Any landscaping operations on that
28 date were in compliance with the conditional use

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- permit.
- m. Complaint Date: April 23, 2003
Complainant: Diane Dorrien
Subject of Complaint: Heavy lift operations occurred at 6:10 p.m. on April 22, 2003.
Response: This is untrue. Any heavy lift operations on that date occurred during the required time to operate.
- n. Complaint Date: April 23, 2003
Complainant: Diane Dorrien
Subject of Complaint: Landscapers were operating on the property at 7:00 a.m. on April 23, 2003.
Response: This is untrue. Any landscaping operations on that date were in compliance with the conditional use permit.
- o. Complaint Date: April 23, 2003
Complainant: Diane Dorrien
Subject of Complaint: Heavy equipment was used before 9:00 a.m. on April 23, 2003.
Response: This is untrue. Any heavy lift operations on that date occurred during the required time to operate.
- p. Complaint Date: April 25 2003
Complainant: Diane Dorrien
Subject of Complaint: TBN did not vacate its parking lot until after 10:00 p.m. on April 24, 2003.
Response: This is untrue. All public is vacated from the premises as required.
- q. Complaint Date: April 30, 2003
Complainant: Stacy Shofro

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Subject of Complaint: Landscapers were operating on the property at 6:55 a.m. on April 30, 2003

Response: This is untrue. Any landscaping operations on that date were in compliance with the conditional use permit.

r. Complaint Date: May 1, 2003

Complainant: Stacy Shofro

Subject of Complaint: There was excessive noise at 9:45 p.m. from a bus on the property.

Response: We are required to vacate the public from the premises by 10:00 p.m.

s. Complaint Date: July 18, 2003

Complainant: Stacy Shofro/Diane Dorrien/Vance Ito

Subject of Complaint: The TBN parking lot was not vacated by 10:00 p.m. on July 17, 2003.

Response: This is untrue. All public is vacated from the premises as required.

t. Complaint Date: October 3, 2003.

Complainant: Stacy Shofro/Diane Dorrien

Subject of Complaint: The TBN parking lot was not vacated by 10:00 p.m. on October 2, 2003.

Response: This is untrue. All public is vacated from the premises as required.

u. Complaint Date: October 13, 2003

Complainant: Stacy Shofro/Diane Dorrien

Subject of Complaint: Heavy equipment was used after 5:00 p.m. on October 13, 2003.

Response: This is untrue. Any heavy lift operations on that date

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- occurred during the required time to operate.
- v. Complaint Date: October 15, 2003
Complainant: Diane Dorrien
Subject of Complaint: Heavy equipment was used after 5:00 p.m. on October 14, 2003.
Response: This is untrue. Any heavy lift operations on that date occurred within the required time.
- w. Complaint Date: October 17, 2003
Complainant: Stacy Shofro/Diane Dorrien
Subject of Complaint: The TBN parking lot was not vacated by 10:00 p.m. on October 16, 2003.
Response: This is untrue. All public is vacated from the premises as required.
- x. Complaint Date: May 30, 2003
Complainant: Stacy Shofro
Subject of Complaint: Someone entered Ms. Shofro's home on May 30, 2003, without knocking, then exited the home, knocked and asked where the "TBN house" was.
Response: The incident appears to be nothing more than an innocent mistake. We addressed the issue immediately via contact with the correspondence to the complainant.

9. As can be seen above, many of the above-referenced complaints regarded landscaping and/or heavy lifting activity occurring on TBN premises. I had previously made Trinity's landscaping company well aware of the conditions we are required to adhere to, regarding placement of vehicles and hours of operation. After becoming aware of the numerous complaints being made, I sent a letter to our landscaping company admonishing them to adhere to the conditions I had outlined for them before, the conditions referred to in the numerous complaints, and I attached the

1 complaints that had been lodged with the City of Costa Mesa, to the letter. A true and correct copy
2 of said letter is attached hereto as Exhibit "B" and incorporated by reference herein. In response, the
3 landscaping company explained to me that, in fact, none of what the complainants had said regarding
4 violations of conditions as to times of operation or placement of vehicles, was correct. The
5 landscaping service was careful to always operate per the conditions I had outlined for them.

6 10. Further, I am on the TBN premises four out of five weekdays, each week,
7 often arriving before 8:00 a.m. and often staying until 8:00 p.m. I have seen the landscapers
8 operating in the morning before 8:00 a.m., only on the premises that abut the freeway, as they are
9 permitted to do. I have not seen them operating before 8:00 a.m. in areas they are not allowed to,
10 per the conditions we are required to follow. Additionally, based on my observations, our heavy
11 equipment operators have gone past the required time to cease operations, on only a couple
12 occasions, and no more than five to fifteen minutes past the time they are to cease.

13 11. Regarding the incident complained of on May 30, 2003, wherein a neighbor states
14 someone walked into her house, I attempted to contact the complainant on several occasions to
15 address the issue, with no luck. I then sent her a letter regarding the incident and received no
16 response. A true and correct copy of said letter is attached hereto as Exhibit "C" and incorporated
17 by reference herein. Ten days later, I sent another letter to the complainant regarding the issue, again,
18 with no response. A true and correct copy of that letter is attached hereto as Exhibit "D" and
19 incorporated by reference herein.

20 12. As stated in correspondence I sent to the City addressing the issue, a true and
21 correct copy of which is attached hereto as Exhibit "E" and incorporated by reference herein, the
22 aforementioned complaint did not concern TBN activities. Further, it was, as is the case with many
23 of the incidents complained of, a minor infraction. It was an innocent mistake that has happened to
24 me, at my personal residence, as well. Finally, the complaint states that after the people entered the
25 complainants' residence without knocking, the complainants dog started barking, so the people left
26 the house and then knocked on the door. However, it is unclear how the complainant knew this. She
27 does not state she observed the people doing this. If she had, surely she would have addressed these
28 people in some manner, and they would have addressed her, rather than exiting and then knocking

1 on the door. While a minor inconsistency, it, coupled with the frivolous nature and volume of the
2 complaints, does support Trinity's contention that the Cross-Defendants are stating untruths for the
3 purpose of harassment.

4 13. It is also interesting to note that one of the most prolific of the complainants,
5 Diane Dorrien, actually appears to be making complaints supported by the harm certain incidents
6 caused to neighbors of hers, instead of to her. For example, in the complaint dated April 9, 2003, Ms.
7 Dorrien mentions that a mower was operated at 1:30 p.m., "nap Time for the 14 month old Twins"
8 However, I am informed and believe that Ms. Dorrien does not have twins. Instead they belong to
9 Vance Ito, who did not make said complaint. As will be seen below, this particular complainant has
10 ample motivation to harass Trinity. Her complaints on behalf of her neighbors, point to an
11 unreasonable desire to cause problems where none may exist.

12 14. Cross-Defendants, as stated above, have harassed Trinity with numerous
13 complaints, for, based on my observations, reasons unrelated to any legitimate grievance. On a half
14 a dozen occasions last year, when I was present, the police were called to respond to complaints
15 made. At each call, the police found no violations of any conditions or noise ordinances, and simply
16 left. Further, the police officers I spoke to apologized to me for the inconvenience and stated: "We
17 have better things to do than respond to these types of complaints." These calls disrupted the prayer
18 meetings and other religious activities that Trinity was engaged in causing harm to the parishoners

19 15. Three other things support Trinity's contention that rather than having legitimate
20 concerns or grievances, Cross-Defendants are conspiring to harass and discriminate against the
21 organization. First, Trinity has made numerous attempts to reach out to our neighbors and address
22 their complaints. Despite this, they have failed to respond to our attempts. They do not appear
23 willing to try to resolve anything. Second, some of the Cross-Defendants have stated publicly, as
24 quoted by the media, that what we do is a "circus". Trinity is a legitimate, long-standing religious
25 organization that provides ministry, services and comfort to millions of people. To describe what we
26 do as a circus betrays the discriminatory motives of these people.

27 16. Third, and most important, in approximately August or September of 2002, two
28 of the Cross-Defendants who live in the same home, Lars Sivring and Diane Dorrien, requested a

1 meeting with me. We met, and at the meeting, Mr. Sivring and Ms. Dorrien stated that they were
2 interested in buying a home in a large, expensive, new development abutting a golf-course in Irvine.
3 I am informed and believe that houses in this particular development sell for an average of
4 \$750,000.00. Ms. Sivring and Ms. Dorrien then stated that they would like Trinity to buy their homes
5 ///

6 in Costa Mesa for what amounted to \$200,000.00 over the selling price. When I stated that would
7 likely not happen, *they replied that they would make, "every effort to oppose you," if we refused.*

8 17. It was shortly after the above-stated meeting, that the numerous complaints began
9 to be lodged with the City of Costa Mesa. *Out of the twenty-three (23) complaints, Cross-*
10 *Defendants Lars Sivring and/or Diane Dorrien, the very people who threatened to oppose Trinity*
11 *if their house was not bought by the organization at the price they demanded, lodged twenty-one*
12 *(21).* It is thus clear to me, that as well as being discriminatory towards Trinity's religious activities,
13 the actions of the Cross-Defendants in lodging numerous complaints with the City of Costa Mesa,
14 amount to a conspiracy to harass Trinity, in order to extort the organization.

15 18. I am a sole practitioner with a limited staff. I closed my offices on December 24, 2003
16 and took a vacation. I returned to work on January 11, 2004. I opened my mail on January 12, 2004
17 and discovered that I had received the Cross-Defendant's Special Motions and that an opposition was
18 pending. In litigation matters I employ the firm of Davert & Loe, Lawyers, to handle this type of
19 work. On January 12, 2004, I called counsel Dave Loe and explained the situation to him and faxed
20 over the Motions I received.

21 I declare under penalty of perjury under the laws of the State of California that the foregoing
22 is true and correct.

23 Executed this 14th day of January, 2004, at Long Beach, California.

24
25 verification attached
26 John B. Casoria, Declarant
27
28



January 16, 2004

Dear Lifestyles Family,

As usual there were not many sales last year. However, the ones "we" did have were excellent ones and finally brought the values into the mid \$500,000's. Of the 5 homes sold last year, I was on one side or the other of 4 of them. The last one sold was able to bounce off of 3 of the other sales and get \$550,000. So that is our last comp in here unless you know something I don't, which is always possible. Please call me if something else has sold since that's not on our books.

The biggest fight we have always had in values is the manner in which the builder tagged your properties as "PUD's" or a planned unit development, rather than as "SFR's" or single family residences as are those tracts all around you. Appraisers are forced to compare PUD's with other PUD's and SFR's with other SFR's. Because of that designation, we have been forced to make our own comps here in Lifestyles and build from each sale.

BUT HOPEFULLY NO LONGER!

The new Standard Pacific homes on Sunflower and Susan near IKEA are also classified as PUD's! And they are in the Costa Mesa city limits. That is the biggest help to your prices that has ever come along! Prices there started in the mid-high \$600,000's and are already in the low-mid \$700,000's in their fourth phase. Before you get too excited and want \$695,000 for your own home, however, remember that buyers can get brand new for that much. So, as long as you stay enough under to make your wonderful home seem like a bargain against those prices, you all can still get fabulous prices and hopefully won't have to worry so much about the appraisal killing your deal. We have yet to test it, but I'm ready when you are! Call me anytime and we'll look at the comps together and factor in your upgrades and where the marketplace is when you're ready and come up with a good sales price! I think it's time to test the marketplace and see how much we can stretch it!

Looking forward to hearing from you,

A handwritten signature in black ink that reads "Rhoda".

Rhoda Daniel

1 30-day period you had approximately 21 complaints from
2 the homeowners to the City of Costa Mesa or the City of
3 Costa Mesa Police Department. Is that correct?

4 A. That is correct.

5 Q. And would it be fair to state that you were
6 looking for the maximum screen between the properties
7 because of the nature of the complaints with the
8 homeowners?

9 A. I think that would be an accurate statement.

10 Q. And is there a reason that the 20-foot wall
11 was rejected by the City of Costa Mesa, to your
12 understanding?

13 A. Yes. I think that the City of Costa Mesa
14 received a lot of boisterous complaints from the
15 Schofros and the Svings in particular - I'm not sure
16 if it was involved in that or not - regarding putting
17 that wall up. And it got - it was very boisterous and
18 very vitriolic. And they actually showed up to the
19 meeting, and - the Planning Commission meeting - and
20 expressed their extreme consternation, and the Planning
21 Commission decided that, "Clearly, there's got to be a
22 better way for these people to deal with these issues."
23 That's where the trees came up, my understanding.

24 Q. Do you know whose idea of Tinity the trees
25 were?

1 A. I'm not even sure if it was Tinity's idea.

2 Q. When the trees were initially planted, did
3 the homeowners have any complaints?

4 A. Not that I'm aware of.

5 Q. To your knowledge, did the homeowners observe
6 the installation of the trees?

7 A. I have no personal knowledge of that, but my
8 opinion is that they clearly did. These trees were

9 planted along the border. I think they were 48-inch
10 boxes. So you look out your backyard and you are going
11 to see the trees going in. So -

12 Q. To your knowledge, did any of the homeowners
13 come onto the Tinity side of the property and observe
14 the installation of the trees?

15 A. Not to my knowledge.

16 Q. From the point in time that the trees were
17 first installed, how long was it before you received

18 the first complaint about the trees from the
19 homeowners?

20 A. Again, my first contact regarding the trees
21 was with the homeowners association and not the - not

22 the plaintiffs in this case. And it was talking with
23 the homeowners association that I first got the

24 complaint about the trees. And it had to do with some
25 kind of white substance on the leaves that they were

1 claiming was going to cause cancer.

2 Q. How long was it after the trees were first
3 installed that the issue of the leaning - or the
4 alleged leaning wall came up?

5 A. The lean in the wall came up for the first
6 time, I think, in 2002, end of 2002, beginning of 2003.
7 to the best of my knowledge, so - do the math.

8 Q. That home that you talked about that was
9 recently sold, what was the sales price?

10 A. Four twenty - it was either four twenty or
11 four seventy-five. I think.

12 Q. Is it one of the smaller homes in the
13 project?

14 A. Yes. That needs to be explained. What
15 what happened there is that in that particular case,
16 the contract was made with the employee several years
17 ago. And it was a rent to purchase. So the purchase
18 price was established back when the fair market value
19 of the home was 425 or 475 or whatever.

20 Q. He was given an option, in other words?

21 A. Yes. And so, you know, the guy made out like
22 a bandit, because the real estate prices shot through
23 the roof in three years. So - and -

24 Q. Was he go ahead and...
25 A. And, you know, instead of renegotiating the

1 deal, TBN gave him the benefit of its bargain. It
2 lives by its deal - it lives by its word.

3 Q. Mr. Stamen asked you about offers to
4 investigate. Have the plaintiffs ever agreed to share
5 in the cost of your investigation?

6 The court reporter can't get a shaking of the
7 head.

8 A. That shaking of the head wasn't the answer.
9 The shake of the head was an expression of my

10 frustration. The answer to that question is this: As
11 to the individual plaintiffs, no; I was working

12 towards getting that with the homeowners association.
13 Mr. Schofro was on the board at that time.

14 So as an ancillary deal, the answer is the
15 homeowners association was going to do so. We were

16 going to share the costs of having it done. And then
17 they found out that they didn't have responsibility for

18 the wall and backed off. And I was left with no
19 answer, with no one to share the costs with. So as to

20 the plaintiffs in this case, no, they haven't. But the
21 homeowners association, yes.

22 What was interesting about that is this -
23 MR. LOE: Why don't you wait for a
24 question.

25 Q. What was interesting about it?

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The applicant shall contact the Planning Division to arrange for a "special requirements" inspection of the site prior to the commencement of the use. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
2. The conditions of approval and ordinance or code provisions of PA-00-19 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
3. Existing mature vegetation shall be retained wherever possible. Should it be necessary to remove existing vegetation, the applicant shall submit a written request and justification to the Planning Division. A report from a California licensed arborist may be required as part of the justification. Replacement trees shall be of a size consistent with trees to be removed, and shall be replaced on a 1-to-1 basis, subject to the approval of the Planning Division. This condition shall be completed under the direction of the Planning Division.
4. Lighting shall comply with all requirements of Costa Mesa Municipal Code Section 13-93(d) without creating spill-over light or glare onto adjacent properties. Shielding or other methods necessary to prevent light or glare spill-over shall be incorporated. The applicant shall remove the Christmas lights from the property, except during the generally recognized Christmas holiday season (late November through early January).
5. The applicant is advised that a separate conditional use permit shall be obtained for any outdoor events, including live broadcasts.
6. Due to the wall's immediate proximity to residences, construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 8 a.m. and 5 p.m., Monday through Friday, with no construction on Saturday, Sunday, and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting.
- Eng. 7. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

EXHIBIT "A"

FINDINGS

- A. The information presented does not substantially comply with Costa Mesa Municipal Code section 13-29(g)(1) in that special circumstances applicable to the property do not exist to justify granting a variance from the wall height and that granting the variance would constitute granting a special privilege for the property owner. Specifically, the site exceeds the minimum lot size (6,000 square feet minimum required, 261,360 square feet provided) and the topography of the site is relatively flat.
- B. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed development is not compatible and harmonious with the existing single family homes on surrounding properties, and would severely impact the rear yards and windows of the homes immediately abutting the site.
 2. Safety and compatibility of the design of site features including functional aspects of the site development have been considered.
 3. The cumulative effects of all past and present planning applications have been considered for both the subject property and surrounding properties.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project, as conditioned, is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- PIng. 1. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
- 2. Approval of the planning application is valid for one (1) year and will expire at the end of that period unless building permits are obtained and business commences, or the applicant applies for and is granted an extension of time.
- Bldg. 3. Comply with the requirements of the Uniform Building Code as to design and construction.
- Eng. 4. A construction access permit and deposit of \$750 for street sweeping will be required by the Engineering Division prior to the start of any on- or off-site work.



DEVELOPMENT SERVICES DEPARTMENT

April 25, 2001

Stacy Shofro
3131 Encore Court
Costa Mesa, CA 92626

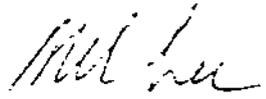
**SUBJECT: BUILDING PERMIT NO. B01-00202
3150 BEAR STREET, COSTA MESA**

Dear Ms. Shofro:

This letter has been prepared in response to your request for information on the above permit issued by the City for a 17-foot tall statue for Trinity Broadcasting Network (TBN). The permit was issued by the City on February 13, 2001, for the statue to be located in the central courtyard/fountain area. On April 9, 2001, Mr. Kent Whitmore of TBN requested that the statue be relocated to an existing landscape planter near the main entry of the facility on Bear Street. The planter contained a large mature tree. To offset the removal of the mature tree, TBN submitted a plan to plant a row of 48-inch box canopy trees between TBN and the homes to the south of the site to act as a natural buffer. The plan and statue relocation complied with all applicable code requirements and was approved on April 12, 2001.

If you have any questions, please do not hesitate to contact me at (714) 754-5611, between 1 p.m. and 5 p.m.

Sincerely,


MEL LEE, AICP
Associate Planner

PLEASE MAIL TO:
STEVE SCHOFRO
3131 ENCORE
COURT
COSTA MESA,
92626

cc: Kent C. Whitmore
Special Projects Coordinator
Trinity Broadcasting Network
3150 Bear Street
Costa Mesa, CA 92626

44

THX,
MEL

PRECISION RISK MANAGEMENT, INC.

P.O. BOX 1328, LA MIRADA, CA 90637-1328
(714) 228-7900 • FAX (714) 228-7879

September 6, 2002

Lifestyles @ South Coast Assoc.
c/o TPMS
attn: Gil Luft
7400 Center Ave, suite #205
Huntington Beach, CA 92647

RE: Insured:	Lifestyles @ South Coast Assoc.
Unit Owner:	Steve Schofro
Ins'd Location:	3131 Encore Court Costa Mesa, CA 92626
Insurance Co.:	Constitution Insurance Company
Policy No.:	5059029-01 [11/01/01 to 11/01/02]
Date of Loss:	07/01/02
Type of Loss:	Fence Damage
Our Claim No.:	02-4431-50

Dear Insured:

We are the claims administrators for Constitution Insurance Company and are handling the above-mentioned loss on their behalf.

We have concluded our investigation of the reported loss. Our investigation revealed Trinity Broadcast System planted trees on the opposite side of the block wall surrounding the complex, behind the Lot 40. It appears when the trees were planted on the opposite side, the foundation of the block wall fencing was weakened. This allowed the block fencing to lean in the rear elevation of five (5) homes, in some areas as much as approximately 2 inches.

We have reviewed the CC&R's which indicate that the unit owner(s) are responsible for the block fencing.

The policy that has been secured by the HOA covers the property of the HOA, and those portions of the unit that the HOA is required by the CC&R's to insure. This is set forth in the policy form BO 116 (1-96), Section A. Coverage, and subsection 1. Covered Property.

Please refer to following section of the CC&R's:

Page 12, 3. Lot Maintenance.

The repair and maintenance, and the costs thereof, of each wall or fencing which is built as part of the original construction of the Development and placed on the dividing line between the Lots shall be shared equally by the Owners of the Lots connected by such wall or fencing. However, each owner shall be solely responsible for repainting the side of any such wall or fencing facing his lot. If any such wall or fence is destroyed or damaged by fire or other casualty any Owner whose Lot is affected thereby may restore it and the Owner of the other Lot which is affected thereby shall contribute equally to the cost of restoration thereof without prejudice however to the

TBN sues neighbors who are 'making life miserable.'

• Trinity Broadcasting Network is suing three of its neighbors in Costa Mesa, Calif., claiming they illegally pruned and damaged a row of ficus trees just inside the TBN facility. The suit is the newest development in a series of disputes between the world's largest television ministry and its neighbors. (See religionjournal.com 05/04-03.)

In September, three residents of a neighborhood adjacent to TBN claimed that roots and branches of the ministry's trees were spreading to their property. The residents said the roots had caused a wall separating their homes from TBN to lean toward the ministry's property, the Los Angeles Times reported. "Although there have been efforts to resolve the dispute, the two sides give conflicting accounts of meetings, letters and phone conversations between residents and church leaders," according to the newspaper.

Vance Ito said he and the other homeowners being sued – Diane Dornen and Stacy Swanson-Schofro – cut only the branches that hung over their back yards; they caused no permanent damage to the trees, he said. "We just want to protect our property," Ito said. "In my view, they've put us at risk for something that they need to take responsibility for."

City planning officials, however, said the row of trees did not cause the wall's sagging. If that theory were correct, "the wall would be leaning to their side, not Trinity's side," said Mel Lee, a city planner.

John Casoria, the ministry's attorney, said TBN had run out of options for resolving the dispute and sued as a last resort. "We have extended the hand to be neighborly, and [Ito, Dornen and Swanson-Schofro] slap it every time," he said. "These people are making mountains out of molehills. We believe it's their grand conspiracy to make TBN's life miserable."



**RICK HAMM
CONSTRUCTION, INC**

www.RickHamm.com

2314 N. PACIFIC ST
ORANGE, CA 92865
TEL: 714/637-2454
FAX: 714/637-1049
RickHammCo@aol.com
ESTABLISHED IN 1977
LIC# 425184

ESTIMATE

DATE: 4/27/04

PAGE: 1

<p>TO: Steve Schofro 3131 Encore Court Costa Mesa, CA 92626</p> <p>Hm. (714) 437-3131 Fax (714) 556-1235 Cell (714) 240-2281 (Steve) Cell (714) 505-2131/(714) 505-3126 (Stacy)</p>	<p>JOB: Schofro Residence</p> <p>MAP: 859 C-4</p> <p>Previous Bids: 05/21/03</p> <p>Referred By: Internet</p>
--	--

ITEM/ DETAIL	DESCRIPTION
1)	Remove trees and vegetation from planter areas. Transplant material into pots and save onsite during construction.
2)	Remove portion of grass and haul off.
3)	Remove drain system, lighting system, and sprinkler system from planters as needed.
4)	Remove portion of bark in play area and stockpile on jobsite.
5)	Remove excess dirt from raised planter along with dirt along rear property line wall to expose block wall footing. Stockpile dirt on jobsite.
6)	Remove and haul off rear property line wall and footing to approved dumpsite. Save precast cap.
7)	Reconstruct new 7' tall stucco retaining wall per City code. Reinstall precast concrete cap on top of new wall. Backside of block to be left raw.
8)	Install 3' deep root barrier along outside edge of block wall footing.
9)	Remove and reconstruct 6" tall and 2' tall block planter walls with culture stone veneer facing, colored poured in place cantilevered concrete cap with washed finish and elastomeric waterproofing agent on backside.
10)	Remove and replace poured in place concrete basin with colored poured in place cantilevered concrete cap with washed finish.
11)	Backfill along new rear wall and in newly built planters with onsite soil and compact to 85%.
12)	Reinstall drain system, lighting system, and sprinkler system as needed in planters.
13)	Reinstall trees and vegetation in planters.
14)	Replace grass as needed.
15)	Install Thiokol caulk joint where new wall joins existing wall.
16)	Install 4" perforated drain system along 7' tall stucco wall and 2' tall planter wall. Tie new system into existing drain system.
17)	Waterproof walls where retaining soil.
18)	Provide Deputy Inspector onsite during construction of wall.
19)	Provide survey of property to locate correct location of rear property line wall.
	Exclusions: Engineering and permits.

Total: \$65,740.00

Estimated by: Rick Hamm

Valid for: 30 Days

File name: F:\DATA\WORD\ESTIMATE\Schofro Residence.doc



GREG APPELEGATE
CONSULTING ARBORIST

July 26, 2004

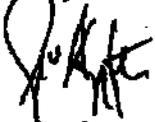
Mr. Randall S. Stamen
Attorney at law
Randall S. Stamen Associates
P.O. Box 946
4606 Chestnut St.
Riverside, CA 92502

Re: Vance Ito, et al vs TBN

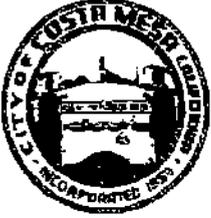
Dear Mr. Stamen:

Please let this letter document the fact that I attended the site inspection at the TBN facilities on June 30, 2004 and that I found no indication of a root barrier at any point along the wall. I have taken pictures to document this as well. This will leave Mr. Ito's property at risk to root intrusion and root damage.

Sincerely,



Greg Applegate, ASCA, ASLA
Registered Consulting Arborist #365



CITY OF COSTA MESA

OFFICE OF THE CITY ATTORNEY

77 FAIR DRIVE P.O. BOX 1200 CALIFORNIA 92626-1200

October 14, 2004

Re: Costa Mesa Building Permit #B01-00202

Dear Mr. Stamen:

The City is in receipt of your letter dated October 13, 2004 (the "October Letter"), in which you request a copy of the landscape plan submitted by Trinity Broadcast Network ("Trinity") as a condition of its building permit, Building Permit #B01-00202.

Please be advised that the City no longer has a copy of this landscape plan in its records. Regarding your claim that Trinity has not installed a root barrier as required by Building Permit #B01-00202, I will forward your letter to our Planning Division, which is responsible for investigating and enforcing compliance with building permit conditions.

Very truly yours,

Linda N. Nguyen,
Deputy City Attorney

cc: Willa Bouwens-Killeen
Mel Lee

Prince of Peace Christian Church & School

Pastor
Mark Rogers
Principal
Debby Ogas

December 10, 2003

Dear School Parent,

Pastor Mark and I met with the Costa Mesa Planning Commission Monday evening to finalize our Conditional Use Permit for the modulars. As you may have seen in the Daily Pilot, there were three added or changed conditions to which we agreed. The final outcome is that we are now operating within the terms of the Conditional Use Permit, the trees do not need to be removed, and the modulars can stay. This is a great relief!

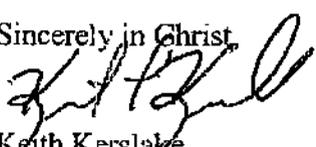
Having said that, however, after considerable thought and prayer we have decided to remove the trees along Baker Street and replace them with one on the City's approved list. The replacement of the ficus trees along Baker Street is our attempt to "seek peace and pursue it" (1 Peter 3:11) and to "offer hospitality toward one another" (1 Peter 4:8). While all efforts do not realize their intended results, this is the action we feel led to take.

As you can imagine, there is no budget for this decision and as a result the majority of the cost will have to be raised through fund raising. We believe that this is a God honoring decision and with your help and participation, we believe the necessary funds will be raised. We will be communicating with you in the near future to let you know how you can help.

Copies of the letters sent to the Ceylon neighbors and the Planning Commissioners concerning our decision to replace the ficus trees are in the school office if you would like one.

May God richly bless you and your families during this holiday season.

Sincerely in Christ


Keith Kerslake
Administrator



December 31, 2003

* Mr. Bruce Garlich, Chairman
* Mr. William Perkins, Vice Chairman
* Ms. Katrina Foley, Commissioner
* Mr. Dennis DeMaio, Commissioner

~~Mr. Joel Faris, Commissioner~~

Mr. Perry Valantine

md Lee 754-5611

Subject: Prince of Peace

Master Plan Amendment

PA-98-97/88

This letter is to provide feedback from the MVCI board on a pending issue with the Prince of Peace school/church. The issue, specifically resolution # PC-99-03, Conditions of Approval, Item #4, is subject to conditions to modify the amended master plan by adding conditions of approval that address potential problems caused by ficus trees.

Due to the potential problem and future liability that may arise from the ficus trees planted by Prince of Peace school/church between September 1999 and July 2001, the MVCI board voted to back any actions supporting the removal of the ficus trees boarding the Prince of Peace school/church. The MVCI Board's decision is based on the potential financial liability to the City of Costa Mesa and tax payers, should future injuries occur as a result of damage to sidewalks from the ficus trees. In addition, when Prince of Peace planted the trees, the organization was in violation of Costa Mesa Municipal Code Section 13-103 through 13-108, condition #4 and Code Requirement #5. Despite specific instruction from city officials in July 2002, Prince of Peace ignored the instructions to remove the ficus trees.

Limited liability should reside with the property owner but may not relieve the city of further obligations in the event of a suit, should Prince of Peace fail to maintain adequate insurance and/or plea financial hardship in the future.

It is for these reasons MVCI supports any decision or action taken by the Costa Mesa Planning Commissioners in the removal of the ficus trees.

Sincerely,

Danelli Wyrick
President, Mesa Verde Community Inc

Church will remove ficus trees

Neighbors had asked that the ficus, planted without city approval, be taken out before the groves' roots damaged sidewalks.

Deirdre Newman
Daily Pilot

COSTA MESA — Prince of Peace school officials are extending an olive branch to their neighborhood by deciding to remove ficus trees along Baker Street, as neighbors have asked.

These trees, one of three groves of ficus trees on the school and church property, were planted without city approval.

On Dec. 8, the Planning Commission allowed the church to keep the trees along Baker Street because school officials agreed not to hold the city liable for any damages the trees may cause.

The relief of Prince of Peace officials at the decision was followed by a desire to make peace with the neighbors, who have adamantly opposed the trees, school administrator Keith Kerlake said. So the church and school are embarking on a campaign to raise \$10,000 to replace the ficus trees with a variety of tree known as yellowpod or *podocarpus*.

Church officials say their ficus

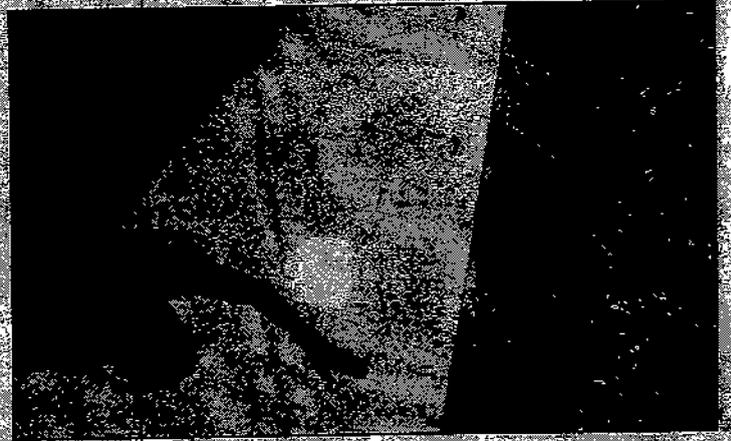
removal was the result of contemplative thought and prayer. A letter that went out to school parents quoted verses from the Bible to explain the about-face.

"We think it's a God-honoring (decision) to remove them," Kerlake said. "We think we should reach out in peace, and that's what we're going to do."

Neighbor Gordon Pate, one of the most vocal opponents of all the ficus trees, said he is glad to see the school finally take action to replace some of the ficus trees. He would like to see church officials continue in the same spirit by removing the ficus trees along Mesa Verde Drive and along a block wall fence that separates the church property from Ceylon Drive.

"The only objection we have ever had is that the ficus trees are such a pervasive, dangerous tree," Pate said.

In January 1999, the Planning Commission approved an application that allowed the Prince of Peace church to put in four modular buildings for a school. The commission required the



FILE PHOTO / DAILY PILOT

Costa Mesa resident Gordon Pate's shadow falls across a cracked sidewalk that he worried would be further cracked by Prince of Peace Lutheran School's ficus trees along Baker Street.

planting of screening trees and shrubs between the buildings and the Baker Street property line.

The church planted 30 ficus trees without city approval along a portion of Baker Street. It also planted 36 trees on Mesa Verde Drive East and 52 along Ceylon Drive. After the trees were planted, some neighbors voiced their concerns that the tree roots would damage city sidewalks and pose hazards to pedestrians. These neighbors wanted the

trees removed. Instead, church officials installed root barriers.

Kerlake said church officials haven't made any decisions yet about the trees on Mesa Verde Drive. Those are set farther back from the ones on Baker Street and were planted more recently, so there is more time to deal with them, Kerlake said.

"Our desire always has been, although it may not have been perceived that way, to be a good neighbor," Kerlake said. "And we'll continue in that vein."



FROM THE OFFICE OF THE TRANSPORTATION SERVICES MANAGER

February 22, 2001

Joe Hecker
Chief Operations and Maintenance
Caltrans - District 12
3337 Michelson Drive., Ste CN380
Irvine CA 92612

SUBJECT: FREEWAY GUIDE SIGNS

Dear Mr. Hecker:

Dr. Paul F. Crouch, Founder and President of the Trinity Broadcasting Network (TBN), and I met recently to discuss existing traffic issues with regard to their facility. The Trinity Broadcasting network attracts a significant number of visitors each year. The Trinity Broadcasting Network has over 5,000 affiliated television stations and broadcasts worldwide over six satellites, plus 2,500 radio stations and short wave radio. This establishment is well known in the field of tele-evangelism and their headquarters in Costa Mesa is a **destination** landmark for visitors worldwide. In addition to their daily operations and tourist related programs, their facility hosts many special events and telethons that fill the facility to capacity during certain times of the year. The number of visitors to this site is estimated at over 600,000 per year.

The location of the Trinity Broadcasting Network, immediately adjacent to the I-405 freeway, is one of the most identifiable landmarks in the area. While their facility is highly visible from the I-405 freeway, it is not easily accessible due to lack of access ramps on the I-405 freeway at Bear Street overcrossing. It is a circuitous route to their facility when arriving by the freeway from any direction and many visitors from outside the local area experience confusion when seeing the facility but not knowing which freeway exit to use. This confusion, not only affects the overall operation of TBN, but greatly contributes to increased freeway and surface street traffic congestion as well as public safety. Dr. Crouch has brought this matter to the City's attention and has requested assistance in providing an effective means to guide visitors to this facility.

California Department of Transportation (Caltrans) has, in the past, installed directional guide signs at strategic locations along the freeway system to minimize confusion and direct motorists to the proper offramp. Similar signs currently exist for Disneyland, Crystal Cathedral, and many other major destinations. The City believes that the installation of similar guide signs on the I-405, SR-73, and SR-55 freeways in Costa Mesa would alleviate these concerns for traffic bound for the Trinity Broadcasting Network's facilities. This issue is of even more significance with the recent commencement of major freeway and freeway access construction on the I-405/SR-55 (Transitway), and SR-73/I-4-05 (Confluence) projects and the related lane closures/detours underway. The additional guidance that can be provided would be even more beneficial to drivers unfamiliar with the local area.

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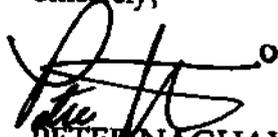
77 FAIR DRIVE

PHONE: (714) 754-5334 • TDD: (714) 754-5244 • www.ci.costa-mesa.ca.us

Mr. Paul F. Crouch
May 22, 2001
Page Two

If you wish to discuss these issues directly with Mr. Hecker you may contact him at 949-724-2929. Of course you may always contact me at (714) 754-5182 if the City can be of any further assistance.

Sincerely,



PETER NAGHAVI
Manager, Transportation Services

attachments

- c Allan Roeder, City Manager
- ✓ Don Lamm, Deputy City Manager/Development Services Director
- William J. Morris, Director of Public Services
- Dennis Johnson, Assistant Engineer
- Joe Hecker, Chief Operations and Maintenance, Caltrans - District 12
3337 Michelson Drive, Suite CN380, Irvine, CA 92612



CITY OF COSTA MESA

CALIFORNIA 92628-1200

P.O. BOX 1200

FROM THE OFFICE OF THE TRANSPORTATION SERVICES MANAGER

March 30, 2001

Saied Hashemi
Chief of Traffic Operations North
Caltrans - District 12
3337 Michelson Drive, Ste 380
Irvine CA 92612

SUBJECT: FREEWAY GUIDE SIGNS FOR TRINITY BROADCASTING NETWORK

Dear Mr. Hashemi:

Thank you for your prompt response regarding the City's recent request for installation of freeway guide signs for the Trinity Broadcasting Network (TBN). Your desire to limit signage on the freeway system is understandable. There are, however, some important issues that I believe merit your further consideration for installation of some form of guidance to the TBN facilities and would like to schedule a meeting to further discuss these issues.

Perhaps we can meet at the TBN facilities with Dr. Paul F. Crouch to better understand their operations and experiences with tourist traffic and the difficulties encountered in locating their site. With your concurrence, I will have our office secretary contact you to schedule a convenient time when the three of us can meet.

Your further consideration of this request would be appreciated. In the interim, if you should have any questions please contact me at (714) 754-5182.

Sincerely,

PETER NAGHAVI
Manager, Transportation Services

c Joe Hecker, Chief, Operations and Maintenance, Caltrans District 12
Allan Roeder, City Manager
Don Lamm, Deputy City Manager/Development Services Director
William J. Morris, Director of Public Services
/ Dennis Johnson, Assistant Engineer
Paul F. Crouch, President, Trinity Broadcasting Network

65

77 FAIR DRIVE

PHONE (714) 754-5334 - TDD (714) 754-5244 - www.ci.costa-mesa.ca.us

ATTACHMENT 4
Correspondence Received From Others

From: "MariAnn Ross-Chappell" <willow33@pacbell.net>
Date: September 2, 2008 4:31:52 PM PDT
To: <EricBever@ci.costa-mesa.ca.us>, <AMansoor@ci.costa-mesa.ca.us>, <LDixon@ci.costa-mesa.ca.us>, <KFoley@ci.costa-mesa.ca.us>, <WLeecea@ci.costa-mesa.ca.us>
Subject: ZA-08-10

My husband sent his email to the City Council August 26, 2008 at 9:56 pm and mine was sent August 27, 2008 at 4:35 pm. We were advised by the Planning Dept that if the Zoning Administrator chose to approve Trinity's application without benefit of public hearings, we could request that the City Council "pull for review".

We would still like to know:

1. why they are being allowed to sidestep the public hearing process;
2. why they are being allowed to do **any** outdoor events, and
3. why they are not asked to use their other entertainment and music facilities for filming?

We respectfully request this application be pulled for review and have the benefit of the public hearing process.

Mariann Ross-Chappell and Charles W. Chappell

-----Original Message-----
From: "MariAnn Ross-Chappell" <willow33@pacbell.net>
To: council@katrinafoley.com
Sent: 8/28/08 9:35 AM
Subject: RE: ZA-08-10

Good morning,

I sent the message to each of the Council members and my husband sent one the day before, Tuesday August 26.

Thank you for following up with me - much appreciated.

Mariann

From: MariAnn Ross-Chappell [<mailto:willow33@pacbell.net>]
Sent: Wednesday, August 27, 2008 4:35 PM
To: EricBever@ci.costa-mesa.ca.us; AMansoor@ci.costa-mesa.ca.us; LDixon@ci.costa-mesa.ca.us; KFoley@ci.costa-mesa.ca.us; WLeecea@ci.costa-mesa.ca.us
Subject: ZA-08-10
Importance: High

Please see my attached email requesting ZA 08-10 be pulled for review by City Council.

Also attached are MS Word documents showing TBN's various other possible filming locations.

Mariann Ross-Chappell

No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.138 / Virus Database: 270.6.10/1638 - Release Date: 8/27/2008 7:06 PM

CM Planning Comm meeting 4/28/08

Among other things

“Plan. Comm holds public hearings & provides recommendations to the Council (on requests for general plan amendments, **re-zones**, amendments to the City's Zoning Ordinance, etc.)

The Plan. Comm has authority to take final action on a variety of Planning Applications, including conditional use permits, variances, planned development projects, etc.

ADDRESSING: ZA – 08 – 10 Trinity Christian Center

1. They are not Trinity Broadcasting – they are Trinity Christian Center.

AND This property is **not** a “religious television station” – it is an “Administrative office complex” Zoned AP (Admin / Prof)

2. The Planning Commission's letter in Nov 2000 reminded Trinity that,

“until such time as Trinity has obtained the required MCUP to allow outdoor activities, any activities conducted outdoors will be in violation of the current CUP.”

- Trinity repeatedly ignored the PC's instructions to “cease & desist”
- They had what is equivalent to an outdoor musical event with:
 - o Glaring TV camera Lights – extremely bright (daytime)
 - o Loud speakers / Audio equipment
 - o Trucks to deliver and remove the heavy equipment used to set up the light standards, Film, and audio equipment
- THEN they come back at 11:30 – 12 Midnight to remove it all !!

3. The activities they have done and propose to increase are NOT “compatible and would be detrimental to the neighborhood”.

- They are NOT conducive to PEACEFUL & HARMONIOUS Enjoyment of our residences, let alone ensure privacy ...

Just the Opposite !

via FAX (714) 754-4856, email & Hand Delivery
Kimberly Brandt,
Zone Administrator
Assistant Director of Development Services Dept.
City of Costa Mesa

April 23, 2008

RE: ZA-08-10 (AP zoning for Trinity Christian Center NOT Trinity Broadcasting)

The "Official City Notice" post card was not sent out until April 14, 2008 and we received it April 15, 2008.

Planning Commission meeting dates for April are: April 14 and April 28, 2008 ... too late for the April 14th meeting, and a decision will already be made on April 24, so the April 28th meeting will be too late to be heard. Someone is pulling their PR / Marketing strings with someone in the City.

Sheldon Group is a Marketing / PR firm and here's what they have to say about their "Contacts":

Contacts. We have built excellent, ongoing relationships with key elected officials and their staffs throughout the state. We also maintain important alliances with media outlets, government agencies, non-profit organizations, civic and community groups and industry influencers.

Why is there "no public hearing" when it is a matter that affects the public?
There is next to no information provided on the postcard – what are the specifics of what they want?

Last time around, they did weekly filming, with buses transporting people, large trucks with cranes, equipment, bright TV camera lights and lighting standards; they parked the buses against the walls and left engines running – the fumes are noxious and people in the buses look right into our back yard and living room.

They chose the summer months – it was not spread out over a 12 month period – the weather was the hottest during the summer and all our windows and doors were open to circulate air – we had to close them because of the amount of activity, noise, and lights blaring into our home. We could not hear our own TV. Who shuts their house up tight in July and August?

Then the trucks came at 11:30 / 12 midnight to remove their equipment. To date they ignored the Conditions imposed by the Planning Commission regarding outdoor activities; they repeatedly thumbed their noses at the Planning Commissions warnings to "cease and desist" unauthorized filming and continued to do whatever they wanted in the past. They have filming facilities they can use "under roof" and also at their other location in Santa Ana.

I am respectfully challenging this ZA-08-10. This is a residential area and we have a reasonable expectation of privacy and the quiet enjoyment of our living space. They are zoned AP (Administrative / Professional) and already have a CUP that allows two outside events per year. AP zoning does not permit "retail uses and/or TV production services." Please do not change the zoning designation from AP or allow any exceptions or CUPs.

Sincerely,



Mariann Ross
3147 Canadian Drive
Costa Mesa, CA 92626

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

APR 24 2008

cc/ Project Planner - Mei Lee (714) 754-5611
City Council Members
Planning Division (714) 754-5245

APR 23 2008

April 21, 2008

To: the Costa Mesa Zoning Administrator:
City of Costa Mesa
P.O. Box 1200
Costa Mesa, CA 92626-1200

Re: My Comments on ZA-08-10 Trinity Christian Center outdoor filming

From:
Harold Orlando
876 Liard Place
Costa Mesa CA 92626

My Family and I have lived at 876 Liard Place for 28 years which borders on Shiffer Park, Bear St and the Trinity Christian Center across Bear St. I am opposed to allowing any outdoor filming or other activities by the Trinity Christian Center at their property at 3150 Bear Street, in particular their application to allow outdoor filming 12 times per year.

Our Grandsons age 6 and 8 live with us and their bedroom windows face the Trinity Christian Center. I am concerned about additional lighting and noise from the Trinity Christian Center.

As a long term resident I can assure you that when they do anything it will be done in a large way in every aspect. We have seen and heard the effects even over the noisy and busy Bear St between us. The fact that they conducted filming some years ago without getting the right permit gives me concern about stretching the limits on any activity they embark on.



Harold Orlando

ATTACHMENT 5
Correspondence from TBN

LEE, MEL

From: Michael Koper [MKoper@tbn.org]
Sent: Wednesday, August 06, 2008 11:27 AM
To: LEE, MEL
Cc: John Casoria
Subject: Stacey Shofro

Dear Mr. Lee

I received a telephone call from our property manager in Costa Mesa this afternoon...

One of our gardeners was working along the Lifestyles wall and noticed a hole in the wall. Upon closer inspection, he saw that what appeared to be a video camera lens was sticking through the hole...

In total disbelief, I went over there to see for myself.....sure enough...they were right. There is a 2 inch hole drilled through the wall, about 3 feet off the ground with a camera lens sticking through it.

Attached are pictures for your files.....

How much more of this insanity must we endure?

How long will the powers that be at the City of Costa Mesa allow this insanity to continue?







tcc i wall camera (stacey) 004.jpg (640x480x24b .jpeg)



ATTACHMENT 6

**Letter from Don Lamm to Applicant
Regarding Appellant's Concerns**



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

July 2, 2008

Vicki Green
Sheldon Group
901 Dove Street, Suite 140
Newport Beach, CA 92660

Subject: **TRINITY CHRISTIAN CENTER**
3150 BEAR STREET, COSTA MESA

Dear Ms. Green:

Confirming our discussion at City Hall on June 13, 2008, Senior Planner Minoo Ashabi and I met with Trinity Broadcasting neighbors Steve and Stacy Schofro, at their home, on May 7, 2008. The purpose of our visit was to discuss a multitude of their complaints/concerns regarding operation of Trinity, and not to discuss your outdoor filming application. Additionally, I did not concur or disagree with the Schofros concerning their allegations of Trinity violating its conditional use permit. I simply wanted to listen, learn, and understand what they are experiencing. However, upon conclusion of that meeting, I offered to open dialogue with Trinity Broadcasting management by presenting a list of simple operational changes which the Schofro's claim would dramatically improve their quality of life. Following that meeting, Steve Schofro sent me his list of requests which included a few items not agreed upon at our meeting. However, the majority of his list was reasonable and reflected our conversation.

Therefore, in an attempt to open dialogue and improve relations between Trinity and the Schofros, I have summarized or expanded upon Mr. Schofro's requests (expanded only where explanation is necessary), where I consider reasonable, regardless of whether Trinity proceeds with their filming permit request. However, I am not including those items which, in my opinion, are either unreasonable or would result in greater problems for the Schofros.

1. Activities by TBN for maintenance on the grounds, that produce noise, shall be limited to Monday through Friday between 9:00 AM to 3:00 PM. Maintenance of the grounds, using noise emitting devices or machinery such as leaf blowers and lifts, shall not exceed 60 minutes of operation per day.
2. Any large equipment used for maintenance shall not be parked within 75 feet of the south and east walls. All parking along the south and east walls shall be restricted to automobiles.

3. All pruning operations will require clippings and branches to be hauled off-premises. No chippers or shredders can be used onsite since they emit loud and intrusive noise which is audible inside neighboring homes.
4. Trucks, hydraulic lift vehicles, etc, may not be equipped with back up buzzers/beepers, unless required by California OSHA, that is more than 60 DBA at a distance of 10 feet. The gasoline/diesel powered lifts may not be used in proximity to the homes, but shall be limited to maintenance activities on the freeway or Bear Street sides of the main building. Only the quiet electric powered lifts may be used in proximity to the homes.. Furthermore, any use of these machines is considered a maintenance and operation task.
5. Trees along the entire south wall shall be maintained no higher than 15 feet from the top of the existing wall. Trimming is required every six months.
6. Trinity shall provide a 24-hour telephone number for residents to call, should they have issues arise such as; a malfunctioning electric gate to Trinity's property; security issues at homes owned by Trinity; and, outdoor noise that disturbs residential neighbors. The Trinity responder shall call back within one hour to confirm receipt of the neighbor's call.

The recommendations in this letter are focused on reducing Trinity's business operation impacts on the Schofro's property. Again, these are simply "recommendations" from the City to facilitate improving relations and trust between the Steve and Stacy Schofro family, and Trinity Broadcasting Network, Costa Mesa.

The City looks forward to any improvement in communication and cooperation between the two property owners. Please call us should you have any questions.

Sincerely,



DONALD D. LAMM, AICP

Deputy City Manager-Development Services Director

cc: Project Manager Mel Lee, Senior Planner

ATTACHMENT 7

List of TBN Conditions of Approval

**Conditions of Approval, Code Requirements, and Special District Requirements for Trinity Christian Center
(PA-96-19 and PA-98-24)**

Conditions of Approval (PA-96-19)

1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.
2. Street addresses shall be displayed on the freestanding ground sign or, if there is no freestanding sign, on the fascia or store front adjacent to the main entrance of the building, in a manner visible to the public street. Numerals shall be a minimum 12" in height with not less than 3/4" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than 1/4" stroke and shall contrast sharply with the background.
3. A copy of the conditions of approval for the conditional use permit must 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.
4. The conditions of approval and ordinance or code provisions of Planning Action PA-96-19 shall be blueprinted on the face of the site plan.
5. The applicant shall contact the Planning Division to arrange for a "Special Requirements" inspection of the site prior to the release of occupancy. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
6. The use shall be limited to the type of operation described in the staff report. Any change in the operational characteristics will require an amendment to the conditional use permit, subject to Planning Commission approval.
7. The TV studio and its support uses shall not operate at the same time as the administrative offices. Furthermore, other than the offices, no uses shall be conducted after 10 p.m.
8. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
9. Any exterior lighting, either added to the parking lot or to illuminate the building, or for television production, shall be submitted to the Planning Division for review prior to obtaining building permits.
10. Submit required cash deposit or surety bond to guarantee construction of offsite street improvements at time of permit per Costa Mesa Municipal Code Section 15-32, and as approved by City Engineer. Cash deposit or surety bond amount to be determined by the City Engineer.

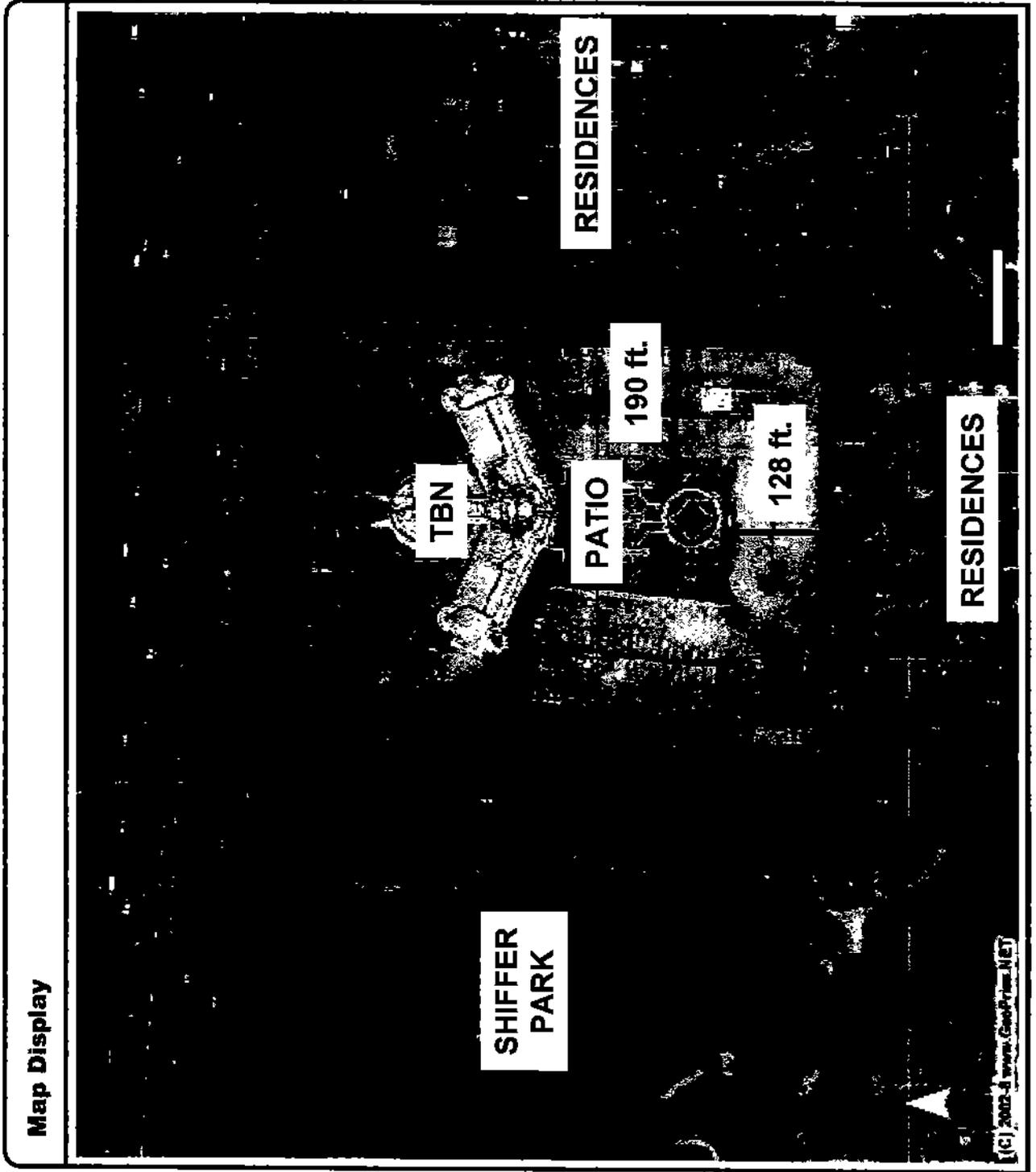
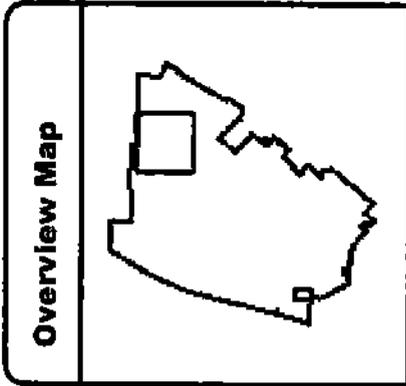
11. Obtain a permit from the Engineering Division, at the time of development, and modify P.C.C. driveway approach per City of Costa Mesa standards as shown on the offsite plan to meet A.D.A. requirements.
12. Dedicate a 3-foot public utility easement behind existing right-of-way line on Bear Street.
13. Submit legal description for the new area of dedication, plat of new dedication area, both prepared by a civil engineer, and Title Report Update of subject property.
14. Review trash enclosure location for possible relocation and/or modification of pick-up schedule, under the direction of the Planning Division.
15. Review gate design and construction for possible improvement of security under the direction of the Planning Division.
16. Deleted.
17. Deleted.
18. Exterior lighting, either for the parking lot, to illuminate the building, or for television production, shall be designed and/or adjusted to prevent spillover light or glare onto adjacent properties. Shielding or other methods necessary to prevent light or glare spillover shall be incorporated.
19. Holiday-related light displays and driving tours shall not extend beyond 10:00 p.m. in the evening and shall be limited to the period between Thanksgiving and January 15. Holiday-related signage shall be turned off and/or removed no later than January 15. Holiday-related lights shall be prohibited in the trees planted along the residential walls east and south of the Trinity property.
20. The southerly and easterly boundaries of the site shall be posted with signs prohibiting the parking or staging of buses, RV's maintenance vehicles and any vehicles other than passenger cars along the residential walls. Additionally, buses should be parked as far from residential property as possible (e.g., in the northeast portion of the parking lot and engines shall be turned off when parked).
21. When use of heavy equipment (such as lifts) shall be prohibited on any day, Monday through Friday, and shall not be allowed on Saturday, Sunday or other holiday. (Amplify: 01/11/2013 added)
22. Any proposed operational change that increases or intensifies the approved use shall require approval of an amendment to this conditional use permit by the Planning Commission.
23. The facility shall operate, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood.
24. Complaints regarding the violation of any of the above operating conditions and restrictions shall be immediately remedied by the applicant.
25. Applicant shall employ a parking attendant during parking activities to direct traffic and make sure that no one is parking along the back wall in the evenings from 6 p.m. until closing.
26. Landscaping maintenance equipment is prohibited from being started before 8 a.m.
27. Applicant shall prepare an operations management plan to coordinate and address the issues related to landscape maintenance operations; holiday operating procedures with regard to traffic, parking, lighting, and sound; maintenance

equipment, etc. The plan shall be approved by staff within 60 days from the date of this hearing (March 24, 2003).
Conditions of Approval (PA-98-24)
1. There shall be no advertising, including signage, of the eating facilities.
2. Deleted.
3. Deleted.
4. Food shall be limited to light snacks. No frying or grilling may occur in the inside kitchen.
5. Any expansion of service times, the size of the vending cart and/or dining room area shall require review by the Planning Commission through the conditional use permit process.
6. The hours of operation for the dining room shall be limited to 10 a.m. to 5:30 p.m.
7. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.
8. One vending cart shall be allowed to provide popcorn, bagels, cookies and hot and cold beverages between 10 a.m. and 5 p.m.
9. The general public may use the indoor dining facility with the stipulation that no food shall be cooked on site; that food shall be provided by an outside caterer and warmed up on the premises.
10. The applicant is reminded that all applicable conditions, code requirements, and special district requirements of Planning Applications PA-96-19 (as modified) shall apply.
Code Requirements (PA-96-19)
1. The installation of any antennas shall comply with City requirements, including the processing of a Minor Conditional Use Permit as applicable.
2. The landscaping shall be replanted to satisfy current landscape requirements as regards number of trees and shrubs and types of ground covers.
3. The parking lot shall be repaired, resealed, and restriped consistent with City requirements, under the direction of the Planning and Building Divisions. Parking stalls shall be double-striped in accordance with City standards.
4. All compact parking spaces shall be clearly marked "compact" or "small car only".
5. Approval of the planning application is valid for one (1) year and will expire at the end of that period unless building permits are obtained and business commences, or the applicant applies for and is granted an extension of time.
6. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.

7. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
8. All work shall be conducted under-roof.
9. Development shall comply with all requirements of Article 16, Chapter II, Title 13 of the Costa Mesa Municipal Code.
10. Any new on-site utility services shall be installed underground.
11. Installation of any new utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division.
12. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.
13. Four (4) sets of detailed landscape and irrigation plans shall be required as part of the project plan check review and approval process. Three (3) sets shall be provided to the representative water agency and one (1) set shall be submitted to the Planning Division for review. Plans shall be approved by the water agency with two (2) approved sets forwarded by the applicant to the Planning Division for final approval prior to issuance of building permits.
14. Two (2) sets of landscape and irrigation plans, approved by both the water agency and the Planning Division, shall be attached to two of the final building plan sets.
15. Landscape and irrigation plans shall meet the requirements set forth in Costa Mesa Municipal Code Sections 13-263 through 13-266 as well as irrigation requirements set forth by the water agency. Consult with the representative water agency (Mesa Consolidated Water District).
16. Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance.
17. All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing.
18. Trash enclosures or other acceptable means of trash disposal shall be provided. Design of trash enclosures shall conform with City standards. Standard drawings are available from the Planning Division.
19. Comply with the requirements of the Uniform Building Code as to design and construction and CCR Title 24 pertaining to "Disabled Access Regulations".
20. At the time of development submit for approval an off-site plan to the Engineering Division and grading plan to the Building Division that shows sewer, water, existing parkway improvements and the limits of work on the site, and hydrology calculations, both prepared by a civil engineer or architect. Construction access approval must be obtained prior to building or engineering permits being issued by the City of Costa Mesa. Pay offsite plan check fee to the Engineering Division. An approved offsite plan and fee shall be required prior to engineering/utility permits being issued by the City.
21. A Fire Department permit for Place of Assembly is required.
22. Any interior alterations will require appropriate alteration of the automatic fire sprinkler system.
Code Requirements (PA-98-24)

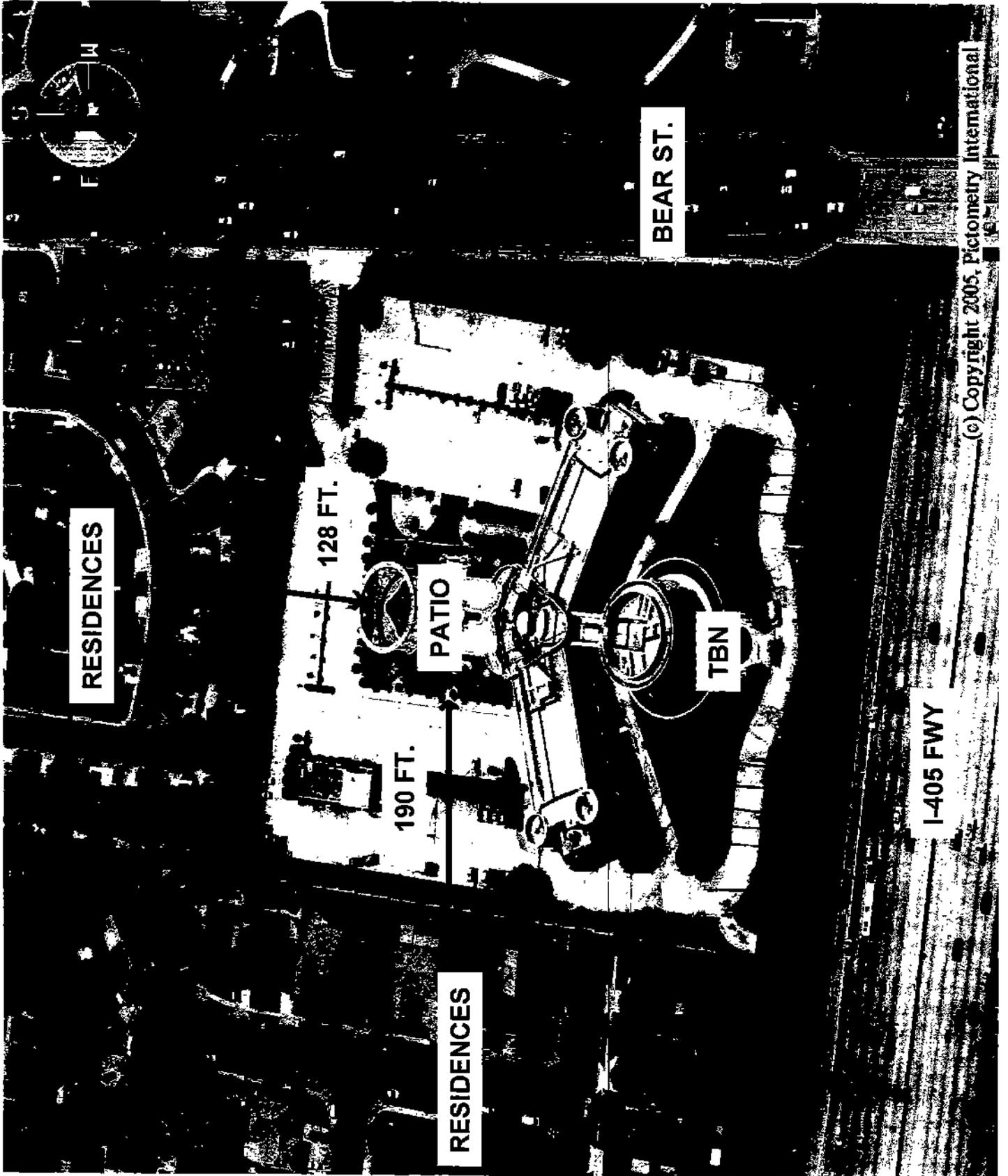
1. The applicant is reminded that all conditions, code requirements, and special district requirements of Planning Application PA-96-19 still apply.
2. Comply with the requirements of the Uniform Building Code as to design and construction and CCR Title 24 pertaining to "Disabled Access Regulations".
3. Comply with Health Department Requirements.
4. A Fire Department Permit for place of assembly is required.
5. Proposal must meet Uniform Building Code requirements for A-3 occupancy per UBC, 1994 Edition. Plans must be approved for change in occupancy classification.
Special District Requirement (PA-96-19)
1. Applicant shall pay all applicable Sanitary District fixture fee charges (754-5307)
Special District Requirement (PA-98-24)
1. Developer shall contact the Costa Mesa Sanitary District at (714) 631-1731 for current district requirements.

ATTACHMENT 8
Location Maps and Plans



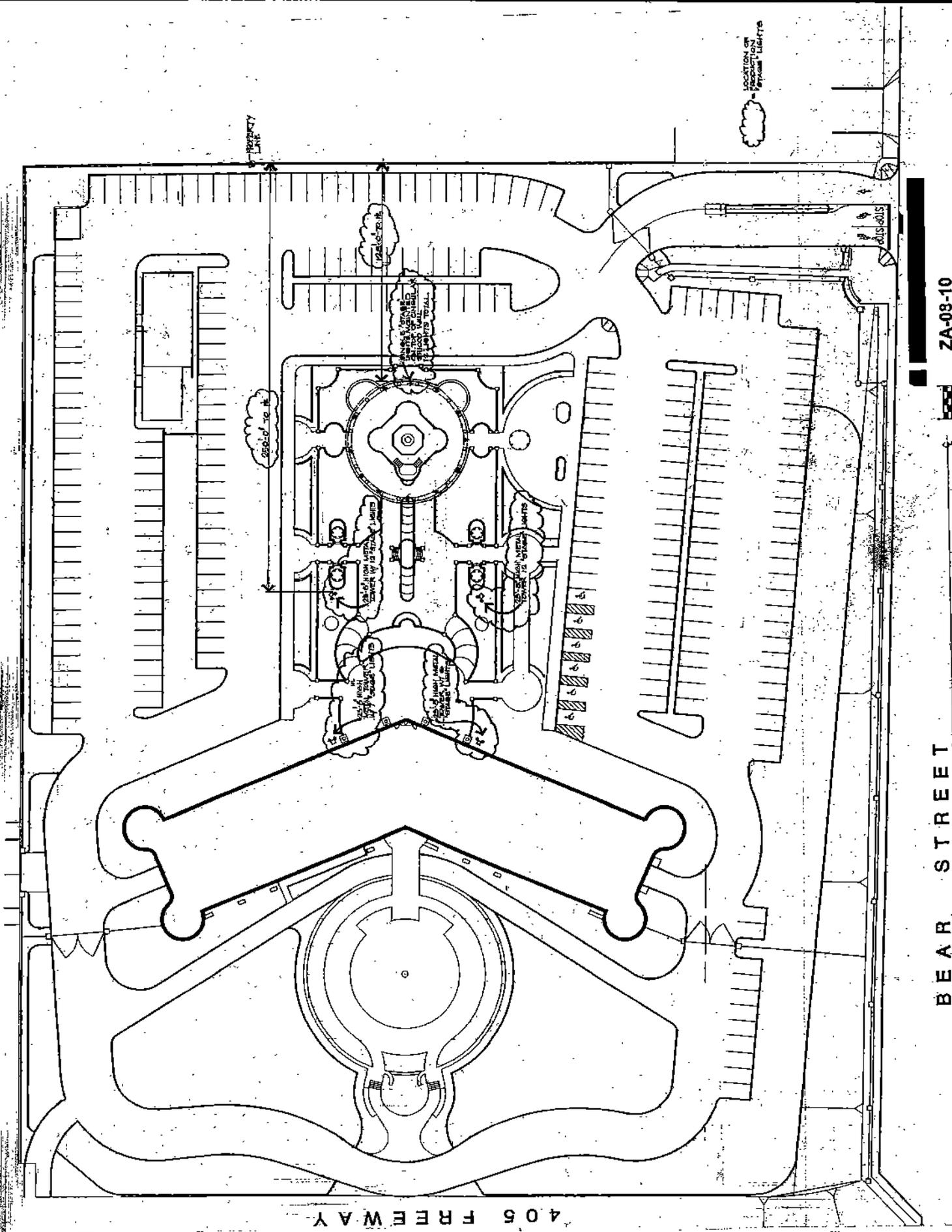
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© Copyright 2005, Pictometry International

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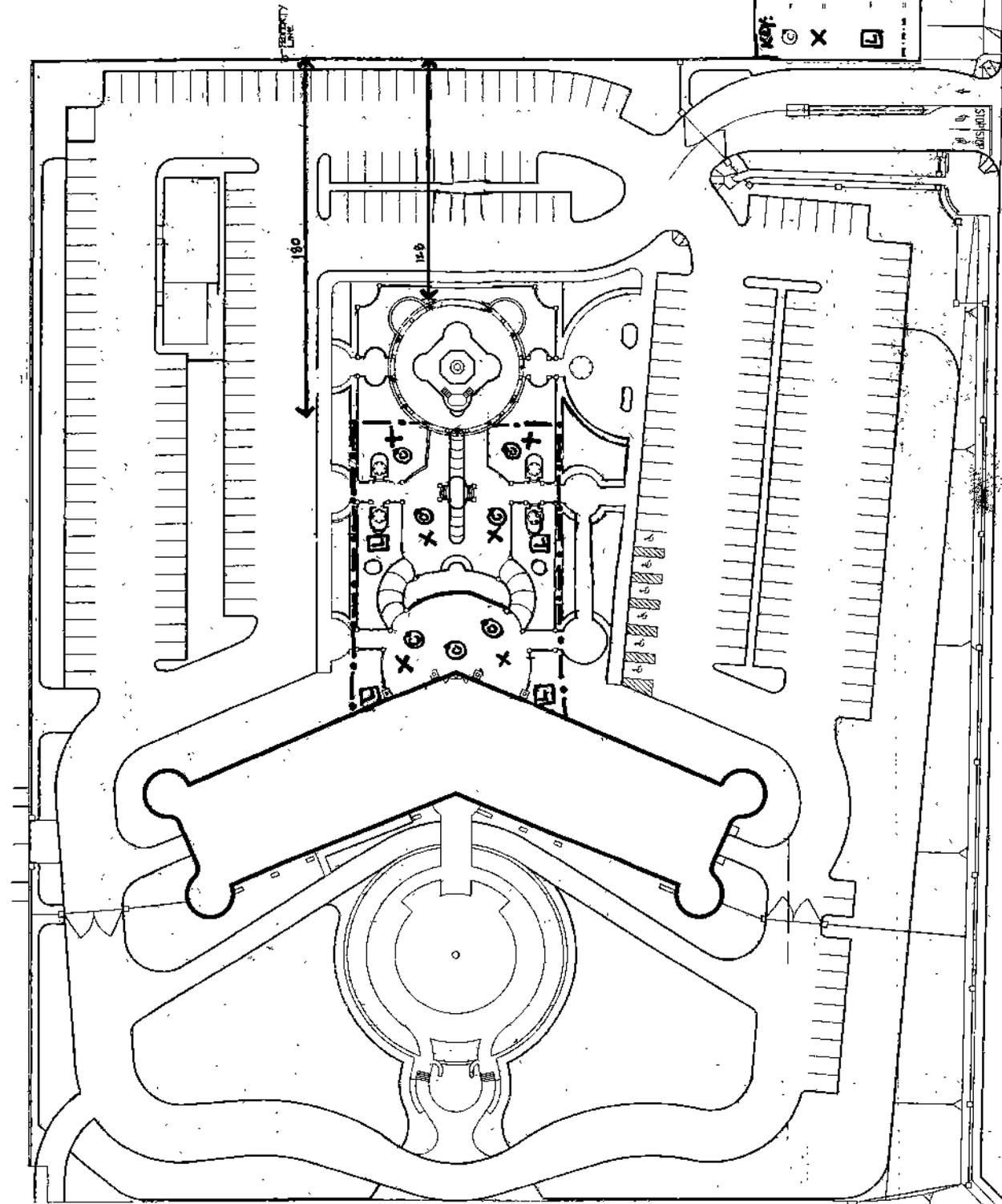
405 FREEWAY

PL

BEAR STREET

ZA-09-10

POSSIBLE LOCATION OF PRODUCTION CAMERAS
 POSSIBLE LOCATION OF TEMPORARY CAN-SUPPORTED LIGHT
 LOCATION OF FIXED PRODUCTION "STAGE" LIGHTS
 FILMING LOCATION



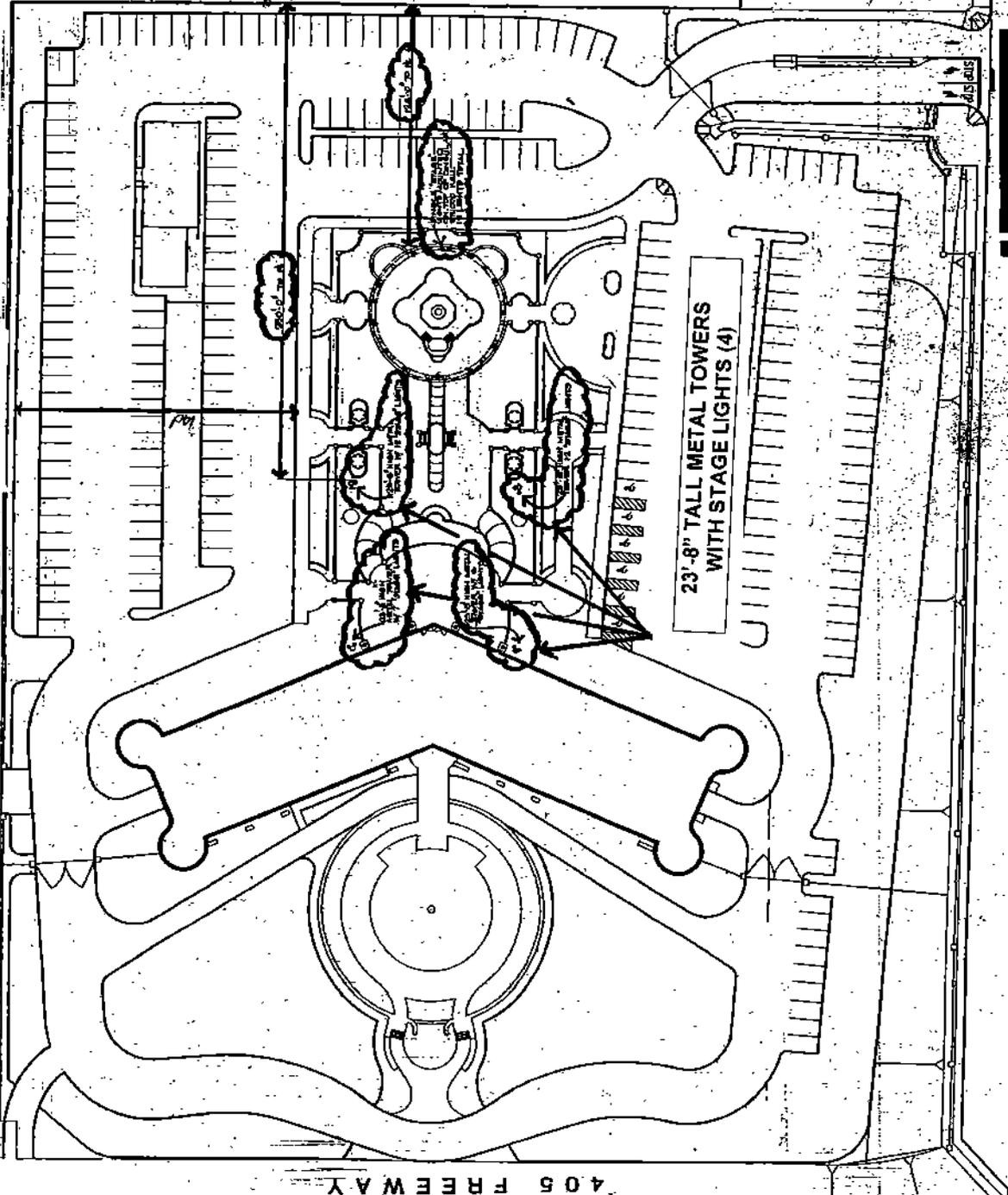
GRAPHIC SCALE
1" = 10'-0"



BEAR STREET

405 FREEMAN

RESIDENCES



RESIDENCES

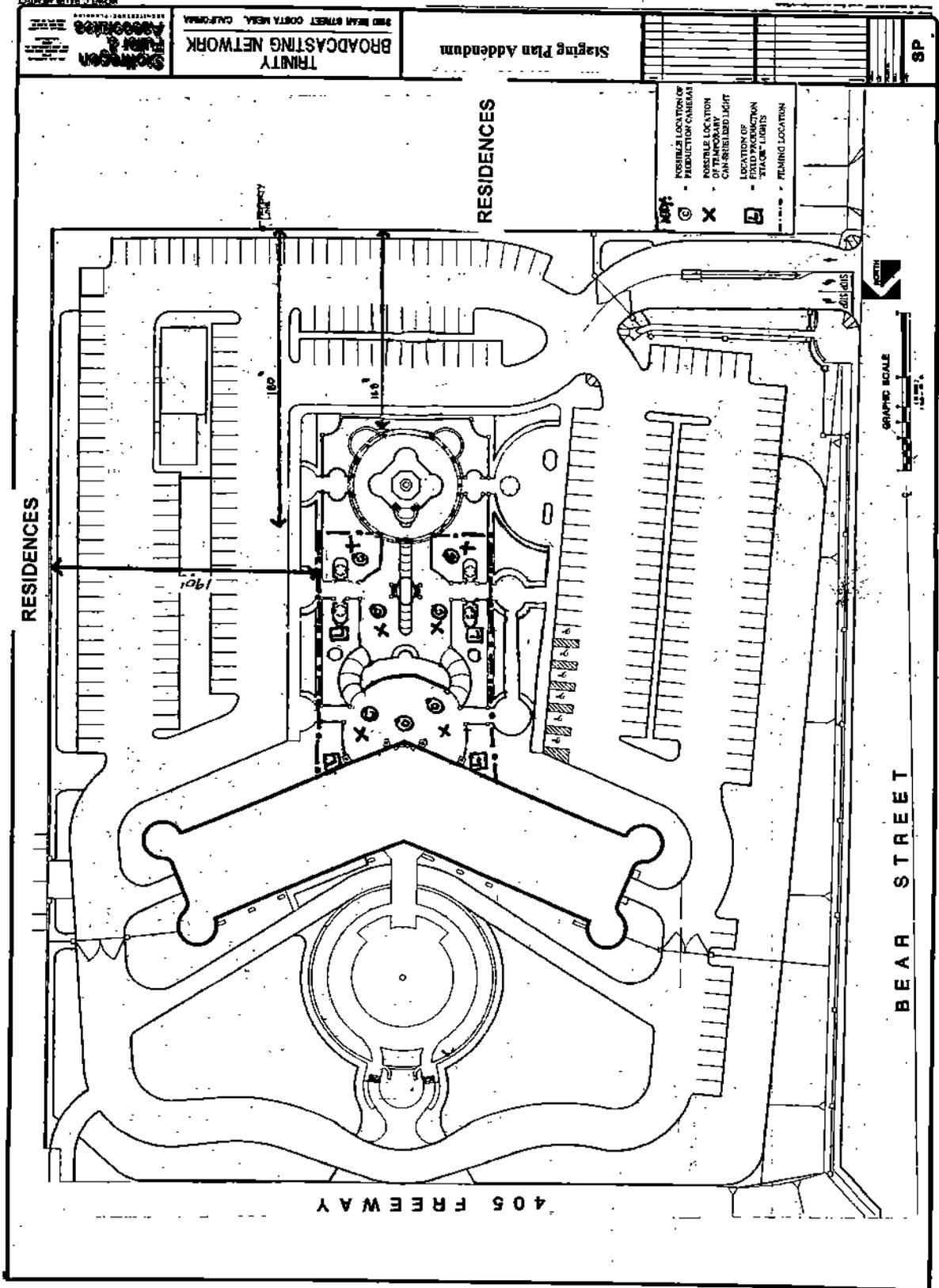
BEAR STREET

DATE: 08-24-09
PROJECT: ZA-09-10

81

SP

405 FREEWAY



ATTACHMENT 9

Zoning Administrator's Letter and Description of Use Provided By the Applicant



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

August 21, 2008

Sheldon Group
Attn: Vicki Green
901 Dove Street, Suite 140
Newport Beach, CA 92660

**RE: ZONING APPLICATION ZA-08-10
MINOR CONDITIONAL USE PERMIT TO ALLOW OUTDOOR FILMING 12
TIMES PER CALENDAR YEAR AT TRINITY CHRISTIAN CENTER
3150 BEAR STREET, COSTA MESA**

Dear Ms. Green:

Staff's review of your zoning application for the above-referenced use has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval and code requirements (attached). The decision will become final at 5 p.m. on August 28, 2008, unless appealed by an affected party including filing of the necessary application and payment of the appropriate fee or called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Mel Lee, at (714) 754-5611, between 1 p.m. and 5 p.m., Monday through Friday.

Sincerely,

KIMBERLY BRANDT, AICP
Zoning Administrator

Attachments: Background and Project Description
 Findings
 Conditions of Approval, Code Requirements, and Special District
 Requirements
 Project Description submitted by Applicant
 Site Plan Exhibit – Patio Plan
 Site Plan Exhibit – Staging Plan

cc: City Council
Planning Commission
Engineering
Fire Protection Analyst
Building Safety Division

Trinity Broadcasting Network – International Headquarters
2442 Michelle Drive
Tustin, CA 92780-7091

Mariann Ross
3147 Canadian Drive
Costa Mesa, CA 92626

Stacy Schofro
3131 Encore Court
Costa Mesa, CA 92626

Harold Orlando
876 Liard Place
Costa Mesa, CA 92626

BACKGROUND

- Trinity Christian Center (also known as Trinity Broadcasting Network, or TBN) is located on the east side of Bear Street, south of the I-405 Freeway, and is bounded by single-family residences to the south and east.
- In 1996, a conditional use permit was approved for TBN as an administrative office and television production facility with screening and meeting rooms, and incidental retail uses. A second conditional use permit was approved in 1998 allowing the use of an existing kitchen to provide food service to the general public in addition to on-site staff.
- In 2002, TBN submitted a minor conditional use permit (Zoning Application ZA-02-75) to allow outdoor filming on a regular basis, which the Zoning Administrator referred to the Planning Commission. In addition to the minor conditional use permit, Planning Commission also called up TBN's prior conditional use permits for review. As a result of Commission's review, TBN implemented an "Operations Management Plan" to address parking control, landscape maintenance, special events such as their holiday light displays, and other items to minimize noise and lighting impacts on adjacent residential properties.
- The Commission deferred taking action to approve or deny the minor conditional use permit for outdoor filming by continuing it for several months so that TBN's activities under the Operations Management Plan could be monitored and evaluated. TBN appealed Commission's deferral to City Council. City Council denied ZA-02-75 because they did not have adequate evidence that the outdoor filming would be compatible with adjacent residential properties.
- Although outdoor filming on a regular basis via ZA-02-75 was denied by City Council, TBN may obtain a film permit per Municipal Code Section 9-473 to allow outdoor filming for a special occasion or event, such as for holiday shows. A total of 7 film permits were issued to TBN between November 2005 and July 2008. The July 2008 taping was attended by Senior Planner Mel Lee to observe any potential lighting or noise impacts.

PROJECT DESCRIPTION

- The applicant is requesting outdoor filming activities a maximum of 12 times per calendar year. According to the applicant, the filming hours would be from 5:30 p.m. to 9:00 p.m., including set up and take down of the equipment. No amplified sound is proposed; singers and speakers would be singing or talking into a microphone that only transfers the sound to on-site recording equipment.
- All outdoor filming will take place entirely on TBN's property, specifically, in the courtyard on the south side of the building (see Site Plan Exhibit – Staging Plan). The outside setup for the filming activities consists of 4 to 5 cameras, a small video monitor, and four permanent light stands approximately 20 feet tall, which are shielded to prevent light spillage on abutting properties. The production crew consists of a maximum of 20 individuals; no audiences or spectators will be

present during outdoor filming activities. The area in the courtyard in which the outdoor filming will take place is setback approximately 180 feet from the southerly property line and approximately 190 feet from the easterly property line, both of which abut residentially-zoned properties. The other two property lines (north and east) abut the I-405 Freeway and Bear Street, respectively (see Site Plan Exhibit – Patio Plan).

- The July 2008 outdoor filming activity was observed by Senior Planner Mel Lee. The sound generated during filming was not audible from adjacent residential properties and no light spillover was observed. According to the Police Department, no complaints regarding outdoor noise or lighting related to outdoor filming or equipment installation and removal were received on any dates the outdoor filming events occurred. In addition to the minor conditional use permit, TBN is also required to obtain a film permit per Municipal Code Section 9-473.
- On April 30, 2008, the applicant held an open house at TBN in which the surrounding area residents were invited to attend to discuss any concerns with the proposed outdoor activities. Senior Planner Mel Lee also attended the open house. The open house was attended by three residents, none of whom indicated concerns with the proposed use.
- The site is zoned AP (Administrative and Professional District) and has a General Plan designation of General Commercial. The outdoor filming activities are consistent with the City's General Plan, specifically General Plan Goal LU-1F.1, because the recommended conditions of approval will ensure the protection of existing residential neighborhoods from incompatible or disruptive land uses and/or activities.

FINDINGS

- A. The use complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The use, as conditioned, is compatible and harmonious with uses that exist in the general neighborhood.
 - The use, as conditioned, complies with applicable performance standards as prescribed in the Zoning Code, specifically, compliance with the City's noise ordinance provisions.
 - The use is consistent with the General Plan, specifically General Plan Goal LU-1F.1, because the recommended conditions of approval will ensure the protection of existing residential neighborhoods from incompatible or disruptive land uses and/or activities.
 - The zoning application is for a project-specific case and does not establish a precedent for future development.
 - The cumulative effects of all planning applications have been considered.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other

properties or improvements within the immediate vicinity. Specifically, based upon staff's observation of the outdoor filming activity related to TBN, the sound generated during filming was not audible from adjacent residential properties and no light spillover was observed. The Police Department has no record of complaints related to the outdoor filming events that have taken place at TBN. The applicant will be required to comply with the conditions of approval to ensure that the use is not disruptive to adjacent uses or properties.

- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

- P1ng.
1. The minor conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The minor conditional use permit may be modified or revoked if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
 2. Each of the 12 outdoor filming activities shall be limited to a single day.
 3. Activities related to outdoor filming, including equipment installation and removal, shall be limited to between 5:30 p.m. and 9:00 p.m. No outdoor filming activities shall occur on Sundays or holidays.
 4. Outdoor filming activities shall not occur more than 12 times per calendar year.
 5. Audiences, spectators, or noise-generating props (such as live animals) shall not be permitted during any outdoor filming activities.
 6. Amplified sound, loudspeakers and/or public address systems shall not be permitted.
 7. A copy of the conditions of approval for the minor conditional use permit shall be kept on premises and presented to any authorized city official upon request. Trinity Christian Center shall notify new business/property owners of conditions of approval upon transfer of business or ownership of land.
 8. Outdoor activities shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. Trinity Christian Center shall institute whatever security and operational measures are necessary to comply with this requirement.
 9. All conditions of approval, code requirements, and special district

requirements for Planning Applications PA-96-19 and PA-98-24 shall continue to be complied with.

10. Complaints regarding noise related to the violation of any of the operating conditions and restrictions shall be immediately remedied by Trinity Christian Center.
11. Exterior lighting, either for the parking lot, to illuminate the building, or for television production, shall be designed and/or adjusted to prevent spillover light or glare onto adjacent properties. Shielding or other methods necessary to prevent light or glare spill-over shall be incorporated.

CODE REQUIREMENTS

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- | | |
|-------|---|
| Ping. | 1. Approval of the Zoning Application is valid for one (1) year and will expire at the end of that period unless the activity commences, or the applicant applies for and is granted an extension of time. A written request for an extension of time must be received by Planning staff prior to the expiration of the Zoning Application. |
| | 2. Filming activities shall comply with all applicable provisions of Chapter V, Title 9 of the Costa Mesa Municipal Code. |
| Bldg. | 3. If construction is proposed, comply with the requirements of the 2007 California Building Code (C.B.C.). |

Project Description Addendum

July 2008

- Project Name:** Trinity Broadcasting Network (TBN)
- Project Location:** 3150 Bear Street, Costa Mesa, CA
- APN/
Legal Description:** APN 141-521-48 and 141-152-49
Berry Tract Lot 1, Blk C Portion of Lot Portion Abandoned Street Tr 128
- Applicant/Agent:** Sheldon Group
Contact: Vicki Green, Project Manager
901 Dove Street, Suite 140, Newport Beach, CA 92660
(949) 777-9400
- Property Owner:** Trinity Christian Center of Santa Ana, Inc.
Contact: John Casoria, General Counsel
2442 Michelle Drive, Tustin, CA 92780
(714) 832-2950
- Entitlements
Requested:** A Minor Conditional Use Permit (MCUP) from the City of Costa Mesa is necessary to permit twelve (12) outdoor tapings per calendar year according to the Costa Mesa Municipal Code.
- Existing General
Plan Land Use
Designation:** General Commercial
- Existing Zoning
Classification:** Administrative and Professional (AP)
- Project Description:** Trinity Broadcasting Network is a Christian television network that has provided 24 hours of commercial-free inspirational programming for over 35 years. Although the majority of religious programming at the Costa Mesa location is conducted inside the building, TBN would like the opportunity to film twelve (12) programs per calendar year outside, mostly for holiday specials.
- Property Description:** Located at 3150 Bear Street in Costa Mesa, the property is approximately 6 acres and is improved with a three-story, 261,360 square foot building. Surrounding uses consist of the I-405 freeway to the north, residential uses to the south and east (including the Lifestyles residential development), and a public park (Shiffer Park) to the west, across Bear Street.

Primary access to the property is along Bear Street. The property itself includes 241 total parking spaces, seven (7) of which are designated as disabled parking.

The location of outdoor filming activity would be confined to the courtyard in front of the south entrance to the building. The edge of the courtyard area is approximately 128 feet from the southern property line, although taping will take place approximately 180 feet from the southern property line.

**Statement of
Filming Operation:**

All outdoor tapings would be conducted between the hours of 5:30 p.m. and 9 p.m. Preparation, filming and strike operations would be conducted entirely on TBN property.

The outside filming equipment would be contained within the patio area and would include approximately four (4) cameras and one (1) video monitor. Lighting would consist of four (4) permanent outdoor lighting stands, which are twenty (20) feet in height and contain twelve (12) par can-shielded lights per stand. These lights would produce no glare or light spillage onto adjacent properties.

Outdoor tapings would involve a film production crew of approximately fifteen (15) to twenty (20) individuals, including talent (i.e., hosts, singers, actors, etc.). The actual taped program would include one or two individuals singing or speaking into a microphone. It should be noted that the microphone only transfers the singing to recording equipment. There would be no amplified sound.

Justifications:

To date, TBN has been approved for eight (8) temporary outdoor filming permits, all of which had the same filming conditions as listed above. No complaints were received for those temporary tapings.

TBN previously applied for a minor conditional use permit (MCUP No. 2003-04814); however, the request was denied due to concerns about outdoor filming operations. TBN has since revised their outdoor filming operations to lessen impacts on surrounding neighbors. Key differences between the previous request and the current request include:

	Current Request	Previous Request
Number of tapings	12 per year	72 per year
Filming Hours	5:30 p.m. - 9 p.m.	9 a.m. - 9 p.m.
Frequency	Special occasions (mostly holidays)	Every Thursday
Sound	No amplified sound	Amplified sound

VI.1
ZA-08-10

From: Stacy Schofro [mailto:miamom@ca.rr.com]
Sent: Monday, September 15, 2008 11:01 AM
To: LAMM, DONALD; LEE, MEL; BRANDT, KIMBERLY; tsforza@ocregister.com;
johnmoorlach@ocgov.com; PLANNING COMMISSION; CITY COUNCIL;
npirani@ocregister.com; steve.padilla@latimes.com;
tony.barboza@latimes.com; paloma.esquivel@latimes.com
Subject: Appeal of further commercialization of Administratively Zoned
TBN aka TCC,TCCSA et al

Dear Mr. Lee,

I am writing to you in regards to our appeal ZA-08-10 scheduled for September 22, 2008. My husband Steve has conflicting business meetings on the night of September 22, 2008-- which he can not change. We would like to request that the hearing of the appeal be postponed to the following city planning meeting, so we will both be able to attend. Please correspond with us as soon as possible to let us know that this date can be changed. TBN(their PR Firm) has been granted several date changes at their request we would like to be given the same consideration. Thank-you!

Sincerely,

Stacy Schofro

ps- we would also have a conflict the week of October 27-30, 2008, but should be able to attend any other date scheduled after September 22nd

09/18/2008

VI.1
ZA-08-10

From: Stacy Schofro [mailto:miamom@ca.rr.com]
Sent: Monday, September 15, 2008 8:58 PM
To: CITY COUNCIL; PLANNING COMMISSION
Cc: joverlay@ocregister.com; steve.padilla@latimes.com; john.moorlach@ocgov.com; slgenis@aol.com; tony.barboza@latimes.com
Subject: Fwd: Appeal of further commercialization of Administratively Zoned TBN aka TCC,TCCSA et al
Dear Planning Commission, City Council,

Please confirm that this is the standard procedure for a continuance request (that the continuance will not be allowed until that night). I will need a way to show a DVD. I will bring it in advance for you to view.

Please let me know how to get this arranged.

Sincerely,
Stacy Schofro

From: "LEE, MEL" <MLEE@ci.costa-mesa.ca.us>
Date: September 15, 2008 12:12:47 PM PDT
To: "Stacy Schofro" <miamom@ca.rr.com>
Subject: RE: Appeal of further commercialization of Administratively Zoned TBN aka TCC,TCCSA et al

Dear Ms. Schofro -

We will forward your continuance request to the Planning Commission for their consideration at their September 22, 2008 meeting; however, please be aware that it is the Planning Commission that decides whether or not to grant your continuance request. Therefore, it is recommended that someone acting as your representative attend the September 22, 2008 meeting in the event the Commission decides not to continue the hearing. If the request is granted, the next Planning Commission hearing date is October 13, 2008.

Let me know if you have any questions.

Mel Lee, AICP
Senior Planner
City of Costa Mesa
77 Fair Drive, Costa Mesa, 92628
Ph. (714) 754-5611 Fax. (714) 754-4856
mlee@ci.costa-mesa.ca.us

09/18/2008

VI.1
ZA-08-10

From: diane dorrien [mailto:euroidd@sbcglobal.net]
Sent: Wednesday, September 17, 2008 12:44 PM
To: PLANNING COMMISSION
Subject: Trinity Broadcasting Request

September 17th, 2008

To:

Cosa Mesa Planning Commission,

please give copies to all members of the Planning Commission as well as all members of the City Council.

Regarding: Trinity Broadcasting Network request

My name is Diane Dorrien and my husband Lars Sivring and I purchased a new home at 3128 Encore Court, Costa Mesa, California 92626, in September, 1996.

Our property and home was located on the wall facing the TBN property, parking lot. From 1996 until we moved from our home in March of 2002 there will be many letter that I wrote outlining the noise and violation of the conditional use permit that TBN operates under.

Before my husband and I purchased the property I had the City of Costa Mesa provide me with a copy of the Conditional use permit that TNB was going to operate under.

Since I was on the volunteer Board of the local PBS station at Golden West College and had some understanding of television operation, I believed based on the Conditional use permit that TBN filed with the City, TBN was going to be a good neighbor and a business that I was going to be able to live next to. Based on that information we moved forward with the purchase of our retirement home.

I was wrong. TBN violated the conditions of the Conditional use permit for the entire eight years that we lived in our home located at 3128 Encore Court.

See City file for the eight years of documentation that I provided regarding TBN's violation of their Conditional use permit from 1996-2004.

My husband and I purchased the home with the intention of it being our last home and our retirement home. I had lived in Costa Mesa since 1971 and my husband since 1981.

When TBN proposed to take down our wall and construct their 22 foot wall and go outside with their operation into their parking lot, I was one of the people who testified at the City Council meeting, this is all on tape for your review.

I am also one of the neighbor's, along with the Schofro's and Ito's, who finally had to file a law suit against TBN when they excivated and planted trees up against our property. Their action caused our wall to fail and our hard scape to break up. Their trees also hung into our property and eventually grew taller than our two story homes. That law suit was finally settled with financial burdens to our three families, with no

09/18/2008

real results.

In March of 2004 My husband and I moved from our home and put 500 miles between us and TBN in the hopes that a geographical move would provide us with some peace and stress relief. We could no longer tolerate the noise and stress and it had begun to affect my health.

We rented our home out from 2004 to 2006 in the hopes that TBN would be closed down due to their non- compliance and we could then return to our home in Costa Mesa.

TBN continued to violate the conditions of their CUP and the neighborhood never was the quiet peaceful place we thought we had purchased and so we could not return to home to Costa Mesa.

In 2006 our renters Mr. and Mrs Pollitt purchased our home. In 2007 TBN purchased the home from the Pollitts and the home has been vacant since that time.

This has been a terrible and sad experience for us. One that I have never recovered from and would not wish on anyone. I purchased the home in good faith and felt that I had done the research needed to find out who my neighbor (TBN) was and how they were going to conduct their business. I wrongly concluded that they would be good neighbors.

I urge you to take the time to read and consider the documentation I have provided the City over the years and review the tapes of the City Council meetings where my husband and I testified.

My hope is that the City of Costa Mesa will finally be able to stand up to TBN, who I feel is a Corporate Bully and remove their Conditional use permit and close their Costa Mesa Operation located on Bear Street. I believe that the twelve years that TBN has violated their CUP should be enough for the City to finally take the appropriate action and do the right thing and shut them down once and for all!

Diane Dorrien
3362 Forest View Lane
Reno, Nevada
89511

Please feel free to call me at my home
775-853-1438