

# City of Costa Mesa

## Inter Office Memorandum

**TO:** PLANNING COMMISSION

**FROM:** MEL LEE, SENIOR PLANNER *MEL*

**DATE:** OCTOBER 2, 2008

**SUBJECT:** SUPPLEMENTAL INFORMATION  
APPEAL OF ZONING APPLICATION ZA-08-10  
TRINITY CHRISTIAN CENTER  
PLANNING COMMISSION MEETING OF OCTOBER 13, 2008

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On September 22, 2008, Planning Commission continued the appeal of the above item to the meeting of October 13, 2008.

Attached to this memo is the supplemental information presented by the appellant at the September 22, 2008 Planning Commission Study Session. The appellant also submitted a digital file containing video and sound clips, which can be found on the City's website at the below links:

- <http://www.ci.costa-mesa.ca.us/council/planning/video/TBN1.wmv>
- <http://www.ci.costa-mesa.ca.us/council/planning/video/TBN2.wmv>
- <http://www.ci.costa-mesa.ca.us/council/planning/video/TBN3.wmv>
- <http://www.ci.costa-mesa.ca.us/council/planning/video/TBN4.wmv>
- <http://www.ci.costa-mesa.ca.us/council/planning/video/TBN5.wmv>
- <http://www.ci.costa-mesa.ca.us/council/planning/video/TBN6.wmv>
- <http://www.ci.costa-mesa.ca.us/council/planning/video/TBN7.wmv>
- <http://www.ci.costa-mesa.ca.us/council/planning/video/TBN8.wmv>
- <http://www.ci.costa-mesa.ca.us/council/planning/video/TBN9.wmv>
- <http://www.ci.costa-mesa.ca.us/council/planning/video/TBN10.wmv>

Also attached are updated resolutions reflecting the October 13, 2008 Planning Commission hearing date.

The September 22, 2008 Planning Commission staff report can also be viewed on the City's website at the link below:

<http://www.ci.costa-mesa.ca.us/council/planning/2008-09-22/092208ZA0810Notice.pdf>

- Attachments:
1. Supplemental Information Presented by the Appellant at the September 22, 2008 Planning Commission Study Session
  2. Revised Draft Planning Commission Resolutions  
Exhibit "A" – Draft Findings  
Exhibit "B" – Conditions of Approval

cc: Deputy City Manager - Dev. Svs. Director  
Deputy City Attorney  
Transportation Services Engineer  
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

Charles W. Chappell  
3147 Canadian Drive  
Costa Mesa, CA 92626

File: 101308ZA0810Appeal	Date: 092508	Time: 2:00p.m.
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# ATTACHMENT 1

RECEIVED  
CITY OF COSTA MESA  
DEVELOPMENT SERVICES DEPARTMENT

SEP 23 2008

**SUBMISSION TO PUBLIC RECORD FOR THE DENIAL OF  
PROPOSED TBN CHANGES AND MODIFICATION TO  
CURRENT OPERATING CUP.**

PRESENTED 9-22-08 BY STEVE SCHOFRO

## **DIGITAL VIDEO FILES AND STILLS OF VIDEOS VIOLATION EXAMPLES**

### **FILE 1**

**LIFT NOISE AFTER 6:00 PM.** VIDEO IS AUDIO ONLY OF A GASOLINE LIFT. NOISE IS TYPICAL WITHIN 100 FEET OF PROPERTY.

### **FILE 2**

**QUIET ELECTRIC LIFT AT TBN.** THIS LIFT CAN BE USED INSTEAD OF A GASOLINE LIFT.

### **FILE 3**

**ELECTRIC LIFT AFTER 6:00 PM.** SHOWS LIFT BASKET IN CLOSE PROXCIMITY TO HOMES.

### **FILE 4**

**LIFTS AFTER 6:00 PM.** EXAMPLE OF THE DISREGARD FOR NEIGHBORS AND THE CUP CONDITIONS.

### **FILE 5**

**GARDENERS AT 7:15 AM.** EXAMPLE OF VIOLATION OF THE USE OF GASOLINE POWERED EQUIPEMNT PRIOR TO 8:00 AM. SHOWS CONTINUAL DISREGARD OF NEIGHBORS BY STARTING OPERATIONS CLOSE TO HOMES. OPERATIONS COULD START BY FREEWAY AND MAIN BUILDING UNTIL A LATER HOUR.

### **FILE 6**

**WOOD CHIPPER 7:00 AM.** ADDITIONAL EXAMPLE OF VIOLATION OF THE CUP RESTRICTIONS OF USE. MOST TIMES THE WOOD CHIPPER IS PARKED NEXT TO OR CLOSER THAN 75 FEET OF THE HOMES DURING OPERATION. ALSO SHOWS ANOTHER INSTANCE OF GARDENERS USING GASOLINE POWERED EQUIPMENT PRIOR TO 8:00.

### **FILE 7**

**GARDENERS 7 AM.** ADDITIONAL EVIDENCE SHOWING VIOLATION OF THE RESTRICTIONS OF THE CUP.

Attached CD of these clips can be viewed in any Windows with XP computer. They are minimal length in time. Each clip comes with its own viewer. Instructions are on next page to hear and see video.

Cam\_1



09/12/2008 18:27:09:459 Fri

CLIP NAME - LIFT NOISE AFTER 6 PM 9-12 (AUDIO ONLY)

FILE NAME

2- QUIET ELECTRIC LIFT AT TBN

Cam\_1



09/16/2008 11:03:17 Tue

CLIP NAME - QUIET ELECTRIC LIFT AT TBN.

FILE NAME #3 ELECTRIC LIFT AFTER 6 PM 9-16

Cam\_1

LIFTBASKET

09/16/2008 18:00:41:138 Tue

CLIP NAME - ELECTRIC LIFT AFTER 6:00 PM 9-16

FILE NAME  
4 - LIFTS AFTER 6 PM 9-17

Cam\_1

09/17/2008 18:00:24 Wed

FILE NAME 5-GARDENERS 7:15 AM

Cam\_1



09/17/2008 07:22:18:094 Wed

FILE NAME 6-WOOD CHIPPER 7 AM - GARDENERS 6:50 AM

Cam\_1



08/27/2008 07:08:35 Wed

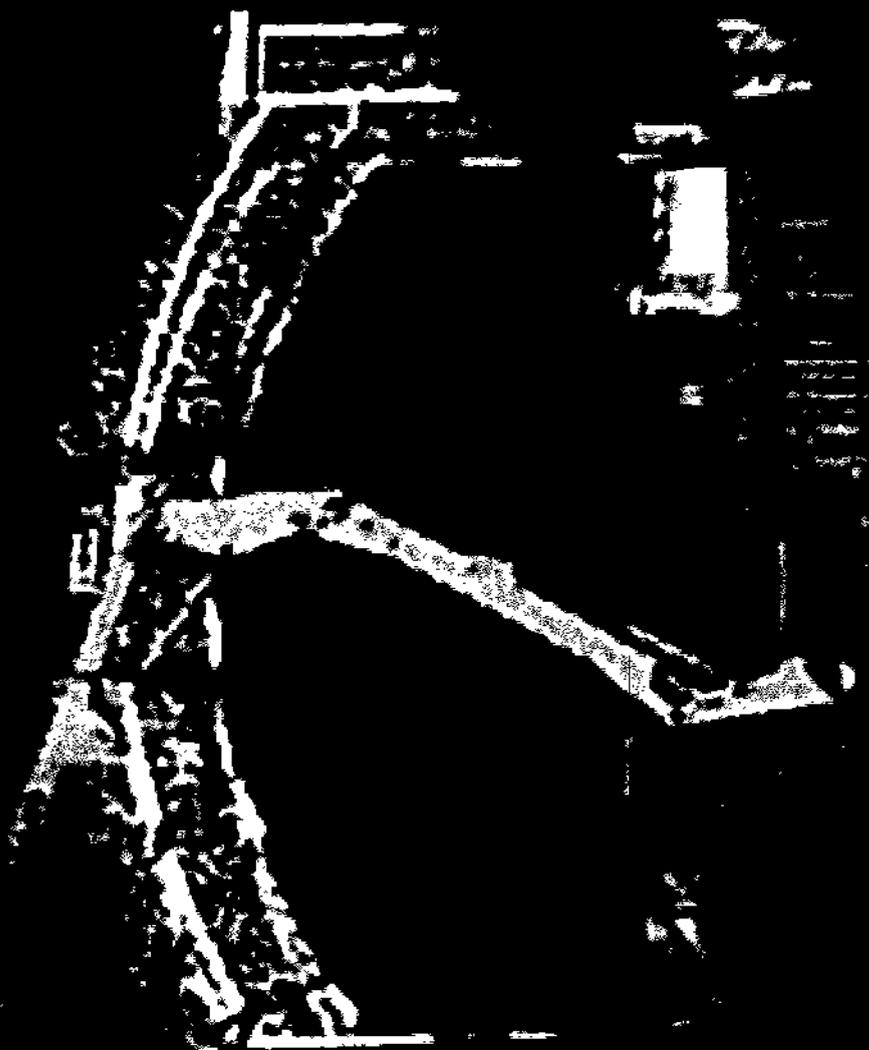
FILE NAME - 7 - GARDENERS 7 AM

Cam\_1



09/10/2008 07:06:26:083 Wed

Print Time : 2008/09/20 15:52:23



International Health Services  
Good Samaritan and its  
Sister Pauline  
Special Health Services

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

*CURRENT GUIDELINE, RESTRICTION .  
NO OPERATION PRIOR TO 8:00 AND AFTER  
5:00 PM*

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.

**E300, E400 & E450 Series**  
ELECTRIC ARTICULATING BOOM LIFTS



## Turn the Corner on Productivity.

The E Series boom lifts are environmentally friendly with industry-leading performance. You can select from three platform heights and chassis widths to best suit your work environment. With the optional articulating jib, you'll have even greater access to hard-to-reach places.

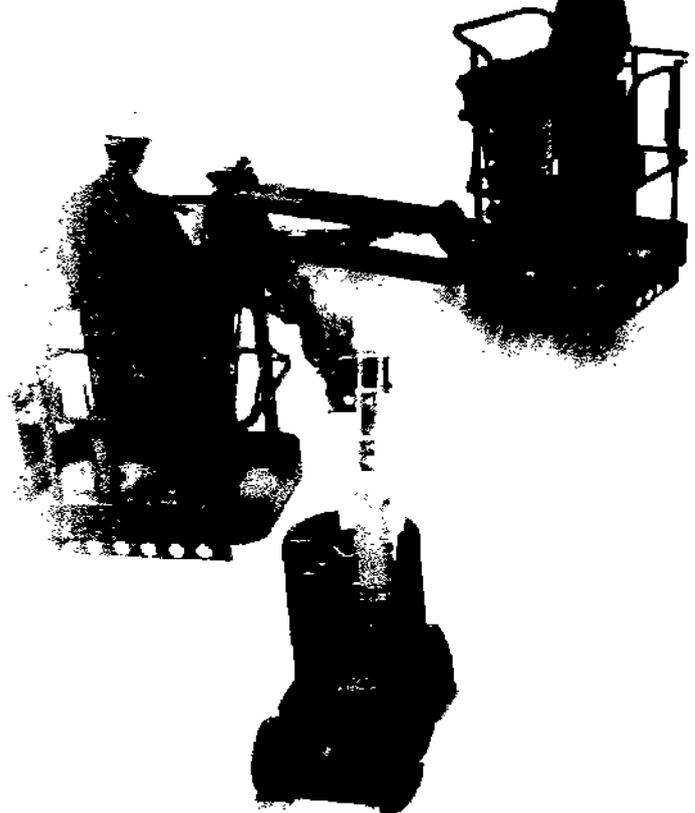
### ROUND THE CLOCK PERFORMANCE

The E Series will keep you on the job up to 50% longer than the competition with industry-leading duty cycles. The Multi-Power option gives you round-the-clock operation and faster battery charging with the QuikCharge GenSet Automatic Charging System.

### MANEUVERABILITY. INSIDE AND OUT.

With automatic traction control, both drive wheels work independently for improved traction on uneven surfaces and over rough terrain.

*TRN OWNS THIS  
MODEL NOW.*



### E300, E400 & E450 Series ADVANTAGES

- 500 lb (227 kg) platform capacity.
- Choice of standard or narrow chassis.
- Industry-leading duty cycles.
- Exclusive JibPLUS® boom option provides 180-degree range of side-to-side movement.
- Zero emissions and low noise.



**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.

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.

NO  
SET  
UP  
ACTIVITIES.

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. - NOT SET UP EITHER BK FOR LIPS.
4. Outdoor filming activities shall not occur more than 12 times per year from the effective date of this approval. WHAT DATES OR NO OFTEN THAN?
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 HOW MANY TIMES IN ONE MONTH?

SATURDAY

## 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.



## DEVELOPMENT SERVICES DEPARTMENT

April 25, 2001

Stacy Shofro  
3131 Encore Ct.  
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.

*OVER 40 TREES*

If you have any questions, please do not hesitate to contact me at (714) 752-5611, between 1 p.m. and 5 p.m.

Sincerely,

*Mel Lee*  
MEL LEE, AICP  
Associate Planner

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

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

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.

Thank you for the opportunity for my wife and me to address the members of the planning commission. I will be as brief as possible as this city has spent too much valuable time and money already with TBN and it's neighbors over the past 11 years. I want these issues to stop along with the stress it is putting on our family.

I will address this current submission of TBN. Also the agenda report's of numerous reflections on the past history of this problem which opens up the history of their project for discussion.

My personal feelings and not of my Wife's is that TBN and this situation developed due to poor management by TBN of their properties operations.

Noise pollution issues as most industrial hygienist and audiologists discuss and report and analyst of sound issues, is in their effects in duration of event, frequency of multiple events and the dose of sound in decibels for each event.

I do not find it surprising that the city of Costa Mesa could not observe each violation and event to substantiate each complaint. Noise events can occur in frequency and to most logical people can understand that investigations of each event cannot be timely and would not bring confirming results. Costa Mesa services cannot respond to each event.

Moving forward after tonight I feel you can put any operating guidelines on paper but without compliance and monitoring there can be no solution here. What would our world be without construction codes, inspections, traffic control, police and the IRS?

I have included in my submission here on this issue to deny this application and find a solution for future complaints. Enclosed here are just a few recordable instances of violations of the guidelines and the sprit of the CUP's by TBN in only about 30days. Some violations contain extreme sound levels exceeding the cities standard of a single event and M and O taking place before and after allowable hours.

The violation of the sprit of the city's excellent forethought and concern in all multiple cup's on record and I quote " All activities shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood." **TBN shall institute whatever security and operational measures necessary to comply with this requirement.**

To that end I feel electronic monitoring must be installed and evaluated monthly by a neutral and qualified audiologist and or industrial hygienist and also with time stamped audio recording to memorialize each event in question. I also feel operations activities should be restricted to 9:30 AM to 2:30 PM Monday through Friday and no holidays. This will allow for 80 hours a month with multiple workers dedicated to landscape. The number of lifts should be restricted to two electric models. (cut sheets enclosed) Only quiet electric lifts can be used. Additionally TBN should outline for the city for review their plans to cope with current landscape once it grows higher than 60 feet. As of today this is the highest reach for electric lifts. What does the neighbor's future hold Cranes?

I also do not agree with granting any more opportunities for TBN to interpret and violate accordingly. Writing in to a restriction to allow set up from 5:30 to 9:00 allows TBN to use lifts in evening hours under the guise of set up for taped events multiple times in a single month and as well on Saturday.

In conclusion the issues were ratcheted up with TBN and the neighbors when TBN removed one tree and was allowed without public comment to install 50 trees with the capability to grow over 100 feet tall.

With the deep pockets TBN has on the legal side as an individual our city's planning commission is our only hope. With the impact they have had on our neighborhood in so far as quality of life and home values plus the discloser required to sell or rent our property and escape, we will have to suffer forever unless the guardians of the people of this city act favorability to our proposals.

Thank you.

# ATTACHMENT 2

## 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, was continued to the meeting of October 13, 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 13th day of October, 2008.**

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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, was continued to the meeting of October 13, 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 13th day of October, 2008.**

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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.