

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
October 13, 2008**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., October 13, 2008, at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Hall.

**I. PLEDGE OF ALLEGIANCE TO THE FLAG.**

Commissioner Egan led the Pledge of Allegiance.

**II. ROLL CALL:** Chair: Donn Hall  
Vice Chair: James Fisler  
Commissioners: Sam Clark, Eleanor Egan, and James Righeimer

Present: Chair Donn Hall  
Vice Chair James Fisler  
Commissioner Sam Clark  
Commissioner Eleanor Egan  
Commissioner James Righeimer

Absent: None.

Also Present: Planning Commission Secy. Kimberly Brandt  
Deputy City Attorney Tom Duarte  
City Engineer Ernesto Munoz  
Chief of Code Enforcement Jim Golfos  
Senior Planner Mel Lee  
Associate Planner Wendy Shih

**III. MINUTES: Minutes for the meeting of September 22, 2008**

The Chair approved the minutes as distributed.

**IV. PUBLIC COMMENTS:**

There were no public comments.

**V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

There were no Planning Commissioner comments.

## **VI. PUBLIC HEARINGS:**

- 1. From the meeting of September 22, 2008, Appeal of Zoning Administrator's approval of Zoning Application ZA-08-10, for Vicki Green/Sheldon Group, authorized agent for Trinity Christian Center, for a minor conditional use permit to allow outdoor filming activities, a maximum of 12 times per calendar year, without amplified sound, audiences, and/or spectators at Trinity Christian Center, located at 3150 Bear Street, in an AP zone. Environmental determination: exempt.**

Senior Planner Mel Lee gave an overview of the staff report and highlighted the conditions of approval. He responded to questions from the Commission regarding the outdoor filming event of July 9; possible adverse effects of multiple filming events; the potential of additional landscape work; the observations made from the event of July 9; and the conditions of approval from the original conditional use permit.

Steve Schofro, appellant, stated that they moved into their home before the original conditional use permit was in place. He discussed maintenance noise; non-conformance in all activities; 14 violations by Trinity Christian Center; monthly observations; and the need for compliance through monitoring.

Stacy Schofro, appellant, explained in detail her concerns regarding Trinity Christian Center, specifically the sources of noise, including lifts and blowers, and stated that her requests for a peaceful enjoyment of her home were being ignored.

Steve and Stacy Schofro provided and played an assortment of video and audio segments, including gardeners starting work at 7:00 a.m. and a wood chipper being used in front of their house.

Mr. Schofro mentioned that Trinity Christian Center owns all the surrounding homes; does not control onsite landscape maintenance activities; and would appreciate the Commission solving this problem.

Commissioner Clark noted that he has spent time talking to both the appellants and the applicant.

Vice Chair Fisler stated that he has experienced noise from gardening activities in his residential area. Mr. Schofro responded that Trinity Christian Center has 4 or 5 leaf blowers.

Ms. Schofro proceeded to explain that they were sued by Trinity Christian Center and Mr. Schofro pointed out that quiet, electric lifts could be used.

Commissioner Righeimer also noted that he had met with Ms. Schofro.

Mariann Chappell, Canadian Drive resident, Costa Mesa, stated that Trinity Christian Center has locations in Orlando, Florida and in Texas where filming takes place and the properties are not near residences. She pointed out that their maintenance activities next door to her have disrupted her life. She presented pictures, and the east wall of the property is next to her residence and she has no privacy. She noted the lifts, the bus tours, and mentioned that Trinity Christian Center does not abide by the conditions, and the filming events should be limited with individual permits. She also said she made complaints to Trinity Christian Center and Code Enforcement and listed each call made to the City.

Commissioner Righeimer and Ms. Chappell discussed the calls she placed to the City, during non-working hours.

The Chair called a recess at 7:25 p.m. and resumed the meeting at 7:35 p.m.

Charles Chappell, Canadian Drive resident, suggested testing the lights when it is still daylight. He also said there is no reason to change the zoning.

Pete Evans, Dallas, Texas, said he investigates religious fraud. He stated that three weeks ago while at the Schofro's residence he noticed men using leaf blowers cleaning an area that was already clean and a wood chipper being used. He

suggested another location for production facilities. He urged that the request be denied.

Beth Refakes, Costa Mesa, asked that the Commission deny the request. She said that Trinity Christian Center has no intention of being a good neighbor; complaints are ignored; and suggested the existing conditional use permit be reviewed.

Lisa Reedy asked that the request be denied and said Trinity Christian Center needs to show they are being good neighbors.

Mr. Chappell pointed out that the previous Thursday night when Trinity Christian Center was hanging lights and a radio was blaring, shows an indication of not caring.

The Chair called Chief of Code Enforcement Jim Golfos up to the podium to discuss the list of Code Enforcement complaints.

Mr. Golfos replied to Commissioner Righeimer that Code Enforcement responds to each complaint, but noted that Ms. Chappell's name was not on the list of complaints. He explained there is a 24-hour hotline and a complaint form is filled out for each call. Mr. Golfos further explained that Code Enforcement performs regular patrol checks and has spent a significant amount of time checking out Trinity Christian Center complaints and only two violations in 2004 were found.

In reply to Stacy Schofro and Marianne Chappell's request to respond to Mr. Golfos' comments, the Chair denied their request.

Greg McCafferty of the Sheldon Group, representing Trinity Christian Center, stated that this property requires lots of maintenance and said as evidenced in the report, there is no track record of verified complaints. He pointed out that if there are any concerns regarding one of the gardeners, to please call, instead of wasting Code Enforcement's time with an investigation. Mr. McCafferty gave a brief presentation and noted that some months they will have 3-5 tapings, as an example, in December.

Mr. McCafferty responded to Commissioner Righeimer that previously they had requested 72 filmings a year, but that was denied. He provided pictures on the overhead screen showing the location of the tapings, which is away from the property line, 180 feet to the south.

Mr. McCafferty offered to have independent noise monitoring performed by an acoustical engineer to be paid by Trinity Christian Center.

Vice Chair Fisler and Mr. Lee discussed additional conditions of approval, a film permit, and a minor conditional use permit for outdoor use.

Mr. Lee commented that 7 outdoor film permits were issued between November 2005 and July 2008. Vice Chair Fisler pointed out that a minor conditional use permit allows greater control.

Commissioner Righeimer and Mr. McCafferty discussed the costs of an engineer performing tapings; the number of homes owned by Trinity Christian Center to the south and to the east; opening up the existing conditional use permits; and adding a condition for a noise monitoring device with date and time stamping.

Commissioner Egan and Deputy City Attorney Tom Duarte discussed the proposal of a noise-monitoring device and Deputy City Attorney Duarte agreed this would satisfy legal requirements. Mr. McCafferty also agreed.

The Chair, Commissioner Egan, Commissioner Righeimer, Planning Commission Secretary Kimberly Brandt, and City Engineer Ernesto Munoz discussed the code requirement that the noise level cannot exceed 55 dba's at the property line, between 7:00 a.m. and 11:00 p.m.; and 24-hour noise monitoring for a period of several years to satisfy the conditional use permit. The Chair also commented that the maintenance work could begin in the morning at another area on the property, not near the residences.

Commissioner Clark, Ms. Brandt, and Mr. Lee discussed the zoning of the property; the suggestion of electric lifts; and the number of outdoor film permits issued to Trinity Christian Center recently.

Mr. McCafferty responded to Commissioner Clark that the neighbors have not come by the property.

There was a discussion between the Chair and Commissioner Egan regarding leaf blowers and wood chippers, followed by the Chair suggesting that there be a condition for 24-hour sound monitoring by an acoustical consultant at locations on the property. The monitoring and output recorded would be for a time period of two years and paid for by Trinity Christian Center.

Ms. Schofro supported the 24-hour monitoring.

The Chair made a few comments stating that Trinity Christian Center will be a wonderful neighbor and Mr. McCafferty agreed.

Ms. Schofro made one more comment about speaking with Mr. Lee through the fence on the night of the filming last July.

Commissioner Clark provided his e-mail address and asked to be notified of future filming events.

**MOTION: Uphold the Zoning Administrator's approval, by adoption of Planning Commission Resolution PC-08-71, based on the findings contained in Exhibit "A" and subject to the conditions in Exhibit "B", with the revised Condition No. 10 and additional Condition No. 12, adopted as follows:**

**10. Code Enforcement complaints regarding verified noise violations of any of the operating conditions and restrictions shall be immediately remedied by Trinity Christian Center.**

**12. At Trinity Christian Center's expense, noise monitoring equipment shall be installed on the applicant's**

**property per the specifications of an independent acoustic consultant and in proximity to the adjacent single-family homes. The equipment shall continuously monitor on-site noise levels 24 hours a day, seven days a week, and the equipment shall be installed and operational no later than four months from the effective date of this approval. The equipment shall be operated and maintained by the acoustic consultant, who will submit a report on the data collected to the Planning Division on a quarterly basis. The Planning Division shall report this information to the Planning Commission on a quarterly basis. The noise monitoring equipment shall remain operational two years from the date of its initial installation.**

**Moved by Commissioner Sam Clark, seconded by Vice Chair James Fisler.**

During discussion on the motion, the Chair and Vice Chair Fisler discussed revising the wording of Condition No. 10, and Commissioner Clark agreed.

Commissioner Egan inquired as to who would be taking the readings; and the Commissioners and Ms. Brandt discussed modifying Condition No. 12, using an independent acoustical consultant and reporting back quarterly. They also discussed that this device would be used 24 hours a day, 7 days a week and would continually take time stamps, and be operational within four months. In addition, there was a discussion concerning the length of time involved for the noise monitor to be installed.

The maker of the motion and the seconder agreed to the modification to Condition No. 12.

Mr. Munoz, Mr. Duarte, and Ms. Brandt replied to the Chair that the modified conditions were satisfactory.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler,  
Commissioner Sam Clark, Commissioner Eleanor  
Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

2. **Planning Application PA-08-22, for Bart Stryker, authorized agent for Page Private School, Inc., for a conditional use permit to allow excess off-site parking on this lot for Page Private School, located at 642 Hamilton Street, in an R2-MD zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report and responded to questions from the Commission regarding the effect of the parking spaces on the size of the field; parking space dimensions; additional parking in the field area; the required number of parking spaces; and the curb size in relation to the backup distance.

Bart Stryker, civil engineer and authorized agent for Page School, thanked staff for accommodating their needs and explained his reasoning for compact parking, which is in excess of that required.

Commissioner Clark applauded Mr. Stryker for providing more parking spaces than needed and discussed backup distance and nine-foot wide parking spaces.

There was a discussion between the Chair, Ms. Shih, and Mr. Stryker regarding 16-foot deep parking spaces with a three-foot planter overhang and buffer area. Ms. Shih also noted there is 18 feet of backup space.

Mr. Stryker responded to Vice Chair Fisler regarding the width of the property and planters, and the number and width of parking spaces that can be adjusted.

Another discussion ensued between the Chair, Vice Chair Fisler, and Ms. Shih regarding the 9-foot wide plus parking spaces for all spaces.

Mr. Stryker agreed to all the parking spaces being a minimum of 9 feet wide, and agreed to all the conditions of approval with the modifications. Mr. Stryker thanked staff for their help.

No one else wished to speak and the Chair closed the public



hearing.

**MOTION: Approve Planning Application PA-08-22, by adoption of Planning Commission Resolution PC-08-72, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with the revised Condition No. 2, adopted as follows:**

**CONDITIONS OF APPROVAL**

**2. All parking spaces shall be minimum 9 feet in width. Moved by Commissioner Sam Clark, seconded by Vice Chair James Fisler.**

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler,  
Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

**VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.**

None.

**VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.**

None.

**IX. ADJOURNMENT TO THE MEETING OF MONDAY, OCTOBER 27, 2008.**

There being no further business, Chairman Hall adjourned the meeting at 9:07 p.m. to the Planning Commission meeting of Monday, October 27, 2008.

Submitted by: \_\_\_\_\_  
KIMBERLY BRANDT, SECRETARY  
COSTA MESA PLANNING COMMISSION