



Placentia Planning Commission Agenda

Regular Meeting
May 10, 2011
6:30 p.m.

Michael Ebenhoch
Chairman

Vic Tomazic
Vice Chairman

Frank Perez
Commissioner

Floyd Farano
Commissioner

Christine Schaefer
Commissioner

John Scull
Commissioner

Thomas Solomonson
Commissioner

City of Placentia
401 E Chapman Avenue
Placentia, CA 92870

Phone: (714) 993-8124
Fax: (714) 961-0283
Website: www.placentia.org

Procedures for Addressing the Commission

Any person who wishes to speak regarding an item on the agenda or on a subject within the Planning Commission's jurisdiction during the "**Oral Communications**" portion of the agenda should fill out a "**Speaker Request Form**" and give it to the Commission Secretary BEFORE that portion of the agenda is called. Testimony for Public Hearings will only be taken at the time of the hearing. Any person who wishes to speak on a Public Hearing item should fill out a "**Speaker Request Form**" and give it to the Commission Secretary BEFORE the item is called.

The Commission encourages free expression of all points of view. To allow all persons the opportunity to speak, please keep your remarks brief. If others have already expressed your position, you may simply indicate that you agree with a previous speaker. If appropriate, a spokesperson may present the views of an entire group. To encourage all views, the Commission discourages clapping, booing or shouts of approval or disagreement from the audience.

PLEASE SILENCE ALL PAGERS, CELL PHONES, AND OTHER ELECTRONIC EQUIPMENT WHILE THE COMMISSION IS IN SESSION.

Special Accommodations

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (714) 993-8231. Notification 48 hours prior to the meeting will generally enable City staff to make reasonable arrangements to ensure accessibility.
(28 CFR 35.102.35.104 ADA Title II)

Copies of all agenda materials are available for public review in the Office of the City Clerk, City Planning Division Counter and at the Placentia Library Reference Desk. Persons who have questions concerning any agenda item may call the City Planning Division at (714) 993-8124 to make inquiry concerning the nature of the item described on the agenda.

In compliance California Government Code Section 54957.5, any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda that are not exempt from disclosure under the Public Records Act will be made available for public inspection at the City Clerk's Office at City Hall, 401 East Chapman Avenue, Placentia, during normal business hours.

Study Sessions are open to the public and held in the City Council Chambers or City Hall Community Room.

**City of Placentia
City Council Chambers
401 E Chapman Avenue
May 10, 2011**

REGULAR MEETING

6:30 p.m. – City Council Chambers

MEETING CALLED TO ORDER

ROLL CALL: Chairman Ebenhoch
Vice Chairman Tomazic
Commissioner Farano
Commissioner Schaefer
Commissioner Scull
Commissioner Perez
Commissioner Solomonson

PLEDGE OF ALLEGIANCE

MINUTES

Regular Meeting: April 12, 2011

Recommended Action: Approve

ORAL COMMUNICATIONS

At this time, the public is invited to address the Planning Commission concerning any items on the agenda, which are not public hearings, or other items under the jurisdiction of the Placentia Planning Commission

PUBLIC HEARINGS

OLD BUSINESS

1. **Applicant: Mr. Shesha Marvin**
Location: 731 & 733 Dunn Way

Use Permit (UP) 2011-04:

To permit the operation of an existing social dance instruction studio (Atomic Ballroom) within a +/- 6,206 square foot industrial suite, located at 731 & 733 Dunn Way in the Manufacturing (M) District.

Recommended Action:

Adopt Resolution No. PC-2011-07 approving Use Permit (UP) 2011-04, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

DEVELOPMENT REPORT

PLANNING COMMISSION REQUESTS

Commission members may make requests or ask questions of staff. If a Commission member would like to have formal action taken on a requested matter, it will be placed on a future Commission Agenda.

ADJOURNMENT

The Planning Commissioners ADJOURN to a Regular meeting on Tuesday, June 14, 2011 at 6:30 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

CERTIFICATION OF POSTING

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, hereby certify that the Agenda for the May 10, 2011 Regular meeting of the Planning Commission of the City of Placentia was posted on May 5, 2011.

A handwritten signature in black ink, appearing to read "Kenneth A. Domer", written over a horizontal line.

Kenneth A. Domer

**PLACENTIA PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING**

April 12, 2011

The regular meeting of the Placentia Planning Commission of April 12, 2011 was called to order at 6:30 p.m. in the City Council Chambers, 401 East Chapman Avenue, Placentia, California by Chairman Ebenhoch.

ROLL CALL: Present: Michael Ebenhoch, Chairman
Vic Tomazic, Vice Chairman
Floyd Farano, Commissioner
John Scull, Commissioner

Absent: Christine Schaefer, Commissioner
Frank Perez, Commissioner

PLEDGE OF ALLEGIANCE: Led by Commissioner Scull

Others Present: Ken Domer, Assistant City Administrator
Andrew V. Arczynski, City Attorney
Sara Salazar, Administrative Assistant

City Attorney, Andy Arczynski conducted the swearing in of a new Planning Commissioner, Thomas Solomonson.

Motion by Commissioner Farano, seconded by Vice Chairman Tomazic to APPROVE THE MINUTES of March 8, 2011. Passed by a 4-0-2-1 vote (Schaefer and Perez Absent. Solomonson Abstained)

ORAL COMMUNICATIONS: The Chair invited the public to make oral comments on matters not on the agenda, but none were offered.

Public Hearings:

OLD BUSINESS

- 1. Applicant: Mike Antimie
Location: 1921 Mira Loma Avenue**

Use Permit (UP) 2011-02:

Request to permit the operation of a church (New Hope Christian Ministries) within a +/- 5,435 square foot industrial suite, located within an existing industrial complex at 720 Monroe Way, Suite A in the Manufacturing (M) District.

Mr. Domer gave the staff report.

Chairman Ebenhoch asked if notifications were sent outside of the required 300 foot radius. Mr. Domer responded that no, they were not.

Chairman Ebenhoch invited the applicant to address the Commission.

Mr. Mike Antimie of 12861 Joy Street Suite J, Garden Grove 92840, thanked the Commission for their consideration of the church.

Commissioner Farano asked the length of and the number of members in the congregation. Mr. Antimie responded that the length is two (2) years and there are sixty-six (66) members.

Chairman Ebenhoch opened the Public Hearing.

Chairman Ebenhoch closed the Public Hearing.

Motion by Vice Chairman Tomazic, seconded by Commissioner Scull TO ADOPT RESOLUTION NO. PC-2011-08 APPROVING USE PERMIT (UP) 2011-02, SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 5-0-2 vote (Schaefer and Perez Absent).

NEW BUSINESS

2. **Applicant:** Mr. Shesha Marvin
Location: 731 & 733 Dunn Way

Use Permit (UP) 2011-04:

To permit the operation of an existing social dance instruction studio (Atomic Ballroom) within a +/- 6,206 square foot industrial suite, located at 731 & 733 Dunn Way in the Manufacturing (M) District.

Mr. Domer introduced the item and recommended it's continuance at the next meeting when Associate Planner, Monique Schwartz, is available.

Chairman Ebenhoch opened the Public Hearing and continued it to the next meeting on May 10, 2011.

Motion by Commissioner Solomonson, seconded by Vice Chairman Tomazic TO CONTINUE THE ITEM AT THE MAY 10, 2011 MEETING. Passed by a 5-0-2 vote (Schaefer and Perez Absent).

3. **Applicant:** Kristin Priesand, Derra Design, Inc.
Location: 1117-1119 E. Imperial Highway

Use Permit (UP) 2011-05:

To permit the expansion of an existing rooftop AT&T wireless communication facility, located 1117-1119 E. Imperial Highway in the Community Commercial (C-2) District.

Mr. Domer gave the staff report.

Chairman Ebenhoch invited the applicant to address the Commission.

Ms. Kristin Priesand, 250 El Camino Real, Suite 216 Tustin, 92780 stated there are capacity and coverage issues at the site and upgrades are necessary.

Vice Chairman Tomazic asked if all the work will be conducted on top of the roof. Ms. Priesand responded that yes it will.

Chairman Ebenhoch asked what will happen when technology advances. Ms. Priesand responded that technology will always continue to advance and they will continue to improve their aesthetics.

Chairman Ebenhoch opened the Public Hearing. No member of the public offered testimony.

Chairman Ebenhoch closed the Public Hearing.

Motion by Commissioner Scull, seconded by Vice Chairman Tomazic TO ADOPT RESOLUTION NO. PC-2011-06 APPROVING USE PERMIT (UP) 2011-05, SUBJECT TO THE SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SET FORTH THEREIN. Passed by a 5-0-2 vote (Schaefer and Perez Absent).

DEVELOPMENT REPORT

PLANNING COMMISSION REQUESTS:

Vice Chairman Tomazic asked for an update on the Grade Separations. Mr. Domer responded that construction is slated to begin in the late summer of 2011.

Commissioner Scull asked for an update on the vacant gas station at the south east corner of Rose Drive and Yorba Linda Boulevard. Mr. Domer advised the Commission that Code Enforcement recently issued a citation for the clean-up of the property and that has since been resolved. The lot line adjustment has been completed and there are approximately 2 months left on the demolition permit.

Chairman Ebenhoch asked if the City will have the opportunity to clean up the property once the permits have expired. Mr. Domer referred to the City Attorney. Mr. Arczynski responded that the City may do some work on the right turn lane in front of the gas station.

Commissioner Farano expressed that he felt the owner of the gas station may purposely be delaying this whole process. Mr. Domer responded that he felt the delay was due to financial reasons.

Commissioner Farano if there is anything more the City can do to help the applicant. Mr. Domer responded that the City has done everything it can.

Commissioner Scull asked which permit is expiring. Mr. Domer responded that the Demolition Permit is expiring which in turn voids the Use Permit. Mr. Arczynski added that the applicant is required to do demolition work to extend the permit. Commissioner Scull encouraged the use of Code Enforcement to avoid any further blight on the property.

Chairman Ebenhoch adjourned the Planning Commission meeting to the next regularly scheduled meeting on May 10, 2011 at 7:10 p.m. in the City Council Chambers at 401 East Chapman Avenue, Placentia.

Submitted by,

Ken Domer
Assistant City Administrator

AGENDA ITEM NO.: 1	DATE: May 10, 2011	PUBLIC HEARING: Yes
APPLICATION: Use Permit (UP) 2011-04		
DESCRIPTION: To permit the operation of an existing social dance instruction studio (Atomic Ballroom) within a +/- 6,206 square foot industrial suite, located at 731 & 733 Dunn Way in the Manufacturing (M) District.		
RELATED APPLICATIONS: None		
APPLICANT: Shesha Marvin		
PROPERTY OWNER: Frome Developments Omega LLC: Stan Frome		
LOCATION: 731 & 733 Dunn Way		
CEQA DETERMINATION: Categorically Exempt: Class 5, Section 15305		
ZONING: Manufacturing	APN(S): 339-112-02	
GENERAL PLAN: Industrial	CITY COUNCIL ACTION REQUIRED: No	
PREPARED BY: Monique B. Schwartz, Associate Planner		
REVIEWED BY: Kenneth A. Domer, Assistant City Administrator		

REQUEST:

To permit the operation of an existing social dance instruction studio (Atomic Ballroom) within a +/- 6,206 square foot industrial suite, located at 731 & 733 Dunn Way in the Manufacturing (M) District. This business offers instruction in Ballroom, Country, Tango, Swing and Salsa styles of dance. This studio will also be rented for various dance related activities, including practices for competitions and to various dance/aerobic types of organizations to conduct classes such as Jazzercise. Evening group dance classes and evening dancing will be open to the general public with an entrance fee.

BACKGROUND:

In December of 1993, Use Permit 93/12 was approved by the Placentia Planning Commission permitting the operation of a physical fitness training facility for dance and competition dance instruction (Magic Motion Dance Company) within a +/- 2,920 square foot industrial suite, located at 743 Dunn Way.

Shortly thereafter, Sundance Dance Company assumed occupancy of the tenant space and operated a similar business, subject to the approved Special Conditions of Approval of Use Permit 93/12.

In 1997, Sundance Dance Company moved into two adjacent suites (731 & 733 Dunn Way), within the same industrial center, which offered more square footage (6,186 sq. ft.) for classes, events and future growth of the business. Because this was a change in the physical location of the business as well as an expansion of the original use, this business was required to obtain a new Use Permit in order to operate. In October of 1997, the Planning Commission approved Use Permit 97/16, to permit the operation of a

private membership organization that taught dance classes in Swing, Country, Hustle, Ballroom and Latin styles of dance. The business operated Monday through Thursday from 6:00 p.m. to 10:00 p.m. and was closed Friday through Sunday. Approximately once a month, this business hosted a special dance event that included a workshop on the latest dance trend in conjunction with a pancake breakfast or potluck dinner. Dance classes were held on Mondays and Wednesdays between 6:00 p.m. and 10:00 p.m. and on Tuesdays and Thursdays between 7:00 p.m. and 9:00 p.m. There was a maximum of 3 classes per day with an average of 20 students per class allowed. This studio had between 900 to 1000 members enrolled.

In January of 2011, Shesha Marvin, owner of Atomic Ballroom, purchased the business from its most recent owner, Tom Hyatt (Top Cats Dance), and continued the operations beyond the parameters of Use Permit 97/16 in terms of days and hours of operation and operating as a public dancehall, whereas the general public was allowed to participate in the dancing within this business. Based on Mr. Marvin's previous rental of the facility prior to his taking ownership, it was his understanding that the use, as commenced when he purchased the facility, was permitted. Because the use as allowed under Use Permit 97/16 has expanded and intensified and will continue to do so under the ownership of Mr. Marvin, Atomic Ballroom is required to obtain a new Use Permit in order to accommodate their current business plan. A letter, drafted by the City Attorney, addressing this matter was sent to Mr. Marvin on January 27, 2011. A copy of the letter is provided as Exhibit 6 in this report. The owner and his representatives have been working with the City diligently in this time to resolve all of the issues identified and to ensure that the City's concerns are addressed through the Use Permit process.

INTRODUCTION:

Although a dance studio is not specifically listed as a permitted use in the Manufacturing (M) District, Section 23.47.040(a)(11) of the Placentia Municipal Code indicates that a use permit may be approved for "Other uses that the planning commission finds to be in accord with the purpose of this chapter and having characteristics similar to those uses listed in this section." A review of the proposed project revealed certain characteristics that are similar to those of a trade school, which is an approved use listed in Section 23.47.040(a)(9) of the Placentia Municipal Code. These characteristics include scheduled participation times, limited group sizes, staff monitoring and unconventional business hours.

A use permit is required to evaluate the potential impacts the proposed business may have on adjacent businesses and/or residences; impacts on existing parking, city services and concentrations of similar uses.

Atomic Ballroom began operation in January of 2011 and has yet to receive a City business license. Pursuant to the Placentia Municipal Code, the type of use proposed (and the expansion of the use beyond the original Use Permit) requires use permit review and approval in order to be issued a City business license.

RECOMMENDATION:

City Planning Division is recommending approval of Use Permit (UP) 2011-04, subject to the attached recommended Special Conditions of Approval and Standard Development Requirements.

DISCUSSION:

The subject property is located north of Orangethorpe Avenue, at the terminus of an industrial cul-de-sac on Dunn Way. This six (6) acre site is presently improved with two (2) industrial buildings, totaling approximately +/- 59,641 square feet, constructed in the late 1960's. 731 & 733 Dunn Way are located within the L-shaped building that is constructed along the west and north property lines.

Subject Site and Surrounding Land Uses:

	Existing Land Use	Land Use Element General Plan Designation	Zoning Map Designation
Existing	Dance Studio	Industrial	"M"
Proposed	A social dance instruction studio (Atomic Ballroom) within a +/- 6,206 square foot industrial suite, located at 731 & 733 Dunn Way in the Manufacturing (M) District.	Industrial	"M"
North	Hotel	Specific Plan	"SP-5"
South	Auto Dealership	Commercial	"C-2"
East	Orange (57) Freeway	-----	-----
West	Industrial Business Use	Industrial	"M"

OPERATIONAL CHARACTERISTICS:

Atomic Ballroom in Placentia is family owned by Shesha and Nikki Marvin, residents of the City of Orange. They are both active dance competitors, performers and teachers in the larger Orange County community. Mr. and Mrs. Marvin are also owners of Atomic Ballroom in the City of Irvine. Mr. Marvin provided a business operation description for the Atomic Ballroom dance studio, included as Exhibit 4 of this report. The applicant explained that the primary business focus is "to create a dance community of all ages in Orange County by providing high-quality partner dance instruction and events, where people feel welcome and safe to learn the skill of dancing and to socialize with others who also value that skill." As such, the atmosphere of the proposed facility is designed to be welcoming and relaxing, retaining the qualities of dance studio but with limited accommodation (seating) for those not directly participating in the dance lesson or open dance session. Atomic Ballroom will offer partner dancing/social dancing instruction in Ballroom, Country, Tango, Swing and Salsa styles of dance. Partner dancing involves specific defined movements and patterns that create a "lead" and "follow" communication between partners. This style of dancing differs from that of night clubs and attracts a different customer base. The majority of Atomic Ballroom customers are people who have invested in learning one or more specific partner dances. Atomic Ballroom would like to provide a location for their students and other dancers to socialize and participate

in the dancing they have learned. By doing so, this establishment will be open to the public for anyone to participate in group lessons or during open practice dance time. A Special Condition of Approval has been included that requires the applicant to comply with all regulations of Chapter 6.52 of the Placentia Municipal Code. It is important to note that there will be no alcohol consumption permitted on the premises at any time. Additional conditions have been proposed to ensure that the dance studio maintain the general character of a dance studio and not change into that of a nightclub, whether temporarily or permanently.

Private dance lessons are offered to the individual, by appointment during regular business hours; however, most lessons are taught in the late afternoon and early evenings after people have completed their work day. On occasion, there are requests for larger groups to have a private lesson instead of participating in a normal group class.

Group classes are regularly scheduled classes that people can pre-enroll in or be taken one at a time. These classes are scheduled throughout the day on the weekends, but are conducted after 6:00 p.m. on the weekdays. There will be a maximum of two group classes that can accommodate up to 40 students each, for a total of 80 students in attendance at any one time. Two instructors are assigned for each group class, depending on the size. The classes are approximately 45 minutes in length. There will be occasional workshops offered on the weekends that will have a maximum of 80 students in attendance.

Evening group dances will be held after regularly scheduled group lessons. These sessions provide an opportunity for students to practice what they learned in class. The general public will be able to attend the evening group dances by paying a designated fee. Evening group dances average up to 80 people and are limited by the occupancy as set forth by the City's Building Official.

The applicant also requests the subject site to be rented for various dance based activities such as practice for competition for dance/aerobic based fitness classes such as Jazzercise. Special conditions have been included that prohibit the renting of the studio to social groups which may also seek to include the use of alcohol or other intoxicants.

There will be six (6) full time and seven part time employees. There will be one (1) manager on shift during conventional business hours to handle day time private lesson scheduling and various administrative responsibilities. There will be three (3) staff members to handle class registration, evening group dance admission and monitoring of the event. Shesha and Nikki Marvin will be responsible for the daily operations of Atomic Ballroom in Placentia.

The proposed days and hours of operation for Atomic Ballroom are as follows:

Monday: 8:30 a.m. to 9:00 p.m.
 Tuesday: 8:30 a.m. to 9:00 p.m.
 Wednesday: 8:30 a.m. to 1:00 a.m.
 Thursday: 8:30 a.m. to 9:00 p.m.
 Friday: 8:30 a.m. to 1:00 a.m.
 Saturday: 7:30 a.m. to 1:00 a.m.
 Sunday: 8:30 a.m. to 1:00 a.m.

Days and Hours of Operation of Businesses within the Dunn Way Industrial Complex:

Address on Dunn Way	Name of Business	Days and Hours of Operation
702	BPE Racing Heads & Mitech	Monday – Friday: 9:00 a.m. to 6:00 p.m.
704-710	Label Specialties	Monday – Friday: 6:00 a.m. to 5:00 p.m.
712	JDF Enterprises	Monday – Friday: 5:00 a.m. to 6:00 p.m.
715	The Bruery Tasting Room:	Monday – Friday: 8:00 a.m. – 5:00 p.m. Friday – Saturday: 4:00 p.m. to 10:00 pm. Sunday: 12:00 p.m. – 6:00 p.m.
717	Spectacular Catering	No regular days or hours
719	The Bruery - Storage	No regular days or hours
721	Dart Star	No regular days or hours
723	The Bruery - Storage	No regular days or hours
725	BG	Monday – Friday: 8:00 a.m. to 4:00 p.m.
727	A & G Printing	Monday – Friday: 9:00 a.m. to 5:00 p.m.
729	Vacant	----
731 & 733	Atomic Ballroom	See page 4
735	Orient Wholesale	Monday - Sunday: 6:00 p.m. to 9:00 p.m.
737	The Bruery – Admin. Office	Monday - Friday: 8:00 a.m. to 5:00 p.m.
739-741	Orient Wholesale	Monday – Sunday: 6:00 a.m. to 12:00 a.m.
743	Machine Tune	By appointment only
745	Vacant	----

Floor Plan:

The proposed floor plan indicates that the existing industrial tenant space is approximately 6,206 square feet and is currently occupied by Atomic Ballroom. The main entrance to the tenant space is via an entrance off of the parking lot.

The reception/lobby area is located off the front entrance. There are two offices, an employee break area, a wedding dance instruction area, sound and taping booth, an instructional observation area (raised platform), lounge/seating area and an existing

1,980 square foot dance floor located on the northwest side of the spaces. There is a second smaller dance floor on the northeast corner of the space adjacent to an approximate 300 square foot seating area. The applicant proposes to install a new 800± square foot dance area adjacent to the existing main dance floor and to divide the floors by an existing 42" counter (existing counter seating will be removed). An existing 42" counter and accompanying seating that divides the main dance floor from the existing seating area will be removed and replaced with a gradual ramp from floor level to the dance floor. There are vending machines available for snacks and non alcoholic drinks. There are four (4) restroom facilities located on the south side of the building, adjacent to the main entrance. The current facility has counter seating and regular seating where the new dance floor is proposed. Planning staff is in agreement with the proposed plans to eliminate the seating area.

Access/Parking:

Pursuant to Section 23.78.030(2) of the Placentia Municipal Code, the Manufacturing District requires two (2) spaces per one thousand (1,000) square feet of unit area, for up to twenty thousand (20,000) square feet. There is approximately 59,641 square feet of tenant space within this industrial complex. The required amount of on-site parking is eighty (80) spaces, and 128 spaces are provided. There are a total of 48 surplus spaces.

Because the majority of businesses that occupy this industrial center are manufacturing facilities, they do not have regular customers that frequent the center. Also, common operating hours with most of the tenants, with the exception of the Bruery Tasting Room, are between 8:00 a.m. and 5:00 p.m. The majority of customers for Atomic Ballroom come with a dance partner or group of friends, which helps reduce the parking needs. Because most activities that would have significant attendance will take place outside of the average operating hours of the industrial center, it is not expected that this industrial center will be negatively impacted by the public dances or activities hosted by Atomic Ballroom.

Environmental Analysis:

The proposed use is not expected to create a negative impact on the physical environment. It is City Staff's opinion that the use is categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15305 and City Environmental Guidelines.

Section 15305 of the CEQA Guidelines exempts projects consisting of minor alterations in land use limitations in areas with an average slope of less than 20% which do not result in any changes in land use or density.

ACTION:

Adopt Resolution No. PC-2011-07 approving Use Permit (UP) 2011-04, subject to the Special Conditions of Approval and Standard Development Requirements set forth therein.

Prepared and submitted by:

Reviewed and approved by:

ELECTRONIC COPY
SIGNATURES ON ORIGINALS WITH
PLANNING COMMISSION SECRETARY

Monique B. Schwartz
Associate Planner, Development Services

Kenneth A. Domer
Assistant City Administrator,
Development Services

Attachments:

Attachment A: Resolution No. PC-2011-07
Attachment B: Special Conditions of Approval and Standard Development Requirements for Use Permit (UP) 2011-04
Attachment C: Police Department Standard Development Requirements
Attachment D: Orange County Fire Authority (OCFA) Site Development Requirements

Exhibits:

Exhibit 1: Vicinity Map
Exhibit 2: Site Plan
Exhibit 3: Floor Plan
Exhibit 4: Statement of Use and Class Schedule
Exhibit 5: Chapter 6.52 of the Placentia Municipal Code
Exhibit 6: Letter from City Attorney

RESOLUTION NO. PC-2011-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLACENTIA APPROVING USE PERMIT NO. 2011-04 PERTAINING TO PROPERTY LOCATED AT 731 & 733 DUNN WAY, AND MAKING FINDINGS IN SUPPORT THEREOF.

A. Recitals.

(i) Mr. Shesha Marvin, Atomic Ballroom and Frome Developments Omega LLC, Stan Frome, owner of the property located at 731 & 733 Dunn Way, ("Applicant" collectively hereinafter) heretofore filed an application for approval of Use Permit No. 2011-04, as described in the title of this Resolution. Hereinafter, in this Resolution, the subject Use Permit request is referred to as the "Application".

(ii) On April 12, 2011 and continued to May 10, 2011 this Commission conducted a duly noticed public hearing, as required by law, and concluded said hearing prior to the adoption of this Resolution.

(iii) All legal prerequisites to the adoption of this Resolution have occurred.

B. Resolution.

NOW, THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Placentia as follows:

1. The Commission hereby specifically finds that all of the facts set forth in the Recitals, Part A., of this Resolution are true and correct.

2. Based upon substantial evidence presented to this Commission during the public hearing conducted with regard to the Application, including written staff reports, verbal testimony and development plans, this Commission hereby specifically finds as follows:

a. The proposed use will not be: (1) detrimental to the health, safety or general welfare of the persons residing or working within the neighborhood of the proposed use or within the city, or (2) injurious to the property or improvements within the neighborhood or within the city. Subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements (Attachments "B, C and D"), this use complies with all applicable code requirements and development standards of the "M" Manufacturing District and it is not anticipated the proposed dance studio/dance hall will generate any negative impacts on the adjacent neighborhood. All operations shall be conducted within

an enclosed building, while maintaining an environment free from objectionable noise, odor, or other nuisances, subject to compliance with the attached Special Conditions of Approval and Standard Development Requirements.

b. The proposed use is consistent with the City's General Plan. The General Plan Land Use designation for the subject site is "Industrial", which provides for a variety of industrial uses. The proposed use is a dance studio/dance hall facility within the proposed tenant space. A review of the proposed project revealed certain characteristics that are similar to those of a trade school, which is an approved use listed in § 23.47.040(a)(9) of the Placentia Municipal Code. These characteristics include scheduled participation times, limited group sizes, staff monitoring and unconventional business hours.

c. The proposed use, activities or improvements, subject to the attached Special Conditions of Approval and Standard Development Requirements (Attachments B, C and D), is consistent with the provisions of the Zoning Ordinance, or regulations applicable to the property. The proposed use is a conditionally permitted uses in the "M" Manufacturing District in the City of Placentia. Approval of the Use Permit for the dance studio/dance hall is consistent with the zoning as the site can accommodate the proposed use, and since other similar uses have been conditionally permitted within the "M" Manufacturing District.

d. Conditions necessary to secure the purposes of this section, including guarantees and evidence of compliance with conditions are made part of the Use Permit approval. Attachments "B, C and D" contain Special Conditions of Approval and Standard Development Requirements specific to Use Permit 2011-04 to ensure compliance with the Placentia Municipal Code.

3. CEQA Guidelines § 15305 exempts minor alternations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including minor setback variances. The relevant area has an average slope of less than 20%, which will not result in any changes in land use or density. The Planning Commission specifically finds that the Application is Categorically Exempt under the California Environmental Quality Act of 1970, as amended, the Guidelines promulgated thereunder (14 CCR § 15305) and Placentia Environmental Guidelines.

4. The Planning Commission hereby directs that, upon approval of Use Permit 2011-04, a Notice of Exemption be filed with the Orange County Clerk/Recorder.

5. Based upon the findings and conclusions set forth herein, this Planning Commission hereby approves Use Permit 2011-04 as modified herein, and specifically subject to the conditions set forth in Attachments "B, C and D" attached hereto and by this reference incorporated herein.

6. The Secretary to the Planning Commission shall:

- a. Certify to the adoption of this Resolution; and
- b. Forthwith transmit a certified copy of this Resolution, by certified mail, to the Applicant at the address of record set forth in the Application.

ADOPTED AND APPROVED this 10th day of May, 2011.

Chairman

I, Kenneth A. Domer, Secretary to the Planning Commission of the City of Placentia, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the Planning Commission of the City of Placentia held on the 10th day of May, 2011, and was passed at this regular meeting of the Planning Commission of the City of Placentia held on the 10th day of May, 2011, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTAINED:	COMMISSION MEMBERS:

ATTEST:

Secretary to the Planning Commission

APPROVED AS TO FORM

ANDREW V. ARCZYNSKI,
CITY ATTORNEY

Attachment "B"
Special Conditions of Approval and Standard Development Requirements for
Use Permit (UP) 2011-04

SPECIAL CONDITIONS

If the above referenced application is approved, applicant and/or property owner shall comply with the Special Conditions listed below and the Standard Development Requirements attached.

ALL OF THE FOLLOWING SPECIAL CONDITIONS OF APPROVAL AND STANDARD DEVELOPMENT REQUIREMENTS SHALL BE FULLY COMPLIED WITH FOR THE USE PERMIT TO CONTINUE IN GOOD STANDING.

CITY PLANNING DIVISION:

1. Use Permit (UP) 2011-04 is valid for a period of twelve (12) months from the date of final determination. If occupancy of the building for uses approved by this action is not established within such a period of time, this approval shall be terminated and shall be null and void, unless an extension is applied for and approved.
2. Use Permit (UP) 2011-04 shall expire and be of no further force or effect if the dance studio/dance hall use of the building, as a primary use, is discontinued or abandoned for a period of one (1) year. Use Permit shall be reviewed and modified if use is expanded or hours of operation changes.
3. Failure to abide by and faithfully comply with any and all conditions attached to this action shall constitute grounds for revocation of said action by the City of Placentia Planning Commission.
4. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, proceeding, liability or judgment against the City, its officers, employees, agents and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body or City staff action concerning applicant's project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation-related expenses, and shall reimburse the City for any and all court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein. The City agrees to promptly notify the applicant of any such claim filed against the City and to fully cooperate in the defense of any such action.

Prior to any changes in the days and hours of operation of the dance and music studio, the applicant shall obtain written approval from the Director of Development Services or his/her designee. The following are the specified days and hours of operation:

Monday:	8:30 a.m. to 9:00 p.m.
Tuesday:	8:30 a.m. to 9:00 p.m.
Wednesday:	8:30 a.m. to 1:00 a.m.
Thursday:	8:30 a.m. to 9:00 p.m.
Friday:	8:30 a.m. to 1:00 a.m.
Saturday:	7:30 a.m. to 1:00 a.m.
Sunday:	8:30 a.m. to 1:00 a.m.

5. Prior to any change in classroom size, the applicant shall obtain written approval from the Director of Development Services or his/her designee. There shall be no more than eighty (80) students in attendance at any time utilizing this dance studio/dance hall unless otherwise allowed through a discretionary use or entertainment permit obtained through approved City of Placentia processes.
6. Prior to any modification of floor plan or session size that would affect parking as stipulated in the zoning code, the applicant shall obtain written approval from the Director of Development Services or his/her designee.
7. If at any time in the future, the Director of Development Services determines that a parking/circulation study is necessary to address parking and/or circulation issues relative to the use, the applicant and/or current business owner, shall be responsible for the cost of a parking and/or circulation study prepared by a consultant selected by the City. The applicant and/or current business owner shall also be responsible for the implementation costs of any mitigation measures deemed appropriate by the City based upon the findings of this study.
8. There shall be no deliveries to or from the premises before 6:00 a.m. or after 10:00 p.m. Monday through Friday, Saturdays from 8:00 a.m. to 10:00 p.m. and no deliveries, on Sundays.
9. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
10. All trash bins shall be kept inside trash enclosures if provided, and gates/lids closed at all times, except during disposal and pick-up. Trash pick-up shall be scheduled at regular intervals to prevent trash overflow.
11. The applicant shall comply with all provisions of the Placentia Municipal Code, including Chapter 23.76, Noise Control.

12. Any temporary signs or permanent signs shall be reviewed and approved by the City prior to fabrication and installation.

Prior to issuance of a building permit, the applicant shall submit a sign plan for the design of all proposed signage on the site for review and approval by the Director of Development Services or his/her designee. The sign plan shall comply with the criteria and requirements set forth in Chapter 23.90, Signs-Advertising Structures, of the Placentia Municipal Code.

All portable signs, to include, but not limited to pole flags, inflatable devices and a-frames are prohibited.

13. This site shall operate as a dance studio/dance hall at all times. All activities shall be conducted within the enclosed tenant space, while maintaining an environment free from objectionable noise, odor or other nuisances.
14. The applicant/property owner/business owner shall be responsible for maintaining the property, including the landscaped areas, walkways, and all paved surfaces, free from graffiti, debris and litter. Graffiti shall be removed by the applicant/business owner within 48 hours of defacement and/or upon notification by the City.
15. The business owner shall obtain approval of a Building and Zoning Compliance Application and shall obtain a valid City Business License prior to operating the business. The operator shall maintain a valid business license for as long as the business remains in operation.
16. There shall be no special promotional events held on the property, unless a written request, and any applicable fees, for such is received and approved by the City of Placentia at least 14 days in advance. Such promotional events, to include but not limited to, open dance events not related to ongoing instructions, open houses, utilization of food trucks, dance contests, etc., shall be processed through the applicable City of Placentia permit process in place at the time of application.
17. Any changes or modifications to the approved uses shall be subject to review and approval by the Director of Development Services. The Director may determine if such change or modification requires approval by the Planning Commission.
18. No drop-off/pick-up activities from motor vehicles shall be permitted to occur at any time within the industrial property's drive aisle. Parent/Drivers shall park their vehicle prior to drop-off/pick-up and shall accompany students to and from the main entrance/reception area on the east side of the tenant space.
19. There shall be no loitering, sitting or standing outside of the building prior to or after any activities, including dance lessons and public dances.

20. Adult supervision (eighteen years of age or older) shall be provided on the premises during all hours of operation and shall be stationed appropriately within the facility in order to have direct visibility over all activities.
21. This use permit shall be reviewed one (1) year from the date of its approval in order to determine if the business is operating in compliance with all required Special Conditions of Approval and Standard Development Requirements. Subsequent reviews shall be made each year thereafter or sooner, if needed. Review shall be conducted jointly by the Director of Development Services and Police Chief or designee, and based on that review a recommendation to the Planning Commission for modification and/or revocation may be made.
22. The employee break area shall be used for employees and shall not include any open flame or instrument of heating other than a microwave or standard toaster/toaster oven device. The employee break area shall not be utilized for food service for events, dances or other promotional occasions.
23. Applicant/property owner shall install additional lighting in the parking lot area for the safety of students during night time instruction and said lighting shall be appropriately timed to coincide with hours of operation, ceasing no earlier than thirty (30) minutes after the close of business. Installation of additional lighting shall be approved by the Director of Development Services and Director of Public Works and conform to exterior lighting standards as designated by the Public Works Departments.
24. Applicant shall comply with all regulations of Chapter 6.52, Public Dances of the Placentia Municipal Code (see Exhibit 5 of this report).
25. Alcoholic beverages are prohibited on or within the premises at all times. Persons who appear or exhibit signs of intoxication shall not be permitted to enter or remain in the facility at any time. Signage indicating that no alcohol is allowed shall be displayed appropriately and as approved by the Director of Development Services.
26. No person under eighteen years of age shall enter, be in, or dance in the facility unless accompanied by his or her parent or legal guardian after 10 PM or during any time when the general public is admitted for open dance. The hours of operation to be considered a public dancehall is the earlier of 10:00 p.m. or an open dance session in which the general public is admitted.
27. No person shall dance in any obscene manner, as defined in California Penal Code Section 311.
28. Change of ownership, to include new general partners, shall be noticed to the City of Placentia at least thirty (30) days prior to a legal change taking effect.

CITY BUILDING DIVISION:

29. The applicant shall obtain all necessary approvals from the City prior to constructing any tenant improvements. The plans for the tenant improvements shall be prepared by a California-licensed architect or engineer.
30. Applicant shall obtain applicable regulatory agency approvals, to include, but not be limited to City of Placentia Building and Safety, and OCFA approvals for the entire facility. The use and occupancy, as of the date of approval by the Building Official, is considered an A-3 classification, *dancehall*, with occupancy set not to exceed 300 persons. Such classification is contingent upon OCFA review.
31. Applicant shall provide adequate exits with illuminated exit signs pursuant to the California Building Code (2010 Edition) requirements.
32. Applicant/property owner shall obtain demolition permits for removal of any existing interior tenant improvements.
33. All contractors and sub-contractors shall obtain a city business license. Applicant and/or contractor shall request a standard sub-contractor form from the City Building Division prior to issuance of a building permit. This standard form shall be completed and submitted to the City Business License Division prior to the issuance of any building permits.
34. Applicant shall obtain Orange County Fire Authority approval prior to final occupancy. Applicant shall submit floor plans to Orange County Fire Authority for review.
35. Applicant shall provide exit signs with an illumination system. Labels reading "Door shall remain open from inside during business hours" shall be installed on top of all required exit doors.
36. Existing rest rooms (male and female) shall be in compliance with Title 24 Access Regulations.

CITY POLICE DEPARTMENT:

37. The establishment shall remain in compliance with Placentia Police Department Standard Development Requirements for security (See Attachment C).
38. Compliance with all Placentia Municipal Codes as they pertain to "Public Dances", Placentia Municipal Code Sections 6.52 through 6.52.230.
39. The use permit shall be reviewed one year from the date of approval and each year thereafter as necessary. The review shall be conducted jointly by the Development Services Director and Police Chief or designee. The purpose of this

review shall be to identify uniquely adverse issues such as loitering, vandalism, criminal activity, noise or nuisance resulting from the use permit. If such issues are identified, the use permit shall be presented to the Planning Commission for their consideration of conditions, modifications or revocation.

40. The activity level of the business shall be monitored by the Special Enforcement Detail to establish the level of police services used for the business. Should the level of police services demonstrate that the applicant has not controlled excessive or unnecessary activity resulting in high use of police services, or that the applicant has failed to comply with enforcement or application of measures related to curfew and truancy, then this use permit shall be reviewed for consideration of further conditions, modifications or revocation.
41. Sales, services and consumption of alcoholic beverages shall never be permitted on the premises, within or outside the establishment, nor to the rear of the establishment.
42. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which he/she has control.
43. Graffiti shall be removed from the exterior walls and windows of the premises within 48 hours of discovery.
44. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminated and make easily discernible the appearance and conduct of all persons on or about the parking lot.
45. Lighting in the parking area of the premises shall be directed, positioned, and shielded in such a manner so as not to unreasonable illuminate the window area of nearby residences, residential facilities to include hotels/motels, or adjacent commercial facilities.

ORANGE COUNTY FIRE AUTHORITY:

46. Applicant shall comply with all site development requirements specified by the Orange County Fire Authority (OCFA) (See Attachment D).

DEVELOPMENT SERVICES DEPARTMENT:

47. Applicant is required to complete all tenant improvements as represented by submitted Site Plan within ninety (90) days of Use Permit approval, unless extended by the Director of Development Services. Tenant improvements include replacement of existing seating area with new 806 square foot dance area, replacement of 42" counter area and seating with ramp to existing main dance floor, and all other tenant improvements as required by Building Department and/or OCFA.

Attachment "C"
Placentia Police Department Standard Development Requirements

PLACENTIA POLICE DEPARTMENT



APPLICATION: Atomic Ballroom – Placentia
731 & 733 Dunn Way

COMMERCIAL & INDUSTRIAL SECURITY STANDARD DEVELOPMENT REQUIREMENTS

The following standards shall be required for all commercial/industrial developments when applicable. No modifications shall be made without the approval of the Chief of Police.

EXTERIOR DOORS

Sliding Doors:

Sliding glass doors shall be of tempered glass with locking bolt that grips door and frame together and prevents the door from being pried in an upward direction. The strike area shall be reinforced to prevent prying and disengagement of the locking bolt. Anti-lift out device(s) shall be installed in the upper channel above the moving panel to prevent raising and removal from the tract while in the closed position.

Other Doors:

Wood doors and aluminum stile doors shall be used only as front entry doors. *ALL OTHER DOORS SHALL BE METAL.*

Wood doors shall be of solid core construction with the minimum thickness of one and three-fourths (1 $\frac{3}{4}$) inches. Wood panel doors with panels less than one (1) inch thick shall be covered on the inside with a minimum sixteen (16) U.S. gauge sheet steel, or its equivalent, which is to be attached with screws on minimum six (6) inch centers.

Metal doors shall be of a minimum sixteen (16) U.S. gauge and have sufficient reinforcement to maintain the designed thickness of the door when any locking device is installed. Such reinforcement shall restrict collapsing of the door around any locking device. Metal jambs shall be used.

Doors with glass panels and/or glass within thirty-six (36) inches of locking mechanism shall be fully tempered glass or rated burglary resistant material.

Door stops on wooden jambs for in-swinging door shall be of one piece construction with the jamb. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike.

All swinging exterior wood and steel doors shall be equipped as follows:

Single doors: equipped with "single unit" containing door knob and single cylinder deadbolt. (Single turn of the knob also retracts the locked deadbolt.) Deadbolt must have one (1) inch throw and exterior case hardened, rotating steel cylinder guard.

Or:

(Exterior Doors, Continued...)

Equipped with single or double cylinder deadbolt in which no other device is located in the area where door hardware is installed. If double cylinder deadbolt is used, the inside key operated lock must simultaneously operate an indicator stating that the assembly is "locked" or "opened."

In either case, a sign must also be displayed above the front door indicating that the front door is to remain "unlocked" during business hours. Letter size to be minimum one (1) inch in size on contrasting background.

Aluminum stile, single door: equipped with a double cylinder, minimum one and one-half (1½) inch upswing or one (1) inch slide deadbolt and exterior case hardened, rotating steel cylinder guard and minimum of five (5) pin tumblers. The inside key-operated lock must simultaneously operate an indicator stating that the assembly is "locked" or "open." A sign must also be displayed above the door indicating that the door is to remain "unlocked" during business hours. Letter size to be minimum of one (1) inch in height on contrasting background.

The inactive leaf of all double door(s) shall be equipped with metal flush bolts having a minimum embedment of five-eighths (5/8) inch into the head and threshold of the door frame.

The strike plate for deadbolts on all wood framed doors shall be constructed of minimum sixteen (16) U.S. gauge steel, bronze, or brass and secured to the jamb by minimum of two screws, which must penetrate at least two (2) inches into solid backing beyond the surface to which the strike is attached.

Strike area for metal or aluminum framed doors must be constructed or protected to prevent violation of strike area.

Hinges for out-swinging doors shall be equipped with non-removable hinge pins or a mechanical interlock to prevent removal of the door from the exterior by removing the hinge pins.

Panic hardware, whenever required by the Uniform Building Code or Title 19, California Administrative Code, shall be installed as follows:

- (1) Panic hardware shall contain a minimum of two (2) locking points on each door; or
- (2) On single doors, panic hardware may have one locking point which is not to be located at either the top or bottom rails of the door frame. The door shall have an astragal constructed of steel .125 thick which shall be attached with non-removable bolts to the outside of the door. The astragal shall extend a minimum of six (6) inches vertically above and below the latch of the panic hardware. The astragal shall be a minimum of two (2) inches wide and extend a minimum of one (1) inch beyond the edge of the door to which it is attached.
- (3) Double doors containing panic hardware shall have an astragal attached to the doors at their meeting point which will close the opening between them, but not interfere with the operation of either door.

Deadbolt locks shall not be used on doors that are required to have panic hardware.

Overhead or sliding doors shall be secured on the inside by minimum one-half (1/2) inch slide bolt(s) protruding at least one (1) inch into the door frame at floor; or secured on outside by a case hardened or minimum ten (10) gauge steel construction slide bolt using a padlock having a hardened steel shackle locking both at heel and toe with a minimum five (5) pin tumbler operation. Locking bar or bolt to extend through the receiving guide minimum of one (1) inch.

Doors exceeding ten (10) feet in width shall have two locking points on opposite sides.

WINDOWS

No louvered windows shall be used.

Windows and/or transoms having a pane exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches shall be protected in the following manner:

- (1) Fully tempered glass or burglary resistant material*; or
- (2) Inside or outside iron bars of at least one-half (1/2) inch round or one by one-quarter (1 x ¼) inch flat steel material, spaced not more than five (5) inches apart and securely fastened with non-removable bolts; or
- (3) Inside or outside iron or steel grills of at least twelve (12) gauge material with not more than a two (2) inch mesh and securely fastened with non-removable bolt.

The protective bars or grills shall be able to be opened if such windows are required to be opened by the Uniform Building Code.

ROOF OPENINGS

Skylights shall be fully tempered glass or rated burglary resistant material*; or

- (1) Protected by iron bars at least one-half (1/2) inch round material spaced not more than five (5) inches apart; or
- (2) Steel grill at least twelve (12) gauge material of two (2) inch mesh (maximum) securely mounted under the skylight.

Ventilator skylights with side openings exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches shall be protected as in (1) or (2) above.

Air ducts or vents exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches on roof or exterior walls shall be covered by iron or steel bars of at least one-half (1/2) inch material spaced not more than five (5) inches apart; or steel grills of at least twelve (12) gauge material of two (2) inch mesh (maximum) securely mounted.

HATCHWAYS

Hatchways on the roof, if not of metal construction, shall be covered on the inside with sixteen (16) gauge sheet metal, or its equivalent, and secured from the inside with a slide bar or slide bolt. Outside hinges shall be equipped with non-removable hinge pins.

LADDERS

Ladders leading to the roof shall do so from the interior of the building.

BURGLARY RESISTANT MATERIAL

- (1) Products intended for use shall be permanently labeled as such.
- (2) Materials used shall meet UL 972 Standards for Safety Burglary Resistant Glazing Materials.
- (3) Only materials approved by ICBO shall be used.

ADDRESS

The address number shall be mounted near the front entry of each building or other conspicuous location and be no less than six (6) inches high. They shall be mounted on a contrasting background and easily visible from the street or walkway. If rear-vehicular access, the same numbers, no less than six (6) inches high shall be displayed on the rear of the building.

Numerals of the street address shall be displayed on the uppermost roof, in luminous paint or other material capable of being read from the air. Minimum numeral size shall be twenty-four (24) inches. The building designation, if within a complex (such as "A" or "B" etc) shall accompany displayed street address.

EXTERIOR LIGHTING

Exterior lighting of an intensity of at least twenty-five hundredths (.25) foot-candles shall be provided adjacent to doors and windows. Exterior bulbs shall be protected by polycarbonate or other weather and vandal resistant globe or cover. Light(s) shall be operated during hours of darkness through either photovoltaic sensors or appropriate timers.

Parking lots for use by the general public and/or employees shall be provided with exterior lighting of an intensity of at least one (1) foot-candle of light on the parking surface and operated from dusk until at least one-half (1/2) hour after the termination of business.

SITE SPECIFIC REQUIREMENTS **(IF APPLICABLE)**

Special Conditions of Approval numbers 37-45 are applicable.

Attachment "D"
Orange County Fire Authority (OCFA) Special Conditions of Approval

1. The applicant/owner shall submit a full set of architectural plans (OCFA PR204) to the Orange County Fire Authority for review and approval. These plans will determine the Occupancy Classification of the business, building construction requirements and exit requirements. The architectural plan review will also determine if automatic fire sprinklers and/or an alarm system will be required. The architectural plans shall be reviewed and approved prior to any permits or approvals.

(See attached letter from OCFA)

ORANGE COUNTY FIRE AUTHORITY

Fire Prevention Division

P. O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Road, Irvine, CA 92602

Planning and Development Services • www.ocfa.org • (714) 573-6100 / Fax (714) 368-8843

March 22, 2011

City of Placentia
Department of Development Services
401 E. Chapman Avenue, Placentia
Attention: Monique Schwartz, Associate Planner

**RE: OCFA Service Request# 156171
UP 2011-04- 731 &733 Dunn Way, Placentia
4661 Santa Fe Street, Yorba Linda**

Dear Monique,

The CUP submitted for the project referenced above has been reviewed. The following plan review submittals are needed to show compliance with the 2010 California Building Code (CBC), 2010 California Fire Code (CFC), NFPA standards, and local amendments:

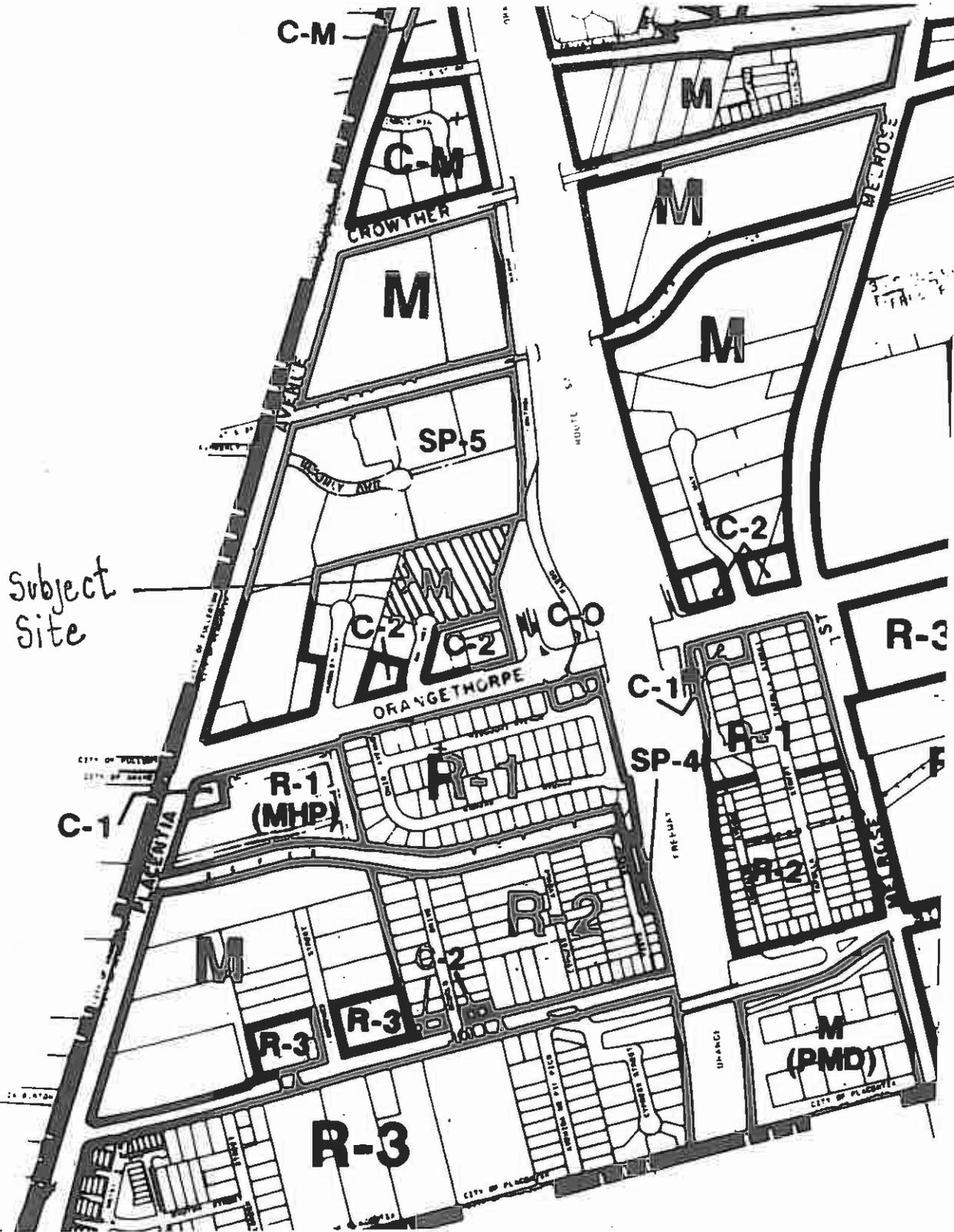
- 1) The applicant/owner shall submit a full set of architectural plans (OCFA PR204) to the Orange County Fire Authority for review and approval. These plans will determine the Occupancy Classification of the business, building construction requirements and exit requirements. The architectural plan review will also determine if automatic fire sprinklers and/or an alarm system will be required. The architectural plans shall be reviewed and approved prior to any permits or approvals.

The failure to document deficiencies during this review shall not be held to permit or approve the violation of any law.

Our guidelines and information bulletins can be found at www.ocfa.org; Regulations, then Planning and Development/Guidelines. For additional information, call 714 573-6133 or email lynnepivaroff@ocfa.org.

Respectfully,

Lynne Pivaroff
Fire Prevention Analyst



VICINITY MAP

NTS



PLANNING DIVISION REPORT
 UP 2011-04
 Exhibit 1

ALPINE DESIGN
 6629 Crescent Street
 Los Angeles, CA 90042
 (313) 841-9788 Td
 (826) 602-1715 Fax
 www.AlpineDesign.us

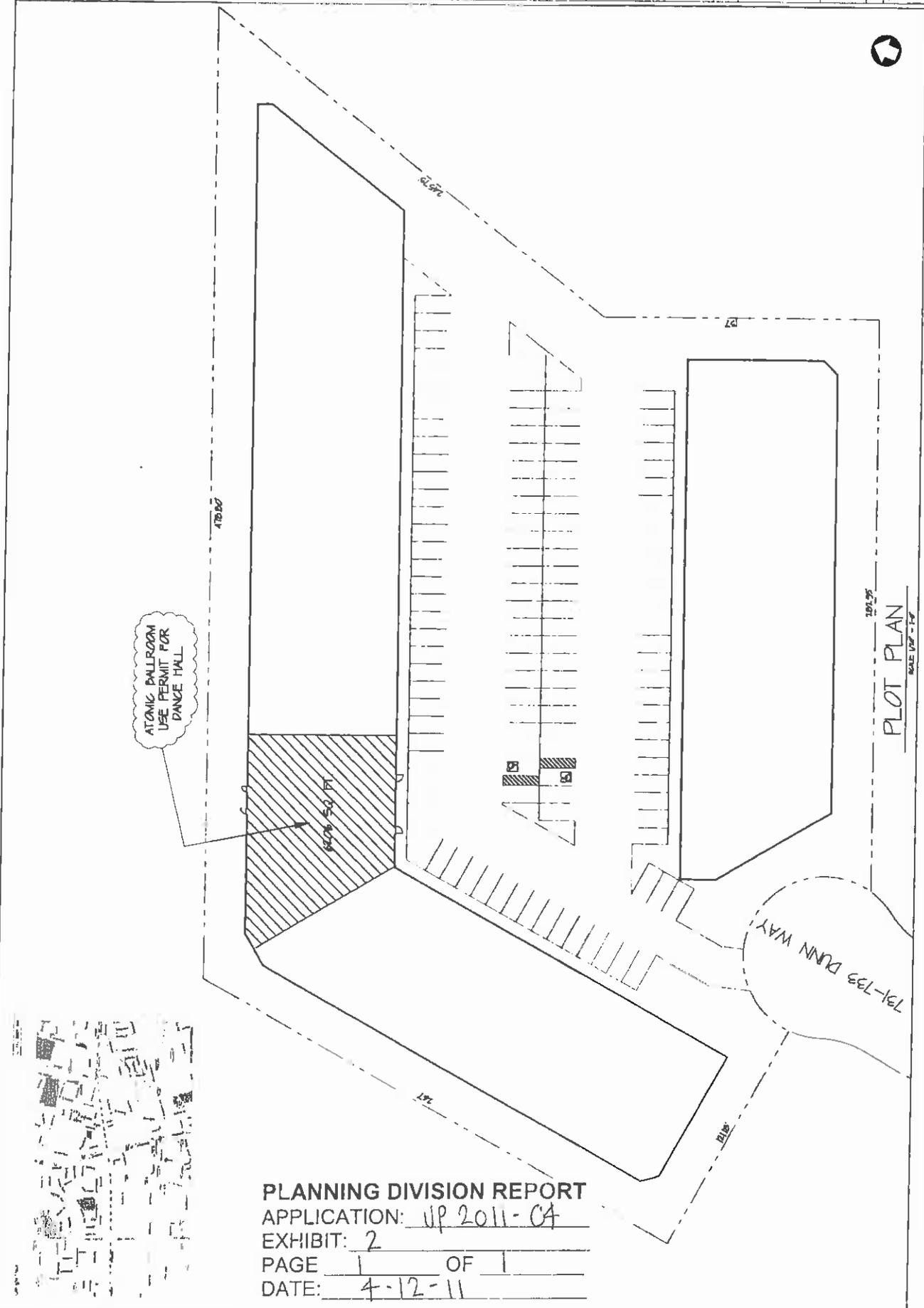
DATE	REVISIONS
12-23	REVISIONS
1-11	REVISIONS
2-4-11	REVISIONS
2-16	REVISIONS
2-22	REVISIONS

ATOMIC Ballroom Placentia
 731-733 Dunn Way
 Placentia, CA 92870
 (Use Permit for Dance Hall, Remodel, East Entrance & Reception Area for Disabled Access.)

MARVIN
 Shchiba & Nikki
 (949) 230-3332
 17661 Skyway
 Irvine, CA 92614

PROJECT NUMBER: 2102-001-003
 TYPE: PLP

SHEET TITLE: PLOT PLAN
 DATE NOTED: 12-21-10
 SHEET NUMBER: 1



PLANNING DIVISION REPORT
 APPLICATION: UP 2011-04
 EXHIBIT: 2
 PAGE 1 OF 1
 DATE: 4-12-11



P-1 - EXISTING ENTRY DOOR



P-2 - EXISTING ENTRY DANCE FLOOR



P-3 - EXISTING DANCE FLOOR/ SEATING AREA



P-4 - EXISTING SEATING AREA



P-6 - EXISTING DANCE FLOOR/ SEATING AREA



P-8 - EXISTING WEDDING DANCE INSTRUCTION AREA



P-5 - EXISTING SEATING AREA



P-7 - EXISTING EMPLOYEE BREAK AREA



PLANNING DIVISION REPORT
APPLICATION: UP 2011-04
EXHIBIT: 4
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Dance Lessons for the whole Nuclear Family

17961 Sky Park Circle • Suite C • Irvine, CA 92614 • P 949.250.3332 • F 949.797.6222 • dance@atomicballroom.com

February 21, 2011

Monique Schwartz
Associate Planner, Development Services
City of Placentia
401 East Chapman Avenue
Placentia, CA 92870

UP 2011-04

Statement of Use

731 & 733 Dunn Way, Placentia, CA 92870

Existing Use Permit: Use Permit 97/16

Change of ownership from; Tom Hyatt (Top Cats Dance Club)

To; Shesha Marvin & Nikki Marvin (Atomic Ballroom)

Company History & Mission Statement

Atomic Ballroom in Irvine, CA was launched in 2004 by Katie and Jerry Jordan. Nikki & Shesha Marvin have assisted with the operation and promotion of Atomic Ballroom since its inception. The Marvins took over ownership when the Jordans moved to Texas in early 2008. Shesha & Nikki's experience and passion has continued to shape and improve the vision for Atomic Ballroom.

Atomic Ballroom's mission is to create a dance community of all ages in Orange County by providing affordable, high-quality partner dance instruction and events, where people feel welcome and safe to learn the skill of dancing and to socialize with others who also value that skill. Partner dancing, also known as social dancing, includes various genres such as Ballroom, Country, Tango, Swing and Salsa.

Furthermore, Atomic Ballroom is based on the belief that partner dancing is a positive social skill, like being able to carry on a conversation or having good manners; that helps one to be at ease in everyday situations, to reach out to other people in a kind and respectful way, and to share the enjoyment of life and its opportunities. We believe dancing, like other art forms, can enhance a person's quality of life. Atomic Ballroom strives to promote unity through dancing and encourage working with other businesses, charities, instructors, and studios.

We not only host our own dance lessons and events, but also take part in the community. Over the years, Atomic Ballroom has been actively involved around the county, teaching dance classes for various organizations including Irvine Parks & Recreation, Orange County Great Park, the OC Fair and many



Dance Lessons for the whole Nuclear Family

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local schools. We also donate our services and dance lesson packages to numerous nonprofit organizations to help with their fundraising, including Girl Scouts, Human Options, and Ronald McDonald House.

Proposed Use of 731-733 Dunn Way

Placentia Municipal Code Chapter 6.52

Our main focus as a company is two fold, to teach partner dance lessons as well as provide a location for our students, and other dancers, to socialize and participate in the dancing they have learned. Placentia Municipal Code ("Code") Chapter 6.52.010 defines these activities as "public dances" and any place public dancing is conducted and is open to the general public as a "public dancehall."

We define "students" as anyone in the general public that participates in dance lessons at Atomic Ballroom and "dancers" as anyone in the general public that participates in dancing at Atomic Ballroom.

It is difficult to interpret much of the original intent behind Chapter 6.52 of the Code regarding public dances, but it is clear that, according to Chapter 6.52.030, the ultimate goal is to prevent public dancing from being "adverse to the public health, welfare or safety of the community." Our goal as a company is to be a positive contribution to the community, helping to enrich the lives of those we interact with. This is how we have operated for the last seven years in the Irvine community and how we plan to continue operating as we look to join the Placentia community.

As mentioned earlier, partner dancing includes various genres such as Ballroom, Country, Tango, Swing and Salsa. Partner dancing involves the coordinated dancing of two partners, as opposed to individuals dancing alone or together in a non-coordinated manner. Each genre of partner dancing has its own set of specifically defined movements and patterns that a "lead" and "follow" communicate to each other based on the rhythm of the music that is being played. This is drastically different from the type of dancing found in "nightclubs," which means we attract a very different customer base than those establishments. Our customers are people who have invested in learning one or more specific partner dances and desire to learn more and/or participate in them in a welcoming and safe environment.

The Code also stipulates, in Chapter 6.52.140, that there shall be no dance contests that involve marathon or endurance dancing. We will never hold any such contest.



Dance Lessons for the whole Nuclear Family

PLANNING DIVISION REPORT
APPLICATION: UP 2011-04
EXHIBIT: 4
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17961 Sky Park Circle • Suite C • Irvine, CA 92614 • P 949.250.3332 • F 949.797.6222 • dance@atomicballroom.com

Use Permit 97/16

The subject site was previously approved, through Use Permit 97/16, to operate weekly dance classes on Monday through Thursday evenings, as well as other occasional dance events, for its members. The Code also defines these events as "public dances." This use was deemed a beneficial service to dance enthusiasts and socially active individuals in the community.

We are proposing to extend the days and hours these services are offered, as well as add evening group dances after the dance classes, which will increase this beneficial offering for our students, other dancers, and the entire community. Also, because we don't require our customers to purchase memberships, the subject site would also be considered a "public place."

Before beginning tenancy of the subject site in January 2011, Shesha rented it numerous times over the past 10 years to host various dance events. These events generally took place in the evenings from 6:00 p.m. to 12:00 a.m. and were often attended by well over 100 dancers. Regrettably, we took over tenancy of the location with the assumption that this was a legally permitted use. It wasn't until we were contacted by the city on January 27th that we discovered this activity was not a permitted use under the Use Permit 97/16. The positive aspect of this situation is that, while these events were obviously not permitted, they never resulted in any adverse situation for the other tenants of the industrial complex, nor the general community. Since our proposed use is virtually identical to these past events, we hope this may help demonstrate that we can successfully operate in an unobtrusive manner while offering this beneficial service for the community.

Use Permit 97/16 stated that the increased activities at the industrial park would contribute to improved security during the hours of darkness. Our proposed further increase in activity and hours of operation will further this goal of increased safety and security.

Being an industrial space, we find the subject site an ideal location for the proposed activities as evidenced by the high ceilings and large open spaces, as well as the existing improvements that were made pursuant to Use Permit 97/16. These improvements include dance floors, ample seating, restrooms, a water fountain, and a reception area. The "maximum safe occupancy" for the subject site is rated at 299 persons. This is well above the expected attendance for any proposed events.



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Parking

There is a reciprocal parking agreement among the tenants of the industrial complex and, with the exception of The Bruery at 715 Dunn Way, all proposed activities with the possibility of any significant attendance take place outside of the normal operating hours of the other tenants. There has always been adequate parking spaces available for customers of the subject site and there has been no adverse traffic or parking issues associated with its hosting of dance events over the past 14 years. The majority of our customers come with a dance partner or group of friends, which helps reduce the parking needs. Please see the attached "Dunn Way Industrial Park Tenants" document for detailed information on the operation of the other businesses in the industrial complex.

Detailed Description of Operation

Customers & Rules of Conduct

Atomic Ballroom has a very wide ranging customer base, as partner dancing is enjoyed by people of nearly all ages, cultures, and backgrounds. Atomic Ballroom does not limit who is allowed to participate in partner dancing by requiring any memberships. Any person in the general public that has the desire to learn or participate in partner dancing is welcome at Atomic Ballroom.

While we allow the general public to participate in our activities, to do so they must adhere to a number of rules and regulations. There is no smoking or consumption of alcohol permitted on the premises at any time. Everyone must demonstrate safe movement on the dance floor, for the sake and their own safety and the safety of others. Nobody is allowed to dance in an obscene or sexual manner, as is concurrent with Placentia Municipal Code Chapter 6.52.130 and California Penal Code Section 311. Anyone that appears intoxicated, boisterous, or exhibits disorderly conduct will not be allowed to remain on the premises.

Atomic Ballroom has built its business around allowing people of all ages to participate in our dance events, including all our dance lessons and evening group dances. We have been able to operate in this manner because Irvine Municipal Code does not restrict who is allowed to participate in these activities. Chapter 3 Section 4-14-301 of Irvine Municipal Code defines the curfew hours for minors as the period between 11:00 p.m. and 6:00 a.m., but also specifically allows for minors to remain past curfew in an establishment that is operating a dance. We understand that Placentia Municipal Code Chapter 10.08.10 defines the hours of curfew as 10:00 p.m. and 6:00 a.m. and that it does not allow for minors to remain in any public place during these hours. We are also aware that Chapter 6.52.090 states minors



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are not allowed to "enter, be in, or dance in any public dancehall unless accompanied by his or her parent or legal guardian." Because allowing people of all ages to participate in our events is an integral part of our business, we are hoping to discuss with the police chief the possibility of allowing minors to attend our events as long as they do not remain past curfew unless accompanied by their parent or legal guardian.

Dance Lessons

Dance lessons are an instructional period where a student or group of students will learn from a dance teacher. These include both private lessons taught by appointment and regularly scheduled group classes.

Private lessons are custom lessons that are tailored to the specific person or group that requests the instruction. They can be scheduled during any of the proposed operating hours, but are primarily taught in the late afternoon and early evening when most people are done with their workday. They are generally taught by a single instructor to a single student or two dance partners. Occasionally a larger group will request their own lesson instead of taking part in the normal group classes.

Group classes are regularly scheduled classes that people can pre-enroll in or take one at a time. These classes are scheduled throughout the day on the weekends, but no earlier than 6:00 p.m. on weekdays. There may be one or two teachers for each class. Classes are generally 45 minutes in length, with up to two classes being taught simultaneously. The average class size is 10-15 students, but can range anywhere from 2 students to 60 students, depending on the topic that is being taught, the day/time it is held, and who is teaching the class. Single classes have a maximum of 80 students and simultaneous classes have a maximum of 40 students each. We also occasionally organize workshops, which are a set of these group classes to be taught on a single weekend afternoon. Workshops are also limited to a maximum of 80 students.

Evening Group Dances

The evening group dances are held after the group classes, and are an opportunity for students to practice what they learned in class, in a setting that is welcoming and comfortable. Students who take a group class are able to attend the evening group dance for no additional charge in order to practice what they learned in class. Other dancers are able to pay a fee to attend and participate in the evening group dances.

Instructors and more experienced dancers are available to mentor the less experienced students throughout the evening. The evening group dances average 30-80 people. The current plan is for



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evening group dances to take place on Wednesday, Friday, Saturday and Sunday nights. They generally start at 8:45 p.m. and end by 12:00 a.m. Depending on growth of the classes, evening group dances may be added on Monday, Tuesday, and Thursday nights as well.

Pricing

All lessons and events can generally be purchased one at a time or in discounted packages. Private Lessons generally range from \$65 to \$85 each. Group Classes can be purchased for \$15 each, or in groups of 10 for \$120. There is also a number of pricing structures for series based classes and workshops. The cost of evening group dances generally ranges from \$5 to \$10 each.

Sample Schedule of Dance Lessons and an Evening Group Dance

- 6:30 p.m. Beginning Level Dance Class
- 6:30 p.m. Intermediate/Advanced Level Dance Class
- 7:15 p.m. Beginning Level Dance Class
- 7:15 p.m. Intermediate/Advanced Level Dance Class
- 8:00 p.m. Beginning Level Dance Class
- 8:00 p.m. Intermediate/Advanced Level Dance Class
- 8:45 p.m. to 12:00 a.m. Evening Group Dance

Hours of Operation

- Monday: 8:30 a.m. to 9:00 p.m.
- Tuesday: 8:30 a.m. to 9:00 p.m.
- Wednesday: 8:30 a.m. to 1:00 a.m.
- Thursday: 8:30 a.m. to 9:00 p.m.
- Friday: 8:30 a.m. to 1:00 a.m.
- Saturday: 7:30 a.m. to 1:00 a.m.
- Sunday: 8:30 a.m. to 1:00 a.m.

As stated above, events with any possibility of significant attendance will only be planned after normal operating hours of Monday through Friday 8:00 a.m. - 6:00 p.m. During daytime hours on Monday through Friday the only events that will take place are Private Lessons, which generally have only one or two students in each of them. We would like to also have the ability to increase our operating hours on Monday, Tuesday, and Thursday nights to accommodate possible evening group dances depending on the growth of the group classes on those nights.



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Other use

We also plan to allow the subject site to be rented for various dance based activities such as practice for competition. This location has also been rented on a regular basis for many years for dance/aerobic based fitness classes such as Jazzercise; we intend to continue offering these organizations the use of the dance floor.

Staffing

Atomic Ballroom employs a full time staff of five people and a part time staff of seven people. All employees will split their hours between our Irvine and Placentia locations. At the subject site, there will generally be one manager on shift during conventional business hours to handle day time private lesson scheduling and various administrative responsibilities. In the evenings, there will generally be three staff on shift to handle class registration, evening group dance admission, and monitoring the event. During classes and dances, staff walks through the location at regular intervals to ensure all attendees are adhering to the various rules of conduct. They also check to ensure that there is no liquid or other items are on the dance floor and that the bathrooms are clean and adequately stocked.

Safety

Customers will use the main entrance exclusively for entering and exiting the unit except in the event of an emergency. All four exits are equipped with UL listed panic hardware. We have installed a total of six new exit/emergency light units; four at the actual exit doors and two at the doorways to the entrance areas. We have also installed five new emergency lights throughout the unit to light the different paths of egress.

The industrial park is provided with roof-mounted lights to illuminate the walkways and parking areas. These lights are automatically activated at dusk.

The subject site, including all improvements and previously installed safety measures, was cleared by the Orange County Fire Authority on February 17th, 2011, pending the completion of a Use Permit.

Changes to Existing Floor Plan

Our only proposed change to the existing floor plan is to widen the doorway between the main entrance/reception area and the main room. It is currently two 36" wide doors with a 38" wide wall between them. We hope to remove the wall portion to make an estimated 9' entryway from the reception area to the main room. This will make entry to the space more welcoming and will increase the safety of exit in an emergency.



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Vehicles

There are no vehicles that will be used in conjunction with our proposed use.

Machines and Equipment

With the exception of a beverage refrigerator and a snack vending machine provided for students, there are no machines or equipment that will be used in conjunction with our proposed use.

About the Owners

Atomic Ballroom is a family business owned by Shesha and Nikki Marvin. They have a daughter, Anjali, who was born in 2008. Shesha grew up in Placentia, attending Kraemer Middle school and Valencia High School.

Shesha Marvin began dancing in 1996. He started operating the Orange County Swing Dance Organization in 2002, a membership based organization that hosts dance classes and events throughout Orange County for the swing dance community.

In 2005, Shesha, along with his wife Nikki, founded the 24 Hour Cancer Dance-a-thon, which was born from a vision to use their passion for swing dancing to give back to the community. The Dance-a-thon is an annual event, run completely by volunteers, with the mission of raising as much money as possible to fund cancer research and treatment at City of Hope Hospital. Since it began, the Dance-a-thon has raised over \$500,000.

Nikki and Shesha are also active dance competitors, and highly sought after teachers and performers, appearing at swing dance events around the world. They both performed live on Dancing with the Stars in 2007. Shesha was the US Open Swing Dance Champion in 2009 and Nikki took the title in 2010.

Shesha has had long standing relationships with both of the previous tenants that operated dance studios at 731-733 Dunn Way: most recently Tom Hyatt, who had been operating the Top Cats Dance Club there since 2004, as well as the original tenant, Tom Mattox, who operated Sundance Dance Club & The Club House at the subject site from 1997 until he passed away in 2002. As mentioned previously, before taking tenancy of the subject site in January 2011, Shesha was a long time renter, using it for both regular classes and dances as well as for special dance events.



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We hope this provides an accurate and thorough description of our propose use. Please let us know if we can provide you with any further information or be of any assistance with this process.

Thank you very much!

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Owner
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Dunn Way Industrial Park Tenant Listing and Summary

702-745 Dunn Way, Placentia, CA 92870

Dunn Way Industrial Park is made up of two (2) buildings containing a total of twenty-one (21) tenant spaces, two (2) of which are currently vacant. The nineteen (19) leased spaces are in use by a total of eleven (11) businesses. Thirteen (13) of the spaces are used strictly for manufacturing or storage and have no customer traffic. Four of the businesses have very minimal customer traffic during normal business hours in the range of 8:00AM - 6:00PM.

The only business with any significant customer traffic is the Bruery during their "Tasting Room" hours of Friday & Saturday from 4:00PM - 10:00PM and on Sundays from 12:00PM - 6:00PM. These activities take place in the 715 Dunn Way space and generally see 20-30 customers at a time. 715 Dunn Way is located at the opposite end of the complex from 733 Dunn Way. The Bruery previously held occasional larger events but due to growth these are now hosted offsite to better accommodate the volume of customers.

Business Address	Business Name	Contact	Square Footage	Hours of Operation	Type of Operation	Customers
702 Dunn Way	BPE Racing Heads & Mitech	Michael LeFevers	2,380	M-F 9:00AM - 6:00PM	Manufacturing	Yes, 1-2 at a time
704-710 Dunn Way	Label Specialities		11,096	M-F 6:00AM - 5:00PM	Manufacturing	No
712 Dunn Way	JDF Enterprises	Mike Fuits	3,968	M-F 5:00AM - 6:00PM	Manufacturing	No
715 Dunn Way	The Bruery	Patrick M. Rue	5,178	M-F 8:00AM - 5:00PM	Brewery Office	Yes, 1-2 at a time
717 Dunn Way	Spectacular Catering	Ed Dart	2,920	F-Sa 4PM-10PM, Su 12PM-6PM	Tasting Room	Yes, 20-30 at a time
719 Dunn Way	The Bruery	Patrick M. Rue	1,752	No regular days or hours	Catering	No
721 Dunn Way	Dart Star	Andrew P. Green	1,752	No regular days or hours	Warehouse Storage	No
723 Dunn Way	The Bruery	Patrick M. Rue	2,920	No regular days or hours	Manufacturing	No
725 Dunn Way	BG	Michael D. McCarthy	2,920	M-F 8:00AM - 4:00PM	Warehouse Storage	No
727 Dunn Way	A&G Printing	Gilbert P. Toral	1,752	M-F 9:00AM - 5:00PM	Manufacturing	No
729 Dunn Way	Vacant		1,752		Offset Printing	Yes, 1-2 at a time
735 Dunn Way	Orient Wholesale	Barakat Zahran	3,850	M-Su 6:00AM - 9:00PM	Distribution Office	Occasionally
737 Dunn Way	The Bruery	Patrick M. Rue	2,336	M-F 8:00AM - 5:00PM	Admin Office	No
739-741 Dunn Way	Orient Wholesale	Barakat Zahran	3,504	M-Su 6:00AM - 12:00AM	Manufacturing	No
743 Dunn Way	MachineTune	Ali Hosseinian	2,920	By Appointment Only	Auto Repair/Storage	Occasionally
745 Dunn Way	Vacant		2,672			

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Chapter 6.52

PUBLIC DANCES*

Sections:

Article I. Public Dances Generally

- 6.52.010 Definitions.
 6.52.020 Permit and license required.
 6.52.030 Permit—Application.
 6.52.040 Permit—Issuance—Rules and regulations.
 6.52.050 Rules and regulations.
 6.52.060 Revocation of permit.
 6.52.070 Appeal of revocation.
 6.52.080 Illumination.
 6.52.090 Public dancehall restrictions—Minors.
 6.52.100 Morning dancing.
 6.52.110 Enclosures.
 6.52.120 Disorderly conduct.
 6.52.130 Improper dancing.
 6.52.140 Marathons—Prohibited.
 6.52.150 Dancing for hire.
 6.52.160 Police supervision.
 6.52.170 Set-ups.
 6.52.180 Smoking on dance floor.
 6.52.190 Places where alcoholic beverages are dispensed—Public dancing, entertainment permits.

Article II. Dances for Minors

- 6.52.200 Generally.
 6.52.210 Alcoholic beverages prohibited.
 6.52.220 Participation of adults prohibited.
 6.52.230 Loitering prohibited.

* Prior history: Prior code §§ 16-595—16-595.17 as amended by Ord. 71-O-134.

Article I. Public Dances Generally

6.52.010 Definitions.

(a) "Police chief" means the chief law enforcement officer of the city.

(b) "Dance" as used in this chapter, means rhythmic tripping or stepping, accompanied by the turning or moving of the body or limbs with or without the accompaniment of music, or the assistance, participation, or accompaniment of another person or persons.

(c) "Public dance" means a gathering of persons in or upon any premises where dancing is participated in,

either as a main purpose for such gathering or as an incident to some other purpose, and to which premises the general public is admitted. "Public dance" as used herein includes dances where attendance is limited to members and/or guests of any business entity, social, educational, philanthropic, charitable, or similar organization.

(d) "Public dancehall" means a place where public dancing is conducted, whether for profit or not for profit, and to which the general public is admitted either with or without charge, or at which the general public is allowed to participate in the dancing either with or without charge. (Ord. 79-O-127 (part), 1979)

6.52.020 Permit and license required.

No person shall carry on a public dance without first having secured such permits and licenses as shall be required by the city. (Ord. 79-O-127 (part), 1979)

6.52.030 Permit—Application.

All applications for permits shall be accompanied by a filing fee as set forth in Section 5.08.150, shall be in writing, shall be filed with the city and shall contain such information as will enable a reasonable investigation to be made to determine whether or not the allowing of public dancing in the place for which such permit is sought will be adverse to the public health, welfare or safety of the community. (Ord. 79-O-127 (part), 1979)

6.52.040 Permit—Issuance—Rules and regulations.

If the investigation provided for in Section 6.52.030 discloses that public dancing, as proposed by the applicant, will not be adverse to the public health, welfare or safety of the community, a permit shall be issued. All permits issued shall specify any rules and regulations promulgated pursuant to this chapter to insure that such public dance will not be adverse to the public health, welfare and safety of the community. (Ord. 79-O-127 (part), 1979)

6.52.050 Rules and regulations.

(a) The police chief may establish rules and regulations governing the operation of public dances supplementing the provisions of this code. Any permit issued for a public dance during which any violation of such rules and regulations occurs shall be subject to revocation.

(b) Any rules and regulations established by the police chief to supplement the provisions of this code, together with a copy of the sections hereof pertaining to the operation of dances, shall be and remain posted in a

conspicuous place in every dancehall for which a permit is or has been issued. (Ord. 79-O-127 (part), 1979)

6.52.060 Revocation of permit.

Permits issued pursuant to this chapter may be revoked by the police chief for violation of any rules and regulations promulgated under this chapter. Any permit so revoked shall not be reissued to the same person or organization within a twelve-month period following the date of such revocation. (Ord. 79-O-127 (part), 1979)

6.52.070 Appeal of revocation.

Any person aggrieved by the action of the police chief in revoking any permit pursuant to Section 6.52.060 may appeal such revocation to the city council by filing a written notice thereof with the city clerk within ten days of the date of such revocation. The city council shall render a decision within thirty days from receipt of said notice by the city clerk and the decision of the city council, after a hearing on the appeal, shall be final and conclusive. (Ord. 79-O-127 (part), 1979)

6.52.080 Illumination.

No person carrying on a public dance, or having charge or control thereof, nor any person employed in or about the same, shall carry on such public dance unless the room or hall in which dancing takes place, including any loge, booth or alcove, is lighted or illuminated in such manner and to such extent as is usual or customary for lighting or illuminating halls or rooms of like dimensions in the nighttime for public assemblies and in no event to an intensity of less than one footcandle in all parts of the building. Such lighting or illumination shall be maintained throughout the entire time while such dancing is in progress without diminution or without interruption until such dancing is concluded and until all dancers leave the premises. (Ord. 79-O-127 (part), 1979)

**6.52.090 Public dancehall restrictions—
Minors.**

(a) No person under eighteen years of age shall enter, be in, or dance in any public dancehall unless accompanied by his or her parent or legal guardian. No parent or guardian of a person under eighteen years of age, or the proprietor or person in charge of any public dancehall, shall permit any such person to enter, be in, or dance in any public dancehall unless accompanied by his or her parent or legal guardian.

(b) No person shall represent himself or herself as being eighteen years of age or over when in fact his or her age is less than eighteen years. No person shall falsely represent himself or herself as a parent or legal guard-

ian of any minor person in order that such minor person may attend or remain at a public dancehall.

(c) Nothing in this section shall apply to public dances conducted by or under the auspices of the board of education, the city or by any club or organization specifically authorized by the city council in writing to conduct dances for persons under eighteen years of age. (Ord. 79-O-127 (part), 1979)

6.52.100 Morning dancing.

No person shall dance in any public dancehall on any day between the hours of two a.m. and six a.m. (Ord. 79-O-127 (part), 1979)

6.52.110 Enclosures.

There shall be no alcoves or enclosures of any kind in a public dancehall, excepting only toilet facilities and excepting also office rooms to which patrons shall not have access. (Ord. 79-O-127 (part), 1979)

6.52.120 Disorderly conduct.

(a) No person in charge, or assisting in the conduct of any public dancehall shall permit any intoxicated, boisterous or disorderly person to enter, be or remain in or to assist in any such dancehall.

(b) No person in an intoxicated condition shall enter, or remain in any public dancehall.

(c) No person shall conduct himself in a boisterous or disorderly manner in a public dancehall. (Ord. 79-O-127 (part), 1979)

6.52.130 Improper dancing.

(a) No person shall dance in any obscene manner, as defined in California Penal Code Section 311, or in a manner which appeals to prurient interest; nor shall any person engaging in such conduct be permitted to remain in any public dancehall by the proprietor, operator, or person in charge of such public dancehall.

(b) Any patron of a public dancehall who violates any of the provisions of this chapter or any rules of the police chief pertaining thereto may be excluded from the dancehall by the person in charge of the public dancehall, or by an officer of the police department. (Ord. 79-O-127 (part), 1979)

6.52.140 Marathons—Prohibited.

No person shall carry on or participate in any so-called marathon dancing contest, exhibiting of endurance dancing, or any contest or exhibition or dancing for time or distance, or by any other name by which the same may be known within the city. (Ord. 79-O-127 (part), 1979)

6.52.150 Dancing for hire.

(a) No person carrying on a public dance, or having charge or control thereof, shall employ or permit any person under the age of eighteen years to give instruction in dancing therein or thereat, nor shall permit any person to dance for hire therein or thereat, nor shall any person give instruction in dancing for hire in any dancehall except when such instructors are specifically authorized by the police chief in writing to give dancing instruction.

(b) No person carrying on a public dancehall, or having charge or control thereof shall permit any instructor to give instructions in dancing in any private room in any public dancehall. For the purpose of this section the term "private room" includes any room, booth, alcove or enclosure, every part of which is not clearly visible at all times from the main dancehall. (Ord. 79-O-127 (part), 1979)

6.52.160 Police supervision.

The police chief may require that the applicant for a dance permit employ police officers or security guards to supervise a public dancehall shall not relieve the proprietor thereof, or any of this employees, from the responsibility for complying with the provisions of this code or for violations of any law or ordinance or lawful rule of the police chief. (Ord. 79-O-127 (part), 1979)

6.52.170 Set-ups.

No person maintaining or operating a public dancehall, or having charge or control thereof, shall serve or permit to be served any drinks other than individual drinks, or to serve or permit to be served cracked ice in glasses or otherwise, or serve or permit to be served what is commonly termed a "set-up." (Ord. 79-O-127 (part), 1979)

6.52.180 Smoking on dance floor.

No person shall smoke on any dance floor while dancing is in progress. (Ord. 79-O-127 (part), 1979)

6.52.190 Places where alcoholic beverages are dispensed—Public dancing, entertainment permits.

No person shall maintain or operate or assist in the operation or maintenance thereof of any public place wherein alcoholic beverages are dispensed and wherein entertainment is offered or public dancing is permitted, or facilities are provided therefore, without first obtaining from the city a permit to do so and without first having acquired such licenses as may be required by the city. (Ord. 79-O-127 (part), 1979)

Article II. Dances for Minors**6.52.200 Generally.**

The regulations in Sections 6.52.200 through 6.52.230 shall apply to public dances conducted for persons eighteen years of age or less. (Ord. 79-O-127 (part), 1979)

6.52.210 Alcoholic beverages prohibited.

It is unlawful to sell or make available or to consume alcoholic beverages at any place where a public dance for persons eighteen years of age or less is conducted. (Ord. 79-O-127 (part), 1979)

6.52.220 Participation of adults prohibited.

It is unlawful for any person twenty years of age or older to attend any public dance for persons eighteen years of age or less, unless such person has written authorization from the police chief. (Ord. 79-O-127 (part), 1979)

6.52.230 Loitering prohibited.

It is unlawful for any person to loiter around the premises at which a public dance for persons eighteen years or less is being conducted. (Ord. 79-O-127 (part), 1979)

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Telephone: (714) 578-8838
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January 27, 2011

Via U.S. Mail & Hand Delivery

Shesha Marvin
Atomic Ballroom – Placentia
733 Dunn Way
Placentia, CA 92870

Re: Violations of Placentia Municipal Code

Dear Mr. Marvin:

This office represents the City of Placentia ("City") in the capacity of City Attorney. We are informed that the use currently being conducted at your facility, Atomic Ballroom – Placentia ("Atomic"), is in violation of the Placentia Municipal Code ("Code") and the Use Permit issued for the premises located at 731-733 Dunn Way in the City, Located in the "M" Zone. Preliminarily, City records reflect that there is no current business license issued to Atomic for the conduct of business in accordance with Chapter 5.08 of the Code. The last business license issued for the premises located at 731-733 Dunn Way was to Top Cats Dance which has expired and no new business license has been applied for or issued, either at the time Atomic commenced business at the location or upon the expiration of the business license issued to Top Cat Dance. As you should be aware, a business license, pursuant to the provisions of §6.04.140, is not transferrable upon change of ownership.

We are further advised that Atomic is conducting public dances at the premises in violation both of Chapter 6.52 of the Code and the extant Use Permit, Use Permit 97/16. For your edification, we enclose a copy of Use Permit 97/16, together with the Special Conditions, regarding the approved use of the premises for a physical fitness training facility for dance and competition dance instruction. Notwithstanding the use restrictions imposed pursuant to Use Permit 97/16 and Chapter 6.52 of the Code, it appears that you have been engaging in the presentation of public dances and operating a public dancehall.

Please be advised that engaging in such actions violate explicit provisions of the Code, all of which carry the potential for substantial civil and criminal liability. Failure to properly obtain, and maintain, a current business license is subject to penalties and interest for each day a business is carried out, engaged in or conducted. Furthermore, a business license may not be issued when the owner or operator thereof engages in activities either prohibited by the Code or which require additional zoning approvals or permits therefor.

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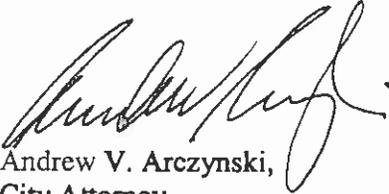
DATE: 4-12-11

Shesha Marvin
January 27, 2011
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It further appears from publicly available records that Atomic is engaging in public dances and/or "contests" which may violate provisions of Chapter 6.52. As you are undoubtedly aware, the premises have neither been inspected nor approved for the occupancy. Conducting, carrying on or engaging public dances with appropriate permits therefor, or facilitating or permitting the same, constitutes violations which may be subject to criminal or civil action.

Please be advised that you are hereby instructed to cease and desist in the conduct, carrying on or engaging in public dances at 731-733 Dunn Way immediately. You are further instructed to preclude such use until such time as proper entitlements for such use have been obtained, including, but not limited to, use permit(s) and public dancehall permit(s) as required by law. Failure to immediately cease such activities will result in the City being required to enforce full compliance with all laws and regulations pertaining thereto, via civil and/or criminal action. You may conduct yourself accordingly.

Very truly yours,



Andrew V. Arczynski,
City Attorney
City of Placentia

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CC: Troy L. Butzlaff, ICMA-CM
City Administrator

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