



**STAFF REPORT
SAN CLEMENTE ZONING ADMINISTRATOR**

Meeting Date: August 19, 2021

PLANNER: Katie Crockett, Associate Planner

SUBJECT: Minor Conditional Use Permit (MCUP) 21-079, Bonjour Ballet, a request to establish a group instruction use for ballet classes up to eight children at a time within an existing 1,048 square-foot commercial tenant space

LOCATION: 1001 Avenida Pico, Suite E (The Courtyards at Talega)

ZONING/GENERAL PLAN: Neighborhood Commercial of the Rancho San Clemente Specific Plan

BACKGROUND:

- The subject property (Figure 1), is located at the corner of Avenida Pico and Avenida La Pata. The property is within the Neighborhood Commercial (NC) land use designation of the Rancho San Clemente Specific Plan (RSCSP). The existing commercial center, the Courtyards at Talega, consists of a variety of office, retail, and restaurant uses.
- The subject tenant space, Suite E, is 1,048 square feet on the first floor of a general commercial building. Adjacent uses include a UPS Store, Dry Cleaners, Quiznos, and Starbucks. The previous permitted use in the subject tenant space was Mathnasium, a tutoring business permitted as an office use. Site plans are included in Attachment 2.

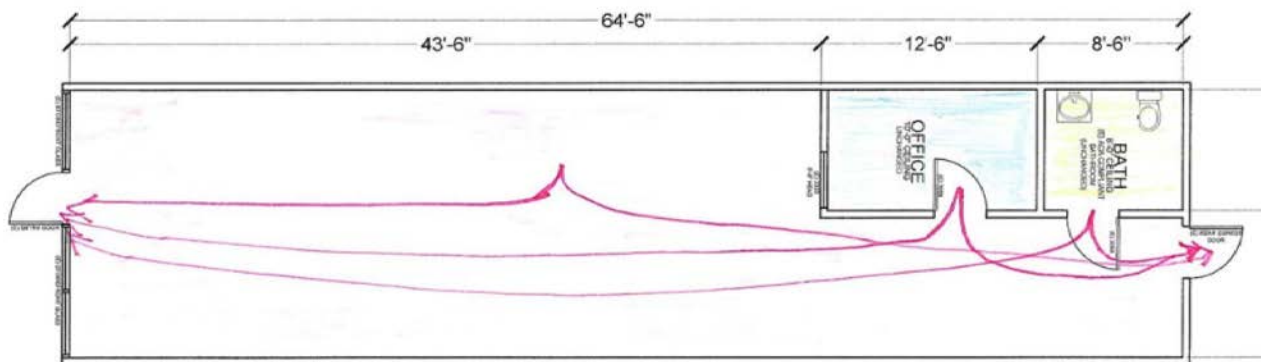
Figure 1: Location Map



PROJECT SUMMARY:

- The proposed business, Bonjour Ballet, will offer children’s ballet instruction to small classes of up to eight children with one instructor. Only one class will be held at a time. Condition 7.17 memorializes these limits to the number of students and classes. Classes are approximately 45 minutes long and are held hourly between the hours of 9:00 am and 6:00 pm. The applicant provided these details regarding business operations in the project narrative, included as Attachment 3.
- The existing tenant space includes one open area, a restroom, and a small office. The applicant proposes no changes to the floor plan or site plan. The floor plan is shown below in Figure 2 and is included in Attachment 2.

Figure 2: Floor Plan



- The Zoning Ordinance requires one parking space per employee and one space per two students. Based upon maximum operations capacity, the parking requirement results in a demand of five parking spaces, one space more than the previous office use required. Staff prepared a parking calculation for the subject building (included as Attachment 4). The number of parking spaces required by the shopping center, including the additional space required for this use, is equal to the number of parking spaces provided on site. It should be noted that this parking calculation is based upon the City’s parking requirements for each individual business. In centers like this, a shared parking methodology is commonly used to reduce the total amount of required parking due to varying peak demand times of uses within the center. Therefore, staff expects that the actual parking demand at the center is less than the theoretical demand included in the parking calculation. To further ensure parking at the center is not impacted, Condition 17.18 requires the applicant to maintain a 10 minute interval between the end of each class and the beginning of the following class.
- The project meets required findings because:
 - The proposed land use, group instruction, is permitted in the NC land use designation of the Rancho San Clemente Specific Plan with approval of a MCUP.
 - The proposed use is located in an existing commercial development that contains other similar uses, such as a yoga studio, is not adjacent to residential

- development, and is consistent with General Plan goals and policies related to compatibility and intensity of uses.
- Conditions of approval apply to ensure that surrounding land uses are not impacted. Conditions include specifying that no microphones or music violating the noise ordinance can be utilized, limiting the use to one class of up to eight students at a time, and requiring a minimum 10-minute interval between the end of one class and the beginning of the next to reduce any potential parking impacts from the use.
 - Adequate parking is provided at the center for all existing uses and the proposed use.
- The project is Categorical Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities). The Class 1 exemption applies to the operation, permitting, licensing, or minor alteration of existing structures, involving negligible or no expansion of the existing or former use.

RECOMMENDATION

Staff recommends that the Zoning Administrator:

1. Determine the project is Categorical Exempt from the requirements of the CEQA pursuant to CEQA Guidelines Section 15301 (Class 1: Existing Facilities); and
2. Adopt Resolution ZA 21-021, approving Minor Conditional Use Permit 21-079, Bonjour Ballet, subject to conditions of approval.

Attachments:

1. Resolution ZA 21-021
Exhibit A – Conditions of Approval
2. Plans
3. Project Narrative
4. Parking Calculation

RESOLUTION NO. ZA 21-021

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVING MINOR CONDITIONAL USE PERMIT 21-079, BONJOUR BALLET, A REQUEST TO ESTABLISH A GROUP INSTRUCTION USE FOR BALLET CLASSES OF UP TO EIGHT STUDENTS AND ONE INSTRUCTOR AT A TIME WITHIN AN EXISTING 1,048 SQUARE-FOOT COMMERCIAL TENANT SPACE AT 1001 AVENIDA PICO, SUITE E IN THE NEIGHBORHOOD COMMERCIAL LAND USE DESIGNZTION OF THE RANCHO SAN CLEMENTE SPECIFIC PLAN

WHEREAS, on May 20, 2021, an application was submitted by Kayla Ahroon for Minor Conditional Use Permit (MCUP) 21-079, and deemed complete on July 1, 2021; a request to establish a group instruction use for ballet classes of up to eight children at a time within an existing 1,048 square-foot commercial tenant space at 1001 Avenida Pico, Suite E, in the Neighborhood Commercial (NC) zone of the Rancho San Clemente Specific Plan; and

WHEREAS, the Planning Division has completed an initial environmental assessment of the above matter in accordance with the California Environmental Quality Act (CEQA) and recommends the Zoning Administrator determine the project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities) because the project involves the permitting, operation, and licensing of an existing commercial tenant space, involving negligible expansion of the existing use; and

WHEREAS, the proposed project was reviewed by the Development Management Team (DMT) which supports the project with incorporated conditions of approval; and

WHEREAS, the City Planner advertised and noticed the Zoning Administrator public hearing for this item at least ten days in advance of the hearing by both publication in a newspaper of general circulation in the City of San Clemente and by mailing a notice of the time, place and purpose of such hearing to required recipients, including property owners within 300 feet of the subject parcel; and

WHEREAS, on August 19, 2021, the Zoning Administrator of the City of San Clemente held a duly noticed public hearing on the subject application, considered written and oral comments, and facts and evidence presented by the applicant, City staff, and other interested parties.

NOW, THEREFORE, The Zoning Administrator of the City of San Clemente does hereby resolve as follows:

Section 1. Incorporation of Recitals.

The Zoning Administrator hereby finds that all of the facts in the Recitals are true

and correct and are incorporated and adopted as findings of the Zoning Administrator as fully set forth in this resolution.

Section 2. CEQA Findings.

Based upon its review of the entire record, including the Staff Report, any public comments or testimony presented to the Zoning Administrator, and the facts outlined below, the Zoning Administrator hereby finds and determines that the proposed project is Categorically Exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Class 1: Existing Facilities). The Class 1 exemption applies to the operation, repair, permitting, or alteration of existing structures with negligible expansion of the existing or former use. The proposed project involves permitting a small group instruction use in an existing commercial tenant space, which was previously permitted as a tutoring use, which represents negligible expansion from the existing use.

Furthermore, none of the exceptions to the use of the Class 1 categorical exemption identified in State CEQA Guidelines Section 15300.2 apply. The project will not result in a cumulative impact from successive projects of the same type in the same place, over time, given the proposed use is consistent with General Plan policies and Zoning regulations, which were studied and addressed in the General Plan Environmental Impact Report (EIR). There are no unusual circumstances surrounding the project that result in a reasonably possibility of a significant effect on the environment. The site is developed. The project will not damage scenic resources, including trees, historic buildings, rock outcroppings, or similar resources. Thus, the Class 1 exemption applies, and no further environmental review is required.

Section 3. Minor Conditional Use Permit Findings

With respect to Minor Conditional Use Permit (MCUP) 21-097, for approval of a small group instruction use, the Zoning Administrator finds as follows:

- A. The proposed use is permitted within the subject zone pursuant to the approval of a Minor Conditional Use Permit and complies with all the applicable provisions of the Zoning Ordinance, the San Clemente General Plan, and the purpose and intent of the zone in which the use is being proposed in that:
 1. The proposed use, group instruction, is permitted in the NC land use designation of the Rancho San Clemente Specific Plan with approval of a MCUP.
 2. The purpose and intent of the NC land use designation and General Plan designation is to accommodate local-serving retail commercial, personal service, professional office, cultural facilities, and eating and drinking uses. The small ballet studio would provide a service for nearby residents.
 3. The proposed use is located in an existing commercial development that contains other similar uses, such as a yoga studio, and is not adjacent to residential development, consistent with General Plan goals and policies related to compatibility and intensity of uses.

- B. The site is suitable for the type and intensity of the use that is proposed in that:
1. The proposed use is located in an existing commercial development that contains other similar uses, such as a yoga studio, and is not adjacent to residential development, consistent with General Plan goals and policies related to compatibility and intensity of uses.
 2. The previous use permitted in the subject tenant space was a tutoring use, which is similar to the proposed use, and a similar business – a yoga studio – operates on the second floor.
 3. The center has sufficient parking for all uses at the center, including the proposed use, based on the City's theoretical parking demand ratios for each use.
 4. The use will not have noise impacts on surrounding businesses or uses due to the nature of a ballet studio, as opposed to other fitness facilities. For example, the music played is typically instrumental and relatively soft so that the instructor can be heard clearly by students. Additionally, no microphones will be necessitated or used by the instructor.
- C. The proposed use will not be detrimental to the public health, safety, or welfare, or materially injurious to properties and improvements in the vicinity in that:
1. The proposed use is located in an existing commercial development that contains other similar uses, such as a yoga studio, and is not adjacent to residential development, consistent with General Plan goals and policies related to compatibility and intensity of uses.
 2. No modifications to the existing tenant space or site are proposed.
 3. Conditions of approval are included to ensure the use will not negatively impact parking at the center and that the use will not violate the noise ordinance or cause negative noise impacts.
- D. The proposed use will not negatively impact surrounding land uses in that:
1. The subject tenant space is in a commercial center with a variety of general commercial, restaurant, service, office, and fitness uses. The nearest residential uses are separated from the proposed use by over 800 feet and significant topography.
 2. A yoga studio, which is a similar use, is already located at this center and has no record of negative impacts to surrounding businesses.
 3. The center has sufficient parking for all uses at the center, including the proposed use, based on the City's theoretical parking demand ratios for each use.
 4. Conditions of approval apply to ensure that surrounding land uses are not impacted. Conditions include specifying that no microphones or music

violating the noise ordinance can be utilized, limiting the use to one class of up to eight students and one instructor at a time, and requiring a minimum 10-minute interval between the end of one class and the beginning of the next to reduce any potential parking impacts from the use.

Section 4. Zoning Administrator Approval.

Based on the foregoing recitals and findings, and the written and oral comments, facts, and evidence presented, the City of San Clemente Zoning Administrator approves Minor Conditional Use Permit (MCUP) 21-079, Bonjour Ballet, subject to the Conditions of Approval set forth in Exhibit A.

PASSED AND ADOPTED at a regular meeting of the City of San Clemente Zoning Administrator on August 19, 2021.

Cecilia Gallardo-Daly, Zoning Administrator

**CONDITIONS OF APPROVAL
MINOR CONDITIONAL USE PERMIT 21-079, BONJOUR BALLE**

1.0 GENERAL CONDITIONS OF APPROVAL

- | | | |
|-----|---|--------------|
| 1.1 | Within 30 days of receipt of the signed conditions of approval, the applicant shall submit to the City Planner a signed acknowledgement concurring with all conditions of approval on a form to be provided by the City, unless an extension is granted by the City Planner. | Planning |
| 1.2 | The applicant shall defend, indemnify, and hold harmless the City of San Clemente and its officers, employees, and agents from and against any claim, action, proceeding, fines, damages, expenses, and attorneys' fees, against the City, its officers, employees, or agents to attack, set aside, void, or annul any approval or condition of approval of the City concerning this project, including but not limited to any approval or condition of approval of the City Council, Planning Commission, or City Planner. Applicant shall pay all costs, The City shall promptly notify the applicant of any claim, action, or proceeding concerning the project and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officers, employees, and agents in the defense of the matter. If the applicant fails to so defend the matter, the City shall have the right, at its own option, to do so and, if it does, the applicant shall promptly pay the City's full cost of the defense. | Planning |
| 1.3 | Use and development of this property shall be in substantial conformance with the approved plans, material boards and other applicable information submitted with this application, and with these conditions of approval. | Planning |
| 1.4 | The applicant shall comply with all applicable current and future provisions of the San Clemente Municipal Code, adopted ordinances, and state laws. | All |
| 1.5 | Use of the subject property shall conform to all occupancy requirements, including posting of signs related to the maximum occupancy limitations. | Code
Comp |

7.0 OPERATIONAL CONDITIONS OF APPROVAL

- | | | |
|------|--|----------------|
| 7.17 | Only one class shall be conducted at a time. Classes shall consist of one instructor/staff and up to eight students. | Planning
** |
|------|--|----------------|

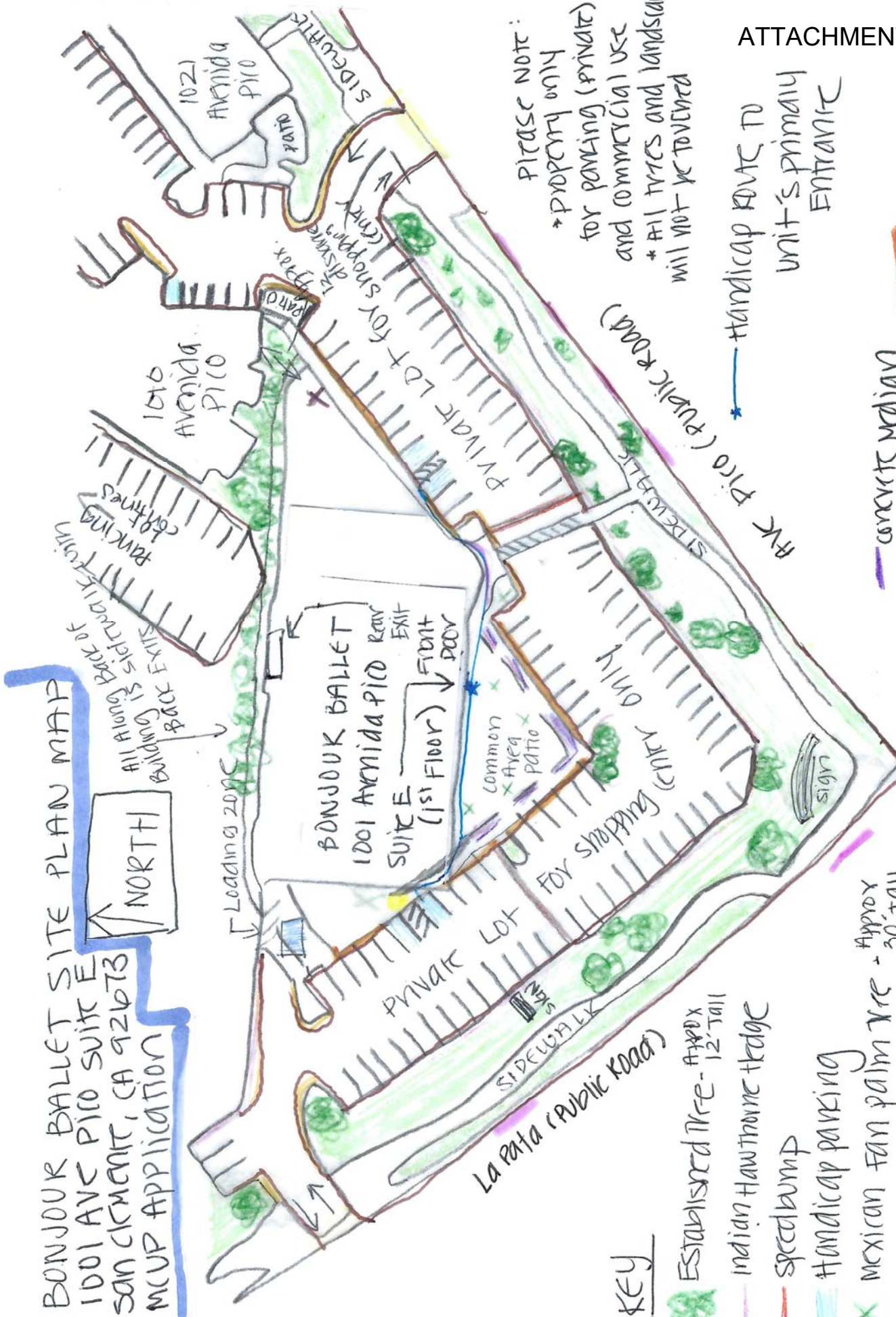
- 7.18 The applicant shall maintain a minimum of 10 minutes between the end of each class and the beginning of the following class in order to minimize negative parking impacts caused from overlap of students in more than one class. Planning/Code Comp**

- 7.19 No microphones shall be utilized in the business. Additionally, no music at levels above those permitted by the City’s noise control ordinance (SCMC Chapter 8.48) shall be used. Planning/Code Comp**

- 7.20 The applicant (including any property owners and managers, and their designees) shall use her/his best judgment and best management practices to ensure commercial activities on the premises will be conducted in a manner that will not be disruptive to neighbors. The business owner shall be responsible for ensuring compliance with the San Clemente Municipal Code (SCMC), and all conditions of approval contained herein. The Applicant (including any property owners and managers, and their designees) hereby understands that noncompliance with regulations and conditions of approval, shall be immediate grounds for citation pursuant to SCMC Section 8.52.030(Y), which states, *“It is declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that ... A structure, improvement, property, and/or land use is not in compliance with terms and/or conditions of any City of San Clemente issued permit or approval,”* and any subsequent revision of this section of the code. Code Comp**

* Denotes a modified Standard Condition of Approval
 ** Denotes a project-specific Condition of Approval

BONJOUR BALLET SITE PLAN MAP
 1001 AVE PICO SUITE E
 SAN CLEMENTE, CA 92673
 MCUP APPLICATION



PLEASE NOTE:
 * PROPERTY ONLY FOR PARKING (PRIVATE) AND COMMERCIAL USE
 * ALL TREES AND LANDSCAPE WILL NOT BE TOUCHED

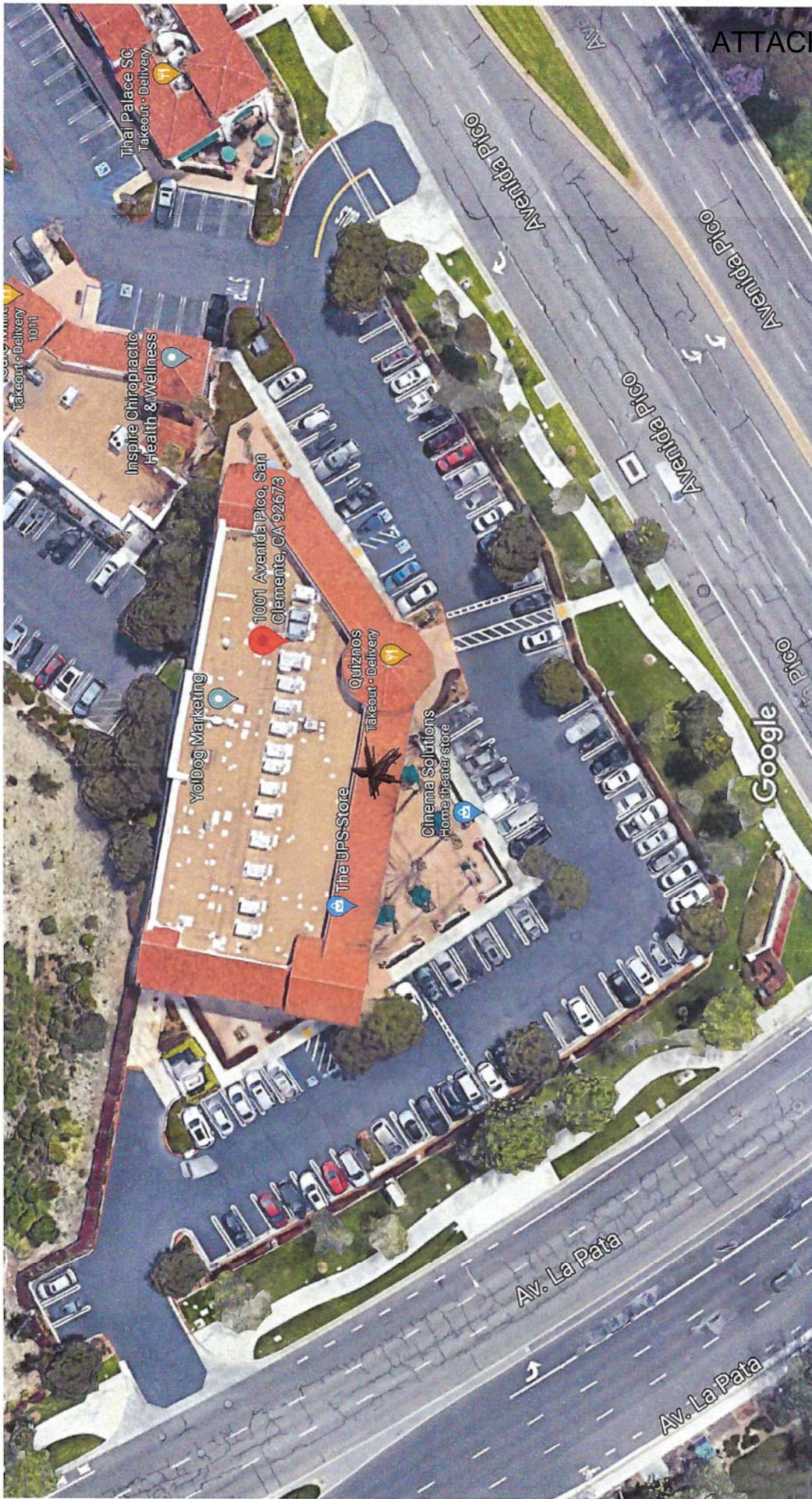
Handicap route to unit's primary ENTRANCE

- concrete median
- X STAIRS
- ELEVATOR
- GUTTER
- 20 minute parking
- CURB

- KEY**
- Established tree - approx 12' tall
 - Indian Hawthorne hedge
 - speedbump
 - Handicap parking
 - Mexican fan palm tree - approx 30' tall
 - crosswalk
 - Dumpster
 - Entrance into building

↑ NORTH

Google Maps 1001 Avenida Pico



Imagery ©2021 Google, Map data ©2021, Map data ©2021 20 ft

ATTACHMENT 2

SATellite view of property and close parking
 ✱ BONJOUR BALLER SUITE E LOCATED ON FIRST FLOOR

The Courtyards at Talega

SIGN PROGRAM PHASE I

N.E. Corner of Pico & La Plata San Clemente, CA

Date: October 28, 2002

- Revisions:
- ▲ November 10, 2001
 - ▲ December 9, 2001
 - ▲ December 20, 2002
 - ▲ January 21, 2003
 - ▲ February 18, 2003
 - ▲ March 14, 2003
 - ▲ March 20, 2003
 - ▲ April 8, 2003
 - ▲ April 23, 2004

Prepared By:



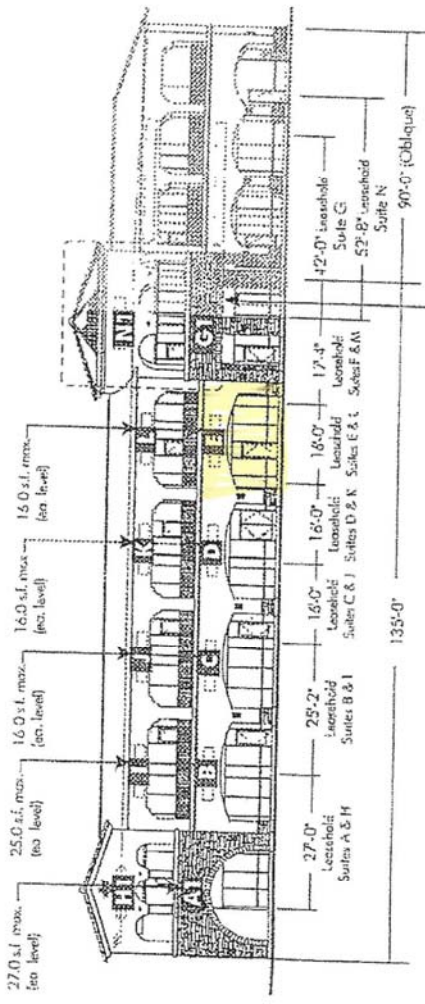
20361 Hiermanua Circle
Lake Forest CA 92630
(949) 458-1000
Fax: 458-3530

Scale: 1/32" = 1'-0"

Building A Elevations



BONDUR BALLET

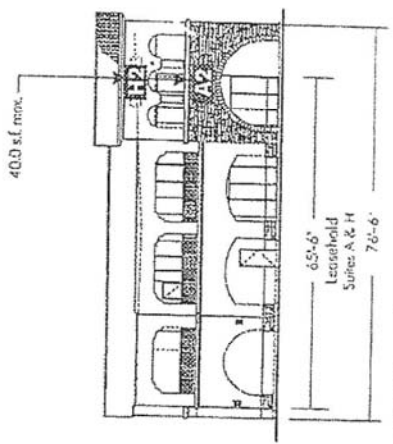


BUILDING A SOUTH ELEVATION
SCALE: 1/32" = 1'-0"

100.0 s.f. total wall signage this elevation, each level, excluding tower
200.0 s.f. total wall signage, both levels, including tower
Total signage allocated for this elevation = 231.0 s.f. (200.0 s.f. tower, 31.0 s.f. tower, 200.0 s.f. tower, 31.0 s.f. tower)

Notes: (1) In the case of future site addition or combination, the individual sign areas of the existing signs are to be repositioned per the guidelines of this program, but shall not exceed the maximum allowable sign area per elevation as shown. (2) Sign locations shown are to be used as a guideline. Actual tenant sign placements may vary per individual tenant proposals, pending landlord approval.

Tenant representation on tower to be determined by tenant/landlord agreement.



BUILDING A WEST ELEVATION
SCALE: 1/32" = 1'-0"

40.0 s.f. total wall signage this elevation, each level
80.0 s.f. total wall signage, both levels.



BUILDING A EAST ELEVATION
SCALE: 1/32" = 1'-0"

42.0 s.f. total wall signage this elevation, each level, excluding tower
84.0 s.f. total wall signage, both levels, including tower
Total signage allocated for this elevation = 115.0 s.f. (61 s.f. tower, 1/2 tower, 31.0 s.f. tower)

The Courtyards at Talega

SIGN PROGRAM PHASE I

N.E. Corner of Pico & La Pata San Clemente, CA

Date: October 28, 2002

Revisions:

- ▲ November 10, 2002
- ▲ December 9, 2002
- ▲ December 20, 2002
- ▲ January 23, 2003
- ▲ February 28, 2003
- ▲ March 14, 2003
- ▲ March 30, 2003
- ▲ April 8, 2003
- ▲ April 21, 2003

Prepared By:



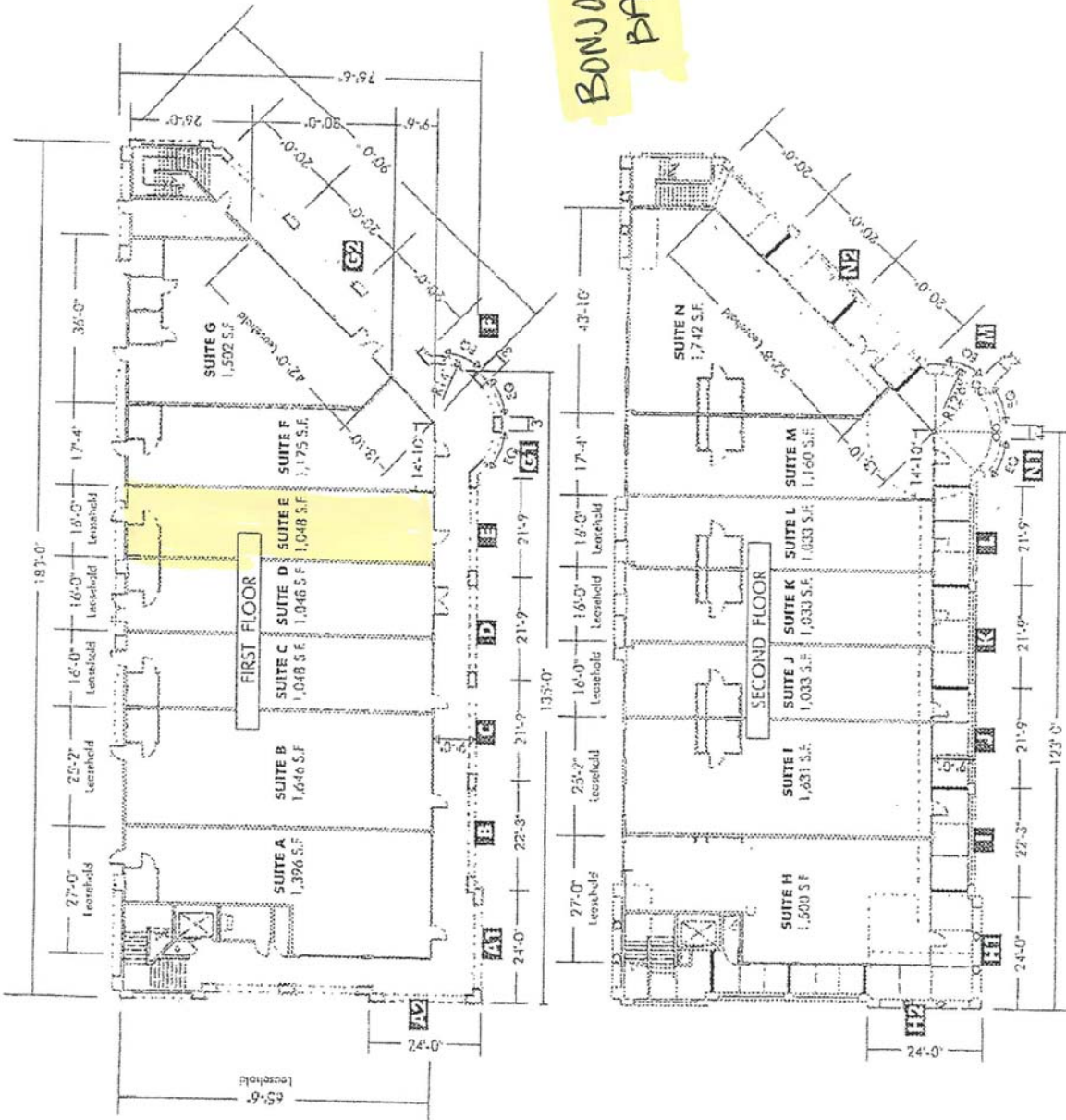
20361 Hermania Circle
Lake Forest CA 92630
(949) 458-1000
Fax: 458-3530

Scale: 1/32" = 1'-0"

Building A Floor Plans



BONJOUR BALLIT




BUILDING A FLOOR PLANS
SCALE: 1/32" = 1'-0"
FIELD VERIFY ALL CRITICAL DIMENSIONS




Bonjour Ballet is located on the first floor. The school has both a front and back exit that are clearly accessible. NO DEMOLITION WORK TO OCCUR. ALL EXISTING.

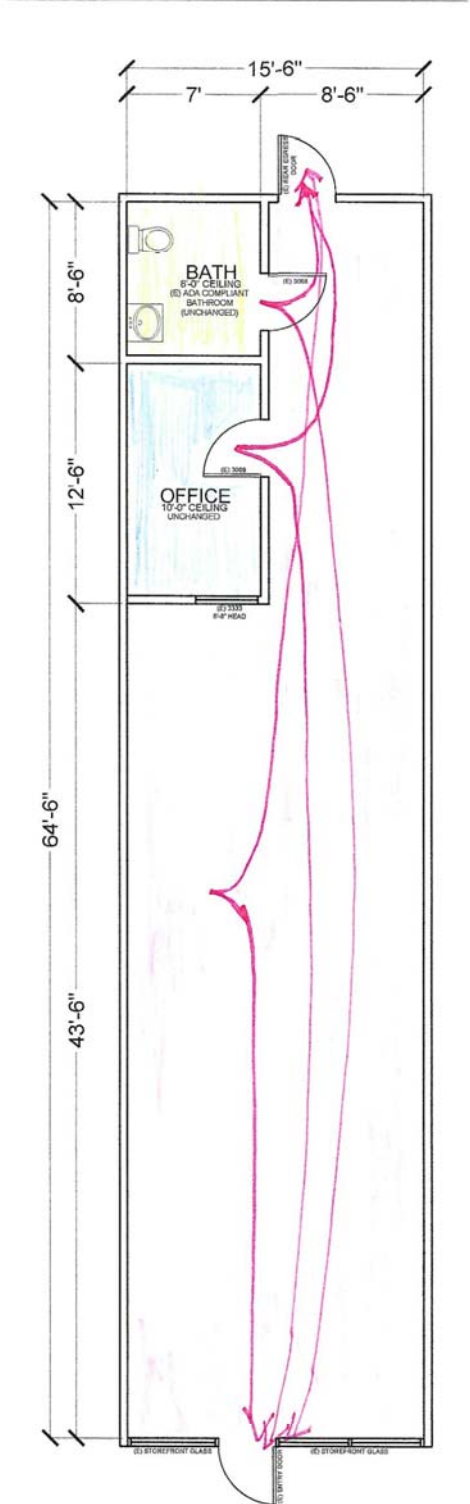
KEY

— EXIT ROUTE

 This area will be used for instructional purposes. Formally referred to as the studio

 The office will be used for administrative purposes

 The Bath will be used for only restroom purposes. The Bathroom is ADA compliant



Bonjour Ballet : Description of Environmental Setting and Project Narrative

Minor Conditional Use Permit (MCUP) Application

1001 Avenida Pico, Suite E

San Clemente, CA 92673

Mousiki, Inc. DBA Bonjour Ballet has leased a retail location at 1001 Avenida Pico, Suite E, San Clemente, California, in The Courtyards at Talega shopping center. Bonjour Ballet is a young children's ballet school that is applying for a Minor Conditional Use Permit (MCUP) for Group Instruction. The school will offer classes for children between ages 18 months – seven years old. The classes will teach the fundamentals of ballet, stories relating to ballet, movement and will have low playing classical music in the background which the students will learn about as well. The school will hold classes Monday through Saturday between the hours of 9:00am – noon and 3:00pm – 6:00pm. Each class will be 45 minutes long and will run on an hourly basis. For example, there will be a 9:00am-9:45am class followed by a 10:00am-10:45am class. During business hours one teacher will be on-site and the school is requesting a Minor Conditional Use Permit (MCUP) for 8 students per class.

The Courtyards at Talega shopping center is an established retail center located at the signalized North East corner of La Pata and Avenida Pico. There are a total of six buildings in the shopping center that are retail, restaurants and professional tenants. There are three curb cuts into the property and the entire center is located on 3.66 acres of land. Parking is considered community parking by the center and there is no reserved parking. The property is broken up into Phases with Bonjour Ballet being located in the building that is considered Phase 1 Building A (1001 Avenida Pico) of the commercial shopping center. Phase 1 Building A is a two-story building directly facing the hard signalized traffic intersection of La Pata and Avenida Pico. The immediate parking lot to the building has two curb cuts – one entering from La Pata and the other entering from Avenida Pico. The property has mature palm trees, other established trees, Birds of Paradise, flowers in large planters and native bushes. The closest residential location is approximately 0.25 miles away and dense trees, bushes and wildlife separate the shopping center from the residential region. The center is directly across the street from other large commercial properties with high daily traffic. One property is an industrial park and the other property is a large commercial retail center. The Courtyards at Talega shopping center is not adjacent to any other commercial properties.

Bonjour Ballet is a 1,048 square foot unit located on the first floor of 1001 Avenida Pico. The unit above the school is vacant and the unit's immediate neighbors are a dry-cleaning service and fast-food sandwich shop. The unit has a front and back door with direct access from one to the other. The floorplan is wide open except for the ADA compliant bathroom and small existing office which are located in the far back corner of the space. Bonjour Ballet will be keeping the existing floorplan and a building permit will not be required. Directly in front of the studio is a large patio with ample seating that separates the school and the building's community parking lot. There is nearby wheelchair access on either side of the school and a crosswalk. The school will play low volumed classical music during classes with the doors closed. The school is hoping the information provided in this application for a Minor Conditional Use Permit (MCUP) will be sufficient enough for allowing up to 8 students per class.

Courtyards @ Talega

UNIT	TENANT	SQ FT	USE	PKG RATIO	REQUIRED SPACES
A	Griffin Optometric	1,396	Medical	1/200	6.980
B	Nail Salon	1,646	Nail Salon	1/200	8.230
C	UPS Store	1,048	Retail Service	1/300	3.493
D	Premiere Cleaners	1,048	Retail Service	1/300	3.493
E	Bonjour Ballet	1,048	Group Instruction	1 per staff + 1 per 2 students	5.000
F	Quiznos	1,175	Restaurant	1/35 seating area +1/200	8.350
G	Starbucks	1,502	Restaurant	1/35 seating area +1/200	13.734
H	Sweathouse OC	1,495	Group Instruction	1 per staff + 1 per 2 students	5.000
I	Vacant	1,631	Medical	1/200	8.155
J	Day Spa	669	Day Spa	1/200	3.345
K	Alice Moran DDS	1,397	Medical	1/200	6.985
L-N	Vacant	3,935	Office	1/300	14.000
Parking Required:					86.765
Parking Provided:					87.000
Surplus:					0.235 (0 spaces)