

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
 200 Oceangate, Suite 1000  
 Long Beach, CA 90802-4302  
 (562) 590-5071



Filed: May 29, 2001  
 49<sup>th</sup> Day: July 17, 2001  
 180<sup>th</sup> Day: November 25, 2001  
 Staff: ALK/LE *ALK*  
 Staff Report: July 19, 2001  
 Hearing Date: August 7-10, 2001  
 Commission Action:

**Item Tu 7g****STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-01-135 **RECORD PACKET COPY**  
**APPLICANT:** Richard Lee  
**AGENT:** Christine Lampert, Architect  
**PROJECT LOCATION:** 140 Avenida Pico, San Clemente, County of Orange

**PROJECT DESCRIPTION:** Restoration and reuse of the existing 12,079 square foot historic "Casino Building" in the North Beach area of San Clemente. The structure is currently vacant and was last occupied as a dinner theater approximately 10 years ago. Renovation will result in the creation of the CHI (China Healthways Institute) Science Exploratorium, a museum/ exhibition center with office space and a small gift shop. Seven (7) parking spaces will be provided on site. Minor structural upgrades are proposed, including ADA improvements, repair of the fire sprinkler system, restoration of the HVAC system, and restroom renovation. The project also involves landscaping of the existing patio areas. No grading is proposed.

**PROJECT SPECIFICS:**

Lot Area:	34,884 sq. ft.
Building Area:	12,079 sq. ft.
Building Coverage:	12,079 sq. ft.
Pavement Coverage:	7219 sq. ft.
Landscape Coverage:	15,586 sq. ft.
Parking Spaces:	7
Land Use Designation:	C-2, General Commercial
Ht. above final grade:	32 feet w/cupola

**SUMMARY OF STAFF RECOMMENDATION:**

The applicant is proposing adaptive reuse and renovation of a designated historic structure in the North Beach area of the City of San Clemente. Staff recommends the Commission **APPROVE** the proposed development with two (2) special conditions requiring recordation of a future improvements deed restriction and a limitation on hours of operation and intensity of use. The major issue raised by the proposed development is the adequacy of parking. Seven (7) parking spaces will be provided on-site and 32 parking spaces are required by current City of San Clemente parking standards, resulting in a deficiency of 25 spaces. The deficiency is allowed by the City through a reduction in parking requirements for historic preservation purposes. Shared use of nearby public parking is proposed.

At the time of this staff report, the applicant is in disagreement with the use restriction placed on the site through Special Condition 2, which prohibits daytime events/lectures during the peak summer months. The applicant would be agreeable to restricting daytime activities during summer weekends, but not weekdays.

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**LOCAL APPROVALS RECEIVED:**

Approval in Concept from the Department of Community Development of the City of San Clemente, Approval of Conditional Use Permit 00-203/Community Design Commission 00-204 from the Planning Commission of the City of San Clemente

**SUBSTANTIVE FILE DOCUMENTS:**

City of San Clemente Certified Land Use Plan, City of San Clemente Parking Needs Assessment Study and *China Healthways Institute (CHI) Science Center, San Clemente, Parking Analysis* prepared by IBI Group dated March 1, 2001.

**LIST OF EXHIBITS:**

1. Vicinity Map
  2. Assessor's Parcel Map
  3. Coastal Access Map
  4. Project Plans
  5. City of San Clemente Staff Report
  6. Letter from City Staff dated June 5, 2001
  7. Exhibit from Parking Analysis prepared by IBI Group
- 

**STAFF RECOMMENDATION:**

Staff recommends that the Commission APPROVE the permit application with special conditions.

**MOTION:**

*I move that the Commission approve CDP No. 5-01-135 pursuant to the staff recommendation.*

Staff recommends a YES vote. Passage of this motion will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION:**

**I. Approval with Conditions**

The Commission hereby GRANTS a permit, subject to the conditions below, for the proposed development on the grounds that the development, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976 including the public access and recreation policies of Chapter 3, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. **Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. **Special Conditions**

1. **Future Improvements Deed Restriction**
  - A. This permit is only for the development described in Coastal Development Permit No. 5-01-135. Pursuant to Title 14, California Code of Regulations, Section 13250(b)(6), the exemptions otherwise provided in Public Resources Code, Section 30610(b) shall not apply. Accordingly, any future improvements to the development authorized by this permit that would result in an increase in square footage or any other change in the intensity of use of the property including, but not limited to, repair and maintenance identified as requiring a permit in Public Resources Code, Section 30610(d) and Title 14, California Code of Regulations, Sections 13252(a)-(b), shall require an amendment to Permit No. 5-01-135 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.
  - B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of the applicant's entire parcel(s). The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. The deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Operational Requirements

The permittee shall comply with the following operational requirements:

- (a) The hours of operation for the museum facility to be open to the public shall be between 10:00 a.m. and 6:00 p.m. daily;
- (b) During the peak summer months (defined as Memorial Day weekend through Labor Day weekend), no high intensity uses (i.e. lectures) shall occur before 6:00 p.m.;
- (c) Evening lectures shall be limited to the hours of 6:00 p.m. to 10:00 p.m. daily, and
- (d) No more than 80 guests shall be allowed to attend evening events.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. **PROJECT LOCATION, DESCRIPTION AND BACKGROUND**

Project Location

The project site is the historic "Casino Building", located at 140 Avenida Pico in the North Beach area of the City of San Clemente, Orange County (Exhibits 1 and 2). The site is located one block, approximately 200 feet, inland of the beach. The nearest coastal access is available via an at-grade railroad crossing at North Beach (Exhibit 3). Surrounding development includes the Ole Hanson Beach Club (community center and swimming pool) to the southwest, the Metrolink Station to the northwest, commercial development to the north and to the east, and residential development to the south.

Project Description

The applicant is proposing restoration and adaptive reuse of a designated historic structure. The project will involve refurbishment of the existing 12,079 square foot structure, resulting in the creation of the CHI (China Healthways Institute) Science Exploratorium, a museum/exhibition center with office space and a gift shop (Exhibit 4). As described by City staff in their staff report to the Planning Commission (Exhibit 5), the concepts presented through the proposed CHI Science Exploratorium will be a *"blending of Eastern and Western (metaphysical and scientific, old and new) health philosophies focusing on vitality and healing. Exhibits in the Exploratorium will be related to this philosophy, and potentially to the natural environment as a key component of natural vitality."*

The CHI Exploratorium will occupy 8,340 square feet of the large circular portion of the building beneath the dome. Museum exhibits will be placed on portable displays within the former dance floor area. The remaining 3,739 square feet will be used as office space in the rear of the structure. A gift shop will be located between the office space and the museum (square footage included in Exploratorium total). Only minor structural upgrades are proposed, including ADA access improvements, repair of the fire sprinkler system, restoration of the HVAC system, and restroom renovation. The project also involves landscaping of the two existing patio areas. The patio at the front of the structure will be enhanced as a meditation garden with a sundial, new paving, potted plants and a rose garden. Minor modifications are proposed to the patio along the side of the structure, including replacement of plywood panels in the wall openings with an opaque material, compatible with the style of the building. No grading is proposed. Seven (7) on-site parking spaces will be provided on-site in an outdoor lot. No additional parking will be provided.

The CHI Science Exploratorium is proposed to be open to the public daily from 10:00 a.m. to 6:00 p.m. with access to the office reception area and gift shop during that time. Special events and lectures are also proposed periodically.

#### Background

The structure was originally constructed in 1937 and utilized as a dance hall. Most recently, the structure was used as a dinner theater. The site is commonly referred to as "Sebastian's." The majority of the site has been vacant for approximately 10 years. The owner has recently occupied a small portion of the building for use as an office.

### **B. COASTAL ACCESS**

#### **1. Coastal Act Policies**

As defined by Section 30106 of the Coastal Act, "development" means change in the density or intensity of use of land or construction, reconstruction, demolition, or alteration of the size of any structure. The proposed project involves a change in land use from a former dinner theater (commonly known as Sebastian's) to a museum/science center. The square footage will not change. Due to the proposed change in intensity of use, the current renovation project is considered development under the Coastal Act.

The Coastal Act provides that development should maintain and enhance public access to the coast and encourages the provision of lower cost visitor and recreational facilities. Section 30252 of the Coastal Act requires that new development should maintain and enhance public access to the coast. It states, in relevant part:

*The location and amount of new development should maintain and enhance public access to the coast by... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation.*

Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities be protected, encouraged and where feasible, provided. It states:

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

#### **2. Land Use Plan Policies**

Chapter 3 (Goals and Policies) of the City of San Clemente Certified Land Use Plan (LUP) contains policies regarding development within the North Beach area and public access to the shoreline. However, until such time as the City's Implementation Plan (IP) is approved and the Local Coastal Program (LCP) has been certified by the Commission, the Chapter 3 policies of the Coastal Act are applied as the standard of review and the LUP will be used as guidance.

Chapter 3, Section F of the LUP discusses special districts within San Clemente, including the North Beach area. The City's LUP describes future plans for North Beach as follows:

*The Plan provides for the revitalization of North Beach into a community and visitor serving, mixed use, high activity center of the City. This revitalization is intended to capitalize on the areas adjacent to the beachfront, to emphasize the historic structures including the Ole Hanson Beach Club, Miramar Theatre, and Sebastians.*

*Retail shops, gift stores, restaurants, hotels/motels, entertainment and residential units above lower level commercial will be accommodated to establish a pedestrian oriented environment. Opportunities for additional coastal related uses, a new train station and/or multi-modal transportation center are allowed within this area. Extensive streetscape amenities are to be incorporated to provide linkages among individually developed sites and to create a unique identity for the district.*

Parking in North Beach is discussed in Chapter 2 (Area Description) as follows:

*An off-street parking lot with metered parking, as well as on-street metered and non-metered spaces are available at North Beach. There are approximately 350 parking spaces available at this location, consisting of 250 metered off-street and 100 metered on-street spaces.*

*North Beach is the location of the City's Metrolink train station. The Metrolink station shares 150 parking spaces with beach and recreational parking. Approximately 100 spaces are reserved for recreational and beach parking only.*

Policies for North Beach San Clemente are contained in Sections VI.8 through VI.11 of the LUP. These policies encourage pedestrian oriented, mixed-use development.

Policy VI.8 states:

*Accommodate neighborhood community and visitor serving commercial, mixed use residential and commercial, and parking uses by establishing land uses as "MU 3-p-A", "MU 2-p-A" and "P-A."*

Mirroring Section 30252 of the Coastal Act, Section VII(d) of the LUP states, in relevant part:

*The location and amount of new development should maintain and enhance public access to the coast by...(d) providing adequate parking facilities or a substitute means of serving the development with public transportation.*

Policy XII.5 of the Historic Resource Policies Section states:

*Provide incentives to private owners of historic structures to maintain and/or enhance their properties in a manner that will conserve the integrity of such resources in the best possible condition.*

### **3. Local Parking Requirements**

The primary issues of concern to the Commission triggered by development at this location include 1) potential adverse impacts on parking resulting in impaired access to the coast and 2) provision of lower cost visitor-serving development. Since parking is considered the most significant issue raised by the proposed project, this section outlines parking requirements used by the City of San Clemente to evaluate the proposed development.

The existing commercial historic structure is non-conforming with regard to parking. While the subject site is currently vacant and has been for a number of years, the last approved use at this site was a dinner theater. The dinner theater required 90 parking spaces, which allowed for a total seating capacity of 360 seats. The prior owner purchased in-lieu certificates through the City's In-Lieu Parking Certificate Program. The City Council discontinued the program in November 1998. As such, the current applicant was not able

to take advantage of the program when proposing the museum project (Exhibit 6). Nonetheless, the City approved the applicant's proposal through Conditional Use Permit 00-203, allowing a reduction in required parking for historic preservation purposes.

The City's certified Land Use Plan contains a policy encouraging private owners of historic structures to maintain and/or enhance their properties in a manner that will conserve the integrity of such resources in the best possible condition. Accordingly, the City's Zoning Ordinance contains a provision for the modification of parking requirements for commercial historic structures subject to specific findings. As discussed in the City staff report (Exhibit 5), the findings must conclude *"that to provide the required parking would be incompatible with the historic building's original architectural style and character; that there is available public parking in close proximity; and that the modification will not result in negative health, safety and welfare impacts."* Based on the proposed use of the site as a museum with gift shop and office space, a total of 32 parking spaces are required (using City parking standards). Seven (7) spaces are currently provided, resulting in a deficiency of 25 spaces. These 7 spaces are not original, but were recently added by the applicant (through an administrative approval by the City). The new spaces are located in the rear of the structure, within a former service area for the dinner theater. No landscaping, patios or building elements were altered to provide this parking. In their evaluation of the proposed project, the City determined that additional parking could not be accommodated on-site without damaging the historic character of the site (i.e. through the removal of buildings or landscape/hardscape features). In addition, it was determined by the City analysis that adequate public parking exists in close proximity to the subject site at the Ole Hanson Beach Club across the street and along the surrounding streets. The City ultimately found that the project meets the criteria for the modification of parking requirements for commercial historic structures. The Commission recognizes that the City's allowance of a parking reduction in this situation is consistent with the policies of the San Clemente certified Land Use Plan regarding historic resources and future development of the North Beach area.

**a. Site Specific Parking Analysis**

Public access to the coast can be adversely impacted by new development if adequate parking spaces are not provided. Patrons of the new development will compete with beachgoers for public parking spaces. In this case, the project is located only one block (approximately 200 feet) from the coast. As such, parking in the project area may be utilized for beach parking.

In 1995, the City conducted a North Beach Parking Study as part of the *City of San Clemente Parking Needs Assessment* prepared by the IBI Group. The report concluded that a surplus of parking opportunities exists in the North Beach area and found that Metrolink ridership at the adjacent station was not as high as anticipated.

To evaluate the parking impacts of the proposed CHI Science Exploratorium, the applicant submitted a parking analysis for the proposed project prepared by the IBI Group dated March 1, 2001, which provides a follow-up to the 1995 *Parking Needs Assessment*. The new report examines the existing parking supply, the project parking requirements, the current and future demand in North Beach and presents conclusions related to the parking needs of the project relative to the available parking in the area. The examination was prepared using City of San Clemente parking code requirements, the Institute of Transportation Engineers (ITE) Parking Generation manual, American Planning Association (APA) standards, and the parking utilization field inventory from the *San Clemente Parking Needs Assessment* for North Beach.

The 2001 parking analysis determines that the existing demand of parking in the North Beach area is far less than the available supply. The analysis acknowledges that the CHI Science Center is deficient 25 spaces based on City standards, which are consistent with Institute of Transportation Engineers and American Planning Association parking requirements. However, the report notes that the site was historically used much more intensively than what is currently proposed. Additionally, as stated in the report,

*The abundance of available on-street parking within the immediate vicinity of the project site can help off-set the parking deficiency. Thirty-seven metered on-street parking spaces are available on streets that bound the project site, namely Calle Desecha, Avenida Pico and Boca de La Playa. (See Exhibit 7) Based on field surveys discussed previously, even in the peak recorded period of utilization, 28 parking spaces remain available on-street immediately adjacent to the project. Beyond this...a potential availability of 196 parking spaces are located within a 300 feet radius of the project site.*

*Further, the North Beach/San Clemente Metrolink station area is well-served by public transit throughout the day by two OCTA bus routes. It is also served by Metrolink at the San Clemente Station at Avenida Pico within one block of the CHI Science Center.*

As discussed in the report and observed by Commission staff, sufficient parking exists in the North Beach area to accommodate beach-goers, business, and Metrolink commuter parking requirements. The parking analysis concludes that *"the proposed development will not interfere with the public's right of access to the ocean."* In this instance, due to specific site characteristics, the use of public parking to serve a private development will not result in adverse impacts to coastal access. The use of on-street parking by CHI Science Center visitors will not negatively affect parking availability for beach access or other uses in the North Beach area.

During the daytime, it is anticipated that visitors may go to more than one destination in the North Beach area, thereby reducing parking demand through shared use. In addition, the applicant has indicated that peak parking periods for the proposed CHI Science Center will be in the evenings (during lectures/events), after the peak beach use period has ended. This demonstrates an opportunity for further shared use parking, where the various land uses have different peak parking times and the existing parking supply is sufficient to serve both day and evening activities. To ensure that evening events do not overburden parking supply in the area, the project has been conditioned by the City to limit evening events to a maximum of 80 guests. (The Commission places further use restriction on the development, as discussed in the following section.)

Lastly, the project will require far less parking than the previous dinner theater use, which was deficient 90 parking spaces. The proposed CHI museum will provide adaptive reuse of the existing historic structure without generating substantial parking demand. Consequently, the proposed project, as conditioned below, will not result in adverse effects on current parking conditions in the North Beach area during day or evening hours.

**b. Special Conditions**

To ensure that adequate parking is provided to serve the proposed development now and in the future, the Commission finds it necessary to impose two special conditions. Special Condition 1 requires that any future development which changes the intensity of use of the site or which changes the use of the site requires an amendment to this permit or a new coastal development permit. This ensures that the Commission will have the opportunity to



review future improvements to the structure that could affect parking demand. This type of special condition is consistent with those imposed in previous permits issued in high use, visitor-serving areas. The Commission imposed Special Condition 1 for similar developments, such as 5-99-379 (Blurock), 5-98-177 (Finnemore), 5-98-048 (La Quinta Homes), and 5-97-249 (Weeda).

Special Condition 2 requires the applicant to comply with specific operational requirements to ensure that the proposed use of the site will not create adverse parking conditions in the North Beach area. As required by Section 30252 of the Coastal Act, new development "should maintain and enhance public access to the coast by...*(d) providing adequate parking facilities or a substitute means of serving the development with public transportation.*" In accordance with Section 30252, the condition requires the CHI facility to be open to the public from 10:00 am to 6:00 daily. No high intensity uses, such as lectures, will be allowed in the daytime hours during the peak summer months, when beach use is likely to be at its highest and beachgoers could end up competing with patrons of the CHI Center for parking. Evening events may occur between 6:00 p.m. and 10:00 p.m. daily for up to 80 guests. This special condition is consistent with requirements imposed by the City of San Clemente Planning Commission in their approval of the project.

Thus, only as conditioned to obtain Commission approval for any future improvements to the property (including change in use or change in intensity of use) and to comply with certain operational requirements does the Commission find the proposed development consistent with Section 30252 of the Coastal Act.

#### **4. Lower Cost Visitor-Serving Commercial Development**

As cited previously, Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities be protected, encouraged and where feasible, provided. The proposed project presents an opportunity for increased visitor serving development in the subject area. The project involves renovation and reuse of a currently vacant historic building located at a central location within the North Beach area of the City of San Clemente. The subject site is located across the street from the Ole Hanson Beach Club (a community center and swimming pool) and approximately 200 feet from a popular beach area. The Metrolink train station is also located at North Beach. As such, the project site is located in a prime location for lower cost, visitor-serving commercial development.

The proposed project will provide commercial development that will serve the surrounding community as well as visitors. A new museum/science center will be provided in an existing historic structure. A nominal donation fee (approx. \$4.00 per person) will be requested. The existing structure is currently vacant; therefore, the proposed project will increase commercial activity in the area. The City sees the proposed project as a catalyst for future revitalization of the area, thereby triggering additional commercial development. The CHI Science Center will be open to the public, providing a lower cost visitor-serving opportunity in the North Beach area. Therefore, the Commission finds that the development does not pose any adverse impacts to lower cost visitor and recreational facilities and is consistent with Section 30213 of the Coastal Act.

### **C. LOCAL COASTAL PROGRAM**

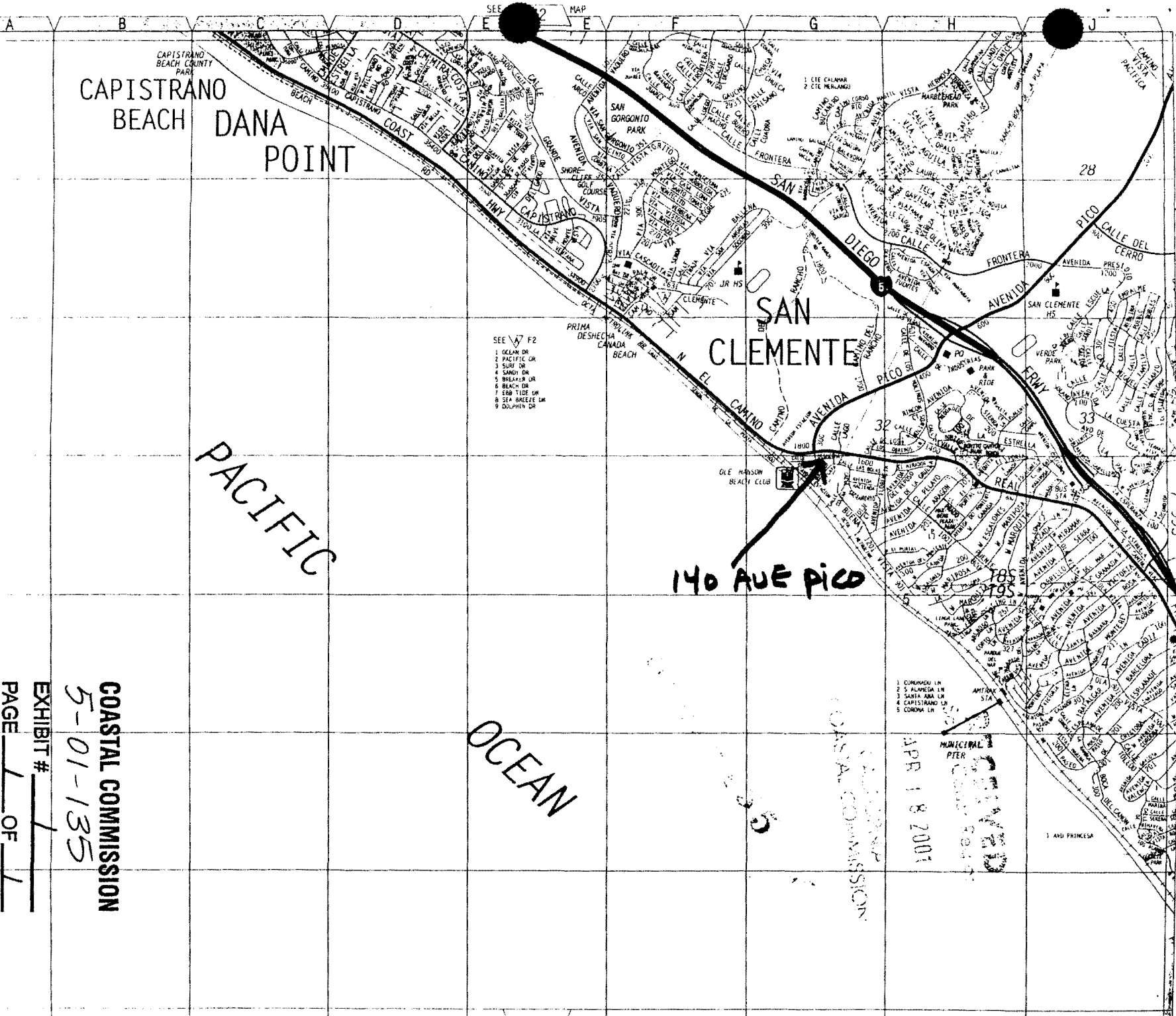
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The Commission certified the Land Use Plan for the City of San Clemente on May 11, 1988, and certified an amendment approved in October 1995. On April 10, 1998, the Commission certified with suggested modifications the Implementation Plan portion of the Local Coastal Program. The suggested modifications expired on October 10, 1998. The City re-submitted on June 3, 1999, but withdrew the submittal on October 5, 2000.

The proposed development is consistent with the policies contained in the certified Land Use Plan. Moreover, as discussed herein, the development, as conditioned, is consistent with the Chapter 3 policies of the Coastal Act. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program for San Clemente that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

### **D. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been found to be consistent with the public access policies of the Coastal Act. Mitigation measures, in the form of special conditions, are imposed which require 1) recordation of a future improvement deed restriction and 2) restrictions on hours/days of operation. No further alternatives, or mitigation measures, beyond those imposed by this permit amendment, would substantially lessen any significant adverse impacts which the development would have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.



ORANGE CO.

SCALE  
1" = 1/4 MILE

COASTAL COMMISSION  
 5-01-135  
 EXHIBIT # \_\_\_\_\_  
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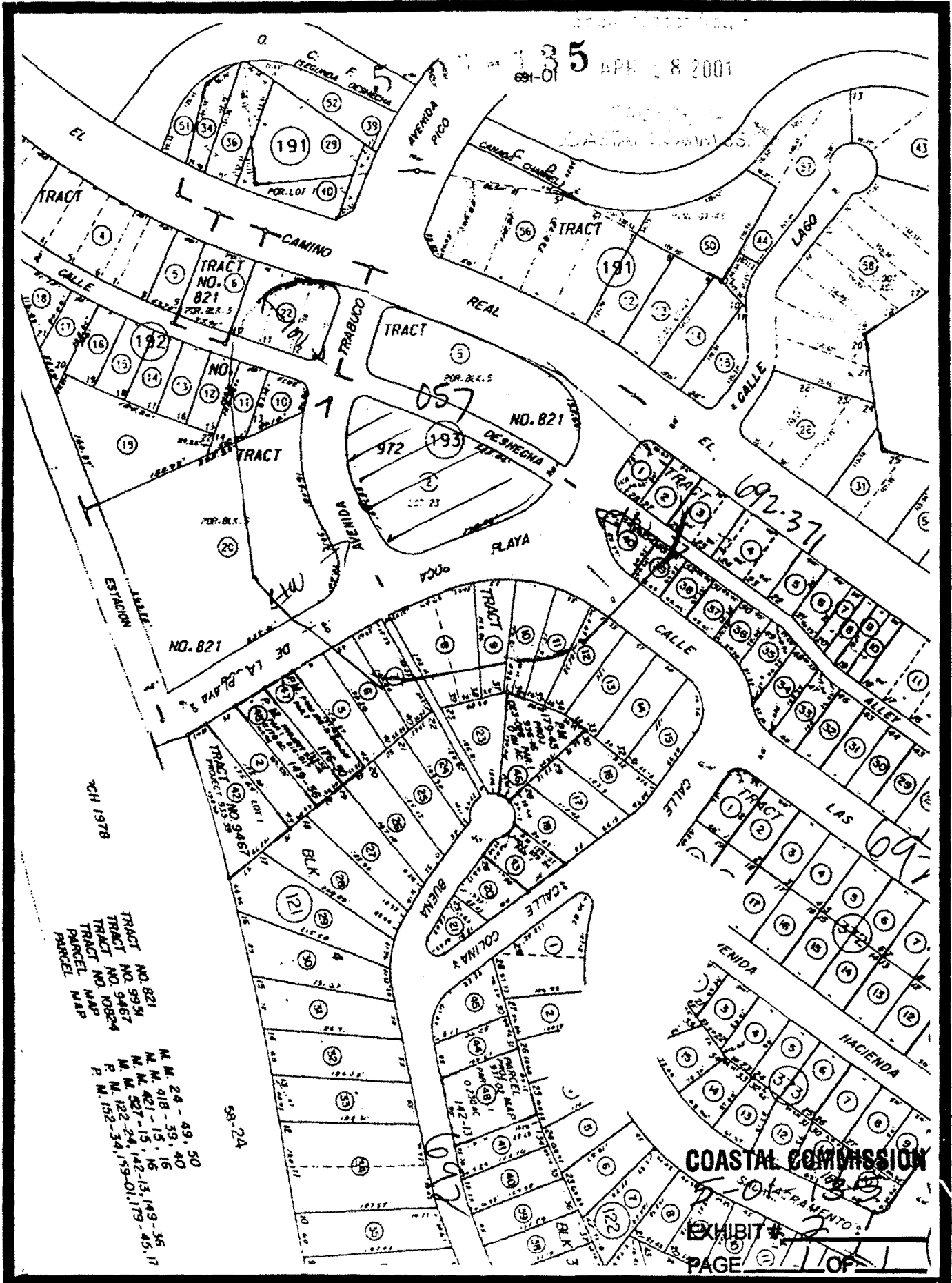
- SEE F2
- 1 OCEAN DR
  - 2 PACIFIC DR
  - 3 SUN DR
  - 4 SANDY DR
  - 5 BREAKER DR
  - 6 BEACH DR
  - 7 EBB TIDE DR
  - 8 SEA BREEZE DR
  - 9 DOLPHIN DR

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 SEE 993 MAP

# SAN CLEMENTE, GA

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TRACT NO. 821  
TRACT NO. 9467  
TRACT NO. 10824  
TRACT MAP  
PARCEL MAP

M. M. 24 - 49, 50  
M. M. 418 - 39, 40  
M. M. 421 - 15, 16  
M. M. 527 - 24, 142-13, 149-35, 17  
P. M. 122-24, 142-01, 179-45, 17  
P. M. 152-34, 159-01

58-24

COASTAL COMMISSION

EXHIBIT # 2  
PAGE 2 OF 1

**Ownership Map**

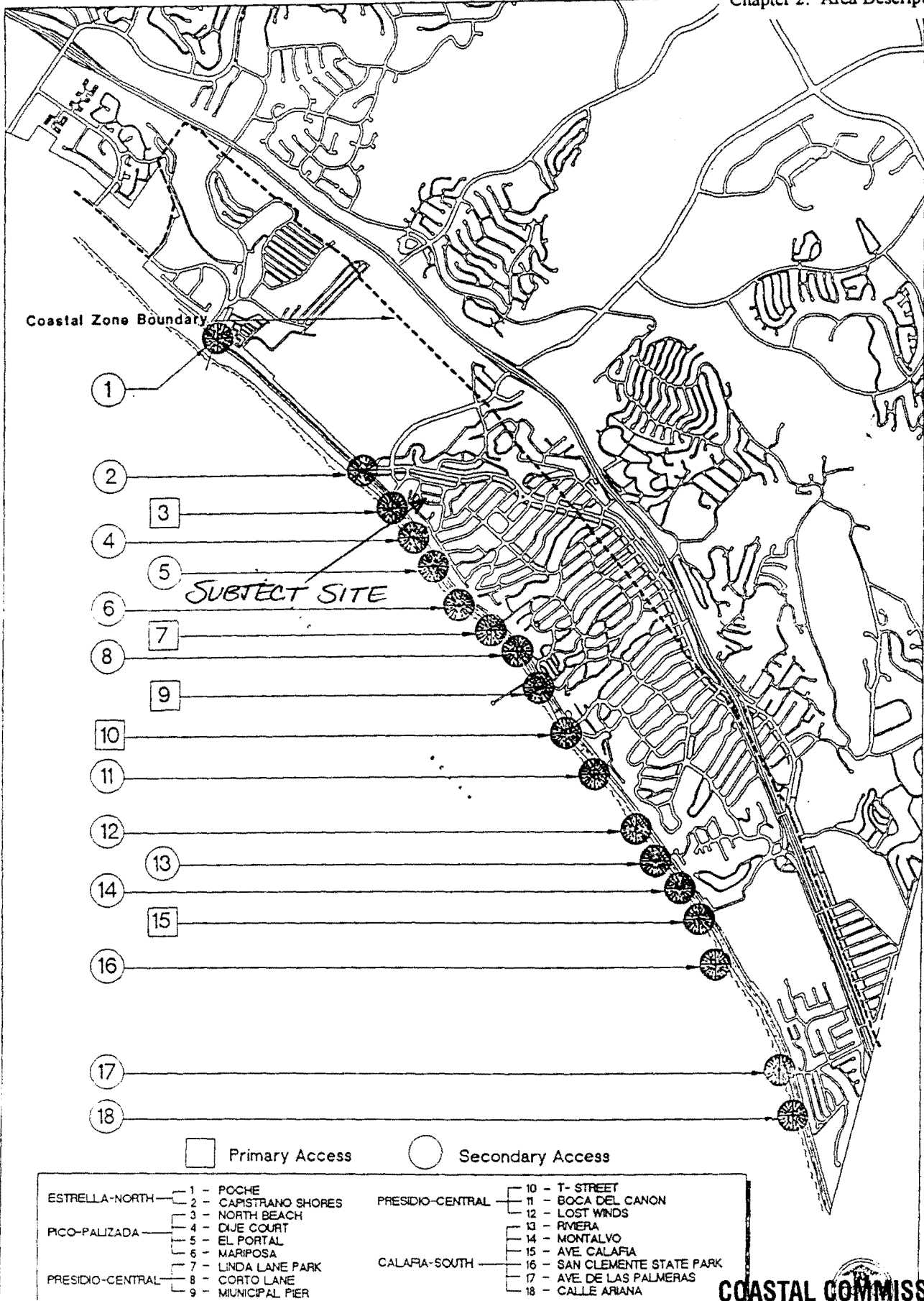


FIGURE 2-5

COASTAL COMMISSION  
5-01-135



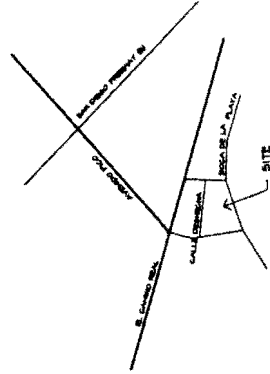
CITY OF SAN CLEMENTE  
COASTAL ACCESS POINTS

EXHIBIT # 3  
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**PROJECT DATA**

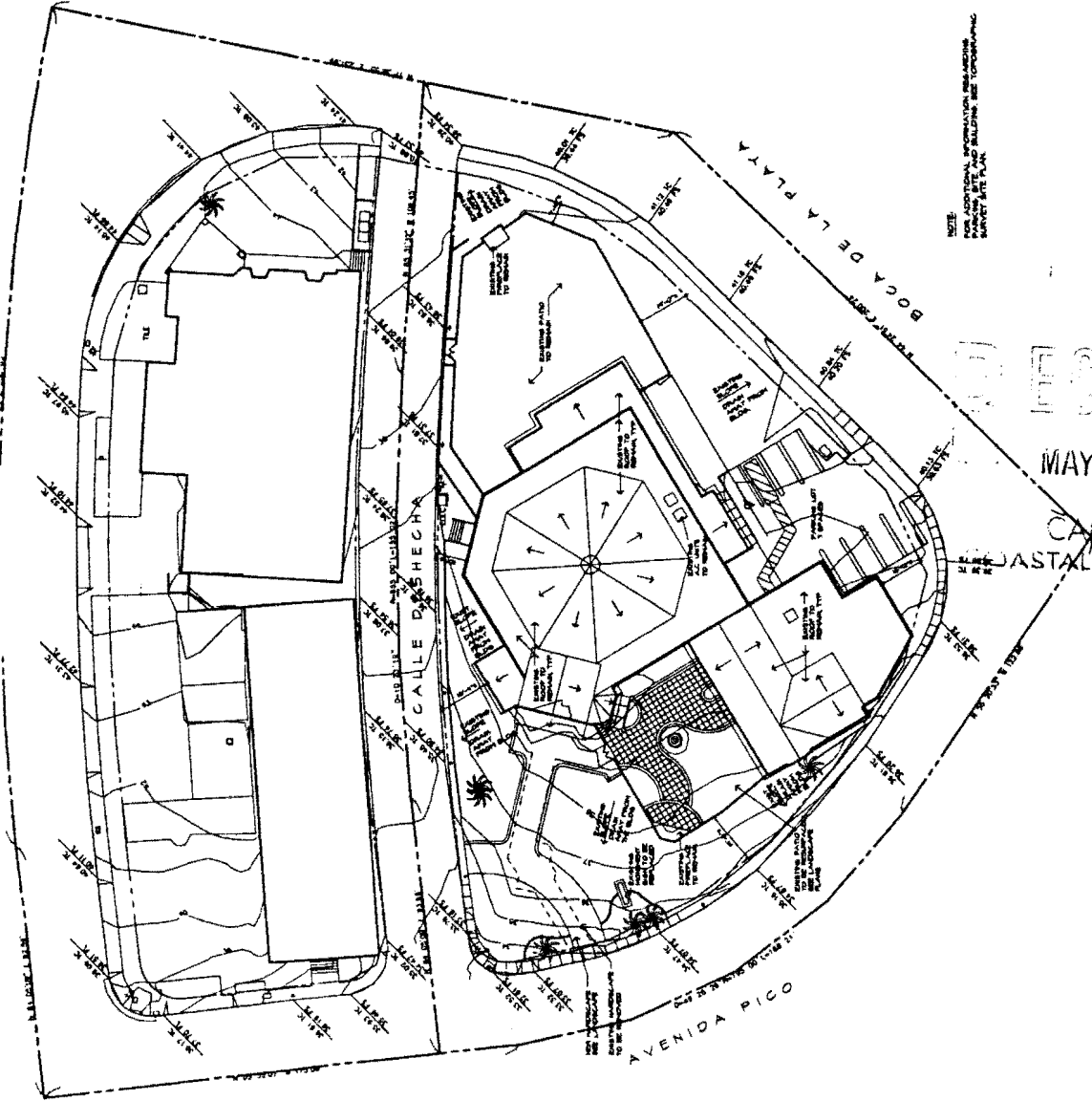
LEGAL DESCRIPTION:  
 LOT 25, TRACT #72, (NO BLOCK), APR. 40/31/1902  
 LOT SQUARE FOOTAGE - EXISTING 19248 SQUARE FEET  
 LOT SQUARE FOOTAGE - EXISTING 19248 SQUARE FEET  
 LANDSCAPE COVERAGE - EXISTING 19248 SQUARE FEET  
 PARKING PROVIDED 1 PLUS RETIRED PARKING  
 BUILDING SQUARE FOOTAGE:  
 CHI SCIENCE CENTER - EXISTING 18500 SQUARE FEET  
 CHI SCIENCE CENTER - NEW 18500 SQUARE FEET  
 CHI SCIENCE CENTER - TOTAL 37000 SQUARE FEET  
 PORTAL 37000 SQUARE FEET  
 PORTAL 37000 SQUARE FEET  
 PORTAL 37000 SQUARE FEET  
 PORTAL 37000 SQUARE FEET  
 TOTAL CHI SCIENCE CENTER 107000 SQUARE FEET

**VICINITY MAP**



**SITE PLAN**

SCALE 1/32" = 1'-0"  
 2400/100



NOTE:  
 FOR ADDITIONAL INFORMATION, REFER TO THE ARCHITECTURAL RECORDS AND SPECIFICATIONS FOR THE PROJECT.

**CHINA HEALTHWAYS INSTITUTE**  
 3000 CALIFORNIA STREET, SUITE 100, SAN FRANCISCO, CA 94118

RECEIVED  
 MAY 29 2003  
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 COASTAL COMMISSION

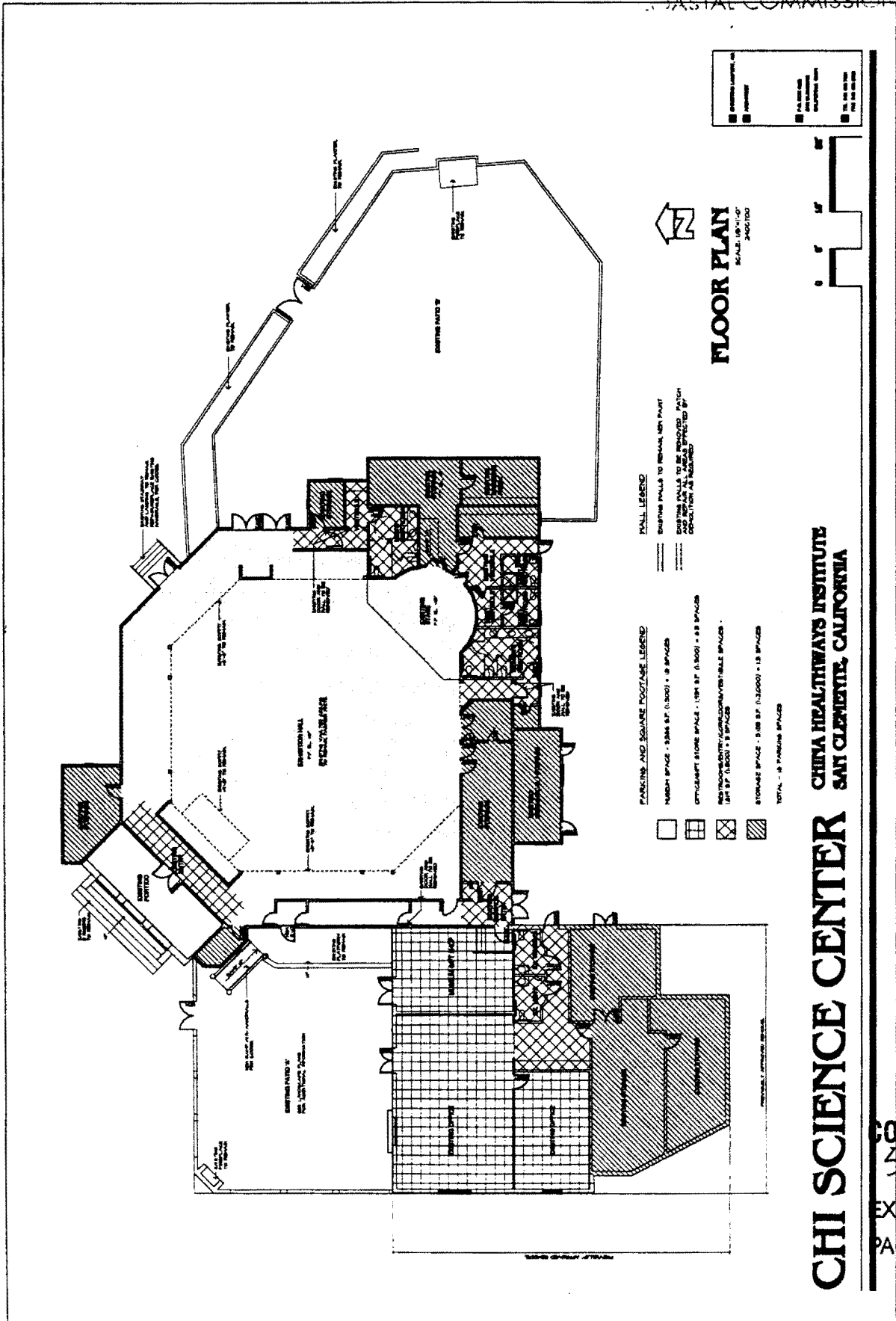
**CHI SCIENCE CENTER**  
 COASTAL COMMISSION  
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MAY 29 2001

CALIFORNIA

COASTAL COMMISSION



**CHI SCIENCE CENTER** CHINA HEALTHWAYS INSTITUTE  
SAN CLEMENTE, CALIFORNIA

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EXHIBIT # 5

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AGENDA ITEM: **B**  
MEETING DATE: 1/10/01

MAY 29 2001

TO: PLANNING COMMISSION

FROM: Teri Delcamp, Senior Planner T.D.

CALIFORNIA  
COASTAL COMMISSION

SUBJECT: Conditional Use Permit (CUP) 00-203/Community Design Commission (CDC) 00-204, CHI Science Center, a request to renovate the historic casino for the CHI Science Center museum and ancillary uses with a reduction in the required parking for an historic building located in the North Beach Study Area in the General Commercial (C-2) zone at 100-140 Avenida Pico, the legal description being Lot 23 of Tract 972.

**ISSUE**

Should the Planning Commission approve CUP 00-203/CDC 00-204 to allow a change of use to a museum and a reduction in required parking for an historic building at 100-140 Avenida Pico.

**ENVIRONMENTAL**

The Planning Division completed an initial environmental assessment for the above matter in accordance with the California Environmental Quality Act (CEQA). The environmental assessment indicates that the project is categorically exempt from CEQA as a Class 31 exemption pursuant to CEQA Guidelines Section 15331 because the project involves the rehabilitation and restoration of an historical resource in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

**COASTAL PROCESSING**

The subject property is located within the Coastal Zone. The property does not meet the geographic area criteria of Categorical Exclusion Order No. E-82-1 issued by the California Coastal Commission to the City of San Clemente. Therefore, the project is subject to the permit requirements of the California Coastal Act of 1976.

**BACKGROUND**

On October 25, 2000, Richard Lee submitted applications to renovate and change the former use of the historic casino building at 140 Avenida Pico. The building is commonly known as Sebastian's Dinner Theater or Southampton's West, and has been vacant for the past several years. The project is located in North Beach, within the General Commercial (C-2) zone and the Coastal Zone. Until a Specific Plan is developed for North Beach, the property in that area is subject to the 1993 General Plan but also the

1986 Zoning Ordinance. Because the project is subject to the old Zoning Ordinance, the former CDC project application number is necessary instead of the current Cultural Heritage Permit. The CUP is required to allow a change of use for a non-conforming building, to allow a museum use, and to allow a reduction in the required parking for a commercial historic structure.

The City's Development Management Team (DMT) reviewed the project on November 16, 2000. The DMT review provided comments, which have resulted in some project-specific conditions of approval. The Planning Commission Design Review Subcommittee (DRSC) considered the project on November 30, 2000. The required public hearing notification was conducted for the project. As of the date of this report, staff has received one comment on the project from the public, which is discussed in the Analysis section of this report under the heading "Development Management Team Review".

## ANALYSIS

### *Building and Use History*

The project involves an existing 12,079 square foot historic building. The structure was constructed in 1937 and originally utilized as a dance hall. Later additions were constructed over the years, primarily the flat-roofed area facing Boca de la Playa. The evolution of uses over the years has resulted in some masking and deterioration of the building's character-defining features. The building is listed locally as an historic structure, but because of its deteriorated condition has not been eligible for the National Register of Historic Places. However, the consultant who prepared the City's Historic Resources Survey indicated that, with the current and proposed restoration, the site will be eligible for the National Register of Historic Places as an individual building.

The last active business license for the property was issued to Cabo's Cabaret and expired in 1992. Therefore, the building has been vacant for over eight years, and has suffered from neglect under previous owners. The current owner, Richard Lee, has embarked on a restoration and adaptive re-use program for the building. Some of the restoration work and his ability to occupy a small portion of the building were administratively approved by staff. Such approvals were enabled due to the limited scope of the restoration and repair, as well as the provision of sufficient on-site parking for the limited use.

### *Project Description*

The current request is to allow Mr. Lee to occupy the balance of the building with the Chi Science Exploratorium. The request is outlined in the more detail in the letter attached as Attachment B. The concept is a blending of Eastern and Western (metaphysical and scientific, old and new) health philosophies focusing on vitality and healing. Exhibits in the Exploratorium will be related to this philosophy, and potentially to the natural environment as a key component of natural vitality. As shown on the project plans, the Exploratorium will occupy the large circular building area under the dome. The offices will

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be in the area already approved, toward the rear. A small gift shop will be located between the office area and the museum.

The existing historic site has two large outdoor patios surrounded by a low brick wall with panel openings. The patio at the front of the building, "Patio A" on the floor plan, is proposed to be enhanced as a meditation garden with a sundial, new paving, potted plants and a rose garden; the existing fireplace is to remain. No modifications are proposed to "Patio B" with the exception of replacing the plywood panels in the wall openings with an opaque material that will be compatible with the style of the building.

The Chi Science Center museum is proposed to be open to the public daily from 10 am to 6 pm, with access to the office reception area and gift shop during the same time. Mr. Lee also plans to provide occasional lectures in the evenings from 7 to 9 pm (see letter in Attachment C). In terms of overall use, the proposed use is low in intensity, and much lower than any of the former, historic uses at the site.

### *Parking Reduction*

The 1986 Zoning Ordinance contains a provision for the modification of parking requirements for commercial historic structures subject to a CUP with specific findings. The findings include that to provide the required parking would be incompatible with the historic building's original architectural style and character; that there is available public parking in close proximity; and that the modification will not result in negative health, safety and welfare impacts.

The site has seven parking spaces at the rear. Based on the mix of uses proposed within the building, a total of 32 on-site parking spaces would be required. Thus, the site is deficient by 25 spaces. Prior to Mr. Lee's purchase of the property, there was no approved parking on-site. Mr. Lee has provided seven spaces, including one handicap space, which have been approved by staff. These spaces are located in the rear at a former service area for the dinner theater. No landscaping or building elements were altered to provide the parking.

As discussed in more detail below, the historic character of the site consists of the building, its patios and the landscape context. To remove these features in order to provide parking would be not only incompatible with the historic building, but detrimental. The project site is located across from the Ole Hanson Beach Club and parking lot, and is surrounded by metered on-street parking spaces. Thus, there is public parking available in close proximity to the project. The low intensity nature of the use, and the pedestrian context of the area, are such that there will be no health, safety or welfare impacts associated with the reduced parking.

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### *Conditional Use Permit and General Plan Consistency*

The section on parking above addresses the aspect of the CUP related to the parking reduction. The other two aspects are the change of use for a non-conforming building and the provision of a museum use. The building is non-conforming as to parking, so the above section also addresses this aspect of the CUP. A museum use is most closely related to the "public building" or "library" use categories in the 1986 Zoning Ordinance. The parking required for the museum portion of the building is a ratio of one space per 300 hundred square feet of floor area.

The site is classified as a Mixed Use (MU 3) land use designation in the City's General Plan. The goal of this designation for uses is similar to that of the downtown MU 3 land use and zoning designation. North Beach is envisioned as a community- and visitor-serving, pedestrian-oriented "hub" of activity. Certainly, a museum is a use that is both community- and visitor-serving, as well as pedestrian-oriented. The strong connection between the natural environment, health and vitality is one that will help the project capitalize on its location within walking distance to the beach. For comparative purposes, and looking ahead to the future North Beach Specific Plan preparation, "museum" is a use that is permitted in the City's downtown MU 3-p-A zone. Other General Plan standards include a floor area ratio limit of 2.0 and a height limit of two stories. The 12,709 square foot building on the 34,884 square foot lot complies with the maximum FAR, and the building is one story.

The General Plan's Coastal Element contains provisions governing the uses in North Beach as well as policies for historic preservation. Per Section 302 of the Element, North Beach is to be revitalized into a community- and visitor-serving, high activity area. Additional coastal related uses, the train station and retail, restaurant, lodging, and entertainment uses along with residential uses are envisioned to create a pedestrian-oriented environment. The proposed museum use is consistent with the types of envisioned uses, as well as the overall goal for the North Beach Area. Section 305 of the Element states that the Coastal Act requires protection of scenic and visual resources in coastal areas. The Element calls for the protection of historic buildings as a means of protecting part of the unique scenic and visual resources in San Clemente's coastal zone. Plan policy specifically calls for the preservation of historic structures and to provide incentives to private owners of historic resources to maintain or enhance their properties in a manner that will conserve the historic integrity. The City's parking modification provision for historic structures is just such an incentive.

### *Architectural Review*

The project is an historic building, and is also subject to the City's Design Guidelines for historic structures within a Spanish Heritage District. The building's historic character is defined by its form, its historic uses and its architectural elements. The nature of the original casino use resulted in a large open space in the interior of the building, as well as outdoor courtyard areas that were accessible from inside. The large interior open space

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expresses itself on the outside by the definitive domed roof and a cupola. The top of the cupola has recently been restored to its original gold color through the applicant's forensic research on the structure. The brick walls surrounding the courtyards are original, although the original panels between the columns are no longer extant.

In the past, some accesses from inside to the outside patios were filled in. One of these accesses is proposed to be restored. The domed roof never had clay tile on it according to permit records and historic photographs, so it would not be historically accurate to install on it. Roof repair has matched existing materials, either clay tile or asphalt shingles, where appropriate. The glass panels that currently exist in the courtyard walls around the front elevation (Patio A on the floor plan) are proposed to remain. The proposed improvements to Patio A do not interfere with the pedestrian circulation areas of the courtyard space or the open feel of the courtyard. Generally, existing, mature trees are proposed to remain on site. The existing landscaping and entry to the building are proposed to be enhanced, and the existing monument sign replaced with a more compatible sign.

At the rear courtyard (Patio B on the floor plan) on Boca de la Playa and Calle Deshecha, the applicant is proposing to install new panels between the wall columns that will provide some privacy. While it is obvious from historic photographs that some type of semi-obscuring panels were originally installed around the patios, staff has not found clear enough photographic documentation to determine the exact material and style. Therefore, a complete restoration is not possible, but staff's position is that the proposed panels, as described by the architect, will be compatible with the character of the building.

There is existing roof-mounted equipment on flat roof areas adjacent to the domed roof and at the rear flat roofed addition, both facing Boca de la Playa. The owner's intent is to try to screen the equipment, but not to create an obtrusive visual element. Mr. Lee and his architect have proposed the idea of a lattice in either natural stained redwood, or a dark vinyl that would be superior in terms of maintenance, attached to a frame on the three outer sides of the equipment. The screens would be the height of the units and no higher, and the equipment would be painted to match the roof material (red asphalt). Staff's position is that a more solid, permanent screen would not be preferable because it would be more visually obtrusive. The screen, like the equipment, should be able to be removed in the future without damaging the historic structure.

#### *Development Management Team Review*

The Development Management Team reviewed the project to determine if any conditions need to be placed on the approval. There are some specific conditions proposed by the Orange County Fire Authority relating to the change of use. These include the requirement for installation of an automatic fire sprinkler system and fire alarm system. The City's Engineering Division indicated that there are substandard sidewalks, curb and gutter around most of the project's street frontages, with an exception along a portion of

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Boca de la Playa. The City's Street Improvement Program schedules this area of Avenida Pico and Boca de la Playa for reconstruction in 2003-2004. Because the ultimate street and curb elevations are unknown at this time, any improvements to the sidewalks now would likely have to be removed and replaced in two to three years. Therefore, staff is recommending that Mr. Lee not be required to install sidewalk improvements now. Instead, he will be required to contribute his project's fair share toward the sidewalk improvements that will be completed when the City designs and implements the street improvements. This will result in minimum four foot wide sidewalk areas around the street frontages of the site.

The one comment from a neighboring property owner and resident was with regard to the sub-standard sidewalks on the property. The concern was especially with regard to a corner of the building that is located very close to the street at the intersection of Avenida Pico and Boca de la Playa, and the position of existing parking meters in the middle of some sidewalk areas. Since the intersection of Avenida Pico and Boca de la Playa is very wide, the area adjacent to the close corner of the building has sufficient room to provide a four foot wide sidewalk with a modification to the curb line. This will be completed during the design and construction of the street improvement project. The City will also relocate parking meters if necessary, or obtain additional sidewalk width through the conditioned easement dedications on this project, when the street improvements are completed.

### CONCLUSION

The historic casino has been in a state of disrepair and neglect for many years while it sat vacant. Richard Lee has purchased the property and is expending his energy and money to restore and repair the building. Staff commends the applicant on his proposal to adaptively re-use the building for a contemporary function that will make the building viable again. The request is consistent with the General Plan goals and policies for the North Beach Study Area, and complies with the zoning applicable to the property subject to the CUP request. The project meets all applicable findings. Therefore, staff is recommending approval of the project subject to the proposed conditions of approval.

### ALTERNATIVES/IMPLICATIONS OF ALTERNATIVES

1. The Planning Commission can concur with staff and approve CUP 00-203/CDC 00-204.

This action will result in the restoration and adaptive re-use of the historic casino building at 100-140 Avenida Pico.

2. The Planning Commission, at its discretion, can add, modify or delete provisions of the request.

This action would result in any revisions being incorporated accordingly.

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3. The Planning Commission can deny CUP 00-203/CDC 00-204 based on the necessary findings.

This action would result in the applicant not being able to develop the project as proposed, and may result in the applicant appealing the Planning Commission's decision to the City Council. Mr. Lee would be limited to occupying a small portion of the building as previously administratively approved by staff.

**RECOMMENDATION**

**STAFF RECOMMENDS THAT** the Planning Commission approve CUP 00-203/CDC 00-204 to allow the restoration and adaptive re-use of the historic casino building at 100-140 Avenida Pico, subject to the attached Resolution and Conditions of Approval.

*Attachments:*

- A. Resolution
- B. Project Description Letter
- C. Letter from Christine Lampert, Architect, on behalf of Richard Lee
- D. Location Map  
Plans

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RESOLUTION NO. PC 01-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
SAN CLEMENTE, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT  
(CUP) 00-203/COMMUNITY DESIGN COMMISSION (CDC) 00-204, CHI  
SCIENCE CENTER, LOCATED AT 100-140 AVENIDA PICO

WHEREAS, on October 25, 2000, applications were submitted, and on November 22, 2000, completed, by Richard Lee, 100 Avenida Pico, San Clemente, CA, 92672, for a request to renovate the historic casino for the CHI Science Center museum, gift shop, office and storage areas with a reduction in the required parking for an historic building located in North Beach in the General Commercial (C-2) zone at 100-140 Avenida Pico, the legal description being Lot 23 of Tract 972; and

WHEREAS, on November 16, 2000, the City's Development Management Team reviewed the applications for compliance with the General Plan, Zoning Ordinance, and other applicable City ordinances and codes; and

WHEREAS, on November 30, 2000, the Planning Commission Design Review Sub-Committee considered the project and provided comments to the applicant; and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project categorically exempt from CEQA as a Class 31 exemption pursuant to CEQA Guidelines Section 15331 because the project involves the rehabilitation and restoration of an historical resource in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings; and

WHEREAS, on January 16, 2001, the Planning Commission held a duly noticed public hearing on the subject application and considered evidence presented by the applicant, the City staff, and other interested parties.

NOW, THEREFORE, the Planning Commission of the City of San Clemente hereby resolves as follows:

Section 1: The project is categorically exempt from CEQA as a Class 31 exemption pursuant to CEQA Guidelines Section 15331 because the project involves the rehabilitation and restoration of an historical resource in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

Section 2: With respect to CUP 00-203, the Planning Commission finds as follows:

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- A. The establishment, maintenance or operation of the proposed use will not be detrimental to the health, safety, morals, comfort or general welfare of the people residing or working in the area, or be injurious or detrimental to property or improvements in the City in that:
1. The proposed museum use is permitted in the C-2 zone pursuant to the approval of a CUP and complies with all the applicable provisions of the 1986 San Clemente Zoning Ordinance, the 1993 San Clemente General Plan and the purpose and intent of the zone in which the use is being proposed.
  2. The use complies with all applicable standards of the C-2 zone and the Special Uses section of the 1986 San Clemente Zoning Ordinance.
  3. The use and modification of parking for a commercial historic structure are consistent with the City Coastal Element goals and policies for community- and visitor-serving uses and preservation of historic buildings.
  4. Conditions regulate the hours of operation and attendance at evening lectures.
  5. The use is proposed to occur within an existing building originally intended and used for much higher intensity uses:
  6. As conditioned, the existing sidewalks along street frontages will be improved to minimum width standards concurrent with the City's street improvement program for Avenida Pico and Boca de la Playa.
  7. The museum use will operate during the day time and capitalize on visitors already in the North Beach area.
  8. The limited use of the facility for occasional lectures in the evening will be compatible with the neighboring residential uses.
  9. The main entrance to the facility will continue to be oriented toward the commercial and recreational uses rather than the residential uses in the area.
- B. The off-street parking required by the zoning district within which the property is located cannot be provided without altering or modifying the historic structure in a manner which is compatible with the historic structure's original architectural style and character in that to provide additional on-site parking would necessitate demolition of important, character-defining historic, architectural and landscaping features.

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- C. There is available public parking in close proximity to the historic structure in that there are metered on-street parking spaces around the perimeter of the site, and a public parking lot and additional on-street parking within close walking distance of the site.
- D. The modification of the parking requirements will not be detrimental to the health, safety and general welfare of either the people residing in the area or the general public in that there are no traffic or circulation changes associated with the parking modification.

Section 3: With respect to CDC 00-204, the Planning Commission finds as follows:

- A. The architectural treatment of the project complies with the objectives, goals and policies of the San Clemente General Plan, including but not limited to Spanish style architecture where appropriate, in that:
  - 1. The project restores existing deteriorated historic architectural materials and details.
  - 2. Existing, historic outdoor spaces are proposed to be retained, restored and rehabilitated.
- B. The architectural treatment of the project complies with the 1986 San Clemente Zoning Ordinance in areas including, but not limited to, height and setbacks, in that the project involves the adaptive re-use of an existing building.
- C. The architectural treatment of the project complies with the architectural guidelines and standards as adopted and from time to time amended by the Planning Commission and/or the City Council in that the project preserves, restores and rehabilitates an existing historic building in compliance with the Secretary of the Interior's Standards for Treatment of Historic Properties:
- D. The architectural treatment of the project is in harmony with the structures surrounding the project in that the proposed restoration and rehabilitation of a traditional Spanish Colonial Revival building is compatible with the surrounding development that includes other historic buildings.

Section 4: The Planning Commission of the City of San Clemente hereby approves CUP 00-203/CDC 00-204, CHI Science Center, to allow the restoration and rehabilitation of an historic structure at 100-140 Avenida Pico, subject to the above Findings, and the Conditions of Approval attached hereto as Exhibit 1.

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**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of San Clemente on January 16, 2001.

---

Chair

**TO WIT:**

**I HEREBY CERTIFY** that the forgoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of San Clemente on January 16, 2001, and carried by the following Roll Call vote:

**AYES:            COMMISSIONERS:**  
**NOES:            COMMISSIONERS:**  
**ABSTAIN:        COMMISSIONERS:**  
**ABSENT:         COMMISSIONERS:**

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Secretary of the Planning Commission

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EXHIBIT 1

CONDITIONS OF APPROVAL\*  
CUP 00-203/CDC 00-204  
CHI SCIENCE CENTER

- 1. The owner or designee shall develop the approved project in conformance with the site plan, floor plan, elevations, roof plan, landscape plan, sample and materials board and any other applicable submittals approved by the Planning Commission on January 16, 2001, subject to modifications by these Conditions of Approval.

Any deviation from the approved site plan, floor plan, elevations, roof plan, landscape plan, materials or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the City Planner or designee. If the City Planner or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain the approval of the Planning Commission. (PIng.)\_\_\_\_\_

- 2. CUP 00-203/CDC 00-204 shall become null and void if the use is not commenced within one (1) year from the date of the approval thereof. Pursuant to Section 7.7.1 of the 1986 Zoning Ordinance of the City of San Clemente, since the use requires the issuance of a building permit, the use shall not be deemed to have commenced until the date that the building permit is issued for the development.

Pursuant to Section 7.7.2 of the 1986 Zoning Ordinance, a use shall be deemed to have lapsed, and CUP 00-203/CDC 00-204 shall be deemed to have expired, when a building permit has been issued, construction has not been completed and the building permit has expired in accordance with applicable sections of the Uniform Building Code, as amended.

Pursuant to Section 7.7.3, the owner or designee shall have the right to request an extension of CUP 00-203/CDC 00-204 if said request is made and filed with the Planning Division prior to the expiration date as set forth herein. The request shall be subject to review and approval by the Planning Commission. ■(PIng.)\_\_\_\_\_

- 3. The hours of operation for the museum facility to be open to the public shall be between 10 am and 6 pm daily. In addition, evening lectures may occur between 6 pm and 10 pm Sunday through Thursday for up to 80 guests. ■■(PIng.)\_\_\_\_\_

- 4. Installation of signage for this proposed development shall require the owner or designee to submit for review and obtain approval of an Administrative Sign Permit or Discretionary Sign Permit, as appropriate, in accordance with the City's Sign Ordinance. ■ (PIng.)\_\_\_\_\_

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- 5. Prior to issuance of any permits, the owner or designee shall submit written consent to all of these imposed conditions to the Community Development Director or designee. The owner or designee understands that the resolution will be of no force or effect unless such written consent is submitted to the City.  
(Plng.)\_\_\_\_\_
- 6. Prior to issuance of any permits, the owner or designee shall submit for review, and shall obtain the approval of the Community Development Director and the Director of Beaches, Parks, and Recreation or designees for, a detailed landscape and irrigation plan, incorporating drought tolerant plants, for on- and off-site landscaping, prepared by a Registered Landscape Architect, and in compliance with all pertinent requirements including the City's Landscape Guidelines.  
(Plng.)\_\_\_\_\_
- 7. Prior to issuance of any permits, the owner or designee shall provide an offer of dedication for easements for additional sidewalk widths along the Aveinda Pico and Boca de la Playa street frontages to a minimum four-foot width and/or sidewalk locations if meandering is necessary to avoid damage to historic architectural and/or landscape features. The specific locations of the easements shall be determined by the City when the City completes the design for the Avenida Pico and Boca de la Playa street improvement project.  
■■(Eng.)\_\_\_\_\_
- 8. Prior to issuance of any permits, the owner or designee shall submit to the City a bond for the project's fair share responsibility for sidewalk, flatwork and landscaping in areas of sidewalk removal in an amount not to exceed \$25,000. In the event the Avenida Pico and Boca de la Playa street improvement project design is completed prior to submittal of the bond, then the specific amount of the bond shall be based on the design and may be less than but not to exceed \$25,000. In the event the street improvement project design is not completed prior to submittal of the bond, then the amount of the bond shall be \$25,000.  
■■(Eng.)\_\_\_\_\_
- 9. Prior to issuance of building permits, the owner or designee shall pay all applicable development fees in effect at the time, which may include, but are not limited to, drainage, water and sewer connection, park acquisition and development, public safety plan check, RCFPP, transportation corridor, and school fees, etc. (Bldg.)\_\_\_\_\_
- 10. Building permits shall not be issued unless the project complies with all applicable codes, ordinances, and statutes including, but not limited to, the Zoning Ordinance, the Uniform Fire Code, Security Ordinance, Transportation Demand Ordinance, Water Quality Ordinance, Title 24 of the California Administrative Code, and the Uniform Codes as adopted by the City, including the State Historical Building Code.  
■ (Plng.)\_\_\_\_\_ (Bldg.)\_\_\_\_\_

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11. Prior to issuance of building permits, the owner or designee shall submit for review and obtain the approval of the City Planner or designee for the following architectural elements and details: ■■ (Plng.)\_\_\_\_\_
  - A. Opaque material for the patio wall panels.
  - B. Light fixtures.
  - C. Door details.
  - D. Screening for roof-mounted equipment.
  
12. Prior to issuance of any building permits, the owner or designee shall submit for review, and shall obtain the approval of the City Planner or designee for, landscape plans which indicate that all ground-mounted utility structures and equipment, including, but not limited to, standpipes, shall be located out of view from a public street and/or adequately screened through the use of walls and/or landscaping, to the extent feasible. (Plng.)\_\_\_\_\_
  
13. Prior to issuance of building permits, the owner or designee shall submit for review, and shall obtain the approval of the Fire Chief or designee for, plans for an automatic fire sprinkler system. (Fire – FP3)\_\_\_\_\_
  
14. Prior to issuance of building permits, the owner or designee shall submit to the Fire Chief or designee a list of the quantities of all hazardous, flammable and combustible materials, liquids or gases to be stored, use or handled on site. These liquids and materials shall be classified according to the Uniform Fire Code using the “Orange County Fire Authority Chemical Classification Handout”. The submittal shall provide a summary sheet listing each hazard class, the total quantity of chemicals stored per class and the total quantity of chemicals used in that class. All forms of materials are to be converted to units of measure in pounds, gallons and cubic feet. ■■ (Fire – FP11)\_\_\_\_\_
  
15. Prior to issuance of building permits, the owner or designee shall submit for review and obtain the approval of the Fire Chief or designee for a detailed letter of intended use for each building area. ■■ (Fire – FP13)\_\_\_\_\_
  
16. Prior to issuance of building permits, the owner or designee shall submit for review and obtain the approval of the Fire Chief or designee for plans as indicated on the Orange County Fire Authority (OCFA) Plan Submittal Criteria form. Contact the OCFA at (714) 744-0403 for a copy of the Fire Safety Site/Architectural Notes to be placed on the plans prior to submittal. ■■ (Fire – FP14)\_\_\_\_\_

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- 17. Prior to issuance of building permits, the owner or designee shall submit for review, and shall obtain the approval of the Fire Chief or designee for, fire alarm system plans. (Fire – FP16)\_\_\_\_\_
- 18. Prior to issuance of a Certificate of Occupancy, the owner or designee shall demonstrate to the satisfaction of the City Building Official or designee that the project has been constructed in conformance with the approved sets of plans and all applicable, codes, ordinances, and standards. (Bldg.)\_\_\_\_\_
- 19. Prior to issuance of a Certificate of Occupancy, the owner or designee shall demonstrate to the satisfaction of the City Planner or designee that all exterior lighting is designed, arranged, directed or shielded per the approved plans, and in such a manner as to contain direct illumination on site, thereby preventing excess illumination onto adjoining site(s) and/or street(s). (Plng.)\_\_\_\_\_
- 20. Prior to issuance of a Certificate of Occupancy, the owner or designee shall submit a letter, signed by a registered landscape architect, stating that all materials for all landscaped areas have been installed in accordance with the approved plans, and shall demonstrate that all landscaped areas have been landscaped per the approved landscape plans, to the satisfaction of the Community Development Director or designee. (Plng.)\_\_\_\_\_
- 21. Prior to issuance of a Certificate of Occupancy, the automatic fire sprinkler system shall be operational. (Fire – FP3)\_\_\_\_\_
- 22. Prior to issuance of a Certificate of Occupancy, the fire alarm system shall be operational. (Fire – FP16)\_\_\_\_\_

\* All Conditions of Approval are standard, unless indicated as follows:

- Denotes a modified standard Condition of Approval
- ■ Denotes a project specific Condition of Approval

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NARRATIVE: C.U.P SUBMITTAL

CHINA HEALTHWAYS INSTITUTE : CHI BY THE SEA

140 Avenida Pico, San Clemente, CA

The San Clemente Casino was built in the 1930's. Later it was converted into a dinner theater called Sebastians Dinner Theater. It closed down sometime in the late 1970's or early 1980's and has remained closed ever since. The building is located across the street from the San Clemente Beach Club and the North Beach of San Clemente. The current building has been in desperate need of repair for many years now.

Richard Lee, the Owner of CHI, which stands for China Healthways Institute purchased the property approximately two years ago. He is in the process of repairing the old Casino building. CHI currently has a permit from the City to improve the property, repair it, and to modify the existing space at the rear and side of the property. Also included in that approved set of drawings are plans for 7 new parking spaces at the rear of the property.

This request for a C.U.P. is so that the building can be used by the CHI Center. They would like to occupy the building. CHI plans on locating their offices in the rear area which is currently being modified and improved. They would like to keep the main Casino Hall as a large open area; probably very much as it was in the 1930's. The old wooden dance floor will be refinished. The large dome ceiling will be kept as is, and the colonade around the perimeter of the Casino shall remain as is. The fire sprinkler system will be repaired and the HVAC System will be restored.

CHI would like to keep the Casino area open to the public and would like to keep an exhibit or museum of CHI on display within the Casino. This exhibit will be placed within the Casino space on movable displays and will be totally portable. Richard Lee would like to call the exhibit the "CHI SCIENCE EXPLORATORIUM" The Exploratorium will be open to the public. CHI will also operate a small "Museum Gift Shop" to the side of the Casino space in what is now Storage Area.

The North Beach Neighborhood has lots of activity both from local San Clemente families and visitors. People are already using the neighborhood at the Beach Club Pool and the Beach as well as other local businesses. The intent is to invite these same people in to see the Exhibits. There would not be much impact on the parking to the surrounding area during the day. The CHI Center would like to accommodate small groups for occasional evening presentations within the Casino/Exploratorium. At this time, the public parking is not heavily used, and would be available.

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**CHI BY THE SEA** (continued)

The only interior changes that are being proposed are to the existing toilets. The C.U.P. Proposal shows new bathroom fixtures in the bathrooms to satisfy ADA codes. Some of the doorways to the bathrooms have been modified to allow enough width for handicap access.

Changes to the exterior include all new landscaping. The intent is to keep the new landscaping as close in design as possible to what is there now and what might have been in the 1930's. The patio walls are being restored. A new handicap ramp is being proposed just inside the front patio gate. A doorway is proposed at the top of the new ramp which will allow handicap access directly into the Casino space. The configuration of the plaster in the wall indicates that a doorway actually existed in this same spot at one time. It was sealed up at some time in the past.

A C.U.P. for this property will allow CHI to use the space for their offices and to open up the Casino for the Public historically and as a Science Exploratorium.

EX. 5  
17/19

CHRISTINE M. LAMPERT, AIA

ARCHITECT

December 14, 2000

Teri Delcamp, Senior Planner  
 City of San Clemente  
 Planning Division  
 910 Calle Negocio, Suite 100  
 San Clemente, CA 92672

**RE: C.U.P. 00-203 CHI SCIENCE CENTER, 140 Avenida Pico, San Clemente, CA**

Dear Teri,

I am responding to the questions that you asked in your letter dated December 1, 2000 regarding the CHI Center's use of their historic property at 140 Avenida Pico.

I have enclosed a Floor Plan / Breakdown of the uses of the building and the Parking to be allotted to each use. I tried to follow the suggestions that you made in the letter. Please take a look at the Plan, the Square Footages and the Parking allotted. Let me know if you think we should re look at any of the numbers and allotments.

The second question that you ask is what the hours of operation will be and how many people will be using the building at any given time. The following information is from Richard Lee at the CHI Center.

Hours of Operation: Daily 10AM to 6PM

Employees:

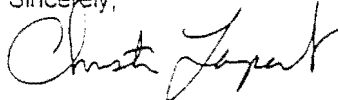
Office : 6 on Weekdays only  
 Museum: 8 total employees with Staggered hours :  
 3 employees at a time.

Evening Activities: Occasional lectures from approximately 7PM to 9PM  
 Estimated 40 to 80 guests.

If you have any questions, please call me. My office will be closed from December 20 to December 29.

I will also be sending you five new sets of the Plans per your request.

Sincerely,



Christine Lampert, AIA

Cc: Richard Lee, CHI Institute

EX. 5  
 18/19





# City of San Clemente Planning Division

Teri Delcamp, Senior Planner

Phone: (949) 361-6189 Fax: (949) 366-4750

June 5, 2001

Anne Kramer  
Coastal Program Analyst  
California Coastal Commission  
South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302

**RECEIVED**  
South Coast Region

JUN 7 2001

CALIFORNIA  
COASTAL COMMISSION

Dear Anne:

**Re: Coastal Development Permit Application, CHI Science Center, 140 Av. Pico**

Pursuant to our earlier telephone conversation, I am happy to assist the applicant, Richard Lee, by providing this letter addressing your request for additional information on the project. My understanding is that you require information from the City regarding the past use at the site, and the amount of parking attributed to that use.

In 1973 and 1976, the City granted Conditional Use Permits (CUPs) for the site to be used as a Dinner Playhouse. The conditions of the CUPs restricted the hours of operation to 6:30 p.m. or later, and champagne brunch to occur on Sundays only. In accordance with the City's previous In-Lieu Parking Certificate Program, the owner at the time purchased in-lieu certificates for 90 parking spaces, which allowed a total seating capacity of 360 seats. Dinner Playhouse patrons parked primarily in public parking spaces, either on-street or in the public parking lot. The City Council discontinued the In-Lieu Parking Certificate Program in November, 1998. Therefore, Mr. Lee was not able to take advantage of the program.

I hope this provides the information you need. Please do not hesitate to contact me at (949) 361-6189 if you have any further questions.

Sincerely,

Teri Delcamp  
Senior Planner

**COASTAL COMMISSION**

5-01-135

EXHIBIT # 6

PAGE 1 OF 1

