

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

767-2370

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 Staff: EL-SD  
 Staff Report: May 24, 2001  
 Hearing Date: June 12-15, 2001

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-044

Applicant: Bartell Hotels

Agent: Richard Bartell

Description: Renovation of an existing 196-guestroom hotel/marina facility, construction of a 600 sq.ft. storage building behind the existing restaurant and reconfiguration of existing parking; construction of 80 additional guestrooms, a new 5,000 sq.ft. lobby, and a 6,000 sq.ft. conference center/meeting room/banquet hall, accommodated by a 2-1/2 acre expansion of the existing leasehold.

Lot Area	561,400 sq. ft. (total leasehold)
Building Coverage	77,000 sq. ft. (14%)
Pavement Coverage	251,000 sq. ft. (45%)
Landscape Coverage	95,400 sq. ft. (17%)
Unimproved Area	138,000 sq. ft. (24%)
Parking Spaces	410
Zoning	Unzoned
Plan Designation	Dedicated Lease Area
Ht abv fin grade	30 feet

Site: 1710 West Mission Bay Drive, Mission Bay Park, San Diego, San Diego County. APN 769-029-07

Substantive File Documents: Certified Mission Bay Park Master Plan

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of this hotel/leasehold expansion and new construction in Mission Bay Park, which is consistent with the Commission-certified Mission Bay Park Master Plan, because, as conditioned, it is also consistent with all applicable Chapter 3 policies of the Coastal Act. The development raises potential concerns over traffic

circulation, water quality, public access/recreation and visual resources. Special conditions are recommended to require final project plans, formalize the proposed water quality control program, identify the locations of construction staging and storage areas, and participate in future circulation improvements.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve Coastal Development Permit No. 6-01-044 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

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

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, final site plans, building plans and elevations approved by the City of San Diego, which shall be in substantial conformance with the preliminary plans submitted by the applicant, titled "Dana Inn Master Plan," dated March 31, 2000.

The permittees shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, a detailed final landscape plan approved by the City of San Diego indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. The plan shall include the use of drought-tolerant native or non-invasive plant materials to the maximum extent feasible. For visual purposes, special emphasis shall be placed on the treatment of the new three-story guestroom structure which would be most visible to persons using the adjacent Sunset Point picnic area or the public path along the shoreline. The number of canopy trees along this frontage shall not be less than twenty, with additional trees located in the area where the majority of eucalyptus trees are being removed; all proposed canopy trees shall be a minimum 24-inch box size. A written commitment shall be made that all planted materials shall be maintained in good growing condition, and landscaping shall be installed concurrent with, or within 60 days following, construction of the guestroom structure.

The permittees shall undertake development in accordance with the approved final landscaping plan. Any proposed changes to the approved landscaping plans shall be reported to the Executive Director. No changes to the approved landscaping plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

3. Runoff Control/BMP Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall agree in writing to implement and maintain the pollution control practices and facilities identified in the Storm Water Pollution Prevention Plan, dated February 13, 2001, which was designed by a licensed engineer and which minimizes the volume, velocity and pollutant load of stormwater leaving the site and subsequently discharged into Mission Bay. The drainage and filtration systems shall be maintained such that they are functional throughout the life of the approved development. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the permittee shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

The permittees shall undertake the development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

4. Construction Access/Staging Area/Project Timing. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit plans showing all locations which will be used as staging and storage areas for materials and equipment during the construction phase of this project. The staging/storage plan shall be subject to review and written approval of the Executive Director. Use of sandy beach, public walkways and public parking areas, including on-street parking for the interim storage of materials and equipment shall not be permitted. If areas outside the leasehold are designated as staging/storage areas, or if construction will require any restrictions on traffic flow along West Mission Bay Drive (such as lane closures), the plan shall also indicate that no work may occur during the summer months (Memorial Day weekend to Labor Day) of any year.

5. Alternative Transit Program. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, and supportive of the intent of Section 7.24 of the November 14, 2000 lease with the City of San Diego, the applicant shall enter into an agreement, suitable in form and content to the Executive Director, to participate in any future alternative transit program developed by the City of San Diego or the Coastal Commission designed to alleviate traffic congestion in Mission Bay Park, and determined to be fully, or partially, funded from the commercial leases in Mission Bay Park. The applicant shall agree to contribute its fair and equitable share to any such traffic impact mitigation program and shall further agree to notify any and all successors in interest of this obligation.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The applicant for this project, Bartell Hotels, one of several commercial leaseholders in Mission Bay Park, operates the existing Dana Inn on the north side of West Mission Bay Drive. The site is in the southwestern portion of Mission Bay Park, east of the Mission Bay Entrance Channel and west of Ingraham Street. Bahia Point is across the channel to the west and Vacation Isle is across the water to the north. The existing facilities were constructed in 1968 and include 196 guestrooms in eight, two-story buildings, a 141-slip marina, a 4,000 sq.ft. restaurant/coffee shop, 265 parking spaces, a swimming pool and associated landscaping improvements within the original 7.97 acre land and 2.3 acre water leasehold. The current proposal is for a major renovation and expansion of the existing land facilities, incorporating an additional 2.5 acres into the land portion of the leasehold. The marina/water portion of the leasehold would remain as is (i.e., no expansions, construction or modifications proposed).

Specific proposed improvements include: 80 new guestrooms in a single three-story structure within the 2.5 acre leasehold expansion area; two one-story structures housing 5,000 sq.ft. of lobby, lounge, gift shop area and 6,000 sq.ft. of meeting halls/banquet facilities, (which are identified as a conference center on the plans) also within the expansion area; a 600 sq.ft. storage building behind the existing restaurant; architectural remodeling of the eight existing guestroom buildings; reconfiguration and expansion of

the existing parking areas to provide a total of 410 parking spaces within the expanded leasehold; relocation of the entryway and entry signage to the expansion area, and installation and modification of landscaping and recreational amenities throughout the entire leasehold. Because the submitted plans are all preliminary in nature, Special Conditions #1 and #2 require submittal of final plans for the structures and landscaping,

The proposed architectural renovation of the existing guestroom facilities does not, in and of itself, require a coastal development permit. However, this component is included within an overall package of improvements, the rest of which require a coastal development permit. Mission Bay Park has a certified land use plan, in the form of the Mission Bay Park Master Plan, but no implementation program has been adopted yet for this LCP segment. Therefore, Mission Bay Park is an area of deferred certification, permit authority remains with the Commission, and Chapter 3 of the Coastal Act is the legal standard of review, with the Master Plan used as guidance.

2. Water Quality. The following Coastal Act policies addressing water quality are most applicable to the subject proposal, and state, in part:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored...Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters....

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum population of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment ....

Over the past many years, there have been on-going concerns about the water quality of Mission Bay. The Bay is the "end of the line" for surface runoff for much of the developed urban areas of San Diego, and thus receives vast quantities of stormwater (some of it polluted) through the City's existing storm drain system that includes numerous outfalls around the bay. In addition, three creeks (Rose, Cudahy and Tecolote) empty into the bay and are a frequent source of both debris and pollutants. Any new development which results in the conversion of currently pervious surfaces to impervious ones, accelerates runoff to some degree, if not mitigated through appropriate design and maintenance. Moreover, the proposed expansion includes an additional 145 parking spaces over what currently exists, potentially increasing the level of chemical pollution in the waters of Mission Bay.

The applicant has prepared a Stormwater Pollution Prevention Plan addressing post-construction Best Management Practices (BMPs). This program has been reviewed and

found acceptable by the Commission staff's water quality experts. The program proposes to continue all existing BMPs, which include the provision of trash receptacles, sweeping of parking lots, prohibiting the cleaning of landscaping equipment on-site and maintaining catch basins and the grease trap associated with the restaurant use. They further propose to augment the current program by providing two vegetated swales to filter surface runoff from existing on-site parking areas, installing filters in all existing storm drains, increasing the frequency of catch basin maintenance, and installing a Stormceptor-type device at an inlet located in an existing off-site public parking lot. This parking lot is located slightly downgrade from the proposed new hotel facilities, and all parking lot drainage from the expansion area will flow to this inlet. In addition, all drainage from the existing off-site public parking lot will also be directed through the device. Full implementation of the proposed BMP program should not only mitigate for any water quality impacts associated with the renovation and expansion of the hotel, but will also improve the quality of surface runoff leaving the already developed portions of the site, and runoff leaving the off-site public parking lot as well.

Special Condition #3 is intended to assure that the proposed BMP program is implemented and maintained. The Commission finds that the proposed development, as conditioned, will have a positive impact on the quality of Mission Bay waters. This will improve Mission Bay's function as a productive biological resource area, and will also increase its appeal for human recreational activities. The Commission finds that approval of the development, as conditioned, is fully consistent with the cited Coastal Act policies.

3. Public Access and Recreation/Parking and Traffic Circulation. The following Coastal Act policies are most pertinent to the proposed development, and state, in part:

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) adequate access exists nearby.

Section 30213

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

Section 30220

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation . . .

Section 30604(c)

(c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

Mission Bay Park is a public aquatic facility of statewide, and even national, significance. It was created prior to passage of the Coastal Act, and is built primarily on tidelands granted to the City of San Diego by the state. The specific project site is located between the first coastal roadway and the bay, being sited north of West Mission Bay Drive along portions of the ripped shoreline, with marina facilities extending out into the bay itself. East of the proposed development site is a parking facility for boat trailers, and the Dana Landing complex, which includes a marina along with associated retail and recreational shops and services. West of the currently developed portion of the site is relatively-undeveloped public parkland covered with grass and including a few picnic tables, and then the Mission Bay Entrance Channel. The adjacent public park, known as Sunset Point, is a somewhat isolated piece of the park, and, although it provides grassy area for active recreation and picnicking, it is not widely used by the public at this time. That may be due to the fact that the entire shoreline is armored with a rock revetment, precluding sandy beach activities; moreover, the adjacent entrance channel is quite deep and carries a high volume of boat traffic.

Between 1/3 and 1/2 of this public parkland (2.5 acres) will be incorporated into the Dana Inn leasehold to accommodate the proposed hotel expansion. Public amenities remaining outside the expanded lease boundary include an approximately 65-space parking lot, public restrooms, a public walkway, turf and some picnic tables. The public walkway extends around Sunset Point and crosses the leasehold itself, just inland from the top of the riprapped channel bank. No diminution of public use of these facilities is proposed in this permit, although, after lease expansion, there will be less area available in which to conduct the identified public recreational activities.

The Coastal Act is supportive of commercial recreational facilities, when they can be built and operated without undue loss of public recreational opportunities. In this particular case, the Commission finds that the proposed lease expansion will not result in a significant loss of public recreational opportunities because the typical number of people using Sunset Point at any given time can be comfortably accommodated in the public space remaining. Moreover, this particular lease expansion is identified in the Mission Bay Park Master Plan, which was reviewed and approved with suggested modifications by the Commission several years ago. In addition, there will be no need for hotel guests to usurp any of the public parking spaces in the nearby public parking lot, since the proposed development provides all required parking for its varied uses. After implementation of the proposed development, the facility will include 276 guestrooms, 141 boat slips, approximately 11,000 sq.ft. of restaurant/banquet/lounge uses, a 500 sq.ft. gift shop and approximately 10,500 sq.ft. of administrative uses. Applying the parking ratios certified in the Mission Bay Park Master Plan, the development will require 410 parking spaces; the applicant is proposing 410 parking spaces.

A related concern is how the hotel expansion and proposed conference center/meeting rooms will affect traffic circulation. Traffic congestion is frequently experienced throughout Mission Bay Park, particularly during the summer months and over holiday weekends. The applicant's traffic and parking plans were reviewed by traffic experts, who determined that the 80 new hotel guestrooms will likely generate approximately 800 average daily trips (ADTs). No ADTs were assigned to the proposed 6,000 sq.ft. conference center/banquet facility, as it is understood by the applicant and City of San Diego that these facilities will only be used by hotel guests, and thus not generate additional traffic onto the site. This assumption is based on the relatively small size of the facility (6,000) as compared to other hotels which host large conventions with many guests arriving from outside the hotel. In addition, as stated above, sufficient parking to accommodate the meeting facilities is proposed as part of the project.

With the increase in traffic flow generated by 800 ADTs, the level of service (LOS) at the signalized intersection of West Mission Bay Drive and Quivira Road will change from LOS B to LOS C during morning peak periods, and will remain at LOS B during afternoon peak periods. These calculations were done using the City's traffic manual and trip generation criteria, which require traffic counts to be drawn from the commuter peak hours, which do not (at least in the morning) correlate to recreational peak hours. However, it is reasonable to assume that recreational peak flows probably do not exceed the commuter flows, since West Mission Bay Drive is the main route into and out of the



Mission Beach community, and thus sees a lot of commuter traffic. In addition, the recreational traffic flow is spaced out over a longer period of the day, typically from about 11:00 a.m. – 1:00 p.m. for arriving at beaches, and 3:00 p.m. – 6:00 p.m. for returning home.

The applicant's relatively minor increase in ADTs was not significant enough for the City to require a full traffic study. Nor is the City requiring any form of off-site traffic improvements. However, the proposed development includes relocating the main entrance to the hotel, since it includes a new lobby in the expansion area, which is located west of the current lobby and directly north of the signalized intersection of West Mission Bay Drive and Quivira Road. Currently, people coming to the Dana Inn must turn right on Dana Landing Road for a short distance, then left into the hotel site. Dana Landing Road also serves the boat trailer site and Dana Landing, both located east of the Dana Inn. Thus, through traffic on Dana Landing Road is often impeded by vehicles entering and exiting the hotel. Relocating the entrance opposite the traffic signal will eliminate the "right turn, left turn" movement currently required to access the hotel, as well as reducing the actual number of vehicles traveling on Dana Landing Road. Thus, it is expected that this will result in a benefit to traffic circulation on this road.

As is often the case with projects in nearshore areas, the construction phase of the project can also cause adverse impacts on public access. This is especially a concern when construction requires the closure of traffic lanes on coastal access routes, usurps public parking spaces in beach or park lots for staging/storage areas, or excludes the public from high-use areas. In these instances, the Commission typically applies a condition prohibiting all, or selected portions of, construction activity during the summer months (Memorial Day weekend to Labor Day) when public use is at its peak.

In this particular case, the Commission is applying Special Condition #4 to address potential construction impacts. The applicant has indicated that all staging and storage areas can be accommodated within the leasehold; however, no plan was submitted showing the exact location of these features. The condition thus requires submittal of such a plan. Provided all staging/storage areas are located within the leasehold, construction can occur during the summer months; if any areas outside the leasehold are required for these features, the summer construction prohibition will apply. Use of public parking areas and sand beaches is prohibited in either case. The Commission finds that public access impacts will be minimal due to the limited public use of the area and potential seasonal prohibitions if any staging or storage must occupy public land outside the leasehold. Therefore, the Commission finds that the proposed private improvements, as conditioned herein, are consistent with the cited Coastal Act policies.

Finally, Special Condition #5 requires the applicant to agree to participate in funding any future alternative transit program developed by the City of San Diego or the Coastal Commission designed to alleviate traffic congestion in Mission Bay Park. As populations increase and recreational lands diminish, the City is again considering some form of beach shuttle program to serve Mission Bay Park, Mission Beach, and Pacific Beach, the three communities most affected by traffic congestion associated with beach

use. The Sunrunner shuttle was tried unsuccessfully for a few summers; it utilized open streetcar-like vehicles, which were not equipped to transport the paraphernalia that usually accompanies beachgoers (coolers, grills, chairs, play equipment, etc.). The routing was also modified from year to year, covering a smaller and smaller area. It never developed the ridership needed to sustain it and the whole program ultimately collapsed. Nothing has been tried since, although the City recognizes the increasing need for some form of beach shuttle program. It is currently investigating the possibility of a monorail system, since area streets are fairly narrow, and existing development precludes expansion of these rights-of-way.

The Commission encourages the development of an alternative transit program, although it is not requiring the applicant to provide such a program immediately. The costs of such a program should be shared by all other commercial leaseholds in the park, who will benefit equally from such a service. The condition does, however, require the applicant to sign an agreement to participate in the funding of such a program at whatever future time the City designs one. Again, with any other leasehold expansions, or significant redevelopment of existing leaseholds, within Mission Bay Park, traffic congestion and circulation will need to be addressed. It is likely that coastal development permits for any such development will include a requirement for fair share contributions towards an alternative transit program.

In summary, the proposed development raises a number of concerns addressing different aspects of public access. The expansion of the Dana Inn leasehold will reduce the size of the public portion of Sunset Point; however, the remaining area appears sufficient to accommodate the limited number of people who utilize this area of Mission Bay Park. In addition, although some local beachgoers may feel displaced by the leasehold expansion, the construction of new visitor accommodations provides a different way to access the park. The new development generates a need for additional parking, but is providing the total amount required. Traffic circulation may be adversely affected by the addition of 800 ADTs. Conversely, circulation may be beneficially affected by the relocation of the hotel entrance, which will reduce the number of vehicles using the frontage road (Dana Landing Road). In considering all these potential results of project approval, the Commission finds that overall public access will not be greatly affected, either for the better or for the worse. Because the project will have beneficial impacts on other coastal resources, and visitor accommodations are a high priority use under the Coastal Act, the Commission finds that approval of the development, with the attached conditions, is consistent with the cited Coastal Act policies.

4. Visual Resources. Section 30251 of the Coastal Act provides for the protection of scenic coastal resources, and states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the

character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The site is located in Mission Bay Park, a highly scenic public recreational resource of national significance. The project site is located in the southwestern portion of the park, near the Mission Bay Channel. One component of the proposed development will renovate an existing hotel, which includes eight two-story structures housing 196 guestrooms. The buildings will change color and exterior architectural style, but will maintain existing building footprints; this portion of the proposed development should not have any adverse impacts on the visual resources of Mission Bay Park. Also within the currently-developed area, parking lots will be reconfigured and restriped to increase the number of parking spaces, landscaping will be modified, but not reduced, and a 600 sq.ft. storage building will be constructed behind the existing restaurant. The storage structure will not be visible from either Mission Bay or the frontage road, due to intervening development. None of these aspects of the proposal are anticipated to adversely affect existing public views.

Expansion of the leasehold and construction of a new three-story building housing 80 guestrooms will significantly alter the existing appearance of Sunset Point. Currently this area is outside the leasehold, and consists of open grassy parkland with parking, restroom and picnic amenities. These features will remain, but will occupy a smaller portion of the point to accommodate the leasehold expansion. The new guestroom building will be designed and colored to match the renovated portion of the site, and will not exceed thirty feet in height, as required in the Mission Bay Park Master Plan and City ordinance. The upper stories will be stepped back from the ground floor to reduce the visual impact, and the façade will be broken up with balconies for each room and landscape features. Thus, although the site will appear differently than it does today, visual impacts have been minimized through attractive design, exterior treatments and landscaping. Because the submitted landscaping plan is only preliminary, Special Condition #2 requires submittal of final plans for all proposed landscape improvements. As conditioned, the Commission finds the proposed hotel expansion consistent with Section 30-251 of the Coastal Act.

5. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, with the attached conditions, such a finding can be made.

Mission Bay Park is an existing aquatic playground. It is primarily unzoned, and the subject site is designated as Parkland and Dedicated Lease in the certified Mission Bay Park Master Plan. Since a portion of the area designated as Parkland is being converted to Dedicated Leasehold through the hotel expansion, the proposal is not fully consistent with the certified Master Plan. However, the Master Plan did identify the lease expansion and guestroom addition for the Dana Inn, and the Commission also conceptually approved it through their certification of the Master Plan as an LCP land use plan segment. Moreover, the Master Plan is not the standard of review, since Mission Bay

Park is an area of deferred certification, such that Chapter 3 remains the legal standard of review. The proposal has gone through local discretionary review, and the Mitigated Negative Declaration for the proposal has been certified by the City. The proposed development, with the attached special conditions, has been found consistent with all applicable Coastal Act provisions. Therefore, the Commission finds that approval of the permit will not prejudice the ability of the City of San Diego to complete and implement a certifiable LCP for this area.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit 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.

As discussed and conditioned herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project, as conditioned, has been found consistent with the water quality, public access and visual resource policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

#### 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 on which the Commission voted on the application. 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.

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6-01-44

Site

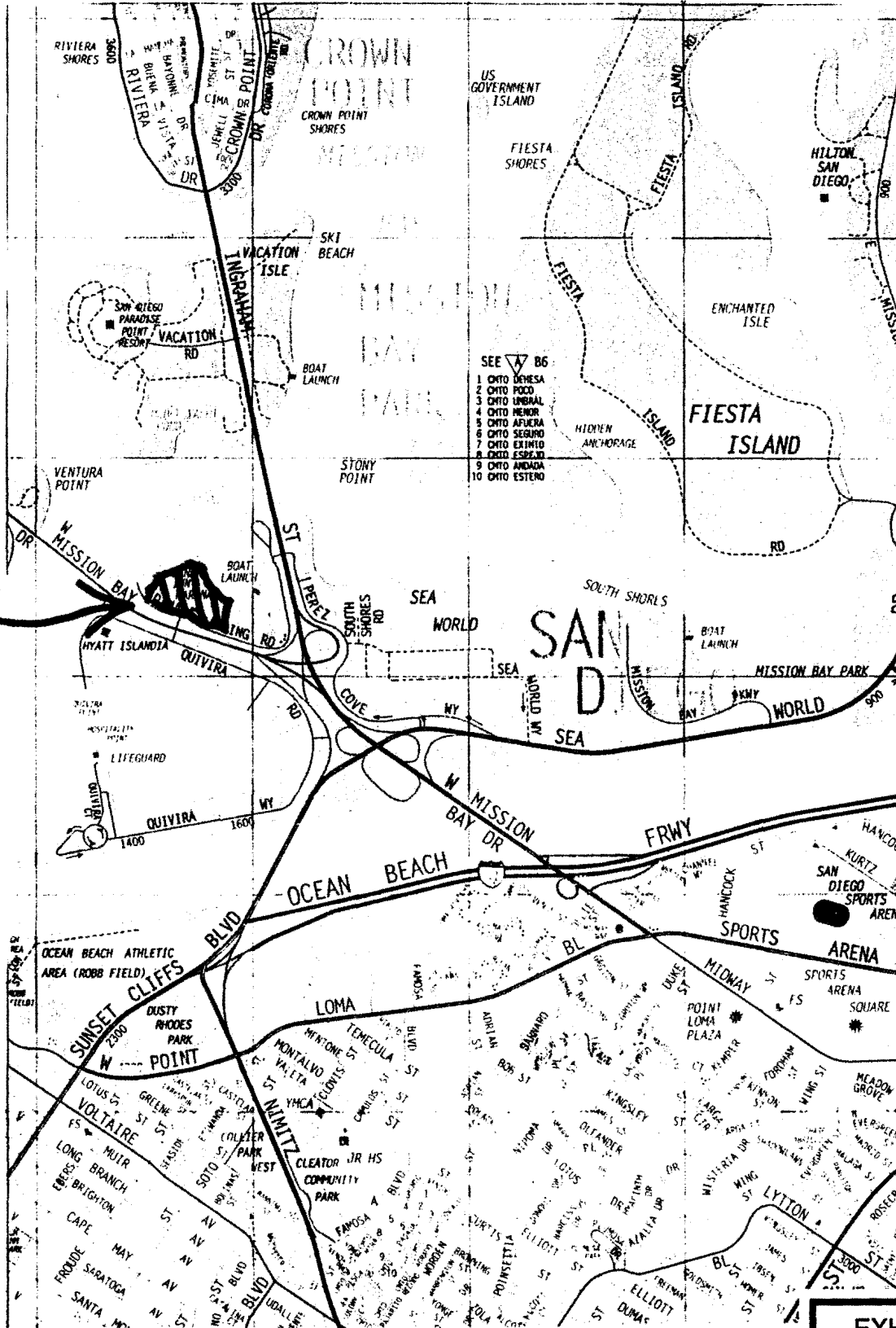
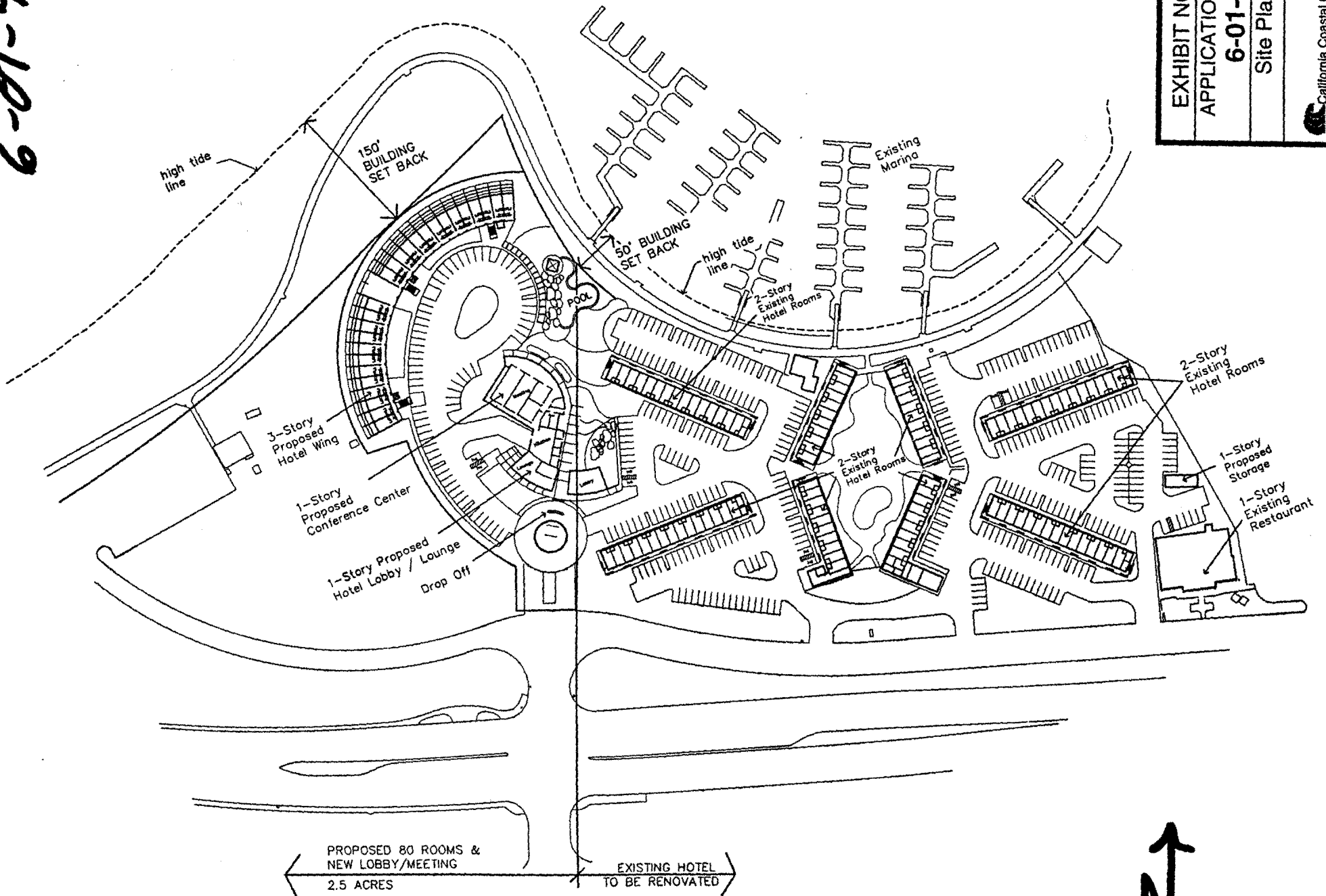


EXHIBIT NO. 1  
 APPLICATION NO.  
 6-01-44  
 Location Map

California Coastal Commission

6-01-44

EXHIBIT NO. 2
APPLICATION NO. <b>6-01-44</b>
Site Plan
California Coastal Commission



6-01-44

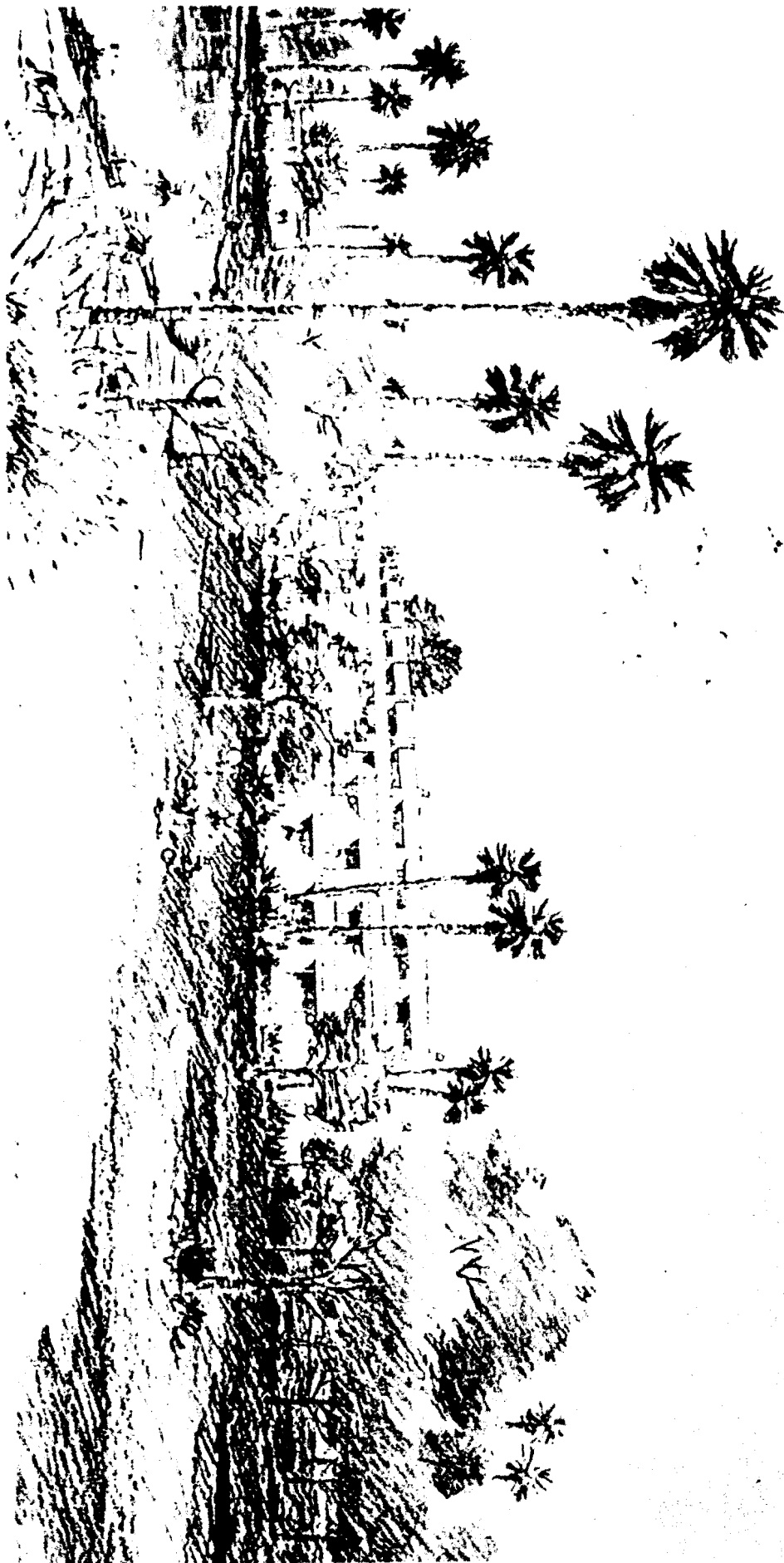



EXHIBIT NO. 3
APPLICATION NO. 6-01-44
<i>Artist's</i> <i>Rendering</i>
 California Coastal Commission