

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

15 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

July 21, 2004

RECORD PACKET COPY**Thu 10a**

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: PETER DOUGLAS, EXECUTIVE DIRECTOR

SUBJECT: **PORT OF SAN DIEGO DE MINIMIS PORT MASTER PLAN
AMENDMENT NO. 35 (Spinnaker Hotel)** (For Commission review at its
meeting of August 11 - 13, 2004)

The Coastal Act was amended January 1, 1995 to provide for a more streamlined method to review amendments to port master plans (PMP). Section 30716(c) allows the Executive Director to make a determination that a proposed PMP Amendment is de minimis in nature. The Executive Director must determine that the proposed amendment: 1) has no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30716(c) requires the local government to notice the proposed de minimis LCP amendment 21 days prior to submitting it to the Executive Director either through: 1) publication in a newspaper of general circulation; 2) posting onsite and offsite the area affected by the amendment; or 3) direct mailing to owners of contiguous property. If the Executive Director makes the determination that the proposed amendment qualifies as a "de minimis" amendment and finds the public notice measures have been satisfied, such determination is then reported to the Commission for its concurrence.

The proposed amendment was the subject of an Environmental Impact Report (EIR) Addendum, dated April 2004, under the California Environmental Quality Act. A public hearing on the proposed PMP amendment was held and the Board of Port Commissioners adopted the amendment on May 11, 2004 as Resolution #2004-66.

The amendment request was received in the Commission office and deemed submitted on June 25, 2004.

PROPOSED AMENDMENT

At the Commission meeting of December 12, 2001, the Commission approved PMP Amendment #31, which allowed for redevelopment within the area of San Diego's waterfront known as South Embarcadero. The area involved in that amendment is the Convention Way Basin planning subarea, which consists of the land located between the Convention Center and Embarcadero Marina Park South on approximately 27 acres (land and water) previously occupied by the Campbell Shipyard and the R.E. Staite marine construction facility. The redevelopment previously approved includes the construction of a 1000-1200 room Convention Center Hotel Complex and Marina, a 250-room

Spinnaker hotel with ancillary hotel facilities, restaurant, retail uses and a 198-space parking lot; 5.4 acre Waterfront Park and Plaza; a Water Transit Center; and public promenade within the Campbell Shipyard and Fifth Avenue Landing (R.E. Staite) leaseholds in the South Embarcadero.

Since PMP Amendment #31 was approved, growing conflicts between truck traffic and general public traffic on Convention Way have led to plans to realign Convention Way to separate truck from automobile traffic. The realignment will require use of a portion of the Spinnaker hotel leasehold, thereby reducing the number of parking spaces that can be accommodated on the Spinnaker site. Therefore, the proposed amendment contains the following modifications to the existing Port Master Plan text:

- Reallocates the minimum 198 parking spaces as follows: a minimum 88 on-site surface parking spaces, and 110 valet parking spaces in the Convention Center parking garage;
- Includes a reference to parking spaces available for general public use;
- Includes a requirement that at least 44 spaces in the on-site lot will not be reserved for hotel events;
- Includes a reference to transport service available from the 2000-car public parking facility to the Bayfront;
- Changes "Landing" to "Spinnaker" Hotel in the Project List for consistency purposes;
- Deletes "garage and" from the Project List since the Spinnaker Hotel project will no longer involve construction of a garage nor garage spaces.

The convention center and hotel site are currently designed for "Commercial Recreation" uses, and the proposed amendment would not change that land use designation (the expanded street would be located on the hotel leasehold, so the area has not been redesignated as a public "Street").

The Board of Port Commissioners resolutions that approve and convey the proposed de minimis LCP amendment are attached. The amendment was properly noticed through newspaper publication and direct mail. One person spoke at the public hearing at the Port in support of the proposed amendment. There are no other known interested parties.

Following is a brief explanation of the purpose for or intent of the change and the reasons why it is de minimis pursuant to Section 30514 of the Coastal Act.

DISCUSSION

The existing PMP provides for a 198-space surface parking lot to serve the Spinnaker Hotel, ancillary facilities including restaurants and retail, and the public park and promenade adjacent to the hotel. Based on the parking standards contained in the EIR for the project, the hotel and associated restaurant and ancillary facilities would require 163 parking spaces. Thus, a total of 35 spaces were to be provided beyond that required by the hotel development, which would serve the public park facilities and promenade.

The proposed amendment would revise the parking arrangement such that only 88 spaces would be provided on-site, and 110 valet spaces would be provided in the Convention Center. In addition, the Port District has indicated that due to revisions in the size of the hotel, the number of spaces needed for the hotel and related facilities has increased to 180, leaving 18 excess spaces to meet public parking demand.

The public access and recreation policies of the Coastal Act require that maximum public access and recreational opportunities be provided for all people, and protect and promote lower-cost visitor-serving and recreational facilities. In addition, Section 30252 requires that new development maintain and enhance public access to the coast by providing adequate parking facilities.

The reduction in excess parking for the public is not expected to seriously impact public access as long as the public has equal access to all of the remaining spaces in the surface lot. Expecting casual recreational visitors to use valet parking in order to reach the public amenities in the area would seriously impede public access. In contrast, hotel guests and meeting attendees should be much more willing or may even expect to use off-site valet parking.

Therefore the proposed revisions to the PMP include the provision of appropriate signage marking the on-site lot as available to the public, ensuring that the general public utilizing the restaurants, shops, park and promenade, and hotel guests, will have shared and equal access to surface parking on a first-come, first-served basis. In addition, the amendment specifies that a minimum 44 spaces of the on-site surface parking will always be available for general public use. Thus, not more than half of the lot will be reserved for occasional special events associated with the hotel at any time.

The other changes proposed are minor corrections and additions. As proposed, the amendment does not consist of any changes in land or water use, or any change in the allowable use of property. The hotel and convention center will continue to function as commercial recreation uses with adequate parking. The parking revisions have been designed, through the use of valet parking and signage, to protect and preserve public access to the shoreline. Therefore, as proposed, the amendment does not have any impact, either individually or cumulatively, on coastal resources. All the proposed de minimis modifications are consistent with the public access and recreation policies and section 30252 of the Act.

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The California Environmental Quality Act (CEQA) requires less environmentally damaging alternatives to proposed projects to be considered and the imposition of mitigation measures to lessen significant adverse effects that may result from proposals. For the reasons discussed in this report, the proposed project has no significant adverse environmental effects within the meaning of the California Environmental Quality Act.

DETERMINATION

The Executive Director determines that the Port of San Diego PMP amendment is de minimis. Based on the information submitted by the Port, the proposed PMP amendment will have no impact, either individually or cumulatively, on coastal resources. It is consistent with the policies of Chapter 3 of the Coastal Act. The amendment does not propose any change in land use or any change in the allowable use of property. The Port has properly noticed the proposed amendment. As such, the amendment is de minimis pursuant to Section 30716(c).

MOTION:

I move that the Commission concur with the Executive Director's determination that the PMP amendment, as submitted, is de minimis.

STAFF RECOMMENDATION:

The Executive Director recommends that the Commission **concur** in this determination. Unless three or more members of the Commission object to this determination, the amendment shall become effective and part of the certified PMP ten (10) days after the date of the Commission meeting.

*San Diego Unified Port District
Port Master Plan Amendment*



RECEIVED

JUL 06 2004

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

DRAFT

*Fifth Avenue Landing
Spinnaker Hotel
De Minimis
Port Master Plan Amendment*

*Existing/Proposed Plan Text
and Plan Graphics*

June 2004

*Note: Text to be ~~deleted~~ shown ~~stricken~~ and text to be ~~added~~ shown underlined.
Text in italics is for clarification only and is not part of the Plan Amendment.*

**MPA #35 Spinnaker Hotel
Proposed Amendment**

Monitoring Program (November, 1995, which is incorporated by reference into the master plan) to meet the needs of the Convention Center visitors and support functions, as well as the public seeking access to the Embarcadero Marina Park South.

Convention Way Basin

A transition in the existing land use is planned for the area located to the south of the expanded Convention Center. A parcel on the south side of the park entry road is the proposed location for a 250-room Spinnaker hotel. The 250-room Spinnaker hotel tower only, located on the northwesterly portion of the Fifth Avenue Landing site, shall be designed to occupy a minimal building footprint in order to maximize the amount of public access and open waterfront parkland, and the tower shall not exceed 20-23 stories in height. No portion of the Spinnaker hotel complex shall encroach on the promenade. The public pedestrian bridges linking the Convention Center observation terrace to the public observation terrace of the Spinnaker hotel tower will cross Convention Way and the promenade and link to the plaza and promenade below with a public stairway and elevator to ensure access to persons with disabilities. The pedestrian bridge will be part of the Spinnaker hotel project. The public pedestrian bridges shall be designed by the developer of the Spinnaker hotel to be visually attractive, compatible with the public art, architecture, and pedestrian orientation of the project area. A pedestrian bridge over Convention Way will provide pedestrian access from the observation deck of the Convention Center expansion to a terrace surrounding the hotel as well as access to the shoreline walkway. Universal design for disabled access will be incorporated in all new development.

A ballroom, parking facility, other hotel-related facilities, and water transportation center for harbor excursion boats, water taxis and ferries is planned east of the promenade along Convention Way. The Spinnaker hotel complex shall include a water taxi and ferry service to the Convention Center hotels and to other San Diego Bay locations. The roofline of the hotel facilities, ballroom and parking facilities shall not exceed 25-feet above finished grade (not including appurtenant structures and the main hotel tower), unless

construction requirements or geotechnical or other physical characteristics of the site make it infeasible. If a 25-foot roofline is infeasible, the maximum height of the roofline and appurtenant structures shall be the minimum height necessary, but in no case shall it exceed 32-feet in height and shall be subject to further review and approval by the Port District. All rooftop equipment shall be screened from public view and shall be designed to be visually attractive from all public viewing areas.

The entire ground floor and perimeter of the Spinnaker hotel tower and the ballroom and related hotel facilities facing the promenade shall provide ground-level pedestrian-oriented uses compatible with the Commercial Recreation land use designation, such as visitor serving retail shops and restaurants, including outdoor seating, to activate the promenade. Minimal hotel lobby space may be permitted on the ground floor of the Spinnaker hotel tower. A minimum 198-space sunken surface parking lot serving the public and 198 parking spaces to serve the Spinnaker hotel guests and the public will be provided. The spaces shall be allocated as follows: a minimum 88 surface parking spaces shall be provided on-site, and 110 valet spaces shall be provided in the Convention Center parking facility. A minimum 44 spaces of the on-site surface parking will always be available for general public use and will not be reserved for hotel events. Appropriate signage shall mark the on-site lot as available to the public. with vehicular access from Convention Way shall be located east of the promenade along Convention Way. Views from the promenade toward the minimum 198-space parking lot for the Spinnaker Hotel parking lot shall be softened by use of a landscaped buffer. The Spinnaker hotel tower shall have an architectural style depicted in the shape of a spinnaker sail.

Bayside improvements to this area include the continued extension of the pedestrian promenade along the waterfront. Park/Plaza areas of 4.3 acres and 1.1 acres at the shoreline will open views to the waterfront from Convention Way. New and expanded restroom facilities will be provided in the 5.4-acre combined Park/Plaza area and the Embarcadero Marina Park South. The promenade widths and public plaza areas on the water's edge of the Fifth Avenue Landing

site vary in size. The promenade width ranges from 60 feet to 35 feet, of which the first 26 feet adjacent to the water's edge shall remain open and unobstructed for public pedestrian use. A minimum building setback of 35 feet from the water's edge along the entire promenade in Subarea 36 shall be provided. A 120-foot diameter public plaza is located at the center of the Fifth Avenue Landing site. The promenade is extended into the Embarcadero Marina Park South on the south (Chart House) side of the park entry. The new continuous promenade will be extended along the water's edge of the entire Fifth Avenue Landing and former Campbell Shipyard sites, and will connect to Harbor Drive for complete public pedestrian access throughout the public park/plaza areas of the project vicinity and Convention Center. The former shipyard area will be redeveloped with a 1000-to-1200-room Convention Hotel and support facilities including restaurant, retail, meeting space, a 35,000-square-foot ballroom, a 20-to-30-slip marina, and a maximum 2000-car public parking facility. A transport service will be available from the 2000-car public parking facility to the Bayfront. The maximum 500-foot high Convention Hotel tower and parking structure shall be located outside and south of the Park Boulevard view corridor and the Eighth Avenue view corridor to maintain public views to the Bay from Harbor Drive. The parking structure shall be set back a minimum of 100 feet from Harbor Drive. At least 899 of the 2000 maximum parking spaces in the parking structure shall be provided for Convention Hotel guest use. The remaining parking spaces shall be designated for general public use.

The Convention Hotel shall provide pedestrian access along two major corridors, Eighth Avenue and the extension of the Embarcadero promenade. Landscaped setbacks and/or street-front retail must be provided along these access ways. The Eighth Avenue pedestrian walkway shall be a minimum of 20-feet wide with 12-foot wide planting strips between the Eighth Avenue right-of-way and the pedestrian walkway and a 12-foot wide planting setback between the walkway and the hotel development. Pedestrian-oriented uses compatible with the Commercial Recreation land use designation, such as visitor serving retail shops and restaurants, which may include outdoor seating shall be provided to activate the

promenade. Project components shall meet the 20-foot building height for buildings on the promenade, stepping back to 50-feet in height in the development area to create a pedestrian-scaled public environment. Shoreline promenade and landscape improvements will be included in the 35-foot minimum setback of the hotel from the water's edge. The first 26 feet of promenade adjacent to the water's edge shall remain open and unobstructed for public pedestrian use.

A public access pier with recreational boat facilities will be set back a distance sufficient to preserve the continued use of the Tenth Avenue Marine Terminal Berths 1 and 2 for commercial cargoes. The new marina has been reduced to a "transit oriented" marina of 20-30 large yacht slips. State-of-the-art best management practices will be used in the marina to reduce spills, reduce or prohibit toxic bottom paints, and mandate new pump-out stations.

Specific implementation proposals will be evaluated by the San Diego Water Quality Control Board for compliance with all applicable regulations and will include the best management practices required by the Port District Urban Runoff Action Plan and Stormwater Management Ordinance.

The amount of water coverage in Subarea 36, Convention Way Basin, resulting from redevelopment of the bulkhead and pier structure shall be minimized and necessary to construct the public promenade, water transit center, public access piers and recreational marina. Any increase in water coverage from that which previously existed when the leaseholds were developed with the Campbell shipyard and R.E. Staite marine construction yard shall be subject to further environmental review and mitigation.

The public promenade, waterfront park and plaza and the Embarcadero Marina Park South will be open to general public use at all times. Any temporary special events held in these public park/plaza areas must obtain a special event permit from the San Diego Unified Port District, according to the Port District Special Event Procedures and Guidelines. At no time will the public access to the sidewalk promenade be fenced, screened or blocked off by any structure.

TABLE 11: Project List CENTRE CITY/EMBARCADERO: PLANNING DISTRICT 3				APPEALABLE ↓ DEVELOPER ↓ SUBAREA ↓	FISCAL YEAR
1.	NORTH HARBOR DRIVE, GRAPE TO BROADWAY: Reduce traffic lanes; install landscaping, irrigation; develop bike path	33	P	Y	2000-04
2.	SPECIALTY RETAIL/ENTERTAINMENT COMPLEX: Renovate or reconstruct buildings; landscape improvements; parking; ancillary structures, including parking structure; pedestrian access routes to the bay	34, 35	T	Y	1999-2001
3.	CONVENTION CENTER PHASE II: Construct regional center; infrastructure, not including groundwater treatment, and landscape improvements; Parking Management Plan and Monitoring Program; public access program, construct public plaza	35	T	N	1999-2001
4.	HARBOR DRIVE: Convention Center; Subgrade alignment	35	T	N	1999-2001
5.	HARBOR DRIVE AND EIGHTH AVENUE INTERSECTION: Construct intersection for cross traffic and turning movements	35	P	N	1999-2001
6.	STORM DRAIN AND SEWER LINE: Relocation and new construction	36	T	N	1999-2001
7.	PUBLIC ACCESS: Pedestrian access improvements to waterfront and promenade	35	T	N	2000-02
8.	HOTEL TOWER: Construct hotel tower, lobby and galleria; pedestrian access to the waterfront walkway; remove Market Place and construct new cul-de-sac driveway	35	T	Y	1999-2000
9.	PARK: Remove old City Police Station, construct park including landscape improvements, artwork and pedestrian plazas	35	P	Y	1999-2000
10.	WIDEN NORTH HARBOR DRIVE to 4 lanes between Broadway and Pacific Highway	34	T	Y	1999-2000
11.	LANE FIELD DEVELOPMENT: 600-to-800-room hotel, office building, retail, and parking	33	T	Y	2001-05
12.	NORTH EMBARCADERO REDEVELOPMENT: (a) Visionary Plan public improvements, (b) esplanade, (c) street improvements, (d) vista points, (e) Grape Street piers replacement + restaurant, (f) park and plaza areas, (g) Broadway Pier infrastructure improvements, (h) B and C Street linkages between Pacific Highway and North Harbor Drive	31-34	P	Y*	2001-05
13.	USS MIDWAY: Aircraft Carrier Museum located on the south side of Navy Pier 11A	34	T	N	2000-02
14.	PASSENGER TERMINAL AT B STREET PIER: Cruise Ship Terminal Modernization	33	P	N	2001-05
15.	WATER TRANSIT CENTER: Prepare site, construct buildings, piers, pedestrian access and landscape improvements to and along the San Diego Bay shoreline to accommodate water-based transportation including a ferry landing, water taxi access and public boat access	36	T	N	2001-05
16.	CONVENTION CENTER HOTEL COMPLEX AND MARINA: Construct 1000- to-1200- room hotel tower, a lobby, ballroom, meeting rooms, retail shops, restaurants, other ancillary uses, above-grade parking structure, marina, piers, pedestrian access, boat access, park/plaza, and landscape improvements	36	T	Y	2001-05
17.	LANDING SPINNAKER HOTEL: Construct 250-room hotel with meeting rooms, ballroom, restaurants, retail shops, other ancillary uses, pedestrian access, with bridge to Convention Center, garage and surface parking spaces, and landscape improvements	36	T	Y	2001-05

P- Port District N- No * "Vista Points" and Broadway Pier infrastructure
 T- Tenant Y- Yes improvements are non-appealable projects.
 Revised: SERP2 PMPA - CCC certified 12/12/01

I hereby certify that if impressed with the seal of the San Diego Unified Port District, this is a true copy of the original record filed in the Office of the District Clerk of the San Diego Unified Port District.

Carol J. Lucke

Date: 6/9/04

No. Pages: 3

Carol J. Lucke
Director, Corporate Services/Deputy District Clerk

Re Amendment of Port District]
]]
Master Plan (de Minimus) -]
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Fifth Avenue Landing Spinnaker]
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Hotel]
_____]

RESOLUTION 2004-66

WHEREAS, the San Diego Unified Port District (Port District) has an adopted Port District Master Plan which has been certified by the California Coastal Commission; and

WHEREAS, said Master Plan was prepared, adopted and certified pursuant to the Port District Act, the California Coastal Act and other applicable laws; and

WHEREAS, a proposed de Minimus Master Plan Amendment for the Fifth Avenue Landing Spinnaker Hotel project in the City of San Diego has been prepared and processed; and

WHEREAS, a Final Environmental Impact Report for the South Embarcadero Redevelopment Program 2 and Port Master Plan Amendment, together with an Addendum dated April 2004 addressing the roadway realignment and parking, pursuant to the California Environmental Quality Act, State CEQA Guidelines, and Port District procedures relative to said Amendment has been prepared and certified and its contents considered, NOW, THEREFORE,

BE IT RESOLVED by the Board of Port Commissioners of the San Diego Unified Port District, as follows:

That the Master Plan of the Port District is amended by incorporating therein the de Minimus Master Plan Amendment, on file in the office of the Port District Clerk as Document No. 47418, pertaining to the Fifth Avenue Landing Spinnaker Hotel project.

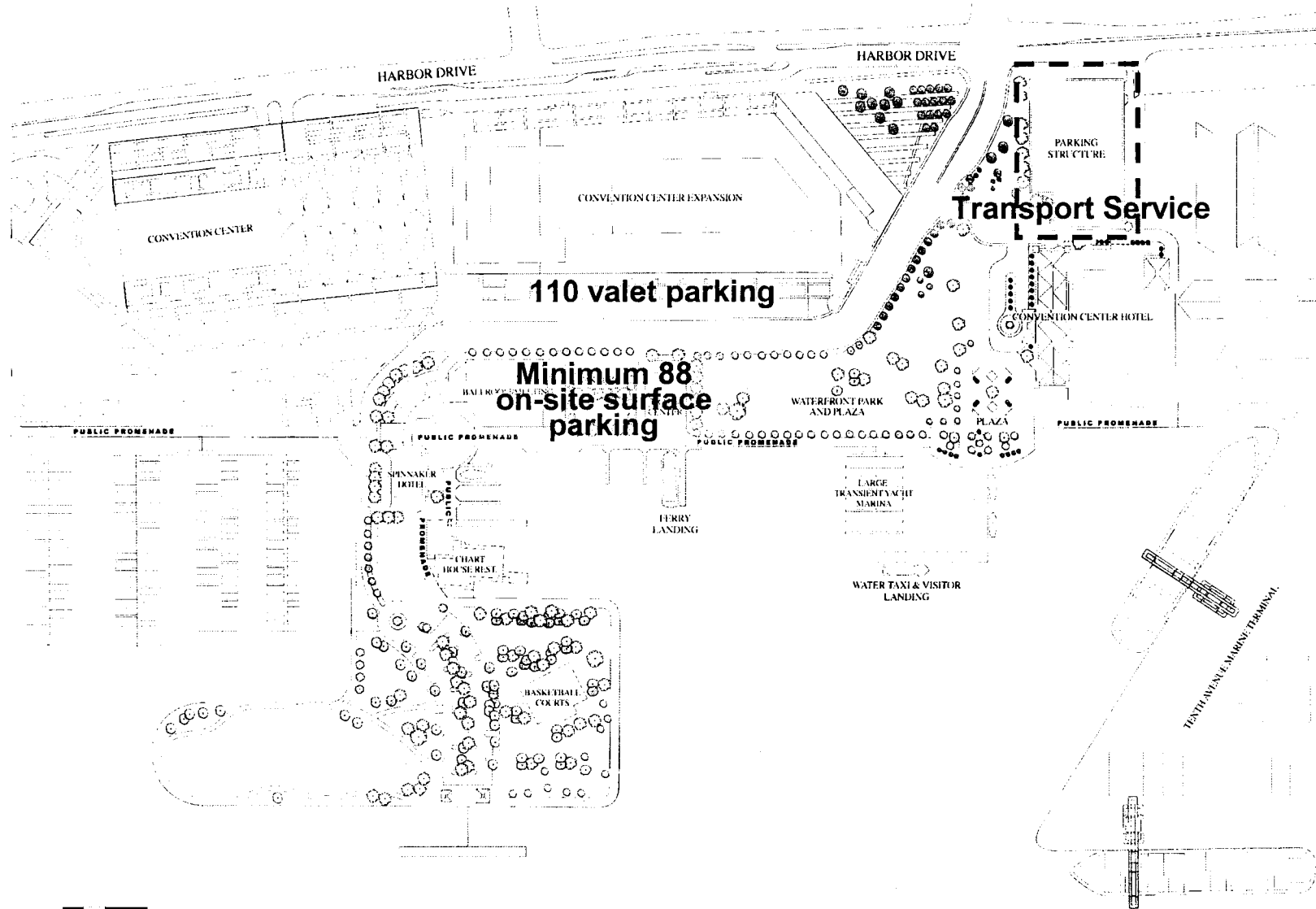
PMPA #35 Spinnaker Hotel
Resolution of Approval

BE IT FURTHER RESOLVED that the Executive Director or his designated representative is hereby authorized and directed to transmit said de Minimus Master Plan Amendment, together with all relevant factual information, the Final Environmental Impact Report, and the Coastal Act consistency analysis to the California Coastal Commission for its review, approval and certification pursuant to the California Coastal Act, and that said Amendment will take effect automatically and be deemed fully certified upon Coastal Commission approval pursuant to Public Resources Code Section 30714. This action by the Board of Port Commissioners constitutes formal adoption of the Coastal Commission's certification of the referenced Amendment.

ADOPTED this 11th day of May, 2004.

sw
5/11/04

Parking Reallocation and Transport Service



PMPA #35 Spinnaker Hotel
Site Plan

Fifth Avenue Landing Spinnaker Hotel Draft PMPA

