



## MARIN CONSERVATION LEAGUE

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January 9, 2009

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Randy Greenberg, Chair  
Marin County Planning Commission  
3501 Civic Center Drive Rm. 308  
San Rafael, CA 94903

Re: Whaler's Point Master Plan/Development Plan/Tidelands Permit

Dear Chair Greenberg:

Marin Conservation League has reviewed the staff report for the subject development proposal and wishes to support the staff recommendation that it be denied on the grounds that it is inconsistent with the Tamalpais Area Community Plan as well as Marin Countywide Plan policies and Marin County Code.

As stated in the staff report, the proposed project has been through many iterations since it was originally submitted more than 30 years ago. In every instance, the proponent has tried to force a highly constrained site to accommodate his expectations for an economically viable project. The latest iteration, while reduced from earlier versions, continues to grossly exceed adopted policy for floor area ratio, contained in the Countywide Plan; it exceeds height limits contained in the Tamalpais Area Community Plan; and the proposed parking location and design are in basic conflict with Marin County Code. In view of these significant exceptions to policy, standards, and code, the proponent's claim that the project would be LEED certified and "green" in other respects, is disingenuous!

It is our considered opinion that this site at the edge of Richardson Bay, when reduced to its dry land dimension of 1.6 acre, is marginal at best for a development of this nature. The project would be located on a site underlain by geologically unstable bay mud; it would be vulnerable to rising sea level; it would be visually intrusive along the shoreline; and it would place additional pressures on adjacent salt marsh and mudflat habitats that are vital habitats for shorebirds. The Shoreline Area policies contained in the Tamalpais Area Community Plan recognize these constraints and therefore recommend a variety of appropriate open space uses. We concur, and urge the Planning Commission to deny the application.

Sincerely yours,

Nona Dennis, President

cc. Charles McGlashan, Supervisor

*Marin County's Environmental Guardian*

A nonprofit corporation founded in 1934 to preserve, protect and enhance the natural assets of Marin County.