

April 9, 2009

Hal Brown, Jr., President
Marin Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903



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

Dear Supervisors,

Marin Conservation League has been tracking applications to develop a hotel on the subject site for more than 30 years. Each proposal has been noteworthy in its failure to comply with applicable plans and policies. Once again, the current application fails to comprehend the limitations of this sensitive and visible Richardson Bay shoreline site by forcing a highly constrained site to accommodate the applicant's expectations for an economically viable project.

We concur with staff and the Planning Commission's recommendation that it be denied on the grounds that it is inconsistent with the Tamalpais Area Community Plan (TACP) as well as Marin Countywide Plan (CWP) and Marin County Code. The latest iteration, while reduced from earlier versions, continues to grossly exceed adopted policy for floor area ratio contained in both the CWP and TACP and height limits contained in the TACP; and the proposed offsite parking location and design are in basic conflict with Marin County Code. In view of these significant exceptions to policy, standards, and code, the applicant'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. Among the many impacts of the project are the following: It would be located on a site underlain by seismically vulnerable bay mud; it would be susceptible to flooding from rising sea level; it would be visually intrusive from the Highway 101 for all travelers descending Waldo Grade and compromise views of the water from neighborhoods to the west; it would place additional pressures on adjacent Richardson Bay salt marsh and mudflats that are vital habitats for shorebirds; it would exacerbate chronic weekend traffic congestion bound for Shoreline Highway; and it would force parking onto adjacent streets that are habitually flooded in extreme high tides, or into commuter parking areas.

The Shoreline Area policies contained in the TACP recognize these constraints and therefore recommend a variety of appropriate open space uses. For example, the dry land portion could be developed as a small interpretive gathering point and staging area for visitors using the Muir

PHONE: 415.485.6257
FAX: 415.485.6259

EMAIL: mcl@marinconservationleague.org
URL: www.marinconservationleague.org

ADDRESS: 1623-A Fifth Avenue
San Rafael, CA 94901



Woods shuttle, as that service develops. This is MCL's first choice for Mr. Krystal's parcel. We do feel that purchase of the land for a shoreline park, ie. as open space is a viable option and should not be dismissed out of hand.

If Mr. Krystal elects to submit a new, smaller version of this hotel, it must go back to the Planning Commission and receive full environmental review under CEQA. Beyond the typical simulation used for aesthetic impact analysis in an EIR, the project should also be presented in model form. At a minimum, it must comply with the policy parameters that govern the site, namely,

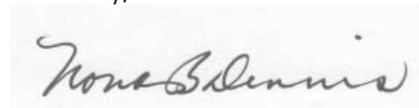
- TACP height limit – 43 ft.NGVD
- FAR policy in the MCWP – 30% of dryland, or 20,767 sq. ft.
- FAR policy in TACP – 35% of dryland, or 24,228 sq. ft.

The current proposal is 145.9 % larger than allowed in the TACP and approximately 150% larger than the FAR allowed in the CWP. In order to accept the plan as submitted, both the Plans would have to be amended prior to approval. This action would set a dangerous precedent.

In conclusion, we urge the Board to regard this as a site of countywide significance: the visibility of an oversized building and loss of water views from Highway 101 alone will impact travelers from all supervisorial districts as well as visitors from all over the world.

We urge you to deny the current proposal for all the reasons stated above.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nona Dennis", written in black ink on a light-colored background.

Nona Dennis