

**SUSTAINABLE TAMALMONTE
215 JULIA AVENUE
MILL VALLEY, CA 94941**

July 6, 2014

Marin County Board of Supervisors
3501 Civic Center Drive, Suite 329
San Rafael, CA 94903

Re: Proposed Whaler's Point Hotel & Spa Right-of-way Vacation; Master Plan/ Precise Development Plan/Tidelands Permit at 240 Redwood Highway, Mill Valley; APNs 052-227-04, -09, and 052-247-08

Dear Marin County Board of Supervisors,

Per the County Planning Division's letter to your board, dated July 8, 2014, the Planning Staff requests your Board to consider the vacation of streets surrounding the site of the proposed Whaler's Point Hotel/Spa and the Hotel/Spa project together due to their interconnected nature and further requests your Board to provide direction on the applications and policy issues raised.

We support Staff's Option #1 and urge you to direct staff to schedule a hearing on the merits of the proposed street rights-of-way and the hotel project, in order to deny the street vacations and provide direction to the applicant to reduce the size and adjust other features of the development to comply with the Tamalpais Area Community Plan.

Deny Street Vacations:

To understand why we believe the street vacations should be denied, please read the enclosed letter, dated July 3, 2014, from the Tamalpais Planning Area Bayfront Coalition (TPABC) to the Marin County Board of Supervisors ("ENCLOSURE I"). We fully endorse the TPABC letter.

Require Development to Comply with the Tamalpais Area Community Plan:

Attached is "TABLE A", which compares the Tamalpais Area Community Plan policies and guidelines for development at the Krystal property on 240 Redwood Highway to the proposed Whaler's Point Hotel & Spa. The table clearly demonstrates that the proposed Hotel/Spa violates the Community Plan's policies and guidelines in many different ways.

Moreover, the site for the Hotel/Spa sits in a highly environmentally sensitive area. The property is bay-front and consists of deep bay mud landfill, wetlands and baylands. Baylands, areas between historic high and low tide elevations, form a complex ecosystem of aquatic and upland habitats and are vital to the health of San Francisco bays. Accordingly, the property has been included in the protected Baylands Corridor of the Countywide Plan. The property is also subject to sea level rise, high seismic activity, high liquefaction, subsidence, mud displacement, unsafe air pollution and hazardous traffic congestion.

The Tamalpais Area Community Plan's guidelines and policies for the sensitive Shoreline Area were carefully written to "upgrade the visual character of the entrance to the Tam Valley/Mill Valley Area, provide for maximum visual access to the bay, protect the natural environment of the bay, and enhance recreation use". (Pg. D-4, Appendices, Tamalpais Area Community Plan) Moreover, the Community Plan states; "The priority recommendation for this site (the Krystal property) is public acquisition" (Pg. III-71, LU32.1c, Tamalpais Area Community Plan) and "all publicly held lands should be zoned OA (Open Space)". (Pg. D-2, Development Guidelines for the Shoreline and Manzanita areas, Appendices, Tamalpais Area Community Plan)

The Tamalpais Area Community Plan's guidelines and policies have become ever more important as environmental constraints have increased, such as sea level rise, and should be strictly adhered to.

Maximize Public Views and Vistas

Please note the following Tamalpais Area Community Plan Guideline: "Future development proposals for this area (Shoreline Area) shall: Be oriented toward the shoreline and Bay, maximizing views and vistas from the buildings and from pedestrian access and other sites and structures such as Almonte Hill and Richardson Bay Bridge." (Pg. D-4, 3) Design Character, Part B) DEVELOPMENT GUIDES for the Shoreline and Manzanita areas, Appendices, Tamalpais Area Community Plan)

As hundreds of Almonte homes overlook the Bay, the Almonte residents are concerned about the project's height and how their water views will be diminished. The next-door heliport building obstructs a portion of the water view and it is 25 feet high. At a minimum, the proposed hotel & spa should not exceed 35 feet in height (provided parking is included in the structure) as required by the Tamalpais Area Community Plan. If parking is not included in the structure, then the height should be reduced to match adjacent properties, which are limited to a height of 25 feet. Moreover, if any trees are included in the landscaping, we request that they be of a variety that will not grow very tall in order to preserve water views.

Conclusion

Once again, we urge you to direct staff to schedule a hearing on the merits of the proposed street rights-of-way and the hotel project, in order to deny the street vacations and provide direction to the applicant to reduce the size and adjust other features of the development to comply with the Tamalpais Area Community Plan.

Thank you for your conscientious consideration.

Very truly yours,

/s/

Sharon Rushton

Chairperson

Sustainable TamAlmonte

Enclosures

ENCLOSURE I

**Tamalpais Planning Area Bayfront Coalition
P.O. Box 1446
Mill Valley, CA 94942**

July 3, 2014

Marin County Board of Supervisors
3501 Civic Center Drive, Room 329
San Rafael, CA 94903

Re: Whaler's Point Workshop of July 8, 2014

Dear Supervisors,

It has come to our attention that Jack Krystal has once again submitted an application for a road vacation by the County of Pohono, Bolinas, and Parepa Streets.

We strongly object to the County granting this application. We do not believe that public streets should be given to a private developer. In addition, all of the streets are in daily, public usage. Pohono Street is a signed freeway off-ramp. It is the entrance to the Shoreline Office Center which has recently been leased in its entirety to a high tech company that employs enough people to completely fill the parking lot every day.

Pohono is also one way to reach the multi-use path which goes along the marsh between Sausalito and Mill Valley and is used every day by walkers, runners and bikers. There is parking under the Richardson Bay Bridge to accommodate these daily users as well as tourists wanting to use the Muir Woods Shuttle.

Bolinas Street crosses both Pohono and Parepa and is the only way for house boat residents and users of The Planet, a childcare facility, to reach their destinations. Parepa Street is the main parking area for Commodore Marina.

Mr. Krystal has already encroached on Bolinas Street by erecting a fence in the roadway to give him more storage for heavy equipment and large containers on his property.

Allowing Mr. Krystal to claim these streets as part of his property would be a huge mistake on the part of the County of Marin. The streets belong to the citizens and should remain in public ownership.

Attached please find a letter from the CA Attorney General and BCDC regarding these streets.

Thank you for your consideration of our grave concern in this important matter.

Respectfully submitted,

Members of the Tamalpais Planning Area Bayfront Coalition:

/s/Curry Eckelhoff—President, Tamalpais Valley Improvement Club; forcurry@comcast.net

Stan Barbarich---Floating Homes Association; stan@floatinghouse.net

Linda Rames---Almonte Resident; ljrames@gmail.com

Margaret "Kett" Zegart---Almonte Resident; kettz@aol.com

TABLE I

<p align="center">Tamalpais Area Community Plan (Tam Plan) Guidelines for the Krystal Site</p>	<p align="center">Proposed Whalers Point Hotel & Spa</p>
<p>Allowable Use: The priority use for the Krystal site is public acquisition for Open Space. The allowable use for the site, per zoning, is Bayfront Conservation, Resort and Commercial Recreation.</p> <p><u>Pg. III-71, LU32.1c, Tam Plan:</u> “The priority recommendation for this site (the Krystal property) is public acquisition”</p> <p><u>Pg. D-2, Development Guidelines, Shoreline & Manzanita Areas, Appendices. Tam Plan:</u> “all publicly held lands should be zoned OA (Open Space)”</p>	<p>Proposed Use: Hotel/Spa</p>
<p>Allowable FAR & Sq. Footage: The Tam Plan allows up to 35% FAR of the dry land area. 35% of the existing dry land area of 81,257 sq. ft. equals 28,440 total allowable sq. ft. for the building size.</p> <p><u>LU32.1c, Pg. III-71, Tam Plan:</u> “a) Floor Area Ratio – 0.35 (Maximum) of the dry land area”</p> <p>This would allow the following sq. ft. of development: .35 X 69,194 sq. ft. of dry land area equals 24,218 sq. ft. of development for the primary site</p> <p>.35 X 12,063 sq. ft. of dry land area equals 4,222 sq. ft. of development for the two additional lots</p> <p>= 28,440 total sq. ft. of development</p>	<p>Proposed FAR & Sq. Footage: The proposed Hotel & Spa would consist of 40,101 gross sq. ft. of development, including:</p> <ul style="list-style-type: none"> - 33,701 sq. ft. 3-story hotel - 2,625 sq. ft. pool house - 3,775 sq. ft. for two commercial buildings <p><u>Existing Dry Land Area:</u> The dry land area of the primary site is 69,194 sq. ft. The dry land area of two additional lots is 12,063 sq. ft. Together, these parcels equal a total of 81,257 sq. ft. (49% FAR)</p> <p><u>Proposed Dry Land Area with requested vacated streets</u> Rights-of-way vacated streets of 33,643 sq. ft. plus existing dry land area of 81,257 sq. ft. (described above) equals a total of 114,900 sq. ft. (34.9% FAR)</p>

<p>Allowable Building Height: The Maximum allowable building height is 35 feet and the maximum height from the Mean Sea Level is 43 feet (MSL), provided all parking is included in a structure.</p> <p><u>LU32.1c, Pg. III-71, Tam Plan:</u> “The purpose of this limit is to set maximum building height at a point equal to, but not greater than, 35 feet of building on top of 8 feet of fill. This means that if ten feet of fill is required, the building cannot exceed 33 feet.”</p> <p><u>Pg. D-4, Appendices, Tam Plan:</u> “Limited in Height to 35 feet, assuming all parking for the proposed development is in a structure. This limit indicates the maximum height of any building or structure, including all rooftop mechanical equipment, when measured from the lowest finished floor elevation of 8’ Mean Sea Level as specified by the Land Development Section of the Dept. of Public Works.”</p>	<p>Proposed Height: The height of the proposed hotel building is 34 feet, 3 1/2 inches and the proposed height from the Mean Sea Level is 42.5 feet (MSL). Contrary to the Tam Plan, the proposed project does not include parking within a structure.</p>
<p>Parking Guidelines: <u>Pg. D-4, Appendices, Tam Plan:</u> “Include adequate on-site parking for facilities”</p> <p><u>Pg. III-72, Tam Plan:</u> “f) Parking within the public streets should be used for public access. g) All off street parking should be contained within a structure.”</p>	<p>Proposal Disregards Parking Requirement: 57 onsite parking spaces are proposed with most spaces extending within street boundaries.</p>
<p>Requirement to Maximize Views & Vistas: <u>Pg. D-4. Appendices, Tam Plan:</u> Any development should “be oriented toward the shoreline and Bay, maximizing views and vistas from buildings and from pedestrian and other sites and structures, such as Almonte Hill or Richardson Bay Bridge.”</p>	<p>Proposal Would Obstruct Views: The next-door Heliport Building is 25 feet high and obstructs a portion of the bay view from Almonte Hill. The proposed Hotel/Spa at 34 feet, 3 ½ inches (42.5 feet high MSL) would obstruct the view more so.</p>

<p>Set Back Guidelines: <u>Pg. D-4, Appendices, Tam Plan:</u> “Establish an area of open space, at least 100 feet in width, from the edge of the shoreline, as measured from the high water line, to the first horizontal element of the proposed project to protect the views and natural environment of the existing shoreline.”</p>	<p>Proposal Disregards Set Back: The proposed development (including hotel building) would be bisected by the 100-foot shoreline setback line.</p>
<p>Landscaping Guidelines: <u>Pg. D-5, Appendices, Tam Plan:</u> Provide a minimum landscaped and/or open space area of 50% for the Krystal property, exclusive of any area bayside of the high water line.</p>	