

**From:** [charles savage](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Opposition to Paving the Edgewater Lagoon in Corte Madera  
**Date:** Monday, January 9, 2017 2:15:49 PM

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Dear Mr. Fernandez, I am writing as a resident of Marin County and a concerned citizen regarding the health of the San Francisco Bay wetlands and the negative environmental impact paving over the Corte Madera Lagoon would have.

The one half acre Edgewater Lagoon is a vital section of a wetlands estuary that absorbs tidal flow and rainy season runoff, a natural function that development has curtailed to the detriment of wetlands along the SF Bay. During the 1950s, city planners had no use for estuaries and either filled them in or paved them over to make room for highways and development. With the inevitable rise of the oceans and the Bay, the San Francisco Water Quality Control Board should be very concerned about the Best Western Corte Madera Inn's plan to pave over and turn a vital water and natural habitat resource into a parking lot for a hotel expansion. Paving over an estuary will not make the water disappear and will only exacerbate damage to existing wetlands. Building seawalls and paving over wetlands is not the answer to the inevitable rise of water levels in the SF Bay.

In addition, the Edgewater Lagoon provides vital habitat for water fowl including a roosting site for a colony of Black Crowned Night Herons. The existing natural habitat should be restored and preserved, reversing the current owner's neglect and degradation of a vital resource..

For these reasons the SF Water Quality Control Board should oppose the plan to fill and pave over the Edgewater Lagoon.

Sincerely,  
Charles and Susan Savage  
2150 Mill Road  
Novato, CA 94947

**From:** [Craig Love](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Pond at Corte Madera Inn  
**Date:** Monday, January 9, 2017 3:22:52 PM

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I am a 34 year resident of Corte Madera, having purchased my home in 1983. We have seen many changes but the Corte Madera Inn has always been there for us. I would be very sad to see it go for the sake of the handful of birds that can be seen there. When this issue came up two years ago I went there weekly for months, walked around, took photos and never saw more than the two ducks that live there. Two ducks.

The elusive Night Herons (I have never seen one) are migratory and are in abundance worldwide. Simply read the Wikipedia article and you will see that they are listed as NC (No Concern). If they really are around they can certainly fly to one of our many lagoons. I believe that Corte Madera is 30% water.

If you look at photographs from before 1950 you will see that there was never any body of water where the "pond" now is. It is man made. How did the birds survive 100 years ago when there was no pond?

We are fortunate to have great local Marin residents who have owned the property for many decades. They have been great stewards. Some complain that a few trees will be removed. Again, look at photos from the 1900's and there are NO trees in Corte Madera aside from a few on the hillsides. New and better trees can be planted and they do grow quickly.

My relatives stay in this hotel every year when they visit. My family and I stayed there in 2006 when we lost our home to a fire. There are very few decent hotels in Marin and we need this one to remain.

Thank you for your time. Feel free to contact me at any time.

Craig Love  
12 and 16 Willow Ave.  
Corte Madera, CA 94925-1431

415.990.2404

c.love@mac.com

**From:** [David Moore](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Corte Madera Best Western Remodel and the Edgewater Lagoon  
**Date:** Tuesday, January 10, 2017 9:11:23 PM

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I have been following the proposed remodel of the C.M. Best Western Hotel and the issues around the filling of the Edgewater Lagoon. I am a former member of the Corte Madera Flood Board and am in contact with its present chair. We both agree that the lagoon has lived long past its use by date.

The bird count study revealed that birds use the lagoon for noon time naps but not for lodging. The count revealed no nesting bird colonies. Yes, someone snapped a photo of a bird on the edge of the lagoon, but failed to show a nest, only a bird.

The Best Western Hotel has been an asset to my community of Corte Madera. I have had friends and relatives stay there. I would like to see it continue and thrive in my town

.I urge you to make the planned hotel remodel a reality and allow them to fill in the pond.

David W. Moore  
102 Summit Drive  
Corte Madera, CA 94925

**From:** [David Peterson](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Re: Comment Period Extension for Corte Madera Inn Rebuild Project Alternatives Analysis  
**Date:** Wednesday, December 21, 2016 6:21:19 PM

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I am a resident of Ross CA and own a commercial building, 400 Tamal Plaza at 200 Tamal Vista Blvd. near the site of the proposed hotel development.

The area is over developed with major traffic problems, backing on to the freeway at the Lucky Drive off ramp now. The subject hotel site should not be further developed until the Tam Ridge Apartments are finished and occupied. At which time further traffic studies should be done before any additional development is considered.

The existing size hotel, or possibly some what larger, could be developed without filling in the pond and making it the center piece of a nature oriented hotel theme.

No amount of additional habitat at a remote location can provide an equivalent space for the existing wild life that utilized the pond. The owner should be required to re establish the aquatic link to the bay waters and clean up the pond site to provide a better habitat and a more visually attractive nature feature for the hotel guests.

David Peterson  
dpeterson307@aol.com  
(415) 596-7124 Cell  
PO Box 1445  
Ross, CA 94957

-----Original Message-----

From: Fairley, Nicole@Waterboards <Nicole.Fairley@Waterboards.ca.gov>  
To: Fernandez, Xavier@Waterboards <Xavier.Fernandez@waterboards.ca.gov>  
Sent: Tue, Dec 20, 2016 10:25 am  
Subject: Comment Period Extension for Corte Madera Inn Rebuild Project Alternatives Analysis

Dear Interested Parties:

The San Francisco Bay Regional Water Quality Control Board (Water Board) is extending, by one week, the comment period for the off-site and on-site 404(b)(1) Alternatives Analysis (Alternatives Analysis) for the Corte Madera Inn Rebuild Project (Project). The Project is being proposed by Reneson Hotels. As proposed, the Project would demolish an existing 110-room hotel and construct a new 174-room hotel in the Town of Corte Madera, Marin County. The new hotel would include 235 parking spaces and would be a dual-branded hotel with both extended-stay and limited-service rooms. The Project would result in the fill a 0.64 acre pond with shallow aquatic vegetation and fringing wetland vegetation.

The Alternatives Analysis for the Project is available for public review at:

[http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/hot\\_topics/CorteMadera.shtml](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/hot_topics/CorteMadera.shtml).

Comments on the Application will be accepted by the Water Board until **January 13, 2017**, and may be submitted via email to: [xavier.fernandez@waterboards.ca.gov](mailto:xavier.fernandez@waterboards.ca.gov), or by sending hardcopies to: 1515 Clay St., Oakland, CA, Suite 1400, to the attention of Xavier Fernandez.

If you have any questions or concerns, please contact Xavier Fernandez via phone at 510-622-5685 or email at [xavier.fernandez@waterboards.ca.gov](mailto:xavier.fernandez@waterboards.ca.gov).

Regards,

Nicole Fairley  
SF Bay Regional Water Quality Control Board  
510-622-5686  
[Nicole.fairley@waterboards.ca.gov](mailto:Nicole.fairley@waterboards.ca.gov)

**From:** [denise\\_beck](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez_Xavier@Waterboards)  
**Subject:** Letter re: C.M. Inn Project  
**Date:** Monday, January 2, 2017 12:45:17 PM  
**Attachments:** [Corte Madera Inn letter.doc](#)

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Dear Mr. Fernandez,

Below I have attached a letter of concern regarding the C.M. Project. Please share this with the individual board members.

Thanks so much!

Denise Beck  
C.M. resident

47 Redwood Ave.  
Unit #16  
Corte Madera, CA 94925

S.F. Bay Regional Water-  
Quality Control Board  
1515 Clay Street  
Suite 1400  
Oakland, CA  
Attn: Board/Mr. Fernandez

January 2, 2017

Dear S.F. Bay Regional Water Quality Control Board,

I am vehemently opposed to the Corte Madera Inn rebuild Project proposed by Reneson Hotels for two major reasons. As a corte madera resident and long time environmental activist, I am especially concerned.

First, the increase of hotel rooms in the Inn from 110 to 174 rooms, in addition to a 235 space parking lot, would add even more congestion to an already densely populated, high-traffic area. This increase in congestion would, in turn, lead to more traffic jams and less ability to escape to safely in case a major earthquake, fire, flood, or other catastrophic event occurs.

Furthermore, the project violates California Environmental Quality Act (CEQA) standards. L.S.A. Associates, the same firm that rejected the Larkspur Station Area Plan, also rejects the current proposal by developer Reneson Hotels Inc to fill in and pave over the aquatic grass-filled pond at the Corte Madera Inn. L.S.A.'s argument is that the loss of the widgeon-grass community constitutes a significant impact under C.E.Q.A. Given the CA Department of Fish and Wildlife (C.D.F.W.) state rarity ranking and the substantial cumulative loss of aquatic communities in the region.

For these two reasons, I am very opposed to the project and am urging you to not allow this proposal to go forward. Thank you for hearing my concerns.

Sincerely,

Denise Beck

**From:** [Fred Grange](#)  
**To:** [David Peterson](#)  
**Cc:** [Norman Ciampi](#); [David Giannini](#); [Gabrielle Campbell](#); [Adam Wolff](#)  
**Subject:** RE: CM Pond next to Best Western proposed hotel expansion.  
**Date:** Monday, December 26, 2016 7:12:03 PM

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Hi David, Thanks for the interesting article.

If I made my friends and my living by supporting anti-development theories, I would agree with Dr. Kelly and Mr. Jennings.

Besides, In Marin County opposing any type of development has always been the popular thing to do.

However, I have lived in Marin for over 60 years and followed all kinds of development applications.

The very same arguments and reasoning in the article are nearly identical to all similar projects I've followed.

As the old adage goes "To a hammer everything is a nail" is especially appropriate in this case. The pond is not a pond as defined in my dictionary. It is a sump, designed like the bottom of a sink, to drain water.

If I were a Black-crowned Night-Heron flying over Hwy 101 looking for a place to roost, I would not pick this small sump.

Not with cats and Raccoons in the area. Not when I have a huge wildlife area on the other side of the highway, would you?

I especially would not roost at this sump when I have 80% of Marin County to choose from, would you?

The recent election points out that what our country needs is Housing and Jobs. This hotel provides both.

So excuse me if I don't agree with you on this one. We have agreed and also disagreed on many positions in the past.

But you are still a great neighbor, and I thank you again for delivering Dave's Ross Valley Honey last week from your bees.

Wishing you and yours a very merry Christmas, and a happy, healthy, prosperous new year.

Fred Grange  
Francisco Properties  
Grange Debris Box & Wrecking Co., Inc.  
200 Tamal Plaza, Suite #115



Corte Madera, Calif. 94925  
ph: 415-456-2712, fx: 415-459-4103  
Fred@GrangeBox.Com www.GrangeBox.Com

**From:** David Peterson [mailto:dpeterson307@aol.com]  
**Sent:** Monday, December 26, 2016 17:05  
**To:** Fred Grange <fred@grangebox.com>  
**Subject:** CM Pond

Fred, you should read this: <https://marinpost.org/blog/2016/12/21/wildlife-experts-argue-against-the-plan-to-destroy-the-corte-madera-inn-pond-habitat>

David Peterson  
[dpeterson307@aol.com](mailto:dpeterson307@aol.com)  
(415) 596-7124 Cell  
PO Box 1445  
Ross, CA 94957

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**From:** Fred Grange  
**Sent:** Monday, December 26, 2016 13:26  
**To:** 'Norman Ciampi' <nciampi@yahoo.com>; Adam Wolff <awolff@tcmmail.org>; David Peterson <dpeterson307@aol.com>; David Giannini <dtgiannini@gianninilaw.com>; Food Truck - Heart of Greens <gcampbell@pissf.com>; Giannini - Miraglia <miraglia@gianninilaw.com>; 'Gabrielle Campbell' <gcampbell@pissf.com>  
**Subject:** RE: Comment Period Extension for Corte Madera Inn Rebuild Project Alternatives Analysis

Dear Mr. Wolf and town leaders.

I own 200 Tamal Plaza and would like to support my neighbors request that a "KEEP CLEAR ZONE" similar to the zone at the DMV Lot a block south of us.

However, I believe the area adjacent to the proposed hotel project should be filled and developed. It has been referred to as a POND, however a SUMP more accurately describes its true function.

That land is far too valuable to be preserved in a county that already preserves more than 80 % of its area leaving less than 20% to pay for it.

The increased income to our town from TOT will help to financially support our needs, including painting a "Keep Clear" entrance to our complex.

Fred Grange

**From:** Norman Ciampi [mailto:nciampi@yahoo.com]  
**Sent:** Saturday, December 24, 2016 15:24  
**To:** Adam Wolff <awolff@tcmmail.org>; David Peterson <dpeterson307@aol.com>; David Giannini <dtgiannini@gianninilaw.com>; Fred Grange <fred@grangebox.com>; Food Truck - Heart of Greens <gcampbell@pissf.com>; Giannini - Miraglia <miraglia@gianninilaw.com>

**Subject:** Fwd: Comment Period Extension for Corte Madera Inn Rebuild Project Alternatives Analysis

I am the general partner and manager of the office building at 300 Tamal Plaza, C.M. and I am receiving the same complaints that David Peterson has sent to from my tenants. I am experiencing a tenant revolt when my tenants lease expire and they do not want to renew but demand an extension until they see the Tam Ridge impact on traffic congestion on Tamal Vista. They believe that their customer and client base will go elsewhere for accounting, architectural and therapy services. David's suggestion of a "Keep Clear" zone should be immediately acted upon.

Norman Ciampi

Sent from my iPhone

Begin forwarded message:

**From:** David Peterson <[dpeterson307@aol.com](mailto:dpeterson307@aol.com)>

**Date:** December 23, 2016 at 7:44:41 PM CST

**To:** [awolff@tcmmail.org](mailto:awolff@tcmmail.org)

**Cc:** [thegarty@tcmmail.org](mailto:thegarty@tcmmail.org), [nciampi@yahoo.com](mailto:nciampi@yahoo.com), [dtgiannini@gianninilaw.com](mailto:dtgiannini@gianninilaw.com),  
[Fred@GrangeBox.Com](mailto:Fred@GrangeBox.Com)

**Subject: Fwd: Comment Period Extension for Corte Madera Inn Rebuild Project Alternatives Analysis**

I am forwarding my comments to you so that you will get the message directly. There is no reason why a small, upscale hotel on the site would not be successful. The pond should not be filled in, but rather made a feature of the new upgraded hotel.

The traffic on Tamal Vista Blvd. is already untenable and the Tam Ridge has not yet opened. The traffic is often backed up all the way to the freeway. I believe a recent accident at the Lucky off ramp was the result of traffic stopped back to the ramp.

Also on another matter, the ingress and egress from Tamal Plaza has become very difficult -- even before the Tam Ridge is occupied. We desperately need a "KEEP CLEAR" hashed area at the North entrance to Tamal Plaza on Tamal Vista Blvd. As you may be aware, our entrance is directly across from the North entrance to the Tam Ridge development. When it is occupied, the need for a "KEEP CLEAR" area will become even more necessary. I have made this request several times in the past without response. What is necessary to formalize this request?

Thank you for your attention to these urgent matters.

David Peterson  
Owner 400 Tamal Plaza  
[dpeterson307@aol.com](mailto:dpeterson307@aol.com)  
(415) 596-7124 Cell  
PO Box 1445  
Ross, CA 94957

-----Original Message-----

From: David Peterson <[dpeterson307@aol.com](mailto:dpeterson307@aol.com)>

To: [xavier.fernandez@waterboards.ca.gov](mailto:xavier.fernandez@waterboards.ca.gov)

Sent: Wed, Dec 21, 2016 6:21 pm

Subject: Re: Comment Period Extension for Corte Madera Inn Rebuild Project Alternatives Analysis

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No amount of additional habitat at a remote location can provide an equivalent space for the existing wild life that utilized the pond. The owner should be required to reestablish the aquatic link to the bay waters and clean up the pond site to provide a better habitat and a more visually attractive nature feature for the hotel guests.

David Peterson  
[dpeterson307@aol.com](mailto:dpeterson307@aol.com)  
(415) 596-7124 Cell  
PO Box 1445  
Ross, CA 94957

-----Original Message-----

From: Fairley, Nicole@Waterboards <[Nicole.Fairley@Waterboards.ca.gov](mailto:Nicole.Fairley@Waterboards.ca.gov)>

To: Fernandez, Xavier@Waterboards <[Xavier.Fernandez@waterboards.ca.gov](mailto:Xavier.Fernandez@waterboards.ca.gov)>

Sent: Tue, Dec 20, 2016 10:25 am

Subject: Comment Period Extension for Corte Madera Inn Rebuild Project Alternatives Analysis

Dear Interested Parties:

The San Francisco Bay Regional Water Quality Control Board (Water Board) is extending, by one week, the comment period for the off-site and on-site 404(b)(1) Alternatives Analysis (Alternatives Analysis) for the Corte Madera Inn Rebuild Project (Project). The Project is being proposed by Reneson Hotels. As proposed, the Project would demolish an existing 110-room hotel and construct a new 174-room hotel in the Town of Corte Madera, Marin County. The new hotel would include 235 parking spaces and would be a dual-branded hotel with both extended-stay and limited-service rooms. The Project would result in the fill a 0.64 acre pond with shallow aquatic vegetation and fringing wetland vegetation.

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Comments on the Application will be accepted by the Water Board until **January 13, 2017**, and may be submitted via email to: [xavier.fernandez@waterboards.ca.gov](mailto:xavier.fernandez@waterboards.ca.gov), or by sending hardcopies to: 1515 Clay St., Oakland, CA, Suite 1400, to the attention of Xavier Fernandez.

If you have any questions or concerns, please contact Xavier Fernandez via phone at 510-622-5685 or email at [xavier.fernandez@waterboards.ca.gov](mailto:xavier.fernandez@waterboards.ca.gov).

Regards,

Nicole Fairley  
SF Bay Regional Water Quality Control Board  
510-622-5686  
[Nicole.fairley@waterboards.ca.gov](mailto:Nicole.fairley@waterboards.ca.gov)



**From:** [Garril Page](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Comment on Alternatives Analysis for Corte Madera Inn  
**Date:** Thursday, January 12, 2017 12:39:52 PM  
**Attachments:** [EPA Jen Sui.pdf](#)

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San Francisco Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland CA

re: 404(b)(1)Alternatives Analysis  
Corte Madera Inn Rebuild Project

Esteemed Members of the SFRWQCB: January 12, 2017

This matter before you may seem a minor project given the magnitude of most of your considerations; however, in our area of Marin County, this is a project of considerable consequence.

1. The wetland pond is 0.64 ac, a size larger than many surrounding parcels. Comparably, it is neither 'small' nor insignificant when taken in context. It is recognized wetland despite the misinformation submitted by Zentner and Zentner.
2. This pond and habitat, including the riparian heron roost, pre-dates the commercial construction and has historical significance. Local people, aquatic and wild life, as well as the Bay tidal system have been accessing this wetland for a very, very long time. Historically, the area is called the Edgewater Marsh; it is not a "nameless" pond.
3. Neglect of the pond has not managed to dry it, or to kill off the living entities associated with the pond and wetland. The pond continues to survive, and could be restored to a robust, thriving system in our watershed. Whereas the developer is intent on obliterating these existing waters of the United States, there is local interest in restoration of the wetland.
4. Most importantly, there are alternative plans for development of the hotel's interest which create a fiscally advantageous commercial use while preserving the pond on-site. Despite skewed fiscal analyses, relevant documents withheld, citizens' comments and public scrutiny quashed throughout the hearing processes, there are supporting economic analyses and alternative plans that preserve the pond.
5. Per the Application: "occupancy market penetration" in the current single-branded Corte Madera Inn are high and steady despite the proximity of two competing long-term residency hotels, one of which dates from the early 1960s (and has a 92-year old co-owner). The Applicant's Project Purpose, requiring a General Plan Amendment to enable his preference for maximized profits, presentations of 'fiscal feasibility' and "goal" of filling the pond, remains unjustified. Full consideration of reasonable alternatives that do not require the irreversible loss of this aquatic resource must be conducted despite the owner's obdurate stance and retaliatory actions.
6. Adverse Effects of project infill on-site are *avoidable*. Claims that there are no

'practicable' alternatives are patently false, and an apparent attempt to evade the CWA (FWPCA) guidelines through omission. Please, note the reference to inconsistent, incomplete project submissions in the attached letter from Jennifer Siu, Wetlands Section of the EPA to Sahrye Cohen, Permit Manager, USACE.

7. Mitigation proposed is deficient because on-site alternative are available and because the proposed off-site contribution to the Burdell Mitigation Bank is inadequate. Burdell is not comparable and harms the project area by the needless, irreversible destruction of existing waters connected to the tidal system that now provide wildlife habitat values and water quality function *within our watershed*. Please, note the EPA's shared lack of support for the off-site Burdell mitigation plan (per the attachment below).

Please, deny fill material in this pond. This Project does not merit 401 Certification. Instead, make a RWQCB determination preserve a historic wetland, and maintain the biological integrity of an asset that improves awareness and appreciation of our surrounding Bay for hotel guests and restaurant patrons enjoying their stay in a pleasant, up-graded, slightly smaller hotel project, plans for which you may not have seen.

Thank you for consideration of my comments,

Yours truly,

Garril Page  
70 Fawn Drive  
San Anselmo, CA 94960

Attachment:

June 2016,

From: Jennifer Siu, Life Scientist, Wetlands Section, U.S. E.P.A., Region 9

To: Sahrye Cohen, Permit Manager, Army Corps of Engineers

re Reneson Hotel's application for a permit to fill in the Edgewater pond at the Cortes Madera Inn.

Sahrye,

Thank you for the opportunity to comment on the proposed Cortes Madera Inn Rebuild (PN 2000-255330N) in Marin County, CA. In addition to the PN we have reviewed the applicants' Alternatives Analysis (AA) from the CEQA Revised Environmental Impact Report (REIR). EPA has the following comments and suggestions on the project pursuant to the Federal Guidelines promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act.

Reneson Hotels, Inc. (applicant) proposes to demolish an existing hotel and adjacent restaurant to construct a new hotel facility on the site. The applicant proposes to impact a 0.64-ac brackish pond by completely filling the feature. As mitigation for fill of the wetland, the applicant proposes to purchase 1.20-ac non-tidal wetland credits at the Burdell Mitigation Bank. Although the applicant has submitted a 404(b)(1) Alternatives Analysis for eight off-site alternatives, no on-site alternatives were included.

At this point in time, the proposed project does not comply with EPA's 404(b)(1) Guidelines. First, the project purpose as stated is too narrow in scope and intent per the Guidelines. The basic and overall project purpose is to provide commercial hotel rooms in southern Marin County, CA. The intent, as stated in the PN, to 'build additional commercial hotel rooms' unduly limits the scope of analysis. We highly recommend the Corps ensure the applicant's Project Description is consistent with the Guidelines. Second, there are significant flaws in the 404(b)(1) AA submitted to the Corps, such that the Corps ability to accurately determine the Least Environmentally Damaging Practicable Alternative (LEDPA) is impaired. We find it curious that the applicant would submit an onsite alternative (Alternative 4) during the CEQA process that would completely avoid direct impacts to the pond; yet, the 404 AA does not include this onsite avoidance alternative. This inconsistency indicates that the applicant has deprived the Corps of full available information and that there are indeed practicable alternatives to the proposed discharge that would accomplish the basic project purpose and have a less adverse effect on the aquatic environment. The applicant must submit appropriate avoidance or minimization alternatives before

proceeding with the 404 permit process.

Lastly, while this wetland may be small in acreage, it is connected to the tidal system and provides wildlife habitat values and water quality functions within the watershed. EPA highly encourages the applicant to consider sea level rise considerations and potential watershed benefits of this wetland. We do not support the proposed mitigation plan of purchasing credits at the Burdell Mitigation Bank, as it is a seasonal freshwater wetland complex and would not be appropriate compensation for this tidally-influenced wetland.

Thank you for considering our concerns and recommendations. Please contact me if you have any questions or would like to discuss our comments.

Regards,  
Jennifer Siu



**From:** [Virginia Erwin](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Edgewater lagoon in Corte Madera, CA  
**Date:** Monday, January 9, 2017 6:57:33 PM

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Hello,

I have been following the progress of this BW property. In my experience, marketing the property with a natural lagoon and wildlife habit, will be a draw to many visitors who will stay at this property.

It's a win and win if presented effectively.

Best regards,

Ginny Erwin

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Ginny Erwin MS,RDN,CSSD,CPT  
Corte Madera, CA 94925  
773-852-5486

**From:** [Jean Greenbaum](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Corte Madera Inn Rebuild  
**Date:** Thursday, December 22, 2016 1:10:42 PM

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Regarding the on-site alternatives, alternative 4 appears to me to have been deliberately made unattractive and not feasible. The plan only adds one room versus alternative 2, despite half the pond being filled in. I am pretty sure that had they made an effort, they could have planned a higher room count for alternative 4. If there were more rooms, it would probably be more financially feasible.

I would have liked to see this (costly) analysis be less obviously skewed towards the owner's preferred outcome.

Jean Greenbaum  
Casa Buena Drive, Corte Madera  
Sent from my iPhone

**From:** [Jennifer Larson](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Corte Madera Inn - Embarassing  
**Date:** Friday, January 13, 2017 12:13:18 AM

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Dear Xavier Fernandez,

As we understand it - the job of the Water Board is to ensure clean water and environmental protections. How is it possible that the Regional Water Quality Control would dare approve the filling in of a pond, wildlife habitat, vegetative substrate in Corte Madera? We can back and forth all we want about whether the pond is man-made, about whose responsibility it is and should have been, to keep it in good health etc. But the fact is.....it's home for various species and is a feature of Corte Madera with clear benefits if maintained.

Now because greed seems to trump most everything, somehow it's a possibility that it might....be...OK....to just fill it in with concrete. Of course, this is backward.

Here we are in Marin, focused on the environment, fighting for No DAPL, banning plastic bags, and up until the recent storms, measuring bath water by the teaspoon.

Yet....for some reason, the concept of \*filling a pond with concrete\* is on the table again.

All this talk about the Corte Madera Inn reconstruction being 'sustainable' and 'green'....hard to process when they're also aiming to negatively impact the environment as step #1.

Not binary - it's obvious to everyone there are many options that exist to build the hotel and keep the pond.

Please protect this slice of the environment, the pond.

respectfully,  
Jennifer Larson  
Corte Madera

**From:** [Jill Warren](#)  
**To:** [awolff@tcmmail.org](mailto:awolff@tcmmail.org)  
**Cc:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards); [Barbara Salzman](#)  
**Subject:** Corte Madera Inn Rebuild  
**Date:** Sunday, January 8, 2017 2:51:59 PM

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January 8th 2017

Dear Mr Wolff and Mr Fernandez,

I would like to comment further on the revised reports related to the rebuild (REIR).

1) It seems that the pond and the Black Crowned Night Heron roost have once more been discounted as being relevant to the birds and any other wildlife needs. I regularly see up to 14 herons roosting in the trees around the pond when I swim during the day. The comment that they would find other places to roost does not satisfy me at all. They would already be roosting there, if that were the case. A wetland 20 miles away does not seem a likely place for them to go, nor will it help the widgeon grass found in the pond. The proposed mitigation would not in any way compensate for the loss of this pond in Corte Madera.

I continue to disagree with the plan to fill in the pond. We do not need to lose more wildlife access.

2) In addition to the pond, there is another matter that has not been adequately addressed by the Planning Commission, the swimming pool. Has the City of Corte Madera made any plans to compensate their residents by providing an alternative place to swim? The plan for the hotel does not appear to include a decent sized pool, or the possibility for residents to access it by membership, as they currently do. The pool is an important health resource for the community and has been for many years. I myself have been a member for 27 years and have not found another pool that suits my needs.

There are many people who have, and still do, benefit from access to an open air pool to maintain their health. As a former resident of Corte Madera/Larkspur for 17 years I feel strongly that this plan is the wrong one.

Thank you for your attention,

Jill Myers (Warren)  
30 Billou St,  
San Rafael  
CA 94901.

**From:** [Joe Meylan](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Corte Madera Inn  
**Date:** Thursday, December 29, 2016 4:32:30 PM

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Xavier,

Thank you for protecting our local environment. While this pond is not significant it should be protected. The current owners have taken every step possible to degrade this pond to decrease its importance and improve their chances of eliminating it. The smart thing to do is to restore it and make it a positive characteristic of the property rather than paving it over. It is feature like this pond that make our community unique. While this pond maybe be insignificant to many it would be a step in the wrong direction to eliminate it. Death by a thousand cuts.

Thank you for your consideration.

Joe Meylan  
150 Willow Ave  
Corte Madera  
CA 94925  
415 716-1674

**From:** [Linda Segars](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Pond at Western Corte Madera Inn  
**Date:** Monday, January 9, 2017 10:40:03 AM

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Dear Mr Fernandez,

I am opposed to the removal of the pond at the Corte Madera pond.

I think it would be an amazing feature for the Inn's guests to look out their window and see Birds and a beautiful water feature instead of other buildings.

When driving by I have noticed lounge chairs thrown into the pond along with other trash I'm assuming from the Inn, if it is a cesspool, it of their doing.

Please reject the pond's removal.

Thank you,  
Linda Segars

Sent from my iPad

**From:** [Lisa Barry](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez_Xavier@Waterboards)  
**Subject:** Swamp in Corte Madera  
**Date:** Monday, January 9, 2017 8:57:36 AM

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Hello

I have worked in the building next to the Best Western for 11 years. I park in the lot just next to the controversial pond connected to the hotel. I am an avid hiker, I regularly donate to MALT, Marin County Open Space and our National Parks.

While I normally lean toward less development and preserving nature, the pond in question is a mucky swamp. It smells so badly at low tide that even the interior of our medical office next door stinks. I have no expertise in wetlands or herons, but there is an enormous marshland JUST over the freeway filled with herons and other birds. I can't imagine the black crowned night heron and others frequenting the swamp wouldn't find their way across the freeway.

I say pave it over and let the hotel owner get on with his expansion. That's my two cents.

Sincerely, Lisa Barry, RN

Sent from my iPhone

**From:** [Lori Callies](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Corte Madera REIR  
**Date:** Wednesday, January 11, 2017 8:42:43 PM

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Mr. Fernandez,

I am a resident of Corte Madera. My family has lived in this county for 55 years. We have seen the over-building of Marin, especially Corte Madera, in the last two years. Our roads and infrastructure cannot handle more people. Hence, I write to you to ask you to scale back the # of rooms and amount of pavement requested for the current Corte Madera Inn site. That particular area has a historic pond which houses the very wildlife for which Marin County is revered. As one of the long-standing property owners and residents of our Marin County, we have voted for and fought for open space and natural landscapes for many years. This preservation had beautified our county. This small pond is another piece of that landscape that needs preserving.

My family are members of the Recreation Center Swim Club at Corte Madera Inn, and have been for many years. I personally have watched many shore birds from the pond there--ducks, blue herons, egrets, night herons, and other birds that I cannot name. I KNOW that the pond helps keep them alive. The new owners should embrace the pond and use it in their marketing. as a nature preserve to be enjoyed by visiting Birders. Please vote to scale back the building and cement. Please keep the precious and small water pond ALIVE.

May I recommend the book, Chief Marin, which details the former waterways of Corte Madera and Mill Valley, used by the local Native Miwok peoples for travel. This pond could be the last vestige of such rich history.

Sincerely,

Lori Callies  
311 Willow Ave.  
Corte Madera, CA 94925  
(415) 945-9409  
[callies.lori@gmail.com](mailto:callies.lori@gmail.com)



**From:** [Marla Orth](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** RE: Corte Madera Inn Rebuild Comments  
**Date:** Wednesday, January 11, 2017 2:32:25 PM

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Dear Xavier,

Thank you for the opportunity to comment on the Corte Madera Inn Alternatives Analysis related to their REIR-version 2. We were told that this document addressed “new information” and analyses related to conditions of the on-site pond (that has served as a wetlands since 1959, the same time as the two lagoons and network of canals were built) which the owner/developer proposes to fill-in and build two-branded hotels at a considerably higher density level on the site. I was hopeful that my prior comments and concerns to the town were finally addressed after several years of dialogue and correspondence on the subject matter.

Unfortunately, once again I am disappointed. In short, the REIR document is woefully incomplete, inadequate and non-responsive. There are misleading and multiple contradictory comments, quantum leaps of logic with no rationale or justification, the document preparers ignored or otherwise glossed-over well-established local, state and federal land use policies & guidance documents, and the compensatory mitigation measures are seriously lacking and do not appear to be at all appropriate to the situation. To the latter, the REIR disregards third-party independent analysis which finds destruction of rare aquatic grasses to be impactful and significant under CEQA; the REIR disregards the existing habitat value of the long-existing wildlife pond, and, it would appear that by allowing the pond to be filled-in the owner/developer and the Town will be rewarded for their intentional negligence to allow the pond to decay to justify filling-in the pond. These failures of the REIR are reflected in the Alternatives Analysis.

The owner/developer has other financially feasible options and multiple offers on the property to build a hotel maintaining the pond but has refused to even consider them or include them in an alternatives analysis. The Town’s job is not to maximize profits but rather preserve and protect our environment from the spoils of unnecessary development. This is what guidance, rules, regulations and laws have been developed to ensure.

My family has resided in Corte Madera continuously for 60 years. I grew-up playing in and around the pond. I/we were charter swim club members of the then Edgewater Inn. I can personally attest to the abundant wildlife that resided there over the years in spite of negligence. Can you imagine how rich the environs could be if the habitat were restored to at least the level of the two salt water lagoons? Grasses would again flourish, the herons, the geese and the ducks, and flocks of small birds will have a safe place to roost and rear their young, and the generations of today and tomorrow could enjoy the same treasures I did as a child.

I request that you deny the owner/applicant request to fill-in the pond per the foregoing comments. Thank you for your time and due consideration of the interests of all concerned citizens.

Marla Orth



**From:** [Melissa Polick](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez_Xavier@Waterboards)  
**Cc:** [Melissa Polick](#); [Jeff](#)  
**Subject:** Corte Madera Pond - I am asking it to be SAVED!  
**Date:** Tuesday, January 10, 2017 2:04:15 PM

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*To Fernandez Xavier:*

*My husband and I are Asking you to SAVE the natural pond located in Corte Madera, CA next to the Best Western Corte Madera Inn, Corte Madera, CA.*

*We have owned a home in Marin County for 21 years and understand what is at stake if we were to lose this natural resource for our wildlife.*

*This pond has been verified as having Natural “widgeon grass” which is what OUR wildlife needs and is natural to Their environment. This canNOT be paved over!*

*Instead, this Corte Madera pond Must be always Protected and Preserved!*

*The simple question is this: Why would the Hotel planners Not keep the natural pond within Their design plan as It exists? Why? Unfortunately, I believe it would be for Their own selfish, unNecessary, and wasteful reasons. Yes, wasteful of our natural resources.*

*As per the natural wildlife that depends on this decades old pond, they Need it. It is that simple. It is verified by all of us that live here that night herons, egrets, sandpipers and other beautiful and precious wild birds must have this for their protection — always.*

*Please, ask yourselves, WHY does this hotel need to bulldoze over a natural pond? And, then I ask you,*

*Why and How could you ever approve this pond to ever be destroyed? Please, do Not allow this to happen.*

*Please, SAVE OUR POND!*

*Sincerely,*

*Mrs. Melissa Polick & Mr. Jeff Polick  
Marin County, CA  
415-380-9915*

**From:** [Mike Arnold](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Comment Letter  
**Date:** Monday, January 9, 2017 10:20:06 AM  
**Attachments:** [Comments on Corte Madera Inn.pdf](#)

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Sir,

I have comments on the Corte Madera project.  
Attached is a letter that I've prepared.

**Mike Arnold, Ph.D.**

Lecturer, OLLI Program  
Dominican University  
San Rafael, CA  
415-382-1264

Michael Arnold, Ph.D.  
OLLI Professor of Economics  
Dominican University  
San Rafael, CA 94901

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January 8, 2017

Xavier Fernandez  
Senior Environmental Scientist  
SF Bay Regional Water Quality Control Board  
1515 Clay Street, 14<sup>th</sup> Floor  
Oakland, CA 94612

Re: REIR No. 2, Corte Madera Inn Rebuild Project

Mr. Fernandez:

I am an interested citizen and providing comments on three studies prepared by as follows:

- Zentner and Zentner (“**Corte Madera Inn – Alternatives Analysis**” October 2016)
- PKF Report, (“**Proposed Hotel Corte Madera**” March 2013) – Phase I Market Demand Analysis
- PKF Report (“**Proposed Hotel Corte Madera**” October 2014). – Market Demand and Financial Feasibility

After reviewing both reports, and based on my 30 years of experience in the banking industry as an expert in technical finance and the use of simulation models to measure financial risk, it is my conclusion that none of these reports provides the data necessary for the public agency to make an informed decision.

### **Observations**

1. Zentner and Zentner (ZZ) claimed to have evaluated four alternative scenarios, ruling out three of them as being “infeasible” based on summary tables provided in the report. Their conclusions stem from the more detailed information provided in the PKF reports.
2. However PKF evaluated only 2 alternatives almost three years prior. While they provided far more detail from which a reader could understand the basis for their conclusions, it was unclear precisely how their 2 alternatives mapped into the four alternatives claimed to be evaluated by ZZ.
3. The PKF report that presented the financial analysis is now 2.5 years out of date. Given the improvement in the economy between 2012 (when the first report was issued) and 2016,

reliance on information this old is not realistic.<sup>1</sup> For example, Table 1 below shows a small selection of economic variables that have been reported during this period. As indicated, the Bay Area economy has recovered strongly, with unemployment rates dropping by half in the intervening period. All of these variables are likely to impact the financial analysis, improving the projected rates of return for all of the scenarios discussed.

4. As further indication of the growth in the area, Table 1 shows estimated transient occupancy taxes for the City of Corte Madera as reported in its budgets.

**Table 1**  
**Selected Economic Information on the SF Bay Area**

<b>Variable</b>	<b>Approx 2012</b>	<b>Approx 2016</b>
Bay Area Population	7.34 M (2012)	7.65 M (2015)
Bay Area Employment	3.32 M (2012)	3.71 M (2015)
Bay Area Unemployment Rate	7.3% (Dec 2012)	3.7% (Nov 2016)
Transient Occupancy Taxes – Corte Madera	\$496K (FY 2012-13 est)	\$921 K (FY 2015-16 est)

5. What do these data suggest? The PKF analysis is based on a single set of assumptions that projects revenues and costs over 10 years, with an assumed value representing what they think the property would be worth in 10 years. A single scenario is but one estimate and undoubtedly the applicant/developer has a range of estimates to identify the sensitivity of the expected returns to a range of potential revenues.
6. The report has neither sufficient information nor sufficiently independent information to provide guidance for a public agency to make any decision based on the information provided in the reports. Here's why:
  - Neither PKF nor ZZ were hired by the public agency. They were paid by the applicant. The information provided simply does not meet the independence test that is necessary for a public agency to consider when making decisions in the public interest. Information in reports like these is subject to "cherry picked" assumptions that generate conclusions favorable to the client. The lack of "range analysis" which would demonstrate the sensitivity of results to variance in assumptions is an example of this. Had they done this, the agency would have a document that says what any good investor knows: "the actual rate of return depends on the performance of the economy, other competitor

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<sup>1</sup> I seriously doubt the project proponents are relying on data this old to track their own investment returns. The financial analysis in the more recent report is also sufficiently out of date that the investors are not likely using the information to judge the potential returns on their investment.

investments that influence vacancy rates and the prices charged for rooms.”

- Conclusions in the reports are largely based on a simple simulation (spreadsheet) model that projects annual revenues and costs over time in order to calculate what the authors refer to as financial feasibility of various alternatives under consideration. Such models all share a common characteristic: they are highly sensitive to the input assumptions. The analyses in both the ZZ and PKF reports are filled with such sensitivity. Table 2 below discusses the sensitivities of a few selected factors.

**Table 2**  
**Financial Assumptions in the ZZ and PKF Reports and Impact on Conclusions**

<b>Financial Input</b>	<b>Alternative Assumption</b>	<b>Impact on Analysis</b>
Vacancy rates	Lower rates than assumed	All would increase the returns of all of the scenarios considered
Average room charges	Higher rates than assumed	
Principal Value in Year 10	Greater appreciation than assumed	

- No information is provided on the public value of preservation of the pond in question.
  - No sensitivity analysis to the assumptions was provided. This is a critical component to analyses that come before public agencies. My experience is that any reasonable analysis needs to address the sensitivity of the conclusions to various assumptions. Based on rudimentary calculations, it could be easily demonstrated that very minor changes in the variables reported in Table 2 would generate a significant change in the conclusions of the report.<sup>2</sup>
  - Most investors would perform this type of sensitivity analysis in their normal due diligence process.
7. ZZ quotes the 404 guideline regarding the definition of “Practicability.” That definition refers to cost. It does not refer to profits or returns. The entire analysis of the ZZ and PKF reports is based on profitability and return analysis. Based on my reading of their reports, the costs of preserving the wetlands are clearly “practicable.” And while the cost will under all circumstances reduce their profits and returns on investment they have provided little information to demonstrate that these returns would be negative or a net cost to the developer.


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<sup>2</sup> If PKF is willing to provide their spreadsheets to public scrutiny, I’ll be happy to demonstrate this at no charge to the agency.

Michael Arnold, Ph.D.  
OLLI Professor of Economics  
Dominican University  
San Rafael, CA 94901

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Sincerely,

A handwritten signature in cursive script that reads "Mike Arnold".

Michael Arnold, Ph.D.

### **Background of Commenter**

M.A. in Economics (1981) Ph.D. in Agriculture and Natural Resource Economics (1981) both from UC Berkeley.

2012 – Spring 2016, I taught the Honors course in Intermediate Macroeconomic in the Dept. of Economics, at U.C. Berkeley. Beginning in the Fall of 2015 I have been teaching in the Osher Life Long Learning Program at Dominican University. Last fall, I taught a course at Sonoma State University.

I am Principal and Co-founder of ALCO Partners, LLC (founded in 2004) a consulting firm specializing in financial risk management in the banking industry.



**From:** [Patricia Ravasio](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Cc:** [Pat Field Ravasio](#)  
**Subject:** Opposition to Pond Decimation in Corte Madera  
**Date:** Thursday, January 12, 2017 10:37:17 AM  
**Attachments:** [Comments Regarding NEW MARRIOTT HOTEL on Environmentally Important Corte Madera Inn Site.docx](#)

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Dear Mr. Fernandez,

For more than two years, dozens of Corte Madera residents have been showing up to public hearings for the proposed new Marriott Hotel on the site of the CM INN and expressing concern about its many environmental insensitivities. We feel our comments have been ignored.

**As to the most recent environmental information** unearthed as regards to the pond on the site, this is obviously of critical environmental importance, and infant redefines the property as a wetland. <https://www.epa.gov/wetlands/what-wetland> The existence of widgeon grasses explains why so many birds use this particular pond as a feeding site. If you have visited there and looked closely, you will see hundreds, if not thousands of empty crustacean shells lining the pond, evidence that this pond is not just a feeding site, but an extremely popular one for Night Herons, Egrets, Ducks, etc.

Any attempt to mitigate this environmental loss up north in Novato will do nothing for Corte Madera's bird population, or the Corte Madera community. The human equivalent would probably be tearing down Marin Joe's and telling residents to eat in Novato.

I have been involved in town affairs here for over 26 years. I want what is best for this town and our local natural environment. This project, in its current iteration, is the opposite of that. The current plan falls short in many ways, and would be a detriment of our town even if it did not require the filling of the 6 acre pond, which grows rare widgeon grasses for local bird populations.

This property stands at the threshold to our town. The reason people come to Marin is to enjoy our beautiful natural environment. This property is a pivotal and highly visible cornerstone lot, and it will affect how we are viewed by neighboring communities and passersby for decades to come.

**Marriott Hotels has professed itself to be environmentally aware** and sensitive. In cases where they have been forced to prove their environmental commitment, they have done so. They have created hotels in sensitive areas and proven they are willing to consider the needs of the environments where they build. <http://www.marriott.com/corporate-social-responsibility/corporate-environmental-responsibility.mi> It should also be noted that they do not make the extra effort to build environmentally sensitive projects if they are not required to. This will not happen without our insistence.

If the existing plans are allowed to progress, Corte Madera's new hotel will be an environmentally barren, mostly concrete and asphalt site. Virtually all of the current green areas, including the .6 acre pond, will be replaced with asphalt, concrete or some combination thereof. In addition, the plans call for the removal of 79 trees – which currently provide wildlife habitat, carbon sequestration and sound insulation from U.S. 101. This indiscriminate tree removal should not be allowed. Despite our repeated requests, we have not seen any analysis of the loss of sound and pollution buffers provided by the pond, trees and natural habitat. We have also not seen any analysis of the effect on neighboring homes from raising the property to meet FEMA flood plane construction requirements.

Despite two years of community input concerning the lack of environmental sensitivity of the site plan and overall design of the hotel, no substantial changes have been offered, because none were requested by the planning commission. The commission did ask for and receive some changes that will affect the appearance of the property from Madera Boulevard, but made no requests on behalf of the environment, and thus the community's repeated requests for this consideration have been ignored.

There is an excellent international architectural firm which specializes in sustainable, nature sensitive

designs who is willing to meet with the applicants and/or its architects, pro-bono, to help. Skidmore Owings and Merrill, located in San Francisco, is home to the designer of the exciting new Treasure Island community, who also makes his home here in Corte Madera and is very concerned and willing to help.

Allowing this project to proceed as proposed (which the Corp of Engineers rules say it cannot, since there has been no proof of the need to fill the pond) will further injure Corte Madera's already damaged reputation as a pro-development town with no regard for the environment. Allowing this project to proceed in its current iteration, losing 79 trees, the pond, and all that lush green habitat, would be a serious mistake for both our community and our wildlife population.

**In addition, the entire trustworthiness of this process is brought into question** by the fact that the applicant's biologist, ZENTNER & Co, is, to this date, staffed by the only biologist to have ever been convicted of Endangered Species Act violations. How can we trust his findings? <https://www.justice.gov/archive/opa/pr/2000/November/663enrd.htm>

Corte Madera has made some major planning mistakes in the past. This was due in part to the persuasions of previous staff members who showed little concern about environmental issues. Our new Town staff has an opportunity to show that Corte Madera has matured in this regard since the approval of the much maligned WInCup project.

I hope the waterboard will help lead the way to make sure this happens.

Attached please find additional comments, supporting the views of Bob Silvestri, of Community Venture Partners.

Thank you,

Patricia Ravasio  
427 Oakdale Avenue  
Corte Madera

Dear Corte Madera Town Council Members & All Parties involved in consideration of the Corte Madera Inn Rebuild project:

I support the comments of Community Venture Partners, Inc. which has submitted comments on the [Recirculated Draft EIR for the Corte Madera Inn Rebuild](#) proposal on behalf of residents of Corte Madera, in the hope that you will give these comments your immediate attention. Further, I especially am concerned about the following:

**General Plan Amendments are not a right**

Throughout this project's multi-year review process, the Town of Corte Madera has failed to disclose to the public that a city is not required to consider or process a General Plan Amendment request by a developer. No developer has a right to expect that such an amendment, and particularly one that is driven primarily by profit demands, will even be heard. In fact, The Town has the right to deny consideration of a General Plan Amendment *without making any findings and regardless of any arguments presented*. A General Plan Amendment is a gift of public assets and its request can be denied without cause. This considered, the public needs to ask why the Town of Corte Madera has spent years and countless hours promoting the requests of the Corte Madera Inn developer. Why is the Corte Madera Planning Department seemingly intent on getting this project approved without any substantive changes to the developer's proposal since the first day the project was submitted? The developer has steadfastly refused to consider alternatives that would reduce the size of the project: alternatives that have been fully demonstrated to be feasible in previous EIRs.

In my professional experience, for a development project of this type to not undergo significant adjustments in size and scope during its planning stages, is completely unprecedented.[1]

I wish to remind the Town Council that there are no regulations that require the extraordinary level of "cooperation" town planners have granted the Corte Madera Inn developer. The Town is charged with representing the interests of the general public, not the developer, even if he is paying the costs of review and studies. It makes an objective observer wonder if there isn't something else going on here. The public deserves a response to these questions.

The Town of Corte Madera is not hostage to the opinions of paid consultants. The Town can make its own determinations and simply mandate that the wetlands pond and wildlife habitat at the Corte Madera Inn be preserved and make that a condition of approval for any hotel proposal on that site. In fact, as discussed below, your General Plan demands it.

The General Plan is the constitution of the city. Its principles and values *are in addition to the requirements of state and federal law*, and are not required to meet any other test to be enforced. You, the Town Council, are in control. You have those powers. I urge you to please use them for the good of your community, which is what you've been elected to do.

**The DEIR and the LSA EIR Third Party Assessment appear to be an effort by the Town of Corte Madera to defeat public opposition.**

The Town of Corte Madera has spent more than two years ignoring public criticism of this project. The issuance of yet another EIR, at the worst possible time of the year to invite public engagement, is a case in point. The intentional noticing of a public comment period over the biggest holiday weekends of the year appears to be an attempt to avoid public oversight. The Town has no obligation to allow the developer endless chances to make his case for approval. Just because the developer is paying for all these studies doesn't mean the Town has to approve those requests. The Town can simply say enough is enough: your project fails to meet the requirements for approval. LSA, the third consultant hired by the Town and paid for by the developer, is the same group that produced the Larkspur Landing Station Area Plan EIR and its ringing endorsement for that disastrous project. In my experience, LSA has never written a study, assessment or EIR that did not fully endorse the desires of the entity that paid them. In this instance, that entity is the developer of the proposed hotel, working in close collaboration with the Corte Madera Planning Department.

**The conclusions of the DEIR and the LSA Peer Review make no sense**

[The LSA review](#) confirms the argument that CVP has consistently made about the submerged aquatic vegetation ("SAV") at the Corte Madera pond and even expands on that argument, contradicting the

original assessment by Zentner (which twice denied the existence of the SAV in official Town documents, *and is the only firm to ever face citation due to violations of the endangered species act and should therefore be circumspect*). LSA also confirms that the pond qualifies as wetlands and the CEQA significance based on vegetation classification and CDFW guidelines, again disputing Zentner.

However, the LSA review concludes by ignoring its own findings and makes an illogical leap in favor of destroying the wetlands based on nothing more than unsubstantiated opinion that the impacts of eliminating one of the last wetlands of this type in the Town's jurisdiction will not be 'significant'. The LSA assessment also perpetuates the debunked fiction, which the developer has been promoting, that the Burdell Ranch mitigation credits provide equivalent wetlands. They do not. As in past studies and EIRs, there is no evidence provided that the proposed Burdell Ranch mitigation bank property is in any way compensatory for the loss of the pond at the Corte Madera Inn. As biologist Peter Baye has pointed out in his letters on [February 15, 2016](#) and [December 31, 2016](#), the Corte Madera Inn pond wetlands and the Burdell property represent completely different habitat types that cannot be substituted for one another. Indeed, wildlife experts [John Kelly and Scott Jennings submitted similar comments in their letter, dated February 9, 2016](#), and their letter, dated [December 7, 2016](#), regarding habitat loss.

While the CM Inn pond is a perennial wetland, Burdell is only a seasonal wetland that is dry for a good portion of the year. These differences, as more fully discussed by Dr. Baye, demonstrate that the Burdell Ranch site does not offer the same wetland functions, values or habitat type as the pond proposed to be eliminated. The values of the pond, offering a year round source of wigeon grass habitat with adjacent nesting structures for rare birds in the area, are not present at Burdell Ranch, which does not provide these habitat functions. In sum, there is no conceivable way anyone could claim that both provide the same biological utility, function, or environmental benefits or support for the same kinds or quality of vegetation or habitat for wildlife, as required by General Plan polices.

The LSA analysis is insufficient and lacking evidence for its claims or the conclusions it reaches. It is the Town's Planning Department's responsibility to recognize that failing, not the developer's or third party consultants that the developer pays. Why is the Town staff simply parroting what the developer and consultants say, without question?

Finally, the LSA assessment is flawed in that it never addresses the significant cumulative environmental impacts that would result from the loss of the Corte Madera Inn pond. In short, the LSA study appears to be a thinly veiled attempt to justify the developer's and planning department's predictable bias toward approving this project, regardless of any facts to the contrary.

### **The DEIR and the LSA Review disregard the significance of the Corte Madera Inn pond's habitat for wildlife**

As stated by wildlife experts John Kelly, PhD, and Scott Jennings, in their comment letter, [dated December 7, 2016](#), the LSA assessment avoids analysis of the significant impacts and significant cumulative impacts to local wildlife, including the roosting and foraging necessities of Black-crowned Night Herons.

The pond and its surrounding area provide significant habitat functions for the Night Herons, a species that has been in significant decline. There is no evidence whatsoever that the Burdell property provides the same amount or quality of habitat functionality for Night Herons, and there is certainly no evidence that local heron populations could in any way benefit from the Burdell "mitigation" purchases.

To reiterate two key comments made by Kelly and Jennings:

*The statement in the RDEIR (Impact BIO-4 on page 4.3-29) that elimination of the roost site "would not contribute to a significant cumulative impact on the black-crowned night heron populations," is made without scientific justification. Similarly, the implication that ornamental landscape trees in the area—even if not near ponds or estuaries—would provide viable alternative sites for roosting is made without supporting evidence.*

They further state:

*The assertion in the RDEIR (Impact BIO-4 on page 4.3-29) that, if the roost site is destroyed, the birds would simply "disperse to other locations during construction and, when the trees are removed, would roost in alternative locations" is highly speculative and fails to consider impacts of incremental habitat loss and the importance of roost site quality and location.*

This pattern of LSA simply making declaratory statements of no impact without evidence is consistent with the tone and tenor of the entire LSA analysis. Their approach seems to be that if they say it is not so enough

times, it will become the truth. However, as I'm sure you are well aware; CEQA requires an evidence-based, decision-making process.

**The DEIR, the LSA review, and the Town of Corte Madera has failed to acknowledge the requirements of its own General Plan to protect and restore wetlands and wildlife habitat**

The Town of Corte Madera needs to carefully consider the proposed project, the DEIR, and LSA Assessment in the context of the requirements of its General Plan:

Section 2.0 Land Use, page 2-22 defines "Wetlands and Marshlands" as:

*This land use designation permits uses that relate to and enhance wetland habitat. A variety of properties may be included in this designation including, but not limited to, tidal and seasonal wetlands, miscellaneous open water areas, streams, sloughs, filled areas and developed or undeveloped uplands. Restoration areas are included for their potential for conversion into more ecologically valuable habitat. Areas with this designation may also be used as wetland mitigation sites for projects undertaken within Corte Madera or throughout the region.*

**Comment:** The Corte Madera Inn pond clearly falls within this definition.

Section 2.0 of the Corte Madera General Plan, Land Use, pages 2-7 and 2-8 states:

*The Regional Water Quality Control Board (RWQCB) regulates surface water pollution (wastewater discharge and stormwater runoff), dredging, and filling. RWQCB issues permits and requires monitoring for all activities that could impair the beneficial use of receiving waters.*

And:

*The US Army Corps of Engineers (USACE) enforces the Clean Water Act and the Rivers and Harbors Acts. The Corps regulates the dredging or filling of the nation's navigable waters and wetlands. The Corps is the primary federal agency responsible for making wetland determinations and issuing permits for wetlands or water fill.*

**Comment:** The application documentation for the Corte Madera Inn Rebuild has never adequately apprised the public or the Planning Commission of the critical permitting requirements, regarding "practicable"[2] alternatives. The project simply cannot proceed unless both of these agencies approve the proposal, separately. Unless that happens, all of the time, effort and expense of this project's review process have been a waste of time.

In addition, the Town planners have been made fully aware that neither of these agencies has shown any inclination to approve the destruction of the wetlands pond, in fact, quite the opposite. Indeed, the Region 9 Office of the Environmental Protection Agency has [weighed in against the proposal](#). In June of 2016, Jennifer Siu, Life Scientist, Wetlands Section, of the U.S. Environmental Protection Agency, Region 9, sent the following comment to Sahrye Cohen, Permit Manager, at the Army Corps of Engineers, regarding Reneson Hotel's application for a permit to fill in the Edgewater pond at the Corte Madera Inn.  
*Sahrye,*

*Thank you for the opportunity to comment on the proposed Corte Madera Inn Rebuild (PN 2000-255330N) in Marin County, CA. In addition to the PN we have reviewed the applicants' Alternatives Analysis (AA) from the CEQA Revised Environmental Impact Report (REIR). EPA has the following comments and suggestions on the project pursuant to the Federal Guidelines promulgated at 40 CFR 230 under Section 404(b)(1) of the Clean Water Act.*

*Reneson Hotels, Inc. (applicant) proposes to demolish an existing hotel and adjacent restaurant to construct a new hotel facility on the site. The applicant proposes to impact a 0.64-ac brackish pond by completely filling the feature. As mitigation for fill of the wetland, the applicant proposes to purchase 1.20-ac non-tidal wetland credits at the Burdell Mitigation Bank. Although the applicant has submitted a 404(b)(1) Alternatives Analysis for eight off-site alternatives, no on-site alternatives were included.*

*At this point in time, the proposed project does not comply with EPA's 404(b)(1) Guidelines. First, the project purpose as stated is too narrow in scope and intent per the Guidelines. The basic and overall project purpose is to provide commercial hotel rooms in southern Marin County, CA. The*

*intent, as stated in the PN, to 'build additional commercial hotel rooms' unduly limits the scope of analysis. We highly recommend the Corps ensures the applicant's Project Description is consistent with the Guidelines. Second, there are significant flaws in the 404(b)(1) AA submitted to the Corps, such that the Corps ability to accurately determine the Least Environmentally Damaging Practicable Alternative (LEDPA) is impaired. We find it curious that the applicant would submit an onsite alternative (Alternative 4) during the CEQA process that would completely avoid direct impacts to the pond; yet, the 404 AA does not include this onsite avoidance alternative. This inconsistency indicates that the applicant has deprived the Corps of full available information and that there are indeed practicable alternatives to the proposed discharge that would accomplish the basic project purpose and have a less adverse effect on the aquatic environment. The applicant must submit appropriate avoidance or minimization alternatives before proceeding with the 404 permit process.*

*Lastly, while this wetland may be small in acreage, it is connected to the tidal system and provides wildlife habitat values and water quality functions within the watershed. EPA highly encourages the applicant to consider sea level rise considerations and potential watershed benefits of this wetland. We do not support the proposed mitigation plan of purchasing credits at the Burdell Mitigation Bank, as it is a seasonal freshwater wetland complex and would not be appropriate compensation for this tidally-influenced wetland.*

*Thank you for considering our concerns and recommendations. Please contact me if you have any questions or would like to discuss our comments.*

*Regards,  
Jennifer Siu*

Section 3, Resource Conservation and Sustainability, 3.1 Introduction states:

*...this Chapter is based on the understanding that conserving significant natural resources and biological diversity improves recreational opportunities, sustains natural systems, reduces negative environmental impacts, and improves overall quality of life.*

*And*

Section 3.3 goes on to describe the importance of Corte Madera's wetlands:

*Wetlands provide plant and wildlife habitat that aid in water purification by assimilating waste, and trapping and neutralizing pollutants from urban runoff. Wetlands contribute to groundwater recharge, ... enhance recreational values as open space and wildlife sanctuaries. Vegetation ... contributes plant materials that form the critical base of watery food chains. ...Local marshlands assist flood control by providing a buffer between the Bay and developed portions of Corte Madera, and act as retention ponds for storm water overflow.*

**Comment:** Based on these facts and principles, the General Plan goes on to create specific policies (some of which are noted below) that have so far never been discussed or adequately addressed during the review process for this project. In addition, even the LSA assessment acknowledges that the pond acts as part of Corte Madera's flood management system, as was also pointed out, previously, by the comments of hydrology expert, Greg Kamman, in his letter of February 4, 2016 (attached). To date, the applicant has not provided substantial evidence that the proposed development will not significantly reduce the flood management functionality that will be lost.

Implementation Program RCS-6.2a: Resource Protection states:

*Protect sensitive biological resources, including wetlands and other waters of the United States and other wetland habitat areas, and habitat corridors, and sensitive natural communities through environmental review of development applications in compliance with CEQA provisions, ....Protect wetlands and other waters of the United States in accordance with the regulations of the U.S. Army Corps of Engineers and other appropriate agencies as well as consistent with Implementation Program RCS-8.2.a. Protect other habitat areas, habitat corridors, and sensitive natural communities consistent with program RCS-6.3.a*

Implementation Program RCS-6.2.b: Restoration Objectives states:



*Where feasible (as defined under State CEQA Guidelines Section 15364), restore lost or damaged habitat. Support restoration objectives for local habitat types identified by the California Department of Fish and Game and in other regional environmental planning documents.*

**Comment:** This General Plan requirements thoroughly defeat the argument made by the developer, contending that the wetlands are in poor condition and therefore not worth saving. The owner / developer and the Town have been neglecting their obligations to maintain the quality and functionality of the Corte Madera Inn wetlands, for years. The Town's own consultant, Jim Martin, has testified in public hearings at the Planning Commission that the natural flushing of the pond has been intentionally denied and cut off due to actions taken by the owner and the Town (e.g., shutting down the flood gates). This requirement to preserve and restore wetlands remains unacknowledged by the developer, the Town, or their consultants.

Implementation Program RCS-6.3.a: Environmental Review states:

*... require environmental review of development applications pursuant to CEQA to assess the impact of proposed development on species and habitat diversity, **particularly special-status species, sensitive habitat areas, wetlands and other wetland habitats, and habitat connectivity.**[Emphasis added] Require adequate mitigation measures for ensuring the protection of sensitive resources and achieving **"no net loss" of sensitive habitat acreage, values and function.** [Emphasis added and in particular as it relates to habitat "function"] *Require specific mitigation measures for wetlands and waters of the United States (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S.).**

**Comment:** These requirements remain unacknowledged by the developer, the Town, or their consultants, in spite of the fact that a variety of comments have been submitted by experts on this subject. The "evidence" produced by the proponents of the project consists of simply stating an incorrect opinion that these requirements are not applicable.

POLICY RCS-7.1 Conserve, restore and enhance areas containing important habitat, wetlands (as defined herein) and special-status species. Implementation Program RCS-7.1.a, Protect Biodiversity states:

*Protect areas ...that may contain species known to be rare or protected under the State or Federal Endangered Species Acts. These include the Town's tidal wetlands, freshwater wetlands....*

**Comment:** These requirements are particularly relevant regarding Black-crowned Night Heron habitat, yet are dismissed by LSA, the developer, the Town, and their other consultants in spite of the fact that a variety of comments have been submitted by experts on this subject.

Implementation Program RCS-7.2.c Limit Impacts, states:

*As part of the development review process, restrict or modify proposed development in areas that contain essential habitat for special-status species, sensitive habitat areas or wetlands as necessary to ensure the continued health and survival of these species and sensitive areas. **Development projects preferably shall be modified to avoid impacts on sensitive resources, or impacts shall be mitigated by providing on-site or (as a lowest priority) off-site replacement** [Emphasis added].*

**Comment:** These requirements are relevant in light of the fact that the developer applicant has failed to provide sufficient or comparable on-site or off-site mitigation or replacement, and because the developer has only stressed offsite mitigations, which the General Plan clearly considers a last resort that may only be utilized in the event that onsite alternatives are shown to be 'infeasible.' As discussed below, that showing has *never* been made, nor could it, given the many development options available for renovation of the hotel without loss of the adjacent wetland area (See Exhibit 5, attached, and the [CVP Comment on Public Notice: Project: Corte Madera Rebuild; Public Notice Number: 2000-255330N, during the Army Corps' June 2016](#),[3])

POLICY RCS-8.1; Protect wetlands through careful environmental review of proposed development applications. Implementation Program RCS 8.1.a: Wetland Data states:

*Pursuant to CEQA, when sites with potential wetlands (as defined herein), other waters of the U.S., or other wetland habitat areas are proposed for development, require detailed assessments **to demonstrate compliance with State and Federal regulations** [Emphasis added]. Assessments will*

*delineate and map jurisdictional wetlands, waters of the United States, other wetland habitat areas open-water habitats, and upland habitats and will make recommendations for avoidance. Delineation studies shall be submitted to the U.S. Army Corps of Engineers and other resource agencies to determine the boundaries of wetlands and waters of the United States.*

**Comment:** The record of correspondence with the Army Corps indicates that differences of interpretation in these matters are not contested and that at this time the proposal does not comply with the requirements of those State and Federal agencies. So, why is the Town continuing to spend time and money to process the proposal as if it does?

Implementation Program RCS 8.1.b: Wetland Avoidance, states:

*Restrict or modify proposed development in areas that contain wetlands as defined herein or waters of the United States, as necessary to ensure the continued health and survival of special status species and sensitive habitat areas. **Development projects shall preferably be modified to avoid impacts on sensitive resources,** [Emphasis added] *or to adequately mitigate impacts by providing on-site replacement or (as a lowest priority)* [Emphasis added] *off-site replacement at a higher ratio. Modification in project design shall include adequate avoidance measures to ensure that no net loss of wetland acreage, function, water quality protection, and habitat value occurs.* [Emphasis added and in particular as it relates to habitat “function” and “value”]*

**Comment:** All of the requirements emphasized are directly applicable to the proposed Corte Madera Inn Rebuild and clearly disqualify consideration of the developer’s preferred plan and fully support Alternative 2, which proposes a slightly smaller hotel and preservation of the pond. Why have Town planners continued to ignore these General Plan requirements? Since the DEIR lacks sufficient evidence to support its conclusions, on what grounds does the Town plan propose to amend these requirements for this particular developer?

Implementation Program RCS 8.1.c: Wetland Permits states:

*The Town shall require the project proponent to obtain all necessary permits pertaining to affected waters of the United States, including wetland habitat and stream channel and pond habitat regulated by the California Department of Fish and Game and/or the San Francisco Bay Regional Water Quality Control Board prior to construction.*

**Comment:** The Town Council should recognize that not only does the General Plan require a developer to obtain these additional permits but the Town's General Plan in fact, incorporates the regulations of these agencies into its own standards for protecting wetlands. *See Implementation Program RCS-6.2a: Resource Protection* ("Protect wetlands and other waters of the United States in accordance with the regulations of the U.S. Army Corps of Engineers.") Here, the developer’s permit application to the Army Corps has been “withdrawn from active consideration[4]” since November of 2016, for its failure to comply with the requirements for an on-site alternatives analysis and consultation with National Marine Fisheries Service[5], and since the developer has yet to even submit an application to RWQCB, why is the Town acquiescing to the demands of the developer and continued to process the proposal application’s approval?

Implementation Program RCS-8.2.b: Wetlands Mitigation Standards - Amend the zoning ordinance to implement the following mitigation standards for jurisdictional wetlands and waters of the United States, requires:

***No net losses shall occur in wetland acreage, functions, and values** [Emphasis added in particular as it relates to habitat “function” and “values”] *consistent with the mitigation standard set forth under Implementation Program RCS-8.2.a. This shall include both direct impacts on wetlands and essential buffers, and consideration of potential indirect effects of development due to changes in available surface water and non-point water quality degradation on wetlands retained.**

**Comment:** It is clear that the Corte Madera General Plan puts great emphasis on protecting all wetlands without any qualifications of size or location. The Town has failed to enforce these repeatedly stated requirements.

Implementation Program RCS-8.3.a: Flood Basins states:

*Utilize natural or managed flood basins to provide seasonal habitat for waterfowl and shorebirds, and*



*avoid development in these basins to protect habitat values.*

**Comment:** The Corte Madera General Plan not only emphasizes the importance of wetlands but in fact, recognizes that its requirements extend to those which comprise a part of “natural or managed flood basins,” which the Corte Madera Inn pond clearly qualified as. It specifically calls for protection of “waterfowl and shorebirds” without any qualification as to rarity or endangered status. And, it emphasizes not only protecting the habitat but the “habitat values,” which again becomes important because the proposed Burdell mitigation does not provide equivalent habitat values (lack of trees) and is therefore unacceptable as mitigation regardless of ratios applied. Again, the Town has failed to enforce the principles and requirements of its own General Plan. Why?

**The DEIR, the LSA review, and the Town of Corte Madera have failed to acknowledge the requirements of its own General Plan to carefully assess on-site alternatives to the developer’s preferred proposal**

The Corte Madera General Plan and the DEIR acknowledge the authority of the rules, regulations, and requirements of regional, state and federal agencies with regard to the evaluation and approval of any development proposal for the Corte Madera Inn Rebuild. The LSA biological assessment’s acknowledgment of the different types of vegetation and conditions that confirm the pond’s environmental significance now makes the discussion of “no net loss of wetlands,” as required by the General Plan, more relevant and important for the Town to recognize and adhere to.

In addition, please note:

Implementation Program RCS-6.2a: Resource Protection states:

*Protect sensitive biological resources, including wetlands and other waters of the United States and other wetland habitat areas, and habitat corridors, and sensitive natural communities through environmental review of development applications in compliance with CEQA provisions, ....**Protect wetlands and other waters of the United States in accordance with the regulations of the U.S. Army Corps of Engineers and other appropriate agencies as well as consistent with Implementation Program RCS-8.2.a.** [Emphasis added]. Protect other habitat areas, habitat corridors, and sensitive natural communities consistent with program RCS-6.3.a*

And

Implementation Program RCS-7.2.a: Environmental Assessment states:

*Require applicants to provide an environmental assessment in compliance with CEQA provisions for development proposed on sites that may contain sensitive biological or wetland resources including jurisdictional wetlands, waters of the United States, and other wetland habitats. Require the assessment to be conducted by a qualified professional to determine the presence of any sensitive resources, to assess the potential impacts, and to identify measures for protecting the resource and surrounding habitat (see Implementation Program RCS-8.2.a for mitigation standards for wetlands and waters of the U.S.*

Those agency rules and regulations are incorporated by law into the every project review process performed by the Town. However, in spite of this, the DEIR and the LSA assessment completely ignore those rules, regulations and requirements. This is particularly true with regard to the DEIR’s and all previous EIR’s analysis of the feasibility of alternatives to the developer’s preferred proposal, based on the Army Corps requirement that the proposal chosen must be the one which is the least environmentally damaging practicable alternative (“LEDPA”).

The DEIR and the LSA assessment fail to meet these criteria.

As noted by John Schulz, *The Steepest Hurdle in Obtaining A Clean Water Act Section 404 Permit: Complying with EPA’s 404(b)(1) Guidelines’ Least Environmentally Damaging Practicable Alternative Requirement,*

*An appli-cant for a 404 permit must demonstrate to the Corps that, among other things, the proposed project is the least environmentally damaging practicable alternative (“LEDPA”) to achieve the pro-ject’s purpose.[6]*

Further,

*The 404(b)(1) Guidelines establish four prerequisites to ap-proval, one of which, the basis for the LEDPA requirement, re-quires that there are no practicable alternatives to the proposed discharge that would have a less adverse effect on the aquatic environment.[7]*

It is understood that under 40 C.F.R. Section 230.10(a), "if destruction of an area of water of the United States may be avoided, it should be avoided,"[8] and that The Corps may only approve a project that is the LEDPA,[9] and that the LEDPA must be both practicable and the least environmentally damaging. The LEDPA's purpose is "avoiding significant impacts to the aquatic resources and not necessarily providing either the optimal project location or the highest and best property use." [10]

**The DEIR, the LSA review, and the Town of Corte Madera have failed to acknowledge the requirements of the Army Corps 404(b)(1) criteria, applicable in *this* proceeding due to the General Plan requirements (See *Implementation Program RCS-6.2a*) for evaluating financial feasibility in arriving at the least environmentally damaging "practicable" alternative.**

As noted, the discussion of practicable alternatives, with regard to alternatives sites to consider or on-site mitigation requirements (i.e., alternative project designs) is a part of the required analysis of any proposals and alternatives under state and federal regulations. The DEIR, all previous EIRs, and the LSA assessment completely ignore this requirement.

With regard to other alternatives sites, please note that as stated in 40 CFR. § 230.10(a)(3),

*If the activity associated with a discharge is proposed for a "special aquatic site" and does not require access or proximity to or siting within the special aquatic site in question to fulfill its basic purpose (i.e., is not "water dependent"), "practicable alternatives that do not involve special aquatic sites are presumed to be available, unless clearly demonstrated otherwise. [Emphasis added.]*

This means that any argument made by the developer that no other site exists for his project is extinguished by law.

With regard to the LEDPA, as noted above, alternatives analysis must be fair, balanced, and objective, "and not used to provide a rationalization for the applicant's preferred result (i.e., that no practicable alternatives exist)."[11] And, that "the applicant bears the burden of demonstrating to the Corps that no less environmentally damaging practicable alternative is available and that the project complies with the 404(b)(1) Guidelines." [12]

Region IX EPA guidance on the issue of project alternatives is extensive.[13] EPA guidance suggests that under the "practicability presumption," the Corps will presume that practicable alternatives exist where the project is non-water dependent[14] and will cause a discharge in a special aquatic site." [15] The presumption is intended to "increase the burden on an applicant for a non-water dependent activity to demonstrate that no practicable alternative exists to his proposed discharge in a [SAS]." [16]

Further, the Corps has stated that the

*Army Corps of Engineers is serious about protecting water of the United States, including wetlands, from unnecessary and avoidable loss... Further, the Corps should inform developers that special aquatic sites are not preferred sites for development and that non-water dependent activities will generally be discouraged in accordance with the Guidelines. [17]*

*To rebut this [practicability] presumption and obtain approval for the proposed alternative, the applicant must show by clear and convincing evidence that there are no practicable alternatives which will not cause a discharge into a SAS. [18]*

Finally, it is our understanding that "any project that achieves the basic project purpose practicably should be considered." [19] Under this guidance, Alternative 2 and Alternative 4 must be considered as the LEDPA. And, where the project proposed by the applicant is not the LEDPA, "the availability of a LEDPA, where it is truly available, is an adequate basis for EPA's determination that unacceptable adverse environmental effects will result." [20]

The Town of Corte Madera has completely disregarded all of these considerations in their multi-year processing of the proposal for the rebuild of the Corte Madera Inn.

### **Financial Feasibility**

An applicant's financial wherewithal or desired profits are not to be considered as a factor in determining whether an alternative is "practicable" or "financially feasible," and development costs must be examined from the perspective of what are reasonable costs for the proposed project, for any developer, not whether the applicant can afford the cost of the alternative. [21] See also *See Preservation Action Council v. City of San Jose* (2006) 141 Cal. App. 4th 1336 (city's finding that reduced-size alternative was infeasible because it would produce a competitive disadvantage was not supported by substantial evidence.)

Community Venture Partners, Inc., commissioned the attached *The Corte Madera Inn Redevelopment: Market Survey and Financial Feasibility Evaluation* (Exhibit 5), which was submitted to the Army Corps

during its public comment period of June 2016. It analyzes the issue of practicability in depth and concludes that a review of existing market conditions substantiates the practicability and financial feasibility of the development of on-site alternatives that preserve the wetlands pond. This report concludes that Alternative “2” (rebuild the hotel and increase the number of rooms to approximately 145, without the loss of the pond) qualifies as the most practicable and financially feasible, under state and federal regulations.[22]

Room rental rates and therefore anticipated operating revenues have increased, in some cases significantly, since this original survey and analysis was done. However, as noted in the study, the information the developer has submitted to both the Army Corps and recently to RWQCB significantly understates the present and anticipated room rental rates and overall operating revenues in their analysis. In fact, the developer is contending that the newly completed dual branded, Marriott Residence Inn / Springhill Suites hotels will rent for less per night, on average, than the owner is presenting charging for the existing hotel that will be replaced. Such arguments presented to defeat the spirit and letter of the 404(b)(1) analysis requirements are patently absurd. Yet, the Corte Madera Planning Department has never once questioned the developer’s financial feasibility assertions. Why?

In addition, several successful, local hotel developer/operators have expressed interest in purchasing the Corte Madera Inn property (it is currently listed for sale) with the intention of building a new hotel on the site, in accordance with the restrictions of Alternative 2, and which preserves and enhances the wetlands pond and wildlife habitat (*See Exhibit 5*, attached). The owner / developer has failed to respond to their inquiries.

In considering “practicable alternatives,” it is also important to note that according to the *Memorandum to the Field: Guidance on Flexibility of the 404(b)(1) Guidelines and Mitigation Banking* (Aug. 23, 1993 – Dec. 31, 1998, Department of the Army and Environmental Protection Agency):

“The preamble to the Army Corps Guidelines also states that “[i]f an alleged alternative is unreasonably expensive to the applicant, the alternative is not, 'practicable.'" Guidelines Preamble, "Economic Factors", 45 Federal Register, 85343 (December 24, 1980).

*"Therefore, to the extent that the individual homeowners and small businesses may typically be relevant consideration in determining what constitutes a practicable alternative. It is important to emphasize, however, that it is not a particular applicant's financial standing that is the primary consideration for determining practicability, but rather characteristics of the project and what constitutes a reasonable expense for these projects that are most relevant to practicability determinations."* [Emphasis added].

*“The burden of proof to demonstrate compliance with the Guidelines rests with the applicant; where insufficient information is provided to determine compliance, the Guidelines require that no permit be issued.”* 40 CFR 230.12(a)(3)(iv). [Emphasis added].

CVP submitted an extensive comment letter to the Corps on these issues, [Comment on Public Notice: Project: Corte Madera Rebuild; Public Notice Number: 2000-255330N](#), during the Army Corps’ June 2016 public comment period, which is relevant to your deliberations, and its comments are attached and incorporated herein. As discussed, the Army Corps Regulations being interpreted here are incorporated into the Town's General Plan policies and therefore must be adhered to.

### **The DEIR and the LSA Review appears to be an attempt to divert the public’s attention from the Army Corps and RWQCB permit approval process**

The applicant has been arguing for two years that the proposal submitted is the only proposal that is acceptable and financially feasible under the terms of his agreements with Marriott Corporation. However, the developer has consistently failed to provide any credible evidence of this claim. Instead, the developer has submitted so-called financial feasibility analysis that severely understates the actual room rate revenues in Marin and is not consistent with any known accounting standards used in the real estate development profession. These analyses have been produced for a fee by various consultants and brokers under the developer’s employ, yet the Town planners have failed to question or audit the developer’s financial calculations in any way. Why?

All of the developer’s financial analysis submitted to date, has been decisively refuted by Community Venture Partners and other third party analysis, during previous EIR comment opportunities.[23]

The Army Corps has withdrawn the developer’s application for the Corte Madera Inn Rebuild it from active status. The applicant had more than six months to provide the “alternatives analysis” information

required by the Corps to prove that its preferred project was the LEDPA, but did not because the evidence required simply does not exist.

Since CVP sent the Army Corps copies of all the previous EIR studies in June of 2016, which contain a number of practicable alternatives to the developer's (and the Town's) preferred proposal,[24] the developer has been faced with justifying his fictional financial analysis. Please note that the developer and Corte Madera planning director, Adam Wolff, failed to inform the Army Corps that other, on-site alternatives existed until Community Venture Partners exposed those facts, by submitting copies of all the previous EIRs to the Army Corps, during their June of 2016 public comment period.

In response to this project history, the developer recently approached the San Francisco Bay Area Regional Water Quality Control Board ("RWQCB") to attempt to obtain a "soft" approval to fill the pond.

Apparently, the developer is pursuing this tactic so it can use any favorable indications as leverage to get the Army Corps to look the other way and not enforce their own permitting regulations with regard to doing proper alternatives analysis. However, the developer has hedged his bets by not yet submitting a formal application for a permit with RWQCB.

This is a highly unusual tactic attempted to circumvent public noticing of his RWQCB submittals and the public's ability to respond intelligently. Fortunately, the RWQCB issued a public notice in spite of the developer's protest.

In addition, the developer chose to do this concurrently with the recirculation of the new DEIR. It is inconceivable that Planning Director Adam Wolff was not aware that the RWQCB notice and the Corte Madera's DEIR public comment period coincided, or that the outcome of latter approval depends on the former (The Town Planning Department has never adequately disclosed this fact to the public or the Planning Commission).

Of greater interest, RWQCB issued its notice for public comment on December 8, 2016, but curiously, the Town did not inform the public until December 22, 2016. When the Town finally did send out an email notice, it was incorrect and noted the public comment period to be shorter by a full week (in the interim, there had been a second notice issued by RWQCB that extended the original comment period until January 13th).

One has to ask why the Town has been so negligent in informing the public of the status of the decision-making processes at the Army Corps and at RWQCB, when those decisions are so critical to this project's approval outcome. Why has the Town continued to orchestrate this entire process biased toward benefitting the developer's needs rather than those of the residents of Corte Madera?

Is this seemingly endless subterfuge being carried out at the behest of the developer under the watch of Adam Wolff's planning department, designed to simply wear down public opposition? When is enough, enough? Were the tables reversed and the applicant a single family homeowner wanting to remodel, I doubt the Town planners would show such deference to their desires.

This multi-year campaign to approve Marriott Corporation's preferred alternative, essentially unchanged from day one, has cost the public uncountable time and expense, in having to file counter arguments to maintain legal standing for future action.

And finally residents have to ask, where has the Town Council been throughout all this?

There are absolutely no rules or regulations restricting elected officials from bringing oversight and giving direction to their hired staff about how to conduct the Town's business. Yet, the Town Council has chosen to distance itself from this project with false claims about not having officially "seen" the project before the Council, even though everyone knows that by the time that happens it will be a fait accompli.

Need we remind the Town that this approach is exactly what led to the approval of WinCup.

We respectfully ask that the Town Council intervene immediately and reject the developer's preferred project proposal, require any proposal to include the eminently feasible option of preserving the wetlands pond and important wildlife habitat, and restore community confidence in the Corte Madera planning and project approval process.

Thank you for your consideration and this opportunity to submit our comments.

Sincerely,

Bob Silvestri

President - Community Venture Partners, Inc.

[1] The other notable recent exception being the WinCup project approval.

[2] As defined under the Federal Code.

[3] Attachments to this letter to the Army Corps that have been previously submitted to the Town of Corte

Madera in comments on previous EIRs are incorporated by references.

[4] Roberta A. Morganstern, Army Corps of Engineers Permit Manager

[5] The NMFS has identified the pond as “essential fish habitat” for Pacific Salmon, whose population is in rapid decline.

[6] *The Steepest Hurdle in Obtaining A Clean Water Act Section 404 Permit: Complying with EPA’s 404(b)(1) Guidelines’ Least Environmentally Damaging Practicable Alternative Requirement*, 2005, John Schulz, B.A. Brigham Young University; J.D. University of California, Davis.

[7] 40 C.F.R. § 230.10(a) (2005).

[8] 45 Fed. Reg. 85336, 85340 (Dec. 24, 1980); *see also* 45 Fed. Reg. 85336, 85340 (Dec. 24, 1980); U.S. Army Corps of Engineers, *HQUSACE Review and Findings, Old Cutler Bay Permit 404(q) Elevation* (1990) 4 [hereinafter *Old Cutler*], at 5; U.S. Army Corps of Engineers, U.S. Army Corps of Engineers, *Plantation Land-ing Permit Elevation Decision* (1989) 2 [hereinafter *Plantation Landing*]; Yocom et al, *Protection Through Impact Avoidance: A discussion of the 404(b)(1) Alternatives Analysis, Wetlands: Volume 9, No. 21 1989*, by Thomas G. Yocom, Robert A Leidy and Clyde A Morris [hereinafter *Wetlands*].at 286.

[9] U.S. EPA and U.S. Army Corps of Engineers, Memorandum to the Field, *Ap-proprate Level of Analysis Required for Evaluating Compliance with the Section 404(b)(1) Guidelines Alternatives Requirements* (Aug. 23, 1993) 2, 3 [hereinafter *Ap-proprate Level of Analysis*], at 1; *see also* 40 C.F.R. §230.12(a)(3)(i) (2005).

[10] Yocom et al., *supra* note 3, at 283,295, and *Appropriate Level of Analysis, supra* note 4. The Corps has stated that the LEDPA determination “clearly is intended to discourage unnecessary filling or degradation of wetlands....” *Plantation Landing supra* note 3, at 2.

[11] U.S. Army Corps of Engineers, *Permit Elevation, Hartz Mountain Development Corporation* (1989) 2 [hereinafter *Hartz Mountain*].

[12] *Old Cutler, supra* note 3, at 5; *Plantation Landing, supra* note 3, at 7; *Yocom, supra* note 4, at 283.

[13] *Wetlands, supra* note 3

[14] The current proposal evaluated in the DEIR is non-water dependent by definition.

[15] 40 C.F.R. § 230.10(a)(3) (2005); 45 Fed. Reg. 85339. This presumption is in-tended to avoid impacts to the extent practicable. *EPA/Corps MOA (1990)*,

[16] 40 C.F.R. § 230.1(d) (2005).

[17] *Hartz Mountain, supra* not 8, at 11.

[18] *Plantation Landing, supra* note 3, at 9, 12, 13-14; 45 Fed. Reg. 85336, 85339 (Dec. 24, 1980); *see* Department of the Army, South Pacific Division, Corps of Engi-neers *Review of Sundance Plaza Project Permit Denial* (Feb. 5, 2001), 1, 8.

[19] *Wetlands, supra* note 3, at 294

[20] *See* 56 Fed. Reg. 76-02 (Jan. 2, 1991) (stating that one of the reasons EPA denied the proposed Two Forks dam was because it would cause unacceptable loss and damage; the damage the dam would cause was unacceptable because the dam-age was avoidable. The damage was avoidable because the proposed project was not the LEDPA).

[21] *Wetlands, supra* note 6. 294-295, *Yocom, supra* note 4, at 5.

[22] *See* attached; *The Corte Madera Inn Market Study & Financial Feasibility Evaluation*, prepared by Maurice H. Bennett, manager of RHSW, LLC.

[23] *See* letters of [March 27, 2016](#), [May 26, 2016](#), [June 16, 2016](#), [September 24, 2016](#), [November 16, 2016](#), and [November 26, 2016](#).

[24] *See Marin 2016 - Part IV: Dispatches from the front – Corte Madera* re: The Town’s failure to preserve its legal rights to contest and Army Corps decision.



**From:** [Peter Hensel](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Corte Madera Inn Pond Fill Application Comment: Fallacies Generated By Project Promoters  
**Date:** Thursday, January 12, 2017 12:03:21 PM  
**Attachments:** [FullSizeRender.jpg](#)

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Dear Mr. Fernandez,

It's come to my attention that within the community there is a clique of Corte Madera Inn Rebuild project advocates that are spreading misinformation about the decades old Corte Madera Inn Best Western Wildlife Pond, protected under the federal Clean Water Act of 1971 and also Executive Order 11988 & 11990 Protection of Floodplains and Wetlands (1977).

Let me deal one at a time with the spurious claims of the project boosters.

**Fallacy #1. The Wildlife Pond Today Is Nothing More Than An Outmoded Catchment Basin For Flood Water Overflow From Lagoon #1 And Therefore Should Be Paved And Filled.**

As the historic attached aerial picture shows, the north end of the Wildlife Pond was always a natural land feature in the early years of Corte Madera and continued to be present when Highway 101 was constructed in 1929. At that time or perhaps earlier Engineer Frank Keever made use of this natural depression in the landscape when he devised a system of slide gates to drain the tidal floodplain basin west of the highway for Meadowsweet Dairy for cattle grazing. (See pp. 4.4-3--4.4-4 DEIR, "Cultural Resources")

The owner/developers of the early Edgewater Inn, predecessor to today's Corte Madera Inn, also made of this natural water feature---as well as Keever's slide gates---when in the 1960's when they highlighted the pond in their in site development, building their hotel/motel around it. Slide gates were then managed, opened periodically to allow inflow and outflow from the marsh. That way the brackish pond water stayed reasonably fresh. How do I know that? Believe it or not, my doctor told me! As a young boy and member of the Edgewater's subscription Swim Club, my Kaiser doctor and his brothers delighted in catching frogs in the wildlife pond.

All this occurred many decades before any town wide efforts at flood control when finally the High Canal was trenched as a solution to manage and capture and storm runoff from Lagoon #1, by then connected to the Wildlife Pond by a 30" pipe.

The point here is that Keever's original linked slide gates, one at the east side at the Wildlife Pond and the other at the west side of Shorebird Marsh, have historic significance for our community. They have survived for nearly a century. Should we then disown part of our collective history by allowing one of them to be bulldozed into oblivion in a paving/filing operation to support the erection of a massive and controversial new Marriott hotel. I think not! Rather, the historic slide gates should be featured and highlighted with an informational plaque as part of a refurbished pond.

**Fallacy #2. The Slide Gates Would Be Useless For Replenishing The Stagnant Pond Because Water Doesn't Flow Uphill.**

I really don't know where project proponents get their info about the Wildlife Pond being so far upslope from Shorebird Marsh that water from the marsh would not reach the pond if the slide gates were opened occasionally.

This is the opposite of what town engineer Bracken told me.

And it is also contrary to what Amy Skewes-Cox, AICP, wrote at two different places in her excellent DEIR. (See p. 4.8-2 DEIR, "Hydrology and Water Quality"). (See Chapter 4.3-Pages 1 & 2 Draft EIR Corte

Madera Inn Rebuild Discussion of Pond, Placed in "Environmental Setting,)

Take a look at several pictures in esteemed author and historian Jana Haehl's book "A History of Corte Madera" (thank you, Jana) that show the nearly flat undeveloped tidelands with meanders, present in Corte Madera and Ross Valley before the middle of the last century. There's a good picture on Page 156 another on Page 141. In one caption, Jana speaks of the early "marshes with deep meandering channels until Frank Keever drained them for hayfields and cattle grazing in the late 1920's".

What are natural meanders?

In our case, the bayside meanders formed in near flatlands where the gradient was so slight that rain runoff had to flow in circuitous paths to seek and find the downslope that would lead those waters to the bay.

And how far is the Wildlife Pond from Shorebird Marsh? Only the width of Highway 101 plus 10 feet on either side of the highway.

So, given the topography, even IF there is any gradient in the concrete box culvert connecting the Wildlife Pond and Shorebird, that gradient is extremely slight. Should the slide gates be opened, the tidal surge--- which has its own powerful momentum---would easily push water from Shorebird through the culvert and into the Wildlife Pond, no doubt regenerating it for the first time in decades. (That result though obviously is not what the development-minded project applicants---the Grialou Family, applying under the name Reneson Hotels---have in mind at this time.)

**Fallacy #3, The Grialou Family, Applying As Reneson Hotels, Have Been "Good Stewards Of The Land" And Should Be Rewarded With Both A Zoning Change And A Height Variance For Increased Density As Well As A Pond Fill Permit From the Regional Water Quality Control Board**

In response to a neighbor's comment about the wildlife pond having become a trash dump, it's important to remember that in 2002 the present owners and current would-be developers applied to the town and overseeing regulatory agencies to fill and pave over the pond, designated (still today) as federal jurisdictional waters. Concurrently, the applicants also purchased 1.2 acres of wetlands credits from the Burdell Ranch Wetlands Conservation Bank. (See DEIR, p.2-9, "Summary of Impacts and Mitigation Measures").

But the 2002 application was not approved, and the owners have---through calculated negligence--- allowed the pond to degrade to its present disgraceful unmaintained condition. I mean if you walk around the pond, you will see at least two white plastic patio chairs, partially submerged, half buried in the murky stagnant waters. At least that was the scene I encountered when I did a recon of the pond about six months ago.

Such a telling detail it was.

And I don't even mention the sprinkling of discarded plastic water bottles, Starbucks coffee cups, etc. etc. Debris.

Which then owner declines to remove.

So that Town planners can get a good eyeful and be "persuaded" to greenlight this highly controversial development project.

The pertinent question is: why? Actually, that why breaks down to multiples of why.

First of all, who tossed those chairs into the pond?

Would it have been a guest? Possible but unlikely.

And why have the chairs not been retrieved?

Don't the owners ever do maintenance of the pond?

Do they not care how the pond looks?

What exactly is going on here?

One wonders finally: Is this some sort of exercise in proprietary spite inflicted on the town and its citizenry? As in: "You didn't let us develop, so this is what you get!". Namely, blight.'

I submit that the fill permit applicant wants Town planners and citizens to get a good eyeful of the blight and thus be "persuaded" to greenlight this highly controversial development project.

Good stewards of the land---the Grialou's? Sorry, but I fail to see it.

Sincerely,

Peter Hensel  
138 Willow Ave.  
Corte Madera, CA 94925





**From:** [Peter Hensel](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Addtl Comments: Reneson Hotels Fill Permit Application For The Corte Madera Inn Wildlife Pond  
**Date:** Thursday, January 12, 2017 3:15:51 PM  
**Attachments:** [FullSizeRender.jpg](#)  
[C8F7E73B-509E-47AC-B4A6-D7AA95922290.JPG](#)

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January 12, 2017

Dear Mr. Fernandez,

As an official of the Regional Water Quality Control Board charged with protecting our wetlands from pollution and loss to development, I am glad that you will be closely examining Reneson Hotel's application to fill and pave the Corte Madera Inn wildlife pond. Allow me to offer the following comments in favor of saving the pond, under new ownership if need be.

### **Present Odor Complaints Begin With Owner Mindset**

How ironic that that the owner-developer seeking a permit to fill and pave the historic Corte Madera Inn wildlife pond complains publicly about odor and encourages local citizens to do the same.

For in this case, it's stagnant, one-track thinking that has led to stagnant waters. The owner is actually the polluter who from the past decade has stubbornly refused to maintain the pond. Even allowing it to become a receptacle for debris---such as plastic lawn chairs, discarded plastic water bottles, Starbucks cups, etc.

Surely it's noteworthy that the Corte Madera Inn wildlife pond didn't get odor complaints when the earlier Edgewater Inn property owners took care of it, utilizing the historic slide gates to allow a hydrologic connection with Shorebird Marsh.

Those slide gates, used by an early dairy rancher to drain the land for grazing, were already in place when the Edgewater owners bought the property in the late 1950's. Attached picture, which hangs on the wall at Town Hall, shows the pond as the natural low-point on the property, before the property was developed. As the EIR notes, the pond was part of an historic slough which connected to the waters of San Francisco Bay.

The early owners had the vision to enlarge the pond, a natural feature on the land, and include it as part of their design. The impetus came from a movement in architectural site design called Mid-Century Modern, spawned by the work of Frank Lloyd Wright. Mid-Century Modern sought to invite and welcome nature into man's built environment.

And the wildlife pond did flourish for many decades as a proud and iconic feature of Corte Madera's bay front environment. That required a commitment and a dedication to seasonal pond maintenance, qualities possessed of the first hotel/motel owners. Yet sadly missing under present ownership.

### **Present Owners Have Let The Pond Degrade To Achieve Their Development Aims**

Unfortunately, the pond's health began to decline under new ownership in 1979. Reneson Hotels owns a chain of seven hotel/motels in Northern California, five of them in San Francisco and they obviously are imbued with a corporate profit mentality.

That's obvious because these days they show little interest in maintaining the cherished community asset of the wildlife pond, maintaining in the face of much criticism that the pond should be gone to allow them to achieve maximum profitability with a new Marriott brand hotel/motel erected on site.

The Grialou family, which own the chain, first applied for Town approval to fill and pave the pond in

2002. The application was denied.

That's when a downward spiral set in.

About 10 years ago, the present owners stopped maintaining the pond in an obvious bid to force town planners to allow them to pave and fill the pond----in an effort to allow maximum development on the site. So now the slide gates are never operated seasonally as in years past, the waters have become largely stagnant and debris can often be found in and around the pond.

As a 45-year local Corte Madera resident who has long valued the pond as a place to quietly contemplate and commune with nature, comment is: shame on them.

Shame on Garrett Grialou and Reneson Hotels for not living up to the challenge of environmental stewardship and their willingness to disregard an important piece of Corte Madera history. As a boy, my Kaiser doctor used to catch frogs in that pond.

### **The Town Manager/Engineer Was Complicit In Allowing The Pond To Become Blighted**

Corte Madera does have a blight ordinance which should cover such property owner negligence at the pond but it was never enforced.

Why?

To understand why, you have to understand that during the pond's descent into slovenliness, Dave Bracken was functioning in a dual-capacity as Town Manager and Town Engineer. It was in his capacity as Town Engineer that Bracken managed Corte Madera's Department of Public Works. And it is the guys at Public Works who, in the old days, used to operate the slide gates which revitalized the pond a seasonal schedule. Perhaps they found such work cumbersome and complained. And perhaps Bracken agreed. I can only speculate on that.

But the following Q & A is illuminating as to Bracken's attitude. It is a copy of an email interchange I had with Bracken.

My original 3/25/15 email to Dave is copied below. His responses appear as red insertions in the text.

**From:** Peter Hensel [<mailto:ptrhensel@comcast.net>]  
**Sent:** Wednesday, March 25, 2015 1:11 PM  
**To:** 'David Bracken'  
**Subject:** Best Western Wildlife Pond.

Hi Dave,

Wonder what you know about the closure of the slide gates connecting the Best Western pond and the marsh. The Marriott DEIR says (in the Hydrology chapter) that the gates can be opened "under certain circumstances" to allow an influx of tidal water from the marsh but that in practice the gates are now kept closed. The DEIR writer cites "Flood Control (2005)" as the reason.

I have some questions, if you would be so kind:

Who decided that the slides gates be kept closed all year around?

The Shorebird Marsh and the Edgewater Lagoon are in two different watersheds. We do not mix watersheds.

Is there a specific directive in place in town policy?

Operation of this gate and all flood control facilities in the Town date back to the Master Storm Drainage Plan of 1970 prepared by Yoder-Trotter-Orlob and Associates. Directives for operations are established and periodically updated by the Town's Flood Control Board and approved by the Town Council. The most recent being Resolution No. 3198 which adopted an amendment to the

Council's Lagoon and Marsh Management Policy of 1991. This Resolution was adopted November 21, 2000.

Why couldn't the slide gates be kept open during the dry six months of the year so as to oxygenate and recharge the waters in the pond?

Because if we did this we would have about two feet of water above the grates of the drainage structures in and around Madera Gardens.

Surely opening the gates---at least periodically---would help the wildlife. My Kaiser doctor told me that as a boy living in SF, his family would travel to use the pool at the Edgewater Inn Swim Club. They were members. When they weren't swimming he and his brothers used to catch frogs in that pond!

If he was using the pool at the Edgewater Inn Swim Club the "wildlife pond and gate adjacent to it were operated in the same manner as they are now.

Yet nowadays what was purposed originally as a wildlife pond has become sadly degraded habitat. Without replenishing water flow.

What are the reasons, if you could fill me in?

People who live in the low lying areas of Corte Madera don't realize that that are below the water surface elevation of San Francisco Bay at almost every high tide (and I'm not taking about just "king tides". The Town goes to extraordinary efforts and quite frankly at an extraordinary expense not only to protect these areas from flooding but also to provide as much tidal prism as possible into all of our lagoons. I'm sure the frogs are appreciative of this.

Should you have further questions on this subject I'll ask that you direct them to our Public Works Department, who are cc'd on this email. DB

(End of Email)

Mr. Fernandez, I did have further questions which I put to Public Works on two occasions. They did not respond to either email. But as a result, new questions on my part arise.

Question #1.

How is it possible for Mr. Bracken or his minions in Public Works to rationally assert that the Corte Madera Inn wildlife pond is part of the manmade Lagoon # 1 watershed when all historical data show it to be connected to Shorebird Marsh?

Question #2.

If Mr. Bracken is truly worried about flood stage tidal surge discharge from a recommissioned pond overflowing Lagoon #1 via the 30-inch culvert that connects the pond and Lagoon #1, why not simply put in a third slide gate at the pond opening to the culvert?

### **How Could The Pond Be Recommissioned and Refurbished?**

Where once the wildlife pond flourished, it could again if the owners backed off from their stubborn insistence on a maximum unit count at the expense of wetlands and natural habitat.

Paid project consultant Jim Martin of the Environmental Collaborative tells how in a comment letter included in the Final EIR, page 22:

"This could possibly be achieved through increased hydrologic connection with the existing culvert and slide gate that connects the tidally influenced drainage ditch along the west side of Highway 101...use of permanent spray fountains, and seasonal circulation with Lagoon #1."

<http://www.ci.corte-madera.ca.us/ArchiveCenter/ViewFile/Item/1116>

Such an idea, that of utilizing permanent spray fountains within the pond to oxygenate waters and further support wildlife, is not new. It is in fact utilized at many high end hotels/motels throughout the world. In California we need look no farther than the Quail Lodge in Carmel Valley. See attached picture for a working example of a spray fountain.

With the right new owner with the right mindset, it would be comparatively easy to bring the Corte Madera Inn wildlife pond back to its nature-nourishing heyday.

In the Independent Journal's Readers Forum for January 12, 2017, a county resident wrote eloquently that this in fact should be the goal. I quote:

**"Hotel should publicize not pave over pond**

"What a beautiful photo shown in the IJ's Jan. 9 issue of Corte Madera's Edgewater Pond, a treasure from nature we should appreciate.

"Amazing, that the Christmas bird count observed 35 black-crowned night herons on this half-acre pond. How extraordinary.

"I truly believe the hotel would benefit from having this pond properly maintained and its brochures mentioning that pond as an extra feature.

"I for one would certainly consider booking a room with a nature-friendly hotel. There are thousands of nature and bird friends who would be attracted by this feature.

"Remember when Pier 39 first encountered the sea lions and was very much against the animals until it found out that tourists swarmed to the restaurants nearby to watch them? The nuisance became a tourist attraction.

"So please, whoever is in charge making a final decision, do not pave over this valuable pond and consider the animal life depending on it.

— Sigrid Boehm, Mill Valley"

**Even In A Degraded State, The Pond Provides Valuable Habitat**

It's a testimony to the resilience of nature that despite the present owners' neglect, the pond still provides valuable habitat and a living link between man's built environment and the natural world. A majority of Corte Madera think so. They've spoken out at numerous public hearings over two and one-half years. The flora and fauna world surely agree, notably: a colony of roosting Night herons, the raft of rare aquatic grass within the pond as well as a total of over 1000 foraging shorebirds logged in eight bird counts in 2013-14.

Especially, the Night heron population would be challenged to find comparable habitat if the pond was filled and since its ring of roost trees were cut down, as the applicant proposes. Such a locale exists nowhere else in the vicinity. And, as biologists well know Night herons as a species face declining numbers in the Bay Area.

**Paving/Loss Of Widgeon Grass Deemed Insignificant Due To Degraded Pond Waters?**

This is a head scratcher.

This is an argument that does not make sense. Yet, project promoters argue since the pond is trashed, it's waters blighted, let's scrap the whole thing. In essence: In a degraded pond, why should we care about loss of an aquatic grass colony that is a rare California Special Status Species?

I turn to LSA Associates to provide the answer.

Hired by the applicant, LSA Associates is the same firm that consulted on the highly unpopular and

ultimately rejected Larkspur Station Area Plan to add 920 housing units at Larkspur Landing. Perhaps the would be developer thought that LSA, out of all available environmental consulting firms, would be most likely to render the developer a favorable “third party” opinion on the relative environmental insignificance of widgeon grass.

Wrong. Retained to bring an impartial, objective and scientific viewpoint to the discussion, to their credit LSA did that. In an opinion unfavorable to the applicant, the consulting firm found that it could not in fact dismiss the loss of the widgeon grass pond habitat as environmentally insignificant.

On Page 305 we find LSA’s analysis:

“Patches of widgeon-grass with a greater than 50 percent relative vegetative cover are considered a distinct vegetation alliance, termed widgeon-grass mats (*Ruppia maritima* Aquatic Herbaceous Alliance) as defined in Sawyer et al. (2009). Widgeon-grass mats have a State rarity ranking of S2 (Sawyer et al. 2009). Plant communities with a state rarity ranking of S1, S2, or S3 are considered of special concern by the California Department of Fish and Wildlife (CDFW). Therefore, the widgeon grass mats present in the pond would be considered a sensitive natural community.

“The pond at the Inn is a highly manipulated remnant of a slough that historically connected to the San Francisco Bay (Bay). As we understand, the pond currently receives outflow water from Lagoon # 1 via a 30-inch gravity-fed pipe that is not constrained by slide gates. Lagoon #1 is fed by Corte Madera Creek, which is connected to the Bay. A slide gate is present on the east side of the pond that can be opened to drain the pond through a culvert under Highway 101 to Shorebird Marsh. However, the Town keeps this gate closed to prevent flooding in the pond during high tides. Accordingly, water quality in the pond is fresh to slightly brackish and is no longer subject to regular tidal influence. The pond is additionally isolated by development and the surrounding vegetation and habitats are dominated by exotic vegetation. As such, in our opinion the widgeon-grass community in the pond does not represent a high-quality occurrence of this vegetation type given that it is within a highly modified aquatic habitat that is part of an actively managed stormwater management and flood control system. Additionally, the pond is surrounded by a developed urban landscape and based on available information receives limited use by wildlife or native fish species that would utilize widgeon grass for food or cover. **Nonetheless, our opinion is the loss of this widgeon-grass community constitutes a significant impact under CEQA given the California Department of Fish & Wildlife (CDFW) state rarity ranking and the substantial, cumulative historic loss of aquatic communities in the region.**” (boldface last sentence, mine)

Widgeon grass is a shallow underwater mat grass, classified as submerged aquatic vegetation, which, forms a critical part of the ecosystem. That’s because widgeon grass provides a raft for tiny invertebrate fauna on which the shorebirds feed.

The applicant’s hired biologist, John Zentner, took a bird count eight times in 2013-14 and identified a total of 1.091 wetland birds at the wildlife pond. That’s a significant number.

How by any stretch of the imagination can the widgeon grass mat or its habitat value at the wildlife pond be discarded as environmentally insignificant? Not in anyone’s rational world.

### **How Could Applicant Biologist John Zentner Miss Widgeon Grass In His Initial Studies Of The Pond?**

It’s true. And fairly unbelievable. In his initial studies of the pond found in the Biological Resources section of the EIR, the applicant’s hired biologist John Zentner did not identify any widgeon grass as being present in the pond. Even though for much of the year it forms a wide visible mat just below the pond surface. Even though he was doing all those bird counts previously mentioned.

Zentner was forced to revisit the subject of widgeon grass only because its presence was discovered by an independent biologist hired by public advocates Community Venture Partners. This CVP intervention occurred after Corte Madera’s Planning Commission had approved the EIR and it was on its way to Council for possible certification. CVP’s discovery necessitated a Revised EIR to be

circulated.

Now, in a Project Alternatives Analysis submitted to the Regional Water Quality Control Board, Zentner continues to flout both reason and scientific observation in disparaging remarks about the significance of widgeon grass present at the pond.

[http://www.waterboards.ca.gov/sanfranciscobay/water\\_issues/hot\\_topics/CorteMadera/404\(b\)\(1\)%20Alternatives%20Analysis/1000\\_Alt\\_Analysis\\_final%2012.01.14\\_w\\_figures.pdf](http://www.waterboards.ca.gov/sanfranciscobay/water_issues/hot_topics/CorteMadera/404(b)(1)%20Alternatives%20Analysis/1000_Alt_Analysis_final%2012.01.14_w_figures.pdf)

He clings to a year 2000 study which asserted that pond water quality was degraded to the extent that “no invertebrates were found in the water column and only worms were observed in the sediment”.

Really? Does that study’s questionable assertion still hold true today?

If so, then why did Zentner observe so many birds there--still swimming and foraging?

Project followers should keep in mind that this is the same Zentner, writer of the Biological Resources section of the Corte Madera Inn Rebuild EIR, who (1) somehow missed the widgeon grass altogether in his 2014 study of the site.

And it is also the very same Zentner who (2) back in 2000-1 was convicted of violating the Endangered Species Act.

A Google search of John Zentner, principal of East Bay environmental consultants Zentner and Zentner, shows that in 2000-1 Zentner and firm pleaded guilty to four counts of violating the Endangered Species Act involving relocating as many as 56 Red-legged frogs and 500 tadpoles to a shrunken remnant of a pond which was filled as part of a housing development. Because the original pond shrank in size and its remaining portion was just 15 feet from the new houses built next to it, the pond could not support the life of the frogs and many died.

<https://www.justice.gov/archive/opa/pr/2000/November/663enrd.htm>

As a result, after the environmental travesty was uncovered, the Justice Department brought a criminal complaint against Zentner and his firm. Following his guilty plea, fines were levied totaling \$75,000. As an added penalty, Zentner also agreed to perform 200 hours of community service.

[http://lib.law.virginia.edu/Garrett/plea\\_agreements/dockets/Zentner.htm](http://lib.law.virginia.edu/Garrett/plea_agreements/dockets/Zentner.htm)

Despite his past faux pas as regards Endangered species in the natural world, Zentner is still engaged in environmental consulting---most recently for the Grialou family and Corte Madera, as lead agency involved in debating the certification of the REIER. Why? Surely only credible scientists with uncompromised reputations should be allowed to comment responsibly on matters relating to the important Clean Water Act.

<https://www.epa.gov/enforcement/clean-water-act-cwa-and-federal-facilities#Summary>

### **If The Project Could Not Be Profitable At A Reduced Unit Count, Where Is The Proof?**

Mr. Fernandez, it is well to note that the project applicant has never submitted to the public a financial analysis which would justify his claim that the project would not be profitable unless he achieves his desired 174 unit count. This has long been a sticking point with project critics. If Reneson doesn’t have the wherewithal to put together a scaled-down project which respects existing pond, surely another hotelier could come in and achieve both goals.

The pond and its slide gates have both cultural and natural value, important to our community and to the environment surrounding. The pond should be preserved and rehabilitated for reasons of heritage as well to accord with wetlands protection under the federal 1972 Clean Water Act and also Executive Order 11988 & 11990, Protection of Floodplains/Wetlands, (1977).

In conclusion, thank you, Mr. Fernandez, for your careful time and attention in reading these many comments of mine.

Hopefully they present a compelling case. Hopefully you will uphold both the intent of the federal Clean Water Act and the mission of the Regional Water Quality Control Board and deny the developer's application to fill and pave Corte Madera Inn's cherished wildlife pond.

Sincerely,

Peter Hensel

138 Willow Ave.

Corte Madera, CA 94925







**From:** [Peter Orth](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Corte Madera Alternatives Review  
**Date:** Monday, December 12, 2016 12:51:37 PM

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Xavier:

I'm a 25 year resident of Corte Madera, 40 + in Southern Marin. In initially reviewing the alternatives analysis for the proposed Corte Madera Inn rebuild and wetlands removal, it seems that the whole exercise continues to focus on the desire to fill the pond rather than other realistic options. This approach has been the focus of the town and the property owners for probably 20 years. The initial EIR for the project was approached without any discussion of any wetlands retention options, with the 'pond' being characterized as an obsolete remnant of the town's flood control system, which had gone stagnant.

As one who retired from USEPA in this Region, I believe regulators such as RWQBs, can be most effective when there is full and honest disclosure by all parties on projects such as this one. I did not work directly in the area of wetlands, and am therefore looking at the alternatives analyses as any other lay person, so it takes some time to understand some of the information, and discuss my thoughts with others before submitting full comments. I believe others are in the same boat, especially given the distraction of the change in our nation's executive leadership, which still occupies time and discussion, along with the holidays.

Extending the comment period into mid-January would be helpful. I appreciate consideration of such an extension.

Thank you,

Peter B. Orth  
1200 Meadowcrest Drive  
Corte Madera  
415/924-6362

**From:** [Peter Orth](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Corte Madera Inn Rebuild Alternative Analysis  
**Date:** Sunday, January 8, 2017 5:24:10 PM

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Xavier Fernandez  
Senior Environmental Scientist  
SF Bay Regional Water Control Board

Dear Xavier:

Thank you for extending the comment period for this project. I'm a 25+ year Corte Madera resident, 45+ in Marin County. I will keep my comments as brief as possible, as on many points I am in agreement with many with more expertise than myself.

My initial comment is based on my personal interactions associated with the initial EIR for this project. The analysis cites the requirement that an alternative that cannot be approved due to local planning and zoning controls is not a practical alternative. Yet the CMI rebuild project has proposed, from the beginning, a plan which required a substantive series of changes to not just the zoning, but to the town's General Plan requirements for land use. I inquired of the previous Corte Madera Planning Director, at the 'scoping' meeting for the original EIR, why the DEIR would include comprehensive General Plan and zoning changes within the EIR comment and approval process, rather than separately before a project plan was proposed. He replied only that the Town 'could' do this, not why it should or why he was bundling different types of approvals into a single process. This approach must have been prearranged prior to the 'public' review and comment between the Town staff to meet the outcome desired by the property owners. Subsequently I broached the same inquiry with the current Planning Director (with copies to the Town Council) but have never received any rationale for this approach. This approach has been reflected throughout all the 'reviews' of this project, and it's unsupported decisions related to the wetlands removal in question.

Other provisions of the Town's General Plan related to wetlands and environmental protection have never been addressed and are not in line with the current wetlands removal plan.

Proposed mitigations of the pond removal do not address problems associated with the removal of a year round wetlands habitat. The mitigations are for different habitat types and cannot be substituted for one another. Statements about displaced Herons simply finding other roosting spots have no justification.

The wetlands in question have been systematically degraded by the joint actions of the Town and the property owner. Flushing gates have been put out of use. Debris has been allowed to accumulate in the pond.

On-site alternatives to those proposed and evaluated by the consultants as not adequate have not been presented in the analysis nor considered.

On and off-site alternatives rejected by the analysis on the basis of incompatibility with current

zoning regulation ignore the fact that the alternative selected also required zoning changes to be allowed. One example of an on-site alternative that would be acceptable with allowance by the Town would be Alternative #3 which would require additional height. The shopping center adjacent to the CMI site has heights in excess of those proposed, as does the 180 unit housing project several properties to the north of CMI. If these were allowed (encouraged) by the Town why not allow additional height to preserve wetlands, if the new hotel must be taller? Several of the off-site alternatives might be desirable with zoning changes, as have been assumed in the current rebuild approach.

This project is not planned as water dependent and does not need to be near wetlands. The original hotel on this site was the Edgewater Inn. At the time the wetlands were presented as a feature. I believe an enhancement of the existing wetlands could be an attractive marketing feature for the hotel site and the Town going forward. This does not seem to have been seriously considered.

The financial feasibility evaluations presented by the applicant do not seem to have been evaluated by the Town. This is not only required before removing wetlands, it is a function the Town should perform in the interests of its residents. I believe the projections of occupancy and pricing assumptions are not accurate and seem to favor the outcome the applicant desires.

Before my retirement from USEPA Region IX one of my responsibilities was supervision of inland oil spill prevention (SPCC). A key component of our efforts was ensuring the best level of actual facility inspections that resources allowed, which reinforced that there were realistic levels of compliance with the regulations, and we felt that most of the industry would try to help protect our inland waters, provided they felt we might actually be looking at their actions. The CMI rebuild proposal, with a relatively small wetlands area that is regarded as a nuisance by the connected interests of a small town, is a situation in which I feel the wetlands should survive.

Thank You,

Peter B. Orth  
1200 Meadowcrest Drive  
Corte Madera, CA

**From:** [Richard Willis](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** corte madera inn  
**Date:** Thursday, December 22, 2016 3:01:48 PM

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dear Water people, let them rebuild within reason but that expansion is way too much for the limited street logistics around the Town Center Mall. We already have a WinCup monstrosity, wait to see how THAT works out if it ever gets finished. Thank you.

--

**Richard Willis**  
**One Weatherly Drive Apt. 404**  
**Mill Valley CA 94941**  
**1-(415) 924 8999**  
**website [goosevamoose.com](http://goosevamoose.com)**

**From:** [Robert Burton](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Reneson Hotel's Proposed Project to Replace the Corte Madera Inn  
**Date:** Thursday, January 12, 2017 1:00:01 PM

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Mr. Fernandez -- As a former Mayor of Mill Valley and a current member of two appointed Marin County boards, the Flood Control Zone 3 Advisory Board, of which I am the long-time Chairperson, and the Citizens' Oversight Committee of the Transportation Authority of Marin, I will make my comments very brief.

Under no circumstances should the developer be allowed to fill in and pave over the small pond on the site that actively supports wildlife and could be a wonderful amenity for a new hotel. The proposal to create a small wetland somewhere else as a mitigation measure is nothing short of ridiculous. To the contrary, the pond should be restored and the new hotel re-designed to make this an attractive amenity for the hotel guests. This would not be difficult to do nor would it necessarily make the project less profitable; the only thing standing in the way of this logical and advantageous outcome is a stubborn and intransigent developer with a less than imaginative and creative architect.

Please do not let this natural amenity "go by the boards". Thank you.

*Bob*

Robert E. Burton LLB CLU ChFC AEP  
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e-mail: [bob@burtonlifeinsurance.com](mailto:bob@burtonlifeinsurance.com)  
alternate: [bob114@comcast.net](mailto:bob114@comcast.net)

-

*Be Certain with Burton*

**From:** [Ron Mallory](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Wildlife pond adjacent to Best Western Motel  
**Date:** Monday, January 9, 2017 2:34:41 PM

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We have two comments regarding the development:

1. The planed motel should be able to save and incorporate the pond into a new facility for the benefit of open space as well as wildlife.
2. Doesn't Corte Madera yet understand the impending increase in vehicular traffic caused by their prior planning decisions? Just wait until the new Handi Cup space development is completed and clogs the roads, then add additional hotel visitors and conference traffic to Corte Madera. Good Luck.

Ron and Amanda Mallory  
Larkspur

Sent from my iPad



**From:** [Ted Mackay](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** Fwd: Fw: CORTE MADERA INN REBUILD PROJECT  
**Date:** Friday, January 13, 2017 12:28:22 PM

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Hello Xavier,

Below are my comments, which were addressed recently also to Adam Wolff, Town of Corte Madera Planning Director.

The point of my comparing a small amount of marshland (being proposed for purchase) to the existing pool on the motel's premises is (a) the pond in question is 0.64 acre, (b) the purchase of credits would need to be 1.28 total (twice as much), (c) the motel owner (years ago) donated equivalent to 1.20 acre, (d) that leaves 0.08 acre, (e) that's the size of the pool (also to be filled in), (f) the pool is also water, and has always been a valuable asset for the community.

I don't know what the cost is for each credit (equivalent to 0.10 acre), but it couldn't be much ~ plus giving money, without anything given in return, would seem to be what people commonly do (i.e. donate).

Thank you...

Yours,

Ted Mackay  
36 Madera Blvd.  
Corte Madera  
415- 203-5307

<http://sanfrancisco.cbslocal.com/2016/11/28/corte-madera-questions-whether-to-pave-paradise-put-up-a-marriott/>

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**From:** Ted Mackay <[mackay0707@gmail.com](mailto:mackay0707@gmail.com)>  
**Sent:** Tuesday, January 03, 2017 2:33 PM  
**To:** Adam Wolff  
**Subject:** Re: CORTE MADERA INN REBUILD PROJECT

Hi Adam,

*Happy New Year...*

I have read the Recirculated Draft EIR No.2, and have the following comments.

There do not appear to be any significant changes from previous versions, except there is now reference to LSA Associates (hired by the Town as an additional biological consulting firm).

Consultants in the past have been designated as "under the direction of the Town of Corte Madera"  
But some have worked also closely with the motel ownership. Is that the case with LSA Associates?

Filling in the pond is only one issue that is of concern to the general public. There is also the proposed filling of the pool. There are also the immense trees (serving as bird habitat) which the owner wishes to uproot.

In the 1950's, the motel was available to the public for casual walk through, amidst spacious lawns, flowers, tall trees, a large outdoor pool, and picnic tables.

This has continued unchanged all these years ~ thanks to the Grialou family! It is an example of a private business having good concern for the surrounding community. (That includes donating money to worthwhile causes, without conditions, such as offsetting a tiny bit of marshland ~ for a pool of equal size!)

The property (as proposed) will become totally closed to the public ~ including during a long period of construction.

Sadly, we were now heading into an new era of unrestrained greed, especially at the national level. (Will such malice also trickle down to the state & local levels?).

I hope the Grialou family will come to their senses...

Yours,

Ted Mackay  
36 Madera Blvd.  
Corte Madera  
[415-203-5307](tel:415-203-5307)

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**From:** Adam Wolff <[awolff@tcmmail.org](mailto:awolff@tcmmail.org)>  
**To:** Devi MacKay <[devitm@yahoo.com](mailto:devitm@yahoo.com)>  
**Sent:** Friday, August 28, 2015 5:07 PM  
**Subject:** RE: CORTE MADERA INN REBUILD PROJECT

Thank you Ted. Have a good weekend.

Adam

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**From:** Devi MacKay [<mailto:devitm@yahoo.com>]  
**Sent:** Friday, August 28, 2015 5:10 PM  
**To:** Adam Wolff  
**Subject:** CORTE MADERA INN REBUILD PROJECT

Dear Adam,

*These are my written comments regarding the Recirculated Draft EIR, (containing a new "Alternative 4").*

This alternative would increase the floor area ratio from 34% to 67%, with some buildings having an added 2 stories.

*The original proposal was for a 55% ratio, with buildings having 1 added story (but no pond, including no surrounding trees).*

Alternative 4 would keep the pond, but still remove the surrounding trees, which serve as bird habitat for the pond. This alternative is stated as being environmentally inferior to the 3 other alternatives.

*There is no indication that the motel owner has even requested this additional alternative. (Plus, how good would the pond be if no longer including trees for shade, and as habitat for herons, etc.?).*

This proposed addendum to the EIR appears to be a matter strictly between you & the consultant, Amy Skewes-Cox. She keeps billing the Town for her services (so far totaling over \$254,000 ~ plus over \$18,000 legal & engineering expenses from 2 other entities).

*Is Alternative 4 just a means for her to continue being paid for her services? (Will there be further "Alternatives" some day to follow?).*

The motel owner is now reimbursing the Town for all these expenses. (For sure, do they want to continue with such?).

Thank you for your interest...

Yours,

Ted Mackay  
36 Madera Blvd.  
Corte Madera  
[415-203-5307](tel:415-203-5307)

**From:** [Tina Bissiri](#)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez.Xavier@Waterboards)  
**Subject:** EDGEWATER LAGOON  
**Date:** Friday, January 13, 2017 4:19:14 PM

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This is regarding the article in the Marin IJ dated July 9 2017.  
Why do you have to PAVE? over the pond at the Best Western Corte Madera Inn? Man has already changed so many water ways around here.

**.Making the pond part of the landscape of the hotel seems to be the best option,emphasizing the variety of different species.**

Please rethink paving over the pond when so much marsh land is already threatened..

As the saying goes "they paved paradise and put up a parking lot"

--

Regards,

Tina Bissiri  
Mill Valley CA.

**From:** [una\\_hayes\\_ingram](mailto:una_hayes_ingram)  
**To:** [Fernandez, Xavier@Waterboards](mailto:Fernandez_Xavier@Waterboards)  
**Cc:** [Adam Wolff](mailto:Adam_Wolff); [John Kelly](mailto:John_Kelly); [arodriguez@marinij.com](mailto:arodriguez@marinij.com)  
**Subject:** Fwd: Corte Madera Inn - Best Western.  
**Date:** Thursday, January 12, 2017 5:13:38 PM

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Dear Sir,

I am forwarding you a letter I sent out prior to the Jan 3 deadline re Corte Madera Inn/ Pond development plans.

From the Marin IJ article by Mr Rodriguez, Jan 8, I note that you are also conducting a survey and so I put my comments forward for your attention.

I found Mr Bob Silvestri's comment on the IJ Article very informative, which no doubt you've read.

Looking forward to hearing from you and being kept in touch with the situation at hand.

Sincerely,

Una

[www.unahayesingram.com](http://www.unahayesingram.com)

[415-945-9639](tel:415-945-9639)

----- Forwarded message -----

**From:** **una hayes ingram** <[unahayesingram@gmail.com](mailto:unahayesingram@gmail.com)>

**Date:** Sat, Dec 31, 2016 at 12:30 PM

**Subject:** Corte Madera Inn - Best Western.

**To:** [awolff@tcmmail.org](mailto:awolff@tcmmail.org)

Dear Mr Wolff,

I am writing due to a concern re the marsh land at the North end of the BW swim pool being taken over as a parking lot in the development plans for that property.

Yesterday myself and other guests or swim pool members were witness to 13 Night Herons nesting in the tree where the development would take place.

Can you reassure me that action is being taken to safe guard this wild life spot and if you cannot can you forward this mail to the relevant personnel and forward a copy to me.

I look forward to hearing from you.

Yours sincerely,

Una Hayes Ingram

[415 945 9639](tel:415-945-9639)

[www.unahayesingram.com](http://www.unahayesingram.com)

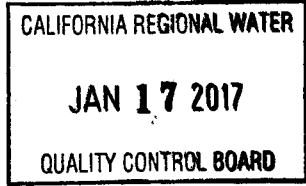
[415-945-9639](tel:415-945-9639)



**Linda Novy**

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**From:** Linda Novy <lindanovy@comcast.net>  
**Sent:** Saturday, January 14, 2017 8:12 AM  
**To:** 'xavierfernandez@waterboards.gov'  
**Subject:** Corte Madera Pond - Edgewater Lagoon



Dear Xavier,

I have a brief comment – I believe the pond at the Best Western (proposed for development) – is of critical important as a storm water resourvoir, and also as wetlands habitat. I believe any new project must include this pond. Even enlarge it. It could become a feature for the new hotel and add beauty and wildlife viewing. Paving over this pond is unacceptable for these two equally strong reasons.

Thank you,

Linda Novy  
Fairfax, CA  
415 457 5268

A handwritten signature in black ink, appearing to read "Linda Novy", written over the typed name and contact information.