

## Marin Audubon Society

P.O. Box 599 | MILL VALLEY, CA 94942-0599 | MARINAUDUBON.ORG

January 19, 2015

Via EMAIL  
Adam Wolff, Director  
Planning and Building Dept.  
Town of Corte Madera  
300 Tamalpais Blvd.  
Corte Madera, CA 94925

### Re: COMMENTS ON CORTE MADERA INN REBUILT PROJECT DEIR

Dear Mr. Wolff:

The Marin Audubon Society appreciates the opportunity to submit questions and comments on the DEIR for the Corte Madera Inn Rebuild Project. The major focus of our comments is on the Biological Resources, Hydrology and Alternatives sections. We find that the document has a number of deficiencies.

#### ZONING/LAND USE

The project requires a General Plan amendment to change the land use designation from Mixed use Commercial to Motel/Hotel Highway Commercial, change the zoning from Baylands Risk Zone and Natural Habitat Special Purpose Overlay, and increase the FAR from 0.34 to 0.55. The DEIR should discuss the basis for the Town's approving these changes. The property is still in a risk zone because it is built on baylands, on bay mud and has natural habitats. What is the justification for the Town to ignore the still-existing conditions that are the basis of the special overlay district and existing conditions to make these requested changes?

C2-1

#### PROJECT DESCRIPTION

It appears that the Inn will undergo a change in franchises from a Best Western to Marriott? Is the design a standard one that Marriott uses? The design appears to have standard features found in other such facilities nationwide. These may not be suitable or necessary for this site with its natural resource constraints in Marin County.

C2-2

Figure 3-3 Existing vs. New Project Footprint. This figure, among other things, shows the section of the pond that would be covered with the new building. How many rooms would have to be deleted from the project if the Pond were to remain and this configuration used?

The project description states that 14,700 cubic yards of fill and an additional 6,800 cubic yards of base rock would be needed for the project. Most EIR's that we have reviewed have a thorough discussion of associated adverse impacts when importing large quantities of fill. This one does not. In the appropriate sections please respond to the following questions related to impacts of the proposed fill:

C2-3

- Is all of the new fill for the pond? If not, identify the quantity of fill and rock that would be needed 1) to fill the pond and 2) to fill the overall site to raise the elevation.
- How many truck trips would it take to import the 21,500 cubic yards of new material?
- The number of truck trips required would likely damage street surfaces. What requirements does the Town have to ensure any road damage is repaired by the applicant and not the local citizens?
- Discuss the impacts on traffic in this busy commercial/retail area.
- Address potential air quality impacts, dust, diesel exhaust, etc., from importing and placing such a large quantity of fill.
- Address potential noise impacts from the truck traffic and placement of the fill.
- Compaction would be necessary to fill the pond due to the underlying bay mud. Explain this process and how long it would take?
- How long is it anticipated to take for the entire process of filling the site to last?

C2-3

A water feature is listed as one of the project components. Describe the water feature: its proposed size, location, substrate, anticipated evaporation rates, compliance with Corte Madera's water efficiency policies, and measures that would ensure this feature would not have algae problems. Decorative ponds often have the same problems (algae) as are claimed for the Inn's pond.

C2-4

Provide a more complete description of landscaping. The project proposes what appears to be extensive lawn area. How much water would be required to maintain the lawn? Provide a complete list of the plant species that are proposed for landscaping. The few that are identified in on figure 3.6 are non-native species. This palate does not appear to comply with General Plan Policy RCS-7.5 and related Implementation Measures that "Requires the use of native plants in landscaping plans ...." This should be considered a significant impact.

C2-5

## BIOLOGICAL RESOURCES.

Except for consulting arborist, Becky Duckless, whose expertise presumably was important for tree impacts, the applicant's biologist Zentner and Zentner appears to be sole source of biological information as identified in the References section of the DEIR. If EIR consultants provided a review, it is not clear what information they provided. To ensure non-biased input, independent consultants must be used. It is not in the public interest nor does it comply with CEQA, or policies of the Corte Madera General Plan to not provide independent input. It cannot be expected that a consultant's report would diverge from the position of his client. As could have been expected, the analysis indicates that the pond has no value.

C2-6

We note that the determination of wetland and other water jurisdiction does not depend on the habitat value or wildlife use of an aquatic resource. This should be stated in the EIR. Having said that, we emphasize that the habitat use of any aquatic resource is of interest and concern to the Town and its citizens.

C2-7

Wildlife and Habitat: The Town's interest and priority is reflected in its General Plan Policies. The EIR should discuss the lack of compliance with Town policies and identify this non-compliance as a significant impact in accord with Significance Criteria. Specifically, the project is in conflict with the following significance criteria: second bullet, because the project would have a substantial adverse effect on a sensitive natural community (wetlands and other waters)

C2-8



and fifth bullet because the project conflicts with policies of the Corte Madera General Plan regarding protecting biological resources (DEIR page 4.3-16).

↑ C2-8

Comparisons made with other local habitats devaluating the pond, are misleading and in error. The discussion on page 4.3-5 compares the surveys of the Corte Madera Ecological Reserve. This is an inappropriate comparison because the Reserve habitat is, except for some sides of levees, fully tidal and vegetated tidal marsh. These are habitat types that are completely different from the pond and the comparisons are irrelevant. Furthermore, the FEIR misidentifies the boundaries of the Reserve as including the Shorebird marsh which is where the comparison surveys appear to have taken place. The Shorebird Marsh is a managed pond that is owned by the Town; is many times the size of the Corte Madera Inn pond; and has a greater variety of habitats including islands, a much larger marsh areas, and much larger and deeper open water areas. The EIR must correct these mistakes.

C2-9

Regarding bird surveys conducted by Zentner and Zentner, the species account in Appendix H is inadequate as a document for the public to understand and analyze resources. There is no list of birds seen on specific dates, only the field sheets on which the species observed are hand written and one can't even decipher most of them. This information should be revised by an independent biological consultant and represented in an understandable form.

C2-10

Another deficiency in the Zentner report is that they apparently did not survey at all times of the year or they simply missed the roosting Black-crowned Night Herons. The trees along the pond's shoreline, and other vegetation, have supported, for at least the last three years, a roost of Black-crowned Night Herons. This colony was mentioned by a citizen at the public hearing, and we have observed it on Marin Audubon's Christmas Counts for at least the last three years. This year there were 23 herons roosting. Quite a special place!

Regulatory Discussion: The DEIR should provide more definitive information on requirements of regulatory agencies, particularly the Regional Water Quality Control Board (RWQCB), instead of a vague statement that this agency "may" "include hydrologically isolated wetlands no longer regulated by the Corps. A representative of the RWQCB took the time to attend the public hearing and his input should be provided in the Final EIR.

C2-11

We note that this pond is hydrologically connected to other water bodies by underground pipes to the Lagoon and under the freeway the Shorebird Marsh.

## IMPACT DISCUSSION

### BIO-3 Regulated Waters

The DEIR does not address the Corps 404 requirement that a project applicant who wishes to fill wetlands must prepare an Alternatives Analysis that demonstrates that there is no feasible non-wetland location where the project could be built. The applicant's Alternatives Analysis is inadequate and fails to make such demonstration.

C2-12

The DEIR states that the applicant intends to mitigate by purchasing credits from the Burdell Ranch Wetland Mitigation Bank and that these credits have already been purchased. This mitigation is not adequate. While the project site may be in the boundaries approved by some agencies for using the bank, these credits should not be acceptable for this project. In addition to the acreage being inadequate, the bank is too far away, of different habitat type, will not serve

C2-13  
↓



the same species that depend on this habitat nor would it serve the citizens of Corte Madera. It clearly conflicts with the purpose and intent of Corte Madera wetland protection and mitigation policies (see below). The proposed mitigation measures for this impact are inadequate and this impact must be evaluated as significant.

C2-13

It is unclear whether the Corps has approved the wetland jurisdictional delineation. Please provide the delineation as well as any correspondence from the Corps, RWQCB and other regulatory agencies pertaining to this project.

C2-14

Impact BIO-5 Conformance with Local Plans and Policies.

The discussion indicates that a small section (500 square feet) is jurisdictional wetlands the rest of the site is "other waters of the U.S." both of which are regulated by the agencies and the Town. Contrary to the analysis presented in the DEIR, the General Plan policy Implementation Program 8.1.b does apply. Program RCS 8.1.b. calls for "restricting development" not only in jurisdictional wetlands but "in areas that contain... waters of the U.S."

Program RCS 8.1.b states "Development projects are preferably to be modified to avoid impacts to sensitive resources, or to adequately mitigate impacts by providing on-site replacement..." Off-site mitigation is a third tier mitigation option. CEQA and the regulatory agencies require that applicants first consider the preferable mitigation of avoidance. Further, Implementation Program 6.3.a calls for providing replacement habitat at a minimum 2:1 ratio where complete avoidance of wetlands and waters of the U.S. is not feasible." The DEIR has not provided evidence that that the project cannot be modified to avoid impacts to sensitive wetlands and other waters. In fact, the evidence in the DEIR is that the project can be modified to avoid impacts to waters of the US and wetlands.

C2-15

In addition to the above conflicts, policy RCS 8.1 calls for "detailed assessments to demonstrate compliance with State and Federal regulations. Assessments shall be conducted by a qualified professional retained by the Town to determine wetland boundaries and the presence of sensitive resources... jurisdictional wetlands, waters of the United States and other wetland habitat area, open water and upland habitats and make recommendations for avoidance." The assessment so far as can be determined from the DEIR, was NOT conducted by a "professional retained by the Town" but by the applicant's consultant. The DEIR also states "environmental review performed as part of this EIR serves to achieve compliance with these provisions of the Town's General Plan." What does "environmental review performed as part of this EIR" mean? If the EIR preparers hired consultants to provide environmental review, their review is not evident in the EIR discussions. Further, Policy RCS 8.1 calls for preparation of detailed assessments by an independent consultant, not a review of information provided by applicants. This is further evidence that the project does not comply with policy RCS 8.1 which is further support for evaluation as a significant impact.

C2-16

And there are other Corte Madera General Plan policies with which the project does not comply: Policy RCS-6.1 "Protect natural values of open space and habitat areas...."

Policy RCS-6.2 "Protect wetlands a..., other waters of the United States and other wetland habitat and sensitive natural communities."

Implementation Program 2a "Protect sensitive biological resources, including wetlands and other waters of the United States, and other wetland habitat areas,"

C2-17



RCS-7.2 "Retain sensitive habitat areas...and protect from inappropriate development and landscaping." This would include the heron roost.

Implementation Program RCS 7.2c "Development projects shall be modified by providing on-site or (as a lowest priority) off site replacement for jurisdictional wetland and waters of the U.S..."

The project's lack of compliance with the above policies should be identified as a significant impact.

C2-17

Policy RCS 8.3 Use of Flood Basins for seasonal habitat. Even though this pond may not be formally part of, or even needed by the Town's flood control system, it does serve as a basin for rainwater and runoff. The pond could be important for flood control, and for habitat, in the future. Changed management of the water flowing into and out of the pond could make a substantial difference in terms of water quality, habitat and aesthetics. This seems like an ideal opportunity to integrate and improve management of this pond.

C2-18

## HYDROLOGY AND WATER QUALITY

The DEIR contains only a cursory discussion of climate change and sea level rise, nor do there appear to be any policies addressing Climate Change/Sea Level Rise in the Corte Madera General Plan. The DEIR should address the possible importance of the storage capacity provided by this pond under minimal and high sea level rise scenarios. Throughout the county and particularly in the Ross Valley, jurisdictions are seeking basins to store flood water. Filling this pond could very well be a significant loss for the Town's flood control in the future.

C2-18

The DEIR does not demonstrate that the project would not result in the exceedance of existing or planned stormwater drainage system capacity. The analysis of potential hydrologic effects of filling the pond cites a 2005 study that was reviewed in 2014 but only for system modifications installed since 2005. The discussion apparently did not cover the adequacy of the system under current conditions or related to climate change, sea level rise or predicted increases in intensity and the severity of storms.

## IMPACT DISCUSSION

IMPACT HYDRO-1 Preparation and Implementation of a Stormwater Control Plan consistent with MCSTOPP is proposed as mitigation for HYDRO-1 impacts. The account should describe what specific measures would be included and required by MCSTOPP so that the reader can understand and evaluate the adequacy and feasibility of the mitigation measures.

HYDRO 1-b the discussion states that the Stormwater Control Plan would include BMP's, features and operations to reduce impacts to surface water quality including "minimizing disturbed areas and impervious cover..." It does not appear that the project does either of these. Instead the project will have more disturbed areas and more impervious cover. The EIR should analyze how these requirements of the SCP are being fulfilled by the project. With the current information the impact of the project should be considered significant.

C2-20

The only mitigations for hydrologic impacts are preparation of, and compliance with, various plans, SWPPP, MCSTOPP and others. No specific information is provided as to what measures would be required or whether the measures required would be adequate to address impacts to flooding and water quality degradation. In view of these deficiencies and the failure to



demonstrate that the proposed mitigations are adequate, the DEIR should address other alternatives for mitigating water quality problems.

We propose the following alternative mitigation measures and request that they be evaluated in the Final EIR:

1) Avoid polluted discharges into the pond. Water conditions in the pond are at least in part impacted by the discharges from the adjacent restaurant, which in the past has discharged kitchen waste water. On several recent visits there was a large puddle of white colored water in the driveway between the restaurant and the pond. Whatever is in this ponded water, under some or all circumstances, would end up in the pond. So elimination of the restaurant, or discharges from it, would likely eliminate a source of pollution to the pond.

2) Install aeration measures that could be used during late summer months when water quality can be more problematic. The DEIR should describe the different types of systems and seek professional advice as to which would be appropriate for improving water quality during late summer months. We expect that a bubbler system would have less impact on habitat. Also note that even tidal habitat areas can have algae problems in hot weather.

3) Install bioretention measures AND retain the pond. This would seem to offer the most comprehensive and beneficial alternative. It would retain the habitat and enable enhancement of the pond, its habitat, water quality, aesthetic and flood ponding benefits.

Bioretention measures were developed for use in urban areas where there is little to no space for other water improvement measures, not for use as a rationale/excuse to fill ponds and wetlands. Alternatives other than filling aquatic resources can and should be used to address water quality problems.

Cumulative Impact Analysis Insufficient: The DEIR reports that the project has been designed in compliance with Town Municipal Code Chapter 16.10 because the development will be elevated at least one-foot above FEMA-designated flood elevation. It is unclear that "at least one foot" is sufficient. The discussion should include the current elevation and the proposed elevation of the site. Recommendations from State and Federal agencies to avoid flooding with pending sea level rise should also be provided. The EIR should describe projected sea level rise over the life of the project and demonstrate how the project would avoid impacts to the public.

Climate change and predicted sea level rise will result in significant impacts and this should be identified as a significant impact.

## ALTERNATIVES ANALYSIS

We agree that Alternative 2 is the preferred alternative because it retains the pond. Alternative 2 or another alternative could easily be designed to further reduce impacts by reducing the size of the hotel building and/or other proposed facilities.

Biological Resources: Please address this alternative in more detail. To reduce project impacts and not disturb the heron roost, the existing vegetation along the west side of the pond should be retained with perhaps gradual replacement of non-native species with natives over time. The addition of a buffer zone would benefit the habitat as would improved water management and

C2-20

C2-21

C2-22

circulation. A bubbling device rather than spray would likely be less disruptive to wildlife. Using a bubblier system would likely be necessary only in late summer. Modification of the water exchange with Lagoon #1 and improvement of the piping/gates would likely also be a benefit.

↑  
C2-22

Hazards: The probability of someone drowning in the pond cannot be considered a realistic impact because it is an existing condition. But even if it were an impact, the possibility is extremely remote because the pond is shallow and water level is low mudflat is exposed for some of the time, and Corte Madera is bounded by both San Francisco Bay and Corte Madera Creek, both larger and deeper bodies of water. It is much more likely someone would drown in these bodies of water or the swimming pool. Shall we fill the creek and the Bay?

C2-23

The hydrology and water quality: This discussion states "Retention of the pond under this alternative would result in small negative but unquantified effect on water quality as the pond becomes increasingly brackish in summer." What is the "small negative" effect on water quality? The pond with its water quality is the existing condition. The statement "Mitigation measures would reduce potential impacts of this project (Alternative 2) to less than significant should be revised.

C2-24

If improving water quality is the desired goal, that could be accomplished by one of more of the following actions: removing the restaurant discharges, add bioretention facilities, aeration, improving the piping/gates to improve flows and/or implementing more frequent water exchange.

Table 5-1: Visual impacts along Tamal Vista, of course, could be eliminated by reducing the size of the project or redesigning the project.

C2-25

Noise: The Alternative 2 noise discussion states that the swimming pool and basketball court would have a "direct line-of-sight to traffic" which would exceed General Plan guidelines. It is not clear from the Alternative 2 figure where the pool and basketball courts are. The pond seems to occupy most of the area adjacent to the freeway as it now does. It seems quite feasible to redesign the project to relocate the pond and basketball courts, however, shouldn't the primary focus of noise impacts be people sleeping in the rooms?

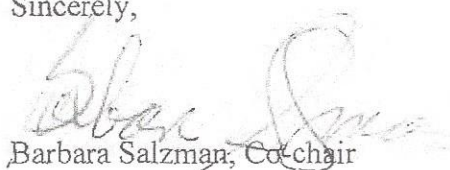
C2-26

In conclusion Alternative 2 would be greatly improved by reducing the number of rooms, retaining the pond and enhancing it as wildlife habitat and an amenity for the motel and the community.

C2-27

Thank you for responding to our questions, concerns and recommendations.

Sincerely,

  
Barbara Salzman, Co-chair  
Conservation Committee



Julie Allecta  
10 Woodhue Lane  
Corte Madera, California 94925

LETTER C4

RECEIVED

JAN 08 2015

TOWN OF CORTE MADERA

January 7, 2015

Planning Director Adam Wolff  
Town of Corte Madera  
Corte Madera Avenue  
Corte Madera CA 94925

Re: Draft Environmental Report for Corte Madera Inn

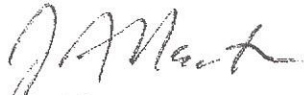
Dear Mr. Wolff —

I have commented earlier on the project to renovate and expand the Corte Madera Inn. I support renovation and honor the owner's right to upgrade its property. But expand?

I'm a longtime local resident, and there is already too much traffic in that area. How about not expanding? (Note: the suggested expansion is 70%. From 110 rooms to 185.) How about just renovating? Also, will enough additional parking be provided? Will the Town be given enough money to help with additional traffic flow?

Most importantly, we need to save the pond. All over the world, cities and towns are creating and recreating "pocket parks" because we realize that these small environmental islands have huge value to our local wildlife. The pond/lagoon attached to the Corte Madera Inn is a perfect example. The Town has surrendered enough of its wetlands to commercial interests. I strongly support a plan to renovate the Corte Madera Inn that does not increase traffic and that thoughtfully protects the small pond area in a natural state. By the way, has anyone told the developer that the proposed "lawn" will attract Canada geese?

Sincerely,



Julie Allecta  
415-924-7622  
jalletta@allecta.com

C4



January 18, 2015

Adam Wolff  
Planning Director, Town of Corte Madera

RECEIVED

JAN 20 2015

TOWN OF CORTE MADERA

Dear Mr. Wolff,


We are writing to object to plans for the Corte Madera Inn for the following reasons:


1. Increased traffic, noise and pollution during and after construction
2. Loss of the pond, a significant avian habitat as confirmed by the Audubon Society. Compensatory plans have been deemed inadequate.
3. Creation of an unattractive structure
4. Loss of the swim club, of which we have been members for more than 25 years. The swim club is a convenient and relatively inexpensive community asset providing healthy exercise. It is especially important to the many senior citizens, like ourselves, who exercise there.

C13-1

Although we understand that it is necessary to renovate the Corte Madera Inn, we ask that plans be modified.

Sincerely,

  
Jane S. Rowe, M.D.

  
D. Stewart Rowe, M.D.

January 18, 2015

Adam Wolff  
Planning Director, Town of Corte Madera

Dear Mr. Wolff,

We are writing to object to plans for the Corte Madera Inn for the following reasons:

1. Increased traffic, noise and pollution during and after construction
2. Loss of the pond, a significant avian habitat as confirmed by the Audubon Society. Compensatory plans have been deemed inadequate.
3. Creation of an unattractive structure, out of character with the town, and requiring changes to the rules governing building in our town. Those changes would be solely for the benefit of this project and for those who stand to benefit financially.
4. Loss of the swim club, of which we have been members for more than 25 years. The swim club is a convenient and relatively inexpensive community asset providing healthy exercise. It is especially important to the many senior citizens, who exercise there.
5. The new Wincup Structures now in progress will continue to stress town resources, and exacerbate traffic, parking, and safety almost adjacent to the proposed site. To further add to these issues by giving permission for the hoteliers to build for their own benefit and the detriment to the town, is an example of how money trumps the interests of citizens who do not have the resources or time to fight the battles by which business forces its way.
6. That the entire town has not been notified in regards to major projects affecting the entire town is another example of how the commercial interests can complicate and negatively impact the citizenry, and bypass the interests of the people who live here.

C14-1

Although we understand that it is necessary to renovate the Corte Madera Inn, we ask that plans be significantly modified. Even when significant work needs to be done on a building, it is not sufficient reason to knock down the entire structure and alter the neighborhood in ways that negatively impact the entire town.

Sincerely,

Rachel Fierberg

Marc Schwartz MD

30 Fairview Avenue  
Corte Madera



Adam Wolff

---

**From:** denise beck <deniselb@sbcglobal.net>  
**Sent:** Monday, January 19, 2015 8:06 PM  
**To:** Adam Wolff  
**Subject:** CM Inn Expansion project

Dear Adam Wolf,

The Draft EIR for the CM Inn Expansion proposal is flawed and does not address significant environmental impacts like safety, traffic, water, natural habitats, etc. In addition, re-zoning that land to accommodate a developer at the expense of the community's best interest is outrageous.

C29-1

Please do not proceed w/ this project.

Thank you for hearing my concerns.

Denise Beck  
47 Redwood Ave,  
#16  
Corte Madera 94925

Adam Wolff

**From:** Barbara Freitas <freitasb@sbcglobal.net>  
**Sent:** Wednesday, January 28, 2015 1:17 PM  
**To:** Adam Wolff; condon94925@yahoo.com; bobrvasio@comcast.net;  
sloancbailey@yahoo.com; Diane Furst; mlappert@lapperts.com  
**Subject:** Filling in or disturbance of the habitat and pond is a violation of the Federal Migratory Bird Treat Act

Today I read the Marin Audubon Newsletter January 2015 issue. I was shocked to read that there is a stable colony of Black-Crowned Night Herons at the Corte Madera Best Western Inn pond. You may recall that these are the same species of birds that were roosting in the trees outside the Oakland Post Office. A tree service was ordered to trim the trees. Unfortunately there were young herons in the nests that were destroyed when the trees were trimmed. Some of the young birds might have been run through the tree chipper. It was brought to the attention of the Post Office and tree service that these are birds are protected by the Migratory Bird Act which makes nest destruction, disturbance of or killing or collecting the birds a federal offense.

Here is what the Marin Audubon newsletter reported on the first page: "The pond's conditions are sufficient for it to be regulated by the various state and federal agencies. Regulation by these agencies is not dependent on habitat value. It doesn't need to have high wildlife use, but it does have impressive use by birds, in particular by a stable colony of Black-crowned Night-Herons that roost there. During this year's Christmas Bird Count, 23 Black-crowned Night-Herons were observed roosting in the trees."

Golden Gate Audubon has outlined the laws protecting birds. A portion from their website is quoted below:

"Laws Protecting Birds  
Federal Migratory Bird Treaty Act:

703. Taking, killing, or possessing migratory birds unlawful.

"...It shall be unlawful at any time, by any means or in any manner, to pursue, hunt, take, capture, kill, attempt to take, capture, or kill, possess, offer for sale, sell, offer to barter, offer to purchase, deliver for shipment, ship, export, import, cause to be shipped, exported, or imported, deliver for transportation, transport or cause to be transported, carry or cause to be carried, or receive for shipment, transportation, carriage, or export, any migratory bird, any part, nest, or eggs of any such bird, or any product, whether or not manufactured, which consists, or is composed in whole or part, of any such bird or any part, nest, or egg thereof..."  
California State Code:

3503. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.

3503.5. It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds of prey) or to take, possess or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.

Title 14, Chapter 1, Section 251.1. Harassment of Animals

Except as otherwise authorized in these regulations or in the Fish and Wildlife Code, no person shall harass, herd or drive any game or non-game bird or mammal or furbearing mammal. For the purposes of this section, harass is defined as an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering. This section does not apply to a landowner or tenant who drives or herds birds or mammals for the purpose of preventing damage to private or public property, including aquaculture and agriculture crops."

According to the Marin Audubon Newsletter: "The only biological consultant identified in the DEIR is the applicant's consultant. This means that the evaluation of the pond is that of the applicant's consultant, and, of course, he says it has low habitat value."

C52-1



As an avid bird-watcher and environmentalist, I'm very much in opposition to removal or destruction of this stable colony of Black-Crowned Night Herons by filling in the pond. These herons are listed in the Migratory Bird Act making it a felony to disturb them. Their rookery could not be legally removed or moved to another location.

The Federal Migratory Bird Treaty Act is clear. These birds are listed in the Migratory Bird Treaty Act list so they should not be disturbed nor should their habitat be destroyed. The EIR needs to reflect this fact.

↑  
C52-1

Adam Wolff

---

**From:** Jill Myers <erewigojil@earthlink.net>  
**Sent:** Monday, January 19, 2015 11:56 AM  
**To:** Adam Wolff  
**Subject:** regarding DEIR for the Corte Madera Inn rebuild

January 19th 2015  
Planning Commission  
Town of Corte Madera  
300 Tamalpais Drive  
Corte Madera  
CA 94925  
Attention: A. Wolff

Dear Commissioners

I attended the meeting that was held on December 9 2014 at the Town Hall. I have been a Marin resident for 40 years , half of those spent in Corte Madera and Larkspur. Over the past 25 years I have been a member of the Swim Club at the Corte Madera Inn and, during that time, observed the wildlife around the pool and pond.

When reading the DEIR it was surprising and disappointing to me that no mention was made of the large number of Black Crowned Night Herons that roost in the trees around the pond and the pool. There are up to 30 birds in many of the trees on the site during the winter and the loss of habitat would provide a significant problem for them. There are other birds around the pond that would also be losing habitat. During the season I have had several occasions to observe and interact with guests of the Inn who are delighted to see these beautiful birds. Many of them have never seen one before and definitely not as close up.

C70-1

The mitigation for the pond by purchasing lands elsewhere would not resolve this and it would be a great loss to the area, as the only other place I have seen these birds is at the Las Gallinas Ponds.

I would like to request that the pond and the surrounding trees be maintained in the plan.

Yours sincerely,

Jill Myers  
30 Billou St  
San Rafael  
CA 94901



Adam Wolff

---

**From:** Andre Pessis <andrepes@aol.com>  
**Sent:** Sunday, January 18, 2015 5:17 PM  
**To:** Adam Wolff; jlarson@labfive.com  
**Subject:** Corte Madera Inn expansion

Dear Mister Wolff,

This expansion of the Corte Madera Inn is Wincup all over again. Why do we have to amend our general plan to accommodate another large scale development project that only negatively affects Corte Madera residents.

1. We are in a severe drought. We can't afford the water
2. We lose a pond that is beneficial to wildlife, which alone should account for a no vote
3. We lose parking area on an already crowded area. When you build up like this, there is no way to add parking.
4. On the extended stay units, won't we have to accommodate more population by adding services and paying higher taxes?

The general plan was constructed by carefully considering an allowable density to keep some semblance of our way of life.

We are getting more crowded, gridlocked, polluted and taxed at every turn. When do our elected officials act on our side and say enough is enough?

Thanks,

Andre Pessis  
[andrepes@aol.com](mailto:andrepes@aol.com)  
PO Box 7072  
Corte Madera, CA 94976



C75-1

Adam Wolff

---

**From:** Patricia Ravasio <patravasio@me.com>  
**Sent:** Sunday, January 18, 2015 9:33 PM  
**To:** Adam Wolff  
**Cc:** Pat Ravasio  
**Subject:** EIR comment for Hotel Project

Hi Adam,

I agree with what appears to be the vast majority of residents that the impacts of this project are great enough that Corte Madera should slow down and consider it with great caution.

In addition to all the expected environmental impacts of massing of so many additional units, the plan includes two things that seem most unacceptable from the community's point of view.

#1 Closure of the pool. This has become an important community asset, one that is greatly relied upon, since there is no other public/available pool in the entire community. The hotel should be required to not only keep the pool, but to put it in a quieter location (blocking highway noise with the building itself.

#2 Filling in off the Lagoon. I don't care who says it will have no impact for wildlife, that is B.S. I have walked back there numerous times. It is a popular hideaway for egrets, herons and other birds, and no doubts bats and owls and other key players in supporting our ecosystem.

#3 Rezoning. I would agree to the rezoning if they cooperate with regard to the pool. I would like to see more information on the filling of the lagoon before it moves forward.

In addition, I support the comments attached, posted on my Nextdoor site.

Thank you Adam, keep up the good work!

C77-1



John E. Obedzinski, M.D.  
21 Tamal Vista Blvd, Suite 240  
Corte Madera, CA 94925  
(415) 924-2205 \* Fax (415) 488-0952

Mr. Adam Wolff  
Planning Director  
Town of Corte Madera  
300 Tamalpais Dr.  
Corte Madera, CA 94925

Dear Mr.Wolff;

I have worked and paid taxes in CorteMadera since 1980.

I'm greatly concerned about the proposed plans for the Corte Madera Inn. Tamal Vista Boulevard already has major problems with traffic flow and the proposed development would only add to the problems. The proposed elevation of the new structure would only worsen the appearance of the street. The boxlike Wincup buildings have already degraded the appearance of what was once a very tasteful series of office buildings on Tamal Vista Boulevard. The elimination of the pond has been discussed and reviewed in the past. The proposed removal would eliminate important habitat for several bird species. The current proposal ignores what has already been established in past evaluations and offers no adequate compensatory measures. The elimination of the swim club represents a loss of a valuable and relatively low cost asset in our community. Many of us have used this service for many years, me included.

Please address these concerns going forward. At this point, I am opposed to the plans.

Thanks for your consideration.

Sincerely yours,

John E. Obedzinski, M.D.

C95-1

## LETTER RC6

**From:** [Folk Rosemarie](#)  
**To:** [Adam Wolff](#)  
**Subject:** Best Western hotel conversion  
**Date:** Sunday, August 30, 2015 5:14:05 PM

---

After taking a leisurely walk through the Best Western property for the first time since moving to Corte Madera 4 years ago, I can appreciate the reason people are resistant to changing what has been a community asset . I am concerned that the projected hotel will not have any community sensibility or connection when the pond ( which has deteriorated badly) is paved over to create more building space and the restaurant is demolished and the swimming pool is no longer available other than to the hotel guests.

Of even more concern is the need to change zoning laws in order to achieve the vision of the developer. There is considerable difference between FAR of .34 and one of .55 . Usually such changes are granted only for fairness or actual need and this doesn't seem to fit either criteria. Once the zoning is changed it seems any future development could demand the same consideration. There is already a hotel with 100 suites on Tamal Vista. Is there a pressing need for 100 additional suites ?

My personal view would be to give permission for demolishing and replacing the existing hotel, eliminating the wildlife pond which would need much work and upkeep to have it be viable, and limiting the height to buildings of 2 and 3 stories. We have yet to see what life will be like after the Wincup monster is occupied.

Rosemarie Folk  
25 Birch Ave.

RC6-1