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December 19, 2015

Adam Wolff, Planning and Building Director
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925-1418
Email to: AWolff@tcmmail.org

RE: Final Environmental Impact Report (FEIR) for the Corte Madera Inn

Dear Mr. Wolff;

The following comments regarding the FEIR Responses to Comments are submitted on behalf of Community Ventures Partners. I incorporate by reference my letters of January 20, 2015 and August 8, 2015.

After a review of the responses to comments in the FEIR, it is apparent that the Town of Corte Madera has not adequately responded to many of the comments made on the Draft and Recirculated Environmental Impact Reports, including those comments in my letters of January 20 and August 8.

CEQA Guidelines, Section 15088 requires that a lead agency make an evaluation of and response to environmental issues comments. Subsection C requires that:

The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted.

In general, the FEIR responses simply repeat text from the EIR or state that the EIR is adequate. Neither type of response complies with Section 15088(c)'s requirements to give reasons and address in detail why specific comments and suggestions were not accepted. Examples of such inadequate responses include, but are not limited, to the following:

Response C1-2: Regarding the need to assess on site alternatives, the FEIR does not respond at all to the comment (including in Response C2-12 and C2-13.) The FEIR only states that CEQA does not require a similar alternatives analysis to the Clean Water Act. This statement is inaccurate and does not address why the Town did not consider on site wetlands impacts reductions or mitigation or include such an alternative.

Response C1-3: Regarding the EIR's lack of disclosure of the projects' potential flooding impacts, the FEIR is nonresponsive. The FEIR response does not in fact respond about impacts except to make an unsupported contention that there will be no impacts and mitigation will be sufficient. Regarding mitigation, the FEIR strangely contends that future required floor height elevations and a General Plan policy for coordinating with local regulatory agencies will mitigate the impacts. Neither addresses impacts and neither has any real world relation to the comment which requests assessment of and identification of substantive mitigation.

Response C1-4: The FEIR does not respond to the comment that the project's wetlands and floodplain impacts were inadequate except to essentially reject the comment and say the FEIR analysis is adequate. The FEIR response does not address the actual comment regarding loss of wetlands but instead references the BRA special status species text.

Response C1-5: The FEIR response to the request for quantification of site specific storm water runoff is not responsive as it does not address the loss of the pond but only assesses the new pervious surfaces design changes from existing conditions.

Response C1-6: This response does not relate to the comment regarding quantification of increased flooding but instead simply contends that floor elevation of future buildings will solve all potential project flooding problems.

Response C1-7: This response merely states that the EIR is adequate because it cites a general plan policy. However, it does not reference any EIR analysis that actually addresses floodplain impacts in a climate change scenario.

Response C1-8: Regarding CEQA's prohibition of deferred impacts, the response claims that performance standards may be used. However, neither the EIR, nor the response not identify any performance standards for biological resources, wetlands, or floodplains. General promises regarding acreage and general plan policy implementation are not performance standards.

Response C1-9: Regarding project objectives and alternatives, the FEIR (Response C1-2) does not respond at all to the comment regarding an impermissibly narrow set of objectives and the related lack of consideration of a reasonable range of alternatives.

Response RC23-6: This response essentially says "yes, we did do sufficient CEQA impacts analysis." But this response does not mention the actual subject matter of the comment and provides no required detail or a substantive response.

Response RC23-7: The comment requests parking impact information. The response says there are no impacts because the project meets Town requirements. Such an analysis does not comply with CEQA and thus the response is inadequate.

Response RC23-8: This response essentially says, "no we didn't depend solely on financial criteria" but the response provides no support for that conclusion nor does it include any substantive response to the actual comment. The response also includes information on the alternatives that is not relevant to the comment.

Response RC23-9: This response essentially says, “we don’t have to include quantified specifics or simulations” in an EIR regarding visual impacts. This response is not true and it does not respond to the comment regarding the feasibility of landscaping mitigation measures.

Response RC23-10: The comment requests a consistency analysis with the existing zoning. The response is that the zoning will be changed but that does not somehow wish the existing conditions – current zoning - away. Changing the zoning is a project measure or a mitigation measure – the EIR must examine the impacts of either.

The EIR continues to be so legally inadequate that the Town should withdraw the FEIR and start the approval process anew with an approach that complies with both State planning law, the Corte Madera General Plan, and CEQA. At a minimum, the EIR should be re-circulated for public review and comment with the additional analysis required by CEQA.

Sincerely,



Edward Yates