

Public Comments received after Planning Commission packet was released

# ACQUA HOTEL

M I L L V A L L E Y

4/7/17

Dear Planning Commission:

As the ownership group of the Marin Hotel group (Mill Valley Inn, Waters Edge Hotel, and Acqua Hotel), we would like to voice our opposition the proposed 174 room hotel rebuild, on the current Best Western site, in Corte Madera. As boutique hoteliers in Marin County, for the last 22 years, we have invested much time and energy into creating properties that accord with, and augment, the natural beauty of Marin County. The proposed chain hotels, at this site, prominently visible from highway 101, will do nothing for the appeal of Marin County, but will only detract from it, lining the 101 corridor with cookie cutter architecture and chain hotel signs.

We are very surprised that the Corte Madera planning commission is even considering adding additional hotel rooms to Corte Madera, after only recently approving controversial, high density housing, literally, just down the street, the traffic effects of which, we have not even seen yet.

We support the rights of the property owners to build on their property. However it is the size and type of hotel that we take issue with. The current ownership has said that they cannot make money, keeping the current room count the same. We would like to say that that is simply not the case. Our hotels are 23, 25, and 49 rooms, respectively. We have realized steady, year-over-year, bottom-line gains since 2011, and have had profitable years, almost every year, since the inception of the three hotels, in the mid to late 1990's.

Sincerely,

Ramon Zambrano  
Patience Moore  
Paolo Petrone  
Domenico Petrone

**From:** [zefflaw1@aol.com](mailto:zefflaw1@aol.com)  
**To:** [PL Counter](#); [Adam Wolff](#); [Phil Boyle](#); [Doug Bush](#); [Tracy Hegarty](#)  
**Cc:** [sloancbailey@yahoo.com](mailto:sloancbailey@yahoo.com); [Diane Furst](mailto:Diane.Furst@gmail.com); [JamesAndrews.CorteMadera@gmail.com](mailto:JamesAndrews.CorteMadera@gmail.com); [condon94925@yahoo.com](mailto:condon94925@yahoo.com); [Rebecca Vaughn](mailto:Rebecca.Vaughn@gmail.com); [Todd Cusimano](mailto:Todd.Cusimano@gmail.com); [dbramnick@sbcglobal.net](mailto:dbramnick@sbcglobal.net); [emellec@aol.com](mailto:emellec@aol.com); [Forbes48@hotmail.com](mailto:Forbes48@hotmail.com); [sf@modernlinear.com](mailto:sf@modernlinear.com); [larrys@babow.org](mailto:larrys@babow.org); [Sf@artistnet.com](mailto:Sf@artistnet.com); [mcarse1@earthlink.net](mailto:mcarse1@earthlink.net); [cptlentz@gmail.com](mailto:cptlentz@gmail.com); [darlene\\_hiatt@sbcglobal.net](mailto:darlene_hiatt@sbcglobal.net); [thiatt@stanford.edu](mailto:thiatt@stanford.edu); [brittagatta@yahoo.com](mailto:brittagatta@yahoo.com); [donna723@sbcglobal.net](mailto:donna723@sbcglobal.net); [Gigilasa@gmail.com](mailto:Gigilasa@gmail.com); [tquilici@giampolini.com](mailto:tquilici@giampolini.com); [Abasia@aol.com](mailto:Abasia@aol.com); [daslu@comcast.net](mailto:daslu@comcast.net); [Paulafrankel7@gmail.com](mailto:Paulafrankel7@gmail.com); [janetxx@comcast.net](mailto:janetxx@comcast.net); [sara\\_biancalana@yahoo.com](mailto:sara_biancalana@yahoo.com); [kmn8tr@gmail.com](mailto:kmn8tr@gmail.com); [bscluminox@aol.com](mailto:bscluminox@aol.com); [simonetherington@mac.com](mailto:simonetherington@mac.com); [joerhill@gmail.com](mailto:joerhill@gmail.com); [ninaciminelli@gmail.com](mailto:ninaciminelli@gmail.com); [bscluminox@gmail.com](mailto:bscluminox@gmail.com); [jghaehl@comcast.net](mailto:jghaehl@comcast.net); [ednorstad@gmail.com](mailto:ednorstad@gmail.com); [jimmycraig1969@yahoo.com](mailto:jimmycraig1969@yahoo.com); [lucinda.m.smith@gmail.com](mailto:lucinda.m.smith@gmail.com).  
**Subject:** Re: I write in opposition to approval of the EIR for the Corte Madera Inn: Agenda April 11, 2017  
**Date:** Friday, April 7, 2017 6:47:05 PM

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And I wish to add the following:

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Blockbuster developments like this are out of place, diminish the aesthetics we live here for, and make the Town a cheaper looking, less attractive place to live. The current design would fit in to a poor Valley town, like Tracy or Stockton, but is entirely out of place here. We have a Frank Lloyd Wright County Center! Let's again aspire to excel, aspire to greatness, not tasteless mediocrity.

Thank you! David Zeff

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

**From:** zefflaw1 <[zefflaw1@aol.com](mailto:zefflaw1@aol.com)>  
**To:** PLCounter <[PLCounter@tcmmail.org](mailto:PLCounter@tcmmail.org)>; awolff <[awolff@tcmmail.org](mailto:awolff@tcmmail.org)>; pboyle <[pboyle@tcmmail.org](mailto:pboyle@tcmmail.org)>; dbush <[dbush@tcmmail.org](mailto:dbush@tcmmail.org)>; thegarty <[thegarty@tcmmail.org](mailto:thegarty@tcmmail.org)>  
**Cc:** sloancbailey <[sloancbailey@yahoo.com](mailto:sloancbailey@yahoo.com)>; delfurst <[delfurst@gmail.com](mailto:delfurst@gmail.com)>; JamesAndrews.CorteMadera <[JamesAndrews.CorteMadera@gmail.com](mailto:JamesAndrews.CorteMadera@gmail.com)>; condon94925 <[condon94925@yahoo.com](mailto:condon94925@yahoo.com)>; rvaughn <[rvaughn@tcmmail.org](mailto:rvaughn@tcmmail.org)>; TCusimano <[TCusimano@tcmmail.org](mailto:TCusimano@tcmmail.org)>; dbramnick <[dbramnick@sbcglobal.net](mailto:dbramnick@sbcglobal.net)>; emellec <[emellec@aol.com](mailto:emellec@aol.com)>; Forbes48 <[Forbes48@hotmail.com](mailto:Forbes48@hotmail.com)>; sf <[sf@modernlinear.com](mailto:sf@modernlinear.com)>; larrys <[larrys@babow.org](mailto:larrys@babow.org)>; Sf <[Sf@artistnet.com](mailto:Sf@artistnet.com)>; mcarse1 <[mcarse1@earthlink.net](mailto:mcarse1@earthlink.net)>; cptlentz <[cptlentz@gmail.com](mailto:cptlentz@gmail.com)>; darlene\_hiatt <[darlene\\_hiatt@sbcglobal.net](mailto:darlene_hiatt@sbcglobal.net)>; thiatt <[thiatt@stanford.edu](mailto:thiatt@stanford.edu)>; brittagatta <[brittagatta@yahoo.com](mailto:brittagatta@yahoo.com)>; donna723 <[donna723@sbcglobal.net](mailto:donna723@sbcglobal.net)>; Gigilasa <[Gigilasa@gmail.com](mailto:Gigilasa@gmail.com)>; tquilici <[tquilici@giampolini.com](mailto:tquilici@giampolini.com)>; Abasia <[Abasia@aol.com](mailto:Abasia@aol.com)>; daslu <[daslu@comcast.net](mailto:daslu@comcast.net)>; Paulafrankel7 <[Paulafrankel7@gmail.com](mailto:Paulafrankel7@gmail.com)>; Zefflaw1 <[Zefflaw1@aol.com](mailto:Zefflaw1@aol.com)>; janetxx <[janetxx@comcast.net](mailto:janetxx@comcast.net)>; sara\_biancalana <[sara\\_biancalana@yahoo.com](mailto:sara_biancalana@yahoo.com)>; kmn8tr <[kmn8tr@gmail.com](mailto:kmn8tr@gmail.com)>; bscluminox <[bscluminox@aol.com](mailto:bscluminox@aol.com)>; simonetherington <[simonetherington@mac.com](mailto:simonetherington@mac.com)>; joerhill <[joerhill@gmail.com](mailto:joerhill@gmail.com)>; ninaciminelli <[ninaciminelli@gmail.com](mailto:ninaciminelli@gmail.com)>; bscluminox <[bscluminox@gmail.com](mailto:bscluminox@gmail.com)>; jghaehl <[jghaehl@comcast.net](mailto:jghaehl@comcast.net)>; ednorstad <[ednorstad@gmail.com](mailto:ednorstad@gmail.com)>; jimmycraig1969 <[jimmycraig1969@yahoo.com](mailto:jimmycraig1969@yahoo.com)>; lucinda.m.smith <[lucinda.m.smith@gmail.com](mailto:lucinda.m.smith@gmail.com)>.  
**Sent:** Fri, Apr 7, 2017 4:01 pm  
**Subject:** I write in opposition to approval of the EIR for the Corte Madera Inn: Agenda April 11, 2017

Hello! I am a long time Corte Madera resident. I have followed this project closely and want to make sure another WinCup disaster is not approved by our Town Planning Department and Town Council. I strongly oppose this project as currently presented and urge you to deny it approval. The list of reasons why it should be denied include, but are likely not limited to:

- 1) It is too large and too high
- 2) the design is very poor, pedestrian and does not add the quality it should for a Marin property
- 3) It is designed to deny the Town substantial tax revenues due to the extended stay expansion.
- 4) It is a violation of the local water and environmental regulations and the desire of the majority of

Marinites to preserve, not pave over, natural water courses and important habitat.

5) It will make traffic on Tamal Vista entirely impossible.

Please strongly consider what the former Mill Valley Mayor, Robert Burton, told you in his recent letter, all of which I, my wife Paula and son Zac fully concur with:

Robert Burton, Edgewood-Cypress

I just sent the following e-mail message:

To the Corte Madera Planning Commission --

It's time to stop this charade! The current proposal to rebuild the Corte Madera Inn should be rejected out-of-hand without further debate and without wasting any more of your time or the public's time. Not only has the Regional Water Quality Control Board rejected Reneson Hotels' application to fill the pond, but the Army Corps of Engineers has also ruled unfavorably on the idea of filling the pond.

It has been determined that the pond has significant environmental value, and any proposal that does not include restoration and retention of the pond as a site amenity does not deserve any further consideration.

You seem to think that Reneson Hotels has the community's interest in mind in making this proposal.

Please open your eyes to reality. The only interest they have in mind is Reneson Hotels!

Bob

Robert E. Burton

Former Mill Valley Mayor

114 Hazel Avenue

Mill Valley, CA 94941-4218

Please deny this application and send it back for a smaller, more ecological and tax producing redesign.

Thank you!

David M. Zeff 650 Chapman Drive Corte Madera CA 94925.

**From:** [Barry Cohen](#)  
**To:** [David Zeff](#)  
**Cc:** [PL Counter](#); [Adam Wolff](#); [Phil Boyle](#); [Doug Bush](#); [Tracy Hegarty](#); [Sloan Bailey](#); [Diane Furst](#); [JamesAndrews.CorteMadera@gmail.com](#); [condon94925@yahoo.com](#); [Rebecca Vaughn](#); [Todd Cusimano](#); [David Bramnick](#); [Marian Cohen](#); [william forbes](#); [Steve Fulton](#); [Larry Babow](#); [Sf@artistnet.com](#); [Mary Carse](#); [Caryn Tantilla-Lentz](#); [Darlene Hiatt](#); [Tucker Hiatt](#); [Britt LaGatta](#); [donna723@sbcglobal.net](#); [Gigi Lasa](#); [Tom Quilici](#); [Basia & Sean](#); [Doug & Cindy Smith](#); [Paula Frankel](#); [janetxx@comcast.net](#); [Sara](#); [Kim Morgan](#); [Simon Etherington](#); [Joe Hill](#); [Nina Ciminelli](#); [jghaehl@comcast.net](#); [ednorstad@gmail.com](#); [jimmycraig1969@yahoo.com](#); [Lucinda Smith](#)  
**Subject:** Re: I write in opposition to approval of the EIR for the Corte Madera Inn: Agenda April 11, 2017  
**Date:** Friday, April 7, 2017 9:27:59 PM

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once again, very well said.

On Fri, Apr 7, 2017 at 6:46 PM, <[zefflaw1@aol.com](mailto:zefflaw1@aol.com)> wrote:

And I wish to add the following:

There is no reason to depart from the General Plan or to grant exemptions or variances from it. The General Plan was put into place for a purpose: To preserve the small town charm of Corte Madera. Blockbuster developments like this are out of place, diminish the aesthetics we live here for, and make the Town a cheaper looking, less attractive place to live. The current design would fit in to a poor Valley town, like Tracy or Stockton, but is entirely out of place here. We have a Frank Lloyd Wright County Center! Let's again aspire to excel, aspire to greatness, not tasteless mediocrity.

Thank you! David Zeff

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

From: [zefflaw1 <zefflaw1@aol.com>](mailto:zefflaw1@aol.com)  
To: [PLCounter <PLCounter@tcmmail.org>](mailto:PLCounter@tcmmail.org); [awolff <awolff@tcmmail.org>](mailto:awolff@tcmmail.org); [pboyle <pboyle@tcmmail.org>](mailto:pboyle@tcmmail.org); [dbush <dbush@tcmmail.org>](mailto:dbush@tcmmail.org); [thegarty <thegarty@tcmmail.org>](mailto:thegarty@tcmmail.org)  
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Sent: Fri, Apr 7, 2017 4:01 pm  
Subject: I write in opposition to approval of the EIR for the Corte Madera Inn: Agenda April 11, 2017

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Bob

Robert E. Burton

Former Mill Valley Mayor

114 Hazel Avenue

Mill Valley, CA 94941-4218

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David M. Zeff 650 Chapman Drive Corte Madera CA 94925.

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*Barry S. Cohen*

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*Time Concepts, LLC  
13342 Grass Valley Avenue, Suite D  
Grass Valley, CA 95945  
530-274-1600  
530-274-1674 (fax)*

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*PO Box 7067  
Corte Madera, CA 94976  
415-699-4949 (mobile)  
415-924-8676 (fax)*

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

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

**From:** [Marc Schwartz](#)  
**To:** [Adam Wolff](#)  
**Subject:** CM Rebuild Project  
**Date:** Sunday, April 09, 2017 10:11:11 PM

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April 9, 2017

Dear Mr Wolff,

This email is to register my comments and objections to the CM Rebuild Project one more time. That this process has gone on for as long as it has seems to me a testament to financial gain hoped for by those pushing the process forward and regrettably to the apparent unwillingness of those entrusted with the best interest of the Town to not set limits. The current review suggests that it presents new information, while it is really fundamentally the same proposal.

Once again , I must challenge the “financial Imperatives” cited as reasons for the large dual branded proposed structure. Nor do I believe, because consultants paid for by the those who stand to gain financially from the project at issue have said so, that there are not other ways of updating this hotel (with these or other owners) that would benefit the Town.

There are many individual points that must be considered. I reference the entire letter sent to the Town Council and to you by the Community Venture Partners dated January 3, 2017, R2B8 among responses to the last EIR. I raise and repeat all the issues in that well written letter (which I will refrain from paraphrasing especially given its complexity), and ask you to consider them once again. In addition, putting the entire project in a single action EIR is not an honest deliberative process, but bypasses the process normally demanded of others. I am also copying two emails sent to you in the past, each of which remain relevant to the current issues at hand, as the issues remain largely the very same as they were much earlier in the process.

I will add only one matter which is separate, but which came to my attention by way of a fellow CM resident. The pool, which the current Hotel and owners have been gracious to open as a club to our community, is a deeply valued asset used by many, and used by many seniors. I don't know where this fits in the calculus of factors influencing how plans ought go forward, but it seems important to note.

It is not clear to me how I can send a copy of this email directly to the town council, or if sending this to you has that function. If I need have a copy sent to them, please let me know.

Sincerely,

Marc Schwartz MD  
30 Fairview Avenue  
Corte Madera

I see no clear benefit to our town, in the proposed rebuild project.

What is clear is that 1) extensive efforts are being made to mitigate clear problems with the proposed project, 2) established rules are proposed to be changed, most especially the density FAR which is designed to protect the character of the town.

Can you imagine these attempts getting any traction in Tiburon? Belvedere? Kentfield? What town would consider altering their General Plan to accommodate single for profit entity?

I am sorry to know that so much money and design planning have been invested BEFORE the town considers and decides on what is best for the town. The professional presentations, so well done, place a palpable pressure on the town to respond and accommodate. That pressure calls for a thoughtful response and recognition that the order of operations is backwards , that the town needs to decide on what is best for the town FIRST. There is a logical need to STOP the MOMENTUM set in motion by an individual investor, for his own profit.

Changing the FAR/Density rules set out in the General Plan at the request of any single project is poor policy. The proposed combination of extended stay and traditional hotel, really two hotels, as well as the general size of the project is presented as absolutely necessary for the business model of the investors. It is Absolutely necessary ONLY for the financial needs of the investors and has no relationship to the needs of the town.

With regard to traffic and circulation, the smooth presentation poorly considers the real world daily impact on anyone who uses the Tamal Vista Corridor, and all roads surrounding the hotel. Everyones experience , commuters going to and from work, kids and parents heading to and from school, on a daily basis for many, many years will be negatively impacted. We do not even know the real versus the imagined /projected impact before the new densely built Wincup apartments are fully occupied. Why is it OK that the traffic assessment already seen as bad during peak times could be allowed to be worse AT ALL?

A MORATORIUM was established for many of the reasons at issue here. There is every reason for it to be highly relevant to the matter at hand. What good is it to the town to destroy ANY remaining wetland? With some effort from the town, the pond could be nurtured in a healthier direction. Do we need more concrete flatland for the sake of building/financial/investor needs that the TOWN does not need? Accommodate again? This is a permanent loss.

Lastly, the pool, is the business of the owners. It might be seen , since we are obviously in a creative (or destructive?) mode here, as the valuable community resource that it is, and as it has functioned for many years. Its continuance might be supported by a tax break to the owners of the inn, whomever that might turn out to be.

Marc I Schwartz MD  
30 Fairview Avenue  
Corte Madera 94925  
since 1989

**From:** Marc Schwartz <[mrschwartz@comcast.net](mailto:mrschwartz@comcast.net)>

**Subject:** CM inn Rebuild EIR

**Date:** May 21, 2014 9:58:56 PM PDT

**To:** [DBell@ci.corte-madera.ca.us](mailto:DBell@ci.corte-madera.ca.us)

**Cc:** [amyse@rtasc.com](mailto:amyse@rtasc.com)

**Bcc:** [jarson@labfive.com](mailto:jarson@labfive.com)

Dear Mr Bell,

Listed here are my comments to convey to those preparing the EIN for the Corte Madera Rebuild project.

1)Land Use: object to loss of the precious little wetland we have, which is used by heron, egret, duck geese... Our town does not need more concrete. Paving over a pond is the wrong direction.

2)Aesthetics, and Planning: the proposed building style is out of touch with the current aesthetes of our town, reminiscent of southern CA and a sterile urbanization out of touch with the relaxed history of southern marin culture.

While Marriott will not own the property, from a stylistic and management point of view, it will determine the character of this proposed large property. Marriott fits in Corte Madera as would a Walmart.

The proposed three story height of the building would stand out (where else are there three story buildings aside from the widely reviled Wincup property currently in progress?) in an objectionable manner. The proposed density consequent to those three stories requires change in the FAR for which there is no good reason aside from giving to this project an exception for the profit of the owners. The FAR has been in place for many excellent reasons, enforcing a style and density with which we have lived, and which is the reason many of us have decided to live here.

3)Cultural: The inn has graciously provided the community with a beautiful swimming pool, one of the few in Marin and one of the assets the Inn offers to the community. Its loss would be a cultural loss for many.

4)Hazards: the increased occupancy of an additional 77 rooms will further stress the local foot

traffic, which already is a danger on Madera Blvd

5)Transportation /Circulation: the additional 77 rooms will bring a significant additional number of cars. The problem is compounded by the massive addition to local traffic which will be unleashed onto Tamal Vista Blvd by the Wincup property. While those who believe they can model what that new yet to be traffic will be, they CANNOT KNOW until that property is fully occupied. The additional traffic onto Madera Blvd will further complicate the danger to pedestrian foot traffic. The judgement in regards to additional traffic impact ought not be that of anyone who took part in approving Wincup. I drive along these streets most days of the week and know that even before the current construction going on, it can be either dangerous (along Madera B.) or on Tamal Vista, be severely impacted with traffic, and feel like driving in LA.

6)Public Services: 77 new hotel room and those who occupy them will stress the resources of fire and police protection and compete for those vital resources with all of Corte Madera. Only those who will profit monetarily will gain here. Those services will also be stressed by the Wincup property, the needs of which again, can be modeled but, will not and cannot be known until that property is fully occupied. That massive new property ( Wincup) is a significant unknown burden to the town. How can one possibly add another significant set of burdens ( 77 new hotel rooms ), before we know what the current construction will demand?

7) Public Utilities:

Please note the argument against the proposal noted in #6 above.

8) Alternatives: When your home needs new plumbing and renovation, will you tear it down and build a McMansion with three stories? Would your neighbors object? What if you could get away with not telling them because they lived two houses away and the ordinance only required you to tell your immediate neighbors?

I propose a generous renovation of the property in character and of same footprint and size of the existing well occupied and well thought of relaxed lovely hotel.

9) I object to the process of the soliciting of public comment to planning. The EIR is only the first misstep about to take place. The proposal effects all of Corte Madera, but has not been presenters to those who live beyond 300 feet of the hotel. Were we in Tiburon, Ross, Kentfield .... the process going on here would not be tolerated.

By not ensuring that all of Corte Madera is aware of the proposal in time to comment upon the environmental impact as well as upon the entire proposed project, Corta Madera planners are not doing our town the service of communal planning for the communal benefit that we deserve.

Thank You for you attention,

Marc I Schwartz MD  
30 Fairview Avenue  
Corte Madera

**From:** [bsilvestri](#)  
**To:** [Tracy Hegarty](#)  
**Cc:** [Adam Wolff](#)  
**Subject:** Comment on the RFEIR for the proposed Corte Madera Inn Rebuild project - Planning Commission hearing: April 11, 2107  
**Date:** Sunday, April 9, 2017 10:31:02 PM  
**Attachments:** [040917 - CVP Letter to Corte Madera PC - Corte Madera Inn RFEIR.pdf](#)

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Dear Tracy:

Please see that the attached comment letter on the RFEIR for the proposed Corte Madera Inn Rebuild project is distributed to the Corte Madera Planning Commission in anticipation of their public hearing on Tuesday, April 11, 2017.

Thank you.

Best,  
Bob Silvestri  
President  
**Community Venture Partners**  
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# Community Venture Partners, Inc.

A Catalyst for Sustainable Solutions

April 9, 2017

Town of Corte Madera Planning Commission  
300 Tamalpais Drive  
Corte Madera, CA 94925-1418

Re: Recirculated Final Environmental Impact Report: Corte Madera Inn Rebuild Project

Dear Corte Madera Planning Commissioners:

You have before you a great deal of complex documentation, research, commentary and other information, regarding the proposed Corte Madera Rebuilt. However, the question you need to resolve is relatively simple:

Has the applicant provided sufficient *evidence* that their proposal's mitigation measures are legally adequate and that no other practicable, less environmentally destructive alternatives exist?

The simple answer to those questions is "no." That considered, why is the Town of Corte Madera continuing to process this proposal?

In our opinion, the Staff Reports for this project have failed to highlight the following critical information:

- (1) That the Town of Corte Madera is not obligated to process any proposal that requires a General Plan Amendment. If the Town feels a proposal does not adequately conform to the spirit or letter of its existing General Plan, it can deny hearing such a proposal without any findings of fact;
- (2) An applicant is not entitled to any expectation of such processing. A General Plan Amendment is a gift of value: no one has a right to it;
- (3) That the Planning Commission has been reviewing a proposal *that cannot be built* without the issuance of grading permits from two superior government agencies and only if without objection of a third: The Army Corps of Engineers and the SF Regional Water Quality Control Board ("RWQCB"), and the Region 9 office of the federal Environmental Protection Agency;
- (4) That to date, all of those agencies have rejected the Applicant's proposal for those permits; and

- (5) That the reason the Applicant's proposal has been rejected and those permits are not being processed is *because the Applicant has failed to provide evidence* that (a) the mitigation proposal (Burdell Ranch) is legally adequate (apples to apples mitigation), or (b) that there are no other less environmentally destructive practicable alternatives.

### **Details on status of the application with regional and federal agencies**

The Army Corps has placed the application on "inactive" status, since October of 2016, because the Applicant failed to provide a required analysis of alternatives, and because the Applicant failed to gain comments and approval from the National Marine Fisheries Service (NOAA) or federal departments involved with "sacred lands."<sup>1</sup>

The SF RWQCB has rejected the application as "incomplete," because they found that the Applicant's mitigation proposal (Burdell Ranch) is legally inadequate (not "apples to apples" mitigation as required under the 401 regulations), because the site is in fact, a "special aquatic site" and must be treated as such, and because the Applicant failed to provide an acceptable "alternatives analysis" (both on-site or off site), or evidence that no other less environmentally destructive practicable alternatives exist.

The Region 9 Office of the federal Environmental Protection Agency, which has the authority to over-ride any decision by either the Army Corps or RWQCB, has also rejected the Applicant's mitigation proposal (Burdell Ranch) as inadequate (not "apples to apples" mitigation).

### **This raises important questions**

The aforementioned considered, why is the Planning Staff continuing to bring this flawed proposal before you at this time?

Why is the Town of Corte Madera continuing to waste the public's time and money on a proposal that at present has no chance of ever being permitted to build?

And, why is the Planning Staff showing demonstrable favoritism toward this particular project and this particular developer applicant? It is highly unlikely Planning Staff would afford this level of accommodation and leniency to an average citizen coming before you for a room addition on their house.

This project, as proposed, has gone essentially unchanged since it was first submitted, years ago. The Applicant has steadfastly refused to consider any less impactful alternatives, made up fictitious reasons why alternatives will not be approvable by the Town, and provided fallacious "financial feasibility" studies, which have gone uncontested

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<sup>1</sup> Roberta Morgenstern, Army Corps, November 9, 2016

by the Town in spite of ample argument and evidence that the Applicant's studies are self-serving to the point of being nonsensical.

**These are the facts of the application process for this project:**

- 1) The Applicant came before the Town of Corte Madera with its proposal and chose and paid for "experts" to evaluate that project.
- 2) Those experts (Zentner) denied that the Corte Madera Inn pond was a wetlands, denied it was habitat for submerged aquatic vegetation, and denied it was classified as a "special aquatic site" (SAV).
- 3) The Town Staff disregarded all public comments to the contrary and accepted those findings without questions, even though the testimony of a second environmental consultant, Jim Martin, questioned those assumptions.
- 4) All of those initial findings by Zentner have been proven to be false.
- 5) In June of 2016, the Applicant submitted an application to the Army Corps of Engineers for a grading permit to fill the pond.
- 6) After holding public comment period, the Army Corps deemed the application incomplete as noted above.
- 7) The Applicant has never responded to the Army Corps, causing the Corps to declare their application as "inactive" in October 2016.
- 8) The Applicant then put the property up "for sale," with much fanfare in what appeared to be an attempt to intimidate the Town into capitulating to its demands for approval. The developer threatened that unless his proposal was approved, it would end up a "car dealership" (even though putting any kind of retail use on the site would contradict agreements the Town has with the Town Center developers, otherwise, and would never be approved).
- 9) Over the ensuing months no offers for car dealerships were received.
- 10) Since the property has been listed for sale, the developer refused to look at offers to purchase the site from other hotel developers (ostensibly to protect the profits of their other hotel holdings, even though those hotels are in completely different markets and would not compete with any hotel on the Corte Madera Inn site).
- 11) We are aware to two bona fide hotel developers who attempted to submit offers to purchase the site, but the listing broker refused to provide any listing information and refused to present any offer submitted, in violation of state real estate brokerage regulations.

- 12) Not allowing hotel developers to submit offers would enable the Applicant to be able to tell RWQCB, the Corps, and the Town that no hotel developers were interested in the property, and that no alternatives to their proposal to fill the pond, existed.
- 13) In late 2016, instead of submitting an alternatives analysis to the Corps, as requested, the developer submitted a “draft” alternatives analysis to RWQCB, without submitting an application for a grading permit from RWQCB
- 14) RWQCB was under no legal obligation to consider the alternatives analysis without an application for a permit. It appears that the developer was hoping that he could have a “private” discussion with RWQCB out of the public’s eye.
- 15) In the interest of full transparency, RWQCB issued a public notice of their receipt of the alternatives analysis and asked for public comment.
- 16) The developer was subsequently forced to file an application for a grading permit from RWQCB.
- 17) In their letter of February 3, 2107, RWQCB decisively ruled that the application was “incomplete” and rejected the application for the reasons enumerated above.
- 18) The developer then went back to the Town of CM and paid for yet another consultant, LSA, to conduct yet another analysis in an attempt to counter the obstacles encountered with regional and federal agencies.
- 19) The LSA opinion essentially amounts to them saying “we disagree.” Yet it cites no new evidence for that opinion. The Town’s reliance on this is tantamount to daring the public to sue them.
- 20) The developer is apparently doing this in the hope that obtaining a local EIR certification will give him bargaining power with RWQCB, the Army Corps, and the EPA.

The developer’s attempts to obtain approval have been less than transparent. However, it is the developer’s right to do everything they can to obtain approval, even if some feel their actions have been ethically questionable.

However, the more important question is why is the Town of Corte Madera been complicit throughout all of this? Why is the Town continuing to process this application when, as of this time, it has no chance of ever being built?

If you vote to recommend certification of the FREIR, you are directly contesting the opinions of three superior state and federal agencies positions.

On what grounds are you prepared to do that?

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Silvestri', with a stylized flourish at the end.

Bob Silvestri  
President

Cc: Adam Wolff  
Corte Madera Town Council

Adam Wolff, Planning Director  
Corte Madera Planning Commission  
300 Tamalpais Drive  
Corte Madera, CA. 94925

April 10, 2017

RE: Corte Madera Inn Rebuild  
Reneson Hotels

Dear Adam and Planning Commissioners,

I believe we must at least be straight forward in understanding what approval of the various applications by Reneson hotels represents. While there have been positive modifications in architectural style and room count, the building concept for Marriott's off-price brands remains the same as presented over two years ago. Much of the review effort to date has focused on the environmental value of the pond, largely a diversion from what I believe is the core question. Is the Town politically and economically motivated to approve a development plan that is uninspired and which violates the principles of the Town's recently adopted specific plan for this crucial entry area?

To summarize: the site plan places all the buildings in the center with parking on all sides, comprising a visual foreground of parked vehicles. This is the well-worn suburban formula for highway oriented motels. The result, besides the need to pave over the pond and remove a majority of trees, is that the property will have 25% more hard surfaces than what exists.

Are there other alternatives? It largely depends on whether the Town is willing to put pressure on Reneson (and Marriott) to offer a solution more beneficial to the community. Interestingly, an excellent example of how the Town's goals for this area can be met is the recently presented Scandinavian Designs, which provides a mix of uses and breaks up required parking, hiding much of it under an elevated showroom next to the highway. Reneson's plan by contrast offers a single commercial use (the restaurant and swim club having been eliminated) with continuous at-grade parking lots on all sides. As an aside, our office some time ago offered a concept that accommodated the required motel rooms constructed above and around a parking podium that shielded most of the cars from view (offering more security to guests).

This is the decision before the community. Speaking from years of experience with chain enterprises, if Marriott wants to be in this location strongly enough, probably the key unspoken point, they will reconsider their generic operating formula and design something of more lasting value for Corte Madera. One need only look at the unique building configurations offered by chains such as Target, McDonalds and even Marriott when the location was valued enough. It may very well be that this has been the reason Reneson has stone-walled any serious attempt to offer more to the community. If so, I think we need to at least be clear that this is the trade-off being made; to make sure a community-oriented owner is rewarded and that the Town doesn't get anything worse.

Respectfully submitted,

Michael Harlock A.I.A. A.I.C.P.