

FILED

JAN 10 2022

SUPERIOR COURT OF CALIFORNIA JAMES M. KIM, Court Executive Officer  
MARIN COUNTY SUPERIOR COURT  
COUNTY OF MARIN By: S. Hendrix, Deputy

FRIENDS OF MUIR WOODS PARK; )  
WATERSHED ALLIANCE OF MARIN, )

Petitioners/Plaintiffs, )

v. )

COUNTY OF MARIN; BOARD OF )  
SUPERVISORS OF THE COUNTY OF )  
MARIN; and DOES I through X, )

Respondents/Defendants, )

DANIEL WEISSMAN, an individual, and a )  
California Corporation; and DOES XI )  
through XX, )

Real Parties in Interest. )

Case No. CIV 2003248

ORDER AFTER HEARING

HON. ANDREW E.SWEET

Petitioners' Petition for Writ of Mandate is granted in part. The Court finds the Initial Study does not satisfy the informational requirements of CEQA Guidelines, Section 15063, with respect to three areas: (1) the description of the Project as it pertains to the location of surplus fill, to the extent left on-site; (2) the current condition of soil stability around the fire road; and (3) the location of drainages on the property in relation to stream or wetland conservation areas, any mechanisms to be employed to divert water from these areas as discussed by the consultant at the Board of Supervisors hearing, and associated environmental impacts, if any, from the drainages and diversion of water from those areas. The Petition is denied as to all other issues raised by Petitioners.

The Court issues a limited writ directing the County to set aside its resolutions adopting the mitigated negative declaration and approving the Project, and to take further action as necessary to comply with CEQA and the Guidelines, specifically Section 15063. The Court does not direct the

1 County to prepare an EIR as Petitioners have not identified substantial evidence supporting a fair  
2 argument that the Project may have a significant effect on the environment based on the  
3 Administrative Record lodged and certified in this matter on August 4, 2021. Instead, the County  
4 must satisfy the instructional requirements of CEQA Guidelines in section 15063, described above,  
5 including weather to issue a Mitigated Negative Declaration or order and Environmental Impact  
6 Report.

7 To provide guidance to the parties, the Court expects any further judicial review will be  
8 limited to the Administrative Record lodged and certified in this matter on August 4, 2021, plus the  
9 addition of any new information limited to the three areas that are the subject to this limited writ - (1)  
10 the description of the Project as it pertains to the location of surplus fill, to the extent left on-site; (2)  
11 the current condition of soil stability around the fire road; and (3) the location of drainages on the  
12 property in relation to stream or wetland conservation areas, any mechanisms to be employed to  
13 divert water from these areas as discussed by the consultant at the Board of Supervisors hearing, and  
14 associated environmental impacts, if any, from the drainages and diversion of water from those areas.

15 The Court expects that any further judicial review will not include additional information or  
16 evidence beyond that already in the Administrative Record lodged and certified in this matter on  
17 August 4, 2021, concerning environmental impacts that are not subject to the three issues identified in  
18 this limited writ.

19 The Court retains jurisdiction over these proceedings until it determines that the County has  
20 complied with CEQA.

### 21 **Factual Background**

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23 Real Party in Interest Daniel Weissman (“Weissman”) owns the property at 455 Panoramic  
24 Highway in Mill Valley, an 8.29 acre parcel with APN 046-161-11. (AR 54, 1561.) Weissman also  
25 owns an adjoining 1.86 parcel at 357 Panoramic Highway. (AR 1561.) Weissman’s personal  
26 residence is located on the larger parcel, and includes a 2,745 square foot single family residence, a  
27 1400 square foot four car garage, and a 480 square foot detached accessory building. A paved, gated  
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