

EL DORADO CO. SUPERIOR CT.

FILED FEB 14 2012

BY Shawc
Deputy

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF EL DORADO

FRIENDS OF HISTORIC HANGTOWN,
Petitioner,
vs.
CITY OF PLACERVILLE, et al.,
Respondent.

Case No.: PC20110145

ORDER GRANTING PETITION
FOR WRIT OF MANDATE

CITY OF PLACERVILLE, et al.,
Real Party in Interest.

This matter came on regularly for hearing on September 2,
2011 in Department 9 of this Court, located at 3321 Cameron Park
Drive, Cameron Park, California. RACHEL MANSFIELD-HOWLETT of
Provencher & Flatt, LLP appeared on behalf of Petitioner, FRIENDS OF
HISTORIC HANGTOWN, and SABRINA TELLER of Remy, Thomas, Moose &
Manley, LLP appeared on behalf of Respondents, CITY OF PLACERVILLE
et al., and Real Party in Interest, CITY OF PLACERVILLE, et al.

The Court having reviewed the briefs submitted by counsel and

1 heard the arguments of counsel at the hearing, ruled at the
2 conclusion of the Hearing that the CITY OF PLACERVILLE's approval of
3 the Clay Street/Cedar Ravine Realignment and Clay Street Bridge at
4 the Hangtown Creek Replacement project failed to comply with the
5 provisions of the California Environmental Quality Act in so far as
6 the City of Placerville had abused its discretion and failed to
7 proceed in the manner required by law when it approved the project
8 and adopted a mitigated negative declaration which did not consider
9 ~~fair arguments that the Court found could be made regarding certain~~
10 potential impacts of the proposed project. These potential impacts
11 include:

- 12 a. Traffic Impacts
- 13 b. Parking Impacts
- 14 c. Urban Decay Impacts
- 15 d. Biological Impacts
- 16 e. Cultural Resource Impacts
- 17 f. Toxic Impacts
- 18 g. Aesthetic Impacts
- 19 h. Growth Inducing Impacts; and,
- 20 i. Inconsistency with Area Plans and Policies

21 IT IS THEREFORE ORDERED THAT:

22 1. Judgment be entered in favor of Petitioner in this
23 proceeding.


24 2. A peremptory writ of mandate directed to Respondent be
25 issued under seal of this Court, ordered respondent to prepare an
26 Environmental Impact Report addressing the following areas:

- 27 a. Traffic Impacts
- 28 b. Parking Impacts

- 1 c. Urban Decay Impacts
- 2 d. Biological Impacts
- 3 e. Cultural Resource Impacts
- 4 f. Toxic Impacts
- 5 g. Aesthetic Impacts
- 6 h. Growth Inducing Impacts
- 7 i. Inconsistency with Area Plans and Policies.

8 Petitioner FRIENDS OF HISTORY HANGTOWN shall prepare a
9 ~~proposed form of Judgment and Writ consistent with this Order and~~
10 circulate same among all counsel for approval before submitting the
11 Judgment and Writ for the Court's review and signature.

12 DATED: February 14, 2012

13 
14
15 Hon. NELSON K. BROOKS

CERTIFICATE OF MAILING

1
2 I, Sherry Howe , Deputy Clerk of the Superior Court of the County of El Dorado, State of
3 California, do hereby certify that I am a citizen of the United States and employed in the County of El
4 Dorado; I am over the age of eighteen years and not a party to the within action; my business
5 address is Superior Court of the State of California, County of El Dorado,3321 Cameron Park Drive,
6 Cameron Park, California 95682; and that on February 14, 2012, I delivered a copy of the attached
7 ORDER GRANTING PETITION FOR WRIT OF MANDATE, by placing a copy in an envelope
8 addressed to each of the following:

9
10 Rachel Mansfield-Howlett, Esq., Provencher & Flatt, LLP, 823 Sonoma Avenue, Santa Rosa, CA
11 95404

12 Sabrina V. Teller, Esq./Jennifer Holman, Esq., Remy, Moose, Manley, LLP, 455 Capitol Mall, Ste.
13 210, Sacramento, CA 95814

14 John Driscoll, Esq. City of Placerville, 310 Center Street, Placerville, CA 95667

15 I am familiar with the business practice of El Dorado County Superior Court with regard to collection
16 and processing of documents for mailing. The documents described above were then sealed and
17 deposited in the United States mail (with postage fully prepaid) and/or in the El Dorado County inter-
18 departmental mail or courthouse attorney box at Cameron Park, California.

19
20 Executed on February 14, 2012, at Cameron Park, California

21
22 

23 Sherry Howe
24 Deputy Clerk