


# Challenge to Placerville courthouse project fails

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Many say the courthouse in downtown Placerville has outlived its usefulness. Photo/LTN file

## By Joann Eisenbrandt

It took a year for Placerville Historic Preservation League to be told it lost the challenge to stop the El Dorado County courthouse project in Placerville from proceeding.

San Francisco County Superior Court Judge Garrett L. Wong on July 1 denied the writ that was submitted by the group in July 2015 that challenged the Judicial Council's approval of the New Placerville Courthouse Project.

The project will relocate Superior Court functions on the West Slope into one new three-story, six-courtroom, 88,000-square-foot facility next to the existing county jail off Forni Road in Placerville. Currently, court services are split between downstairs in Building C at the county Government Center on Fair Lane and the historic courthouse on Main Street in downtown Placerville.

Since 2002, all California courts have been under the management of the state, overseen by the Judicial Council.

The Judicial Council chose not to comment.

This council is the lead agency on the Placerville courthouse project and is responsible under the California Environmental Quality Act (CEQA) for preparing an environmental impact report (EIR) outlining any potentially significant environmental impacts of the project and proposing mitigations for those impacts.

A list of "immediate and critical need" projects was created by the state once funding became available for renovations of existing court facilities or relocation and consolidation. This project is on that list.

It made that list, the EIR states, because Building C and the Main Street Courthouse fail to meet current standards for security and other court services. The Main Street Courthouse, built in 1913, has issues with its water system, asbestos, mold, limited handicapped access, an aging elevator, the lack of secure holding areas for in-custody defendants and no secure

parking for visiting judges. Consolidating services in a location next to the existing jail would allow for secure and more efficient transfer of those in custody for judicial proceedings and provide an overall cost reduction, the EIR explains.

The Placerville Historic Preservation League does not agree with the EIR's conclusions that consolidating court services in a new Forni Road facility is the best or even the most cost-effective alternative, but it focused its challenge to the EIR on one main point. "The EIR failed to adequately disclose, analyze and/or mitigate the project's economic impacts to the businesses in historic Placerville on Main Street," their request for a writ of mandate states. "That will lead to urban decay and blight."

The Main Street Courthouse, the Preservation League contends, is an essential component of the downtown Placerville economy and brings significant financial benefits to Main Street businesses from the steady stream of courthouse visitors and jurors, and from the courthouse staff and the staff of other court-related entities on Main Street such as the District Attorney's Office and private attorneys' offices. If court services leave Main Street, so will the money they bring to downtown, is their contention.

In his July 1 decision denying the writ, Judge Wong wrote, "Petitioner has not met its burden in this case. Substantial evidence supports the Judicial Council's conclusion that moving the courthouse operations from Main Street to their new location less than two miles away would not cause downtown Placerville to fall into urban decay."

Depending on how a writ challenges a public agency's CEQA document, the court uses different standards of review. In this case, since the Placerville Historic Preservation League challenged the Judicial Council's factual determinations, such as the methodology employed, the significance of the conclusions reached and the amount and type of analysis in their final EIR, the "substantial evidence" standard of review of the writ's allegations was applied.

Under this standard "the Judicial Council's determinations are given substantial deference and are presumed correct. Petitioner bears the burden of proving otherwise." The court assumes that the Judicial Council followed the law and did not "prejudicially abuse its discretion."

CEQA is focused on significant physical impacts to the environment, not economic ones. Economic or social changes are evaluated by CEQA only if they result in physical changes as well, such as the "urban blight" and physical deterioration of an area filled with unsightly, abandoned, boarded-up buildings left behind after a large number of business failures.

Wong determined that this would not happen to downtown Placerville, stating, "Even assuming downtown businesses rely on the courthouse for 5 to 20 percent, or up to 30 percent of their income, absent from the records is any evidence that such a loss in income would cause long-term vacancies leading to physical deterioration of the downtown and urban decay."

The Placerville City Council had several meetings on this issue and eventually wrote a letter to the Administrative Office of the Courts (AOC) supporting the Forni Road location. Wong's decision mentioned this letter from then-Placerville Mayor Patty Borelli, quoting from the

document that there was “overwhelming support for the current proposal to relocate the court operations and repurpose the historic courthouse in downtown.”

Wong also pointed to the creation of a Blue Ribbon Committee by the city of Placerville and El Dorado County to find ways to “repurpose” the courthouse for other uses. The Judicial Council put out a request for proposals for a consulting firm to work with the Blue Ribbon Committee to analyze what would be realistic new uses for the historic courthouse building. According to Placerville City Manager Cleve Morris, the Blue Ribbon Committee last met in November 2015 and no future meetings are scheduled.

Kirk Smith, spokesperson for the Placerville Historic Preservation League, told *Lake Tahoe News* he has “serious problems with the (court’s) decision.” Smith pointed to what he sees as deficiencies in the administrative record provided by the Judicial Council to the court which prevented the Preservation League from submitting additional evidence on the economic impacts of removing court services from the Main Street building. Smith also noted that the Blue Ribbon Committee has rarely met and expressed doubts that an economically-viable suitable re-use for the courthouse could easily be found. “No adequate replacement could ever be built in time to take up the loss created by closing it.”

Smith challenged the accuracy of the “overwhelming support” for the project in the letter from Borelli to the AOC, noting that more than 60 Main Street merchants submitted a petition to the Judicial Council expressing their desire to retain some court services on Main Street and outlining the negative impacts removing them would have on the continued viability of their businesses.

Of the denial of the writ, Smith said, “It will be appealed.”

According to Placerville Historic Preservation League Attorney Don Mooney, if an appeal were filed, it would be to the First Appellate District Court of Appeals in San Francisco. The last day to file an appeal is Aug. 30.