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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF SAN FRANCISCO
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17 **CITY OF SAN JOSE, a municipal**
18 **corporation,**

19 Petitioner,

20 v.

21 **STATE HISTORICAL RESOURCES**
22 **COMMISSION, a public body; et al.,**

23 Respondents,

24 **FRIENDS OF THE WILLOW GLEN**
25 **TRESTLE,**

26 Real Party in Interest.
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Case No. CPF-18-516021

[Proposed]

**JUDGMENT DENYING PETITION
FOR WRIT OF MANDATE**

FILED
Superior Court of California
County of San Francisco

JUN 12 2019

CLERK OF THE COURT
BY: Xavier Becerra
Deputy Clerk

1 The merits of the Petition for Writ of Mandate came on for hearing on March 7, 2019 in
2 Department 302, the Honorable Ethan P. Schulman presiding. Deputy Attorney General Shari
3 B. Posner appeared for Respondents, attorney Susan Brandt-Hawley appeared for Real Party
4 in Interest, and Senior Deputy City Attorney Margo Laskowska appeared for Petitioner.

5 1. Following supplemental briefing, on April 2, 2019 this Court issued its Order for
6 Interlocutory Remand, herein incorporated by reference. The Order remanded the matter to
7 Respondent State Historical Resources Commission (the Commission) to clarify its findings
8 supporting the listing of the Willow Glen Trestle in the California Register of Historical
9 Resources over the objections of the City of San José, as required by Public Resources Code
10 § 5024.1(f)(3). The California Supreme Court ruled in *Voices of the Wetlands v. State Water*
11 *Resources Control Board* (2011) 52 Cal.4th 499, 529-530, that Code Civil Procedure § 1094.5
12 allows postponement of judgment pending an interlocutory remand for agency reconsideration of
13 one or more specific findings. *The Highway 68 Coalition v. County of Monterey* (2017) 14
14 Cal.App.5th 883, 884, thus subsequently allowed interlocutory remand before judgment to clarify
15 findings, stating it was “eminently practical and well within the court’s inherent power in a
16 mandamus action to remand to the agency for further proceedings prior to the entry of a final
17 judgment.”

18 2. Pursuant to the Order for Interlocutory Remand, the Commission adopted revised
19 findings on May 8, 2019, at its regularly-scheduled and duly-noticed quarterly public meeting,
20 explaining its decision to list the Willow Glen Trestle in the California Register over the
21 objections of the City of San José.

22 3. The Commission timely lodged its revised findings with the Court on May 21, 2019.
23 The Court having reviewed the revised findings, and

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GOOD CAUSE APPEARING,
The Petition for Writ of Mandate is **DENIED.**
IT IS SO ORDERED

Date: *June 12, 2019*


THE HONORABLE ETHAN P. SCHULMAN
JUDGE OF THE SUPERIOR COURT

OK2018300341