

1 AMY J. BRICKER (State Bar No. 227073)
KEVIN P. BUNDY (State Bar No. 231686)
2 SUSANNAH T. FRENCH (State Bar No. 168317)
ORRAN G. BALAGOPALAN (State Bar No. 341508)
3 SHUTE, MIHALY & WEINBERGER LLP
396 Hayes Street
4 San Francisco, California 94102
Telephone: (415) 552-7272
5 Facsimile: (415) 552-5816
bricker@smwlaw.com
6 bundy@smwlaw.com
french@smwlaw.com
7 obalagopalan@smwlaw.com

8 Attorneys for LEAGUE TO SAVE LAKE
TAHOE and SIERRA WATCH
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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF PLACER**

12 LEAGUE TO SAVE LAKE TAHOE and
SIERRA WATCH,
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14 Petitioners,
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16 v.
17 PLACER COUNTY; PLACER COUNTY
BOARD OF SUPERVISORS; and DOES
1-20,
18 Respondents.
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Case No.
**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
INJUNCTIVE RELIEF**
[Code Civ. Proc. § 1094.5 (alternatively,
§ 1085); California Environmental
Quality Act, Pub. Resources Code, §§
21000 et seq.]

1 **INTRODUCTION**

2 1. This action challenges the decision of Placer County and the Placer County
3 Board of Supervisors (collectively “the County” or “Respondents”) to adopt the Village at
4 Palisades Tahoe Specific Plan (“Specific Plan”) and associated resolutions and ordinances
5 (collectively, “the Project”) and to certify the environmental impact report (“EIR”), which
6 consists of the Draft and Final Environmental Impact Report prepared in 2016 (“2016
7 EIR”) as well as the more recently prepared Draft and Final Partially Revised EIR
8 (“Revised EIR”), for the Project. The Village at Palisades Tahoe is located in the North
9 Lake Tahoe region of California’s Sierra Nevada. The Project site is in a narrow alpine
10 valley at the base of the Palisades Tahoe (formerly Squaw Valley) ski resort, adjacent to
11 the Tahoe National Forest and close to one of California’s most treasured resources, the
12 Lake Tahoe Basin. The proposed Project would remake the region with massive new
13 development, including 850 new hotel, time share, and residential units in a series of tall
14 high-rises, as well as nearly 300,000 square feet of commercial uses, including a 90,000
15 square foot indoor entertainment and recreation center. Twenty-one timeshare units would
16 be built at the mouth of Shirley Canyon, a stunning and popular hiking destination. The
17 Project would result in severe, irreversible impacts on the Project site and surrounding
18 North Tahoe region, including gridlock conditions on State Route 89 and into the Tahoe
19 Basin, destruction of natural resources, urbanization of a rural mountain valley, and
20 degradation of Lake Tahoe and its famed clarity.

21 2. In 2016, the County approved an almost identical project based on the 2016
22 EIR. Petitioner Sierra Watch successfully challenged the County’s approval. In 2021, the
23 Third District Court of Appeal issued an Opinion holding that the 2016 EIR violated the
24 California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 *et*
25 *seq.*, and directing the Superior Court to issue a writ of mandate forbidding the County
26 from re-approving the Project until it prepared an adequate environmental analysis. *See*
27 *Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 86. (“Appellate Opinion”).
28 Because that writ is still outstanding, this Petition refers to the initial case as the “Ongoing

1 Action.” In a separate opinion, the Court of Appeal held that the County also violated the
2 Brown Act in its 2016 approval of the project. *See Sierra Watch v. Placer County* (2021)
3 69 Cal.App.5th 1.

4 3. On November 19, 2024, the County certified the EIR for the Project that
5 purports to remedy the deficiencies identified by the Appellate Opinion. However, the
6 County failed entirely to comply with the dictates of the Appellate Opinion, CEQA, and
7 the CEQA Guidelines, California Code of Regulations, title 14, section 15000 *et seq.*
8 Among other flaws, the County failed to adequately assess the Project’s impacts on the
9 clarity of Lake Tahoe. The Revised EIR contravenes clear direction in the Appellate
10 Opinion by failing to adequately assess the Project’s compliance with applicable standards
11 and relying on misleading, incomplete data to conclude the Project would not significantly
12 adversely impact regional air quality or Lake Tahoe’s water quality and clarity. The
13 County downplays these adverse impacts, but it also admits the Project applicant has
14 agreed to pay a \$2 million “voluntary mitigation” fee to offset them—effectively
15 conceding the Project’s air and water quality impacts would be significant. The County
16 also failed to adequately analyze the Project’s threat to public safety, proposing major
17 development at the end of a long dead-end road in an area designated as a Very High Fire
18 Hazard Severity Zone. Despite concluding that the Project would increase the time it takes
19 all vehicles to evacuate Olympic Valley (just to State Route 89) to *11.1 hours*, the Revised
20 EIR asserts *no safety risks exist* because emergency personnel would be on hand to
21 implement an evacuation, repeating the same error the Appellate Opinion identified in the
22 2016 EIR. The Revised EIR’s analyses of the Project’s significant transit and noise
23 impacts and mitigation are similarly deficient.

24 4. Additionally, the Revised EIR violates CEQA in limiting its analysis
25 exclusively to the inadequacies identified in the Appellate Opinion. Since the certification
26 of the 2016 EIR eight years ago, the Project setting has undergone significant changes and
27 significant new information has come to light that requires the County to reevaluate the
28 Project’s impacts. These changes include, but are not limited to, a drastic increase in the

1 Lake Tahoe and the Lake Tahoe Basin. The interests that the League seeks to further in
2 this action are within the purposes and goals of the organization. The League and its
3 supporters have a direct and beneficial interest in the County's compliance with CEQA
4 and the CEQA Guidelines. These interests will be directly and adversely affected by the
5 Project, approval of which violates provisions of law as set forth in this Petition and which
6 would cause substantial and irreversible harm to the natural environment. The maintenance
7 and prosecution of this action will confer a substantial benefit on the public by protecting
8 the public from the environmental and other harms alleged herein. The League submitted
9 comments to the County objecting to and commenting on the Project and the EIR.

10 9. Petitioner Sierra Watch is a community-based organization working to
11 secure conservation outcomes to protect the natural resources, mountain communities, and
12 timeless values of the Tahoe Sierra, including Olympic Valley, and is organized as a
13 California nonprofit public benefit corporation. Sierra Watch was formed to assist Sierra-
14 based groups and individuals with education and information so that they can participate
15 effectively in local planning processes. Supporters of Sierra Watch use and enjoy the
16 natural and scenic resources of Olympic Valley, where the Project would be developed,
17 and use and enjoy the recreation opportunities offered in Olympic Valley. Supporters of
18 Sierra Watch include residents and taxpayers of Placer County who would be negatively
19 affected by the Project's adverse environmental impacts and improper land use approvals.
20 The interests that Sierra Watch seeks to further in this action are within the purposes and
21 goals of the organization. Sierra Watch and its supporters have a direct and beneficial
22 interest in the County's compliance with CEQA and the CEQA Guidelines. These interests
23 would be directly and adversely affected by the Project, approval of which violates
24 provisions of law as set forth in this Petition and which would cause substantial and
25 irreversible harm to the natural environment. The maintenance and prosecution of this
26 action will confer a substantial benefit on the public by protecting the public from the
27 environmental and other harms alleged herein. Sierra Watch's successful challenge to
28 Placer County's 2016 approval of this Project led to the preparation of the Revised EIR at

1 issue here. Sierra Watch submitted comments to the County objecting to and commenting
2 on the Project and the EIR.

3 10. Respondent Placer County, a political subdivision of the State of California,
4 is responsible for regulating and controlling land use in the unincorporated territory of the
5 County, including, but not limited to, implementing and complying with the provisions of
6 CEQA. Respondent Placer County is the “lead agency” for purposes of Public Resources
7 Code section 21067, with principal responsibility for conducting environmental review and
8 approving the Project.

9 11. Respondent Board of Supervisors is the duly elected legislative body for
10 Placer County. As the decision-making body, the Board of Supervisors is charged with the
11 responsibilities under CEQA for conducting a proper review of the proposed action’s
12 environmental impacts and granting the various approvals necessary for the Project.

13 12. Petitioners do not know the true names and capacities, whether individual,
14 corporate, associate, or otherwise, of Respondents Doe 1 through Doe 20, inclusive, and
15 therefore sue said Respondents under fictional names. Petitioners allege, upon information
16 and belief, that each fictionally named Respondent is responsible in some manner for
17 committing the acts upon which this action is based. Petitioners will amend this Petition to
18 show their true names and capacities if and when the same have been ascertained.

19 13. Real Party in Interest Alterra MTN CO Real Estate Development Inc.
20 (“Alterra”) is listed as “Project Applicant/Owner” on the Notice of Determination for the
21 EIR for the Project filed and posted by the County Clerk of Placer County on or around
22 November 21, 2024. Petitioners are informed, and on that basis allege, that Alterra is a
23 company incorporated in the State of Delaware and doing business in the State of
24 California.

25 14. Real Party in Interest Palisades Tahoe Real Estate, LLC (“Palisades Tahoe
26 LLC”; collectively with Alterra, “Real Parties”) is listed as “Project Applicant/Owner” on
27 the Notice of Determination for the EIR for the Project filed and posted by the County
28 Clerk of Placer County on or around November 21, 2024. Petitioners are informed, and on

1 that basis allege, that Palisades Tahoe LLC is a company incorporated in the State of
2 Delaware and doing business in the State of California.

3 15. Petitioners do not know the true names and capacities, whether individual,
4 corporate, associate, or otherwise, of Real Parties in Interest Doe 21 through Doe 40,
5 inclusive, and therefore sue said Real Parties in Interest under fictional names. Petitioners
6 allege, upon information and belief, that each fictionally named Real Party in Interest is
7 responsible in some manner for committing the acts upon which this action is based or has
8 material interests affected by the Project or by the County's actions with respect to the
9 Project. Petitioners will amend this Petition to show their true names and capacities if and
10 when the same have been ascertained.

11 JURISDICTION

12 16. Pursuant to California Code of Civil Procedure sections 526, 527, 1085
13 (alternatively section 1094.5), and 1087; and Public Resources Code sections 21168.5
14 (alternatively section 21168) and 21168.9, this Court has jurisdiction to issue a writ of
15 mandate to set aside Respondents' decision to certify the EIR and approve the Project.

16 17. Venue is proper in this Court because the causes of action alleged in this
17 Petition arose in Placer County where the proposed Project takes place.

18 18. Petitioners have complied with the requirements of Public Resources Code
19 section 21167.5 by serving a written notice of Petitioners' intention to commence this
20 action on the County on December 3, 2024. A copy of the written notice and proof of
21 service is attached hereto as Exhibit A.

22 19. Petitioners will comply with the requirements of Public Resources Code
23 section 21167.6 by concurrently filing a notice of their election to prepare the record of
24 administrative proceedings relating to this action.

25 20. Petitioners have complied with the requirements of Public Resources Code
26 section 21167.7 by sending a copy of this Petition to the California Attorney General on
27 December 4, 2024. A copy of the letter transmitting this Petition is attached hereto as
28 Exhibit B.

1 Parcel”). The Project site is subject to the Olympic Valley General Plan and Land Use
2 Ordinance (“OVGP”), a component of the Placer County General Plan.

3 25. Zoning on the Village Parcel, established in 1983, consists of Village
4 Commercial, Heavy Commercial, High Density Residential, Forest Recreation, and
5 Conservation Preserve designations. The East Parcel contains Entrance Commercial, High
6 Density Residential, and Conservation Preserve zoning. Land uses on the Village Parcel
7 are currently characterized by large surface parking lots; buildings, including historic
8 structures from the 1960 Olympics, containing commercial, meeting, and event space; and
9 undisturbed forest lands at the western edge where Olympic Valley meets Shirley Canyon.
10 The East Parcel is roughly split between an unpaved gravel parking area and undisturbed
11 forest and riparian land adjoining Washeshu Creek.

12 26. The 2024 Project proposes the same general land uses on the same footprint
13 as the County approved in 2016 and would allow the same unprecedented and
14 transformational level of development in Tahoe’s Olympic Valley. The Project proposes
15 approximately 51 acres of development on a 93.3-acre site. It would rezone the area for
16 Village Core, Village Neighborhood, Heavy Commercial, and Entrance Commercial to
17 allow far more intensive retail, residential, and resort industrial uses. The proposed
18 development would include buildings ranging in height from 35 to 96 feet, roughly nine
19 acres of 20-foot tall parking structures, and an equipment yard and timeshare units near
20 Washeshu Creek and the mouth of Shirley Canyon, a popular hiking spot. Existing
21 roadways cover another eight acres of the Project area. Nearly all of the remaining acreage,
22 roughly 33 acres, is either within Washeshu Creek and associated riparian areas, wetlands,
23 too steep to build on, within an avalanche hazard zone, or some combination thereof. This
24 essentially unbuildable acreage would be zoned for Forest Recreation and Conservation
25 Preserve.

26 27. On the Village Parcel, the Project calls for 1,493 new bedrooms concentrated
27 in the proposed condo hotel high-rises and approximately 298,000 square feet of new
28 commercial space. Also planned for the Village Parcel is a 96-foot tall, 90,000 square foot

1 indoor entertainment and recreational facility dubbed the “Mountain Adventure Camp.”
2 Planned uses for the commercial facility include: a movie theater, arcades, swimming
3 pools, 30 bowling lanes, miniature golf, trampoline/jump centers, rock/boulder climbing,
4 ropes course, zip line, and more. In response to public outcry, the Project applicant decided
5 not to include various water park features, such as water slides and indoor water skiing, in
6 the Mountain Adventure Camp, but did not reduce the size, height, or impacts of the
7 proposed building. The Project also includes a 30,000 gallon propane “tank farm,” which
8 would serve as the resort’s gas supply. Approximately 92,000 square feet of commercial
9 space, largely contained within the historic Olympic buildings, would be demolished. The
10 Applicant seeks rights on the East Parcel for up to 300 bedrooms of dormitory style
11 employee housing, another parking structure, and 20,000 feet of commercial space
12 containing a market and a shipping and receiving center.

13 28. In 2010 and 2011, KSL Capital Partners, LLC purchased controlling interests
14 in the Squaw Valley (now Palisades) and Alpine Meadows ski resorts. Palisades Tahoe
15 LLC and Alterra, which is primarily owned by KSL, are collectively the Project applicant
16 and the Real Parties in this matter.

17 29. In 2012, the Applicant submitted the first in a series of draft specific plans
18 seeking entitlements that would dramatically intensify resort development in the North
19 Tahoe region. Over the following years, the project plan underwent revisions, culminating
20 in the Village at Squaw Valley (now Palisades) Specific Plan submitted in 2014, which is
21 nearly identical to the plan at issue in this action.

22 30. On November 15, 2016, the Board of Supervisors adopted the Village at
23 Squaw Valley (now Palisades) Specific Plan (“2016 Project”) and associated ordinances,
24 resolutions, and entitlements, and certified the 2016 EIR.

25 **Sierra Watch’s Successful Challenge to the 2016 EIR and Project Approvals**

26 31. On December 15, 2016, Sierra Watch filed in the Superior Court of Placer
27 County a Verified Petition for Writ of Mandate and Complaint for Injunctive Relief
28 (“Petition”) against Placer County and the Placer County Board of Supervisors

1 (collectively, “the County”), naming Squaw Valley Real Estate, LLC as a Real Party in
2 Interest (Case No. SCV0038777). The Petition alleged the County violated CEQA in its
3 November 15, 2016 approvals for the 2016 Project. This Ongoing Action is currently
4 pending in Placer County Superior Court.

5 32. In a separate lawsuit filed on January 13, 2017 (amended June 20, 2017),
6 Sierra Watch challenged the County’s approvals for the 2016 Project based on two
7 violations of the State’s open meeting law, the Ralph M. Brown Act.

8 33. On May 24, 2018, the Superior Court conducted a writ hearing in the CEQA
9 case. On or about August 13, 2018, the Superior Court issued its ruling in the CEQA
10 matter, denying Sierra Watch’s Petition. On or about June 6, 2018, the Superior Court
11 entered a Statement of Decision denying Sierra Watch’s Brown Act Claims, and on July 6,
12 2018, it entered a judgment against Sierra Watch in that matter. On or about September 12,
13 2018, the Superior Court issued a judgment stating Sierra Watch’s CEQA Petition was
14 denied in its entirety.

15 34. On or about August 31, 2018, Sierra Watch filed a notice of appeal of the
16 Superior Court’s judgment in the Brown Act matter. And on or around October 11, 2018,
17 Sierra Watch filed a notice of appeal from the Superior Court’s judgment in the CEQA
18 case.

19 35. On or about August 24, 2021, the Court of Appeal unanimously reversed the
20 trial court’s judgment in the Brown Act case, finding the County twice violated the open
21 meeting law. First, the court found that the County’s agenda for the approvals was
22 misleading because it did not reveal that the Board of Supervisors would be considering
23 approval of a development agreement that included a last-minute agreement with the
24 Attorney General. The agreement was a compromise whereby the developer would pay a
25 fee to purportedly mitigate the project’s impacts on Lake Tahoe and the Attorney General
26 would not sue the County for failing to adequately disclose the Project’s impacts on Lake
27 Tahoe, even though the Attorney General believed such CEQA violation occurred. Second,
28 the court held that the County violated the Act by failing to make the settlement agreement

1 and County counsel’s analysis of it available to the public at the same time it was provided
2 to the Board of Supervisors.

3 36. Also on or about August 24, 2021, the Court of Appeal issued a unanimous
4 51-page decision, reversing in part the Superior Court’s judgment in the CEQA matter. A
5 brief summary of the appellate court’s ruling for Sierra Watch is as follows:

6 a. The 2016 EIR’s description of the environmental setting was deficient
7 because it “never discussed the importance of Lake Tahoe,” a unique and sensitive
8 regional resource meriting special attention under CEQA, or “its current condition.” *Sierra*
9 *Watch*, 69 Cal.App.5th at 97.

10 b. The 2016 EIR failed to meaningfully assess the project’s potentially
11 significant impacts on Lake Tahoe and the Tahoe Basin’s air quality because:

12 i. The 2016 EIR failed to determine whether the project’s
13 impacts on Lake Tahoe and the Basin were potentially significant, and instead simply
14 declared that the Tahoe Regional Planning Agency’s standards did not apply to the project.

15 ii. The 2016 EIR underestimated expected cumulative impacts on
16 Lake Tahoe’s water quality and clarity and on air quality in the Tahoe Basin.

17 iii. The County’s post-EIR discussion of cumulative vehicle miles
18 travelled (“VMT”) and the admitted link between VMT and water and air quality could not
19 legally cure the deficient analysis in the draft and final 2016 EIR.

20 c. The 2016 EIR failed to adequately analyze the project’s impacts on
21 wildfire evacuation because the 2016 EIR underestimated the amount of time it would take
22 to evacuate the Project and such error was prejudicial.

23 d. The 2016 EIR’s analysis of construction noise was inadequate
24 because it was limited to sensitive receptors lying within 50 feet of expected construction
25 activity, which the court of appeal characterized as “arbitrary line drawing.” *Sierra Watch*,
26 69 Cal.App.5th at 107.

27 e. The 2016 EIR’s construction noise mitigation was insufficient
28 because it relied on a vague mitigation measure simply requiring quiet procedures to be

1 used “where feasible,” thus improperly deferring the determination of which construction
2 procedures can feasibly be changed and how these procedures can be modified to be
3 quieter.

4 f. The 2016 EIR’s transit impact mitigation was deficient because it
5 relied on the payment of “fair share funding” which would be calculated on an engineer’s
6 report to be prepared in the future.

7 37. The Court of Appeal instructed the trial court to enter, consistent with its
8 opinion, “a new judgment granting the petition for writ of mandate and specifying those
9 actions the County must take to comply with CEQA.” *Sierra Watch*, 69 Cal.App.5th at
10 111.

11 38. The appellate court’s opinion became final on or about November 23, 2021,
12 and the remittitur issued on or about November 23, 2021.

13 39. On or around July 28, 2022, the Superior Court entered a Judgment
14 Following Appeal decreeing that the County committed a prejudicial abuse of discretion
15 by failing to comply with CEQA when it approved the Project and certified the 2016 EIR.
16 The Court also ordered the issuance of a peremptory writ of mandate directing the County
17 to set aside its approvals for the 2016 Project and certification of the 2016 EIR, and
18 directing the County, the project proponent, and their respective agents to suspend all
19 project activities that could result in any change or alteration to the physical environment.
20 The Judgment provided that the “County shall not readopt the [2016] Project Approvals or
21 certify a revised EIR unless and until the County complies with CEQA by correcting the
22 deficiencies in the EIR found by the Court of Appeal” and directed the County to file
23 supplemental returns to the writ “if there are any modifications or readoptions of the
24 Project Approvals or as otherwise directed by this Court until it has fully complied with”
25 the writ. This Court retained jurisdiction over the County’s proceedings until it determined
26 that the County has complied with the Judgment.

27 40. On or around August 9, 2022, the Peremptory Writ of Mandate issued.

28 41. On or around November 8, 2022, the County decertified the 2016 EIR and

1 rescinded all of its November 15, 2016 approvals for the project including, *inter alia*, the
2 specific plan and development agreement.

3 **The County's Revision and Recirculation of the 2016 EIR.**

4 42. Following the Court of Appeal's issuance of its 2021 decision and the trial
5 court's issuance of the writ of mandate in the Ongoing Action, the applicant asked for a
6 new set of entitlements from the County for the same plan they had submitted in 2014. The
7 County decided to reconsider approval of the Project based on revised environmental
8 analysis. On or around November 30, 2022, the County released a Partially Revised Draft
9 Environmental Impact Report ("RDEIR") for the Project. The RDEIR states that no
10 changes to the project description have occurred since the project was approved in
11 November 2016 other than the change of the project name to the Village at Palisades
12 Tahoe Specific Plan. The RDEIR does not include a full project description and refers
13 readers to the project description in the 2016 EIR.

14 43. The County did not revise and circulate the entire 2016 EIR. Rather, the
15 RDEIR only purports to address a limited set of issues that it claims were found deficient
16 in the Appellate Opinion, in the following areas: transportation and circulation, air quality,
17 noise, hydrology and water quality, and hazardous materials and hazards (wildfire). The
18 County asserted that this very circumscribed analysis was justified by *res judicata* and
19 other legal principles.

20 44. Agencies, organizations, and individuals submitted *over 2,700 comment*
21 *letters* on the RDEIR. Over 99 percent of the comments expressed concerns about the
22 Project's impacts and opposition to the Project. The League and Sierra Watch were among
23 those submitting extensive comments criticizing the RDEIR's environmental analysis and
24 the County's failure to comply with CEQA and the Appellate Opinion. Sierra Watch also
25 submitted expert reports supporting its comments. Those reports were prepared by: Neal
26 Liddicoat, Griffin Cove Transportation Consulting; Greg Kamman, Hydrogeologist with
27 CBEC Eco Engineering; Dr. Joseph Zicherman, Berkeley Engineering and Research;
28 Patrick Sutton, Principal Environmental Engineer with Baseline Environmental

1 Consulting; Jeremy Decker, Professional Engineer with Charles M. Salter Associates.
2 45. Sierra Watch and the League documented that the Project setting has
3 undergone significant changes since the County certified the 2016 EIR and that new
4 information shows that the Project has potentially significant impacts that were not
5 previously analyzed. They also explained that *res judicata* prevents the re-litigation only of
6 matters arising from the same material facts and thus does not permit the County to ignore
7 new information or limit its RDEIR only to issues identified in the Appellate Opinion.
8 Changes to the Project setting and new information include, *inter alia*: (a) a substantial
9 population increase in the Sierra region driven by the COVID-19 pandemic and shifts in
10 employment practices and demographics; (b) significant changes in the understanding of
11 how climate change will impact the region; (c) a prolonged drought that began in 2016; (d)
12 a drastic intensification in the manner in which fires burn, with fires now travelling over
13 the crest of the Sierra to threaten residential communities, as well as heightened fire risk
14 designations for areas on and surrounding the Project site; and (e) the installation of a
15 base-to-base gondola that connects two major ski mountains (Alpine Meadows and
16 Palisades Tahoe/Olympic Valley), resulting in the creation of the third-largest ski resort in
17 the United States.

18 46. Sierra Watch and the League also explained that the RDEIR fails to comply
19 with CEQA and the Appellate Opinion with regard to the impacts that it purports to
20 address. For example, the RDEIR fails to provide adequate environmental and regulatory
21 setting information for Lake Tahoe. It also fails to sufficiently analyze and mitigate the
22 Project's individual and cumulative impacts on Lake Tahoe's water quality and clarity.
23 Among other flaws, the RDEIR: (a) improperly limits its analysis of the Project's impacts
24 on Lake Tahoe to in-basin VMT; (b) provides misleading, inaccurate, and incomplete
25 information about the role that mobile sources play in impacting Lake Tahoe's water
26 quality and clarity; (c) improperly alters VMT data to exclude peak period data and
27 exclude data from recent years; (d) improperly dismisses emerging science showing that
28 wildfires, climate change, and microplastics present significant threats to Lake Tahoe

1 water quality and clarity; (e) does not adequately assess the Project's consistency with the
2 2020 Regional Transportation Plan & Sustainable Communities Strategy with respect to
3 atmospheric nitrogen deposition in the Lake; (f) fails to substantiate its conclusions that
4 there is a limited correlation between VMT in the Tahoe Basin and adverse effects on lake
5 water quality and clarity and that the Project would result in less than significant impacts
6 on Lake Tahoe water quality and clarity; and (g) fails to adequately analyze the Project's
7 cumulative impacts in combination with other area projects.

8 47. Additionally, Sierra Watch and the League objected to the RDEIR's analysis
9 and mitigation of the Project's air quality impacts on the Tahoe Basin. Among other flaws,
10 the RDEIR: (a) dismisses, without justification, the controlling standard of significance
11 adopted by the Tahoe Regional Planning Agency; (b) improperly limits the analysis of air
12 quality impacts to only those resulting from in-basin VMT; (c) improperly relies on annual
13 average daily VMT, instead of peak daily VMT, to estimate criteria pollutant emissions
14 from Project-related VMT; (d) fails to properly evaluate feasible mitigation for the
15 Project's air quality impacts; and (e) fails to adequately analyze the Project's cumulative
16 air quality impacts on the Tahoe Basin.

17 48. Sierra Watch and the League also criticized the RDEIR for failing to identify
18 enhanced mitigation for the Project's significant construction noise impacts, despite
19 disclosing far more severe impacts than those disclosed in the 2016 EIR. Sierra Watch
20 submitted an expert report that delineated sixteen additional feasible mitigation measures
21 that could reduce the Project's construction noise impacts. Sierra Watch and the League
22 also took issue with the RDEIR for failing to analyze how the far more severe construction
23 noise impacts disclosed in the RDEIR will impact wildlife, including sensitive species
24 within riparian and forest areas.

25 49. Sierra Watch and the League further explained that the RDEIR's analysis of,
26 and mitigation for, the Project's transit impacts was deficient. Among other flaws, the
27 RDEIR: (a) underestimates the Project's impact on transit service because it omits the
28 increase in transit demand from the Project's visitors and guests, concluding the Project

1 would generate a mere 30 transit riders; (b) fails to identify transit demand during the peak
2 summer months and mitigate any significant impacts on transit during summer; and (c)
3 does not support its conclusion that the mitigation measure requiring the establishment of a
4 public entity to fund transit capacity expansion—which is not guaranteed to be completed
5 before Project operation—will reduce transit impacts to a less than significant level.

6 50. Sierra Watch and the League also criticized the RDEIR’s analysis of, and
7 mitigation for, the Project’s wildfire and emergency evacuation impacts. Despite
8 concluding that the Project would make an already dangerous situation worse by
9 increasing the time it projects it would take all vehicles to evacuate the Olympic Valley
10 from 10.7 (in the 2016 EIR) to 11.1 hours, the RDEIR asserts no safety risks exist because
11 emergency personnel will be on hand to implement an evacuation—the exact reasoning the
12 Court of Appeal rejected. *Sierra Watch*, 69 Cal.App.5th at 104. Additionally, the RDEIR:
13 (a) fails to provide an accurate description of the area wildfire setting, relying on a plan
14 from 2016 and ignoring recent plans and guidance that reflect the current severity of
15 wildfire conditions in the region; (b) contains no thresholds of significance regarding what
16 constitutes an acceptable evacuation time; (c) substantially underestimates the amount of
17 time needed to evacuate the Project vicinity by relying on inaccurate capacity assumptions
18 for State Route 89; (d) fails to include a distance component in its calculation of
19 evacuation times; (e) excludes crucial evacuation tasks, including public notification and
20 mobilization, from its determination of evacuation times; (f) relies on “shelter-in-place”
21 locations in the event evacuating the Valley via Olympic Valley Road or SR 89 is
22 impossible, but fails to explain how “shelter-in-place” would be implemented or support
23 the RDEIR’s claim it would be effective; (g) fails to analyze impacts on emergency
24 evacuation during Project construction, even though the 2016 EIR acknowledged that the
25 majority of the Project’s construction activities would occur during peak fire season; (h)
26 relies on a mitigation measure requiring the preparation of a Construction Traffic
27 Management Plan, but never provides the Plan or explains how it would facilitate
28 emergency evacuation during construction.

1 51. Sierra Watch and the League also explained that significant new information
2 has come to light since the certification of the 2016 EIR that requires revision and
3 recirculation of its analysis pursuant to CEQA Guidelines §§ 15088.5, 15162. This new
4 information includes, without limitation: (a) a 2019 amendment to the CEQA Guidelines
5 altering how transportation impacts must be measured; (b) new transportation planning
6 documents adopted by the County and Tahoe Regional Planning Agency; (c) information
7 documenting changes related to climate change that impact the availability of groundwater
8 for the Project and render the 2015 water supply assessment relied on in the 2016 EIR
9 deficient; (d) information regarding climate change and drought in the region that would
10 result in the Project having new or increased significant effects on biological resources in
11 the area; (e) new information/scientific reports, a new Scoping Plan, and other significant
12 climate change regulation indicating that global temperatures are reaching a dangerous
13 tipping point much faster than initially anticipated and directing agencies to take action to
14 address this fact; (f) dramatic changes to wildfire conditions in Olympic Valley, as
15 documented in a 2022 plan showing the Valley has a very high exposure to catastrophic
16 wildfire losses, which include fires burning across the crest of the Sierra for the first time
17 in recorded history; (g) updated CEQA requirements requiring agencies to address the
18 effects of new projects creating or exacerbating wildfire risks; (h) a significant increase in
19 population in the region, driven by the COVID-19 pandemic, which has exacerbated
20 workforce housing shortages and various environmental impacts.

21 52. Multiple public agencies also submitted comments on the RDEIR. The
22 California Highway Patrol recommended the County adopt further traffic mitigation
23 measures to ensure increased traffic does not impact emergency services, which are
24 already stretched thin. The California Department of Transportation requested that a VMT-
25 Focused Transportation Impact Study be conducted for the Project, and took issue with the
26 RDEIR's failure to provide trip generation information for the land uses that are proposed
27 with the Project. The California Attorney General advocated for the RDEIR to comport
28 with Best Practices on analyzing wildfire impacts, including consulting with local fire

1 officials to ensure that assumptions and conclusions regarding evacuation risk are
2 substantiated with sound facts, emphasizing that emergency conditions may not allow for
3 ideal evacuation scenarios. The Lahontan Regional Water Quality Control Board
4 (“LRWQCB”) objected to the RDEIR’s analysis of, and mitigation for, the Project’s
5 impacts on biological resources caused by increases in groundwater pumping for Project
6 purposes. The LRWQCB criticized the proposed mitigation for the biological impacts
7 associated with groundwater pumping on the grounds that purchasing offsite mitigation
8 credits to offset the loss of aquatic resources directly conflicts with the agency’s Climate
9 Change Mitigation and Adaptation Strategy. The Olympic Valley Public Service District
10 (“OVPSD”) advocated for the County to supplement the 2015 Water Supply Assessment
11 with climate change modeling that incorporates the datasets and technical guidance issued
12 by the Department of Water Resources in 2018. The OVPSD submitted a work plan
13 proposal for preparation of climate change modeling to supplement the 2015 WSA, that
14 was created by McGinley & Associates, Inc. The OVPSD also emphasized that the agency,
15 contrary to 2016, is now of the opinion that Olympic Valley is at risk of catastrophic
16 wildfire, recommending the Applicant make numerous roadway improvements to make
17 evacuation easier.

18 53. On or about August 9, 2024, the County released its responses to comments
19 on the RDEIR and issued the Final Partially Revised Environmental Impact Report
20 (“RFEIR”) for the Project. Dozens of agencies, organizations, and individuals commented
21 on the RFEIR. Sierra Watch and the League again submitted extensive comments detailing
22 how the RFEIR did not correct the inadequacies of the RDEIR. The League and Sierra
23 Watch also, once again, submitted expert reports explaining that the RFEIR failed to
24 remedy the flawed analysis in the RDEIR. These expert reports were prepared by: Greg
25 Kamman, Hydrogeologist with CBEC Eco Engineering; Patrick Sutton, Principal
26 Environmental Engineer with Baseline Environmental Consulting; and Jeremy Decker,
27 Professional Engineer with Charles M. Salter Associates.

28 54. As Sierra Watch and the League explained, the RFEIR failed to remedy the

1 flaws in the RDEIR’s description of the Project’s Lake Tahoe setting as part of the Project
2 baseline, as well as the RDEIR’s deficient analysis of the Project’s water and air quality
3 impacts on Lake Tahoe and the Lake Tahoe Basin. While the RFEIR skirts this necessary
4 information and analysis, it states that the Applicant will pay the Tahoe Regional Planning
5 Agency \$2 million as “voluntary mitigation” to offset the Project’s VMT, a number
6 purportedly based on the mitigation fees that would be required if the Project was located
7 in the Lake Tahoe Basin. As Sierra Watch and the League commented, such payment
8 demonstrates that the Project would have significant impacts on the Lake and air quality in
9 the Basin; yet, the RFEIR concludes no such significant impacts exist. Moreover, Sierra
10 Watch and the League explained that such a fee, which amounts to only \$80,000 per year
11 during Project *construction*, would not nearly mitigate the Project’s potential impacts on
12 the Lake and Basin over the life of the Project.

13 55. Additionally, Sierra Watch and the League commented that, among other
14 flaws, the RFEIR: (a) fails entirely to justify the RDEIR’s omission of an adequate
15 analysis of the Project’s potentially significant impacts on Lake Tahoe from wildfire
16 smoke and microplastics; (b) dismisses substantial evidence regarding changes in the
17 Project setting since 2016 that would substantially increase the severity of wildfire and
18 how a wildfire would behave in Olympic Valley; (c) continues to ignore substantial new
19 information that requires revised analysis of and mitigation for several of the Project’s
20 significant environmental impacts; and (d) fails to adequately respond to comments,
21 including those from agencies requesting additional information and analysis.

22 56. Among the agencies commenting on the RFEIR, the LRWQCB (a) urged the
23 County to reconsider Project impacts that have intensified since 2016 due to changed
24 hydrological conditions, and (b) expressed the agency’s concerns that Project mitigation
25 would not ensure protection of biological and water resources.

26 57. The County has stated that the EIR for the Project consists of the 2016 EIR,
27 the Revised EIR, the existing written responses to comments on the 2016 EIR, comments
28 and written responses to comments on the RDEIR, and any text changes to the Revised

1 EIR.

2 **Approval of the Project**

3 58. On or about August 17, 2024, Placer County’s Olympic Valley Municipal
4 Advisory Council (“MAC”) considered the Project. Approximately 250 people attended
5 the meeting, with about 47 people speaking. Of those who spoke, all but a few opposed the
6 Project. After seven hours of discussion, the MAC unanimously approved the following
7 motion:

8 To deny the [P]roject with a message to Placer County and the applicant that:

9 1) the community is overwhelmingly against this plan

10 2) the County and applicant are encouraged to evaluate a different, reduced-sized
11 project than originally submitted with a reduced-sized Mountain Activity Center

12 3) the community wants collaborative input on the revised plan.

13 59. On or about September 5, 2024, the Placer County Planning Commission
14 held a public hearing on the Project. Dozens of people, including concerned residents and
15 representatives from Sierra Watch, the League, and other conservation groups, provided
16 public testimony in opposition to the Project due to its scale and its serious environmental
17 threats to North Tahoe and the Lake Tahoe Basin, as well as the County’s failure to
18 adequately disclose and analyze these threats or find ways to reduce them. Despite the
19 detailed information provided to them by Sierra Watch, the League, and others, and the
20 vast public opposition to the Project, the Planning Commission voted to recommend to the
21 Board of Supervisors approval of the Village at Palisades Tahoe Specific Plan and
22 associated resolutions and ordinances, certification of the EIR, and adoption of the
23 Findings of Fact and Statement of Overriding Considerations and Mitigation Monitoring
24 and Reporting Program. One Commissioner who voted against the Project noted her
25 concerns about the Project’s significant environmental impacts and the overwhelming
26 public opposition to the Project.

27 60. On or around November 8, 2024, the County issued a notice for a public
28 hearing to occur on November 19, 2024 for the Project. On around November 13, 2024,

1 the County issued its agenda for the hearing, which was substantially similar to the public
2 notice, as well as a staff report. The staff report attached a supplemental response to
3 comments. It also stated for the first time that the Project could not comply with State
4 minimum fire safety regulations as its main road greatly exceeds the maximum allowed
5 length for dead-end roads (Cal. Code Regs., tit. 14, §§ 1270-1276.05) and that the
6 Applicant had therefore requested an exception to the minimum fire safe regulations
7 (“Exception”). The notice and agenda falsely and misleadingly stated that the Planning
8 Commission had recommended approval of the Exception; in fact, the Exception request
9 came after the Planning Commission hearing and was thus never considered by the
10 Planning Commission.

11 61. On or around November 14, 2024, Placer County’s North Tahoe Regional
12 Advisory Council (“NTRAC”) heard and discussed community opposition to the Project
13 and voted to send a letter to Placer County expressing the “Council’s concerns and
14 opposition to the development of the Village at Palisades Tahoe as currently proposed.”

15 62. On or around November 15, 2024, Sierra Watch and the League submitted a
16 joint letter to the Board of Supervisors advocating that the Board deny the Project as
17 proposed. The letter reiterated and incorporated the concerns raised in Sierra Watch’s and
18 the League’s prior comments on the RDEIR and RFEIR. The League and Sierra Watch
19 supplemented their prior comments with additional information that had come to light
20 since the publication of the RFEIR, and also included new expert reports from Christopher
21 A. Dicus, Ph.D., Professor, Wildland Fire & Fuels Management, California Polytechnic
22 State University; Tom Brohard, Transportation Engineer with Tom Brohard & Associates;
23 and Greg Kamman, Hydrogeologist with CBEC Eco Engineering. Further, the letter
24 informed the Board of Supervisors that it could not lawfully approve the proposed
25 Findings for the Project because they improperly relied on the EIR’s faulty analysis and
26 mitigation and were not supported by substantial evidence.

27 63. Sierra Watch and the League’s letter also informed the Board of Supervisors
28 that the notice and agenda’s inclusion of the Applicant’s request for the Exception, as well

1 as their false assertion that the Exception had been recommended by the Planning
2 Commission, violated the Brown Act, the Government Code, and County Code's
3 provisions for proper notice and consideration of such a planning item. The letter
4 additionally explained, as supported by expert opinion from Dr. Dicus, that the
5 requirements for the Exception could not be met by the Project and that granting the
6 Exception would put the public's safety at risk.

7 64. On or around November 19, 2024, the Placer County Board of Supervisors
8 held a public hearing on the Project. At the beginning of the hearing, County staff
9 announced that the requests for a Large-Lot Vesting Tentative Subdivision Map and the
10 Exception were being removed from the agenda and would be brought back for
11 consideration at a later date. The hearing room was packed with hundreds of concerned
12 residents and representatives from conservation and other groups. The hearing lasted over
13 nine hours. According to eyewitness accounts, more than 100 people testified, with a
14 majority asking the Board of Supervisors to reject the Project or adopt a less-intensive
15 alternative, and many noting the inadequacy of the environmental review.

16 65. Representatives from Sierra Watch and the League testified in opposition to
17 the Project noting that, *inter alia*, (1) the approval of the Project *without* the necessary fire
18 safe regulation Exception, and deferral of the Exception to a later time, constituted
19 improper segmentation of the Project, (2) Project mitigation, policies, and Findings all
20 relied upon compliance with minimum fire safe regulations, when it was now clear that the
21 Project would violate these regulations, (3) the EIR failed to adequately disclose numerous
22 Project impacts, including impacts to Lake Tahoe, and (4) the community had clearly
23 voiced its concerns about the many negative impacts and dangers this Project poses and
24 wished to work cooperatively with the County and the Applicant to create a better solution
25 for redevelopment of the area.

26 66. At its hearing on November 19, 2024, the Board voted to adopt or approve
27 the following with respect to the Project:

28 a. A Resolution to certify the Village at Palisades Tahoe Specific Plan

1 project’s potentially significant impacts on the environment and public services. Pub.
2 Resources Code §§ 21002.1(a), 21080(d). The EIR must provide sufficient facts and
3 analysis to ensure that the decision-makers can intelligently consider environmental
4 consequences when acting on the proposed project. *Laurel Heights Improvement Assn. v.*
5 *Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 405.

6 70. CEQA also mandates that the lead agency identify feasible mitigation
7 measures that will reduce or avoid a project’s environmental impacts. Pub. Resources
8 Code §§ 21002, 21002.1(b). Even where a public agency cannot entirely eliminate an
9 impact, CEQA requires that it nonetheless reduce the impact to the extent feasible. *Sierra*
10 *Club v. County of Fresno* (2018) 6 Cal.5th 502, 524-25. An EIR must respond to
11 comments making specific suggestions for mitigating a significant impact unless the
12 suggested mitigation is “facially infeasible.” *Los Angeles Unified School Dist. v. City of*
13 *Los Angeles* (1997) 58 Cal.App.4th 1019, 1029. If an agency rejects a suggested measure
14 as infeasible, the rejection must be supported by substantial evidence and free of legal
15 error. Pub. Resources Code § 21168.5.

16 71. The County violated CEQA, the Appellate Opinion, and the Peremptory Writ
17 of Mandate by failing to adequately describe the environmental setting for the Project and
18 failing to adequately disclose, analyze, and mitigate the potentially significant
19 environmental impacts that the Revised EIR purported to address, including, without
20 limitation:

- 21 a. the Project’s significant impacts on Lake Tahoe’s water quality and
22 clarity and on air quality in the Lake Tahoe Basin;
- 23 b. the Project’s significant impacts on wildfire and emergency
24 evacuation;
- 25 c. the Project’s significant transit impacts; and
- 26 d. the Project’s significant noise impacts.

27 72. The County violated CEQA by failing to revise and recirculate the EIR to
28 address, and allow public comment regarding, new information and changed circumstances

1 since the preparation of the 2016 EIR. None of the legal authority relied on by the County
2 to justify its failure to revise and recirculate the EIR, including Public Resources Code
3 sections 21167.2 and 21166 or the principles of *res judicata*, support its decision to limit
4 public review and comment to a few narrow issues.

5 73. The County violated CEQA by failing to either recirculate the EIR or prepare
6 a subsequent or supplemental EIR. Revised analysis is required in light of substantial
7 changes that have occurred with respect to the circumstances under which the Project is
8 being undertaken which will require major revisions in the 2016 EIR, as well as new
9 information that has become available regarding the Project’s significant environmental
10 impacts or better mitigation or alternatives. *See* Pub. Resources Code, § 21166; CEQA
11 Guidelines § 15162(a)(2-3) (standard for a subsequent EIR); *see also id.* at § 15088.5(a)
12 (analogous standard for recirculation). These changes and new information include,
13 without limitation:

14 a. Substantial new information regarding transportation and transit,
15 including but not limited to information regarding traffic and VMT, transportation
16 planning documents, CEQA requirements for measuring transportation impacts, and
17 standards governing the measurement of VMT.

18 b. Substantial new information regarding the effect of climate change on
19 groundwater supply and how Project groundwater pumping will impact Washeshu Creek.

20 c. Substantial new information regarding the adverse impacts of climate
21 change and drought on sensitive species that rely on surface and groundwater.

22 d. Substantial new information demonstrating the tipping point for
23 greenhouse gas (“GHG”) emissions may be reached far sooner than expected when the
24 EIR was certified, as well as changes in the regulatory and legal framework by which
25 agencies in California address climate change—including the publication of the California
26 Air Resources Board’s 2022 Scoping Plan—that render inadequate the 2016 EIR’s
27 discussion of, and mitigation for, climate change.

28 e. Significant changes related to wildfire conditions, including more

1 severe drought, instances of fires burning across the crest of the Sierra for the first time,
2 new or updated local fire planning documents, and increased fire hazard severity
3 designations in the Project area.

4 f. A significant increase in population in the Sierra region, driven by the
5 COVID-19 pandemic and other factors, that results in potentially significant environmental
6 impacts, including but not limited to impacts from the Project’s contribution to the
7 worsening workforce housing crisis in the region, that were not, and could not have been,
8 considered in the 2016 EIR.

9 g. New information regarding feasible alternatives that could achieve
10 Project objectives with fewer environmental consequences.

11 74. The County also violated CEQA by failing to adequately respond to
12 comments from the public and agencies in the final Revised EIR.

13 75. The County violated CEQA by improperly segmenting review of the
14 required Exception from the minimum fire safe regulations from the remainder of the
15 Project, and by approving the Project without considering the Exception, thereby
16 minimizing the full range of impacts; rendering Project mitigation inadequate and
17 misleading; improperly relying on infeasible mitigation; and rendering the Project
18 description inadequate and incomplete.

19 76. As a result of these actions, the County prejudicially abused its discretion by
20 failing to proceed in the manner required by law, failing to support its determinations with
21 substantial evidence, and depriving the public and decision-makers of the information
22 mandated by CEQA. *People ex rel. Bonta v. County of Lake* (Cal. Ct. App., Oct. 23, 2024,
23 No. A165677) 2024 WL 4553306, at *5 (an “inadequate or conclusory discussion of a
24 potentially substantial adverse change in the environment deprives the public of
25 information necessary for informed self-government and constitutes a prejudicial abuse of
26 discretion”).

27 77. The County violated CEQA and the CEQA Guidelines by adopting findings
28 of fact and a statement of overriding consideration (collectively, “Findings”) in connection

1 with the Project that are invalid. The Findings are legally inadequate because they are
2 based on a flawed analysis of Project impacts and mitigation, as described in the preceding
3 paragraphs, fail to adopt all feasible mitigation or a feasible alternative to reduce
4 significant Project impacts, and are unsupported by substantial evidence. The County
5 cannot simply “override” environmental impacts where, as here, (a) the EIR understates
6 the true scope of Project impacts; (b) the County failed to properly assess the efficacy of its
7 adopted mitigation and therefore never determined the Project’s true impact; and (c) the
8 County failed to consider or adopt feasible mitigation measures or alternatives proposed to
9 reduce the Project’s significant impacts.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Sierra Watch and the League pray for judgment as follows:

12 1. For alternative and peremptory writs of mandate directing the County to
13 vacate and set aside its approval of the Project, certification of the EIR, and adoption of
14 findings of fact and a statement of overriding considerations in connection with their
15 approval of the Project, adoption of an Ordinance to approve the Village at Palisades
16 Tahoe Specific Plan Development Standards and Design Guidelines, adoption of a
17 Resolution to amend the Olympic General Plan, adoption of an Ordinance to rezone all
18 acreage in the Village at Palisades Tahoe Specific Plan area, adoption of an Ordinance to
19 approve the Development Agreement, and adoption of a Resolution to approve the Water
20 Supply Assessment;

21 2. For alternative and peremptory writs of mandate directing the County to
22 comply with CEQA and CEQA Guidelines, and to take any other action as required by
23 Public Resources Code section 21168.9 or otherwise required by law;

24 3. For a temporary stay, temporary restraining order, and preliminary and
25 permanent injunctions restraining the County and its agents, servants, and employees, and
26 all others acting in concert with the County on its behalf, from taking any action to
27 implement the Project;

28 4. For a stay, preliminary and/or permanent injunction, or other appropriate

1 order restraining Real Party in Interest and its agents, employees, officers, and
2 representatives from undertaking any activity that would cause a physical change in the
3 environment or implementing the Project in any way until this Court determines that the
4 County has complied fully with the requirements of the writ of mandate, CEQA and the
5 CEQA Guidelines;

6 5. For an order denying any request by the County or Real Parties or others to
7 discharge the Peremptory Writ of Mandate issued on or around August 9, 2022 in the
8 Ongoing Action, pending a determination by this Court that the County has complied with
9 the requirements of CEQA and the CEQA Guidelines with respect to the Project;

10 6. For costs of the suit;

11 7. For attorney's fees as authorized by Code of Civil Procedure section 1021.5
12 and/or other provisions of law; and

13 8. For such other and future relief as the Court deems just and proper.

14 DATED: December 4, 2024

SHUTE, MIHALY & WEINBERGER LLP

15



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Bv: _____

AMY J. BRICKER

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Attorneys for LEAGUE TO SAVE LAKE
TAHOE and SIERRA WATCH

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1 **VERIFICATION**

2 I, Darcie Goodman Collins, declare as follows:

3 I am the Chief Executive Officer of the League to Save Lake Tahoe, one of the
4 Petitioners in this action, and am authorized to execute this verification on Petitioners' behalf. I
5 have read the foregoing Petition for Writ of Mandate and Complaint for Injunctive Relief
6 ("Petition") and know its contents.

7 The facts alleged in the above Petition, not otherwise supported by exhibits or other
8 documents, are true of my own knowledge, except as to matters stated on information and belief,
9 and as to those matters I believe them to be true.

10 I declare under penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct.

12 Executed on _____November 26_____, 2024, at South Lake Tahoe, California.

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15 _____
Darcie Goodman Collins

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VERIFICATION


I, Tom Mooers, declare as follows:

I am the Executive Director of Sierra Watch, one of the Petitioners in this action, and am authorized to execute this verification on Petitioners' behalf. I have read the foregoing Petition for Writ of Mandate and Complaint for Injunctive Relief ("Petition") and know its contents.

The facts alleged in the above Petition, not otherwise supported by exhibits or other documents, are true of my own knowledge, except as to matters stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 26, 2024, at Nevada City, California.



Tom Mooers

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EXHIBIT A

SHUTE MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

AMY J. BRICKER
Attorney
Bricker@smwlaw.com

December 3, 2024

Via E-Mail and U.S. Mail

Placer County Board of Supervisors
c/o Clerk of the Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603
boardclerk@placer.ca.gov
mwood@placer.ca.gov

Re: Notice of Intent to Sue Re Village at Palisades Tahoe Specific Plan

Dear Chair Jones and Honorable Supervisors:

This letter is to notify you that the League to Save Lake Tahoe and Sierra Watch will file suit against Placer County and Placer County Board of Supervisors for failure to observe the requirements of the California Environmental Quality Act, Public Resources Code section 21000 *et seq.*, in the administrative process that culminated in the County's decision to approve the Village at Palisades Tahoe Specific Plan, certify the Environmental Impact Report, and adopt or approve related resolutions and ordinances on November 19, 2024. This notice is given pursuant to Public Resources Code section 21167.5.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Amy J. Bricker

PROOF OF SERVICE

Sierra Watch et al. v. Placer County et al.

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the City and County of San Francisco, State of California. My business address is 396 Hayes Street, San Francisco, California 94102.

On December 3, 2024, I served true copies of the following document(s) described as:

**NOTICE OF INTENT TO SUE RE VILLAGE
AT PALISADES TAHOE SPECIFIC PLAN**

on the parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address Larkin@smwlaw.com to the person(s) at the e-mail address(es) listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the person(s) at the address(es) listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Shute, Mihaly & Weinberger LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on December 3, 2024, at San Francisco, California.



Patricia Larkin

SERVICE LIST

Sierra Watch et al. v. Placer County et al.

Placer County Board of Supervisors
c/o Clerk of the Board of Supervisors
175 Fulweiler Avenue
Auburn, CA 95603
boardclerk@placer.ca.gov
mwood@placer.ca.gov

1851981.1

EXHIBIT B

SHUTE, MIHALY
& WEINBERGER LLP

396 HAYES STREET, SAN FRANCISCO, CA 94102
T: (415) 552-7272 F: (415) 552-5816
www.smwlaw.com

AMY J. BRICKER
Attorney
Bricker@smwlaw.com

December 4, 2024

Via U.S. Mail

Robert Bonta
Attorney General
California Department of Justice
1300 I Street
Sacramento, CA 95814-2919

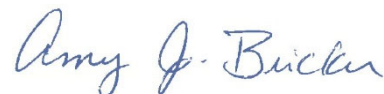
Re: Notice of Filing CEQA Litigation (*League to Save Lake Tahoe et al.*
v. Placer County et al.)

Dear Attorney General Bonta:

Enclosed please find a copy of the Verified Petition for Writ of Mandate and Complaint for Injunctive Relief (“Petition”) in the above-titled action. The Petition is provided to you in compliance with Public Resources Code section 21167.7 and Code of Civil Procedure section 388. Please acknowledge receipt in the enclosed prepaid, self-addressed envelope.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Amy J. Bricker

Encls.
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