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7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF PLACER**

10 SIERRA WATCH,
11 Petitioner,
12 v.
13 PLACER COUNTY; PLACER COUNTY
BOARD OF SUPERVISORS; and DOES
14 1-20,
15 Respondents.
16
17 SQUAW VALLEY REAL ESTATE, LLC;
and DOES 21-40,
18 Real Parties in Interest.

Case No.
**Verified Petition for Writ of Mandate
and Complaint for Injunctive Relief**
[California Environmental Quality Act
("CEQA"), Pub. Res. Code § 21000 et
seq.; CCP §§ 1085 (alternatively 1094.5)]

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1 **INTRODUCTION**

2 1. This action challenges the decision of Placer County and the Placer County Board
3 of Supervisors (collectively “the County” or “Respondents”) to adopt the Village at Squaw
4 Valley Specific Plan (“Specific Plan”) and associated resolutions and ordinances (collectively,
5 “the Project”) and to certify the environmental impact report (“EIR”) for the Project. The
6 Village at Squaw Valley is located in the North Lake Tahoe region of California’s Sierra
7 Nevada. The Project site is a narrow alpine valley at the base of Squaw Valley ski resort,
8 adjacent to the Tahoe National Forest and close to one of California’s most treasured resources,
9 the Lake Tahoe Basin. The proposed Project would remake the region with massive new
10 development, including 850 new hotel, time share, and residential units in a series of tall high
11 rises, as well as a 90,000 square foot indoor waterpark. Twenty-one timeshare units would be
12 built at the mouth of Shirley Canyon, a stunning and popular hiking destination. The Project
13 would result in severe, irreversible impacts on the Project site and surrounding North Tahoe
14 region, including gridlock conditions on State Route 89 and into the Tahoe Basin, destruction of
15 natural resources, urbanization of a rural mountain valley, and degradation of Lake Tahoe and
16 its famed clarity. These are precisely the kind of impacts CEQA is designed to reveal and, if
17 possible, avoid. The County, however, consistently downplayed important impacts and ignored
18 reasoned comments throughout the planning process. The result is an environmental analysis
19 that is clearly inadequate under state environmental law and a series of approvals that disregard
20 overwhelming public opposition.

21 2. Respondents’ actions in approving the Project violated the California
22 Environmental Quality Act (“CEQA”), Public Resources Code section 21000 et seq.; and the
23 CEQA Guidelines, California Code of Regulations, title 14, section 15000 et seq. Among other
24 flaws, the EIR (a) fails to provide an accurate, stable, or complete description of the Project or
25 its environmental setting; (b) fails to adequately analyze or mitigate the Project’s numerous
26 significant environmental impacts, including direct, indirect, and cumulative impacts on water
27 supply, hydrology and water quality, traffic and air quality, the Lake Tahoe Basin, fire and
28 emergency hazards, climate change, biological resources, historic resources, night sky and

1 scenic/visual resources, noise, and population and housing; and (c) fails to evaluate a reasonable
2 range of alternatives and improperly rejects a reduced density alternative. As a result of these
3 numerous defects, the EIR fails as an informational document and cannot support a meaningful
4 public process or informed decisions about the Project by Placer County.

5 3. Placer County's planning documents have repeatedly recognized the importance
6 of ensuring the sustainability of the Sierra Nevada and Lake Tahoe area. Notwithstanding these
7 pronouncements, Project approvals would allow an enormous development that would severely
8 degrade and irreparably impair North Tahoe's famed environment. Indeed, as Sierra Watch and
9 others demonstrated throughout the administrative process, adopting a Project of such massive
10 scale in this sensitive region, without conducting an adequate environmental review, threatens
11 the very qualities of scenic, natural beauty that attract residents and visitors to Squaw Valley and
12 Lake Tahoe in the first place.

13 PARTIES

14 4. Petitioner Sierra Watch is a community-based organization of citizens dedicated to
15 protecting the unique scenic, biological, and natural resources of the Sierra Nevada region,
16 including Squaw Valley, and is organized as a California nonprofit public benefit corporation.
17 Sierra Watch was formed to assist Sierra-based groups and individuals with education and
18 information so that they can participate effectively in local planning processes. Supporters of
19 Sierra Watch use and enjoy the natural and scenic resources of Squaw Valley, where the Project
20 would be developed, and use and enjoy the recreation opportunities offered in Squaw Valley.
21 Supporters of Sierra Watch include residents and taxpayers of Placer County who would be
22 negatively affected by the Project's adverse environmental impacts and improper land use
23 approvals. The interests that Sierra Watch seeks to further in this action are within the purposes
24 and goals of the organization. Sierra Watch and its supporters have a direct and beneficial
25 interest in the County's compliance with CEQA and the CEQA Guidelines. These interests
26 would be directly and adversely affected by the Project, which violates provisions of law as set
27 forth in this Petition and which would cause substantial and irreversible harm to the natural
28 environment. The maintenance and prosecution of this action will confer a substantial benefit

1 on the public by protecting the public from the environmental and other harms alleged herein.
2 Sierra Watch submitted comments to the County objecting to and commenting on the Project
3 and the EIR.

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

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

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

20 8. Real Party in Interest Squaw Valley Real Estate, LLC is listed as a “Project
21 Applicant/Owner” on the Notice of Determination for the Final EIR for the Specific Plan filed
22 and posted by the County Clerk of Placer County on November 21, 2016. Petitioner is
23 informed, and on that basis alleges, that Squaw Valley Real Estate, LLC is a company
24 incorporated in the State of Delaware and doing business in the State of California.

25 9. Petitioner does not know the true names and capacities, whether individual,
26 corporate, associate, or otherwise, of Real Parties in Interest Doe 21 through Doe 40, inclusive,
27 and therefore sues said Real Parties in Interest under fictional names. Petitioner alleges, upon
28 information and belief, that each fictionally named Real Party in Interest is responsible in some

1 manner for committing the acts upon which this action is based or has material interests affected
2 by the Project or by the County's actions with respect to the Project. Petitioner will amend this
3 Petition to show their true names and capacities if and when the same have been ascertained.

4 **JURISDICTION AND VENUE**

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

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

11 12. Petitioner has complied with the requirements of Public Resources Code section
12 21167.5 by serving a written notice of Petitioner's intention to commence this action on the
13 County on December 14, 2016. A copy of the written notice and proof of service is attached
14 hereto as Exhibit A.

15 13. Petitioner will comply with the requirements of Public Resources Code section
16 21167.6 by concurrently filing a notice of its election to prepare the record of administrative
17 proceedings relating to this action.

18 14. Petitioner has complied with the requirements of Public Resources Code section
19 21167.7 by sending a copy of this Petition to the California Attorney General on December 15,
20 2016. A copy of the letter transmitting this Petition is attached hereto as Exhibit B.

21 15. Petitioner has performed any and all conditions precedent to filing this instant
22 action and has exhausted any and all available administrative remedies to the extent required by
23 law.

24 16. Petitioner has no plain, speedy, or adequate remedy in the course of ordinary law
25 unless this Court grants the requested writ of mandate to require Respondents to set aside their
26 certification of the EIR and approval of the Project. In the absence of such remedies,
27 Respondents' approval will remain in effect in violation of state law.

1 **STATEMENT OF FACTS**

2 **Project Location and Background**

3 17. In 2010 and 2011, KSL Capital Partners, LLC purchased controlling interests in
4 two Tahoe ski resorts, Squaw Valley and Alpine Meadows, and transferred them to a newly
5 created company Squaw Valley Ski Holdings, LLC and its subsidiaries, Squaw Valley Resort,
6 LLC and Alpine Meadows Resort, LLC, to manage operations and Squaw Valley Real Estate,
7 LLC (the Real Party in Interest in this case, or “Applicant”) to spearhead development
8 proposals. In addition to the resort infrastructure and ski terrain, the purchase included the
9 existing Intrawest Village, and more than 100 additional acres at the base of the Squaw Valley
10 Ski Resort that became the focus of the Project.

11 18. Squaw Valley and Alpine Meadows are neighboring, but physically unconnected
12 ski resorts located adjacent to the Lake Tahoe Basin along the crest of the Sierra Nevada just
13 west of State Route 89 between Truckee and Tahoe City. Squaw Valley is an internationally
14 famous resort known for hosting the 1960 Winter Olympics and for the challenging ski terrain
15 that has inspired generations of innovation in the world of skiing. The Project is located in
16 Squaw Valley (also known as Olympic Valley), a small alpine valley approximately two miles
17 long and half a mile wide. The Project site is subject to the Squaw Valley General Plan and
18 Land Use Ordinance (“SVGPLUO”), a component of the Placer County General Plan.

19 19. The Project site is split into an 84.5 acre parcel adjacent to the resort (the “Village
20 Parcel”) and an additional 8.8 acre parcel approximately 1.5 miles east near the intersection of
21 Squaw Valley Road and State Route 89 (the “East Parcel”). Zoning on the Village Parcel,
22 established in 1983, consists of Village Commercial, Heavy Commercial, High Density
23 Residential, Forest Recreation, and Conservation Preserve designations. The East Parcel
24 contains Entrance Commercial, High Density Residential, and Conservation Preserve zoning.
25 Land uses on the Village Parcel are currently characterized by large surface parking lots; historic
26 buildings from the 1960 Olympics containing commercial, meeting, and event space; and
27 undisturbed forest lands at the western edge where Squaw Valley meets Shirley Canyon. The
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1 East Parcel is roughly split between an unpaved gravel parking lot and undisturbed forest and
2 riparian land adjoining Squaw Creek.

3 20. In 2012, the Applicant submitted the first in a series of draft specific plans seeking
4 entitlements that would dramatically intensify resort development in the North Tahoe region.
5 The original proposals sought entitlements for levels of development that were glaringly out-of-
6 scale for a small alpine valley. In response to feedback from County staff and others, the Project
7 plan underwent revisions, culminating in the January 2014 Specific Plan that, aside from minor
8 modifications, is the Specific Plan that was approved as part of the Project.

9 21. The Project as approved would still allow an unprecedented and transformational
10 level of development in Tahoe's Squaw Valley. The Project proposes approximately 51 acres of
11 development on a 93.3 acre site, including Village Core, Village Neighborhood, Heavy, and
12 Entrance Commercial zoning designations containing retail, residential, and resort industrial
13 uses. These uses would be characterized by buildings ranging in height from 35 to 96 feet,
14 roughly nine acres of twenty-foot tall parking structures, and an equipment yard and timeshare
15 units near Squaw Creek and the mouth of Shirley Canyon, a popular hiking spot. Existing
16 roadways would cover another eight acres of the project area. Nearly all of the remaining
17 acreage, roughly 33 acres that would be zoned for Forest Recreation and Conservation Preserve,
18 is either Squaw Creek and associated riparian areas, wetlands, too steep to build on, within an
19 avalanche hazard zone, or some combination thereof.

20 22. On the Village Parcel, the Project calls for 1,493 new bedrooms concentrated in
21 the proposed condo hotel high-rises and approximately 274,000 square feet of new commercial
22 space, including a 96-foot tall, 90,000 square foot indoor waterpark dubbed a "Mountain
23 Adventure Camp." Planned uses for the water-park include: indoor water slides, action rivers,
24 arcades, wake boarding, 30 bowling lanes, simulated sky diving, miniature golf, water skiing,
25 trampoline, an indoor wave rider, and more. The Project also includes a 30,000 gallon propane
26 tank "farm," which will serve as the resort's gas supply. Approximately 92,000 square feet of
27 commercial space, largely contained within the historic Olympic buildings, would be
28 demolished. The Applicant seeks rights on the East Parcel for up to 300 bedrooms of dormitory

1 style employee housing, another parking structure, and 20,000 square feet of commercial space
2 containing a market and a shipping and receiving center.

3 23. Although not included within the Project application, the Applicant also intends to
4 build a gondola through a mix of public and private land to connect Squaw Valley and Alpine
5 Meadows Ski resorts. The Applicant commenced negotiation with Troy Caldwell, the
6 intervening landowner, shortly after purchasing Alpine Meadows. A joint press release
7 announcing a formal deal was announced in April 2015 shortly after publication of a Revised
8 Notice of Preparation for the Project. The Applicant submitted formal applications for permits
9 for the gondola to Placer County and the Forest Service in October and September of 2015. The
10 proposed gondola route would run along the border of the Granite Chief Wilderness Area on
11 private lands that were designated by Congress for eventual inclusion in the wilderness area and
12 cross the popular Five Lakes Trail.

13 **Environmental Review**

14 24. On or about October 10, 2012, the County issued a Notice of Preparation (“NOP”)
15 of a Draft Environmental Impact Report (“DEIR”) for the proposed Village at Squaw Valley
16 Specific Plan and Phase I Project, which included a massive mixed-use development including
17 high-rise resort residential units and commercial and recreational uses—along with a giant
18 “Mountain Adventure Camp” that would include an indoor waterpark, parking, and other visitor
19 amenities—across 101 acres within Squaw Valley. The NOP stated the Project may have a
20 significant effect on the environment, including but not limited to potentially significant impacts
21 on air quality; biological resources; cultural resources; geology, soils, and seismicity;
22 greenhouse gas emissions and climate change; hazardous materials and hazards; hydrology and
23 water quality; land use and forest resources; noise; population, employment, and housing; public
24 services and utilities; transportation and circulation; visual resources; and cumulative impacts to
25 these resources.

26 25. Several agencies, individuals, and organizations, including Sierra Watch,
27 submitted comments on the October 2012 NOP, encouraging the County to evaluate the full
28 extent of the Project’s environmental impacts, especially in light of its enormous scope.

1 26. On or about February 21, 2014, the County issued a revised NOP for the
2 Project. The revised Project reduced the number of residential units in the Project and shaved
3 seven acres off its footprint, but most of the Project—including its tall buildings, massive scale,
4 and the indoor waterpark—remained unchanged. The revised Project as described in the
5 February 2014 NOP would include buildings up to 108 feet tall across 94 acres. The NOP
6 stated that the Project would have the same potential significant environmental impacts as
7 outlined in the October 2012 NOP.

8 27. Several agencies, individuals, and organizations, including Sierra Watch,
9 submitted comments on the revised February 2014 NOP, again encouraging the County to
10 evaluate the full extent of the Project’s environmental impacts in this sensitive region, including
11 but not limited to biological resources, hydrology and water quality, water supply, traffic, and
12 air quality impacts.

13 28. On or about May 18, 2015, the County circulated the Draft EIR (“DEIR”) for the
14 Project. At least 350 interested agencies, organizations, and individuals submitted comments on
15 the DEIR.

16 29. Sierra Watch submitted extensive comments on the DEIR, detailing numerous
17 flaws in the document, including its failure to evaluate the full scope of the Project’s impacts on
18 the environment. For instance, Sierra Watch noted that the Project description and setting
19 sections were incomplete and unstable because the DEIR: (a) failed to consider the impacts of
20 the Project in conjunction with the proposed Squaw Valley – Alpine Meadows Base to Base
21 Gondola and the Squaw Valley Public Services District’s plans to construct infrastructure to
22 provide more water to the Project area; (b) lacked a detailed description of all Project
23 components; (c) failed to recognize and properly evaluate the Project’s proximity to the Tahoe
24 Basin; and (d) relied on erroneous occupancy assumptions throughout its analysis.

25 30. Sierra Watch also commented that the DEIR failed to adequately analyze and
26 mitigate the environmental impacts of the Project, including but not limited to impacts to water
27 supply; biological resources; hydrology and water quality; transportation; air quality and public
28 health; climate change and greenhouse gases; noise; visual and scenic resources, including the

1 night sky; cultural and historic resources, including Olympic buildings and the State historic
2 landmark at Squaw Valley; public safety; and public services and utilities. Sierra Watch also
3 commented that the DEIR failed to properly analyze the Project's general plan and land use
4 ordinance consistency; impacts from population, housing, and employment; growth-inducing
5 impacts; energy impacts; and cumulative impacts.

6 31. For example, with respect to water supply, Sierra Watch commented that the
7 DEIR lacked a sufficient description of the baseline conditions for and failed to properly analyze
8 and mitigate impacts to groundwater. Among other flaws, the DEIR (a) underestimated the
9 Project's water demand; (b) failed to take into account climate change and recent, extreme
10 drought conditions; and (c) failed to acknowledge that the groundwater in the area is part of a
11 subterranean stream, which is subject to a different regulatory scheme and responds to impacts
12 differently than other groundwater formations.

13 32. Sierra Watch also commented that the DEIR's analysis of and mitigation for the
14 Project's impacts on hydrology and water quality were inadequate for many of the same reasons
15 as the water supply analysis. Additionally, the DEIR relied on unsupported modeling methods,
16 improperly relied on compliance with regulatory requirements to conclude impacts would be
17 less than significant, and failed to explain the impacts that would arise should the planned
18 restoration of Squaw Creek be unsuccessful. Most glaringly, the DEIR entirely failed to analyze
19 the Project's impacts on water quality in the Truckee River, despite the fact that Squaw Creek
20 drains directly into the River.

21 33. Sierra Watch also commented on the inadequacy of the DEIR's analysis of
22 impacts to transportation and traffic. The DEIR lacked an analysis of summer daily traffic
23 despite the DEIR's claim that the Project would generate more summer traffic than winter
24 traffic. Also, the DEIR relied on faulty methodology and severely underestimated the Project's
25 overall traffic generation. For example, the DEIR assumed the Project's new massive indoor
26 water-park would generate only 58 car trips per day. It also calculated residential trip generation
27 rates based on parking supply, an approach that is contrary to standard practice in the traffic
28 engineering profession and particularly ill-advised for a ski resort where parking is often

1 deficient. In addition, existing winter conditions were based on surveys conducted during poor
2 ski seasons, serving to downplay the impact of trip generation on local roadways. Finally, the
3 DEIR failed to properly consider feasible mitigation for the Project’s significant and
4 “unavoidable” traffic impacts.

5 34. The underestimation of the Project’s traffic generation rendered the DEIR’s
6 greenhouse gas emissions analysis unreliable, as well. But, as Sierra Watch explained, the
7 DEIR’s climate change analysis was also fundamentally flawed because it relied upon a
8 “business as usual” methodology recently rejected by the California Supreme Court in *Center*
9 *for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204.

10 35. Sierra Watch likewise alerted the County that the DEIR’s analysis of wildfire risks
11 was flawed. The Project would be located in an area designated a very high fire hazard severity
12 zone, yet the DEIR failed to include basic information such as existing wildfire conditions in the
13 Sierra and how the Project would interfere with emergency evacuation and response. The DEIR
14 thus failed to provide a thorough analysis of or mitigation for the Project’s impacts on wildfire
15 risks and emergency evacuation, and improperly concluded that the Project would result in less
16 than significant impacts in these categories. Sierra Watch also alerted the County that the DEIR
17 failed to properly analyze and mitigate the Project’s other safety hazards, including seismic and
18 avalanche hazards, as well as hazards from propane storage required by the Project.

19 36. Sierra Watch also commented that the DEIR failed to analyze an adequate range
20 of alternatives to the Project. Specifically, the DEIR identified only one project-wide
21 alternative, and the other three “alternatives” actually adjusted only small aspects of the Project,
22 like widening a road or siting a water tank in a different location. And two of these single-issue
23 alternatives would have actually increased the Project’s environmental impacts. Further, the
24 reduced density alternative failed to address several key significant impacts from the Project,
25 including destruction of the site’s historic Olympic buildings. Sierra Watch urged the County to
26 examine a comprehensive alternative that eliminated the enormous indoor waterpark and
27 substantially lessened all of the Project’s significant impacts. Sierra Watch also requested that
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1 the County provide the public evidence regarding the feasibility of the reduced density
2 alternative, which the DEIR claimed would meet Project objectives.

3 37. Several other conservation groups, including but not limited to the Center for
4 Biological Diversity, League to Save Lake Tahoe, Friends of Squaw Valley, Friends of the West
5 Shore, Mountain Area Preservation, Mother Lode Chapter of the Sierra Club, and North Tahoe
6 Preservation Alliance, submitted comments on the DEIR regarding these and other issues. For
7 example, like Sierra Watch, the League to Save Lake Tahoe commented that the DEIR failed to
8 adequately analyze or mitigate the Project's impacts to the Lake Tahoe Basin, including
9 cumulative impacts from increased traffic and that traffic's impacts on air quality and Lake
10 Tahoe water quality.

11 38. Over three hundred individuals and more than a dozen interested government
12 agencies also commented on the DEIR and objected to the Project and the inadequate
13 environmental review. For example, the nearby Town of Truckee commented that the DEIR
14 lacked proper analysis of and mitigation for the Project's traffic impacts, and that the Project
15 would make the region's affordable housing crisis worse. The Town also expressed concerns
16 that about the Project's impacts on long-term water supply in the region, especially in light of
17 the drought. Additionally, the Tahoe Regional Planning Agency submitted a letter commenting
18 on the failure of the DEIR to adequately analyze and mitigate the impacts of the Project on the
19 Tahoe Basin.

20 39. On or around April 7, 2016, the County released its responses to comments on the
21 DEIR and issued the final environmental impact report ("FEIR") for the Project. The FEIR
22 provided some new information, as requested by the public. For example, in response to
23 comments regarding the Project's impacts to the Lake Tahoe Basin, the FEIR revealed that the
24 Project would generate 23,842 additional vehicle miles traveled ("VMT") (from 1,353 daily
25 trips) in the Tahoe Basin under peak summer conditions. However, the FEIR failed to identify
26 this as a significant impact. In response to comments regarding fire and emergency evacuation
27 hazards, the FEIR revealed it would take anywhere from five to eleven hours to vacate Squaw
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1 Valley during an emergency and a similar amount of time for responders to access the
2 emergency, but similarly failed to identify any significant effects based on this information.

3 40. Dozens of individuals, organizations, and agencies commented on the
4 FEIR. Sierra Watch again submitted extensive comments, detailing how the FEIR did not
5 adequately respond to or correct the inadequacies of the DEIR identified by Sierra Watch or
6 other commenters during the review process. Sierra Watch noted that the EIR could not rely on
7 the fact that the document is labeled a programmatic EIR to excuse its inadequate environmental
8 review of this specific development project and warned that the FEIR continued to ignore
9 impacts to the Lake Tahoe Basin. Sierra Watch also commented that the FEIR included
10 significant new information including, but not limited to, a new climate change analysis and
11 should be recirculated for public review.

12 41. The California Attorney General also submitted a letter on the FEIR, expressing
13 her concerns that the environmental review did not adequately analyze or mitigate the Project's
14 impacts on the Lake Tahoe Basin, a nationally treasured California resource, such as air and
15 water quality impacts from the Project's estimated 1,353 new peak daily car trips into the
16 Basin. Like Sierra Watch, the League to Save Lake Tahoe, and others, the Attorney General
17 commented that the Project's projected increase to VMT in the Basin would contribute to
18 increased fine sediment and nitrogen in Lake Tahoe. These are key pollutants detailed in the
19 Tahoe Total Maximum Daily Load ("TMDL") report that contribute to degradation of Lake
20 clarity. Similarly, like others, the Attorney General noted that the Project's impacts could
21 jeopardize substantial efforts to protect and restore the environmental quality of the Lake Tahoe
22 Basin, including the adoption of the 2012 Regional Plan Update. The Attorney General also
23 commented that the EIR did not adequately analyze or mitigate the Project's traffic impacts and
24 greenhouse gas emissions, and that it could not defer mitigation until later stages of the Project.

25 **Squaw Valley Municipal Advisory Council's Recommendation of Project Denial**

26 42. Prior to Planning Commission review, the Project was first considered by the
27 Squaw Valley Municipal Advisory Council. Municipal Advisory Councils (or "MACs") are
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1 comprised of local residents who advise the Board of Supervisors on issues or concerns
2 regarding proposed projects and other matters that may affect their communities.

3 43. On May 14, 2016, the Squaw Valley MAC held a meeting and gave extensive
4 consideration to the Project. Approximately 200 people attended the meeting and more than 150
5 stood when a Sierra Watch representative asked anyone in the audience that was opposed to the
6 Project to stand. Twenty-four people spoke at the meeting, twenty of whom were opposed to the
7 Project. Speakers included individuals and representatives from organizations including Sierra
8 Watch, Friends of Squaw Valley, Friends of Squaw Creek, and the Squaw Valley Homeowners
9 Association Forum. Concerns were raised regarding both the short and long-term environmental
10 impacts of the Project, the lack of analysis and scientific studies, and how the Project fits in with
11 the values of the community. According to the official minutes from the MAC meeting: “The
12 gist of the rest of the comments were that the project is too large, the proposed benefits are
13 outweighed by the environmental impacts, and the general loss of a ‘sense of place.’”

14 44. After the close of public comment, the MAC deliberated on the Project. MAC
15 members had concerns similar to those voiced during public comment regarding environmental
16 impacts and the scope of the Project as proposed.

17 45. The MAC then passed two motions, both by a vote of three to one. The first
18 motion was to “recommend denial of the project as proposed.” The MAC’s second approved
19 motion was to “recommend serious consideration be given to the project at a level
20 approximately 50% of what is currently proposed subject to further research to support the
21 conclusions previously reached in the Draft EIR.”

22 **The Planning Commission’s Review**

23 46. On or about August 11, 2016, the Placer County Planning Commission held a
24 public hearing on the Project. Dozens of people, including concerned residents and
25 representatives from Sierra Watch and other conservation groups, provided public testimony in
26 opposition to the Project due to its scale and its serious environmental threats to North Tahoe
27 and the Lake Tahoe Basin, as well as the EIR’s failure to adequately evaluate or mitigate those
28 impacts. When asked by a Sierra Watch representative to stand if they opposed the project,

1 more than 200 attendees rose to register their disapproval. Squaw Valley resort employees who
2 supported the Project were offered incentives and bussed to the hearing and encouraged to speak
3 in favor of the Project. However, as at the MAC meeting, public testimony was focused on the
4 Project's threat to the North Tahoe region and its values.

5 47. Despite the detailed information provided to them by Sierra Watch and others, and
6 the vast public opposition to the Project, the Planning Commission, by a vote of four to two,
7 voted to recommend approval of the Specific Plan and certification of the EIR to the Board of
8 Supervisors.

9 **The Board of Supervisors' Approval of the Project**

10 48. The Board of Supervisors scheduled a public hearing for the Project on November
11 15, 2016, and set a written public comment deadline for the day before (on November 14, 2016).
12 The County posted about 1,000 pages of documentation on its website late in the day on
13 November 9, 2016 regarding the Project, including proposed resolutions and ordinances,
14 responses to comments (including new master responses), errata to the Final EIR, and proposed
15 Findings of Fact including the Statement of Overriding Considerations. Given that November
16 11, 2016 was Veterans Day, which provided the public only one full business day to review and
17 comment on this large volume of material, Sierra Watch requested that the Board postpone the
18 hearing so that public could fully review the materials and that the Board could have a fair
19 hearing on the matter.

20 49. Notwithstanding Sierra Watch's request, the Board held the hearing on the Project
21 on November 15, 2016. The hearing room was packed with hundreds of concerned residents
22 and representatives from conservation groups. The hearing lasted nearly nine hours. According
23 to eyewitness accounts more than 100 people testified with at least 80 asking the Board of
24 Supervisors to reject or reduce the Project and many noting the inadequacy of the environmental
25 review. Squaw Valley resort employees were once again bussed to the hearing and these
26 employees, along with private business owners and local foundations that receive donations
27 from the resort, constituted most of the approximately 25 people who spoke in favor of Project
28 approval. Sierra Watch submitted extensive written and oral testimony, urging the Board of

1 Supervisors to deny the Project given the massive scope of the Project and its significant
2 environmental impacts, as well as the lack of adequate environmental review and mitigation
3 under CEQA.

4 50. Sierra Watch's written comments notified the Board that the staff's proposed
5 CEQA Findings of Fact and Statement of Overriding Considerations ("Findings") are
6 inadequate under CEQA because they are not supported by substantial evidence and do not
7 supply the logical step between the Findings and the facts in the record, as required by state law.
8 For example, Sierra Watch provided comments and a financial expert's report demonstrating
9 that there was no substantial evidence to support the Findings' conclusion that the reduced
10 density alternative would be financially infeasible. Sierra Watch further commented that any
11 benefits of the Project do not outweigh the severe environmental impacts associated with the
12 Project, including but not limited to impacts to the Lake Tahoe Basin, transportation and
13 circulation, greenhouse gas emissions, air quality, noise, emergency response and wildfire,
14 visual resources, biological resources, water supply, water quality, and parks and recreation.
15 Additionally, Sierra Watch reiterated that the EIR must be recirculated.

16 51. At the hearing, County staff announced, for the first time, a last-minute
17 memorandum and amendment to the Development Agreement for the Project in an attempt to
18 address the concerns raised by the Attorney General regarding the Project's impacts to the Lake
19 Tahoe Basin. According to oral testimony by Deputy County Council, the Development
20 Agreement was amended to reflect a commitment by the Project developer to make payments of
21 a Tahoe Regional Planning Agency Air Quality fee. As explained below, the Board failed to
22 comply with the Brown Act by amending the agenda without public notice and by considering a
23 detailed memorandum from County Counsel's office regarding the Project that was not made
24 available to the public.

25 52. By a vote of four to one, the Board adopted or approved the following with respect
26 to the Project:

27 a. Resolution 2016-221 to certify the Village at Squaw Valley Specific Plan
28 Final Environmental Impact Report (SCH #2012102023) and Errata prepared pursuant to the

1 California Environmental Quality Act, adopt Findings of Fact and Statement of Overriding
2 Considerations and the Mitigation Monitoring Reporting Program;

3 b. Resolution 2016-222 to approve the Village at Squaw Valley Specific Plan;

4 c. Ordinance 5844-B to approve the Village at Squaw Valley Specific Plan
5 Development Standards and Design Guidelines;

6 d. Resolution 2016-223 to amend the Squaw Valley General Plan and Land
7 Use Ordinance to (a) incorporate the Village at Squaw Valley Specific Plan (“VSVSP”) land use
8 designation, and (b) to add Goal VI.E.7 and Policies VI.E.7.1 and VI.E.7.2 related to emergency
9 preparedness;

10 e. Ordinance 5845-B to rezone all acreage in the VSVSP area from the current
11 zoning designations to SPL-VSVSP (Specific Plan - Village at Squaw Valley Specific Plan);

12 f. Large-Lot Vesting Tentative Subdivision Map;

13 g. Ordinance 5846-B to approve the Development Agreement and amendment
14 thereto relative to the Village at Squaw Valley Specific Plan, and;

15 h. Resolution 2016-224 to approve a Water Supply Assessment.

16 53. The County filed its Notice of Determination (“NOD”) for the Project’s EIR on or
17 about November 21, 2016.

18 **The Board’s Failure to Comply with the Brown Act Regarding Its November 15 Hearing**

19 54. On November 14, 2016, the day before the Board of Supervisor’s meeting,
20 Supervising Deputy County Counsel Karin Schwab provided the Board with a 107-page
21 memorandum, which included as attachments supplemental responses to comments on the
22 FEIR, an amendment to the Development Agreement, a revised Ordinance approving the
23 amended Development Agreement, and a revised copy of the Development Agreement.

24 55. This memorandum and its attachments, which dealt with an issue extremely
25 important to the public, were not made available to the public at the time they were received by
26 a majority of the Board (or at any time before or during the meeting), nor was the agenda for the
27 meeting updated to reflect the fact that the Board planned to consider an amendment to the
28 Development Agreement at its November 15, 2016 meeting.

1 56. By failing to notify the public of this addition to the agenda and failing to give the
2 public access to the memorandum and its attachments, the County denied the public its right to
3 review the documents and provide comments on issues of great importance to the public.
4 Indeed, as evidenced by the large number of comments made on the Project—especially those
5 about impacts to Lake Tahoe, which this memorandum purported to address—had the public
6 known of this new agenda item and the contents of the memorandum, individuals and
7 conservation group representatives (including from Sierra Watch) almost certainly would have
8 provided comments to the Board thereon.

9 57. County Code section 17.58.240(B) instructs that when a development agreement is
10 amended after the Planning Commission has already considered it, the Board should refer the
11 matter back to the Planning Commission for consideration and recommendation. Despite this
12 provision, which highlights the significance of changes to a development agreement like the one
13 here, the Board neither referred the matter back to the Planning Commission, nor included the
14 amendment on its agenda for the November 15 hearing.

15 58. On December 5, 2016, Sierra Watch sent a letter to the Board of Supervisors and
16 Clerk of the Board, notifying them that the failure to put the Development Agreement
17 amendment on the agenda for the November 15, 2016 meeting violated the Brown Act and
18 demanding that the Board cure and correct the violation within thirty days of the Board's receipt
19 of the letter. The letter also warned the Board to cease and desist the practice of failing to make
20 documents provided to the Board less than 72 hours prior to the meeting available to the public
21 at the same time the materials are provided to the Board.

22 59. If the County does not (a) cure or correct the violation of the Brown Act for failure
23 to put the Development Agreement amendment on the agenda, or (b) affirmatively respond to
24 the request to cease and desist regarding its practice of failing to make documents provided to
25 the Board available to the public, Sierra Watch may seek to amend and/or supplement this
26 Petition and Complaint to allege violations of the Brown Act.

FIRST CAUSE OF ACTION
(Violations of CEQA)

1
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3 60. Petitioner hereby realleges and incorporates by reference the preceding paragraphs
4 in their entirety.

5 61. CEQA is designed to ensure that government agencies incorporate the goal of
6 long-term protection of the environment into their decisions that may affect the environment.
7 CEQA applies to any discretionary action taken by an agency that may cause a reasonably
8 foreseeable change in the environment.

9 62. In furtherance of its goal of environmental protection, CEQA requires that an
10 agency prepare an EIR for a project whenever substantial evidence in the record supports a fair
11 argument that the project may have a significant impact on the environment. As the cornerstone
12 of the CEQA process, the EIR must disclose and analyze a project's potentially significant
13 environmental impacts. In addition, the EIR also must inform decision-makers and the public of
14 feasible mitigation measures and alternative project designs or elements that would lessen or
15 avoid the project's significant adverse environmental impacts.

16 63. CEQA also mandates that, if an agency determines to approve a project, the
17 agency shall adopt all feasible mitigation measures that would reduce or avoid any of the
18 project's significant environmental impacts. If any of the project's significant impacts cannot
19 feasibly be mitigated to a less-than-significant level, the project can be approved only if there
20 are no feasible, environmentally superior alternatives available and the agency finds that the
21 project's benefits would outweigh its unavoidable impacts.

22 64. Under CEQA, all findings required for the public agency's approval of a project
23 must be legally adequate and supported by substantial evidence in the administrative record.
24 CEQA further requires that an agency provide an explanation of how the evidence in the record
25 supports the conclusions that the agency has reached.

26 65. Respondents violated CEQA by certifying an EIR for the Project that is inadequate
27 and fails to comply with the requirements of CEQA and the CEQA Guidelines. Among other
28 things, Respondents:

1 a. Relied on an incomplete and unstable description of the Project and Project
2 setting, in particular by:

3 i. Failing to provide an adequate description of the Project's
4 components and setting, and instead assuming for its analysis that the Project was merely a
5 conceptual plan;

6 ii. Failing to consider the impacts of the Project in conjunction with the
7 proposed Squaw Valley – Alpine Meadows Base to Base Gondola and the Squaw Valley Public
8 Services District's plans to construct infrastructure to provide more water to the Project area;

9 iii. Failing to consider the Project in the full environmental context,
10 which includes the nearby Lake Tahoe Basin and its environmental carrying capacity. As a
11 result, the EIR fails to adequately disclose, analyze, or mitigate the Project's significant impacts
12 on the Lake Tahoe Basin, including impacts on traffic, air quality, and water quality in the
13 Basin.

14 b. Failed to adequately disclose, analyze, or mitigate the Project's significant
15 impacts on the environment, including but not limited to the Project's direct or indirect impacts
16 on water supply; hydrology and water quality; biological resources; transportation; air quality;
17 climate change; noise; visual and scenic resources; cultural and historic resources; public safety,
18 including wildfire and emergency evacuation hazards; public services and utilities; general plan
19 and land use ordinance consistency; population, housing, and employment; and energy
20 efficiency.

21 c. Failed to adequately disclose, analyze, and mitigate the Project's significant
22 cumulative and growth-inducing impacts.

23 d. Failed to consider an adequate range of alternatives, improperly dismissed
24 potentially feasible alternatives suggested by Sierra Watch and others, and improperly rejected
25 the reduced density alternative without substantial evidence of its infeasibility.

26 e. Failed to adequately respond to comments on the EIR, including, but not
27 limited to, ignoring or improperly dismissing identification of flaws in the County's analysis,
28

1 requests for additional information, and suggestions of feasible mitigation measures and
2 alternatives.

3 f. Failed to recirculate the EIR after the addition of significant new
4 information. The EIR for the Project was required to be recirculated because significant new
5 information was added to the document after notice and opportunity for public review were
6 provided, including but not limited to significant new information regarding the Project's
7 impacts to climate change, the Lake Tahoe Basin, traffic and circulation, and wildfire and
8 emergency evacuation hazards.

9 66. Respondents also violated CEQA by adopting inadequate findings. The County's
10 findings do not provide adequate reasoning or the analytic route from facts to conclusions, as
11 required by law. The Findings of Fact and Statement of Overriding Considerations are
12 unsupported by substantial evidence in the record.

13 67. As a result of the foregoing defects, Respondents prejudicially abused their
14 discretion by certifying an EIR that does not comply with the requirements of CEQA or the
15 CEQA Guidelines and precluded informed decision-making. As such, Respondents'
16 certification of the EIR and approval of the Project must be set aside.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Petitioner prays for judgment as follows:

19 1. For alternative and peremptory writs of mandate directing the County to vacate
20 and set aside its (a) certification of the EIR; (b) adoption of Findings and Fact, Statement of
21 Overriding Considerations, and Mitigation Monitoring Reporting Program; and (c) approval of
22 the Project, including the Specific Plan, the Development Agreement, the Large-Lot Vesting
23 Tentative Subdivision Map, amendments to the Squaw Valley General Plan and Land Use
24 Ordinance, zoning change, development standards, and related resolutions and ordinances;

25 2. For alternative and peremptory writs of mandate directing the County to comply
26 with CEQA and the CEQA Guidelines, and to take any other action as required by Public
27 Resources Code section 21168.9;

1 3. For a temporary stay, temporary restraining order, and preliminary and permanent
2 injunctions restraining the County and its agents, servants, and employees, and all others acting
3 in concert with the County on its behalf, from taking any action to implement the Project,
4 pending full compliance with the requirements of CEQA and the CEQA Guidelines;

5 4. For a stay, and preliminary and permanent injunctions, restraining Real Party in
6 Interest and its agents, employees, officers, and representatives from undertaking any activity to
7 implement the Project in any way pending full compliance with the requirements of CEQA and
8 the CEQA Guidelines;

9 5. For costs of the suit;

10 6. For attorneys' fees as authorized by Code of Civil Procedure section 1021.5 and
11 other provisions of law; and

12 7. For such other and future relief as the Court deems just and proper.

13
14 DATED: December 15, 2016

SHUTE, MIHALY & WEINBERGER LLP

15
16
17 By: 
18 AMY J. BRICKER
 LAURA D. BEATON

19 Attorneys for Sierra Watch
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VERIFICATION

I, Tom Mooers, am Executive Director of Sierra Watch, the Petitioner in this action. I am authorized to execute this verification on behalf of Petitioner. I have read the foregoing Petition for Writ of Mandate and Complaint for Injunctive Relief (“Petition”). I am familiar with its contents. All facts alleged in the above Petition not otherwise supported by exhibits or other documents are true of my own knowledge. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed at Nevada City, CA on December 14, 2016.



Tom Mooers

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 14, 2016

Via E-mail and U.S. Mail

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

Re: Sierra Watch v. Placer County, et al.

Dear County Clerk:

This letter is to notify you that Sierra Watch will file suit against Placer County and the Placer County Board of Supervisors (collectively “the County”) for failure to observe the requirements of the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 et seq., and the CEQA Guidelines, California Code of Regulations section 15000 et seq., in the administrative process that culminated in the County’s November 15, 2016 decision to adopt the Village at Squaw Valley Specific Plan and related resolutions and ordinances (“Project”), and to certify the Environmental Impact Report for the Project. This notice is given pursuant to Public Resources Code section 21167.5.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Amy J. Bricker

Placer County Clerk of the Board
December 14, 2016
Page 2

PROOF OF SERVICE

Sierra Watch 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, CA 94102.

On December 14, 2016, I served true copies of the following document(s) described as:

NOTICE OF INTENT TO SUE LETTER, DATED DECEMBER 14, 2016

on the parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses 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.

BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address Mulligan@smwlaw.com to the persons at the e-mail addresses 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.

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

Executed on December 14, 2016, at San Francisco, California.


Sean P. Mulligan

SHUTE, MIHALY
& WEINBERGER LLP

Placer County Clerk of the Board
December 14, 2016
Page 3

SERVICE LIST
Sierra Watch v. Placer County, et al.

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

850398.1

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 15, 2016

Via U.S. Mail

Attorney General Kamala Harris
Office of the Attorney General
1300 "I" Street
Sacramento, CA 95814-2919

Re: Sierra Watch v. Placer County, et al.

Dear Attorney General Harris:

Enclosed please find a copy of the Verified Petition for Writ of Mandate and Complaint for Injunctive Relief ("Petition") in the above-captioned 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. Thank you.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Amy J. Bricker

Enclosure

850585.1