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LAW OFFICE OF DONALD B. MOONEY
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Attorney for Petitioners Friends of
the West Shore, TahoeCleanAir.Org, and
North Tahoe Preservation Alliance

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF PLACER

FRIENDS OF THE WEST SHORE;)
TAHOECLEARNAIR.ORG; AND NORTH)
TAHOE PRESERVATION ALLIANCE)
)
Petitioners)
)
v.)
)
COUNTY OF PLACER; PLACER COUNTY)
BOARD OF SUPERVISORS, and DOES 1 to 20,))
)
Respondents)
_____)

Case No. _____

**VERIFIED PETITION FOR
WRIT OF MANDATE**

**[CEQA Claim, Pub. Resources
Code, § 21000 *et seq.*]**

INTRODUCTION

1
2 1. By this action, Petitioners FRIENDS OF THE WEST SHORE,
3 TAHOECLEARNAIR. ORG; and NORTH TAHOE PRESERVATION ALLIANCE challenge
4 Respondents COUNTY OF PLACER and PLACER COUNTY BOARD OF SUPERVISORS’
5 October 31, 2023 adoption of an Addendum and Errata to the Tahoe Basin Area Plan (“TBAP”)
6 Environmental Impact Report; Resolution 2023-257 approving amendments to the Tahoe Basin
7 Area Plan policy document; enactment of Ordinance 6230-B amending the Tahoe Basin Area
8 Plan implementing regulations; and enactment of Ordinance 6231-B amending Placer County
9 Code, Chapter 12, Article 12.08, Section 12.08.020(A).

10 2. Based upon the record before Respondents and the requirements for the
11 preparation of a subsequent or supplemental environmental impact report (“EIR”) Respondents
12 failed to proceed in the manner required by law, and thus approval of the Addendum for the
13 amendments to the TBAP constitutes a prejudicial abuse of discretion, in violation of the
14 California Environmental Quality Act (“CEQA”), Public Resources Code §§ 21000 *et seq.*, and
15 the CEQA Guidelines, Title 14, California Code of Regulations § 15000 *et seq.*

16 3. Substantial changes in circumstances, as well as new information regarding
17 wildfire, increased density, land use, population growth, and cumulative impacts mandate the
18 preparation of a Subsequent/Supplemental EIR prior to approval of the TBAP amendments.

19 4. Affordable housing in the Tahoe Basin is critically low just as it is nationwide and
20 globally. The Tahoe Basin is a tourist-based economy and workforce housing is vitally
21 important to the Basin’s economy. While Petitioners fully support policies that foster true
22 affordable housing to address this shortage and keep workers from having to commute from
23 outside the Basin, the TBAP amendments do not require or guarantee affordable housing or
24 workforce housing, but serve as a Trojan Horse in the name of “Economic Sustainability and
25 Housing” to incentivize developers and those eager to further exploit Tahoe’s scenic beauty for
26 profit.

27 5. The Town Centers in Placer County were set up in the 2016 TBAP EIR with a
28 great deal of community involvement. Placer County’s TBAP amendments, however,

1 incentivize growth outside of Town Centers, which directly conflicts with the 2016 EIR for the
2 TBAP.

3 6. Under the TBAP Amendments a developer may choose between low, moderate
4 and achievable housing with no required percentages of what must be built. Achievable
5 housing, however, has no income cap and is not a recognized category in California. Thus, the
6 amendments do not mandate or require affordable housing, but removes barriers to the
7 development of further housing within the Tahoe Basin. Respondents approved the population
8 increasing amendments without thoroughly evaluating the environmental impacts of the
9 significant modifications to the TBAP through the approval of an Addendum to the 2016 Final
10 EIR for the TBAP.

11 7. In addition to the housing issues, the Tahoe Basin has a significant wildfire and
12 evacuation crisis. Since the County's 2016 approval of the TBAP, California has experienced a
13 significant increase in wildfires and intensity of wildfires that was not addressed or anticipated
14 in 2016. Recent changes in fire frequency, intensity, and location pose an increased threat to
15 the residents and environment of California. The TBAP amendments will facilitate and
16 incentivize growth in the Tahoe basin further exacerbating the risk of wildfire and the
17 evacuation crisis.

18 8. Petitioners seek a determination from this Court that Respondents' approval of the
19 amendments to the TBAP is invalid and void and that the Addendum prepared for the TBAP
20 amendments fails to satisfy the requirements of CEQA, and the CEQA Guidelines, Title 14,
21 California Code of Regulations, § 15000 et seq.

22 **PARTIES**

23 9. Petitioner Friends of the West Shore ("FOWS") is a California nonprofit
24 organization incorporated under the laws of the State of California in 2012. Currently, FOWS
25 has approximately 625 members and subscribers. FOWS work towards the preservation,
26 protection, and conservation of Lake Tahoe's West Shore, the watershed, wildlife, and rural
27 quality of life, for today and future generations. Friends of the West Shore has expressed
28 particular concern for the environment in which its members and subscribers live, including the

1 entire Lake Tahoe basin. They live, work, travel and enjoy recreational activities in Placer
2 County. FOWS, its members and subscribers are adversely affected by Respondents' failure to
3 comply with CEQA in approving the Project. FOWS submitted written comments on the
4 Addendum and the proposed amendments to the TBAP .

5 10. Petitioner TAHOECLEARNAIR.ORG is part of Tahoe Sierra Clean Air Coalition
6 (TSCAC) a 501(c)(3) non-profit organization incorporated in the State of Nevada, doing
7 business as TahoeCleanAir.org, and is registered to conduct business in the State of California.
8 TahoeCleanAir.org works to restore clean air and water, and to preserve all natural resources
9 within the Lake Tahoe basin and Sierra Nevada range including wildlife, beneficial plant and
10 aquatic life, and their habitats, Tahoe Area wilderness; and to expand awareness of adverse
11 cumulative environmental, safety and health impacts resulting from human over-capacity; and
12 to help ensure greater resident and visitor safety during wildfire and winter peril evacuations.
13 TahoeCleanAir.org has expressed particular concern for the environment. TahoeCleanAir.org
14 is adversely affected by Respondents' failure to comply with CEQA in approving the Project.
15 TahoeCleanAir.org submitted written comments on the Addendum and the proposed
16 amendments to the TBAP .

17 11. Petitioner NORTH TAHOE PRESERVATION ALLIANCE is C4 Non-Profit,
18 Nevada Corporation formed in 2007 by local Lake Tahoe residents. North Tahoe Preservation
19 Alliance has over 600 members who live, recreate and work in and around Tahoe Basin,
20 including within Placer County. The Mission of the North Tahoe Preservation Alliance is to
21 preserve the natural beauty and rustic character of the North Shore of Lake Tahoe and to
22 perpetuate an easygoing lifestyle within this wild environment without promoting
23 overdeveloped urbanization of existing commercial areas. The North Tahoe Preservation
24 Alliance was formed after citizens became involved with several proposed and Tahoe Regional
25 Planning Authority endorsed (or approved) projects that did not fit the scale, character, or
26 community interests of the North Shore, and it became clear a non-profit corporation was
27 required for continued citizen's involvement. North Tahoe Preservation Alliance submitted
28 written comments on the Draft EIR and Final EIR.

1 12. The environment and residents of Placer County will be directly affected by the
2 impacts of the Project. Petitioners’ respective members live, work, travel, and enjoy
3 recreational activities in Placer County. These members have a particular interest in the
4 protection of the environment of the Tahoe Basin, and are increasingly concerned about
5 worsening environmental, water, and land use conditions that detrimentally affect their well-
6 being and that of other residents and visitors of the Tahoe Basin. Petitioners members have a
7 direct and substantial beneficial interest in ensuring that Respondents comply with laws relating
8 to the protection of the environment and human health. Petitioners and their members are
9 adversely affected by Respondents’ failure to comply with CEQA in approving the Project.

10 13. Respondent COUNTY OF PLACER is a political subdivision of the State of
11 California and a body corporate and politic exercising local government power. The County of
12 Placer is the CEQA “lead agency” for the Project. As lead agency for the Project, the County
13 of Placer is responsible for preparation of an environmental document that describes the Project
14 and its impacts, and, if necessary, evaluates mitigation measures and/or alternatives to lessen or
15 avoid any significant environmental impacts.

16 14. Respondent BOARD OF SUPERVISORS OF THE COUNTY OF PLACER is a
17 legislative body duly authorized under the California Constitution and the laws of the State of
18 California to act on behalf of the County of Placer.

19 15. Petitioners are unaware of the true names and capacities of Respondents identified
20 as Does 1-20. Petitioners are informed and believe, and on that basis, allege, that Respondents
21 Does 1-20, inclusive, are individuals, entities or agencies with material interests affected by the
22 Project with respect to the Project or by the County’s actions with respect to the Project. When
23 the true identities and capacities of these Respondents have been determined, Petitioners will,
24 with leave of Court if necessary, amend this Petition to insert such identities and capacities.

BACKGROUND INFORMATION

A. THE PROJECT LOCATION

27 16. The TBAP covers the portion of Placer County that is also within the jurisdiction
28 of Tahoe Regional Planning Agency and encompasses an area of 46,612 acres or 72.1 square

1 miles. The area includes the communities of Kings Beach/Stateline, Tahoe City, Carnelian
2 Bay, Dollar Point, Sunnyside, Homewood, Tahoe Vista, and Tahoma.

3 **B. THE TAHOE BASIN AREA PLAN**

4 17. The Placer County Board of Supervisors adopted the TBAP on December 6, 2016
5 The TBAP replaced previous community plans, general plans, land use regulations,
6 development standards and guidelines, and plan area statements within the Tahoe Basin portion
7 of Placer County. The TBAP includes a policy document and implementing regulations that
8 serve as the zoning code for the Tahoe Basin portion of Placer County.

9 18. The TBAP sets forth the regulations that implement the Lake Tahoe Regional Plan
10 in the Placer County portion of the Lake Tahoe region.

11 **C. THE PROJECT – AMENDMENTS TO THE TAHOE BASIN AREA PLAN**

12 19. The TBAP amendments purport to focus on process, policy and code enforcement
13 to encourage lodging, mixed use developments, along with a variety of housing types, including
14 workforce housing. The amendments also seek to diversify land uses and increase diversity of
15 businesses and housing types.

16 20. The TBAP amendments implement recommendations set forth in the Economic
17 Sustainability Needs Assessment to facilitate and streamline revitalization projects in the Town
18 Centers and workforce housing throughout North Tahoe.

19 21. The TBAP amendments significantly change policies regarding scenic resources;
20 vegetation, socio-economic, land use, mixed use, Town Centers, community design,
21 redevelopment, and housing.

22 22. The TBAP amendments also significantly changes the TBAP Implementing
23 Regulations to facilitate development particularly in the Mixed-Use Districts and residential
24 districts. For example, in the 21 residential zone districts listed as Preferred Affordable,
25 Moderate, and Achievable Areas, the TBAP amendments allow multifamily and employee
26 housing by right with no use permit if the 100 percent of units are deed restricted to affordable,
27 moderate, or achievable based upon the TRPA Code of Ordinances Chapter 90.

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1 23. The TBAP amendments amend Parts 2.6, 2.7, 3.4, 3.5, 4.3, 4.7 and 8.2 of the
2 TBAP, and Chapters 1, 2, and 3 of the TBAP Implementing Regulations to change policy and
3 code sections aimed at supporting workforce housing, as well as encouraging lodging and
4 mixed-use redevelopment in Town Centers.

5 **D. THE COUNTY’S APPROVAL OF THE PROJECT**

6 24. On August 10, 2023, the Placer County Planning Commission held a public
7 meeting on the proposed amendments to the TBAP and the proposed Addendum to the 2016
8 Final EIR. The Planning Commission voted to recommend approval of the amendments to the
9 TBAP and Addendum.

10 25. On October 16, 2023, the Placer County Board of Supervisors held a public
11 hearing on the proposed amendments to the TBAP and the Addendum. After hearing public
12 comment during the public hearing, the Board continued the matter to October 31, 2023.

13 26. On October 31, 2023, the Placer County Board of Supervisors held a public
14 meeting where it received a staff report responding to the comments submitted by the public
15 and interested parties. Without allowing any public comment during the October 31st Board
16 meeting, the Board took the following actions:

17 a. adopted the Addendum and the Errata to the Tahoe Basin Area Plan
18 Environmental Impact Report;

19 b. adopted Planning Commission Resolution 2023-257 approving
20 amendments to the Tahoe Basin Area Plan policy document;

21 c. adopted Ordinance 6230-B amending the Tahoe Basin Area Plan
22 implementing regulations;

23 d. adopted Ordinance 6231-B amending Placer County Code, Chapter 12,
24 Article 12.08, Section 12.08.020(A).

25 27. On November 1, 2023, Respondents filed a Notice of Determination with the
26 Placer County Clerk as provided by Public Resources Code section 21152.

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1 **JURISDICTION AND VENUE**

2 28. This Court has jurisdiction over the matters alleged in this Petition pursuant to
3 Code of Civil Procedure section 1094.5, and Public Resources Code section 21168. In the
4 alternative, this Court has jurisdiction pursuant to Code of Civil Procedure section 1085 and
5 Public Resources Code section 21168.5.

6 29. Pursuant to Code of Civil Procedure section 394(a) venue is proper in this Court
7 because the Respondents are located within the County of Placer.

8 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

9 **AND INADEQUACY OF REMEDY**

10 30. Petitioners have performed any and all conditions precedent to filing the instant
11 action and have exhausted any and all available administrative remedies to the extent required
12 by law.

13 31. Petitioners have complied with the requirements of Public Resources Code section
14 21167.5 by mailing written notice of this action to the Respondents. A copy of this written
15 notice and proof of service are attached as Exhibit A to this Petition for Writ of Mandate.

16 32. Petitioners have complied with Public Resources Code section 21167.6 by
17 concurrently filing a request concerning preparation of the record of administrative proceedings
18 relating to this action.

19 33. Petitioners have no plain, speedy or adequate remedy in the course of ordinary law
20 unless this Court grants the requested writ of mandate to require Respondents to set aside their
21 approval of the Addendum and Errata to the Final EIR and approval of TBAP amendments. In
22 the absence of such remedies, Respondents' approval will remain in effect in violation of State
23 law.

24 34. This action has been brought within 30 days of Respondents filing of the Notice of
25 Determination as required by Public Resources Code section 21167(c).

26 **STANDING**

27 35. Because Petitioners' and their respective members' aesthetic and environmental
28 interests are directly and adversely affected by the Respondents' approval of the Project, and

1 because they participated at every phase of the process by submitting oral and written
2 comments, Petitioners have standing to bring this action.

3 **CAUSE OF ACTION**
4 **(Violation of the California Environmental Quality Act)**

5 36. Petitioners reallege and incorporate by reference Paragraphs 1 through 35,
6 inclusive, of this Petition, as if fully set forth below.

7 37. “At the ‘heart of CEQA’ [citation] is the requirement that public agencies prepare
8 an EIR” (*Friends of College of San Mateo Gardens v. San Mateo County Community*
9 *College Dist.* (“*San Mateo Gardens*”) (2016) 1 Cal.5th 937, 944 (“The purpose of the EIR is ‘to
10 provide public agencies and the public in general with detailed information about the effect
11 which a proposed project is likely to have on the environment; to list ways in which the
12 significant effects of such a project might be minimized; and to indicate alternatives to such a
13 project.’ [Citation.]” (*Ibid.*) “The EIR thus works to ‘inform the public and its responsible
14 officials of the environmental consequences of their decisions before they are made,’ thereby
15 protecting ‘not only the environment but also informed self-government.” [Citations.]” (*Id.*
16 at 944-945, italics omitted.)

17 38. CEQA requires supplemental environmental review when substantial changes to a
18 project or its circumstances require new lead agency approvals that in turn require major
19 revisions to a prior CEQA documents due to new unstudied environmental impacts. (Pub.
20 Resources Code, § 21166(a); CEQA Guidelines, § 15162(a)(1); *Concerned Citizens of Costa*
21 *Mesa v. 32nd Dist. Agricultural Association* (1986) 42 Cal.3d 929, 932, 935-936.) “Section
22 21166 provides that “no subsequent or supplemental environmental impact report shall be
23 required” unless at least one or more of the following occurs: (1) “[s]ubstantial changes are
24 proposed in the project which will require major revisions of the environmental impact report,”
25 (2) there are “[s]ubstantial changes” to the project's circumstances that will require major
26 revisions to the EIR, or (3) new information becomes available. (*Friends of College of San*
27 *Mateo Gardens v. San Mateo County Community College District* (2016) 1 Cal.5th 937, 945.)

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1 39. New information triggers a supplemental EIR to inform an agency’s new
2 discretionary project approval if it (1) was not known and could not have been known at the
3 time the initial EIR was certified as complete for an original project, (2) the information shows
4 new or substantially more severe significant impacts, or demonstrates the feasibility of
5 important mitigation measures or alternatives previously found infeasible, or discloses
6 important new mitigation measures or alternatives, and (3) the new information is of substantial
7 importance to the project. (Pub. Resources Code § 21166(c); CEQA Guidelines, §15162(a)(3).)

8 40. If one of the conditions described in section 21166 (and Guidelines section
9 15162(a)) applies, the lead agency must prepare either a subsequent EIR or a supplemental EIR.
10 If major changes are required to make the previous EIR adequate, the agency must prepare a
11 subsequent EIR. (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2004) 126
12 Cal.App.4th 1180, 1199-1200.) If only minor additions or changes are necessary to make the
13 original EIR adequate, the agency may prepare a supplement to the EIR. (*Id.* at 1200; see also
14 CEQA Guidelines, § 15163(a).) An addendum to an EIR is appropriate to document an
15 agency’s determination that a subsequent EIR or a supplemental EIR is not required. (*San*
16 *Mateo Gardens, supra*, 1 Cal.5th at 946; CEQA Guidelines, § 15164(a).)

17 **A. WILDFIRE AND WILDFIRE EVACUATION**

18 41. Since the 2016 approval of the TBAP, California has experienced a significant
19 increase in wildfires and intensity of wildfires that was not addressed or anticipated in 2016.
20 This new information is discussed in the California Attorney General’s October 2022 *Best*
21 *Practices for Analyzing and Mitigating Impacts of Development Projects Under the California*
22 *Environmental Quality Act*. The Attorney General pointed out that eight of the 10 largest
23 wildfires in California history have occurred in the past decade. The Attorney General further
24 stated that “the climate crisis is here, and with it comes increasingly frequent and severe
25 wildfires that force mass evacuations, destroy homes, and lead to tragic loss of life. We must
26 build in a way that recognizes this reality.” As discussed by the Attorney General “[r]ecent
27 changes in fire frequency, intensity, and location pose increasing threats to the residents and
28 environment of California. More acres of California have burned in the past decade than in the

1 previous 90 years.” To this end, the Attorney General’s Best Practices provides guidance to
2 local governments for designing “projects in a way that minimizes impacts to wildfire ignition,
3 emergency access, and evacuation, and protect California’s residents and the environment.”
4 That data and information regarding the increase in intensity of wildfire’s was not available in
5 2016 when the County approved the TBAP. As stated by the Attorney General “The changing
6 nature of wildfires, under various metrics—frequency, area burned, adverse ecological impacts,
7 the number of Californians displaced—is a worsening crisis that will unfortunately be part of
8 California’s future.”

9 42. Respondents failed to consider the new information and changed circumstances
10 regarding wildfires and wildfire evacuation since the certification of the 2016 Final EIR. The
11 Final EIR failed to substantively address wildfire and emergency evacuation. Such failure was
12 due in part to the lack of information available at that time, including the lack of modeling tools
13 that are now available. Also, the changing of housing types and density will effect emergency
14 evacuation. Without modelling and analysis these potentially significant impacts are left un-
15 analyzed and without mitigation measures.

16 43. While Level of Service is no longer analyzed under CEQA, traffic congestion
17 becomes a public safety issue if there is a need for an emergency evacuation. A real possibility
18 in a very high Fire Hazard Severity Zone, such as the area that comprises the TBAP. Since
19 certification of the 2016 Final EIR and approval of the TBAP, the capacity of State Route 28
20 has significantly decreased as Caltrans reduced it from four lanes to two lanes with roundabouts
21 in Kings Beach. The reduced capacity of State Route 28 and gridlock associated with the
22 reduced capacity during a wildfire means that emergency vehicles will be delayed and
23 evacuations cannot be safely implemented in places such as Incline Village. Given that these
24 significant impacts to traffic and evacuations occurred subsequent to the 2016 approval of the
25 TBAP, CEQA mandates that the County address them in a supplemental or subsequent EIR.

26 44. As this new information and data regarding wildfires and wildfire evacuation in
27 California was not available at the time of approval of the TBAP, the County’s failure to
28 consider it and address it in a subsequent EIR constitutes a prejudicial abuse of discretion and is

1 contrary to law. (Pub. Resources Code § 21166(c)(3); CEQA Guidelines, § 15162(a).)

2 **B. LAND USE**

3 45. The amendments to the TBAP add different types of housing where they did not
4 exist before. The change in the land use comes with no minimum parking requirements that
5 will result in traffic and air quality impacts that were not previously address. While level of
6 service is no longer an impact under CEQA, as discussed above, increased traffic congestion
7 during an emergency evacuation creates a significant impact to public safety.

8 46. The TBAP amendments' significant changes to land use patterns and parking
9 requirements constitutes substantial changes and along with the change circumstances may have
10 significant environmental impacts. These significant impacts were not addressed in the 2016
11 Final EIR and thus, require the preparation of a supplemental or subsequent EIR. (Pub.
12 Resources Code § 21166(c); CEQA Guidelines, §15162(a).)

13 **C. CUMULATIVE IMPACT ANALYSIS**

14 47. A number of new projects that are slated for development were not included in the
15 2016 Final EIR's analysis. This new information was not available at the time the County
16 certified the Final EIR and the record indicates that the TBAP Amendments may have
17 significant cumulative impacts that need to be addressed through a subsequent EIR. (Pub.
18 Resources Code § 21166(c); CEQA Guidelines, §15162(a).)

19 **D. SUBSTANTIVE CHANGES IN GROWTH**

20 48. Since Respondents' certification of the 2016 Final EIR and approval of the TBAP,
21 substantive and unforeseeable changes in growth have occurred within the Project area and
22 vicinity. These changes in growth are in part due to COVID and the significant increase in
23 tourism, particularly from the Bay Area. Additionally, the recent and unforeseen growth in
24 Truckee and the significant increase in the populations of Reno and Carson City all have
25 significantly impacted the Tahoe Basin, including Lake Tahoe. These substantial changes to
26 the Project's circumstances were not addressed in the 2016 Final EIR. Additionally, the
27 unexpected growth, due in part to COVID, constitutes new information that affects traffic, air
28 quality, noise, wildfires and evacuation. All of which CEQA requires to be addressed in a

1 subsequent or supplemental EIR. (Pub. Resources Code, § 21166(c); CEQA Guidelines, §
2 15162(a).)

3 51. Based upon each of the foregoing reasons, Respondents' failure to prepare a
4 subsequent or supplemental EIR is contrary to law and constitutes a prejudicial abuse of
5 discretion in violation of CEQA in approving the Project.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Petitioners pray for judgment as follows:

8 That this Court issue a peremptory writ of mandate ordering Respondents to:

9 a. Vacate and set aside the following approvals:

10 i. Addendum and the Errata to the Tahoe Basin Area Plan
11 Environmental Impact Report;

12 ii. Resolution 2023-257 approving amendments to the Tahoe Basin
13 Area Plan policy document;

14 iii. Ordinance 6230-B amending the Tahoe Basin Area Plan
15 implementing regulations;

16 iv. Ordinance 6231-B amending Placer County Code, Chapter 12,
17 Article 12.08, Section 12.08.020(A).

18 b. prepare, circulate and consider a subsequent or supplemental EIR for the
19 Project;

20 c. suspend all activity that could result in any change or alteration to the
21 physical environment in the Project site until Respondents have taken such actions as may be
22 necessary to bring their determination, findings or decision regarding the Project into
23 compliance with CEQA;

24 2. For Petitioners' costs associated with this action;

25 3. For an award of reasonable attorneys' fees pursuant to Code of Civil Procedure §
26 1021.5; and

27 4. For such other and further relief as the Court may deem just and proper.

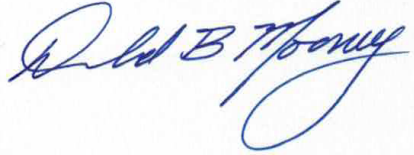
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Dated: November 29, 2023

Respectfully submitted,

LAW OFFICES OF DONALD B. MOONEY

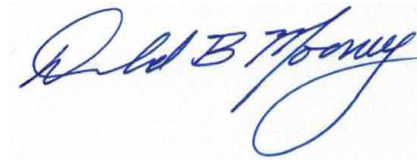


By _____
Donald B. Mooney
Attorney for Petitioners Friends of
the West Shore, TahoeCleanAir.Org, and
North Tahoe Preservation Alliance

VERIFICATION

I am the attorney for Petitioners Friends of the West Shore, TahoeCleanAir.Org, and North Tahoe Preservation Alliance. Petitioners are located outside the County of Yolo, State of California, where I have my office. For that reason, I make this verification for and on Petitioners' behalf pursuant to California Code of Civil Procedure section 446. I have read the Verified Petition for Writ of Mandate and know its contents. The matters stated in it are true and correct based on my knowledge, except as to the matters that are stated therein on information and belief and as to those matters, I believe them to be true.

I declare under penalty of perjury that the above is true and correct. Executed this 29th day of November 2023, at Davis, California.



Donald B. Mooney

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EXHIBIT A

EXHIBIT A

LAW OFFICE OF DONALD B. MOONEY

417 Mace Boulevard, Suite J-334

Davis, CA 95618

530-304-2424

dbmooney@dcn.org

November 29, 2023

***VIA FEDERAL EXPRESS
AND ELECTRONIC MAIL***

mwood@placer.ca.gov

Megan Wood
Clerk of the Board
County of Placer
175 Fulweiler Avenue
Auburn, CA 95603

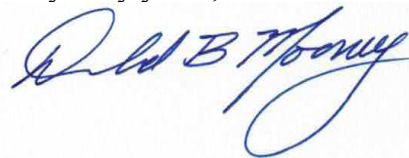
Re: NOTICE OF INTENT TO FILE CEQA PETITION

Dear Ms. Wood:

Please take notice that under Public Resources Code section 21167.5, that Petitioners Friends of the West Shore; TahoeCleanAir.Org and North Tahoe Preservation Alliance intend to file a petition for Writ of Mandate in Placer County Superior Court under the provisions of the California Environmental Quality Act, Public Resources Code section 21000 *et seq.*, against the County of Placer and the Placer County Board of Supervisors. The Petition for Writ of Mandate challenges the Board of Supervisors' October 31, 2023 adoption of an Addendum and Errata to the Tahoe Basin Area Plan ("TBAP") Environmental Impact Report; adoption of Planning Commission Resolution 2023-257 approving amendments to the Tahoe Basin Area Plan policy document; enactment of Ordinance 6230-B amending the Tahoe Basin Area Plan implementing regulations; and enactment of Ordinance 6231-B amending Placer County Code, Chapter 12, Article 12.08, Section 12.08.020(A).

The Petition for Writ of Mandate will request that the court direct Respondents to vacate and rescind approval of the Addendum, Resolution 2023-257, and Ordinances 6230-B and 6231-B. Additionally, the Petition will seek Petitioners' costs and attorney's fees associated with this action.

Very truly yours,



Donald B. Mooney
Attorney for Petitioners
Friends of the West Shore;
TahoCleanAir.Org and North Tahoe
Preservation Alliance

PROOF OF SERVICE

I am employed in the County of Yolo; my business address is 417 Mace Blvd, Suite J-334, Davis, California; I am over the age of 18 years and not a party to the foregoing action. On November 29, 2023, I served a true and correct copy of as follows:


NOTICE OF INTENT LETTER DATED NOVEMBER 29, 2023

X (by electronic mail) to the person at the electronic mail address set forth below:

X (by overnight delivery service) via Federal Express to the person at the address set forth below:

Megan Wood
Clerk of the Board
County of Placer
175 Fulweiler Avenue
Auburn, CA 95603
mwood@placer.ca.gov

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 29, 2023 at Davis, California.



Donald B. Mooney