

## Sample Summary for Electronic Document Submittal

15 copies of this document may be included when a Lead Agency is submitting electronic copies of environmental impact reports, negative declarations, mitigated negative declarations, or notices of preparation to the SCH. The SCH will still accept other summaries, such as an EIR summary prepared pursuant to CEQA Guidelines Section 15123, attached to the electronic copies of the document.

SCH # 2017072002

Lead Agency: County of Santa Cruz

Project Title: Nissan of Santa Cruz Project

Project Location: Santa Cruz Santa Cruz  
*City* *County*

Please provide a Project Description (Proposed Actions, location, and/or consequences).

The proposed project consists of combination of eight parcels and construction of an approximate 12,551 square foot automotive dealership with an approximate 9,996 square foot service area. Proposed grading of the relatively flat site includes approximately 2,485 cubic yards of cut and 1,625 cubic yards of fill with 860 cubic yards of export. The project would require a rezoning of all parcels from C-2 (Neighborhood Commercial) to C-4 (Service Commercial) and General Plan Amendment from C-C (Community Commercial) to C-S (Service Commercial), Commercial Development Permit, Grading Permit and Sign Exception to exceed 50 square feet of signage.

A Draft Environmental Impact Report (DEIR) was prepared and circulated for a 45-day public review period between December 27, 2017 and February 12, 2018, which was later extended to February 20, 2018. After the close of the public review period, a Final EIR consisting of responses to comments and changes to the Draft EIR was completed and was released to the public on April 13, 2018.

The Planning Commission held a public hearing on April 25, 2018 and recommended certification of the EIR and Project approval to the Santa Cruz County Board of Supervisors. The Board of Supervisors held a public hearing on May 22, 2018 at which time it certified the EIR and approved the Project.

Subsequent to the certification of the EIR by the County, a lawsuit was filed challenging the adequacy of the EIR and its certification. The Recirculated EIR revises a traffic mitigation discussion and the alternatives analyses in accordance with the Court order.

Please identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

This document revises the Alternatives section of the Draft EIR (Section 5.0) in accordance with the Court order which could potentially result in identifying feasible project alternatives which may or not be adopted by the Project proponent.

The conclusion of impact significance with implementation of Mitigation Measure TR-1 has been revised to reflect new information that has been provided since 2018. Specifically, the County has established a schedule and funding method for signalization of the Soquel Drive/Robertson Street intersection (County of Santa Cruz Department of Public Works, July 2019). Minor revisions are made in other sections of the EIR document to reflect the revisions to Alternatives and Mitigation Measure TR-1.

All other sections of the Draft EIR, dated December 2017 and Final EIR, dated April 2018 remain unchanged.

Governor's Office of Planning & Research

JUL 29 2019

STATE CLEARINGHOUSE

If applicable, please describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

See attached.

Please provide a list of the responsible or trustee agencies for the project.

The State CEQA Guidelines require the identification of "lead," "responsible," and "trustee" agencies. The County of Santa Cruz is the lead agency for the proposed project because it has the principal responsibility for reviewing and acting upon the project application.

A responsible agency is a public agency other than the lead agency that has discretionary approval authority over components of a project (the State CEQA Guidelines define a public agency as a state or local agency, but specifically exclude federal agencies from the definition).

A trustee agency refers to a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California. For example, the California Department of Fish and Wildlife is a trustee agency responsible for biological resources that hold special status in the state.

Provided below is a list of the anticipated discretionary actions requiring approval by the County of Santa Cruz Board of Supervisors.

- Development Permit
- General Plan Amendment
- Preliminary Grading Approval
- Rezoning
- Sign Exception
- Right-of-Way Encroachment Permit

No additional permits or authorizations will be required from any responsible or trustee agencies.

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COUNTY OF SANTA CRUZ

Subsequent to the certification of the EIR by the County, a lawsuit was filed challenging the adequacy of the EIR and its certification. On March 8, 2019, the Superior Court of the State of California for the County of Santa Cruz (hereinafter "Court") ruled that the EIR adequately discussed and analyzed the Project's impacts on traffic and noise; that the methodology and baseline used to analyze traffic impacts is supported by substantial evidence; that the EIR was not required to respond to the comments cited by the Petitioner as they did not include facts or expert opinion and therefore did not raise a significant environmental effect; that the EIR was not legally required to analyze the Project's consistency with the Sustainable Santa Cruz County Plan (SSCCP); that with augmentation of the Administrative Record and the lodging of a certified addendum to the Administrative Record, the Administrative Record is sufficiently complete; and that the Petitioner's argument that staff was "working behind the scene" to facilitate approval of the Project was not properly before the court. The Court did find that the EIR failed to discuss and analyze a reasonable range of feasible alternatives that could avoid or lessen the Project's significant environmental impact on traffic. The Court found that the EIR failed to satisfy the informational purpose of CEQA, and that the County as Respondent committed a prejudicial abuse of discretion by certifying an EIR that fails to comply with 14 CCR 15126.6(a) and (f).

On March 25, 2019, the Court issued a stipulation and peremptory writ of mandate in which the County was commanded to vacate and set aside approval of Resolution 129-2018 certifying the Final EIR and related Project approvals until the County "has complied with CEQA by analyzing a reasonable range of feasible alternatives to the Project which could avoid or lessen one or more of the Project's identified significant impacts (i.e. impacts on traffic)".

On April 23, 2019, the County Board of Supervisors took action to set aside, invalidate and void Board approvals of Application 171179, Resolution 129-2018 and Ordinance 5274, pursuant to the directive of the writ issued by the Court. This action directed the County to rescind all final approvals related to the Project, to set aside the certification of the EIR, and to take corrective action as necessary to address the CEQA violation identified by the Court. The County has undertaken revisions to the EIR in response to the Court's mandate.

Additional areas of controversy were identified during the initial circulation of the Draft EIR. These areas include concerns regarding traffic impacts, compatibility of the proposed land use, lighting, and conflicts related to deliveries and business operations. These areas of controversy were addressed in the EIR and through final action by the Board of Supervisors.