

**14<sup>th</sup> District Agricultural Association, Santa Cruz County Fair**  
**INITIAL STUDY**  
**Watsonville Certified Farmers Market**  
**REVISIONS TO INITIAL STUDY**

**I. Changes/Revisions to Initial Study**

As a result of the public review process and comments received during that time, the Initial Study dated July 19, 2011 is hereby revised as follows. A summary of comments received on the Negative Declaration / Initial Study is provided below with responses to significant environmental issues.

Page 2: Add the following to the end of the first paragraph:

In response to comments received on the Initial Study regarding noise impacts and objections to amplified music at the proposed Farmers Market, the operator has agreed to discontinue amplified music. This will become one of the terms and conditions of the contract between the operator and Fairgrounds.

Page 27-29: Change references to temporary noise increases to indicate that potential noise would be from a regular, weekly event held on Sundays.

Page 29: Table 2 – Revise last line as follows:

**SOURCE:** Estimated from onsite measurements by Magic Sound taken on Sunday, August 29, 2010.

Page 30: Add the following to the end of the Noise section:

In response to comment received on the Initial Study regarding noise impacts and objections to amplified music at the proposed Farmers Market, the operator has agreed to discontinue amplified music. This will become one of the terms and conditions of the contract between the operator and Fairgrounds. If amplified music is reconsidered in the future, additional on- and off-site sound measurements and analyses would be required, including appropriate environmental review as required under CEQA.

Page 33: Revise the last portion of the Utilities and Service Systems section as follows:

~~However, The proposed event was proposed to will be served by portable toilets provided and maintained by the market operator. However, during the public review period, it was determined that onsite restrooms would be made available, consistent with regulations of the Salsipuedes Sanitary District. There will be no~~

increased wastewater flows to the existing sanitary sewer system. The use of onsite restrooms will increase daily water use and wastewater generation at the Fairgrounds. The sewer line serving the Fairgrounds was designed to accommodate peak daily flows at the annual event with an estimated attendance of 15,000.<sup>1</sup> The proposed Farmers Market and other events held on the same day would not reach this level of attendance. The sewer system has capacity to support increased flows from the Farmers Market.

Similarly, the Fairgrounds two wells have adequate capacity to serve peak day annual Fair demand, and would be adequate to serve the proposed Farmers Market. Thus, the use of onsite restrooms instead of portable toilets with attendant water use and wastewater generation would not result in significant impacts to public utilities. There will be no other additional potable water demand or pumping of Fairgrounds' wells as drinking water is not provided at the event. Water, drinks and other food and refreshments will be available for purchase at the event.

The operator also will be responsible for offsite hauling of trash. No drainage improvements are planned.

Page 33

Revise subsection 18 (b) and (c) to indicate that amplified music will be prohibited at the proposed Farmers Market, thus eliminating, potential cumulative noise impacts related to other events held at the Fairgrounds, i.e. Friday night auto races, as well as issues raised regarding adverse effects on human beings due to increased levels both onsite and offsite.

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<sup>1</sup> Local Agency Formation Commission of Santa Cruz County, August 1987. "Salsipuedes Sanitary District Sphere of Influence Study and Proposed Fairgrounds Annexation Final Environmental Impact Report," including Draft EIR volume (May 1987).

**14<sup>th</sup> District Agricultural Association, Santa Cruz County Fair**  
**INITIAL STUDY**  
**Watsonville Certified Farmers Market**  
**SUMMARY OF COMMENTS AND RESPONSES**

**I. Background**

In accordance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines, an Initial Study was prepared for the Watsonville Certified Farmers Market project, held on Sundays at the Santa Cruz Fairgrounds. The Initial Study did not identify any significant impacts. A Negative Declaration and Initial Study (ND/IS) were circulated for a 30-day public review period between July 20 and August 18, 2011. At the request of the Community Alliance for Fairgrounds Accountability, the public review period was subsequently extended for a 30-day period on three occasions, with the current public review period ending on November 18, 2011. As of November 29<sup>th</sup>, 13 written letters or emails have been received, consisting of two agencies, one organization and 10 individuals. Additionally, oral comments were received at two Fairgrounds Board of Directors meetings (July 26 and August 23, 2011).

Comments were received from the following agencies, organizations and individuals. The comment letters and Board meeting minutes will be provided to the Board of Directors as a separate attachment and are on file at the Fairgrounds office, located at 2601 East Lake Avenue, Watsonville, CA.

1. Monterey Bay Unified Air Pollution Control District
2. Salsipuedes Sanitary District
3. Community Alliance For Fairgrounds Accountability (CAFA), Max Kelley (July 25, September 27, and November 7, 2011 letters)
4. Paula Cathey
5. Pat Davidson
6. Judy Gill
7. Allen & Janice Harryman
8. Kathy (No Last Name Provided)
9. Linda Aron & Tom May
10. Pamela Raabe (July 24, August 19 and October 25, 2011)
11. James & Melinda Rambo
12. Dennis Reader
13. Jeff Rosendale

Pursuant to the State CEQA Guidelines section 15074, the decision-making body of the lead agency shall consider the proposed negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration only if it finds

on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration reflects the lead agency's independent judgment and analysis.

There are no requirements under CEQA to prepare written responses to comments on a negative declaration. However, the major environmental comments are summarized below and provided general responses in subsection II. Changes to the Initial Study text as a result of comments and responses are included in subsection III.

## **II. Summary of Comments on Initial Study & Responses**

### **A. PROJECT DESCRIPTION**

1. **Farmers Market is Not Temporary.** The Initial Study analyses indicated that temporary vendor booths would be set up on Sundays, and as proposed, there would be intermittent noise levels associated with amplified music. The event would only be held on Sundays, and thus, was considered temporary as it would not occur on a daily basis. However, the Initial Study is hereby corrected to clarify that the event is planned as a permanent, regular weekly event (held on Sundays) in contrast to a one-time special event. With regards to noise from amplified music, which is further addressed below, noise levels would be of varying frequency and duration, and thus, intermittent throughout the day, but would occur on a regular weekly basis.
2. **Market Attendance.** Based on entry fees, Fairgrounds staff has indicated that the Farmers Market attracts approximately 1,000 cars per Sunday. Staff has indicated that this equates to an attendance level of approximately 1,400 to 2,000 visitors per day, which is approximately 1.5 to 2 people per car.
3. **Relationship to Master Plan.** Some comments suggested that a Fairgrounds Master Plan be completed before increasing uses or events at the facility. The Fairgrounds is in the process of updating the Fairgrounds' 1984 Master Plan that addresses facility improvements and uses. The proposed Farmers Market is one event held at the Fairgrounds. Regular events have historically been held at the Fairgrounds, including a flea market that was held on weekends from 1993 through 1996. The proposed Farmers Market is within the uses and capacities envisioned in the existing Master Plan. While an updated Master Plan will provide further definition of Fairgrounds uses and improvements, its completion and adoption is not necessary for the proposed project nor is the project dependent on its completion.

Section 15126 of the State CEQA Guidelines require that all phases of a project be considered when evaluating its impact on the environment, including, planning,

acquisition, development, and operation. Section 15165 further indicates that where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a single program EIR. Where an individual project is a necessary precedent for action on a larger project, or commits the Lead Agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect.

In the present case, the proposed project is not part of a larger phased project nor would its approval be a necessary precedent for action on a larger project. Thus, the Board of Directors consideration of the proposed Farmers Market would not be considered "piecemealing" actions in the absence of an adopted Master Plan as was suggested by several comments.

#### B. AIR QUALITY

1. Air Emissions. Comments from the Air District indicate that actual traffic counts should be used for the vehicle emissions calculations. The traffic counts were held on a day that there were two events at the Fairgrounds. Based on entrance fees to the Farmers Market, 917 vehicles entered the market on the day that the traffic counts were taken. This is less than the 1,000 vehicles estimated for the air quality analysis. Even with a slightly higher level of vehicles, no significant increase in emissions would be expected or violations of District thresholds as the estimated project emissions were quite low in comparison to District standards. The comment also states that the PM<sub>10</sub> estimates should include entrained road dust created by vehicles traveling on the unpaved parking areas. However, the parking areas consist of permeable asphalt-concrete grinds and are not expected to result in significant generation of particulates.

#### C. NOISE

1. Noise Impacts. Comments state that there will be increased noise levels due to amplified music with exposure of offsite residents to sound levels in excess of acceptable standards, and exposure of onsite market attendees that could create health problems. The referenced County noise standards are based on guidelines developed by the State of California to help jurisdictions with siting of new development to ensure compatibility of new development with ambient noise levels. These guidelines were cited in some comments, but are not typically used to assess impacts from a single-event as the measurements are based on a 24-hour

average and are used to guide siting and design of specific types of uses depending on the ambient noise levels in effect. Neither the County of Santa Cruz nor the City of Watsonville has noise guidelines for specific types of outdoor events. These jurisdictions, as well as many others, do have prohibitions against loud or offensive noise between 10PM and 7AM. Nonetheless, the majority of comments took issue with the actual effects of increased ambient noise levels to both offsite residents and onsite attendees. During the public review period, discussions between Fairgrounds staff and the current market operator led to an agreement to ban amplified music at the market, as further discussed below, which would eliminate this issue from further consideration. In the absence of such a ban on amplified music, additional sound measurements and technical review would be recommended to accurately determine offsite sound levels and potential impacts and respond to specific comments that were raised.

2. Recommendation for No Amplified Sound. Numerous commenters indicated that they do not support amplified music at the market, and recommended that a restriction be enacted to prohibit amplified music. During the public review period, discussions between Fairgrounds staff and the current market operator led to an agreement to ban amplified music at the market. This will become one of the terms and conditions of the contract between the operator and Fairgrounds. If amplified music is reconsidered in the future, additional on- and off-site sound measurements and analyses would be required, including appropriate environmental review as required under CEQA.

#### D. TRAFFIC

1. Traffic Impacts at the Holohan-College/Highway 152 Intersection. The analysis of impacts at the Holohan Road/Highway 152 intersection was based on traffic volumes that included two simultaneous activities at the Fairgrounds. As indicated in the Initial Study, simultaneous events held at the Fairgrounds typically do not have the same peak hour for traffic. Since the traffic counts were taken when two events were held at the Fairgrounds, they represent cumulative events at the Fairgrounds.

The County of Santa Cruz is planning improvements to the intersection that would improve operations to an acceptable level of service. The project is expected to be constructed in 2012. As indicated in the Initial Study, the levels of service during Sunday peak hours with the operation of the Farmers Market are better than those experienced during the weekday peak hour. The project would not substantially worsen the existing level of service at this intersection, and mitigation was not deemed to be necessary. Furthermore, the intersection already is planned for improvement, which will improve level of service during both weekday and

weekend conditions.

2. Fairgrounds Entrance Improvements. A dedicated left-turn lane and acceleration lane already exist at the entrance, and there are no traffic concerns at this location. Because there is no delay imposed on the State Highway at this intersection, the LOS for the state route would be A., well within the acceptable operation criteria.

E. PUBLIC SERVICES & UTILITIES

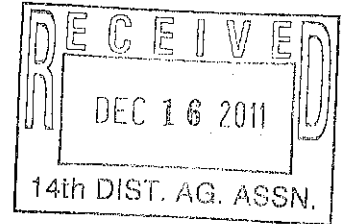
1. Wastewater Disposal. The Salsipuedes Sanitary District's Ordinance 82, adopted in 2004 allows portable toilets for temporary events, but the comment states that the proposed Farmers Market would be a regular event. As such, the Fairgrounds staff has indicated that restrooms will be open and available for use during the Farmers Market. The use of onsite restrooms will increase daily water use and wastewater generation at the Fairgrounds, but would not result in significant impacts to public utilities as discussed in subsection III below.

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December 15, 2011



Board of Directors  
14<sup>th</sup> District Agricultural Association  
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**Re: Comment letter on Watsonville Certified Farmers Market/ Flea Market  
Negative Declaration**

Dear Members of the Board of Directors:

This firm represents the Community Alliance for Fairgrounds Accountability (CAFA) and this letter is written on CAFA's behalf. We submit the following comments and objections on the above referenced Project for your consideration. These are in addition to all prior correspondence on this Project, as well as the claims set forth in the legal proceeding *Community Alliance for Fairgrounds Accountability v. State of California ex rel 14<sup>th</sup> District Agricultural Association et al.* (Sacramento Superior Court Case No. 34-2011-80000901 filed on June 29, 2011).

The standard of review for preparation of an Environmental Impact Statement (as opposed to a Negative Declaration) and potential impacts are discussed in more detail below. To summarize, approval of this Project and the Initial Study and Negative Declaration will result in serious violations of the California Environmental Quality Act (CEQA).

**1. The "Fair Argument" Standard under CEQA**

A Negative Declaration is "a written statement by the lead agency briefly describing the reasons that a proposed project ... will not have a significant effect on the environment and therefore does not require the preparation of an [Environmental Impact Report]." CEQA Guidelines, § 15371. By contrast, an EIR is required whenever substantial evidence in the record supports a "fair argument" that significant impacts may occur as a result of the project. Public Resources Code §§ 21080, 21100; CEQA Guidelines, §15064.



The “fair argument” standard creates a “low threshold” for requiring preparation of an EIR. *Architectural Heritage Assn. v. County of Monterey* (2004) 122 Cal. App. 4th 1095, 1110 (“This test establishes a low threshold for initial preparation of an EIR, which reflects a preference for resolving doubts in favor of environmental review.[Citations].”) The determination of whether an impact is “significant” should be based on scientific and factual data, as well as the existing environmental setting. *City of Orange v. Valenti* (1974) 37 Cal.App.3d 240, 249 (analysis of project’s traffic impacts necessarily depends on existing environmental setting).

Expert testimony that a project may have a significant impact is generally dispositive, and under such circumstances, an EIR must be prepared. *City of Livermore v. Local Agency Formation Commission* (1986) 184 Cal.App.3d 531, 541-542. Indeed, an EIR is required precisely in order to resolve a dispute among experts. *City of Carmel-by-the-Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 245-246.

Input from non-experts can also be considered substantial evidence where such input is credible and does not require special training, such as in the case of certain types of traffic and noise impacts. See, e.g. *Oro Fino Gold Mining Corp. v. County of Inyo* (1985) 225 Cal.App.3d 872, 882 (noise); *Citizens Association for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 172 (traffic). “Relevant, personal observations are evidence.” *Id.*

**2. The Proposed Project may have significant impacts on the environment, including noise, public services (sanitary sewer), and traffic.**

CAFA, and other members of the public have submitted extensive written comments on the Project’s potential environmental impacts which will not be repeated here. To summarize, there is substantial evidence that the project “may” have significant impacts on, among other things, traffic and noise. Additionally, correspondence from Salsipuedes Sanitary District suggests that the project may have significant impacts on sanitary sewer services as well as the Salsipuedes Creek – specifically the installation of 10 portable toilets was in direct violation of SSD District Ordinance.

**3. The “Changes and Revisions” document dated November 29, 2011 does not adequately address potential significant impacts and the acknowledged potential noise, traffic and sanitary sewer impacts must be “mitigated.”**

The “Changes and Revisions” identifies potential noise impacts and sanitary sewer impacts but improperly attempts to address these impacts through conditions of approval. However, CEQA requires that any such impacts be “mitigated”. This is not a simple matter of

proper analysis of cumulative impacts as to the uses and activities contemplated by the Master Plan.

Page 3, "B. Air Quality" "1. Air Emissions": the number of vehicles missing and the cumulative effect of increased parking lot use on dust generation is ignored.

Pages 3 & 4, "C. Noise" "1. Noise Impacts":


- The comment (page 4, top) that "Neither the County of Santa Cruz nor the City of Watsonville has noise guidelines for specific types of outdoor events" is incorrect. The 1994 Santa Cruz County Noise Element (Chapter 6, Figure 6-1) has specific references to "Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds" as well as "Auditoriums, Concert Halls, Amphitheaters".
- The comment that "These jurisdictions...do have prohibitions against loud or offensive noise between 10PM and 7AM" is incorrect in that the Santa Cruz County Noise Ordinance (8.30.010 Curfew-Offensive noise) (A) states the prohibition period is from 10PM to 8AM.

Page 4, "D. Traffic" "1. Traffic Impacts...":

- This section alludes to cumulative effect, but dismisses such impacts based on the assumption that simultaneous events are rare. This analysis ignores the plan to expand events at the Fairgrounds, thus resulting in more simultaneous events; and
- This section also alludes to deferred mitigation re: planned improvements at the Holohan / 152 intersection. However, CEQA does not permit deferral of mitigation measures.

Thank you for your consideration of these comments.

Very truly yours,  
WITTWER & PARKIN, LLP



Ryan Moroney