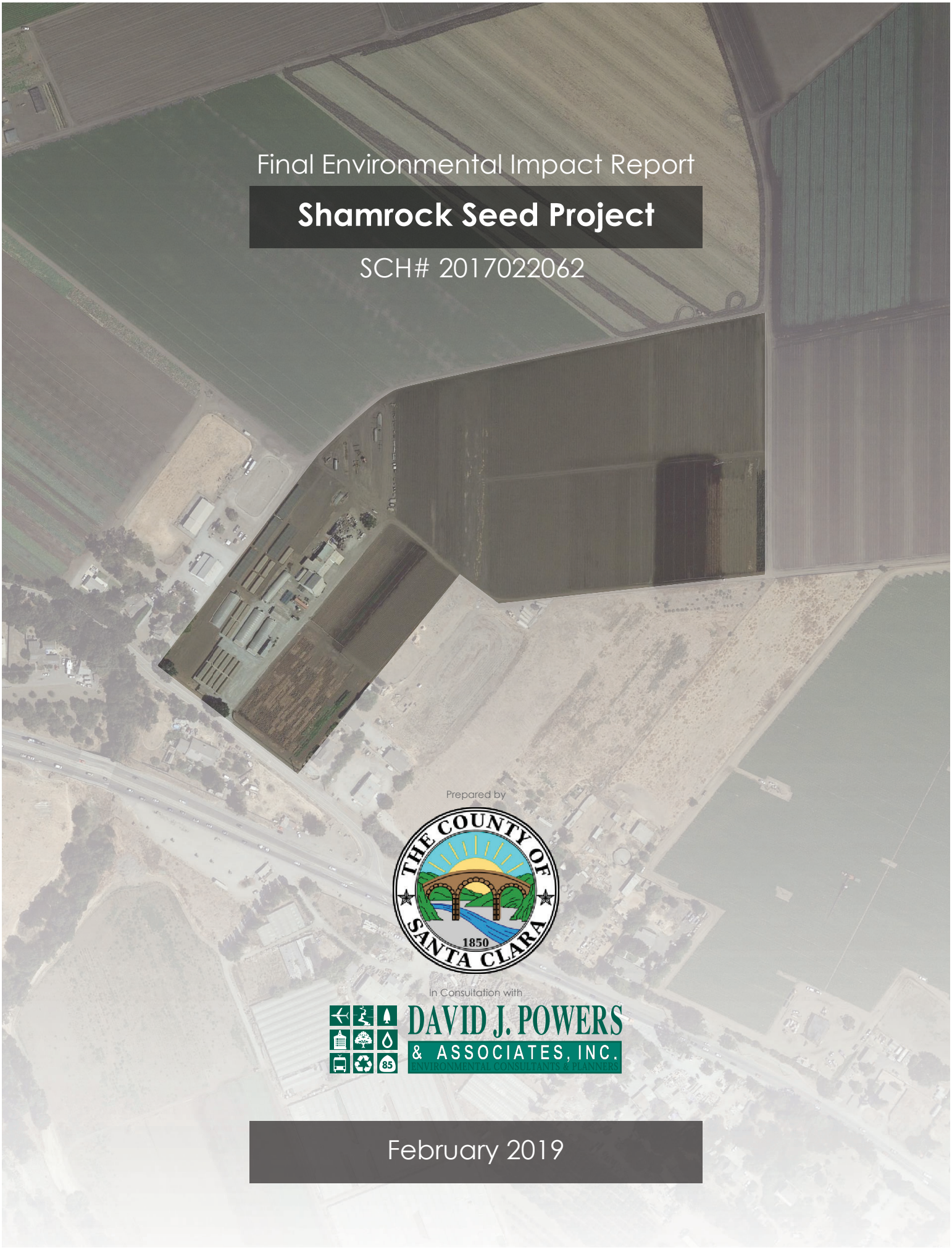


Final Environmental Impact Report

# Shamrock Seed Project

SCH# 2017022062

Prepared by

THE COUNTY OF SANTA CLARA 1850

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

February 2019

# TABLE OF CONTENTS

# SECTION 1.0 INTRODUCTION

This response-to-comments document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (Final EIR) for the Shamrock Seed Project.

## 1.1 PURPOSE OF THE FINAL EIR

In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, this Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final EIR is intended to be used by the County of Santa Clara in making decisions regarding the project. The CEQA Guidelines advise that, while the information in the Final EIR does not control the agency's ultimate discretion on the project, the agency must respond to each significant effect identified in the Draft EIR by making written findings for each of those significant effects.

According to the State Public Resources Code Section 21081, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which will mitigate or avoid the significant effect on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities of highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

## 1.2 CONTENTS OF THE FINAL EIR

CEQA Guidelines Section 15132 specify that the Final EIR shall consist of:

a) The Draft EIR or a revision of the Draft;
b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
e) Any other information added by the Lead Agency.

## 1.3 PUBLIC REVIEW

In accordance with CEQA and the CEQA Guidelines, the County of Santa Clara shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the EIR. The Final EIR and all documents referenced in the Final EIR are available for public review at Santa Clara County's Department of Planning and Development, 7th Floor, 70 West Hedding Street, San José on weekdays during normal business hours. The Final EIR is also available for review on the County's website under *Development Projects/Current Projects/Gilroy/File 9555*:https://www.sccgov.org/sites/dpd/Development/Current/Pages/Current.aspx.

# SECTION 2.0 PARTIES THAT RECEIVED THE DRAFT EIR

CEQA Guidelines Section 15086 requires that a local Lead Agency consult with and request comments on the Draft EIR prepared for a project of this type from Responsible Agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies. The following agencies, organizations, and individuals received a copy of the Draft EIR from the County of Santa Clara or via the State Clearinghouse:

***Public Agencies***

- Department of Conservation
- Department of Fish and Wildlife, Region 3
- Office of Historic Preservation
- Department of Parks and Recreation
- Department of Water Resources
- Caltrans, District 4
- California Highway Patrol
- Regional Water Quality Control Board, Region 3
- Native American Heritage Commission
- Department of Food and Agriculture
- State Water Resources Control Board, Division of Drinking Water

***Businesses and Organizations***

- Hanna Brunetti (Shamrock Seed Company)

# SECTION 3.0 RESPONSES TO DRAFT EIR COMMENTS

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the County of Santa Clara on the Draft EIR for the Shamrock Seed Project. Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the actual letters and emails received by the County of Santa Clara are included in their entirety in Section 5.0 of this document. Comments received on the Draft EIR are listed below.

**Comment Letter and Commenter** **Page of Response**

## FEDERAL AND STATE AGENCIES

### A. California Department of Transportation District 4 (dated December 6, 2018)

**Comment A.1:** Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Traveled (VMT) in part, by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the October 30, 2018 Draft EIR.

Project Understanding. The applicant proposes to construct a 10,000-square-foot (sf) agricultural research building, a 13,000-sf greenhouse, and a 25,500-sf greenhouse at 6640 Holsclaw Road. The agricultural research building will contain offices, laboratory area, and conference rooms. The proposed project will remove approximately 15 existing structures which range from 500 sf to 1,000 sf. The proposed project would increase the number of employees at the site by approximately ten people for a total of approximately 25 onsite employees. Hours of operation will be from 6:00 a.m. to 6:00 p.m., seven days a week. Work schedules for the employees would vary given the nature of research activities. The applicant proposes to provide 31 parking spaces. Access to the project site will be provided via an existing drive on Holsclaw Road. The project site is located approximately 364 feet north of the State Route (SR) 152/Holsclaw Road intersection.

> **Response A.1:** The comment regarding Caltrans' review process and description of the proposed project is acknowledged. Responses to specific environmental issues are provided below.

**Comment A.2:** **Construction Related Impacts to SR 152.** Please ensure that oversized construction equipment and large truck tractor-semitrailer(s) are not impacting SR 152 in either direction during peak hour traffic. Eastbound SR 152 has an existing single left tum lane to Holsclaw Road, this lane has an approximate storage capacity for one large STAA - trailer category as listed on the *Caltrans Highway Design Manual*, Section 404. Exceeding the storage capacity could impact eastbound SR 152.

The existing lane reduction transition distance for eastbound SR 152 from Holsclaw Road appears to be shorter than the standard distance recommended on MUTCD Figure 3B-14 (CA). That means large truck tractor-semitrailer(s) accessing this lane from Holsclaw Road must do so during non-peak hour traffic to avoid weaving conflict with mainline traffic traveling on eastbound SR 152. Please identify the amount and frequency of truck trips during construction and provide evaluation of and mitigation for potential operational impacts, which may include conditioning the project to limit large truck trips to off-peak hours. Please feel free to contact Caltrans for information regarding peak hour traffic time periods.

Project work that requires movement of oversized or excessive load vehicles on state roadways, such as Interstate (I-) 280, US Route (US) 101, or SR 152 requires a transportation permit that is issued by the Department. To apply, a completed transportation permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to: Office of

Transportation Permits, California DOT Headquarters, P.O. Box 942874, Sacramento, CA 94274-0001. See the following website link for more information: http://www/dot.ca.gov/hq/traffops/permits/.

**Response A.2:** Construction of the project would require truck trips for material and equipment delivery. Given the small size of the project (a 10,000-square-foot building and two greenhouses) and the phased construction method (Phase I taking nine to 12 months and Phase II taking approximately six months), the project would not result in more than two or three truck trips on SR 152 per day during the height of construction. The project would comply with Caltrans permitting requirements for movement and operation of construction equipment on state roadways. For these reasons, intersection and highway LOS impacts would not occur during construction (as described in the Draft EIR).

As stated in Section 4.15.2.2 of the Draft EIR, the project would result in an additional approximately 66 new vehicle trips per day for the 20 new on-site employees during operation. The number of trips would be below the 100 peak-hour trips threshold established by the Santa Clara Valley Transportation Agency Congestion Management Plan guidelines and would have a less than significant operational LOS impact at intersections and freeways and no mitigation was required as part of the Draft EIR.[1]

**Comment A.3:** **Multimodal Planning.** The project's primary and secondary effects on pedestrians, bicyclists, travelers with disabilities, and transit users should be evaluated, including countermeasures and trade-offs resulting from mitigating vehicle miles traveled (VMT) increases. Access for pedestrians and bicyclists to transit facilities must be maintained. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation.

**Response A.3:** As discussed in Section 4.15 Transportation/Traffic of the Draft EIR, the project is located in an undeveloped, rural area of Santa Clara County. There are no alternative transportation facilities (i.e., sidewalks, bike lanes, transit services) that would be adversely affected by the project because none are present in the immediate area.

**Comment A.4:** **Vehicle Trip Reduction**. From Caltrans, *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as Place Type 5b: Rural Settlements and Agricultural Lands where location efficiency factors, such as community design, are very low and regional accessibility is low. Given the place type and size of the project, it should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions. Such measures are critical to facilitating efficient site access. The measures listed below will promote smart mobility and reduce regional VMT.

[1]Institute of Transportation Engineers. *Trip Generation Manual, 10th Edition.* September 2017. Research and Development Use Code (760). Average rate of 3.29 trips per employee.

- Showers, changing rooms and clothing lockers for employees that commute via active transportation;
- Emergency Ride Home Program;
- Employee transportation coordinator;
- Secured bicycle storage facilities;
- Fix-it bicycle repair station(s);
- Shuttle to Gilroy Caltrain Station;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at: http://www.ops.fhwa.dot.gov/publications/fhwahopl2035/fhwahopl2035.pdf.

**Response A.4:** The comments regarding VMT are acknowledged. However, under recently updated CEQA Guidelines, the requirement to analyze VMT as an environmental impact does not take effect until July 1, 2020, and the County does not yet have an adopted VMT threshold.

The project will be required to implement MM GHG-1.1 to mitigate for Impact GHG-1 (GHG emissions in excess of the Substantial Progress 2030 threshold). As part of this measure, a construction and operational TDM plan could be implemented as part of a menu of measures to mitigate for the site's significant GHG emissions impact. The project would operate with a maximum of 25 staff people at a time (see Response C.1) and work schedules would vary given the nature of research activities. As stated by the commenter, "…..location efficiency factors, such as community design, are very low and regional accessibility is low". As such, the effectiveness of a TDM plan would be limited. In addition, there are no pedestrian sidewalks, bike lanes, or transit services near the project site that employees could use.

**Comment A.5:** **Lead Agency.** As the Lead Agency, the County of Santa Clara is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

**Response A.5:** Transportation impacts would not occur as part of the project; therefore, no mitigation measures related to the STN are required.

**Comment A.6:** **Encroachment Permit.** Please be advised that any work or traffic control that encroaches onto the State right-of-way (ROW) requires an encroachment permit that is issued by Caltrans. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, and six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed and stamped traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit http://www.dot.ca.gov/hq/traffops/developserv/permits/.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jake Freedman at 510-286-5518 or jake.freedman@dot.ca.gov.

**Response A.6:** The comment is acknowledged. Draft EIR has not identified any work or traffic control in the state ROW that would require an encroachment permit.

## B. California State Water Resources Control Board (dated November 7, 2018)

**Comment B.1:** The State Water Resources Control Board's (SWRCB) Division of Drinking Water's (Division or DDW) comments on the proposed project are as follows:

It was indicated in the Draft Environmental Impact Report (Draft EIR) that the proposed project involves the construction of a new 10,000-square foot, one-story agricultural research building, (which would house offices, laboratory area, and conference rooms to support the agricultural research use), two greenhouse structures and a 31-space parking lot. Water at the project site will be provided by an existing on-site well, which draws from the Llagas Subbasin and which would supply water for on-site uses such as agricultural production, seed research, and employee usage. Water from the well will be stored in a 40,000-gallon above storage tank. A septic system will be installed to service the agricultural research building, The Draft EIR also stated that the proposed project will employ up to approximately 25 on-site employees.

A public water system, as specified in Section 116275(h) of the California Health and Safety Code (CHSC), is a system for the provision of piped water to the public for human consumption that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. Human consumption is defined in Section 1162T5 (e) of the CHSC as the "use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes. A community water system is a public water system (PWS) that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system. Meanwhile, a non-transient non-community (NTNC) is a PWS that is not a community water system and that regularly serves at least 25 of the same persons over six months per year.

The Division, based on the information provided in the Draft EIR, has determined that the proposed facility meets the definition of a NTNC. As such, pursuant to Section 116527 (b)(1) of the CHSC, the project proponent needs to submit a technical report, as specified in Section 116527 (c) of the CHSC, to the Division for its review and assessment at least six months before initiating construction of any water-related improvement. In addition, to operate as a PWS, the proposed facility must apply for and receive a domestic water supply permit from this office in accordance with Section 116525 of the CHSC.

Section 116527 (b)(2) of the CHSC also states that to assist in expediting the permitting process, a person that is considering applying for a permit for a proposed new PWS is encouraged, but is not required, to submit a preliminary technical report, as specified in Section 116527 (c) of the CHSC, no later than seven days after submission of an application to the city or county for a building permit for any water-related improvement. In addition, pursuant to Section 116527 (b)(3) of the CHSC, the applicant shall also submit a copy of the preliminary technical report to the Division for a proposed PWS that would be regulated by a local primacy agency.

If you have any questions, please call Jose P. Lozano IV at (510) 620-3459 or me at (510) 620-3453.

**Response B.1:** This comment is a statement of the Division's requirements for well water systems and not about the adequacy of the EIR. Based on the proposed project's anticipated number of employees, the project would qualify as a NTNC and would be required to obtain a water supply permit. This requirement, however, is outside the scope of CEQA and is not further discussed in this Final EIR.

**ORGANIZATIONS, BUSINESSES, AND INDIVIDUALS**

## C. J. Randall Toch (dated December 13, 2018)

**Comment C.1:** This law office represents Shamrock Seed Company, a California corporation ("Applicant"), which is the applicant of the above referenced request for Architecture and Site Approval relating to the proposed upgrading and modernizing of an existing agricultural research facility (the "Project") located in an unincorporated area of Santa Clara County at 6640 Holsclaw Road, Gilroy, California (Santa Clara County Assessor's Parcel Number 841-49-002) (the "Property").

Applicant has reviewed the Draft Environmental Impact Report prepared by David J. Powers & Associates, Inc. concerning the Project (the "Draft EIR") and submits the following comments and proposed corrections with respect thereto for incorporation into the "Final" Environmental Impact Report:

1. Correction of Description of Proposed Hours of Operation and Staffing. Section 3.2.3 of the Draft EIR estimates that there may be a total of up to approximately 25 on-site employees involved in business operations on the Property following completion of the Project in addition to current part-time seasonal staff. The correct estimate should be 24 on-site employees (again excluding part-time seasonal staff). This same correction should be made anywhere else in the Draft EIR which states that there may be up to 25 anticipated on-site employees in addition to the part-time seasonal staff.

> **Response C.1:** The total number of employees (25) was confirmed by the project applicant in March of 2018 and is therefore used as the basis of the impact analysis throughout the Draft EIR. This number represents a conservative estimate of the total on-site employees for the purposes of the Draft EIR. A reduction of one employee at the project site would not change the technical analyses or impact conclusions within the Draft EIR.

**Comment C.2:** 2. The County Noise Ordinance Relied Upon in the Draft EIR Concerning Mechanical Operations is Not Applicable to the Project and/or the Property. Section 4.12.2.4 of the Draft EIR proposes a threshold of significance of 45 dBA (measured at the property line) for noises from mechanical operations on the Property resulting from the Project. That proposed threshold of significance is apparently based upon an incorrect belief on the part of the authors that Title B, Division 11, Chapter 8 (Sections B11-150 through B11-159, inclusive) of the Santa Clara County Ordinance Code (collectively the "County Noise Ordinance"), establishes a maximum "external" noise level for the Property. However, Section B-11-152 of the County Noise Ordinance, which establishes applicable external noise limitations by "land use classification", does not specify any standard for "agricultural property" (as defined in Sections B-11-151(c) and B-11-152(a)(1) of the County Noise Ordinance). Since the Property, and each and every parcel that shares a common boundary line with the Property, are all located within the County's "A - Exclusive Agriculture" zoning district, they are within the "agricultural property" land use category, which is not subject to any imitations on external noise under the County Noise Ordinance. In connection with the foregoing:

i. Section 4.12.2.4 of the Draft EIR incorrectly asserts that Section B-11-154(b)(12) of the County Noise Ordinance "limits noise levels from building mechanical equipment to 45 dBA at any neighboring property line". This statement is inaccurate both legally and factually for at least two different reasons: First, by its express terms, Section B-11-154(b)(12) of the County Noise Ordinance applies only to noises emanating from "air conditioning" equipment and "air handling" equipment. There is no discussion whatsoever in the cited code section regarding noises that emanate from any sources other than air conditioning equipment and air handling equipment, and most certainly there is no statement in the code section regarding noises which may emanate from mechanical equipment in general; and Second, even with respect to noises that directly emanate from air conditioning equipment and/or air handling equipment, the permitted noise level at the property line specified in Section B-11-154(b)(12) of the County Noise Ordinance is greater than 45 dBA.

ii. Under Section B-11-156(e) the County Noise Ordinance, all noises emanating from "mechanical devices, apparatus or equipment associated with agricultural operations conducted on agricultural property" are expressly exempted from the limitations of the County Noise Ordinance. Accordingly, all agricultural operations conducted on the Property are exempt from the County Noise Ordinance.

**Response C.2:** The Draft EIR (page 95) establishes several standards of significance for noise impacts. The first standard is exceedance of the noise levels set forth in Table B11-152 of the County Noise Ordinance, which is based on the regulatory land use classifications of the adjacent properties. But other significance standards are based on actual noise increases, not regulatory land use classifications. The third standard is whether there will be a "substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project." (Draft EIR, page 95.) Impact 4.12.2.4 analyzes the project's impacts with respect to the third standard, which pertains to *all* noise sources associated with the project that would contribute to a permanent increase in ambient noise levels. As the Draft EIR explains (page 98), the project's mechanical equipment includes "ventilation systems, air conditioning units, and exhaust fans." These are the project's major noise sources, and they fall squarely within the "air-conditioning or air-handling equipment" that Section B11-154(b)(12) of the County Noise Ordinance addresses. Therefore, the Draft EIR analysis uses the noise thresholds from section B11-154(b)(12) to assess whether the permanent noise increase would be substantial. Whether the proposed agricultural research facility is exempt from the County Noise Ordinance pursuant to section B11-156(e) is a separate issue from whether the project would result in a "substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project" for purposes of assessing the project's environmental impacts under CEQA.

**Comment C.3:** 3. Applicant Proposed Using the County Noise Ordinance Limitations for Adjacent Properties with Different Land Use Classifications as the Means for Establishing a Benchmark Threshold of Significance for Mechanical Noise Resulting from the Project. As discussed in Paragraph 2 above, the County Noise Ordinance is not directly applicable to external noise emanating from agricultural property onto other agricultural property. However, the provisions of the County Noise Ordinance do specify noise limitations in situations where non-residential land uses are

situated adjacent to residential land uses. Under the current text of the County Noise Ordinance, the applicable noise limitations in cases where non-residential properties are adjacent to residential properties are uniform regardless whether the property generating the noise is commercial or industrial. Accordingly, given the absence of specific language in the County Noise Ordinance controlling agricultural property, Applicant proposes using the metrics specified in the County Noise Ordinance for noise emanating from industrial and commercial land use classification parcels onto residential land use classification parcels as an acceptable threshold of significance for noise impact with respect to mechanical operations resulting from the Project.

**Response C.3:** As explained in Response C.2, Impact 4.12.2.4 analyzes the project's impacts with respect to the third significance standard, which is whether all noise generated by the project would contribute to a permanent increase in ambient noise levels. For impacts on adjacent residential properties, the impact analysis uses the thresholds in Section B-11-152 (a)(4) of the County Noise Ordinance states "if the noise measurement occurs on a property adjoining a different land use category, the noise level limit applicable to the lower land use category, plus five dB, will apply". The adjoining property is classified as a one- and two-family residential with a maximum noise level at the property line of 45 dBA. Treating the project site as commercial or industrial land uses would result in a maximum exterior noise level of 50 dBA at the adjoining property line. As a result, the same exterior noise threshold is used in either scenario.

## D. Georgia and Joseph Stern (dated November 17, 2018)

**Comment D.1:** We live on Holsclaw Road, approximately 1/4 mile from the proposed Shamrock Seeds Company (Vilmorin) office/greenhouse complex. We are greatly concerned about the greenhouses that "would be internally illuminated during a portion of non-daylight hours" that is proposed. We believe that the light spillage from these greenhouses would significantly impact our night sky.

In our rural area, there are no street lights and the few homes that are along the road have limited night lighting. We believe that the extended lighting that is proposed will seriously impact the quality of darkness in our night sky. In a greenhouse approximately 1/2 mile away from our house, light spillage is so extreme it appears that the sun is rising in the north at all hours of the night!
We request that the maximum precautions be required to prevent light "spillage" from any greenhouse illumination during evening and night hours. Preventive measures should be required, such as shading/glazing on ceiling and on all sides of any greenhouse that is to be used for internal "illumination during a portion of non-daylight hours "to mitigate this light pollution.

We encourage you to visit our road during the evening/night hours to see how the greenhouse that is "internally illuminated" 1/2 mile from us, impacts the surrounding area. You need only drive out of Gilroy on Gilman Road to see the large orange glow we are referring to!

**Response D.1:** Section 4.1.2.4 of the Draft EIR discusses the project's impact on uplight and skyglow at the edge of the project site and five kilometers away. The Draft EIR found that the percent change in sky brightness (2.2 percent) caused by the

project would be well below the established threshold of 10 percent and, therefore, no mitigation measures are required for uplight and skyglow. The project does include a mitigation measure (MM AES-1.1) to reduce vertical illumination (light trespass) at immediately adjacent properties.

## E. Carmen Patane (dated December 14, 2018)

**Comment E.1:** Along with this letter, I am enclosing two expert reports related to the Shamrock Seeds Project. The first report is from Evans & De Shazo, Inc. Archaeology and Historic Preservation. The second report is from Benya Burnett Consultancy (including a biography for lighting expert James Benya). Both reports detail the Draft EIR's noncompliance with CEQA.

Prior to reviewing details, I would like to stress my disappointment with the Planning Departments decision not to adopt the recommendations provided by the Draft EIR Garavaglia Historic Resource Evaluation. This is the second of two Historic Resource Evaluations prepared on behalf of the County. The first report, prepared by Leann Taagepera Environmental Planning in 2017, concluded that mitigation was required to minimize the impact of the Shamrock Seeds Project on the adjacent Historic Willson Ranch, and the County adopted the proposed mitigation. Subsequently, it was determined that a higher level expert was required to prepare a Historic Resource Evaluation, so the Garavaglia report was prepared in 2018. The Garavaglia report goes deeper into the analysis of the impacts of the Shamrock Seeds Project on the Historic Willson Ranch. It concludes with stronger recommendations to mitigate impact, yet the County has now reverted back to its original position of no mitigation required. This is a troubling development and suggests the County is not serious about protecting and preserving Historic Resources.

**Response E.1:** The comment is acknowledged. Responses to the reports by Evans & De Shazo and Benya Burnett Consultancy are provided below.

**Comment E.2:** Evans & De Shazo Current Conditions Assessment and Impacts Analysis. Evans & De Shazo, Inc. (EDS) was engaged to conduct a Current Conditions Assessment and Impacts Analysis of the locally designated property at 6650 Holsclaw Road, known as the Edwin Willson Ranch, located adjacent and to the north and west of the Shamrock Seed Project Area. After a thorough review of the Shamrock Seed Project scope of work and the Draft EIR's impacts analysis as it relates to Historical Resources, EDS found that the Draft EIR's expert report by Garavaglia Architecture, Inc. has specific shortcomings that have resulted in the Draft EIR to state that the Shamrock Seed Project would have a "less-than-significant" impact on Historical Resources—a determination that EDS asserts is not entirely defensible.

EDS found that the Edwin Willson Ranch has never been evaluated, and that the Garavaglia report utilized outdated and insufficient significance and integrity information from a 15-year-old survey to assess potential impacts to the integrity Edwin Willson Ranch. EDS found this misstep to lead to an insufficient and indefensible impacts analysis:

"As the Edwin Willson Ranch property has not been previously evaluated for CRHR-eligibility, an appropriate evaluation of the Edwin Willson Ranch appears necessary to accurately identify

character-defining features, the current condition of the property, and provide an accurate assessment of integrity to accurately and appropriately identify any and all potential impacts of the Shamrock Seed Project on Historical Resources under CEQA." (Page 9)

**Response E.2:** The County disagrees with the interpretation discussed on Page 9 in the EDS report. A property is determined to be a "historic resource" under CEQA if it is "included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code." The Edwin Willson House and Barn at 6650 Holsclaw Road is listed in Santa Clara County's list of South County Resources, and as such can be considered to be a historic resource.

Additionally, the property at 6650 Holsclaw Road (Edwin Wilson Ranch) was evaluated for CRHR-eligibility in the 2003 Department of Parks and Recreation (DPR) 523b form, and was determined to be eligible under criteria 1 and 3. The corresponding DPR 523a form includes a list of character-defining features of the Edwin Willson House and an integrity evaluation of the house and barn. The Edwin Willson Ranch property has not been significantly modified, nor has the property physically degraded since the evaluation was completed. As a result, the conclusions in the Draft EIR are supported and the CEQA impact would be less than significant, as stated in the Draft EIR.

**Comment E.3:** As part of the impact analysis, the Garavaglia report assesses the Shamrock Seed Project's conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties as it relates to the adjacent Edwin Willson Ranch. EDS found that the report inappropriately used the "Rehabilitation Standards" to assess project impacts on the integrity of historical resources on adjacent properties:

"The Draft EIR Garavaglia report finds the Shamrock Seed Project in overall compliance with the Rehabilitation Standards, when evaluated for Standards compliance as it relates to the adjacent Edwin Willson Ranch. However, the Rehabilitation Standards are not the appropriate guidelines to use in a Standards Review when evaluating a project's conformance as it relates to adjacent historical resources. Under CEQA §15064.5(b)(3), a Project is generally considered to be mitigated to a less than significant level if it conforms with the "Secretary of the Interior's Standards for the Treatment of Historic Properties"—the larger standards and guidelines as established by the National Park Service that includes, but is not limited to, the Rehabilitation Standards. The Rehabilitation Standards serve to evaluate potential direct impacts to historical resources, while indirect impacts on adjacent historical resources cannot be appropriately identified using all Rehabilitation Standards." (Page 9)

**Response E.3:** The County disagrees with the commenter. The proposed project is considered adjacent/related new construction to the Shamrock Seeds Project property at 6640 Holsclaw Road, which precludes the use of the Standards for Preservation. The proposed project also does not include the direct restoration or reconstruction of any historic resource, and as such the Standards for Restoration and the Standards for Reconstruction are not applicable. Further, the commenter does not suggest an alternate set of standards to be utilized in the impact analysis. Thus, the *Secretary of*

*the Interior's Standards for Rehabilitation* were appropriate for this evaluation, consistent with CEQA Guidelines (Section 15064.5) and standard practice.

**Comment E.4:** EDS found the Garavaglia report's impacts analysis to be deficient, as it relates to potential Shamrock Seed Project impacts on the adjacent Edwin Willson Ranch. The Garavaglia report found the Project to not fully conform with two of the most critical Standards, but did not follow up the assessment with an analysis of whether or not the Project may cause integrity loss to the extent that the Edwin Willson Ranch is "materially impaired," as explained by EDS:

"'Material impairment' occurs if a project 'demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance.' In other words, if a project is found to weaken the integrity of an Historical Resource to the extent that renders it ineligible for listing in the CRHR, it is considered to be a project that causes "material impairment" to Historical Resources under CEQA. Therefore, as the Shamrock Seed Project was found to not be in full compliance with applicable Standards 2, and not be in compliance with Standard 9, the Draft EIR Garavaglia report should have provided an analysis of the Shamrock Seed Project's potential impacts to integrity of the Edwin Willson Ranch to determine if the Shamrock Seed Project has the potential to reach the threshold of causing "material impairment" to the Historical Resource. Without this additional analysis, the Draft EIR Garavaglia report does not adequately or accurately determine whether or not the Shamrock Seed Project has the potential to constitute a substantial adverse change to the Edwin Willson Ranch. However, in order for the Draft EIR Garavaglia report to be able to adequately and appropriate assess whether or not the Shamrock Seed Project has the potential to cause "material impairment" to adjacent Historical Resources, the Draft EIR Garavaglia report needs to sufficiently evaluate the Edwin Willson Ranch for CRHR eligibility and present an accurate and current integrity analysis." (Pages 9-10)

**Response E.4:** The integrity of the adjacent Edwin Willson Ranch property was included in Appendix E Historic Evaluation (prepared by Garavaglia Architecture) and Draft EIR's analysis of potential project impacts. The existing conditions of the property and surrounding area were assessed during a field visit conducted on April 4, 2018 by Garavaglia Architecture. DPR 523 forms (historic survey) for the Edwin Willson Ranch property were provided to Garavaglia Architecture by the County. Garavaglia Architecture also conducted additional archival research on the subject property and surrounding area using resources available at the Gilroy History Museum, Newspapers.com, Santa Clara County Department of Planning and Development, and the Santa Clara County Office of the Assessor.

Appendix E Historic Evaluation to the Draft EIR evaluated the integrity of the setting of the Edwin Willson Ranch as it pertained to potential impacts of the proposed new construction at the Shamrock Seeds property at 6640 Holsclaw Road. It was determined that the integrity of the setting of the property would be impacted by the Shamrock Seeds project as designed, but provided recommendations to "render the proposed project more in-line with the historic character of 6640 Holsclaw Road, and therefore, 6650 Holsclaw Road, by reestablishing portions of the historic setting of both properties."

Under CEQA, integrity is the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. The proposed project would not alter the physical characteristics of the historical resource that conveys its historical significance, mainly the ornate Queen Anne architecture of the main residence. As stated in Section 4.5.2.2 of the Draft EIR, the proposed project would not physically modify the existing Queen Anne Victorian residence or barn at the adjacent Edwin Willson Ranch property in any way.

The proposed project would maintain a separation distance of 30 feet from the property line and 60 feet from the existing residence at the Edwin Willson Ranch property. Further, the proposed project would be compliant with eight and marginally compliant with one of the *Secretary of the Interior's Standards for Rehabilitation* (of a total of ten standards). The new construction proposed Shamrock Seeds project at 6640 Holsclaw Road—including the agricultural research building, and two new greenhouses—will occur in a portion of the property that has previously been modified at the direct site, and the setting of which has been previously modified at the southwest and south along Holsclaw Road. The remainder of the site will not be modified, including the farmed land at the northwest, north, and northeast of the property historically occupied by orchards. As such, the new construction proposed at the Shamrock Seeds property (6640 Holsclaw Road) will result in limited modifications to the setting of the Edwin Willson Ranch (6650 Holsclaw Road), but will not result in a loss of overall integrity that would preclude the property from eligibility for listing on the NRHP or CRHR (as stated in the Draft EIR).

**Comment E.5:** EDS agrees with the Garavaglia report that the Project has potential to impact the characteristically agricultural "setting" of the Edwin Willson Ranch, and concurs that the recommendations would likely lessen these potential impacts to setting. As EDS found the Garavaglia Report to not appropriately assess potential impacts to the Edwin Willson Ranch, EDS strongly encourages the Draft EIR adopt all recommendations to minimize any potential impacts to Historical Resources under CEQA, as stated in their report. Alternatively, or in conjunction with said recommendations, EDS recommends Santa Clara County consider implementing a mitigation measure related to relocating the 1890 house within the existing Edwin Willson Ranch property to lessen these potential impacts to integrity of "setting".

**Response E.5:** The County does not find the project's impact to the historic setting of the Willson Ranch to be a significant impact. Limited fabric exists of the original setting of the Edwin Willson Ranch property's 1890s-era main house. Changes to land use patterns have further disrupted the overall historic setting. While the project would be generally out of scale and character with the on-site, potentially historic barn, the site and broader area have previously been altered with roadways and modern structures. The proposed project is similar to existing industrial and commercial uses and buildings further to the southeast on both sides of Holsclaw Road. While the materials proposed (primarily metal) are not in keeping with the immediately adjacent structures at the Edwin Willson Ranch property, metal buildings are present in the vicinity, in particular to the southeast on Holsclaw Road.

Furthermore, landscaping is present along the property line adjacent to Willson Ranch parcel which would further shield views and reduce the effect of the project on the Ranch's setting.

As stated in the Draft EIR, despite the project not being fully compliant with Standard 9, this noncompliance would not result in an alteration of the physical/architectural characteristics of the main house at the Edwin Willson Ranch property that convey its historical significance. The County did not deem non-compliance with one standard (given the loss of historical setting of the overall area and preservation of the architectural characteristics of the main house), to result in a significant impact. Mitigation measures are not, therefore, proposed or required.

**Comment E.6:** In all, EDS identified that the Garavaglia report relies on outdated baseline information regarding the integrity of the Edwin Willson Ranch, and inappropriately applies all ten Rehabilitation Standards to the Shamrock Seed Project when evaluating potential impacts to this Historical Resource. As such, Draft EIR's findings that the Shamrock Seed Project does not have the potential to cause "material impairment" to the Edwin Willson Ranch and, thus, a substantial adverse change to the Historical Resource, are not substantiated by a fulsome and good-faith assessment of potential Project impacts.

**Response E.6:** See Response E.2. through Response E.5.

**Comment E.7:** Benya Burnett Response to the Draft Environmental Impact Report. Benya Burnett Consultancy was engaged to prepare a report with respect to lighting in response to the Draft Environmental Impact Report and the Lighting Analysis prepared on behalf of the Applicant by David J. Powers and Associates, Inc. dated October 2018.

The report documents multiple areas of noncompliance with CEQA, areas of significant impact and areas requiring additional work. An excerpt from the Abstract is as follows:

"The Draft EIR fails to address CEQA requirements of glare and impact on the aesthetics of the natural light environment and improperly applies measures from the Model Lighting Ordinance (MLO) developed by the International Dark Sky Associations (IDA) and the Illuminating Engineering society (IES). This response concludes that failure to fully enclose the greenhouses at night to prevent light pollution of the area will cause immitigable aesthetic impact to the neighboring properties due to light trespass and glare that were not properly addressed by the applicant's Draft EIR, and potential environmental impact to the area affecting the circadian systems of birds, insects and other species living in the immediate area. Mitigation measures proposed by the applicant are improperly conceived and while reducing the impact will not be adequate. Only a complete blackout shading system for each internally lighted greenhouse will reduce the impact caused by lighting to be less than significant when mitigated."

The Benya Burnett report lists four areas where the Consultant fails to properly examine and assess environmental impacts as follows:

1. Improper Application of the Model Lighting Ordinance

2. Misunderstanding of Sky Glow Concepts
3. Conflation of "Illuminance" and "Luminance"
4. Failure to Address CEQA Impact Guideline I. (d)

The report contains images documenting Sky Glow and excessive luminance with extreme contrast. The report concludes with a final statement as follows:

"This Project will cause significant light and glare adversely affecting nighttime views of the area that can only be mitigated by the nightly use of a total black-out shading system completely enclosing every window or skylight on each greenhouse that uses interior electric lighting at night."

**Response E.7:** This is an introductory statement. Please see Response E.11 through Response E.15 for responses to each individual comment.

**Attachment 1 – Benya Burnett Consultancy**

**Comment E.8:** Abstract. The Applicant, Shamrock Seed Company, wishes to expand a greenhouse facility on two agricultural parcels located at 6640 Holdsclaw Road in an unincorporated area of Santa Clara County near the City of Gilroy, California. According to the Draft Environmental Impact Report (Draft EIR) dated October 2018, the applicant intends to construct a new 10,000-square-foot agricultural research building, parking lot, and two sets of greenhouse structures (measuring approximately 100 feet by 130 feet, and 85 feet by 300 feet) (hereinafter the "Project"). The greenhouses would be internally illuminated during non-daylight hours. The Draft EIR fails to address CEQA requirements of glare and impact on the aesthetics of the natural light environment and improperly applies measures from the Model Lighting Ordinance (MLO) developed by the International Dark Sky Association (IDA) and the Illuminating Engineering Society (IES). This Response concludes that failure to fully enclose the greenhouses at night to prevent light pollution of the area will cause immitigable aesthetic impact to neighboring properties due to light trespass and glare that were not properly addressed by the applicant's Draft EIR, and potential environmental impact to the area affecting the circadian systems of birds, insects and other species living in the immediate area. Mitigation measures proposed by the applicant are improperly conceived and while reducing the impact will not be adequate. Only a complete black-out shading system for each internally lighted greenhouse will reduce the impact caused by lighting to be less than significant when mitigated.

**Response E.8:** This comment is a summary of the discussion below. Please see Responses E.11 through E.15.

**Comment E.9:** Introduction. Our client, the Patane family, lives at the private residence at 6650 Holdsclaw Road, is immediately adjacent on the northwest boundary to the proposed Shamrock Seed Project (hereinafter the "Project") described as follows:

"The Project is located at 6640 Holsclaw Road on two legal parcels under a single assessor's parcel number (841-49-002) in an unincorporated area of Santa Clara County near the City of Gilroy. The project proposes the demolition of existing on-site greenhouses totaling approximately 14,433 square feet (the existing modular office structure, barn, and equipment shed would remain) and construction

of a new 10,000-square-foot agricultural research building, parking lot, and two sets of greenhouse structures (measuring approximately 100 feet by 130 feet, and 85 feet by 300 feet). The greenhouses would be internally illuminated during a portion of non-daylight hours. A 90-square-foot electrical utility building, 40,000-gallon above-ground water tank, and stormwater detention pond would also be constructed." (from Draft EIR)

To be able to gain approval to proceed with their project, the Applicant is required to submit and gain approval of an environmental impact report. An environmental impact report is required by the California Environmental Quality Act (CEQA) and the jurisdiction, which is Santa Clara County. This report is with respect to lighting in response to the Draft Environmental Impact Report (Draft EIR) prepared on behalf of the Applicant by David J. Powers and Associates, Inc. dated October 2018.

**Response E.9:** This comment does not raise any issues about the adequacy of the EIR; therefore, no further response is required.

**Comment E.10:** Claims by the Applicant. Through this Draft EIR, the Applicant asserts two "less than significant claims with Mitigation" that could involve lighting:

- Illumination from the Greenhouses
- Impacts to nesting birds

The Applicant further claims that "…the project would not result in any significant and unavoidable impacts".

Vertical Illumination from the Greenhouses: In Table 1.3-1 of the Draft EIR, the Applicant lists significant impact "AES-1" as vertical illumination from the proposed project greenhouses would exceed the 0.1 footcandle (fc) threshold by 79 times as measured 10 feet from the northwest property line on the adjacent property in the vertical plane. The proposed mitigation is to employ "one or more solid barriers installed within four feet of each of the proposed lighted greenhouses along the northwest side to reduce the vertical illuminance at the northwest property line to levels below those specified in the 2011 Model Lighting Ordinance from the International Dark Sky Association/ Illuminating Engineering Society (0.1 fc measured 10 feet from the property line on the adjacent property). Such barrier(s) shall have an aggregate opacity of at least 80 percent and be at least as tall as the sidewalls of the proposed lighted greenhouses along their northwest side. At the election of the project applicant, such barrier(s) may either be incorporated within the overall design of the proposed lighted greenhouses themselves, or they may be installed as one or more separate structures constructed adjacent to the proposed lighted greenhouses along their northwest side. The design for such barrier structures shall be submitted to the Santa Clara County Department of Planning and Development for review and approval prior to issuance of a grading or building permit for the project."

Impacts on Nesting Birds: In Table 1.3-1 of the Draft EIR, the Applicant lists significant impact "BIO-1" as "…noise and equipment activity associated with construction activities at the proposed project site (that) could impact nesting migratory birds..."… It proposes a solution to schedule construction activities in a manner to minimize the impact to the birds, including the ability to adjust

the mitigation strategy depending on discovery of active nests. The Applicant limits its attention to construction activities and does not address lighting.

> **Response E.10:** This comment is a statement of facts about the Draft EIR impacts. It does not raise any issues about the adequacy of the EIR; therefore, no further response is required.

**Comment E.11:** Comments to Applicant's Technical Appendix B. In Appendix B, "Lightning (sic) Analysis", Neil Hinckley of the firm of Michael Baker International (hereinafter "Consultant") prepared a 53-page Lighting Technical Memorandum (hereinafter "Memorandum") that provides the technical support for the claims.

The Consultant claims that the lighting impacts of the Project are less than significant. The Consultant applies modern lighting analysis methods including the use of AGI32, lighting software capable of detailed lighting analysis employing advanced radiosity calculations, and a novel modernization application of Garstang's skyglow calculations. As a principal reference, the Consultant employs the Model Lighting Ordinance ("MLO") of the International Dark-Sky Association (IDA), published jointly with the Illuminating Engineering Society (IES). The MLO establishes recommended maximum limits for light trespass from one property to another. Using AGI32, the Consultant claims light trespass levels that without mitigation exceed those recommendations and suggests mitigation measures that will reduce light trespass to less than recommended amounts. Separately, using the calculations derived from Garstang, the Consultant claims inconsequential impact to anthropogenic sky glow.

The Consultant's report fails to properly examine and assess environmental impacts in four significant areas, as follow:

1. Improper Application of the Model Lighting Ordinance
2. Misunderstanding of Sky Glow Concepts
3. Conflation of "Illuminance" and "Luminance"
4. Failure to Address CEQA Impact Guideline I. (d)

1. Improper Application of the Model Lighting Ordinance: The Consultant uses the MLO as a standard to determine the impact of the light from the Project on adjacent properties. The MLO is a model outdoor lighting code published by both IES and IDA. To differentiate among various situations of ambient light, the MLO is based on a Lighting Zone (LZ) system using five lighting zones ranging from LZ0 (a lighting zone constituting wilderness and similar places where anthropogenic light must not be present) to LZ4 (a lighting zone with considerable ambient light, such as an auto mall). The Lighting Zone system is shown in Table A.

The MLO is not an environmental code nor a standard of good practice. It is intended to serve as an adjunct to the building codes by restricting outdoor lighting and is not designed to address the more complex impacts on the environment included in CEQA. The MLO's primary use is to be adopted by communities and tailored to fit their community's "lighting situations". The community's planning department and/or City Council determine the Lighting Zones throughout their community, much like any other type of land use planning. Greenhouses are an unusual case because the lighting is indoors, but light is dispersed into the environment through windows and skylights, and the MLO

does not address greenhouses and similar facilities. But it is reasonable to apply some of the MLO principles to the CEQA process.

A principal reference not mentioned by the Consultant that provides design practice guidance is the IES Lighting Handbook, Tenth Edition (hereinafter IES Handbook) and the Recommended Practices of the IES. The IES Handbook, Chapter 26 Exterior Lighting, is a condensation of important IES Recommended Practices, notably RP-33 (Recommended Practice for Lighting Exterior Environments, RP-33-14). Both RP-33 and the IES Handbook use the definitions of lighting zones originally developed for the MLO. Note that the definitions are distinct with respect to how human activities and needs are balanced with each other, the weighting of commerce and nature, and that the language was carefully chosen to allow an obvious choice of Lighting Zone for most situations.

**Table A – Lighting Zone System (from the MLO)**

| Zone | Outdoor Lighting Situation | Definition |
|---|---|---|
| LZ0 | No Ambient Lighting | Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users adapted to darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished. |
| LZ1 | Low Ambient Lighting | Areas where lighting might adversely affect flora or fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety or convenience, but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline. |
| LZ2 | Moderate Ambient Lighting | Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety or convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline. |
| LZ3 | Moderately High Ambient Lighting | Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline. |
| LZ4 | High Ambient Lighting | Areas of human activity where the vision of human residents and users is adapted to high light levels. Lighting is generally considered necessary for safety, security and/or convenience and it is mostly uniform and/or continuous. After curfew, lighting may be extinguished or reduced in some areas as activity levels decline. |

The Holdsclaw Road area is rural, substantially natural and picturesque. In my opinion, CEQA would be best served in this case if Lighting Zone of this area was set to LZ1, as it is an area where "…lighting might adversely affect flora or fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety or convenience, but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline."

The MLO uses the Lighting Zone system to prescribe limits of the amount of trespassing light and to recognize the concept of "curfew", an arbitrary time each night after which lighting should be significantly reduced or extinguished. In LZ1, a maximum light trespass of 0.1 footcandle is permitted, but there is no light trespass allowed post-curfew.

The Consultant's report fails to make the proper selection of lighting zone and fails to address a curfew time. Considering the amount of light emitted into the environment, these are important considerations affecting CEQA compliance not discussed in the Draft EIR.

**Response E.11:** Santa Clara County does not currently have any ordinances, policies, or codes applicable to the proposed project that specifically address lighting levels; therefore, a lighting consultant prepared a project-specific analysis as part of the Draft EIR (Appendix B: Lighting Analysis) to assess potential impacts.[2] The County agrees with the commenter's statement above, "…it is reasonable to apply some the MLO principles to the CEQA process." As such, the obtrusive light standard from the IDA/IES MLO-2011 was utilized, which establishes a limit for a rural setting of about 0.1 fc at the property line. Horizontal illumination resulting from the project would be below the threshold. With the implementation of MM AES-1.1 (installation of a barrier along the greenhouses), vertical illumination would be reduced to below the 0.1 fc threshold. The proposed lighting would be utilized to provide the greenhouses with a continual source of illumination for 16 hours per day, an additional "curfew" was not deemed necessary for the project because the lighting will not be utilized during a minimum of eight nighttime hours. The County disagrees with the commenter regarding the improper selection of a lighting zone. Lighting zones are established by Title 24 based on 2010 U.S. Census data.[3] According to this data, the project area would be classified as rural and would thus fall under lighting zone LZ2.[4]

Contrary to the comment above, the project's effect on the low-light nature of the area was the primary concern for the County when choosing the lighting thresholds. The determination of whether the proposed project would result in a significant environmental impact under CEQA was closely analyzed by the County, based on

[2] County ASA guidelines and findings (County Code Section 5.40.040) do not contain specific lighting levels or thresholds.
[3] CEC. "Determination of Outdoor Lighting Zones and Adopted Local Outdoor Lighting Ordinances". Accessed January 11, 2019. https://www.energy.ca.gov/title24/2008standards/outdoor_lighting/.
[4] US Census Bureau. *2010 census – Urbanized Area Reference Map: Gilroy—Morgan Hill, CA*. March 11, 2012.

scientific and factual data (which is discussed in further detail in Appendix B to the Draft EIR).

**Comment E.12:** 2. Misunderstanding of Sky Glow Concepts: The Consultant developed a novel modernization of the work of Dr. Roy Garstang (1926-2009). Late in his career, Garstang began to work on light pollution. Between 1984 and 2007, he published 40 scientific papers concerning the phenomenon, and constructed a mathematical light pollution model which included an ozone layer, scattering of light by molecules and aerosols with improved variations with altitude, curvature of the earth, and a dust layer of dust either volcanic or desert origin. The models he created to calculate and predict anthropogenic ("man-made") sky glow have become standards in the field and have since been modernized by the US Department of Energy. His motivation was that anthropogenic sky glow was increasingly affecting terrestrial astronomy with increasing negative impact on astronomy's value as a strategic resource, among its many other important values. Most importantly to the Draft EIR, sky glow of his concern occurs on clear nights and is caused by the uplight of a relatively large area, with meaningful contributions from up to 100 miles or more away from the viewer; in this case, the light from San Jose and the South Bay impacts the clarity of the night sky in Gilroy. Single sources of light, even substantial, have at most a limited effect on the night sky's clarity because the aggregation of light pollution from a large area is the real cause of this type of sky glow.

What Garstang did not address is cloudy night impacts of sky glow, because no astronomy occurs then. But cloudy nights in Gilroy occur regularly; summer months are characterized by coastal marine layer (fog), and cloudy and rainy nights occur in the winter. When fog or low clouds occur, excessive uplight causes a surreal sky glow as shown in Figure 1 that is not calculable using Garstang's methods.

**Response E.12:** The lighting analysis did address the impact of sky glow on clouds. As part of the lighting analysis in Appendix B, a calculation grid was placed at cloud level (6,000 feet), facing down, and used to calculate what the illuminance on the clouds would be. The maximum illuminance value at cloud level was approximately 0.03 fc. For reference, the illuminance on the ground during a full moon is approximately 0.01 fc, or one-third the illumination that the greenhouses are putting on clouds at a height of 6,000 feet. The illumination at this altitude is less than 0.01 fc to a radius of approximately one mile from the center of the site. This analysis shows that the amount of reflected light from the greenhouses is substantial but does not provide enough data to conclude whether the new lighting would negatively affect sky brightness. A further technical analysis was conducted to assess the overall sky brightness that would occur as a result of the project, as described below.

The International Astronomical Union (IAU) has suggested that man-made light not increase the brightness of the night sky by more than 10 percent (or a factor of 0.1) at a zenith distance of 45 degrees for a location to be considered a dark site.[5] This area is not a dark site which may indicate that a larger allowance would be acceptable, but

[5] Smith, F. G., "Report and Recommendations of IAU Commission 50," 1979.

it is also a single property and so a value of over 10 percent would seem to be an excessive allowance. Based on these arguments, it was decided that a value of 10 percent would be used as an acceptable cutoff. The lighting simulation prepared for the project shows that the increase in sky brightness due to the proposed greenhouses would below the 10 percent (0.1 factor threshold) recommendation, both at the property edge and at a distance of five kilometers. For these reasons, sky glow was assessed and impacts would be less than significant, as discussed in the Draft EIR.

Figure1

**Comment E.13:** This photograph illustrates the unnatural lighting effect that can occur because of unshielded or partly shielded greenhouse operations under cloudy conditions. This effect may impact the predation, nesting, feeding and reproduction of many species and the migration of avian species. The Consultant's use of these calculations determining the Project's minimal impact on Sky Glow are incorrectly applied as evidence supporting less than significant impact for CEQA. See item 4. Failure to Address CEQA impact Guideline l. (d), below for further discussion.

**Response E.13:** With regard to impacts on the predation, nesting, feeding, and reproduction of many species and the migration of avian species, the project site and surrounding area are under agricultural cultivation or (further to the west) are developed with industrial uses. Mammal species, aside from those habituated to the human-affected agricultural and developed environments, would not be expected to be present in the project area. Additionally, the greenhouse lights would be off for a minimum of eight hours each night; thus, minimizing impacts on birds (described further below) or other species.

Artificial lights can cause birds to migrate too early or too late and miss ideal climate conditions for nesting, foraging, and other behaviors. Birds that migrate or hunt at night navigate by moonlight and starlight. Artificial light can cause them to wander off course and collide with structures. The proposed greenhouses would, however,

only be approximately 22 feet tall, which is much lower than the heights at which most bird migration occurs (generally 100 feet or more). Thus, the greenhouses would not pose a substantial collision hazard to migrating birds flying over the area. The limited hours of illumination would ensure eight hours of darkness at night for species that forage during those hours. Further, there are no other structures present in the project area that could be a collision hazard if birds did become disoriented as a result of the greenhouse lighting.[6] Birds that forage at a lower altitude in the area could collide with the structures; however, collisions would be expected to be minimal given the overall low-quality habitat in the surrounding area.

**Comment E.14:** 3. Conflation of "Illuminance" and "Luminance". In the physics of lighting, there are two very important fundamental concepts:

- Illuminance is the amount of light that falls onto a surface, measured in lumens per square foot ("footcandles") or lumens per square meter ("lux"). Because there are about 10.76 square feet per square meter, one footcandle is equal to about 10.76 lux, which is by convention usually rounded to 10 lux.
- Luminance is the apparent brightness or light leaving (reflected by or generated by) a surface, measured in lumens per square foot (footlamberts) or nits (candelas per square meter). Because footlamberts assume that the surface has a matte finish, it can't be used to accurately describe most real-world materials. Therefore, brightness evaluations are generally confined to evaluations measured in nits.

Illuminance has the advantage of being more easily calculated or measured. However, properly calculated or measured luminance is a more accurate way to describe how light appears. Contrast is the difference in luminance between one surface and another.

In Figure 2, unshielded greenhouses are shown in a natural agricultural setting. The interior illuminance of the lighting on plants, which may be 2000 footcandles or more, is not relevant for CEQA purposes; rather it is the luminance of the greenhouses, estimated to be more than 1,000 cd/m2, having a contrast ratio with the land that exceeds 1,000:1. This makes the greenhouse prominent, extremely visible, and absolutely changes the aesthetic night environment over a considerable area. Regardless of how many footcandles or lux are measured at the property boundary, it is the extreme brightness of the greenhouse that has a significant impact on the quality of the night environment due to excessive luminance and extreme contrast, not illuminance. The Consultant's report fails to address luminance and contrast and therefore fails to address the impacts related to the quality of the viewshed and the night environment.

[6] International Dark-Sky Association. Light Pollution Effects on Wildlife and Ecosystems. Accessed January 7, 2019. https://www.darksky.org/light-pollution/wildlife/.

Figure 2

**Response E.14:** The County disagrees with the commenter regarding the adequacy of the thresholds used in the Draft EIR impact analysis. The combination of thresholds used in the impact analysis (horizontal and vertical Illuminance, uplight and skyglow, and glare) effectively assess the overall luminance of the greenhouses in contrast with the measurement of light taken at the existing site (baseline conditions). A significant impact was identified using the thresholds with regard to vertical illumination, and MM AES-1.1 would be implemented to lessen the impact below threshold levels.

**Comment E.15:** 4. Failure to Address CEQA Impact Guidelines I. (d.). The Consultant's report fails to address CEQA Impact Guidelines I. (d). From CEQA Guidelines 2018 Appendix G (resources.ca.gov) regarding lighting, there is one group of evaluations that should be completely evaluated for this Project and were not. Guideline I.(d.) shown below specifically addresses the type of environmental impact that will be caused by the Project unless complete black-out shading is used.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| I. AESTHETICS. Would the project: | | | | |
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☐ |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☐ |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☐ | ☐ |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☐ | ☐ |

Figure 2 is one of many images and from one of many stories of community conflicts involving what are called “mixed light” greenhouses designed to use natural daylight by day and to extend the light exposure period using electric illumination at night. Other than the cost of energy, the cost of electric illumination is modest and evolving with state-of-the-art LED systems replacing the incumbent high-pressure sodium lamp systems that create the distinctive yellowish glow in Figure 2.

Without a complete black out shading system, the Project will create an immitigable significant impact by creating a new source of substantial light AND glare that would adversely affect nighttime views in the area.

The Consultant offered an alternative to relocate the greenhouses and to construct a wall preventing light trespass from occurring towards the northwest. Figure 1 informs that while preventing light trespass measurably on adjacent sites, there will be many nights on which the sky glow from low clouds and fog will cause substantial light and glare.

**Response E.15:** As stated in Response E.12, the lighting analysis prepared for the project addressed the impact of sky glow on clouds. There is a lack of research on what constitutes a significant impact due to cloud illumination; therefore, general sky glow calculations were done in order to determine if the reflected light from the greenhouses would have a significant impact.

**Comment E.16:** Conclusions.
1. Greenhouses having electric lighting at night without blackout shading create substantial light and glare into the night environment.
2. The area of the project meets the criteria for IES and MLO Lighting Zone 1 (LZ1). It is “an area where lighting (at night) might adversely affect flora or fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels”. Per the MLO and IES recommendations, there should be zero (0) light trespass after curfew, which in the submitted design will be exceeded.
3. Even if blocked in the direction of neighboring properties by a solid surface like a wall, light emitted into the air will create a surreal and relatively bright sky glow because of the local climate and proximity to the marine layer on summer nights.
4. Lighting impacts can only be prevented by complete black-out shading on greenhouses used every night. A proper shading system will reduce the impact to “less than significant with mitigation incorporated”.
5. The Consultant's report and the Draft EIR fail to properly examine and assess significant environmental impacts related to CEQA. This Project will cause significant light and glare adversely affecting nighttime views of the area that can only be mitigated by the nightly use of a total black-out shading system completely enclosing every window or skylight on each greenhouse that uses interior electric lighting at night.

**Response E.16:** See Responses E-11 through E-15. Under CEQA, a lead agency must consider direct physical changes which may be caused by and are immediately related to the project and indirect physical changes that are reasonably foreseeable consequences of a project. The determination of whether these physical changes may

have a significant effect on the environment calls for the careful judgement, based on scientific and factual data and supported by substantial evidence. As such, the lighting thresholds used in the Draft EIR to assess the project impacts are based on the scientific and factual data contained in Appendix B: Lighting Analysis. This analysis provides the substantial evidence for use of the thresholds and for the conclusion that the aesthetic impacts of the project would be less than significant with the implementation of MM AES-1.1

# SECTION 4.0 DRAFT EIR TEXT REVISIONS

No text revisions were deemed necessary for the Draft EIR.

## Appendix A: Draft EIR Comment Letters

**DEPARTMENT OF TRANSPORTATION**
DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-5559
TTY 711
www.dot.ca.gov



*Making Conservation a California Way of Life.*

December 6, 2018

SCH # 2017022062
GTS # 04-SCL-2016-00496
GTS ID: 221
PM: SCL – 152 – 11.4

Rob Salisbury, Planning Manager
County of Santa Clara
70 W. Hedding Street
San Jose, CA 95112

**The Shamrock Seed Project – Draft Environmental Impact Report (DEIR)**

Dear Rob Salisbury:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), Caltrans' mission signals a modernization of our approach to evaluate and mitigate impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Traveled (VMT) in part, by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the October 30, 2018 DEIR.

***Project Understanding***

The applicant proposes to construct a 10,000-square-foot (sf) agricultural research building, a 13,000-sf greenhouse, and a 25,500-sf greenhouse at 6640 Holsclaw Road. The agricultural research building will contain offices, laboratory area, and conference rooms. The proposed project will remove approximately 15 existing structures which range from 500 sf to 1,000 sf. The proposed project would increase the number of employees at the site by approximately ten people, for a total of approximately 25 onsite employees. Hours of operation will be from 6:00 a.m. 6:00 p.m., seven days a week. Work schedules for the employees would vary given the nature of research activities. The applicant proposes to provide 31 parking spaces. Access to the project site will be provided via an existing drive on Holsclaw Road. The project site is located approximately 364 feet north of the State Route (SR) 152/ Holsclaw Road intersection.

***Construction Related Impacts to SR 152***

Please ensure that oversized construction equipment and large truck tractor-semitrailer(s) are not impacting SR 152 in either direction during peak hour traffic. Eastbound SR 152 has an existing single left turn lane to Holsclaw Road, this lane has an approximate storage capacity for one large STAA – trailer category as listed on the *Caltrans Highway Design Manual*, Section 404. Exceeding the storage capacity could impact eastbound SR 152.

The existing lane reduction transition distance for eastbound SR 152 from Holsclaw Road appears to be shorter than the standard distance recommended on MUTCD Figure 3B-14 (CA). That means large truck tractor-semitrailer(s) accessing this lane from Holsclaw Road must do so during non-peak hour traffic to avoid weaving conflict with mainline traffic traveling on eastbound SR 152. Please identify the amount and frequency of truck trips during construction and provide evaluation of and mitigation for potential operational impacts, which may include conditioning the project to limit large truck trips to off-peak hours. Please feel free to contact Caltrans for information regarding peak hour traffic time periods.

Project work that requires movement of oversized or excessive load vehicles on state roadways, such as Interstate (I-) 280, US Route (US) 101, or SR 152 requires a transportation permit that is issued by the Department. To apply, a completed transportation permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to: Office of Transportation Permits, California DOT Headquarters, P.O. Box 942874, Sacramento, CA 94274-0001. See the following website link for more information: http://www/dot.ca.gov/hq/traffops/permits/.

***Multimodal Planning***
The project's primary and secondary effects on pedestrians, bicyclists, travelers with disabilities, and transit users should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access for pedestrians and bicyclists to transit facilities must be maintained. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation.

***Vehicle Trip Reduction***
From Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as **Place Type 5b: Rural Settlements and Agricultural Lands** where location efficiency factors, such as community design, are very low and regional accessibility is low. Given the place type and size of the project, it should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions. Such measures are critical to facilitating efficient site access. The measures listed below will promote smart mobility and reduce regional VMT.

- Showers, changing rooms and clothing lockers for employees that commute via active transportation;
- Emergency Ride Home program;
- Employee transportation coordinator;
- Secured bicycle storage facilities;
- Fix-it bicycle repair station(s);
- Shuttle to Gilroy Caltrain Station;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and

- Aggressive trip reduction targets with Lead Agency monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at: http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf.

***Lead Agency***

As the Lead Agency, the County of Santa Clara is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

***Encroachment Permit***

Please be advised that any work or traffic control that encroaches onto the State right-of-way (ROW) requires an encroachment permit that is issued by Caltrans. To obtain an encroachment permit, a completed encroachment permit application, environmental documentation, and six (6) sets of plans clearly indicating the State ROW, and six (6) copies of signed and stamped traffic control plans must be submitted to: Office of Encroachment Permits, California DOT, District 4, P.O. Box 23660, Oakland, CA 94623-0660. To download the permit application and obtain more information, visit http://www.dot.ca.gov/hq/traffops/developserv/permits/.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jake Freedman at 510-286-5518 or jake.freedman@dot.ca.gov.

Sincerely,

PATRICIA MAURICE
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board
Division of Drinking Water

November 7, 2018

Mr. Robert Salisbury
Senior Planner
Department of Planning and Development
County of Santa Clara
70 W. Hedding Street, 7th Floor
San Jose, CA 95110

**DRAFT ENVIRONMENTAL IMPACT REPORT FOR SHAMROCK SEED PROJECT (SCH#2017022062)**

Dear Mr. Salisbury:

The State Water Resources Control Board's (SWRCB) Division of Drinking Water's (Division or DDW) comments on the proposed project are as follows:

It was indicated in the Draft Environmental Impact Report (DEIR) that the proposed project involves the construction of a new 10,000-square foot, one-story agricultural research building, (which would house offices, laboratory area, and conference rooms to support the agricultural research use), two greenhouse structures and a 31-space parking lot. Water at the project site will be provided by an existing on-site well, which draws from the Llagas Subbasin and which would supply water for on-site uses such as agricultural production, seed research, and employee usage. Water from the well will be stored in a 40,000-gallon above storage tank. A septic system will be installed to service the agricultural research building. The DEIR also stated that the proposed project will employ up to approximately 25 on-site employees.

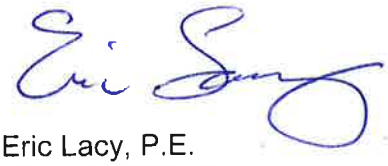
A public water system, as specified in Section 116275(h) of the California Health and Safety Code (CHSC), is a system for the provision of piped water to the public for human consumption that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. Human consumption is defined in Section 116275 (e) of the CHSC as the "use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes. A community water system is a public water system (PWS) that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system. Meanwhile, a non-transient non-community (NTNC) is a PWS that is not a community water system and that regularly serves at least 25 of the same persons over six months per year.

The Division, based on the information provided in the DEIR, has determined that the proposed facility meets the definition of a NTNC. As such, pursuant to Section 116527 (b)(1) of the CHSC, the project proponent needs to submit a technical report, as specified in Section 116527 (c) of the CHSC, to the Division for its review and assessment at least six months before initiating construction of any water-related improvement. In addition, to operate as a PWS, the proposed facility must apply for and receive a domestic water supply permit from this office in accordance with Section 116525 of the CHSC.

Section 116527 (b)(2) of the CHSC also states that to assist in expediting the permitting process, a person that is considering applying for a permit for a proposed new PWS is encouraged, but is not required, to submit a preliminary technical report, as specified in Section 116527 (c) of the CHSC, no later than seven days after submission of an application to the city or county for a building permit for any water-related improvement. In addition, pursuant to Section 116527 (b)(3) of the CHSC, the applicant shall also submit a copy of the preliminary technical report to the Division for a proposed PWS that would be regulated by a local primacy agency.

If you have any questions, please call Jose P. Lozano IV at (510) 620-3459 or me at (510) 620-3453.

Sincerely,



Eric Lacy, P.E.
District Engineer
Santa Clara District
Division of Drinking Water
State Water Resources Control Board

cc: Santa Clara County Environmental Health Department

Office of Planning and Research
State Clearinghouse
P. O. Box 3044
Sacramento, CA 95812-3044

Ms. Amanda Musy-Verdel
Hanna and Brunetti
7651 Eigleberry Street
Gilroy, CA 95020

J. RANDALL TOCH
ATTORNEY AT LAW

December 13, 2018

***Via Email: robert.salisbury@pln.sccgov.org***
County of Santa Clara Planning Division
Attention: Robert Salisbury
County Government Center
70 West Hedding Street, East Wing, 7th Floor
San Jose, CA 95110

***Re: Applicant's Comments to Draft Environmental Impact Report***
***Shamrock Seed Project: Application for Architecture and Site Approval***

***Santa Clara County Planning Department File No. 9555-16A-16G***
***Santa Clara County Office of the County Clerk-Recorder File No. ENV21012***

***Property Address: 6640 Holsclaw Road, Gilroy, California (A.P.N. 841-49-002)***
***Our Client: Applicant Shamrock Seed Company, a California corporation***

Dear Mr. Salisbury:

This law office represents Shamrock Seed Company, a California corporation ("**Applicant**"), which is the applicant of the above referenced request for Architecture and Site Approval relating to the proposed upgrading and modernizing of an existing agricultural research facility (the "**Project**") located in an unincorporated area of Santa Clara County at 6640 Holsclaw Road, Gilroy, California (Santa Clara County Assessor's Parcel Number 841-49-002) (the "**Property**").

Applicant has reviewed the Draft Environmental Impact Report prepared by David J. Powers & Associates, Inc. concerning the Project (the "**DEIR**") and submits the following comments and proposed corrections with respect thereto for incorporation into the "Final" Environmental Impact Report:

1. **Correction of Description of Proposed Hours of Operation and Staffing.** Section 3.2.3 of the DEIR estimates that there may be a total of up to approximately 25 on-site employees involved in business operations on the Property following completion of the Project in addition to current part-time seasonal staff. The correct estimate should be 24 on-site employees (again excluding part-time seasonal staff). This same correction should be made anywhere else in the DEIR which states that there may be up to 25 anticipated on-site employees in addition to the part-time seasonal staff.

2. **The County Noise Ordinance Relied Upon in the DEIR Concerning Mechanical Operations is Not Applicable to the Project and/or the Property**. Section 4.12.2.4 of the DEIR proposes a threshold of significance of 45 dBA (measured at the property line) for noises from mechanical operations on the Property resulting from the Project. That proposed threshold of significance is apparently based upon an incorrect belief on the part of the authors that Title B, Division 11, Chapter 8 (Sections B11-150 through B11-159, inclusive) of the Santa Clara County Ordinance Code (collectively the "**County Noise Ordinance**"), establishes a maximum "external" noise level for the Property. However, Section B-11-152 of the County Noise Ordinance, which establishes applicable external noise limitations by "land use classification", does not specify any standard for "agricultural property" (as defined in Sections B-11-151(c)[1] and B-11-152(a)(1)[2] of the County Noise Ordinance). Since the Property, and each and every parcel that shares a common boundary line with the Property, are all located within the County's "A - Exclusive Agriculture" zoning district, they are within the "agricultural property" land use category, which is not subject to any imitations on external noise under the County Noise Ordinance. In connection with the foregoing:

    i. Section 4.12.2.4 of the DEIR incorrectly asserts that Section B-11-154(b)(12) of the County Noise Ordinance[3] "limits noise levels from building mechanical equipment to 45 dBA at any neighboring property line". This statement is inaccurate both legally

[1] Section B 11 151(c) of the County Noise Ordinance states as follows: "Agricultural property means a parcel of real property located in areas zoned exclusively for agricultural purposes."

[2] Section B11-152(a)(1) of the County Noise Ordinance states as follows: "***The noise standards*** for the various receiving land use categories as presented in Table B11-152 will ***apply to all property within any zoning district***." ***(Emphasis Added)***

[3] Section B 11 154(b)(12) of the County Noise Ordinance states as follows: "(b) *Specific prohibitions*. . . . (12) *Air-conditioning or air-handling equipment*. Operating or permitting the operation of any air-conditioning or air-handling equipment in a manner as to exceed any of the following sound levels without a variance: [¶] Measurement Location; dB(A) [¶] Any point on neighboring property line, five feet above grade level, no closer than three feet from any wall\50 [¶] Center of neighboring patio, five feet above grade level, no closer than three feet from any wall\45 [¶] Outside the neighboring living area window nearest the equipment location, not more than three feet from the window opening, but at least three feet from any other surface\45"

and factually for at least two different reasons: First, by its express terms, Section B-11-154(b)(12) of the County Noise Ordinance applies only to noises emanating from "air conditioning"[4] equipment and "air handling"[5] equipment. There is no discussion whatsoever in the cited code section regarding noises that emanate from any sources other than air conditioning equipment and air handling equipment, and most certainly there is no statement in the code section regarding noises which may emanate from mechanical equipment in general; and Second, even with respect to noises that directly emanate from air conditioning equipment and/or air handling equipment, the permitted noise level at the property line specified in Section B-11-154(b)(12) of the County Noise Ordinance is greater than 45 dBA.

ii. Under Section B-11-156(e) the County Noise Ordinance[6], all noises emanating from "mechanical devices, apparatus or equipment associated with agricultural operations conducted on agricultural property" are expressly exempted from the limitations of the County Noise Ordinance. Accordingly, all agricultural operations conducted on the Property are exempt from the County Noise Ordinance. [7]

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[4] "Air conditioning system" is defined on page 17 of Means Illustrated Construction Dictionary Third Edition Unabridged, R.S. Means Company, Inc. Construction Publishers and Consultants (2000) as follows: "An air treatment system designed to control the temperature, humidity, and cleanliness of air and to provide for its distribution throughout the structure."

[5] "Air handling unit (AHU)" is defined on page 18 of Means Illustrated Construction Dictionary Third Edition Unabridged, R.S. Means Company, Inc. Construction Publishers and Consultants (2000), as follows: "The traditional method of heating, cooling, and ventilating a building by which single or variable speed fans push air over hot or cold coils then through dampers and ducts and into one or more rooms."

[6] Section B-11-156(e) of the County Noise Ordinance states as follows: "*Agricultural operations*. The provisions of this chapter will not apply to mechanical devices, apparatus or equipment associated with agricultural operations conducted on agricultural property."

[7] Applicant recognizes that: (i) Section B11-151(w) of the County Noise Ordinance states: "One- and two-family residential means any real property in any zoning district where one- or two-family dwellings are a permitted use."; (ii) One and two family dwellings are permitted in the County's "A – Exclusive Agriculture" zoning district (however, on parcels

3. **Applicant Proposes Using the County Noise Ordinance Limitations for Adjacent Properties with Different Land Use Classifications as the Means for Establishing a Benchmark Threshold of Significance for Mechanical Noise Resulting from the Project.** As discussed in Paragraph 2 above, the County Noise Ordinance is not directly applicable to external noise emanating from agricultural property onto other agricultural property. However, the provisions of the County Noise Ordinance do specify noise limitations in situations where non-residential land uses are situated adjacent to residential land uses. Under the current text of the County Noise Ordinance, the applicable noise limitations in cases where non-residential properties are adjacent to residential properties are uniform regardless whether the property generating the noise is commercial or industrial. Accordingly, given the absence of specific language in the County Noise Ordinance controlling agricultural property, Applicant proposes using the metrics specified in the County Noise Ordinance for noise emanating from industrial and commercial land use classification parcels onto residential land use classification parcels as an acceptable threshold of significance for noise impact with respect to mechanical operations resulting from the Project.

If you have any questions concerning any of the foregoing matters, or if I can provide you with any further documents or information, please contact me.

Very truly yours,

J. Randall Toch, Esq.
Attorney for Applicant
Shamrock Seed Company

---

subject to Williamson Act contracts, dwellings are permitted only when ancillary to primary agricultural uses); and, therefore, (iii) It could conceivably be argued that, for purposes of the County's Noise Ordinance, every parcel situated in the County's A ("Exclusive Agriculture") zoning district (as well as ALL parcels in the County's commercial and industrial zoning districts in which new dwellings and/or expansions of existing dwellings are also permitted) could be considered to be residential land uses rather than their actual distinctly non-residential land uses; however, such a tortured construction would obviously lead to an absurd result by undermining the clear intent of the ordinance.

cc: Elizabeth G. Pianca, Esq., Lead Deputy County Counsel, County of Santa Clara
***(Via Email: Elizabeth.Pianca@cco.sccgov.org)***
Marian Hreno, America Unit Research Operations Director, Vilmorin North America
***(Via Email: marian.hreno@vilmorin.com)***
Don Mendel, Esq., General Counsel, AMPA, HM CLAUSE, Inc.
***(Via Email: don.mendel@hmclause.com)***
Amanda (Wilson) Musy-Verdel P.E., QSD, Hanna – Brunetti
**(Via Email: amanda@hannabrunetti.com)**

Subject: Project (SCH#[201/17022062])
Draft EIR County file #9555-16A-16G-18EIR

11/17/18

Mr. Salisbury:

We live on Holsclaw Road, approximately 1/4 mile from the proposed Shamrock Seeds Company (Vilmorin) office/greenhouse complex. We are greatly concerned about the greenhouses that "would be internally illuminated during a portion of non-daylight hours" that is proposed. We believe that the light spillage from these greenhouses would significantly impact our night sky.

In our rural area, there are no street lights and the few homes that are along the road have limited night lighting. We believe that the extended lighting that is proposed will seriously impact the quality of darkness in our night sky. In a greenhouse approximately ½ mile away from our house, light spillage is so extreme it appears that the sun is rising in the north at all hours of the night!

We request that the maximum precautions be required to prevent light "spillage" from any greenhouse illumination during evening and night hours. **Preventive measures should be required, such as shading/glazing on ceiling and on all sides of any greenhouse that is to be used for internal "illumination during a portion of non-daylight hours "to mitigate this light pollution.**

We encourage you to visit our road during the evening/night hours to see how the greenhouse that is "internally illuminated" ½ mile from us, impacts the surrounding area. You need only drive out of Gilroy on Gilman Road to see the large orange glow we are referring to!

Georgia Stern

Joseph Stern

Georgia and Joseph Stern

December 14, 2018

Mr. Robert Salisbury
Santa Clara County Planning Office
County Government Center
70 W. Hedding Street, 7th Floor, East Wing
San Jose, CA 95110

Sent by E-mail to robert.salisbury@pln.sccgov.org

Re. Comments on the Draft EIR for Shamrock Seeds Project

Dear Mr. Salisbury:

Along with this letter, I am enclosing two expert reports related to the Shamrock Seeds Project. The first report is from Evans & De Shazo, Inc. Archaeology and Historic Preservation. The second report is from Benya Burnett Consultancy (including a biography for lighting expert James Benya). Both reports detail the Draft EIR's noncompliance with CEQA.

Prior to reviewing details, I would like to stress my disappointment with the Planning Departments decision not to adopt the recommendations provided by the DEIR Garavaglia Historic Resource Evaluation. This is the second of two Historic Resource Evaluations prepared on behalf of the County. The first report, prepared by Leann Taagepera Environmental Planning in 2017, concluded that mitigation was required to minimize the impact of the Shamrock Seeds Project on the adjacent Historic Willson Ranch, and the County adopted the proposed mitigation. Subsequently, it was determined that a higher level expert was required to prepare a Historic Resource Evaluation, so the Garavaglia report was prepared in 2018. The Garavaglia report goes deeper into the analysis of the impacts of the Shamrock Seeds Project on the Historic Willson Ranch. It concludes with stronger recommendations to mitigate impact, yet the County has now reverted back to its original position of no mitigation required. This is a troubling development and suggests the County is not serious about protecting and preserving Historic Resources.

A summary of the two expert reports being submitted is as follow:

<u>Evans & De Shazo Current Conditions Assessment and Impacts Analysis</u>

Evans & De Shazo, Inc. (EDS) was engaged to conduct a Current Conditions Assessment and Impacts Analysis of the locally designated property at 6650 Holsclaw Road, known as the Edwin Willson Ranch, located adjacent and to the north and west of the Shamrock Seed Project Area. After a thorough review of the Shamrock Seed Project scope of work and the DEIR's impacts analysis as it relates to Historical Resources, EDS found that the DEIR's expert report by Garavaglia Architecture, Inc. has specific shortcomings that have resulted in the DEIR to state that the Shamrock Seed Project would have a "less-than-significant" impact on Historical Resources—a determination that EDS asserts is not entirely defensible.

EDS found that the Edwin Willson Ranch has never been evaluated, and that the Garavaglia report utilized outdated and insufficient significance and integrity information from a 15-year-old survey to assess potential impacts to the integrity Edwin Willson Ranch. EDS found this misstep to lead to an insufficient and indefensible impacts analysis:

> "*As the Edwin Willson Ranch property has not been previously evaluated for CRHR-eligibility, an appropriate evaluation of the Edwin Willson Ranch appears necessary to accurately identify character-defining features, the current condition of the property, and provide an accurate assessment of integrity to accurately and appropriately identify any and all potential impacts of the Shamrock Seed Project on Historical Resources under CEQA.*" (Page 9)

As part of the impacts analysis, the Garavaglia report assesses the Shamrock Seed Project's conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties as it relates to the adjacent Edwin Willson Ranch. EDS found that the report inappropriately used the "Rehabilitation Standards" to assess project impacts on the integrity of historical resources on adjacent properties:

> "*The DEIR Garavaglia report finds the Shamrock Seed Project in overall compliance with the Rehabilitation Standards, when evaluated for Standards compliance as it relates to the adjacent Edwin Willson Ranch. However, the Rehabilitation Standards are not the appropriate guidelines to use in a Standards Review when evaluating a project's conformance as it relates to adjacent historical resources. Under CEQA §15064.5(b)(3), a Project is generally considered to be mitigated to a less than significant level if it conforms with the "Secretary of the Interior's Standards for the Treatment of Historic Properties"—the larger standards and guidelines as established by the National Park Service that includes, but is not limited to, the Rehabilitation Standards. The Rehabilitation Standards serve to evaluate potential direct impacts to historical resources, while indirect impacts on adjacent historical resources cannot be appropriately identified using all Rehabilitation Standards.*" (Page 9)

EDS found the Garavaglia report's impacts analysis to be deficient, as it relates to potential Shamrock Seed Project impacts on the adjacent Edwin Willson Ranch. The Garavaglia report found the Project to not fully conform with two of the most critical Standards, but did not follow up the assessment with an analysis of whether or not the Project may cause integrity loss to the extent that the Edwin Willson Ranch is "materially impaired," as explained by EDS:

> "*'Material impairment' occurs if a project 'demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance.' In other words, if a project is found to weaken the integrity of an Historical Resource to the extent that renders it ineligible for listing in the CRHR, it is considered to be a project that causes "material impairment" to Historical Resources under CEQA. Therefore, as the Shamrock Seed Project was found to not be in full compliance with*

*applicable Standards 2, and not be in compliance with Standard 9, the DEIR Garavaglia report should have provided an analysis of the Shamrock Seed Project's potential impacts to integrity of the Edwin Willson Ranch to determine if the Shamrock Seed Project has the potential to reach the threshold of causing "material impairment" to the Historical Resource. Without this additional analysis, the DEIR Garavaglia report does not adequately or accurately determine whether or not the Shamrock Seed Project has the potential to constitute a substantial adverse change to the Edwin Willson Ranch. However, in order for the DEIR Garavaglia report to be able to adequately and appropriate assess whether or not the Shamrock Seed Project has the potential to cause "material impairment" to adjacent Historical Resources, the DEIR Garavaglia report needs to sufficiently evaluate the Edwin Willson Ranch for CRHR eligibility and present an accurate and current integrity analysis.*" (Pages 9-10)

EDS agrees with the Garavaglia report that the Project has potential to impact the characteristically agricultural "setting" of the Edwin Willson Ranch, and concurs that the recommendations would likely lessen these potential impacts to setting. As EDS found the Garavaglia Report to not appropriately assess potential impacts to the Edwin Willson Ranch, EDS strongly encourages the DEIR adopt all recommendations to minimize any potential impacts to Historical Resources under CEQA, as stated in their report. Alternatively, or in conjunction with said recommendations, EDS recommends Santa Clara County consider implementing a mitigation measure related to relocating the 1890 house within the existing Edwin Willson Ranch property to lessen these potential impacts to integrity of "setting".

In all, EDS identified that the Garavaglia report relies on outdated baseline information regarding the integrity of the Edwin Willson Ranch, and inappropriately applies all ten Rehabilitation Standards to the Shamrock Seed Project when evaluating potential impacts to this Historical Resource. As such, DEIR's findings that the Shamrock Seed Project does not have the potential to cause "material impairment" to the Edwin Willson Ranch and, thus, a substantial adverse change to the Historical Resource, are not substantiated by a fulsome and good-faith assessment of potential Project impacts.

<u>Benya Burnett Response to the Draft Environmental Impact Report</u>

Benya Burnett Consultancy was engaged to prepare a report with respect to lighting in response to the Draft Environmental Impact Report and the Lighting Analysis prepared on behalf of the Applicant by David J. Powers and Associates, Inc. dated October 2018.

The report documents multiple areas of noncompliance with CEQA, areas of significant impact and areas requiring additional work. An excerpt from the Abstract is as follows:

*"The DEIR fails to address CEQA requirements of glare and impact on the aesthetics of the natural light environment and improperly applies measures from the Model Lighting Ordinance (MLO) developed by the International Dark Sky Associations (IDA) and the*

*Illuminating Engineering society (IES). This response concludes that failure to fully enclose the greenhouses at night to prevent light pollution of the area will cause immitigable aesthetic impact to the neighboring properties due to light trespass and glare that were not properly addressed by the applicant's DEIR, and potential environmental impact to the area affecting the circadian systems of birds, insects and other species living in the immediate area. Mitigation measures proposed by the applicant are improperly conceived and while reducing the impact will not be adequate. Only a complete blackout shading system for each internally lighted greenhouse will reduce the impact caused by lighting to be less than significant when mitigated."*

The Benya Burnett report lists four areas where the Consultant fails to properly examine and assess environmental impacts as follows:

1. *Improper Application of the Model Lighting Ordinance*
2. *Misunderstanding of Sky Glow Concepts*
3. *Conflation of "Illuminance" and "Luminance"*
4. *Failure to Address CEQA Impact Guideline I. (d)*

The report contains images documenting Sky Glow and excessive luminance with extreme contrast. The report concludes with a final statement as follows:

*This Project will cause significant light and glare adversely affecting nighttime views of the area that can only be mitigated by the nightly use of a total black-out shading system completely enclosing every window or skylight on each greenhouse that uses interior electric lighting at night.*

Thank you for your time in reviewing these reports. I look forward to receiving the County's comments, and I hope we can work towards reasonable mitigation to address the noted concerns.

Sincerely,

Carmen Patane

# Response to the Draft Environmental Impact Report
# County of Santa Clara
# Shamrock Seed Project

October 2018

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December 14, 2018

## Abstract

The Applicant, Shamrock Seed Company, wishes to expand a greenhouse facility on two agricultural parcels located at 6640 Holdsclaw Road in an unincorporated area of Santa Clara County near the City of Gilroy, California. According to the Draft Environmental Impact Report (DEIR) dated October 2018, the applicant intends to construct a new 10,000-square-foot agricultural research building, parking lot, and two sets of greenhouse structures (measuring approximately 100 feet by 130 feet, and 85 feet by 300 feet) (hereinafter the "Project"). The greenhouses would be internally illuminated during non-daylight hours. The DEIR fails to address CEQA requirements of glare and impact on the aesthetics of the natural light environment and improperly applies measures from the Model Lighting Ordinance (MLO) developed by the International Dark Sky Association (IDA) and the Illuminating Engineering Society (IES). This Response concludes that failure to fully enclose the greenhouses at night to prevent light pollution of the area will cause immitigable aesthetic impact to neighboring properties due to light trespass and glare that were not properly addressed by the applicant's DEIR, and potential environmental impact to the area affecting the circadian systems of birds, insects and other species living in the immediate area. Mitigation measures proposed by the applicant are improperly conceived and while reducing the impact will not be adequate. Only a complete black-out shading system for each internally lighted greenhouse will reduce the impact caused by lighting to be less than significant when mitigated.

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## Introduction

Our client, the Patane family, lives at the private residence at 6650 Holdsclaw Road, is immediately adjacent on the northwest boundary to the proposed Shamrock Seed Project (hereinafter the "Project") described as follows:

> "*The Project is located at 6640 Holsclaw Road on two legal parcels under a single assessor's parcel number (841-49-002) in an unincorporated area of Santa Clara County near the City of Gilroy. The project proposes the demolition of existing on-site greenhouses totaling approximately 14,433 square feet (the existing modular office structure, barn, and equipment shed would remain) and construction of a new 10,000-square-foot agricultural research building, parking lot, and two sets of greenhouse structures (measuring approximately 100 feet by 130 feet, and 85 feet by 300 feet). The greenhouses would be internally illuminated during a portion of non-daylight hours. A 90-square-foot electrical utility building, 40,000-gallon above-ground water tank, and stormwater detention pond would also be constructed.*" (from DEIR)

To be able to gain approval to proceed with their project, the Applicant is required to submit and gain approval of an environmental impact report. An environmental impact report is required by the California Environmental Quality Act (CEQA) and the jurisdiction, which is Santa Clara County. This report is with respect to lighting in response to the Draft Environmental Impact Report (DEIR) prepared on behalf of the Applicant by David J. Powers and Associates, Inc. dated October 2018.

## Claims by the Applicant

Through this DEIR, the Applicant asserts two "less than significant claims with Mitigation" that could involve lighting:

- Illumination from the Greenhouses
- Impacts to nesting birds

The Applicant further claims that "…the project would not result in any significant and unavoidable impacts".

***Vertical Illumination from the Greenhouses***

In Table 1.3-1 of the DEIR, the Applicant lists significant impact "AES-1" as vertical illumination from the proposed project greenhouses would exceed the 0.1 footcandle (fc) threshold by 79 times as measured 10 feet from the northwest property line on the adjacent property in the

vertical plane. The proposed mitigation is to employ *"one or more solid barriers installed within four feet of each of the proposed lighted greenhouses along the northwest side to reduce the vertical illuminance at the northwest property line to levels below those specified in the 2011 Model Lighting Ordinance from the International Dark Sky Association/Illuminating Engineering Society (0.1 fc measured 10 feet from the property line on the adjacent property). Such barrier(s) shall have an aggregate opacity of at least 80 percent and be at least as tall as the sidewalls of the proposed lighted greenhouses along their northwest side. At the election of the project applicant, such barrier(s) may either be incorporated within the overall design of the proposed lighted greenhouses themselves, or they may be installed as one or more separate structures constructed adjacent to the proposed lighted greenhouses along their northwest side. The design for such barrier structures shall be submitted to the Santa Clara County Department of Planning and Development for review and approval prior to issuance of a grading or building permit for the project."*

***Impacts on Nesting Birds***

In Table 1.3-1 of the DEIR, the Applicant lists significant impact "BIO-1" as *"…noise and equipment activity associated with construction activities at the proposed project site (that) could impact nesting migratory birds..."…* It proposes a solution to schedule construction activities in a manner to minimize the impact to the birds, including the ability to adjust the mitigation strategy depending on discovery of active nests. The Applicant limits its attention to construction activities and does not address lighting.

## Comments to Applicant's Technical Appendix B

In Appendix B, "Lightning (sic) Analysis", Neil Hinckley of the firm of Michael Baker International (hereinafter "Consultant") prepared a 53-page Lighting Technical Memorandum (hereinafter "Memorandum") that provides the technical support for the claims.

**The Consultant claims that the lighting impacts of the Project are less than significant.** The Consultant applies modern lighting analysis methods including the use of AGI32, lighting software capable of detailed lighting analysis employing advanced radiosity calculations, and a novel modernization application of Garstang's skyglow calculations. As a principal reference, the Consultant employs the Model Lighting Ordinance ("MLO") of the International Dark-Sky Association (IDA), published jointly with the Illuminating Engineering Society (IES). The MLO establishes recommended maximum limits for light trespass from one property to another. Using AGI32, the Consultant claims light trespass levels that without mitigation exceed those recommendations and suggests mitigation measures that will reduce light trespass to less than

recommended amounts. Separately, using the calculations derived from Garstang, the Consultant claims inconsequential impact to anthropogenic sky glow.

The Consultant's report fails to properly examine and assess environmental impacts in four significant areas, as follow:

1. Improper Application of the Model Lighting Ordinance
2. Misunderstanding of Sky Glow Concepts
3. Conflation of "Illuminance" and "Luminance"
4. Failure to Address CEQA Impact Guideline I. (d)

**1. Improper Application of the Model Lighting Ordinance**

The Consultant uses the MLO as a standard to determine the impact of the light from the Project on adjacent properties. The MLO is a model outdoor lighting code published by both IES and IDA. To differentiate among various situations of ambient light, the MLO is based on a Lighting Zone (LZ) system using five lighting zones ranging from LZ0 (a lighting zone constituting wilderness and similar places where anthropogenic light must not be present) to LZ4 (a lighting zone with considerable ambient light, such as an auto mall). The Lighting Zone system is shown in Table A.

The MLO is not an environmental code nor a standard of good practice. It is intended to serve as an adjunct to the building codes by restricting outdoor lighting and is not designed to address the more complex impacts on the environment included in CEQA. The MLO's primary use is to be adopted by communities and tailored to fit their community's "lighting situations". The community's planning department and/or City Council determine the Lighting Zones throughout their community, much like any other type of land use planning. Greenhouses are an unusual case because the lighting is indoors, but light is dispersed into the environment through windows and skylights, and the MLO does not address greenhouses and similar facilities. But it is reasonable to apply some the MLO principles to the CEQA process.

A principal reference not mentioned by the Consultant that provides design practice guidance is the IES Lighting Handbook, Tenth Edition (hereinafter IES Handbook) and the Recommended Practices of the IES. The IES Handbook, Chapter 26 Exterior Lighting, is a condensation of important IES Recommended Practices, notably RP-33 (Recommended Practice for Lighting Exterior Environments, RP-33-14). Both RP-33 and the IES Handbook use the definitions of lighting zones originally developed for the MLO. Note that the definitions are distinct with respect to how human activities and needs are balanced with each other, the weighting of commerce and nature, and that the language was carefully chosen to allow an obvious choice of Lighting Zone for most situations.

***Table A – Lighting Zone System (from the MLO)***

| ***Zone*** | ***Outdoor Lighting Situation*** | ***Definition*** |
|---|---|---|
| LZ0 | No Ambient Lighting | Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users adapted to darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished. |
| LZ1 | Low Ambient Lighting | Areas where lighting might adversely affect flora or fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety or convenience, but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline. |
| LZ2 | Moderate Ambient Lighting | Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety or convenience, but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline. |
| LZ3 | Moderately High Ambient Lighting | Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline. |
| LZ4 | High Ambient Lighting | Areas of human activity where the vision of human residents and users is adapted to high light levels. Lighting is generally considered necessary for safety, security and/or convenience and it is mostly uniform and/or continuous. After curfew, lighting may be extinguished or reduced in some areas as activity levels decline. |

The Holdsclaw Road area is rural, substantially natural and picturesque. In my opinion, CEQA would be best served in this case if Lighting Zone of this area was set to LZ1, as it is an area where "*…lighting might adversely affect flora or fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety or convenience, but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.*"

The MLO uses the Lighting Zone system to prescribe limits of the amount of trespassing light and to recognize the concept of "curfew", an ***arbitrary time*** each night after which lighting should be significantly reduced or extinguished. In LZ1, a maximum light trespass of 0.1 footcandle is permitted, but there is no light trespass allowed post-curfew.

The Consultant's report fails to make the proper selection of lighting zone and fails to address a curfew time. Considering the amount of light emitted into the environment, these are important considerations affecting CEQA compliance not discussed in the DEIR.

**2. Misunderstanding of Sky Glow Concepts**

The Consultant developed a novel modernization of the work of Dr. Roy Garstang (1926-2009). Late in his career, Garstang began to work on light pollution. Between 1984 and 2007, he published 40 scientific papers concerning the phenomenon, and constructed a mathematical light pollution model which included an ozone layer, scattering of light by molecules and aerosols with improved variations with altitude, curvature of the earth, and a dust layer of dust either volcanic or desert origin. The models he created to calculate and predict anthropogenic ("man-made") sky glow have become standards in the field and have since been modernized by the US Department of Energy. His motivation was that anthropogenic sky glow was increasingly affecting terrestrial astronomy with increasing negative impact on astronomy's value as a strategic resource, among its many other important values. Most importantly to the DEIR, sky glow of his concern occurs on clear nights and is caused by the uplight of a relatively large area, with meaningful contributions from up to 100 miles or more away from the viewer; in this case, the light from San Jose and the South Bay impacts the clarity of the night sky in Gilroy. Single sources of light, even substantial, have at most a limited effect on the night sky's clarity because the aggregation of light pollution from a large area is the real cause of this type of sky glow.

What Garstang did <u>not</u> address is cloudy night impacts of sky glow, because no astronomy occurs then. But cloudy nights in Gilroy occur regularly; summer months are characterized by coastal marine layer (fog), and cloudy and rainy nights occur in the winter. When fog or low clouds occur, excessive uplight causes a surreal sky glow as shown in Figure 1 that is not calculable using Garstang's methods. This photograph illustrates the unnatural lighting effect that can occur because of unshielded or partly shielded greenhouse operations under cloudy conditions. This effect may impact the predation, nesting, feeding and reproduction of many species and the migration of avian species. The Consultant's use of these calculations determining the Project's minimal impact on Sky Glow are incorrectly applied as evidence supporting less than significant impact for CEQA. See item 4. Failure to Address CEQA impact Guideline l. (d), below for further discussion.

**3. Conflation of "Illuminance" and "Luminance"**

In the physics of lighting, there are two very important fundamental concepts:

- **Illuminance** is the amount of light that falls onto a surface, measured in lumens per square foot ("footcandles") or lumens per square meter ("lux"). Because there are about 10.76 square feet per square meter, one footcandle is equal to about 10.76 lux, which is by convention usually rounded to 10 lux.

- **Luminance** is the apparent brightness or light leaving (reflected by or generated by) a surface, measured in lumens per square foot (footlamberts) or nits (candelas per square

meter). Because footlamberts assume that the surface has a matte finish, it can't be used to accurately describe most real-world materials. Therefore, brightness evaluations are generally confined to evaluations measured in nits.

***Figure 1 – Anthropogenic sky glow under cloudy conditions caused by greenhouses (New Hampshire Public Radio)***

Illuminance has the advantage of being more easily calculated or measured. However, properly calculated or measured luminance is a more accurate way to describe how light appears. **Contrast** is the difference in **luminance** between one surface and another.

In Figure 2, unshielded greenhouses are shown in a natural agricultural setting. The interior illuminance of the lighting on plants, which may be 2000 footcandles or more, is not relevant for CEQA purposes; rather it is the luminance of the greenhouses, estimated to be more than 1,000 cd/m2, having a contrast ratio with the land that exceeds 1,000:1. This makes the greenhouse prominent, extremely visible, and absolutely changes the aesthetic night environment over a considerable area. Regardless of how many footcandles or lux are measured at the property boundary, it is the extreme brightness of the greenhouse that has a significant impact on the quality of the night environment due to excessive luminance and extreme contrast, not illuminance. The Consultant's report fails to address luminance and

contrast and therefore fails to address the impacts related to the quality of the viewshed and the night environment.

***Figure 2 Unshielded Illuminated Greenhouses at night (New Hampshire Public Radio)***

**4. Failure to Address CEQA Impact Guidelines I. (d.)**

The Consultant's report fails to address CEQA Impact Guidelines I. (d). From CEQA Guidelines 2018 Appendix G (resources.ca.gov) regarding lighting, there is one group of evaluations that should be completely evaluated for this Project and were not. Guideline I.(d.) shown below specifically addresses the type of environmental impact that will be caused by the Project unless complete black-out shading is used.

| | Potentially Significant Impact | Less Than Significant with Mitigation Incorporated | Less Than Significant Impact | No Impact |
|---|---|---|---|---|
| I. AESTHETICS. Would the project: | | | | |
| a) Have a substantial adverse effect on a scenic vista? | ☐ | ☐ | ☐ | ☐ |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | ☐ | ☐ | ☐ | ☐ |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | ☐ | ☐ | ☐ | ☐ |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | ☐ | ☐ | ☐ | ☐ |

Figure 2 is one of many images and from one of many stories of community conflicts involving what are called “mixed light” greenhouses designed to use natural daylight by day and to extend the light exposure period using electric illumination at night. Other than the cost of energy, the cost of electric illumination is modest and evolving with state-of-the-art LED systems replacing the incumbent high-pressure sodium lamp systems that create the distinctive yellowish glow in Figure 2.

Without a complete black out shading system, the Project will create an immitigable significant impact by creating a new source of substantial light AND glare that would adversely affect nighttime views in the area.

The Consultant offered an alternative to relocate the greenhouses and to construct a wall preventing light trespass from occurring towards the northwest. Figure 1 informs that while preventing light trespass measurably on adjacent sites, there will be many nights on which the sky glow from low clouds and fog will cause substantial light and glare.

## Conclusions

1. Greenhouses having electric lighting at night without blackout shading create substantial light and glare into the night environment.
2. The area of the project meets the criteria for IES and MLO Lighting Zone 1 (LZ1). It is “*an area where lighting (at night) might adversely affect flora or fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels”.* Per the MLO and IES recommendations, there should be zero (0) light trespass after curfew, which in the submitted design will be exceeded.
3. Even if blocked in the direction of neighboring properties by a solid surface like a wall, light emitted into the air will create a surreal and relatively bright sky glow because of the local climate and proximity to the marine layer on summer nights.
4. Lighting impacts can only be prevented by complete black-out shading on greenhouses used every night. A proper shading system will reduce the impact to “less than significant with mitigation incorporated”.
5. The Consultant's report and the DEIR fail to properly examine and assess significant environmental impacts related to CEQA. This Project will cause significant light and glare adversely affecting nighttime views of the area that can only be mitigated by the nightly use of a total black-out shading system completely enclosing every window or skylight on each greenhouse that uses interior electric lighting at night.

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ARCHAEOLOGY HISTORIC PRESERVATION

December 12, 2018

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**Subject: Current Conditions Assessment of the Edwin Willson Ranch Property Located at 6650 Holsclaw Road, Santa Clara County, California and Impacts Analysis of the Shamrock Seed Project**

**Evans & De Shazo, Inc. (EDS)** conducted a Current Conditions Assessment and Impacts Analysis (Assessment) of the property located at 6650 Holsclaw Road, Santa Clara County, California within Assessor's Parcel Number (APN) 841-49-018 (Property) that includes an ca. ca. ca. 1890 Queen Anne house (house), ca. ca. 1890 barn (barn), 1928 trough (trough), ca. 1930 garage (garage), and ca. 1950 water tank (water tank), which was previously identified in an Historic Resource Inventory in 2003 as the Edwin Willson Ranch.[1] Before Edwin Willson's ownership of the Property, the land was part of a larger 150-acre parcel owned by the Ferguson Brothers[2] that included the Property, as well as the adjacent 22.45-acre parcel currently owned by Shamrock Seed Co., which is currently under review as part of a Draft Environmental Impact Report.

The Edwin Willson Ranch is currently listed as resource number SCI-107 on the Santa Clara County South County Resource List and is therefore considered an Historical Resource for the purposes of the California Environmental Quality Act (CEQA). While the Edwin Willson Ranch was previously identified in a survey, it does not appear to have been previously evaluated for listing on the California Register of Historic Resources (CRHR).

The Shamrock Seed Project (Project) scope of work is based on the drawing sets that accompany the Draft Environmental Impact Report (DEIR), including architectural drawings prepared Reid Lerner Architects dated May 2016, and engineering drawings prepared by Hanna-Brunetti dated February 2017. The Shamrock Seed Project is proposed to occur at 6640 Holsclaw Road, which is described in the DEIR as currently including the following buildings and structures: "four existing greenhouse structures, as well as several hoop houses and temporary pollination cage structures, a modular office, a barn, and an equipment shed."[3] The DEIR goes on to state that the "remainder of the site is under active agricultural cultivation."[4]

The Shamrock Seed Project is described in the DEIR as follows:

> "*The project proposes the demolition of existing on-site greenhouses totaling approximately 14,433 square feet (the existing modular office structure, barn, and equipment shed would remain) and*

[1] Kara Oosterhaus and Charlene Duval, *SCI-107 Edwin Willson Ranch* [DPR 523 forms]. From Dill Design Group, *Historic Context Statement and Survey Report*, 2003.
[2] Robert R. Cartier, Shamrock Seed Co. [DPR 523 forms], 15 August 2006.
[3] David J. Powers & Associates, Inc. *Draft Environmental Impact Report, Shamrock Seed Project*, 14.
[4] Ibid.

*construction of a new 10,000-square-foot agricultural research building, parking lot, and two sets of greenhouse structures (measuring approximately 100 feet by 130 feet, and 85 feet by 300 feet). The greenhouses would be internally illuminated during a portion of non-daylight hours. A 90-square-foot electrical utility building, 40,000-gallon above-ground water tank, and stormwater detention pond would also be constructed."*[5]

Due to its adjacent location, the Shamrock Seed Project Area was assessed for potential impacts to the Edwin Willson Ranch due to community concerns about impacts to adjacent Historical Resources. As such, the Shamrock Seed Draft Environmental Impact Report (DEIR) includes a review of project compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards Review) to assisting in determining whether or not the Shamrock Seed Project has the potential to cause a substantial adverse change to Historical Resources—specifically, the Edwin Willson Ranch property—under CEQA.

This Assessment reviews and analyzes a previous historic resource inventory survey and an Historic Resource Evaluation and Standards Review report provided as part of the DEIR, and provides an analysis on specific shortcomings that have resulted in the DEIR to state that the Shamrock Seed Project would have a "less-than-significant" impact on Historical Resources—a determination that is not entirely defensible. This Assessment also provides a current conditions assessment of the Edwin Willson Ranch, analyzes potential project impacts to this adjacent property through available information in previous surveys and reports and the Shamrock Seed Project DEIR, and provides specific recommendations for mitigating potential impacts the Shamrock Seed Project could potentially have on Historical Resources under CEQA.

## METHODS

This Assessment was completed by EDS Senior Architectural Historian, Brian Matuk, M.S. and Principal Architectural Historian, Stacey De Shazo, M.A. EDS utilized previous surveys and reports to determine the adequacy and accuracy of previous surveys and reports as they relate to identifying and documenting the Edwin Willson Ranch, and identifying potential Shamrock Seed Project impacts to the Edwin Willson Ranch under CEQA. EDS also conducted a site visit to the Edwin Willson Ranch to document the current condition of the ca. ca. 1890 Queen Anne house (house), ca. ca. 1890 barn (barn), 1928 trough (trough), ca. 1930 garage (garage), and ca. 1950 water tank (water tank) within the current setting, and complete Department of Parks and Recreation (DPR) 523 forms for the Edwin Willson Ranch (Appendix A).

## SETTING

The 15-acre parcel that consists of the Edwin Willson Ranch is located to the north and west of the adjacent 22.45-acre Project Area parcel, which is the location of the Shamrock Seed Project (Figure 1).

[5] David J. Powers & Associates, Inc. *Draft Environmental Impact Report, Shamrock Seed Project*, 1.

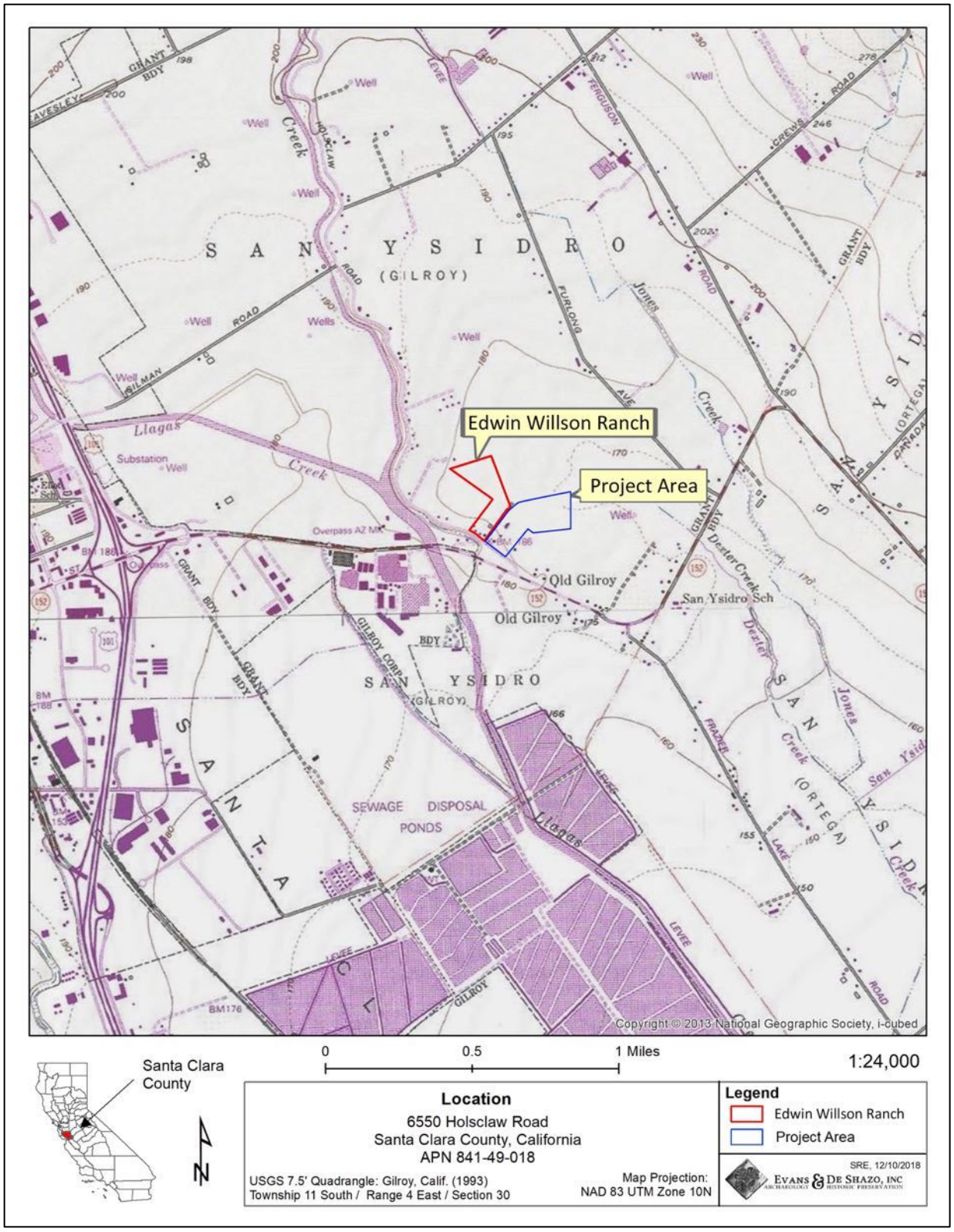


**Figure 1. Location Map showing the parcel boundaries of the Edwin Willson Ranch and the parcel boundaries of the Project Area.**

## REGULATORY COMPLIANCE

The Shamrock Seed Project at 6640 Holsclaw Road is subject to CEQA regulations as described below.

### California Environmental Quality Act

CEQA and the Guidelines for Implementing CEQA (State CEQA Guidelines, Section 15064.5) give direction and guidance for evaluation of properties and the preparation of Initial Studies, Categorical Exemptions, Negative Declarations and Environmental Impact Reports. Pursuant to California State law, the County of Santa Clara is legally responsible and accountable for determining the environmental impact of any land use proposal it approves. Cultural resources are aspects of the environment that require identification and assessment for potential significance under CEQA (14 CCR 15064.5 and PRC 21084.1). There are five classes of cultural resources defined by the State Office of Historic Preservation (OHP). These are:

- **Building**: A structure created principally to shelter or assist in carrying out any form of human activity. A "building" may also be used to refer to an historically and functionally related unit, such as a courthouse and jail or a house and barn.
- **Structure**: A construction made for a functional purpose rather than creating human shelter. Examples include mines, bridges, and tunnels.
- **Object**: Construction primarily artistic in nature or relatively small in scale and simply constructed. It may be movable by nature or design or made for a specific setting or environment. Objects should be in a setting appropriate to their significant historic use or character. Examples include fountains, monuments, maritime resources, sculptures, and boundary markers.
- **Site**: The location of a significant event. A prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing building, structure, or object. A site need not be marked by physical remains if it is the location of a prehistoric or historic event and if no buildings, structures, or objects marked it at that time. Examples include trails, designed landscapes, battlefields, habitation sites, Native American ceremonial areas, petroglyphs, and pictographs.
- **Historic District**: Unified geographic entities which contain a concentration of historic buildings, structures, or sites united historically, culturally, or architecturally.

According to the California Code of Regulations Section 15064.5, cultural resources are historically significant if they are:

- Listed in, or eligible for listing in the California Register of Historic Resources (CRHR) (Public Resources Code 5024.1, Title 14 CCR, Section 4850 et. seq.);
- Listed in, or eligible for listing in, the National Register of Historic Places (NRHP);
- Included in a local register of historical resources, as defined in an historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resource Code; or

- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the lead agency's determination is supported by substantial evidence in light of the whole record.

## PREVIOUS SURVEYS AND REPORTS

Due to discrepancies in the reports associated with the Shamrock Seed Project that may not be in compliance with CEQA, the following section describes the previous survey and report that identified and documented the Edwin Willson Ranch, including the *Historic Context Statement and Survey Report* for the County of Santa Clara, prepared by Dill Design Group in 2003 (2003 HRI Survey), as well as the Draft Environmental Impact Report (DEIR) for the Shamrock Seed Project, which is supported by a report titled *6640 Holsclaw Road, Gilroy, CA Historic Resource Evaluation and SISR Project Review; 6650 Holsclaw Road, Gilroy, CA SISR Project Review* prepared by Garavaglia Architecture, Inc. and dated June 19, 2018 (DEIR Garavaglia report). The description of each of these reports is followed by an analysis on the appropriateness and accuracy of each document with respect to identification and documentation of the Edwin Willson Ranch, and analysis of potential impacts to this Historical Resource.

### 2003 HRI Survey (Dill Design Group, 2003)

In 2003, Dill Design Group prepared an *Historic Context Statement and Survey Report* for the County of Santa Clara, which was prepared in conjunction with a County-wide Heritage Resource Inventory (2003 HRI survey). One section of the 2003 HRI survey focused on resources in the "South County" portion of Santa Clara County, and identified and documented properties in the County that appeared to convey historic significance, based on individual research and the associated historic context statement. Properties that appeared significant to the preparers of the 2003 HRI survey the survey were subsequently treated with a more "intensive-level" approach, to provide additional information related to associated significant themes and property ownership and occupancy research.

The 2003 HRI survey identifies the Edwin Willson Ranch as a property that warranted intensive-level documentation for an otherwise reconnaissance survey. This resource identification and documentation was completed on DPR 523 forms, which provides a physical description of the buildings, structures, and landscape, character-defining features associated with the property, related significant themes, and an "elaboration" section that provides some background information regarding the significance of the Edwin Willson Ranch.

#### EDS Analysis of the 2003 HRI Survey

The following is a brief analysis of the 2003 HRI Survey as it relates to the documentation and identification of the Edwin Willson Ranch.

The "intensive-level" approach to the identification and documentation of these potentially significant resources do not include critical sections of a fulsome "evaluation" necessary to qualify as a CRHR or NRHP eligibility evaluation. As such, the findings of the 2003 HRI survey, especially as it pertains to these "intensive-

level" properties, are considered to be "identifications" rather than "evaluations", as the properties are not entirely evaluated under each CRHR criteria, as required by CEQA to accurately assess project impacts and address these impacts with appropriate mitigation.

Unfortunately, the DPR 523 forms for the Edwin Willson Ranch do not include all pertinent sections required for a complete evaluation. Although the preparers of the 2003 HRI survey present a finding of eligibility under CRHR and NRHP criteria, the finding is not supported by a complete "evaluation" section that evaluates significance under each applicable criterion, nor does it provide a complete integrity evaluation to identify the aspects of integrity the Edwin Willson Ranch property retains to convey appropriate areas of significance. In summary, as it appears that the Edwin Willson Ranch has not been previously evaluated, it would seem most appropriate to evaluate the property for the purposes of measuring potential impacts to the integrity of Historical Resources under CEQA.

## Project Draft Environmental Impact Report (David J. Powers & Associates and Garavaglia Architecture, Inc. 2018)

The County of Santa Clara required an Environmental Impact Report be conducted to assess any potential impacts the Shamrock Seed Project may have under CEQA. In the DEIR, the County of Santa Clara identified community concern that the Shamrock Seed Project may have potential impacts on the adjacent Edwin Willson Ranch:

> *"Effects on the historic structures at 6650 Holsclaw Road due to the mass, scale, and lighting of the proposed project have been raised as a concern by members of the public. Potential on-site archaeological and tribal cultural resources impacts have been raised, as have traffic-related air quality issues."*[6]

In an attempt to address this concern, the DEIR provides a professional report that evaluates the Shamrock Seed Project for conformance with the Standards, as it relates to both the property at 6640 Holsclaw Road, as well as indirect impacts on the Edwin Willson Ranch at 6650 Holsclaw Road.

The DEIR, prepared by David J. Powers & Associates and dated October 2018, includes an Historic Resource Evaluation and Secretary of the Interior's Standards Review report prepared by Garavaglia Architecture, Inc. dated June 19, 2018 and titled *6640 Holsclaw Road, Gilroy, CA Historic Resource Evaluation and SISR Project Review; 6650 Holsclaw Road, Gilroy, CA SISR Project Review* (DEIR Garavaglia report). The DEIR Garavaglia report only evaluates 6640 Holsclaw Road for eligibility for listing in the CRHR and not the Edwin Willson Ranch at 6650 Holsclaw Road.

The DEIR Garavaglia Report conducts a Standards Review for the Shamrock Seed Project as it relates to both the Historic Resource at the Project Area at 6640 Holsclaw Road and the adjacent Edwin Willson Ranch. For assessing Project Standards-compliance as it relates to the Edwin Willson Ranch, the DEIR Garavaglia Report utilizes the ten standards in the Secretary of the Interior's Standards for Rehabilitation (Rehabilitation Standards), and finds the Shamrock Seed Project to be "marginally" compliant with Standards 2 and 5, and

[6] David J. Powers & Associates, Inc. *Draft Environmental Impact Report, Shamrock Seed Project*, 11.

not compliant with Standard 9. The DEIR Garavaglia report describes the Project as "marginally" compliant with Standard 2:

> "*The proposed project will not remove or alter the features of the historic buildings at the neighboring property at 6650 Holsclaw Road, but it will alter the characteristically rural setting of the property with the construction of the large research building, and inclusion of a parking lot. As such, the proposed project is marginally compliant with Standard 2.*"[7]

The DEIR Garavaglia report describes the Project as "marginally" compliant with Standard 5:

> "*As identified in the* Department of Parks and recreation Primary Record: SCI 107 Edwin Willson Ranch *form, the property's primarily agricultural setting is an important attribute to its integrity, as is its location in the midst of farmland. The former open agricultural area (either for row crops or orchards) at the property may be impaired by the adjacent construction of the parking lot and large research facility. The feeling aspect of integrity as it relates to a dark sky characteristic of a rural landscape may be lowered as a result of the proposed illumination at night. As such, the project is marginally compliant with Standard 5.*"[8]

The DEIR Garavaglia report describes the Project as not compliant with Standard 9:

> "*While there are currently no proposed modifications to the historic residence and barn, some aspects of the proposed new construction and related adjacent site improvements at the subject property render the project not compliant with Standard 9 as they would affect the historic appearance of the neighboring property at 6640 Holsclaw Road, and therefore affect the historic integrity of 6650 Holsclaw Road. This includes:*
>
> *Property and Site*
>
> *Articulation: The proposed new construction located centrally to the southwest of the parcel, along Holsclaw Road, which is not compatible with the historic setting, or pattern of development present in area, as the buildings that contributed to the functions of an operating ranch would have been located together, and further away from Holsclaw Road. The proposed landscaping to include trees and shrubs along 300 feet north of the property line will help to separate the two properties, and may mimic the abundance of row orchards from the neighboring property's period of significance.*
>
> *Research Facility*
>
> *Materials: Metal material is not found on the subject barn, or the neighboring residence/barn, rendering the proposed building to look like an unarticulated metal industrial building. The stone base at the entryway posts does not appear to be in line with surrounding agricultural buildings.*
>
> *Massing/Size/Scale: As proposed, the Research Facility appears to be too massive and out of scale*

[7] Garavaglia Architecture, Inc. *6640 Holsclaw Road, Gilroy, CA Historic Resource Evaluation and SISR Project Review; 6650 Holsclaw Road, Gilroy, CA SISR Project Review*, in *Draft Environmental Impact Report, Shamrock Seed Project*, June 19, 2018, 49.
[8] Garavaglia Architecture, Inc. *6640 Holsclaw Road, Gilroy, CA Historic Resource Evaluation and SISR Project Review; 6650 Holsclaw Road, Gilroy, CA SISR Project Review*, in *Draft Environmental Impact Report, Shamrock Seed Project*, June 19, 2018, 50.

*with surrounding historic buildings and barns in the area. Further, the addition of the Research Facility as a permanent structure will require substantial modifications to the site, whereas the extant trailer, greenhouses, movable hoop houses and planted beds with netting are each smaller in scale, temporal structures.*

*As such, the proposed project is not compliant with Standard 9."*[9]

Despite the findings in the DEIR Garavaglia report that the Project is not fully in compliance with Standards 2, 5, and 9, the DEIR's summary of the Garavaglia report findings interprets the Shamrock Seed Project as being overall in compliance with the Rehabilitation Standards:

"*The proposed project would not physically modify the existing Queen Anne Victorian residence or barn at the adjacent Edwin Willson Ranch property in any way. The proposed project would maintain a separation distance of 30 feet from the property line and 60 feet from the existing residence at the Edwin Willson Ranch property. The project would not alter the physical characteristics of the historical resource that conveys its historical significance, mainly the ornate Queen Anne architecture of the main residence. Further, a landscape buffer would be planted along the northwest property line to screen the project site. As described previously, the proposed project would be compliant or marginally compliant with nine of the ten* Secretary of the Interior's Standards for Rehabilitation*. Implementation of the project would not, therefore, materially impair or compromise the Edwin Willson Ranch property's eligibility for the NRHP, CRHR, or listing on the local register. As a result, the impact would be less than significant."*[10]

**EDS Analysis**

The following is a brief analysis of the DEIR and accompanying DEIR Garavaglia Report as it relates to the documentation and identification of the Edwin Willson Ranch, as well as the analysis of potential project impacts to this Historical Resource. This section has three subheadings, which assess the appropriateness and accuracy of three major issues with the reports: CRHR Evaluation and Integrity, Standards Review, and Impacts Analysis.

<u>CRHR Evaluation and Integrity</u>

While the Edwin Willson Ranch is already considered an Historical Resource under CEQA due to its local listing in the HRI, the DEIR Garavaglia report relies on the HRI survey for all information pertaining to historic significance and potential eligibility. As such, the report does not include any significance information from a fulsome evaluation, nor does it document the property on Department of Parks and Recreating (DPR) forms.[11] Instead, the DEIR Garavaglia report approached the Property as a current condition assessment, and simply confirmed its continued listing as an Historical Resource, and restates the less-than-substantiated

[9] Garavaglia Architecture, Inc. *6640 Holsclaw Road, Gilroy, CA Historic Resource Evaluation and SISR Project Review; 6650 Holsclaw Road, Gilroy, CA SISR Project Review*, in *Draft Environmental Impact Report, Shamrock Seed Project*, June 19, 2018, 51.
[10] David J. Powers & Associates, Inc. *Draft Environmental Impact Report, Shamrock Seed Project*, 63.
[11] Office of Historic Preservation, *Instructions for Recording Historical Resources*, March 1995.

CRHR and NRHP eligibility findings of the 2003 HRI survey.[12] As the Edwin Willson Ranch property has not been previously evaluated for CRHR-eligibility, an appropriate evaluation of the Edwin Willson Ranch would be needed to identify character-defining features, the current condition of the property, and provide an accurate assessment of integrity to accurately and appropriately identify any and all potential impacts of the Shamrock Seed Project on Historical Resources under CEQA.

Standards Review

The DEIR Garavaglia report finds the Shamrock Seed Project in overall compliance with the Rehabilitation Standards, when evaluated for Standards compliance as it relates to the adjacent Edwin Willson Ranch. However, the Rehabilitation Standards are not the appropriate guidelines to use in a Standards Review when evaluating a project's conformance as it relates to adjacent historical resources. Under CEQA §15064.5(b)(3), a Project is generally considered to be mitigated to a less than significant level if it conforms with the "Secretary of the Interior's Standards for the Treatment of Historic Properties"—the larger standards and guidelines as established by the National Park Service that includes, but is not limited to, the Rehabilitation Standards. The Rehabilitation Standards serve to evaluate potential direct impacts to historical resources, while indirect impacts on adjacent historical resources cannot be appropriately identified using all Rehabilitation Standards.

In the case of the Shamrock Seed Project, only Standards 2 and 9 of the Rehabilitation Standards can be used effectively to evaluate the Project's impacts on the adjacent Edwin Willson Ranch. The National Park Service addresses these limitations by providing a specific guideline as it relates to identifying and evaluating impacts to historical resources within a "District/Neighborhood", which can be appropriately used to identify and evaluate the Shamrock Seed Project's potential impacts to the adjacent Edwin Willson Ranch. This guideline is as follows: "Identifying, retaining, and preserving buildings, and streetscape, and landscape features which are important in defining the overall historic character of the district or neighborhood." Standards 2 and 9 and the above-stated guideline are the only applicable standards to use when assessing project impacts of new construction on adjacent Historical Resources.

Impacts Analysis

While a project need not conform to the Standards to determine that it would not cause impacts to Historical Resources under CEQA, the threshold with which CEQA considers a project to cause a substantial adverse change to Historical Resources is based on "material impairment."

"Material impairment" occurs if a project "demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance." In other words, if a project is found to weaken the integrity of an Historical Resource to the extent that renders it ineligible for listing in the CRHR, it is considered to be a project that causes "material impairment" to Historical Resources under CEQA. Therefore, as the Shamrock Seed Project was found to not be in full compliance with applicable Standards 2, and not be in compliance with Standard 9, the DEIR Garavaglia report should have provided an

[12] Garavaglia Architecture, Inc. *6640 Holsclaw Road, Gilroy, CA Historic Resource Evaluation and SISR Project Review; 6650 Holsclaw Road, Gilroy, CA SISR Project Review*, in *Draft Environmental Impact Report, Shamrock Seed Project*, June 19, 2018.

analysis of the Shamrock Seed Project's potential impacts to integrity of the Edwin Willson Ranch to determine if the Shamrock Seed Project has the potential to reach the threshold of causing "material impairment" to the Historical Resource. Without this additional analysis, the DEIR Garavaglia report does not adequately or accurately determine whether or not the Shamrock Seed Project has the potential to constitute a substantial adverse change to the Edwin Willson Ranch. However, in order for the DEIR Garavaglia report to be able to adequately and appropriate assess whether or not the Shamrock Seed Project has the potential to cause "material impairment" to adjacent Historical Resources, the DEIR Garavaglia report needs to sufficiently evaluate the Edwin Willson Ranch for CRHR eligibility and present an accurate and current integrity analysis.

## AGRICULTURE AND RELATED INDUSTRIES IN SANTA CLARA COUNTY HISTORIC CONTEXT

The following historic context related to "Agriculture and Related Industries" is quoted from a county-wide Historic Context Statement for Santa Clara County, prepared by Archives and Architecture and dated December 2004 (Revised 2012),[13] and provides an understanding of the most appropriate historic context associated with the Edwin Willson Ranch. Agricultural development in Santa Clara County is discussed under the theme Agriculture and Related Industries in the Historic Context Statement:

> ***4.3 Agriculture and Related Industries***
>
> *Land utilization in Santa Clara County has progressed through four main phases: stock grazing and dairying, grain cultivation, horticulture, and modern residential, commercial, and industrial development. The first three of these are agriculturally related. The fourth phase in recent times has resulted in the elimination of most agriculture and related industries to the Santa Clara Valley area, with the Coyote Valley and South County area containing the last vestiges of the County's agricultural past. Fragments of each of these agricultural eras can still be found in the unincorporated areas of Santa Clara County.*
>
> *4.3.1 Stock Raising*
>
> *At the time of the Gold Rush and the era of Mexican authority over the region, beef was the only commodity that could be supplied in large quantities by the Californians themselves. Although the population was fairly self-sufficient prior to the Gold Rush, it became necessary to import other foodstuffs, plus additional supplies of beef and mutton at mid-nineteenth century. Until the drought of 1864, stock raising continued to be the primary economic activity in Santa Clara County. At first, Mexican open-range methods were followed since grazing lands were ample. As smaller farms began to spread throughout the Santa Clara Valley, pasturage was reduced, and stock raising was concentrated in the foothill ranges. More intensive stock farming began in the 1860s with the cattle being moved from the foothill pastures to Valley feed yards until ready for marketing.*

[13] Archives & Architecture, LLC. *County of Santa Clara Historic Context Statement*. County of Santa Clara. December 2004, revised February 2012.

*On a smaller scale, sheep raising paralleled the cattle industry. During the Gold Rush, large flocks were imported and thrived in the mild California climate, particularly on the cheaper range in the low foothills around Santa Clara Valley. Sheep populations peaked during the 1870s; the number declined thereafter as cultivated farmlands were extended, and markets for local wool and mutton decreased.*

*When the cattle industry shifted to more intensive methods, hay production became a necessity. The planting of forage crops and the establishment of feeding sheds led to more efficient utilization of the range. Hay production developed during the 1880s and ca. 1890s and only began to drop with the increased appearance of the automobile after the turn of the century.*

*Most hay and forage crops were used by the dairy industry in the later part of the nineteenth century. The dairy industry developed in those areas that had well-watered pastures, such as the lowlands along the bay or in swampy areas such as Blossom Valley and areas of South County near San Felipe Lake. Transportation of fresh milk was a problem in the early years, so in the outlying districts the majority of milk was used for butter and cheese production. Most small farms in Santa Clara County kept milk cows, with self-sufficiency being the primary goal. Although dairymen sometimes owned lands in the outlying areas, it appears that their dairy operations were generally located on lands more conveniently located near population centers and transportation lines. Outlying acreage was utilized as pasture for non-producing dairy cows and for hay production for the dairy farms elsewhere in the Valley.*

*4.3.2 Grain Production*

*The staple agricultural product after the Gold Rush became wheat. A ready market was assured, and the crop was easily handled. The easy cultivation and high fertility of the soil of the Santa Clara Valley facilitated wheat production with little capital investment. By 1854, Santa Clara County was producing 30 percent of California's total wheat crop. In 1868 one observer noted that in summer the valley was an almost unbroken wheat field. Other grain crops, primarily barley and oats, followed wheat in productivity. Production of wheat fell off during the 1880s and ca. 1890s when new wheat-producing areas in the San Joaquin Valley were developed. Local production of barley for malting purposes continued to rise until 1900, when it fell rapidly due to the conversion of agricultural lands to orchards.*

*4.3.3 Horticulture*

*The remnants of the Mission orchards and the small orchards of the San José residents were the only source of fresh fruit at the onset of the Gold Rush. Early settlers in the Valley recognized this scarcity as a potential source of profit, and seedlings and nursery stock were imported from the East Coast and Europe. The earliest commercial orchards were planted in San José in the early 1850s, and their success prompted others to experiment with horticulture. Initially it was believed that abundant water was necessary for the successful production of fruit, and the early orchards were concentrated near rivers and creeks, as well as in the northern Santa Clara Valley where abundant artesian water was available for irrigation. This would change as irrigation techniques in the Valley advanced.*

*In 1868, the first dried fruit was shipped to the East Coast where it yielded high prices. The completion of the transcontinental railroad in 1869 opened the large eastern U.S. market for local fruit. The first commercial canning operation succeeded in Santa Clara County in 1871. All the factors were in place for the horticultural industry to boom; indeed, orchards increased rapidly during the 1870s and 1880s throughout the County. As experimentation in outlying areas proved that orchards could succeed with less water than originally thought, the ready market, high prices, and rapidly developing support industries made the switch to horticulture low risk and highly profitable. This change from grain cultivation to horticulture also saw changing land ownership patterns. As profits from wheat production began to decline due to the opening of new competing wheat regions, farmers realized their lands were better suited for more valuable crops and they could make greater profits by subdividing larger tracts and selling plots for small family orchards. A 20 acre orchard was able to produce enough fruit to support a family. By ca. 1890 the transfer to horticultural was spreading into the outer corners of the county. However, the scarcity of water was a more serious problem in these areas and dry farming and ranching continued to be the major land uses until well into the twentieth century. As water resources were developed, more orchards were planted in this region.*

*One of the unique crops cultivated early in Santa Clara County history was tobacco. Grown in the San Felipe area near Gilroy and started by J. D. Culp about 1859, the tobacco crops supported a cigar factory, the Consolidated Tobacco Company, which was initially built about two miles west of Gilroy in 1862. The factory was destroyed by fire in 1865, and another facility was constructed in the city of Gilroy in 1869. The primary laborers for this activity were Chinese. An estimated 75 to 100 Chinese were living in the San Felipe area in the 1860s and 1870s.*

*By the late ca. 1890s, C. C. Morse & Company was the first to explore large-scale seed production in South County. Chinese farmers planted onions, strawberries, corn, and pumpkins on land leased from owners who no longer wanted to work their farms Seed growing became an increasingly important land use in the County early in the twentieth century when SP built the Braslan Seed Growers Company warehouse in Coyote. The Braslan Seed Company began operating in 1902. By 1922 the company had seed farms covering 400 acres of the Edenvale, Coyote, and Gilroy areas, and some 5,000 acres in Santa Clara, San Joaquin, and San Benito Counties. The Braslan Seed Company also had substantial acreage in other parts of California. For years Braslan Seed Growers had large government contracts. Onions, radishes, lettuce, carrots, and cauliflower were raised in Braslan's seed fields in the Coyote and Gilroy areas. Bags of garden seeds were shipped to large nurseries and seed distributing establishments on the East coast, Europe, and Asia (Sawyer 1922; Malech 1996).*

*4.3.4 Viticulture*

*Between 1849 and 1852, viticulturists in Santa Clara County planted their vineyards using cuttings from the Mission Santa Clara vineyard. During these years, the area attracted up to 1,500 French settlers, many realizing the potential of the valley for a wine district. Many of these Frenchmen—Pierre Sainsevain, Charles LeFranc, Etienne Thee, Antoine Delmas, and the Pellier brothers, to name a few—set out vineyards in the Valley and foothills during the 1850s. Elisha Stephens, one of the*

*earliest American settlers in the West Valley planted Mission grapes on his land by 1849. The Pelliers established plants between 1850 and 1854; Delmas planted a vineyard in 1851 and began producing wine in 1855. In the Highland area of the Santa Cruz Mountains, Lyman Burrell set out vines in 1853.*

*About 1861, in the South County area, José Maria Malaguerra planted vineyards on 200 acres of what had been the Laguna Seca Rancho, and in 1869 developed the first commercial winery in that area, the Malaguerra Winery. In the West Valley, with the redwood groves cleared, many farmers were setting out vines, but one of the first commercial winegrowers was Dennis Freely in the early 1860s. At about the same time, John Snyder settled on Permanente Creek four miles south of Mountain View and had soon planted 96 acres of foreign grapes. A Spaniard named Novato, living in the foothills near Permanente Creek, planted cuttings from the Stephens vineyard. Because the land was covered with chaparral and the soil was largely considered to be infertile, further efforts to establish vineyards in that area did not take place until the 1870s. Other early wine pioneers included the Jesuits at Santa Clara College ridge in the foothills around Stevens Creek Canyon around 1871 and at Villa Maria around 1875.*

*The failures of French and other European vineyards due to phylloxera (a microscopic root louse) contributed to the rising financial success of California wines in the late 1870s. This, and the proven accomplishments of the pioneer wine growers, led to the wide-scale development of many areas of Santa Clara County as vineyards. By the end of the 1880s, Santa Clara County had 15,000 acres of vines producing 2,500,000 gallons of wine a year.*

*Around 1895 phylloxera attacked local vines. It destroyed approximately 75% of the vineyards in five years. Though the discovery of a Central American rootstock resistant to the disease eventually allowed for some vineyards to be reestablished, much of the land had already been replanted as fruit and nut orchards. Some local vintners did rise above these challenges; Frenchman Paul Masson established his champagne vineyards above Saratoga about 1896. At this site Masson planted specialty grape varieties, and in 1905 yielded an acclaimed champagne that he marketed aggressively at expositions.*

*Meanwhile, continued problems led to the decline of most wineries during the beginnings of the twentieth century. Water supplies were a constant concern. The 1906 earthquake destroyed much of the wine production machinery and buildings. Government regulations, property taxes, and competition also contributed. Prohibition was the final blow to many operations. Masson was also unique because he got a permit to continue to make wine for medicinal purposes during Prohibition. Another winemaking facility that stayed open through Prohibition was the Novitiate Winery, who was permitted to continue producing sacramental wine for religious purposes, but most other wineries suffered in the 1920s, and agriculture in Santa Clara County shifted even further toward fruit production. Even after Prohibition was repealed in 1933, wine production was not generally reestablished, and by 1941 the County had only 8,000 acres of vineyards and only 40 wineries remaining in operation. After World War II, development pressure changed the face of agriculture in the County, and wine was not a widely consumed drink. Winemaking in Santa Clara County*

*languished until the late twentieth century when wine connoisseurship became popular again, and local vineyards became successful based on their ability to produce specialty wines that were compared favorably to other international wines."*[14]

### Property History

The following site-specific history related to the Edwin Willson Ranch is quoted from the DPR523 form prepared for the property as part of the 2003 HRI survey—the only available documentation that identifies site-specific history related to the Edwin Willson Ranch:

"*The house and barn were constructed about 1893 by Edwin Willson, a life-long resident of Old Gilroy (San Ysidro). Prior to 1893, the property was part of a 150-acre parcel owned by the Ferguson brothers (John L. and Milton L.), sons of early San Ysidro settler Asa Ferguson. Willson's farm in the Old Gilroy area encompassed 33 acres. Wilson [sic] planted orchards and hay on the farm. He also had a 2,000-acre stock farm in the hills east of Old Gilroy, known as the Hot Springs Range Edwin Willson was born in San Ysidro in 1855. He was one of ten sons and daughters born to Horace and Eunice Willson, who*

*in the San Ysidro area in 1854. Edwin Willson's first wife was Dolly Reither, daughter of pioneer Gilroy merchant Jacob Reither 1902, Dolly died, leaving behind her husband and their four children. Four years later, Willson married his second wife Palmina*

*(1877-1946), daughter of neighbor Alexander Delerio. Edwin Willson lived at his Holsclaw Road home until his death in 1937 at age of 82. Subsequently, Edwin's son, Lyman Willson, lived in the house. ln the 1970s, the house was owned by Anthony Schmidts."*[15]

## CURRENT CONDITION ASSESSMENT

EDS Senior Architectural Historian, Brian Matuk, M.S., conducted a site visit on November 30, 2018 to prepare an Assessment of potential Shamrock Seed Project impacts in the context of the Edwin Willson Ranch. All buildings and structures were photographed, and the physical characteristics and current condition, focusing on character-defining features of the building, were assessed. A description of the Edwin Willson Ranch is provided in the following section.

### Edwin Willson Ranch

The Edwin Willson Ranch is located at 6650 Holsclaw Road in Santa Clara County, California within APN 841-49-018, and consists of three buildings and two structures on a 15-acre parcel in a semi-rural, agricultural setting in the Santa Clara Valley. The property includes an ca. ca. 1890 Queen Anne style house, an ca. ca. ca. 1890 barn, a ca. 1930 garage, a 1928 water trough, and a ca. 1950 water tank, all of which are described below.

[14] Archives & Architecture, LLC. *County of Santa Clara Historic Context Statement*. County of Santa Clara. December 2004, revised February 2012.
[15] Kara Oosterhaus and Charlene Duval, *SCI-107 Edwin Willson Ranch* [DPR 523 forms]. From Dill Design Group, *Historic Context Statement and Survey Report*, 2003.

**ca. ca. 1890 farmhouse**

This ca. ca. 1890 farmhouse was constructed in the Queen Anne architectural style, and is located at the western end of the parcel, set back approximately 55 feet from Holsclaw Road. This farmhouse is generally rectangular in plan, with multigable roof forms, and a two-story massing with basement (Figure 2). The building faces southwest, with a wraparound porch along the southwest and southeast elevations. The moderate-pitch multigable roof form and porch roof is clad in contemporary asphalt shingles. The building appears to rest on a contemporary poured concrete foundation, with an exterior clad in various types of wood siding, wood shingles, and decorative plasterwork. The majority of the exterior consists of thin lapped wood siding, with V-notch wood siding serving as a water table and porch skirt. There are flared walls between the first and second floors, and a wood shingle-clad chimney that extends through the roof.

The primary, **southwest elevation** is dominated by several prominent features, including an elaborately embossed pediment that marks the entry at the wraparound porch, a second-story gable adorned with decorative shingle patterns, and a second-story octagonal turret with distinctive concave tent roof topped by a finial (Figure 3 and Figure 4). The wraparound porch is supported by simple, chamfered wood posts with decorative wood brackets, and appears to have simple, contemporary wood railings that likely replaced a more elaborate wood railing. The V-notch wood siding that clads the porch skirt is broken for a rectangular wood lattice vent. The porch ceiling consists of thin beadboard, while the porch floor consists of wood slats. Behind porch is the main entry door, which consists of a paneled wood door with glazing in the upper half, and a transom—all within a wood surround with crown (Figure 5). To the south of the entry door is a canted bay that consists of a central fixed window with transom flanked on either side by double-hung wood windows. To the north of the entry door is a fixed piano window in a wood frame.

The second-story is defined by the dominant gable and octagonal turret. The gable end partially accommodates a double-hung wood window, and is adorned with patterns of square butt, waveform, and sawtooth-shaped wood shingles, with bas relief directly below the gable apex. Modillions flank the gable end above the window, and below the eave returns. The octagonal turret accommodates three double-hung wood windows with diamond-pattern glazing in the upper sash. Dentil molding and a blank frieze wrap around the turret directly below the eaves. The concave tent roof of the turret is topped by a decorative finial.

The **southeast elevation** is dominated by the partial-width wraparound porch, which continues from the southwest elevation and terminates at a projecting two-story gabled bay (Figure 6). This two-story bay takes the form of a canted bay at the first floor, and a rectangular bay with flared walls and pedimented gable. There is a rectangular wood lattice vent within the porch skirt, and two, four-light wood awning windows along the water table.

The canted bay at the first floor has a paneled wood door with glazing in the upper one half and transom, which leads out to the wraparound porch, as well as a fixed wood window with transom and a double-hung wood window. Toward the eastern end of the southeast elevation are a pair of double-casement wood windows, and two openings that appear to accommodate fixed wood windows—though, one of the openings is currently boarded-up.

A decorative wood bracket and drop pendant adorn the eaves where the canted walls of the first floor meet the perpendicular walls of the second floor. The appearance of the gable end at the second story is nearly identical to that of the gable at the southwest elevation, in relation to the recessed double-hung wood window and use of decorative wood shingles and modillions, but does not display a bas relief in the gable end. To the west of the projecting gabled bay at the second story is a double-hung wood window, and to the east of the projecting gabled bay is a hipped dormer with a double-casement wood window. The low-pitch of the roofing and use of casement windows suggests that this dormer is an alteration.

The **northeast elevation** leads to the rear wood deck, and consists of a grouping of eight fixed wood windows surrounding a ten-light wood door and a contemporary single-hung vinyl window, as well as a single wood double-hung window (Figure 7). Thin beadboard wood siding spans the width of the window grouping, just below the fixed and single-hung windows. The wood deck appears to be contemporary, and consists of simple wood components and a wood post-and-concrete pier foundation. The simple wood railings are partially clad in applied wood latticework—a design that is reflected in the railings that flank the wood stairs that lead northeast from the deck toward the ca. ca. 1890 barn. The deck skirt consists of wood frame with wood lattice. There are a set of wood doors located immediately south of the deck, that appear to provide exterior access to the basement. These doors are situated in a canted wood frame clad in V-notch wood siding.

Similar to the southeast elevation, the **northwest elevation** is dominated by a projecting gabled bay, which consists of a canted bay at the basement and first floors, with a rectangular bay and projecting pedimented gable at the second floor (Figure 8). There are five openings at the basement level—three windows in the canted bay, each consisting of four-light wood awning windows, a four-light wood awning window located to the east of the projecting gabled bay, and a rectangular wood lattice vent located to the west of the projecting gabled bay.

The first floor of the canted bay has two double-hung wood windows that flank either side of a fixed wood window with transom. To the west of the projecting gabled bay at the first floor is a piano window, adjacent to the piano window at the southwest elevation, which appears to have decorative stained-glass replacement glazing designed with a grapevine motif. To the east of the projecting gabled bay at the first floor is a double-hung wood window and a casement wood window.

A decorative wood bracket and drop pendant adorn the eaves where the canted walls of the first floor meet the perpendicular walls of the second floor. The appearance of the gable end at the second story is identical to that of the gable at the southeast elevation. To the west of the projecting gabled bay at the second story is a double-hung wood window, and to the east of the projecting gabled bay is a gabled dormer with a fixed wood window. The low-pitch of the roofing and use of fixed window suggests that this dormer is an alteration. There is a contemporary bulbous skylight located along the roof near the northwest elevation.

**Figure 2: Northwest and southwest elevations of the ca. ca. 1890 farmhouse.**

**Figure 3: Southwest elevation of the ca. ca. 1890 farmhouse, facing northeast.**

**Figure 4: Detail of turret (left), pedimented entry gable (center), and projecting pedimented gable (right) at southwest elevation of the ca. ca. 1890 farmhouse.**

**Figure 5: Detail of entry at southwest elevation of ca. ca. 1890 farmhouse.**

**Figure 6: Southeast elevation of ca. ca. 1890 farmhouse.**

**Figure 7: Northeast elevation of the ca. ca. 1890 farmhouse.**

**Figure 8: Northwest elevation of the ca. ca. 1890 farmhouse.**

**ca. ca. 1890 Barn**

The ca. ca. 1890 barn is square in plan, and consists of a double-pitch gable roof (Figure 9). This wood-frame barn appears to be situated directly on the soil with a horizontal wood board along the base of the building for support. The exterior of the building is clad in vertical board-and-batten wood siding and the roof consists of corrugated metal roofing. There are several openings on all elevations of the barn, providing access for equipment through large double-doors and individual access through smaller single-leaf doors. All doors appear to be clad in the same board-and-batten siding as the remaining exterior of the barn, and most have poured concrete ramps that lead from grade to the slightly raised openings.

**Figure 9: Southeast and northeast elevations of the ca. ca. 1890 barn, facing west.**

**ca. 1930 Garage**

This simple garage has a rectangular plan, with a front-facing gable roof, and a large garage door opening at the southeast elevation. The moderate-pitch roof is clad in corrugated metal roofing. The northeast, southeast, and southwest elevations of the ca.1930 garage are clad in vertical corrugated metal siding, while the northwest elevation appears to be clad in vertical wood siding. There is an entry opening along the southwest elevation, which accesses an area that is enclosed by a metal chain-link fence.

**Figure 10: Southwest and southeast elevations of the ca. 1930 garage, facing north.**

## 1928 Water Trough

The water trough is constructed of poured concrete, and is approximately 8-feet long and approximately 18-inches tall, with wood platforms adjacent to the trough (Figure 11). There is "1928" carved into the lip of the trough, which likely indicates the date of construction.

**Figure 11: 1928 water trough, facing west.**

**ca. 1950 Water Tank**

There is a metal sheet-clad water tank located just to the southwest of the ca. 1930 garage (Figure 12). This cylindrical tank is situated on a poured concrete foundation.

**Figure 12: ca. 1950 water tank, facing northeast.**

## Analysis of Potential Impacts

Although this Assessment does not evaluate the Edwin Willson Ranch for CRHR-eligibility, it is likely that the property is eligible for listing in the CRHR under significance related to agricultural development in the "South County" area of Santa Clara County (Criterion 1), as suggested by the 2003 HRI survey and taken as fact by the DEIR Garavaglia Report. While the CRHR-eligibility of a property cannot be assumed without an complete historic resources evaluation, in accordance to CEQA, there appears to be a preponderance of evidence suggesting that the Edwin Willson Ranch is eligible under CRHR Criterion 1.

As stated earlier, when assessing impacts to Historical Resources under CEQA, the threshold for determining a "significant adverse change" is when an Historical Resource is "materially impaired" as a result of a project—meaning, when a project has the potential to weaken the existing integrity of the Historical Resource to the extent that renders said Historical Resource unable retain sufficient integrity to convey its significance and, thus, render it ineligible for its local listing or for listing in the CRHR. When analyzing potential Shamrock Seed Project impacts to Historical Resources under CEQA, it is critical to have an accurate and current evaluation and integrity analysis of all potentially affected Historical Resources to serve as a baseline for measuring potential impacts to integrity.

The National Park Service provides guidance for assessing overall integrity of a property in National Park Service in *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*, and puts

weight on certain aspects of integrity over others depending on the eligibility criteria under which the property was found to be significant: "Each type of property depends on certain aspects of integrity, more than others, to express its historic significance. Determining which of the aspects is most important to a particular property requires an understanding of the property's significance and its essential physical features."[16] The National Park Service describes how to identify the more "weighted" aspects of integrity for properties found significant for associative themes, such as the agricultural development theme identified with the Edwin Willson Ranch. Although this guidance utilizes examples with National Register of Historic Places (NRHP) Criteria A or B, the eligibility criteria for both the NRHP and CRHR are very similar,[17] and this guidance is wholly applicable to assessing integrity for a property found eligible for listing in the CRHR under Criterion 1 or 2. The following related guidance is from *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*:

> "*A property important for association with an event, historical pattern, or person(s) ideally might retain some features of all seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Integrity of design and workmanship, however, might not be as important to the significance, and would not be relevant if the property were a site.*"[18]

This guidance suggests that an integrity analysis for a property found significant under CRHR Criterion 1 should put greater weight on the importance of aspects of integrity that most convey the associated theme. As suggested by the 2003 HRI survey, the Edwin Willson Ranch is potentially eligible for listing in the CRHR under Criterion 1. Therefore, it appears that the most critical aspects of integrity for the property would likely be "location", "setting", and "design"—location for the location in the "South County" portion of Santa Clara County, setting for the agricultural use and rural landscape of its surroundings, and design for the form and architecture of the ca. ca. 1890 house and barn. These three aspects appear to be the most important in the property's ability to convey potential significance related the theme of agricultural development. Therefore, it is imperative to assess the integrity of the Edwin Willson Ranch with particular attention to "location", "setting", and "design", and with a critical review of potential impacts that adjacent development may have on these three aspects of integrity.

**Mitigation of Potential Impacts**

While the Standards Review in the DEIR Garavaglia report appears to be inadequate by evaluating the Shamrock Seed Project for conformance with all ten Rehabilitation Standards, the report nevertheless provides recommendations, or potential mitigation measures, to lessen the Shamrock Seed Project's

[16] National Park Service, *National Register Bulletin: How to Apply the National Register Criteria for Evaluation* (Washington, D.C.: U.S. Department of the Interior, 1990, revised 1997), 48.
[17] The differences between the NRHP and the CRHR are explained by the California Office of Historic Preservation (OHP) in the document titled *California Office of Historic Preservation Technical Assistance Series #6*
*California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register)*, available at http://ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.
[18] National Park Service, *National Register Bulletin: How to Apply the National Register Criteria for Evaluation* (Washington, D.C.: U.S. Department of the Interior, 1990, revised 1997), 48.

potential impacts to the agricultural setting of the Edwin Willson Ranch:

> "*To be more compliant with Standards 2, 5, and 9, the following design modifications and recommendations are suggested for further compliance. These recommendations would allow the property to maintain the historic agricultural aesthetic of the area, and to appear as less of an industrial development.*"[19]

Recommendations to lessen these potential impacts to the agricultural setting of the Edwin Willson Ranch follow, with the DEIR Garavaglia report providing eight specific recommendations related to the Shamrock Seed Project and one recommendation for any potential future development on the Project Area unrelated to the current Shamrock Seed Project scope of work. These recommendations to lessen these potential impacts to the "setting" of the Edwin Willson Ranch are as follows:

> "*<u>Property/Site</u>*
>
> *Articulation: Properties in the area historically would have been setback further from the main road than the proposed design and grouped close to one another. This portion of Holsclaw Road had an alley of trees that served as a buffer between the road and agricultural properties.*
>
> - *If the subject parking lot were to be setback from the road and rotated 90 degrees to sit against the northwestern edge of the property, a series of fruit or nut orchard trees could then be placed along the property abutting Holsclaw Road, on either side of the access road. This would rehabilitate the look and feeling of the historic orchards at the property, while also allowing for a buffer between contemporary functions thus preserving the view shed from the public right-of-way.*
> - *Another option to make the parking lot appear more orchard-like could be to incorporate more landscaping to reflect the look of uniform tree rows.*
> - *Further, the row of trees and shrubs to be planted along 300 feet of the northern property line could be increased to allow for more of a buffer between the two properties.*
>
> *<u>Research Facility</u>*
>
> *Relocation:*
>
> - *Further to relocating the parking lot to be behind several rows of fruit or nut orchard trees, the Research Facility could be moved to be behind this row of trees (remaining in its current orientation), more closely aligning to the access road.*
> - *An additional consideration could be to alternate the placement of the Research Facility with the smaller proposed greenhouse while more closely aligning both new structures to the access road.*
>
> *Massing: The massing of the building could be further broken down so that the building would not*

[19] Garavaglia Architecture, Inc. *6640 Holsclaw Road, Gilroy, CA Historic Resource Evaluation and SISR Project Review; 6650 Holsclaw Road, Gilroy, CA SISR Project Review*, 52.

*appear to be monolithic.*

- *This could include recessing portions of the building, such as the main entryway, and/or breaking down the roofline with different planes to create articulation. Rooflines found on older agrarian buildings in the surrounding areas may serve as a good model for a modified roofline.*

*Materials: Similar metal materials are found around the rural unincorporated Gilroy area, as the look of structures was often primarily functional, utilizing commonplace, inexpensive materials.*

- *To further incorporate the appearance of wood as found in the surrounding buildings, the metal exterior could be given a treatment to appear like wood.*
- *The decorative stone base at the entryway posts should be removed to not add conjectural features from other buildings.*

*Future Greenhouse (between Research Facility and subject barn [at Project Area at 6640 Holsclaw Road])*

*Relocation: If several rows of fruit or nut orchard trees are to be placed along Holsclaw Road, and the parking lot were to be reoriented, the future proposed greenhouse (currently between the Research Facility and subject barn) could be reoriented and located to the area between the moved Research Facility and subject barn, which would allow the entire proposed project to be moved further into the site."*[20]

The DEIR does not incorporate any of these recommendations as required mitigation measures, to lessen the potential impacts to "setting", as identified in the DEIR Garavaglia report. EDS agrees that all recommendations provided in the DEIR Garavaglia report, taken together as applicable, would lessen the Shamrock Seed Project's potential impacts to the integrity of "setting," and may ensure the Edwin Willson Ranch retains sufficient relevant integrity to remain eligible for its local listing in the South County Resource list and for potential eligibility in the CRHR under Criterion 1, as identified in the 2003 HRI survey.

**Relocation of the ca. ca. 1890 House**

Alternatively, or in conjunction with some of the abovementioned recommendations, EDS recommends the County of Santa Clara consider a mitigation measure that involves a development agreement to relocate the ca. ca. 1890 house within its existing parcel to lessen the Shamrock Seed Project's overall potential impacts to the setting of the Edwin Willson Ranch. The goal for this recommendation is to minimize Shamrock Seed Project impacts to the setting of the Edwin Willson Ranch, and in particular, the contributing ca. ca. 1890 house.

This recommendation would require a Standards review of the Edwin Willson Ranch to analyze the most appropriate new location of the ca. ca. 1890 house while refraining from impacting integrity of setting.

[20] Garavaglia Architecture, Inc. *6640 Holsclaw Road, Gilroy, CA Historic Resource Evaluation and SISR Project Review; 6650 Holsclaw Road, Gilroy, CA SISR Project Review*, 52-53.

Moving the ca. ca. 1890 house further north and east approximately 700 feet within the parcel—an action that may also necessitate relocation of the ca. ca. 1890 barn—which would increase the buffer distance of the proposed new parking lot and laboratory building from the house and barn. While a Standards Review would be necessary to assess the most appropriate location, creating a larger buffer zone would likely lessen the potential impacts of the Shamrock Seed Project on the agricultural setting of the Edwin Willson Ranch.

## CONCLUSIONS

The Edwin Willson Ranch is currently considered an Historical Resource under CEQA; however, it has not been appropriately evaluated for eligibility for listing in the CRHR. Without a sufficient evaluation that utilizes OHP guidelines, the DEIR—prepared by David J. Powers & Associates dated October 2018—cannot appropriately assess the current integrity of the Edwin Willson Ranch and, therefore, cannot provide an accurate analysis of the Shamrock Seed Project's potential impacts to Historical Resources under CEQA. While the DEIR Garavaglia report found the Shamrock Seed Project to not conform to the Standards, it does not assess the Shamrock Seed Project for potential to cause "material impairment" to the Edwin Willson Ranch, as would be the necessary and logical next step in accurately identifying impacts.

Although this Conditions Assessment and Impacts Analysis does not provide a fulsome evaluation of the Edwin Willson Ranch, it nevertheless identifies the areas necessary for a complete HRE and Standards Review to serve as a document that accurately identifies the Shamrock Seed Project's potential impacts to the Edwin Willson Ranch. It appears that the Edwin Willson Ranch may be eligible for listing in the CRHR under both Criterion 1 and Criterion 3, as suggested (but not formally determined) by the 2003 HRI survey; therefore, it is critical that an assessment of integrity be conducted for all themes under which the Edwin Willson Ranch is found to be significant. Given the high probability of the Edwin Willson Ranch's significance for representing agricultural development of the South Santa Clara Valley, it is necessary to conduct a current assessment of integrity related to setting for a baseline to evaluate any potential Shamrock Seed Project impacts to the Historical Resource.

Finally, EDS recommends that the County of Santa Clara require implementation of the proposed mitigation measures presented in the DEIR Garavaglia report to lessen impacts to the Edwin Willson Ranch, which is considered an Historical Resource under CEQA. Alternatively, or in conjunction with said recommendations, EDS recommends the County of Santa Clara consider implementing a mitigation measure related to relocating the ca. 1890 house within the existing Edwin Willson Ranch property to lessen these potential impacts to integrity of "setting".

Sincerely,

Brian Matuk, M.S.
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# Appendix A

## DPR Forms

State of California ☐ The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
Primary #
HRI #

# PRIMARY RECORD

Trinomial
**NRHP Status Code**
Other Listings
Review Code Reviewer Date

**Page** 1 **of** 13 ***Resource Name or #:** Edwin Willson Ranch
**P1. Other Identifier:**
***P2. Location:** ☐ **Not for Publication** ☒ **Unrestricted**
***a. County** Santa Clara County **and**
***b. USGS 7.5' Quad** Gilroy **Date** 1993 **T** 11S ; **R** 4E ; ☐ **of** ☐ **of Sec** 30 ; MD **B.M.**
c. Address 6650 Holsclaw Road City Gilroy Zip 95020
d. UTM: Zone 10S, 630445 mE/ 4096295 mN
e. Other Locational Data:
The Edwin Willson Ranch is located approximately 850-feet northwest of the intersection of Holsclaw Road and CA-152 Pacheco Pass Highway, on the northeast side of Holsclaw Road within APN 841-49-018.

***P3a. Description:** This 1890 farmhouse was constructed in the Queen Anne architectural style, and is located at the western end of the parcel, set back approximately 55 feet from Holsclaw Road. This farmhouse is generally rectangular in plan, with multigable roof forms, and a two-story massing with basement (**Error! Reference source not found.**). The building faces southwest, with a wraparound porch along the southwest and southeast elevations. The moderate-pitch multigable roof form and porch roof is clad in contemporary asphalt shingles. The building appears to rest on a contemporary poured concrete foundation, with an exterior clad in various types of wood siding, wood shingles, and decorative plasterwork. The majority of the exterior consists of thin lapped wood siding, with V-notch wood siding serving as a water table and porch skirt. There are flared walls between the first and second floors, and a wood shingle-clad chimney that extends through the roof. (*See Continuation Sheet, Page 2)*

P5a. Photograph or Drawing

***P3b. Resource Attributes:**
HP2– Single family property
HP33 – Farm / ranch
***P4. Resources Present:** ■ Building ■ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other
P5b. Description of Photo: Northwest and southeast elevations of the 1890 house; 11/30/2018
***P6. Date Constructed/Age and Source:** ■ Historic ☐ Prehistoric ☐ Both 1890
***P7. Owner and Address:**
Carmen Patane
6650 Holsclaw Road
Gilroy, CA 95020
***P8. Recorded by:**
Brian Matuk, M.S., Evans & De Shazo, Inc., 6876 Sebastopol Avenue, Sebastopol, CA 95472
***P9. Date Recorded:**
11/30/2018
***P10. Survey Type:** Intensive

***P11. Report Citation**:
Brian Matuk, M.S. and Stacey De Shazo, M.A. (2018): Current Conditions Assessment of the Edwin Willson Ranch Property Located at 6650 Holsclaw Road, Santa Clara County, California and Impacts Analysis of the Shamrock Seed Project

***Attachments:** ☐NONE ■Location Map ■Continuation Sheet ☐Building, Structure, and Object Record
☐Archaeological Record ☐District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record
☐Artifact Record ☐Photograph Record ☐ Other (List):

*(Continued from Primary, Page 1)*

The primary, **southwest elevation** is dominated by several prominent features, including an elaborately embossed pediment that marks the entry at the wraparound porch, a second-story gable adorned with decorative shingle patterns, and a second-story octagonal turret with distinctive concave tent roof topped by a finial. The wraparound porch is supported by simple, chamfered wood posts with decorative wood brackets, and appears to have simple, contemporary wood railings that likely replaced a more elaborate wood railing. The V-notch wood siding that clads the porch skirt is broken for a rectangular wood lattice vent. The porch ceiling consists of thin beadboard, while the porch floor consists of wood slats. Behind porch is the main entry door, which consists of a paneled wood door with glazing in the upper half, and a transom—all within a wood surround with crown. To the south of the entry door is a canted bay that consists of a central fixed window with transom flanked on either side by double-hung wood windows. To the north of the entry door is a fixed piano window in a wood frame.

The second-story is defined by the dominant gable and octagonal turret. The gable end partially accommodates a double-hung wood window, and is adorned with patterns of square butt, waveform, and sawtooth-shaped wood shingles, with bas relief directly below the gable apex. Modillions flank the gable end above the window, and below the eave returns. The octagonal turret accommodates three double-hung wood windows with diamond-pattern glazing in the upper sash. Dentil molding and a blank frieze wrap around the turret directly below the eaves. The concave tent roof of the turret is topped by a decorative finial.

The **southeast elevation** is dominated by the partial-width wraparound porch, which continues from the southwest elevation and terminates at a projecting two-story gabled bay. This two-story bay takes the form of a canted bay at the first floor, and a rectangular bay with flared walls and pedimented gable. There is a rectangular wood lattice vent within the porch skirt, and two, four-light wood awning windows along the water table.

The canted bay at the first floor has a paneled wood door with glazing in the upper one half and transom, which leads out to the wraparound porch, as well as a fixed wood window with transom and a double-hung wood window. Toward the eastern end of the southeast elevation are a pair of double-casement wood windows, and two openings that appear to accommodate fixed wood windows—though, one of the openings is currently boarded-up.

A decorative wood bracket and drop pendant adorn the eaves where the canted walls of the first floor meet the perpendicular walls of the second floor. The appearance of the gable end at the second story is nearly identical to that of the gable at the southwest elevation, in relation to the recessed double-hung wood window and use of decorative wood shingles and modillions, but does not display a bas

relief in the gable end. To the west of the projecting gabled bay at the second story is a double-hung wood window, and to the east of the projecting gabled bay is a hipped dormer with a double-casement wood window. The low-pitch of the roofing and use of casement windows suggests that this dormer is an alteration.

The **northeast elevation** leads to the rear wood deck, and consists of a grouping of eight fixed wood windows surrounding a ten-light wood door and a contemporary single-hung vinyl window, as well as a single wood double-hung window. Thin beadboard wood siding spans the width of the window grouping, just below the fixed and single-hung windows. The wood deck appears to be contemporary, and consists of simple wood components and a wood post-and-concrete pier foundation. The simple wood railings are partially clad in applied wood latticework—a design that is reflected in the railings that flank the wood stairs that lead northeast from the deck toward the 1890 barn. The deck skirt consists of wood frame with wood lattice. There are a set of wood doors located immediately south of the deck, that appear to provide exterior access to the basement. These doors are situated in a canted wood frame clad in V-notch wood siding.

Similar to the southeast elevation, the **northwest elevation** is dominated by a projecting gabled bay, which consists of a canted bay at the basement and first floors, with a rectangular bay and projecting pedimented gable at the second floor. There are five openings at the basement level—three windows in the canted bay, each consisting of four-light wood awning windows, a four-light wood awning window located to the east of the projecting gabled bay, and a rectangular wood lattice vent located to the west of the projecting gabled bay.

The first floor of the canted bay has two double-hung wood windows that flank either side of a fixed wood window with transom. To the west of the projecting gabled bay at the first floor is a piano window, adjacent to the piano window at the southwest elevation, which appears to have decorative stained-glass replacement glazing designed with a grapevine motif. To the east of the projecting gabled bay at the first floor is a double-hung wood window and a casement wood window.

A decorative wood bracket and drop pendant adorn the eaves where the canted walls of the first floor meet the perpendicular walls of the second floor. The appearance of the gable end at the second story is identical to that of the gable at the southeast elevation. To the west of the projecting gabled bay at the second story is a double-hung wood window, and to the east of the projecting gabled bay is a gabled dormer with a fixed wood window. The low-pitch of the roofing and use of fixed window suggests that this dormer is an alteration. There is a contemporary bulbous skylight located along the roof near the northwest elevation.

State of California ☐ The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
Primary #
HRI #

# PRIMARY RECORD

Trinomial
**NRHP Status Code**
Other Listings
Review Code Reviewer Date

**Page** 1 **of** 13 ***Resource Name or #:** Edwin Willson Ranch
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***a. County** Santa Clara County **and**
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c. Address 6650 Holsclaw Road City Gilroy Zip 95020
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P5a. Photograph or Drawing

***P3b. Resource Attributes:**
HP2– Single family property
HP33 – Farm / ranch
***P4. Resources Present:** ■ Building ■ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other
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6650 Holsclaw Road
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***P8. Recorded by:**
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***P9. Date Recorded:**
11/30/2018
***P10. Survey Type:** Intensive

***P11. Report Citation**:
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***Attachments:** ☐NONE ■Location Map ■Continuation Sheet ☐Building, Structure, and Object Record
☐Archaeological Record ☐District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record
☐Artifact Record ☐Photograph Record ☐ Other (List):

*(Continued from Primary, Page 1)*

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The canted bay at the first floor has a paneled wood door with glazing in the upper one half and transom, which leads out to the wraparound porch, as well as a fixed wood window with transom and a double-hung wood window. Toward the eastern end of the southeast elevation are a pair of double-casement wood windows, and two openings that appear to accommodate fixed wood windows—though, one of the openings is currently boarded-up.

A decorative wood bracket and drop pendant adorn the eaves where the canted walls of the first floor meet the perpendicular walls of the second floor. The appearance of the gable end at the second story is nearly identical to that of the gable at the southwest elevation, in relation to the recessed double-hung wood window and use of decorative wood shingles and modillions, but does not display a bas

relief in the gable end. To the west of the projecting gabled bay at the second story is a double-hung wood window, and to the east of the projecting gabled bay is a hipped dormer with a double-casement wood window. The low-pitch of the roofing and use of casement windows suggests that this dormer is an alteration.

The **northeast elevation** leads to the rear wood deck, and consists of a grouping of eight fixed wood windows surrounding a ten-light wood door and a contemporary single-hung vinyl window, as well as a single wood double-hung window. Thin beadboard wood siding spans the width of the window grouping, just below the fixed and single-hung windows. The wood deck appears to be contemporary, and consists of simple wood components and a wood post-and-concrete pier foundation. The simple wood railings are partially clad in applied wood latticework—a design that is reflected in the railings that flank the wood stairs that lead northeast from the deck toward the 1890 barn. The deck skirt consists of wood frame with wood lattice. There are a set of wood doors located immediately south of the deck, that appear to provide exterior access to the basement. These doors are situated in a canted wood frame clad in V-notch wood siding.

Similar to the southeast elevation, the **northwest elevation** is dominated by a projecting gabled bay, which consists of a canted bay at the basement and first floors, with a rectangular bay and projecting pedimented gable at the second floor. There are five openings at the basement level—three windows in the canted bay, each consisting of four-light wood awning windows, a four-light wood awning window located to the east of the projecting gabled bay, and a rectangular wood lattice vent located to the west of the projecting gabled bay.

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A decorative wood bracket and drop pendant adorn the eaves where the canted walls of the first floor meet the perpendicular walls of the second floor. The appearance of the gable end at the second story is identical to that of the gable at the southeast elevation. To the west of the projecting gabled bay at the second story is a double-hung wood window, and to the east of the projecting gabled bay is a gabled dormer with a fixed wood window. The low-pitch of the roofing and use of fixed window suggests that this dormer is an alteration. There is a contemporary bulbous skylight located along the roof near the northwest elevation.

**Northwest and southwest elevations of the 1890 farmhouse.**

**Southwest elevation of the 1890 farmhouse, facing northeast.**

**Detail of turret (left), pedimented entry gable (center), and projecting pedimented gable (right) at southwest elevation of the 1890 farmhouse.**

**Detail of entry at southwest elevation of 1890 farmhouse.**

**Southeast elevation of 1890 farmhouse.**

**Northeast elevation of the 1890 farmhouse.**

**Northwest elevation of the 1890 farmhouse.**

**1890 Barn**

The 1890 barn is square in plan, and consists of a double-pitch gable roof. This wood-frame barn appears to be situated directly on the soil with a horizontal wood board along the base of the building for support. The exterior of the building is clad in vertical board-and-batten wood siding and the roof consists of corrugated metal roofing. There are several openings on all elevations of the barn, providing access for equipment through large double-doors and individual access through smaller single-leaf doors. All doors appear to be clad in the same board-and-batten siding as the remaining exterior of the barn, and most have poured concrete ramps that lead from grade to the slightly raised openings.

**Southeast and northeast elevations of the 1890 barn, facing west.**

**ca. 1930 Garage**

This simple garage has a rectangular plan, with a front-facing gable roof, and a large garage door opening at the southeast elevation. The moderate-pitch roof is clad in corrugated metal roofing. The northeast, southeast, and southwest elevations of the ca.1930 garage are clad in vertical corrugated metal siding, while the northwest elevation appears to be clad in vertical wood siding. There is an entry opening along the southwest elevation, which accesses an area that is enclosed by a metal chain-link fence.

**Southwest and southeast elevations of the ca. 1930 garage, facing north.**

**1928 Water Trough**

The water trough is constructed of poured concrete, and is approximately 8-feet long and approximately 18-inches tall, with wood platforms adjacent to the trough. There is "1928" carved into the lip of the trough, which likely indicates the date of construction.

**1928 water trough, facing west.**

**ca. 1950 Water Tank**

There is a metal sheet-clad water tank located just to the southwest of the ca. 1930 garage. This cylindrical tank is situated on a poured concrete foundation.

**ca. 1950 water tank, facing northeast.**

State of California ☐ Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION

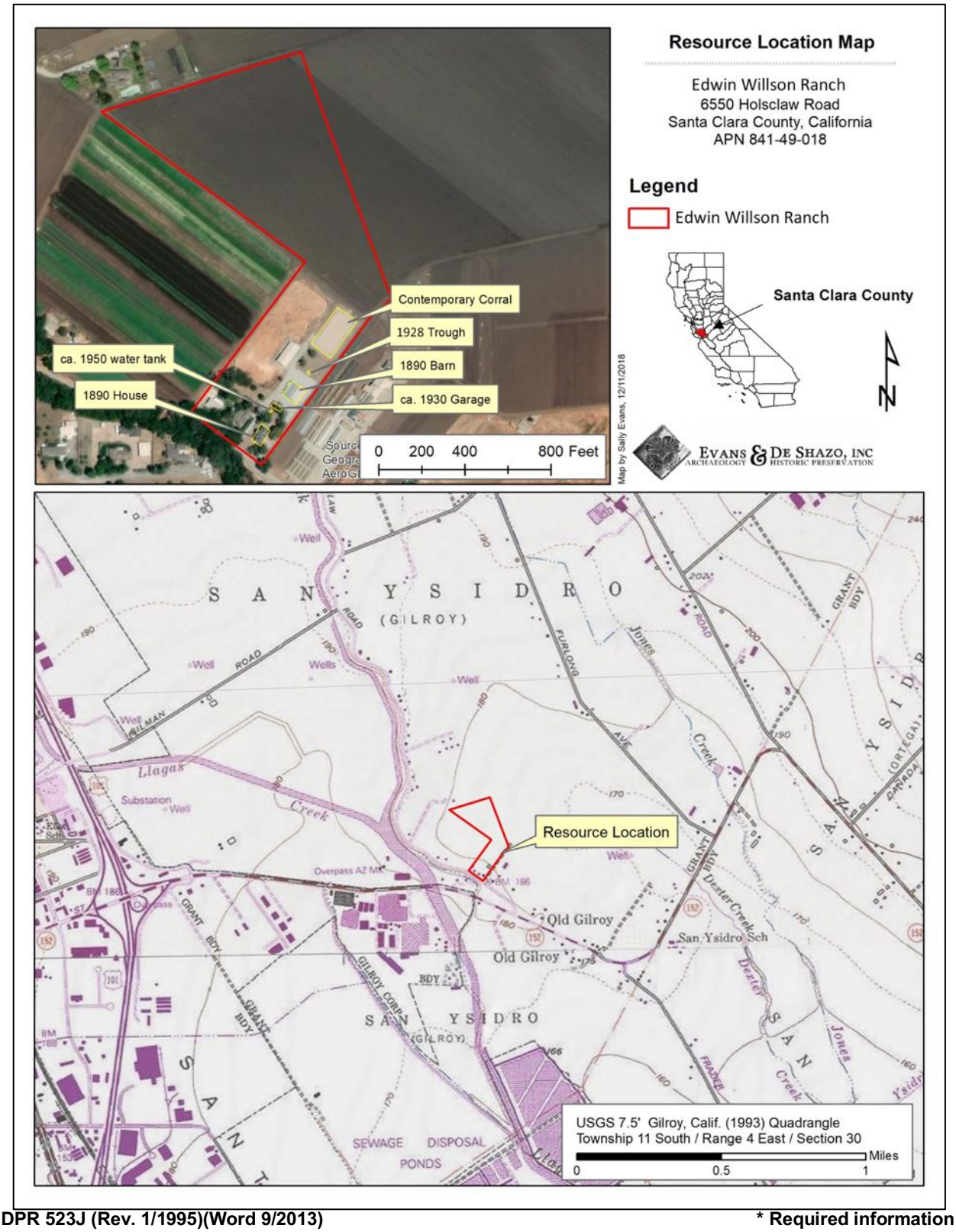
# LOCATION MAP

Primary #
HRI#
Trinomial



*Resource Name or # Edwin Willson Ranch

*Map Name: Gilroy, Calif *Scale: 1:24,000 *Date of map: 1993






* Required information

**Appendix B: Garavaglia Architecture Response Memo to Shamrock Seeds Draft EIR Comments**

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582 MARKET ST. SUITE 1800
SAN FRANCISCO, CA 94104

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F: 415.391.9647

www.garavaglia.com

**M E M O R A N D U M**

**Date:** February 14, 2019

**To:** Amie Ashton, Project Manager
David J. Powers & Associates, Inc.
1871 The Alameda, Suite 200
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**From:** Josh Bevan, Architectural Historian

**Project:** 2018002 – Shamrock Seeds HRE and SISR Review

**Re:** Response Memo to Shamrock Seeds Draft EIR Comments

**Via:** Email

In June of 2018 Garavaglia Architecture, Inc. (GA) evaluated the Shamrock Seeds property at 6640 Holsclaw Road for historic significance, and evaluated the proposed project for compliance with the *Secretary of the Interior's Standards for Rehabilitation* (Standards) as it pertains to the property at 6640 Holsclaw Road and the neighboring property at 6650 Holsclaw Road, known as the Edwin Willson Ranch. The Standards compliance review was performed on the client-provided sets of plans, titled "Improvement Plans for the Grading and Drainage of the Lands of Shamrock Seed Company, Inc.," created February 2017, and "Shamrock Seed Company New Agricultural Building" dated May 2016.

The following memo has been requested in response to comments E.2 to E.5 on the proceeding Shamrock Seeds FEIR.

**Shamrock Seeds FEIR (01-08-19): Section 3.0 Responses to Draft EIR Comments: Organizations, Businesses, and Individuals**

## E. Carmen Patane (dated December 14, 2018)

**Comment E.2:** Evans & De Shazo Current Conditions Assessment and Impacts Analysis. Evans & De Shazo, Inc. (EDS) was engaged to conduct a Current Conditions Assessment and Impacts Analysis of the locally designated property at 6650 Holsclaw Road, known as the Edwin Willson Ranch, located adjacent and to the north and west of the Shamrock Seed Project Area. After a thorough review of the Shamrock Seed Project scope of work and the DEIR's impacts analysis as it relates to Historical Resources, EDS found that the DEIR's expert report by Garavaglia Architecture, Inc. has specific shortcomings that have resulted in the DEIR to state that the Shamrock Seed Project would have a "less-than-significant" impact on Historical Resources—a determination that EDS asserts is not entirely defensible.

EDS found that the Edwin Willson Ranch has never been evaluated, and that the Garavaglia report utilized outdated and insufficient significance and integrity information from a 15-year-old survey to assess potential impacts to the integrity Edwin Willson Ranch. EDS found this misstep to lead to an insufficient and indefensible impacts analysis:

"As the Edwin Willson Ranch property has not been previously evaluated for CRHR-eligibility, an appropriate evaluation of the Edwin Willson Ranch appears necessary to accurately identify character-defining features, the current condition of the property, and provide an accurate assessment of integrity to accurately and appropriately identify any and all potential impacts of the Shamrock Seed Project on Historical Resources under CEQA." (Page 9)

> **Response E.2.:** A property is determined to be a "historic resource" under CEQA if it is "included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code." The Edwin Willson House and Barn at 6650 Holsclaw Road is listed in Santa Clara County's list of South County Resources, and as such can be considered to be a historic resource.
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> Additionally, property at 6650 Holsclaw Road (Edwin Wilson Ranch) was evaluated for CRHR-eligibility in the 2003 Department of Parks and Recreation 523b form, and was determined to be eligible under criteria 1 and 3. The corresponding DPR 523a form includes a list of character-defining features of the Edwin Willson House and an integrity evaluation of the house and barn.

**Comment E.3:** As part of the impact analysis, the Garavaglia report assesses the Shamrock Seed Project's conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties as it relates to the adjacent Edwin Willson Ranch. EDS found that the report inappropriately used the "Rehabilitation Standards" to assess project impacts on the integrity of historical resources on adjacent properties:

"The DEIR Garavaglia report finds the Shamrock Seed Project in overall compliance with the Rehabilitation Standards, when evaluated for Standards compliance as it relates to the adjacent Edwin Willson Ranch. However, the Rehabilitation Standards are not the appropriate guidelines

to use in a Standards Review when evaluating a project's conformance as it relates to adjacent historical resources. Under CEQA §15064.5(b)(3), a Project is generally considered to be mitigated to a less than significant level if it conforms with the "Secretary of the Interior's Standards for the Treatment of Historic Properties"—the larger standards and guidelines as established by the National Park Service that includes, but is not limited to, the Rehabilitation Standards. The Rehabilitation Standards serve to evaluate potential direct impacts to historical resources, while indirect impacts on adjacent historical resources cannot be appropriately identified using all Rehabilitation Standards." (Page 9)

> **Response E.3:** The proposed project is considered adjacent/related new construction to the Shamrock Seeds project property at 6640 Holsclaw Road, which precludes the use of the Standards for Preservation. The proposed project also does not include the direct restoration or reconstruction of any historic resource, and as such the Standards for Restoration and the Standards for Reconstruction are not applicable. As such, the *Secretary of the Interior's Standards for Rehabilitation* were appropriate for this evaluation.

**Comment E.4:** EDS found the Garavaglia report's impacts analysis to be deficient, as it relates to potential Shamrock Seed Project impacts on the adjacent Edwin Willson Ranch. The Garavaglia report found the Project to not fully conform with two of the most critical Standards, but did not follow up the assessment with an analysis of whether or not the Project may cause integrity loss to the extent that the Edwin Willson Ranch is "materially impaired," as explained by EDS:

"'Material impairment' occurs if a project 'demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance.' In other words, if a project is found to weaken the integrity of an Historical Resource to the extent that renders it ineligible for listing in the CRHR, it is considered to be a project that causes "material impairment" to Historical Resources under CEQA. Therefore, as the Shamrock Seed Project was found to not be in full compliance with applicable Standards 2, and not be in compliance with Standard 9, the DEIR Garavaglia report should have provided an analysis of the Shamrock Seed Project's potential impacts to integrity of the Edwin Willson Ranch to determine if the Shamrock Seed Project has the potential to reach the threshold of causing "material impairment" to the Historical Resource. Without this additional analysis, the DEIR Garavaglia report does not adequately or accurately determine whether or not the Shamrock Seed Project has the potential to constitute a substantial adverse change to the Edwin Willson Ranch. However, in order for the DEIR Garavaglia report to be able to adequately and appropriate assess whether or not the Shamrock Seed Project has the potential to cause "material impairment" to adjacent Historical Resources, the DEIR Garavaglia report needs to sufficiently evaluate the Edwin Willson Ranch for CRHR eligibility and present an accurate and current integrity analysis." (Pages 9-10)

> **Response E.4.:** GA evaluated the integrity of the setting of the Edwin Willson Ranch as it pertained to potential impacts of the proposed new construction at the Shamrock Seeds property at 6640 Holsclaw Road. GA determined that the

integrity of the setting of the property would be impacted by the Shamrock Seeds project as designed, but provided recommendations to "render the proposed project more in-line with the historic character of 6640 Holsclaw Road, and therefore, 6650 Holsclaw Road, by reestablishing portions of the historic setting of both properties." The proposed project does not include any physical alterations to the historic buildings or site at the Edwin Willson Ranch.

**Comment E.5:** EDS agrees with the Garavaglia report that the Project has potential to impact the characteristically agricultural "setting" of the Edwin Willson Ranch, and concurs that the recommendations would likely lessen these potential impacts to setting. As EDS found the Garavaglia Report to not appropriately assess potential impacts to the Edwin Willson Ranch, EDS strongly encourages the DEIR adopt all recommendations to minimize any potential impacts to Historical Resources under CEQA, as stated in their report. Alternatively, or in conjunction with said recommendations, EDS recommends Santa Clara County consider implementing a mitigation measure related to relocating the 1890 house within the existing Edwin Willson Ranch property to lessen these potential impacts to integrity of "setting".

**Response E.5.:** As identified in the 6650 Holsclaw Road: Evaluation of Proposed Project Compliance with the *Secretary of the Interior's Standards for Rehabilitation* (Standards), the proposed Shamrock Seeds project at 6640 Holsclaw does not include any proposed modifications to the physical features or the materials of the historic residence or barn at the Edwin Willson Ranch (6650 Holsclaw Road). As such, the review of Standard focused on the modifications that would occur to the rural setting of the property.

The proposed new construction at 6640 Holsclaw Road will occur only at the far southeast end of the property. The new buildings will be substantially larger than the historic buildings were at the site, but will be in the same general location on the property, relative to the surrounding orchards and fields and the neighboring Edwin Willson Property. In this, the new construction will have an immediate impact to the direct site of the Edwin Willson Ranch, but will not have a significant impact on the overall setting of the property, which extends over the farmed land at the northwest, north, and far northeast. The southwest of the Shamrock Seeds property where new construction will occur has been previously altered, and significant development has previously occurred along Holsclaw Road. As such, the new construction at the Shamrock Seeds property will not have an additional impact on the integrity of the setting of the Edwin Willson Ranch.

**Conclusion**

The new construction proposed Shamrock Seeds project at 6640 Holsclaw Road - including the agricultural research building, and two new greenhouses – will occur in a portion of the property that has previously been modified. The setting of adjacent properties to the southwest and south of the subject property have been previously modified at the southwest and south along Holsclaw Road. The remainder of the site will not be modified,

including the farmed land at the northwest, north, and northeast of the property historically occupied by orchards. As such, the new construction proposed at the Shamrock Seeds property (6640 Holsclaw Road) will result in limited modifications to the setting of the Edwin Willson Ranch (6650 Holsclaw Road), but will not result in a loss of overall integrity that would preclude the property from eligibility for listing on the NRHP or CRHR.

cc: Michael Garavaglia, AIA, Principal,
Garavaglia Architecture, Inc.
Renee Nickenig, Architectural Historian & Conditions Assessment Specialist