

Final Environmental Impact Report

COCHRANE-BORELLO RESIDENTIAL DEVELOPMENT PROJECT

State Clearinghouse #2011082039



City of Morgan Hill

January 2013

PREFACE

This document, together with the Draft Environmental Impact Report (Draft EIR) for the Cochrane-Borello Residential Development Project, constitutes the Final Environmental Impact Report (Final EIR) for the proposed project. The Final EIR is an informational document prepared by the Lead Agency that must be considered by the decision-makers before approving the proposed project (CEQA Guidelines Section 15090). The California Environmental Quality Act (CEQA) Guidelines (Section 15132) specify that a Final EIR shall consist of the following:

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

In conformance with the CEQA Guidelines, the 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 used by the City and other Responsible Agencies in making decisions regarding the project. The CEQA Guidelines require 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 before it approves a project.

According to the CEQA Guidelines (Section 15091), no public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project, unless the public agency makes one or more 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 environmental impact report 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 mitigate or avoid the significant effects on the environment.
 - (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been required or can and should be adopted by that other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for 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.

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received from persons who reviewed the Draft EIR. The Final EIR will be made available to the public 10 days prior to the EIR certification hearing.

All documents referenced in this Final MEIR are available for public review at the City of Morgan Hill Community Development Department 17575 Peak Avenue Morgan Hill, on weekdays during normal business hours.

FORMAT OF THE FINAL EIR

This document, which includes responses to comments and text revisions, has been prepared in accordance with Section 15088 of the CEQA Guidelines. The Final EIR includes the following sections:

Section 1.0 List of Agencies and Individuals Receiving the DEIR

The agencies, organizations, and individuals who received copies of the Draft EIR are listed in this section. The locations where the DEIR could be reviewed during the public circulation period are also included in this section.

Section 2.0 List of Agencies and Individuals Commenting on the DEIR

This section contains a list of all parties who submitted written comments on the DEIR.

Section 3.0 Written Comments on the DEIR and Responses

This section contains the written comments received on the DEIR and the responses to those comments.

Section 4.0 Revisions to the Text of the DEIR

Section 4.0 contains text revisions to the DEIR. Text revisions can be made as a result of comments received during the DEIR public review process, corrections or clarifications to the text to reflect modifications that have been made to the project, or other information added by the Lead Agency.

Appendix A Copies of Comment Letters Received

Appendix A contains copies of the complete comment letters received on the DEIR during the circulation period.

Appendix B Preliminary Stormwater Runoff Management Plan

Appendix C Revised Hydrology and Water quality Report

Appendix D Historical and Architectural Evaluation

TABLE OF CONTENTS

	Page	
SECTION 1.0	LIST OF AGENCIES, ORGANIZATIONS, BUSINESSES AND INDIVIDUALS WHO RECEIVED THE DRAFT EIR	2
SECTION 2.0	LIST OF AGENCIES AND INDIVIDUALS COMMENTING ON THE DRAFT EIR	3
SECTION 3.0	RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR.....	4
SECTION 4.0	REVISIONS TO THE TEXT OF THE DRAFT EIR	51

Appendices

APPENDIX A:	COMMENT LETTERS
APPENDIX B:	PRELIMINARY STORMWATER RUNOFF MANAGEMENT PLAN, RJA ENGINEERS, OCTOBER 16, 2012
APPENDIX C:	REVISED HYDROLOGY AND WATER QUALITY REPORT, SCHAAF & WHEELER, NOVEMBER 2, 2012
APPENDIX D:	HISTORICAL AND ARCHITECTURAL EVALUATION FOR THE PARCEL LOCATED AT 2280 COCHRANE ROAD, MORGAN HILL, CALIFORNIA 95037, URBAN PROGRAMMERS, REVISED NOVEMBER 22, 2012

SECTION 1.0 LIST OF AGENCIES, ORGANIZATIONS, BUSINESSES AND INDIVIDUALS WHO RECEIVED THE DRAFT EIR

Copies of the Draft EIR were sent to the following agencies, organizations, businesses, and individuals:

State and Regional Agencies

- CA State Clearinghouse, Office of Planning and Research
- CA Department of Fish and Game
- Bay Area Air Quality Management District

Local Agencies

- Valley Transportation Authority
- Santa Clara Valley Water District
- County of Santa Clara
- City of Gilroy
- City of San Jose
- Morgan Hill Unified School District
- PG&E
- South County Regional Wastewater Authority
- Recology South Valley
- Morgan Hill Public Library
- City of Los Banos

Individuals, Businesses, and Organizations

- Greenbelt Alliance
- Committee for Green Foothills
- Santa Clara Valley Audubon Society
- Carpenters 46 Counties Conference Board
- Alex Lantsberg, NCCRC
- Janet Laurain, Adams Broadwell Joseph & Cardozo
- Sheila Giancola

In accordance with Section 15087 of the CEQA Guidelines, notices were provided by direct mailing to owners and occupants of property contiguous to the project site.

The Draft EIR was also on file at the City of Morgan Hill Community Development Department and available for review at the Morgan Hill Community Library and on the City of Morgan Hill web site at www.morgan-hill.ca.gov. The 45-day public review and comment period started on August 14, 2012 and ended on September 28, 2012.

SECTION 2.0 LIST OF AGENCIES AND INDIVIDUALS COMMENTING ON THE DRAFT EIR

Ten (10) comment letters or email messages concerning the Draft EIR were received during the public review period. An additional comment letter (Joseph and Sheila Giancola, dated August 3, 2012) concerning the project was received prior to circulation of the Draft EIR but is included (along with responses) for informational purposes. A copy of each comment letter or email message is contained in Appendix A.

A list of the agencies, organizations, and individuals commenting on the Draft EIR is provided below in Table 2.0-1.

Table 2.0-1: Draft EIR Comment Letters

Comments Received From	Letter Date	Response Required	Response Provided
<i>Federal and State Agencies</i>			
State of California, Department of Transportation	9/26/2012	Yes	Yes
<i>Regional and Local Agencies</i>			
Santa Clara Valley Transportation Authority	9/24/2012	Yes	Yes
County of Santa Clara, Department of Planning and Development	8/29/2012	Yes	Yes
County of Santa Clara, Parks and Recreation Department	9/7/2012	Yes	Yes
Santa Clara Valley Water District	9/27/2012	Yes	Yes
<i>Organizations and Individuals</i>			
Joe Mueller	9/3/2012	Yes	Yes
Joseph and Sheila Giancola	8/3/2012, 9/21/2012 and 9/25/2012	Yes	Yes
Sheila McElroy, Circa	9/15/2012	Yes	Yes
Morgan Hill Historical Society	9/20/2012	Yes	Yes

SECTION 3.0 RESPONSES TO COMMENTS RECEIVED ON THE DRAFT EIR

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received from persons who reviewed the Draft EIR. This section includes all of the comments contained in the letters and emails received to date on the Draft EIR, and responses to those comments. The comments are organized under headings containing the source of the letter and its date. The letters have been grouped into the following categories.

- Federal and State Agencies
- Regional and Local Agencies
- Organizations, Businesses, and Individuals

The specific comments have been copied from the letters and presented as “Comment” with its response directly following. Copies of the actual letters and emails received, and any attachments to those letters or emails, are found in their entirety in Appendix A of this Final EIR.

The CEQA Guidelines, in Section 15086, require 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, any other state, federal and local agencies which have jurisdiction by law with respect to the project or which exercise authority over resources which may be affected by the project, water agencies which serve or would serve the proposed project [CEQA Guidelines Section 15083.5(b)], adjacent cities and counties, and transportation planning agencies. **Section 1.0** of this document lists all of the recipients of the EIR.

Comment letters were received from five public agencies that may be Responsible Agencies for the proposed project. The CEQA Guidelines require that:

A responsible agency or other public agency shall only make substantive comments regarding those activities involved in the project that are within an area of expertise of the agency or which are required to be carried out or approved by the responsible agency. Those comments shall be supported by specific documentation [§15086(c)].

Regarding mitigation measures identified by commenting public agencies, the CEQA Guidelines state:

Prior to the close of the public review period, a responsible agency or trustee agency which has identified what the agency considers to be significant environmental effects shall advise the lead agency of those effects. As to those effects relevant to its decision, if any, on the project, the responsible or trustee agency shall either submit to the lead agency complete and detailed performance objectives for mitigation measures addressing those effects or refer the lead agency to appropriate readily

available guidelines or reference documents concerning mitigation measures. If the responsible agency or trustee agency is not aware of mitigation measures that address identified effects, the responsible or trustee agency shall so state [§15086(d)].

3.1 FEDERAL AND STATE AGENCIES

A. RESPONSES TO COMMENTS FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION, LETTER DATED SEPTEMBER 26, 2012

Comment A-1: The following tables need to be updated using the guidelines in the 2000 Highway Capacity Manual and the Level of Service letter grades based on density: Tables 3.15-1, 3.15-5, 3.15-6, 3.15-7, 3.15-8, and 3.15-10. Also on Table 3.15-8, trips added should be converted to passenger car equivalent as the capacity and density in this table are based on passenger car equivalent. Please also include the near term Cumulative Plus Project Freeway analysis.

Response A-1: All tables were prepared in accordance with the VTA's analysis procedure, which is based on the density flow methods described in the 2000 Highway Capacity Manual.

The trips added in Table 3.15-8 are passenger cars. Virtually all traffic generated by residential uses are passenger cars; therefore, a passenger car equivalent is equal to 1.0.

As specified on page 25 of the *Final Transportation Impact Analysis Borello Residential Development* (Fehr & Peers, March 2012), the addition of project trips to existing volumes is not estimated to degrade acceptable LOS E freeway operations to unacceptable levels. Therefore, according to the Valley Transportation Authority's 2010 Transportation Impact Analysis Guidelines, a near-term Cumulative Plus Project freeway analysis is not required. As discussed in the following response, cumulative freeway conditions have been disclosed in the 2010 Circulation Element Update EIR, which assumed proposed land use/density on the subject site.

Comment A-2: Please update your Traffic Impact Study (TIS) to include a 2035 Cumulative Conditions and 2035 Cumulative Plus Project Conditions to reflect long term traffic impacts. The 2015 near term Cumulative Conditions in your TIS should be considered as short term impacts since 2015 is just three years away. As a result, it is too short term to demonstrate cumulative effects.

Response A-2: The proposed project is consistent with the land use assumptions for the site included in the City of Morgan Hill's 2010 General Plan Circulation Element Update EIR, which analyzed Cumulative Conditions (2030 horizon year)¹ and found no significant impacts. This prior EIR is hereby incorporated by reference. The near-term project level TIA prepared for the proposed development (*Final Transportation Impact Analysis Borello Residential Development* by Fehr & Peers, March 2012, Draft EIR Appendix M) found no significant Near-Term 2015 Plus Project impacts, and the 2010 General Plan Circulation Element Update identified no Cumulative impacts in 2030, therefore, an additional cumulative analysis is not required.

¹ *City of Morgan Hill General Plan Circulation Element Network & Policy Revisions Transportation Impact Analysis* (Fehr & Peers, 2009)

3.2

REGIONAL AND LOCAL AGENCIES

B. RESPONSE TO COMMENTS FROM THE COUNTY OF SANTA CLARA, DEPARTMENT OF PLANNING AND DEVELOPMENT, LETTER DATED AUGUST 29, 2012

Comment B-1: The EIR does not speak to Federal Emergency Management Agency's (FEMA) floodplain issues on Coyote Creek adjacent to the County maintained portion of Cochrane Road. These facilities have been identified in the current Federal Insurance Study (FIS) as a Zone A floodplain of unknown base flood elevation. Downstream near the intersection of Saint Marks Way and Cochrane Road, this floodplain is identified as a floodway of known base flood elevation. Improvements along Cochrane Road will affect the flood carrying capacity of Coyote Creek through that portion of the unincorporated County will require the submittal and issuance of a Floodplain Development Permit through the Santa Clara County Building Office. It is suggested that the City Floodplain Administrator look into a City Floodplain Development Permit as well and coordinate submittal for FEMA review.

As this project will affect the identified floodway downstream of the project, the permit application will require a Conditional Letter of Map Revision (CLOMR) be prepared to the FEMA requirements and approval by FEMA staff prior to commencement of construction. The permit application will also require a Letter of Map Revision (LOMR) be prepared to the FEMA requirements and approval by FEMA staff after the completion of construction.

Response B-1: The widening of the existing Cochrane Road is limited to the southerly side of the existing road, along the project frontage and the frontage of the adjacent SCVWD parcel directly to the west of the project, and is thus not within Zone A. These improvements will have no adverse affect on the floodplain. The widening of Cochrane Road will only be on the southerly side of the existing roadway; the widening will not raise the profile of the roadway, and is outside the Zone A area (see *Schaaf & Wheeler* Hydrology report, Final EIR Appendix C). Thus, the project will not cause a displacement of floodplain nor affect the downstream floodway. Because the project will not affect the identified floodplain or downstream floodway, a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are unnecessary.

Additionally, the portion of Cochrane Road being widened is completely within the incorporated city limits for the City of Morgan Hill. Plans will be submitted to the City of Morgan Hill, not the County.

Comment B-2: When you submit plans, please make sure you submit the following information:

As Flood Zone A (Undetermined Water Surface Elevation) is identified immediately adjacent to the Cochrane Road improvements, a Base Flood Elevation Study, consistent with FEMA Technical Bulletin 265, should be completed and submitted to establish the heretofore un-established water surface elevations.

Response B-2: As discussed in Response B-1 above, the project does not propose to place fill or raise elevations in the area identified as Flood Zone A (Undetermined Water Surface Elevation). Since the project does not propose to change the elevations of the ground in this area, there will be no adverse impact to the floodplain and the need for a Base Flood Elevation Study is not warranted. As noted, the roadway widening on Cochrane Road would occur in the City of Morgan Hill, not unincorporated County.

Comment B-3: Improvement plans including erosion control.

Response B-3: Improvement plans, including erosion control plans will be provided to the City of Morgan Hill for approval, since all improvements are within the incorporated limits of the City.

Comment B-4: Clearance Letters or copies of permits as applicable from Army Corp (404 permit), Regional Board (401), NOAA Fisheries, Fish & Wildlife, Fish & Game, and any other state, local or federal agencies. Per FEMA requirements of the local agencies, the County will review the plans and check for conformance with the local, state, and federal agencies.

Response B-4: It is not anticipated the proposed project will need permits for Army Corp (404 permit), Regional Board (401), NOAA Fisheries, Fish & Wildlife, Fish & Game, or other state or federal agencies. The Applicant will secure all necessary permits as determined by the lead agency (City of Morgan Hill).

Comment B-5: A signed and stamped No Rise Certificate prepared by a Registered Civil Engineer.

Response B-5: The proposed improvements do not meet the criteria for needing to provide a No Rise Certificate. The proposed project does not propose encroachments, including fill, new construction, or substantial improvements within the regulatory floodway. As stated previously only minor street widening is proposed within the floodplain (not floodway) and does not include fill or other improvements that would cause measurable displacement of the existing floodplain, (see *Schaaf & Wheeler Hydrology report, Final EIR Appendix C*).

Comment B-6: No Adverse Impact Certificate / Statement prepared by a Registered Civil Engineer.

Response B-6: There is no increase to the base flood elevation (BFE) as a result of this project. Any items needed by other agencies, such as the Santa Clara Valley Water District, will be coordinated through the City.

Comment B-7: A No Impact to Structures Statement prepared by a Registered Civil Engineer. The SCVWD can use the FEMA example No Rise language on SCVWD letterhead. No Impact to Structures statement should state that there are no structures located in areas that could be impacted by the proposed development and/or be affected by the increased BFE (unless they have been purchased for relocation or demolition).

Response B-7: See Response B-6 above.

Comment B-8: The District can also include the following statements on the same letter to address the No Adverse Impact and No Impact to Structures. The No Adverse Impact statement should state that the proposed project does not:

1. Increase the flow velocities of "Permanente Creek",
2. Expand or change the limits of the floodplain,
3. Alter or change the physical characteristics of the floodplain, and
4. Decrease the flood storage capacity.

Response B-8: This comment appears to be directed at the Santa Clara Valley Water District, or for a different project, and is not directed to the City of Morgan Hill and the subject project on Cochrane Road. The proposed project is not a tributary to, and therefore will not increase the velocities of, *Permanente Creek*. The project is not conducting any work within the Zone A area that will expand, alter or decrease the existing *Coyote Creek* flood plain.

**C. RESPONSE TO COMMENTS FROM THE COUNTY OF SANTA CLARA,
PARKS AND RECREATION DEPARTMENT, LETTER DATED
SEPTEMBER 7, 2012**

Comment C-1: Availability of Public Facilities and Services: This section of the EIR should describe the following countywide trail routes, which have the potential to be impacted as a result of the proposed project.

Regional Trail Route R5-D (Bay Area Ridge Trail: EI Sombroso – Lake Anderson) Per the Countywide Trails Master Plan Update, this regional trail alignment is designated as a trail route within other public lands, for hiking, off-road cycling and equestrian uses. Per the Countywide Trails Master Plan Update, this regional trail alignment is designated as a trail route within other public lands, for hiking, off-road cycling and equestrian uses.

Response C-1: The Regional Trail Route R5-D text provided has been included in *Section 3.12.2.4 Parks and Recreation Facilities* discussion, see Text Revisions Section 4.0.

Comment C-2: Draft EIR should also address the recreational, open space and public service impacts of the increased usage anticipated with the new residents on the adjacent Anderson County Park and regional trail routes as a result of the proposed project.

Response C-2: *Section 3.12.2.4 Parks and Recreational Facilities*, paragraph three, mentions the Anderson Lake County Park. *Section 3.12.3.5 Parks*, mentions that the residential development associated with the proposed project would increase the use of park facilities in the project area. Additional text has been provided in Section 4.0 of this Final EIR describing the projected increased usage of Anderson County Park and regional trail routes as a result of the proposed project.

Comment C-3: As stated in the previous (NOP) comment letter, given the close proximity of the proposed project to Anderson County Park, the Draft EIR should discuss the potential impacts to traffic and circulation from residents accessing and exiting the project site from Cochrane Road and the adjacent Anderson County Park from the project site. Cochrane Road serves as a well-used access road for accessing Anderson County Park.

Response C-3: As discussed on page 27 and 30 of the *Final Transportation Impact Analysis Borello Residential Development* (Fehr & Peers, March 2012, Draft EIR Appendix M), there are no significant impacts to traffic and circulation from residents entering and exiting the project site from Cochrane Road.

The trip generation for the proposed project was calculated using the Single-Family Dwelling Unit (Land Use 2010) land use rates identified in *Trip Generation*, 8th Edition (Institute of Transportation Engineers (ITE), 2008). This land use rate takes into account recreational trips made by residents; therefore, trips made to Anderson County Park are assumed in the trip generation rates presented in the *Final Transportation Impact Analysis Borello Residential Development* (Fehr & Peers, March 2012), which found no impacts along the Cochrane Road study intersections.

D. RESPONSE TO COMMENTS FROM THE COUNTY OF SANTA CLARA VALLEY TRANSPORTATION AUTHORITY, LETTER DATED SEPTEMBER 24, 2012

Comment D-1: VTA supports the recommendations in the TIA that the project provide sidewalks along all public street frontages as well as new bicycle facilities along the Cochrane Road frontage (pg. 25). VTA requests that the City require these improvements as specific, enforceable Conditions of Approval for the project.

Response D-1: The VTA's recommendation for the project to provide sidewalks and bicycle facilities is noted and will be considered by the Planning Commission and ultimately the City Council prior to taking action on the project. The project will be providing sidewalks and bicycle facilities along Peet Road as follows: Two 12' travel lanes and two 5' bike lanes. Morgan Hill Planning staff are not requesting the project provide sidewalks on Cochrane/Coyote Road in the County where the right-of-way is too narrow.

Comment D-2: The TIA also identifies additional planned bicycle facilities on Peet Road, Half Road, and East Main Avenue that would, together with the new facilities on Cochrane Road, provide a complete network of routes from the project site to Live Oak High School. These additional facilities are identified in the City's 2008 *Bikeways Master Plan Update*. VTA notes that the proposed project will generate significant new demand for trips to Live Oak High School, and therefore recommends that the City require the applicant to provide a fair share contribution to these improvements.

Response D-2: The VTA's recommendation is for the project to provide a fair share contribution to additional planned bicycle facilities on Peet Road, Half Road, and East Main Avenue, to provide routes from the project site to Live Oak High School. However, the sections of Peet Road and Half Road referenced in the comment are in the County, and not under the City's jurisdiction. Therefore, funding to complete the planned bicycle facilities along these sections of roadway will need to be provided by the County, and project residents will utilize the referenced roadways in their current condition. The project's RDCS funds are only available for use within the City's jurisdiction, and will fund planned bicycle facilities (as noted in the TIA) in the vicinity of the project in the City.

E. RESPONSE TO COMMENTS FROM THE SANTA CLARA VALLEY WATER DISTRICT, LETTER DATED SEPTEMBER 27, 2012

Comment E-1: The Santa Clara Valley Water District (District) is a special district with jurisdiction throughout Santa Clara County. The District acts as the county's groundwater management agency, principal water resources manager, flood protection agency and is the steward for its watersheds, streams and creeks, and underground aquifers.

We appreciate the opportunity to comment on the DEIR for the subject project. This letter transmits comments that focus on the areas of interest and expertise of the District.

The proposed development is located directly adjacent to District owned property for the Anderson Hydroelectric Facility, the Anderson Force Main, Coyote Discharge line, a corporation yard, as well as the United States Bureau of Reclamation's property for Coyote Pump Plant and Santa Clara Conduit (operated and maintained by the District). In addition, the District has pipelines in Cochrane Road to the east of the project site and Half Road to the southeast of the project site that deliver untreated water to the Main Avenue Percolation Ponds and the Madrone Channel for percolation into the groundwater basin. These facilities are vital to the water supply infrastructure of the county.

Section 2.3-This section includes a list of approvals needed to implement the project. The project proposes several modifications to District right of way and to United States Bureau of Reclamation (USBR) right of way which is operated and maintained by the District. The proposed modifications to District and USBR right of way are discretionary approvals, are subject to District and USBR review and approval for the modifications, and should not be considered ministerial. The District and USBR have the right to deny or require modifications to the proposed improvements within its right of way as part of its review and approval processes and both agencies should be listed separately.

Response E-1: It is acknowledged that the project is proposing modifications of grading and improvements within the SCVWD and United States Bureau of Reclamation (USBR) right of way. The proposed improvements will require the submittal, and approval, of plans for all improvements within the SCVWD or USBR right-of-way(s). SECTION 2.3 USES OF THE EIR has been revised to separately list the SCVWD and USBR as public agencies whose discretionary approvals are required, see text revisions Section 4.0 of this Final EIR.

Comment E-2: *Section 3.1.2.3, Impacts from the Proposed Project*-This section mentions the proposed realignment and widening of Peet Road to the south of the existing Mariani parcel and states that it would not impact any existing structures on the four parcels to the south of Peet Road. This statement is not true as the proposed realignment and widening of Peet Road proposes to encroach onto USBR and District right of way for the Santa Clara Conduit and two above-ground vaults. The District does not desire to place either vault within a roadway, therefore, it is possible that other alignments or widths of Peet Road that do not include placing the vaults within the paved road will need to be considered. Additional changes may be required depending on specific grading and alignment proposals submitted to the District.

Response E-2: The statement in the DEIR referring to the impacts of structures was specific to the existing, above-ground structures (i.e. homes and accessory structures) on the adjacent private parcels to the south of existing Peet Road, not intended to address the vaults referenced in the comment.

The proposed Peet Road realignment is consistent with the City of Morgan Hill's General Plan Circulation Element, and anticipates a future roadway connection planned by Santa Clara County. The proposed alignment for Peet Road intentionally avoids placing the existing vaults near Half Road in the pavement. The above-ground features of the existing vaults have been surveyed for location and elevation and were considered (and avoided) in the currently proposed realignment. The current preliminary alignment for Peet Road has been designed to avoid placing the existing vaults in the pavement of the future roadway, see Figure 2.1-5 in the Draft EIR.

Comment E-3: The project also proposes to install detention basins in the USBR right of way on the north side of Peet Road. The District will not allow any detention basins, including the side slopes of detention basins, within the USBR right of way for Santa Clara Conduit. The District also prefers not to have a detention basin located directly adjacent to the USBR right of way as it may impact the pipeline.

Response E-3: The proposed detention basin, including the side slopes of the basins, can be reconfigured to avoid USBR right of way. The encroachments proposed were minor and the detention basins will be reconfigured without substantial modification to the project proposal.

Comment E-4: The USBR right of way must be maintained to allow District and USBR vehicular access from the adjacent roadways (i.e. Peet Road and Half Road) and solid fencing, structures, trees, gates and other structures that may adversely impact the operation and maintenance of the Santa Clara Conduit will not be allowed. Any improvements, including roadways, utilities, driveways, and other rights maintained by the owner by deed require District and USBR approval and "...shall be so exercised as not to interfere with the use of the land, damage or endanger any facility or structure of the United States, or prevent reasonable access thereto for the purpose of construction, operation, and maintenance of..." Santa Clara Conduit. The District and USBR will determine whether any exercise of the owner's reserved rights may interfere with the use of the USBR right of way after review of detailed grading and improvement plans.

Response E-4: This statement concerning access and use of the USBR right-of-way is acknowledged and will be respected as the project is further designed and constructed.

Comment E-5: 3.10.1.1, *Water Service, Water Supply Infrastructure*-This section states that the project proposes to utilize the Santa Clara Conduit for common area irrigation. However, the District will not permit a turnout on Santa Clara Conduit for the purpose of common area irrigation.

Response E-5: The proposed project does not propose the installation of a new turnout on the Santa Clara Conduit. The project is proposing that the existing agricultural turnout located near St. Katherine Drive be converted for use in irrigating the common areas within the proposed project. Text has been revised to clarify the project's intent for this existing turnout, see Section 4.0 for revised text.

Comment E-6: 3.10-1-This figure references appurtenant easements the owner has over lands of the District and USBR. The figure should reflect that the appurtenance easement does not include fencing rights, except for wood-rail or wire fencing (non-solid, non-permanent fencing) on the USBR right of way.

Response E-6: Figure 3.10-1 has been updated to reference the appropriate language as shown in the recorded documents for this easement. See Section 4.0 for revised figure.

Comment E-7: 3.10.2.2, *Water Supply and Service Impacts, Non-Potable Water*-This section again states the project is proposing to use the Santa Clara Conduit for irrigation of open space and street landscaping. Again, the District will not permit a turnout on Santa Clara Conduit for those purposes. Additionally, it should be noted that the project owner must apply for and obtain approval to change the terms of its existing agricultural turnout located near Katherine Drive for non-agricultural purposes and to verify its proposed usage. If the changes to the use of existing turnout are approved by the District, then its terms will be subject to current District policies which include the fact that the water supplied is not a guaranteed water source, is subject to interruption at any time for any reason, and is subject to termination. The pump house located within the District's right of way for Coyote Creek is also subject to the District's surface water diversion policies for that water deemed by the District to be water impounded by the District's Anderson Reservoir during times when there is no natural Coyote Creek flow.

Response E-7: The proposed project does not propose the installation of a new turnout on the Santa Clara Conduit. The project proposes that the existing agricultural turnout located near St. Katherine Drive be converted for use in irrigating the common areas within the proposed project. The applicant acknowledges that they will need to apply for approval to change the terms of its existing agricultural turnout. The applicant also acknowledges that the existing pump house located along Coyote Creek, which is intended to remain, is subject to the District's surface water diversion policies. In addition, the applicant intends to continue to use an existing well on the property for irrigation of open space areas and may seek to construct a new well, possibly near the future recreational center, for irrigation of the project common open space. See Section 4.0 Text Revisions.

Comment E-8: 3.10.2.4, *Storm Drainage System, Post-Construction Storm Water Management*-This section does not include any mention or description of the City of Morgan Hill's (City's) Municipal National Pollutant Discharge Elimination System (NPDES) permit requirements, the City's Storm Water Management Plan implemented as part of the City's Municipal NPDES permit or describe or discuss any of the project's requirements under the City's Post Construction Storm Water Pollution Prevention Ordinance adopted to comply with the City's municipal NPDES permit requirements. Additionally, the section does not

describe how the project will implement these requirements, including the hydro-modification requirements for those areas draining to Coyote Creek, and whether sufficient areas have been set aside on the project site to implement the requirements. This section should be modified to include discussion on these issues.

Response E-8: As mentioned in Draft EIR Sections 3.14.1.4 and 3.14.3, the project will comply with the City of Morgan Hill's NPDES permit requirements, the City's Storm Water Management Plan, and the City's Post Construction Storm Water Pollution Prevention Ordinance. Language has been added to *Section 3.10.2.4* to describe the City's NPDES permit requirements. In addition, the applicant has prepared a Preliminary Stormwater Runoff Management Plan that provides additional detail on how the project proposes to address these issues (provided in Final EIR Appendix B). Section 4.0 provides additional text to be incorporated in Draft EIR Section 3.10.2.4 Storm Drainage System.

Comment E-9: *3.14 Hydrology and Water Quality*-The District questions the soundness of this entire section of the DEIR. The section starts with a statement that this section is based in part on the Hydrology and Water Quality Review prepared by *Schaaf & Wheeler* in June 2012, and a copy of the report is included in the DEIR as Appendix L. The following is a brief list of just some of the inconsistencies found in this section which makes the soundness of this section questionable:

Schaaf & Wheeler's report contains a list of Project Impacts and Mitigation Measures based on the City's own thresholds of significance. These Project Impacts and Mitigation Measures do not match the project impacts and mitigation measures in the DEIR section on Hydrology and Water Quality-which is applicable?

Response E-9: The impacts and mitigation measures included in Draft EIR Section 3.14 are consistent with the impacts and mitigation measures included in the *Schaaf & Wheeler* Hydrology and Water Quality Report prepared in June 2012, and included as Appendix L to the Draft EIR.

Impact discussions in Section 3.14.2 of the Draft EIR include: Drainage, Flooding and Dam Inundation, Water Quality, and Groundwater. These project impact discussions consolidate the impacts discussed in the *Schaaf & Wheeler* report under the headings: Flooding and Flood Zones, Landslides, Dam Failure, Drainage Patterns Causing Flooding, Drainage Patterns Causing Erosion, Groundwater Depletion, and Water Quality. Discussions from the *Schaaf & Wheeler* report have been summarized within the headings indicated above in Section 3.14.2. Mitigation for drainage and water quality impacts is consistent with mitigation included in the *Schaaf & Wheeler* report.

The following additional mitigation for flooding and stormwater drainage has been included in the project in accordance with the revised *Schaaf & Wheeler* Hydrology report, dated November 2, 2012 (provided as Appendix C of this Final EIR). Revised text as a result of this added mitigation is provided in Section 4.0.

MM HYDRO-1.2: *The project results in increased runoff from the site due to the increased impervious surfaces. The project includes sufficient storage volume to mitigate the increased peak runoff rate for the 2-, 10-, 25- and 100-year storm events. The southern drainage basins outlets to an existing storm drain system; portions of which are currently under capacity. As such, the outlet works for the detention basins shall be designed to limit post-project flows to pre-project levels for the 2-, 10-, 25- and 100-year storm events such that the existing frequency of capacity exceedance of any existing culverts is maintained or decreased. Since the northern retention ponds do not discharge to existing drainage systems accept in the event of a storm larger than the 100-year event, outlet works should be placed at an elevation that conveys only storms greater than the 100-year storm. The 2-, 10-, 25- and 100-year storms will not discharge from the northern retention ponds, and therefore will meet the requirement that post-project peak flows will not exceed pre-project conditions. In order to mitigate the increase in peak flow rate due to the expansion of Peet Road, infrastructure should be appropriately sized and designed to convey the flow to one of the southern detention basins. The connection pipes between basins S1 and S2 (regardless of its location on or off site) and the 12-inch replacement pipe under Peet Road may also have to be modified from what is shown on the conceptual storm drain plan exhibit (which does not include the Peet Road re-alignment). Because these pipes will need to be lengthened to accommodate the widening of Peet Road, the hydraulic losses associated with the longer pipes will be greater. As such, the pipes may need to be enlarged to maintain the same capacity over this longer length. This is particularly relevant for the 12-inch replacement pipe under Peet Road. The pipe connecting basins S1 and S2 serves primarily as a hydraulic connection between the basins and its capacity may not be relevant.*

The following additional text will also be added to **MM HYDRO 3.1:**

These types of BMPs include infiltration basins and trenches, constructed wetlands, rain gardens, grassy swales, media filters, and biofiltration features. BMPs shall be designed in accordance with engineering criteria in the California Stormwater BMP Handbook for New and Redevelopment¹⁶ or other accepted guidance and designs shall be reviewed and approved by the City prior to issuance of grading or building permits for the roadway or driveways. These types of structural BMPs are intended to supplement other storm water management program measures, such as street sweeping and litter control, outreach regarding appropriate fertilizer and pesticide use practices, and managed disposal of hazardous wastes. The applicant shall prepare a clearly defined operations and maintenance plan for water quality and quality control measures. The design and maintenance documents shall include measures to limit vector concerns, especially with respect to control of mosquitoes. The applicant shall identify the responsible parties and provide adequate funding to operate and maintain storm water improvements (through a HOA, Geological Hazard Abatement District, CSD, CFD or similar organization). The applicant shall also establish financial assurances, as deemed appropriate by the Morgan Hill Community Development Department, enabling the City to maintain the storm water improvements should the HOA or other entity disband or cease to perform its maintenance responsibilities.

Comment E-10: The DEIR section contains Impact-HYDRO-1. This text listed after this impact is not stated as an impact. It is not clear what the stated impact is. The District recommends that impacts be identified based on the City's own thresholds of significance, as done in Appendix L.

Response E-10: Impact HYDRO-1 concerns the significance threshold question on Draft EIR pg.158 whether the project would “substantially altering the existing drainage pattern of the site in a manner which would result in substantial erosion or siltation on- or off-site, and the capacity of storm water drainage systems, or result in substantial flooding on- or off-site.” As discussed in the Draft EIR Section 3.14.2.2 Drainage pgs. 159-160, the project would not cause a significant impact with implementation of MM HYDRO-1.1 and MM HYDRO-1.2 (as stated in Response E-9 above, see also revised text in Final EIR Section 4.0).

Comment E-11: The DEIR section contains MM HYDRO-1.1 which states that in order to avoid impacts to the City's storm drain system, the mitigation measure required is that the portion of the site draining to Coyote Creek will include hydro-modification mitigation. This mitigation measure doesn't address impacts to the City's storm drain system and even if it did, it would only address a minor portion of the site which does not drain to the City's storm drain system. Additionally, hydro-modification is used to address adverse impacts to Coyote Creek, not the storm drain system.

Response E-11: Flows from the northern portion of the project site, tributary to Coyote Creek, are directed to retention basins where all runoff up to the 100-year storm event will be retained and percolated. Therefore, the City owned storm drain system within Alicante Road will experience a decrease in flow for all storm events less than, and including, the 100-year event.

Flows from the southern portion of the site, tributary to the Madrone Channel, will be detained to pre-project peak flow rates. Runoff from the southern portion of the site will be disposed of by a combination of percolation in the detention basin and the release of flows to the existing downstream ditch, where the flows from the area currently release. Therefore, proposed project does not make any direct connections to the City of Morgan Hill storm drain system.

As stated in Response E-9 above, additional mitigation for flooding and stormwater drainage has been included in the project, see MM HYDRO-1.2 in Section 4.0 of this Final EIR.

Comment E-12: The DEIR section includes no discussion on how the project will comply with the hydro-modification provisions for the portion of the site draining to Coyote Creek. The DEIR should address whether the site has sufficient space to implement the hydro-modification requirements.

Response E-12: The retention ponds will prevent all flows from exiting the Site for all storms up to the 100-year return interval draining to Coyote Creek, thereby exceeding the hydro-modification requirements. The Stormwater Management Plan (provided in Final EIR Appendix C) demonstrates that there is sufficient volume

provided to retain the 100-year, 24-hour event from the northern basin and detain the peak flows from all lesser storm events. By the nature of retention vs. detention, a retention pond designed for the 100-year event will provide sufficient storage to retain all lesser events for the same storm duration.

A continuous simulation analysis was performed by *Ruggeri-Jensen-Azar & Associates* for the project using the Bay Area Hydrology Model to verify conformance with C.3 requirements for hydro-modification. The proposed facilities are adequate to meet the C.3 requirements for runoff volume and duration.

Comment E-13: Appendix L addresses the City's threshold of significance for the violation of waste discharge requirements by stating this impact is not discussed in detail and deemed less than significant because the wastewater from the project site is planned to be delivered via piped sanitary sewer lines to the sanitary sewer treatment plant. However, this standard threshold of significance is intended to address waste discharge requirements regulated by the State Water Resources Control Board for storm water, not sewage.

Response E-13: The *Schaaf & Wheeler* Hydrology and Water Quality Report (under Impact Hydro 7) has been revised to include water quality mitigation measures based on Regional Board requirements for construction and post-construction pollutant controls. Please see Final EIR Appendix C for the revised report (see also revised text for MM-1.2 in Section 4.0).

Comment E-14: Appendix L includes an analysis of pre-development and post-development peak discharges and volumes calculated for the development which are vastly different from the discharges calculated and shown in Appendix I, the Preliminary Engineer's Report prepared by *Ruggeri-Jensen-Azar & Associates*. Please clarify this discrepancy.

Response E-14: *Ruggeri-Jensen-Azar* utilized the Unit-Hydrograph Method to produce their hydrology results. The *Schaaf & Wheeler* report uses the Rational Method. Both are acceptable for projects less than 200 acres in size according to the Santa Clara County Drainage Manual 2007. The Rational Method was chosen for the DEIR because both existing and post-project (with detention ponds) conditions needed to be analyzed prior to project design. Since outlet works of the ponds are not yet known, there was not enough information available to route a hydrograph through the storage facilities. Therefore, the Rational Method was chosen for the pre- and post-project condition so that they could be reasonably compared. The Rational Method tends to be more conservative (i.e. produces higher flows) than the unit-hydrograph method with regards to peak flows. The project has been designed with sufficient capacity to detain the 2-, 10-, 25- and 100- year peak flows, regardless of the method employed to predict future runoff.

Comment E-15: Appendix L and the DEIR section should be modified to clearly state whether the storm runoff from the portion of the site draining to Coyote Creek will be completely mitigated and contained within the retention basins on Cochrane Road with no discharges leaving the site (except for those discharges exceeding the 100-year event) and clearly state whether the project will be required to design their site to mitigate their increased runoff leaving their site to predevelopment peak flows and volumes during the 2-

yr., 10-yr. and 100-yr. events. If so, then these requirements should be listed as mitigation measures for the potentially significant impact of increased flooding since the downstream receiving facilities, Coyote Creek and Madrone Channel/Llagas Creek are subject to flooding during events more frequent than 100-year flooding and both facilities are subject to erosion. Some parts of the DEIR states that the project will limit its runoff to the maximum extent practicable which is very ambiguous. Also, Appendix L appears to have calculated a volume for the detention basins based on 24-hour volumes, but does not clearly state whether the detention basins will be large enough to mitigate for the increased peak flows as well. To address increased runoff and potential increased flooding, the detention basins should be designed to ensure post-development peak flow and volumes are not greater than pre-development peak flow and volumes leaving the site during the various storm events.

Response E-15: The proposed storage volume meets the City's requirements for restricting the peak discharge to pre-project conditions for the 2-, 10-, 25- and 100-year design storm peak flows for the southern and northern basins, and retaining the 100-year, 24-hour storm volume for the northern basin. Due to the nature of retention vs. detention, a retention pond designed for the 100-year event will provide sufficient volume for all lesser events for the same storm duration. No outlet to the City of Morgan Hill's storm drainage system or an outfall to Coyote Creek is proposed. For the portion of the project tributary to Madrone Channel/Llagas Creek, the project is proposing a detention facility that will reduce the post-development runoff peak flow rates to pre-project peak flow rates, or lower, for the 2-, 10-, 25-, and 100-year storm events. In the northern drainage area, hydro-modification has been managed by the basins being designed to collect and percolate the runoff from the 100-year storm. In the southern drainage area the project's storm drain facilities have been designed to reduce post-development peak flow and volume to pre-development levels for the 2-, 10-, 25-, and 100 year storm events.

The *Schaaf & Wheeler* Hydrology and Water Quality Report has been revised to include added mitigation for detention volumes during the 2-, 10-, 25-, and 100-yr. events and retention during the 100-yr. event. As mentioned in Response E-9 above, additional mitigation for flooding and stormwater drainage will be included to address revisions made to the *Schaaf & Wheeler* Hydrology and Water Quality Report, dated November 2, 2012, Appendix C of this Final EIR. Revised text incorporating this additional mitigation is provided in Section 4.0 (MM HYDRO-1.2).

Comment E-16: The DEIR section mitigation MM HYDRO-3.1-our comments are the same as above in our comments on Section 3.10.2.4. Without a detailed discussion of the requirements that the project will comply with and implement, this mitigation measure seems inadequate. For example, does the project have available land to comply with the flow or volumetric treatment control best management practice requirement?

Response E-16: As mentioned in Draft EIR Sections 3.14.1.4 and 3.14.3, the project will comply with the City of Morgan Hill's NPDES permit requirements, the City's Storm Water Management Plan, and the City's Post Construction Storm Water Pollution Prevention Ordinance. Draft EIR Figure 3.14-3 shows the locations of drainage swales and detention/retention ponds. The project proposes a total of 8.6

acre-feet of storage for the northern basin, and 9.2 acre-feet of storage for the southern basin. The proposed storage volume meets the City's requirements for restricting the peak discharge to pre project conditions for the 2-, 10-, 25- and 100-year design storm peak flows for the southern and northern basins, and retaining the 100-year, 24-hour storm volume for the northern basin. Due to the nature of retention vs. detention, a retention pond designed for the 100-year event will provide sufficient volume for all lesser events for the same storm duration.

In addition, the project civil engineer has prepared a Preliminary Stormwater Runoff Management Plan that provides additional detail on how the project proposes to address these issues (provided in Final EIR Appendix B).

The following additional text will also be added to MM HYDRO 3.1, see revised text in Section 4.0:

These types of BMPs include infiltration basins and trenches, constructed wetlands, rain gardens, grassy swales, media filters, and biofiltration features. BMPs shall be designed in accordance with engineering criteria in the California Stormwater BMP Handbook for New and Redevelopment¹⁶ or other accepted guidance and designs shall be reviewed and approved by the City prior to issuance of grading or building permits for the roadway or driveways. These types of structural BMPs are intended to supplement other storm water management program measures, such as street sweeping and litter control, outreach regarding appropriate fertilizer and pesticide use practices, and managed disposal of hazardous wastes. The applicant shall prepare a clearly defined operations and maintenance plan for water quality and quality control measures. The design and maintenance documents shall include measures to limit vector concerns, especially with respect to control of mosquitoes. The applicant shall identify the responsible parties and provide adequate funding to operate and maintain storm water improvements (through a HOA, Geological Hazard Abatement District, CSD, CFD or similar organization). The applicant shall also establish financial assurances, as deemed appropriate by the Morgan Hill Community Development Department, enabling the City to maintain the storm water improvements should the HOA or other entity disband or cease to perform its maintenance responsibilities.

Comment E-17: This section should clarify the roles between the County of Santa Clara and the City for the issue of storm drainage since it appears the development will discharge its storm drainage into the County's jurisdiction.

Response E-17: The drainage system in Alicante Road is within City of Morgan Hill jurisdiction which discharges to Coyote Creek, owned by the SCVWD. All storm runoff, up to a 100-year storm event, that is tributary to Coyote Creek, will be percolated on the project site within the City of Morgan Hill.

For the remaining portion of the site in a different watershed, under existing conditions, runoff tributary to Madrone Channel leaves the site (within the City of Morgan Hill) via a storm drain culvert under Half Road and Peet Road and crosses

into lands within the County of Santa Clara. Under post-development conditions, runoff from the site will continue to release at pre-development flow rates from the site in the same manner.

Comment E-18: 3.14.1.4, *Hydrology and Water Quality, Water Quality* - This section only mentions the state construction NPDES permit requirements. The comments made on Section 3.10.2.4 also apply to this section.

Response E-18: MM HYDRO-3.1 provides further discussion of NPDES requirements for construction and post construction controls and implementation of site specific SWMP and additional water quality discussion.

The following additional text will also be added to MM HYDRO 3.1, see revised text in Section 4.0:

These types of BMPs include infiltration basins and trenches, constructed wetlands, rain gardens, grassy swales, media filters, and biofiltration features. BMPs shall be designed in accordance with engineering criteria in the California Stormwater BMP Handbook for New and Redevelopment or other accepted guidance and designs shall be reviewed and approved by the City prior to issuance of grading or building permits for the roadway or driveways. These types of structural BMPs are intended to supplement other storm water management program measures, such as street sweeping and litter control, outreach regarding appropriate fertilizer and pesticide use practices, and managed disposal of hazardous wastes. The applicant shall prepare a clearly defined operations and maintenance plan for water quality and quality control measures. The design and maintenance documents shall include measures to limit vector concerns, especially with respect to control of mosquitoes. The applicant shall identify the responsible parties and provide adequate funding to operate and maintain storm water improvements (through a HOA, Geological Hazard Abatement District, CSD, CFD or similar organization). The applicant shall also establish financial assurances, as deemed appropriate by the Morgan Hill Community Development Department, enabling the City to maintain the storm water improvements should the HOA or other entity disband or cease to perform its maintenance responsibilities.

Comment E-19: 3.16.1.4, *Existing Noise Levels*-This section did not include mention of any testing performed near the District's hydroelectric facility. The District recommends this section include a statement as to the reasons that noise from the hydroelectric facility, located adjacent to the development, were deemed not significant enough to be studied. In the absence of a sufficient enough reason, the District recommends that any lots located adjacent to the hydroelectric facility be subject to the mitigation measures MM NV-1.1 through 1.3.

Response E-19: Data provided by Mr. Robert Haskins, of the Santa Clara Valley Water District, on October 29, 2012, showed that noise levels along the south and east boundaries of the hydroelectric facility, and adjacent to the proposed project site, ranged from 39 to 53 dB. Mr. Haskins noted that measured noise levels were the result of operations at the hydroelectric facility, birds, and other environmental

sounds, and that measured noise levels would likely be lower in the morning or evening when other environmental sounds are at a minimum.

Review of the noise data indicates that noise levels from the hydroelectric facility would be less than 60 dBA and would comply with Chapter 18.48, Section 18.48.075 of the Zoning Code, which regulates noise level limits at the property line of residential land uses. Therefore, based on this existing operational noise data from the District, no mitigation would be required in order to comply with the Zoning Code noise limits at the nearest proposed residential property adjacent to the hydroelectric facility.

Text revisions incorporating this information for Section 3.16.1.4 are provided in Section 4.0 of this Final EIR.

Comment E-20: One other issue mentioned in our Notice of Preparation letter that the District would like to reemphasize is our currently activities regarding our Anderson Dam seismic retrofit project which is anticipated to impact the project site in some manner in the future since the development is located near the base of the Anderson Dam. Several community outreach meetings have been held, and the project owner is aware of the project. The District has completed a seismic study of Anderson Dam that shows the material at the base of the dam may liquefy in a 7.25 magnitude earthquake on the nearby Calaveras Fault. The District has imposed operating restrictions to prevent the uncontrolled release of water after a major earthquake. Water at the reservoir is being kept at least 25 feet below the spillway and 45 feet below the crest of the dam. A seismic retrofit project has been initiated to fix the dam, although construction activities are currently not expected to begin until early 2016. This project will likely result in significant dust, noise, and aesthetic impacts to future residents when the project is undertaken. Information on the project and its current status can be obtained from the District's website at:

<http://www.valleywater.org!Services/AndersonDamAndReservoir.aspx>

Response E-20: While the project is subject to deep inundation should the Leroy Anderson Dam fail catastrophically, the dam is inspected twice a year by the District in the presence of representatives from the California Division of Safety of Dams and the Federal Energy Regulatory Commission. Furthermore, the Anderson Reservoir is managed to prevent significant damage during a maximum credible earthquake. While the potential inundation resulting from catastrophic dam failure could damage property and proposed structures within the project site and pose a severe hazard to public safety, the probability of such a failure is extremely remote and reservoir levels have been lowered to maintain an additional level of safety, and therefore dam inundation failure is not considered a significant hazard. As noted in the comment, the dam retrofit project will likely result in significant dust, noise, and aesthetic impacts to future residents when the project is undertaken, and will be the subject of environmental review with the District as lead agency. It is not possible nor required that the City of Morgan Hill attempt to analyze and disclose the dam retrofit project's potential environmental effects on the future residents of the proposed housing in the EIR evaluating the proposed housing development.

3.3

ORGANIZATIONS AND INDIVIDUALS

F. **RESPONSE TO COMMENTS FROM JOE MUELLER, EMAIL DATED SEPTEMBER 3, 2012**

Comment F-1: Phase 5 seems late for common recreation center facilities to be built. Can they be started sooner?

Response F-1: Construction of the common area will occur concurrently with development of Phase 5 (Lots 67-80), which is the soonest the recreation center/common area can be included in the project. As this comment pertains to the timing of project recreational amenities that are unrelated to any environmental impacts, no further response is required.

Comment F-2: Project is not following natural contours with cuts of 25 feet and fills of 10 feet. I thought the project committed to following the Natural contour. Are large cuts in conformance with the GP?

Response F-2: The “natural contour” restriction is an RDCS scoring commitment and not a GP or zoning requirement.

Comment F-3: Has PG&E agreed to abandon the 15 ft. easement and 20 inch gas line? Will the line be completely removed? What are the requirements?

Response F-3: The 20-inch gas line will be completely removed, in agreement with PG&E.

Comment F-4: Does the Borello Project have control of the four parcels involved with realignment of Peet Road?

Response F-4: The proposed project developer and property owner do not have control over the four parcels along Peet Road. The property owners of the four parcels on the south side of Peet Road have been contacted, but no formal agreement is in place at this time. Since the alignment has not been adopted by the City (it is only proposed by the project developer at this point), it is premature to attempt to acquire the easement/dedications. Until the City has determined the exact alignment as part of its decision-making process for the requested project entitlements, the project developer has stated they will refrain from pursuing dedications or easements from the property owners. If land from the four parcels is not ultimately acquired for the realigned roadway, the project would be redesigned to accommodate necessary storm water detention facilities on-site per City and Regional Board requirements.

Comment F-5: Cottage unit size of 266 square feet seems really small?

Response F-5: Appendix B of the Draft EIR provides floor plans for the proposed cottage units. The commentor’s opinion concerning the proposed cottage unit size is noted, but does not raise a substantive environmental issue requiring a further

response. The issue is a planning and design matter that can be discussed as part of the public hearing process.

Comment F-6: Has the water source for the common open space been determined (ref EIR page 129)?

Response F-6: In coordination with the SCVWD, the project developer is proposing an irrigation well in the open space area of the project to supplement the open space irrigation. In addition, the developer seeks to obtain an amendment to the existing surface water diversion permit in order to allow for the use of the district blue valve water for common area irrigation. See Section 4.0 Text Revisions.

Comment F-7: Does the 10 year-round farm worker housing units impact the number of allocations needed (EIR page 151, paragraph 3)?

Response F-7: If the 10 year-round farmworker housing units are legal, habitable units then they can be considered replacement units and reduce the number of RDCS allocations needed to complete the project. However, the project is proposing to replace those units and provide relocation assistance to the farmworker tenants.

Comment F-8: The maximum cut is in the area of Coyote Road. Is there an alternative to the large cut?

Response F-8: The existing contour along Coyote Road is not the natural topography, rather it is engineered fill. The proposed cuts/fills are necessary to retain the gravity flow of sewer lines without having to implement a number of sewage lift stations.

Comment F-9: Is an underlying zoning change required? If so, why not R1-12K versus R1-20K?

Response F-9: Yes, a zoning change is required for the proposed project since the proposed lots sizes in the project are different than the designation on the zoning map. The proposed R1-20,000/PD prevents further subdivision of the larger parcels in the project (that might be possible under R1-12,000 zoning) at a later date.

Comment F-10: Page 45, Paragraph 1: Next to last sentence does (not) ~~the~~ make sense. PD overlay would allow remaining 4 units?

Response F-11: The referenced sentence was intended to communicate that the proposed zoning and PD overlay would allow for 244 proposed units. Text revisions are provided in Section 4.0.

Comment F-12: Page 61, Paragraph 1: While the project is not on a Scenic Highway, it is next to a Santa Clara County Historical Site. The view from the Historical site will change dramatically from the historical farm setting to the back yards or back fences of homes. This should be discussed.

Response F-12: Views *from* a historic site are not typically a significant feature integral to the historic resource, rather altering views *of* the historic site can be a significant impact. In this case, nothing in the National Register nomination form prepared by Franklin Maggi (see Giancola 9/25/12 comment letter, Final EIR Appendix A) indicates that views from the Rhoades Ranch are integral to its historic significance.

Comment F-13: Page 69, Section 3.3.2.3: Paragraph says 99.9 acres and Impact AG-1 says 103 acres. 103 is used for AG-2. Which is correct? What is the difference?

Response F-13: The project as a whole will result in the total loss of 103.9 acres of Prime Farmland, which includes 99.9 acres for the main project site, and four acres for the proposed Peet Road realignment. Text revisions are provided in Section 4.0.

Comment F-14: Page 70, Paragraph 1: While adjacent parcels used for agricultural is (sic) included in the Cochrane Road Assessment District, there is no time table for the conversion from agricultural use. Does this project speed the conversion of adjacent parcels?

Response F-14: Adjacent parcels being utilized for agricultural use within the assessment district would not be converted to residential use as a result of the proposed project. Those parcels will convert based on market conditions, subject to Morgan Hill's growth control ordinance. The project itself will build out in phases based on available RDCS allocation.

Comment F-15: Page 70, AG MM-2: Why is the mitigation allowed in the State of California when the draft Agricultural Mitigation Plan for the City of Morgan Hill and the Santa Clara Valley HCP Draft Plan both indicate that mitigation should be in Morgan Hill's SOI or Santa Clara County respectively?

Response F-15: Neither the draft Agricultural Mitigation Plan or the Santa Clara Valley HCP Draft Plan were in effect when the Draft EIR was released (or at this time), therefore, agricultural easements outside of the Morgan Hill or Santa Clara County may be allowed at the City's discretion, and were encouraged by the State Department of Conservation in its 2011 comment letter responding to the Notice of Preparation, see Draft EIR Appendix A.

Comment F-16: Page 84, Paragraph 6: if the HCP supersedes the Morgan Hill Burrowing Owl Plan, what happens to the Morgan Hill preserve? The funding source will be eliminated before the end of the plan.

Response F-16: The HCP does not supersede the City's Burrowing Owl Mitigation Plan. Under the terms of a Settlement Agreement with the Audubon Society, the City is required to continue to implement the mitigation measures contained in the City's Burrowing Owl Plan. Therefore, the funding source for the City's owl mitigation plan will not be eliminated. This may happen in the future if the Audubon Society and California Department of Fish & Game agree to place aside the settlement agreement and allow coverage under the HCP owl mitigation plan. If that occurs, then loss of funding for the City's burrowing owl preserve would be addressed.

Comment F-17: Page 85, Paragraph 3: What does the Interim Referral Letter provide? What if the HCP is not approved by Morgan Hill?

Response F-17: The Interim Referral Letter provides an opportunity for Department of Fish and Game, U.S. Fish and Wildlife Service, and NOAA Fisheries Service to comment on projects within the Santa Clara Valley HCP/NCCP Planning Area boundaries prior to the adoption of the HCP. No further analysis beyond what was prepared by Live Oak Associates was requested by the wildlife agencies for the proposed project site. In the event the HCP is not adopted by the City of Morgan Hill the proposed mitigation measures included in the EIR will be implemented to reduce impacts to a less than significant level.

Comment F-18: Page 109, Paragraph 2: Why is an old standard used as a reference point (prior to 2005)? CEC has raised the energy efficiency requirements 25% above today's requirement by 25% starting January 1, 2014.

Response F-18: The reference to the energy efficiency for the proposed project in relation to Title 24 standards has been revised to reflect the current state energy requirements as noted in the comment. Revised text is shown in Section 4.0.

Comment F-19: Page 113, Paragraph 4,5: Please consult with the Santa Clara Valley Water District. During the seismic upgrade testing of Anderson Dam, the Water District found a “spur from the end of Calaveras Fault (I think)” under the Dam. I do not remember what the technical term is for what they found.

Response F-19: The City has consulted with the SCVWD in the process of preparing the EIR, first by soliciting input by releasing the Notice of Preparation in 2011, and again by soliciting SCVWD's comments on the 2012 Draft EIR, which have been included in this Final EIR.

While the project site is subject to deep inundation should Leroy Anderson Dam fail catastrophically, the dam is inspected twice a year by the SCVWD in the presence of representatives from the California Division of Safety of Dams and the Federal Energy Regulatory Commission. Furthermore, Anderson Reservoir is managed to prevent significant damage during a maximum credible earthquake. So while potential inundation resulting from catastrophic dam failure could damage property and proposed structures within the project site and pose a severe hazard to public safety, the probability of such failure is extremely remote and therefore not considered a significant hazard.

Comment F-20: Page 117, Paragraph 1: EIR calls for protection of Coyote Road. What does that mean?

Response F-20: A portion of Coyote Road adjacent to the project site has landslide potential that is currently dormant. In order to protect the slope for Coyote Road, and to prevent potential for landslide, future grading on the project side of Coyote Road should be cut to avoid the landslide area.

Comment F-21: Page 142, Paragraph 5: There is no discussion of the impact of the view from the Rhoades Ranch main house?

Response F-21: See Response F-12 above.

Comment F-22: Page 146, Paragraph 6: Why was a two year old population estimated used? Note: 2010 Census Data altered this estimate.

Response F-22: The population estimate has been updated in accordance with Census Data 2010² and the Association of Bay Area Governments (ABAG) Projection 2009.³ Morgan Hill population for 2010 was 37,882 and is projected by ABAG to grow to 45,800 by 2030. See text revision in Section 4.0.

Comment F-23: Page 146, Paragraph 6: Does the City currently own 213 acres of Parkland? Other Initial Studies have used a lower number.

Response F-23: The City owns 70 acres of developed parkland (including the Civic Center, assessment district parks and City owned trails) and 59 acres of recreation facilities. In addition to publicly-owned parkland, there is also a significant amount of recreational land and open space in the City that is privately owned and maintained. Under the City's General Plan Policy 18c, fifty percent of the private homeowners association (HOA) recreational acreage is counted toward meeting the General Plan goal of 5.0 acres per thousand population. Additionally, the General Plan allows ten percent of open space to be counted towards meeting the goal. In combination, these various types of public and private park and recreational facilities in the City of Morgan Hill total about 200 acres to serve an estimated population of 37,882. This exceeds the City's goal of five acres of parkland per 1,000 capita. Revised text is provided in Section 4.0 to reflect this change.

Comment F-24: Page 147, Paragraph 2: Does not mention that the City has selected a new Fire/EMS service provider?

Response F-24: Text has been updated in Section 4 to include the City Council approval on July 25, 2012 to contract with Cal Fire as the City's fire service provider beginning on January 1, 2013.

Comment F-25: Page 147, Paragraph 2: Does not discuss EMS calls which make up approximately 75% of the Fire/EMS calls for service. This project may have a significant number of calls above the typical project of this size due to the 180 secondary units.

Response F-25: The potential for increased calls for emergency service is an *operational* impact, not a physical change to the environment that must be evaluated

² <http://2010.census.gov/2010census/popmap/ipmtext.php?fl=06>

³ Association of Bay Area Governments. *Projections and Priorities 2009: Building Momentum, San Francisco Bay Area Population, Household, and Job Forecasts*. August 2009.

in a CEQA document, unless a need arises for a new or expanded facility to host the emergency response staff and vehicle fleet.

Comment F-26: Page 147, Paragraph 2: Does not discuss Ambulance Service response and support of EMS Fire responses. We occasionally have multiple incidents happening at the same time which use all available resources in Morgan Hill.

Response F-26: See Response F-25.

Comment F-27: Page 147, Paragraph 2: Have all Fire and Police department reviews been completed? The final reviews are usually part of plan check.

Response F-27: No, fire and police department reviews have not been completed at this time, which is the site planning entitlement and environmental review stage. The final reviews will be completed as part of the plan check for the units in each phase.

Comment F-28: Page 148, Table 3.12-1: Why was Single family attached student generation rate used?

Response F-28: The student generation rate for Table 3.12-1 is for single family detached. The footnote text has been corrected in Section 4.0.

Comment F-29: Page 148, Paragraph 4: The School District has decided to accept the land for a school site. How if the EIR has not been completed?

Response F-29: The 10 acre site located to the west of the SCVWD facility has been dedicated to the Morgan Hill School District. This action is separate from the proposed residential subdivision project, and therefore will undergo separate environmental review with the School District acting as lead agency, which is anticipated to be completed in 2013.

Comment F-30: Page 150, Paragraph 1: Why are different population numbers used? (Numbers are different on page 146, paragraph 6)

Response F-30: The population estimate shown on Page 150, paragraph 1 is from the California Department of Finance, not 2010 Census Data. The population estimate and projection for Section 3.13 has been updated in accordance with Census Data 2010⁴ and the Association of Bay Area Governments (ABAG) Projection 2009.⁵ Morgan Hill population for 2010 was 37,882 and is projected by ABAG to grow to 45,800 by 2030. These changes are shown in Section 4.0.

Comment F-31: Page 151, Paragraph 1: Phase 1A targeted for June 2012. What is the impact of this phase not happening until late 2012 or early 2013?

⁴ <http://2010.census.gov/2010census/popmap/ipmtext.php?fl=06>

⁵ Association of Bay Area Governments. *Projections and Priorities 2009: Building Momentum, San Francisco Bay Area Population, Household, and Job Forecasts*. August 2009.

Response F-31: The overall schedule will be adjusted according to a revised construction date of 2013. There is no substantive impact to the EIR's analysis of project impacts as a result of this change in construction date. To the extent units are built and occupied at later dates than assumed in the Draft EIR, those units will be constructed to higher energy efficiency standards (which increase over time), the construction equipment will be less polluting (as new regulations are in effect), and vehicles driven by project residents will be more fuel efficient and less polluting (per CARB and EPA standards). This text change is shown in Section 4.0.

Comment F-32: Page 159, Paragraph 6: I believe there is a retention requirement that is not discussed.

Response F-32: Paragraph four of Section 3.14.2.2 Drainage mentions the following: "In the northerly watershed tributary to Coyote Creek/San Francisco Bay the project proposes retention ponds to collect and percolate the post-development runoff. Retention ponds are required to retain the 100-year 24-hour storm per the City of Morgan Hill Storm Drainage System Master Plan and Design Standards and will have a minimum storage volume of 8.6 acre-feet." See also responses to Water District comments above concerning on-site retention.

Comment F-33: Page 169, Paragraph 2: Route 16 only operates part of the time during the week.

Response F-33: Route 16 operates during AM and PM peak hours. Text will be revised to include weekday times of operation in Section 4.0.

Comment F-34: Page 196, Paragraph 2: Two different units of measure are used. What is the paragraph trying to say?

Response F-34: The L_{eq} noise measurement is an equivalent noise level that is the average A-weighted noise level during the measurement period (i.e PM peak hour). The L_{dn} noise measurement is the day/night noise level that is the average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.

Traffic noise levels were modeled for residential receptors located along the segment of Cochrane Road between Peet Road and the Project Driveway (using L_{eq}). The traffic noise increase would not be considered substantial considering that future noise level at receptors along this segment would remain below 60 dBA.

Comment F-35: Page 210, Paragraph 3: Why was the year 2015 picked? The project will be less than half built.

Response F-35: 2015 cumulative conditions are appropriate for current, 'near-term' development projects, while 2030 cumulative conditions are relevant for 'far-term' General Plan Amendments. Because the project is a near-term development, the City's travel demand forecasting model was used to develop 2015 Near-Term Cumulative traffic volume estimates for the study intersections. The 2015 land use

estimates were based on input from City staff and regionally approved data from the Association of Bay Area Governments (ABAG). The forecasted volumes were estimated for 2015 Near-Terms Cumulative No Project Conditions and the project trips identified under Project Conditions (reflecting full build-out of the 244 units plus accessory units, which due to RDCS phasing is likely after 2022) were then added to those forecasts to represent 2015 Near-Term Cumulative with Project Conditions.

The proposed project is consistent with the site's land use and density assumed in the City of Morgan Hill's 2010 General Plan Update, which analyzed Cumulative Conditions (2030 horizon year) in the study area as a part of the *City of Morgan Hill General Plan Circulation Element Network & Policy Revisions Transportation Impact Analysis* (Fehr & Peers, 2009) and found no significant impacts. Since the *Final Transportation Impact Analysis Borello Residential Development* (Fehr & Peers, March 2012) found no Near-Term Plus project impacts and the TIA prepared for the City's 2010 General Plan Update identified no Cumulative impacts, the project would not contribute to significant cumulative traffic impacts in the near term (2015) or far-term General Plan horizon year (2030).

Comment F-36: Page 227, Paragraph 1: Consistency with R1-20K seems like a stretch since the Lot average is about 15K and the majority of the lots are probability less than 15K. Why not R1-12K? Would the EIR support R1-12K if needed?

Response F-36: The proposed zoning change to R1-20,000 PD provides for the proposed development while avoiding the potential for further subdivision (that would exist with R1-12,000) of the project on larger lots within the project area at a later date.

Comment F-37: Page 228, Paragraph 7: First sentence appears to say that Construction Noise is a significant impact that can not be mitigated. Does that mean we need an overriding consideration finding?

Response F-37: Yes, the size of the project and RDCS allocation available in any one year dictate that the project must be built in multiple phases, potentially over the next 10-12 years. While the construction of any one phase can be mitigated through measures identified in the Draft EIR Section 3.16.3, the cumulative effect of existing residents and future project residents of early phases being subject to approximately a decade of construction activity will be a significant and unavoidable impact. The Draft EIR includes a construction alternative that would reduce the overall length of time to construct the project, but may be infeasible due to RDCS allocation limitations.

In the event that an impact cannot be reduced to a less than significant level through mitigation, when a lead agency approves the project, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record. [CEQA Guidelines Section 15093]

Comment F-38: Page 232, Paragraph 1: (page 233, paragraph 1) 93 units does not meet GP requirements on at least 1 unit per acre.

Response F-38: The proposed Reduced Scale Alternative is intended to reduce amount of development on the site in order to avoid significant impacts resulting from the scale of the project. The proposed 93 single-family units and 68 accessory units would reduce the greenhouse gas emissions to a level which would not require a greenhouse gas emissions analysis, meaning the project would be smaller than the screening level established by BAAQMD that identifies the size of projects (residential, commercial, industrial) that *could* have significant GHG emissions. The net site acreage devoted to housing, after subtracting streets, private recreational spaces, stormwater facilities, trails, etc., is 86.9 acres, and so developing 93 units (plus accessory units) would meet the minimum density of at least one unit per acre.

Comment F-39: Page 237, Paragraph 1: 15 units/year for On Going Projects is not outside the RDCS. It is a special set aside in the annual competition.

Response F-39: As noted in the comment, the 15 units per year that would be set aside as an on-going project would count toward annual total of units approved in any one year.

**G. RESPONSE TO COMMENTS FROM JOSEPH AND SHEILA GIANCOLA,
LETTER DATED AUGUST 3, 2012**

Comment G-1: As you know a new residential development project, referred to as the Cochrane-Borello Residential Development is proposed for the land immediately surrounding our property located at 2290-A Cochrane Road, Morgan Hill, CA. Our property now the "Rhoades Ranch" has been identified as a historic resource meeting the Santa Clara County Criteria for Historic Resources. The State Historic Preservation Office is currently reviewing the property for consideration for the state and national registers. We also have a Mills Act Contract with the County of Santa Clara which states: Property owners must pledge to rehabilitate and maintain the historical and architectural character of the structure and/or property.

Prior to the development many issues need to be addressed and brought to the City's attention. We are still waiting for the EIR to be posted but for now we want to bring to your attention a few items that we are concerned with. The following are some but not all of our concerns:

The water situation: We own 1/2 interest of the well with an easement that is in the middle of their development and this well is our only source of water.

Response G-1: This comment letter dated August 3, 2012 concerning the project was received prior to circulation of the Draft EIR (8/14-9/28) but is included along with responses for informational purposes.

The existing well is proposed to remain on the project property. The project proposes to place the well within a vault below grade and run new water pipes to connect at the existing connection point in order to maintain an uninterrupted water source for the Giancola property.

Comment G-2: The road that surrounds around our property on the north and west of our home: This prescriptive easement was acquired through continuous use by the Rhoades, Thomas and Giancola families. This is our access road for the postmaster, garbage trucks, UPS trucks, septic tank truck for clean-out, parking, emergency vehicles. etc. It would also be a permanent loss of surrounding historic agricultural context and setting.

Response G-2: The access driveway referred to is owned and operated by the Borello family. Whether or not the Giancola's have a prescriptive easement - as claimed in the comment - is a private matter between two property owners and not an issue for the City (acting as lead agency evaluating a proposed development under CEQA) to determine. The Giancola property also can be accessed from Cochrane Road. The project's indirect effect on the adjacent historic Rhoades Ranch property has been evaluated by Urban Programmers (see Final EIR Appendix D), who found the indirect impact to be less than significant.

Comment G-3: The proposed fence on our front and side yard: We are opposed to a wood fence. We are asking for a maintenance free fence and architecturally compatible with the

historic setting. The wood fence is in their backyards but you must understand this fence is in our front yard and entrance.

Response G-3: The main house on the Giancola property is set back approximately 105' on the south side of the property and approximately 120' on the west side of the property. The project as described in the Draft EIR had initially proposed wood 'good neighbor' fencing along the Giancola property line. In response to the comment, the project has committed to the following, (in keeping with the mitigation recommended by Urban Programmers, see Final EIR Appendix D, pgs.47-48):

1. Landscaping on the Giancola property as proposed in the landscape/driveway plan (see Section 4.0 Exhibit - Conceptual Driveway Landscape Giancola property).
2. Fence:
 - a. The project will install a maintenance free barrier/wall.
 - b. The project will commit to a precast/concrete and or masonry wall to provide a maintenance free barrier between the two properties. The wall will be placed on or within 5' of the property line at the discretion of the project applicant. In no event shall the wall be placed within the Giancola property unless they request applicant to do so. The wall will not include any rock or wrought iron. The concept is similar to the fencing the project will be using along the internal drive parkway. The wall separating the Giancola property and the Borello property will not include rocked columns or wrought iron detail in keeping with the character of the Rhodes ranch property.
 - i. The wall shall be installed concurrently with the construction of each phase that fronts along the Giancola property. Before an occupancy permit is obtained for the unit(s) that shares a common property line with the Giancolas, the wall shall be in place.
 - ii. The wall and landscaping shall be phased in as each phase/unit is developed adjacent to the Giancola property.

Comment G-4: Easements: We have easements on the Borello property. Well, water and pipes, gas, electrical.

Response G-4: All easements/service from the Borello property to the Giancola property will not be terminated. Gas service is provided to the Giancola property via a four-inch gas line. The existing easement runs from the 34-inch gas high pressure gas line north and then jogs slightly to the northwest to the adjacent parcel. The proposed project intends to move the line during Phase 4, but would provide uninterrupted service to the Giancola property.

The water pipe easements are associated with the existing well. During Phase 1 of development the water pipes from the existing well will be relocated and new easements will be recorded.

Comment G-5: Future city services: All city services to be brought to property for future. For example: sewer, water, gas, electrical, etc.

Response G-5: As noted previously, the Giancola property is not currently located in the City, but rather unincorporated County. Further, the Giancola property is located outside Morgan Hill's Urban Service Area, indicating that the City does not intend to provide urban services to that property under the current General Plan horizon. A policy decision to include the Giancola property within the Urban Service Area would be made independent of the current proposed residential subdivision, which is located within Morgan Hill and the Urban Service Area.

Comment G-6: The Anderson Dam Seismic Retrofit Project: This area is unknown at this time. We are not sure how this will affect our property.

Response G-6: The Anderson Dam Seismic Retrofit Project is addressed within a separate environmental document (EIR) prepared by the Santa Clara Valley Water District.

<http://www.scvwd.org/EkContent.aspx?id=257&terms=anderson+dam+and+reservoir>. See also Response E-20 above addressing comments received from the SCVWD pertaining to the dam seismic retrofit project.

Comment G-7: Views from the front of the Historic Rhoades home: We are opposed to two story homes built directly in front of the Rhoades home. Need a planted buffer. We would like to see street light locations.

Response G-7: Views from a historic site are not typically a significant feature integral to the historic resource, rather altering views of the historic site can be significant. In this case, nothing in the National Register nomination form prepared by Franklin Maggi (see Giancola 9/25/12 comment letters in Appendix A) indicates that views from the Rhoades Ranch are integral to its historic significance. As discussed in Response G-3 above, the project now proposes to install substantial landscaping and a wall as a buffer between the two properties.

Comment G-8: Years of construction: How many years of construction and noise we will be subjected to?

Response G-8: Construction of the project's 244 units is estimated to take 10 years to full build-out, with construction occurring in phases as RDCS allocation is available. According to Draft EIR Figure 2.1-6 Proposed Phasing Plan, Phases 1, 2, 4, and 14 are closest to the Giancola property, and so construction of these units will most affect the adjacent property. Other phases are setback substantial distances and will have less impact, although construction across the entire 120 acre site will be noticeable. Noise mitigation is included in Section 3.16.3 of the Draft EIR, however, the cumulative effect of approximately a decade of phased construction was disclosed as a significant and unavoidable impact.

Comment G-9: We need to review the EIR for further comments.

Response G-9: No response is necessary.

H. RESPONSE TO COMMENTS FROM JOSEPH AND SHEILA GIANCOLA, LETTER DATED SEPTEMBER 21, 2012

Comment H-1: As you know a new residential development project, referred to as the Cochrane-Borello Residential Development, is proposed for the land immediately surrounding our property located at 2290-A Cochrane Road, Morgan Hill, CA. Our property, known as the "Rhoades Ranch", has been identified and designated as a historic resource meeting the Santa Clara County Criteria for Historic Resources. The State Historic Preservation Office is currently reviewing the property for consideration for the state and national registers. We also have a Mills Act Contract with the County of Santa Clara which states: Property owners must pledge to rehabilitate and maintain the historical and architectural character of the structure and / or property.

In order to maintain the historical and architectural character of the Rhoades Ranch we have hired a consultant (Sheila McElroy) at Circa Historic Property Development to review the Environmental Impact Report (EIR) and have attached her letter dated September 15, 2012 with her comments. After reviewing her comments we feel the Historic Rhoades Ranch was not recognized or evaluated properly.

Prior to the development many issues need to be addressed and brought to the City's attention. The following are concerns that we would like the Planning Commission to consider when making any decisions to this development. The following items are some of our concerns, requests and comments regarding the development that we feel will impact us.

The water situation: We own 1/2 interest of the well with an easement that is in the middle of the Cochrane-Borello development. They would like to abandon this well but this well is our only source of water. We are currently working with the Borello's to try to resolve this water issue. They have stated they would like to hire a drilling company to drill test wells to determine if there is sufficient water on our property. If a suitable water source cannot be found, the existing well will have to remain at the current location and protected.

Response H-1: The commentors' efforts to list and maintain their historic ranch property are acknowledged and supported by the City. As stated in Response G-1, the existing well is proposed to remain on the project property. The project proposes to place the well within a vault below grade and run new water pipes to connect at the existing connection point in order to maintain an uninterrupted water source for the Giancola property. The comment letter provided by Sheila McElroy follows in this Final EIR along with responses.

Comment H-2: The road that surrounds our property on the north and west of our home: This road is, has and always been there for all families, the original owners the Rhoades, the Borello's, the Thomas's and us the Giancola's. The removal of this road would be a permanent loss of surrounding historic agricultural context and setting that will change the physical characteristics of the Rhoades Ranch. This road is used by many and is our access road for the postmaster, garbage trucks, UPS trucks, septic tank truck for clean-out, parking, emergency vehicles, our personal use, etc.

Response H-2: See Response G-2.

Comment H-3: The proposed fence on our front and side yard: We are opposed to a wood fence. We are asking for a maintenance free barrier that is architecturally compatible with the historic setting. The wood fence they are proposing is the back yards of their houses but is the front entrance to our home; an important County listed historic resource. The new barrier should include a dense, a planted buffer zone and must include a significant distance between the property line and the proposed houses to maximize open space and retain a rural environment.

Response H-3: See Response G-3.

Comment H-4: View shed: We currently have a beautiful view shed of 122 acres of open agricultural land. The proposed development will result in a permanent loss of agricultural view sheds and have an impact to the setting and environment of our historic ranch. We are also concerned about a further loss of view shed with the proposed height of the 2 story homes planned on the north side of our home.

Response H-4: The change in views from and to the Rhoades Ranch property were considered by the historic consultant firm Urban Programers, see Final EIR Appendix D. Primary historic consultant Bonnie Bamburg found that historically, the orchard trees below and the oak, eucalyptus and other species on the Rhoades Ranch parcel interrupted the view of the Rhoades Ranch buildings from the Borello property and beyond. Historically there have not been public view corridors of the Rhoades Ranch property. To see the buildings it was necessary to be on Cochrane Road east of the access road to the property, on the access road, or actually on the property.

The 1920 Rhoades House is sited approximately 140 feet from the property line, 20 feet above the Borello property, and approximately on axis with the southwest and northeast corners of the historic landmark property. Surrounding the Rhoades House are large oak trees that place the house in a natural setting. It does not appear there was a driveway in front of the house and any formal landscaping that was part of the original Rhoades House plan has disappeared over the years. The Rhoades House orients to the west toward St. Kathryn Drive with views across the northwest Borello property that is currently vacant except for one large tree and to the residential development off Katherine Drive.

Looking from the Rhoades House, the view of open or agricultural land may be desirable and reflect the views enjoyed by William Rhoades but a change in this view (already altered by residential development) does not significantly alter the setting of the historic buildings on the Rhoades Ranch, or the individual architectural importance of the Rhoades House, or the reasons the complex of buildings is a historically significant complex.

The change from agricultural use to a residential community on the Borello property alters the views and use of property within the broader environment of the Rhoades Ranch. However, this change does not significantly lessen the ability of the Rhoades Ranch to convey its significance as headquarters of agricultural property depicting

life during the periods of significance 1860-1977. The buildings on the 12.27-acre Rhoades Ranch will continue to convey the reasons for their significance after the Borello property is developed. The change in use on the Borello property will change views and the broader setting but it does not lessen the historically important associations or the architecture of buildings on the Rhoades Ranch to a level that it would lose the Santa Clara County Landmark status, or be removed from the California Register of Historic Resources, or be prevented from listing in the National Register of Historic Places.

It is stated in the Rhoades Ranch DPR 523,P3a (provided as an attachment to the comment letter), " The property that remains of the original 160 acre ranch represents a continuum of significant and supporting design elements from the mid-nineteenth to mid-twentieth centuries, Although much of the surrounding associated agricultural lands will soon be developed, the site preserves the feelings and association of a headquarters of an important early northern California agricultural ranch." At the time the property was determined eligible for the California Register, it was understood that the change in use of the Borello property would not lessen the historic importance of the existing buildings, their associations, and their setting on the Rhoades Ranch.

Comment H-5: Easements: We have easements on the Borello property. Well, water and pipes, gas, electrical. Any relocation of any of these services onto our property could have a direct impact to the Rhoades Ranch.

Response H-5: See Response G-4.

Comment H-6: Future city services: We are asking that all city services be brought to property line for future. For example: sewer, water, gas, electrical, etc.

Response H-6: See Response G-5.

Comment H-7: Years of construction: How many years of construction and noise we will be subjected to? With all of the different phases of construction we would like to know how many years we and our tenants will be subjected to all of the construction noise and dust?

Response H-7: See Response G-8.

Comment H-8: We feel the EIR analysis failed to address the criteria as established in CEQA guidelines. We are the keepers of this historic property and it is our obligation to preserve the integrity of this agricultural property.

Response H-8: The Draft EIR evaluated the project site's structures to determine whether they were potential resources under CEQA, and determined they were not, and therefore their proposed demolition would not be a significant impact. The Draft EIR also disclosed the presence of the adjacent Rhoades Ranch, which is an historic resource under CEQA, and concluded the project's *indirect* effects from constructing a large-lot residential subdivision in the vicinity of the adjacent historic Rhoades Ranch would be less than significant in that the proposed project would not

substantially affect any of the historic features of the Rhoades Ranch which are integral to its significance, as discussed in detail in the Historic Evaluation prepared by Urban Programmers, see Final EIR Appendix D.

**I. RESPONSE TO COMMENTS FROM JOSEPH AND SHEILA GIANCOLA,
LETTER DATED SEPTEMBER 25, 2012**

Comment I-1: I would like to add the following 11 pictures to my letter dated September 21, 2012, the Resolution designating Rhoades Ranch dated February 8, 2011 (recorded February 15, 2011) and additional comments regarding the Environmental Impact Report (EIR) for the Cochrane-Borello Development.

Historical Trees: We ask that all of our trees be protected at all times.

Response I-1: The pictures and other documents referenced in this comment can be found in Final EIR Appendix A. An arborist report prepared for the development documents trees located on the Giancola property will not be impacted by future project construction. Trees identified for preservation, located on the Borello property, will be subject to the tree protection measures provided in Section 3.5.3.3 of the Draft EIR.

Comment I-2: Historical Homes and Structures: We ask that all homes and structures be protected from any and all damage that could be caused from vibration, dust, dirt, debris, etc.

Response I-2: Mitigation measures provided in Draft EIR Section 3.6.3 would reduce construction dust emissions associated with project construction. Construction related vibration would not be considered excessive at nearby residential land uses including structures on the Rhoades Ranch property due to substantial setback distances.

J. RESPONSE TO COMMENTS FROM CIRCA, SHEILA MCELROY, LETTER DATED SEPTEMBER 15, 2012

Comment J-1: The Notice of Preparation (NOP) - Potential Environmental Effects of the project dated August 15, 2012, Section 4.0 *Cultural Resources* was reviewed, as requested by the Rhoades Ranch property owners, Sheila and Joe Giancola, in August 2012 by Circa: Historic Property Development. Circa wrote a letter to the Giancola's recognizing that the NOP included a brief discussion of anticipated environmental impacts however, impacts to Cultural Resources are limited to prehistoric resources and structures over fifty years of age located *on the site*. The letter-report also noted that there was no mention of historic resources *in the broader area* as being potentially affected.

Response J-1: The Notice of Preparation was circulated for public comment in 2011. As this comment pertains to the NOP and not the Draft EIR, no response is required.

Comment J-2: Indeed, the project NOP completely omitted discussion of indirect impacts to historic resources that is specifically discussed and defined in CEQA Article 5. Preliminary Review of Projects and Conduct of Initial Study 15064. Article 5 states that: "...the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes [emphasis added] in the environment which may be caused by the project..."

(2) An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment.

Neither direct nor indirect physical changes that may affect the historic resource were discussed in the NOP. Notice of this omission and concerns related to the proposed project were outlined in the *Circa* letter dated April 25, 2012.

Response J-2: See response J-1.

Comment J-3: The [draft] Environmental Impact Report (EIR) for the Cochrane-Borello Residential Development dated August 2012 identifies the Rhoades Ranch as a historic resource in Section 3.11.1.3. Impacts to Historic Buildings are discussed in a paragraph under Section 3.1 1,2,3 with discussion of impacts to the Rhoades Ranch limited to a single paragraph that states that:

"The primary buildings of the Historic Landmark are set back from the parcel line with sufficient land between the new development and the historic buildings to maintain the rural setting of the landmark property. The finding of an impact is Less Than Significant."

This paragraph does not demonstrate a sufficient analysis of impacts to a historic resource. CEQA explains that when evaluating the impacts of a project that affects a broader area *it is necessary to consider the impacts on: individual resources, the immediate site context of individual resources, and the broader area context of groups of resource;* CEQA defines

"Environment" as "...the physical conditions which exist within the area [not limited to the site] which will be affected by a proposed project including ... objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project....

Response J-3: The Draft EIR was based on a Historic Report prepared by Urban Programmers, included as an appendix to the Draft EIR. It is acknowledged that the Rhoades Ranch is part of the environment surrounding the project. Given the commentor's request for more explanation to further substantiate the Draft EIR's conclusions with respect to the project's indirect effects on the adjacent Rhoades Ranch historic property, Urban Programmers has expanded upon the prior discussion. This expanded discussion can be found in Appendix D of this Final EIR.

Comment J-4: The CEQA Guidelines defines a "Significant effect on the environment" as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance...

Given the multitude of criteria and associated definitions within State of California laws and policies there is serious concern that the proposed 122 acres residential development will alter the physical environment and historic context of the Rhoades Ranch property. As the National Register of Historic Places (NRHP) nomination form states, "the property that remains of the original 160-acre ranch represents a continuum of significant and supporting design elements from the Mid-nineteenth century to mid-twentieth centuries." The Rhoades Ranch property is locally significant...in the areas of agriculture, exploration/settlement, and architecture...It is also significant at the state level under Criteria A and B for its association with the Strawberry Institute of California and Harold E. Thomas...a person important to California's agricultural history...Today it represents one of the last remaining agricultural settings able to convey the broad patterns of late nineteenth and early twentieth century agricultural development in the now mostly urbanized floor of Santa Clara Valley."

Response J-4: As evaluated by historic consultant Urban Programmers (see Final EIR Appendix D), the proposed redevelopment of the former orchard land adjoining Rhoades Ranch does not threaten the aspects of architecture or associations with the people or events, for which the property was deemed historically significant, designated a Santa Clara County Landmark, and determined eligible for listing in the California Register of Historic resources. Of the three eras associated with the property; Phegley (1860-1917), Rhoades (1917-1945), and Dr. Thomas (1945-1976) the most significant of the three associations is with Dr. Harold E. Thomas, who's significance for California's strawberry growers and the State's agriculture industry is far greater than the previous owners who were civic and business leaders, primarily in Santa Clara County. Dr. Thomas is the person listed as the significant person in the National Register Nomination for the Rhoades Ranch.

The change in use of the 122 acres adjacent to the Rhoades Ranch does not create a change to the buildings of the Rhoades Ranch or their relationships to each other and the spaces on the 12.27-acre parcel. The change on the Borello property to a residential community does not materially alter the environment on the Rhoades

Ranch. During the first 85 years, the Rhoades Ranch included the Borello property and the rural nature of the entire property was part of the setting and context. After 1945 and the most significant era, 1945-1976, when the Rhoades Ranch was the laboratory and working site of Dr. Harold Thomas, the parcels were separate. During this period the significant activity on the Rhoades Ranch was carried out in buildings on the property that face into the center of the 12.27 acres. The work of Dr. Thomas did not involve, nor was it influenced by the activities on the Borello Property. The Borello property cannot be seen from the buildings used by Dr. Thomas and the California Strawberry Institute. The building that has a view of the Borello property is the Rhoades House where Dr. Thomas lived, but not where he did his research or operated the California Strawberry Institute.

The change in use of the Borello property does not lessen the ability of the Rhoades Ranch to convey the importance of the California Strawberry Institute and the work of Dr. Thomas. The buildings on the Rhoades Ranch represent a compendium of historic agricultural/rural buildings including an early American period barn, remains of a water tower, board and batten buildings and various sheds. None of these buildings are to be altered and their relationship to each other remains as it has been, encircling an open area in the center of the property.

Comment J-5: CEQA Section 10564.5 (b) (2) defines activities that would impair the significance of a historical resource (Le. that alter the physical characteristics that justify or account for its inclusion in the California Register or a local register) as follows:

- (A) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the California Register of Historic Resources; or
- (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historic resources pursuant to Section 5020.1 (k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1 (g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- (C) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA." (CEQA Guidelines Section 15064.5(b)(2)(A)(B)(C).

According to CEQA "Generally, a project that follows The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Standards and Guidelines)...shall be considered as mitigated to a level of less than a significant impact on the historical resource". Therefore any environmental review must discuss impacts and mitigations that are consistent with the Secretary of the Interior Standards.

It does not appear that the CEQA criteria was used to demonstrate that the property will continue to retain those physical characteristics, including setting, that convey its historical significance and that justify its continued eligibility for the California Register. The draft EIR does not demonstrate or discuss the evaluation process by which it concluded a Less Than Significant Impact.

Response J-5: The CEQA criteria referenced in the comment were in fact used to evaluate the proposed project. As evaluated by Urban Programmers (see Final EIR Appendix D), the development of the proposed residential community will change the immediate area setting around the Rhoades Ranch, but does not alter the setting on the Rhoades Ranch or materially impair the historical significance such that the property would no longer qualify as a Santa Clara County Historic Landmark or be eligible for listing in the California Register of Historic Resources. The aspects of integrity for which the Rhoades Ranch is eligible for listing in the California Register of Historic Resources are not changed by development of the Borello property. The change in use of the Borello property does not alter the architecturally artistic Spanish Eclectic Rhoades House, the c. 1860s Phegley House, a single-wall building, the Early American barn, or the board and batten buildings that were the California Strawberry Institute headquarters. Their setting on the Rhoades Ranch and relationship to each other is unchanged by development proposed for the Borello property. As the DPR 523 form (provided as part of the Giancola's 9/21/12 comment letter in Final EIR Appendix A) states, *"The property that remains of the original 160 acre ranch represents a continuum of significant and supporting design elements from the mid-nineteenth to mid- twentieth centuries. Although much of the surrounding associated agricultural lands will soon be developed, the site preserves the feelings and association of a headquarters of an important northern California agricultural ranch."*

Comment J-6: The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Standards and Guidelines):

The Standards and Guidelines are consistent with the criteria and definitions put forth by the National Park Service and therefore integrate these into the recommendations. Regarding the aspect of Setting, the Standards and Guidelines specifically recommends "...identifying, retaining, and preserving building and landscape features which are important in defining the historic character of the setting. Such features can include roads and streets...vegetation, gardens and yards, adjacent open space such as fields, parks, commons or woodlands, and important views or visual relationships. Retaining the historic relationship between buildings and landscape features.

It does not appear that the Standards and Guidelines were used in comparison to the proposed project therefore the draft EIR does not demonstrate or discuss the evaluation process by which it concluded and Less Than Significant Impact.

Response J-6: The California Register of Historic Places adopted the National Register's seven aspects of Integrity; location, setting, design, materials, workmanship feeling and association. The National Register of Historic Places

requires that all or most of the aspects be present in an eligible historic property. The California Register of Historic Resources requires that only some of the aspects be present. It is stated in the Rhoades Ranch DPR 523,P3a (provided as part of the Giancola's 9/21/12 comment letter in Final EIR Appendix A), " The property [i.e. the 12.27 acre Rhoades Ranch] that remains of the original 160 acre ranch represents a continuum of significant and supporting design elements from the mid-nineteenth to mid-twentieth centuries. Although much of the surrounding associated agricultural lands will soon be developed, the site preserves the feelings and association of a headquarters of an important early northern California agricultural ranch." At the time the property was determined eligible for the California Register, it was understood that the change in use of the Borello property would not lessen the historic importance of the existing buildings, their associations, and their setting on the Rhoades Ranch.

Comment J-7:

Integrity:

Integrity is the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Historical resources eligible for listing in the California Register must meet one of the criteria of significance and retain enough historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance.

To protect and maintain the historic significance of this historic resource means to avoid demolition, destruction, relocation, alteration or any activity that would impair the significance of a historical resource and to do everything possible to retain those physical characteristics that convey the property's historical significance and that justify its eligibility for inclusion in the California Register of Historic Resources. This means that in order to retain eligibility as a historic resource the Rhoades Ranch MUST retain its "integrity". To retain integrity the subject property must retain most of the seven aspects of integrity as defined by the National Register Criteria for Evaluation. The seven aspects of integrity are quoted as follows:

- Location - Location is the place where the historic property was constructed or the place where the historic event occurred.
- Design - Design is the combination of elements that create the form, plan, space, structure, and style of a property.
- Setting - Setting is the physical environment of the historic property.
- Materials - Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration form a historic property.
- Workmanship - Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- Feeling - Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.
- Association - Association is the direct link between an important historic event or person and a historic property.

It does not appear that the measure of Integrity was used in comparison to the proposed project therefore the draft EIR does not demonstrate or discuss the evaluation process by which it concluded and Less Than Significant Impact.

Response J-7: See Responses J-5 and J-6 above.

Comment J-8:

Conclusion:

As outlined in the Circa letter of April 2012 we believe there are threats to the property that will lessen the ability to convey its significance as a historic agricultural property of late nineteenth and early twentieth century in Santa Clara Valley. These concerns continue to be:

- a. permanent loss of surrounding historic agricultural context and setting

Response J-8: See Responses J-5 and J-6 above.

Comment J-9:

- b. permanent loss of agriculture view sheds

Response J-9: No explanation is provided as to why the commentor believes changed views *from* the historic property would somehow affect its integrity. As evaluated by Urban Programmers (see Final EIR Appendix D), views *from* the historic property are not integral to its significance and therefore the introduction of housing adjacent to the historic Rhoades Ranch would not impair the physical characteristics that make it eligible for the California Register. The Nomination form prepared by Franklin Maggi (provided as part of the Giancola's 9/21/12 comment letter in Final EIR Appendix A) makes it clear that agriculture view sheds are not integral to the significance of the Rhoades Ranch.

Comment J-10:

- c. permanent loss/realignment and pavement of dirt drive on north property line (and possibly west property line)

Response J-10: As discussed in detail in the historic evaluation prepared by Urban Programmers (see Final EIR Appendix D), these features are not integral to the historic significance of the Rhoades Ranch property.

Comment J-11:

- d. impact due to dirt/debris during construction of new residences/roads on the property's resources - specifically on main residence and farm house materials which are nearest to the proposed project

Response J-11: Dust and other construction related debris will be controlled by mitigation identified in the Draft EIR. Construction dust would not materially impair the physical characteristics that qualify the property for the California Register. As a property adjacent to a working agricultural property, the Rhoades Ranch has been exposed to dust from farming operations for decades. Construction dust will be managed consistent with BAAQM and City of Morgan Hill standard requirements.

Comment J-12:

- e. impact due to vibration/ground disturbance from construction of new residences/roads on resources - specifically on main residence and farm house materials

Response J-12: The project proposes one-story and two-story homes on standard foundations, and will not involve pile driving, deep excavation, or other construction techniques which could generate substantial vibration that could damage structures on the Rhoades Ranch or other nearby properties. No factual support is provided in the comment to justify the claim that vibration impacts could potentially damage structures on adjacent properties. As evaluated by Illingworth & Rodkin (see Draft EIR Appendix N), and discussed in Draft EIR Section 3.16, vibration impacts from project construction to development in the project area, including the Rhoades Ranch structures, would be less than significant.

Comment J-13:

- f. impact due to road construction equipment traffic and backing into resources and site features

Response J-13: Construction of the project does not require equipment or vehicles to be stored or moved across the Rhoades Ranch property.

Comment J-14: In short, the new construction project cannot propose the destruction of 120+ acres of historically agricultural landscape and construct high-density housing of 424 dwelling units, associated infrastructure and park areas on 120 acres immediately adjacent to a known historic resource (a historically rural ranch) without a significant impact. Four hundred and twenty four residential units, plus recreational facilities (pool, tennis courts, fitness areas, etc) on 120 acres is an urban environment NOT a rural environment.

Response J-14: The comment incorrectly characterizes the project. The project proposes 244 units (along with up to 180 accessory units) on a 122 acre site. Nothing about this constitutes a high-density project, rather this represents a low density development consistent with the site's Single Family Low (1-3 du/ac) General Plan land use designation. To characterize a residential project with individual lots averaging 15,000 sq.ft. as 'high-density' is misleading. The project proposes a low-density suburban environment, not an urban environment. As discussed in the previous responses to this comment letter, the historic evaluation conducted by Urban Programmers (see Final EIR Appendix D) refutes the commentor's claim the project will have a significant *indirect* impact on the adjacent Rhoades Ranch. Further the nomination form in support of listing the Rhoades Ranch on the National Register acknowledges the subject Borello property will be developed with a residential subdivision, and with that understood, documents how the Rhoades Ranch property qualifies for listing.

Comment J-15:

The draft EIR does not address indirect impacts to an adjacent rural historic resource. The draft EIR does not address cumulative impacts. The draft EIR does not utilize the CEQA

criteria to demonstrate that the property will continue to retain important physical characteristics, and it does not demonstrate how the historic property will retain Integrity and therefore continue to meet the Criteria for inclusion in the California Register.

Response J-15: See Response J-14 above concerning the project's indirect effects on the Rhoades Ranch as well as the property's continuing eligibility for the California Register. Cumulative impacts are discussed in Draft EIR Section 5.0. No specific comment is made concerning that analysis (other than claiming it doesn't exist), therefore no additional response is required.

Comment J-16:

Given the serious potential for indirect impacts to the Rhoades Ranch, and the potential loss of context and historic significance the draft EIR does not sufficiently address Historic Resources. A comprehensive impact analysis should be conducted as part of the EIR as well as the proper community input process for any mitigation measures that might be developed.

Response J-16: This comment summarizes prior comments which have received responses above (see in particular Responses J-5, J-6 and J-9). No additional response is required.

K. RESPONSE TO COMMENTS FROM MORGAN HILL HISTORICAL SOCIETY, LETTER DATED SEPTEMBER 20, 2012

Comment K-1: The Morgan Hill Historical Society was contacted by the property owners of the Historic Rhodes Ranch in Morgan Hill expressing concerns they have about the above subject development and how it will affect their property. I have reviewed the [draft] Environmental Impact Report (EIR) prepared for the development and I too have some concerns as to the new development as proposed.

The Rhoades Ranch and its environs has been part of the back-bone that was very much a part of the character of Morgan Hill which lends to that "rural home town feel" that we all love and cherish and it is with this in mind that I respond.

The Draft EIR for the Cochrane-Borello Residential Development dated August 2012 identifies the Rhoades Ranch as an historic resource then fails to address mitigating measures to protect this valuable resource from the impacts of the proposed development.

Response K-1: The primary buildings of the Rhoades Ranch Historic Landmark are set back from the proposed project parcel with sufficient land between the new development and the historic buildings to maintain the rural setting on the landmark property. As there would be no significant impact onto the adjacent Rhoades Ranch property, as discussed in detail in the Historic Evaluation completed by Urban Programmers (see Final EIR Appendix D), the project would have no significant direct or indirect impacts on the adjacent Rhoades Ranch, therefore no mitigation measures are required. Urban Programmers did suggest (and Giancolas in their 9/21/12 comment letter requested) a more substantial fence with landscaping than the project had initially proposed, and as disclosed in Response G-3, the project now proposes a solid wall with landscaping in lieu of a wood 'good neighbor' fence.

Comment K-2: The EIR doesn't demonstrate a sufficient analysis of impacts that will be inflicted on the historic resource or the immediate area involved that will be subject to effects that will occur either directly or indirectly as a result of the project.

Response K-2: See Responses J-5 and J-6.

Comment K-3: I have serious concern that the proposed 122 acres of residential development will alter the physical environment and historic context of the Rhoades Ranch property forever especially if it proceeds as proposed.

Response K-3: See Response J-14.

Comment K-4: The Rhoades Ranch property which is outside of the City's limits is locally significant in the areas of agriculture, settlement, and architecture and is listed on the Santa Clara County list of historically important cultural resources. It is also significant at the state level under Criteria A and B of the CEQA's guidelines for its association with the Strawberry Institute of California and with Harold E. Thomas, (a person important to California's

agricultural history). The Rhoades Ranch represents one of the few and last remaining agricultural settings able to convey the "California Story".

Response K-4: This comment summarizes the historic significance of the Rhoades Ranch property, no response is required.

Comment K-5: We believe the new development as proposed is a threat to the historic property by lessening the ability to convey its significance as an agricultural property depicting life during the late nineteenth and early twentieth century in Santa Clara Valley and Morgan Hill. The permanent loss of the surrounding rural habitat and agricultural context impacts the setting and the permanent loss of the agricultural view shed greatly affects the long term viability of the Rhoades Ranch, its place in time and severely undermines its importance.

Response K-5: The proposed project would not diminish the historical significance of the Rhoades Ranch property because the 12.27 acre property itself has sufficient visual context for a rural ranch. The view shed surrounding the Rhoades Ranch property has not been identified as a historic resource in and of itself.

The change in use of the 122 acres adjacent to the Rhoades Ranch does not create a change to the buildings of the Rhoades Ranch or their relationships to each other and the spaces on the 12.27-acre parcel. The change on the Borello property to a residential community does not materially alter the environment on the Rhoades Ranch. During the first 85 years, the Rhoades Ranch included the Borello property and the rural nature of the entire property was part of the setting and context. After 1945 and the most significant era, 1945-1976, when the Rhoades Ranch was the laboratory and working site of Dr. Harold Thomas, the parcels were separate. During this period the significant activity on the Rhoades Ranch was carried out in buildings on the property that face into the center of the 12.27 acres. The work of Dr. Thomas did not involve, nor was it influenced by the activities on the Borello Property. The Borello property cannot be seen from the buildings used by Dr. Thomas and the California Strawberry Institute. The building that has a view of the Borello property is the Rhoades House where Dr. Thomas lived, but not where he did his research or operated the California Strawberry Institute.

The change in use of the Borello property does not lessen the ability of the Rhoades Ranch to convey the importance of the California Strawberry Institute and the work of Dr. Thomas. The buildings on the Rhoades Ranch represent a compendium of historic agricultural/rural buildings including an early American period barn, remains of a water tower, board and batten buildings and various sheds. None of these buildings are to be altered and their relationship to each other remains as it has been, encircling an open area in the center of the property.

Comment K-6: The Draft EIR fails to address the indirect impacts to the adjacent historic resource nor does it address the cumulative impacts associated with the project. The draft EIR does not utilize CEQA criteria to demonstrate the property will continue to retain any

important physical characteristics and has totally failed to recognize the importance of the Rhoades Ranch in its evaluation.

Response K-6: The Rhoades Ranch was addressed in Draft EIR Sections 3.11.1.3 Historic Resources and Section 3.11.2.3 Impacts to Historic Buildings. The CEQA thresholds of significance (Section 3.11.2.1) were utilized to evaluate potential impacts and indirect impacts associated with the proposed project. Cumulative cultural resources impacts were addressed in Draft EIR Section 5.1.8 Cumulative Cultural Resources Impacts. See also Response J-15.

Comment K-7: It is my concern that given the serious potential for indirect impacts to the historic Rhoades Ranch, and the potential loss of context and historic significance the draft EIR does not sufficiently address Historic Resources or evaluate the potential impact and renders the EIR incomplete.

Response K-7: The historic evaluation conducted by Urban Programmers (see Final EIR Appendix D) refutes the commentor's claim the project will have a significant *indirect* impact on the adjacent Rhoades Ranch. Further the nomination form in support of listing the Rhoades Ranch on the National Register acknowledges the subject Borello property will be developed with a residential subdivision, and with that understanding, documents how the Rhoades Ranch property qualifies for listing.

Comment K-8: There needs to be a comprehensive impact analysis completed as part of the EIR process as well as the proper community input brought into the process for discussion of any mitigation measures that should be developed. The potential of over 400 new living units is of great concern to all that call Morgan Hill home.

Response K-8: During the Notice of Preparation process, the EIR preparation was subject to public comment. In addition, a community scoping meeting was held August 25, 2011 to provide an opportunity for public comment on the EIR preparation. Cumulative impacts associated with the proposed project were evaluated in Section 5.0 of the Draft EIR. The project proposes 244 units, with up to 180 units, on 122 acres and this density is consistent with the site's *Single Family Low (1-3 du/acre)* General Plan land use designation.

Comment K-9: A number of years ago the City of Morgan Hill approved an ordinance set forth to protect our historic and cultural resources and it seems that criteria has been overlooked or disregarded in this EIR Report process as well.

Response K-9: Section 3.11.1 Existing Setting discusses the City of Morgan Hill Historical Resources Ordinance.

SECTION 4.0 REVISIONS TO THE TEXT OF THE DRAFT EIR

This section contains revisions to the text of the Draft EIR. Text additions are underlined. Text deletions show the original text with a ~~strikeout~~ running through the part of the text to be deleted.

Page 36 Add the following text to Section 2.1.9 Project Description – Public Utility Easements, paragraph four:

There is one existing well on the northern portion of the property. The well will be maintained for continued use by the adjacent Giancola property owners and an easement will be provided to the Giancola's. If the project developer and the Giancola's agree to develop a new well at a different location, it may be abandoned but there are no agreements currently in place to remove the well. A new well may be drilled to supply non-potable water for landscape irrigation purposes. The well is anticipated to be approximately 500-feet deep and is anticipated to have a diameter of approximately 18-inches (the actual depth of the well and diameter will be determined at the time of the construction of the well).

Page 38 Add the following text:

This EIR will provide decision-makers in the City of Morgan Hill and the general public with relevant environmental information to use in considering the proposed project. It is proposed that this EIR be used for appropriate discretionary and other approvals necessary to implement the project, as proposed. These actions include, but are not limited to, the following approvals:

- Rezoning entire 122-acres to *R1-20,000/PD*
- Vesting Tentative Map/Final Map/Parcel Maps/Lot Line Adjustments/Utility Infrastructure Improvements
- Development Agreement
- Design Review Permit, including removal of trees
- Improvement Plans and Tract Maps
- Grading Permit
- SCVWD and RWQCB Watershed Modifications Permitting
- County permits for the Peet Road realignment and the detention basin
- United States Bureau of Reclamation right-of-way modifications
- SCVWD right-of-way modifications
- SCVWD well permit

Page 45 Modify text in paragraph one under “Zoning Ordinance Conformance” to the following:

The proposed zoning and PD Overlay would allow for 244 of the total 244 proposed units, however, the PD Overlay would allow for the remaining four (4) proposed units.

Page 69 Revise text in paragraph one of *Section 3.3.2.2 Direct Impacts to Prime Farmland, Farmland of Statewide Importance, and Unique Farmland* to the following:

...thereby resulting in the loss of ~~99.9~~ 103 acres of Prime Farmland...

Page 109 Revise text in paragraph two to the following:

The proposed project would result in a net increase in electricity, natural gas, and gasoline use in the City of Morgan Hill. Residences and buildings constructed in the project area would be built at minimum to Title 24 energy conservation standards and would also commit to 131 Build It Green points. ~~Energy efficiency would be at least 25 percent greater than the Title 24 standards (prior to the 2005 Title 24 amendments).~~ Energy efficiency measures include:

Page 109 Revise text in paragraph three, under the bullet point, to the following:

- Each home would provide a minimum of ~~16-255 watt panels produce 5,060 kilowatt hours per year per home.~~ 10 panels that produce 240 watts for a total system size of 2.4Kw.⁷

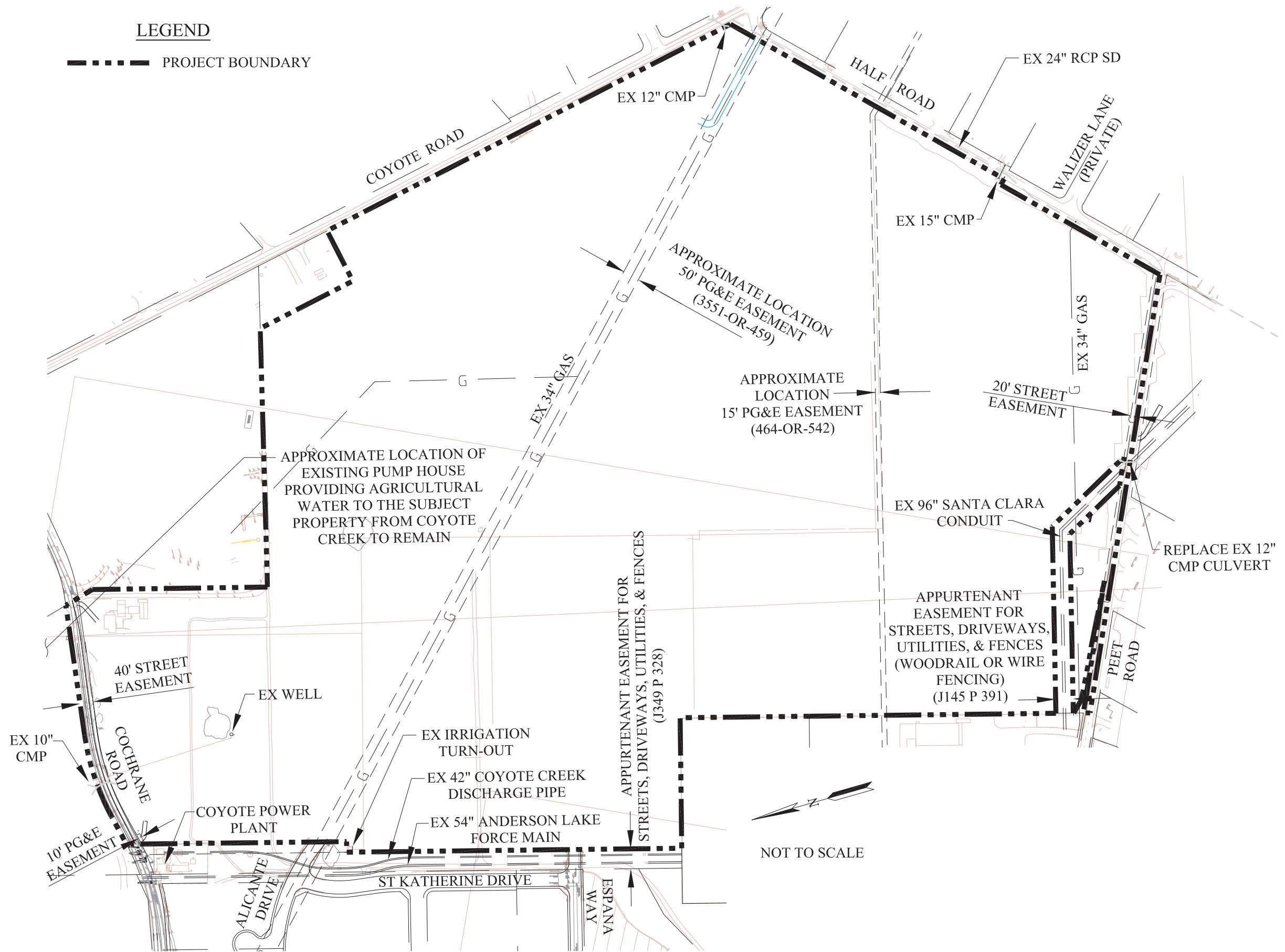
Page 124 Replace the existing Figure 3.10-1 with the following:

⁶ Monterey Energy Group, Brian Knight. Solar Generation Letter. February 27, 2012.

⁷ City of Morgan Hill, Ken DeLuna, Building Official. Email dated November 5, 2012.

LEGEND

— PROJECT BOUNDARY



EXISTING EASEMENTS AND UTILITIES

FIGURE 3.10-1

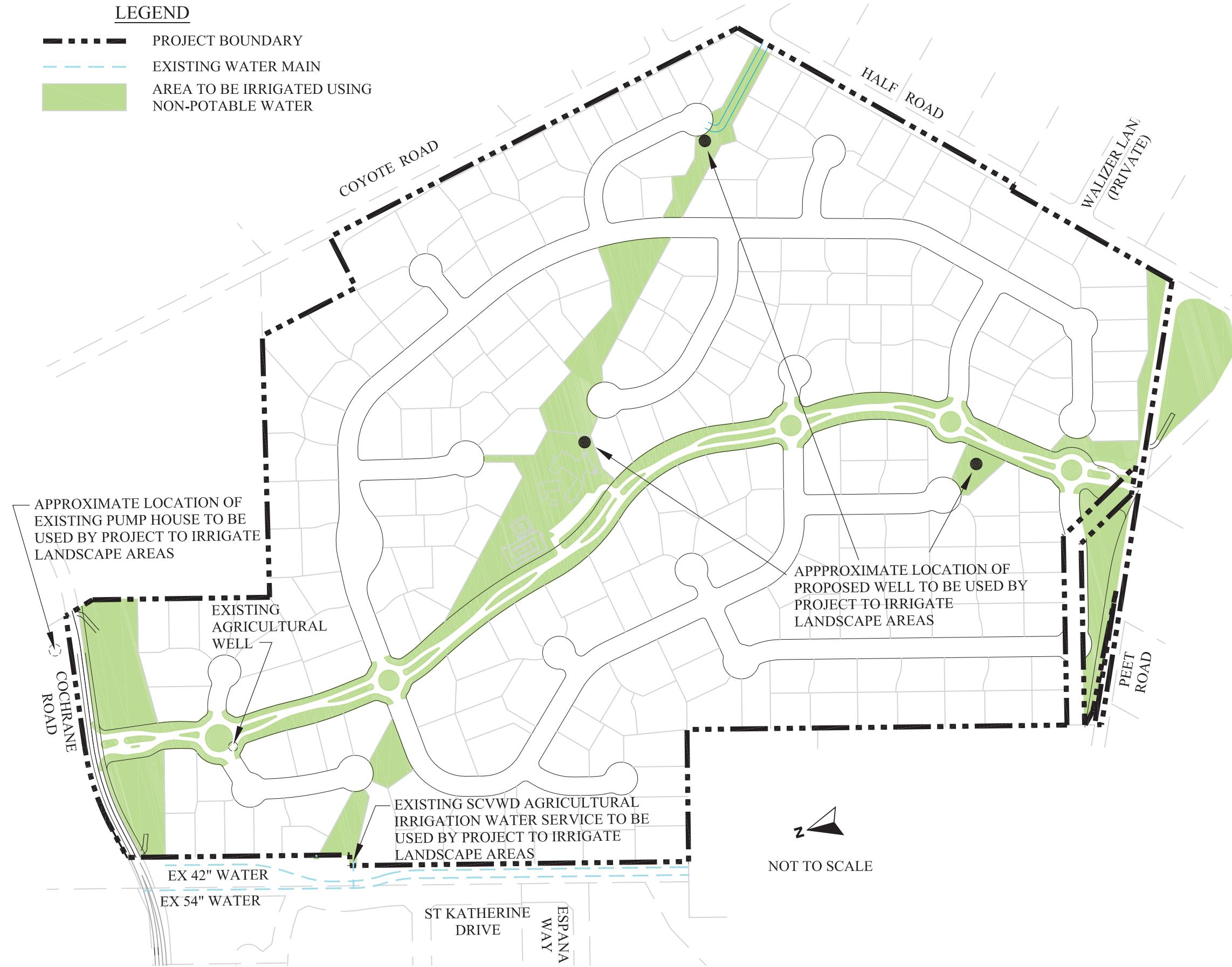
P. 129 Second paragraph, text is added as follows:

Existing water sources on and adjacent to the project site include: an agricultural well located at the northern portion of the site, an existing pump house located to the north of the site, adjacent to Cochrane Road, existing SCVWD agricultural irrigation water service to the west of the site adjacent to St. Katherine Drive, and the 96-Inch Santa Clara Conduit located at the southern portion of the site. The project is proposing to use the existing on-site well water, a new well that may be drilled to supply non-potable water for irrigation purposes, untreated surface water supplied from the adjacent 96-inch Santa Clara Conduit, SCVWD agricultural irrigation water, or water from the existing pump house that supplied irrigation water to the project site from Coyote Creek for irrigation of open space and street landscaping (31,835 gpd). Figure 3.10-3 shows the conceptual non-potable water layout for the project site, including three potential conceptual locations for a new well (only one of the three locations would be selected) that may be drilled to supply non-potable water for irrigation purposes. The well is anticipated to be approximately 500-feet deep and is anticipated to have a diameter of approximately 18-inches (the actual depth of the well and diameter will be determined at the time of the construction of the well).

P. 129 Third paragraph, text is added as follows:

The project intends to use a new well that may be drilled to supply non-potable water and/or the San Felipe turnout to irrigate the common open space area of the project. The project is proposing that the existing agricultural turnout located near St. Katherine Drive be converted for use in irrigating the common areas within the proposed project. The project applicant has been working with the Water District to amend the permit, similar to the adjacent Alicante project. The existing well located at the northwestern portion of the site would be maintained within a landscaped area adjacent to the existing oak tree being preserved. Figure 3.10-4 depicts areas proposed to be irrigated per each phase with potable and non-potable water.

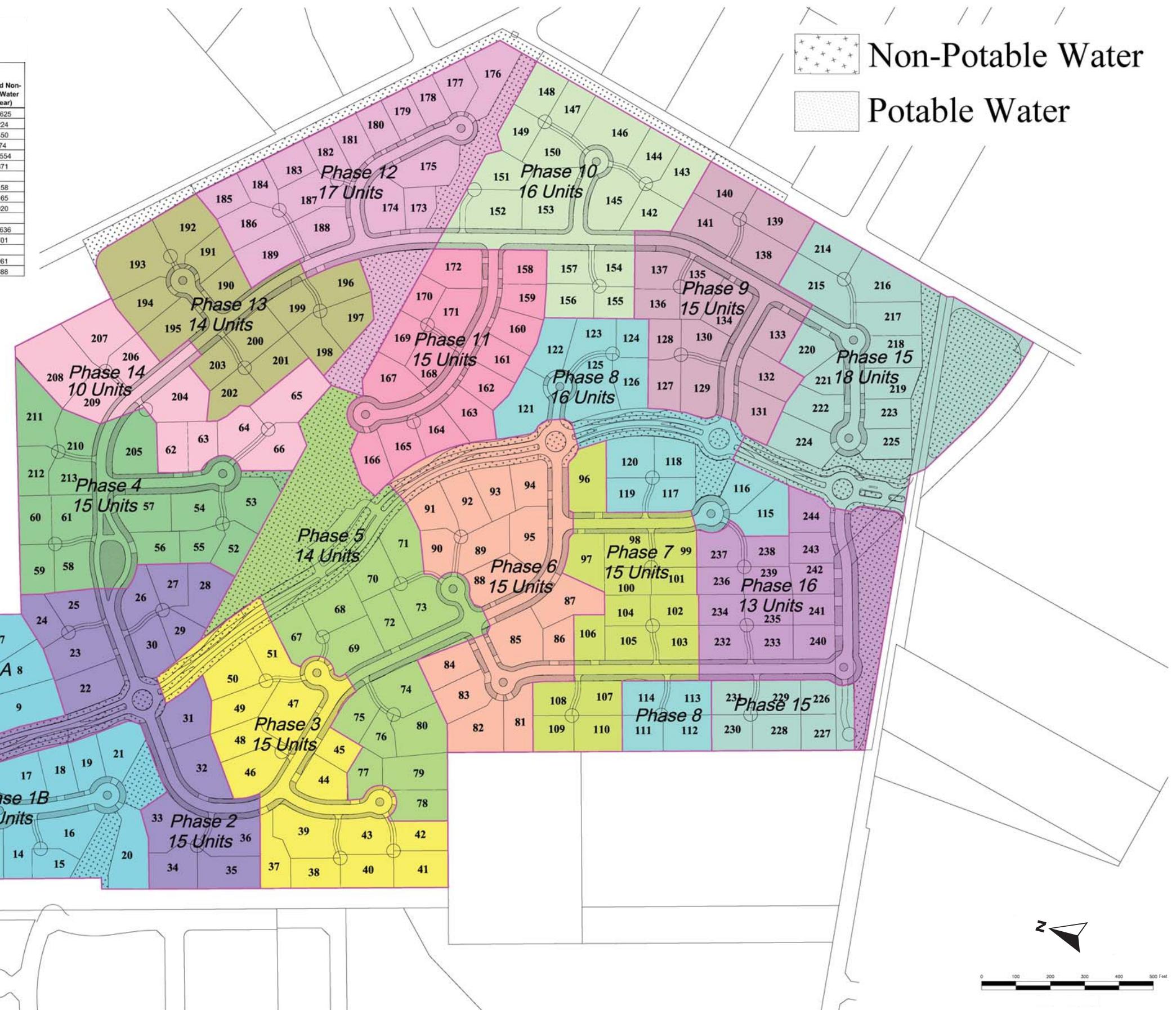
P. 130 Replace the existing Figure 3.10-3 with the following:



CONCEPTUAL NON-POTABLE WATER

FIGURE 3.10-3

Phase	Maximum Applied Water Allowance (Gal/Year)	Estimated Total Water Use (Gal/Year)	Estimated Total Acre Feet Per Year	Estimated Potable Water (Gal/Year)	Estimated Non-Potable Water (Gal/Year)
Phase 1	3,817,342	1,753,586	5.38	560,961	1,192,625
Phase 2	1,014,736	341,088	1.05	151,864	189,224
Phase 3	814,833	273,894	0.84	154,444	119,450
Phase 4	837,709	281,583	0.86	253,009	28,574
Phase 5	3,261,306	1,950,218	5.98	446,664	1,503,554
Phase 6	1,091,662	366,945	1.13	179,574	187,371
Phase 7	414,642	139,375	0.43	139,375	0
Phase 8	969,992	513,974	1.60	150,816	363,158
Phase 9	660,597	222,049	0.68	45,884	176,165
Phase 10	883,161	296,861	0.91	162,941	133,920
Phase 11	428,620	144,074	0.44	144,074	0
Phase 12	2,867,225	2,233,286	6.85	677,650	1,555,636
Phase 13	621,212	208,811	0.64	102,110	106,701
Phase 14	752,701	253,009	0.78	253,009	0
Phase 15	2,773,041	932,115	2.86	98,154	833,961
Phase 16	1,819,707	667,013	2.05	198,325	468,688



IRRIGATION-WATER USE PLAN

FIGURE 3.10-4

P.131 Include the following heading and text under “Storm Drainage System,” as follows:

Local Agency Permits and Requirements

The State Water Resources Control Board has implemented a National Pollution Discharge Elimination System (NPDES) Program to control and enforce storm water pollutant discharge reduction per the Clean Water Act. The Central Coast Regional Water Quality Control Board (RWQCB) issues and enforces the NPDES permits for discharges to water bodies in the southern portions of Santa Clara County, including the City of Morgan Hill. As part of their current NPDES Phase II Storm Water Permit, the RWQCB required the City to reduce the volume, rate, and pollutant loading of urban runoff. The RWQCB stipulated that the City establish development standards to be used in new development and redevelopment to help achieve the goals of the NPDES permit.

The City of Morgan Hill is currently working in conjunction with the City of Gilroy and Santa Clara County to develop a Regional Storm Water Management Plan. As part of this process, the City prepared interim Storm Water Post Construction Best Management Practices Development Standards, which were adopted by City council in August 2010. The interim standards outline storm water management strategies and design criteria to reduce the volume, rate, and pollutant loading to the maximum extent practicable through the use of Best Management Practices (BMPs) and Low Impact Development (LID) strategies. The interim standards also require the project applicant to enter into a maintenance agreement with the City that identifies a long-term monitoring and maintenance schedule for selected BMPs.

Page 142 Add text in *Section 3.11.2.3 Impacts to Historic Buildings* – Rhoades Ranch, as follows:

Proposed development located adjacent to the property line of the Rhoades Ranch would include rear yards of court homes separated from the historic landmark by a fence. The Rhoades Ranch currently has a driveway set away from the south property line that provides an additional buffer to the proposed development. The primary buildings of the Historic Landmark are set back from the parcel line with sufficient land between the new development and the historic buildings to maintain the rural setting on the landmark property.

As evaluated by historic consultant Urban Programmers (see Final EIR Appendix D), the proposed redevelopment of the former orchard land (i.e. project site) adjoining Rhoades Ranch does not threaten the aspects of architecture or associations with the people or events, for which the property was deemed historically significant, designated a Santa Clara County Landmark, and determined eligible for listing in the California Register of Historic resources. Of the three eras associated with the property; Phegley (1860-1917), Rhoades (1917-1945), and Dr. Thomas (1945-1976) the most significant of the three associations is with Dr. Harold E. Thomas, who's significance for California's strawberry growers and the State's agriculture industry is far greater than the previous owners who were civic and business leaders,

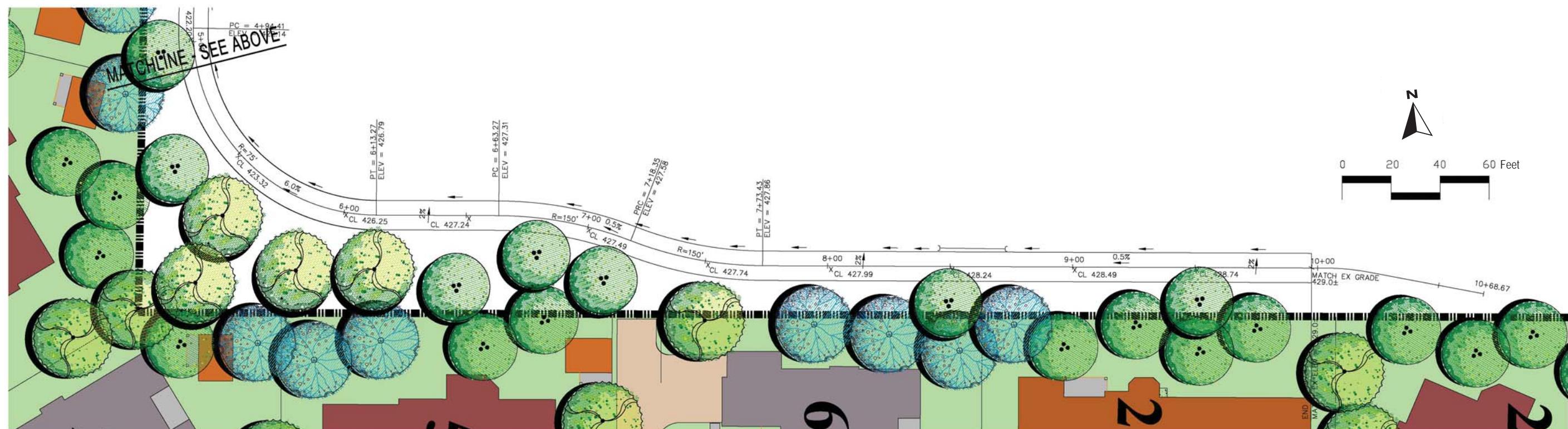
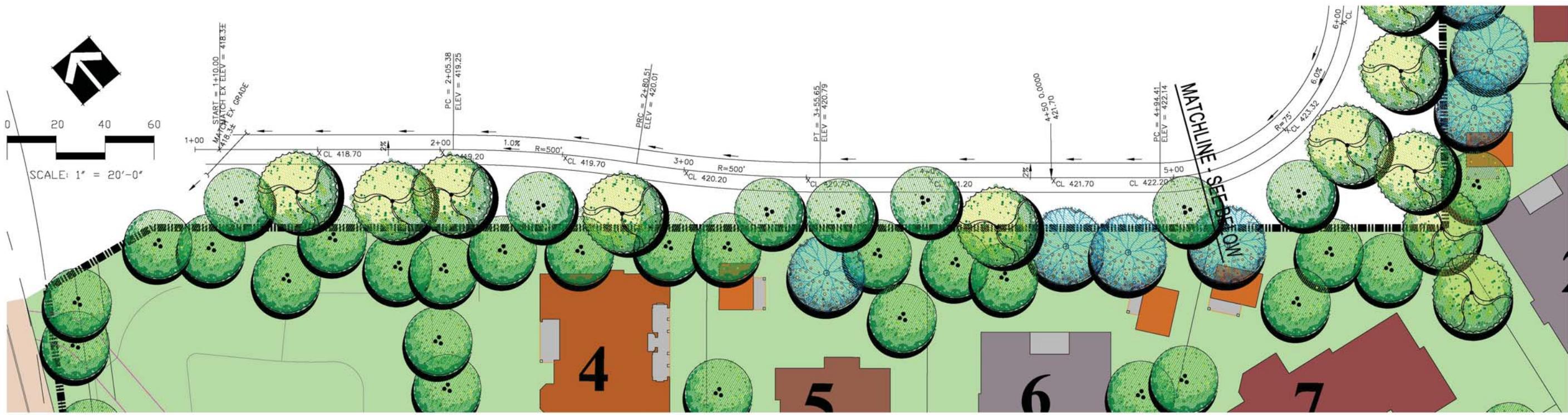
primarily in Santa Clara County. Dr. Thomas is the person listed as the significant person in the National Register Nomination for the Rhoades Ranch.

The change in use of the 122 acres adjacent to the Rhoades Ranch does not create a change to the buildings of the Rhoades Ranch or their relationships to each other and the spaces on the 12.27-acre parcel. The change on the Borello property to a residential community does not materially alter the environment on the Rhoades Ranch. During the first 85 years, the Rhoades Ranch included the Borello property and the rural nature of the entire property was part of the setting and context. After 1945 and the most significant era, 1945-1976, when the Rhoades Ranch was the laboratory and working site of Dr. Harold Thomas, the parcels were separate. During this period the significant activity on the Rhoades Ranch was carried out in buildings on the property that face into the center of the 12.27 acres. The work of Dr. Thomas did not involve, nor was it influenced by the activities on the Borello Property. The Borello property cannot be seen from the buildings used by Dr. Thomas and the California Strawberry Institute. The building that has a view of the Borello property is the Rhoades House where Dr. Thomas lived, but not where he did his research or operated the California Strawberry Institute.

The change in use of the Borello property does not lessen the ability of the Rhoades Ranch to convey the importance of the California Strawberry Institute and the work of Dr. Thomas. The buildings on the Rhoades Ranch represent a compendium of historic agricultural/rural buildings including an early American period barn, remains of a water tower, board and batten buildings and various sheds. None of these buildings are to be altered and their relationship to each other remains as it has been, encircling an open area in the center of the property. Nonetheless, the project has committed to the following, (in keeping with the mitigation recommended by Urban Programmers, see Final EIR Appendix D, pgs.47-48):

1. Landscaping on the Giancola property as proposed in the landscape/driveway plan.
2. Fence:
 - a. The project will install a maintenance free barrier/wall.
 - b. The project will commit to a precast/concrete and or masonry wall to provide a maintenance free barrier between the two properties. The wall will be placed on or within 5' of the property line at the discretion of the project applicant. In no event shall the wall be placed within the Giancola property unless they request applicant to do so. The wall will not include any rock or wrought iron. The concept is similar to the fencing the project will be using along the internal drive parkway. The wall separating the Giancola property and the Borello property will not include rocked columns or wrought iron detail in keeping with the character of the Rhoades ranch property.
 - c. The wall shall be installed concurrently with the construction of each phase that fronts along the Giancola property. Before an occupancy permit is obtained for the unit(s) that shares a common property line with the Giancolas, the wall shall be in place.
 - d. The wall and landscaping shall be phased in as each phase/unit is developed adjacent to the Giancola property.

(Less Than Significant Impact)



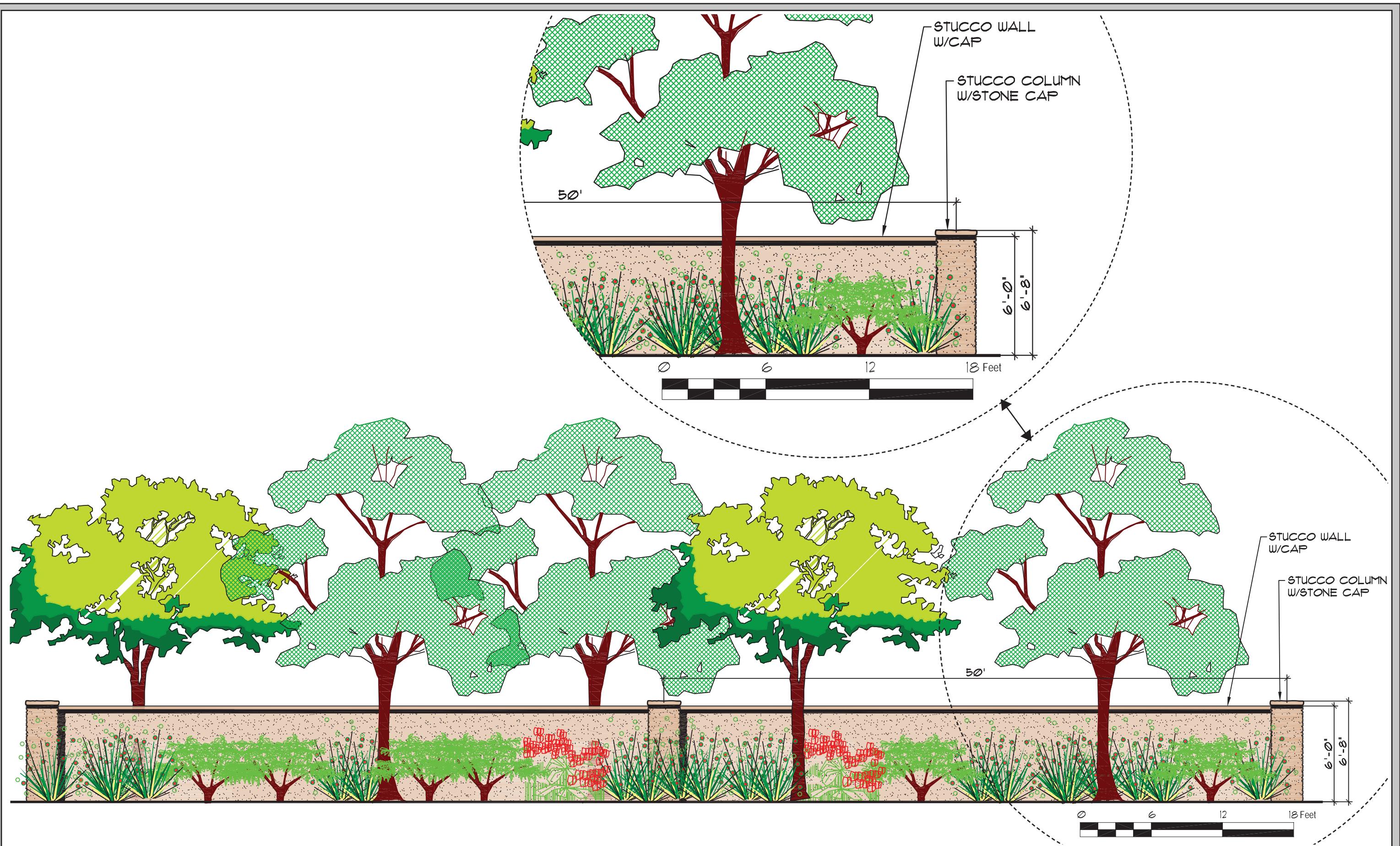
TREES, SUCH AS:
CERCIS OCCIDENTALIS
LYONOTHAMNUS FLORIBUNDUS
OLEA EUROPAEA
QUERCUS AGRIFOLIA
QUERCUS LOBATA

WESTERN REDBUD
CATALINA IRONWOOD
OLIVE TREE
COAST LIVE OAK
CALIFORNIA WHITE OAK

24" BOX
24" BOX
24" BOX
24" BOX
24" BOX

CONCEPTUAL DRIVEWAY LANDSCAPE GIANCOLA PROPERTY

FIGURE 3.11-2



GIANCOLA-BORELLO CONCEPT WALL

FIGURE 3.11-3

Page 146 Modify text in paragraph one under “Parks and Recreational Facilities” to the following:

The City of Morgan Hill owns 70 acres of developed parkland (including Civic Center, assessment district parks, and city owned trails) and 59 acres of recreation facilities, approximately 150 acres of public parkland, including two community parks, two neighborhood parks, two neighborhood/school parks, and 14 mini parks.

Page 146 Include the following text in paragraph three of the “Parks and Recreational Facilities” discussion, as follows:

and Anderson Lake County Park located approximately ¼ mile northeast of the project site, Regional Trail Route R5-D (Bay Area Regional Trail: El Sombroso-Lake Anderson) per the Countywide Trails Master Plan Update, this regional trail alignment is designated as a trail route within other public lands, for hiking, off-road cycling and equestrian uses. Per the Countywide Trails Master Plan Update, this regional trail alignment is designated as a trail route within other public lands, for hiking, off-road cycling and equestrian uses.

Page 146 Revise text in paragraph four of *Section 3.12.2.4 Parks and Recreational Facilities* to the following:

Morgan Hill’s population in 2010 was 40,246 37,882 and is projected to grow to 51,700 45,800 by 2030.⁸ Based on current Draft Capital Improvements Program (CIP), the City will own a total of approximately 213 acres of parkland by the end of 2011 to serve an estimated population of 41,391. In addition to publicly-owned parkland (129 acres mentioned above), there is also a significant amount of recreational land and open space in the City that is privately owned and maintained. Under the City’s General Plan Policy 18c, fifty percent of the private homeowners association (HOA) recreational acreage is counted toward meeting the General Plan goal of 5.0 acres per thousand population. Additionally, the General Plan allows ten percent of open space to be counted towards meeting the goal. In combination, these various types of public and private park and recreational facilities in the City of Morgan Hill total about 200 acres to serve an estimated population of 37,882. This exceeds the City’s goal of five acres of parkland per 1,000 capita.

Page 148 Revise the text in Table 3.12-1 footnote to the following:

*Based on single family attached detached generation rates.

Page 148 Include the following text in paragraph one of the “Parks” discussion, as follows:

The proximity of the Anderson County Park to the proposed project site (1/4 mile northeast) would likely encourage future project residents to use the county park. However, the

⁸ <http://2010.census.gov/2010census/popmap/iptext.pho?fl=06> and Association of Bay Area Governments. *Projections and Priorities 2009: Building Momentum, San Francisco Bay Area Population, Household, and Job Forecasts*. August 2009.

nominal increase in users is not expected to result in the physical deterioration of those park facilities, nor overcrowding. The project will offset it demand for park facilities by developing approximately 23 acres of private parks and open space throughout the project site as well as payment of in-lieu fees to the City of Morgan Hill.

Page 150 Revise text in paragraph one of *Section 3.13.1 Existing Setting* to the following:

~~According to the California Department of Finance estimates, Morgan Hill's population for 2011 was 38,547. The Association of Bay Area Governments (ABAG) projects the population for Morgan Hill to be 51,600 in 2030. Morgan Hill's population in 2010 was 37,882 and is projected to grow to 45,800 by 2030.~~⁹

Page 151 Revise text in paragraph one to the following:

Construction of Phase 1A is targeted for ~~June 2012~~ early 2013.

Pages 162-3 Include the following text in paragraph one in *Section 3.14.2.4 Impacts to Groundwater*, as follows:

The surface area of the Llagas groundwater basin is 56,000 acres. Infiltration varies over the basin, and creates an average annual infiltration volume of 0.4 acre-feet per acre of surface area. The total impervious surface of the proposed development is about 48 acres. Applying the most conservative assumption, that no rainfall onto post-project impervious surfaces is able to percolate into the groundwater basin, a decrease of about 19 acre-feet per year of infiltration (less than one tenth of one percent of existing conditions) would result. This amount does not represent a substantial interference with groundwater recharge. The project is proposing to use the existing on-site well water, a new well that may be drilled to supply non-potable water for irrigation purposes, untreated surface water supplied from the adjacent 96-inch Santa Clara Conduit, SCVWD agricultural irrigation water, or water from the existing pump house that supplied irrigation water to the project site from Coyote Creek for irrigation of open space and street landscaping (31,835 gpd). Figure 3.10-3 shows the conceptual non-potable water layout for the project site, including three potential conceptual locations for a new well (only one of the three locations would be selected) that may be drilled to supply non-potable water for irrigation purposes. The well is anticipated to be approximately 500-feet deep and is anticipated to have a diameter of approximately 18-inches (the actual depth of the well and diameter will be determined at the time of the construction of the well). The use of groundwater to irrigate landscaped areas on the project site would be less than historic groundwater use on the agricultural property and also would not substantially interfere with groundwater recharge.

Page 163 Include the following text after MM HYDRO-1.1, as follows:

9 <http://2010.census.gov/2010census/popmap/iptext.pho?fl=06> and Association of Bay Area Governments. *Projections and Priorities 2009: Building Momentum, San Francisco Bay Area Population, Household, and Job Forecasts*. August 2009.

MM HYDRO-1.2: The project results in increased runoff from the site due to the increased impervious surfaces. The project includes sufficient storage volume to mitigate the increased peak runoff rate for the 2-, 10-, 25- and 100-year storm events. The southern drainage basins outlets to an existing storm drain system; portions of which are currently under capacity. As such, the outlet works for the detention basins shall be designed to limit post-project flows to pre-project levels for the 2-, 10-, 25- and 100-year storm events such that the existing frequency of capacity exceedance of any existing culverts is maintained or decreased. Since the northern retention ponds do not discharge to existing drainage systems accept in the event of a storm larger than the 100-year event, outlet works should be placed at an elevation that conveys only storms greater than the 100-year storm. The 2-, 10-, 25- and 100-year storms will not discharge from the northern retention ponds, and therefore will meet the requirement that post-project peak flows will not exceed pre-project conditions. In order to mitigate the increase in peak flow rate due to the expansion of Peet Road, infrastructure should be appropriately sized and designed to convey the flow to one of the southern detention basins. The connection pipes between basins S1 and S2 (regardless of its location on or off site) and the 12-inch replacement pipe under Peet Road may also have to be modified from what is shown on the conceptual storm drain plan exhibit (which does not include the Peet Road re-alignment). Because these pipes will need to be lengthened to accommodate the widening of Peet Road, the hydraulic losses associated with the longer pipes will be greater. As such, the pipes may need to be enlarged to maintain the same capacity over this longer length. This is particularly relevant for the 12-inch replacement pipe under Peet Road. The pipe connecting basins S1 and S2 serves primarily as a hydraulic connection between the basins and its capacity may not be relevant.

Page 164 Include the following text after paragraph five of MM HYDRO-3.1, as follows:

These types of BMPs include infiltration basins and trenches, constructed wetlands, rain gardens, grassy swales, media filters, and biofiltration features. BMPs shall be designed in accordance with engineering criteria in the California Stormwater BMP Handbook for New and Redevelopment¹⁶ or other accepted guidance and designs shall be reviewed and approved by the City prior to issuance of grading or building permits for the roadway or driveways. These types of structural BMPs are intended to supplement other storm water management program measures, such as street sweeping and litter control, outreach regarding appropriate fertilizer and pesticide use practices, and managed disposal of hazardous wastes. The applicant shall prepare a clearly defined operations and maintenance plan for water quality and quality control measures. The design and maintenance documents shall include measures to limit vector concerns, especially with respect to control of mosquitoes. The applicant shall identify the responsible parties and provide adequate funding to operate and maintain storm water improvements (through a HOA, Geological Hazard Abatement District, CSD, CFD or similar organization). The applicant shall also establish financial assurances, as deemed appropriate by the Morgan Hill Community Development Department, enabling the

City to maintain the storm water improvements should the HOA or other entity disband or cease to perform its maintenance responsibilities.

Page 169 Add text to paragraph two of *Section 3.15.1.3 Existing Transit Service* as follows:

Route 16 provides bus service between Burnett Avenue and the Morgan Hill Civic Center. Route 16 does not operate on weekends. Near the project site, Route 16 operates along Cochrane Road, Mission View Drive, Half Road, and Elm Road. The closest bus stop is located at the Half Road and Elm Road intersection. Route 16 operates during AM and PM peak hours weekdays.

Page 189 Modify the following text in paragraph one of Section 3.16.1.4, as follows:

The predominant noise sources affecting the project site include local roadway traffic along Cochrane Road and Peet Road, and operations at the Santa Clara Valley Water District (SCVWD) pump facility which borders the southwest portion of the site, and the SCVWD's hydroelectric facility bordering the northwestern portion of the site.

Page 193 Include the following text after paragraph two of "Short-Term Noise Monitoring," as follows:

Data provided by Mr. Robert Haskins, Santa Clara Valley Water District, on October 29, 2012, showed that noise levels along the south and east boundaries of the hydroelectric facility, and adjacent to the proposed project site, ranged from 39 to 53 dB. Mr. Haskins noted that measured noise levels were the result of operations at the hydroelectric facility, birds, and other environmental sounds, and that measured noise levels would likely be lower in the morning or evening when other environmental sounds are at a minimum.

Review of the noise data indicates that noise levels from the hydroelectric facility would be less than 60 dBA and would comply with Chapter 18.48, Section 18.48.075 of the Zoning Code, which regulates noise level limits at the property line of residential land uses. No mitigation would be required in order to comply with the Zoning Code noise limits at the nearest proposed residential property.

APPENDIX A

COPIES OF COMMENT LETTERS RECEIVED

COCHRANE-BORELLO RESIDENTIAL DEVELOPMENT PROJECT

Final Environmental Impact Report
City of Morgan Hill

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
 P. O. BOX 23660
 OAKLAND, CA 94623-0660
 PHONE (510) 286-6053
 FAX (510) 286-5559
 TTY 711



*Flex your power!
 Be energy efficient!*

DEVELOPMENT
 SERVICES

SEP 27 2012

CITY OF MORGAN HILL

SCL101889
 SCL-101-17.82
 SCH#2011082039

September 26, 2012

Ms. Terry Linder
 City of Morgan Hill
 17575 Park Avenue
 Morgan Hill, CA 95037

Dear Ms. Linder:

Cochrane-Borello Residential Development Project / Draft Environmental Impact Report

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above.

Traffic Operations

The following tables need to be updated using the guidelines in the 2000 Highway Capacity Manual and the Level of Service letter grades based on density: Tables 3.15.1, 3.15-5, 3.15-6, 3.15-7, 3.15.8, and 3.15-10. Also on Table 3.15-8, trips added should be converted to passenger car equivalent as the capacity and density in this table are based on passenger car equivalent. Please also include the near term Cumulative Plus Project Freeway analysis.

Forecasting

Please update your Traffic Impact Study (TIS) to include a 2035 Cumulative Conditions and 2035 Cumulative Plus Project Conditions to reflect long term traffic impacts. The 2015 near term Cumulative Conditions in your TIS should be considered as short term impacts since 2015 is just three years away. As a result, it is too short term to demonstrate cumulative effects.

Should you have any questions regarding this letter, please contact Keith Wayne of my staff by telephone at (510) 286-5737, or by email at keith_wayne@dot.ca.gov.

Sincerely,

ERIK ALM, AICP
 District Branch Chief
 Local Development – Intergovernmental Review

c: Scott Morgan, State Clearinghouse

County of Santa Clara
Department of Planning and Development
County Government Center, East Wing
70 West Hedding Street, 7th Floor
San Jose, California 95110



Phone:	Administration (408) 299-6740 (408) 299-6757	Development Services (408) 299-5700 (408) 279-8537	Fire Marshal (408) 299-5760 (408) 287-9308	Planning (408) 299-5770 (408) 288-9198
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Via USPS

August 29, 2012

City of Morgan Hill
17555 Peak Avenue
Morgan Hill, CA 95037

Attention: Terry Linder
Senior Planner

Applicant: Lands of Borello

Road Name: Cochrane Road Improvements

Dear Ms. Linder;

This letter is in response to the Environmental Impact Report EIR for the Cochrane - Borrello Residential Development Project. This letter discusses Floodplain issues only. Other letters from Santa Clara County will be forthcoming.

The EIR does not speak to Federal Emergency Management Agency's (FEMA) floodplain issues on Coyote Creek adjacent to the County maintained portion of Cochrane Road. These facilities have been identified in the current Federal Insurance Study (FIS) as a Zone A floodplain of unknown base flood elevation. Downstream near the intersection of Saint Marks Way and Cochrane Road, this floodplain is identified as a floodway of known base flood elevation. Improvements along Cochrane Road will affect the flood carrying capacity of Coyote Creek through that portion of the unincorporated County will require the submittal and issuance of a Floodplain Development Permit through the Santa Clara County Building Office. It is suggested that the City Floodplain Administrator look into a City Floodplain Development Permit as well and coordinate submittal for FEMA review.

As this project will affect the identified floodway downstream of the project, the permit application will require a Conditional Letter of Map Revision (CLOMR) be prepared to the FEMA requirements and approval by FEMA staff prior to commencement of construction. The permit application will also require a Letter of Map Revision (LOMR) be prepared to the FEMA requirements and approval by FEMA staff after the completion of construction.

When you submit plans, please make sure you submit the following information:

- As Flood Zone A (Undetermined Water Surface Elevation) is identified immediately adjacent to the Cochrane Road improvements, a Base Flood Elevation Study, consistent with FEMA Technical Bulletin 265, should be completed and submitted to establish the heretofore unestablished water surface elevations.
- Improvement plans including erosion control.
- Clearance Letters or copies of permits as applicable from Army Corp (404 permit), Regional Board (401), NOAA Fisheries, Fish & Wildlife, Fish & Game, and any other state, local or federal agencies. Per FEMA requirements of the local agencies, the County will review the

plans and check for conformance with the local, state, and federal agencies.

- A signed and stamped No Rise Certificate prepared by a Registered Civil Engineer.
- No Adverse Impact Certificate / Statement prepared by a Registered Civil Engineer.
- A No Impact to Structures Statement prepared by a Registered Civil Engineer. The SCVWD can use the FEMA example No Rise language on SCVWD letterhead. No Impact to Structures statement should state that there are no structures located in areas that could be impacted by the proposed development and/or be affected by the increased BFE (unless they have been purchased for relocation or demolition).
- The District can also include the following statements on the same letter to address the No Adverse Impact and No Impact to Structures. The No Adverse Impact statement should state that the proposed project does not:
 1. Increase the flow velocities of "Permanente Creek",
 2. Expand or change the limits of the floodplain,
 3. Alter or change the physical characteristics of the floodplain, and
 4. Decrease the flood storage capacity.

If you have any questions and/or when you are ready to submit, please contact me at (408) 299-5732 or CHRIS.FREITAS@PLN.SCCGOV.ORG.

Sincerely,



Christopher Freitas, P.E.
Senior Civil Engineer,
County of Santa Clara

CF:cf

cc: Michael Harrison - Floodplain Administrator, Building Department
Darrell Wong - Principal Civil Engineer, LDE
Colleen Oda - Planner III, Planning Office
Sarah Owens - FEMA – by E-mail Sarah.Owens@dhs.gov
Ray Lee - California State Department of Water Resources -- by E-mail Ralee@water.ca.gov

**CITY OF
SAN JOSE**

County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org



September 7, 2012

Terry Linder
City of Morgan Hill
Development Services Center
17575 Peak Avenue
Morgan Hill, CA 95037

Subject: Notice of Availability of a Draft Environmental Impact Report for a 244 Unit Single-Family Development Project in the City of Morgan Hill

Dear Ms. Linder:

The County of Santa Clara Parks and Recreation Department (“County Parks Department”) is in receipt of a Notice of Availability (NOA) of a Draft Environmental Impact Report (EIR) for a 244 Unit Single-Family Development Project in the City of Morgan Hill.

Upon reviewing the Draft EIR, the County Parks Department noted that the earlier comments that were submitted in response to the NOP were not entirely addressed nor were the requested additions made in the Draft EIR reflecting these comments. Attached is a copy of the original comment letter dated September 1, 2011.

The County Parks Department’s comments are primarily focused on potential impacts related to the *Santa Clara County Countywide Trails Master Plan Update*, an element of the Parks and Recreation element of the County General Plan that the Board of Supervisors adopted on November 14, 1995, relative to countywide trail routes, public access and regional parks.

3.12.2.4 Parks and Recreational Facilities

This section of the Draft EIR should describe the following countywide trail routes, which have the potential to be impacted as a result of the proposed project.

- **Regional Trail Route R5-D (Bay Area Ridge Trail: El Sombroso – Lake Anderson)**



Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith



Per the Countywide Trails Master Plan Update, this regional trail alignment is designated as a trail route within other public lands, for hiking, off-road cycling and equestrian uses.

Draft EIR should also address the recreational, open space and public service impacts of the increased usage anticipated with the new residents on the adjacent Anderson County Park and regional trail routes as a result of the proposed project.

3.15 Transportation

3.15.2.2 Project Conditions

As stated in the previous comment letter, given the close proximity of the proposed project to Anderson County Park, the Draft EIR should discuss the potential impacts to traffic and circulation from residents accessing and exiting the project site from Cochrane Road and the adjacent Anderson County Park from the project site. Cochrane Road serves as a well-used access road for accessing Anderson County Park.

Thank you for the opportunity to comment on the Draft EIR for a 244 Unit Single-Family Development Project. We look forward to reviewing the Final EIR when it becomes available. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2230 or via email at Kimberly.Brosseau@prk.sccgov.org.

Sincerely,



Kimberly Brosseau
Park Planner III

cc: Jane Mark, Senior Planner
Mike Bacon, Senior Park Ranger
Eric Goodrich, Park Ranger Supervisor

County of Santa Clara

Parks and Recreation Department

298 Garden Hill Drive
Los Gatos, California 95032-7669
(408) 355-2200 FAX 355-2290
Reservations (408) 355-2201
www.parkhere.org



September 1, 2011

Terry Linder
City of Morgan Hill
Development Services Center
17575 Peak Avenue
Morgan Hill, CA 95037

Subject: Notice of Preparation for an Environmental Impact Report for a 244 Unit Single-Family Development Project in the City of Morgan Hill

Dear Ms. Linder:

The County of Santa Clara Parks and Recreation Department (“County Parks Department”) is in receipt of a Notice of Preparation (NOP) for an Environmental Impact Report (EIR) for a 244 Unit Single-Family Development Project in the City of Morgan Hill.

The County Parks Department’s comments are primarily focused on potential impacts related to the *Santa Clara County Countywide Trails Master Plan Update*, an element of the Parks and Recreation element of the County General Plan that the Board of Supervisors adopted on November 14, 1995, relative to countywide trail routes, public access and regional parks.

4.0 POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT

Availability of Public Facilities and Services

This section of the EIR should describe the following countywide trail routes, which have the potential to be impacted as a result of the proposed project.

- Regional Trail Route R5-D (Bay Area Ridge Trail: El Sombroso – Lake Anderson)**

Per the Countywide Trails Master Plan Update, this regional trail alignment is designated as a trail route within other public lands, for hiking, off-road cycling and equestrian uses.



Board of Supervisors: Mike Wasserman, George Shirakawa, Dave Cortese, Ken Yeager, Liz Kniss
County Executive: Jeffrey V. Smith



Per the Countywide Trails Master Plan Update, this regional trail alignment is designated as a trail route within other public lands, for hiking, off-road cycling and equestrian uses.

The EIR should acknowledge the nearby Anderson County Park and regional trail routes as park and recreational opportunities for future residents. The Draft EIR should however, also address the recreational, open space and public service impacts of the increased usage anticipated with the new residents on the adjacent Anderson County Park and regional trail routes as a result of the proposed project.

Transportation

Given the close proximity of the proposed project to Anderson County Park, the EIR should discuss the potential impacts to traffic and circulation from residents accessing and exiting the project site from Cochrane Road and the adjacent Anderson County Park from the project site. Cochrane Road serves as a well-used access road for accessing Anderson County Park. In addition, the Circulation narratives should discuss whether or not residents would park along the County Park side of Cochrane Road, and whether residents would walk or bike in to the park from the development.

Hydrology and Water Quality

The EIR should address how the project will be impacted by the Santa Clara Valley Water District's planned seismic retrofit repairs to Anderson Dam which is tentatively scheduled to begin for 2015-16.

Thank you for the opportunity to comment on the NOP for an EIR for a 244 Unit Single-Family Development Project. We look forward to reviewing the EIR when it becomes available. If you have any questions regarding these comments, please feel free to contact me at (408) 355-2230 or via email at Kimberly.Brosseau@prk.sccgov.org.

Sincerely,



Kimberly Brosseau
Park Planner III

cc: Jane Mark, Senior Planner
Mike Bacon, Senior Park Ranger
Eric Goodrich, Park Ranger Supervisor



September 24, 2012

City of Morgan Hill
Planning Department
1575 Peak Avenue
Morgan Hill, CA 95037

Attention: Development Review Committee

Subject: Cochrane-Borello

Dear Sir or Madam:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the Draft EIR for 244 homes on 122 acres for a site bounded by Cochrane Road, Half Road, and Peet Road. We have the following comments.

Pedestrian and Bicycle Accommodations

VTA supports the recommendations in the TIA that the project provide sidewalks along all public street frontages as well as new bicycle facilities along the Cochrane Road frontage (pg. 25). VTA requests that the City require these improvements as specific, enforceable Conditions of Approval for the project.

The TIA also identifies additional planned bicycle facilities on Peet Road, Half Road, and East Main Avenue that would, together with the new facilities on Cochrane Road, provide a complete network of routes from the project site to Live Oak High School. These additional facilities are identified in the City's 2008 *Bikeways Master Plan Update*. VTA notes that the proposed project will generate significant new demand for trips to Live Oak High School, and therefore recommends that the City require the applicant to provide a fair share contribution to these improvements.

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. M.' followed by a stylized surname.

Roy Molsseed
Senior Environmental Planner
MH0702



File: 25104
Coyote Creek

September 27, 2012

Ms. Terry Linder, Senior Planner
Community Development Agency
City of Morgan Hill
17575 Peak Avenue
Morgan Hill, CA 95037

Subject: San Sebastian DEIR—Cochrane-Borello Residential Development Project

Dear Ms. Linder:

The Santa Clara Valley Water District (District) is a special district with jurisdiction throughout Santa Clara County. The District acts as the county's groundwater management agency, principal water resources manager, flood protection agency and is the steward for its watersheds, streams and creeks, and underground aquifers.

We appreciate the opportunity to comment on the DEIR for the subject project. This letter transmits comments that focus on the areas of interest and expertise of the District.

The proposed development is located directly adjacent to District owned property for the Anderson Hydroelectric Facility, the Anderson Force Main, Coyote Discharge Line, a corporation yard, as well as the United States Bureau of Reclamation's property for Coyote Pump Plant and Santa Clara Conduit (operated and maintained by the District). In addition, the District has pipelines in Cochrane Road to the east of the project site and Half Road to the southeast of the project site that deliver untreated water to the Main Avenue Percolation Ponds and the Madrone Channel for percolation into the groundwater basin. These facilities are vital to the water supply infrastructure of the county.

Section 2.3—This section includes a list of approvals needed to implement the project. The project proposes several modifications to District right of way and to United States Bureau of Reclamation (USBR) right of way which is operated and maintained by the District. The proposed modifications to District and USBR right of way are discretionary approvals, are subject to District and USBR review and approval for the modifications, and should not be considered ministerial. The District and USBR have the right to deny or require modifications to the proposed improvements within its right of way as part of its review and approval processes and both agencies should be listed separately.

Section 3.1.2.3, Impacts from the Proposed Project—This section mentions the proposed realignment and widening of Peet Road to the south of the existing Mariani parcel and states



that it would not impact any existing structures on the four parcels to the south of Peet Road. This statement is not true as the proposed realignment and widening of Peet Road proposes to encroach onto USBR and District right of way for the Santa Clara Conduit and two above-ground vaults. The District does not desire to place either vault within a roadway, therefore, it is possible that other alignments or widths of Peet Road that do not include placing the vaults within the paved road will need to be considered. Additional changes may be required depending on specific grading and alignment proposals submitted to the District. The project also proposes to install detention basins in the USBR right of way on the north side of Peet Road. The District will not allow any detention basins, including the side slopes of detention basins, within the USBR right of way for Santa Clara Conduit. The District also prefers not to have a detention basin located directly adjacent to the USBR right of way as it may impact the pipeline. The USBR right of way must be maintained to allow District and USBR vehicular access from the adjacent roadways (i.e. Peet Road and Half Road) and solid fencing, structures, trees, gates and other structures that may adversely impact the operation and maintenance of the Santa Clara Conduit will not be allowed. Any improvements, including roadways, utilities, driveways, and other rights maintained by the owner by deed require District and USBR approval and "...shall be so exercised as not to interfere with the use of the land, damage or endanger any facility or structure of the United States, or prevent reasonable access thereto for the purpose of construction, operation, and maintenance of..." Santa Clara Conduit. The District and USBR will determine whether any exercise of the owner's reserved rights may interfere with the use of the USBR right of way after review of detailed grading and improvement plans.

3.10.1.1, Water Service, Water Supply Infrastructure—This section states that the project proposes to utilize the Santa Clara Conduit for common area irrigation. However, the District will not permit a turnout on Santa Clara Conduit for the purpose of common area irrigation.

Figure 3.10-1—This figure references appurtenant easements the owner has over lands of the District and USBR. The figure should reflect that the appurtenance easement does not include fencing rights, except for wood-rail or wire fencing (non-solid, non-permanent fencing) on the USBR right of way.

3.10.2.2, Water Supply and Service Impacts, Non-Potable Water—This section again states the project is proposing to use the Santa Clara Conduit for irrigation of open space and street landscaping. Again, the District will not permit a turnout on Santa Clara Conduit for those purposes. Additionally, it should be noted that the project owner must apply for and obtain approval to change the terms of its existing agricultural turnout located near Katherine Drive for non-agricultural purposes and to verify its proposed usage. If the changes to the use of existing turnout are approved by the District, then its terms will be subject to current District policies which include the fact that the water supplied is not a guaranteed water source, is subject to interruption at any time for any reason, and is subject to termination. The pump house located within the District's right of way for Coyote Creek is also subject to the District's surface water diversion policies for that water deemed by the District to be water impounded by the District's Anderson Reservoir during times when there is no natural Coyote Creek flow.

3.10.2.4, Storm Drainage System, Post-Construction Storm Water Management—This section does not include any mention or description of the City of Morgan Hill's (City's) municipal National Pollutant Discharge Elimination System (NPDES) permit requirements, the City's

Storm Water Management Plan implemented as part of the City's municipal NPDES permit or describe or discuss any of the project's requirements under the City's Post Construction Storm Water Pollution Prevention Ordinance adopted to comply with the City's municipal NPDES permit requirements. Additionally, the section does not describe how the project will implement these requirements, including the hydromodification requirements for those areas draining to Coyote Creek, and whether sufficient areas have been set aside on the project site to implement the requirements. This section should be modified to include discussion on these issues.

3.14, Hydrology and Water Quality—The District questions the soundness of this entire section of the DEIR. The section starts with a statement that this section is based in part on the Hydrology and Water Quality Review prepared by Schaaf and Wheeler in June 2012, and a copy of the report is included in the DEIR as Appendix L. The following is a brief list of just some of the inconsistencies found in this section which makes the soundness of this section questionable:

- Schaaf and Wheeler's report contains a list of Project Impacts and Mitigation Measures based on the City's own thresholds of significance. These Project Impacts and Mitigation Measures do not match the project impacts and mitigation measures in the DEIR section on Hydrology and Water Quality—which is applicable?
- The DEIR section contains Impact-HYDRO-1. This text listed after this impact is not stated as an impact. It is not clear what the stated impact is. The District recommends that impacts be identified based on the City's own thresholds of significance, as done in Appendix L.
- The DEIR section contains MM HYDRO-1.1 which states that in order to avoid impacts to the City's storm drain system, the mitigation measure required is that the portion of the site draining to Coyote Creek will include hydromodification mitigation. This mitigation measure doesn't address impacts to the City's storm drain system and even if it did, it would only address a minor portion of the site which does not drain to the City's storm drain system. Additionally, hydromodification is used to address adverse impacts to Coyote Creek, not the storm drain system.
- The DEIR section includes no discussion on how the project will comply with the hydromodification provisions for the portion of the site draining to Coyote Creek. The DEIR should address whether the site has sufficient space to implement the hydromodification requirements.
- Appendix L addresses the City's threshold of significance for the violation of waste discharge requirements by stating this impact is not discussed in detail and deemed less than significant because the wastewater from the project site is planned to be delivered via piped sanitary sewer lines to the sanitary sewer treatment plant. However, this standard threshold of significance is intended to address waste discharge requirements regulated by the State Water Resources Control Board for storm water, not sewage.
- Appendix L includes an analysis of pre-development and post-development peak discharges and volumes calculated for the development which are vastly different from the discharges calculated and shown in Appendix I, the Preliminary Engineer's Report prepared by Ruggeri-Jensen-Azar & Associates. Please clarify this discrepancy.
- Appendix L and the DEIR section should be modified to clearly state whether the storm runoff from the portion of the site draining to Coyote Creek will be completely mitigated and contained within the retention basins on Cochrane Road with no discharges leaving

the site (except for those discharges exceeding the 100-year event) and clearly state whether the project will be required to design their site to mitigate their increased runoff leaving their site to pre-development peak flows and volumes during the 2-yr., 10-yr. and 100-yr. events. If so, then these requirements should be listed as mitigation measures for the potentially significant impact of increased flooding since the downstream receiving facilities, Coyote Creek and Madrone Channel/Llagas Creek are subject to flooding during events more frequent than 100-year flooding and both facilities are subject to erosion. Some parts of the DEIR states that the project will limit its runoff to the maximum extent practicable which is very ambiguous. Also, Appendix L appears to have calculated a volume for the detention basins based on 24-hour volumes, but does not clearly state whether the detention basins will be large enough to mitigate for the increased peak flows as well. To address increased runoff and potential increased flooding, the detention basins should be designed to ensure post-development peak flow and volumes are not greater than pre-development peak flow and volumes leaving the site during the various storm events.

- The DEIR section mitigation MM HYDRO-3.1—our comments are the same as above in our comments on section 3.10.2.4. Without a detailed discussion of the requirements that the project will comply with and implement, this mitigation measure seems inadequate. For example, does the project have available land to comply with the flow or volumetric treatment control best management practice requirement?
- This section should clarify the roles between the County of Santa Clara and the City for the issue of storm drainage since it appears the development will discharge its storm drainage into the County's jurisdiction.

3.14.1.4, Hydrology and Water Quality, Water Quality— This section only mentions the state construction NPDES permit requirements. The comments made on Section 3.10.2.4 also apply to this section.

3.16.1.4, Existing Noise Levels—This section did not include mention of any testing performed near the District's hydroelectric facility. The District recommends this section include a statement as to the reasons that noise from the hydroelectric facility, located adjacent to the development, were deemed not significant enough to be studied. In the absence of a sufficient enough reason, the District recommends that any lots located adjacent to the hydroelectric facility be subject to the mitigation measures MM NV-1.1 through 1.3.

One other issue mentioned in our Notice of Preparation letter that the District would like to re-emphasize is our current activities regarding our Anderson Dam seismic retrofit project, which is anticipated to impact the project site in some manner in the future, since the development is located near the base of the Anderson Dam. Several community outreach meetings have been held, and the project owner is aware of the project. The District has completed a seismic study of Anderson Dam that shows the material at the base of the dam may liquefy in a 7.25 magnitude earthquake on the nearby Calaveras Fault. The District has imposed operating restrictions to prevent the uncontrolled release of water after a major earthquake. Water at the reservoir is being kept at least 25 feet below the spillway and 45 feet below the crest of the dam. A seismic retrofit project has been initiated to fix the dam, although construction activities are currently not expected to begin until early 2016. This project will likely result in significant dust, noise, and aesthetic impacts to future residents when the project is undertaken. Information on

Ms. Terry Linder
Page 5
September 27, 2012

the project and its current status can be obtained from the District's website at:
<http://www.valleywater.org/Services/AndersonDamAndReservoir.aspx>

The District appreciates the opportunity to comment on the DEIR and looks forward to reviewing the final EIR when available. Please contact me at (408) 265-2607, extension 2319, or a yarroyo@valleywater.org if you have any questions.

Sincerely,



Yvonne Arroyo
Associate Engineer
Community Projects Review Unit

cc: S. Tippets, M. Martin, C. Elias, F. Maitski, S. Oblonsky, K. Oven, J. Maher, L. Lee,
L. Keele, G. Nagaoka, R. Haskins, E. Aryee, S. Katric, M. Martin, File

25104_55414ya09-27

From: Joe Mueller [joemueller@verizon.net]
Sent: Monday, September 03, 2012 6:45 PM
To: Terry Linder; Mitchell Oshinsky
Subject: Borello Project Questions

Terry, Mitch

Good morning,

Here are my initial questions on the Borello Project:

1. Phase 5 seems late for common recreation center facilities to be built. Can they be started sooner?
2. Project is not following natural contours with cuts of 25 feet and fills of 10 feet. I thought the project committed to following the Natural contour. Are large cuts in conformance with the GP?
3. Has PGE agreed to abandon the 15 ft. easement and 20 inch gas line? Will the line be completely removed? What are the requirements?
4. Does the Borello Project have control of the four parcels involved with realignment of Peet Rd?
5. Cottage unit size of 266 square feet seems really small?
6. Has the water source for the common open space been determined (ref EIR page 129)?
7. Does the 10 year round farm worker housing units impact the number of allocations needed (EIR page 151, paragraph 3)?
8. The maximum cut is in the area of Coyote Road. Is there an alternative to the large cut?
9. Is an underlying zoning change required? If so, why not R1-12K versus R1-20K?

I am sure I will have more once the Packet is out for this agenda item.

Please let me know if you have any questions.

Thanks for the help.

Joe

From: Joe Mueller [joemueller@verizon.net]
Sent: Monday, September 03, 2012 6:43 PM
To: Terry Linder; Mitchell Oshinsky
Subject: Borello EIR Questions:

Terry, Mitch

Here are my questions on the Borello EIR. I may have more later.

1. Page 45, Paragraph 1: Next to last sentence does the make sense. PD overlay would allow remaining 4 units?
2. Page 61, Paragraph 1: While the project is not on a Scenic Highway, it is next to a Santa Clara County Historical Site. The view from the Historical site will change dramatically from the historical farm setting to the back yards or back fences of homes. This should be discussed.
3. Page 69, Section 3.3.2.3: Paragraph says 99.9 acres and Impact AG-1 says 103 acres. 103 is used for AG-2. Which is correct? What is the difference?
4. Page 70, Paragraph 1: While adjacent parcels used for agricultural is included in the Cochrane Road Assessment District, there is no time table for the conversion from agricultural use. Does this project speed the conversion of adjacent parcels?
5. Page 70, AG MM-2: Why is the mitigation allowed in the State of California when the draft Agricultural Mitigation Plan for the City of Morgan Hill and the Santa Clara Valley HCP Draft Plan both indicate that mitigation should be in Morgan Hills SOI or Santa Clara County respectively?
6. Page 84, Paragraph 6: if the HCP supersedes the Morgan Hill Burrowing Owl Plan, what happens to the Morgan Hill preserve? The funding source will be eliminated before the end of the plan.
7. Page 85, Paragraph 3: What does the Interim Referral Letter provide? What if the HCP is not approved by Morgan Hill?
8. Page 109, Paragraph 2: Why is an old standard used as a reference point (prior to 2005)? CEC has raised the energy efficiency requirements 25% above today's requirement by 25% starting January 1, 2014.
9. Page 113, Paragraph 4,5: Please consult with the Santa Clara Valley Water District. During the seismic upgrade testing of Anderson Dam, the Water District found a "spur from the end of Calaveras Fault (I think)" under the Dam. I do not remember what the technical term is for what they found.
10. Page 117, Paragraph 1: EIR calls for protection of Coyote Road. What does that mean?
11. Page 142, Paragraph 5: There is no discussion of the impact of the view from the Rhoades Ranch main house?
12. Page 146, Paragraph 6: Why was a two year old population estimated used? Note: 2010 Census Data altered this estimate.
13. Page 146, Paragraph 6: Does the City currently own 213 acres of Parkland? Other Initial Studies have use a lower number.
14. Page 147, Paragraph 2: Does not mention that the City has selected a new Fire/EMS service provider?

15. Page 147, Paragraph 2: Does not discuss EMS calls which make up approximately 75% of the Fire/EMS calls for service. This project may have a significant number of calls above the typical project of this size due to the 180 secondary units.
16. Page 147, Paragraph 2: Does not discuss Ambulance Service response and support of EMS Fire responses. We occasionally have multiple incidents happening at the same time which use all available resources in Morgan Hill.
17. Page 147, Paragraph 2: Have all Fire and Police department reviews been completed? The final reviews are usually part of plan check.
18. Page 148, Table 3.12-1: Why was Single family attached student generation rate used?
19. Page 148, Paragraph 4: The School District has decided to accept the land for a school site. How if the EIR has not been completed?
20. Page 150, Paragraph 1: Why are different population numbers used? (Numbers are different on page 146, paragraph 6)
21. Page 151, Paragraph 1: Phase 1A targeted for June 2012. What is the impact of this phase not happening until late 2012 or early 2013?
22. Page 159, Paragraph 6: I believe there is a retention requirement that is not discussed.
23. Page 169, Paragraph 2: Route 16 only operates part of the time during the week.
24. Page 196, Paragraph 2: Two different units of measure are used. What is the paragraph trying to say?
25. Page 210, Paragraph 3: Why was the year 2015 picked? The project will be less than half built.
26. Page 227, Paragraph 1: Consistency with R1-20K seems like a stretch since the Lot average is about 15K and the majority of the lots are probably less than 15K. Why not R1-12K? Would the EIR support R1-12K if needed?
27. Page 228, Paragraph 7: First sentence appears to say that Construction Noise is a significant impact that can not be mitigated. Does that mean we need an overriding consideration finding?
28. Page 232, Paragraph 1: (page 233, paragraph 1) 93 units does not meet GP requirements on at least 1 unit per acre.
29. Page 237, Paragraph 1: 15 units/year for On Going Projects is not outside the RDCS. It is a special set aside in the annual competition.

Please let me know if you have any questions.

Thanks for the help.

Joe

SEP 21 2012

CITY OF MORGAN HILL

Joseph and Sheila Giancola

2290 Cochrane Rd.
Morgan Hill, CA 95037
Home (408) 779-1230 | Fax (408) 782-9926

September 21, 2012

City of Morgan Hill
17575 Peak Ave.
Morgan Hill, CA 95037

Attn: Terri Linder

Dear Terri,

Please find enclosed the following documents regarding the Environmental Impact Report (EIR) for the Cochrane-Borello Development.

- 1.) Letter from Circa Historic Property Development dated September 15, 2012.
- 2.) Letter from Circa Historic Property Development dated April 25, 2012 with an attachment "Rhoades Ranch NOP Issues"
- 3.) Letter from Joe and Sheila Giancola dated September 21, 2012.
- 4.) Letter from Joe and Sheila Giancola dated August 3, 2012 that was faxed to Terri Linder on August 3, 2012.
- 5.) State of California registration form.
- 6.) United States Department of the Interior registration form.
- 7.) Copy of a letter from the Morgan Hill Historical Society.

Sincerely,

Sheila Giancola

Sheila Giancola



September 15, 2012

Joe and Sheila Giancola
2290-A Cochrane Road
Morgan Hill, CA 95037

RE: Cochrane-Borello Residential Development Project EIR Review
State Clearinghouse #2011082039

Introduction:

All historic resource-related comments contained in this report are based on a review of the Environmental Impact Report for the Cochrane-Borello Residential Development (the project) prepared by the City of Morgan Hill, dated August 2012. The new residential development project is proposed for approximately 122 acres of land immediately adjacent to the Rhoades Ranch¹ that is located at 2290-A Cochrane Road, Morgan Hill, CA. The Rhoades Ranch is listed as County of Santa Clara Landmark CL11-001². The Rhoades Ranch property therefore meets the criteria of the California Environmental Quality Act (CEQA) for environmental review.

Background:

The Notice of Preparation (NOP) - Potential Environmental Effects of the project dated August 15, 2012, Section 4.0 *Cultural Resources* was reviewed, as requested by the Rhoades Ranch property owners, Sheila and Joe Giancola, in August 2012 by Circa: Historic Property Development. Circa wrote a letter to the Giancola's recognizing that the NOP included a brief discussion of anticipated environmental impacts³ however, impacts to Cultural Resources are limited to prehistoric resources and structures over fifty years of age located *on the site*. The letter-report also noted that there was no mention of historic resources *in the broader area* as being potentially effected.

Indeed, the project NOP completely omitted discussion of indirect impacts to historic resources that is specifically discussed and defined in CEQA Article 5. Preliminary Review of Projects and Conduct of Initial Study 15064. Article 5 states that:

"...the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes [emphasis added] in the environment which may be caused by the project..."

(2) An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment.

¹ The proposed development is slated to occur on parcels generally on the northern and western boundaries of the Rhoades Ranch property.

² The property is under consideration for state and/or national registers by the State Historic Preservation Office.

³ Circa: Historic Property Development, letter to property owners, August 25, 2012.



Neither direct nor indirect physical changes that may affect the historic resource were discussed in the NOP. Notice of this omission and concerns related to the proposed project were outlined in the *Circa* letter dated April 25, 2012.

Evaluative Framework for Environment Review of Historic Resource Impacts:

The [draft] Environmental Impact Report (EIR)⁴ for the Cochrane-Borello Residential Development dated August 2012 identifies the Rhoades Ranch as a historic resource in Section 3.11.1.3. Impacts to Historic Buildings are discussed in a paragraph under Section 3.11.2.3 with discussion of impacts to the Rhoades Ranch limited to a single paragraph that states that:

"The primary buildings of the Historic Landmark are set back from the parcel line with sufficient land between the new development and the historic buildings to maintain the rural setting of the landmark property. The finding of an impact is Less Than Significant."

This paragraph does not demonstrate a sufficient analysis of impacts to a historic resource. CEQA explains that when evaluating the impacts of a project that affects a broader area *it is necessary to consider the impacts on: individual resources, the immediate site context of individual resources, and the broader area context of groups of resources*⁵. CEQA defines "Environment" as "...the physical conditions which exist within the area [not limited to the site] which will be affected by a proposed project including ... objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project..."⁶

California Environmental Quality Act (CEQA):

The CEQA Guidelines defines a "Significant effect on the environment" as a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance...⁷

Given the multitude of criteria and associated definitions within State of California laws and policies there is serious concern that the proposed 122 acres residential development will alter the physical environment and historic context of the Rhoades Ranch property. As the National Register of Historic Places (NRHP) nomination form⁸ states, "the property that remains of the original 160-acre ranch represents a continuum of significant and supporting design elements from the Mid-nineteenth century to mid-twentieth centuries".⁹ The Rhoades Ranch property is locally significant...in the areas of agriculture, exploration/settlement, and architecture...It is also significant at the state level under Criteria A and B for its association with the Strawberry Institute of California and Harold E. Thomas...a person important to California's agricultural history...Today it represents one of the last remaining agricultural settings able to convey the

⁴ It is assumed that all noticing and reporting are in compliance with CEQA and therefore this is a Draft EIR though not titled as such.

⁵ CEQA Guidelines Section 15382: discussion of definition of "Significant effect on the environment".

⁶ CEQA Guideline Section 15360.

⁷ CEQA Guidelines Section 15382

⁸ NRHP form July 2012 currently being reviewed by the SHPO.

⁹ *Rhoades Ranch* DPR 523 A & B forms, Archives and Architecture, October 2010.



broad patterns of late nineteenth and early twentieth century agricultural development in the now mostly urbanized floor of Santa Clara Valley."

CEQA Section 10564.5 (b) (2) defines activities that would impair the significance of a historical resource (i.e. that alter the physical characteristics that justify or account for its inclusion in the California Register or a local register) as follows:

- (A) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the California Register of Historic Resources; or
- (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historic resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- (C) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA." (CEQA Guidelines Section 15064.5(b)(2)(A)(B)(C).

According to CEQA "Generally, a project that follows The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Standards and Guidelines)...shall be considered as mitigated to a level of less than a significant impact on the historical resource".¹⁰ Therefore any environmental review must discuss impacts and mitigations that are consistent with the Secretary of the Interior Standards.

It does not appear that the CEQA criteria was used to demonstrate that the property will continue to retain those physical characteristics, including setting, that convey its historical significance and that justify its continued eligibility for the California Register. The draft EIR does not demonstrate or discuss the evaluation process by which it concluded a Less Than Significant Impact.

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Standards and Guidelines):

The Standards and Guidelines are consistent with the criteria and definitions put forth by the National Park Service and therefore integrate these into the recommendations. Regarding the aspect of Setting, the Standards and Guidelines specifically recommends "...identifying, retaining,

¹⁰ CEQA Guidelines Section 15064.5 (b)(3).



and preserving building and landscape features which are important in defining the historic character of the setting. Such features can include roads and streets...vegetation, gardens and yards, adjacent open space such as fields, parks, commons or woodlands, and important views or visual relationships. Retaining the historic relationship between buildings and landscape features.

It does not appear that the Standards and Guidelines were used in comparison to the proposed project therefore the draft EIR does not demonstrate or discuss the evaluation process by which it concluded and Less Than Significant Impact.

Integrity:

Integrity is the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Historical resources eligible for listing in the California Register must meet one of the criteria of significance and retain enough historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance.¹¹

To protect and maintain the historic significance of this historic resource means to avoid demolition, destruction, relocation, alteration or any activity that would impair the significance of a historical resource and to do everything possible to retain those physical characteristics that convey the property's historical significance and that justify its eligibility for inclusion in the California Register of Historic Resources. This means that in order to retain eligibility as a historic resource the Rhoades Ranch MUST retain its "integrity". To retain integrity the subject property must retain most of the seven aspects of integrity as defined by the National Register Criteria for Evaluation. The seven aspects of integrity are quoted as follows:

- **Location** - Location is the place where the historic property was constructed or the place where the historic event occurred.
- **Design** - Design is the combination of elements that create the form, plan, space, structure, and style of a property.
- **Setting** - Setting is the physical environment of the historic property.
- **Materials** - Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration form a historic property.
- **Workmanship** - Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
- **Feeling** - Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.
- **Association** – Association is the direct link between an important historic event or person and a historic property.

¹¹OHP Dept. Parks and Recreation. California Register: A Comparison. Technical Assistance Series No. 6.



It does not appear that the measure of Integrity was used in comparison to the proposed project therefore the draft EIR does not demonstrate or discuss the evaluation process by which it concluded and Less Than Significant Impact.

Conclusion:

As outlined in the Circa letter of April 2012 we believe there are threats to the property that will lessen the ability to convey its significance as a historic agricultural property of late nineteenth and early twentieth century in Santa Clara Valley. These concerns continue to be:

- a. permanent loss of surrounding historic agricultural context and setting
- b. permanent loss of agriculture view sheds
- c. permanent loss/realignment and pavement of dirt drive on north property line (and possibly west property line)
- d. impact due to dirt/debris during construction of new residences/roads on the property's resources - specifically on main residence and farm house materials which are nearest to the proposed project
- e. impact due to vibration/ground disturbance from construction of new residences/roads on resources - specifically on main residence and farm house materials
- f. impact due to road construction equipment traffic and backing into resources and site features

In short, the new construction project cannot propose the destruction of 120+ acres of historically agricultural landscape and construct high-density housing of 424¹² dwelling units, associated infrastructure and park areas on 120 acres immediately adjacent to a known historic resource (a historically rural ranch) without a significant impact. Four hundred and twenty four residential units, plus recreational facilities (pool, tennis courts, fitness areas, etc) on 120 acres is an urban environment NOT a rural environment.

The draft EIR does not address indirect impacts to an adjacent rural historic resource. The draft EIR does not address cumulative impacts. The draft EIR does not utilize the CEQA criteria to demonstrate that the property will continue to retain important physical characteristics, and it does not demonstrate how the historic property will retain Integrity and therefore continue to meet the Criteria for inclusion in the California Register.

Given the serious potential for indirect impacts to the Rhoades Ranch, and the potential loss of context and historic significance the draft EIR does not sufficiently address Historic Resources. A comprehensive impact analysis should be conducted as part of the EIR as well as the proper community input process for any mitigation measures that might be developed.

Should you have any further question I may be contacted at 415 362 7711.

Sincerely,

A handwritten signature in black ink that reads "Sheila McElroy". The signature is fluid and cursive, with "Sheila" on the top line and "McElroy" on the line below it.

Sheila McElroy
Principal

¹² The draft EIR proposes 244 single-family residential units and 180 secondary units - each with a kitchen. By definition secondary units with a kitchen are residential units therefore the number of residences is 424 not 244.



April 25, 2012

Joe and Sheila Giancola
2290-A Cochrane Road
Morgan Hill, CA 95037

RE: Proposed Cochrane-Borello Residential Development Project

Dear Joe and Sheila

Introduction:

A new residential development project, referred to as the Cochrane-Borello Residential Development (the project), is proposed for the land immediately surrounding the Rhoades Ranch¹ located at 2290-A Cochrane Road, Morgan Hill, CA. The project calls for a 244 large-lot gated residential community to be constructed on currently agricultural lands. In accordance with the requirement of the California Environmental Quality Act (CEQA) an environmental review is required. The Rhoades Ranch has been identified as a potential historic resource meeting the Santa Clara County Criteria for Historic Resources. The State Historic Preservation Office (SHPO) is currently reviewing the property for consideration for state and/or national registers. Due to its historic nature the owners of Rhoades Ranch have retained Circa: Historic Property Development (Circa) to review the Notice of Preparation (NOP) for the project.

Notice of Preparation Section 4.0 Potential Environmental Effects of the Project:

In reviewing the project NOP dated August 15, 2011 it was observed that in Section 4.0 there is a brief discussion of anticipated environmental impacts. Impacts to Cultural Resources are mentioned as the potential for prehistoric and structures over fifty years of age *on the site*, however there is no mention of historic resources *in the broader area* as being potentially effected.

According to CEQA any project is considered to have a significant impact on the environment if it would cause a substantial adverse change in the significance of a listed historic resource or resource eligible for listing such that the resource would lose its state or local designation or eligibility status. When evaluating the impacts of a project that affects a broader area it is necessary to consider the impacts on: individual resources, the immediate site context of individual resources, and the broader area context of groups of resources. CEQA defines "Environment" as "...the physical conditions which exist within the area which will be affected by a proposed project including ... objects of historical or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project...."²

The omission in the NOP of historic resources not on the site but within the immediate area and site context of the project (e.g. Rhoades Ranch) brings up concerns for the review of environmental impacts, either direct or indirect. These concerns are based on review criteria established in the CEQA Guidelines.

¹ The proposed development is slated to occur on parcels generally on the northern and western boundaries of the Rhoades Ranch property.

² CEQA Guideline Section 15360.



Concerns:

There is concern that the proposed 122 acres residential development will alter the physical environment and historic context of the Rhoades Ranch property. As the recent evaluation states, "the property that remains [Rhoades Ranch] of the original 160-acre ranch represents a continuum of significant and supporting design elements from the Mid-nineteenth century to mid-twentieth centuries".³ The new development could significantly effect the property's seven aspect of integrity⁴ primarily Setting = "...physical environment of a historical property" and Feeling = "...a property's expression of the aesthetic or historic sense of a particular period of time", and secondarily Association = "...the direct link between an important historic event or person and a historic property" thereby reducing its ability to convey it's historic significance. The following concerns related to these aspects are:

- a. permanent loss of surrounding historic agricultural context and setting
- b. permanent loss of agriculture view sheds
- c. permanent loss/realignment and pavement of dirt drive on north property line (and possibly west property line)
- d. impact due to dirt/debris during construction of new residences/roads on the property's resources - specifically on main residence and farm house materials which are nearest to the proposed project
- e. impact due to vibration/ground disturbance from construction of new residences/roads on resources - specifically on main residence and farm house materials
- f. impact due to road construction equipment traffic and backing into resources and site features

Given the serious concern for impacts on the Rhoades Ranch and the potential loss of integrity the Environmental Impact Report must discuss impacts and mitigations for the Ranch that are consistent with the Secretary of the Interior Standards. According to CEQA "Generally, a project that follows The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or The Secretary of the Interior's Standards for Rehabilitating Historic Buildings...shall be considered as mitigated to a level of less than a significant impact on the historical resource".⁵

Should you have any further question I may be contacted at 415 362 7711.

Sincerely,

Sheila McElroy
Principal

³ Rhoades Ranch DPR 523 A & B forms, Archives and Architecture, October 2010.

⁴ The National Park Service identifies the seven aspects of integrity as: location, design, setting, materials, workmanship, feeling and association which together conveys a property's ability to communicate its significance.

⁵ CEQA Guidelines Section 15064.5 (b)(3).

Rhoades Ranch NOP Issues - Cultural Resources:

NOP Section 4.0 Potential Environmental Effects of the Project

1) As part of the brief discussion of anticipated environmental impacts mentioned in paragraph #2 of this section = refers to impacts to potential for prehistoric and structures over fifty years of age *on the site*. Does not mention adjacent historic resources potentially effected.

- a. Adjacent property, 2290 Cochrane Road MH has been found to be eligible as a historic resource (proposed landmark nomination). Meets SCCHR Criteria 1, 2, and 3 - synopsize for final
- b. Period of Significance: c.1860s-1976
- c. Character defining features: list

2) Concerns/potential environmental effect

Discussion of direct (none) and indirect (potential)

Project description: proposed 122 acres for residential development will alter physical setting [was 248 acre ranch now 12.27 surrounded by agriculture - overall setting continued]

Seven aspect of integrity (section below) of historic resource primarily Setting = "...physical environment of a historical property" and Feeling = "...a property's expression of the aesthetic or historic sense of a particular period of time", and secondarily Association = "...the direct link between an important historic event or person and a historic property"

- a. permanent loss of surrounding historic agricultural context and setting
- b. permanent loss of agriculture view sheds
- c. permanent loss/realignment and pavement of dirt drive on north property line (assume west property line as well)
- d. impact due to dirt/debris during construction of new residences/roads [MH notorious high winds] on resources - specifically on main residence and farm house materials
- e. impact due to vibration/ground disturbance from construction of new residences/roads [MH notorious high winds] on resources - specifically on main residence and farm house materials
- f. impact due to road construction equipment traffic and backing into resource (farmhouse)

CEQA Article 5. Preliminary Review of Projects and Conduct of Initial Study 15064. ...

(d) In evaluating the significance of the environmental effect of a project, the Lead Agency shall consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project.

(1) A direct physical change in the environment is a physical change in the environment which is caused by and immediately related to the project. Examples of direct physical changes in the environment are the dust, noise, and traffic of heavy equipment that would result from construction of a sewage treatment plant and possible odors from operation of the plant.

(2) An indirect physical change in the environment is a physical change in the environment which is not immediately related to the project, but which is caused indirectly by the project. If a direct physical change in the environment in turn causes another change in the environment, then the other change is an indirect physical change in the environment. For example, the construction of a new sewage treatment plant may facilitate population growth in the service area due to the increase in sewage treatment capacity and may lead to an increase in air pollution.

(3) An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable.

CEAQ Chapter 2.6 section § 21084.1. Historical resource; substantial adverse change

A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. For purposes of this section, an historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section.

California Environmental Quality Act (CEQA):

Under CEQA, a project that results in a "substantial adverse change in the significance of an historical resource" may have a significant adverse effect on the environment (Public Resources Code Section 21084.1). An "historical resource" is a resource listed in, or determined to be eligible for listing in, the California Register. All National Register-listed or eligible resources qualify for listing in the California Register. The Public Resources Code defines "substantial adverse change" as "demolition, destruction, relocation or alteration," activities that would impair the significance of an historical

resource (Public Resources Code Section 5020.1q and State CEQA Guidelines Section 15064.5 (b)(1) and (2)).

CEQA also defines activities that would impair the significance of an historical resource as "The significance of an historical resource is materially impaired when a project:

- (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in the California Register of Historic Resources; or
- (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historic resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1 (g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- (C) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA." (State CEQA Guidelines Section 15064.5 (b)(2)(A)(B)(C))

According to CEQA "Generally, a project that follows The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or The Secretary of the Interior's Standards for Rehabilitating Historic Buildings...shall be considered as mitigated to a level of less than a significant impact on the historical resource". (State CEQA Guidelines Section 15064.5 (b)(3))

15300.2. Exceptions

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.¹

¹ CEQA Guidelines section 15300.2.(f) Exceptions.

Seven Aspects of Integrity as Defined by the National Park Service:

A property is evaluated for its integrity based on the following seven aspects:

- Location = "... is the place where the historic property was constructed or the place where the historic event occurred"
- Design = "...is the combination of elements that create the form, plan, space, structure, and style of a property."
- Setting = "...is the physical environment of a historical property"
- Materials = "...are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property"
- Workmanship = "...is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory."
- Feeling = "...is a property's expression of the aesthetic or historic sense of a particular period of time."
- Association = "...is the direct link between an important historic event or person and a historic property"

Joseph and Sheila Giancola

2290 Cochrane Rd.

Morgan Hill, CA 95037

Home (408) 779-1230 Fax (408) 782-9926

September 21, 2012

City of Morgan Hill
17575 Peak Ave.
Morgan Hill, CA 95037
Attn: Terri Linder, (Senior Planner)

Re: Cochrane-Borello Development

Dear Terri,

As you know a new residential development project, referred to as the Cochrane-Borello Residential Development, is proposed for the land immediately surrounding our property located at 2290-A Cochrane Road, Morgan Hill, CA. Our property, known as the "Rhoades Ranch", has been identified and designated as a historic resource meeting the Santa Clara County Criteria for Historic Resources. The State Historic Preservation Office is currently reviewing the property for consideration for the state and national registers. We also have a Mills Act Contract with the County of Santa Clara which states: Property owners must pledge to rehabilitate and maintain the historical and architectural character of the structure and /or property.

In order to maintain the historical and architectural character of the Rhoades Ranch we have hired a consultant (Sheila McElroy) at Circa Historic Property Development to review the Environmental Impact Report (EIR) and have attached her letter dated September 15, 2012 with her comments. After reviewing her comments we feel the Historic Rhoades Ranch was not recognized or evaluated properly.

Prior to the development many issues need to be addressed and brought to the City's attention. The following are concerns that we would like the Planning Commission to consider when making any decisions to this development. The following items are some of our concerns, requests and comments regarding the development that we feel will impact us.

- 1) The water situation: We own ½ interest of the well with an easement that is in the middle of the Cochrane-Borello development. They would like to abandon this well but this well is our only source of water. We are currently working with the Borello's to try to resolve this water issue. They have stated they would like to hire a drilling company to drill test wells to determine if there is sufficient water on our property. If a suitable water source cannot be found, the existing well will have to remain at the current location and protected.

2) The road that surrounds our property on the north and west of our home: This road is, has and always been there for all families, the original owners the Rhoades, the Borello's, the Thomas's and us the Giancola's. The removal of this road would be a permanent loss of surrounding historic agricultural context and setting that will change the physical characteristics of the Rhoades Ranch. This road is used by many and is our access road for the postmaster, garbage trucks, ups trucks, septic tank truck for clean-out, parking, emergency vehicles, our personal use, etc.

3) The proposed fence on our front and side yard: We are opposed to a wood fence. We are asking for a maintenance free barrier that is architecturally compatible with the historic setting. The wood fence they are proposing is the back yards of their houses but is the front entrance to our home; an important County listed historic resource. The new barrier should include a dense, a planted buffer zone and must include a significant distance between the property line and the proposed houses to maximize open space and retain a rural environment.

4) View shed: We currently have a beautiful view shed of 122 acres of open agricultural land. The proposed development will result in a permanent loss of agricultural view sheds and have an impact to the setting and environment of our historic ranch. We are also concerned about a further loss of view shed with the proposed height of the 2 story homes planned on the north side of our home.

5) Easements: We have easements on the Borello property. Well, water and pipes, gas, electrical. Any relocation of any of these services onto our property could have a direct impact to the Rhoades Ranch.

6) Future city services: We are asking that all city services be brought to property line for future. For example: sewer, water, gas, electrical, etc.

7) Years of construction: How many years of construction and noise we will be subjected to? With all of the different phases of construction we would like to know how many years we and our tenants will be subjected to all of the construction noise and dust?

We feel the EIR analysis failed to address the criteria as established in CEQA guidelines. We are the keepers of this historic property and it is our obligation to preserve the integrity of this agricultural property.

If you have any questions please feel free to contact us at the above phone number.

Sincerely,

Joe Giancola
Joe Giancola
Sheila Giancola
Sheila Giancola

Joseph and Sheila Giancola

2290 Cochrane Rd.

Morgan Hill, CA 95037

Home (408) 779-1230 Fax (408) 782-9926

August 3, 2012

City of Morgan Hill
17575 Peak Ave.
Morgan Hill, CA 95037
Attn: Terri Linder, (Senior Planner)

*faxed to Terri
8-3-12*

Re: Cochrane-Borello Development

Dear Terri,

As you know a new residential development project, referred to as the Cochrane-Borello Residential Development, is proposed for the land immediately surrounding our property located at 2290-A Cochrane Road, Morgan Hill, CA. Our property now the "Rhoades Ranch" has been identified as a historic resource meeting the Santa Clara County Criteria for Historic Resources. The State Historic Preservation Office is currently reviewing the property for consideration for the state and national registers. We also have a Mills Act Contract with the County of Santa Clara which states: Property owners must pledge to rehabilitate and maintain the historical and architectural character of the structure and /or property.

Prior to the development many issues need to be addressed and brought to the City's attention. We are still waiting for the EIR to be posted but for now we want to bring to your attention a few items that we are concerned with. The following are some but not all of our concerns:

- 1) The water situation: We own ½ interest of the well with an easement that is in the middle of their development and this well is our only source of water.
- 2) The road that surrounds around our property on the north and west of our home: This prescriptive easement was acquired through continuous use by the Rhoades, Thomas and Giancola families. This is our access road for the postmaster, garbage trucks, ups trucks, septic tank truck for clean-out, parking, emergency vehicles, etc. It would also be a permanent loss of surrounding historic agricultural context and setting.
- 3) The proposed fence on our front and side yard: We are opposed to a wood fence. We are asking for a maintenance free fence and architecturally compatible with the historic setting. The wood fence is in their backyards but you must understand this fence is in our front yard and entrance.

- 4) Easements: We have easements on the Borello property. Well, water and pipes, gas, electrical.
- 5) Future city services: All city services to be brought to property for future. For example: sewer, water, gas, electrical, etc.
- 6) The Anderson Dam Seismic Retrofit Project: This area is unknown at this time. We are not sure how this will affect our property.
- 7) Views from the front of the Historic Rhoades home: We are opposed to two story homes built directly in front of the Rhoades home. Need a planted buffer. We would like to see street light locations.
- 8) Years of construction: How many years of construction and noise we will be subjected to?
- 9) We need to review the EIR for further comments.

Sincerely,



Sheila Giancola

State of California – The Resources Agency
 DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary #
 HRI #
 Trinomial
 NRHP Status Code

Other Listings
 Review Code

Reviewer

Date

Page 1 of 20

*Resource Name or #: (Assigned by recorder)

Rhoades Ranch

P1. Other Identifier: Phegley Home Ranch / Strawberry Institute of California

*P2. Location: Not for Publication Unrestricted
 and (P2b and P2c or P2d. Attach a Location Map as necessary.)

*a. County Santa Clara

*b. USGS 7.5' Quad Morgan Hill Date 1955 photorevised 1980 T.9S.; R.3E.; Mount Diablo B.M.

c. Address 2290 Cochrane Rd. City Morgan Hill Zip 95037

d. UTM: (Give more than one for large and/or linear resources) Zone 10S; 621471mE/ 413921mN

e. Other Locational Data: (e.g., parcel #, directions to resource, elevation, etc., as appropriate)

Assessor's Parcel Number: 728-34-010,
 south side of Cochrane Road west of Coyote Road.

*P3a Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

Located near the base of the Leroy Anderson Dam and Reservoir, this 12-acre site is nestled in the northeast corner of what was once a larger 160-acre ranch that was established in the 1860s when Rancho Laguna Seca was first subdivided. Most of this early settlement site is now known as Borello Farms, a 123-acre active ranch on an adjacent property to the south and west. The adjacent Borello Farm site is planned for a 244 large-lot gated community that is to be developed over the next decade. The subject site is on a rise near the mouth of Coyote Creek, and overlooks the orchards of Borello Farms. This overlook is where the ranch headquarters was located prior to the property split, and contains houses and ancillary buildings associated with the historic ranch. The larger setting remains agricultural for the time being, although the historic landscape was modified irreversibly with the construction of Anderson Dam in 1949-1950. The Santa Clara Valley Water District now owns the properties to the north and east of the subject site.

(Continued on

*P3b. Resource Attributes: (List attributes and codes) HP3. Multiple family property

*P4 Resources Present: Building Structure Object Site District Element of District Other (Isolates, etc.)



P5b. Description of Photo: (View, date, accession #)

View facing southeast,
 September 2010.

*P6. Date Constructed/Age & Sources:
 Historic Prehistoric Both

C1860s, 1920, and later, to
 +140 years old, various.

*P7. Owner and Address:

Joe & Sheila Giancola
 2290-A Cochrane Rd.
 Morgan Hill, CA 95037

*P8. Recorded by: (Name, affiliation, and address)

F. Maggi & L. Masunaga
 Archives & Architecture
 PO Box 1332
 San Jose CA 95109-1332

*P9. Date Recorded: 10/14/2010

*P10. Survey Type: (Describe)
 Intensive

*P11. Report Citation: (Cite survey report and other sources, or enter "none".)

None

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

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 2 of 20

*Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga

*Date 10/14/2010 Continuation Update

(Continued from page 1, DPR523a, P3a Description)

The property that remains of the original 160-acre ranch represents a continuum of significant and supporting design elements from the mid-nineteenth to mid-twentieth centuries. Although much of the surrounding associated agricultural lands will soon be developed, the site preserves the feelings and associations of a headquarters of an important early Northern California agricultural ranch.

The main owner-occupied house, completed in 1920, shares the site with four other houses that today function as rentals. Other buildings and structures exist on the site, including an early barn, an agricultural equipment building, remnants of a water tank, and other minor ancillary structures related to the residences. The site also contains mature landscaping associated with various eras of site occupation, as well as some older mature vegetation near the riparian corridor of Coyote Creek that is located along the northern boundary of the site. The site has one small adjacent parcel under separate ownership that fronts on Coyote Road and is partially embedded into the site. That adjacent site is not a part of this recording. Coyote Road runs along the east boundary of the site at the base of the foothills, and extends from Cochrane Road to East Main Avenue about a mile to the southeast.

The entry to the subject site is from Cochrane Road at the northwest corner of the property. A nearby adjacent driveway (to the west) provides access to the perimeter road of Borello Farms. This drive leads to a complex of agricultural buildings to the south of the subject property.

Contributing building/structures:

(1) Phegley House (circa 1860s)

This two-story National-style house is associated with the earliest known occupation of the site. It is unique within Santa Clara County, a two-story single-wall (board wall) house constructed during the early American settlement period of Santa Clara County. The 12" vertically installed boards were manufactured during the first decades of lumber manufacturing in the state. Facing west towards the entry to the site from Cochrane Road, the house sits above the creek and road where the foothills begin their rise near the mouth of Coyote Creek. This site is a natural early habitation location, and may have been the original settlement site of Martin Murphy Sr. when he and his family moved from the Central Valley into the South County area (Munro-Fraser 1881). Early boundary descriptions referenced the large Sycamore trees that framed the creek. Large Eucalyptus trees provide a focal point and identify this house site from the valley below. Eucalyptus trees were first planted in California from seeds brought from Australia during the Gold Rush, and were propagated and marketed extensively beginning in the mid-1850s. The mature Eucalyptus trees near this building were likely planted during the nineteenth century.

The building is T-shaped with a two-story cross-gabled front volume and a rear one-and-one-half story offset rear wing. A one-story hipped shed is nested along the rear wing on the south side. The steeply pitched roof is characteristic of the 1860s, with a cross-gabled front volume that rises above the rear-gabled wing, enclosed soffits, and wide fascia trim. The lap siding is also of 1860s vintage. A chimney rises through the peak of the roof of the rear wing.

A large wooden porch and covered deck wraps the west and north side of the building. Covered with a low-slope hipped roof with false-bead ceiling boards, framed with large square wood columns, and enclosed with a solid balustrade of v-grove siding, the porch was likely added to the building in the second decade of the twentieth century when the ranch was acquired by the Rhoades family, and was renovated again after 1945. The porch deck on the north side of the building faces the riparian corridor of Coyote Creek. The porch/deck can only be accessed from steps centered at the front façade, leading to a front door that is centered in the front façade and framed by recessed wood panels.

(Continued on next page)

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 3 of 20

*Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga

*Date 10/11/2010 Continuation Update

(Continued from previous page)

Fenestration appears to have been replaced at the time of the porch addition, and is mostly wood-sash double-hung windows with dog-ears. Replacement doors and other improvements were probably made at that time, and other foundation work and improvements were done later.

(1a) Phegley House garage (pre-1920)

South of the Phegley House is a small one-story garage. It is a simple front and rear gabled volume with a front garage door and side windows. Although clad with channel-rustic siding (typical of nineteenth century construction), it may have been built after the Rhoades acquired the property in 1911, but prior to when they constructed their large house.

(2) Horse Barn (circa 1860s)

This moderate-sized timber-framed horse barn located uphill from the houses near Coyote Road was likely constructed during the same decade as the Phegley House. Rectangular in size and one-and-one-half stories in height, it is an unusually shaped barn for the region. It is front and rear gabled, with and an upstairs hay storage area loaded from both front and rear hay-doors above the sliding doors at both ends. The floor is made of wood, and has three interior horse stalls in the right rear corner.

The siding is a wide-board v-groove profile that is not usually found in Santa Clara County, but may be associated with a transition period in the mid-1860s before channel-rustic siding became the norm throughout Northern California. The tall 6/6 double hung windows are also characteristic of the mid-1860s with their thin mullions. Most of the glazing is missing.

The roof has been covered with galvanized corrugated metal panels that cover what may be original shingles.

(3) Water tower remnant structure (pre-1920)

Located southwest of the barn is the remaining structure of what was once a large watertower. This structure appears on an early 1920s photo of the site, and was likely constructed during the nineteenth century. The original siding and tank are now gone, and all that remains are the structure and deck.

(4) Rhoades House and garage (1917-1920)

Designed by the architectural firm of Higbie and Hill, with construction beginning in 1917 but completion not occurring until after World War I, this Spanish Eclectic house and garage is sited within a grove of large Oak trees at the rise above the orchards of Borello Farms to the west and south. At the time of construction, the property included the Borello Farms acreage, and the front of the house overlooked the orchards below.

The building has a large, mostly square footprint (one narrow wing extends the front façade northward, and at the rear buttresses frame a shallow bump-out), and an interior court. Mostly one-story in height, a two-story L-shaped section rises at the southwest corner of the building and extends northward across the front of the square, but stops short of the one-story wing. The two-story section frames the interior courtyard. The massing of the house is a maze of undulating forms, creating the illusion of a house larger than its already large size. The one-story sections have flat tops and parapets faced with decorative tiles about a foot down from the coping. This short tile mansard sits above flared stucco cornices. The tile decorative feature wraps the building except for the intrusion of some large buttresses on the south and east facades that frame canopy roof (south façade) with a jog in the building line (rear façade).

The second story is covered by a moderately sloped tile covered roof that extends down to large sweeping eaves. These eaves contain scroll-cut rafter tails with notched-in gutters. The scroll-cut boards are found again in the cantilevered canopy outriggers over the rear door and side windows. Both the canopies and the second-story roofs are framed and cornered by large scroll-cut braces.

(Continued on next page)

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 4 of 20

Name or # (Assigned by recorder)

Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga

*Date 10/14/2010

Continuation Update

(Continued from previous page)

On the front façade a partially cantilevered wing protrudes from the building shape, but is contained in the composition by the line of the decorative tile. The parapet encloses a balcony that overlooks the entry. The horizontal line of the coping is drawn into the stucco of the two-story section, providing a base to the window sills. The horizontality is further emphasized by a stucco watertable at the base of the walls. The watertable line originates on the north façade of the wing where it abuts a small buttress, continues into the caps of two large bollards at the front entry, and then terminates after wrapping the rear corner of the building against a large buttress mid-façade. Above the watertable is a false base of stepped-out stucco, further emphasizing the horizontality, and monumentalizing the wall profile.

The striking arched entryway with its key at the apex and trimmed with decorative archivolt is nested into a solid stucco-covered L-shaped railing of monumental proportions. The steps drop to the side into a narrow entry patio framed by large square bollards. The thick railing is embellished with flares in its vertical plane, and a quarter bottom-curve provides a counterpoint to the curves of the arch nearby. The front entry arch covers a deep recess into which the custom arched door and its frame provides a grant entry into the house.

The fenestration is a mix of casement, top-hinged, and fixed multi-light windows. Most of the windows have multi-light fixed transoms. The front projected wing contains a six-part window with a semi-arch, and centered in the second story of the front façade is a recessed tri-partite window unit framed with four slender twisted columns. The center section is solid and contains an ornately trimmed cast panel.

Additional character-defining features include second-story planter boxes with doubled corbels, two stucco chimneys with solid gabled caps, ornamental carriage-style exterior wall lamps, integrated foundation/planters, and rectangular stucco insets.

The detached garage is similar in character to the house. It is wrapped with a tile mansard and contains matching multi-light windows. The garage door is a replacement. A rock retaining wall follows the driveway along the south side of the house. Foundations remain of a garden room that no longer exists.

(5) Equipment building (circa 1945+)

This long structure was built to house farm equipment, and has four sliding doors facing a driveway circulation area near the large older barn and a house to the southwest. The building is simple in shape, with end gables, and board and batten siding. The concrete base and interior framing indicate mid-century construction.

(6) Office (Board-and-batten house and garage) (circa 1945+)

Located at the northeast corner of the site, this house was originally built as an office. It is a long narrow structure with step-backed gables and a mix of siding types. The building was expanded over time, and later converted to residential use.

Non-contributing buildings/structures

(7) Stucco house (circa late 1940s)

Located in the center of the site between the Rhoades House and the equipment building, this one-story stucco-clad Minimal Traditional-styled house is L-shaped and has an attached two-car garage. It has a raised floor and a long concrete entry porch covered with an attached roof with slender 4x4 columns. The end gables have vertically installed dog-eared planks, and the windows are framed with false shutters. The garage may have been added, as were some aluminum sash windows during the 1960s or 1970s.

(8) Board-and-batten house and shed (date unknown)

The one-story house located east of the Phegley house above Cochrane Road is a contemporary house, with board and batten siding, and a detached garage.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
LOCATION MAP

Primary #

HRI #

Trinomial

Page 5 of 20

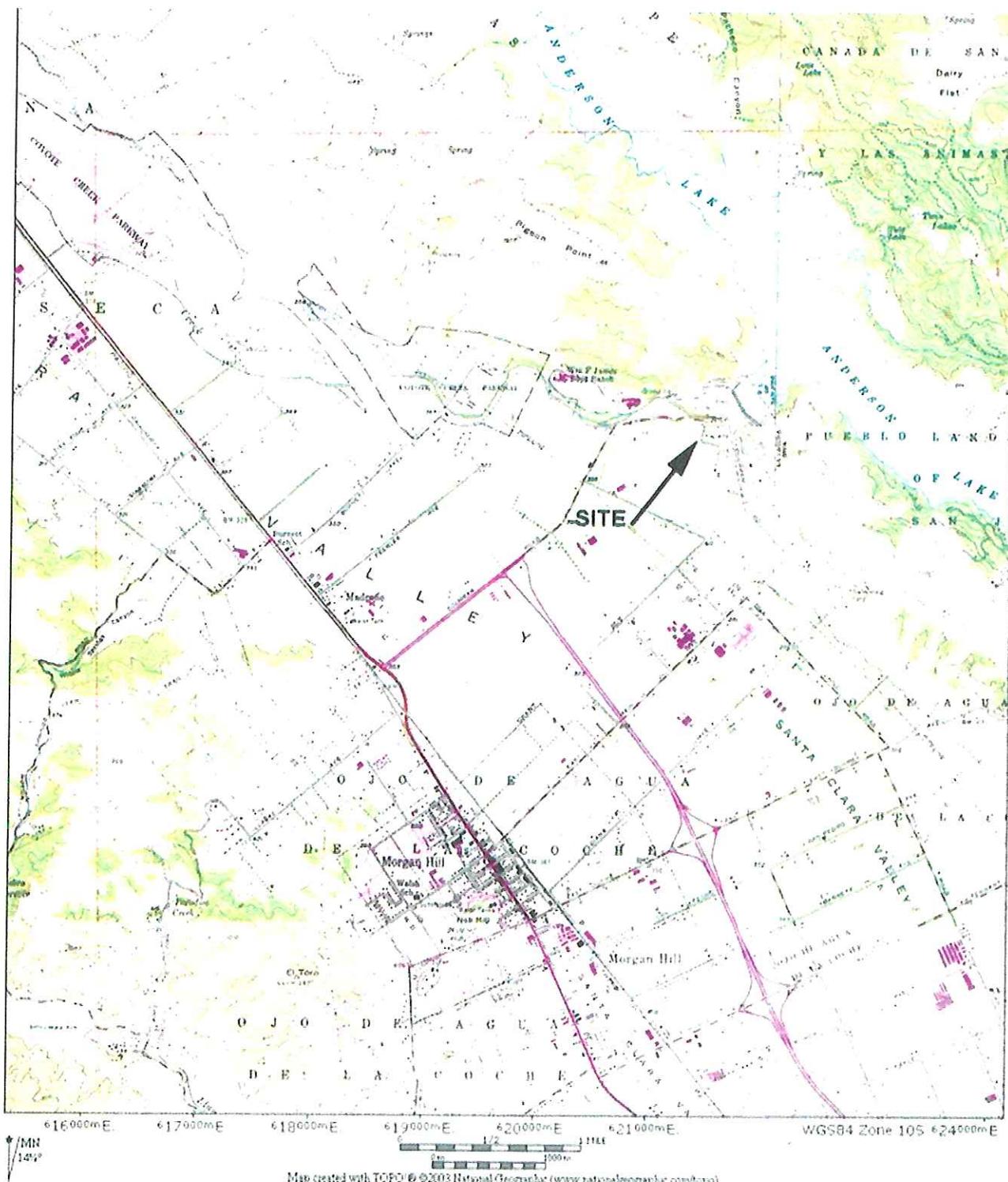
*Resource Name or # (Assigned by recorder)

Rhoades Ranch

*Map Name: USGS Morgan Hill

*Scale: n.t.s.

*Date of Map: 1955 photorevised 1980



State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 7 of 20

*Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga *Date 10/14/2010 Continuation Update

(Continued from previous page, DPR523b, B10 Significance)

The four leagues of La Laguna Seca translate to about 20,000 acres, and the subject property is located near the southeast corner of that Mexican-era land grant. La Laguna Seca was purchased by Capt. William Fisher in 1845. Fisher returned to California from Mexico with his wife Liberata Cesena in 1846, but died in 1850 soon after moving to the ranch. Liberata married Dr. George H. Bull in 1851. Following his death in 1856, she remarried a third time to Caesar Piatti in 1858, who had immigrated to the United States from Italy during the Gold Rush.

The rancho did not receive its patent from the United States Land Commission until Nov. 2, 1865, when the title was cleared to L. Bull et.al. (the heirs of William Fisher). Liberata had applied for that patent in the 1850s, and had the property first surveyed at that time (the notes to this 1850s field survey were lost in the 1906 Earthquake). The rancho extended northward from the subject site and included most of Coyote Valley. At its southeastern corner is the mouth of Coyote Creek and the entry to what was once known as Coyote Canyon.

In the 1840s and early 1850s, the ranch lands in South Santa Clara County were vast and sparsely settled. By the time of the patent in 1865, Liberata had already subdivided and distributed much of the rancho. In 1861, Cesar Piatti conveyed a 635-acre parcel at the south end of the rancho to José Jesus Bernal (Deeds O:35). A year and a half later, Bernal and his wife Susana Gulanc de Bernal surveyed and sold a smaller portion of 300 acres of this larger parcel (containing the subject parcel) to Alvora Cottle (Deeds Q:157).

Cottle was a lawyer and native of Missouri, and appears to have briefly settled in Santa Clara County in 1860. He had two children with his wife Lyda when he came to California, and they had two additional children in the 1860s. He later moved his family to Southern California where he was a farmer. A number of Cottle family members had also arrived in Santa Clara County in the 1850s or early 1860s (Alvora was their uncle). It is likely that Alvora Cottle built the extant two-story house, known later as the old Phegley House, during the early 1860s (most likely about 1865 – the year the title was cleared). Cottle further subdivided the 300 acres during the 1860s, selling a portion to Simon and Margaret Mathews in 1867 (Deeds Z:88), and another parcel (containing the subject property) to Peter and Frances Quivey at an undetermined date.

Peter Quivey was an early California pioneer who died in 1869. Cottle had financed the sale to the Quiveys, and in 1870 (a year and a half after Peter's death), Frances Quivey defaulted on the loan. The property was sold on May 24, 1871 by County Sheriff Harris to George Jefferson (recorded Sept 5, 1871, Deeds 7:189). Jefferson then sold the property to Daniel Phegley (Deeds 21:444).

Daniel and Nancy Phegley, and their son James and his wife Mary, settled in Santa Clara County in 1870, and according to the 1870 Federal Census, had acquired the property near Madrone in what was then called the Burnett Township by August 1870. Originating from Missouri, James and Mary Phegley brought three children with them to California. Mary bore a fourth child in California in the Fall of 1869. It is likely that the extant house on the subject property had already been constructed when they settled on the subject property.

James Phegley remained on the subject property with his family for about seven years, and then moved to Gilroy where he operated a grocery store and expanded his cattle ranch holdings. He had been educated at the Arcadia Academy in Iron County Missouri. While living in Gilroy, he served as Constable, and in 1886 was elected Supervisor of the First District of Santa Clara County. The Madrone ranch continued to be owned by the Phegley family until the 1890s, and is referenced in later official records as the Phegley Home Ranch. The Phegleys retired to Pacific Grove by 1910, and James Phegley died in 1915.

(Continued on next page)

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 8 of 20

*Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga

*Date 10/14/2010 Continuation Update

(Continued from previous page)

By the late 1890s, Phegley had sold the property near Madrone to William Osterman. Osterman has not been clearly identified with this property, and may have been a Central Valley farmer. Other short-term owners were connected with the property until 1911 when IO Rhoades bought the property, then about 160 acres, from H. S. Hersman (Deeds 380:111).

Ira Osborne Rhoades (who went by the name IO Rhoades) was a railroad purchasing agent for Southern Pacific in San Francisco when he bought the ranch near what had then become Morgan Hill. Rhoades had previously been a purchasing agent for the Union Pacific and then the Oregon Short Line. He was hired by Southern Pacific in 1905 and worked in San Francisco until he retired in 1917. That year he began construction on the large Spanish Eclectic house at his Cochrane Road ranch. The ranch was converted to horticultural use during the teens by IO Rhoades and his son William. Although ownership of the property was transferred to his son William in 1920, by that year Ira was involved with the California Prune and Apricot Growers Association (now known as Sunsweet). Elected to the state-wide board of directors in 1922, for a time he functioned as both president and interim-general manager. Ira and his wife Katherine remained residents of San Francisco in the 1920s, and later moved to Southern California.

William had co-owned and managed the ranch since its purchase in 1911, and planted 125 acres in orchard by 1922. William had been born in Nebraska, and attended MIT in Boston. After working at Westinghouse, he joined his parents in San Francisco in 1909, and moved to the ranch during the teens. Entering World War I after attending officer's training school at the Presidio at San Francisco, he returned to the ranch after the war. He married Katherine Garnett in 1917.

On March 10, 1945, ten years after William died in 1935, Katherine Garnett Rhoades sold 14.31 acres (the subject property) to Harold E. Thomas (OR 1429:108). The larger 145-acre portion was sold to Sebastian and Luigia Borello that same year, which today is known as Borello Farms. The 14.31 portion is what generally remains today as the subject property, with only a one-acre portion along Coyote Road partitioned and sold in 1965, and about one-acre along the north property line sold to the Santa Clara Valley Water District in 1983.

Harold E. Thomas was professor of plant pathology at the University of California from 1928 to 1945. He is renowned for his pioneering research on the strawberry. In 1945 he bought the upper portions of the Rhoades Ranch and became Director of the Strawberry Institute of California, which had been organized by E. F. Driscoll in 1944 as a non-profit to assist the growers belonging to Driscoll Strawberry Associates.

Called the "Father of the California Strawberry Industry," Thomas obtained his Ph.D in 1928 after studying *Armillaria mellea*, a root destroying fungus primarily found in deciduous orchard crops of California. The study of deciduous orchard tree root diseases as well as strawberry diseases was his area of responsibility while on the U.C. faculty. Continuing the research of others on strawberry diseases that threatened the California industry, Thomas enlarged strawberry breeding programs to include wild strawberries to create disease-resistant varieties, working with the University of California Deciduous Fruit Field Station in Santa Clara. In 1934 he married Helene Diepen who worked at the Field Station, and the following year another Field Station employee, Earl V. Goldsmith (1892-1954) became his research assistant. In 1939 he published University of California Agriculture Extension Circular 113 "Production of Strawberries in California," and in 1945 "The Shasta, Sierra, Lassen, Tahoe, and Donner Strawberries" was published as Bulletin 690 in conjunction with Goldsmith. These two publications changed the character and scope of strawberry production in California and opened the potential of strawberries as a fresh market fruit.

When the Thomas' acquired the Morgan Hill ranch, Harold embarked upon a research program that rose to prominence in applied research and development of strawberry cultivars unrivaled in beauty and quality anywhere else in the world. The Institute sought to solve disease, insect, variety, and other problems in strawberry production, and also furnished disease-free stock

(Continued on next page)

State of California - The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 9 of 20

*Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga

*Date 10/14/2010

Continuation Update

(Continued from previous page)

to the grower members. In 1959 a for-profit corporation (Strawberry Institute Nursery), founded by Thomas, was established to separate the plant propagating work from the strictly service work of the Institute. In 1962, Institute members had about 1,600 acres in production. In 1966, the Strawberry Institute merged with Driscoll Strawberry Associates, Inc., which Thomas also directed for another ten years.

Within the work of Thomas and Goldsmith, the Shasta and Lassen varieties of strawberries have become important in the United States, and the Donner is now an important variety in Japan. The Goldsmith (Z5A) was patented and introduced by the Strawberry Institute commercially in 1958, and the Solana, which was named in 1957, was created in 1937 by Thomas and Goldsmith. By 1956, 55 percent of the national strawberry production was in California, with the Shasta and Lassen as chief varieties. Harold Thomas died in Morgan Hill in 1986 at age 86.

Hill and Higbie

The Rhoades House was designed by the firm of Hill and Higbie (Andrew Putnam Hill Jr. and Howard Higbie). Andrew Hill, Jr. was the son of Andrew P. Hill, the renowned photographer and California landscape painter. Andrew P. Hill Jr. (1886-1973) was an architect with a substantial career in California prior to becoming a State architect. He was trained in industrial arts education at San Jose State College and in architecture at Stanford University. After teaching at San Jose State College from 1910 to 1917, he continued teaching while establishing a part-time architectural practice. During this time he was commissioned to do a small number of residential projects that are now considered distinguished works in the post-World War I period. During this time he partnered on some projects with Howard Higbie. By 1923, Hill was appointed Assistant Superintendent of the San Jose city schools, and over the next 27 years worked at various school superintendent jobs in California.

Howard Wetmore Higbie (1879-1958), was born in New York. He was educated at Columbia University, and practiced as an architect in New York before moving to San Jose with his wife Jane in 1912. Higbie was the architect for a number of houses and apartment buildings in the 1920s and 1930s, designed in the Spanish-Eclectic style, and other design work of his included residences and public buildings. He also designed a wing of the Santa Clara County Hospital.

EVALUATION

The intent of this evaluation is to determine the eligibility of the property for designation as a County of Santa Clara Landmark. The property has not been previously surveyed or listed on any local, state, or federal registers of historic resources.

Under Division C17 of the Santa Clara County Code, the Board of Supervisors has adopted a Historic Preservation Ordinance that regulates the identification, designation, and treatment of historic properties. The Ordinance is for the preservation, protection, enhancement, and perpetuation of resources of architectural, historical, and cultural merit within Santa Clara County and to benefit the social and cultural enrichment, and general welfare of the people.

The Board of Supervisors may designate those historic resources as "landmarks" which meet the following designation criteria:

A. *Fifty years or older. If less than 50 years old, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the historic resource and/or the historic resource is a distinctive or important example of its type or style; and of the local area, California, or the nation.*

The site contains five residential buildings, two barns, remnants of a water tower, and a number of small accessory garages and ancillary buildings. All of these buildings and structures appear to be at least 50 years in age.

(Continued on next page)

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 10 of 20

*Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga

*Date 10/14/2010 Continuation Update

(Continued from previous page)

B. Retains historic integrity. If a historic resource was moved to prevent demolition at its former location, it may still be considered eligible if the new location is compatible with the original character of the property;

The property maintains much of its historic integrity as per the National Register's seven aspects of integrity. The historic houses (the Phegley House and the Rhoades House), maintain their original location on the ranch, in the historic headquarters area of the larger 160-acre ranch created in the 1860s. The property today is located in a rural environment as it has been since the property was configured, although Anderson Dam, built in 1949-1950 is clearly visible to the northeast. The subject property retains its late-nineteenth century and early-twentieth century rural ranch scale and feeling, although the larger ranch property was sold off in 1945 and is now under separate ownership.

The Rhoades House has changed little since its construction, and continues (through its massing and detailing) to illustrate its associations with local architect-designed work. The Phegley House was renovated during the early-twentieth century, but retains its distinctive 1860s character and composition that is expressed through its preserved materials, workmanship, and early National-style construction technology. The alterations, such as the porch and windows, have not had a significant impact on the overall character of the house. The horse barn has changed little since its early construction, and little changes have occurred to the equipment barn.

Some buildings have been lost, such as what is believed to have been a large propagation shed to the rear of the Rhoades House that was built in the late-1940s, and demolished in 2003. Other smaller sheds that have been identified in historic photos are no longer extant. The office building and two secondary houses on the property were built after World War II. The office building has been expanded and converted to residential use, but still retains its circa 1945 character. The two houses, although associated with the Thomas period of ownership, are not distinctive modern-era buildings and are not known to be identified directly with significant personages. These two residential buildings do not directly contribute to the historic significance of the property, but reflect the continued evolution of the site into the recent past.

C. Meets one or more of the following criteria of significance:

1. Associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

The property represents today, to some degree, agricultural development patterns in the South County area, with buildings spanning 150 years of occupation and agricultural use. The association of this site however, with Dr. Thomas and the Strawberry Institute and related organizations from 1945 to 1976, is of historic significance within California, due to the contributions that Dr. Thomas and the Institute's work had to the development of California's strawberry industry. **The property meets Criterion 1 under the County's ordinance for landmark designation.**

2. Associated with the lives of persons important to local, California or national history;

James Phegley is of some importance to Santa Clara County, serving as a Supervisor of the First District in the late-nineteenth century. Ira Osborne Rhoades is also a person of some importance locally, as a regional representative, President, and Interim General Manager of the California Prune and Apricot Growers Association during the early part of the twentieth century. Harold E. Thomas is a recognized twentieth century

(Continued on next page)

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 11 of 20

*Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga

*Date 10/14/2010 Continuation Update

(Continued from previous page)

figure in California, considered to be the "Father of the California Strawberry Industry," and was eulogized by the University of California Academic Senate in 1987, following his death. **The property meets Criterion 2 under the County's ordinance for landmark designation.**

3. *Embodyes the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values;*

Both the Phegley House, the horse barn, and the Rhoades house are distinctive architectural specimens. The Phegley House is a unique and rare two-story board-wall house that was constructed during California's Early American Period. The horse barn is unusual in the region, and represents an early transition period in California's rural architectural development. The Rhoades house is a distinguished example of Spanish Eclectic architecture for 1917, an innovative design by two important local architects, Andrew Hill Jr. and Howard Higbie. **The property meets Criterion 3 under the County's ordinance for landmark designation.**

4. *Yielded or has the potential to yield information important to the pre-history or history.*

The pre-history of the site was not investigated for its potential to yield important information. There is no known Spanish-Mexican era occupation of the property, as the Juan Hernandez hacienda of Ojo de Agua de la Coche rancho was located across the valley from this site. An early historian, E.J. Munro-Fraser said in 1881 that Martin Murphy Sr. had initially settled with his family at the mouth of the Coyote Creek (i.e. entry to Coyote Canyon). Other reports indicated he lived at the Hernandez adobe site until building a house with his son Daniel on the rancho San Francisco de las Llagas. Early surveyors maps show no structures at the subject site to confirm that Martin Murphy Sr. had initially settled on the subject property. It does not appear from information found that the site is potentially significant due to historical archaeology. **The property does not appear to meets Criterion 4 under the County's ordinance for landmark designation.**

(Continued from page 5, DPR523b, B12 References)

Andrew Putnam Hill, Jr. Collection, Sourisseau Academy for State and Local History, SJSU. Arbuckle, C., *Santa Clara County Ranchos*, 1968.

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Hall, F., *History of San Jose*, 1871.

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San Jose Evening News,

Railroad Man to Quit, July 28, 1917.

Growers Ask for Contract Change, January 24, 1922.

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New Purchasing Agent of Southern Pacific Company, June 13, 1905.

James Fletcher Phegley died age 76, Feb. 13, 1915.

Santa Clara County Clerk-Recorder, maps, deed, and official records.

Sawyer, E., *History of Santa Clara County*, 1922.

United States Federal Census, 1860-1930.

University of California Academic Senate, *In Memoriam*, Harold E. Thomas, Plant Pathology: Berkeley, 1987.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 12 of 20

*Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga

*Date 10/14/2010

Continuation Update



State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 13 of 20

*Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga

*Date 10/14/2010 Continuation Update



Phegley House (1), viewed facing northeast



Phegley House (1), viewed facing northwest.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 14 of 20

*Resource Name or # (Assigned by recorder) Rhoades Ranch

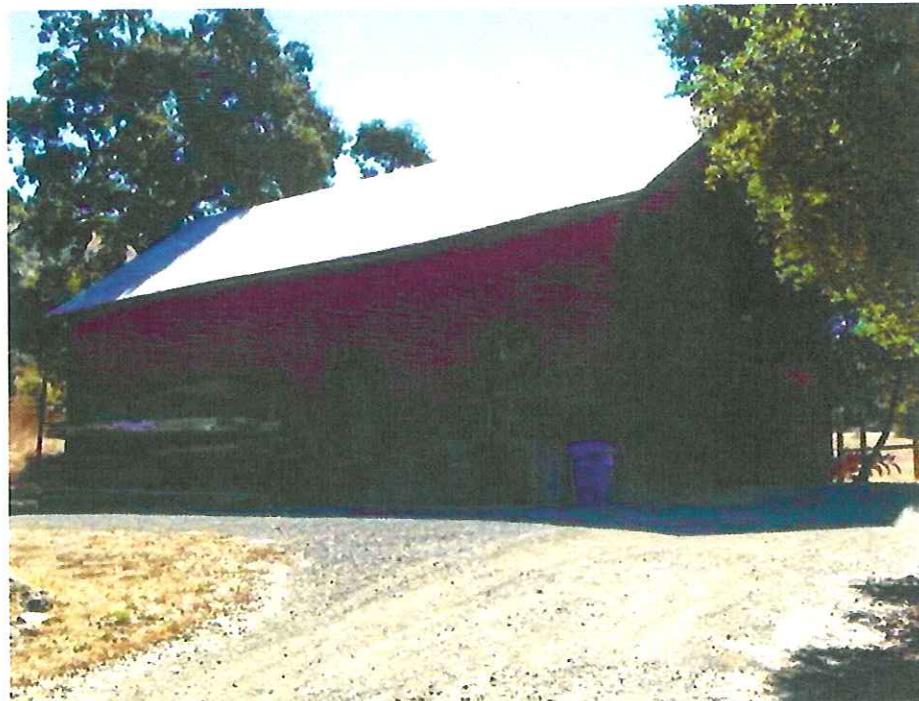
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*Date 10/14/2010

Continuation Update



Phegley Garage (1a), viewed facing west.



Horse barn (2), viewed facing southeast.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 15 of 20

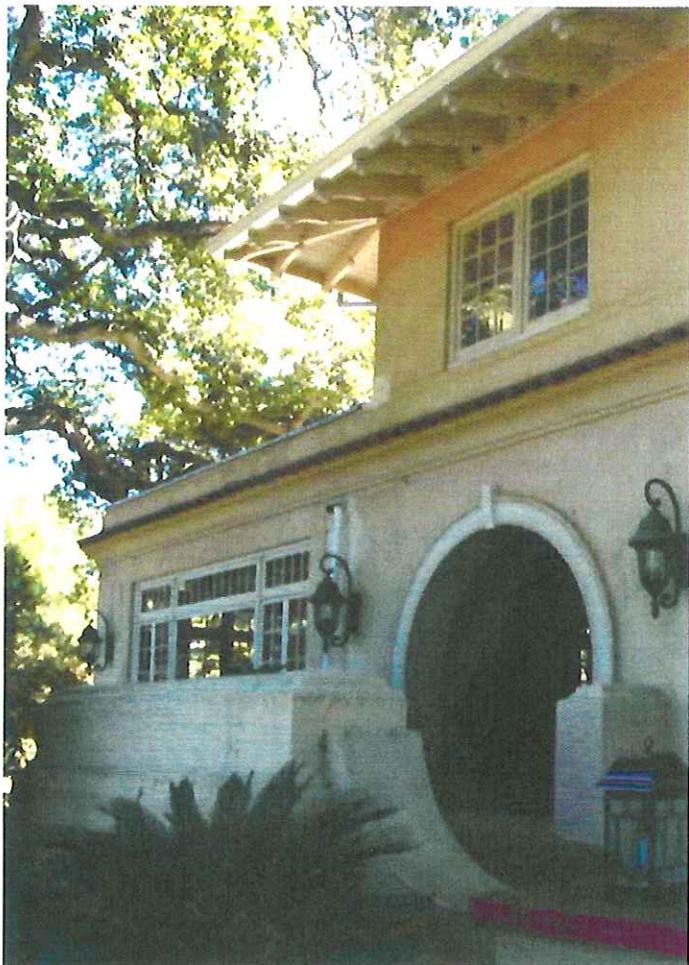
*Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga

*Date 10/14/2010 Continuation Update



Watertower (3), viewed facing northwest.



Rhoades House at entry (4), viewed facing northeast.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

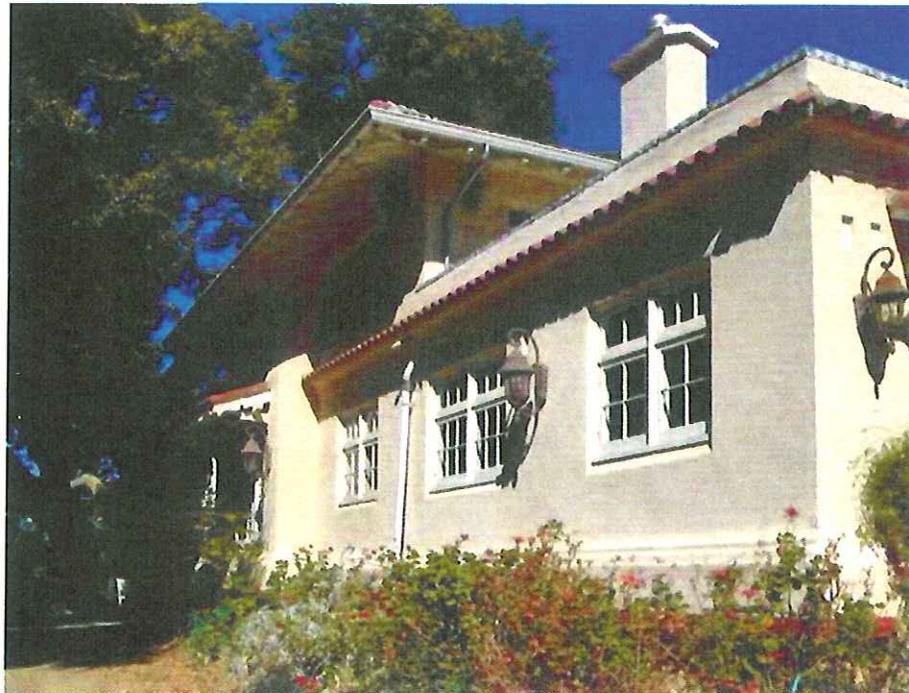
Primary #
HRI #
Trinomial

Page 16 of 20

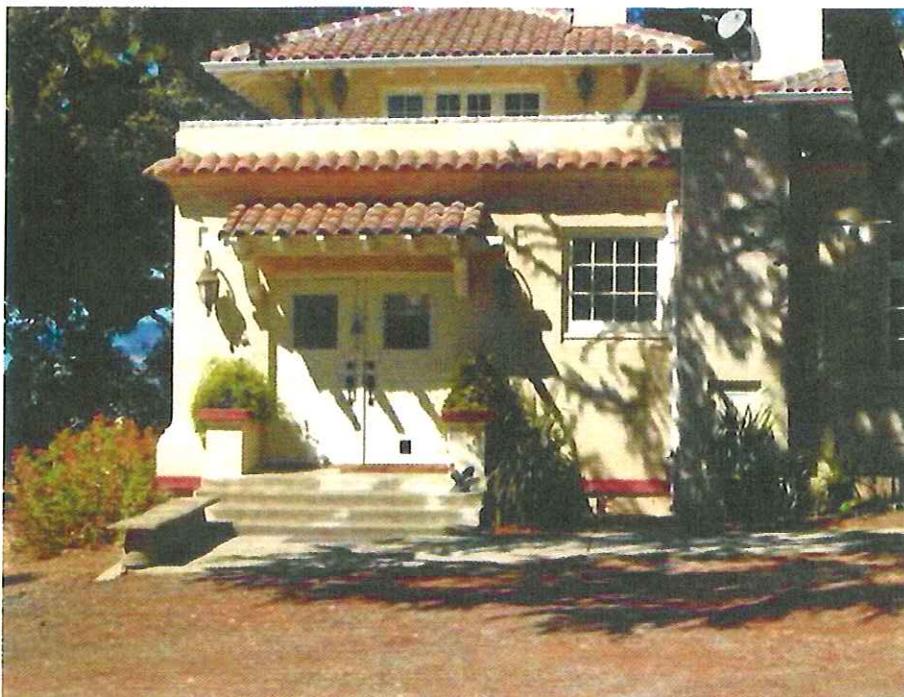
*Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga

*Date 10/14/2010 Continuation Update



Rhoades House (4) south side, viewed facing northwest.



Rhoades House (4) rear entry, viewed facing west.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 17 of 20 *Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga *Date 10/14/2010 Continuation Update



Rhoades House (4) north side, viewed facing south.



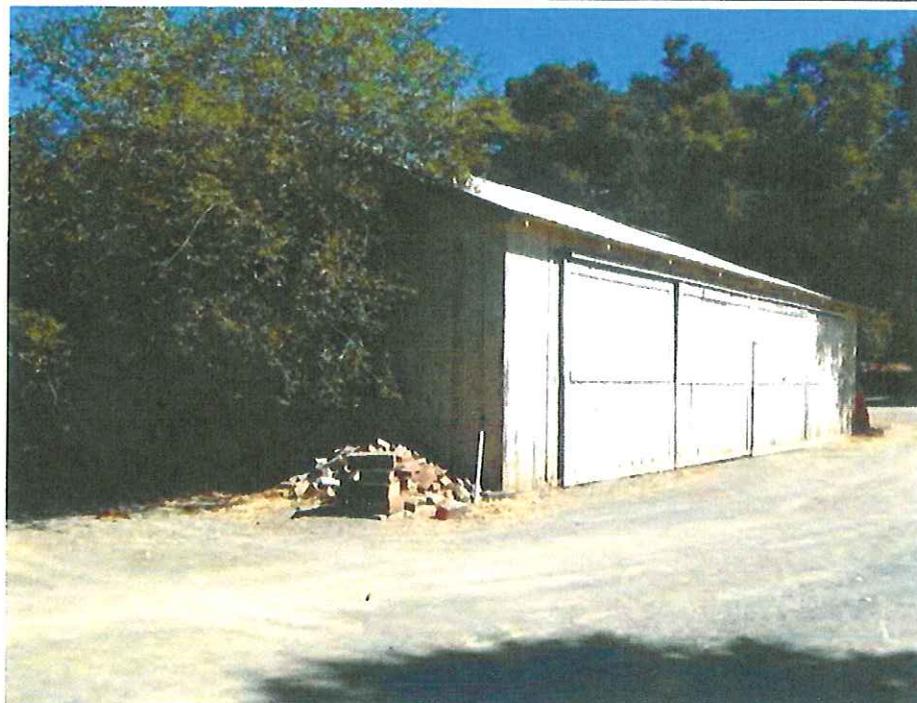
Rhoades House garage, viewed facing south.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

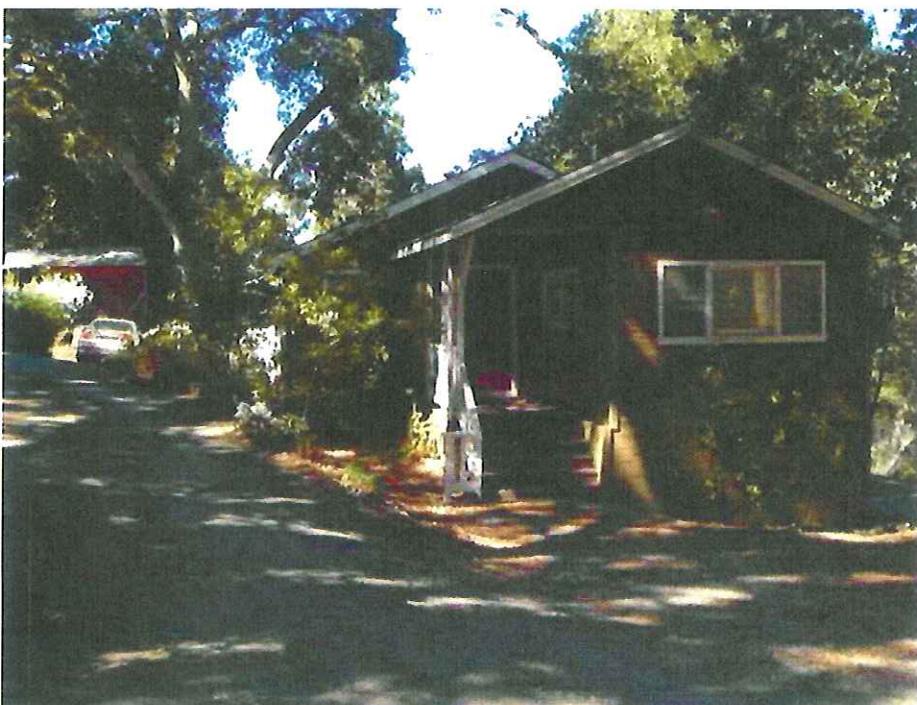
Primary #
HRI #
Trinomial

Page 18 of 20 *Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga *Date 10/14/2010 Continuation Update



Equipment Barn (5), viewed facing northeast.



Office (6), viewed facing west.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

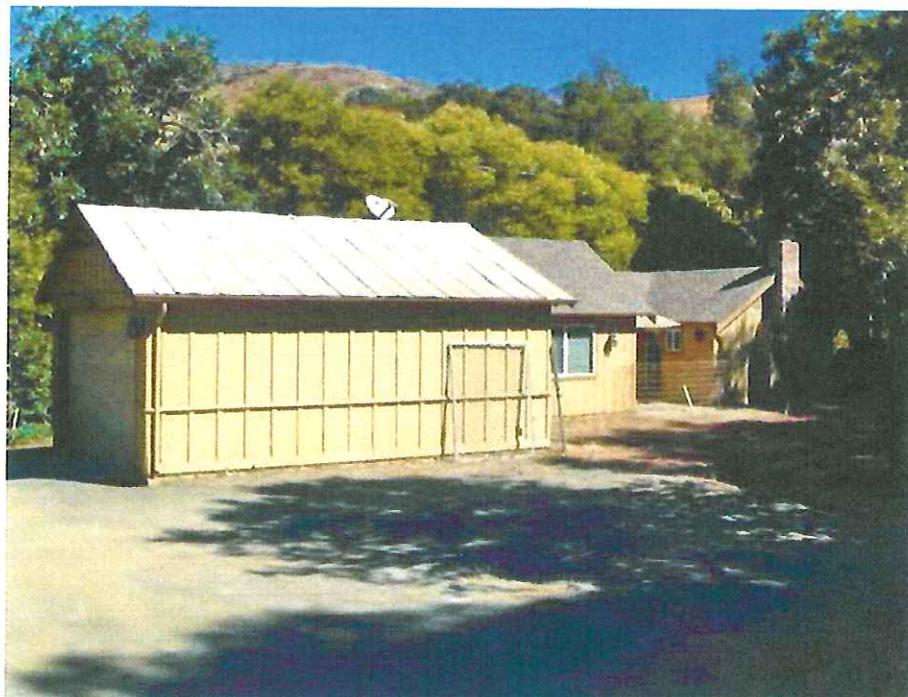
Page 19 of 20 *Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga *Date Oct. 14, 2010

Continuation Update



Stucco House (7), viewed facing east.



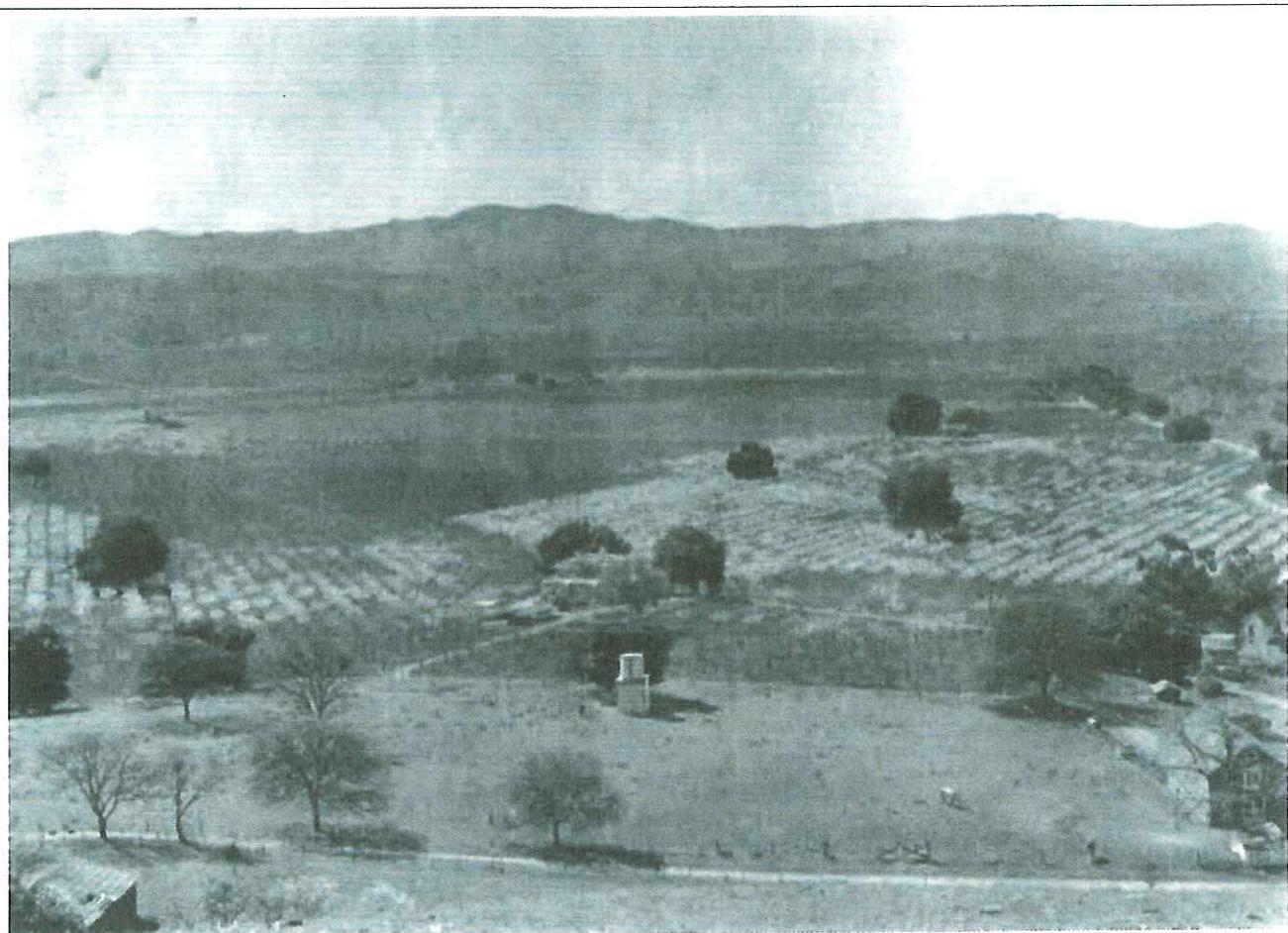
Board and Batten House (8), viewed facing northeast.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary #
HRI #
Trinomial

Page 20 of 20 *Resource Name or # (Assigned by recorder) Rhoades Ranch

*Recorded by Franklin Maggi & Leslie Masunaga *Date Oct. 19, 2010 Continuation Update



Historic site overview, circa 1920s. Barn below left. Harold and Helene Thomas below right.



United States Department of the Interior
National Park Service

National Register of Historic Places Registration Form

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in National Register Bulletin, *How to Complete the National Register of Historic Places Registration Form*. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional certification comments, entries, and narrative items on continuation sheets if needed (NPS Form 10-900a).

1. Name of Property

historic name Rhoades Ranch

other names/site number Phegley Home Ranch/Strawberry Institute of California/
County of Santa Clara Landmark CL11-001

2. Location

street & number 2290-A Cochrane Road not for publication

city or town Morgan Hill vicinity

state California code CA county Santa Clara code 085 zip code 95037

3. State/Federal Agency Certification

As the designated authority under the National Historic Preservation Act, as amended,

I hereby certify that this nomination request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60.

In my opinion, the property meets does not meet the National Register Criteria. I recommend that this property be considered significant at the following level(s) of significance:

national statewide local

Signature of certifying official/Title _____ Date _____

State or Federal agency/bureau or Tribal Government _____

In my opinion, the property meets does not meet the National Register criteria.

Signature of commenting official _____ Date _____

Title _____ State or Federal agency/bureau or Tribal Government _____

4. National Park Service Certification

I hereby certify that this property is:

entered in the National Register determined eligible for the National Register

determined not eligible for the National Register removed from the National Register

other (explain): _____

Signature of the Keeper _____ Date of Action _____

Rhoades Ranch
Name of Property

Santa Clara, California
County and State

5. Classification

Ownership of Property
(Check as many boxes as apply.)

<input checked="" type="checkbox"/>	private
<input type="checkbox"/>	public - Local
<input type="checkbox"/>	public - State
<input type="checkbox"/>	public - Federal

Category of Property
(Check only one box.)

<input type="checkbox"/>	building(s)
<input type="checkbox"/>	district
<input checked="" type="checkbox"/>	site
<input type="checkbox"/>	structure
<input type="checkbox"/>	object

Number of Resources within Property
(Do not include previously listed resources in the count.)

Contributing	Noncontributing	
5	2	buildings
		sites
1		structures
		objects
6	2	Total

Name of related multiple property listing
(Enter "N/A" if property is not part of a multiple property listing)

Number of contributing resources previously listed in the National Register

N/A

N/A

6. Function or Use

Historic Functions

(Enter categories from instructions.)

DOMESTIC: multiple dwellings/secondary

structures

AGRICULTURE: agricultural field/outbuildings/

horticultural facility

EDUCATION: research facility

COMMERCE: business

Current Functions

(Enter categories from instructions.)

DOMESTIC: multiple dwellings/secondary

structures

AGRICULTURE: agricultural field/outbuildings

7. Description

Architectural Classification

(Enter categories from instructions.)

MID-19TH CENTURY: Other(National)

LATE 19TH AND 20TH CENTURY REVIVALS:

Spanish Eclectic

MODERN MOVEMENT: Minimal Traditional

Materials

(Enter categories from instructions.)

foundation: CONCRETE

walls: WOOD: Shingle, STUCCO

roof: CLAY TILE/COMPOSITION/WOOD SHINGLE/
BRICK

other: _____

Rhoades Ranch
Name of Property

Santa Clara, California
County and State

Narrative Description

(Describe the historic and current physical appearance of the property. Explain contributing and noncontributing resources if necessary. Begin with a **summary paragraph** that briefly describes the general characteristics of the property, such as its location, setting, size, and significant features.)

Summary Paragraph

Located near the base of the Leroy Anderson Dam and Reservoir in southern Santa Clara County, this 12-acre site is nestled in the northeast corner of what was once a larger 160-acre ranch that was established in the 1860s when the Mexican era *Rancho Laguna Seca* was first subdivided. Most of the early ranch area is now known as Borello Farms, a 123-acre active ranch on an adjacent property to the south and west. The subject site is on a rise adjacent Coyote Creek, and overlooks the orchards of Borello Farms. This overlook is the original ranch headquarters site, and was also the site of the Strawberry Institute of California, which was developed subsequent to the property split. The larger setting remains agricultural, although the historic landscape was modified with the construction of Anderson Dam in 1949-1950. The Santa Clara Valley Water District now owns undeveloped properties to the north and east of the subject site. The property today represents a continuum of significant and supporting design elements from the mid-nineteenth to mid-twentieth centuries including much of its natural setting. Although the surrounding associated agricultural lands has been and will continue to be subject to urban development, the site preserves the feelings and associations of the headquarters of an early Northern California ranch, is the site of a 1920 Spanish Eclectic residence that represents the work of master local architects, and was the headquarters of the Strawberry Institute, an institution important in the agricultural history of California.

Narrative Description

The main owner-occupied house (known as Rhoades House), completed in 1920, shares the site with four other houses that today function as rentals. Other buildings and structures exist on the site, including an early barn, an agricultural equipment building, remnants of a water tank, and other minor ancillary structures related to the residences. The site also contains mature landscaping associated with various eras of site occupation, as well as some native vegetation near the riparian corridor of Coyote Creek that is located along the northern boundary of the site. The site has one small adjacent parcel under separate ownership that fronts on Coyote Road and is partially embedded into the site. That adjacent site is not a part of this nomination. Coyote Road runs along the east boundary of the site at the base of the foothills, and extends from Cochrane Road to East Main Avenue about a mile to the southeast.

The entry to the subject site is from Cochrane Road at the northwest corner of the property. A nearby adjacent driveway (to the west) provides access to the perimeter road of Borello Farms. This drive leads to a complex of agricultural buildings to the south of and not a part of the subject property.

Contributing building/structures:

(1) Phegley House (circa 1860s)

This two-story National folk house represents the earliest known occupation of the site. It is a two-story single-wall (board wall) house constructed in the 1860s during the early American settlement period of Santa Clara County. Single-wall houses are one of the earliest American-era building types in California, when the availability of large redwood lumber planks allowed for quick assembly of buildings. The construction technology was popular from the mid-1850s to the late-1860s during the pre-railroad era in California.

National folk houses are common across the nation, particularly in the South and the Midwest, and were a result at mid-nineteenth century of the availability (via the emerging railroads) of manufactured lumber in newly developing areas that were a distance from water transport. The Phegley House is a sub-type of National folk houses known as I-house, a type characterized by two-story buildings two-rooms wide and one deep, often with rear additions. With roots in British folk housing, I-houses were popular due to the larger sizes possible at moderate cost. Although the railroad did not connect rural areas in California until the late 1860s and later, settlers in California were aware of the technology from the Midwest and South, and were able to obtain redwood lumber harvested from the large forested Coastal Range.

Rhoades Ranch
Name of Property

Santa Clara, California
County and State

Facing west towards the entry to the site from Cochrane Road, the house sits above the creek and road where the foothills begin their rise near the mouth of Coyote Canyon. This site is a natural early habitation location. Early boundary descriptions referenced the large Sycamore trees that framed the creek. Large Eucalyptus trees provide a focal point and identify this house site from the valley below. Eucalyptus trees were first planted in California from seeds brought from Australia during the Gold Rush, and were propagated and marketed extensively beginning in the mid-1850s. The mature Eucalyptus trees near this building were likely planted during the nineteenth century.

The building is T-shaped with a two-story cross-gabled front volume and a rear one-and-one-half story offset wing. A one-story hipped shed is nested along the rear wing on the south side. The steeply pitched roof is characteristic of folk housing of the early 1860s in California, with a cross-gabled front volume set higher than the rear-gabled wing. Other character-defining features include the enclosed soffits, wide fascia trim, and lap siding. A chimney rises through the peak of the roof of the rear wing.

A large wooden porch and covered deck wraps the west and north side of the building. It is covered with a low-slope hipped roof with false-bead ceiling boards, framed with large square wood columns, and enclosed with a solid balustrade of v-grove siding, the porch was likely added to the building in the second decade of the twentieth century when the ranch was acquired by the Rhoades family, and was renovated again after 1945. The porch deck on the north side of the building faces the riparian corridor of Coyote Creek. The porch/deck is accessed from steps centered at the front façade, leading to a front door that is centered in the front façade and framed by recessed wood panels.

Fenestration appears to have been replaced at the time of the porch addition in the 1920s, and is mostly wood-sash double-hung windows with dog-ears. Replacement doors and other improvements were probably made at that time, and other foundation work and improvements were done later, which have all reduced the integrity of the original building.

(1a) Phegley House garage (pre-1920)

South of the Phegley House is a small one-story garage. It is a simple front and rear gabled volume with a front garage door and side windows. Although clad with channel-rustic siding (typical of nineteenth century construction), it may have been built after the Rhoades acquired the property in 1911, but prior to when they constructed their large house.

(2) Horse Barn (circa 1860s)

This moderate-sized timber-framed horse barn located uphill from the houses near Coyote Road was likely constructed during the same decade as the Phegley House. Rectangular in size and one-and-one-half stories in height. It is front and rear gabled, with an upstairs hay storage area loaded from both front and rear hay-doors above the sliding doors at both ends. The floor is made of wood and has three interior horse stalls located in the right rear corner. The siding is a wide-board v-groove profile that is not usually found in Santa Clara County, but may be associated with a transition period in the mid-1860s before channel-rustic siding became the norm throughout Northern California. The tall 6/6 double hung windows are also characteristic of the mid-1860s with their thin mullions. Most of the glazing is missing. The roof has been covered with galvanized corrugated metal panels that cover what may be original shingles.

(3) Water tower remnant structure (pre-1920)

Located southwest of the barn is the remaining structure of what was once a large watertower. This structure appears on an early 1920s photo of the site (see **Additional Documentation: Historic Photos**), and was likely constructed during the nineteenth century. The original siding and tank are now gone.

(4) Rhoades House and garage (1917-1920)

Designed by the architectural firm of Higbie and Hill, with construction beginning in 1917 but completion not occurring until after World War I, this Spanish Eclectic style house with detached garage is sited within a grove of large Oak trees at the rise above the orchards of Borello Farms to the west and south. At the time of construction, the property included the Borello Farms acreage. The Rhoades House is an excellent example of a work by local master architects.

Prior to World War I, most designs of Spanish influences in California were variations of the Mission Revival style that had its roots in the late nineteenth century. That changed with the Panama-California Exposition held in San Diego in 1915. The Exposition represented a much more precise and elaborate representation of Spanish Colonial architecture and received wide attention. Architects, inspired by what they had seen at the expo, began to look directly to Spain and its colonies for inspiration, and finding a rich history to pull from, the style evolved into what many refer to as Spanish Colonial Revival. However, Spanish Eclectic style incorporates the more broad architectural roots of the style as it

Rhoades Ranch
Name of Property

Santa Clara, California
County and State

evolved. During the Interwar Period, the Eclectic Revival or Period Revival styles grew in prominence to become predominate form of residential construction. Such styles as Spanish Eclectic, Mission Revival, Mediterranean, French Eclectic, and English-derived designs became popular, replacing the Craftsman style of residences of the previous decades. Spanish Eclectic detailing included Spanish or Mission tile roofs, raised and inset plaster ornament, arched porches and arched picture windows, shaped buttresses, and often carved timbers and rafters. This style reached its climax in the 1920s and 1930s and then passed rapidly from favor by the 1940s.

The Rhoades House has a large, mostly square footprint (one narrow wing extends the front façade northward). At the rear, buttresses frame a shallow bump-out and an interior court. Mostly one-story in height, a two-story L-shaped section rises at the southwest corner of the building and extends northward across the front of the square footprint, but stops short of the one-story wing. The two-story section partially wraps the interior courtyard. The massing of the house is a maze of undulating forms, creating the illusion of a house larger than its already large size. The one-story sections have flat tops and parapets faced with a row of decorative Spanish roof tiles about a foot down from the coping. This decorative mansard sits above flared stucco cornices. The tile decorative feature wraps the building except for the intrusion of some large buttresses on the south and east facades that frame the canopy roof (south façade) with a jog in the building line (rear façade).

The second story is covered by a moderately sloped Spanish tile covered roof that extends down to large sweeping eaves. These eaves contain scroll-cut rafter tails with notched-in gutters. The scroll-cut boards are found again in the cantilevered canopy outriggers over the rear door and side windows. Both the canopies and the second-story roofs are framed and cornered by large scroll-cut braces.

On the front façade a partially cantilevered wing protrudes from the building shape, but is contained in the composition by the line of the decorative tile. The parapet encloses a balcony that overlooks the entry. The horizontal line of the coping is drawn into the stucco of the two-story section, providing a base to the window sills. The horizontality is further emphasized by a stucco watertable at the base of the walls. The watertable line originates on the north façade of the wing where it abuts a small buttress, continues into the caps of two large bollards at the front entry, and then terminates after wrapping the rear corner of the building against a large buttress mid-façade. Above the watertable is a false base of stepped-out stucco, further emphasizing the horizontality, and monumentalizing the wall profile.

The prominent arched entryway alcove with its key at the apex and trimmed with decorative archivolt is nested into a solid stucco-covered L-shaped railing of monumental proportions. The steps drop to the side along the wall into a narrow entry patio framed by large square bollards. The thick railing is embellished with flares in its vertical plane, and a quarter bottom-curve provides a counterpoint to the curves of the arch nearby. The front entry arch covers a deep recess into which the custom arched door and its frame provides a grand entry into the house.

The fenestration is a mix of casement, top-hinged, and fixed multi-light windows. Most of the windows have multi-light fixed transoms. The front projected wing contains a six-part window with a semi-arch, and centered in the second story of the front façade is a recessed tri-partite window unit framed with four slender twisted columns. The center section is solid and contains an ornately trimmed cast panel.

Additional character-defining features include second-story planter boxes with doubled corbels, two stucco chimneys with solid gabled caps, ornamental carriage-style exterior wall lamps, integrated foundation/planters, and rectangular stucco insets.

The detached garage is similar in character to the house. It is wrapped with a Spanish tile mansard and contains matching multi-light windows. The garage door is a replacement. A rock retaining wall follows the driveway along the south side of the house. Foundations remain of a garden room that no longer exists.

(5) Equipment building (circa 1945+)

This long structure was built to house farm equipment, and has four sliding doors facing a driveway circulation area near the large older barn and a house to the southwest. The building is simple in shape, with end gables, and board and batten siding. The concrete base and interior framing indicate mid-century construction.

Rhoades Ranch
Name of Property

Santa Clara, California
County and State

(6) Office (Board-and-batten house and garage) (circa 1945+)

Located at the northeast corner of the site, this house was originally built as an office. It is a long narrow structure with step-backed gables and a mix of siding types. The building was expanded over time, and was later converted to residential use.

Non-contributing buildings/structures:

(7) Stucco house (circa late 1940s)

Located in the center of the site between the Rhoades House and the equipment building, this one-story stucco-clad Minimal Traditional-styled house is L-shaped and has an attached two-car garage. Some vernacular houses, particularly in the 1930s and early 1940s as the Modern Movement progressed, were built very simply in what is referred to as "Minimal Traditional style." One of the most ubiquitous architectural styles and commonly overlooked as a non-style, it quickly evolved from the simplified "modern" interpretation of the many revival styles prevalent during the 1920s and 1930s. The style is recognized as one-story, unadorned, stucco houses with gabled roofs, shallow eaves and simplified porch designs. Minimal Traditional buildings are a transition between the revival styles of the 1920s and 1930s into the post-war Ranch-style houses.

The building has a raised floor and a long concrete entry porch covered with an attached roof with slender 4x4 columns. The end gables have vertically installed dog-eared planks, and the windows are framed with false shutters. The garage may have been added, as were some aluminum sash windows during the 1960s or 1970s.

(8) Board-and-batten house and shed (date unknown, post-1945)

The one-story house located east of the Phegley house above Cochrane Road is a contemporary house, with board and batten siding, and a detached garage.

Conclusion

The property maintains much of its historic integrity as per the National Register's seven aspects of integrity. The historic houses, barn, office, and equipment building, maintain their original location on the ranch, in the historic headquarters area of the larger 160-acre ranch created in the 1860s, and the site of the Strawberry Institute of California of the mid-twentieth century. The property today is located in a rural environment as it has been since established in the 1860s, although Anderson Dam, built in 1949-1950 is clearly visible to the northeast. The subject property retains its late-nineteenth century and early-to-mid twentieth century rural ranch scale and feeling, and continues to represent rural patterns of development

The Rhoades House is individually significant, and has changed little since its construction, and continues (through its massing and detailing) to represent the creative work in the Spanish Eclectic style of local master architects, Howard Higbie and Andrew P. Hill, Jr.

Other houses and structures on the site contribute to the late-nineteenth century and early-to-mid twentieth century rural ranch setting. The Phegley House was renovated during the early-twentieth century, but retains its distinctive 1860s character and composition that is expressed through its preserved materials, workmanship, and early California redwood construction techniques. The alterations, such as the porch and windows, have reduced the integrity of the original 1860s building, but were done during the period of significance of the larger site. The horse barn has changed little since its early construction, and little changes have occurred to the equipment building and other older structures on the site.

Some buildings have been lost, such as what is believed to have been a large propagation shed to the rear of the Rhoades House that was built in the late-1940s, and demolished in 2003. Other smaller sheds that have been identified in historic photos are no longer extant. The office building of the Strawberry Institute of California and two secondary houses on the property were built after World War II. The office building has been expanded and converted to residential use, but still retains its ca. 1945 character. The two houses, although associated with the period of ownership when Harold Thomas headed the Strawberry Institute of California at the site, are not distinctive modern-era buildings and are not known to be identified directly with the historically important use of the site during the mid-twentieth century. These two residential buildings do not directly contribute to the historic significance of the property, although reflect the continued evolution of the site into the recent past.

Rhoades Ranch
Name of Property

Santa Clara, California
County and State

8. Statement of Significance

Applicable National Register Criteria

(Mark "X" in one or more boxes for the criteria qualifying the property for National Register listing.)

- A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B Property is associated with the lives of persons significant in our past.
- C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D Property has yielded, or is likely to yield, information important in prehistory or history.

Areas of Significance

(Enter categories from instructions.)

CRITERION A: Good example of local agricultural development patterns and an important site to

development of California's strawberry industry

CRITERION B: Property is associated directly with Harold Thomas who is important in California's agricultural history.

CRITERION C: Rhoades House represents the work of local master architects Howard Higbie and Andrew P. Hill Jr. and contains high artistic values

Period of Significance

Ranch: ca. 1860s-1976, Thomas: 1945-1976

Rhoades House: 1917 - 1920

Criteria Considerations

(Mark "X" in all the boxes that apply.)

Property is:

- A Owned by a religious institution or used for religious purposes.
- B removed from its original location.
- C a birthplace or grave.
- D a cemetery.
- E a reconstructed building, object, or structure.
- F a commemorative property.
- G less than 50 years old or achieving significance within the past 50 years.

Significant Dates

1945-1976 (association with Strawberry Institute)

ca. 1860s (first period of construction)

1920 (Rhoades House completed)

Significant Person

(Complete only if Criterion B is marked above.)

Thomas, Harold E.

Cultural Affiliation

N/A

Architect/Builder

Higbie, Howard Wetmore (architect)

Hill, Andrew P. Jr. (architect)

Rhoades Ranch
Name of Property

Santa Clara, California
County and State

Period of Significance (justification)

Criterion A: The period of significance relates to the initial occupation of the subject property based on an initial build date of the first residence ca. mid-1860s, and continues through its use as an agricultural site under various occupants until 1976.

Criterion B: The period of significance relates to the occupation and use of the site by Harold E. Thomas and the operation of the Strawberry Institute of California and related entities during that time period.

Criterion C: The period of significance relates to the date of completion of construction of the Rhoades House.

Criteria Considerations (explanation, if necessary)

N/A

Statement of Significance Summary Paragraph (Provide a summary paragraph that includes level of significance and applicable criteria.)

The 12.27-acre site known as Rhoades Ranch on Cochrane Road is locally significant under National Register Criterion A, B and C in the areas of Agriculture, Exploration/Settlement and Architecture. It is also significant at the state level under Criteria A and B for its association with the Strawberry Institute of California and Harold E. Thomas, its head, who is a person important to California's agricultural history. It is the historic headquarters of what was once a larger ranch in South Santa Clara County (located to the east of Morgan Hill). Today it represents one of the last remaining agricultural settings able to convey the broad patterns of late nineteenth and early twentieth century agricultural development in the now mostly urbanized floor of Santa Clara Valley. The northern California agricultural property contains resources illustrating the early American-era agriculture period, the early twentieth-century development of the property during years of regional horticultural development, and is associated with California's pioneering strawberry industry (the largest in the United States).

Narrative Statement of Significance (Provide at least one paragraph for each area of significance.)

Criterion A: Patterns and Events

The property represents today agricultural development patterns in the South Santa Clara County area, with buildings spanning 150 years of occupation and agricultural use. The association of this site however, with Dr. Harold E. Thomas and the Strawberry Institute and related organizations from 1945 to 1976, is of historic significance within California, due to the contributions that Dr. Thomas and the Institute's work had to the development of California's strawberry industry. The property meets Criterion A under the National Register of Historic Places guidelines.

Strawberry breeding in California has reflected a working public/private partnership since the early twentieth century. Intensive breeding work, along with related investigations, is conducted at the California Experiment Stations; more breeding work has occurred at the private grower-supported coops such as the Strawberry Institute of California, and both have been closely allied to the strawberry industry of California which in some places produces the heaviest yields per acre in the world. There existed an almost symbiotic relationship of industry to experimental work in the earlier decades of the industry.

When Thomas acquired the subject property in 1945, he embarked upon a research program that rose to prominence in applied research and development of strawberry cultivars unrivaled in beauty and quality anywhere else in the world. The Strawberry Institute sought to solve disease, insect, variety, and other problems in strawberry production, and also furnished disease-free stock to the grower members. The Institute, located on the property and organized by E.F. Driscoll, was the brain child of a far-sighted strawberry grower who began cooperating with the University of California Berkeley beginning in 1930. It was designed to conduct breeding and provide scientific assistance to the growers.

Strawberry breeding first began at the University of California's Davis Station in 1925-1926. William T. Howes and A.G. Plakidas initiated the first work. Some selections were made of their crosses in 1927 and W.T. Horne made further crosses that year. He was succeeded by Dr. Harold Thomas. The first Thomas-Goldsmith seedlings were fruited in 1930 at the San Jose Station near Santa Clara. The first crosses, made in 1929 by Goldsmith, were actually unauthorized, but were the result of his curiosity when he was foreman of the Deciduous Fruit Field Station of the University of California in

Rhoades Ranch
Name of Property

Santa Clara, California
County and State

San Jose. These were followed by systematically building up the desirable characters toward an ideal type. In 1934, there were between 3,000 and 4,000 acres of strawberries in California. Just before World War II the strawberry acreage in California was about 5,000, most of which was the variety Marshall (Banner) in central California and Klondike in southern California. By the end of the war the acreage had been decreased down to 900 acres due to the economic climate and marketability of strawberries during wartime. In 1945, the University introduced five varieties of strawberries resulting from Thomas' and Goldsmith's work -- the Shasta, Lassen, Tahoe, Donner, and Sierra. Of these, Shasta and Lassen became important in the United States. The five new varieties were relatively virus-free and were far more vigorous and productive than the Marshall variety.

Post-War, acreage increased steadily until there were 22,500 acres of strawberries planted in California in 1956, composing 55 percent of the national production, with Shasta and Lassen as the chief varieties. Of these, Lassen (originated in 1936) proved to be best in southern California because of its low chilling requirement, relatively high tolerance to salinity, wide adaptation under a variety of planting systems and high productive capacity. The fruit is mediocre to poor in quality, soft, ships poorly, tends to roughness and is unsatisfactory for freezing. Shasta, originated in 1935, proved to be best in coastal central California because of continuous production under the prevailing conditions, where fruit is harvested from the same plants from April through November. The fruit is good in quality, ships well, and is passable for freezing. The Sierra, Tahoe, and Donner varieties ultimately failed as varieties in California but Donner is a leading variety in Japan.

With the passing of years, Shasta and Lassen also became infected with virus and a virus-free nursery program was put into effect. Some Donner and Tahoe were grown in the early 1950's and Donner has now become important in Japan. The Goldsmith (Z5A) was patented and introduced by the Strawberry Institute commercially in 1958 as Z5A and named in 1963. Solana, named in 1957 by the University of California, was selected in 1937 by Thomas and Goldsmith. Solana is established as the dominant variety in the Oxnard district of Ventura County and around Fresno, replacing Lassen in both areas, and is grown to a limited extent in other areas including the central coast near Watsonville.

In 1959 a for-profit corporation (Strawberry Institute Nursery), founded by Thomas, was established to separate the plant propagating work from the strictly service work of the Institute. Patented varieties originated by the Institute were propagated for members of the Institute only. At its peak, about twenty million plants were propagated annually by the Institute. In 1962, Institute members had about 1,600 acres in production. In 1966, the Strawberry Institute merged with Driscoll Strawberry Associates, Inc., which Thomas also directed for another ten years.

Criterion B: Personages

Harold E. Thomas is a recognized twentieth century figure in California, considered to be the "Father of the California Strawberry Industry," and was eulogized by the University of California Academic Senate in 1987 as such, following his death. The property meets Criterion B under the National Register of Historic Places guidelines.

Harold E. Thomas was born in Watsonville, California on March 25, 1900, where he grew up on a small farm about six miles outside the city. After high school he spent a year on the ranch and then went to the University of California in 1920, obtaining his M.S. in 1924 and his Ph.D. in 1928 in Plant Pathology after studying *Armillaria mellea*, a root destroying fungus primarily found in deciduous orchard crops of California. The study of deciduous orchard tree root diseases as well as strawberry diseases was his area of responsibility while a member of the U.C. faculty. He then became a Professor in the Department of Plant Pathology in 1928, and continued working on strawberry diseases that threatened the California industry. Thomas is renowned for his pioneering research on the strawberry, often called the "Father of the California Strawberry Industry." During his tenure at the University, Thomas enlarged strawberry breeding programs to include wild strawberries to create disease-resistant varieties, working with the University of California Deciduous Fruit Field Station in Santa Clara. He resigned from the University of California to become Director and Pathologist of the non-profit Strawberry Institute of California in 1945, located on the subject property.

In 1934 Thomas had married Helene Diepen, who worked at the Field Station, and the following year another Field Station employee, Earl V. Goldsmith (1892-1954) became his research assistant. In 1939 he published *University of California Agriculture Extension Circular 113* "Production of Strawberries in California," and in 1945 "The Shasta, Sierra, Lassen, Tahoe, and Donner Strawberries" was published as *Bulletin 690* in conjunction with Goldsmith. These two publications changed the character and scope of strawberry production in California and opened the potential of

Rhoades Ranch
Name of Property

Santa Clara, California
County and State

strawberries as a fresh market fruit. In 1945 he bought the upper portions of the larger Rhoades Ranch, including the subject property and established at this location The Strawberry Institute of California, and became its Director. Thomas was aided in this endeavor by E. F. Driscoll, and the research done by the non-profit was used to assist the growers belonging to Driscoll Strawberry Associates. Harold Thomas died in Morgan Hill in 1986 at the age of 86.

Criterion C: Architecture

The Rhoades house is the work of the local firm of Higbie and Hill, a partnership of two local master architects during the late teens and early 1920s. The Rhoades house is a distinctive example of Spanish Eclectic architecture for the period, under construction in 1917 and completed in 1920. It was innovative design by Howard Higbie and Andrew P. Hill, Jr. The property meets Criterion C under the National Register for Historic Places guidelines.

Andrew Hill, Jr. was the son of Andrew P. Hill, the renowned photographer and California landscape painter. Andrew P. Hill Jr. (1886-1973) was an architect with a short but defining career in California prior to becoming a State architect. He was trained in industrial arts education at San Jose State College and in architecture at Stanford University. After teaching full time at San Jose State College from 1910 to 1917, he continued to teach part-time while establishing an architectural practice. During this time he was commissioned to do a small number of residential projects that are now considered distinguished local works in the post-World War I period. During a portion of this period Hill partnered on projects with architect Howard Higbie.

Howard Wetmore Higbie (1879-1958), was born in New York and was educated at Columbia University. Higbie practiced as an architect in New York before moving to San Jose with his wife Jane in 1912. Jane was a prominent Interior Designer/Decorator, and is known to have participated in the designing and outfitting the interiors of buildings designed by her husband Howard. Howard Higbie was the architect for a number of houses and apartment buildings in the 1920s and 1930s throughout Santa Clara County, and often designed in the Spanish-Eclectic and Mediterranean Revival styles. His design work portfolio included public buildings as well as residences.

Conclusion

During 100 years of agricultural production, this site evolved from a cattle ranch to a horticultural farm where prunes, apricots, and other horticultural products were grown. By the mid-twentieth century, the site, reduced to its present size, became the headquarters of an experimental strawberry facility that included propagation work on the site as well as other off-site farms that created many disease-resistant varieties now grown throughout the world. Prominent people have been involved in this ranch prior to establishment of the Strawberry Institute of California, including early owner James F. Phegley, a South County rancher who served on Santa Clara County's Board of Supervisors, and Ira Osborne Rhoades, a railroad purchasing agent who retired to the ranch and became involved in a leadership role in the statewide California Prune and Apricot Growers Association. The property is significant however, due to the association of Dr. Harold E. Thomas, a plant pathologist who helped found, and was Director of, the non-profit Strawberry Institute of California. Today, the site continues to reflect these early associations through its architecture and association with an important person, and is a significant historic resource meeting Criterion A, B, and C under the National Register of Historic Places guidelines within Santa Clara County and the State of California.

Developmental history/additional historic context information (if appropriate)

Rancho La Laguna Seca

The four leagues of the rancho *La Laguna Seca* translate to about 20,000 acres, and the subject property is located near the southeast corner of that Mexican-era land grant. This ranch was developed in the 1860s during Santa Clara County's Early American Period as a 248-acre portion of the rancho *La Laguna Seca*. *La Laguna Seca* was established in 1834 when Mexican Governor José Figueroa granted four leagues of land in Coyote Valley to Juan Alvires. *La Laguna Seca* was purchased by Capt. William Fisher in 1845. A year later, Fisher returned to California from Mexico with his wife Liberata Cesena and then died in 1850 soon after moving to the ranch. Liberata and her children continued to own the rancho into the 1860s, following her marriage to Dr. George H. Bull, and then later Caesar Piatti in 1858.

Rhoades Ranch
Name of Property

Santa Clara, California
County and State

The rancho did not receive its patent from the United States Land Commission until November 24, 1865 (Land Claim: #PLC 196, Land Case #211), when the title was cleared to L. Bull et.al. (the heirs of William Fisher). Liberata had applied for that patent in the 1850s, and had the property first surveyed at that time (the notes to this 1850s field survey were lost in the 1906 Earthquake). The rancho extended northward from the subject site and included most of Coyote Valley of South Santa Clara County. At its southeastern corner is the entry to what was once known as Coyote Canyon.

In the 1840s and early 1850s, the ranch lands in South Santa Clara County were vast and sparsely settled. By the time she was granted the patent in 1865, Liberata had already subdivided and distributed much of the rancho. In 1861, Cesar Piatti conveyed a 635-acre parcel at the south end of the rancho to José Jesus Bernal. A year and a half later, Bernal and his wife Susana Gulanc de Bernal surveyed and sold a smaller portion of 300 acres of this larger parcel (containing the subject property) to Alvora Cottle, who likely built the house that is now known as the Phegley House.

Cottle was a lawyer and native of Missouri, and appears to have briefly settled in Santa Clara County in the 1850s during the period of patent litigation over California land titles. He later moved his family to Southern California where he was a farmer. A number of other Cottle family members had also arrived in Santa Clara County during the 1850s and 1860s. It is likely that Alvora Cottle built the extant two-story house, known later as the old Phegley House, and the horse barn, during the mid-1860s (most likely ca. 1863-1865). Cottle further subdivided his 300 acre property during the 1860s, selling a portion in 1867, and another parcel (containing the subject property) to Peter and Frances Quivey at an undetermined date. Peter Quivey was an early California pioneer who died in 1869. The property was then sold on May 24, 1871 by County Sheriff Harris to and the property was acquired shortly thereafter by Daniel Phegley, father of James Phegley.

Daniel and Nancy Phegley, and their son James and his wife Mary, settled in Santa Clara County in 1870, and acquired the subject property near Madrone in what was then called the Burnett Township by August 1870. Originating from Missouri, James and Mary Phegley brought three children with them to California.

James Phegley remained on the subject property with his family for about seven years, and then moved to Gilroy where he operated a grocery store and expanded his cattle ranch holdings, while leaving his parents on the subject ranch. He had been educated at the Arcadia Academy in Iron County Missouri. While living in Gilroy, he served as Constable, and in 1886 was elected Supervisor of the First District of Santa Clara County. The Madrone ranch continued to be owned by the Phegley family until the 1890s, and is referenced in later official records as the Phegley Home Ranch, despite James and Mary's move to Gilroy. By the late 1890s, Phegley had sold the property. Short-term owners were connected with the property until 1911 when IO Rhoades bought the ranch, then about 160 acres. The Phegleys had retired to Pacific Grove by 1910, and James Phegley died in 1915.

Ira Osborne Rhoades (who went by the name IO Rhoades) was a railroad purchasing agent for Southern Pacific in San Francisco when he bought the ranch near what had then become Morgan Hill. Rhoades had previously been a purchasing agent for the Union Pacific and then the Oregon Short Line. He was hired by Southern Pacific in 1905 and worked in San Francisco until he retired in 1917. That year he began construction on the large Spanish Eclectic house at his Cochrane Road ranch. The ranch was converted to horticultural use during the teens by IO Rhoades and his son William. Although ownership of the property was transferred to his son William in 1920, by that year Ira was involved with the California Prune and Apricot Growers Association (now known as Sunsweet Growers, Inc.). Sunsweet began as a cooperative of fruit farmers in 1917, whose primary purpose was to act as a marketing agent for the crops of its members. The fruits were sold under the brand name "Sunsweet". This innovative venture allowed the participants to reach a larger consumer market with less work from the individual farmer. Rhoades was a participant in this new cooperative from the beginning, and the fruits grown on the Rhoades Ranch property were available for public consumption in this way.

Rhoades was elected to the state-wide Board of Directors in 1922 of the California Prune and Apricot Growers Association, and for a time he functioned as both President and interim manager. Ira and his wife Katherine remained part-time residents of San Francisco in the 1920s, and later moved to Southern California.

William Rhoades, son of Ira Rhoades, had co-owned and managed the ranch since its purchase in 1911, and planted 125 acres in orchards by 1922. William had been born in Nebraska, and attended the Massachusetts Institute of

Rhoades Ranch
Name of Property

Santa Clara, California
County and State

Technology in Boston. He joined his parents in San Francisco in 1909, and moved to the ranch during the teens. Serving in World War I after attending Officer's Training School at the Presidio at San Francisco, he returned to the Morgan Hill ranch after the war.

On March 10, 1945, ten years after William died in 1935, William's widow Katherine Garnett Rhoades sold 14.31 acres (the subject property) to Harold E. Thomas. The larger 145-acre portion was sold to Sebastian and Luigia Borello that same year, which today is known as Borello Farms. The 14.31 portion is what generally remain today as the subject property, with only a one-acre portion along Coyote Road partitioned and sold in 1965, and another one-acre piece along the north property line that was sold to the Santa Clara Valley Water District in 1983.

Sunsweet Growers, Inc.

What began as the California Prune and Apricot Growers Association in 1917, 61 years after the French prune was introduced to California by pioneer nurseryman Louis Peller, underwent continuous growth as it expanded to meet consumer demands for dried prunes and other fruits during the 1920s, 1930s and 1940s. The primary function of the cooperative was to serve as a marketing agent for the crops of its members – sold under the brand name "Sunsweet" - to consumers at better prices than were offered by individual growers. When IO Rhodes became involved with the cooperative after it was formed in 1917 first as a grower (utilizing the lands of his Morgan Hill ranch, including the subject property), and then in 1923 as President of the Association, he was deeply invested in the dried fruit industry in California. Thus both Rhoades and the subject property are closely tied to the development of the dried fruit industry in California.

Today, Sunsweet Growers, Inc. processes and markets the dried fruit production of more than 300 grower-members with orchard holdings primarily in California's Sacramento and San Joaquin valleys. After nearly nine decades, Sunsweet boasts an enviable 85 percent market share in American households, placing it in the very top rank of long-standing successful American products, and operates the world's largest dried fruit plant. Sunsweet Growers Inc. is the world's largest handler of dried tree fruits including cranberries, apricots and prunes and as the grower-owned marketing cooperative representing more than one-third of the prune market worldwide, and Sunsweet currently processes more than 50,000 tons of prunes a year.

9. Major Bibliographical References

Bibliography (Cite the books, articles, and other sources used in preparing this form.)

Primary Records

County of Santa Clara
Deeds and Official Records.
Recorded Maps.

R. L. Polk & Co. *Santa Clara County Directories*, 1870-1960.

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Published and Secondary Sources

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Rhoades Ranch
Name of Property

Santa Clara, California
County and State

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Douglas, Jack. "They Left Their Mark: Architect Howard Higbie," in *Continuity*, Vol. 19, No. 1 (Spring 2008): 17-18.

Foote, Horace. *Pen Pictures from the "Garden of the World"*. Chicago: Lewis Publishing, 1888.

Guinn, J. M. *History of the State of California and Biographical Record of the Coast Counties*. Chicago: The Chapman Publishing Company, 1904.

Hall, Frederick. *The History of San Jose and Surroundings: with Biographical Sketches of Early Settlers*. San Francisco: A. L. Bancroft and Company, 1871.

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"Railroad Man to Quit." *San Jose Evening News*, July 28, 1917.

"Growers Ask for Contract Change." *San Jose Evening News*, January 24, 1922.

"New Purchasing Agent of Southern Pacific Company." *San Jose Mercury*, June 13, 1905.

"James Fletcher Phegley Died Aged 76." *San Jose Mercury*, February 13, 1915.

Sawyer, Eugene. *History of Santa Clara County, California*. Los Angeles: Historic Record Company, 1922.

Thomas, Harold E. "The Production of Strawberries in California" in *California Agricultural Extension Service Circular 113* (December 1939). Berkeley: The College of Agriculture, University of California, 1939.

University of California Academic Senate. "In Memoriam: Harold E. Thomas, Plant Pathology: Berkeley." Berkeley: University of California, 1987.

Previous documentation on file (NPS):

preliminary determination of individual listing (36 CFR 67 has been requested)
 previously listed in the National Register
 previously determined eligible by the National Register
 designated a National Historic Landmark
 recorded by Historic American Buildings Survey # _____
 recorded by Historic American Engineering Record # _____
 recorded by Historic American Landscape Survey # _____

Primary location of additional data:

State Historic Preservation Office
 Other State agency
 Federal agency
 Local government
 University
 Other

Name of repository: _____

Historic Resources Survey Number (if assigned): _____

10. Geographical Data

Acreage of Property 12.27 acres
(Do not include previously listed resource acreage.)

Rhoades Ranch
Name of Property

Santa Clara, California
County and State

UTM References

(Place additional UTM references on a continuation sheet.)

1	10S	621568mE	413875mN	3	Zone	Easting	Northing
	Zone	Easting	Northing		Zone	Easting	Northing
2	Zone	Easting	Northing	4	Zone	Easting	Northing

Verbal Boundary Description (Describe the boundaries of the property.)

The boundary for the proposed site includes all of Santa Clara County Assessor's Tax Parcel 728-34-010, addressed as 2290-A Cochrane Road, Morgan Hill, California, 95037. For a visual image of these boundaries please see the accompanying map entitled "Assessor's Parcel Map for APN 728-34-010", located in **Section: Additional Documentation**. The northern boundary of the site is comprised by the Coyote Creek and Cochrane Road, which runs east-west. The eastern boundary is located along Coyote Road, which runs north-south along the subject property. The western and southern boundaries of the site are comprised by the perimeter road of the adjacent 123-acre Borello Farms.

Boundary Justification (Explain why the boundaries were selected.)

The proposed boundary includes all of the extant resources historically associated with Rhoades Ranch (including the main house, four additional residences, outbuildings and agricultural structures) as well as the natural and landscape features that were a part of The Strawberry Institute. The parcels of the original larger ranch have been excluded in the current boundary because they have been developed separately since the property split in 1945. The boundary represents the historical boundaries of the property purchased by Harold Thomas.

11. Form Prepared By

name/title Franklin Maggi/Architectural Historian and Sarah Winder/Historian
organization Archives & Architecture, LLC date July 24, 2012
street & number PO Box 1332 telephone (408) 297-2684
city or town San Jose state CA zip code 95109
e-mail franklin.maggi@archistory.com

Additional Documentation

Submit the following items with the completed form:

- **Maps:** A USGS map (7.5 or 15 minute series) indicating the property's location.
A Sketch map for historic districts and properties having large acreage or numerous resources. Key all photographs to this map.

Assessor's Parcel Map

- **Additional items:** (Check with the SHPO or FPO for any additional items.)
Map Key/Photograph Log

Photographs

Historic Photographs

Rhoades Ranch
Name of Property

Santa Clara, California
County and State

Photographs:

Submit clear and descriptive photographs. The size of each image must be 1600x1200 pixels at 300 ppi (pixels per inch) or larger. Key all photographs to the sketch map.

Name of Property: Rhoades Ranch

City or Vicinity: Morgan Hill

County: Santa Clara State: California

Photographer: Franklin Maggi, Archives & Architecture, LLC

Date Photographed: September, 2010

Description of Photograph(s) and number: See Additional Documentation Page 3: Map Key/Photograph Log

Property Owner:

(Complete this item at the request of the SHPO or FPO.)

name Joe and Sheila Giancola

street & number 2290-A Cochrane Road

telephone (408) 779-1230

city or town Morgan Hill

state CA zip code 95037

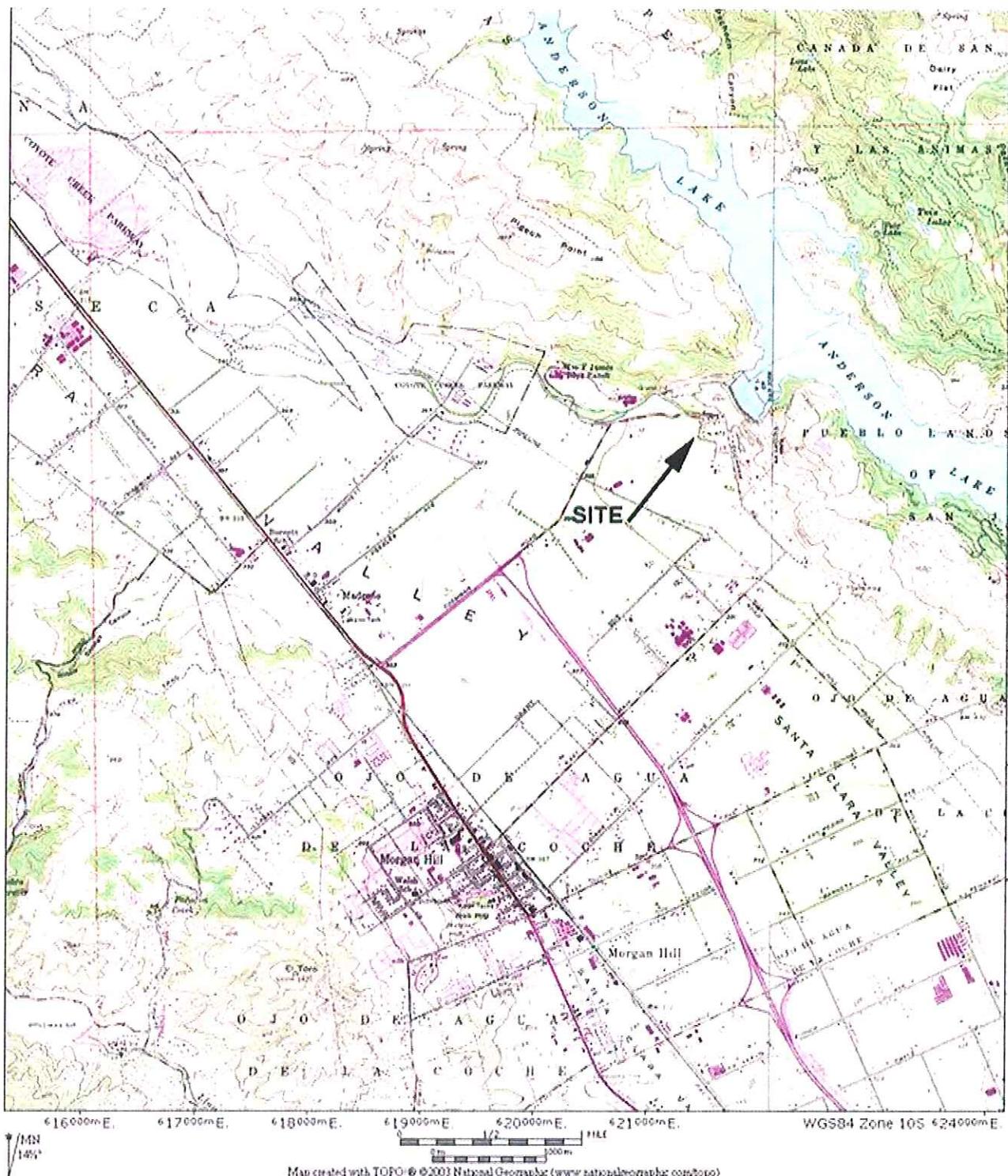
Paperwork Reduction Act Statement: This information is being collected for applications to the National Register of Historic Places to nominate properties for listing or determine eligibility for listing, to list properties, and to amend existing listings. Response to this request is required to obtain a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C.460 et seq.).

Estimated Burden Statement: Public reporting burden for this form is estimated to average 18 hours per response including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Office of Planning and Performance Management, U.S. Dept. of the Interior, 1849 C. Street, NW, Washington, DC.

Rhoades Ranch
Name of Property

Santa Clara County, California
County and State

Additional Documentation (page 1)
Location Map

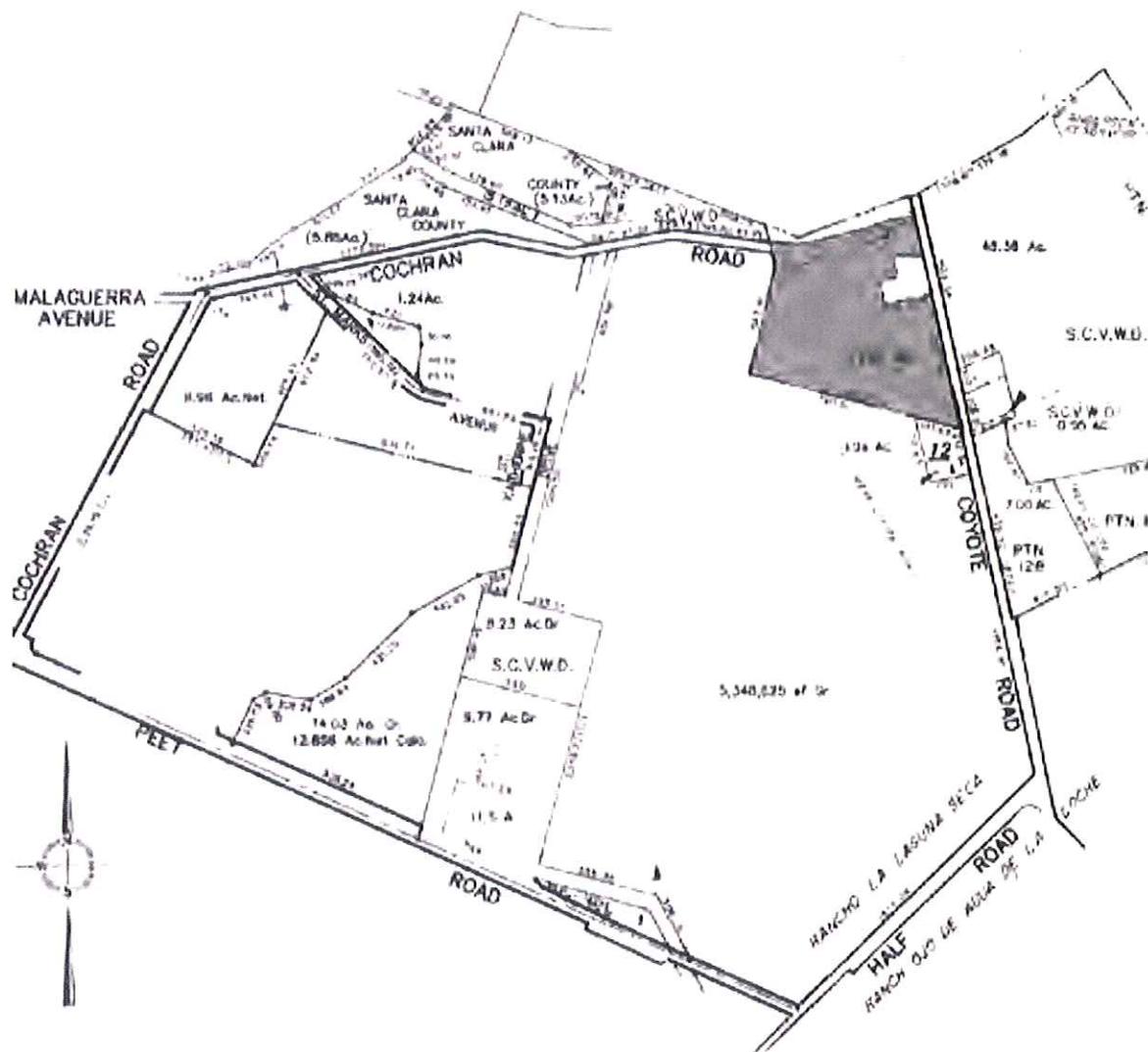


USGS Morgan Hill, 1955 (photorevised 1980).

Rhoades Ranch
Name of Property

Santa Clara County, California
County and State

Additional Documentation (page 2)
Assessor's Parcel Map for APN 728-34-010

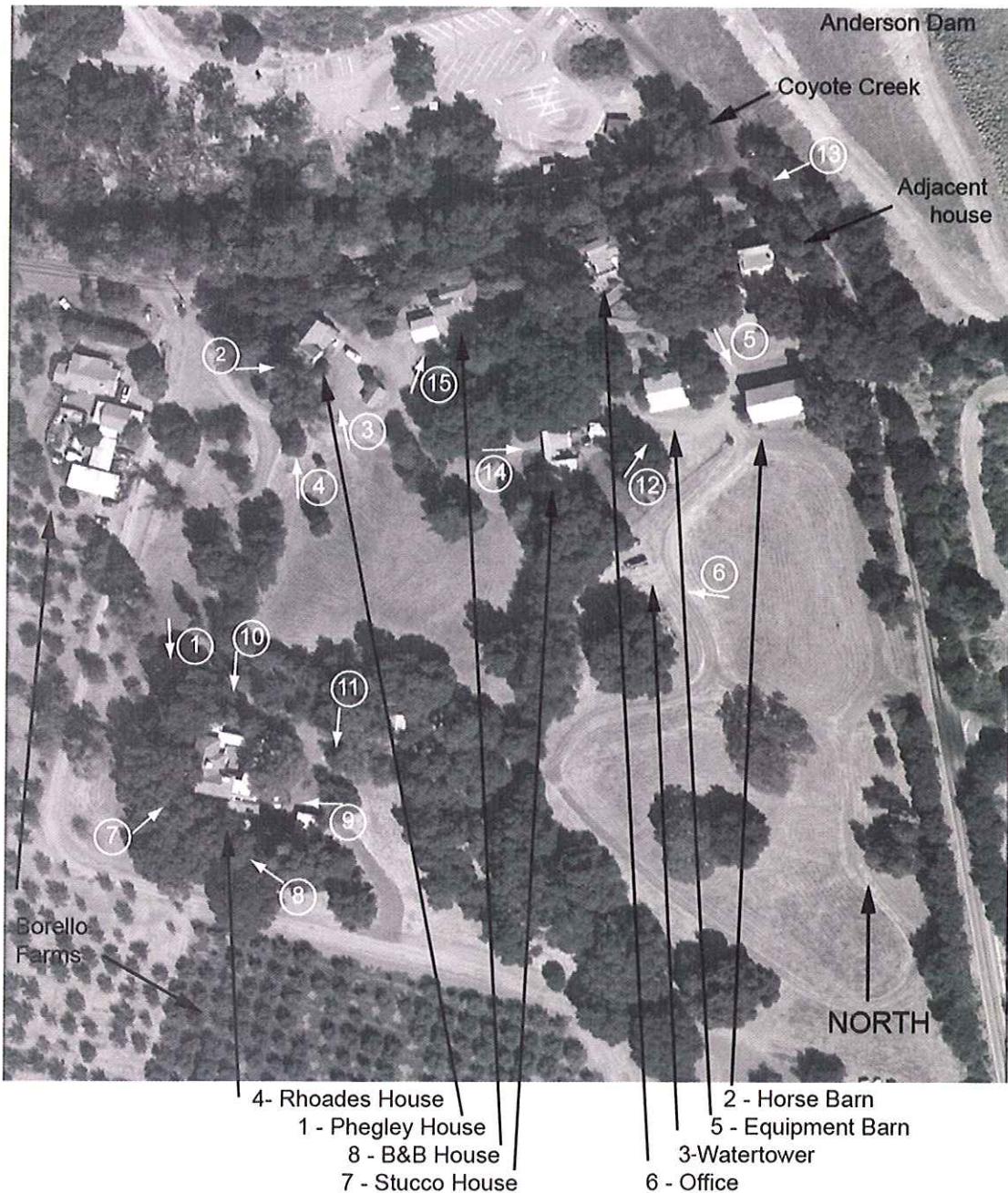


Office of County Assessor for Santa Clara County, California, 2012.

Rhoades Ranch
Name of Property

Santa Clara County, California
County and State

Additional Documentation (page 3)
Map Key/Photograph Log



Rhoades Ranch
Name of Property

Santa Clara County, California
County and State

Additional Documentation (page 4)
Photograph Log

Name of Property	Rhoades Ranch
City or Vicinity	Morgan Hill
County	Santa Clara County
State	CA
Name of Photographer	Franklin Maggi
Date of Photographs	September 2010
Location of Original Digital Files	533 N. 10th St., San Jose, CA 95012
Number of Photographs	15

Photo #1 (CA_Santa Clara County_Rhoades Ranch_0001)
Rhoades House

Photo #2 (CA_Santa Clara County_Rhoades Ranch_0002)
Phegley House

Photo #3 (CA_Santa Clara County_Rhoades Ranch_0003)
Phegley House

Photo #4 (CA_Santa Clara County_Rhoades Ranch_0004)
Phegley House shed

Photo #5 (CA_Santa Clara County_Rhoades Ranch_0005)
Horse Barn

Photo #6 (CA_Santa Clara County_Rhoades Ranch_0006)
Water Tower

Photo #7 (CA_Santa Clara County_Rhoades Ranch_0007)
Rhoades House entry

Photo #8 (CA_Santa Clara County_Rhoades Ranch_0008)
Rhoades House south elevation

Photo #9 (CA_Santa Clara County_Rhoades Ranch_0009)
Rhoades House east elevation/entry

Photo #10 (CA_Santa Clara County_Rhoades Ranch_0010)
Rhoades House north elevation

Photo #11 (CA_Santa Clara County_Rhoades Ranch_0011)
Rhoades House garage

Photo #12 (CA_Santa Clara County_Rhoades Ranch_0012)
Equipment Barn

Photo #13 (CA_Santa Clara County_Rhoades Ranch_0013)
Office

Rhoades Ranch
Name of Property

Santa Clara County, California
County and State

Additional Documentation (page 5)
Photograph Log

Photo #14 (CA_Santa Clara County_ Rhoades Ranch _0014)
Stucco House

Photo #15 (CA_Santa Clara County_ Rhoades Ranch _0015)
Board & Batten House

United States Department of the Interior
National Park Service

**National Register of Historic Places
Continuation Sheet**

Section number AD Page 1

Rhoades Ranch

Name of Property

Santa Clara, California

County and State

Name of multiple listing (if applicable)



Rhoades Ranch
Santa Clara County, CA
Photo 1 of 15



Rhoades Ranch
Santa Clara County, CA
Photo 2 of 15

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section number AD Page 2

Rhoades Ranch
Name of Property
Santa Clara, California
County and State

Name of multiple listing (if applicable)



Rhoades Ranch
Santa Clara County, CA
Photo 3 of 15



Rhoades Ranch
Santa Clara County, CA
Photo 4 of 15

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section number AD Page 3

Rhoades Ranch

Name of Property

Santa Clara, California

County and State

Name of multiple listing (if applicable)



Rhoades Ranch
Santa Clara County, CA
Photo 5 of 15



Rhoades Ranch
Santa Clara County, CA
Photo 6 of 15

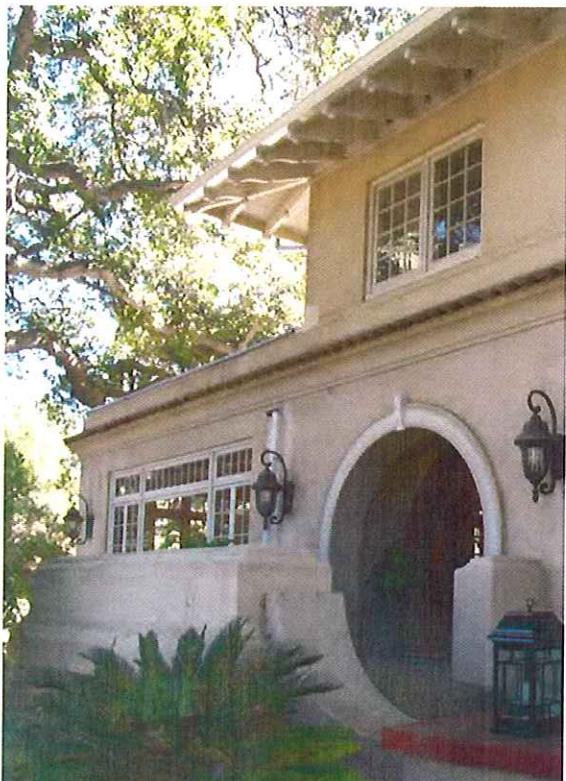
United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

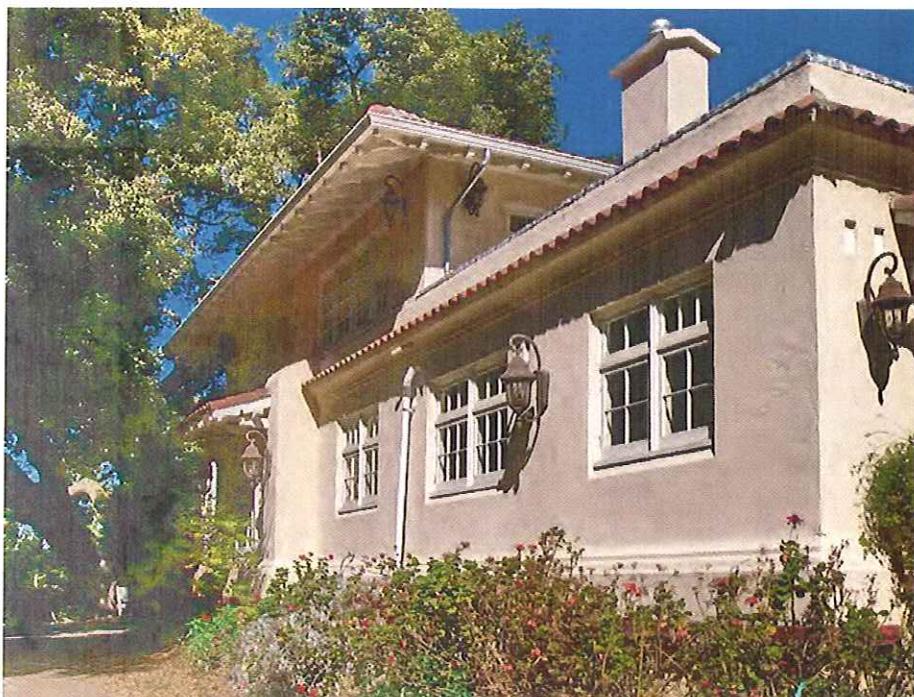
Section number AD Page 4

Rhoades Ranch
Name of Property
Santa Clara, California
County and State

Name of multiple listing (if applicable)



Rhoades Ranch
Santa Clara County, CA
Photo 7 of 15



Rhoades Ranch
Santa Clara County, CA
Photo 8 of 15

United States Department of the Interior
National Park Service

**National Register of Historic Places
Continuation Sheet**

Section number AD Page 5

Rhoades Ranch

Name of Property

Santa Clara, California

County and State

Name of multiple listing (if applicable)



Rhoades Ranch
Santa Clara County, CA
Photo 9 of 15



Rhoades Ranch
Santa Clara County, CA
Photo 10 of 15

United States Department of the Interior
National Park Service

**National Register of Historic Places
Continuation Sheet**

Section number AD Page 6

Rhoades Ranch _____

Name of Property _____

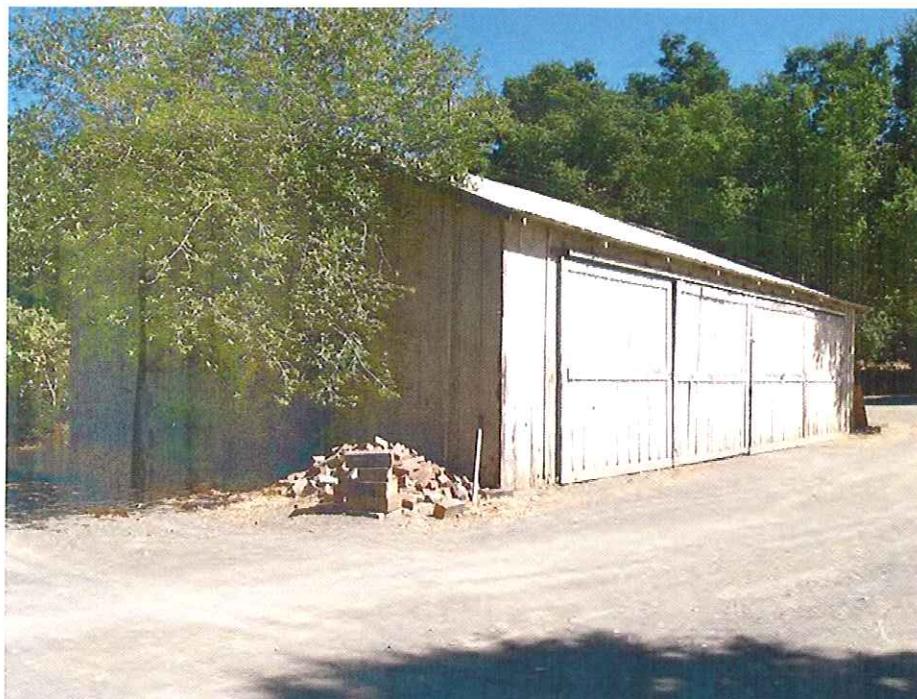
Santa Clara, California _____

County and State _____

Name of multiple listing (if applicable) _____



Rhoades Ranch
Santa Clara County, CA
Photo 11 of 15



Rhoades Ranch
Santa Clara County, CA
Photo 12 of 15

United States Department of the Interior
National Park Service

**National Register of Historic Places
Continuation Sheet**

Section number AD Page 7

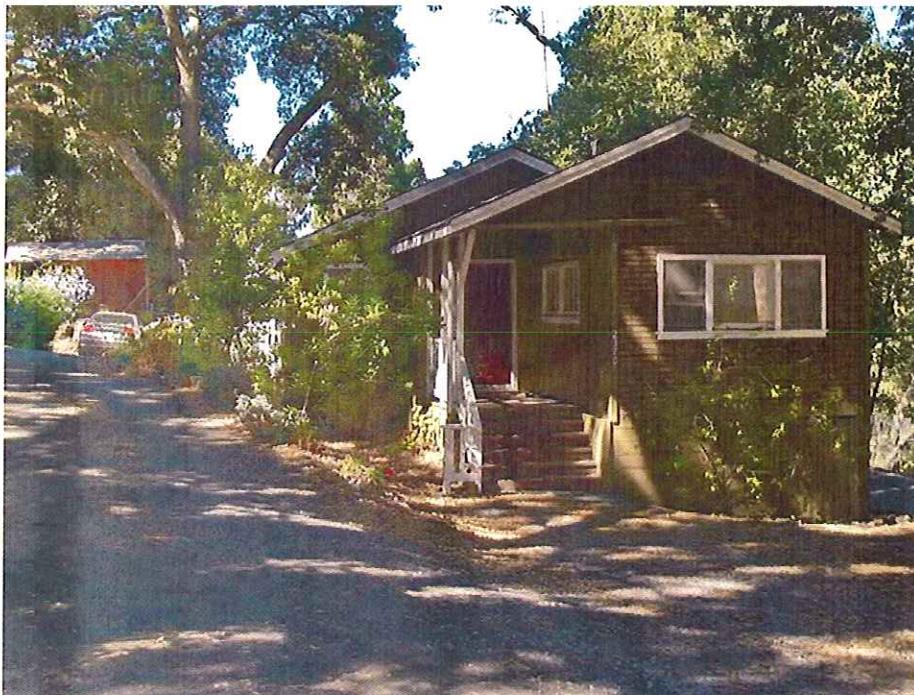
Rhoades Ranch

Name of Property

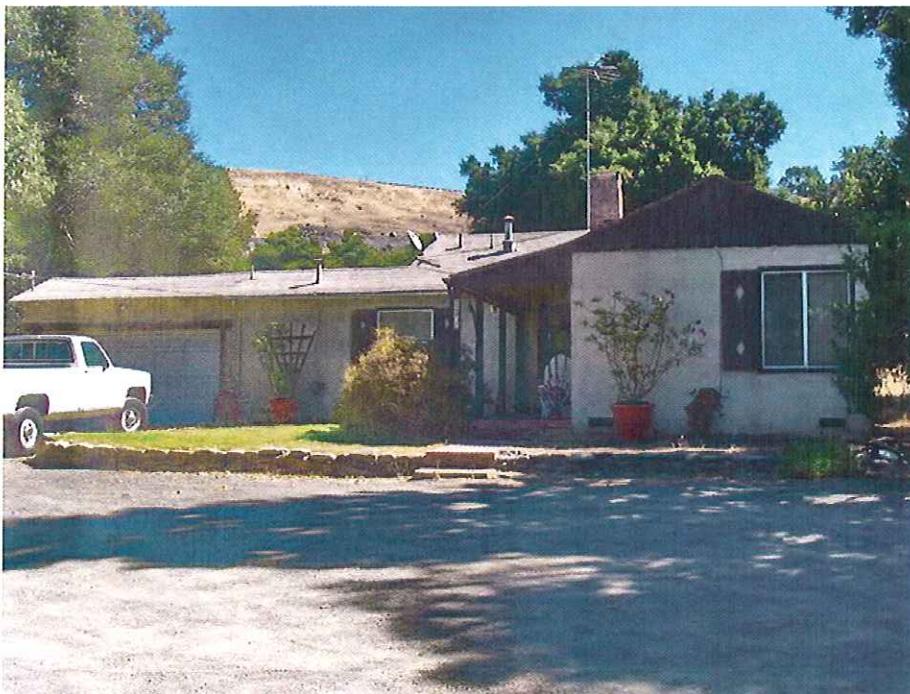
Santa Clara, California

County and State

Name of multiple listing (if applicable)



Rhoades Ranch
Santa Clara County, CA
Photo 13 of 15



Rhoades Ranch
Santa Clara County, CA
Photo 14 of 15

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section number AD Page 8

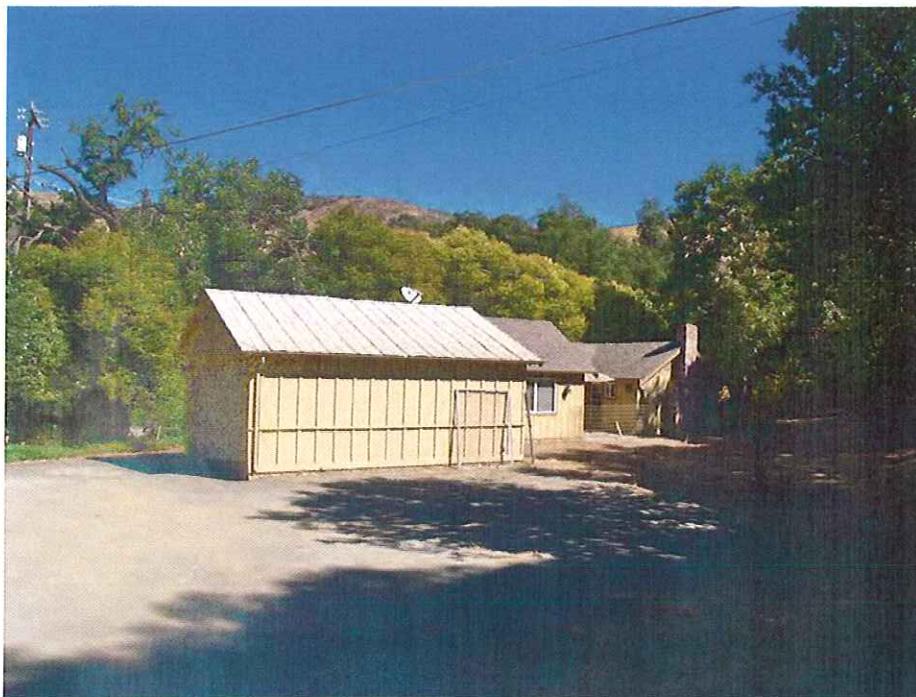
Rhoades Ranch

Name of Property

Santa Clara, California

County and State

Name of multiple listing (if applicable)



Rhoades Ranch
Santa Clara County, CA
Photo 15 of 15

Rhoades Ranch
Name of Property

Santa Clara County, California
County and State

Additional Documentation (page 6)
Historic Photos

Name of Property	Rhoades Ranch
City or Vicinity	Morgan Hill
County	Santa Clara County
State	CA
Number of Figures	3

Photo #1 (CA_Santa Clara County_Rhoades Ranch_Additional Documentation_001)
Historic view of barn, ca. 1920s. Thomas Family Private Collection.

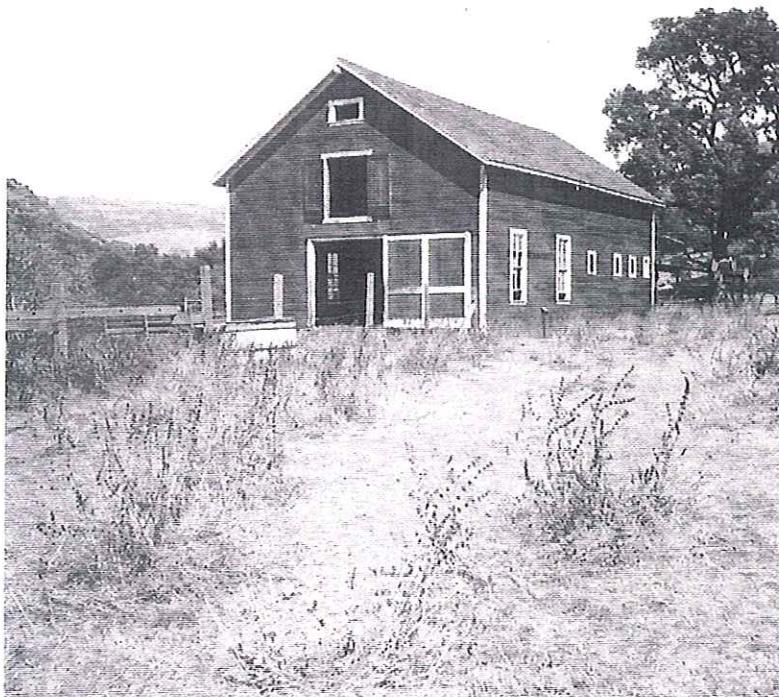
Photo #2 (CA_Santa Clara County_Rhoades Ranch_Additional Documentation_002)
Historic site overview from foothills to the east, ca. 1920s. Thomas Family Private Collection.

Photo #3 (CA_Santa Clara County_Rhoades Ranch_Additional Documentation_003)
Helene and Harold Thomas at the subject property, ca. 1970s. Thomas Family Private Collection.

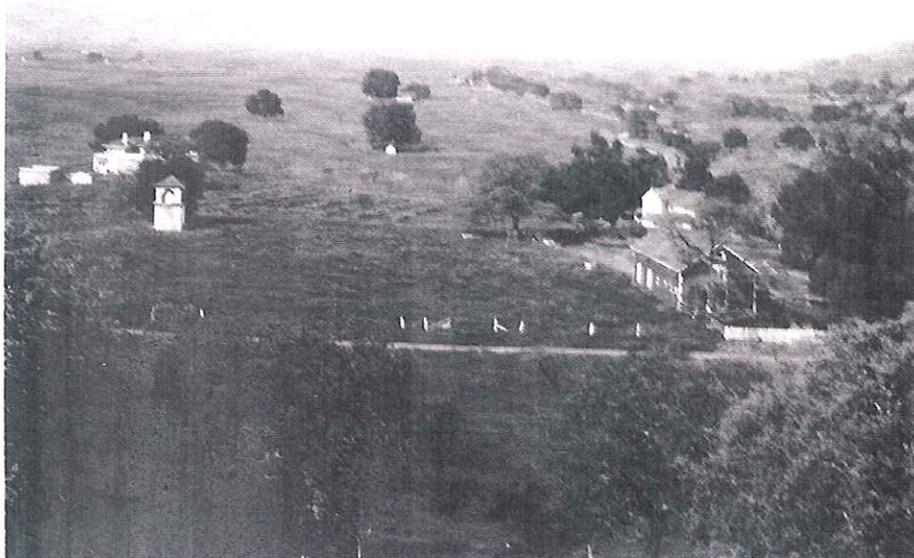
United States Department of the Interior
National Park Service

**National Register of Historic Places
Continuation Sheet**

Section number AD Page 1



Rhoades Ranch
Santa Clara County, CA
Historic Photo 1 of 3



Rhoades Ranch
Santa Clara County, CA
Historic Photo 2 of 3

United States Department of the Interior
National Park Service

National Register of Historic Places
Continuation Sheet

Section number AD Page 2

Rhoades Ranch

Name of Property

Santa Clara, California

County and State

Name of multiple listing (if applicable)



Rhoades Ranch
Santa Clara County, CA
Historic Photo 3 of 3

Joseph and Sheila Giancola

2290 Cochrane Rd.
Morgan Hill, CA 95037
Home (408) 779-1230 Fax (408) 782-9926

September 25, 2012

City of Morgan Hill
17575 Peak Ave.
Morgan Hill, CA 95037

Attn: Terri Linder

Dear Terri,

I would like to add the following 11 pictures to my letter dated September 21, 2012, the Resolution designating Rhoades Ranch dated February 8, 2011 (recorded February 15, 2011) and additional comments regarding the Environmental Impact Report (EIR) for the Cochrane-Borello Development.

- 1.) Historical Trees: We ask that all of our trees be protected at all times.
- 2.) Historical Homes and Structures: We ask that all homes and structures be protected from any and all damage that could be caused from vibration, dust, dirt, debris, etc.

Sincerely,

Sheila Giancola

Sheila Giancola

~~COPIED COPY~~: This document has
been compared with the original.
SANTA CLARA COUNTY CLERK-RECORDER

RECORDING REQUESTED BY
CLERK OF THE BOARD
OF SUPERVISORS

WHEN RECORDED MAIL TO:

Clerk of the Board of Supervisors
70 West Hedding Street
East Wing, 10th Floor
San Jose, CA 94560

Doc#: 21084746
2/15/2011 4:07 PM

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

Resolution designating Rhoades Ranch, located at 2290
Cochrane Road, Morgan Hill, as a Landmark

Assessor's Parcel No. 728-34-010

Board of Supervisors Meeting of
February 8, 2011, Item No. 11

No recording fee required pursuant to Government Code Section 6103 and 27383
Separate page, pursuant to Government Code Section 27361.6

RESOLUTION NO. 2011-50

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA CLARA DESIGNATING AS A LANDMARK,
PURSUANT TO THE PROVISIONS OF DIVISION C17 OF THE
COUNTY OF SANTA CLARA ORDINANCE CODE,
RHOADES RANCH (CL11-001),
LOCATED AT 2290 COCHRANE ROAD, MORGAN HILL, CALIFORNIA

WHEREAS, Division C17 of the County of Santa Clara Ordinance Code ("Ordinance Code"), the Historic Preservation Ordinance, provides for the designation of historic resources as landmarks by the Board of Supervisors of the County of Santa Clara; and

WHEREAS, Division C17 provides that landmark designation may be initiated by the Board of Supervisors, Historical Heritage Commission or owner of the historic resource; and

WHEREAS, the owners of the historic resource, Joseph Giancola and Sheila Giancola, initiated designation by submitting an application to the Office of the Clerk of the Board of Supervisors and providing the required supporting documentation, including State of California DPR 523 series forms prepared by individuals who meet the professional qualification standards published by the National Park Service in the Federal Register, and the property potentially met the landmark requirements; and

WHEREAS, the subject property, APN 728-34-010, commonly referred to as Rhoades Ranch, is located at 2290 Cochrane Road, Morgan Hill, California, and is all that real property described in Exhibit "A" and Exhibit "B", attached hereto and incorporated herein by reference; and

WHEREAS, within the time and in the manner provided by Division C17, the Historical Heritage Commission conducted a public hearing on said landmark designations on January 20, 2011 and recommended approval of the designation of Rhoades Ranch, located at 2290 Cochrane Road, Morgan Hill, California, as a landmark based on the testimony provided and the information contained in the transmittal prepared by County staff that the property meets the significance criteria of Section C17-5 of the Ordinance Code; and

WHEREAS, supporting documentation upon which the Historical Heritage Commission recommendation was made is on file for review in the Office of the Clerk of the Board of Supervisors and the Department of Planning and Development; and

WHEREAS, within the time and in the manner provided by Division C17, the Board of Supervisors gave notice that on February 8, 2011 not before 9:30 a.m., the Board of Supervisors would hold a public hearing on said landmark designation, at which hearing any and all person interested in said proposed designation could appear and avail themselves of an opportunity to be heard and to present their views with respect to said proposed designation; and

WHEREAS, at the aforesaid time and place set for the hearing, or to which the hearing was continued, the Board of Supervisors duly met, convened, and gave all persons full opportunity to be heard to present their views with respect to said proposed landmark designation; and

WHEREAS, pursuant to Division C17 of the Ordinance Code, the Board of Supervisors hereby finds as follows for said landmark designation:

1. **Rhoades Ranch (CL11-001)**. Landmark designation for Rhoades Ranch, covering Assessor's Parcel Number ("APN") 728-34-010 meets all the criteria in Section C17-5 of the Ordinance Code.

(a) Rhoades Ranch contains 5 residence buildings, 2 barns, remnants of a water tower, and small accessory garages and ancillary buildings which are all more than 50 years old; and

(b) Rhoades Ranch retains integrity of location, design, setting, materials, workmanship, feeling and association. The ranch maintains its late nineteenth century and early twentieth century rural ranch scale and feeling. The Phegley House and the Rhoades House maintain their original location on the ranch, in the historic headquarters of the larger 160-acre ranch created in the 1860s. The Phegley House was renovated in the early twentieth century, but retains its distinctive 1860s character and composition that is expressed through its preserved materials, workmanship, and early National Style construction technology. The Rhoades House was changed little since its construction and continues in its massing and detailing to illustrate its associations with local architect-designed work. Therefore, Rhoades Ranch retains adequate integrity to embody its significance and convey its associations; and

(c) Rhoades Ranch meets the significance criteria of Section C17-5 C(1), C(2), and C(3) and is significant for the following reasons:

(1) Its representation of Santa Clara County's agricultural development patterns. During more than a century of agricultural production, the property evolved from a 248-acre cattle ranch to a horticultural farm where prunes, apricots, and walnuts were grown. By the mid-twentieth century, the property became the location of an experimental strawberry facility where propagation work took place that created many disease resistant varieties now grown throughout the world; and

(2) Its association with: early owner James F. Phegley, a South County rancher who served on Santa Clara County's Board of Supervisors from 1887-91; Ira Osborne Rhoades, a railroad purchasing agent who retired to the ranch and became involved in a state leadership role in the California Prune and Apricot Growers Association (now known as Sunsweet); and Dr. Harold E. Thomas, a professor of plant pathology at the University of California from 1928-45 and a founder and director of the Strawberry Institute of California, who is renowned for his pioneering research on the strawberry; and

//

(3) Its architectural resources that represent construction, design, and styles from 1865 to the 1920s. The Phegley House is a unique and rare two-story board-wall house that was constructed during California's Early American Period. The Horse Barn is unusual in the region and represents an early transition period in California's rural architectural development. The Rhoades House is a distinguished example of Spanish Eclectic Style architecture for 1917, and embodies an innovative design by two important local architects – Andrew Putnam Hill Jr. (1886-1973) and Howard Wetmore Higbie (1879-1958).

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NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Santa Clara, State of California, based upon all of the oral and documentary evidence received and the reasons and findings set forth above, as follows:

1. In accordance with the provisions of Division C17 of the Ordinance Code, the Historic Preservation Ordinance, the Board of Supervisors does hereby adopt landmark designation for Rhoades Ranch.
2. Rhoades Ranch satisfies the designation criteria in Section C17-5 of the Ordinance Code.
3. The Clerk of the Board is hereby directed to notify those persons designated in Section C17-11 of the Ordinance Code, in the manner specified by said Section, and to direct the recordation of this resolution in the Office of the Recorder of the County of Santa Clara.

PASSED AND ADOPTED, by the Board of Supervisors of the County of Santa Clara of the State of California, on FEB 08 2011, by the following vote:

AYES: CORTESE, KNISS, SHIRAKAWA, WASSERMAN, YEAGER

NOES: NONE

ABSENT: SHIRAKAWA

ABSTAIN: NONE



Dave Cortese, President
Board of Supervisors

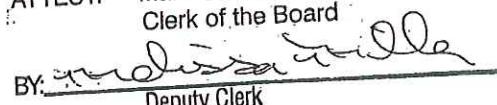
ATTEST:



Maria Marinos, Clerk of the Board of Supervisors

The foregoing instrument is a correct copy
of the original.

ATTEST: Maria Marinos
Clerk of the Board



BY: Elizabeth G. Pianca
Deputy Clerk

Date: FEB 08 2011

APPROVED AS TO FORM AND LEGALITY:



01/25/2011

Elizabeth G. Pianca, Deputy County Counsel

Exhibits to this Resolution

A - Property Description (Legal Description)

B - APN Map 728-34

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Beginning at the Northeasterly corner of that certain 300 acre tract of land described in the Deed from Jose Jesus Bernal and Susana Gulac De Bernal to Alvora Cottle, dated November 8, 1862 and recorded November 10, 1962 in Book "Q" of Deeds, at Page 157, said point of beginning also being the Northwesterly corner of that certain tract of land described in the Deed from Jose Jesus Bernal et al, to Daniel Murphy by Deed dated March 10, 1863 and recorded May 1, 1863 in Book "Q" of Deeds, at Page 722, Santa Clara County Records; thence along the Northerly line of that certain 635.20 acre tract of land conveyed by Cesár Piatti et ux, to Jose Jesus Bernal by Deed dated January 31, 1861 and recorded February 4, 1861 in Book "O" of Deeds, at Page 35, Santa Clara County Records, S. 69° 07' W. 515.68 feet to an angle in the Northerly line of said 635.20 acre tract marked by a W cut into Sycamore root and from which a Sycamore 20" in diameter marked B T W bears N. 9° E. 3.96 feet distant; thence continuing along the Northerly line of said 635.20 acre tract N. 68° 53' W. 167.83 feet; thence leaving said Northerly line and running S. 15° 02' E. 176.88 feet to a 3/4" iron pipe; thence S. 15° 05' W. 327.90 feet to a 3/4" iron pipe; thence S. 75° 43' E. 967.94 feet to the dividing line between said 300 acre tract and said land so conveyed to Daniel Murphy hereinabove referred to, said dividing line being 1.32 feet Westerly at right angles from the Westerly line of Coyote Road as said Coyote Road is shown upon the Morgan Hill Ranch Map No. 1 according to the Map thereof of record in the Office of the County Recorder of the County of Santa Clara, State of California, in Book "G" of Maps, at Pages 2 and 3, and from which last mentioned point a 1" iron pipe set in the center line of Coyote Road bears S. 75° 43' E. 23.41 feet; running thence along the line dividing said 300 acre tract from said land so conveyed to Daniel Murphy and 1.32 feet Westerly from the Westerly line of the Coyote Road, N. 11° 17' W. 1063.42 feet to the point of beginning and being a portion of the Rancho Laguna Seca and being a portion of that 15692 acre tract of land as laid down, designated and delineated upon the Map of the survey of the formerly Phegley Home Ranch in the Rancho Laguna Seca, and which said Map was filed for record in the office of the County Recorder of the County of Santa Clara, State of California, in Book "F2" of Maps, at Page 28.

Saving and excepting therefrom that portion thereof that lies within the lands conveyed by William Osterman to the County of Santa Clara, by Deed dated May 18, 1897 and recorded in Book 200 of deeds, at Page 108, records of Santa Clara County, described as follows:

Beginning at station No. 12 of the Survey of the Cochran Road from which the S.W. corner of the old Phegley House bears S. 42° E. 1.03 chs. thence N. 77° 28' E. 4.71 chs. N. 66° 35' E. at 3.84 chs. intersect line between lands of (Osterman & Field) formerly Phegley and Morgan Hill Subdivision at a point N. 11° 17' W. 5 links from a W.P. set on line. width of road 40 feet, 20 feet on each side of the surveyed line. VAC. Var. 16°30' E. Courses true.

Excepting therefrom that portion of Said Land conveyed to Robert M. Coyle and Frances Jane Coyle by Deed dated February 1, 1966 and recorded February 2, 1966 in Book 7269 at Page 130 Santa Clara County Records.

A portion of the Laguna Seca Rancho described as follows:

Beginning at a one inch iron pipe in the Northeasterly line of the 14.31 acre parcel of land described in the Deed from Catherine Garnett Rhoades to Harold E. Thomas, et ux, dated March 10, 1945 recorded in Book 1429 of Official Records, at Page 108, Santa Clara County Records, distant thereon S. 11° 17' E. 135.91 feet from the said 14.31 acre parcel of land S. 11° 17' E. 331.58 feet to a one inch iron pipe; thence leaving said Northeasterly line, S. 78° 43' W. 205.73 feet to a one inch iron pipe; thence N. 11° 17' W. 107.17 feet to a one inch iron pipe; thence N. 78° 43' E. 155.73 feet to a one inch iron pipe; thence N. 11° 17' W. 41.00 feet to a one inch iron pipe; thence S. 78° 43' W. 103.00 feet to a one inch iron pipe; thence N. 11° 09' 20" W. 153.66 feet to a one inch iron pipe; thence N. 65° 05' E. 126.21 feet to the point of beginning, being a portion of said 14.31 acre parcel of land and containing 1.00 acre of land as surveyed by W. J. Hanna & Son, Surveyors, Gilroy, California, in November 1965.

Also excepting therefrom that portion of said land conveyed to The Santa Clara Valley Water District, a Public Corporation

by Deed Dated October 28, 1983 and recorded December 16, 1983 in Book I155 at Page 504, Santa Clara County Records.

Being a portion of the lands described in the Deed recorded in Book 1249 of Official Records at Page 108 in the Office of the Recorder, County of Santa Clara, State of California, to wit:

Beginning at the Northeasterly corner of said lands; thence along the Easterly line of said lands S. 11° 17' 00" E. 137.03 feet (135.91 feed deed) thence leaving said line South 65° 05' 00" W 10.33 feet; thence along a curve to the left from a tangent which bears N. 62° 59' 42" W. having a radius of 150.00 feet, through a central angle of 42° 59' 32", for an arc distance of 112.55 feet; thence S. 74° 00 46" W. 106.50 feet; thence along a tangent curve to the right, having a radius of 1000.00 feet, through a central angle of 06° 49' 30", for an arc distance of 119.12 feet; thence S. 80° 50' 16" W. 143.71 feet; thence along a tangent curve to the right, having a radius of 500.00 feet, through a central angle of 16° 47' 44", for an arc distance of 146.57 feet; thence N. 82° 22' 00" W. 19.75 feet to the general Westerly line of said lands; thence along said line N. 15° 02' 00" W. 83.99 feet to the Northwesterly corner of said lands; thence along the general Northerly line of said lands S. 68° 53' 00" E. 166.98 feet (167.83 feet deed) and N. 60° 07' 00" E. 518.09 (515.80 feet deed) to the point of beginning.

PARCEL TWO

Together with a 1/2 interest in and to the domestic water well situated upon that certain 142.61 acre tract of land conveyed by Katherine Gurnett Rhoades, also known as Katherine G. Rhoades, to Sebastian G. Borello and Luigia Borello, Husband and Wife, by Deed dated February 15, 1945 and recorded March 5, 1945, File No. 338699 in the Office of the Recorder of the County of Santa Clara, State of California, and said well being located Westerly from the Southwesterly line of the 14.31 acre tract of land hereinabove described.

Also; together with a right of way for ingress and egress to the said domestic water well for operating, maintaining and repairing said domestic water well for maintaining, repairing or replacing the pumping facilities located at or near said domestic water well.

Also together with the right of way for electric power line, as the same now exists over the said 142.61 acre tract of land so conveyed to Borello hereinabove referred to, from the Cochran Road to said well, also hereinabove referred to, and the right of ingress and egress thereto for maintaining or replacing the same.

Also together with a right of way for the existing gas pipe line leading through the said 142.61 acre tract hereinabove referred to from the Pacific Gas and Electric Company's gas main, and the right of ingress and egress over said lands for the purpose of maintaining or replacing said gas pipe line.

Also, together with the right of way for a water pipe line as the same now exists over the said 142.61 acre tract of land so conveyed to Borello, hereinabove referred to, from the said domestic water well to the Westerly portion of the 14.31 acre tract of land hereinabove described, and the right of ingress and egress thereto for maintaining or replacing said water pipe line.

OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA

BOOK	PAGE
728	34

TRA DET. MAP 261
LAWRENCE E. STONE - ASSESSOR
Detailed map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2008-2009

EXHIBIT C

Secretary of the Interior's Standards for Rehabilitation

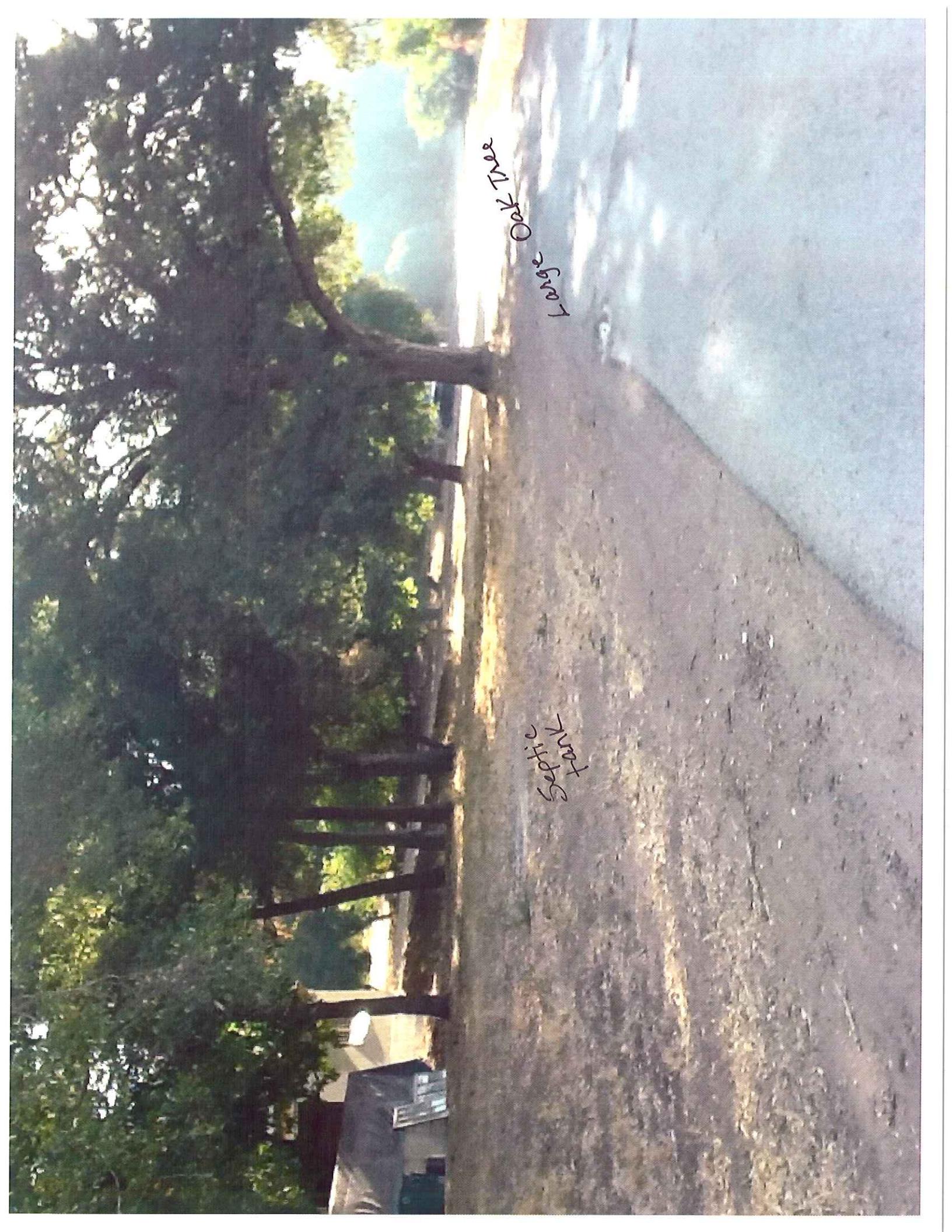
The Standards pertain to historic buildings of all materials, construction, types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

- 1) A property shall be used for its historic purposes or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- 2) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- 3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- 4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- 5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- 6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- 7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials, shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- 8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- 9) New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- 10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.









Large Oak Tree

Concrete

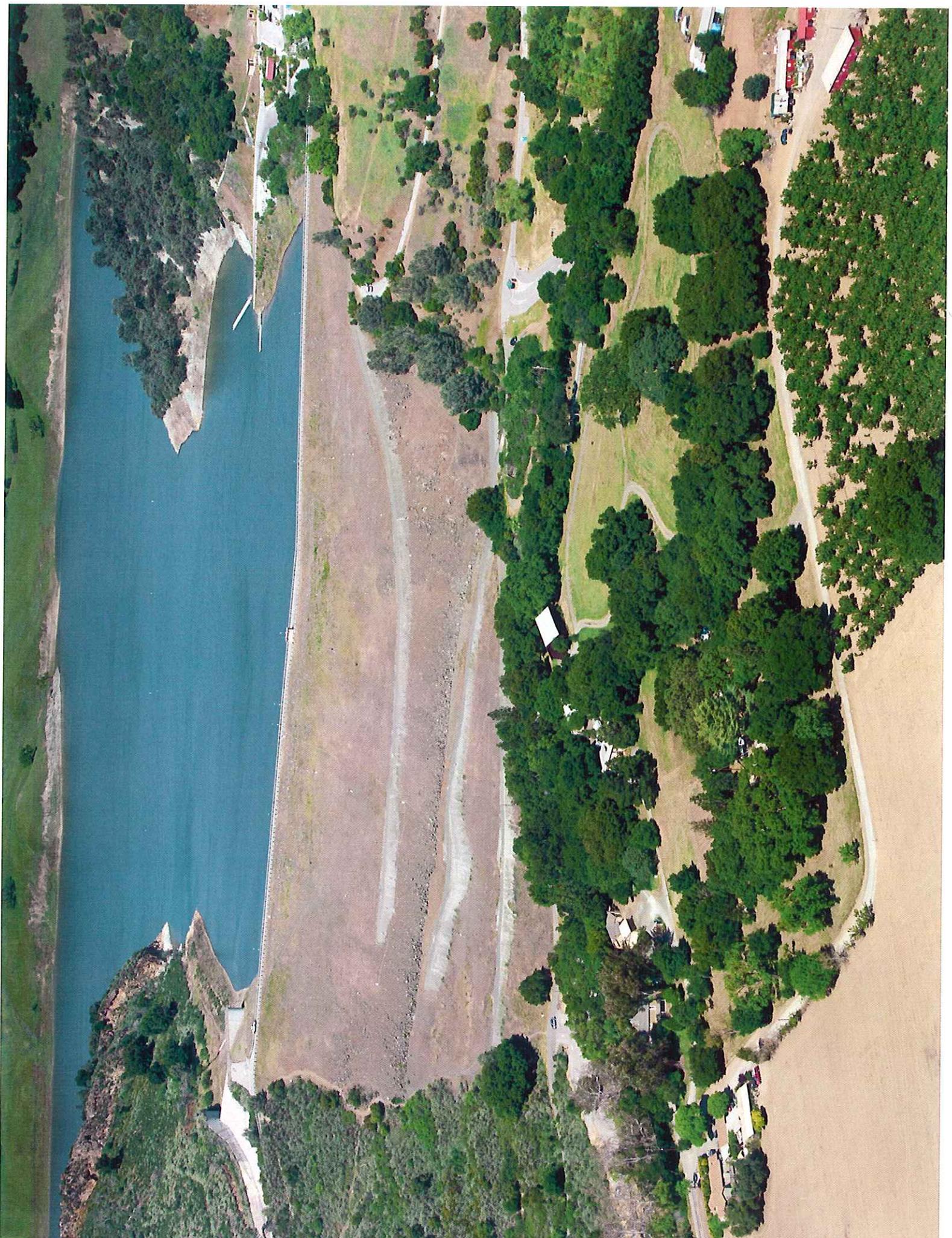


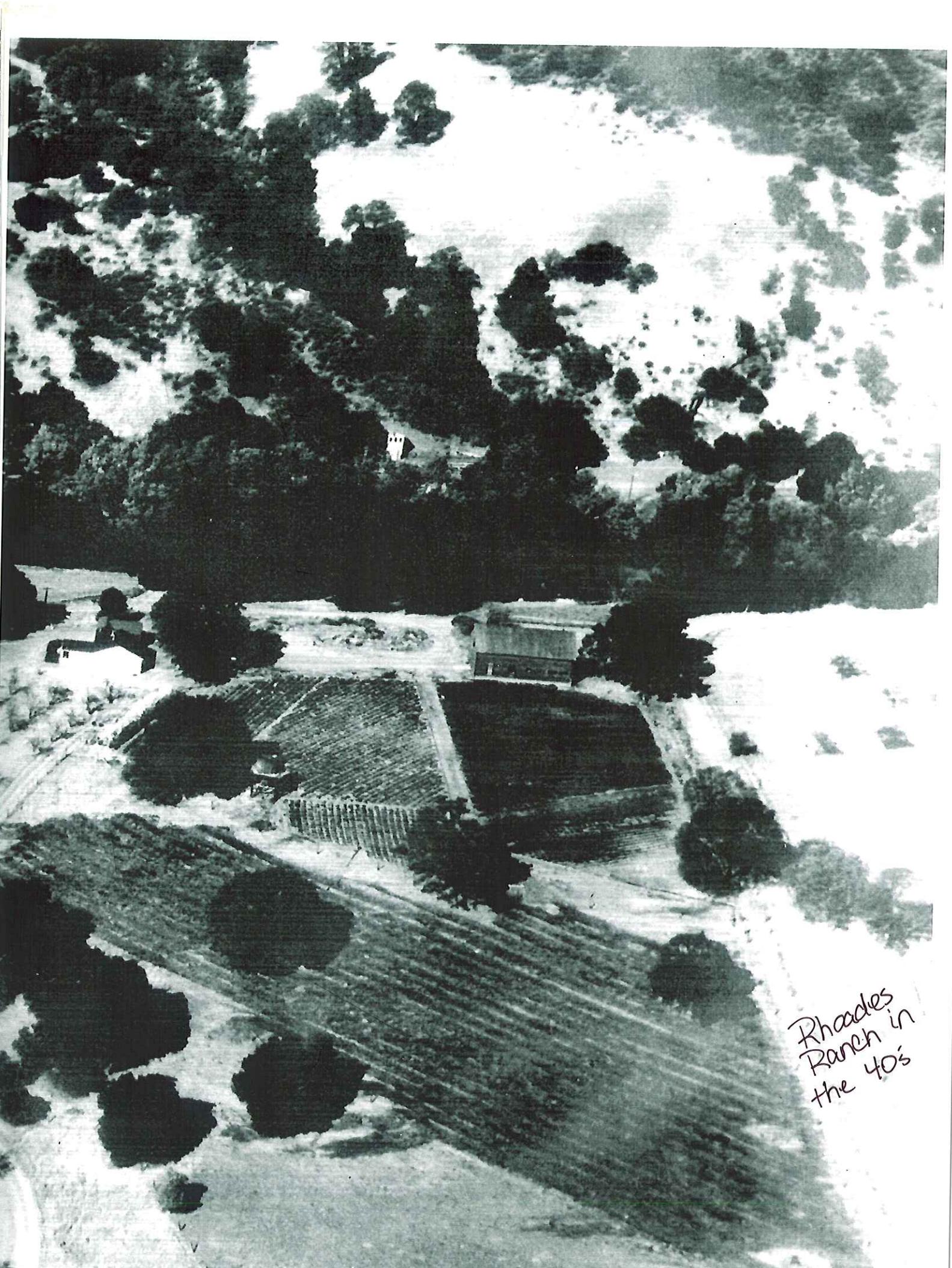
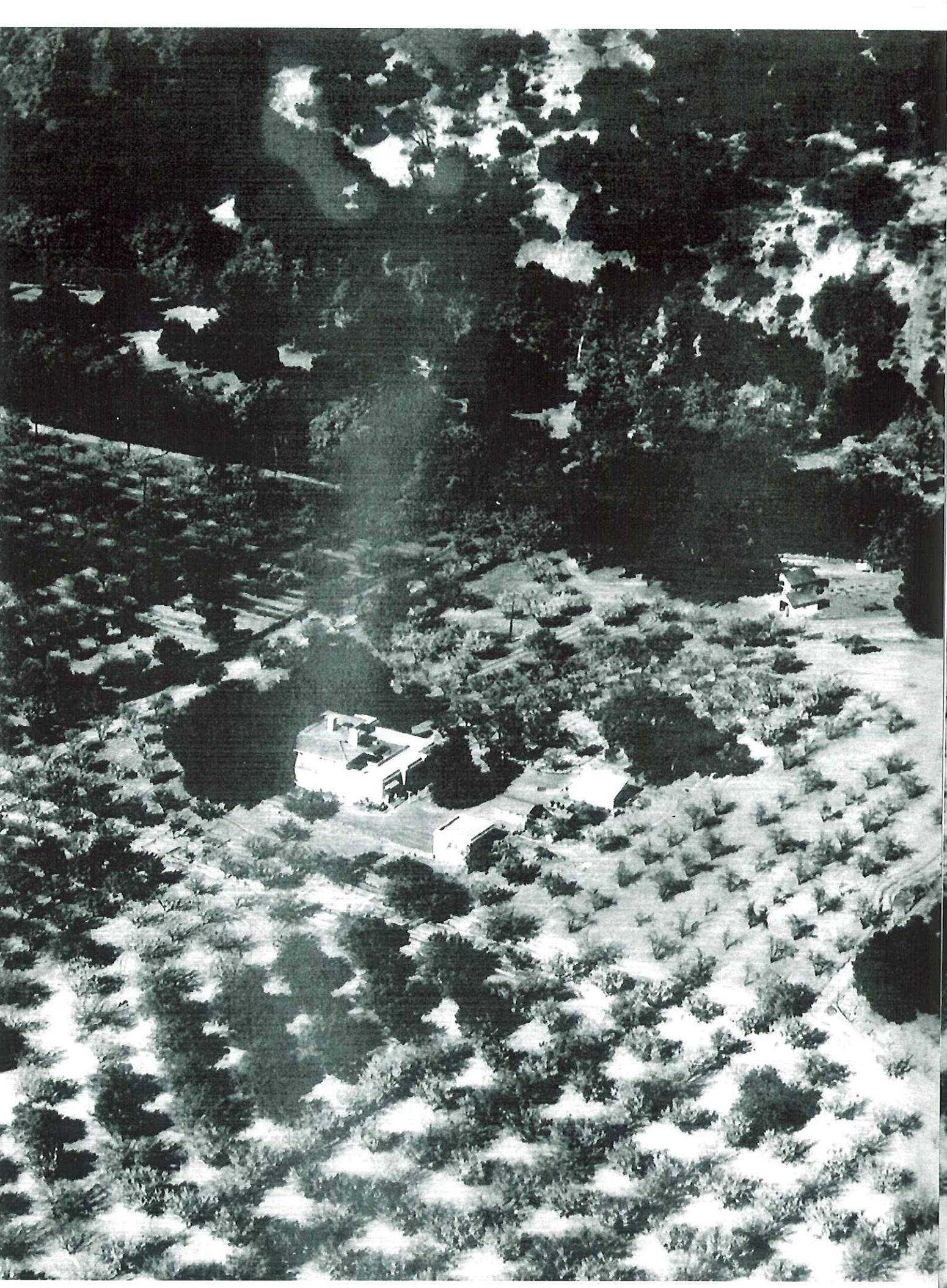












Rhoades
Ranch in
the 40's

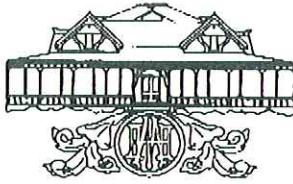


X

X

X

3- 2 Story Houses proposed
to be built directly in front
of the Rhoades Ranch main
home?



Morgan Hill Historical Society

September 20, 2012

Sent via fax 408 779-7236

of pages 2

City of Morgan Hill
17575 Peak Ave.
Morgan Hill, CA 95037

Attn: Terri Linder, (Senior Planner)

Subject: Cochrane-Borello Residential Development
Project EIR Review
State Clearinghouse #2011082039

PLEASE INCLUDE THIS LETTER AS PART OF THE PUBLIC COMMENT

Dear Ms Linder: *Terri*

The Morgan Hill Historical Society was contacted by the property owners of the Historic Rhodes Ranch in Morgan Hill expressing concerns they have about the above subject development and how it will affect their property. I have reviewed the [draft] Environmental Impact Report (EIR) prepared for the development and I too have some concerns as to the new development as proposed.

The Rhoades Ranch and its environs has been part of the back-bone that was very much a part of the character of Morgan Hill which lends to that "rural home town feel" that we all love and cherish and it is with this in mind that I respond.

The [draft] EIR for the Cochrane-Borello Residential Development dated August 2012 identifies the Rhoades Ranch as an historic resource then fails to address mitigating measures to protect this valuable resource from the impacts of the proposed development.

The EIR doesn't demonstrate a sufficient analysis of impacts that will be inflicted on the historic resource or the immediate area involved that will be subject to effects that will occur either directly or indirectly as a result of the project.

I have serious concern that the proposed 122 acres of residential development will alter the physical environment and historic context of the Rhoades Ranch property forever especially if it proceeds as proposed.

The Rhoades Ranch property which is outside of the City's limits is locally significant in the areas of agriculture, settlement, and architecture and is listed on the Santa Clara County list of historically

important cultural resources. It is also significant at the state level under Criteria A and B of the CEQA's guidelines for its association with the Strawberry Institute of California and with Harold E. Thomas, (a person important to California's agricultural history). The Rhoades Ranch represents one of the few and last remaining agricultural settings able to convey the "California Story".

We believe the new development as proposed is a threat to the historic property by lessening the ability to convey its significance as an agricultural property depicting life during the late nineteenth and early twentieth century in Santa Clara Valley and Morgan Hill. The permanent loss of the surrounding rural habitat and agricultural context impacts the setting and the permanent loss of the agricultural view shed greatly affects the long term viability of the Rhoades Ranch, its place in time and severally undermines it's importance.

The draft EIR fails to address the indirect impacts to the adjacent historic resource nor does it address the cumulative impacts associated with the project. The draft EIR does not utilize CEQA criteria to demonstrate the property will continue to retain any important physical characteristics and has totally failed to recognize the importance of the Rhoades Ranch in its evaluation.

It is my concern that given the serious potential for indirect impacts to the historic Rhoades Ranch, and the potential loss of context and historic significance the draft EIR does not sufficiently address Historic Resources or evaluate the potential impact and renders the EIR incomplete.

There needs to be a comprehensive impact analysis completed as part of the EIR process as well as the proper community input brought into the process for discussion of any mitigation measures that should be developed. The potential of over 400 new living units is of great concern to all that call Morgan Hill home.

A number of years ago the City of Morgan Hill approved an ordinance set forth to protect our historic and cultural resources and it seems that criteria has been overlooked or disregarded in this EIR Report process as well.

Respectfully submitted,



Gloria Pariseau

Director

Morgan Hill Historical Society

cc: Joseph and Sheila Giancola
2290 Cochrane Rd.
Morgan Hill, CA 95037

MHHS Board of Directors

APPENDIX B

PRELIMINARY STORMWATER RUNOFF MANAGEMENT PLAN

COCHRANE-BORELLO RESIDENTIAL DEVELOPMENT PROJECT

Final Environmental Impact Report
City of Morgan Hill

PRELIMINARY STORMWATER RUNOFF MANAGEMENT PLAN

For

San Sebastian

**City of Morgan Hill,
Santa Clara County, California**

October 16, 2012

Prepared for:

San Sebastian MH, General Partnership
17045 Monterey Road, Suite D
Morgan Hill, CA 95037
(408) 779-9769
Contact: Chris Borello

Prepared By:



RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
8055 Camino Arroyo
Gilroy, CA 95020
(408) 848-0300
Contact: Chris Patton

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

Table of Contents

1	Project Information	1-1
1.1.	Purpose of Report	1-1
1.2.	Site Description	1-1
1.3.	Existing Site Condition	1-3
1.4.	Opportunities and Constraints for Stormwater Control	1-3
2	Stormwater Treatment Evaluation	2-1
2.1.	LID Site Design Strategies	2-1
2.2.	Treatment Control BMPs	2-2
2.3.	Source Control Measures	2-2
3	Design of Stormwater Treatment BMPs	3-1
4	Hydromodification Management	4-1
4.1.	Hydromodification Design Components	4-1
4.2.	Hydromodification Analysis Results	4-2
5	BMP Operation and Maintenance	5-1

List of Tables

1.1	General Project Information	1-2
2.1	Selected Treatment Control BMPs	2-2
2.2	Selected Source Control Measures	2-2
3.1	Drainage Area & BMP Summary Table	3-1

List of Figures

1.	Vicinity Map	iii
2.	Existing Conditions	1-5
3.	NRCS Soil Classification	1-6
4.	Developed Conditions	3-2
5.	Storm Water BMP Details	3-3

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

Appendix

- A. C.3 Data Form
- B. Stormwater BMP Calculations
- C. Bay Area Hydrology Model (BAHM) Results
- D. City of Morgan Hill Post Construction Stormwater Pollution Prevention Ordinance

References

1. City of Morgan Hill, *Municipal Code, Chapter 18.71 – Post Construction Stormwater Pollution Prevention*. October 6, 2010 (attached as Appendix D)
2. California Stormwater Quality Association, *Stormwater Best Management Practice Handbook: New Development and Redevelopment*. January 2003
3. Pacific Geotechnical, *Percolation Testing Letters*. June 22, 2010 & April 27, 2011 (attached as Appendix E)
4. Natural Resources Conservation Service, *Web Soil Survey 2.0*, websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx
5. Santa Clara Valley Urban Runoff Pollution Prevention Program, *C.3 Stormwater Handbook*. April 2012.

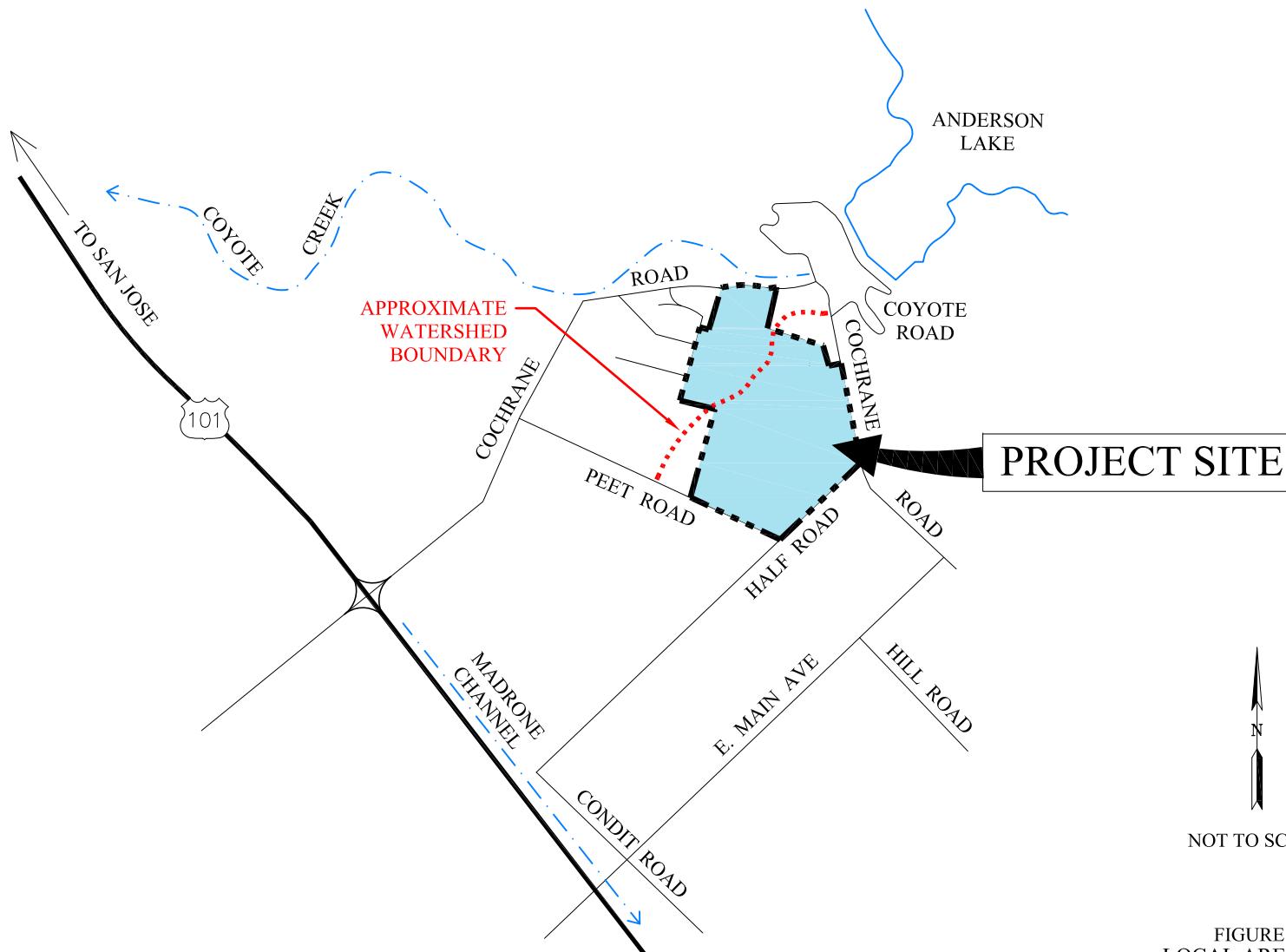


FIGURE 1
LOCAL AREA MAP
PRELIMINARY STORM WATER CONTROL PLAN
SAN SEBASTIAN
MORGAN HILL, CALIFORNIA

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

1 Project Information

1.1 Purpose of the Report

The City of Morgan is currently engaged in a joint effort with the City of Gilroy and Santa Clara County to develop post-construction stormwater development standards and hydromodification control criteria in order to meet the requirements of the current *National Pollutant Discharge Elimination System* (NPDES) Phase II Stormwater Discharge Permit (Permit). As part of this effort, the agencies developed a Regional Stormwater Management Plan in February 2010 to define minimum control measures and identify a schedule for implementation of the Permit requirements. The first action item of this plan is for each agency to develop and adopt a Post-Construction Stormwater Ordinance, which the City of Morgan Hill adopted on 10/06/2010 (Muni Code Chapter 18.71).

The City of Morgan Hill Post-Construction Stormwater Pollution Prevention ordinance applies to all residential developments with 10 or more units or greater than 5,000-sf of impervious area. The ordinance requires qualifying developments to apply Low Impact Development (LID) techniques and incorporate stormwater Best Management Practices (BMP) to the maximum extent practicable to minimize the impacts of urban runoff on receiving waters and to promote healthy watersheds. These developments are also required to prepare and implement a *Stormwater Runoff Management Plan* (SWRMP) to detail how runoff and associated water quality impacts resulting from the development will be controlled or managed. The SWRMP is required to be prepared under the direction of a Professional Civil Engineer in the State of California, and shall provide sufficient information to evaluate the environmental characteristics of the project area, potential impacts of the proposed development on water resources, and the effectiveness and applicability of measures proposed for managing stormwater runoff.

This Preliminary SWRMP is prepared by Ruggeri-Jensen-Azar & Associates (Engineer) for San Sebastian MH, General Partnership (Owner) for the proposed San Sebastian development in Morgan Hill, Santa Clara County, CA (Development). This SWRMP shall be used for the sole purpose of providing preliminary design concepts for the selection and sizing of post-construction stormwater management BMP's for regulatory review and comment during the entitlement process. The Owner will be required to prepare and submit a final SWRMP for review and approval by the City of Morgan Hill Engineering Department for the development as a whole or for each individual phase of development.

1.2 Site Description

The property comprises approximately 123.1 acres located within the City of Morgan Hill. The property is bounded by the following features: Cochrane Road and Coyote Creek to the north; Peet Road to the south; Coyote Road and Half Road to the east; Santa Clara Valley Water District (SCVWD) right-of-way to the west.

The property is currently zoned as Single-family District (R1-12,000 RPD & R1-20,000 RPD) and

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

Residential Estate (RE-40,000 RPD) in the City of Morgan Hill. The Owner is proposing to develop the property into a 244 lot single-family residential gated community, with lot sizes ranging from 10,000 square-feet to over 20,000 square-feet. The development will include privately maintained streets, open space areas, a central community center, and options for detached secondary unit or garage structures on most lots. The Owner plans to design the development with a rural Italian theme, including private clustered residential enclaves and streets with meandering drainage swales and walking trails. Build-out of the development is planned to take 10-15 years with up to 16 separate construction phases. Refer to Table 1.1 for additional project information.

Table 1.1 – General Project Information

Project Information	Description
Project Name	San Sebastian
Project Phase	
Applicant	San Sebastian MH, General Partnership 17045 Monterey Road, Suite D Morgan Hill, CA 95037 (408) 779-9769 Contact: Chris Borello
Project Address	2280 Cochrane Road, Morgan Hill, CA 95037
APN	728-34-026
Current Zoning	R1-12,000 RPD; R2-20,000 RPD; RE-40,000 RPD
Existing Land Use	Agricultural/Orchard
Proposed Land Use	Single-Family Residential
Project Size	123.1 acres
Total Percent Impervious	45%
Building Type & Use	244 unit, single-family residential gated community
Type & Location of Parking	On-lot garage and driveway parking, street parking (one side only), 15 stall parking lot at community center
Site Landscaping	open space areas, trails, a central community center with pool
Home Owners Association/Property Management Firm	TBD
Food Preparation, Cooking, & Eating Areas	n/a
Outdoor Material Storage Areas	n/a
Waste Generation, Car Wash, Repair, & Fueling	Individual trash bin staging and pick-up at each lot. Car washing, repair, & fueling are strictly prohibited onsite.
Additional Site Features	Two large oak trees are being preserved on-site. Existing PG&E owned 34-inch gas main bisects the property. Existing 96-inch diameter Santa Clara Conduit in southwestern corner of the site.

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

1.3 Existing Site Conditions

The property has historically been used for orchard and vegetable farming operations. The site consists mainly of orchards, row crops, and a few residential and various accessory structures used to support the existing agricultural operations. Various other non-orchard trees are found onsite and around the property boundary, including two large, native oak trees within the interior of the site and windrows along the eastern property boundary.

In general, the property is characterized by gradual slopes to the north and south (0.5%-2%) with steeper slopes (5%-50%) up to Coyote Road in the northeast corner of the property. An 8 to 9 foot bluff bisects the property and divides the site into two distinct watersheds and Regional Water Quality Control Board (RWQCB) Jurisdictions. Approximately 27.6 acres drains to the northwest and is tributary to Coyote Creek and ultimately San Francisco Bay, and is located within the San Francisco RWQCB jurisdiction. The remaining 94.5 acres drains to the southeast and is tributary to Madrone Channel and ultimately Monterey Bay via Llagas Creek and the Pajaro River, and is located in the Central Coast RWQCB. The overall site topographic relief is approximately 21-feet and 66-feet in the north and south watersheds respectively. The north watershed has a maximum elevation of 427-feet near the northeast end of the bluff, and a minimum elevation of 406-feet at a 10-inch storm drain culvert under Cochrane Road at the northern boundary. The South watershed has a maximum elevation of 472-feet at the northeast boundary near Coyote Road, and a minimum elevation of 406-feet at a 12-inch storm drain culvert under Peet Road at the southern boundary.

The National Soil Conservation Service (NRCS) has classified the site soils as “gravelly loam” to “clay loam” with zero to fifty percent slopes. The Hydrologic Soil Group for these soil types are documented as Class B and C with moderate to slow saturated hydraulic conductivities in the range of 0.2 to 6.0 inches per hour. Approximately 71.6-acres and 51.5-acres of the site are classified as Class B and C soils respectively. Pacific Geotechnical performed a preliminary geotechnical assessment of the site in August 2009, and performed site specific field percolation tests in June 2010 and April 2011 (Reference #3). The site specific percolation tests resulted in permeability rates ranging from 0.3 to 9.78 inches per hour depending on location and depth. Regional groundwater contour maps indicate that historic high groundwater levels are several tens of feet below the ground surface, with the water table descending to the west.

1.4 Opportunities and Constraints for Stormwater Control

The following is a summary of opportunities for stormwater quality:

- **Soil Conditions** – The site consists of relatively well draining Class B and C soils. The project can take advantage of the moderate percolation rates by designing stormwater BMP's and community facilities to promote infiltration.
- **Groundwater** – Historical groundwater levels are several tens of feet below ground surface, allowing for infiltration of stormwater.
- **Site Density** – The project is a low density residential project, which provides a higher

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

amount of available landscape space to incorporate BMPs.

- Home Owners Associations (HOA) – The project will be managed by an HOA, which allows for consistent maintenance of stormwater facilities. The HOA can also provide educational information to future residents regarding water quality and BMPs, and implement CC&R's to control the generation and movement of stormwater pollutants.

The following is a summary of constraints for stormwater quality:

- Existing Utilities – Existing large diameter gas and water pipes encroach into the site. Grading and improvements are restricted within the utility easements and fee title right-of-ways.
- Site Density – The project is a low density single-family residential project. This means that a large amount of landscape space is contained within the individual lots. The development should consider BMP options that are located in common use areas to ensure proper maintenance.
- Downstream Storm Drain Connection – There are no downstream public storm drain facilities to tie on-site storm drain systems into. This limits options for conveyance of storm water runoff.

LEGEND

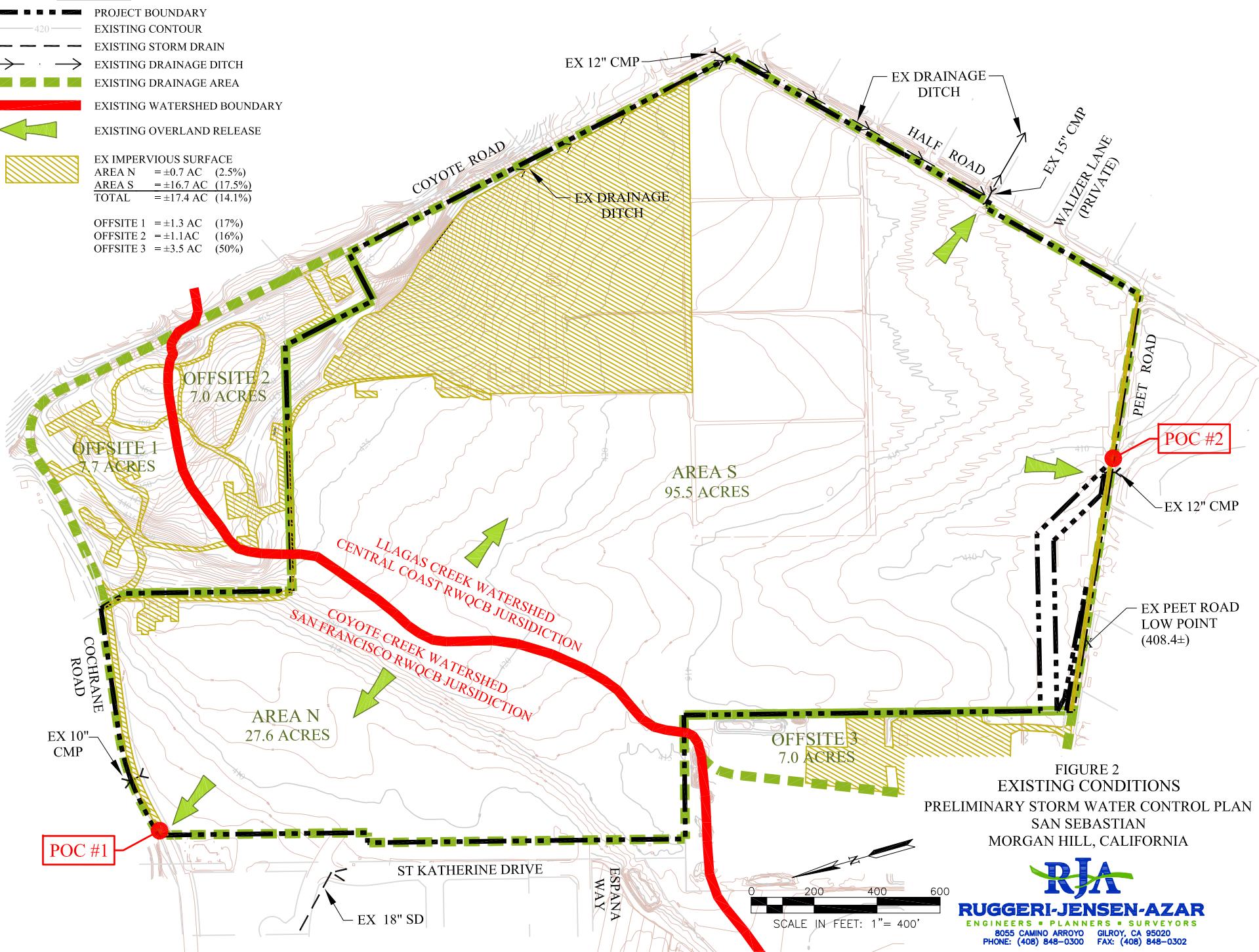


FIGURE 2
EXISTING CONDITIONS
PRELIMINARY STORM WATER CONTROL PLAN
SAN SEBASTIAN
MORGAN HILL, CALIFORNIA

The logo for RUGGERI-JENSEN-AZAR. It features the letters 'RJA' in a large, stylized blue font with a green swoosh underneath. Below this, the company name 'RUGGERI-JENSEN-AZAR' is written in a bold, black, sans-serif font. Underneath the company name, the words 'ENGINEERS • PLANNERS • SURVEYORS' are written in a smaller, black, sans-serif font.

HYDROLOGIC SOIL GROUP SUMMARY:

	GROUP B	GROUP C
AREA N	19.6 AC	8.0 AC
AREA S	52.0 AC	43.5 AC
TOTAL	71.6 AC	51.5 AC
OFFSITE 1	1.2 AC	6.5 AC
OFFSITE 2	0 AC	7.8 AC
OFFSITE 3	6.7 AC	0.3 AC

Hydrologic Soil Group—Summary by Map Unit—Eastern Santa Cl:

Map unit symbol	Map unit name	Rating
ArA	Arbuckle gravelly loam, 0 to 2 percent slopes	B
GaA	Garretson loam, gravel substratum, 0 to 2 percent slopes	B
GbB	Garretson gravelly loam, 0 to 5 percent slopes	B
GoF	Gilroy clay loam, 30 to 50 percent slopes	C
KeA	Keefers clay loam, 0 to 2 percent slopes	C
KeC2	Keefers clay loam, 2 to 9 percent slopes, eroded	C
PoA	Pleasanton loam, 0 to 2 percent slopes	B
PpC	Pleasanton gravelly loam, 2 to 9 percent slopes	B

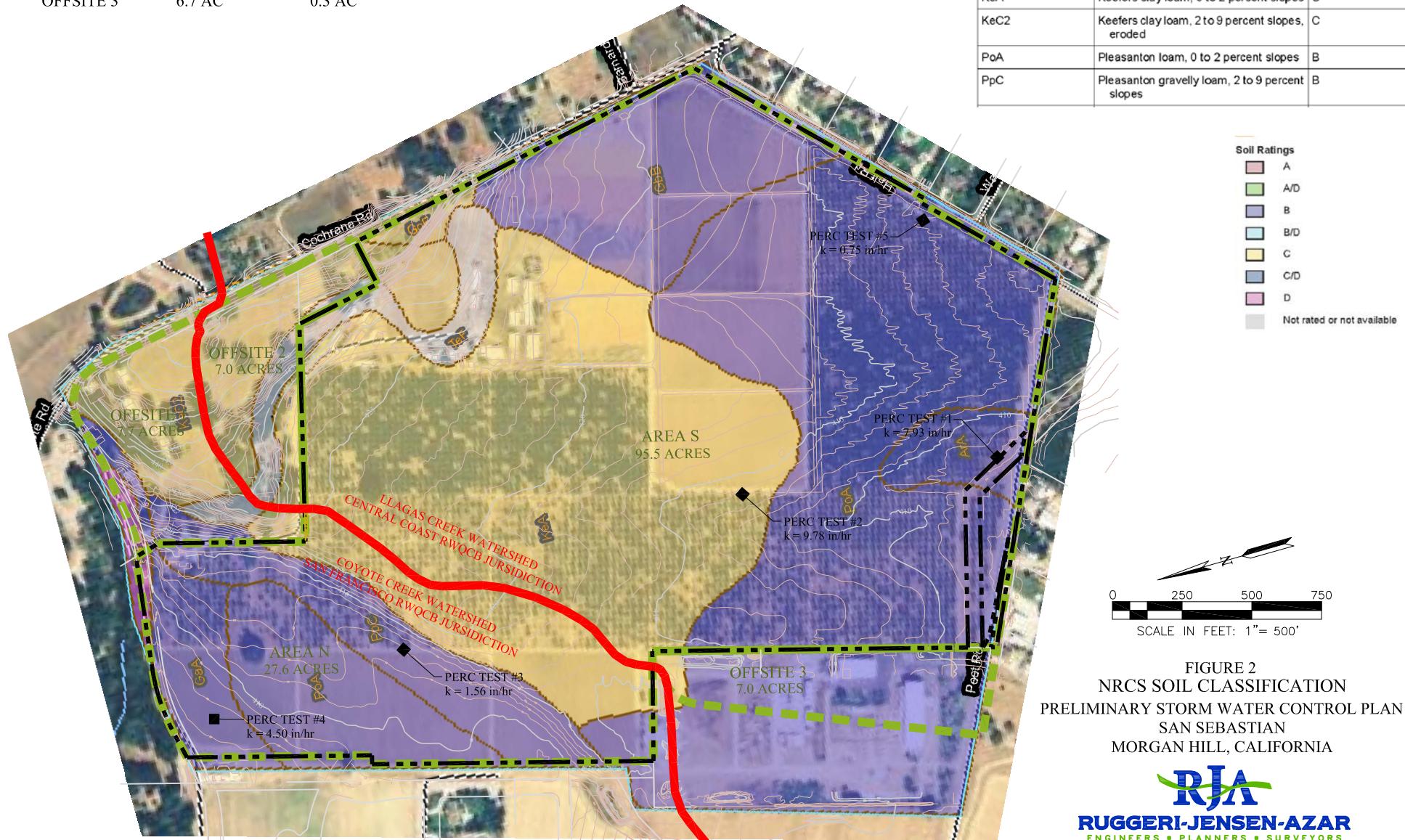


FIGURE 2
NRCS SOIL CLASSIFICATION
PRELIMINARY STORM WATER CONTROL PLAN
SAN SEBASTIAN
MORGAN HILL, CALIFORNIA

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • SURVEYORS
8055 CAMINO ARROYO GILROY, CA 95020
PHONE: (408) 848-0300 FAX: (408) 848-0302

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

2 Stormwater Treatment Evaluation

The Development will increase impervious surfaces from the existing condition, which has the potential to impact water quality by increasing runoff volumes and durations, as well as, concentrating and transporting pollutants to downstream receiving waters.

Stormwater Best Management Practices (BMPs), Low Impact Development (LID) site design strategies, and source controls shall be used to reduce runoff volume, peak flow, and pollutant loadings. All BMP's selected for the Development shall comply with the City's Post-Construction Stormwater Ordinance.

2.1 LID Site Design Strategies

The following LID strategies may be considered in the development to comply with stormwater control requirements:

- Limit Impervious Surfaces – Limiting impervious surface has the benefit of reducing stormwater runoff volume, peak flow, and pollutant concentration by increasing pervious areas and landscaping that promote infiltration and evapotranspiration. The following site design measures may be used to limit impervious surface:
 - Reduce parking stalls and drive aisle dimensions.
 - Reduce street and alley travel lane widths.
 - Use pervious pavement in low traffic areas such as parking stalls, driveways, and pedestrian walkways.
- Disconnect Impervious Surfaces – The project should seek to disconnect all impervious surfaces (building rooftops, street pavement, hardscape, etc.) by directing impervious surface runoff and roof downspouts to landscape based BMPs.
- Incorporate Self-retaining Areas – The project may incorporate self-retaining areas by designing micro-retention into landscaping areas. The landscaping areas would be designed with a concave shape and a minimum 1-inch ponding depth. Micro-retention has the benefit of reducing runoff volume while minimizing prolonged ponding and vector issues.
- Landscaping Design – The project may incorporate large canopy trees and shrubs where possible to promote evapotranspiration and to provide shade. The project may also incorporate drought resistant plants and efficient irrigation methods to minimize water use and avoid nuisance water as a result of excessive irrigation.
- Maintain Surface Conveyance – The project is planning to utilize roadside swales as opposed to a traditional storm drain system to collect and convey stormwater runoff. Surface swales help to mimic the pre-developed runoff pattern by maintaining and slowing surface runoff, and promoting some infiltration and transpiration.

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

- Preserve Natural Features – The project is planning to preserve two large oak trees in the interior of the site, as well as, tree covered slope area along the northern boundary, and windrows along the eastern boundary. This reduces the amount of disturbed area and improves evapotranspiration by preserving mature tree canopy.

2.2 Treatment Control BMPs

The treatment control BMPs described in Table 2.1 have been identified as ideal for use in the development based on the opportunities and constraints identified in Section 1.4 of this SWRMP. The project will seek to incorporate these BMP facilities to the maximum extent practicable in the final site design. Individual facilities will be identified and designed as part of the final SWRMP.

Table 2.1 – Selected Treatment Control BMPs	
BMP	Description
Infiltration Basin	A depression that is wider than it is deep with an uncompacted bottom, which collects and holds stormwater runoff for infiltration into subsurface soil. Infiltration basins remove suspended solids, particulate pollutants, coliform bacteria, organics and some soluble forms of metals and nutrients by detaining the runoff and allowing it to filter through the underlying soils.
Landscaped Swales	A landscape linear depression which collects and conveys storm water runoff. They treat storm water by filtration through landscaping and shallow rock berms, and allow for some infiltration.
Bioretention	A depressed vegetated area with a porous engineered soil mix and that captures, treats, and infiltrates stormwater runoff. They are suitable for removal of sediment, nutrients, trash, metals, bacteria, oil and grease, and organics.
Pervious Pavement	A pavement area consisting of an engineered pervious pavement on top of a rock base with 25% to 40% void space. They are suitable for removal of sediment, nutrients, trash, metals, bacteria, oil and grease, and organics.

2.3 Source Control Measures

The following stormwater source control measures may be implemented with the Development:

Table 2.2 – Selected Source Control Measures	
Potential Source	BMP Description
Landscape Management	Ongoing management consistent with the <i>CASQA Stormwater Best Management Practice Handbook: New Development and Redevelopment</i> BMPs SD-10 & SD-12, including limiting pesticide and fertilizer usage and minimizing irrigation and runoff.
BMP Maintenance	Property owner is responsible for the inspection and maintenance of structural BMPs consistent with the SWRMP and the City of Morgan Hill ordinances. (See Section 5)
Litter Control	Litter should be routinely picked up and properly disposed. If necessary, signage should be installed in common areas to discourage littering.

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

Table 2.2 - Selected Source Control Measures (cont.)

Potential Source	BMP Description
Drain Inlet Inspection	All inlets should be marked with "No Dumping - Flows to Bay" or similar message. Property owner is responsible for inspection and maintenance of all privately owned drain inlets.
Street Sweeping	Streets and parking areas should be swept weekly, weather permitting, and prior to the rainy season.
Vehicle Washing	Vehicle washing should be prohibited onsite.
Vehicle Fueling	Vehicle fueling should be prohibited onsite.
Outdoor Pesticide Use	Where possible, pest resistant plants should be used. Planting for swales should be selected to be appropriate for the soil and moisture conditions. Landscaping should be maintained using integrated pest management principles with minimal or no use of pesticides.
Outdoor Trash Enclosures	All common trash collection facilities should be covered with drains connected to the sanitary sewer system.
Delivery Area/Loading Docks	Delivery areas and loading docks should be covered with drains connected to the sanitary sewer system.
Swimming Pools	Overflows for swimming pools should be connected to the sanitary sewer system.
Outdoor Material Storage	Material storage should be sufficiently covered with containment BMP's or stored indoors.

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

3 Design of Stormwater Treatment BMPs

Stormwater treatment BMP's are classified into two categories: volume and flow based. Volume based BMP's are based on a rainfall depth and provide storage volume with a specific drawdown time to allow pollutants to settle-out. They may also incorporate a filtration media at the bottom of the facility to provide additional treatment benefits. Flow based BMP's are based on rainfall intensity and corresponding flow rate, and treat stormwater via filtration. In order to provide flexibility in planning and design of the development, this preliminary SWRMP considers both flow and volume based treatment options. The development is analyzed based on the two distinct watersheds:

1. North Area – 29.6-acres tributary to Coyote Creek, assumed to be 45% impervious under the post-construction condition.
2. South Area – 93.5-acres tributary to Madrone Channel, assumed to be 45% impervious under the post-construction condition.

Volume and flow based BMP sizing is determined using the CASQA method as described in the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) "C.3 Stormwater Handbook". The sizing results are summarized in Table 3.1, and complete calculations are provided in Appendix B.

Table 3.1 – Drainage Area and BMP Summary Table

Area ID	Drainage Area (acres)	% Imperv	Runoff Coefficient	BMP Classification	Sizing Method	BMP Flow or Volume	BMP Size per Acre
North	29.6	45%	0.42	Volume	CASQA	1.67 acre-ft	0.056 acre-ft
				Flow	CASQA	3.26 cfs	0.11 cfs
South	93.5	45%	0.41	Volume	CASQA	5.28 acre-ft	0.056 acre-ft
				Flow	CASQA	10.04 cfs	0.11 cfs

Due to the size and density of the project, it is determined that a centralized stormwater management facility will be the most economically and technically feasible option for the project. The project proposes to incorporate a retention/detention stormwater basin at the downstream end of each watershed. The north area will incorporate an 8.5 acre-ft, 7-ft deep retention basin for stormwater quality, hydromodification and flood control management. The retention basin will be sized to infiltrate all stormwater runoff up to a 24-hr, 100-yr storm event. The south area will incorporate a 9.2 acre-ft, 7.5-ft deep combination retention/detention basin for stormwater quality, hydromodification and flood control management. The bottom 4-ft of the basin will provide full retention and infiltration, while the upper 3.5-ft will have controlled release through the 12-inch culvert under Peet Road. The basin will be designed to reduce peak flows and volumes to pre-project levels. Stormwater runoff will be conveyed to the basins via approximately 30,000 linear feet of roadside swales, which will provide additional infiltration and water quality benefits upstream of the basins.

LEGEND

- PROJECT BOUNDARY
- RESIDENTIAL AREA (± 87.0 AC AT 45% IMPERVIOUS = ± 39.2 AC)
- STREET AREA (± 13.8 AC)
- TRAIL AREA (± 1.7 AC)
- RECREATIONAL CENTER AREA (± 0.7 AC)

IMPERVIOUS SURFACE SUMMARY

AREA N = ± 14.3 AC (48%)

AREA S = ± 41.1 AC (44%)

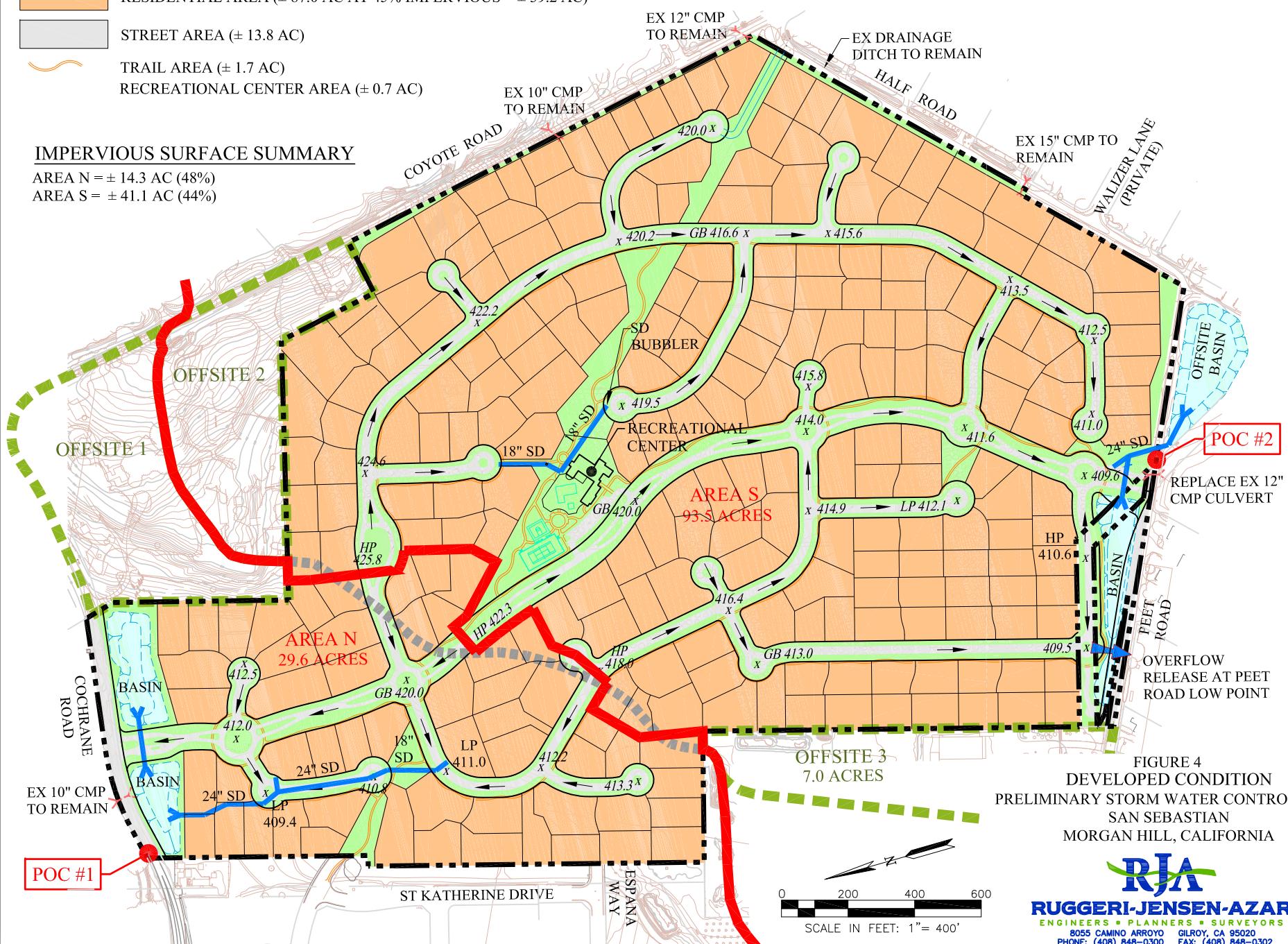


FIGURE 4
DEVELOPED CONDITION
PRELIMINARY STORM WATER CONTROL PLAN
SAN SEBASTIAN
MORGAN HILL, CALIFORNIA

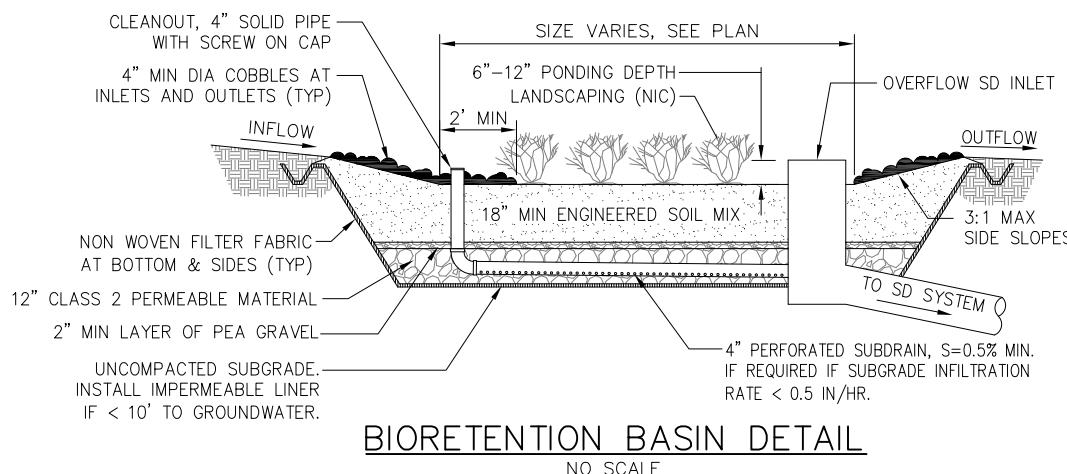
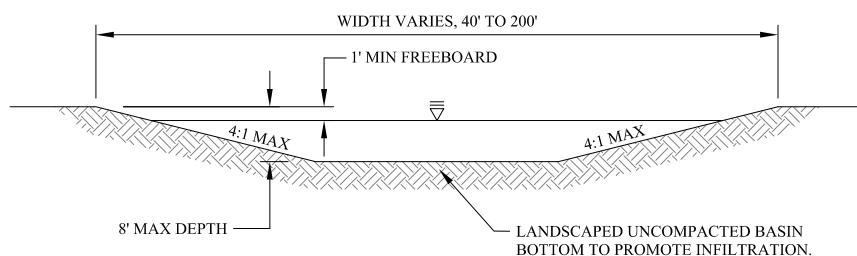
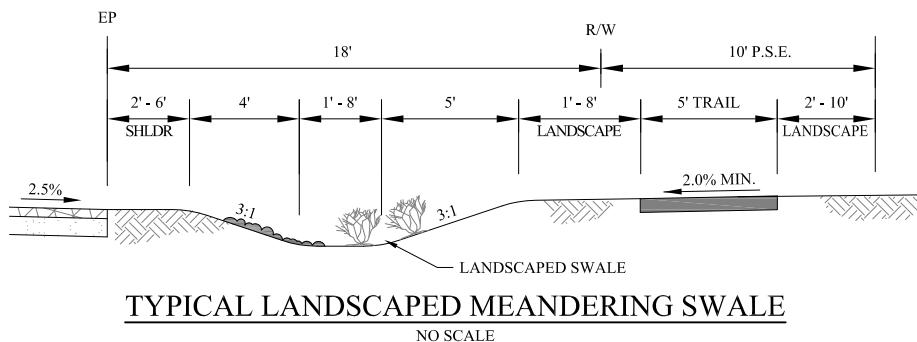
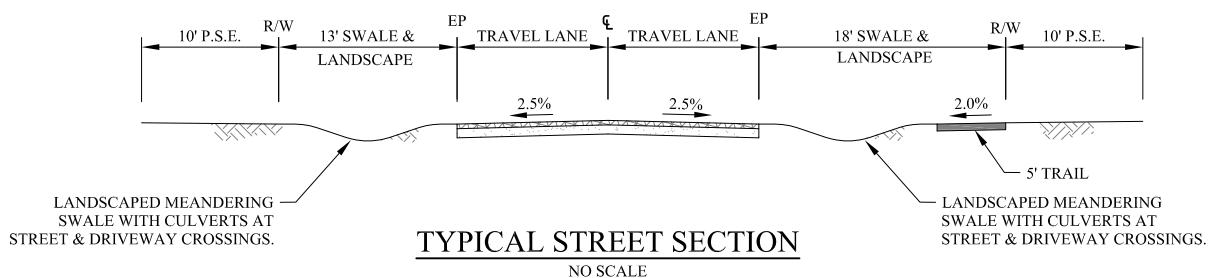


FIGURE 5
STORM WATER BMP DETAILS
PRELIMINARY STORM WATER CONTROL PLAN
SAN SEBASTIAN
MORGAN HILL, CALIFORNIA

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

4 Hydromodification Management

4.1 Hydromodification Design Components

Hydrograph modification or “hydromodification” refers to the peak flow and flow duration hydrograph changes that result from the alteration of an existing watershed either through addition of impervious surfaces, re-direction of existing drainage patterns, or other factors. Hydromodification management refers to the practice of mitigating changes in the post-project runoff hydrograph through a variety of flow control structures intended to mimic pre-project hydrology to the maximum extent practicable, where changes in discharge are planned into a natural channel such as a creek.

The project is required to provide hydromodification management to mitigate increases in peak flow and duration. The hydromodification and hydraulic calculations for the proposed stormwater management basins were modeled using the Bay Area Hydrology Model (BAHM). The BAHM program was developed for use in Alameda, San Mateo, and Santa Clara Counties, and is recommended for use by the SCVURPPP “C.3 Stormwater Handbook”. The BAHM program implements a continuous runoff simulation model using the Hydrologic System Program Fortran (HSPF) processor and is intended to model and design BMP features to mitigate peak storm flows and rainfall runoff durations. The continuous runoff simulation model applies historical hourly rainfall data to the user-inputted physical aspects of a given watershed. The model can represent physical watershed aspects such as hydrologic soil group, slope, vegetation cover type, and type of impervious surfaces. Both the pre-development and post-development watershed characteristics can be inputted. In addition to inputting watershed characteristics, the user also selects the site location on a map prior to running the hydrologic simulation. Based on the site location, the BAHM selects the nearest pre-loaded rain gauge to the watershed and pro-rates differences in rainfall depth between the site and the recorded rain gauge data. In the post-project condition, the BAHM allows user-input of specifically designed hydromodification management features such as basins, bioretention areas, vegetated swales, etc. in order to model proposed flow control BMP’s. The BAHM then simulates the application of this historic rainfall to both the pre-development and the post-development watersheds in order to verify HMP compliance.

Through internal mathematical approximations and calculations, the BAHM model generates a runoff time series that characterizes how the watershed may have responded to the continuous record of historic rainfall. In order to develop this runoff time series, BAHM factors in losses such as infiltration and evapotranspiration. In addition, BAHM considers antecedent moisture conditions to determine runoff characteristics based on the previous condition of the watershed (very dry, already saturated, etc). The BAHM compares the runoff time series from both the pre-development watershed and the post-development watershed and determines whether the post-development scenario “passes” hydromodification management standards. In order to assess whether a project passes, the BAHM considers pre-development and post-development runoff flows generated from 10 percent of the 2-year (Q2) up to the 10-year (Q10) statistical storm flow rate. To pass, the post-

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

development peak runoff time series must not exceed the pre-development runoff time series within this interval as currently required in Santa Clara County. This attenuation is accomplished by the hydromodification management facilities selected for the development.

4.2 Hydromodification Analysis Results

For the purposes of this analysis, it is assumed the project does not incorporate any impervious surface reductions through the use of permeable pavement. If desired, the owner could entertain the use of pervious pavement to greater reduce the size of stormwater management facilities. As shown in the BAHM results in Appendix C, the proposed design will achieve adequate flow control to mimic pre-project conditions. The north basin successfully infiltrates all runoff simulated from the historical rainfall record, meaning no discharge leaves the basin. The south basin successfully reduces the peak flow and duration below pre-project conditions. The south basin is able to infiltrate all stormwater runoff for storms equal to and less than the 2-year return period.

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

5 BMP Operation and Maintenance

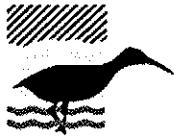
The City of Morgan Hill Post-Construction Stormwater Ordinance requires the Owner to enter into a formal written stormwater BMP operation and maintenance agreement with the City prior to the issuance of any building permit. The City will record this agreement, against the property or properties involved, with the County of Santa Clara and it will be binding on all subsequent owners of land served by the stormwater management treatment BMP's. The agreement shall provide the City the authority to perform maintenance and/or repair work and to recover the costs from the owner in the event that maintenance is neglected, or the stormwater management facility becomes a danger to the public health and safety. Stormwater BMP inspections shall be performed at least twice per year, and records kept and submitted to the City in accordance with City ordinance. Refer to Appendix D for more information regarding requirements of the Operation and Maintenance agreement.

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

Appendix A

C.3 Data Form



**Santa Clara Valley
Urban Runoff
Pollution Prevention Program**

PROVISION C.3 DATA FORM

Which Projects Must Comply with Stormwater Requirements?

All projects that create and/or replace **10,000 sq. ft.** or more of impervious surface on the project site must fill out this worksheet and submit it with the development project application.

All restaurants, auto service facilities, retail gasoline outlets, and uncovered parking lot projects (stand-alone or part of another development project, including the top uncovered portion of parking structures) that create and/or replace **5,000 sq. ft.** or more of impervious surface on the project site must also fill out this worksheet.

Interior remodeling projects, routine maintenance or repair projects such as re-roofing and re-paving, and single family homes that are not part of a larger plan of development are **NOT** required to complete this worksheet.

What is an Impervious Surface?

An impervious surface is a surface covering or pavement that prevents the land's natural ability to absorb and infiltrate rainfall/stormwater. Impervious surfaces include, but are not limited to rooftops, walkways, paved patios, driveways, parking lots, storage areas, impervious concrete and asphalt, and any other continuous watertight pavement or covering. Pervious pavement, underlain with pervious soil or pervious storage material (e.g., drain rock), that infiltrates rainfall at a rate equal to or greater than surrounding unpaved areas OR that stores and infiltrates the water quality design volume specified in Provision C.3.d of the Municipal Regional Stormwater Permit (MRP), is not considered an impervious surface.

For More Information

For more information regarding selection of Best Management Practices for stormwater pollution prevention or stormwater treatment contact:

1. Project Information

Project Name: SAN SEBASTIAN APN # 728-34-026

Project Address: 2280 COCHRANE ROAD, MORGAN HILL, CA 95037

Cross Streets: _____

Applicant/Developer Name: SAN SEBASTIAN MH, GENERAL PARTNERSHIP

Project Phase(s): _____ of _____ Engineer: RUGGERI - JENSEN - AEAR

Project Type (Check all that apply): New Development Redevelopment

Residential Commercial Industrial Mixed Use Public Institutional

Restaurant Uncovered Parking Retail Gas Outlet Auto Service (SIC code) _____

Other _____ (5013-5014, 5541, 7532-7534, 7536-7539)

Project Description: 244 LOT GATED ESTATE LOT COMMUNITY

WITH RECREATION CENTER, OPEN SPACE, AND ASSOCIATED
STREETS AND UTILITIES. REFER TO PROJECT VESTING TENTATIVE MAP AND
PLANNED DEVELOPMENT PACKAGE DATED JUNE 2012

Project Watershed/Receiving Water (creek, river or bay): COYOTE CREEK + MADRONE
CHANNEL

2. Project Size

a. Total Site Area: 123.1 acre	b. Total Site Area Disturbed: 121.4 acre (including clearing, grading, or excavating)			
		Proposed Area (ft ²)		Total Post-Project Area (ft ²)
		Existing Area (ft ²)	Replaced	New
<i>Impervious Area</i>				
Roof	20,000	20,000	1,180,000	1,200,000
Parking				
Sidewalks and Streets	740,000	740,000	460,000	1,200,000
c. Total Impervious Area	760,000	760,000	1,640,000	2,400,000
d. Total new and replaced impervious area		2,400,000		
<i>Pervious Area</i>				
Landscaping	4,600,000	2,960,000		2,960,000
Pervious Paving				
Other (e.g. Green Roof)				
e. Total Pervious Area	4,600,000	2,960,000		2,960,000
f. Percent Replacement of Impervious Area in Redevelopment Projects (Replaced Total Impervious Area ÷ Existing Total Impervious Area) x 100% =				%

3. State Construction General Permit Applicability:

a. Is #2.b. equal to 1 acre or more?

Yes, applicant must obtain coverage under the State Construction General Permit (i.e., file a Notice of Intent and prepare a Stormwater Pollution Prevention Plan) (www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml for details).
 No, applicant does not need coverage under the State Construction General Permit.

4. MRP Provision C.3 Applicability:

a. Is #2.d. equal to **10,000** sq. ft. or more, or **5,000** sq. ft. or more for restaurants, auto service facilities, retail gas outlets, and uncovered parking?

(*Note that for public projects, the 5,000 sq. ft. threshold does not take effect until 12/1/12.)

Yes, C.3. source control, site design and treatment requirements apply
 No, C.3. source control and site design requirements may apply – check with local agency

b. Is #2.f. equal to 50% or more?

Yes, C.3. requirements (site design and source control, as appropriate, and stormwater treatment) apply to entire site
 No, C.3. requirements only apply to impervious area created and/or replaced

5. Hydromodification Management (HM) Applicability:

a. Does project create and/or replace one acre or more of impervious surface AND is the total post-project impervious area greater than the pre-project (existing) impervious area?

Yes (continue) No – exempt from HM, go to page 3

b. Is the project located in an area of HM applicability (green area) on the HM Applicability Map? (www.scvurppp-w2k.com/hmp_maps.htm)

Yes, project must implement HM requirements
 No, project is exempt from HM requirements

6. Selection of Specific Stormwater Control Measures:

Site Design Measures

- Minimize land disturbed
- Minimize impervious surfaces
- Minimum-impact street or parking lot design
- Cluster structures/pavement
- Disconnected downspouts
- Pervious pavement
- Green roof
- Microdetention in landscape
- Other self-treating area
- Self-retaining area
- Rainwater harvesting and use (e.g., rain barrel, cistern connected to roof drains)¹
- Preserved open space:
1.7 ac or sq. ft
(circle one)
- Protected riparian and wetland areas/buffers (Setback from top of bank: _____ ft.)
- Other _____

Source Control Measures

- Alternative building materials
- Wash area/racks, drain to sanitary sewer²
- Covered dumpster area, drain to sanitary sewer²
- Sanitary sewer connection or accessible cleanout for swimming pool/spa/fountain²
- Beneficial landscaping (minimize irrigation, runoff, pesticides and fertilizers; promotes treatment)
- Outdoor material storage protection
- Covers, drains for loading docks, maintenance bays, fueling areas
- Maintenance (pavement sweeping, catch basin cleaning, good housekeeping)
- Storm drain labeling
- Other _____

Treatment Systems

- None (all impervious surface drains to self-retaining areas)

LID Treatment

- Rainwater harvest and use (e.g., cistern or rain barrel sized for C.3.d treatment)
- Infiltration basin
- Infiltration trench
- Exfiltration trench
- Underground detention and infiltration system (e.g. pervious pavement drain rock, large diameter conduit)

*Biotreatment*³

- Bioretention area
- Flow-through planter
- Tree box with bioretention soils
- Other _____

Other Treatment Methods

- Proprietary tree box filter⁴
- Media filter (sand, compost, or proprietary media)⁴
- Vegetated filter strip⁵
- Dry detention basin⁵
- Other LANDSCAPED
ROADSIDE SWALES

Flow Duration Controls for Hydromodification Management (HM)

- Detention basin
- Underground tank or vault
- Bioretention with outlet control
- Other _____

¹ Optional site design measure; does not have to be sized to comply with Provision C.3.d treatment requirements.

² Subject to sanitary sewer authority requirements.

³ Biotreatment measures are allowed only with completed feasibility analysis showing that infiltration and rainwater harvest and use are infeasible.

⁴ These treatment measures are only allowed if the project qualifies as a "Special Project".

⁵ These treatment measures are only allowed as part of a multi-step treatment process.

7. Treatment System Sizing for Projects with Treatment Requirements

Indicate the hydraulic sizing criteria used and provide the calculated design flow or volume:

Treatment System Component	Hydraulic Sizing Criteria Used ³	Design Flow or Volume (cfs or cu.ft.)
AREA N	1b + 2b	3.261 CFS 1,63 ACRE-FT
AREA S	1b + 2b	10.043 CFS 5.16 ACRE-FT
<i>* SEE PRELIMINARY STORMWATER RUNOFF MANAGEMENT PLAN</i>		

³Key: 1a: Volume – WEF Method
 1b: Volume – CASQA BMP Handbook Method
 2a: Flow – Factored Flood Flow Method
 2b: Flow – CASQA BMP Handbook Method
 2c: Flow – Uniform Intensity Method
 3: Combination Flow and Volume Design Basis

8. Alternative Certification: Was the treatment system sizing and design reviewed by a qualified third-party professional that is not a member of the project team or agency staff?

Yes No Name of Reviewer _____

9. Operation & Maintenance Information

A. Property Owner's Name SAN SEBASTIAN MH, GENERAL PARTNERSHIP

B. Responsible Party for Stormwater Treatment/Hydromodification Control O&M:

a. Name: TBD
 b. Address: _____
 c. Phone/E-mail: _____

This section to be completed by Municipal staff.

O&M Responsibility Mechanism

Indicate how responsibility for O&M is assured. Check all that apply:

O&M Agreement
 Other mechanism that assigns responsibility (describe below):

Reviewed:

Community Development Department

Planning Division: _____

Building Division: _____

Return form to: _____

Public Works Department

Engineering: _____

Other (Specify): _____

Data entry performed by: _____

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

Appendix B

Stormwater BMP Calculations

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, CA

Appendix B

Stormwater BMP Sizing Calculations

October 15, 2012

Project Information

Area =	5,360,000 ft ²	<i>Total project area</i>
Impervious Area =	2,400,000 ft ²	<i>Total project impervious area</i>
	45%	<i>Percent impervious area</i>
Treated Imperv Area =	2,400,000 ft ²	<i>Total project impervious area treated with storm water BMP</i>
	100%	<i>Percent of project impervious area treated with storm water BMP</i>

Design Information

MAP _{site} =	21.0 in	<i>Mean Annual Precipitation at project site</i>
Reference Rain Guage =	Morgan Hill	
MAP _{gauge} =	19.5 in	<i>Reference Rain Guage closest to the project site</i>
CF =	1.08	<i>Rain Guage correction factor</i>
P _{6 gauge} =	0.760 in	<i>Mean storm event precipitation at reference rain gauge</i>
I _{85 gauge} =	0.120 in/hr	<i>85th percentile hourly rainfall intensity at reference rain gauge</i>
P _{6 gauge} =	0.82 in	<i>Project mean storm event precipitation for volume based design</i>
I _{WQ gauge} =	0.26 in/hr	<i>Two times the project 85th percentile hourly rainfall intensity for flow based design</i>
I ₁₀ =	1.3 in/hr	<i>Bypass flow rainfall intensity, 10-year storm at TC=20 minutes</i>

Note

1. Refer to the following Tables for the individual drainage area BMP sizing calculations.
2. BMP sizing calculations are based on the guidance outlined in the SCVURPPP "C.3 Stormwater Handbook", dated April 2012.

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, CA

Appendix B

Table B.1: Flow - CASQA BMP Handbook Method

$$WQ_F = \frac{CIA}{43,200} \text{ cfs}$$

C = WQ Runoff Coefficient

$$I = 0.260 \text{ 2 x 24-hr 85th percentile rainfall intensity (in/hr)}$$

A = drainage area (ft^2)

WQ_F = Water quality design flow (cfs)

WQ Runoff Coefficient Table	
Roof	0.90
Hardscape/Concrete	0.80
Street	0.70
Landscape	0.10
Pervious Pavement	0.10
Biplanter/Swale	0.10

$$Q_{10} = \frac{CIA}{43,200} \text{ cfs}$$

C = 0.9 imperv, 0.1 perv

$$I_{10} = 1.3 \text{ in/hr}$$

A = drainage area (ft^2)

Q₁₀ = Overflow (cfs)

Drainage Area ID	Area (SF)	Impervious Surface (SF)			Pervious Surface (SF)				Runoff Coefficient	Design WQ _F (cfs)	Min BMP Area ¹ (SF)	Overflow Q ₁₀ (cfs)		
		Roof	Hardscape	Street	Total	Landscape	Pervious Pavement	Retention Basin	Total	% Impervious				
N	1,290,000	290,000	30,000	260,000	580,000	620,000	0	90,000	710,000	45%	0.42	3,261	28,174	17.9
S	4,070,000	910,000	70,000	840,000	1,820,000	2,220,000	0	30,000	2,250,000	45%	0.41	10,043	86,772	56.3
Total	5,360,000	1,200,000	100,000	1,100,000	2,400,000	2,840,000	0	120,000	2,960,000					

1. Assumes a 5-in/hr BMP soil mix infiltration rate.

Table B.2: Volume - CASQA BMP Handbook Method

$$WQ_V = \frac{(CF)SA}{43,560 \times 12} \text{ acre-ft}$$

CF = Rain gauge correction factor

S = Unit Basin Storage (in)

A = drainage area (ft^2)

WQ_V = Water quality design volume (acre-ft)

$$Q_{10} = \frac{CIA}{43,200} \text{ cfs}$$

C = 0.9 imperv, 0.1 perv

$$I_{10} = 1.3 \text{ in/hr}$$

A = drainage area (ft^2)

Q₁₀ = Overflow (cfs)

Drainage Area ID	Area (SF)	Imperv Area (SF)	% Imperv	Soil Type	Average Slope (%)	Unit Basin Storage (in)		Drainage Area Specific	Design WQ _V (acre-ft)	Overflow Q ₁₀ (cfs)
						1%	15%			
N	1,290,000	580,000	45%	Clay Loam (D)	1%	0.63	0.66	0.63	1.67	17.8
S	4,070,000	1,820,000	45%	Clay Loam (D)	1%	0.63	0.66	0.63	5.28	56.1
Total	5,360,000	2,400,000	45%			Total				

San Sebastian
Preliminary Hydrologic Parameters Worksheet

Job No.: 092020
 Location: Morgan Hill, CA
 Date: 2/24/2012

Storm Water Basin Volume and Percolation Calculations

North Basin - 02/24/2012					R = 2.25 in/hr			Freeboard	=1/2 of field measured percolation rate
Elev (ft)	Basin 1 Area (SF)	Basin 2 Area (SF)	Total Area (SF)	Total Area (AC)	Void Ratio (%)	Cumm Volume (AC-FT)	Perc Flow (cfs)		
407	28100	44500	72600	1.667	100%	8.559	3.78		
406	25500	41200	66700	1.531	100%	6.961	3.47		
405	23000	37900	60900	1.398	100%	5.496	3.17		
404	20600	34700	55300	1.270	100%	4.162	2.88		
403	18700	32000	50700	1.164	100%	2.945	2.64		
402	16400	29000	45400	1.042	100%	1.842	2.36		
401	14100	26000	40100	0.921	100%	0.861	2.09		
400	11900	23000	34900	0.801		0.000	1.82		

South Basin - 02/24/2012					R = 3.96 in/hr			Freeboard	=1/2 of field measured percolation rate
Elev (ft)	Basin 1 Area (SF)	Basin 2 Area (SF)	Total Area (SF)	Total Area (AC)	Void Ratio (%)	Cumm Volume (AC-FT)	Perc Flow (cfs)		
409.5	100000	65200	165200	3.792	100%	9.136	15.14		
408.5	29500	51900	81400	1.869	100%	8.476	7.46		
408	26500	49800	76300	1.752	100%	6.666	6.99		
407	21800	45700	67500	1.550	100%	5.015	6.19		
406	16200	41800	58000	1.331	100%	3.574	5.32		
405	5500	37900	43400	0.996	100%	2.410	3.98		
404	3800	34500	38300	0.879	100%	1.473	3.51		
403	0	31100	31100	0.714	100%	0.676	2.85		
402	0	27800	27800	0.638		0.000	2.55		

Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

Appendix C

Bay Area Hydrology Model (BAHM) Results

Preliminary Storm Water Control Plan

San Sebastian: Morgan Hill, CA

Appendix C

Bay Area Hydrology Model PROJECT REPORT

Project Name: 092030

Site Address:

City : Morgan Hill
Report Date : 10/12/2012
Gage : Morgan Hill
Data Start : 1959/10/01
Data End : 1997/09/30
Precip Scale: 0.91
BAHM Version:

PREDEVELOPED LAND USE

Name : Area N

Bypass: No

GroundWater: No

<u>Pervious Land Use</u>	<u>Acres</u>
B,Grass,Flat(0-5%)	19.1
C D,Grass,Flat(0-5%)	7.8

<u>Impervious Land Use</u>	<u>Acres</u>
Roads,Flat(0-5%)	0.6
Roof Area	0.1

Element Flows To:

Surface	Interflow	Groundwater
Channel 1, Channel 1,		

Name : Area S

Bypass: No

GroundWater: No

<u>Pervious Land Use</u>	<u>Acres</u>
B,Grass,Flat(0-5%)	42.9
C D,Grass,Flat(0-5%)	35.9

<u>Impervious Land Use</u>	<u>Acres</u>
Roads,Flat(0-5%)	16.4
Roof Area	0.3

Element Flows To:

Surface	Interflow	Groundwater
Channel 2, Channel 2,		

Preliminary Storm Water Control Plan

San Sebastian: Morgan Hill, CA

Appendix C

Name : Off 1

Bypass: No

GroundWater: No

<u>Pervious Land Use</u>	<u>Acres</u>
B,Shrub,Stee(10-20%)	1
C D,Shrub,St(10-20%)	5.4

<u>Impervious Land Use</u>	<u>Acres</u>
Roads,Mod(5-10%)	1.1
Roof Area	0.2

Element Flows To:

Surface	Interflow	Groundwater
Channel 1,	Channel 1,	

Name : Off 2

Bypass: No

GroundWater: No

<u>Pervious Land Use</u>	<u>Acres</u>
C D,Shrub,St(10-20%)	5.9

<u>Impervious Land Use</u>	<u>Acres</u>
Roads,Mod(5-10%)	0.9
Roof Area	0.2

Element Flows To:

Surface	Interflow	Groundwater
Channel 2,	Channel 2,	

Name : Off 3

Bypass: No

GroundWater: No

<u>Pervious Land Use</u>	<u>Acres</u>
B,Urban,Flat(0-5%)	3.5

<u>Impervious Land Use</u>	<u>Acres</u>
Roads,Flat(0-5%)	1
Roof Area	1.5
Parking,Flat(0-5%)	1

Element Flows To:

Surface	Interflow	Groundwater
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Preliminary Storm Water Control Plan

San Sebastian: Morgan Hill, CA

Appendix C

Channel 2, Channel 2,

Name : Area N
Bypass: No

GroundWater: No

<u>Pervious Land Use</u>	<u>Acres</u>
C D, Urban, Flat(0-5%)	4.1
B, Urban, Flat(0-5%)	11.2

<u>Impervious Land Use</u>	<u>Acres</u>
Roads, Flat(0-5%)	3.6
Roof Area	5.7
Driveways, Flat(0-5%)	3.6
Sidewalks, Flat(0-5%)	1.4

Element Flows To:

Surface	Interflow	Groundwater
North Pond,	North Pond,	

Name : Area S
Bypass: No

GroundWater: No

<u>Pervious Land Use</u>	<u>Acres</u>
C D, Urban, Flat(0-5%)	23.6
B, Urban, Flat(0-5%)	28.8

<u>Impervious Land Use</u>	<u>Acres</u>
Roads, Flat(0-5%)	10.3
Roof Area	16.4
Driveways, Flat(0-5%)	10.3
Sidewalks, Flat(0-5%)	4.1

Element Flows To:

Surface	Interflow	Groundwater
South Pond,	South Pond,	

Name : Off 1
Bypass: No

GroundWater: No

Preliminary Storm Water Control Plan

San Sebastian: Morgan Hill, CA

Appendix C

<u>Pervious Land Use</u>	<u>Acres</u>
B,Shrub,Stee(10-20%)	1
C D,Shrub,St(10-20%)	5.4

<u>Impervious Land Use</u>	<u>Acres</u>
Roads,Mod(5-10%)	1
Roof Area	0.3

Element Flows To:

Surface	Interflow	Groundwater
North Pond,	North Pond,	

Name : Off 2
Bypass: No

GroundWater: No

<u>Pervious Land Use</u>	<u>Acres</u>
C D,Shrub,St(10-20%)	5.9

<u>Impervious Land Use</u>	<u>Acres</u>
Roads,Mod(5-10%)	1
Roof Area	0.1

Element Flows To:

Surface	Interflow	Groundwater
South Pond,	South Pond,	

Name : Off 3
Bypass: No

GroundWater: No

<u>Pervious Land Use</u>	<u>Acres</u>
B,Urban,Flat(0-5%)	3.5

<u>Impervious Land Use</u>	<u>Acres</u>
Roads,Flat(0-5%)	1
Roof Area	1.5
Parking,Flat(0-5%)	1

Element Flows To:

Surface	Interflow	Groundwater
South Pond,	South Pond,	

Preliminary Storm Water Control Plan

San Sebastian: Morgan Hill, CA

Appendix C

Name : North Pond
Depth: 7ft.

Element Flows To:
Outlet 1 **Outlet 2**

SSD Table Hydraulic Table

Stage(ft)	Area(acr)	Volume(acr-ft)	Dschrg(cfs)	Infilt(cfs)
0.000	0.801	0.000	0.000	1.820
1.000	0.921	0.861	0.000	2.090
2.000	1.042	1.842	0.000	2.360
3.000	1.164	2.945	0.000	2.360
4.000	1.270	4.162	0.000	2.360
5.000	1.398	5.496	0.400	2.360
6.000	1.531	6.961	1.600	2.360
7.000	1.667	8.559	4.000	2.360

Name : South Pond
Depth: 7.5ft.

Element Flows To:
Outlet 1 **Outlet 2**

SSD Table Hydraulic Table

Stage(ft)	Area(acr)	Volume(acr-ft)	Dschrg(cfs)	Infilt(cfs)
0.000	0.638	0.000	0.000	2.550
1.000	0.714	0.676	0.000	2.850
2.000	0.879	1.473	0.000	3.510
3.000	0.996	2.410	0.000	3.510
4.000	1.331	3.574	0.000	3.510
5.000	1.550	5.015	0.200	3.510
6.000	1.752	6.666	2.300	3.510
6.500	1.869	8.476	6.100	3.510
6.700	2.250	8.608	48.00	3.510
7.500	3.792	9.136	200.0	3.510

Preliminary Storm Water Control Plan

San Sebastian: Morgan Hill, CA

Appendix C

MITIGATED LAND USE

ANALYSIS RESULTS

Flow Frequency Return Periods for Predeveloped. POC #1

<u>Return Period</u>	<u>Flow(cfs)</u>
2 year	1.324445
5 year	4.953438
10 year	8.471178
25 year	8.895708

Flow Frequency Return Periods for Mitigated. POC #1

<u>Return Period</u>	<u>Flow(cfs)</u>
2 year	0
5 year	0
10 year	0
25 year	0

Yearly Peaks for Predeveloped and Mitigated. POC #1

<u>Year</u>	<u>Predeveloped</u>	<u>Mitigated</u>
1961	0.549	0.000
1962	0.668	0.000
1963	1.279	0.000
1964	3.556	0.000
1965	1.119	0.000
1966	1.277	0.000
1967	0.577	0.000
1968	8.151	0.000
1969	0.557	0.000
1970	8.459	0.000
1971	2.524	0.000
1972	1.651	0.000
1973	0.374	0.000
1974	9.576	0.000
1975	0.528	0.000
1976	0.730	0.000
1977	0.453	0.000
1978	0.485	0.000
1979	4.440	0.000
1980	0.876	0.000
1981	8.379	0.000
1982	0.392	0.000
1983	8.614	0.000
1984	7.298	0.000
1985	1.815	0.000
1986	1.519	0.000
1987	8.628	0.000
1988	0.502	0.000
1989	0.594	0.000
1990	0.481	0.000
1991	1.446	0.000
1992	1.525	0.000
1993	3.041	0.000
1994	1.373	0.000
1995	0.395	0.000
1996	3.548	0.000

Preliminary Storm Water Control Plan

San Sebastian: Morgan Hill, CA

Appendix C

1997	1.926	0.000
1998	1.883	0.000

Ranked Yearly Peaks for Predeveloped and Mitigated. POC #1

Rank	Predeveloped	Mitigated
1	9.5760	0.0000
2	8.6285	0.0000
3	8.6140	0.0000
4	8.4593	0.0000
5	8.3787	0.0000
6	8.1512	0.0000
7	7.2985	0.0000
8	4.4405	0.0000
9	3.5556	0.0000
10	3.5479	0.0000
11	3.0409	0.0000
12	2.5244	0.0000
13	1.9263	0.0000
14	1.8833	0.0000
15	1.8153	0.0000
16	1.6514	0.0000
17	1.5255	0.0000
18	1.5187	0.0000
19	1.4463	0.0000
20	1.3726	0.0000
21	1.2787	0.0000
22	1.2768	0.0000
23	1.1185	0.0000
24	0.8759	0.0000
25	0.7304	0.0000
26	0.6680	0.0000
27	0.5938	0.0000
28	0.5767	0.0000
29	0.5565	0.0000
30	0.5490	0.0000
31	0.5284	0.0000
32	0.5025	0.0000
33	0.4853	0.0000
34	0.4808	0.0000
35	0.4527	0.0000
36	0.3946	0.0000
37	0.3919	0.0000
38	0.3742	0.0000

POC #1

The Facility PASSED

The Facility PASSED.

Flow(CFS)	Predev	Dev	Percentage	Pass/Fail
0.1324	2876	0	0	Pass
0.2167	1525	0	0	Pass
0.3009	882	0	0	Pass
0.3851	624	0	0	Pass
0.4694	507	0	0	Pass
0.5536	407	0	0	Pass

Preliminary Storm Water Control Plan

San Sebastian: Morgan Hill, CA

Appendix C

0.6378	334	0	0	Pass
0.7221	285	0	0	Pass
0.8063	249	0	0	Pass
0.8905	219	0	0	Pass
0.9747	201	0	0	Pass
1.0590	182	0	0	Pass
1.1432	166	0	0	Pass
1.2274	152	0	0	Pass
1.3117	139	0	0	Pass
1.3959	127	0	0	Pass
1.4801	119	0	0	Pass
1.5643	112	0	0	Pass
1.6486	106	0	0	Pass
1.7328	97	0	0	Pass
1.8170	89	0	0	Pass
1.9013	82	0	0	Pass
1.9855	79	0	0	Pass
2.0697	74	0	0	Pass
2.1540	68	0	0	Pass
2.2382	66	0	0	Pass
2.3224	62	0	0	Pass
2.4066	60	0	0	Pass
2.4909	55	0	0	Pass
2.5751	49	0	0	Pass
2.6593	49	0	0	Pass
2.7436	47	0	0	Pass
2.8278	44	0	0	Pass
2.9120	43	0	0	Pass
2.9963	42	0	0	Pass
3.0805	39	0	0	Pass
3.1647	37	0	0	Pass
3.2489	35	0	0	Pass
3.3332	35	0	0	Pass
3.4174	33	0	0	Pass
3.5016	33	0	0	Pass
3.5859	30	0	0	Pass
3.6701	30	0	0	Pass
3.7543	30	0	0	Pass
3.8385	29	0	0	Pass
3.9228	29	0	0	Pass
4.0070	27	0	0	Pass
4.0912	26	0	0	Pass
4.1755	25	0	0	Pass
4.2597	25	0	0	Pass
4.3439	25	0	0	Pass
4.4282	25	0	0	Pass
4.5124	22	0	0	Pass
4.5966	21	0	0	Pass
4.6808	21	0	0	Pass
4.7651	20	0	0	Pass
4.8493	18	0	0	Pass
4.9335	18	0	0	Pass
5.0178	18	0	0	Pass
5.1020	18	0	0	Pass
5.1862	18	0	0	Pass
5.2705	17	0	0	Pass
5.3547	16	0	0	Pass
5.4389	16	0	0	Pass

Preliminary Storm Water Control Plan

San Sebastian: Morgan Hill, CA

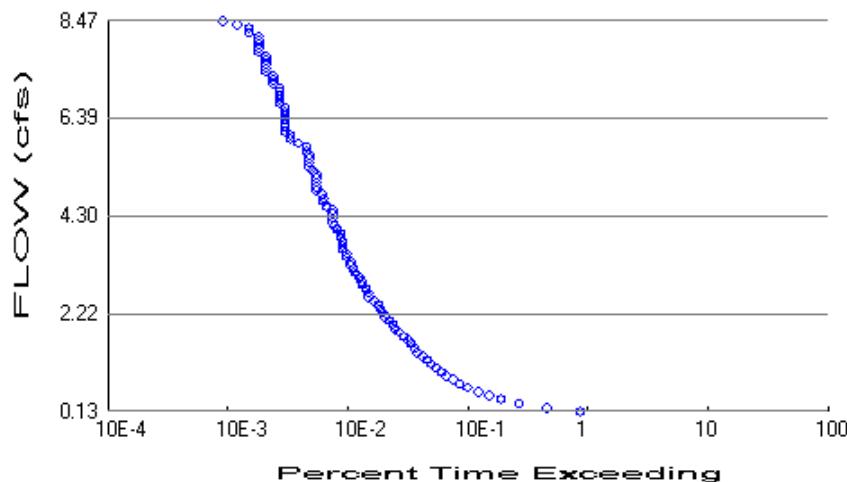
Appendix C

5.5231	16	0	0	Pass
5.6074	16	0	0	Pass
5.6916	15	0	0	Pass
5.7758	15	0	0	Pass
5.8601	13	0	0	Pass
5.9443	11	0	0	Pass
6.0285	11	0	0	Pass
6.1127	10	0	0	Pass
6.1970	10	0	0	Pass
6.2812	10	0	0	Pass
6.3654	10	0	0	Pass
6.4497	10	0	0	Pass
6.5339	10	0	0	Pass
6.6181	10	0	0	Pass
6.7024	9	0	0	Pass
6.7866	9	0	0	Pass
6.8708	9	0	0	Pass
6.9550	9	0	0	Pass
7.0393	9	0	0	Pass
7.1235	8	0	0	Pass
7.2077	8	0	0	Pass
7.2920	8	0	0	Pass
7.3762	7	0	0	Pass
7.4604	7	0	0	Pass
7.5447	7	0	0	Pass
7.6289	7	0	0	Pass
7.7131	7	0	0	Pass
7.7973	6	0	0	Pass
7.8816	6	0	0	Pass
7.9658	6	0	0	Pass
8.0500	6	0	0	Pass
8.1343	6	0	0	Pass
8.2185	5	0	0	Pass
8.3027	5	0	0	Pass
8.3869	4	0	0	Pass
8.4712	3	0	0	Pass

Graph-1: POC#1 Flow Duration Exceedance

Blue = Predeveloped POC#1

Red = Mitigated POC#1



Preliminary Storm Water Control Plan

San Sebastian: Morgan Hill, CA

Appendix C

Flow Frequency Return Periods for Predeveloped. POC #2

<u>Return Period</u>	<u>Flow(cfs)</u>
2 year	7.624024
5 year	19.050205
10 year	28.780854
25 year	31.027436

Flow Frequency Return Periods for Mitigated. POC #2

<u>Return Period</u>	<u>Flow(cfs)</u>
2 year	0
5 year	2.002423
10 year	8.840023
25 year	18.056959

Yearly Peaks for Predeveloped and Mitigated. POC #2

<u>Year</u>	<u>Predeveloped</u>	<u>Mitigated</u>
1961	5.755	0.000
1962	7.080	0.000
1963	7.658	0.161
1964	13.546	8.281
1965	11.585	0.000
1966	5.297	0.000
1967	6.054	0.000
1968	28.169	15.552
1969	5.865	0.000
1970	29.023	22.321
1971	17.784	0.000
1972	9.036	0.000
1973	3.937	0.000
1974	33.112	0.622
1975	5.189	0.000
1976	7.591	0.000
1977	4.743	0.000
1978	5.137	0.000
1979	15.867	0.000
1980	5.872	0.000
1981	28.203	0.994
1982	4.155	0.000
1983	30.209	0.325
1984	24.840	2.686
1985	8.226	0.034
1986	15.927	0.000
1987	28.761	16.382
1988	5.368	0.169
1989	6.266	0.000
1990	5.121	0.000
1991	9.249	0.144
1992	7.204	2.908
1993	12.942	0.149
1994	6.981	1.853
1995	4.126	0.000
1996	14.593	0.831
1997	8.540	3.216
1998	9.827	0.031

Preliminary Storm Water Control Plan

San Sebastian: Morgan Hill, CA

Appendix C

Ranked Yearly Peaks for Predeveloped and Mitigated. POC #2

Rank	Predeveloped	Mitigated
1	33.1120	22.3210
2	30.2085	16.3818
3	29.0227	15.5519
4	28.7607	8.2807
5	28.2026	3.2158
6	28.1693	2.9076
7	24.8404	2.6862
8	17.7836	1.8528
9	15.9265	0.9937
10	15.8671	0.8307
11	14.5931	0.6221
12	13.5460	0.3254
13	12.9418	0.1695
14	11.5847	0.1606
15	9.8268	0.1487
16	9.2488	0.1443
17	9.0363	0.0342
18	8.5402	0.0306
19	8.2257	0.0000
20	7.6585	0.0000
21	7.5913	0.0000
22	7.2036	0.0000
23	7.0804	0.0000
24	6.9811	0.0000
25	6.2661	0.0000
26	6.0540	0.0000
27	5.8724	0.0000
28	5.8648	0.0000
29	5.7545	0.0000
30	5.3685	0.0000
31	5.2971	0.0000
32	5.1889	0.0000
33	5.1373	0.0000
34	5.1215	0.0000
35	4.7428	0.0000
36	4.1550	0.0000
37	4.1264	0.0000
38	3.9368	0.0000

POC #2

The Facility PASSED

The Facility **PASSED**.

Flow(CFS)	Predev	Dev	Percentage	Pass/Fail
0.7624	3718	149	4	Pass
1.0454	3039	128	4	Pass
1.3284	2238	112	5	Pass
1.6114	1499	99	6	Pass
1.8945	1265	85	6	Pass
2.1775	1111	79	7	Pass
2.4605	887	71	8	Pass
2.7435	666	60	9	Pass
3.0265	556	53	9	Pass

Preliminary Storm Water Control Plan

San Sebastian: Morgan Hill, CA

Appendix C

3.3095	503	48	9	Pass
3.5925	440	42	9	Pass
3.8756	376	39	10	Pass
4.1586	305	31	10	Pass
4.4416	272	29	10	Pass
4.7246	249	25	10	Pass
5.0076	220	23	10	Pass
5.2906	191	20	10	Pass
5.5737	179	17	9	Pass
5.8567	168	16	9	Pass
6.1397	154	15	9	Pass
6.4227	141	15	10	Pass
6.7057	128	14	10	Pass
6.9887	115	14	12	Pass
7.2717	104	14	13	Pass
7.5548	91	13	14	Pass
7.8378	86	11	12	Pass
8.1208	84	10	11	Pass
8.4038	76	9	11	Pass
8.6868	73	9	12	Pass
8.9698	69	9	13	Pass
9.2528	66	8	12	Pass
9.5359	62	8	12	Pass
9.8189	58	8	13	Pass
10.1019	53	8	15	Pass
10.3849	52	8	15	Pass
10.6679	52	6	11	Pass
10.9509	49	6	12	Pass
11.2339	45	6	13	Pass
11.5170	42	6	14	Pass
11.8000	41	6	14	Pass
12.0830	39	6	15	Pass
12.3660	38	6	15	Pass
12.6490	37	6	16	Pass
12.9320	36	5	13	Pass
13.2150	35	5	14	Pass
13.4981	34	5	14	Pass
13.7811	30	5	16	Pass
14.0641	30	5	16	Pass
14.3471	29	5	17	Pass
14.6301	28	5	17	Pass
14.9131	27	5	18	Pass
15.1962	27	5	18	Pass
15.4792	27	5	18	Pass
15.7622	27	4	14	Pass
16.0452	25	3	12	Pass
16.3282	25	3	12	Pass
16.6112	24	2	8	Pass
16.8942	22	2	9	Pass
17.1773	22	2	9	Pass
17.4603	19	2	10	Pass
17.7433	19	2	10	Pass
18.0263	17	2	11	Pass
18.3093	17	2	11	Pass
18.5923	16	2	12	Pass
18.8753	16	2	12	Pass
19.1584	15	2	13	Pass
19.4414	15	1	6	Pass

Preliminary Storm Water Control Plan

San Sebastian: Morgan Hill, CA

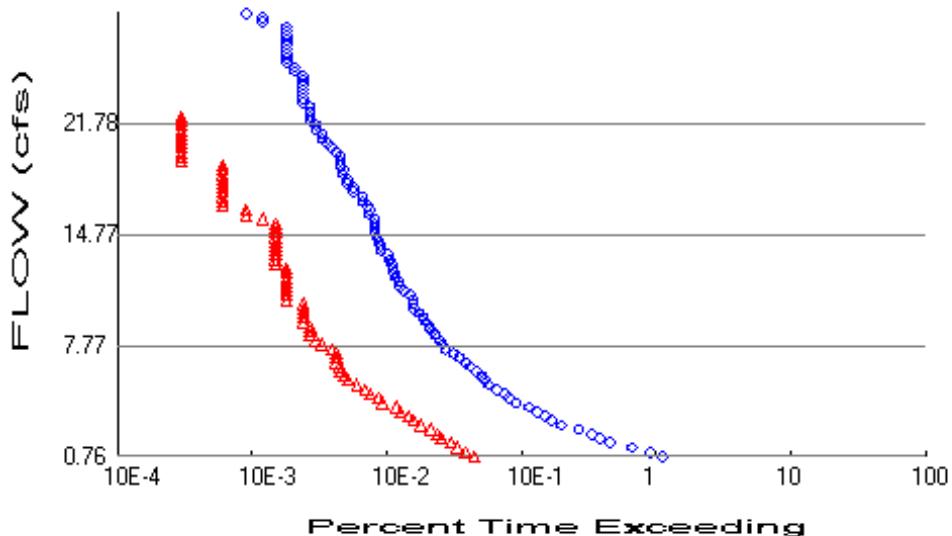
Appendix C

19.7244	15	1	6	Pass
20.0074	14	1	7	Pass
20.2904	13	1	7	Pass
20.5734	12	1	8	Pass
20.8564	11	1	9	Pass
21.1395	11	1	9	Pass
21.4225	10	1	10	Pass
21.7055	10	1	10	Pass
21.9885	9	1	11	Pass
22.2715	9	1	11	Pass
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22.8375	9	0	0	Pass
23.1206	8	0	0	Pass
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25.6677	6	0	0	Pass
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26.5167	6	0	0	Pass
26.7998	6	0	0	Pass
27.0828	6	0	0	Pass
27.3658	6	0	0	Pass
27.6488	6	0	0	Pass
27.9318	6	0	0	Pass
28.2148	4	0	0	Pass
28.4978	4	0	0	Pass
28.7809	3	0	0	Pass

Graph-2: POC#2 Flow Duration Exceedance

Blue = Predeveloped POC#2

Red = Mitigated POC#2



Preliminary Storm Water Control Plan

San Sebastian: Morgan Hill, CA

Appendix C

PerInd and Implnd Changes

No changes have been made.

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Preliminary Stormwater Runoff Management Plan

San Sebastian: Morgan Hill, California

Appendix D

City of Morgan Hill Post Construction Stormwater Pollution Prevention Ordinance

Chapter 18.71 - POST CONSTRUCTION STORMWATER POLLUTION PREVENTION

Sections:

- [18.71.010 - Purpose and intent.](#)
- [18.71.020 - Definitions.](#)
- [18.71.030 - Applicability: Permanent storm water pollution prevention measures required.](#)
- [18.71.110 - Design standards and selection of best management practices.](#)
- [18.71.120 - Stormwater runoff management plan required.](#)
- [18.71.130 - Stormwater runoff management plan contents.](#)
- [18.71.140 - Preparation of the stormwater runoff management plan.](#)
- [18.71.150 - Stormwater BMP operation, maintenance, and replacement responsibility.](#)
- [18.71.160 - Stormwater BMP operation and maintenance agreement.](#)
- [18.71.170 - Stormwater BMP inspection responsibility.](#)
- [18.71.180 - Records of maintenance and inspection activities.](#)
- [18.71.190 - Failure to maintain.](#)
- [18.71.200 - Authority to inspect.](#)
- [18.71.210 - Notice of violation.](#)
- [18.71.220 - Appeal.](#)
- [18.71.230 - Abatement by city.](#)
- [18.71.240 - Charging cost of abatement.](#)
- [18.71.250 - Urgency abatement.](#)
- [18.71.260 - Violations.](#)
- [18.71.270 - Compensatory action.](#)
- [18.71.280 - Violations deemed a public nuisance.](#)
- [18.71.290 - Acts potentially resulting in a violation of the Federal Clean Water Act and/or California Porter-Cologne Act.](#)
- [18.71.300 - Fees set by resolution.](#)

18.71.010 - Purpose and intent.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds in compliance with applicable provisions of the Federal Clean Water Act and any National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits issued to the City of Morgan Hill, through the following objectives:

- A. Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels;
- B. increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality
- C. Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.
- D. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these

SUPPLEMENT HISTORY TABLE
Title 18 - ZONING
Division II. - LAND USE REGULATIONS
Chapter 18.71 - POST CONSTRUCTION STORMWATER POLLUTION PREVENTION

management controls are properly maintained and pose no threat to public safety.

The above objectives shall be met through adoption and implementation of best management practices (BMPs) in design, construction and maintenance. These BMPs shall be incorporated into permanent site design features, which shall remain functioning throughout the life of the development.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.020 - Definitions.

The terms used in this chapter shall have the following meanings:

- A. "One hundred thousand square foot commercial development" means any commercial development that creates at least one hundred thousand square feet of impermeable surface, including parking areas.
- B. "Automotive repair shop" means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534, or 7536-7539.
- C. "Authorized enforcement officer" means the City of Morgan Hill Chief Engineer and those individuals designated by the chief engineer to enforce the provisions of this chapter, including the code enforcement officer(s) of the City of Morgan Hill's community development department.
- D. "Best management practices" or "BMP" means activities, practices, and procedures as specified in Section 18.71.110 to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best management practices (BMPs) include but are not limited to: treatment facilities and methods to remove pollutants from storm water; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of non-storm water, waste disposal, and drainage from materials storage; erosion and sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the city determines appropriate for the control of pollutants.
- E. "Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- F. "Commercial development" means any development on private land that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.
- G. "Development" means land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and improvements related to land subdivision; any activity that moves soils or substantially alters the pre-existing vegetated or man-made cover of any land. This includes, but is not limited to, grading, digging, cutting, scraping, stockpiling or excavating of soil, placement of fill materials, paving, pavement removal, exterior construction, substantial removal of vegetation where soils are disturbed including but not limited to removal by clearing or grubbing, or any activity which bares soil or rock or involves streambed alterations or the diversion or piping of any watercourse. Development does not include routine maintenance to maintain original line and grade, hydraulic

SUPPLEMENT HISTORY TABLE
Title 18 - ZONING
Division II. - LAND USE REGULATIONS
Chapter 18.71 - POST CONSTRUCTION STORMWATER POLLUTION PREVENTION

capacity, or the original purpose of the facility, nor does it include emergency construction activities (i.e., land disturbances) required to protect public health and safety.

H. "Authorized enforcement officer" means the chief engineer and his or her designee, including authorized enforcement officer.

I. "Hillside" means property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is twenty-five percent or greater.

J. "Impervious surface" means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

K. "Industrial General Permit" means a NPDES permit issued by the state water resources control board for the discharge of storm water associated with industrial activity.

L. "National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permits" means general, group, and individual storm water discharge permits which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act. The California Regional Water Quality Control Board, Central Coast Region (hereinafter, Regional Board) and the State Water Resources Control Board have adopted general storm water discharge permits, including but not limited to the general construction activity and general industrial activity permits.

M. "Operation and maintenance agreement" means a written agreement entered into pursuant to Section 18.71.160, providing for the long-term operation and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

N. "Owner" means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

O. "Parking lot" means land area or facility for the temporary parking or storage of motor vehicles used personally, for business or for commerce with a lot size of five thousand square feet or more, or with twenty-five or more parking spaces.

P. "Receiving waters" means any natural stream, river, creek, ditch, channel, canal, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or flood water.

Q. "Redevelopment" means, on an already developed site, the creation or addition of at least five thousand square feet of impervious surface, or the expansion of a building footprint or addition of a structure; structural development including an increase in gross floor area and/ or exterior construction or remodeling; and land disturbing activities related with structural or impervious surfaces that results in an increase of fifty percent of the impervious surface of a previously existing development.

R. "Restaurant" means a stand-alone facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption. (SIC code 5812).

SUPPLEMENT HISTORY TABLE
Title 18 - ZONING
Division II. - LAND USE REGULATIONS
Chapter 18.71 - POST CONSTRUCTION STORMWATER POLLUTION PREVENTION

S. "Retail gasoline outlet" means any facility engaged in selling gasoline and lubricating oils.

T. "Site" means any tract, lot or parcel of land or combination of tracts, lots, or parcels of land, which are in one ownership, or are contiguous and in diverse ownership where a development is to be performed as part of a unit, subdivision, or project.

U. "Storm drain" means any pipe, conduit or sewer of the city designed or used for the disposal of storm and surface waters and drainage including unpolluted cooling water and unpolluted industrial process water, but excluding any community sanitary sewer system.

V. "Stormwater management" means the collection, conveyance, storage, treatment and disposal of stormwater runoff to enhance and promote the public health, safety and general welfare.

W. "Stormwater runoff management plan" means a document required pursuant to Section 18.71.120, describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this ordinance.

X. "Stormwater runoff" means water from rain, landscape irrigation, or other sources that flows over the land surface without entering the soil.

Y. "Treatment control BMP" means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

Z. "Watercourse" means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or flood water.

AA. "Water quality impact" means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses that are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.030 - Applicability: Permanent storm water pollution prevention measures required.

A. The provisions of this chapter shall apply to development or redevelopment of the following:

1. One hundred thousand square feet commercial development.
2. Automotive repair shops.
3. Retail gasoline outlets.
4. Restaurants.
5. Hillside residential.
6. Parking lots residential with ten or more units or greater than five thousand square feet of impervious area.

SUPPLEMENT HISTORY TABLE
Title 18 - ZONING
Division II. - LAND USE REGULATIONS
Chapter 18.71 - POST CONSTRUCTION STORMWATER POLLUTION PREVENTION

7. Projects requiring a general NPDES permit for stormwater discharges associated with industrial activities.
8. Impervious surfaces ten thousand or more square feet.
9. Impervious surfaces within one hundred feet of receiving waters.
10. Vehicle or equipment fueling, washing, or maintenance area.
11. Commercial or industrial waste handling or storage, excluding typical office or household waste.
12. Development or redevelopment projects disturbing greater than or equal to one acre.

B. No final building or occupancy permit shall be issued without the written certification of the chief engineer or designee that the requirements of this chapter have been satisfied.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.110 - Design standards and selection of best management practices.

Projects meeting the criteria of Section 18.71.030A, must meet the requirements of the following design standards and selection of best management practices:

A. Stormwater best management practices shall be selected and designed to the satisfaction of the chief engineer or designee in accordance with the requirements contained in the most recent versions of the following documents:

1. City of Morgan Hill stormwater post construction best management practices development standards for new development and redevelopment;
2. California Storm Water Quality Association Best Management Practice Handbooks;
3. City of Gilroy, City of Morgan Hill and County of Santa Clara Regional Stormwater Management Plan (SWMP), as approved by the Central Coast Regional Water Quality Control Board;
4. City of Morgan Hill Hydro-modification Management Plan, as approved by the Central Coast Regional Water Quality Control Board;

Any conflict of BMPs from the above documents shall be approved by the chief engineer.

B. Other references which can be used for selection of design BMPs to the satisfaction of the chief engineer or designee are:

1. Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) "Guidance for Implementing Stormwater Regulations for New and Redevelopment Projects;"
2. "Start at the Source Design Guidance Manual developed by the Bay Area Storm Water Management Agencies Association (BASMAA);"
3. Bay Area Stormwater Management Agencies Association "Using Site Design Standards to Meet Development Standards for Stormwater Quality - A Companion Document to Start at

SUPPLEMENT HISTORY TABLE
Title 18 - ZONING
Division II. - LAND USE REGULATIONS
Chapter 18.71 - POST CONSTRUCTION STORMWATER POLLUTION PREVENTION

the Source".

C. Design Standards for Structural or Treatment Control BMPs. The post-construction treatment control BMPs shall incorporate, at a minimum, either a volumetric or flow based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) storm water runoff.

1. Volumetric Treatment Control BMP - Treatment systems depending on volume capacity, such as detention/retention units or infiltration structures, shall be designed to treat stormwater runoff equal to:

- a) The maximized stormwater quality capture volume for the area, based on historical rainfall records, determined using the formula and volume capture coefficients set forth in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998), pages 175-178 (e.i. approximately the eighty-fifth percentile twenty-four-hour storm runoff event); or
- b) The volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology set forth in Appendix D of the California Stormwater Best Management Practices Handbook for New Development and Redevelopment (2003), using local rainfall data; or
- c) The volume of runoff produced from a historical-record based reference twenty-four-hour rainfall criterion for "treatment" that achieves approximately the same reduction in pollutant loads achieved by the eighty-fifth percentile twenty-four-hour runoff event.

2. Flow-Based Treatment Control BMP - Treatment BMPs whose primary mode of action depends on flow capacity, such as swales, sand filters, or wetlands, shall be sized to treat:

- a) The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the area; or
- b) The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

D. Design Standards for Peak Storm Water Runoff Discharge Rates. Post-development peak storm water runoff discharge rates shall not exceed the estimated pre development rate for developments where the increased peak storm water discharge rate will result in increased potential for downstream erosion.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.120 - Stormwater runoff management plan required.

Projects meeting the criteria of Section 18.71.030A must provide a stormwater runoff management plan. The stormwater runoff management Plan shall detail how runoff and associated water quality impacts resulting from the activity will be controlled or managed by the project's post construction BMP designs.

No building permit shall be issued until the stormwater runoff management plan has been reviewed and approved by the chief engineer or designee.

SUPPLEMENT HISTORY TABLE
Title 18 - ZONING
Division II. - LAND USE REGULATIONS
Chapter 18.71 - POST CONSTRUCTION STORMWATER POLLUTION PREVENTION

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.130 - Stormwater runoff management plan contents.

The stormwater runoff management plan shall include sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The minimum information submitted for support of the stormwater management plan shall meet the requirements as outlined in City of Morgan Hill Stormwater Post Construction Best Management Practices Development Standards for New Development and Redevelopment manual.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.140 - Preparation of the stormwater runoff management plan.

A. The stormwater runoff management plan shall be prepared under the direction of a professional civil engineer registered in the State of California. The responsible professional civil engineer shall stamp and sign the approved stormwater runoff management plan.

B. The chief engineer or designee may require a developer to provide a signed certification from the civil engineer responsible for preparing the stormwater runoff management plan that all stormwater best management practices have been designed to meet the requirements of this chapter.

C. Each certifying civil engineer shall establish to the city's satisfaction that such person has been trained on the design of stormwater quality best management practices not more than three years prior to the certification signature date.

D. Qualifying training shall be conducted by an organization with stormwater quality management expertise, such as a university, the Bay Area Stormwater Management Agencies Association, the American Society of Civil Engineers, the American Public Works Association, or the California Water Environment Association.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.150 - Stormwater BMP operation, maintenance, and replacement responsibility.

A. For the life of projects meeting the criteria of Section 18.71.030A, all on-site stormwater management facilities shall be operated and maintained in good condition and promptly repaired/replaced by the property owner(s), an owners' or homeowners' association or other legal entity approved by the city.

B. Any repairs or restoration/replacement and maintenance shall be in accordance with city-approved plans.

C. The property owner(s) shall develop a maintenance schedule for the life of any stormwater management facility and shall describe the maintenance to be completed, the time period for completion, and who shall perform the maintenance. This maintenance schedule shall be included with the approved stormwater runoff management plan.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

SUPPLEMENT HISTORY TABLE
Title 18 - ZONING
Division II. - LAND USE REGULATIONS
Chapter 18.71 - POST CONSTRUCTION STORMWATER POLLUTION PREVENTION

18.71.160 - Stormwater BMP operation and maintenance agreement.

A. Prior to the issuance of any building permit requiring stormwater management BMPs, the owner(s) of the site shall enter into a formal written stormwater BMP operation and maintenance agreement with the city. The city shall record this agreement, against the property or properties involved, with the County of Santa Clara and it shall be binding on all subsequent owners of land served by the stormwater management treatment BMPs.

B. The stormwater BMP operation and maintenance agreement shall require that the BMPs not be modified and that BMP maintenance activities not alter the designed function of the facility from its original design unless approved by the city prior to the commencement of the proposed modification or maintenance activity.

C. The stormwater BMP operation and maintenance agreement shall provide that in the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the city shall have the authority to perform maintenance and/or repair work and to recover the costs from the owner.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.170 - Stormwater BMP inspection responsibility.

A. The property owner(s) shall be responsible for having all stormwater management facilities inspected for condition and function by a knowledgeable party.

B. Unless otherwise required by the chief engineer or designee, stormwater facility inspections shall be done at least twice per year, once in fall, in preparation for the wet season, and once in winter. Written records shall be kept of all inspections and shall include, at minimum, the following information:

1. Site address;
2. Date and time of inspection;
3. Name of the person conducting the inspection;
4. List of stormwater facilities inspected;
5. Condition of each stormwater facility inspected;
6. Description of any needed maintenance or repairs; and
7. As applicable, the need for site reinspection.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.180 - Records of maintenance and inspection activities.

On or before April 15th of each year, the party responsible for the operation and maintenance of on-site stormwater management facilities under the BMP operation and maintenance agreement shall provide the chief engineer or designee with records of all inspections, maintenance and repairs.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.190 - Failure to maintain.

A. If the responsible party fails or refuses to meet the requirements of the stormwater BMP operation and maintenance agreement, the authorized enforcement officer may give a thirty-day written notice to such responsible party under BMP operation and maintenance agreement to correct the failure and breach of contractual obligation.

B. If such responsible party fails to correct such conditions, the city may take such remedies such provided in the BMP operation and maintenance agreement. Additionally, such conditions shall be deemed a nuisance subject to all procedures, abatement of such conditions and remedies as provided in Chapter 1.18 of this code.

C. In the event the city determines that the violation constitutes an immediate danger to public health or public safety, twenty-four hours written notice from the city shall be sufficient in lieu of the thirty-day written notice required under Section 18.71.190A.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.200 - Authority to inspect.

Whenever necessary to make an inspection to enforce any provision of this chapter, or whenever the authorized enforcement officer has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter, the authorized enforcement officer may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance provided that (i) if such building or premises be occupied, he or she shall first present proper credentials and request entry; and (ii) if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the city is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

In any circumstance where there appears an immediate threat to the public health or safety, the authorized enforcement officer may enter any structure or premises without the consent of any person or court process.

Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to random sampling and/or sampling in areas with evidence of storm water contamination, illicit discharges, discharges of non-storm water to the storm water system, or similar factors.

The city shall have the right to establish on any property such devices as are necessary to conduct sampling or metering operations. During any inspection as provided herein, the authorized enforcement officer may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.210 - Notice of violation.

Whenever the authorized enforcement officer finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the authorized enforcement officer may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

SUPPLEMENT HISTORY TABLE
Title 18 - ZONING
Division II. - LAND USE REGULATIONS
Chapter 18.71 - POST CONSTRUCTION STORMWATER POLLUTION PREVENTION

- A. The performance of monitoring, analyses, and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices, or operations shall cease and desist;
- D. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- E. Payment of a fine to cover administrative and remediation costs; and
- F. The implementation of BMP, source control or treatment BMPs;
- G. Compliance with the stormwater runoff management plan and the BMP operation and maintenance agreement.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the city or a contractor designated by the authorized enforcement officer and the expense thereof shall be charged to the violator pursuant to Section 18.71.240.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.220 - Appeal.

Any person receiving a notice of violation under Section 18.71.210, above may appeal the determination of the authorized enforcement officer to the city manager. The notice of appeal must be received by the city manager within five days from the date of the notice of violation. Hearing on the appeal before the city manager or his/her designee shall take place within fifteen days from the date of city's receipt of the notice of appeal. The decision of the city manager or designee shall be final.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.230 - Abatement by city.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal under Section 18.71.220, within ten days of the decision of the city manager upholding the decision of the authorized enforcement officer, then the city or a contractor designated by the authorized enforcement officer may enter upon the subject private property and is authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or designated contractor to enter upon the premises for the purposes set forth above.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.240 - Charging cost of abatement.

Within 30 days after abatement of the nuisance by city, the authorized enforcement officer shall notify the property owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the city clerk within fifteen days. The city clerk shall set the matter for public hearing by the city council. The decision

SUPPLEMENT HISTORY TABLE
Title 18 - ZONING
Division II. - LAND USE REGULATIONS
Chapter 18.71 - POST CONSTRUCTION STORMWATER POLLUTION PREVENTION

of the city council shall be set forth by resolution and shall be final.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.250 - Urgency abatement.

The authorized enforcement officer is authorized to require immediate abatement of any violation of this chapter that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the authorized enforcement officer, the city is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the city shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent city from seeking other and further relief authorized under this chapter.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.260 - Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. A violation of or failure to comply with any of the requirements of this chapter shall constitute a misdemeanor and shall be punished as set forth in Chapter 1.24 of this code.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.270 - Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the authorized enforcement officer may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.280 - Violations deemed a public nuisance.

In addition to the enforcement processes and penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored by the city at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the city pursuant to Chapter 1.18 of this code.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

18.71.290 - Acts potentially resulting in a violation of the Federal Clean Water Act and/or California Porter-Cologne Act.

Any person who violates any provision of this chapter or any provision of any requirement issued pursuant to this chapter may also be in violation of the Clean Water Act and/or the Porter-Cologne Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

SUPPLEMENT HISTORY TABLE
Title 18 - ZONING
Division II. - LAND USE REGULATIONS
Chapter 18.71 - POST CONSTRUCTION STORMWATER POLLUTION PREVENTION

18.71.300 - Fees set by resolution.

The city council shall establish, by resolution, any fees necessary to carry out the purpose of this chapter.

(Ord. No. 1993 N.S., § 1, 10-6-2010)

APPENDIX C

REVISED HYDROLOGY AND WATER QUALITY REPORT

COCHRANE-BORELLO RESIDENTIAL DEVELOPMENT PROJECT

Final Environmental Impact Report
City of Morgan Hill

HYDROLOGY AND WATER QUALITY REVIEW

For
COCHRANE-BORELLO DEVELOPMENT
Morgan Hill, CA
November 2, 2012

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TABLE OF CONTENTS

APPROACH TO ANALYSIS.....	1
THRESHOLDS OF SIGNIFICANCE	1
PROJECT DESCRIPTION	
Project Site.....	2
Regulatory Setting	2
Hydrology and Water Quality Issues Not Discussed Further.....	4
EXISTING CONDITIONS	
FEMA Flooding	4
Landslide Hazard	6
Dam Failure	8
Site Drainage.....	10
Water Quality.....	21
PROJECT IMPACTS AND MITIGATION MEASURES	
Impact Hydro1: Flooding and Flood Zones.....	4
Impact Hydro2: Landslides.....	6
Impact Hydro3: Damn Failure	8
Impact Hydro4: Drainage Patterns Causing Flooding	10
Existing Site Drainage Pattern	10
Post-Project Site Drainage Patterns	14
Mitigation.....	18
Impact Hydro5: Drainage Patterns Causing Erosion	19
Impact Hydro6: Groundwater Depletion	20
Impact Hydro7: Water Quality	21
Surface Water Quality.....	21
Mitigation.....	22
REFERENCES	25

LIST OF FIGURES

1: Vicinity Map	3
2: FEMA Flooding Map.....	5
3: Landslide Hazard Map	7
4: Dam Inundation Map	9
5: Existing Drainage Basin Map.....	12
6: Proposed Site Drainage.....	16

LIST OF TABLES

1: Existing Drainage Basins.....	10
2: Existing Peak Flow Rates	13
3: Proposed Peak Flow Rates	17
4: Required Storage to Mitigate Peak Flows	18
5: Required Storage for Retention	18

APPROACH TO ANALYSIS

This impact evaluation identifies potentially significant hydrologic impacts of the project both during project construction and at completion, and describes mitigation measures needed to reduce those impacts to the level of “less than significant”.

THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines and the Regulatory Setting requirements considers the proposed project to have a significant environmental impact with regard to hydrology and water quality if it would:

- Violate any water quality standards or waste discharge requirements;
- Substantially deplete ground water supplies or interfere substantially with ground water recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
- Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff;
- Otherwise substantially degrade water quality;
- Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- Place within a 100-year flood hazard area structures that would impede or redirect flood flows;
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or
- Expose people or structures to inundation by seiche, tsunami, or mudflow.

PROJECT DESCRIPTION

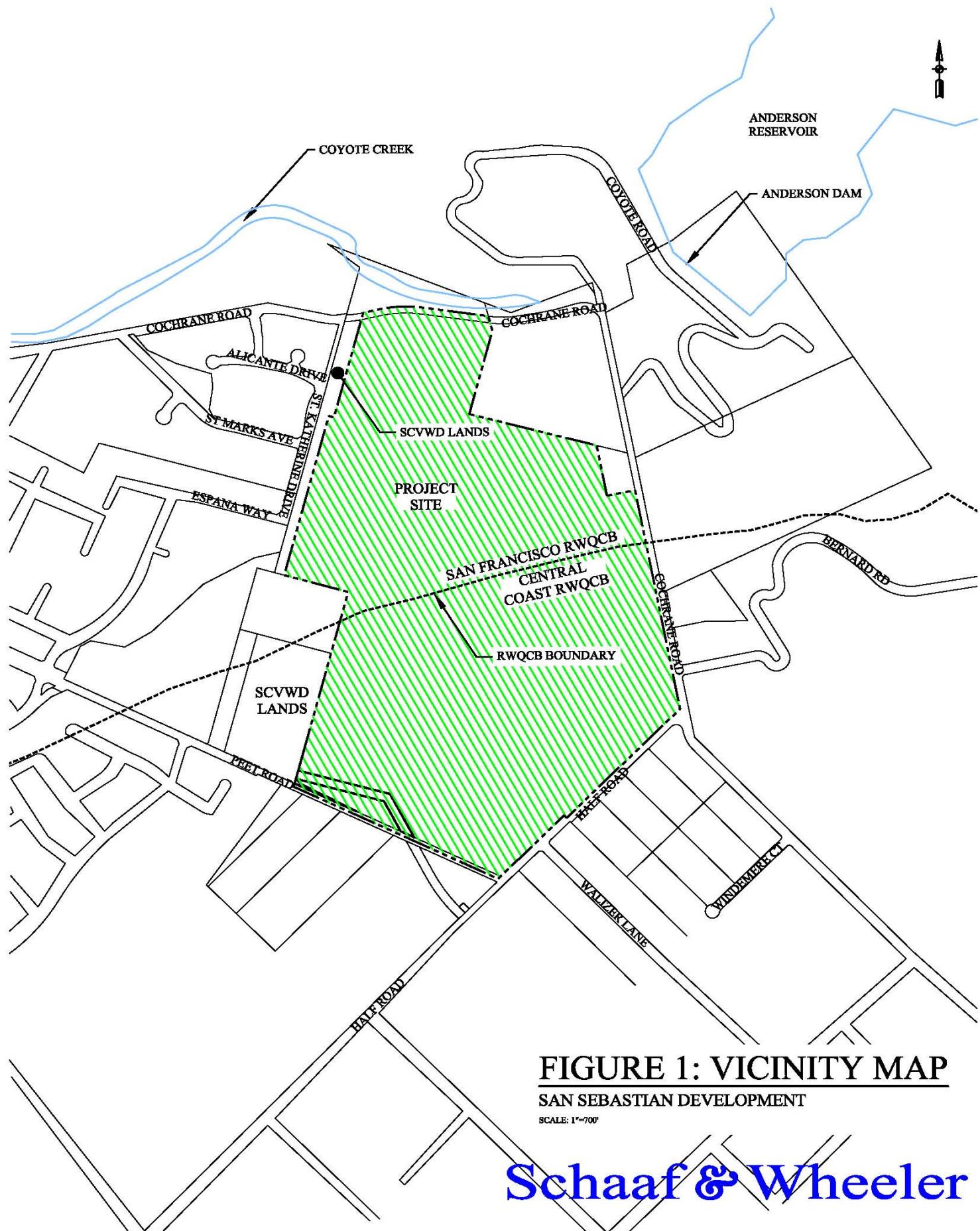
Project Site

San Sebastian MH, General Partnership proposes the construction of 244 single family homes with associated access roads and utilities on 123 acres of agricultural land in the City of Morgan Hill, Santa Clara County, California (APN 728-34-026). The project site is currently agricultural and is bounded by Cochrane Road to the north and east, Half Road to the southeast and Peet Road to the southwest. The proposed project includes realignment of a portion of Peet Road. The Site abuts lands of the Santa Clara Valley Water District (SCVWD) to the west and Coyote Power Plant to the northwest. Refer to Figure 1 for project location. The purpose of this report is to evaluate the existing and proposed hydrologic conditions and assess potential storm water quality impacts due to the proposed project. This analysis is based on topographic survey data and proposed tentative map, General Plan Alignment for Peet Road, and supporting reports created by Ruggeri-Jensen-Azar Engineers (RJA), dated August 2011 and updated exhibits dated October 2011.

Regulatory Setting

The project site is located within two jurisdictional zones regarding storm water quality and system design. All of the storm water runoff drains to facilities owned and maintained by the SCVWD; however the southern portion of the site eventually drains to Monterey Bay and the northern portion of the site eventually drains to San Francisco Bay. The Monterey Bay watershed is regulated by the Central Coast Regional Water Quality Control Board (RWQCB), the City of Morgan Hill, and SCVWD. The southern drainage basin should adhere to the regulations of the City, Santa Clara County, SCVWD, and CCRWQCCB for both construction and post-construction storm water quality control. Storm water sheet flows south from the Site, through Unincorporated Santa Clara County before flowing through City owned property and entering Madrone Channel, owned by the SCVWD. The northern area, which drains to San Francisco Bay, is regulated by the San Francisco Bay RWQCB, City of Morgan Hill and SCVWD. Storm drainage flows north through City jurisdiction before entering Coyote Creek, owned by SCVWD. The SFRWQCB requirements are administered by the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCUVRPPP). For the portion of the site subject to SCUVRPPP standards, the project design should follow the regulations set forth in the C.3 Stormwater Handbook.¹ Construction site controls should be designed per the Bay Area Stormwater Management Agencies Association (BASMAA) Blueprint for a Clean Bay and California Stormwater Quality Association Best Management Practices (CASQA BMP) Handbook. It should be noted that SCVWD is a member of SCUVRPPP and may require the entire site to be designed to the SCUVRPPP standards.

¹ C.3 Stormwater Handbook. Santa Clara Valley Urban Runoff Pollution Prevention Program (SCUVRPPP). May 2006.



Hydrology and Water Quality Issues Not Discussed Further

The following environmental impacts have been determined to be *less than significant* and are not analyzed further for the reasons given:

- Violate Waste Discharge Requirements: The wastewater from the project site is planned to be delivered via piped sanitary sewer lines to the sanitary sewer treatment plant.
- Risk of Seiche: The resonant oscillation of water in an enclosed body of water is a seiche. There are no lakes or other enclosed bodies of water adjacent to the project to produce seiche events that could affect the project site.
- Risk of Tsunami: The project is not near the ocean; thus tsunami events would not affect the project site.

PROJECT IMPACTS AND MITIGATION MEASURES

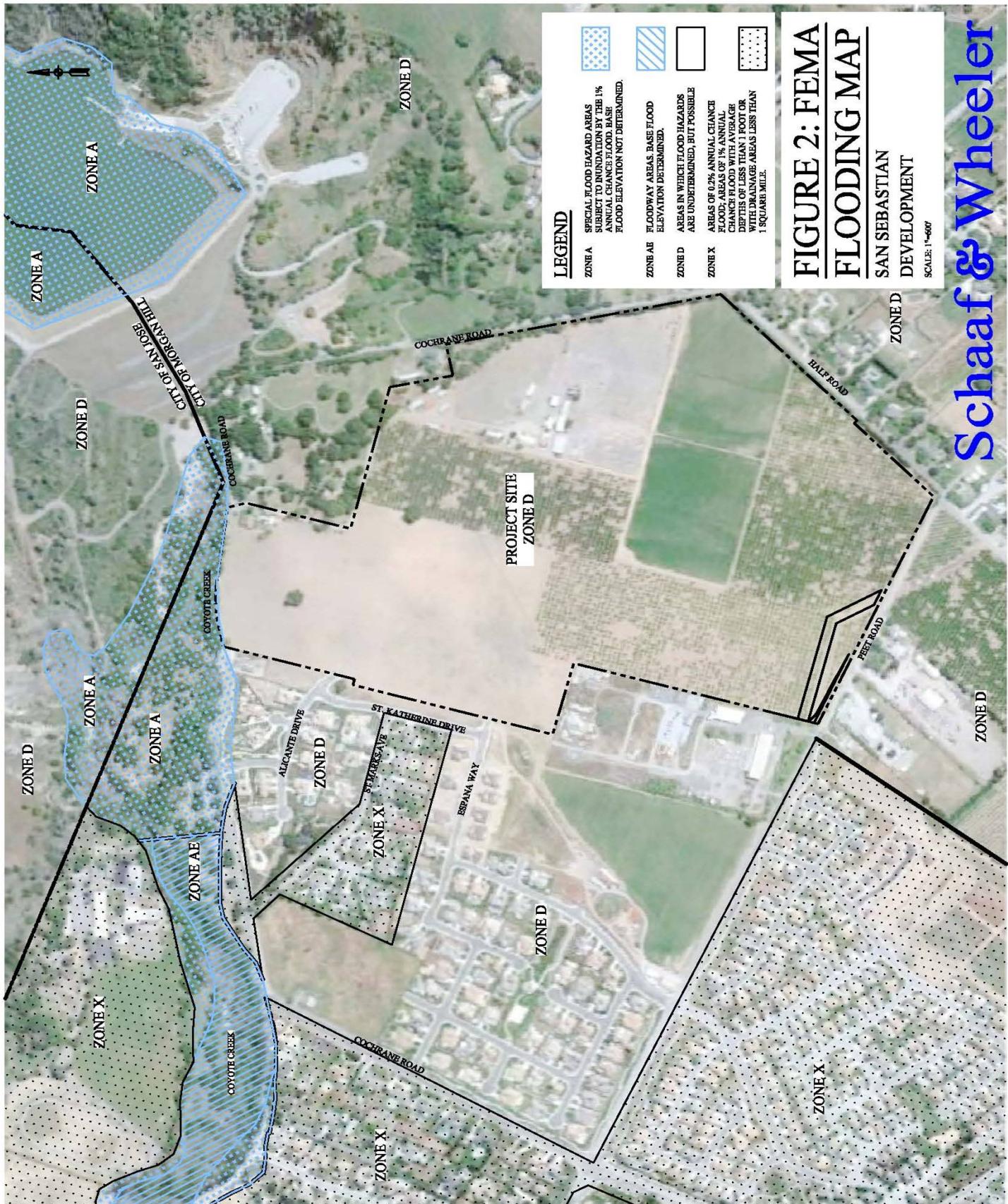
Impact Hydro1: Place housing or structures within a 100-year flood hazard area or impede flood flows.

Finding: Less than Significant

Per the Federal Emergency Management Agency (FEMA) flood insurance rate map (FIRM) number 06085C0442H, dated May 18, 2009, the project site is located in special flood hazard area (SFHA) Zone D, designating an area in which flood hazards are undetermined, but possible. The FEMA FIRM identifies the site as being located in unincorporated lands of Santa Clara County. Developed lands located adjacent to the project site incorporated into the City have been designated Zone X. The Zone X designation is for areas of 0.2% (i.e. 500-year) chance flood; areas of 1% (i.e. 100-year) chance flood with average depths of less than one foot or with drainage areas less than one square mile. According to the FEMA map, the Zone D boundary coincides with the Corporate Limits for the City of Morgan Hill. Since the project site has been incorporated into the City of Morgan Hill,² the site may be determined to be Zone X by a future in-depth study. Both Zones D and X are considered outside of the designated 100-year floodplain. As such, the project has a *less than significant* impact on the regulatory floodplain.

The FEMA SFHA designations are shown on Figure 2.

² *Boundary Map*. City of Morgan Hill. February 8, 2010. Website: <http://www.morgan-hill.ca.gov/>.



Impact HYDRO2: Expose people to landslide or mudflow hazards.***Finding: Less than Significant with Mitigation***

According to the Landslide Inventory Map of the Morgan Hill Quadrangle,³ (Figure 3) the project site is not located within the limits of an existing or known landslide. Landslides exist around Anderson Lake and Coyote Creek to the northeast, but do not extend into the project site. However, immediately northeast of the site, ground slopes up to 50% may pose a landslide or mudflow hazard. A geologist should be retained during the detailed design and construction of the project to ensure the slope stability of the lands to the northeast of the site, and for general soil construction suitability. By incorporating any mitigation recommendations made by the geologist during detailed design, this potential impact would be reduced to *less than significant*.

³ *Landslide Inventory Map, Morgan Hill Quadrangle*. State of California Department of Conservation. 2004.

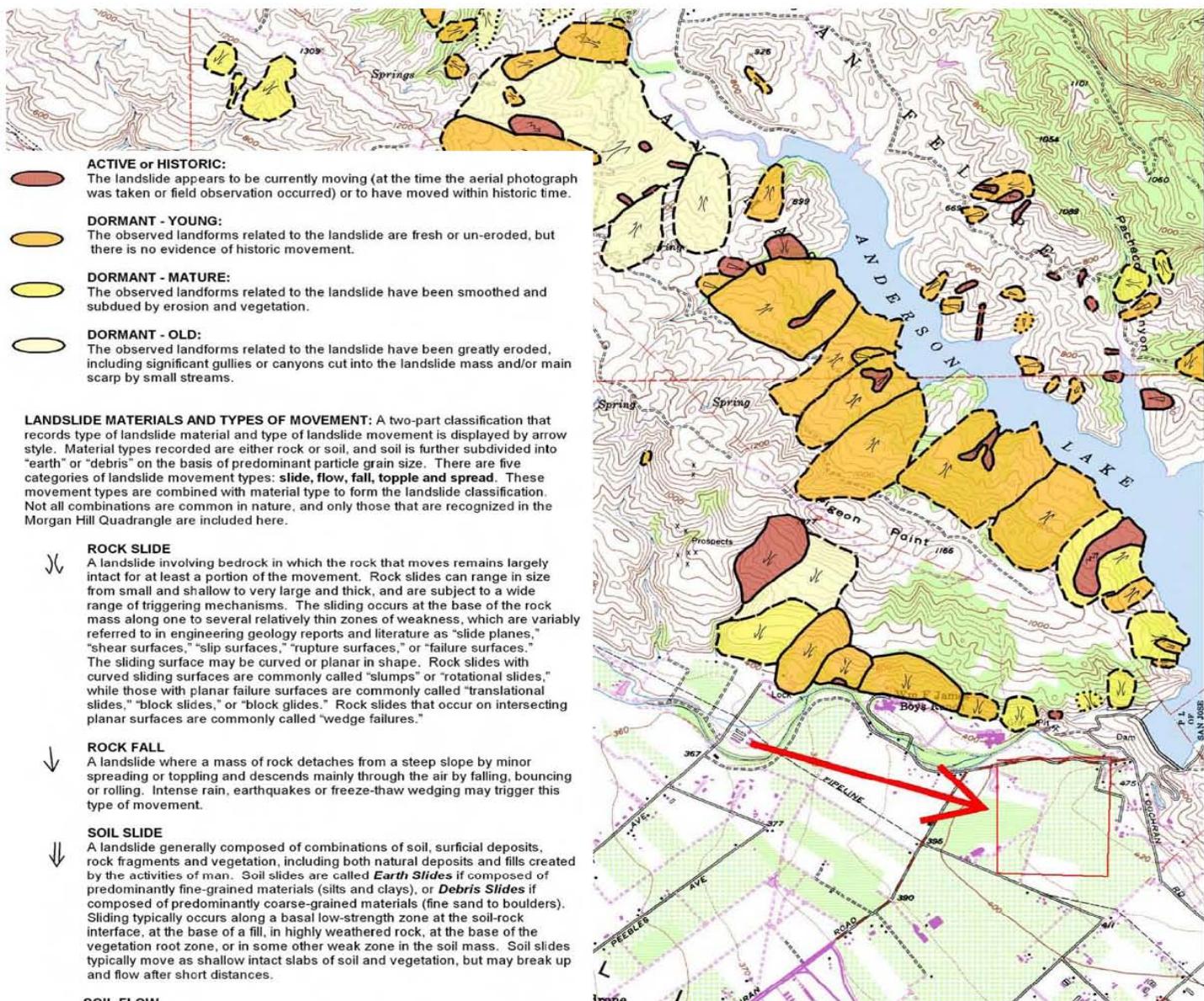


FIGURE 3: LANDSLIDE HAZARD MAP
SAN SEBASTIAN DEVELOPMENT

SCALE: N.T.S.

Schaaf & Wheeler

Impact Hydro3: Expose people or structures to a significant risk of loss, injury or death involving flooding...as a result of the failure of ... a dam.

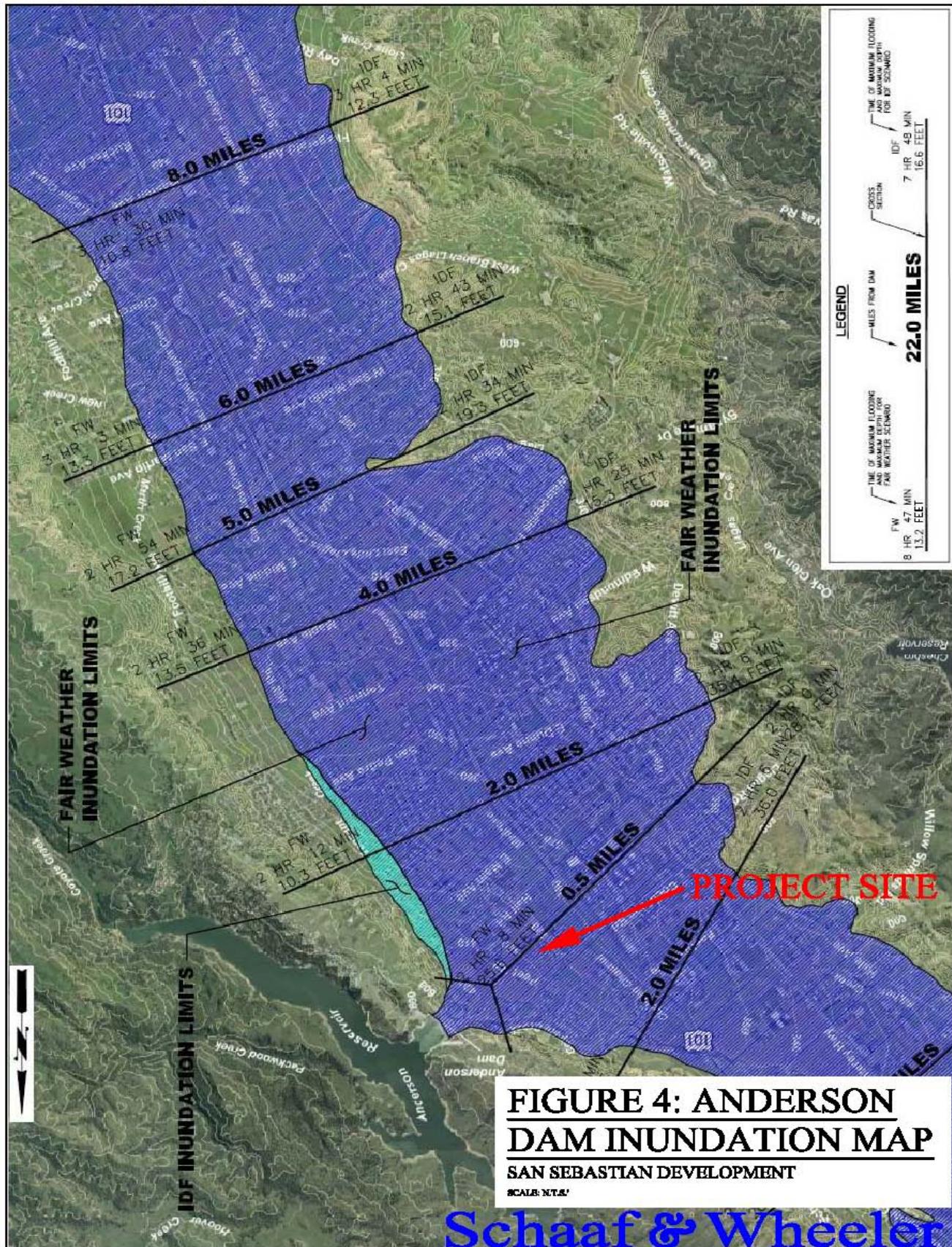
Finding: Less than Significant

The project site is located within the inundation area for Anderson Dam⁴, as shown in Figure 4. The site is not within the inundation boundaries of Chesbro or Coyote Dams. The Santa Clara Valley Water District (SCVWD) performed an analysis of the effects of Anderson Dam failure in 2003. This analysis resulted in an expected maximum inundation depth of 25.6 feet (elevation 425.6 feet) at the project site within 2 hours and 8 minutes after dam failure. Due to proximity of the project site to the dam, flood wave arrival would occur at the site immediately after failure at a maximum velocity of about 14.4 feet per second. These results assume that the dam is at full capacity during failure. The dam is currently kept at a maximum depth of about 68 percent full due to a recent SCVWD seismic analysis.⁵ This analysis determined that the dam may experience significant damage in an earthquake and the water level should remain about 25 feet below the spillway until seismic retrofits can be completed. (The currently estimated date of completion is 2018.) Due to the high water surface elevations occurring with a dam failure, designing the project to withstand dam inundation is infeasible.

While the project site is subject to deep inundation should Leroy Anderson Dam fail catastrophically, the dam is inspected twice a year by the District in the presence of representatives from the California Division of Safety of Dams and the Federal Energy Regulatory Commission. Furthermore as previously discussed, Anderson Reservoir is managed to prevent significant damage during a maximum credible earthquake. So while potential inundation resulting from catastrophic dam failure could damage property and proposed structures within the project site and pose a severe hazard to public safety, the probability of such failure is extremely remote and therefore not considered a significant hazard.

⁴ *Dam Failure Inundation Hazard Map for Morgan Hill*. Association of Bay Area Governments' (ABAG). 1995. Website: <http://www.abag.ca.gov>.

⁵ *Anderson Dam Seismic Stability Study*. Santa Clara Valley Water District. July 2011. Website: <http://www.valleywater.org/>.



Impact HYDRO4: Substantially alter the existing drainage pattern of the site in a manner which would exceed the capacity of storm water drainage systems, or result in substantial flooding on- or off-site.

Finding: Less than Significant with Mitigation

Existing Site Drainage Pattern

The existing site is divided by a bluff in the northwest quadrant of the property. Lands to the south and west of this bluff are raised and slope generally southward, while land to the north and east of the bluff is depressed and slopes to the northeast. Generally water south of the bluff is tributary to the Pajaro Creek watershed via Llagas Creek while water to the north of the bluff is tributary to the Coyote Creek watershed. Offsite lands to the northwest (APN 728-34-010 & 728-34-012) slope sharply onto the project site. For the purpose of this analysis, it is assumed that water tributary to the project site from these offsite properties is included in the overall site discharge. It is assumed that offsite lands which are separated from the site by a roadway are not be included in the study and that all waters landing on adjacent properties are collected and conveyed offsite by the streets and adjacent drainage ditches.

The existing project site is divided into three drainage basins: Basin I to the northwest, Basin II to the south, and Basin III to the east. Figure 5 shows the delineation of these basins. The basins include the project area and the properties to the northeast which drain through the site. The entire project site is relatively flat, with an average slope of approximately 1%. The northeast corner of the site rises sharply to Coyote Road, with slopes up to 50%. Basins II and III are tributary to the Pajaro River watershed while Basin I is tributary to the Coyote Creek watershed.

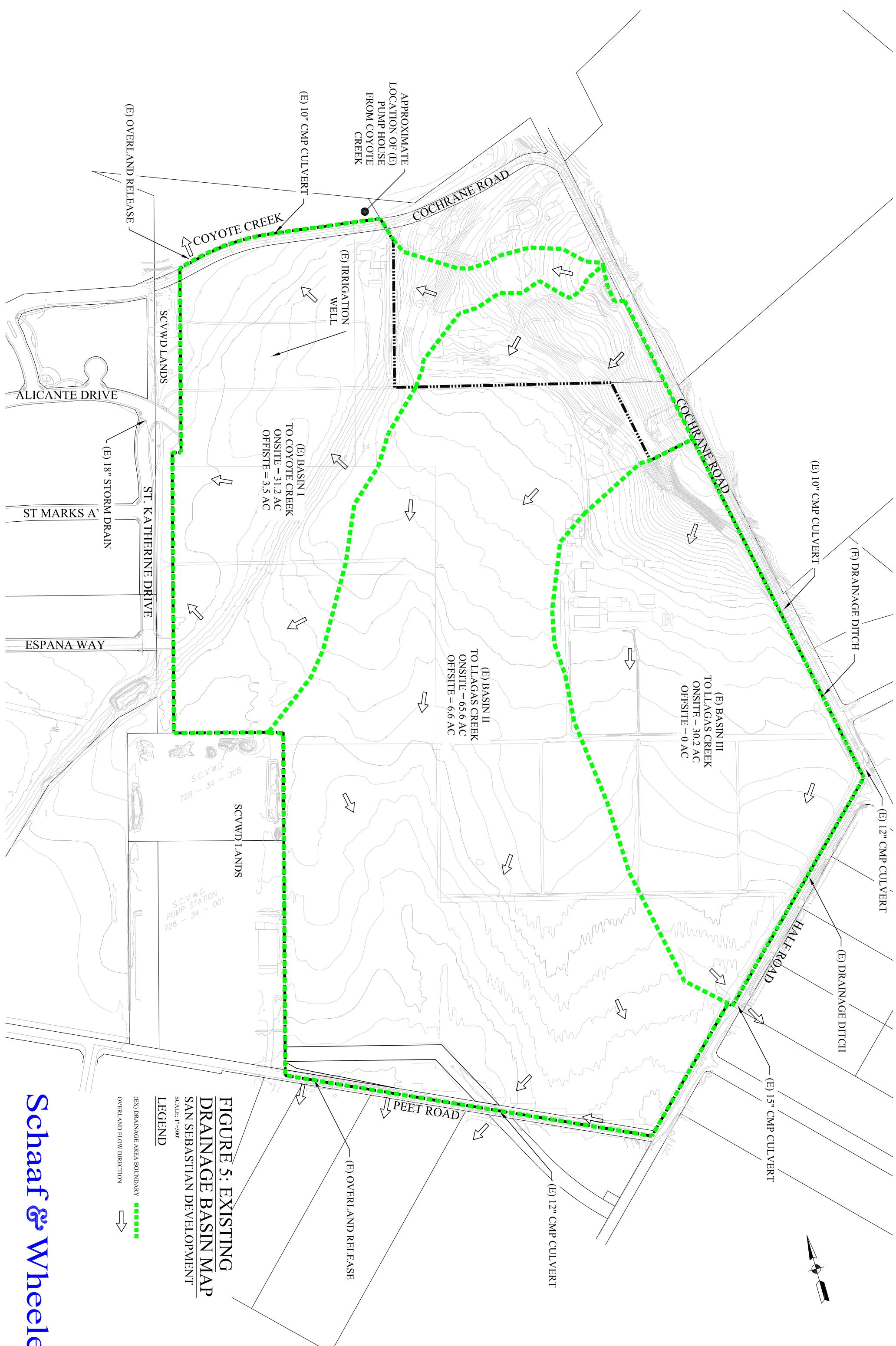
Table 1: Existing Drainage Basins		
Basin	Area (ac)	Watershed
I	34.6	Coyote Creek to SF Bay
II	72.2	Pajaro River to Monterey Bay
III	30.2	Pajaro River to Monterey Bay

The existing northern drainage Basin I is approximately 35 acres and ranges from elevation 468 feet at the offsite lands to the east to elevation 406 feet at the northwest corner of the site at Cochrane Road. Basin I slopes from the south to the north onto either Cochrane Road to Coyote Creek or to the Santa Clara Valley Water District Lands to the northwest. Water travels within a 10-inch diameter metal pipe under Cochrane Road directly into Coyote Creek, or into the storm drain system within City of Morgan Hill jurisdiction on Alicante Drive across SCVWD land. All of this water is within the Coyote Creek watershed, directly tributary to Coyote Creek and ultimately discharges to the San Francisco Bay.

The existing southern drainage area includes Basins II and III. Basin II is approximately 72 acres and ranges from elevation 475 feet on the offsite property to the northeast to onsite elevation 408 feet at Peet Road. Basin II flows from the northeast to the south across Peet Road. Runoff passes through a 12-inch diameter culvert beneath Peet Road during small storm events. During larger storm events water overtops Peet Road to the southeast of the project site. The water from Basin II then sheet flows across agricultural lands and rural roadways within unincorporated lands of Santa Clara County. This water is tributary to East Little Llagas Creek, which flows to the Pajaro River and ultimately Monterey Bay.

Drainage Basin III includes the 30-acre eastern portion of the property and ranges from elevation 473 feet in the north to elevation 410 feet in the south at Half Road. Rainfall on this portion of the site currently flows to the south and east, collecting in drainage ditches on Coyote Road and Half Road before discharging through existing 10-, 12-, and 15-inch diameter drainage culverts beneath the streets. Storm water then sheet flows across adjacent properties and along roadways within unincorporated lands of Santa Clara County before eventually intersecting a tributary of Llagas Creek at Hill Road and making its way to the Pajaro River and Monterey Bay.

The 2.7 acres of offsite property within the footprint of the Peet Road Expansion is sloped generally east with a low point at the overland discharge location for Basin II. Water sheet flows over the existing road from elevation 412 to 408. In the existing condition, an orchard resides within the limits of the proposed expansion.



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To estimate peak storm water runoff from the site before and after development, the Rational Method is employed per the Santa Clara County Drainage Manual. (SCCDM)⁶ The Rational Method analyzes land use, soil type, project size, and rainfall rates for a particular project location to estimate a peak flow from each drainage basin for a particular storm recurrence and duration. Land use for the site will change with the proposed development from agricultural to low density residential.

Existing soils underlying the site are Natural Resources Conservation Service Hydrologic Soil Groups B and C.⁷ Hydrologic Soil Group B encompasses soils with moderate to low runoff potential and moderate infiltration rates; this includes onsite loam and gravelly loam. The onsite clay loam is included in Soil Group C, qualified as having moderate to high runoff potential and slow infiltration rates. The areas with group C soil experience greater peak runoff values and faster times of concentration (i.e. quicker peak runoff) than those areas characterized by group B soils.

The Rational Method incorporates soil type when determining the runoff coefficient (C). Rainfall intensity rates for the project site are based on a mean annual precipitation (MAP) value of 20". Corresponding intensity-duration-frequency (IDF) curves are used to determine the rainfall intensity at each storm frequency and duration. The project site is analyzed for the 2-year, 10-year and 100-year design storms. The pre-project peak flows are listed below in Table 2 for both 24-hour storm duration and storm duration equal to the time of concentration (Tc) for each basin.

Table 2: Existing Peak Flow Rates

Design Storm		Basin I		Basin II		Basin III		Peet Road Exp	
		C=	0.36	C=	0.41	C=	0.35	C=	0.42
Return Period	Duration	Area(ac)=	34.6	Area(ac)=	72.2	Area(ac)=	30.2	Area(ac)=	2.7
		Tc (min)=	24.2	Tc (min)=	33.1	Tc (min)=	28.2	Tc (min)=	28.4
2 year	Tc	0.8	10	0.9	28	0.9	10	0.9	1.0
10 year	Tc	1.3	15	1.5	45	1.5	15	1.1	1.3
25 year	Tc	1.4	17	1.2	36	1.3	13	1.3	1.5
100 year	Tc	1.7	21	2.1	62	2.0	21	1.6	1.8
2 year	24 hour	0.1	1	0.1	3	0.1	1	0.1	0.1
10 year	24 hour	0.2	2	0.2	5	0.2	2	0.2	0.2
25 year	24 hour	0.2	2	0.2	6	0.2	2	0.2	0.2
100 year	24 hour	0.2	3	0.2	7	0.2	3	0.2	0.3

⁶ *Drainage Manual*. Santa Clara County, California, prepared by Schaaf & Wheeler. August 14, 2007.

⁷ *Soil Map – Eastern Santa Clara Area, California*. Web Soil Survey - National Cooperative Soil Survey, Natural Resources Conservation Service. July 27, 2010. Website: <http://websoilsurvey.nrcs.usda.gov>.

Post-Project Site Drainage Pattern

The proposed project will generally maintain the existing basin drainage patterns toward San Francisco Bay and Monterey Bay. See Figure 6 for a post-project drainage map. The drainage basin to the north will include all of Basin I as well as a portion of the offsite lands to the northeast for a total of 33 acres. The proposed north basin ranges from offsite elevation 468 feet to onsite low point of 406 feet. The overflow release point has been proposed as a structure to the northwest of the site that allows water to flow into the existing 18-inch storm drain in Alicante Road. The system in Alicante Road flows southwest to Madrone Channel before discharging into Coyote Creek. If this release system should fail, the existing overland release point on Cochrane Road in the north corner of the site will be maintained, which would allow water to overtop the road and flow directly into Coyote Creek. The northern basin will continue to be tributary to the Coyote Creek Watershed. The southern drainage basin will incorporate all of Basins II and III and a portion of the offsite lands. The southern drainage basin will be 104 acres and range from elevation 475 feet to 408 feet. The overland release point has been proposed to remain in its current location, which is at the low point in Peet Road. The southern basin will maintain its drainage patterns and contribute to the Pajaro Creek watershed. The project will increase the area of land tributary to Coyote Creek while decreasing the Pajaro Creek watershed by approximately 1.5 acres.

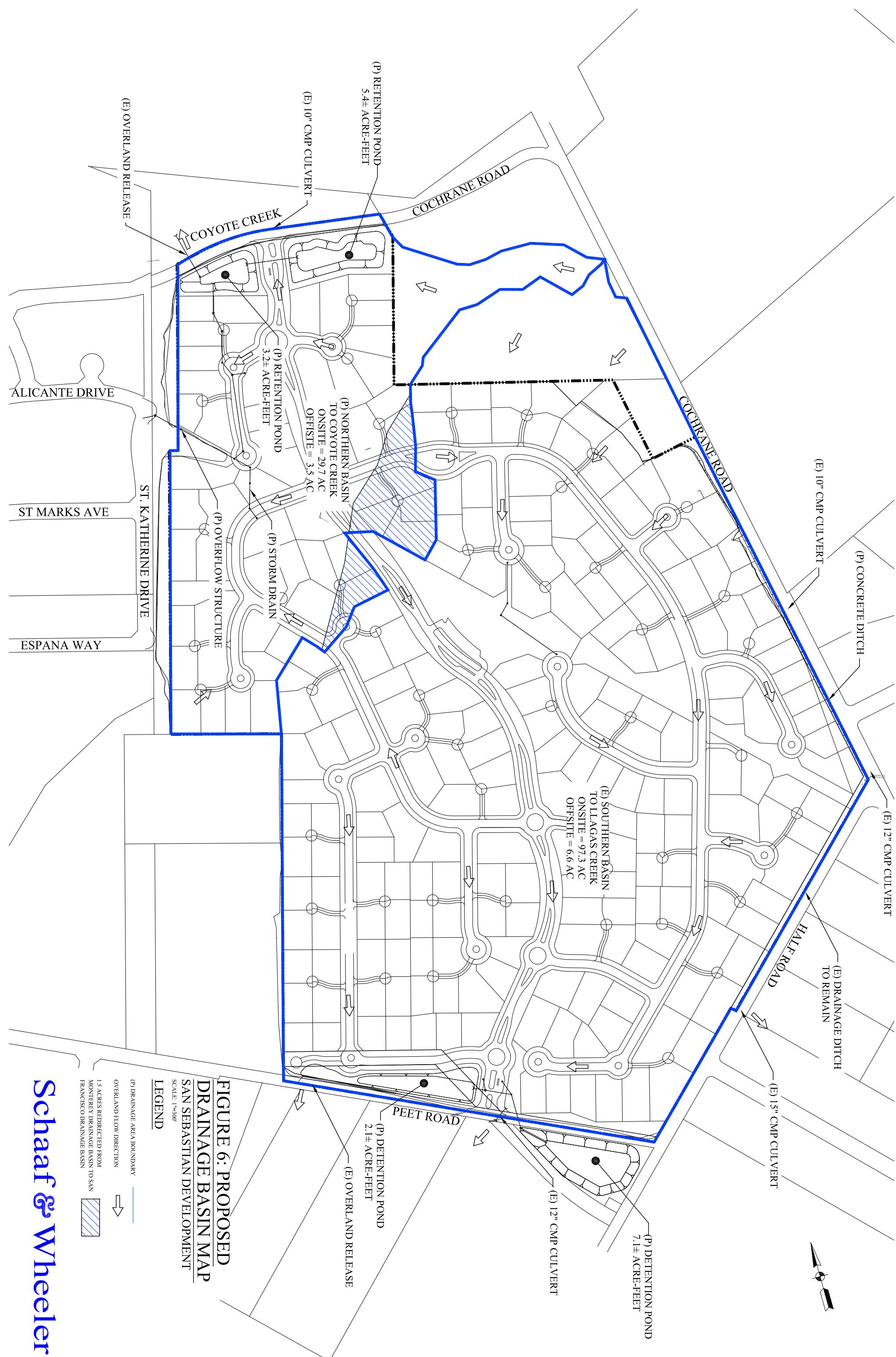
RJA Offsite Improvements for Peet Road Plans dated March 19, 2012 details the proposed re-alignment of Peet Road at the Site's southern boundary per the Morgan Hill Storm Drain Master Plan⁸ and General Plan⁹. The right of way will be widened from 20 feet to 72 feet. Schaaf & Wheeler has reviewed the plan for re-alignment, at the time of this report only preliminary centerline grading and a general cross section for the proposed roadway improvement were available. The road grading proposes to maintain the existing overland release point at centerline elevation 408.4. The roadway will be crowned, sloping gradually away from the centerline to the north and south. The roadway will raise existing elevation where adjacent to the southern detention basin offsite alternative location. Elevations will be raised approximately 3 feet before dropping to meet existing grade at Half Road. Despite the raise in grade, overland release for the southern detention basin (in either alternative location) will continue to be over Peet Road and to the west. Control of local runoff from the road via storm drainage infrastructure or roadway swales was not provided and should be included in the final design.

Widening Peet Road from 20 feet to 52 feet with two 5 foot sidewalks (72 foot right of way) will increase its impervious surface and associated runoff peak rate and volume. In the current condition runoff from Peet Road sheet flows generally north and west before

⁸ General Plan. City of Morgan Hill, Updated February 2010.

⁹Storm Drainage System Master Plan. City of Morgan Hill, prepared by Carrolo Engineers. January 2002.

reaching the low point over land release point at elevation 408.4 feet. Water then continues west over adjacent properties. The existing imperviousness within the limits of Peet Road expansion is 18%. In the post expansion condition imperviousness will increase to 87%.



The project site proposes to use drainage swales to convey surface flow to detention and retention ponds. Limited underground storm drain infrastructure is also proposed. The detention ponds in the south have been designed to reduce post-project peak discharge to pre-project conditions for the 25-year storm per the City of Morgan Hill Storm Drain Master Plan¹⁰. Retention ponds located in the North of the site have been designed to retain the 100 year storm per agreements between the City of Morgan Hill and the project owner. The drainage swales run adjacent to the roadways, flowing through culverts under street intersections. The detention ponds will outlet to a culvert under Peet Road to the south. During storms larger than the 100-year event the northern retention pond will discharge to the drainage system in Alicante Drive to the northwest. Only during system failure will water overtop Cochrane Road and flow directly into Coyote Creek.

Due to the increase in impervious area, the peak runoff from the site and offsite Peet Road expansion would increase in the absence of mitigation. Refer to Table 3 for the results of Schaaf & Wheeler's analysis for post-project peak runoff rates. The total runoff from the site and contributing offsite areas for the 100-year, 24 hour storm would increase from 12.9 cfs to 17.6 cfs. For the storm duration equal to the time of concentration for each basin the peak runoff would increase from 107 cfs to 139 cfs.

Table 3: Proposed Peak Flow Rates							
Design Storm		North Basin		South Basin		Peet Road Exp	
		C=	0.52	C=	0.52	C=	0.91
Return Period	Duration	Intensity (in/hr)	Peak Flow Q (cfs)	Intensity (in/hr)	Peak Flow Q (cfs)	Intensity (in/hr)	Peak Flow Q (cfs)
2 year	Tc	0.9	16	0.8	45	0.7	1
10 year	Tc	1.5	25	1.3	72	1.0	2
25 year	Tc	1.2	20	1.1	57	1.2	2
100 year	Tc	2.1	35	1.9	100	1.5	3
2 year	24 hour	0.1	2	0.1	5	0.1	0.2
10 year	24 hour	0.2	3	0.2	9	0.2	0.4
25 year	24 hour	0.2	3	0.2	10	0.2	0.5
100 year	24 hour	0.2	4	0.2	13	0.2	0.6

The project proposes to install retention ponds at the discharge points for the northern drainage basin to retain all of the 100-year storm runoff. Detention ponds have been proposed for the southern drainage basin to reduce the post-project peak discharge to pre-project conditions for the 25-year storm event and promote infiltration. Since detention basin outlet works were not designed at the time of this study, a Modified Rational Method is used to calculate the storage volumes required to reduce the peak discharge to pre-project conditions, for each design storm and critical duration. The Modified Rational Method introduces an adjustment to the C-value for calculating runoff volume. This

¹⁰ City of Morgan Hill prepared by Carrolo Engineers, *Storm Drainage System Master Plan*, January 2002.

modification requires the addition of 0.15 to each C-value. The required storage volumes to achieve the proposed peak discharge mitigation are calculated for each design storm. The results are tabulated in Table 4 below. Per the County specified project-specific design criteria, in order to retain the 100-year, 24 hour storm, the northern basins must cumulatively provide a minimum of 8.2 acre-feet of storage, as summarized in Table 5. Per the Morgan Hill design criteria, the southern ponds must cumulatively provide 8 acre-feet of storage to mitigate the peak discharge for the 25-year, 24-hour storm. The southern drainage basin includes required storage volume to mitigate the onsite development and Peet Road expansion.

Table 4: Required Storage to Mitigate Peak Flows				
Storm/Duration	N Basin (cf)	N Basin (ac-ft)	S Basin (cf)	S Basin (Total) (ac-ft)
2yr/Tc	6,335	0.1	14,734	0.3
10yr/Tc	10,123	0.2	24,008	0.6
25yr/Tc	13,470	0.3	48,447	1.1
100yr/Tc	14,042	0.3	33,290	0.8
2yr-24hr	58,241	1.3	188,466	4.3
10yr-24hr	93,185	2.1	301,545	6.9
25yr-24hr	107,149	2.5	347,091	8.0
100yr-24hr	121,159	2.8	393,701	9.0

Table 5: Required Storage for Retention		
Storm/Duration	N Basin (cf)	N Basin (ac-ft)
2yr-24hr	148,952	3.4
10yr-24hr	238,323	5.5
25yr-24hr	284,550	6.5
100yr-24hr	357,485	8.2

The required storage listed in Table 4 is specific to mitigating the peak discharge and does not address other requirements that may be placed upon the project by regulatory agencies. The project tentative maps dated June 2012 proposed a total of 8.6 acre-feet of storage for the northern basin, and 9.2 acre-feet of storage for the southern basin. The proposed storage volume meets the City's requirements for restricting the peak discharge to pre project conditions for the 2-, 10-, 25- and 100-year design storm peak flows for the southern and northern basins, and retaining the 100-year, 24-hour storm volume for the northern basin. Due to the nature of retention vs. detention, a retention pond designed for the 100-year event will provide sufficient volume for all lesser events for the same storm duration. Basin S1 can be located on or offsite (or any combination thereof) presuming a minimum of 9.0 acre-feet of combined storage volume is provided and existing overland release patterns are maintained. Calculations performed by RJA determined the required storage based on runoff hydrographs calculated using the 100-year, 24-hour design storm, which is an appropriate approach for detention and retention basin sizing.

Mitigation

As shown in Tables 2 and 3, the project results in increased runoff from the site due to the increased impervious surfaces. Based on our analysis, the project includes sufficient storage volume to mitigate the increased peak runoff rate for the 2-, 10-, 25- and 100-year storm events. The southern drainage basins outlets to an existing storm drain system; portions of which are currently under capacity. As such, the outlet works for the detention basins shall be designed to limit post-project flows to pre-project levels for the 2-, 10-, 25- and 100-year storm events such that the existing frequency of capacity exceedance of any existing culverts is maintained or decreased. Since the northern retention ponds do not discharge to existing drainage systems accept in the event of a storm larger than the 100-year event, outlet works should be placed at an elevation that conveys only storms greater than the 100-year storm. The 2-, 10-, 25- and 100-year storms will not discharge from the northern retention ponds, and therefore will meet the requirement that post-project peak flows will not exceed pre-project conditions.

In order to mitigate the increase in peak flow rate due to the expansion of Peet Road, infrastructure should be appropriately sized and designed to convey the flow to one of the southern detention basins. The connection pipes between basins S1 and S2 (regardless of its location on or off site) and the 12" replacement pipe under Peet Road may also have to be modified from what is shown on the conceptual storm drain plan exhibit (which does not include the Peet Road re-alignment). Because these pipes will need to be lengthened to accommodate the widening of Peet Road, the hydraulic losses associated with the longer pipes will be greater. As such, the pipes may need to be enlarged to maintain the same capacity over this longer length. This is particularly relevant for the 12" replacement pipe under Peet Road. The pipe connecting basins S1 and S2 serves primarily as a hydraulic connection between the basins and its capacity may not be relevant.

With these mitigations, impacts to flood risk and storm drain systems as a result of the project will be reduced to a ***less than significant*** level.

Impact HYDRO5: Substantially alter the existing drainage pattern of the site in a manner which would result in substantial erosion or siltation on- or off-site.

Finding: Less than Significant with Mitigation

As described above, peak runoff from the site shall be mitigated with detention basins designed to not exceed pre-project peak runoff for the 2-, 10-, and 100-year storm events. The portion of the site that drains to San Francisco Bay via Coyote Creek is under the jurisdiction of the San Francisco RWQCB, and is required to provide hydromodification mitigation. For the portion of the site that drains to Coyote Creek, the project shall include hydromodification mitigation meeting or exceeding the specifications outlined in the SCVURPPP hydromodification mitigation plan (HMP). At later stages of planning,

a Stormwater Pollution Prevention Plan (SWPPP) and a Stormwater Management Plan (SWMP) will be prepared to avoid on-site erosion. These requirements, and other impacts and mitigation measures specific to sediment as a water quality concern, are discussed in Mitigation Measure HYDRO-7.

With these mitigation measures, impacts to erosion or siltation on or off site due to the project will be reduced to ***less than significant***.

Impact HYDRO6: Substantially deplete groundwater supplies or interfere with groundwater recharge.

Finding: Less than Significant

The project site is located on the ridge between the Coyote and Llagas Creek watersheds, as described elsewhere in the report, however the SCVWD describes the northern limit of the Llagas groundwater basin to be Cochrane Road, meaning that the site is entirely underlain by the Llagas groundwater basin. Recharge of the Llagas groundwater basin is achieved through an equal combination of natural recharge and recharge activities of the SCVWD (23,000 afy each). The Llagas basin is estimated to have an operation storage capacity between 150,000 and 165,000 af, and basin pumping between 2001 and 2009 ranges from 44,000 acre-feet to 50,000 acre-feet.¹¹ The proposed project has no impact to the SCVWD recharge activities for the Llagas groundwater basin.

The surface area of the Llagas groundwater basin is 56,000 acres¹². Although infiltration varies over the basin, this creates an average annual infiltration volume of 0.4 acre-feet per acre of surface area. The total impervious surface of the proposed development is about 48 acres. Applying the average annual infiltration volume (0.4 af/acre) and the most conservative assumption, that no rainfall onto post-project impervious surfaces is able to percolate into the groundwater basin, this results in a decrease of about 19 acre-feet/year of infiltration, less than one tenth of a percent decrease from existing conditions, and less than 0.05% of the historic groundwater withdrawals. This does not represent a substantial interference with groundwater recharge. Furthermore, these calculations assume zero infiltration of rainfall onto impervious areas, but in fact the project proposes to utilize drainage swales and basins which will promote infiltration of runoff from impervious surfaces.

Given these calculations, and the project plan to promote runoff through the use of open swales and strategically located basins, the impact of the project to groundwater recharge is ***less than significant***.

¹¹ Santa Clara Valley Water District 2010 Urban Water Management Plan

¹² California's Groundwater Bulletin 118

Note that this finding is specific to groundwater impacts due to the projects change in land use and drainage, and does not include potential groundwater impacts related to the project water demand or supply.

Impact Hydro7: Violate any water quality standards or otherwise substantially degrade water quality.

Finding: Less than Significant with Mitigation

Pajaro River is listed as an impaired water body by the EPA 303(d) list for Boron. Boron is a naturally occurring constituent of surface waters and has harmful effects on crop growth. Llagas Creek is listed as an impaired 303(d) water body for pH, chloride, low dissolved oxygen, sodium and total dissolved solids. Coyote Creek is currently being reviewed by the EPA for inclusion on the 303(d) list. As of the time of this review, no pollutants of concern or total daily maximum loads (TDMLs) had been set. The City of Morgan Hill has set TDMLs for sediment, fecal coliform and nitrate in their Storm Water Management Plan.¹³

Surface Water Quality

The proposed project could generate significant adversely impacted water quality. Pollutants and chemicals associated with urban development could run off new roadways and other impervious surfaces. The pollutants could then flow into the tributary creeks described herein. These pollutants could include, but may not be limited to, heavy metals from automobile emissions, oil, grease, debris, and air pollution residue. Contaminated urban runoff that remains relatively untreated could result in incremental long-term degradation of water quality.

Short-term adverse impacts to water quality may also occur during construction of the project when areas of disturbed soils become susceptible to water erosion and downstream sedimentation. Grading and vegetation removal in proximity to drainage features could result in an increase in bank erosion, affecting both water quality and slope stability along the drainage feature.

Site design to reduce impervious area coverage, limited grading and fitting of structures to the existing topography, and use of swales rather than storm drain pipes to convey runoff are favored approaches to managing urban runoff.¹⁴ Current agency guidance also recommends that, where soils and geotechnical conditions allow, runoff be infiltrated using a combination of treatment BMPs, such as grass swales and infiltration trenches, to reduce peak flows and enhance water quality.

¹³ *Storm Water Management Plan*. City of Gilroy, City of Morgan Hill and County of Santa Clara. February 22, 2010.

¹⁴ *California Storm Water Quality Task Force, 2003, Ibid.*

Under existing conditions, fertilizer and organic compounds are the most likely pollutants of concern since the project site is currently used for agriculture. Given that agricultural activities would cease following project construction, the project could potentially reduce any existing organic contributions to the surface water, a benefit to water quality.

However, there are several pollutants that the project development could contribute to the surface water, including sediment and typical urban pollutants. In contrast to other potential pollutants, sediment is typically of greatest potential concern during the construction-phase of development. After a project has been constructed and the landscaping has been installed, erosion and sedimentation from residential development sites are usually minimal. Pollutants other than sediment which might typically degrade surface-water quality during project construction include petroleum products (gasoline, diesel, kerosene, oil, and grease), hydrocarbons from asphalt paving, paints, and solvents, detergents, nutrients (fertilizers), pesticides (insecticides, fungicides, herbicides, rodenticides), and litter. Once the housing and roadways have been constructed, typical urban runoff contaminants might include all of the above constituents, as well as trace metals from pavement runoff, nutrients, and bacteria from pet wastes, and landscape maintenance debris.

Since some of the drainage system may overland release directly to Coyote Creek, these pollutants could affect aquatic and wetland habitats and sensitive species, and sediment could reduce flood storage. Without mitigation, the effects on surface water quality could potentially be ***significant***.

Therefore, the following mitigation measures are recommended to reduce the effects on surface quality to a ***less than significant*** level:

Mitigation

Potential construction-phase and post-construction pollutant impacts from the development of the Site and the Peet Road re-alignment can be controlled below the level of significance through preparation and implementation of an erosion control plan, a storm water pollution prevention plan (SWPPP) and a storm water management plan (SWMP) consistent with recommended design criteria, in accordance with the NPDES permitting requirements enforced by the Regional Board. The erosion control plan forms a significant portion of the construction-phase controls required in a SWPPP, which also details the construction-phase housekeeping measures for control of contaminants other than sediment. The SWMP implements treatment measures and best management practices (BMPs) to be implemented for control of pollutants once the project has been constructed. Both the SWPPP and the SWMP set forth the BMP monitoring and maintenance schedule and identifies the responsible entities during the construction and post-construction phases for both the Peet Road realignment and the proposed site development.

The applicant's SWPPP shall prescribe construction-phase BMPs to adequately contain sediment on-site and prevent construction activities from degrading surface runoff. The erosion control plan in the SWPPP would include components for erosion control, such as phasing of grading, limiting areas of disturbance, designation of restricted-entry zones, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, and provision for re-vegetation or mulching. The plan would also prescribe treatment measures to trap sediment once it has been mobilized, at a scale and density appropriate to the size and slope of the catchment. These measures typically include inlet protection, straw bale barriers, straw mulching, straw wattles, silt fencing, check dams, terracing, and siltation or sediment ponds. BMPs shall be implemented in accordance with criteria in the California Stormwater BMP Handbook for Construction¹⁵ or other accepted guidance and shall be reviewed and approved by the City prior to issuance of grading or building permits. The applicant shall identify the SWPPP Manager who will be the responsible party during the construction phase to ensure proper implementation, maintenance and performance of the BMPs.

The applicant's SWMP shall implement post-construction water quality BMPs that control pollutant levels to pre-development levels, or to the maximum extent practicable (MEP) for both the Peet Road and Site development projects. For the site itself, Neighborhood- and/or lot-level BMPs to promote infiltration or "green" treatment of storm runoff shall be emphasized, consistent with Regional Board guidance for NPDES Phase 2 permit compliance. These types of BMPs include infiltration basins and trenches, constructed wetlands, rain gardens, grassy swales, media filters, and biofiltration features. BMPs shall be designed in accordance with engineering criteria in the California Stormwater BMP Handbook for New and Redevelopment¹⁶ or other accepted guidance and designs shall be reviewed and approved by the City prior to issuance of grading or building permits for the roadway or driveways. These types of structural BMPs are intended to supplement other storm water management program measures, such as street sweeping and litter control, outreach regarding appropriate fertilizer and pesticide use practices, and managed disposal of hazardous wastes. The applicant shall prepare a clearly defined operations and maintenance plan for water quality and quality control measures. The design and maintenance documents shall include measures to limit vector concerns, especially with respect to control of mosquitoes. The applicant shall identify the responsible parties and provide adequate funding to operate and maintain storm water improvements (through a HOA, Geological Hazard Abatement District, CSD, CFD or similar organization). The applicant shall also establish financial assurances, as deemed

¹⁵ California Storm Water Quality Association, 2003, *California Storm Water Best Management Practice Handbook – Construction*.

¹⁶ California Stormwater Quality Association, 2003, *California Stormwater Best Management Practice Handbook – New Development and Redevelopment*.

appropriate by the Morgan Hill Community Development Department, enabling the City to maintain the storm water improvements should the HOA or other entity disband or cease to perform its maintenance responsibilities.

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APPENDIX D

REVISED HISTORICAL AND ARCHITECTURAL EVALUATION

COCHRANE-BORELLO RESIDENTIAL DEVELOPMENT PROJECT

Final Environmental Impact Report
City of Morgan Hill

HISTORICAL AND ARCHITECTURAL EVALUATION

For the
PARCEL LOCATED AT
2280 Cochrane Road
Morgan Hill, California 95037



Report prepared for: David J. Powers and Associates
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Date: April 10, 2012
Revised November 22, 2012

TABLE OF CONTENTS

	Page
Title Page	1
Table of Contents	2
1. Introduction	5
1.1. Current Listings	5
1.2. Methodology	5
1.3. Report Preparation	5
2. Executive Summary	6
3. General Historical Context and Background	7
4. History and Description of the Buildings	11
4.1. History of the property	11
4.2. Discussion of Historical Significance	13
4.3. Description of the Site and Improvements	17
4.4. Discussion of Architectural Significance	28
5. Evaluation of Significance	29
5.1. Morgan Hill Historic Resource Designation	30
5.2. California Register of Historic Resources	32
5.3. National Register of Historic Places	33
6. CEQA	33
7. potential impacts of the project	34
8. Mitigation/Recommendations	46
9. Appendix	47
9.1. Sources Consulted	47

Figures:

- Figure 1 - Vicinity Map
- Figure 2 – Assessor's Parcel Map
- Figure 3- Location of buildings



Vicinity Location 2280 Cochrane Road Morgan Hill
Source: Google Earth Pro

OFFICE OF COUNTY ASSESSOR — SANTA CLARA COUNTY, CALIFORNIA

BOOK 728	PAGE 34
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LAWRENCE E. STONE — ASSESSOR
Coastal map for assessment purposes only.
Compiled under R. & T. Code, Sec. 327.
Effective Roll Year 2009-2010
TOWN OF MAP 261

**Santa Clara County Assessor's Map APN 28-34-027; 2280 Cochrane Road Morgan Hill
Santa Clara County CA
Source: Sant Clara County**

Historical and Architectural Evaluation for the Parcel at 2280 Cochrane Road, City of Morgan Hill; Santa Clara County - APN 728-34-027

1. Introduction:

The property that is the subject of this historical and architectural evaluation report is 122 acres, located on the east side of Monterey Road between Peet Road, Cochrane Road (Coyote Rd), and Half Road in the City of Morgan Hill. Discussions of a proposed project include removing the orchards and existing buildings and structures to develop a residential subdivision. The General Plan land use designation is Residential low (1-3 DU AC)

1.1. Current Listings: The property is not listed in the Morgan Hill Inventory of Cultural Resources or in the Santa Clara County Heritage Resource Inventory (2012).

1.2. Methodology: Standard research methodology included, compiling data from public records, researching maps, deeds, published and unpublished materials and contacting individuals with knowledge of the property and related historical subjects. Site investigations and photographs were also part of the research. Unless otherwise noted, historical information presented in this report was also drawn from the Morgan Hill Times, historic aerial photographs, city directories, tax assessment rolls and U.S. Census data. Substantial information was gained from Chris Borello, grandson of Sebastian Borello.

The report reviews the historical background of the subject property and describes the historical significance of the building, structures and objects located on the property, as they may have the potential to be individual or contributing elements eligible for designation or listing in the National Register of Historic Places, the California Register of Historic Resources, or under the Morgan Hill Municipal Code Section 18.75.

1.3. Report Preparation: The report was prepared by Urban Programmers and compiled by Bonnie Bamburg, who has over 37 years experience in preparing historic surveys for cities, counties and the federal government, National Register Nominations for individual sites and historic districts and local assessment reports. She is a former instructor in Historic Preservation at SJSU, a lecturer in historic preservation and former San Jose Historic Landmark Commissioner (1974-1980). She is a past Director of History San Jose, the Western Region of the Association for Preservation Technology and an Advisory to Preservation Action San Jose. Linda Larson Boston, BA, has 15 years experience as a researcher and published author in local history, she conducts historic research for architects, attorneys and landowners. She is a former San Jose Historical Landmarks Commissioner (1993-1997), member Institute for Historical Study, and the Board of Directors Preservation Action Council of San Jose. William Zavlaris, BA M.U.P., has over 20 years experience in evaluating architecture for local historical surveys and National Register Nominations. Public records research is provided by Walt Nagle who had over 30 years experience in this field.

2. Executive Summary:

Urban Programmers was asked to provide an architectural and historical study of the property at 2280 Cochrane Road, Morgan hill and to evaluate the history and extant buildings within the historical context and development patterns of Madrone and Morgan Hill to determine if the property and extant buildings are eligible for listing in the California Register of Historic Resources or the Morgan Hill Zoning Ordinance Section 18.75.060 (Historic Preservation). The property is currently use for agricultural –orchards, grasses and operations by the Borello family that has owned the property since 1942. The operations area of the property is used for storage most of the year and is where fruit is placed in wooden trays to dry in the sun during the harvest season (apricots), some of which are grown on this property and more is transported for drying from other California fruit ranches owned by the family.

Research was conducted in the Morgan Hill Library, Gilroy Historical Museum, History San Jose, Archive Library and the Dr. Martin Luther King, Jr. Main Library in San Jose and Santa Clara County Archives and Official Records. The internet was also searched for U.S. Census and historical data. The point of contact for the Borello Family, Chris Borello provided information about the family and how the property had been, and is currently used. The significant amount of information gathered in this process led to a historical summary of the property from the Spanish Period into the Mexican Period when it was part of the Rancho (Refugio) de la Laguna Seca (Dry Lake), through the current agricultural use. The basis for a brief historical context statement was “The City of Morgan Hill, Historic Context Statement”, prepared by Circa in 2006. The documentation permitted an evaluation of the relative historical importance within the context Morgan Hill’s growth and development patterns.

The architecture on the site is primarily utilitarian open sided storage structures and temporary housing for agricultural workers. The residential buildings are four buildings (duplexes) that sit on pier foundations and the five mobile/modular homes. There is one c.1947 permanent residential building on the property. In addition to the seven detached storage structures there is a small office and a “sulfur” house. This is a warehouse type building for treating fruit prior to drying in the sun. All the structures and building are light weight construction- single wall or metal bolt together styles. All the temporary residential buildings have been moved to the site. The buildings and structures do not exhibit architectural designs of artistic quality or engineering solutions that are noteworthy. The property is not a cohesive or exemplary example of rural development, there are no historic residences or other permanent/distinctive buildings or features on the property. Thus, the study concluded that the property does not meet the criteria and is not eligible for listing in the National Register of Historic Places or the California Register of Historic Resources. When compared to the criteria of the Morgan Hill Zoning Ordinance Section 18.75.060 the property does not meet any of the criteria, thus it is not eligible for landmark status.

Separate from this study are the conclusion of an archeological study conducted by Miley P. Holman and Associates. The conclusions of that study are referenced in this evaluation as it considers the property to have a moderately low likelihood of resources that would meet the criteria to be listed in the California Register of Historic Resources.

3. GENERAL HISTORICAL CONTEXT and BACKGROUND STATEMENT

Earliest known Inhabitants

Inhabitants of the area for thousands of years before the European explorers came were the Ohlone, part of the Coastonian Language group who lived a relatively peaceful hunter-gather existence for several thousand years before the coming of Europeans. Very little physical vestiges of these early inhabitants remain.

Spanish Exploration, Settlement and Ranchos 1769-1834

The first Europeans to visit the south county area that includes the subject property came 1769, led by a Spaniard Gaspar de Portolá who was accompanied by sixty-four men. The following years saw several Spaniards traveling to what would become the Santa Clara Valley. The expedition of Juan Bautista de Anza in 1776 brought settlers to Yerba Buena (San Francisco). The following year, El Pueblo de San Jose de Guadalupe and Mission Santa Clara were established at the north end of the Santa Clara Valley and travel routes along the El Camino Real came through the South Santa Clara County. During the next 18 years very little trade occurred and what was grown or created around the Missions, Precideos or in the Pueblo of San Jose remained in the area as the harbors were controlled by Spanish law and were not open to other traders. In 1794 this changed with relaxing of the port authority to allow trade and the ability of Presidio Commanders to grant Ranchos where hides, tallow and some grain, in excess of local needs, could be shipped through the ports. Mexico declared independence from Spain in 1821 after which the governance of Alta California fell under Mexican authority and land grants established 13 Ranchos in southern Santa Clara Valley, a practice that continued until 1846.

Settlement Period 1835-1869:

The historical accounts of Morgan Hill, describe the area as open range or grazing land, that was primarily the Rancho Ojode Aguade la Coche (Pig Springs), the 8927.10 acres granted to Juan Maria Hernandez by Governor Figueroa in 1835 and ten years later it was sold to Martin Murphy Sr., an Irish immigrant and pioneer who brought his family west from Missouri in 1844. The other early land owner was Mrs. J. (Catherine) Dunne who came to the Santa Clara Valley from Canada in 1851. To the north was the Rancho (Refugio) de la Laguna Seca (Dry Lake), a track four miles wide that extended north beginning approximately one mile south of Cochrane Road, past Coyote. The 19,9972 acres was granted to Juan Alvarez in 1834, by Governor Figueroa was sold at auction in 1845, to Bostonian William Fisher, whose heirs inherited the land and petitioned for a patent which was granted by the United States in 1865. These early residents were primarily cattle ranchers. Daniel Murphy continued his father's pattern of acquiring land for cattle ranching as did other members of the Murphy clan. Locally it included most of the Rancho Laguna Seca that had passed to Daniel's wife Mary Fisher when her parents died. The name

of the settlement, however is attributed to Hiram Morgan Hill, also a Missourian who came west and married Diane Murphy the only child of Daniel and Mary. Although tragedy followed the family, the area became known, not as Huntington as was the name on the train station, or as Murphy's, although some referred to it that way into the 1980's, but as "Morgan Hill", the place of Morgan Hill's large ranch.

The property that is the subject of this study was part of the Rancho Laguna Seca ("Refugio de la Laguna Seca"- Dry Lake).

Horticulture 1870-1939:

Cattle ranching remained the leading industry through the 1880's with little development other than the necessities of a post office, small hotels and saloon. By the 1890's the large ranches were being subdivided into small parcels and a community where a post office, churches, a mercantile store, and school had developed. The El Camino Real - Monterey Road – The alignment that connected northern California with Southern California and more particularly San Jose with Gilroy, Pacific Grove and Monterey, became the center of commercial development in Morgan Hill. At road house stations known as "mile houses" between San Jose and Gilroy, the original comfort/rest areas were created. The "18 Mile House" was on the north of town, in the Burnett Township (Madrone) north of Cochrane Road and the next, the "21 Mile House" three miles further on the railroad was south of Main Street the crossroad that became the center of town. With transportation to a wider market via the railroad in 1869, and large ranches divided into smaller sections, the farming that had started in the 1860's, flourished. Fruit trees, vineyards, row crops, strawberries, vegetables, and flowers were the crops that filled the area surrounding center of town. With the varied agriculture and rail service, packing houses were established as were supporting businesses. Prior to refrigerated trucks, dairy farms were in close proximity to the creameries that processed milk products for distribution within the town. With the advent of refrigerated trucks to transport fresh produce and dairy products, Morgan Hill's economy had shifted from cattle grazing to fresh and processed foods that were delivered locally and shipped out of the valley to a broad market.

At the beginning of the twentieth century, immigrants arrived from China, Japan, Italy and the Azores, to find work on the farms and in the orchards. Many later became the land owners in a pattern that was replicated within the agricultural communities of Santa Clara Valley. This important population increase brought with it cultural associations, social clubs and civic organizations to the community. Incorporated in 1906, the City of Morgan Hill, was one of the earliest cities to incorporate in Santa Clara County; however the city limits were considerably smaller than present day.

Transportation shifted from buggies and wagons to automobiles and trucks in the 1920's mixing the two forms of transportation on Monterey Road in the 1920's. The

advent of motor powered vehicles also brought service stations and garages to the roadside. In 1927, to accommodate the increase in traffic Monterey Road was widened 17 feet (Sharma pg. 75). Still, truck traffic was forced to mix with other vehicles as it moved through town on Monterey Road, continuing to identify Morgan Hill as waypoint the trip between the larger cities of San Jose and Gilroy.

During this period, residential architecture was most distinctive in the center of the community where styles included Italianate, Folk Victorian and Bungalows. The majority of the residential architecture out of town was on the farms and ranches where the vernacular California Ranch style, and Craftsman Bungalow were favored. The agricultural buildings on the ranches and farms were almost exclusively constructed of local redwood and included; barns, sheds and tank houses, and water towers

Mid-Century Development 1930-1960

In this era, small dairy farms were located close to the town center, to the north in Madrone and south extending to Gilroy. Many began during earlier years and continued to grow as the community expanded.

During the decades, the city grew with population primarily related to agriculture and the food processing plants and distribution warehouses through the 1930's until the 1950's. After WWII, the community experienced growth in commercial and residential sectors related to the industries of neighboring cities. Located on the main road (Monterey Highway), the commercial growth expanded with services for the traveling public as well as local business such as gasoline service stations that developed on both sides of Monterey Road and drive-in restaurants at the edges of the downtown. The theme that started with the "mile houses" continued as bars and then restaurants developed along Monterey Road.

As occurred throughout California, the importance of the automobile and the freedom it provided were evident in the outward reaching growth of Morgan Hill. In the 1960's Highway 101 was realigned east of the town center leaving the community with less through traffic but more of a community commercial district – although it meant less business for gas stations and other businesses who benefited from the traffic.

During the years 1919-1933, the Volstead Act (Prohibition) significantly restricted the production and sale of most alcoholic beverages. Locally, this effected wineries and vineyards forcing many vineyards to change crops and wineries to explore alternate products such as olive oil. The repeal in 1933 encouraged new vineyards to be planted and wineries to rebuild. However many of the farms that were developed with fruit trees remained vital operations. The next devastating event for the fruit ranchers in the area, most of whom grew the lucrative prune was in 1936 and German boycott of California prunes and dried fruit. Without Germany and its allies there was suddenly a world glut of prunes that caused financial ruin for many local ranchers. Those who could hold onto their land replanted orchards to take

advantage of improved shipping for fresh fruit and those that canned well. Some turned to vineyards and some to row crop farming. However all were helped by the advent of WWII and the federal government contracts to provide food supplies to the troops. At the end of WWII and the end of the lucrative federal contracts, the industry faced another challenge, frozen and prepared foods. Strawberries were the first locally frozen crops to come from South County.

During this era, rural architecture for agricultural buildings and structures- mostly utilitarian- included a rebuilding of older hay and fruit barns, fruit dehydrators, dairy barns, cold storage buildings, water tanks and towers, wineries, and a wide variety of sheds.

The residential architecture during this era included simple pitched roof cottage style an economical cottage, Spanish Colonial and other revival styles, the California Ranch Style and by Mid-Century, modernistic designs that follow the Bay Area Tradition. At the end of the century, styles, particularly in residential subdivisions copied the post modern and eclectic combinations of design elements, including revival styles with turrets and elements from various design periods.

Roadside business, in addition to the expanding retail and services (grocery, banks, optometrists, dentists etc.) of the central town, included EL Patio Bar (The Capri) on the north side of town in Madrone, Mels Drive In Restaurant and Cocktail Lounge and The Villa Restaurant and lounge, that were on the south. The Circle Drive In, $\frac{1}{2}$ mile south of Morgan Hill appears to be the only one to offer the 1950's classic car-hop service.¹ Commercial buildings of this period are primarily single user commercial style and often reused older buildings adding a new façade. Theme architecture was found in the motels and early franchise drive-in restaurants.

Suburbanization and Industrialization 1960-2012

Agriculture remained the dominate economic industry until the 1970's when the introduction of "high tech", business campuses appear in Morgan Hill.

In the 1970's, large residential real estate developments were undertaken in the eastern hills around Anderson Reservoir, land that was annexed to Morgan Hill, as were sections to the north until the boarder adjoined that of San Jose in the Madrone District and Coyote Valley. Also in the decade of 1970, business park campuses were developed in Morgan Hill allowing the residents additional employment opportunities.

In the most recent historical period, Morgan Hill has continued to grow, although in a restrained mode and has developed a varied economic base with industrial technology and additional retail centers dispersed from the historic downtown,

¹ Morgan Hill times, Dec.12,1957

along Monterey Road. Recreation in the form of golf courses and activities surrounding the Morgan Hill or South County Airport increased. New schools were necessary to accommodate the growing population, and a new hospital was constructed next to Highway 101. As the twenty-first century began, agricultural land around the town center was rapidly being developed for residential and commercial use.

4. BF Cochrane LP (APN 728-34-027)- History and Description of the Buildings and Structures

4.1 History of the property:

The subject parcel was originally part of the Rancho (Refugio) de la Laguna Seca (Dry Lake), a tract four miles wide that extended north beginning approximately one mile south of Cochrane Road, to past Coyote. The 19,9972 acres was granted to Juan [Alvirez](#) in 1834, by Governor Figueroa. In 1845, the rancho was auctioned, transferring ownership from Juan Alvires, to an Englishman William Fisher (1810-1850), who paid \$6,000 for the land.² Fisher was a trader who arrived in California in 1830 and married Liberata Ceseña (1818 - 1905). The couple and six children lived in Baja California until 1846, when they moved to San Jose where William operated a retail store as well as raising cattle and planting fruit trees on the former rancho land. In 1849, Fisher sold his mercantile store in San and concentrated on the rancho, where he died a year later at the age of 40, leaving the rancho to his wife, Liberta Ceseña Fisher and their six children. During the four years Fisher owned the rancho he planted fruit including orchards and vineyards as well as row crops.³

After the death of William Fisher, Liberta Cesena Fisher married Dr. George H. Bull in 1851, the same year her daughter Maris (Mary) Fisher married Daniel Murphy, the youngest son of pioneer, Martin Murphy who owned the adjoining Rancho Ojo del Agua de la Coche. Dr. Bull and Liberta remained on the rancho until his death in 1854. Three years after the death of Dr. Bull, Liberta sold a portion of the rancho to her son-in-law, Daniel Murphy and a year later, in 1858, married Caesat Piatti. This was the same year Daniel Murphy filed a partition suit to divide the remaining land among the Fisher heirs. Liberta continued to sell acreages and in 1861 sold 200 acres to Juan Maria Malaguerra to be planted in a vineyard and fruit trees.

Malaguerra is credited with establishing the first commercial winery in South County. Liberta continued selling sections of the rancho land including 15,692 acres that became the Phegley Home Ranch c.1860. As the division and sale of land continued, acreage of the Phegley Home Ranch was sold reducing the holdings to a 241 acre cattle ranch. The 1876 [Historical Atlas of Santa Clara County](#) by Thompson & West shows the subject parcel was part of the 241 acres that belonged to J. Phegley. After the turn of the century it appears the ranch evolved to a fruit ranch

² Couchman, R, [The Sunsweet Story](#), Sunsweet Growers Inc, San Jose CA 1967 Page 17

growing prunes, apricots and walnuts. Again the land was divided and this time the subject parcel was part of that acquired by Ira Osborn Rhoades in 1915.

Ira O. Rhoades began his career with Union Pacific Railroad, and in 1905, became the purchasing agent with Southern Pacific Railroad. He was also one of the organizers of the Pacific National Bank.⁴ He and his family lived in Oakland and San Francisco before moving to Morgan Hill to retire on their country estate. However retirement was not to be. During WWII he served on a committee of five to purchase war supplies for the government.⁵ It may have been this added responsibility and the need to be away from Morgan Hill that encouraged him to sell the orchard property of 142 acres, the majority of his property, to Sebastian and Luigia Borello in 1942. In 1969, when Ira Osborn Rhoades died, his obituary noted that he was a 33rd degree Scottish Rite Mason, a Shriner and a member of the Knights Templar.⁶ Rhoades is also known for his involvement in the California Prune and Apricot Growers Association that became Sunsweet.⁷ The Rhoades Ranch of 12 acres includes his house, that of J. Phegley is designated Santa Clara County Historic Landmark CL11-01.

Sebastian and Luigia Borello were immigrants from Italy who settled in the Santa Clara Valley. Sebastian Borello immigrated to the United States and to San Jose in 1913, and worked with a relative Robert Borello, on a farm on Quimby Road in the Evergreen area of San Jose. By 1920, Sebastian owned a farm next to his uncle and in January 1923, he became a naturalized citizen. In September of that year he traveled as a single man to Italy to "settle land matters" and returned to San José married to Louisa P. Borello.⁸ During the following years they lived in several locations in San Jose and Los Gatos, while managing their orchard land in Santa Clara County. They did not live on the subject property in South County. One house was constructed on the property c. 1950 and was occupied by Frank Borello (second son of Sebastian and Luigia Borello). The house is a vernacular California Ranch style. The economical building does not appear to have been architecturally significant and in recent years it has been modified with an addition on the east side and other repairs/remodeling. For a period it was occupied by Frank Borello, and it has been a rental property for many years. During the Borello family ownership the orchards of prunes, cherries and apricots have been replanted to maintain yields and market conditions. Historically the fruit was sold to local canneries, sold to brokers who distributed fresh fruit, or dried on the property prior to going to market.⁹ Currently,

³ Dill Design, Santa Clara County Heritage Resource Survey Update, South County, March 31, 2003, pg 14

⁴ Oakland Tribune, Obituary, August 13, 1969.

⁵ ibid

⁶ ibid

⁷ Santa Clara County Board of Supervisors Resolution declaring the Rhoades Ranch Historic Landmark (CL11-01)

⁸ Manifest of the Giulio Cesare, Sept. 19, 1923

⁹ Interview, Borello, Chris 2-15-2012

although some of the land has been redeveloped, the remaining 122 acres is planted in cherries, apricots and a field of feed grasses. Also on the property is a 5 acre paved or packed dirt operations area for storage, staging and drying apricots. Fruit comes from this property and from the family's fruit ranches in other California locations.

The property and the buildings are associated with the agricultural heritage of Madrone and Morgan Hill, although most of the buildings on the property were moved to the site and the storage structures were constructed within the past 30 years.

4.2. Discussion of historical significance.

The subject property has been in agricultural use since the mid 1800's. The succession of owners, often with land parcels reduced in size from the previous owner, have adapted to the market place in how the land was used. Early records show cattle grazing as the primary use. At the turn of the century, it was part of the J. Pugeley ranch planted in fruit trees. This use was passed to Ira O. Osborn who did not live full time on the ranch when he initially purchased it, but retired to the property in the late 1930's, just as the European market for prunes was curtailed by A.Hitler's edict. This and the need to return to San Francisco to serve as one of the committee of five to purchase war supplies for the government, may have been the reason he sold the property to Sebastian Borello, a fruit rancher with orchards in San Jose and Los Gatos. Rhoades retained 12 acres of the property including his Spanish Revival style house and the Phegley house and barn for his home and small orchard. This property is a Santa Clara County Historic Landmark (CL11-01)

Sebastian Borello did not live on the property but managed the ranch and relocated buildings to the property for worker housing, an office and storage. Open sided storage shed were constructed on the property during the 1980's. The origins of the relocated buildings is unknown, they were moved to the property in the 1950's, and some have been further relocated on the parcel.

The development of agricultural land in Madrone is an important broad historical pattern. Within this time frame the events prior to 1950 contain the greatest association to the development patterns in Madrone and Morgan Hill, however this parcel of the Borello property does not exhibit associations that are unusual or significant in the history of the community. Buildings on the site were moved from other location or were constructed in the 1980's.

The conclusion reached from considering the historical facts is that the owners, were part of very broad patterns in the history of Santa Clara County and Morgan Hill, but did not have individual historical associations in the context of the Mid-Century Morgan Hill, that were significant in the history of the County, Madrone or to Morgan Hill.

4. 3. Description of the Setting, the improvements and use:

4.3.1 Location:

The approximately 122 acre BF Cochrane LP parcel is located east of Highway 101, in the City of Morgan Hill. It is bordered by Cochrane Road on the north and east (formerly Coyote Road), St. Katherine Drive on the west, and Peet Road and Half Road on the south. It is adjacent on the northeast corner to the Rhoades Ranch (Phegley/Rhoades), a Santa Clara County Historic landmark property (CL11-01). The site also borders property owned by the Santa Clara Valley Water District on the southwest corner. The site is approximately 122 acres that slope to the south from elevation 460 feet above mean sea level along the north border at Cochrane Road to 414 feet at Peet and Half Roads. Across St. Katherine Drive are residential subdivisions with houses constructed c. 2005-06. Across Peet Road, are semi-rural parcels with the main houses close to the road and ancillary buildings behind. The properties were the subject of a preliminary survey to consider the historic and architectural values of each. None of the properties exhibited significant historic or architectural values when compared to the California Register of Historic Resources, the Santa Clara County Historical Resource criteria, or the Morgan Hill Historic Preservation ordinance. Across Cochrane Road on the east the area is primarily open space with relative new homes on large parcels.

The northeast corner of the property is adjacent to the Rhoades Ranch, a 12 acre, property that is significant for its representation of the County's agricultural development patterns evidenced by residential and agricultural buildings that date from the 1860's through 1920's; including the Eclectic Spanish Rhoades house designed by local architect Andrew P. Hill Jr. and remodeled by architect Howard Wetmore Higbie. Also for the association with James F. Phegley a rancher during the last decades of the nineteenth century who served as a County Supervisor (1887-91); and for the association with Ira Osborne Rhoades who retired to the property from a position as a railroad purchasing agent and who was instrumental in the organization of the California Prune and Apricot Growers Association (Sunsweet); and Dr. Harold E. Thomas, professor of plant pathology at the University of California (1928-1945) and who was a founder of the Strawberry Institute of California.¹⁰ The historic property is heavily wooded along Cochrane Road, the border with the Borello parcel, and around the Rhoades House which is elevated above the parcel line that separates it from the BF Cochrane LP (Borello) property. A driveway on the Rhoades Ranch further separates the historic buildings from the lower neighboring property.

4.3.2 Use of the BF Cochrane LP parcel (APN 728-34-027) (Borello Family Property)

¹⁰ Rhoades Ranch -CL11-01 Resolution by the Board of Supervisors, Santa Clara County

The primary use of the subject property has been fruit orchards since the early 1900's. An operations and drying yard is located along Cochrane Road.(former Coyote Rd) and includes sheds, modular buildings and trailers, used for offices, storage and caretakers for the fruit orchards on this parcel and elsewhere in California. The open land is used annually to sun-dry apricots.



Photograph # 1 Aerial photograph showing the subject parcel with apricots drying grasses in four sections and the orchards.

Source Google Earth Pro, Date: September 30, 2009

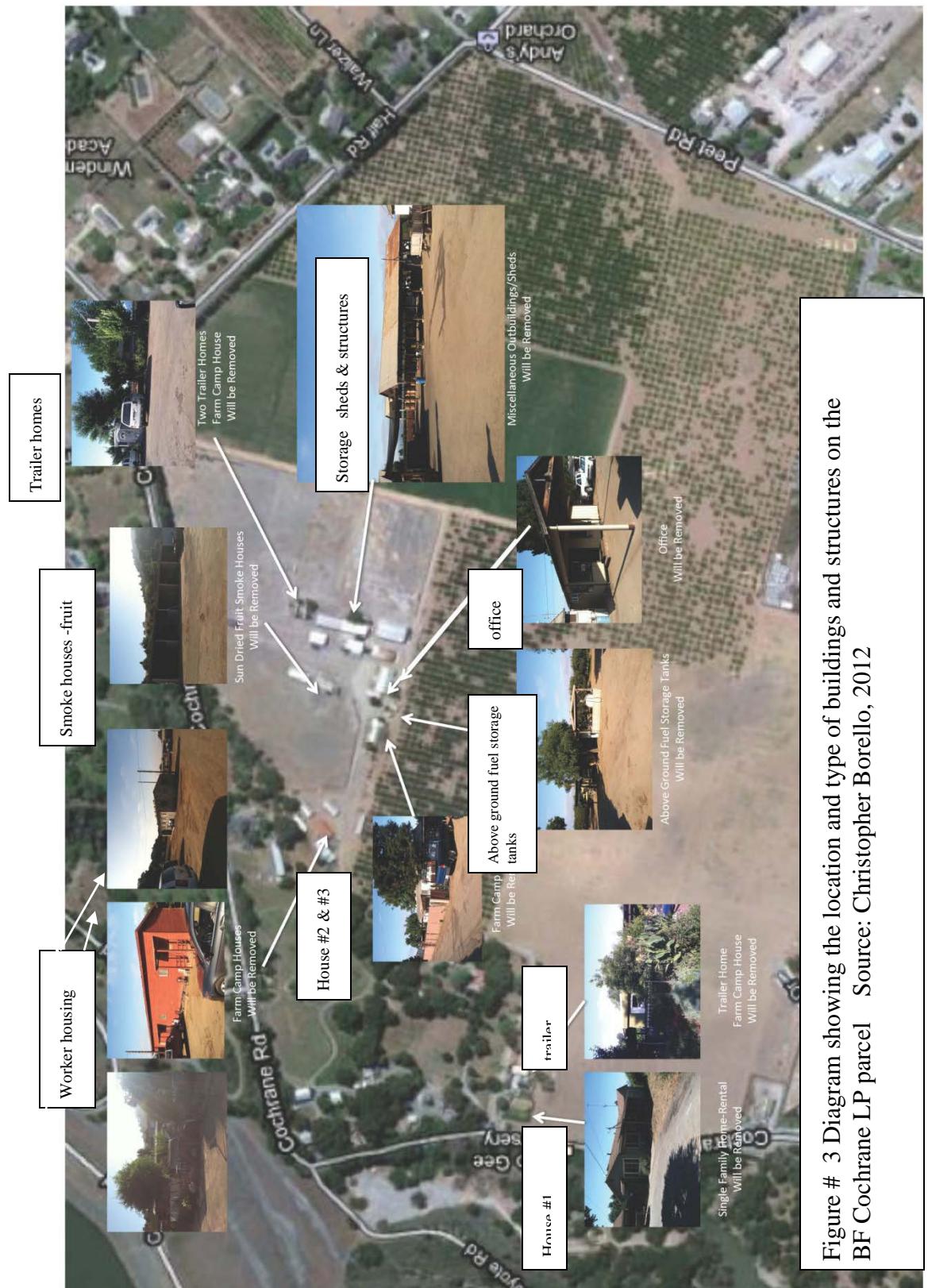


Figure # 3 Diagram showing the location and type of buildings and structures on the BF Cochrane LP parcel Source: Christopher Borello, 2012

4.3.3 Buildings and structures; The site includes three different types of buildings, residential, industrial and office as well as some utility structures.

4.3.3.1 Ranch Worker Housing:

There is a variety of housing types on the property. Modular and mobile homes, two or more units in linear buildings that are wood frame with horizontal board siding, board and batt siding c. 1940's and some with metal raised- seamed siding c 1950. The buildings were moved to the property in the mid 1950's¹¹. The buildings sit on pier block foundations and have a low-pitched roofs with exposed rafters. The utilitarian style is light weight construction without architectural distinction. Buildings used for agricultural housing are usually placed on pier block foundations were often relocated.



Photograph # 2 Multiple unit ranch worker housing. The building is wood frame with horizontal siding. According to Chris Borello, this building was moved to the property in the 1950's. The original location is unknown.

¹¹ Email, 4-10-2912 from Chris Borello



Photograph # 3 Multiple unit worker housing, wood frame with board and batt siding. This building was moved to the property in the 1950's according to Chris Borello. The original location is unknown.



Photograph #4 Worker's housing; metal frame, "button" raised seam metal siding.

Metal frame buildings were used toward the end of WWII and became popular after WWII due to their "kit" construction that could be assembled in a very short time with unskilled labor. A number of companies offered building kits with slightly different design features. The name that almost became generic was Butler Building, however the buildings on the subject site are not from that company and are likely to have been manufactured by the U.S. Building Company that patented the "button" system whereby holes are predrilled and a patented tool clamps metal "buttons" through the holes in the sheets of metal with one wrapping over the other to create a raised seam that is water tight and wind resistant. The buildings continue to be offered by the company.

All the raised seam metal clag buildings on the property were moved to the property in the 1950's-60's.¹²

¹² Interview, Chris Borello 4-9-2012



Photograph #5 modular/mobile home c.1990



Photograph # 6 two mobile home "trailers" parked in the center of the paved yard.



Photograph # 7 Residential building of mixed materials. Wood panels cover the front and raised seam metal siding is on the ends. The roof is "button" raised seam sheets of galvanized metal. The building was moved to the property in the 1950's..



Photograph #8 Front façade of a c.1945 house that is on the property next to Cochrane Road, 2280 B Cochrane Road.

This building is the only permanent residential building on the property. Constructed in a vernacular version of the California Ranch Style, the building is not a artistic or high quality example of the style and modifications to enlarge the building with an addition (left) and replace windows have diminished the integrity of the building.

4.3.3.3.2 Agricultural buildings and structures



Photograph #9 Sulfur House; the façade facing into the yard.

Sulfur House: This building is where fruit is treated to repel insects and to retain the color of the fruit. Pallets stacked with trays filled with fresh fruit are wheeled into the building and removed after sulfur or other inhibitors are burned creating the smoke that permeates the surface of the fruit. The building is a mix of materials with a concrete slab foundation/floor. The large wood panel doors (on the right in the photograph) appear fixed and newer industrial rollup doors at the other end of the building appear to be the ones that open and close. The rear and ends of the building are covered with seamed metal sheets. The building is in fair-poor condition.



Photograph # 10 The south facade of the “sulfur” house showing the raised seam metal siding, small metal frame windows, and concrete base wall. The building is in fair to poor condition with deteriorated metal siding that is pulling away and rusted. Windows that are broken and patched with miscellaneous materials.

Office:

The c. 1980's, office is a simple pitched roof building with an extended roof canopy in the front that is supported by posts. The wood frame building is on pier block foundations and has panel wood (T-111) siding and board frame windows with ornate security grills.



Photograph # 11 Front façade of the small office building with the extended canopy.



Photograph # 12 Side of the office building, concrete pier foundation and pitched roof. The windows are covered with decorative security grills. The building is a modular building, c.1985

Sheds:

Sheds on the site come in a variety of sizes, however most are open sides, post and beam construction. Some are very large open sided structures to store fruit drying trays, some are relatively small covering one or two vehicles or the above ground fuel tanks. The largest are utilitarian post and beam structures with square, braced, posts along the perimeter and beams to support the roof exhibiting open rafters with slightly corrugated metal sheets on the roof.



Photograph # 13 Open-sided storage shed. The building appears to have been constructed c. 1970 and is present in the 1998 USGS Aerial photograph.



Photograph # 14 Open sided storage sheds holding fruit drying trays. c.1980's



Photograph #15 Open sided equipment storage shed c. 1980

Similar to the shed that is used to store fruit trays, this open c. 1980, sided shed is used to store equipment and vehicles. The structure is post and beam with a low pitched roof that is covered in corrugated metal sheets. Typical of rural sheds, some of the materials are recycled.



Photograph # 16 Open shed to protect vehicles and to the right one to protect the above ground fuel tank c. 1980.

4. 4. Discussion of Architectural /Engineering value:

The property contains examples of utilitarian structures that are mostly storage structures with open sides for fruit drying trays, vehicles and miscellaneous equipment. The residential buildings do not exhibit artistic design or high quality construction. They are typical of the many such buildings in Morgan Hill or rural California. As a group they define the various needs for storage on a fruit ranch particularly to store drying trays. The “Sulfur House”, a warehouse style building, and the large paved lot are elements of the fruit drying process that the family has centralized from its other orchard properties to this property.¹³

To allow objective consideration of the history and architecture, the evaluation of historical and architectural style does not consider the current deteriorated physical condition of the structures and buildings. During the preparation of his study two of the temporary residential buildings were painted.

¹³ Borello, Chris, Interview 2/15/2012

5. Evaluation of Significance

The evaluation considers the criteria adopted by the City of Morgan Hill, in the Zoning Code Chapter 18.75 Cultural Resources Preservation, Section 18.75.060 Cultural resource designation – Criteria. To comply with the California Environmental Quality Act – Guidelines, the evaluation considers the criteria of the California Register of Historic Resources and the National Register of Historic Places.

Pertaining to all three listings, the first step is to determine architectural and historic integrity. Integrity is evaluated following the definition provided by the National Register of Historic Places. “Integrity includes seven aspects; location, design, setting, materials, workmanship, feeling and association”.

Integrity: The site does not maintain integrity of the setting or feeling because the buildings have been moved to the property and have been altered, while other buildings have been removed. The only permanent building on the property, a house, has been altered with additions and remodeling. The majority of the structures on the property are for storage and were been constructed during the past 30 years. Thus the historical setting of orchards was changed when the operations/drying yard was created and continues to change as buildings are moved and structures constructed.

Historical Context: The subject parcel, is considered within the historical context of the Mid-Century Development 1930-1960 with the theme of agriculture and rural architecture. During this period, the Borello family has replaced/replanted all the fruit trees and has redefined the use of the property around the operations/drying yard. The orchards were part of a broad pattern of agriculture in the Madrone area north of Morgan Hill. Within the historical context, the Borello family's operations were not individually distinctive, but contributed to Santa Clara County's overall rural economy. Most of the buildings on the site were moved to the site in the 1950's-1960's, as other facilities closed and land was redeveloped, or are shed structures that were constructed in the 1980's, primarily for storage.

When compared to the historical patterns and development history of Morgan Hill, the Borello family property was, and is, part of the broad pattern of agricultural use in South County. The association with Phegely and later Ira Rhoades is important in local history, however, when they owned the property this portion was agricultural either grazing land or fruit orchards. The homes, barns and related buildings associated with these two families are on a separate parcel that has been designated a historic landmark by the Santa Clara County Board of Supervisors (SCC CL11-01). Beyond the association to general agriculture, no events of historical significance were identified to have occurred on, or be associated with the Borello family property.

Based upon the lack of substantial architecture, including the fact that the buildings were either moved to the site or are storage structures that were constructed in the

1980's (and are not 50 years old), the subject property is not eligible for listing in the National Register of Historic Places, the California Register of Cultural Resources or consideration under the Morgan Hill Zoning Ordinance 18.75.060.

5. 1. Morgan Hill Cultural Resources Designation- Criteria

For purposes of this Chapter, an improvement may be designated a cultural resource by the planning commission and any area within the city may be designated as a historic district by the commission pursuant to Section 2.36.040 if it meets one or more of the following criteria.

A. Historical, Cultural Importance.

1. Has significant character, interest or value , as a part of the development, heritage or cultural characteristics of the city, county, state or nation; or is associated with the life of a person(s) significant in the past, or
2. is the site of an historic event with a significant effect upon society, or
3. Exemplifies the cultural, political, economic, social or historical heritage of the community; or

The orchard and operations/storage area of the BF Cocherine LP parcel are typical of the rural orchard properties in South County. Annexed into the City of Morgan Hill, the property is/was part of the broader economic heritage of Santa Clara County. The buildings and structures are utilitarian used for temporary housing or storage and as such are part of a broad pattern of agricultural use in the Morgan Hill area but do not exhibit significant character, interest or value in communicating the cultural characteristics of the city, county or region and are not directly associated with the lives of people significant in the past. The buildings were moved to the property in the 1950' and the storage structures constructed in the 1980's. this is past the primary period of agricultural significance in Santa Clara County (1870-1945). No historic event was found to have occurred on the property and the utilitarian structures are not yet 50 years old and while part of a broad pattern do no exemplify the cultural, political, economic social or historical heritage of the community.

B. Architectural, engineering Importance:

1. Portrays the environments in an era of history characterized by a distinctive architectural style, or
2. Embodies those distinguishing characteristics of an architectural type or engineering specimen, or

3. Is the work of a designer of master builder whose individual work has significantly influenced the development of Morgan Hill, or
4. Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or

As stated above, the structures on the site are primarily open sided storage sheds c.1980, that lack distinctive architecture or engineering qualities. The buildings that are temporary housing for workers are also utilitarian and without architectural distinction. Buildings of this type continue to be manufactured for agricultural uses.

C. Geographic Importance:

1. By being part of or related to a square, park or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural, or architectural motif, or
2. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of a neighborhood, community, community or city or

The subject property is not associated with a square, park or other distinctive area. The orchard land was part of larger ranches that were divided, and do not relate to the previous ranches or owners. The orchards have been replanted and none of the structures or buildings on the property were present when the property was owned by Ira O. Rhoades.

The property is in an area of rural parcels redeveloping to residential uses and is not a unique location although it is a large parcel and recognized in the area.

D. Archaeological Importance:

1. Has yielded, or may be likely to yield information in pre-history. Ord. 1111 N.S., Section 50 (part), 1992; ord; N.S. Section 50 (part), 1992: Ord 980 N.S. Section 3 (part), 1990)

Archeologist, Miley P. Holman, conducted a literature search and a trench investigation, that resulted in a finding that there is a low-moderate likelihood of finding materials that would meet the California Register of Historic Resources criteria for significance or provide important information.

5.2. California Register of Historic Resources - Eligibility Statement

The criteria for listing historical resources in the California Register are consistent

with those developed by the National Park Service for listing resources in the National Register of Historic Places, but have been modified for state use in order to include a range of historical resources which better reflect the history of California. An historical resource must be significant at the local, state or national level under one or more of the following four criteria;

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
4. It has yielded, or is likely to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition, the resource must retain enough of its historic character or appearance to be recognizable as a historic property, and to convey the reason for its significance.

Research did not uncover information showing that the subject property was associated with individuals or events that have made a significant contribution to the broad patterns of local or regional history, or to the cultural heritage of California or the United States. The Borello family have been fruit ranchers and farmers since 1913 when Sebastian Borello immigrated to Santa Clara County and began tending fruit trees in the Evergreen area of San Jose area. Sebastian Borello did not live on this property. The vernacular structures and buildings on the property are typical of agricultural properties in the South County area, and do not possess distinctive characteristics that are not found in similar buildings within the Morgan Hill and Santa Clara County. When the property was evaluated as a rural unit it was concluded that it did not meet the criteria because the utilitarian structures and buildings are not distinctive or artistic and do not show unique engineering. While some of the residential buildings are over 50 years old they were relocated to the subject property and the vernacular storage structures and other buildings (office) were constructed in the 1980's and are not old enough as vernacular structures to be considered eligible. Thus it is concluded that the property is not eligible for listing in the California Register.

5. 3. National Register of Historic Places – Standards (Criteria)

The National Register of Historic Places has established standards for evaluating the significance of resources that are important in the heritage of the nation. Historic resources may be considered important at the local level, state level or national level. To apply the standards the resource must be considered within significant historical contexts. The standards, age and integrity statements follow;

1. A property must be fifty years old
2. The resource must retain architectural and historical integrity.
3. The resources must meet at least one of the following criteria
 - a. are associated with events that have made a significant contribution to the broad patterns of our history; or
 - b. are associated with the lives of persons significant in our past; or
 - c. embody the distinctive characteristics of a type, period, or method that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - d. have yielded, or may be likely to yield, information important in prehistory or history.

Research did not uncover information that the subject property was associated with individuals or events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States. The structure's lack of significant historical associations are the factors in determining that the property is not eligible for listing in the National Register of Historic Places.

Property that is not eligible for listing in the California Register of Historic Resources is not considered to be significant under the criteria of the National Register of Historic Places and is not eligible for listing.

6. California Environmental Quality Act (CEQA)

CEQA defines a historical resource as a resource that meets one or more of the following criteria; (1) listed in, or determined eligible for listing in, the California Register of Historical Resources, (2) listed in a local register of historical resources as defined in PRC Section 5020.1 (k), (3) identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g) or (4) determined to be a historical resource by a project's lead agency (PRC Section 21084.1 and CEQA Guidelines Section 15064.5 (a)). A historic resource consists of;

“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. Generally a resource shall be considered “historically significant” if the resource meets the criteria for listing in the California Register of Historical Resources” ¹⁴

A literature search showed that the subject property is not listed in the Historic Properties Directory for Santa Clara County (2011) or the Morgan Hill Historic

¹⁴ CEQA Guidelines Section 15064.5(a)(3).

Resources Inventory, and this study and evaluation of the attributes of the Borello property found the property does not meet the criteria of the California Register of Historic Resources or the City of Morgan Hill's Historic Preservation Zoning criteria. Thus the property does not meet the criteria of any register as a "historical resource" under CEQA.

The recent designation of the adjacent property, the Rhoades Ranch, as a Santa Clara County Historic Landmark, eligible for listing in the California Register of Historic Resources did not include the subject property, yet the Rhoades Ranch is in the immediate area and must be considered to determine if changes will adversely effect the historic designation of the property.

Rhoades Ranch, Santa Clara County Historical Landmark SCC CL11-01

The Rhoades Ranch, 2290 Cochrane Road, Morgan Hill is a 12 1/4 acre parcel that was designated a historical landmark and issued a Mills Act contract by the Santa Clara County Board of Supervisors in February 2012. Since then a nomination to the National Register of Historic Places has been forwarded to the State Office of Historic Preservation for review. The nomination appears to meet the criteria of the National Register of Historic Places and that it will be forwarded to the Keeper of the National Register for listing.

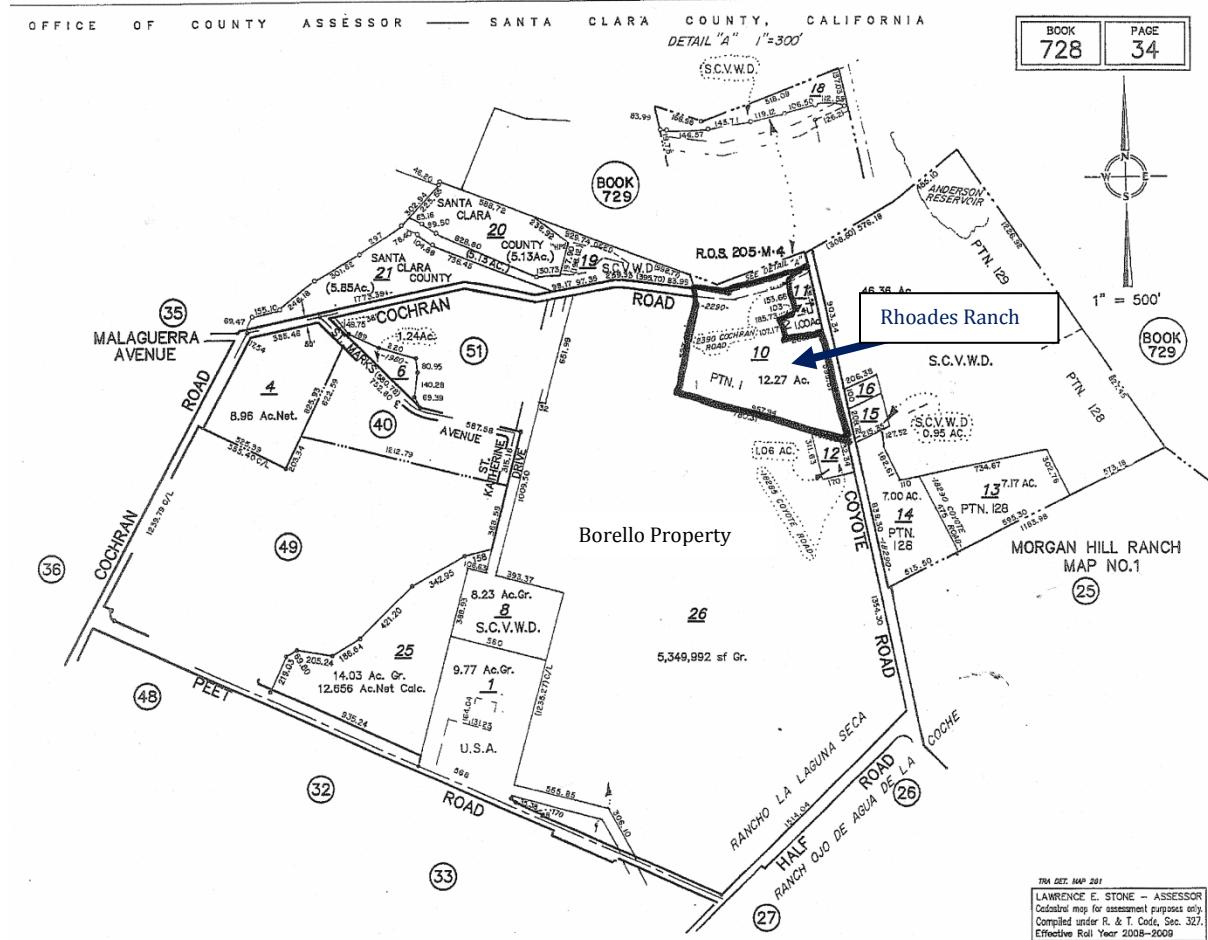
the significance of the Rhoades Ranch is stated in the Santa Clara County Historical Landmark Designation (DPR 523) and in the National Register Nomination.

The California Department of Parks and Recreation Primary Record and Building, Structure and Object forms (DPR 523 A & B) Provide the description of the historic property and the reason it is significant to local history.

DPR 523 A: P3a Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

"Located near the base of the Leroy Anderson Dam and Reservoir, this 12-acre site is nestled in the north east corner of what was once a larger 160 acre ranch that was established in the 1860's when Rancho Laguna Seca was first subdivided. Most of this early settlement site is now known as Borello Farms, a 123-acre active ranch on an adjacent property to the south and west. The adjacent Borello Farm site is planned for a 244 large-lot gated community that is to be developed over the next decade. The subject site is on a rise near the mouth of Coyote Creek, and overlooks the orchards of Borello Farms. This overlook is where the ranch headquarters was located prior to the property split, and contains houses and ancillary buildings associated with the historic ranch. The larger setting remains agricultural for the time being, although the historic landscape was modified irreversibly with the construction of Anderson Dam in 1949-1950. The Santa Clara Water District now owns the properties to the north and east of the subject site.

The property that remains of the original 160 acre ranch represents a continuum of significant and supporting design elements from the mid-nineteenth to mid-twentieth centuries. Although much of the surrounding associated agricultural lands will soon be developed, the site preserves the feelings and association of a headquarters of an important northern California agricultural ranch.



Santa Clara County Assessor's Map showing the Borello Property (26) and the Rhoades Ranch Parcel (10)

The main owner-occupied house, completed in 1920, shares the site with four other houses that today function as rentals. Other buildings and structures exist on the site, including an early barn, an agricultural equipment building, remnants of a water tank, and other minor ancillary structures related to the residences. The site also contains mature landscaping associated with various areas of site occupation, as well as some older mature vegetation near the riparian corridor of Coyote Creek that is located

along the northern boundary of the site. The site has one small adjacent parcel under separate ownership that fronts on Coyote Road and is partially embedded into the site. That adjacent site is not part of this recording. Coyote Road runs along the east boundary of the site at the base of the foothills and extends from Cochrane Road to East Main Avenue about a mile to the southeast.

*The entry to the subject site is from Cochrane Road at the northwest corner of the property. A nearby adjacent driveway (to the west) provides access to the perimeter road of Borello Farms. This drive leads to a complex of agricultural buildings to the south of the subject property.*¹⁵

The form continues to describe those buildings and structures on the site that contribute to the historical significance of the property.

1)" Phegley House (c. 1860s) - "This two-story National-style house is associated with the earliest known occupation of the site. It is unique within Santa Clara County, a two-story single wall (board wall) house constructed during the early American settlement period of Santa Clara County. Facing west toward the entry to the site from Cochrane Road, the house sits above the creek and road where the foothills begin their rise near the mouth of the Coyote Creek."¹⁶

1(a) Phegley House Garage (pre 1920) This building is next to the Phegley House and is utilitarian in form and used as a garage.

2. Horse Barn; "This moderate-sized timber-frame horse barn located uphill from the houses near Coyote Road."¹⁷

3. Water tower- remnant structure.

4. Rhoades House and Garage; (1917-1920) "Designed by the firm of Higbie and Hill, with construction beginning in 1917 but completion not occurring until after WWI, this Spanish Eclectic house and garage is sited within a grove of large oak trees at the rise above the orchards of Borello Farms to the west and south. At the time of construction, the property included the Borello Farms acreage, and the front of the house over looked orchards below."¹⁸ The DPR form continues with a very detailed description of the house.

5. Equipment Building (c. 1945+)" This long structure was built to house farm equipment, and has four sliding doors facing a driveway circulation area near the

¹⁵ Maggi F., Masunaga L. State of California-The Resources Agency, Department of Parks and Recreation Primary Record; Rhoades Ranch, (DPR 523) 10/14/2010

¹⁶ Maggi F., Masunaga L. State of California-The Resources Agency, Department of Parks and Recreation Primary Record; Rhoades Ranch, (DPR 523) 10/14/2010

¹⁷ ibid

¹⁸ ibid

large older barn and a house to the southwest. The building is simple in shape, with end gables, and board and batten siding. The concrete base and interior framing indicates mid century construction."

6. Office (Board and batten house and garage, circa 1945+)

"Located on the northeast corner of the site, this house was originally built as an office. It is a long narrow structure with step-backed gables and mix of siding types. The building was expanded over time and converted to residential use."¹⁹

Other buildings and structures on the property were not considered to contribute to the historical significance of the Rhoades Ranch, or like a contemporary mobile home, were not identified.

The significant elements for which the property was designated a Santa Clara County Historical Landmark, and for which it is nominated to the National Register of Historic Places, describe a complex that is over 50 years old, retains integrity and continues to represent a property that meets the criteria of significance as follows.

1. Associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.

The Rhoades Ranch is documented to have an association with the agricultural development of the Santa Clara Valley " the property represents today, to some degree, agricultural development patterns in the South County area, with buildings spanning 150 years of occupation and agricultural use. The association of this site however, with Dr. Thomas and the Strawberry Institute and related organizations from 1945-1976, is of historic significance within California, due to the contributions that Dr. Thomas and the Institute's work had to the development of California's strawberry industry."²⁰

2. Associated with the lives of persons important to local, California or national history;

The association with James Phegley " is of some importance to Santa Clara County".²¹He served as a County Supervisor of the First District in the late-nineteenth century. "Ira Osborn Rhoades is also a person of some importance locally, as a regional representative, President , and Interim General Manager

¹⁹ ibid

20 Maggi F., Masunaga L. State of California-The Resources Agency, Department of Parks and Recreation Primary Record; Rhoades Ranch, (DPR 523) 10/14/2010

21 ibid pg 10

of the California Prune and Apricot Growers Association during the early part of the twentieth century."²² Dr. Harold E. Thomas is recognized as the "Father of the California Strawberry Industry."²³

3 The property embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic value.

The Phegley House, horse barn and Rhoades House are documented to be "distinctive architectural specimens."²⁴

4. Yield or has the potential to yield information important to the pre-history or history.

The site does not appear to have been investigated regarding pre-history. In designating the Rhoades Ranch a Santa Clara County Landmark, the Santa Clara County Board of Supervisors found the property fit the criteria in Division C 17 of the Ordinance Code of Santa Clara County and found the property eligible for landmark designation based upon the following (taken from Resolution 2011-50);

1. Rhoades Ranch (CL11-001) Landmark designation for Rhoades Ranch, covering Assessor's Parcel Number ("APN") 728-34-010 meets all the criteria in Section C17-5 of the Ordinance Code.

(a) The Rhoades Ranch contains 5 residence buildings, 2 barns, remnants of a water tower, and small accessory garages and ancillary buildings which are all more than 50 years old; and

(b) Rhoades Ranch retains integrity of location, design, setting, materials, workmanship, feeling and association. The ranch maintains its late nineteenth century and early twentieth century rural ranch scale and feeling. The Phegley House and the Rhoades House maintain their original location on the ranch, in the historic headquarters of the larger 160-acre ranch created in the 1860s. The Phegley House was renovated in the early twentieth century, but retains its distinctive 1860s character and composition that is expressed through its preserved materials, workmanship, and early National Style construction technology. The Rhoades House was changed little since its construction and continues its massing and detailing to illustrate it

²² ibid pg 10

²³ ibid pg 11

²⁴ ibid pg 11

associations with local architect-designed work. Therefore, Rhoades Ranch retained adequate integrity to embody its significance and convey its associations; and

(c) Rhoades Ranch meets the significance criteria of Section C1705C(1).C(2), and C(3) and is significant for the following reasons:

(1) Its representation of Santa Clara County's Agricultural development patterns. During more than a century of agricultural production, the property evolved from a 248-acre cattle ranch to a horticultural farm where prunes, apricots and walnuts were grown. By the mid-twentieth century, the property became the location of an experimental strawberry facility where propagation work took place that created many disease resistant varieties now grown throughout the world; and

(2) Its association with early owner James F. Phegley, a South County rancher who served on the Santa Clara County's Board of Supervisors from 1887-91; Ira Osborne Rhoads, a railroad purchasing agent who retired to the ranch and became involved in state leadership role in the California Prune and Apricot Growers Association (now known as Sunsweet); and Dr. Harold El Thomas, a professor of plant pathology at the University of California from 1928-45 and a founder and director of the Strawberry Institute of California, who is renowned for his pioneering research on the strawberry; and

(3) Its architectural resources that represent construction, design, and styles from 1865 to the 1920s. The Phegley House is a unique and rare two-story board -wall house that was constructed during California's Early American Period. The Horse Barn is unusual in the region and represents an early transition period in California's rural architectural development. The Rhoades House is a distinguished example of Spanish Eclectic Style architecture for 1917, and embodies an innovative design by two important local architects- Andrew Putnam Hill Jr.(1880-1973) and Howard Higbie (1870-1958).²⁵

The resolution to approve the Rhoades Ranch Historic Landmark was approved February 8, 2012. At that time the property became eligible for listing in the California Register of Historic Resources and a Historic Recourse under CEQA.

²⁵ Santa Clara County Board of Supervisors Resolution number 2011-50

7. POTENTIAL IMPACTS OF THE PROPOSED PROJECT:

A plan for a residential subdivision of single family homes on 122 acres has been proposed for the Borello property. The plan includes all interior streets, open space and easements. It also includes improving and widening Peet Road along the southern edge of the property. The additional width will be taken from property on both sides of the street. The properties across Peet Road from the subject property were considered in a preliminary survey by Urban Programmers that evaluated the properties following the criteria of the California Register of Historic Resources (CRHR) and the Morgan Hill Municipal Code Section 18.75. These properties did not meet the criteria of either the CRHR or the Morgan Hill Municipal Code Section 18.75 and do not qualify as historic resources under CEQA.²⁶

The proposed development on the Borello property will be phased over several years with the existing plan to remove the orchard (fruit trees), and in the last phase the operation and storage area on the property would be developed. The improvements considered in this study that are on the Borello parcel were evaluated and found not to meet the criteria of the Morgan Hill Municipal Ordinance Section 18.75 or the criteria of the California Register of Historic Resources and considered historic resources under CEQA.

Rhoades Ranch Santa Clara County Historic Landmark;

The 122 acres of Borello property has been separate from the Rhoades Ranch since 1945. Currently the area adjoining the Rhoades Ranch on the north and a portion of the west boundary is no longer planted with orchards or row crops. The land is barren except for a large tree in the center.

The proposed plan for the Borello property does not include alteration or changes on the Rhoades Ranch property, a separate 12.27 acre parcel.

The proposed reuse of the Borello property would have a significant impact to the Rhoades Ranch if it would;

Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5. Specifically, substantial adverse impact changes include the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired

The Rhoades Ranch is eligible for listing in the California Register of Historic Resources (CRHR) and is a historic resource under CEQA. Because it is in close proximity to the proposed development on the Borello property, the CEQA

²⁶ Urban Programmers, Preliminary Survey of Parcels APN 728-33-005, 728-33-004, 728-33-003 and 728-33-002 City of Morgan Hill, Santa Clara County, California; February 2012

Guidelines require that it be considered for potential threats that could diminish the historic values such that it would no longer be eligible for listing in the California Register of Historic Resources. Threats to the Rhoades Ranch Historic Landmark that may result from the proposed residential development of the Borello property were considered in the previous iteration and study and are expanded in this revision to address specific comments received after the DEIR was circulated and to include a more complete description of the Rhoades Ranch and the attributes that give it significance.

CEQA states any project is considered to have a significant impact on the environment if it would cause a substantial adverse change in the significance of a listed historic resource or resource eligible for listing such that the resource would lose its state or local designation or eligibility status. Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

The significance of an historical resource is materially impaired when a project "demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources."²⁷

The Rhoades Ranch shares a common boundary with the Borello property on the west and south sides of the 12.27-acre historic property. The other two sides of the Rhoades Ranch Historic Landmark are formed by Cochrane Road and Coyote Road, with the exclusion of a separate residential parcel on the eastern boundary off Coyote Road. Topographically, the Rhoades Ranch is on a knoll, above the surrounding property, the Santa Clara Valley Water District (Coyote Creek) and the Borello Property. Most buildings face into the center of the parcel, the exceptions are the Phegley House (1860s) that faces north, and the Rhoades House (1917-1920) that faces west.

Comments to the DEIR were received that expressed concerns for potential environmental impacts that would degrade the historical significance of the property. These comments were divided into three long term and primary categories;

1. concern for threats to the integrity of the property by the loss of historic agricultural context and setting,
2. changes in the "view sheds" of agricultural property in the immediate area,
3. the loss of a rural dirt access road serving the Borello property.²⁸

²⁷ California Code of Regulations, Title 14, Chapter 3 Section 15064.5(4)(b)(1)

²⁸ Sheila McElroy, Circa-Historic Property Development, September 15, 2012; Joseph and Sheila Giancola, September 21, 2012; Morgan Hill Historical Society, September 20, 2012

To evaluate the potential for an adverse impact it is necessary to consider the reasons the Rhoades Ranch was designated a Santa Clara County Landmark and is eligible for listing in the California Register of Historic Resources. A Nomination to the National Register of Historic Places was prepared for the Rhoades Ranch by Franklin Maggi and Sarah Winder Dated July 24, 2012. The nomination provides a concise understanding of what makes this property significant. Sections that describe the significant elements are quoted below.

The National Register Nomination states that the Areas of Significance are:

"Criterion A. Good example of local agricultural development patterns and an important site to the development of California's Strawberry industry

Criterion B. Property is associated directly with Dr. Harold Thomas who is important in California's agricultural history.

Criterion C. Rhoades House represents the work of local master architects Howard Higbie and Andrew P. Hill Jr. and contains high artistic values

Period of Significance: Ranch c.1869-1976, Thomas 1945-1976 and Rhoades House 1917-1920

Significant Person: Thomas, Harold E.

Architect/Builder: Higbie, Howard Wetmore (Architect)
Hill, Andrew P. Jr (Architect)²⁹

Historical Context: The historical context for the Rhoades Ranch is agricultural and is divided between the time it started as 248-acres cattle ranch (Phegley 1860s), decreasing to 160 acres (Rhoades 1917), when like many agricultural properties in Santa Clara County, it was planted with orchards or was farmed with row-crops which lasted until 1945. The third and more significant period begins in 1945 when the 12.27 acre site was sold to Dr. Harold E. Thomas, professor of plant pathology at the University of California (1928-1945). Dr. Thomas used the property as a laboratory for his horticultural experiments where he achieved great success in creating disease resistant strawberry plants. Dr. Thomas was a founder and the Director of the California Strawberry Institute (1945-1966), Director of Driscoll Strawberry Associates (1966-76), and founder of the California Strawberry Farms (propagated plants sold to growers, 1959), for his accomplishments he is

²⁹ National Register Nomination, Rhoades Ranch, Santa Clara County CA Maggi,F & Winder,S. July 24, 2012

considered the "Father of the California Strawberry Industry."³⁰ In 2012 the California Strawberry Crop is a 3.2 billion dollar industry that is currently growing many of the varieties developed by Dr. Thomas.³¹

At the time Dr. Thomas purchased the Rhoades Ranch, 122 acres of agricultural land was sold to the Borello family who planted orchards and farmed row crops on the property until 2012 when over half the property was cleared.

The proposed redevelopment of the former orchard land adjoining Rhoades Ranch does not threaten the aspects, of architecture or associations with the people or events, for which the property was deemed historically significant, designated a Santa Clara County Landmark, and determined eligible for listing in the California Register of Historic resources.³² Of the three eras associated with the property; Phegley (1860-1917), Rhoades (1917-1945), and Dr. Thomas (1945-1976) the most significant of the three associations is with Dr. Harold E. Thomas, who's significance for California's strawberry growers and the State's agriculture industry is far greater than the previous owners who were civic and business leaders, primarily in Santa Clara County. Dr. Thomas is the person listed as the significant person in the National Register Nomination for the Rhoades Ranch.

The change in use of the 122 acres adjacent to the Rhoades Ranch does not create a change to the buildings of the Rhoades Ranch or their relationships to each other and the spaces on the 12.27-acre parcel. The change on the Borello property to a residential community does not materially alter the environment on the Rhoades Ranch. During the first 85 years, the Rhoades Ranch included the Borello property and the rural nature of the entire property was part of the setting and context. After 1945 and the most significant era, 1945-1976, when the Rhoades Ranch was the laboratory and working site of Dr. Harold Thomas the parcels were separate.

During this period the significant activity on the Rhoades Ranch was carried out in buildings on the that face into the center of the 12.27 acres. The work of Dr. Thomas did not involve, nor was it influenced by the activities on the Borello Property. The Borello property cannot be seen from the buildings used by Dr. Thomas and the California Strawberry Institute. The building that has a view of the Borello property is the Rhoades House where Dr. Thomas lived, but not where he did his research or operated the California Strawberry Institute.

³⁰ Maggi F., Masunaga L. State of California-The Resources Agency, Department of Parks and Recreation Primary Record; Rhoades Ranch, (DPR 523) 10/14/2010 pg 8-9

³¹ California Strawberry Commission http://www.calstrawberry.com/commission/fs_industry.asp

³² Santa Clara County Board of Supervisors Resolution number 2011-50; Maggi F., Masunaga L. State of California-The Resources Agency, Department of Parks and Recreation Primary Record; Rhoades Ranch, (DPR 523) 10/14/2010

The change in use of the Borello property does not lessen the ability of the Rhoades Ranch to convey the importance of the California Strawberry Institute and the work of Dr. Thomas. The buildings on the Rhoades Ranch represent a compendium of historic agricultural/rural buildings including an early American period barn, remains of a water tower, board and batten buildings and various sheds. None of these buildings are to be altered and their relationship to each other remains as it has been, encircling an open area in the center of the property.

Included in the comments submitted was the concern that the integrity of the Rhoades Ranch would be compromised by the development of the Borello property. The California Register of Historic Places adopted the National Register's seven aspects of Integrity; location, setting, design, materials, workmanship, feeling and association. The National Register of Historic Places requires that all or most of the aspects be present in an eligible historic property. The California Register of Historic Resources requires that only some of the aspects be present.

The development of a residential community will change the immediate area setting around the Rhoades Ranch, but does not alter the setting on the Rhoades Ranch or materially impare the historical significance such that the property would no longer qualify as a Santa Clara County Historic Landmark or be eligible for listing in the California Register of Historic Resources. The aspects of integrity for which the Rhoades Ranch is eligible for listing in the California Register of Historic Resources are not changed by development of the Borello property. The change in use of the Borello property does not alter the architecturally artistic Spanish Eclectic Rhoades House, the c. 1860s Phegley House, a single-wall building, the Early American barn, or the board and batten buildings that were the California Strawberry Institute headquarters. Their setting on the Rhoades Ranch and relationship to each other is unchanged by development proposed for the Borello property. As the DPR 523 states "*The property that remains of the original 160 acre ranch represents a continuum of significant and supporting design elements from the mid-nineteenth to mid-twentieth centuries. Although much of the surrounding associated agricultural lands will soon be developed, the site preserves the feelings and association of a headquarters of an important northern California agricultural ranch.*"

View Corridors:

Comments were submitted expressing concern that the development of 424 single family residences, parks and infrastructure on the 122 acre Borello Property would have a significant impact on the historic Rhoades Ranch complex by eliminating rural "view sheds."³³

³³ Sheila McElroy, Circa-Historic Property Development, September 15, 2012; Joseph and Sheila Giancola, September 21, 2012; Morgan Hill Historical Society, September 20, 2012

Historically, the orchard trees below and the oak, eucalyptus and other species on the Rhoades Ranch parcel interrupted the view of the Rhoades Ranch buildings from the Borello property and beyond. Historically there have not been public view corridors of the Rhoades Ranch property. To see the buildings it was necessary to be on Cochran Road east of the access road to the property, on the access road, or actually on the property.

The 1920 Rhoades House is sited approximately 140 feet from the property line, 20 feet above the Borello property, and approximately on axis with the southwest and northeast corners of the historic landmark property. Surrounding the Rhoades House are large oak trees that place the house in a natural setting. It does not appear there was a driveway in front of the house and any formal landscaping that was part of the original Rhoades House plan has disappeared over the years. The Rhoades House orients to the west toward St. Kathryn Drive with views across the northwest Borello property that is currently vacant except for one large tree and to the residential development off Katherine Drive.

Looking from the Rhoades House, the view of open or agricultural land may be desirable and reflect the views enjoyed by William Rhoades but a change in this view (already altered by residential development) does not significantly alter the setting of the historic buildings on the Rhoades Ranch, or the individual architectural importance of the Rhoades House, or the reasons the complex of buildings is a historically significant complex.

The change from agricultural use to a residential community on the Borello property alters the views and use of property within the broader environment of the Rhoades Ranch. However, this change does not significantly lessen the ability of the Rhoades Ranch to convey its significance as headquarters of agricultural property depicting life during the periods of significance 1860-1977. The buildings on the 12.27-acre Rhoades Ranch will continue to convey the reasons for their significance after the Borello property is developed. The change in use on the Borello property will change views and the broader setting but it does not lessen the historically important associations or the architecture of buildings on the Rhoades Ranch to a level that it would lose the Santa Clara County Landmark status, or be removed from the California Register of Historic Resources, or be prevented from listing in the National Register of Historic Places.

It is stated in the Rhoades Ranch DPR 523,P3a, " The property that remains of the original 160 acre ranch represents a continuum of significant and supporting design elements from the mid-nineteenth to mid-twentieth centuries, Although much of the surrounding associated agricultural lands will soon be developed, the site preserves the feelings and association of a headquarters of an important early northern California agricultural ranch." At the time the property was determined eligible for the California Register, it was understood that the change in use of the Borello property would not lessen the historic importance of the existing buildings, their associations , and their setting on the Rhoades Ranch.

The 1860s Phegley House is a two-story board-wall house constructed in the National Style of architecture that is considered unique in Santa Clara County. It is located at the northwest corner of the parcel, surrounded by mature trees it faces west toward Cochran Road. In this orientation the building has primary views toward the Coyote Creek and the valley that was obscured when the Leroy Anderson Dam was constructed to create a reservoir.

The proposed development may be seen through the trees around the Phegley House, particularly the rear. This change to the neighboring property does not diminish the significance of the architecture or detract from the building's historic association with James Phegley.

Within the 12.27-acres, the relationship of the buildings, their orientations and their functions remains the primary evidence of the rural complex. The proposed development does not alter the historic buildings, their agricultural relationships or their associations to previous owners, Phegley, Rhoades or Dr. Thomas.

Mitigation:

To lessen the change of views from the Rhoades House and rear of the Phegley House an attractive and substantial perimeter wall with trees and bushes planted on the Rhoades Ranch side of the wall will mitigate the loss of trees in the view sheds, which is currently of barren land and residential development.

Borello Access Road:

A comment received from Sheila McElroy And Joe and Sheila Giancola expresses concern that the loss of the unpaved road at the edge of the Borello property will lessen the ability of the Rhoads Ranch to convey its significance as a historic agricultural property of the late nineteenth and early twentieth century in Santa Clara Valley.³⁴

The unpaved roadway appears to date from the 1940s, but may have existed earlier. In its current configuration it is a service road for traffic between the Borello property and Cochrane Road. The roadway does not provide primary access to the Rhoades Ranch. A relatively recent dirt driveway connects the area of the Rhoades House with a mobile home on the Rhoades Ranch and parallels a section of the older road. Dirt roads may enhance the feeling of rural property but they are not a significant element in the understanding of the historical importance of the Rhoades Ranch. There are dirt roadways (entrance and driveways) on the Rhoades Ranch to convey how the property operated and was accessed from Cochrane Road. Although a rural aspect of working ranch they are not a significant element in conveying the

³⁴ Sheila McElroy, Circa-Historic Property Development, September 15, 2012

historical significance of William Rhoades or Dr. Harold Thomas. The dirt road does not appear to have been used in a significant way, or one that was important to the work of the significant owners of the Rhoades Ranch, William Rhoades or Dr. Thomas. The loss of the dirt road on the Borello property does not significantly diminish the ability of the Rhoades Ranch to convey the reasons for its significance. The loss of the dirt road does not create a material alteration to the property under CEQA.

8. MITIGATION/RECOMMENDATIONS

1. Mitigation is not required to comply with the California Environmental Quality Act for the Borello Property.³⁵

2. Holman & Associates recommends the following measures: ³⁶

(1) Monitoring should be done until the project archaeologist is satisfied that there is no further possibility for the discovery of discrete burials—normally this would be within the first several feet from the existing surface, the area described as well drained loams. In the event that any bone material is discovered, work should be halted with a distance determined by the project archaeologist until a qualified forensic archaeologist has made a determination that it is or is not human.

(2). In the event that human remains are identified, work should be halted inside the zone designated by the project archaeologist until the County Coroner's Office and the Native American Heritage Commission (NAHC) have been notified. It is the duty of the NAHC to designate a Most Likely Descendant (MLD) to represent tribal interests regarding the method of exposure, removal and the place of reburial of any human bone and associated grave goods.

3. **Mitigation** will be beneficial to improve the views toward the residential development and lessen the change from rural landscape to residential development in the immediate area of the Rhoades Ranch and particularly the Rhoades House.

With respect to the loss of view sheds from the Rhoades House across the Borello property, prior to the Borello property beginning construction, a substantial

³⁵ CEQA Guidelines Section

³⁶ Holman & Associates, to Karli Grisby : RESULTS OF MECHANICAL SUBSURFACE TESTING FOR PREHISTORIC ARCHAEOLOGICAL RESOURCES AT THE COCHRANE BORELLO RESIDENTIAL PROJECT, MORGAN HILL, SANTA CLARA COUNTY, CALIFORNIA

perimeter wall/fence should be constructed with landscaping using trees and bushes that are to be planted on the Rhoades Ranch side of the fence. This mitigation measure will provide a buffer between the properties, provide a view of trees in the immediate area of the property line from the Rhoades House, and help to control dust and dirt and litter from reaching the Rhoades Ranch during construction phases on the Borello property.

9 APPENDIX

9.1 LIST OF SOURCES CONSULTED

Unpublished:

Morgan Hill Building Permit files, Building Department, City Hall

Morgan Hill Historic Resources Inventory, Morgan Hill Planning Department, City Hall

Great Register of Santa Clara County

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Santa Clara County Archives

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Chris Borello: March 30, 2012, April 8, 2012: Email April 9, 2012, April 10, 2012
Grandson of Sebastian and Luigia Borello regarding family history and the description of structures on the property.

Joe and Sheila Ciancoa, owners of the Rhoades Ranch: Site visit on the Rhoades Ranch, July 10, 2012. information regarding the use of buildings, orientation of buildings, repair work, and concerns for the loss of the dirt road, lack of landscape buffer or substantial wall type fence, dirt, litter and disruption during construction.