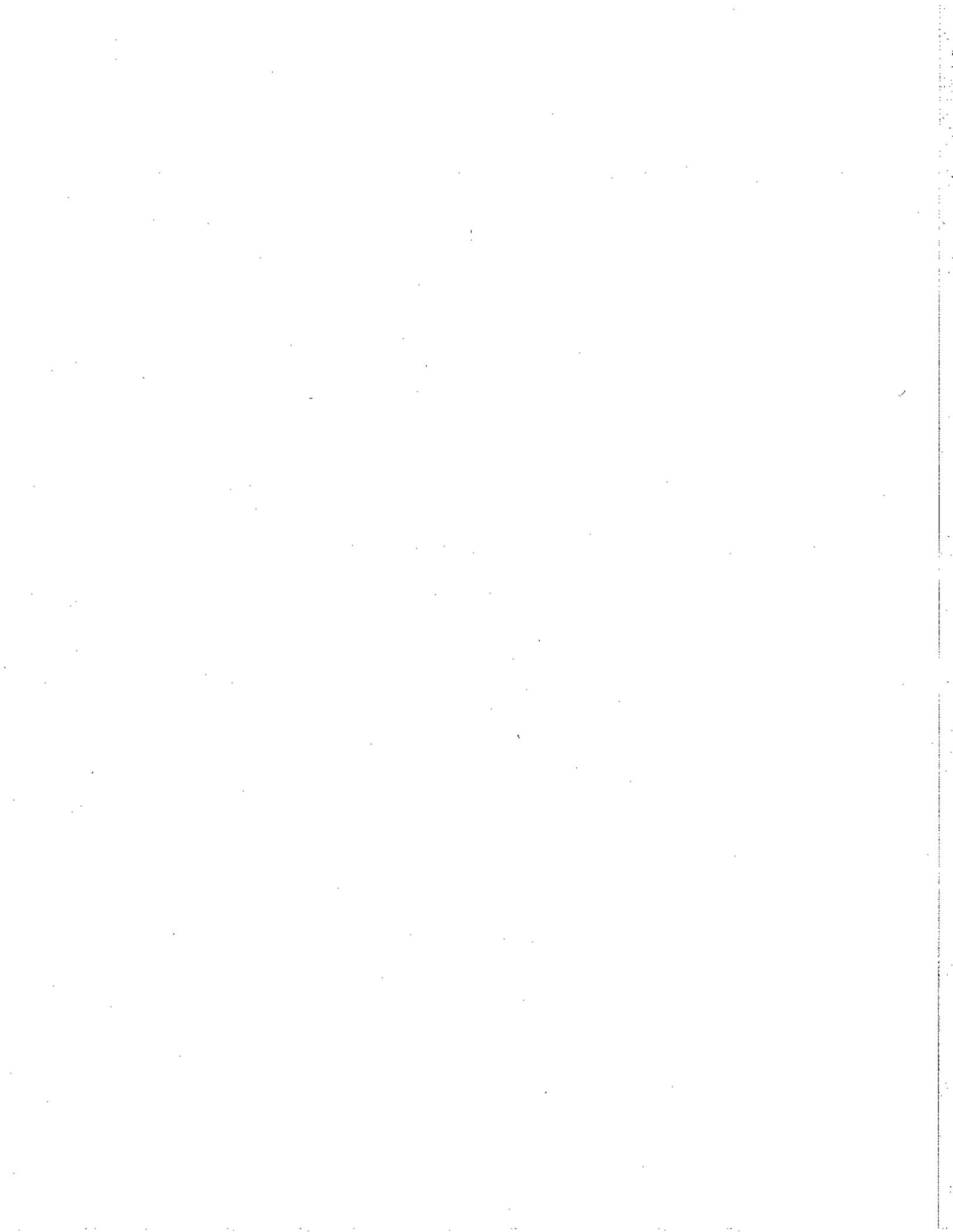


LV-34-10
(resubmittal of LV-1)



KENNETH C. BORNHOLDT
kbornholdt@kmtg.com

October 10, 2008

HAND DELIVERED

Mr. Brian Pedrotti
Project Manager
County Planning and Building Department
976 Osos Street, Room 300
San Luis Obispo, California 93408-2040

Re: *Laetitia Agricultural Cluster Subdivision DEIR*
SUB2003-00001 (Tract 2606)
SCH # 2005041094

Dear Mr. Pedrotti:

This letter will summarize the results of our review of the County Planning Department and Agriculture Commissioner's Office records to date in response to our request letters dated August, 16, 2007, copies of which are enclosed with this letter ("Requests"). The comments made in these letters are in response to the comments made in the above-referenced Draft EIR on the same matters.

These Requests were made to obtain whatever documents these County Departments had to support the list of eight (8) issues with agricultural cluster developments ("Ag Clusters") identified in the James Caruso memorandum dated August 13, 2007, a copy of which is enclosed with this letter. We also requested copies of any public complaints received by the Department regarding the same issues. We will refer to all of these issues collectively herein as "Issues".

Planning Department Records

The Department presented several boxes of files and microfiche relating to the 13 Ag Cluster projects identified in Mr. Caruso's memorandum. We were advised that these files were all of the files the Department had in response to our Requests. We were further advised that if any public complaints had been received by the Department related to the same issues, that they would be located in these same files.

We did not find any record of any public complaints received concerning any of the Issues arising from past Ag Clusters.

LV-1

Mr. Brian Pedrotti
October 10, 2008
Page 2 of 3

We did not find any record that past Ag Clusters had caused or created any of the Issues.

In the Edna Valley and Varian files, the County found the CC&Rs and Ranch Management plans reduced all conflicts with agriculture to a level of environmental insignificance.

We did find information in these other Ag Clusters files that appears to conflict with the positions taken to date by the Planning Department and its consultants with regard to the potential environmental impacts of the Laetitia project. In fact, some of the information appears to support the rationale of Laetitia's consultants in how the same environmental impacts were viewed by the County on these other Ag Cluster projects. The County's viewpoint in these other projects appears to be different than how these same impacts are viewed on the Laetitia project.

For example, in the Huer Huero cluster project, the aesthetic impacts were found to be Class III but could be mitigated to insignificance. The mitigation measures included tree screening, tract landscaping, house landscaping, vegetation on all walls, roof styles and colors, building colors, custom lighting and reduction in structure heights. Similar mitigation measures were used in other projects reviewed. Land use conflicts by converting agricultural land into cluster residential was a Class II impact that could be mitigated to an insignificant level. The mitigation was that the project was allowable pursuant to Agricultural Policy #22 in the General Plan. Therefore, any impacts to visual character of the site and surrounding area had already been anticipated. As to the cumulative impact of loss of agricultural lands (Class I), the Planning Commission made findings of overriding considerations including creation of permanent open space, payment of traffic fees and buffers. The County Planner was James Caruso.

In the Jespersion project, fencing surrounding the houses would mitigate against many potential incompatibilities with agricultural operations. Noise insulation and ventilation systems would adequately mitigate against agricultural operations and dust. Notification to future owners of the Right to Farm Ordinance and existing and future agricultural operations would mitigate against potential complaints. The County Planner was Brian Pedrotti.

In the Linthicum project, the visual impacts were mitigated by not having building envelopes at the highest elevations, reduction in height of structures, and 50% screening of structures seen from Orcutt Road and surrounding local roads like Biddle Ranch Road. The County Planner was Stephanie Fuhs.

In the Morabito project, the potential visual impact from homes was minimized because vehicles on Highway 101 would only see part of the site for only "8-10 seconds". In addition, the HCD standards would be protected by avoiding silhouetting, minimizing grading, colors and materials and landscaping. On one parcel, the Ag Commissioner's office recommended buffers from 120-180 feet due to the existing topography and prevailing wind patterns would reduce potential incompatibilities. Vegetative screening could be used to reduce dust or other potential nuisance complaints. The County Planner was Brian Pedrotti.

Mr. Brian Pedrotti
October 10, 2008
Page 3 of 3

In the OCW project approval, the County found that the placement of homes on lands in historical agricultural production as not inconsistent with the County General Plan Policies due to mitigation measures and unique circumstances. The County Planner was Martha Neder.

Agricultural Commissioner's Office Records

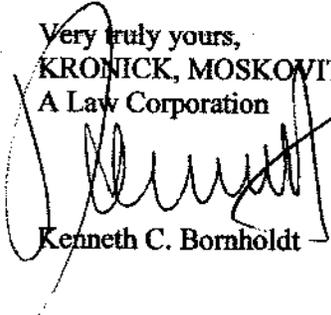
We obtained copies of the last five years of the complaint log maintained by this Office for all public complaints received related to agricultural operations in the County. We confirmed by letter dated October 1, 2007, that all complaints received that related to Ag Cluster developments which had been built were not kept in the logs. Those complaints are routinely referred to the Ag Cluster Home Owners Associations to address. The experience of the Office is that these Associations address these complaints internally.

We reviewed the Office logs of all complaints received for 2006. It did not appear from these records that past Ag Clusters had caused or created any of the Issues.

In addition, there were several issues listed in the Caruso Memorandum that were not mentioned anywhere in the logs.

If you have any questions, please do not hesitate to contact us.

Very truly yours,
KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Law Corporation


Kenneth C. Bornholdt

KCB:acb

cc: John Janneck
Victor Montgomery
Robert Lilley, Ag Commissioner's Office

901371.5 11929.006

LAW OFFICES
BORNHOLDT & ASSOCIATES

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SAN LUIS OBISPO, CALIFORNIA 93401
TELEPHONE (805) 547-1500
FACSIMILE (805) 547-1512
EMAIL bornholdtlaw@aol.com

August 16, 2007

HAND DELIVERED

Agricultural Commissioner
County of San Luis Obispo
2156 Sierra Way
San Luis Obispo, CA 93401

Attention: Custodian of Records

Re: Request for Public Records [Gov. Code Section 6253]

Dear Sir/Madam:

Please provide to the undersigned copies of the following records in your possession related to the memorandum dated August 13, 2007, from Mr. James Caruso, a copy of which is enclosed for your reference:

1. All documents that show that a 100% lot bonus with past agricultural cluster developments have had direct effects on neighboring parcels;
2. All documents that show that past agricultural cluster developments created interface issues for dust, noise, trespass, liability, pest problems and pesticide use limitation about usual and accustomed farm practices;
3. All documents that show that past agricultural cluster developments created water use conflicts when water resources that are meant for agricultural purposes also supply agricultural cluster residential uses;

Agricultural Commissioner
County of San Luis Obispo
August 16, 2007
Page 2 of 2

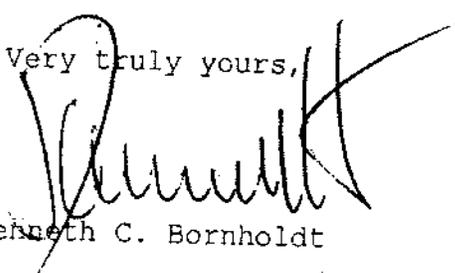
4. All documents that show that agricultural cluster developments have lead to on and offsite conflicts with farm traffic, road hazards and domestic pets;
5. All documents that show that past agricultural cluster developments have subjected agricultural operations to more conflicts over a larger area;
6. All documents that show that past agricultural cluster developments have added traffic/trespass issues in rural/agricultural areas that are more appropriate to urbanized areas;
7. All documents that show that past agricultural cluster developments have created hundreds of very large, expensive homes with full time residents that has resulted in more severe impacts on agricultural operations; and
8. All documents which show all complaints received from any member of the public by your Department relating to all of the matters described in paragraphs 1-7 above.

Under California law you have ten (10) calendar days in which to comply with this request. Authorized fees will be paid to you on delivery of the requested copies of documents pursuant to an itemized invoice.

This request is made pursuant to Government Code Section 6256.

If you have any questions concerning this request, please contact the undersigned.

Very truly yours,



Kenneth C. Bornholdt

KCB/sef

LAW OFFICES
BORNHOLDT & ASSOCIATES

KENNETH C BORNHOLDT
RYAN GEORGE SEELEY

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EMAIL bornholdtlaw@aol.com

August 16, 2007

HAND DELIVERED

Planning and Building Department
County of San Luis Obispo
976 Osos Street
Room 200
San Luis Obispo, CA 93408

Attention: Custodian of Records

Re: Request for Public Records [Gov. Code Section 6253]

Dear Sir/Madam:

Please provide to the undersigned copies of the following records in your possession related to the memorandum dated August 13, 2007, from Mr. James Caruso, a copy of which is enclosed for your reference:

1. All documents that show that a 100% lot bonus with past agricultural cluster developments have had direct effects on neighboring parcels;
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Planning and Building Department
County of San Luis Obispo
August 16, 2007
Page 2 of 2

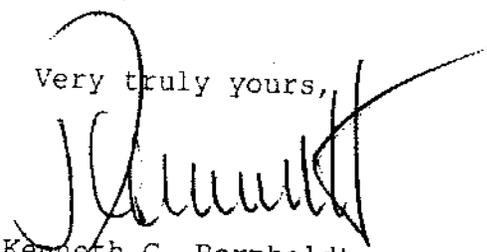
4. All documents that show that agricultural cluster developments have lead to on and offsite conflicts with farm traffic, road hazards and domestic pets;
5. All documents that show that past agricultural cluster developments have subjected agricultural operations to more conflicts over a larger area;
6. All documents that show that past agricultural cluster developments have added traffic/trespass issues in rural/agricultural areas that are more appropriate to urbanized areas;
7. All documents that show that past agricultural cluster developments have created hundreds of very large, expensive homes with full time residents that has resulted in more severe impacts on agricultural operations; and
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This request is made pursuant to Government Code Section 6256.

If you have any questions concerning this request, please contact the undersigned.

Very truly yours,



Kenneth C. Bornholdt

KCB/sef

DATE: AUGUST 13, 2007
TO: AG LIAISON ADVISORY BOARD
FROM: JAMES CARUSO, SENIOR PLANNER
SUBJECT: AG CLUSTERS AND THE CONSERVATION ELEMENT UPDATE

As was reported to you earlier, the Department is currently updating the 1974 Conservation Element of the General Plan. This is one of seven state-required General Plan Elements. In addition to the seven required elements, the County General Plan also contains several non-mandatory elements:

<u>Required Element</u>	<u>Optional Elements</u>
Conservation	Agriculture
Open Space	Energy
Housing	Offshore Energy
Land Use	Economic
Safety	Parks and Recreation
Noise	
Circulation	

The Conservation Element update is primarily a consolidation and updating effort. It was determined at an early stage of the process that the many different required and optional elements of the General Plan need to be consolidated. The State General Plan guidelines suggest consolidation of General Plan elements in order to produce an easier to read and understand General Plan. This is our primary goal for this consolidation and update process.

The Board of Supervisors authorized the Department to begin the update process in August 2006 and the Department has twice previously discussed the update program with your Board. It was decided that the Ag/Open Space Element, being the most recently updated element of the General Plan, would not be subject to substantial changes. Instead, the Agriculture portion of the existing Element would be consolidated in to the revised Conservation Element as its first chapter. Open Space would also become a chapter of the consolidated Element.

The Agriculture policy that is subject to review and possible revisions is AGP 22 (Ag Clusters). The following is an analysis of the existing ag cluster policy and the potential changes to that policy.

Ag Clusters

There are three ag cluster projects approved, recorded and in construction:

Varian Ranch	48 lots	3,066 acres
Edna Ranch	51 lots	1558 acres
Talley Farms	89 lots	4,483 acres (1st phase)

There are two additional clusters that have been approved but have not yet broken ground:

Huer Huero Ranch	42 lots	800 acres
Morabito	3 lots	50 acres (minor)

Clusters in process:

Laetitia Winery	102 lots	1522 acres
Santa Margarita Ranch	112 lots	3633 acres
Linthicum	4 lots	136 acres
Weyrich	13 lots	283 acres
Hall	3 lots	180 acres
OCW	4 lots	110 acres
Jespersen Ranch	6 lots	115 acres
Estrella Vineyards	24 lots	524 acres

The five approved projects involve the following acreages:

- 1,185 acres of vineyard
- 241 acres row cropped land
- 149 acres orchard
- 7660 grazing land
- 765 other acres AG-zoned land (not used for agriculture)
- 231 residential parcels

Issues

The design of ag clusters has changed since the ordinance was first adopted in the 1980s. Varian Ranch was based mostly on the grazing use. This resulted in 48 lots on 3600 acres (row crops were added to raise the number of lots to 48 from the original 32).

Edna Ranch was based mostly on grapes as an irrigated row crop. The 51 parcels were placed in 2 distinct areas of the property on either side of Orcutt Rd. Ag clusters based on vineyards were shown to allow many more lots on a smaller base acreage than grazing uses.

Huer Huero Ranch is also an example of many lots on smaller acreages based on vineyards. Looking back, Huer Huero Ranch was probably too small an acreage to justify 42 lots. The residential area is placed in close proximity to the vineyards with minimal buffers.

Talley Farms was a hybrid AG/RL cluster. The 89 lots were located on both Ag and RL designated lands. Approximately 30% of the density allowed on the Ag portions of the site was transferred to the Rural Lands side to reduce agricultural impacts from the new residential use. The RL side contains 32 lots and the Ag side holds 57 lots on a total of 4480 acres.

The following issues have been identified by the Planning Department's and Ag Commissioner's Office's 20 years of experience with ag clusters:

1. 100% lot bonus doubles residential density in agricultural areas. This has direct effects on both the project location and neighboring parcels
2. Interface issues for dust, noise, trespass, liability, pest problems, pesticide use limitations and complaints about usual and accustomed farm practices such as nighttime operations, spraying, changes in crop management or entirely new crops, especially in areas that were not previously intensified.
3. Water use conflicts arise when water resources are meant for ag purposes but also supplies residential uses. As time goes on, more water is being used from groundwater basins that show signs of decline. Water use in the Los Osos, Nipomo, Paso Robles and Edna Valley groundwater basins is problematic.
4. Clusters, especially the larger ones, can have effects on neighboring lands by introducing more intensive residential uses into the neighborhood. The only issue that is considered are distance buffers. However, increasing population in these areas leads to on and off site conflicts with farm traffic, road hazards and domestic pets.
5. Ag clusters have resulted in discontinuous development (non-cluster cluster). Instead of "tight" clusters that minimize the footprint of the area given over to residential uses, looser clusters spread the impacts over a larger area. Santa Margarita Ranch for example proposes spreading 1 acre lots over 1.25 miles of ranchlands. The "cluster" covers over 600 acres. This type of sprawl subjects ag operations to more conflicts over a larger area. However, even abutting lots as was done in the Huer Huero Ranch cluster still results in a tremendous interface between residential and agricultural use.
6. Clusters add traffic/trespass issues in rural/agricultural areas that are more appropriate to urbanized areas. The recent hearings regarding trails

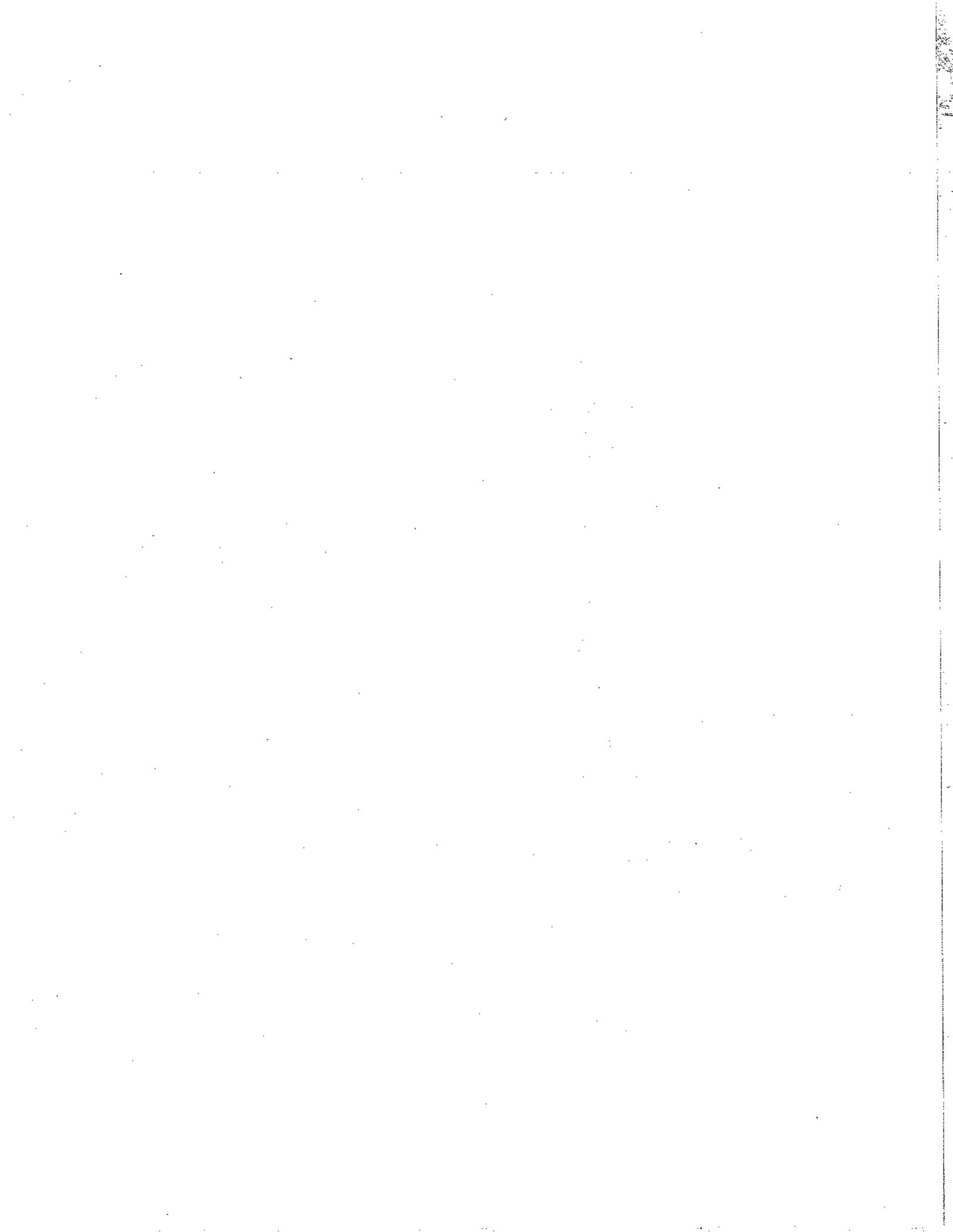
in ag lands was instructive. Testimony at the hearings indicates that a relatively minor land use such as a 25 foot wide trail can have tremendous impacts on ag operations. Hundreds of very large, expensive homes with full time residents can have even more severe impacts on area ag operations.

7. One acre lot sizes require the formation of mutual water companies. The spread of these types of water companies allow these greater densities in areas devoted to agricultural operations.

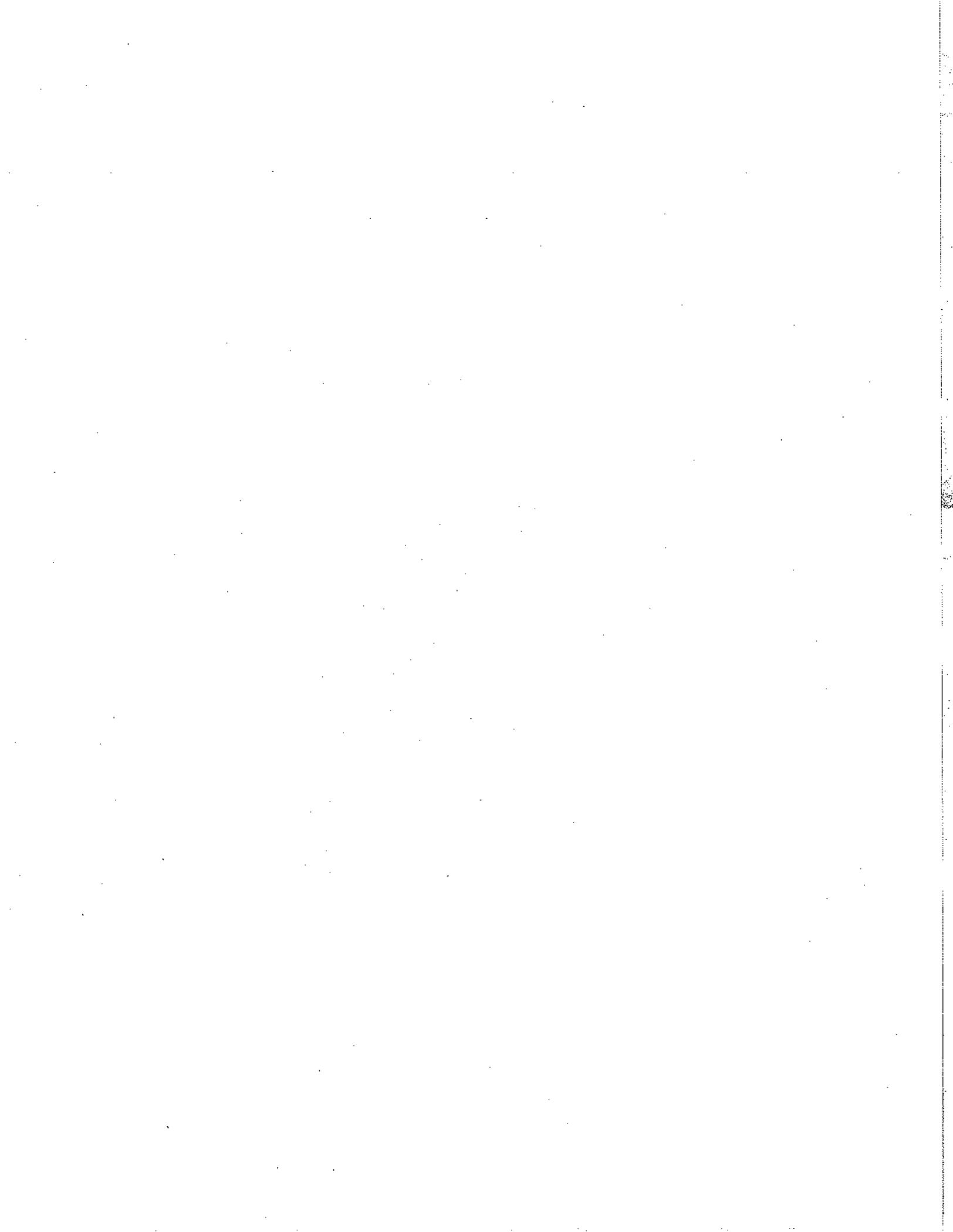
Recommended Changes

A few basic changes to AGP 22 are needed to address the issues raised above:

1. Remove the 100% density bonus. An ag cluster would qualify for the same number of lots as a standard subdivision.
2. Require all lots to abut. This design will substantially reduce the interface between the residential footprint and ag operations.
3. Further limit residential cluster densities in areas with water issues.
4. Locate clustered lots to minimize off site effects on area agricultural operations.
5. Require 2.5 acre minimum parcel sizes with individual wells.



LV-34-11
(resubmittal of LV-8)



KRONICK
MOSKOVITZ
& TIEDEMANN
& GIRARD
A LAW CORPORATION

Kenneth C. Bornholdt

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(805) 786-4302

June 8, 2012

BY HAND DELIVERY

Mr. Brian Pedrotti
Department of Planning and Building
San Luis Obispo County
976 Osos Street, Room 200
San Luis Obispo, CA 93408-2040

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SLO CNTY
PLANNING/BUILDING
DEPT

**Re: Recirculated DEIR
Laetitia Agricultural Cluster Subdivision
SUB2003-00001 (Tract 2606)
SCH#2005041094**

Dear Mr. Pedrotti:

We represent the Laetitia Vineyard and Winery, Inc. in connection with the project described in the above-referenced Recirculated Draft Environmental Impact Report ("RDEIR") prepared by the County of San Luis Obispo ("County") for the Laetitia Agricultural Cluster Project ("Project"). On behalf of our clients, we have the following comments to the RDEIR, which we believe is a document that is (1) inaccurate and misleading to the public and decision-makers in several important ways, and (2) does not facilitate maximizing mitigation as required by CEQA:

I. The Alternative Section in the RDEIR is incomplete, misleading and inconsistent with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines ("Guidelines").

Guidelines §15126.6 sets out the standards that the County must follow in the evaluation of the Alternatives to the Project in the RDEIR. Subsection (a) states, in pertinent part, that the "EIR *shall* describe a range of *reasonable* alternatives to the project...which would *feasibly* attain *most of the basic objectives* of the project but would avoid or substantially lessen any of the significant effects of the project,...*that will foster informed decision making and participation. An EIR is not required to consider alternatives which are infeasible* [Emphasis Added]."

Subsection (c) states, in pertinent, part as follows: "*Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of*

LV-8

the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts [Emphasis Added].” Had these factors been applied correctly in the RDEIR, then other than the Mitigated Project all but one of the Alternatives included for analysis should have been eliminated from further consideration. To include them, was a clear violation of CEQA.

Subsection (d), in part, requires that there must be sufficient information about each alternative to allow “*meaningful evaluation, analysis and comparison with the proposed project* [Emphasis Added].” Here, as the attached letter from RRM Design clearly shows, there was incomplete and incorrect information given for all but one of the alternatives to allow the decision-makers to make a “meaningful” comparative evaluation. The comments made in the RRM Design letter are incorporated herein by reference and made a part hereof. In fact, while significant impacts were shown for the Project and the Mitigated Project, the identical impacts were ignored in the other Alternatives. Again, this unequal and distorted treatment of Alternatives in the RDEIR is a clear violation of CEQA and its main goal: to help decision-makers make informed decisions on environmental impacts.

Also, the RDEIR contains only a summary analysis of the Mitigated Project Alternative as compared to the Project, which is not appropriate under CEQA. The Mitigated Project is significantly different from all the other alternatives in the RDEIR. The Mitigated Project has been designed to implement the general mitigation measures identified in the DEIR (i.e. it is the Project as refined through the CEQA process). Therefore, the RDEIR should describe how this Alternative would compare in terms of each and every impact and what mitigation measures required of the Project in the DEIR would be required for this Alternative (ideally the analysis of this alternative would identify how the alternative responds to each mitigation measure applicable to the redesign).

Further, the RDEIR contains no analysis as to why the other alternatives are “reasonable” and would “feasibly” attain most of the Project objectives. Guidelines §15126.1(a),(c),(f). The RDEIR contains only the unsupported conclusion that the other Alternatives meet the project objectives and are reasonable and feasible (RDEIR, p. VI-7). In fact, many of the Alternatives chosen are unreasonable and do not feasibly attain most of the Project objectives. Therefore, many of the Alternatives chosen were done so incorrectly under the Guidelines and the RDEIR is clearly misleading by including them (See: Tables A and B attached). Guidelines §15126.1(c),(f). All but the Mitigated Project and Reduced Two Cluster Alternatives analyzed in the RDEIR (including several previously analyzed in the DEIR) should have been screened out early in the analysis and included in the discussion of “Alternatives Considered and Rejected for Further Review.”

The project objectives are generally stated on page VI-2 of the RDEIR. Under the Guidelines, the alternatives selected in the RDEIR must be “*reasonable*” and feasibly attain most (majority) of the project objectives. The attached Tables A and B, incorporated herein by

reference, graphically illustrate how many of the RDEIR alternatives fail to obtain most of the project objectives and/or are infeasible and unreasonable.

For example, the Environmentally Superior Alternative of 93% Reduction identified in the RDEIR (page VI-45) fails to attain *any* of the project objectives, is clearly infeasible and should never have been considered. This Alternative is so extreme and unrealistic it is clearly unreasonable and speculative. It is obviously economically infeasible when you consider that to put the entire property under open space easements for 7 lots would require paying the owner the value of the lost development potential on 9 of the 16 underlying legal lots. It would have made the same amount of sense to have it be a two lot cluster, which is clearly ridiculous and the No Project Alternative which is redundant. The fact it was not rejected and considered violates CEQA and the Guidelines. The alternative that meets most of the project objectives and reduces most of the environmental impacts is the Applicant's Mitigated Project.

2. The RDEIR is incomplete and inadequate because it does not address the policies, ordinances and standards in effect when the Project application for a Vesting Tentative Map was found complete on February 4, 2004.

This Project's application was for a vesting tentative subdivision map, and the Project can be developed in substantial compliance with the ordinances, policies and standards in effect at the time it was deemed complete. Govt Code §§65943, 66498.1(b); *Bright Dev. v. City of Tracy* (1993) 20 Cal.App.4th 783; *Kaufman & Broad Cent. Valley, Inc. v. City of Modesto* (1994) 25 Cal.App.4th 1577.

The thresholds of significance used to identify residual significant adverse impacts after application of mitigation measures in the Mitigated Project are inconsistent with the County standards used in County EIRs for other agricultural cluster projects approved prior to the vesting of the subject Project application. We incorporate herein by reference our comment letter to the DEIR dated October 10, 2008 (LV-1), which contains citations to other agricultural cluster residential developments approved in the County prior to the vesting date of this application in 2004. A copy of that letter is attached and responses should be made for each of the comments regarding other projects as to each mitigation measure in the Mitigated Project. The policies and standards applied in those approved projects were not applied in the same way to the Mitigated Project in violation of our clients' vested rights.

3. The RDEIR is inconsistent with CEQA and the Guidelines in classifying the residual impact of the Project on oak trees as a significant and unavoidable Class I impact after suggested mitigation measures are implemented consistent with an existing County Program.

The RDEIR defines Class I impacts on page V-1. The existing County Program described and implemented for this Project in the mitigation measures for oak tree removal and

Mr. Brian Pedrotti
June 8, 2012
Page 4

replacement effectively mitigates what might otherwise be a significant impact. The discussion in the RDEIR to the contrary because time is required for the replacement trees to grow is specious and nonsensical; it clearly flies in the face of the definition of a Class I impact. If true, then no vegetation program for any vegetation would ever be anything less than a Class I impact since all replacement vegetation requires time to grow. Nowhere else in the Biological Section is such a conclusion reached as to other vegetation impacts and mitigation measures.

4. The RDEIR incorrectly identified significant effects of the environment on the project which is inconsistent with CEQA.

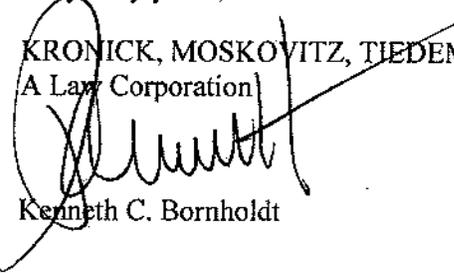
In *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473, the court held that "the purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project." The same holding was reached by the court in *South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal.App.4th 1604, 1614, relying upon Public Resources §§ 21060.5, 21100, 21101, 21151 and Guideline 15382. See Also: *Baird v. County of Contra Costa* (1995) 32 Cal.App. 4th 1464, 1466-1469.

This recent case law clarifies and reaffirms that CEQA is not intended to protect the project from the environment; rather the analysis is about the project's impact on the environment. Therefore, NS Impact 3 – Stationary Noise and AG Impact 2 – Land Use Conflicts (and necessary buffers between on-site residences and on-site vineyards) – both of which address impacts internal to the site and should be deleted from the EIR.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Law Corporation


Kenneth C. Bornholdt

KCB/elk
Enclosures
1001564.1 11929.006

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 F: (805) 543-4609
 www.rrmdesign.com

June 8, 2012

Ken Bornholdt
 1432 Higuera Street
 San Luis Obispo, CA 93401

**Re: RRM Review and Analysis of Alternatives Section of RDEIR and
 Table VI-2, dated April, 2012**

Dear Ken,

RRM began our discussion with the property owners of Laetitia Vineyards and Winery (Laetitia) in 2002. We began our analysis, extensive field work, and design studies for the Laetitia project in 2003. In 2004 we filed the application for an Ag Cluster project and Vesting Tentative Subdivision Map. The design of the Laetitia Ag Cluster incorporates our experience in designing three prior Ag Cluster projects that have been approved by the County and implemented, including the award winning Varian Ranch Ag Cluster, (award from the American Planning Association Central Coast Chapter).

All of the studies of the Laetitia site and site plans that have been prepared since 2003 and continuing up to the present time have been focused on designing a project that complies with County regulations in effect at the time of the application, and creating a wonderful living experience for residents and balanced environment that achieves or exceeds our clients six objectives as described in the DEIR.

Recently we received a copy of the RDEIR; after close examination we have concluded that many of the alternatives discussed in the DEIR/RDEIR are severely flawed, fail to meet most of the project objectives and/or do not take in to consideration existing physical site constraints, such as steep slopes and canyons, utility lines/easements, sensitive habitats, archaeology, suitability and desirability for home site locations and other environmental resources that make living in a rural setting compatible for both the resident and the surrounding environment. Care and consideration is taken by RRM when selecting not just cluster locations, but also each home site within the cluster and each building pad within the home site. Our goal is to protect the natural lay of the land, its habitats and historical past to the maximum extent possible. And as always, in an Ag Cluster project, to protect and enhance agriculture productivity for the future.

Our method of selecting cluster locations for home sites at Laetitia took a great deal of time and after detailed site-specific environmental analysis, we continued to refine our plan to create an environmentally responsive and compatible project. The project's density is based on specific discussions of density calculations, as related to Land Use designations conducted with the County Planning Department staff, considering the General Plan and Ordinances in place at the time of project submittal (2004), as well as the availability of suitable home sites and areas to replant displaced agriculture maintaining a "no net loss" approach to maintaining to productive agricultural operations. Areas that did not have existing agriculture were given first consideration for home site location, however, if those areas were not suitable for home sites we found other locations. If we moved into areas that were planted with existing vineyard agriculture use we did so knowing, through consultation with the vineyard manager, that the vines in that area were not of a quality that merited preservation and the agricultural productivity might be maintained elsewhere on the site where conditions and soils are more conducive to support continuing long term agriculture.

Given the knowledge and care RRM utilized to develop our plan, we have the following comments regarding the Alternative Analysis section of the RDEIR.

The DEIR and RDEIR dismiss one alternative that is at least as reasonable as several of the alternatives that are analyzed, the Standard Subdivision Alternative, where 118 units would be built on the site. This alternative is dismissed because "the sale and development of each residential lot would fragment the existing agricultural operation and would not sustain vineyard production as a continuous unit." While fragmentation of agricultural use would present challenges, the applicant believes that it is at least as feasible as some the other six alternatives discussed below and should have been retained for comparison purposes to demonstrate what could have occurred under County regulations if the Ag Cluster approach had not been proposed at Laetitia.

The following six alternatives should be eliminated as they fail to meet the CEQA requirement to meet most of the project objectives and/or the reason for the alternative is more appropriately addressed through other means:

- 1. Ordinance and General Plan Consistency:** This alternative is infeasible because it is inconsistent with site zoning, is based on purely speculative assumptions that property is zoned something other than its existing zoning and is inconsistent with the specific and verified written direction the applicant team received from the County Planning Department at the beginning stages of the project, prior to filing an application. Written correspondence from Warren Hoag, Principal Planner for the County dated April 6, 2004 (see attached e-mail), confirms the basis that "must" be used to determine the density for the Laetitia Agriculture Cluster project. This alternative is not consistent with the written direction from the County.
- 2. Effluent Disposal:** Rather than an alternative, this approach to effluent disposal should have been identified as a mitigation measure, if at all. The Mitigated Project addresses effluent in a much more comprehensive and efficient manner.
- 3. 93% Reduction:** This alternative would only allow seven home sites as compared to the 102 proposed in the project. This alternative is located entirely within the Rural Lands designation portion of Laetitia. None of the property is in the Agricultural zone therefore no Agricultural Open Space easement would be required because it would not be an Ag Cluster. There are 11 existing parcels within the Rural Lands zoned area that could each have at least one home site allowable. The proposed 93% reduction proposes significantly less development (only 64% of development potential of the existing RL parcels) than achievable using the existing parcels, therefore, a reasonable person is unlikely to offer a permanent open space easement on 90% of the RL designated land, thereby resulting in no Open Space protection on the RL zoned land. In short, there would likely be no Open Space protection whatsoever derived from this alternative. Long-term agricultural viability would not be preserved since none of the Agriculture or Rural lands designated property would be included in an Open Space easement. Agricultural designated land would be subject to future residential development under existing zoning and subdivisions. Therefore this alternative would not preserve long-term agriculture use because the vast majority of the property would be unrestricted for future development via sale and development of the existing parcels.
- 4. Alternative Location:** This alternative site identifies approximately 138 acres of which only +/- 9.4 acres is potentially developable due to steep slopes, oak trees, and existing

drainages. As with the 93% reduction alternative, this alternative would not result in the Agriculture portions of the Laetitia property being placed in an agricultural/open space protection easement. As with the 93% reduction alternative, this alternative fails to meet most project objectives.

5. **Project w/ Mitigation:** This alternative was replaced by the much more detailed, carefully designed Applicant's Mitigated Project Alternative submitted to the County prior to preparation of the RDEIR.
6. **Alternative Access:** This is not an alternative to the project. It is an alternative access scheme and, more appropriately, a Mitigation Measure. This alternative would address the secondary access issue, but it's unclear that it would provide as effective an egress in the event of a fire as compared to the project. This alternative would not lessen other impacts as compared to the project. In addition, an alternative access at the location identified in the DEIR and RDEIR would result in increased unavoidable and significant impacts in several areas including, at minimum, agriculture, biological resources, archaeological and traffic.

The following two alternatives are evaluated in more detail taking into account the selected locations, our knowledge of the property and the existing constraints that affect feasible design and implementation of a project.

Reduced Density Two-Cluster Alternative: The map for this alternative identifies three separated cluster areas (see RDEIR page VI-23), consisting of a total of approximately 121 acres. RRM's comments on each of the three separate locations within this alternative area as follows:

The eastern most portion of the proposed development clusters is located directly on top of Archaeology site SLO 2523. This location is directly adjacent to significant and very intrusive over head power lines, easements and the metal support towers. The drainage pattern for this location also flows directly to Los Berros Creek, located a short distance away, across Upper Los Berros Road. This location, as a portion of an existing vineyard and development, would require removal of the vineyard (approximately 10 acres). For these reasons we do not consider this portion of the Reduced Cluster appropriate for location of development.

The middle portion of these three clusters is approximately 60 acres. This location includes the location of the existing ranch headquarters area. The description of this alternative proposes to retain the existing ranch headquarters thereby resulting in the loss of approximately 4 potentially developable acres. This location is also affected by existing power lines crossing through the center section of the location. Development of this location will result in the loss of existing vineyards. These lots would be inferior in character as many home sites would be required to gain access directly off of a road that serves other off site properties. Power lines would adversely affect many of the potential lots locations. Views would be limited to the small interior valley area bisected by an existing road. The sites do not meet the objective for a scenic rural setting, one of the reasons RRM did not propose to place development in this location.

The western most location consists of approximately 51 acres. Archeological sites SLO 2527 and 2526 are located within this area and development that failed to avoid these areas would result in significant impacts. The clustering of 10,000sf urban size lots immediately adjacent to one another, in a single dense cluster, would require significant "pad" grading and likely result in the use of retaining walls between lots to "take up" grade across the site. Small lots, minimal setbacks between houses, retaining walls between houses, and dominant street improvements would create an enclave of inappropriate urban style housing, would not create a

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Ken Bornholdt
June 8, 2012
Page 4



scenic rural setting on site and would be distinctly out of character with the project objective for character of the development.

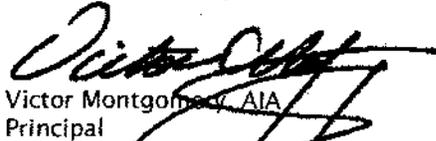
Based upon RRM's knowledge of the property and experience in project design and implementation it is our opinion that this alternative would not significantly reduce environmental impacts and would have substantially more significant impacts to archaeological resources. It is unclear if the resulting number of home sites proposed by this alternative could feasibly support the level of infrastructure required to support the small 10,000 sf lot size. This alternative offers few benefits compared to the project and several disadvantages (see attached revised Table VI-2).

Redesigned Project A - Single Cluster Alternative: This alternative cluster is in the same approximate site location as the middle and eastern portions of the Reduced Density Two-Cluster Alternative. This alternative is entirely within the Rural Lands designation. It would not be an agricultural cluster (since it is not in the agricultural designated portion of the site) and would not designate any agricultural lands in a permanent agricultural easement, therefore leaving a major portion of the site subject to later development. Thus, this alternative would not preclude future residential development on the site, would not place 95% of the property in an agricultural easement and would not enhance long-term agricultural viability. In addition this alternative would impact existing vineyards. Therefore, this alternative would not meet most of the six project objectives and this alternative should not move forward for environmental analysis.

In conjunction with our review of the RDEIR Alternatives we also reviewed Table VI-2. We have edited the Table consistent with our comments above regarding the Alternatives indicating which alternatives should not be further evaluated and why. We also re-named the chart "Class I Impact Comparison of Project Alternatives". The table clearly indicates that the Applicant's Mitigated Project is the environmentally superior alternative in comparison to the other alternatives except the no project alternative.

Ken, if you have any questions about our comments, please contact us at (805) 543-1794.

Sincerely,
RRM Design Group



Victor Montgomery, AIA
Principal

Attachments: Table VI-2
Hoag memo

LV-8-1-1

Subj: **FW: Laetitia Cluster project**
Date: 4/7/2004 8:55:03 AM Pacific Standard Time
From: vmontgomery@rrmdesign.com
To: Sun9155@aol.com, Bornlawyers@aol.com
CC: ARDonatello@rrmdesign.com

FYI

-----Original Message-----

From: whoag@co.slo.ca.us [mailto:whoag@co.slo.ca.us]
Sent: Tuesday, April 06, 2004 9:10 AM
To: Montgomery, Victor
Cc: jcaruso@co.slo.ca.us; kgriffin@co.slo.ca.us
Subject: Re: Laetitia Cluster project

Vic; Your notes in bold are consistent with my understanding of the conclusions reached in our 4/1/04 meeting. Thanks.

Warren Hoag, Principal Planner
Current Planning Division
San Luis Obispo County Department of Planning and Building

"Montgomery,

Victor" To:

"whoag@co.slo.ca.us" <whoag@co.slo.ca.us>

<vmontgomery@rrmdesign.com> cc: "'sun9155@aol.com'"
<sun9155@aol.com>, "'bornlawyers@aol.com'"
<bornlawyers@aol.com>, "ARDonatello@rrmdesign.com"
"Donatello, Allison R." <ARDonatello@rrmdesign.com>
Subject: Laetitia Cluster

project

04/02/2004 10:34

AM

Warren, based upon our meeting/discussion on 4/01/2004 I have updated the prior e-mail to be the final version (see below) by adding comments in bold. If you have comments, edits or corrections let me know.

1. Dude Ranch

The dude ranch parcel needs to be - 160ac. minimum, building coverage is limited to 2% of the site area, dude ranch parcel is not counted for purposes of calculating density or open space in the cluster project.

4/01/2004 action = #1 above is confirmed.

2. Open space requirement on the agriculture designated area shall be a minimum of 95%. Open space requirement on the rural lands designated area shall be a minimum of 90%. The remainder area(s) are available for the cluster development in the portions of the property in each respective land use category (i.e. 5% in Ag and 10% in RL).

4/01/2004 action = #2 above is confirmed.

3. Density attributable to the rural lands designated area may be calculated as an example situation by the "ghost map" method or the average slope/parcel size method (<30% = 20ac; >30% = 80 ac equivalents). Alternatively we discussed changing the dude ranch parcel configuration and size to the steeper part of the RL area as a means of reducing the average slopes within the remaining rural lands designated area.

4/01/2004 action = #3 above is confirmed. Applicant will pursue slope averaging the remaining Rural Lands area after adjusting the size and location of the dude ranch parcel. If the dude ranch is moved, the "ghost" subdivision is no longer necessary.

4. Density for the agricultural designation is calculated based upon existing use.

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4/01/2004 action = #4 above is confirmed.

5. Roads - You will confirm the methodology for roads - i.e. only "new" roads or road widening serving residential exclusively are counted as part of the cluster area. Existing ag roads are not counted. (We have reviewed this issue and can now confirm this methodology as being correct.)

4/01/2004 action = #5 above is confirmed.

6. Home sites may be transferred from one land use designation to the other, however the open space requirement for each land use designation must be maintained individually in each land use category applicable to the site (AG = 95% & RL = 90%). The issue of actually how many homes can be put in each category's remainder area will be addressed through staff's review and analysis of the project based on site and environmental constraints and will be ultimately decided upon by the Planning Commission.

4/01/2004 action = #6 above confirmed. Staff advised caution in regard to residential waste water disposal system design & the potential need for community/shared systems if percolation rates are slow and parcels are less than 1 acre. Moving RL units into the AG may be difficult.

7. As County staff reads and has implemented the ordinance for other ag cluster projects, all LUO criteria for each land use designation must be met separately. (It is correct that this is the staff position: even if the property meets the ordinance definition of a single "site," each land use category's requirements must be met for the portion of the site in that particular category.) However, you indicated stated/understood that you could see how the ordinance this is not could be misinterpreted clearly articulated as the definition for "site" from the LUO clearly states that the "site" is the "contiguous ownership". RRM used the entire site supplemented by the rural lands slope test (in the rural lands area) as the basis for calculations. You agreed acknowledged that you could see how we reached our conclusion is not an unreasonable logic/approach based upon the LUO definitions. You indicated that you would need to caucus with other staff and get back to us on this issue at our next meeting. (I will do so, but it should be understood that no decision to change staff's position on this issue has been made yet.)

4/01/2004 action = Staff confirmed its' position that criteria for each separate land use designation (AG & RL) must be met separately within that land use designation area. If applicant wishes to appeal this interpretation he should request a formal interpretation letter from staff and then follow with an appeal to the Planning Commission of the staff interpretation.

8. The site is not located in a County "GSA".

4/01/2004 action = #8 above confirmed.

Next step - Based upon the above LJO clarifications & interpretations by staff the applicant will review the project design/description, make modifications as necessary and provide revised copies to staff for continuing project processing. No new application is required.

We appreciated the guidance, recollection of experiences and advice provided by you and James in regard to the other topics we discussed at the 4/01/2004 meeting.

Thank you Warren & James.

Victor Montgomery
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TABLE VI-2 FROM LAETITIA RDEIR
IMPACT COMPARISON OF FEASIBLE PROJECT ALTERNATIVES

Significant and Unavoidable Impact	Project	No Project	Applicant's Mitigated Project	Ordinance & Gen Plan Consistency	Reduced Two (three) Cluster --	Single Cluster	93% reduction	Effluent Disposal	Alternative Location	Project w/ Mitigation	Alternative Access
BIO Impact 3: Oak Woodland	0	+1	+1	Infeasible. This alternative is infeasible because it is inconsistent with site zoning and the direction the applicant team received from the County Planning Department at the very beginning stages of the project. The correspondence from Warren Hoag.	Infeasible. This alternative would result in urban level densities. It would not meet project objectives to preserve agricultural lands. This alternative identifies 121 acres of which about 61 acres is developable. One half of the site is consumed by power lines, ridges, drainages, oak habitat, steep slopes, archeological resources and agricultural lands. 75-10,000 sf lots in the location of the developable area would not be comparable to the Project. In addition, this alternative would have aesthetic impacts similar to or greater than the project.	Infeasible. This alternative would not meet project objectives to preserve agricultural lands. It identifies approximately 135 acres of which about 51 are developable. (41%). Over half of the site is consumed by power lines, ridges, drainages, oak habitat, steep slopes, archeological resources and agricultural lands. This alternative would have aesthetic impacts similar to or greater than the project.	Infeasible. Seven home sites would not meet any project objectives and is not feasible.	Should be a mitigation measure not an alternative; - mitigated project addresses effluent.	Infeasible. This alternative site identifies approximately 138 acres of which only 9.4 acres is potentially developable. 9-one-acre home sites would be infeasible and would not meet the basic project objectives.	Replaced by Mitigated Project.	Should be a Mitigation Measure not an alternative; - the alternative access causes much greater impacts in several areas (agricultural, biological resources, archeology, traffic).
BIO Impact 7: Los Berros Creek	0	0	+1								
AR Impact 1: Arch. Resources	0	+1	+1								
AR Impact 9: Cumulative impact	0	+1	+1								
AG Impact 1: Farmland Conversion	0	+1	+1								
AG Impact 2: Land use conflicts	0	+1	+1								
AG Impact 4: Cumulative impact	0	+1	+1								
TR Impact 4: Highway operations	0	+1	0								
TR Impact 10: Second access safety	0	+1	+1								
TR Impact 13: Second access cumulative	0	+1	+1								
TR Impact 15: Highway cumulative	0	+1	0								
AQ Impact 6: Long-term impact	0	+1	0								
AQ Impact 9: Clean Air Plan	0	+1	0								
AO Impact 10: Cumulative impact	0	+1	0								
NS Impact 2: Transportation noise	0	+1	0								
NS Impact 3: Stationary noise	0	+1	+1								
NS Impact 5: Cumulative impact	0	+1	0								
AES Impact 4: Highway 101	0	+1	+1								
AES Impact 5: SRA/HCD	0	+1	+1								
AES Impact 6: Upper Los Berros Rd.	0	+1	+1								
AES Impact 18: Cumulative impact	0	+1	+1								
H/M Impact 2: Dead-end roads	0	+1	+1								
PSU Impact 4: Service Personnel	0	+1	+1								
Summary	0	22	16								

= Impact no longer identified as Class I in RDEIR (Table VI-1)
 = Impact should not be identified as Class I
 = Impact would be less than proposed project (reduced to Class II)
 = Impact would be greater than proposed project
 = Impact would remain approximately the same as proposed project

Laetitia Ag Cluster

TABLE A

BASIC OBJECTIVES OF PROPOSED PROJECT

	Project	No Project	Applicant's Mitigated Project	Ordinance & Gen Plan Consistency	Reduced Two Cluster	Single Cluster	Single 93% Reduction	Effluent Disposal	Alternative Location	Project w/ Mitigation	Alternative Access
Objective #1 ¹	Y	N/A	Y	See Warren Hoag e-mail; inconsistent with site zoning	Y	N	N	This is a mitigation measure. Applicant's Mitigated Plan addresses the impact.	N	NA replaced by Applicant's Mitigated Plan Alt.	Y
Objective #2 ²	Y		Y		N	N	N		N		Y
Objective #3 ³	Y		Y		N	N	N		N		Y
Objective #4 ⁴	Y		Y		N	N	N		N		Y
Objective #5 ⁵	Y		Y		N	N	N		N		N
Objective #6 ⁶	Y		Y		Y	N	N		Y		Y

= Project Not Appropriate for Full analysis in EIR

= ACHIEVES PROJECT OBJECTIVES

= DOES NOT ACHIEVE PROJECT OBJECTIVE

- ¹ Stop future residential development within ag/open space easements.
- ² Place 95% property in AG designation and 90% in RL designation in permanent ag/open space easements.
- ³ Provide expanded winery operations and continuation of vineyard operation.
- ⁴ Create places to live in scenic rural setting.
- ⁵ Create financially feasible project.
- ⁶ Enhance long-term ag viability.

Laetitia Ag Cluster
TABLE B

FEASIBILITY

	Project	No Project	Applicant's Mitigated Project	Ordinance & Gen Plan Consistency	Reduced Two Cluster	Single Cluster	Single 93% Reduction	Effluent Disposal	Alternative Location	Project w/ Mitigation	Alternative Access
SITE SUITABILITY	Y	N/A	Y		N	N	N		N		N
ECONOMIC VITALITY	Y		Y		N	N	N		N		N
INFRASTRUCTURE	Y		Y		Y	N	N		N		N
REASONABLE TO ACQUIRE	Y		Y		Y	Y	Y		Y		N

- = Project Not Appropriate for Full analysis in EIR

= FEASIBLE

= INFEASIBLE (see attached letter from RRM)

