B. APPLICANT/AGENT

Commenter and Address	Code	Letter Date	Page
Kronick Moskovitz Tiedemann & Girard Exhibit Index	(n/a)	August 29, 2013	XI.B.-3
Kronick Moskovitz Tiedemann & Girard 400 Capitol Mall, 27th Floor Sacramento, CA 95814 Contact: Kenneth Bornholdt	LV8	June 8, 2012	XI.B.-12
Janneck, Ltd. 1116 Cory Avenue Los Angeles, CA 90069 Contact: John Janneck	LV9	June 11, 2012	XI.B.-26
RRM Design Group 3765 S. Higuera Street Suite 102 San Luis Obispo, CA 93401 Contact: Victor Montgomery	LV10	June 11, 2012	XI.B.-95
Janneck, Ltd. 1116 Cory Avenue Los Angeles, CA 90069 Contact: John Janneck	LV11	December 6, 2012	XI.B.-170
Kronick Moskovitz Tiedemann & Girard 733 Marsh Street, Suite 210 San Luis Obispo. CA 93401 Contact: Kenneth Bornholdt	LV12	August 23, 2013	XI.B.-193
Kronick Moskovitz Tiedemann & Girard 733 Marsh Street, Suite 210 San Luis Obispo. CA 93401 Contact: Kenneth Bornholdt	LV13	August 23, 2013	XI.B.-201
Kronick Moskovitz Tiedemann & Girard 733 Marsh Street, Suite 210 San Luis Obispo. CA 93401 Contact: Kenneth Bornholdt	LV14	August 23, 2013	XI.B.-212
Kronick Moskovitz Tiedemann & Girard 733 Marsh Street, Suite 210 San Luis Obispo. CA 93401 Contact: Kenneth Bornholdt	LV15	August 23, 2013	XI.B.-241
Laetitia Vineyard & Winery 453 Laetitia Vineyard Drive Arroyo Grande, CA 93420 Contact: John Janneck	LV16	August 23, 2013	XI.B.-251

Commenter and Address	Code	Letter Date	Page
Cleath-Harris Geologists, Inc. 11545 Los Osos Valley Road, Suite C-3 San Luis Obispo, California 93405 Contacts: Spencer Harris, Associate Hydrogeologist and Timothy Cleath, Principal Hydrogeologist	LV17	July 18, 2013	XI.B.-268
Pacific Vineyard Company 5878 Edna Road San Luis Obispo, CA 93401 Contact: George Donati, General Manager	LV18	August 22, 2013	XI.B.-297
Associated Transportation Engineers 100 North Hope Avenue, Suite 4 Santa Barbara, CA 93110 Contact: Scott Schell, Principal Transportation Planner	LV19	September 4, 2013	XI.B.-301
RRM Design Group 3765 South Higuera Street, Suite 102 San Luis Obispo, CA 93401 Contact: Victor Montgomery, Principal	LV20	August 23, 2013	XI.B.-308
Sirius Environmental 1478 North Altadena Drive Pasadena, CA 91107 Contact: Wendy Lockwood, Principal	LV21	August 23, 2013	XI.B.-310
Cleath-Harris Geologists, Inc. 11545 Los Osos Valley Road, Suite C-3 San Luis Obispo, California 93405 Contacts: Spencer Harris, Associate Hydrogeologist and Timothy Cleath, Principal Hydrogeologist	LV22	August 23, 2013	XI.B.-313
RRM Design Group 3765 South Higuera Street, Suite 102 San Luis Obispo, CA 93401 Contact: Victor Montgomery, Principal	LV23	August 26, 2013	XI.B.-350

LAETITIA VINEYARDS

Index to Exhibits

Exhibit #	Description	PC	BOS	Notes
LV – 1	KCB letter to Pedrotti, County Planning with enclosures (10/10/08)			Encl: KCB letter to Ag Commissioner, 08/16/07; KCB letter to County Planning, 08/16/07; James Caruso Memo to Ag Liaison Advisory Board, 08/13/07.
LV – 2	KCB letter to Pedrotti, County Planning (10/10/08)			VTM; Ag Policies Consistency; RL Formula.
LV – 3	DK (ESA) letter to Pedrotti, County Planning (10/15/08)			Encl: ESA Technical Studies, 06/2007 – re-submission as a comment on DEIR.
LV – 4	JJ letter to Pedrotti, County Planning (10/31/2008)			Encl: Opening Statement; Caruso letter to A. Donatello, 03/21/06; Neder letter to A. Donatello, 04/19/06; Janneck notes from County Meeting 05/30/07.
LV – 5	KCB letter to Pedrotti, County Planning (11/06/08)			Encl: Hoag letter to V. Montgomery, 12/10/04; KCB letter to R.F. Lilley, 10/01/07.
LV – 6	JJ letter to Pedrotti, County Planning (11/06/08)			
LV – 6-1	Comment to DEIR (2008)			
LV – 6-2	Policy Consistency Table for Mitigation Plan			

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Exhibit #	Description	PC	BOS	Notes
LV – 6-3	JK Letter re Project Photographs			
LV – 6-4	RRM Visual Simulations (1–10) and Photo of Project Area			
LV – 6-5	Parcel Lines and Land Use in the Project Area			
LV – 6-6	LB letter to KB as Vineyard Manager (10/29/08)			
LV – 6-7	RRM Examples of Calculations of Buffers			
LV – 6-8	ATE letter re Traffic (10/29/08)			
LV – 6-9	Cleath & Associates letter to KB re Stream Flow (11/04/08)			
LV – 6-10	Urbemis Modeling Results (09/27/08)			
LV – 6-11	RRM Noise Wall Design			
LV – 6-12	Report from Dave's Tree Service re Oak Trees Inventory (10/21/08)			

Exhibit #	Description	PC	BOS	Notes
LV – 6-13	MP memo re impact on Steelhead (10/23/08)			
LV – 6-14	Firm Qualifications and Individual Resumes for Comment Authors			
LV–7	RRM letter to Pedrotti re Laetitia AG Cluster- Description of Mitigated Plan (11/06/08)			
LV–7-1	Description of Mitigation Measures of the Mitigated Project			
LV–7-2	Table of Mitigation Measure Acceptability			
LV–7-3	Revised DP/CUP color map			
LV–7-4	Buffer diagrams			
LV–7-5	Waste Water Disposal area Map			
LV–7-6	Mitigated Project Statistics			
LV–7-7	Revised Vesting Tentative Subdivision Map			

Exhibit #	Description	PC	BOS	Notes
LV–7-8	Review of Tree Impacts of Mitigated Plan			
LV–8	KCB letter to Pedrotti re comments to RDEIR (06/08/12)			
LV–8-1	RRM letter to KB (06/08/12) with Hoag email			
LV–8-1-2	Table of Impact Comparisons of Feasible Project Alternatives			
LV–8-2a	Table A Basic Project Objectives			
LV-8-2b	Table B Alternatives Feasibility			
LV-9	JJ Letter Comments to 2012 RDEIR (06/08/12)			
LV-9-1	Letter from JJ to Pedrotti (06/11/12)			
LV-9-2	Class I Table VI-1 from RDEIR with comparison to Mitigated Project			
LV-9-3	Revised Table VI-1 Class I Impacts from RDEIR (06/11/12)			

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Exhibit #	Description	PC	BOS	Notes
LV–9-3a	Project Objectives/Feasibility Tables			
LV–9-3b	Class I Impacts of Remaining Alternatives			
LV-9-4	Letter from ESA regarding Aesthetic, Air Quality and Agricultural Impacts of the Mitigated Plan (05/23/12)			
LV-9-5	Letter from ATE regarding Traffic Impacts and Appropriate Mitigation Measures for the Mitigated Project (05/30/12)			
LV-9-6	Cleath letter re Water Impacts of the Project and Mitigated Project. (06/07/12)			
LV-9-7	RRM letter re Water Resources and Biological Impacts of Project and Mitigated Project; and Impacts of the Mitigated Project on the following: Agricultural Resources, Transportation, Aesthetics, Hazards (dead end roads) and Public Services (06/11/12)			
LV-9-8	Class I Impact- Summary of how they have been reduced over time			
LV-10	RRM letter to Pedrotti on Mitigation included in Mitigated Plan (06/11/12)			
LV-10-1	Applicant's Mitigated Project- Site Plan (06/11/12)			
LV-10-2	Applicant Table of Acceptability of Mitigation Measures (06/11/12)			

Exhibit #	Description	PC	BOS	Notes
LV-10-3	Mitigation Measures Accepted by the Applicant and Applicable to the Mitigated Project with Refinements Compared to the DEIR and RDEIR Redlined (June 2012)			
LV-10-4	RRM Laetitia Tree Impacts Exhibits (16 total)			
LV-11	JJ letter to Pedrotti with Cleath (2) Letters and RRM letter (12/06/12)			Encl. 12/04/12 letter from RRM to Janneck re Density Calculations; 12/04/12 letter from Cleath-Harris to Janneck re response to WRAC Subcommittee Report on Laetitia Agricultural Cluster RDEIR; 06/12/12 letter from WRAC to J. Patterson re WRAC comments on the water resource component of the RDEIR.
LV-12	KCB letter to Pedrotti re RRDEIR and resubmittal of prior LV exhibits (8/23/13)			
LV-13	KCB Vesting letter to Pedrotti re RRDEIR comments (8/23/13)			
LV-14	KCB letter to Pedrotti re Class I Impacts/Alternatives RRDEIR comments (8/23/13)			
LV-14-1	RRM letter to KCB re Review and Analysis of Alternative Section of RRDEIR (8/22/23)			
LV-14-2	Table 1: Alternative Screening			
LV-15	KCB letter to Pedrotti re Rural Lands Lot Density RRDEIR comments (8/23/13)			

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Exhibit #	Description	PC	BOS	Notes
LV-15-1	Laetitia Ag Cluster Rural Lands Density Determination (Flow Chart)			
LV-15-2	Hoag Memorandum (04/02/2004)			
LV-16	JJ letter to Pedrotti re RRDEIR comments (8/23/13)			
LV-16-1	Table 1: Reasonable Range of Alternatives, Comparison of Class 1 Impacts			
LV-16-2	Letter from ESA to JJ (8/23/13)			
LV-16-3	Letter from RRM to JJ (8/22/13)			
LV-17	Cleath letter to Pedrotti re Comments on Section V.P. (Water Resources) of Laetitia RRDEIR (7/18/13)			
LV-18	Pacific Vineyard, Co. letter to Pedrotti re Laetitia Agricultural Cluster, Impact to Agricultural/Viticulture (8/22/13)			
LV-19	JJ letter to Pedrotti re Traffic Comments on Revised Recirculated DEIR (8/23/13)			
LV-20	Transmittal letter from RRM to Pedrotti (8/23/13)			

Exhibit #	Description	PC	BOS	Notes
LV-21	Sirius Environmental letter to Pedrotti re comments to comments on DEIR (8/23/13)			
LV-22	Cleath letter to Pedrotti re Response to WRAC Subcommittee Draft Report on Laetitia Agricultural Cluster RRDEIR. (8/23/13)			
LV-23	Transmittal letter from RRM to Pedrotti (8/26/13)			

Kronick Moskovitz Tiedemann & Girard Exhibit Index

This Exhibit Index has been included as a reference listing the responses submitted by the applicant. Responses to Exhibits LV-1 through LV-7 were addressed in the 2008 Draft EIR Response to Comments, and responses to Exhibits LV-8 through LV-23 are addressed in the 2013 Recirculated Draft EIR Response to Comments, on the following pages.

KRONICK MOSKOVITZ TIEDEMANN & GIRARD
A LAW CORPORATION

Kenneth C. Bornholdt

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June 8, 2012

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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

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: LV8-1

1. The Alternative Section in the RDEIR is incomplete, misleading and inconsistent with the California Environmental Quality Act ("CEQA") and the CEQA Guidelines ("Guidelines"). LV8-2

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

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June 8, 2012
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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. LV8-2 (cont'd)

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). LV8-3

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." LV8-4

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 LV8-5

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reference, graphically illustrate how many of the RDEIR alternatives fail to obtain most of the project objectives and/or are infeasible and unreasonable. LV8-5 (cont'd)

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. LV8-6

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. LV8-7

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. LV8-8

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. LV8-9

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

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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. LV8-9 (cont'd)

4. The RDEIR incorrectly identified significant effects of the environment on the project which is inconsistent with CEQA. LV8-10

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/clk
Enclosures
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LV-8

LV-8-1

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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). LV8-11

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. LV8-12

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. LV8-13

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Given the knowledge and care RRM utilized to develop our plan, we have the following comments regarding the Alternative Analysis section of the RDEIR. LV8-14

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: LV8-15

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. LV8-16
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. LV8-17
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 LV8-18

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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. LV8-18 (cont'd)

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. LV8-19

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. LV8-20

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. LV8-21

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. LV8-22

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 LV8-23

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scenic rural setting on site and would be distinctly out of character with the project objective for character of the development. LV8-23 (cont'd)

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). LV8-24

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. LV8-25

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. LV8-26

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

LV8-27

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@rrmd cc: "'sun9155@aol.com'"
<sun9155@aol.com>, "'bornlawyers@aol.com'"
esign.com> <bornlawyers@aol.com>,
"Donatello, Allison R." <ARDonatello@rrmdesign.com>
Subject: Laetitia Cluster
project
04/02/2004 10:34

AM

Wednesday, April 07, 2004 America Online: Guest

LV8-27

LV-8-1-1

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.

Wednesday, April 07, 2004 America Online: Guest

Responses to Kronick Moskovitz Tiedemann & Girard's Comments (Exhibit LV-8)

Comment No.	Comment
LV8-1	Responses to specific comments are either addressed below, or the commenter is directed to Recirculated and Final Sections of the EIR.
LV8-2	Please refer to Recirculated and Final EIR Chapter VI Alternatives Analysis.
LV8-3	Please refer to Recirculated and Final EIR Chapter VI Alternatives Analysis, which includes expanded discussion and comparison of potentially significant impacts.
LV8-4	CEQA Guidelines Section 15126.6 (Consideration and Discussion of Alternatives to the Proposed Project) states that the "lead agency is responsible for selecting a range of project objectives for examination and must publicly disclose its reasoning for selecting those alternatives" (Section 15126.6 a) and the "EIR should briefly describe the rationale for selecting the alternatives to be discussed"(c). The EIR states that "These alternatives would either have comparable impacts or would reduce environmental impacts as compared to the proposed project, would meet most of the basic objectives of the proposed project, and are considered feasible for implementation" (EIR Chapter VI Alternatives Analysis, C. Alternatives Analysis). Additional discussion consisting of the agency's reasoning for consideration of each alternative has been added to each alternative description where necessary to aid further understanding and assessment by the public and County decision makers. This additional discussion does not change the analysis or findings presented in the EIR.
LV8-5	Please refer to response to comment LV9-57.
LV8-6	The 93% Reduction Alternative would locate approximately seven lots within the Rural Lands land use category, which would require 90 percent of the remaining parcels used to qualify for the lots to be placed in permanent agricultural/open space easements. Table VI-4 Project Objectives has been clarified to note that: "*The area percentage is a minimum requirement, and establishment of these easements is required by the 2003 LUO. The actual area within the easement would be limited to the Rural Lands land use category, and would be less than what is required for the proposed project; however, based on the required compliance with the 2003 LUO this alternative would generally meet this objective*".
LV8-7	The EIR clearly identifies that the January 2003 Land Use Ordinance was applied to the Agricultural Cluster (refer to EIR Chapter IV Environmental Setting, C. Consistency with Plans and Policies, 2. Relevant Land Use Plans. B. San Luis Obispo County Land Use Ordinance).
LV8-8	Please refer to responses to specific comments in the 2008 letter.
LV8-9	As noted in Final EIR Section V.E. Biological Resources, 5. Project-specific Impacts and Mitigation Measures, a. Project-wide, 2) Impacts to Coast Live Oak Woodland (page V.E.-36), the project would result in the loss of 55 oak trees, and impacts to 114 oak trees including on-going vegetation management pursuant to CAL FIRE standards. Approximately 14.35 acres of oak woodland habitat would be adversely affected. An additional 1.3 acres of oak woodland would be adversely affected by the potential development of the dude ranch, and off-site road improvements would require the removal or impacts to approximately 94 coast live oak trees. While the loss of these trees would be offset by identified mitigation including oak tree replacement and conservation pursuant to the Kuehl Bill, the length of time required to establish equitable oak woodland habitat would result in a significant short and long-term adverse effect. The EIR treats impacts to oak woodland and impacts to other types of vegetation differently because oak trees take much longer to grow and re-establish habitat values, and therefore create a more significant short-term impact even when coupled with mitigation. In addition, the volume and extent of oak trees that are anticipated to be removed or impacted as a result of the project will, as a whole, create a more significant effect on the

Comment No.	Comment
	environment than the impacts to other types of vegetation.
LV8-10	The County is aware of the cited Ballona Wetlands (2011) case. Currently the County and CEQA Guidelines Appendix G have not removed the relevant thresholds of significance: "Would the project expose people to noise levels in excess of standards established in local noise ordinances or general plan noise elements?" and "Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use?" Therefore, this threshold and identified impact remains in the Final EIR for consideration by the County decision makers. Suitable buffers are recommended by the County to reduce potential land use conflicts, and subsequent adverse effects on agricultural lands including conversion to non-agricultural use as a result of nuisance complaints.
LV8-11	The commenter's statements are noted and will be considered by the County decision makers.
LV8-12	The County recognizes the time and efforts of the applicant's consultant team regarding development of the project, and the Applicant's Mitigated Project. Specific issues identified by the commenter are addressed in subsequent comments below.
LV8-13	County Land Use Ordinance (2003) Section 22.22.150 Agricultural Lands Cluster, requires findings that "the proposed project has been designed to locate proposed development to avoid and buffer all prime agricultural soils on the site, other agricultural production areas on the site, as well as agricultural operations on adjoining properties". Although the applicant proposes to replant vineyards to be removed by the project, as designed, the residential development would be located in areas of current and ongoing agricultural production. The applicant's justification regarding relative productivity of current and future vineyard production does not support this finding based on the current productivity of the vineyard.
LV8-14	The rejection of the standard subdivision was rejected because it would result in the subdivision of the entire property into 25 parcels, and each lot would be owned and developed by an individual property owner. This fragmentation would likely significantly inhibit management and production of the vineyards because the parcels would no longer be owned by the landowner currently operating the vineyard, and would result in potentially significant impacts exceeding those identified in the EIR.
LV8-15	Based on County staff's review of the January 2003 Land Use Ordinance and previous correspondence from County staff regarding the project, the Ordinance does not allow for a density bonus in the Rural Lands land use category. As noted in the EIR, no guidance is provided in the Agricultural Lands Clustering Ordinance regarding the portion of the site within the Rural Lands land use category. The intent of the Ordinance and General Plan Consistency Alternative is to present a project that is consistent with County staff's interpretation of the Ordinance. Application of minimum parcel size standards for both Agricultural and Rural Lands, and application of a density bonus for the Agricultural land use category only results in the following: 50 lots (AG) and 34 lots (RL) for a total of 84 lots (refer to (b) Determining Density by Land Use Category in the Final EIR.
LV8-16	The County recognizes that the applicant has incorporated the effluent disposal alternative into the Applicant's Mitigated Project Alternative. The commenter presents a valid point; therefore this alternative component has been incorporated into all feasible alternatives to the project.
LV8-17	While the commenter notes that there are 11 underlying lots, each which may support residential development, the purpose of alternatives analysis is to identify alternatives to the project that would avoid or reduce potentially significant impacts on the environment. Such alternatives may include a reduced project (regardless of the maximum allowed density allowed by the County's LUO), redesigned project, or project located in an alternative location. Redesigned Project B – Single Cluster Alternative 93% Reduction identifies an alternative project that would allow for some clustered development of residences while avoiding potentially significant impacts to the environment, as identified in the Final EIR. County LUO Section 22.22.140 Cluster Subdivision requires an open space parcel. It is anticipated the open space parcel would apply to the remainder

Comment No.	Comment
	of the qualifying area used to determine density. The commenter is correct in that the easement may not apply to the entirety of the project site (Agriculture and Rural Lands land use categories); however, this alternative does not preclude the landowner from establishing a preserve or easement on the site. In addition, it is speculative to assume that if a preserve is not established that agricultural production would decrease or would be otherwise adversely affected in the future. Any future development of the site would be subject to discretionary review by the County.
LV8-18	As noted above in LV8-17, the alternatives analysis may consider an alternative location for the project. In this instance, the EIR considers land currently under the ownership of the applicant. While the commenter is correct in that the easement may not apply to the entirety of the project site (Agriculture and Rural Lands land use categories), development of a project in this alternative location would avoid the removal of existing vineyards. As noted above (LV8-17), it is speculative to assume that consideration of this alternative would result in reduced productivity or future conversion of existing agricultural operations.
LV8-19	The Applicant's Mitigated Project includes most, but not all, of the identified design change recommendations identified in the 2008 Draft EIR. As documented in the record, these differences are due to disagreements between the applicant and the County regarding determination of significant aesthetic impacts.
LV8-20	Implementation of the Alternative Access alternative would eliminate the dead end road starting at the intersection of Sheehy Road and North Dana Foothill Road. The two access points would be Cimmaron Way and Dana Foothill Road, which would provide primary and secondary access for future residents of the project. This addresses the identified impact by meeting the standards required by CAL FIRE and providing familiar evacuation routes while avoiding the U.S. Highway 101 and Laetitia Vineyard Drive intersection. The EIR does note that this alternative would result in additional impacts, and would be affected by the feasibility of obtaining additional property to accommodate construction.
LV8-21	Please refer to Final EIR Figure VI-2 Reduced Project B Reduced Density Alternative, which has been fixed to remove the area outlined for the equestrian center and to avoid a noted archaeological site, and to show potential alternative lot locations and a 150-foot setback from the edge of the utility easement. The intent of this alternative is to reduce the permanent conversion of Farmland by locating residential sites in areas that are not under vineyard production. As noted in the EIR, this alternative would result in significant impact to biological resources (requiring implementation of mitigation) and would require the removal of vineyards, though substantially less than the proposed project.
LV8-22	Please refer to response to comment LV8-21 above. The applicant's aversion to this alternative will be considered by the County decision makers.
LV8-23	The western cluster identified in the alternative is located in the approximate area of the Mitigated Project Alternative sub-cluster D, and as noted in the EIR, mitigation would be required including capping the core of the archaeological sites and archaeological monitoring. The Agriculture Cluster Ordinance allows for 10,000-square foot lots, and although the structures would be clustered in closer proximity to each other, the development would be located in a scenic rural setting. The applicant's aversion to this alternative will be considered by the County decision makers.
LV8-24	As noted above (LV8-23), impacts to archaeological sites would occur similar to the proposed project, and mitigation would be required. Overall, this alternative would result in reduced impacts to aesthetics, agricultural resources, air quality, noise, traffic, and water resources (refer to EIR Chapter VI Alternatives Analysis, Reduced Project B).
LV8-25	The single cluster alternative located in the Rural Lands portion of the site would require 90 percent of the site to be designated open space, within one open space parcel. As noted in Section 22.22.140 of the LUO: "The open space parcel may be used for any of the following: Crop production or range land; historic, archaeological, or wildlife preserves, water storage or recharge;

Comment No.	Comment
	leach field or spray disposal area; scenic areas; protection from hazardous areas; public outdoor recreation; or other similar open space use." As noted in the EIR, removal of vineyards would be required under this alternative. Based on location of this alternative, which generally avoids productive Farmland, establishment of an open space parcel on 90 percent of the project site, continued operation of the vineyards and winery while avoiding potential land use conflicts, and the surrounding scenic rural setting, this alternative would meet most of the project objectives.
LV8-26	Please refer to response to comment letter attachment LV9-3 (see response to comment LV9-57).
LV8-27	Staff correspondence with the applicant was considered by the County during analysis of the project and consideration of the density bonus applied to the Rural Lands land use category. Based on the County's review, a density bonus would not be applied to the calculation of parcels within the Rural Lands land use category.

JANNECK, LTD.
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June 11, 2012

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

RE: Comments on Laetitia Agricultural Cluster Subdivision RDEIR
SUB2003-00001 (Tract 2606), SCH # 2005041094

Dear Brian:

As you know from my previous two letters, our team of expert consultants had great difficulty understanding just what the preparer of the RDEIR meant as to the important new information that caused the County to recirculate part of the DEIR. Their difficulty arose from patent ambiguities and inconsistencies in the RDEIR from which the applicant, as well as the public and decision makers, will often have to guess what the language meant on key points. LV-9-1

We welcome the County agreeing to revise and recirculate the RDEIR. We had prepared the attached comments in anticipation of the comment period expiring June 11, 2012. We decided to go ahead and submit these comments to aid County staff and consultants in preparing the revised RDEIR.

The Laetitia Mitigated Project incorporates the mitigation measures recommended by the County EIR consultants in the DEIR circulated in 2008. The County EIR consultants should make it clear that under our Mitigated Project, there are only 9 separate remaining Class I impacts. The County should also fully disclose that under the cluster rules in effect at the Laetitia vesting date, the Laetitia Mitigated Project has no Class I impacts. We have demonstrated that in our comments to both the DEIR and the RDEIR. We fully expect to see that reflected in both the Final EIR and the County Staff Report. LV-9-2

We submitted detailed comments on the DEIR, which all remain applicable to the analysis of the project and we ask that you also interpret all the comments to be applicable to the Mitigated Project to the maximum extent reasonable. We hereby incorporate our comments on the DEIR by reference and request that they be responded to in detail for both the project and Mitigated Project. LV-9-3

We regret that County staff is unwilling to work directly with the project team to refine mitigation measures and project components. As I have indicated many times in the past, I have directed the project team to mitigate every impact to the absolute maximum extent feasible. As you can easily see and appreciate, as part of our comments on the DEIR we submitted a Mitigated Project that implements well over 200 mitigation measures (several mitigation measures are subdivided into many parts which themselves are discrete measures) the County recommended in the DEIR. We remain more than willing to LV-9-4

LV-9

Laetitia RDEIR Comment Letter
June 11, 2012
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work with staff and their consultants to identify and implement every conceivable reasonable and feasible measure that could possibly reduce any remaining significant project impacts recited as either 19 or 23 in the RDEIR (although as indicated below we believe that the Mitigated Project would reduce all impacts to Class II). LV-9-4 (cont'd)

In the attached comments, we have done our best to intuit the intent of the confusing statements and have assembled technical comments outlined below and further spelled out in attachments to this letter.

The biggest confusion to us was the fact that the RDEIR continues to analyze the original project – with certain changes -- when the Mitigated Project, which was designed to address the mitigation measures identified in the DEIR, is the most logical subject of any further analysis. We agree with adding this refined project as an alternative, but believe that this alternative should be the focus of review rather than spending time on the original project that has been revised based on the DEIR. At a minimum we recommend adding a comprehensive Introduction that explains the process and the document and how the Mitigated Project was developed by the applicant to implement the mitigation measures in the DEIR. LV-9-5

As before, the attached letters are from recognized experts in each technical field, all of them have worked extensively in San Luis Obispo County, including with County staff on County projects, and have long-standing reputations for integrity, objectivity and technical quality. LV-9-6

One more point I would like to bring up: while I understand and applaud the new planning commitment to urbanism, there will always remain those who find rural living preferable to City living. There are people who want to be close to the land and enjoy a less harried existence. We are planning this project for them -- people who desire and *choose* to live in an agricultural setting with all the benefits (and inconveniences) attendant thereto. Obviously it is not for everyone. Indeed, the project will represent a very small fraction of housing supply in the County. But we are planning to meet a definite need. This need has been and will continue to be met here as well as in Napa, Sonoma, Santa Barbara and counties other than San Luis Obispo. I ask you, does the County of San Luis Obispo really want to drive out this component of our community? LV-9-7

On a related note, that our counsel Ken Bornholdt will expand upon in his letter, recent case law clarifies that CEQA is not intended to protect the project and its occupants from the environment, rather the analysis in an EIR must address 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 should be deleted from the EIR. LV-9-8

Outlined below is a summary of our more-detailed attached technical comments which confirm our understanding that all Class I impacts have been reduced to a level less than Class I for the Mitigated Plan. LV-9-9

WATER RESOURCES (see attached letter from Cleath-Harris Geologists – LV-9-6)

We concur that impacts to water resources under the Mitigated Project are Class II. The RDEIR analysis, however, unnecessarily and significantly reduced the sustainable yield assigned to the project wells. Water levels stabilized at project wells prior to the end of Phase 3 testing, supporting the sustainable yield value estimated from Phases 1 and 2. A restriction on pumping Well 11 from August through November for does not change the sustainable yield value. Additional comments address rainfall characterization, equilibrium, climate change, well interference, and project water demand. Maximum well yield values identified in mitigation measure WAT/mm-1.c should not be referenced as gallons per minute, and should not total less than 87 acre-feet per year. The project would result in 37 afy of tertiary treated water unaccounted for in the water budget. This water would be available for irrigation and would result in groundwater recharge. LV-9-10

LV-9

Laetitia RDEIR Comment Letter
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BIOLOGICAL RESOURCES

The mitigation measures for oak tree removal and replacement effectively mitigate what would otherwise be a significant impact. The RDEIR indicates that time is required for the replacement trees to grow and therefore this impact remains significant. If this were true, then no re-vegetation program would ever be sufficient mitigation for any biological resource impact. Laetitia is committed to protection of oak trees and the mitigation measures will ensure effective replacement of the trees to be removed. LV-9-11

ALTERNATIVES (see separate letter from Ken Bornholdt – LV-8)

Our counsel, Ken Bornholdt, is submitting a letter and attachments that spell out the legal deficiencies with the alternatives analysis. To summarize that letter: the County has identified myriad alternatives that fly in the face of CEQA and pay no heed to project objectives, feasibility or reasonableness. It is simply ridiculous that the County would suggest, for example, that seven homes is an appropriate alternative to the project. To even suggest such an alternative, let alone analyze it in any detail and then choose it as the environmentally superior alternative, suggests a profound lack of understanding of the identified impacts, site zoning and the basic business environment for a project such as that proposed. Another alternative pre-supposes imaginary site zoning! LV-9-12

MITIGATED PLAN (see attached augmented analysis – LV-9-1 and comparison with Project Class I impacts from Table VI-1 in the RDEIR – LV-9-2)

The project team worked hard to develop the detailed design for the Mitigated Project based on input from the County and their consultant as generally outlined in the DEIR and associated mitigation measures that took the form of generalized instructions of potential changes to project design. The Mitigated Project Alternative is the project with all the reasonable and feasible mitigation measures identified in the DEIR incorporated in to the project design as applicable and feasible. The brief analysis of the Mitigated Project, presented in the RDEIR (pages VI-8 through VI-13), does not capture some of our careful design choices that I am told by our (objective, highly-qualified) experts would reduce most if not all of the remaining identified Class I impacts to Class II. In addition, our experts have told me that for several impact areas the County is using thresholds not in existence when our application was deemed complete and vested in 2004 that are inconsistent with past County practice for which there is no precedent. Such arbitrary application of thresholds undercuts our ability to plan a project and flies in the face of CEQA. LV-9-13

Attached is an augmented analysis of the Mitigated Plan that emphasizes mitigation measures that our experts indicate would reduce impacts below applicable thresholds of significance. LV-9-14

As we have pointed out above and elsewhere, we had a very hard time divining what the RDEIR is indicating in terms of residual significant adverse impacts of the Mitigated Plan. For purposes of our comments, based on Table VI-1 in the RDEIR, we are assuming certain project impacts identified in the Draft EIR are no longer identified as Class I for either the project or the Mitigated Plan (BIO 7 -- Los Berros Creek; AQ 6 -- Long term AQ impacts; NS 2 -- Transportation Noise; and NS 5 -- Cumulative Transportation Noise). We further assume that when Table VI-2 indicates +1 with respect to an impact, +1 means that an impact has been reduced by the Alternative to below a level of significance. LV-9-15

Summarized below are some of the key points with respect to issue areas that appear to remain significant Class I impacts in the RDEIR analysis of the Mitigated Project and that we firmly believe are Class II impacts. LV-9-16

LV-9

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Agricultural Resources (see attached letters from RRM – LV-9-7 and ESA – LV-9-4)

The RDEIR analysis of the Mitigated Project continues to ignore the strong County policies in the General Plan and the South County Area Plan that promote agricultural cluster development specifically at the Laetitia property. The Mitigated Project would result in no net long-term loss of agricultural production capacity or productive acreage; vineyards would be replaced at a ratio of 1:1 (or better). Therefore loss of productive agricultural land (AG 1 and AG 4)) is a Class II impact. The Mitigated Project includes site-specific consideration of detailed specific topography, vineyard locations and climatic factors for vineyard locations within 500 feet of the residential lots resulting in potential land use conflicts (AG 2) being a Class II impact (as well as an impact of the project on itself and thus not within the purview of CEQA). LV-9-17

Traffic (see attached letter from ATE – LV-9-5)

The analysis in the DEIR, upon which we presume the analysis of the Mitigated Project is based, uses a threshold of significance of one trip added trip. This is inconsistent with past practice. (We note in passing that all of the Alternatives in the RDEIR would have the same or greater Class I impact and yet mysteriously are not shown to be the same. Thus, there seems to be two inconsistent viewpoints of these impacts; one for the project and Mitigated Project and another for all of the County alternatives.) An independent traffic engineer -- ATE -- indicates that, using the data in the DEIR, the impact of the Mitigated Project (even using generic, conservative trip generation rates) on southbound Highway 101 and at the Highway 101/Los Berros Road/North Thompson Road ramp junctions during the p.m. peak hour (TR 4 and TR 15) would be less than significant. ATE also indicates that an electronically operated gate, with redundant solar charged/battery operation and manual operation in the event of total electronic failure plus, a gate guard 24 hours per day, seven days per week, 365 days per year, would guarantee emergency use only of that access point and would reduce any potential traffic impact at Laetitia Vineyard Drive (TR 10 and TR 13) below a level of significance (to a Class II impact). LV-9-18

Air Quality (see attached letter from ESA – LV-9-4)

Increased emissions from vehicle trips would be reduced by mitigation measures and adoption of 18 discretionary measures from the SLO APCD Handbook. The project is an Ag Cluster consistent with the San Luis Obispo General Plan. Therefore the project would be consistent with the Clean Air Plan (AQ 9 and AQ 10). LV-9-19

Aesthetics (see attached letters from ESA – LV-9-4 and RRM – LV-9-7)

The Mitigated Project relocates lots away from ridge-lines, relocates roads so they are not visible, limits building heights in specified areas to 25 feet, avoids silhouetting and includes landscaping that would screen views of new structures (AES 4, 5, and 18). The Mitigated Project would be fully consistent with the 101 Highway Corridor Design Standards. Highway 101 is not a designated scenic highway or corridor in the vicinity of the site. LV-9-20

Hazards (see attached letter from ATE – LV-9-5)

A guard-gated access on Laetitia Vineyard Drive would ensure immediate Cal Fire access and resident emergency egress (HM 2). We recently met with Cal Fire (June 8, 2012) and they agree that the guard-gated access/egress is sufficient to ensure ease of access/egress in an emergency. Therefore, this impact is Class II. LV-9-21

LV-9

Laetitia RDEIR Comment Letter
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Public Services (see attached letter from RRM – LV-9-7)

Project is within growth assumptions for the area and would include a one-acre site for a Cal Fire station (Cal Fire indicated June 8, 2012 that they would like Laetitia to dedicate a site west of the freeway for their use.) Increased property taxes would contribute to payment for added emergency services personnel proportionate to demand (PSU 4). In addition residents would be oriented as to fire safety and regularly reminded (through regular meetings) regarding what to do in the event of a fire and necessary fire protection actions including escape routes, appropriate plantings, sprinklers in structures, etc. LV-9-22

MITIGATION MEASURES

Under separate cover, RRM is providing a matrix summarizing our comments on mitigation measures in the DEIR and RDEIR as they apply to the Mitigated Project. RRM is also providing a list of the mitigation measures word for word (edited as appropriate to apply to the Mitigated Project) – the list of measures indicates in red-line changes from mitigation measures presented in the DEIR and RDEIR As you can see, the applicant accepts almost all of the mitigation measures from the DEIR and RDEIR. LV-9-23

Finally, attached to this letter (LV-9-8) is our summary of how the count of Class I impacts has changed over time as well as a summary of how remaining Class I impacts identified for the Mitigated Project are reduced to Class II. Also attached we have taken another look at Table VI-2 from the RDEIR (LV-9-3) and suggested changes to the scoring for the Mitigated Project based on project design and accepted mitigation measures, as well as rationale to eliminate infeasible alternatives rather than unrealistically carrying them forward for analysis.

Thank you in advance for your detailed consideration and balanced review of our comments. We look forward to the revised RDEIR and moving this project forward through the process. Please do not hesitate to contact me, or any of the project team members, if there is any additional information that we can provide.

Sincerely,

ALLISON DONATELLO
FOR JOHN JANNECK

John Janneck
Laetitia Vineyard and Winery

Attachments:

LV-9-1: Mitigated Project Augmented Analysis
LV-9-2: Table VI-1 from RDEIR with comparison to Mitigated Project
LV-9-3: Revised Table VI-2 from the RDEIR
LV-9-4: Letter from ESA regarding Aesthetic, Air Quality and Agricultural Impacts of the Mitigated Plan
LV-9-5: Letter from ATE regarding Traffic Impacts and Appropriate Mitigation Measures for the Mitigated Project
LV-9-6: Letter from CHG regarding Water Impacts of the Project and Mitigated Project
LV-9-7: Letter from RRM regarding Water Resources and Biological Impacts of Project and Mitigated Project; and impacts of the Mitigated Project on the following: Agricultural Resources, Transportation, Aesthetics, Hazards (dead end roads) and Public Services.
LV-9-8: Class I Impacts -- Summary of how they have been reduced over time

LV-9

LV 9-1

Mitigated Project Augmented Analysis

Mitigated Project – Applicant Proposed Alternative
Suggested Augmented Analysis

This alternative incorporates mitigation measures specific to site design modifications (i.e., elimination and/or relocation of lots). This alternative ~~considers the effects of~~ includes the following changes compared to the project analyzed in the DEIR: LV-9-24

Sub-cluster A

- Realignment of Road A
- Deletion of Roads K and M
- Reconfiguration of Lots 1 through 10 and 16 through 23
- Relocation of Lots 11 through 15
- Application of 25-foot maximum allowable building height for Lots 1 through 23
- Adjustment of agricultural buffers to accommodate new road and lot configuration

Sub-cluster B

- Relocation of Lots 28, 29, 42, and 43
- Reconfiguration of Lot 27, and require 25-foot allowable minimum building height
- Reconfiguration of Lots 24 through 26
- Realignment of Road J
- Delete equestrian center
- Extension of Road I
- Reconfiguration of building envelopes within Lots 36 through 39 (close to Road I), and use of stepped foundations
- Require revegetation of slopes and landscape screening along Road H
- Adjustment of agricultural buffers to accommodate new road and lot configuration

Sub-cluster C

- Relocation of Lots 47 and 48 and reconfiguration of Lot 46
- Revise Road D (driveway to serve Lot 46 and provide access to vineyard)
- Reconfiguration of Lots 49 through 64
- Install 24-hour, 7-days a week, 365 days per year, guardhouse
- Adjustment of agricultural buffers to accommodate revised road and Lot configurations

Sub-cluster D

- Relocation of Lots 68 and 69
- Modification of Road B to an elevation and alignment below the residential lots
- Reconfigure Lots 74 through 85
- Application of 25-foot maximum allowable building height for Lots 66 through 85
- Adjustment of agricultural buffers to accommodate new road and lot configuration

Sub-cluster E

- Application of 25-foot maximum allowable building height for Lots 87 through 91, and Lot 101
- Require revegetation of slopes and landscape screening along Main Road 2 and Roads E and F
- Relocation of water tank and require landscape screening Ranch Headquarters/HOA Facility
- Retain historic squeeze chute, dairy barn, and milk house

LV-9-1

1

Equestrian Center
- Eliminated from project

Existing Winery
- Construction of retaining wall/sound wall at winery work area

Domestic Recycled Water Re-Use
- Relocation of recycled water re-use area

LV-9-24 (cont'd)

a. Geology and Soils

LV-9-25

Implementation of this alternative would result in similar impacts as the proposed project. No lots would be located within older landslide deposits; however, the lots would be located below these deposits. Substantial grading, including deep cut slopes, is anticipated to implement this alternative. Implementation of standard mitigation measures specific to geologic hazards would be required. In addition, individual soils engineering reports would be required upon application for construction permits for individual lot development.

b. Water Resources

LV-9-26

Elimination of the equestrian center ~~would~~ in the project reduced project water demand by 4.4 afy, or approximately ~~one~~ 3.3 percent (based on a project demand of 132.6 afy). Incorporation of water conservation measures identified in the Draft EIR (2008) and strict limitations on landscaped area would ~~further~~ reduce demands for indoor and outdoor water use, for an estimated annual demand of 46.3 afy or a 64% reduction compared to the original project. Relocation of the proposed effluent disposal ~~area may reduce~~ would result in similar impacts to groundwater quality ~~by dispersing the recycled water over larger areas, potentially reducing the potential for build-up of salts and other concentrations in the soil and underlying groundwater~~. Potential impacts would be less than significant.

Potential impacts to surface water quality would be similar to the proposed project, including the potential for sediment and hydrocarbon discharge into surface water. Mitigation would be necessary, including implementation of erosion and sedimentation control, BMPs, and a SWPPP. Impacts of the project and mitigated project on water supply and water quality would be Class II, less than significant with mitigation. The project would result in 37 afy of tertiary treated water unaccounted for in the water budget. This water would be available for irrigation and would result in groundwater recharge.

c. Archaeological Resources

LV-9-27

Modifications to the project design, including relocation of residential lots and elimination of the proposed equestrian center, would avoid adverse impacts to identified significant archaeological sites SLO 2526 and SLO 2528. Implementation of recommended mitigation measures would reduce identified impacts to less than significant.

d. Historical Resources

Construction of the proposed ranch headquarters would adversely affect a significant historical complex adjacent to Upper Los Berros Road. This alternative incorporates preservation and relocation of significant historical structures and additional documentation of less sensitive

structures to be removed. Implementation of these measures would not result in significant secondary impacts to other resources. LV-9-27 (cont'd)

e. Agricultural Resources LV-9-28

~~Modifications to the project design would result in significant adverse impacts to agricultural resources, including increased loss of productive vineyards.~~ Within the Agriculture land use category, 36.6 acres of vineyards would be removed, and within the Rural Lands land use category, 76.4 acres of vineyards would be removed. These impacts would be reduced to a level of less than significance (Class II) through the applicant placing at least an equivalent acreage of land in to productive agricultural use. (In general soils on the project site only become productive after soil amendment and other methods designed to improve soil quality. The applicant is familiar with these techniques and experienced in making land on the site productive.) In addition, buffers between on-site residential lots and on-site agricultural uses would be designed to ensure a Class II land use compatibility impact. (Since these are on-site impacts they are not issues to be addressed in CEQA documents.)

f. Biological Resources LV-9-29

Implementation of this alternative would affect annual grassland, riparian scrub, and coast live oak woodland. Primarily, impacts to biological resources would be limited to grassland habitat. Implementation of this alternative would result in the removal of up to seven oak trees and impacts to up to 56 oak trees. Drainages D, E, and G would be affected by the development, primarily limited to road crossings and indirect effects due to ground disturbance and down-gradient discharge of pollutants (similar to the proposed project). Impacts of the mitigated project on oak trees and oak woodlands would be Class II less than significant.

This alternative would eliminate use of Wells 12 and 13 for domestic use, due to the hydrologic connectivity to Los Berros Creek, the noted reduction in stream flow, and subsequent adverse effect to aquatic species including southern steelhead. This alternative would include the use of Wells 14 and 15, which are located in the northern portion of the property. Based on further hydro-geologic analysis, these wells are not connected to Los Berros Creek and proposed use will not adversely affect stream flow within the creek. Proposed Wells 14 and 15 and an existing buried water line connecting these wells to the vineyard are currently located on the project site. Implementation of this alternative, and use of these wells for domestic use, would require replacement of the existing buried water line. Disturbance would occur within an existing unpaved, rough graded roadway. Mitigation measures identified in the EIR would be necessary to minimize the area of disturbance and avoid adverse and inadvertent effects to oak woodland, special-status species, nesting bird species, wildlife, and water quality. Impacts of the mitigated project on biological resources would be Class II, less than significant.

g. Paleontological Resources LV-9-30

The boundaries of this alternative would be located within areas mapped as Obispo and Paso Robles formations, which have produced significant fossils in San Luis Obispo County. Implementation of this alternative would result in similar impacts to paleontological resources as the proposed project. Implementation of a mitigation and monitoring plan would be required.

h. Transportation and Circulation LV-9-31

Implementation of this alternative would not reduce the number of traffic trips generated by the project. It should be noted that the project analysis uses standard trip generation rates for single-family homes. However, the anticipated profile of project residents is anticipated to include a higher than average number of retired people and telecommuters, a population who does not use roadways as much as average during the peak hours. Using the conservative trip generation rates in the DEIR traffic analysis, the project and the mitigated project would contribute to traffic on southbound 101 and the Highway 101/Los Berros Road/North Thompson Road ramp junctions during the pm peak hour. There is a difference of opinion between experts as to whether this impact would be significant or not. Using thresholds of significance used by other projects, the impact would be less than significant. ~~Offsite road improvements would be necessary, similar to the proposed project identified in the Draft EIR (2008).~~ Incorporation of a full-time (24/7/365) occupied guard station on Main Road 1 ~~is intended by the applicant to~~ would prohibit residential trips using the existing Highway 101/Laetitia Vineyard Drive access location to enter or exit the residential development except in emergencies. It is anticipated that all non-emergency, project residential trips would be prevented by the guard gate. Based on consultation with ~~Caltrans, including a joint meeting with~~ CAL FIRE on June 8, 2012 ~~February 22, 2011,~~ this approach is acceptable and would therefore result in a Class II impact. ~~would not guarantee zero additional trips generated at this intersection; therefore, this impact would be significant, adverse, and unavoidable, similar to the project identified in the Draft EIR (2008).~~

i. Air Quality LV-9-32

Implementation of this alternative includes the same number of residential units; therefore, area source and operational emissions would result in the same level of emissions as the proposed project. Based on air quality emission modeling using the current model (Urbemis 2007 9.2.4), both the proposed project and the applicant's mitigated project would result in operational emissions exceeding 25 pounds per day (lbs/day) for combined ROG and NOx (35.37 lbs/day combined). During operation, both the proposed project and the mitigated project would not emit more than 25 lbs/day of particulate matter (PM10) or more than 550 lbs/day of carbon monoxide (CO). Based on the updated CEQA Handbook, 18 discretionary mitigation measures are ~~required~~ recommended to be implemented; in addition to the mitigation measures AQ/mm1 through 12 (including 16 separate operational measures included in AQ/mm-12) the applicant will implement discretionary measures from the SLOAPCD Handbook. ~~however,~~ Off-site mitigation is not required (San Luis Obispo County Air Pollution Control District [SLOAPCD], 2009). Implementation of these measures would also reduce greenhouse gas (GHG) emissions.

Elimination of the equestrian center would avoid significant impacts related to odors that would be generated by this facility; however, operation of the wastewater treatment facility would generate odors similar to the project. Operational impacts related to traffic trips, including commuter trips to urban services, would be reduced by 1) project residents that are anticipated to be retired and/or telecommute more than the average, and 2) application of feasible mitigation measures (see above discussion) resulting in general ~~a significant and adverse impact due to in~~consistency with the Clean Air Plan and a Class II impact.

j. Noise LV-9-33

~~Implementation of this alternative includes the construction of a noise wall near the existing winery, which would reduce potential impacts resulting from exposure to stationary noise.~~ Recent case law indicates that impacts of the environment on the project (such as on-site noise issues at

LV-9-1 4

Laetitia) are not to be addressed in CEQA documents. Sensitive residential uses would be exposed to agricultural noise, similar to the proposed project, and would result in significant impacts related to land use conflicts, due to the proximity of proposed residential uses adjacent to production agriculture. Implementation of this alternative would generate transportation-related noise impacting off-site residents adjacent to affected roadways, similar to the proposed project. LV-9-33 (cont'd)

k. Aesthetics LV-9-34

This alternative incorporates several design recommendations identified in the Draft EIR (2008) to avoid or minimize significant adverse effects to visual resources, including relocation of lots, building envelopes, and roads, and imposing 25-foot maximum height limits in specified areas. Implementation of this alternative would avoid significant adverse impacts associated with the development of Roads A and B, grading and construction of a water tank, elimination of Lot 46 (as shown in the Draft EIR [2008]), and development of Sub-cluster B (Lots 24 through 43).

~~While~~ As noted above, this alternative would impose a 25-foot height limit in specified areas; which combined with relocated roadways and home sites (below visible elevations), vegetative screening and distance would reduce the significant unavoidable impacts resulting from the development of Sub-clusters A (Lots 1 through 23) and E (Lots 87 through 105) to less than significance (Class II). ~~would remain significant and unavoidable~~.

Mitigation measures, including implementation of design standards (i.e.; architectural, colors, materials, exterior lighting, and landscaping) would be necessary for all lots visible from public roadways.

l. Hazards/Hazardous Materials LV-9-35

Implementation of this alternative would result in similar impacts as the proposed project. CAL FIRE regulations state that the maximum dead-end road length for one-acre parcels is 1,320 feet, and the maximum dead-end road length for parcels less than one-acre is 800 feet. This alternative proposes secondary access onto Highway 101, including a 24/7/365 occupied guard station intended to prevent "non-emergency" use of this secondary access road. ~~however, based on consultation with~~ CAL FIRE has indicated that no gate (or an automatic gate) is required to provide adequate secondary access. Furthermore, CAL FIRE recommends that the secondary access be a familiar route. In the event of a fire, medical emergency, or other emergency requiring evacuation, residents and occupants must be able to freely exit the development without confusion or obstruction. The guard-gated access combined with on-site resources (site west of 101 for Cal Fire use) would address CAL FIRE concerns (indicated in a meeting held June 8, 2012) and resident training/information would address these issues. ~~This proposed alternative would not comply with these standards, due to the lack of adequate secondary access to the project site; therefore, this impact would remain significant and unavoidable.~~ Therefore, this issue would be reduced to acceptable levels and would be Class II, less than significant.

m. Public Services and Utilities LV-9-36

Implementation of the proposed project would not reduce the on-site density; therefore, it would result in similar impacts addressed in the Draft EIR (2008). Increased property taxes from on-site uses providing revenue to County services combined with resident training, site west of 101 being made available for CAL FIRE and other community service uses would reduce this impact to acceptable levels, making it a Class II, less than significant impact.

n. Other Issue Areas

Implementation of this alternative would result in ~~public services and utilities,~~ wastewater, recreation, and population/housing impacts similar to the proposed project. LV-9-37

LV-9-1

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LV 9-2

Table VI-1 from RDEIR

Laetitia Agricultural Cluster Tract Map and CUP
Re-circulated Draft Environmental Impact Report- April 2012
TABLE VI-1 Class I Impacts, Section VI-Alternatives Analysis, Page VI-3, 4, 5
June 11, 2012

Impact No.	Project Impact	Mitigated Project/Applicant's Response	
BIOLOGICAL RESOURCES			
BIO Impact 3	Development of the proposed project would result in the removal of and/or impacts to an estimated 169 coast live oak trees that are greater than five inches DBH, as well as impacts to approximately 14.35 acres of native oak woodland habitat. In accordance with Kuehl Bill mitigation techniques, half of the estimated oak trees that are removed or impacts can be replaced, but due to the long time period required for the planted trees to develop equivalent oak woodland habitat values, and the fact there is no assurance that oak trees within lot boundaries would be protected in the future, impacts to oak trees and oak woodlands are significant and unavoidable.	The RDEIR indicates that this impact is Class II for the Mitigated Project. The mitigation measures incorporated into the applicants "mitigated project" description (including all mitigations suggested in the DEIR) substantially reduce this impact. The proposed equestrian center is deleted from the project. The Oak Tree impacts are reduced to seven (7) removed (of which four are unhealthy and or deteriorating) and potential impacts to 56 trees. Impacts to drainages would be limited to road crossings. This Impact is reduced to Class II.	LV-9-38
ARCHAEOLOGICAL RESOURCES			
AR Impact 1	Implementation of the proposed project would directly impact known, significant archaeological sites SLO 2526 and SLO-2528. Grading and trenching activities associated with the implementation of proposed vineyard replacement areas may result in the disturbance of known, significant, subsurface archaeological materials within sites SLO-1317 and SLO-2522.	The RDEIR indicates that this impact is Class II for the Mitigated Project. The Mitigated Project is designed to avoid impacts to Archaeological Resources.	LV-9-39
AR Impact 9	Proposed grading and construction activities would result in the direct disturbance and destruction of significant archaeological sites, which would contribute to the loss of intact archaeological resources in the South County area, resulting in a significant and unavoidable cumulative impact.	This impact is the same as AR Impact 1 but relabeled cumulative. See discussion of AR Impact 1.	LV-9-40

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AGRICULTURAL RESOURCES			
AG Impact 1	Implementation of the proposed project would result in the permanent loss of 12.5 acres of Farmland of Statewide Importance, 3.0 acres of Farmland of Local Importance, 153 acres of Unique Farmland, including 113 acres of productive vineyard, and 61.9 acres of Grazing Land. Implementation of the proposed project would set an adverse precedent in the county by resulting in the permanent conversion and loss of 113 acres of existing productive vineyard.	The Mitigated Project would result in no net long-term loss of agricultural production capacity or productive acreage. The mitigated project proposes to replace vineyards removed as part of the project implementation at a ratio of 1:1 or better. The agricultural soils impacted by the Mitigated Project are generally poorer soils representing a minor contribution to the County's total agricultural resource base. The Mitigated Project's predicted loss of 3.5 acres of Farmland of Statewide Importance represents approximately 0.02% of the County's total supply of 19,722 acres. (California Department of Conservation, Farmland Statistics, 2006.) The Mitigated Project's predicted loss of 3 acres of Farmland of Local Importance represents approximately 0.002% of the County total supply of 174,550 acres. The Mitigated Project's predicted loss of approximately 113 acres of Unique Farmland planted in vineyards represents approximately 0.31% of the County's total supply of 36,411 acres. The project's predicted loss of 61.9 acres of acres of Unique Farmland in grazing represents approximately 0.008% of the County's total supply of 742,004 acres. The identified "unique farmland" consists entirely of the Laetitia vineyards it is not inherently "unique" in its natural state, its uniqueness derives solely from the Laetitia agricultural effort to establish these vineyards which are not a required use of the land. Soils types in the proposed replacement vineyards are the same or similar to the existing vineyard locations. Productivity losses, if any, will be phased over time and limited to short term temporary impacts during the period between removal and re-establishment of productivity for newly planted vineyards, typically 3-4 years for grow in of new vines. Some of these short-term productivity impacts may be avoided entirely or significantly reduced in terms of duration if the replacement vineyards are implemented in advance of the removal. Short-term, phased, temporary productivity losses are not Class I un-mitigable impacts rather this impact is Class II.	LV-9-41
AG Impact 2	The non-contiguous nature of the proposed project and inadequate buffers between the existing agricultural use and proposed residential use and access roads would create land use conflicts, which would compromise the productivity of the existing agricultural operation.	The RDEIR presents no evidence to support the conclusion of a significant and un-mitigable Class I impact of residents upon on-site vineyards. The buffers proposed by the applicant are based upon site-specific consideration of detailed specific topography of the site, the residence locations, vineyard locations and climatic factors (prevailing wind patterns, etc.) applicable to the Laetitia site. In addition the applicant working with the Laetitia Vineyard management team has developed and proposed specific, detailed and workable mitigation measures for vineyard locations within 500 feet of the residential lots. These mitigation measures include specific protocols for specific and frequent formal interaction between the vineyard management team and the new residents through the Homeowners Association. The EIR fails to recognize that new residents at Laetitia will make a choice about their living environment with vineyards in place at the time they select this living environment. (Please see KMTG comment letter dated October 10, 2008 (LV-1) to the DEIR which confirms neither the County Planning Department nor the Agricultural Commissioner's Office have any records of any public complaints from any other	LV-9-42

LV-9

		agricultural cluster project in the County related to agricultural operations interfering with the residents enjoyment of their property.) Furthermore, pursuant to recent case law, impacts of the environment on the project are not issues to be addressed in CEQA documents.	LV-9-42 (cont'd)
AG Impact 4	Implementation of the proposed project would significantly contribute to the cumulative loss of productive Farmland.	AG Impact 4 is the same as AG Impact 2 but relabeled as a cumulative impact.	LV-9-43
TRANSPORTATION AND CIRCULATION (correct Impact number in parenthesis)			
TR Impact 4 (3)	The proposed project would add traffic to southbound Highway 101 during the p.m. peak hour and exacerbate an existing deficient condition according to Caltrans standards. Congestion under LOS D conditions would be limited. The proposed project would exacerbate existing deficient conditions at the Highway 101/Los Berros Road/North Thompson Road ramp junctions during the p.m. peak hour.	**Potential Difference of opinion between experts.** RDEIR analysis appears to continue to use a threshold of significance of one trip added to US 101 and Highway 101/Los Berros Road/North Thompson Road ramp junctions during the p.m. peak hour. This is inconsistent with past practice. *ATE analysis indicates project impact to be less than significant.*	LV-9-44
TR Impact 10 (9)	The proposed control of the emergency vehicle access at Laetitia Vineyard Drive does not guarantee emergency-only access, because residents could open and close the gate for nonemergency use.	The Mitigated Project includes an electronically operated gate, redundant solar charged/battery operation and finally manual operation in the event of total electronic failure – triple redundancy. The gate is proposed to be attended by a gate" guard" 24 hours per day, seven days per week, 365 days per year. The purpose of this gate is to ensure no daily use of the gate by residents to exit or enter the Laetitia Ag Cluster. Residents may only utilize this exit/entrance in the event of a declared emergency. The gate guard will be retained by the Homeowners Association as part of the common area fees. *ATE analysis indicates project impact to be less than significant.*	LV-9-45
TR Impact 13 (12)	The proposed control of the emergency vehicle access at Laetitia Vineyard Drive does not guarantee emergency-only access, because residents could open and close the gate for nonemergency use, significantly contributing to the cumulative degradation of this intersection.	This impact is the same as TR Impact 10 but relabeled as a cumulative impact. See discussion of TR Impact 10 above.	LV-9-46
TR Impact 15 (14)	The proposed project would exacerbate projected deficient operations along Highway 101during the a.m. and p.m. peak hours under Cumulative Conditions. The proposed project would exacerbate existing deficient conditions at the Highway 101/Los Berros Road/North Thompson Road ramp junctions during the p.m. peak hour under Cumulative Conditions.	This impact is the same as TR Impact 4 but relabeled as a cumulative impact. See discussion of TR Impact 4.	LV-9-47
AIR QUALITY			
AQ	The proposed project is inconsistent with the	Increased emissions from vehicle trips are mitigable. The project is an Ag Cluster	LV-9-48

LV-9-2 3

Impact 9	general land use and planning policies identified in the Clean Air Plan, resulting in air pollutants generated by increased traffic trips, resulting in a long-term, significant, and unavoidable impact.	consistent with the San Luis Obispo General Plan. Therefore, this is a Class II impact. 1) Population assumptions in the Clean Air Plan (CAP) are at a general planning level; they are not intended to be interpreted on a site-by-site basis, rather the assumptions are intended to be considered in aggregate for the area as a whole to determine whether individual projects would be consistent with assumptions for the area. The project is in the Nipomo (rural) Planning Area. The CAP anticipates that the population will increase from 8,370 to 11,983 (3,613 people, a 43% increase) between 1995 and 2015. The project population is anticipated to be about 235, which is well within the assumed total population increase. 2) While trips from the site in to urban areas may be longer, the target resident population is retired people or telecommuters. Therefore the number of work trips and therefore total trips is anticipated to be less than typical urban residents (the traffic analysis is based on standard trip generation and does not take into account the unique nature of the project). Without detailed data on population growth and trip length it is not possible to determine whether the rate of increase of VMT is greater or less than the rate of population growth. Furthermore, rate of vmt growth being less than population growth is not a CAP policy. 3) All applicable land use and transportation strategies are included in the project to the maximum extent feasible (see mitigation measures).	LV-9-48 (cont'd)
AQ Impact 10	The proposed project is inconsistent with the regional land use and planning policies identified in the Clean Air Plan, resulting in a cumulative, significant, adverse, and unavoidable impact.	This impact is the same as AQ Impact 9 relabeled as a cumulative impact.	LV-9-49
NOISE			
NS Impact 3	Development of the proposed project would expose residential parcels of Sub-cluster C (Lots 46 through 65) to stationary noise levels associated with activities resulting from operations at the processing facility during harvest season estimated to exceed the hourly nighttime Leq threshold of 45 dBA and the hourly daytime 50 dBA Leq thresholds, resulting in a direct long-term noise impact. Development of the proposed project would expose residential parcels throughout the project site to equipment noise levels associated with vineyard operations estimated to exceed the hourly nighttime Leq threshold of 45 dBA and the hourly daytime 50 dBA Leq thresholds, resulting in a direct long-term noise	The RDEIR indicates that construction of a noise wall near the existing winery would reduce this impact to less than significance in the Mitigated Project. This is an impact of the environment on the project and is not an impact under CEQA; therefor the noise wall is not required under CEQA.	LV-9-50

LV-9

	impact.		
AESTHETIC RESOURCES			
AES Impact 4	Visibility of development and associated earthwork related to Main Road 2, residential development of Sub-cluster E (Lots 87 through 105), Roads A, B, E, and F, residential development on Lot 46, the water storage tank, associated cut slope and access road, would adversely affect the rural visual character and increase noticeability of the project as seen from Highway 101 resulting in a direct long-term impact.	The Mitigated Project limits building heights to 25 feet and would not allow silhouetting. Landscaping would screen views. It is fully consistent with the 101 Highway Corridor Design Standards. 101 is not a designated scenic highway or corridor in the vicinity of the site. To call this impact Class I is inconsistent with how the County has addressed similar views in the past. 1) agricultural cluster projects are encouraged by the Highway 101 Corridor standards for minimizing visual impacts – the project is a cluster project that complies with all corridor standards; (2) most of the project is more than 1 mile from Highway 101; (3) the project would be viewed from high speeds from rolling topography (as a major transportation route in the state, much of the traffic on Highway 101 is commuters and truck traffic); thus the public would only see the project site momentarily and many drivers would not be particularly sensitive to changes in the landscape, and (4) there is existing development throughout the area surrounding the project, and the views could generally be classified as "common," therefore the area is not particularly sensitive to changes to the landscape or "rural character." Simple "visibility" is not an adopted threshold of significance nor one used in past environmental documents in the County -- it is not the US 101 Corridor Standard for measurement of impacts. The presence of existing development within the context of the Laetitia project, proposed mitigation consistent with the US 101 Highway Corridor Standards and the "encouragement" of clustering by the US 101 Corridor Standards combine to reduce or eliminate identified impacts. When combined with the mitigation measures incorporated in to the Mitigated Project this impact is Class II. The Mitigated Project does the following; -- Adopts AES mitigation measures 1-8 from the DEIR (except 5c) -- Relocates the proposed water tank (in response to AES mitigation measures 11a, 11b, 11c from the DEIR to a location where the tank, tank site grading, tank site parking and tank access road are not visible from US 101 -- Relocates lot 46 -- Moves the road serving lots 1-23 -- Imposes 25-foot height limits on many of the lots. The RDEIR erroneously indicates that in the Mitigated Project lots 17-23 would be visible from US 101 – they would not be visible from US 101. The RDEIR also indicates that under the Mitigated Project homes on lots 1-16 and homes on lots 87-105 are visible from US 101 and thereby are a significant, unavoidable impact. The RDEIR concludes that houses visible from US 101 constitute a significant unavoidable impact without applicable County policy basis to support this conclusion other than mere "noticability" – which is not an appropriate threshold of significance. Lots 1-16 and lots 87-105 are over 1 mile distant from US 101. In the context of US 101 the project is consistent with other existing visible development including Ranch Nipomo and other foreground development along the US 101 corridor between	LV-9-51

LV-9-2 5

		Nipomo and Laetitia or Arroyo Grande and Laetitia. With heights limited to 25 feet, use of muted colors on buildings and fencing, dark color roof and screening provided by residential landscaping the impacts to US 101 would be reduced below a level of significance, i.e. it would be a Class II impact. (Please see two KMTG comment letters dated October 10, 2008 (LV-1 and LV-2) which confirm that the preparers of the DEIR and now RDEIR are incorrectly applying the policies and standards in effect when the project application for a Vesting Tentative Map was found complete on February 4, 2004 and the standards in the County LUO that apply to this project site.)	LV-9-51 (cont'd)
AES Impact 5	Visibility of the residential development of Sub-cluster A (Lots 1 through 23) would adversely affect the rural visual character of the area and would be in conflict with SRA goals and the Highway 101 Corridor Design Standards, resulting in a direct long-term impact.	The RDEIR erroneously concludes that Lots 1-23 of the Mitigated Project would be visible from US 101. This is incorrect. Lots 17-23 would not be visible. The RDEIR concludes that these lots would adversely affect the" rural visual character of the area". The RDEIR cites conflicts with "SRA goals" and the Highway 101 Corridor Standards as significant impacts. US 101 is not a designated Scenic Highway. The Laetitia project site is not located within a designated SRA. Only a portion of the Laetitia site falls within the area covered by the Highway 101 Corridor Standards. The proposed mitigated project complies with the US 101 Corridor Standards and is consistent with the language in this standard that encourages clustering! Proposed imposition of height limits, eliminating silhouetting, limitations on colors, other proposed mitigations, visible surrounding development, distance from US 101 and driving speeds on US 101 reduce impacts consistent with this standard. Impacts related to US 101 Corridor Standards are therefore mitigated to Class II.	LV-9-52
AES Impact 6	Visibility of the residential development of Sub-cluster B (Lots 24 through 43) would adversely affect the natural and rural visual character of the Upper Los Berros Road corridor resulting in a direct long-term impact.	The RDEIR indicates that this impact is Class II for the Mitigated Project. Visibility of Sub-Cluster B (lots 24-43) takes place within a context of existing rural development of lots located off Upper Los Berros Road and Rancho Nipomo including development on lots in the immediate vicinity that have significant grading and visual impacts from Upper Los Berros apparently unrecognized by the RDEIR preparer. (Please see two KMTG comment letters dated October 10, 2008 (LV-1 and LV-2) which confirm that the preparers of the DEIR and now RDEIR are incorrectly applying the policies and standards in effect when the project application for a Vesting Tentative Map was found complete on February 4, 2004 and the standards in the County LUO that apply to this project site.)	LV-9-53
AES Impact 18	The visibility of individual project elements in the context of emerging development along the Highway 101 corridor would result in direct and indirect long-term adverse cumulative impacts.	AES Impact 18 is AES Impact 4 relabeled as cumulative. See discussion of AES Impact 4 above. (Please see two KMTG comment letters dated October 10, 2008 (LV-1 and LV-2) which confirm that the preparers of the DEIR and now RDEIR are incorrectly applying the policies and standards in effect when the project application for a Vesting Tentative Map was found complete on February 4, 2004 and the standards in the County LUO that apply to this project site.)	LV-9-54
HAZARDS AND HAZARDOUS MATERIALS			
HM Impact 2	The proposed project is inconsistent with CAL FIRE requirements for maximum road lengths, which may result in a significant fire hazard.	The Mitigated Project includes a guard-gated access at the gate on Laetitia Vineyard Drive thus ensuring immediate Cal Fire access and resident emergency egress. In a meeting June 8, 2012, Cal Fire indicated that a guard-gated access would address	LV-9-55

LV-9

		their concerns. Therefore, the project includes adequate access to ensure life safety and this impact would be Class II. See also applicant's response to Impact TR 9 above.	LV-9-55 (cont'd)
PUBLIC SERVICES AND UTILITIES			
PSU Impact 4	The proposed project would increase the number of residents served by the CAL FIRE and other emergency services, which would result in an increased demand for emergency services personnel.	The REIR presents no analysis to support the conclusion that the increase in the number of residents under the Mitigated Project would be a significant unavoidable impact. The South County may have experienced rapid growth in the past but recent economic activity (since late 2007) has been far slower. In addition lack of water resources may act as a significant deterrent to future growth within the Nipomo area. The Mitigated Project would include a site for a Cal Fire station (Cal Fire indicated June 8, 2012 that they would like Laetitia to dedicate a site west of the freeway for their use).	LV-9-56

Applicant incorporates by reference herein all of the comments made to these same 19 Class I impacts in the DEIR by itself and all of its consultants (LV-1-LV-7) to the effect that none of these impacts meet the definition of a Class I impact under CEQA.

LV-9-2

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LV 9-3

Revised Table VI-2 from the RDEIR

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

LV-9-57

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 (agriculture, 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								
AQ 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								
HM 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
+1 = Impact would be less than proposed project (reduced to Class II)
-1 =impact would be greater than proposed project
0 = Impact would remain approximately the same as proposed project

LV-9-3

LV 9-4

Letter from ESA

ESA

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May 23, 2012

Mr. John Janneck
Janneck, Ltd
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Subject: Laetitia Agricultural Cluster Subdivision Recirculated Draft Environmental Impact Report

Dear Mr. Janneck:

ESA has reviewed the conclusions in the Recirculated Draft Environmental Impact Report (RDEIR) for the Laetitia Agricultural Cluster Tract Map and CUP. Per your request, ESA has provided a review of the impact analyses for the Mitigated Project Alternative for the Laetitia Agricultural Cluster Subdivision project, particularly related to the aesthetic resources, agricultural resources, and air quality assessments. This letter summarizes our conclusions on the Mitigated Project. LV-9-58

Aesthetics

ESA agrees with the conclusion in the RDEIR that the Mitigated Project Alternative would result in fewer impacts than the proposed project related to the Upper Los Berros Road (AES 6). However, ESA finds that the significant and unavoidable impact conclusions for AES 4, AES 5, and AES 18 are not adequately supported. As indicated in the comments regarding the aesthetics impact analysis submitted on the Draft EIR for the proposed project(attached to the letter from John Janneck to Brian Pedrotti, dated November 6, 2008), ESA agrees with the conclusions that impacts on aesthetic resources would be less than significant under the Mitigated Plan Alternative; specifically, AES 4, AES 5, and AES 18 would be reduced to less than significant levels under this alternative. ESA concurs with the comments that the analysis is flawed based on the inaccurate representation of the proposed project provided in the photo simulations and that application of county policies and precedents were not properly applied. LV-9-59

AES Impacts4, 5, and 18 conclude that the proposed project would adversely affect the rural character of the area due to the visibility of the proposed project from Highway 101, including associated earthwork related to roads, residential sub-cluster development, the water storage tank, associated cut slope, and an access road. However, as noted in the aforementioned comments provided on the DEIR, photo simulations provided in the DEIR do not accurately reflect what a person would actually see from Highway 101 as they do not meet industry standards in applying the "human eye" view of the project site nor are they taken from viewpoints that correspond to the locations upon which the significance determinations are based (i.e., they are not taken from Highway 101, but from other areas surrounding the project site). Under the Mitigated Project Alternative, which was designed specifically to reduce the visual impacts of the proposed project, the site plan was adjusted to relocate lots and roads. In addition, project features were adjusted to provide limitations on building heights and envelopes, and modify the location of other project features in order to reduce the visibility of the project site from Highway 101 and respect the intent of policies aimed at maintaining a rural character in area. LV-9-60

The adjustments proposed in the Mitigated Project Alternative would reduce the visibility of the proposed project from Highway 101 when the rolling topography of both the highway and the project site are taken into LV-9-61

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ESA

Mr. Janneck
May 23, 2012
Page 2

consideration as well as the speeds at which motorists would pass the project area, which would result in punctuated glimpses, as opposed to sustained views, of the project site from Highway 101.Therefore, due to the adjustments proposed under the Mitigated Project Alternative and the characteristics of the project area, the Mitigated Project Alternative would result in less than significant impacts related to aesthetic resources. LV-9-61 (cont'd)

Agricultural Resources

The RDEIR concludes that the Mitigated Project Alternative would result in significant and unavoidable impacts related to agricultural resources due to the loss of farmland (as identified in Impacts AG 1 and 4)because 113 acres of productive vineyards would be removed. However, the alternative would replace active agricultural production at a 1:1 ratio compared to existing conditions. This replacement ratio is adequate to ensure impacts related to loss of farmland remain at less than significant levels. The conclusion of the RDEIR that the loss of farmland would not be mitigated by the replacement of the vineyards elsewhere on the site because the success of these replacement areas is unknown is speculative and is not supported by the evidence provided in the RDEIR. As noted in the comments submitted as part of the November 6, 2008 letter (referenced above), the existing vineyard managers have extensive experience cultivating successful vineyards at the site, including addressing the challenges of the particular soil types at the project site. Furthermore, the additional mitigation measures identified would further reduce the impacts related to loss of productive farmland. LV-9-62

Air Quality

The Mitigated Project Alternative would result in the same number of residential lots as the proposed project (102), but would eliminate the equestrian center and would result in modification to the site plan and other project features in order to reduce impacts of the proposed project. The RDEIR concludes that the Mitigated Plan Alternative would result in a significant and adverse impact due to inconsistency with the Clean Air Plan. However, based on our review of the Clean Air Plan and the Mitigated Project Alternative, ESA supports the conclusion that impacts on air quality would be less than significant for the Mitigated Project Alternative; specifically, AQ 9 and AQ 10 would be reduced to less than significant levels under this alternative. LV-9-63

According to SLOAPCD's 2012 *CEQA Air Quality* Handbook, consistency with the Clean Air Plan is evaluated by determining ifthe project is consistent with the land use and transportation control measures and strategies outlined in the Clean Air Plan. If the project is consistent with these measures, the project is considered consistent with the Clean Air Plan. The project is consistent with applicable control measures and strategies. While the Clean Air Plan includes L-1 Planning Compact Communities, that strategy indicates, "it is not envisioned that communities should be uniformly dense." Given the large size of the site, the project density would be very low – consistent with the policy in this strategy.

The project would include all applicable mitigation measures for the Mitigated Project (see DEIR and RDEIR Mitigation).

The Clean Air Plan is based on area-wide land use and growth assumptions. These land use and growth assumptions are based upon the locally adopted general plans; therefore, if a proposed project is consistent with the jurisdictional general plan, it is consistent with the Clean Air Plan. For purposes of identifying area-wide

LV-9-4

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population growth certain assumptions are made regarding population growth associated with each zones. However, these simplifying assumptions are not intended to be used in determining consistency with the Clean Air Plan, rather population growth is analyzed based on consistency with the General Plan as a whole. The 2001 Clean Air Plan indicates that the population in the Nipomo (rural) area is anticipated to increase by 3,613 people between 1995 and 2015. The project would increase the local population by about 235 people, which is well within the anticipated area growth. In preparing the Clean Air Plan, SLOAPCD used land use designations contained in General Plan documents to forecast, inventory, and allocate regional emissions from land use and development-related sources. For purposes of analyzing consistency with the Clean Air Plan, it may be assumed that if a proposed project would have operational emissions and vehicle trip generation substantially greater than anticipated in the General Plan, then the proposed project would conflict with the Clean Air Plan. The Mitigated Plan Alternative proposes 1) agricultural clustering, which is consistent with the General Plan; and 2) maximum feasible mitigation of air emissions. Therefore, this alternative would be consistent with the Clean Air Plan. LV-9-63 (cont'd)

The DEIR and RDEIR analyses conclude that the proposed project and the Mitigated Plan Alternative would increase the development potential of the project parcels (which are within the Agriculture and Rural Lands land use categories), and would likely result in emissions related to additional traffic trips by residents. While trips from the site in to urban areas may be longer, the resident population is anticipated to be comprised of a large number of retired people and/or telecommuters. Therefore, the number of work trips and, by projection, number of total trips is anticipated to be less than typical urban families going to jobs daily and driving children to schools daily (the DEIR traffic analysis is based on conservative standard trip generation and does not take into account the unique nature of the project). LV-9-64

Therefore, since the Mitigated Plan Alternative is anticipated to have trips lower than a typical urban development or even a similar acreage of agricultural use, it would be consistent with projections in the Clean Air Plan. Additionally, all applicable land use and transportation strategies are included in the project to the maximum extent feasible and the alternative is consistent with the General Plan. For the reasons outlined above, the Mitigated Plan Alternative would result in less than significant impacts related to consistency with the Clean Air Plan.

Thank you for the opportunity to provide our input on the RDEIR. Please do not hesitate to contact me if you have any questions or need further clarification.

Sincerely,

Kelly M. Ross, AICP
Managing Associate

LV-9-4

LV 9-5

Letter from ATE

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Since 1978

Richard L. Pool, P.E.
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May 30, 2012 06092L05.WP

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ALTERNATIVES ANALYSIS:
LAETITIA AGRICULTURAL CLUSTER PROJECT DEIR, COUNTY OF SAN LUIS OBISPO

ATE prepared a study for the Laetitia Agricultural Cluster Project in January 2007. That study analyzed potential traffic and circulation impacts associated with the project based on thresholds adopted by the County of San Luis Obispo County. The Transportation and Circulation section of the DEIR was since prepared by Fehr & Peers based on their independent analyses of existing and future conditions in the project study area. ATE reviewed the Fehr & Peers analyses and provided comments on the impacts and mitigations contained in the DEIR in October 2008. LV-9-65

Since that time, the County recirculated the DEIR with an updated Alternatives Analysis to address potential impacts/mitigations associated with the "Mitigated Project-Applicant Proposed Alternative." The Mitigated Project-Applicant Proposed Alternative incorporates mitigation measures specific to site design modifications (i.e., elimination and/or relocation of lots).

ATE reviewed the impacts/mitigations contained in the recirculated DEIR and have the following comments on the Mitigated Project-Applicant Proposed Alternative. It is noted that the traffic generated under the Mitigated Project-Applicant Proposed Alternative would be the same as for the proposed project since the number of residential lots is the same (102).

TR Impact 3: The proposed project would add traffic to southbound Highway 101 during the p.m. peak hour and exacerbate an existing deficient condition according to Caltrans standards. Congestion under LOS D conditions would be limited. The proposed project would exacerbate existing deficient conditions at the Highway 101/Los Berros Road/North Thompson Road ramp junctions during the p.m. peak hour. LV-9-66

LV-5

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ATE Comments: U.S. Highway 101 operates at LOS D with or without the project. Some of the ramp junctions at the Highway 101/Los Berros Road-North Thompson Avenue interchange operate at LOS D with or without the project. Yet, project traffic is considered significant. We believe the impact is insignificant for the following reasons. LV-9-66 (cont'd)

1. Caltrans District 5 has established level of service goals for Highway 101 in their Transportation Concept Report.[1] The Transportation Concept Report shows LOS D as the minimum operating standard for Highway 101 in the Nipomo area. Thus, LOS D is the target — rather than the LOS C threshold applied in the DEIR. Application of LOS D would result in less than significant impacts.

2. The traffic affects of the Laetitia Agricultural Cluster Project (and the Mitigated Project-Applicant Proposed Alternative) on the U.S. Highway 101 mainline and at the ramp junctions would be nominal. There are three performance measures for freeway operations. Density in passenger cars per mile per lane (pc/mi/ln), mean passenger car speed (mph), and volume to capacity (v/c). Each of these measures is an indication of how the traffic is being accommodated. While the three measures are interrelated, level of service is based upon density (pc/mi/ln). The following table illustrates the Existing and Existing + Project densities and levels of service for U.S. Highway 101, as derived from the Fehr & Peers worksheets contained in the DEIR.

Table A
U.S. Highway Operations

Direction/Location	Peak Hour	Existing		Existing + Project	
		Density(1)	LOS(2)	Density(1)	LOS(2)
NB Hwy 101 n/o Los Berros	A.M. P.M.	22.2 23.5	LOS C LOS C	22.6 23.8	LOS C LOS C
SB Hwy 101 n/o Los Berros	A.M. P.M.	18.1 29.3	LOS C LOS D	18.3 29.9	LOS C LOS D
NB Hwy 101 s/o Los Berros	A.M. P.M.	20.1 22.6	LOS C LOS C	20.2 22.8	LOS C LOS C
SB Hwy 101 s/o Los Berros	A.M. P.M.	17.5 26.4	LOS B LOS D	17.7 26.6	LOS B LOS D

(1) Density = passenger cars per mile per lane (pc/mi/ln).
(2) LOS based on Density.

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1 Transportation Planning Fact Sheet, U.S. Route 101 in San Luis Obispo County, California Department of Transportation, September 2009.

Transportation Concept Report for U.S. Route 101 in Caltrans District 5, California Department of Transportation, District 5, October 2001.

The information presented in Table A shows that the U.S. Highway 101 facilities would operate at LOS D (or better) with Existing + Project traffic. Further, the project would have only a minor affect on densities with the addition of project traffic and would not degrade existing levels of service. As noted, LOS D is the target level of service that Caltrans has adopted for U.S. Highway 101 in the Nipomo area. Thus, the impact is insignificant. LV-9-66 (cont'd)

Lastly, the mitigation is to lengthen the deceleration lane on the northbound and southbound off-ramps by 50 feet; and lengthen the northbound on-ramp acceleration lane by 25 feet. There is no analysis that demonstrates the benefit of lengthening the ramps by these short distances. More importantly, it is doubtful that Caltrans would approve such modifications since they would have almost no affect on traffic operations.

TR Impact 9: The proposed control of the emergency vehicle access at Laetitia Vineyard Drive does not guarantee emergency-only access, because residents could open and close the gate for non-emergency use, significantly contributing to the cumulative degradation of this intersection. LV-9-67

ATE Comments: The applicant is proposing to control the secondary emergency access by installing a gate and the gate would be controlled by a guard. The guard would only open the gate during emergencies. This is a reasonable mitigation and no additional controls are recommended to prohibit daily use of the emergency access connection. This manned gate would reduce the impact to a less than significant level since traffic would not use the secondary access on a daily basis.

TR Impact 12: The proposed control of the emergency vehicle access at Laetitia Vineyard Drive does not guarantee emergency-only access, because residents could open and close the gate for non-emergency use, significantly contributing to the cumulative degradation of this intersection. LV-9-68

ATE Comments: See ATE Comments for TR Impact 9. Since the manned gate would prohibit project access on a daily basis, both project-specific and cumulative impacts would be mitigated.

TR Impact 14: The proposed project would exacerbate projected deficient operations along Highway 101 during the a.m. and p.m. peak hours under Cumulative Conditions. The proposed project would exacerbate existing deficient conditions at the Highway 101/Los Berros Road/North Thompson Road ramp junctions during the p.m. peak hour under Cumulative Conditions. LV-9-69

ATE Comments: See ATE Comments for TR Impact 3. Our comments apply to both project-specific and cumulative impacts along Highway 101 and at the Highway 101/Los Berros Road/North Thompson Road ramp junctions.

Mr. John Janneck Page 4 May 30, 2012

This concludes our review and comments on the Alternatives Analysis to address potential impacts/mitigations associated with the Mitigated Project-Applicant Proposed Alternative contained in the recirculated DEIR for the Laetitia Agricultural Cluster Project DEIR. LV-9-69 (cont'd)

Associated Transportation Engineers

Scott A. Schell, AICP, PTP
Principal Transportation Planner

SAS/DLD

LV-5

LV 9-6

Letter from CHG

Cleath-Harris Geologists, Inc.
11545 Los Osos Valley Road, Suite C-3
San Luis Obispo, California 93405
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June 7, 2012

Mr. John Janneck
1116 Cory Avenue
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Subject: Comments on Section V, Chapter B (Water Resources) of Laetitia RDEIR

Dear Mr. Janneck:

Cleath-Harris Geologists (CHG) has reviewed the water resources portion of the April 2012 Recirculated Draft Environmental Impact Report (RDEIR) for Laetitia prepared by SWCA Environmental Consultants, including the Geosyntec Consultants report in Appendix B. The RDEIR reduction in sustainable yield assigned to project wells (from 87 to 62 acre-feet per year) is based on incorrect assumptions and procedures. A sustainable yield of 87 acre-feet per year was validated by Phase 3 testing and should be used for project determinations. LV-9-70

Problems with the RDEIR sustainable yield interpretation are discussed under Major Comments below. General comments follow, organized based on order of appearance in the RDEIR text (Section V, Chapter B). Supporting figures are attached.

MAJOR COMMENTS

#1) Sustainable Yield - Phase 3 Water Level Stability LV-9-71

Based on the fact that water levels in three of the four wells (Wells 10, 14, and 15) were still generally dropping during the Phase 3 pumping, and groundwater in the aquifers near these wells did not reach equilibrium levels, continued pumping at the Phase 3 rates (54 gpm) will continue to deplete aquifer storage. ***(page V-51)***

The Phase 3 testing established that water levels continued to drop at three of the four wells with pumping at the estimated sustainable yield rates; thus, equilibrium groundwater conditions were not attained with the Phase 3 production rates and depletion of groundwater storage continued. ***(page V-52)***

According to the report, Phase 3 testing established that water levels continued to drop at three of the four project wells, which is the primary reason given for discounting the sustainable yield values estimated by CHG. Geosyntec used trend lines to conclude that water levels in Well 10, 14, and 15 did not stabilize during the Phase 3 testing. These trend lines were incorrectly

projected over the entire Phase 3 data set (from the onset of pumping), rather than data from the end of Phase 3, when stability was evident. LV-9-71 (cont'd)

Stability implies zero net water level drawdown over time. In order for water levels to stabilize at a pumping well, a cone of depression (drawdown cone) needs to develop and expand sufficiently to capture local recharge, which takes time. It is not appropriate to include the static water level and early drawdown data at a well when evaluating trends for water level stability.

The attached Figures 1 through 3 show Phase 3 hydrographs for the three wells in question. Water levels at all three wells stabilized during the last month of testing, as evident by the projected trend lines. Well 10 is stable (no net decline) over the last three cycles of pumping. Wells 14 and 15 are stable over the last five cycles of pumping.

#2) Sustainable Yield - Phase 3 Methodology LV-9-72

The "equilibrium discharge rate" approach used for the Phase 1 and 2 data was also used to calculate the revised estimates of "equilibrium interval" sustainable pumping rates by accounting for the time required for water levels to recover to pre-Phase 3 "operational static" elevations and scaling the Phase 3 pumping rates accordingly. ***(page V-52)***

The approach does not estimate the *maximum* sustainable yield, but will always result in a yield estimate *less* than the actual pumping rate during testing, since recovery time is factored into the average production rate. Phase 3 was effectively a continuous pumping cycle at a sustainable yield rate determined from the analysis of the Phase 1-2 baseline period data. Water level stability was achieved during Phase 3 at the project wells following the development and expansion of the cones of depression, validating the yield estimates. Despite evidence that the wells were responding as anticipated to sustainable yield production, Geosyntec repeated the "equilibrium discharge rate" approach using Phase 3 data, which unnecessarily and significantly reduced the sustainable yield estimate.

#3) Sustainable Yield - Well 11 LV-9-73

Although the production capacity of Well 11 was substantially higher than the other wells, water level data in this well show rapid recharge likely due to good hydraulic connection between the aquifer and base flow in Los Berros Creek. Based on a review of this data, Geosyntec recommends a modified production schedule, which includes curtailment of pumping from Well 11 from August through November each year to help preserve base flow in Los Berros Creek during the dry season, but a slight increase in Well 11 pumping from December through July. ***(page V-52)***

CHG

Geosyntec reduced the estimated yield for Well 11 from 38 acre-feet per year to 28.1 acre-feet per year by first distributing the sustainable yield evenly throughout the year, then eliminating pumping during four months (as a stream flow impacts mitigation measure) and finally by increasing production "slightly" (10 percent) during the remaining eight months. No rationale is given for why Well 11 would not be able to pump the estimated sustainable yield of 38 acre-feet, from December through July of each year. The well is capable of pumping in excess of 100 gallons per minute (gpm), a rate which would produce 38 acre feet in less than three months. LV-9-73 (cont'd)

GENERAL COMMENTS

#4) Rainfall LV-9-74

Based on a contour map of equal mean precipitation for the period of record from 1870 to 1995, the expected mean annual rainfall for the project site is approximately 17 inches. Beginning in January 2010, rainfall was recorded at three rain gauges installed at the project site. Based on a correlation of the on-site data with a private guage in east Arroyo Grande Valley, the rainfall was extended back to July 2009. Based on a comparison of current and historic data, the total rainfall in the project area between July 2009 and March 2011 was 138 percent of average. ***(page V-35)***

The referenced isohyetal map (from DWR, 2002) does not include rain stations (such as Station 175.1) that would reflect the effects of orographic lift on precipitation in upper Los Berros Canyon. Station 175.1, active from 1965 to 1998, registered 22.53 inches average precipitation approximately 1/4 mile east of Laetitia and at a similar elevation. Station 38, which was the closest gage used for the DWR contour map and which was also used by Geosyntec for site characterization, is two miles south of Laetitia and at a lower elevation in the Nipomo Valley.

The location and elevation of Station 175.1, along with close to 30 years of records, makes this upper Los Barros Canyon station the best available choice to represent on-site precipitation in the vicinity of the project wells. Based on a comparison of on-site data with historical monthly averages at Station 175.1, total rainfall in the project area between July 2009 and March 2011 was 116 percent of average, with rainfall during Phase 1 and Phase 2 (used for the sustainable yield baseline period) approximately 105 percent of average.

#5) Hydrogeology description LV-9-75

The project site is underlain by Early Miocene age rocks of the Obispo and Monterey Formations, Pliocene-Pleistocene are rocks of the Paso Robles Formation, and localized shallow unconsolidated alluvial deposits along Los Berros Creek, Adobe Creek, and other drainages. The location of onsite wells and underlying geology is shown in Figures V.B.-3 and

V.B.-4. The majority of wells in the vicinity of the project site are completed within fractured bedrock aquifers in the Obispo and Monterey Formations. ***(page V-36)*** LV-9-75 (cont'd)

It would be informative to add that, in the site vicinity, the Paso Robles Formation is largely unsaturated and above the regional water table, as this unit commonly has productive aquifers in other areas of the county. The alluvium along Los Berros Creek is a water-supply aquifer, unlike the alluvial deposits of Adobe Creek or other drainages in the upper canyon. The location of the Wilmar Avenue fault is incorrect on the western side of Figure V.B.-3 (DWR, 2002).

#6) Groundwater Rights LV-9-76

The amount of groundwater that can be used by an overlying groundwater rights holder is not defined by law. An overlying property owner is entitled to all of the water the owner can pump and beneficially use on his property until it adversely affects another neighboring property owner's ability to adequately produce water for use on their property. Groundwater can be produced by the project applicant for use on their properties on the basis of this right (Summit Station Final EIR, 2004). ***(page V-49)***

Referencing a prior EIR to support water rights statements is not adequate. The State Water Resources Control Board web site provides specific language that may be quoted verbatim, with the proper referenced authority.

#7) Project Water Supply and Quality - Sustainable Yield Definition LV-9-77

Sustainable yield does not have a "correct" value, but is a subjective concept, and its evaluation an interdisciplinary issue. The concept of sustainable yield has been broadly defined as the amount of water that can be pumped indefinitely without unacceptable environmental,, economic, or social consequences (e.g., Alley et al., 1999). According to the World Commission on Environmental and Development (1987), sustainable development must meet the needs of the present without compromising the ability of future generations to also meet their needs. Typically, however, sustainable yield must also allow for sufficient natural discharge of groundwater to preserve streams, springs, wetlands, and riparian corridor ecosystems (e.g., Sophocleous, 1977, 2000). ***(page V-51)***

According to Alley, it is the definition of "unacceptable consequences" that is subjective, not the concept of sustainable yield (Alley et al., 1999). In the context of consequences from Laetitia's project, this is where the California Environmental Quality Act (CEQA) should be referenced. CEQA Appendix G provides the required determinations for evaluating unacceptable consequences and should replace the above references.

#8) Project Water Supply and Quality - Achieving Equilibrium LV-9-78

With continued pumping, the water level in an aquifer near a well can continue to drop ("drawdown") until it reaches the bottom of the well screen or pump intake, or the water levels may stabilize if capture expands to equal the pumping rate and a new equilibrium groundwater condition is attained. If a new equilibrium condition is attained the pumping rate theoretically may be sustainable with no further decline in water level (i.e. no additional depletion of groundwater in storage). However, the time to achieve equilibrium pumping conditions can take decades or centuries. And if the groundwater pumping exceeds the potential for capture, new equilibrium conditions are not possible (e.g. Bredehoeft and Durbin, 2009; Walton, 2011; Alley and Leake, 2004). ***(page V-51)***

The above statement is incomplete and misleading. The time to achieve equilibrium conditions can also take a few hours (Driscoll, 1989). As quoted in one of the above references, "Available literature indicates that response time can range from days to centuries or more (Bredehoeft et al. 1982; Sophocleous 2000; Alley et al. 2002; Bredehoeft and Kendy 2008)" (Walton, 2011). If decades or centuries were necessary, as implied by Geosyntec, then there would be no basis for requiring equilibrium be achieved during project testing to support the sustainable yield evaluation.

#9) Estimated Project Water Demand LV-9-79

The project includes the use of approximately 37 afy of tertiary treated water for agricultural irrigation, which would contribute to groundwater recharge. ***(Page V-64)***

Treated wastewater may also be used for residential landscaping. Up to 37 acre-feet of project water demand could be offset through wastewater reuse, which should be listed as a credit in Table V.B.-5.

#10) Effects on Groundwater - Operational Static LV-9-80

Continuing general decline of water levels in Wells 10, 14, and 15 during the three phases of pumping indicates that stable equilibrium groundwater conditions were not attained, and continued decline in water levels at three of the four wells during the Phase 3 pumping indicates that the 87 afy sustainable yield estimated by Cleath-Harris Geologists (2010) will not result in full recovery to "the Phase 1 operational static water levels", but will cause additional depletion of groundwater storage. ***(page V-66)***

CHG

Water levels did not continue to decline during the three phases of pumping (see attached Figures 4 through 6). Water level drawdown at Wells 10, 14 and 15 during Phase 3 was less than during Phase 2 (i.e. water levels were higher), as anticipated, and also equilibrated in all wells prior to the end of testing (CHG 2011; see comment #1). LV-9-80 (cont'd)

The basis for the sustainable yield estimate was the baseline interval, beginning and ending at the Phase 1 operational static water level, during which an equivalent of 87 AFY was produced. The Phase 1, Phase 2, and Phase 3 operational static levels are all different, and relate to the well production and pumping schedules for each Phase. In order for water levels to return to the Phase 1 operational static under an 87 AFY production rate, the pumping schedule would need to be similar to the baseline interval.

The pumping schedule for Phase 3 was effectively a continuous production rate of 87 AFY (on a weekly basis), and a new operational static was established, as can be seen in Figures 1 through 3. Water levels would return to the Phase 1 operational static if the distribution of pumping was shifted back to the baseline interval schedule (and still provide 87 AFY).

#11) Effects on Groundwater - Time Frame and Climate Change LV-9-81

The projections of downward water level trends exhibited during testing and the unknown time to possibly achieve equilibrium pumping conditions underscores that time frame is an important issue with respect to long-term viability of the wells to meet the proposed project demands. Climate change is predicted to result in rainfall occurring in fewer and more intense periods (DWR, 2002), which would likely results in more runoff, perhaps less recharge to groundwater, and possibly long-term decrease in base flow of creeks. ***(page V-66)***

As previously mentioned (see comment #8), Geosyntec appears to be using a double standard, evaluating water level trends for equilibrium (required for sustainable yield verification), while at the same time saying the time required to "possibly achieve" equilibrium is unknown, and may take decades or centuries.

Although climate change is a potential concern for water supplies in California, there is considerable uncertainty and a wide range of predictions by global circulation models for future precipitation trends. As summarized on the Cal-Adapt web site (http//cal-adapt.org/):

> *On average, the projections show little change in total annual precipitation in California. Furthermore, among several models, precipitation projections do not show a consistent trend during the next century.*

The concept that fewer, more intense rainfall events would result in less groundwater recharge is predicated on the assumption that the increased runoff will flow out of the "basin" areas. In

some situations this would be correct, but where alluvial storage is available to capture runoff, such as along the lower reaches of Los Berros Creek, the increased runoff from the upper canyon watershed may be beneficial, rather than detrimental, to the local water supply. LV-9-81 (cont'd)

#12) Effects on Los Berros Creek LV-9-82

During the months of August through November, the proposed pumping rate from Well 11 exceeds 30 percent of the average flow in Los Berros Creek. ***(page V-66)***

There is no "proposed pumping rate" for Well 11 during specific months. The well has been assigned an estimated sustainable yield rate that is expressed as an annual average of 38 acre feet. The well is capable of pumping in excess of 100 gpm, a rate which would produce 38 acre feet in less than three months.

#13) Interference - Agricultural Well History LV-9-83

Although there are only a few data points for Wells F&T-1, F&T-2, FVW-1, and FWV-3, over periods of several years, the data show a general decline in groundwater elevation at these wells over 30 years. ***(page V-67)***

The RDEIR updates agricultural well production for 2011 but for some reason does not update Figure 18 (water levels), which only includes measurements through September 2009 (drought). CHG has attached an updated figure to reflect spring 2011 measurements (within the time frame of RDEIR analysis). As shown in the updated figure, water levels have recovered following the recent drought (attached Figure 7).

#14) Interference - Wells 9, 10, and 11 LV-9-84

The relatively close proximity of Well 9 (agricultural) to Wells 10 and 11 (proposed domestic supply), and the fact that these wells all tap groundwater within fractures in Obispo Tuff, is cause for concern that the long-term production rate of Well 9 may decrease with operation of Wells 10 and 11. Therefore, compliance with the sustainable pumping rates identified for each proposed domestic well is recommended to avoid adverse effects to on and offsite wells. ***(page V-68)***

Well 10 is completed within a resistant Obispo Formation tuff aquifer zone that is a distinct mapped unit which is hydraulically isolated by non-water bearing rocks from both the Monterey Formation and the Obispo Formation aquifers tapped by Wells 9 and 11 (CHG, 2010). There is

no physical connection between Well 10 and other wells that could results in interference due to pumping. LV-9-84 (cont'd)

Wells 9 and 11 are located approximately 2,000 feet apart, within a relatively thick sequence of resistant tuff (close to 1,000 feet thick). Interference testing was conducted from March 29 to 31, 2010, which indicated potential water level drawdown of up to a few tenths of a foot at Well 11 when operating Well 9. This magnitude of interference from Well 9 will not affect production at Well 11. Data interpreted from Phase 1 production testing, which evaluated Well 9 water levels for interference, concluded that project well production had no significant effect on Well 9 (CHG, 2010).

#15) WAT/mm-1.c LV-9-85

The Water Master Plan shall incorporate the following restrictions:

1. *Use of Well 11 shall be prohibited during the months of August through November.*
2. *Maximum yield for Well 10 shall not exceed 4.0 gpm (6.5 afy).*
3. *Maximum yield for Well 11 (during the months of December through July) shall not exceed 26.1 gpm (28.1 afy)*
4. *Maximum yield for Well 14 shall not exceed 5.6 gpm (9.1 afy)*
5. *Total maximum yield for Well 15 shall not exceed 11.6 gpm (18.8 afy).*
6. *Total maximum yield (including Wells 10,11,14, and 15) shall not exceed 38.7 gpm (62.4 afy).* ***(page V-69)***

The above restrictions on well yield are misleading when reported in gpm, since the wells will not be operated continuously. Pumping schedules accommodate facilities maintenance, meet peak demand flows, and may take advantage of off-peak energy costs. References to maximum yield gpm should be removed from the mitigation measure because they ignore the operational requirements of the water system. In addition, the maximum annual well yields should not be less than the sustainable yield estimates provided by CHG (2010) and supported by Phase 3 testing. These sustainable yields are as follows:

Well 10: 10 acre-feet per year
Well 11: 38 acre-feet per year
Well 14: 19 acre-feet per year
Well 15: 20 acre-feet per year
TOTAL: 87 acre-feet per year

CHG

Sincerely,

CLEATH-HARRIS GEOLOGISTS, INC.

Spencer J. Harris, CHG 633
Associate Hydrogeologist

Timothy S. Cleath, CHG 81
Principal Hydrogeologist

attachments

LV-9-6 9 June 7, 2012

REFERENCES

Alley, William M., Thomas E. Reilly, and O. Lehn Franke, 1999, Sustainability of Ground-Water Resources, U.S.G.S. Circular 1186.

California Department of Water Resources (DWR), 2002, Water Resources of the Arroyo Grande - Nipomo Mesa Area, Southern District Report.

Cleath-Harris Geologists, 2010, Laetitia Well Testing and Sustainable Yield Assessment, Los Berros Canyon, San Luis Obispo County, July 2010.

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Driscoll, Fletcher G., 1989, Groundwater and Wells - Second Edition, Johnson Filtration Systems, 1089 pp.

Geosyntec, 2011, Review of Well Testing and Sustainable Yield Assessment, Proposed Laetitia Agricultural Subdivision, San Luis Obispo, California, October 2011.

Walton, William C., 2011, Aquifer System Response Time and Groundwater Supply Management, Ground Water, vol. 49, No 2, p. 126-127.

CHG

ATTACHMENTS

LV-9-86

Figure 1 - Well 10 Hydrograph, Phase 3
Figure 2 - Well 14 Hydrograph, Phase 3
Figure 3 - Well 15 Hydrograph, Phase 3
Figure 4 - Well 10 Hydrograph (all phases)
Figure 5 - Well 14 Hydrograph (all phases)
Figure 6 - Well 15 hydrograph (all phases)
Figure 7 - Updated Geosyntec Figure 18

LV-9-86
(cont'd)

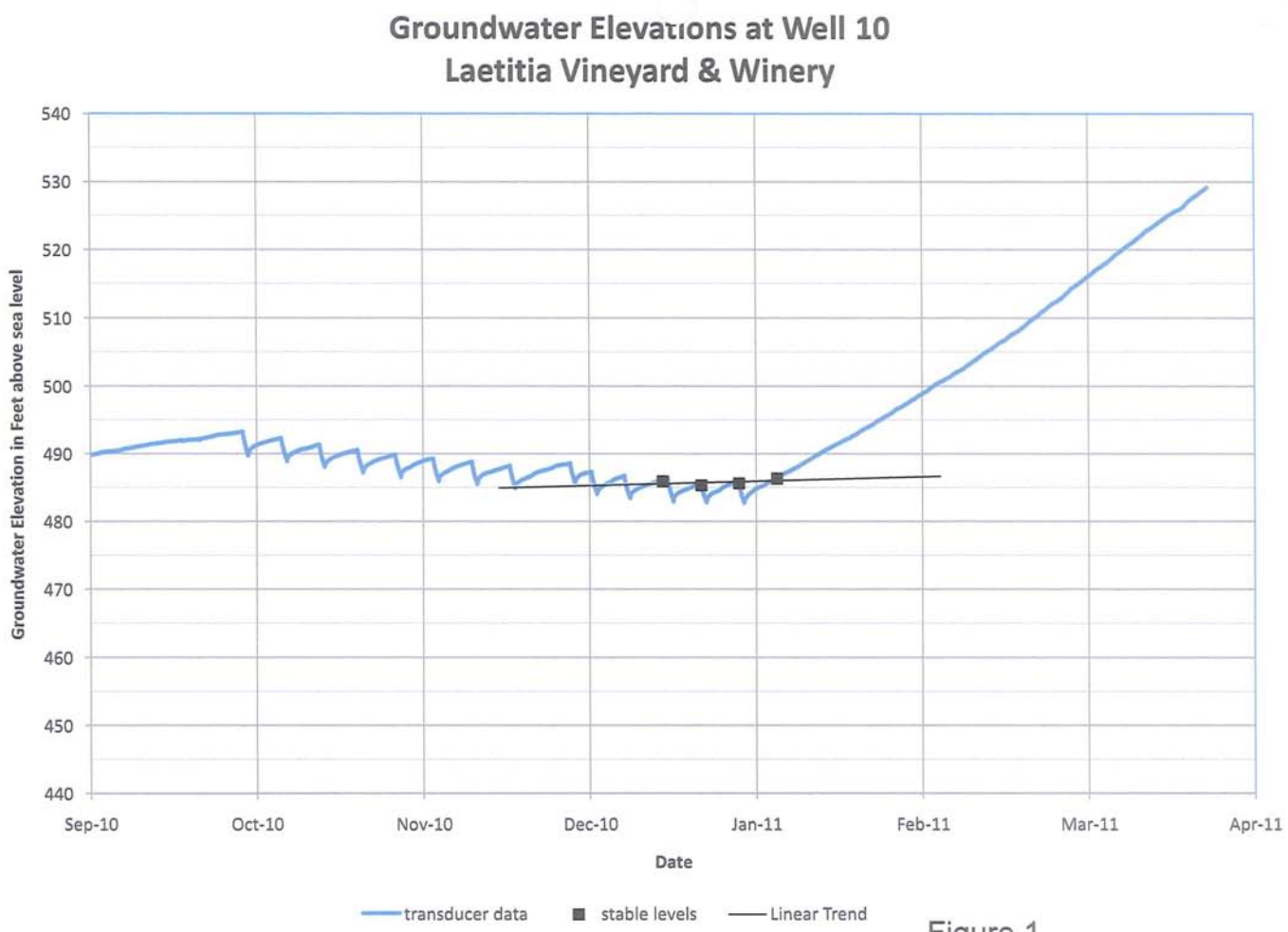


Figure 1
Well 10 Hydrograph - Phase 3
Laetitia Agricultural Cluster

Cleath-Harris Geologists

LV-9-86
(cont'd)

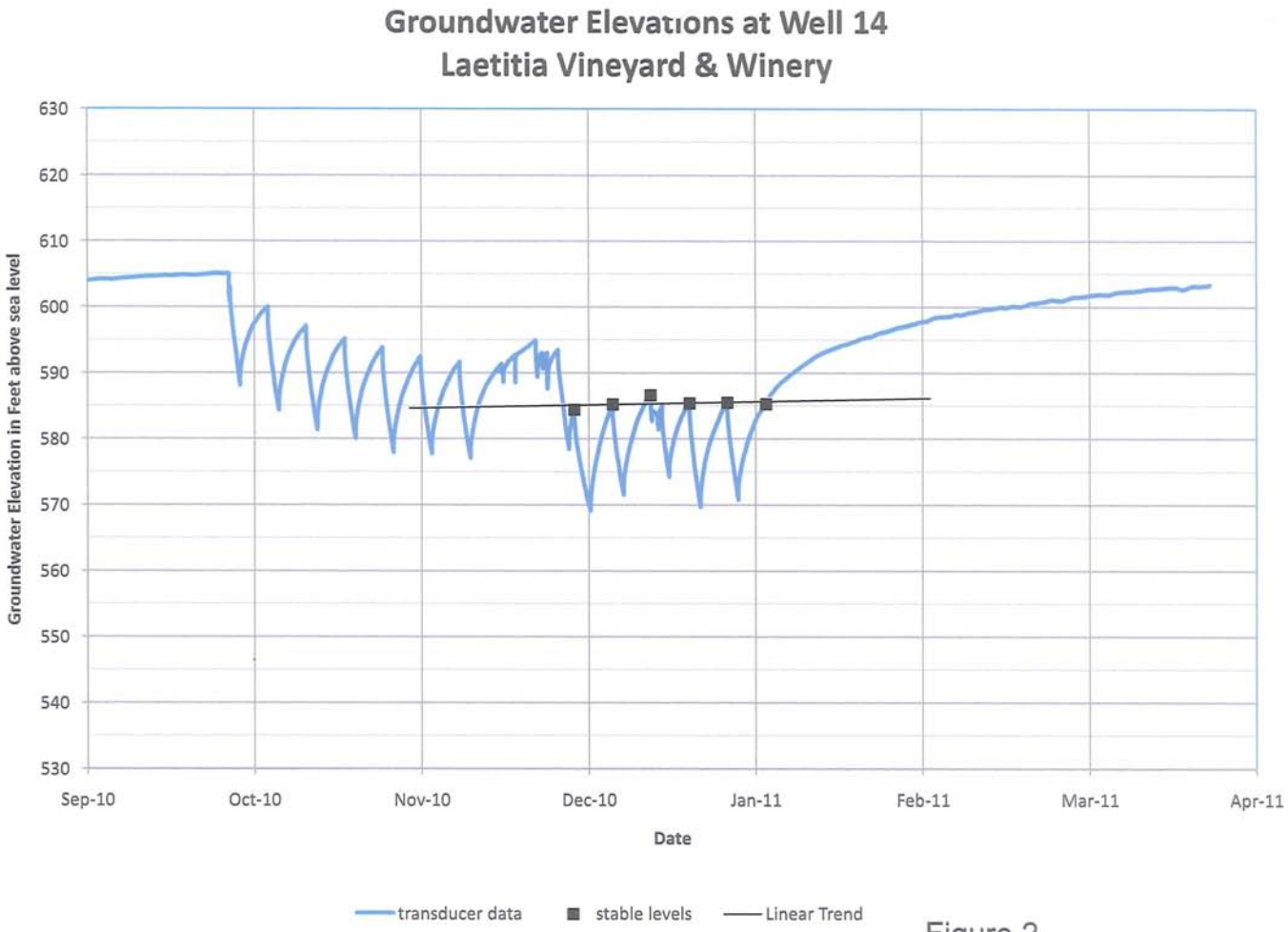


Figure 2
Well 14 Hydrograph - Phase 3
Laetitia Agricultural Cluster

Cleath-Harris Geologists

LV-9-86
(cont'd)

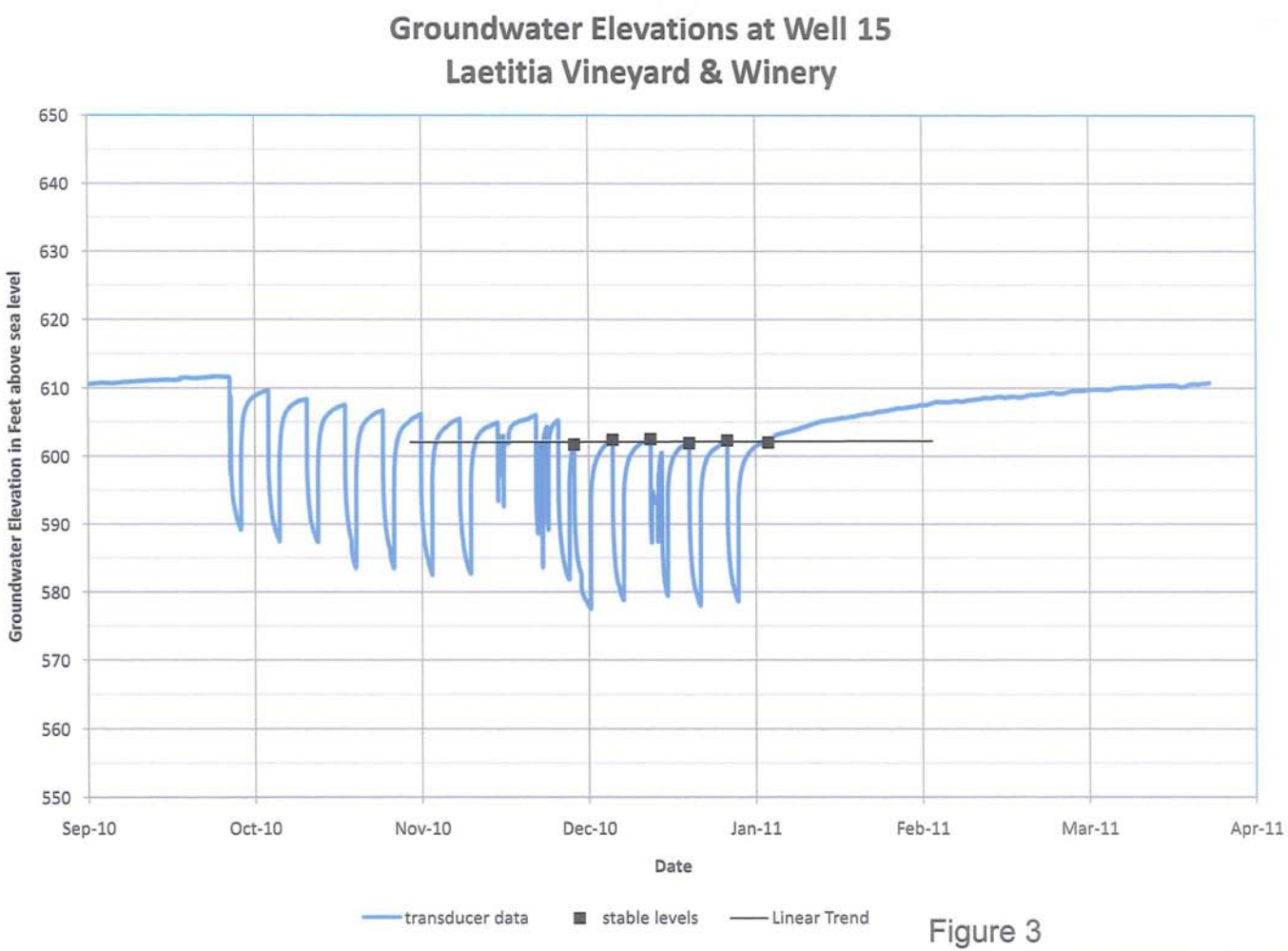


Figure 3
Well 15 Hydrograph - Phase 3
Laetitia Agricultural Cluster

Cleath-Harris Geologists

LV-9-86 (cont'd)

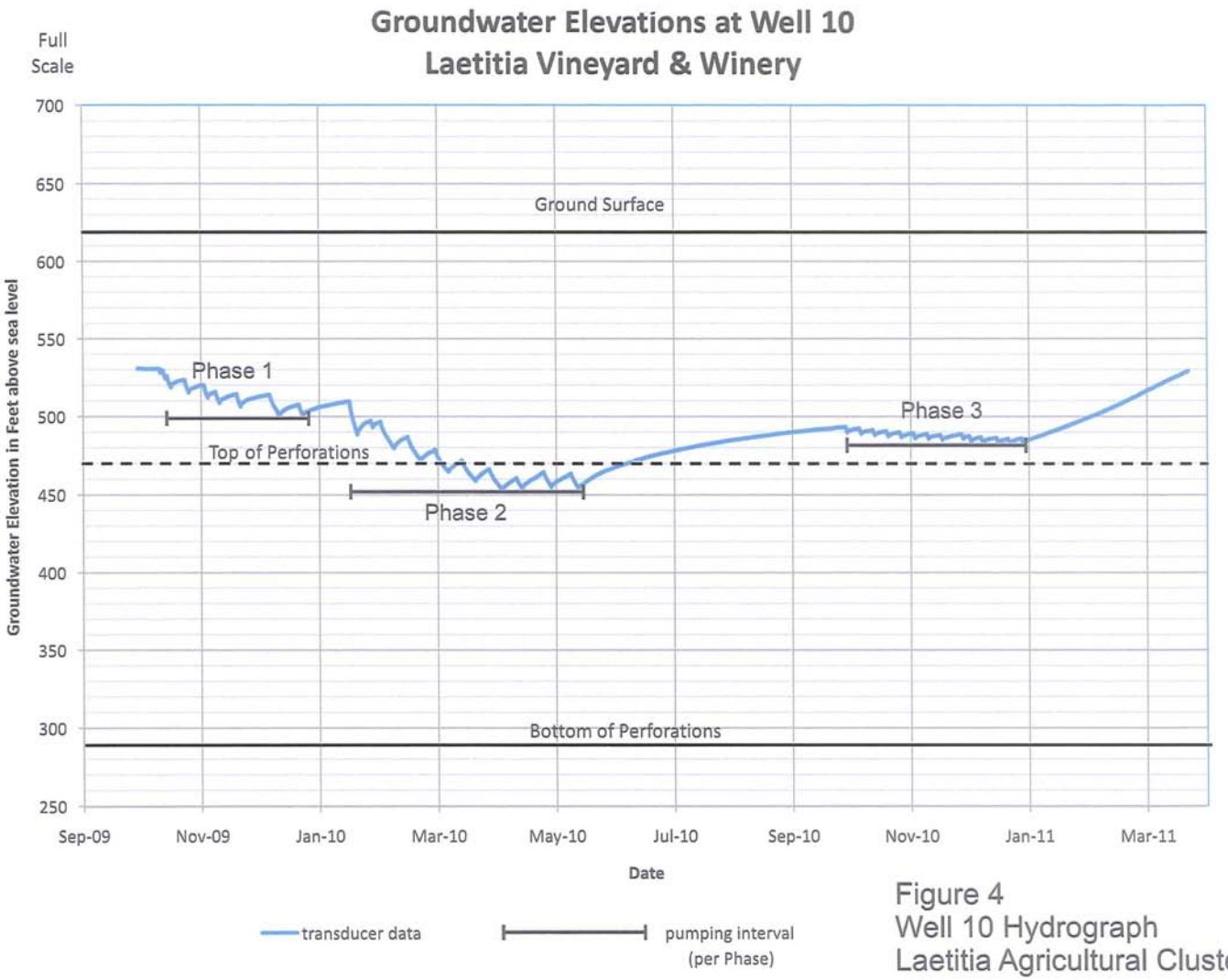


Figure 4
Well 10 Hydrograph
Laetitia Agricultural Cluster

Cleath-Harris Geologists

LV-9-86 (cont'd)

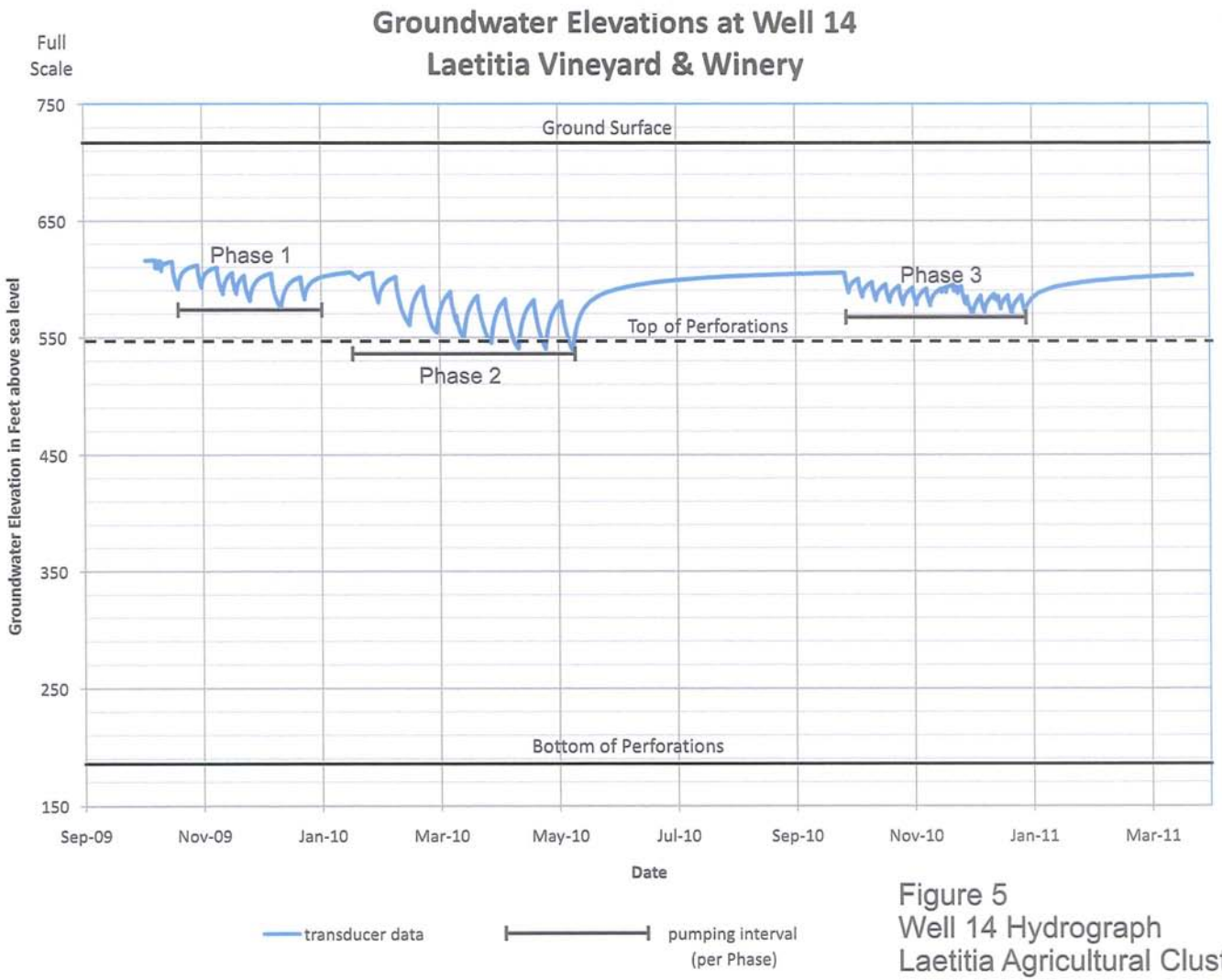


Figure 5
Well 14 Hydrograph
Laetitia Agricultural Cluster

Cleath-Harris Geologists

LV-9-86
(cont'd)

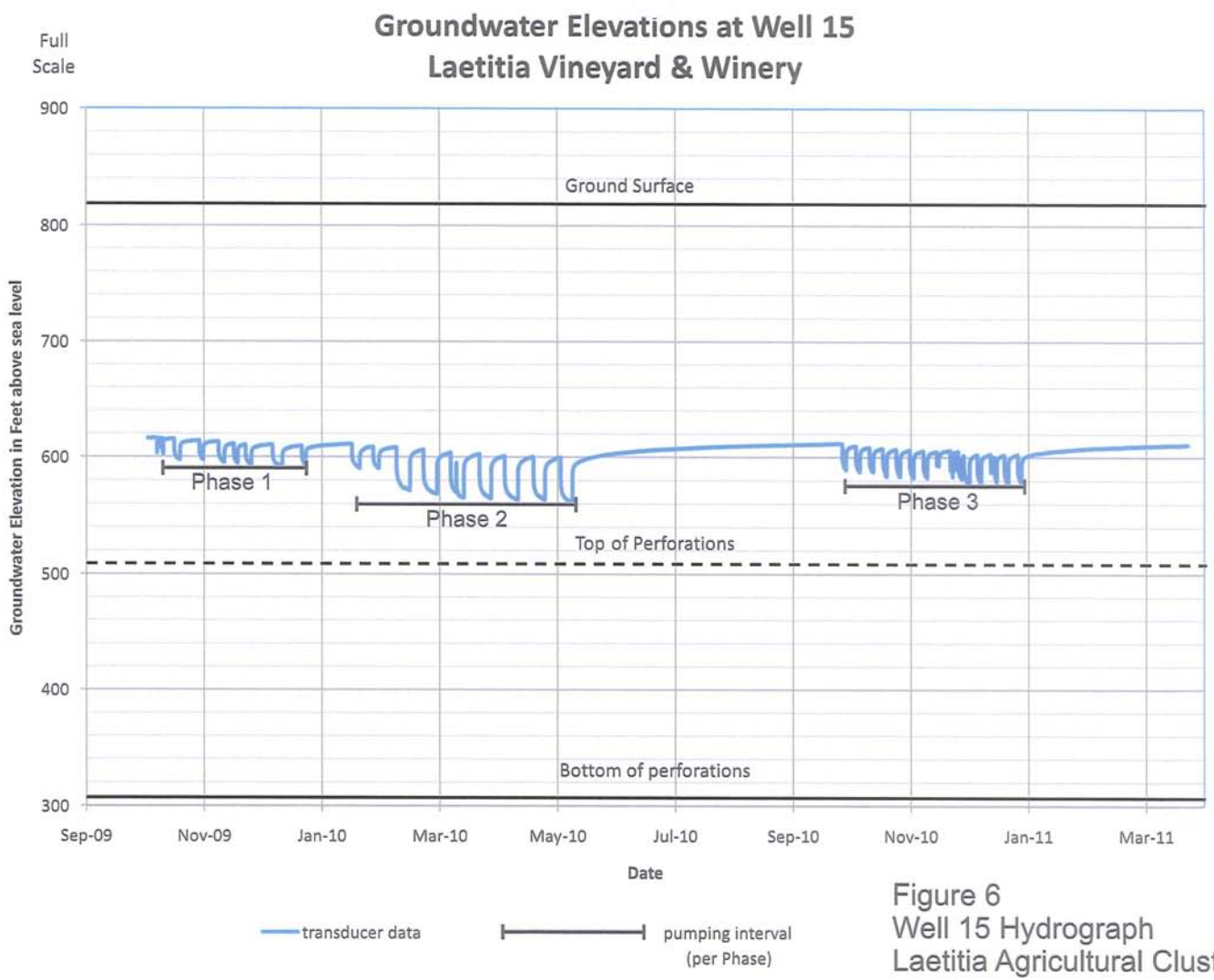
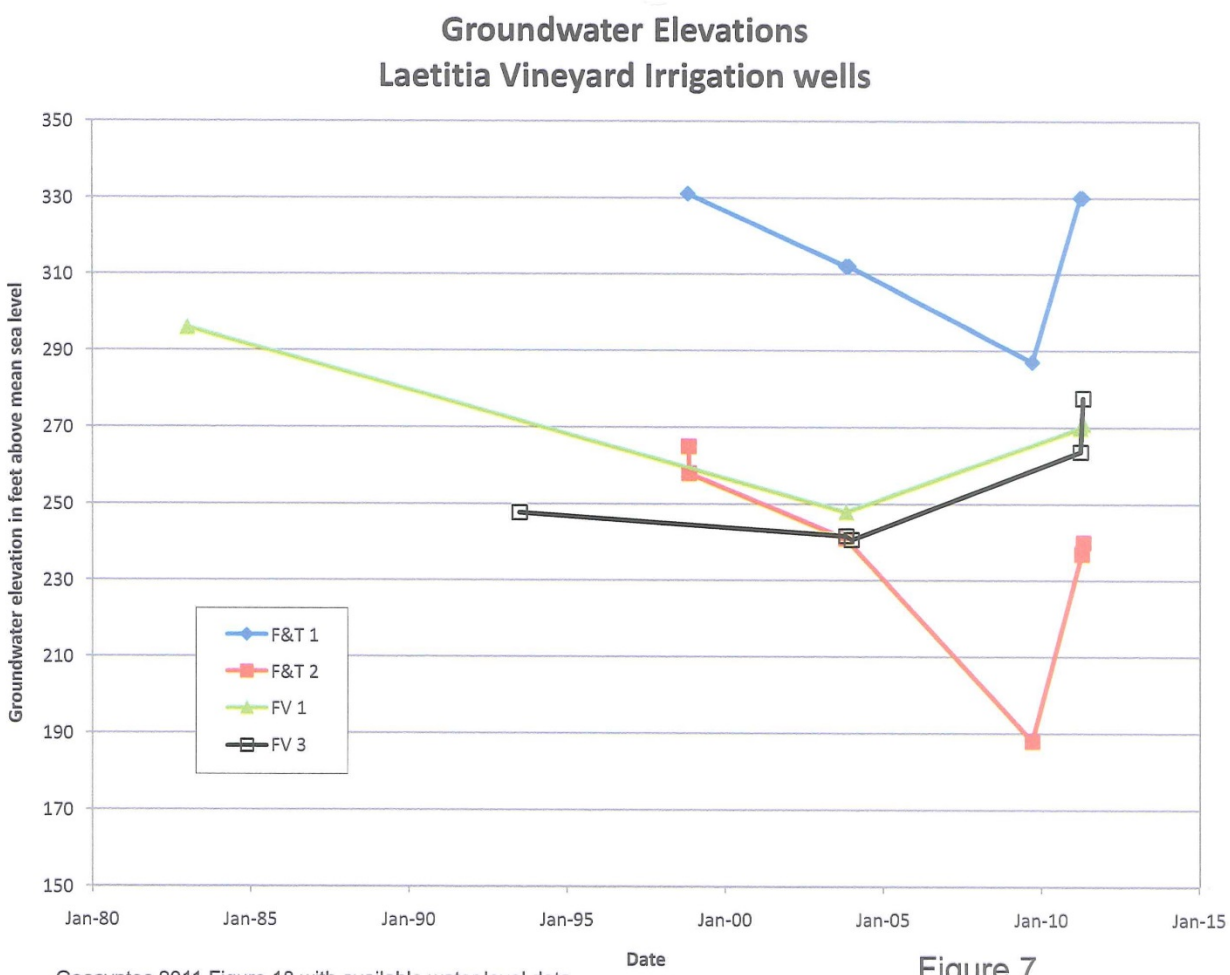


Figure 6
Well 15 Hydrograph
Laetitia Agricultural Cluster

Cleath-Harris Geologists

LV-9-86
(cont'd)



Geosyntec 2011 Figure 18 with available water level data through reporting date (May 2011)

Figure 7
Updated Geosyntec Figure 18
Laetitia Agricultural Cluster

Cleath-Harris Geologists

LV 9-7

Letter from RRM

LV-9-7

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June 11, 2012

John Janneck, President
Janneck, Ltd.
1116 Cory Avenue
Los Angeles, CA 90069

Re: Laetitia Ag Cluster Response Comments on RDEIR Impacts

Dear John;

RRM has received and reviewed the RDEIR dated April 2012. The document is confusing, particularly the Biology and Water discussions, for a number of reasons. Not least because the RDEIR revised analyses of biological resources and water address the original project after we submitted the Mitigated Project Alternative. The analysis of the original project (with just a few of the revisions made in the Mitigated Project) is unnecessary and misleading. The Alternatives section contains confusing and inconsistent discussions of both the project and the Applicant's Mitigated Project. The Mitigated Project was developed to respond to the mitigation measures contained in the DEIR, we don't understand why any further analysis of an only partially modified project was included in the RDEIR. In addition, mitigation measures are changed without any explanation of the change or even any indication that there has been a change. Based upon our review of this document we have comments on the revised Water Resources and Biology sections of the RDEIR. In addition we have comments regarding those impacts associated with the Applicants Mitigated Project that the RDEIR concludes will remain Class I, significant and unavoidable even after consideration of mitigation measures included as part of the Applicant's Mitigated Project. LV-9-87 LV-9-88

Water Resources Comments

Table V.B – 5 (page V-64);

1. Does this Table reflect the estimated demand from the Applicants Mitigated Project? The title of the Table is not clear. LV-9-89
2. The text discussion that describes Table V.B.-5 includes information about tertiary treated water that will be used for irrigation; however the table gives no apparent "credit" for return flow to ground water from the irrigation using tertiary treated water. Re-use of this water (37afy) should be a part of the Water demand calculations including potential return flows from irrigation. LV-9-90
3. The applicant has identified the opportunity to exceed existing planted agriculture areas by identifying replacement agriculture area exceeding 1 to 1 replacement. If necessary in order to further conserve water resources the applicant can limit agriculture replacement to a 1 to 1 ratio thereby conserving an additional 9.2 afy of "outdoor" water demand. LV-9-91

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A California Corporation | Victor Montgomery, Architect #C11050 | Jerry Michael, PE #36895, LS #6276 | Jeff Ferber, LA #2844

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Mitigation Measure WAT/mm - 1 - 8;

1. WAT/mm-1.b.5 - Based upon the RDEIR water analysis indicating sufficient water resources to serve the project the deletion of the "reduction or periodic cessation of agriculture irrigation" component of the Water Master Plan is acceptable. LV-9-92
2. WAT/mm-1.c. 2 to 5 – In RRM's experience the RDEIR GPM caps proposed to be established in this mitigation measure are not workable from the perspective of day to day operation of a Mutual Water Company. These limitations will dramatically reduce the flexibility of the operator to respond to fluctuations in day to day needs and issues such as routine or emergency maintenance. LV-9-93
3. WAT/mm – 7 – RRM review of the South County Area Plan – Inland (2006 revision, page 3-11), Water Resources – 6, indicates that the County "should" determine the amount of a fee to be paid by new development or existing lots of record "within the Nipomo Mesa Water Conservation Area". Review of the "Nipomo Mesa Water Conservation Area" map clearly indicates that the Laetitia property is not within the conservation area boundary. In addition the 2003 South County Area Plan in effect at the time of the Laetitia application vesting does not contain this provision. LV-9-94
4. WAT/mm – 9 & 10 - Drainage & Flooding – The RDEIR proposes to include as mitigation measures standards from County Ordinances adopted after the Vesting date of the Tentative Tract Map. These impacts were found to be less than significant in the DEIR without these measures. We question whether these measures are necessary to achieve a Class II impact and we are concerned about this precedent with respect to our vesting status. LV-9-95

Biology Comments

1. Given the extensive mitigation for impacts to oak trees, we believe it is not necessary to continue to call this impact Class I. The fact that oak trees will take some time to grow is not a reason to call Impacts to oak trees Class II. LV-9-96
2. It is unclear if the revised DEIR mitigation measures contained in this section of the RDEIR will be applied to the Applicant's Mitigated Project. LV-9-97
3. BIO/mm – 11 – Delete "Prior to Map recordation" as this conflicts with "shall be installed within 30 days after completion of grading". LV-9-98

Alternatives Analysis – Applicant's Mitigated Project Class I Impacts Comments

1. **Agricultural Resources (page VI-10)** – The Agricultural resources impact analysis of the Laetitia RDEIR is inconsistent with the precedent set in County review of prior Ag Cluster projects. The Applicant's Mitigated Project proposes to maintain planted agricultural land at a ratio of at least 1 to 1 after implementation of the project. The RDEIR characterizes this as a significant unavoidable impact due to the loss of productivity attributable to the time required for replacement agriculture plantings to be productive. We disagree that this short-term effect is significant and unavoidable. In the context of an Agricultural Clustering project that includes 1 to 1 replacement and placing the agriculture lands in a permanent Agricultural/Open Space LV-9-99

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easement covering 95% of the Ag designated property and protecting agriculture in perpetuity a short-term productivity loss of between 1 and 3 years is not significant. In addition even the short-term loss can be mitigated by planting the replacement agriculture area needed for each phase prior to removal of existing crops thereby further reducing the short term loss of productivity to a level that is insignificant. In addition, regular crop rotation results in land being out of production on regular cycles. LV-9-99 (cont'd)

2. **Transportation and Circulation (page VI–11)** – The implementation of a 24/7/365 on-duty guard and an operable gate controlled solely by a guard is a positive traffic prevention measure contrary to the conclusion of the RDEIR. The assertion in the RDEIR that this will not guarantee no new residential trips use the US 101/Laetitia Winery entrance intersection is simply incorrect. This is a point that is missed in the RDEIR discussion of this impact – the intent is not to have no new trips of any type at the intersection, it is no new *residential* trips. The RDEIR presents no evidence to support the conclusion that the gate guard and gate solution will fail its mission and implies there is no solution of any type whatsoever that could reasonably and feasibly work to allow emergency access but prevent daily use by residents. We met with Cal Fire on Friday (June 8, 2012), and they indicated that the guard-gated access/egress addresses their concerns. The applicant has proposed a reasonable and feasible mitigation measure (guard-gate) that would address agency concerns. LV-9-100

3. **Aesthetics (page VI-12)** – Sub-Cluster A (lots 1-23). The RDEIR presents no evidence to support the conclusion that these lots or the road serving them would be visible from US 101 (we have assumed this is the source of the impact although the RDEIR does not specify this source). RRM has reviewed our topographic and photographic information as well as assumed heights for the buildings (25ft) and our conclusion is that only lots 5,6,7,8,9,10 will remain visible from US 101 and then only for very brief glances of 1-2 seconds as the traffic speed on US 101 is 65 mph. These lots are located approximately 1 mile distant from US 101. US 101 is not a designated scenic highway in the location adjacent to the site. Project residential lots are outside the US 101 Highway Corridor Setback Boundary. With the addition of street landscaping and yard landscaping the visibility of these lots would be minimal and would not be out of character or context with the view of motorists travelling north or south on US 101 as they would have previously (within 5-6 seconds) passed by other existing development located much closer to US 101 and far more dominant in the US 101 view shed. It should be noted that the analysis of this topic in the DEIR was defective in that the photographs taken to support these conclusions were taken using telephoto enlargement that is *not* representative of human vision. LV-9-101 LV-9-102

Sub-Cluster E (lots 87-105). As with Sub-Cluster A, these lots are more than a mile from US-101. Project residential lots are outside US 101 Highway Corridor Setback Boundary. Lots 90 through 105 are not within the SRA. With the addition of street landscaping and yard landscaping the visibility of these lots would be minimal and would not be out of character or context with the view of motorists travelling north or south on US 101 as they will have previously (with 5-6 seconds) passed by other existing development located much closer to US LV-9-103

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101 and far more dominant in the US 101 view shed. It should be noted that the analysis of this topic for the project in the DEIR was defective in that the photographs taken to support these conclusions were taken using telephoto enlargement that is *not* representative of human vision. LV-9-103 (cont'd)

The project would be consistent with the HCD clustering and all other applicable provisions. LV-9-104

4. **Hazards/Hazardous Materials (page VI-12)** – The DEIR states that Cal Fire requires there be no gate or automatic gate in order to provide for adequate emergency access. The Mitigated Project proposes the following; 24/7/365 human guard, automatically operated gate power by ac current or solar panel back up and can also be manually operated if required. We met with Cal Fire on Friday (June 8, 2012) and they indicated that the guard-gated access on Laetitia Vineyard Drive addresses their concerns.
   The RDEIR says that the route also needs to be familiar to residents. Residents of Laetitia will know this location and route by virtue of the following; the a gate is near the existing winery, they will know how to get to the winery as it is a neighbor, there will be pedestrian access from the project to the winery, they are buying in this location partially because of the winery and vineyards, the project is named after the winery, the main road will be different in character from other roads on the property that solely service agriculture (the main road will be paved), there will be signage along the road, new residents will be oriented to the property and follow up regular meetings will emphasize fire safety including emergency egress (flyers and other visual aids will be provided). The HOA will meet periodically with the winery & vineyard manager at the HOA meetings, many of the lots will be able to see the road and the existing winery, there will be a guard on duty at all times to explain to residents the function of the gate and route as well as hand out the flyer on emergency procedures. The applicant suggests adding the a new mitigation measure (PSU/mm-6A) that will require that the HOA hold regular meetings (not less than once per year) to emphasize fire safety and will send out annual safety flyers with a map to residents that indicate access routes for emergencies (in addition to the gate guard handing them out to people who attempt to use the gate) this will accompany annual distribution of Cal Fire "Fire Safety" and defensible space pamphlets.
   As noted above, now that Cal Fire understands the mitigation measure proposed by the applicant, they agree that it would address their concerns. Therefore, this impact should be reduced to Class II.
5. **Public Services and Utilities (page VI-12)** – The increased tax increment provided by the project, together with the proposed on-site fire station (Cal Fire indicated June 8, 2012 that they would like Laetitia to dedicate a site west of the freeway for their use.) and resident safety training would reduce this impact to Class II. Such a finding would be consistent with the precedent in the Biddle Ranch EIR. LV-9-105

The alternatives discussion of the Applicant's Mitigated Project is unclear regarding which impacts remain as Class I, an example is the Biological Resources discussion. Table VI-2 does not clarify this issue unless we assume that a +1 means the impact is reduced to less than LV-9-106

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significant. It seems clear to us that removal of 7 Oak trees (four of which are in poor or deteriorating health) on a site that contains many thousands of Oak trees combined with other required mitigation measures proposed is not a significant impact and the RDEIR should identify this as a Class II mitigated impact. LV-9-106 (cont'd)

The Applicant's Mitigated Project has incorporated in to the project design and/or accepted all reasonable, feasible and applicable mitigation measures identified in the DEIR (we have made very few revisions to the language identified in some measures), the applicant has also identified a number of additional mitigation measures. In our view the Applicant's Mitigated Project is clearly the environmentally superior alternative when compared with any other realistically feasible alternative (except for the no project of course, but CEQA does not allow an EIR to identify the No Project Alternative as the environmentally superior alternative). LV-9-107

Yours truly,

Victor Montgomery, AIA
Principal, RRM Design Group

LV 9-8

Class I Impact – Summary

LV-9-8

LV-9-108

Class I Impact Summary

- 38 Class I impact in County letter to applicant (April 2006)

Multiple redundancies were removed resulting in:

- 23 Class I impacts in Draft EIR 2008

After further analysis the County identifies:

- 19 Class I impacts in RDEIR 2012

Application of acceptable mitigation measures in Mitigated Project Alternative resulted in:

- 14 Class I impacts in RDEIR for Mitigated Project in RDEIR

Not counting duplicate cumulative impacts (5) results in:

- 9 separate Class I impacts in RDEIR for Mitigated Project

Application of acceptable mitigation measures to Mitigated Project results in:

- 0 Class I impacts

1. Farmland Conversion and Cumulative impact (AG 1 and AG 4) – No net loss of ag land.

2. Land Use Conflicts (AG 2) -- Buffers designed for each lot.

3. Highway Operations and cumulative impact (TR 4 and TR 15) -- No technical impact.

4. Secondary Access and cumulative impact (TR 10 and TR 13) -- Guard gate ensures use only in an emergency.

5. Clean Air Plan and cumulative impact (AQ 9 and AQ 10) -- Consistent with General Plan, maximum mitigation, emissions reduced.

6. Aesthetics from 101 and cumulative impact (AES 4 and AES 18) -- Relocated lots and roads, height limit, vegetative screening.

7. SRA/HCD (AES 5) – Consistent with HCD design guidelines.

8. Dead end roads (HM 2) -- Guard gate allows fire access (Cal Fire agrees Class II).

9. Service personnel (PSU 4) -- Tax base increase, new fire station, (Cal Fire agrees Class II).

LV-9-8

Laetitia Applicant's Mitigated Project
RDEIR Remaining Class I Impacts are Mitigated to Class II:[1,2,3]

IMPACT	MITIGATED PROJECT	
Agriculture		
AG Impact 1: Loss of 113 acres of productive agricultural land.	The Mitigated Project would result in no net loss of agricultural production capacity or productive acreage. Therefore this is a Class II impact.	LV-9-109
AG Impact 2: Land use conflicts: Inadequate buffers between the existing agricultural use and proposed residential use and access roads would compromise the productivity of the existing agricultural operation.	Site-specific consideration of detailed specific topography, vineyard locations and climatic factors for vineyard locations within 500 feet of the residential lots result in this being a Class II impact.	LV-9-110
Traffic		
TR Impact 4: Addition of traffic to southbound Highway 101 and at the Highway 101/Los Berros Road/North Thompson Road ramp junctions during the p.m. peak hour.	**Difference of opinion between experts.** Analysis uses a threshold of significance of one trip added trip. This is inconsistent with past practice. *Independent traffic engineer -- ATE indicates impact of Mitigated Project to be less than significant.*	LV-9-111
TR Impact 10: Control of the emergency vehicle access at Laetitia Vineyard Drive does not guarantee emergency-only access.	Electronically operated gate, redundant solar charged/battery operation and manual operation in the event of total electronic failure. Plus, gate guard 24 hours per day, seven days per week, 365 days per year.	LV-9-112
Air Quality		
AQ Impact 9: Inconsistent with the general land use and planning policies identified in the Clean Air Plan, resulting in air pollutants generated by increased traffic trips, resulting in a long-term, significant, and unavoidable impact.	Increased emissions from vehicle trips would be reduced by maximum feasible mitigation included in the Mitigated Project. The project is an Ag Cluster consistent with the San Luis Obispo General Plan.	LV-9-113
Aesthetics		
AES Impact 4: Visibility of development and associated earthwork from Highway 101 resulting in a direct long-term impact.	Relocated lots away from ridge-lines, relocated roads, limit building heights to 25 feet no silhouetting; landscaping would screen views. Project is fully consistent with the 101 Highway Corridor Design Standards. Highway 101 is not a designated scenic highway or corridor in the vicinity of the site.	LV-9-114
AES Impact 5: Rural visual character of the area and conflict with SRA goals and the Highway 101 Corridor Design Standards, resulting in a direct long-term impact.	Project would appear similar in character to surrounding development and would be consistent with 101 Highway Corridor Design Standards.	LV-9-115
Hazards		
HM Impact 2: CAL FIRE requirements for maximum road lengths, which may result in a significant fire hazard.	Guard-gated access on Laetitia Vineyard Drive would ensure immediate Cal Fire access and resident emergency egress. (Cal Fire agrees this is a Class II impact.)	LV-9-116
Public Services		
PSU Impact 4: Increase the number of residents served by the CAL FIRE and other emergency services, resulting in increased demand for emergency services personnel.	Tax base increase. Project is within growth assumptions for the area and would include a one-acre site for a Cal Fire station. Annual resident training. (Cal Fire agrees this is a Class II impact.)	LV-9-117

[1] The RDEIR indicates (Table VI-1) that the number of significant (Class I) impacts of the project is 19 reduced from the 23 identified in the Draft EIR. The following impacts have been eliminated as Class I impacts for the project in the RDEIR: BIO 7 -- Los Berros Creek; AQ 6 -- Long term AQ impacts; NS 2 -- Transportation Noise; and NS 5 -- Cumulative Transportation Noise. LV-9-118

[2] As compared to the 19 Class I impacts, the Mitigated Project would eliminate 5 impacts (presuming +1 in Table VI-2 indicates that impacts are reduced below a level of significance): Bio 3 -- Oak Woodland; BIO 7 Los Berros Creek (this impact is indicated to be reduced by the Mitigated Project – indicated as +1 in Table VI-2 – but this impact was already eliminated as a Class I impact for the project – see Table VI-1); AR 1 -- Archeological Resources; AR 9 -- Archeological Resources Cumulative; NS 3 -- Stationary Noise; AES 6 -- Views Upper Los Berros Road. LV-9-119

[3] The DEIR and RDEIR double count some impacts: In the RDEIR analysis of the Mitigated Project the following additional cumulative impacts are counted as separate Class I impacts: 1) AG 4 which duplicates AG 1; 2) TR 13 which duplicates TR 10; 3) TR 15 which duplicates TR 4, 4) AQ 10 which duplicates AQ 9; 5) AES 18 which duplicates AES 4. Most impacts are cumulative impacts. It is redundant to count the exact same impact twice. It would be clearer to explain in the discussion of each impact how project impacts could combine with impacts from other projects (these other projects and/or generally identified development should be discussed in sufficient detail for the reader to be able to understand how impacts could combine). LV-9-120

Responses to Kronick Moskovitz Tiedemann & Girard's Comments (Exhibit LV-9)

Comment No.	Comment
LV9-1	Please refer to the Recirculated EIR (2013).
LV9-2	Please refer to Recirculated EIR Section VI Alternatives Analysis, which includes the County's assessment of the Mitigated Project Alternative.
LV9-3	Please refer to responses to specific comments.
LV9-4	Please refer to the Recirculated EIR (2013) and Final EIR, which incorporate modifications to mitigation measures and project components where agreed to by County staff, based on substantial evidence and application of noted thresholds of significance.
LV9-5	Please refer to the Recirculated EIR (2013) and Final EIR. Please also note that the applicant did not submit a revised tentative tract map and application, but rather a new alternative for consideration in the EIR. Therefore, the EIR must continue to evaluate the project as proposed in the environmental analysis sections.
LV9-6	Please refer to responses to specific comments.
LV9-7	The commenter's statements are noted and will be considered by the County decision makers.
LV9-8	Please refer to response to comment LV8-10 above.
LV9-9	Please refer to responses to specific comments below.
LV9-10	Please refer to the Recirculated EIR (2013) and Final EIR Section V.P. Water Resources, and responses to comment letters LV17 and LV22, which address issues identified in this comment.
LV9-11	Please refer to response to comment LV8-9 above.
LV9-12	Please refer to responses to comments LV8-2 through LV8-6 and LV9-57 regarding alternatives.
LV9-13	The County concurs that the Applicant's Mitigated Project would avoid or reduce many identified significant adverse impacts that were identified in the 2008 Draft EIR. This is captured in the alternatives analysis. Vesting status required the County to consider the 2003 LUO; however, vesting status does not require the County to apply the CEQA Guidelines and County thresholds of significance in effect at the time the application was deemed complete.
LV9-14	Please refer to responses to specific comments identified below, in response to the referenced attached table.
LV9-15	Please refer to Recirculated EIR Section VI Alternatives Analysis (2013) and the Final EIR, which clarifies identified impacts and level of significance.
LV9-16	Please refer to responses to specific comments below.
LV9-17	Based on review by the County Agriculture Department, the permanent conversion and loss of existing productive Farmland would result in a significant adverse impact, as documented in Final EIR Section V.B. Agricultural Resources. The applicant's proposal to replace removed vineyards would reduce the identified impact, but would not fully mitigate the permanent loss of productive Farmland because there is no guarantee that the replacement vineyards would be equitable, and the County cannot mandate agricultural production in the long-term. Based on review by the County Agricultural Commissioner's Office, reduced buffers may result in land use conflicts, changes in agricultural practices to accommodate residential development, and lowered production yields (refer to EIR Section V.B. Agricultural Resources, AG Impact 2). These adverse effects remain significant and unavoidable.
LV9-18	Please refer to Recirculated EIR Section VI Alternatives Analysis (2013) and the Final EIR for clarification regarding alternatives and impact determinations. Please refer to responses to

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	comments LV19-1 through LV19-13 (responses to letter from ATE, comment letter LV19).
LV9-19	Please refer to Final EIR Section V.C. Air Quality. As noted: "Based on the discussion above, the proposed project would increase the population expected for the region, result in potentially longer trip lengths, and does not incorporate land use or transportation control measures to any significant degree. As a result, the proposed project is considered inconsistent with the CAP, and would result in a significant, adverse impact to air quality"; therefore, this impact remains significant, adverse, and unavoidable.
LV9-20	Please refer to Recirculated EIR Section VI Alternatives Analysis (2013) and the Final EIR. Implementation of the Applicant's Mitigated Project Alternative would result in an overall reduction in significant visual impacts; however, as seen from Highway 101, the development of Main Road 2 and Sub-cluster E (Lots 87 through 105) , including Lots 87 through 91 that are located within a designated Sensitive Resource Area, would result in unavoidable visual impacts. Landscape screening and architectural design would not reduce noticeability of the structures. The EIR recommendation to relocate the structures and roadway below the 660-foot elevation would allow for natural screening by existing topography.
LV9-21	Based on continued review of the project by Caltrans and CAL FIRE, use of Laetitia Vineyard Drive for secondary access would meet CAL FIRE's standards; however, as noted in the EIR, and in further correspondence from Caltrans (May 9, 2014), use of this driveway for secondary access "would constitute an unapproved use". The existing encroachment permit for the driveway access onto Highway 101 is identified for use as a winery and tasting room. In addition, use of this driveway for secondary access would "create its own set of public safety and traffic operations problems" (Caltrans 2014). The Class I (significant and unavoidable) impact determination is appropriate because designation of this driveway for secondary access as required by the LUO and CAL FIRE standards may not be feasibly implemented, and therefore the impact is significant and unavoidable.
LV9-22	Please refer to EIR Section V.L. Public Services and Utilities, cumulative impact PSU Impact 4 discussion, which states that "Based on consultation with CAL FIRE, a new fire station within the proximity of Los Berros Road and Highway 101 is necessary to provide life safety response to emergencies, and to mitigate the cumulative impact on fire protection services (Robert Lewin, 2004, 2007). " PSU Impact 4 has been clarified to note: "…and facilities. The project would require a new fire station to provide life safety response in the immediate area." The construction of a new facility may result in significant effects on the environment.
LV9-23	Please refer to responses to specific comments identified in the referenced attachments.
LV 9-1 Mitigated Project Augmented Analysis	
LV9-24	Please refer to Recirculated and Final EIR Chapter VI Alternatives Analysis.
LV9-25	The commenter does not include any changes or comments regarding the geology and soils analysis.
LV9-26	Please refer to Recirculated EIR Chapter VI Alternatives Analysis, which incorporates additional discussion based on review of additional information and project modifications submitted by the applicant following the 2012 recirculation.
LV9-27	The commenter does not include any changes or comments regarding the archeological resources and historical resources analysis.
LV9-28	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. Please refer to response to comment LV9-17.
LV9-29	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR regarding the biological resources analysis.
LV9-30	The commenter does not include any changes or comments regarding the paleontological resources analysis.

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LV9-31	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR and response to comments LV9-21 above and LV19-10 (regarding TR Impact 10) below. Implementation of the Applicant's Mitigated Alternative would result in the same number of trips as the proposed project. Please refer to EIR Section V.N. Transportation and Circulation, Figure V.N.-5 Project Trip Assignment. During the p.m. peak hour, implementation of the project would add 29 trips to the northbound Highway 101 off-ramp, 34 trips to the northbound 101 on-ramp, 46 trips to the southbound Highway 101 off-ramp, and 21 trips to the southbound Highway 101 on-ramp. Based on review by County Public Works and Caltrans, the effect would be significant, and mitigation is recommended.
LV9-32	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and Final EIR Section V.C. Air Quality. The air quality analysis for the proposed project and project alternatives has been updated based on the current CEQA Handbook (SLOAPCD 2012), including thresholds of significance and mitigation measures. Operational impacts are analyzed based on the proposed use (residences), and presents a worst-case scenario assessment as required by CEQA. Therefore, the commenter's suggestion to include language that the operational trips would be reduced based on the speculative assumptions of future homeowners is not included in the analysis, although this consideration will be reviewed by the County decision makers. As identified in the EIR analysis and by the SLOAPCD, the project is generally not consistent with the Clean Air Plan, and would result in a significant and unavoidable impact.
LV9-33	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. Currently the County and CEQA Guidelines Appendix G have not removed the relevant threshold of significance: "Would the project expose people to noise levels in excess of standards established in local noise ordinances or general plan noise elements?" Therefore, this threshold and identified impact remains in the Final EIR.
LV9-34	Please refer to Recirculated EIR Chapter VI Alternatives Analysis. As noted in EIR Chapter VI Alternatives Analysis, the Applicant's Mitigated Project would avoid or reduce most potentially significant visual impacts. The Applicant's Mitigated Project includes Sub-Cluster E, which would be partially located within SRA-47 (Newsome Ridge) and within the upper elevations of the ridgeline. The construction of a row of residences in the upper elevations of Los Berros Canyon would substantially increase overall awareness of the project and would result in a noticeable change in visual character, even at high vehicle speeds. Modifying Sub-Cluster E by locating it below the 660-foot elevation would provide natural topographic screening, and is recommended to fully mitigate this significant, adverse effect.
LV9-35	Please refer to response to comment LV9-21 and the Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. Identification of secondary access, that can feasibly be implemented, has not been achieved by this alternative. A specific site for a fire station has not been identified onsite, and the applicant has not committed to constructing and providing the funds to operate the new fire station, therefore, this recommendation cannot be relied upon as a verifiable mitigation measure to fully mitigate noted conflicts regarding secondary access and fire safety.
LV9-36	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. The EIR has been clarified to note that implementation of the Mitigated Project Alternative would require the construction and operation of a new facility, which would result in additional potentially significant impacts.
LV9-37	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR.
LV 9-2 Table VI-1 from RDEIR	
LV9-38	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. As noted, the project would require off-site road improvements, which would result in significant secondary impacts to oak trees and oak woodland.

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LV9-39	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR.
LV9-40	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR.
LV9-41	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. Based on review by the County Agriculture Department, the permanent conversion and loss of existing productive Farmland would result in a significant adverse impact, as documented in EIR Section V.B. Agricultural Resources. The applicant's proposal to replace removed vineyards would reduce the identified impact, but would not fully mitigate the permanent loss of productive Farmland because there is no guarantee that the replacement vineyards would be equitable, and the County cannot mandate agricultural production in the long-term.
LV9-42	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. At the time the proposed project was vested, the recommended buffers for vineyards ranged from 400 to 800 feet (San Luis Obispo County, 2002). The Applicant's Mitigated Project includes buffers ranging from 125 to 400 feet. Based on review by the County Agricultural Commissioner's Office, reduced buffers may result in land use conflicts, changes in agricultural practices to accommodate residential development, and lowered production yields (refer to EIR Section V.B. Agricultural Resources, AG Impact 2). These actions would have an adverse effect on agricultural resources and would result in the conversion of productive farmland to non-agricultural use.
LV9-43	The project would result in a significant project-specific impact due to the loss of Farmland. In addition, the cumulative loss of Farmland in the County has resulted in a significant impact, and the project's incremental effect (loss of Farmland) would be cumulatively considerable and would set a precedent for removal of productive Farmland to accommodate residential (non-agricultural) development and buffer zones.
LV9-44	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. Please refer to responses to comments LV19-4 through LV19-9 regarding TR Impact 4.
LV9-45	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. Please refer to response to comment LV19-10 regarding TR Impact 10.
LV9-46	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. Please refer to response to comment LV19-11 regarding TR Impact 13.
LV9-47	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. Please refer to response to comment LV19-12 regarding TR Impact 15.
LV9-48	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. Please refer to correspondence from the SLOAPCD, which identifies inconsistency with the Clean Air Plan. The project would not be consistent with land use and transportation measures identified in the Clean Air Plan, and potentially would affect the County's implementation of the Clean Air Plan to reach air pollutant attainment goals.
LV9-49	Please refer to EIR Section V.C. Air Quality, project-specific AQ Impact 9, which states: "The proposed project is inconsistent with the general land use and planning policies identified in the Clean Air Plan, resulting in air pollutants generated by increased traffic trips, resulting in a long-term, significant, and unavoidable impact." Cumulative AQ Impact 10 states: "The proposed project is inconsistent with the regional land use and planning policies identified in the Clean Air Plan, resulting in a cumulative, significant, adverse, and unavoidable impact." The EIR discussion for AQ Impact 10 (Cumulative Emissions and Consistency with the Clean Air Plan) notes that "While cumulative impacts to air quality was identified in the South County Area Plan Update EIR as potentially significant and unavoidable, the findings recognized that the existing cumulative air quality mitigation program, combined with a slight improvement over the previous Area Plan build-out would offset some of these impacts" and "The proposed project would increase the total number of vehicle trips when compared to the General Plan buildout projections" and the proposed project is inconsistent with the CAP's land use and planning goals and policies, and long-term regional air

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	quality planning strategies; therefore, the project would significantly contribute to the cumulative degradation of air quality, resulting in a significant, cumulative, air quality impact." Therefore, in addition to resulting in a project-specific air quality impact, the project would contribute to a significant cumulative air quality impact, and the effect would be cumulatively considerable.
LV9-50	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR, which incorporates the applicant's subsequent Mitigated Project Alternative modifications, including construction of a noise wall.
LV9-51	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. Implementation of the Applicant's Mitigated Project Alternative would result in an overall reduction in significant visual impacts; however, as seen from Highway 101, the development of Main Road 2 and Sub-cluster E (Lots 87 through 105), including Lots 87 through 91 that are located within a designated Sensitive Resource Area (as shown in Figure V.A.-1 (Sensitive Resource Area and Highway Corridor Design Boundary Map), would result in unavoidable visual impacts. Landscape screening and architectural design would not substantially reduce noticeability of the structures or potential impacts related to the change in rural visual character. The character of the project site is agricultural, and the visibility of these structures would result in a significant change from existing conditions. The EIR recommendation to relocate the structures and roadway below the 660-foot elevation would allow for natural screening by existing topography. Please refer to responses to comment letters LV1 and LV2.
LV9-52	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR, and response to comment LV9-51 above. Lots 1-23 would be located within a designated Sensitive Resource Area for Newsome Ridge, as shown in Figure V.A.-1 (Sensitive Resource Area and Highway Corridor Design Boundary Map). Sub-cluster A is clearly visible in Final EIR Figure V.A.-13. The Visual Simulations of the Mitigated Project provided by RRM do not show Sub-cluster A (Lots 1 – 23); this portion of the property is not included in the photograph or simulation as seen from KVA-4.
LV9-53	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. The EIR analysis considers existing conditions, and notes that the development of Sub-cluster B would add noticeable suburban type elements to the existing Upper Los Berros Road setting. Please refer to responses to comment letters LV1 and LV2.
LV9-54	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. Cumulative impact AES Impact 18 states the following: "The visibility of individual project elements in the context of emerging development along the Highway 101 corridor would result in direct and indirect long term adverse cumulative impacts." There is a clear distinction between the project project-specific and cumulative effects, and the impact determination under cumulative effects notes the cumulative "context of emerging development".
LV9-55	Please refer to response to comment LV9-21 above.
LV9-56	Please refer to response to comment LV9-22 above.
LV 9-3 Revised Table VI-2 from the RDEIR	
LV9-57	EIR Chapter VI Alternatives Analysis presents and analyzes the alternatives that the Department of Planning and Building believes will further reduce potentially significant impacts on the environment, achieve most project objectives, and are feasible. Each alternative meets most of the basic project objectives, including the preclusion of future residential development within designated agricultural/open space easements (as required by the LUO for cluster developments), protection of a percentage of the overall property in permanent agricultural/open space easements (are required by the LUO for cluster developments), the creation of places to live and enjoy in a scenic rural setting (potential residential lots are located within the general project area, which is considered rural and scenic), and the enhancement of long-term agriculture viability (through implementation of

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	easements and the reduction of Farmland loss). To the extent that the applicant believes any particular alternative or mitigation measure is financially infeasible, the applicant is in the best position to provide evidence of such infeasibility. That evidence will be considered by the County decision makers and reflected in the findings adopted for the project. This approach is consistent with applicable case law, which places the burden of establishing financial infeasibility of an alternative or mitigation measure on the person claiming the infeasibility. The alternative figures in the Draft and Final EIR are conceptual only, and present potential development areas that would minimize direct removal of productive vineyards and reduce visual impacts as seen from U.S. Highway 101, compared to the proposed project. The commenter notes that sensitive biological and cultural resources, powerlines, agricultural lands, and steep topography are present within the conceptual development areas of the presented alternatives. As noted in the EIR, site design and implementation of mitigation measures would be required to minimize potentially significant impacts related to these resources. The County decision makers will consider the commenter's statements upon review of the project, the Applicant's Mitigated Project, and the identified alternatives.
LV 9-4 Letter from ESA	
LV9-58	Please refer to responses to specific comments below.
LV9-59	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR and response to comment LV9-51 above. Please refer to EIR Section V.A. Aesthetics, 4. Impacts Assessment and Methodology, which outlines the sound practices which were conducted to assess potential impacts. The EIR identifies that the 2003 LUO was applied appropriately (refer to EIR Chapter IV Environmental Setting). As required by CEQA, the aesthetic impacts were analyzed based on the project as proposed, taking into consideration the environmental baseline of the project site and surrounding area.
LV9-60	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR, and responses to comments LV9-51, LV9-52, and LV9-54 above. Photographs were taken from representative viewpoints along the Highway 101 corridor, Upper Los Berros Road, and Dana Foothill Road (refer to Final EIR Figure V.A.-2 Key Viewing Area Location Map). The camera used to obtain photographs of the project site from identified Key Viewing Areas (KVAs) was a Canon EOS body with a 50 millimeter lens. These photos were used as the base for the photo-simulations. A 200 millimeter lens was used for identified zoomed in photographs. The EIR notes that the photos and photo-simulations may understate the anticipated perception of impacts, not that the photos and photo-simulations overstate the visibility and impact of the project (page V.A.-11).
LV9-61	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR, and responses to comments LV9-51, LV9-52, and LV9-54 above. The construction of a row of residences in the upper elevations of Los Berros Canyon would substantially increase overall awareness of the project and would result in a noticeable change in visual character, even at high vehicle speeds. Modifying Sub-Cluster E by locating it below the 660-foot elevation would provide natural topographic screening, and is recommended to fully mitigate this significant, adverse effect.
LV9-62	Please refer to response to comment LV9-17.
LV9-63	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR. Please refer to correspondence from the SLOAPCD, which identifies inconsistency with the Clean Air Plan. The project would not be consistent with land use and transportation measures identified in the Clean Air Plan, and potentially would affect the County's implementation of the Clean Air Plan to reach air pollutant attainment goals.
LV9-64	The commenter's assumptions regarding the travel behavior of future residents is speculative and could not be verified or limited through mitigation or other controls. Therefore, the assumptions

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	applied in the traffic analysis and air quality modeling are appropriate. Please refer to response to comment LV9-63 above.
LV 9-5 Letter from ATE (2012)	
LV9-65	Please refer to responses to individual comments below, or references to the updated ATE letter (2013).
LV9-66	Please refer to responses to comments LV19-3 through LV19-9 regarding TR Impact 4 (formerly TR Impact 3).
LV9-67	Please refer to response to comment LV19-10 regarding TR Impact 10 (formerly TR Impact 9).
LV9-68	Please refer to response to comment LV19-11 regarding TR Impact 13 (formerly TR Impact 12).
LV9-69	Please refer to response to comment LV19-12 regarding TR Impact 15 (formerly TR Impact 14).
LV9-6 Letter from CHG (2012)	
LV9-70	The submitted letter was re-submitted as an attachment LV-17 with additional notations. Please refer to referenced responses to comments below.
LV9-71	Please refer to response to comment LV17-14 regarding sustainable yield and Phase 3 water level stability.
LV9-72	Please refer to response to comment LV17-5 regarding sustainable yield and Phase 3 methodology.
LV9-73	Please refer to response to comment LV17-13 regarding sustainable yield and well 11.
LV9-74	Please refer to response to comment LV17-14 regarding rainfall.
LV9-75	Please refer to response to comment LV17-15 regarding the hydrogeology description.
LV9-76	Please refer to response to comment LV17-16 regarding groundwater rights. As noted by the commenter (2013), this comment was addressed in Recirculated EIR Section V.P. Water Resources.
LV9-77	Please refer to response to comment LV17-17 regarding project water supply and quality, and the sustainable yield definition.
LV9-78	Please refer to response to comment LV17-18 regarding project water supply and quality, and achieving equilibrium.
LV9-79	Please refer to response to comment LV17-19 regarding estimated water demand. As noted by the commenter (2013), this comment was addressed in Recirculated EIR Section V.P. Water Resources.
LV9-80	Please refer to response to comment LV17-20 regarding effects on groundwater and operational static.
LV9-81	Please refer to response to comment LV17-21 regarding effects on groundwater, timeframe, and climate change.
LV9-82	Please refer to response to comment LV17-22 regarding effects on Los Berros Creek.
LV9-83	Please refer to response to comment LV17-23 regarding interference and agricultural well history.
LV9-84	Please refer to response to comment LV17-24 regarding interference and wells 9, 10, and 11.
LV9-85	Please refer to response to comment LV17-25 regarding mitigation measure WAT/mm-1.
LV9-86	Please refer to response to comment LV17-26 regarding the attached exhibits.
LV9-7 Letter from RRM	
LV9-87	The Recirculated Biological Resources and Water Resources sections (2012) were revised to accommodate changes in the proposed project, including elimination of the equestrian center and replacement of proposed wells. Please refer to the Recirculated EIR (2013) and Final EIR, which

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	clarified the changes to the proposed project. The Mitigated Project Alternative is included as a project alternative in EIR Chapter VI Alternatives Analysis, because the applicant did not submit a revised project application and revised tract map. Identified changes are applicable to the Conditional Use Permit, not the Vesting Tentative Tract Map.
LV9-88	Please refer to the Recirculated EIR (2013) and Final EIR, and responses to specific comments below.
LV9-89	Please refer to the Recirculated EIR (2013) and Final EIR, and Table V.P.-5, which reflects the estimated demand from the proposed project. Demand is the same as the Mitigated Project Alternative (same number of lots and uses).
LV9-90	Please refer to the Recirculated EIR (2013) and Final EIR (pages V.P.-12, V.P.-30, V.P.-32, and V.P.-34).
LV9-91	The commenter's statement regarding vineyard replacement is noted. At this time, the County is not requiring vineyard replacement as a mitigation measure in order to allow farming to occur pursuant to the Right to Farm Ordinance.
LV9-92	The commenter's statement is noted.
LV9-93	Please refer to the Recirculated EIR (2013) and Final EIR, which identify acre-feet per year maximum yields.
LV9-94	Please refer to the Recirculated EIR (2013) and Final EIR, which do not include this measure, based on the County's determination that the site is located outside of the fee area.
LV9-95	Please refer to the Recirculated EIR (2013) and Final EIR. Based on review by County Public Works, and pursuant to the Arroyo Grande Creek Channel Waterway Management Program and Regional Water Quality Control Board standards, compliance with current stormwater discharge regulations is required to avoid increases in runoff downstream and to protect water quality. The identified mitigation would not affect vesting status of the subdivision because these measures are required to address identified potentially significant impacts.
LV9-96	Please refer to response to comment LV8-9 regarding impacts to oak trees.
LV9-97	All Biological Resources mitigation measures identified for the proposed project would also be applicable to the Mitigated Project Alternative. Please refer to the Recirculated EIR (2013) and Final EIR, which clarifies that all mitigation identified for the proposed project would apply to the Mitigated Project Alternative (pages VI-12 and VI-13).
LV9-98	Please refer to the Recirculated EIR (2013) and Final EIR, which incorporate the suggested modification.
LV9-99	Please refer to response to comment LV9-17. The replacement vineyards and required easements would not fully mitigate the permanent loss and conversion of productive farmland under the proposed Mitigated Alternative.
LV9-100	Please refer to responses to comments LV9-21 and LV19-10.
LV9-101	Please refer to Recirculated EIR Chapter VI Alternatives Analysis and the Final EIR, and response to comment LV9-52 above. Lots 1-23 would be located within a designated Sensitive Resource Area for Newsome Ridge, as shown in Figure V.A.-1 (Sensitive Resource Area and Highway Corridor Design Boundary Map). The Final EIR alternatives analysis states that: "These modifications would avoid significant, adverse, and unavoidable impacts resulting from the development of Sub-clusters A and B (AES Impact 5 and AES Impact 6)".
LV9-102	Please refer to the Recirculated EIR (2013) and Final EIR, and response to comment LV9-59. The EIR clearly distinguishes the longer-range views and close-in views (refer to Figures V.A.-13 and V.A.-14, for example). The camera used to obtain photographs of the project site from identified Key Viewing Areas (KVAs) was a Canon EOS body with a 50 millimeter lens. These photos were used as the base for the photo-simulations. A 200 millimeter lens was used for identified zoomed in

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	photographs. The methodology is not flawed, and provides a realistic representation of the project's potential visibility as seen with the naked eye. The human visual system doesn't work with single images. It takes a running series of narrow angle high resolution snapshots, which are stitched together in the brain as in a gigapixel image. Unlike a gigapixel image, the human one is continually being refreshed with new snapshots. Add to that the stereo effect from the two eyes, the effect of head movements, and the effect of getting up and walking around, and you have a four-dimensional stitched model. The eye is not a single frame snapshot camera. It is more like a video stream. The eye moves rapidly in small angular amounts and continually updates the image in one's brain to "paint" the detail. We also have two eyes, and our brains combine the signals to increase the resolution further. We also typically move our eyes around the scene to gather more information. Because of these factors, the eye plus brain assembles a higher resolution image than possible with the number of photoreceptors in the retina. Consider a view in front of you that is 90 degrees by 90 degrees, like looking through an open window at a scene. The human vision would be equivalent to 324 megapixels. At any one moment, you actually do not perceive that many pixels, but your eye moves around the scene to see all the detail you want. But the human eye really sees a larger field of view, close to 180 degrees. Let's be conservative and use 120 degrees for the field of view. Then we would see 576 megapixels. The full angle of human vision would require even more megapixels. This kind of image detail requires a large format camera to record. Image detail can also be further affected by printing capabilities, paper quality, screen resolution, and digital file size compression.
LV9-103	Please refer to response to comment LV9-51.
LV9-104	The commenter's suggested additional mitigation has been added to the Final EIR to further mitigate potential fire hazards (refer to Final EIR mitigation measure PSU/mm-7). However, based on consultation with Caltrans, secondary access in the proposed location (while acceptable to CAL FIRE) may not be feasible based on the limited use of the encroachment permit.
LV9-105	Please refer to response to comment LV9-35.
LV9-106	Please refer to the Recirculated EIR (2013) and Final EIR, which include a revised table.
LV9-107	The commenter's statements are noted and will be considered by the County decision makers.
LV 9-8 Class I Impact Summary	
LV9-108	Please refer to the Recirculated EIR (2013) and Final EIR, which include the County's determination of Class I impacts based on substantial evidence in the record. Please refer to responses to specific comments addressing referenced impacts and impact determinations.
LV9-109	Please refer to the Recirculated EIR (2013) and Final EIR, and response to comment LV9-41 regarding AG Impact 1.
LV9-110	Please refer to the Recirculated EIR (2013) and Final EIR, and response to comment LV9-42 regarding AG Impact 2.
LV9-111	Please refer to the Recirculated EIR and the Final EIR. Please refer to responses to comments LV19-4 through LV19-9 regarding TR Impact 4.
LV9-112	Please refer to the Recirculated EIR and the Final EIR. Please refer to response to comment LV19-10 regarding TR Impact 10.
LV9-113	Please refer to the Recirculated EIR (2013) and Final EIR, and response to comment LV9-48 regarding AQ Impact 9.
LV9-114	Please refer to the Recirculated EIR (2013) and Final EIR, and response to comment LV9-51 regarding AES Impact 4.
LV9-115	Please refer to the Recirculated EIR (2013) and Final EIR, and response to comment LV9-52 regarding AES Impact 5.

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LV9-116	Please refer to the Recirculated EIR (2013) and Final EIR, and response to comment LV9-21 regarding HM Impact 2.
LV9-117	Please refer to the Recirculated EIR (2013) and Final EIR, and response to comment LV9-22 regarding PSU Impact 4.
LV9-118	Please refer to the Recirculated EIR (2013) and Final EIR for final impact determinations.
LV9-119	Please refer to the Recirculated EIR (2013) and Final EIR for final impact determinations.
LV9-120	Please refer to the Recirculated EIR (2013) and Final EIR for final impact determinations.

LV-10

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June 11, 2012

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

Re: Laetitia Ag Cluster Project - Applicant's Mitigated Plan Summary of All Mitigations Incorporated Since November. 6, 2008

Dear Brian,

In order to assist in providing greater understanding of the Applicant's Mitigated Project as submitted as part of comments on the DEIR and as described in summary in the April 2012 RDEIR, we provide the following discussion of mitigation features. LV-10-1

You will recall several of the points below that are the result of meetings between you, Shawna Scott, Linda Auchinachie and RRM staff. RRM conducted additional field surveying of tree locations. We (you, Shawna & RRM staff) had a meeting at the Laetitia site with Cal Fire staff in order to clarify the Cal Fire "Fire Safe" standards for measurement of distances to trees and where those distances are measured from. As you know, RRM provided enlarged sketches and diagrams describing these additional mitigations as confirmation of our discussions. The results of the meetings and additional analysis are as follows:

Trees:

1. The determination of the trees that would be removed or impacted were re-calculated based upon the criteria described by Cal Fire staff during the meeting held at the property. Based upon those criteria, the number of trees that would be removed is 7 (as indicated in the RDEIR), of these seven trees; four were identified by the arborist as being in poor or deteriorating health. The number of trees potentially impacted is 56 (as indicated in the RDEIR). We provided sketches to you of the Cal Fire criteria as applied to affected building sites and roads. These are attached as Exhibits. LV-10-2
2. The minimum standard for Ag replacement area setbacks from existing oak trees was established as 20 feet from the drip line of existing trees.
3. In conclusion, clearly, impacts from the Mitigated Project to oak trees and oak woodlands would be a Class II impact.

Effluent Disposal Areas:

1. The effluent disposal areas were reconfigured to avoid having irrigated agriculture on top of archaeology site SLO2522 thereby avoiding potential degradation of the archeology site due to water infiltration. LV-10-3
2. Effluent disposal areas were adjusted to avoid impacts to existing oak trees by providing a minimum setback of 100 feet.
3. Effluent disposal areas are adjusted to provide a minimum 35-foot setback from any creek.

COMMUNITY | CIVIC & PUBLIC SAFETY | RECREATION | URBAN
ARCHITECTS | ENGINEERS | LANDSCAPE ARCHITECTS | PLANNERS | SURVEYORS
A California Corporation | Victor Montgomery, Architect #C11090 | Jerry Michael, PE #36895, LS #6276 | Jeff Ferber, LA #2844

LV-10
Brian Pedrotti
June 11, 2012
Page 2

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Water Tank Relocation:

1. The water tank was relocated behind a prominent ridge and is not visible from US 101. We have attached sketches of this new location of the water tank. LV-10-4
2. The water tank access road was moved along with the tank relocation and the water tank access road is not visible from US 101.

Archaeology

1. The effluent disposal area within the Ag replacement area in the vicinity (north) of the Ranch Headquarters area was reconfigured to avoid archaeology site SLO 2522. Ag replacement areas were also moved from archaeology site 1317 near US 101. LV-10-5

Agriculture Replacement Areas

1. Agriculture replacement areas were reconfigured to provide setbacks from oak trees and creeks, resulting in a change in the potential Ag replacement planting acreage from 14.5 (11/07/2008) acres to 5.1 acres. This change still provides Ag replacement planting areas to enable replacement planting at a ratio of at least 1 to 1. Existing Ag to be removed is 113.5 acres and replacement Ag planting area is up to 118.6 acres. LV-10-6

We have attached as an Exhibit (Applicant Acceptability of Mitigation Measures), a summary chart of the Mitigation Measures that are acceptable, acceptable with revisions, not acceptable to the applicant. This chart also indicates where mitigation measures are not applicable. This chart is derived from a similar chart provided to you in 2008. However, it has been updated and augmented in order to reflect mitigation measures from the DEIR and RDEIR as well as additional changes/comments from the applicant. The notes section of the chart provides information pertinent to each mitigation measure, as needed. We have also attached a document containing the full text of the feasible mitigation measures applicable to the Applicant's Mitigated Project (new recommended text is underlined, text that is unnecessary/recommended to be deleted is in strike-out font). LV-10-7

For your records and future use we also attach a site plan dated 6/11/2012 that reflects all of the mitigations described in the RDEIR on pages VI-8 and VI-9 as well as the mitigations described above. Please consider this to be the Applicant's Mitigated Project site plan.

Brian, if you have any questions you may contact me at (805) 543-1794.

Sincerely,
RRM Design Group

Victor Montgomery, AIA
Principal

Attachments: LV-10-1 Applicant's Mitigated Project – Site Plan
LV-10-2 Applicant Acceptability of Mitigation Measures
LV-10-3 Mitigation Measures Accepted by the Applicant and Applicable to the Mitigated Project with Refinements Compared to the DEIR and the RDEIR Redlined June, 2012
LV-10-4 Laetitia Tree Impacts Exhibits (16 total)

LV-10

LV 10-1

Applicant's Mitigated Project – Site Plan

LV-10-8

Full-sized project map available for review at the County Planning and Building Department. Note, the Applicant's Mitigated Project is included in the Final EIR for view, as well. Refer to Final EIR Chapter VI Alternatives Analysis.

LV 10-2

Applicant Acceptability of Mitigation Measures

LV 10-2

LAETITIA AGRICULTURAL CLUSTER SUBDIVISION PLAN

DEIR and RDEIR

Applicant Acceptability of Mitigation Measures

June 11, 2012

RDEIR-2012 Re-circulated Sections/Mitigation Measures

ACCEPTABLE WITH EDITS: See DEIR and RDEIR Mitigation Measures Accepted by Applicant and Applicable to Mitigated Project (with Refinements Redlined)

LV-10-9

MITIGATION MEASURE *(with summary where measure deemed not acceptable or N/A)*	ACCEPTABLE	ACCEPTABLE w/ EDITS	UN-ACCEPTABLE	NOT APPLICABLE (N/A)	NOTES...
Geology					
GEO/mm – 1-10	X				
Water Resources - RE-CIRCULATED SECTION					
WAT/mm – 1		X			
WAT/mm – 2	X				
WAT/mm -3	X				
WAT/mm – 4	X				
WAT/mm – 5	X				
WAT/mm – 6	X				
WAT/mm – 7				X	Project site is not within the area subject to the fee.
WAT/mm – 8	X				
WAT/mm – 9	X				
WAT/mm – 10	X				
WAT/mm – 11	X				
WAT/mm – 12	X				
WAT/mm – 13	X				
WAT/mm – 14	X				
Biology - RE-CIRCULATED SECTION					
BIO/mm – 1	X				
BIO/mm – 2	X				
BIO/mm – 3	X				
BIO/mm – 4	X				
BIO/mm – 5	X				
BIO/mm – 6	X				
BIO/mm – 7	X				
BIO/mm – 8	X				
BIO/mm – 9	X				
BIO/mm – 10	X				
BIO/mm – 11	X				

LV-10-2

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