



County of San Diego, Planning & Development Services
Project Planning Division

TO: File
FROM: Robert Hingtgen, Land Use/ Environmental Planner
SUBJECT: Freedom Ranch Alcohol and Drug Treatment and Recovery Facility,
PDS2012-3301-74-011-07, ER PDS2012-3910-1221002
DATE: March 13, 2015

The following are staff's responses to comments received during the public review period for the draft Mitigated Negative Declaration dated August 28, 2014. The draft Mitigated Negative Declaration was circulated for public review from August 28 through September 29, 2014. Comments were received that require changes to the **Mitigated** Negative Declaration, Initial Study/Environmental Analysis, and/or the project.

Response to comments received from San Diego Metropolitan Transit System:

A - 1 The bus stop improvement is conditioned to be constructed with Phase 3 of the project, when additional beds would be added for clients (beyond the 50 that are already approved). The frontage improvements can be seen on Sheet 5 of 8 of the Plot Plan (Phase 3): <http://www.sdcounty.ca.gov/pds/regulatory/docs/3301-74-011-07/PDS2012-3301-74-011-07-Plot-Plan.pdf>

Response to comments received from San Diego County Archaeological Society, Inc.:

B-1 The County acknowledges and appreciates this comment. The comment is introductory in nature and does not raise an issue related to the adequacy of the environmental document.

B-2 The County acknowledges and appreciates this comment. This comment is noted.

B-3 The County acknowledges and appreciates this comment. The comment identifies that curation of historic artifacts should be curated at a facility that meets Federal (36 CFR Part 79) standards. The following sentence was revised in Condition CULT #3.c(2) and Preliminary Grading Plan Note CULT #GR-5.c(2) in the Mitigated Negative Declaration as follows: "Historic materials shall be curated at a San Diego curation facility that meets federal standards per 36 CFR Part 79 and shall not be repatriated or curated with a Tribal curation facility."

B-4 The County acknowledges and appreciates this comment. The mitigation measures related to the disposition of prehistoric artifacts includes curating

artifacts at the San Diego Archaeological Center or at a culturally affiliated Tribal curation center that meets Federal standards (36 CFR Part 79). Alternatively, the prehistoric artifacts may be repatriated (returned) to a culturally affiliated Tribe. Historic artifacts may only be curated at a San Diego curation facility and may not be repatriated or curated at a Tribal curation facility. The term “repatriation” as used in the context of the conditions of approval means “to return” all prehistoric artifacts and not just human remains and associated grave goods as required under NAGPRA. CEQA identifies that curation (§15126.4b) may be an appropriate mitigation measure should data recovery be implemented but does not require curation.

The concern of the commenter related to the loss of scientific value for current and future generations is addressed through the requirement to provide the cultural studies to a repository for archival purposes. The scientific value is retained through the information provided in the cultural study. Specifically, the study provides detailed information related to the identified artifacts such as artifact type, location, weight, material, features, composition, context, and chronological and cultural placement. This information is provided in the study text, tables, and graphics. In addition, any information provided by the Native American monitor related to the cultural perspective of the affiliated Tribe is also included in the study. The comment does not identify any issues related to the adequacy of the environmental documents. Changes to the environmental document are not required as a result of this comment.

B-5 The County acknowledges and appreciates this comment. The Register of Professional Archaeologists (RPA) does provide standards which research archaeologists should follow. RPA certification is not a requirement for archaeologists who are on the County’s CEQA Consultant List. Listed archaeological consultants are the professionals who prepare technical studies. As such, they provide an evaluation of resources and the study is revised with input from County staff. The County’s Guidelines for Determining Significance and Report Format and Content Guidelines – Cultural Resources (Guidelines) do include guidance regarding curation. The Guidelines are a guidance document and are not the absolute authority on how a project should be conditioned. Mitigation outside of those identified in the Guidelines may be applied to projects and are typically based on consultations with the Native American community and comments received during public review. The comment does not raise an issue related to the adequacy of the environmental document. Changes to the CEQA documentation are not required as a result of this comment

B-6 The County acknowledges and appreciates this comment. Repatriating prehistoric artifacts in lieu of curation would not cause a cumulative significant impact. As detailed in response to comment 4 above, the loss of scientific value for current and future generations is addressed through the requirement to provide the cultural studies to a repository for archival purposes. According to CEQA, the importance of cultural resources comes from the research value and

the information they contain. The research value and information is provided in the scientific study as discussed in response B-4 above. The issue that must be explored in a cumulative analysis is the cumulative loss of that information. Cultural resources located on site would not be impacted because they are either outside of the area of potential effect or they would be placed in an open space easement and preserved. Because the data would be available through a local archive and because the cultural resources would be preserved or avoided, there would not be a cumulative loss of cultural data. As such, a cumulative impact would not occur.

According to the Native American community, cultural values are specific to the individual group. As such, it cannot be assumed that curation is the culturally sensitive method for the disposition of prehistoric artifacts. As outlined in response to comment B-4 above, mitigation in the form of repatriation and curation are permitted so that if one method of prehistoric artifact disposition is not available, an alternative is provided. No changes were made to CEQA documentation as a result of this comment.

- B-7 The County acknowledges and appreciates this comment. The comment does not raise an issue related to the adequacy of the environmental document. This comment is noted.

Response to comments received from Endangered Habitats League:

- C-1 The County concurs that the project is a major expansion of an alcohol and drug treatment and recovery facility in a rural location dependent on groundwater. The Final Groundwater Investigation report for the project was reviewed and accepted by County Groundwater Geologist Jim Bennett with Planning & Development Services.
- C-2 The County concurs with this comment. The project would impact 7.2 acres of southern mixed chaparral habitat, which will be mitigated at a ratio of 0.5:1. This impact will be mitigated by 3.6 acres of compensatory land in an open space easement which is anticipated to be located as shown in Figure 7 of the Biological Resources Report. No changes were made to the Mitigated Negative Declaration as a result of this comment.
- C-3 The County concurs that the proposed 112.6-acre MUP area forms the basis for determining whether adequate groundwater supply exists for the proposed expansion. The County disagrees that the remainder of the MUP area should be protected by a conservation easement to ensure groundwater demand does not exceed the supply. If the application is approved, the entire 112.6-acre site is limited to the uses described in the MUP Decision and shown on the Plot Plan. No other uses or increases in intensity of use would be allowed without further planning and environmental review. In addition, the facility's groundwater use will be monitored and annual reports will be submitted to the County's

Groundwater Geologist (Jim Bennett) with Planning & Development Services (PDS) for review. Monitoring will be conducted in accordance with a Groundwater Monitoring and Management Program (GMMP) that will be implemented by a licensed hydrogeologist. Groundwater production data and water level data will be reported to PDS annually to ensure the project does not exceed a limit of 10 acre-feet per year as analyzed in the Final Groundwater Investigation Report for the project.

Response to comments received from Diane Richards:

- D-1 Water for the construction of the proposed project would come from groundwater pumped from Freedom Ranch's main water supply well located approximately 1600 feet north of the Main Facility, on APN 607-120-69-00 (see Sheet 1 of the Plot Plan). Water would be applied three times per day to disturbed ground for dust control and require approximately 4,500 gallons per day for six to twelve days of anticipated grading.
- D-2 The water is applied at a rate to provide soil moisture for dust control and not create runoff. However, construction sites are required to install and implement temporary construction BMP's in the event runoff is generated from rainfall events. These BMPs would also capture any runoff from the application of water for dust control if needed. Temporary construction best management practices (BMP's) the project may implement are listed on page 7 of the Stormwater Management Plan (SWMP).
- D-3 The project will construct a 14-foot-wide right turn lane on north-bound Buckman Springs Road at the project entrance as shown on Sheet 5 (Phase 3) of the Plot Plan and on Sheet 1 of the Preliminary Grading Plan. The turn lane will extend 50 feet to the south from the entrance driveway and taper back to the existing edge of pavement on Buckman Springs Road at the southwest corner of the parcel. A 10-foot-wide disintegrated granite (DG) pathway will also be provided along this parcel's frontage that includes a six-foot by eight-foot disintegrated granite (DG) loading and unloading pad for the bus stop.

The project will construct a 24-foot-wide paved driveway that will extend east from Buckman Springs Road to the proposed expansion area that includes two parking areas with a total of 35 parking spaces, as shown on Sheet 3 (Phase 1) of the Plot Plan. The project will also construct a 16-foot-wide paved driveway that will extend east to the new dormitory that will be constructed in Phase 4 as shown on Sheet 6 of the Plot Plan.

The Drainage Study concludes that drainage patterns and flow rates will not be substantially altered from the existing conditions, and there will be an insignificant change to the flow rate and velocity of stormwater flow that leaves the project site. However, runoff from the new structures and paved driveways will flow to landscaped or pervious areas including bioretention basins as shown on Sheet 1

of the Preliminary Grading Plan and Drainage Management Areas exhibit (page 40 of 67) of the Drainage Study for water quality treatment and runoff control.

- D-4 Maintenance of the existing six-foot tall fence and new fence will be performed by paid Freedom Ranch staff. Tenants of the facility will not perform this function.
- D-5 Freedom Ranch's water system is permitted as a transient community water system and testing of the water is performed four times per year. Water system records including water quality testing data can be obtained by contacting Jamelle McCullough (Jamelle.McCullough@sdcountry.ca.gov) at (858) 694-2242 with the County Department of Environmental Health.
- D-6 Please see the response to D-3 above. The bioretention areas are placed outside of the 100-year inundation zone and will serve to protect water quality, in addition to other site design and source control BMP's that are listed in the project's Stormwater Management Plan.
- D-7 Potential impacts to groundwater supply and water quality have been addressed in the Final Groundwater Investigation Report, Stormwater Management Plan, and Nitrate Mass Balance Study that have been prepared for the project. Phase 1 residual wastewater discharges from Structures 1 (Main Facility) and 11 (Staff Quarters) will be pumped to approved septic fields located approximately 600 feet to the east in the expansion area. Greatly reduced wastewater discharges from Structure 1 will be allowed to return to the septic field near that structure upon completion of the proposed remodeling in Phase 3 or 4.
- D-8 Construction will be performed by licensed contractors with supervised work crews. Freedom Ranch staff will contact you to obtain permission prior to any work or maintenance on the fence that might require temporary access onto your property. All lighting will comply with the County's Light Pollution Code which can be found at <http://www.sandiegocounty.gov/content/dam/sdc/dplu/docs/LightPollutionCode.pdf>. No directional lighting will be oriented towards adjacent properties.
- No changes were made to the Mitigated Negative Declaration as a result of this comment.
- D-9 Hours and days of operation for construction activity will comply with Section 36.408 of the County's Noise Ordinance. No changes were made to the Mitigated Negative Declaration as a result of this comment.
- D-10 The proposed expansion of the facility will result in the dining hall and dormitories being located a greater distance away from the residence. As described in the project description on page three of the Initial Study, visiting hours will continue as presently scheduled, which is daily from 2 to 9 P.M. Alcoholics Anonymous (AA) meetings will continue as presently scheduled, which is Monday through

Friday from 8 to 9 P.M., Saturday from 4 P.M. to 5 P.M., and Sunday from 3 P.M. to 4 P.M. Narcotics Anonymous (NA) meetings will continue as presently scheduled, which is Monday, Wednesday and Friday from 6 P.M. to 7 P.M. These meetings are open to the public and all activities at Freedom Ranch must comply with the sound level limits as described in Section 36.404 of the County's Noise Ordinance. Freedom Ranch staff will continuously remind their tenants and visitors to be respectful of the neighbors and quiet rural atmosphere.

No changes were made to the Mitigated Negative Declaration as a result of this comment; however, MUP Decision Conditions 31 through 40 describes what is allowed regarding various facets of facility operation.

- D-11 The proposed Major Use Permit Modification does not propose the raising of livestock. The existing abandoned pig shed (Structure 10) will be removed during construction of Phase 1. The facility will maintain the existing duck shed and ponds as shown on Sheets 2 and 6 of the Plot Plan. No changes were made to the Mitigated Negative Declaration as a result of this comment.
- D-12 The Freedom Ranch facility does not and will not accept convicted sex offenders as tenants. No changes were made to the Mitigated Negative Declaration as a result of this comment.
- D-13 As shown on Sheet 6 (Phase 4) of the Plot Plan, 35 parking spaces will be located in two parking lots located in the proposed expansion area near four of the new dormitories and dining hall. Five new parking spaces will be located off the driveway near the Main Facility (Building 1) which has six existing parking spaces. Thus the total number of parking spaces will be 46. As described in the project description on page three of the Initial Study, three fund raising events occur during the year that are anticipated to attract up to 300 people upon completion of Phase 4. Additional parking of vehicles for these events would occur north of the Main Facility in the area noted as a dirt driveway, where it has occurred in the past. Condition 39 of the MUP Decision describes what is allowed regarding the three Special Events that are allowed each year.

No changes were made to the Mitigated Negative Declaration as a result of this comment.

- D-14 An additional entrance sign will be placed on the north side of the entrance driveway to more clearly mark this main entrance for visitors to the facility. The sign location and details are shown on Sheet 3 (Phase 1) of the Plot Plan. The existing monument sign as shown on Sheet 2 will remain. The right-turn lane that will be constructed on north bound Buckman Springs Road with Phase 3 will also more clearly show the location of the main entrance to visitors.

No changes were made to the Mitigated Negative Declaration as a result of this comment.

D-15 Please see the response to D-3 and D-6 above.

D-16 Please see the responses to D-3 and D-6 above regarding stormwater quality measures that will be implemented, and D-7 describing changes to wastewater disposal locations that will occur with project phasing.

The project's Nitrate Mass Balance Study analyzed the increase in wastewater that will be generated by the proposed expansion of the facility and recognizes that not all of the future wastewater can be accommodated in the southern portion of the site.

The Department of Environmental Health process necessary permits related to wastewater discharges and septic system abandonment during the review of building permits at each Phase to ensure that wastewater flows are in conformance with the Nitrate Mass Balance Study.

D-17 Step 5 beginning on page 13 of the SWMP lists potential Low Impact Development (LID) and Site Design measures that can be implemented. A checkmark was placed for the measure "Preserve Significant Trees" as the project will not impact the many significant Coast Live Oak trees that are located on the project site.

No changes were made to the Mitigated Negative Declaration as a result of this comment.

D-18 Page 27 of the SWMP includes the listing of plazas, sidewalks, and parking lots as potential source of pollutants to stormwater runoff and standard operational BMP's to address those pollutants. The project does include parking lots which will be swept regularly to prevent the accumulation of litter, debris and dirt. Pressure washing with cleaners or degreasers and collection of that wash water is not proposed as there is no sanitary sewer available for disposal. Please also see the response to D-3 above.

No changes were made to the Mitigated Negative Declaration as a result of this comment.

D-19 Please see the responses to D-3, D-6 and D-7 above.

D-20 As described in the project description on page three of the Initial Study and shown on Sheets 5 (Phase 3) and 6 (Phase 4) of the Plot Plan, the number of paid staff will increase from five to 12 and staffing is required 24 hours per day.

No changes were made to the Mitigated Negative Declaration as a result of this comment.

D-21 Please see the responses to D-3, D-6, and D-7 above.

D-22 New septic fields and horizontal seepage pits for the proposed expansion will be located higher in elevation and further from the natural drainage swale than the existing septic fields. DEH permitting of proposed septic fields and horizontal seepage pits ensures adequate separation of wastewater discharges from groundwater levels and intermittent surface water flows, and ensures adequate area for the absorption of wastewater during times when soils are wet from rainfall. Please also see the response to D-16 above.

No changes were made to the Mitigated Negative Declaration as a result of this comment.

D-23 Potential wildlife impacts from the proposed project area addressed in Section IV of the Initial Study and in the project's Biological Resources Report. The project will impact 7.2 acres of southern mixed chaparral habitat (as described in Section IV b) which requires 3.6 acres of compensatory land to be placed in an open space easement, which is anticipated to be located as shown in Figure 7 of the Biological Resources Report. The proposed project is anticipated to have a less than significant impact on wildlife movement as described in Section IV d) of the Initial Study. Grading Plan Note BIO GR#1 from the Mitigated Negative Declaration has been included on the project's Preliminary Grading Plan and will be carried over to the project's future Grading Plan application. This mitigation measure requires that no brushing, clearing, or grading be allowed within 100 feet of active nests during the bird breeding season between February 1 and July 15, unless there is agreement from the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife that no nesting birds are present in the vicinity of the brushing, clearing or grading.

No changes were made to the Mitigated Negative Declaration as a result of this comment.