



AGENDA REPORT

Department: Planning
Prepared by: Martin Reeder, AICP – Planning Manager
Meeting Date: Tuesday, September 5, 2023
Approved by: Ben Martinez, Interim City Manager

SUBJECT:

Consideration of Certification of a Mitigated Negative Declaration for the Annexation of Two Properties Located at 3410 Valley Road (Bonita) and Approval of a Tentative Subdivision Map for a 10-Lot Residential Development.

RECOMMENDATION:

Options

1. Adopt a Resolution Entitled, “Resolution of the City Council of the City of National City, California, Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Annexation of Two Properties Located at 3410 Valley Road (Bonita) and the Tentative Subdivision Map for a 10-Lot Residential Development and Authorizing the Filing of a Notice of Determination”; and

Adopt a Resolution Entitled, “Resolution of the City Council of the City of National City, California, Approving the Annexation of Two Properties Located at 3410 Valley Road (Bonita) and a Tentative Subdivision Map for a 10-Lot Residential Development”; or

2. Deny 2022-13 S, ANNEX based on findings to be determined by the City Council; or,
3. Continue the item to a later date in order to obtain additional information.

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Executive Summary

The application (Valley View Development Project) is for the proposed annexation of two properties (591-100-27 and 591-100-31) located in the County of San Diego’s jurisdiction, into the City of National City. The properties are located at 3410 Valley Road in the unincorporated community of Bonita and are pre-zoned as Small Lot Residential (RS-2). The Applicant is proposing to develop the property as 10 single-family residential lots with a private street connecting the development to Plaza Bonita Center Way. The property will also include a biofiltration basin on-site for stormwater management purposes.

Site Characteristics

The Proposed Project is located at 3410 Valley Road approximately one mile east of the intersection of California State Route 54 (SR-54) and Interstate 805 (I-805) within the unincorporated community of Bonita. Although the site is currently in the County of San Diego, it will be annexed into National City. The site is comprised of two parcels, totaling approximately 2.5 acres. The properties are pre-zoned¹ as RS-2 and are considered *Low-Medium Density Residential* on the General Plan Land Use map. There is an existing single-family residence on the site, which would be demolished in order to redevelop the property (Condition of Approval).

Proposed Use

The applicant proposes to construct a 10-lot single family subdivision, which would necessitate the annexation of this site from the unincorporated community of Bonita into the City of National City. The two parcels making up the site would then be split into 13 lots and graded for development. Ten single family residences would be developed on 10 of the lots while the remaining three lots would be developed with a biofiltration basin for stormwater management, open space, and a private road connecting the development to Plaza Bonita Center Way as shown in the development plans (Attachment 4). A Homeowners Association (HOA) will be formed to maintain the biofiltration basin, private road, and open space.

Lot Number	Size (square feet)	Proposed Use
1	5,017	Single Family Residence
2	5,005	Single Family Residence
3	5,035	Single Family Residence
4	5,065	Single Family Residence
5	5,050	Single Family Residence
6	6,485	Single Family Residence
7	5,979	Single Family Residence
8	5,078	Single Family Residence
9	5,045	Single Family Residence
10	6,667	Single Family Residence
A	20,972	Private Street
B	5,934	Biofiltration Basin
C	6,667	Open Space (Drainage)
Total	106,782	
	(2.451 acres)	

Analysis

The RS-2 zone typically permits one single-family residence per lot, as well as an ADU (and a Junior ADU if the property is owner-occupied). The applicant proposes to develop the new lots with one single-family residence per parcel. No architectural plans have been provided at this time, although development of the lots is not part of this discretionary action. The project would provide for 10 new homeownership opportunities.

General Plan

¹ Properties within the City’s sphere of influence but not within our jurisdictional boundaries are shown on the City’s zoning map as being “pre-zoned”. If annexed, the pre-zone becomes the actual zone.

If annexed into the City, the Land Use designation for this property would be “Low-Medium Density Residential”, which allows for up to nine units per acre. In this case, the project is at a proposed density of four units per acre, less than half of that maximum. The current County of San Diego Zoning is “Rural Residential”, which has a minimum lot size of 10,000 square feet, twice the minimum in the RS-2 zone.

There are several General Plan Policies that are pertinent to this proposal, specifically:

Policy LU-2.3: Provide for a variety of housing types including, but not limited to, single-family attached and detached, multifamily apartments, condominiums, and mobile homes.

Policy LU 4.3: Promote infill development, redevelopment, rehabilitation, and reuse efforts that contribute positively to existing neighborhoods and surrounding areas.

Policy LU-7.1: Establish incentives to promote the use and development of vacant infill parcels and the intensification of land uses on underutilized parcels to realize the greatest benefit to the community.

Annexation

Since the pre-application phase of this project, staff has been in contact with the Local Agency Formation Commission (LAFCO), who is charged with the authority over the establishment of spheres of influence² and changes of organization for cities and special districts. As such, LAFCO approval would be required for annexation to the City of National City. With the understanding that the City would be proposing to adopt a Mitigated Negative Declaration regarding the project’s environmental review, LAFCO would assume the role of Responsible Agency under the CEQA for the associated reorganization with National City. A requirement for the applicant to complete the annexation process prior to the Final Map being recorded is included as a condition of approval.

Annexation of the affected territory would involve concurrent detachments from the following districts, as the City would assume responsibility for those services following annexation.

- County Service Area No. 135 (Regional Communications)
- Bonita-Sunnyside Fire Protection District + Associated Sphere of Influence Amendment
- South Bay Irrigation District

Subdivision Ordinance

The proposed subdivision is consistent with the Subdivision Ordinance as the splitting of the parcel conforms to NCMC §17.07.040 (C)

² A sphere of influence is defined as a "plan for the probable physical boundaries and service area of a local government agency as determined by the [Local Agency Formation] Commission". Territory must be within a city or district's sphere in order to be annexed. For National City, this also includes Lincoln Acres.

1. All lots shall front on a public street, or on a private street if permitted pursuant to subsection (D) of this section.
2. The side line of lots shall be as nearly at right angles or radial to the street upon which the lots face as practicable.
3. The width and the minimum area of each residential lot shall be governed by Title 18 of this code (Zoning)
4. Lots must not be cut by a city boundary line. City boundary lines may be lot lines or centerlines of streets or alleys.

Because the property is not part of an established neighborhood within the City, there is no established lot pattern established that the proposed subdivision would conflict with.

Land Use Code

The subdivision is consistent with the Land Use Code because the parcels being created exceed the minimum lot size requirement of 5,000 square feet. The average parcel size is approximately 5,443 square feet in size, although the properties vary in size from 5,005 to 6,667 square feet in size.

Findings for approval of the Tentative Subdivision Map

There are nine required findings for the approval of a TSM, as prescribed by the Subdivision Map Act:

1. General Plan Consistency – The proposed subdivision, at a density of four units per acre, is consistent with the Low-Medium Density Residential land use designation, which specifies a maximum density of 9 dwelling units per acre (ADUs or SB 9 units do not count towards density calculations per state law).
2. Site physically suitable for proposed development –A residential project can be located on level building pads on the new parcels with appropriate grading (subject to a City grading permit).
3. Site physically suitable for proposed density – The subdivision can accommodate the proposed residential development and would not exceed the prescribed recommended density for the area.
4. No substantial environmental damage – The associated MND determined that the project would not have the potential to substantially degrade the quality of the environment or substantially impact biological or cultural resources with implementation of the mitigation measures identified in the MND.
5. Would not cause public health problems – All necessary public services (sewer service, curb, gutter, sidewalk, etc.) will be provided, as required by approvals required for new construction.
6. No conflict with easements –There are no easements existing on the property the applicant is proposing to subdivide. The development would include appropriate new easements necessary for access, maintenance, and longevity of required elements.

7. Sewer discharge requirements – Discharge of sewerage waste will be addressed through a sewer permit, which is required as part of construction of a residential structure. The property is able to connect to the area sewer system.
8. Effect on the housing needs of the region – The project will provide for at least ten additional housing units, which will provide additional housing opportunities to meet the housing needs of the region.
9. Future passive and natural heating and cooling opportunities – All new construction proposed will be required to comply with the California Building Code, which takes such factors into consideration.

CEQA

As Lead Agency under the California Environmental Quality Act (CEQA), National City reviewed the project to determine whether it could have a significant effect on the environment. In accordance with CEQA Guidelines Section 15382, “Significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

Based on the analyses presented in the attached CEQA checklist, it was concluded that the project: (a) would not have the potential to degrade the quality of the environment, impact the habitat of a fish or wildlife species, cause fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory; (b) would not have impacts that are individually limited, but cumulatively considerable; and, (c) would not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly. No significant impacts to the environment, as a result of this project, have been identified. Approval of the project is not expected to have any significant impacts, either long-term or short-term, nor will it cause substantial adverse effects on human beings, either directly or indirectly. As such, it is expected that project implementation would not have a significant impact with respect to these mandatory findings of significance.

Although there were some potential short-term impacts identified in the CEQA checklist related to pre-construction activities (i.e. grading), the checklist concluded that the project would not have the potential to substantially degrade the quality of the environment or substantially impact biological or cultural resources with implementation of the mitigation measures identified below.

Mitigation Measures:

MM BIO-1: Pre-construction Avian Survey

MM BIO-2: Construction Fencing

MM BIO-3: Permanent Open Space Easement

CUL-1 Archaeological and/or Native American Monitoring

CUL-2 Unanticipated Discovery of Archaeological Resources

The project would implement mitigation measures to protect species through pre-construction surveys and through protection of the drainage, which supports riparian and non-wetland habitat. In addition, the presence of a monitor during ground disturbance will reduce potential impacts to unanticipated discovery of archaeological resources.

The identified mitigation measures stated above are included in both the project Conditions of Approval and in the Mitigation Monitoring and Reporting Program (MMRP), which is a required part of the MND (Appendix 'A' of the attached MND). The mitigation measures are as follows:

BIO 1: If construction occurs within the avian breeding season of February 1 through August 31, a qualified Biologist shall conduct a preconstruction avian nesting survey no more than 3 days prior to the start of construction or grubbing. The preconstruction avian survey shall be conducted with a 300-foot buffer of all areas of disturbance. If the survey finds that there is no nesting activity within the area of potential disturbance, clearing and grading activities shall be allowed to proceed. If the survey finds an active nest, then clearing and grading shall not occur within 300 feet of the active nest until nesting activity has been determined complete by the qualified biologist.

BIO 2: The drainage shall be protected from direct and indirect impacts by providing a physical barrier between clearing, grading, and construction. A temporary silt fence shall be installed along the southern edge of Proposed Project impacts prior to clearing and grading.

BIO 3: A permanent open easement shall be recorded over the on-site drainage channel (Open Space Lot C on the Tentative Map) and shall include the following provisions. The open easement area shall be permanently fenced with a three-foot split-rail fence to discourage entry into the drainage. Maintenance of the area, including brush management for wildfires and removal of trash and debris, would be the responsibility of the homeowners' association (HOA) and shall be reflected in the Covenants, Conditions and Restrictions (CC&Rs) for the property. No vegetative removal within the drainage shall occur during the breeding season without prior consultation of a biologist. The area shall be kept free of trash and debris at all times.

CUL 1: A qualified archaeological and/or Native American monitor shall be present during construction activities that involve subsurface grading and/or excavation involving the disturbance of native soils more than 3 feet in depth. The monitor(s) would ensure that unanticipated finds are not damaged or destroyed.

CUL 2: In the event of an unanticipated discovery of archaeological resources during construction, construction should stop on the site until a qualified archaeologist can survey the resource and determine potential impacts and necessary preservation measures. Any archaeological resources that are found would be identified, adequately documented in the field, and/or preserved, as recommended by a qualified archaeologist.

CEQA Findings

The Environmental Checklist identified no potential significant effects on the environment with the incorporation of mitigation measures. The Lead Agency (the City) has found that there is no substantial evidence that the project would have a significant effect on the environment with the implementation of mitigation measures, and therefore, a Mitigated Negative Declaration (MND) is the appropriate level of environmental documentation for this Proposed Project.

Comments

A Notice of Intent (NOI) was routed for comment prior to the MND being prepared. The NOI elicited comments from the County of San Diego, LAFCO, and Caltrans. Comments were related to the requirement to work with the County on a consistency review agreement related to a Multiple Species Conservation Program (MSCP) and to heavy vehicle transit permitting (Caltrans). LAFCO comments were related to the detachments discussed above. The former requirement is related to the fact that the property is located within the South County Subarea Plan under the MSCP. The agreement is required in order to set forth the responsibilities for ongoing maintenance and enforcement of the MSCP easement across the area.

Comments were also received from the Sycuan Band of the Kumeyaay Nation Cultural Resource Center in relation to the NOI. Their comments were encapsulated in the two cultural resource mitigation measure (CUL 1 and CUL 2).

Comments received in relation to the posting of the MND for comment elicited the same comments from the County and from Caltrans. These comments are addressed through conditions of approval.

Conditions of Approval

The Engineering and Fire Departments both provided comments on the project, as did Sweetwater Authority. Engineering comments were related to development and Final Map requirements. Fire comments were related to project design and permitting requirements (sprinklers, access, permits, etc.). All comments have been included as Conditions of Approval, which also include mitigation measures, agency comments (Sweetwater, County of San Diego, LAFCO, etc.).

Planning Commission

The Planning Commission held a public hearing on the item at their meeting of August 7, 2023. Four community members from neighboring properties in Bonita spoke in opposition to the project. The Commission ultimately voted to recommend approval of the project to the City Council, based on attached findings and conditions.

Summary

The subject property is considerably underdeveloped with regard to properties in the City. It is also immediately adjacent to the City boundary and suitable for annexation. The subdivision would result in 10 new homeownership opportunities and would be developed at a suitably low density to avoid any impacts to adjacent communities or road networks. The proposed subdivision will meet all Land Use Code requirements and be consistent with the General Plan. Conditions of Approval will ensure that the property is appropriately developed and will meet all requirements of the Land Use Code and pertinent construction codes at the time of future construction.

Options

1. Certify the Mitigated Negative Declaration and approve 2022-13 S, ANNEX subject to the conditions listed within, based on the attached findings or findings to be determined by the City Council;

2. Deny 2022-13 S, ANNEX based on findings to be determined by the City Council; or,
3. Continue the item to a later date in order to obtain additional information.

FINANCIAL STATEMENT:

There is no direct fiscal impact as a result of approving this item. If LAFCO approves the annexation and the property is developed as described, the City will receive additional property tax revenue in an amount that is dependent upon the value of the land and improvements at the time. The incremental costs to the City for providing services to the residents of the area are expected to be minor.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Housing and Community Development

ENVIRONMENTAL REVIEW:

This is a project under CEQA and after Initial Study qualifies for a Mitigated Negative Declaration. CCR 15371.

PUBLIC NOTIFICATION:

Agenda Report posted within 72 hours of meeting date and time in accordance with Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

1. Mitigated Negative Declaration Resolution
2. Tentative Subdivision Map Resolution
3. Overhead
4. Site Photos
5. Tentative Map (Exhibit A-Revised, Case File No. 2022-13 S, ANNEX, IS, dated 4/19/2023)
6. Public Hearing Notice (Sent to 58 property owners and occupants)
7. Draft Initial Study/ Mitigated Negative Declaration