



**ZONING ADMINISTRATOR  
NOTICE OF DECISION**

**Date:** May 18, 2020  
**Applicant:** Lennar  
**Case No.:** DR19-0031  
**Name of Project:** Cleo at Millenia  
**Address:** FM Lots 4 & 5 within Millenia (Eastern Urban Center)  
northwestern quadrant of the intersection of Strata  
Street and Orion Avenue  
APN 643-065-21 and 643-065-22  
**Current Zoning:** Districts 6 & 9  
**General Plan Designation:** Eastern Urban Center (EUC)  
**Project Manager:** Stacey Kurz  
**Project Planner:** Jeff Steichen

Notice is hereby given that on May 18, 2020, the Zoning Administrator considered Design Review application DR19-0031 (“Project”), filed by Lennar (“Applicant”). The Applicant requests Design Review approval to construct 117 attached townhomes for sale with parking provided consisting of 210 spaces (two-car garage per unit) plus 2 standard spaces and 25 disabled (total 237 spaces) and associated common and private open space on lot 4 of Final Map 16380. The Design Review application also includes a 4,500 square foot commercial building on lot 5 of Final Map 16380. The Project is located at the northwestern quadrant of the intersection of Strata Street and Orion Avenue (“Project Site”) within the Millenia Northeastern Neighborhood District 6 (SPA Lot 18) and Central Southern Neighborhood District 9 (SPA Lot 23). The Master Developer is SLF IV-Millenia, LLC.

The 4.491-acre (consisting of lot 4 at 4.351-acre and lot 5 at .14-acre) Project Site is bordered on the north by a future commercial development and Metro Park, on the west by the regional trail and a residential project currently under development called Vibe, on the south by Strata Street, and on the east by Orion Avenue. The project site is vacant and has been mass-graded by the Master Developer (see Project Location, Attachment 1)

The project is to be named Cleo at Millenia and consists of 107 attached units, 3-story units and 10 four-story unit, with two-car garages connected to each unit and private porches and balconies (see Project Plans, Attachment 2). The units will be offered in six different plans ranging from three and four-bedroom models and ranging in size between 1,175 square feet and 2,552 square feet. The development consists of 22 buildings with eleven building elevations (Project Plans, Architectural pages A1.0 through A1.19).

The Project is linked to the pedestrian circulation system within Millenia and the surrounding Villages by a system of internal pedestrian walkways which connect to surrounding streets and the regional trail.

Vehicular access to the project is via private driveways connecting to Strata Street. A total of 237 residential parking spaces are proposed. The Form-Based Code (FBC) for Millenia reports a parking demand rate of 1.85 spaces per condominium/townhome unit resulting in a parking need for the project of 217 spaces.

In accordance with the Landscape Manual and the Water Conservation Ordinance, the primary goal of the landscape design is to provide an attractive, low water use landscape in the area. The treatment for the interior shall primarily be trees and groundcover ornamental in nature to complement the buildings architecture. The irrigation system will use reclaimed water and will be an automatic drip system (Project Plans, Landscape pages L-1.0 through L-1.5).

The project is also proposing hydromodification and water quality management in accordance with City and regional requirements through a biofiltration basin incorporated in the design.

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was adequately covered in previously adopted Final Second Tier Environmental Impact Report, (EIR-07-01).

The proposed development is a permitted land use in the Otay Ranch General Development Plan (GDP) and is permitted in the Main Street District 6 and 9. The proposal complies with the policies, guidelines and design standards for the Millenia SPA Plan.

In accordance with the EUC SPA, Chapter 5, Monitoring and Updates, the Director of Development Services shall maintain an administrative record documenting the assignment of intensity to the various EUC Districts. The Record of EUC Design Review Approvals and the Residential Intensity Monitoring Program (see Attachment 3) shall be updated with each design review approval and shall be provided to the decision-making body at the time of each design review for approval.

The Zoning Administrator, under the provisions of the EUC Form Based Code Chapter 4, Submittal Requirements Section 04.04.001, has conditionally approved said request based upon the following findings of facts:

- 1. That the proposed Project is consistent with the development regulations of the Eastern Urban Center Sectional Planning Area (EUC SPA) Plan and Planned Community (PC) District Regulations.**

The proposed Project use is permitted and meets all of the development regulations as stipulated in the EUC PC District Regulations. The applicant has requested an Exception to the Buildings Setback Map which requires 0-5 feet setback along the

west and south edges of the property line in accordance with 03.11.002(d) vii which allow deviations due to slopes or grade differences.

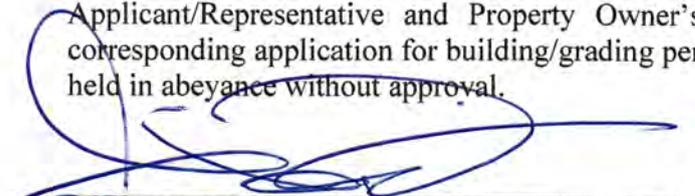
**2. The design features of the proposed Project are consistent with the design and development standards of the EUC SPA Design Plan, and the City of Chula Vista Landscape Manual.**

The Project is in compliance with the Main Street District 6 and 9 components of Village Design Plan Guidelines of the EUC, as well as, the City of Chula Vista Landscape Manual.

- I. The following shall be accomplished to the satisfaction of the Development Services Director, prior to issuance of building permits, unless otherwise specified:

**Planning Division:**

1. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.



Signature of Applicant/Authorized Representative

05.19.20.  
Date



Signature of Property Owner/Representative

05.19.20.  
Date

2. The color and materials specified on the building plans must be consistent with the color and materials shown on the project plans approved by the Zoning Administrator on May 18, 2020.
3. The project shall conform to CVMC Section 9.20.055 regarding graffiti control. The Applicant shall remove all graffiti on a regular basis. The Applicant shall place a note to this effect on the building permit plans.
4. In conjunction with building permit submittal, applicant shall include colored elevations and/or call-outs to the building elevations which include sufficient

- information to ensure that the proposed colors indicated on the building plans will match those colors approved by Design Review.
5. All roof appurtenances, including air conditioners and other roof mounted equipment and/or projections shall be shielded from view and the sound buffered from adjacent properties and streets as required by the Development Services Director. Such screening shall be architecturally integrated with the building design and constructed to the satisfaction of the Development Services Director.
  6. All ground mounted utility appurtenances such as transformers, AC condensers, etc., shall be located out of public view and adequately screened through the use of a combination of concrete or masonry walls, berming, and/or landscaping to the satisfaction of the Director of Development Services.
  7. All exterior lighting shall include shielding to remove any glare from adjacent residents. Details for said lighting shall be included in the architectural plans and shall be reviewed and approved prior to the issuance of any building permit.
  8. All applicable requirements and mitigation measures of the adopted Final Second Tier Environmental Impact Report, EIR-07-01 and all subsequent Addendums shall be met.
  9. Prior to, or in conjunction with the issuance of the first building permit, the Applicant shall pay all applicable fees, including any unpaid balances of permit processing fees for deposit account DDA0554.
  10. The Applicant shall maintain the Project in accordance with the approved plans for DR19-0031, date stamped approved on May 18, 2020, which includes site plans, floor plans, and architectural elevations on file in the Planning Division, the conditions contained herein, and Title 19.

## **Building**

11. This project must be designed by an Architect or Engineer licensed by the State of California. [California Business and Professional Code 5536.1, 6735].
12. Provide a Note on the cover sheet indicating this project will comply with 2016 California Building Code, 2016 California Energy Code, 2016 California Fire Code, 2016 California Electrical Code, 2016 California Plumbing Code, 2016 California Mechanical Code, and 2016 California Green Standards Code as adopted and amended by the State of California and the City of Chula Vista. As an R-2 compliance with Building Code is required not Residential Code, please revise the note on plans.

### **Fire Department**

13. The Applicant shall apply for required building permits. Permits shall comply with the current CA Title 24 and associated City policies to the satisfaction of the Fire Marshall or designee.
14. A fire service study shall be performed that includes a hydraulic water flow analysis. This analysis shall show the actual flow and pressure for all hydrants and riser stubs. The Hazen Williams formula shall be used in the determination of these flows and pressures. The analysis shall show that the required fire flow is available at the hydrants and that independently the sprinkler demand is available at the most demanding sprinkler riser.
15. Water supply data is required to accompany an underground submittal. An official water flow letter can be obtained from the respective water authority. The water flow requirements shall be based upon the currently adopted California Fire Code. The date of the water flow test shall be no older than six months from the time of the plan submittal. The Applicant shall submit a separate submittal for private fire mains.

### **Land Development Division**

16. The Applicant shall comply with all requirements and guidelines of the City of Chula Vista Municipal Code; the Chula Vista Subdivision Manual; City of Chula Vista Design and Construction Standards; CV BMP Design Manual; the City of Chula Vista Grading Ordinance No. 1797; the State of California Subdivision Map Act.
17. Prior to issuance of a Certificate of Occupancy, the Applicant shall record a Final Map for the project to create the condominium units.
18. Prior to approval of the Final Map for the project or the issuance of the first building permit, whichever occurs first, the Applicant shall construct or bond for the street improvements along the frontage of the property for Orion Avenue and Strata Street. Applicant shall secure in accordance with Section 18.16.220 of the Municipal Code.
19. Prior to the approval of the Final Map, the Applicant shall submit evidence, acceptable to the City Engineer and the Director of Development Services of the formation of a Homeowner's Association (HOA), or another financial mechanism acceptable to the Development Services Director. The HOA shall be responsible for the maintenance of those landscaping improvements that are not to be included in the CFD.

20. Prior to the approval of the Final Map, a Declaration or Supplementary Declaration of Covenants, Conditions, and Restrictions (CC&Rs) shall be submitted and subject to the approval of the City Engineer.
21. Prior to issuance of grading, construction, and building permits the Applicant shall document on applicable plans compliance with the requirements pertaining to Best Management Practices (BMPs). The Applicant shall develop and implement post construction Best Management Practices (BMPs) in accordance with the most recent regulations at the time of grading and building permit issuance.
22. Prior to the approval of the first building permit, Applicant shall execute a Storm Water Facilities Maintenance Agreement with Grant of Access and Covenants with the City for the proposed BMPs for the site.
23. Before the issuance of the building permit, the Applicant shall pay the following Engineering Fees (fees are adjusted on October 1st of every year):
  - a. Sewer Capacity Fee
  - b. Traffic Signal Fee
  - c. Sewer Basin DIF
  - d. EUC Pedestrian Bridge DIF
  - e. Other Engineering Fees and deposits in accordance with the City Subdivision Manual, and Master Fee Schedule will be required for the submittal of Grading Plans, Improvement Plans, and/or Private Site Development Plans.
24. On-site drainage and sewer systems shall be private.
25. Before the issuance of a building permit, pad certification needs to be obtained.
26. Prior to the issuance of a building permit for the project, Applicant shall provide to the City verification of service from Otay Water District.
27. Separate permits for other public utilities (gas, electric, water, cable, telephone) shall be required, as necessary.
28. Private improvements shall not encroach in the City's right of way or easements unless the applicant obtains an encroachment permit from the City in advance of construction of said private improvements.
29. The Applicant shall obtain a Construction Permit to perform the following work in the City's right-of-way, prior to Engineering's issuance of any Building Permit. This may be accommodated by processing a construction change to the backbone improvement plans. Please be aware that merchant builder is responsible for street improvements along their property, starting from behind the curb:

- a. Sidewalks
- b. Pedestrian ramps
- c. Driveways

## **Landscape Architecture**

30. Prior to issuance of the first Certificate of Occupancy for the project, the Applicant shall obtain City approval of the required Landscape Improvement Plans in accordance with the Chula Vista Landscape Water Conservation Ordinance, Municipal code, Chapter 20.12 and the Landscape Manual.
31. Prior to the approval of grading plans show the location of Recycled water meter to the satisfaction of the Director of Development Services.

## **II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.**

32. Approval of this request shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City ordinances in effect at the time of building permit issuance.
33. This Design Review Permit shall become void and ineffective if not utilized within three (3) years from the effective date thereof, in accordance with Section 19.14.600 of the Municipal Code.
34. The Property Owner and Applicant shall and do agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Design Review Permit and (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project Site. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Design Review Permit where indicated above. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,  
CALIFORNIA, this May 18, 2020

  
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Kelly Broughton, Director of Development Services  
Zoning Administrator

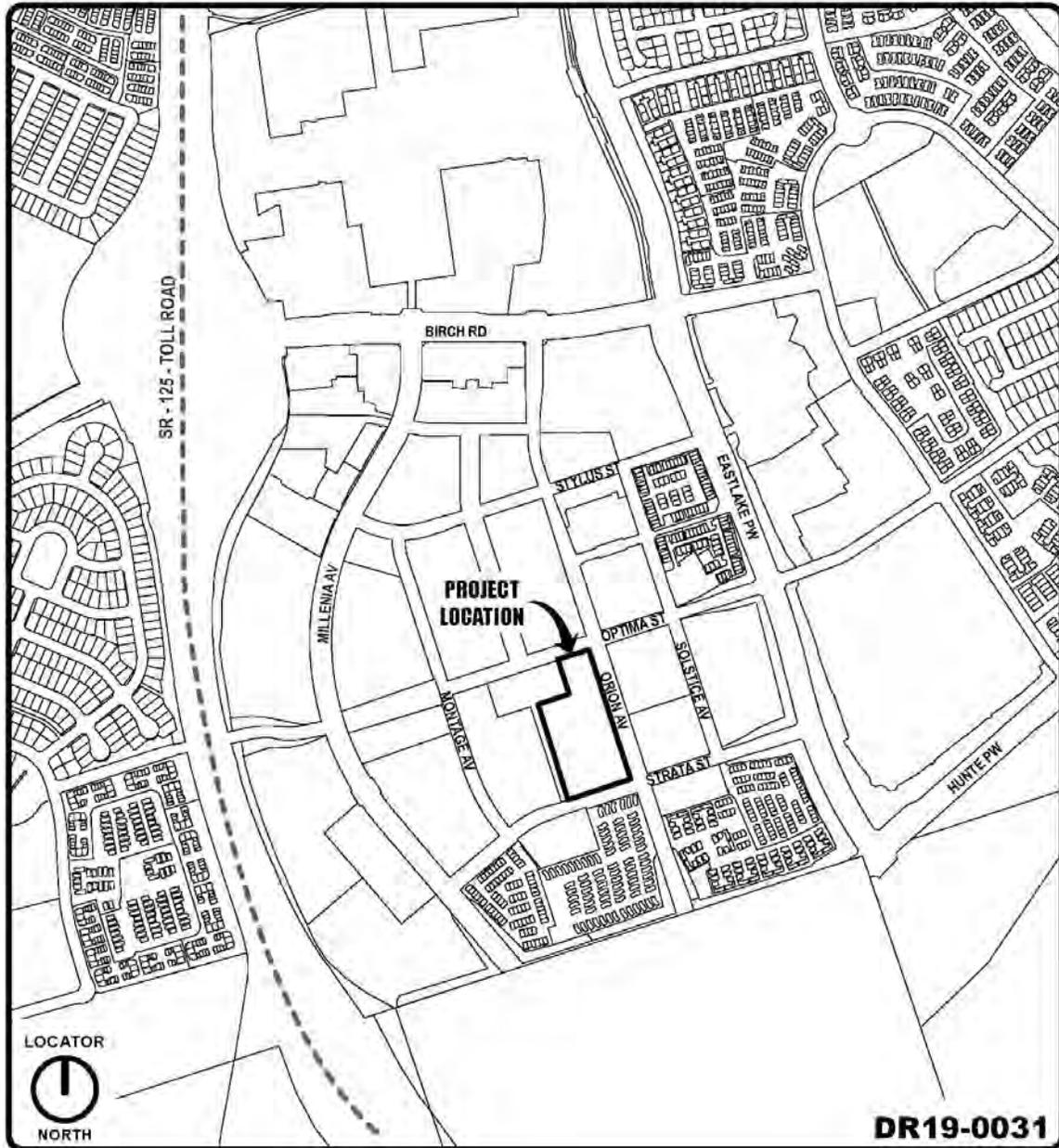
**ATTACHMENT 1  
PROJECT LOCATION**

**Name of Project:**

**Cleo at Millenia**

**Address:**

**FM 16380 Lots 4 & 5 within Millenia (Eastern Urban Center) northwestern quadrant of the intersection of Strata Street and Orion Avenue  
APN 643-065-21 and 643-065-22**



**ATTACHMENT 2  
PROJECT PLANS**