



DATE: November 5, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-4-07), A REVISION TO DEVELOPMENT PLAN (D-3-79), CONDITIONAL USE PERMIT (C-39-05) AND VARIANCE (V-3-07) TO ALLOW CONSTRUCTION OF A 1,804-SQUARE FOOT DRIVE-THRU RESTAURANT, A 10,500-SQUARE FOOT RETAIL BUILDING, A THREE-LOT SUBDIVISION AND A RETAINING WALL HEIGHT VARIANCE WITHIN AN EXISTING SHOPPING CENTER AT THE NORTHWEST CORNER OF EI CAMINO REAL AND VISTA WAY – TARGET CENTER REVISION – APPLICANT: MILAN PROPERTIES, LLC**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Confirm that the project is covered under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment and that it can be seen with certainty that there is no possibility that this project will have a significant effect on the environment and therefore the project is not subject to CEQA.
2. Adopt Planning Commission Resolution No. 2007-P53 approving Tentative Parcel Map (P-4-07), Revision to Development Plan (D-3-79REV05), Conditional Use Permit (C-39-05) and Variance (V-3-07) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On August 27, 1979, the Planning Commission approved a Zone Amendment (Z-1-79), Development Plan (D-3-79) and a Conditional Use Permit (C-17-79) for an approximately 619,000-square foot shopping center known as Camino Town &

Country. The center occupies the northwest corner of El Camino Real and Vista Way and includes a Target retail store, an eight-screen movie theater, in-line retail shops and stand alone restaurants. The applicant proposes development of two structures and site improvements within the boundaries of said center.

Site Review: The Camino Town & Country shopping center encompasses approximately 23.42 acres, however the subject project's scope is limited to approximately 12.64 acres. The site is surrounded by steep manufactured slopes along its northerly and easterly perimeter and is fully improved with parking, landscaping and utilities.

The underlying General Plan land use designation is Community Commercial (CC) and the zoning designation is Community Commercial (CC). Surrounding land uses include a variety of commercial retail businesses as part of neighboring commercial centers (El Camino North Center, Fire Mountain Center and the North County Place).

Project Description: The project entitlement request consists of four components; Tentative Parcel Map (P-4-07), a revision to the previously approved Development Plan (D-3-79), Conditional Use Permit (C-39-05) and Variance (V-3-07).

Tentative Parcel Map P-4-07 represents a request for the following:

To subdivide an approximately 12.64-acre parcel into three parcels pursuant to Article VI of the Oceanside Subdivision Ordinance.

Development Plan D-3-79 (Revision) represents a request for the following:

To construct an 1,804-square foot freestanding eating and drinking establishment (Starbucks) and a 10,500-square foot speculative commercial/retail structure.

Conditional Use Permit (C-39-05) represents a request for the following :

To permit construction of a drive-thru in conjunction with the proposed eating and drinking establishment (Starbucks) pursuant to Section 1120 of the OZO.

Variance (V-3-07) represents a request for the following:

To permit construction of retaining walls up to 7.6 feet in height in lieu of the maximum allowable height of 6 feet within setback areas, pursuant to Section 3040 of the OZO.

The project is subject to the following Ordinances and City policies:

1. Zoning Ordinance
2. General Plan Land Use Element
3. California Environmental Quality Act (CEQA)
4. The Subdivision Ordinance of the City of Oceanside

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is CC (Community Commercial). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element I. Community Enhancement

Objective 1.12 Land Use Compatibility: To minimize conflicts with adjacent or related land uses.

The proposed retail commercial land uses are consistent with the General Plan Land Use Map designation on the subject property - Community Commercial (CC) - and compatible with surrounding commercial uses. Table 1 provides comparisons between existing land uses, general plan and zoning designation on adjoining properties.

Table 1. Land Use compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	CC (Community Commercial)	CC (Community Commercial)	Commercial
North/South/East & West of Subject Property	CC (Community Commercial)	CC (Community Commercial)	Commercial

Objective 1.22 Landscaping: The enhancement of the community and neighborhood identity through landscaping requirements that frame and soften the built environment consistent with water and energy conservation.

Policy: C. Drought tolerant materials, including native California plant species, shall be encouraged as a landscape type.

The existing drought tolerant landscaping theme within Camino Town & Country will be maintained and further expanded to frame the new structures and enhance the appearance of parking areas. Twenty-two percent of the site will be devoted to landscaping, exceeding the 15 percent minimum landscaping requirement applicable to the project area. Potted plants will be installed within the Starbucks patio area. New parking islands will be planted with palms, shade trees, shrubs and groundcover.

Objective 1.23 Architecture: The architectural quality of all proposed projects shall enhance neighborhood and community values and City image.

Policy A: Architectural form treatments, and materials shall serve to significantly improve on the visual image of the surrounding neighborhood.

Policy B: Structures shall work in harmony with landscaping and adjacent urban and/or topographic form to create an attractive line, dimension, scale, and/or pattern.

The proposed buildings feature California Mission inspired architectural details, high quality building materials and colors that represent an upgrade to the Camino Town & Country Center. The architectural quality of the project will enhance the subject retail center and will promote redevelopment of other commercial properties in the immediate area.

2. Zoning Compliance

The project is located within the Community Commercial (CC) zone district and as designed meets or exceeds applicable development requirements of that zone with the exception of the following: a) the 7.6-ft. (max) retaining wall heights for which a variance has been requested by the applicant and b) the 2-ft. driveway encroachment within the required 10-ft. wide (min) landscaping area along El Camino Real. The following table summarizes the proposed and applicable development standards for the project site:

Table 2. Development standards

	CC STANDARDS	PROPOSED
MINIMUM LOT SIZE	10,000 sq. ft.	10.74 ac., 0.84 ac. & 1.03 ac.
FRONTYARD SETBACK	15-ft.	25-ft.
SIDEYARD SETBACK	N/A	38-ft.
EXTERIOR SIDE-YARD	15-ft.	16-ft.
REAR YARD SETBACK	N/A	N/A
BUILDING HEIGHT	50-ft.	28-ft. & 34-ft. (max)
WALL HEIGHTS	6- ft.	7.6-ft. (max)
PARKING	584 p.s.	601 p.s.
LANDSCAPING (along El Camino Real street frontage)	10-ft. (min)	8-ft. (min)

DISCUSSION

Issue: The applicant proposes to: a) construct non-plantable retaining walls with a height of 7.6-ft. (max) in lieu of 6-ft. (max) in order to accommodate ADA access to the retail center and b) to develop a drive-thru area that encroaches 2-ft. within the required 10-ft. landscaping setback along El Camino Real.

Recommendation: The proposed non-plantable retaining walls along the northerly portion of the site are necessary in order to construct ADA accessible connections within the Camino Town & Country Center. The easterly retaining walls are necessary to facilitate a drive-through lane at the Starbucks building pad site. The retaining walls will be visible from the interior of the shopping center - parking and drive-thru areas - but because they will be screened from public-right-of-way areas are not required by Code to be plantable walls. However, in order to improve the appearance of exposed retaining wall improvements on-site staff has included conditions requiring landscaping to be installed adjacent to said walls.

Furthermore, a condition is recommended requiring provision of a 10-ft. wide landscaping setback area along the El Camino Real street frontage, to ensure project compliance with applicable zoning ordinance landscaping requirements. Project implementation in accordance with the aforementioned conditions will ensure full project compliance with applicable regulations.

ENVIRONMENTAL DETERMINATION

The proposed project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot of the subject property, individuals/organizations requesting notification, applicant and their representative, and interested parties. As of November 5, 2007, no communication supporting or opposing the request has been received.

SUMMARY

Staff finds that the proposed commercial development as modified by recommended conditions of project approval will compliment the design of the Camino Town & Country Center, will serve the needs of residents in the area and the City of Oceanside and will

be in substantial compliance with applicable Zoning Ordinance development standards. Therefore, staff recommends approval of the subject proposal. The Planning Commission's action should be:

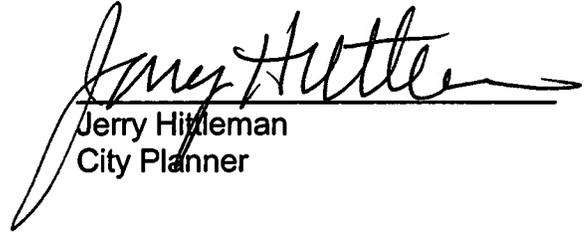
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PREPARED BY:



Scott Nightingale
Planner II

SUBMITTED BY:



Jerry Hittleman
City Planner

REVIEWED BY: W/A
Amy Volzke, Principal Planner

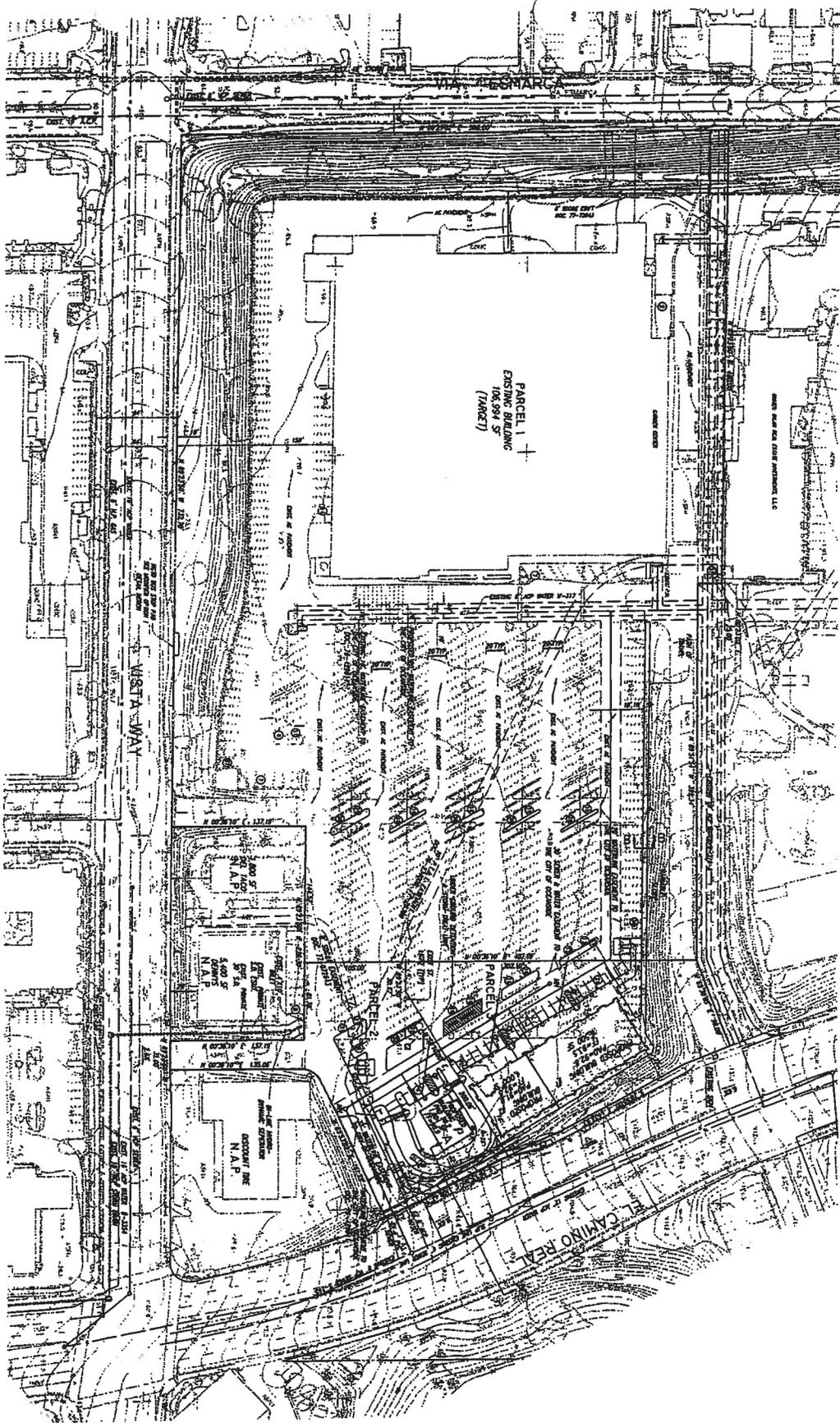
JH/SN/fil

Attachments:

1. Site plan, floor plan, elevations
2. Planning Commission Resolution No. 2007-P53
3. Management Plan

TENTATIVE PARCEL MAP / DEVELOPMENT PLAN

for TOWN & COUNTRY SHOPPING CENTER (SOUTH)



BOUNDARY CURVE DATA

NO.	BEARING	LENGTH	ARC	ANGLE
1	S 89° 15' 00" W	100.00	100.00	90.00
2	S 00° 00' 00" W	100.00	100.00	90.00
3	S 89° 15' 00" E	100.00	100.00	90.00
4	S 00° 00' 00" E	100.00	100.00	90.00
5	S 89° 15' 00" W	100.00	100.00	90.00
6	S 00° 00' 00" W	100.00	100.00	90.00
7	S 89° 15' 00" E	100.00	100.00	90.00
8	S 00° 00' 00" E	100.00	100.00	90.00

PREPARED IN THE OFFICE OF:
BUCCOLA
ENGINEERING, INC.
 3112 TOWN BLVD., SUITE 201, OAKLAND, CA 94612

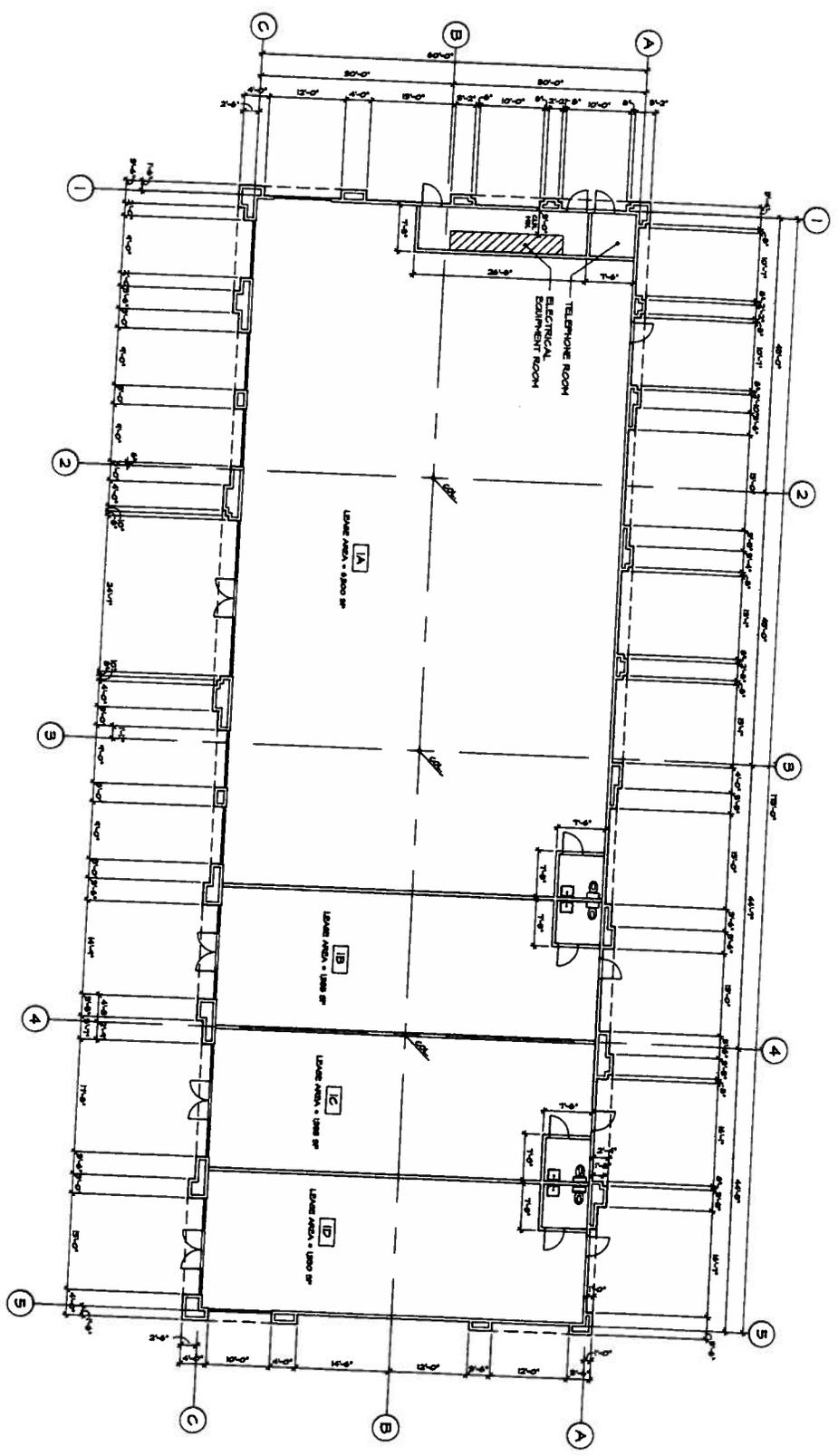


SHEET 2 OF 3 SHEETS

P-4-07
 C-39-05
 D-3-79 REV. 05

FLOOR PLAN (SHOP BUILDING 1)
VISTA WAY AND EL CAMINO REAL
OCEANSIDE, CA

Milan Properties, L.L.C.



DATE: Aug 11, 2007
 MODEL: 100A
 MODEL ARCHITECTS, LP
 222 SANDHORN DRIVE, SUITE 100
 OCEANSIDE, CA 92054
 TEL: 760.434.4444 FAX: 760.434.2777
 WWW.MODELARCH.COM



PROFESSIONAL SEAL

DATE: 1/27/11
 SCALE: 1/8" = 1'-0"

1" = 1'-0"

1/2" = 1'-0"

1/4" = 1'-0"

1/8" = 1'-0"

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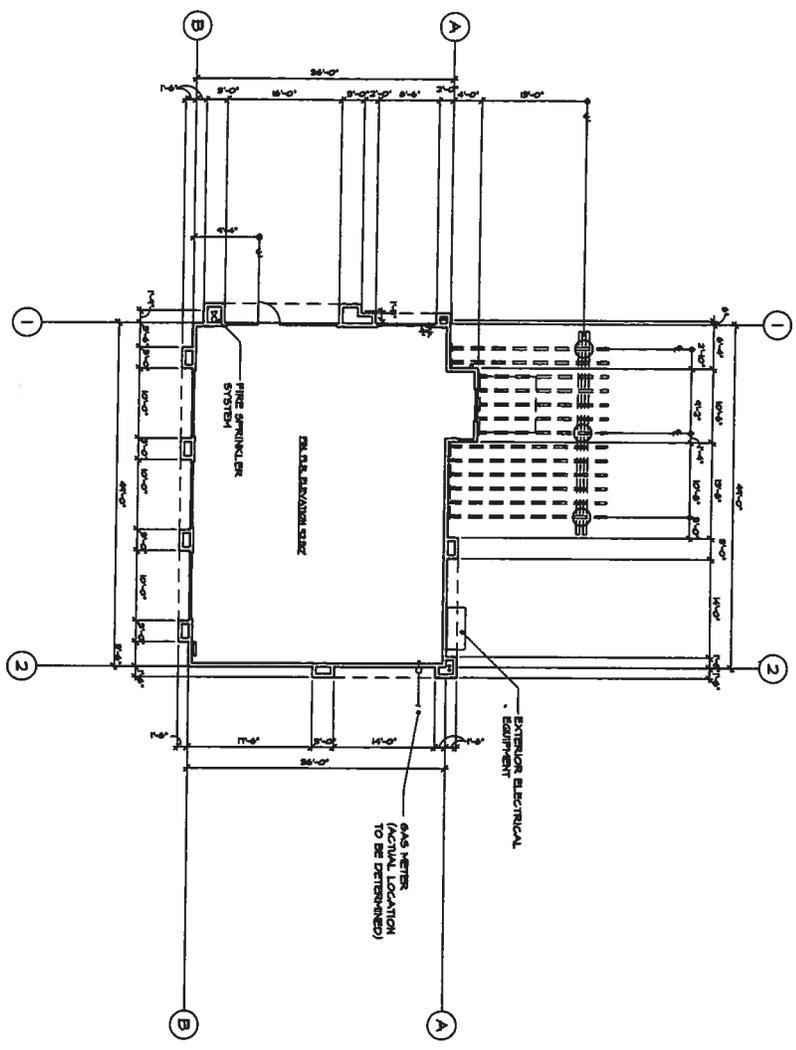
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FLOOR PLAN (PAD BUILDING)
VISTA WAY AND EL CAMINO REAL
OCEANSIDE, CA

Milan Properties, L.L.C.



DATE: MAY 11, 2007
 DRAWN BY: MJD
 CHECKED BY: MJD
 PROJECT: VISTA WAY AND EL CAMINO REAL
 SHEET: 01 OF 02
 SCALE: 1/8\"/>



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PLANNING COMMISSION
RESOLUTION NO. 2007-P53

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A TENTATIVE PARCEL MAP, REVISION TO A DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: P-4-07, D-3-79Rev05, C-39-05 & V-3-07
APPLICANT: Milan Properties
LOCATION: Northwest corner of El Camino Real and Vista Way

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Tentative Parcel Map, Revision to a Development Plan, Conditional Use Permit and Variance under the provisions of Articles 11, 41 and 43 of the Zoning Ordinance and Article VI of the City of Oceanside Subdivision Ordinance to permit the following:

subdivision of a 12.64-acre parcel into three parcels; development of a 10,500-square foot building and a 1,804-square foot building and associated site improvements; construction of a drive-thru in conjunction with the 1,804-square foot building; construction of retaining walls with a maximum height of 7.6 feet in lieu of six feet; on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 5th day of November, 2007 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found not to be subject to CEQA under the general rule that CEQA applies only to projects which have the potential of causing a significant effect on the environment;

1 WHEREAS, the documents or other material which constitutes the record of
 2 proceedings upon which the decision is based will be maintained by the City of Oceanside
 3 Planning Division, 300 North Coast Highway, Oceanside, California 92054.

4 WHEREAS, there is hereby imposed on the subject development project certain fees,
 5 dedications, reservations and other exactions pursuant to state law and city ordinance;

6 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the
 7 project is subject to certain fees, dedications, reservations and other exactions as provided below:

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Drainage Fee	Ordinance No. 85-23 Resolution No. 89-231	\$2,843-\$15,964 depending on location
Public Facility Fee	Ordinance No. 91-09 Resolution No. R91-39	\$713 per thousand sq. ft.
School Facilities Mitigation Fee	Ordinance No. 91-34	0.42 per square foot
Traffic Signal Fee	Ordinance No. 87-19	\$15.71 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01	\$255 per vehicle trip
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 02-OR-332-1	5/8"=\$3,746 1"=\$6,257 2"=\$19,967
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 02-OR-333-1	5/8"=\$4,587 1"=\$7,660 2"=\$24,444
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2000-3	\$21,599 for non-residential 2" meter

26 WHEREAS, the current fees referenced above are merely fee amount estimates of the
 27 impact fees that would be required if due and payable under currently applicable ordinances and
 28 resolutions, presume the accuracy of relevant project information provided by the applicant, and
 29 are not necessarily the fee amount that will be owing when such fee becomes due and payable;

1 WHEREAS, unless otherwise provided by this resolution, all impact fees shall be
2 calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside
3 City Code and the City expressly reserves the right to amend the fees and fee calculations
4 consistent with applicable law;

5 WHEREAS, the City expressly reserves the right to establish, modify or adjust any fee,
6 dedication, reservation or other exaction to the extent permitted and as authorized by law;

7 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that
8 the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction
9 described in this resolution begins on the effective date of this resolution and any such protest must
10 be in a manner that complies with Section 66020;

11 WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes
12 effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

13 WHEREAS, studies and investigations made by this Commission and in its behalf reveal
14 the following facts:

15 FINDINGS:

16 For the Tentative Parcel Map:

- 17 1. The proposed subdivision creates parcels that are congruent with the commercial zoning
18 designation (CC) and the General Plan of the City.
- 19 2. The site is physically suitable to allow the development of drive-thru restaurant and
20 commercial buildings totaling 12,304 square feet.
- 21 3. The project was reviewed under the provisions of California Environmental Quality Act
22 (CEQA) and has been found not to be subject to environmental review under the general
23 rule that CEQA applies only to projects which have the potential for causing a significant
24 effect on the environment.
- 25 4. The design of the parcels or proposed improvements will not conflict with easements,
26 acquired by the public at large for access through the use of property within this
27 subdivision.
- 28 5. The subdivision complies with all other applicable ordinances, regulations and guidelines
29 of the City.

1 For the Development Plan:

- 2 1. The site plan and physical design of the project is consistent with the Zoning Ordinance
3 and the underlying Community Commercial (CC) zone. The existing drought tolerant
4 landscaping theme within Camino Town & Country Center will be maintained and further
5 expanded to frame the new structures and enhance the appearance of parking areas.
6 Twenty-two percent of the site will be devoted to landscaping, exceeding the 15 percent
7 minimum landscaping requirement applicable to the project area. Potted plants will be
8 installed within the Starbucks patio area. New parking islands will be planted with palms,
9 shade trees, shrubs and groundcover.
- 10 2. The Development Plan conforms to the General Plan of the City in terms of commercial
11 development.
- 12 3. The project site can be adequately served by existing public facilities, services and
13 utilities.
- 14 4. The project, as proposed, is compatible with the existing and potential developments with
15 in the commercial center and within the surrounding neighborhood. The proposed
16 buildings feature California Mission inspired architectural details, high quality building
17 materials and colors that represent an upgrade to the Camino Town & Country Center.
18 The architectural quality of the project will enhance the subject retail center and will
19 promote redevelopment of other commercial properties in the immediate area.
- 20 5. The project design, including architectural form, details colors and materials will
21 significantly improve the visual image of the retail center, the surrounding neighborhood
22 and is consistent with the policies contained within Sections 1.22 and 1.23 of the Land
23 Use Element of the General Plan.

23 For the Conditional Use Permit to permit a drive-thru restaurant:

- 24 1. The proposed drive-thru use is consistent with the land use policies of the Community
25 Commercial land use district.
- 26 2. The proposed drive-thru, as conditioned to be redesigned will not be detrimental to
27 existing businesses within the center, or to the surrounding land uses within the vicinity.
28 Provision of a 10-foot wide landscaping setback area along the El Camino Real street
29

1 frontage will ensure project compliance with applicable zoning ordinance landscaping
2 requirements.

- 3 3. The proposed drive-thru, as conditioned will be consistent with all applicable provisions
4 of the Zoning Ordinance and building and safety codes.

5 For the Variance to exceed to maximum wall height of six feet:

6 1. The project site is subject to special topographical circumstances. Therefore strict
7 application of the requirements of the Zoning Ordinance will deprive the subject
8 property of privileges enjoyed by other properties in the vicinity and under identical
9 zoning classification.

10 2. The proposed 7.6-foot retaining walls will be consistent with previously approved
11 retaining walls on other properties in the vicinity. Furthermore the proposed non-
12 plantable retaining walls along the northerly portion of the site are necessary in order to
13 construct ADA accessible connections within the Camino Town & Country Center. As
14 such, granting the Variance to exceed the maximum wall height will not be detrimental
15 or injurious to property or improvements in the vicinity of the development site, or to the
16 public health, safety or general welfare.

17 3. The granting of the wall height variance will not constitute a grant of special privilege
18 inconsistent with limitations on other properties in the vicinity and in the same zoning
19 district.

20 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
21 approve Tentative Parcel Map (P-4-07), Revision to Development Plan (D-3-79Rev05),
22 Conditional Use Permit (C-39-05) and Variance (V-3-07) subject to the following conditions:

23 **Building:**

24 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
25 Building Division plan check.

26 2. The granting of approval under this action shall in no way relieve the applicant/project
27 from compliance with all State and Local building codes.

28 3. Site development, parking, access into buildings and building interiors shall comply with
29 the State's Disabled Accessibility Regulations (2001 CBC Chapter 11B).

- 1 4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the
2 property shall be underground (City Code Sec. 6.30).
- 3 5. The building plans shall be prepared by a licensed architect or engineer and shall be in
4 compliance with this requirement prior to submittal for building plan review.
- 5 6. All outdoor lighting shall comply with Chapter 39 of the City Code (Light Pollution
6 Ordinance). Where color rendition is important high-pressure sodium, metal halide or
7 other such lights may be utilized and shall be shown on final building and electrical plans.
- 8 7. Compliance with Federal Clean Water Act shall be demonstrated on the plans.
- 9 8. Separate unique addresses shall be required to facilitate utility releases. Verification that
10 the addresses have been properly assigned by the City's Planning Division must
11 accompany the Building Permit application.
- 12 9. The Electrical system shall meet all requirements of the recently adopted 2002 Electrical
13 Code.
- 14 10. This project shall meet all requirements of the 2005 Energy Standards.
- 15 11. The retaining walls shall be engineered structures.
- 16 12. A soils report and "Benzene Vapor Risk Assessment" Report shall be submitted for the
17 property.
- 18 13. A complete soils report and structural calculations must be submitted at the time of plan
19 submittal for the monument signs over six feet high.
- 20 14. The developer shall monitor, supervise and control all building construction and supportive
21 activities so as to prevent these activities from causing a public nuisance, including, but not
22 limited to, strict adherence to the following:
 - 23 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
24 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
25 work that is not inherently noise-producing. Examples of work not permitted on
26 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
27 producing nature. No work shall be permitted on Sundays and Federal Holidays
28 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and
29 Christmas Day) except as allowed for emergency work under the provisions of the
Oceanside City Code Chapter 38 (Noise Ordinance).

1 b) The construction site shall be kept reasonably free of construction debris as
2 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
3 approved solid waste containers shall be considered compliance with this
4 requirement. Small amounts of construction debris may be stored on-site in a neat,
5 safe manner for short periods of time pending disposal.

6 **Engineering:**

- 7 15. With the exception of approved access points, vehicular access rights to all public streets
8 shall be relinquished to the City from all abutting lots
- 9 16. All right-of-way alignments, street dedications, exact geometrics and widths shall be
10 dedicated and improved as required by the City Engineer.
- 11 17. Design and construction of all improvements shall be in accordance with standard plans,
12 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 13 18. Prior to issuance of the first building permit or approval of the final parcel map or
14 engineering plan a phasing plan for the construction of public and private improvements
15 including streets and landscaping shall be approved by the City Engineer. All
16 improvements shall be under construction to the satisfaction of the City Engineer prior to
17 the issuance of any building permits. All improvements shall be completed prior to
18 issuance of any certificates of occupancy.
- 19 19. Legal access rights to existing parcels shall be protected and legal access to all proposed
20 parcels shall be provided prior to the approval of the final parcel map.
- 21 20. Prior to approval of the first final parcel map or issuance of a building permit all
22 improvement requirements shall be covered by an appropriate subdivision or development
23 agreement and secured with sufficient improvement securities or bonds guaranteeing
24 performance and payment for labor and materials, setting of monuments, and warranty
25 against defective materials and workmanship.
- 26 21. The subdivision shall be recorded as one. The subdivision may be developed in phases. A
27 construction-phasing plan for the construction of on-site public and private improvements
28 shall be reviewed and approved by the City Engineer prior to the recordation of the final
29 parcel map. Prior to the issuance of any building permits all offsite improvements
including landscaping, landscaped medians, frontage improvements shall be under

1 construction to the satisfaction of the City Engineer. Prior to issuance of any certificates of
2 occupancy the City Engineer shall require the dedication and construction of necessary
3 utilities, arterials and streets and other improvements outside the area of any particular final
4 map, if such is needed for circulation, parking, access or for the welfare or safety of future
5 occupants of the development.

6 22. Where off-site improvements, including but not limited to slopes, public utility facilities,
7 and drainage facilities, are to be constructed, the applicant shall, at his own expense, obtain
8 all necessary easements or other interests in real property and shall dedicate the same to the
9 City of Oceanside as required. The applicant shall provide documentary proof satisfactory
10 to the City of Oceanside that such easements or other interest in real property have been
11 obtained prior to the first of the approval of the final parcel map or issuance of any building
12 or improvement permit for the development. Additionally, the City of Oceanside, may at
13 its sole discretion, require that the applicant obtain at his sole expense a title policy
14 insuring the necessary title for the easement or other interest in real property to have vested
15 as applicable.

16 23. Pursuant to the State Map Act, improvements shall be required at the time of development.
17 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
18 these improvement conditions and a certificate setting forth the recordation shall be placed
19 on the final parcel map.

20 24. Prior to the issuance of a grading permit, the developer shall notify and host a
21 neighborhood meeting with all of the area residents located within 300 feet of the project
22 site, and residents of property along any residential streets to be used as a "haul route", to
23 inform them of the grading and construction schedule, haul routes, and to answer
24 questions.

25 25. Approval of this development project is conditioned upon payment of all applicable impact
26 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
27 Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees,
28 park fees, reimbursements, and other applicable charges, fees and deposits shall be paid
29 prior to recordation of the map or the issuance of any building permits, in accordance with
City Ordinances and policies. The subdivider/developer shall also be required to join into,

1 contribute, or participate in any improvement, lighting, or other special district affecting or
2 affected by this project. Approval of the tentative parcel map shall constitute the
3 developer's approval of such payments, and his agreement to pay for any other similar
4 assessments or charges in effect when any increment is submitted for final map or building
5 permit approval, and to join, contribute, and/or participate in such districts.

6 26. All public streets shall provide a minimum of 10 feet parkway between the face of curb
7 and the right-of-way line. Sidewalk improvements shall comply with ADA requirements.

8 27. Streetlights shall be maintained and installed on all public streets per City Standards. The
9 system shall provide uniform lighting, and be secured prior to occupancy. The developer
10 shall pay all applicable fees, energy charges, and/or assessments associated with City-
11 owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the
12 annexation to, any appropriate street lighting district.

13 28. Internal vehicular circulation between the parcels shall remain private and shall be
14 guaranteed by reciprocal access easement agreement(s). Maintenance shall be
15 guaranteed by a property owners' association or by an appropriate private road
16 maintenance agreement to the satisfaction of the City Engineer and the City Attorney.
17 All agreements shall be recorded prior to or concurrent with the final parcel map. The
18 pavement sections, traffic indices, alignments, and all geometrics shall meet City
19 standards.

20 29. Prior to approval of the grading plans, the developer shall contract with a geotechnical
21 engineering firm to perform a field investigation of the existing pavement on all streets
22 adjacent to the project boundary. The limits of the study shall be half-street plus 12 feet
23 along the project's frontage. The field investigation shall include a minimum of two
24 pavement boring on El Camino Real and Vista Way. Should the existing AC thickness
25 be determined to be less than three inches or without underlying Class II base material,
26 the developer shall remove and reconstruct the pavement section as determined by the
27 pavement analysis submittal process detailed in Item No. 2 below.

28 30. Upon review of the pavement investigation, the City Engineer shall determine whether
29 the developer shall: 1) Repair all failed pavement sections, header cut and grind per the
direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or

1 2) Perform R-value testing and submit a study that determines if the existing pavement
2 meets current City standards/traffic indices. Should the study conclude that the
3 pavement does not meet current requirements, rehabilitation/mitigation
4 recommendations shall be provided in a pavement analysis report, and the developer
5 shall reconstruct the pavement per these recommendations, subject to approval by the
6 City Engineer.

7 31. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon
8 approved soil tests and traffic indices. The pavement design is to be prepared by the
9 developer's soil engineer and must be approved by the City Engineer, prior to paving.

10 32. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
11 construction of the project, shall be repaired or replaced as directed by the City Engineer.

12 33. The developer shall comply with all the provisions of the City's cable television ordinances
13 including those relating to notification as required by the City Engineer.

14 34. Grading and drainage facilities shall be designed and installed to adequately accommodate
15 the local stormwater runoff and shall be in accordance with the City's Engineers Manual
16 and as directed by the City Engineer.

17 35. The applicant shall obtain any necessary permits and clearances from all public agencies
18 having jurisdiction over the project due to its type, size, or location, including but not
19 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U.
20 S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
21 (including NPDES), San Diego County Health Department, prior to the issuance of grading
22 permits.

23 36. Prior to any grading of any part of the project, a comprehensive soils and geologic
24 investigation shall be conducted of the soils, slopes, and formations in the project. All
25 necessary measures shall be taken and implemented to assure slope stability, erosion
26 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
27 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
28 the City Engineer.

29 37. This project shall provide year-round erosion control including measures for the site
required for the phasing of grading. Prior to the issuance of grading permit, an erosion

1 control plan, designed for all proposed stages of construction, shall be reviewed, secured
2 by the applicant with cash securities and approved by the City Engineer.

3 38. A precise grading and private improvement plan shall be prepared, reviewed, secured and
4 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
5 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage,
6 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
7 and any on site traffic calming devices shall be shown on all Precise Grading and Private
8 Improvement Plans.

9 39. Landscaping plans, including plans for the construction of walls, fences or other structures
10 at or near intersections, shall conform to intersection sight distance requirements.
11 Landscape and irrigation plans shall be approved by the City Engineer prior to the issuance
12 of occupancy permits, and a pre-construction meeting held, prior to the start of any
13 improvements.

14 40. Frontage and median landscaping shall be installed prior to the issuance of any certificates
15 of occupancy. Any project fences, sound or privacy walls and monument entry walls/signs
16 shall be shown on, bonded for and built from the landscape plans. These features shall also
17 be shown on the precise grading plans for purposes of location only. Plantable, segmental
18 walls shall be designed, reviewed and constructed by the grading plans and
19 landscaped/irrigated through project landscape plans. All plans must be approved by the
20 City Engineer and a pre-construction meeting held, prior to the start of any improvements.

21 41. Open space areas and down-sloped areas visible from a collector-level or above roadway
22 and not readily maintained by the property owner, shall be maintained by a property
23 owners' association that will insure installation and maintenance of landscaping in
24 perpetuity. These areas shall be indicated on the final parcel map and reserved for an
association.

25 42. Future buyers shall be made aware of any estimated monthly costs. The disclosure,
26 together with the CC&R's, shall be submitted to the City Engineer for review prior to the
27 recordation of final map.

28 43. The drainage design on the tentative parcel map is conceptual only. The final design shall
29 be based upon a hydrologic/hydraulic study to be approved by the City Engineer during

1 final engineering. All drainage picked up in an underground system shall remain
2 underground until it is discharged into an approved channel, or as otherwise approved by
3 the City Engineer. All public storm drains shall be shown on City standard plan and
4 profile sheets. All storm drain easements shall be dedicated where required. The applicant
5 shall be responsible for obtaining any off-site easements for storm drainage facilities.

6 44. The internal drainage system between the parcels shall remain private and shall be
7 guaranteed by private drainage easement agreements. Maintenance of the private
8 drainage system shall be guaranteed by a property owners' association or by an
9 appropriate private storm drain maintenance agreement to the satisfaction of the City
10 Engineer and the City Attorney. All agreements shall be recorded prior to or concurrent
11 with the final parcel map.

12 45. Storm drain facilities shall be designed and located such that the inside travel lanes on
13 streets with Collector or above design criteria shall be passable during conditions of a 100-
14 year frequency storm.

15 46. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
16 disposed of in accordance with all state and federal requirements, prior to stormwater
17 discharge either off-site or into the City drainage system.

18 47. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
19 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
20 height exceeds 20 feet or where the slope exceeds four feet and is adjacent to an arterial
21 street or state highway.

22 48. The development shall comply with all applicable regulations established by the United
23 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
24 Discharge Elimination System (NPDES) permit requirements for urban runoff and
25 stormwater discharge and any regulations adopted by the City pursuant to the NPDES.
26 regulations or requirements. Further, the applicant may be required to file a Notice of
27 Intent with the State Water Resources Control Board to obtain coverage under the
28 NPDES. General Permit for Storm Water Discharges Associated with Construction
29 Activity and may be required to implement a Storm Water Pollution Prevention Plan
(SWPPP) concurrent with the commencement of grading activities. SWPPPs include

1 both construction and post construction pollution prevention and pollution control
2 measures and identify funding mechanisms for post construction control measures. The
3 developer shall comply with all the provisions of the Clean Water Program during and
4 after all phases of the development process, including but not limited to: mass grading,
5 rough grading, construction of street and landscaping improvements, and construction of
6 dwelling units. The applicant shall design the Project's storm drains and other drainage
7 facilities to include Best Management Practices to minimize non-point source pollution,
8 satisfactory to the City Engineer.

9 49. Upon acceptance of any fee waiver or reduction by the developer/subdivider, the entire
10 project will be subject to prevailing wage requirements as specified by Labor Code
11 section 1720(b)(4). The developer/subdivider shall agree to execute a form
12 acknowledging the prevailing wage requirements prior to the granting of any fee
13 reductions or waivers.

14 50. The developer/subdivider shall prepare and submit an Operations & Maintenance
15 (O&M) Plan to the to the City Engineer with the first submittal of engineering plans.
16 The O&M Plan shall be prepared by the applicant's Civil Engineer. It shall be directly
17 based on the project's Storm Water Mitigation Plan (SWMP) previously approved by the
18 project's approving authority (Planning Commission/City Council). At a minimum the
19 O&M Plan shall include the designated responsible parties to manage the stormwater
20 BMP(s), employee's training program and duties, operating schedule, maintenance
21 frequency, routine service schedule, specific maintenance activities, copies of resource
22 agency permits, cost estimate for implementation of the O&M Plan and any other
23 necessary elements.

24 51. The developer/subdivider shall enter into a City-Standard Stormwater Facilities
25 Maintenance Agreement with the City obliging the project proponent to maintain, repair
26 and replace the Storm Water Best Management Practices (BMPs) identified in the
27 project's approved Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan
28 into perpetuity. The agreement shall be approved by the City Attorney prior to issuance
29 of any precise grading permit and shall be recorded at the County Recorder's Office
prior to issuance of any building permit. Security in the form of cash (or certificate of

1 deposit payable to the City) or an irrevocable, City-Standard Letter of Credit shall be
2 required prior to issuance of a precise grading permit. The amount of the security shall
3 be equal to 10 years of maintenance costs, as identified by the O&M Plan. The
4 applicant's Civil Engineer shall prepare the O&M cost estimate.

5 52. At a minimum, maintenance agreements shall require the staff training, inspection and
6 maintenance of all BMPs on an annual basis. The project proponent shall complete and
7 maintain O&M forms to document all maintenance activities. Parties responsible for the
8 O&M plan shall retain records at the subject property for at least five years. These
9 documents shall be made available to the City for inspection upon request at any time.

10 53. The agreement shall include a copy of executed on-site and off-site access easements
11 necessary for the operation and maintenance of BMPs that shall be binding on the land
12 throughout the life of the project to the benefit of the party responsible for the O&M of
13 BMPs, until such time that the stormwater BMP requiring access is replaced, satisfactory
14 to the City Engineer. The agreement shall also include a copy of the O&M Plan
15 approved by the City Engineer.

16 54. The BMPs described in the project's approved Storm Water Mitigation Plan (SWMP)
17 shall not be altered in any way, shape or form without formal approval by either an
18 Administrative Substantial Conformance issued by the Planning Division or the project's
19 final approving authority (Planning Commission/City Council) at a public hearing. The
20 determination of whatever action is required for changes to a project's approved SWMP
21 shall be made by the Planning Division.

22 55. The approval of the tentative parcel map shall not mean that closure, vacation, or
23 abandonment of any public street, right-of-way, easement, or facility is granted or
24 guaranteed to the developer. The developer is responsible for applying for all closures,
25 vacations, and abandonments as necessary. The application(s) shall be reviewed and
26 approved or rejected by the City of Oceanside under separate process(es) per codes,
27 ordinances, and policies in effect at the time of the application. The City of Oceanside
28 retains its full legislative discretion to consider any application to vacate a public street
29 or right-of-way.

- 1 56. Sight distance requirements at all project street intersections and driveways shall conform
2 to the intersection corner sight distance criteria as shown in the City Engineering Manual,
3 Standard Drawing T-1 or as provided by the California Department of Transportation
4 Highway Design Manual or by San Diego County Design Standards as applicable. Clear
5 space easement(s) shall be provided at the appropriate locations to the satisfaction of the
6 City Engineer.
- 7 57. A traffic control plan shall be prepared according to the City traffic control guidelines
8 and be submitted to and approved by the City Engineer prior to the start of work within
9 open City rights-of-way. Traffic control during construction of streets and driveways
10 that have been opened to public traffic shall be in accordance with construction signing,
11 marking and other protection as required by the Caltrans Traffic Manual and City Traffic
12 Control Guidelines.
- 13 58. Traffic control during construction adjacent to or within all public streets shall meet
14 Caltrans standards and City Traffic Control Guidelines. Traffic control plans shall be in
15 effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.
- 16 59. A haul route shall be obtained at least 7 days prior to the start of hauling operations and
17 must be approved by the Public Works Director. Hauling operations shall be 8:00 a.m.
18 to 3:30 p.m. unless approved otherwise.
- 19 60. The applicant shall pay all applicable traffic signal and thoroughfare fees.
- 20 61. The project shall install a southbound right-turn pocket on El Camino Real at the project
21 driveway entrance. The right turn pocket shall be designed with a 60-foot transition with a
22 100-foot pocket and shall be constructed to the satisfaction of the City Engineer.
- 23 62. The project driveway entrance shall be restricted to right turns in and out only.
- 24 63. The project shall pay their fair share toward the future bridge widening on El Camino Real
25 at SR 78. The project's fair share is 1.3 percent for a total contribution of \$47,520.
- 26 64. The developer shall monitor, supervise and control all construction and construction-
27 supportive activities, so as to prevent these activities from causing a public nuisance,
28 including but not limited to, insuring strict adherence to the following:
- 29 a) Dirt, debris and other construction material shall not be deposited on any public
street or within the City's stormwater conveyance system.

1 b) All grading and related site preparation and construction activities shall be limited
2 to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering
3 related construction activities shall be conducted on Saturdays, Sundays or legal
4 holidays unless written permission is granted by the City Engineer with specific
5 limitations to the working hours and types of permitted operations. All on-site
6 construction staging areas shall be as far as possible (minimum 100 feet) from
7 any existing residential development. Because construction noise may still be
8 intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance
9 also prohibits "any disturbing excessive or offensive noise which causes
10 discomfort or annoyance to reasonable persons of normal sensitivity."

11 c) The construction site shall accommodate the parking of all motor vehicles used by
12 persons working at or providing deliveries to the site.

13 **Fire:**

14 65. Submit a copy of as-built plans on a CD for all projects on the job site.

15 66. Fire Department requirements shall be placed on plans in the notes section.

16 67. The size of fire hydrant outlets shall be 2 ½ "X 2 ½ " X 4".

17 68. All proposed and existing fire hydrants within 400 feet of the project shall be shown on
18 the site plan.

19 69. The fire hydrants shall be installed and tested prior to placing any combustible materials
20 on the job site.

21 70. Detailed plans of underground fire service mains shall be submitted to the Oceanside
22 Fire Department for approval prior to installation.

23 71. All weather access roads shall be installed and made serviceable prior to and
24 maintained during time of construction.

25 72. A "Knox" key storage box shall be provided for all new construction. For buildings,
26 other than high-rise, a minimum of three complete sets of keys shall be provided. Keys
27 shall be provided for all exterior entry doors, fire protection equipment control rooms,
28 mechanical and electrical rooms, elevator controls and equipment spaces, etc. For high-
29 rise buildings, six complete sets are required.

73. Fire extinguishers shall be included on the plans submitted for plan check.

- 1 74. An approved fire sprinkler system shall be installed throughout the building. The
2 system shall be designed per N.F.P.A. 13, and U.B.C. Standard 9-1. The sprinkler
3 system required 24-hour supervision.
- 4 75. The Fire Department connection shall not be affixed to the building. The Fire
5 Department connection shall be located at least 40 feet away from the building, within
6 40 feet of a fire hydrant, and on the address side of the building – unless otherwise
7 determined by the Fire Department. The hydrant shall be located on the same side of
8 the street as the Fire Department connection.
- 9 76. In accordance with the California Fire Code Sec. 901.4.4, approved address for
10 commercial, industrial, and residential occupancies shall be placed on the structure in
11 such a position as to be plainly visible and legible from the street or roadway fronting
12 the property. Numbers shall be contrasting with their background.
- 13 77. Multi-tenant buildings shall provide identification on the rear exit doors with individual
14 suite numbers or letters.
- 15 78. Commercial buildings shall provide 6-inch address numbers.
- 16 79. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
17 approval prior to the issuance of building permits.
- 18 80. Buildings shall meet Oceanside Fire Department's current codes at the time of building
19 permit application.

19 **Planning:**

- 20 81. Tentative Parcel Map (P-4-07), Development Plan Revision (D-3-79 Rev05), Conditional
21 Use Permit (C-39-05) and Variance (V-3-07) shall expire on November 5, 2009, unless the
22 Planning Commission grants a time extension.
- 23 82. Tentative Parcel Map (P-4-07), Development Plan (D-33-78 Rev05), Conditional Use
24 Permit (C-39-05) and Variance (V-3-07) approves subdivision of a 12.64-acre parcel into
25 three parcels; development of a 10,500-square foot building and a 1,804-square foot
26 building and associated site improvements; construction of a drive-thru in conjunction
27 with the 1,804-square foot building; and construction of retaining walls with a maximum
28 height of 7.6 feet in lieu of 6 feet, as shown on the plans and exhibits presented to the
29 Planning Commission, as modified by conditions of approval. No deviation from these

1 approved plans and exhibits shall occur without Planning Division approval. Substantial
2 deviations shall require a revision to the Development Plan or a new Development Plan.

3 83. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
4 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
5 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
6 annul an approval of the City, concerning Tentative Parcel Map (P-4-07), Development
7 Plan (D-3-79Rev-05), Conditional Use Permit (C-39-05) and Variance (V-3-07). The
8 City will promptly notify the applicant of any such claim, action or proceeding against
9 the City and will cooperate fully in the defense. If the City fails to promptly notify the
10 applicant of any such claim action or proceeding or fails to cooperate fully in the
11 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
12 harmless the City.

13 84. Landscape planter areas shall be provided adjacent to the northerly and easterly retaining
14 walls, to the satisfaction of the City Planner.

15 85. A 10-ft. wide landscape setback area shall be provided along the El Camino Real street
16 frontage.

17 86. All mechanical rooftop and ground equipment shall be screened from public view as
18 required by the Zoning Ordinance. That is, on all four sides. The roof jacks, mechanical
19 equipment, screen and vents shall be painted with non-reflective paint to match the roof.
20 This information shall be shown on the building plans.

21 87. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in
22 any adjoining public parkways shall be permanently maintained by the owner, his assigns
23 or any successors-in-interest in the property. The maintenance program shall include
24 normal care and irrigation of the landscaping; repair and replacement of plant materials;
25 irrigation systems as necessary; and general cleanup of the landscaped and open areas,
26 parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result
27 in the City taking all appropriate enforcement actions by all acceptable means including
28 but not limited to citations and/or actual work with costs charged to or recorded against the
29 owner. This condition shall be recorded with the covenant required by this resolution.

1 88. Landscape plans meeting the criteria of the City of Oceanside Guidelines and
2 Specifications for Landscape Developments 1985, addenda 1997, Xeriscape Principles;
3 Article V, Chapter 37, Water Conservation Ordinance No. 91-15, comply with Zoning
4 Ordinance and shall be reviewed and approved by the City Engineer prior to the issuance
5 of building permits. Landscaping shall not be installed until bonds have been posted, fees
6 paid, and plans signed for final approval. The following special landscaping requirements
7 shall be met:

- 8 a) Street trees shall be located 30'-0" on center, of a minimum 2" caliper per the
9 current City of Oceanside Street Tree Memorandum. Right-of-way trees and
10 understory landscape shall provide screening, be protected in place,
11 supplemented and replaced to meet the satisfaction of the City Engineer.
- 12 b) Shade trees shall be provided for the parking lot islands where space permits.
13 Palm trees shall be provided in limited planter space areas only.
- 14 c) Trees shall not be located in utility easements, trees may be relocated not omitted
15 from the plan.
- 16 d) Landscape plans shall match all plans affiliated with the project, comply with
17 SWMP requirements.

18 89. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall
19 also include additional space for storage and collection of recyclable materials per City
20 standards. The enclosures must be built in a flat, accessible location as determined by the
21 City Engineer. The enclosure (or enclosures) shall meet City standards including being
22 constructed of concrete block, reinforced with rebar and filled with cement. A concrete
23 slab must be poured with a berm on the inside of the enclosure to prevent the bin(s) from
24 striking the block walls. The slab must extend out of the enclosure for the bin(s) to roll out
25 onto. Steel posts must be set in front of the enclosure with solid metal gates. All
26 driveways and service access areas must be designed to sustain the weight of a 50,000-
27 pound service vehicle. Driveways and service access areas shall be shown on both the
28 improvement and landscape plans submitted to the City Engineer. The specifications
29 shall be reviewed and approved by the City Engineer. The City's waste disposal
contractor is required to access private property to service the subject development. A

1 service agreement must be signed by the property owner and shall remain in effect for
2 the life of the project.

3 90. Outdoor storage or display of merchandise of materials shall meet the requirements of the
4 3020 of Zoning Ordinance.

5 91. Outdoor seating and Outdoor food service shall be consistent with the Oceanside Zoning
6 Ordinance Section 3020 (a) and shall be reviewed by the City Planner for the approval of
7 an outdoor eating permit.

8 92. The hours-of-operation are not limited, but shall be reviewed and may be limited by the
9 Planning Commission when valid issues or complaints pertaining to the hours-of-
10 operation arise.

11 93. The existing Management Plan for the center shall be revised to incorporate provisions for
12 the subject development and proposed land uses. The Management Plan is subject to the
13 review and approval of the City Planner and the Police Chief prior to the occupancy of the
14 project, and shall be recorded as CC&R's against the property. The Management Plan
15 shall cover the following:

16 a) Security - The Management Plan, at a minimum, shall address on-site
17 management, hours-of-operation and measures for providing appropriate security
18 for the project site.

19 b) Maintenance - The Management Plan shall cover, but not be limited to anti-
20 graffiti and site and exterior building, landscaping, parking lots, sidewalks,
21 walkways and overall site maintenance measures and shall ensure that a high
22 standard of maintenance at this site exists at all times. The maintenance portion
23 of the management plan shall include a commitment for the sweeping and
24 cleaning of parking lots, sidewalks and other concrete surfaces at sufficient
25 intervals to maintain a "like new" appearance. Wastewater, sediment, trash or
26 other pollutants shall be collected on-site and properly disposed of and shall not
27 be discharged off the property or into the City's storm drain system.

28 c) Any graffiti within the center shall be removed by the center management or its
29 designated representative within 24 hours of occurrence. Any new paint used to
cover graffiti shall match the existing color scheme.

- 1 94. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
2 written copy of the applications, staff report and resolutions for the project to the new
3 owner and or operator. This notification provision shall run with the life of the project and
4 shall be recorded as a covenant on the property.
- 5 95. Failure to meet any conditions of approval for this development shall constitute a violation
6 of the Development Plan and Conditional Use Permit.
- 7 96. Unless expressly waived, all current zoning standards and City ordinances and policies in
8 effect at the time building permits are issued are required to be met by this project. The
9 approval of this project constitutes the applicant's agreement with all statements in the
10 Description and Justification and other materials and information submitted with this
11 application, unless specifically waived by an adopted condition of approval.
- 12 97. If any aspect of the project fencing and walls is not covered by an approved Development
13 Plan, the construction of fencing and walls shall conform to the development standards of
14 the City Zoning Ordinance. In no case, shall the construction of fences and walls
15 (including combinations thereof) exceed the limitations of the zoning code, unless
16 expressly granted by a Variance or other development approval.
- 17 98. Decorative paving shall be provided at all pedestrian driveway crossings, sidewalk areas
18 next to the building and at the easterly driveway entry to the subject development pad, to
19 the satisfaction of the City Planner.
- 20 99. The building sidewalks fronting the parking lot shall provide at least eight square planters,
21 two Pasadena classic benches, four trash receptacles and one (5' x 2' 3/8") bike rack.
- 22 100. Loading and deliveries of merchandise shall be limited and shall meet the specified
23 Camino Town and Country Commercial center management plan loading and unloading.
24 The day and hours for deliveries and loading operations shall be as specified in the
25 shopping center management plan.
- 26 101. Prior to issuance of building permits the applicant shall show the location and orientation
27 of speakers associated with the drive-thru facility. The volume on any outdoor speaker
28 associated with the drive-thru facility shall be set at a level that would prohibit any noise
29 from emanating beyond the property boundaries in excess of the City's Noise Ordinance.

1 102. Elevations, floor plans, building materials and colors, shall be substantially the same as
2 those approved by the Planning Commission and shall be shown on plans submitted to the
3 Building Division and Planning Divisions.

4 103. A lighting plan shall be submitted and approved by the City prior to issuance of building
5 permits. The plan must demonstrate compliance with the provisions of the City of
6 Oceanside Light Pollution Ordinance.

7 104. All proposed signs shall meet the requirements of the Camino Town & Country Center
8 sign program (CSP-5-06) and shall be approved by the City Planner.

9 105. Conditional Use Permit (C-39-05) can be called for review by the Planning Commission if
10 complaints are filed and verified as valid by the Code Enforcement Office concerning
11 violation of any of the approved conditions or assumptions made by the application. The
12 Commission may add new conditions and/or delete and/or modify existing conditions, as it
13 deems necessary to protect the general health, safety and welfare of residents in the area or
14 surrounding land uses.

15 106. If at any time the commercial use operates in an incompatible manner with other existing
16 land uses within the center, it shall be subject to all such sanctions and remedies provided
17 by applicable law. Such sanctions could include the addition of new conditions and/or
18 deletion modification of existing conditions or other measures as deemed necessary to
19 protect the public health, safety and welfare of residents in the area or surrounding land
20 uses.

21 **Water Utilities:**

22 107. The developer will be responsible for developing all water and sewer utilities necessary to
23 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
24 the developer and shall be done by an approved licensed contractor at the developer's
25 expense.

26 108. The property owner shall maintain private water and wastewater utilities located on private
27 property.

28 109. Water services and sewer laterals constructed in existing right-of-way locations are to be
29 constructed by approved and licensed contractors at developer's expense.

- 1 110. All Water and Wastewater construction shall conform to the most recent edition of the
2 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
3 the Water Utilities Director.
- 4 111. All public water and/or sewer facilities not located within the public right-of-way shall be
5 provided with easements sized according to the Water, Sewer, and Reclaimed Water
6 Design and Construction Manual. Easements shall be constructed for all weather access.
- 7 112. An Encroachment Removal Agreement/Hold Harmless Agreement related to the proposed
8 trash enclosure and pad within the proposed water line easement shall be approved by the
9 City of Oceanside.
- 10 113. No trees, structures or building overhang shall be located within any water or wastewater
11 utility easement.
- 12 114. All lots with a finish pad elevation located below the elevation of the next upstream
13 manhole cover of the public sewer shall be protected from backflow of sewage by
14 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
15 Code (U.P.C.).
- 16 115. The developer shall construct a public reclamation water system that will serve each lot
17 and or parcels that are located in the proposed project in accordance with the City of
18 Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located
19 in the public right-of-way or in a public utility easement.
- 20 116. If a property goes through a zone change and an increase in density occurs, a water and
21 sewer study must be prepared by the developer at the developer's expense, and reviewed
22 and approved by the Water Utilities Department.
- 23 117. A separate irrigation meter and approved backflow prevention device is required and shall
24 be displayed on the plans.
- 25 118. An Inspection Manhole, described by the Water, Sewer, and Reclaimed Water Design and
26 Construction Manual, shall be installed in each building sewer lateral and the location shall
27 be called out on the approved Improvement Plans.
- 28 119. If a restaurant or food service tenant occupies the property; a Grease, Oil, and Sand
29 Interceptor shall be installed in each building sewer in an appropriate location and shall be

1 maintained by the property owner. The location shall be called out on the approved
2 Building Plans.

3 120. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
4 be paid to the City and collected by the Water Utilities Department at the time of Building
5 Permit issuance.

6 PASSED AND ADOPTED Resolution No. 2007-P53 on November 5, 2007 by the
7 following vote, to wit:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

12
13 _____
14 Dennis Martinek, Chairman
15 Oceanside Planning Commission

16 ATTEST:

17 _____
18 Jerry Hittleman, Secretary

19 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
20 this is a true and correct copy of Resolution No. 2007-P53.
21

22 Dated: November 5, 2007
23
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29

Camino Town & Country Center Management Plan

Intent & Scope

This Management Plan is intended to describe procedures and identify parties responsible for the operation and management of the Property at 2221 - 2985 El Camino Real, Oceanside, CA 929, more commonly known as Camino Town and Country Center.

Uses

This site provides a wide variety of uses including but not limited to retail sales, health and well-being, restaurants and food, dry cleaning and banking.

Hours of Operation

Occupant's public hours of operation will vary; some facilities have 24-hour operations. Few of the in-line tenants will be open twenty-four hours. Employees performing stocking and maintenance activities may be working within the buildings or in the immediate area outside of the buildings after the public hours of operation.

Managing Entities

Milan Properties, LP as agent for owner will manage the operations and administration of the Shopping Center. Milan Properties, LP will comply with all City regulations and ultimately be responsible for compliance with conditions set forth within the Conditional Use Permits. Individual retail operations will have owners and/or managers who are responsible for compliance with regulations governing their uses and will work through Milan Properties, LP in all issues relating to the City's regulations of their use and facility.

Operations and Maintenance

Milan Properties, LP will perform the following with regards to Operations

- Handle and respond to all tenant calls within a reasonable time frame.
- Provide professional maintenance service by qualified vendor representatives.
- Inspect all spaces regularly to ensure that quality standards are met.
- Perform routine building repair and maintenance services (plumbing, mechanical, electrical).
- Provide preventive maintenance for all building systems.
- Perform comprehensive building and property review once each month
- Competitively bid all service contracts, building materials, and supplies taking advantage of economies of scale when possible. Create and implement the contract scope of services and set clear criteria. Typical services to be managed include:
 - o Landscape/Irrigation Maintenance
 - o Janitorial/Cleaning
 - o Parking Lot Sweeping and Policing
 - o Building and Grounds Security
 - o Window Washing
 - o Trash Removal
 - o Lighting maintenance

- Monitor performance quality levels of all service vendors
- Conduct property inspections on a regular basis to verify compliance
- Ensure trash abatement and keep the Center free of litter
- Maintenance team will return carts to their storage areas and remind retailers to do the same
- Remove graffiti within 24 hours of occurrence with matching paint
- Communicate all significant issues to owner
- Monitor tenants for any illegal use of signage per City regulations
- Monitor Holiday sales in a manner that complies with Article 3020 (2) of the City of Oceanside Zoning Ordinance for Outdoor display for height, depth and width of displayed merchandise. Christmas tree and spring garden sales shall be enclosed with a vinyl covered fence.
- Control noise relating to day-to-day operation of the Shopping Center in compliance with regulations set forth in the City's Noise Ordinance. Controls will consist of:
 - o HVAC equipment will operate at average one hour noise levels no greater than 48dB at a distance of 50 feet. Unshielded.
 - o Truck drivers shall turn off their engines during loading and unloading activities and are not to utilize horns to announce arrivals.
 - o Loud speakers shall not broadcast outdoors.
 - o Noise control measures pertaining to activities within the delivery areas will be posted in the delivery areas.

Administration

Milan Properties, LP will perform the following with regards to Administration:

- Work with tenants to ensure strict adherence to standard sign criteria
- Manage mechanic's lien issues
- Lease administration, enforcement of Lease verbiage and all communication related communication
- Review A/R reports by the 5th, 10th, and 15th of each month and manage collections
- Coordinate collection efforts with legal counsel as necessary
- Maintain Property Insurance
- Obtain and review insurance certificates provided by tenants, vendors and contractors

Accounting

Milan Properties, LP will perform the following with regards to Accounting:

- Develop an annual operating budget for the building and project
- Review project cash flow statements monthly to detect variances from budget
- Monitor each budget line item to ensure actual amounts are within budget allowances
- Generate monthly rent invoices
- Calculate and invoice operating expense recoveries
- Review and approve all invoices relating to the operations of the property
- Review all property tax assessments and audits\
- Review and approve all real estate tax statements

- Monitor utility costs
- Prepare financial reports each month

Tenant Relations/Retention

- Develop a good working relationship with each tenant
- Respond to tenant questions, concerns and maintenance issues
- Conduct an annual survey to determine tenant satisfaction

Milan Properties, LP will be available during normal business hours

**Camino Town & Country Center
Oceanside, California
Management Plan**

Intent & Scope

This Management Plan is intended to describe procedures and identify parties responsible for the operations and management of the property located at 2221-2985 S. El Camino Real, Oceanside, CA 92054, commonly known as Camino Town & Country Center (“Shopping Center”).

Uses

This site is anchored by Target and provides a wide variety of retail and office uses including but not limited to retail sales, health and fitness, restaurants, fast food, dry cleaning, a convenience store and tire shop.

Hours of Operation

Public hours of operation for the occupants of the Shopping Center will vary; some facilities have 24-hour operations. Employees performing stocking and maintenance activities may be working within the buildings or in the immediate area outside of the buildings before or after the public hours of operation. Typically the merchants are open from 9am-9pm.

Managing Entities

Milan Properties, LLC, as manager for owner, or a professional management company with experience similar to Milan Properties, LLC, (“Manager”) shall manage the operations and administration of the Shopping Center. Manager is in compliance with all City regulations and is ultimately responsible for compliance of the conditions set forth in the Conditional Use Permits, Declarations of Restrictions and Grant of Easements, and the Covenants, Conditions and Restrictions governing the property. Individual retail operations have owners and/or managers who are responsible for compliance with regulations governing their uses and will work through the Manager regarding all issues relating to the City’s regulations of their use and facility. Compliance is further governed, enforced and administered per the terms of individual occupant leases executed with Owner.

Operations and Maintenance

Manager will perform the following with regards to Operations and Maintenance:

- Respond to all tenant calls professionally and within a reasonable period consistent with the severity or urgency of the request
- Provide management for the professional maintenance for the common areas. Common area maintenance generally include:
 - Landscaping Maintenance, Irrigation Maintenance and Tree Trimming
 - Janitorial Services, Cleaning, Day Porter Services, and Policing
 - Parking Lot and Sidewalk Sweeping, Pressure Cleaning
 - Window Washing, where applicable
 - Trash Removal
 - Removing graffiti within 24 hours of occurrence with matching paint
 - Lighting Maintenance and Replacement

- o Routine building repair and maintenance services (plumbing, mechanical, electrical)
- o Monitoring, collecting and proper disposal of wastewater, sediment, trash or other pollutants, if any, and preventing discharge into the City's storm drain system in compliance with city requirements
- Perform annual capital walk and life cycle analysis
- Inspect all spaces to ensure that quality and safety standards are met
- Perform preventive maintenance for all building systems as further defined in the terms of individual occupant leases
- Perform a building and property review once each month
- Contract licensed and bonded security services ensuring adequate monitoring and surveillance coverage and motorized patrols consistent with crime statistics in the area and based on the specific needs of the property. Review weekly security logs and lighting reports to proactively prevent incidents through communication and proactive management. Ensure all areas are properly lighted. Ensure vacant spaces are properly secured to prevent accessibility by vagrants. Ensure Tenants have name and cell number of security guard and management personnel for immediate accessibility and to report concerns. Security guard has updated roster of tenants and emergency contact numbers. Work with local law enforcement to develop tenant community watch programs, identify local crime trends, and discuss theft prevention and other crime preventative measures.
- Perform safety inspections quarterly
- Competitively bid all service contracts, building materials, and supplies taking advantage of economies of scale when possible. Create and implement the contract scope of services and set clear criteria.
- Monitor performance quality levels of all service vendors
- Conduct property inspections on a regular basis to verify compliance
- Ensure trash abatement and keep the Center free of litter
- Maintenance team will return carts to their storage areas and remind retailers to do the same
- Communicate all significant issues to owner
- Monitor tenants for any illegal use of signage per City regulations
- Monitor Holiday sales in a manner that complies with Article 3020 (2) of the City of Oceanside Zoning Ordinance for Outdoor display for height, depth and width of displayed merchandise. Christmas tree and spring garden sales shall be enclosed with a vinyl covered fence
- Monitor the Operations and Maintenance ("O&M") Plan related to the Storm Water Mitigation Plan ("SWMP") as filed with the City.
- Control noise relating to day-to-day operation of the Shopping Center in compliance with regulations set forth in the City's Noise Ordinance. Controls will consist of:
 - o HVAC equipment will operate at average one hour noise levels no greater than 48dB at a distance of 50 feet unshielded
 - o Truck drivers shall turn off their engines during loading and unloading activities and are not to utilize horns to announce arrivals
 - o Loud speakers shall not broadcast outdoors

- o Noise control measures pertaining to activities within the delivery areas will be posted in the delivery areas

Administration

Manager will perform the following with regards to Administration:

- Work with tenants to ensure adherence to standard sign criteria
- Prevent and manage mechanic's lien issues
- Lease administration, enforcement of Lease verbiage and all related communication
- Review A/R reports by the 5th, 10th, and 15th of each month and manage collections
- Coordinate collection efforts with legal counsel as necessary
- Maintain Property Insurance
- Obtain and review insurance certificates provided by tenants, vendors and contractors
- Coordinate and manage Tenant improvement work ensuring that contractors are licensed, bonded and insured. Obtain lien releases and as built drawings

Accounting

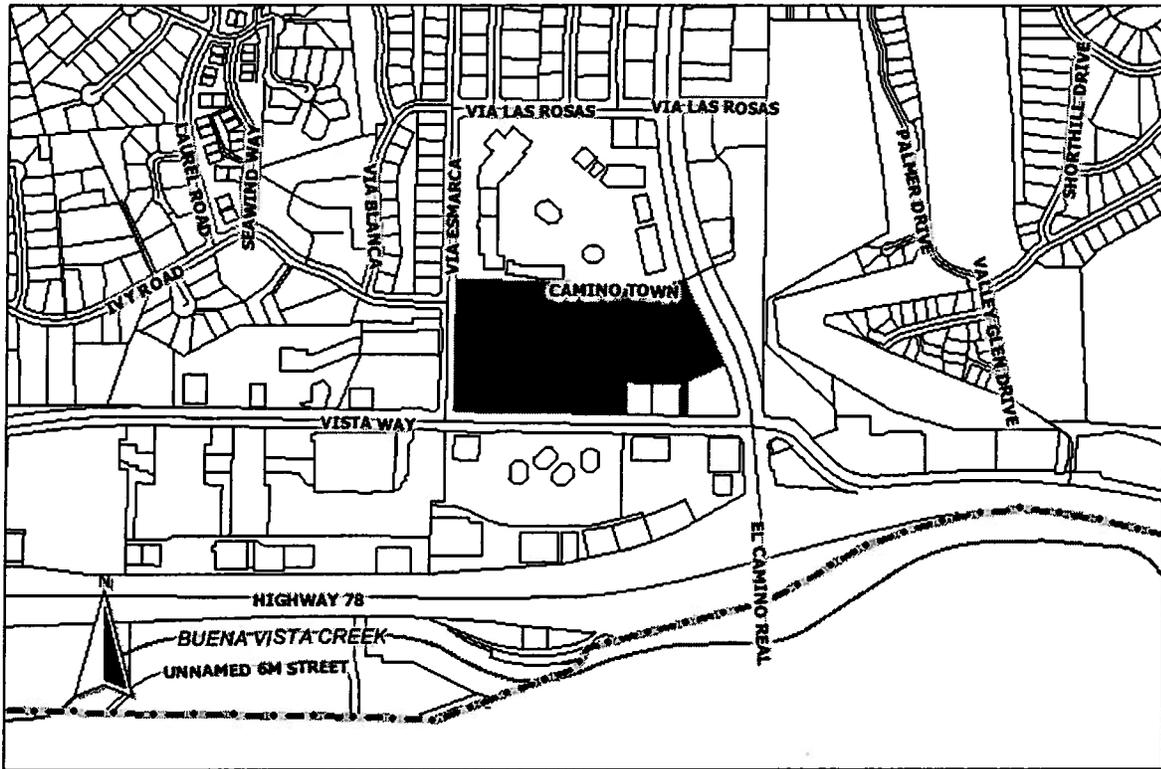
Manager will perform the following with regards to Accounting:

- Develop an annual operating and capital budget for the building and project
- Review project cash flow statements monthly to detect variances from budget
- Monitor each budget line item to ensure actual amounts are within budget allowances
- Generate monthly rent invoices
- Calculate and invoice operating expense recoveries
- Review and approve all invoices relating to the operations of the property
- Review all property tax assessments and audits
- Review and approve all real estate tax statements
- Monitor utility costs
- Prepare financial reports each month
- Complete annual common area maintenance reconciliation

Tenant Relations/Retention

- Develop a good working relationship with each tenant
- Respond to tenant questions, concerns and maintenance issues
- Conduct an annual survey to determine tenant satisfaction
- Complete a monthly tenant retention log
- Follow customer service policy

Milan Properties, LLC will be available during normal business hours of 8:00 AM to 5:00 PM and after hours on an emergency basis via cell phone call to Diane Scheman, property manager at 714-917-7552.



File Number: P-4-07, D-3-79REV, C-39-05, V-3-07

Applicant: Milan Properties

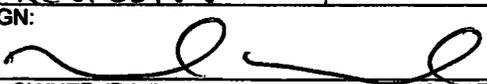
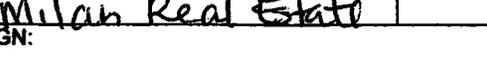
Description:

TENTATIVE PARCEL MAP (P-4-07), REVISION to an existing DEVELOPMENT PLAN (D-3-79), a new CONDITIONAL USE PERMIT (C-39-05) and a VARIANCE (V-3-07) to allow construction of an 1,804-square foot drive-thru restaurant, a 10,500-square foot retail building and a three-lot subdivision within an existing shopping center located at the northwest corner of El Camino Real and Vista Way. The project is zoned CC (Community Commercial) and is within the Fire Mountain Neighborhood. – **TARGET CENTER REVISION**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Division
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520

Application For Planning Commission Hearing Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, CA 92054-2885				STAFF USE ONLY RECEIVED AUG 30 2005 Planning Department 8/30/05 SN	
Please Print or Type All Information				HEARING	
PART I - APPLICANT INFORMATION				GPA	
1. APPLICANT Milan Properties		2. STATUS LLC		MASTER/SP.PLAN	
3. ADDRESS 621 N Euclid Street, Anaheim, CA 92801		4. PHONE/FAX 760-722-2829		ZONE CH.	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted) Ralph Gonzales Consulting				TENT MAP	
6. ADDRESS 310 State Place, Escondido, CA 92029				X PARCEL MAP P-4-07	
7. PHONE/ FAX: PH 760-739-8931 FAX 760-738-0515				DEV PL. D-3-79 REVLOS	
				C.U.P C-39-05	
				VARIANCE V-3-07	
				COASTAL CS/5-06	
PART II- PROPERTY DESCRIPTION				O.H.P.A.C	
8. LOCATION 2255 S El Camino Real Oceanside, CA 92054			9. SIZE 12.600 AC		
10. GENERAL PLAN C-C		11. ZONING C-C	12. LAND USE: Comm	13. ASSESSOR'S PARCEL NUMBER 165-013-07-01	
PART III- PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION: Existing Target Center purposing 2 new commercial retail parcels. Total 3 parcels adding Starbucks, 2 restraunts, comm. Retail. Replacing old service station. Retaining Target and 2 new parcels.					
15. PROPOSED GEN. PLAN Remain the Same		16. PROPOSED ZONING Remain the Same	17. PROPOSED LAND USE Commercial	18. NO.LOTS 3	19. DENSITY 10,000 sf lots
20. BUILDING SIZE		21. PARKING SPC	22. % LANDSCAPE	23. % LOT COVERAGE	
PART IV - ATTACHMENTS REV-7/26/06, 5/25/07					
ALL APPLICATIONS				DEV. PLANS, C.U.P'S & TENT. MAPS	
X 24. DESCRIPTION/JUSTIFICATION		X 25. LEGAL DESCRIPTION		X 30. FLOOR PLAN AND ELEVATIONS	
X 26. 300 FT RADIUS MAP		X 27. PROPERTY OWNERS LIST		31. CONSTRUCTION SCHEDULE	
X 28. ENVIRONMENTAL ASESSMENT		X 29. PLOT PLANS		32. OTHER	
PART V - SIGNATURES 7/31/07					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY)		
33. APPLICANT OR REPRESENTATIVE		34. DATE		38. DATE	
SIGN: 		8/30/05			
I DECLARE UNDER PENALTY OF PURJURY THAT THE ABOVE INFORMATION TO THE BEST OF MY KNOWLEDGE:		37. OWNER (Print) Milan Real Estate		SIGN: 	
35. APPLICANT (Print) Brenda Barnard		36. DATE 8/30/05		39. OWNER (Print) Milan Real Estate	
SIGN: 		SIGN: 		40. DATE	

RECEIVED
 AUG 30 2005
 Planning Department

✓

Revision to:
CAMINO TOWN & COUNTRY CENTER (SOUTH)
Applicant: Milan Properties
 Revision to Development Plan (D-3-79REV-05),
 Tentative Parcel Map, Variance, & Conditional Use Permit

Description & Justification
 July 30, 2007 (rev.)

RECEIVED
JUL 31 2007
 Planning Department

INTRODUCTION

This application consists of a revision to a previously approved Development Plan to propose the following:

- a Tentative Parcel Map to subdivide one parcel into three parcels
- a Revised Development Plan to propose two new commercial buildings - one on each of the two new parcels at the east-end of the site
- a Variance request to exceed maximum wall height
- a Conditional Use Permit to allow a Starbuck's drive-thru

The property has General Plan land use and zoning designations of Community Commercial (CC) and is located at 2255 South El Camino Real within the Fire Mountain planning neighborhood. The subject site is a shopping center that was originally built in the late 1970's and consists of a north and south section of the center. This application only includes the Camino Town & Country "south" section of the shopping center. To the south, commercial retail is located across from Vista Way, El Camino Real is adjacent to the east, and additional commercial uses are located across Via Esmarca to the west.

TENTATIVE PARCEL MAP

A 106,994 square foot Target store is currently located on a 12.64 acre parcel "B" of Parcel Map No. 4110 (APN 165-013-07). The applicant is proposing to subdivide this parcel to create three separate parcels: "1", "2", and "3." Following is a summary:

Parcel	Lot Size	Land Use	Building Area
1	10.74 ac	existing commercial retail: Target	106,994 sf
2	0.84 ac	new commercial retail building	10,500 sf
3	1.03 ac	new commercial building: Starbuck's Drive-Thru	1,804 sf
total:	12.61*		119,298 sf

* total is less than 12.64 acres due to 0.03 acres of street dedication for deceleration lane on El Camino Real

The project site is developed with the existing Target store and associated parking lot that is shared with an 1,800 square foot Del Taco drive-thru and 5,400 square foot Denny's. Both eating establishments are located on separate parcels and are not a part of the overall Target parcel. There is a Discount Tire store at the corner of the site at El Camino Real and Vista Way; this commercial building is also on a separate legal lot and includes its own parking.

The Camino Town & Country south parcel has a gently sloping parking lot with supporting retaining walls and manufactured slopes. There is approximately 10 feet of relief across the parking lot, from the northern end at about 93 feet to the southern end at 83 feet mean sea level. This parcel sits above Vista Way with an approximate 20-foot difference near Target, and lies below El Camino Real with nearly a 20-foot difference in elevation where the two buildings are proposed to be located. The preliminary earthwork quantities are 720 cubic yards of cut and 388 cubic yards of fill, with a net export of approximately 260 cubic yards.

There are two existing retaining walls located along the north and east perimeter of the parking lot. The retaining wall at the north end of the parking lot will remain in place, with the construction of a second small retaining wall behind it, against the existing manufactured slope. The purpose of this new wall is to create space for a 4.5-foot wide pedestrian ADA-compliant sidewalk that will provide a walkway connecting the two proposed buildings to the existing Target store. The height of this portion of the new retaining wall will vary from +/- 0.5 feet to 6 feet high. The highest portion of this wall is isolated at the northeast corner of the parcel, behind where the 10,500 square foot building will be located. Here, the proposed retaining wall will range from 6.9 to 7.6 feet high. This new wall will also connect with the existing retaining wall located at the east-end of the lot and run parallel with the El Camino Real alignment.

A second new retaining wall is also proposed farther south along the same El Camino Real alignment, at the toe of the slope. Here, the new wall will connect to, and replace portions of the existing retaining wall with a proposed masonry retaining wall that will descend in height from 7.2 feet to 0.3 feet. The highest portion of the wall is proposed where it will connect to the existing retaining wall located behind the retail shops building. This wall then runs adjacent to the Starbucks' drive-thru and tapers in height as it wraps around the outside perimeter of the drive-thru lane.

Offsite improvements include the following. El Camino Real will be improved with a southbound right-turn deceleration lane into the center. As a result, 0.03 acres of right-of-way will be dedicated to the City of Oceanside to accommodate this lane and a 6-foot wide parkway. At the existing NCTD bus turn-out lane located off Vista Way, a bus boarding pad with waiting shelter will be constructed.

REVISED DEVELOPMENT PLAN

The proposed Development Plan revision includes the addition of two commercial buildings on 1.87 acres of the 12.64-acre south parcel of the Camino Town & Country shopping center.

Architecture:

The two proposed buildings are eclectic, but will utilize California Mission-inspired architectural features. The project architect has designed an appealing and suitable type of architecture as an upgrade to the Camino Town & Country shopping center. High quality colors have been selected along with authentic building materials. Colors such as “pennywise,” “restrained gold,” and “smokey topaz” have been selected for the exterior plaster finish of the buildings. Building materials include clay roof tile, accent tiles, metal canopies, and fabric awnings.

The 10,500 square foot building will have a “step” in the building pad, which separates it into two separate parts or “buildings 1 and 2.” The northern part of this building will consist of 6,500 square feet of leasable area for a retail use and includes one store entry. The southern part of this building includes 4,000 square feet of leasable area for retail or potential eating and drinking establishments. This portion of the building consists of three separate suites at about 1,330 square feet of area each with an individual store entry. For visual interest, each suite will be designed with a different storefront that may include any combination of columns, metal canopy, flat roof, gable roof, an arch, and/or accent tile. The 1,804 square foot building is proposed as an eating and drinking establishment with drive-thru. A Starbuck’s drive-thru is currently proposed in this building. The architectural design, colors, and materials will be the same as the other building. An additional feature is the “pick-up” window on the north side of the drive-thru that is designed with an overhead trellis supported by columns.

Landscaping:

Landscaping will be added to the existing parking lot and surrounding the two new buildings. For a Community Commercial zoning district, a minimum of 15% landscaping is required on a site more than five acres in size. With the proposed project, 22% of the site will be devoted to landscaping. The existing landscaping theme (i.e., plant species) on this parcel will be maintained, but with the introduction of more palm trees throughout. A select number of existing landscape islands and parking spaces in the parking lot will be replaced by new islands. These new islands will be planted with palm and shade trees, shrubs, and groundcover. The landscaping located on the manufactured slopes above the parking lot will remain, with the exception of the slope area below El Camino Real and the proposed retaining wall. Here, trees, shrubs, and groundcover will be added to compliment the rest of the center. Outdoor patio areas are designated in front of the 10,500 square foot shops building and adjacent to the Starbuck’s building north of the drive-thru. Potted plants are proposed for the Starbuck’s patio. Landscaping is also proposed to provide substantial screening of the trash enclosures.

Parking:

The proposed project exceeds minimum parking requirements by 17 spaces. The following is a breakdown of the required and proposed parking for the Camino Town & Country south portion of the shopping center. Even though the existing Del Taco and Denny’s restaurants are on separate legal lots than the three proposed parcels, the parking lot is shared with these two commercial uses.

Use	Building Size (sf)	Parking Ratio	Required	Proposed
Retail: Target	106,994	1/250	428	
Retail: "Building 1"	6,500	1/250	26	
Eating & Drinking: "Building 2"	4,000	1/100	40	
Eating & Drinking: Denny's	5,400	1/100	54	
Eating & Drinking: Building "3"	1,804	1/100	18	
Eating & Drinking: Del Taco	1,800	1/100	18	
total	126,498		584	601

As required by the City, a truck loading space is provided in the parking lot in proximity to the proposed buildings. There will be two trash enclosures to serve the new buildings - one at either end of the parking lot. The trash enclosures will be easily accessible to tenants and will be shielded from public view with landscaping and color to match the buildings.

VARIANCE

A Variance is being request to exceed the maximum wall height of 6 feet as required by Section 3040 of the Zoning Ordinance. Two new retaining walls are proposed at the north and east perimeters of the parcel. There is a portion of one of the retaining walls that will have a maximum wall height of 7.6 feet. The other retaining wall is proposed at the southeast perimeter of the site and will measure 7.2 feet at its highest point. Both retaining walls will not be visible since they will be located at the rear of the two new buildings, at the toe of the manufactured slopes. These walls are not required to be planted since they will not be visible from any public right-of-way or residential district nearby. For example, El Camino Real lies at a varying elevation from approximately 20 feet to 4 feet above this portion of the shopping center. There are existing retaining walls already located in this area of the center that are necessary to support the manufactured slopes above.

CONDITIONAL USE PERMIT

A Conditional Use Permit (CUP) is being requested to permit a drive-thru in conjunction with the Starbuck's restaurant. A Community Commercial zoning district conditionally permits an eating and drinking establishment that includes a drive-thru. The building pad and drive-thru lane configurations will accommodate a minimum of seven cars.

JUSTIFICATION

The project will improve and revitalize an existing and older commercial center with the addition new retail shops and restaurant buildings. It will benefit the City by providing both increased sales tax revenue and additional local services for the surrounding area residents.

Findings for a Revised Development Plan:

1. *That the site plan and physical design of the project as proposed is consistent with the purposes of the Zoning Ordinance.*

The modifications to the Camino Town & Country south portion of the shopping center are consistent with the applicable development regulations contained within the Zoning Ordinance.

2. *That the revised Development Plan as proposed conforms to the General Plan of the City.*

The revision to the shopping center to incorporate two new commercial buildings is in conformance with the goals, policies, and objectives of the General Plan.

3. *That the area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities.*
The proposed buildings and other proposed improvements will be adequately served by existing public services, utilities, and facilities.

4. *That the project as proposed is compatible with existing and potential development on adjoining properties or in the surrounding neighborhood.*

The addition of two new buildings is compatible with the existing and surrounding commercial development and will provide services for people living and working within the vicinity.

Findings for Variance:

The City of Oceanside stipulates that three specific findings must be made before a Variance can be approved to exceed maximum wall height. The proposed findings are as follows:

1. *That because of special circumstances or conditions applicable to the development site - including size, shape, topography, location or surroundings - strict application of the requirements of this ordinance deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.*

The proposal for two new buildings will be located in a currently developed shopping center. Existing conditions with the topography such as a steep manufactured slope at the perimeters of the parcel warrant the installation and replacement of retaining walls higher than six feet. Portions of the walls for which the Variance is being requested will not have a visual impact from within or outside the center.

2. *That granting the variance will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.*

The granting of this Variance will not be detrimental or injurious to property or improvements in the vicinity. The Variance request results from site conditions and allows for designated commercial use of the property as established in the City's General Plan. Exceeding wall height is necessary in certain areas on site to maintain a manufactured slope between the two proposed structures and El Camino Real. Granting this Variance will allow the safe development of the site and ensure that the public health, safety, and welfare will be maximized.

3. *That granting the variance is consistent with the purposes of the Zoning Ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.*

Granting the Variance would accommodate a commercial development that meets the purposes of the Community Commercial zoning district while addressing specific site conditions associated with the parcel. The Variance is a direct result of special circumstances associated only with the project site and will not grant the applicant a special privilege that other property owners were not afforded.

Findings for Conditional Use Permit:

The following findings are in support of the Conditional Use Permit for an eating and drinking establishment drive-thru:

1. *That the proposed location of the use is in accord with the objectives of City ordinances and the purposes of the district in which the site is located.*

The drive-thru service will be located on a commercially designated and zoned property which provides for a variety of commercial uses. The site has access via the Circulation Element roadways of El Camino Real and Vista Way. The subdivided parcel for this use includes ample, centrally located parking to meet the needs of the customers while not impacting other uses. The proposed use is therefore in compliance with the Zoning Ordinance and appropriate for a site of this nature.

2. *That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.*

The proposed Conditional Use Permit is consistent with the General Plan in that it contributes to the ability of the project to provide a variety of retail and commercial services in an efficient manner. It will not be detrimental to the public health, safety, or welfare nor will it be detrimental to improvements in the vicinity. The use will be accessed from an

internal site circulation system with no curb cuts from public roads directly to it. The drive-thru will comply with all regulations that apply to its use.

3. *That the proposed conditional use will comply with the provisions of City ordinances, including any specific condition required for the proposed conditional use in the district which it would be located.*

The proposed conditional use will comply with appropriate City Ordinances and conditions as approved by the Planning Commission and/or City Council.

SCHEDULE A
LEGAL

Order No: 53040428 U50

Your Ref: EL CAMINO REAL SUBDIVISION

1. The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

2. Title to said estate or interest at the date hereof is vested in:

MILAN REAL ESTATE INVESTMENTS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

3. The land referred to in this report is situated in the State of California, County of SAN DIEGO and is described as follows:

PARCEL 2: (APN: 165-013-09 & 10)

PARCELS C1 AND C2 OF PARCEL MAP NO. 4661, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING A DIVISION OF PARCEL C OF PARCEL MAP NO. 4110, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO OFFICIAL PLAT THEREOF.

PARCEL 3: (APN: 165-013-07)

PARCEL "B" OF PARCEL MAP NO. 4110, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING A DIVISION OF A PORTION OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO OFFICIAL PLAT THEREOF.