

AMENDED USE PERMIT
UP2018-17
(amendments in bold italic)

CITY HALL, CIVIC CENTER
FAIRFIELD, CA 94533

PANATTONI DEVELOPMENT COMPANY INC. is hereby granted a **Use Permit (UP2018-17)** to construct a building with a height of 52-feet **and permit *Wholesale, Storage and Distribution: Light or Medium and Manufacturing and Assembly: Medium uses*** in the **IBP-NC (Industrial Business Park – North Cordelia)** Zoning District on property located on **Business Center Drive (APNs: 0148-540-250, -260, -300)** under the provisions of Section 25.40.6 of the Zoning Ordinance.

This grant is made pursuant to the application of **PANATTONI DEVELOPMENT COMPANY INC** on file in the Department of Community Development and is subject to compliance with the following conditions:

1. Operation of the building **and use** shall be substantially in accord with the petition for Use Permit and plans dated "Received, September 27, 2019" except as modified by conditions stated herein;
2. Compliance with the Conditions of Approval for Development Review (DR2019-5);
3. Compliance with the **IBP-NC (Industrial Business Park – North Cordelia)** zoning provisions that are applicable to this site;
4. Operation of the use shall be in compliance with all State and City Codes;
5. The Use permit shall be obtained and shall be continually exercised in such a manner that the following conditions are fully complied with:
 - a. The Use Permit was obtained without fraud or misrepresentation; and
 - b. The Use Permit has been exercised by the person(s) granted the Use Permit or his representative, successors, or assignees, in compliance with the conditions of approval, and in accordance with any statute, ordinance, law, or regulation not excused by the Permit; and
 - c. The Use Permit is being or has been exercised in a manner which is not to be detrimental to the public health, safety, and general welfare or so as not to constitute a nuisance.
6. **PANATTONI DEVELOPMENT COMPANY INC., and property owner(s), and their successors in interest**, shall indemnify, defend and hold harmless the City, its officials, officers, agents and employees (collectively "Indemnitees") from and against any and all claims, actions, lawsuits, damages, losses and liabilities arising or resulting from the granting of this permit by

the City, the performance of the use authorized by this permit or the exercise of the rights granted by this permit. This indemnification obligation shall include, but not be limited to, paying all fees and costs incurred by legal counsel of the City's choice in representing the Indemnitees in connection with any such claims, actions or lawsuits, any expert fees, and any award of damages, judgments, verdicts, court costs or attorneys' fees in any such claim, action or lawsuit. The City shall promptly notify **PANATTONI DEVELOPMENT COMPANY INC. and property owners** of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. In the event such a legal action is filed, the City shall estimate its expenses for litigation. **PANATTONI DEVELOPMENT COMPANY INC. or property owners** shall deposit such amount with the City or enter into an agreement with the City to pay such expenses as they become due.

PANATTONI DEVELOPMENT COMPANY INC. and property owners shall reimburse the City, and each of the Indemnitees for any and all legal expenses and costs incurred by it in enforcing the indemnity herein provided.

Approved by action of the City of Fairfield on the 4th day of February, 2020 (effective date of permit).

The Use Permit is automatically revoked and terminated unless used within twenty-four (24) months from date of approval.

HARRY T. PRICE, MAYOR

ATTEST:

CITY CLERK