

RESOLUTION NUMBER R-289993

ADOPTED ON APRIL 21, 1998

WHEREAS, Hal Pollard appealed the decision of the Planning Commission in granting Conditional Use Permit and Otay Mesa Development Permit No. 96-7579 submitted by Imperial Industrial Group, Ltd., Owner/Permittee, for the purpose of implementing various site improvements as necessary to allow the Owner/Permittee to temporarily operate and maintain a seized vehicle storage and limited auction facility for the US Marshal Service, including 5,000 vehicle storage parking spaces, a 4,000-square-foot (one-story) office/administrative building and other corresponding site features and improvements, located on the north side of Airway Road, approximately 1,400 feet west of (future) State Route 905, and legally described as Parcel 2 of Parcel Map No. 17908, in the Otay Mesa Community Plan area, in the OMDD-I (General Industrial Subdistrict) Zone; and

WHEREAS, the matter was set for public hearing on April 21, 1998, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Conditional Use Permit and Otay Mesa Development Permit No. 96-7579:

OTAY MESA DEVELOPMENT (OMD) PERMIT FINDINGS:

A. The application is complete and conforms with all city regulations, policies, guidelines, design standards and density.

The temporary land use (i.e. creation of a seized vehicle storage and limited auction facility for the U.S. Marshall Service), site improvements and project intensity comply with the adopted development regulations, standards and policies in effect for this site per the Otay Mesa Planned District Ordinance, the Otay Mesa Community Plan, and all other City regulations, policies and guidelines, applicable to this site, with the exception of the proposed use of decomposed granite (DG) within the vehicle storage area in lieu of permanent paving.

The use of the facility for vehicle storage is, with approval of a conditional use permit, considered a permitted use within the Industrial Subdistrict zone of the Otay Mesa Development District Ordinance. The corresponding accessory use of the facility for vehicle auction activities is permitted via a Conditional Use Permit.

Conditions contained within CUP/OMDD Permit will ensure that the project will not adversely affect surrounding properties, which are also zoned for light industrial development.

B. The proposed use and project design meet the purpose and intent of the Otay Mesa Development District and the Otay Mesa Community Plan.

Both the Otay Mesa Development District (Otay Mesa PDO) and the adopted Otay Mesa Community Plan designate the project site for light industrial development consistent with development requirements and standards of the underlying OMDD-I Zone. Although the proposed vehicle auction use is not specifically addressed by the community plan, the use of the site for vehicle storage with an accessory auction component is considered to be generally consistent with the industrial designation on the property.

The size and location of the project site would contribute significantly to achieving the goal of accommodating seized vehicle storage and sales facilities in this area of the City. Therefore, the seized vehicle and auction use of this site (and associated improvements) is considered to be consistent with the light industrial character of this portion of the Otay Mesa Development District.

The proposed vehicle storage and auction use accompanying site plan and associated improvements fully satisfy the general intent of the Otay Mesa Development District (Otay Mesa Planned District Ordinance) and the adopted Otay Mesa Community Plan relevant to land use intensity and site design.

C. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other property in the vicinity.

The draft CUP/OMD permit for this project includes a number of conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the Municipal Code in effect for this site to assure that the project will not adversely affect the health, safety and general welfare of persons residing or working in the area. These conditions include limitations placed upon the type and intensity of land use, maximum

allowed hours of operation (i.e. auction), minimum standards for site landscaping, vehicle access, building setbacks, customer and staff parking facilities, lighting, security fencing, public improvements along Airway Road, and the provision of adequate on-site drainage facilities (i.e. stormwater detention basin in the southwest corner of the site).

Additionally, the use of this site for a seized vehicle storage and limited auction facility would be compatible with the existing and planned light industrial character of the surrounding area per land use designations of the Otay Mesa PDO and the adopted Otay Mesa Community Plan and therefore, it is concluded that the project would not adversely affect other property in the vicinity.

D. The proposed use will comply with the relevant regulations in the San Diego Municipal Code.

The proposed project design and interim use of this site for a government operated seized vehicle storage and limited auction facility is consistent with the relevant use and development design regulations of the Municipal Code in effect for this site, including various requirements as specified by the adopted Otay Mesa Planned District Ordinance (Otay Mesa Development District), the Otay Mesa Community Plan, applicable State CEQA guidelines and the City of San Diego Progress Guide and General Plan.

The use of decomposed granite (DG) for the vehicle storage area, in conjunction with paved transitions to the public right-of-way at the project access points along Airway Road, will provide sufficient protection and dust control while allowing future development options for the applicant at the end of this 10 year use permit.

The project design would comply with applicable requirements of the City's Landscape Technical Manual (LTM) and public/private improvement standards of the City Engineer.

E. A plan for the financing of public facilities as provided in San Diego Municipal Code section 103.1102(B) of this District has been approved by the City Engineer.

A public facilities financing plan was approved by the City Engineer concurrent with previously recorded final maps within this area. However, to implement the subject project, certain improvements are required, including perimeter site landscaping, chain-link security fencing, paving, and security lighting. These improvements comprise development activities for which Development Impact Fees (DIF) may be charged.

The DIF for this area is based upon an estimate of project induced impacts to the Otay Mesa Community requiring additional transportation, fire and/or police facilities. The impacts (and therefore the fees) for this specific project have been determined to be equivalent to 35 percent of those per industrial acre for the community. The DIF fees are further prorated to accommodate the length of the permit as a portion of 15 years at which point such uses are considered permanent.

Therefore, in accordance with Resolution No. R-284392, adopted by the City Council on August 2, 1994, the project/use has been conditioned in the associated OMD/CUP permit to fully comply with the applicable Development Impact Fees in effect for this portion of the Otay Mesa Community.

CONDITIONAL USE PERMIT (CUP) FINDINGS:

A. The proposed use will not adversely affect the neighborhood, the City's General Plan or the community plan and, if conducted in conformity with the conditions provided by the corresponding permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area.

The draft OMD/CUP permit prepared for this project includes a number of conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the Municipal Code in effect for this site and to assure the health, safety and general welfare of persons residing or working in the area. These conditions include limitations upon the type and intensity of land use permitted, maximum floor area ratio (square-footage), maximum building height, permitted hours of operation, minimum standards for site landscaping, parking, building setbacks and signage, and limitations on site grading.

The overall design and siting of the proposed vehicle storage/auction facility (and corresponding site improvements) would be compatible with existing and planned light-industrial development within this portion of the Otay Mesa Community.

Therefore, it is concluded that (with adoption of the draft OMD/CUP permit conditions and corresponding Exhibits "A" prepared for the development) the proposed project will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other properties in the immediate vicinity.

B. The proposed use will comply with the relevant regulations of the San Diego Municipal Code in effect for this site.

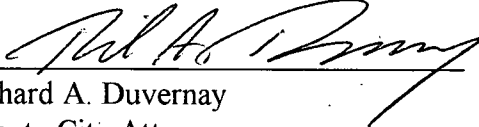
The proposed project design and interim use of this site for a government operated seized vehicle storage and limited auction facility is consistent with the relevant use and development design regulations of the Municipal Code in effect for this site, including various requirements as specified by the adopted Otay Mesa Planned District Ordinance (Otay Mesa Development District), the Otay Mesa Community Plan, applicable State CEQA guidelines and the City of San Diego Progress Guide and General Plan.

The project design would also comply with applicable requirements of the City's Landscape Technical Manual (LTM) and public/private improvement standards of the City Engineer. No variances or deviations of the existing zone on the property will be necessary in order to implement the project design. Therefore, it is concluded that the project will fully comply with the relevant regulations of the Municipal Code in effect for this site.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the appeal of Hal Pollard is denied; the decision of the Planning Commission is sustained; and Conditional Use Permit and Otay Mesa Development Permit No. 96-7579 is hereby granted to Imperial Industrial Group, Ltd., under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

RAD:lc
04/28/98
Or.Dept:Clerk
R-98-1203
Form=permitr.frm

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES**

**AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CONDITIONAL USE AND OTAY MESA DEVELOPMENT
PERMIT NO. 96-7579
U.S. MARSHALL SERVICE SEIZED VEHICLE STORAGE AND AUCTION FACILITY
CITY COUNCIL**

This Conditional Use and Otay Mesa Development Permit is hereby granted by the San Diego City Council to IMPERIAL INDUSTRIAL GROUP, LTD, Permittee/Owner, under conditions specified in Sections 103.1100 and 101.0510 of the Municipal Code of the City of San Diego.

Permission is hereby granted by the San Diego City Council to the referenced Owner/Permittee to implement various site improvements (as described in condition No. 1 of this permit) as necessary to temporarily (ten years) operate and maintain a seized vehicle storage and limited auction facility for the U.S. Marshall Service on a vacant, previously graded 31-acre site located on the north side of Airway Road, approximately 1,400 feet west of (future) State Route 905, within the OMDD-I (General Industrial Subdistrict) Zone of the Otay Mesa Community Plan Area (Otay Mesa Planned District). The project site is legally described as Parcel 2 of Parcel Map No. 17908.

1. This permit shall consist of the following facilities and site improvements as identified by size, dimension, quantity and location on the associated approved Exhibits "A," dated April 21, 1998, on file in the Office of Development Services:
 - a. Finished site grading of approximately 25,000 cubic yards of balanced cut/fill material. No export/import material or retaining/crib walls will be required to implement the project design; and
 - b. A maximum 5,000 seized vehicle storage/parking spaces, including a sales area (i.e. vehicle auction area), salvage area and a 550 space vehicle disposal area in the central portion of the site. This area shall be paved with decomposed granite (minimum 3/4 inch) at a minimum thickness of four inches upon initial dispersement; and
 - c. A maximum 200 space vehicle receiving area along the east side of the site. This area shall also be paved with decomposed granite at a size and thickness consistent with preceding item 1.b; and
 - d. A maximum 355 space (asphalt paved) surface parking area (approximately 3.9 acres) for customers and staff of the facility; and

- e. A maximum 4,000-square-foot (maximum 14-foot-high) office/administration building with a paved foundation; and
- f. Twenty security pole light stands within the parking area of the facility (1,000 watt high pressure sodium lamps); and
- g. Monument signage along the project frontage on Airway Road; and
- h. Two (30-foot-wide) commercial driveway entrances and one (20-foot-wide) right turn "exit-only" driveway along the project frontage on Airway Road; and
- i. Perimeter site landscaping and permanent irrigation systems; and
- j. A stormwater detention basin in the southwest corner of the site; and
- k. A 10-foot-high vinyl-coated chain link security fence with dark green shade cloth for visual screening (minimum 85 percent impervious to light and guaranteed for five years) around the entire site perimeter; and
- l. A series of six-foot-high vinyl-coated chain link fences along various portions of the site interior to separate vehicle sales, salvage, disposal and customer/staff parking areas; and
- m. Monthly auction activities (refer also to Condition No. 31 of this permit); and
- n. Accessory improvements determined by the City Manager (or designated representative) to be consistent with the land use and development standards in effect for this site per the adopted Otay Mesa Community Plan, the Otay Mesa Planned District Ordinance, the underlying OMDD-I Zone, State CEQA guidelines, the City's Landscape Technical Manual, public and private improvement standards of the City Engineer, conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site at the time the accessory improvement(s) are submitted.

2. All improvement plans shall be fully implemented by the Permittee in substantial conformance to the approved Exhibits "A," dated April 21, 1998, on file in the Office of Development Services, for this project, as determined by the City Manager. No change, modifications or alterations of the approved plans for this project shall be made unless appropriate application(s) for either Substantial Conformance Review (SCR) to the approved Exhibits "A," dated April 21, 1998, on file in the Office of Development Services, for this project or an amendment(s) of this permit shall have been granted by the appropriate decisionmaker.

3. If any proposed landscaping on site (including pavement, hardscape, landscape features, etc.) as indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size by the Permittee per the approved plans within 30 days. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of

removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager (or designated representative).

4. All approved landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered, unless otherwise approved by Development Services. The Permittee, or subsequent owner, shall be responsible for maintaining all street trees and landscape improvements consistent with the standards of the *Landscape Technical Manual*.

5. Prior to the issuance of any building permits, complete landscape construction documents, including plans, details and specifications, shall be submitted to Development Services for approval. The plans shall be in substantial conformance to the approved Exhibit "A," dated April 21, 1998, on file in the Office of Development Services, approved for the project as determined by the City Manager (or designated representative).

6. All outdoor lighting on the property shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

7. Operation of the approved use of this site shall comply at all times with the regulations of this or any other governmental agencies.

8. The property described herein this permit shall not be used for any other purposes than those described herein, unless:

- a. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- b. The permit has been revoked by the City.

9. This Permit may be revoked by the City if there is a material breach or default in any of the conditions this permit.

10. Prior to the issuance of any building permits, the Permittee shall:

- c. Sign and return the permit to Development Services; and
- d. Record the permit in the Office of the County Recorder.

11. This Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.

12. The issuance of this permit by The City of San Diego does not authorize the Permittee for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et. seq.).

13. This permit and corresponding interim use of this site for a seized vehicle storage and auction facility shall expire on April 21, 2008. Upon expiration of this permit, all on-site facilities and above grade improvements shall be removed from the site. In addition, the site shall be certified by a licensed environmental consulting

agency to be free of contaminants that may result from the temporary use of the site, in a manner satisfactory to Development Services.

Prior to the expiration date of this permit, the Permittee may submit to Development Services for an Extension of Time (EOT) permit to allow the uses and improvements described herein to continue operating on this site for an extended period of time to be determined by the Planning Commission. Any request for an EOT shall require the Permittee to prepare a new traffic study to evaluate project related impacts on the surrounding roadway system, including the possible need to implement improvements on Airway Road along the project frontage.

14. Upon expiration of (and prior to renewal) of this Permit via an Extension of Time, the Permittee shall pay a subsequent portion of the Otay Mesa Development Impact Fee applicable to this project per Resolution Nos. R-284185 and R-284392, to the satisfaction of Community Planning and Development.

15. Prior to occupancy of the site for any of the uses and facilities approved herein by this permit, the Permittee shall demonstrate compliance with the following requirements, in a manner satisfactory to the City Manager:

- a. Provide a surety bond, in the amount equal to the landscaping contract for the site (plus ten percent administrative costs) to Development Services. The bond will be released to the Permittee on a date no later than the expiration date of this permit or subsequent to a determination by Development Serves (via field inspection) that all landscape and irrigation improvements have been completed in accordance with the approved Exhibits "A," dated April 21, 1998, on file in the Office of Development Services, for the project.
- b. Complete payment to the City's Community Planning Division of all Development Impact Fees, Water and Sewer fees, and any other municipal development fees applicable to this project.
- c. Complete the dispersement of all decomposed gravel paving on site at a minimum thickness of four-inches upon initial dispersement;
- d. Provide written confirmation indicating that approval has been obtained from the Otay Water District for this project.
- e. Install perimeter chain link fencing, landscaping features and permanent irrigation systems in accordance with the approved Exhibits "A," dated April 21, 1998, on file in the Office of Development Services.

16. Prior to occupancy of the site for any of the uses and facilities approved herein by this permit, the Permittee shall demonstrate compliance with the following requirements, in a manner satisfactory to the City Manager:

- a. Obtain final inspection(s) and approval(s) from Development Services for all required site landscaping and permanent irrigation improvements as indicated on the approved Exhibits "A," dated April 21, 1998, on file in the Office of Development Services.

- b. Obtain final inspection(s) and approval(s) from the City Engineer, as required, to indicate the completion of all construction activities necessary to connect with the existing public sewer system located in the adjacent public right-of-way.
 - c. Install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. A looped system shall be installed by the developer if more than two fire hydrants are located on a dead-end main.
 - d. Provide fire access roadways on site in accordance with BFLS Policy A-96-1 (UFC 902.1).
 - e. Ensure that a sliding security gate to each driveway along Airway Road will be provided (including a "Knox" padlock or a non-tempered metal lock capable of being cut with bolt cutters).
 - f. Install visible pole signage along the project frontage on Airway Road (within the public right-of-way) indicating the prohibition of vehicle parking along the streetside.
 - g. Construct an AC berm and three commercial driveways to the site along Airway Road (in accordance with San Diego Regional Standard drawings G-16 and SDG-114), in a manner satisfactory to the City Engineer. The most westerly driveway (20 feet wide) shall be designated and properly signed as a right-turn "exit-only" driveway.
 - h. Provide building address numbers, visible and legible from the project frontage along Airway Road (UFC 901.4.4).
17. If the Permittee for this project fails to comply with any one of the conditions contained herein, as determined by the City Manager, then the entire permit shall be deemed void and the Permittee will be instructed to immediately cease all activities on the project site.
18. Prior to the issuance of any building permits, the Permittee shall obtain an encroachment removal agreement from the City Engineer for all landscaping (and appurtenances thereto), located within the public right-of-way on Airway Road.
19. Prior to the issuance of any building permits, the Permittee shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for all grading proposed for this project. All grading shall conform to requirements in Section 62.0401 - 62.0423 of the City's Municipal Code, in a manner satisfactory to the City Engineer.
20. The drainage system proposed for this development, as shown on the plans, is subject to approval by the City Engineer.
21. The Permittee shall construct a stormwater detention basin in the southwest corner of the site (see Exhibit "A," dated April 21, 1998, on file in the Office of Development Services), the design, location, and size of which is subject to approval by the City Engineer. The design shall be such that the discharge from the improved area will be no more than the discharge would have been from the land in the unimproved state.

22. Prior to building occupancy, the Permittee shall conform to Section 62.0203 of the Municipal Code, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the Owner shall obtain the permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

23. Prior to the issuance of building permits, the Permittee shall complete the payment of school fees, pursuant to California Government Code section 53080. The purpose of said fees is to assist in the funding of school construction activities in the Sweetwater Union High School District.

24. Prior to the issuance of any building permits, the Permittee shall assure (by permit and bond) the installation of 100 feet of left turn pocket with appropriate transition for the southbound to eastbound traffic at the intersection of La Media Road and Airway Road, in a manner satisfactory to the City Engineer.

25. Prior to the issuance of any building permits, the Permittee shall assure (by permit and bond) the installation of 100 feet of left turn pocket with appropriate transitions on Airway Road at the project driveways, in a manner satisfactory to the City Engineer.

26. The preceding transportation mitigation measures (conditions 24 and 25) may require additional fees/deposits to be collected by Development Services prior to the issuance of any grading or building permits to ensure successful implementation of the project's monitoring program.

27. Prior to issuance of any certificate of occupancy for this facility, the Permittee shall provide an Irrevocable Offer of Dedication (IOD) to the City for 29-feet of additional right-of-way on the north side of Airway Road along the project frontage in order to accommodate 49 feet from centerline to property line for the future widening of Airway Road as a four-lane major roadway (78-feet/98-feet). In addition, the Permittee shall enter into a deferred improvement agreement with the City to widen the northern half of Airway Road along the project frontage when needed, as determined by the City Engineer. The Permittee shall also be required, to assure (by permit and bond) the installation of an A.C. berm on the north side of Airway Road along the project frontage, in a manner satisfactory to the City Engineer.

28. The City of San Diego Engineering and Capital Projects Department will be making a drainage study of the Otay Mesa Border area. The extent of the area to be studied shall be determined by the City Engineer. The study shall propose a method to control runoff across the international border. A method of financing the design, construction and maintenance of these facilities shall be established, and this Permittee may be required to contribute money for this purpose, either through a development agreement or other means as determined by the City Engineer. In order to accomplish this, the Permittee shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for these flood control improvements.

29. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 92-08-DWQ (NPDES General Permit No. CAS000002), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan (SWPPP) and a Monitoring Program Plan shall be developed by the Permittee and implemented concurrently with the commencement of

grading activities on site and a complete and accurate Notice of Intent (NOI) shall be filed with the SWRCB. A copy of the acknowledgment from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received.

In addition, the Owner and subsequent owner(s) of any portion of the property covered by this permit and by SWRCB Order No. 92-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in Section C.7 of SWRCB Order No. 92-08-DWQ.

30. The proposed office/administration building on site shall include restrooms that shall be available to the general public during vehicle auction activities on site. Restrooms shall be connected to existing water and sewer mains in the adjacent public right-of-way on Airway Road. No temporary restroom facilities (i.e. portable restrooms) shall be permitted on site.

31. A maximum of three vehicle auctions per month shall be permitted on site. Two of the auctions shall consist of salvage auctions for vehicles valued below a certain amount (to be determined by the U.S. Marshall Service), including inoperable vehicles. One auction per month may be open to the public for the sale of up to a maximum of 400 seized vehicles over the course of the day. All vehicles purchased during this auction period must be removed from the premises before the end of the day on which the vehicle was purchased. All three auctions shall be held only on weekday mornings and shall conclude prior to 12:00 p.m.

32. All of the conditions contained in this Permit have been considered and have been determined by the City Council to be necessary in order to make the findings required to approve this permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of this Permit.

33. The project shall comply with Section 101.0216 (Topographical Survey Requirements) of the Municipal Code and all building plans shall be predicted upon said concurrently submitted topographical survey. Said topographical survey (and accompanying grading plan) shall accurately depict both pre-existing grade and finished grade as set forth in Section 101.0101.24 of the Municipal Code.

34. All parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated April 21, 1998, on file in the Office of Development Services. Parking spaces shall comply at all times with Chapter X, Article 1, Division 8, of the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

35. There shall be compliance with the regulations of the underlying zone on the property. Where there is a conflict between a provision of this permit (including exhibits) and a regulation of the underlying zone, the regulation shall prevail unless the provision was specifically approved as part of this permit.

36. All signs proposed for this project shall conform to the City-wide Sign Regulations and be administered by Development Services.

Passed and adopted by the Council of The City of San Diego on April 21, 1998, by Resolution No. R-289993.

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AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

IMPERIAL INDUSTRIAL GROUP, LTD.
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

4/28/98

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