

Exhibit H

**CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT**

**CONDITIONS OF APPROVAL
JULY 20, 2022**

**VESTING TENTATIVE TRACT MAP NO. 6410
“A PLANNED DEVELOPMENT”**

Located on the north side of East Church Avenue, east of South Peach Avenue

All vesting tentative maps are subject to the applicable provisions of the State Subdivision Map Act, Fresno Municipal Code, City policies, and City of Fresno Standard Specifications. The following specific conditions are applicable to this vesting tentative tract map.

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code §66020(d)(1), the imposition of fees, dedications, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within 90 days after the date of the imposition of the fees, dedications, reservations or exactions imposed on the development project.

GENERAL CONDITIONS

1. Upon conditional approval of Vesting Tentative Tract Map No. 6410, a 73-lot single-family residential subdivision dated April 19, 2022, the subdivider may prepare a Final Map in accordance with the approved vesting tentative map.
2. The subdivider shall comply with Regulation VIII and Rule 8060 of the San Joaquin Valley Air Quality Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.
3. Submit grading plans and a soils report to the City of Fresno Development and Resource Management Department for verification prior to Final Map approval. Grading plans shall indicate the location of any required walls and indicate the proposed width of required landscape easements or strips. Approval of the grading plan is required prior to Final Map approval.
4. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Development and Resource Management Departments for grading, public sanitary sewer system, public water system, street lighting system, public streets, and storm drainage, including other technical reports and engineered plans as necessary to construct the required public improvements and work and applicable processing fees.

5. Engineered construction plans shall be approved by the City prior to the approval of the Final Map. If, at the time of Final Map approval, such plans have not been approved, the subdivider shall provide performance security in an amount established by the City to guarantee the completion of plans.
6. Public utilities easements, as necessary, shall be shown on the Final Map and dedicated to the City of Fresno. Public utility easements beyond the limits of the Final Map, but required as a condition of development, shall be acquired at the subdivider's cost and shall be dedicated by separate instrument at the time of Final Map approval. The relocation of existing utilities necessitated by the required public improvements shall be paid for by the subdivider. The subdivider is responsible to contact the appropriate utility company for information.
7. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Chapter 15, "Land Divisions;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
8. The subdivider shall pay applicable fees for, but not limited to, plan checks for street improvements and other grading and construction; street trees, street signs, water and sewer service, and inspections in accordance with the City of Fresno Master Fee Schedule (City Resolution No. 79-606 and No. 80-420) and any amendments, modifications, or additions thereto; and in accordance with the requirements of State law as related to vesting tentative maps.
9. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the Fresno Municipal Code (FMC) and the State Subdivision Map Act. The subdivider shall complete all the public improvements prior to the approval of the Final Map by the City. If, at the time of Final Map approval, any public improvements have not been completed and accepted in accordance with the standards of the City, the subdivider may elect to enter into an agreement with the City to thereafter guarantee the completion of the improvements.
10. As a condition of Final Map approval, the subdivider shall furnish to the City a subdivision guarantee listing all parties having any right, title or interest and the nature of their interest per State law.

MITIGATION MONITORING REQUIREMENTS

11. Vesting Tentative Tract Map No. 6410 dated April 19, 2022 is subject to compliance with the mitigation measures established by the adoption of the Mitigated Negative Declaration prepared for Environmental Assessment No. P22-00958/T-6410 dated May 20, 2022.

GENERAL INFORMATION

12. When the grading plan establishes a top of slope beyond the required landscape easement noted and the construction of the required wall is to be established coincident with the top of slope, then the required minimum easement width shall be expanded to include the full landscaped area up to the wall location.
13. The long-term maintenance of all the items listed below is the ultimate responsibility of the owner/developer.
 - a) The property owner shall be responsible for providing for the maintenance of all landscaping and hardscaping located within proposed Outlots associated with the proposed project.
 - b) The property owner shall be responsible for providing for the maintenance of all landscaping and hardscaping located in any entry median island or traffic medians located within the project.
 - c) The property owner shall be responsible for providing for the maintenance of the curbs and gutters, valley gutter, sidewalks, street lights and street signage within any local public street rights-of-way associated with the project.
 - d) The property owner shall be responsible for providing for the maintenance of all street trees within any local public street rights-of-way associated with the project.
14. Maintenance of the required landscape easements, streets, curbs and gutters, sidewalks, medians, and street furniture may be the responsibility of the City's Community Facilities District. Contact the Public Works Department, Engineering Services Division, at 559-621-8695 for information regarding the City's Community Facilities District. The property owners may petition the City for annexation to the City's Community Facilities District prior to Final Map approval.
15. If the developer/subdivider elects to petition for annexation into the City's Community Facilities District, the subdivider/owner shall be required to provide the City of Fresno, Department of Public Works, with copies of signed acknowledgments from each purchaser of a lot within the subdivision, attesting to the purchasers understanding that the lot will have an annual maintenance assessment and that he/she is aware of the estimated amount of the assessment. The subdivider/owner shall execute and record a covenant on each lot providing notice that the subject property is subject to annual payment of the Community Facilities District assessment.
16. Should the City Council not approve the annexation of any or all of the maintenance items listed above, then the property owner/subdivider shall create a homeowners association for the maintenance of these items and proposed private streets, utilities, and walls/gates. The proposed Declaration of Covenants,

Conditions, and Restrictions (CC&Rs) and the proposed instruments for the homeowners association shall be submitted to the Planning and Development Department for review two weeks prior to Final Map approval. Said documents shall be recorded with the Final Map or alternatively submit recorded documents or documents for recording prior to final acceptance of subdivision improvements. Said documents shall include assignment of responsibility to the homeowners association for landscaping and other provisions as stated in the Planning and Development Department Guidelines for preparation of CC&Rs dated January 11, 1985.

17. The proposed landscape and pedestrian easements along the major street frontages of the subdivision shall be identified as Outlots to be dedicated to the City of Fresno, in fee, for public landscape, pedestrian, and utility purposes on the Final Map. The City Engineer may discretionarily require modification to other public easements proposed when/where such easements are preferred to be identified as Outlots to be dedicated to the City, in fee.

Walls/Fences/Landscaping

18. Provide and dedicate a minimum 15-foot-wide landscape outlot ("Outlot D") for public landscape purposes (and irrigation system) along the southern (rear) property lines of lots with frontage along East Church Avenue (Lots 1 through 12 of Vesting Tentative Tract Map No. 6410 dated April 19, 2022). Outlot D shall decrease to 10 feet wide along the street side yard of Lots 1 and 12 pursuant to FMC Section 15-4105.G.2.a. Outlot D shall be located adjacent to the "sidewalk pattern" within the adjacent public street rights-of-way and shall incorporate street trees to shade the adjacent sidewalks in accordance with Public Works standards, specifications, and policies.
19. Provide and dedicate minimum 15-foot-wide landscape outlots ("Outlot C" and "Outlot E") for public landscape purposes (and irrigation system) along the southern (street side yard) property lines of lots with frontage along East Church Avenue (Lots 13 and 73 of Vesting Tentative Tract Map No. 6410 dated April 19, 2022). Outlots C and E shall be located adjacent to the "sidewalk pattern" within the adjacent public street rights-of-way and shall incorporate street trees to shade the adjacent sidewalks in accordance with Public Works standards, specifications, and policies.
20. Provide and dedicate between a 29- and 36-foot-wide outlot ("Outlot B") for public bicycle, pedestrian and landscape (trail) purposes (and irrigation system), pursuant to requirements of the Department of Public Works memorandum dated May 5, 2022. Outlot B shall be located adjacent and run parallel to the canal along the northern subdivision boundary (as indicated on Vesting Tentative Tract Map No. 6410 dated April 19, 2022).

21. Provide and dedicate an outlet ("Outlet F") for public open space purposes. Outlet F shall be located adjacent north of Lot 70 as indicated on Vesting Tentative Tract Map No. 6410 dated April 19, 2022.
22. Construct a minimum 6-foot-high decorative solid masonry wall (at finished grade of proposed site) pursuant to the solid wall requirements of Section 15-2006 of the FMC. The decorative wall shall be located along the north property line of Lot 29, the north property line of Outlet F (abutting the trail), along the south property line of Outlet F (abutting Lot 70), along the rear of Lots 42, 43, and 44, and along the rear of Outlots C, D, and E as depicted on Vesting Tentative Tract Map No. 6410 dated April 19, 2022 (not including the front yard setback of all adjacent Lots 1, 12, 13, and 73).
23. Lots 42, 43, and 44 are double frontage lots. Show relinquishment of access along the north property lines of said lots on the final map. The north side of lots 42, 43, and 44 is considered a front yard and shall be landscaped.
24. A trail fence shall be constructed along the rear of Outlet B (abutting the canal), pursuant to the Fresno Irrigation District memorandum dated May 9, 2022.
25. Landscaping, which is compliant with the City of Fresno "Anti-Graffiti Landscaped Buffer Development and Planting Standards," shall be required adjacent to all required walls or fences that are accessible to the public and shall be maintained in accordance with the Maintenance Obligations stipulated herein below; or, in a manner which provides appropriate security and is deemed acceptable to both the City of Fresno Planning and Development and Public Works Departments.
26. When the street side yard faces the front yard of a home across the street, a minimum landscape easement of 5 feet is required. A minimum 6-foot masonry wall shall be placed at the rear of the landscape easement. This requirement applies to Lots 30, 39, 44, 54 and 56 pursuant to Section 15-4105.G.2.b of the FMC).

With the exception of those areas which may be eligible for inclusion within the Community Facilities District (CFD) as referenced hereinabove, obligations for retention and maintenance of required end-block landscaped areas or strips for all corner lots shall be the responsibility of the respective property owner(s) on which the landscaped area is located.

- a. Execute a covenant for all properties for which retention and maintenance of an end-block landscaped area or strip on a corner lot, in accordance with Section 15-4105-G-2-b of the FMC, is the responsibility of the respective property owner prior to recordation of a Final Map.

- NOTE: The covenant shall disclose and acknowledge all responsibilities associated with these conditions of approval to

prospective buyers when individual lots are sold and identify terms, as appropriate, to assure compliance. The covenant shall be prepared in a form approved by the City of Fresno.

27. The subdivider is required to provide street trees on all street frontages per Fresno Municipal Code standards and is responsible for the dedication of public planting and buffer landscape easements as determined by the Planning and Development and Public Works Departments.
 - a) Street trees shall be planted at the minimum rate of one tree for each 60 feet of street frontage; or, one tree per home (whichever is greater) by the developer.
 - i) The subdivider is required to provide irrigation for all street trees. The irrigation system shall comply with FMC Section 15-2309.
 - NOTE: Irrigation systems shall comply with the requirements of the California Green Building Standards Code and/or the California Model Water Efficient Landscape Ordinance and/or California Plumbing Code as may be amended.
28. Provide a corner cut-off area at all street intersections in accordance with the requirements of the Fresno Municipal Code. Corner cut-offs are established to provide an unobstructed view for vehicular and pedestrian traffic approaching an intersection. They are a triangular area formed by the property lines and a diagonal line adjoining points on the property lines, measured a specific distance from the point of their intersection.
29. All proposed/required landscape easements, open space areas, pedestrian connection entryways, pathways and/or private on-site landscaping for street tree purposes shall be improved in accordance with landscape improvement plans, which are to be submitted to the Planning and Development and Public Works Departments for review and approval prior to Final Map approval.
 - NOTE: Lighting and fence/wall details for any proposed/required open spaces areas or pedestrian connections shall be provided with the submittal of the landscape improvement plans.
 - a) Any proposed improvements within Pacific Gas & Electric (PG&E) or Fresno Irrigation District (FID) easement areas will require approval by the respective service provider/district agency prior to approval or acceptance by the City of Fresno.
 - i) Easement Encroachment Applications and/or Agreements will be required as dictated by the respective service provider/district agency and will be required to be executed prior to issuance of permits for improvements.

Lot Dimensions

30. Lot dimensions shall match those depicted on Vesting Tentative Tract Map No. 6410 dated April 19, 2022, excepting changes as required per the conditions of approval.

Lot Coverage

31. Lot coverage shall not exceed 60%. Additionally, lot coverage shall comply with the requirements of the Fresno Metropolitan Flood Control District.

Building Height

32. The maximum building height allowed is 35 feet pursuant to the requirement of the FMC.

Building Setbacks

33. Minimum building setbacks shall be in accordance with the RS-5 zone district noted below, and the provisions of FMC Table 15-903-2, unless otherwise noted in these conditions

Front yard:	13 feet to primary façade
Interior side yard:	8 feet total; 3 feet per side
Street side yard:	10 feet
Rear yard:	10 feet
Garage:	18 feet
Garage from primary façade:	4 feet

34. Each side of a building that is visible from a street or park shall be designed with a complementary level of detailing and quality of materials (i.e., if the rear or side yard of a lot abuts a public street, a two-story structure should provide design features on the second story which are consistent with the primary façade).

INFORMATION

35. Prior to the issuance of building permits for the subdivision, school construction fees shall be paid to the Fresno Unified School District in accordance with the school district's adopted schedule of fees.
36. Contact the United States Postal Service for the location and type of mailboxes to be installed in this subdivision.
 - a) It is recommended that at least 6 months prior to the first occupancy, the Developer shall contact the local United States Postal Service representative

to complete a Mode of Delivery Agreement for New Construction. The Mode of Delivery Agreement must have a District approval signature to be valid. In addition to completing the Agreement, the Developer shall provide a final map (with address details) to the local USPS representative. The Developer shall, at their own expense, procure, construct and install all mail receptacle facilities for each location as specified and approved by the USPS.

37. Pursuant to Section 66456.1 of the Subdivision Map Act, which states "The right of the subdivider to file multiple Final Maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple Final Maps," multiple final maps filed by the subdivider on this tract shall fully and independently conform to all provisions of the Fresno Municipal Code, Subdivision of Real Property.
38. The developer/owner shall obtain any and all permits required for the removal or demolition of any existing building or structure located within the subdivision boundaries. The developer/owner shall also obtain any and all permits required for the proper abandonment/closure of any existing water well, septic tank/leach field or cesspool, and irrigation pipeline on the subject property. All such permits shall be obtained prior to commencement of tract grading work, in accordance with Chapter 13 of the Fresno Municipal Code.
39. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
40. If there are suspected human remains, the Fresno County Coroner shall be immediately contacted (business hours: (559) 268-0109; after hours the contact phone number is (559) 488-3111 for the Fresno County Sheriff's Department). If remains or other archaeological material is possibly Native American in origin, the Native American Heritage Commission (phone number (916) 653-4082) shall be immediately contacted, and the California Archaeological Inventory/Southern San Joaquin Valley Information Center (phone number (805) 644-2289) shall be contacted to obtain a referral list of recognized archaeologists.
41. If animal fossils are uncovered, the Museum of Paleontology at the University of California, Berkeley shall be contacted to obtain a referral list of recognized paleontologists. An assessment shall be conducted by a paleontologist; if the paleontologist determines the material to be significant, a recommendation shall be made to the City as to any further site investigation or preservation measures.
42. Apportionment of Special Assessment: If, as part of this subdivision, a division will be made of any lot or parcel of land upon which there is an unpaid special assessment levied under any State or local law, including a division into condominium interest as defined in Section 783 of the Civil Code, the developer/owner shall file a written application with the City of Fresno Director of Public Works, requesting apportionment of the unpaid portion of the assessment

or pay off such assessment in full. If the subdivider elects to apportion the assessment, the application shall contain the following information:

- a) A full description of each assessed lot, parcel or interest to be divided and of how such lot, parcel or interest will be divided;
 - b) A request that the Engineer apportion the amount remaining unpaid on the assessment in accordance with applicable law; and
 - c) Written consent of the owner(s) of each such lot, parcel, or interest to the requested apportionment.
 - d) The application shall be filed prior to the approval of the Final Map(s) by the City and shall be accompanied by a fee in an amount specified in the Master Fee Resolution for each separate lot, parcel, or interest into which the original assessed lot, parcel or interest is to be divided. The fee shall be in an amount sufficient to pay all costs of the City and the Engineer of Work responsible for determining the initial assessment in making the requested apportionment.
43. The subdivider shall comply with Regulation VIII of the San Joaquin Valley Air Pollution Control District for the control of particulate matter and fugitive dust during construction of this project.
44. Solid waste disposal for the subdivision shall be provided by the City of Fresno. The method of collection to be utilized in this tract shall be subject to approval of the Solid Waste Manager (see below-noted conditions).

URBAN GROWTH MANAGEMENT REQUIREMENTS (GENERAL)

45. The developer of property located within the UGM boundaries shall comply with all sewer, water and street requirements and pay all applicable UGM fees imposed under the Urban Growth Management process (with appropriate credit given for the installation of required UGM improvements) in accordance with the requirements of State Law as related to tentative tract maps.
46. The developer will be responsible for the relocation or reconstruction of any existing improvements or facilities necessary to construct any of the required UGM improvements.

RIGHT-OF-WAY ACQUISITION

47. The developer will be responsible for the acquisition of any necessary right-of-way to construct any of the required improvements.
48. Rights-of-way acquisition shall include any rights-of-way necessary for proper drainage, signing, pole relocation, and shoulder grading. In general, this will

require right-of-way to be provided approximately 10 feet outside the travel lane. The exact requirement must be determined at the project design stage based on the existing conditions and detailed design information.

49. In the event an acquisition of any easement or right-of-way is necessitated by the subject development, said acquisition will be accomplished prior to Final Map approval. The developer/owner should contact the Real Estate Section of the Public Works Department to receive procedural guidance in such acquisitions.
50. Should such acquisition not be accomplished by the subdivider prior to Final Map approval, the subdivider must request and grant to the City the full authority to attempt acquisition either through negotiation or through its power of eminent domain. The subdivider shall furnish to the City Public Works Department, Engineering Division/Real Estate Section, an appraisal report or a request for an estimated appraisal amount (to be determined by the City of Fresno Real Estate Section) prior to preparation of a Subdivision Agreement.
51. The subdivider/owner shall submit adequate security in the form of a cash deposit to guarantee payment of all costs associated with the acquisition, including staff time, attorney's fees, appraisal fees, court costs, and all related expenditures and costs necessary to effect the acquisition of such easements or rights-of-way.

STREETS AND RIGHTS-OF-WAY

52. The subdivider shall furnish to the City acceptable security to guarantee the construction of the off-site street improvements in accordance with all applicable provisions of the FMC and the State Subdivision Map Act.
53. The subdivider/owner shall make provisions for disabled persons in accordance with the Department of Public Works standards and as required by State law. Handicap access ramps are required to be constructed in sidewalks at all corners within the limits of the tract. Where street furniture is located within the sidewalk area (fire hydrants, streetlights, etc.), a minimum of 48 inches of unobstructed path shall be maintained to satisfy the American Disabilities Act requirements. If necessary, dedicate a pedestrian easement to accommodate for the four foot minimum unobstructed path requirement.
54. All of the required street improvements shall be constructed and/or installed in accordance with the City of Fresno Standard Specifications (2002 Edition). The following shall be submitted as a single package to the Public Works Department for review and approval:
 - a. Signing and striping plans (per current California Department of Transportation standards);
 - b. Street Construction Plans;

- c. Landscape and irrigation plans (median island and street trees within all parkways).
55. The subdivider shall construct an underground street lighting system per Public Works Standards within the limits of the tract. Spacing and design shall conform to Public Works Standards. Height, type, spacing, etc., of standards and luminaries shall be in accordance with Resolution No. 68-187, 78-522, 81-219, and 88-229 or any modification thereto approved by the City Traffic Engineer prior to Final Map approval. Upon completion of the work by the subdivider and acceptance of the work by the City, the street lighting system shall be dedicated to the City. Submit engineered construction plans to the Public Works Department for approval.
56. All dead-end streets created by this subdivision shall be properly barricaded in accordance with City standards within seven days from the time the streets are surfaced or as directed by the City Engineer.
57. The developer shall comply with Rule 8060 of the San Joaquin Valley Air Pollution Control District for the control of fugitive dust requirements from paved and unpaved roads.
58. Comply with all of the requirements included within the attached Public Works Department, Traffic Planning Division memorandum dated May 5, 2022.

DEPARTMENT OF PUBLIC WORKS, ENGINEERING (street tree requirements)

59. Comply with all of the requirements included within the attached Public Works Department memorandum dated April 21, 2022.

DEPARTMENT OF PUBLIC WORKS, COMMUNITY FACILITIES DISTRICT (CFD)

60. Comply with all of the requirements included within the attached Public Works Department memorandum dated May 16, 2022. The rear landscape easement areas of lots 42, 43, and 44, and the street side yard landscape easement area of Lot 44, shall be included in the CFD No. 11 identified under "The Property Owner's Maintenance Requirements" referenced in this memorandum.

DEPARTMENT OF PUBLIC UTILITIES

61. Comply with all of the requirements included within the attached Public Utilities Department memorandum dated May 4, 2022.

FIRE SERVICE

62. Comply with all of the requirements from the Fire Department memorandum dated May 3, 2022.

FLOOD CONTROL AND DRAINAGE (FMFCD)

63. Comply with all of the requirements from the FMFCD memorandum dated May 20, 2022.

FRESNO IRRIGATION DISTRICT (FID)

64. Comply with all of the requirements from the FID memorandum dated May 9, 2022.

FRESNO COUNTY ENVIRONMENTAL HEALTH

65. Comply with all of the requirements from the Fresno County Environmental Health Division memorandum dated May 9, 2022.

FRESNO UNIFIED SCHOOL DISTRICT (FUSD)

66. Comply with all of the requirements from the FUSD memorandum dated April 19, 2022.

DEVELOPMENT FEES AND CHARGES

67. This project is subject to the following fees and charges:

<u>SEWER CONNECTION CHARGES</u>	<u>FEE RATE</u>
a. Lateral Sewer Charge [1]	\$0.10/sq. ft. (to 100' depth)
b. Oversize Charge [1]	\$0.05/sq. ft. (to 100' depth)
c. Trunk Sewer Charge [2] Service Area: Fowler	\$344/living unit
d. Wastewater Facilities Charge [3]	\$2,119/living unit
e. Fowler Trunk Sewer Interim Fee Surety	N/A
f. House Branch Sewer Charge [2]	N/A
<u>WATER CONNECTION CHARGES</u>	<u>FEE RATE</u>
g. Service Connection Charge	Fee based on service(s) and meter(s) sizes specified by owner; fee for service(s) and

Meter(s) established by the
 Master Fee Schedule.

h. Frontage Charge [1]	\$6.50/lineal foot
i. Water Capacity Fee* [1]	
Single Family Residential	\$4,879/ 1" Meter/living unit
Irrigation	\$4,879/ 1" Meter
	\$6,100/ 1½" Meter
	\$12,195/ 2" Meter

*Fee based on meter(s) sizes specified by owner; fee for Water Capacity established by the Master Fee Schedule.

<u>CITYWIDE DEVELOPMENT IMPACT FEES</u>	<u>FEE RATE</u>
j. Fire Facilities Impact Fee – Citywide [4]	\$2,061/living unit
k. Park Facility Impact Fee – Citywide [4]	\$3,061/living unit
l. Quimby Parkland Dedication Fee [2]	\$1,324/living unit
m. Police Facilities Impact Fee – Citywide [4]	\$673/living unit
n. Citywide Regional Street Impact Fee [3]	\$8,752/adj. acre
o. New Growth Area Major Street Fee [3]	\$24,090/adj. acre
p. Traffic Signal Charge [1]	\$546/living unit

Notes:

The Board of Directors of the Fresno County Regional Transportation Mitigation Fee Agency approved Resolution No. 2009 – 01 requiring the payment of Regional Transportation Mitigation Fee. The effective date of this resolution is January 1, 2010. Contact the Council of Fresno County Governments (FCOG) to determine this fee obligation. Confirmation by the FCOG is required before the City of Fresno can issue building permits.

On December 8, 2016, Fresno City Council adopted Resolution No. 2016-258, effective July 1, 2018, administratively updating the impact fees adjusted by this resolution annually to the percentage change in the 20-City Construction Cost Index as reported in the Engineering News Record (ENR) for the 12-month period ending of May of the year of adjustment.

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.