

Exhibit H

**CITY OF FRESNO
PLANNING AND DEVELOPMENT DEPARTMENT**

CONDITIONS OF APPROVAL

DECEMBER 2, 2020

**VESTING TENTATIVE TRACT MAP No. 6172/UGM
“FOR CONDOMINIUM PURPOSES”**

LOCATED ON THE EAST SIDE OF NORTH RIVERSIDE DRIVE AND SOUTH SIDE OF WEST HERNDON 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 a development project.

URBAN GROWTH MANAGEMENT REQUIREMENTS (GENERAL)

The subdivider 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.

CONDOMINIUM CONDITIONS

1. Whenever a subdivision includes area under common ownership (such as is the case within a common interest development for condominium purposes), the use, maintenance, and operation thereof shall be administered and governed by an association regulated by covenants, conditions, and restrictions (CC&R's) pursuant to Chapter 15 Article 40 of the Fresno Municipal Code and in accordance with the provisions and requirements related to Common Interest Developments pursuant to the Davis-Stirling Common Interest Development Act (§§1350-1376 of the California Civil Code).
 - a) Declarations of Covenants, Conditions and Restrictions/Owners' Association documents (DCC&R's) which may be prepared for a Condominium Project on

the subject property shall incorporate provisions in accordance with Chapter 15-Article 40 of the Fresno Municipal Code.

- i) Prior to the submittal of documents to obtain a public report for a Condominium Project or the recordation of a Condominium Plan as defined in Section 1351(e) of the California Civil Code, whichever is earlier, the subdivider shall submit to the City for review the Condo Plan, CC&R's and association instruments, which shall be prepared compliant with any respective conditions or requirements identified by special permits/entitlements applicable to the subject property and/or the tentative parcel map and associated conditions of approval included herein.

- NOTE: Failure to comply with the terms of required Covenants may result in the revocation of a Certificate of Occupancy of Special Permit by the City for use of any Parcel of the properties involved. Accordingly, the City of Fresno shall have the right to enforce this Statement by any legal or equitable means. For further information regarding these requirement Contact the Planning and Development Department at (559) 621-8277.

GENERAL CONDITIONS

2. Upon conditional approval of Vesting Tentative Tract Map No. 6172/UGM dated October 5, 2020, the subdivider may prepare a Final Map in accordance with the approved vesting tentative map, Development Permit Application No. D-17-030, and Development Permit Application No. P20-00756 which establishes the development for the subject property. This project shall comply with the requirements and conditions included within the Conditions of Approval for Development Permit Application No. D-17-030 dated August 1, 2017 and Development Permit Application No. P20-00756 dated May 8, 2020.
3. Any existing and/or proposed structure(s) on the site which may be utilized in conjunction with a condominium project are required to maintain compliance with any applicable standards of the California Building Code as it relates to wall protection, allowable area, etc.
 - a) Compliance with the prevailing California Building Code must be demonstrated, respective to the location of new condominium boundaries which may be proposed to be described on a condominium plan, prior to recordation of a Condominium Plan. Contact the Planning and Development Department, Building and Safety Services Division at (559) 621-8200.
 - NOTE: In the event the structures do not comply with any applicable standards of the California Building Code, they must be modified so as to

meet the standard.

4. Submit grading plans and a soils report to the City of Fresno Planning and Development 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.
5. At the time of Final Map submittal, the subdivider shall submit engineered construction plans to the City of Fresno Public Works, Public Utilities, and Planning and Development 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.
6. 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.
7. 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.
8. Comply with the conditions, policies and standards set forth in the City of Fresno, Municipal Code, Chapter 15, "Subdivision of Real Property;" Resolution No. 68-187, "City Policy with Respect to Subdivisions;" and City of Fresno Standard Specifications, 2002 Edition, and any amendments thereto.
9. The developer/owner 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.
10. 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.

11. 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.
12. The developer/owner 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.
13. Contact Nicholas Caldera in the City of Fresno Planning and Development Department at (559) 621-8032 or via email at Nicholas.Caldera@fresno.gov for assignment of addresses to parcels and/or airspaces proposed to be created from a subdivision/condominium plan of/on the subject property.
 - NOTE: 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.

GENERAL INFORMATION

14. 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.
15. The long term maintenance of all the items listed below is the ultimate responsibility of the landowner/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.
16. 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.
17. 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.
18. 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.

SPECIFIC CONDITIONS

Walls/Fences/Landscaping

19. Comply with the requirements and conditions included within the Conditions of Approval for Development Permit Application Nos. D-17-030 dated August 1, 2017 and P20-00756 dated May 8, 2020.

Lot Dimensions

20. Comply with the requirements and conditions included within the Conditions of Approval for Development Permit Application Nos. D-17-030 dated August 1, 2017 and P20-00756 dated May 8, 2020.

Lot Coverage

21. Comply with the requirements and conditions included within the Conditions of Approval for Development Permit Application Nos. D-17-030 dated August 1, 2017 and P20-00756 dated May 8, 2020.

Building Height

22. Comply with the requirements and conditions included within the Conditions of Approval for Development Permit Application Nos. D-17-030 dated August 1, 2017 and P20-00756 dated May 8, 2020.

Building Setbacks

23. Comply with the requirements and conditions included within the Conditions of Approval for Development Permit Application Nos. D-17-030 dated August 1, 2017 and P20-00756 dated May 8, 2020.

INFORMATION

24. 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.
25. 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.
26. 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 Fresno Municipal Code, Subdivision of Real Property.
27. 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.
28. If archaeological and/or animal fossil material is encountered during project surveying, grading, excavating, or construction, work shall stop immediately.
29. 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.

30. 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.
31. 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.
32. 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.
33. 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).

STREETS AND RIGHTS-OF-WAY

34. 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.
35. 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.
36. 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)
37. The subdivider shall underground all existing off-site overhead utilities and proposed utility systems in accordance with FMC Sections 12-1011 and Resolution No. 78-522, 88-229. 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.
42. 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.

43. 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.
44. Comply with the requirements and conditions included within the attached Department of Public Works Department, memorandum dated October 26, 2020.

COMMUNITY FACILITIES MAINTENANCE DISTRICT (CFD)

45. Comply with the requirements and conditions included within the attached Department of Public Works, Traffic Operations and Planning Division memorandum dated October 7, 2020.

SANITARY SEWER, WATER, AND SOLID WASTE SERVICE

46. Comply with the requirements included within the attached Department of Public Utilities memorandum dated October 26, 2020.

FIRE PROTECTION

47. Comply with the requirements included within the attached City of Fresno Fire Department memorandum dated October 23, 2020.

FRESNO IRRIGATION DISTRICT

48. Comply with the requirements included within the attached Fresno Irrigation District memorandums dated October 22, 2020 and August 3, 2020.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

49. Comply with all of the requirements included within the attached Fresno Metropolitan Flood Control District memorandum dated October 23, 2020.

FRESNO COUNTY – ENVIRONMENTAL HEALTH DIVISION

50. Comply with all of the requirements included within the attached County of Fresno memorandum dated October 15, 2020.

DEVELOPMENT FEES AND CHARGES

Pursuant to Government Code §66020(d)(1) each local agency shall provide to the project applicant a notice in writing at the time of the approval of a project or at the time of the

imposition of the fees, dedications, reservations, or other exactions a statement, and notification that the 90-day approval period in which the applicant may protest has begun (please see Notice to Project Applicant contained herein above for further information). This project is subject to the following development 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: Grantland	S.T.E.P.**
d. Wastewater Facilities Charge [3]	S.T.E.P.**
e. House Branch Sewer Charge [2]	N/A
<u>WATER CONNECTION CHARGES</u>	<u>FEE RATE</u>
f. 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.
g. Frontage Charge [1]	\$6.50/lineal foot
h. Water Capacity Charge [1]	Fee based on service(s) and meter(s) sizes specified by owner; fee for Water Capacity established by the Master Fee Schedule.
<u>CITYWIDE DEVELOPMENT IMPACT FEE</u>	<u>FEE RATE</u>
i. Fire Facilities Impact Fee – Citywide [4]	\$1,485/living unit
j. Park Facility Impact Fee – Citywide [4]	\$3,157/living unit
k. Police Facilities Impact Fee – Citywide [4]	\$484/living unit

l. Citywide Regional Street Fee [3]	\$16,222/adj. acre
m. New Growth Area Major Street Fee [3]	\$44,693/adj. acre
n. Traffic Signal Charge [1]	\$364/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 reposted in the Engineering News Record (ENR) for the 12-month period ending of May of the year of adjustment.

** Upon occupancy of the project, the subdivider/developer/owner shall pay the appropriate sewer facility charge pursuant to the Simple Tiered Equity Program (S.T.E.P.) as determined by the Department of Public Utilities, Wastewater Division, Environmental Services Section (559-621-5153).

[1] Deferrable through Fee Deferral Covenant.

[2] Due at Final Map.

[3] Due at Building Permit.

[4] Due at Certificate of Occupancy.