



SAN FRANCISCO PLANNING DEPARTMENT

July 11, 2018

Attn: Joe Kirchofer
Senior Development Director
AvalonBay Communities & BRIDGE Housing
455 Market Street, Suite 1650
San Francisco, CA 94108

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San Francisco,
CA 94103-2479

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415.558.6377

Project Address: Balboa Reservoir Development
Record ID: 2018-007883EEA (Environmental Evaluation Application)
2018-007883EIR (Environmental Impact Report)
2018-007883TIS (Transportation Review or Study)

Please review and sign the terms of this installment agreement. Return this signed agreement on or before August 20, 2018, along with your first payment. In the event that we do not receive the signed agreement, all terms are null and void and payment of the fee would be due in full.

The undersigned does hereby acknowledge the obligation and agree to pay the assessed initial fee (**\$764,517.00**) for the Environmental Evaluation applications, which is calculated based on the construction cost of \$450,000,000.00 by using Fee Schedule effective 9/01/2017 for EEA, EIR and TIS.

The terms of this installment agreement is **\$382,258.50** for market rate housing as follows. The remaining balance of \$382,258.00 affordable housing is eligible for fee deferral pursuant to Administrative Code Section 31.22 (h), and would be due: (1) at the time of issuance of the building permit, before the building permit is released to the applicant, or (2) within one year of the date of completion of the environment review document, whichever is sooner.

Total Project Fees: \$764,517.00 (\$472,204 EEA Initial Fee + \$266,809 EIR + \$25,504 TIS)

Total installment Balance: **\$382,258.50** (50% of \$764,517)

	<u>Amount</u>	<u>Due Date</u>
1 st Payment	\$ 128,258.50	07/13/2018 (Intake)
2 nd Payment	\$ 127,000.00	07/08/2019 (One week before publication of the draft EIR)
3 rd Payment	\$ 127,000.00	03/11/2020 (One week before publication of the RTC)

The above due date reflects Environmental Review schedule as of July 11, 2018. If the Environmental Review schedule changes, the undersigned will be required to submit 2nd and 3rd payments one week prior to the above associated publication dates.

This methodology is in compliance to San Francisco Administrative Code Section 31.22. Basic Fees (b) Payment (1).

In consideration for the City agreeing to accept installment payments, the obligor agrees that in the event of late or non-payment of the 1st payment or any installment, the entire balance will be immediately due, and the City and County shall be entitled without notice to the obligor, which notice is expressly waived, to exercise all available rights and remedies to collect such balance. The obligor expressly agrees to toll any statute of limitations for any action for the collection of this obligation. The obligor accepts the responsibility of making timely payments without reliance on reminder statements. The obligor agrees to immediately inform the City and County of any change of address.

Obligor hereby waives any claim, known or unknown, regarding payment of the fees, and hereby releases the City from all claims and liability arising from the outstanding charges on the property. Obligor certifies that he/she has read Section 1542 of the California Civil Code, which provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.

Balboa Reservoir Development
2018-007883EEA, EIR & TIS

Obligor hereby waives application of Section 1542 of the Civil Code.

Obligor acknowledges that, in executing this agreement, he/she is acting on his/her own, independent judgment and has the opportunity to confer with his/her legal counsel before executing the agreement.

Date: 8.10.18

Obligor: Reservoir Community Partners LLC

Signature: _____

Mr. Joe Kirchofer
Senior Development Director at
AvalonBay Communities

Signature: _____

Mr. Brad Wiblin
BRIDGE Housing

Agreed to by the City and County of San Francisco.

Date: _____

Approved By: _____

Anika Lyons
Finance Operations Manager

Please make the payment to:
San Francisco Planning Department
1650 Mission Street Suite 400
San Francisco, CA 94103
Attn: Michelle Y. Chang

c.c. Jeanie Poling, Planner