

RESOLUTION NUMBER R- 316041

DATE OF FINAL PASSAGE MAR 05 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE REPAYMENT OF THE  
RANCHO PEÑASQUITOS FBA INTERFUND LOAN WITH  
TORREY HIGHLANDS FBA AND CITYWIDE MOBILITY  
DEVELOPMENT IMPACT FEES.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. By Resolution R-311776 (May 22, 2018), the Council granted Planned Development Permit No. 1266871, Site Development Permit No. 1266883, and Conditional Use Permit No. 1266871 to Sea Breeze 56, LLC, a Delaware limited liability company (Developer), for development of the Merge 56 project in the Torrey Highlands and Rancho Peñasquitos Community Planning Areas (Development).

B. By Resolution R-307857 (Nov. 27, 2012), the Council adopted the Torrey Highlands Public Facilities Financing Plan for Fiscal Year 2013, on file in the Office of the City Clerk as Document No. RR-3307857 (Torrey Highlands Financing Plan). By Resolution R-308686 (Jan. 2, 2014), the Council adopted the Rancho Peñasquitos Public Facilities Financing Plan for Fiscal Year 2014, on file in the Office of the City Clerk as Document No. RR-308686 (Rancho Peñasquitos Financing Plan).

C. The following projects are identified in the Torrey Highlands Financing Plan and the Rancho Penasquitos Financing Plan: Torrey Highlands Project No. T-3.1A and Rancho Peñasquitos Project No. T-4B, Camino Del Sur South; Torrey Highlands Project No. T-3.1B, Camino Del Sur North; Torrey Highlands Project No. T-5.2, portions of Carmel Mountain Road South; Torrey Highlands Project No. P-6, Torrey Highlands Trails; and

Torrey Highlands Project No. U-3, 16" Water Mains (Projects).

D. By Ordinance O-21236 (Sept. 22, 2020), the Council authorized a Reimbursement Agreement for the design and construction of the Projects. By Ordinance O-21236, the Council also authorized the Chief Financial Officer to appropriate and expend an interfund loan in the amount not to exceed \$7,106,304 from the Restricted Rancho Peñasquitos Facilities Benefit Assessment (FBA) Fund No. 400083 to the Restricted Torrey Highlands FBA Fund No. 400094, with the interest rate and repayment term fixed at the time of loan execution.

E. On March 8, 2021, an interfund loan in the amount of \$5,053,420.73 was made from the Rancho Peñasquitos FBA Fund 400083 to the Torrey Highlands FBA Fund 400094. On May 5, 2021, an interfund loan in the amount of \$882,967.13 (for a total loan amount of \$5,936,387.86) was made from the Rancho Peñasquitos FBA Fund 400083 to the Torrey Highlands FBA Fund 400094. On May 5, 2021, an interfund loan in the amount of \$882,967.13 (for a total loan amount of \$5,936,387.86) was made from the Rancho Peñasquitos FBA Fund 400083 to the Torrey Highlands FBA Fund 400094.

F. Community-specific Development Impact Fees (DIFs) were later replaced by citywide DIFs based on asset types such as mobility, parks, library, and fire. As a result, the Torrey Highlands FBA fund did not collect the previously forecasted amounts because most new development was instead paying into the Citywide Mobility DIF 400888. Citywide Mobility DIFs are needed to cover the portion of the loan that the Torrey Highlands FBA Fund 400094 cannot satisfy because new development is now paying into the Citywide Mobility DIFs Fund 400888.

G. Upon completion of all projects identified within the Reimbursement

Agreement and making final payments, and ensuring fair share contributions toward projects across communities benefitting from the infrastructure are made, as well as taking into consideration the accrued interest and contributing any leftover funds from the Torrey Highlands FBA towards the loan amount of \$5,936,387.86 to Rancho Peñasquitos FBA fund, \$4,300,000 from the Citywide Mobility DIF is needed to repay the loan from Rancho Peñasquitos FBA Fund.

H. The Projects being built by the Developer for which the loan was made improves the transportation network within the City through construction of the road, curb, gutter, sidewalk, bike lane and landscaping along Camino Del Sol South. The expenses related to the construction of the road, curb, gutter, sidewalk, bike lane and landscaping along Camino Del Sol South are eligible for Citywide Mobility DIF.

I. The Office of the City Attorney prepared this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete and accurate.

#### ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

The Chief Financial Officer is authorized to allocate funds from the Citywide Mobility Development Impact Fee Fund 400888 towards repayment of the Torrey Highlands FBA Fund 400094 inter-fund loan and towards Rancho Peñasquitos FBA Fund 400083 in accordance with this Resolution in an amount not to exceed \$4,300,000, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and the Chief Financial Officer

first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: HEATHER FERBERT, City Attorney

By *Lindsey H. Sebastian*  
Lindsey H. Sebastian  
Deputy City Attorney

LHS:nja  
08/26/2024  
02/20/2025 Cor. Copy  
Or. Dept: Planning  
Doc. No. 392221\_2

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on FEB 24 2025.

DIANA J.S. FUENTES  
City Clerk

By *Kristell Medina*  
Deputy City Clerk

Approved: 3/3/25  
(date)

*Todd Gloria*  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on FEB 24 2025, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 05 2025

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

DIANA I.S. FUENTES  
City Clerk of The City of San Diego, California.

By Dinda Irwin, Deputy  
For Krystell Medina

Office of the City Clerk, San Diego, California

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