

000687

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONI)

106
11/20

TO:
CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
City Council District 1

3. DATE:
08/02/2007

4. SUBJECT:
ACCEPTING DONATIONS FROM CISTERRA PARTNERS, LLC AND SORRENTO HILLS MARKETPLACE, LP

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)
Nathan Batchelder, 533-6559, MS10A

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)
Christina Cameron, 236-6611, MS 10A

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

| | | | |
|----------------|-------|--|--|
| FUND | 63022 | | |
| DEPT. | 63022 | | |
| ORGANIZATION | | | |
| OBJECT ACCOUNT | 78901 | | |
| JOB ORDER | | | |
| C.I.P. NUMBER | | | |
| AMOUNT | | | |

9. ADDITIONAL INFORMATION / ESTIMATED COST:

10. ROUTING AND APPROVALS

| ROUTE (#) | APPROVING AUTHORITY | APPROVAL SIGNATURE | DATE SIGNED | ROUTE (#) | APPROVING AUTHORITY | APPROVAL SIGNATURE | DATE SIGNED |
|-----------|------------------------|--------------------|-------------|--|------------------------|---|------------------------|
| 1 | ORIGINATING DEPARTMENT | <i>[Signature]</i> | | 8 | DEPUTY CHIEF | | |
| 2 | FINANCIAL MANAGEMENT | <i>[Signature]</i> | | 9 | COO | | |
| 3 | AUDITOR | <i>[Signature]</i> | 9/12/07 | 10 | CITY ATTORNEY | <i>[Signature]</i> | 11/2/07 |
| 4 | FACILITIES FINANCING | <i>[Signature]</i> | 9/14/07 | 11 | ORIGINATING DEPARTMENT | <i>[Signature]</i> | |
| 5 | DSD | | | DOCKET COORD: _____ COUNCIL LIAISON: _____ | | | |
| 6 | | | | ✓ | COUNCIL PRESIDENT | <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION | |
| 7 | | | | | <i>ms</i> | <input type="checkbox"/> REFER TO: _____ | COUNCIL DATE: 11/20/07 |

11. PREPARATION OF: RESOLUTION(S) ORDINANCE(S) AGREEMENT(S) DEED(S)

City Attorney:

Please prepare a resolution for the following:

- A. Authorizing the acceptance of \$50,000 from Cisterra Partners, LLC for the purpose of developing a green belt in Torrey Hills in future fiscal years.
- B. Authorizing the acceptance of \$75,000 from Sorrento Hills Marketplace, LP for the purpose of developing a green belt in Torrey Hills in future fiscal years.
- C. Authorize the City Auditor and Comptroller to deposit \$125,000 into fund 63022 and that both the principal and interest accrued on the funds received will be used for the intended project.

11A. STAFF RECOMMENDATIONS:

Approve the Resolution.

000688

COUNCIL DISTRICT(S):

DISTRICT 1

COMMUNITY AREA(S):

ENVIRONMENTAL IMPACT:

THIS ACTIVITY IS NOT A "PROJECT" AND IS THEREFORE NOT SUBJECT TO CEQA PER CEQA GUIDELINES SECTION 15060(C)(2).

HOUSING IMPACT:

NONE

OTHER ISSUES:

NONE

106
11/20

REVISED (on 11/15/07)
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: 11/15/07 REPORT NO:
ATTENTION: San Diego City Council
ORIGINATING DEPARTMENT: City Council District I
SUBJECT: Accepting donations from Cisterra Partners, LLC and Sorrento Hills Marketplace, LLC
COUNCIL DISTRICT(S): 1
CONTACT/PHONE NUMBER: Nathan Batchelder, 619-533-6559

REQUESTED ACTION:

Adopt the following resolutions:

A. Authorizing the acceptance of \$50,000 from Cisterra Partners, LLC for the purpose of developing a green belt in future fiscal years.

B. Authorizing the acceptance of \$75,000 from Sorrento Hills Marketplace LLC for the purpose of developing a green belt in future fiscal years.

C. Authorize the City Auditor and Comptroller to establish interest-bearing fund 63027 and to deposit \$125,000 into fund 63027 to be used for the development of a green belt in the Torrey Hills community in future fiscal years.

~~C. Authorize the City Auditor and Comptroller to deposit \$125,000 into fund 63022 and that both the principal and interest accrued on the funds received will be used for the intended project.~~

STAFF RECOMMENDATION:

Adopt the resolutions.

EXECUTIVE SUMMARY:

The City of San Diego ("City") is the beneficiary of two donations made by Cisterra Partners, LLC and Sorrento Hills Marketplace, LLC. It is acknowledged that these funds are donations and not intended to replace or substitute for future Developer Impact Fees (DIF) or Facilities Benefits Assessment (FBA).

This action would authorize the City to accept the donation of \$50,000 from Cisterra Partners, LLC and \$75,000 from Sorrento Hills Marketplace, LLC for the purpose of providing a green belt beneath utility lines on East Ocean Air Drive in Torrey Hills to improve fire prevention along Los Penasquitos Preserve. The interest earned by these donations will also be identified for this purpose. The green belt is a long-term project still in its preliminary discussion stages.

Cisterra Partners, LLC contributed \$50,000 as a means of mitigation for the *Gateway at Torrey Hills* development. The development created a turn pocket along Carmel Mountain Road that cut into a 250 ft. landscaped median. This construction resulted in a loss of twelve full grown trees and various shrubbery. The Torrey Hills Maintenance Assessment District estimated the value of the lost plant material to be \$50,000.

Sorrento Hills Marketplace, LLC was the applicant for a development named *Torrey Corner* in 2006. The Torrey Hills Planning Board ("THPB") approved the project on the condition that a raised pedestrian crosswalk be constructed up the road from the development on E. Ocean Air Drive. The crosswalk would provide safer access to the development for the adjacent Torrey Hills residents. Neither the City nor Sorrento Hills Marketplace, LLC were willing to assume maintenance responsibility for the crosswalk. As a result, the crosswalk idea was abandoned. As a compromise, THPB and Sorrento Hills Marketplace, LLC negotiated the sum of \$75,000 to be contributed for a future green belt on E. Ocean Air Drive.

FISCAL CONSIDERATIONS:

No impact to City's General Fund. These donations will be used to build a green belt beneath utility lines on East Ocean Air Drive to improve fire prevention along Los Peñasquitos Reserve.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None.

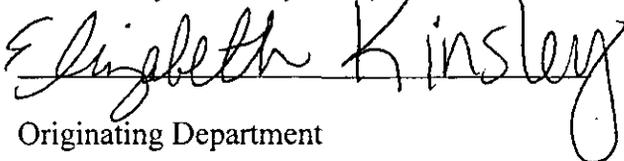
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Torrey Hills Planning Board coordinated and accepted the donation from Cisterra Partners, LLC and Sorrento Hills Marketplace, LLC.

The first contribution was accepted at the Torrey Hills Planning Board on July 18, 2006. The second was accepted at the Torrey Hills Planning Board on February 20, 2007.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Community of Torrey Hills, Cisterra Partners LLC, Sorrento Hills Marketplace, LLC.


Originating Department

Deputy Chief/Chief Operating Officer

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ACCEPTING FUNDS FOR CREATION OF A GREEN BELT IN TORREY HILLS.

WHEREAS, Cisterra Partners LLC [Cisterra] constructed the "Gateway at Torrey Hills", in the Torrey Hills community in the City of San Diego [Torrey Hills]; and

WHEREAS, Sorrento Hills Marketplace, LP [Sorrento Hills Marketplace] has obtained approval for the construction of the "Torrey Corner" in Torrey Hills; and

WHEREAS, in order to defray certain costs of impacts to the community caused by their respective projects, Cisterra and Sorrento Hills Marketplace have each committed to contribute funds toward the establishment of a green belt in Torrey Hills in future years; and

WHEREAS, the City of San Diego intends to accept the donations from Cisterra and Sorrento Hills Marketplace for the above-described purpose and place them in an interest-bearing account until such time as they may be used for the creation of a green belt in Torrey Hills; NOW THEREFORE,

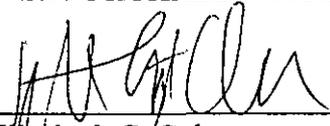
BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, be and is hereby authorized and empowered, for and on behalf of the City of San Diego, to accept the sum of \$50,000 from Cisterra for the purpose of developing a green belt in Torrey Hills in future fiscal years.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, be and is hereby authorized and empowered, for and on behalf of the City of San

Diego, to accept the sum of \$75,000 from Sorrento Hills Marketplace for the purpose of developing a green belt in Torrey Hills in future fiscal years.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the Auditor and Comptroller be and hereby is authorized and empowered to establish interest-bearing Fund No. 63027, and to deposit the sum of \$125,000 as accepted from Cisterra and Sorrento Hills Marketplace into interest-bearing Fund No. 63027, the principal and interest of which shall be used solely for the purpose of developing a green belt in Torrey Hills in future fiscal years.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Elizabeth C. Coleman
Deputy City Attorney

ECC:mm
11/02/07
11/15/07 Corr.Copy
Or.Dept:City Planning & Comm. Invest. Depart
R-2008-393
MMS# 5549

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor