



THE CITY OF SAN DIEGO

**REPORT TO THE PLANNING COMMISSION**

**DATE ISSUED:** September 10, 2013 **REPORT NO.** PC – 13-103

**ATTENTION:** Planning Commission Agenda of September 19, 2013

**SUBJECT:** Initiation of an Amendment to the Torrey Highlands Subarea Plan to redesignate approximately 11.1 acres from Commercial Limited to Employment Center located approximately ¼ of a mile south of State Route 56, along the west side of the planned extension of Camino del Sur.

**OWNER/  
APPLICANT:** Kilroy Realty Corporation

**SUMMARY**

Issue(s) – Should the Planning Commission INITIATE an amendment to the Torrey Highlands Subarea Plan? The amendment has been requested to redesignate approximately 11.1 acres from Commercial Limited to Employment Center located approximately ¼ of a mile south of State Route 56, along the west side of the planned extension of Camino del Sur.

Staff Recommendation(s) – INITIATE the plan amendment process.

Community Planning Group Recommendation(s) – On September 4, 2013 the Rancho Penasquitos Community Planning Group voted 10-5-0 to recommend approval of the initiation of the community plan amendment process.

Other Recommendation(s) – None.

Environmental Impact – This activity is not a "project" under the definition set forth in CEQA Guidelines Section 15378. Should initiation of the community plan amendment be approved, environmental review would take place at the appropriate time in accordance with CEQA Guidelines Section 15004.

Fiscal Impact – Processing costs would be paid by the applicant.

Code Enforcement Impact – None.

Housing Impact – None.

**The initiation of a plan amendment in no way confers adoption of a plan amendment. Neither staff nor the Planning Commission is committed to recommend in favor or denial of the proposed amendment, and the City Council is not committed to adopt or deny the proposed amendment.**

## **BACKGROUND**

The proposed amendment site is located within the Torrey Highlands planning area and is governed by the North City Future Urbanizing Area (NCFUA) Framework Plan and the Torrey Highlands Subarea Plan (Attachment 1). Torrey Highlands is one of five subareas within the NCFUA. Torrey Highlands is bounded by Black Mountain Ranch on the north and Rancho Penasquitos on the east. It is bounded by Pacific Highlands Ranch and unincorporated areas of San Diego County on the west. On the south it is bounded by the communities of Rancho Penasquitos, and Del Mar Mesa.

The proposed Santa Fe Summit IV amendment site is immediately adjacent to open space and commercial land use designations (Attachment 2). The open space system surrounding the site includes Deer Canyon to the north, and the Del Mar Mesa Preserve to the south and west. The adjacent 42-acre property to the east (site of the Merge56 proposed amendment) is currently designated as Commercial Regional and Medium High Density Residential (20-40 du/acre). The adjacent amendment site is currently vacant and undeveloped; a Community Plan Amendment Initiation is being proposed to redesignate that site as Local Mixed Use.

The proposed amendment site consists of 11.1 acres of undeveloped property located approximately ¼ of a mile south of State Route (SR) 56 along the west side of the planned extension of Camino Del Sur (Attachment 3). The Torrey Highlands Subarea Plan designates the site as Commercial Limited, with recommended uses that include religious facilities, trade schools, storage, veterinary clinics, nurseries and garden centers. The Commercial Limited designation was identified as a subregional land use, sited in the southern portion of the community to take advantage of the proximity to the SR-56 freeway. The uses permitted in the designation are somewhat more dependent on automobiles but are appropriate for the more isolated location of the site. In 2004, an approximately 103,000 square-foot church campus, including a 1200 seat worship center and a school for 500 students (grades kindergarten through eight), was permitted. The Catholic Diocese, the property owner, decided not to develop the religious facility; the permit has expired.

The initiation request proposes to redesignate the site to Employment Center which would allow for the development of a variety of employment related uses including scientific research, corporate headquarters, research and development, light industrial/manufacturing, light warehousing uses, and professional and corporate offices. The Employment Center designation also allows hotel (up to 150 rooms) and ancillary uses which may include: day care facilities, small restaurants, health club, gas station, car wash. Ancillary uses are limited to no more than twenty percent of the designated area.

The Employment Center designation is identified to provide an employment base for the North City as a means to contribute to the jobs/housing balance for residents of Torrey Highlands. The

proposed amendment to redesignate the site as Employment Center would be located within the subregional area of the community to take advantage of the Camino del Sur and SR-56 freeway interchange. The introduction of employment-related uses on the amendment site could allow for development that could have a reduced impact on the adjacent open space system and wildlife activity.

If initiated, the introduction of a land use designation that allows employment-related uses on a parcel that is bordered on three sides by the open space preserve would need to address edge interface issues between the two land uses. The potentially adverse visual and environmental impacts would need to be addressed through site specific recommendations. The Subarea Plan Community Design Guidelines for the existing Employment Center provides policies that could guide future development on the proposed amendment site.

In addition to addressing edge effects within the site design, the proposed amendment would need to address urban design and circulation compatibility with the adjacent Merge56 proposal. The shared roadway, Camino del Sur, provides a unique opportunity to create a cohesive development that improves multi-modal circulation between the two uses.

There are two other plan amendment initiations in process within the Torrey Highlands Subarea:

- The Carmel Mountain/Del Mar Mesa Natural Resources Management Plan (NRMP) would result in an amendment to the Subarea plan that would add two multi-use trail alignments within the southern portion of the Torrey Highlands Community that connect to the Del Mar Mesa Preserve area via Deer Canyon. The proposed amendment would provide connectivity between Torrey Highlands and the Del Mar Mesa Specific Plan through two multi-use trail alignments adjacent to the residential and employment center areas. The proposed NRMP would result in the consolidation of trail alignments into existing built trails that connect Deer Canyon to the Del Mar Mesa Preserve.
- The proposed Merge56 amendment has been requested to redesignate approximately 42 acres from Commercial Regional and Medium High Density Residential (20-40 du/acre) to Local Mixed Use located south of SR-56, east of the planned extension of Camino del Sur, and west of Carmel Mountain Road. The amendment would allow for a mix of housing types (single- and multi-family) integrated with a variety of commercial retail and office uses.

## **DISCUSSION**

The City is one of few jurisdictions that require either Planning Commission or City Council initiation before the plan amendment process and accompanying project may actually proceed. This initiation request does not constitute an endorsement of the project proposal. A staff recommendation will be developed once the project has been fully analyzed. The recommendation of approval or denial of the initiation is based upon compliance with the

following three required initiation criteria. The Planning and Neighborhood Restoration Department believes that all of the following initiation criteria can be met:

- (1) **The amendment request appears to be consistent with the goals and policies of the General Plan and Torrey Highlands Subarea Plan and any community plan specific amendment criteria:**

The proposed amendment would allow for development of approximately 11.1 acres within the Employment Center land use designation. The Employment Center designation permits a variety of employment related uses including scientific research, corporate headquarters, light industrial, and professional and corporate offices. Currently, the site is designated Commercial Limited, with permitted uses limited to religious facilities, trade schools, storage, veterinary clinics, nurseries and garden centers.

The Torrey Highlands Subarea Plan's vision for employment center uses is to provide job opportunities for North City residents and serve as a means to create a balance between the provision of new housing and the creation of places where those residents may work. Currently, Employment Center lands are located to the northwest of the amendment site along Torrey Santa Fe Road. The proposed amendment site's proximity to the existing employment lands creates an opportunity to establish continuity in design and form. The proposed amendment location within the subregional area of Torrey Highlands could take advantage of one of the two freeway interchange locations (Camino Del Sur and SR-56) within the North City Future Urbanizing Area. An additional advantage of siting employment uses in the southern portion of Torrey Highlands is the absence of comparable uses in the adjacent community of Rancho Penasquitos.

The proposed amendment to allow for the development of approximately 11.1 acres of employment related uses is consistent with General Plan policies that promote a diversified economy with a focus on providing quality employment opportunities and self-sufficient wages for all San Diegans. The proposal would be consistent with Economic Prosperity Element policies that encourage a broader geographic distribution of high technology businesses throughout the City.

The initiation of the proposed plan amendment would provide the opportunity to comprehensively analyze and assess the impacts of the land use changes occurring with the other amendments in process.

- (2) **The proposed amendment provides additional public benefit to the community as compared to the existing land use designation, density/intensity range, plan policy or site design; and**

The proposed amendment appears to offer additional public benefits through the increase of land that would allow for the development of employment opportunities. The existing designation allows for a limited number of uses that include religious facilities, trade schools, storage facilities, nurseries, garden centers and veterinary clinics. The Employment Center land use designation permits a variety of employment-related uses that are associated with the creation of higher quality jobs with self-sufficient wages as compared to the Commercial Limited designation. The proposed amendment would allow for the potential to establish a trail connection to the adjacent open space preserve.

- (3) **Public facilities appear to be available to serve the proposed increase in density/intensity, or their provision will be addressed as a component of the amendment process.**

Although public services appear to be available, a full analysis of public services and facilities (schools, fire stations, police stations, libraries, roads, and parks etc.) will be conducted with the review of the community plan amendment, if initiated.

As outlined above, the proposed plan amendment meets all of the above criteria as described; therefore, staff recommends that the amendment to the Torrey Highlands Subarea Plan be initiated.

The following land use issues have been identified with the initiation request. If initiated, these issues, as well as others that may be identified, will be analyzed and evaluated through the community plan amendment review process:

- Appropriate land use designation and density range for the site;
- Site design considerations adjacent to the open space system;
- Compatibility and integration of new development with the adjacent proposed amendment site;
- Impact of potential employment development on public services and facilities, specifically on the roadway network;
- Pedestrian circulation and transportation improvements.
- Cumulative amendments' impacts to implementation of the North City Future Urbanizing Area Framework Plan and Subarea Plan

Although staff believes that the proposed amendment meets the necessary criteria for initiation, staff has not fully reviewed the applicant's proposal. Therefore, by initiating this community plan amendment, neither the staff nor the Planning Commission is committed to recommend in favor or denial of the proposed amendment.

Respectfully submitted,

[SIGNED]

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Nancy Bragado  
Interim Deputy Director  
Planning & Neighborhood Restoration

[SIGNED]

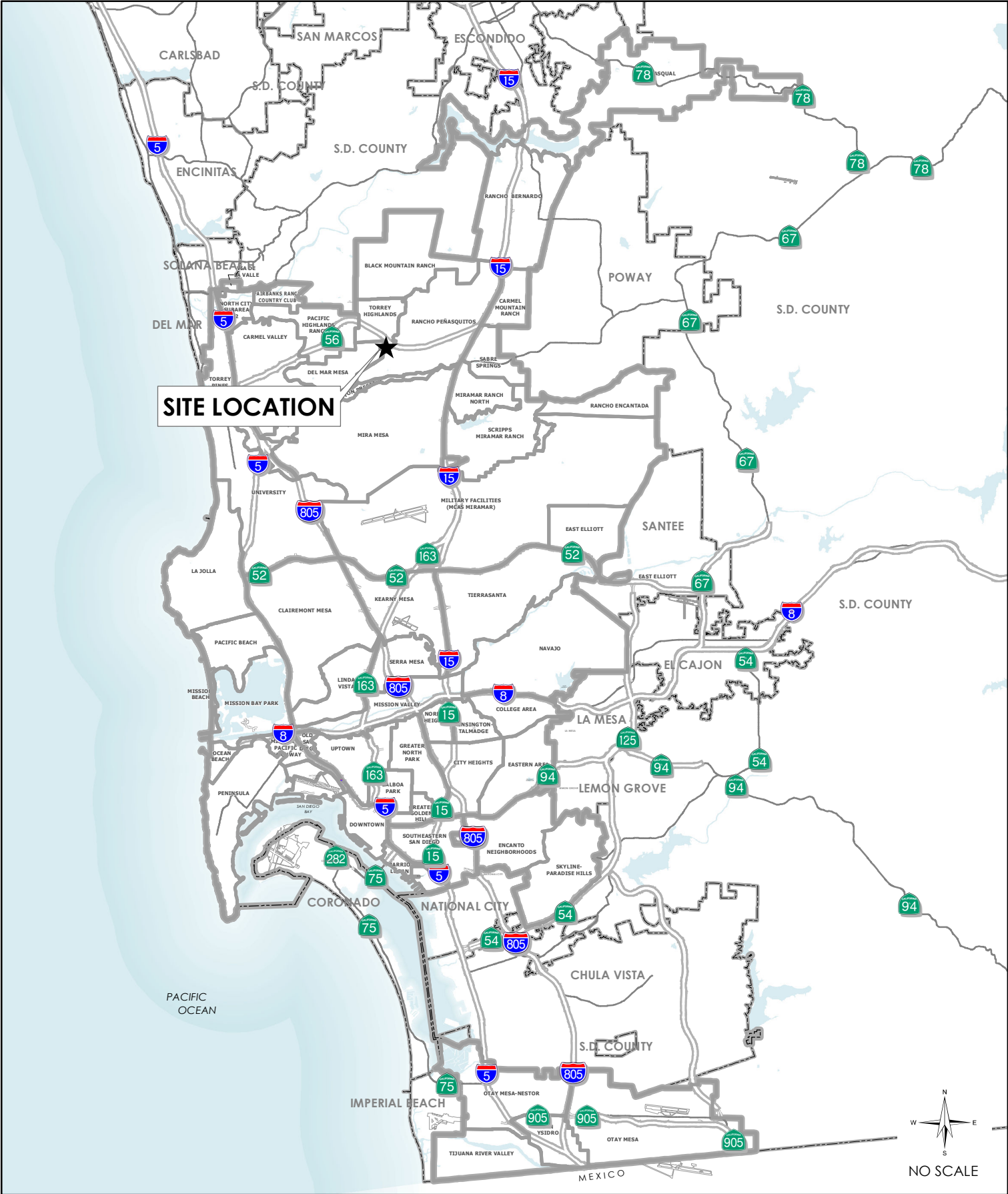
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Michael Prinz  
Associate Planner  
Planning & Neighborhood Restoration

MJP/NB

Attachments

1. Torrey Highlands Vicinity Map
2. Torrey Highlands Subarea Plan Land Use Map
3. Aerial Photo
4. Ownership Disclosure Statement

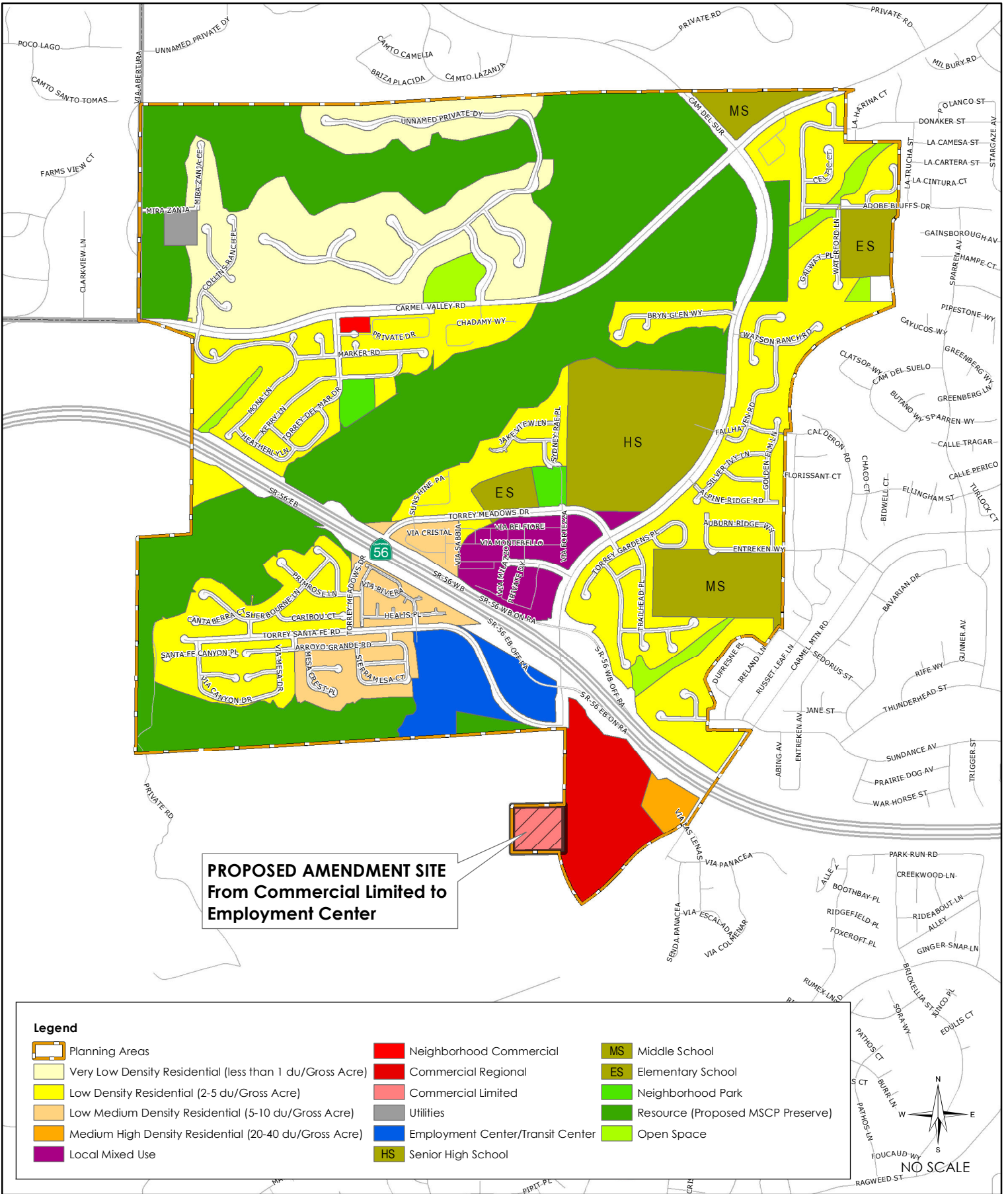


# Torrey Highlands - Vicinity Map

CITY OF SAN DIEGO • Planning and Neighborhood Restoration Department



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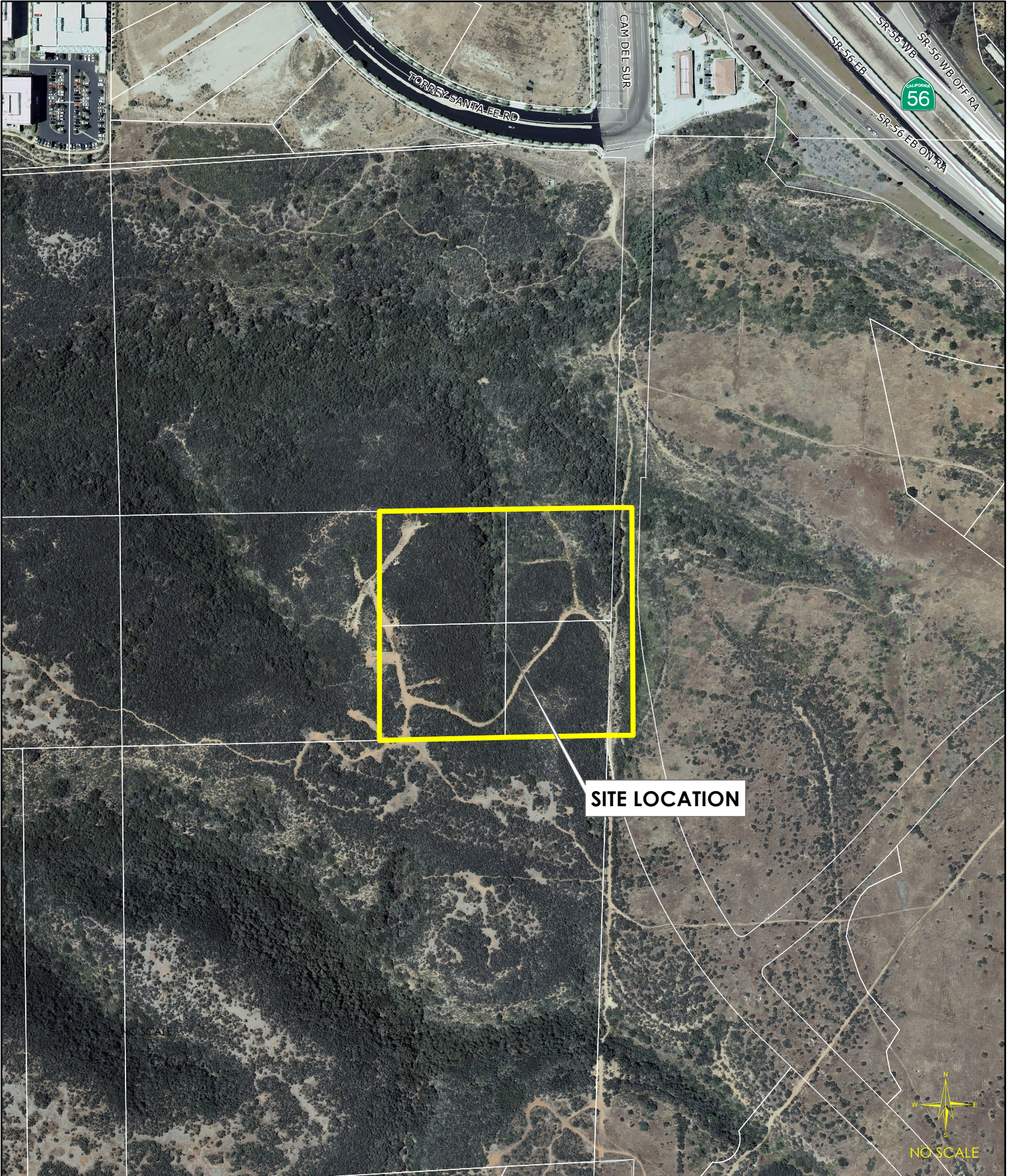


# Torrey Highlands - Project Location Map

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# Torrey Highlands - Aerial Map

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City of San Diego  
 Development Services  
 1222 First Ave., MS-302  
 San Diego, CA 92101  
 (619) 446-5000

# Ownership Disclosure Statement

**Approval Type:** Check appropriate box for type of approval (s) requested:  Neighborhood Use Permit  Coastal Development Permit  
 Neighborhood Development Permit  Site Development Permit  Planned Development Permit  Conditional Use Permit  
 Variance  Tentative Map  Vesting Tentative Map  Map Waiver  Land Use Plan Amendment •  Other \_\_\_\_\_

**Project Title** \_\_\_\_\_ **Project No. For City Use Only** \_\_\_\_\_  
 Santa Fe Summit IV - CPA Initiation

**Project Address:**  
 None. 1/4 mile south of SR-56 along west side of planning extension of Camino Del Sur

**Part I - To be completed when property is held by individual(s)**

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

**Additional pages attached**  Yes  No

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Name of Individual (type or print): \_\_\_\_\_  
 Owner  Tenant/Lessee  Redevelopment Agency  
 Street Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_  
 Phone No: \_\_\_\_\_ Fax No: \_\_\_\_\_  
 Signature : \_\_\_\_\_ Date: \_\_\_\_\_

Project Title:

Santa Fe Summit IV - CPA Initiation

Project No. (For City Use Only)

Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

[X] Corporation [ ] Limited Liability -or- [ ] General) What State? \_\_\_\_\_ Corporate Identification No. \_\_\_\_\_
[ ] Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property.. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. Additional pages attached [X] Yes [ ] No

Corporate/Partnership Name (type or print): Roman Catholic Bishop of San Diego, a corporation sole
[X] Owner [ ] Tenant/Lessee
Street Address: 3888 Paducah Drive
City/State/Zip: San Diego, CA 92117
Phone No: 858-490-8200 Fax No: 858-460-8272
Name of Corporate Officer/Partner (type or print): Michael West, POA for Most Reverend Robert H. Brom
Title (type or print): Finance Officer & Power of Attorney
Signature : [Signature] Date: 7/19/13

Corporate/Partnership Name (type or print):
[ ] Owner [ ] Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature : Date:

Corporate/Partnership Name (type or print):
[ ] Owner [ ] Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature : Date:

Corporate/Partnership Name (type or print):
[ ] Owner [ ] Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature : Date:

Corporate/Partnership Name (type or print):
[ ] Owner [ ] Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature : Date:

Corporate/Partnership Name (type or print):
[ ] Owner [ ] Tenant/Lessee
Street Address:
City/State/Zip:
Phone No: Fax No:
Name of Corporate Officer/Partner (type or print):
Title (type or print):
Signature : Date:

9. **Street, road, highway, or freeway.** New paved surface in excess of 5,000 square feet used for the transportation of automobiles, trucks, motorcycles, and other vehicles (unless it meets the exclusion for road reconfiguration on line 11).  Yes  No

10. **Retail Gasoline Outlet (RGO)** that is: (a) 5,000 square feet or more or (b) has a projected Average Daily Traffic (ADT) of 100 or more vehicles per day.  Yes  No

11. **Significant Redevelopment;** project installs and/or replaces 5,000 square feet or more of impervious surface and the existing site meets at least one of the categories above. The project is not considered Significant Redevelopment if reconfiguring an existing road or parking lot without a change to the footprint of an existing developed road or parking lot. The existing footprint is defined as the outside curb or the outside edge of pavement when there is no curb.  Yes  No

12. **Other Pollutant Generating Project.** Any other project not covered in the categories above, that disturbs one acre or more and is not excluded by the criteria below.  Yes  No

*Projects creating less than 5,000 sf of impervious surface and where added landscaping does not require regular use of pesticides and fertilizers, such as slope stabilization using native plants. Calculation of the square footage of impervious surface need not include linear pathways that are for infrequent vehicle use, such as emergency maintenance access or bicycle pedestrian use, if they are built with pervious surfaces or if they sheet flow to surrounding pervious surfaces.*

**Part C: Select the appropriate category based on the outcome of Parts A & B.**

1. If "Yes" is checked for any line in Part A, then check this box. Continue to Section 2.  Exempt Project

2. If "No" is checked for all lines in Part A, and Part B, then check this box. Continue to Section 2.  Standard Development Project

3. If "No" is checked for all lines in Part A, and "Yes" is checked for at least one of the lines in Part B, then check this box. Continue to Section 2. See the Storm Water Standards Manual for guidance on determining if Hydromodification Management Plan requirements apply.  Priority Development Project

**SECTION 2. Construction Storm Water BMP Requirements:**

**For all projects, complete Part D. If "Yes" is checked for any line in Part D, then continue to Part E.**

**Part D: Determine Construction Phase Storm Water Requirements.**

1. Is the project subject to California's statewide General NPDES Permit for Storm Water Discharges Associated with Construction Activities? (See State Water Resources Control Board Order No. 2009-0009-DWQ for rules on enrollment)  Yes  No

2. Does the project propose grading or soil disturbance?  Yes  No

3. Would storm water or urban runoff have the potential to contact any portion of the construction area, including washing and staging areas?  Yes  No

4. Would the project use any construction materials that could negatively affect water quality if discharged from the site (such as, paints, solvents, concrete, and stucco)?  Yes  No

5. Check this box if "Yes" is checked for line 1. Continue to Part E.  SWPPP Required

6. Check this box if "No" is checked for line 1, and "Yes" is checked for any line 2-4. Continue to Part E.  WPCP Required

7. Check this box if "No" is checked for all lines 1-4. Part E does not apply.  No Document Required

**Part E: Determine Construction Site Priority**

This prioritization must be completed with this form, noted on the plans, and included in the SWPPP or WPCP. The City reserves the right to adjust the priority of the projects both before and during construction. [Note: The construction priority does NOT change construction BMP requirements that apply to projects; rather, it determines the frequency of inspections that will be conducted by City staff.]

- 1. High Priority**
  - a) Projects where the site is 50 acres or more and grading will occur during the wet season
  - b) Projects 1 acre or more and tributary to an impaired water body for sediment (e.g., Peñasquitos watershed)
  - c) Projects 1 acre or more within or directly adjacent to or discharging directly to a coastal lagoon or other receiving water within a Water Quality Sensitive Area.
  - d) Projects subject to phased grading or advanced treatment requirements.

**2 Medium Priority.** Projects 1 acre or more but not subject to a high priority designation.

**3 Low Priority.** Projects requiring a Water Pollution Control Plan but not subject to a medium or high priority designation.

Name of Owner or Agent (Please Print):

Steve Scott, Kilroy Realty, L.P.

Title:

Senior Vice President

Signature:



Date:

7/22/2013

DOC # 2011-0567872



OCT 27, 2011 10:05 AM

OFFICIAL RECORDS  
SAN DIEGO COUNTY RECORDER'S OFFICE  
Ernest J. Dronenburg, Jr., COUNTY RECORDER  
FEES: 38.00

PAGES: 5



This Space for Recorder's Use

Recording Requested By:

When recorded mail this to:  
Diocese of San Diego  
Office for Civil Affairs  
P.O. Box 85728  
San Diego, CA 92186-5728  
Attn.: Maria C. Roberts

PC  
5P  
ICC

POWER OF ATTORNEY

**KNOW ALL MEN BY THESE PRESENTS:** That the undersigned, the Most Reverend ROBERT H. BROM, Bishop of San Diego, , being the incumbent of THE ROMAN CATHOLIC BISHOP OF SAN DIEGO, a corporation sole organized and existing under the laws of the State of California, and having its principal office for the transaction of the business of said corporation sole at the City of San Diego, in said State, does hereby make, constitute and appoint MICHAEL WEST of the City of San Diego, in the County of San Diego, in said State, the true and lawful attorney of said corporation sole for it and in its name, place and stead and for its use and benefit, granting to him the powers;

(a) To, ask, demand, sue for, recover, collect and receive each and every sum of money, debt account, legacy, bequest, interest, dividend, annuity and demand (which now is or hereafter shall become due, owing or payable) belonging to or claimed by said corporation sole, and to use and take any lawful means for the recovery thereof by legal process or otherwise, and to execute and deliver a satisfaction or release therefor, together with the right and power to compromise or compound any claim or demand;

(b) To execute any or all of the following powers as to real property, and interest therein and/or any billing thereon: To contract for, purchase, receive and take possession thereof and of evidence of title thereto; to release the same for any term or purpose, including lease for business, residence, and oil and/or mineral development; sell, exchange, grant or convey the same with or without warranty; and to mortgage, transfer in trust, or otherwise encumber or hypothecate the same to secure payment of a negotiable or non-negotiable note or performance of any obligation or agreement;

(c) To exercise any or all of the following powers as to all kinds of personal property and goods, wares and merchandise, choices in action and other property in possession or in action: To contract for, buy, sell, exchange, transfer and in any legal manner deal in and with the same; and to mortgage, transfer in trust, or otherwise encumber or hypothecate the same to secure payment of a negotiable or non-negotiable note or performance of any obligation or agreement;

(d) To borrow money and to execute and deliver, negotiable or non-negotiable notes therefor, with or without security; and to loan money and receive negotiable or non-negotiable notes therefor with any such security as he shall deem proper;

(e) To create, amend, supplement and terminate any trust and to instruct and advise the trustee of any trust wherein said corporation sole is or may be trustor or beneficiary; to present and vote stock, exercise stock rights, accept and deal with any dividend, distribution or bonus, join in any corporate financing, reorganization, merger, liquidation, consolidation or other action and in extension, compromise, conversion, adjustment, enforcement or foreclosure, singly or in conjunction with others of any corporation stock, bond, note, debenture or other security; to compound, compromise, adjust, settle and satisfy any obligation, or secured or unsecured, owing by or to said

corporation sole and to give or accept any property and/or money whether or not equal to or less in value than the amount owing in payment, settlement or satisfaction thereof;

(f) To transfer business of any kind or class and as said corporate sole's act and deed, to sign, execute, acknowledge and deliver any deed, lease, assignment of lease, covenant, indenture, indemnity, agreement, mortgage, deed of trust, assignment of mortgage or of the beneficial interest under deed of trust, extension or renewal of any obligation, subordination or waiver of priority, bill of lading, bill of sale, bill, bond, note, whether negotiable or non-negotiable, receipt evidence of debt, full or partial release or satisfaction of mortgage, judgment and other debt, request for partial or full reconveyance of deed of trust and such other instruments in writing of any kind or class as may be necessary or property in the premise;

**GIVING AND GRANTING** unto said attorney full power and authority to do and perform each and every act and thing whatsoever requisite, necessary or appropriate to be done in and about the premises as fully as said corporation sole might or could do by its incumbent if he were personally present or acting directly or without an intermediary, said corporation sole hereby ratifying all that its said attorney, MICHAEL WEST shall lawfully do or cause to be done by virtue of these presents. The powers and authority hereby conferred upon said attorney shall be applicable to all real and personal property or interest therein now owned or hereafter acquired by said corporation sole and wherever situate.

The agency created by this instrument shall not be terminated by a vacancy in the incumbency of said corporation sole.

When the context so requires, the singular number includes the plural, and vice versa.

IN WITNESS WHEREOF, said corporation sole, has executed these presents by its undersigned incumbent, this 26<sup>th</sup> day of October, 2011.

THE ROMAN CATHOLIC BISHOP OF SAN  
DIEGO, a Corporation Sole

By: Robert H. Brom  
Most Reverend Robert H. Brom  
Its Incumbent

4849-8625-7677, v. 1