

San Dieguito Planning Group
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December 13, 2019

Kevin L. Faulconer
Mayor

City of San Diego
202 C Street
San Diego, CA 92101

Mayor Faulconer,

The San Dieguito Planning Group unanimously supports the actions being taken by the Fairbank's Polo Club Homeowner's Association to ensure enforcement of the Deed Restrictions governing the use of the property currently leased by SurfCup and requests the City of San Diego make every effort to enforce those restrictions.

The San Dieguito Planning Group has a long history of supporting the development and upgrade of youth-based facilities and activities in the unincorporated areas of the County of San Diego. The Planning Group has routinely funded and promoted improvements to the San Dieguito County Park.

The San Dieguito Planning Group has been watching the evolution of the area in the San Dieguito River Valley locally known as the Polo Grounds. A Grant Deed with covenants restricting the use of the Polo Grounds was granted to the City of San Diego (represented by the Real Estate Asset Department - READ) by Watt Industries as part of the package that allowed the development of Fairbanks Ranch. Ocean Industries (successor to Watt) became the Successor to the Grantor of the Grant Deed for the land. The Grant Deed indicates the approved uses and intensity of use of the property.

The City of San Diego leased the property under that Grant Deed initially to the Polo Club. When that lease expired, the City extended a 26-year lease to SurfCup. SurfCup is required to abide by the deed restrictions on the property, but they have failed to follow them.

SurfCup expressed the intent to utilize the property for Youth Soccer activities, which the Grant Deed was modified to allow. SurfCup also requested the number of Days of Use be significantly increased, and to allow additional uses, namely Christmas Tree Sales, Dog Shows and Golf Club demos. However, these modifications to the Grant Deed were never legally recorded.

Following several complaints about how SurfCup has intensified utilization of the Polo Grounds, an action that has negatively impacted the surrounding neighborhoods and violated the original intent of the Deed Restrictions, Ocean Industries revoked the increase in the number of days of use. Attempts to get READ, (City of San Diego) and SurfCup to comply has been ineffective to date.

Ocean Industries subsequently legally named Fairbank's Polo Club Homeowner's Association (FPCHOA) Successor to the Grantor with management responsibility of the Grand Deed. This action was very logical since the Polo Homes overlook the property and are directly impacted by usage there.

FPCHOA has determined SurfCup has consistently violated the restrictions on the use of the property and their lease (Specifically Days of Use, Signage and Commercial Sales) which has negatively impacted local neighbors. The increased usage is not in compliance with the Grant Deed and usage intended for this public land. Use has not been in keeping with the rural character of this neighborhood and it does not assist with the preservation of these sensitive lands of the San Dieguito River Valley and Park. The current infrastructure surrounding this site does not support this usage or the public safety and nuisance hazard it has created.

FPCHOA contacted READ several times presenting its grievances. READ declined to act. So FPCHOA revoked all previous modifications to the Grant Deed and sent a "Cease and Desist" letter to READ and SurfCup demanding they stop violating their lease and the deed restrictions on the property. READ claimed they were not in violation.

FPCHOA is considering options, including legal action asking the Court for an injunction to enforce the Deed Restrictions.

Sincerely,

Douglas Dill
Chair, San Dieguito Planning Group