

August 1, 2025
The Honorable Todd Gloria
Mayor
City of San Diego

Honorable City Council Members
City of San Diego

County Supervisor Terra Lawson-Remer
RE: Removal of Deed Restrictions at the Polo Fields

Dear Mayor Gloria, City Council Members, and Supervisor Terra Lawson-Remer:
The Whispering Palms Community Council and the homeowner organizations signing this letter represent the 500 plus home owners in Whispering Palms and have become aware of the latest development in the case of the *Fairbanks Polo Club Homes v. City of San Diego and Surf Cup Sports, LLC*, specifically the 06-26-2025 filing of the *Defendants Ex-Parte Application to Stay the Case and to Vacate Trial Date*.

In conjunction with this is an effort, along with Ocean Industries, to bring forth a resolution to the City Council which would ultimately terminate the land use restrictions contained in the Grant Deed for the land commonly known as the Polo Fields.

While Whispering Palms is in the unincorporated portion of San Diego County, our community of 500 plus homes is immediately adjacent to the north and east of the Polo Fields on the boundaries of the affected lands. We have closely watched this important land use issue since the new lease to Surf Cup in 2016. The home owners we serve are severely impacted by the activities on these fields and extremely concerned about these new developments. Based on the widely observed uses which appear to violate the current deed restrictions both in frequency and type of use, the WPCC has serious concerns about this new attempt to remove the restrictions altogether.

The WPCC and the home owner organizations therefore stongly opposed to this proposed action to terminate the deed restrictions.

It is important to point out that the land in question was deeded to the City of San Diego in the 1980s in exchange for the authorization to develop the surrounding neighborhoods. As part of that negotiation, land use restrictions were put in place to preserve it as open space for the benefit of the public good. The approval of the Fairbanks Ranch project at that time was justified by the commitment of permanent long-term open space. Should the City now agree to delete the restrictions to the open space preservation agreement, it would be a violation of the former council's commitments to the public and a violation of the public trust. A supposed legal loophole, if one exists, should not be exploited to violate these past promises to the public. It does not serve the public interest; the original intent must be upheld.

The deed restrictions were agreed to by the City in 1983. Furthermore, the RFP for the new lease referenced them, and they were written into the lease that Surf Cup signed and agreed to in 2016. All parties agreed to this. It is wrong to try to abolish them.

Beyond betraying the public interest and removing the benefit of the public lands, removing the deed restrictions on the Polo Fields would set a very bad precedent that should concern ALL council members, regardless of whether this is directly impacting your district. The council's credibility with the public is at stake, and profit-driven entities may come after the open space in other districts next.

In addition, environmental impacts caused by the removal of the deed restrictions have not been studied but can be presumed to be significant. This property is in a floodplain and sensitive coastal area; the City has in fact spent millions on wetlands restoration directly across the street from the fields and its overuse is likely to result in major environmental impacts. Indeed, the current usage of the fields is deemed excessive by many neighbors and the noise, traffic, dust, lights, and other effects already impact the safety and quality of life in the Whispering Palms community. In conclusion, whether the City can legally terminate the deed restrictions, the WPCC homeowner organizations strongly asserts that terminating these public benefit land restrictions would not be in the public interest and would have a severely negative and lasting effect on the natural river valley and Whispering Palms community.

Please vote NO on any resolution to terminate the deed restrictions.

Sincerely,

Byron L. Hanchett

President

Whispering Palms Community Council