

Our Historic Community



Rancho Santa Fe

“The Covenant”

**California Historic Landmark #982
(1989)**

**Cultural Landscape Amendment
(2004)**



Duty to Preserve and Protect Community Character & Property Values

- **Damage to Community Character, Rural Aesthetics, and Enjoyment of Property**
- **Loss of Marketability**
- **Greatly Reduced Property Values**

Loss of Marketability

- **Wealthy Buyers Have Other Choices, e.g. of The Bridges**
- **Length of Time on Market**
- **Letter from Prospective RSF Buyer Unwilling to Purchase near a Cell Tower**

Greatly Reduced Property Values

- **Opinion of Real Estate Professionals Across the Country**
- **Survey of Local RSF Realtors**
- **Appraisal Studies**
- **Opinion of Real Estate Appraisal Specialist**
- **Mi Casa es Su Casa**

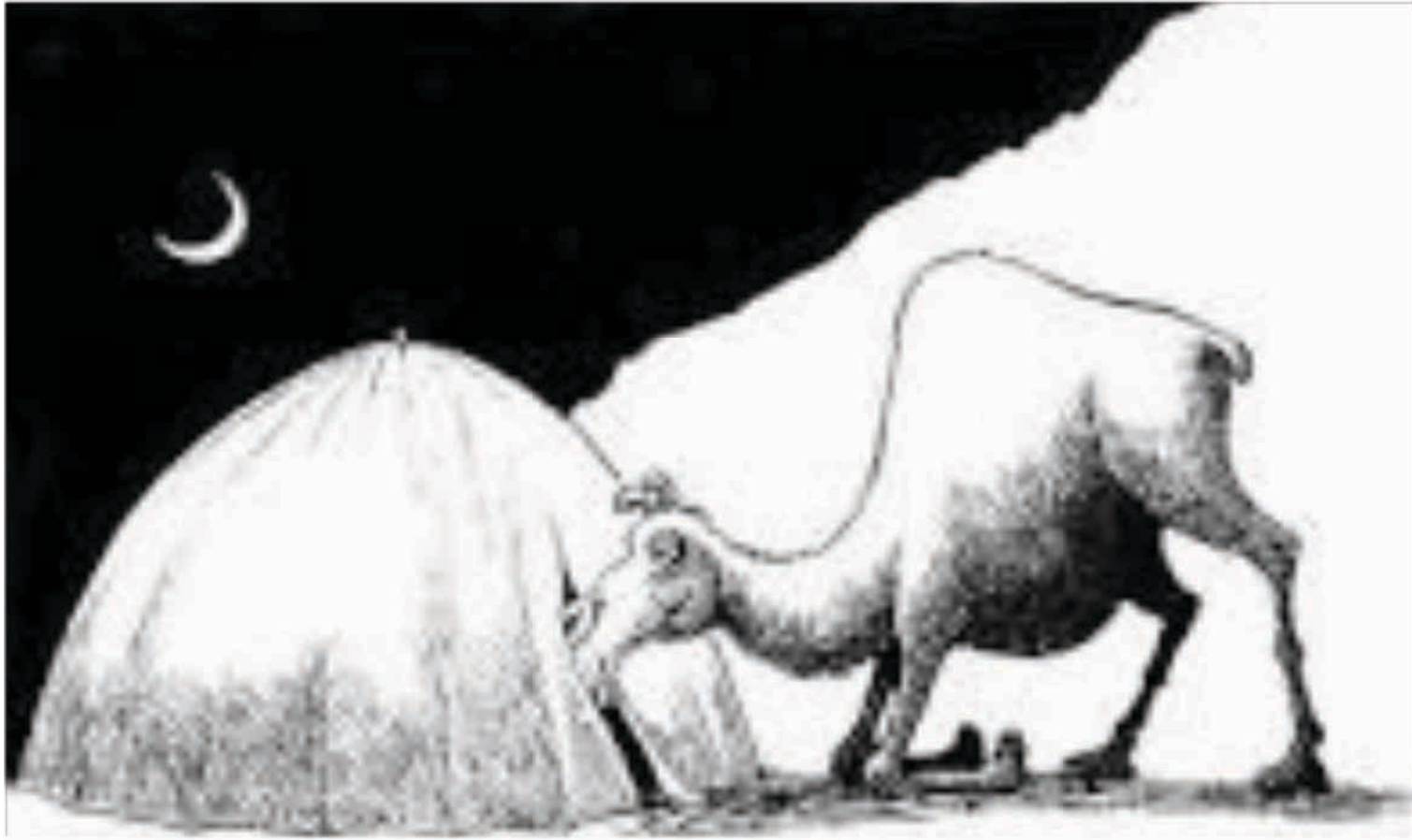
Real Estate Disclosures Required

- **Sellers and Their Agents Must Disclose Issues Affecting Property Value or Desirability**
- **Includes Explicit Disclosures regarding:**
 - **Changes in Zoning Affecting Property Value**
 - **Lawsuits Affecting Property Value**
- **Cell Towers in the Neighborhood**

The Community Has Voted

- In 2003, **1,000 Covenant Residents** Signed a Petition to the Association & County Regarding Limitations on Cell Sites
- Any Community Vote Should Ask: “If you’re in favor of better cell coverage, would you agree to a cell tower next to your home?”
- **Bad Precedent** Regarding Community-owned Property and for the Carriers

An old proverb says,



**If a camel gets his nose into the tent,
his body will follow.**

Other Community Costs

- **Lawsuits, Legal Costs, Aggravation**
- **Delayed Action on Cell Coverage Improvements**
- **Community Reputation**
- **Neighbor vs. Neighbor**
- **The Legacy of this Board and Association Members**

Rancho Santa Fe Protective Covenant Declaration No. 1 of Establishment

Rancho Santa Fe Protective Covenant

**DECLARATION NO. 1 OF ESTABLISHMENT
of**

**General Basic and Local Protective Restrictions,
Conditions, Covenants,**

**Reservations, Liens, and Charges Affecting the
Property Known as**

RANCHO SANTA FE

**Which is Situated in the County of San Diego in the
State of California**

Civil Code §5975. Enforcement of Governing Documents.

(a) The covenants and restrictions in the declaration shall be enforceable equitable servitudes, unless unreasonable, and shall inure to the benefit of and bind all owners of separate interests in the development. Unless the declaration states otherwise, these servitudes may be enforced by any owner of a separate interest or by the association, or by both.

1. WILLIAMS 2-4-0085
2. C. KLECHER 7-21-06
3. J. Gillies 5-15-89
4. JONOPCHENKS 5-22-13
5. F. Sciacca 9-9-94
6. T. Magee 6-15-06
- 7.
8. HELMAN
- 9.

10. JE ENGLERT 11-88
11. FISCHER 12-28-13
12. CALTAGIRONE 12-8-95
13. BW GROTE IV 8-5-89 10-89
14. H. TONER 4-12-01 1-01
15. WILSON DENNIS 10-04

BLOCK 1

19

BLK. 11

IMPORTANT

28
1-17

LINDO

14

LAGO

R. STOUGHTON
3-11-67

6115

2.29 AC.

McMAHON
9-19-70

1.23 AC.

IMPORTANT

NEAL

1.12 AC.

266
23

6175

R. C. BUTLER
12-28-94

1.56 AC.

HOCKMAN, B.
10-12-11

1.75 AC.

MRS
11-21-73

JB WARDEN
12-13-76

1.36 AC.

RSF ASSOC

5.29 AC.

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MIMULUS

LOS EUCALYPTOS

EL CIRCULO

B+C Parker
7/24/15

2.74 AC.

202

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266
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SHT. 2

LARSEN
7-7-12

1.44 AC.

64

6335

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J. PREV

M. 1742

1.30 AC.

POR 30

STINE FAM.

6-28-13

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Par. 214. Class H Districts

(d) The following portions of said Tract are hereby established as business and public use districts of **Class H**, as defined and limited in said Rancho Santa Fe Protective Covenant:

- Lots **27**, 45, 61, 80, 107 and Lots 139 to 148, inclusive, provided that Lot 145 shall never be used for any purpose other than a golf course, park or recreation field, except with the approval in writing duly acknowledged and filed for record in the office of said County Recorder signed by the owner of each and every lot or parcel touching or adjoining said Lot 145 in any part, excepting a public road.

Par. 107. Section 10. Business and Public Use Districts of Class H - Public and Semi-Public Uses

In Business and Public Use Districts of Class H, no building, structure or premises shall be erected, constructed, altered or maintained which shall be used or designed or intended to be used for any purpose other than that of a public or private school, playground, park golf course, public art gallery, museum, library, firehouse, nursery or greenhouse or other public or semipublic building, or a single family dwelling.

Par. 219. Section 5. Easements and Rights of Way

(a) Easements and Rights of Way are hereby specifically reserved to the Company its successors and assigns, for the erection, construction, operation and maintenance of:

- (1) Poles, wires and conduits for the transmission of electricity for lighting, heating power, telephone and other purposes and for the necessary attachments in connection therewith; and
- (2) Public and private sewers, storm water drains, land drains and pipes, water systems, water, heating and gas mains or pipes; and
- (3) Any other method of conducting and performing any public or quasi-public utility service or function beneath the surface of the ground.

Par. 97. Section 3. Residence Districts of Class A - Single Family Dwellings and Farming

In Residence Districts of Class A, no building, structure or premises shall be erected, constructed, altered or maintained which shall be used or designed or intended to be used for any purpose other than that of one detached single family dwelling on any building site, and of farming and the raising of orchards, produce or crops.

Par. 220

(b) Such easements and Rights of Way are hereby specifically reserved on: (1) A five (5) foot strip on each side of the lot lines of each and every numbered lot in a Class A or B residence district in said Tract Number 2089, provided that this subsection shall not apply to a lot line adjoining a street, walk or alley, or lot in a business and public use district of Class H.

Par. 165. Section 3 (As amended in 1930). Modification of Other Restrictions

Any of the conditions, restrictions, covenants, reservations, liens or charges set forth in Article VI hereof, or hereafter established in any declaration, acceptance or covenant of additional restrictions or deed, contract of sale, or lease approved by the Association as herein provided, and filed for record with said County Recorder, applicable to any part of said property, unless otherwise provided therein, may be changed or modified by written instrument duly executed and placed of record, with the written approval of the Association and the owner or owners of record of two-thirds in area of the property directly subject to said change or modification; provided, however, that no such change or modification shall be made without the written consent duly executed and recorded of the owners of record of not less than two-thirds in area of all of said property held in private ownership within five hundred (500) feet in any direction from the property concerning which a change or modification is sought to be made, and provided further that this shall not be construed as requiring the consent of the owners of any property not under jurisdiction of the Association; and also provided that any approval given thereto by the Association shall not be valid unless and until the Board of Directors shall first have had a public hearing thereon. The phrase "property directly subject to said change or modification," as used in this paragraph, shall be taken to mean only the parcel or parcels of said property described in the application for amendment presented to the Association for approval.

Par. 178. Section 8. Violation Constitutes Nuisance

Every act of omission, whereby any restriction, condition or covenant is this covenant set forth, is violated in whole or in part, is declared to be and shall constitute a nuisance and may be abated by the undersigned owners and the owners of said property or of any part thereof or their and each of their successors in interest and/or by the Association and/or by any lot owner subject to the jurisdiction of the Association; and such remedy shall be deemed cumulative and not exclusive.

6.2 Submittal Information

- Applications for the installation of Wireless Facilities in the RSF Covenant Area shall provide the following information to RSFPC not less than twenty (20) days prior to its monthly meeting. In addition, to ensure that no delay occurs in the decision process, the applicant's representative(s) at this meeting must have the technical and business knowledge to answer questions *in depth* about the information provided.
- 1. The identity and legal status of the applicant, including any affiliates.
- 2. The name, address and telephone number for the officer, agent or employee responsible for the accuracy of the application information.
- 3. The name, address and telephone number of the owner, and agent representing the owner if applicable, of the property upon which the proposed wireless communication facility is to be built.
- 4. The address and assessor parcel number(s) of the proposed wireless communication facility site, including the precise latitude/longitude coordinates and Thomas Brothers map reference of the proposed facility.
- 5. The names and addresses of the record owners of all abutting property.
- 6. Evidence of need for the proposed new wireless communication facility shall be provided demonstrating that existing facilities in the RSF Covenant area cannot reasonably be modified to provide adequate coverage and/or adequate capacity to the intended service area. The documentation shall include a description of the service provider's existing wireless communication facilities network in the RSF Covenant Area. [Continues on].

Wireless Facilities Master Plan Submittal Information Requirements

- 6.2 Submittal Information
- 6.3 The Level of Service
- 6.4 Compliance
- 6.5 A Detailed Visual Analysis
- 6.6 An Alternatives Analysis
- 6.7 Detailed maps of proposed facility site and vicinity
- 6.8 Detailed plans/diagrams of proposed facility and site
 - *Proposed Site Plan*
 - *Proposed Facility*
 - *Proposed Communications Equipment Shelter*
 - *Proposed Equipment Plan*

6.6 An Alternatives Analysis

- The applicant shall submit an alternatives analysis, which shall at a minimum:
 - a. Identify all technically feasible alternative locations, and facility designs or types;
 - b. Address the potential for co-location with existing facilities;
 - c. Explain the rationale for selection of the proposed site based on its technical and environmental merits;
 - d. Include conceptual diagrams/plans of the primary alternative design and site;
 - e. Document the attempt to obtain the use of the primary alternative site.

Civil Code §4950. Meeting Minutes

(a) **The minutes**, minutes proposed for adoption that are marked to indicate draft status, or a summary of the minutes, **of any board meeting, other than an executive session**, shall be available to members **within 30 days of the meeting**. The minutes, proposed minutes, or summary minutes shall be distributed to any member upon request and upon reimbursement of the association's costs for making that distribution.

Civil Code §5975. Enforcement of Governing Documents

(c) In an action to enforce the governing documents, the prevailing party shall be awarded reasonable attorney's fees and costs.

ALTERNATE APPROACHES

Wireless Master Plan

Open WMPC Meetings with Member Input

Appeared before:

- **RSFA Board**
- **RSFA Planning Committee**
- **RSFA Finance Committee**
- **RSFA Art Jury (Now CDRC)**
- **San Dieguito Planning Group**
- **San Diego County Board of Supervisors**
- **San Diego County Zoning Administration**
- **San Diego County Planning Commission**
- **Santa Fe Irrigation District Board**
- **Community Services District Board**
- **Neighboring communities**

WMPC Contacted:

- **The governor**
- **Senators**
- **A congressman**
- **Telecommunications executives,**
- **FCC Commissioner's representatives**
- **League of Cities' representative**
- **Wireless Telecommunication Bureau**

WMPC Consulted With:

- **Telecommunication Lawyers**
- **RSF Historical Society**
- **RSF Garden Club**
- **Architects**
- **California State Historic Preservation Officer**

And:

- **Organized two Association-wide educational meetings**
- **Sent out several mailings to members**
- **Solicited community input throughout entire process**

WMPC Accomplishments

- **Developed a Wireless Master Plan - Still in existence**
- **Arranged a Distributed Antenna System (DAS)**
- **Obtained Cultural Landscape Amendment to our California Historic Landmark designation**
- **Protected and enhanced Covenant real estate values**

Wireless Master Plan Highlights

- “The purpose of the Master Plan is to protect the safety, general welfare and visual assets of the Village of [Rancho] Santa Fe while accommodating the communication needs of the residents and businesses.”
- WMP preferred order for location of facilities:
 - “Most Preferred: Existing structure in **Non-residential** areas
 - New structures in **Non-residential** areas
 - Camouflaged structures on **Non-residential** parcels”
 - Height of antenna structures **shall be limited to 35 feet.....**

Request

- **Openness of past boards was biggest challenge to WMPC**
- **We need Openness, Transparency, Inclusiveness and Community Input**
- **Step back, slow down**
- **Allow counsel to meet before any action taken**



“IARC CLASSIFIES RADIOFREQUENCY ELECTROMAGNETIC FIELDS AS POSSIBLE CARCINOGENIC TO HUMANS”

Lyon, France, May 31, 2011 — The WHO/International Agency for Research on Cancer (IARC) has classified radio frequency electromagnetic fields as possible carcinogenic to humans (Group 2B), based on an increased risk for glioma, a malignant type of brain cancer, associated with wireless phone use.

“The classification 2B, possibly carcinogenic, holds for all types of radiation within the radio frequency part of the electromagnetic spectrum, including the radiation emitted by base-station antennas, radio/TV towers, radar, Wi-Fi, smart meters, etc.”

The IARC Monographs, Robert A. Baan, PhD, 29 Aug 2011

Lago Lindo Site

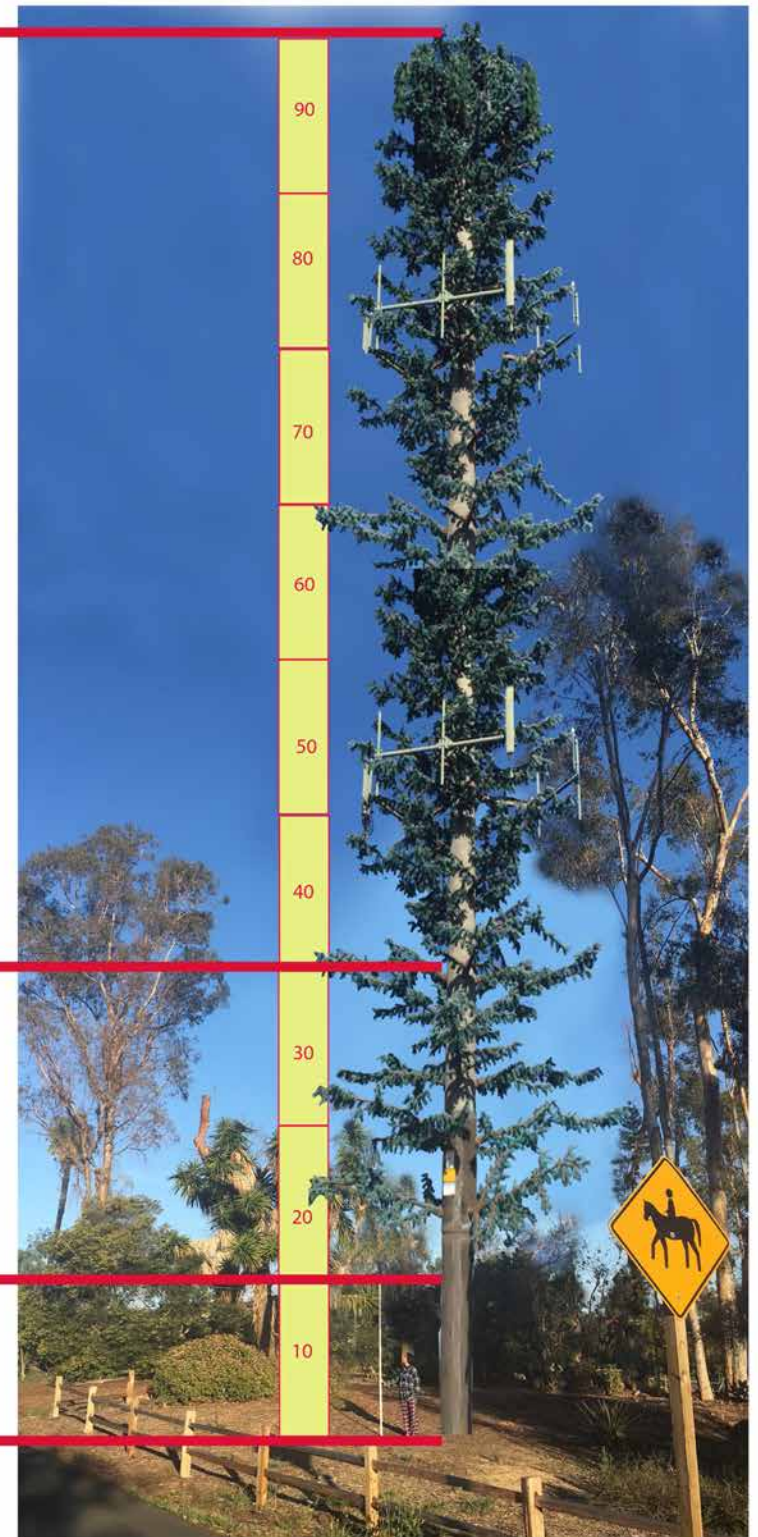
90 feet

30' Telephone pole



30 feet

10 feet



Via de Fortuna Site

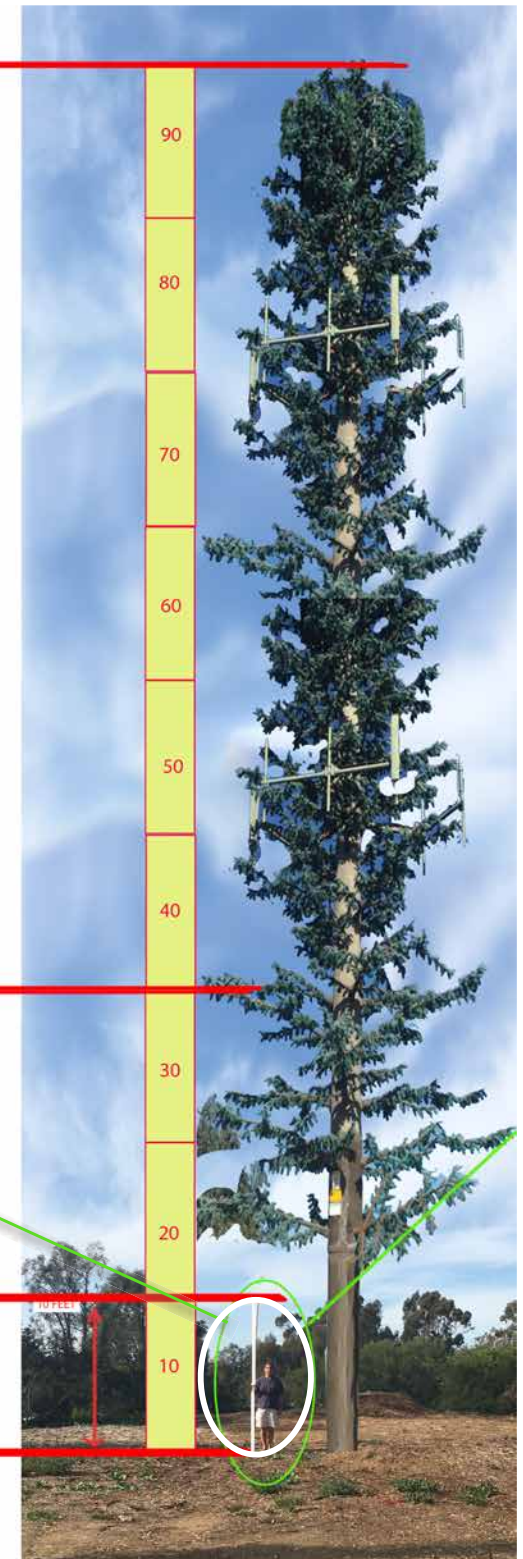
90 feet



Man holding 10' pole.

30 feet

10 feet



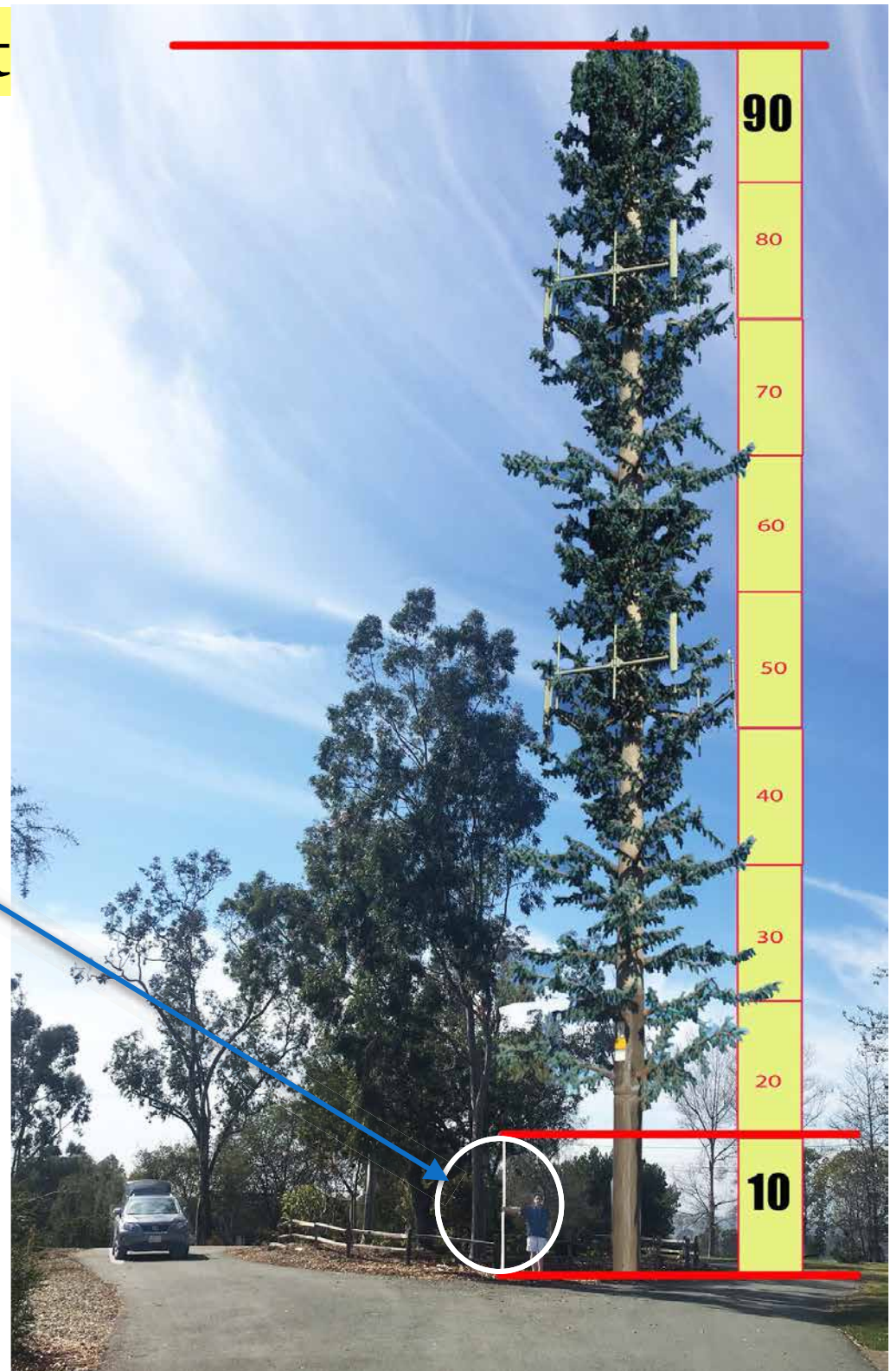
La Glorieta Site

90 feet

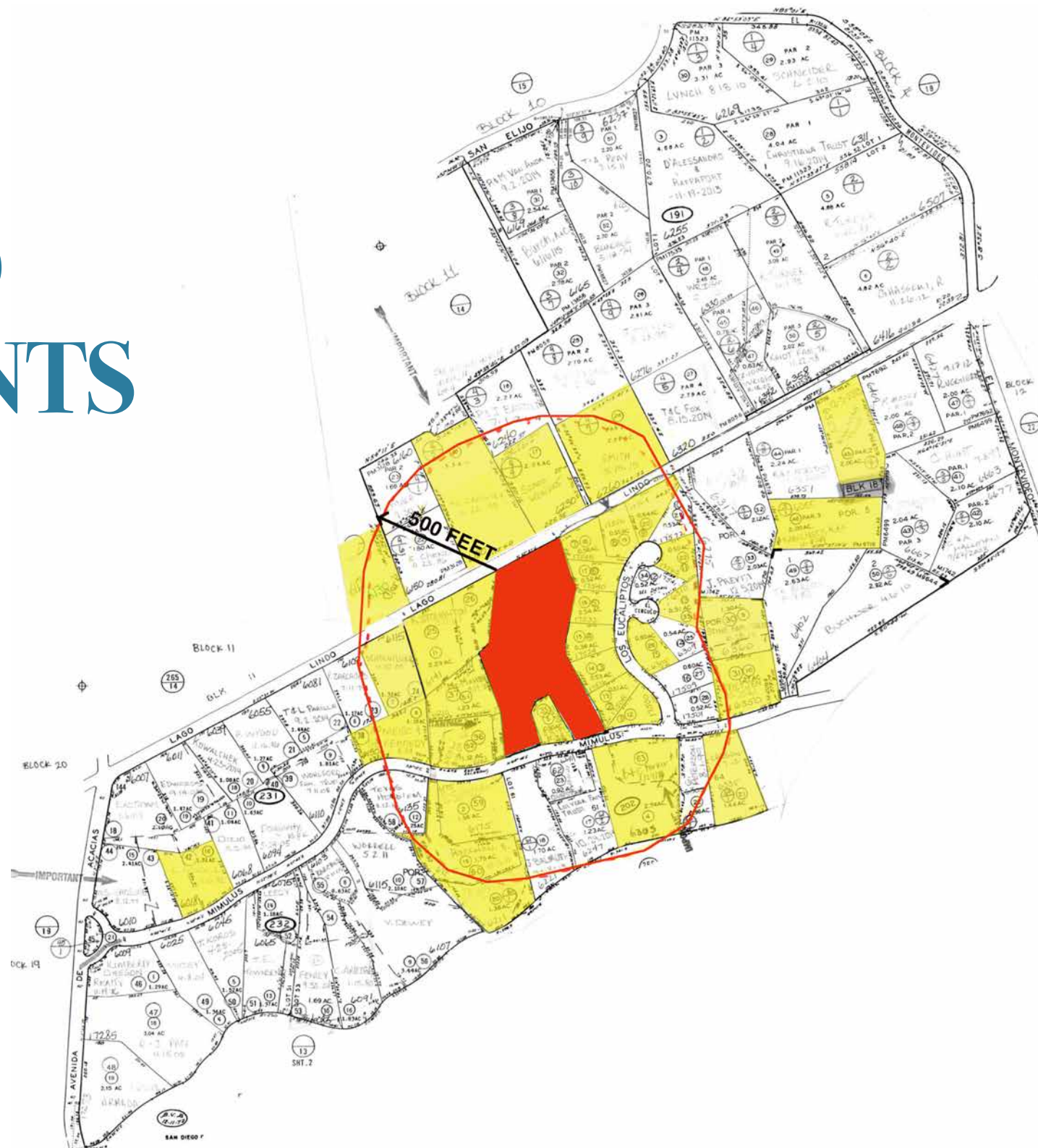


Man is holding 10' pole.

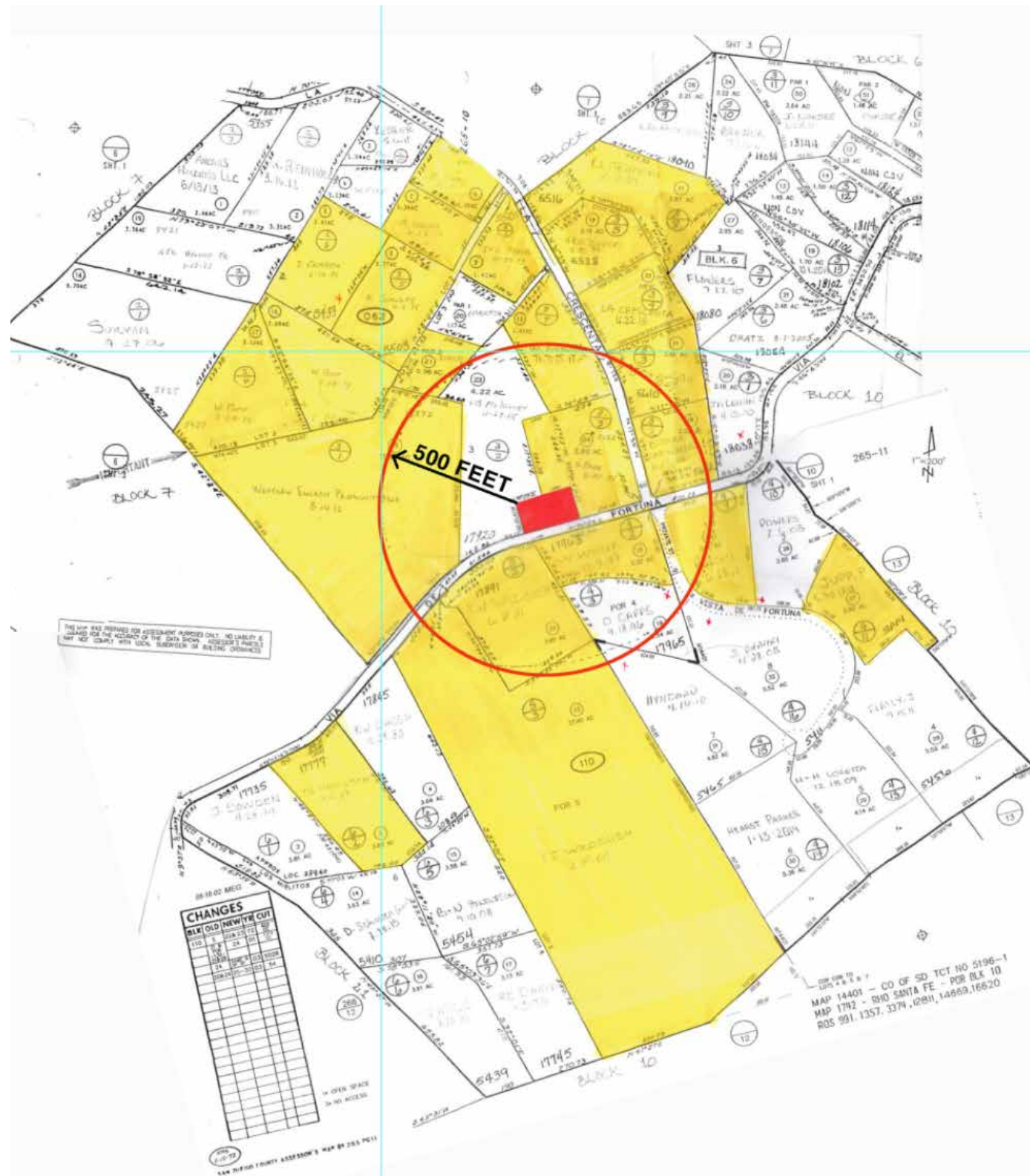
10 feet



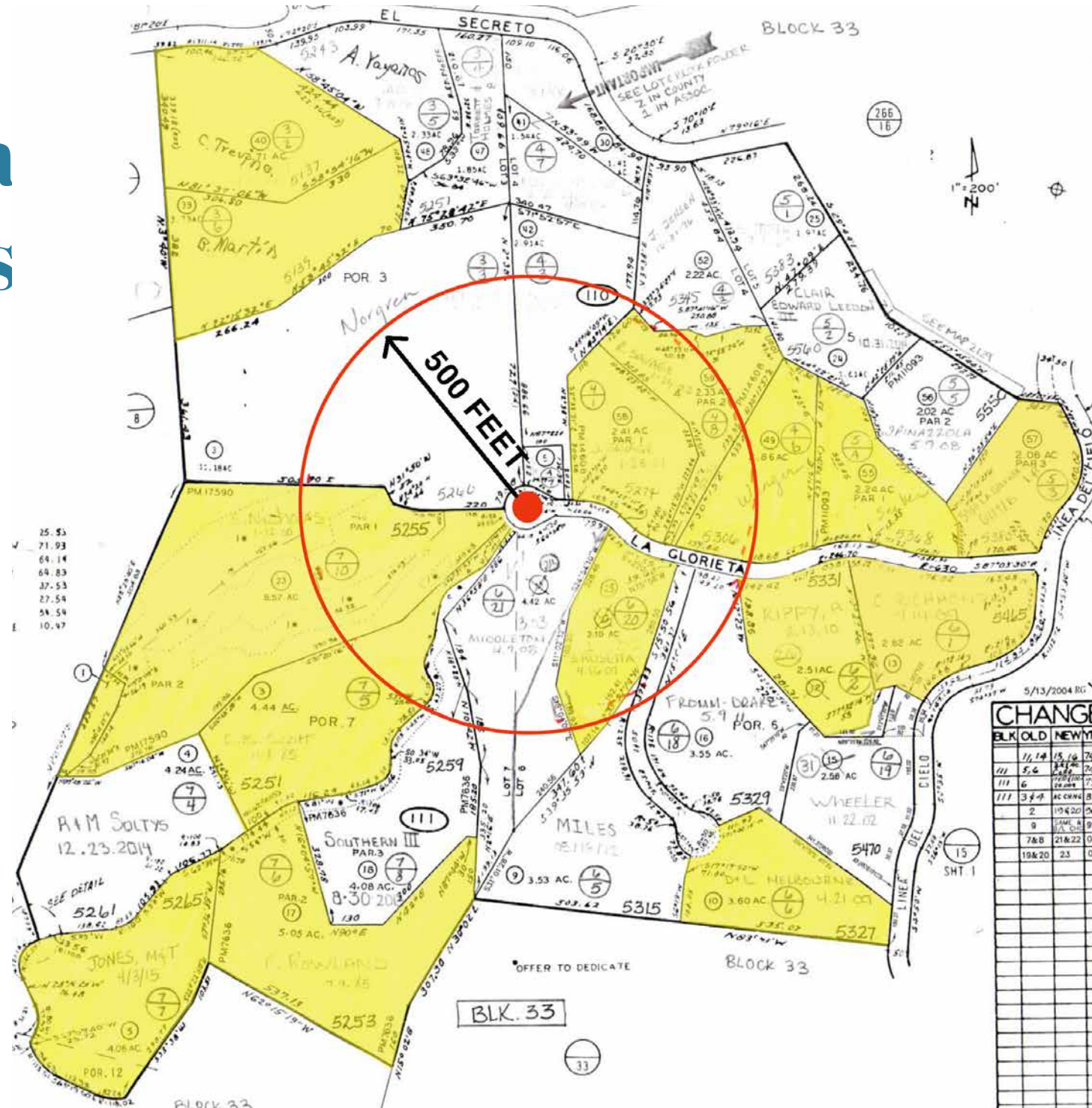
LAGO LINDO OPPONENTS



Via De Fortuna Opponents



La Glorieta Opponents



Boom Trucks, etc. - 24/7 access



Equipment Buildings Required



- ❖ for power supply, backup generators or batteries and cell equipment.
- ❖ to attenuate noise
- ❖ to prevent access to children and vandals



In-ground vault makes noise and emits a smelly exhaust.

RANCHO SANTA FE ASSOCIATION,



DO THE RIGHT THING,
VOTE NO ON CELL TOWERS!