



STATE OF CALIFORNIA
FAIR POLITICAL PRACTICES COMMISSION
1102 Q Street • Suite 3050 • Sacramento, CA 95811
(916) 322-5660 • Fax (916) 322-0886

October 13, 2025

Maricela E. Marroquin
Assistant City Attorney
City of Temecula
350 South Grand Avenue
37th Floor
Los Angeles, CA 90071

Re: Your Request for Formal Advice
Our File No. A-25-117

Dear Ms. Marroquin:

This letter responds to your request for advice on behalf of Temecula (“City”) City Planning Commissioners Lanae Turley-Trejo and Mark Watson, as well as City Council Member Matt Rahn, regarding the conflict of interest provisions of the Political Reform Act (the “Act”).¹

Please note that we are only providing advice under the conflict of interest provisions of the Act and not under other general conflict of interest prohibitions such as common law conflict of interest or Section 1090.

Also note that we are not a finder of fact when rendering advice (*In re Oglesby* (1975) 1 FPPC Ops. 71), and any advice we provide assumes your facts are complete and accurate. If this is not the case or if the facts underlying these decisions should change, you should contact us for additional advice.

QUESTION

Under the Act, may Commissioners Turley-Trejo and Watson, as well as Council Member Rahn, take part in governmental decisions relating to the installation of a 77-foot mono-eucalyptus wireless tower facility, given the proximity of their respective residences to the installation site?

CONCLUSION

Yes. With respect to Commissioner Watson and Council Member Rahn, the Act does not prohibit their participation, as there is no clear and convincing evidence of a substantial effect on their properties located more than 1,000 feet away. With respect to Commissioner Turley-Trejo,

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18104 through 18998 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

there is no indication of an impact on the development potential, income producing potential, highest and best use, character, or market value of Commissioner Turley-Trejo's property, given the distance, buffering properties, and existing roadways and landscaping. Consequently, all three officials may take part in the governmental decisions relating to the wireless tower facility.

FACTS AS PRESENTED BY REQUESTER

The City Planning Commission will consider a Wireless Facilities Application (Conditional Use Permit Application ["CUP"]) submitted by Vertical Bridge, a telecommunications service provider, for a new up to 77-foot mono-eucalyptus wireless tower facility—that is, a wireless tower facility constructed to look like a tree with “branches”—and associated ground equipment (“Wireless Facility”) to be installed at the Redhawk Golf Club located at 45100 Redhawk Parkway (between Camino Rubi and Corte Mislana), which is owned by Rainbow Bridge Management. The construction area for the proposed Wireless Facility on Parcel 8, the singular parcel on which the facility is proposed to be located, is limited to 1,600 square feet, the Parcel 8 project site itself is 35.94 acres, and the ground elevation of the Wireless Facility is estimated at 1,233.5 feet.

The Redhawk Golf Course Specific Plan (“Golf Course”) consists of a chain of parcels spanning an estimated 183 acres, and is the location of 4,188 residences within the area, including the residences of Commissioner Turley-Trejo, Commissioner Watson, and Council Member Rahn.

Commissioner Turley-Trejo owns real property valued at greater than \$2,000 with a ground elevation of approximately 1,219.5 feet. Based on GIS calculations, the property is situated within approximately 170 feet of the nearest property line of the golf course on the west side and 820 feet from the east side, and approximately 910 feet from the proposed Wireless Facility.

Commissioner Watson owns real property valued at greater than \$2,000 with a ground elevation of 1,143.3 feet. Commissioner Watson's property is situated within approximately 735 feet from the property line of the golf course and approximately 4,460 feet from the proposed Wireless Facility.

Council Member Rahn owns real property valued at greater than \$2,000 with a ground elevation of 1,168.2 feet. Council Member Rahn's property is located approximately 1,200 feet north of the proposed Wireless Facility, and abuts the north side of the golf course property line.

In a follow-up email, you clarified that the Wireless Facility will likely be visible from all three properties, but it is difficult to determine due to the rolling topography and other structures that may be between the officials' respective homes and the Wireless Facility. Your follow-up email also included overhead photos indicating numerous properties and landscaping separating each of the properties from the proposed Wireless Facility site. More specifically, with respect to Commissioner Turley-Trejo's real property, it is separated from the Wireless Facility site by two streets, a row of eight houses buffering the project site, and various landscaping, including what appears to be several trees already located near the Wireless Facility site.

ANALYSIS

Under Section 87100 of the Act, “[a] public official at any level of state or local government shall not make, participate in making or in any way attempt to use the official’s position to influence a governmental decision in which the official knows or has reason to know the official has a financial interest.” “A public official has a financial interest in a decision within the meaning of Section 87100 if it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the official, a member of the official’s immediate family,” or on certain specified economic interests. (Section 87103.) Among those specified economic interests is “[a]ny real property in which the public official has a direct or indirect interest worth two thousand dollars (\$2,000) or more.” (Section 87103(b).)

Regulation 18701(a) provides the applicable standard for determining the foreseeability of a financial effect on an economic interest explicitly involved in the governmental decision. It states, “[a] financial effect on a financial interest is presumed to be reasonably foreseeable if the financial interest is a named party in, or the subject of, a governmental decision before the official or the official’s agency. A financial interest is the subject of a proceeding if the decision involves the issuance, renewal, approval, denial or revocation of any license, permit, or other entitlement to, or contract with, the financial interest, and includes any governmental decision affecting a real property financial interest as described in Regulation 18702.2(a)(1)-(6).”

Where an official’s economic interest is not explicitly involved in the governmental decision, the applicable standard for determining the foreseeability of a financial effect on the economic interest is found in Regulation 18701(b). That regulation provides, “[a] financial effect need not be likely to be considered reasonably foreseeable. In general, if the financial effect can be recognized as a realistic possibility and more than hypothetical or theoretical, it is reasonably foreseeable. If the financial result cannot be expected absent extraordinary circumstances not subject to the public official’s control, it is not reasonably foreseeable.”

The reasonably foreseeable financial effect of a governmental decision on a parcel of real property in which an official has a financial interest, other than a leasehold interest, is material whenever the governmental decision involves property located 500 feet or less from the property line of the parcel unless there is clear and convincing evidence that the decision will not have any measurable impact on the official’s property. (Regulation 18702.2(a)(7).)

The reasonably foreseeable financial effect of a governmental decision on a parcel of real property in which an official has a financial interest, other than a leasehold interest, is also material whenever the governmental decision involves property located more than 500 feet but less than 1,000 feet from the property line of the parcel, and the decision would change the parcel’s:

- (A) Development potential;
- (B) Income producing potential;
- (C) Highest and best use;
- (D) Character by substantially altering traffic levels, intensity of use, parking, view, privacy, noise levels, or air quality; or
- (E) Market value.

(Regulation 18702.2(a)(8).)

The financial effect of a governmental decision on a parcel of real property in which an official has a financial interest involving property 1,000 feet or more from the property line of the official's property is presumed not to be material. This presumption may be rebutted with clear and convincing evidence the governmental decision would have a substantial effect on the official's property. (Regulation 18702.2(b).)

Given Regulation 18702.2's references to "the property line of the parcel," the relevant distance between a public official's real property and the real property at issue in a governmental decision, for purposes of the Act, is the distance measuring directly from parcel to parcel or "as the crow flies." In limited instances where the decision affects only a clearly defined, specific, and isolated site, such as a particular building on a large tract of land, we have advised that the parcel-to-parcel measurement would not be the appropriate distance to determine materiality. (See, e.g., *Leishman* Advice Letter, No. A-21-154; *Zaragoza* Advice Letter, No. A-19-078 [both letters involving construction projects on golf course sites].) Here, the project is confined to the construction of a Wireless Facility on a specific portion of the Parcel 8 site on the Redhawk Golf Club. Consequently, the appropriate distance in this case, for purposes of Regulation 18702.2, is the distance between the official's property and the project site.

Commissioner Watson's real property is located approximately 4,460 feet from the proposed Wireless Facility. Council Member Rahn's real property is located approximately 1,200 feet north of the proposed Wireless Facility.

Commissioner Watson's and Council Member Rahn's respective real properties are located more than 1,000 feet from the site of the proposed Wireless Facility. Therefore, it is presumed that governmental decisions relating to the Wireless Facility will not have a material financial effect on the officials' properties. You have indicated that it is anticipated the Wireless Facility will be visible from the properties, but it is difficult to determine due to the rolling topography and other structures that may be between the officials' respective homes and the Wireless Facility. Based on these facts, there is not clear and convincing evidence the governmental decisions pertaining to the Wireless Facility would have a substantial effect on the officials' respective properties. Therefore, Commissioner Watson and Council Member Rahn are not prohibited from taking part in the decisions under the Act.

Commissioner Turley-Trejo's real property is located approximately 910 feet from the proposed Wireless Facility. Given this distance and the numerous buffering properties separating the commissioner's real property from the Wireless Facility site, including a row of eight houses, two roadways, and existing landscaping, there is no indication that installation of the Wireless Facility would impact the development potential, income producing potential, highest and best use, or market value of Commissioner Turley-Trejo's property. For these same reasons, it does not appear that such a change would be substantial, such that it would change the character of the real property, notwithstanding the fact that the Wireless Facility is anticipated to be visible from the Commissioner's real property. (See, e.g., *Miranda* Advice Letter, No. A-23-083 [finding no material financial effect from installation of several 20- to 30-foot flagpoles within 500 feet of the official's property and within 500-1,000 feet of other officials' properties].) Consequently, Commissioner Turley-Trejo is not prohibited from taking part in governmental decisions involving the proposed Wireless Facility.

If you have other questions on this matter, please contact me at kcornwall@fppc.ca.gov.

Sincerely,

Dave Bainbridge
General Counsel

By:



Kevin Cornwall
Senior Counsel, Legal Division

KC:aja