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DECLARATION OF CECILIA GALLARDO-DALY

I, Cecilia Gallardo-Daly, make the following statements based on my own personal knowledge of the facts and circumstances stated herein:

1. I am the Community Development Director for the City of San Clemente.

2. As the Community Development Director, I am familiar with the City's process for approving development projects, and am familiar with its process of imposing conditions of approval on such development projects. I am also familiar with the City's Municipal Code.

3. Attached to this declaration as Exhibits 1, 2, and 3 are true and correct copies of Planning Commission Minutes from March 14 and November 28, 1973, and City Council minutes from January 7, 1976, from the City's files related to the City's 1970s approval of the Broadmoor Community ("Broadmoor") housing project reflecting meetings held by the City.

4. It is a common practice of the City to impose conditions of approval before approving a project. These conditions are found in the City's files for a project, and are, from time to time, also required by the City to be contained in the project's Covenants, Conditions and Restrictions ("CC&Rs"). The City imposed conditions are meant to benefit the public, to sometimes specific members of the public who may be or are specially impacted by the project, and to mitigate development impacts in general. This was the case for the Broadmoor project, for which, as part of the approval the City imposed a height restriction that all homes be single story and no higher than 17 feet, and a 17 foot height restriction on trees, bushes and shrubs. One of the purposes of this condition and restriction was to provide a protection in response to concerns raised by the homeowners on Calle Felicidad over viewshed and other impacts of the development on their existing homes.

5. The developer accepted these conditions of approval and later signed off on a Supplementary Declaration of Covenants, Conditions and Restrictions for the 19 lots on Calle Delicada, which, in Section 3, include a 17 foot height restriction on structures and a 17 foot height restriction on trees, bushes and shrubs: "Section 3. No building, structure, improvement or addition (excluding chimneys and roof vents) shall be constructed, erected, altered, placed or permitted to remain on any portion of the Property which exceeds one story in height with a

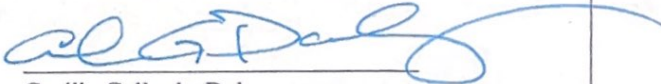
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maximum height of 17 feet. No tree, bush or shrub shall be placed or maintained upon (i) any Lot described in Exhibit "A", attached hereto and incorporated herein by reference, which exceeds 17 feet in height or (ii) upon any other Lot in the Property which exceeds 20 feet in height."

6. By and through the Broadmoor CC&Rs, the City also retains an interest in and ability to enforce the provisions therein. Article XII of the CC&Rs, titled "Powers of City of San Clemente," gives the City the right to exercise any rights and powers granted to the Broadmoor Association under the declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 29, 2021, at San Clemente California.


Cecilia Gallardo-Daly