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7 Paul Buck

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF ORANGE – CENTRAL JUSTICE CENTER

11 PAUL BUCK, an individual,  
12  
13 Plaintiff,

14 vs.

15 ANGELO GARRUBA and LISA  
GARRUBA and DOES 1 to 20,  
16  
17 Defendants.

CASE NO. 30-2019-01086744-CU-BC-CJC

Assigned to Hon. John C. Gastelum  
Department C-11

**DECLARATION OF LAURENCE R.  
LIZOTTE**

Complaint filed: July 29, 2019

DECLARATION OF LAURENCE R. LIZOTTE

I, Laurence (Larry) R. Lizotte, currently residing at [REDACTED], Laguna Niguel, CA 92677, make the following statements based on the best of my personal knowledge of the facts and circumstances stated herein:

1. I have read the “DECLARATION OF SALLY SARGENT executed on October 6, 2020” (attached Exhibit 1), and the “DECLARATION OF ALAN JAY RICE on May 16, 2020” (attached Exhibit 2), and declare that both documents reflect my recollection and understanding about the negotiations, agreements and conditions of approval among the City of San Clemente (“City”), Broadmoor Homes, Inc. (“Broadmoor”), and the Calle Felicidad neighbors about the approval of the Broadmoor homes on Calle Delicada.

2. I was the Senior Vice President of Broadmoor, which developed the Broadmoor Community during the 1970s. I was the key individual working with the City to obtain approval to build homes on Tract 8162, the greater Broadmoor development, and more specifically Tract 8963 which represents the 19 houses on Calle Delicada and their common areas.

3. Initially, we encountered considerable resistance to our planned development from a group of residents on Calle Felicidad which is the adjacent street to the Broadmoor tract development and directly uphill from Calle Delicada. The group was known as the “Rancho Margarita Associates” and they were very concerned about the impact that the Broadmoor development would have on their ocean and coastal views and other aspects such as housing density, architectural size and style and other factors that could negatively impact these Felicidad residents.

4. The Felicidad residents regularly attended City Planning Commission and the City Council meetings and voiced their concerns when issues about the Broadmoor development of tracts 8162 and 8963 were being considered. I and my Broadmoor colleagues also attended these meetings. Sally Sargent, who was one of the homeowners representing the Felicidad residents, was a vocal participant at these meetings and was well known to me.

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1           5.       There were several meetings between me, my colleagues at Broadmoor and the  
2 Felicidad residents. One such meeting was held on November 27, 1973, at the home of Sally  
3 Sargent, at 203 Calle Felicidad. (See p. 6 of the San Clemente Planning Commission Minutes of  
4 November 28, 1973, attached as Exhibit 1.) Through this meeting and others, compromises and  
5 concessions were negotiated to the satisfaction of Broadmoor, the Felicidad homeowners, the  
6 City's Planning Commission and the City Council. These included (1) the regrading of the  
7 Felicidad backyard slopes and (2) the elimination of the sidewalk requirement on the east side of  
8 Calle Delicada in order to gain more platform area to meet City Ordinance requirements to build  
9 the Delicada houses. These concessions were agreed to in exchange for permanent Delicada  
10 height restrictions so as to preserve views from Calle Felicidad.

11           6.       I was present at the January 7, 1976, City Council meeting where the tract map for  
12 Tract 8963, (Delicada) was finally approved. Sally Sargent asked for assurances that certain  
13 provisions in the final map approval requiring various restrictions be contained in the CC&R's  
14 when recorded with the County so that the City, San Clemente, would not be faced with  
15 important elements omitted from the document. I, representing Broadmoor Homes, Inc., stated  
16 that all of these conditions of approval and restrictions would be included in the CC&R's for the  
17 community that we were building and that such CC&R's would be recorded with the County. The  
18 City Attorney also commented that he would set up a procedure to review these CC&R's to  
19 ensure that all the various items were included therein before recording.

20           7.       Subsequently, on January 16, 1976, Broadmoor Homes, Inc., signed off on the  
21 SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND  
22 RESTRICTIONS for Tract 8963 ("SUPPLEMENTARY DECLARATION"), for the 19 Lots on  
23 Delicada. This document was recorded with the County of Orange, California, in early February,  
24 1976. The following section below is included in the document (Exhibit 1 at p.2) :

25           **Section 3.** **No building, structure, improvement or addition (excluding chimneys and**  
26 **roof vents) shall be constructed, erected, altered, placed or permitted to remain on any**  
27 **portion of the Property which exceeds one story in height with a maximum height of 17 feet.**  
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**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.**

8. At that time I understood that Sally Sargent’s key concern, and those of the Felicidad residents, was the preservation of the ocean and costal views from the homes on Calle Felicidad. I considered that the City’s condition of approval restricting the height of all items mentioned in section 3, above, that were also imposed in the SUPPLEMENTAL DECLARATION would be sufficient to preserve those views for the future.

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

Executed on December \_\_, 2020, at Laguna Niguel, California.

\_\_\_\_\_  
Laurence R. Lizotte