

Attorneys for Plaintiff
CITY OF AGOURA HILLS

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

[Filed concurrently with Opposition to Special Motion to Strike, Declaration of Amir Hamidzadeh, Declaration of Allen Tripolskiy, Exhibits to Declarations, Objections to Declaration of James Mayfield, Request for Judicial Notice]

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DECLARATION OF DENNIS THOMAS

I, Ramiro Adeva, III, declare and state as follows:

1. I am over 18 years of age and am not a party to this action. I am currently the Assistant City Manager for the CITY OF AGOURA HILLS ("City "). I was the interim Community Development Director for the City during the time of the events in question. The Community Development Department consist of the Planning Division, the Building Division, and Code Enforcement. I have personal knowledge of the matters set forth herein or have gained personal knowledge from my review of the files in this matter maintained by the City in the ordinary course of business. If called as a witness to testify as to the matters set forth herein, I could and would testify competently thereto.

2. As interim Community Development Director, my duties included, among other things, direction and management of the City's Community Development Department, including municipal code compliance, implementation of the City's general plan and specific plans, managing of departmental permitting and licensing, oversight of City code enforcement, planning, environmental, oak tree and landscaping services, representation of the City's Community Development Department in dealings with outside agencies, acting as a liaison between the City's Community Development Department and the City Council, its subcommittees and the City's Planning Commission and Architectural Review Panel, and preparation of amendments to the City's zoning ordinance.

3. This declaration concerns real property located at 28347 Balkins Drive, City of Agoura Hills, County of Los Angeles, California (hereinafter "Subject Property"). In its ordinary course of business, the City obtains, and reviews records maintained by the Los Angeles County Assessor's Office pertaining to the ownership of the property within the City. These records reflect that Defendants JAMES MAYFIELD ("Mayfield") and SHEILA ZAMEL ("Zamel") own the Subject Property. The Subject Property consists of 3.04 acres and has been improved with a two-story, single-family dwelling. The Subject Property is located in a Very Low Density Residential land use district ("RV District") in the City. (A true and correct copy of a DataTree

1 Property Detail Report a true and correct copy of the Grant Deed for the Subject Property are
2 concurrently submitted as Exhibit "1.")

3 4. As part of my job duties as interim Community Development Director, I regularly
4 reviewed the Agoura Hills Municipal Code and the files maintained by the City on real properties
5 and development projects thereon, which included, among other things, permits, applications for
6 permits, site plan review requests and documents submitted by landowners/applicants in support
7 thereof.

8 5. I am familiar with these records as they relate to the Subject Property. I am also
9 familiar with the City's actions with regard to the Subject Property, and letters, complaints, and
10 other communications with Defendants and other community members related to the Subject
11 Property.

12 6. On or about July 28, 2019, the City received several complaints from adjacent
13 property owners that construction activities were occurring at the Subject Property. The
14 complaints further advised that the Subject Property was being advertised online as a commercial
15 wedding venue "Whispering Oaks Chapel." A review of the website "whiseringchapel.com",
16 social media sites and online advertisements confirmed that the Subject Property was being
17 advertised as a commercial wedding venue and that construction activities were taking place at
18 the Subject Property.

19 7. Further review of Defendants' website revealed that Defendants Mayfield and
20 Zamel operate Defendant WHISPERING OAKS CHURCH, INC. ("WOCI") and the Whispering
21 Oaks Chapel at the Subject Property. (Mayfield, Zamel and WOCI are hereinafter collectively
22 referred to as "Defendants.") Review of the State of California Secretary of State's website
23 revealed Mayfield is the Chief Executive Officer of WOCI. WOCI's business and principal office
24 address is listed as the address of the Subject Property. (A true and correct copy of the WOCI's
25 records on file with the Secretary of State are concurrently submitted as Exhibit "2.")

26 8. The City, in its course of investigation of complaints, reviewed the City's permit
27 records relating to the Subject Property as well as Defendants' websites, social media websites
28 and online advertisements. For ease of reference, true and correct copy of screenshots of the

1 website “whisperingchapel.com” and the social media and advertising pages the City reviewed
2 during its investigation following the complaints are concurrently submitted as Exhibit “3 to 6”
3 and individually discussed below.

4 9. The “About Us” webpage of whisperingchapel.com states: “Whispering Oaks is a
5 3-acre estate and ranch in the equestrian area of ‘Old Agoura.’ It includes a lavender garden, rose
6 garden, guest house and a barn ... The owners have had a dream and passion to share their
7 beautiful property with others ... Available for Ceremonies - Renewals – Elopements and
8 Services.” The “Home” webpage states in part as follows: “Non-denominational ceremonies can
9 be held in two different settings. Only one ceremony is held on the Estate at a time *offering a*
10 *beautiful private cottage and suite for the couple*. Whispering Oaks is proud to support
11 ‘Whispering Oaks Church’ and ‘Whispering Oaks Chapel,’ along with its affiliated, non-
12 denominational services.” The “Weddings” webpage describes *three ceremony packages with the*
13 *statement “Starting at \$850.00 (donation)” and other services*. The Friends and Family Package
14 is for a “[m]aximum 120 guests.” There is also a “Marriage License” webpage and a “Filming”
15 webpage. (Exhibit 3.)

16 10. Social media page (Facebook) for “Whispering Oaks Chapel” advertises “Wedding
17 Planning Service – Wedding Venue.” (See Exhibit 4.) Subsequent pages of this exhibit include
18 photos and the following statements: “*Our beautiful bride cottage is finished and ready for*
19 *you*,” “Brides/Grooms Cottage ... whomever wins the toss no problem we offer suites for both,”
20 and “*Our Chapel is getting its CUPOLA* So excited for the special moments captured in front of
21 it.” (Exhibit 4). One of the *photos shows a structure being altered*. (Exhibit 4 & 5.) A review of
22 the City’s Technical Code permits for the Subject Property confirmed that there are no building
23 permits for a finished “Bridal Cottage,” a “Brides/Grooms Cottage,” or “suites,” or for a chapel
24 that was getting its “CUPOLA.” See Exhibit 5 - a photo of a structure that is being altered without
25 a building permit (Chapel).

26 11. The City’s investigation also revealed that Whispering Oaks Chapel advertises
27 their services on other online platforms including in websites such as WeddingWire.com and
28 Zola.com. On the WeddingWire website, Whispering Oaks Chapel states that it offers “As a full-

1 package venue service, Whispering Oaks Chapel can help plan your ceremony alone and can add
2 an affordable wedding reception package to take care of every detail of your precious day. We
3 provide ceremony chairs, umbrellas, set up/tear down and coordination. We can also take care of
4 other services including Confidential Marriage Licenses.” A site fee is charged, starting at
5 \$850.00. There are indoor and outdoor settings. The site offers event services as follows: “All
6 Inclusive Packages, Bar Services, Cake, Catering Services, Clean Up, Event Planner, Event
7 Rentals, Get Ready Rooms, Liability Insurance, Lighting / Sound, Outside Vendors, Pet Friendly,
8 Preferred Vendors Only, Set Up, Wifi.” (Exhibit 6.)

9 12. On or about August 5, 2019, the City, through the City prosecutor, sent a Notice of
10 Violations (“NOV”) to Defendants advising that their use of the Subject Property as a wedding
11 venue is not permitted in the RV (Residential-Very Low Density) Zoning District. Moreover, the
12 NOV advised Defendants of the City’s building code requirements for permits for renovations
13 and improvements to any and all structures/buildings. (A true and correct copy of the NOV sent to
14 Defendants is concurrently submitted as Exhibit “7.”)

15 13. The NOV also advised Defendants that the RV Zoning District, where the Subject
16 Property is located, subjects them to the following provisions of the Agoura Hills Municipal Code
17 (“AHMC”): § 9222.5, which prohibits all uses and structures not specified in § 9222.1 et. seq.; §
18 9842, which renders any violation of AHMC zoning code a public nuisance; and § 9844, which
19 makes all violations of the zoning code a misdemeanor. (Exhibit 7, at p. 2.)

20 14. Further, the NOV advised Defendants that their operation of a wedding venue
21 constituted a commercial enterprise for gain under the AHMC. (*Ibid.*) Defendants failed to apply
22 for and/or obtain a business license, pursuant to AHMC § 6802, which is required to operate a
23 commercial enterprise within the City. (*Ibid.*) However, Defendants’ operation of a wedding
24 venue is not permitted within the RV zoning district and is a violation of AHMC zoning codes.
25 (*Id.* at p. 3.) Thus, Defendants are prohibited from obtaining the requisite business license
26 pursuant to AHMC § 6819(b)(4). (*Ibid.*)

27 15. The NOV instructed Defendants to confirm in writing that they would immediately
28 and permanently terminate the use of the Subject Property as a commercial wedding venue (and

1 cease advertising it as such) no later than August 9, 2019. (*Ibid.*) The NOV requested Defendants
2 undergo a City inspection of the Subject Property no later than August 15, 2019. (*Id.* at p. 4.)
3 Defendants failed and/or refused to permit the requested inspection.

4 16. Defendants also failed and/or refused to discontinue advertising the Subject
5 Property as a commercial wedding venue and failed and/or refused to discontinue operating the
6 Subject Property as a wedding venue. (See concurrently filed declaration of Code Officer Allen
7 Tripolskiy and Exhibit "8" - true and correct copy of screenshots of Whispering Oaks Chapel's
8 recent social media postings.)

9 17. On or about August 21, 2019, in response to an August 9, 2019 email from
10 Defendants, the City sent correspondence to Defendants which further outlined their AHMC
11 violations at the Subject Property. (A true and correct copy of this correspondence is concurrently
12 submitted as Exhibit "9.") Defendants were informed that the only building permits in the
13 Building and Safety Division records for the Subject Property were for: (i) a residence with a
14 garage; (ii) a swimming pool; (iii) a retaining wall; and (iv) a portion of a gate, a pilaster, a walk-
15 a-round and a mail center. (*Id.* at p. 2, fn 3.) The City advised Defendants that structures depicted
16 on Whispering Oaks Chapel's Facebook page had received no building permits nor final
17 inspection approvals. (*Id.* at p. 2.) Defendants were further advised that they must obtain a
18 conditional use permit, pursuant to AHMC section 9222.4, prior to conducting religious activities
19 in connection with WOCI at the Subject Property. (*Id.* at p. 4.) The City requested a second
20 inspection to occur on or before September 5, 2019. (*Id.* at p. 8.) Defendants failed and/or refused
21 to permit the requested inspection.

22 18. Due to Defendants' refusal to allow an inspection of the Subject Property, on or
23 about October 8, 2019, the City was forced to obtain an inspection warrant.

24 19. On October 10, 2019, City Building Official Amir Hamidzadeh, former Code
25 Enforcement Officer Michael Gonzalez, and former Planning Director Doug Hooper executed the
26 inspection warrant. Also present were Los Angeles County Sheriff's Deputies and a City
27 Prosecutor.
28

1 20. On November 19, 2019, a Return on Inspection Warrant, containing reports from
2 the City's Building and Safety Division and the City's Planning Division (Community
3 Development Department), was filed with the Los Angeles Superior Court. (For ease of reference,
4 a true and correct copy of the City's Community Development Department Report for Return on
5 Inspection Warrant ("Report"), as well as corresponding inspection photos, are concurrently
6 submitted as Exhibit "10.")

7 21. The details of the City staff findings on the structures at the Subject Property are
8 set forth in the Reports of the Building and Planning Officials (Exhibit 10; also see concurrently
9 filed declaration of Building Official Amir Hamidzahed.) However, in general, the structural
10 deficiencies can be generally stated as follows:

- 11 a. **Chapel with Cupola (Structure No.1), Stable (Structure No. 3), and Structure**
12 **for Possible Pool Shade (Structure No. 7)** are in violation of AHMC § 9652.5
13 (requiring a conditional use permit and an architectural review approval shall be
14 obtained before the issuance of any building or grading permit....or
15 commencement of any construction or enlargement of any building or structure on
16 any parcel that is in, or partly in, a hillside area); § 9652.10 (providing additional
17 requirement for a conditional use permit and architectural approval prior to
18 construction in a hillside area); § 9677.1 (requires a new construction site plan
19 approval prior to permitting); and § 9677.7 (provides an outline of the procedures
20 for obtaining an architectural review);
- 21 b. **Brides' Cottage (Structure No. 2)** is in violation of AHMC's: § 9283.1 (requiring
22 a ministerial permit for accessory dwelling unit); and § 9657.5 (encroachment into
23 the protected zone of an oak tree without a valid oak tree permit);
- 24 c. **Stable (Structure No. 3)** is also in violation of AHMC § 9224.1 (prohibiting
25 housing of animals within 35 feet of any street);
- 26 d. **The Garage (Structure No. 5)** is in violation of AHMC § 9654.3.E (paved
27 driveway access to the garage is required);
- 28

1 e. **Structure for Possible Pool Shade (Structure No. 7)** is also in violation of
2 AHMC § 9657.5 (encroachment into the protected zone of an oak tree without a
3 valid oak tree permit).

4 22. Further, Defendants' operation of a wedding venue on the Subject Property, with
5 payment in the form of donations, subjects Defendants to AHMC § 6802(a) (prohibiting operation
6 of a business within the City without first obtaining a business license). However, pursuant to
7 AHMC § 6814 (prohibiting issuance of a business license where a person and/or business is
8 subject to pending code violations), AHMC § 6819(b)(4) (denying issuance of a business license
9 where the business proposed is prohibited by law), and AHMC § 6819(b)(7) (denying issuance of
10 a business license where the building, structure, premises...used to conduct the business activity
11 fails to comply with applicable...laws), Defendants are precluded from obtaining a business
12 license.

13 23. On or about November 26, 2019, the City issued a second Notice of Violations
14 ("second NOV") to Defendants. (A true and correct copy of the second NOV is attached hereto as
15 Exhibit "11.") The second NOV summarized the City's findings and identified four (4) structures
16 (a chapel with cupola, bride's cottage (with adjoining deck and two retaining walls), stable, and
17 structure for pool shade) which had been constructed and/or erected without requisite City
18 approvals, permits and/or inspections, in violation of California Building Code¹ ("CBC") §§
19 105.1 and 111.1.1, as amended by AHMC § 8103. The presence of the unlawful structures at the
20 Subject Property renders it "substandard" within the meaning of AHMC §§ 5604, 5605.

21 24. The second NOV further identified the following violations of Article IX of the
22 AHMC (the City's zoning code): a) Operation of WOCI at the Subject Property and use thereof as
23 a commercial wedding venue, for religious services and other events, without all requisite permits
24 and approvals, in violation of AHMC §§ 9222.3, 9222.4, and/or 9222.5; b) Construction of the
25 aforementioned four structures in a hillside area without first obtaining a conditional use permit,
26 an architectural review, and/or a site plan review, in violation of Article IX, Chapter 2, Part 3 of
27

28 ¹ Pursuant to AHMC § 8100, the City has adopted the 2019 California Building, Electrical,
Plumbing and Mechanical Codes, as amended in AHMC §§ 8103 and 8200-8203.

1 the AHMC, and Article IX, Chapter 6, Parts 2 and 3 of the AHMC; c) Housing animals within 35
2 feet of any street, in violation of AHMC § 9224.1(E); d) Failing to obtain a ministerial permit for
3 an Accessory Dwelling Unit, pursuant to AHMC § 9283.1; e) A lack of a paved driveway access
4 at the Subject Property, in violation of AHMC § 9654.3E; and f) Construction within the
5 protected zone of an oak tree without a valid oak tree permit, in violation of AHMC § 9657.5.

6 25. Each of the aforementioned violations of the AHMC zoning code at the Subject
7 Property constitute a public nuisance pursuant to AHMC § 9842.

8 26. The second NOV again notified Defendants that their operation of WOCI at the
9 Subject Property and use thereof as a commercial wedding venue violated AHMC § 6802, which
10 requires all business operators to obtain a business license prior to conducting business in the
11 City. (Ex. "11" [second NOV], at 4-5.)

12 27. The second NOV requested Defendants meet with Planning and Building Officials
13 on December 12, 2019 to discuss a timeline for Defendants to bring the Subject Property into
14 compliance with the AHMC. Defendants were advised that they would have to seek either
15 legalization of the unpermitted structures or demolish them with a permit and a final inspection
16 approval from the Building and Safety Division.

17 28. On or about February 12, 2020, Defendants met with Planning and Building
18 Officials (among other City officials) to discuss the Subject Property's code violations. At the
19 meeting, Defendants refused to cease operation of the commercial wedding venue. Defendants
20 did agree to submit a site plan, architectural review permits, and an oak tree permit by April 15,
21 2020, and requested information regarding the same.

22 29. On or about February 21, 2020, the City mailed correspondence to Defendants
23 with various information and documents to assist them in legalizing the unpermitted construction
24 at the Subject Property, including but not limited to blank permit applications and a guide to the
25 City's site plan review process. (A true and correct copy of the correspondence is attached hereto
26 as Exhibit "12".)

1 30. Notwithstanding the City's efforts to assist Defendants in legalizing their unlawful
2 construction and use of the Subject Property, Defendants failed and/or refused to submit the
3 necessary permit applications by April 15, 2020.

4 31. On August 13, 2020, the City sent additional correspondence to Defendants
5 regarding the documentation and information Defendants requested at the February 12, 2020,
6 meeting. (A true and correct copy of the correspondence is attached hereto as Exhibit 13.) The
7 City requested Defendants provide all permit applications and fees to the City by September 17,
8 2020. The correspondence also advised Defendants that City officials would be available via
9 Zoom or phone conference should they wish to discuss the matter further. Defendants failed
10 and/or refused to submit the requisite permit applications and fees by September 17, 2020.


11 32. In addition to the zoning code violations which constitute a public nuisance (noted
12 herein above), as set forth in greater detail in the accompanying declaration of Building Official
13 Amir Hamidzadeh, the various violations of the AHMC at the Subject Property constitute a public
14 nuisance pursuant to CBC §116.6 (as adopted under AHMC §8103(ee)) and AHMC §§1200(c),
15 5604 and 5605.

16 33. Despite the City's multiple efforts to obtain Defendants' voluntary compliance
17 with local and state law, as of the date of the filing of this action and this declaration, Defendants
18 have failed and/or refused to obtain the necessary permits, approvals and/or inspections necessary
19 to legalize their unpermitted construction and use of the Subject Property. Defendants have
20 likewise failed and/or refused to cease operating WOCI at the Subject Property as a commercial
21 wedding venue.

22 34. Based on Defendants' history of non-compliance with state and local law,
23 continued maintenance of code violations on the Subject Property, their repeated and continuing
24 failure and/or refusal to submit documents necessary to obtain planning and building approval for
25 the existing building and/or structures, their refusal to obtain requisite building and technical
26 permits, and the continued operation of a commercial wedding venue on the Subject Property,
27 there is no basis to believe that Defendants have or will take the necessary measures to bring the
28 Subject Property into compliance with local and state law without court intervention.

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I declare under penalty of perjury under the laws of the State of California that the forgoing
is true and correct and that this declaration is executed on this 10th day of February, at
Agoura Hills, Los Angeles County, California. 2021



Ramiro Adeva, III, Declarant

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 11500 W. Olympic Blvd., Suite 550, Los Angeles, CA 90064-1524.

On February 11, 2021, I served the foregoing document described as **DECLARATION OF RAMIRO ADEVA, III IN SUPPORT OF PLAINTIFF'S OPPOSITION TO DEFENDANTS SPECIAL MOTION TO STRIKE** interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

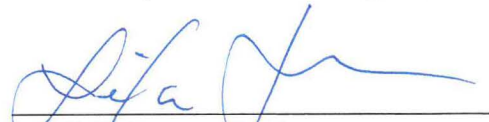
Counsel for Defendants

Robert L. Scott
SCOTT & ASSOCIATES
300 East Esplanade Drive, 9th Floor
Oxnard, CA 93036
E: scott@civiccenter.com

BY ELECTRONIC TRANSMISSION – ONE LEGAL. I caused an electronic version of the documents to be submitted to the Superior Court of California and thereafter caused an electronic version to be served to the persons in the above service list via the litigation support service One Legal.

BY OVERNIGHT DELIVERY. I enclosed the documents in an envelope or package provided by an overnight carrier and addressed to the persons at the addresses in the above service list. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 11th day of February 2021 at Los Angeles, California.


Lila Torres, Declarant