1 2 3 4 5 6 7 8 9	William Litvak (SBN 90533) Caroline Karabian Castillo (SBN 236987) James M. Cunningham (SBN 322508) DAPEER, ROSENBLIT & LITVAK, LLP 11500 W. Olympic Blvd., Suite 550 Los Angeles, CA 90064 Telephone: (310) 477-5575 Facsimile: (310) 477-7090 Attorneys for Plaintiff CITY OF AGOURA HILLS <b>SUPERIOR COURT OF TH</b>	HE	EXEMPT FROM FILING FEE – GOV. CODE § 6103 STATE OF CALIFORNIA
10	COUNTY OF	LC	<b>PS ANGELES</b>
11	CITY OF AGOURA HILLS, a municipal corporation,	)	CASE NO. 20VECV01312
12	Plaintiff,	)	[Assigned for all purposes to Hon. Virginia Kaomy in Dont, Wi
13	vs.	)	Keeny in Dept. W]
14	JAMES MAYFIELD, an individual; SHEILA	)	DECLARATION OF AMIR
15 16	ZAMEL, an individual; WHISPERING OAKS CHURCH, INC., a California Corporation; and DOES 1-50, inclusive,	) ) )	HAMIDZADEH IN SUPPORT OF OPPOSITION TO SPECIAL MOTION TO STRIKE COMPLAINT
17	Defendants.	)	
18	Detendants.	)	[Filed concurrently with Opposition to
19		)	Special Motion to Strike; Declaration of Ramiro Adeva; Declaration of Allen
20		) )	<i>Tripolskiy; Exhibits to Declarations,</i> <i>Objections to the Declaration of James</i>
21		) )	Mayfield; Request for Judicial Notice]
22 23		) )	
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	DECLARATION OF	AM	IR HAMIDZADEH

## DECLARATION OF AMIR HAMIDZADEH

I, Amir Hamidzadeh, declare and state as follows:

1. I am a California licensed professional engineer (License No. 68216). I am over 18 years of age and am not a party to this action. I am employed as a Building Official in the Building and Safety Division for the CITY OF AGOURA HILLS ("City") for approximately thirteen years. 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. 10 As a Building Official my duties include, among other things, enforcement of the 11 building and technical code of the Agoura Hills Municipal Code ("AHMC"), review and approve 12 site plans, architectural plans, and structural plans, issuance of building and technical permits, 13 conducting property inspections to ensure compliance with the municipal code. In this regard, I 14 work closely with representatives of the City's Planning and Code Enforcement Divisions. 15 Additionally, I am also required to make determinations as to whether conditions and uses of the buildings and structures in the City present threats or hazards to life, health, property, safety of the 16 17 public, occupants of the buildings, or structures or to adjacent properties.

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3. This declaration concerns real property located at 28347 Balkins Drive, City of Agoura Hills, County of Los Angeles, California (hereinafter "Subject Property").

4. As part of my job duties, I also regularly review the AHMC and the files
 maintained by the City on real properties and development projects thereon, which include,
 among other things, permits, applications for permits, site plan review requests and documents
 submitted by landowners/applicants in support thereof.

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

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6. On October 10, 2019, the City executed an Inspection Warrant at the Subject
 Property. Former Code Enforcement Officer Michael Gonzales, Former Planning Director Doug
 Hooper, and I executed the inspection warrant. Also present were Los Angeles County Sheriff's
 Deputies and a City Prosecutor.

5 7. During the execution of the inspection warrant, I inspected several structures and
6 outdoor areas of the Subject Property.

8. On or about November 13, 2019, I generated a Building and Safety Division
Report for Return on Inspection Warrant (the "Report") summarizing my findings. (For ease of
reference a copy of my report and corresponding photographs is concurrently submitted as
Exhibit "10".)

9. Prior to generating the Report, I conducted a review of the Building and Safety
 Divisions records to determine all Technical (Building, Electrical, Plumbing, and Mechanical)
 Code Permits issued for the Subject Property.

14 10. The Details of my findings on the structures at the Subject Property are set forth in
15 my Report. However, in general, the structural deficiencies can be generally stated as follows:

 a. <u>Chapel with Cupola (Structure No.1)</u> – Pursuant to California Building Code<sup>1</sup> ("CBC") § 105.1 (as amended under AHMC § 8103(g)), this structure requires building and electrical permits. The California Electrical Code (as amended under AHMC § 8201) also requires an electrical permit for this structure. Defendants failed to procure the requisite permits prior to constructing, erecting, altering and/or legalize the unpermitted structures.

b. Brides' Cottage (Structure No. 2) – Pursuant to CBC § 105.1 (as amended under AHMC § 8103(g)) this structure requires building, electrical, mechanical and plumbing permits. The California Electrical Code (as amended under AHMC § 8201), the California Plumbing Code (as amended under AHMC § 8202) and the California Mechanical Code (as amended under AHMC § 8203) also require

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28 <sup>1</sup> Pursuant to AHMC § 8100, the City has adopted the 2019 California Building Code as the City's building code, as amended in AHMC §§ 8103 and 8200-8205.

DECLARATION OF AMIR HAMIDZADEH

1		electrical, mechanical and plumbing permits for this structure. Two (2) retaining			
2		walls, near the Brides' Cottage, also require building permits pursuant to CBC §			
3		105.1 (as amended under AHMC § 8103(g)). Defendants failed to procure the			
4		requisite permits prior to constructing, erecting, altering and/or legalize the			
5		unpermitted structures.			
6	с.	Stables (Structure No. 3) – Pursuant to CBC § 105.1 (as amended under AHMC			
7		§ 8103(g)), this structure requires building, electrical and plumbing permits. The			
8		California Electrical Code (as amended under AHMC § 8201) and the California			
9		Plumbing Code (as amended under AHMC § 8202) also require electrical and			
10		plumbing permit for this structure. Defendants failed to procure the requisite			
11		permits prior to constructing, erecting and/or legalize the unpermitted structures.			
12	11.	In addition to the structures noted above, a structure that appeared to be a shade			
13	structure adjac	cent to the pool (Structure No. 7) also requires a building permit pursuant to CBC §			
14	105.1 (as amended under AHMC § 8103(g)). However, Defendants did not allow us to complete				
15	our inspection	of this structure.			
16	12.	Subsequent to the drafting of my Report, I determined that the aforementioned			
17	structures on the Subject Property were also in violation of the following sections of the AHMC:				
18	a.	Defendants' failure to obtain requisite permits for the structures on the Subject			
19		Property renders the structures substandard pursuant to AHMC § 5604(7).			
20	b.	Pursuant to CBC § 114.1 (as amended by AHMC § 8103(aa)) "[i]t is unlawful to			
21		erect, construct, alter, extend, repair, move, remove, demolish, or occupy any			
22		building or structureor cause same to be done, in conflict with this code. It is			
23		unlawfulto conduct or maintainany building or structurein violation of this			
24		code."			
25	c.	Defendants are maintaining unsafe or dangerous buildings or structures pursuant to			
26		CBC § 116.1 (as amended by AHMC § 8103(cc)), for failing to obtain requisite			
27		permits, inspection, and approvals (in violation of CBC § 116.1(d)), and for			
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		DECLARATION OF AMIR HAMIDZADEH			

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maintaining conditions that violate any regulation of in Article VII [the City's building code] (in violation of CBC § 116.1(h)).

13. Pursuant to AHMC § 1200 "any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may, by this city, be summarily abated as such, and every day such condition continues shall be regarded as a new and separate offense." Therefore, Defendants' failure to obtain the requisite building, electrical, and plumbing permits, in violation of CBC §§ 105.1, 114.1, and 116.1 (as amended), constitute a public nuisance under the AHMC.

9 14. Further, CBC § 116.6 (as adopted by AHMC § 8103(ee)) renders Defendants'
10 maintenance of unsafe or dangerous building or structures on the Subject Property a public
11 nuisance.

12 15. Defendants' maintenance of substandard buildings (pursuant to AHMC § 5605 (1))
13 and maintenance of conditions in violation of the law (pursuant to AHMC § 5605 (16)) renders
14 the Subject Property substandard.

15 16. Defendants' maintenance of substandard building conditions on the Subject
16 Property is a public nuisance pursuant to AHMC §§ 5604 and 5605.

17 17. Based on Defendants' history of non-compliance with state and local law,
18 continued maintenance of code violations on the Subject Property, their repeated and continuing
19 failure and/or refusal to submit documents necessary to obtain planning and building approval for
20 the existing building and/or structures, their refusal to obtain requisite building and technical
21 permits, and the continued operation of a commercial wedding venue on the Subject Property,
22 there is no basis to believe that Defendants have or will take the necessary measures to bring the
23 Subject Property into compliance with local and state law.

24 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 \_\_\_\_\_ day of February, at 25 Agoura Hill, Los Angeles County, California. 26 Amir Hamidzadeh, Declarant 27 28

5 DECLARATION OF AMIR HAMIDZADEH

	PROOF OF SERVICE				
1	STATE OF CALIFORNIA, COUNTY OF LOS ANGELES				
2	I am employed in the county of Los Angeles, State of California. I am over the age of 18				
3	and not a party to the within action; my business address is 11500 W. Olympic Blvd., Suite 550,				
4	Los Angeles, CA 90064-1524.				
5	On February 11, 2021, I served the foregoing document described as DECLARATION				
	OF AMIR HAMIDZADEH IN SUPPORT OF OPPOSITION TO SPECIAL MOTION TO				
6	STRIKE COMPLAINT interested parties in this action by placing a true copy thereof enclosed				
7	in a sealed envelope addressed as follows:				
8	Counsel for Defendants				
9	Robert L. Scott				
10	300 East Esplanade Drive, 9th Floor				
11					
12	E: scott@civiccenter.com				
13	BY ELECTRONIC TRANSMISSION - ONE LEGAL. I caused an electronic version				
14	of the documents to be submitted to the Superior Court of California and thereafter caused an				
15	electronic version to be served to the persons in the above service list via the litigation support				
16	service One Legal.				
17	BY OVERNIGHT DELIVERY. I enclosed the documents in an envelope or package				
18	provided by an overnight carrier and addressed to the persons at the addresses in the above service				
19	list. I placed the envelope or package for collection and overnight delivery at an office or a				
20	regularly utilized drop box of the overnight delivery carrier.				
21	I declare under penalty of perjury under the laws of the State of California that the				
22	foregoing is true and correct. Executed this 11th day of February 2021 at Los Angeles, California.				
23	D-CN				
24	Kent				
25	Lila Torres, Declarant				
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