

1 William Litvak (SBN 90533)
2 Eric Markus (SBN 281971)
3 James M. Cunningham (SBN 322508)
4 DAPEER, ROSENBLIT & LITVAK, LLP
5 11500 W. Olympic Blvd., Suite 550
6 Los Angeles, CA 90064
7 Telephone: (310) 477-5575
8 Facsimile: (310) 477-7090

9 Attorneys for Plaintiff
10 CITY OF AGOURA HILLS

EXEMPT FROM FILING FEE – GOV. CODE § 6103

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

CITY OF AGOURA HILLS, a municipal
corporation,

Plaintiff,

vs.

JAMES MAYFIELD, an individual; SHEILA
ZAMEL, an individual; WHISPERING
OAKS CHURCH, INC., a California
Corporation; and DOES 1-50, inclusive,

Defendants.

) CASE NO. 20VECV01312

) [Assigned for all purposes to Hon. Virginia
) Keeny in Dept. W]

) **DECLARATION OF AMIR**
) **HAMIDZADEH IN SUPPORT OF**
) **PLAINTIFF'S MOTION FOR**
) **ISSUANCE OF PRELIMINARY**
) **INJUNCTION**

) [Filed concurrently with Motion for
) Issuance of Preliminary Injunction;
) Declarations of Ramiro Adeva and Allen
) Tripolskiy; Exhibits to Declarations;
) Request for Judicial Notice; and [Proposed
) Order]]

) Hearing:

) Date: April 29, 2021

) Time 8:30 a.m.

) Dept: W

) **RES ID: 149119750020**

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 (the "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. As a Building Official my duties include, among other things, enforcement of the building and technical code of the Agoura Hills Municipal Code ("AHMC"), review and approve site plans, architectural plans, and structural plans, issuance of building and technical permits, conducting property inspections to ensure compliance with the municipal code. In this regard, I work closely with representatives of the City's Planning and Code Enforcement Divisions. 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 public, occupants of the buildings, or structures or to adjacent properties.

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.

///

1 6. On October 10, 2019, the City executed an Inspection Warrant at the Subject
2 Property. Former Code Enforcement Officer Michael Gonzales, Former Planning Director Doug
3 Hooper, and I executed the inspection warrant. Also present were Los Angeles County Sheriff's
4 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.

7 8. On or about November 13, 2019, I prepared a Building and Safety Division Report
8 for Return on Inspection Warrant (the "Report") summarizing my findings. (See concurrently
9 filed Declaration of Romero Adeva, III, Ex. 10.

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

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

15 a. **Chapel with Cupola (Structure No.1)** – Pursuant to California Building Code¹
16 ("CBC") § 105.1 (as amended under AHMC § 8103(g)), California Electric Code
17 ("CEC") § 110.2, and CBC § 114.1 (as amended by AHMC § 8103(aa)), this
18 structure requires building and electrical permits. Defendants failed to procure the
19 requisite permits prior to constructing, erecting, altering and/or legalize the
20 unpermitted structures.

21 b. **Brides' Cottage (Structure No. 2)** – Pursuant to CBC § 105.1 (as amended under
22 AHMC § 8103(g)); California Mechanical Code ("CMC") §104.1, and California
23 Plumbing Code ("CPC") §104.1, and CEC § 110.2 this structure requires building,
24 electrical, mechanical and plumbing permits. Two (2) retaining walls, near the
25 Brides' Cottage, also require building permits pursuant to CBC § 105.1 (as
26 amended under AHMC § 8103(g)). Defendants failed to procure the requisite
27
28

permits prior to constructing, erecting, altering and/or legalize the unpermitted structures.

- c. **Stables (Structure No. 3)** – Pursuant to CBC § 105.1 (as amended under AHMC § 8103(g)), CEC § 110.2, and CPC §104.1 this structure requires building, electrical, and plumbing permits. Defendants failed to procure the requisite permits prior to constructing, erecting and/or legalize the unpermitted structures.

11. In addition to the structures noted above, a structure that appeared to be a shade structure adjacent to the pool (Structure No. 7) also requires a building permit pursuant to CBC § 105.1 (as amended under AHMC § 8103(g)). However, Defendants did not allow us to complete our inspection of this structure.

12. Subsequent to drafting my Report, I determined that the aforementioned structures on the Subject Property were also in violation of the following sections of the AHMC:

- a. Defendants' failure to obtain requisite permits for the structures on the Subject Property renders the structures substandard pursuant to AHMC § 5604(7), 5604(9), and 5604(11);
- b. Defendants are maintaining unpermitted structures pursuant to CBC § 111.1.1 (as adopted by AHMC § 8103(u));
- c. Pursuant to CBC § 114.1 (as amended by AHMC § 8103(aa)) "[i]t is unlawful... to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building or structure...or cause same to be done, in conflict with this code. It is unlawful...to conduct or maintain...any building or structure...in violation of this code;"
- d. Defendants are maintaining unsafe or dangerous buildings or structures pursuant to CBC § 116.1 (as amended by AHMC § 8103(cc)), for failing to obtain requisite permits, inspection, and approvals (in violation of CBC § 116.1(d)), and for

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. (See Request for Judicial Notice ("RJN"), ¶¶ 22-26, Ex. U, V, W, X, Y.)

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

3 13. Pursuant to AHMC § 1200(c), "any condition caused or permitted to exist in
4 violation of any of the provisions of this Code shall be deemed a public nuisance and may, by this
5 city, be summarily abated as such, and every day such condition continues shall be regarded as a
6 new and separate offense." Therefore, Defendants' failure to obtain the requisite building,
7 electrical, and plumbing permits, in violation of CBC §§ 105.1, 114.1, and 116.1 (as amended),
8 constitutes 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 and maintenance of public
13 nuisance conditions renders the Subject Property substandard, pursuant to AHMC §§ 5605(1),
14 5605(13) and 5605(16).

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

23 18. Based on Defendants' history of non-compliance with state and local law,
24 continued maintenance of code violations on the Subject Property, their repeated and continuing
25 failure and/or refusal to submit documents necessary to obtain planning and building approval for
26 the existing building and/or structures, their refusal to obtain requisite building and technical
27 permits, and the continued operation of a commercial wedding venue on the Subject Property,
28

1 there is no basis to believe that Defendants have or will take the necessary measures to bring the
2 Subject Property into compliance with local and state law.

3 I declare under penalty of perjury under the laws of the State of California that the forgoing
4 is true and correct, and that this declaration is executed on this 31 day of March, at Agoura
5 Hills, Los Angeles County, California.

6 
7 Amir Hamidzadeh, Declarant
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. At the time of service, I was over 18 years of age and not a party to this action. My business address is 11500 West Olympic Boulevard, Suite 550, Los Angeles, CA 90064.

On April 1, 2021 I served true copies of the following, described as, **DECLARATION OF AMIR HAMIDZADEH IN SUPPORT OF PLAINTIFF'S MOTION FOR ISSUANCE OF PRELIMINARY INJUNCTION** on the interested parties in this action, as follows:

Counsel for Defendants

Robert L. Scott
Scott & Associates
300 East Esplanade Dr., 9th FL
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.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 1st day of April, 2021 at Los Angeles, California.



Miriam Gonzalez, Declarant