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EXEMPT FROM FILING FEE – GOV. CODE § 6103

8
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF LOS ANGELES**

11 CITY OF AGOURA HILLS, a municipal
corporation,

12 Plaintiff,

13 vs.

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

17 Defendants.

) CASE NO. 20VECV01312

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

)
) **DECLARATION OF RAMIRO ADEVA**
) **IN SUPPORT OF PLAINTIFF'S**
) **MOTION FOR ISSUANCE OF**
) **PRELIMINARY INJUNCTION**

) [Filed concurrently with Motion for
) Issuance of Preliminary Injunction;
) Declaration of Amir Hamidzadeh;
) Declaration of Allen Tripolskiy; Exhibits to
) Declaration; Request for Judicial Notice;
) and [Proposed] Order]

) Hearing:

) Date: April 29, 2021

) Time 8:30 a.m.

) Dept: W

) **RES ID: 149119750020**

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1 **DECLARATION OF RAMIRO ADEVA, III**

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

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

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

20 3. This declaration concerns real property located at 28347 Balkins Drive, City of
21 Agoura Hills, County of Los Angeles, California (hereinafter "Subject Property"). In its ordinary
22 course of business, the City obtains and reviews records maintained by the Los Angeles County
23 Assessor's Office pertaining to the ownership of real property within the City. These records
24 reflect that Defendants JAMES MAYFIELD ("Mayfield") and SHEILA ZAMEL ("Zamel") own
25 the Subject Property. The Subject Property consists of 3.04 acres and has been improved with a
26 two-story, single-family dwelling. The Subject Property is located in a Very Low Density
27 Residential land use district ("RV District") in the City. A true and correct copy of a DataTree
28

1 Property Detail Report and a true and correct copy of the Grant Deed for the Subject Property are
2 attached hereto 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." I have reviewed the website
16 "whiseringchapel.com", social media sites, and online advertisements publicly available at or
17 around the time of the complaints, and confirmed that the Subject Property was being advertised
18 as a commercial wedding venue and that construction activities were taking place at the Subject
19 Property.

20 7. My review of Defendants' website has further revealed that Defendants Mayfield
21 and Zamel operate Defendant WHISPERING OAKS CHURCH, INC. ("WOCI") and the
22 Whispering Oaks Chapel at the Subject Property. (Mayfield, Zamel and WOCI are hereinafter
23 collectively referred to as "Defendants.") True and correct copies of screenshots of Defendants'
24 website and the social media and advertising pages I reviewed during the City's investigation are
25 attached hereto as Exhibits 3 through 6.

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1 8. I have reviewed records of the California Secretary of State, which demonstrate
2 that Mayfield is the Chief Executive Officer of WOCI. WOCI's business and principal office
3 address is listed as the address of the Subject Property. A true and correct copy of the WOCI's
4 records on file with the Secretary of State are attached hereto as Exhibit 2.

5 9. The City's investigation unequivocally revealed Defendants were: (1) operating an
6 unlawful commercial wedding venue on the Subject Property (Ex. 3, 4, and 6); and (2)
7 constructing, altering, and/or modifying building and/or structures without requisite permits,
8 inspections, and/or approvals on the Subject Property. (Ex. 5).

9 10. On or about August 5, 2019, the City sent a Notice of Violations ("NOV") to
10 Defendants advising that their use of the Subject Property as a commercial wedding venue is not
11 permitted in the RV (Residential-Very Low Density) Zoning District. Moreover, the NOV
12 advised Defendants of the City's building code requirements for permits for construction,
13 alterations, and/or modifications to buildings and/or structures on the Subject Property. A true and
14 correct copy of the NOV sent to Defendants is attached hereto as Exhibit 7. The NOV also
15 advised Defendants that all uses and structures not specified in AHMC § 9222.1 et. seq. were
16 strictly prohibited.

17 11. Further, the NOV advised Defendants that their operation of a wedding venue
18 constituted a commercial enterprise for gain as defined under AHMC § 6800. Defendants were
19 required to obtain a business license prior to operation of a commercial enterprise within the City.
20 (*Ibid.*) However, due to Defendants' pending code violations and the Subject Property's location
21 in a RV zoning district, Defendants are not eligible to obtain a business license to operate a
22 commercial wedding venue. (*Id.*, at p. 3.)¹

23 12. The NOV instructed Defendants to confirm in writing that they would immediately
24 and permanently terminate using and advertising the Subject Property as a commercial wedding
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26 ¹ Pursuant to AHMC § 6814, the issuance of a business license is prohibited if the person and/or business
27 seeking a license has pending AHMC code violations. Further, operation of a commercial wedding venue
28 is illegal in a RV zoning district. Pursuant to AHMC § 6819(b), a business license may be denied where:
(4) the business activity is prohibited by the AHMC, local, state, or federal law; and (7) buildings,
structures, and/or the premises fails to comply with state and City health, fire, zoning, building, and safety
laws.

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

4 13. Defendants persist in their failure and/or refusal to discontinue using and
5 advertising the Subject Property as a commercial wedding venue violation of AHMC §§
6 6802(a)(1) and 9222.1 et seq. (See concurrently filed declaration of Code Officer Allen Tripolskiy
7 ¶¶ 5-6; Exhibit 8.)

8 14. On or about August 21, 2019, in response to an August 9, 2019 email from
9 Defendants, the City sent correspondence to Defendants further outlining their AHMC violations.
10 A true and correct copy of this correspondence is concurrently submitted as Exhibit 9. Defendants
11 were informed that the only building permits in the Building and Safety Division records for the
12 Subject Property were for: (i) a residence with a garage; (ii) a swimming pool; (iii) a retaining
13 wall; and (iv) a portion of a gate, a pilaster, a walk-a-round and a mail center. (*Id.* at p. 2, fn 3.)
14 The City advised Defendants that structures depicted on Whispering Oaks Chapel's Facebook
15 page had received no building permits or final inspection approvals. (*Id.* at p. 2.) Defendants were
16 further advised that they must obtain a conditional use permit, pursuant to AHMC § 9222.4(C),
17 prior to operation of churches, temples and/or other places used exclusively for religious worship,
18 including related incidental educational and social activities at the Subject Property. (*Id.* at p. 4.)
19 Defendants failed and/or refused to obtain a conditional use permit to operate a church, temple
20 and/or other place used exclusively for religious worship, including related incidental educational
21 and social activities on the Subject Property (pursuant to AHMC §§ 9222.4(C) and 9673 et seq.).
22 The City requested a second inspection to occur on or before September 5, 2019. (*Id.* at p. 8.)
23 Defendants failed and/or refused to permit the requested inspection.

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

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

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

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

- 13 a. **Chapel with Cupola (Structure No.1), Stable (Structure No. 3), and Structure**
14 **for Possible Pool Shade (Structure No. 7)** are in violation of AHMC § 9652.5
15 (requiring that a conditional use permit or an architectural review approval shall be
16 obtained before the issuance of any building or grading permit...); AHMC §
17 9652.10 (providing additional requirement for a conditional use permit or
18 architectural approval prior to construction in a hillside area); AHMC § 9673 et
19 seq. (outlining the procedures for obtaining a conditional use permit); AHMC §
20 9677.1 (requiring a new construction site plan approval prior to permitting); and
21 AHMC § 9677.7 (providing an outline of the procedures for obtaining an
22 architectural review);
- 23 b. **Brides' Cottage (Structure No. 2)** is in violation of AHMC § 9283.1 (requiring a
24 ministerial permit for accessory dwelling unit); and AHMC § 9657.5
25 (encroachment into the protected zone of an oak tree without a valid oak tree
26 permit);
- 27 c. **Stable (Structure No. 3)** is also in violation of AHMC § 9224.1(E) (prohibiting
28 housing of animals within 35 feet of any street);

1 d. The Garage (Structure No. 5) is in violation of AHMC § 9654.3.E (paved
2 driveway access to the garage is required);

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

6 19. On or about November 26, 2019, the City issued a second Notice of Violations
7 (“second NOV”) to Defendants. A true and correct copy of the second NOV is attached hereto as
8 Exhibit 11. The second NOV summarized the City’s findings and identified four (4) structures (a
9 Chapel with Cupola, Brides’ Cottage (with adjoining deck and two retaining walls), Stable, and
10 Structure for Pool Shade) which were constructed and/or erected without requisite City permits,
11 inspection and/or approvals, in violation of California Building Code² (“CBC”) §§ 105.1 and
12 111.1.1, as amended by AHMC § 8103. (*Id.*, at p. 1-2.) The presence of the unlawful structures at
13 the Subject Property renders it “substandard” within the meaning of AHMC §§ 5604 and 5605.
14 (*Id.*, at p. 1.)

15 20. The second NOV further identified the following violations of Article IX of the
16 AHMC (the City’s zoning code): a) operation of a unlawful commercial wedding venue (in
17 violation of AHMC §§ 6802(a)(1) and 9222.1 et seq.); b) construction of the aforementioned four
18 structures in a hillside area without first obtaining a conditional use permit, an architectural
19 review, and/or a site plan review, in violation of AHMC §§ 9223.8, 9652.5, 9652.10, 9673 et seq.,
20 9677.1, and 9677.7; c) housing animals within 35 feet of any street, in violation of AHMC §
21 9224.1(E); d) failing to obtain a ministerial permit for an Accessory Dwelling Unit, pursuant to
22 AHMC § 9283.1; e) lacked of paved driveway access at the Subject Property, in violation of
23 AHMC § 9654.3.E; and f) construction within the protected zone of an oak tree without a valid
24 oak tree permit, in violation of AHMC § 9657.5. (*Id.*, at p. 1-3) Each of the aforementioned
25 violations of the AHMC zoning code at the Subject Property constitute a public nuisance pursuant
26 to AHMC §§1200(c) and 9842. (*Id.*, at p. 4.)

27
28 ² 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 21. The second NOV again notified Defendants that their operation of WOCI at the
2 Subject Property and use thereof as a commercial wedding venue without a business license
3 violated AHMC § 6802. (*Id.*, at p. 4-5.) Lastly, second NOV again advised Defendants that
4 operation of a commercial wedding venue at the Subject Property is unlawful, and requested
5 Defendants cease advertising the Subject Property specifically for that purpose. (*Id.*, at p. 5-6.)

6 22. The second NOV requested Defendants meet with Planning and Building Officials
7 on December 12, 2019 to discuss a timeline to bring the Subject Property into compliance with
8 the AHMC. Defendants were advised that they would have to seek either legalization of the
9 unpermitted structures or demolish them with a permit and a final inspection approval from the
10 Building and Safety Division. (*Id.*, at p. 5, fn. 18.)

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

16 24. On or about February 21, 2020, the City mailed correspondence to Defendants
17 with the aforementioned permit applications, master planning application, and planning
18 department free schedule to facilitate the process of in legalizing the unpermitted construction at
19 the Subject Property, including but not limited to blank permit applications and a guide to the
20 City's site plan review process. A true and correct copy of the correspondence is attached hereto
21 as Exhibit 12. Notwithstanding these City's efforts to assist Defendants in legalizing their
22 unlawful construction and use of the Subject Property, agreed upon permits and/or applications
23 for City approval by April 15, 2020.

24 25. On August 13, 2020, the City sent additional correspondence to Defendants
25 regarding the permits and/or applications Defendants requested at the February 12, 2020, meeting.
26 A true and correct copy of the correspondence is attached hereto as Exhibit 13. The City
27 requested Defendants provide all permit and/or applications and fees to the City by September 17,
28 2020. (*Ibid.*) The correspondence also advised Defendants that City officials would be available

1 via Zoom or phone conference should they wish to discuss the matter further. Defendants failed
2 and/or refused to submit the requisite permit and/or applications and fees by September 17, 2020.
3 (*Ibid.*)

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

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

17 I declare under penalty of perjury under the laws of the State of California that the forgoing
18 is true and correct and that this declaration is executed on this 22nd day of March, at Agoura
19 Hills, California.

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22 Ramiro Adeva, III, Declarant
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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 RAMIRO ADEVA 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