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10 CITY OF AGOURA HILLS

EXEMPT FROM FILING FEE – GOV. CODE § 6103

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

13 CITY OF AGOURA HILLS, a municipal
14 corporation,

15 Plaintiff,

16 vs.

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

21 Defendants.

) CASE NO. 20VECV01312

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

22 **REQUEST FOR JUDICIAL NOTICE IN**
23 **SUPPORT OF MOTION FOR**
24 **ISSUANCE OF PRELIMINARY**
25 **INJUNCTION**

26 [Filed concurrently with Motion for
) Issuance of Preliminary Injunction;
) Declaration of Amir Hamidzadeh;
) Declaration of Allen Tripolskiy; Declaration
) of Ramiro Adeva, III; Exhibits to
) Declaration; and [Proposed] Order]

27 Hearing:

28 Date: April 29, 2021

Time 8:30 a.m.

Dept: W

RES ID: 149119750020

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1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:**

2 Plaintiff CITY OF AGOURA HILLS respectfully request that the Court take judicial notice
3 of the following "[r]egulations and legislative enactments issued by ... any public entity in the
4 United States." (Evidence Code § 452(b)):

- 5 1. Agoura Hills Municipal Code § 1200, a true and correct copy of which is attached
6 hereto as Exhibit "A;"
- 7 2. Agoura Hills Municipal Code § 5604, a true and correct copy of which is attached
8 hereto as Exhibit "B;"
- 9 3. Agoura Hills Municipal Code § 5605, a true and correct copy of which is attached
10 hereto as Exhibit "C;"
- 11 4. Agoura Hills Municipal Code § 6802, a true and correct copy of which is attached
12 hereto as Exhibit "D;"
- 13 5. Agoura Hills Municipal Code § 6814, a true and correct copy of which is attached
14 hereto as Exhibit "E;"
- 15 6. Agoura Hills Municipal Code § 6819, a true and correct copy of which is attached
16 hereto as Exhibit "F"
- 17 7. Agoura Hills Municipal Code § 9222.1, a true and correct copy of which is
18 attached hereto as Exhibit "G;"
- 19 8. Agoura Hills Municipal Code § 9222.2, a true and correct copy of which is
20 attached hereto as Exhibit "H;"
- 21 9. Agoura Hills Municipal Code § 9222.3, a true and correct copy of which is
22 attached hereto as Exhibit "I;"
- 23 10. Agoura Hills Municipal Code § 9222.4, a true and correct copy of which is
24 attached hereto as Exhibit "J;"
- 25 11. Agoura Hills Municipal Code § 9222.5, a true and correct copy of which is
26 attached hereto as Exhibit "K;"
- 27 12. Agoura Hills Municipal Code § 9223.8,, a true and correct copy of which is
28 attached hereto as Exhibit "L;"

- 1 13. Agoura Hills Municipal Code § 9224.1, a true and correct copy of which is
2 attached hereto as Exhibit “M;”
- 3 14. Agoura Hills Municipal Code § 9283.1, a true and correct copy of which is
4 attached hereto as Exhibit “N;”
- 5 15. Agoura Hills Municipal Code § 9652.5, a true and correct copy of which is
6 attached hereto as Exhibit “O;”
- 7 16. Agoura Hills Municipal Code § 9652.10, a true and correct copy of which is
8 attached hereto as Exhibit “P;”
- 9 17. Agoura Hills Municipal Code § 9654.3.E, a true and correct copy of which is
10 attached hereto as Exhibit “Q;”
- 11 18. Agoura Hills Municipal Code § 9657.5, a true and correct copy of which is
12 attached hereto as Exhibit “R;”
- 13 19. Agoura Hills Municipal Code § 9673.1, a true and correct copy of which is
14 attached hereto as Exhibit “S;”
- 15 20. Agoura Hills Municipal Code § 9677.1, a true and correct copy of which is
16 attached hereto as Exhibit “T;”
- 17 21. Agoura Hills Municipal Code § 9842, a true and correct copy of which is attached
18 hereto as Exhibit “U;”
- 19 22. 2019 California Building Code (as amended by Agoura Hills Municipal Code §
20 8103), a true and correct copy of which is attached hereto as Exhibit “V;”
- 21 23. 2019 California Building Code (as adopted by Agoura Hills Municipal Code §
22 8200), a true and correct copy of which is attached hereto as Exhibit “W;”
- 23 24. 2019 California Electrical Code (as adopted by Agoura Hills Municipal Code §
24 8201), a true and correct copy of which is attached hereto as Exhibit “X;”
- 25 25. 2019 California Plumbing Code (as adopted by Agoura Hills Municipal Code §
26 8202), a true and correct copy of which is attached hereto as Exhibit “Y;”
- 27 26. 2019 California Mechanical Code (as adopted by Agoura Hills Municipal Code §
28 8203), a true and correct copy of which is attached hereto as Exhibit “Z;”

- 1 27. California Civil Code § 3479, a true and correct copy of which is attached hereto
2 as Exhibit "AA;"
- 3 28. California Civil Code § 3480, a true and correct copy of which is attached hereto
4 as Exhibit "BB;"
- 5 29. California Civil Code § 3491, a true and correct copy of which is attached hereto
6 as Exhibit "CC;"
- 7 30. California Code of Civil Procedure §525, a true and correct copy of which is
8 attached hereto as Exhibit "DD;"
- 9 31. California Code of Civil Procedure § 526(a)(1), a true and correct copy of which is
10 attached hereto as Exhibit "EE;"
- 11 32. California Code of Civil Procedure § 527(a), a true and correct copy of which is
12 attached hereto as Exhibit "FF;"
- 13 33. California Code of Civil Procedure § 564(b), a true and correct copy of which is
14 attached hereto as Exhibit "GG;"
- 15 34. California Code of Civil Procedure § 568, a true and correct copy of which is
16 attached hereto as Exhibit "HH;"
- 17 35. California Code of Civil Procedure §731, a true and correct copy of which is
18 attached hereto as Exhibit "II;"
- 19 36. California Government Code § 38771, a true and correct copy of which is attached
20 hereto as Exhibit "JJ;"
- 21 37. California Government Code § 38772, a true and correct copy of which is attached
22 hereto as Exhibit "KK;"
- 23 38. California Government Code § 38773, a true and correct copy of which is attached
24 hereto as Exhibit "LL;"
- 25 39. California Government Code § 38773.1, a true and correct copy of which is
26 attached hereto as Exhibit "MM;"
- 27 40. California Government Code § 38773.2, a true and correct copy of which is
28 attached hereto as Exhibit "NN;"

1 41. California Government Code § 38773.5, a true and correct copy of which is
2 attached hereto as Exhibit "OO;"

3 42. California Mechanical Code § 104.1, a true and correct copy of which is attached
4 hereto as Exhibit "PP;"

5 43. California Plumbing Code § 104.1, a true and correct copy of which is attached
6 hereto as Exhibit "QQ."

7 California Evidence Code Section 453 grants the moving party a right to judicial notice
8 upon service of notice to the opposing party.

9
10 Respectfully submitted,

11 Dated: April 1, 2021

DAPEER, ROSENBLIT & LITVAK, LLP

12
13
14 By: 

William Litvak

Eric P. Markus

James M. Cunningham

Attorneys for Plaintiff

CITY OF AGOURA HILLS

EXHIBIT A

1200. - General penalty.

- (a) *Violations a misdemeanor.* No person shall violate any provisions or fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the requirements of this Code shall be guilty of a misdemeanor unless such violation or failure to comply is expressly stated by this Code to be an infraction. Any person convicted of a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person and shall be punishable accordingly.
- (b) *Infractions.* Any person violating any provision or failing to comply with any mandatory requirement of this Code expressly stated by this Code to be an infraction shall be guilty of an infraction. Any person convicted of an infraction shall be punishable by:
- (1) A fine not exceeding one hundred dollars (\$100.00) for a first violation;
 - (2) A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same provision of this Code within one (1) year;
 - (3) A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same provision of this Code within one (1) year.
- Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall be punishable accordingly.
- (c) *Public nuisances.* In addition to the penalties hereinabove provided, 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.

(Ord. No. 105, 6-3-86)

EXHIBIT B

5604. - Substandard conditions.

The existence or maintenance of a substandard building condition is prohibited, unlawful and constitutes a public nuisance. Substandard building conditions shall include, but are not limited to, the following:

- (1) *Inadequate sanitation.*
 - a. Lack of hot and cold running water to plumbing fixtures in a hotel or dwelling unit.
 - b. Lack of the minimum amounts of natural light and ventilation required by the building code of the City of Agoura Hills.
 - c. Room and space dimensions less than required by the building code of the City of Agoura Hills.
 - d. Dampness of habitable rooms.
 - e. Violation of any applicable provision of the health code of the City of Agoura Hills, as determined and reported to the community development director by the health officer.
- (2) *Structural hazards.*
 - a. Deteriorated, damaged, or inadequate foundations.
 - b. Defective, deteriorated, damaged, or inadequate size flooring and/or floor supports.
 - c. Defective, deteriorated, damaged, or inadequate size members of walls, partitions or other vertical supports.
 - d. Defective, deteriorated, damaged, or inadequate size ceiling, roof or other horizontal supports.
 - e. Defective, damaged or inadequately constructed fireplace or chimney.
- (3) *Inadequate or hazardous wiring.*
 - a. Lack of required electrical lighting or convenience outlets. In existing residential occupancies, every habitable room is required to contain at least two (2) supplied electric convenience outlets or one (1) such convenience outlet and one (1) supplied electric fixture. Every water closet compartment, bathroom, laundry room, furnace room and public hallway in such occupancies is required to contain at least one (1) supplied electric light fixture.
 - b. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.
- (4) *Inadequate, defective, damaged, hazardous, or faulty plumbing.*
 - a. Lack of plumbing fixtures required elsewhere in this Code.
 - b. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross connections.
- (5) *Inadequate, defective, damaged, hazardous, or faulty mechanical equipment or related apparatus.*

- a. Lack of safe, adequate heating facilities in a dwelling, apartment house, hotel or other residential commercial structure, as prescribed in the building code or other applicable code of the City of
 - b. Lack of, or improper operation of, required ventilating equipment.
 - c. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.
- (6) *Faulty weather protection.*
- a. Lack of a sound and effective roof covering.
 - b. Lack of a sound and effective exterior wall covering.
 - c. Broken windows and doors.
 - d. Deteriorated or ineffective waterproofing of foundation walls or floor.
 - e. Defective, improper, inadequate, or lack of water drainage from a property.
- (7) *Faulty materials of construction.* Any material of construction except those which are allowed or approved by this Code and which have been adequately maintained in good and safe condition.
- (8) *Hazardous or insanitary premises.* Those premises on which there is an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions which are detrimental to public health, safety or welfare.
- (9) *Hazardous buildings.* Any building or portion thereof which is determined to be an unsafe building as defined in the building code of the City Agoura Hills.
- (10) *Inadequate exits.* All buildings or portions thereof not provided with exit facilities as required by this Code except those buildings or portions thereof whose exit facilities conformed with all applicable laws at the time of their construction and provide adequate safe exits for the building occupants.
- (11) *Fire hazard.* Any building or portion thereof, device, apparatus, equipment, combustible waste or vegetation which is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause.
- (12) *Inadequate fire protection or firefighting equipment.* All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing system or equipment required by this Code, except those buildings or portions thereof which conform with all applicable laws at the time of their construction and whose fire-resistive integrity and fire extinguishing systems and equipment provide adequate fire safety.
- (13) *Improper occupancy.* All buildings or portions thereof occupied or used for any purpose for which they were not designed, approved, or intended to be used.
- (14) *Abandoned buildings.* All buildings or portions thereof which are abandoned, open or vandalized or both. For purposes of this subsection, an "abandoned" building is one that is vacant and is maintained in a condition of disrepair or deterioration; and an "open" building is

one that has non-functioning or missing doors or windows such that entry therein by unauthorized persons is not deterred.

- (15) *Unfinished relocated buildings or structures.* Unfinished relocated buildings or structures or portions thereof as defined in the building code of the City of Agoura Hills.

(Ord. No. 03-318, § 1, 4-9-2003)

EXHIBIT C

5605. - Substandard property.

The existence or maintenance of substandard property is prohibited, unlawful and constitutes a public nuisance. Any one (1) or more of the following conditions shall constitute substandard property.

- (1) Substandard buildings;
- (2) Unpainted buildings causing dry rot, warping and termite infestation;
- (3) Broken, missing or inoperable windows or doors;
- (4) Overgrown vegetation which is detrimental to public health, safety or welfare or which detracts from the appearance or property values of the immediate neighborhood. Overgrown vegetation is defined to include any of the following, without limitation:
 - a. Vegetation likely to harbor rats, vermin and/or pestilence.
 - b. Vegetation hanging over, or obstructing, public rights-of-way or creating a pedestrian or vehicular hazard in the use of public property.
 - c. Vegetation causing or adding to a fire hazard, including, without limitation, plants, hedges, shrubs or trees growing on or upon the roof of any structure, or within such close proximity of a roof structure or utility line so as to constitute a fire code violation.
 - d. Vegetation, with any of the characteristics or conditions listed in this subsection (4) of this section, located on medians and parkways conditioned or required to be maintained by private property owners, developers or homeowner associations.
- (5) Dead vegetation which is detrimental to public health, safety or welfare. Dead vegetation is defined to include any of the following, without limitation:
 - a. Decayed, diseased or hazardous vegetation, including neglected, poorly watered or unwatered, untrimmed or otherwise uncared for, trees, weeds, ground cover, shrubs, hedges, bushes, plants and other vegetation that cause or contribute to any one (1) of the following conditions:
 - (i) A danger to public health, safety and welfare.
 - (ii) A detriment to nearby property, or the value thereof.
 - (iii) Causing or adding to a fire hazard.
 - (iv) The creation or promotion of dust or soil erosion.
 - (v) Unattractive or unsightly appearance that is contrary to community standards as established by surrounding or nearby properties.
 - (vi) The absence of any vegetation where approved or required by the City of Agoura Hills.
 - b. Vegetation, with any of the characteristics or conditions listed in this subsection (5) of this section, located on medians and parkways conditioned or required to be maintained by private property owners, developers or homeowner associations or property owners associations.
- (6) Trailers, campers, recreational vehicles, boats and other related apparatus placed or stored in an area that is visible from a public street;
- (7) Trailers, campers, recreational vehicles, trucks, and boats that exceed six (6) feet in height and that are parked for more than forty-eight (48) hours within five (5) feet of any side property line;
- (8) Inoperable or abandoned motor vehicles or parts thereof placed or stored in an area that is visible from a public street;

- (9) Abandoned, broken, discarded, or neglected equipment, machinery or furniture placed or stored for a period than forty-eight (48) hours in an area that is visible from a public street;
- (10) Clothesline in front yard areas;
- (11) Garbage cans placed or stored in front or side yards and visible from a public street except when placed in places of collection at the times permitted;
- (12) Packing boxes, paper products or other debris placed, accumulated, or stored in yard areas visible from a public street or adjacent private property;
- (13) Maintenance of premises in such condition as to be detrimental to the public health, safety or welfare or in such manner as to constitute a public nuisance as defined by Civil Code Section 3480;
- (14) Property, including, but not limited to, building exteriors which are visible from a public right-of-way or adjacent private property and maintained in such condition as to become so defective, unsightly, or in such condition of deterioration or disrepair that the same detracts from the appearance of the immediate neighborhood. This includes, but is not limited to, the keeping or disposing of or the scattering over the property or premises of any of the following:
 - a. Lumber, junk, trash or debris;
 - b. Abandoned, discarded or unused objects of equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers;
 - c. Stagnant water or excavations;
 - d. Any device, decoration, design, fence, structure, clothesline or vegetation which is unsightly by reason of its condition or its inappropriate location.
- (15) Grading which does not meet the minimum standards set forth in the building code of the City of Agoura Hills or which is done in violation of this Code or any other city or state law regulating grading;
- (16) Any other condition or activity on real property that violates any local, state or federal law or regulation, or that is contrary to any public agency approval, permit, or condition thereof.

(Ord. No. 03-318, § 1, 4-9-2003; Ord. No. 11-394, § 2, 1-11-2012)

EXHIBIT D

6802. - Business license and fee required.

(a) *Business license required.*

- (1) No person shall conduct any business in the city without first having obtained a business license, paid the applicable business license fee and complied with any and all applicable provisions of this Code.
- (2) A separate business license shall be obtained for each business location and for each separate type of business at the same location.
- (3) A home-based business shall be required to obtain a business license prior to conducting business within a residential dwelling unit or on residential property.

(b) *[Exemption.]* If state or federal law exempts a business from obtaining a business license, said business shall provide satisfactory proof that the business is exempt from the city's business license requirement.(c) *Fee required.*

- (1) Every person engaging in business in the city shall pay a business license fee as prescribed by resolution adopted by the city council.
- (2) When a business license fee is imposed upon any business pursuant to this chapter and such business is conducted at one (1) or more fixed places of business and one (1) or more branch establishments, the fee shall be computed as if each fixed place of business and branch establishment is separate and independent.
- (3) The business license fee is not a revenue-raising device, but shall bear a reasonable relationship to the costs incurred by the city in reviewing, processing and acting upon the application.

(d) *Fee exemption.*

- (1) Businesses that are exempt from paying fees under the United States Constitution, the California Constitution, or under the laws of the State of California, are required to obtain a business license but shall be exempt from paying the business license fee.
- (2) Any person claiming an exemption pursuant to this section shall file a verified statement, from the franchise tax board, stating the facts upon which the exemption is claimed.

(e) *Evidence of doing business.* When a person by use of signs, circulars, cards, telephone book, or newspapers, or other form of advertisements, holds out, or represents that such person is conducting business in the city, or when a person holds an active license or permit issued by a government agency indicating that such person is in business in the city, then these facts shall be considered prima facie evidence that such person is conducting a business in the city for purposes of this chapter.

(Ord. No. 13-401, § 3, 5-8-2013; Ord. No. 14-410, § 3, 8-27-2014)

EXHIBIT E

6814. - Withholding a business license.

The city shall withhold a business license from any person when there are pending violations of this Code against such person and/or business applying for a business license, or when a debt is owed to the city as a result of a violation of this Code.

(Ord. No. 13-401, § 3, 5-8-2013)

EXHIBIT F

6819. - Grounds for denial or revocation of business license.

- (a) Every business license granted under this chapter is granted and accepted by all parties with the express understanding that the city council may revoke the business license if it is in the best interest of the health, welfare, or safety of the public to do so and grounds for such revocation exist as noted in this section.
- (b) Except as otherwise provided in this chapter, a business license may be denied or revoked pursuant to this chapter only upon one (1) or more of the following grounds:
 - (1) The applicant has failed to complete the application for a business license or renewal, as prescribed in this chapter;
 - (2) The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for the business license or in any report or statement required to be filed with the city;
 - (3) The applicant is found to have committed a crime involving moral turpitude that is substantially related to the business activity for which the business license is being sought;
 - (4) The business or the activities or conduct of the business at the proposed fixed location is prohibited by any provision of this Code or any local, state or federal law, statute, rule or regulation;
 - (5) The business or the activities or conduct of the business has been or is in violation of any conditions of approval or restrictions imposed;
 - (6) The business is being operated in a manner determined to constitute an immediate threat or menace to the health or safety of the public. Failure to correct objectionable conditions constituting a public nuisance within a reasonable time after lawful notice from a governmental entity shall be prima facie proof thereof;
 - (7) The building, structure, premises, or the equipment used to conduct the business activity fails to comply with all applicable health, zoning, fire, building and safety laws of the state of California or of the City of Agoura Hills;
 - (8) The prescribed fees for the business license or renewal have not been paid; or
 - (9) Delinquent business license fees or renewal fees have not been paid.

(Ord. No. 13-401, § 3, 5-8-2013)

EXHIBIT G

9222.1. - Permitted uses.

Subject to the provisions of chapter 6, the following are permitted uses and structures in the RV district:

- A. One (1) single-family dwelling unit per lot or a mobile home used as a caretakers unit;
- B. Crops - field, tree, bush, berry and row, including nursery stock;
- C. Day care for children, small family day care home;
- D. Home for aged persons, foster family;
- E. Light agricultural uses subject to the limitations of section 9224.1;
- F. One (1) manufactured home (mobile home) on a permanent foundation, as a single-family dwelling, subject to the provisions of section 9675;
- G. Community care facilities, small;
- H. Employee housing, small.

(Ord. No. 225, § 2, 4-14-93; Ord. No. 11-383, § 6, 3-9-2011; Ord. No. 14-406, § 5, 5-14-2014)

EXHIBIT H

9222.2. - Accessory uses.

Subject to the provisions of section 9281 et seq. and chapter 6, the following accessory uses and accessory structures shall be permitted:

- A. Accessory buildings, accessory uses and accessory structures;
- B. Domestic animals;
- C. Home occupations;
- D. Garage sales, not to exceed two (2) in any calendar year;
- E. Private greenhouses, horticultural collections, flower and vegetable gardens.
- F. One (1) accessory dwelling unit, subject to the provisions of section 9283 et seq.;

(Ord. No. 03-320, § 4, 5-28-2003; ; Ord. No. 434, § 9, 1-10-2018)

EXHIBIT I

9222.3. - Uses subject to director's review and approval.

Subject to the provisions of chapter 6, the following uses may be permitted subject to the approval of the director:

- A. Access to a lawfully permitted use in another land use district;
- B. Stands for the display and sale of any agricultural products lawfully produced on said lot;
- C. Private equestrian and hiking trails;
- D. Private recreation clubs;
- E. Riding academies and stables;
- F. Temporary structures such as model homes, real estate sales offices, construction trailers and mobile homes used as residence during construction of a project when a valid building permit is in force;
- G. Temporary storage of materials and construction equipment related to a city public works project;
- H. Retaining walls two (2) feet or higher in height containing fill located within a required setback or within fifty (50) feet of an existing residence subject to the issuance of a site plan architectural review permit. This section shall apply only to retaining walls that face an abutting property;
- I. Day care for children, large family day care home, subject to the issuance of a large family day care permit pursuant to the provisions of section 9285;
- J. Motion picture filming not exceeding seven (7) consecutive days.

(Ord. No. 224, § 2, 3-24-93; Ord. No. 225, § 4, 4-14-93; Ord. No. 04-326, § 3, 10-27-2004; Ord. No. 07-343, § 4, 2-28-2007)

EXHIBIT J

9222.4. - Conditional uses.

The following uses may be permitted subject to a conditional use permit:

- A. Arboretum and horticultural gardens;
- B. Campgrounds, picnic areas, trails with overnight camping;
- C. Churches, temples or other places used exclusively for religious worship, including related incidental educational and social activities;
- D. Convents and monasteries;
- E. Reserved;
- F. Day nursery, children;
- G. Development of property with an average slope of ten (10) percent or greater, subject to the provisions of section 9652 et seq.;
- H. Grange halls;
- I. Guest ranches;
- J. Health retreats;
- K. Homes for aged person, small group care;
- L. Homes for children, special boarding;
- M. Institutions for aged persons, private;
- N. Institutions for children, private;
- O. Lighted tennis courts;
- P. Manufactured homes (mobile homes) on a permanent foundation, as a single-family dwelling, subject to the provisions of section 9675, if more than ten (10) years have elapsed between the date of manufacture of the manufactured home and the date of the application for the issuance of a permit to install the manufactured home;
- Q. Community care facilities, large.

(Ord. No. 132, § 2, 8-26-87; Ord. No. 199, § 1, 2-12-92; Ord. No. 225, § 5, 4-14-93; Ord. No. 240, § 4, 9-8-93; Ord. No. 03-320, § 5, 5-28-2003; Ord. No. 11-383, § 7, 3-9-2011)

EXHIBIT K

9222.5. - Prohibited uses.

All uses and structures not specifically provided for in section 9222.1 et seq. are strictly prohibited in the RV land use district.

EXHIBIT L

9223.8. - Site plan review.

All uses and additions not requiring any other discretionary approvals shall not be permitted unless a site plan review is obtained pursuant to the provisions of chapter 6. Notwithstanding the foregoing, the following additions to an existing residence may be permitted subject to the administrative site plan review process:

- (1) Where the gross floor area of the residence as originally constructed exceeds thirty-six hundred (3,600) square feet: additions that do not exceed thirty (30) percent of the original gross floor area of the residence.
OR
- (2) Where the gross floor area of the residence as originally constructed was thirty-six hundred (3,600) square feet or less; additions that do not exceed thirty (30) percent of the original gross floor area or additions that do not exceed the square footage necessary to make the existing residence thirty-six hundred (3,600) square feet, whichever is greater.
- (3) A one (1) time addition of two hundred (200) square feet or less shall be permitted to any existing residence without either a site plan review or an administrative site plan review.

(Ord. No. 92-247, § 2, 7-13-94; Ord. No. 00-301, § 1, 3-22-2000)

EXHIBIT M

9224.1. - Livestock and poultry raising standards.

Livestock and poultry raising shall conform to the following requirements:

- A. Poultry, fowl and rabbits not to exceed fifty (50) birds and twenty-four (24) rabbits;
- B. Pigeons not to exceed twelve (12) per parcel;
- C. A maximum of any combination of horses and other equines, cattle, llamas, alpacas, sheep or goats not to exceed eighteen (18) per acre.
 - 1. The raising, maintaining, keeping or grazing of horses and other equines, and cattle, including the breeding and training thereof shall be limited to a maximum of eight (8) adult animals per acre:
 - a. No raising or grazing of any animals shall occur as a part of, nor shall be conducted in conjunction with, any dairy, livestock feed yard, livestock sales yard or commercial riding academy located on the same premises;
 - 2. A maximum of any combination of adult llamas or alpacas not to exceed ten (10) per acre;
 - 3. A maximum of any combination of adult sheep or goats not to exceed ten (10) per acre;
- D. Hogs or pigs shall be permitted, provided:
 - 1. That said animals are, as a condition of use, located not less than fifty (50) feet from any street and not less than fifty (50) feet from the side or rear lines of any lot parcel of land or buildings used for human habitation;
 - 2. That said animals shall not be fed any market refuse or similar imported ingredient or anything other than table refuse from meals consumed on the same lot or parcel of land, or grain;
 - 3. That no more than two (2) weaned hogs or pigs are kept, except for 4-H projects;
 - 4. That said animals shall be penned;
- E. No animals or fowl, except dogs and cats kept as domestic pets, shall be housed, stalled, lodged, maintained or confined in a building or structure within thirty-five (35) feet of any street or structure designed for human habitation. This provision excludes corrals;
- F. All animals shall be maintained and controlled in a safe and healthy manner so as to not cause any private or public nuisance.

(Ord. No. 205, § 1, 3-25-92)

EXHIBIT N

9283.1. - Accessory dwelling unit standards.

A ministerial permit shall be issued for accessory dwelling units that conform to the following standards:

- A. An accessory dwelling unit shall be permitted on any lot in a zoning district that authorizes the construction of accessory dwelling units and that contains a single-family dwelling or for which a single-family dwelling is proposed.
- B. No more than one accessory dwelling unit shall be built on a single lot.
- C. The establishment of an accessory dwelling unit shall not be considered to exceed the allowable density for the lot upon which it is located and shall be considered a residential land use consistent with the existing general plan and zoning designation for the lot.
- D. Accessory dwelling units shall provide for independent exterior access.
- E. Accessory dwelling units shall contain kitchen and bathroom facilities, or partial facilities if the accessory dwelling unit is considered an efficiency unit.
- F. Accessory dwelling units shall be connected to either public or private water and sewer facilities, but they shall not be considered new residential uses for the purpose of calculating connection fees or capacity charges for utilities. A new or separate utility connection directly between the accessory dwelling unit and the utility shall not be required for conversions of existing accessory buildings approved in accordance with subdivision Q of this section. A private sewage disposal system shall require approval from the local health department.
- G. The exterior building materials and colors of accessory dwelling units shall be compatible with those of the single-family residence.
- H. The maximum size of a detached accessory dwelling unit shall not exceed nine hundred fifty (950) square feet and shall not include more than two bedrooms.
- I. Detached accessory dwelling unit standards:
 - 1. A detached accessory dwelling unit shall not: (i) be erected in the required minimum front yard, (ii) be located within five (5) feet of any main building, rear lot line or side lot line, nor (iii) exceed fourteen (14) feet in height unless constructed above an existing detached garage.

No minimum setback from property lines or main building is required for an existing detached garage that is converted to an accessory dwelling unit.

A detached accessory dwelling unit that is constructed above an existing detached garage shall be located at least five (5) feet from the side and rear property lines, and shall be subject to the building height standards of the underlying district.

Notwithstanding these provisions, in the Old Agoura Overlay District, a detached accessory dwelling unit may be erected in the minimum front yard provided it does not exceed more than twenty-five (25) percent of the minimum front yard.
 - 2. No passageway shall be required in conjunction with the construction of an accessory dwelling unit.
 - 3. Building lot coverage standards of the underlying land use district shall not apply to prevent the

construction of an accessory dwelling unit. Nonetheless, the lot coverage of an accessory dwelling unit shall be added to the lot coverage of the primary residence in determining whether the lot coverage requirement for the property as a whole would allow for a future addition to the single-family dwelling, or the construction of an accessory building or structure excluding an accessory dwelling unit.

J. Attached accessory dwelling unit standards:

1. The maximum floor area of an attached accessory dwelling unit shall not exceed fifty (50) percent of the living area of the proposed or existing single-family dwelling, nor exceed nine hundred fifty (950) square feet, whichever is less.
2. Attached accessory dwelling units that are part of an attached garage conversion or a conversion of existing space above an attached garage shall maintain existing yard setbacks of the converted garage or existing space, or the required yards of the underlying land use district, whichever is less.
3. An attached accessory dwelling unit constructed as new space above an existing attached garage shall be located no less than five (5) feet from rear and side yard property lines, and shall comply with the required front yard setbacks of the underlying land use district. An attached accessory dwelling unit that is proposed above an existing attached garage can be constructed wholly or partly above the garage, and may extend beyond the existing garage walls provided the minimum required setbacks from property lines are met.
4. An attached accessory dwelling unit that is constructed as new space either above a portion of the single-family dwelling (excluding the garage) or as an addition to the first floor of a single-family dwelling shall comply with the required yard setbacks of the underlying land use district.
5. An attached accessory dwelling unit shall comply with the building height requirements of the underlying land use district.

L. Local building code requirements shall apply to accessory dwelling units. However, an accessory dwelling unit shall not be required to provide fire sprinklers if they are not required for the primary residence.

M. The following parking standards shall apply.

1. One (1) on-site parking space shall be required for an accessory dwelling unit, which shall be required in addition to the required parking for the single-family dwelling unit. Parking for an accessory dwelling unit may be: covered or uncovered; provided in tandem to other required on-site parking; or provided in required yard areas including the on-site driveway areas. For purposes of this section, covered parking shall not: (i) be erected in the required minimum front yard of the district; (ii) be within ten (10) feet of any single family dwelling or rear lot line; (iii) be within five (5) feet of any side lot line; (iv) exceed fourteen (14) feet in height; nor (v) exceed the lot coverage requirements of the underlying land use district.
2. No parking space is required for an accessory dwelling unit that is:
 - i. Located within one-half mile of public transit;
 - ii. Located within an architecturally and historically significant historic district;

- iii. Part of the existing or proposed primary residence or an existing accessory building (e.g., a base conversion);
 - iv. Located within one block of a parking area specifically designated for a car share vehicle; or
 - v. Located in an area where the City requires on-street parking permits but does not offer the permits to the occupants of the accessory dwelling unit.
3. If required parking for the existing single-family dwelling is removed in conjunction with the construction of an accessory dwelling unit, the removed parking spaces must be replaced with an equal number of on-site parking spaces. The replacement parking spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, required yard areas, covered, uncovered, tandem within a garage or within on-site driveway areas, or provided by the use of a mechanical automotive parking lift. Covered replacement parking spaces shall not: (i) be erected in the required minimum front yard of the district; (ii) be within ten (10) feet of any main building or rear lot line; (iii) be within five (5) feet of any side lot line; (iv) exceed fourteen (14) feet in height; nor (v) exceed the lot coverage requirements of the underlying land use district.
- N. For the purposes of this section, "living area" means the interior habitable area of a dwelling unit, including basements and attics but not including a garage or an accessory building.
- O. Accessory dwelling units shall not be held under separate ownership from the single-family dwelling. Either the single-family residence or the accessory dwelling unit, or both, may be rented. In no case shall any rented dwelling unit be rented for a period of less than 31 days.
- P. Within 30 days following the issuance of a building permit for the accessory dwelling unit, a covenant in a form acceptable to the City shall be recorded against the title in the Los Angeles County Recorder's office, declaring that: (1) the accessory dwelling unit may not be sold, transferred, or assigned separately from the single-family residence; and (2) such restrictions shall run with the land and be binding upon all future owners. A copy of the recorded covenant shall be filed with the office of the City Clerk.
- Q. Notwithstanding any other development standard required by this section, an accessory dwelling unit that satisfies all of the following requirements shall be approved ministerially with a building permit if:
- 1. It is located on a lot zoned for single-family use that contains a single-family residence;
 - 2. It is the only accessory dwelling unit on the lot;
 - 3. It is contained within the existing space of an existing residence or accessory building, including, but not limited to, a studio, pool house, or other similar structure.
 - 4. It has independent exterior access; and
 - 5. It has side and rear setbacks sufficient for fire safety."

(Ord. No. 03-320, § 15, 5-28-2003; Ord. No. 11-388, § 8, 12-14-2011; Ord. No. 14-406, § 9, 5-14-2014; Ord. No. 434, § 15, 1-10-2018)

EXHIBIT O

9652.5. - Policy.

Either a conditional use permit or an architectural review approval shall be obtained before the issuance of any building or grading permit, approval of minor land division or subdivision, importation of fill material for the purpose of altering natural terrain, or commencement of any construction or enlargement of any building or structure on any parcel that is in, or partly in, a hillside area or SEA. In addition to preserving the natural character of the hillsides and valleys within the City of Agoura Hills and ensuring the preservation of the scenic viewshed, hillside development regulations are designed to protect residents from geologic hazards, such as unstable soils and erosion, and the possible loss of life and destruction of property.

The intention and policy of the city is to:

1. Encourage minimal grading which relates to the natural contours of the land as opposed to padding or stairstep grading;
 2. Require the retention of trees and other vegetation which stabilize hillsides, retain moisture, prevent erosion, and enhance the natural scenic beauty, and, when necessary, require additional landscaping to promote the above;
 3. Require immediate planting whenever appropriate to maintain cut and fill slopes;
 4. Encourage a variety of building types and design to reduce grading and disturbance of the natural character of the area; and
 5. Require the retention of natural landmarks and prominent natural features which enhance the character of a specific area.
- A. *Permitted uses.* Subject to the provisions of site plan review, the following shall be permitted uses in hillside and significant ecological areas:
1. Accessory buildings and structures less than five hundred (500) square feet in gross floor area related to existing dwellings or commercial development;
 2. Other additions or modifications to existing structures provided said area does not exceed the lesser of seven hundred (700) square feet in gross floor area, or thirty (30) percent of the existing gross floor area and does not increase the number of families that can reside therein.

EXHIBIT P

9652.10. - Same—Additional regulations.

Except as specified in section 9652.5, prior to the issuance of any building or grading permits, approval of a minor land division or subdivision, or the commencement of any construction or enlargement of any building or structure on a lot or parcel of land which is in or partly in an area designated in the general plan and related maps as a significant ecological area or within a hillside area as defined herein, either a conditional use permit or architectural review approval shall be obtained as provided by this section. Development standards, lot size, height and setbacks may be modified by the planning commission in order to achieve the purposes of this chapter.

- A. A conditional use permit shall be required in the following cases:
 - 1. In hillside areas where the parcel of land contains an area of five (5) acres or greater;
 - 2. In hillside areas where the parcel of land contains an area of less than five (5) acres whenever the density or open space requirements of this section would prohibit the use of such parcel otherwise permitted by this chapter;
 - 3. In hillside areas whenever a major slope failure occurs on a developed parcel of land regardless of the size of such parcel; and
 - 4. In significant ecological areas regardless of the size of the parcel of land.
- B. Architectural review approval pursuant to sections of the Agoura Hills Municipal Code shall be required in hillside areas not subject to the requirement of a conditional use permit pursuant to subsection A, above.

EXHIBIT Q

9654.3. - Design standards.

- A. *Parking stall sizes.* Each standard off-street parking space shall be at least the following minimum sizes:

| Angle (in degrees) | Curb Length Per Car | Stall Depth |
|-----------------------|------------------------|-------------|
| 0 | 24' 0" | 8' 6" |
| 30 | 16' 6" | 16' 0" |
| 45 | 11' 6" | 19' 0" |
| 60 | 10' 0" | 20' 0" |
| 90 | 8' 6" | 18' 0" |

Unless approved by the planning commission, compact off-street parking spaces are not permitted. The planning commission may allow no more than thirty (30) percent of the required number of parking spaces to be sized for compact vehicles in instances where on-site design constraints, such as irregular topography, lot configurations, or parcel size necessitate the use [of] compact parking spaces. The planning commission may also allow no more than thirty (30) percent of the required number of parking spaces to be sized for compact vehicles in instances where additional on-site landscaping is provided beyond the requirement for the zoning district and the provisions of section 9654.5 et seq. The additional landscaping shall be equal in size to at least fifty (50) percent of the parking area saved by installing compact parking spaces in lieu of standard parking spaces. For purposes of this section, additional landscaping located in required yard areas shall not apply.

All compact off-street parking spaces approved by the planning commission shall be at least the following minimum sizes:

| Angle (in degrees) | Curb Length Per Car | Stall Depth |
|-----------------------|------------------------|-------------|
| 0 | 21' 0" | 8' 6" |

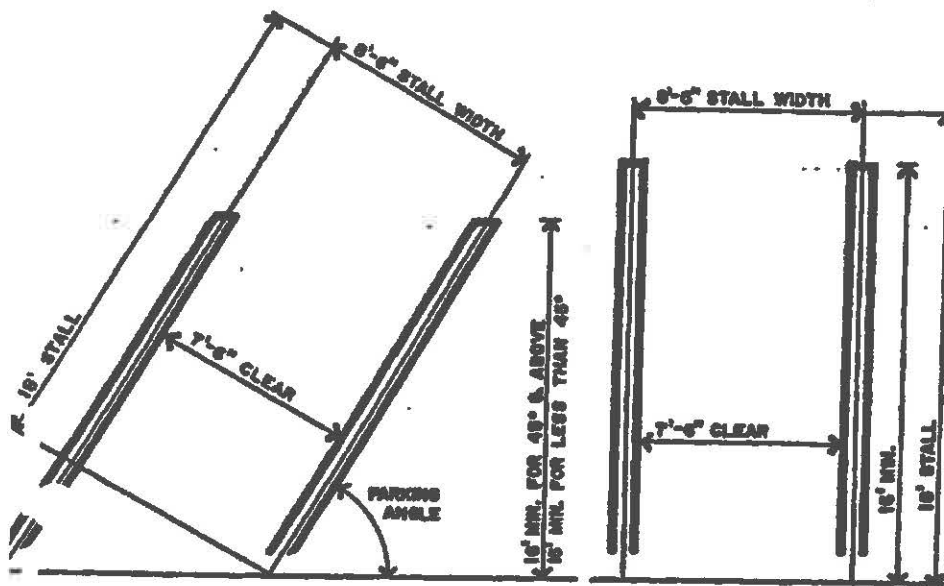
| | | |
|----|--------|--------|
| 30 | 16' 6" | 14' 0" |
| 45 | 11' 6" | 15' 6" |
| 60 | 10' 6" | 16' 6" |
| 90 | 8' 6" | 15' 0" |

All compact off-street parking spaces approved by the planning commission shall be clearly marked "Compact Cars Only." Compact spaces shall not be permitted for automotive repair facilities.

All standard and compact parking stalls shall be clearly pinstriped.

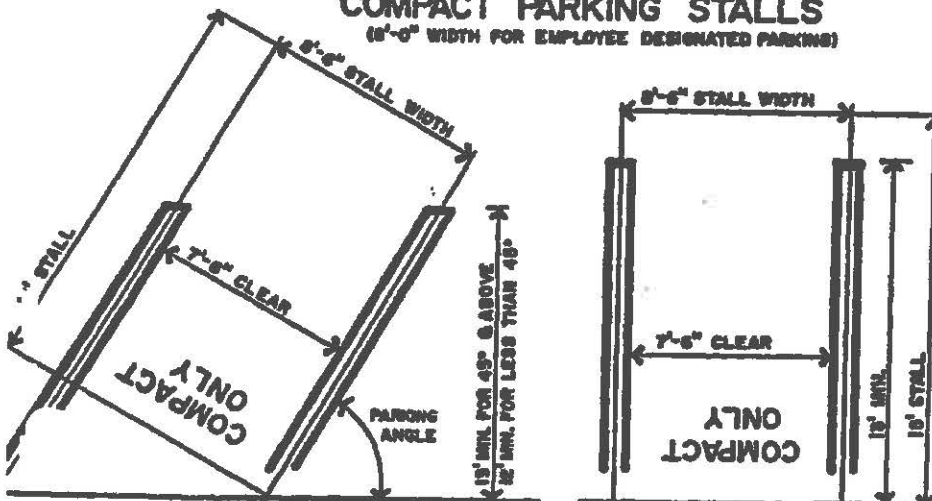
STANDARD PARKING STALLS

(8'-0" WIDTH FOR EMPLOYEE DESIGNATED PARKING)



COMPACT PARKING STALLS

(8'-0" WIDTH FOR EMPLOYEE DESIGNATED PARKING)



B. *Handicapped requirements.* Off-street parking spaces shall be provided for handicapped persons. The number of parking spaces to be provided therefor shall be as follows:

| Total Number of Parking Spaces | Required Number of Handicapped Parking Spaces |
|--------------------------------|---|
| 1 to 25 | 1 |
| 26 to 50 | 2 |
| 51 to 75 | 3 |
| 76 to 100 | 4 |
| 101 to 150 | 5 |
| 151 to 200 | 6 |
| 201 to 300 | 7 |

| | |
|----------------|-----------------------------------|
| 301 to 400 | 8 |
| 401 to 500 | 9 |
| 501 and above | 2 percent of total spaces |
| 1001 and above | 20 plus 1 for each 100 over 1,000 |

All parking spaces for the physically handicapped shall be located in proximity to curb ramps or other pedestrian walks providing the most direct access to the primary entrance(s) of the building(s) served by the parking lot.

Each handicapped off-street parking space shall be at least fourteen (14) feet wide and striped to provide a nine-foot parking area and a five-foot loading and unloading area. When more than one (1) space is provided, in lieu of providing a fourteen-foot space for each parking space, two (2) spaces can be provided within a twenty-three-foot wide area striped to provide a nine-foot-wide parking area on each side of a five-foot loading and unloading area in the center. The minimum length of each stall shall be eighteen (18) feet.

Each handicapped parking space shall be clearly marked with the international symbol of accessibility in white paint, at least three (3) feet in size.

- C. *Covered parking spaces.* Covered off-street parking spaces provided for commercial and industrial uses shall follow the minimum size standards as outlined in subsection A. Covered off-street parking spaces provided for residential uses shall be at least ten (10) feet by twenty (20) feet inside clear space.
- D. *Access and circulation.* Each entrance and exit to a parking area shall be constructed and maintained so that any vehicle entering or leaving the parking area shall be clearly visible at a distance of not less than ten (10) feet to a person approaching such entrance or exit on any pedestrian walk or footpath shall be visible to each other. Speed bumps shall be considered for parking areas over one hundred (100) parking spaces.

All exits from parking lots shall be clearly posted with stop signs, and stop bars, and appropriate directional signs shall be maintained when necessary and as required by the director of planning and community development.

- 1. *Residential access.* Driveway access to parking spaces for a single-family dwelling unit shall not be less than fifteen (15) feet in width. Driveway access used to serve more than two (2) dwelling units shall not be less than twenty (20) feet in width. Driveway access to all uses other than residential shall have a width of not less than fourteen (14) feet if one-way, or not less than twenty-six (26) feet for a two-way, combined entrance and exit, access.
- 2. *Commercial access.* Additional limited time parking shall be provided in conjunction with the placement of automatic tellers and similar structures or facilities.
- E. *Paving.* All areas used for parking and accesses to such parking areas shall be completely paved with asphalt or concrete surfacing, or such other alternative materials as approved by the city

engineer. Further, all parking areas and accesses shall be provided with adequate drainage as approved by the city engineer. Any portion of the parking area not paved shall be landscaped.

F. *Aisle width.* Minimum aisle widths shall be as follows:

| Angle (in degrees) | Aisle Width |
|-------------------------------|-------------|
| 30* | 14' 0" |
| 45* | 14' 0" |
| 60* | 20' 0" |
| 90 | 26' 0" |
| *Denotes one-way aisles only. | |

Where two-way traffic is permitted, the minimum aisle width shall be twenty-six (26) feet.

G. *Wall.* A parking area which abuts a residentially zoned parcel or lot shall be separated therefrom by a six-foot-high solid masonry wall. Such wall shall be reduced to three (3) feet in height within the front yard area of an abutting residential zone. Along the freeway a combination of a mounded, enlarged landscaped area and a three and one-half (3½) foot wall shall be provided.

A parking area which is separated by a street from a parcel or lot in a residential zone or a freeway shall have a solid masonry wall or mounded landscaping averaging three and one-half (3½) feet in height along such street.

H. *Parking structure standards.* Parking structures, underground parking, subterranean parking, and similar parking facilities shall be permitted only upon planning commission approval. Underground and subterranean parking is encouraged to increase landscaping and minimize hillside grading.

All parking spaces within such facilities shall be restricted for the exclusive use of property owners, tenants, employees, and other users of the building which such facilities serve. Such restrictions shall be implemented through the installation of appropriate signing and circulation and controlled access devices.

Appropriate security measures shall be incorporated into the design of such facilities including but not limited to security gates, fencing, and lighting.

I. *Parking lot illumination.* Parking lot illumination shall be directed away from residential areas and public streets so as not to produce a glare as seen from such areas in order to ensure the general safety of other vehicular traffic and the privacy and well being of the residential areas.

All light poles, standards, and fixtures shall be a maximum of sixteen (16) feet in height.

J. *Parking lot slope.* Parking lots shall not have a slope exceeding four and one-half (4.5) percent, except for access ramps or driveways which shall not exceed a slope of ten (10) percent.

K. *Wheel stop standards.* Wheel stops shall be installed two (2) feet from the edges of the required sidewalks, planters, and landscaped areas for all parking spaces in order to protect the required

sidewalks, planters and landscaped areas from vehicular overhang and to protect any structure from vehicular damage. The regular planter curb may function as the wheel stop but the planter shall be a minimum of six (6) feet in width. All wheel stops shall be maintained in good condition.

- L. *Bicycle parking standard.* A stationary bicycle rack or facility designed to secure the frame and both wheels of the bicycle, where the bicyclist supplies only a locking device, shall be provided at the ratio of one (1) bicycle space for every twenty-five (25) parking spaces. A fully enclosed bicycle space or locker which is accessible only to the owner or operator of the bicycle and protects the bicycle from inclement weather may be provided, but not in-lieu of the required bicycle rack(s). Specific facilities and location (i.e. provision of racks, lockers, or locked room) shall subject to approval by the City."

- M. *Off-street loading and unloading spaces.* General office uses shall have the following off-street loading and unloading spaces:

| Square feet | Spaces required |
|------------------|-----------------|
| Under 30,000 | 0 |
| 30,001 to 50,000 | 1 |
| Excess of 50,000 | 2 |

Retail/commercial and industrial/manufacturing uses shall have the following off-street loading and unloading spaces:

| Square feet | Spaces required |
|------------------|-----------------|
| Under 5,000 | 0 |
| 5,000 to 30,000 | 1 |
| Excess of 30,000 | 2 |

Each loading space for general office uses and for retail/commercial uses less than thirty thousand (30,000) square feet shall be located off the street and shall be twelve (12) feet in width by twenty-five (25) feet in width by twenty-five (25) feet in depth by fourteen (14) feet in vertical clearance. All

other loading spaces, regardless of use, shall be twelve (12) feet in width by fifty (50) feet in depth by fourteen (14) feet in height.

(Ord. No. 223, § 2, 1-27-93; Ord. No. 226U, §§ 2, 5, 3-10-93; Ord. No. 96-265, § 1, 1-15-97)

EXHIBIT R

9657.5. - Oak tree permit.

Except as otherwise provided in section 9657.4, no person shall cut, prune, remove, endanger or encroach into the protected zone or relocate any oak tree on any public or private property within the city unless a valid oak tree permit has been issued from the director of planning and community development or the planning commission pursuant to the provisions of these sections and the oak tree preservation guidelines, by filing the proper form and paying the appropriate fee. The accuracy of all required information submitted shall be the responsibility of the applicant.

- A. *Administrative approvals.* The department of planning and community development has jurisdiction to approve a request for the removal of one (1) oak tree on a single parcel. Except for dead trees, subsequent requests for the removal of trees beyond the number of one (1) on a single parcel of record will be referred to the planning commission for review and approval.
- B. *Planning commission approval.* When two (2) or more trees are being requested for removal on an original application, the case will be referred to the planning commission.
- C. *Oak tree permit approval process.* The director of planning and community development or the planning commission may approve an oak tree permit when one (1) of the following findings can be made, after city inspection of the tree and property.
 - 1. The condition or location of the protected trees requires cutting or pruning to maintain or remedy its health, balance or structure.
 - 2. The condition of the tree(s) with respect to disease, danger of falling, proximity to existing structures, high pedestrian traffic areas such as parking lots, pedestrian walkways or interference with utility services cannot be controlled or remedied through reasonable preservation and/or preventive procedures and practices.
 - 3. It is necessary to remove, relocate, prune, cut or encroach into the protected zone of an oak tree when, after a determination by the planning commission or director, it is found that the continued existence totally prevents the development of the subject property. An oak tree permit shall not be granted pursuant to this subparagraph 3 unless all the following additional findings are made:
 - a. That the proposed construction or proposed use will be accomplished without endangering the health of the remaining trees on the subject property;
 - b. That the removal or relocation of the oak tree(s) proposed will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated;
 - c. That the removal or relocation of the oak tree(s) proposed is necessary because the continued existence at present location(s) prevents the planned improvement or proposed use of the subject property to such an extent that alternative development

plans cannot achieve the same permitted density or that the cost of such alternative would be prohibitive; or that the placement of such tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized; or that the oak tree(s) proposed for removal or relocation interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than removal of the tree(s).

If the applicant has met the above criteria, an oak tree permit may be issued subject to the following limitations:

- (a) Not more than ten (10) percent of the total estimated tree canopy or root structure of all trees on the subject property has been requested to be removed.
 - (b) In certain exceptional cases, the removal of up to twenty (20) percent of the total tree's canopy or root system may be removed. However, such approval is predicated upon the recommendation of the city's oak tree preservation consultant stating that the viability of the oak tree will not be adversely affected.
 - (c) In no case shall less than four (4) native oaks be provided for any oak tree removed or relocated.
- D. *Conditions on removal.* Conditions may be imposed on the permit at the discretion of the decisionmaker, including but not limited to, any of the following:
 - 1. A condition requiring the replacement or placement of additional trees on the subject property to offset the impacts associated with the loss of a tree or its limbs or encroachment into the protected zone of an oak tree;
 - 2. The relocating of trees on-site or off-site, or the planting of a new tree off-site to offset the loss of a tree;
 - 3. A condition requiring an objectively observable maintenance and care program to be initiated to insure the continued health and care of oak tree(s) on the property;
 - 4. Payment of a fee or donation of a potted tree to the city or other public agency to be used elsewhere in the city should a suitable replacement location for a tree not be possible on-site or off-site.
- E. *Oak tree report.* The director shall cause, at the applicant's expense, the preparation of an oak tree report by a city-approved oak tree consultant.
- F. *Oak tree preservation guidelines.* In granting an oak tree permit, the director of planning and community development or the planning commission shall require the permit to comply with provisions of the adopted "Oak Tree Preservation Guidelines" and may impose such conditions necessary to carry out the intent of this article and said guidelines. However, in no case shall less than four (4) native oaks be provided for any oak tree removed or relocated.
- G. *Notice of permit decision.* Upon completion of the processing of an oak tree permit, the

director of planning and community development or the planning commission may approve, conditionally approve or deny the application for an oak tree permit and notice of such decision shall be mailed to the applicant, city council, and planning commission.

H. *Appeals.* Within twenty (20) calendar days of the notice of decision, the applicant, city council, or planning commission may appeal the decision of the director of planning and community development to the planning commission or the decision of the planning commission to the city council.

I. *Enforcement.*

1. *Additional remedies.* Any person who cuts, damages, moves, or removes any oak tree within the city or encroaches into the drip line of an oak tree in violation of this chapter shall be subject to the following remedies in addition to any penalties provided by the Municipal Code:
 - (a) A suspension of any building permits until all mitigation measures specified by the city are satisfactorily completed.
 - (b) Completion of all mitigation measures as established by the city.
2. *Restitution.* It has been determined that the oak trees within the city are valuable assets to the citizens of this community and to the citizens of the County of Los Angeles and as a result of the loss or damage to any of these trees, the public should be recompensed. Any person violating the provisions this chapter shall be responsible for proper restitution and may be required to replace the oak tree(s) so removed or damaged, by the donation of or by replanting two (2) or more oak trees of reasonable equivalent size and value to the tree damaged or removed. The number, size and location of said equivalent replacement oak trees shall be determined by the director of planning and community development.

The value shall be established as provided in the tree evaluation formula, as prepared by the Council of Tree and Landscape Appraisers.

EXHIBIT S

9673.1. - Application submittal requirements.

An application for a conditional use permit shall be filed with the department of planning and community development on a form prescribed by the department and shall include the following data and maps:

- A. Name and address of the applicant;
- B. Statement that the applicant is the owner or the authorized agent of the owner of the property on which the use is proposed to be located. This provision shall not apply to a proposed public utility right-of-way;
- C. Address and legal description of the property;
- D. Statement indicating the precise manner of compliance with each of the applicable provisions of this article, together with any other data pertinent to the findings prerequisite to the granting of a conditional use permit, prescribed in this chapter;
- E. [Reserved.]
- F. Plot plans and elevations, fully dimensioned, indicating the type and location of all buildings and structures, parking and landscape areas and signs. Colored renderings and photos of all four (4) sides of the building and the roof shall also be provided. Elevation plans shall be of sufficient detail to indicate the type and color of materials to be employed and methods of illumination for signs. Screening, landscape and irrigation plans, which meet the requirements of section 9658.2 shall be included in the plans;
- G. The filing fee as established by city council resolution;
- H. The department of planning and community development may require additional information or plans, if they are necessary to enable a determination as to whether a conditional use permit should be granted or denied. The director may authorize omission of any or all of the plans and drawings required by this section if they are not necessary.

(Ord. No. 93-242, § 2, 11-10-93)

EXHIBIT T

9677.1. - Application.

All uses involving new construction that require building permits but not any discretionary approvals under this article shall not be permitted unless a site plan is approved pursuant to the provisions of this section.

(Ord. No. 09-358, § 10, 1-18-2009)

EXHIBIT U

9842. - Nuisance declared; abatement.

Any action taken or any condition caused or permitted to exist in violation of any of the provisions of this article or in violation of any permit or approval granted or issued hereunder shall be deemed a public nuisance. Each day that such action or condition continues shall be deemed to be a new and separate offense.

EXHIBIT V

8103. - Modification of Chapter 1, Division I and II of 2019 California Building Code.

- (a) Amend the second paragraph of Section 1.8.8.1 of Chapter 1, Division I, to read as follows:

The City Council shall serve as the local appeals board or housing appeals board as specified in California Health and Safety Code Sections 17920.5 and 17920.6.

- (b) Add Section 1.8.8.4 to Chapter 1, Division I, to read as follows:

1.8.8.4 Limitation of Authority. The Local Appeals Board and the Housing Appeals Board shall not have jurisdiction to consider, decide or rule on whether persons are responsible or not responsible for violations and public nuisances of the Agoura Hills Municipal Code, as well as on actions that are required by the City of responsible persons to correct or otherwise abate violations and/or public nuisances.

This limitation of authority shall also apply to any board that is established by the 2019 Residential, Electrical, Mechanical, Plumbing, Energy, Fire, Existing Building and Green Building Standards Codes, as adopted by the city.

- (c) Amend Section 101.1 of Chapter 1, Division II, to read as follows:

101.1 Title. These regulations shall be known as the Building Code of City of Agoura Hills, hereinafter referred to as "this code".

- (d) Amend Section 101.4.1 of Chapter 1, Division II, to read as follows:

101.4.1 Gas. The provisions of California Mechanical and Plumbing Codes shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

- (e) Amend Section 101.4.5 of Chapter 1, Division II, to read as follows:

101.4.5. Fire Prevention. The provisions of the Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or device; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

- (f) Amend Section 103.3 of Chapter 1, Division II, to read as follows:

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

- (g) Amend Section 105.1 of Chapter 1, Division II, to read as follows:

105.1 Required. All persons who intend to construct, enlarge, alter, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, component or device, the installation of which is regulated by the

Technical Codes in Article VIII of the Agoura Hills Municipal Code, shall first make written application to the building official and obtain each required permit.

No person shall undertake or cause grading to occur on land without the prior procurement of a grading permit unless such grading is exempt from a permit as provided for in Section 103.2 of Appendix J.

Whenever any work or installation or grading has been commenced without a permit in violation of this section, a Stop Work Order shall immediately be issued by the Building Official and a special investigation to identify the nature and extent of the unpermitted work or installation shall be made. Based on the findings of the investigation, conditions may be given to the violator to correct any unpermitted conditions to the satisfaction of the Building Official prior to the issuance of the permit and to continue work. An investigation fee shall be paid in addition to customary fees for each permit which the work had started prior to, or at the time of, the issuance of a permit or permits. Failure to pay a special investigation fee in full constitutes cause to deny the issuance of a permit or permits. The investigation fee shall be as specified by resolution of the City Council.

The payment of the investigation fee shall not exempt any person from compliance with all other provisions of the Agoura Hills Municipal Code, or from any penalty prescribed by law for failing to obtain each required permit.

- (h) Amend Section 105.2 of Chapter 1, Division II, items 1 thru 13 and add items number 14 thru 17 under Building, and add items 4 and 5 under Electrical, and a new category titled Grading, to read as follows:

Building:

1. One story detached accessory buildings or structures used as tool and storage sheds, shade structure, playhouses or similar uses that are accessory to detached one and two family dwellings, and similar uses, provided the floor area does not exceed 120 square feet and are not more than 14 feet in height above adjacent grade.
2. Fences, other than masonry or concrete, not over 6 feet high, measured from finished grade immediately adjacent to the fence, to top of the finished fence.
3. Oil derricks.
4. Retaining walls less than 2 feet in height measured from grade immediately adjacent to the wall to the top of the wall, unless supporting a surcharge.
5. Water tanks supported directly on grade if the capacity is not greater than 5000 gallons and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks, driveways, platforms and walkways associated with one and two family dwellings, not more than 30 inches above grade at any point and not located over any basement or story below, nor supporting any structure above and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery structures that are erected and maintained for a specific period of time in connection with a filming permit that is issued pursuant to Article VI, Chapter 6 of the Agoura Hills Municipal Code. Electrical installations (including the use of generators) and gas installations for sets and structures require a permit before they occur.
9. Prefabricated swimming pool accessory to a Group R-3 Occupancy that are less than 18 inches deep, do

not exceed 5,000 gallons and are installed entirely above ground.

10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one and two family dwellings.
12. Window awnings supported by an exterior wall in group R-3 and U occupancies, that are less than 12 square feet of shade cover and do not project more than 48 inches from exterior wall and do not require additional support.
13. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
14. Detached one story shade covers for animals when the covers are not over 12 feet in height above adjacent grade, not more than 400 feet of roof area and open on 3 sides minimum.
15. Readily removable plastic covered hoop structures, with maximum 12' in height with no in-ground footings or foundation.
16. Replacement of residential exterior door when the door frame is not removed.
17. Replacement of kitchen appliance with similar appliance in same location. This exception does not apply if the work includes opening the walls or replacing or altering the plumbing or electrical systems.

Electrical:

4. Removal of abandoned electrical wiring and conduits. "Abandoned" means such wiring and conduits that are not energized.
5. Low voltage electric wiring/system (under 25 volt or 50 watts).

Grading:

1. All grading that is exempt from a permit shall be pursuant to Section 103.2 of Appendix "J" of this code or other reference codes accepted by the Building Official.
- (i) Amend Section 105.3.2 of Chapter 1, Division II, to read as follows:
- 105.3.2 Time limitation of application.* An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing. "Abandoned" means the applicant has failed to satisfy all requirements for a permit in that period. The building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each to complete all requirements for a permit. An applicant seeking an initial extension shall tender a request to the Building Official prior to the date the application is deemed abandoned. In order to be eligible for any further extensions, an applicant shall tender a subsequent request or requests to the Building Official before a prior extension period expires. Each extension request shall be requested in writing and justifiable cause demonstrated, as determined by the Building Official.
- (j) Amend Section 105.5 of Chapter 1, Division II, to read as follows:
- 105.5 Expiration of permit.* Every permit issued shall be deemed abandoned and shall automatically expire and be null and void unless the permit holder obtains a successful inspection for work authorized by such permit within 365 days from its issuance. An issued permit shall also be deemed abandoned and shall automatically expire and be null and void if the permit holder does not obtain a subsequent successful inspection within 180 days from a prior successful inspection. A successful inspection is defined as an inspection that is required by Section 110 of Chapter 1, Division II of the 2019 California Building Code (as adopted by Section 8100 of the Agoura Hills Municipal Code), during which the Building Official or a designee

thereof determined that the inspected work met all applicable minimum code requirements and he/she approved and documented that work as successful. The Building Official may grant one extension of a permit for a period not exceeding 180 days, provided he/she receives a written request stating justifiable cause, prior to the expiration date of a permit. The Building Official may deny the request for a permit extension if he/she determines that justifiable cause was not shown in the request.

When a permit has expired, work shall not recommence prior to obtaining a new permit. Requests to renew an expired permit shall be submitted to the building official, in writing, demonstrating justifiable cause and are subject to the approval of the building official. If approved by the Building Official, the fee shall be one half of the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications and that no changes have been made to applicable construction codes for such work, and provided further that the expiration period of the original permit has not exceeded one year. To renew a permit after expiration, the permit holder shall be required to pay a new full permit fee and that person shall comply with all construction codes in effect on the date of the new permit application.

- (k) Amend Section 105.6 of Chapter 1, Division II, to read as follows:

105.6 Suspension or revocation. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code or other relevant laws, ordinances, rules, or regulations, wherever and whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulations or any of the provisions of this code.

The Building Official may also withhold inspections or approvals or suspend or revoke permit, where work is being performed in violation of approved plans, conditions of approval or permit, or applicable laws, and/or where work is being done not in accordance with the direction of the Building Official or this code.

The Building Official is authorized to suspend or revoke a permit if he/she, or a designee thereof, determines work is occurring in connection therewith between the hours of 7:00 p.m. and 7:00 a.m., Monday through Saturday and any time on Federal Holidays, which results in construction or other noise that disturbs, causes discomfort to, or otherwise interferes with the peace and quiet of persons of normal sensitivity residing in the area, and the permit holder has not received prior written permission from the city manager to create such noise at that time.

The building official is authorized to suspend or revoke a permit issued under the provisions of this code if dust is generated in excess of local, state or federal standards or conditions of project approval.

- (l) Amend Section 105.7 of Chapter 1, Division II, to read as follows:

105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until completion of the project. Required permits and approved plans shall be maintained in good condition and be posted or otherwise made available at job site such as to allow the building official to conveniently make the required review, inspection and entries related to the project.

- (m) Add Section 105.8 of Chapter 1, Division II, to read as follows:

105.8 Transferability. No permit issued pursuant to Article VIII of the Agoura Hills Municipal Code shall be transferable to any other person or apply to any location other than that stated in the permit, unless justifiable cause is demonstrated to the satisfaction of the Building Official and approved in writing.

- (n) Amend Section 109.4 of Chapter 1, Division II, to read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work for which a permit is required by this code before obtaining the necessary permits shall be subject to a special investigation by the Building Official before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required for such work by this code, or as identified in the latest fees adopted by the City Council of the City of Agoura Hills.

- (o) Add Section 109.5.1 of Chapter 1, Division II, to read as follows:

109.5.1 Reinspection Fee. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections previously called for are not made. This section is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

Reinspection fees may be assessed when the inspection record permit card is not posted or otherwise available on the work site, the approved plans are not readily available the inspector, for failure to provide access on the date for which the inspection is requested, or for deviation from the plans requiring the approval of the building official. Where re-inspection fees have been assessed, no additional inspection of the work shall be performed until the required fees identified by the latest fees adopted by the City of Agoura Hills have been paid.

- (p) Add Section 109.6.1 of Chapter 1, Division II, to read as follows:

109.6.1 Refund Policy. The plan review fee for any project that has been reviewed will not be refunded since the review has been conducted already. When a refund is requested for a project that has been reviewed, approved and a permit has been issued, but no work or inspections has taken place, the City will refund 80% of the original permit fee. There will be no refund given if the project has commenced and inspection taken place. The Building Official makes the final determination whether a refund is due for a specific project.

- (q) Add Section 109.7 of Chapter 1, Division II, to read as follows:

109.7 Plan review fees. When submittal documents are required by Section 107, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be in accordance with the schedule as established by the applicable governing authority.

The plan review fees specified in this section are in addition to and separate fees from the permit fees specified in Section 109.2.

Where submittal documents are incomplete or changed so as to require additional plan review, or where the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged at a rate established by the applicable governing authority.

When submittal documents are for a project involving production housing (track home), the plan review fee shall be based on full plan review for the first model home/unit and 20% of the fee for any reproduction of that model home/unit. If the model home/unit and the reproduction units are not the same size and configuration, which would require a plan review, a full plan review fee or additional fee may apply, as determined by the Building Official.

- Add Section 110.1.1 of Chapter 1, Division II, to read as follows:
- (r) *110.1.1 Setback and height certification.* When determined by the Building Official, a survey and certification may be required to confirm that the building or structure is placed on the site in accordance with the approved location and setback distances and to confirm that it does not exceed the approved building height shown on the approved plans.
- (s) Add Section 110.3.4.2 of Chapter 1, Division II, to read as follows:
- 110.3.4.2 Roof sheathing and shear inspection.* Prior to a complete framing inspection, a roof sheathing and shear inspection shall be made after roof sheathing and all structural shear panels or walls are in place and secured by nailing or other approved methods.
- (t) Delete Exception for Section 110.3.5 of Chapter 1, Division II.
- (u) Add Section 111.1.1 to Chapter 1, Division II, to read as follows:
- 111.1.1 Unpermitted Structures.* No person shall own, use, occupy, or maintain an unpermitted structure. For purposes of this subsection, "unpermitted structure" shall be defined as any building or structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished, or equipped with regulated devices, fixtures or installations, at any point in time by any person, without the required permit(s) having first been obtained from the Building Official, or with a valid permit as issued by the Building Official which subsequently expired and became null and void. An unpermitted structure also includes one for which a building permit has been suspended or revoked.
- (v) Amend Section 111.2 of Chapter 1, Division II, to read as follows:
- 111.2 Certificate issued.* After the building official or his/her designee inspects the building or structure and finds no violation of the provisions of this code or other laws that are enforced by the city, the building official shall issue a certificate of occupancy that contains the following:
1. The building permit number.
 2. The address of the structure.
 3. The name and address of the owner or the owner's authorized agent.
 4. A description of that portion of the structure for which the certificate is issued.
 5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
 6. The name of the building official.
 7. The edition of the code under which the permit was issued.
 8. The use and occupancy, in accordance with the provisions of Chapter 3 of the California Building Code.
 9. Assessor's Parcel Number.
 10. The designed occupant load.
 11. If an automatic sprinkler system is provided.
 12. Zoning designation.
 13. The date of certificate issuance.
 14. Any special stipulations and conditions of the building permit.

- (w) Amend Section 111.3 of Chapter 1, Division II, to read as follows:

111.3 Temporary Certificate of Occupancy (TCO). The Building Official may, in writing, authorize temporary occupancy of any building or structure, or portion thereof, that lacks a permanent certificate of occupancy for any reason, provided patent conditions in open and accessible portions of the building or structure do not reveal a substantial hazard to an occupant or occupants.

Applications for a temporary certificate of occupancy shall be on a city-approved form. Such applications shall be accompanied by a fee to process the application and for the inspection of the building or structure to determine its suitability for a temporary certificate of occupancy. Such fees shall be established by the City Council by resolution.

A temporary certificate of occupancy is valid for a period of time to be specified by the Building Official in the certificate. The city attorney may require applicants for a temporary certificate of occupancy to execute an indemnification, as approved by the city attorney, in favor of the city and its employees as a prerequisite to receiving a temporary certificate of occupancy.

The Building Official may extend the period of a temporary certificate of occupancy in writing, as well as impose conditions thereto. Property owners shall acknowledge and agree to said conditions in writing. The breach of any condition thereof shall render a temporary certificate of occupancy null and void without further action by the city. In such event, the owners shall cause all use and occupancy of the building or structure to be terminated by a date required by the Building Official. Use or occupancy of a building or structure, or allowing the use or occupancy of a building or structure, with an expired a temporary certificate of occupancy is a violation of this code and unlawful. Failing to cause the termination of all uses and occupancy in a structure after a termination date is a violation of this code and unlawful. The boards established by Section 1.8.8 do not have jurisdiction to consider, decide or rule decisions pertaining to the issuance, expiration or nullification of a temporary certificate of occupancy, or with regard to any other matter relating thereto.

The Building Official is authorized to adopt regulations or procedures for implementation of this section.

- (x) Amend Section 111.4 of Chapter 1, Division II, to read as follows:

111.4 Revocation. The Building Official may, in writing, suspend or revoke a certificate of occupancy whenever the Building Official determines that the certificate was issued in error, or on the basis of incorrect information supplied, or when it is determined that the building, structure or premises, or portion thereof, is in violation of any provision of this code, or other relevant laws, ordinances, rules and/or regulations. Use or occupancy of a building or structure, or allowing the use or occupancy of a building or structure, with a suspended or revoked certificate of occupancy is a violation of this code and unlawful. The boards established by Section 1.8.8 do not have jurisdiction to consider, decide or rule pertaining to the issuance, suspension or revocation of a certificate of occupancy, or with regard to any other matter relating thereto.

- (y) Amend Section 112.3 and add subsections 112.3.1, 112.3.2, and 112.3.3 to Chapter 1, Division II, to read as follows:

112.3 Authority to Disconnect Service Utilities. The powers granted the Building Official pursuant to this subsection extend to all buildings, structures or systems (including electrical, plumbing and mechanical) that are regulated by this code and its references. This subsection supersedes all similar provisions in other codes

that are part of Article VIII of the Agoura Hills Municipal Code.

112.3.1 Authority to Disconnect Electric Utility. The Building Official is hereby empowered to disconnect or to require in writing the discontinuance of electric utility service to buildings, structures or premises, or portions thereof, or to wiring, devices or materials where such buildings, structures or premises, or portions thereof, are determined to be a hazard to life, health and/or property, or where they lack permits and required inspection approvals.

The Building Official is hereby empowered to disconnect or to require in writing the discontinuance of electric utility service as a means of preventing, restraining, correcting or abating any violation of this code, or other relevant laws, ordinances, rules or regulations.

The electrical service shall remain disconnected or electrical utility service shall remain discontinued until the code violation has been abated to the satisfaction of the Building Official, or until the installation of such wiring, devices or materials have been made safe as directed by the Building Official; or until a permit has been issued and the work has been inspected and approved by the Building Official.

112.3.2 Authority to Disconnect Gas Utility. The Building Official is hereby empowered to disconnect or to require in writing the discontinuance of gas utility service to buildings, structures or premises, or portions thereof, or to appliances, devices or materials where such buildings, structures or premises, or portions thereof, are determined to be a hazard to life, health and/or property, or where they lack permits and required inspection approvals.

The Building Official is hereby empowered to disconnect or to require in writing the discontinuance of gas utility service as a means of preventing, restraining, correcting or abating any violation of this code, or other relevant laws, ordinances, rules or regulations.

The gas service shall remain disconnected or gas utility service shall remain discontinued until the code violation has been abated to the satisfaction of the Building Official, or until the installation of such appliances, devices or materials have been made safe as directed by the Building Official; or until a permit has been issued and the work has been inspected and approved by the Building Official.

112.3.3 Authority to Disconnect Water Utility. The Building Official is hereby empowered to disconnect or to require the property owner to disconnect the water utility service to buildings, structures or premises, or portions thereof, or to fixtures, devices or materials where such buildings, structures or premises, or portions thereof, are determined to be a hazard to life, health, property or to the environment, or where they lack permits and required inspection approvals.

The Building Official is hereby empowered to disconnect or to require the property owner to disconnect the water utility service as a means of preventing, restraining, correcting or abating any violation of this code, or other relevant laws, ordinances, rules or regulations.

The water service shall remain disconnected or water utility service shall remain discontinued until the code violation has been abated to the satisfaction of the Building Official, or until the installation of such appliances, devices or materials have been made safe as directed by the Building Official; or until a permit has been issued and the work has been inspected and approved by the Building Official.

- (z) Delete Section 113 of Chapter 1, Division II, in its entirety.

- (aa) Amend Sections 114.1, and 114.4 of Chapter 1, Division II, to read as follows:

114.1 Unlawful Acts. It is unlawful for any property owner and/or other responsible person to erect, construct, alter, extend, repair, move, remove, demolish, or occupy any building or structure, as well as any regulated equipment, system or installation, or cause same to be done, in conflict with this code. It is unlawful for any for any property owner and/or other responsible person to conduct or maintain, whether due to action or inaction, any building or structure, as well as any regulated equipment, system or installation in violation of this code. It is unlawful for any property owner and/or other responsible person to conduct or maintain grading on land that occurred without a permit.

114.4 Violation Penalties. Any person who violates, or who maintains a violation of this Code or who fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or who fails to comply with a directive or order of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law as follows:

- (a) Any person, firm, partnership, association, corporation or joint venture violating any of the provisions of the California Building Standards Code or other code(s) adopted in Article VIII of the Agoura Municipal Code shall be guilty of a misdemeanor. Any person violating a stop work order issued pursuant to Section 115.1 of this chapter shall be guilty of a misdemeanor. Any person who continues to occupy or any person who enters a structure which has been posted "unsafe" by the building official pursuant to Section 116 of this chapter shall be guilty of a misdemeanor.
 - (b) Each day that person, firm, association, corporation or joint venture violates any of the provisions of the California Building Standards Code or other code(s) adopted in Article VIII of the Agoura Municipal Code is a separate offense and shall be punishable thereof as provided in the Agoura Hills Municipal Code.
- (bb) Amend Section 115.1 of Chapter 1, Division II, to read as follows:
- 115.1 Authority.* Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or without permit, or dangerous, or unsafe, the Building Official is authorized to issue a stop work order.
- (cc) Amend Section 116.1, add sections 116.3.1 and 116.6 and delete Sections 116.4 and 116.5 of Chapter 1, Division II, to read as follows:
- 116.1 Conditions.* Any building, structure or equipment that has any or all of the conditions hereinafter described shall constitute an unsafe or dangerous building or structure:
- (a) Structural inadequacies, damage, deficiencies, defects or deterioration, as well as nearby hazardous embankments or excavations, that could cause a building or structure to partially or completely collapse or fail.
 - (b) Electrical, plumbing or mechanical work or installations, which because of a defect in materials or installation, or due to some other faulty operating or other condition, pose a risk of explosion or fire.
 - (c) Unsanitary or unhealthful conditions that are present in a building or structure.
 - (d) All forms of construction, as well as electrical, plumbing or mechanical work, systems, fixtures, appliances or other installations for which all required permits and inspection approvals have not been obtained from the Building Official.

- (e) Occupancy or use for which a building or structure was not designed or intended, or that results in a change of occupancy classification thereof.
- (f) Inadequate egress from a building or structure.
- (g) A vacant building or structure that is not secured against unauthorized entry.
- (h) Any condition that violates any regulation in Article VIII of the Agoura Hills Municipal Code.

Any or all of the foregoing conditions endanger the health, safety or welfare of occupants, persons who may enter the premises, or the public.

- (dd) Add Section 116.3.1 to Chapter 1, Division II, to read as follows:

Section 116.3.1 Orders to Vacate. Notwithstanding any other provision of this code, if the building official or a designee thereof, determines a condition is present in a building or structure or on premises that constitutes an immediate danger or hazard to the health, safety or welfare of occupants or to the public, the Building Official may order persons to vacate buildings, structures, premises, or portions thereof. Such orders may include orders to not re-enter, as well authorize limited entry subject to written conditions. Conditions may include, but not be limited to, requiring buildings, structures and premises to be secured from entry or access by means that are acceptable to the Building Official. Orders shall advise persons of their appeal rights as discussed in this subsection.

Orders may be personally served on an occupant, or served by first class mail and posted on the premises containing the immediate danger or hazard. If an owner does not occupy said premises, a copy of the order shall be also sent by first class mail to the owner as identified by Los Angeles County Assessor records. For owner-occupied properties, the issuance date of an order is the date of its personal service. For non-owner occupied properties, the issuance date of an order is the date an order to the owner and any occupant(s), or a copy thereof, are deposited in a U.S. Postal Service mail container and posted on the premises. Failure of any person to receive an order shall not affect its validity, or the appeal period. When identifying a mailing address for an owner, the Building Official shall consider such information as shown in Los Angeles County Assessor records.

Orders issued pursuant to this subsection, and any conditions thereof, are appealable by a property owner or occupant on a City-approved form that must be received by the City Clerk's Office within ten days of an order's issuance. Appellants shall state all grounds for their appeal in said form. Failure to tender an appeal in a timely manner constitutes a waiver of the right to appeal, in which case an order is final.

If a timely appeal is made, the Building & Safety Department shall provide ten days advance written notice to the appealing party or parties of the date, time and place of the hearing. A timely appeal does not stay an order, or any conditions thereof. Failure of any person to receive a notice of hearing shall not affect its validity.

Timely appeals shall be heard by the housing or local appeals board, as applicable. Appeal hearings are informal and rules of evidence do not apply. Failure of an appellant or appellants to appear at a hearing constitutes a waiver of the right to appeal, in which case the order is final. The housing or local appeals board, as applicable shall, within ten days following the hearing, issue a written decision upholding, modifying, or reversing the order or conditions thereof, notice of which shall be sent to the appellant(s) by first class mail. Such decisions are not appealable. The notice of decision shall contain the following

statement: "The [Housing Appeals Board/Local Appeals Board] decision is final, and judicial review of this decision is subject to the provisions and time limits set forth in Cal. Code of Civil Procedure §§ 1094.5 and 1094.6."

Orders may be accompanied by, or combined with, Stop Work Order or Notices of Violations (which are not appealable). Orders shall be rescinded in writing when the Building Official determines that the immediate danger or hazard has been fully corrected or abated with all permits, approvals and inspections as required by the Agoura Hills Municipal Code.

(ee) Add Section 116.6 to Chapter 1, Division II, to read as follows:

Section 116.6 Violations. It is unlawful and a public nuisance for any person to maintain an unsafe or dangerous building or structure. Each and every day that a building or structure is maintained in an unsafe or dangerous condition is a new violation of this code. It is a violation of this code and unlawful for any person to fail to comply with an order to vacate, as well as all conditions thereof. Each such violation shall be a misdemeanor.

(Ord. No. 19-445, § 1, 12-11-2019)

EXHIBIT W

8200. - Modifications of the California Building Code.

- (a) Adopt Chapter 7A, and amend section 701A.1 to read as follows:

701A.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of all new buildings, additions and alterations to buildings located within the City of Agoura Hills.

- (b) Amend Section 701A.2 to read as follows:

701A.2 Purpose. The purpose of this chapter is to establish minimum standards for the protection of life and property by increasing the ability of a building to resist the intrusion of flames or burning embers projected by fire.

- (c) Amend Section 701A.3 and delete exception #1 and #4 to read as follows:

701A.3 Application. All buildings located in the City of Agoura Hills that are constructed after the application date, shall comply with the provisions of this chapter.

Exceptions:

1. Buildings of accessory character classified as a Group U occupancy of any size located at least 50 feet from other buildings.
2. Buildings classified as a Group U Agricultural Building, as defined in Section 202 of this code (See also appendix C of the 2019 California Building Code - Group U Agricultural Buildings), when located at least 50 feet from an applicable building.
3. Group C, special buildings conforming to the limitations specified in Section 450.4.1.

- (d) Delete Section 701A.3.1 in its entirety.

- (e) Amend Section 705A.2 to read as follows:

705A.2 Roof coverings. All roof covering shall be a Class A assembly as specified in Section 1505.2 of this code. Where the roof profile allows a space between the roof covering and roof decking, the spaces shall be constructed to prevent the intrusion of flames and embers, be fire-stopped with approved materials or have one layer of minimum 72 pound (32.4 kg), mineral surfaced non-perforated cap sheet complying with ASTM D3909 installed over the combustible decking. Wood-shingle and wood shake roofs are prohibited in the City of Agoura Hills.

- (f) Amend Section 903.2 to read as follows:

903.2 Where required. An approved automatic fire sprinkler system shall be installed:

1. Throughout all new buildings.

Exceptions:

1. An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing carports and/or garages that do not have an automatic

residential fire sprinkler systems installed in accordance with this code.

2. Accessory buildings in group U occupancy, used for storage, where floor area is not more than 200 square feet and the building is separated from other buildings by a minimum of 10 feet.
 3. Detached gazebos, pergolas and carports open on two or more sides and separated from other buildings by a minimum of 20 feet.
 4. Alterations to an existing detached single family residence with no existing fire sprinkler system in place where less than 50% of existing building is being altered.
 5. Non-combustible detached structures, less than 600 square feet, not used for human occupancy with minimum separation of 20 feet from other buildings.
2. Throughout the entire building where the floor area for the addition exceeds 50% of the existing floor area within any 12-month period.
 3. In additions to existing buildings already equipped with an automatic fire sprinkler system.

For the purpose of requiring the automatic fire sprinkler systems specified in this chapter, the entire floor area within the building footprint, including attached garage area shall be considered.

An automatic fire sprinkler system need not be installed in spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-resistance-rated walls and 2-hour fire-resistance-rated floor/ceiling assemblies.

- (g) Delete Sections 903.2.1 through 903.2.20. Text continues with Section 903.3.
- (h) Section 3109.2 is amended by adding a new definition for "barrier" and amending the existing definitions for "swimming pool" to read as follows:

Barrier. Barrier is a fence, wall, building wall or other enclosures that isolates a swimming pool from access to the home, other properties or the public.

Swimming Pools/Spa. Any body of water created by artificial means which is designed, intended for use, or used for swimming or immersion purposes, which has a water depth exceeding 18 inches. The term "pool" includes swimming pools, spas, hot tubs, above and below ground, and vinyl-lined pools; "Pool" does not include plumbing fixtures such as bathtubs nor does it apply to man-made lakes, reservoirs, farm ponds, or ponds used primarily for public park purposes, water conservation purposes, irrigation purposes or for the watering of livestock.

- (i) Delete Appendices A, B, C, D, E, F, G, H, I, K, L, M, N, O of the 2019 California Building Code.
- (j) Adopt Appendix J of the 2019 California Building Code and amend section 103.2 to read as follows:

J103.2A Exemptions. Grading permit shall not be required for the following items. No exemptions shall relieve the requirements set forth by the Building Official to address drainage and water quality concerns.

(Ord. No. 19-445, § 2, 12-11-2019)

EXHIBIT X

8201. - Modifications of the 2019 California Electrical Code.

- (a) Administration of the 2019 Electrical Code shall be as set forth in Chapter 1, Division I and II, of the 2019 California Building Code, as amended.
- (b) Delete Annexes A, B, C, D, E, F, G, H, I and J of the 2019 California Electrical Code in their entirety.

(Ord. No. 19-445, § 2, 12-11-2019)

EXHIBIT Y

8202. - Modifications of the 2019 California Plumbing Code.

- (a) Chapter 1 of the 2019 California Plumbing Code shall be replaced by similar language set forth in Chapter 1, Divisions I and II, of the 2019 California Building Code, as amended.
- (b) Delete Appendices A, B, C, D, E, F, G, I, J, K, and L of the 2019 California Plumbing Code in their entirety.

(Ord. No. 19-445, § 2, 12-11-2019)

EXHIBIT Z

8203. - Modifications to the 2019 California Mechanical Code.

- (a) Chapter 1, of the 2019 California Mechanical Code shall be replaced by similar language set forth in Chapter 1, Divisions I and II, of the 2019 California Building Code, as amended.

(Ord. No. 19-445, § 2, 12-11-2019)

EXHIBIT AA



State of California

CIVIL CODE

Section 3479

3479. Anything which is injurious to health, including, but not limited to, the illegal sale of controlled substances, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin, or any public park, square, street, or highway, is a nuisance.

(Amended by Stats. 1996, Ch. 658, Sec. 1. Effective January 1, 1997.)

EXHIBIT BB



State of California

CIVIL CODE

Section 3480

[3480.] Section Thirty-four Hundred and Eighty. A public nuisance is one which affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

(Amended by Code Amendments 1873-74, Ch. 612.)

EXHIBIT CC



State of California

CIVIL CODE

Section 3491

3491. The remedies against a public nuisance are:

1. Indictment or information;
2. A civil action; or,
3. Abatement.

(Amended by Code Amendments 1880, Ch. 11.)

EXHIBIT DD



State of California

CODE OF CIVIL PROCEDURE

Section 525

525. An injunction is a writ or order requiring a person to refrain from a particular act. It may be granted by the court in which the action is brought, or by a judge thereof; and when granted by a judge, it may be enforced as an order of the court.

(Amended by Stats. 1907, Ch. 272.)

EXHIBIT EE

State of California

CODE OF CIVIL PROCEDURE

Section 526

526. (a) An injunction may be granted in the following cases:

(1) When it appears by the complaint that the plaintiff is entitled to the relief demanded, and the relief, or any part thereof, consists in restraining the commission or continuance of the act complained of, either for a limited period or perpetually.

(2) When it appears by the complaint or affidavits that the commission or continuance of some act during the litigation would produce waste, or great or irreparable injury, to a party to the action.

(3) When it appears, during the litigation, that a party to the action is doing, or threatens, or is about to do, or is procuring or suffering to be done, some act in violation of the rights of another party to the action respecting the subject of the action, and tending to render the judgment ineffectual.

(4) When pecuniary compensation would not afford adequate relief.

(5) Where it would be extremely difficult to ascertain the amount of compensation which would afford adequate relief.

(6) Where the restraint is necessary to prevent a multiplicity of judicial proceedings.

(7) Where the obligation arises from a trust.

(b) An injunction cannot be granted in the following cases:

(1) To stay a judicial proceeding pending at the commencement of the action in which the injunction is demanded, unless the restraint is necessary to prevent a multiplicity of proceedings.

(2) To stay proceedings in a court of the United States.

(3) To stay proceedings in another state upon a judgment of a court of that state.

(4) To prevent the execution of a public statute by officers of the law for the public benefit.

(5) To prevent the breach of a contract the performance of which would not be specifically enforced, other than a contract in writing for the rendition of personal services from one to another where the promised service is of a special, unique, unusual, extraordinary, or intellectual character, which gives it peculiar value, the loss of which cannot be reasonably or adequately compensated in damages in an action at law, and where the compensation for the personal services is as follows:

(A) As to contracts entered into on or before December 31, 1993, the minimum compensation provided in the contract for the personal services shall be at the rate of six thousand dollars (\$6,000) per annum.

(B) As to contracts entered into on or after January 1, 1994, the criteria of clause (i) or (ii), as follows, are satisfied:

(i) The compensation is as follows:

(I) The minimum compensation provided in the contract shall be at the rate of nine thousand dollars (\$9,000) per annum for the first year of the contract, twelve thousand dollars (\$12,000) per annum for the second year of the contract, and fifteen thousand dollars (\$15,000) per annum for the third to seventh years, inclusive, of the contract.

(II) In addition, after the third year of the contract, there shall actually have been paid for the services through and including the contract year during which the injunctive relief is sought, over and above the minimum contractual compensation specified in subclause (I), the amount of fifteen thousand dollars (\$15,000) per annum during the fourth and fifth years of the contract, and thirty thousand dollars (\$30,000) per annum during the sixth and seventh years of the contract. As a condition to petitioning for an injunction, amounts payable under this clause may be paid at any time prior to seeking injunctive relief.

(ii) The aggregate compensation actually received for the services provided under a contract that does not meet the criteria of subparagraph (A), is at least 10 times the applicable aggregate minimum amount specified in subclauses (I) and (II) of clause (i) through and including the contract year during which the injunctive relief is sought. As a condition to petitioning for an injunction, amounts payable under this subparagraph may be paid at any time prior to seeking injunctive relief.

(C) Compensation paid in any contract year in excess of the minimums specified in clauses (i) and (ii) of subparagraph (B) shall apply to reduce the compensation otherwise required to be paid under those provisions in any subsequent contract years. However, an injunction may be granted to prevent the breach of a contract entered into between any nonprofit cooperative corporation or association and a member or stockholder thereof, in respect to any provision regarding the sale or delivery to the corporation or association of the products produced or acquired by the member or stockholder.

(6) To prevent the exercise of a public or private office, in a lawful manner, by the person in possession.

(7) To prevent a legislative act by a municipal corporation.

(Amended by Stats. 1993, Ch. 836, Sec. 2. Effective January 1, 1994.)

EXHIBIT FF



State of California

CODE OF CIVIL PROCEDURE

Section 527

527. (a) A preliminary injunction may be granted at any time before judgment upon a verified complaint, or upon affidavits if the complaint in the one case, or the affidavits in the other, show satisfactorily that sufficient grounds exist therefor. No preliminary injunction shall be granted without notice to the opposing party.

(b) A temporary restraining order or a preliminary injunction, or both, may be granted in a class action, in which one or more of the parties sues or defends for the benefit of numerous parties upon the same grounds as in other actions, whether or not the class has been certified.

(c) No temporary restraining order shall be granted without notice to the opposing party, unless both of the following requirements are satisfied:

(1) It appears from facts shown by affidavit or by the verified complaint that great or irreparable injury will result to the applicant before the matter can be heard on notice.

(2) The applicant or the applicant's attorney certifies one of the following to the court under oath:

(A) That within a reasonable time prior to the application the applicant informed the opposing party or the opposing party's attorney at what time and where the application would be made.

(B) That the applicant in good faith attempted but was unable to inform the opposing party and the opposing party's attorney, specifying the efforts made to contact them.

(C) That for reasons specified the applicant should not be required to so inform the opposing party or the opposing party's attorney.

(d) In case a temporary restraining order is granted without notice in the contingency specified in subdivision (c):

(1) The matter shall be made returnable on an order requiring cause to be shown why a preliminary injunction should not be granted, on the earliest day that the business of the court will admit of, but not later than 15 days or, if good cause appears to the court, 22 days from the date the temporary restraining order is issued.

(2) The party who obtained the temporary restraining order shall, within five days from the date the temporary restraining order is issued or two days prior to the hearing, whichever is earlier, serve on the opposing party a copy of the complaint if not previously served, the order to show cause stating the date, time, and place of the hearing, any affidavits to be used in the application, and a copy of the points and authorities in support of the application. The court may for good cause, on motion of

the applicant or on its own motion, shorten the time required by this paragraph for service on the opposing party.

(3) When the matter first comes up for hearing, if the party who obtained the temporary restraining order is not ready to proceed, or if the party has failed to effect service as required by paragraph (2), the court shall dissolve the temporary restraining order.

(4) The opposing party is entitled to one continuance for a reasonable period of not less than 15 days or any shorter period requested by the opposing party, to enable the opposing party to meet the application for a preliminary injunction. If the opposing party obtains a continuance under this paragraph, the temporary restraining order shall remain in effect until the date of the continued hearing.

(5) Upon the filing of an affidavit by the applicant that the opposing party could not be served within the time required by paragraph (2), the court may reissue any temporary restraining order previously issued. The reissued order shall be made returnable as provided by paragraph (1), with the time for hearing measured from the date of reissuance. No fee shall be charged for reissuing the order.

(e) The opposing party may, in response to an order to show cause, present affidavits relating to the granting of the preliminary injunction, and if the affidavits are served on the applicant at least two days prior to the hearing, the applicant shall not be entitled to any continuance on account thereof. On the day the order is made returnable, the hearing shall take precedence over all other matters on the calendar of the day, except older matters of the same character, and matters to which special precedence may be given by law. When the cause is at issue it shall be set for trial at the earliest possible date and shall take precedence over all other cases, except older matters of the same character, and matters to which special precedence may be given by law.

(f) Notwithstanding failure to satisfy the time requirements of this section, the court may nonetheless hear the order to show cause why a preliminary injunction should not be granted if the moving and supporting papers are served within the time required by Section 1005 and one of the following conditions is satisfied:

(1) The order to show cause is issued without a temporary restraining order.

(2) The order to show cause is issued with a temporary restraining order, but is either not set for hearing within the time required by paragraph (1) of subdivision (d), or the party who obtained the temporary restraining order fails to effect service within the time required by paragraph (2) of subdivision (d).

(g) This section does not apply to an order issued under the Family Code.

(h) As used in this section:

(1) "Complaint" means a complaint or a cross-complaint.

(2) "Court" means the court in which the action is pending.

(Amended by Stats. 2000, Ch. 688, Sec. 4. Effective January 1, 2001.)

EXHIBIT GG



State of California

CODE OF CIVIL PROCEDURE

Section 564

564. (a) A receiver may be appointed, in the manner provided in this chapter, by the court in which an action or proceeding is pending in any case in which the court is empowered by law to appoint a receiver.

(b) A receiver may be appointed by the court in which an action or proceeding is pending, or by a judge of that court, in the following cases:

(1) In an action by a vendor to vacate a fraudulent purchase of property, or by a creditor to subject any property or fund to the creditor's claim, or between partners or others jointly owning or interested in any property or fund, on the application of the plaintiff, or of any party whose right to or interest in the property or fund, or the proceeds of the property or fund, is probable, and where it is shown that the property or fund is in danger of being lost, removed, or materially injured.

(2) In an action by a secured lender for the foreclosure of a deed of trust or mortgage and sale of property upon which there is a lien under a deed of trust or mortgage, where it appears that the property is in danger of being lost, removed, or materially injured, or that the condition of the deed of trust or mortgage has not been performed, and that the property is probably insufficient to discharge the deed of trust or mortgage debt.

(3) After judgment, to carry the judgment into effect.

(4) After judgment, to dispose of the property according to the judgment, or to preserve it during the pendency of an appeal, or pursuant to the Enforcement of Judgments Law (Title 9 (commencing with Section 680.010)), or after sale of real property pursuant to a decree of foreclosure, during the redemption period, to collect, expend, and disburse rents as directed by the court or otherwise provided by law.

(5) Where a corporation has been dissolved, as provided in Section 565.

(6) Where a corporation is insolvent, or in imminent danger of insolvency, or has forfeited its corporate rights.

(7) In an action of unlawful detainer.

(8) At the request of the Public Utilities Commission pursuant to Section 1825 or 1826 of the Public Utilities Code.

(9) In all other cases where necessary to preserve the property or rights of any party.

(10) At the request of the Office of Statewide Health Planning and Development, or the Attorney General, pursuant to Section 129173 of the Health and Safety Code.

(11) In an action by a secured lender for specific performance of an assignment of rents provision in a deed of trust, mortgage, or separate assignment document. The appointment may be continued after entry of a judgment for specific performance if

appropriate to protect, operate, or maintain real property encumbered by a deed of trust or mortgage or to collect rents therefrom while a pending nonjudicial foreclosure under power of sale in a deed of trust or mortgage is being completed.

(12) In a case brought by an assignee under an assignment of leases, rents, issues, or profits pursuant to subdivision (g) of Section 2938 of the Civil Code.

(c) A receiver may be appointed, in the manner provided in this chapter, including, but not limited to, Section 566, by the superior court in an action brought by a secured lender to enforce the rights provided in Section 2929.5 of the Civil Code, to enable the secured lender to enter and inspect the real property security for the purpose of determining the existence, location, nature, and magnitude of any past or present release or threatened release of any hazardous substance into, onto, beneath, or from the real property security. The secured lender shall not abuse the right of entry and inspection or use it to harass the borrower or tenant of the property. Except in case of an emergency, when the borrower or tenant of the property has abandoned the premises, or if it is impracticable to do so, the secured lender shall give the borrower or tenant of the property reasonable notice of the secured lender's intent to enter and shall enter only during the borrower's or tenant's normal business hours. Twenty-four hours' notice shall be presumed to be reasonable notice in the absence of evidence to the contrary.

(d) Any action by a secured lender to appoint a receiver pursuant to this section shall not constitute an action within the meaning of subdivision (a) of Section 726.

(e) For purposes of this section:

(1) "Borrower" means the trustor under a deed of trust, or a mortgagor under a mortgage, where the deed of trust or mortgage encumbers real property security and secures the performance of the trustor or mortgagor under a loan, extension of credit, guaranty, or other obligation. The term includes any successor in interest of the trustor or mortgagor to the real property security before the deed of trust or mortgage has been discharged, reconveyed, or foreclosed upon.

(2) "Hazardous substance" means any of the following:

(A) Any "hazardous substance" as defined in subdivision (h) of Section 25281 of the Health and Safety Code.

(B) Any "waste" as defined in subdivision (d) of Section 13050 of the Water Code.

(C) Petroleum including crude oil or any fraction thereof, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel, or any mixture thereof.

(3) "Real property security" means any real property and improvements, other than a separate interest and any related interest in the common area of a residential common interest development, as the terms "separate interest," "common area," and "common interest development" are defined in Sections 4095, 4100, and 4185 of the Civil Code, or real property consisting of one acre or less that contains 1 to 15 dwelling units.

(4) "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including continuing migration, of hazardous substances into, onto, or through soil, surface water, or groundwater.

(5) "Secured lender" means the beneficiary under a deed of trust against the real property security, or the mortgagee under a mortgage against the real property security, and any successor in interest of the beneficiary or mortgagee to the deed of trust or mortgage.

(Amended by Stats. 2020, Ch. 27, Sec. 1. (SB 350) Effective January 1, 2021.)

EXHIBIT HH



State of California

CODE OF CIVIL PROCEDURE

Section 568

568. The receiver has, under the control of the Court, power to bring and defend actions in his own name, as receiver; to take and keep possession of the property, to receive rents, collect debts, to compound for and compromise the same, to make transfers, and generally to do such acts respecting the property as the Court may authorize.

(Enacted 1872.)

EXHIBIT II



State of California

CODE OF CIVIL PROCEDURE

Section 731

731. An action may be brought by any person whose property is injuriously affected, or whose personal enjoyment is lessened by a nuisance, as defined in Section 3479 of the Civil Code, and by the judgment in that action the nuisance may be enjoined or abated as well as damages recovered therefor. A civil action may be brought in the name of the people of the State of California to abate a public nuisance, as defined in Section 3480 of the Civil Code, by the district attorney or county counsel of any county in which the nuisance exists, or by the city attorney of any town or city in which the nuisance exists. Each of those officers shall have concurrent right to bring an action for a public nuisance existing within a town or city. The district attorney, county counsel, or city attorney of any county or city in which the nuisance exists shall bring an action whenever directed by the board of supervisors of the county, or whenever directed by the legislative authority of the town or city.

(Amended by Stats. 2010, Ch. 570, Sec. 2. (AB 1502) Effective January 1, 2011.)

EXHIBIT JJ



State of California

GOVERNMENT CODE

Section 38771

38771. By ordinance the city legislative body may declare what constitutes a nuisance.

(Added by Stats. 1949, Ch. 79.)

EXHIBIT KK



State of California

GOVERNMENT CODE

Section 38772

38772. (a) The legislative body of a city, county, or city and county may provide for the summary abatement of any nuisance resulting from the defacement of the property of another by graffiti or any other inscribed material at the expense of the minor or other person creating, causing, or committing the nuisance and by ordinance may make the expense of abatement of the nuisance a lien against property of the minor or other person and a personal obligation against the minor or other person pursuant to Section 38773.2 or 38773.6.

(b) The parent or guardian having custody and control of the minor shall be jointly and severally liable with the minor. The legislative body of a city, county, or city and county may make the expense of abatement of any nuisance, resulting from the defacement by a minor of the property of another by graffiti or any other inscribed material, a lien against the property of a parent or guardian, having custody and control of the minor, and a personal obligation against the parent or guardian having custody and control of the minor pursuant to Section 38773.2 or 38773.6.

(c) Notwithstanding any other provision of law, the names and addresses of the parent or guardian having custody and control of the minor, if known, shall be reported by the probation officer of the county to the city clerk or other official designated by the legislative body of the city, county, or city and county in which the defaced property is located.

(d) As used in this section, the following terms have the following meanings:

(1) "Expense of abatement" includes, but is not limited to, court costs, attorney's fees, costs of removal of the graffiti or other inscribed material, costs of repair and replacement of defaced property, and the law enforcement costs incurred by the city, county, or city and county in identifying and apprehending the minor or other person.

(2) "Graffiti or other inscribed material" means any unauthorized inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, or painted on any real or personal property.

(3) "Minor" or "other person" means a minor or other person who has confessed to, admitted to, or pled guilty or nolo contendere to a violation of Section 594, 594.3, 640.5, 640.6, or 640.7 of the Penal Code, or a minor convicted by final judgment of a violation of Section 594, 594.3, 640.5, 640.6, or 640.7 of the Penal Code, or a minor declared a ward of the Juvenile Court pursuant to Section 602 of the Welfare and Institutions Code by reason of the commission of an act prohibited by Section 594, 594.3, 640.5, 640.6, or 640.7 of the Penal Code.

(Amended by Stats. 2000, Ch. 58, Sec. 1. Effective January 1, 2001.)

EXHIBIT LL



State of California

GOVERNMENT CODE

Section 38773

38773. The legislative body may provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing, or maintaining it and by ordinance may make the expense of abatement of nuisances a lien against the property on which it is maintained and a personal obligation against the property owner, in accordance with Section 38773.1 or 38773.5.

(Amended by Stats. 1990, Ch. 965, Sec. 1.)

EXHIBIT MM



State of California

GOVERNMENT CODE

Section 38773.1

38773.1. (a) The legislative body may by ordinance establish a procedure to collect abatement and related administrative costs by a nuisance abatement lien. This ordinance shall require notice prior to the recordation of the lien to the owner of record of the parcel of land or which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current.

(b) The notice shall be served in the same manner as summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of 10 days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Section 6062.

(c) A nuisance abatement lien shall be recorded in the county recorder's office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

(1) A nuisance abatement lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel.

(2) In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in paragraph (1) shall be recorded by the governmental agency. A nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

(3) A nuisance abatement lien may be foreclosed by an action brought by the city for a money judgment.

(4) Notwithstanding Section 6103, Section 27383, or any other provision of law, the county recorder may impose a fee on the city to reimburse the costs of processing and recording the lien and providing notice to the property owner. A city may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

(Added by Stats. 1990, Ch. 965, Sec. 2.)

EXHIBIT NN



State of California

GOVERNMENT CODE

Section 38773.2

38773.2. (a) The legislative body of a city, county, or city and county may, by ordinance, establish a procedure to collect abatement and related administrative costs incurred in the summary abatement of any nuisance resulting from the defacement by a minor or other person of the property of another by graffiti or any other inscribed material. The ordinance shall require notice to the minor or other person prior to the recordation of a lien on the parcel of land owned by the minor or other person. The ordinance shall require notice to the parent or guardian having custody and control of the minor prior to the recordation of a lien on the parcel of land owned by the parent or guardian having custody and control of the minor.

(b) The notice shall be served in the same manner as a summons in a civil action pursuant to Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the minor or other person, after diligent search, cannot be found, the notice may be served by posting a copy of the notice upon the property owned by the minor or other person, in a conspicuous place, for a period of 10 days. The notice shall also be published pursuant to Section 6062 in a newspaper of general circulation that is published in the county in which the property is located. If the parent or guardian having custody and control of the minor, after diligent search, cannot be found, the notice may be served by posting a copy of the notice upon the property owned by the parent or guardian having custody and control of the minor, in a conspicuous place, for a period of 10 days. The notice shall also be published pursuant to Section 6062 in a newspaper of general circulation that is published in the county in which the property is located.

(c) A graffiti nuisance abatement lien shall be recorded in the county recorder's office in the county in which the parcel of land is located. From the date of recording, the lien shall have the force, effect, and priority of a judgment lien.

(d) A graffiti nuisance abatement lien authorized by this section shall specify the amount of the lien; the name of the agency on whose behalf the lien is imposed; the date of the abatement order; the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed; and the name and address of the recorded owner of the parcel.

(e) If the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subdivision (d) shall be recorded by the governmental agency. A graffiti nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

(f) A graffiti nuisance abatement lien may be satisfied through foreclosure in an action brought by the city.

(g) Notwithstanding Section 6103, Section 27383, or any other provision of law, the county recorder may impose a fee on the city, county, or city and county to reimburse the costs of processing and recording the lien and providing notice to the property owner. The city, county, or city and county may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

(h) As used in subdivision (a), "abatement and related administrative costs" include, but are not limited to, court costs, attorney's fees, costs of removal of the graffiti or other inscribed material, costs of repair and replacement of defaced property, and the law enforcement costs incurred by the city, county, or city and county in identifying and apprehending the minor or other person.

(i) The terms "graffiti or other inscribed material," "minor," and "other person" have the same meaning as specified in Section 38772.

(Amended by Stats. 2000, Ch. 58, Sec. 2. Effective January 1, 2001.)



State of California

GOVERNMENT CODE

Section 38773.5

38773.5. (a) As an alternative to the procedure authorized by Section 38773.1, the legislative body may by ordinance establish a procedure for the abatement of a nuisance and make the cost of abatement of a nuisance upon a parcel of land a special assessment against that parcel.

(b) A city may, by ordinance, provide for the recovery of attorneys' fees in any action, administrative proceeding, or special proceeding to abate a nuisance. If the ordinance provides for the recovery of attorneys' fees, it shall provide for recovery of attorneys' fees by the prevailing party, rather than limiting recovery of attorneys' fees to the city if it prevails. The ordinance may limit recovery of attorneys' fees by the prevailing party to those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.

(c) Any procedure established pursuant to this section shall include notice, by certified mail, to the property owner, if the property owner's identity can be determined from the county assessor's or county recorder's records. The notice shall be given at the time of imposing the assessment and shall specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

(d) A local agency that has imposed an assessment pursuant to this section may, subject to the requirements applicable to the sale of property pursuant to Section 3691 of the Revenue and Taxation Code, conduct a sale of vacant residential developed property for which the payment of that assessment is delinquent.

(e) Notices or instruments relating to the abatement proceeding or special assessment shall be entitled to recordation.

(Amended by Stats. 1996, Ch. 718, Sec. 2. Effective January 1, 1997.)

EXHIBIT OO



State of California

GOVERNMENT CODE

Section 38773.5

38773.5. (a) As an alternative to the procedure authorized by Section 38773.1, the legislative body may by ordinance establish a procedure for the abatement of a nuisance and make the cost of abatement of a nuisance upon a parcel of land a special assessment against that parcel.

(b) A city may, by ordinance, provide for the recovery of attorneys' fees in any action, administrative proceeding, or special proceeding to abate a nuisance. If the ordinance provides for the recovery of attorneys' fees, it shall provide for recovery of attorneys' fees by the prevailing party, rather than limiting recovery of attorneys' fees to the city if it prevails. The ordinance may limit recovery of attorneys' fees by the prevailing party to those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding.

(c) Any procedure established pursuant to this section shall include notice, by certified mail, to the property owner, if the property owner's identity can be determined from the county assessor's or county recorder's records. The notice shall be given at the time of imposing the assessment and shall specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

(d) A local agency that has imposed an assessment pursuant to this section may, subject to the requirements applicable to the sale of property pursuant to Section 3691 of the Revenue and Taxation Code, conduct a sale of vacant residential developed property for which the payment of that assessment is delinquent.

(e) Notices or instruments relating to the abatement proceeding or special assessment shall be entitled to recordation.

(Amended by Stats. 1996, Ch. 718, Sec. 2. Effective January 1, 1997.)

EXHIBIT PP

104.1 Permits Required

It shall be unlawful for a person, firm, or corporation to make an installation, alteration, repair, replacement, or remodel a mechanical system regulated by this code except as permitted in Section 104.2, or to cause the same to be done without first obtaining a separate mechanical permit for each separate building or structure.

EXHIBIT QQ

104.1 Permits Required

It shall be unlawful for a person, firm, or corporation to make an installation, alteration, repair, replacement, or remodel a plumbing system regulated by this code except as permitted in Section 104.2, or to cause the same to be done without first obtaining a separate plumbing permit for each separate building or structure.

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.

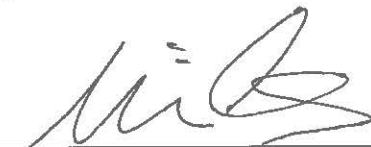
On April 1, 2021 I served true copies of the following, described as, **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION FOR ISSUANCE OF PRELIMINARY INJUNCTION** on the interested parties in this action, as follows:

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