THOUSAND OAKS CITY COUNCIL

Supplemental Information Packet

Agenda Related Items - Meeting of January 14, 2020
Supplemental Packet Date: January 14, 2020

2:30 p.m.

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed, typically a minimum of two—one available on the Thursday preceding the City Council meeting and the second on Tuesday at the meeting. The Thursday Supplemental Packet is available for public inspection in the City Clerk Department, 2100 E. Thousand Oaks Boulevard, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2). Both the Thursday and Tuesday Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2100 E. Thousand Oaks.

Americans with Disabilities Act (ADA):

In compliance with the ADA, if you need special assistance to participate in this meeting or other services in conjunction with this meeting, please contact the City Clerk Department at (805) 449-2151. Assisted listening devices are available at this meeting. Ask City Clerk staff if you desire to use this device. Upon request, the agenda and documents in this agenda packet, can be made available in appropriate alternative formats to persons with a disability. Notification at least 48 hours prior to the meeting or time when services are needed will assist City staff in assuring reasonable arrangements can be made to provide accessibility to the meeting or service.
TO: Andrew P. Powers, City Manager
FROM: Jay T. Spurgin, Public Works Director
DATE: January 14, 2020
SUBJECT: Agenda Item 7G – Direct Access Electricity Provider

The rate for 100 percent renewable electricity is based on current commodity market rates. The staff report requests City Council approve an amendment to a current Agreement with 3PR at the fixed rate of $0.0438 per kWh based on current commodity market rates as of January 8, 2020.

As of January 14, 2020, 3PR’s new rate is $0.0432 per kWh based on current commodity market rates as of January 14, 2020, with pass-through charges from SCE remaining at approximately $0.0108/kWh.

The attached First Amendment to the Agreement (Attachment #3) has been updated to reflect this change.

DPW:\600-30\jds\Council\2020\011420 Direct Access Agreement Supplemental.docx

TO COUNCIL: 01/14/20
AGENDA ITEM NO.: 7.G.
MEETING DATE: 01/14/20
FIRST AMENDMENT TO
AGREEMENT FOR SERVICES
BETWEEN THE CITY OF THOUSAND OAKS
AND
“ELECTRIC SERVICE PROVIDER”

Contract No. 11687-2018

THIS FIRST AMENDMENT to the Agreement for Services entered into between the CITY OF THOUSAND OAKS, a municipal corporation, (hereafter “City”) and 3 Phases Renewables Inc. (“ESP”), entitled AGREEMENT FOR SERVICES BETWEEN THE CITY OF THOUSAND OAKS AND “ELECTRIC SERVICE PROVIDER” and dated February 6, 2018 (herein “Contract”) is made this 14th day of January, 2020.

RECITALS

A. Section 1 of Contract currently provides for a termination date of February 14, 2020.

B. City and ESP desire to extend the date of the Contract.

C. Exhibit B of Contract currently provides for a fixed rate of $0.0378 per kWh for electricity all year independent of time of use.

D. City and ESP have a need to adjust the electricity rate (per kWh) based on current commodity market rate.

AGREEMENT TO AMEND

NOW, THEREFORE, the undersigned parties to Contract agree to amend Contract as described below:

Part 1. The Contract is extended for a period of one (1) year and Section 1 is hereby amended to read as follows:

1. Term

The term of this Agreement is from the date first written above to February 14, 2021 unless the term of this Agreement is extended or the Agreement is terminated as provided herein.
Part 2. The electricity rate is adjusted, and EXHIBIT B is hereby amended to read as follows:

The Energy Price shall be fixed at a rate of $0.0432 per kWh for electricity all year independent of time of use.

Part 3. Section 19 of the Contract is hereby added to reflect the current City policy regarding signatures.

19. SIGNATURES

(a) Counterparts. This Agreement may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument.

(b) Scanned Signatures. In the event that any signature is delivered by facsimile transmission or submitted electronically as a scanned image (i.e. files with .pdf, .tiff or .jpeg extensions), such signature shall create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or scanned signature page were an original thereof.

(c) Digital/Electronic Signatures. This Agreement may be executed through the use of digital or electronic signatures provided they meet the requirements of the Electronic Signatures in Global and National Commerce (ESIGN) Act and the California Uniform Electronic Transactions Act (UETA) and are produced using a City-approved method. The presence of an electronic signature on this document shall be construed as the parties’ consent to do business electronically.

Part 4. All terms used in Parts 1, 2 and 3 above shall have the meanings ascribed thereto in Contract. Except as amended in Parts 1, 2 and 3 above, all other sections, terms, obligations, duties, clauses, and provisions of Contract shall remain the same.
IN WITNESS WHEREOF, the parties execute this First Amendment to Contract as of the date set forth above.

3 PHASES RENEWABLES INC.

________________________________________
Mike Mazur, Principal

________________________________________
Eric Hulin, Director
Sales and Marketing

CITY OF THOUSAND OAKS

________________________________________
Al Adam, Mayor

ATTEST:

________________________________________
Cynthia M. Rodriguez, City Clerk

APPROVED AS TO ADMINISTRATION:

________________________________________
Andrew P. Powers, City Manager

APPROVED BY DEPARTMENT HEAD:

________________________________________
Jay T. Spurgin, Public Works Director

APPROVED AS TO FORM:
Office of the City Attorney

________________________________________
Felicia Liberman, Assistant City Attorney
TO: Mayor & City Council
FROM: Ed Jones, Councilmember
DATE: January 14, 2020

In compliance with Thousand Oaks Municipal Code Section 1-10.08, the purpose of this memo is to convey that I met as shown below regarding the subject agenda item:

While observing the proposed site, I was approached by several homeowners including Dr. Gregory Tchejeyan, Mrs. Tomi Tchejeyan, and their daughter, Bob Dirks and a woman whom I perceived as his wife and another neighbor named Susan. They discussed their concerns with me including their perceived danger of the site, health effects and aesthetics; all of which were also mentioned in the appeal.
Mayor Al Adam
and the City Council
of Thousand Oaks
2100 Thousand Oaks Blvd
Thousand Oaks, CA 91362

RE: Now-tendered Appeal documentation from Dr. Gregory Tchejeyan against Verizon’s sought ridgeline-violating antenna farm permit, all as more fully documented in the within here-tendered Appeal evidence and law.

Dear Mayor Adam and Council -

As a four decade trial lawyer whose undergraduate work was in urban planning, I send kind greetings in the hope that you and the Council will do the right thing, which is clear legally and also clear morally, and that your Council will on January 14th, sustain the Appeal of Dr. Tchejeyan, and for the two dozen clear reasons in this here-tendered substantive Appeal document, and more, deny this pending Verizon permit application.

As your City Attorney is compelled by the fact and law which follow herein to advise you, there are substantial and compelling well-documented legal and evidentiary reasons for denial of this now-pending Verizon ridgeline-violating permit application. Legally, the least expensive, and also most honorable path, is to recognize the irreparably flawed nature of the permit application and the incomplete status of the file, and to deny this permit outright by sustaining Dr. Tchejeyan’s Appeal on Tuesday evening.

In light of all of the evidence, including especially the science, denial of this permit is also and very much ‘the right thing to do.’ In a world preoccupied with moral relativity, in contrast, the right thing to do, here, on objective and clear grounds of right and wrong, is to sustain this Appeal, thereby denying the Verizon permit application. In addition to the clear law and evidence herein supplied, denial of this ridgeline-silhouette-violating antenna farm permit is the most efficient course, because that honorable path avoids the firestorm of litigation which will otherwise follow, and which Dr. Tchejeyan seeks to avoid. If we are forced litigate, that will not be our choice. We are not seeking a lawsuit, we are seeking a just resolution based on hard evidence and legal principles.

Very truly yours,

Harry V. Lehmann
# TABLE OF CONTENTS

Introduction ........................................................................................................................................... 1

I. THE FILE IS INCOMPLETE: Application No. SUP 2014-70291, Applicant: Verizon Wireless. For the following reasons, this permit application was, and remains defective because the file has never been legally and Constitutionally complete................................................................................................................................. 3

Failure of Application and File to Address removal of Aleppo Pines .............................................. 3

Failure of Application and File to Include a Risk Assessment for Protected Sycamore Trees .................................................................................................................................................. 3

Failure to Identify True Legal Name and Identity of Applicant and Licensee...................... 4

Violation of WNPOA Bylaws – Failure to Submit Application and Plans for Architectural Committee Review .............................................................................................................................................. 4

Violation of WNPOA Bylaws – Failure to Submit Application and Plans for Landscaping Plans ..................................................................................................................................................... 6

Violation of WNPOA Bylaws – Failure to Submit Application and Plans for Mechanical Equipment Additions ........................................................................................................................................ 6

Ongoing Failure to Comply with the Conditions of the Original EIR for the Water Company Parcel ........................................................................................................................................... 7

Misapplication of CEQA Exemptions........................................................................................................ 8

Failure to Provide FCC Form 854 – Application for Antenna Structure Registration .......................................................................................................................................................... 9

Failure to Provide FCC Required NEPA Review Letter ............................................................... 9

Failure to Provide an FCC required Environmental Assessment for a Facility that Exceeds FCC Radio Frequency Radiation Limits ........................................................................................................................................... 10

Violation of FCC Regulations by Instituting Mediation re: Excessive Radio Frequency Radiation Outside of the Environmental Assessment Process ......................................................... 11
# TABLE OF CONTENTS

Consideration of a Community Concern Petition to the FCC Re: The Environmental Assessment Process ................................................................. 13

II. When a file contains material departures from the evidence, as in the following instances, the file is, in adding to lack of lawful completeness, also legally defective due to the unreliable evidence involved ........................................ 13

Violation of WNPOA Bylaws – Failure to Notify Owners/Members Until 18 Months After Initiation of Process .................................................. 14

Violation of WNPOA Bylaws – Failure to Properly Notice Owner/Members .............................................................................................................. 14

Violation of WNPOA Bylaws – Prohibited Board Discussion/Action Regarding Improperly Noticed Issues ...................................................... 15

Violation of WNPOA Bylaws – The Subject Approved Application is Expired and Void ......................................................................................... 15

III. Water Company is Subject to WNPOA Bylaws as a Result of Lot Ownership .................................................................................................. 16

Water Company is Subject to WNPOA Bylaws Per Bylaws Definitions .............................................................................................................. 17

Water Company is Subject to WNPOA Bylaws as Evidenced by WNPOA Recordings Against the Title of the Water Company Lot .................. 17

Specific WNPOA Recordings Against the Title of the Water Company Lot Regarding Antenna Installations .......................................................... 18

IV. Violation of Municipal Ordinance .............................................................................................................. 19

Violation of the Municipal Ridgeline Silhouette Ordinance ......................................................................................................................................................... 19

V. Inverse Condemnation .......................................................................................................................................................... 19

Inverse Condemnation of WNPOA Member Properties ......................................................................................................................................................... 19
The Project May Result in Increased Insurance Coverage Costs for Nearby Properties .......................................................... 20

VI. Application Does Not Even Meet FCC Criteria .......................................................... 22

Failure to Meet Requirement for Exemption to Local Ordinance for a Public Utility Attached Project .......................................................... 22

Revocable Consent of WNPOA .................................................................................. 22

VII. Any Granting of the Defective Application Would Result in ADA Claims ......................... 22

Special Neurotoxicology/Immunotoxicology Concerns Regarding the Antenna Project ......................... 22

VIII. Conclusion ................................................................................................. 23
APPEAL OF DR. GREGORY TCHEJEYAN AND FAMILY

This is the appellate document in support of Dr. Greg Tchejeyan’s appeal of the approval by the Planning Commission of the application to impose a Verizon high energy output antenna farm, silhouetted on the ridgeline next to the home of Dr. Tchejeyan’s and six other Thousand Oaks families.

This is not an accusatory document but rather an honest conduit through which clearly identifiable and certain flaws in this Application are identified for this Council. Because this document identifies more than two dozen separate legal flaws in the permit Application, it is not possible for us to provide this Council with a discussion of each of them in this Introduction. However, fundamental underlying themes will be concisely described here with some references to the underlying data.

Dr. Tchejeyan has not been heard from previously in the politics of Thousand Oaks. He and his family, rather than seeking notoriety as so many have, have instead focused on home and family, and Dr. Tchejeyan’s devotion through his four decades of surgical practice has been centered upon his dream, now threatened to be torn asunder, of building a beautiful home to provide a steady environment for himself, his wife and their daughters. Consistent with this outlook, Dr. Tchejeyan hopes with idealistic reliance on the common sense, legal acumen, and sense of justice which he believes will lead this Council to grant his Appeal, so that the fierce litigation which will otherwise occur, involving the City, the WNPOA, and the water company can be avoided entirely. The goal here is peaceful resolution based upon facts and obvious legal considerations which are readily grasped by anyone reading the contents of the document here introduced.

Yet, as my friends advocate in this matter, and as a trial lawyer of four decades experience, I ask that the members of this Council and city staff, as they examine this document and each of the more than two dozen salient legal points made herein, apply this following simple standard in the judgment of the situation: Please put yourself in the position of a just, even-handed and honest Judge, when confronted with each of the more than two dozen clear legal flaws in this process which are respectfully brought to this Council’s attention through the document for which this serves as your Introduction.
There are several categories into which the points brought forth for your attention can be reasonably grouped.

First, there is no rational dispute but that this permit file has been materially incomplete at all times heretofore during its examination by the Thousand Oaks community and during the entire time heretofore that the matter has been examined by city staff, city administration, and the City’s Council. In addition to compromising the appropriate roles of senior city staff, the Commission, and this Council, the fact that any public hearings whatsoever were allowed to take place on this shockingly incomplete file represents the deprivation for all of the community including this Appellant, of the Due Process rights which we are all supposed to enjoy.

Examples of major data clusters missing from the applicant’s file include that the actual identity of the applicant is not stated in the application and it is thereupon defective on its face; that five mature Aleppo Pines which must be removed for the effectiveness of this antenna farm were not presented in the file, even though photographs of the same trees existed. Also, five protected sycamore trees are severely endangered, all will be found to have been professionally verified in the within document. The first section of this document is primarily focused upon clearly demonstrable and well-documented instances in which the file was far from materially and legally complete when the Commission made its unfortunate decision to allow this travesty to go forward last August.

Next are found many instances in which in addition to the absence of data from the file, itself constituting a Due Process set of violations, the data actually in the file are provably improperly contrived. We find, for example, that in addition to the absence of the NEPA report (which is definitely mandatory but was never made), the ADMITTED design height from ground and wattage – output of these antennas REQUIRES environmental assessments which were never made. Contrary to the suggestions of one Dr. Kramer, cities are not allowed to engage in their own Ad Hoc experimentation with mitigation, but, rather, a full environmental assessment is clearly required by governing federal law.

In many ways the within articulation of objections to the issuance of this permit reference not only Thousand Oaks general standards with regard to the protection of the ridgeline view, but also numerous legally required provisions for
color continuity and tree continuity, often for the very purpose of obscuring the ugly with the beautiful, along with explicitly required architectural approvals which were never in fact granted or otherwise obtained. Additionally, it will be found beyond any reasonable doubt that expressions of consent from the WNPOA were improperly given due to lack of compliance with the Bylaws of the Association. Further, title records at the county recorder clearly show that the WNPOA’s rules do, in fact, apply to the Water Company lot upon which this hideous and dangerous antenna farm is sought to be placed. Additionally, the project violates city ridgeline ordinances which have been in place for decades. It is beyond the scope of any fair introduction to these materials to take more of the reader’s time with these general introductory comments. As detailed in the body of this appeal, there are many other well identified and documented instances where as matters of legal technicality, there is no reasonable question but that a series of material and significant violations of well-established practices Bylaws and governing law, many in number they are, have been committed in this telecom-coerced process to force a radiation-spewing horror story upon the people of Thousand Oaks.

I. The File Is Incomplete: Application No. SUP 2014-70291, Applicant: Verizon Wireless. For the Following Reasons, this Permit Application was, and Remains Defective because the File has Never been Legally and Constitutionally Complete.

- **Failure of Application and File to Address removal of Aleppo Pines.** The file data given to the Public, the Planning Commission, Senior Staff, Public, and City Council were incomplete due to the anomalous failure to even mention the existence of five mature Aleppo pines which this project would require to be removed. See Exhibit 1 (James Dean, Landscape Architect, Professional Assessment of 1/7/2020). For this reason, this permit application was, and remains defective because the file has never been complete.

- **Failure of Application and File to Include a Risk Assessment for Protected Sycamore Trees.** In addition, the site contains protected sycamore trees which would be at risk of being endangered or killed by the application’s proposed trenching in the vicinity of root structures, see Exhibit 1 (James Dean,
Landscape Architect, Professional Assessment of 1/7/2020). For this reason, this permit application was, and remains defective because the file has never been complete due to the absence of a statement of the risk.

- **Failure to Identify True Legal Name and Identity of Applicant and Licensee.** Verizon is a brand, not a company. The Verizon Wireless application currently before the City of Thousand Oaks - Development Permit/Special Use Permit, executed by Ross Miletich, “VZW Rep” on June 23, 2019 (Application), fails to identify the Applicant. The Applicant Information section of the Application only identifies the Applicant as “Verizon Wireless” (see attached Application). Nowhere else in the Application is the Applicant further identified. “Verizon Wireless” is a brand and tradename and is not a legal entity. As there are, or have been, dozens of Verizon Wireless entities (e.g. Verizon Wireless Telecom, Inc., Verizon Wireless Area Communications, Inc., Verizon Wireless Telecom, Inc., Verizon Wireless Services, LLC, etc.) it is not possible to determine, nor is it possible for the City of Thousand Oaks to determine, the true identity of the Applicant from the information provided. For this reason, this permit application was and remains defective, because the file has never been complete. See **Exhibit 2** (City of Thousand Oaks, City Project # SUP 2014-70291, DEVELOPMENT PERMIT/SPECIAL USE PERMIT or MAJOR MODIFICATION TO ABOVE APPLICATION AND AFFIDAVIT).

- **Violation of WNPOA Bylaws – Failure to Submit Application and Plans for Architectural Committee Review.** The application is incomplete per the Westlake North Property Owners Association’s (WNPOA) own Bylaws, which read “antennas and electrical wiring... in approving any installation, the Architectural Committee may impose reasonable conditions on the placement and screening of the equipment”. Clearly in this instance, the Architectural Committee had no opportunity to impose any conditions as no application was made to the Architectural Committee. Per the below Article 4, Section 4.1 and Sections 5.1 and 5.2, plans submittal are to be reviewed by the Architectural Committee. For this and other reasons, any consent from any WNPOA Director is clearly insufficient. Relevant WNPOA bylaws are as follows:
ARTICLE 4, ARCHITECTURAL CONTROL 4.1 Architectural Committee. The Board shall appoint an Architectural Committee comprised of three or more Persons at least one of whom shall be a Board member. The Committee may establish a relationship with an architect licensed by the State of California whose role will be to render advice with respect to any plan submittals or other issues which are brought before the Committee. 4.2 Request for Approval. All requests for the Association to approve any work, remodeling or improvement required in this Article, or elsewhere in this Declaration, shall be submitted in writing to the Architectural Committee. No work shall be commenced by any Owner within the scope of this Article 4 or as otherwise required in this Declaration unless and until it has been approved in writing by the Committee.

ARTICLE 5, USE RESTRICTIONS 5.1 Antennas and Electrical Wiring. Except as may be mandated by law, no Owner shall cause to be installed, attached or hung (i) any electrical wires or equipment, (ii) television or radio transmitting or receiving antenna or dishes, (iii) air-conditioning units, or (iv) other like equipment or wiring, in or on any portion of the Common Area, or that is otherwise Visible, except as approved by the Architectural Committee.

a. Approval. In approving any installation, the Architectural Committee may impose reasonable conditions on the placement and screening of the equipment. Such conditions shall be deemed reasonable so long as they do not (i) worsen the reception or effectiveness of the equipment, or (ii) increase the cost of maintenance or operation of the equipment.

b. Governmental Requirements. All radio, television, telephone or other electrical equipment or appliances of any kind or nature or wiring therefor shall fully comply with local, state and federal laws.

5.2 Architectural Restrictions. Prior to commencing any construction, alterations or improvements on a Lot which requires approval by the Architectural Committee under this Declaration, an Owner shall comply with all requirements of Article 4. See Exhibit 3
(Westlake North POA CC&Rs as of February, 2015 from wnpoa.org). For this reason, this permit application was, and remains defective including because the file has never been complete.

- **Violation of WNPOA Bylaws – Failure to Submit Application and Plans for Landscaping Plans.** The WNPOA clearly failed to follow its own Bylaws when it failed to submit the landscaping component of the Antenna Project proposal for review by the Architectural Committee for review of proposed landscaping. For this reason, this permit application was and remains defective, because the file has never been complete. From the Architectural Guidelines adopted April 2012, present at the current WNPOA website:

  “Landscaping

  All proposed landscape plans shall be under the following guidelines: A. Landscape plans for the installation of landscaping and removal of trees need to be submitted per article 4.4 of the CCR's documents.”

- **Violation of WNPOA Bylaws – Failure to Submit Application and Plans for Mechanical Equipment Additions.** The WNPOA clearly violated its own bylaws when it failed to submit the Antenna Project proposal to review by the architectural committee for review of the proposed installation of mechanical equipment. For this reason, this permit application was and remains defective, because the file has never been complete. From the Architectural Guidelines adopted April 2012, present at the current WNPOA website:

  “Mechanical Equipment Additions; i.e., Pumps, Filters, Motors, Condensers, Etc.

  “A. Provide plans to include the following: Plot plan at a scale not less than 1/8" = 1'-0" showing size and location of work done. All mechanical equipment must be screened from adjoining property with a five foot high solid wall on three sides plus a solid gate on the fourth. Location and design of the wall must be shown. (See "Walls" for design and plan requirements.)

  B. All screens/walls will require sensitivity in design as not to detract from the rustic and rural character of the neighborhood. Noise from any equipment including time of operation should be considered as an
important requirement for designing any system in order to avoid any negative impacts to the surrounding neighborhood.” (emphasis added).

- **Ongoing Failure to Comply with the Conditions of the Original EIR for the Water Company Parcel.** The Water Company has a long history of non-compliance with landscaping and fencing requirements. As example, for many years the company has violated the approved requirement for the construction of a masonry wall surrounding the property. In place of this wall is a flimsy fence. Therefore applicant lacks standing to proceed. In the January 7, 2020 letter from landscape architect, James Dean to Dr. Gregory Tchejeyan, it is documented that the applicants and their site are currently not in compliance with the overall EIR that approved the original water storage tank construction. For this reason, Dr. Tchejeyan’s appeal must be sustained and this permit, based on the current record, must be denied. Excerpts from James Dean’s study, are as follows:

  “In 1980, this water storage tank was approved for construction by an administrative approval dated August 11, 1980… As a part of the city conditions, and the overall EIR, the documents refer to the requirement to prepare, execute and maintain landscaping for the site… Condition 3 of the approval required that a masonry wall be installed around the entire facility of a height of seven (7) feet. Only a six-foot iron fence is currently present. A record check by Will Chua did not produce any approval for that change… (Condition) No. 4 called for an evergreen shrub screen, of at least eight feet (8) in height, to completely surrounding the reservoir. This screen does not exist at this time… We have reviewed a Verizon document dated 4/21/17 labeled SCE Final Plan. It seems to be at a preliminarily design level. It displays the intent, to align the necessary utility trenches, to install them beneath the concrete driveway. I don’t think that is their real intent as this would cause irreparable damage to it… With this lack of precise planning a qualified professional cannot realistically predict the affect upon a tree from root interference. At this point we are not sure that any precise construction drawings have been prepared. Those working drawings would determine the actual alignment of the trenches as well as their depth. This must be determined before approval of the proposed project… We find that
the report is inadequate in addressing the real impending root damage to the
trees, nor does it predict the outcome from this damage. Specific data on
predicting the results of root damage is widely available within the industry.
We believe that it is possible that at least one of these trees, would succumb
from the damage due to their poor physiological condition... Additionally,
we have concern with the placement of the antennas. If we are correct with
our understanding of the plan the stand of Aleppo Pine Trees and others,
paralleling the street, will need to be removed. The screening, of the
existing facility and the new antennas, will be lost. The result will leave an
unacceptable blemish upon this neighborhood... In closing we did not see
the need for an additional Tree report for the subject work. However, we
believe that an environmental study needs to be undertaken to address the
precise impact to the trees and the visual blight that will be imposed upon
the neighborhood."

See Exhibit 1 (James Dean, Landscape Architect, Professional Assessment of
1/7/2020).

• Misapplication of CEQA Exemptions. There is no CEQA or environmental
assessment of any kind. The file and application are incomplete because of
numerous clear violations of environmental quality reporting standards. From
Exhibit 4, letter from land use expert, Mark Sellers, Esq. dated 1/8/2020:

“This project has been processed with only a Class 1 and a Class 4
categorical CEQA exemptions. We have just learned that as part of this use
or project of an array of up to 14 foot high metal grid antennas, there will be
a new storage tank for gasoline, a hazardous and dangerous substance in an
area prone to wildfires. Gasoline tanks can leak and having such a storage
use of a highly flammable substance at this unmanned isolated hill top site
in brush fire area with homes so close needs to have that aspect evaluated
under some formal CEQA document...CEQA “is to be interpreted “‘to
afford the fullest possible protection to the environment within the
reasonable scope of the statutory language.’” Citizens for Environmental
555, 567. Class 1 is for projects “involving negligible or no expansion of
existing or former use.” Cal. Code Regs., tit. 14, §15301. The existing
use here is for water storage and not for gasoline storage or as a new
antenna farm. Class 4 consists of minor public or private alterations in the
condition of land, water, and/or vegetation, the introduction of gasoline storage is not a minor alteration in the condition of land, water, and/or vegetation at this hill top site, but it is a new expanded use.” Cal. Code Regs., tit. 14, §15304.

For these above reasons, this permit application was and remains defective and the permit must be denied.

- **Failure to Provide FCC Form 854 – Application for Antenna Structure Registration.** No registration, application or other form filed with the Federal Communications Commission (FCC) for the proposed antenna structure has been produced. Per the FCC webpage - https://www.fcc.gov/wireless/support/antenna-structure-registration-asr-resources/antenna-structure-registration-asr-1 - examples of required forms include:

  FCC Form 854, Application for Antenna Structure Registration: Use this form to file new antenna structure registrations, file updates to registrations such as modifications to existing structures, notifications of construction and dismantlement, registration of replacement structures, and ownership changes. File FCC Form 854 electronically via ASR Online Filing.

  FAA Form 7460-1, Notice of Proposed Construction or Alteration: Use this form to notify the FAA of a proposed construction or alteration of an antenna structure.

For these above reasons, this permit application was and remains defective and the permit must be denied.

- **Failure to Provide FCC Required NEPA Review Letter.** No copy of a FCC required NEPA Review letter is contained in the file (per the attached Mark Sellers, Esq. letter of January 8, 2020) - “the world of processing Wireless Telecommunications Facility (WTF) applications changed on December 5, 2019 (the effective date of the FCC October Order re: vacating the National Environmental Policy Act (NEPA) exemption for Wireless Telecommunications Facilities) and every individual antenna application must
undergo a NEPA review by the FCC and there will be no batching of many applications for one NEPA review. As a result, every application in the country is incomplete until the applicant (Verizon) places in the public record substantial written evidence of a NEPA review”. For this reason, this permit application was and remains defective, because the file has never been complete.

- **Failure to Provide an FCC required Environmental Assessment for a Facility that Exceeds FCC Radio Frequency Radiation Limits.** No NEPA submitted or approved Environmental Assessment is contained in the file. NEPA law requires an Environmental Assessment be prepared if a project “antenna <10m and power >1000 W ERP” (ERP – Effective Radiated Power) is present (Title 47: Telecommunication, Part 1 – Practice and Procedure, Subpart 1 – Procedures Implementing the National Environmental Policy of 1969, §1.1307). Per the Verizon Wireless Proposed Base Station Statement of Hammett & Edison, Inc, Consulting Engineers (Hammett & Edison Statement), submitted by applicant, Verizon Wireless in support of the application, the maximum effective radiated power in any direction would be 12,330 watts” (Hammett and Edison Statement, page 2). NOTE – 12,300 watts per antennae installation. The project includes three antennae installations, so the total watts generated by the site is 36,990. The 12,330 watts ERP cited by the Hammett & Edison statement is clearly well above the NEPA threshold of 1000 W ERP, triggering the Environmental Assessment Requirement. Further, the fact that the radiated power exceeds the allowable FCC RF (Radio Frequency) exposure levels is uncontested, as the Verizon provided Hammett & Edison Statement states on page 2 “For a person at ground directly in front of the antennas, the maximum RF exposure level due to the proposed Verizon operation is calculated to exceed the applicable public exposure limit”. Under NEPA, this condition of RF exposure levels exceeding maximum allowable FCC limits clearly requires submission of an Environmental Assessment. As no Environmental Assessment has been produced. For this reason, this permit application was and remains defective, because the file has never been complete.
• Violation of FCC Regulations by Instituting Mediation re: Excessive Radio Frequency Radiation Outside of the Environmental Assessment Process. Further evidence that the current application is defective and incomplete, is the description of proposed mediation conditions for the antenna project as described by City of Thousand Oaks Planning Commission consultant and Radio Frequency exposure expert, Jonathan Kramer at the August 26, 2019 meeting of the City of Thousand Oaks Planning Commission. A transcription of Mr. Kramer’s relevant comments is as follows:

“...Dr. Jonathan Kramer...this project is a little bit different from the type of projects we normally have presented to us in the sense that this is a low to the ground site. So the FCC requires the applicant, and here the licensee as well, Verizon take very specific steps to exclude the public from that area that exceeds the general population limit. That’s the limit where we can be exposed 24/7 under the FCC rules. There will be a portion in each sector, in front of the sectors, that will exceed that amount. So what the applicant has done has gone through with his RF engineers and calculated what they believe to be the correct zone that has to be enclosed within fencing. In your proposed conditions of approval tonight, starting at I believe, condition number, well seven and eight, are conditions that I helped to craft that will require that Verizon, before turning on the site unattended, demonstrate to the city that they’ve placed the barriers in the correct location, so that all their signals that exceed the general population limit are contained in an enclosed area. That’s what the federal regulations require. What we’ve added here are conditions that allow them to build the site, but they can’t operate it until they actually build the fencing and they can’t do that until after they demonstrate to the city that the fencing will be in the right location. So this, this is, an unusual process for the city in that most of the time we don’t have sites like this. That’s why you see these particular conditions tonight. If the applicant agrees to the process, specifically in condition number 8, and I would ask you to specifically ask the applicant for that, then the project will demonstrate plan compliance with the FCC rules and that will then eliminate from your consideration RF safety as an issue. It doesn’t eliminate anything else, but it will
remove RF safety because they will have demonstrated plan compliance with the FCC rules. So, this is a project that has been kicking around for a number of years. It’s gone through a number of iterations and has improved over the years in terms of its design itself and now demonstrates, subject to the conditions, compliance with the FCC rules. That’s what I have for right now…”

Mr. Kramer allows that the Radio Frequency signals from the site will exceed the allowed FCC exposure limits. This is a conclusion shared by the applicant’s consulting engineers, Hammett & Edison, Inc., FCC regulations require Environmental Assessments be produced if the project produces “human exposure to radiofrequency radiation in excess of the applicable safety standards”. Instead of producing an Environmental Assessment, as expressly required by law, Mr. Kramer, the Planning Commission Consultant, proposes mediating the excessive RF exposure condition by erecting a fence in an attempt to shield RF radiation from the project. Nowhere in the FCC and NEPA regulations is it allowed for an applicant to mediate excess radiation exposures without going through the Environmental Assessment process. To date, no Environmental Assessment has been produced. For this reason, this permit application was and remains defective, because the file has never been complete. From FCC Title 47, regulations governing exclusions from the Environmental Assessment process:

§ 1.1306 Actions which are categorically excluded from environmental processing.

(a) Except as provided in § 1.1307 (c) and (d), Commission actions not covered by § 1.1307 (a) and (b) are deemed individually and cumulatively to have no significant effect on the quality of the human environment and are categorically excluded from environmental processing.

(b) Specifically, any Commission action with respect to any new application, or minor or major modifications of existing or authorized facilities or equipment, will be categorically excluded, provided such proposals do not:

(1) Involve a site location specified under § 1.1307(a) (1)-(7), or
(2) Involve high intensity lighting under § 1.1307(a)(8).
(3) Result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in § 1.1307(b).

(emphasis added)

- **Consideration of a Community Concern Petition to the FCC Re: The Environmental Assessment Process.** Dr. Tchejeyan shows that the antenna farm will have a significant environment effect: A further condition that triggers a requirement for an Environmental Assessment under NEPA is "If an interested person alleges that a particular action, otherwise categorically excluded, will have a significant environmental effect, the person shall submit to the Bureau responsible for processing that action a written petition setting forth in detail the reasons justifying or circumstances necessitating environmental consideration in the decision-making process. (See §1.1313). The Bureau shall review the petition and consider the environmental concerns that have been raised. If the Bureau determines that the action may have a significant environmental impact, the Bureau will require the applicant to prepare an EA (see §§1.1308 and 1.1311), which will serve as the basis for the determination to proceed with or terminate environmental processing" (Title 47: Telecommunication, Part 1 – Practice and Procedure, Subpart 1 – Procedures Implementing the National Environmental Policy of 1969, §1.1307). The contents of this appeal evidence an "interested" party that will submit the required petition to initiate Environmental Assessment.

II. **When a File Contains Material Departures from the Evidence, as in the Following Instances, the File is, in Adding to Lack of Lawful Completeness, also Legally Defective due to the Unreliable Evidence Involved.**

- **Violation of WNPOA Bylaws – Failure to Notify Owners/Members Until 18 Months After Initiation of Process.** Consent of WNPOA was provably improperly given: Non-appearance – no notification to members of the issue until 18 months after initiation of process. The application is fatally defective because the approval of the Homeowner’s Association was legally required, which in turn required notification to all members (which did not occur). Instead, the Homeowner’s Association merely showed up with a post-dated
document 18 months later than the purported Homeowner’s Association approval. This is jurisdictional in character, and a fatal defect in the application and official file due to this incompleteness. See Exhibit 5 (R. Chris Kroes letter to WNPOA). For this reason, this permit application was, and remains defective because the file has never been complete.

- **Violation of WNPOA Bylaws – Failure to Properly Notice Owner/Members.** Specifically, the WNPOA rules at the Restated Bylaws of Westlake North Property Owner’s Association adopted July 8, 2010 (Bylaws) provide in Article 3, MEETINGS OF MEMBERS, Section 3.4: Notice of Member Meetings. Notice of all meetings of the members shall be given by the Board.

  **Subsection 3.4a: General Notice Contents.** All notices of meetings of Members called by and at the initiative of the Board shall be sent or otherwise given not less than ten (10) days, nor more than ninety (90) days before the date of the meeting. The notice shall specify the date, place, and hour of the meeting and (i) in the case of a special meeting, the nature of the business to be transacted as specified by those persons calling the meeting, (and that not other business may be transacted except as specified in the notice), or (ii) in the case of the annual meeting, those matters which the Board intends to present for action by the Members.

  **Subsection 3.4b: Manner of Giving Notice.** Notice of any meeting of Members shall be given to each Owner personally, by first-class mail, by facsimile, or by email, to the address of that Member appearing on the books of the Association or the address given by the Member to the Association for the purpose of notice...

  **Subsection 3.4c: Declaration of Giving Notice.** A declaration of the mailing or other means of giving any notice of any Members’ meeting may be executed by the Secretary or Manager, and, if so executed, shall be filed and maintained in the minute book of the Association. See Exhibit 6 (Restated Bylaws of Westlake North Property Owner’s Association adopted July 8, 2010, pgs. 2-3).

**Article 4, MEETINGS OF THE BOARD, Section 4.6:**
Notice to Members. Except in the case of an emergency, written notice of the time and place of any regular or special meeting of the Board and a written agenda of the business to be considered at the meeting shall be given to each Owner at least four days prior to the meeting. Notice shall be given as provided in Section 3.4(b).

- **Violation of WNPOA Bylaws – Prohibited Board Discussion/Action Regarding Improperly Noticed Issues.** Various board meetings that addressed the project were never properly, or timely, noticed, including the board meetings of January 10, 2018. In violation of the POA Bylaw, Article 4.7 below, the board nevertheless discussed and took action regarding the improperly noticed cell tower project. Despite the lack of notice to WNPOA members, and complete lack of knowledge of consideration and discussion by the community, Cathy Schultz, addressing the Thousand Oaks Planning Commission on August 26, 2019 in her capacity of President of the WNPOA, stated the board had not heard from any homeowners regarding concerns about the towers, but represented that plenty of North Ranch homeowners want better cell service in continued non-compliance with Article 4.7, as quoted below:

Section 4.7: **Matters Addressed at Meetings.** Except in the case of an emergency, as defined below in Section 4.8, the Board of Directors may not discuss or take action on any item which was not reflected in the agenda disclosed to the Owners as required in Section 4.6 above. Before discussing any item on the agenda, the Board shall openly identify the item to the Owners in attendance at the meeting... See Exhibit 6 (Restated Bylaws of Westlake North Property Owner’s Association adopted July 8, 2010, pgs. 5-6).

- **Violation of WNPOA Bylaws – The Subject Approved Application is Expired and Void.** Any current WNPOA approval is void under their own rules governing applications and plan reviews. Per the Architectural Guidelines adopted April 2012, present at the current WNPOA website, work must be started within one year following WNPOA approval and completed within eighteen months following approval. As the Board voted to endorse this cell site proposal by Verizon on January 10, 2018, and work did not commence at the site within the required one year period, the 2014 Verizon Application
currently under consideration is now null and void. See Exhibit 7 (WNPOA Minutes prepared 1/12/2018). For this reason, this permit application was, and remains defective because the file has never been complete.

From the Architectural Guidelines adopted April 2012, present at the current WNPOA website:

“Plan Submittal…

B.

Drawings These are complete drawings incorporating any changes that were noted on previous reviews. Submit two sets of drawings. If approved you will receive one copy back with an approval stamp on the drawings with an authorized signature along with an approval letter. Work must be started within one year of approval and completed within eighteen months, otherwise approval is void and resubmittal of plans for re-review and re-approval must be obtained prior to the start of work. NOTE: for specific submittal requirements, see each section listed. A color board may be required prior to final acceptance. After final plan approval you must then get approval from the city and obtain all required permits. All changes after final approvals have been given must be resubmitted to the Westlake North P.O.A. Architectural Committee and approved prior to the start of work.” (emphasis added).

III. Water Company is Controlled by WNPOA Bylaws.

- Water Company is Subject to WNPOA Bylaws as a Result of Lot Ownership. Per the WNPOA CC&R’s – Water Company Lot is subject to the Bylaws of the WNPOA: “Each person who owns a lot in the Development is automatically a member of the Association…” and bound by the Governing Documents which include the CC&Rs, Articles of incorporation, Bylaws, Architectural Guidelines and the Rules” See Exhibit 8 (Westlake North Property Owners’ Association Rules & Regulations, December 30, 2010 (Draft 5) Adopted November 9, 2011, Introduction, Page 1).
• **Water Company is Subject to WNPOA Bylaws Per Bylaws Definitions:**
  The following definitions are present in the WNPOA’s CC&Rs as of February, 2015, as presently posted at the WNPOA website. None of the language in the below definitions exempts the Water Company from WNPOA compliance.

  1.21 “Lot” shall mean an unimproved parcel of land or the parcel of land on which a Home is or may be situated. Any reference below to a Lot shall include the Home located thereon, if any.

  1.26 “Owner” shall mean any person, firm, corporation or other legal entity in which fee title to a Lot is vested, as shown by the Official Records of the Office of the County Recorder. If the Owner is an entity, then the trustee(s) of the trust, president of the corporation, managing member of the limited liability company, or general partner(s) of the partnership, shall be entitled to exercise the rights of the Owner for the entity.

  2.3 Membership. Each Person shall automatically, upon becoming an Owner of a Lot, become a Member of the Association and shall remain a Member until he shall cease to be an Owner; provided, however, that notwithstanding any other provision of this Declaration, any Person who acquires a Lot by any means shall be bound by the restrictions in this Declaration but shall not be entitled to the rights, benefits and privileges of Membership, if at the time of acquisition any former Owner of that Lot has failed to pay any portion of his Assessments due under this Declaration to the Association and the debt remains unpaid. If and only if the prior debt is paid shall the new Owner become entitled to receive the rights, benefits and privileges of membership.

• **Water Company is Subject to WNPOA Bylaws as Evidenced by WNPOA Recordings Against the Title of the Water Company Lot.** Additional WNPOA Amendments and documents imposing conditions upon the Water Company parcel and recorded in association with the property at county recorder include:

- The original WNPOA CCR’s - DECLARATION OF COVENANTS
CONDITIONS AND RESTRICTIONS FOR WESTLAKE NORTH, recorded 12/13/1976.
- EIGHTH NOTICE OF ADDITION OF REAL PROPERTY AND ADDITIONS TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS, The Prudential Insurance Company, recorded 2/14/1979
- NOTICE OF ASSESSMENT AND COVENANTS, CONDITIONS AND RESTRICTIONS, K. Reed Harrison, recorded 3/10/1983
- RESOLUTION OF BOARD OF DIRECTORS AMENDING CERTAIN COVENANTS, CONDITIONS AND RESTRICTIONS FOR WESTLAKE NORTH PROPERTY OWNERS’ ASSOCIATION, Kenneth R. Warner, Esq., recorded 10/25/1988
- FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WESTLAKE NORTH PROPERTY OWNERS’ ASSOCIATION, Debra L. Sheppard, recorded 5/8/1988
- WESTLAKE NORTH PROPERTY OWNERS ASSOCIATION, SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WESTLAKE NORTH, recorded 2/13/2002
- INCORPORATION OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR WESTLAKE NORTH DATED DECEMBER 9, 1976, recorded 5/13/2002
- GRANT OF EASEMENT (CORPORATION), THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, a New Jersey Corporation, recorded 6/29/1979
- GRANT OF EASEMENT (CORPORATION), THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, recorded 8/1/1980
- GRANT OF EASEMENT, Southern California Edison, recorded 8/11/2000
- GRANT OF EASEMENT, Southern California Edison, recorded 12/11/2013

See Exhibit 9 (Fidelity National Title Company Preliminary Report, pgs. 4-6)

• **Specific WNPOA Recordings Against the Title of the Water Company Lot Regarding Antenna Installations.** The above title research identifies the following WNPOA Bylaws Amendment specific to antennas is recorded against the Water Company’s title to its Lot:
Recorded 12/13/1976 — "Section 4.01... D. ANTENNAS. No antenna for transmission or reception of television signals or any other form of electromagnetic radiation shall be erected, used, or maintained outdoors, whether attached to a building or structure or free standing," See Exhibit 9 (Declaration of Covenants, Conditions and Restrictions for Westlake North). Recorded 5/8/1998: "First Amendment to Declaration of Covenants, Conditions and Restrictions for Westlake North Property Owners' Association. Amendment 4, "Article IV, Section 4.01D, is deleted and a new Section 4.01D is added in its place as follows: D. ANTENNAS, SATELLITE DISHES, EXTERNAL FIXTURES. No television or radio poles, antennas, flagpoles, clotheslines, basketball standards, or other external fixtures except those approved by the Architectural Committee shall be constructed, erected or maintained on any Lot, except as permitted by law..." Emphasis added. See Exhibit 10 (Fidelity National Title Company Preliminary Report excerpt).

IV. Violation of Municipal Ordinance.

- Violation of the Municipal Ridgeline Silhouette Ordinance. The antenna project creates a visual nuisance that violates the city ordinance that was designed to the protect ridgelines. That ordinance prohibits buildings or structures that silhouette atop the ridgeline. The proposed antenna installation will silhouette in violation of this ordinance. See Exhibit 11 (Lee Newman, Landscape Architect letter of 1/7/2020).

V. Inverse Condemnation.

- Inverse Condemnation of WNPOA Member Properties. The applicant urges permit approval on the basis of public benefit, to wit, improved cellular coverage, and this public benefit is the primary basis for the city of Thousand Oaks to grant the permit. This amounts to a taking for public purpose of all of the value of Dr. Tchejeyan's home along with the same condemnation of the value of the other 6 homes which immediately surround this imposed antenna farm. Accordingly, this is a Taking under which the appellant has, like the
other homeowners, all rights preserved to property owners where
governmental action deprives the owners of their property and/or its value. In
this instance, if the towers are installed, all of the houses will be rendered in a
permanent unsafe condition, not suitable for habitability. Given the average
values of homes up there, coupled with the value of Dr. Tchejeyan’s home, this
amounts to a liability exposure of the city of Thousand Oaks which may
readily exceed 30 million dollars. See Exhibit 12 (12/11/2019 letter from Real
Estate Broker, Vic J. Deirmendjian (Investor, licensed Real Estate Agent,
Broker and Consultant for over 50 years). Per that letter, “quoting from the
appraisal journal: The impact of cell phone towers on house prices in
residential neighborhoods which was published in the Appraisal Journal in
2006, found that buyers would pay as much as 20% less for a property near a
cell tower or antenna. The Appraisal Institute is the largest global professional
organization for appraisers with 91 Chapters.

Mr. Deirmendjian’s letter goes on to cite the following surveys and studies:

An overwhelming 94 percent of home buyers and renters surveyed by
the National Institute for Science, Law & Public Policy (NISLAPP) say
they are less interested and would pay less for a property located near a
cell tower or antenna.

What's more, of the 1,000 survey respondents, 79 percent said that under
no circumstances would they ever purchase or rent a property within a
few blocks of a cell tower or antennas, and almost 90 percent said they
were concerned about the increasing number of cell towers and antennas
in their residential neighborhood.

The Appraisal Journal study added:

“Even buyers who believe that there are no adverse health effects from
cell phone base stations, knowing that other potential buyers might think
the reverse, will probably seek a price discount for a property located
near a cell phone base station.”

James S. Turner, Esq., Chairman of the National Institute for Science,
Law & Public Policy and Partner, Swankin & Turner in Washington,
D.C., says:
"The NISLAPP survey suggests there is now a high level of awareness about potential risks from cell towers and antennas. In addition, the survey indicates respondents believe they have personally experienced cognitive (57%) or physical (63%) effects from radiofrequency radiation from towers, antennas or other radiating devices, such as cell phones, routers, smart meters and other consumer electronics. Almost 90% are concerned about the increasing number of cell towers and antennas generally."

The California Association of Realtors maintains that ‘sellers and licensees must disclose material facts that affect the value or desirability of the property,’ including ‘known conditions outside of and surrounding’ it. This includes ‘nuisances’ and zoning changes that allow for commercial uses.

As a professional in the real estate industry, as a Realtor and California licensed broker, it is Mr. Deirmendjian’s opinion and practice that when aware of any cell tower antenna installation that is close enough to have an impact on the health of residents, it is his duty to disclose the presence of said towers to any prospective buyer. See Exhibit 13 (V. Deirmendjian letter of 12-11-2019).

- **The Project May Result in Increased Insurance Coverage Costs for Nearby Properties.** Per the attached January 8, 2020 Email from Garrett Knowles, President of Knowles & Company Insurance, based on his review of the cell antenna installation plan, it is his professional opinion that the proximity of the installation to the Tchejeyan family residence may present coverage issues. Mr. Knowles attached a Homeowners Application to his email See Exhibit 14 (January 8, 2020 Email from Garrett Knowles) that requires the applicant to disclose “Is property within 300 feet of a commercial or non-residential property? (if “YES”, describe in detail)” (Question 8, page 4 of Homeowners Application). Mr. Knowles notes “Based on the satellite image shown below, your home would be approximately 112 feet from a non-residential property. This type of information needs to be disclosed during the insurance underwriting process, and the distance to the structure across the street may potentially be seen as a hazard. Hazards such as these often render homes “uninsurable”. Also attached as Exhibit 15 are Safety Data Sheets.
regarding Diesel Fuel – a hazardous substance that is proposed to be housed at the site in 55 gallon quantities.

VI. Application Does Not Meet any FCC Criteria

- **Failure to Meet Requirement for Exemption to Local Ordinance for a Public Utility Attached Project.** Verizon misleadingly claims that these antennas are exempt from local governance because of their attachment to a Public Utility. Verizon alleges, this is sufficient basis to exempt them from local regulation. However, first, there is actually no provision in Verizon’s plan for any attachment of any antenna masts to the tank itself which is the only Public Utility type existing structure which might fall within the hotly contested (9th circuit) FCC land grab. However, these antenna masts, once the plan is carefully examined are not even anticipated to touch any existing structure but rather as indicated in the site plan, sheet 2 the antenna structures are approximately 16 feet from the water tank. (Verizon Candle Crest Plans by MCE Design, most recent revision 12/18/17). The intention here is to install brand new equipment on a brand structural post on bare land. No exemption attaches to such methods of placement.

- **Revocable Consent of WNPOA.** 5.4 Consent Revocable. Any consent, approval or authorization, once given by the Association or its authorized representatives as permitted by this Declaration, shall be revocable (i) if the approval or consent was induced by a misrepresentation, or (ii) it is determined that the action taken by the Owner, notwithstanding the approval or consent, has caused injury or damage to, or otherwise is contrary to the health and welfare of, the Association or any of its Members. (Not on a public utility – new construction). The WNPOA has the power and is duty-bound to deny consent.

VII. Any Granting of the Defective Application Would Result in ADA Claims.

- **Special Neurotoxicology/Immunotoxicology Concerns Regarding the Antenna Project.** Further environmental concerns regard RF exposure created by the antenna project are expressed in the January 8, 2020 letter from
Neurotoxicologist and Immunotoxicologist, Gunnar Heuser, M.D. That letter states:

"...it is proposed that a Verizon 12-antenna 4G macro tower be installed about 24 feet above street level and 100-150 feet from his (Dr. Greg Tchejeyan’s) property and home...I have studied neurotoxic exposure in hundreds of my patients, recently with a special interest in the potential neurotoxic effects of electromagnetic fields (EMG’s). My findings were published in peer reviewed journals...I strongly oppose exposure to the above mentioned 4g antenna/tower since the 4G emissions are very likely to cause significant health effects in exposed individuals: the doctor and his family. It is especially critical since Dr. Tchejeyan already lives in an environment of daily radiation. He performs surgical cases with x-ray and live fluoroscopy. He is exposed every day to the x-ray machine in his office. In the operating room in which he does his surgeries, wireless technology is used robotic joint replacement surgery and wireless x-ray. By Medicare law, Dr. Tchejeyan must use electronic medical records (EMR) in his office. These additional exposures are expected to sensitize the doctor to electromagnetic field exposure. His only retreat from radiation is presently at home. This sanctuary will be violated by the installment of this proposed macro tower.

My opinion is based on thousand of patients after neurotoxic exposure, hundreds of patients having been exposed to EMF, and also on exchange of information with national and international experts in the field, and finally, knowledge of the pertinent medical literature”. See Exhibit 14 (Gunnar Heuser, M.D. letter of 1/8/2020).

VIII. CONCLUSION

In Conclusion, the Antenna Project Application presently before the Thousand Oaks City Council is defective and incomplete under federal, state and local statutes. The application is replete with fatal omissions of federal, state and locally mandated documents. Further, applicants failed to follow processes required by federal and state law, and the bylaws that govern the lands effected by the project. In addition,
the current application gives rise to community health risks and legal liability exposures for both the applicants and the approving parties.

Very truly yours,

Harry V. Lehmann, Attorney at Law
EXHIBIT 1
James Dean, Landscape Architect, Professional Assessment of
1/7/2020
January 7, 2020

Dr. Gregory Tchejeyan
4571 Sunnyhill St.
Thousand Oaks, CA 91361

Re: Landmark Sycamore trees
4588 Sunnyhill St.

Background
We have been retained, by the Tchejeyan family who, reside across from the proposed Verizon “Candle Crest” telecommunications site. They requested that we provide a professional assessment of the impact of the facility to the neighborhood and to protected trees located upon the site.

The water reservoir facility was a part of the overall North Ranch water supply system designed by Brown and Caldwell Consulting Engineers dated April 1975. This particular facility is within water zone II at a static hydraulic grade elevation of 1,315 feet. It is an integral part of the overall North Ranch system controlled by three reservoirs.

In 1980 this water storage tank was approved for construction by an administrative approval dated August 11, 1980 (RPD 75-0139 Modification No. 1, with conditions). As a part of the City Conditions and the overall EIR, the documents refer to the requirement to prepare, execute and maintain landscaping for the site.

Item No.3 of the conditions for approval required that a seven-foot (7) masonry wall be constructed surrounding the entire reservoir. Item No 4 called for an evergreen shrub screen, of at least eight feet (8) in height, to completely surrounding the reservoir. This screen does not exist at this time.
We have reviewed available information concerning the site. Apparently in 1981 a poorly prepared plan for the landscape development was prepared and executed upon the project. Individual plant varieties that exist today, 38 years later, only slightly compare to the specified plant palette presented within the implemented plan.

Maintenance of the landscape has been marginal with the “lollypop” pruning of the shrubbery and ignorance of the deep watering need of the Protected Sycamore trees. Under irrigation for many years they grew to their current size only to decline from neglect. One could argue that this violates the conditions of approval.

Many different plant types are present, few of which are listed within the approved planting plan. All plant varieties currently present, with the exception of the Allepo Pines, the Eucalyptus and the Acacia trees, are high water consumers and would not meet the Current State Water Use Law (SB1181). The protected California Sycamores began to decline with the reduced availability of deep water. Since the city has no record of any approved changes to the original plan, these changes do not conform the approved development conditions.

Genetically speaking this Sycamore species is a high-water consumer. As a California native, in its natural habitat, it is adaptable to our yearly water cycle when located near a water source. These trees normally occupy low lying riparian areas, canyons, floodplains and streams beds and drainage channels. When planted as ornamental trees, during the dry summer, they thrive solely upon regular irrigation application which has minimally applied. With insufficient water they decline and die. The trees are exotic to this site and do require regular irrigation.

As stated ,Condition 3 of the approval required that a masonry wall be installed around the entire facility of a height of seven (7) feet. Only a six-foot iron fence is currently present. A record check by Will Chua did not produce any approval for that change.
Condition 4 required that an eight-foot (8) high shrub plant screen be installed surrounding the entire facility. That condition was not included within the landscape plan. In fact, the present landscape is located only along the Sunnyhill side of the facility.

The wall was to prevent visibility of the vertical protrusion (approximately 4-5’ vertical) of the walls of the tank. The intent of the plant screen was to soften the visibility of the outer masonry perimeter wall from the surrounding neighborhood.

The existing Aleppo pine trees along with some mature Oleander and Acacia specimens currently provide an acceptable level of screening of the substituted iron fence from the neighborhood. However, there are openings within the planting that allow view of the fence. This would not be possible if Condition 4 of the city approval would have been executed.

The new Verizon addition to the current facility indicates a necessity to remove the Aleppo Pines and other trees and most all of the screening shrubs to install signal towers. Apparently, this is necessary to prevent interference of the signal in a perpendicular direction to Sunnyhill street. There is no way that the trees and other specimen shrubs, that contribute to the current screening, can remain since they cannot be maintained at the low height required.

According to the drawings several vertical signal towers (antennas), rising upward of fourteen-feet (14+-) in height above grade, will be placed immediate to the location of the pine trees. At that location, minus the trees, there will be no way to screen those towers from the surrounding neighborhood. If the towers were located on the opposite side of the tank, they will be clearly visible to those residences below as well. Again, any screening would not soften that imposing view.
Also, of note there will be critical impact to three protected California Sycamore trees. We were asked to review and comment on the physiological condition of three protected trees located along the driveway from Sunnyhill Street.

Further, we were asked to offer an opinion of the impending impact to these trees that could occur from the installation of the proposed facility that would be added to the existing improvements.

Genetically speaking this Sycamore species is a high-water consumer. As a California native, in its natural habitat, it is highly adapted to our yearly water cycle. These trees normally occupy low lying riparian areas, canyons, floodplains and streams beds and drainage channels. When planted as ornamental trees, during the dry summer, they thrive solely upon regular irrigation application. With insufficient water they decline and die.

Two of the protected trees are located on the east side of the driveway (labeled #24 and #25). A smaller tree of the species is also located on this side but is not large enough to be protected (5" dbh). Another protected one is located on the west side of the driveway (#23). Tree No, 25 has been severely pruned (topped). All of the trees are in a highly stressed condition from inadequate deep water. In their life cycle they are in the 5th stage of maturity.

We have reviewed a Verizon document dated 4/21/17 labeled SCE Final Plan. It seems to be at a preliminarily design level. It displays the intent, to align the necessary utility trenches, to install them beneath the concrete driveway. I don’t think that is their real intent as this would cause irreparable damage to it.

With this lack of precise planning a qualified professional cannot realistically predict the affect upon a tree from root interference. At this point we are not sure that any precise construction drawings have been
been prepared. Those working drawings would determine the actual alignment of the trenches as well as their depth. This must be determined before approval of the proposed project.

We have reviewed a Tree Evaluation Report, from arborist Kay Greely BCMA dated August 2017, that correctly presents data describing the tree environment and the biological condition of the subject trees. This lengthy report follows the ISA method, utilizing standard hand written forms, for evaluating tree condition.

We find that the report is inadequate in addressing the real impending root damage to the trees, nor does it predict the outcome from this damage. Specific data on predicting the results of root damage is widely available within the industry. We believe that it is possible that at least one of these trees, would succumb from the damage due to their poor physiological condition.

Additionally, we have concern with the placement of the antennas. If we are correct with our understanding of the plan the stand of Aleppo Pine Trees and others, paralleling the street, will need to be removed. The screening, of the existing facility and the new antennas, will be lost. The result will leave an unacceptable blemish upon this neighborhood.

In closing we did not see the need for an additional Tree report for the subject work. However, we believe that an environmental study needs to be undertaken to address the precise impact to the trees and the visual blight that will be imposed upon the neighborhood.

Obviously, there are many considerations for the placement of the proposed Verizon “Candle Crest” facility. It is clear that the transmitting antennas need an elevated location. Obviously, selection of this site was most desirable due to its location, joining an existing approved facility, and for consideration of construction cost. And one cannot ignore the fact that this operation would produce rental income flow to the California-American Water Company.
Clearly, there are other suitable sites available in the local area. But it would delay the installation, could require major improvements, would delay the project and would be at a greater cost. Utilizing another location would have less affect upon individuals and the community at large. Respectfully.

Respectfully,

James Dean, RLA
Landscape Architect
License No. 1146
EXHIBIT 2
City of Thousand Oaks, City Project # SUP 2014-70291,
DEVELOPMENT PERMIT/SPECIAL USE PERMIT or MAJOR MODIFICATION TO ABOVE APPLICATION AND AFFIDAVIT
City of Thousand Oaks
COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING DIVISION (805) 449-2500
PLANNING DIVISION (805) 449-2323
HOUSING/REDEVELOPMENT DIVISION (805) 449-2393

CITY PROJECT #: SUP 2014-7029

DEVELOPMENT PERMIT / SPECIAL USE PERMIT
or MAJOR MODIFICATION TO ABOVE
APPLICATION AND AFFIDAVIT

ASSESSORS PARCEL NO.(S): 690-0-0221-015

Pre-Application Review #: PAR 2012-70167

Type of Permit being Requested:

☐ Development Permit ☑ Special Use Permit

☐ Modification of Permit #

I. APPLICANT INFORMATION (not applicant's representative)

Name (person and firm/corporation): Verizon Wireless

Company/Organization (if applicable): Verizon Wireless

Address: 15505 Sand Canyon Avenue, Bldg D*(1st Floor)

City/State/Zip: Irvine, CA 92618

Phone: (949) 286-7000 Fax: (_______)

Email: ________________

II. PROPERTY OWNER INFORMATION (if different than Applicant)

Name (person and firm/corporation): Fred Rios

Company/Organization (if applicable): California Water Services Company

Address: 1720 N. First Street

City/State/Zip: San Jose, CA 95112

Phone: (408) 367-8326 Fax: (_______)

Email: Frios@calwater.com

III. PROPERTY INFORMATION

Property Location (street address and location description): 4588 Sunnyhill Street

Thousand Oaks, CA 91362. Water Tank Property

Property Use: ☑ Commercial ☐ Industrial ☐ Institutional ☑ Other Water Tank

Property Acreage: Gross: _______________ Net: _______________

Are there any special setbacks existing by deed? ________________________________
III. PROPERTY INFORMATION Continued
Identify deed restrictions, existing and proposed: N/A
Current zoning of the property is: RPD-1.5U-05 as shown on the Thousand Oaks Zoning Map, Section(s) Specific Plan 4 (Westlake North Ranch)

IV. PROJECT COORDINATOR/APPLICANT'S REPRESENTATIVE INFORMATION
Name (person and firm/corporation): Ross Miletich
Company/Organization (if applicable): Core Development Services
Relationship of Project Coordinator to Applicant: Authorized VZW Representative
Address: 2749 Saturn Street
City/State/Zip: Brea, CA 92821
Phone: (714) 319-7875 Fax: (714) 333-4441
Email: rmiletich@core.us.com

V. REQUEST
Describe in detail the nature of the development or purpose for which the building, structure, improvement or premise is to be used:
The proposal is an unmanned telecommunications facility. 9 panel antennas, 6 RRUS, 6 raycaps, 2 GPS antennas, 4 equipment cabinets, 1 standby 55 gallon DC generator, and required telco/power connections are proposed.

VI. AFFIDAVIT*
I declare under penalty of perjury, that I, Ross Miletich, am the (circle one) owner, attorney of the owner, person with power of attorney from the owner of the property involved in this application, or lessee who holds a written lease, the terms of which authorize the use for which the permit is sought, and that the foregoing is true and correct.

Executed at (city) Brea, California, this 23rd day of June 2014.

Ross Miletich, VZW Rep
Printed Name, and Title

Signature

*IF THE PROPERTY OWNER/APPLICANT is a Corporation, the names, addresses and titles of all officers of the Corporation shall accompany this application. If the property owner/applicant is a General Partner, the name and address of all General Partners shall accompany this application.

(For Department Use Only)
Fee $ Date received: Received by:
AGREEMENT FOR PAYMENT
OF COSTS IN CONJUNCTION WITH
WIRELESS TELECOMMUNICATIONS REVIEW

I, __________________________ (print name) have been advised by the City of Thousand Oaks, Community Development Department that a review for the proposed wireless communications facility(ies) will be required for SUP 2014-70291 (project number).

I represent the applicant of the above referenced project and I hereby agree to pay a deposit of $1,500.00 to the City of Thousand Oaks, and agree to pay such additional sums as may be billed by the City for its independent telecommunications review, including the fees of consultants hired by the City. In the event the total cost of the wireless telecommunications review is less than $1,500.00, the City shall refund the balance. I further agree that I shall remain fully responsible for any and all payments under this Agreement.

I acknowledge that the review will not commence until the Community Development Department of the City of Thousand Oaks has received this executed Agreement and the $1,500.00 deposit and that payment in full of all balances owed to the City is due prior to a final decision on the subject permit application.

Signature: __________________________ Date: 6/23/14
(Authorized Representative Signature)

Please enter the name and address of Authorized Representative:

Contact: Ross Miletich Title: Zoning Manager
Relationship to Owner: Authorized VZW Representative
Address: 2749 Saturn Street Phone No.: 714-319-7875
City & State: Brea, CA Zip Code: 92821

Please enter the name and address where invoice(s) should be sent (if different from above):

Contact: Urvika Gupta/Melissa Beagle Title: Project Coordinator
Relationship to Owner: VZW Project Coordinator
Address: 2749 Saturn Street Phone No.: 714-729-8404
City & State: Brea, CA Zip Code: 92821

SIGN AND RETURN this form to the Community Development Department, City of Thousand Oaks, 2100 Thousand Oaks Boulevard, Thousand Oaks, CA 91362

cdd: Agreement for Payment-Cell Site.doc Rev. 8/13
AGREEMENT FOR PAYMENT
OF COSTS IN CONJUNCTION WITH
WIRELESS TELECOMMUNICATIONS REVIEW

I, Ross Miletich (print name) have been advised by the City of Thousand Oaks, Community Development Department that a review for the proposed wireless communications facility(ies) will be required for SUP 2014-710291 (project number).

I represent the applicant of the above referenced project and I hereby agree to pay a deposit of $1,500.00 to the City of Thousand Oaks, and agree to pay such additional sums as may be billed by the City for its independent telecommunications review, including the fees of consultants hired by the City. In the event the total cost of the wireless telecommunications review is less than $1,500.00, the City shall refund the balance. I further agree that I shall remain fully responsible for any and all payments under this Agreement.

I acknowledge that the review will not commence until the Community Development Department of the City of Thousand Oaks has received this executed Agreement and the $1,500.00 deposit and that payment in full of all balances owed to the City is due prior to a final decision on the subject permit application.

Date: 6/23/14

(Authorized Representative Signature)

Please enter the name and address of Authorized Representative:

Contact: Ross Miletich
Title: Zoning Manager (Core Development Services)
Relationship to Owner: Authorized VZW Agent
Address: 2749 Saturn Street
City & State: Brea, CA
Phone No.: 714-319-7875
Zip Code.: 92821

Please enter the name and address where invoice(s) should be sent (if different from above):

Contact: Melissa Beagle/Urvika Gupta
Title: Finance/Project Coordinator (Finance/Project Coordinators)
Relationship to Owner: Authorized VZW Reps
Address: 2749 Saturn Street
City & State: Brea, CA
Phone No.: 714-729-8404
Zip Code.: 92821

SIGN AND RETURN this form to the Community Development Department, City of Thousand Oaks, 2100 Thousand Oaks Boulevard, Thousand Oaks, CA 91362

cc: Agreement for Payment-Cell Site.doc
AGREEMENT FOR PAYMENT
OF COSTS EXCEEDING SUBMITTED DEPOSIT

SIGN AND RETURN this form to the Community Development Department, City of Thousand Oaks with submittal of your project application(s). To process your application for the project identified below, you are charged based on the City’s current User Fee Manual, at a time and material rate which may include charges for the actual cost of City staff time, City-paid consultants and any materials necessary to process the application.

I _______ am the person responsible for Payment and I agree to pay any additional sum exceeding my submitted deposit, based on actual cost of staff time, consultant time, and materials*. (Refer to City’s User Fee Manual for hourly staff time rates.)

I acknowledge and agree that: 1) I may be required to pay an additional deposit once 75% of the original is exhausted; 2) I will pay all invoiced payments within 30 days of the date of the invoice; 3) the City reserves the right to stop work on a project if payments for invoices are not received.

If the total cost of processing the application is less than the deposit, the City will direct the refund balance to the person/entity that submitted the deposit unless stated otherwise below. Refunds are processed once all staff, consultant and/or material related to the project have been completed.

I FURTHER AGREE THAT IF THE PROJECT APPLICANT OR PROPERTY OWNER CHANGES DURING APPLICATION PROCESSING, I WILL REMAIN FULLY RESPONSIBLE FOR PAYMENT OF ALL AMOUNTS UNDER THIS AGREEMENT UNTIL A FULLY EXECUTED AGREEMENT BY THE NEW PROJECT APPLICANT OR PROPERTY OWNER HAS BEEN RECEIVED AND ACKNOWLEDGED BY THE CITY.

*Materials are defined as any City expense (such as legal advertisements, mailings, signage, duplication, CDs/DVDs, or other applicable materials) reasonably incurred due to the processing of your application.

PROJECT AND PROPERTY IDENTIFICATION

Person or Entity work is being completed for: Verizon Wireless

Property Owner Name(s): California Water Services Company

Project Location(s)**: 4588 Sunnyhill Street

Project Description: Wireless facility on fencing at water tank

SUP 2014-70291

**Specify property street address(es). If street address is not available, please specify the assessor’s parcel number(s). If any of the listed projects are located in a City Right-of-Way or easement and do not have a specific address or assessor’s parcel number, you must obtain a new address from the Public Works Department prior to application(s) submittal to the City.
AGREEMENT FOR PAYMENT

PARTY RESPONSIBLE FOR PAYMENT

Responsible Party Signature: [Signature]  Date: 4/13/17
Print Name: Veronica Avizu  Company: Smartlink LLC
Street Address: 18401 Von Karman #400
City: Irvine  State: CA  Zip: 92612
Phone: (858) 402-6380  Email: Veronica.Avizu@SmartlinkLLC.com

INVOICES MAILED TO (If different then Party Responsible for Payment)

Contact Name: Same as above  Company: 
Street Address: 
City:  State:  Zip: 
Phone:  Email:

REFUNDS:

In the event that the deposit(s) exceeds the costs associated with the project, the excess deposit will be returned to the entity that made the payment. If the refund should go to another party, please complete this section.

Contact Name: Yvonne Robinson  Company: Verizon Wireless
Street Address: 15505 Sand Canyon Bldg. "D"
City: Irvine  State: CA  Zip: 92618
Phone: (949) 280-8137  Email: Yvonne.Robinson@VerizonWireless.com

Property Owner Signature:  Company: 
Applicant Signature:  Company: Smartlink
Project Coordinator Signature:  Company: 

FOR CITY USE ONLY

Date Agreement Received:  Received by:
Project/Case # assigned: 

C003.1440.10c\m\common\Forms\Planning\Planning App. Agreement for Payment-all-new.docx (1/2017)
EXHIBIT 3

Westlake North POA CC&Rs as of February, 2015 from wnpoa.org
Recording Requested By And
When Recorded Mail To:

KULIK GOTTESMAN & SIEGEL LLP
15303 Ventura Boulevard, Suite 1400
Sherman Oaks, California 91403
(310) 557-9200

Attn: GLEN L. KULIK, ESQ.

RESTATED
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS

WESTLAKE NORTH PROPERTY
OWNERS’ ASSOCIATION
a nonprofit mutual benefit corporation

February 2014
[This set contains the Civil Code section revisions as reflected in
the “First Amendment to the Restated Declaration of CC&Rs”
recorded in the Ventura Recorder’s Office No. 2014-0212-00017024-0]

February 2015
[This set contains the corrected Exhibit A, recorded in the Ventura Recorder’s Office
No. 20150220-00023780-0]

If this document contains any restriction based on race, color, religion, sex, gender,
gender identity, gender expression, sexual orientation, familial status, marital status,
disability, genetic information, national origin, source of income as defined in
subdivision (p) of Section 12955, or ancestry, that restriction violates state and
federal fair housing laws and is void, and may be removed pursuant to Section
12956.2 of the Government Code. Lawful restrictions under state and federal law
on the age of occupants in senior housing or housing for older persons shall not be
construed as restrictions based on familial status.
b. Each Owner who is entitled to the use of driveway area in common with other Owners shall be jointly responsible with such other Owners for the care and maintenance of such common driveway area including the maintenance of all shrubbery, plantings and landscaping of every kind, and of all paved area and structures of every kind within such area.

ARTICLE 4
ARCHITECTURAL CONTROL

4.1 Architectural Committee. The Board shall appoint an Architectural Committee comprised of three or more Persons at least one of whom shall be a Board member. The Committee may establish a relationship with an architect licensed by the State of California whose role will be to render advice with respect to any plan submittals or other issues which are brought before the Committee.

4.2 Request for Approval. All requests for the Association to approve any work, remodeling or improvement required in this Article, or elsewhere in this Declaration, shall be submitted in writing to the Architectural Committee. No work shall be commenced by any Owner within the scope of this Article 4 or as otherwise required in this Declaration unless and until it has been approved in writing by the Committee.

4.3 Right to Decorate. Each Owner shall have the exclusive right to paint, repaint, tile, wax, paper or otherwise furnish and decorate the interior of any Home on his Lot.

4.4 Prior Approval. No construction, repair, alteration, improvement, or remodeling may commence on any Lot, in any Yard, or on the outside of any Home, unless and until the prior written approval of the Architectural Committee has been given, if such work is related to or could affect any of the following: (i) the planting or removal of any trees, shrubs, hedges, or bushes (not including routine planting or replanting of flowers), (ii) the removal or construction of any wall, fence or other structure, (iii) any other Lot or Home’s resistance to water intrusion, (iv) the mechanical systems, foundation or structural integrity of another Lot or Home, (v) the exterior uniform appearance of any Home or Lot (although repainting is permitted without approval if the same color is being used), (vi) the level of noise transference to another Lot, (vii) the Common Areas, or (viii) the right of any other Owner to the full ownership, occupancy, and use of his Lot. Any Owner wanting to do such work shall do the following:

a. Submit detailed plans and specifications to the Architectural Committee, and any additional reports, surveys, studies and documentation reasonably requested by the Committee, for its approval;

b. Read and agree to be bound by any Architectural Guidelines in force;

c. Not exceed the scope of the written approval given;
ARTICLE 5
USE RESTRICTIONS

5.1 Antennas and Electrical Wiring. Except as may be mandated by law, no Owner shall cause to be installed, attached or hung (i) any electrical wires or equipment, (ii) television or radio transmitting or receiving antenna or dishes, (iii) air-conditioning units, or (iv) other like equipment or wiring, in or on any portion of the Common Area, or that is otherwise Visible, except as approved by the Architectural Committee.

a. Approval. In approving any installation the Architectural Committee may impose reasonable conditions on the placement and screening of the equipment. Such conditions shall be deemed reasonable so long as they do not (i) worsen the reception or effectiveness of the equipment, or (ii) increase the cost of maintenance or operation of the equipment.

b. Governmental Requirements. All radio, television, telephone or other electrical equipment or appliances of any kind or nature or wiring therefor shall fully comply with local, state and federal laws.

5.2 Architectural Restrictions. Prior to commencing any construction, alterations or improvements on a Lot which requires approval by the Architectural Committee under this Declaration, an Owner shall comply with all requirements of Article 4.

5.3 Barbecues; Exterior Fires. No barbeque may be located within five feet of any side or rear boundary line.

5.4 Consent Revocable. Any consent, approval or authorization, once given by the Association or its authorized representatives as permitted by this Declaration, shall be revocable (i) if the approval or consent was induced by a misrepresentation, or (ii) it is determined that the action taken by the Owner, notwithstanding the approval or consent, has caused injury or damage to, or otherwise is contrary to the health and welfare of, the Association or any of its Members.

5.5 Drilling; Mining Operations. The use of any portion of the surface of the Property for drilling operations, mining, water wells, or quarrying of any kind, including, but not limited to, oil well drilling, oil development or mining operations of any kind, is prohibited.

5.6 Laundry. No exterior clothesline shall be permitted on any Lot that is Visible.

5.7 Nuisance. No noxious, offensive or illegal activity shall be permitted, nor shall anything be done or placed anywhere in the Development which is or may become a nuisance or cause unreasonable embarrassment, disturbance or annoyance to other residents. Without limiting the foregoing, no Owner shall make or permit excessive disturbing noise which will unduly interfere with the rights, comfort or convenience of other Owners. If there is any dispute as to whether conduct constitutes a nuisance, the good faith decision of the Board shall be final and binding.
EXHIBIT 4

Letter from land use expert, Mark Sellers, Esq. dated 1/8/2020
VIA E-MAIL TO: WChua@toaks.org

Attention: Wil Chua, Associate Planner
City Council and
Department of Community Development
City of Thousand Oaks
2100 Thousand Oaks Boulevard
Thousand Oaks, CA 91362

Re: January 14, 2020 Hearing on Appeal of SUP 2014-70291 and LTP 2015-70174 Due to a Need to First Perform a CEQA Environmental Analysis of Impacts of this Project and a Lack of Evidence of any NEPA Compliance on Impacts to Neighbors.

Dear City Council and Department of Community Development:

1. **CEQA Noncompliance.** This project has been processed with only a Class 1 and a Class 4 categorical CEQA exemptions. We have just learned that as part of this use or project of an array of up to 14 foot high metal grid antennas, there will be a new storage tank for fuel, a hazardous and dangerous substance in an area prone to wildfires. Fuel tanks can leak and having such a storage use of a highly flammable substance at this unmanned, isolated, hilltop site in a brush fire area with homes so close needs to have that aspect evaluated under some formal CEQA document. Only those projects having no significant effect on the environment can be categorically exempt from CEQA review. If any aspect of a project may have a significant effect on the environment, a CEQA review must occur and only during that review are imposing mitigation measures relevant to avoid the adverse impacts of the storage of fuel at this site. CEQA “is to be interpreted ‘to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.’” *Citizens for Environmental Responsibility v. State ex rel. 14th Dist. Ag. Assn.* (2015) 242 Cal.App.4th 555, 567.

   Class 1 is for projects “involving negligible or no expansion of existing or former use.” Cal. Code Regs., tit. 14, §15301. The existing use here is for water storage and not for fuel storage or as a new antenna farm. Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation, the introduction of fuel
storage is not a minor alteration in the condition of land, water, and/or vegetation at this hilltop site, but it is a new and expanded use. Cal. Code Regs., tit. 14, §15304.

CEQA’s regulatory guidelines also prohibit the use of a categorical exemption for an activity “where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” Cal. Code Regs., tit. 14, §15300.2. The introduction of fuel storage in this low density residential area and having that new use on an isolated and unmanned hilltop location in a potential brush fire area is an “unusual circumstance.” Introducing such a large metal grid antenna on a hilltop, where the City has undertaken a great effort to preserve the natural appearance, is an “unusual circumstance.” Placing 12 antennas with 12,000 volts only 50 feet from some yards is an “unusual circumstance.” Cities and courts may look to conditions in immediate vicinity of a proposed project to determine whether a circumstance is unusual. Unusual circumstances can be established “by showing that the project has some feature that distinguishes it from others in the exempt class, such as its size or location.” Berkeley Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086, 1105.

Please note we have already asked for an environmental review due to the adverse aesthetic impacts of introducing this harsh metallic looking 14 foot high antenna grid on a prominent and natural appearing hilltop in a low density residential area.

There needs to be mock ups and a view shed analysis prepared from the various homes around this site. To make matters worse the applicant Verizon states any trees left on this site cannot grow and block the antennas so trees will need to be regularly trimmed, applicant’s necessary future trimming that will increase adverse visual impacts. We note in reviewing the record for this water tank, the City has taken great steps to hide the tank and landscape of this site, and now it is considering undermining that effort by introducing an unattractive antenna 14 foot high facility that everyone can see.¹

This project simply does not qualify for any CEQA categorical exemption.

2. **NEPA Noncompliance.** We understand the world of processing Wireless Telecommunications Facility (WTF) applications changed on December 5, 2019 (the effective date of the FCC October Order re: vacating the National Environmental Policy Act (NEPA) exemption for Wireless Telecommunications Facilities)² and every individual

¹ Inconsistent with the General Plan policy of “retaining the special qualities of the landscape, views and open space which originally attracted people to the area” and the City’s Ridgeline Study, which states “ridgeline areas were dominant and valuable natural resources, which were perceived by the people living here to be important assets and worthy of preservation.”

² On August 9, 2019, a U.S. Court of Appeals for the D.C. Circuit struck down key portions of a 2018 order by the Federal Communications Commission that would have exempted wireless facilities from environmental review.
antenna application must undergo a NEPA review by the FCC and there will be no batching of many applications for one NEPA review. As a result, every application in the country is incomplete until the applicant (Verizon) places in the public record substantial written evidence of a NEPA review. Therefore, a City can and should require substantial written evidence of NEPA compliance for this proposed Verizon antenna facility, before it can proceed with any hearing.

There is now substantial evidence in the City record of "controversy on environmental grounds" due to this large metallic facility proposed to be only 50 feet from some yards and homes and on a prominent hilltop and an alteration that would be inconsistent with its natural appearance. An Environmental Assessment document under NEPA shall contain a statement on that controversy. There shall also be "a discussion of environmental and other considerations which led to the selection of the particular site and, if relevant, the particular facility; the nature and extent of any unavoidable adverse environmental effects, and any alternative sites or facilities which have been or might reasonably be considered."

In addition, we believe the proposed water tank site cell antennas, as "non-building-mounted antennas: with height above ground level to lowest point of antenna <10 m and power >1000 W ERP (1640 W EIRP)," under current Federal NEPA rules requires that an Environmental Assessment be prepared prior to any hearing to approve such.3

The January 14, 2020 hearing cannot proceed without this project being in full compliance with CEQA and NEPA as such steps are preliminary jurisdictional matters for the City Council to consider what Verizon is proposing. Therefore, this City process and application must start over with the proper environmental documents being prepared and circulated for public input.

Sincerely,

Mark G. Sellers

MGS/sh
cc: Greg Tchejeyan, MD
    Harry Lehmann, Esq

EXHIBIT 5

R. Chris Kroes letter to WNPOA
January 9, 2020

Westlake North Property Owners Association
Attention: Cathy Schutz
timcath@aol.com; blundvall@aol.com; rrwitt@earthlink.net; nranchcc@earthlink.net

Re: Breach of Fiduciary Duty; Violation of the Davis-Stirling Act (Civil Code §4000)
Corrected Exemplar

Dear Ms. Schutz and Members of the Board:

This is a corrected exemplar of mine of December 9th, the correction being that title research does not support what was told to my client, but rather the title and some other documents demonstrate that the water company parcel is in fact subject to the By-Laws and rules of the WNPOA.

Very truly yours,

DICTATED BUT NOT READ

R. Chris Kroes

RCK:als
December 9, 2019

Westlake North Property Owners Association
Attention: Cathy Schutz
timecath@aol.com; blundvall@aol.com; rrwitt@earthlink.net

Re: Breach of Fiduciary Duty; Violation of the Davis-Stirling Act (Civil Code §4000).

Dear Ms. Schutz and Members of the Board:

Please be advised that this office represents Dr. Greg Tchejeyan with regard to the above-referenced matter. We are advised as follows: In December of 2017, John Halminisk met with two of the board members regarding the site proposal for a cell tower. No-one knew about this “secret” meeting, and none of the homeowners were advised of same. The project was not proposed to any of the homeowners.

On January 10, 2018, the cell tower supposedly was on agenda for WNPOA, however nobody on Sunnyhill was ever notified about the possible tower installation. The HOA process is to post on their website and homeowners log in to see what on the agenda and decide to come if they choose to. The minutes from January 10, 2018 (the ones still on the website) say nothing about cell tower approval whatsoever.

On January 17 2018 the WNPOA sent a letter the applicant, John Halminski, in “support” of the project. None of the homeowners knew anything about this. On August 26 2019, at the City of Thousand Oaks planning commission meeting, Mr. Halminski stated to the WNPOA was in support of the project. Cathy Schultz speaking as president of WNPOA, stated the WNPOA board had not heard from any homeowners regarding concerns about the tower but plenty of North Ranch homeowners want better cell service. She stated North Ranch historically has “bad” cell service and the approval of this site would be a “great” improvement for ALL of its members. And they urge the PC to vote “yes” on this project. The homeowners, who had been intentionally left out of this process, filed an appeal within 10 days of the hearing.

On October 9, 2019 the WNPOA newsletter came out stating the new cell tower was approved. Dr. Tchejeyan called the HOA that day and told them that it had been appealed and they need to update the newsletter. It has not been to date. The lot in question is not part of the HOA,
it is owned by Cal Water Service Co. The next meeting was on November 13, 2019. Dr. Tchejeyan went with 4-5 other neighbors. He advised the minutes from the 1/10/18 meeting did not say anything about the "approval" of the cell tower. The president insisted that it was on there. The secretary walked out the room and returned with several copies of the minutes from January 10, 2018. On this handed out minutes there appeared a line regarding the approval of the tower. However, the minutes stated they were "corrected" seventeen months later (two months before the planning commission meeting) on June 17, 2019. Dr. Tchejeyan pointed this out and the Board said the correction did not have anything to do with the tower. Dr. Tchejeyan did not have the original minutes with him so he left the meeting and went home, went online printed the non-corrected minutes and returned to the meeting (alone) and told them the minutes online have nothing regarding the cell tower approval. He asked why? They said "they will be looking into it."

In summary, the board, who desired to have better cell reception at their own homes, allegedly "approved" the project to install a cell tower far from their own homes, but adversely affecting other homeowners, at the January 10, 2018 meeting. The minutes said nothing about the "approval". The following meeting on February 14, 2018 the board approved the January 10, 2018 minutes with the omitted tower approval. The June 17, 2019 minutes have never been posted online, approved or discussed at the board meeting.

THE BOARD HAS BREACHED ITS FIDUCIARY DUTIES, FOR WHICH THERE IS PERSONAL LIABILITY ON THE PART OF THE BOARD MEMBERS

Under California law, the HOA has certain legal obligations; A board member is a fiduciary, and holds a fiduciary obligation towards to all the other members of the association. See California Corporations Code Sections 7210 and 7231. A Board act in the best interests of the community, must perform its duties reasonably and fairly, and may not act in a discriminatory or capricious manner. A lawsuit is appropriate if a homeowner can show that the HOA is acting in an unreasonable or discriminatory; or if the HOA fails to put the community's interests above any individual interest. See Ravens Cove Townhomes v. Knuppe Developments Co. (1981) 114 Cal. App.3d 783 and Frances T. v. Village Green Owners' Association (1986) 42 Cal.3d 490.

"Section 7231(a) is the guiding principle for a director in carrying out his or her obligations. First, it requires a director to act "in good faith," which means that the action of each director must be genuinely directed towards those purposes set forth in the governing documents. There should be no ulterior reasons or motives. Secondly, each director must act in a manner that the director believes to be "in the best interest of the corporation." Finally, and perhaps most importantly, a director must act with the care of an ordinary prudent person, including the duty of "reasonable inquiry." This means that a director is obligated to investigate each and every situation sufficiently...
before acting, and once the director does act, he or she must do so in a non-negligent, prudent manner.

The business functions of a homeowners’ association are analogous to that of a private corporation for profit. The governing documents of a homeowners’ association make it clear that one of the primary responsibilities of the board of directors is to preserve the physical surroundings of the development... Thus, a director has an affirmative obligation to become aware of the physical condition of the development and the ramifications thereof. In this instance, this would have required the Board, in addition to giving proper notice, which was not done, but also to investigate the health hazards caused by adjacent cell towers. This was not done. As the California Supreme Court pointed out: “The fiduciary standard requires this decision to be based upon what is in the best interest of the association. Thus, a director who vote for the least expensive approach or to defer any action based upon his or her personal concerns that as an owner he or she would have to pay an increased assessment is not acting in the best interest of the association...” Here, the board does not care about the 5-6 neighbors affected by the proximity cell site to their homes; and for their own selfish reasons (i.e., wanting better service in certain areas) they are pushing for it. One board member stated: "even if only a few are affected why should the rest of us have to suffer with poor service”.

Finally, two other issues are worth noting and likewise have legal consequences. The first is that a substantial body of laws has been enacted into statutes, primarily found in the Davis-Stirling Act (Civil Code §4000). This Act sets forth very specifically, the obligations of the board of directors and the limitations on their powers. The Code requires that minutes of all board meetings be properly maintained. That was not done here; indeed, it appears that they were fraudulently altered by the Board to meet their needs, albeit in a sloppy manner.

Individual directors who voted in favor of this project should and must be acutely aware of the concept of conflicts of interest. Whenever such conflicts arise, those board members in conflict must refrain from voting on the particular issues involved. Those board members should disclose all such conflicts to the remaining members of the board. Here we know this occurred as certain board members expressed their interest in having better cell service for their own homes, while disregarding the health effects on the other homeowners. One might ask: if the cell tower were in your backyard, would you still vote for it? The bottom line is the Board, and its members violated their fiduciary duties. Unless this issue is immediately remedied, there will be significant legal
consequences, including a lawsuit alleging fraud and breach of fiduciary duty as against each of the individual board members. I urge you therefore to immediately take the corrective action in this matter.

Very truly yours,

R. Chris Kroes
EXHIBIT 6

Restated Bylaws of Westlake North Property Owner’s Association
adopted July 8, 2010
RESTATED BYLAWS

of

WESTLAKE NORTH
PROPERTY OWNERS' ASSOCIATION
a nonprofit, mutual benefit corporation

Adopted
July 8, 2010

February 2014
This set contains the Civil Code section revisions effective January 1, 2014
(d) **Multiple Votes Invalid.** In the event more than one vote is cast for a particular Lot, none of the votes shall be counted in favor of or against the measure but one vote will be counted for the purpose of achieving a quorum only.

(e) **Voting Rights Suspended.** The voting rights of an Owner shall automatically be suspended if the Owner is delinquent in paying any Assessment and remain suspended throughout the period of the delinquency.

(f) **Proxies.** Members shall not be allowed to use proxies.

2.2 **Additional Rights.** Each owner shall enjoy such additional rights and benefits as are described in the Governing Documents.

2.3 **Suspension of Rights.** Membership rights and privileges may be suspended as provided in the Declaration.

ARTICLE 3
MEETINGS OF MEMBERS

3.1 **Place of Membership Meetings.** All meetings of the Membership shall be held at the Association Office unless the Board of Directors determines that a larger meeting room is required in which case the meeting room selected by the Board shall be as close as reasonably possible to the Development.

3.2 **Annual Meetings.** There shall be at least one meeting of the Owners in each calendar year for the purpose of electing directors and conducting any other legitimate business of the Association. The Board shall set the date and time of the annual meeting; provided, however, that each annual meeting shall be held in the same month of the preceding annual meeting if it is reasonably practicable to do so but in no event more than fifteen (15) months from the date of the preceding annual meeting.

3.3 **Special Meetings.** Special meetings of the Members may be called by any of the following:

a. **President.** The President of the Association.

b. **The Board.** A majority of the members of the Board of Directors.

c. **The Members.** Members in good standing constituting at least five percent (5%) of the voting power of the Association. If a special meeting is called by Members, the request shall be submitted to the Management Company in the form of a written petition, specifying the nature of the business to be transacted. The Manager shall promptly deliver the request to the members of the Board. The Board shall verify the signatures on the petition and, if the signatures appear to be
genuine, it shall, within 15 days of receipt of the petition by the Management Company, give notice of the meeting to all Members for a date and time which is not less than 35 days nor more than 90 days following the initial receipt of the petition by the Management Company.

3.4 Notice of Members' Meetings. Notice of all meetings of the Members shall be given by the Board.

a. General Notice Contents. All notices of meetings of Members called by and at the initiative of the Board shall be sent or otherwise given not less than ten (10) days nor more than ninety (90) days before the date of the meeting. The notice shall specify the place, date, and hour of the meeting and (i) in the case of a special meeting, the nature of the business to be transacted as specified by those persons calling the meeting, (and that no other business may be transacted except as specified in the notice), or (ii) in the case of the annual meeting, those matters which the Board intends to present for action by the Members.

b. Manner of Giving Notice. Notice of any meeting of Members shall be given to each Owner personally, by first-class mail, by facsimile, or by email, to the address of that Member appearing on the books of the Association or the address given by the Member to the Association for the purpose of notice. If no address is provided, notice delivered to the Owner's Lot shall be deemed valid notice. Furthermore, the Association may give notice by posting in at least three conspicuous locations within the Development notice of the meeting.

c. Declaration of Giving Notice. A declaration of the mailing or other means of giving any notice of any Members' meeting may be executed by the Secretary or Manager, and, if so executed, shall be filed and maintained in the minute book of the Association.

3.5 Quorum. In order to convene and conduct a lawful meeting of the Association a quorum of the Members must be present in person or through the submission of a ballot. Twenty-five percent (25%) of the total Members eligible to vote must be present one manner or the other for there to be a quorum. However, at any meeting which has been adjourned from a prior date pursuant to Section 3.7 of these Bylaws, 15% of the Members shall constitute a quorum. Except as provided elsewhere in these Bylaws or in the Declaration, when a quorum is present, the affirmative vote of a majority of the Owners represented in person or by ballot shall be required to pass any measure.

3.6 Voting Rights. Unless an Owner's voting rights have been suspended as provided in the Declaration, each Owner shall be entitled to exercise the voting rights specified in Section 2.1 on all matters submitted to the membership for a vote.

3.7 Adjourned Meetings. Any Members' meeting may be adjourned by the Board or by a vote of the majority of the Members present at the meeting, whether or not they constitute a
3.11 Clarification or Correction of Ballots. If, upon reviewing the ballots timely cast at a meeting or by written consent, the Inspector of Elections concludes there is a defect or deficiency in a ballot which a Member has cast, the Inspector may, with the approval of the President, contact the Member to seek clarification or correction of the ballot; provided, however, that if any one Member is contacted for this purpose then all Members whose ballots were not counted for this reason must be contacted.

ARTICLE 4
MEETINGS OF THE BOARD

4.1 Place of Meetings. All meetings of directors shall be held at the Association Office or at such other place convenient to the Board.

4.2 Organization Meeting. Immediately following each annual meeting of the Members, the Board shall hold a regular meeting for the purpose of appointing officers.

4.3 Regular Meetings. Meetings of the Board of Directors shall be held at least once every other month.

4.4 Special Meetings. Special meetings of the Board for any purpose may be called at any time by the President or by any two (2) directors other than the President. Except in the case of an emergency, each director must be notified of the meeting at least four days in advance unless that director consents to shorter notice.

4.5 Executive Session Meetings. The Board may meet in executive session exclusive of all Members who are not directors to discuss and vote upon (i) litigation, (ii) matters related to the formation of contracts with third parties, (iii) Member discipline, or (iv) personnel matters. Further, the Board shall meet with a Member in executive session, at his or her request, regarding the Member’s payment of assessments as specified in Sections 5740 or 5650, et seq. of the Civil Code or to conduct a disciplinary hearing which could result in the imposition of sanctions. The Board may also meet in executive session to the extent otherwise permitted by law including without limitation Section 4925(a)-(b) of the Civil Code. Any matter discussed in executive session shall be generally noted in the minutes of the next meeting that is open to the entire membership.

4.6 Notice to Members. Except in the case of an emergency, written notice of the time and place of any regular or special meeting of the Board and a written agenda of the business to be considered at the meeting shall given to each Owner at least four days prior to the meeting. Notice shall be given as provided in Section 3.4(b).

4.7 Matters Addressed at Meetings. Except in the case of an emergency, as defined below in Section 4.8, the Board of Directors may not discuss or take action on any item which was not reflected in the agenda disclosed to the Owners as required in Section 4.6 above. Before
discussing any item on the agenda, the Board shall openly identify the item to the Owners in attendance at the meeting. Notwithstanding the foregoing, the Board may do the following during a meeting even if not reflected on the agenda:

(a) Provide a reference to, or provide other resources for factual information to, its managing agent or other agents or staff;

(b) Request its managing agent or other agents or staff to report back to the Board at a subsequent meeting concerning any matter, or take action to direct its managing agent or other agents or staff to place a matter of business on a future agenda; and

(c) Direct its managing agent or other agents or staff to perform administrative tasks that are necessary to carry out this Section 4.7.

4.8 Discussion of Emergency Items. Notwithstanding Section 4.7 above, the Board may take action on any item of business not appearing on the agenda referenced in Section 4.6 above, under any of the following conditions:

(i) Upon a determination made by a majority of the Board of Directors present at the meeting that an emergency situation exists. An emergency situation exists if there are circumstances that could not have been reasonably foreseen by the Board, that require immediate attention and possible action by the Board, and that, of necessity, make it impracticable to provide notice.

(ii) Upon a determination made by the Board by a vote of two-thirds of the Members present at the meeting, or, if less than two-thirds of total membership of the Board is present at the meeting, by a unanimous vote of the Members present, that there is a need to take immediate action and that the need for action came to the attention of the Board after the agenda was posted and distributed pursuant to Section 4.6 above.

(iii) The item appeared on an agenda that was posted and distributed pursuant to Section 4.6 above for a prior meeting of the Board of Directors that occurred not more than 30 calendar days before the date that action is taken on the item and, at the prior meeting, action on the item was continued to the meeting at which the action is taken.

4.9 Minutes of Meetings. The minutes, minutes proposed for adoption that are marked to indicate draft status, or a summary of the minutes, of any meeting of the Board of Directors, other than an executive session, shall be available to Members within 30 days of the meeting. Minutes, once approved, may be posted on the Association website. They shall be distributed to any Member upon request and upon reimbursement of the Association’s costs for making that distribution.
EXHIBIT 7

WNPOA Minutes prepared 1/12/2018
WESTLAKE NORTH PROPERTY OWNERS ASSOCIATION

MINUTES
BOARD OF DIRECTORS MEETING

The Westlake North Property Owners Association Board of Directors assembled and held their monthly meeting at the time and place shown below:

Time & Date: 7:30 p.m. Wednesday, January 10th, 2018
Place of Meeting: North Ranch Community Center
1400 N. Westlake Boulevard
Westlake Village, CA 91362

BOARD MEMBERS PRESENT
Cathy Schutz, President
Randy Witt, Vice-President
Barry Lundvall, Treasurer
Margo Yunker, Secretary

CALL TO ORDER AND ESTABLISH A QUORUM
The Meeting was called to order at 7:30 p.m. by Cathy Schutz, President. It was established that a quorum of the Board was in attendance.

EXECUTIVE SESSION DISCLOSURE
Rules Enforcement log and legal was discussed.

MINUTES
The Minutes of the December 13th, 2017 Board of Directors meeting were read. Barry Lundvall made a motion to approve the minutes as read, Cathy Schutz seconded the motion. Motion approved 4-0.

FINANCIAL
Financial Report - Cathy Schutz presented the Financial Report for December 2017 there were no exceptions to the report.
Banking – Randy Witt made a motion to purchase a CD of up to 100k from the reserve money market account. Barry Lundvall seconded the motion. Motion approved 4-0.

RESERVE DEPOSIT
The Board will make the monthly deposit for January.
WESTLAKE NORTH PROPERTY OWNERS ASSOCIATION

MINUTES

BOARD OF DIRECTORS MEETING

The Westlake North Property Owners Association Board of Directors assembled and held their monthly meeting at the time and place shown below:

Time & Date: 7:30 p.m. Wednesday, January 10th, 2018
Place of Meeting: North Ranch Community Center
1400 N. Westlake Boulevard
Westlake Village, CA 91362

BOARD MEMBERS PRESENT
Cathy Schutz, President
Randy Witt, Vice-President
Barry Lundvall, Treasurer
Margo Yunker, Secretary

CALL TO ORDER AND ESTABLISH A QUORUM
The Meeting was called to order at 7:30 p.m. by Cathy Schutz, President. It was established that a quorum of the Board was in attendance.

EXECUTIVE SESSION DISCLOSURE
Rules Enforcement log and legal was discussed.

MINUTES
The Minutes of the December 13th, 2017 Board of Directors meeting were read. Barry Lundvall made a motion to approve the minutes as read, Cathy Schutz seconded the motion. Motion approved 4-0.

FINANCIAL
Financial Report - Cathy Schutz presented the Financial Report for December 2017 there were no exceptions to the report.
Banking – Randy Witt made a motion to purchase a CD of up to 100k from the reserve money market account. Barry Lundvall seconded the motion. Motion approved 4-0.

RESERVE DEPOSIT
The Board will make the monthly deposit for January.
REPORT ON COMMUNITY CENTER BOOKINGS – Discussed.

LIENS - None

ARCHITECTURAL
1. 4014 Cresthaven Drive – pool house/landscape- final plans to be submitted before February meeting.

NEW BUSINESS
1. Verizon Wireless Cell Antenna at Sunnyhill Water - The Board voted to endorse the cell site proposed by Verizon.

OLD BUSINESS
1. Solar for the Community Center – Randy will do further research.

The next monthly Board meeting will be on Wednesday, February 14th, 2018, at 7:30 p.m.

ADJOURNMENT – Barry Lundvall made a motion to adjourn the meeting at 7:40 p.m. Randy Witt seconded the motion. Motion approved 4-0.
EXHIBIT 8

Westlake North Property Owners' Association Rules & Regulations,
December 30, 2010 (Draft 5) Adopted November 9, 2011
WESTLAKE NORTH PROPERTY OWNERS' ASSOCIATION

RULES & REGULATIONS

December 30, 2010

(Draft 5)

Adopted November 9, 2011
WESTLAKE NORTH PROPERTY OWNERS’ ASSOCIATION
RULES & REGULATIONS

Introduction

The purpose of the Rules is to facilitate the efficient operation of the Development, promote the safety and quiet enjoyment of the residents, and enhance the value of each Owner’s investment in the community. The Rules are intended to provide specifics, and carry out in a consistent manner, the letter and spirit of the CC&Rs.

The Westlake North Development has historically been a highly desirable and beautiful residential area because all Owners respect and adhere to the Governing Documents. All property within the Development is the subject of this Declaration.

Each person who owns a lot in the Development is automatically a member of the Association. By purchasing a property in Westlake North, each member has agreed to live according to all restrictions in exchange for receiving the benefits offered by the Association and the Governing Documents. This is the fundamental premise upon which any common interest development is founded. The Association maintains the Common Areas, exercises Architectural control, contracts with outside vendors to provide management, accounting, landscaping and legal support, and provides many other valuable services to the community.

Thus, as an essential part of owning property in Westlake North, the Association, each of its members, and all residents, invitees, and guests are bound by the Governing Documents which include the CC&Rs, Articles of Incorporation, Bylaws, Architectural Guidelines and the Rules. The Governing Documents define the rights and responsibilities of each Owner in relation to each other Owner and in relation to the Association itself with the objective of preserving the charm, uniqueness, natural beauty of the area and the value of each Lot. Each purchaser of property in Westlake North is responsible for preserving these qualities through community cooperation and by enforcing not only the letter but also the spirit of this Declaration.

Rule Making Process

The terms used in these Rules shall be construed as defined in Article 1 of the CC&Rs, unless specified otherwise. For ease of reference the definition of Rules is included below:

“Rules” shall mean the rules and regulations (including Architectural Guidelines) adopted from time to time by the Board of Directors to further carry into effect the provisions of the Declaration and the Bylaws. The Rules may not be inconsistent with the Declaration or the Bylaws, as described in this Declaration and Sections 1357.100 through 1357.150 of the Civil Code. Furthermore, an operating rule means a regulation
EXHIBIT 9

Declaration of Covenants, Conditions and Restrictions for Westlake North. Recorded 5/8/1998: First Amendment to Declaration of Covenants, Conditions and Restrictions for Westlake North Property Owners' Association
FIRST AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR WESTLAKE NORTH PROPERTY OWNERS' ASSOCIATION

This First Amendment to Declaration of Covenants, Conditions and Restrictions for Westlake North Property Owners' Association is made this 9th day of January, 1998, by the undersigned with reference to the following facts:

A. A Declaration of Covenants, Conditions and Restrictions for the real property was recorded as Document Number 117362 in Book 4729; Page 886, on December 13, 1976 in the office of the County Recorder of Ventura County. Attached hereto as Exhibit "A".

B. The undersigned have confirmed and placed in the records of the Association the signatures representing the necessary voting power of the unit owners of the lots covered by said Declaration, reflecting their confirmation and approval to make the amendments which follow.

C. The undersigned desire to amend and by this Amendment do, in fact, amend said Declaration.

Said Declaration is hereby amended as follows:

AMENDMENT 1.

All references to Grantor contained within the Restrictions are deleted.

AMENDMENT 2.

Article II is deleted.

AMENDMENT 3.

Article IV, Section 4.01A, is deleted and the following provision added in its place:

"A. SINGLE FAMILY USE. All Lots shall be used solely for the construction of Residences whose occupancy and use shall be restricted to Single Family Residential Use as defined in Article I hereof. In no event shall a Residence be occupied by more individuals than permitted by applicable law, zoning or other local governmental regulation. No business or commercial activities of any kind whatsoever shall be conducted in any Residence, Structure, or on any portion of any Lot, provided that this Section shall not be construed in such a manner so as to prohibit any Owner from (a) maintaining his or her personal library in his or her Residence,
(b) keeping his or her personal business records or accounts therein, (c) handling his or her personal or professional telephone calls or correspondence therefrom, (d) leasing or renting his or her Residence, or (e) conducting any other activities on the Owner's Lot, including maintaining a home office, which do not interfere with the quiet enjoyment of other Owners' of their Lots or the Common Area and which do not violate the Thousand Oaks Municipal Code. No noise, traffic, signs or any advertising shall be permitted within the Common Area. The determination of whether an activity creates an interference with the quiet enjoyment of other Owners shall be in the sole discretion of the Board of Directors. Any activity conducted must be compatible with residential use and the provisions of this Declaration and as permitted under applicable zoning laws or regulations without the necessity of first obtaining a special use permit or specific governmental authorization."

AMENDMENT 4.

Article IV, Section 4.01D, is deleted and a new Section 4.01D is added in its place as follows:

"D. ANTENNAS, SATELLITE DISHES, EXTERNAL FIXTURES. No television or radio poles, antennas, flagpoles, clotheslines, basketball standards, or other external fixtures except those approved by the Architectural Committee shall be constructed, erected or maintained on any Lot, except as permitted by law. Satellite dishes which do not exceed a diameter or diagonal measurement of one meter or less and aerial antennas which are installed on individual Lots are permitted, subject to reasonable restrictions as established by the Board of Directors and the City of Thousand Oaks."

AMENDMENT 5.

Article IV, Section 4.01G, is amended to read as follows:

"G. NUISANCE. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any Lot, and no odors shall be permitted to arise therefrom, or other activity carried on or permitted to exist so as to render any Lot or portion thereof unsanitary, unsightly, offensive, or detrimental to the comfortable occupancy, for residential purposes of other Owners or residents. No illegal, noxious or offensive activities shall be carried out or conducted upon any Lot or Common Area nor shall anything be done within WESTLAKE NORTH which is or could become an unreasonable annoyance or nuisance to neighboring property Owners. Without limiting the foregoing, no Owner shall permit noise, including but not limited to barking dogs, the operation of excessively noisy air conditioners, stereo amplifier systems, television systems, motor vehicles or power tools, to emanate from an Owner's Lot or from activities within the Common Area, which"
EXHIBIT 10

Fidelity National Title Company Preliminary Report excerpts
PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein, Fidelity National Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner’s Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company, a Florida corporation.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

Countersigned by:

[Signature]

Authorized Signature
PRELIMINARY REPORT

EFFECTIVE DATE: December 9, 2019 at 7:30 a.m.

ORDER NO.: 00244102-994-VNO-CH

The form of policy or policies of title insurance contemplated by this report is:

CLTA Standard Coverage Policy of Title Insurance (4-8-14)

1. THE ESTATE OR INTEREST IN THE LAND HEREAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

   A FEE

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

   California Water Service Company, a California Corporation

3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

   See Exhibit A attached hereto and made a part hereof.
EXCEPTIONS

AT THE DATE HEREOF, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. Property taxes, including any personal property taxes and any assessments collected with taxes, are as follows:

   Code Area: 08-159
   Tax Identification No.: 690-0-221-015
   Fiscal Year: 2019-2020
   1st Installment: $47.40 Delinquent Plus Penalty $4.74
   2nd installment: $47.40 Open
   Exemption: $0.00
   Land: $9,117.00
   Improvements: $0.00
   Personal Property: $0.00
   Bill No.: 2496310

2. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vendee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.

   Note: If said supplements (if any) are not posted prior to the date of closing, this company assumes no liability for payment thereof.

3. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, citizenship, immigration status, primary language, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

   Recording Date: December 13, 1976
   Recording No: Book 4729, Page 885, Official Records

   Modification(s) of said covenants, conditions and restrictions

   Recording Date: February 14, 1979
   Recording No: 1979-015779Book 5327, Page 344, Official Records

   The effect of a Notice of Assessment and Covenants, Conditions and Restrictions

   Recording Date: March 10, 1983
   Recording No: 1983-23948, Official Records

   The effect of a Resolution of Board of Directors Amending Certain Covenants, Conditions and Restrictions for Westlake North Property Owners' Association

   Recorded Date: October 25, 1988
   Recording No: 1988-161830, Official Records

   Modification(s) of said covenants, conditions and restrictions

   Recording Date: May 8, 1998
   Recording No: 1998-072302, Official Records
EXCEPTIONS (Continued)

Modification(s) of said covenants, conditions and restrictions

Recording Date: February 13, 2002
Recording No.: 2002-35290, Official Records

Modification(s) of said covenants, conditions and restrictions

Recording Date: May 13, 2002
Recording No.: 2002-114410, Official Records

4. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document:

Granted To: Southern California Edison Company, a Corporation
Purpose: Public utilities
Recording Date: June 29, 1979
Recording No.: 1979-69788, Book 5429, Page 412, Official Records
Affects: The Northerly and Westerly 6 feet of said land

5. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document:

Granted To: Southern California Edison Company, a Corporation
Purpose: Public utilities
Recording Date: August 1, 1980
Recording No.: 1980-069622, Book 5699, Page 44, Official Records
Affects: Portions of the herein described land, the exact location of which can be determined by examination of the above-mentioned instrument which contains a complete legal description of the affected portions of said land.

6. Matters contained in that certain document

Entitled: Certificate of Completion
Recording Date: January 17, 1991
Recording No.: 1991-007020, Official Records

Reference is hereby made to said document for full particulars

7. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document:

Granted To: Southern California Edison Company, a Corporation
Purpose: Public utilities
Recording Date: August 11, 2000
Recording No.: 2000-0129979, Official Records
Affects: Portions of the herein described land, the exact location of which can be determined by examination of the above-mentioned instrument which contains a complete legal description of the affected portions of said land.

8. Liens and encumbrances, including bonded trust indentures, made or suffered by California Water Service Company.
9. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document:

   Granted To: Southern California Edison Company
   Purpose: Public utilities
   Recording Date: December 11, 2013
   Recording No: 2013-00198335, Official Records
   Affects: As described therein

10. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately.

   In order to close this pending transaction, we will need the following information:

   1) Completion of the attached Owner’s Declaration
   2) Completed Escrow Owner Information Sheet
   3) A statement from escrow providing the complete name of the account that proceeds are going to.

   The Company reserves the right to add additional items and/or make further requirements after review of the requested documentation.

   PLEASE REFER TO THE “INFORMATIONAL NOTES” AND “REQUIREMENTS” SECTIONS WHICH FOLLOW FOR INFORMATION NECESSARY TO COMPLETE THIS TRANSACTION.

END OF EXCEPTIONS
DECLARATION OF COVENANTS
CONDITIONS AND RESTRICTIONS
FOR
WESTLAKE NORTH

PREAMBLE

This Declaration is made on December 9, 1976 by The Prudential Insurance Company of America, a New Jersey corporation (hereinafter "Grantor"), as owner of the real property in the City of Thousand Oaks, County of Ventura, described in Exhibit "A" which is attached hereto and incorporated herein by this reference (hereinafter "Westlake North").

WITNESSETH:

WHEREAS, the property which is the subject of this Declaration possesses great charm and natural beauty which Grantor intends to preserve through the use of a coordinated plan of development and the terms of Declaration; and

WHEREAS, it is assumed that each purchaser of property in Westlake North will be motivated to preserve these qualities through community cooperation and by enforcing not only the letter but also the spirit of this Declaration, and it is the intention of Grantor in making this Declaration that each covenant, condition and restriction contained herein shall be understood and construed to achieve the objective of preserving the charm and natural beauty of the area and the value of each lot therein; and

WHEREAS, Grantor intends to establish for its own benefit and for the mutual benefit of all future Owners or occupant of the said property, and each part thereof, certain easements and rights in, over and upon said premises and certain mutually beneficial covenants, conditions, restrictions and obligations with respect to the proper use, conduct and maintenance thereof; and

WHEREAS, Grantor desires and intends that the Owners, beneficiaries, occupants, and all other persons hereafter acquiring any interest in said property, or any part thereof, shall at all times enjoy the benefits of, and shall own, hold, sell and convey
B. Each Owner who is entitled to the use of driveway area in common with other Owners shall be jointly responsible with such other Owners for the care and maintenance of such common driveway area including the maintenance of all shrubbery, plantings and landscaping of every kind, and of all paved area and structures of every kind within such area. If any common driveway area is not adequately and properly maintained it shall be the obligation of the Association to provide for the maintenance thereof. The cost of such maintenance shall be assessed to the Owners benefitted thereby pursuant to Section 5.03.

SECTION 3.03 DURATION OF EASEMENTS

The easements granted in the Article shall continue until termination of this Declaration as provided in Section 10.01B unless otherwise provided herein. All easements shall run with the land and shall inure to the benefit of the successors and assigns of the named Grantee or Grantor as the case may be. Upon termination of any easement for any reason, it shall merge with the interest of the servient estate owner at the time of termination.

ARTICLE IV
USES AND RESTRICTIONS

SECTION 4.01 SINGLE FAMILY AREAS: PERMITTED USES AND RESTRICTIONS

All lots within Single Family Areas are subject to all of the following limitations and restrictions:

A. SINGLE FAMILY USE. No such Lot may be used other than for single family residential purposes and ancillary purposes expressly authorized herein. No gainful occupation, profession or trade shall be conducted on any lot or in any building. Nothing herein shall be deemed to prevent the leasing of any Lot from time to time by the Owner thereof but subject to all the provisions of Westlake North Restrictions.

B. TEMPORARY OCCUPANCY. No trailer, vehicle, basement of any incomplete building, tent, shack, garage, barn, or temporary building or structure of any kind shall be used at any time for a residence either temporary or permanent.
Temporary storage, office or work structures used during the construction of a dwelling must be approved by the Architectural Committee and shall be removed immediately after the completion of construction or one year after its initial placement, whichever comes first.

C. REPAIR OF BUILDINGS. No building or structure upon any lot shall be permitted to fall into disrepair, and each such building and structure shall at all times be kept in good condition and repair and painted or otherwise finished.

D. ANTENNAS. No antenna for transmission or reception of television signals or any other form of electro-magnetic radiation shall be erected, used or maintained outdoors, whether attached to a building or structure or freestanding.

E. UTILITY SERVICE. All facilities for permanent utility service to any improvement (except ground mounted pedestal boxes for the communication or transmission of electric current power, including telephone, television and radio signals) shall be constructed, placed underground or concealed in, under or on buildings, or other structures, all in accordance with all governmental regulations, or generally accepted engineering practice in the absence of such regulations. Nothing herein shall be deemed to forbid the erection and use of temporary power or telephone services incident to the construction of approved buildings.

F. MACHINERY AND EQUIPMENT. No machinery or equipment of any kind shall be placed, operated or maintained upon or adjacent to any lot except such machinery or equipment as is usual and customary in connection with the use, maintenance or construction of a private residence or appurtenant structures in Westlake North.
FIRST AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR WESTLAKE NORTH PROPERTY OWNERS' ASSOCIATION

This First Amendment to Declaration of Covenants, Conditions and Restrictions for Westlake North Property Owners' Association is made this 19th day of January, 1998, by the undersigned with reference to the following facts:

A. A Declaration of Covenants, Conditions and Restrictions for the real property was recorded as Document Number 117362 in Book 4729; Page 886, on December 13, 1976 in the office of the County Recorder of Ventura County. Attached hereto as Exhibit "A".

B. The undersigned have confirmed and placed in the records of the Association the signatures representing the necessary voting power of the unit owners of the lots covered by said Declaration, reflecting their confirmation and approval to make the amendments which follow.

C. The undersigned desire to amend and by this Amendment do, in fact, amend said Declaration.

Said Declaration is hereby amended as follows:

AMENDMENT 1.

All references to Grantor contained within the Restrictions are deleted.

AMENDMENT 2.

Article II is deleted.

AMENDMENT 3.

Article IV, Section 4.01A, is deleted and the following provision added in its place:

"A. SINGLE FAMILY USE. All Lots shall be used solely for the construction of Residences whose occupancy and use shall be restricted to Single Family Residential Use as defined in Article I hereof. In no event shall a Residence be occupied by more individuals than permitted by applicable law, zoning or other local governmental regulation. No business or commercial activities of any kind whatsoever shall be conducted in any Residence, Structure, or on any portion of any Lot, provided that this Section shall not be construed in such a manner so as to prohibit any Owner from (a) maintaining his or her personal library in his or her Residence,
(b) keeping his or her personal business records or accounts therein, (c) handling his or her personal or professional telephone calls or correspondence therefrom, (d) leasing or renting his or her Residence, or (e) conducting any other activities on the Owner's Lot, including maintaining a home office, which do not interfere with the quiet enjoyment of other Owners' of their Lots or the Common Area and which do not violate the Thousand Oaks Municipal Code. No noise, traffic, signs or any advertising shall be permitted within the Common Area. The determination of whether an activity creates an interference with the quiet enjoyment of other Owners shall be in the sole discretion of the Board of Directors. Any activity conducted must be compatible with residential use and the provisions of this Declaration and as permitted under applicable zoning laws or regulations without the necessity of first obtaining a special use permit or specific governmental authorization."

AMENDMENT 4.

Article IV, Section 4.01D, is deleted and a new Section 4.01D is added in its place as follows:

"D. ANTENNAS, SATELLITE DISHES, EXTERNAL FIXTURES. No television or radio poles, antennas, flagpoles, clotheslines, basketball standards, or other external fixtures except those approved by the Architectural Committee shall be constructed, erected or maintained on any Lot, except as permitted by law. Satellite dishes which do not exceed a diameter or diagonal measurement of one meter or less and aerial antennas which are installed on individual Lots are permitted, subject to reasonable restrictions as established by the Board of Directors and the City of Thousand Oaks."

AMENDMENT 5.

Article IV, Section 4.01G, is amended to read as follows:

"G. NUISANCE. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any Lot, and no odors shall be permitted to arise therefrom, or other activity carried on or permitted to exist so as to render any Lot or portion thereof unsanitary, unsightly, offensive, or detrimental to the comfortable occupancy, for residential purposes of other Owners or residents. No illegal, noxious or offensive activities shall be carried out or conducted upon any Lot or Common Area nor shall anything be done within WESTLAKE NORTH which is or could become an unreasonable annoyance or nuisance to neighboring property Owners. Without limiting the foregoing, no Owner shall permit noise, including but not limited to barking dogs, the operation of excessively noisy air conditioners, stereo amplifier systems, television systems, motor vehicles or power tools, to emanate from an Owner's Lot or from activities within the Common Area, which
EXHIBIT 11

Lee Newman, Landscape Architect letter of 1/7/2020
January 7, 2020

Dr. Gregory H. Tchejeyan, MD
4571 Sunnyhill Street
Thousand Oaks, CA 91362

RE: SUP 204-7028/LTP 205-70174

Dear Dr. Tchejeyan:

I am a registered landscape Architect and have lived and practiced in the Westlake Village/Thousand Oaks area since 1972. My company, Lee Newman Design Group, was the architect for the North Ranch project and worked very closely with Prudential and the City of Thousand Oaks in developing a successful and premier community.

The goal was to make North Ranch a “jewel” for the City. The North Ranch philosophy was to blend the community with nature, RESPECT VIEWS, respect the Oak trees, and preserve the hills and dry creeks. We accomplished all of these, plus many other goals to create a beautiful and serene community.

The site in question on Sunnyhill is a City-approved subterranean water tank site. The site was approved to be on a Ridgeline in 1980. The site was to have an 8-foot high masonry wall and wrap-around landscaping. None of which was ever done! The applicant (Verizon) wants to construct 12 antennas marching around the invisible 1980 approved subsurface water tank property creating a visual nuisance!

I am shocked and dismayed by the lack of adherence to the City Ordinance that was designed to protect the Ridgelines. Furthermore, I do not think that a new landscape plan will ever mitigate the visual impact of these 12 towers.

An Environmental Impact report was never submitted addressing the fact that the Ridgeline Ordinance is going to be violated. Also what was not addressed was how the visual impact of the towers would have a negative visual impact on the neighborhood and surrounding community.

The very view and ridgeline ordinances that North Ranch was based upon will be ignored and violated and the master landscape plan will be ruined if this project is passed.
I hope the City Council will not approve this project based on visual impacts, ordinance infractions and impacts to Landmark trees. Let’s take our time to explore other options that might be better for the site. Thank you for allowing me to voice my concerns.

Cordially,

Lew Newman
EXHIBIT 12

12/11/2019 letter from Real Estate Broker, Vic J. Deirmendjian
11 December, 2019

To: The Honorable City Council, City of Thousand Oaks

Re: Impact of Cell Phone Towers on Real Estate Values

By way of introduction, I have been in the practice of real estate from the standpoint of investor, licensed real estate agent, broker and consultant for over 50 years. My practice has included the entire gamut of real estate from residential properties ranging from luxury homes to first time home buyers, raw land, development land, investment properties, office buildings, shopping centers and hotels. I have seen communities, towns, cities, state sky lines and profiles change over the past half a century.

There are many factors that go into the demand, desirability, marketability and ultimately real estate values. This letter will address the negative impact cell towers and wireless antennas have on residential and in some instances, even commercial real estate.

Quoting from the Appraisal Journal:

"The Impact of Cell Phone Towers on House Prices in Residential Neighborhoods," which was published in The Appraisal Journal in 2006, found that “buyers would pay as much as 20 percent less for a property near a cell tower or antenna”. The Appraisal Institute is the largest global professional organization for appraisers with 91 chapters.

An overwhelming 94 percent of home buyers and renters surveyed by the National Institute for Science, Law & Public Policy (NISLAPP) say they are less interested and would pay less for a property located near a cell tower or antenna.

What's more, of the 1,000 survey respondents, 79 percent said that under no circumstances would they ever purchase or rent a property within a few blocks of a cell tower or antennas, and almost 90 percent said they were concerned about the increasing number of cell towers and antennas in their residential neighborhood.

The Appraisal Journal study added:
“Even buyers who believe that there are no adverse health effects from cell phone base stations, knowing that other potential buyers might think the reverse, will probably seek a price discount for a property located near a cell phone base station.”

James S. Turner, Esq., Chairman of the National Institute for Science, Law & Public Policy and Partner, Swankin & Turner in Washington, D.C., says:

“The NISLAPP survey suggests there is now a high level of awareness about potential risks from cell towers and antennas. In addition, the survey indicates respondents believe they have personally experienced cognitive (57%) or physical (63%) effects from radiofrequency radiation from towers, antennas or other radiating devices, such as cell phones, routers, smart meters and other consumer electronics. Almost 90% are concerned about the increasing number of cell towers and antennas generally.”

Professionals who are exposed to radiation in their respective work environment who then are constantly exposed to radiation from cell phone antennas within proximity to their homes are at higher risk of issues arising from exposure to cell phone tower antenna radiation.

"The California Association of Realtors maintains that ‘sellers and licensees must disclose material facts that affect the value or desirability of the property,’ including ‘known conditions outside of and surrounding’ it. This includes ‘nuisances’ and zoning changes that allow for commercial uses.

As a professional in the real estate industry, as a Realtor and California licensed broker, I am held to a higher professional and ethical standard of disclosure. Where I am aware of any cell tower antenna installation that is close enough to have an impact on the health of my client and will have deleterious impact on future values, I will make that disclosure.

As elected officials, it is your responsibility to represent your constituents and protect their best interest. Those who live within the sphere of influence of this cell tower installation and the community are in an uproar against such an installation.

I urge you to do the right thing by voting against this installation.

Sincerely,

Vic J. Deirmendjian

Senior Real Estate Consultant

CAL DRE #00599219
EXHIBIT 13

Gunnar Heuser, M.D. letter of 1/8/2020
GUNNAR HEUSER, M.D., Ph.D., F.A.C.P., F.A.C.F.E., B.C.F.E.
NeuroMed and NeuroTox Associates
A Medical Group

Fellow, American College of Physicians
Fellow, American EEG Society

Diplomate (McGill University), Internal Medicine
Diplomate, American College of Forensic Examiners

NEUROTOXICOLOGY

IMMUNOTOXICOLOGY

January 8, 2020

Re: Greg Tchejeyan and family

To Whom It May Concern:

I have carefully studied the personal and professional histories of this physician who lives and practices in Thousand Oaks, California.

At issue is the question what the potential health effects would be if an antenna be installed in his neighborhood. As a matter of fact, it is proposed that a Verizon 12-antenna 4G macro tower be installed about 24 feet above street level and 100-150 feet from his property and home, respectively. This proposal is disturbing indeed, for the following reasons:

I have studied neurotoxic exposure in hundreds of my patients, recently with a special interest in

Phone: (310) 500-0041, website: emdfoc.com
PO Box 5066, El Dorado Hills, California  Email: toxguns@netscape.net
the potential neurotoxic effects of electromagnetic fields (EMFs). My findings were published in peer reviewed journals which can be found in my curriculum vitae which is available on my website; emfdoc.com.

Specifically, we studied 6 firefighters a few years ago. They had a 2G antenna placed at the entrance to their fire station. All 6 eventually experienced cognitive and memory problems together with fatigue and loss of general well-being. All firefighters had brain scans of the SPECT (Single Photon Emission Computed Tomography) type. All scans were significantly abnormal showing decreased activity in many areas of their brains. These results were presented by me at an International EMF Conference (see reference in my C.V.) and are now being prepared for publication.

In view of the above, I strongly oppose exposure to the above mentioned 4G antenna/tower since the 4G emissions are very likely to cause significant health effects in exposed individuals: the doctor and his family. It is especially critical since Dr. Tchejeyan already lives in an environment of daily radiation. He performs surgical cases with x-ray and live fluoroscopy. He is exposed everyday to the x-ray machine in his office. In the operating room in which he does his surgeries, wireless technology is used for robotic joint replacement surgery and wireless x-ray. By Medicare law, Dr. Tchejeyan must use electronic medical records (EMR) in his office. These additional exposures are expected to sensitize the doctor to electromagnetic field exposure. His only retreat from radiation is presently at home. This sanctuary will be violated by the installment of this proposed macro tower.
My opinion is based on thousands of patients after neurotoxic exposure, hundreds of patients having been exposed to EMF, and also on exchange of information with national and international experts in the field, and finally, knowledge of the pertinent medical literature.

I have attached a sampling of pertinent references, my own as well as that of others.

My background and qualifications are available for review on my website: emfdoc.com.

Gunnar Heuser, M.D., Ph.D., F.A.C.P.

Pertinent Publications (from my C.V.)


OTHER PERTINENT REFERENCES


20. Pall, M. Microwave frequency electromagnetic fields (EMFs) produce widespread neuropsychiatric effects including depression. Journal of Chemical Neuroanatomy 2016;75:43–51


30. Belyaev I, Dean A, Eger H et al. EUROPAEM EMF Guideline 2016 for the 
prevention, diagnosis and treatment of EMF-related health problems and illnesses. 
31. Kostoff, R N, Lau C GY. Chapter 4 of Microwave Effects on DNA and Proteins, 
Modified health effects of non-ionizing electromagnetic radiation combined with 
other agents reported in the biomedical literature. 2017
32. Lim H. Korean pediatric reference intervals for FT4, TSH, and TPO Ab and the 
Dec;50(18):1256-1259.
33. Belpomme D, Hardell L, Belvaey P, Burgio E, Carpenter DO. Thermal and non-thermal 
health effects of low intensity non-ionizing radiation: an international perspective. Environ 
Phone: (310) 500-0041, website: emfdoc.com
PO Box 5066, El Dorado Hills, California Email: toxguns@netscape.net
Exhibit 14

January 8, 2020 Email from Garrett Knowles
From: Garrett Knowles <garrett@knowlesinsurancegroup.com>
Date: January 8, 2020 at 12:30:46 PM PST
To: tchejeyan@yahoo.com
Subject: RE: Fuel Tank Exposure

Dear Dr. Tchejeyan,

I reviewed the cell tower situation and based on my professional opinion, I believe there may be a potential issue from an insurance standpoint. Most insurance carriers abide by the standardized Acord 80 – Homeowners Application. Please refer to the attachment for further review.

Please see question 8. on page 4. of the Acord 80. The question asks if the insured property is within 300 feet of a commercial or non-residential property. Based on the satellite image shown below, your home would be approximately 112 feet from a non-residential property.

This type of information needs to be disclosed during the insurance underwriting process, and the distance to the structure across the street may potentially be seen as a hazard. Hazards such as these often render homes “uninsurable,” leaving homeowners with the option of placing their coverage with the California Fair Plan. Unfortunately, your home’s rebuild cost exceeds the California Fair Plan’s $1,5000,000 coverage cap, making that coverage option unavailable. Since you would not have access to CA Fair Plan, you may have a very difficult time finding homeowners coverage for you residence. Please let me know if you have any other questions?

Respectfully,

Garrett Knowles  
President

Knowles & Company Insurance  
Direct 818.262.2661  
Garrett@knowlesinsurancegroup.com  
www.knowlesinsurancegroup.com

This message may contain confidential and/or privileged information. We ask that all information included in this electronic transmission be held in the strictest of confidence, and that it not be communicated to any third parties without expressed permission. If you have received this transmission in error, please delete it.
HOMEOWNER APPLICATION

AGENCY

CARRIER

NAMED INSURED(S)

HAIC CODE

POLICY NUMBER

PLAN

FACILITY CODE

EFFECTIVE DATE

EXPIRATION DATE

CONTACT NAME: 

PHONE: 

I/A/C. No. Ext: 

FAX: 

I/A/C. No.: 

E-MAIL ADDRESS:

CODE: 

SUBCODE:

AGENCY CUSTOMER ID:

STATUS OF TRANSACTION

NEW

RENEW

POLICY CHANGE

POLICY CHANGE EFFECTIVE DATE

TIME

AM

PM

DATE AGENT LAST INSPECTED PROPERTY

HOW LONG HAVE YOU KNOWN THE APPLICANT?

APPLICANT INFORMATION

APPLICANT’S NAME (First, Middle, Last)

DATE OF BIRTH

SOCIAL SECURITY #

MARITAL STATUS: / CIVIL UNION (if applicable)

* This field may not be utilized for policyholders applying for residential property insurance in CA.

APPLICANT’S MAILING ADDRESS

PRIMARY PHONE #

HOME

BUS

CELL

SECONDARY PHONE #

HOME

BUS

CELL

APPLICANT’S EMPLOYER NAME AND ADDRESS

YEARS WITH CURRENT EMPLOYER: 

PREVIOUS ADDRESS

YEARS AT PREVIOUS ADDRESS (if less than three years): 

DATE AT CURRENT RESIDENCE:

APPLICANT’S OCCUPATION (State Nature of Business if Self-Employed)

YEARS IN CURRENT OCCUPATION: 

YEARS WITH PREVIOUS EMPLOYER: 

APPLICANT’S EMPLOYER NAME AND ADDRESS

YEARS WITH CURRENT EMPLOYER: 

CO-APPLICANT’S NAME (First, Middle, Last)

DATE OF BIRTH

SOCIAL SECURITY #

MARITAL STATUS: / CIVIL UNION (if applicable)

* This field may not be utilized for policyholders applying for residential property insurance in CA.

CO-APPLICANT’S ADDRESS

Check if same as mailing address

OWNED

RENTED

PRIMARY PHONE #

HOME

BUS

CELL

SECONDARY PHONE #

HOME

BUS

CELL

CO-APPLICANT’S EMPLOYER NAME AND ADDRESS

YEARS WITH CURRENT EMPLOYER: 

CO-APPLICANT’S OCCUPATION (State Nature of Business if Self-Employed)

YEARS IN CURRENT OCCUPATION: 

YEARS WITH PREVIOUS EMPLOYER: 

COVERAGES / LIMITS OF LIABILITY

LOC #: 

COVERAGE

LIMIT

PREMIUM

COVERAGE

OPTION

LIMIT

PREMIUM

Dwelling $  

$ REPL COST - FULL VALUE INCLUDED % MAX $  

Other Structures $  

$ REPL COST - DWELLING INCLUDED $  

Personal Property $  

$ REPL COST - CONTENTS INCLUDED $  

Loss of Use $  

$ ACTUAL LOSS SUSTAINED $  

$ DEDUCTIBLE

$ AMOUNT

$ PERCENT

$ TYPE

$ DEDUCTIBLE

$ AMOUNT

$ PERCENT

$ TYPE

$ BASE

$ WIND / HAIL

$ THEFT

$ HO FORM #  

$  

* Includes Dwelling, Other Structures, Personal Property, Loss of Use

FORMS AND ENDORSEMENTS (Attach ACORD 829, Forms and Endorsements Schedule, if more space is required)

LOC #  

VEH #  

BOAT #  

ITEM #  

FORM NUMBER

FORM NAME

EDITION DATE

COPYRIGHT OWNER CODE

ACORD 80 (2013/09) Page 1 of 6 © 1981-2013 ACORD CORPORATION. All rights reserved. The ACORD name and logo are registered marks of ACORD.
### AGENCY CUSTOMER ID:

#### PAYMENT PLAN (Attach ACORD 610, Premium Payment Supplement, if additional information is required)

<table>
<thead>
<tr>
<th>BILLING ACCOUNT #:</th>
<th>PAYMENT PLAN</th>
<th>DEPOSIT AMOUNT:</th>
<th>EST TOTAL PREMIUM:</th>
</tr>
</thead>
<tbody>
<tr>
<td>DIRECT BILL - POLICY</td>
<td>FULL PAY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DIRECT BILL - ACCT</td>
<td>ANNUAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AGENCY BILL</td>
<td>SEMI-ANNUAL</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>QUARTERLY</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PAYOR</th>
<th>PREMIUM FINANCED?</th>
<th>FINANCE COMPANY</th>
</tr>
</thead>
<tbody>
<tr>
<td>INSURED</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MORTGAGER</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### RATING / UNDERWRITING LOC #:

<table>
<thead>
<tr>
<th>CONSTRUCTION TYPE</th>
<th>%</th>
<th>COURSE OF CONSTRUCTION</th>
<th>OCCUPANCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>MASONRY VENEER</td>
<td></td>
<td>BUILDERS RISK</td>
<td>OWNER</td>
</tr>
<tr>
<td>FRAME</td>
<td></td>
<td>RENOVATION</td>
<td>VACANT</td>
</tr>
<tr>
<td>MASONRY</td>
<td></td>
<td>RECONSTRUCTION</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RESIDENCE TYPE</th>
<th>YEAR E.F.S INSTALLED</th>
</tr>
</thead>
<tbody>
<tr>
<td>DWELLING</td>
<td></td>
</tr>
<tr>
<td>APARTMENT</td>
<td></td>
</tr>
<tr>
<td>CONDOMINIUM</td>
<td></td>
</tr>
<tr>
<td>TOWNHOUSE</td>
<td></td>
</tr>
<tr>
<td>ROWHOUSE</td>
<td></td>
</tr>
<tr>
<td>CO-OP</td>
<td></td>
</tr>
</tbody>
</table>

### HOUSEKEEPING CONDITION

<table>
<thead>
<tr>
<th>EXCELLENT</th>
<th>AVERAGE</th>
<th>BELOW AVG</th>
</tr>
</thead>
<tbody>
<tr>
<td>GOOD</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### PROTECTION DEVICE TYPE

<table>
<thead>
<tr>
<th>SYSTEM</th>
<th>SMOKE</th>
<th>TEMPO</th>
<th>BURG</th>
<th>CENTRAL</th>
<th>DIRECT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### DISTANCE TO FIRE HYDRANT

<table>
<thead>
<tr>
<th>FT</th>
<th>MI</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### PRIMARY HEAT

| NONE | |
|------||

### SECURITY

<table>
<thead>
<tr>
<th>VISBILE FROM ROAD</th>
<th>VISBILE TO NEIGHBORS</th>
</tr>
</thead>
<tbody>
<tr>
<td>OCCUPIED DAILY</td>
<td></td>
</tr>
</tbody>
</table>

### DATE HEATING SYSTEM LAST SERVICED

### ELECTRICAL SYSTEMS

<table>
<thead>
<tr>
<th>WIRING</th>
<th>LAST INSPECTED DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>COPPER</td>
<td></td>
</tr>
<tr>
<td>ALUMINUM</td>
<td></td>
</tr>
<tr>
<td>KNOB &amp; TUBE</td>
<td></td>
</tr>
</tbody>
</table>

### MARKET VALUE

<table>
<thead>
<tr>
<th>$</th>
</tr>
</thead>
</table>

| REPLACEMENT COST |
| $ |

### TOTAL LIVING AREA

<table>
<thead>
<tr>
<th>50 FT</th>
</tr>
</thead>
</table>

### LOCATION SCHEDULE

<table>
<thead>
<tr>
<th>LOC #</th>
<th>STREET</th>
<th>CITY</th>
<th>COUNTY</th>
<th>STATE</th>
<th>ZIP + 4</th>
</tr>
</thead>
</table>

### LOSS HISTORY

<table>
<thead>
<tr>
<th>LOSS DATE</th>
<th>LOSS TYPE</th>
<th>DESCRIPTION OF LOSS</th>
<th>CAT #</th>
<th>AMOUNT PAID</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COVERAGE TYPE</td>
<td>COVERAGE INFORMATION</td>
<td>PREMIUM</td>
<td>COVERAGE TYPE</td>
<td>COVERAGE INFORMATION</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------</td>
<td>---------</td>
<td>---------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>ADDITIONAL PREMISES LIABILITY EXTENSION</td>
<td># PREMISES</td>
<td>$</td>
<td>INFLATION GUARD</td>
<td>% INCREASE</td>
</tr>
<tr>
<td>LOC #:</td>
<td>TERR:</td>
<td></td>
<td>LOSS ASSESSMENT</td>
<td>LIMIT</td>
</tr>
<tr>
<td>LOC #:</td>
<td></td>
<td></td>
<td>MINE SUBSIDENCE</td>
<td>LIMIT</td>
</tr>
<tr>
<td>LOC #:</td>
<td></td>
<td></td>
<td></td>
<td>CONST MATERIAL</td>
</tr>
<tr>
<td># PREMISES:</td>
<td>MED PAY (YN):</td>
<td></td>
<td>PROP DESC:</td>
<td></td>
</tr>
<tr>
<td>LOC #:</td>
<td>MED PAY (YN):</td>
<td></td>
<td>RED INCR CONTENTS</td>
<td>LIMIT</td>
</tr>
<tr>
<td># FAMILIES:</td>
<td></td>
<td></td>
<td>INCR CONT NOT RED</td>
<td></td>
</tr>
<tr>
<td>TERR:</td>
<td></td>
<td></td>
<td>MED PAY (YN):</td>
<td></td>
</tr>
<tr>
<td>LOC #:</td>
<td>MED PAY (YN):</td>
<td></td>
<td>OT. STRUCTS</td>
<td>TERR:</td>
</tr>
<tr>
<td># FAMILIES:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TERR:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BUILDERS RISK THEFT BLDG MATERIALS</td>
<td>INCLUDED</td>
<td>$</td>
<td>LIMIT</td>
<td>$</td>
</tr>
<tr>
<td>COLLAPSE DUE TO HYDROSTAT PRESSURE</td>
<td>INCLUDED</td>
<td>$</td>
<td>LIMIT</td>
<td>$</td>
</tr>
<tr>
<td>BUILDING ORD OR LAW COVERAGE</td>
<td>AGG</td>
<td>$</td>
<td>INCR</td>
<td>$</td>
</tr>
<tr>
<td>BUS PROP AT HOME</td>
<td>INCLUDED</td>
<td>$</td>
<td>LIMIT</td>
<td>$</td>
</tr>
<tr>
<td>BUSINESS PROP AWAY FROM HOME</td>
<td>INCLUDED</td>
<td>$</td>
<td>LIMIT</td>
<td>$</td>
</tr>
<tr>
<td>DEBRIS REMOVAL</td>
<td>INCLUDED</td>
<td>$</td>
<td>LIMIT</td>
<td>$</td>
</tr>
<tr>
<td>EARTHQUAKE</td>
<td>% DEP TERR.</td>
<td></td>
<td>Retrofit Type</td>
<td></td>
</tr>
<tr>
<td>EMPLOYERS LIAB</td>
<td>DED</td>
<td>$</td>
<td>MUL VENUE</td>
<td>%</td>
</tr>
<tr>
<td>EQUIP BREAKDOWN (Not applicable in NC)</td>
<td>INC</td>
<td>$</td>
<td>DED</td>
<td>$</td>
</tr>
<tr>
<td>FIRE DEPARTMENT SERVICE CHARGE</td>
<td>INCLUDED</td>
<td>$</td>
<td>LIMIT</td>
<td>$</td>
</tr>
<tr>
<td>FLOOD</td>
<td>BLDG</td>
<td>$</td>
<td>CONTENTS</td>
<td>$</td>
</tr>
<tr>
<td>FUNGUS AND MOLD</td>
<td>EXCL LIABILITY</td>
<td>$</td>
<td>PROPERTY</td>
<td>$</td>
</tr>
<tr>
<td></td>
<td>EXCL PROP DAMAGE</td>
<td>$</td>
<td>LIABILITY</td>
<td>$</td>
</tr>
<tr>
<td>GOLF CARTS LIABILITY</td>
<td>INCLUDED</td>
<td>$</td>
<td># GOLF CARTS:</td>
<td>$</td>
</tr>
<tr>
<td>GOLF CARTS PHYSICAL DAMAGE</td>
<td>LIMIT</td>
<td>$</td>
<td>LIMIT</td>
<td>$</td>
</tr>
<tr>
<td>IDENTITY FRAUD EXP</td>
<td>INCLUDED</td>
<td>$</td>
<td>LIMIT</td>
<td>$</td>
</tr>
<tr>
<td>INCIDENTAL FARMING PERS LIAB</td>
<td>MEDICAL PAYMENTS (YN):</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>INC &amp; COV C SPECIAL LIAB LIMIT</td>
<td>ELECTRONIC APP IN AND OUT OF VEHICLE</td>
<td>TOTAL</td>
<td>$</td>
<td>INC</td>
</tr>
<tr>
<td>ELECTRONIC APP IN VEHICLE</td>
<td>TOTAL</td>
<td>$</td>
<td>INC</td>
<td>$</td>
</tr>
<tr>
<td>GUNS</td>
<td>TOTAL</td>
<td>$</td>
<td>INC</td>
<td>$</td>
</tr>
<tr>
<td>MONEY</td>
<td>TOTAL</td>
<td>$</td>
<td>INC</td>
<td>$</td>
</tr>
<tr>
<td>SECURITIES</td>
<td>TOTAL</td>
<td>$</td>
<td>INC</td>
<td>$</td>
</tr>
<tr>
<td>SILVERWARE</td>
<td>TOTAL</td>
<td>$</td>
<td>INC</td>
<td>$</td>
</tr>
</tbody>
</table>

GENERAL INFORMATION

EXPLAIN ALL "YES" RESPONSES

1. ANY OTHER INSURANCE WITH THIS COMPANY? (List policy numbers)

2. HAS ANY COVERAGE BEEN DECLINED, CANCELLED OR NON-RENEWED DURING THE LAST THREE (3) YEARS? (Missouri Applicants - Do not answer this question)

3. HAS APPLICANT HAD A FORECLOSURE, REPOSSESSION, BANKRUPTCY OR FILED FOR BANKRUPTCY DURING THE LAST FIVE (5) YEARS?

4. HAS APPLICANT HAD A JUDGEMENT OR LIEN DURING THE LAST FIVE (5) YEARS?

5. ANY OTHER RESIDENCE, NOT LISTED ON ANY APPLICATION, OWNED, OCCUPIED OR RENTED?

ACORD 80 (2013/09) Page 3 of 6
**GENERAL INFORMATION (continued)**

<table>
<thead>
<tr>
<th>EXPLAIN ALL &quot;YES&quot; RESPONSES</th>
<th>Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. HAS INSURANCE BEEN TRANSFERRED WITHIN AGENCY?</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>YEAR</th>
<th>MAKE</th>
<th>MODEL</th>
<th>BODY TYPE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 8. DURING THE LAST FIVE (5) YEARS [TEN (10) YEARS IN RHODE ISLAND], HAS ANY APPLICANT BEEN INDICTED FOR OR CONVICTED OF ANY DEGREE OF THE CRIME OF FRAUD, BRIEGERY, ARSON OR ANY OTHER ARSON-RELATED CRIME IN CONNECTION WITH THIS OR ANY OTHER PROPERTY? |
| (In RI, failure to disclose the existence of an arson conviction is a misdemeanor punishable by a sentence of up to one (1) year of imprisonment.) |

<table>
<thead>
<tr>
<th>EXPLAIN ALL &quot;YES&quot; RESPONSES</th>
<th>Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL INFORMATION - RESIDENTIAL</td>
<td>LOC #:</td>
</tr>
<tr>
<td>1. ANY BUSINESS CONDUCTED ON PREMISES? FARMING</td>
<td>TELECOMMUTER</td>
</tr>
<tr>
<td>ANY RESIDENCE EMPLOYEES? # FULL TIME: DESCRIPTION:</td>
<td># PART TIME: DESCRIPTION:</td>
</tr>
<tr>
<td>ANY FLOODING, BRUSH, FOREST FIRE OR LANDSLIDE HAZARD?</td>
<td></td>
</tr>
</tbody>
</table>

<p>| 4. ARE THERE ANY ANIMALS OR EXOTIC PETS KEPT ON PREMISES? |</p>
<table>
<thead>
<tr>
<th>ANIMAL TYPE</th>
<th>BREED</th>
<th>BITE HISTORY (Y/N)</th>
<th>ANIMAL TYPE</th>
<th>BREED</th>
<th>BITE HISTORY (Y/N)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 5. IS PROPERTY SITUATED ON MORE THAN ONE ACRE? # OF ACRES: | LAND USED FOR: |
| 6. ANY UNCORRECTED FIRE OR BUILDING CODE VIOLATIONS? | |

| 7. IS THE DWELLING/HOME FOR SALE? (no explanation required) | |
| 8. IS PROPERTY WITHIN 300 FEET OF A COMMERCIAL OR NON-RESIDENTIAL PROPERTY? (If "YES", describe in detail) | |

| 9. IS THERE A TRAMPOLINE ON THE PREMISES? |
| a. IF "YES", IS THERE A SAFETY NET? (no explanation needed) | |
| 10. WAS THE STRUCTURE ORIGINALLY BUILT FOR OTHER THAN A PRIVATE RESIDENCE AND THEN CONVERTED? ORIGNAL OCCUPANCY: |
| 11. ANY LEAD PAINT? | |

<p>| 12. IF A FUEL TANK IS ON PREMISES, HAS OTHER INSURANCE BEEN OBTAINED FOR THE TANK? (If &quot;YES&quot;, provide the name of the insurance company, the applicable limit and the cleanup sublimit) |
| INSURANCE COMPANY: | LIMIT: CLEANUP/SUBLIMIT: |
| 13. IS THE RESIDENCE IN A GATED COMMUNITY? NAME OF COMMUNITY: |
| 14. IF BUILDING IS UNDER CONSTRUCTION, IS THE APPLICANT THE GENERAL CONTRACTOR? |</p>
<table>
<thead>
<tr>
<th>START DATE</th>
<th>COMP DATE</th>
<th>INT</th>
<th>EXT</th>
<th>ADDITION</th>
<th>ADD LEVEL</th>
<th>STRUC CHANGES</th>
<th>MATERIALS UNATTACHED</th>
<th>OCC DURING REN.</th>
<th>COST OF PROJECT</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 15. IS THERE AN APPROVED CARBON MONOXIDE ALARM IN OPERATING CONDITION WITHIN THE MANDATED NUMBER OF FEET OF EVERY ROOM USED FOR SLEEPING PURPOSES? (IL-15 FT) (no explanation needed) | |
| 16. IS THE NAMED INSURED THE OWNER OF THE PROPERTY? (If "NO", provide the name of the owner) |
| OWNER'S NAME: |

**GENERAL INFORMATION - RENTERS AND CONDOS ONLY**

<table>
<thead>
<tr>
<th>EXPLAIN ALL &quot;NO&quot; RESPONSES</th>
<th>Y/N</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. IS THERE A MANAGER ON THE PREMISES? MANAGER'S NAME:</td>
<td>PHONE (A/C,No):</td>
</tr>
<tr>
<td>2. IS THERE A SECURITY ATTENDANT?</td>
<td></td>
</tr>
<tr>
<td>3. IS THE BUILDING ENTRANCE LOCKED?</td>
<td></td>
</tr>
</tbody>
</table>

ACORD 80 (2013/09)
ADDITIONAL INTEREST (Attach ACORD 45, Additional Interest Schedule, if more space is required)

<table>
<thead>
<tr>
<th>INTEREST</th>
<th>NAME AND ADDRESS</th>
<th>RANK</th>
<th>EVIDENCE</th>
<th>CERTIFICATE</th>
<th>SEND BILL</th>
<th>INTEREST IN ITEM NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDITIONAL INSURED</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LIENHOLDER</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LOSS PAYEE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MORTGAGEE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRUSTEE</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

REFERENCE / LOAN #:

REMARKS / ATTACHMENTS (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

<table>
<thead>
<tr>
<th>DESCRIPTION</th>
<th>WATERCRAFT SECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>EARTHQUAKE APPLICATION</td>
<td>PERS UMBRELLA APPLICATION SECTION</td>
</tr>
<tr>
<td>FLOOD EXCLUSION NOTICE</td>
<td>Photograph</td>
</tr>
<tr>
<td>LEAD FREE PAINT CERTIFICATION</td>
<td>SOLID FUEL SUPPLEMENT</td>
</tr>
<tr>
<td>MOBILE HOME SUPPLEMENT</td>
<td>STATE SUPPLEMENT(S) (if applicable)</td>
</tr>
<tr>
<td>PERSONAL INLAND MARINE SECTION</td>
<td></td>
</tr>
<tr>
<td>REPLACEMENT COST ESTIMATE</td>
<td></td>
</tr>
<tr>
<td>WINDSTORM LOSS MITIGATION</td>
<td></td>
</tr>
</tbody>
</table>

BINDER / NOTICE OF INFORMATION PRACTICES

<table>
<thead>
<tr>
<th>INSURANCE BINDER</th>
<th>IF THE &quot;BINDER&quot; BOX TO THE LEFT IS COMPLETED, THE FOLLOWING CONDITIONS APPLY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>EFFECTIVE DATE</td>
<td>THIS COMPANY BINDS THE KIND(S) OF INSURANCE STIPULATED ON THIS APPLICATION. THIS</td>
</tr>
<tr>
<td>EXPIRATION DATE</td>
<td>INSURANCE IS SUBJECT TO THE TERMS, CONDITIONS AND LIMITATIONS OF THE POLICY(ES)</td>
</tr>
<tr>
<td>TIME</td>
<td>IN CURRENT USE BY THE COMPANY. THIS BINDER MAY BE CANCELLED BY THE INSURED BY</td>
</tr>
<tr>
<td></td>
<td>SURRENDER OF THIS BINDER OR BY WRITTEN NOTICE TO THE COMPANY STATING WHEN</td>
</tr>
<tr>
<td></td>
<td>CANCELLATION WILL BE EFFECTIVE.</td>
</tr>
</tbody>
</table>

THIS BINDER MAY BE CANCELLED BY THE COMPANY BY NOTICE TO THE INSURED IN ACCORDANCE WITH THE POLICY CONDITIONS. THIS BINDER IS CANCELLED WHEN REPLACED BY A POLICY. IF THIS BINDER IS NOT REPLACED BY A POLICY, THE COMPANY IS ENTITLED TO CHARGE A PREMIUM FOR THE BINDER ACCORDING TO THE RULES AND RATES IN USE BY THE COMPANY. THE QUOTED PREMIUM IS SUBJECT TO VERIFICATION AND ADJUSTMENT, WHEN NECESSARY, BY THE COMPANY.

APPLICABLE IN ARIZONA: BINDERS ARE EFFECTIVE FOR NO MORE THAN 90 DAYS; APPLICABLE IN COLORADO: THE INSURER HAS THIRTY (30) BUSINESS DAYS, COMMENCING FROM THE EFFECTIVE DATE OF COVERAGE, TO EVALUATE THE ISSUANCE OF THE INSURANCE POLICY; APPLICABLE IN MARYLAND: THE INSURER HAS 45 BUSINESS DAYS, COMMENCING FROM THE EFFECTIVE DATE OF COVERAGE, TO CONFIRM ELIGIBILITY FOR COVERAGE UNDER THE INSURANCE POLICY; APPLICABLE IN MICHIGAN: THE POLICY MAY BE CANCELLED AT ANY TIME AT THE REQUEST OF THE INSURED. APPLICABLE IN OKLAHOMA: ALL POLICIES SHALL EXPIRE AT 12:01 AM STANDARD TIME ON THE EXPIRATION DATE STATED IN THE POLICY.

PERSONAL INFORMATION ABOUT YOU, INCLUDING INFORMATION FROM A CREDIT OR OTHER INVESTIGATIVE REPORT, MAY BE COLLECTED FROM PERSONS OTHER THAN YOU IN CONNECTION WITH THIS APPLICATION FOR INSURANCE AND SUBSEQUENT AMENDMENTS AND RENEWALS. SUCH INFORMATION AS WELL AS OTHER PERSONAL AND PRIVILEGED INFORMATION COLLECTED BY US OR OUR AGENTS MAY IN CERTAIN CIRCUMSTANCES BE DISCLOSED TO THIRD PARTIES WITHOUT YOUR AUTHORIZATION. CREDIT SCORING INFORMATION MAY BE USED TO HELP DETERMINE EITHER YOUR ELIGIBILITY FOR INSURANCE OR THE PREMIUM YOU WILL BE CHARGED. WE MAY USE A THIRD PARTY IN CONNECTION WITH THE DEVELOPMENT OF YOUR SCORE. YOU MAY HAVE THE RIGHT TO REVIEW YOUR PERSONAL INFORMATION IN OUR FILES AND REQUEST CORRECTION OF ANY INACCURACIES. YOU MAY ALSO HAVE THE RIGHT TO REQUEST IN WRITING THAT WE CONSIDER EXTRAORDINARY LIFE CIRCUMSTANCES IN CONNECTION WITH THE DEVELOPMENT OF YOUR CREDIT SCORE. THESE RIGHTS MAY BE LIMITED IN SOME STATES. PLEASE CONTACT YOUR AGENT OR BROKER TO LEARN HOW THESE RIGHTS MAY APPLY IN YOUR STATE OR FOR INSTRUCTIONS ON HOW TO SUBMIT A REQUEST TO US FOR A MORE DETAILED DESCRIPTION OF YOUR RIGHTS AND OUR PRACTICES REGARDING PERSONAL INFORMATION. (Not applicable in AZ, CA, DE, KS, MA, MN, ND, NY, OR, VA or WV. Specific ACORD 38s are available for applicants in these states.)

(Applicant's Initials):

Copy of the Notice of Information Practices (Privacy) has been given to the applicant. (Not required in all states, please contact your agent or broker for your state's requirements.)

ACORD 80 (2013/09)
Exhibit 15

Safety Data Sheets regarding Diesel Fuel
SAFETY DATA SHEET
CITGO No. 2 Diesel Fuel, High Sulfur, All Grades

Section 1. Identification

GHS product identifier : CITGO No. 2 Diesel Fuel, High Sulfur, All Grades
Chemical name : Fuels, diesel, No 2
Synonyms : No. 2 Grade Diesel Fuel; Diesel Fuel No. 2; Off-Road Diesel Fuel; Grade 2 Distillate Fuel; Diesel Motor Fuel No. 2; High Sulfur Diesel Fuel; HS Diesel Fuel; Gas Oil (Medium); C9-C16 Petroleum Hydrocarbons

Code : Various
MSDS # : DF2HS

Supplier's details : CITGO Petroleum Corporation
P.O. Box 4689
Houston, TX 77210
sds vend@citgo.com

Emergency telephone number : Technical Contact: (832) 486-4000
Medical Emergency: (832) 486-4700
CHEMTREC Emergency: (800) 424-9300
(United States Only)

Section 2. Hazards identification

OSHA/HCS status : This material is considered hazardous by the OSHA Hazard Communication Standard (29 CFR 1910.1200).

Classification of the substance or mixture : FLAMMABLE LIQUIDS - Category 3
ACUTE TOXICITY: INHALATION - Category 4
SKIN CORROSION/IRRITATION - Category 2
SERIOUS EYE DAMAGE/EYE IRRITATION - Category 2B
CARCINOGENICITY - Category 2
SPECIFIC TARGET ORGAN TOXICITY (REPEATED EXPOSURE) [central nervous system (CNS)] - Category 2
ASPIRATION HAZARD - Category 1

GHS label elements
Hazard pictograms :

Signal word : Danger

Hazard statements : Flammable liquid and vapor.
Harmful if inhaled.
Causes skin and eye irritation.
Suspected of causing cancer.
May be fatal if swallowed and enters airways.
May cause damage to organs through prolonged or repeated exposure. (central nervous system (CNS))

Precautionary statements
Prevention : Obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Use personal protective equipment as required. Wear protective gloves. Wear eye or face protection. Keep away from heat, sparks, open flames and hot surfaces. - No smoking. Use explosion-proof electrical, ventilating, lighting and all material-handling equipment. Use only non-sparking tools. Take precautionary measures against static discharge. Keep container tightly closed. Use only outdoors or in a well-ventilated area. Do not breathe vapor. Wash hands thoroughly after handling.
Section 2. Hazards identification

Response: Get medical attention if you feel unwell. IF exposed or concerned: Get medical attention. IF INHALED: Remove victim to fresh air and keep at rest in a position comfortable for breathing. Call a POISON CENTER or physician if you feel unwell. IF SWALLOWED: Immediately call a POISON CENTER or physician. Do NOT induce vomiting. IF ON SKIN (or hair): Take off immediately all contaminated clothing. Rinse skin with water or shower. IF ON SKIN: Wash with plenty of soap and water. Take off contaminated clothing. If skin irritation occurs: Get medical attention. IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. If eye irritation persists: Get medical attention.

Storage: Store locked up. Store in a well-ventilated place. Keep cool.

Disposal: Dispose of contents and container in accordance with all local, regional, national and international regulations.

Hazard not otherwise classified: None known.

Section 3. Composition/information on ingredients

Substance/mixture: Substance
Chemical name: Fuels, diesel, No 2
Other means of identification: No. 2 Grade Diesel Fuel; Diesel Fuel No. 2; Off-Road Diesel Fuel; Grade 2 Distillate Fuel; Diesel Motor Fuel No. 2; High Sulfur Diesel Fuel; HS Diesel Fuel; Gas Oil (Medium); C9-C16 Petroleum Hydrocarbons

CAS number/other identifiers
CAS number: 68476-34-6

<table>
<thead>
<tr>
<th>Ingredient name</th>
<th>%</th>
<th>CAS number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trimethylbenzene, all isomers</td>
<td>1 - 5</td>
<td>25551-13-7</td>
</tr>
<tr>
<td>Naphthalene</td>
<td>0.1 - 1</td>
<td>91-20-3</td>
</tr>
<tr>
<td>Biphenyl</td>
<td>0.1 - 1</td>
<td>92-52-4</td>
</tr>
<tr>
<td>Cumene</td>
<td>0.1 - 1</td>
<td>98-82-8</td>
</tr>
<tr>
<td>Xylenes, mixed isomers</td>
<td>0.1 - 1</td>
<td>1330-20-7</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>0.1 - 1</td>
<td>100-41-4</td>
</tr>
</tbody>
</table>

*= Various  **= Mixture  ***= Proprietary

Any concentration shown as a range is to protect confidentiality or is due to process variation.

Occupational exposure limits, if available, are listed in Section 8.

Section 4. First aid measures

Description of necessary first aid measures

Eye contact: Immediately flush eyes with plenty of water, occasionally lifting the upper and lower eyelids. Check for and remove any contact lenses. Continue to rinse for at least 10 minutes. Get medical attention.

Inhalation: Remove victim to fresh air and keep at rest in a position comfortable for breathing. If it is suspected that gas or vapor is still present, the rescuer should wear an appropriate mask or self-contained breathing apparatus. If not breathing, if breathing is irregular or if respiratory arrest occurs, provide artificial respiration or oxygen by trained personnel. It may be dangerous to the person providing aid to give mouth-to-mouth resuscitation. Get medical attention. If necessary, call a poison center or physician. If unconscious, place in recovery position and get medical attention immediately. Maintain an open airway. Loosen tight clothing such as a collar, tie, belt or waistband.

Skin contact: Wash contaminated skin with soap and water. Remove contaminated clothing and shoes. Continue to rinse for at least 10 minutes. Get medical attention. Wash clothing before reuse. Clean shoes thoroughly before reuse.
### Section 4. First aid measures

**Ingestion**: Get medical attention immediately. Call a poison center or physician. Wash out mouth with water. Remove dentures if any. Remove victim to fresh air and keep at rest in a position comfortable for breathing. Aspiration hazard if swallowed. Can enter lungs and cause damage. Do not induce vomiting. If vomiting occurs, the head should be kept low so that vomit does not enter the lungs. Never give anything by mouth to an unconscious person. If unconscious, place in recovery position and get medical attention immediately. Maintain an open airway. Loosen tight clothing such as a collar, tie, belt or waistband.

### Most important symptoms/effects, acute

**Potential acute health effects**

<table>
<thead>
<tr>
<th>Eye contact</th>
<th>Causes eye irritation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inhalation</td>
<td>Harmful if inhaled. Long-term exposure to diesel engine exhaust may cause cancer.</td>
</tr>
<tr>
<td>Skin contact</td>
<td>Causes skin irritation.</td>
</tr>
<tr>
<td>Ingestion</td>
<td>May be fatal if swallowed and enters airways. Irritating to mouth, throat and stomach.</td>
</tr>
</tbody>
</table>

**Over-exposure signs/symptoms**

<table>
<thead>
<tr>
<th>Eye contact</th>
<th>Adverse symptoms may include the following: pain or irritation, watering, redness</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inhalation</td>
<td>No specific data.</td>
</tr>
<tr>
<td>Skin contact</td>
<td>Adverse symptoms may include the following: irritation, redness</td>
</tr>
<tr>
<td>Ingestion</td>
<td>Adverse symptoms may include the following: nausea or vomiting</td>
</tr>
</tbody>
</table>

**Indication of immediate medical attention and special treatment needed, if necessary**

**Notes to physician**: If ingested, this material presents a significant aspiration and chemical pneumonitis hazard. Induction of emesis is not recommended. Consider activated charcoal and/or gastric lavage. If patient is obtunded, protect the airway by cuffed endotracheal intubation or by placement of the body in a Trendelenburg and left lateral decubitus position.

**Specific treatments**: Treat symptomatically and supportively.

**Protection of first-aiders**: No action shall be taken involving any personal risk or without suitable training. If it is suspected that gas or vapor is still present, the rescuer should wear an appropriate mask or self-contained breathing apparatus. It may be dangerous to the person providing aid to give mouth-to-mouth resuscitation.

**See toxicological information (Section 11)**

### Section 5. Fire-fighting measures

**Specific hazards arising from the chemical**: Flammable liquid and vapor. In a fire or if heated, a pressure increase will occur and the container may burst, with the risk of a subsequent explosion. The vapor/gas is heavier than air and will spread along the ground. Vapors may accumulate in low or confined areas or travel a considerable distance to a source of ignition and flash back. Runoff to sewer may create fire or explosion hazard.

**Extinguishing media**

<table>
<thead>
<tr>
<th>Suitable extinguishing media</th>
<th>Use dry chemical, carbon dioxide (CO₂), water spray (fog) or foam.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unsuitable extinguishing media</td>
<td>Do not use water jet.</td>
</tr>
</tbody>
</table>
Section 5. Fire-fighting measures

Hazardous thermal decomposition products: Decomposition products may include the following materials: carbon dioxide, carbon monoxide, Diesel engine exhaust.

Special protective actions for fire-fighters: Promptly isolate the scene by removing all persons from the vicinity of the incident if there is a fire. No action shall be taken involving any personal risk or without suitable training. Move containers from fire area if this can be done without risk. Use water spray to keep fire-exposed containers cool.

Special protective equipment for fire-fighters: Fire-fighters should wear appropriate protective equipment and self-contained breathing apparatus (SCBA) with a full face-piece operated in positive pressure mode.

Section 6. Accidental release measures

Personal precautions, protective equipment and emergency procedures:

For non-emergency personnel: No action shall be taken involving any personal risk or without suitable training. Evacuate surrounding areas. Keep unnecessary and unprotected personnel from entering. Do not touch or walk through spilled material. Shut off all ignition sources. No flares, smoking or flames in hazard area. Avoid breathing vapor or mist. Provide adequate ventilation. Wear appropriate respirator when ventilation is inadequate. Put on appropriate personal protective equipment.

For emergency responders: If specialized clothing is required to deal with the spillage, take note of any information in Section 8 on suitable and unsuitable materials. See also the information in "For non-emergency personnel".

Environmental precautions: Avoid dispersal of spilled material and runoff and contact with soil, waterways, drains and sewers. Inform the relevant authorities if the product has caused environmental pollution (sewers, waterways, soil or air).

Methods and materials for containment and cleaning up:

Small spill: Stop leak if without risk. Move containers from spill area. Use spark-proof tools and explosion-proof equipment. Dilute with water and mop up if water-soluble. Alternatively, or if water-insoluble, absorb with an inert dry material and place in an appropriate waste disposal container. Dispose of via a licensed waste disposal contractor.

Large spill: Stop leak if without risk. Move containers from spill area. Use spark-proof tools and explosion-proof equipment. Approach release from upwind. Prevent entry into sewers, water courses, basements or confined areas. Wash spillages into an effluent treatment plant or proceed as follows. Contain and collect spillage with non-combustible, absorbent material e.g. sand, earth, vermiculite or diatomaceous earth and place in container for disposal according to local regulations (see Section 13). Dispose of via a licensed waste disposal contractor. Contaminated absorbent material may pose the same hazard as the spilled product. Note: see Section 1 for emergency contact information and Section 13 for waste disposal.

Section 7. Handling and storage

Precautions for safe handling:

Protective measures: Put on appropriate personal protective equipment (see Section 8). Avoid exposure - obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Do not get in eyes or on skin or clothing. Do not breathe vapor or mist. Do not swallow. Use only with adequate ventilation. Wear appropriate respirator when ventilation is inadequate. Do not enter storage areas and confined spaces unless adequately ventilated. Keep in the original container or an approved alternative made from a compatible material, kept tightly closed when not in use. Store and use away from heat, sparks, open flame or any other ignition source. Use explosion-proof electrical (ventilating, lighting and material handling) equipment. Use only non-sparking tools. Take precautionary measures against electrostatic discharges. Empty containers retain product residue and can be hazardous. Do not reuse container. Non equilibrium conditions may increase the fire hazard associated with this product. Always bond receiving containers to the fill pipe before and during loading. Always confirm that receiving container is properly grounded. Bonding and grounding alone
Section 7. Handling and storage

may be inadequate to eliminate fire and explosion hazards. Carefully review operations that may increase the risks such as tank and container filling, tank cleaning, sampling, gauging, loading, filtering, mixing, agitation, etc. In addition to bonding and grounding, efforts to mitigate the hazards may include, but are not limited to, ventilation, inerting and/or reduction of transfer velocities.

Always keep nozzle in contact with the container throughout the loading process. Do NOT fill any portable container in or on a vehicle.

Special precautions, such as reduced loading rates and increased monitoring, must be observed during "switch loading" operations (i.e., loading this material in tanks or shipping compartments that previously contained a dissimilar product).

Eating, drinking and smoking should be prohibited in areas where this material is handled, stored and processed. Workers should wash hands and face before eating, drinking and smoking. Remove contaminated clothing and protective equipment before entering eating areas. See also Section 8 for additional information on hygiene measures.

Advice on general occupational hygiene

Conditions for safe storage, including any incompatibilities

Store in accordance with local regulations. Store in a segregated and approved area. Store in original container protected from direct sunlight in a dry, cool and well-ventilated area, away from incompatible materials (see Section 10) and food and drink. Store locked up. Eliminate all ignition sources. Separate from oxidizing materials. Keep container tightly closed and sealed until ready for use. Containers that have been opened must be carefully resealed and kept upright to prevent leakage. Do not store in unlabeled containers. Use appropriate containment to avoid environmental contamination.

Bulk Storage Conditions: Maintain all storage tanks in accordance with applicable regulations. Use necessary controls to monitor tank inventories. Inspect all storage tanks on a periodic basis. Test tanks and associated piping for tightness. Maintain the automatic leak detection devices to assure proper working condition.

Section 8. Exposure controls/personal protection

Control parameters

Occupational exposure limits

<table>
<thead>
<tr>
<th>Ingredient name</th>
<th>Exposure limits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fuels, diesel, No 2</td>
<td>ACGIH TLV (United States, 2/2010). Absorbed through skin.</td>
</tr>
<tr>
<td></td>
<td>TWA: 100 mg/m³, (measured as total hydrocarbons) 8 hours. Form: Total hydrocarbons</td>
</tr>
<tr>
<td>Trimethylbenzene, all isomers</td>
<td>ACGIH TLV (United States, 4/2014).</td>
</tr>
<tr>
<td></td>
<td>TWA: 25 ppm 8 hours.</td>
</tr>
<tr>
<td></td>
<td>TWA: 123 mg/m³ 8 hours.</td>
</tr>
<tr>
<td>Naphthalene</td>
<td>ACGIH (United States). Absorbed through skin.</td>
</tr>
<tr>
<td></td>
<td>TWA: 10 ppm 8 hours.</td>
</tr>
<tr>
<td></td>
<td>STEL: 15 ppm 15 minutes.</td>
</tr>
<tr>
<td></td>
<td>OSHA (United States).</td>
</tr>
<tr>
<td></td>
<td>TWA: 10 ppm 8 hours.</td>
</tr>
<tr>
<td></td>
<td>ACGIH TLV (United States, 4/2014). Absorbed through skin.</td>
</tr>
<tr>
<td></td>
<td>TWA: 10 ppm 8 hours.</td>
</tr>
<tr>
<td></td>
<td>TWA: 52 mg/m³ 8 hours.</td>
</tr>
<tr>
<td></td>
<td>OSHA PEL (United States, 2/2013).</td>
</tr>
<tr>
<td></td>
<td>TWA: 10 ppm 8 hours.</td>
</tr>
<tr>
<td></td>
<td>TWA: 50 mg/m³ 8 hours.</td>
</tr>
<tr>
<td></td>
<td>OSHA PEL Z2 (United States).</td>
</tr>
<tr>
<td></td>
<td>TWA: 0.2 ppm 8 hours.</td>
</tr>
<tr>
<td></td>
<td>ACGIH TLV (United States, 4/2014).</td>
</tr>
<tr>
<td></td>
<td>TWA: 0.2 ppm 8 hours.</td>
</tr>
<tr>
<td></td>
<td>TWA: 1.3 mg/m³ 8 hours.</td>
</tr>
<tr>
<td>Biphenyl</td>
<td>OSHA PEL (United States, 2/2013).</td>
</tr>
<tr>
<td></td>
<td>TWA: 0.2 ppm 8 hours.</td>
</tr>
</tbody>
</table>

119
## Section 8. Exposure controls/personal protection

<table>
<thead>
<tr>
<th>Substance</th>
<th>TWA: 1 mg/m² 8 hours.</th>
<th>TWA: 50 ppm 8 hours</th>
<th>ACGIH TLV (United States, 4/2014).</th>
<th>TWA: 20 ppm 8 hours</th>
<th>OSHA PEL (United States, 2/2013). Absorbed through skin.</th>
<th>TWA: 100 ppm 8 hours.</th>
<th>TWA: 435 mg/m³ 8 hours.</th>
<th>ACGIH TLV (United States, 4/2014).</th>
<th>TWA: 20 ppm 8 hours</th>
<th>OSHA PEL (United States, 2/2013).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cumene</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Xylenes, mixed isomers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Appropriate engineering controls
- Use only with adequate ventilation. Use process enclosures, local exhaust ventilation or other engineering controls to keep worker exposure to airborne contaminants below any recommended or statutory limits. The engineering controls also need to keep gas, vapor or dust concentrations below any lower explosive limits. Use explosion-proof ventilation equipment.

### Environmental exposure controls
- Emissions from ventilation or work process equipment should be checked to ensure they comply with the requirements of environmental protection legislation. In some cases, vapor controls, filters or engineering modifications to the process equipment will be necessary to reduce emissions to acceptable levels.

### Individual protection measures

#### Hygiene measures
- Wash hands, forearms and face thoroughly after handling chemical products, before eating, smoking and using the lavatory and at the end of the working period. Appropriate techniques should be used to remove potentially contaminated clothing. Wash contaminated clothing before reusing. Ensure that eyewash stations and safety showers are close to the workstation location.

#### Eye/face protection
- Safety glasses equipped with side shields are recommended as minimum protection in industrial settings. If contact is possible, the following protection should be worn, unless the assessment indicates a higher degree of protection: Splash goggles. Safety eyewear complying with an approved standard should be used when a risk assessment indicates this is necessary to avoid exposure to liquid splashes, mists, gases or dusts. Chemical splash goggles. If inhalation hazards exist, a full-face respirator may be required instead.

#### Skin protection

#### Hand protection
- Chemical-resistant gloves complying with an approved standard should be worn at all times when handling chemical products if a risk assessment indicates this is necessary. Considering the parameters specified by the glove manufacturer, check during use that the gloves are still retaining their protective properties. It should be noted that the time to breakthrough for any glove material may be different for different glove manufacturers.

#### Body protection
- Personal protective equipment for the body should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product.

#### Other skin protection
- Appropriate footwear and any additional skin protection measures should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product.
## Section 11. Toxicological information

### Information on toxicological effects

#### Acute toxicity

<table>
<thead>
<tr>
<th>Product/ingredient name</th>
<th>Result</th>
<th>Species</th>
<th>Dose</th>
<th>Exposure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Trimethylbenzene, all isomers</strong></td>
<td>LD50 Oral</td>
<td>Rat</td>
<td>8970 mg/kg</td>
<td>-</td>
</tr>
<tr>
<td>Naphthalene</td>
<td>LD50 Oral</td>
<td>Rat</td>
<td>490 mg/kg</td>
<td>-</td>
</tr>
<tr>
<td>Biphenyl</td>
<td>LD50 Dermal</td>
<td>Rabbit</td>
<td>&gt;5010 mg/kg</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>LD50 Oral</td>
<td>Rat</td>
<td>2140 mg/kg</td>
<td>-</td>
</tr>
<tr>
<td>Cumene</td>
<td>LC50 Inhalation Vapor</td>
<td>Mouse</td>
<td>10 g/m³</td>
<td>7 hours</td>
</tr>
<tr>
<td></td>
<td>LD50 Dermal</td>
<td>Rabbit</td>
<td>12300 µL/kg</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>LD50 Oral</td>
<td>Rat</td>
<td>2.9 g/kg</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>LD50 Oral</td>
<td>Rat</td>
<td>4000 mg/kg</td>
<td>-</td>
</tr>
<tr>
<td><strong>Xylenes, mixed isomers</strong></td>
<td>LC50 Inhalation Vapor</td>
<td>Rat</td>
<td>5000 ppm</td>
<td>4 hours</td>
</tr>
<tr>
<td></td>
<td>LD50 Inhalation Vapor</td>
<td>Rat</td>
<td>6700 ppm</td>
<td>4 hours</td>
</tr>
<tr>
<td></td>
<td>LD50 Oral</td>
<td>Mouse</td>
<td>2119 mg/kg</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>LD50 Oral</td>
<td>Rat</td>
<td>4300 mg/kg</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>LD50 Oral</td>
<td>Rat</td>
<td>4300 mg/kg</td>
<td>-</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>LD50 Dermal</td>
<td>Rabbit</td>
<td>&gt;5000 mg/kg</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>LD50 Oral</td>
<td>Rat</td>
<td>3500 mg/kg</td>
<td>-</td>
</tr>
</tbody>
</table>

**Conclusion/Summary**: No additional information.

#### Irritation/Corrosion

<table>
<thead>
<tr>
<th>Product/ingredient name</th>
<th>Result</th>
<th>Species</th>
<th>Score</th>
<th>Exposure</th>
<th>Observation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Trimethylbenzene, all isomers</strong></td>
<td>Eyes - Mild irritant</td>
<td>Rabbit</td>
<td>-</td>
<td>24 hours 500 milligrams</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Skin - Moderate irritant</td>
<td>Rabbit</td>
<td>-</td>
<td>24 hours 500 milligrams</td>
<td>-</td>
</tr>
<tr>
<td>Naphthalene</td>
<td>Skin - Mild irritant</td>
<td>Rabbit</td>
<td>-</td>
<td>495 milligrams</td>
<td>-</td>
</tr>
<tr>
<td>Biphenyl</td>
<td>Eyes - Mild irritant</td>
<td>Rabbit</td>
<td>-</td>
<td>100 milligrams</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Skin - Severe irritant</td>
<td>Rabbit</td>
<td>-</td>
<td>24 hours 500 microliters</td>
<td>-</td>
</tr>
<tr>
<td>Cumene</td>
<td>Eyes - Mild irritant</td>
<td>Rabbit</td>
<td>-</td>
<td>86 milligrams</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Skin - Mild irritant</td>
<td>Rabbit</td>
<td>-</td>
<td>24 hours 10 milligrams</td>
<td>-</td>
</tr>
<tr>
<td><strong>Xylenes, mixed isomers</strong></td>
<td>Skin - Mild irritant</td>
<td>Rat</td>
<td>-</td>
<td>8 hours 60 microliters</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Skin - Moderate irritant</td>
<td>Rabbit</td>
<td>-</td>
<td>24 hours 500 milligrams</td>
<td>-</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>Skin - Moderate irritant</td>
<td>Rabbit</td>
<td>-</td>
<td>100 percent</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Skin - Mild irritant</td>
<td>Rabbit</td>
<td>-</td>
<td>24 hours 15 milligrams</td>
<td>-</td>
</tr>
</tbody>
</table>

**Skin** : No additional information.

**Eyes** : No additional information.

**Respiratory** : No additional information.

**Sensitization**

**Skin** : No additional information.

**Respiratory** : No additional information.

**Mutagenicity**

**Conclusion/Summary** : No additional information.

**Carcinogenicity**

**Conclusion/Summary** :
Section 11. Toxicological information

Diesel exhaust particulate: Lung tumor and lymphomas were identified in rats and mice exposed to unfiltered diesel fuel exhaust in chronic inhalation studies. Further, epidemiological studies have identified increase incidences of lung cancer in US railroad workers and bladder cancer in bus and truck drivers possibly associated with exposure to diesel engine exhaust. NTP has determined that exposure to diesel exhaust particulates, a complex mixture of combustion products of diesel fuel, is reasonably anticipated to be a human carcinogen. In addition, NIOSH has identified complete diesel exhaust as a potential carcinogen.

### Classification

<table>
<thead>
<tr>
<th>Product/ingredient name</th>
<th>OSHA</th>
<th>IARC</th>
<th>NTP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fuels, diesel, No 2</td>
<td>-</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>Diesel exhaust particulate</td>
<td>-</td>
<td>1</td>
<td>Reasonably anticipated to be a human carcinogen.</td>
</tr>
<tr>
<td>Naphthalene</td>
<td>-</td>
<td>2B</td>
<td>Reasonably anticipated to be a human carcinogen.</td>
</tr>
<tr>
<td>Cumene</td>
<td>-</td>
<td>2B</td>
<td>Reasonably anticipated to be a human carcinogen.</td>
</tr>
<tr>
<td>Xylenes, mixed isomers</td>
<td>-</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>-</td>
<td>2B</td>
<td>-</td>
</tr>
</tbody>
</table>

### Reproductive toxicity

Conclusion/Summary: No additional information.

### Teratogenicity

Conclusion/Summary: No additional information.

### Specific target organ toxicity (single exposure)

<table>
<thead>
<tr>
<th>Name</th>
<th>Category</th>
<th>Route of exposure</th>
<th>Target organs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trimethylbenzene, all isomers</td>
<td>Category 3</td>
<td>Not applicable.</td>
<td>Respiratory tract irritation and Narcotic effects</td>
</tr>
<tr>
<td>Biphenyl</td>
<td>Category 3</td>
<td>Not applicable.</td>
<td>Respiratory tract irritation</td>
</tr>
<tr>
<td>Cumene</td>
<td>Category 3</td>
<td>Not applicable.</td>
<td>Respiratory tract irritation</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>Category 3</td>
<td>Not applicable.</td>
<td>Respiratory tract irritation</td>
</tr>
</tbody>
</table>

### Specific target organ toxicity (repeated exposure)

<table>
<thead>
<tr>
<th>Name</th>
<th>Category</th>
<th>Route of exposure</th>
<th>Target organs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fuels, diesel, No 2</td>
<td>Category 2</td>
<td>Not determined</td>
<td>central nervous system (CNS)</td>
</tr>
<tr>
<td>Trimethylbenzene, all isomers</td>
<td>Category 2</td>
<td>Not determined</td>
<td>central nervous system (CNS)</td>
</tr>
</tbody>
</table>

### Aspiration hazard

<table>
<thead>
<tr>
<th>Name</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fuels, diesel, No 2</td>
<td>ASPIRATION HAZARD - Category 1</td>
</tr>
<tr>
<td>Trimethylbenzene, all isomers</td>
<td>ASPIRATION HAZARD - Category 1</td>
</tr>
<tr>
<td>Cumene</td>
<td>ASPIRATION HAZARD - Category 1</td>
</tr>
<tr>
<td>Ethylbenzene</td>
<td>ASPIRATION HAZARD - Category 1</td>
</tr>
</tbody>
</table>

### Information on the likely routes of exposure

- Routes of entry anticipated: Dermal, Inhalation.

### Potential acute health effects

- **Eye contact**: Causes eye irritation.
- **Inhalation**: Harmful if inhaled. Long-term exposure to diesel engine exhaust may cause cancer.
- **Skin contact**: Causes skin irritation.
- **Ingestion**: May be fatal if swallowed and enters airways. Irritating to mouth, throat and stomach.
To: City Council
From: Mark Towne, Community Development Department
Date: January 14, 2020

Attached are additional email(s) received by staff regarding the appeal.

Attachments: Additional email(s) received
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I live on larkfield Ave. and watch my grandchildren. I have almost no cell power and in case of emergency would be a serious problem.

Sent from my iPhone
Wilfredo Chua

From: Schutz Tim <tim.cath1@gmail.com>
Sent: Tuesday, January 14, 2020 9:19 AM
To: Kelvin Parker, Mark Towne
Cc: Wilfredo Chua
Subject: Fwd: Response to Acorn Ad

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please see fact check and attachment below regarding Dr. Tchejyan's paid advertisement in January 9th Acorn.
Sent to me by Westlake North Assn board, treasurer.

Begin forwarded message:

From: blundvall@aol.com
Subject: Response to Acorn Ad
Date: January 13, 2020 at 5:21:10 PM PST
To: tim.cath1@gmail.com

Hi Cathy,

As you know a full page ad appeared in last week's Acorn on page 13 (attached). The paragraph that references the POA's CC&R's is completely false. The reference is to the original documents for our Development recorded on December 13, 1976. These earlier documents were revoked in September 30, 2011 when the members of the Association approved these revised CC&R's.

Further, the water tanks are located on lots that are not part of the Westlake North POA and are not subject to the provisions of our CC&R's.

Barry
To our neighbors in Thousand Oaks from Dr. Greg and family:

As I have completed more than 10,000 surgeries, many who read this are friends whom I care about and I have tried my best to help. All I have wanted is a terrific home for our family, which we’ve done at a great expense. Our home is about to be lost to us due to the cancer and other health risks from the proposed installation of extremely powerful microwave antennas on the hilltop around which my family and our neighbors live. These constant pulsating microwave emissions would penetrate my family 24 hours a day seven days a week from up close. The effect of this is to ruin all that I have sought to build.

Thousand Oaks is the most carefully planned community in California, conceived in great detail by the finest urban planners of the 1960s and 70s. That’s why we have the rules through which we all live well in such a great place.

Ever since our community started, our Homeowners Association rules specifically forbade microwave broadcast antennas. For example, the North Ranch CC&Rs are subject to the in perpetuity requirement that no microwave broadcast antennas be allowed, including that: “No antenna for transmission or reception of television signals or any other form of electro-magnetic radiation shall be erected, used or maintained outdoors, whether attached to a building or structure or freestanding.” (Book 4729, page 903; Article 4, section D, page 14 of Declaration of Covenants Conditions and Restrictions for Westlake North). Amended: “No television or radio poles, antennas, flagpoles, clotheslines, basketball standards, or other external fixtures except those approved by the Architectural Committee shall be constructed, erected or maintained on any Lot, except as permitted by law...” (First Amendment to Declaration of Covenants, Conditions and Restrictions for Westlake North Property Owner’s Association, Amendment 4, Article IV, Section 4.01D).

Despite this and other Architectural Review and Ridgeline rules, Verizon now plans to install huge powerful antennas only about 100 feet from our family home. As a scientist familiar with the data, I realized that we would not be able to stay. This would result in the practical loss of our home. Below are good information sites about the dangers from close proximity cellular radiation. For example, our own government’s National Institutes of Health, through its National Toxicology Program, after the completion of a 30 month $25 million study, and more than two years of further peer-review, determined that this radiation causes cancer:

It is well proven that the telecom industry has not been honest about disclosing the actual risks of this radiation. For example, please read the following article:

For an excellent compendium of scientific literature showing the risks from this radiation, see the following website—completed by Dr. Beatrice Alexandra Golomb, MD, PhD from the UCSD School of Medicine:

The fate of my family will be before our Thousand Oaks City Council on this next Tuesday evening, Jan. 14 at 6 p.m. Our family would appreciate your voice.
- Dr. Greg Tchejeyan

For more information go to rjnortho.com/voice

PAID ADVERTISEMENT
Mr. Chua –

I represent Verizon Wireless (Verizon) regarding its proposed wireless telecommunications facility (SUP 2014-70291/LTP 2015-70174) to be located at 4588 Sunnyhill Street in the City of Thousand Oaks.

Verizon objects to the last minute and late appeal materials submitted by a project opponent relating to the project. A 28-page opposition letter (without exhibits) was received by the City and forwarded to Verizon's representative only on the morning of January 13, 2020. And the 89 pages of additional exhibits to the letter were received by the City and forwarded to Verizon’s representative only on the afternoon of January 13, 2020. These collective last minute materials raise many new issues not included in the appellant’s September 4, 2019 appeal materials – which appeal was filed about 131 days ago.

The late submittal of the extensive new appeal materials yesterday at nearly the 12th hour, and on the eve of the appeal hearing with the City Council, is improper under the City’s Code and California law. The last minute and voluminous materials were intended to prejudice the City and Verizon, delay a permit decision, and confuse the issues. Verizon’s application for the project has been pending with the City for many years, and no delay in a permit decision for the project should occur.

City Municipal Code section 9-4.2808 on appeals to the City Council states, in part: “… An appeal shall be commenced by filing with the Community Development Department, a notice of appeal which specifies the grounds of the appeal and the action which the appellant wants the Council to take, within ten (10) days of the date of the Commission’s decision.” Accordingly, only the items raised in the September 4, 2019 appeal in this matter should be considered by the Council.

Further, the purpose of the doctrine of exhaustion of administrative remedies relating to land use matters is to give an agency (and applicant) a fair opportunity to address any challenges and possibly avoid unnecessary litigation, or at least limit the scope of the issues. (See Napa Citizens for Honest Government v. Napa County Bd. of Supervisors (2001) 91 Cal.App.4th 342, 384.) A party opposing a project has to timely raise appeal issues in the administrative review process for a project permit. (See Citizens for Responsible Equitable Environmental Development v. City of San Diego (2011) 196 Cal.App.4th 515, 527.) To satisfy the exhaustion doctrine, an issue must be "fairly presented" to the agency. (Banker’s Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego (2006) 139 Cal.App.4th 249, 282.) Evidence opposing a project must be presented in a manner that gives the agency (and applicant) the opportunity to respond with countervailing evidence. (Coalition for Student Action v. City of Fullerton (1984) 153 Cal.App.3d 1194, 1196-1197.)
Submittal of the last minute new appeal arguments and materials, 131 days after the appeal was filed, and for a project pending for years, subverts the purpose of the exhaustion doctrine. Accordingly, Verizon objects to the late materials provided to it on January 13, 2020, and any similar late appeal materials. That late information, argument and documentation should not be considered by the City Council in tonight’s appeal hearing on the project.

Thank you,

Kevin P. Sullivan
Partner
760.431.9501
www.gdandb.com

Gatzke Dillon & Ballance LLP

NOTICE: This communication and any attached document(s) are privileged and confidential. In addition, any disclosure of this transmission does not compromise or waive the attorney-client privilege or the work product doctrine. If you have received this communication in error, please delete it and contact me at ksullivan@gdandb.com.
Mr. Chua –

The name of the Verizon Wireless entity that is the applicant for the wireless facility project (SUP 2014-70291/LTP 2015-70174) to be located at 4588 Sunnyhill Street in the City of Thousand Oaks is “Los Angeles SMSA Limited Partnership”, dba Verizon Wireless.

Thank you,

Kevin P. Sullivan
Partner
760.431.9501
www.gdandb.com

Gatzke Dillon & Ballance LLP
LAWYERS

NOTICE: This communication and any attached document(s) are privileged and confidential. In addition, any disclosure of this transmission does not compromise or waive the attorney-client privilege or the work product doctrine. If you have received this communication in error, please delete it and contact me at ksullivan@gdandb.com.
From: Ken Ungar <ken@kenungararchitect.com>
Date: January 12, 2020 at 8:36:44 PM PST
To: Al Adam <AAadam@toaks.org>
Subject: Sunnyhill cell site proposal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am a neighbor to this proposed location and am vehemently against the City of TO allowing anything to be placed in our City that is potentially harmful to the residents. How can the City even consider this, when it may be harmful to anybody who lives close by? Isn’t it the job of our officials to promote the health and welfare of our citizens?

Warm Regards,

Ken Ungar, Architect
818 889 8786
www.kenungararchitect.com

TO COUNCIL: 01/14/20
AGENDA ITEM NO.: 8.C.
MEETING DATE: 01/14/20
Dear Honorable City Council Members,

Our names are Dan and Jennifer Smith and we are long standing residents of the City of Thousand Oaks. We wanted to thank you for all you do to serve the citizens so well in this community.

It has come to our attention that Verizon wants to install 12 six-foot high, Macro-Cellular Antennas (36,000 Watts of Power) dangerously near the homes on Sunnyhill Street in North Ranch. We are writing to urge you as a council to deny this installation.

This proposal by Verizon is a bad idea for many reasons. Among the most important and significant are the cancerous and other health risks due to the close proximity of residents living near these powerful microwave antennas. We therefore, urge you to do the right thing and deny this
installation and direct the Verizon Company to move these antennas to a more appropriate location and keep all citizens away from unnecessary impact and dangerous health risks.

We are quite sure the residents on Sunnyhill Street do not want this installation nor would we want it in our neighborhood and finally we are quite certain you would not want this kind of installation in your neighborhood as well.

Thank you for your consideration and again thank you for all you do to serve our wonderful community and citizens.

Sincerely,

Dan and Jennifer Smith
Dear Thousand Oaks Council Member,

We have lived in Thousand Oaks since 1991 and appreciate the quality of life in this community. It is the efforts of you and past elected officials who have made this a desirable and wonderful place to live.

We are deeply disturbed by the proposal of Verizon, or any other communication company, wanting to install high powered cellular antennas close to homes and the present debated area of the Candle Crest site adjacent to Sunnyhill Street.

It seems extremely short sited to allow an intrusive and potentially hazardous installation in a residential neighborhood when alternatives that would not impact the City’s residents exists nearby.

Please deny Verizon’s current project as it is currently configured. Please continue to advance a community where people and their lives and health matter.

Thank you for your time and efforts on our behalf.

Sincerely
Ken & Paulette Gilbert
3950 Cloverleaf Street
From: Melissa Heath <melissa.m.heath@gmail.com>
Date: January 12, 2020 at 9:41:03 AM PST
To: Al Adam <AAdam@toaks.org>, "claudia4slowgrowth@roadrunner.com" <claudia4slowgrowth@roadrunner.com>, Rob McCoy <RMccoy@toaks.org>, Bob Engler <BEngler@toaks.org>, Ed Jones <EJones@toaks.org>
Subject: Proposed Verizon Cell tower installation in North Ranch

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We are writing to ask the Thousand Oaks city council to deny Verizon’s application to install cell tower antennas on Sunnyhill Street in the North Ranch area of Thousand Oaks. Verizon would be violating the Ridgeline Ordinance, as well as the homeowners association’s CC&R’s that specifically forbid microwave broadcast antennas. We do not feel the location chosen for the tower is appropriate or safe for the residents, given the well documented cancer/health risks associated with cell phone tower radiation.

Thank you for your consideration in this important matter.

Sincerely,

Dr Timothy and Melissa Heath
From: tomi tchejeyan <tomigirl2004@yahoo.com>
Date: January 11, 2020 at 5:59:19 PM PST
To: Al Adam <AAdam@toaks.org>, "cladia4slowgrowth@roadrunner.com" <cladia4slowgrowth@roadrunner.com>, "mccoy@toaks.org" <mccoy@toaks.org>, Bob Engler <BEngler@toaks.org>, Ed Jones <EJones@toaks.org>
Subject: Candle Crest appeal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Honorable Council Members Mr. Al Adams, Mrs. Claudia Bill-de la Pena, Mr. Rob McCoy, Mr. Bob Englear and Mr. Ed Jones,

My name is Mrs. Tomi Tchejeyan, I live with my husband Greg and my three daughters, Megan(21), Madison(19) and Makena (15) at 4571 Sunnyhill Street in Westlake Village. My husband and I have been married for 23 years. Greg is an orthopedic surgeon practicing here in Thousand Oaks for 20 years. I have been blessed being able to stay home with my family due to my husbands successful practice, for this we are so very grateful. We have tried to teach our children by our own actions to be good citizens and to do the right thing always and to always be respectful. We have raised our children to work hard, be grateful and to have a sense of community and to always stay grounded. This is challenging in our world today as I am sure you would agree. Our goal is to raise our children to become conscientious, honest, hard working adults. Adults that “do the right thing”. Adults that make good decisions not based on fear, greed or laziness. Our family means everything to Greg and I. Together we have built our home to feel safe and enjoy Thousand Oaks many beauties. We renovated our home 5 years ago in which we spent a great deal of time, thoughtfulness and much expense. We have had many celebrations and milestones here. We welcome friends here as a place to feel comfortable and welcomed always. Our home is filled with the girls friends constantly and we love it! Greg and I plan to have our grandchildren stay with us one day and we plan to grow old together happily in our home. We love our lives here in Thousand Oaks and love our city and feel grateful for being able to be a part of a great community. Thousand Oaks is our home.

My husband has spent countless hours researching these Verizon proposed towers. He has compiled all the research and information for you to please review. Greg has thoroughly given his all to fighting this proposal of 12 six-foot high, cellular antennas 180 feet from our home. I believe my husband knows more about this plan and site than anyone else involved in this project. The stress of this idea has taken a toll on my husband. If this takes place it will put our family's health at risk and will force us to move. The beauty of Thousand Oaks is one reason we chose to raise our children and retire here. Our views are amazing here on Sunnyhill! Every day we have people stop to admire sunsets and the beauty of our city. How can we allow Verizon to put these unsightly and dangerous antennas so close to our homes? Question is, who would be ok with this? There are many alternate locations away from homes. I will add that my cell reception works completely fine in all areas of my neighborhood and surrounding area. I would like to also add that we along with our neighbors were never notified of an HOA meeting regarding these towers. This meeting was held and voted on without proper notice to us and our neighbors.

I am writing to you to please urge you to deny the Candle Crest project being proposed on Sunnyhill Street. When considering this proposal, may I ask respectfully of you to ask yourself, would I want these towers within 100 feet of my home and family? Please vote no on the proposal and force Verizon to find another location. We along with our neighbors do not want these cell towers on our street.
I would like to invite you to our home to visit us and review the proposed site. We are available at anytime convenient for you. Tomi’s cell is 805-490-1860 home 805-497-6351.

I sincerely thank you for your time and service.
God Bless, Mrs. Tomi Tchejeyan

Please watch the YouTube video
https://www.youtube.com/watch?v=OG5DqPqlKjQ#action=share
From: todd demijohn <Todddemijohn@roadrunner.com>
Date: January 11, 2020 at 8:19:06 PM PST
To: Al Adam <AAdam@toaks.org>
Subject: Candle crest appeal, cell tower in residential areas

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor Al Adam,

My name is Todd and I have Amyotrophic Lateral Sclerosis (ALS). ALS is a terminal illness with no known cure or cause. I can't talk, walk, or even raise my hand. I feel obligated to tell you this because most scientists believe that the cause or source of this horrible disease is environmental, more specifically the exposure to high voltage emissions.

Verizon's proposed Macro-Cellular Antenna(s) on Sunnyhill Street in North Ranch will subject everyone near this antenna to more radiated electrical output than the human body can tolerate. Exposure to this for any period of time could possibly create more instances of ALS. If you saw what I have to endure every day, you wouldn't want this on anybody, even your worst enemy.

Having lived in Conejo Valley, including Lang Ranch, for over 36 years, I know that there are many open areas with better vantage points to receive and transmit cellular signals than in such close proximity to homes with children and elderly. I truly think that this proposal should be reevaluated for relocation away from the public and to place these antennas in an open area.

Please don't succumb to the pressure from a cellular company, or from other city officials to accept this, or feel time constraints. Just like in the past, people didn't know the dangers of smoking and tens of millions died as a result. Science is still evaluating what high voltage electrical emissions does to the human body. Before the science has proven this to be safe, we should not be the cigarette smokers of the past. We have managed to live just fine thus far in these areas and I truly believe that you can make a difference in getting these potentially harmful antennas away from people that the antennas are meant to help.

Sincerely,

Todd  & Fatiha Demijohn
From: k burkhardt <kim.burkhardt@gmail.com>
Date: January 11, 2020 at 9:07:47 PM PST
To: Al Adam <AAdam@toaks.org>
Subject: Please reject Verizon application for macro-cellular antennas

Dear Mayor Adam,

I am a Thousand Oaks resident of over 30 years, and I am concerned about the pending application by Verizon for the installation of 12 macro-cellular antennas within 100 feet of homes in the Thousand Oaks area. I am very concerned about the possible health implications of these towers, as scientific peer-reviewed studies have shown that these antennas can cause cancer and other harmful health issues. I feel it is unnecessary to have these antennas so close to residential homes, when there are other areas these could be built so that they are approximately 1000 feet away from homes and residences. Would you please consider rejecting this application by Verizon? I feel that we as a community should place the health and well-being of our residents first as a priority before corporate interests.

In addition, it appears the application proposes installing a diesel-powered generator right next to a in-ground water tank and I am concerned about the potential for diesel to leak and contaminate the drinking water of our residents.

Please deny the Verizon application and encourage Verizon to choose a more appropriate site for these antennas that is a minimum of 1000 feet or more away from residents.

I grew up here in Thousand Oaks and this place has always been special to me, I feel we have a very special community here in Thousand Oaks that can come together and support each other despite our differences. Please help protect the health of our citizens, it is a right that everyone deserves.

Thank you for your time and consideration. Please contact me if there are any questions.

Sincerely,
Kim

Kim Burkhardt
kim.burkhardt@gmail.com
Westlake Village, CA
Dear City Council Members,

I urge in the strongest terms that you deny the application by Verizon to install the Macro Cellular Antennas on Sunnyhill Street in North Ranch, Thousand Oaks.

I urge you to ask Verizon to build their antenna's at least 1000 feet from any home or inhabitants.

I have been made aware of a proposed Macro Cellular Antenna installation (Verizon) on Sunnyhill Street in North Ranch, Thousand Oaks.

My personal friends, the Tchejeyan's and many of their neighbors will be greatly harmed by such an installation. The value of their home, planned and built over many years, will be greatly diminished if this antenna installation proceeds.
The health risks will render the home unlivable.

The evidence is crystal clear, exposure to this radiation is harmful to ones health and is linked to cancer. "There is robust literature showing electromagnetic radiation, including in non-ionizing frequencies, and at levels below those that cause thermal effects -causes physiological effects, injury and cell death"

Please do not allow Verizon to install their antenna within 1000 feet of any home or inhabited area. Regardless of cost to Verizon, or possible forfeiture of revenue to the City of Thousand Oaks.

Cordially,
Brett Darrington
Business Owner in Thousand Oaks, CA

Brett Darrington, DC, ATC
bpd Sports Performance
4165 East Thousand Oaks Blvd. # 150
Westlake Village, CA 91362
805-371-9116
From: Karen Millet <monkeys85@gmail.com>
Date: January 12, 2020 at 8:01:14 AM PST
To: Al Adam <AAdam@toaks.org>, "claudia4slowgrowth@roadrunner.com"
<claudia4slowgrowth@roadrunner.com>, Rob McCoy <RMcCoy@toaks.org>, Bob Engler
<BEngler@toaks.org>, Ed Jones <EJones@toaks.org>
Subject: Oppose Verizon tower in North ranch

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I concur that Verizon must not put in the proposed tower in North Ranch as is currently planned. As Dr. Greg Tchejeyan has researched there are many alternate and better solutions for towers in residential communities. We all like our technology but not at the expense of our health. I have many friends in North Ranch and throughout Westlake and Thousand Oaks. I am quite sure that none of us would want this so close to our homes and would expect your support in finding an equitable solution for all.

Sincerely,

--

Karen Millet
home: (805)371-7942
cell: (843) 298-8356
monkeys85@gmail.com
I am writing to you as a constituent property owner in the general area where the proposed new Verizon Wireless Tower would be located. I am writing to register my very strong objection to this site.

I am the board member of a union which has numerous members living in the area proximate to the Verizon Tower proposed for Sunny Hill in Westlake Village. To this point I have been apolitical on most issues relative to city government. But my concerns and the concerns of my neighbors and fellow union members are being ignored and as such I am forced to voice my concerns.

Taking a look at everything I am stunned as to how this is even being considered. This set of 4 or so towers containing 12,000 mega watts or kilo watts whatever it is is literally 90 feet away from home structures. 90 feet. again 90 feet. Doesn't that concern you. Would you put it 90 feet from a school, no you wouldn't. 90 feet from your home, no you wouldn't. So why is it ok to be 90 feet from two homes adjacent.

Visually, it will be horrendous. Why break the beauty of this very special area. It is in violation of the CC and R's in that area.

One of my major concerns is my agent informed me that with the fuel tank abutting these towers and the flammable agents contained therein it will make my home uninsurable to outside insurance companies. That means I'm flying bare and in fact it will reduce the value of my home on Heritage Place significantly.

Further note that the homeowners association did not have the approval to appear at your board meeting saying it was unopposed. Proper notice was not sent to the homeowners advising that this matter was being discussed. When we property owners were made aware of what was going on we immediately rallied to oppose this project...

If this matter is passed and the Verizon Tower is built and essentially shoved down our throats I will do whatever I can to involve myself and fellow union members to make sure we elect board members who are more sensitive to the proper growth and development of our community. We as a community do not want board members who are beholden to large corporations at the expense of its community members. This project should not be built so close to homes, and your cities citizens. The collateral effects will be horrendous.

I live on Heritage place. In close proximity to the proposed project. I have been asked to report back to my union members regarding the outcome of this fight. Id prefer to advise them that we have strong council members who are willing to fight for there constituents rather than advise we need to find new members to back next time seats come up for election.
Wishing you the best in garnering courage to do the right thing. Regards

--

Gary Rodich
Law Offices of Gary Rodich
A Professional Law Corporation
5335 Alhama Dr.
Woodland Hills, Ca. 91364
Workers Comp./Social Security
T-(818)888-3000
F-(818)888-2555
www.rodichlaw.com
Dear Mayor Adam—

As a nearby resident, I am in significant opposition to the above-mentioned tower. I find it shocking that the Thousand Oaks Planning Commission would even consider such a dangerous and ugly structure anywhere near the citizens of whom it is pledged to represent, serve and protect. Given the lack of real research into alternative sites, it has to be embarrassing that the Council allowed itself to be so manipulated.

In reaching out to my neighbors I have found they feel the same way, and we’ve committed to combining our financial and personal resources. We are significantly concerned for the health and well-being for our friend, neighbors and their children. Please know that we are committed to fighting until this dangerous aberration is no longer under consideration.

We’re very much looking forward to the January 14 Council Meeting. I hope by then good sense has prevailed, the council has reconsidered, and this proposal is sent back down and/or withdrawn altogether.

Please...show us why we voted for those in office and represent us, the people—your people, by doing the right thing.

Sincerely,

Ben Koplan
Thousand Oaks City Council,

I have family and friends in the immediate area, the health risks are not worth it, radiation is inevitable, not to mention it will also decrease property values.

My close friends Dr. Greg and Tomi Tchejeyan, whom live less than 100 feet from the proposed location, are upstanding people in the community, trying to do the right thing and live peacefully in their home of their dreams they built.

These 12 cell towers with extreme power will be less than 100 feet from their home. If this happens it will force them and others to sell and move. There are many other alternate sites to explore that are away from homes that will be much safer and better alternatives.

Your consideration to this matter would be appreciated.

Sincerely, Craig.

Craig Wolchover
Real Estate Finance
Capital Mortgage Services
3262 E. Thousand Oaks Blvd #130
Westlake Village, CA 91362

(818) 216-4149 Cell
(818) 483-4883 Fax

BRE License #01053405
NMLS #234314

E-Mail: craig@craigloans.com
Website: www.mycmsloans.com
Good morning,

The cell towers that are meant to be build are within 100 feet of the home I grew up in and that my family was raised. You can not put on these towers in our community, and this close to residential houses. It is unsafe and unnecessary. Please save me and my family.

Thank you for your time,

Megan Tchejeyan
Hello Mayor Al Adam,

I am saddened to hear of the approval of the cell towers on Sunnyhill St in Thousand Oaks. I grew up in Westlake Village and visiting the Tchejeyans in Thousand Oaks. There have been many memories that come to mind when being at the house. It breaks my heart to think of this family that has renovated and put their heart and soul into building an amazing house for their family to grow up in would be gone so quickly because of the unbelievably close 6-foot high, Macro Cellular Antennas. I would be afraid to go for sleepovers and spending time at the house due to the health effects. Cancer is clearly a serious problem and I don't see why the benefits of having this cell tower could possibly out weight the side effects and harms to the people in our community.

I hope that you consider the family's and neighbors this will be effecting and how much money Verizon has to purchase the land else where to build these antennas.

Best Regards,

Kayla Smith
Hello,
I am a resident of Thousand Oaks and would never want cell towers near my home that I have lived in my entire life. That is so wrong and should never happen.

Sent from my iPhone
From: Maysen Folsom <pinksprawg@gmail.com>
Date: January 9, 2020 at 11:38:11 AM PST
To: Al Adam <AAdam@toaks.org>
Subject: no cell towers

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thousand Oaks was a place I called home for all of my childhood. Hearing how close cell towers will be to peoples homes, a place they feel safe and comforted is wrong. I would never want this to happen to me and it should not happen to anyone. This affects the health of the communities living around these towers. No to cell towers!
Dear Mayor and City Council Members:

My name is Bob Dirks and my wife and I live at 4622 Sunnyhill in North Ranch, directly adjacent to the California Water Services Co. - water tank. In fact, my home is the closest to the water tank, as well as the proposed cell towers. To be exact, 90 feet. I am one of many homeowners who have homes around and below the water tank, which as you know, is the proposed location for the 12 Candle Crest Macro Tower antennas. For reasons more than obvious, no homeowner would want adjacent to their home, powerful Cellular Macro Towers with 12 tall antennas producing 36,000 watts of "Effective Radiated Power" 24/7, year after year. Addressing my home, the entire west side of the house, as mentioned before would be within 90 feet of the antennas. This is totally unacceptable!

I have children and grandchildren under 3, who live in Newbury Park. They visit frequently and would be naturally exposed to these antennas. Simply put, cell towers producing 36,000 watts of "Effective Radiated Power" 24/7 ---90 feet from my home as well as other homeowners is not only a disaster, but dangerous in terms of health and safety to our families. With the many beautiful hills and small mountains in and around Thousand Oaks, WLV, and North Ranch it seems alternate locations are available to be aggressively explored that would protect homeowners, improve cell service, and produce a win-win for all with safety, privacy, and property values protected.

Question for each of you ---- would you want cell towers producing 36,000 watts of effective radiation 90 feet from your own home? Alternate locations must prevail.

Thank you reading this and as you know, this issue will be on the Agenda next Tuesday, January 14th. I am asking for your objective vote to support our Appeal.

Bob Dirks
To the Powers That Be,

How horribly wrong for Verizon Wireless to consider the Sunnyhill Street location as a possible solution for their next Macro Cellular Antennas.
To place these families at risk when plenty of other suitable locations exist demonstrates corporate greed and civic corruption at it it’s worst.
I am asking you to step up and make the right decision to protect the community you have been elected to represent.
VOTE NO on Macro Cellular Antennas.

Thank You,

David and Tracey Price
From: Susan McCray <mccray6169@roadrunner.com>
Date: January 9, 2020 at 2:06:00 PM PST
To: Al Adam <AAdam@toaks.org>
Subject: Radiation Cell Towers
Reply-To: Susan McCray <mccray6169@roadrunner.com>

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mayor Adam,

As you know Verizon has proposed the installation of extremely powerful cell towers antennas on the hilltop around which my home and neighbors live. To be exact 100 feet from our home.

There is scientific evidence of cancer caused by radiation cell towers. 12,000 watts of effective radiated power will be transmitted from these towers. This is 5 to 6 times more than typical installation around homes. My neighbor Dr. Greg Tchejeyan has been working very hard and has spent many hours researching.

With our neighbors we have appealed this absurd proposal. There are over 20 alternate sites that can be assessed.

Please, I would not ask this of you if stopping this was not of the utmost importance. We have lived in our home on Sunnyhill Street in North Ranch for 12 years. We love our home and our neighbors and the neighborhood we live in. Please, I have lost too many family and friends to cancer - Please help us stop this health threatening proposal. We can’t just close the windows and doors to keep this radiated power out of our homes and our bodies. There are other sites that are not surrounded by residential homes that can be used.

We all have fought illnesses or know people who are or have fought illness, why must we surround ourselves with such powerful cell towers that threaten our wellness when they could easily be placed away from residences.

We will see you at the city council meeting Tuesday January 14th at Thousand Oaks City Hall at 6 pm. I hope you will seriously take into consideration the ramifications of this and will help all of us remain safe and in our homes.

Thank You
Susan McCray

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.susanmccray.net&c=E,1,oqhV-hrGQkarLpFGmPp-iTZDF5s4TIxZX0_vP9ImG0W8cdYjMTZ2BANMEyYyU_pEPDxOoz5Z3JtGc2vzp7L14Lr0cJ3goiyqN6xnCsdSZaFa&typo=1
213 248-5171
From: Brian Lerman <Brian@arcdesigngroup.net>
Date: January 9, 2020 at 3:54:10 PM PST
To: Al Adam <AAdam@toaks.org>, "claudia4slowgrowth@roadrunner.com"
<claudia4slowgrowth@roadrunner.com>, Rob McCoy <RMcCoy@toaks.org>, Bob Engler
<BEngler@toaks.org>, Ed Jones <EJones@toaks.org>
Subject: Sunnyhill Street-Verizon Cell Antenna

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor Al Adam, Mayor Pro Tem Claudia Bill-de Pena and Councilmembers

I am writing you this email after hearing about a situation with one of our past clients. This has to do with the Verizon Cellular Antenna that is proposed on Sunnyhill Street in Thousand Oaks and is being reviewed at the City Counter next Tuesday, January 14, 2020.

We are the architectural firm that worked with the Tchejeyan family to create their dream house, this investment and commitment was something they thought long and hard about prior to taking on a huge remodel to modify and add to their existing house. This family made the commitment to not move and start over in another location because there children and family lived in this house for many years and wanted to have a special place they could always consider home. It’s shocking that this could all change because the City of Thousand Oaks City Council members could even think about approving a cell tower with unknown health risks within a residential neighborhood so close to these estate homes and families.

Our office has designed dozens of residential projects over the years in this city, moved our office to Thousand Oaks last year and take great pride in knowing this city is a truly special place. This locations approval should be stopped immediately and an appropriate none residential location should be selected where the residence property values and health are not compromised.

Kindest Regards,

Brian Lerman
President
arc DESIGN GROUP, INC.
175 E. Wilbur Road, Suite 202
Thousand Oaks, CA 91360
Tel: 805.484.4277
email: Brian@arcdesigngroup.net
web: www.arcdesigngroup.net
Hello,

I would like to reach out on behalf of my family and explicate to you how wrong it would be to allow the cell towers to be approved. Anyone can agree that this is unacceptable, unnecessary, and unsafe. Would you want these cell towers less than 100 ft from your home? I have grown up in this house and have been a resident of Thousand Oaks my entire life. My family worked many years to build the perfect house for us, would you really want to ruin that by bombarding us with these towers?

The residents of Thousand Oaks that our family has deep connections with can tell you the same, this is not okay and needs to be stopped. I think it would be best if you listen to the majority of those you want to please, as it is your job to make the residents happy and do what is best for the general public.

Thank you.
Hello,
My name is Michael Pollack and I've lived in Thousand Oaks for the past 6 years. As I read an article describing that a new cell tower will be placed near many houses with families living in them, I have come to express my opinion as a TO resident. If this were to be passed I believe that many T.O. residents would be disappointed including myself as they are significantly more negatives about this cell tower than positives. I don’t believe any resident in any city would want a cell tower within 250ft of their house, and most definitely not 80ft from their house. This should and can not be passed as it could be a fire hazard not just for the families right next to the tower but for almost all of north ranch.

Thank you,
Michael Pollack
Sent from my iPhone
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council members,

My name is Nathan Williams. I am writing you to encourage you to deny Verizon Wireless from installing 12 ground mounted Cellular antennas in the residential neighborhood as has been proposed.

I have family members who live within feet of the intended site. Not only is the proposed site a violation of the Riddgeline Ordinance but the towers pose a serious risk to those living and working in the immediate area.

I encourage you, council members, to deny this proposal and mandate that any tower that is constructed be outside of residential areas. There is no reasonable explanation for locating these towers in a residential area. There are far better options available that would not endanger residents and would satisfy the requirements of a multi billion dollar organization.

To me, this is an absolute no brainer to you. Protect your residents and deny this installation! It is your only option as a public servant.

Please contact me for any additional questions.

Regards,

Nathan Williams
616-901-3161
Dear Honorable City Council Members,

I am writing to you to ask you to support the families that live in North Ranch as they are faced with the devastating application of 12 six-foot high, Marco-Cellular Antennas about 100 feet from their homes.

We ask you to deny this inappropriate application and ask Verizon to move these antennas to a spot on a hill that is at least 1,000 feet from any home.

My name is Lindsey Williams, I am the niece of Dr. Greg and Tomi Tchejeyan. My Uncle and aunt have devoted their life to building a strong foundation for their family and that begins at home. A home that is safe for their three beautiful girls and two dogs. A home where their friends and family can come and have fun and enjoy the beauty of North Ranch. A home to grow old together in. No home or habited area, for that matter, should ever be in such a harmful proximity to a Verizon tower.

Solutions have been presented and this vote should be a simple one for you. When making your decision please put your family, your children, your grandchildren (or future grandchildren), your pets, and your friends into the homes of these North Ranch families.

Thank you for your time.

Sincerely,

Lindsey Williams
Dear sir,
I am writing you today in hope that you and the other members of the planning commission will reconsider the construction of the cell towers being activated on Sunnyhill Drive, Westlake Village. Having read the side effects and long term exposure of having this tower emitting harmful radiation terrifies me. I would certainly think you could move it to a safer location away from human exposure.
Eric Schauwecker
54 year resident of Thousand Oaks
Get Outlook for iOS
No one — and I mean no one — wants to, or should have to, live this close to what is essentially a ground-mounted, Macro Tower Cellular industrial factory that produces pulsed, data-modulated, Radio-frequency Electromagnetic Microwave Radiation (RF-EMR) 24 hour days, seven days a week, year after year.

Cheers,
Shirley
From: James Duncan <trirace55@gmail.com>
Date: January 9, 2020 at 9:37:41 PM PST
To: Al Adam <AAdam@toaks.org>, "claudia4slowgrowth@roadrunner.com"
<claudia4slowgrowth@roadrunner.com>, Rob McCoy <RMcCoy@toaks.org>, Bob Engler
<BEngler@toaks.org>, Ed Jones <EJones@toaks.org>
Subject: Candle Crest Project OBJECTION

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City Council members,

I am writing to object to Verizon’s plan to install 2 six-foot high, Macro-Cellular Antennas (radiating 36,000 Watts of Power) within 100 feet from homes on Sunnyhill Street.

My objections:

1/ A first order concern is the potential health risk to residents who live so close to such a short, high power tower. The plan calls for the installation of a diesel generator and a large tank of diesel fuel, placed next to the water tank that holds drinking water.
2/ Exposure limits are above FCC standards
3/ Ridgeline ordinances are violated
4/ Contradicts previous administrative decision about water facility
5/ Violation of 97-197
6/ Poor gap coverage
7/ Poor alternate site analysis
8/ LMT report is weak
9/ Instantly devalues homes and making insurability difficult

I’m appealing to you to make Verizon work harder to propose a solution that protects the health of our friends and neighbors and is consistent with our community aesthetic standards.

Please deny this flawed application and ask Verizon to move these antennas to a spot on on a hill that is at least 1,000 feet from any home.

Best regards,
Jim Duncan
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please turn down this proposal from Verizon for the antennas in north ranch. Forget about being an eye-sore, they are dangerous to the residents in the area and will likely force families to move and property values to plummet. Seriously, is it worth the risk for slightly faster service? I think not.

Thanks for reading and me and many, many concerned families will be monitoring your response closely.

Rich Iazzetta

Sent from my iPhone
818-324-2379
Dear Honorable City Council Members,

Good Morning, I have chosen to address this group of members as Honorable, noting the definition of the word is: morally correct, ethical, high principled, fair, just, etc.

That being said I would like to bring my thoughts and concerns with regards to your making the honorable ruling on the matters of Verizon installing cell towers in the residential areas in which you govern.

Although city officials understand that they must comply with federal regulations, they still have the ability to regulate the manner in which the antennas are used....... That’s a legitimate land-use decision for the City Council Members to make and consider. !!!!!!

Has Verizon met the burden of proof that they need this tower?
Has Verizon provided a specific number of how many households or residents in the area are without reliable service?
Has Verizon proven and fairly considered alternate technology that could potentially replace the need for a tower? ............

Verizon can use alternative low voltage wireless technology called “Dash Nodes.” These can be easily attached to telephone poles. Their function and technology is similar to a WiFi extender you may be using in your home. In that case, the loss of cell coverage can be magically resolved by Dash Nodes, but unfortunately for Verizon, as a result of this technology, it can not get a cell tower in that town or pole space to sell to smaller providers.

Verizon Wireless and other telecommunications companies should be required to find a more appropriate location in an area which does not have this great an impact on home values, *potential health risks,(see next paragraph), and exhaust all alternative scenarios.

*Much like the research in the 1960s, that linked cigarette smoking to cancer, there is now a preponderance of evidence from extremely reliable sources (for example Harvard Medical School, numerous medical doctors and the International Journal of
Recent Scientific Research) that cell towers have a negative impact on learning and profound adverse health effects, particularly on our youth!

I, Linda Badaluco am the Sister, Sister-in-law and Aunt to the Tchejeyan Family who resides on Sunnyhill Street. I am also a concerned citizen for all who are involved in the City Councils decision on this matter.

I prayerfully request that you will guided using your knowledge and honorable position when making this very important ruling.

Sincerely,

Linda Badaluco
Hello,
I am a resident of Thousand Oaks. I am very disturbed by the plan for Verizon’s Macro-Cellular Antennae in our community. I strongly urge you to make sure these are installed at least 1,000 feet from any residential areas. As a physician this is essential to help mitigate the health risks these towers impose. Thank you,

--

To Your Vibrant Health!

Darren FX Clair, MD, DipABLM
Diplomate, American College of Lifestyle Medicine
Diplomate, American Board of Anesthesiology

Vibrance Medical Group
at The Landing
32123 Lindero Canyon Rd., Suite 205
Westlake Village, CA 91361
(805) 379-0254
www.vibrancehealth.com
Dear Mr. Adam,

Having lived in Thousand Oaks since 1989, we sincerely appreciate the quality of life that prevails in our community and the efforts that you and your predecessors have expended to maintain that quality. We therefore are deeply disturbed by the prospect of high-powered cellular antennas being installed in close proximity to the homes that adjoin the Candle Crest site adjacent to Sunnyhill Street. Even if the project were in full conformance with all applicable regulations and ordinances - which does not appear to be the case - it strikes us as extremely short-sighted to countenance an intrusive and potentially hazardous installation in the midst of a residential neighborhood when viable alternatives that would not impact the City’s residents exist nearby.

We urge you to deny approval for the project as currently configured in the interest of maintaining the legacy that distinguishes our community as a place where people’s lives and welfare matter.

Thank you for your consideration.

Sincerely,
Craig and Donna Leidersdorf
1544 Aldercreek Place
Mayor Adam,
My wife and I have lived in Thousand Oaks for the past 14 years and are proud to call it our home. It is an amazing community and incredible place for us to raise our two young daughters. I am writing to encourage you to deny Verizon's proposal to install of a high-powered cellular antenna in close proximity to the homes that adjoin the Candle Crest site adjacent to Sunnyhill Street. Even if the project were in full conformance with all applicable regulations, I personally would be very concerned to have my family exposed to such high powered radiation, given the well documented cancer risks. While I do not live on that street, I do have friends who are as close as 100 ft to the site. It seems wild to think that Verizon can not locate a more suitable location further away from local residences.

We urge you to deny approval for the project as currently configured in the interest of the health and well being of our local residents.

Thank you,
Christopher and Amy Scott
686 Azalea St
Thousand Oaks, CA  91360
Dear Council Members,

This letter is in reference to the proposed and approved Verizon cell towers planned in the North Ranch area. Our family, Dr. and Mrs. Greg Tchejeyan and daughters live directly across for the designated site.

The Tchejeyans have work tirelessly to make their house become a home. They have invested time and money to make it their dream home. For as long as we can remember, their home has filled our family with cherished, unforgettable memories. To have the towers built would jeopardize their dream of beauty surrounding their home and view. One of the main reasons the Tchejeyans chose this area was because of the privacy and beauty of the landscape.

In addition, these unattractive obstructions could affect their property value. Consider if this were your neighborhood and you found your forever home... would you approve the towers if they were across the street?

Please reconsider your decision to approve the construction of these unsightly towers and support the families of North Ranch.

Sincerely,

Brett, Deanna, Rachel and Jillian Youker
From: Tina Ehrlich <tinae@qgre.com>
Date: January 10, 2020 at 4:07:42 PM PST
To: Al Adam <AAdam@toaks.org>
Subject: 12 ft tower north ranch

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The 12 foot tower and 4 g cell tower is too close to the Tchejeyan home, plus others in north ranch. The effects of radiation and health are serious matters to consider. This must not happen! Please take this into huge consideration. Thank you Tina Ehrlich
Sent from my Tina’s iPhone
Good evening:

I am writing to voice my concern about the verizon cell tower that is to be built on Sunnyhill street. This poses serious health concerns for the ones living close to it. The tower should be at least 1000 feet away from the homes. These towers that are to be so close to residential homes should be denied. I doubt you would want your loved ones exposed to such radiation.

--

Bita Z. Farrell, M.D., Inc.
Ladies and Gentlemen,

My name is Scott Ehrlich. I have been developing real estate for over 25 years. My company is called Insite Development. Throughout my career, I have had the extraordinary privilege of building only properties that both make money and provide a social benefit, including affordable housing for seniors, artists, mentally ill, developmentally disabled etc. My latest project is a 14 acres development in Los Angeles County that will soon house 500 people experiencing homelessness.

Throughout my career I have gone to many City Council meeting and dealt with the public and many government agencies that have oppose my type of projects in their backyard. When this becomes a legitimate concern, I have always made the decision to find an alternative site.

Respectfully, to place a cell tower this close to any residential housing is beyond comprehension. I have rejected many many of the same requests on top of my buildings. Just the potential harm is enough for you to reconsider, however from simple dollar and sense perspective, the city in the long run will lose money as the property value of the nearby houses will substantial decline and thus the city portion of the property tax will be diminish.

I strongly encourage you to decline this tower and if needed find an alternative location further away from houses.

If you would like to discuss this further, please do not hesitate to call me on my cell at (818)621-3408.

Sincerely,

Scott Ehrlich
Hello!!
Hope your Friday is superb. I wanted to voice my opinion and encourage you to deny the installation of the Verizon cellular towers. As you probably know, they could emit 36,000 or more watts of effective radiated power day and night, which could be extremely harmful to residents in the area, especially on Sunnyhill Street. This would displace families from their homes due to the lack of insurance and also could be the catalyst to health issues. A probable solution is for Verizon, along with the city of Thousand Oaks, to find a new location for these towers, away from any residents, despite socioeconomic class. Small cells can fill in coverage without the immense industrial machine in such close proximity to homes. I hope Thousand Oaks city council takes into account the desire for residents wellbeing above revenue or convenience. Thank you so very much for reading. I’m grateful to be able to voice my opinion. A local resident, Hannah.
To Whom it May Concern,

It has recently come to our attention that Verizon is planning on building a powerful cellular antenna tower on Sunny Hill Street in Westlake Village, just a mere 100 feet from multiple homes. Yes... that is correct, just 100 feet

Our friends the, Tchejeyan family, happen to be one of the families that will be living within the scant distance from this tower. This is very concerning not only to them but to us as well. The Covenants, Conditions and Restrictions of North Westlake forbid installation of any towers emitting electromagnetic radiation but apparently this has been overlooked even though it is a law. Cellular radiation is also know to cause cancer and a myriad of other health issues for those residing within its range. Having a tower so close to homes is not only irresponsible but detrimental to the aesthetic appeal, health and financial well being of the residents of the community. Property values will plummet and the residence will be left with mortgages that are well above the value of their homes. Prospective buyers will most certainly not want to live within such close proximity to an eyesore that has been proven to cause health issues thus forcing those buyers to look outside of the North Ranch/Thousand Oaks/Westlake vicinity, and thusly loosing revenue for the city.

We implore you amend your decision on this matter and require Verizon to locate an alternate section of land for this tower that is not in an unlawful location but one that is also not so close to such a highly populated residential areas full of families with children.

Sincerely,

The Michaels Family
Dear Mayor, Mayor Pro Tem and esteemed City Council Members,

I am writing to you today to show my support for my friends Greg and Tomi Tcheyan who live on Sunnyhill Street in North Ranch and are currently mounting a campaign to not allow Verizon to construct cell towers within 100 feet of their home.

Given all of the information regarding the destructive radiation incurred from cell towers constructed close to family homes I would think the city of Westlake Village and Thousand Oaks would support their residents and be concerned about the negative impact on families health. An easy alternative exists which is to deny Verizon’s application and encourage them to consider constructing cell towers at least 1,000 feet away from homes. This is doable and represents a very viable alternative to the current application. It would set precedent for future construction of cell towers within the communities.

North Ranch CCR’s also forbid the construction of the cell towers within 100 feet of family homes. Many of the residents moved into this area based on the promises of agreements such as this. Values of homes in the area will be negatively impacted If Verizon’s application is approved.

To quote Greg Tcheyan- Thousand Oaks is the most carefully planned community in California, conceived in great detail by the finest urban planners of the 1960s and 70s. That’s why we have the rules through which we all live well in such a great place. Ever since our community started, our Homeowners Association rules specifically forbade microwave broadcast antennas. For example, the North Ranch CC&Rs are subject to the in-perpetuity requirement that no microwave broadcast antennas be allowed, including that:

“No antenna for transmission or reception of television signals or any other form of ElectroMagnetic radiation shall be erected, used or maintained outdoors, whether attached to a building or structure or freestanding.” (Book 4729, page 903; Article 4, section D, page 14 of Declaration of Covenants Conditions and Restrictions for Westlake North). Amended: “No television or radio poles, antennas, flagpoles, clotheslines, basketball standards, or other external fixtures except those approved by the Architectural Committee shall be constructed, erected or maintained on any Lot, except
as permitted by law...” (First Amendment to Declaration of Covenants, Conditions and Restrictions for Westlake North Property Owner’s Association, Amendment 4, Article IV, Section 4.01D).

We all want to be supported by government run by people who are willing to take a stand for the good and betterment of our community.

Please do the right thing and deny this application asking Verizon to instead move the cell towers at least 1000 feet from homes.

Thank you for your consideration

Nancy Erhart
All-

I am a friend of Dr. Tchejeyen and am writing you to ask that you please work together to deny Verizon’s application to install the 12 six-foot high, Macro-Cellular Antennas planned for the location approximately 100 Feet From the Homes on Sunnyhill Street.

There are clearly viable alternatives that would have far less impact (if any at all).

Thank you,
Stewart Myers
Dear Honorable City Council Members,

I am writing to you to express my concerns, disapproval of the plans for the Verizon Macro-Cellular Antenna's (12 six-foot high) on Sunnyhill Street.

Documentation on the direct health effect of such an installation(s) has been proven by several medical reports, research - all those crucial documentation has provided to the City Council and can be found published. This alone, should be cause for dismissal of the installation/construction on the Macro-Cellular Antenna's, especially as there are multiple, documented, alternative options for placing this installation away form the current site and in safe distance form Families.

I fully support the Families of Hoesin & Fery Afshar, Ashik & Raksha Desai, Bob & Kathy Dirks, Kal Liebowitz, Dr. James & Linda Lin, Susan McCray, Dr. Greg & Tomi Tchejeyen and Tim & Lucie Walsh and their fight to have, live in a healthy environment.

Finally - if the Honorable City Council Members are convinced, are of the opinion that the installation of 12 six-foot high, Macro-Cellular Antenna's do not bring health risk to humans, I would propose that the above installation and future installations are placed within 100 or less Feet from your own homes, Families -

I expect a fair, honest hearing - based on facts and not based on financials aspects (especially with the many alternatives offered).

Sincerely,

Soren Krebs
29286 Rey de Copas Ln
Malibu, CA 90265
From: Robert Taylor <my3taylors@me.com>
Date: January 13, 2020 at 5:08:28 PM PST
To: Bob Engler <bengler@toaks.org>
Subject: Verizon wants to Install 12 six-foot high, Macro-Cellular Antennas (36,000 Watts of Power) at About 100 Feet From the Homes on Sunnyhill Street.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Bob Englear, on behalf of my friends in North Ranch impacted by the proposed Verizon Macro cellular towers near Sunnyhill Street. I am a licensed real estate broker and licensed General Contractor and I know first hand how high tension wires, and cellular towers big and small create a reduced value impact to buyers, and worse buyers turn away from even looking at a home impacted by this condition. If a buyer purchases a home with this condition it must be disclosed at the very least. Once the attention is called to this disclosure, fearful buyers will cancel their purchase.

I plead with you to say no to this proposal and have Verizon go back to the drawing board. The North Ranch CCRs call out this proposal as prohibited.

Thank you for your time and understanding. I’m sure if you imagine being in this position yourself you would be opposed to the plan.

Robert Taylor
949-355-9945
From: Ken Ungar <ken@kenungararchitect.com>
Date: January 13, 2020 at 2:52:12 PM PST
To: Bob Engler <bengler@toaks.org>
Subject: Re: SunnyHill cel site proposal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

i understand that the City may have its hands full with a lawsuit with Verizon if they don’t approve this location, but i find it very disappointing that the City does not stand by the residents whose health may be affected by this placement. If verizon wanted to remove any protected trees, then surely they would be denied. But when it comes to the health of residents, i am shocked that the City not take the same approach.

Warm Regards,

Ken Ungar, Architect
818 889 8786
www.kenungararchitect.com

On Jan 13, 2020, at 12:15 PM, Bob Engler <BEngler@toaks.org> wrote:

Hello Ken,

Thank you for reaching out and letting me know of your thoughts on the cell site being considered on Tuesday. As you can imagine we receive a variety of viewpoints as people send us their thoughts. In my experience the Council does not a decision until after everyone has a chance to speak and I look forward to hearing from everyone at the meeting to help us make the best decision we can make.

Again, thank you for taking the time to write.

Bob Engler
Member
Thousand Oaks City Council.

-----Original Message-----
From: Ken Ungar <ken@kenungararchitect.com>
Sent: Sunday, January 12, 2020 8:35 PM
To: Bob Engler <BEngler@toaks.org>
Subject: SunnyHill cel site proposal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.
I am a neighbor to this proposed location and am vehemently against the City of TO allowing anything to be placed in our City that is potentially harmful to the residents. How can the City even consider this, when it may be harmful to anybody who lives close by? Isn’t it the job of our officials to promote the health and welfare of our citizens?

Warm Regards,

Ken Ungar, Architect
818 889 8786
www.kenungararchitect.com
Dear Mr. Bob Engler,

I apologize for the misspelling of your last name in my original email. Thank you for your time and response to me.

Have a wonderful day,
Sincerely, Tomi Tchejeyan

On Jan 13, 2020, at 1:20 PM, Bob Engler <BEngler@toaks.org> wrote:

Hello Tomi,

Thank you for your heart felt letter letting me know of your views on the cell site being considered on Tuesday. As you can imagine we have receive a variety of viewpoints from different citizens and I think that the more input we receive increases the chances for a good decision. Your letter and your husband’s work is part of those considerations.

The Council does not make a decision until after everyone has a chance to speak so I can’t make a prediction as to the outcome of our deliberations. I for one look forward to hearing from everyone at the meeting to help us make the best decision we can make.

Again, thank you for taking the time to write.

Bob Engler
Member
Thousand Oaks City Council
Dear Honorable Council Members Mr. Al Adams, Mrs. Claudia Bill-de la Pena, Mr. Rob McCoy, Mr. Bob Englear and Mr. Ed Jones,

My name is Mrs. Tomi Tchejeyan, I live with my husband Greg and my three daughters, Megan (21), Madison (19) and Makena (15) at 4571 Sunnyhill Street in Westlake Village. My husband and I have been married for 23 years. Greg is an orthopedic surgeon practicing here in Thousand Oaks for 20 years. I have been blessed being able to stay home with my family due to my husband's successful practice, for this we are so very grateful. We have tried to teach our children by our own actions to be good citizens and to do the right thing always and to always be respectful. We have raised our children to work hard, be grateful and to have a sense of community and to always stay grounded. This is challenging in our world today as I am sure you would agree. Our goal is to raise our children to become conscientious, honest, hard working adults. Adults that “do the right thing”. Adults that make good decisions not based on fear, greed or laziness. Our family means everything to Greg and I. Together we have built our home to feel safe and enjoy Thousand Oaks many beauties. We renovated our home 5 years ago in which we spent a great deal of time, thoughtfulness and much expense. We have had many celebrations and milestones here. We welcome friends here as a place to feel comfortable and welcomed always. Our home is filled with the girls friends constantly and we love it! Greg and I plan to have our grandchildren stay with us one day and we plan to grow old together happily in our home. We love our lives here in Thousand Oaks and love our city and feel grateful for being able to be a part of a great community. Thousand Oaks is our home.

My husband has spent countless hours researching these Verizon proposed towers. He has compiled all the research and information for you to please review. Greg has thoroughly given his all to fighting this proposal of 12 six-foot high, cellular antennas 180 feet from our home. I believe my husband knows more about this plan and site than anyone else involved in this project. The stress of this idea has taken a toll on my husband. If this takes place it will put our family's health at risk and will force us to move. The beauty of Thousand Oaks is one reason we chose to raise our children and retire here. Our views are amazing here on Sunnyhill! Every day we have people stop to admire sunsets and the beauty of our city. How can we allow Verizon to put these unsightly and dangerous antennas so close to our homes? Question is, who would be ok with this? There are many alternate locations away from homes. I will add that my cell reception works completely fine in all areas of my neighborhood and surrounding area. I would like to also add that we along with our neighbors were never notified of an HOA meeting regarding these towers. This meeting was held and voted on without proper notice to us and our neighbors.

I am writing to you to please urge you to deny the Candle Crest project being proposed on Sunnyhill Street. When considering this proposal, may I ask respectfully of you to ask yourself, would I want these towers within 100 feet of my home and family? Please vote no on the proposal and force Verizon to find another location. We along with our neighbors do not want these cell towers on our street.

I would like to invite you to our home to visit us and review the proposed site. We are available at anytime convenient for you. Tomi’s cell is 805-490-1860 home 805-497-6351.

I sincerely thank you for your time and service.
God Bless, Mrs. Tomi Tchejeyan

Please watch the YouTube video
https://www.youtube.com/watch?v=OG5DqPqlKjQ#action=share
My pleasure, Bob, I’ll be there tomorrow and look forward to seeing you then.

Ben Koplan
(818) 903-2790
Ben@cakoplans.com

Please forgive typos—sent from my iPhone. Big fingers, little keys.

On Jan 13, 2020, at 1:26 PM, Bob Engler <BEngler@toaks.org> wrote:

Hello Ben,

Thank you for reaching out.

As with many topics, we receive different opinions citizens and I think that the more input we receive increases the chances for a good decision. Your thoughts are part of those discussions.

I for one look forward to hearing from everyone at the meeting to help us make the best decision we can make.

Again, thank you for taking the time to write.

Bob Engler
Member
Thousand Oaks City Council
Dear Councilman Engler,

On your website, you offer as one of your core tenets that you will “...Maintain our commitment to responsive, proactive public safety policies that enhance the quality of life in our community.” With that in mind, it’s my sincere hope you recognize why we (why YOU) cannot allow the above-mentioned Verizon tower to be built on Sunnyhill. This device is DANGEROUS and way too close to colleagues, friends and neighbors. It’s not meant for any neighborhood, and as a sworn defender of your constituent’s health and well-being (your words), you are dutybound to repair the planning commission’s error and reject/reverse their approval of the site.

Frankly, I find it shocking that anyone on the Thousand Oaks Planning Commission would even consider such a dangerous and ugly structure anywhere near the citizens of whom it is pledged to represent, serve and protect. There was no real research into alternative sites, and so it has to be embarrassing that representatives of the Council allowed themselves to be so manipulated.

In reaching out to my neighbors I have found they feel the same way, and we’ve committed to combining our financial and personal resources. We are significantly concerned for the health and well-being for our friend, neighbors and their children. Please know that we are committed to fighting until this dangerous aberration is no longer under consideration.

We’re very much looking forward to the January 14 Council Meeting. I hope by then good sense has prevailed, the council has reconsidered, and this proposal is sent back down and/or withdrawn altogether.

Please...show us why we voted for those in office and represent us, the people—your people, by doing the right thing.

Sincerely,

Ben Koplan
Hi Council-Member Engler,
Thank you for taking time to consider our concerns and for your thoughtful response. I appreciate it very much.

Chris Scott

On Mon, Jan 13, 2020 at 1:31 PM Bob Engler <BEngler@toaks.org> wrote:

Hello Christopher and Amy,

Thank you for reaching out and letting me know of your views on the cell site being considered on Tuesday. We have receive a variety of viewpoints from different citizens and I think that the more input we receive increases the chances for a good decision. Your letter is now part of those considerations.

The Council does not make a decision until after everyone has a chance to speak so I can’t make a prediction as to the outcome of our deliberations. I for one look forward to hearing from everyone at the meeting to help us make the best decision we can make.

Again, thank you for taking the time to write.

Bob Engler

Member

Thousand Oaks City Council
Council-members McCoy, Englear and Jones,

My wife and I have lived in Thousand Oaks for the past 14 years and are proud to call it our home. It is an amazing community and incredible place for us to raise our two young daughters. I am writing to encourage you to deny Verizon's proposal to install of a high-powered cellular antenna in close proximity to the homes that adjoin the Candle Crest site adjacent to Sunnyhill Street. Even if the project were in full conformance with all applicable regulations, I personally would be very concerned to have my family exposed to such high powered radiation, given the well documented cancer risks. While I do not live on that street, I do have friends who are as close as 100 ft to the site. It seems wild to think that Verizon can not locate a more suitable location further away from local residences.

We urge you to deny approval for the project as currently configured in the interest of the health and well being of our local residents.

Thank you,
Christopher and Amy Scott
686 Azalea St
Thousand Oaks, CA 91360
To Whom it May Concern,

It has recently come to our attention that Verizon is planning on building a powerful cellular antenna tower on Sunny Hill Street in Westlake Village, just a mere 100 feet from multiple homes. Yes... that is correct, just 100 feet.

Our friends the, Tchejeyan family, happen to be one of the families that will be living within the scant distance from this tower. This is very concerning not only to them but to us as well. The Covenants, Conditions and Restrictions of North Westlake forbid installation of any towers emitting electromagnetic radiation but apparently this has been overlooked even though it is a law. Cellular radiation is also know to cause cancer and a myriad of other health issues for those residing within its range. Having a tower so close to homes is not only irresponsible but detrimental to the aesthetic appeal, health and financial well being of the residents of the community. Property values will plummet and the residence will be left with mortgages that are well above the value of their homes. Prospective buyers will most certainly not want to live within such close proximity to an eyesore that has been proven to cause health issues thus forcing those buyers to look outside of the North Ranch/Thousand Oaks/Westlake vicinity, and thusly loosing revenue for the city.

We implore you amend your decision on this matter and require Verizon to locate an alternate section of land for this tower that is not in an unlawful location but one that is also not so close to such a highly populated residential areas full of families with children.

Sincerely,

The Michaels Family
Dear Mayor, Mayor Pro Tem and esteemed City Council Members,

I am writing to you today to show my support for my friends Greg and Tomi Tcheyan who live on Sunnyhill Street in North Ranch and are currently mounting a campaign to not allow Verizon to construct cell towers within 100 feet of their home.

Given all of the information regarding the destructive radiation incurred from cell towers constructed close to family homes I would think the city of Westlake Village and Thousand Oaks would support their residents and be concerned about the negative impact on families health. An easy alternative exists which is to deny Verizon’s application and encourage them to consider constructing cell towers at least 1,000 feet away from homes. This is doable and represents a very viable alternative to the current application. It would set precedent for future construction of cell towers within the communities.

North Ranch CCR’s also forbid the construction of the cell towers within 100 feet of family homes. Many of the residents moved into this area based on the promises of agreements such as this. Values of homes in the area will be negatively impacted if Verizon’s application is approved.

To quote Greg Tcheyan- Thousand Oaks is the most carefully planned community in California, conceived in great detail by the finest urban planners of the 1960s and 70s. That’s why we have the rules through which we all live well in such a great place. Ever since our community started, our Homeowners Association rules specifically forbade microwave broadcast antennas. For example, the North Ranch CC&R’s are subject to the in-perpetuity requirement that no microwave broadcast antennas be allowed, including that:

“No antenna for transmission or reception of television signals or any other form of ElectroMagnetic radiation shall be erected, used or maintained outdoors, whether attached to a building or structure or freestanding.” (Book 4729, page 903; Article 4, section D, page 14 of Declaration of Covenants Conditions and Restrictions for Westlake North). Amended: “No television or radio poles, antennas, flagpoles, clotheslines, basketball standards, or other external fixtures except those approved by the Architectural Committee shall be constructed, erected or maintained on any Lot, except
as permitted by law...” (First Amendment to Declaration of Covenants, Conditions and Restrictions for Westlake North Property Owner’s Association, Amendment 4, Article IV, Section 4.01D).

We all want to be supported by government run by people who are willing to take a stand for the good and betterment of our community.

Please do the right thing and deny this application asking Verizon to instead move the cell towers at least 1000 feet from homes.

Thank you for your consideration

Nancy Erhart
From: Stewart Myers <smyers65@sbcglobal.net>
Date: January 13, 2020 at 9:24:16 AM PST
To: Al Adam <AAdam@toaks.org>, "claudia4slowgrowth@roadrunner.com" <claudia4slowgrowth@roadrunner.com>, Rob McCoy <RMcCoy@toaks.org>, Bob Engler <bengler@toaks.org>, Ed Jones <EJones@toaks.org>
Subject: Verizon Application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

All-

I am a friend of Dr. Tchejeyen and am writing you to ask that you please work together to deny Verizon’s application to install the 12 six-foot high, Macro-Cellular Antennas planned for the location approximately 100 Feet From the Homes on Sunnyhill Street.

There are clearly viable alternatives that would have far less impact (if any at all).

Thank you,
Stewart Myers
From: Robert Taylor <my3taylors@me.com>
Date: January 13, 2020 at 5:05:20 PM PST
To: Al Adam <AAdam@toaks.org>
Subject: Verizon wants to Install 12 six-foot high, Macro-Cellular Antennas (36,000 Watts of Power) at About 100 Feet From the Homes on Sunnyhill Street.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mayor Adam, on behalf of my friends in North Ranch impacted by the proposed Verizon Macro cellular towers near Sunnyhill Street. I am a licensed real estate broker and licensed General Contractor and I know first hand how high tension wires, and cellular towers big and small create a reduced value impact to buyers, and worse buyers turn away from even looking at a home impacted by this condition. If a buyer purchases a home with this condition it must be disclosed at the very least. Once the attention is called to this disclosure, fearful buyers will cancel their purchase.

I plead with you to say no to this proposal and have Verizon go back to the drawing board. The North Ranch CCRs call out this proposal as prohibited.

Thank you for your time and understanding. I’m sure if you imagine being in this position yourself you would be opposed to the plan.

Robert Taylor
949-355-9945
To Whom it May Concern,

When I heard that high powered cellular antennas were bring put close to our homes, our families and friends I was shocked. Our health and our children should always be protected against any hazardous material. As residents of Conejo Valley we pay top dollars for our properties. We do so because we want to live in the most beautiful area, we want to be a part of a safe community with wonderful schools for our children. Now to be faced with serios/deadly hazard our antennas that can impact our health its shocking that this would even be considered. With all the statistics around these antennas its heartbreaking to even think this would be considered in our community. We urge you to deny approval for this project. Please protect our families and our communities.

Windi & Anthony Gonzales
Thousand Oaks, CA
805-657-9399
Dear Mayor and City Council Members:

My name is Ashok Desai. My wife and I live - for more than 30 years - at 4635 Sunnyhill Street in North Ranch, Thousand Oaks. Our home is a single story home on a Flag Lot directly across from the California Water Services Co. - water tank and, as the crow flies, within 250 feet from the Proposed Cell Tower. I am also one of many homeowners who have homes around and below the water tank, which as you know, is the proposed location for the 12 Candle Crest Macro Tower antennas. For reasons more than obvious, no homeowner would want adjacent to their home, a powerful "Cellular Macro Towers with 12 tall antennas producing 36,000 watts of Effective Radiated High Frequency Power" 24 hours/7 days a week, year after year!

We have children and five young grandchildren who visit us frequently. They play outside on our property as well as on Sunnyhill Street, and would be naturally exposed to the Transmitted High Power RF. I believe exposure to such High Power Transmitted RF for an extended period of time is Bad and Outright Dangerous to Human Health!

With the many beautiful hills and small mountains in and around Thousand Oaks, WLV, and North Ranch, it seems possible and we wish that available alternate locations be aggressively explored first to protect homeowners, improve cell service, and to produce a win-win situation for all with safety, privacy, and property values protected.

Thank you very much for reading my Appeal. As you are aware, this issue will be on the Agenda next Tuesday, January 14th. I am asking you for your objective vote to support our Appeal.

With Best Regards,
Ashok Desai
From: Paulette Gilbert <paulettegilbert1@yahoo.com>
Subject: Verizon installations
Date: January 12, 2020 at 2:01:01 PM PST
To: "claudia4slowgrowth@roadrunner.com" <claudia4slowgrowth@roadrunner.com>,
"rmccoy@toaks.org" <rmccoy@toaks.org>, "aadam@toaks.org" <aadam@toaks.org>,
"bengler@toaks.org" <bengler@toaks.org>, "ejones@toaks.org" <ejones@toaks.org>

Dear Thousand Oaks Council Member,

We have lived in Thousand Oaks since 1991 and appreciate the quality of life in this community. It is the efforts of you and past elected officials who have made this a desirable and wonderful place to live.

We are deeply disturbed by the proposal of Verizon, or any other communication company, wanting to install high powered cellular antennas close to homes and the present debated area of the Candle Crest site adjacent to Sunnyhill Street.

It seems extremely short sited to allow an intrusive and potentially hazardous installation in a residential neighborhood when alternatives that would not impact the City’s residents exists nearby.

Please deny Verizon’s current project as it is currently configured. Please continue to advance a community where people and their lives and health matter.

Thank you for your time and efforts on our behalf.

Sincerely
Ken & Paulette Gilbert
3950 Cloverleaf Street
We are writing to ask the Thousand Oaks city council to deny Verizon’s application to install cell tower antennas on Sunnyhill Street in the North Ranch area of Thousand Oaks. Verizon would be violating the Ridgeline Ordinance, as well as the homeowners association’s CC&R’s that specifically forbid microwave broadcast antennas. We do not feel the location chosen for the tower is appropriate or safe for the residents, given the well documented cancer/health risks associated with cell phone tower radiation.

Thank you for your consideration in this important matter.

Sincerely,

Dr Timothy and Melissa Heath
From: k burkhardt <kim.burkhardt@gmail.com>
Date: Sat, Jan 11, 2020 at 9:09 PM
Subject: Please reject Verizon application for macro-cellular antennas
To: <claudia4slowgrowth@roadrunner.com>

Dear Ms Bill-de la Pena,

I am a Thousand Oaks resident of over 30 years, and I am concerned about the pending application by Verizon for the installation of 12 macro-cellular antennas within 100 feet of homes in the Thousand Oaks area. I am very concerned about the possible health implications of these towers, as scientific peer-reviewed studies have shown that these antennas can cause cancer and other harmful health issues. I feel it is unnecessary to have these antennas so close to residential homes, when there are other areas these could be built so that they are approximately 1000 feet away from homes and residences. Would you please consider rejecting this application by Verizon? I feel that we as a community should place the health and well-being of our residents first as a priority before corporate interests.

In addition, it appears the application proposes installing a diesel-powered generator right next to an in-ground water tank and I am concerned about the potential for diesel to leak and contaminate the drinking water of our residents.

Please deny the Verizon application and encourage Verizon to choose a more appropriate site for these antennas that is a minimum of 1000 feet or more away from residents.

I grew up here in Thousand Oaks and this place has always been special to me, I feel we have a very special community here in Thousand Oaks that can come together and support each other despite our differences. Please help protect the health of our citizens, it is a right that everyone deserves.

Thank you for your time and consideration. Please contact me if there are any questions.

Sincerely,
Kim

Kim Burkhardt
kim.burkhardt@gmail.com
Westlake Village, CA
I wish to inform you that myself as a practicing pathologist for more than 30 years, the proposed antennas by Verizon represent a major health hazard for the families living in the immediate neighbourhood of such structures, furthermore they do represent a major liability for the cities that allow these antennas. This is not a problem with aesthetics but rather a decision that will result into harm to the residents of Thousand Oaks living in the immediate vicinity of such structures. I hope that you can come to a reasonable compromise and avoid erecting antennas that will harm your residents.

Dr. Berdj Artinian, M.D., FRCP(C)
Dear Claudia--

Given you have made “slow growth” so prevalent on your platform that it is even incorporated in your email, you’ll appreciate my comments.

As a nearby resident, I am in significant opposition to the above-mentioned tower. I find it shocking that the Thousand Oaks Planning Commission would even consider such a dangerous and ugly structure anywhere near the citizens of whom it is pledged to represent, serve and protect. Given the lack of real research into alternative sites, it has to be embarrassing that the Council allowed itself to be so manipulated.

In reaching out to my neighbors I have found they feel the same way, and we’ve committed to combining our financial and personal resources. We are significantly concerned for the health and well-being for our friend, neighbors and their children. Please know that we are committed to fighting until this dangerous aberration is no longer under consideration.

We’re very much looking forward to the January 14 Council Meeting. I hope by then good sense has prevailed, the council has reconsidered, and this proposal is sent back down and/or withdrawn altogether.

Please...show us why we voted for those in office and represent us, the people—your people, by doing the right thing.

Sincerely,

Ben Koplan
Dear Mr. and Mrs. Leidersdorf:

Thank you for contacting me regarding the Verizon Antenna Installation application. I will review the January 14, 2020 agenda in detail over the weekend. In the meantime, I am enclosing a very important link to the City's website which details, among other things, how RF emissions are regulated. https://www.toaks.org/departments/city-manager-s-office/trending-topics/wireless/wireless-faqs.

Sincerely,

Claudia Bill-de la Peña  
Mayor Pro Tem, City of Thousand Oaks  
805.449.2103  
www.claudiabilldelapena.com  
Facebook: @claudiabilldelapenaTO  
Twitter: @Claudia_Bill