

THOUSAND OAKS PLANNING COMMISSION



Supplemental Information Packet 1

Agenda Related Items - Meeting of August 24, 2020 Supplemental Packet Date: August 24, 2020

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the Planning Commission after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed, typically they are distributed on the Thursday or Friday preceding the Planning Commission meeting and/or on Monday before the meeting. Supplemental Packets produced on Thursday or Friday are available for public inspection in the Community Development Department, 2100 E. Thousand Oaks Boulevard, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). All Supplemental Packets are available for public review at the Planning Commission meeting in the Andrew P. Fox City Council Chambers, 2100 E. Thousand Oaks Boulevard.

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 Community Development Department at (805) 449-2500. Assisted listening devices are available at this meeting. Ask Community Development 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.



Community Development Department
MEMORANDUM

2100 Thousand Oaks Boulevard • Thousand Oaks, CA 91362
Planning Division • Phone 805/449.2323 • Fax 805/449.2350 • www.toaks.org
Building Division • Phone 805/449.2500 • Fax 805/449.2575 • www.toaks.org

To: Planning Commission
From: Kelvin Parker, Community Development Deputy Director
Date: August 19, 2020
Subject: **Item 7B – Appeal of DPMN 2020-70184**

The attached items of correspondence were received for the subject item.

Attachment: Letter from Atty. Pollock dated August 17, 2020
Email from Ms. Anita Garatie dated August 17, 2020

MARK S. POLLOCK
C. EVANGELINE JAMES
E-MAIL: mpollock@pollockandjames.com
E-MAIL: ejames@pollockandjames.com

1827 Clay St., Ste. 300
NAPA, CA 94559
TEL: (707) 257-3089
FAX: (707) 257-3096

POLLOCK & JAMES, LLP
ATTORNEYS AT LAW
ENVIRONMENTAL LAW

August 17, 2020

VIA EMAIL ONLY
kparker@toaks.org
Wchua@toaks.org

Wil Chua and Kelvin Parker
City of Thousand Oaks
Planning Commission

Re: Appeal DPMN 2020-70184

To the Chairman of the Planning Commission of the City of Thousand Oaks,

I represent Mandy Jacob, the Appellant in the above matter.

On behalf of my client, Mandy Jacob, I hereby request a 30 day continuance of the Planning Commission meeting scheduled for the August 24, 2020 to discuss our appeal of 2020-70184-DPMN.

Last week, the 9th Circuit Court of Appeals handed down a decision in the consolidated *Petitions for Review of Orders of the Federal Communications Commission* striking down the FCC's attempts to preempt the rights of cities to preserve their aesthetic regulations concerning the deployment of small cell technology. This builds upon the California Supreme Court decision in *T-Mobile v San Francisco* last year, where the California Supreme Court determined that the City's aesthetic police-power extended to all health, safety, and quality-of-life issues.

We need more time to digest and discuss the effects of these opinions before we can properly address the Planning Commission. Additionally, we submit that an electronic meeting is not appropriate for this matter, as the City provides insufficient mechanism for the public, or their advocates, to raise points-of-order, as they could if the hearing were to be held in the Council Chambers, as has been the custom in the past.

Further, I wrote to the City on June 17, 2020, a copy of said letter is attached hereto, to point out several ways in which the City was breaking the law in continuing to issue Wireless Communication Facility Permits. On or about June 25, 2020, Marjan Behzadi, AHO, approved a permit for modification of an existing cell tower, within Thousand Oaks, listing "AT&T" as the permittee, without legal authority as outlined in the letter.

Wil Chua and Kelvin Parker
August 17, 2020
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The City declined to initiate a discussion with us, continuing to perpetuate fraud upon residents by stating “our hands are tied”, at the same time as saying the City was doing its best to look after the interests of those residents, including the 2,890 residents who signed the Petition against the WCF at 4588 Sunnyhill Street. The petition summary is attached hereto.

By now, you are no doubt aware that Dr. Greg Tchejeyan has filed a lawsuit in Ventura County Superior Court against the City of Thousand Oaks, Ventura County Superior Court Case No. 56-2020-00541772-CU-WM-VTA, on behalf of the 2,890 residents who signed the Petition. There are 20 separate breaches of law detailed in that pleading, breaches which the City chose to perpetuate by approving the WCF application 2020-70184-DPMN (apparently by “Eukon Group”), despite the fact that my letter to the Administrative Hearing Officer on June 17, 2020, warned that the filing had not been processed according to State law.

Additionally, we understand that the FCC is currently still adjudicating a complaint under N.E.P.A. against “2014-70291 SUP, 2015-70174 LTP” at 4588 Sunnyhill Street. This complaint is detailed in the Superior Court filings.

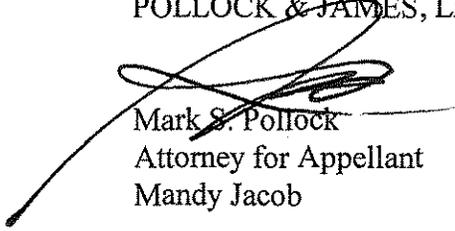
We are therefore requesting a continuance of the Planning Commission hearing scheduled for August 24, 2020 to discuss our appeal against 2020-70184-DPMN, at least until the FCC has been able to resolve a N.E.P.A. complaint we have filed against the WCF operation at 1 Amgen Way, and until the City has brought its WCF Certification operations into compliance with all relevant law and regulations, and modified its actions to embrace the most recent 9th Circuit Court of Appeals decision concerning its power to regulate the aesthetic impact of telecommunication deployment.

We will hold the City liable for costs of all litigation on this matter.

Please confirm that the Planning Commission hearing on August 24, 2020 has been continued for 30 days and advise me of the new hearing date.

Sincerely Yours,

POLLOCK & JAMES, LLP



Mark S. Pollock
Attorney for Appellant
Mandy Jacob

MARK S. POLLOCK
C. EVANGELINE JAMES
E-MAIL: mpollock@pollockandjames.com
E-MAIL: ejames@pollockandjames.com

1827 Clay St., Ste. 300
NAPA, CA 94559
TEL: (707) 257-3089
FAX: (707) 257-3096

POLLOCK & JAMES, LLP
ATTORNEYS AT LAW
ENVIRONMENTAL LAW

June 17, 2020

City of Thousand Oaks
Administrative Hearing officer

Re: Hearing on 2020-70184DPMN
Application of Eukon Group for Modification of a Cell transmission
facility on behalf of "AT&T"

Hearing Date: June 25, 2020

Atten: Wil Chua

By email only to: wchua@toaks.org

Our office represents Mandy Jacob, a resident of Thousand Oaks and President of United Issues Reform, who files this opposition to the permit application submitted to the City of Thousand Oaks, California in the above matter.

The permit application and supporting documents are legally incomplete and must be rejected by the city, at this hearing.

The application identifies the "applicant" as "AT&T".

AT& T is a brand name, not a legal entity, registered to do business in California with the California Secretary of State and thus is not entitled to be an applicant for a permit to modify an existing cell tower.

There are, registered with the California Secretary of State, 12 corporations and 18 Limited Liability Companies using the name AT&T.

Since the application does not identify which of these entities is the actual applicant, the public has no way of knowing where or who the agent for service of process may be for such company.

It is unlawful for a company not registered with the Secretary of State to do business in California.

Additionally, the application is prepared and submitted by a company identified as "Eukon Group".

While the engineering stamp of Mr. Lee, on the application is registered, as a civil engineer, Eukon Group, like "AT&T" is not registered with the Secretary of State to do business in California. Eukon Group is a Fictitious Business Name registered in Orange county California.

Attached is a copy of a purported power of attorney by which AT&T attempts to authorize Eukon Group to submit this application. This document is not notarized, nor does it identify which AT&T entity is authorizing Eukon Group to act on its behalf.

Finally, Eukon Group has filed a FBN statement with Orange county, but not in Ventura County.

See California Corporations Code section 17451: "(a) Before transacting intrastate business in this state, a foreign limited liability company shall register with the Secretary of State."

California corporations code section 2105 et seq.: "(a) A foreign corporation shall not transact intrastate business without having first obtained from the Secretary of State a certificate of qualification."

All Domestic Corporations and Limited Liability companies must file their Articles with the Secretary of State.

California Business and Professions code section 17910 :
"Every person who regularly transacts business in this state for profit under a fictitious business name shall do all of the following:
(a) File a fictitious business name statement in accordance with this chapter not later than 40 days from the time the registrant commences to transact such business."

California Business and Professions Code section 17915:
"A fictitious business name statement shall be filed with the clerk of the county in which the registrant has his or her principal place of business in this state or, if the registrant has no place of business in this state, with the Clerk of Sacramento County."

This application must be rejected, as submitted, without prejudice to the applicant to resubmit the application on behalf of legal entities.

Respectfully submitted,
Pollock & James, LLP


Mark S. Pollock



at&t

Ryan Young
12900 Park Plaza Dr
Floor 5
Cerritos, CA 90703

September 16, 2014

To Whom It May Concern:

This letter shall serve to notify and verify to the recipient that Eukon Group, located at 65 Post, Suite 1000, Irvine, CA 92618, including its employees and agents, is authorized to:

- **Negotiate Lease, License, and Amendment Terms on behalf of AT&T**
- **Represent on behalf of AT&T to municipal agencies, boards, staff for the purpose of obtaining entitlements including, but not limited to permits issued by the Planning and Building & Safety Departments**

Ryan Young
Senior Tech Project Manager, Construction & Engineering
ryan.k.young@att.com
714.488.4029

Stop radiation emitting cell sites in neighborhoods

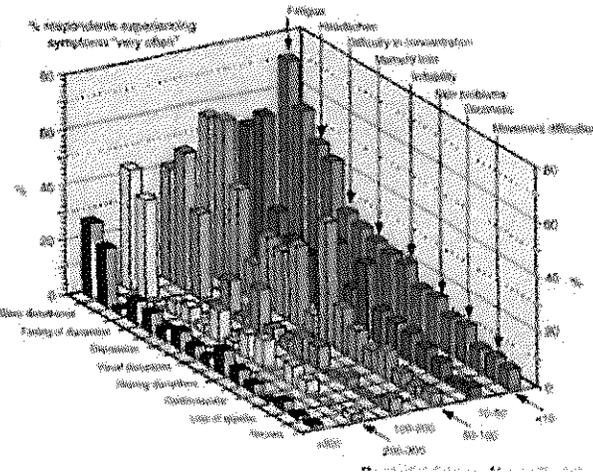
Petition details Comments Updates

Stop radiation emitting cell sites in neighborhoods

Neurobehavioral Symptoms near Cell Towers

Rapid aging syndrome (RAS)
Electro-Hyper Sensitivity (EHS)

1. Fatigue
2. Sleep disturbance
3. Headaches
4. Feeling of discomfort
5. Difficulty concentrating
6. Depression
7. Memory loss
8. Visual distortions
9. Irritability
10. Hearing disruptions
11. Skin problems
12. Cardiovascular
13. Dizziness
14. Loss of appetite
15. Movement difficulties
16. Nausea



2,890 have signed. Let's get to 5,000!



Carla Springer signed this petition



Mandy Gaddie signed this petition

Thousand Oaks, 91360
United States

Display my name and comment on this petition

[Sign this petition](#)



Tim Walsh started this petition to Mayor, Thousand Oaks City Council Rob McCoy

Cell phone companies with paid-for support from the FCC through their lobbyists are "railroading" dangerous cell phone sites into our neighborhoods to deliver 4G networks now and 5G networks in a

From: Anita Garatie
Sent: Monday, August 17, 2020 3:19 PM
To: Wilfredo Chua
Subject: 5G health issues

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 Wilfredo Chua,

Concerning the recent June 25th conference.

I did listen in on it. I do believe someone is responsible for all the health issues from 5G exposure.

I know you stated there was nothing you could do.

I understand. It is the responsibility of Verizon and cell companies.

But please do understand my frustration in having constant health issues related to my exposure.

Please reconsider this as a BIG issue for me, you and all of our loved ones. Take care of your health.

Thank you for your time,

Anita E. Garatie