

MEMORANDUM



CITY CLERK'S OFFICE

DATE: November 12, 2024

TO: Justin Hess, City Manager

FROM: Kimberley Clark, City Clerk

SUBJECT: Written Notice of Appeal

Kimberley Clark

Please find attached a correspondence received in the City Clerk's Office on Tuesday, November 12, 2024, from Marine Bezhanyan, who is requesting an appeal hearing to the Permit Appeals Panel. A check was provided from Marine Bezhanyan and Viken Almadjian Trust in the amount of \$147 for the filing fee.

c: City Manager's Office
Joseph H. McDougall, City Attorney
Ray Johal, Senior Assistant City Attorney
Marisa Garcia, Parks, Recreation and Community Services Director

Attachment

Notice of Appeal

BK City Clerk 11-12-24PM0355

My name is Marine Bezhanyan and I am the appellant in this case. I am appealing a decision by the Burbank City Department of Parks and Recreation to impose a fine upon me in the amount of \$12,604. for allegedly trimming a tree that belongs to the city located near my house, which is located at 1083 E. Harvard Street, Burbank, CA 91501.

The decision at issue here is arbitrary, capricious, in violation of my due process rights, and contrary to the law as it is not based on any evidence that establishes my liability. The city has not provided sufficient evidence that I am responsible for trimming the tree. The city has alleged that the tree was trimmed and since it was located near my house, then I must have trimmed it. Therefore, they have decided that I should pay for its removal and replacement.

Furthermore, for several months, despite my several inquiries, the city did not inform me of my right to appeal their decision. They simply led me to believe that there was no appeal process, no forms to complete, and no forum to address the issue. They insisted that I had no choice but to pay the invoice that they had so arbitrarily sent me.

For several months, through my attorney, I tried to find out what evidence they had against me and to meet with the Officials in charge of the City's Department of Parks and Recreation. It was not until I wrote to the City Council and the City Manager that these officials agreed to meet with me.

Even during that meeting, they admitted that they had no evidence that would connect me to the alleged trimming of the tree, other than the fact that the tree was closest to my home.

Furthermore, they falsely alleged that I had called several times to complain about that particular tree. As to my question about an appeal process, they responded that if I had any disputes about the invoice that they insisted I was responsible for, I could direct them to the collection agency.

Then I wrote to the City Manager again and it was then that I received a letter providing me with my right to file this notice of appeal within 10 days. This notice followed and it is based on the following facts.

I live on the corner of East Harvard Ave. and Sunset Canyon, right across from the golf course. I

have been concerned about the overgrown and unattended vegetation in my neighborhood for a long time as it can present fire hazard, and I have discussed the issue with my neighbors on several occasions. My neighbors seemed to agree with me and suggested that we call the city and ask them to take care of the problem.

I took the initiative and called the city, bringing their attention to the fact that the overgrown unattended vegetation (particularly near the Debell golf course area) is not only a fire hazard, but it has become "a perfect hiding spot" for some transient people, who engage in activities that constitute nuisance in a residential area. I have attached some pictures of the area mentioned for your convenience.

To be specific, on April 12, 2024, I called the City of Burbank to report the overgrown vegetation along Sunset Canyon and the adjacent golf course area, expressing my concerns about its dangers. I was informed by the city staff that the "department" that takes care of these issues is "severely understaffed" and that the information would be relayed to them. I then mentioned this phone conversation with the city personnel to some of my neighbors, hoping that they would appreciate that I had taken the time to address the issue.

Then much to my surprise, I found out that some of my neighbors had begun to show hostility towards me and my family since we had started to build an ADU behind our house, of course, after obtaining all the proper permits. I overheard derogatory and discriminatory comments targeting our ethnicity and background such as "these Armenians should go back to where they came from," "they are changing the whole Burbank," and "they don't belong here." One of my neighbors even called yelling at me telling me how I had dared to discard the Ukrainian flag. Apparently, she had seen a flag in our garbage bin and was upset. Of course, it was not the Ukrainian flag, and I wondered why she had looked into our garbage bin to even see the flag or how was that her business to meddle into our lives. It was clear that the construction of our ADU had poisoned our neighbors' minds so much that they would do anything to make our lives difficult.

It seems that they actually succeeded. A month later, I received a letter dated May 16, 2024, from the city accusing me of unauthorized pruning of a tree near my house that belonged to the city, with implications of financial liability for its replacement. The letter did not explain my

rights to challenge their findings. It merely asserted that I was at fault because I had called the city "requesting tree trimming for the parkway trees along Sunset Canyon Dr.," therefore, I must have pruned the tree and made it "dangerous to public safety."

I discussed this with one of my neighbors, who is an attorney and who had also been a victim of these neighbors' discriminatory practices and vicious attacks because her family had tried to build a house in our neighborhood. It was all too familiar to her and she offered to help me seek clarification from the city. So, as an attorney, she wrote to Mr. Del Campo (Parks and Recreation Department), the author of the letter, requesting him to provide the evidence that the city was relying upon to accuse me of any wrongdoing. The answer was that I had called the city in April, 2024, complaining about some overgrown trees. They had no other shred of evidence that supported their accusation for which they were charging me over \$12,000. He also mentioned that "someone" had called and reported that the tree near my house had been pruned, prompting the city to inspect it. It was clear that it was a neighbor who was retaliating against us because of our construction of the ADU and the city had taken a grunted neighbor's word to accuse me of damaging the tree and to hold me liable for it. I would like to reiterate that there are many trees on that street and in the entire neighborhood that have broken branches and have been damaged and disfigured. Attached are pictures of these trees and unattended vegetation in the area which have been neglected for a long time, but recently were taken care of following the letter and photos sent to the city council.

Despite many inquiries/emails to Mr. Del Campo by my attorney, no evidence was provided to establish that I was at fault. On June 15, I received another invoice from the city demanding payment of \$12,604.41 to be paid by June 23rd. Another email seeking clarification and an appointment/meeting was sent to Mr. Del Campo. An email from Mr. Del Campo dated June 25, 2024, included misinformation and fabricated accounts with false phone conversations that never took place. Specifically, Mr. Del Campo wrote,

"Our Certified Arborist Juan Cardenas, inspected the tree on Monday November 18 th , and he determined that the tree was cut severely back more than 60% of the foliage making the tree unbalanced and unsafe. The new growth will be poorly attached. I am

not sure why you did not receive this before, and I am sorry about that.

The resident Marine Bezhanyan called our office and told our front desk on 3/20/24 and her comments were "New front addition construction has been permitted. Parkway tree must be cut back. The addition of front house will be aligned with the existing two properties." At this time we told her that she needed to apply for a tree maintenance permit, which she did not. The tree was then trimmed improperly and will need to be removed."

This was in direct contradiction to the previous letter dated May 16, 2024, in which Mr. Del Campo had alleged that I had called the City on April 12, 2024, requesting tree trimming for the parkway trees along Sunset Canyon Drive. The letter dated May 16, 2024, did not mention the alleged call on March 20, 2024. Nor did it explain why their arborist had inspected the trees on November 18. (Please see attached letter and emails.)

Furthermore, Mr. Del Campo's response refers to a "new front addition construction" that has allegedly been permitted. He further alleged that the "Parkway tree must be cut back." This information was clearly false. On May 6, 2024, I applied for a permit for an addition to our house, but to date, I have not received an approval for that, nor have I received any information about any parkway trees that would have to be cut back. In fact, there are no tree that need to be cut back for the construction, even if the permit gets approved. So, it is not clear what Mr. Del Campo's response was referring to. Further email attempts to Mr. Del Campo to seek clarification on June 26 went unanswered for a substantial period.

On July 10, 2024, my attorney and I visited the Parks and Recreation Department, hoping to meet Mr. Del Campo, however, we were met by clerical staff stating that the administration "was unavailable to meet," reiterating the need for payment without addressing the core issues or providing any evidence to substantiate the claims against me. On July 22 yet another email was sent to Mr. Delcampo as well as the Department Director Marisa Garcia, explaining the distress this was causing me and requesting a meeting to discuss the issue further. Ms. Garcia responded on July 25 by saying that the city will be "in touch."

Not only we did not hear from Ms. Garcia, but we continued to receive invoices, demanding that the payment be made within seven days in order to avoid harsh penalties. Furthermore, even

though we had been disputing this charge for months, in that letter, the city invited me to call a number if I wished to dispute the charge or have any questions. This is clear evidence that the Department had ignored all our correspondence and our efforts to dispute the charge.

Then, after I wrote to the City Counsel and the City Manager, Ms. Garcia and Mr. Del Campo agreed to meet with me. I appeared at that meeting without my attorney. Again, they provided no evidence to substantiate their allegations against me. In fact, Ms. Garcia informed me that I could raise my objection/dispute to the collection agency, to which they had referred my invoice for collection, without providing me an opportunity to dispute it.

Then after I wrote to the City Manager once more, I received a letter from Ms. Garcia dated November 6, 2024, with information on how to file an appeal. To date, "the evidence" provided consists solely of photographs of two trees that appear no different from other neglected trees in the vicinity, along with what appears to be outdated Google imagery and unsubstantiated phone call logs and false accusations of conversations that never took place between me and the city staff. Instead, the city continues to send me invoices instructing me to pay a large amount of money.

Based on the foregoing, I respectfully request that the decision of the Department of Parks and Recreation holding me liable for the trimming of the tree be vacated and the invoice for \$12,604.41 be rescinded.

M. Berlanga

11/12/24

818-536-1395
marine1213@hotmail.com

Ashley Gambourian

Certified Specialist, Immigration & Nationality Law

The State Bar of California, Board of Legal Specialization
Law Offices of A. Ashley Gambourian

101 S. First Street, Suite 303

Burbank, CA 91502

(818) 566-9941

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From: Del Campo, Michael <MDelCampo@burbankca.gov>
Sent: Tuesday, June 25, 2024 6:56 PM
To: Ashley Gambourian <ashley@ashleyglaw.com>
Subject: RE: URGENT! 1083 E. Harvard Road, Burbank, CA 91501

Hello,

Our Certified Arborist Juan Cardenas, inspected the tree on **Monday November 18th**, and he determined that the tree was cut severely back ore than 60% of the foliage making the tree unbalanced and unsafe. The new growth will be poorly attached. I am not sure why you did not receive this before, and I am sorry about that.

The resident Marine Bezhanyan called our office and told out front desk on **3/20/24** and her comments were "New front addition construction has been permitted. Parkway tree must be cut back. The addition of front house will be aligned with the existing two properties.". At this time we told her that she needed to apply for a tree maintenance permit, which she did not. The tree was then trimmed improperly and will need to be removed.

Please review our BMC 7-4-104 C & D. As well as 7-4-105 and 7-4-107 C2.

Thank you for contacting Burbank Forestry



Mike del Campo
Assistant Director

(818) 238-5343 office | via Teams

**PARKS AND
RECREATION**

mdelcampo@burbankca.gov
BurbankCA.gov/ParksandRecreation



CITY OF BURBANK
Parks and Recreation Department
Administration
150 N. Third Street, Burbank, CA 91502
www.burbankca.gov

May 16, 2024

Marine Bezhanyan
1083 E. Harvard Road
Burbank, CA 91501

**RE: NOTICE OF VIOLATION OF BURBANK MUNICIPAL CODE, SECTION 7-4-104
ILLEGAL PRUNING OF CITY TREE AT 1083 E. HARVARD ROAD, BURBANK 91501**

Dear Marine:

On April 29, 2024, it was brought to our attention that a Jacaranda tree on Sunset Canyon Drive adjacent to your property at 1083 E. Harvard Road had been subjected to illegal pruning.

Our records indicate that on April 12, 2024, you called and identified yourself as the property owner at 1083 E. Harvard Rd., requesting tree trimming for the parkway trees along Sunset Canyon Drive. On April 15, 2024, the Forestry Services Supervisor conducted an inspection of the three Jacaranda trees and determined that no trimming was necessary at this time.

Under the provisions of the Burbank Municipal Code, it is unlawful to destroy, deface, or injure a City parkway tree. All parkway trees are City owned and under Burbank Municipal Code Section 7-4-104 it is unlawful for anyone other than the City or the City contractors to perform any type of maintenance on the parkway trees. That section of the Code provides as follows:

It shall be unlawful for any person to alter, or otherwise perform maintenance, on a tree within a public area and/or public right-of-way without a written permit. A tree maintenance permit shall be made in writing, in a form as provided by the City, and filed with the Department.

The unpermitted trimming of the City's Jacaranda parkway tree has caused it irreparable damage, resulting in the need to remove the tree. As a result, you will be billed the value of the tree and any additional costs associated with the removal process. The approximate value of the mature Jacaranda tree is \$9,600.

Should you have any questions regarding this notice, you may contact Mike del Campo, Assistant Parks, Recreation, and Community Director at (818) 238-5343 or via email at MdelCampo@BurbankCa.gov.

Sincerely,

Burbank Parks and Recreation Department – Forestry Division

MdC:adr





































CITY OF BURBANK
Parks and Recreation Department
Administration
150 N. Third Street, Burbank, CA 91502
www.burbankca.gov

November 6, 2024

Marine Bezhanyan
1083 E. Harvard Road
Burbank, CA 91501

**RE: NOTICE OF VIOLATION OF BURBANK MUNICIPAL CODE, SECTION 7-4-104- ILLEGAL PRUNING
OF CITY TREE AT 1083 E. HARVARD ROAD, RIGHT TO APPEAL**

Dear Ms. Bezhanyan,

This letter serves as notice to you of your right to appeal the administrative decision for the above violation issued to you on May 16, 2024, pursuant to section 2-1-1501 of the Burbank Municipal Code. Per Burbank Municipal Code section 2-1-1504, you have 10 days to file your appeal from the date of the notice of decision. **At this time, the City of Burbank is providing you 10 days to file your appeal from mailing of this letter.**

You must file your notice of appeal to the Permit Appeals Panel of the City of Burbank. Should you have any questions or concerns, please contact the Parks and Recreation Department at (818) 238-5300.

Marisa Garcia
Parks, Recreation and Community Services Director

Marine Bahayyan and Viken Amadjian Tru

Marine Bahayyan Tru
Viken Amadjian Tru

1083 E Harvard Rd
Berkeley, CA 94701-1329

1365

11-35/1210 CA
25073

11/2/24
Date

Pay To The Order Of city of berkeley \$ 147

one hundred forty seven dollars
Dollars

BANK OF AMERICA

ACH RT 121000388

For addition for RALPH

Reference Check



MP