

CITY OF BURBANK
OFFICE OF THE CITY MANAGER
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March 13, 2025

Mr. Edgardo Golpeo
6721 Kurl Way
Reseda, CA 91335

SUBJECT: Notice of Decision on Appeal Heard on February 13, 2025 (Marine Bezhanyan-1083 E. Harvard Road)

Dear Mr. Golpeo:

On February 13, 2025, at 2:00 pm, the Permit Appeals Panel ("Panel") met in the Council Chambers at Burbank City Hall (275 E. Olive Ave.) to hear your appeal.

At the hearing, the Panel considered both written evidence and oral testimony related to the three issues identified in your appeal and affirmed the decision of the Parks and Recreation Department ("Parks"). The Panel further authorized the Assistant City Manager (acting as chair for the Panel) and the City Attorney's Office to finalize and execute a written decision consistent with the Panel's decision at the hearing.

This letter serves as notice of the Panel's written decision in accordance with BMC section 2-1-1510, and the reasons for the decision concerning the three issues you raised are set forth below.

Issue 1: Whether the Parks and Recreation Department erred in holding the Appellant liable for trimming a city-owned tree without sufficient evidence.

Appellant contends the City's decision to impose a \$12,604.41 fine for allegedly trimming a tree located adjacent to her residence at 1083 E. Harvard Street was arbitrary, capricious, and not supported by evidence. The Panel finds based on a standard of proof of preponderance of the evidence, there was adequate evidence to determine that Appellant had *in fact* trimmed the city-owned tree and is responsible for its damage. Appellant had contacted the Parks and Recreation Department multiple times requesting that the tree be trimmed shortly before the tree was trimmed and damaged. Furthermore, Appellant made statements to two City employees acknowledging that she had trimmed the tree before she later denied any involvement in the trimming. The circumstantial evidence and Appellant's admission was sufficient to determine Parks had not erred in holding Appellant responsible for the damaged tree.

The Panel further finds, the tree had been trimmed improperly and to the point that it required total removal. Two certified arborists with Parks examined the tree and separately came to the same conclusion. Furthermore, photographs of the tree after the trimming clearly shows the tree leaning in an unsafe manner.

However, the Panel finds that the invoice sent to Appellant to replace the tree in the amount of \$12,604.41, was premature and did not accurately reflect the actual cost of replacing the tree. As such, the Panel limits the cost of replacing the tree to the valuation of the tree that was removed with no charge

for labor, material, equipment, or administrative fees. Parks is directed to reissue a new invoice to the Appellant in the amount of \$9,600.00, the value of the tree that was removed.

Issue 2: Did the City fail to inform the Appellant of her right to appeal in a timely manner, denying her due process in the appeal?

Appellant alleges the City failed to provide her with notice of her right to appeal its actions of May 24, 2024. Per Burbank Municipal Code section 2-1-1504, the Appellant had a right to appeal Park's decision to charge her for the cost to replace the damaged tree, by filing a written Notice of Appeal with the City Clerk within ten (10) days of receiving the invoice. The Panel finds while the invoice itself did not adequately notice Appellant of her right to appeal, Appellant was eventually informed of her right to appeal and the City waived any statutory deadlines. As such, Appellant *did in fact* have an appeal and this issue is moot.

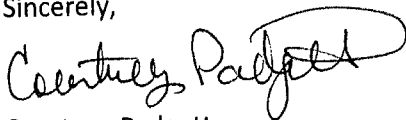
Issue 3: Was the City's decision influenced by discriminatory practices and retaliatory motives?

Appellant believes the City's actions may have been influenced by discriminatory attitudes and retaliation from neighbors who opposed the Appellants' construction of an Accessory Dwelling Unit (ADU) on the Appellant's property. The Panel finds there was no evidence that the City's actions were motivated by any discrimination or retaliation.

Decision and Appeal

For the reasons stated above, the decision of Parks is modified and affirmed. Under the BMC, this "decision shall be final unless City Council agrees to accept a further appeal or takes other action as provided in this article". (See BMC §§ 2-1-1510; 2-2-1513 and following (opportunity to appeal to the City Council within 10 days of the date of service of the decision).)

Sincerely,



Courtney Padgett

Assistant City Manager

CC: Danny Alvarez, Fire Chief
Jennifer Becker, Financial Service Director
Jina Oh, Chief Assistant City Attorney
Kimberley Clark, City Clerk
Marisa Garcia, Director Parks and Recreation Department
Michael Del Campo, Assistant Park, Recreation, and Community Services Director
Ray Johal, Sr. Assistant City Attorney