



CITY OF CAMPBELL
Community Development Department

October 30, 2020

NOTICE OF PUBLIC HEARING
THIS MEETING WILL BE CONDUCTED ON-LINE USING ZOOM

Notice is hereby given that the Planning Commission of the City of Campbell has set the time of 7:30 p.m., or shortly thereafter, on Tuesday, **November 10, 2020**, for a Public Hearing to consider the application of Barbie Akin for a Tree Removal Permit (PLN-2020-125) to modify the Conditions of Approval of a previous Tree Removal Permit (PLN2019-172) approved by the Planning Commission on property located at **27 La Paloma**. Staff is recommending that this item be deemed Categorical Exempt under CEQA.

While members of the public will not be able to attend the meeting of the Campbell City Planning Commission physically, the meeting will be live-streamed on YouTube at (<https://www.youtube.com/user/CityofCampbell>).

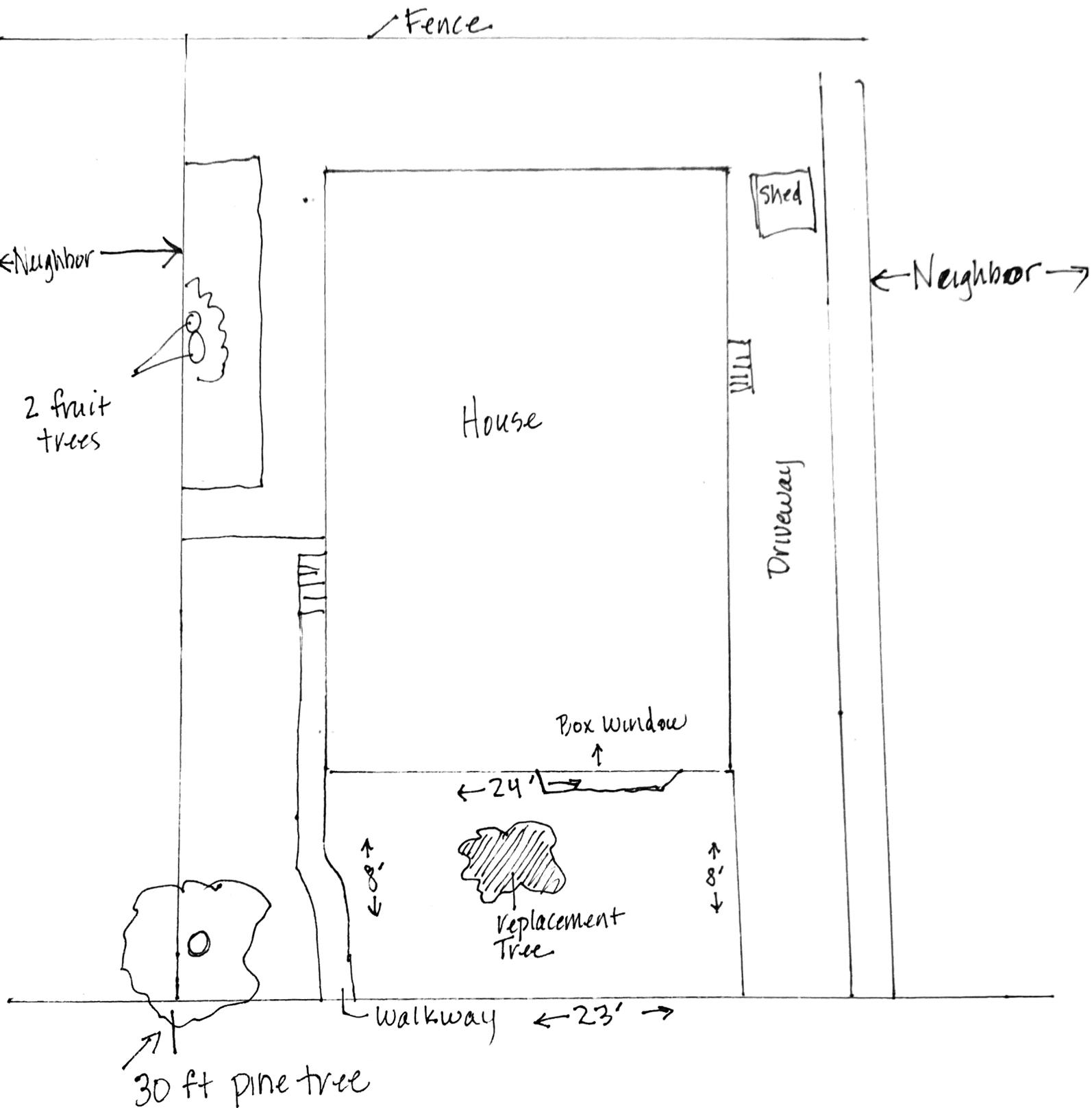
Interested persons may register to electronically participate in this Zoom PC meeting at https://us02web.zoom.us/webinar/register/WN_zs1r2lzGQE2y2lpQUQpCUQ. After registering, you will receive a confirmation email containing information about joining the webinar. The complete agenda packet will be posted by Friday, November 6th, on the website at <https://www.ci.campbell.ca.us/AgendaCenter/Planning-Commission-6>, and will include all materials for this meeting. Please be advised that if you challenge the nature of the above project in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this Notice, or in written correspondence delivered to the City of Campbell Planning Commission at, or prior to, the Public Hearing by email to planning@campbellca.gov. Questions may be addressed to the Community Development Department at (408) 866-2140. Plans and architectural drawings may be viewed by Friday, October 30th, on the City's 'Public Notices' web page (<http://www.cityofcampbell.com/501/Public-Notices>) under 'Planning Commission'.

In compliance with the Americans with Disabilities Act, the City of Campbell will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the public hearings, including qualified sign language interpreters, listening assistive devices, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments. Anyone who requires auxiliary aid or service for effective communication should contact the City Clerk's Office at 70 N. First Street, Campbell, CA 95008, (408) 866-2117 or ClerksOffice@campbellca.gov at least on week prior to the meeting. Hearing impaired or TTY/TDD text telephones users may contact the City by dialing 711 for California Relay Service (CRS) or by telephoning any other service providers' CRS telephone number.

PLANNING COMMISSION
CITY OF CAMPBELL
PAUL KERMOYAN
SECRETARY

PLEASE NOTE:

When calling on this Notice, refer to **27 La Paloma**



Street

- Replacement tree per p4 - "Tree replacement requirements" 24-inch box tree or In-lieu donation (\$550) to Paseo de Paloma tree planting project
- Replacement tree must be approved by the board.

Community Development Director or Planning Commission

Re: #PLN-APP1570

Board Non-submittal of signature and letter

To the committee,

The board of directors has informed me that they refuse to sign any paperwork regarding my case until their lawyer has gone through and reviewed all of the information regarding my case.

They refuse to sign:

- As “Property Owner” because the removed tree on “my lot” was supposed to be replaced with another tree on “my lot”.
- They refuse to sign as an HOA because the park is a “closed resident stock corporation, class C” and not an HOA.
- Through most of 2020, Chris Coggins was the board president. He has stepped down and Jo Pugsley is now president and has concerns about signing.
- I have been assured by Jo Pugsley that as soon as the lawyer has reviewed all paperwork, that we will hear from the.

History with the board:

- I originally applied to have a Laurel tree removed from the 3,400 square foot property that I “own”. In fact, I own four shares of the corporation. My responsibility and “jurisdiction” is my lot.
- A member of the board did not come to my original hearing because I was applying for a tree to be removed on “my property” per the rules of the park.
- It was determined that instead of replacing my tree on my property, I was to plant two 36-inch box heritage trees on the public green space belonging to the park.
- I informed the park of the ruling and we waited for the letter explaining the exact ruling and steps that needed to be taken. We had 10 days to appeal.
- The deadline to appeal this decision was 10/18.
- The board was not sent a letter.
- I did not receive the official city letter with the results of the hearing until 11/20. The letter was originally postmarked and mailed 10/17, one day before the deadline to me.
- It had been mailed to an incomplete address by the planning department. The letter was photographed and sent to me via email on 11/20.
- Thus, I was also unable to give it to the board to contest as they would have done. The board and I could have responded.

At this point, it was Thanksgiving/Christmas. They meet once a month. My house was completed for me to move in on 12/22. Chris Coggins, board president at the time wrote multiple letters to the planning department and was actively working on this case. He resigned early summer and Jo Pugsley took the position of president. I am not privy to how they operate.

Barbie Aknin

9/2/2020 - Re: #PLN-APP1570

Community Development Director or Planning Commission
Application for reconsideration of tree removal/replacement

To the planning committee,

I am filing to ask for the planning commission to amend the commission's original decision that was ruled at my hearing due to "Tree Removal Criteria- Economic Hardship" for me as well as the Paseo de Palomas Park.

Rather than replace the 23-inch Laurel tree that was on my property with a 24-inch box tree per the city's "Tree Replacement Requirements" I am now required to plant two 36-inch box heritage trees in the Paseo de Palomas senior park green space per the judgment.

I would like to request that I be able to:

- Plant a 24-inch box tree on my 3,400 square foot property per the city's "Replacement Tree Requirements"
- **OR**, I be allowed to make an in-lieu fee donation (currently \$550 per your form) to the Paseo de Palomas tree planting project currently underway. The park over the last several years has worked with Our City Forrest to plant trees. Currently, 10 have been planted amongst the heritage trees. They continue to add more.

The arbitrary ruling: Before making an offer on my space, I visited the office and asked a city planner about the 23-inch laurel that would have to be removed due to state easement laws for new mobile homes. The home I was to purchase was 60 years old and unlivable. The man that spoke with me at the office told me the replacement requirements (p4 - application).

Instead, my verdict came as:

- The appellant shall plant two 36-inch box trees on private property within Paseo de Palomas (known as the green belt)
- Species ash, cedar, oak, and redwood
- I must provide permanent irrigation and maintenance
- If the trees decline, I must exchange them with new trees

Had I known what I would go through with the city and the result of the hearing, I would have never purchased the home.

The park is a closed resident stock corporation, class C, and not an HOA. In the park rules & regulations, I am responsible to pay for and manage "my property", the 3,400 square foot lot that I "own". I (rather than the board) must get city approval for removing/adding trees and all other projects regarding "my property" appropriate to my lot size.

Reasons for economic hardship:

1. I was widowed at 52. Due to the loss of my husband's income and the financial burden, I sold my house. In order to stay in the area, I found Paseo de Palomas to be my best affordable option.

2. Per the Davey Tree arborist for Campbell, planting a 36-inch box heritage tree will cost \$3,000 to \$3,200 per tree depending on the tree. Therefore, I am being asked to spend \$6,000 to \$6,400 on the trees *plus* a watering system, maintenance, and replacement should they die. Davey Tree's arborist does not recommend planting 36-inch box trees due to high morbidity. Also, there is also a higher chance of introducing disease to the old oaks already in the park.
3. The gardener that is hired by the park to maintain the public areas will be caring for the trees. Should they mismanage and kill the trees, I will be held financially responsible.
4. Should the trees be planted on the park green space and I decide to move, I have been informed by the park board that will be required to sign a contract with the park to continue to pay for the tree's maintenance and replacement indefinitely so that the park does not inherit the burden of expense.
5. On a personal note, I teach cooking classes. I have been out of work and on unemployment since March 17 due to COVID 19.
6. I have a 23 and 25-year old that are just "starting out" and also out of work due to COVID that are still partially under my financial care.
7. I am not eligible to receive my husband's social security until age 65
8. My first request for tree removal was denied. This meant I had to stop production on my mobile home for two months to wait for a hearing due to In-and-Out Burger's expected public turn out. I had to rent a bedroom for two extra months at \$1000

Lastly, I was told that I "did not appeal the Planning Commission's decision to the City Council and my future appeal rights were waived."

- The deadline to appeal was 10/18. I did not receive the official city letter with the results of the hearing. It had been mailed to an incomplete address by Ms. Healy and returned.
- The letter was then photographed and sent to me via email on 11/20.
- Its original post date was 10/17 so I would not have received it either way in time to appeal. Thus, I was also unable to give it to the board to contest as they would have done. The board and I could have responded.

Inadvertently to be sure, I have been put in an impossible and very costly position caught between the city and the park. I cannot demand that trees be planted on a property that does not belong to me. I cannot manage the care of those trees nor can I afford to.

I simply can not afford \$6,4000 *plus* pay for a watering system and replacement trees if the die, COVID, or no COVID. As I stated, I would not have purchased this lot and put myself in this position had I been told that this was a possible outcome. I went to the planning office to seek guidance.

I want to resolve this in a way that supports the board and their current program without being an unreasonable financial burden for me or the board.

Sincerely,
Barbie Aknin



CITY OF CAMPBELL
70 North First Street
Campbell, California
95008.1423

SAN JOSE
CA 950
19 OCT '19
FBI S L

NEOPOST
10/17/2019
US POSTAGE \$0.00



Printed on recycled paper

RECEIVED

NOV 20 2019
CITY OF CAMPBELL
PLANNING DEPT.

Handwritten initials: *JA*

Barbara Akin
1507 Keesling Ave
San Jose, CA 95125

NIXIE 95799 11/01/2019
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
SORT IN MANUAL ONLY NO AUTOMAT
BC: 56998999955

950081423
950081423

950081423
950081423



CITY OF CAMPBELL
Community Development Department

October 14, 2019

Barbara Aknin
1507 Keesling Ave
San Jose, CA 95125

Re: 27 La Paloma – Granting Appeal (PLN2019-172) of Admin Denial of Tree Removal Permit (PLN2019-140) - Laurel Tree

Dear Applicant:

Please be advised that at its meeting of October 8, 2019, the Planning Commission adopted Resolution No. 4533 approval an Appeal (PLN2019-172) of the Community Development Director's denial of a Tree Removal Permit (PLN2019-140) to allow the removal of one (1) Laurel tree located on the above-referenced property.

This action is effective in ten calendar days, unless appealed in writing to the City Clerk by close of business on Friday, October 18, 2019. The time within which judicial review of this action must be sought is governed by Section 1094.6 of the California Code of Civil Procedure, unless another statute (such as California Government Code Section 65009 or some other applicable provision) sets forth a more specific time period.

Conditions of approval of this project may require fees(s), dedication(s), reservation(s) or other exaction(s). These copies of the approved Resolutions and/or Ordinances that set forth the conditions that describe these fee(s), dedication(s), reservation(s), and other exaction(s) have been attached for your reference. The 90-day period in which you may protest the approval of fee(s), dedication(s), reservation(s), or other exaction(s) has begun.

If you have any questions, do not hesitate to contact me at (408) 866-2140.

We invite you to take a moment to complete our on-line customer satisfaction survey that can be found at <https://www.surveymonkey.com/r/VHPBBF8>. Your impressions of your experience working with us will help us to improve our permit process. The feedback provided is completely confidential.

Sincerely,

Naz Pouya
Assistant Planner

RESOLUTION NO. 4533

BEING A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAMPBELL APPROVING AN APPEAL (PLN2019-172) OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DENIAL OF A TREE REMOVAL PERMIT (PLN2019-140) TO ALLOW THE REMOVAL OF ONE (1) LAUREL TREE LOCATED ON PROPERTY LOCATED AT **27 LA PALOMA**.

After notification and public hearing, as specified by law and after presentation by the Community Development Director, proponents and opponents, the hearing was closed.

The Planning Commission finds as follows with regard to file number PLN2019-172:

1. The property is zoned P-D (Planned Development) and currently developed with a mobile home community.
2. One (1) laurel tree is located at the front of the mobile home unit at 27 La Paloma and requires approval of a Tree Removal Permit to remove.
3. The applicant submitted a Tree Removal Permit application to remove one (1) laurel tree on July 26, 2019, which was denied on August 27, 2019.
4. The applicant submitted an Appeal application to request removal of the one (1) laurel tree on August 30, 2019 claiming the tree's location prevents installation of a new mobile home, presenting a potential for future structure damage, presenting a fire hazard, and encouraging animal activity.
5. Pursuant to Campbell Municipal Code Section 21.32.080, approval of a Tree Removal Permit may only be granted when at least one of the following findings can be made: 1) Diseased or Danger of Falling, 2) Structure Damage, 3) Utility Interference, 4) Overplanting, 5) Economic Enjoyment and Hardship.
6. The tree roots have caused damage to the driveway and a skirt wall of the existing mobile home.
7. The current mobile home is approximately 20 feet by 56 feet.
8. The proposed replacement mobile home is approximately 24 feet by 60 feet.
9. The property is one of the smaller lots in the mobile home park.
10. There is a utility box on the site that limits the options to remove the existing mobile home and install the new mobile home.
11. The state agency with jurisdiction requires additional setbacks that will require moving the new mobile home closer to the tree.
12. The mobile home park homeowner's association also has a requirement that the new mobile home be located closer to the street.

Based upon the foregoing findings of fact, the Planning Commission further finds and concludes that:

1. The application demonstrates that the retention of the tree restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has demonstrated to the satisfaction of the approval authority that there are no reasonable alternatives to preserve the tree.
2. This project is Categorically Exempt under Section 15304 (class 4) of the California Environmental Quality Act (CEQA) pertaining to minor alterations in landscaping.

THEREFORE, BE IT RESOLVED that the Planning Commission approves an Appeal (PLN2019-172) of the Community Development Director's denial of a Tree Removal Permit (PLN2019-140) to allow removal of one (1) laurel tree located on property located at **27 La Paloma**.

PASSED AND ADOPTED this 8th day of October, 2019, by the following roll call vote:

AYES: Commissioners: Buchbinder, Ching, Hines, Krey, Ostrowski, and Rivlin
NOES: Commissioners:
ABSENT: Commissioners:
ABSTAIN: Commissioners:

APPROVED: _____
Andrew Rivlin, Chair

ATTEST: _____
Paul Kermoyan, Secretary

CONDITIONS OF APPROVAL
Approval of Appeal – 27 La Paloma (PLN2019-172)

Where approval by the Director of Community Development, City Engineer, Public Works Director, City Attorney or Fire Department is required, that review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations and accepted engineering practices for the item under review. Additionally, the applicant is hereby notified that he/she is required to comply with all applicable Codes or Ordinances of the City of Campbell and the State of California that pertain to this development and are not herein specified.

COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division:

1. Replacement Trees: The appellant shall plant two (2) 36-inch box trees on private property within the mobile home park where 27 La Paloma is located (295 Union Avenue) within 30 days of the removal of the one (1) laurel tree. The species of the replacement trees shall be one of the four protected species (ash, cedar, oak, and redwood) pursuant to Campbell Municipal Code Section 21.32.050(C). The replacement trees shall be a minimum of 10 feet in height as measured from the trunk's base. The locations of the replacement trees shall be subject to approval by the Community Development Director. Approval of the species and location by the Community Development Director is required prior to installation of the replacement trees. The replacement trees shall be provided permanent irrigation to the satisfaction of the Community Development Director. If the trees decline in health, they shall be exchanged with new trees.
2. Permit Expiration: The Tree Removal Permit approval shall be valid for one year from the date of final approval (expiring October 18, 2020). Within this one-year period, the removal and replacement of the laurel tree (per the above condition) shall be completed. Failure to meet this deadline will result in the Tree Removal Permit being rendered void.