

RESOLUTION NO. 2025-R_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CULVER CITY,
CALIFORNIA DENYING THE APPEAL AND AFFIRMING THE PUBLIC WORKS
DIRECTOR'S DECISION TO REMOVE A PARKWAY TREE ADJACENT TO
4420 KEYSTONE AVENUE.**

WHEREAS, on September 17, 2024 the property owner at 4420 Keystone Avenue (the "Applicant") filed a Request for Parkway Tree Removal ("Request") for removal of a *Schinus Terebinthifolius* (Brazilian Pepper) tree in the parkway adjacent to their property (Exhibit A: Tree Removal Request).

WHEREAS, Culver City Municipal Code ("CCMC") section 9.08.200 et seq. sets forth the City's rules and procedures for the removal of City-owned street trees, including the parkway tree that is the subject of this appeal and resolution.

WHEREAS, under CCMC section 9.08.210, in determining whether any tree in the parkway shall be removed or replaced, the Public Works Director determines whether the removal or replacement is in the best interest of the City and the public health, safety and welfare. Such determination is based on the criteria set forth in either CCMC section 9.08.210.C.1 or CCMC section 9.09.210.C.2.

WHEREAS, CCMC section 9.08.210.C.1 allows removal if one of the following criteria are met:

- a. The tree is dead, dying, or weakened by disease, age, storm, fire or other injuries so as to pose an existing or potential danger to persons, properties, improvements, or other trees; or
- b. The removal is necessary for construction of a street improvement project or other public improvement/repair work; or
- c. The removal is necessary for a private improvement or development project.

1 WHEREAS, CCMC section 9.08.210.D, E, and F provide with respect to removal of
2 parkway trees, and with respect to appeals of tree removal decisions by the Public Works
3 Director:

4 D. If a Parkway tree is approved for removal, following review of the criteria
5 listed in Subsection 9.08.210.C, such removal shall be accommodated subject to
6 availability of City resources and funds. In the event that the applicant desires the
7 approved removal occur prior to when it can be accommodated by the Public
8 Works Director, the applicant shall be given the option of paying for the removal,
9 in which case the tree will be removed at the first opportunity upon receipt of
10 payment.

11 E. The decision of the Public Works Director is final, unless appealed by the
12 applicant, a member of the City Council or an interested person. Appeals shall
13 be submitted in writing and filed with the City Clerk within 10 days after the
14 decision date identified in the notice of decision. The notice of decision shall be
15 prepared by the Public Works Director and sent to the applicant and all interested
16 persons with a copy provided to the City Council. The number of days shall be
17 construed as City Hall business days. Time limits will extend to the following City
18 Hall business day, where the last of the specified number of days falls on a
19 weekend, holiday, or other day when City Hall is officially closed. An appeal shall
20 include a general statement, specifying the basis for the appeal, shall be based
21 on an error in fact or dispute of the findings of the decision, and must be
22 accompanied by supporting evidence substantiating the basis for the appeal.
23 Appeals shall be accompanied by a filing fee established by resolution of the City
24 Council.

25 F. Appeals shall be heard by the City Council, which shall affirm the decision of
26 the Public Works Director, unless the appellant demonstrates, by substantial
27

evidence, that the decision is based on an error in fact or disputed findings. The decision of the City Council on an appeal shall be final.

WHEREAS, in the Request the Applicant asserted that the trees should be removed pursuant to CCMC section 9.08.210.C.2 subsections a and c and asserted that “the roots are pushing up the sidewalk, sidewalk cracking”.

WHEREAS, in response to the Request, the City Arborist assessed the tree at the site and the Tree Hazard Evaluation assessment recommended removal of the tree based upon its illegal and improper trimming that resulted in its crown becoming unbalanced. The assessment determined that the unevenness of the crown’s weight may cause the tree to topple during a windstorm or rainstorm. The assessment determined that the improper trimming was so severe that further pruning of the crown to balance its weight is not feasible as doing so would leave so little of the tree that it would likely die soon afterward.

WHEREAS, based on the City Arborist’s assessment, the Public Works Director approved the Applicant’s request to remove the tree based on CCMC Section C.1.a, finding that “[t]he tree is dead, dying, or weakened by disease, age, storm, fire or other injuries so as to pose an existing or potential danger to persons, properties, improvements or other trees”.

WHEREAS, on December 2, 2024, the Director’s decision was mailed to the Applicant and interested persons, including neighbors. CCMC section 9.08.210.E allows a formal appeal of the Public Works Director’s decision to be filed within 10 business days after the date set forth in the notice of decision.

WHEREAS, on December 10, 2024, the City received timely letters of appeal (“Appeal”) from four neighbors (collectively the “Appellants”) citing the tree’s environmental, aesthetic, historical, and community well-being attributes (Exhibit B: Tree Removal Appeal.)

WHEREAS, on March 5, 2025, the Public Works Director sent a letter to the Appellants explaining the rationale for approving the tree removal and providing images of the 36” box *Spathodea Campanulata* (African Tulip) replacement tree. The letter also invited the Appellants to confirm their appeal by April 28th, 2025 and one of four proceeded to do so.

1 WHEREAS, on May 27, 2025, the City Council conducted a Public Hearing of the
2 Appeal.

3 NOW, THEREFORE, the City Council of the City of Culver City, DOES HEREBY
4 RESOLVE, as follows:

5 **SECTION 1.** The City Council finds that foregoing recitals are true and correct and
6 orders that they be, and hereby are, adopted and incorporated herein by this reference as a
7 substantive part of this Resolution.

8 **SECTION 2.** Pursuant to CCMC section 9.08.210.F, the City Council finds that the
9 Appellant has not demonstrated, by substantial evidence, that the decision of the Public Works
10 Director was based on an error in fact and disputed findings. Specifically, the City Council finds
11 based on the evidence in the record, that tree is dead, dying, or weakened by disease, age,
12 storm, fire or other injuries so as to pose an existing or potential danger to persons, properties,
13 improvements, or other trees.

14 **SECTION 3.** The City Council finds that substantial evidence for its decision and findings
15 herein are found in the materials and comments presented at and in connection with the public
16 hearings on May 27, 2025, including without limitation the staff reports and related attachments,
17 neighbors' and residents' written submittals and oral comments, staff oral presentations and
18 comments, and City Council members' questions, comments and deliberations.

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1 **SECTION 4.** Based on the foregoing, the City Council hereby denies the Appeal and
2 affirms the Public Works Director's decision to remove the tree based on CCMC section C.1.a.

3
4 APPROVED and ADOPTED this 27th day of May, 2025

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7 _____
DAN O'BRIEN, Mayor
City of Culver City, California

8
9 ATTEST:

APPROVED AS TO FORM:

10 _____
11 JEREMY BOCCHINO, City Clerk

12 _____
13 
14 HEATHER BAKER, City Attorney

Exhibit A: Tree Removal Request

PTRR24-0013

PTRR24-0013

20__-354



Public Works Department
Maintenance Operations Division

CITY OF CULVER CITY

9505 West Jefferson Boulevard, Culver City, California 90232



Request for Parkway Tree Removal

(Pursuant to Culver City Municipal Code Section 9.08.210: See reverse side of this form)

Applicant: Corey Lewin
4420 Keystone Ave, Culver City 90232
(Address)

Telephone

Request for removal of 1 tree(s)

Location: ☒ In front of, and/or

☐ Onside of property located at 4420 Keystone Ave, Culver City 90232
(Street Address)

Reason for removal:

(Criteria set forth in Culver City Municipal Code Section 9.08.210.C must be satisfied. See reverse side of this form)

Roots are pushing up the sidewalk, sidewalk cracking

☐ Supporting documentation is attached.

☒ Request for removal (subject to availability of City resources and funds), OR

☐ Request for priority removal at applicant's expense.

PROCEDURE FOR TREE REMOVAL:

If applicant's request for tree removal is granted, removal of aforementioned tree(s) will be accommodated on a priority basis subject to availability of City resources and funds. Applicant has the option to be granted priority removal if they agree to pay for the removal at their expense. Applicant will be presented with a quote from City's tree trimming contractor prior to removal. Upon authorization of quote and payment by applicant, tree(s) will be removed by City's tree trimming contractor as their schedule permits.

FILING FEE:

The applicant shall post a non-refundable filing fee in the amount of \$ along with this request form.

DECISION AND APPEAL:

The decision of the Public Works Director is final, unless appealed by the Applicant, a member of the City Council or an Interested Person. Appeals shall be submitted in writing and filed with the City Clerk within 10 days after the decision date identified in the notice of decision. (See CCMC Section 9.08.210.E and F for more information.)

Date 9/17/2024

Signature

(Applicant)

FOR CITY USE

Species of tree(s) to be removed:

Tree(s) to be removed: inches feet feet
(Approx. diameter) (Approx. height) (Parkway width)

Permission is hereby: ☒ Granted for removal (subject to availability of City resources and funds)
☐ Granted for priority removal at applicant's expense
☐ Denied

Date 10/2/2024

Signature

With Property Owner/Applicant

Yellow Public Works Director

Pink Maintenance Operations Division

Exhibit B: Tree Removal Appeal

2024 DEC 10 PM 3:41

December 10, 2024

City Clerk's Office
9770 Culver Boulevard, 1st Floor
Culver City
90232

To the City Clerk,

Re: Tree Inspection Notice – 4420 Keystone Avenue

I am writing in opposition of the proposed removal of the tree located in front of 4420 Keystone Avenue. This tree, has been an integral part of our community and serves numerous valuable functions, including:

- **Environmental Impact:** Providing shade, reducing urban heat, improving air quality, and supporting local biodiversity.
- **Aesthetic and Historical Value:** Contributing to the beauty and character of the area and potentially holding historical or cultural significance.
- **Community Well-Being:** Enhancing the mental and physical health of residents by offering a peaceful and natural environment.

The preservation of this tree aligns with Culver City's commitment to environmental stewardship and sustainable urban development.

We respectfully request the Culver City Public Works Department to reconsider the removal of this tree and adopt measures to preserve it for the benefit of current and future generations.

Thank you for your attention and consideration

Sincerely,

