



Yanni Demitri, P.E.
Public Works Director and
City Engineer



PUBLIC WORKS DEPARTMENT

9770 Culver Boulevard, Culver City, California 90232



(310) 253-5600
FAX (310) 253-5626

March 5, 2025

Mr. Harry Payne
Appellant
4426 Keystone Avenue
Culver City, CA 90232

Via U.S. First Class Mail

**RE: APPEAL OF CITY DECISION TO APPROVE REMOVAL OF A CITY-OWNED TREE AT
4420 KEYSTONE AVENUE**

Dear Mr. Payne:

Reference is made to the property owner of 4420 Keystone Avenue, who applied to the City of Culver City ("City") on September 17, 2024 to remove a *Schinus Terebinthifolius* (Brazilian Pepper) tree planted in their parkway (the "Applicant").

Although the application was initially approved by the Public Works Director/City Engineer, upon your receipt of the December 2, 2024 notice of that decision, you submitted a letter appealing that decision on December 10, 2024, along with neighbors Brian Zydiak, Spencer Starr, and Paul Bushnell (collectively, the "Appellants").

Absent from the City's December 2, 2024 notice of decision was an explanation. After receipt of the Applicant's request, the City's Arborist visited the site on October 29, 2024 to inspect the tree and to prepare a Tree Hazard Evaluation report, a copy of which is enclosed. The Tree Hazard Evaluation report concluded that this City-owned tree was illegally and improperly trimmed and as a result, its crown has become unbalanced. The unevenness of the crown's weight may cause the tree to topple during a windstorm or rainstorm. Unfortunately, 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 remaining that it is likely that the tree would die soon afterward. As such, the City's decision to approve the tree's removal adheres to Culver City Municipal Code Chapter 9.08.210 Section C (1) a. as follows: *"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."* A copy of Culver City Municipal Code Chapter 9.08.210 is enclosed for your immediate reference.

As part of the tree's removal and replacement by the City, the Applicant has agreed to replace that portion of the adjacent sidewalk that was lifted by the tree's roots at their expense. The City will replace the Brazilian Pepper tree with a *Spathodea Campanulata* (African Tulip), images

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of which are enclosed with this letter. The City anticipates that the 36" box-sized replacement tree will mature within five years.

If after learning of this explanation, one or more of the Appellants wish to continue to appeal the City's decision to approve the Applicant's request to replace the tree, please submit the \$647 appeal processing fee to the Engineering Permit Counter located on the second floor of City Hall at 9770 Culver Blvd during normal business hours no later than Monday, March 24, 2025. Failure to submit the appeal processing fee by March 24, 2025 constitutes the Appellants' withdrawal of their December 10, 2024 appeal.

If you have any questions or concerns about this matter, please contact Gary Wansley, Maintenance/Operations Manager at 310-253-6444 or via e-mail at gary.wansley@culvercity.org

Sincerely,

A handwritten signature in dark ink, appearing to read 'Yanni Demitri', with a long horizontal flourish extending to the right.

Yanni Demitri, MSCE
Director of Public Works/City Engineer

Enclosures:

- October 29, 2024 Tree Hazard Evaluation Report
- Images of the *Spathodea Campanulata* replacement tree
- Copy of Culver City Municipal Code Chapter 9.08.210

Copies sent via First Class Mail to the following Appellants:

- Paul Bushnell, 4445 Keystone Avenue
- Spencer Starr, 4419 Keystone Avenue
- Brian Zydiak, 4439 Keystone Avenue

Copies to City Staff:

- Gary Wansley, Public Works Maintenance/Operations Manager



A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas
TREE HAZARD EVALUATION FORM 2nd Edition

Site/Address: 4420 Keystone Ave.
Map/Location: Tract 17328 Lot 112 Block 4400
Owner: public _____ private ☒ unknown _____ other _____
Date: 10/29/24 Inspector: David Talavera
Date of last inspection: 10/29/24

HAZARD RATING:				
3	+	3	+	2
Failure		Size		Target
Potential		of part		Rating
				=
				8
				Hazard
				Rating
_____ Immediate action needed				
_____ X Needs further inspection				
_____ Dead tree				

TREE CHARACTERISTICS

Tree #: 1 Species: Brazilia Pepper 9Schinus Terebinthifolius
DBH: 25" # of trunks: 1 Height: 26' Spread: 36'
Form: ☐ generally symmetric ☐ minor asymmetry ☒ major asymmetry ☐ stump sprout ☐ stag-headed
Crown class: ☒ dominant ☐ co-dominant ☐ intermediate ☐ suppressed
Live crown ratio: 80 % Age class: ☐ young ☐ semi-mature ☐ mature ☒ over-mature/senescent
Pruning history: ☒ crown cleaned ☐ excessively thinned ☒ topped ☐ crown raised ☐ pollarded ☒ crown reduced ☒ flush cuts ☐ cabled/braced
☐ none ☐ multiple pruning events Approx. dates: illegal trimming
Special Value: ☐ specimen ☐ heritage/historic ☐ wildlife ☐ unusual ☒ street tree ☐ screen ☐ shade ☐ indigenous ☐ protected by gov. agency

TREE HEALTH

Foliage color: ☒ normal ☐ chlorotic ☐ necrotic Epicormics? Y ☒ N
Foliage density: ☒ normal ☐ sparse Leaf size: ☐ normal ☐ small
Annual shoot growth: ☐ excellent ☒ average ☐ poor Twig Dieback? Y ☒ N
Woundwood development: ☐ excellent ☒ average ☐ poor ☐ none
Vigor class: ☐ excellent ☒ average ☐ fair ☐ poor
Major pests/diseases: none

Growth obstructions:
☐ stakes ☐ wire/ties ☐ signs ☐ cables
☐ curb/pavement ☐ guards
☐ other none

SITE CONDITIONS

Site Character: ☒ residence ☐ commercial ☐ industrial ☐ park ☐ open space ☐ natural ☐ woodland/forest

Landscape type: ☒ parkway ☐ raised bed ☐ container ☐ mound ☐ lawn ☐ shrub border ☐ wind break

Irrigation: ☐ none ☐ adequate ☒ inadequate ☐ excessive ☐ trunk wetted

Recent site disturbance? Y ☒ N ☐ construction ☐ soil disturbance ☐ grade change ☐ line clearing ☐ site clearing

% dripline paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y ☒ N ☐

% dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%

% dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%

Soil problems: ☐ drainage ☐ shallow ☒ compacted ☐ droughty ☐ saline ☐ alkaline ☐ acidic ☒ small volume ☐ disease center ☐ history of fail
☐ clay ☐ expansive ☐ slope _____ * aspect: _____

Obstructions: ☐ lights ☐ signage ☐ line-of-sight ☐ view ☐ overhead lines ☐ underground utilities ☐ traffic ☐ adjacent veg. ☐ none

Exposure to wind: ☐ single tree ☐ below canopy ☐ above canopy ☐ recently exposed ☐ windward, canopy edge ☐ area prone to windthrow

Prevailing wind direction: N/E Occurrence of snow/ice storms ☒ never ☐ seldom ☐ regularly

TARGET

Use Under Tree: ☐ building ☒ parking ☒ traffic ☒ pedestrian ☐ recreation ☒ landscape ☐ hardscape ☐ small features ☐ utility lines

Can target be moved? Y ☒ N ☐ Can use be restricted? Y ☒ N ☐

Occupancy: ☐ occasional use ☐ intermittent use ☒ frequent use ☐ constant use

TREE DEFECTS

ROOT DEFECTS:

Suspect root rot: Y ☒ N ☐ Mushroom/conk/bracket present: Y ☒ N ☐ ID: _____

Exposed roots: ☐ severe ☒ moderate ☐ low Underscored: ☐ severe ☐ moderate ☐ low

Root pruned: 5' distance from trunk Root area affected: 20 % Buttress wounded: Y ☒ N ☐ When: year 2023

Restricted root area: ☐ severe ☐ moderate ☐ low Potential for root failure: ☐ severe ☐ moderate ☐ low

LEAN: _____ deg. from vertical ☐ natural ☐ unnatural ☐ self-corrected Soil heaving: Y ☒ N ☐

Decay in plane of lean: Y ☒ N ☐ Roots broken Y ☒ N ☐ Soil cracking: Y ☒ N ☐

Compounding factors: Unbalance crow Lean severity: ☐ severe ☐ moderate ☒ low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper			S	S
Bow, sweep			S	S
Codominants/forks			M	
Multiple attachments			S	S
Included bark		N		
Excessive end weight				S
Cracks/splits		N	N	
Hangers				N
Girdling	N			
Wounds/scar	N		S	S
Decay	N	N	N	
Cavity	N	N	N	
Conks/mushrooms/bracket	N	N	N	
Bleeding/sap flow	N	N	N	
Loose/cracked bark	N	N	N	
Nesting hole/bee hive	N	N	N	
Deadwood/stubs			S	S
Borers/termites/ants			M	M
Cankers/galls/burls	N	N	N	
Previous failure	N	N	N	N

HAZARD RATING

Tree part most likely to fail: Big Branches

Inspection period: X annual _____ biannual _____ other _____

Failure Potential + Size of Part + Target Rating = Hazard Rating

3 + 3 + 2 = 8

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe

Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);
3 - 18-30" (45-75 cm); 4 - >30" (75 cm)

Target rating: 1 - occasional use; 2 intermittent use;
3 - frequent use; 4 - constant use

HAZARD ABATEMENT

Prune: ☐ remove defective part ☐ reduce end weight ☐ crown clean ☐ thin ☐ raise canopy ☐ crown reduce ☐ restructure ☐ shape

Cable/Brace: _____ Inspect further: ☐ root crown ☐ decay ☐ aerial ☐ monitor

Remove tree: Y ☒ N ☐ Replace? Y ☒ N ☐ Move target: Y ☒ N ☐ Other: _____

Effect on adjacent trees: ☐ none ☐ evaluate

Notification: ☐ owner ☐ manager ☒ governing agency Date: 10/29/24

COMMENTS Illegal trimming create Unbalance crow hazard condition

Sidewalk lifted schedule for fix (root pruning will need) no suitable tree will need to be remove
tree have multiple attachment (due to topped when was a young tree) hazard at this time

Recommendation: Remove and replace

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Spathodea Campanulata (African Tulip) Replacement Tree



§ 9.08.210 REMOVAL OF TREES IN PARKWAYS; APPLICATION PROCEDURE; NOTICE AND APPEALS.

A. The Public Works Director shall have sole authority to cut, trim, prune, replace or remove any tree in or on any parkway in the City. No other person shall cut, trim, prune, replace, remove, deface, or in any manner injure any tree in or on any parkway in the City, except as authorized by the Public Works Director in the case of a private improvement project in accordance with § [9.08.215](#).

B. Any interested person may request discretionary removal of a parkway tree by submitting a written application to the Public Works Director, on a form approved by the City. The written application shall state the name and address of the applicant, the location of the tree, the reason for the request, and any other information required by the Public Works Director. The written application shall be accompanied by a filing fee, established by resolution of the City Council. A filing fee is not required to request removal of a tree that is suspected to be in a hazardous or unsafe condition.

C. The Public Works Director shall review the application and supporting documentation to determine whether to approve the removal of the requested tree. In determining whether any tree in or on the parkway shall be removed or replaced, the Public Works Director shall determine whether the removal or replacement is in the best interest of the City and the public health, safety and welfare. Such determination shall be based on the criteria set forth in either Subsection C.1 or Subsection C.2 as follows:

1. If any one of the following criterion is 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. Where the application for removal is related to a private improvement or development project, see § [9.08.215](#).
2. If two or more other criteria are met:
 - a. The tree is a known problem species or is otherwise found to be an undesirable species for its location based on tree size relative to available area for tree growth.
 - b. The tree roots are creating extensive and repeated damage to public and/or private infrastructure, including sidewalks, sewer lines, or other utility lines. A history of sewer line blockages from tree roots does not alone provide sufficient reason for tree removal, but rather suggests the need for sewer repair to stop leaks and the accompanying root intrusion that results.
 - c. The tree is creating a public or private nuisance.

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

E. 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. The notice of decision shall be prepared by the Public Works Director and sent to the applicant and all interested persons with a copy provided to the City Council. The number of days shall be construed as City Hall business days. Time limits will extend to the following City Hall business day, where the last of the specified number of days falls on a weekend, holiday, or other day when City Hall is officially closed. An appeal shall include a general statement, specifying the basis for the appeal, shall be based on an error in fact or dispute of the findings of the decision, and must be accompanied by supporting evidence substantiating the basis for the appeal. Appeals shall be accompanied by a filing fee established by resolution of the City Council.

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