

From: [Colleen Eastman](#)
To: [Maria Ristow](#); [Mary Badame](#); [Matthew Hudes](#); [Rob Moore](#); [Rob Rennie](#); [Town Manager](#); [Arn Andrews](#); [Rob Moulden](#); [Clerk](#)
Cc: [Dean Rossi](#)
Subject: Town of Los Gatos - Eucalyptus Trees
Date: Friday, February 17, 2023 3:08:43 PM
Attachments: [image001.png](#)
[23.02.17 DCR to Town of Los Gatos.pdf](#)
[23.02.07 Geddes Arborist Repolrt.pdf](#)

[EXTERNAL SENDER]

Dear Gentlepersons:

Attached please find correspondence from attorney Dean Rossi concerning the above-referenced subject matter.

Very truly yours,



Colleen Eastman
Legal Assistant
colleen@rdlaw.net

San Jose | Danville

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February 17, 2023

Via Electronic Mail Only

Ms. Maria Ristow, Mayor
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Ms. Mary Badame, Vice Mayor
mbadame@losgatosca.gov
Mr. Matthew Hudes, Council Member
mhudes@losgatosca.gov
Mr. Rob Moore, Council Member
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manager@losgatosca.gov
Mr. Arn Andrews, Assistant Town Manager
aandrews@losgatosca.gov
Mr. Rob Moulden, Town Arborist
rmoulden@losgatosca.gov
clerk@losgatosca.gov

Re: Eucalyptus Trees

Dear Gentlepersons:

Subsequent to my letter of January 24, please be advised that I also represent also Kurt Stauss of [REDACTED] Overlook Road, in addition to David and Anita Goddard of [REDACTED] Overlook Road, Gerard Hayden and Mary O'Connell of [REDACTED] Overlook Road, Nate and Bobbi Vandegrift of [REDACTED] Overlook Road, and Linda Rodriguez of [REDACTED] Pennsylvania Avenue (collectively, "Residents").

The costs of repairs to the Residents' property damaged as a result of Town's two fallen eucalyptus trees has surpassed \$250,000. This amount will increase as further repairs are undertaken. The amount does not include the costs to the Town, utilities, emergency services, etc. Those costs are without doubt also substantial.

As mentioned in my letter of January 24, we were in the process of obtaining a written arborist report concerning the safety of the remaining 18 eucalyptus trees on Town property. Please see the attached report from Ian Geddes, Registered Consulting Arborist.

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On January 11, the day after the catastrophic failure of the trees, Mr. Geddes inspected all of the eucalyptus trees, both fallen and standing. He inspected them again at the end of January before the destruction of the two stumps. Mr. Geddes's report speaks for itself. The trees present a "present threat to life, limb and property and infrastructure" and need to be removed. He found evidence of white root rot and was surprised by how little root mass remained to support the fallen trees. He considers it "highly likely" that the 18 remaining trees have suffered similar root zone compromise. The Town's strategy of occasional pruning could not and cannot "prevent advance of root pathogens and decay."

In addition, the Residents have consulted with the Santa Clara County Fire Department, Fire Prevention Division. The Fire Prevention Division manages the brush abatement and defensible space program and sends reminders to homeowners each January to clear vegetation, and levies financial charges against homeowners for violations and non-compliance. The Fire Department is aware of the Town's eucalyptus trees on Overlook Road, and says that they have no way to protect the Residents if these trees ignite. Again, these trees are flammable and explode in fireballs. The Fire Department would have no other choice but to retreat. Indeed, the Santa Clara County Firesafe Council highlights such fireballs as the primary reason to recently remove eucalyptus trees in Redwood Estates: "Eucalyptus trees are notorious for being extremely flammable and spreading firebrands. When the oils in the trees heat up, the plant releases flammable gas, which ignites into a fireball. This accelerates the eucalyptus fire hazards in a region and discourages firefighting efforts." See <https://sccfiresafe.org/projects/redwood-estates-hazardous-tree-removal/>.

Essentially, individual, as well as Town and community, wildfire preparedness efforts are meaningless in the Glen Ridge neighborhood as long as these trees are standing.

The Town has previously been advised to remove eucalyptus trees. For example, in 2020 the Town commissioned a wildfire preparedness report and recommendations from SWCA Environmental Consultants. The report is entitled, Town of Los Gatos Roadway Vegetation Management Plan. On page 4, the recommended treatments include "Removing all non-fire-resistant vegetation located within 10 feet of roadways [including] combustible vegetation such as eucalyptus trees..." Overlook Road is highlighted in this report as an area to be addressed. See <https://www.losgatosca.gov/DocumentCenter/View/25236/Los-Gatos-Roadside-Vegetation-Management-Plan>.

Despite this report, despite the Town's stated focus on wildfire preparedness, and despite the recent scare from the lightning complex fires of August 2020, to date, the Town has not taken the recommended actions regarding these trees – removal, pruning, nothing. Their existence contradicts all wildfire preparedness efforts in the Glen Ridge neighborhood. It appears the Town is maintaining a known hazardous and dangerous condition on its property that endangers Town residents.

It is our understanding the issue of these eucalyptus trees is on the agenda for the Town council meeting on March 21, 2023 and that Town staff is preparing recommendations. Again, we urge these trees to be removed without delay. We ask the for the immediate removal of these 18 eucalyptus trees without delay.

Very truly yours,



DEAN C. ROSSI

DCR/ceje
Enc.

cc: Client



IAN GEDDES
AND ASSOCIATES
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February 7th 2023

Mr. David Goddard,

Los Gatos, CA 95030

Re: Recent Tree Failure,

Dear Mr. Goddard,

Thank you for the opportunity to become involved in your tree related issue.

Well documented and photographed, along with the consequences, are the complete and catastrophic failures of 2 very large Tasmanian Blue Gum Eucalyptus (*Eucalyptus globulus*) trees resulting from the storm of January 10th 2023.

I have read the description of events and of Eucalyptus trees in Mr. Rossi's report of January 24th and find little, including notes regarding fire, to dispute.

Generalizations aside, with regard to this row of trees (or what remains of it), 18 trees in total, I recommend removal to eliminate the present threat to life, limb and property and infrastructure that they currently pose. A threat that is significantly raised during weather events.

The elderly row of trees has long reached the point of having outgrown the usefulness of their intended function as a windbreak. Since they were planted their local environment has seen remarkable change, from rural farmland, to high-traffic modern, close proximity living. They have gained enormous mass during this time.

Such close environment modification usually goes along with compromise to the trees, much of this unseen. In this instance, over the course of years, roots have been severed and lost through compaction as a result of road grading, kerb, gutter and drain installation, paving installation, wall footing installation and likely several other reasons. Not only does such damage lessen anchorage, but allows the entry of root and butt rotting fungal pathogens.

I inspected the failures on January 11th and was surprised by just how little root mass remained on both of the trees that failed. Evidence of white rot was present in some of the remaining root tissue.

Rotten and/or missing roots do little to promote stability.



Mr. David Goddard

2/7/23

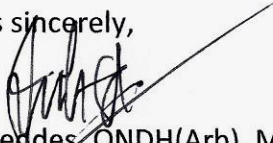
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Canopy "health" cannot be used as an indicator of structural integrity, and it is highly likely that most, if not all of these massive trees, that now find themselves in an area of comparatively dense human population and critical infrastructure, have suffered root-zone compromise. Pruning efforts may reduce some weight and wind-sail effect but will not prevent advance of root pathogens and decay.

It is my professional opinion that the trees have reached a point where they have outgrown their usefulness as functional, and in later life, safe horticultural additions to the landscape, and now present a threat to property and persons that live close to, or utilise the public domain.

The community idea to remove these trees is based upon sound reason, and one that this consultant endorses.

Yours sincerely,


Ian Geddes, ONDH(Arb), MIOB
ASCA Registered Consulting Arborist (308)
WCISA Certified Arborist (0593)

