

From: [Luis Topete](#)
To: [Janet Davis](#)
Subject: RE: Zoning Mtg. Item 2 PLN2024-00275
Date: Tuesday, July 8, 2025 9:52:00 AM

Good morning,

Thank you for your comments. Alice Gerland owned both APN's 074-301-070 and 074-301-090. APN 074-301-090 is the property along San Francisquito Creek. The current owners and project applicants purchased both properties in November of 2023. The proposed subdivision is for APN 074-301-070 only and the property along the creek is not a part of the proposed subdivision.

Regarding VIO2024-00016, staff received photos of tree stumps from the property with a concern that trees may have been cut down without a tree removal permit. Upon investigation by County staff, the largest tree measured was 36" in circumference. The County's Significant Tree Ordinance applicable at that time defined a "Significant Tree" requiring permit prior to removal as a tree having a circumference of 38" or more measured at 4.5 feet above the ground. All trees were verified to be under the circumference that required a tree removal permit. The case was closed on 01/24/2024. All tree pruning or removals will require a separate permit to be applied for at the time when the tree pruning, or removal is proposed.

A biological impact report was completed to assess the potential for presence of sensitive biological resources. The report determined that the project site does not support suitable habitat for special-status plants. The California tiger salamander (CTS), California red-legged frog (CRLF), and Northwestern Pond turtle (NWPT) would not likely occur at the project site due to the lack of suitable aquatic habitat present, but these species, though highly unlikely, could briefly pass through the project site. The project site does not contain any sensitive habitat, such as wetlands, riparian habitat, or sensitive plant communities. The report recommends implementing three avoidance measures to avoid potential impacts to special-status and protected wildlife species. These avoidance measures have been incorporated as Conditions 8-10. The staff report will be uploaded to the webpage this week. For your reference, Conditions 8-10 are outlined below.

8. Special-Status Amphibian and Reptile Surveys: A qualified biologist shall survey the project site for special-status amphibian and reptile species, including CTS, CRLF, and NWPT, within 48 hours before the onset of work activities. If any of these species are found and could be impacted by the construction work, the biologist shall contact USFWS and/or California Department of Fish and Wildlife (CDFW) (as applicable) and construction work shall stop. The animals shall be allowed to move out of the project site on their own.
9. Roosting Bat Survey: A qualified biologist shall conduct a pre-construction survey for roosting bats in suitable roosting habitat (i.e., trees, residence) on and adjacent to the project site (where accessible) within 14 days prior to the start of work activities (e.g., demolition, grading, construction). If active roosts are found, the roost shall be protected by establishing an exclusion zone. The size of the exclusion zone shall be determined by a qualified biologist in consultation with the California Department of Fish and Wildlife. If the roost needs to be removed, CDFW shall be consulted to

determine the methods for removal and any appropriate mitigation (i.e., installation of bat boxes).

10. **Nesting Bird Survey:** To the extent feasible, vegetation removal activities shall occur during the non-nesting season (September 1 to January 31). For any construction activities conducted during the nesting season (February 1 through August 31), a qualified biologist shall conduct a preconstruction nesting bird survey of trees and other suitable nesting habitat at and within 250 feet of the project site. Where adjacent suitable nesting habitat is not accessible, the biologist shall survey by scanning for nests while using binoculars. The survey shall be conducted within seven days prior to the start of work. If the survey indicates presence of nesting birds, the biologist shall determine an appropriately sized buffer around the nests in which no work shall be allowed until the young have successfully fledged or the nest is no longer active.

The size of the nest buffer shall be determined by the biologist and shall be based on the nesting species and its sensitivity to disturbance. In general, buffer sizes of up to 250 feet for nesting raptors and 50 feet for other birds are typically used to prevent substantial disturbance to nesting birds, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest. If more than seven days elapse between the survey date and start of project activities, then an additional survey by the qualified biologist shall be conducted.

Please let me know if you have any additional questions.

Luis Topete

Planner III

From: Janet Davis <jadjad@sbcbglobal.net>

Sent: Monday, July 7, 2025 1:35 PM

To: Luis Topete <ltopete@smcgov.org>

Subject: Zoning Mtg. Item 2 PLN2024-00275

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This property used to belong to Alice Gerland, who I believe has died. **It sold November 14 2023** to at least one of the present owners.

Several years ago at the time of Shahidi debacle, I spoke to Alice who if I recollect correctly, told me that she also owned a small segment of land at the creek edge that she valued because it gave her a way of protecting the creek. I would like to know if this still is correct.

I also note from Accela that the county recorded **VIOL 2024-00016 on 1/24/2024** shortly after the acquisition by the current owners, for cutting down the trees on the property, including a significant one over 38 inches in circumference. This does not bode well for the remaining riparian canopy - or for adherence to environmental procedures.

The County Planning Dept. and the BOS have in the past approved many thoroughly irresponsible projects along the creek that have almost totally destroyed the environment,

increased flooding potential, vastly increased non permeable surfaces, and allowed wholesale tree removal that is vital to the wildlife and to the drainage/pollution issues along the banks, which latter has contributed to significant bank collapse and siltation of the creek. Should this re-zoning be approved I would hope that some environmental provisions we attached to that approval.