

James Castaneda

From: Lisa Aozasa
Sent: Thursday, February 18, 2016 9:09 AM
To: James Castaneda
Subject: FW: Ascension Heights
Attachments: Ascension Heights NOD Clerk.pdf

[Hi James – to add to your digital record for Ascension.](#)

From: Lisa Aozasa
Sent: Friday, February 12, 2016 9:06 AM
To: 'Matthew Francois'
Cc: Timothy Fox
Subject: RE: Ascension Heights

Hi Matt –

Here is a copy of the NOD filed with the Clerk. I expect to get a copy of the one filed with OPR later today and will send that along as well. Please let me know if you need anything else.

Lisa

From: Matthew Francois [<mailto:MFrancois@rutan.com>]

Sent: Friday, February 12, 2016 12:30 AM

To: Lisa Aozasa <laozasa@smcgov.org>

Cc: Timothy Fox <tfox@smcgov.org>

Subject: RE: Ascension Heights

Lisa, can you please send me the filed-stamped copy of the NOD. Thank you.

Matthew D. Francois

Rutan & Tucker, LLP
Five Palo Alto Square, 3000 El Camino Real, Ste. 200
Palo Alto, CA 94306
(650) 798-5669 (direct)

mfrancois@rutan.com

www.rutan.com

RUTAN

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From: "Francois, Matthew"

Sent: Wednesday, February 10, 2016 5:44 PM

To: Lisa Aozasa <laozasa@smcgov.org>; Francois, Matthew <MFrancois@rutan.com>

Cc: Timothy Fox <tfox@smcgov.org>

Subject: RE: Ascension Heights

Hi Lisa,

Attached is a revised version reflecting my minor suggested edits. I clarified the applicant was San Mateo Real Estate, Inc.; added "northeast corner" of Ascension and Bel Aire to project location; removed part about prior project since it seemed not relevant; and added CA and zip to address where EIR could be reviewed. Please send the filed-stamped copy

of the NOD when it is available.

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From: Lisa Aozasa [<mailto:laozasa@smcgov.org>]

Sent: Wednesday, February 10, 2016 4:36 PM

To: Francois, Matthew <MFrancois@rutan.com>

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Subject: RE: Ascension Heights

Hi Matt –

Here is the NOD for your review. Please let us know if you have any changes to recommend. By the way, Dennis was already here to drop off the check, so we're ready to file once you sign off. I'll plan to take it over to the Clerk and send to Trent to walk over to OPR tomorrow. Thanks!

Lisa

From: Matthew Francois [<mailto:MFrancois@rutan.com>]

Sent: Wednesday, February 10, 2016 1:12 PM

To: Lisa Aozasa <laozasa@smcgov.org>

Subject: RE: Ascension Heights

Okay, thanks.

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Subject: RE: Ascension Heights

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From: Matthew Francois [<mailto:MFrancois@rutan.com>]

Sent: Wednesday, February 10, 2016 12:56 PM

To: Lisa Aozasa <laozasa@smcgov.org>

Subject: RE: Ascension Heights

Will do. Two separate checks, correct?

Matthew D. Francois

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From: Lisa Aozasa [<mailto:laozasa@smcgov.org>]

Sent: Wednesday, February 10, 2016 12:51 PM

To: Francois, Matthew <MFrancois@rutan.com>; Steve Monowitz <smonowitz@smcgov.org>; Timothy Fox <tfox@smcgov.org>

Subject: RE: Ascension Heights

Hi Matt –

I am working on the NOD this afternoon. Yes, there is a check required in the amount of \$3,120.00 made out to the San Mateo County Clerk. This includes the Fish and Wildlife Fee of \$3,070 plus a \$50 processing fee for the County Clerk.

I'll be back in touch. Thanks for your kind words of thanks!

Lisa

From: Matthew Francois [<mailto:MFrancois@rutan.com>]

Sent: Wednesday, February 10, 2016 10:19 AM

To: Lisa Aozasa <laozasa@smcgov.org>; Steve Monowitz <smonowitz@smcgov.org>; Timothy Fox <tfox@smcgov.org>

Subject: Ascension Heights

Dear Lisa, Steve, & Tim,

Thank you all for the extremely professional and poised staff report and presentation yesterday. Everyone on our team is very appreciative. A more formal thank you from our team will follow but for now please accept our informal expression of gratitude.

As to the Notice of Determination (NOD), can you please send us the draft NOD before it is filed with the County Clerk and Office of Planning & Research. We promise to turn around any comments on it quickly as we would like to see the NOD filed as soon as possible. We also realize that you may need a check from us to accompany the filing of the NOD. Please let us know the amount and we'll have it messengered to your office.

Thank you again.

Best regards,

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FILED
SAN MATEO COUNTY

Print Form

FEB 12 2016

Notice of Determination

MARK CHURCH, County Clerk
By BESZ DE LA VEGA

Appendix D

To:

☒ Office of Planning and Research

U.S. Mail:

P.O. Box 3044

Sacramento, CA 95812-3044

Street Address:

1400 Tenth St., Rm 113

Sacramento, CA 95814

Deputy Clerk From:

Public Agency: County of San Mateo Planning Dept

Address: 455 County Center

Redwood City, CA. 94063

Contact: Lisa Aozasa

Phone: laozasa@smcgov.org or 650-363-4852

☒ County Clerk

County of: San Mateo

Address: 555 County Center

Redwood City, CA. 94063

Lead Agency (if different from above):

Address:

Contact:

Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2013102009

Project Title: Ascension Heights Subdivision Project

Project Applicant: San Mateo Real Estate, Inc.

Project Location (include county): northeast corner of Ascension Dr. and Bel Aire Rd., San Mateo County

Project Description:

APNs 041-111-130, -160, -270, -280, -320, -360. The project would subdivide 6 parcels on 13.3 acres into 21 lots for 19 single-family residences with the remaining 2 lots (+/- 7.8 acres) maintained as open space. Potable water would be provided by connection to the Bayshore District of Cal Water, and wastewater collection would be provided by the Crystal Springs Sanitation District with treatment at the City of San Mateo Wastewater Treatment Plant.

This is to advise that the County of San Mateo has approved the above
(☒ Lead Agency or ☐ Responsible Agency)

described project on 2/9/2016 and has made the following determinations regarding the above
(date)
described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

San Mateo County Planning Dept., 455 County Center, Redwood City, CA 94063 or at <http://planning.smcgov.org>

Signature (Public Agency): Lisa Aozasa Title: Deputy Director

Date: 2/11/2016

Date Received for filing at OPR: _____

County of San Mateo
Assessor-County Clerk-Recorder
Mark Church

555 County Center
Redwood City, CA, 94063

Finalization 2016007896
2/12/16 8:33 am
021 36

Item	Title
1	EIR
Fish & Game: Env Impact Report	
Document ID	Amount
DOC# 2016-000045	3120.00
Time Recorded 8:33 am	

Total	3120.00

Payment Type	Amount
Check # 167	3120.00

Amount Due	0.00

THANK YOU
PLEASE RETAIN THIS RECEIPT
FOR YOUR RECORDS

James Castaneda

From: Lisa Aozasa
Sent: Thursday, February 18, 2016 9:10 AM
To: James Castaneda
Subject: FW: Ascension Heights
Attachments: AscensionHeightsNOD OPR.pdf

[Here's the one filed with OPR.](#)

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Sent: Friday, February 12, 2016 12:23 PM
To: 'Matthew Francois'
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Notice of Determination

Appendix D

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☒ Office of Planning and Research

U.S. Mail:

Street Address:

P.O. Box 3044

1400 Tenth St., Rm 113

Sacramento, CA 95812-3044 Sacramento, CA 95814

☒ County ClerkCounty of: San MateoAddress: 555 County CenterRedwood City, CA. 94063

From:

Public Agency: County of San Mateo Planning DeptAddress: 455 County CenterRedwood City, CA. 94063Contact: Lisa AozasaPhone: laozasa@smcgov.org or 650-363-4852

Lead Agency (if different from above):

Address: _____

Contact: _____

Phone: _____

SUBJECT: Filing of Notice of Determination In compliance with Section 21108 or 21152 of the Public Resources Code.State Clearinghouse Number (if submitted to State Clearinghouse): 2013102009Project Title: Ascension Heights Subdivision ProjectProject Applicant: San Mateo Real Estate, Inc.Project Location (include county): northeast corner of Ascension Dr. and Bel Aire Rd., San Mateo County

Project Description:

APNs 041-111-130, -160, -270, -280, -320, -360. The project would subdivide 6 parcels on 13.3 acres into 21 lots for 19 single-family residences with the remaining 2 lots (+/- 7.8 acres) maintained as open space. Potable water would be provided by connection to the Bayshore District of Cal Water, and wastewater collection would be provided by the Crystal Springs Sanitation District with treatment at the City of San Mateo Wastewater Treatment Plant.

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(date)
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☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
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6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:

San Mateo County Planning Dept., 455 County Center, Redwood City, CA 94063 or at <http://planning.smcgov.org>

Signature (Public Agency): Lisa Aozasa Title: Deputy Director

Date: 2/11/2016Date Received for filing at OPR: Governor's Office of Planning & Research

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

FEB 12 2016
Revised 2011
STATE CLEARINGHOUSE

James Castaneda

From: laurel stanley <laurel-stanley@sbcglobal.net>
Sent: Monday, February 29, 2016 12:26 PM
To: James Castaneda
Cc: Paul Mcgeown; Chris James; John O'Rourke; James Mcinerney
Subject: Ascension Project PLN2002-00517

Hi James: Hope you are well and relieved - as are we - that the Ascension Project is now off of your plate! A belated than you for all of your help on this project throughout the past several years. As my clients move towards closing the sale of the property to Mr. Thomas, I am, of course, monitoring whether there has been any further action on behalf of the neighborhood group that opposed the project. When did the County file its Notice of Determination, and when do you calculate the 30-day period for filing an administrative writ expires? I am assuming that we are looking at some time mid-march? If you would be so kind as to confirm the date the NOD was filed, my clients and I would be most appreciative! Thank you again. Laurel

LAW OFFICES OF LAUREL S. STANLEY

Laurel S. Stanley

P.O. Box 1183

Lafayette, California 94549-1183

Phone: 925-934-2536

Facsimile: 925-954-8289

Email: laurel-stanley@sbcglobal.net

Please Note: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

James Castaneda

From: Dennis Thomas <smredt@aol.com>
Sent: Tuesday, March 01, 2016 12:44 PM
To: James Castaneda
Subject: Approved Conditions

James,

There were some proposed changes to the conditions that I don't think were implemented in the BOS meeting but so I know I have the proper set can you forward me the approved conditions?

Many thanks.

Dennis Thomas
San Mateo Real Estate, Inc.

James Castaneda

From: James Castaneda
Sent: Tuesday, March 01, 2016 2:45 PM
To: Dennis Thomas
Subject: RE: Approved Conditions
Attachments: Bosd0209_jl_sm_la (Ascension Heights) final.pdf

Here's the copy we went out a couple of weeks ago that is the latest version.

James

-----Original Message-----

From: Dennis Thomas [mailto:smredt@aol.com]
Sent: Tuesday, March 01, 2016 12:44
To: James Castaneda <jcastaneda@smcgov.org>
Subject: Approved Conditions

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There were some proposed changes to the conditions that I don't think were implemented in the BOS meeting but so I know I have the proper set can you forward me the approved conditions?

Many thanks.

Dennis Thomas
San Mateo Real Estate, Inc.

February 16, 2016

Mr. Dennis Thomas
San Mateo Real Estate
1777 Borel Place, Suite 330
San Mateo, CA 94402

Dear Mr. Thomas:

Subject: **LETTER OF DECISION**
File Number: PLN 2002-00517
Location: Bel Aire Road in the San Mateo Highlands
APNs: 041-111-130, 041-111-160, 041-111-270, 041-111-280,
041-111-320, and 041-111-360

On February 9, 2016, the San Mateo County Board of Supervisors considered an appeal of the Planning Commission's approval of a Major Subdivision, a Grading Permit, and certification of a Final Environmental Impact Report (FEIR), pursuant to the California Environmental Quality Act (CEQA), for the proposed Ascension Heights Subdivision located in the unincorporated San Mateo Highlands area of San Mateo County. The project includes the subdivision of the 13.32-acre subject site (Water Tank Hill) into 21 legal parcels for development of 19 single-family dwellings with the remaining two lots as conservation (Lot A) and common space (Lot C) areas, which includes a main private access road. The project site is accessed from Bel Aire Road north of Ascension Drive.

Based on information provided by staff and evidence presented at the hearing, the Board of Supervisors denied the appeal and upheld the decision of the Planning Commission to approve the project, by:

1. Approving the vesting tentative map for a major subdivision, the grading and the removal of nine significant trees by making the findings and adopting the conditions of approval as set forth in Attachment A; and
2. Adopting a resolution certifying the Final Environmental Impact Report for the Ascension Heights Subdivision project as complete, correct and adequate and prepared in compliance with the California Environmental Quality Act; and



3. Adopting a resolution adopting (1) the Mitigation Monitoring Report and the reporting program for the Ascension Heights Subdivision project, and (2) the Statement of Findings and Facts in Support of Findings regarding the Ascension Heights Subdivision project.

Changes to conditions of approval requested by the Board of Supervisors at the hearing are showing using strike-out for deletions and underline for additions to conditions 8.a, 14, 18.a, and 35.

Please direct any questions regarding this matter to James Castañeda, Project Planner, at 650/363-1853 or Email: jcastaneda@smcgov.org. To provide feedback, please visit the Department's Customer Survey at the following link: <http://planning.smcgov.org/survey>.

Sincerely,



Janneth Lujan
Planning Commission Secretary

Bos0209_jl (Ascension_Heights).docx

cc:

Department of Public Works
Building Inspection Section
Environmental Health Division
Cal-Fire
County Assessor
County Geologist
Parks and Recreation
Planning Director, City of Hillsborough
Planning Director, City of San Mateo
California Water Service Company
Crystal Springs County Sanitation District
San Mateo-Foster City School District
San Mateo Union High School District
John O'Rourke
Baywood Park Homeowners Association
Linda and Gerard Ozane
Peter C. Lawrence

John Mathow
George B. Mitroff
Craig Nishizaki
Glenn Dearth
Kim Ricket
Liesje Nicolas
Lori Jabagchourian
Mark Davis
Laurel Nagle
Jane Hovane
Ben Brysacz
Tom Thompson
Roger Heighton
Chris Eckert
John Day
Kenneth Housley
Cheryl Angeles
Gina Zari
Christian Murdock
Robert Merritt
Barbara Mikulic

per acre conforms to the maximum allowed within the Medium-Low Density Residential General Plan land use designation.

5. That the site is physically suitable for residential development and the proposed density of development. The 19 parcels proposed for development are of sufficient size and shape to support single-family residences (the principally permitted use in the R-1/S-8 zoning district) as prepared by the proposed grading. Upon completion of the proposed grading plan for the subdivision, all proposed residential parcels will be capable of supporting a single-family residence.
6. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat as none are located within 100 feet of a creek or stream. The EIR identified potential impacts to biological resources, and concluded that, as mitigated, impacts would be considered less than significant. Mitigation measures proposed included requiring an additional biological survey to be conducted prior to grading, as well as direction if special-status species, previously unidentified, are discovered. The project will be required to adhere to the San Mateo Countywide Stormwater Pollution Prevention Program and General Construction and Site Supervision Guidelines (Condition Nos. 9 through 12).
7. That the design of the subdivision and type of improvements will not cause serious public health problems. As conditioned, the project will present negligible impacts to public health. The EIR thoroughly examines potential impacts and proposes mitigation measures to reduce any possible impact as a result of the grading and construction activities to a less-than-significant level. These mitigation measures are consistent with the Basic Construction Measures recommended by the Bay Area Air Quality District, which specify the type of heavy-duty equipment, off-haul practices, and other best practices to be required during grading activities. Regarding noise impacts, mitigation measures are included (Condition Nos. 8.a.c. and 20) to mitigate impacts from construction noise.
8. That the design of the subdivision and the proposed improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision. There are no existing easements on the subject properties other than a private access road to the existing water tank, which will be reconfigured in order to continue providing authorized access to this area, as well as to existing water lines, which will be relocated.
9. That the discharge of waste from the proposed subdivision into an existing community sewer system will not result in violation of existing requirements

CONDITIONS OF APPROVAL**General Project Conditions**

1. The approval applies only to the proposal, documents and plans as described in this report and materials approved by the Board of Supervisors on February 9, 2016. The Community Development Director may approve minor revisions or modifications to the project if they are consistent with the intent of and in substantial conformance with this approval. If revisions or modifications are deemed a major or significant change from the Board of Supervisors' approval, said modifications must return to the Board of Supervisors for consideration and approval.
2. This subdivision approval is valid for two years, during which time a final map shall be filed and recorded. An extension to this time period in accordance with Section 7013.5.c of the Subdivision Regulations may be issued by the Planning Department upon written request and payment of any applicable extension fees if required.
3. The map shall be recorded pursuant to the plans approved by the Board of Supervisors; any deviation from the approved plans shall be reviewed and approved by the Community Development Director or Planning Commission, as deemed necessary.

Current Planning Section Conditions

4. Prior to recordation of the final map, the applicant shall pay In-Lieu Park Fees to the San Mateo County Planning and Building Department pursuant to Section 7055.3 of the Subdivision Regulations. The current amount is \$8,626.10, but shall be calculated at the time of recordation using the most recent assessed value of the parcel as required by Section 7055.3 of the Subdivision Regulations.
5. All utilities serving the subdivision shall be installed underground.
6. The applicant must incorporate the use of pervious materials in the designs of driveways, patio areas, walkways, etc., for all future construction on the 19 parcels indicated for development. Pervious materials include, but are not limited to, pervious pavers on sand, turf block, pervious pavement, porous asphalt or gravel.
7. The applicant shall enter into a contract with the San Mateo County Planning and Building Department for all mitigation monitoring for this project. The fee shall be staff's cost, plus 10 percent required in the current Planning Service Fee Schedule. Planning staff may, at their discretion, contract these services to an

system) and maintenance. Maintenance shall be required for no less than two and no more than five years as determined by the Community Development Director.

8.c. **Mitigation Measure 4.2-1a:** The applicant shall ensure through the enforcement of contractual obligations to be contained within the Subdivision Improvement Agreement (Condition No. 22) that construction contractors implement a fugitive dust abatement program during construction, which shall include the following elements consistent with the Basic Construction Mitigation Measures recommended by the Bay Area Air Quality Management District (BAAQMD):

- Cover all trucks hauling soil, sand, and other loose materials.
- Cover all exposed stockpiles.
- Water all exposed roadway and construction areas two times a day.
- Sweep paved streets three times daily (with water sweepers) if visible soil material is carried onto adjacent streets.
- Limit traffic speeds on unpaved roads to 15 miles per hour (mph).
- After grading is complete, construction of paved surfaces (e.g., roadways, driveways, sidewalks, building pads) should be completed as soon as possible unless protected by seeding, soil binders, or other similar measures.
- Limit idling time to a maximum of five minutes and turn off equipment when not in use; clear signage indicating this shall be displayed at the project site access point.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications and shall be checked by a certified visible emissions evaluator.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Any burning of cleared vegetation shall be conducted according to the rules and regulations of the BAAQMD's Regulation 5 (BAAQMD, 2008). Prior notification to BAAQMD shall be made by submitting an

- White-tailed kite: Present year-round, breeding occurs in autumn. Nesting season begins in February and ends in August.

These surveys will occur in accordance with the United States Fish and Wildlife Service (USFWS) Division of Migratory Bird Management Guidelines for Raptor Conservation in the United States (2008). The qualified biologist shall conduct surveys within 14 days of commencement of construction activities for northern harrier, burrowing owl, and white-tailed kite in the project site and within 0.25 miles of construction activities where legally permitted. The biologist will use binoculars to visually determine whether nests occur beyond the 0.25-mile survey area if access is denied on adjacent properties. If no active nests are identified on or within 0.25 miles of construction activities within the recommended survey periods, a report summarizing the survey results shall be submitted to the County and the California Department of Fish and Wildlife (CDFW) within 30 days following the survey, and no further mitigation for nesting habitat is required. Evidence, in the form of a letter documenting the results of the survey, shall be submitted to the Current Planning Section prior to the issuance of grading permit "hard card."

- 8.g. **Mitigation Measure 4.3-3b:** If active listed bird nests are found within 0.25 miles of construction activities, the biologist shall contact the Current Planning Section and CDFW within one day following the pre-construction survey to report the findings. For purposes of this mitigation requirement, construction activities are defined to include heavy equipment operation associated with construction (use of cranes or draglines, new rock crushing activities) or other project-related activities that could cause nest abandonment or forced fledging within 0.25 miles of a nest site during the identified nesting period. Should an active nest be present within 0.25 miles of construction areas, then CDFW shall be consulted to establish an appropriate noise buffer, develop take avoidance measures, and implement a monitoring and reporting program prior to any construction activities occurring within 0.25 miles of the nest/burrow. The monitoring program would require that a qualified biologist shall monitor all activities that occur within the established buffer zone to ensure that disruption of the nest/burrow or forced fledging does not occur. Should the biologist determine that the construction activities are disturbing the nest/burrow, the biologist shall halt construction activities until CDFW is consulted. The construction activities shall not commence until the CDFW determines that construction activities would not result in abandonment of the nest/burrow site. If the CDFW determines that take may occur, the applicant would be required to obtain a California Endangered Species Act (CESA) take

- 8.k. **Mitigation Measure 4.3-6:** Prior to the issuance of a grading permit “hard card” and removal of any trees, a certified arborist or registered professional forester shall conduct an arborist survey documenting all trees with trunk circumferences of 38 inches or greater and their location, as well as any Tree Communities or Indigenous Trees regardless of size. The report shall be submitted to the Current Planning Section. The applicant shall not remove any trees without prior approval from the Community Development Director. All recommendations of the arborist report shall be implemented prior to the issuance of building permits for development on the project site. The arborist report shall specify measures including, but not limited to, the following:
- Trees anticipated for removal shall be removed outside of the nesting season for birds, unless Mitigation Measure 4.3- 4c is implemented. Taking into account the nesting season for the white-tailed kite, the nesting season shall be defined as February 1 to August 31.
 - The project proponent shall plant replacement significant and/or indigenous tree species recommended by the County at a 3:1 ratio within the project site. See also Condition Nos. 8.a. and 8.b.
- 8.l. **Mitigation Measure 4.4-1a:** Implementation of Condition No. 8.4-5. (Mitigation Measure 4.6-1 from Section 4.6; Hydrology and Water Quality) to identify and implement erosion control BMPs within the Stormwater Pollution Prevention Plans (SWPPP) (as specified in Condition No. 9), prepared for construction activities in accordance with the State’s Clean Water Act National Pollutant Discharge Elimination System (NPDES) general permit for construction activities. Implementation of these BMPs would ensure that temporary and short-term construction-related erosion impacts under the proposed project would be reduced to a less-than-significant level.
- 8.m. **Mitigation Measure 4.4-1b:** The applicant shall submit an Erosion and Sediment Control Plan prior to the issuance of a grading permit “hard card” as required in Condition No. 9. This Erosion and Sediment Control Plan shall be prepared by a licensed civil engineer or certified professional soil erosion and sediment control specialist. The plan shall show the location of proposed vegetative erosion control measures, including landscaping and hydroseeding, and the location and details of all proposed drainage systems. The plan shall include sufficient engineering analysis to show that the proposed erosion and sediment control measures during pre-construction, construction, and post-construction are

hazardous spills) to include a description of the type and location of erosion and sediment control BMPs to be implemented at the project site; and a BMPs monitoring and maintenance schedule to determine the amount of pollutants leaving the proposed project site. A copy of the SWPPP must be current and remain on the project site. Control measures are required prior to and throughout the rainy season. Water quality BMPs identified in the SWPPP shall include, but are not limited to, the following:

- Temporary erosion control measures (such as silt fences, staked straw bales, and temporary revegetation) shall be employed for disturbed areas. No disturbed surfaces will be left without erosion control measures in place during the winter and spring months.
- Sediment shall be retained on-site by detention basins, on-site sediment traps, or other appropriate measures.
- A spill prevention and countermeasure plan shall be developed which would identify proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used on-site. The plan shall also require the proper storage, handling, use, and disposal of petroleum products.
- Construction activities shall be scheduled to minimize land disturbance during peak runoff periods and to the immediate area required for construction. Soil conservation practices shall be completed during the fall or late winter to reduce erosion during spring runoff. Existing vegetation will be retained where possible. To the extent feasible, grading activities shall be limited to the immediate area required for construction.
- Surface water runoff shall be controlled by directing flowing water away from critical areas and by reducing runoff velocity. Diversion structures such as terraces, dikes, and ditches shall collect and direct runoff water around vulnerable areas to prepared drainage outlets. Surface roughening, berms, check dams, hay bales, or similar devices shall be used to reduce runoff velocity and erosion.
- Sediment shall be contained when conditions are too extreme for treatment by surface protection. Temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins shall be used to detain runoff water long enough for sediment particles to settle out.

- If ponded water is observed, the surface soils shall be removed and replaced and sub-drain systems inspected, and
 - Condition of grasses.
 - Distribution of the following:
 - A copy of the stormwater management plans shall be made available to personnel in charge of facility maintenance and shall be distributed to the subcontractor representative engaged in the maintenance or installation of the bioretention system, and
 - Material presented in the integrated pest management program will be made available to personnel in charge of facility maintenance and shall be distributed to the subcontractor representative engaged in the maintenance or installation of the bioretention system.
- 8.u. **Mitigation Measure 4.6-2b:** Prior to recordation of the final subdivision map, a maintenance agreement shall be developed between the County and the HOA or equivalent entity requiring the HOA or equivalent entity to complete the following tasks and provide the following information on a routine basis. These requirements apply to all common areas of the project site and are as follows:
- Drainage inlets shall be inspected monthly and kept clean of any trash that may have accumulated. It is the responsibility of the property manager/owner to have those inspections performed, documented, and any repairs made.
 - Landscape areas shall be covered with plants or some type of ground cover to minimize erosion. No areas are to be left as bare dirt that could erode. Mounding slopes shall not exceed two horizontal to one vertical.
 - Pesticides and fertilizers shall be stored as hazardous materials and in appropriate packaging; over spraying onto paved areas shall be avoided when applying fertilizers and pesticides. Pesticides and fertilizers shall be prohibited from being stored outside.

- 8.y. **Mitigation Measure 4.7-1:** The project applicant shall ensure through the enforcement of contractual obligations to be contained within the Subdivision Improvement Agreement (Condition No. 22) that all contractors transport, store, and handle construction-required hazardous materials in a manner consistent with relevant regulations and guidelines, including those recommended and enforced by the San Mateo County Planning and Building Department, Office of Environmental Health Services Division, and Office of Emergency Services. Recommendations may include, but are not limited to, transporting and storing materials in appropriate and approved containers, maintaining required clearances, and handling materials using approved protocols.
- 8.z. **Mitigation Measure 4.7-2:** The applicant shall be required through contractual obligations to be contained within the Subdivision Improvement Agreement (Condition No. 22) that the construction contractor(s) mark(s) the areas planned to be disturbed in white paint and notify Underground Service Alert (USA) one week prior to the beginning of excavation activities. This will be completed so that the entire construction area is properly surveyed in order to minimize the risk of exposing or damaging underground utilities. USA provides a free "Dig Alert" service to all excavators (contractors, homeowners and others), in northern California, and will automatically notify all USA Members (utility service providers) who may have underground facilities at their work site. In response, the USA Members will mark or stake the horizontal path of their underground facilities, provide information about, or give clearance to dig. This service protects excavators from personal injury and underground facilities from being damaged. The utility companies will be responsible for the timely removal or protection of any existing utility facilities located within construction areas.
- 8.a.a. **Mitigation Measure 4.7-3a:** The applicant shall ensure through the enforcement of contractual obligations to be contained within the Subdivision Improvement Agreement (Condition No. 24 22) that the following measures are implemented by contractors during project construction:
- Staging areas, welding areas, or areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak.

- The general contractors for all construction activities shall provide a contact number for citizen complaints and a methodology for dealing with such complaints such as designating a noise disturbance coordinator. This noise disturbance coordinator shall receive all public complaints about construction-related noise and vibration, shall be responsible for determining the cause of the complaint, and shall implement any feasible measures to be taken to alleviate the problem. All complaints and resolution of complaints shall be reported to the County weekly.

8.a.d. **Mitigation Measure 4.10-2a:** Residents of the proposed project shall comply with all requirements of Cal Water's Water Shortage Contingency Plan as mandated by Cal Water and BSD. These requirements may include, but are not limited to the following that shall be contained within an HOA agreement:

- Voluntarily reduce water consumption at single-family residences;
- Adhere to the minimum allocation given to single-family residential customers or pay penalty rate applied to service bill for use that is in excess of customer's allocation; and/or
- Comply with orders prohibiting the use of water for specific activities, such as a prohibition of potable water use for landscape irrigation.

8.a.e. **Mitigation Measure 4.10-2b:** Pumping facilities shall be installed at the existing water tank owned by Cal Water to provide adequate water pressure for residential and fire protection uses. Cal Water shall be contacted to review pumping facilities design and ensure compliance with applicable standards. The project applicant shall be responsible for covering the cost of the development of these facilities prior to the recordation of the final subdivision map.

8.a.f. **Mitigation Measure 4.10-2c:** Two existing water mains shall be relocated such that they are within the right-of-way of the proposed private street or at the property boundary so as to allow ease of maintenance of the water mains. Prior to the recordation of the Final Map, a new Cal Water easement shall be established that meets with the approval of Cal Water to the project site to replace the existing Cal Water easements. The two water mains include an 8-inch diameter water main connecting the water tank to the water main located on Parrott Drive and a 10-inch diameter water main connecting the water tank to the water main located on Bel Aire Drive.

10. No grading shall be allowed during the winter season (October 1 to April 30) to avoid potential soil erosion, unless approved, in writing, by the Community Development Director. The property owner(s) shall submit a letter to the Current Planning Section, at least two weeks prior to commencement of grading, stating the date when grading will begin, and its anticipated duration.
11. The property owner(s) shall file a Notice of Intent (NOI) with the State Water Resources Board to obtain coverage under the State General Construction Activity NPDES Permit. A copy of the project's NOI and Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to the Current Planning Section, prior to the issuance of any grading permit "hard card."
12. Prior to the issuance of the grading permit "hard card," the property owner(s) shall schedule an erosion control inspection by the Current Planning Section staff to demonstrate that the approved erosion control plan has been implemented. The property owner(s) is responsible for ensuring that all contractors minimize the transport and discharge of pollutants from the project site into local drainage systems and water bodies by adhering to the San Mateo Countywide Water Pollution Prevention Program's (SMCWPPP) "General Construction and Site Supervision Guidelines," including:
 - a. Stabilizing all denuded areas and maintaining erosion control measures continuously between October 1 and April 30. Stabilizing shall include both proactive measures, such as the placement of fiber rolls or coir netting, and passive measures, such as minimizing vegetation removal and revegetating disturbed areas with vegetation that is compatible with the surrounding environment.
 - b. Storing, handling, and disposing of construction materials and wastes properly, so as to prevent their contact with stormwater.
 - c. Controlling and preventing the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, and non-stormwater discharges to storm drains and watercourses.
 - d. Using sediment controls or filtration to remove sediment when dewatering the site and obtaining all necessary permits.
 - e. Avoiding cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained and treated.

reserves the right to require additional (and/or different) erosion and sediment control measures during grading and/or construction if the approved plan proves to be inadequate for the unique characteristics of each job site.

14. Prior to the issuance of a grading permit "hard card," the property owner(s) shall submit a schedule of grading operations, subject to review and approval by the Department of Public Works, ~~and the Current Planning Section, and the Planning Commission.~~ The submitted schedule shall include a schedule for, and details of, the off-site haul operations, including, but not limited to: gravel import site(s), size of trucks, haul route(s), time and frequency of haul trips, dust and debris control measures, ~~and traffic and safety control measures, including flagging personnel and air quality monitoring (See Conditions 8.c., 8.d., 8.s., 8.a.c, 15, 16, 35 and 50 for additional requirements to be incorporated into a grading operations plan schedule).~~ The submitted schedule shall represent the work in detail and project grading operations through to the completion of grading activities and stabilization of all disturbed areas of the site(s). As part of the review of the submitted schedule, the County may place such restrictions on the hauling operation, as it deems necessary. During periods of active grading, the property owner(s) shall submit monthly updates of the schedule to the Department of Public Works and the Current Planning Section.
15. The provision of the San Mateo County Grading Regulations shall govern all grading on and adjacent to the project sites. Per San Mateo County Ordinance Code Section 8605.5, all equipment used in the grading operations shall meet spark arrester and firefighting tool requirements, as specified in the California Public Resources Code, and utilization of flagging personnel is mandatory throughout all stages of grading.
16. Upon the start of grading activities and through to the completion of the project, the property owner(s) shall be responsible for ensuring that the following dust control guidelines are implemented:
 - a. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected or contained in such a manner as to prevent any significant nuisance from dust, or spillage upon adjoining water body, property, or streets. Equipment and materials on the site shall be used in such a manner as to avoid excessive dust. A dust control plan may be required at any time during the course of the project.
 - b. A dust palliative shall be applied to the site when required by the County. The type and rate of application shall be recommended by the soils engineer and approved by the Department of Public Works, the Planning

- d. No structural development (other than drainage improvements) shall occur within the rear ~~20~~ 30 feet of Lots 1 through 7 (lots that back along Parrott Drive lots).

- 18.b. The applicant shall record documents which address future maintenance responsibilities for the screening trees along the rear of the Parrott Drive lots, pedestrian trail/overlook, and all landscaping in common areas to be installed per the approved landscape plan (see also Condition 8.a.).

Cultural Resources

19. The property owner(s) and contractors must be prepared to carry out the requirements of California State law with regard to the discovery of human remains during construction, whether historic or prehistoric. In the event that any human remains are encountered during site disturbance, all ground-disturbing work shall cease immediately and the County coroner shall be notified immediately. If the coroner determines the remains to be Native American, the Native American Heritage Commission shall be contacted within 24 hours. A qualified archaeologist, in consultation with the Native American Heritage Commission, shall recommend subsequent measures for disposition of the remains which the property owner(s) shall comply with.

Noise

20. The property owner(s) shall comply with the County's Noise Ordinance limiting construction and grading activities during the hours between 7:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. and 5:00 p.m. on Saturdays, and prohibiting construction on Sundays, Thanksgiving and Christmas.

Department of Public Works

21. Prior to recordation of the final map, the applicant will be required to submit to the Department of Public Works a complete set of improvement plans including all provisions for roadways, driveway, utilities, storm drainage, and stormwater treatment, all in accordance with the County Subdivision Regulations, County Standard Details, County Drainage Policy and NPDES Permit. Improvement plans must be accompanied by a plan review deposit in the amount of \$1,000.00 made payable to the County of San Mateo Department of Public Works.
22. Upon the Department of Public Works' approval of the improvement plans, the applicant will be required to execute a Subdivision Improvement Agreement and post securities with the Department of Public Works as follows:

ment plans and submitted to the Department of Public Works for review and approval.

Any upgrades to the existing stormwater system, as required by this project, shall be completed by the owner prior to the recordation of the subdivision map.

28. The applicant shall submit a permanent stormwater management plan in compliance with the County's Drainage Policy and NPDES requirements for review and approval by the Department of Public Works.
29. The applicant shall record documents which address future maintenance responsibilities of any private drainage and/or roadway facilities which may be constructed. Prior to recording these documents, they shall be submitted to the Department of Public Works for review.
30. The property owner shall dedicate sanitary sewer easements for any portion of the sewer main which lies outside of existing public sanitary sewer easements, if applicable.
31. The applicant shall submit to the project planner (for recordation) legal descriptions of the reconfigured parcels. The project planner will review these descriptions and forward them to Public Works for approval.
32. Prior to recordation, the applicant shall submit written certification from the appropriate energy and communication utilities, sewer district, and water district to the Department of Public Works and the Planning Department stating that they will provide services to the proposed parcels of this subdivision.
33. The applicant shall submit a subdivision map to the Department of Public Works – County Surveyor for review and recordation.
34. The provisions of the San Mateo County Grading Ordinance shall govern all grading on and adjacent to this site. At the completion of work, the engineer who prepared the approved grading plan shall certify, in writing, that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans, as conditioned, and the Grading Ordinance.
35. Prior to the issuance of the grading permit, the applicant shall submit, to the Department of Public Works, the Current Planning Section and the Planning Commission for review and approval, a plan for any off-site hauling operations. This plan shall include, but not be limited to, the following information: size of trucks, haul route, disposal site, dust and debris control measures, and time and frequency of haul trips. As part of the review of the submitted plan, the County

ft., 1,750 gpm; 4,801 to 6,200 sq. ft., 2,000 gpm. This fire flow shall be available for a minimum of 2 hours and at 20-psi residual operating pressure.

44. The required fire flow shall be available from a County Standard 6-inch Wet Barrel Fire Hydrant; the configuration of the hydrant shall have a minimum of one each 4 1/2-inch outlet and one each 2 1/2-inch outlet located not more than 200 feet from the building, measured by way of approved drivable access to the project site.
45. When receiving water service for fire protection (hydrants, fire sprinkler systems) from a public or municipal water purveyor, written certification from the water company that hydrants will be installed or that the existing water system is capable of meeting the project conditions is required to be presented to the San Mateo County Fire Department for verification to show that the required upgrades to the system will be installed and that existing fire flows will meet the project requirements.
46. Fire Department access shall be to within 150 feet of all exterior portions of the facility and all portions of the exterior walls of the first story of the buildings as measured by an approved access route around the exterior of the building or facility. Access shall be 20 feet wide, all weather surface, and able to support a fire apparatus weighing 75,000 lbs. Where a fire hydrant is located in the access, a minimum of 26 feet is required for a minimum of 20 feet on each side of the hydrant. This access shall be provided from a publicly maintained road to the property. Grades over 16 percent shall be approved by the Fire Marshal. Gravel road access shall be certified by an engineer as to the compaction and weight it will support.
47. All roof assemblies in Very High Fire Hazard Severity Zones shall have a minimum CLASS-A fire resistive rating and be installed in accordance with the manufacturer's specifications and current California Building and Fire Codes.
48. All dead-end roadways shall be terminated by a turnaround bulb of not less than 96 feet in diameter. Alternates such as a hammerhead T may be approved by the Fire Marshal.
49. All new public water systems, extensions from a public water system or replacement of any main or line of an existing public water system shall have a minimum diameter of 6 inches. If the pipes are not linked in grid or if individual legs are over 600 feet in length, then the minimum diameter shall be 8 inches.
50. This project is located in a wildland urban interface area. Roofing, attic ventilation, exterior walls, windows, exterior doors, decking, floors, and underfloor protection

RESOLUTION NO. 074346

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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A RESOLUTION CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE ASCENSION HEIGHTS SUBDIVISION PROJECT AS COMPLETE, CORRECT AND ADEQUATE AND PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the California Environmental Quality Act (CEQA), the State CEQA Guidelines and the County CEQA Guidelines provide that the County must certify that a final environmental report, prepared for a project that may have significant environmental effects, has been completed in compliance with CEQA; and

WHEREAS, on October 4, 2013, the County prepared, published and circulated, pursuant to the requirements of CEQA and the State CEQA Guidelines, a Notice of Preparation in order to obtain comments from interested persons and agencies on the proposed scope of the EIR; and

WHEREAS, a scoping session was held on October 4~~0~~ 9, 2013, to solicit public comment on issues to be addressed in the Draft EIR (DEIR); and

WHEREAS, on April 25, 2014, the County prepared an Initial Study of the Ascension Heights Subdivision Project which determined that it was a project subject to CEQA and concluded that an Environmental Impact Report (EIR) should be prepared to address the potentially significant environmental impacts of the project; and

WHEREAS, on April 25, 2014, the County completed the Draft EIR (DEIR) and the DEIR was published and distributed to the State Clearinghouse, State and local

agencies and special districts, public libraries, other known interested parties, and was made available to the general public, thereby commencing a 45-day period for public review and comment on the adequacy and contents of the DEIR in accordance with the requirements of CEQA. A Notice of Completion of the DEIR specifying the public review and comment period and hearing date was posted and circulated in accordance with the requirements of CEQA; and

WHEREAS, on May 14, 2014, the San Mateo County Planning Commission, an appointed commission of the San Mateo County Board of Supervisors, held a public hearing on the Ascension Heights Subdivision Project and received written and verbal comments on the DEIR which were received by the County and were made part of the record of comments on the DEIR; and

WHEREAS, other written comments on the DEIR were received by the County during the public review period and were made a part of the record of comments on the DEIR; and

WHEREAS, on June 9, 2014, the 45-day public comment period on the DEIR terminated; and

WHEREAS, on December 12, 2014, the County completed and published the Final EIR (FEIR) containing all comments received by the County on the DEIR, responses to those comments raising environmental issues and revisions to the DEIR text made thereby, changes to mitigation measures in connection therewith, and additional environmental information with respect thereto; and

WHEREAS, the FEIR was made available to the public and distributed in accordance with the requirements of CEQA, and was made available to those public agencies that had submitted comments on the DEIR; and

WHEREAS, the County received and the Board of Supervisors has heard, and has been presented with and is familiar with all of the information in the administrative record, has reviewed and considered the information in the DEIR and the FEIR for completeness and compliance with CEQA, the State CEQA Guidelines and the County's CEQA Guidelines, and has independently reviewed and analyzed the FEIR.

NOW, THEREFORE, BE IT RESOLVED by the San Mateo County Board of Supervisors that, based on the foregoing facts and circumstances, and the administrative record concerning the EIR, which includes the public written and oral testimony received on the DEIR and the FEIR, the Board of Supervisors finds and determines that:

1. The Ascension Heights Subdivision Project Final EIR (FEIR) is complete, correct and adequate and completed in compliance with the California Environmental Quality Act.
2. The FEIR consists of the following documents:
 - a. The DEIR.
 - b. The FEIR, which includes (1) revisions to the DEIR made in response

to comments, (2) comments received from the public, written and oral, and written responses to public comments, and (3) the Mitigation Monitoring and Reporting Program.

c. Supplemental responses to public comments.

3. All comments made on the DEIR that raised environmental issues were responded to adequately in the FEIR and in supplemental responses pursuant to the requirements of CEQA, and the FEIR does not contain significant new information requiring additional public review.
4. The FEIR reflects the independent judgment and analysis of the County.
5. The FEIR has been completed in compliance with the requirements of CEQA, the State CEQA Guidelines, and the County's CEQA Guidelines.
6. The FEIR was presented to the Board of Supervisors as the decision-making body of the County and the Board of Supervisors reviewed and considered the information contained in the FEIR prior to approving the project.

* * * * *

Regularly passed and adopted this 9th day of February 2016

AYES and in favor of said resolution:

Supervisors:

CAROLE GROOM

DON HORSLEY

WARREN SLOCUM

ADRIENNE J. TISSIER

NOES and against said resolution:

Supervisors:

DAVE PINE

Absent Supervisors:

NONE



President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



Deputy Clerk of the Board of Supervisors

RESOLUTION NO. 074347

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

**A RESOLUTION (1) ADOPTING THE MITIGATION MONITORING AND
REPORTING PROGRAM FOR THE ASCENSION HEIGHTS SUBDIVISION
PROJECT, AND (2) ADOPTING THE STATEMENT OF FINDINGS AND FACTS
IN SUPPORT OF FINDINGS REGARDING THE ASCENSION HEIGHTS
SUBDIVISION PROJECT**

RECITALS

Public Resources Code Section 21081.6 requires that when a public agency adopts findings, pursuant to Public Resources Code Section 21081 (concerning potential significant environmental impacts that will be generated by a project being approved), the public agency must adopt a monitoring or reporting program for the changes to the project that it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.

The San Mateo County Board of Supervisors, by adoption of this resolution, makes findings pursuant to Public Resources Code Section 21081 for the Ascension Heights Subdivision Project, and for actions that may be undertaken to implement that project.

The Ascension Heights Subdivision Project incorporates, as changes to the project and makes a condition of approval of actions that may be undertaken to implement the project, mitigation measures recommended to lessen or alleviate significant environmental effects. The Mitigation Monitoring and Reporting Program for

the Ascension Heights Subdivision Project is designed to ensure that mitigation measures are implemented in a timely and organized manner and in accordance with certain specifications.

The Board of Supervisors makes findings of fact concerning, and to set forth in a cogent and comprehensive manner, the process that has occurred relative to the Ascension Heights Subdivision Project.

NOW, THEREFORE, the San Mateo County Board of Supervisors finds, determines and orders as follows:

1. That the Mitigation Monitoring and Reporting Program for the Ascension Heights Subdivision Project, a copy of which is attached to this resolution as Exhibit A, is adopted.
2. That the Statement of Findings and Facts in Support of Findings regarding the Ascension Heights Subdivision Project, attached to this resolution as Exhibit B, is adopted.
3. ~~That all mitigation measures identified in the Final Environmental Impact Report (FEIR) are adopted as conditions of project approval.~~ That the mitigation measures identified in the Revised FEIR, placed as conditions on the project, and identified as part of this public hearing, have been incorporated into the Mitigation Monitoring and Reporting Plan in conformance with California Public Resources Code Section 21081.6, and

that technical revisions have been made to certain mitigation measures as reflected in the Mitigation Monitoring and Reporting Plan and that all of the revised mitigation measures are equal or more effective than the original measures in avoiding or substantially lessening the significant environmental effects of the Project.

* * * * *

Regularly passed and adopted this 9th day of February 2016

AYES and in favor of said resolution:

Supervisors:

CAROLE GROOM

DON HORSLEY

WARREN SLOCUM

ADRIENNE J. TISSIER

NOES and against said resolution:

Supervisors:

DAVE PINE

Absent Supervisors:

NONE



President, Board of Supervisors
County of San Mateo
State of California

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.



Deputy Clerk of the Board of Supervisors

James Castaneda

From: Amy M. Zehring <zehring@smwlaw.com>
Sent: Thursday, March 24, 2016 4:33 PM
To: James Castaneda
Cc: mfrancois@rutan.com; Timothy Fox; Benjamin J. Brysacz; Winter King
Subject: Ascension Heights Subdivision Project Administrative Record
Attachments: PRA Request for Administrative Record.PDF

To All Parties:

Please see attached in regards to the Ascension Heights Subdivision Project.

If you have any questions, please contact our office.

Kind regards,

Amy Zehring
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421
v: 415/552-7272
f: 415/552-5816
www.smwlaw.com



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& WEINBERGER LLP

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www.smwlaw.com

BENJAMIN J. BRYSA CZ
Attorney
brysacz@smwlaw.com

March 24, 2016

Via E-Mail and U.S. Mail

James Castañeda
Project Planner
County of San Mateo
455 County Center, 2nd Floor
Redwood City, CA 94063
E-Mail: jcastaneda@smcgov.org

Re: Public Records Act Request: Ascension Heights Subdivision Project
Administrative Record

Dear Mr. Castañeda:

Pursuant to the California Public Records Act, Government Code § 6250 *et seq.*, and Article 1, Section 3 of the California Constitution (collectively “PRA”), I hereby request, on behalf of Responsible Development for Water Tank Hill (“RDWTH”), that you provide me with a copy of records held by the County of San Mateo constituting the record of proceedings relating to the County’s February 9, 2016 approval of the Major Subdivision and Grading Permit and certification of the accompanying Final Environmental Impact Report (“FEIR”) for the Ascension Heights Subdivision Project (“Project”). This request includes, but is not limited to, the following:

1. All Project application materials.
2. All staff reports and related documents prepared by the County with respect to its compliance with the substantive and procedural requirements of the California Environmental Quality Act (“CEQA”) and with respect to the approval of the Project.
3. All staff reports and related documents prepared by the County and written testimony or documents submitted by any person relevant to the findings,

FEIR, or mitigation monitoring and reporting program adopted by the County pursuant to CEQA.

4. Any transcript, minutes, or other record of the proceedings at which the Planning Commission and the County Board of Supervisors heard testimony on, or considered any environmental document on, the Project, and any transcript or minutes of proceedings before any advisory body to the Planning Commission, County Board of Supervisors, and any other decisionmaking body that were presented to them prior to action on the environmental documents or on the Project.
5. All notices issued by the County to comply with CEQA or any other law governing the processing and approval of the Project.
6. All written comments received in response to, or in connection with, the Project or environmental documents prepared for the Project, including but not limited to responses to the notice of preparation, all correspondence between the County and the applicant, and all documents supplied by the applicant.
7. All written evidence or correspondence, including but not limited to e-mail correspondence, submitted to, or transferred from, the County with respect to compliance with CEQA or with respect to the Project including but not limited to all correspondence between the County and the applicant, and all documents supplied by the applicant.
8. Any proposed decisions or findings submitted to the Planning Commission, County Board of Supervisors, and any other decisionmaking body by County staff, or the Project proponent, Project opponents, or other persons.
9. The documentation of the final County decision and all documents in addition to those referenced in paragraph (3), cited or relied on in the findings, FEIR, or mitigation monitoring and reporting program adopted pursuant to CEQA.
10. Any other written materials relevant to the County's compliance with CEQA or to its decision on the merits of the Project, including the initial study, any drafts of any environmental document, or portions thereof, that have been released for public review, and copies of studies or other

documents relied upon in any environmental document prepared for the Project and either made available to the public during the public review period or included in the County's files on the Project, including but not limited to all maps and drawings related to the Project site, all internal County communications, including staff notes and memoranda related to the Project or to compliance with CEQA, all correspondence between the County and the applicant, and all documents supplied by the applicant.

11. The full written record before any inferior administrative decisionmaking body whose decision was appealed to either the Planning Commission or Board of Supervisors prior to the filing of litigation.

The term "records" includes, but is not limited to, letters, memoranda, facsimile and phone logs, electronic mail and data, memoranda to files, and any other correspondence sent or received, or other information that would be an agency record subject to the requirements of the PRA when maintained by an agency in any format, including an electronic format. All references in this PRA request to the County include, but are not limited to, the County's consultants, employees, officers, and attorneys and any other person or entity contracted to do business on their behalf.

If any of the requested records are currently in electronic format, please provide them to RDWTH in their electronic format. Such electronic records may be transmitted to Ben Brysacz at brysacz@smwlaw.com or via a mailed CD to the above address.

Please notify me of the direct cost of duplicating any electronic records and of making any paper copies of the requested records before such copies are made. *See* Gov't Code § 6253(d) (fees may only be charged for the direct costs of duplication). If the cost is too high, I may request inspection of records instead.

Pursuant to Government Code section 6253(c), please make a determination on and respond to this request within ten (10) days of your receipt of it. If you determine that any of the information is exempt from disclosure under the PRA, I ask that you ensure that your determination is consistent with Proposition 59, enacted on November 3, 2004. Proposition 59 amended the state Constitution to require that all exemptions from disclosure of public records be "narrowly construed." Cal. Const. Art. I, § 3(b)(2). Proposition 59 may modify or overturn authorities on which you have relied in the past.

If you nonetheless determine that the requested record is subject to an exemption that remains valid after Proposition 59, I further request that: (1) you exercise your discretion to disclose the record notwithstanding the exemption; or (2) pursuant to

James Castañeda
March 24, 2016
Page 4

Government Code section 6253(a), provide a written response describing the legal authority or authorities on which you rely.

If I can provide any other clarification that will help expedite your attention to this request, please contact me at (415) 552-7272 or brysacz@smwlaw.com. See Gov't Code § 6253.1 (requiring public agency to contact and provide assistance to members of the public making a request that may be denied).

Thank you for your attention to this request.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Benjamin J. Brysacz

cc: Timothy J. Fox, Deputy County Counsel, tfox@smcgov.org
Matthew Francois, mfrancois@rutan.com

769387.1

James Castaneda

From: Amy M. Zehring <zehring@smwlaw.com>
Sent: Wednesday, April 06, 2016 13:56
To: James Castaneda
Cc: mfrancois@rutan.com; Timothy Fox; Benjamin J. Brysacz; Winter King
Subject: PRA Request for Ascension Heights Subdivision Project Permits and Applications
Attachments: PRA Request for Grading and Building Permits.PDF

To All Parties:

Please see attached in regards to the Ascension Heights Subdivision Project.

If you have any questions, please contact our office.

Kind regards,

Amy Zehring
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421
v: 415/552-7272
f: 415/552-5816
www.smwlaw.com



Please consider the environment before printing this e-mail or attachments.

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& WEINBERGER LLP

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www.smwlaw.com

BENJAMIN J. BRYSA CZ
Attorney
brysacz@smwlaw.com

April 6, 2016

Via E-Mail and U.S. Mail

James Castañeda
Project Planner
County of San Mateo
455 County Center, 2nd Floor
Redwood City, CA 94063
E-Mail: jcastaneda@smcgov.org

Re: Public Records Act Request: Ascension Heights Subdivision Project,
Grading and Building Permits

Dear Mr. Castañeda:

Pursuant to the California Public Records Act, Government Code § 6250 *et seq.*, and Article 1, Section 3 of the California Constitution (collectively “PRA”), I hereby request, on behalf of Responsible Development for Water Tank Hill (“RDWTH”), that you provide me with a copy of records held by the County of San Mateo related to any applications or permits for grading or building in connection with the Ascension Heights Subdivision Project (“Project”). **This request is limited to records that were created or distributed by the County on or after February 9, 2016.** This request includes, but is not limited to, the following:

1. Any and all permits issued in connection with the Project, including, but not limited to, permits for grading or building issued to San Mateo Real Estate, Inc., Dennis Thomas, or John O’Rourke.
2. Any and all permits issued in conjunction with File Number PLN 2002-00517.
3. Any and all permits issued in conjunction with the following parcels (identified by APN): 041-111-130, 041-111-160, 041-111-270, 041-111-280, 041-111-320, and 041-111-360.

4. Any and all applications for permits described in Items 1 through 3, above.

The term "records" includes, but is not limited to, letters, memoranda, facsimile and phone logs, electronic mail and data, memoranda to files, and any other correspondence sent or received, or other information that would be an agency record subject to the requirements of the PRA when maintained by an agency in any format, including an electronic format. All references in this PRA request to the County include, but are not limited to, the County's consultants, employees, officers, and attorneys and any other person or entity contracted to do business on their behalf.

If any of the requested records are currently in electronic format, please provide them to RDWTH in their electronic format. Such electronic records may be transmitted to Ben Brysacz at brysacz@smwlaw.com or via a mailed CD to the above address. **Please notify me of the direct cost of duplicating any electronic records and of making any paper copies of the requested records before such copies are made.** See Gov't Code § 6253(d) (fees may only be charged for the direct costs of duplication). If the cost is too high, I may request inspection of records instead.

Pursuant to Government Code section 6253(c), please make a determination on and respond to this request within ten (10) days of your receipt of it. If you determine that any of the information is exempt from disclosure under the PRA, I ask that you ensure that your determination is consistent with Proposition 59, enacted on November 3, 2004. Proposition 59 amended the state Constitution to require that all exemptions from disclosure of public records be "narrowly construed." Cal. Const. Art. I, § 3(b)(2). Proposition 59 may modify or overturn authorities on which you have relied in the past.

If you nonetheless determine that the requested record is subject to an exemption that remains valid after Proposition 59, I further request that: (1) you exercise your discretion to disclose the record notwithstanding the exemption; or (2) pursuant to Government Code section 6253(a), provide a written response describing the legal authority or authorities on which you rely.

If I can provide any other clarification that will help expedite your attention to this request, please contact me at (415) 552-7272 or brysacz@smwlaw.com. See Gov't Code § 6253.1 (requiring public agency to contact and provide assistance to members of the public making a request that may be denied).

Thank you for your attention to this request.

James Castañeda
April 6, 2016
Page 3

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

A handwritten signature in dark ink, appearing to read "Ben Brysacz", with a long, sweeping horizontal line extending to the right.

Benjamin J. Brysacz

cc: Timothy J. Fox, Deputy County Counsel, tfox@smcgov.org
Matthew Francois, mfrancois@rutan.com

773091.1

James Castaneda

From: Timothy Fox
Sent: Monday, April 04, 2016 13:46
To: Amy M. Zehring; Benjamin J. Brysacz
Cc: mfrancois@rutan.com; Winter King; James Castaneda
Subject: RE: Ascension Heights Subdivision Project Administrative Record

Dear Mr. Brysacz:

We are in receipt of your request to James Castañeda for copies of records under the California Public Records Act ("the Act"). The Act requires the agency to determine within 10 days of receipt whether the request, in whole or in part, seeks copies of disclosable public records in the possession of the agency and to promptly notify the person making the request of the determination and the reasons therefor. Cal. Gov't Code § 6253(c). However, in unusual circumstances, the 10 day time limit may be extended by written notice by the head of the agency or his or her designee, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. See Cal. Gov't Code § 6253(c).

We write you in our capacity as designee of the head of the agency to which your request was directed to notify you that unusual circumstances require an extension of the time in which to make the determination under Section 6253(c). Among the reasons for the extension are: (1) The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request; and (3) The need for consultation with another agency having substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein.

We expect to dispatch a determination under Section 6253(c) by the close of business on April 18, 2016.

Timothy Fox
Deputy County Counsel



COUNTY OF SAN MATEO

400 County Center, 6th Fl.
650 363 4456
tfox@smcgov.org

From: Amy M. Zehring [mailto:zehring@smwlaw.com]
Sent: Thursday, March 24, 2016 4:33 PM
To: James Castaneda <jcastaneda@smcgov.org>
Cc: mfrancois@rutan.com; Timothy Fox <tfox@smcgov.org>; Benjamin J. Brysacz <brysacz@smwlaw.com>; Winter King <king@smwlaw.com>
Subject: Ascension Heights Subdivision Project Administrative Record

To All Parties:

Please see attached in regards to the Ascension Heights Subdivision Project.

If you have any questions, please contact our office.

Kind regards,

Amy Zehring
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421
v: 415/552-7272
f: 415/552-5816
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James Castaneda

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v: 415/552-7272
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BENJAMIN J. BRYSA CZ
Attorney
brysacz@smwlaw.com

April 6, 2016

Via E-Mail and U.S. Mail

James Castañeda
Project Planner
County of San Mateo
455 County Center, 2nd Floor
Redwood City, CA 94063
E-Mail: jcastaneda@smcgov.org

Re: Public Records Act Request: Ascension Heights Subdivision Project,
Grading and Building Permits

Dear Mr. Castañeda:

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2. Any and all permits issued in conjunction with File Number PLN 2002-00517.
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If I can provide any other clarification that will help expedite your attention to this request, please contact me at (415) 552-7272 or brysacz@smwlaw.com. See Gov't Code § 6253.1 (requiring public agency to contact and provide assistance to members of the public making a request that may be denied).

Thank you for your attention to this request.

James Castañeda
April 6, 2016
Page 3

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

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Benjamin J. Brysacz

cc: Timothy J. Fox, Deputy County Counsel, tfox@smcgov.org
Matthew Francois, mfrancois@rutan.com

773091.1