

Cover Sheet for 3407 Oak Knoll Drive &  
649 Acacia Lane, Emerald Hills California  
:To PLN Comm. 01-28-2026

:From Brian Musante

[bmusanterealty@gmail.com](mailto:bmusanterealty@gmail.com)

3419 Oak Knoll Dr., Emerald Hills, Ca 94062

:Contents Formal Request to Review

Documents & Reconsider of the former

Chair Gupta decision with a Major discovery

: Exhibits 1-8

: Binder 1 Explanations of Exhibits 1-8

: Binder 2 Exhibits 1-8

Official & Legal Documents / Survey Maps /

C.E.O. Professional Opinions.

approximately 30 pages &

1 Large Survey Map No.6 Recorded 1921

Instructions use binder 1 in correlation with  
exhibits in binder 2.

Please read the cover letter.

:To the SMco PLN Commission Chair  
: From Nicholas & Brian Musante 04/24/2025  
: IN Reference to the October 11th 2023 Planning  
Commission Hearing & Continuance denial of C of C.

Greetings and Salutation, Madame Chair

I've read your bio and I feel that you're a person of high integrity and would like to be in the position of serving the citizens of San Mateo County. My situation is not of my own doing, I am a victim of the SMco Planning and Building Division that knows for {certain} that the properties I own were unlawfully merged 1979.

In December of 2023 Brian Musante found the Official document that was sent to {effective parcel owner's} in Emerald Hills. This Zoning Ordinance Sec. 2560 Spells out SMco intentions of new regulations on the use of property in Emerald Lake Hills area. Report Dated July 16th 1979 has never been provided to Brian Musante by the SMco PLN/BLD.

~~This singular document, if provided to Musante's in~~  
January 2018 would have proven what it does today, our properties do not fit the directive of the merger and should have never been merged. The Official 1979 Report page 1, first paragraph, Section 9 (Non-Conforming Lots) a single and separate parcel of land which was a legal building site at the date of adoption of this ordinance shall continue to be a legal building site. {Legal separate parcels since 07/11/1921}  
SEE Exhibit #1 Official 1979 Report.

:Report on 02/03/2025 by Lea & Braze Civil Engineer & Land Surveyor with 30 years Experience & working on thousands of projects throughout San Mateo County. SEE Exhibit # 5.

Lea & Braze: My view of various documents that led me to believe in my professional opinion that the county should never have merged these Lots in 1979. Lea & Braze Survey Report shows multiple grounds that support his conclusions.

Musante's parcels recorded on Emerald Lake Park map No 6 File No 83616 SMco Records July 11 1921.+4 SMco Divisions Confirmed legal separate properties so said, SMco.Recorder's Office,Senior Chief Recorder & Senior Officer of Zoning Maps Division & SMco Chief Assessor & Principal appraiser all have Confirm (separate legal parcels). SEE Exhibit # 2 & 3 & 4

NOTE: SMco. PLN/BLD has not denied the authenticity of 1921 Map #6 or these divisions {Statements or Findings}.

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: 90% of the 8 Exhibits I have provided to you have been provided to San Mateo County PLN/BLD in 2018-2020.

I asked the PLN Comm. & B.O.S. to Google { October 11th 2023 SMco Planning Commission Hearing} Listen to the testimony of Steve Monowitz, SMco Community development director, the claims he makes {knowing all} of the preponderance of evidence provided to SMco PLN/BLD & Staff.(In the staff view is sketchy information).

After the Musante's Console & Brian Musante finished their maximum allowed time of 20 minutes for their presentation on 10/11 2023 this is Planning Commissioner Gupta statement , Quote:{This is a lot of material that is presented. I'm not sure. Is this something we just received}.end Quote.Steve Monowitz rushes in frantically to stop Brian Musante and Console from answering Planning Commissioner concerns.

This was a fraction of the information we provided to the SMco Planning deputy director Lisa Aozasa and Steve Monowitz Community development director.

When Steve Monowitz describes the photo of the home 3407 Oak Knoll Quote: [in our view, are just not determinative} End Quote.Steve never mentions that there's a letter of authenticity from the President of the Archives Committees, Location Redwood City Library.Picture taken by the Developer CH Holt Of his daughter with the home {He Built in the background in this 1929 Photo}. SEE Exhibits # 3 & 7.

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~~Brian Musante can answer any & all questions PLN. Comm.~~ will have from Steve's total testimony with clarity backed by factual documents,( not conjecture) or In my opinion, In our view, what Steve Monowitz says often during his testimony.

At the end of Steve's speech, Console asked to make a (Brief Statement), & then listen to Brian Musante's statement. You will notice Steve Monowitz never {Offer Any documents Or direct denial or any Actual facts to be presented }.

The SMco PLN/BLD By hiding all of the truths that they know has created this problem. PLN division created a New Subdivision Regulation 7134.4e May of 2018 (that certain merge properties) are Denied the standard Issue Certificate of Compliance, which would prove these properties are legal.

A Certificate of Compliance has been the Standard set & used by California's Planning and Building divisions for over years. Brian Musante research shows (none of the other 9 Bay Area Counties have such a Revision to deny Certificate of compliance).Lea & Braze that work in {Multiple Co.} confirms my research.

Please review the 8 exhibits with multiple & factual truths of legal parcels from California state & SMco Codes & Zoning Ordinances & Recorded Survey Maps & with CEO's Executive Official written opinions.

By now you're asking yourself why can't the SMco PLN/BLD {Honestly Decipher} the information provided here?

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I Pray that you will be part of the solution.

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I hope you received this letter in the spirit of goodwill.

I look forward to your response.

SEE: Binder #1 & Binder # 2.

Sincerely Brian & Nicholas Musante

Pg .4 of 4.



Brian Musante <bmusanterealty@gmail.com>

**Public Records Request :: R010691-110723**

4 messages

**CALFIRE PRA Records Center** <calfire@govqa.us>  
To: "bmusanterealty@gmail.com" <bmusanterealty@gmail.com>

Tue, Nov 7, 2023 at 8:47 AM



RE: PUBLIC RECORDS REQUEST of 11/7/2023, Reference # R010691-110723

Dear owner brian musante,

Thank you for your interest in public records of CAL FIRE. Your request has been received and is being processed in accordance with the California Public Records Act, Government Code section 6250 et seq. Your request was received on November 07, 2023 and given the reference number R010691-110723 for tracking purposes.

Records Requested: any records of fires to homes in Emerald lake park / 94062 . and 3400 block -oak knoll drive / 600 block -vista drive from 1946 to 1949 /

Your request will be forwarded to the relevant CAL FIRE department(s) to locate the information you seek and to determine the volume and any costs that may be associated with satisfying your request. You will be contacted about the availability and/or provided with copies of the records in question. PLEASE NOTE: The California Public Records Act does not require a governmental body to create new information, to do legal research, or to answer questions.

You can monitor the progress of your request at the link below and you'll receive an email when your request has been completed.

CAL FIRE

To monitor the progress or update this request please log into CAL FIRE Records Center



**CALFIRE PRA Records Center** <calfire@govqa.us>  
To: "bmusanterealty@gmail.com" <bmusanterealty@gmail.com>

Tue, Nov 7, 2023 at 9:00 AM

--- Please respond above this line ---



RE: PUBLIC RECORDS REQUEST of November 07, 2023, Reference # R010691-110723

12/7/23, 2:43 PM

Gmail - [Records Center] Public Records Request :: R010691-110723



Brian Musante <bmusanterealty@gmail.com>

**[Records Center] Public Records Request :: R010691-110723**

1 message

CALFIRE PRA Records Center <calfire@govqa.us>  
To: "bmusanterealty@gmail.com" <bmusanterealty@gmail.com>

Wed, Nov 15, 2023 at 3:14 PM

--- Please respond above this line ---



RE: PUBLIC RECORDS REQUEST of November 07, 2023, Reference # R010691-110723

Dear owner brian musante,

CAL FIRE received a California Public Records Act (CPRA) request from you on November 07, 2023. Your request mentioned:

**"any records of fires to homes in Emerald lake park / 94062 . and 3400 block -oak knoll drive / 600 block - vista drive from 1946 to 1949 /"**

CAL FIRE has reviewed its files and has determined there are no responsive documents to your request.

The records requested are outside our retention schedule.

If you have any questions or need additional information, you can manage your request through the CAL FIRE PRA Records Center.

Sincerely,  
Shilo Wilson  
Public Records Act Coordinator  
Sacramento - HQ - Legal Office

To monitor the progress or update this request please log into the CAL FIRE PRA Records Center



# Binder 1

04/24/2025

Exhibits 1-8 Documents confirm {Musante's Parcels are Legal & Separate}

The County of San Mateo Planning and Development Division (Unlawfully Merged) the following properties on July 16th 1979 with the approval of the San Mateo County Board of Supervisors. The Musante's effective parcels are / Lots 5 through 12 OR AP#'s 057-153-270, 280 / 290.

The official Report dated 07-16 -1979 from the County of San Mateo Planning and Development Division, mailed to the (effective residences) describing the merger of parcels- Emerald Lake Hills-Oak Knoll Manor area of San Mateo County. (Excerpts from San Mateo County Ordinance NO. 2560 Zoning Ordinance). Regulating use of properties in the Emerald Lake Hills area of San Mateo County.(This Document clearly gives examples of where the merger was and was not appropriate) .

Exhibit #1. The Official Report date 07-16-1979, Pg 1, first paragraph states, Quote: Section 9. (Non-Conforming Lots) a single and separate parcel of land which was a legal building site at the date of adoption of this ordinance shall continue to be a legal building site. End quote.

: Proof of separate parcels since 1916, this evidence supplied to SMco.

~~PLN/BLD many times shows (legal separate parcels at the date of adoption of Resolution 3044 Merger Act). Proof by SMco Recorder & Survey Maps.~~

Exhibit #2, 1916 Highlands Territorial Survey Map #7. Reading directly from the Legend, Existing City limits Annexation Boundary, Area Annex Contains 16.9 Acres, filed with the Secretary of State area Annex to the city of Redwood City by Ordinance, Callnn M. Jain RE-5659 City Engineer Redwood City California.

Fact: Established Lots 12 & 10/11 (clearly shown separately on this map).

Exhibit #3.(1921 Emerald Lake Park Survey Map #6.) Recorded July 11th 1921, File # 83619, Recorder T.C. Rice, Civil Engineer C.L. Dimmitt.  
From the Legend :This is to Certify, C.H. Holt is the owner or proprietor of lands with herein designated. Shown hereon; that the Lots intended for sale are here designated by numbers and their precise size, length and width.  
Fact: The language is clear and precise & lots 12 & 10/11 clearly shown separately on this map. (25 inch x 18 inch Map No.6 is provided).

Fact:These 2 survey maps are Undisputed by SMco PLN/BLD Divisions.  
Facts: Established by these 2 Record Survey Maps clearly show separate parcels & have remained intact. (All current Parcel Maps show intact).

: Exhibit #4. Fidelity National Title Insurance Company, CLTA Chain of Title Report Guarantees #6551800074 & Confirms legal separate parcels status.  
: [CLTA, course of action established SMco standard for separate parcels].  
Pages 2-3-4 Clearly show the correlation of Deeds & Conveyed Titles.

: This is the recorded sale of 3407 Oak Knoll Drive September 26th 1924

: Document Type: Deed

Grantor: C.H. Holt and Madge Holt, his wife

~~Conveyed To: Cora R. Ross, as her own separate property~~

Recorded Date: September 26th 1924

Recording NO. 25879-A Book 137 of Official Records, page 379

:Affects Lot 12 of legal herein

:This is the recorded sale of 649 Acacia Lane May 29th 1926.

: Document Type: Deed

Grantor: C.H. Holt and Madge Holt, his wife

Conveyed To: Belle Hornlein

Recorded Date: May 29th, 1926

Recording NO. 61374-A Book 234 of Official Records, 379

:Affects Lots 10 and 11 of legal herein

\*: Lot 12, (Conveyed by Recorded Deeds) 8 times as a separate parcel since its conception (1916). Conveyed to Louis J Petrelli and Gladys B Petrelli, his wife into joint tenancy, September 5th 1951, AP 057-153-290.

\*: Lots 10/11(Conveyed by recorded Deeds) 5 times as a separate parcel since its conception (1916). Conveyed to Louis J Petralli & Gladys B Petrelli, his wife in joint tenancy, May 5th 1953.

\*:Fidelity Title Co. Guaranteed Title Report, clearly shows separate parcels.

\*: Fidelity National Title Corporation Confirmed the transfer of Lot 12 and Lots 10/11 Conveyed by Deed's as separate parcels to (Nicholas Musante on March 7th 2017). {SMco Recorder Shows Separate Legal Parcels}. Exhibits 2-3-4- Major components Certificate of Compliance application.

: Exhibit #5. Official report from Lea & Braze Engineering, INC. Followed by the short version, a full document has been supplied.

My review of the various documents leads to my conclusion that the Lots were illegally merged and should be allowed to be two separate Lots as originally subdivided. The Lots in question originally created per Survey map, Emerald Lake Park Map # 6 dated June 21.

{This map was approved by the city of Redwood City and County of San Mateo and legally created the subject's Lots}.

The official SMco / Planning & development division July 16th 1979 Document clearly gives examples of where the {merger was and was not appropriate}. The document not only spells out which {Lots they will impose these actions on but gives examples of where it would not impose the merger}. Example 2 states that if two lots under the same ownership both having been used for housing on them, they should not be merged. In fact Lot 12 has a historic Foundation that exists to this day. This Foundation demonstrates historical usage of this lot. Lots 10/ 11 also has historic buildings that date back to the 1920s.

These buildings were built to accommodate vacationers to the adjacent Emerald Lake Country Club. Note: that 3407 Oak Knoll also has utility hookups for the original house and both lots have driveway access off their respective Road Connections.

In the Musante attempts to legalize the Lots as I mentioned the precedence for above your applied for and were approved for a certificate of compliance. {County staff clearly agreed that these buildings predated the 1979 merger; however at some time after the certificate of compliance the staff reversed}. This appears to be based on SMco subdivision regulation 7134.4e

However, in my professional opinion, the existence of the building or historic use and Foundations are clear indications of the intent of the 1979 ordinance 2550 and the original merger never have been valid or gone through in the first place.

Given this I do not feel this 1979 merger was valid and should not be used as a reasoning for denial of a certificate of compliance. (Section 9) of this ordinance states that a single and separate parcel of land which was a legal building site at the date of this ordinance shall continue to be a legal site.

Ordinance Chapter 4, Zoning Non-conformities, Section 2 defines a legal parcel as one being in existence prior to the county's authority to regulate subdivision which was July 1945.

As a licensed Civil Engineer and License Land Surveyor for almost 30 years of my experience and working on thousands of projects throughout San Mateo County and my review of various documents that led me to believe in my professional opinion that the county should never have merged the Lots in 1979.

I would urge staff to review the ordinance 2560 and make a reasonable determination due to the historical use of the property prior to 1979 the Merger should never have been approved and the Lots should be allowed to be formal building sites.(END of Lea & Braze report 02/05 2025).

Exhibit #6 (San Mateo County's Zoning Code Book May 2018 Edition, Chapter 4.( Zoning- Nonconformities) SEC 6132, Page 4.2),

: (6) (Legal Building or Structure) A building or structure either (2) constructed prior to the date that the county began issuing permits.

: (7) (Legal Land Use) A land use either (2) established prior to the date of the County's Zoning Authority.

: (8) (Legal parcel) (2) a land division, which was exempt from subdivision regulations.(3) a land of division predating the county's authority over subdivision, July 20,1945 provided the parcel in question has subsequently remained intact.

Fact: SMco. Planning & Building divisions have confirmed that the (Zoning Authority for this area was not created until the late 1930's), at best.

Fact: SMco Planning & Building divisions have confirmed that a (Building Permit was not required during this era).

Fact Exhibits 2-3-4-5 Have confirmed legal Parcels since 1921.

Exhibit # 7 SMco CDD Steve Monowitz, on October 11th 2023 at Planning Commission hearing (Google it) It's not clear that there was a house at 3407 Oak Knoll / Lot 12. 2nd SMco Representative DD Lisa Aozasa.

: SMco Deputy director Lisa Aozasa provided evidence of a house on lot 12 with the 1930 Aerial photo & 3407 Oak Knoll Dr /lot 12 Street View photo of Historical Foundation, Driveway, Mailbox, ect. Note: Top right hand corner of the street photo on Lots 10/11 shows 649 Acacia Lane Cabin as well.

:Historical 1929 photo of Sally Holt diving into Emerald Lake showing the home her father, CH HOLT Built in the background at 3407 Oak Knoll Drive.

: Sally Holt provided RWC library {Archives Committee} with a significant amount of Historical documents of the {Developer CH Holt} , her father.

: Historical brochure featuring Sally Holt on the cover. Developer CH Holt offering properties for sale at Emerald Lake Hills weekend vacation retreat.

Note: The letter of Authenticity of these documents provided by the President of the Archive Committee. Marian Wydo.

Note: All of this Evidence provided before the October 11th 2023 Planning Commission hearing.Including Information from Exhibits 2-3-4 & 6.

( Exhibit 8 ) A comprehensive analysis of the existence and existing construction remnants / debris on Lot 12 or 3407 Oak Knoll Drive as described in detail by local Contractor Bob DoBel. DoBel Construction has consistently worked in Emerald Hills for 45 years plus. General Contracting New Homes and Subdivisions complex and major structure repairs, foundation replacement & raising & leveling of structures & retaining walls. A true all-purpose General Contractor unsurpassed career working with the bay area's finest Institutions & Cities / Counties & Municipalities.

DoBel Constructions findings (Term Legally Constructed).Bob DoBels Impressions after looking at the property describing where the house and garage had existed and the driveway approach exiting the street.

Bob ,In summary it is my professional opinion to a reasonable certainty that there is ample evidence that a home and second structure, a garage, existed at 3407 Oak Knoll which had all the utilities and amenities of the original building. (This is the end)

:Bob Dobel's Report Confirms ( Lea & Braze Report ) the Historical value & description of utilities w/Recorded Maps & Codes the existence of a home.

: These 8 Exhibits, it boggles the mind how the San Mateo County Planning and Building Division can honestly say they couldn't find factual evidence of a home that existed. Please watch the last 10 minutes of October 11th 2023 Planning Commission Hearing (Google it) Starting with Madame Chair Gupta Quote: This is a lot of material that was presented. I'm not sure if this is something we just received. Frantically Steve Monowitz stops Questions. : SMco PLN/BLD Defiance of critical by-Laws/Zoning Codes/ Existing Statutes, Professional Observations/Opinions must reverse course & issue a letter reinstating and releasing their hold on building permits for these parcels. {This is all the Musante's had asked for since January 12th 2018}.

Respectfully Nicholas and Brian Musante

## Binder 2

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Exhibit 1 July 16th 1979 Merger of Parcels.

Exhibit 2 Highlands Territory Map #7 1916

Exhibit 3 Emerald Lake Park Map #6 1921

Exhibit 4 Fidelity National Title Insurance  
Com. Chain of Title Guarantee Report

Exhibit 5 CEO Lea & Braze Civil Engineers  
Land Surveyors Report February 5th 2025

Exhibit 6 SMco 2018 Code Book, Chapter 4  
{Zoning Non-Conformities} Pg 4.2

(6) { Legal building or Structure }

(7) { Legal Land Use } (8) { Legal Parcel }

Pg 4.10 Administrative Exception

Exhibit 7 Google Street View, 1930 Aerial  
Photo, Lisa Aozasa Email, 1929 Photo Diver  
Sally Holt 3407 OakKnoll Home background  
Archive Committee Letter of Authenticity &  
Brochure Sally Holt / Roaring 20's Resort.

Exhibit 8 CEO Bob DoBel Const. Report.

# Exhibit 1

Department of Environmental Management  
Planning and Development Division



# COUNTY OF SAN MATEO

COUNTY GOVERNMENT CENTER • REDWOOD CITY • CALIFORNIA 94063 (415) 364-5600 EXT. 4161

BOARD OF SUPERVISORS  
EDWARD J. BACCIOCCO, JR.  
JAMES V. FITZGERALD  
FRED LYON  
WILLIAM H. ROYER  
JOHN M. WARD

DAVID C. HALE  
PLANNING DIRECTOR

July 16, 1979

DEAR PROPERTY OWNER:

RE: MERGER OF PARCELS - EMERALD LAKE HILLS-OAK KNOLL MANOR AREA OF  
SAN MATEO COUNTY

On January 22, 1979, the San Mateo County Board of Supervisors adopted the zoning regulations for the Emerald Lake-Oak Knoll Manor area of the county. This zoning ordinance (No. 2560) superseded the interim zoning ordinance adopted March 28, 1978, by the Board and requires, as did the interim ordinance, the merger of contiguous parcels under one ownership to meet the lot area requirements as specified in the adopted Emerald Lake Hills Community Plan. Enclosed is a copy of Sections 9 and 10 and a portion of Section 13 of the ordinance.

### HOW DOES THIS AFFECT YOU?

You have been identified through the Assessor's records as an owner of two or more contiguous lots within the area affected by the above mentioned ordinance.

The merger of your lots may reduce the total number of potential building sites that you have and may prevent you from selling off individual lots which had been subdivided in the past. The following are examples of how the merger requirements may affect you.

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Note: All examples are based on a minimum required lot size of 12,000 square feet for lot slopes less than 17%.

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Example 1 - You own two contiguous lots with a house on each lot. These lots do not merge under the terms of the zoning ordinance.

Example 2 - You own two contiguous lots, each 5,000 square feet, both empty or a house on only one of the lots. Under the terms of the ordinance, you have one building site of 10,000 square feet. Even though the site is less than 12,000 square feet (the minimum called for in the ordinance), it is still a building site under the "single and separate ownership" language of the ordinance.

Example 3 - You own three contiguous lots, each 10,000 square feet, all empty or a house on one lot only. Under the terms of the ordinance, you now have one 30,000 square-foot parcel. A 10,000 square-foot lot cannot stand alone since it is less than the 12,000 square-foot minimum lot size called for in the ordinance. If you wish to divide the parcel into two parcels, you may apply to the county for a minor subdivision.

Example 4 - You own several lots of varying size. For this example, assume three lots of 5,000 square feet each and two lots of 20,000 square feet each, all contiguous and unimproved. Under the terms of the ordinance, you would have a maximum of three parcels; the three 5,000 square-foot lots would merge and the 20,000 square-foot lots would not.

These examples are meant to help you understand the meaning of the ordinance and do not cover all situations that may occur.

WHAT PROCEDURES WILL BE TAKEN

Section 66424.2 of the State of California Subdivision Map Act requires the recordation of a Notice of Merger,

"...specifying the names of the record owners and particularly describing the real property, provided that, at least 30 days prior to the recording of the notice the owner of the parcels or units to be affected by the merger, shall be advised in writing of the intention to record the notice and specifying a time, date and place at which the owner may present evidence to the legislative body or advisory agency why such notice should not be recorded."

This letter will serve as your written notice that the San Mateo County Planning Commission, as the advisory agency, has set 7:30 P.M., on Monday, August 20, 1979, in Room B-1 (basement meeting room of the Hall of Justice and Records) at 401 Marshall Street, Redwood City, California, as the time and place for property owners to present evidence why the proposed merger should not be made.

We are providing an advance sign-up sheet, located at the San Mateo County Public Works Department, Third Floor, 590 Hamilton Street, Redwood City, since there may be several property owners presenting evidence at the hearing. This sign-up sheet should give you some idea of when you may present your evidence. Any property owner who has not signed up but who wishes to present evidence at this hearing will be recognized after those owners on the sign-up sheet have been heard.

The enclosed map indicates your property(ies) and the number of parcels and their configurations that we have proposed under the conditions of Ordinance No. 2560. Please contact Neil Cullen or Don Williams at 364-5600, Ext. 2641, if you have any questions or feel that the number of parcels or their configuration are incorrect.

S. H. Cantwell, Jr.  
S. H. CANTWELL, JR.  
Director of Public Works

David C. Hale  
DAVID C. HALE  
Planning Director

SHC:NRC:lg  
Enclosures - As stated  
cc: District Attorney

EXCERPTS FROM SAN MATEO COUNTY ORDINANCE NO. 2560  
ZONING ORDINANCE REGULATING THE USE OF PROPERTY IN  
THE EMERALD LAKE HILLS AREA OF SAN MATEO COUNTY

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SECTION 9. NON-CONFORMING LOTS. A single and separate parcel of land which was a legal building site at the date of adoption of this ordinance shall continue to be a legal building site.

SECTION 10. MERGER OF CONTIGUOUS UNDERSIZED LOTS. Contiguous parcels under one ownership which were legal undeveloped building sites prior to the adoption of this ordinance, but which do not conform to the minimum lot size requirement hereunder, shall merge to satisfy the minimum lot size provided herein. This provision also applies to contiguous parcels in one ownership where a lot is developed.

Merger shall occur whether such contiguous parcels were under one ownership at the date of adoption of this ordinance or come under one ownership any time thereafter.

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SECTION 13. (Portion of this Section only) LOT AREA, SETBACKS,

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HEIGHT AND LOT COVERAGE.

- (a) The following regulations pertaining to lot area per dwelling unit building setbacks, height and lot coverage shall apply in the Emerald Lake Hills area.
- (c) Lot Area Per Dwelling Unit:

# Exhibit 2



# Exhibit 3



# Exhibit 4

ISSUING OFFICE: Fidelity National Title Company 675 N. First Street, 4th Floor San Jose, CA 95112 Main Phone: (408)437-4318
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**SCHEDULE A**

Liability	Fee	Title Officer
\$1,000.00	\$180.00	

1. Name of Assured: Nicholas Musante
2. Date of Guarantee: January 9, 2018 at 12:00 AM

The assurances referred to on the face page are:

That, according to those public records which, under the recording laws, impart constructive notice of matters relating to the interest, if any, which was acquired by

Nicholas Mustante, an unmarried man

pursuant to a Grant Deed recorded March 7, 2017 in Instrument No. 2017-019756

in and to the land described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Only the following matters appear in such records subsequent to September 26, 1924:

1. Document Type: Deed  
 Grantor: C.H. Holt and Madge Holt, his wife  
 Conveyed To: Cora R. Ross, as her own separate property  
 Recording Date: September 26, 1924  
 Recording No.: 25879-A, Book 137 of Official Records, page 121

Affects Lot 12 of legal herein

2. Document Type: Deed  
 Grantor: C.H. Holt and Madge Holt, his wife  
 Conveyed To: Belle Hornlein  
 Recording Date: May 29, 1926  
 Recording No.: 61374-A, Book 234 of Official Records, page 379

Affects Lots 10 and 11 of legal herein

3. Document Type: Joint Tenancy Deed  
 Grantor: Cora B. Ross, married woman  
 Conveyed To: William Leon Glascock and Ilene L. Glascock, his wife  
 Recording Date: July 18, 1927  
 Recording No.: 88954-A, Book 300 of Official Records, page 208

Affects Lot 12 of legal herein

## SCHEDULE A

(continued)

4. Document Type: Indenture  
Grantor: William L. Glascock  
Conveyed To: Ilene L. Glascock, his wife  
Recording Date: February 24, 1932  
Recording No.: 2468-C, Book 556 of Official Records, page 184

Affects Lot 12 of legal herein

5. Document Type: Indenture  
Grantor: Ilene L. Glascock, an unmarried woman  
Conveyed To: Ed Rosemont  
Recording Date: September 21, 1938  
Recording No.: 40155-D, Book 809 of Official Records, page 114

Affects Lot 12 of legal herein

6. Document Type: Deed  
Grantor: Ed Rosemont and Margaret H. Rosemont, his wife, as joint tenants  
Recording Date: September 21, 1938  
Recording No.: 40156-D, Book 807 of Official Records, page 300

Affects Lot 12 of legal herein

7. Document Type: Decree of Final Distribution  
Grantor: Belle Hornlein also known as Belle. Hornlein, deceased  
Conveyed To: Lionel Du Mont Hornlein, also known as Lionel Du Mont Von Hornlein  
Recording Date: August 14, 1940  
Recording No.: 96189-D, Book 913 of Official Records, page 121

Affects Lots 10 and 11 of legal herein

8. Document Type: Indenture  
Grantor: ~~Lionel Du Mont Hornlein, also known as Lionel Du Mont Von Hornlein~~  
Conveyed To: Betty Alice Von Hornlein  
Recording Date: April 24, 1943  
Recording No.: ~~79744-E, Book 1054 of Official Records, page 339~~

Affects Lots 10 and 11 of legal herein

9. Document Type: Indenture  
Grantor: Irving C. Gobar and Sarah J. Gobar, his wife  
Conveyed To: Rita M. Gobar Neuwald, their daughter  
Recording Date: June 21, 1943  
Recording No.: 84372-E., Book 1067 of Official Records, page 149

Affects Lot 12 of legal herein

## SCHEDULE A

(continued)

10. Document Type: Deed  
 Grantor: Rita m> Gobar Neuwald and Edward R. Neuwald, her husband  
 Conveyed To: Carroll McGough, a single man  
 Recording Date: April 9, 1946  
 Recording No.: 97341-F, Book 1252 of Official Records, page 310  
 Affects Lot 12 of legal herein
11. Document Type: Joint Tenancy Deed  
 Grantor: Betty Alice Von Hornlein  
 Conveyed To: John L. Shaff and Maxine L. Shaff, his wife in joint tenancy  
 Recording Date: August 13, 1947  
 Recording No.: 81304-G, Book 1374 of Official Records, page 181  
 Affects Lots 10 and 11 of legal herein
12. Document Type: Joint Tenancy Deed  
 Grantor: Carroll McGough, a single man  
 Conveyed To: Luois J. Petralli and Gladys B. Petralli, his wife in joint tenancy  
 Recording Date: September 5, 1951  
 Recording No.: 58015-J, Book 2124 of Official Records, page 248  
 Affects Lot 12 of legal herein
13. Document Type: Joint Tenancy Deed  
 Grantor: John L. Shaff and maxine L. Shaff, his wife  
 Conveyed To: Louis J. Petralli and Gladys B. Petralli, his wife in joint tenancy  
 Recording Date: May 5, 1953  
 Recording No.: 78815-K, Book 2412 of Official Records, page 94  
 Affects Lots 10 and 11 of legal herein
- 
14. Document Type: ~~Individual Grant Deed~~  
 Grantor: Louis J. Petralli and Gladys B. Petralli, his wife  
 Conveyed To: Joy D. Petralli Cardelli and Thomas D. Cardelli, wife and husband as joint tenants  
 Recording Date: ~~June 2, 1981~~  
 Recording No.: 50842-AS
- 
15. Document Type: Grant Deed  
 Grantor: Joy D. Petralli Cardelli and Thomas D. Cardelli, wife and husband as joint tenants  
 Conveyed To: Thomas D. Cardelli and Joy D. Cardelli, trustees, the Cardelli Family Trust, dated September 25, 2009  
 Recording Date: October 26, 2009  
 Recording No.: 2009-140365
16. Document Type: Grant Deed  
 Grantor: Thomas D. Cardelli and Joy D. Cardelli, trustees, the Cardelli Family Trust, dated September 25, 2009  
 Conveyed To: Nicholas Musante, an unmarried man  
 Transfer Tax: \$333.85  
 Recording Date: March 7, 2017  
 Recording No.: 2017-019756

# Exhibit 5



LEA & BRAZE ENGINEERING, INC.  
CIVIL ENGINEERS | LAND SURVEYORS

2495 Industrial Parkway West  
Hayward, CA 94545  
510-887-4086

February 5, 2025

**Brian Musante**  
3419 Oak Knoll Drive  
Emerald Hills, CA, 94062

Subject: **APN: 057-153-290 & 280**  
**Mustante Property – Buildable Lots**  
Job No. 2241153 CI

Dear Brian,

Please accept this letter as my review of the number of buildable lots you own at 3407 Oak Knoll and 649 Acacia Lane, Redwood, Unincorporated San Mateo County. These lots are also known as APN 057-153-290 & 280. My review includes the review of the creation of these lots as well as documentation by San Mateo County of both allowing the use of each lot for building sites and the subsequent determination by the County of San Mateo as to the merger of the lots. My review of the various documents leads to my conclusion that the lots were illegally merged and should be allowed to be 2 separate lots as originally subdivided.

The lots in questions, lots 10, 11 & 12 as originally created per the map Emerald Lake Park Map No. 6, dated June 1921 and filed in Book 10 of Recorded Subdivision Maps at page 41. This map was approved by the City of Redwood City and County of San Mateo and legally created the subject lots. These lots remained separated as legal lots until the County of San Mateo merged the lots in 1979. This merger, created by Ordinance 2560, was intended to create lots that would be larger in size and in line with the current zoning designation created many years after the original 1921 creation. This document spells out the intention of creating larger lots out of multiple lots under common ownership that at the time remained undeveloped or had had a structure on it, but one or more adjacent undeveloped lots associated with it. This made sense as the County wanted to provide lots that were more in line with the zoning standards developed over time, but after the recordation of the map.

This document, dated July 16, 1979, very clearly gives examples of where the merger was and was not appropriate. This document was created to merge many lots throughout the neighborhood. While the County has the right through legislative action to impose these standards, I do not think it was appropriate how the County treated these lots. The document not only spells out which lots they will impose these actions on but gives examples of where it would not impose the mergers. Example 2 states that if two lots, under the same ownership, both having been used for housing on them, they should not be merged. In fact, both APN 057-153-290 & 057-153-280 have been used for housing. It seems that in 1979, the County did not do a thorough job of identifying which lots had housing and which were undeveloped.



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Lot 12 has a historic foundation that exists to this day. The house that occupied this site, dates back to the 1920's. In our conversations, you mentioned that the original owners of the property stated the house burned down in the 1940's. The 1920 timeframe predates the requirement for building permits. This foundation demonstrates historical usage of this lot. Lots 10/11 also has a historic building that you mentioned based on conversations with the previous owners' that dates also back to the 1920's and the structure has had many uses in its lifetime. While it has been used as a horse barn, the previous owners said the building was used a vacation home in the past and that the floor has hardwood flooring under its current floor. Due to the date of construction, this building also predates the need for permits. It appears that when the County imposed its 1979 merger, they did not physically review the sites, but relied on permits to determine the validity of the merger. Both buildings were built to accommodate vacationers to the adjacent Emerald Lake Country Club. The older building on lots 10/11 was intended for their vacationers. Note that 3407 Oak Knoll also has utility hookups for the original house and both lots also have driveway access off their respective road connection.

In your attempts to legalize the lots as I mentioned the precedence for above, you applied for and were approved for a certificate of compliance. County staff clearly agreed that these buildings predate the 1979 merger. However, at some time after the issuance of the compliance, staff did a reversal and denied the Certificate of Compliance. This appears to be based on San Mateo County Subdivision Regulation 7134.4e. This statute states that a previously merged parcel may not be unmerged and must go through the subdivision process. However, in my professional opinion, the existence of the buildings or historic use and foundations are a clear indication of the intent of the 1979 Ordinance 2560 and the original merger should never have been valid or gone through with in the first place. Given this, I do not feel this 1979 merger was valid and should not be used as a reasoning for the denial of the certificate of compliance. Section 9 of this ordinance states that a single and separate parcel of land which was a legal building site at the date of the adoption of the ordinance shall continue to be a legal building site.

San Mateo County Ordinance Chapter 4, zoning non-conformities, section (2) defines a legal parcel as one being in existence prior to the County's authority to regulate subdivision, which was July 1945.

As a Licensed Civil Engineer and Licensed Land Surveyor for almost 30 years of experience and working on thousands of projects throughout San Mateo County and my review of the various documents has led me to believe in my professional opinion that the County should never have merged the lots in 1979. I would urge staff to review Ordinance 2560 and make a reasonable determination that due to the historical use of the properties prior to 1979, the merger should not have been approved and the lots should be allowed to be formal building sites and be legalized.



LEA & BRAZE ENGINEERING, INC.  
CIVIL ENGINEERS | LAND SURVEYORS

2495 Industrial Parkway West  
Hayward, CA 94545  
510-887-4086

Please let me know if you have any questions.

Very truly yours,

Jim Toby, P.E., P.L.S.  
Principal



# Exhibit 6

## CHAPTER 4. ZONING NONCONFORMITIES

### SECTIONS:

- 6130. PURPOSE
- 6131. APPLICATION
- 6132. DEFINITIONS
- 6133. NON-CONFORMING PARCELS
- 6134. NON-CONFORMING USES
- 6135. NON-CONFORMING STRUCTURES
- 6136. NON-CONFORMING SITUATIONS

**SECTION 6130. PURPOSE.** The purpose of this Chapter is to regulate zoning nonconformities, which are defined as any legal parcel, use, building, structure or other situation that does not conform with the current zoning regulations. The general intent of this Chapter is to (1) allow residential zoning nonconformities to continue, and (2) phase out non-residential zoning nonconformities. This approach implements General Plan policy to maintain and preserve the existing housing stock and existing residential areas.

### **SECTION 6131. APPLICATION**

1. The provisions of this Chapter shall apply to all zoning nonconformities.
2. When multiple zoning nonconformities occur, all provisions related to each nonconformity shall apply.
3. Where provisions of this Chapter conflict with each other, the most limiting provision shall take precedence.

---

### **SECTION 6132. DEFINITIONS**

1. **Abandoned.** The voluntary termination of a land use or use of a building or structure for a period of at least 18 months. The inability to operate through no fault or intent of the owner, e.g., unsuccessful attempts to sell/lease property or litigation constraints, shall not be considered voluntary termination or constitute abandonment.
2. **Demolished.** The state of a structure after it has been voluntarily torn down, razed or otherwise completely eliminated. Demolition of a building or structure that has been destroyed shall not be considered "demolished."
3. **Destroyed.** The state when reconstruction, repair or replacement of a building or structure, required because of an act of nature or other event unintended by the property owner, e.g., fire or earthquake, amounts to 50% or more of its value, as

determined by the most current Building Valuation Data published by the International Conference of Building Officials.

4. Enlarged. The state of a land use or structure after it has been expanded to cover more land area, consume more air space, or increase its intensity on the site.
5. Improved Parcel. Any parcel developed with a building or structure to serve the principal use of the parcel, e.g., a parcel in a residential district developed with a dwelling.
6. Legal Building or Structure. A building or structure either (1) constructed in accordance with a building permit issued by the County, (2) constructed prior to the date that the County began issuing building permits, or (3) legalized through an official County action
7. Legal Land Use. A land use either (1) established in accordance with the applicable County zoning requirements at the time the use was established, (2) established prior to the date of the County's zoning authority, or (3) legalized through an official County action.
8. Legal Parcel. A parcel created by (1) a subdivision approved by the County, (2) a land division which was exempt from subdivision regulations, (3) a land division predating the County's authority over subdivision, July 20, 1945, provided the parcel in question has subsequently remained intact, (4) recording of a Certificate of Compliance or a Conditional Certificate of Compliance, or (5) other means but subsequently developed with a building or structure to serve the principal use of the parcel, for which a valid building permit was issued.
9. Major Repair, Remodel or Upgrade. Any combination of activities intended to repair, rehabilitate, upgrade or otherwise extend the usable life of an existing structure that amounts to 50% or more of the structure's value, as determined by the most current Building Valuation Data published by the International Conference of Building Officials.
10. Minor Repair, Remodel or Upgrade. Any combination of activities intended to repair, rehabilitate, upgrade or otherwise extend the usable life of an existing structure that does not exceed 50% of the structure's value, as determined by the most current Building Valuation Data published by the International Conference of Building Officials.
11. Non-Conforming Parcel. Any legal parcel with an area, width and/or frontage that does not conform with the minimum building site area, width or frontage required by the zoning regulations currently in effect, i.e., a substandard parcel.

2. The Planning Director may grant an administrative exception to any provision of this Chapter when it conflicts with another government mandated requirement.

(Section 6133.3.b - Amended by Ordinance No. 4062 - August 21, 2001)

(Section 6134.1 - Amended by Ordinance No. 4076 - November 6, 2001)

(Section 6135.1 - Amended by Ordinance No. 4076 - November 6, 2001)

(Section 6136.1 - Amended by Ordinance No. 4076 - November 6, 2001)

(Section 6136.5 - Added by Ordinance No. 2813 - December 7, 1982)

(Sections 6137 and 6138 - Amended by Ordinance No. 3002 - July 3, 1984)

(Section 6137 - Amended by Ordinance No. 3299 - March 12, 1991)

(Section 6137 - Amended by Ordinance No. 4062 - August 21, 2001)

(Section 6138.1 - Added by Ordinance No. 3322 - April 29, 1991)

(Section 6142 - Added by Ordinance No. 2549 - December 5, 1978)

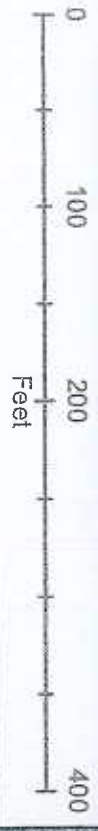
(Chapter 4 - Repealed by Ordinance No. 3592 - September 20, 1994)

(Chapter 4 - Added by Ordinance No. 3593 - September 20, 1994 - Non-Coastal Areas)

(Chapter 4 - Enacted by Ordinance No. 3672 - September 12, 1995 - Countywide)

Chapter 4 (Non-Conformities).doc  
(9/18/12)

# EXHIBIT 7



**Project Site**  
(APN: 057-53-290)

1930 Aerial Photograph

**VICINITY MAP**





----- Forwarded message -----

From: **Lisa Aozasa** <laozasa@smcgov.org>  
Date: Fri, Mar 13, 2020 at 2:10 PM  
Subject: RE: 3407 & 649  
To: Brian Musante <bmusanterealty@gmail.com>

Hi Brian – thanks for sending the 1930 map showing the dam. Above are some historical aerial photos we've been able to find. As you can see, there is a house there in 1930, then it's probably not there in 1956 (hard to read though), and clearly not there in 1965, which tracks with the contention that it burned down in the 1950s. It's not quite in the location I would've expected, but there is a sizeable structure there in 1930, and it's not the shed.

Unfortunately, between jury duty and having to plan for operations during the coronavirus outbreak, I've not had time to share this with Steve, and I still need to follow up and check the microfilm, so I don't have a definitive answer for you yet. We will have to wrap this up when you return. Can you let me know when you'll be back? Thanks –

Lisa



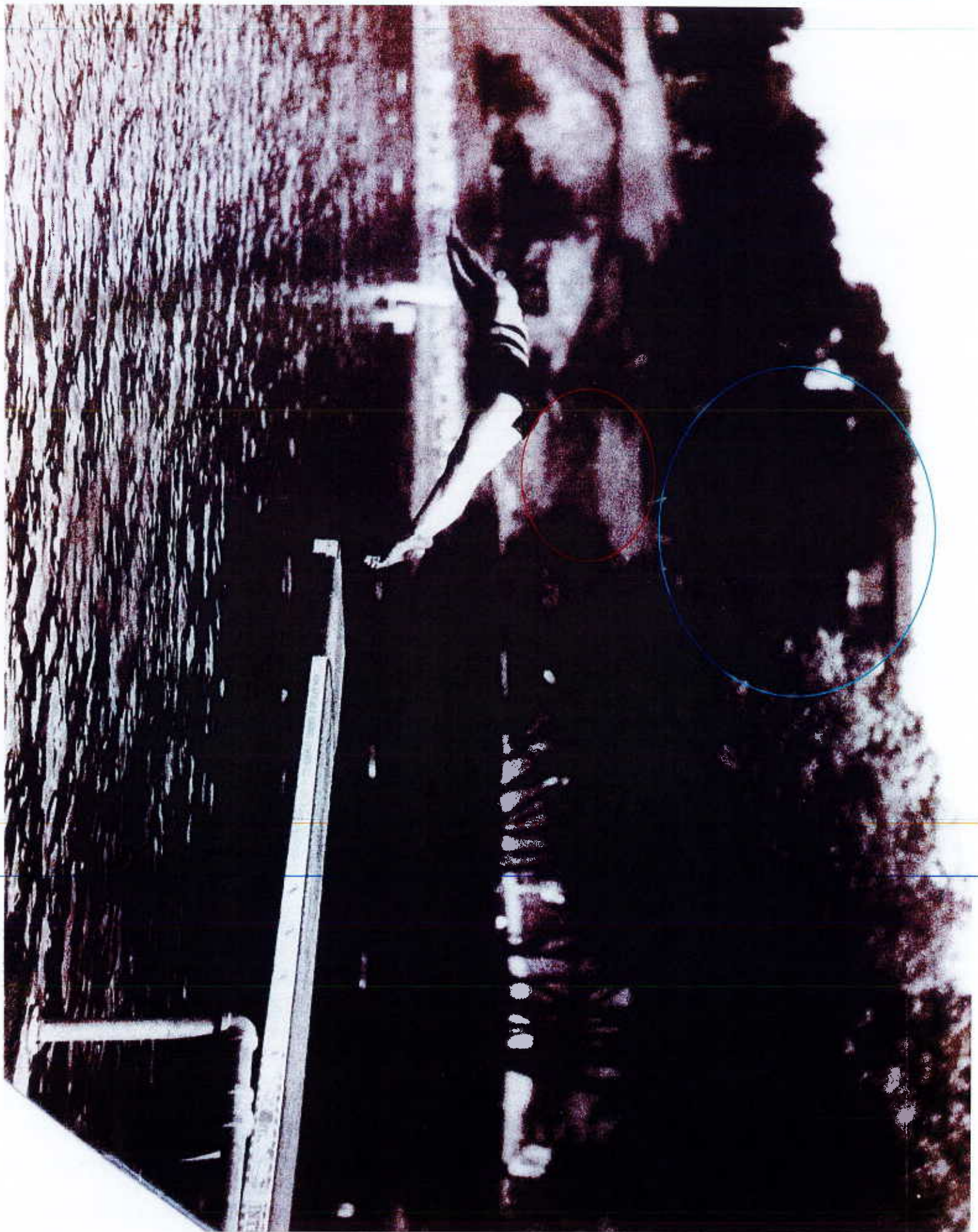
Emerald Hills, California

[Google Street View](#)

Aug 2022

[See more dates](#)





Brochures, Leonard and Holt at the Lake and Office in Burlingame.

# 1. Emerald Lake Properties Leonard and Holt 41 Montgomery Street, featuring a little girl "Sally Holt" on the cover.

# 2. Local newspaper AD / Opportunities Leonard and Holt 1400 Burlingame Avenue Burlingame California all in the twenties.

### Roaring '20s Resort

These Developers aimed their marketing at the San Francisco family, emphasizing the proximity of Emerald Lake Hills as a weekend or vacation retreat especially singing the Praises of its largely fog free climate. They cited the "climate best by government test" and compared it to "the eternal summer which Lord Byron ascribed to Greece."

# Emerald Lake PROPERTIES



**OPPORTUNITY**  
 To be had at a bargain price. A very story, seven-room, fully furnished half block front street car and three blocks to San Mateo station.  
 Owner will sacrifice for a quick sale  
 APPLY TO  
**LEONARD & HOLT**  
 1400 Burlingame Ave. Burlingame  
 Phone Burlingame 945

LEONARD & HOLT

TO :San Mateo County Building Division  
From San Mateo County Historical Committee  
Date 12/12/2022

Sally Holt Hill provided the Archives Committee with significant historical materials and documents pertaining to her father, CH Holt, a well-known developer in the early 1900s in Emerald Hills, California.

Among the materials received were photographs that provided a glimpse into historical events in Emerald Hills, seen for the first time in those photographs.

Ms. Holt Hill explained to us that the photograph in which she appears diving into the lake from a diving board with a home in the background was herself and the background residence the house that her father had built on the property.

Please contact me if you have any questions.

---

Archives Committee Member

*Marian Wydo*  
*President*  
*Archives Committee*  
*Dec. 13, 2022*

# EXHIBIT 8

## STATEMENT OF DoBEL CONSTRUCTION, INC.

I, Bob Dobel, have been a licensed general contractor in the state of California for nearly 30 years, licensed number 42055, working with my company DoBel Construction. My office is located at 948 Center Street, San Carlos, CA 94070 and our business phone number is (650) 593-4600.

After earning a Bachelor of Arts degree in industrial science and a teaching credential at San Francisco State University, I have worked as a general contractor in the San Francisco Bay Area, and several other areas in California.

We have expertise in the following areas of construction:

- Major structural repairs
- Foundation replacements
- Structure raising and leveling
- Retaining walls
- Simple and complex drainage systems
- Subdivision development (for new homes, strip shopping centers and office buildings)

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DoBel Construction Inc. has also worked with parties and attorneys in litigation, providing extensive assistance regarding claim evaluating, code violations, cost analysis and expert witness testimony.

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Clients range from government agencies, commercial and industrial businesses to private homeowners. My clients include:

- Animal Cove Pet Hospital
- Black Mountain Properties
- B.R. Investments
- College of Notre Dame de Namur
- Palm Court Condo Assoc.
- PML Mgmt.
- Pollock Financial
- Portside Homeowners Assoc.

- Carlmont Woods Apartments
- Castus Low Carb Store
- City of San Carlos
- Chandler Properties
- Franciscan Properties
- Granada HOA
- Harbor Cove Apartments
- Hanford – Freund & Company
- HIM Assoc.
- Hyatt Oakland
- Izmirian Roofing
- JLV Insurance
- Loyola Oaks Homeowners Assoc.
- Manor Association
- Menlo School
- New Vision United Methodist Church
- Preston’s Candy & Ice Cream
- Prospect Condo Assoc.
- San Mateo Carpets
- Sharon Heights Golf & Country Club
- Somerset Town Homes
- Summer Hill Homes
- Sundance Mine company
- T & S Mgmt.
- Universal Fleet
- U.S. Coast Guard Finance Center
- Ventana Properties
- Wedgewood Technology
- Woodmont Real Estate
- YMCA of Mid-Peninsula
- The Mattress Company

~~I have worked in the Emerald Hills area and have finished several recent projects there. I am familiar with the terrain, the relevant code and zoning issues and the historical forms of construction in the area.~~

On or about February 11, 2024, I was retained by Brian Musante to perform an investigation and render my opinion of the property located at 3407 Oak Knoll Drive, Emerald Hills and specifically, if it could be determined based on evidence at the site whether a legally constructed home had been built on the property in the past. “Legally constructed” is defined as a home that was furnished with all necessary utilities, including gas, electric, domestic water and a sewer/septic system.

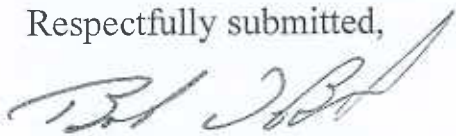
After looking at the site, my first impressions were that a house and garage existed at some point on the property. At the street there are the remains of a concrete structure that was more likely than not the garage typical of such structures in the neighborhood.

The structures' driveway approach also ties to the existing street, reinforcing the opinion that the structure was a garage. Mud sills still exist at the top of the concrete wall which further indicates framing had been installed. Roofing material remained on site in the same area.

There is also a concrete stairwell which runs from the street and terminates at the original house. The house structure is no longer present but utilities are: a 4" cast iron waste pipe and two (2) water supply pipes. The owner provided me with an original photo which clearly shows the outline of two (2) story home that existed at the site. Based on historical trends in construction at the time, in my professional opinion that it is reasonable to believe that the home was constructed using shallow piers and posts. The roofing material at the site also indicates that the structure was a home.

In summary, it is my professional opinion to a reasonable certainty that there is ample evidence that a home and a second structure (a garage) existed at 3407 Oak Knoll which had all the utilities and amenities afforded the original building.

Respectfully submitted,



Bob DoBel, President

DoBel Construction

Cover Sheet for 3407 Oak Knoll Drive &  
649 Acacia Lane, Emerald Hills California

: To Ray Mueller B.O.S. District 3

: From Brian & Nicholas Musante

: bmusanterealtygmail.com

3419 Oak Knoll Dr., Emerald Hills California

:Requesting formal B.O.S. Hearing ASAP to  
Address the Unlawful 1979 Merger # 3044  
of 3407 Oak Knoll Dr. or Lot 12 &  
649 Acacia Ln. or Lots 10/11.

Legal & Separate since 1921 Emerald Lake  
Park map No.6, Recorded July 11, 1921.

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SMco 4 Divis. Records, Senior Recorder,  
Senior Zoning & Maps Divis., Assessor's  
Office Chief Principal Appraiser, ALL have  
Confirmed Rec. Legal & Separate Parcels.

Binder #1 Explanations of exhibits 1-8.

Binder #2 Codes of Law & Pro. docs 1-8.

: From Brian & Nicholas Musante

04/24/2025

: To San Mateo County Board of Supervisors / pages 1-5.

: Brian & Nicholas Musante request for formal SMco B.O.S. hearing on the unlawful use of the 1979 Resolution # 3044 Merger on the Musante's Lots in Emerald Lake Park / Emerald Hills, SMco.

Ref: Musante's properties at 3407 Oak Knoll Drive APN 057-153-290 & 649 Acacia Ln. APN 057-153-280. Brian Musante has documentation that shows SMco CDD Steve Monowitz was to facilitate this meeting 02/2024.

Dear representatives of SMco B.O.S., I take no joy in presenting the factual bias of the SMco Planning and Building Division. For 7 yrs 06/2018 Brian Musante has provided documented proof, (Certified Chain of Title Reports), California Building Codes, SMco Building Codes & Government Statues established for decades undeniably show Legal separate parcels. The Musante's parcels are documented & shown on SMco Emerald Lake Park Subdivision Map #6 Recorded July 11, 1921. {Existing} foundations & Mail Boxes, Driveways connected to the streets. {SMco Chief Principal Assessor & Recorder's Office have confirmed legal buildable parcels}.

Following documents & transcripts have been provided w/brief synopsis.  
#1. { Lea & Braze Engineering INC. Civil Engineer & Land Surveyors}  
Lea & Braze has decades of experience in the Bay Area & Redwood City PLN/BLD & SMco PLN/BLD Divisions. The documents provided in Lea & Braze 02/05 2025 official report 90% were previously provided to the SMco PLN/BLD on or before 01-23-2020 by Brian Musante. Lea & Braze report the preponderance of evidence {Legal Buildable Properties for decades}.  
:SEE Lea & Braze Report Exhibit 5.

# 2. Official Document from the SMco Department of Environmental Management Planning and Development Division, dated July 16th 1979.  
:Sanction by San Mateo County Board of Supervisors & SMco Planning Director, SMco Government Center, Redwood City, California.  
SEE Exhibit #1

This (Official Document dated July 16th 1979) was never provided to the Musante's by the SMco PLN/BLD Division RE:3044 Merger document's first paragraph of page 1. This shows Musante properties were exempt!

Quote: Section 9. a single and separate parcel of land which was a legal building site at the date of adoption of this ordinance shall continue to be a legal building site.

:SEE {Emerald Lake Park Map #6 a Subdivision Recorded July 11th 1921}

This 1921 Map & previous 1916 Highland Territorial No.7 Survey Map provided to SMco PLN/BLD on 01-23-2020 that clearly shows the Musante;s {Parcels Intact & Legally For Sale Over 100 years ago}.

: Exhibit #3 Legal facts of the Emerald Lake Park Map No.6 are undeniable. C.H. Holt, owner or proprietor of the lands hereon, intended for sale, shows the exact location, shows their precise size, length and width.

:Fidelity National Title Chain of Title report shows C.H. Holts on the Deeds. History shows CH Holt the developer of record in {Exact location & Period}.

Brian Musante would like to know how the officials from SMco PLN/BLD divisions could not decipher the printed survey Maps that explicitly and legally explain that these properties referenced to and shown on the (Survey Map) clearly shows legal buildable parcels. SMco PLN/BLD own Ordinances show in SMco 2018 Code Book and previous code books show at least five other examples /explanations that these are legal separate buildable properties. This information provided to SMco PLN/BLD on & before 01/23 2020 Un-merger Application meeting : SEE Exhibit # 6.

Through Brian Musante's endless research on these properties found this in December 2023 {Official SMco Document dated July 16th 1979 ,that exempts the Musante properties from the 1979 RES. 3044 Merger}.

Brian Musante looks forward to a formal meeting with the SMco Board of Supervisors and their cognition deliberation with a reasonable consideration of the facts shown above & Pgs 3-4-5 Herein/ exhibits 1-8 provided herein.

Respectfully, Brian Musante

Pg 2 of 5

: From Brian Musante, I would ask the whole Board of Supervisors to read a few of the encounters I had to endure with the SMco PLN/BLD.

On 01/23/2020 SMco Lisa Aozasa DD & Steve Monowitz CDD at this meeting for the Unmeger application for the Resolution # 3044, Merger of lots in Emerald Lake Hills & Oak Knoll Manor. Lisa's testimony 01/23/2020 that no {SMco Staff member or Planning Commissioner Or Planning director Or Building department director/ Or BOS member or Building Inspectors, Etc. ever walked these parcels before or after their merger.

The {Only} document used by SMco PLN BLD as proof of vacant land is an SMco Tax assessor assessment archive index card. AS explained by SMco Chief Principal Appraiser on 12-17 2021 {It is simply a document in our archives and serves as our record of characteristics of the parcel for assessment purposes}. SMco PLN Unsanctioned & Misuse of Tax archive. ON 08/29 2016 Brian Musante requested legal status of 3407 Oak knoll Dr. AP 057-153-290 & 649 Acacia Ln AP 057-153-280 from SMco Recorder's Office/ Maps Zoning Divi, (Guaranteed Separate Legal buildable parcels).

The short version is that {a} Sr. PLN Dave Holbrook on 01-12 2018, when asked by Fred Herring Architect & General Contractor, known to Mr. Holbrook for decades, asked to verify the legal status of the Musante's properties. Dave H. never provided {the one document that could have cleared all of this up 7 years ago}. SMco Sr. PLN Director Dave Holbrook withheld this document because Dave H. knew that the SMco PLN/BLD wrongfully merged these properties. {b} on 05/2018 Dave Holbrook also didn't follow protocol with Musante's 1st filing of a UN-merger Application. This was expressed to Brian Musante by SMco deputy director Lisa Aozasa 07/2019. {c} Documentation shows in (Dave HolBrook email on 01/16/2018) that Dave H. said to Fed Herring that (the parcels you're asking about were exhaustively advertised) documented to the residents in Emerald Hills, but Dave Holbrook failed to mention documentation mailed on July 16th 1979 that showed Musante's properties were exempt.

{d} So why did Dave Holbrook hold back this 1979 document that was mailed to all property owners in Emerald Lake Hills- Oak Knoll Manor Area of San Mateo County?

Because it clearly shows the Musante's properties did not fit the { Merger Mandate or Directive} and the SMco PLN had made a mistake.

{e} Dave Holbrook & CDD Steve Monowitz tried to cover their tracks by last minute insertion in the May of 2018 Code Book a (New Revision 7134.4e) was added to San Mateo County building divisions, denying a Certificate of Compliance application for { certain request }. The Code of Compliance would have show these properties are legal separate buildable parcels. {I encourage the SMco B.O.S. to read this Revision 7134.4e}.

The Musante have proof they filled out the application for the Certificate of Compliance and 33 pages of documentation was accepted & approved & Paid for on 10/23/2023. Then 2 months later it was denied by this {New 2018 Revision 7134.4e}.

The Certificate of Compliance request for the documents that would clearly show these properties did not fit the narrative or directive of the 1979 Resolution Merger NO.3044, this is why the Code of Compliance was denied to the Musante's.

{f} Dave Holbrook was asked on 01/16 2018 by Fed Herring if there has been a certificate of compliance filed for this property, of course no answer from Senior planning director Dave Holbrook. :See Exhibit # 5 Lea & Braze

---

None of the 9 Bay Area Co. PLN/BLD Divs. have a Revision 7134.4e, to deny the legal use of real property in California. Homeowner's expect a fair & honest Building Division. The BOS are aware of California state codes supersede the SMco County Revision (7134.4e.) {Cities, Municipalities & Townships building codes mirror those of the state}.

# 1(Such as 2018 SMco Code Book/ Zoning Section/ Chapter 4, Page 4.10) Quote: the planning director May Grant an administrative exception to any provision of this chapter when it conflicts with another government mandate requirement. Certificate of Compliance has been the directive for 8 decades.

# 2 The same SMco Zoning Chapter page 4.2 Definitions (6) Legal building or Structure-Constructed prior to the date of the county began issuing building permits,(7) Legal Land Use, established prior to the date of the County Zoning Authority (8) Legal parcel, a parcel created by {1} a subdivision approved by the county,{ 2} a land division which was exempt from subdivision regulations, {3} a land division predating the county's authority over subdivisions, July 1945, provided the parcel in question has subsequently remained intact, {4} recording of a certificate of compliance or continual certification of compliance. (This was denied by SMco PLN/BLD)! Via 7134.4e (revision). (ALL these SMco Zoning Ordinance coincide with the Musante's property).

Brian Musante has provided a picture of the home at 3407 Oak Knoll Drive. Provided by the (Archives Committee located in the Redwood City Library). The picture of 3407 Oak Knoll Dr.,or (Lot 12) with other historical facts of C H Holt Developer in Emerald Lake provided by the daughter of CH Holt. This picture shows Sally Holt diving into the Emerald Lake with the home in the background in the exact location shown on the Recorded Emerald Lake Park No. 6 Survey Map.This information was provided by the president of the Archive Committee with the letter of authenticity.

ALL of this information has previously been provided to SMco PLN/BLD before the October 11th 2023 Planning Commission Meeting. Mr Musante requested that the BOS watch the online video provided by SMco.

After Brian Musante & Council provided a fraction of information, SMco PLN Chairman Gupta seemed puzzled,Quote: This is a lot of material that was presented. I'm not sure this is something that we've just received.Then CDD Steve Monowitz rushed in (frantically to stop any more answers coming from Musante's lawyer). Did CDD Steve Monowitz Properly provide the information.I will let BOS and others come to their own conclusions. The History & Facts shall show the truth of the {misuse and abuse of SMco 3044 Merger Act concerning Musante's Legal and buildable properties}.

Sincerely, Brian Musante

Pg 5 of 5