

Comm'r Nugent

{ Statement of Facts & Legal Basis } 02-11-2026

Madam chair & Commissioners, my name is Brian Musante. Since January 12th 2018, my properties have been subject to an unlawful merger, resulting in 8 years during which I have been unable to sell or develop or Realize a return on my investment. I continue to pay property taxes 39K a year on parcels I am prohibited from using. (Skip to Pg 2.)

This situation arose as a direct result of actions and (the lack of candor) taken by SMco Sr Planner Dave Holbrook & CDD Steve Monowitz in January 12th 2018.

{ Background & Initial County Determination }

On January 12th 2018 Sr. Planner Dave Holbrook became aware of my properties through Fred Herring Architect & Builder, known to SMco PLN/BLD division & Dave Holbrook for over 30 years. Fred Herring emailed Dave on 01/12/2018, I've been asked to design 2 new homes on lots across from Lower Emerald Lake, Fred told Dave these lots have been developed in the past.

Mr Holbrook responded by stating that the Lots had been merged in 1979. Mr Herring expressed concern as he was aware that developed Parcels were not included in the 1979 merger despite this information Mr Holbrook did not follow standard protocols. Dave knows that developed Lots did not come under the preview of the 1979 merger. Dave should have reacted by sending a building inspector to verify what was on these Lots by a very credible source, that never happened.

{ Withholding of Material Information }

Sr Planner Dave Holbrook withheld material and crucial information, which is inconsistent with established professional standards and SMco's Code of Ethics. This withholding constitutes spoliation or concealment of Evidence.

Had Mr Holbrook or CDD Steve Monowitz produced the (Relevant Merger Notification) document in January 2018 the County's position at that time would have been overturned.

{ 1979 Merger notification & Applicable Laws, paraphrasing }

: SMco Planning and Development Division Sanctioned by BOS & Planning Director, Date July 16th 1979, states

Pg 1, 1st paragraph.(Section 9 nonconforming Lots), a single and separate parcel of land which was a legal building site at the date of the adoption of this ordinance shall continue to be a legal building site.

The document itself provides clear examples identifying when a merger is and is not appropriate. Develop parcels are expressly excluded from the merger under (Section 9).

{ Failure to Investigate & Contradictory Testimony }

Neither CDD Steve Monowitz nor County staff contacted the SMco Records office, Zoning & Map division or the statement given by SMco Chief Principal Tax Assessor, James Bonnin. All these identities Confirm Separate Legal Parcels in 2016.

So when CDD Steve Monowitz gave direct testimony to this body and said, from County staff perspective, that the merger of pre-existing parcels was done appropriately & So the Appellate in this case is arguing that this pre-existing home that predated the merger is a basis to unmerge.

That interpretation is consistent with (section 9) of the Ordinance. This conclusion is not solely my own; it's supported by SMco Zoning codes and by state and local government officials I've consulted.

{ Applicable Zoning Code Definitions }

SMco 2018 Zoning Code Manual (Chapter 4) (Zoning Non-conformities) (Section 6132 Definitions page 4.2)

Skip top of page 4. #8.

#5. (Improved Parcel), any parcel developed with a building or structure to serve the principal use of the parcel, a parcel in a residential district development with a dwelling.

#6. (Legal building or Structure), a building structure either (1) constructed in accordance with building permits issued by the county (2) Constructed prior to the date that the county began issuing building permits.

#7. (Legal land Use), a land use either (1) established in accordance with the acceptable County zoning requirements at the time the use was established (2) Established prior to the date of the County zoning authorities.

(ALL facts are also profound & irrefutable.)

#8 (Legal parcel) a parcel created by

(1) a subdivision approved by the county,

This has been proven by 2 Subdivision Maps, 1914 Highlands Territorial map No7 (Annex 16.19 Acres to the city of Redwood City by Ordinance) & Emerald Lake Park Map #6 Resub division file #9836619 (July 11th 1921)

(2) A land division which was exempt from subdivision regulations. "Exempt" meaning No formal subdivision review or approval was required.

(3) a land division predating the counties authority over subdivisions, July 20 1945, provided a parcel in question has subsequently remained intact,

Proven by the same subdivision (Maps Recorded in 1921).

:To be clear a building permit was not required & the SMco Zoning Authorities were not established until till the late 1930s, (these are Undisputed facts by SMco PLN / BLD.

Skip to closing statement, page 5.

(4) Recording of a certificate of compliance or conditional certificate of compliance.

: At the Suggestion by the SMCO. Attorney Tim Fox at the 10-11-2023 PLN Comms hearing.

I submitted 2 applications on 10-25-2023 for certificate of compliance, Paid fees \$3,822.

(1 for 3407 Oak Knoll Dr) &
(1 for 649 Acacia Lane), the Merged properties.
Approved by Planning staff 10-25-2025. 33 pages of
documents for each Parcel, PLN #'s 2023-00345 &
PLN# 2023-00346.

Only to be denied by SMco CDD Steve Monowitz on
December 8th 2023. {Why will be revealed later}.

{ Closing statement }

I respectfully request assistance from this body in resolving
the unlawful merger that has affected my property for 8 years.

Counselor Timothy Fox, give you in your expertise in statues,
codes and ordinances I asked whether the Madam chair or
Commissioners have requested your review of the 8 exhibits
I submitted on January 28th 2026?

Next Time if necessary, I will present additional documentation
Lea & Braze Land Surveys report confirming (section 9) &
FNTC Chain of Title Report showing legal & separate parcels.
Lea & Braze have submitted over 2K surveys in 30 years to
SMco PLN/BLD.

:These reports further demonstrate the concealment of
material facts by CDD Steve Monowitz.

Thank you for your consideration of these facts.
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