

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: October 11, 2023

TO: Planning Commission

FROM: Planning Staff

SUBJECT: EXECUTIVE SUMMARY: Consideration of an Appeal of the Community Development Director's decision to deny a request to unmerge parcels for which a Notice of Merger was recorded by the County in 1979.

County File Number: PLN 2019-00261 (Musante)

PROPOSAL

The applicant/appellant has appealed the Community Development Director's decision to deny an unmerger request, pursuant to Subdivision Regulations Section 7121, ultimately seeking to be allowed to develop an additional single-family home(s) on a currently vacant lot and a lot with an accessory structure on it that were merged with adjacent lots as part of a 1979 County initiated merger program.

RECOMMENDATION

That the Planning Commission deny the appeal and uphold the Community Development Director's decision to deny the unmerger request, by adopting the Findings for Denial in Attachment A.

SUMMARY

Setting: The parcels are located in the 3400 block of Oak Knoll Drive in Emerald Lake Hills, a residential hillside neighborhood near Lower Emerald Lake. The subject parcels (Lots 5 through 12) slope up steeply from Oak Knoll Dr., with scattered mature trees (oaks, pines) and shrubs. Surrounding parcels are developed with single-family homes. There is an existing house (3419 Oak Knoll Dr.), constructed in 1939 on Lots 8 and 9 and an accessory structure on Lots 10/11 (construction date undocumented).

Background: In January 1979 the County adopted the Residential Hillside zoning district and initiated mergers to consolidate lots in common ownership to reduce the intensity of development in this hillside area where access is limited by narrow roads and septic systems were failing, prior to the installation of a sewer system to serve the area. The mergers were recorded in December 1979.

In 2019, the applicant/appellant submitted an unmerger request pursuant to County Subdivision Regulations Section 7121.2 which states that any parcels or units of land for which a Notice of Merger was recorded before January 1, 1984, shall be deemed not to have merged if one of the following three facts is demonstrated:

- a. That in fact there was no contiguity of ownership;
- b. That in fact the merged parcels met the minimum parcel size for the zoning district at the time of the merger; or
- c. That in fact there was a primary structure on a merged parcel for which a building permit had been issued.

Community Development Director's Decision: After reviewing information submitted by the applicant and County records, staff determined that (a) there was contiguity of ownership and (b) the merged parcels did not meet the minimum parcel size for the zoning district at the time of the merger. Regarding the third criteria (c), the applicant contended that a primary structure/residence was built on Lot 12 in the 1920s (prior to the issuance of building permits) that subsequently burned down in the 1950s. However, neither the County nor any of the public agencies or local organizations contacted were able to find any formal record of the fire or the building, nor any evidence that it was a residence as opposed to an accessory building. Staff's review confirmed that Lot 12 was vacant land at the time of the merger, as clearly indicated by the Assessor's Parcel History. There are no construction records for the accessory building currently on Lots 10/11 and the Parcel History also shows the land as vacant in 1971. As such, the Community Development Director determined that the parcels do not meet any of the three unmerger criteria per Section 7121.2.

Key Issues of the Appeal: Contrary to the appellant's assertion that the Community Development Director relied only on the Assessor's Parcel History, all the information amassed during staff's investigation into the unmerger request was considered. Much of that same information is presented again in the Appeal. While the Historical Aerial Photos and physical remnants of development, along with pictures and statements from neighbors and associates, suggest there was a parking pad/garage and possibly another building on Lot 12 sometime in the past, that the other building was definitively on Lot 12 or that it was in fact a residence is not clearly demonstrated. As such, staff finds the information presented in the appeal to be inconclusive and recommends that the Planning Commission deny the appeal.

Alternative: An alternative that would at least partially achieve the appellant's objective to build another residence on the subject parcels would be for the applicant to pursue a SB 9 Lot Split.

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**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: October 11, 2023

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FROM: Planning Staff

SUBJECT: Consideration of an Appeal of the Community Development Director's decision, pursuant to Subdivision Regulations Section 7121, to deny a request to unmerge parcels for which a Notice of Merger was recorded by the County in 1979. The parcels are located in the 3400 block of Oak Knoll Drive in Emerald Lake Hills.

County File Number: PLN 2019-00261 (Musante)

PROPOSAL

The applicant/appellant has appealed the Community Development Director's decision to deny an unmerger request, pursuant to Subdivision Regulations Section 7121, ultimately seeking to be allowed to develop an additional single-family home(s) on a currently vacant lot and a lot with an accessory structure on it that were merged with adjacent lots as part of a 1979 County initiated merger program.

RECOMMENDATION

That the Planning Commission deny the appeal and uphold the Community Development Director's decision to deny the unmerger request, by adopting the Finding for Denial in Attachment A.

BACKGROUND

Report Prepared By: Lisa Aozasa, Deputy Director, laozasa@smcgov.org

Appellant: Brian Musante/Julian Hubbard, Esq.

Applicant: Brian Musante

Owners: Brian Musante and Nicolas Musante

Public Notification: Ten (10) day advanced notification for the appeal hearing was mailed to property owners within 300 feet of the project parcel and a notice for the hearing posted in a newspaper (San Mateo Times) of general public circulation.

Location: 3400 Block of Oak Knoll Drive, Emerald Lake Hills (See Attachment B, Vicinity Map/Assessor's Parcel Map)

APN(s): 057-153-230, -250, -260, -270, -280, -290

Size: The parcels range in size from 4,669 sq. ft. to 9,903 sq. ft. (total 39,360 sq. ft.), with average slopes ranging from 37.7% to 43.5%

Existing Zoning: Residential Hillside (RH)

General Plan Designation: Medium Low Density Residential (2.3 to 6 du/ac)

Sphere-of-Influence: City of Redwood City

Existing Land Use: Currently, a single-family home (3419 Oak Knoll Drive) is located on parcels 057-153-230, 250, 260, 270 (Lots 5, 6, 7, 8, 9) and an accessory building is located on parcel 057-153-280 (Lots 10, 11), while parcel APN 057-153-290 (Lot 12) is vacant.

Water Supply: City of Redwood City Municipal Water (existing house).

Sewage Disposal: Emerald Lake Heights Sewer Maintenance District (existing house).

Flood Zone: Zone X, Area of Minimal Flood Hazard, FEMA FIRM Panel 06081C0285E, October 16, 2012

Environmental Evaluation: Per CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency disapproves.

Setting: Residential hillside neighborhood near Lower Emerald Lake. Subject parcels slope up steeply from Oak Knoll Drive, with scattered mature trees (oaks, pines) and shrubs. Surrounding parcels are developed with single-family homes. There is an existing house on the subject parcels (3419 Oak Knoll), constructed in 1939 (according to County records) on Lots 8 and 9. There is an accessory structure on Lots 10/11.

History of Development/Regulations: This portion of Emerald Lake Hills was originally subdivided in 1916, then was resubdivided in 1921 into lots of approximately 5,000 square feet. In January 1979, the County adopted the Residential Hillside (RH) Zoning District, which increased the minimum lot size from 5,000 sq. ft. to a slope density formula with 12,000 sq. ft. the minimum lot size for level/gently sloped lots. Under the RH slope density formula, the minimum parcel size for the subject parcels based on their average slope (37.7% to 43.5%) is 54,000 sq. ft. to 72,000 square feet.

Also in 1979, pursuant to the Subdivision Map Act and the County's Subdivision Regulations, the County initiated mergers to consolidate lots in common ownership to reduce the intensity of development in this hillside area where access is limited by

narrow roads and septic systems were failing, prior to the installation of a sewer system to serve the area. The mergers were recorded in December 1979. A complete chronology of the Emerald Lake Hill Mergers and the Recorded Documents are included as Attachment C.

County Subdivision Regulations Section 7121.2 states that any parcels or units of land for which a Notice of Merger was recorded before January 1, 1984, shall be deemed not to have merged if one of the following three facts is demonstrated:

- a. That in fact there was no contiguity of ownership;
- b. That in fact the merged parcels met the minimum parcel size for the zoning district at the time of the merger; or
- c. That in fact there was a primary structure on a merged parcel for which a building permit had been issued.

DISCUSSION

A. KEY ISSUES

1. Rationale for Community Development Director's Decision

The Community Development Director's decision to deny the unmerger request is summarized in the Letter of Decision, Attachment D. Further details related to each of the unmerger criteria are provided below:

- a. Regarding contiguity of ownership, based on the chain of title submitted by the applicant, at the time of the County initiated parcel merger in 1979, all of the subject lots were owned in common by Louis and Gladys Petralli, who also owned APNs 057-153-570 & 580, associated with the house at 647 Acacia Lane. In 1981, all the subject lots were sold to Joy Petralli Cardelli and Thomas Cardelli. In 2017 when the current owners purchased Lots 5 through 9 (Brian Musante), and Lots 10,11, and 12 (Nicholas Musante), the subject lots were put into separate ownership.
- b. Regarding minimum parcel size, the current slope/density formula contained in the RH zoning regulations was adopted in January 1979, prior to the December 1979 mergers. The current minimum parcel size per the RH slope/density formula has not changed since it was adopted as part of the original RH regulations in January 1979. As shown in Attachment E (Slope Density Analysis), the parcels range in size from 4,669 sq. ft. to 9,903 sq. ft. (total 39,360 sq. ft.), with average slopes ranging from 37.7% to 43.5 percent. The corresponding minimum parcel size for the subject parcels based on

their average slope is 54,000 sq. ft. to 72,000 square feet. As such, none of parcels separately (or together) met the minimum parcel size for the zoning district at the time of the merger.

- c. Regarding the presence of a primary structure on a merged parcel, this is an area zoned for single-family home development, so a residence would qualify as a primary structure. There is a home on Lots 8 and 9 (3419 Oak Knoll). County records confirm it was constructed in 1939, it existed in 1979, and it is existing today. On Lots 10/11, there is an accessory building that does not have any County building permit record associated with it. The applicant contends that there was also a home on Lot 12 that was one of the original homes built in Emerald Hills, was built before building permits were required, and subsequently burned down in the 1950s. In support of this, the applicant submitted photographs of septic, gas, and water lines still in the ground, crumbling retaining walls and stairways, and a mailbox (3407) on Lot 12 or in the right of way adjacent to it. (Attachment F, Pictures of Structures)

However, even after an extensive search, staff was not able to verify the presence of a home on Lot 12 through County or other agency records. Staff contacted the following agencies who were unable to provide records: County Environmental Health Services, County Assessor, County Public Works Department, Emerald Lake Heights Sewer Maintenance District, County Fire, Redwood City Fire Department, Woodside Fire Protection District, Redwood City Public Works Department, County Historical Society, and the United States Postal Service. Neither staff nor the applicant was able to find utility bills, reports of fire/fire damage, or records related to a septic system or sewer connection that could verify there was a residence on Lot 12.

While the applicant's photos, staff's site visit in February 2020 and recent Google Street View (Attachment G) confirm that there are remnants of past development, staff was not able to verify (1) that there was a primary structure, (2) when it was built (there is no record of a building permit and County Assessor's records don't indicate a construction date which they often do for pre-1930s buildings), nor (3) when it burned down, as none of the local fire agencies contacted (County Fire, Redwood City Fire, Woodside Fire) had records of the building or the 1950s fire. What County records do show is that in 1971, prior to the 1979 merger, the County Assessor classified Lots 10 and 11 and Lot 12 to be "vacant land". (See Attachment H, Parcel History)

2. Key Issues of the Appeal

The appeal filed by the applicant is included as Attachment I. A summary of key points made in the appeal and staff's response are provided below:

- a. The appellant asserts that the parcels were legal parcels that met the 5,000 sq. ft. minimum parcel size before the merger, and that the parcels were also developed.

Staff Response: The parcels were created by a subdivision/resubdivision recorded prior to 1945 and may have been legal, but none of them met the minimum parcel size established by the RH zoning district prior to the merger, as described above in Section A.1. Also, at the time of the merger, the subject parcels were developed with just one primary structure, the single-family home at 3419 Oak Knoll Drive, and only the remnants of past development on Lot 12. On Lots 10/11, there may have been an accessory building, but not a primary structure.

- b. The appellant suggests that the Parcel History/Residential Unit Appraisal Record that indicates Lots 10, 11 and 12 were vacant in 1971 is unreliable regarding the development status of the lots at the time of merger.

Staff Response: The Parcel History (see Attachment H) is created by the County Assessor primarily for property tax assessment purposes, but the Planning and Building Department consistently relies on it for information regarding property condition, the size and condition of improvements, and permit history, since the Assessor's records are detailed and go back further in time than the Planning and Building Department's records. All these factors are considered when the value of property is assessed, which is why this information is included on the appraisal reports and provides generally reliable historical data on property development. In fact, even buildings constructed prior to the 1930's when the County first issued building permits typically have construction dates on Parcel Histories, which is used to establish the date of construction in the absence of building permit records. For Lot 12, the report does have boxes checked for "electrical" and "water" as the appellant points out, but this is under the "Land Attributes" column, indicating that electricity and water connections are available in the area – not that they exist on the lot. This is confirmed, since the "Building Data" column for Lot 12 is blank, and since "electrical" and "water" are checked in the "Land Attributes" column for all the other parcels (including Lot 5 – see Attachment H) that never had a primary structure on them. Staff's conclusion based on the Parcel History is that there is no clear indication of an historical single-family primary

residence, and in 1971 Lot 12 land was vacant prior to the merger in 1979. Likewise, the Parcel History for Lots 10/11 indicate the land was vacant in 1971 prior to the merger.

- c. The appellant provides two Survey Maps to support the assertion that there was a primary residence on Lot 12 (Attachment J or Appellant Exhibit 5).

Staff Response: The two maps indicate a garage or small accessory building was likely located on Lot 12, but do not support the assertion that there was also a primary residence on Lot 12. The DPW Roads Division Map shows a garage in the vicinity of Lot 12 but doesn't show all of Lot 12 and is from 1990. The other "Map of Lots 28 and 29 of Emerald Lake Park Map No. 6 and Adjoining Property" (purported to be from 1921) clearly shows that there is no other building on Lot 12, which suggests that the garage/accessory building was more likely associated with 647 Acacia Lane, which is the larger building shown in outline on an adjacent lot that per County Assessor's records was constructed in 1919.

- d. The appellant points to the Historical Aerial Photos provided by Staff as evidence that there was a primary residence on Lot 12.

Staff Response: Staff agrees that the Historical Aerial Photos (Attachment K) support the appellant's contention that there appears to have been some form of development on Lot 12 in 1930 and that a fire could account for why, in the 1965 photo, the development is no longer evident. However, staff was unable to verify that the building shown in the aerial photos was a residence. As stated above in Section A.1., Staff contacted every public or private agency that might have records of the residence or the fire, but none could provide any additional information or records to clearly demonstrate the building was a primary residence and not an accessory building.

- e. The appellant claims that the pictures, emails and letters provided clearly support that there was a primary structure/residence on Lot 12.

Staff Response: Staff did not find this information to be conclusive. It supports that at one time there was likely a garage at the front of the lot along Oak Knoll Dr. But along with the old utility lines, it could have been associated with 647 Acacia or 3419 Oak Knoll, as these lots were all owned in common at various times in the past, and prior to the installation of sewer in the early 80's this downhill location would have been a likely place for a septic system. Staff visited the site in February 2020 and although the lot was more heavily vegetated at the time than shown in the appellant's recent photos (Attachment F or

Appellant's Exhibit 3) and the most recent Google Street View (Attachment G), there was evidence of stairs going up to the center of the lot to a level area that looked to be a patio. However, there was no clear evidence of stairs or a house foundation beyond that at the top of the lot (where the building seems to sit per the 1930 aerial photo). The photos provided by the appellant also do not clearly show a foundation in this location; the crumbling development is primarily at the front of the lot. The letters and statements from neighbors and associates (Appellant's Exhibits 6 – 8) are also inconclusive; for example, one neighbor who did not live in the area prior to 1974 recalls a horse barn in this approximate location. Finally, the 1929 picture of the woman diving into the lake (Appellant's Exhibit 4) is likewise inconclusive – the garage is not shown clearly, and it's not clear that the building in the background is a house or located on Lot 12 – it could be 647 Acacia – also one of the original homes built in 1919.

B. ALTERNATIVE

The appellant has another option aside from the unmerger, which would result in a second legal parcel that can be developed with a single-family home with a potentially more suitable size and configuration. They may submit for a lot split pursuant to SB9, which requires local agencies to ministerially approve urban lot splits in single-family residential zones when certain criteria are met. SB 9 projects must comply with objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with SB 9. Other owners of merged parcels in Emerald Lake Hills have pursued this option.

C. ENVIRONMENTAL REVIEW

Pursuant to CEQA Guidelines Section 15270, CEQA does not apply to projects which a public agency rejects or disapproves. If the Planning Commission overturns the Community Development Director's decision, CEQA may apply to a subsequent decision to unmerge the parcels.

D. REVIEWING AGENCIES

County Attorney

ATTACHMENTS

- A. Recommended Finding for Denial
- B. Vicinity Map/Parcel Map
- C. Emerald Lake Hills Merger Chronology and Recorded Merger
- D. Community Development Director's Letter of Decision
- E. Slope Density Analysis

- F. Appellant's Pictures of Structures
- G. Recent (2022) Google Street View
- H. Parcel History
- I. Appeal
- J. Appellant's Survey Maps
- K. Historical Aerial Photos

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDING FOR DENIAL

Permit or Project File Number: PLN 2019-00261 Hearing Date: October 11, 2023

Prepared By: Lisa Aozasa, Project Planner For Adoption By: Planning Commission

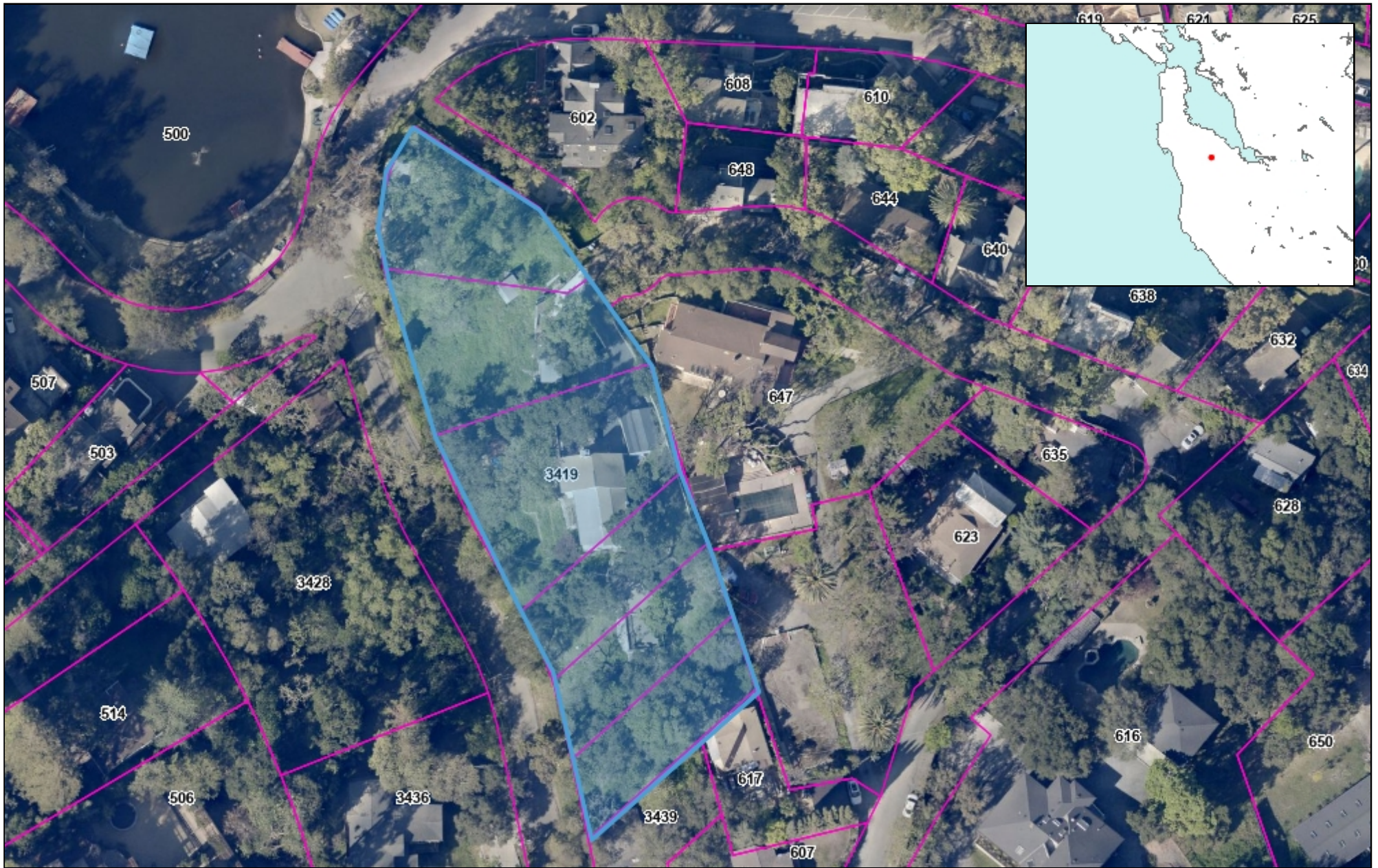
RECOMMENDED FINDING

That the parcels do not meet any of the criteria for unmerger specified in County Subdivision Regulations Section 7121.2 and shall remain merged in accordance with the Notice of Merger recorded in 1979.




COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT B



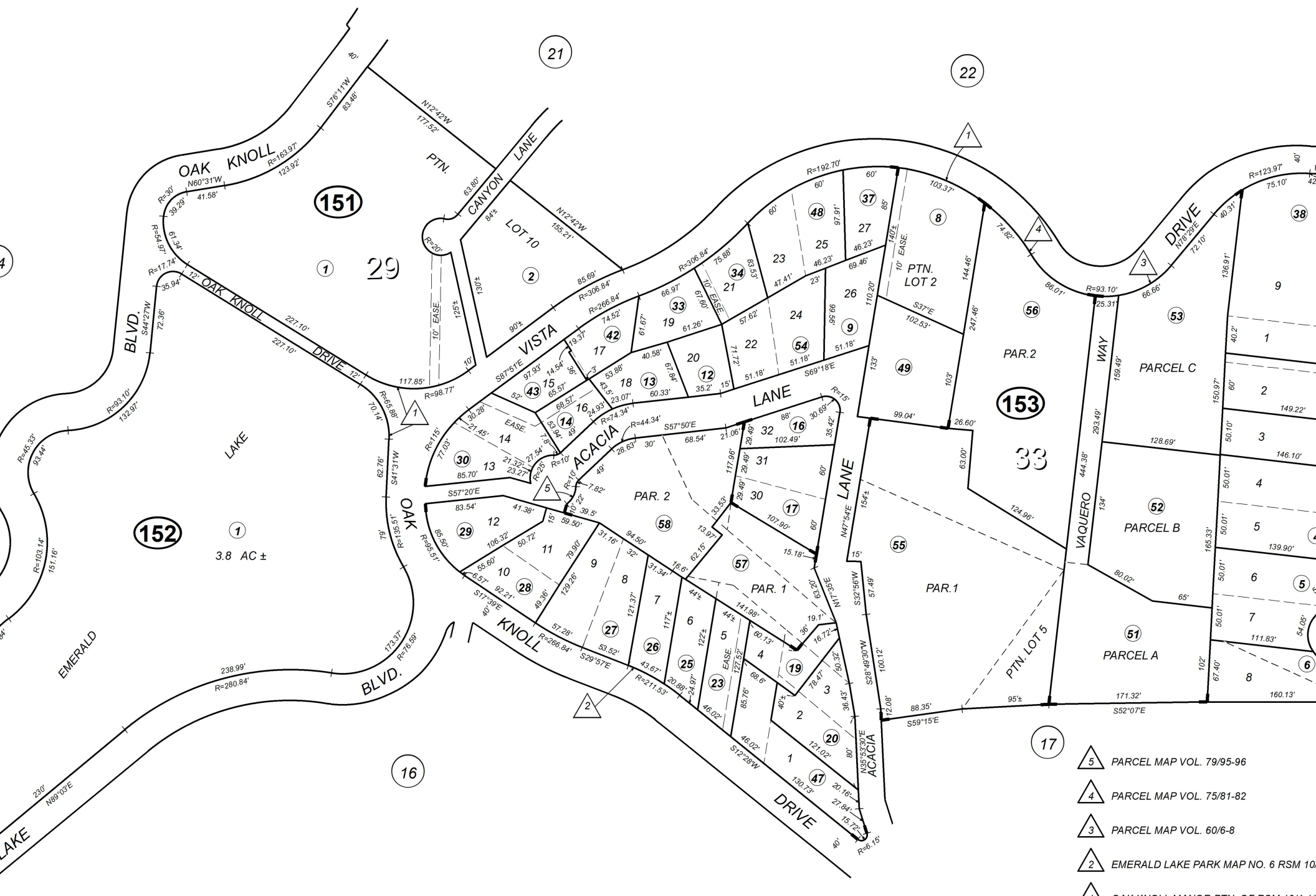
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© Latitude Geographics Group Ltd.

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This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION



- 5 PARCEL MAP VOL. 79/95-96
- 4 PARCEL MAP VOL. 75/81-82
- 3 PARCEL MAP VOL. 60/6-8
- 2 EMERALD LAKE PARK MAP NO. 6 RSM 10/4-11
- 1 OAK KNOLL MANOR PTN. OF RSM 10/4-11



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT C

ELH MERGER CHRONOLOGYSan Mateo County
Planning Division

12/20/1977 – BOS adopts ELH Area General Plan amendment (which adjusts land uses & densities, particularly from a 5,000 s/f min lot size to a far less dense 'units per acre' that would reconcile with new zoning (RH) parcel size minimums based on average slope. It's important to understand that the new ELH Area plan & the BOS's amendment adopting it was brought on by failing septic systems (representing a health hazard) & increased Co. septic standards, together with the community's interest to preserve their semi-rural character & willingness to be brought into & assessed as a sanitary district for sewer service by the County. It was also understood at the time that the ELH area's road infrastructure was not adequate to handle the potential 'build-out' that the ELH area represented.

3/28/1978; 7/25/1978; 1/2/1979 - BOS adopts ordinance #'s 02490, 02525, 02560, respectively, relating in-part to the rezoning of the ELH area. These ordinances provided that all contiguous parcels under one ownership which didn't conform to the minimum lot size requirements be merged to satisfy or better satisfy said minimum lot size. The BOS's final 1/2/79 adoption represents the new (at the time) "Residential Hillside" (RH) zoning district regulations for the ELH area, which included (under Section 10) the County's future intention for "Merger of Contiguous Undersized Lots".

8/10/1979 – Planning Commission (PC) holds hearing to give all affected owners opportunity to present evidence why their properties should not be merged. Notices of this hearing were preceded by "Notices of Merger" mailed by certified mail to all property owners affected by said ordinances. PC continues hearing to 10/10/79.

10/10/1979 – PC responds to any such challenges & recommends that BOS approve final Mergers.

12/5/1979 – BOS adopts Reso. # 3044 (Resolution Noticing Merger of Lots in Emerald Lake Hills/Oak Knoll Manor Area). This adopted document represented the recordation of the mergers. The document (Reel & Image) is found under the County "General Index of Grantors & Grantees 1978-79" (1979 is when the mergers were recorded), under the owner's last name. A copy of that recorded document is included (Reel 7920, Image 835). This document includes many pages of exhibits, which are all of the affected property owner's merged lots, as outlined on APN maps with the respective owners' names at the bottom.

It's critical to acknowledge that the Co. Assessor's Office chose NOT to consolidate all affected APNs, likely due to the sheer number of them; thus the formally merged parcels continued to retain their respective APNs, until or unless the owner asked & authorized the Assessor to consolidate the APNs.

11/4/1983 – BOS Reso # 44996 recorded, whereby the County accepts all various easements or rights-of-way offered for dedication or offered for implied dedication (where they had previously not been accepted by the County on behalf of the public) to facilitate installation of a sanitary sewer system; this affects 13 recorded subdivisions, making up the un incorporated ELH area.

NOTE 1: *The County's legal authority to merge contiguous lots where such lots were bisected by 10' lanes or strips (that were generally rejected by the BOS upon the recordation of the original ELH/Oak Knoll Manor subdivision maps in in the late 1920s, but were then accepted by the BOS in 1982 to facilitate sanitary sewer easements along some such strips) was confirmed by Co. Counsel, who relied on a State AG's opinion on a similar case. In 1985, one owner's request to effectively "unmerge" his 2 lots &*

record COC's on each parcel was appealed to but denied by the BOS in 1985; CC's position as to considering lots contiguous when bisected by such lanes has not changed since that time.

***NOTE 2:** Aside from those such lanes or easements covered by the recorded 1983 BOS Resolution, any such cases where the County did not &, since, has not accepted any such lanes, easements or ROWs, a property owner would (instead of applying to County Real Property, who would have no interest in the land) pursue a civil "quiet title" action to have the public rights of such lands abandoned.*

Dave Holbrook, Senior Planner

455 County Center, 2nd Floor

Redwood City, CA 94063

T (650) 363-1837 | F (650) 363-4849

planning.smcgov.org

PLN2019-00261

RECEIVED

JUL 12 2019

San Mateo County
Planning Division

RESOLUTION NO. 30444

PLANNING COMMISSION, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

* * * * *

RESOLUTION NOTICING MERGER OF LOTS IN EMERALD LAKE
HILLS/OAK KNOLL MANOR AREA

RESOLVED, by the Planning Commission of the County of San Mateo, State of California, that

WHEREAS, pursuant to the California Subdivision Map Act and in particular California Government Code §66424.2, the County of San Mateo may, by ordinance, provide that contiguous parcels held by the same owner which do not conform to standards for minimum parcel size to permit use or development under a zoning, subdivision or other ordinance of the County shall merge for subdivision purposes; and

WHEREAS, in order to implement the Emerald Lake Hills General Plan Amendment adopted by the San Mateo County Board of Supervisors on December 20, 1977, the Board of Supervisors on March 28, 1978, July 25, 1978 and January 2, 1979 respectively, adopted Ordinances No. 02490, 02525 and 02560 relating in part to the rezoning of the Emerald Lake Hills/Oak Knoll Manor area. Said ordinances provided that all contiguous parcels under one ownership which did not conform to the minimum lot size requirements therein merged to satisfy said minimum lot sizes;

WHEREAS, to effect the merger provisions of said ordinances and the applicable provisions of the California State Subdivision Map Act, the County of San Mateo, acting through its Planning Commission and Division of Planning, mailed by certified mail Notices of Merger to the property owners affected by said ordinances and held a duly noticed public hearing on August 20, 1979 to enable affected property owners to present evidence why their properties should not be merged;

WHEREAS, said public hearing was continued to October 10, 1979 to permit County staff and the Planning Commission to respond to evidence presented by certain affected property owners challenging the facts upon which the merger of their properties

REL 7920 PGE 835

RECORDER'S OFFICE SAN MATEO COUNTY

02/7/2020

RECORDER'S OFFICE SAN MATEO COUNTY

was based; and

WHEREAS, the County staff and the Planning Commission have considered all evidence presented at the August 20, 1979 and October 10, 1979 hearings;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that by this Resolution of Notice of Marger, the lots in the unincorporated area of San Mateo County known as the Emerald Lake Hills/Oak Knoll Manor area, described in Exhibit A to this Resolution (consisting of pages numbered Reel 7920 Image 835 through Reel 7920, Image 1790, inclusive) are hereby merged for purposes of the California Subdivision Map Act and San Mateo County Subdivision Ordinance.

BE IT FURTHER RESOLVED that this Resolution be filed for record with the County Recorder of San Mateo County.

REEL 7920 PAGE 836

Regularly passed and adopted this 10th day of October, 1979.

AYES in favor of said resolution:

Commissioners: Levin
Mainini
Pavallas
Radisch
Thomas

NOES against said resolution:

Commissioners: _____

Absent Commissioners: _____

Conrad H. Pavallas
Chairman, Planning Commission
County of San Mateo
State of California

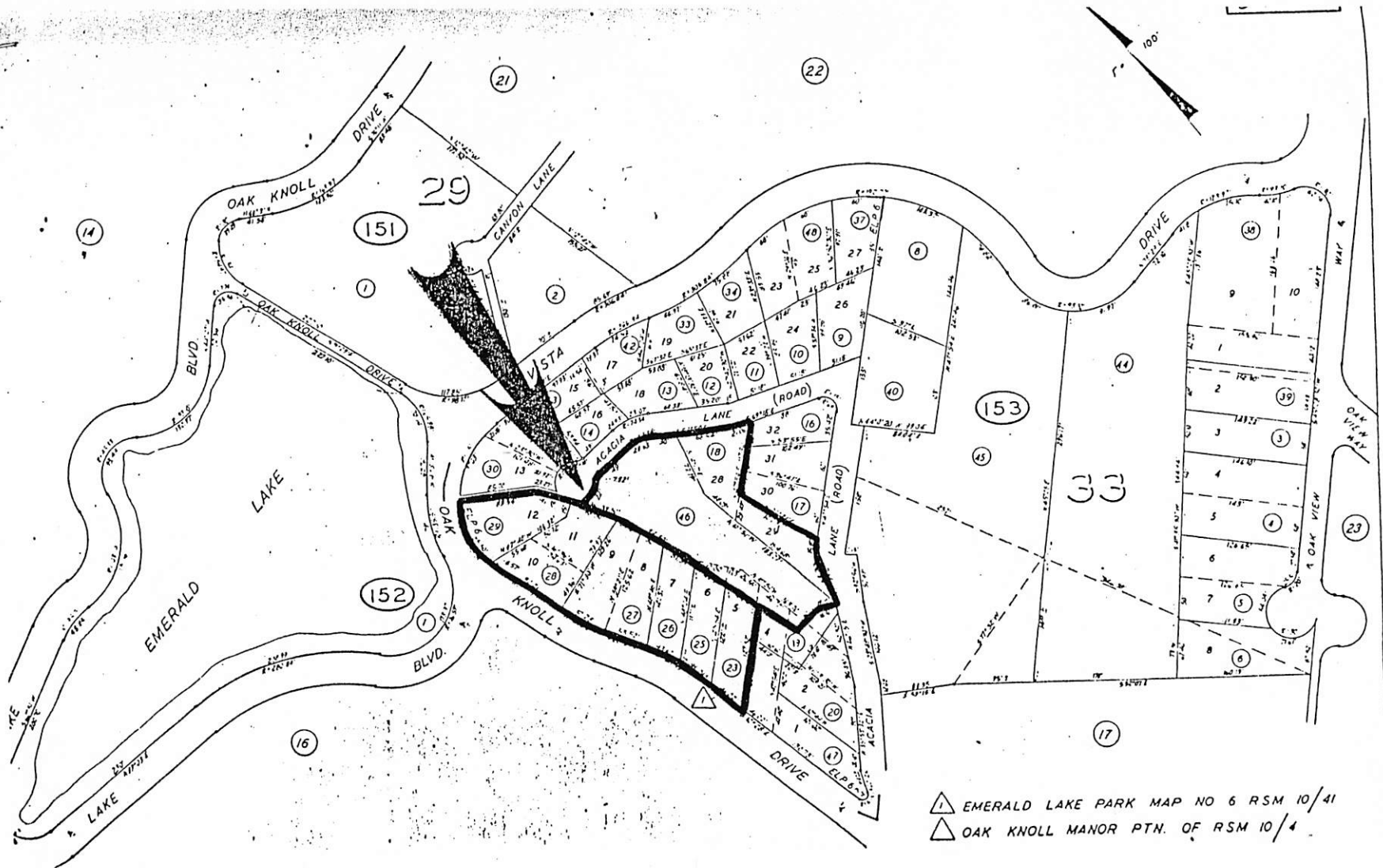
ATTEST:

Barbara Bookman Prosser
Interim Secretary of Planning Commission
DEC 7 1979 PAGE 835

9-170340
FORWARDED AT REQUEST OF
County of San Mateo
Planning Commission
DEC 5 10 03 AM 1979

MARVIN CHURCH RECORDER
SAN MATEO COUNTY
OFFICIAL RECORDS

COX
DEC 7 1979 PAGE 837



057 153 18C
 PETRALLI LUIS J & GLADYS B

647 ACACIA LANE
 REDWOOD CITY, CA 94062

LOT 28 LOT 29 EMERALD LAKE PARK NO 6 RSM 10/41

SEE ATTACHED SHEET
 FOR
 LIST OF ADDITIONAL PARCELS

MERGER OF LOTS PURSUANT TO ORDINANCE NO. 2560
 ADOPTED BY BOARD OF SUPERVISORS ON JAN. 22, 19

PROPOSED NUMBER OF PARCELS AFTER MERGER: 2
 NOTE - PROPOSED PARCELS ARE OUTLINED



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT D

June 12, 2023

Brian Musante
3419 Oak Knoll Drive
Redwood City, CA 94062

Dear Mr. Musante:

SUBJECT: Request for Unmerger of APN 057-153-230, -250, -260, -270, -280, and -290
pursuant to Subdivision Regulations Section 7121
File No.: PLN2019-00261

Staff has completed review of your request to unmerge the above referenced parcels, for which a Notice of Merger was recorded by the County in 1979. Currently, a single-family home (3419 Oak Knoll Drive) is located on parcels 057-153-230, 250, 260, 270 (Lots 5, 6, 7, 8, 9) and an accessory building is located on parcel 057-153-280 (Lots 10, 11), while parcel APN 057-153-290 (Lot 12) is vacant.

In your application, you submitted evidence to support the Criteria for Unmerger per Subdivision Regulations Section 7121.2, which are:

- a. That in fact there was no contiguity of ownership.
- b. That in fact the merged parcels met the minimum parcel size for the zoning district at the time of merger; or
- c. That in fact there was a primary structure on a merged parcel for which a building permit had been issued.

To declare that the parcels are unmerged, the Community Development Director must determine that one of the above criteria have been demonstrated.

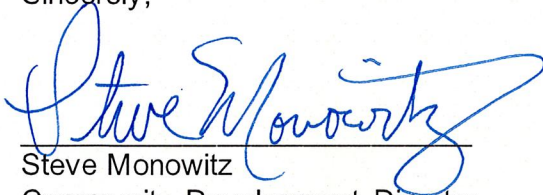
During our review, staff determined based on County records and regulations that there is no evidence to support the first two criteria, (a) and (b). Regarding the third criteria (c), your contention is that a residence was built on parcel APN 057-153-290 (Lot 12) in the 1920s that subsequently burned down in the 1950s. Both you and staff spent considerable time and effort in pursuit of definitive evidence that the residence existed, and in discussion as to whether criteria (c) would be met if it did. While all the anecdotal and photographic information presented makes a plausible argument that there was a building on the parcel prior to the merger, neither the County nor any of the public agencies contacted during the review were able to find any formal record demonstrating that a residence existed at any point in time, including any record of a building permit ever having been issued. In fact, the most compelling and relevant evidence is from the County Assessor's records, which clearly show the parcel as vacant at the time of the merger.



Therefore, my determination is that the parcels do not meet any of the criteria for unmerger specified in Section 7121.2, and that the parcels shall remain merged in accordance with the Notice of Merger recorded. This decision is appealable to the Planning Commission by filing a written appeal with the Planning & Building Department within 10 business days from the date of this letter, accompanied by an appeal fee of \$616.35.

Since your objective in filing the unmerger request is to create a second parcel that can be developed with a single-family home, a subdivision application pursuant to SB 9 can be submitted, which if approved, would result in a second legal, developable parcel. For additional information on this alternative, or on filing an appeal, please contact the Planning Counter at planningprojects@smcgov.org or 650/363-1825.

Sincerely,



Steve Monowitz
Community Development Director

SAM:LAA:mda – LAAHH0189_WMN.DOCX

cc: Julian Hubbard, Esq.
Nicholas Musante, Property Owner
Tim Fox, Lead Deputy County Attorney



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT E



PLANNING AND BUILDING DEPARTMENT

AVERAGE SLOPE

AVERAGE SLOPE FOR 057-153-230 IN RH ZONE IS 38.7%



Source: San Mateo County GIS Enterprise Database

Average slope = 38.7%
 Minimum Building Site Area = 57,000 sq. ft.

$$S = \frac{100 IL}{A}$$

I = 2 ft. (Contour Interval)
 S = 38.7% (Average Slope)
 L = 978.152 ft. (Combined Contour Length)*
 A = 5,054.42 sq. ft. (Parcel Area)

See Section 6803 of the San Mateo Zoning Regulations for more information regarding minimum building site in RH districts.
 * See attachment for list of contour lengths.



PLANNING AND BUILDING DEPARTMENT

AVERAGE SLOPE

AVERAGE SLOPE FOR 057-153-250 IN RH ZONE IS 43.52%



Source: San Mateo County GIS Enterprise Database

Average slope = 43.52%
 Minimum Building Site Area = 72,000 sq. ft.

$$S = \frac{100 IL}{A}$$

I = 2 ft. (Contour Interval)
 S = 43.52% (Average Slope)
 L = 1,179.56 ft. (Combined Contour Length)*
 A = 5,419.92 sq. ft. (Parcel Area)

See Section 6803 of the San Mateo Zoning Regulations for more information regarding minimum building site in RH districts.
 * See attachment for list of contour lengths.



PLANNING AND BUILDING DEPARTMENT

AVERAGE SLOPE

AVERAGE SLOPE FOR 057-153-260 IN RH ZONE IS 40.42%



Source: San Mateo County GIS Enterprise Database

Average slope = 40.42%
 Minimum Building Site Area = 63,000 sq. ft.

$$S = \frac{100 IL}{A}$$

I = 2 ft. (Contour Interval)
 S = 40.42% (Average Slope)
 L = 943.47 ft. (Combined Contour Length)*
 A = 4,668.91 sq. ft. (Parcel Area)

See Section 6803 of the San Mateo Zoning Regulations for more information regarding minimum building site in RH districts.
 * See attachment for list of contour lengths.



PLANNING AND BUILDING DEPARTMENT

AVERAGE SLOPE

AVERAGE SLOPE FOR 057-153-270 IN RH ZONE IS 40.47%



Source: San Mateo County GIS Enterprise Database

Average slope = 40.47%
 Minimum Building Site Area = 63,000 sq. ft.

$$S = \frac{100 IL}{A}$$

I = 2 ft. (Contour Interval)
 S = 40.47% (Average Slope)
 L = 2,004.126 ft. (Combined Contour Length)*
 A = 9,902.59 sq. ft. (Parcel Area)

See Section 6803 of the San Mateo Zoning Regulations for more information regarding minimum building site in RH districts.
 * See attachment for list of contour lengths.



PLANNING AND BUILDING DEPARTMENT

AVERAGE SLOPE

AVERAGE SLOPE FOR 057-153-280 IN RH ZONE IS 40.30%



Source: San Mateo County GIS Enterprise Database

Average slope = 40.30%
 Minimum Building Site Area = 63,000 sq. ft.

$$S = \frac{100 IL}{A}$$

I = 2 ft. (Contour Interval)
 S = 40.30% (Average Slope)
 L = 1,226.39 ft. (Combined Contour Length)*
 A = 6,085.09 sq. ft. (Parcel Area)

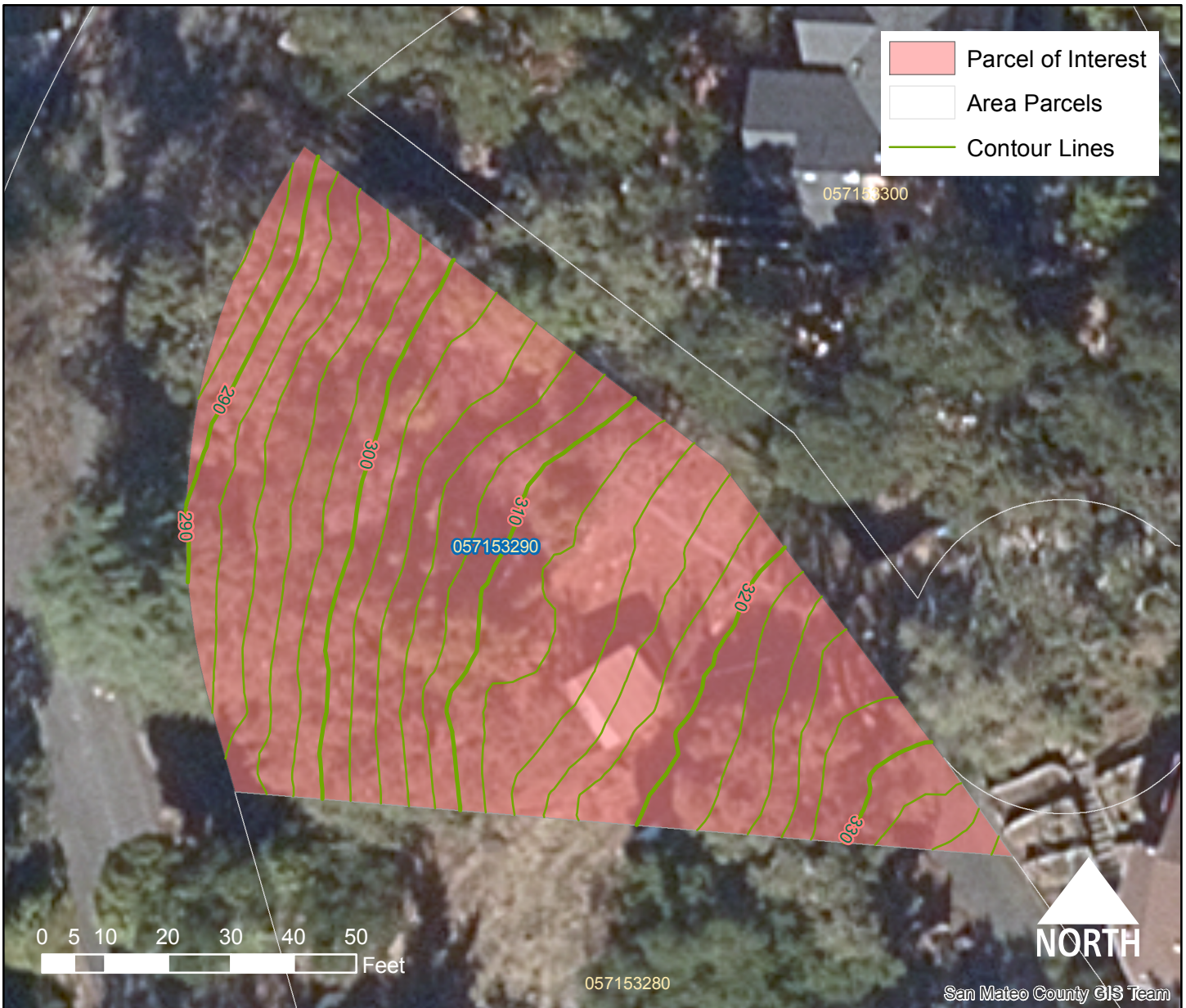
See Section 6803 of the San Mateo Zoning Regulations for more information regarding minimum building site in RH districts.
 * See attachment for list of contour lengths.



PLANNING AND BUILDING DEPARTMENT

AVERAGE SLOPE

AVERAGE SLOPE FOR 057-153-290 IN RH ZONE IS 37.74%



Source: San Mateo County GIS Enterprise Database

Average slope = 37.74%
 Minimum Building Site Area = 54,000 sq. ft.

$$S = \frac{100 IL}{A}$$

I = 2 ft. (Contour Interval)
 S = 37.74% (Average Slope)
 L = 1,552.65 ft. (Combined Contour Length)*
 A = 8,229.189 sq. ft. (Parcel Area)

See Section 6803 of the San Mateo Zoning Regulations for more information regarding minimum building site in RH districts.
 * See attachment for list of contour lengths.



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT F

#9A



RECEIVED

JUL 12 2019

San Mateo County
Planning Division

PLN2019-00261





3407 OAKKNOLL
#9B

Left side & BACK
GARAGE.

RETAINING WALLS

RECEIVED

JUL 12 2019

San Mateo County
Planning Division



Right side &
STAIRWAY

PLN2019-00261



MAIL BOX

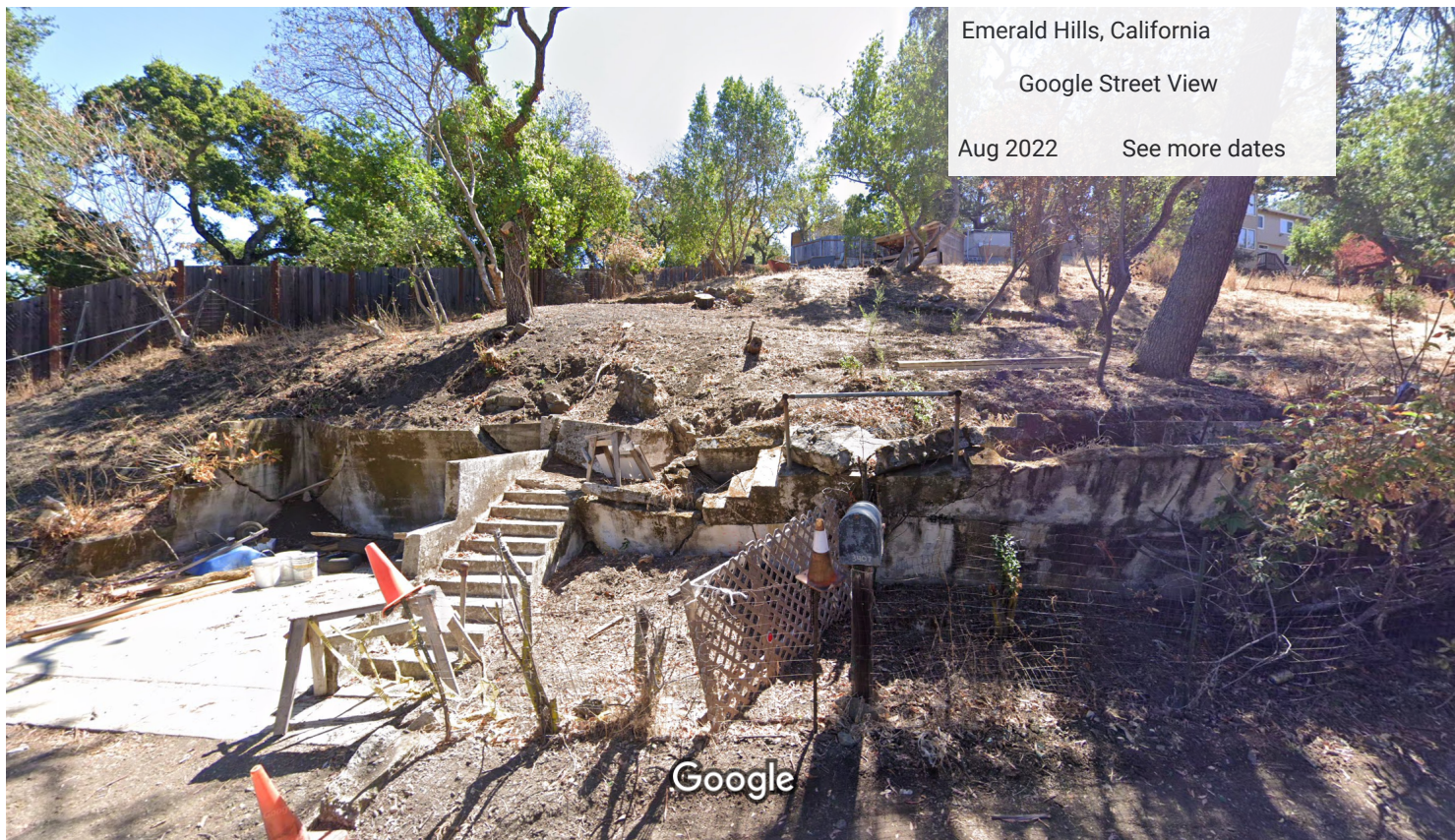
STAIRWAY



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

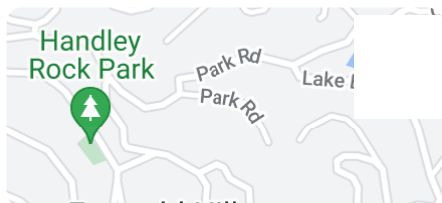
ATTACHMENT G

Google Maps 3419 Oak Knoll Dr



Emerald Hills, California
Google Street View
Aug 2022 See more dates

Image capture: Aug 2022 © 2023 Google





COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT H

ADDRESS _____ TRACT EMERALD LAKE PARK #6
 CITY _____ ACREAGE _____
 LOT 12 BLK _____

DESCRIPTION OF IMPROVEMENTS

BUILDING DATA

1-CLASS	7-EXTERIOR	11-FL. COVER	12	B	15-HEAT - AC	19-KIT. CAB.
2- DESIGN TYPE	Wd. Fr.	Hdw.			CFHA	Grav
Detach	Conc. Blk.	Pine			Wall	Fl
Attach	Stc.	Carpet			Rad	Babb
Semi-Detach	Wood	Lino.			Gas	Elec.
	Shg.	Vin.				
3-ARCHITECT		Asp. Tile				
Mod.	Br. Ven.	Conc.			16-BATHS	No.
Convent.	Sm. Ven.				Tub Bath	
	Wd. Trim				S.S. Bath	
4-STORIES					1/2 Bath	
Number	8-ROOF	12-FIREPLACE				
Dual Qual.	Flat	Br. Open				
Down	Wd. Shg.	St. Open				
Attic	M. Shk.	Chimney				
	H. Shk.	1 Story No.				
5-FOUNDATION	T&G	2 Story No.				
Raised Conc.	Roll					
Conc. Slab						
6-GARAGE						
Att.	S.R.					
Det.	Pl.					
Bsmt.	Hdw. Panel	13-ELEC. FIX.				
Stalls No.		Fair				
		Gd.				
		Avg.				
		Exc.				
10-CEILING						
S.R.						
Star. Area	Acou. Tile					
Rm. Over	Exp. Beam					
Carport						

201	A.P.N. <u>057-153-290</u>
202	SIDE OF
203	FLD. INSP. DATE
204	EMPLOYEE NO.
205	YR. BLT.
206	DESIGN TYPE
207	USE CODE
208	EFFECTIVE YEAR
209	DEPR. TABLE
210	FUNC. PLAN. F <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>
211	CONDITION F <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>
212	WORKMANSHIP F <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>
213	LIVING ROOM
214	DINING ROOM
215	KITCHEN
216	FAMILY ROOM
217	NO. OF BDR.
218	DEN LIBRARY
219	SUPP. ROOMS
220	TOTAL ROOMS
221	NO. OF BATHS
222	CENT. HEAT N <input type="checkbox"/> Y <input type="checkbox"/>
223	CENT. COOL N <input type="checkbox"/> Y <input type="checkbox"/>
224	GAR. BSMT. N <input type="checkbox"/> Y <input type="checkbox"/>
225	CARPOT N <input type="checkbox"/> Y <input type="checkbox"/>
226	STALLS 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>

Structure	Area	Class	Fndn	Exterior	Roof	Floor	Interior	Baths	Heat
Garage									

VACANT LAND

COST FACTORS	
227	QUALITY CLASS
228	PATTERN
229	BASE AREA
230	1ST FL. AREA
231	2ND FL. AREA
232	2ND FL. FACTOR %
233	3RD FL. AREA
234	3RD FL. FACTOR %
235	ATTIC AREA
236	ATTIC FACTOR %
237	FIN. BSMT. AREA
238	FIN. BSMT. FACTOR %
239	BSMT. AREA
240	BSMT. FACTOR %
241	ADDITION AREA
242	ADDITION FACTOR %
ADDITIVES	
243	COST YEAR
244	HEAT & A/C COST
245	F.P. COST
246	EXT. PLBG. COST
247	APPLIANCE COST
248	POR-DK-BAL. COST
249	MISC. ITEMS COST
250	GAR. CLASS ATT.
251	GAR. CLASS DET.
252	GAR. AREA
253	FLT.WK.EXC.AREA
254	FLT.WK.COST
255	FENCE COST
256	MISC. STR. COST
257	DOCK IMP. COST
258	DOCK YEAR
259	POOL COST
260	POOL YEAR
261	SPEC. IMPS. COST
262	P.C. COST
263	PERMIT DATE
264	PERMIT APPD.
291	STORIES

MODEL:		23-COST SUMMARY						R.C.N.L.D.	
Area Computations	Story	Area	Factor	%	Cost	% Good			
	1								
	2								
	Basement								
	Fin. Basement								
	Additives Total								
RESIDENCE TOTAL									
	Item	Area	Factor						
	Garage								
	Flatwork								
	Fence								
	Misc. Struct.								
	Spec. Imps.								
	Sub Total								
	Pool								
	Dock								
	TOTAL IMP. VALUE								

057-153-290

RESIDENTIAL UNIT APPRAISAL RECORD
ASSESSOR'S OFFICE SAN MATEO COUNTY, CALIFORNIA

SIDE 1 OF 1
FIELD INSPECT. DATE 12-1-71
LAND ATTRIBUTES

24 - LAND VALUE COMPUTATIONS
Table with columns: Year, Base Lot Size, Base Lot Value, Adjustments, Land Value, %
72, 50 X 106, 13500, -10000, 2500, 25.9

25 - TOTAL PROPERTY SUMMARY
Table with columns: Assessment Year (19), Appraiser, Date, R.C.N., R.C.N.L.D., Land Value, Summation, etc.

26 - COMPARABLE SALES
27 - LAND ADJUSTMENT SUMMARY
Table with columns: Comparability, A.P.N., Adjusted Sales Price, Adjustments (Loc, Dev Co, S, N), Plus, Minus, etc.

REMARKS
VACANT LAND

28 - SWIMMING POOL
29 - OTHER SALES
Table with columns: Yr. Built, Size, Heat, Ladder, Diving Board, Slide, Filter House, Date, Amount, Conf.

30 - CONSTRUCTION RECORD
Table with columns: Bldg. Permit, Date, Amount, Description

101 ZONING R-1
102 WIDTH
103 DEPTH
104 SQ. FT. ACTUAL 7100
105 SQ. FT. USABLE 7100
106 ACRES
107 REPRESENTATIVE N Y
108 IRREGULAR N Y
109 CUL-DE-SAC N Y
110 CORNER N Y
111 ALLEY N Y
112 NON-ST. FRONT N Y
113 COMMON GREEN N Y
114 COMMON RECREATION N Y
115 UNIT CONFORMITY N Y
116 WATER FRONT N Y
117 DOCKING RIGHTS N Y
118 ZONING CONFORMITY N Y
119 MISLOCATED IMP. N Y
120 HIGHEST & BEST USE N Y
121 NUISANCE INFLUENCE N Y
122 EXCESSIVE TRAFFIC N Y
123 ELEC. N Y
124 WATER N Y
125 SEWER N Y
126 VIEW N Y
127 VIEW QUALITY F A G
128 ARCH. ATTRACT. F A G
129 LAND DEVELOPMENT F A G
130 LOT USABILITY Inf. Typ. Sup.
131 IMPROVEMENT Und. Typ. Ov.
132
133 LAND VAL. % OF BASE 72.5
134

TOPOGRAPHY
135 GRADE Even Ab. Bel.
136 CONTOUR Lev. Hill Enk. Shel.
137 SLOPE Mod. Str. Steep
138
NEIGHBORHOOD
139 NEIGHBORHOOD NO. 22A
140 SINGLE FAMILY N Y
141 MULTI-FAMILY N Y
142 OWNER OCCUPIED N Y
143 CLUSTER N Y
144 DATE OF IMPS. 40
145
146 TREND Decl. Sta. Dev.
147 PLANNING P F Adq.
148 MARKET DEMAND F A G
149 CITY SERVICES F A G
150

CONCLUSION
151
152 TOTAL PROP. VALUE \$
153 LAND VALUE \$
154 IMP. VALUE \$
155 PERS. PROP. CODE
156 PERS. PROP. VALUE
157
GROSS INCOME
158 G.I. DATE
159 GROSS ANNUAL INC.
160 G.I. MULTIPLE
161 G.I. VALUE IND.
162
163 TEMP. VALUE N Y
164 EMPLOYEE NO.
165 APPRAISAL DATE
166
167
168
APPRAISE FOR

A.P.N. 057-153-290

RESIDENTIAL UNIT APPRAISAL RECORD
 ASSESSOR'S OFFICE SAN MATEO COUNTY, CALIFORNIA

24 - LAND VALUE COMPUTATIONS

Year	Base Lot Size	Base Lot Value	Adjustments	Land Value	%
72	50 X 100	13500	-10000	3500	25.9

25 - TOTAL PROPERTY SUMMARY

ASSESSMENT YEAR	19	19	19	19
Appraiser				
Date				
R.C.N.				
R.C.N.L.D.				
Land Value				
Summation				
Date of Sale				
Indicated Sale Price				
Net Sales Price				
Market Data Indicator				
Gross Annual Income				
Gross Income Date				
G.I. Multiplier				
G.I. Value Indicator				
TOTAL PROPERTY				
Total Property Value				
Land Value		3500		
Improvement Value				
Personal Property Value				

26 - COMPARABLE SALES			27 - LAND ADJUSTMENT SUMMARY		
Comparability	A.P.N.	Adjusted Sales Price	Adjustments	Plus	Minus
			Loc		1000
			Dev Co		7500
			S.N.		1500
			Sub. Total		
			Net Adj.	-10000	\$ -10000
			Adj. Land Value		\$ 3500
			Adj. Value - Base Value =		25.9 %
			Enter % in Sec.24 & Entry 133		

REMARKS LAND - 5000 - 1969

VACANT LAND

28 - SWIMMING POOL

Yr. Built	Size	of	Heat	Ladder	Diving Board	Slide	Filter House	Total Swimming Pool
			\$	\$	\$	\$	\$	\$

30 - CONSTRUCTION RECORD

Bldg. Permit	Date	Amount	Description

SIDE	1	OF	1
FIELD INSPECT. DATE	12-1-71	LAND ATTRIBUTES	
101 ZONING	R1	106 ACRES	
102 WIDTH	U	107 REPRESENTATIVE	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
103 DEPTH	U	108 IRREGULAR	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
104 SQ. FT. ACTUAL	9100	109 CUL-DE-SAC	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
105 SQ. FT. USABLE	9100	110 CORNER	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
111 ALLEY		111 ALLEY	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
112 NON-ST. FRONT		112 NON-ST. FRONT	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
113 COMMON GREEN		113 COMMON GREEN	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
114 COMMON RECREATION		114 COMMON RECREATION	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
115 UNIT CONFORMITY		115 UNIT CONFORMITY	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
116 WATER FRONT		116 WATER FRONT	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
117 DOCKING RIGHTS		117 DOCKING RIGHTS	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
118 ZONING CONFORMITY		118 ZONING CONFORMITY	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
119 MISLOCATED IMP.		119 MISLOCATED IMP.	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
120 HIGHEST & BEST USE		120 HIGHEST & BEST USE	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
121 NUISANCE INFLUENCE		121 NUISANCE INFLUENCE	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
122 EXCESSIVE TRAFFIC		122 EXCESSIVE TRAFFIC	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
123 ELEC.		123 ELEC.	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
124 WATER		124 WATER	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
125 SEWER		125 SEWER	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
126 VIEW		126 VIEW	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
127 VIEW QUALITY	F <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>	127 VIEW QUALITY	F <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>
128 ARCH. ATTRACT.	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>	128 ARCH. ATTRACT.	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>
129 LAND DEVELOPMENT	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>	129 LAND DEVELOPMENT	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>
130 LOT USABILITY	Inf. <input type="checkbox"/> Typ. <input checked="" type="checkbox"/> Sup. <input type="checkbox"/>	130 LOT USABILITY	Inf. <input type="checkbox"/> Typ. <input checked="" type="checkbox"/> Sup. <input type="checkbox"/>
131 IMPROVEMENT	Und. <input type="checkbox"/> Typ. <input checked="" type="checkbox"/> Ov. <input type="checkbox"/>	131 IMPROVEMENT	Und. <input type="checkbox"/> Typ. <input checked="" type="checkbox"/> Ov. <input type="checkbox"/>
132		132	
133 LAND VAL. % OF BASE	17.5	133 LAND VAL. % OF BASE	17.5
134		134	
TOPOGRAPHY			
135 GRADE	Even <input type="checkbox"/> Ab. <input checked="" type="checkbox"/> Bel. <input type="checkbox"/>	135 GRADE	Even <input type="checkbox"/> Ab. <input checked="" type="checkbox"/> Bel. <input type="checkbox"/>
136 CONTOUR	Lev. <input type="checkbox"/> Hill <input checked="" type="checkbox"/> Bnk. <input type="checkbox"/> Shel. <input type="checkbox"/>	136 CONTOUR	Lev. <input type="checkbox"/> Hill <input checked="" type="checkbox"/> Bnk. <input type="checkbox"/> Shel. <input type="checkbox"/>
137 SLOPE	Mod. <input checked="" type="checkbox"/> Str. <input type="checkbox"/> Steep <input type="checkbox"/>	137 SLOPE	Mod. <input checked="" type="checkbox"/> Str. <input type="checkbox"/> Steep <input type="checkbox"/>
138		138	
NEIGHBORHOOD			
139 NEIGHBORHOOD NO.	22A	139 NEIGHBORHOOD NO.	22A
140 SINGLE FAMILY	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>	140 SINGLE FAMILY	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
141 MULTI-FAMILY	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	141 MULTI-FAMILY	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
142 OWNER OCCUPIED	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>	142 OWNER OCCUPIED	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
143 CLUSTER	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	143 CLUSTER	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
144 DATE OF IMPS.	40	144 DATE OF IMPS.	40
145		145	
146 TREND	Decl <input type="checkbox"/> Sta. <input checked="" type="checkbox"/> Dev <input type="checkbox"/>	146 TREND	Decl <input type="checkbox"/> Sta. <input checked="" type="checkbox"/> Dev <input type="checkbox"/>
147 PLANNING	P <input checked="" type="checkbox"/> F <input type="checkbox"/> Adg <input type="checkbox"/>	147 PLANNING	P <input checked="" type="checkbox"/> F <input type="checkbox"/> Adg <input type="checkbox"/>
148 MARKET DEMAND	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>	148 MARKET DEMAND	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>
149 CITY SERVICES	F <input checked="" type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>	149 CITY SERVICES	F <input checked="" type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>
150		150	
151		151	
CONCLUSION			
152 TOTAL PROP. VALUE \$		152 TOTAL PROP. VALUE \$	
153 LAND VALUE \$		153 LAND VALUE \$	
154 IMP. VALUE \$		154 IMP. VALUE \$	
155 PERS. PROP. CODE		155 PERS. PROP. CODE	
156 PERS. PROP. VALUE		156 PERS. PROP. VALUE	
157		157	
GROSS INCOME			
158 G.I. DATE		158 G.I. DATE	
159 GROSS ANNUAL INC.		159 GROSS ANNUAL INC.	
160 G.I. MULTIPLE		160 G.I. MULTIPLE	
161 G.I. VALUE IND.		161 G.I. VALUE IND.	
162		162	
163 TEMP. VALUE	N <input type="checkbox"/> Y <input type="checkbox"/>	163 TEMP. VALUE	N <input type="checkbox"/> Y <input type="checkbox"/>
164 EMPLOYEE NO.		164 EMPLOYEE NO.	
165 APPRAISAL DATE		165 APPRAISAL DATE	
166		166	
167		167	
168		168	
APPRAISE FOR			

A.P.N. 057-153-280

ADDRESS _____ TRACT EMERALD LAKE PK #6
 CITY _____ ACREAGE 46.02 X 1221 or
 LOT 5 BLK _____

DESCRIPTION OF IMPROVEMENTS

BUILDING DATA
 A.P.N. 157-153(230)

1-CLASS	7-EXTERIOR	11-FL.COVER	12-B	15-HEAT - AC	19-KIT.CABS.
	Wd.Fr.	Hdw.		CPHA	Grav
2-DESIGN TYPE	Conc.Blk.	Pine		Well	FI
Detach		Carpet		Rad	Bsbd
Attach	Stc.	Lino.			
Semi-Detach	Wood	Vin.		Gas	Eloc.
	Shg.	Asp.Tile			
3-ARCHITECT		Conc.		16-BATHS	No.
Vad.	Br.Ven.			Tub Bath	
Convent.	Stn.Ven.			S.S. Bath	
	Wd.Trim			$\frac{1}{2}$ Bath	
4-STORIES		12-FIREPLACE			20-APPLIANCES
Number	8-ROOF	Br.Open		Total	Av. Gd. Exc.
Dual Qual.	Flat	St.Open		S.S. Extra	
Down	Wd.Shg.			Powder Room	
Attic	M.Shk.	Chimney			Oven
	H.Shk.				Double Oven
5-FOUNDATION	T&G			17-BATH FIN.	Hd & Fan
Raised Conc.	Roll			Finish	Tile Plas.
Conc.Slab		Avg. Gd. Exc.		Wain	Disposal
	9-INTERIOR			Vanity	Dishwash.
	S.R. Pl.	13-ELEC.FIX.		Shower	Intercom
Att. Det.	Hdw.Panel	Fair		Floor	Cent.Vac.
Bsmt.		Gd.			
Stalls No.		Exc.		18-MISC.ITEMS	21-SUPP.ROOMS
	10-CEILING	14-BASEMENT		Item	Cost
Finish	S.R. PL.	Gr.			Sun Room
Str.Area	Acou.Tile	Excav.			Ldry.Room
Rm.Over	Exp. Beam	Pit.			Breakfast
Carport		Fin.Rm.			Sleep.Porch

201	A.P.N.	<u>157-153(230)</u>
202	SIDE	OF
203	FLD. INSP. DATE	
204	EMPLOYEE NO.	
205	YR. BLT.	
206	DESIGN TYPE	
207	USE CODE	
208	EFFECTIVE YEAR	
209	DEPR. TABLE	
210	FUNC. PLAN.	F <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>
211	CONDITION	F <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>
212	WORKMANSHIP	F <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>
213	LIVING ROOM	
214	DINING ROOM	
215	KITCHEN	
216	FAMILY ROOM	
217	NO. OF BDR.	
218	DEN LIBRARY	
219	SUPP. ROOMS	
220	TOTAL ROOMS	
221	NO. OF BATHS	
222	CENT. HEAT	N <input type="checkbox"/> Y <input type="checkbox"/>
223	CENT. COOL	N <input type="checkbox"/> Y <input type="checkbox"/>
224	GAR. BSMT.	N <input type="checkbox"/> Y <input type="checkbox"/>
225	CARPORT	N <input type="checkbox"/> Y <input type="checkbox"/>
226	STALLS	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>

22-MISC. STRUCTURES AND GARAGE DESCRIPTION

Structure	Area	Class	Fndn	Exterior	Roof	Floor	Interior	Baths	Heat
Garage									
<p><i>VACANT LAND</i></p>									

COST FACTORS

227	QUALITY CLASS	
228	PATTERN	
229	BASE AREA	
230	1ST FL. AREA	
231	2ND FL. AREA	
232	2ND FL. FACTOR	%
233	3RD FL. AREA	
234	3RD FL. FACTOR	%
235	ATTIC AREA	
236	ATTIC FACTOR	%
237	FIN.BSMT.AREA	
238	FIN. BSMT.FACTOR	%
239	BSMT. AREA	
240	BSMT. FACTOR	%
241	ADDITION AREA	
242	ADDITION FACTOR	%

ADDITIVES

243	COST YEAR	
244	HEAT & A/C COST	
245	F.P. COST	
246	EXT.PLBG.COST	
247	APPLIANCE COST	
248	POR-DK-BAL.COST	
249	MISC. ITEMS COST	
250	GAR.CLASS ATT.	
251	GAR.CLASS DET.	
252	GAR. AREA	
253	FLT.WK.EXC.AREA	
254	FLT.WK.COST	
255	FENCE COST	
256	MISC.STR.COST	
257	DOCK IMP.COST	
258	DOCK YEAR	
259	POOL COST	
260	POOL YEAR	
261	SPEC.IMP.COST	
262	P.C. COST	
263	PERMIT DATE	
264	PERMIT APPD.	
291	STORIES	

MODEL: 23-COST SUMMARY

Area Computations	Story	Area	Factor	%	Cost	% Good	R.C.N.L.D.
	1						
	2						
	Basement						
	Fin. Basement						
Additives Total							
RESIDENCE TOTAL							
	Item	Area	Factor				
	Garage						
	Flatwork						
	Fence						
	Misc. Struct.						
	Spec. Imps.						
Sub Total							
	Pool						
	Dock						
TOTAL IMP.VALUE							

05-1-103-130

RESIDENTIAL UNIT APPRAISAL RECORD
 ASSESSORS OFFICE SAN MATEO COUNTY, CALIFORNIA

SIDE / OF /
 FIELD INSPECT. DATE 12-1-71

24 - LAND VALUE COMPUTATIONS

Year	Base Lot Size	Base Lot Value	Adjustments	Land Value	%
72	40 X 100	13500	-11000	2500	18.5

LAND ATTRIBUTES

101	ZONING	R1
102	WIDTH	E 42
103	DEPTH	E 118
104	SQ. FT. ACTUAL	E 4956
105	SQ. FT. USABLE	4956

25 - TOTAL PROPERTY SUMMARY

ASSESSMENT YEAR	19	19	19	19
Appraiser				
Date				
R.C.N.				
R.C.N.L.D.				
Land Value				
Summation				
Date of Sale				
Indicated Sale Price				
Net Sales Price				
Market Data Indicator				
Gross Annual Income				
Gross Income Date				
G.I. Multiplier				
G.I. Value Indicator				
TOTAL PROPERTY				
Total Property Value				
Land Value		2500		
Improvement Value				
Personal Property Value				

106	ACRES	
107	REPRESENTATIVE	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
108	IRREGULAR	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
109	CUL-DE-SAC	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
110	CORNER	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
111	ALLEY	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
112	NON-ST. FRONT	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
113	COMMON GREEN	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
114	COMMON RECREATION	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
115	UNIT CONFORMITY	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
116	WATER FRONT	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
117	DOCKING RIGHTS	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
118	ZONING CONFORMITY	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
119	MISLOCATED IMP.	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
120	HIGHEST & BEST USE	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
121	NUISANCE INFLUENCE	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
122	EXCESSIVE TRAFFIC	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
123	ELEC.	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
124	WATER	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
125	SEWER	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
126	VIEW	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
127	VIEW QUALITY	F <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>
128	ARCH. ATTRACT.	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>
129	LAND DEVELOPMENT	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>
130	LOT USABILITY	Inf. <input type="checkbox"/> Typ. <input checked="" type="checkbox"/> Sup. <input type="checkbox"/>
131	IMPROVEMENT	Und. <input type="checkbox"/> Typ. <input checked="" type="checkbox"/> Ov. <input type="checkbox"/>
132		
133	LAND VAL. % OF BASE	12.5
134		

26 - COMPARABLE SALES

Comparability	A.P.N.	Adjusted Sales Price	Adjustments	Plus	Minus
			Loc		1000
			Dev Co		7500
			SLOPE		1000
			S.N.		1500
			Sub. Total		
			Net Adj.	+ -11000	\$ -11000
			Adj. Land Value		\$ 2500
			Adj. Value + Base Value =		18.5 %
			Enter % in Sec. 24 & Entry 133		

27 - LAND ADJUSTMENT SUMMARY

Base Lot Value \$	13500
Adjustments	
Plus	
Minus	
Sub. Total	
Net Adj.	+ -11000
Adj. Land Value	\$ 2500
Adj. Value + Base Value =	18.5 %
Enter % in Sec. 24 & Entry 133	

REMARKS LAND - 1440 - 1969

VACANT LAND

TOPOGRAPHY

135	GRADE	Even <input type="checkbox"/> Ab. <input checked="" type="checkbox"/> Bel. <input type="checkbox"/>
136	CONTOUR	Low. <input type="checkbox"/> Hill <input checked="" type="checkbox"/> Brk. <input type="checkbox"/> Shel. <input type="checkbox"/>
137	SLOPE	Mod. <input type="checkbox"/> Str. <input checked="" type="checkbox"/> Steep <input type="checkbox"/>
138		

NEIGHBORHOOD

139	NEIGHBORHOOD NO.	22A
140	SINGLE FAMILY	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
141	MULTI-FAMILY	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
142	OWNER OCCUPIED	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>
143	CLUSTER	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>
144	DATE OF IMPS.	40
145		
146	TREND	Decl <input type="checkbox"/> Sta. <input checked="" type="checkbox"/> Dev <input type="checkbox"/>
147	PLANNING	P <input checked="" type="checkbox"/> F <input type="checkbox"/> Adq <input type="checkbox"/>
148	MARKET DEMAND	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>
149	CITY SERVICES	F <input checked="" type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>
150		
151		

CONCLUSION

152	TOTAL PROP. VALUE \$	
153	LAND VALUE \$	
154	IMP. VALUE \$	
155	PERS. PROP. CODE	
156	PERS. PROP. VALUE	
157		

28 - SWIMMING POOL

Yr. Built	Size	x	or	ft	\$	Date	Amount	Conf.
	Heat				\$			
	Ladder				\$			
	Diving Board				\$			
	Slide				\$			
	Filter House				\$			
	Total Swimming Pool				\$			

29 - OTHER SALES

Date	Amount	Conf.

30 - CONSTRUCTION RECORD

Bldg. Permit	Date	Amount	Description

GROSS INCOME

158	G.I. DATE	
159	GROSS ANNUAL INC.	
160	G.I. MULTIPLE	
161	G.I. VALUE IND.	
162		
163	TEMP. VALUE	N <input type="checkbox"/> Y <input type="checkbox"/>
164	EMPLOYEE NO.	
165	APPRAISAL DATE	
166		
167		
168		
	APPRAISE FOR	

A.P.N. 057-153-230



COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT I

Application for Appeal

To the Planning Commission

To the Board of Supervisors

County Government Center • 455 County Center, 2nd Floor
Redwood City • CA • 94063 • Mail Drop PLN 122
Phone: 650 • 363 • 4161 Fax: 650 • 363 • 4849

Name: BRIAN MUSANTE

Address: 3419 Oak Knoll Drive, Emerald Hills

Phone, W: H: 6502083424

Zip: 94062

Permit Numbers involved:

PLN2019-00261

I have read and understood the attached information regarding appeal process and alternatives.

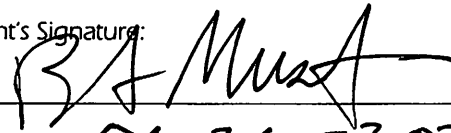
yes

no

I hereby appeal the decision of the:

- Staff or Planning Director
- Zoning Hearing Officer
- Design Review Committee
- Planning Commission

Appellant's Signature:



Date:

06-26-2023

made on 6/12/2023 20____, to approve/deny the above-listed permit applications.

Planning staff will prepare a report based on your appeal. In order to facilitate this, your precise objections are needed. For example: Do you wish the decision reversed? If so, why? Do you object to certain conditions of approval? If so, then which conditions and why?

Decision to be reversed. See attached letter and Exhibits



JULIAN J. HUBBARD, ESQ.

1313 LAUREL ST. #222
SAN CARLOS, CALIFORNIA 94070

TELEPHONE: (650) 435-2293
FACSIMILE: (650) 228-1042

June 25, 2023

Steve Monowitz
Community Development Director
County of San Mateo
Planning and Building
455 County Center, 2d Floor
Redwood City, CA 94063

RE: Request for Unmerger of APN 057-153-230, -250, -260, -270, -280, and -290 pursuant to Subdivision Regulations Section 7121
Your File No.: PLN2019-00261

Dear Mr Monowitz:

On this appeal, we address each point raised in the 6/12/23 Letter from you to Brian Musante.

1. 6/12/23 Letter/contention: *During our review, staff determined based on County records and regulations that there is no evidence to support the criteria, the first two criteria (a) and (b).*

Appeal: We respectfully disagree. (b) In 1979, before the merger, the parcels did meet the minimum parcel size of 5000 square feet. The language of the merger includes the right to change the minimum size but does not say specifically what the new minimum parcel size was to be. Thereafter, the minimum parcel size was 12,300 square feet.

San Mateo County Zoning section 6132, p. 4.2, provides:

"7. Legal Land Use. A land use either....(2) established prior to the date of the County's zoning authority..." and

"8. Legal Parcel. A parcel created by "...a land division predating the County's authority over subdivision, July 20, 1945, provided the parcel in question has subsequently remained intact."

Therefore, before the merger, the lots were legal parcels and met the minimum parcel size. The parcels were also developed and the merger did not merge already developed parcels.

2. 6/12/23 Letter/contention: *Regarding the third criteria (c), your contention is that a residence was built on parcel APN 057-153-290 (Lot 12) in the 1920s that subsequently burned down in the 1950s.*

Appeal: That is incorrect. A residence was built on the parcel in 1918 and burned down in or around the 1950s. A Survey Parcel Map from 1917 provided to Mr. Musante by Joy Perelli, former owner of the parcel which shows all 3 lots/parcels by CL Dimamitt. The photograph was taken in 1929 showing the garage and the residence.

3. 6/12/23 Letter/contention: *Both you and staff spent considerable time and effort in pursuit of definitive evidence that the residence existed, and in discussion as to whether criteria (c) would be met if it did. While all the anecdotal and photographic information presented makes a plausible argument that there was a building on the parcel prior to the merger, neither the County nor any of the public agencies contacted during the review were able to find any formal record demonstrating that a residence existed at any point in time, including any record of a building permit ever having been issued.*

Appeal: Thank you for acknowledging the plausibility of our position. It should come as no surprise that your office was unable to find a "formal record demonstrating that a residence existed at any point in time..." because:

- a. Building permits were not required in San Mateo County until approximately 1935.
- b. The residence was constructed prior to the date the County issued building permits for Emerald Hills.
- c. The residence was constructed before there was an established building department. Because the structure was built on the property before permits were required, it was lawfully constructed. We contend the lawful construction prevents merger because it was a developed parcel.

The evidence is not simply plausible, it is undeniable:

- d. the 1930, 1956, 1965 and 2018 Aerial maps provided by Lisa A which shows on parcel 12 shows a garage and a residence. Lisa Aozasa wrote the applicant on 3/13/2020 and advised him that the department had located "...some historical aerial photos" and "...there is a house there in 1930, then it's probably not there in 1956... 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." **Exhibit 1.**

d.1. Ms. Aozasa then wrote Mr. Musante on 7/9/2020 stating that Steve [Monowitz] thought the aerial photos "supported your contention that there was a house there that burned down in the 50s but was hoping to see additional evidence that would verify that--if we can find it." **Exhibit 2.**

e. In November 2022, Mr. Musante obtained the photograph of the garage and the residence with Sally Holt Hill, the daughter of CH Holt, diving into the Emerald Hills Lake. The area where the house existed still has a flat slab and a chrome hose bib adjacent to the slab and the entire area where the house sat is flat. There are two adjacent cement stairways on the upper right-hand side of the parcel about 8 feet apart from each other. Mr. Holt was the developer of record for the Resubdivision Map no. 6, 1921. His connection with the residence in the photograph is not subject to doubt. Mr. Musante provided that evidence to your department in December 2022. **Exhibit 3.**

g. The tax record upon which you are relying shows both electric and water consistent with a residence, 12/1/71. **Exhibit 4.**

h. 4 survey maps which show a garage on lot 12, CL Dimmitt survey map, a San Mateo County Road Division survey map used for repair of the lower dam of Emerald Lake in the same location as the aerial map and the photograph with Sally Holt Hill, Emerald Lake Park Map #6 showing lot 12 was not included in the Subdivision, and Parcel Vol. 75/81-82. **Exhibit 5.**

i. 7/13/2021 Letter from Brian Garcia, a general contractor working in Emerald Hills for 27 years, in which he confirmed, based on walking the property and performing a visual inspection that there still exists a mailbox, stairway with handrails, walking path, hose bibs, an entryway for a house, a 4-inch cast iron septic service (typically used when toilets or multiple fixtures are present), additional utilities including water service, gas line service, and an existing cement foundation for the garage. **Exhibit 6.**

j. 1/12/2018 Email from Fred L. Herring, Herring & Worley, architect, and a general contractor active in Emerald Hills since 1974, to Dave Holbrook, senior planner at the Planning Department, who noted crumbling remains of a garage like structure. **Exhibit 7.**

l. 12/16/21 Letter from Wallace Hendry, a general contractor for over 40 years who is familiar with the property where the Lake House stood and is of the opinion that a home once stood on the property based on his personal observations. **Exhibit 8.**

m. 1/29/1981 Grant Deeds from Petralli transferring ownership of the three parcels demonstrating that the County Records was not showing any reference to a merger. **Exhibit 9.**

n. 12/17/2021. Letter from James Bonnin to Mr. Musante stating that he cannot confirm or deny the accuracy of the information in the tax record, Exhibit 4, and it is a record of the characteristics of the parcel for assessment purposes. **Exhibit 10.**

o. Photographs taken in 2018-2019 of previously existing stairway, walkway, mailbox. **Exhibit 11.**

p. Photographs taken in 2023 of previously existing (1) cast iron septic line and gas line, (2) crumbling retaining wall 8 feet in height, (3) cement stairway on one side of garage retaining wall with the back wall of the garage 8 ft in height and leaning, (4) cement walkway **Exhibit 12.**

4. 6/12/23 Letter/contention: *In fact, the most compelling and relevant evidence is from the County Assessor's records, which clearly show the parcel as vacant at the time of the merger.*

Appeal: We believe that you are referring to the "Residential Unit Appraisal Record" date 12/1/1971. **Exhibit 4.** That record does not show "the parcel as vacant at the time of the merger". It states "Vacant Land" and it also notes, as we have confirmed repeatedly in other evidence, that the lot had water and electrical connections existing at the time of the merger.

We submit upon which you rely is the weakest evidence in all the evidence obtained during any investigation. There is no employee identified. There was no description of whether the individual was looking for any evidence of pre-existing structures on the property which is the relevant question here. As stated by James Bonnin, principal appraiser of the Assessor's Office, in his email of 12/17/2021, the record is only "...of the characteristic of the parcel for assessment purposes." Thus, we submit that the record was not created to determine pre-existing structures that may establish a right to rebuild or to deny an application for unmerger.

We find your emphasis on this document as the most compelling and relevant evidence disregards the fact that the record was not created for the purpose you are using it for and that it is a record lacking in foundation for the purported observation that the parcel is vacant.

The Exhibit 4 notations about the parcel being vacant are not credible evidence because those references are only for assessment purposes and the document itself lacks any identified member of the Assessor's Office as the responsible person filling out the record. Moreover, the document does not resolve the issue of the right to rebuild if there was a pre-existing residence and garage on the parcel.

Steve Monowitz
Community Development Director
June 25, 2023
Page 5 of 5

Since Mr. Musante's first application for Unmerger in June 2018, not a single representative from the County Planning and Building has been to the property to review existing conditions and the parcels. Today, the evidence of pre-existing development and construction is still visible and present.

In this case, the County mistakenly merged developed land. The County should now correct that mistake and grant the unmerger.

If it fails to do so, the County will deprive Mr. Musante of the full use and enjoyment of the parcels in question.

If you have any questions, comments or concerns, please do not hesitate to contact me on mobile phone (650.435.2293) or by email (julian@hubbardlawoffices.com). If you have an urgent need to speak to me at any time, please text me on my mobile line and I will respond quickly.

Very truly yours,

A handwritten signature in blue ink that reads "Julian J. Hubbard". The signature is written in a cursive style with a long horizontal flourish at the end.

Julian J. Hubbard

EXHIBIT 1



Brian Musante <bmusanterealty@gmail.com>

3407 & 649

Lisa Aozasa <laozasa@smcgov.org>
To: Brian Musante <bmusanterealty@gmail.com>

Fri, Mar 13, 2020 at 2:10 PM

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

From: Brian Musante [mailto:bmusanterealty@gmail.com]
Sent: Wednesday, March 11, 2020 1:12 PM
To: Lisa Aozasa <laozasa@smcgov.org>
Subject: Fwd: 3407 & 649

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Thank you Brian

----- Forwarded message -----
From: Brian Musante (via Google Docs) <bmusanterealty@gmail.com>
Date: Wed, Mar 11, 2020 at 12:59 PM
Subject: 3407 & 649
To: <bmusanterealty@gmail.com>

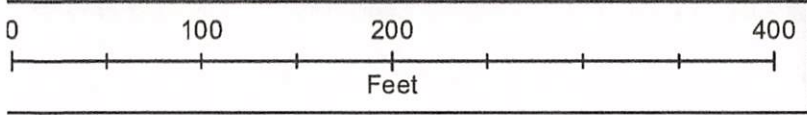
bmusanterealty@gmail.com has attached the following document:

057 263 C2C
BUJDE WILHELM J & KARIN

911 LAKEMead WY
REDWOOD CITY, CA 94062

LOT 14 BLOCK 303 HIGHLANDS OF EMERALD LAKE NO 3
RSM 14/47 4849 50

FEB 7920
MAY 947

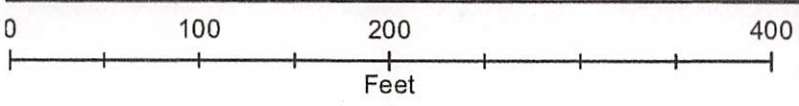


1930 Aerial Photograph

VICINITY MAP



Project Site
(APN: 057-53-290)



1956 Aerial Photograph

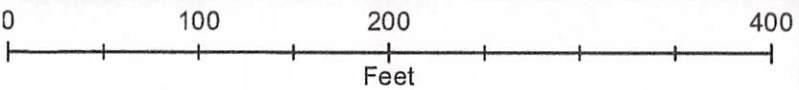
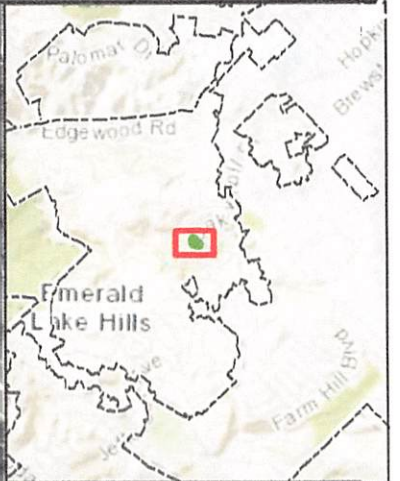
VICINITY MAP



NORTH

CANYON

Project Site
(APN: 057-53-290)



1965 Aerial Photograph

VICINITY MAP



EXHIBIT 2



Brian Musante <bmusanterealty@gmail.com>

Update on 3407 Oak Knoll

Lisa Aozasa <laozasa@smcgov.org>
To: Brian Musante <bmusanterealty@gmail.com>

Thu, Jul 9, 2020 at 4:38 PM

Hi Brian --

I'm looking for other ways to verify that the structure we can clearly see on the aerial photo from 1930 which then isn't there in 1960 is in fact a house -- and not a barn or outbuilding -- because the unmerger criteria requires that there was a primary structure on the lot. In a residential zoning district, a residence would be a primary structure -- a barn would not. As I mentioned, Steve thought the photos supported your contention that there was a house there that burned down in the 50s, but he was hoping to see additional evidence that would verify that -- if we can find it.

So thanks for taking the time to see if RWC and Woodside Fire had any records. Cal Fire also did not, nor did RWC Water. I didn't hear back from Environmental Health, so I've asked again, and I've reached out to the ELH Sewer Maintenance District. As I mentioned, the other place to check that I can think of would be PG & E. But did you happen to find any records (utility bills, reports of fire damage, records related to a septic system or sewer connection) in the paper work you received from the prior owner that would confirm that the building was a house? I've looked in your file and don't see anything along those lines -- or any statements from the prior owner -- which might be helpful if you can find anything. You mentioned other folks in the neighborhood who know the history -- a statement from one of them might help as well. I also will check with the County Historical Society.

We'll make a last push to see if we can get anything else to verify it was a house, then I'll take whatever information we get back to Steve next week. We should be able to wrap this up very soon -- I know it's been a long haul. Please let me know if you have any other questions --

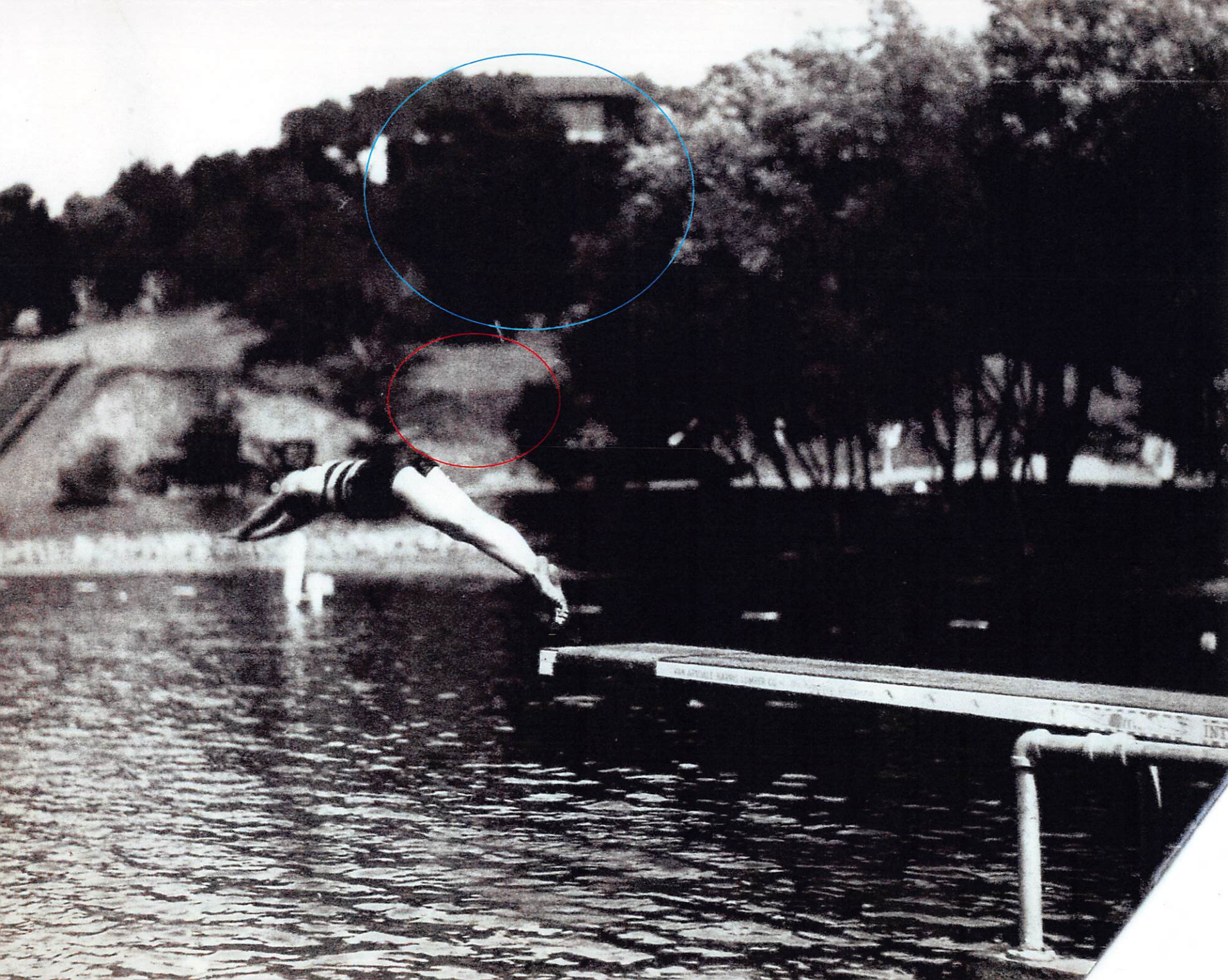
Lisa

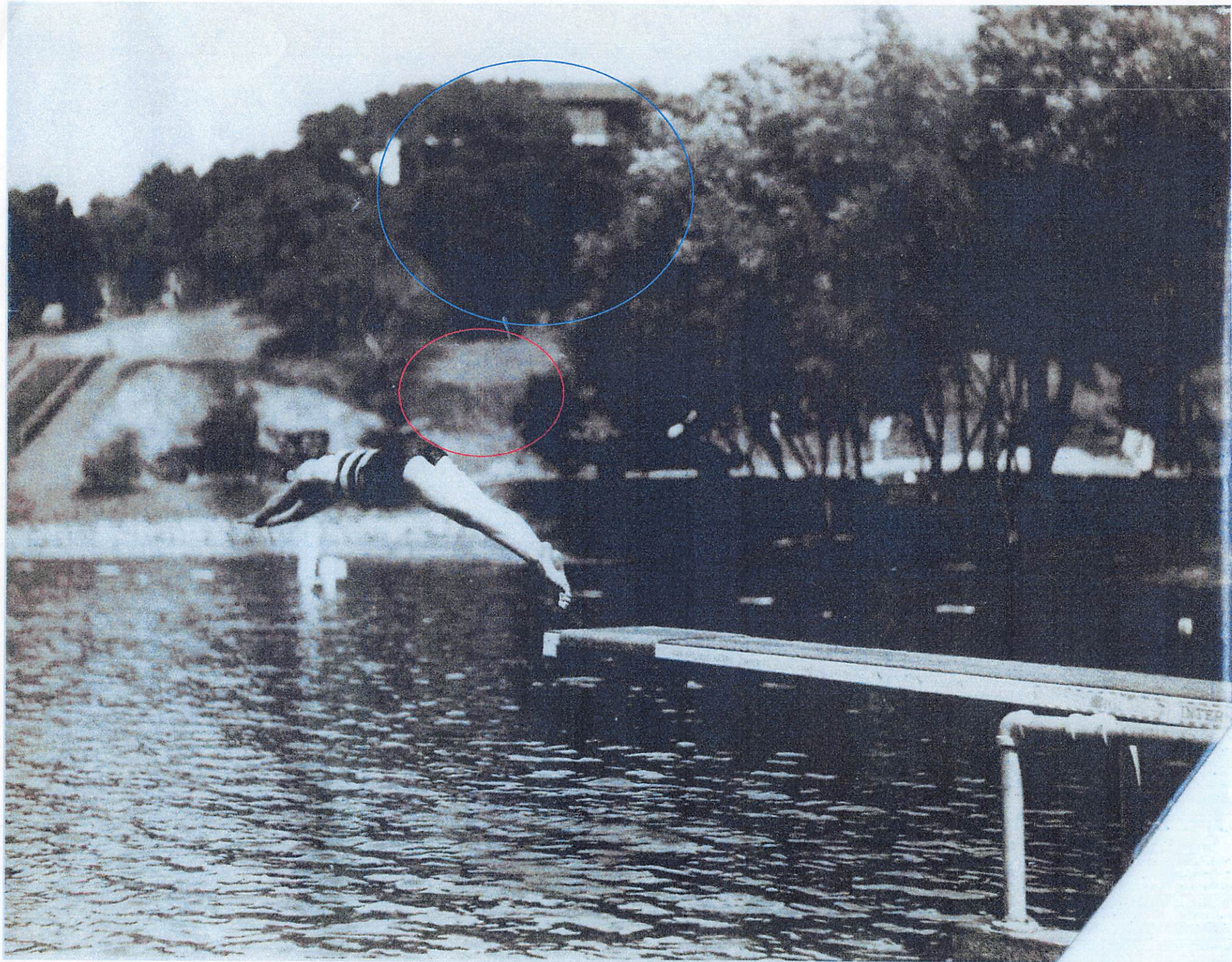
From: Brian Musante <bmusanterealty@gmail.com>
Sent: Thursday, July 9, 2020 2:08 PM

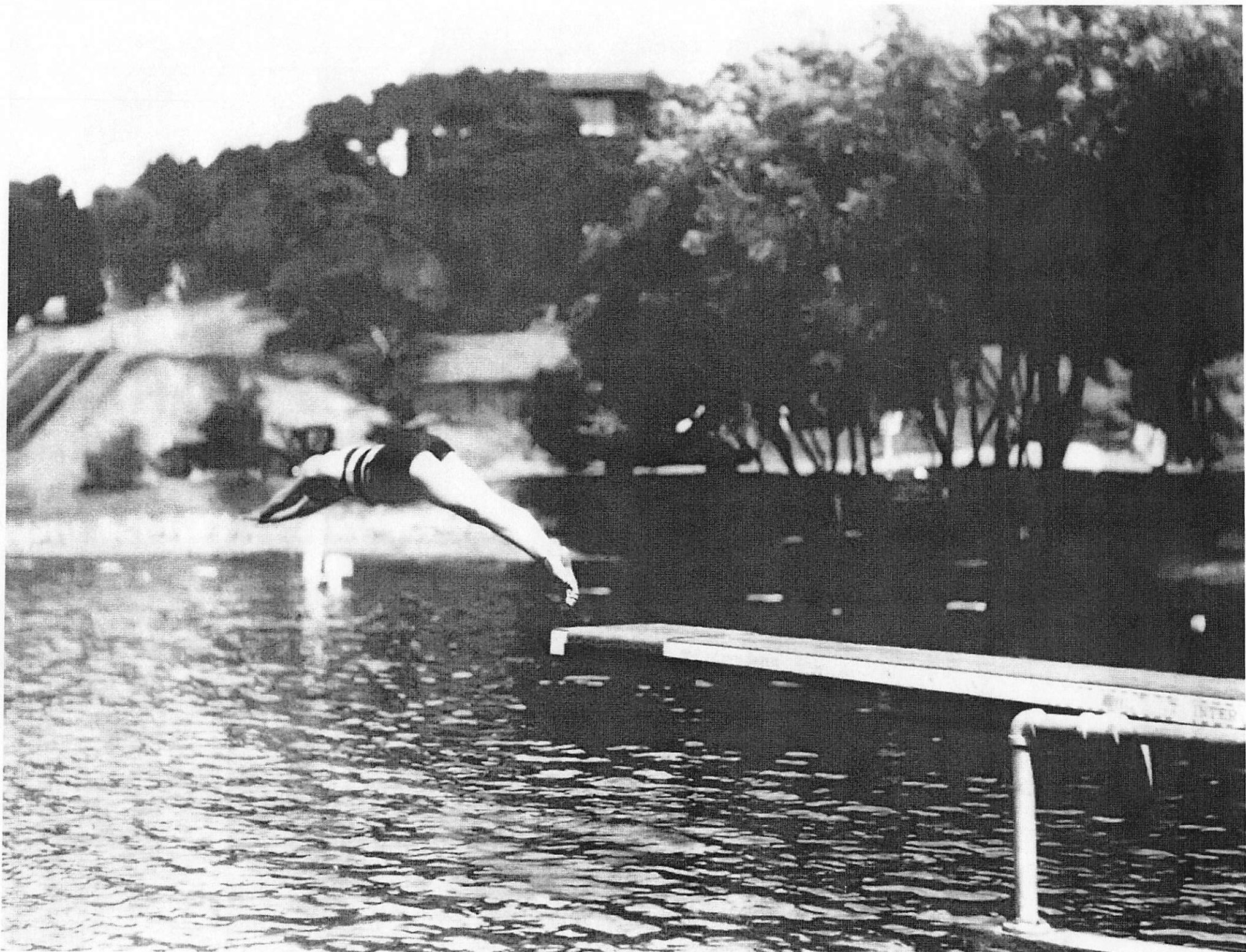
[Quoted text hidden]

[Quoted text hidden]

EXHIBIT 3







GEO - A

1943

REDWOOD CITY

EMERALD LAKE

*Emerald Lake
Calif*

Redwood City

APR 19 1929

110

~~110~~

REDWOOD CITY PUBLIC LIBRARY
REDWOOD CITY, CALIF.

112-007

Back of Picture

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 4

RESIDENTIAL UNIT APPRAISAL RECORD
ASSESSORS OFFICE SAN MATEO COUNTY, CALIFORNIA

24 - LAND VALUE COMPUTATIONS

Year	Base Lot Size	Base Lot Value	Adjustments	Land Value	%
72	50 X 106	13500	-10000	2500	25.9

25 - TOTAL PROPERTY SUMMARY

ASSESSMENT YEAR	19__	19__	19__	19__
Appraiser				
Date				
R.C.N.				
R.C.N.L.D.				
Land Value				
Summation				
Date of Sale				
Indicated Sale Price				
Net Sales Price				
Market Date Indicator				
Gross Annual Income				
Gross Income Date				
G.I. Multiplier				
G.I. Value Indicator				
TOTAL PROPERTY				
Total Property Value				
Land Value		3500		
Improvement Value				
Personal Property Value				

26 - COMPARABLE SALES

Comparability	A.P.N.	Adjusted Sales Price

27 - LAND ADJUSTMENT SUMMARY

Base Lot Value	Plus	Minus	Total
13500			
		1000	
		7500	
		1500	
Sub. Total			
Net Adj.	+	-10000	-10000
Adj. Land Value			3500
Adj. Value = Base Value =			25.9 %
Enter % In Sec. 24 & Entry 133			

REMARKS

VACANT LAND

28 - SWIMMING POOL

Yr. Built	Size	or	Conf.	Date	Amount

29 - OTHER SALES

Yr. Built	Size	or	Conf.	Date	Amount

30 - CONSTRUCTION RECORD

Bldg. Permit	Date	Amount	Description

SIDE 1 OF 1
FIELD INSPECT. DATE 12-1-71
LAND ATTRIBUTES

101	ZONING	R-1	
102	WIDTH		
103	DEPTH		
104	SQ. FT. ACTUAL	7100	
105	SQ. FT. USABLE	7100	
106	ACRES		
107	REPRESENTATIVE	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
108	IRREGULAR	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>	
109	CUL-DE-SAC	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
110	CORNER	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
111	ALLEY	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
112	NON-ST. FRONT	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
113	COMMON GREEN	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
114	COMMON RECREATION	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
115	UNIT CONFORMITY	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>	
116	WATER FRONT	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
117	DOCKING RIGHTS	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
118	ZONING CONFORMITY	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>	
119	MISLOCATED IMP.	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
120	HIGHEST & BEST USE	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>	
121	NUISANCE INFLUENCE	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
122	EXCESSIVE TRAFFIC	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
123	ELEC.	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>	
124	WATER	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>	
125	SEWER	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
126	VIEW	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
127	VIEW QUALITY	F <input type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>	
128	ARCH. ATTRACT.	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>	
129	LAND DEVELOPMENT	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>	
130	LOT USABILITY	Inf. <input type="checkbox"/> Typ. <input checked="" type="checkbox"/> Sup. <input type="checkbox"/>	
131	IMPROVEMENT	Und. <input type="checkbox"/> Typ. <input checked="" type="checkbox"/> Ov. <input type="checkbox"/>	
132			
133	LAND VAL. % OF BASE	72.5	
134			
TOPOGRAPHY			
135	GRADE	Even <input type="checkbox"/> Ab. <input type="checkbox"/> Bnl. <input checked="" type="checkbox"/>	
136	CONTOUR	Lav. <input type="checkbox"/> Hill <input checked="" type="checkbox"/> Bnk. <input type="checkbox"/> Shel. <input type="checkbox"/>	
137	SLOPE	Mod. <input checked="" type="checkbox"/> Str. <input type="checkbox"/> Steep <input type="checkbox"/>	
138			
NEIGHBORHOOD			
139	NEIGHBORHOOD NO.	32A	
140	SINGLE FAMILY	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>	
141	MULTI-FAMILY	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
142	OWNER OCCUPIED	N <input type="checkbox"/> Y <input checked="" type="checkbox"/>	
143	CLUSTER	N <input checked="" type="checkbox"/> Y <input type="checkbox"/>	
144	DATE OF IMPS.	40	
145			
146	TREND	Decl. <input type="checkbox"/> Ste. <input checked="" type="checkbox"/> Day <input type="checkbox"/>	
147	PLANNING	P <input checked="" type="checkbox"/> F <input type="checkbox"/> Adj. <input type="checkbox"/>	
148	MARKET DEMAND	F <input type="checkbox"/> A <input checked="" type="checkbox"/> G <input type="checkbox"/>	
149	CITY SERVICES	F <input checked="" type="checkbox"/> A <input type="checkbox"/> G <input type="checkbox"/>	
150			
151			
CONCLUSION			
152	TOTAL PROP. VALUE \$		
153	LAND VALUE \$		
154	IMP. VALUE \$		
155	PERS. PROP. CODE		
156	PERS. PROP. VALUE		
157			
GROSS INCOME			
158	G.I. DATE		
159	GROSS ANNUAL INC.		
160	G.I. MULTIPLE		
161	G.I. VALUE IND.		
162			
163	TEMP. VALUE	N <input type="checkbox"/> Y <input type="checkbox"/>	
164	EMPLOYEE NO.		
165	APPRAISAL DATE		
166			
167			
168	APPRAISE FOR		

A.P.N. 057-153-290

RESIDENTIAL UNIT APPRAISAL RECORD
 ASSESSORS OFFICE SAN MATEO COUNTY, CALIFORNIA

SIDE 1 OF 1
 FIELD INSPECT, DATE 12-1-71
 LAND ATTRIBUTES

101 ZONING R1
 102 WIDTH U
 103 DEPTH U
 104 SQ. FT. ACTUAL E 9100
 105 SQ. FT. USABLE 9100
 106 ACRES
 107 REPRESENTATIVE N Y
 108 IRREGULAR N Y
 109 CUL-DE-SAC N Y
 110 CORNER N Y
 111 ALLEY N Y
 112 NON-ST. FRONT N Y
 113 COMMON GREEN N Y
 114 COMMON RECREATION N Y
 115 UNIT CONFORMITY N Y
 116 WATER FRONT N Y
 117 DOCKING RIGHTS N Y
 118 ZONING CONFORMITY N Y
 119 MISLOCATED IMP. N Y
 120 HIGHEST & BEST USE N Y
 121 NUISANCE INFLUENCE N Y
 122 EXCESSIVE TRAFFIC N Y
 123 ELEC. N Y
 124 WATER N Y
 125 SEWER N Y
 126 VIEW N Y
 127 VIEW QUALITY F A G
 128 ARCH. ATTRACT. F A G
 129 LAND DEVELOPMENT F A G
 130 LOT USABILITY Inf. Typ. Sup.
 131 IMPROVEMENT Und. Typ. Cv.
 132
 133 LAND VAL. % OF BASE 17.5
 134

TOPOGRAPHY
 135 GRADE Even Ab. Bel.
 136 CONTOUR Lev. Hill Bnk. Shel.
 137 SLOPE Mod. Str. Steep
 138

NEIGHBORHOOD
 139 NEIGHBORHOOD NO. 22A
 140 SINGLE FAMILY N Y
 141 MULTI-FAMILY N Y
 142 OWNER OCCUPIED N Y
 143 CLUSTER N Y
 144 DATE OF IMPS. 40
 145
 146 TREND Decl Sta. Dev.
 147 PLANNING P F Adq.
 148 MARKET DEMAND F A G
 149 CITY SERVICES F A C
 150
 151 CONCLUSION

152 TOTAL PROP. VALUE \$
 153 LAND VALUE \$
 154 IMP. VALUE \$
 155 PERS. PROP. CODE
 156 PERS. PROP. VALUE
 157

GROSS INCOME
 158 G.I. DATE
 159 GROSS ANNUAL INC.
 160 G.I. MULTIPLE
 161 G.I. VALUE IND.
 162
 163 TEMP. VALUE N Y
 164 EMPLOYEE NO.
 165 APPRAISAL DATE
 166
 167
 168 APPRAISE FOR

649

24 - LAND VALUE COMPUTATIONS

Year	Base Lot Size	Base Lot Value	Adjustments	Land Value	%
72	50 X 100	13500	-10000	3500	25.9

25 - TOTAL PROPERTY SUMMARY

ASSESSMENT YEAR	19	19	19	19
Appraiser				
Date				
R.C.N.				
R.C.N.L.D.				
Land Value				
Summation				
Date of Sale				
Indicated Sale Price				
Net Sales Price				
Market Data Indicator				
Gross Annual Income				
Gross Income Date				
G.I. Multiplier				
G.I. Value Indicator				
TOTAL PROPERTY				
Total Property Value				
Land Value		3500		
Improvement Value				
Personal Property Value				

26 - COMPARABLE SALES

Comparability	A.P.N.	Adjusted Sales Price
		Loc
		Dev Co
		S.N.
		Sub. Total
		Net Adj. +
		Adj. Land Value
		Adj. Value + Base Value =
		Enter % in Sec. 24 & Entry 133

27 - LAND ADJUSTMENT SUMMARY
 Base Lot Value \$ 13500

Adjustments	Plus	Minus
Loc		1000
Dev Co		7500
S.N.		1500
Sub. Total		
Net Adj. +	-10000	\$ -10000
Adj. Land Value		\$ 3500
Adj. Value + Base Value =		25.9 %

REMARKS LAND - 3000 - 1969

VACANT LAND

28 - SWIMMING POOL

Yr. Built	Size	or	Depth	Date	Amount	Conf.

29 - OTHER SALES

Date	Amount	Conf.

30 - CONSTRUCTION RECORD

Bldg. Permit	Date	Amount	Description

A.P.N. 057-153-280

EXHIBIT 5

Existing Man Hole
Invert El. 269.50

LAKE BLVD.
Existing Sewer 2

Garage

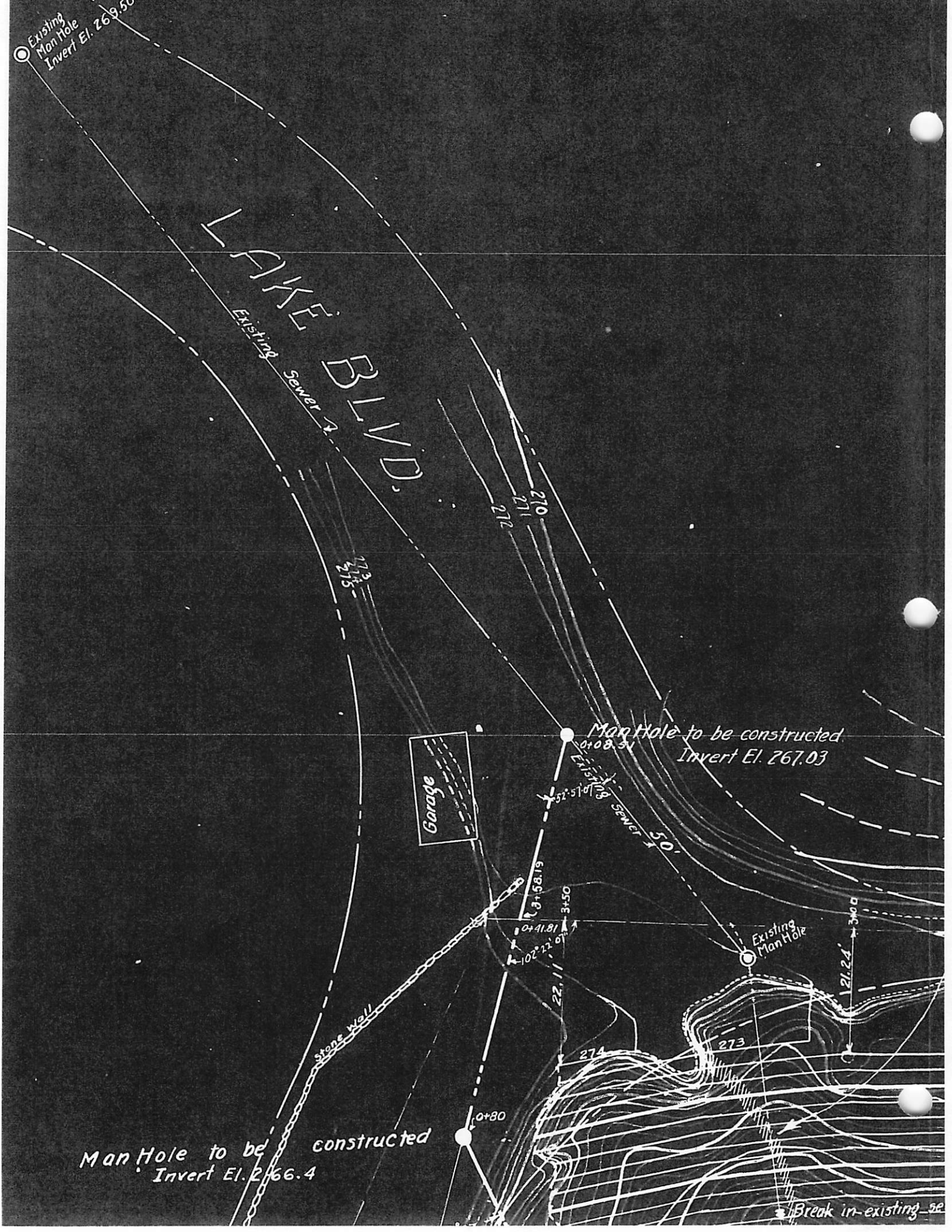
Man Hole to be constructed
Invert El. 267.03

Existing Man Hole

Man Hole to be constructed
Invert El. 266.4

Stone wall

Break in-existing sewer



Emerald Lake

Vista Drive

Old Knoll Drive



Most northerly corner
tract described in
Vol. 299 Official
Records page 408

Garage

Most southerly corner
lot 29 - Emerald Lake
Park Map No. 6

Map of
Lots 28 + 29 of Emerald Lake
Park Map No. 6 and
Adjoining property

C. L. Dimmitt
Civil Eng'g

of description of the proposed subdivision is attached
 to the names of proprietors of the lands herein designated,
 which to be in effect, be provided, and set out into lots, as
 a lot intended for sale in the herein designated, by members,
 with authority, that some of the roads, drives or lanes
 of or dedication to public use,
 more, from the proprietors, but any other interest, or title
 therein
 I have a true and correct copy of the exact plat
 to be made hereon to be deposited in the office of
 the County Assessor
 W. H. O'Connell, Recorder of the County of San Mateo

day of June of the year of One thousand
 nine hundred and twenty one, I, Walter Hamilton, former
 County Clerk of San Mateo County, personally appeared
 before the parties hereto, and that executed the
 foregoing and in that he executed the same
 HEREOF, I have set my hand and affixed my official
 seal of the County of San Mateo, the day and
Walter Hamilton
 former Public Notary for the City and County
 of San Francisco, State of California

County Assessor, and I, Geo. A. Kneass, County Surveyor, of
 the State of California, do hereby certify that said plat and every
 part hereon has been carefully examined by me on to its
 material use, and I signed and returned the approval

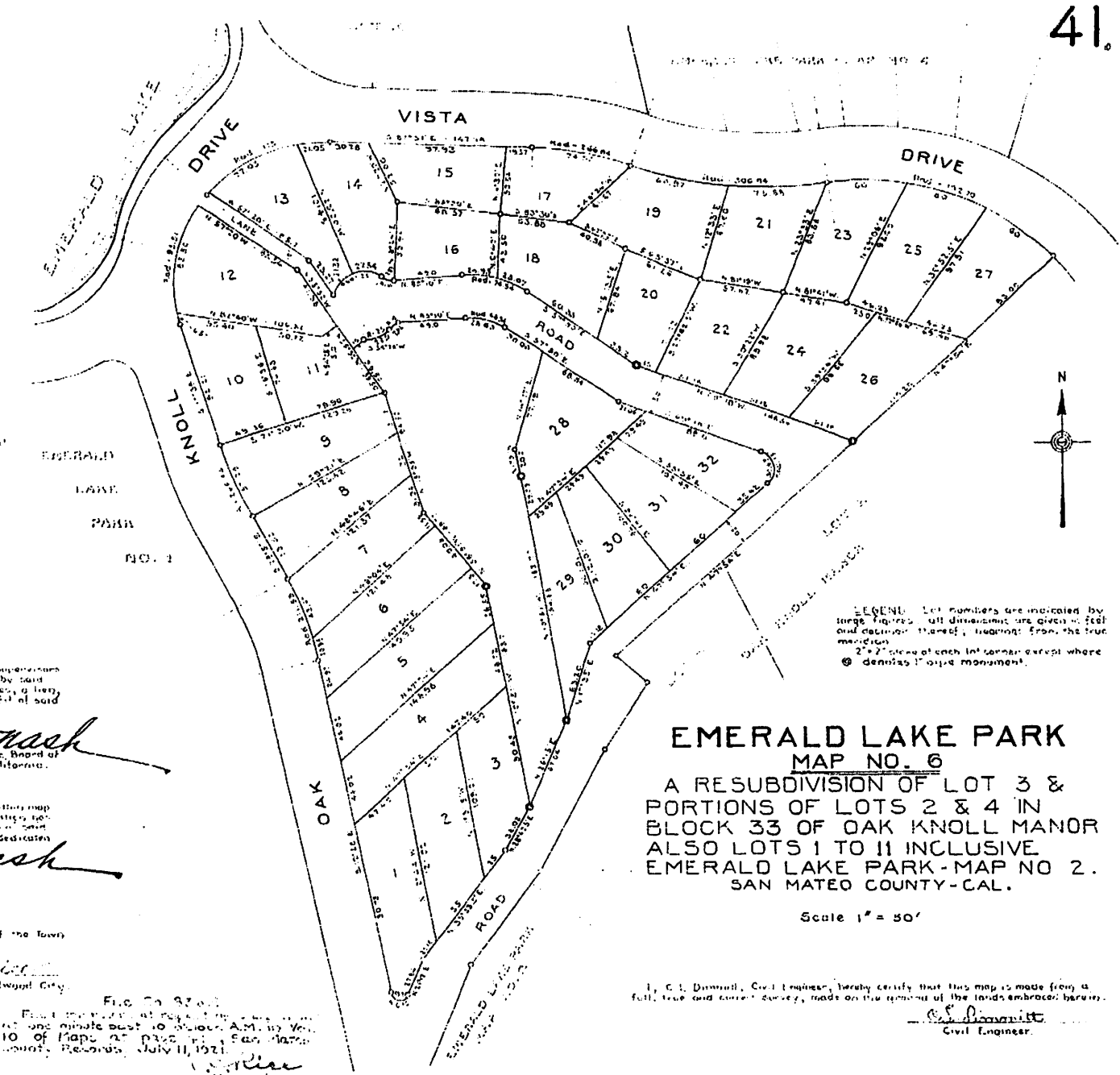
Geo. A. Kneass
 County Surveyor of San Mateo County
W. H. O'Connell
 County Assessor of San Mateo County

County Auditor of San Mateo County, State of California,
 do hereby issue for unpaid State, County, or other taxes,
 payable, under the tract or subdivision of land shown
 upon this tract.
 WHEREOF, I have hereunto set my hand this 1st
J. J. Shickler
 County Auditor of San Mateo County

County Clerk and ex-officio Clerk of the Board of Supervisors
 hereby certify that a land in the sum of \$125.00, freed by said
 and conditioned as provided by law for the payment of taxes, a lien
 the term delineated on this map, and to make in the benefit of said
 or been properly filed with said Board
 this 2nd day of June, 1921
Elizabeth M. Nash
 County Clerk and Ex-officio Clerk of the Board of
 Supervisors of San Mateo County, State of California.

proprietors of San Mateo County, California, which was submitted the written map
 of July 12, 1921, approved, and by return an examination, the
 of July 12, 1921, approve the same, and by resolution of said
 drive or lanes shown on this map were accepted as dedication
Elizabeth M. Nash
 Clerk of the Board of Supervisors
 San Mateo County, California.

examined and approved by the Board of Trustees of the Town of
 Redwood City, at its meeting of 20th day of July, 1921.
W. H. O'Connell
 City Clerk of the Town of Redwood City



LEGEND: Lot numbers are indicated by
 large figures. All dimensions are given in feet
 and decimals thereof, bearing from the true
 meridian
 2" x 2" stone at each lot corner except where
 @ denotes iron pipe monument.

**EMERALD LAKE PARK
 MAP NO. 6**

A RESUBDIVISION OF LOTS 2 &
 PORTIONS OF LOTS 2 & 4 IN
 BLOCK 33 OF OAK KNOLL MANOR
 ALSO LOTS 1 TO 11 INCLUSIVE
 EMERALD LAKE PARK - MAP NO. 2.
 SAN MATEO COUNTY - CAL.

Scale 1" = 50'

I, C. E. Dunsmuir, Civil Engineer, hereby certify that this map is made from a
 full, true and correct survey, made on the grounds of the lands embraced herein.

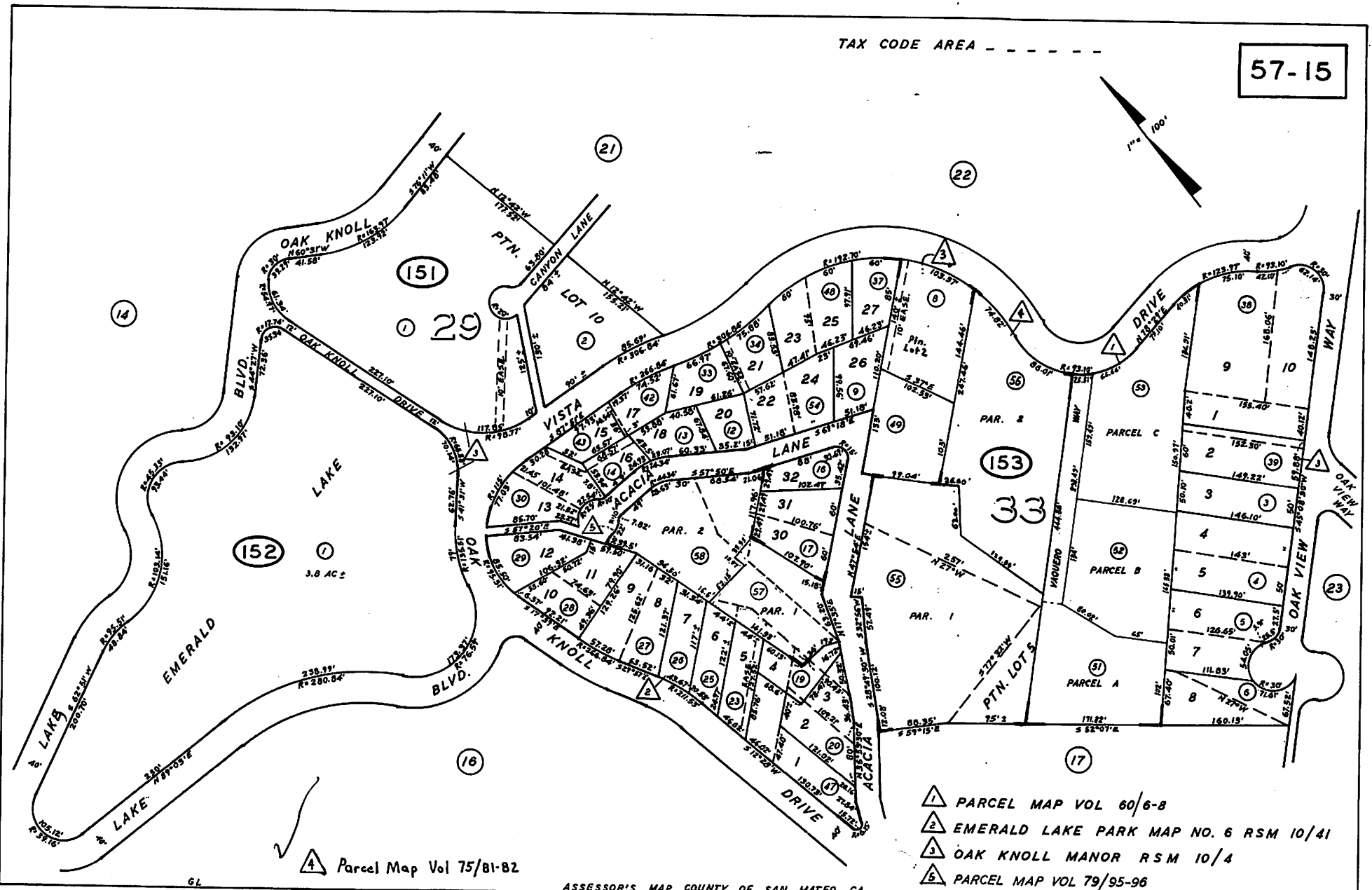
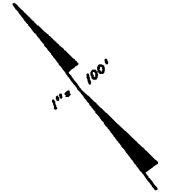
C. E. Dunsmuir
 Civil Engineer.

Filed for Record
 at San Mateo County, California, at 10:00 A.M. on July 11, 1921.
 10 of Maps at page 41, San Mateo
 County, Records, July 11, 1921.

W. H. O'Connell
 Recorder

TAX CODE AREA - - - - -

57-15



4 Parcel Map Vol 75/81-82

- ▲ PARCEL MAP VOL 60/6-8
- ▲ EMERALD LAKE PARK MAP NO. 6 RSM 10/41
- ▲ OAK KNOLL MANOR RSM 10/4
- ▲ PARCEL MAP VOL 79/95-96

EXHIBIT 6

Brian Garcia
Brian Garcia Construction
License # 744340 General – B
P.O. Box 880
Redwood City, CA 94064

July 13, 2021

Re: Lot 12, AP 057-153-290, 3407 Oak Knoll Drive

To Whom it May Concern:

I have reviewed the information that Brian and Nicholas Musante provided to me related to their intent to rebuild a craftsman style home. After reading the 19 page information package and conducting an online search of websites with my knowledge of general construction and local codes in the unincorporated areas of San Mateo County, it is clear that this property should have never been merged.

When the weather was clear, I walked the entire property and I agreed that there was definitely a home built there, as a mailbox, stairway/handrails, walking path, hose bibs, and landscaping of a typical entrance way for a house were all visible. Additionally, utilities that are present include water service, gas line service, and a 4-inch cast iron septic service - which is primarily used when toilets or multiple fixtures are present. These utilities are consistently used for houses and would not be used for barns.

I have also reviewed ariel photos that Mr. Musante has provided. I have never seen this type of construction used for a barn. It is unclear why someone would suggest that a barn was built there given all this information. In my analysis of this property, 3407 was clearly a home positioned right across from the lake.

I have also read the Merger Act Resolution 3044. It is unclear how this property could be mistaken for vacant land. In the first paragraph of the land merger, it is obvious that no one walked this property as it clearly does not fit the criteria of the merger. I have never seen a building department that did not allow an existing structure/home to be rebuild, especially one of this historic nature. In 1917 incredibly obviously an existing structure was there; this type of cement foundation used for the garage was not cheap to build back in 1917. The Engineering and heavy-duty equipment to dig out and up the side of the mountain or Hill and restrain/shoring up the soil/dirt behind was not easy to construct. Even today this would be difficult. To mix concrete and consistently pour for each 10 foot high x 18 foot length retaining wall was quite an accomplishment for 1917. They must have had access to cement mixing trucks at that time or on site mixer with conveyor belt to lift and pour cement to the top of the 10 foot forms of the foundation with over 110 linear feet of retaining walls plus stairway and garage slab floor 18' X 18'. There are no voids or cold joints visible in this 104 year old foundation; this was

done by professionals. The expense for just the garage and 32' of retaining wall plus stairways attached would cost as much as a home back then. That's where the barn would have been. This had to be a large beautiful expensive home with an awesome country setting across from the lake.

Sincerely,

Brian Garcia
Brian Garcia Construction
License # 744340 General - B
Phone: (650) 464-1885
Email: briangarciaconstruction@gmail.com

EXHIBIT 7



Brian Musante <musanterealty@gmail.com>

APN-057-015-153-280 and 057-015-153-290

11 messages

Fred Herring <flh1741@sbcglobal.net>
 Reply-To: Fred Herring <flh1741@sbcglobal.net>
 To: Dave Holbrook <dholbrook@smcgov.org>

Fri, Jan 12, 2018 at 3:09 PM

Dave--

I've been asked to design a new home on the property captioned above. These lots are opposite Lower Emerald Lake. The Map I was provided shows frontage on both Oak Knoll Drive and Acacia Lane. At some time in the past the lots were developed with a home (as evidenced by the crumbling remains of what I take to be walls for a garage which faced Oak Knoll). I understand from my client, Nicholas Musante, that in the past County Planning and Building raised the issue of a possible merger of his property with the adjoining developed homesite. I've checked with the project Title company and with Public Works. Both those entities confirmed that there is no public record of a merger of Nicholas Musante's now vacant lots with the adjoining developed property. Before I begin work on the design of a new home for Nicholas Musante I'd like to be very sure that I do not appear for a "Pre-Application" Design Review conference only to discover that I've been working on a property which Planning and Building do not recognize as available for development! Please look up whatever is on record with the Recorder and let me know if what you find matches what Public Works assures me is the case. I'd also like to know if there has been a CofC filed for this property (so I can direct my client back to his Title Company to secure chain of title documents if that task not been completed).

Thanks for your attention to this matter. This is a beautiful property on which I'm looking forward designing a new home.

Regards,

Fred L. Herring
Herring & Worley INC.
 Tel: (650) 591-1441
 www.herringandworley.com

Brian Musante <musanterealty@gmail.com>
 To: Fred Herring <flh1741@sbcglobal.net>

Fri, Jan 12, 2018 at 5:47 PM

Please keep me inform ,Thanks Brian.

On Fri, Jan 12, 2018 at 3:09 PM, Fred Herring <flh1741@sbcglobal.net> wrote:

> Dave--

>

> I've been asked to design a new home on the property captioned above. These
 > lots are opposite Lower Emerald Lake. The Map I was provided shows frontage
 > on both Oak Knoll Drive and Acacia Lane. At some time in the past the lots
 > were developed with a home (as evidenced by the crumbling remains of what I
 > take to be walls for a garage which faced Oak Knoll). I understand from my
 > client, Nicholas Musante, that in the past County Planning and Building
 > raised the issue of a possible merger of his property with the adjoining
 > developed homesite. I've checked with the project Title company and with
 > Public Works. Both those entities confirmed that there is no public record
 > of a merger of Nicholas Musante's now vacant lots with the adjoining

Ag # 2

1 Thanks for the thorough explanation. It's clear that my client does have a problem (no matter how much I like his lot!).

2 The Title Report he provided shows no "exception" for a recorded Notice of Merger. What happens if the Report is correct and nothing was recorded to formalize the (advertised and known by the owners of long ago) merger? A downstream owner (like my client) who purchased the property based on the assurance of a Title Policy that he was buying property which was not connected to his neighbors property is left with land he cannot develop?

3 The area of Nicholas lot is about 15000 sq.ft. --good sized by Emerald Hills standards--but (given County slope density standards) probably not large enough to qualify as a newly subdivided (from lands he does not own!) lot.

4 If the 1983 merger was recorded my client may have recourse to the Title Company which guaranteed his ownership of the lot. If the merger did not go onto public record --is there a County process/procedure which will allow the owner to develop the lands he purchased in good faith (and on which he is taxed at a value which suggests that the Assessor believes he owns an independent lot--not just the sideyard of a neighboring home)?

5 I'll recommend to the property owner that he ask his Title Co. for a specific search of County Records to see if public notice of the merger of what is now his property with what is now his neighbors property was place on record and let you know what the Title Company finds.

Thanks again for your help in a circumstance that turns out to be the "problem" you've noted!

Regards,

Fred L. Herring
Herring & Worley INC.
 Tel: (650) 591-1441
www.herringandworley.com

From: Dave Holbrook <dholbrook@smcgov.org>
To: Fred Herring <flh1741@sbcglobal.net>
Cc: Lisa Aozasa <laozasa@smcgov.org>
Sent: Tuesday, January 16, 2018 5:58 PM
Subject: RE: APN-057-015-153-280 and 057-015-153-290

The 2 parcels you're asking about are part of a larger merger from 1979.

6 When all these parcels were merged together on 1/22/1979, they were all owned by Louis & Gladys Petralli, whose assessors (mailing) address was listed as 647 Acacia Lane (which was a separate merged parcel abutting to the rear of all these parcels, since subdivided into 2 parcels). The merged parcels (that include yours) have subsequently been transferred to different, current owners:

Thomas Cardelli (057-153-230/250/260);

Brian Musante (057-153-270); &

Nicholas Musante (057-153-280/290) – the parcels you're asking about.

How or why the transfer of ownership occurred is unknown. The mergers were exhaustively advertised & known by owners at the time (1979) as part of a massive General Plan change & rezoning. They are legally binding. Whether or not these parcels as a whole could be subdivided would require that some owner apply for a Slope Analysis, pursuant to the RH Regulations & minimum parcel size relative to the average slope of any proposed parcel.

Pg #1.

EXHIBIT 8

Brian Musante
3419 Oak Knoll Dr
Emerald Hills CA 94602
December 16 2021

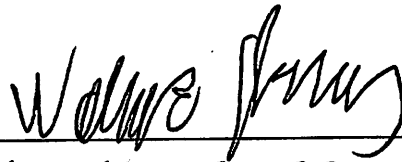
Mr. Mrs. Wallace Hendry
640 Acacia Ln
Emerald Hills CA 94602

Nancy and Wallace Hendry have lived at 640 Acacia Ln beginning in 1974. They remember seeing their neighbors Tom & Joy Cardelli's Horse and Horse Barn at 649 Acacia Ln. They also recall seeing chickens and other animals living in the yard between 1974 through the 1980's.

Wallace Hendry has been a General Contractor for over 40 yrs' Mr. Hendry is familiar with the Oak Knoll property where the Lake House stood. It is his opinion that a home once stood there.

Wallace Hendry

Signature _____



Date _____

Jan. 11, 2022

Nancy Hendry

Signature _____

Date _____

EXHIBIT 9

RECORDING REQUESTED BY
Title Insurance and Trust

50842AS
RECORDED AT REQUEST OF
TITLE INSURANCE & TRUST CO.

AND WHEN RECORDED MAIL TO

12:11
Mr. and Mrs. Cardelli
3419 Oak Knoll Drive
Redwood City, California
463158

JUN 2 9 15 AM '81

MARVIN CHURCH, RECORDER
SAN MATEO COUNTY
OFFICIAL RECORDS

12:11
as directed above

Documentary Transfer Tax
PAID
San Mateo County
Rec'd By: [Signature]
Deputy Recorder

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Individual Grant Deed

TO 1973 CA (12-74)

THIS FORM FURNISHED BY TICOR TITLE INSURERS

57-153-29, 25
57-153-26, 27, 28
A.P.N. 57-153-29

The undersigned grantor(s) declare(s):
Documentary transfer tax is \$ 39.60
() computed on full value of property conveyed, or
(X) computed on full value less value of liens and encumbrances remaining at time of sale.
(X) Unincorporated area: () City of _____ and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,
Louis J. Petralli and Gladys B. Petralli, his wife

hereby GRANT(S) to

Joy D. Petralli Cardelli and Thomas D. Cardelli, wife and husband
as Joint Tenants

the following described real property in the unincorporated area
County of San Mateo, State of California:

SEE PARCEL ONE, PARCEL TWO, AND PARCEL THREE OF LEGAL DESCRIPTION
ATTACHED TO AND MADE A PART HEREOF.

Dated May 19, 1981

[Signature] Louis J. Petralli

X [Signature] Gladys B. Petralli

STATE OF CALIFORNIA }
COUNTY OF San Mateo } ss.
On 6-1-81 before me, the under-
signed, a Notary Public in and for said State, personally appeared

Louis J. Petralli and
Gladys B. Petralli

known to me
to be the person whose name subscribed to the within
instrument and acknowledged that they executed the same.
WITNESS my hand and official seal.

Signature Merry Lynn Williams

MERRY LYNN WILLIAMS
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN MATEO COUNTY
My Commission Expires Dec. 28, 1983

Title Order No. 40758

Escrow or Loan No.

MAIL TAX STATEMENTS AS DIRECTED ABOVE

RECORDER'S OFFICE SAN MATEO COUNTY

57 15 153 29
57 15 153 27
57 15 153 26
57 15 153 25

50842AS

RECORDER'S OFFICE SAN MATEO COUNTY

THE LOTS REFERRED TO HEREIN IS DESCRIBED BY FOLLOWING

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL ONE:

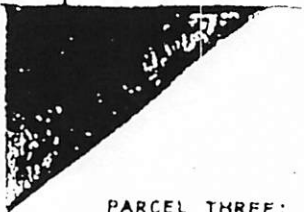
LOTS 5, 6, 7, 8 AND 9, AS SHOWN ON THE MAP ENTITLED "EMERALD LAKE PARK MAP NO. 6 A RESUBDIVISION OF LOT 3 & PORTIONS OF LOTS 2 & 4 IN BLOCK 33 OF OAK KNOLL MANOR ALSO LOTS 1 TO 11, INCLUSIVE EMERALD LAKE PARK MAP NO. 2 SAN MATEO COUNTY CAL.", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON JULY 11, 1921 IN BOOK 10 OF MAPS AT PAGE 41.

EXCEPTING FROM SAID LOTS 5, 6 AND 7, SO MUCH THEREOF AS WAS CONVEYED TO BERTHA K. GRUSS, BY DEED RECORDED AUGUST 14, 1926 IN BOOK 247 OFFICIAL RECORDS OF SAN MATEO COUNTY, PAGE 408.

50842AS

PARCEL TWO:

LOTS 10 AND 11, AS DESIGNATED ON THE MAP ENTITLED "EMERALD LAKE PARK MAP NO. 6 A RESUBDIVISION OF LOT 3 & PORTIONS OF LOTS 2 & 4 IN BLOCK 33 OF OAK KNOLL MANOR ALSO LOTS 1 TO 11 INCLUSIVE EMERALD LAKE PARK NO. 2 SAN MATEO COUNTY, CAL.", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON JULY 11, 1921 IN BOOK 10 OF MAPS AT PAGE 41.



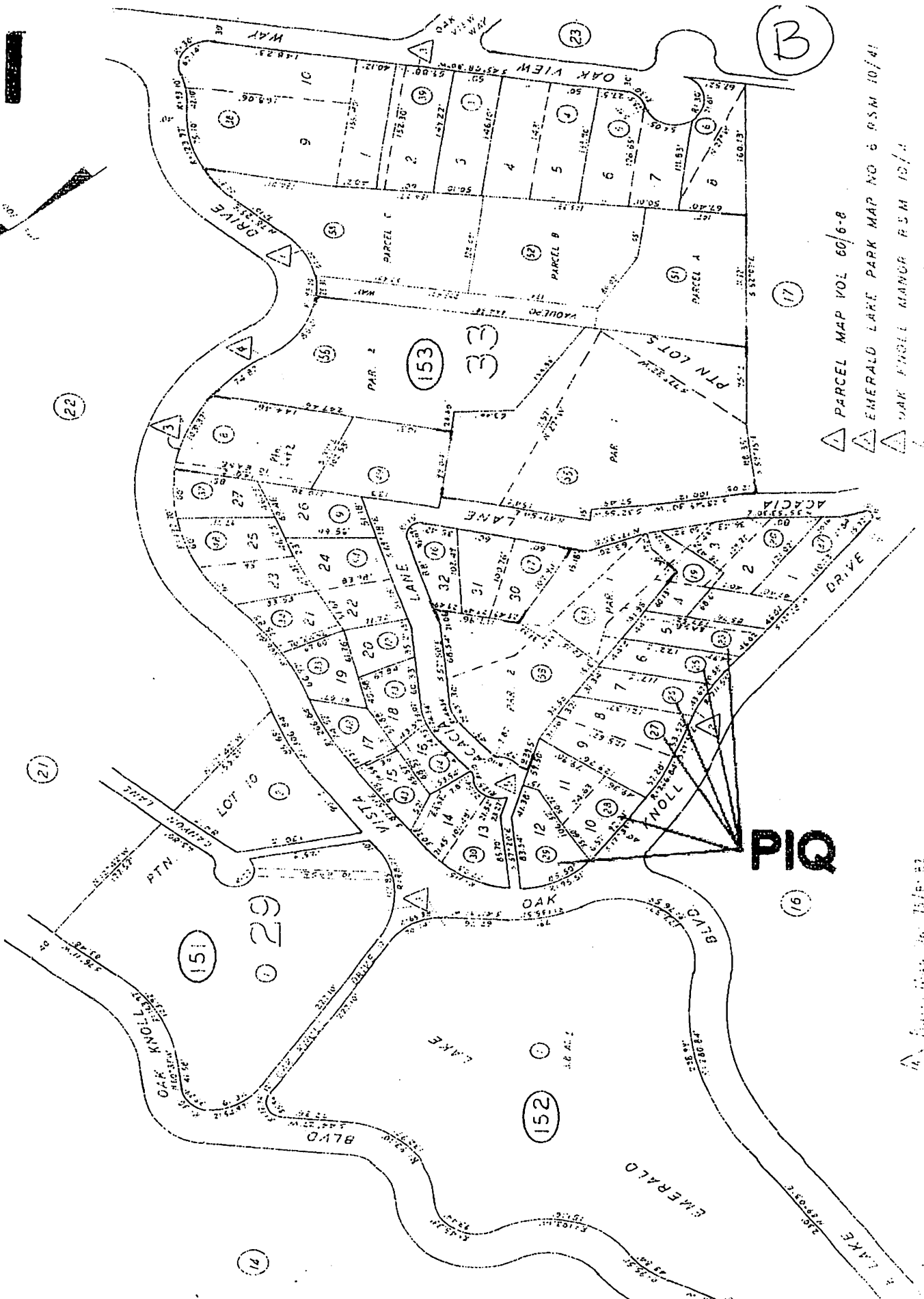
PARCEL THREE:

LOT 12, AS DESIGNATED ON THE MAP ENTITLED "EMERALD LAKE PARK MAP NO. 6 A RESUBDIVISION OF LOT 3 & PORTIONS OF LOTS 2 & 4 IN BLOCK 33 OF OAK KNOLL MANOR ALSO LOTS 1 TO 11 INCLUSIVE EMERALD LAKE PARK NO. 2 SAN MATEO COUNTY, CAL.", WHICH MAP WAS FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON JULY 11, 1921 IN BOOK 10 OF MAPS AT PAGE 41, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE EASTERLY LINE OF OAK KNOLL DRIVE WITH THE SOUTHERLY BOUNDARY LINE OF LOT 12, AS SAID DRIVE AND LOT APPEAR ON THE MAP ABOVE MENTIONED; THENCE ON ALONG THE SOUTHERLY BOUNDARY OF LOT 12, SOUTH 82° 40' EAST 106.32 FEET AND NORTH 54° 28' EAST 15 FEET TO THE NORTHEASTERLY BOUNDARY LINE OF LOT 12; THENCE ON AND ALONG THE NORTHEASTERLY BOUNDARY LINE OF LOT 12, NORTH 35° 32' WEST 41.36 FEET; THENCE NORTH 57° 20' WEST 92.72 FEET, MORE OR LESS, TO THE EASTERLY LINE OF OAK KNOLL DRIVE; THENCE SOUTHERLY, ON AND ALONG THE SAID LAST MENTIONED LINE, FOLLOWING THE CURVATURE THEREOF, 82.96 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

TAX CODE AREA

57-15



PARCEL MAP VOL 60/6-8
EMERALD LAKE PARK MAP NO 6 RSM 10/41
OAK KNOLL MAP RSM 10/41

PIQ

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other landmarks and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

EXHIBIT 10



Brian Musante <bmusanterealty@gmail.com>

con. meeting W/ James

James Bonnin <JBonnin@smcacre.org>
To: Brian Musante <bmusanterealty@gmail.com>

Fri, Dec 17, 2021 at 12:07 PM

Hi Brian,

To be more accurate, what I said was that I cannot and will not advocate for any individual or entity. I represent the Assessor's Office only. I cannot confirm or deny the accuracy of the information contained in the hard card you showed me. It is taken at face value and it is simply a document in our archive and serves as our record of the characteristics of the parcel for assessment purposes.

Happy holidays to you and best wishes,

James

From: Brian Musante <bmusanterealty@gmail.com>
Sent: Friday, December 17, 2021 11:37 AM
To: James Bonnin <JBonnin@smcacre.org>
Subject: Fwd: con. meeting W/ James

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

[Quoted text hidden]

Pg#2

Exhibit 11



#9A
F

RECEIVED

JUL 12 2019

San Mateo County
Planning Division

PLN2019-00261



3407 OAKKNOLL
#9B

Left side & Back
GARAGE.

RETAINING WALLS

RECEIVED

JUL 12 2019

San Mateo County
Planning Division



Right side &
STAIRWAY

PLN2019-00261



MAIL BOX

STAIRWAY

Exhibit 12



SEPTIC

GAS





House
Sewer



House
SEWER
LINE





COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT J

Existing Man Hole
Invert El. 269.50

LAKE BLVD.
Existing Sewer 2

Garage

Man Hole to be constructed
Invert El. 267.03

Existing Man Hole

Man Hole to be constructed
Invert El. 266.4

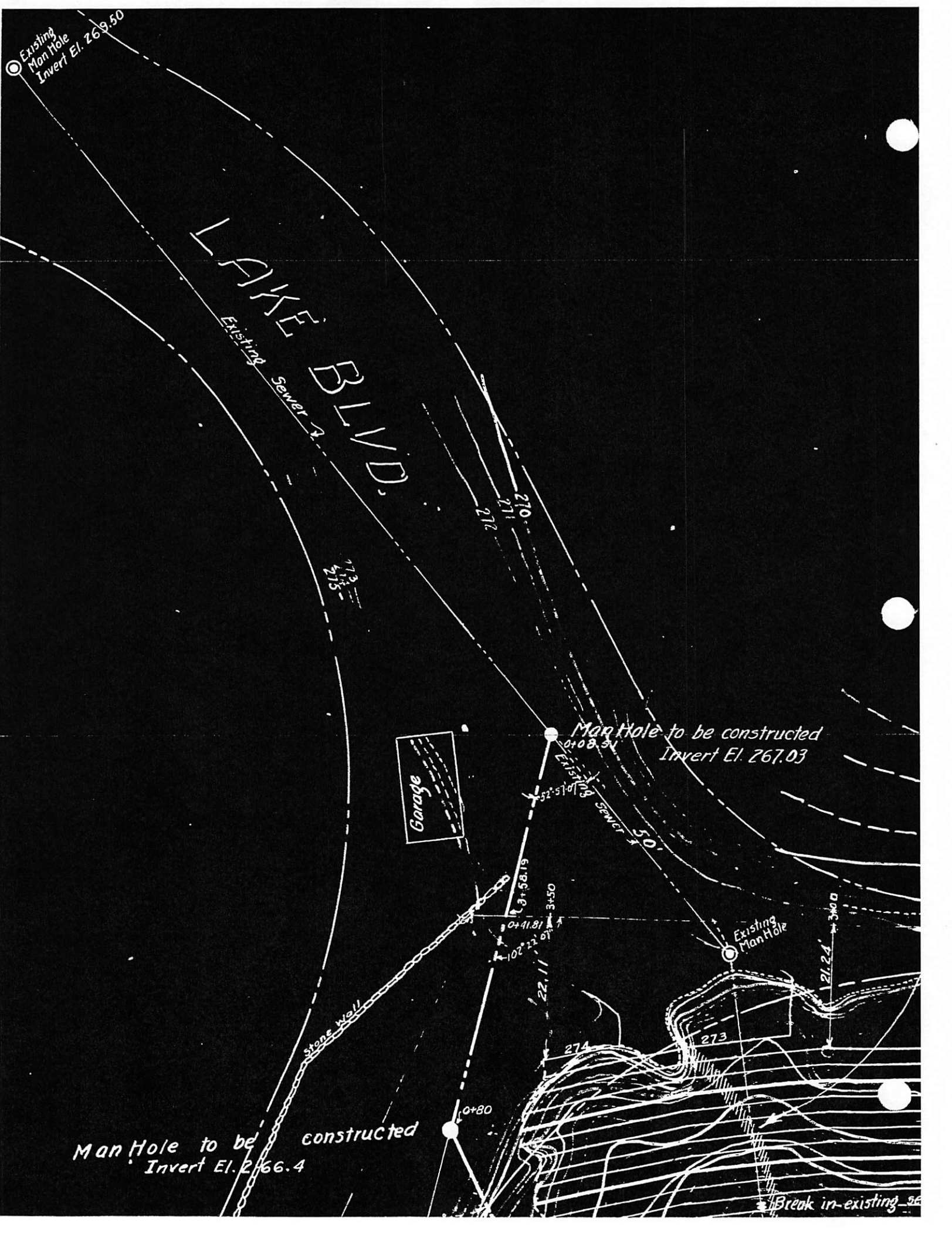
Stone Wall

+0+80

274

273

Break in existing



Emerald Lake

Vista Drive

Oak Knoll Drive



Most northerly corner
tract described in
Vol. 247 Official
Records page 408

Most southerly corner
lot 29 - Emerald Lake
Park Map No 6

Map of
Lots 28+29 of Emerald Lake
Park Map No 6 and
Adjoining property

C.L. Dimmitt
Civil Eng'r

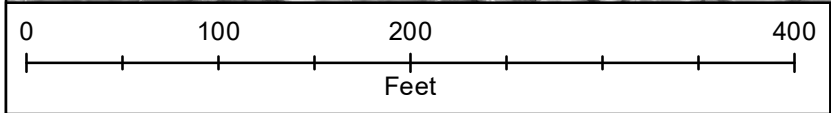


COUNTY OF SAN MATEO - PLANNING AND BUILDING DEPARTMENT

ATTACHMENT K

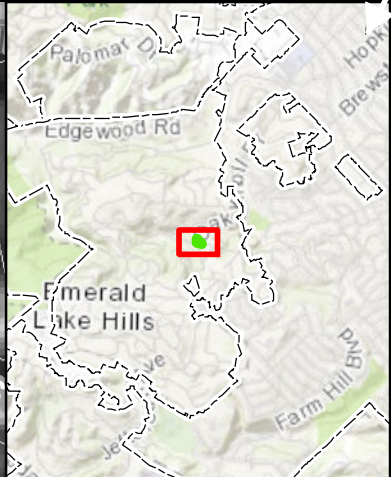


Project Site
(APN: 057-53-290)

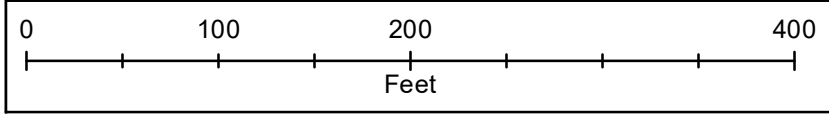


1930 Aerial Photograph

VICINITY MAP



Project Site
(APN: 057-53-290)

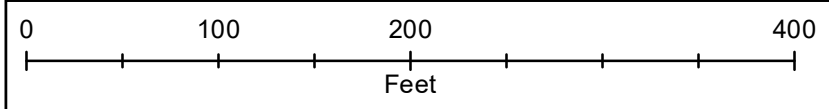
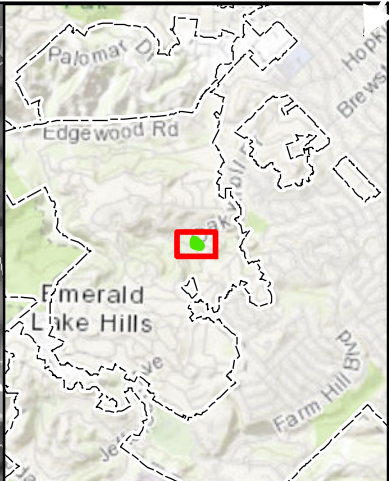


1956 Aerial Photograph

VICINITY MAP



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



1965 Aerial Photograph

VICINITY MAP

