

Dr. Jennifer Nicole Miller, PhD
8 Addison Street
San Francisco, CA 94131

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2025 APR 07 PM03:27

7 April, 2025

VIA HAND DELIVERY

Clerk of the Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

RE: Appeal to Board of Supervisors Regarding Tentative Subdivision Map Regarding 2-4 Addison Street; APN: 7542-033

Dear Sir or Madam,

This letter is an appeal to the Board of Supervisors regarding a Tentative Subdivision Map concerning 2-4 Addison, Street, San Francisco, CA (APN 7542-033) ("Tentative Subdivision Proposal"). Hereafter, 2-4 Addison will be referred to as 4 Addison.

The undersigned is the owner of 8 Addison Street, San Francisco, CA, the adjoining improved residential property to 4 Addison. I received the March 27, 2025 notice regarding 7542-033 proposed subdivision (**Appendix I**: Notice) the evening of 2 April, 2025, giving little time to appeal. The owners, K. Friedman and spouse, of 36 Bemis are out of the country on spring break with their children and by email sent their feedback on the Temporary Map proposal to me to include.

Prior to the notice, I received a demand letter from the legal counsel for the owners of 4 Addison demanding that I remove a purported encroachment comprised of a wall and fence which, along with its predecessor, was constructed decades ago. Counsel for the owners of 4 Addison provided an unsigned, draft 'survey' which should not be relied upon as a survey because it is unsigned, is preliminary, and appears to not accurately portray the boundaries between 2-4 Addison and both 8 Addison and 36 Bemis. The draft 'survey' shows proposed development over a wall and fence connected to 8 Addison and likely also may extend into land owned by 36 Bemis. These discrepancies are ongoing and have not been resolved. I am currently investigating the claims asserted by the owners of 4 Addison.

The subject property sought to be subdivided, 4 Addison, is a vacant, undeveloped lot that is seeking subdivision for the first time since the early 1950s. There are several issues that must be addressed prior to approval of the Temporary Map for 4 Addison. Initially, it should be underscored that the owners of 4 Addison failed to provide a complete, accurate or properly signed and dated survey. The 'survey' also omits pertinent monuments including a tree stump bisecting the property line between 8 Addison and 7542-033. I am currently in dispute with the 4 Addison owners over the accuracy of the property line between 8 Addison and the undeveloped lot at 4 Addison and concerning my right to retain any encroaching wall/fence on 4 Addison.

The proposed subdivision claims the 8 Addison wall and fence encroach by approximately 22 inches onto 4 Addison (**Appendix IIa**: Tunny demand letter; **IIb**: KCA 'survey'). The 8 Addison wall and fence or its predecessor **have been erected in the same location for 60 years, since 1965.**

No disputes existed between the former owner of 4 Addison, A [REDACTED] Gumbs, and the former 8 Addison owners, R [REDACTED] Tabor and E [REDACTED] Cameron, and neither have there been any disputes with Ms. Gumbs after my purchase of 8 Addison despite communication between owners over other work that occurred at or near the property line.

City assessor records describing my property at 8 Addison (APN: 7542-026) (also formerly referred to as lot #14) and 4 Addison have varied in description over the years with detailed plans showing a 10

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1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102

foot sewer easement on 8 Addison (**Appendix III**: Sewer easement and **Appendix IV**: 8 Addison Title). The southern width of 8 Addison on City maps ranges from just over 43 feet to just under 38 feet (**Appendix V**: 1965 map and **Appendix VI**: current map). 4 Addison is described most consistently as 50.06 feet and not 50.3 feet.

Furthermore, SF City ArcGIS maps show the homes on Addison in differing distances from the property line with 4 Addison.

The 8 Addison property has engaged a licensed surveyor who is making an independent assessment of boundary lines. The 4 Addison drawing or draft 'survey' does not document and show the sewer easement at 8 Addison bordering 4 Addison, presumably because the developer was unaware of it. By claiming that the wall and fence are located 22 inches over the property line, it appears that 4 Addison is seeking to build over the sewer easement, which I understand is not allowable. Further, any attempt to usurp 8 Addison's right to maintain the wall and fence and maintain its structure on the easement created by 60 years of use is unwarranted and improper.

Furthermore, the proposed driveway lengths and proposed heights of the 4 and 5 story building are not in keeping with Addison homes or current height limits. All Addison structures are either 1 story or 2 stories over a garage with driveways (**Appendix VII**: Homes on Addison). The proposed structures of 4 and 5 stories will block light to 8 Addison and 36 Bemis unless set further back from the street and modified so as not to block and restrict air and light.

The proposed development must be offset back from the street to be in keeping with the other homes on Addison Street (**Appendix VII**: Homes on Addison). We also would like to see proposed guidelines and plans to prevent disruption of the adjacent properties when building the structures on 4 Addison. Given the steep slope, we are concerned our adjacent land being undermined, resulting in shifting. The 4 Addison Tentative Map must be denied until the adjoining landowner dispute regarding the location of the property line and the rights of 8 Addison in the wall/fence at 8 Addison is determined and resolved. The proposed development must not encroach on the sewer easement and must not encroach on either 8 Addison or 36 Bemis.

Sincerely,



Dr. J. [REDACTED] Miller, PhD
8 Addison Street SF, CA 94131

Cc: Katherine S. Anderson PLS 8499; K. Friedman of 36 Bemis Street San Francisco, CA 94121

Enclosures



March 27, 2025
PID:12498

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SAN FRANCISCO
2025 APR 07 PM03:27

THIS IS NOT A BILL.

Daniel Lurie,
Mayor

This is a notice regarding the approval of a subdivision of real property at the following location:

Address: 2-4 Addison Street
APN: 7542- 033

Carla Short,
Director of Public Works

Public Works has approved Tentative Parcel Map 12498, being a 2 Lot Subdivision and 4 New Condominium Units project on stated parcel.

Project Delivery:
Bureau of Surveys and
Mapping

This notification letter is to inform you of your right to appeal this Tentative Map approval. If you would like to file an appeal of this approval, you must do so in writing with the Clerk of the Board of Supervisors within ten (10) days of the date of this letter along with a check in the amount of \$402.00, payable to SF Public Works.

Office of the
City and County Surveyor

The Clerk of the Board is located at: City Hall of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-5184
<http://sfbos.org/>

Bureau of Surveys and Mapping
49 South Van Ness Ave.,
Suite 900,
San Francisco, CA 94103
Phone: (628)271-2000

Additional information for filing an appeal may be found at the Board of Supervisor's website, under the "Tentative Subdivision Map" link:
<http://sfbos.org/appeal-information>

sfpublicworks.org
facebook.com/sfpublicworks
twitter.com/sfpublicworks

For specific information about property history, zoning, planning applications, building permits, and more, please visit the Department of City Planning's website:
<http://propertymap.sfplanning.org/>

If you have any further questions on this matter, our email address is:
Subdivision.Mapping@sfdpw.org.

Sincerely,

BY: K. Anderson

Katharine S. Anderson, PLS 8499
Interim City and County Surveyor
City and County of San Francisco

REUBEN, JUNIUS & ROSE LLP

Thomas Tunny
ttunny@reubenlaw.com

February 5, 2025

RECEIVED
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SAN FRANCISCO
2025 APR 07 PM03:28

Delivered Via Certified Mail

██████ Miller
8 Addison Street
San Francisco, CA 94131

Re: Permanent Trespass Over 4 Addison Street Property Line

Dear Ms. Miller:

This firm represents S██████ and E██████ O'Neill, owners of the property located at 4 Addison Street, adjoining your property at 8 Addison Street. It is our understanding that Ms. O'Neill has been in communication with you about your encroachments over the property line shared by 4 Addison Street and 8 Addison Street. The attached subdivision map, prepared by a licensed surveyor and recorded in the official records of the City and County of San Francisco, shows the encroachment. (Exhibit A.) No permission was granted for these encroachments to cross the property line.

As you may know, it is a fundamental tenet of California law that the encroachment of built improvements over a property without permission is an unlawful permanent trespass. (*American Empire Surplus Lines Ins. Co. v. G. E. Leach Construction*, 223 Cal.App.3d 226, 229 (1990).) As such, we request that you remove the unlawfully encroaching improvements as soon as possible. The O'Neills are planning the construction of a residential project at their property, and the unlawful improvements would interfere with the project. The State has declared the production of housing one of our most urgent public policy priorities. (See S.B. 330, 2019-2020 Leg., Reg. Sess. (Cal. 2019).)

Thank you for your immediate attention to this matter. Please call me if you have any questions.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP


Thomas Tunny

Enclosure

San Francisco Office
One Bush Street, Suite 600
San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
456 8th Street
Oakland, CA 94607

San Jose Office
300 S. 1st Street, Suite 239
San Jose, CA 95113

www.reubenlaw.com

BOUNDARY NOTES:

PROPERTY AND RIGHT-OF-WAY LINES SHOWN HEREON ARE BASED ON RECORD DATA AND ARE NOT INTENDED TO BE A DETAILED FINAL SURVEY OF THE PROPERTY BOUNDARY AND TO PROVIDE INFORMATION SHOWN HEREON IS FOR PLANNING PURPOSES ONLY, SUBJECT TO TENTATIVE MAP REVIEW.

ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.

ALL DISTANCES ARE MEASURED IN FEET AND DECIMALS THEREOF.

DATE OF SURVEY:

SURVEY INFORMATION IS BASED ON A SURVEY PREPARED BY KCA ENGINEERS IN 2022, PLEASE SEE NO CHANGES SINCE THAT DATE.

SURVEY REFERENCE:

THE SURVEY HEREON WAS BASED ON THE GRANT DEED FILED JULY 5, 2011, AS INSTRUMENT NUMBER 2011-100072 IN THE OFFICE OF THE COUNTY RECORDER.

PROJECT BENCHMARK - DESCRIPTION:

ELEVATIONS BASED ON SAN FRANCISCO HISTORIC CITY DATA IN THE NORTHWEST CORNER, 60' EAST OF THE INTERSECTION OF ADDISON STREET AND BEMIS STREET, CORNER IN NORTH BAY OF SEWER MAINLINE, ELEVATION 351.805.

BASIS OF BEARINGS - DESCRIPTION:

THE MONUMENT LINES WERE FROM MEAL LOST, BETWEEN ADDISON AND DELANEY, FROM PARCEL MAP NO. 1410, 134 ON 117.

CIVIL ENGINEER'S INFORMATION:

PETER J. DENEY
KCA ENGINEERS, INC.
310 BRANNAN STREET
SAN FRANCISCO, CALIFORNIA 94103

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION, AND IS BASED UPON RECORD INFORMATION.

DATE: _____

PETER J. DENEY
KCA ENGINEERS, INC.
LICENSE NO. 14786
LICENSE EXPIRES MARCH 31, 2025

TENTATIVE MAP PARCEL MAP XXXX

A TWO LOT PARCEL MAP WITH, PARCEL A AND PARCEL B, EACH CONTAINING TWO RESIDENTIAL CONDOMINIUM UNITS A SUBDIVISION OF THE PROPERTY DESCRIBED IN THE DEED FILED OCTOBER 28, 2024, AS INSTRUMENT NUMBER 2024-086063 IN THE OFFICE OF THE COUNTY RECORDER.

SAN FRANCISCO

CALIFORNIA

KCA ENGINEERS INC.
CONSULTING CIVIL ENGINEERS

DECEMBER 2024

SCALE: 1" = 30'

SHEET 1 OF 1 SHEETS

APN: 7542-033

4 ADDISON

BOOK 1606 PAGE 780

PARCEL 4.

A right of way easement to reconstruct, maintain, operate and repair the existing sewer and appurtenances beneath the surface of the areas designated "10 FT SEWER EASEMENT" within Lots 14, 21, 22, 23, 24 and 25 of Block 7542, also within Lots 1, 24, 25, 26, 27, 28, 29 and 30 of Block 7543, as shown on said subdivision map.

PARCEL 5.

A right of way easement to reconstruct, maintain, operate and repair the existing electrolrier on the area designated "5' x 5' Public Utility Easement" within Lots 10 and 11 of Block 7544 as shown on said subdivision map.

PARCEL 6.

A right of way easement to reconstruct, maintain, operate and repair the existing electrolrier on the area designated "5' x 5' Public Utility Easement" within Lots 12 and 19 of Block 7544, as shown on said subdivision map.

ALSO, Agency hereby conveys ownership to City of the improvements and facilities already constructed or to be constructed by Agency in or on all of the above described parcels.

This grant is made subject to the condition that Agency and its successors in interest shall not erect structures nor plant trees or large shrubs on the areas within said parcels, nor use the same for any purpose which will interfere with the City's rights hereunder or damage the City's improvements and facilities therein; provided, however, that Agency and its successors in interest may plant lawns and flowers on the surface of the lands within such easement areas wherein City's facilities are installed underground.

IN WITNESS WHEREOF, Agency has executed this conveyance this 20th day of June, 1963.

Authorized by Agency Resolution No. 51-63 adopted April 23, 1963.

Form Approved:
Henry F. Davis
Henry F. Davis
Agency General Counsel

Agency Real Estate Division Approval:

By George H. Emission

Agency Engineering Division Approval:

By P. L. Williams

REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO, a public body, corporate and politic,

By [Signature]
Executive Director

By [Signature]
Secretary

Acceptance, authorized by Board of Supervisors Resolution No. 331-63, adopted June 10, 1963.

110616 JUN20 1963

BOOK 1606 PAGE 779

EASEMENT DEED

REDEVELOPMENT AGENCY OF THE CITY AND COUNTY OF SAN FRANCISCO, a public body, corporate and politic, the first party, hereinafter referred to as "Agency", hereby grants, without warranty, to CITY AND COUNTY OF SAN FRANCISCO, a municipal corporation, the second party, hereinafter referred to as "City", the following described easements in, over and along certain real property situated in the City and County of San Francisco, State of California, the locations and dimensions of which easements are delineated on the subdivision "Map of Unit Three of Diamond Heights, San Francisco, California," recorded in the office of the Recorder of said City and County on June 20, 1963, in Book "U" of Maps, at pages 7 and 8, to-wit:

PARCEL 1.

A right of way easement to reconstruct, maintain, operate and repair the existing sewer and appurtenances beneath the surface of the area designated "SEWER EASEMENT" within Lots 25 to 33, inclusive, of Block 7538, as shown on said subdivision map.

PARCEL 2.

A right of way easement to reconstruct, maintain, operate and repair the existing sewer and appurtenances beneath the surface of and the drainage channel on, the following described 10 foot wide strip of land, together with the right to construct, reconstruct, maintain, operate and repair public utilities therein:

Beginning at the most southerly corner of Lot 8 in Block 7540 of said subdivision; running thence along the southeasterly line of said Lot 8 and its northeasterly extension north $68^{\circ} 00'$ east 162.245 feet to a point on the southwesterly line of Beacon Street; thence along last named line south $34^{\circ} 48' 21''$ east 10.255 feet; thence south $68^{\circ} 00'$ west 164.412 feet to a point on the northeasterly line of Digby Street; thence along last named line north $22^{\circ} 34'$ west 8.714 feet; thence continuing along last named line on a curve to the left, tangent to the preceding course, radius 120 feet, central angle $0^{\circ} 36' 52''$, an arc distance of 1.287 feet to the point of beginning.

PARCEL 3.

A right of way easement to reconstruct, maintain, operate and repair the existing sewer and appurtenances beneath the surface of the following described strip of land:

Beginning at a point on the northeasterly line of Lot 14 in Block 7541 of said subdivision, distant thereon north $34^{\circ} 48' 21''$ west 35 feet from the most easterly corner of said Lot 14; running thence north $34^{\circ} 48' 21''$ west 305.541 feet to the most northerly corner of Lot 8 in Block 7540 of said subdivision, thence north $49^{\circ} 41' 30''$ east 5.023 feet to the most southerly corner of Lot 6 in said Block 7540; thence along the southwesterly line of said Lot 6 north $34^{\circ} 48' 21''$ west 68.734 feet; thence south $55^{\circ} 11' 39''$ west 15 feet; thence south $34^{\circ} 02' 50''$ east 374.791 feet; thence north $55^{\circ} 11' 39''$ east 15 feet to the point of beginning.

110845 JUN20'63

1 inch = 47 feet

Appendix IV p1 of 1



Legend

-  Property
-  Item #8 - Sewer Easement

Chicago Title Company
1929 Market Street
San Francisco, CA 94103

Title Order No. : FWPN-3651501801-A

Drawing Date: 10/21/2015

Reference : Chicago Title Company

APN/Parcel ID : Block 7542, Lot 26

Property : 8 Addison Street, San Francisco, CA

County: San Francisco

Any discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose and are not shown by the public records. This plat is for your aid in locating your land with reference to streets and other parcels. While this plat is believed to be correct, the company assumes no liability for and reason of reliance thereon.

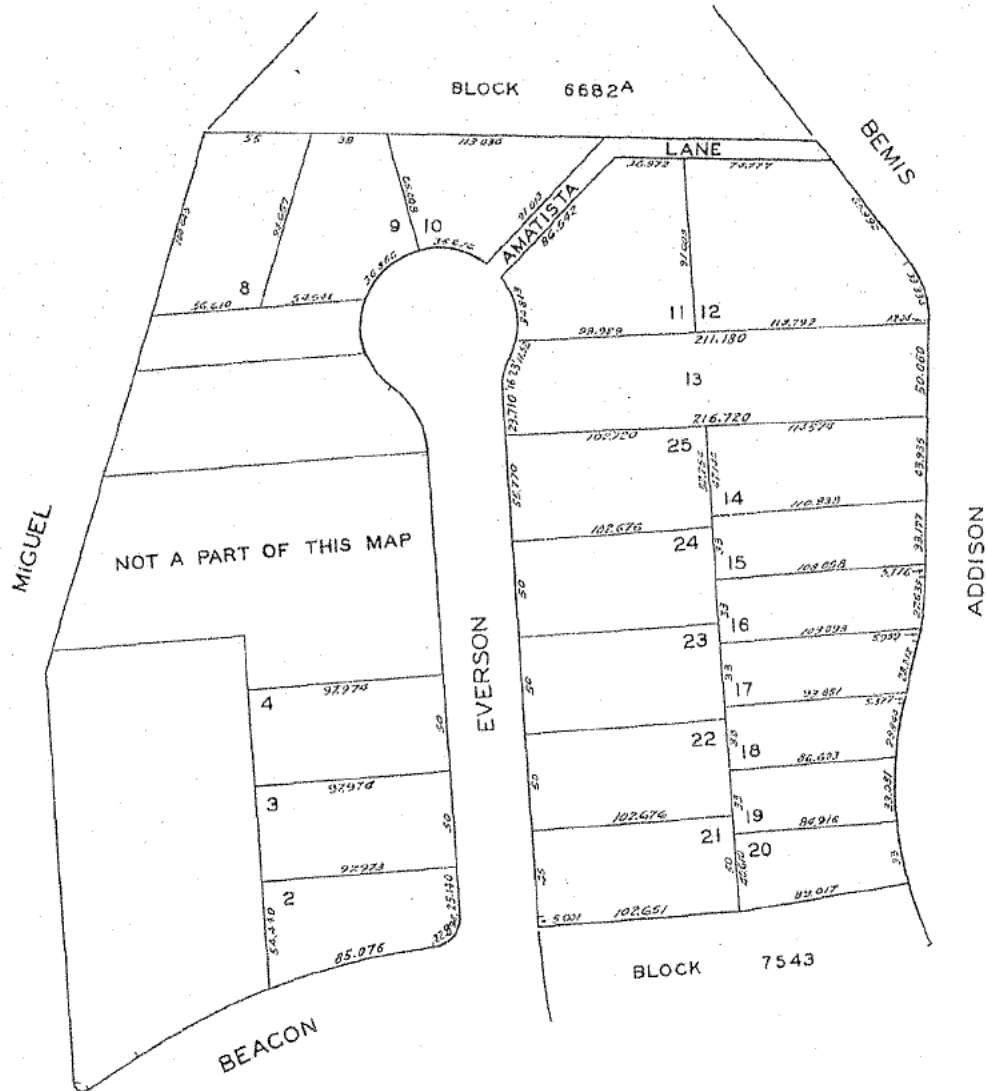
LOT 26, IN BLOCK 7542, AS SAID LOT AND BLOCK ARE DELINEATED AND SO DESIGNATED ON MAP ENTITLED, "RECORD OF SURVEY OF LOTS 14 TO 20, BLOCK NO. 7542, DIAMOND HEIGHTS UNIT NO. 3, SAN FRANCISCO, CALIFORNIA", FILED IN THE OFFICE OF THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA, ON NOVEMBER 5, 1964 IN MAP BOOK "U" AT PAGE 54.

Sheet
1 of 1

7542

DIAMOND HEIGHTS UNIT 3

Revised 1964

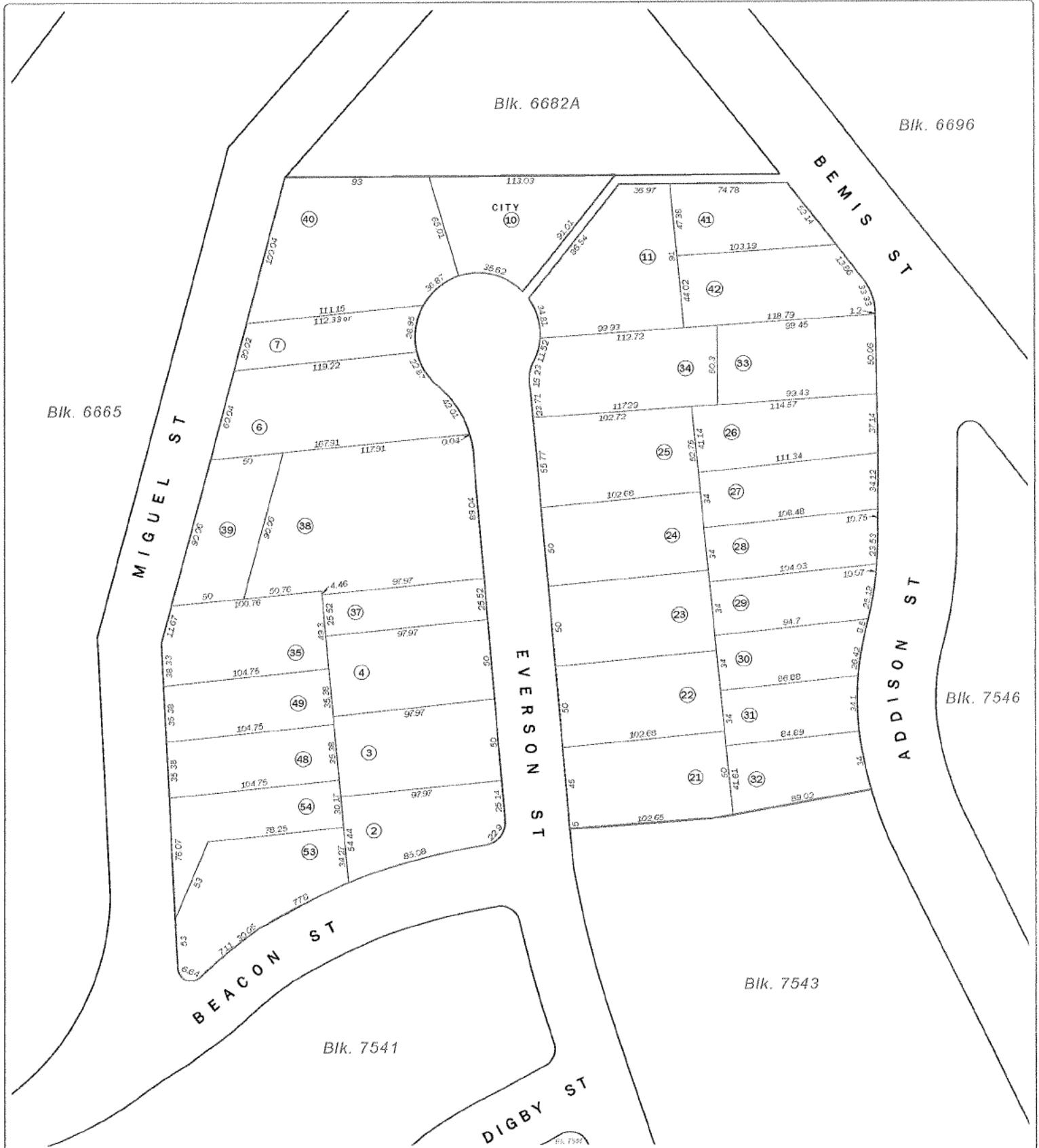


'14' is now 7542-026

8 Addison St SF, CA

'13' is now 7542-033

This map: 743' at 8 Addison



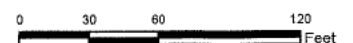
SAN FRANCISCO CITY & COUNTY ASSESSOR'S BLOCK MAP

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

This map has typo
for 7542-026:
should be 37.914
not 37.14



REVISED 2022



Revision History

From Lot	Change	To Lot	Year
Formerly Blk 6697	into	13	1964
13	into	33-34	1965
Formerly Blk 6682	into	5-7, 35-36	1966
5	into	37-39	1971
8, 9	into	40	1972
6, 38	into	6, 38	1976
36	into	48-50	2001
51, 52	into	53, 54	2022

**SAN FRANCISCO CITY & COUNTY
ASSESSOR'S BLOCK MAP**

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT
PURPOSES ONLY. ASSESSOR'S PARCELS MAY NOT COMPLY
WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

1511 2nd St San Francisco
CA 94103-5425
P.O. Box 5425
P.O. Box 5425



36 Bemis

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2025 APR 07 PM03:29

J NICOLE MILLER

262

11-4288/1210 4336

6 April 2025
date

PAY to the order of SF Public Works \$ 402.00
Four hundred two and 00/100 dollars



Wells Fargo Bank, N.A.
California
wellsfargo.com



Photo
Safe
Deposit
Details on back

for app'd p.c. 7542-033

[Signature]

MP