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BOARD OF SUPERVISORS
SAN FRANCISCO

2015 SEP -3 AM 10:48

September 2, 2015

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

Re: Appeal of Tentative Final Subdivision Maps for Parkmerced Project.

To the Clerk of the Board of Supervisors:

On behalf of the Parkmerced Action Coalition and its members who are tenants of Parkmerced, I am filing this appeal to ask the Board of Supervisors to review and reverse the decision of the City and County Surveyor granting tentative approval to three tentative final subdivision maps: Development blocks 20, 21S and 22 (assessor's blocks 7326, 7330, 7331, 7364, 7365, 7366, and 7370), Development Block 6 (assessor's block 7335), and Development Block 1 (assessor's blocks 7303, 7303-A, 7308, and 7333-D). The bases for this appeal are laid out briefly below, and will be elaborated at greater length in a brief that will be filed once this appeal has been set for hearing.

BASES FOR APPEAL

The bases for this appeal are as follows:

1. Violation of Right of Due Process: In violation of the provisions of the California Constitution and the United State Constitution, the subdivision approval denied my clients their right of due process, and specifically the right to adequate notice and an adequate opportunity to be heard.

These subdivision approvals were given administratively with no prior notice to my clients, who will be directly and adversely affected by these approvals. Nor were my clients provided an opportunity to be heard prior to the granting of these approvals.

The notice of subdivision approval was only sent to properties within 300 feet of the proposed subdivisions. However, given the size and density of the subdivisions, their significant effects, including effects on property values, will extend far beyond 300 feet. Therefore the notice also fails to comply with due process requirements in terms of those being notified.

In addition, my clients were only provided notice of their right to appeal the approvals after the approvals had already been granted, and while the notice theoretically gave ten days, starting on August 24, 2015, in which to appeal, it was not received by my clients until August 26th at the earliest. After reviewing the bare-bones notice they received, on August 28th my clients requested, via e-mail, copies of the maps for their review.

On August 31st, they were provided, via e-mail, links to download copies of the maps. This allowed my clients only three days to review the complex information contained in the subdivision maps, as well as to research other problems with the subdivision approvals. Given the amount of research required, this is clearly inadequate. For this reason, my clients reserve the right to add additional issues to this appeal that could not be adequately reviewed in the limited time available. Further, it is unclear whether the notice was made available in any language other than English. Thus inadequate notice was given non-English-speaking residents of the area.

2. Inconsistency between Notice and Maps: A preliminary review of the maps appears to indicate that they are inconsistent with the notice of subdivision approval. This would make the notice inaccurate and therefore inadequate on that basis alone. Further, the notice indicated that blocks beyond those for which maps were provided were also approved; yet only three maps were provided. Either the notice or the documentation was in error, and in either case the inconsistency requires that the approvals be renoticed with a consistent set of maps and adequate time to review the maps.
3. Inadequacy of documentation for subdivision approvals: According to the Department of Public Works Order #183447 (3/15/15), the subdivision maps should have been accompanied by supporting materials, including a notification list, description of community benefits, and other documents. It does not appear that these were provided and considered, or at least they were not provided in response to my clients' request.
4. It is unclear from the documentation provided whether actions necessary for subdivision approval have been taken: a) whether high pressure fire safety lines have been provided within all the subdivision areas, b) whether the high-rise buildings in the area have been conformed to meet required seismic safety standards, c) whether all water and sewer line changes have been reviewed and approved, d) whether a replanting plan has been prepared and approved for the subdivision areas, e) whether the community benefits that were to accompany subdivision approval have been confirmed, f) whether all necessary mitigation measures identified in the project approvals or the development agreement have been completed or committed to.
5. Questions about Project Ownership: There is a considerable degree of question about the actual ownership of the properties included in these subdivision approvals. My clients' attempts to obtain a complete history of the title for the project parcels have been thwarted by the fact that the Assessor/Recorder's office does not appear to have in its possession the microfiches for the 1930's and early 1940's when crucial changes in ownership, including transfer of title to Metropolitan Life Insurance Company, would have occurred. The lack of these documents means that there is a cloud over whether actual ownership of the parcels is validly held by the current purported owner/developer of the property. This cloud must be cleared up and resolved before any actual construction of the project begins. Otherwise, literally hundreds of millions of dollars may be wasted. Much more recently, on November 10, 2014, three deeds were recorded: (DOC-2014-J970573-00) transferring blocks/lots from Parkmerced Investors, LLC, a Delaware LLC to Maximus PM Mezzanine 2, LLC a Delaware LLC; (DOC-2014-J970573-00) transferring the same block/lots from Maximus PM Mezzanine 2, LLC a Delaware LLC to Maximus PM Mezzanine 1, LLC a Delaware LLC; and (DOC-2014-J970573-00), transferring the same

blocks and lots from Maximus PM Mezzanine 1, LLC a Delaware LLC to Parkmerced Owners, LLC, a Delaware LLC. The authorized agent on all of these deeds and for all of the companies listed was Robert Rosania – President of all four companies. This filing of three deeds for the same property within minutes on the same day is highly unusual and the purposes of these transfers needs to be investigated and explained.

In addition, the Subdivision Maps indicate that the owner is “Parkmerced Owners, LLC” located at 345 Vidal Drive, San Francisco. However, the California Secretary of State shows no such LLC, although it does show a Delaware LLC, “Parkmerced Owner, LLC” with offices at 575 Florida St., Ste. 150 in San Francisco. The discrepancy must be clarified.

6. Tax Liability: It is unclear at the moment whether taxes for the subdivision parcels have been paid, as is required. As of May 2015, one of the parcels, 7236-001 showed \$791,954.80 of tax due. Unfortunately, the City’s tax website is currently down for maintenance, so updated information was not available for September 1.

For all of the above reasons, the subdivision approvals should be reversed and the matter remanded for further investigation prior to any reconsideration of approval.

Most Sincerely,

Stuart M. Flashman
Robert Cheasty

Attorneys for Parkmerced action Coalition

By: *Stuart M. Flashman*
Stuart M. Flashman



Date: 8/24/2015

THIS IS NOT A BILL.

The City and County Surveyor has approved a tentative map for a proposed subdivision located within Parkmerced at:

Edwin M. Lee
Mayor

Mohammed Nuru
Director

Jerry Sanguinetti
Bureau of Street Use & Mapping
Manager

Bruce R. Storrs P.L.S.
City and County Surveyor

Bureau of Street Use & Mapping
1155 Market St., 3rd floor
San Francisco, CA 94103
tel (415) 554-5827
Subdivision.Mapping@sfdpw.org

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

Project ID	Address	Block-Lot
8530	111-125 CAMBON DR, 100-150 FONT BLVD, 20 FONT BLVD, and 55 CHUMASERO DR	7303-001, 7303-A-001, 7308-001, 7309-001, 7309-A-001, 7310-001, 7311-001, 7315-001, 7316-001, 7317-001, 7318-001, 7319-001, 7320-003, 7321-001, 7322-001, 7323-001, 7235-001, 7326-001, 7330-001, 7331-004, 7332-004, 7333-001, 7333-003, 7333-A-001, 7333-B-001, 7333-C-001, 7333-C-001, 7333-D-001, 7333-E-001, 7334-001, 7335-001, 7336-001, 7337-001, 7338-001, 7339-001, 7340-001, 7341-001, 7342-001, 7343-001, 7344-001, 7345-001, 7345-A-001, 7345-B-001, 7345-C-001, 7356-001, 7357-001, 7358-001, 7359-001, 7360-001, 7361-001, 7362-001, 7363-001, 7364-001, 7365-001, 7366-001, 7367-001, 7368-001, 7369-001, and 7370-001
8531	2-28 BUCARELI DR, 401-425 FONT BLVD, 700-750 GONZALEZ DR, 810 GONZALEZ DR, 80-116 JUAN BAUTISTA CIRCLE, 301-355 SERRANO DR, and 405 SERRANO DR	
8532	310-350 ARBALLO DR	

This subdivision will result in:

Lot & Condominium Subdivision

This notification letter is to inform you of your right to appeal this tentative approval.

IF YOU WOULD LIKE TO FILE AN APPEAL OF THE TENTATIVE 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 **\$298.00**, payable to SF Public Works.

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

If you have any questions on this matter, please call us at (415) 554 – 5827 or our email address: Subdivision.Mapping@sfdpw.org.

Sincerely,

Bruce R. Storrs, P.L.S.
City and County Surveyor
City and County of San Francisco

PARKMERGED ACTION COALITION
P.O. BOX 320025
SAN FRANCISCO, CA 94132

543
11-7650/3210

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9/2/15

Date

Pay to the
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Two hundred ninety-eight

\$ *298.00*

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SF Fire Credit Union
3201 California Street
San Francisco, CA 94118-1903
(415) 499 FIRE www.sffcu.org

For

Appeal

*Parkmerged Action
Coalition*

Harland Clarke