

1 [Settlement of Lawsuit - Adam Smith, et al. - \$130,401.66]

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3 **Ordinance authorizing settlement of the lawsuit filed by Adam Smith, et al., against the**  
4 **City and County of San Francisco for return of the Expedited Conversion Program fee**  
5 **in the amount of \$130,401.66; the lawsuit was filed on September 28, 2021, in San**  
6 **Francisco Superior Court, Case No. CPF-21-517578; entitled Adam Smith, et al. v. City**  
7 **and County of San Francisco; the lawsuit challenges the Board of Supervisors' denial**  
8 **of Petitioners' application to convert their six-unit building at 424-434 Francisco Street**  
9 **to condominiums under the City's Expedited Conversion Program (Subd. Code,**  
10 **Section 1396.4); the settlement includes return of Petitioners' Expedited Conversion**  
11 **Program fee and waiver of the City's litigation costs; other material terms of the**  
12 **settlement are the parties' agreement to withdraw their respective appeals.**

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14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby  
16 authorizes the City Attorney to settle the action entitled Adam Smith, et al. v. City and County  
17 of San Francisco, San Francisco Superior Court, Case No. CPF-21-517578, First District  
18 Court of Appeal, Case No. A168462, by the return of Petitioners' Expedited Conversion  
19 Program fee in the amount of \$130,401.66 and waiver of the City's litigation costs in the  
20 amount of \$1325.00. The lawsuit involves a challenge to the Board of Supervisors' denial of  
21 Petitioners' application to convert their six-unit building at 424–434 Francisco Street to  
22 condominiums under the City's Expedited Conversion Program (Subd. Code, § 1396.4), and  
23 alleges both abuse of discretion and violation of equal protection rights.

24 Section 2. The above-named action was filed in San Francisco Superior Court on  
25 September 28, 2021, and the following parties were named in the lawsuit: Petitioners Adam

1 Smith, Brian Barnard, Sara Plummer, Johnny Vu, Manoj Marathe, Zofia Beczek Marathe,  
2 Sherlyn Chew, Lena Lionetti, and Larry Lionetti; and Respondent City and County of San  
3 Francisco.

4 Section 3. The Board of Supervisors authorizes the Director of Public Works and other  
5 applicable City officials to take all actions reasonably necessary to perform the City's  
6 obligations under the Settlement Agreement.

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10 APPROVED AS TO FORM AND  
11 RECOMMENDED:

12 DAVID CHIU  
13 City Attorney

14 /s/ AUSTIN YANG  
15 AUSTIN YANG  
16 Chief Land Use Deputy

RECOMMENDED:

San Francisco Public Works

/s/  
CARLA SHORT  
Director of Public Works

17 FUNDS AVAILABLE:

18 /s/ Michelle Allersma for Ben Rosenfield  
19 BEN ROSENFELD  
20 Controller

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