

1 [Settlement of Lawsuits - 765 Market Street Residential Owners Association - City to Consider
2 Pedestrian and Traffic Improvements]

3 **Ordinance authorizing settlement of the lawsuits filed by 765 Market Street Residential**
4 **Owners Association, et al., against the City and County of San Francisco; the first**
5 **lawsuit was filed on August 16, 2013, in Sacramento Superior Court, Case No. 34-2013-**
6 **80001609 and then transferred to San Francisco Superior Court, Case No. CPF-14-**
7 **513433, and appealed to the First Appellate District for the Court of Appeal of the State**
8 **of California, Case No. A143980, entitled 765 Market Street Residential Owners**
9 **Association, et al. v. City and County of San Francisco, et al.; the second lawsuit was**
10 **filed on June 19, 2014, in San Francisco Superior Court, Case No. CPF-14-540094, and**
11 **appealed to the First Appellate District for the Court of Appeal of the State of California,**
12 **Case No. A143983, entitled 765 Market Street Residential Owners Association, et al. v.**
13 **City and County of San Francisco, et al.; material terms of said settlement include the**
14 **City's commitment to initiate consideration of installing of a crosswalk at Third Street**
15 **and Stevenson Street, revising signal timing and offsets on Third Street, and relocating**
16 **the pedestrian signal at Third Street; and the commitment of Real Party in Interest, 706**
17 **Mission Street Co., LLC, to donate \$100,000 to the City to offset costs to fund the**
18 **improvements if they are approved by the City.**

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

21 Section 1. Pursuant to Charter, Section 6.102(5), the Board of Supervisors hereby
22 authorizes the City Attorney to settle the actions entitled 765 Market Street Residential
23 Owners Association, et al. v. City and County of San Francisco, et al., First Appellate District
24 for the Court of Appeal of the State of California, A143980 (San Francisco Superior Court,
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1 Case No. CPF-14-513433), and 765 Market Street Residential Owners Association, et al. v.
2 City and County of San Francisco, et al., First Appellate District for the Court of Appeal of the
3 State of California, A143983 (San Francisco Superior Court, Case No. CPF-14-540094), by
4 the material terms as set forth in the Settlement Agreement contained in Board of Supervisors
5 File No. 151250. The material terms of the Settlement Agreement include the City's
6 agreement to consider installation of a crosswalk at Third Street and Stevenson Street,
7 revision of signal timing and offsets on Third Street, and relocation of the pedestrian signal at
8 Third Street and, if appropriate, to recommend approval by the Municipal Transportation
9 Agency. If approved, Real Party in Interest, 706 Mission Street Co., LLC, has committed to
10 donate \$100,000 to the City to offset costs of the improvements.

11 Section 2. The first action described above was filed in Sacramento Superior Court on
12 August 16, 2013, and the following parties were named in the lawsuit: Petitioners 765 Market
13 Street Residential Owners Association, Friends of Yerba Buena, Paul Sedway, Ron Wornick,
14 Matthew Schoenberg, Joe Fang, and Margaret Collins; Respondents City and County of San
15 Francisco, and Successor Agency to the Redevelopment Agency of the City and County of
16 San Francisco; and numerous Real Parties in Interest including 706 Mission Street Co., LLC,
17 Millennium Partners, and the Mexican Museum. The second action described above was filed
18 in San Francisco Superior Court on June 19, 2014, and the following parties were named in
19 the lawsuit: Petitioners 765 Market Street Residential Owners Association, Friends of Yerba
20 Buena, Paul Sedway, Ron Wornick, Matthew Schoenberg, Joe Fang, and Margaret Collins;
21 Respondents City and County of San Francisco; and numerous Real Parties in Interest
22 including Successor Agency to the Redevelopment Agency of the City and County of San
23 Francisco, 706 Mission Street Co., LLC, Millennium Partners, and the Mexican Museum.

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APPROVED AS TO FORM AND
RECOMMENDED:

DENNIS J. HERRERA
City Attorney

ROBB W. KAPLA
Deputy City Attorney

RECOMMENDED:

SAN FRANCISCO DEPARTMENT OF
PUBLIC WORKS

MOHAMMED NURU
DIRECTOR

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