

File No. 241054

Committee Item No. 13

Board Item No. 8

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Government Audit and Oversight

Date: November 21, 2024

Board of Supervisors Meeting:

Date: December 10, 2024

#### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU - FY2022-2024 - Clean
- MOU - FY2022-2024 - Redline
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract / DRAFT Mills Act Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

#### OTHER

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- \_\_\_\_\_
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Prepared by: Monique Crayton

Date: November 15, 2024

Prepared by: Monique Crayton

Date: November 27, 2024

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Settlement of Lawsuit - Michael J. Turon - 2722–2724 Folsom Street]

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3 **Ordinance authorizing settlement of the lawsuit filed by Michael J. Turon against the**  
4 **City and County of San Francisco; the lawsuit was filed on October 1, 2021, in the**  
5 **United States District Court, Northern District of California, Case No. 21-cv-07724;**  
6 **entitled Michael J. Turon v. City and County of San Francisco, et al.; the lawsuit**  
7 **involves challenges to suspension of certain building permits for the property at 2722-**  
8 **2724 Folsom Street; material terms of the settlement are plaintiff agrees to seek**  
9 **conditional use authorization to remove an unauthorized dwelling unit through merger**  
10 **and agrees to construct a detached accessory dwelling unit in an existing rear-yard**  
11 **structure at the property, construction of which will be secured by a stipulated**  
12 **injunction requiring plaintiff to pay liquidated damages to the City if the accessory**  
13 **dwelling unit is not completed, and in exchange the City will lift the suspension on the**  
14 **subject permits, issue the pending permit to complete work at the property, and close**  
15 **its pending enforcement actions.**

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

18 Section 1. Pursuant to Charter Section 6.102(5), the Board of Supervisors hereby  
19 authorizes the City Attorney to settle the action entitled Michael J. Turon v. City and County of  
20 San Francisco, et al., United States District Court, Northern District of California, Case No.  
21 Case No. 21-cv-07724. Under the settlement, the plaintiff will pursue a conditional use  
22 authorization to remove an unauthorized dwelling unit by merger and construct a detached  
23 accessory dwelling unit in an existing rear-yard structure at the subject property, the  
24 construction of which will be secured by a stipulated injunction requiring plaintiff to pay  
25 liquidated damages to the City if the accessory dwelling unit is not completed. In exchange,

1 the City will lift the suspension on the subject permits, issue the pending permit to complete  
2 work at the property, and close its pending enforcement actions. The lawsuit involves  
3 Constitutional and State law challenges to suspension of certain building permits for the  
4 property at 2722–2724 Folsom Street.

5 Section 2. The above-named action was filed in United States District Court, Northern  
6 District of California on October 1, 2021, and the following parties were named in the lawsuit:  
7 Michael J. Turon, Plaintiff and Petitioner; City and County of San Francisco, San Francisco  
8 Planning Department, San Francisco Board of Appeals, San Francisco Zoning Administrator,  
9 and Does 1-10, Defendants and Respondents.

10 Section 3. The Board of Supervisors authorizes the Zoning Administrator and the  
11 Directors of Planning and the Department of Building Inspection and other applicable City  
12 officials to take all actions reasonably necessary to perform the City’s obligations under the  
13 Settlement Agreement.

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16 APPROVED AS TO FORM AND  
17 RECOMMENDED:

18 DAVID CHIU  
19 City Attorney

20 /s/  
21 AUSTIN YANG  
22 Chief Land Use Deputy

RECOMMENDED:

PLANNING DEPARTMENT

23 /s/  
24 RICH HILLIS  
25 Planning Director

DEPARTMENT OF BUILDING INSPECTION

/s/  
PATRICK O'RIORDAN  
Director

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