

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:

RECOMMENDED:

12 DAVID CHIU
13 City Attorney

San Francisco Public Works

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

/s/
17 CARLA SHORT
18 Director of Public Works

19 FUNDS AVAILABLE:

20 /s/ Michelle Allersma for Ben Rosenfield
21 BEN ROSENFELD
22 Controller

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City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 230996

Date Passed: November 07, 2023

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

October 19, 2023 Government Audit and Oversight Committee - RECOMMENDED..

October 31, 2023 Board of Supervisors - PASSED ON FIRST READING

Ayes: 10 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Ronen, Safai, Stefani and Walton

Excused: 1 - Preston

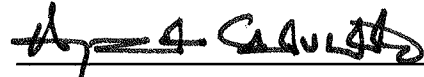
November 07, 2023 Board of Supervisors - FINALLY PASSED

Ayes: 9 - Chan, Dorsey, Engardio, Mandelman, Peskin, Preston, Safai, Stefani and Walton


Excused: 2 - Melgar and Ronen

File No. 230996

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 11/7/2023 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



London N. Breed
Mayor

11/17/23

Date Approved