

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.**

19  
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,  
25

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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**City and County of San Francisco**  
**Tails**  
**Ordinance**

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

**File Number:** 151250

**Date Passed:** February 09, 2016

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

January 21, 2016 Government Audit and Oversight Committee - RECOMMENDED..

February 02, 2016 Board of Supervisors - PASSED, ON FIRST READING

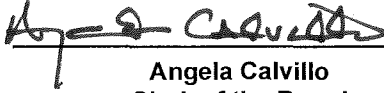
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

February 09, 2016 Board of Supervisors - FINALLY PASSED

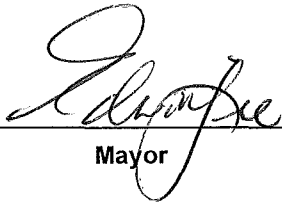
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 151250

I hereby certify that the foregoing  
Ordinance was FINALLY PASSED on  
2/9/2016 by the Board of Supervisors of the  
City and County of San Francisco.



Angela Calvillo  
Clerk of the Board



Mayor

2/10/16

Date Approved