

1 [Settlement of Lawsuit - Winfield International, Inc. - \$500,000]

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3 **Ordinance authorizing settlement of the lawsuit filed by Winfield International, Inc.**
4 **against the City and County of San Francisco for a payment by Winfield International,**
5 **Inc. of \$500,000; the lawsuit was filed on March 20, 2017, in San Francisco Superior**
6 **Court, Case No. CPF-17-515532 (Appeal No. A153209); entitled Winfield International,**
7 **Inc. v. City and County of San Francisco; the lawsuit challenges the City's enforcement**
8 **of the Below Market Rate housing conditions of approval applicable to Petitioner's real**
9 **property located at 3000 23rd Street; other material terms of the settlement include**
10 **recording a notice of special restrictions reflecting the Below Market Rate conditions of**
11 **Approval applicable to the real property; and a 12-month extension and related lease**
12 **terms for the current tenant of Unit No. 205.**

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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 Winfield International, Inc. v. City and
17 County of San Francisco, San Francisco Superior Court, Case No. CPF-17-515532 (Appeal
18 No. A153209) by the payment by Winfield International, Inc. of \$500,000; recording a notice of
19 special restrictions reflecting the Below Market Rate conditions of Approval applicable to the
20 real property located at 3000 23rd Street ("Property"); and a 12-month extension and related
21 lease terms for the current tenant of Unit No. 205. The lawsuit involves a challenge to the
22 City's enforcement of the Below Market Rate (BMR) Conditions of Approval imposed on
23 Petitioners' property in connection with the Conditional Use Authorization and the subdivision
24 map approval for the Property.

1 Section 2. The above-named action was filed in San Francisco Superior Court on
2 March 20, 2017, and the following parties were named in the lawsuit: Winfield International,
3 Inc., and the City and County of San Francisco.

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5 APPROVED AS TO FORM AND
6 RECOMMENDED:

7 DENNIS J. HERRERA
8 City Attorney

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KATE HERRMANN STACY
10 Deputy City Attorney

RECOMMENDED:

Kate Hartley
Director
Mayor's Office of Housing and
Community Development

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