

1 [Settlement of Lawsuit – Waterfront Watch - \$225,000]

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3 **Ordinance authorizing settlement of the lawsuit filed by Waterfront Watch against the**
4 **City and County of San Francisco for \$225,000; the lawsuit was filed on February 23,**
5 **2012, in San Francisco Superior Court, Case No. CPF-12-511968; entitled Waterfront**
6 **Watch, et al., v. City and County of San Francisco, et al.; other material terms of said**
7 **settlement are establishing a process for review of Pier 29 rehabilitation work, Port**
8 **technical assistance to reduce air emissions at Pier 27, agreement not to place a**
9 **Jumbotron on the water in Aquatic Park Lagoon.**

10 NOTE: Additions are *single-underline italics Times New Roman*;
11 deletions are ~~*strike-through italics Times New Roman*~~.
12 Board amendment additions are double-underlined;
13 Board amendment deletions are ~~strike through normal~~.

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

15 Section 1. The City Attorney is hereby authorized to settle the action entitled
16 Waterfront Watch, et al., v. City and County of San Francisco, et al., San Francisco Superior
17 Court, Court No. CPF-12-511968 by the payment of \$75,000 for attorneys' fees and
18 \$150,000 to conduct a bird study, and on such other material terms as set forth in the
19 Settlement Agreement and General Release contained in Board of Supervisors File No.
20 120615, or such amended terms as do not materially increase the City's obligations or
21 decrease the City's benefits.

22 Section 2. The above-named action was filed in San Francisco Superior Court on
23 February 23, 2012, and the following parties were named in the lawsuit: Petitioners
24 Waterfront Watch and Does 1 – 10; Respondents City and County of San Francisco, and
25 numerous Real Parties in Interest including America's Cup Event Authority, San Francisco

1 America's Cup Organizing Committee, America's Cup Race Management, potential racing
2 teams including Golden Gate Yacht Club of San Francisco, Oracle Racing, Inc, Club
3 Nautico di Roma, Mascalzone Latino, Kungliga Svenska Segel Sallskapet, Artemis Racing,
4 Royal New Zealand Yacht Squadron, *et al.*, and the United States Army Corps of Engineers,
5 Winzler & Kelly Constructors & Structus Inc. Joint Venture, Dutra Construction Co. Inc.,
6 Kaplan McLaughlin, Diaz Architects & Pfau Long Architecture Joint Venture, and Turner
7 Construction Company.

8 Section 3. This Board reviewed the environmental impact report prepared for the
9 Cruise Terminal Project and the 34th America's Cup Project and approved the 34th America's
10 Cup Project in Resolution No. 109-12, which Resolution included environmental findings
11 required by the California Environmental Quality Act. The actions contemplated under this
12 Settlement Agreement do not require additional environmental review for the reasons set
13 forth in the Planning Department memorandum dated June 8, 2012 contained in Board of
14 Supervisors File No. 120615.

15 APPROVED AS TO FORM AND
16 RECOMMENDED:

RECOMMENDED:
SAN FRANCISCO PORT COMMISSION

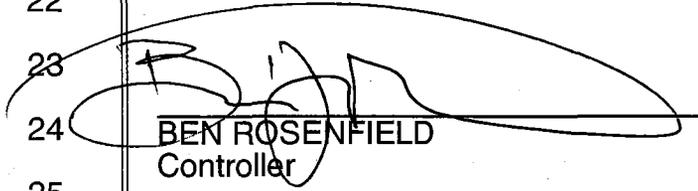
17 DENNIS J. HERRERA
18 City Attorney

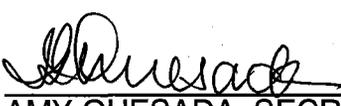
19 
20 _____
21 MARLENA G. BYRNE
22 Deputy City Attorney

23 
24 _____
25 MONIQUE MOYER
EXECUTIVE DIRECTOR

FUNDS AVAILABLE:

APPROVED:

26 
27 _____
28 BEN ROSENFELD
29 Controller

30 
31 _____
32 AMY QUESADA, SECRETARY
33 PORT COMMISSION

Mayor Lee
BOARD OF SUPERVISORS



City and County of San Francisco

Tails
Ordinance

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

File Number: 120615

Date Passed: July 10, 2012

Ordinance authorizing settlement of the lawsuit filed by Waterfront Watch against the City and County of San Francisco for \$225,000; the lawsuit was filed on February 23, 2012, in San Francisco Superior Court, Case No. CPF-12-511968; entitled Waterfront Watch, et al., v. City and County of San Francisco, et al.; other material terms of said settlement are establishing a process for review of Pier 29 rehabilitation work, Port technical assistance to reduce air emissions at Pier 27, agreement not to place a Jumbotron on the water in Aquatic Park Lagoon.

June 14, 2012 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

June 14, 2012 Rules Committee - RECOMMENDED AS AMENDED

June 26, 2012 Board of Supervisors - PASSED, ON FIRST READING

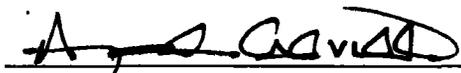
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

July 10, 2012 Board of Supervisors - FINALLY PASSED

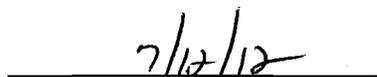
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 120615

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 7/10/2012 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor


Date Approved