

1 [Settlement of Unlitigated Claim - KHP III SF Sutter LLC - \$3,750,000]

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3 **Resolution approving the settlement of the unlitigated claim filed by KHP III SF Sutter**
4 **LLC against the City and County of San Francisco for \$3,750,000; the claim was filed on**
5 **January 10, 2023; the claim involves allegations of property damage to the Kimpton**
6 **Buchanan Hotel caused by shelter-in-place (SIP) hotel guests during the COVID-19**
7 **pandemic and resulting loss of use; other material terms of the settlement include a**
8 **mutual full and final release, with each party to bear their own costs.**

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10 WHEREAS, KHP III SF Sutter LLC filed Government Code Claim No. 23-01050 on
11 January 10, 2023 against the City and County of San Francisco (Claim); and

12 WHEREAS, The Claim involves allegations of property damage to the Kimpton
13 Buchanan Hotel caused by shelter-in-place hotel guests during the COVID-19 pandemic and
14 resulting loss of use; and

15 WHEREAS, The Human Services Agency has recommended settlement of the Claim
16 by payment of \$3,750,000 and other material terms of the settlement include a mutual full and
17 final release, with each party to bear their own costs; now, therefore, be it

18 RESOLVED, That pursuant to Administrative Code, Section 10.22, the Board of
19 Supervisors hereby authorizes the City Attorney to settle and compromise the Claim by
20 payment of \$3,750,000 and other material terms of the settlement include a mutual full and
21 final release, with each party to bear their own costs; the Controller is authorized to transfer
22 appropriated funds between departments to pay the cost of the settlement described herein.

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APPROVED:

DAVID CHIU
City Attorney

_____/s/_____
FREDERICK SHEINFELD
Chief Claims Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC HEALTH

_____/s/_____
TRENT RHORER
Executive Director
San Francisco Human Services Agency

FUNDS AVAILABLE:

_____/s/_____
BEN ROSENFELD
Controller

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City and County of San Francisco

**Tails
Resolution**

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

File Number: 230205

Date Passed: May 02, 2023

Resolution approving the settlement of the unlitigated claim filed by KHP III SF Sutter LLC against the City and County of San Francisco for \$3,750,000; the claim was filed on January 10, 2023; the claim involves allegations of property damage to the Kimpton Buchanan Hotel caused by shelter-in-place (SIP) hotel guests during the COVID-19 pandemic and resulting loss of use; other material terms of the settlement include a mutual full and final release, with each party to bear their own costs.


April 20, 2023 Government Audit and Oversight Committee - RECOMMENDED

May 02, 2023 Board of Supervisors - ADOPTED

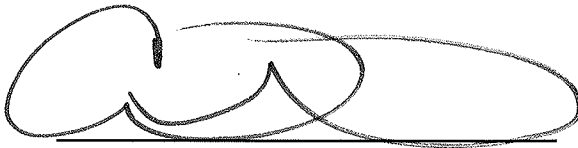
Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230205

I hereby certify that the foregoing Resolution was ADOPTED on 5/2/2023 by the Board of Supervisors of the City and County of San Francisco.



Angela Calvillo
Clerk of the Board



**London N. Breed
Mayor**

5/9/23

Date Approved