

1 [Resolution urging the City Attorney to explore filing lawsuits against Hastings College of
2 Law.]

3 **Resolution urging the City Attorney to explore the possibility of filing lawsuits against**
4 **Hastings College of Law regarding the proposed parking garage at Golden Gate and**
5 **Larkin Streets.**

6
7 WHEREAS, the people of the City and County of San Francisco have adopted various
8 land-use laws to ensure a high quality of life for all local residents; and

9 WHEREAS, ensuring this high quality of life requires the fair enforcement of city land-
10 use laws; and,

11 WHEREAS, Hastings College of the Law proposes to build a parking garage at Golden
12 Gate Avenue and Larkin Street without complying with San Francisco's land-use laws; and,

13 WHEREAS, the Legislative Counsel of California issued an opinion on April 25, 1985
14 that property owned by Hastings College of the Law which is used for commercial purposes is
15 subject to local land-use laws unless the use is closely related to the College's educational
16 function or purpose;

17 WHEREAS, the San Francisco City Attorney's office issued a legal opinion on August
18 8, 1986 regarding Hastings' proposed six-story office building at Golden Gate and Larkin;

19 WHEREAS, Whereas the City Attorney found that because only two of the six floors of
20 the proposed project would be used by Hastings, that the overall purpose of the project was
21 revenue production, not education, and that the project was not exempt from local land-use
22 laws; and

23 WHEREAS, on June 7, 2002, Hastings approved an eight-story, 885-space parking
24 garage for Golden Gate Avenue and Larkin Street; and

1 WHEREAS, Hastings stated in an April 1997 environmental report that the proposed
2 parking garage would serve a total of 80 faculty and students, and now claims that this
3 proposed garage would serve 300 out of the 885 projected spaces; and

4 WHEREAS, regardless of which estimate is more accurate, it is clear that less than
5 half of the garage's parking spaces will serve the demand of Hastings students and faculty;
6 and

7 WHEREAS, the Environmental Impact Report for the garage erroneously states that
8 the project is exempt from local land-use laws, and is flawed in other key respects, including
9 transit and traffic impacts and pedestrian safety;

10 WHEREAS, the City and County of San Francisco has thirty days from June 7 to file a
11 suit against Hastings based on the California Environmental Quality Act (CEQA), and can
12 also file a suit to require that the Hastings garage comply with the City's land-use approval
13 process prior to construction; therefore be it

14 RESOLVED, That the Board of Supervisors urges the City Attorney to explore the
15 possibility of filing lawsuits against Hastings College of Law requiring the Hastings garage
16 project to comply with CEQA and with the City's land-use approval process prior to
17 construction.



City and County of San Francisco

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

Tails
Resolution

File Number: 021052

Date Passed:

Resolution urging the City Attorney to explore the possibility of filing lawsuits against Hastings College of Law regarding the proposed parking garage at Golden Gate and Larkin Streets.

June 17, 2002 Board of Supervisors — ADOPTED

Ayes: 8 - Ammiano, Daly, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Gonzalez, Hall, Yee

File No. 021052

I hereby certify that the foregoing Resolution was ADOPTED on June 17, 2002 by the Board of Supervisors of the City and County of San Francisco.

[Handwritten signature of Gloria L. Young]

Gloria L. Young
Clerk of the Board

[Signature line for Date Approved]

Date Approved

[Signature line for Mayor Willie L. Brown Jr.]

Mayor Willie L. Brown Jr.

Date: July 2, 2002

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

[Handwritten signature of Gloria L. Young]
Clerk of the Board

File No.
021052