Dylan Casey (SBN 325222) | dylan@calhdf.org
Nicholas Eckenwiler (SBN 348744) | nick@calhdf.org
Don Chen (SBN 364063) | don@calhdf.org
CALIFORNIA HOUSING DEFENSE FUND
2201 Broadway, PH1
Oakland, CA 94162
Telephone: (443) 223-8231
Attorneys for Petitioner California Housing Defense Fund

CALIFORNIANS FOR HOMEOWNERSHIP, INC.
Matthew P. Gelfand (SBN 297910) | matt@caforhomes.org
Allyson H. Richman (SBN 339822) | allyson@caforhomes.org
Thomas A. Selden (SBN 364754) | thommys@caforhomes.org
915 L Street, #1460
Sacramento, CA 95814
Telephone: (213) 739-8206
Attorneys for Petitioner Californians for Homeownership, Inc.

PATTERSON & O'NEILL, PC
Ryan J. Patterson (SBN 277971) | ryan@pattersononeill.com
Brian J. O'Neill (SBN 298108) | brian@pattersononeill.com
Ephraim S. Margolin (SBN 322799) | emargolin@pattersononeill.com
235 Montgomery Street, Suite 950
San Francisco, CA 94104
Telephone: (415) 907-9110
Facsimile: (415) 907-7704
Attorneys for Petitioners Yes In My Back Yard and Sonja Trauss

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

CALIFORNIA HOUSING DEFENSE FUND; CALIFORNIANS FOR HOMEOWNERSHIP, INC.; YES IN MY BACK YARD; SONJA TRAUSS

Petitioners and Plaintiffs,

v.

THE CITY AND COUNTY OF SAN FRANCISCO; CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Respondents and Defendants.

Case No. _____

VERIFIED PETITION FOR WRIT OF MANDATE
(Code Civ. Proc., § 1085; Gov. Code, § 65912.155 et seq.; Gov. Code, § 65915; Cal. Const., art. XI, § 7)

COMPLAINT FOR DECLARATORY RELIEF
(Code Civ. Proc., § 1060)

I. INTRODUCTION

1. California is in the midst of a "housing supply and affordability crisis of historic proportions," and that crisis is driven in major part by "activities and policies of many local governments that limit the approval of housing . . .." (Gov. Code, § 65589.5, subd. (a).)

2. Signed into law in October 2025, SB 79, or the Transit-Oriented Development Law, is a state bill that allows for increased density along transit corridors. The law took effect on July 1, 2026.

3. SB 79 allows local governments to enact ordinances to implement SB 79's provisions. Respondent City and County of San Francisco enacted such an ordinance.

4. The California Department of Housing and Community Development reviewed Respondent City's ordinance and issued a letter evaluating the ordinance's compliance with SB 79.

5. Respondent City's ordinance, however, violates the law. The ordinance illegally excludes parcels from SB 79's ambit. The ordinance, in addition, illegally prohibits proposed residential development projects from taking advantage of state law density bonuses and zoning relief.

6. Because Respondent City's ordinance violates the law, Petitioners are entitled to a writ of mandate and declaratory relief.

II. PARTIES

7. Petitioner and Plaintiff California Housing Defense Fund ("CalHDF") is a California nonprofit public benefit corporation and 501(c)(3) public charity. CalHDF's mission is to promote housing growth and affordability in California through education and legal advocacy. This advocacy includes litigation under state laws that limit local governments' ability to restrict or impair the construction of new housing and housing affordability. CalHDF monitors and reviews local governments' land use- and housing-related actions for compliance with state housing laws and initiates litigation when those actions violate the law.

8. Petitioner and Plaintiff Californians for Homeownership, Inc. ("CFH") is a California nonprofit

public benefit corporation and 501(c)(3) public charity. Its mission is to address California's housing crisis through litigation in support of the production of housing affordable to families at all income levels.

9. Petitioner and Plaintiff Yes In My Back Yard ("YIMBY") is a 501(c)(3) nonprofit corporation and is the litigation affiliate of YIMBY Action, a 501(c)(4) nonprofit corporation, whose membership cuts across socioeconomic lines, including members with very low, low, moderate, middle, and higher incomes ("YIMBY Members"). YIMBY litigates for housing projects through its project YIMBY Law, whose mission is to end the housing shortage and achieve affordable, sustainable, and equitable housing for all. YIMBY's mission is to increase the accessibility and affordability of housing in California by enforcing state housing laws and by advocating for increased access to housing for households of all income levels, including for YIMBY Members who reside in, or wish to reside in, the City of San Francisco. YIMBY has a direct and substantial interest in ensuring that San Francisco's actions are in conformity with the requirements of the law, that those requirements are properly executed, and that San Francisco's legal duties are enforced. YIMBY Members, as well as the general public, will be adversely affected by the acts described herein and are aggrieved by the acts, decisions, and omissions of the City and the California Department of Housing and Community Development as alleged in this Petition.

10. Petitioner and Plaintiff Sonja Trauss ("Trauss") is a natural person and a resident of the State of California, and she is the founder and executive director of YIMBY. As a resident of the San Francisco Bay Area, Respondents' actions adversely affect Trauss' housing costs and economic options. Trauss has a substantial interest in ensuring that Respondents' decisions are in conformity with the requirements of law, that those requirements are properly executed, and that the public duties of Respondents are enforced.

11. Petitioners and Plaintiffs (collectively "Petitioners") bring this Petition on their own behalf and on

behalf of others affected by Respondents' failure to comply with state law.

12. Respondent and Defendant City and County of San Francisco ("the City") is a municipality in San Francisco County, California. It is the local agency whose ordinance is challenged by this Petition.

13. Respondent and Defendant California Department of Housing and Community Development ("the Department") is a public agency and department of the State of California. It is the state agency that reviewed the City ordinance that is challenged by this Petition.

III. JURISDICTION AND VENUE

14. This Court has subject matter jurisdiction over the state law claims asserted in this action pursuant to the Code of Civil Procedure sections 1060 and 1085, Government Code sections 65912.155 et seq. and 65915, and the California Constitution, Article XI, section 7.

15. This Court has personal jurisdiction over Respondents City and County of San Francisco and the California Department of Housing and Community Development pursuant to the Code of Civil Procedure section 410.10.

16. Venue properly lies with this Court pursuant to the Code of Civil Procedure sections 394 (action against city or local agency may be tried in county where city or local agency is situated), 395 (action properly lies with Court in the county where defendant resides), and 401 (action against State agency may be tried in any county in which the Attorney General has an office).

17. Petitioners have no other plain, speedy, and adequate remedy at law.

18. Petitioners have exhausted all available administrative remedies, as alleged below.

IV. FACTUAL ALLEGATIONS

A. Legal Background

1. The Transit-Oriented Development Law

19. The statute at the foundation of this case is the Transit-Oriented Development Law ("TOD Law"), which is codified at Government Code section 65912.155 et seq. The TOD Law allows housing

development projects within certain height, average floor space, and density limits to be built "on any site zoned for residential, mixed, or commercial development" in the areas immediately surrounding high volume transit stops. (Gov. Code, § 65912.157, subd. (a).)

20. The State Legislature enacted the TOD Law on October 10, 2025, and its upzoning provisions went into effect on July 1, 2026. The Law begins by declaring its own rationale, including that "[b]uilding more homes near transit access reduces housing and transportation costs for California families," and that transit-oriented development helps provide the "sustainable funding" that public transit systems need to provide reliable service. (Gov. Code, § 65912.155, subds. (c)-(d).)

21. The TOD Law then provides a detailed definition of what qualifies as a "transit-oriented development stop," including any stop within a county with more than 15 passenger rail stations that meets the definition of a "major transit stop" in section 21064.3 of the Public Resources Code, as well as certain other stops serving "heavy rail transit, very high frequency commuter rail, high frequency commuter rail, light rail transit, or bus service." (Gov. Code, § 65912.156, subd. (p).)

22. The TOD Law allows housing development projects consisting of five or more dwelling units—with a minimum density of thirty dwelling units per acre, a maximum average floor space of 1,750 square feet, and location-dependent height and density limits—to be built within either one-half or one-quarter mile of a transit-oriented development stop, depending on the type of stop. (Gov. Code, § 65912.157, subd. (a).) The Law prevents local governments from imposing any limits that would physically preclude such projects. (*Ibid.*) Pursuant to its intention to "encourag[e] the development of housing that is affordable to households at all income levels," the Law requires transit-oriented housing development projects with more than ten units to reserve some units for low-income households. (Gov. Code, § 65912.162; Gov. Code, § 65912.157, subd. (i)(1)(B).)

23. The Law also specifies that these transit-oriented housing development projects are "eligible for a density bonus, incentives or concessions, waivers or reductions of development standards, and

parking ratios" pursuant to the Density Bonus Law ("DBL"), codified at Government Code section 65915. (Gov. Code, § 65912.157, subd. (d).) In addition to any concessions already mandated by the DBL, the Law requires that local governments provide an additional concession to projects which meet certain location-dependent density standards, and further concessions to projects which provide housing for low-income households. (*Id.* at subds. (a), (e).)

24. The TOD Law allows local governments to exempt sites that meet certain criteria from the upzoning provisions of the TOD Law. Most relevant for the present case is an exemption for areas designated as "industrial employment hub[s]." (Gov. Code, § 65912.160, subd. (e)(2).) According to the Law, "[a]n industrial employment hub shall be a contiguous area of at least 250 acres designated in the jurisdiction's general plan on or before January 1, 2025, as an employment lands area; the parcels within it shall be primarily dedicated to industrial use as defined in paragraph (3) of subdivision (f) of Section 65912.121; and housing shall not be a permitted use on any of the sites so excluded." (*Ibid.*) If any areas meet these criteria, a local government may pass an ordinance designating such areas as exempt from the TOD Law. (*Id.* at subd. (e).)

25. The California Department of Housing and Community Development is responsible for reviewing any ordinance enacted by a local government to implement these provisions of the TOD Law. When a local government adopts such an ordinance, it must submit a copy of the ordinance to the Department for review. (Gov. Code, § 65912.160, subd. (d)(2).) Then, the Department must "make a finding as to whether the enacted ordinance is in substantial compliance with this section" and report that finding back to the local government. (*Id.* at subd. (d)(3).) If the Department finds that the ordinance is not in compliance with the section, the local government must either "amend the ordinance to comply with this section," or adopt a resolution explaining why it "believes that the ordinance complies with this section despite the findings of the department." (*Id.* at subd. (d)(5).) Finally, if the local government neither amends the ordinance nor adopts an explanatory resolution,

the Department "shall notify the local government and may notify the Attorney General that the local government is in violation of this section." (*Id.* at subd. (d)(6).)

26. In addition to allowing local governments to implement exemptions from its provisions, the TOD Law gives local governments flexibility in their implementation of its provisions by allowing them to develop a transit-oriented development alternative plan (an "Alternative Plan"). (Gov. Code, § 65912.161.) An Alternative Plan is any plan adopted by a local agency which would provide the same total net zoned capacity across its jurisdiction, in terms of both unit number and floor area, as the TOD Law's provisions would otherwise provide. (Gov. Code, § 65912.161, subd. (a).) An Alternative Plan must also meet certain other requirements, including limits on how much it can reduce residential capacity in transit-oriented development zones and on particular sites, and maximum density limits for sites that are counted towards the plan's zoned replacement capacity. (*Ibid.*)

27. If the Department approves a local government's Alternative Plan as compliant with all of the requirements listed in the TOD Law, the Law's default upzoning provisions, as described above, no longer apply in that local government's jurisdiction. (Gov. Code, § 65912.161, subd. (d).)

2. The Density Bonus Law

28. The Density Bonus Law ("DBL") allows housing developers and owners of residential buildings to add extra ("bonus") units to their buildings in exchange for reserving some units to be rented at below-market-rate rents to lower- or moderate-income households. (See Gov. Code, § 65915.)

29. The size of the density bonus depends on the number and income levels of the affordable units: more affordable units and affordable units targeted to lower income levels correspond to larger density bonuses. (See *id.* at subds. (f), (g).) The DBL also provides project applicants—again, in exchange for their promise to build affordable housing—the option to waive zoning standards or seek concessions from the local government that ease the burden of zoning standards. (*Id.* at subds. (d),

(e).)

30. The TOD Law makes clear that it is intended to operate in concert with, not as an alternative to, the DBL. It explicitly provides that a transit-oriented housing development project "shall be eligible for" the DBL's bonuses, incentives, and concessions, "using the density allowed under this section as the base density" upon which the DBL's bonus density is applied. (Gov. Code, § 65912.157, subd. (d).)

B. San Francisco Enacts Local Rules to Implement the Transit-Oriented Development Law

31. On May 5, 2026, the San Francisco Board of Supervisors adopted Ordinance No. 082-26 ("the Ordinance"), which implements various aspects of the TOD Law. (San Francisco, Cal., Ordinance 082-26 (2026), p. 1.)

32. Among other provisions, the Ordinance designates certain areas as industrial employment hubs and amends the City's Planning Code to satisfy the TOD Law's minimum density requirements for an Alternative Plan. (*Ibid.*)

33. The Ordinance designates a number of parcels as "permanently exempt from the state-mandated zoning provisions in" the TOD Law because they "[are] part of an industrial employment hub, as defined in Government Code Section 65912.160(e)." (Ordinance 082-26, at p. 3.)

34. This designation was made at the recommendation of the City's Planning Commission, which adopted Resolution No. 21901 on March 19, 2026, identifying the list of parcels for the City Council to exempt.

35. Neither the Ordinance nor the Resolution details why the City believes these parcels fit within the TOD Law's definition of an industrial employment hub.

36. The Ordinance also enacts Section 207.11 of the City's Planning Code "to satisfy the minimum SB 79 requirements" for an Alternative Plan. (Ordinance 082-26, at p. 4.)

37. Specifically, the TOD Law requires that an Alternative Plan "shall not reduce the maximum allowed density for any individual site on which the plan allows residential use by more than 50 percent

below that permitted under [the TOD Law]." (Gov. Code, § 65912.161, subd. (a)(2).) Section 207.11 of the City's Planning Code addresses this by providing additional density "up to 50% of the density permitted on that parcel pursuant to [the TOD Law]" to sites within "within one-half mile of a 'transit-oriented development stop,' as defined in [the TOD Law]." (San Francisco Planning Code, § 207.11, subds. (b)(1), (c)(1).)

38. Section 207.11, however, applies additional conditions to projects that seek to use this additional density, including that they are forbidden from using the DBL. It states that "This Section 207.11 … applies to residential development projects on parcels meeting all of the following conditions: . . . Is not seeking a density bonus pursuant to Section 206.6." (San Francisco Planning Code ["S.F.P.C."], § 207.11, subd. (b).)

39. Section 206.6 of the City's Planning Code is the local ordinance that implements the DBL: "This Section 206.6 details the review, analysis and approval process for any project seeking a density bonus that is consistent with State Law, Government Code Section 65915 et seq." (*Id.* at subd. (a).)

40. Upon information and belief, San Francisco is also relying on residential capacity created by the "Housing Choice – San Francisco" program, codified at section 206.10 of the City's Planning Code, to satisfy the TOD Law's residential capacity requirements for an Alternative Plan.

41. Section 206.10 of the City's Planning Code forbids projects from taking advantage of the density available under that section if they seek benefits under the DBL.

C. The California Department of Housing and Community Development Reviews San Francisco's Locally-Enacted Rules under the Transit-Oriented Development Law

42. The Ordinance also directed the Clerk of the Board of Supervisors to send a copy of the Ordinance to the Department for review, as required by the TOD Law. (Ordinance 082-26, at p. 9.)

43. The City submitted the Ordinance to the Department on May 19, 2026.

44. The Department responded on July 1, 2026, with a letter stating that "subject to the condition of approval stated herein, the Ordinance and Plan substantially comply with SB 79 (Government Code

Chapter 4.1.5) as of the date of this letter." (California Department of Housing and Community Development, Letter to Joshua Switzky, Jul. 1, 2026, available at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/san-francisco-sb79-in-070126.pdf>.)

45. While HCD's letter notes that "Section 207.11(b)(5) impermissibly prohibits the use of the State Density Bonus Law for qualifying housing development projects on applicable alternative plan sites," it otherwise purports to state that the City's Alternative Plan is compliant with state law. (California Department of Housing and Community Development, Letter to Joshua Switzky, Jul. 1, 2026, available at <https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/HAU/san-francisco-sb79-in-070126.pdf>.)

D. San Francisco's Local Rules Violate State Law

1. The Local Rules Violate the Transit-Oriented Development Law's Requirements for Designating Industrial Employment Hubs

46. The Ordinance designates three areas as industrial employment hubs: the Bayshore area, the Bayview area, and the SOMA area.

47. None of these three areas meets the TOD Law's requirements for that designation.

48. The TOD Law provides three requirements for an area to be designated as an industrial employment hub. First, "[a]n industrial employment hub shall be a contiguous area of at least 250 acres designated in the jurisdiction's general plan on or before January 1, 2025, as an employment lands area." (Gov. Code, § 65912.160, subd. (e)(2).) Second, "the parcels within it shall be primarily dedicated to industrial use as defined in paragraph (3) of subdivision (f) of Section 65912.121." (*Ibid.*) Third, "housing shall not be a permitted use on any of the sites so excluded." (*Ibid.*)

49. Many of the parcels the Ordinance includes within its designated industrial employment hub areas fail the third requirement. The Ordinance's exemption "includ[es] certain sites zoned M (Industrial), SALI (Service/Arts/Light Industrial), PDR (Production, Distribution, Repair), WMUO (WSoMa

Mixed Use-Office), and P (Public)." (Ordinance 082-26, at p. 1.) Housing is a permitted use in three of these five zoning designations.

50. The WMUO district permits accessory dwelling units, pursuant to the city's Local ADU Program. (S.F. Planning Code, § 840.)

51. The SALI district permits both ADUs pursuant to the same program and some affordable housing developments. (S.F. Planning Code, § 836.)

52. The P district permits "100% Affordable Housing Projects and Educator Housing Projects." (S.F. Planning Code, § 211.1(i).)

53. Thus, parcels with any of these three zoning designations do not meet the TOD Law's third requirement for an industrial employment hub.

54. Additionally, some of the parcels the Ordinance exempts are owned by state entities, i.e. the California Department of Transportation and the University of California.

55. State owned lands are exempted from local zoning ordinances where development on that land would serve a governmental purpose. (*Bame v. City of Del Mar*, 86 Cal.App.4th 1346, 1358 (2001); *Regents of Univ. of California v. Superior Ct.*, 102 Cal.App.5th 852, 856–57 (2024).) Because the City does not control the use of those sites for the development of housing, those sites do not satisfy the TOD Law's third requirement for an industrial employment hub.

56. After excluding the parcels that are state-owned or are zoned to permit housing, two of the three areas designated by the Ordinance as industrial employment hubs no longer meet the first requirement for an industrial employment hub. With only the properly included parcels, The SOMA area and the Bayview area both fall below the required minimum of 250 contiguous acres.

57. Finally, all three areas fail to meet the second half of the first exemption requirement. The TOD Law states that industrial employment hubs must have been "designated in the jurisdiction's general plan on or before January 1, 2025, as an *employment lands area*." (Gov. Code, § 65912.160, subd. (e)(2),

emphasis added.)

58. For example, the City of San Jose has designated specific portions of that city as "employment lands" areas. (See Envision San José 2040 General Plan, Ch. 1 pp. 17-18, 26, 28, 42; Ch. 2 pp. 4-5, 18-19; Ch. 6, pp. 7, 13; a true and accurate copy of which is attached to this Petition as **Exhibit A** and is available at <https://www.sanjoseca.gov/home/showpublisheddocument/121586/638828345723130000>.)

59. The City of San Francisco's general plan had not designated any areas as "employment lands" areas on or before January 1, 2025.

60. For this reason, no areas in San Francisco are eligible for the industrial employment hub exemption.

61. Insofar as the Department has approved San Francisco's legally deficient effort to exclude parcels from the TOD Law under the authority granted to the City by Government Code section 65912.160, the Department has failed to comply with the TOD Law.

2. The Local Rules Violate the Density Bonus Law and the Transit-Oriented Development Law's Requirements for Alternative Plans

62. Section 207.11 of the City's Planning Code contains an illegal preemption of the Density Bonus Law and fails to satisfy the TOD Law's requirements for an Alternative Plan.

63. The Ordinance enacts Section 207.11 of the City's Planning Code, which provides housing projects with the additional density required to satisfy the requirements for an Alternative Plan. (Ordinance 082-26, at p. 4.) However, Section 207.11(b)(5) forbids projects which claim this additional density from using the DBL, or vice versa. (S.F.P.C., § 207.11, subd. (b)(5).)

64. The DBL requires local governments to provide its specified bonuses, incentives, concessions, waivers, and reductions to qualifying applicants (Gov. Code, § 65915, subd. (a)(1).) Local governments may not deny these incentives to applicants except in limited circumstances which do not apply to this case. (See Gov. Code, § 65915, subd. (d).) Notably, one of those limited circumstances is when "[t]he concession or incentive would be contrary to state or federal law."

(*Ibid.*) Local law may not prevent applicants from making use of the DBL.

65. State law preempts local law. (Cal. Const., art. XI, § 7.) Additionally, local governments "cannot choose to forgo application of land use policies imposed by the Legislature." (*Ailanto Properties, Inc. v. City of Half Moon Bay* (2006) 142 Cal.App.4th 572, 595.) By denying certain applicants access to the DBL, Section 207.11(b)(5) attempts to "forgo application" of the DBL to projects that receive the additional density that the City's Alternative Plan is required to provide.

66. In addition to illegally preempting State law, Section 207.11 fails to satisfy the requirements for an Alternative Plan. The TOD Law requires that an Alternative Plan "shall not reduce the maximum allowed density for any individual site on which the plan allows residential use by more than 50 percent below that permitted under [the TOD Law]." Section 207.11 addresses this by providing any site that falls beneath this limit with additional density "up to 50% of the density permitted on that parcel pursuant to [the TOD Law]." (Section 207.11, subs. (c)(1)). But sites which use the DBL, as is their state-mandated right, are excluded from using Section 207.11. This means that Section 207.11 fails to meet the requirement to "not reduce the maximum allowed density for *any* individual site" below 50% of what is permitted under the TOD Law. (S.F.P.C., § 207.11(b)(5) [emphasis added].)

67. Finally, even if Section 207.11(b)(5) stands, any project eligible for the DBL should be able to defeat the application of code section 207.11(b)(5). The DBL states: "In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section." (Gov. Code, § 65915, subd. (e)(1).) If a proposed project complies with all other provisions of the San Francisco Planning Code except for section 207.11(b)(5)—because it seeks benefits under the DBL—and the application of section 207.11(b)(5) would physically preclude the project by eliminating its eligibility for the additional

density provided by Section 207.11, then the City is legally forbidden from applying the 207.11(b)(5) condition to the project.

68. Upon information and belief, the City is also relying on its "Housing Choice – San Francisco" program, located at section 206.10 of the Planning Code, to achieve the necessary densities for some parcels in the Alternative Plan.

69. Section 206.10(b)(5) of the City's Planning Code forbids a proposed housing project from taking advantage of the densities allowed in the "Housing Choice – San Francisco" program if the project receives "any density or development bonuses or relief from applicable Planning Code standards in any … State … law or program, including but not limited to" the DBL, the Affordable Housing and High Road Jobs Act, and Government Code sections 65852.28(b)(2), 65913.4.5, and 66499.41.

70. For the same reasons that section 207.11's prohibition on the use of the DBL means that section does not meet the requirements for an Alternative Plan, section 206.10 also does not meet the requirements of an Alternative Plan. The City therefore may not rely on capacity created by 206.10 in its Alternative Plan.

71. Because sections 206.10 and 207.11 of the City's Planning Code cannot be relied on for the Alternative Plan, the City currently lacks an Alternative Plan that complies with the TOD Law. Therefore, the TOD Law applies to San Francisco as if no Alternative Plan were in place.

72. Insofar as the Department has approved the City's legally deficient Alternative Plan, the Department has failed to comply with the TOD Law.

E. Petitioners Informed San Francisco and the Department of Legal Issues with the City's Transit-Oriented Development Law Ordinance Prior to Its Enactment

73. The City's Ordinance No. 082-26 has numerous legal shortcomings, as detailed in this Petition.

74. Petitioners monitored the City through its process of developing and enacting the Ordinance. Petitioners noticed the Ordinance's legal shortcomings and submitted public comments flagging those shortcomings to the Board of Supervisors and the City Attorney.

75. Petitioners CalHDF and CFH submitted a letter to the Board of Supervisors and the City Attorney on April 10, 2026, in advance of a board meeting in which a draft of the Ordinance was considered. A true and accurate copy of that letter is attached to this Petition as **Exhibit B**.

76. The April 10, 2026 letter detailed the legal shortcomings in the then-proposed Alternative Plan regarding its impermissible limitations on the use of the Density Bonus Law.

77. Petitioners CalHDF and CFH submitted a letter to the Board of Supervisors and the City Attorney on May 4, 2026, in advance of a board meeting in which the Ordinance was finally passed. A true and accurate copy of that letter is attached to this Petition as **Exhibit C**.

78. The May 4, 2026 letter detailed the legal shortcomings in the then-proposed Alternative Plan regarding its impermissible limitations on the use of the Density Bonus Law.

79. Petitioners CalHDF, CFH, YIMBY, and Trauss submitted a letter to HCD, the Board of Supervisors, and the City Attorney on June 4, 2026. A true and accurate copy of that letter is attached to this Petition as **Exhibit D**.

80. The June 4, 2026 letter detailed the legal shortcomings in the then-proposed Alternative Plan regarding its impermissible limitations on the use of the Density Bonus Law, as well as the then-proposed Ordinance's unlawful usage of the industrial employment hub exemption.

81. The June 4, 2026 letter also urged the Department to follow state law and reject the City's unlawful implementation of the TOD Law.

82. Petitioners have exhausted all available administrative remedies to the extent required by law.

V. CAUSES OF ACTION

FIRST CAUSE OF ACTION
(Writ of Mandate for Violation of Transit-Oriented Development Law)
(Code Civ. Proc., § 1085; Gov. Code, § 65912.155 et seq.; Cal. Const., art. XI, § 7)

83. Petitioners reallege and incorporate by reference all preceding allegations in this Petition as if fully set forth herein.

84. The City has violated the Transit-Oriented Development Law by adopting an Ordinance that illegally designates locations within the City as within an industrial employment hub when those locations are not within an industrial employment hub as defined by the Law. (Gov. Code, § 65912.160, subd. (e)(2).)

85. The City has violated the Transit-Oriented Development Law by adopting an Ordinance which illegally designates certain sites that are zoned to permit housing as within an industrial employment hub. (*Ibid.*)

86. The City has also violated the Transit-Oriented Development Law by adopting an Ordinance which illegally designates State-owned parcels as within an industrial employment hub. (*Ibid.*)

87. The City has also violated the Transit-Oriented Development Law by adopting an Ordinance which illegally designates areas that are not "a contiguous area of at least 250 acres" as within industrial employment hubs. (*Ibid.*)

88. The City has also violated the Transit-Oriented Development Law by relying on provisions in its Planning Code to provide residential capacity for the City's Alternative Plan when those Planning Code provisions forbid use of the Density Bonus Law and other state pro-housing laws.

89. The Department has violated the Transit-Oriented Development Law insofar as the Department has approved the City's Ordinance as compliant with the Transit-Oriented Development Law when the Ordinance is not in fact compliant with the Law (as, indeed, the Department's letter acknowledges). (Gov. Code, § 65912.160, subd. (d).)

90. Petitioners have a direct and substantial interest in ensuring the City and the Department perform their legal duties as described herein, and a clear, present, and beneficial right to that performance.

91. Petitioners have public interest standing to challenge the City's and the Department's failure to perform the duties described herein.

92. Petitioners have exhausted all administrative remedies to the extent required by law.

93. Petitioners have no plain, speedy, or adequate remedy to challenge the City's and the Department's acts as described herein other than through this Petition, and therefore writ relief is necessary to compel the City and the Department to perform their duties under state law.

94. Petitioners therefore seek a writ of mandamus that invalidates the portion of the City's Ordinance that illegally designates areas as exempt from the Transit-Oriented Development Law's development requirements.

95. Petitioners also seek a writ of mandamus that invalidates the City's Alternative Plan and commands the City to implement the provisions of the Transit-Oriented Development Law directly, as if no Alternative Plan were in place.

96. Petitioners also seek a writ of mandamus that compels the Department to revoke its approval of the City's Ordinance until it is in substantial compliance with the law, insofar as the Department has approved the Ordinance.

SECOND CAUSE OF ACTION
(Writ of Mandate for Illegal Preemption of State Density Bonus Law)
(Code Civ. Proc., § 1085; Cal. Const., art. XI, § 7; Gov. Code, § 65915)

97. Petitioners reallege and incorporate by reference all preceding allegations in this Petition as if fully set forth herein.

98. The City has adopted a Planning Code provision that forbids certain residential projects from invoking the State Density Bonus Law. (San Francisco Planning Code, § 207.11(b)(5).)

99. This provision of the City's Planning Code is an illegal attempt to preempt state law by local ordinance.

100. This provision of the City's Planning Code violates the Density Bonus Law's provision that no local government may apply local development standards that physically preclude a project from receiving the full densities, concessions, and incentives of the Density Bonus Law. (Gov. Code, § 65915, subd. (e)(1).)

101. The Department has violated the Density Bonus Law insofar as the Department has approved the City's use of this illegal and invalid Planning Code provision to meet the law's housing density requirements for a transit-oriented development alternative plan under the Transit-Oriented Development Law. (Gov. Code, § 65912.160, subd. (d).)

102. Petitioners have a direct and substantial interest in ensuring the City and the Department perform their legal duties as described herein, and a clear, present, and beneficial right to that performance.

103. Petitioners have public interest standing to challenge the City's and the Department's failure to perform the duties described herein.

104. Petitioners have exhausted all administrative remedies to the extent required by law.

105. Petitioners have no plain, speedy, or adequate remedy to challenge the City's and the Department's acts as described herein other than through this Petition, and therefore writ relief is necessary to compel the City and the Department to perform their duties under state law.

106. Petitioners therefore seek a writ of mandamus that invalidates section 207.11(b)(5) of the San Francisco Planning Code and any other provision of the City's Planning Code enacted in connection with Ordinance Number 082-26 that forbids development projects from invoking the State Density Bonus Law.

107. Petitioners also seek a writ of mandamus that compels the Department to revoke its approval of the City's transit-oriented development alternative plan until it is in substantial compliance with the law, insofar as the Department has approved the transit-oriented development alternative plan.

THIRD CAUSE OF ACTION
(Declaratory Judgment)
(Code Civ. Proc., § 1060)

108. Petitioners reallege and incorporate by reference all preceding allegations in this Petition as if fully set forth herein.

109. An actual controversy has arisen and now exists between Petitioners and Respondents concerning

Respondents' duties under the law. As described above, Petitioners contend that: the City has violated the Transit-Oriented Development Law by adopting an Ordinance which illegally exempts certain sites from the State law's transit-oriented development requirements; the Department has violated State law insofar as the Department has approved this Ordinance as compliant with the Transit-Oriented Development Law; the City has adopted a transit-oriented development alternative plan that attempts to preempt the Density Bonus Law and other state laws, and this violates state law and the Constitution of the State of California; the City has illegally attempted to rely on this faulty Planning Code provision to meet its housing density requirements under the Transit-Oriented Development Law; and the Department has violated the Transit-Oriented Development Law and other state laws insofar as the Department has approved the City's use of this faulty Planning Code provision to meet its housing density requirements under the Transit-Oriented Development Law.

110. Upon information and belief, Respondents contend otherwise on all points.

111. A judicial declaration of the City's and the Department's legal duties is therefore necessary, and Petitioners request such a declaration from this Court.

VI. PRAYER

WHEREFORE, Petitioners pray for relief as follows:

1. For a writ of mandate invalidating the portion of the City's Ordinance that illegally designates certain parcels as exempt from the transit-oriented development requirements found in sections 65912.155 et seq. of the Government Code on the basis that those parcels are located in an industrial employment hub.
2. For a writ of mandate compelling the Department to revoke its approval of the City's Ordinance until it is in substantial compliance with the Transit-Oriented Development Law, insofar as the Department has approved the City's Ordinance.
3. For a writ of mandate invalidating any portion of the City's land use regulations enacted in

connection with Ordinance No. 082-26, including San Francisco Planning Code section 207.11(b)(5), that illegally forbids projects from invoking the benefits of the Density Bonus Law or other state laws.

4. For a writ of mandate invalidating the City's transit-oriented development alternative plan.
5. For a writ of mandate compelling the Department to revoke its approval of the City's transit-oriented development alternative plan until it complies with the Transit-Oriented Development Law, insofar as the Department has approved the City's transit-oriented development alternative plan.
6. For a judicial declaration that the City has violated state law, as alleged in this Petition.
7. For a judicial declaration of the City's duties under state law.
8. For a judicial declaration that the Department has violated state law, as alleged in this Petition.
9. For a judicial declaration of the Department's duties under state law.
10. For attorney's fees and costs of suit as allowed by law, including attorney's fees pursuant to Code of Civil Procedure section 1021.5.
11. For such other and further relief as may be just and proper.

Dated: July 31, 2026

CALIFORNIA HOUSING DEFENSE FUND

By: _____
NICHOLAS ECKENWILER

Attorneys for Petitioner
CALIFORNIA HOUSING DEFENSE FUND

Dated: July 31, 2026

CALIFORNIANS FOR HOMEOWNERSHIP, INC.

By: _____
MATTHEW GELFAND

Attorneys for Petitioner
CALIFORNIANS FOR HOMEOWNERSHIP, INC.

Dated: July 31, 2026

PATTERSON & O'NEILL, PC

By: _____
RYAN PATTERSON

Attorneys for Petitioners
YES IN MY BACK YARD
SONJA TRAUSS

VERIFICATION

I, Nicholas W. Eckenwiler, declare:

I am employed by and represent the California Housing Defense Fund, a Petitioner in the above-captioned matter. I have read the foregoing Verified Petition for a Writ of Mandate and Complaint for Declaratory Relief and know the contents thereof to be true of my own knowledge, except as to those matters alleged on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 31 day of July, 2026, at _____, California.

_____

Nicholas W. Eckenwiler

VERIFICATION

I, Matthew P. Gelfand, declare:

I am employed by and represent Californians for Homeownership, a Petitioner in the above-captioned matter. I have read the foregoing Verified Petition for a Writ of Mandate and Complaint for Declaratory Relief and know the contents thereof to be true of my own knowledge, except as to those matters alleged on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 31 day of July, 2026, at _____, California.

_____

Matthew P. Gelfand

VERIFICATION

I, Sonja Trauss, declare:

I am a natural person and a resident of the State of California. I am a petitioner in this action and the founder and executive director of petitioner Yes in My Back Yard ("YIMBY"). I am authorized to verify this Verified Petition for a Writ of Mandate and Complaint for Declaratory Relief on behalf of YIMBY. I have read the foregoing Verified Petition for a Writ of Mandate and Complaint for Declaratory Relief and know the contents thereof to be true of my own knowledge, except as to those matters alleged on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 31 day of July, 2026, at _____, California.

_____

Sonja Trauss