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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF SAN FRANCISCO**

17 NEIGHBORHOODS UNITED SF;
18 SMALL BUSINESS FORWARD;
19 ROMALYN SCHMALTZ and PAUL
20 ERICKSON,

21 Petitioners and Plaintiffs,

22 v.

23 CITY and COUNTY OF SAN
24 FRANCISCO; BOARD OF
25 SUPERVISORS of the CITY AND
26 COUNTY OF SAN FRANCISCO; and
27 DOES 1 through 10, inclusive,

28 Respondents, Defendants,
and Real Parties in
Interest.

Case No.:

Filed under the California
Environmental Quality Act ("CEQA")

**VERIFIED PETITION FOR WRIT
OF MANDATE AND COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

(Pub. Res. Code §§ 21000 *et seq.*
("CEQA"); Code Civ. Proc. §§ 1085,
1094.5)

Assignment to CEQA Judge Required
(Pub. Res. Code § 21167.1(b))

1 **INTRODUCTION**

2 1. Petitioners and Plaintiffs NEIGHBORHOODS UNITED SF; SMALL
3 BUSINESS FORWARD; ROMALYN SCHMALTZ; and PAUL ERICKSON
4 (“Petitioners”) challenge the unlawful actions of Respondents, Defendants, and Real
5 Parties in Interest CITY and COUNTY OF SAN FRANCISCO (“City”) and BOARD
6 OF SUPERVISORS of the CITY AND COUNTY OF SAN FRANCISCO (“BOS”)
7 (collectively, “Respondents” or “City”) approving Ordinance No. 243-24 (File No.
8 250966) amending numerous provisions of the San Francisco General Plan; Ordinance
9 No. 243-25 (File No. 250701), amending numerous provisions of the San Francisco
10 Planning Code and Business and Tax Regulations Code to create the Housing Choice-
11 SF Program, adopt a Housing Sustainable District, and amending the Local Coastal
12 Program, among other amendments; Ordinance No. 244-25 (File No. 250700) making
13 numerous amendment to the Zoning Map to implement the Family Zoning Plan; and
14 Resolution No. 577-25 (File No. 250985) transmitting to the California Coastal
15 Commission the City’s amendment to the Local Coastal Plan (known as the “Family
16 Zoning Plan” or “2025 Upzone”), and approving an addendum (“Addendum”) for the
17 2025 Upzone in violation of the California Environmental Quality Act (“CEQA”),
18 Public Resources Code (“PRC”) § 21000 *et seq.* (“CEQA”) and the CEQA Guidelines,
19 California Code of Regulations (“CCR”), title 14, §§ 15000 *et seq.*

20 2. The 2025 Upzone amends zoning to increase height and density in areas
21 throughout the City to increase capacity for multi-family housing to satisfy the City’s
22 Regional Housing Needs Allocation (“RHNA”) of 82,070 new units of housing.

23 3. This action challenges the City’s failure to conduct CEQA review for the
24 2025 Upzone, despite extensive expert evidence showing that the 2025 Upzone will
25 displace thousands of low-income residents living in rent-controlled buildings, will
26 harm hundreds of historic buildings, will generate air pollution far above CEQA
27 significance thresholds, will generate shadow and wind impacts from buildings
28 hundreds of feet taller than previously analyzed, will create significant impacts to
public transportation and traffic, and will cause biological impacts to protected birds
in the Pacific Flyway.

4. Rather than prepare a CEQA document to analyze the 2025 Upzone’s

1 impacts and to consider reasonable alternatives, and mitigation measures, the City
2 instead bypassed CEQA review and relied on the Addendum to the environmental
3 impact report (“EIR”) prepared in 2022 for the Housing Element (“2022 Housing
4 Element”) of the City’s General Plan. (“2022 EIR”).

5 5. The City’s reliance on the Addendum was improper because the 2022
6 EIR analyzed a very different project than the 2025 Upzone. The 2025 Upzone allows
7 4,000 additional residential units, building heights up to 350-feet taller than analyzed
8 in the 2022 EIR, and development in new areas not included in the 2022 EIR, such as
9 the historic-resource-rich areas of North Beach and Fisherman’s Wharf, and
10 development in formerly off-limits Priority Equity Geographies (lower-income areas).

11 6. These new significant impacts must be analyzed in a subsequent EIR
12 pursuant to CEQA section 21166, and CEQA Guidelines sections 15162, 15163 and
13 15164.¹

14 7. Since the 2025 Upzone allows buildings that are hundreds of feet taller
15 than analyzed in the 2022 EIR and allows development in areas such as North Beach
16 and Fisherman’s Wharf that were not included in the 2022 Housing Element, the
17 2025 Plan is outside the scope of the 2022 Housing Element and its EIR. Therefore,
18 the “fair argument” standard applies to the City’s decision to rely on an Addendum
19 rather than to prepare a subsequent or supplemental EIR. (*Save Our Access v. City of*
20 *San Diego* (2023) 92 Cal.App.5th 819 [*Save Our Access I*]; *Save Our Access v. City of*
21 *San Diego* (2025) 115 Cal.App.5th 388 [*Save Our Access II*].)

22 8. On December 9, 2025, the Board of Supervisors adopted the 2025 Upzone
23 and the CEQA Addendum by a narrow one-vote margin (6-to-4) and the Mayor signed
24 the ordinances on December 12, 2025. The City posted a Notice of Determination on
25 December 17, 2025.

26 9. Respondents prejudicially abused their discretion by approving the 2025

27 ¹ The City concedes that the 2025 Rezone does not qualify for the new CEQA exemption enacted on
28 June 30, 2025 in SB 131 and codified at Public Resources Code section 21080.085, because at least
3.4 percent of the parcels in the 2025 Rezone do not qualify for the SB 131 exemption. Also, SB
131 does not apply because the rezoning does not “implement[] the schedule of actions contained in
an approved housing element pursuant to subdivision (c) of section 65583 of the Government
Code,” because the 2025 Rezone is very different than the 2022 Housing Element.

1 Upzone without first preparing a CEQA document to analyze and mitigate the 2025
2 Upzone’s potentially significant adverse environmental impacts, and to consider
3 alternatives and mitigation measures to reduce those impacts. Accordingly,
4 Petitioners request judgment ordering all approvals related to the 2025 Upzone to be
5 set aside, and requiring Respondents to prepare an Initial Study, followed by a legally
6 adequate CEQA document such as a supplemental or subsequent environmental
7 impact report (“SEIR”) and to fully comply with CEQA before considering whether to
8 approve the 2025 Upzone or an alternative project.

8 **PARTIES**

9 10. Petitioner and Plaintiff NEIGHBORHOODS UNITED SF (“NUSF”) is a
10 not-for-profit unincorporated association based in San Francisco. NUSF is a coalition
11 of long-established neighborhood, business, and civic organizations across San
12 Francisco that are deeply concerned about the proposed height increases (upzoning) in
13 San Francisco’s neighborhoods. NUSF urged the city to reconsider its approach to
14 meeting the State’s mandated Regional Housing Needs Allocation (RHNA) goal of
15 82,069 new housing units by 2031. NUSF believes that our neighborhoods and
16 communities are what make San Francisco great. They embody the heart and soul of
17 the City. NUSF believes that the City should be creating policy that protects and
18 supports its neighborhoods and communities, not attacking them, demolishing them,
19 and threatening their future. NUSF commented on the 2025 Upzone in writing and
20 orally at public hearings.

21 11. Petitioner and Plaintiff SMALL BUSINESS FORWARD (“SBF”) is a
22 510(c)(4) social welfare organization that seeks to empower and advocate for the
23 diverse landscape of San Francisco’s small businesses and their employees. SBF’s
24 mission is driven by the belief that a thriving small business ecosystem contributes to
25 the overall well-being and vitality of the San Francisco community. SBF objected to
26 the 2025 Upzone at hearings before the Board of Supervisors.

27 12. Petitioner and Plaintiff ROMALYN SCHMALTZ is a San Francisco
28 resident. Ms. Schmaltz will be directly and adversely affected by the Upzone. Ms.
Schmaltz commented to the Board of Supervisors objecting to the 2025 Upzone and
the City’s failure to conduct proper environmental review.

1 13. Petitioner and Plaintiff PAUL ERICKSON is a San Francisco resident.
2 Mr. Erickson will be directly and adversely affected by the Upzone. Mr. Erickson
3 commented to the Board of Supervisors objecting to the 2025 Upzone and the City’s
4 failure to conduct proper environmental review.

5 14. Petitioners and their members have a right to, and a beneficial interest
6 in, Respondents’ performance of their duties under CEQA. These interests have been,
7 and continue to be, threatened by Respondents’ failure to analyze the environmental
8 impacts of the 2025 Upzone under CEQA. Petitioners and their members are
9 interested in ensuring that Respondents fully comply with CEQA to ensure that all
10 environmental impacts of the 2025 Upzone are analyzed and mitigated to the extent
11 feasible. Petitioners and their members have direct and beneficial interests in
12 Respondents’ compliance with laws bearing upon approval of the 2025 Upzone. These
13 interests will be directly and adversely affected by the 2025 Upzone. The maintenance
14 and prosecution of this action will confer a substantial benefit on Petitioners and the
15 public by protecting Petitioners and the public from the environmental and other
16 harms alleged below and others that may exist but are unknown due to the lack of a
17 full environmental analysis of the 2025 Upzone.

18 15. Respondent, Defendant and Real Party in Interest CITY AND COUNTY
19 OF SAN FRANCISCO is a municipality within whose jurisdiction the 2025 Upzone
20 will be located, and was the proponent of the 2025 Upzone. It is the lead agency for
21 the 2025 Upzone for the purposes of PRC § 21067 and has principal responsibility for
22 conducting environmental review for the 2025 Upzone and taking other actions
23 necessary to comply with CEQA.

24 16. Respondent, Defendant, and Real Party in Interest BOARD OF
25 SUPERVISORS of the CITY AND COUNTY OF SAN FRANCISCO (“BOS”) serves as
26 the City and County’s municipal decision-making body. The BOS is vested with all the
27 powers of the City and County, including reviewing and approving certain
28 discretionary actions and complying with the requirements of state laws. As the
decision-making body for the City and County, the BOS was ultimately responsible for
reviewing and approving or denying the 2025 Upzone. The BOS voted 6-to-4 to
approve the Upzone on December 9, 2025.

1 development anticipated under the then existing 2014 housing element. The 2022
2 Housing Element achieved its growth potential primarily by increasing allowable
3 heights and densities in the City’s western neighborhoods, particularly the Richmond
4 and Sunset Districts.

5 31. On February 1, 2023, the California Department of Housing and
6 Community Development (HCD) determined the 2022 Housing Element to be in
7 “substantial compliance” with California Housing Element Law. (Gov. Code §65580.)
8 On September 9, 2025, HCD found that “the City continues to substantially comply
9 with State Housing Element Law.” In its September 9, 2025 letter to the City
10 Planning Director, HCD stated, “The City must complete rezoning to accommodate
11 the RHNA and make prior identified sites available by January 31, 2025.”

12 32. Rather than implement zoning changes to implement the 2022 Housing
13 Element that had been approved by the Board of Supervisors, reviewed under CEQA,
14 and approved by HCD, the City decided to adopt a dramatically different plan – the
15 2025 Upzone.

16 33. On September 3, 2025, the City Planning Department released the 2025
17 Upzone, and a 135-page CEQA Addendum, and scheduled the matter for hearing by
18 the Planning Commission one week later, on September 11, 2025. The short
19 timeframe provided a virtually impossible framework for the public to provide
20 meaningful comment. Nevertheless, the City rejected Petitioners’ written request for a
21 continuance.

22 34. Within the truncated comment period, the City continued to make
23 changes to the Addendum’s project description throughout the public comment period.
24 It was impossible for the public to provide meaningful comment without a stable,
25 accurate, and finite project description.

26 35. The 2025 Upzone was drastically different from the plan laid out in the
27 2022 Housing Element. Notably:

- 28 a. **GROWTH-INDUCING IMPACTS:** The 2025 Upzone adds at least 4,000
more units of housing than analyzed in the 2022 EIR, which will result in
additional air pollution, construction emission, traffic, public services
impacts, etc. The 2025 Upzone adds 30,653 housing parcels with a capacity

1 for an additional 800,000 housing units – none of which were considered in
2 the 2022 EIR. Full build-out under the 2025 Upzone would more than
3 double the population of the City. By the City’s own calculations the 2025
4 Rezone could result in a range of additional housing ranging from 64,000
5 units (soft sites method); 39,000 units (citywide capacity method); to 19,000
6 units (financial feasibility method). (SF Planning Dept., Family Zoning Plan
Rezoning Capacity Calculations Fact Sheet.)

- 7 b. HISTORIC RESOURCES: The 2025 Upzone, unlike the 2022 Housing
8 Element, would allow new, high-rise development in the historic northeast
9 neighborhoods of North Beach and the Northern Waterfront, including
10 Fisherman’s Wharf– something not allowed or analyzed in the 2022 EIR or
11 Housing Element.
- 12 c. HEIGHT LIMITS INCREASED: The 2025 Upzone, unlike the 2022 Housing
13 Element, includes amendments to base zoning and base height limits, and
14 creating new zoning for many areas. The 2025 Upzone will allow the
15 construction of buildings up to 350-feet taller than anything analyzed in the
16 2022 EIR, resulting in new wind, aesthetic, biological and shadow impacts
17 not analyzed in the 2022 EIR. The 2025 Upzone increases height on 7,580
18 parcels and 10,009 units, above heights analyzed in the 2022 EIR.
- 19 d. INCREASED DENSITY: The 2025 Upzone increases density on 16,135
20 parcels, adding 30,653 parcels with 38,692 units that were not analyzed in
21 the 2022 EIR - mostly in District 3 and District 8. The 2025 Upzone almost
22 doubles the square footage of developable land, increasing the amount by
254,211,574 square feet.
- 23 e. HOUSING SUSTAINABILITY DISTRICT: The 2025 Upzone, unlike the
24 2022 Housing Element, establishes a housing sustainability district.
- 25 f. WIND: The 2025 Upzone will create significant new wind impacts from
26 vastly taller buildings. At the same time the 2025 Upzone ordinance
27 proposes to weaken the City’s wind ordinance to eliminate the requirement
28 for mandatory wind mitigation, and to redefine significant wind impacts
from 1-hour to 9-hours – all of which will create significant new wind

1 impacts far greater than anything analyzed or contemplated in the 2022
2 EIR.

- 3 g. **DISPLACEMENT OF RENT-CONTROLLED HOUSING:** The 2025 Upzone
4 will result in the displacement of rent-controlled tenants and legacy
5 businesses, by replacing rent-controlled and existing affordable units with
6 luxury, high-rise condos, eliminating requirements for affordable housing,
7 and allowing development in the areas within the Priority Equity
8 Geographies Special Use District – something avoided in the 2022 Housing
9 Element. The 2025 Upzone allows at least 20,564 two-unit rent-controlled
10 units (10,282 parcels) to be demolished and replaced with luxury condos.
- 11 h. **AIR POLLUTION:** The 2025 Upzone will create significant airborne cancer
12 risks in newly identified APEZ (air pollutant exposure zones), and will result
13 in criteria air pollution far above CEQA significance threshold set by the
14 Bay Area Air District.
- 15 i. **SHADOW:** The 2025 Upzone will create significant new shadow impacts due
16 to significantly taller buildings, including impacts that violate the voter-
17 approved Prop M.
- 18 j. **CONTAMINATED SITES:** The 2025 Upzone will allow development on
19 contaminated sites not analyzed or mitigated in the 2022 EIR.
- 20 k. **TRAFFIC:** The 2025 Upzone will create new significant unstudied air
21 quality impacts from increased vehicle miles travelled (VMT), and from
22 construction emissions.
- 23 l. **SEWAGE TREATMENT PLANT:** The 2025 Upzone will allow development
24 on the site of the North Point Wet Weather Sewage Treatment Facility,
25 creating the need for either a replacement facility or costly new
26 infrastructure to transport sewage elsewhere.
- 27 m. **NORTH BEACH SUD:** The 2025 Upzone in combination with the recent
28 repeal of the North Beach Special Use District, will have cumulative impacts
due to lost protections for almost all historic resources in the North Beach
area.
- n. **GREAT HIGHWAY CLOSURE CUMULATIVE IMPACTS:** The City has not

1 analyzed new changed circumstances, particularly the closure of the Great
2 Highway, which will exacerbate significant traffic and public transit impacts
3 of the 2025 Upzone, which adds thousands of new residential units to the
4 Sunset and Richmond neighborhoods.

5 36. The 2020 EIR Addendum failed to address new significant impacts of the
6 2025 Upzone that exceed the scope of the 2022 Housing Element. A supplemental EIR
7 is required.

8 37. A supplemental EIR must analyze and mitigate new significant impacts,
9 and consider feasible alternatives to the 2025 Upzone, including: 1) simply enacting
10 zoning to comply with the 2022 Housing Element that had already been approved by
11 the City and HCD; and/or, 2) specifying exactly where the additional 4,000 units of
12 housing would be constructed, rather than upzoning huge swaths of the City in hopes
13 that some small, but unknown portions of the rezoned areas will someday be
14 developed.

15 38. On December 9, 2025, the Board of Supervisors enacted Ordinance No.
16 243-24, Ordinance No. 243-25, Ordinance No. 244-25, and Resolution No. 577-25
17 adopting the 2025 Rezone and certified its CEQA Addendum by a narrow one-vote
18 margin (6-to-4).

19 39. On December 12, 2025, the Mayor signed Ordinance No. 243-24,
20 Ordinance 243-25, Ordinance No. 244-25, and Resolution No. 577-25 into law.

21 40. On December 19, 2025, the City posted a Notice of Determination.

22 **LEGAL BACKGROUND**

23 **The California Environmental Quality Act (“CEQA”)**

24 **A. CEQA SECTION 21166**

25 41. CEQA mandates that “the long-term protection of the environment . . .
26 shall be the guiding criterion in public decisions” throughout California. (PRC
27 §21001(d).) The “‘foremost principle’ in interpreting CEQA is that the Legislature
28 intended the act to be read so as to afford the fullest possible protection to the
environment within the reasonable scope of the statutory language.” (*Communities for
a Better Env’t v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 109.)

42. “The addendum is the other side of the coin from the supplement to an

1 EIR. This section provides an interpretation with a label and an explanation of the
2 kind of document that does not need additional public review.” “It must be
3 remembered that an addendum is prepared where ‘(2) Only **minor technical**
4 **changes or additions** are necessary to make the EIR under consideration adequate
5 under CEQA; and (3) The changes to the EIR made by the addendum **do not raise**
6 **important new issues about the significant effects on the environment.**”
7 (CEQA Guidelines §15164 (a); *Save Our Heritage Organization v. City of San Diego*,
8 28 Cal. App. 5th 656, 664-65 (2018) (emphasis added).) Even a 15-foot increase in
9 height for a residential building (from 75 feet to 90 feet) requires a supplemental EIR,
10 not an addendum. (*Ventura Foothills Neighbors v. Cty. of Ventura* (2014) 232 Cal.
11 App. 4th 429, 434.)

12 43. The Public Resources Code does not address the use of addenda to
13 comply with CEQA. But section 15164(a) of the CEQA Guidelines states that “the
14 lead agency or a responsible agency shall prepare an addendum to a previously
15 certified EIR if some changes or additions are necessary, but none of the conditions
16 described in Section 15162 calling for preparation of a subsequent EIR have occurred.”
17 Pursuant to Section 15162(a) of the CEQA Guidelines, a subsequent EIR or Negative
18 Declaration is required when:

- 19 1. Substantial changes are proposed in the project which will require major
20 revisions of the previous EIR or negative declaration due to the
21 involvement of new significant environmental effects or a substantial
22 increase in the severity of previously identified significant effects;
- 23 2. Substantial changes occur with respect to the circumstances under which
24 the project is undertaken which will require major revisions of the
25 previous EIR or Negative Declaration due to the involvement of new
26 significant environmental effects or a substantial increase in the severity
27 of previously identified significant effects; or
- 28 3. New information of substantial importance, which was not known and
could not have been known with the exercise of reasonable diligence at
the time the previous EIR was certified as complete or the negative
declaration was adopted, shows any of the following:

- a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c. Mitigation measures or alternatives previously found not to be feasible would, in fact, be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

44. CEQA’s unique “fair argument” standard applies to analysis under Section 21166 when the proposed project is outside the scope of the prior EIR. (*Save Our Access v. City of San Diego* (2023) 92 Cal.App.5th 819 (*Save Our Access I*); *Save Our Access v. City of San Diego*, (2025) 115 Cal.App.5th 388 (*Save Our Access II*).

45. *Save Our Access I* held that a project that allows development of a greater height than analyzed in a prior programmatic EIR is outside the scope of the prior EIR. (*Save Our Access I*, 92 Cal.App.5th at 845.) Therefore, the low threshold "fair argument" standard applies to whether a supplemental EIR is required for subsequent projects that exceed the height limits in the program EIR. (*Id.* at 860). A project that includes geographic areas outside the scope of the prior program EIR is also subject to the fair argument standard. (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1320-1321).

46. Since the 2025 Upzone allows substantial development outside of geographic areas analyzed in the 2022 EIR, along with building heights of up to 350 taller than analyzed in the 2022 EIR, and allows development affecting historic resources and contaminated sites not analyzed in the 2022 EIR, the fair argument standard applies to the City's use of an Addendum. An EIR is thus required if any substantial evidence supports a fair argument that the project may have any significant adverse environmental impacts. (PRC § 21080(d).)

1 **B. SB 131.**

2 47. SB 131 exempts from CEQA review "a rezoning that implements the
3 schedule of actions contained in an approved housing element pursuant to subdivision
4 (c) of section 65583 of the Government Code." (PRC § 21080.085.)

5 48. SB 131 does not apply to the 2025 Upzone because the Upzone does not
6 implement the approved 2022 Housing Element and is in fact inconsistent with the
7 2022 Housing Element.

8 49. The 2022 Housing Element included minimal new development in the
9 historic Northeast sector of the City (800 units), while the 2025 Upzone allows 5,900
10 units in that area. The 2022 Housing Element provided for negative 1,800 units in
11 Downtown, while the 2025 Upzone placed 500 units in the Downtown area. The 2025
12 Upzone placed 2,800 additional units in the Western Addition above levels in the 2022
13 Housing Element. Also, the 2025 Upzone allows construction of buildings up to 350
14 taller than allowed by the 2022 Housing Element. The Upzone adds 30,653 parcels
15 whose development was not analyzed in the 2022 EIR. Since the 2025 Upzone is
16 inconsistent with the 2022 Housing Element, SB 131 does not apply.

17 50. SB 131 provides that it does not apply to "natural and protected lands,"
18 and the Upzone admittedly includes numerous parcels that meet this definition,
19 including contaminated sites listed on the Cortese list. (PRC § 21080.085). Therefore,
20 the City may not rely on SB 131.

21 51. Noncompliance with the requirements of CEQA constitutes a prejudicial
22 abuse of discretion under PRC §§ 21168 and 21168.5, regardless of whether a different
23 outcome would have resulted if the lead agency had complied with those requirements
24 in the first place. (PRC § 21005.) Abuse of discretion is established if the agency has
25 not proceeded in a manner required by law or if the agency's determination or decision
26 is not supported by substantial evidence in the administrative record. (PRC §§ 21168,
27 21168.5.)
28

1 **FIRST CAUSE OF ACTION**

2 **Violation of CEQA – Prejudicial Abuse of Discretion**

3 **(Public Resources Code, § 21000 et seq.)**

4 52. Petitioners reallege and incorporate by reference the preceding
5 paragraphs, in their entirety, as if fully set forth.

6 53. The City prejudicially abused its discretion by failing to prepare a
7 supplemental or subsequent environmental impact report for the 2025 Upzone despite
8 being presented with substantial expert evidence that the 2025 Upzone will have
9 significant environmental impacts that were not analyzed in the EIR for the 2022
10 Housing Element, despite the fact that the 2025 Upzone is outside the scope of the
2022 Housing Element.

11 54. Respondents prejudicially abused their discretion and failed to act in a
12 manner required by law by failing to conduct adequate CEQA review of the 2025
13 Upzone before approval.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Petitioners respectfully request entry of judgment issuing a
16 peremptory writ of mandate as follows:

- 17 1. A peremptory writ of mandate directing Respondents to:
 - 18 a. Vacate and set aside any and all permits or approvals issued for the
2025 Upzone;
 - 19 b. Vacate and set aside their approval for the 2025 Upzone on the
20 grounds that adequate CEQA compliance did not precede that action;
 - 21 c. Fully comply with CEQA before any subsequent action is taken to
22 consider approval of the 2025 Upzone;
 - 23 d. Suspend all activities in furtherance of the 2025 Upzone unless and
24 until Respondents take all necessary steps to bring their actions into
compliance with CEQA;
- 25 2. A declaration that Respondents’ actions approving the 2025 Upzone
26 violated CEQA and the CEQA Guidelines, and declaring invalid any approval and
27 entitlements related to the 2025 Upzone;
- 28 3. A temporary and permanent stay to prevent Respondents from taking

1 further actions to implement or proceed with the 2025 Upzone during the pendency of
2 this litigation and subsequent to the Court's issuance of a peremptory writ;

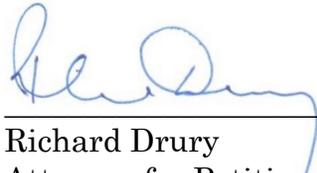
3 4. An order awarding Petitioners attorneys' fees under Code of Civil
4 Procedure § 1021.5 and other applicable authority;

5 5. Costs of suit; and

6 6. Such other and further relief as the court deems just and proper.

7 Dated: January 9, 2026

LOZEAU DRURY LLP

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9 _____
10 Richard Drury
11 Attorney for Petitioners

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VERIFICATION

I, Richard Drury, am an attorney for Petitioners in this action. I am verifying this Petition pursuant to California Code of Civil Procedure § 446. Petitioners are absent from the County of Alameda, in which I have my office. I have read the foregoing petition and complaint. I am informed and believe that the matters in it are true, and on that ground, allege that the matters stated in the complaint are true.

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

Dated: January 9, 2026

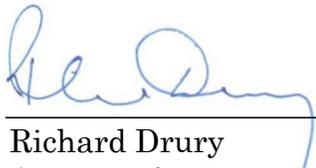
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EXHIBIT A



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January 7, 2026

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Re: Notice of Intent to File Suit Under the California Environmental Quality Act Regarding the "Family Zoning Plan" and approving an addendum for the Plan in violation of the California Environmental Quality Act ("CEQA").

Dear President Mandelman, Honorable Supervisors, Mayor Lurie, and City Attorney Chiu:

Please take notice, pursuant to Public Resources Code § 21167.5, Neighborhoods United SF, Small Business Forward, and San Francisco residents Romalyn Schmaltz and Paul Erickson, intend to file a Verified Petition for Peremptory Writ of Mandate and Complaint ("Petition") under the provisions of the California Environmental Quality Act ("CEQA"), Pub. Res. Code § 21000 *et seq.*, against the City and County of San Francisco and San Francisco Board of

Supervisors (“Respondents”), challenging the Respondents’ December 12, 2025 decision”) approving Ordinance No. 243-24 (File No. 250966) amending numerous provisions of the San Francisco General Plan; Ordinance No. 243-25 (File No. 250701), amending numerous provisions of the San Francisco Planning Code and Business and Tax Regulations Code to create the Housing Choice-SF Program, adopt a Housing Sustainable District, and amending the Local Coastal Program, among other amendments; Ordinance No. 244-25 (File No. 250700) making numerous amendment to the Zoning Map to implement the Family Zoning Plan; and Resolution No. 577-25 (File No. 250985) transmitting to the California Coastal Commission the city’s amendment to the Local Coastal Plan (known as the “Family Zoning Plan” or “2025 Upzone”), and approving an addendum for the 2025 Upzone in violation of the California Environmental Quality Act (“CEQA”), Public Resources Code (“PRC”) § 21000 *et seq.* (“CEQA”) and the CEQA Guidelines, California Code of Regulations (“CCR”), title 14, §§ 15000 *et seq.*

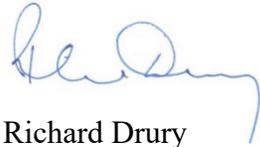
Among other issues, Petitioners will allege that Respondents failed to proceed in the manner required by law by approving the 2025 Upzone without first preparing a supplemental environmental impact report (“SEIR”) under CEQA for the Upzone despite substantial evidence that the Upzone will have significant, unmitigated environmental impacts that were not analyzed and that are beyond the scope of the environmental impact report prepared for the City’s 2022 Housing Element. Rather than preparing a SEIR, the City improperly relied on an addendum to the 2022 Housing Element EIR, despite the fact that the 2025 Upzone is beyond the scope of the 2022 Housing Element since it allows greater building heights than analyzed in the 2022 Housing Element EIR, and the 2025 Upzone allowed development in entirely different areas of the City that were not included in the 2022 Housing Element, such as North Beach and Fisherman’s Warf.

The Petition will seek the following relief:

1. A preliminary and permanent injunction staying the effect of Respondents’ approval of the 2025 Upzone.
2. A peremptory writ of mandate directing:
 - a. Respondents to set aside any and all permits or approvals issued for the 2025 Upzone;
 - b. Respondents to fully comply with CEQA before any subsequent approval of the Upzone and take any other action required pursuant to Pub. Res. Code § 21168.9;
 - c. Respondents to prepare, circulate, and consider an environmental review document to address all CEQA violations related to the 2025 Upzone approval; and
 - d. Respondents to suspend all activities in furtherance of the 2025 Upzone unless and until Respondents take all necessary steps to bring their actions into compliance with CEQA.

3. A declaration that Respondents' actions approving the 2025 Upzone violated CEQA and the CEQA Guidelines, and declaring invalid any approvals related to the Upzone.
4. An order awarding Petitioner's attorneys' fees under Code of Civil Procedure § 1021.5, Government Code § 800, and other applicable authority;
5. Costs of suit; and
6. Any such other and further relief as the court deems just and proper.

Sincerely,



Richard Drury

LOZEAU DRURY LLP

PROOF OF SERVICE

I, Toyer Grear, declare as follows:

I am a resident of the State of California and am employed in Oakland, California. I am over the age of 18 years and am not a party to the action. My business address is 1939 Harrison Street, Suite 150, Oakland, CA 94612. On January 6, 2026, I served a true and correct copy of the following document(s):

• **NOTICE OF INTENT TO FILE CEQA SUIT**

- By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Oakland, California addressed as set forth below.
- By sending the document(s) as an electronic mail attachment in PDF format to the email address below.

Rafael Mandelman, Board President
Honorable Supervisors
San Francisco Board of Supervisors
c/o Angela Calvillo, Clerk of the Board
1 Dr. Carlton B. Goodlett Place, Room 244
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mandelmanstaff@sfgov.org
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Daniel Lurie, Mayor
Office of the Mayor
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102
daniel.lurie@sfgov.org

David Chiu, City Attorney
San Francisco City Attorney's Office
1 Dr. Carlton B. Goodlett Place, Room 234
San Francisco, CA 94102
cityattorney@sfcityatty.org

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on January 6, 2026 at Oakland, California.



Toyer Grear

EXHIBIT B

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14 Attorney for Petitioners and Plaintiffs

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF SAN FRANCISCO**

17 NEIGHBORHOODS UNITED SF;
18 SMALL BUSINESS FORWARD;
19 ROMALYN SCHMALTZ and PAUL
20 ERICKSON;

21 Petitioners and Plaintiffs,

22 v.

23 CITY and COUNTY OF SAN
24 FRANCISCO; BOARD OF
25 SUPERVISORS of the CITY AND
26 COUNTY OF SAN FRANCISCO; and
27 DOES 1 through 10, inclusive,

28 Respondents, Defendants,
and Real Parties in
Interest.

Case No.:

Filed under the California
Environmental Quality Act ("CEQA")

**PETITIONERS' NOTICE OF
INTENT TO PREPARE THE
ADMINISTRATIVE RECORD**

(Code Civ. Proc., §§ 1085, 1094.5; Pub.
Res. Code §§ 21167, 21168, 21168.5)

Assignment to CEQA Judge Required
(Pub. Res. Code § 21167.1(b))

1 Pursuant to Public Resources Code section 21167.6(b), Petitioners and
2 Plaintiffs NEIGHBORHOODS UNITED SF; SMALL BUSINESS FORWARD;
3 ROMALYN SCHMALTZ; and PAUL ERICKSON (“Petitioners”) hereby notify all
4 parties that Petitioners elect to prepare the administrative record relating to the
5 above-captioned action, involving the unlawful decisions of Respondents CITY and
6 COUNTY OF SAN FRANCISCO and BOARD OF SUPERVISORS of the CITY AND
7 COUNTY OF SAN FRANCISCO (“Respondents”) on December 9, 2025, whereby
8 Respondents approved Ordinance No. 243-42 (File No. 250966) amending numerous
9 provisions of the San Francisco General Plan; Ordinance No. 243-25 (File No. 250701),
10 amending numerous provisions of the San Francisco Planning Code and Business and
11 Tax Regulations Code to create the Housing Choice-SF Program, adopt a Housing
12 Sustainable District, and amending the Local Coastal Program, among other
13 amendments; Ordinance No. 244-25 (File No. 250700) making numerous amendment
14 to the Zoning Map to implement the Family Zoning Plan; and Resolution No. 577-25
15 (File No. 250985) transmitting to the California Coastal Commission the City’s
16 amendment to the Local Coastal Plan (known as the “Family Zoning Plan” or “2025
17 Upzone”), and approving an addendum (“Addendum”) for the 2025 Upzone, in
18 violation of, *inter alia*, the California Environmental Quality Act, Public Resources
19 Code § 21000 *et seq.* Respondents are directed not to prepare the administrative
20 record for this action and not to expend any resources to prepare the administrative
21 record.

21 Dated: January 9, 2026

LOZEAU DRURY LLP



Richard T. Drury
LOZEAU DRURY LLP
Attorney for Petitioners