

From: [Soma West Neighborhood Association](#)
To: [Melgar, Myrna \(BOS\)](#)
Cc: [Carroll, John \(BOS\)](#); [Dorsey, Matt \(BOS\)](#); [DorseyStaff \(BOS\)](#); [Chen, Chyanne \(BOS\)](#); [MahmoodStaff](#); [MelgarStaff \(BOS\)](#); [ChenStaff](#); [Mahmood, Bilal \(BOS\)](#); [Thongsavat, Adam \(MYR\)](#); [Segal, Ned \(MYR\)](#); [CPC-Commissions Secretary](#); [Dennis Phillips, Sarah \(CPC\)](#); [Tanner, Rachael \(CPC\)](#); [Switzky, Joshua \(CPC\)](#); [Richardson, Sarah \(CPC\)](#); boardofsupervisors@sfgov.org
Subject: Supplemental Opposition to File #260132 and File #260397 (SB 79 Alternative Plan)
Date: Thursday, April 16, 2026 10:04:58 AM
Attachments: [Supplemental Opposition to File #260132 and File #260397 \(SB 79 Alternative Plan\).pdf](#)

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Dear Chair Melgar,

Please find attached a supplemental opposition letter from the SOMA West Neighborhood Association (SWNA) regarding Ordinance File No. 260132 and File No. 260397 (the SB 79 Alternative Plan).

We will also be providing this to state regulators under our active fair housing & civil rights complaint (Case #HAU 3256). We strongly urge the Committee to reject this legislation and to implement SB 79 early in SOMA.

Thank you for your time and attention to this matter.

Sincerely,
Board of Directors
SOMA West Neighborhood Association

attachment: Supplemental Opposition to File #260132 and File #260397 (SB 79 Alternative Plan).pdf



April 15, 2026

Hon. Chair Myrna Melgar, Land Use Committee
City of San Francisco
49 S Van Ness Ave Suite 1400
San Francisco, CA 94103

Re: Opposition to File #260132 (Planning Code: Transit-Oriented Residential Development / SB 79 Alternative Plan)

Chair Melgar,

As a follow-up to the April 13, 2026 Land Use Committee hearing, the SOMA West Neighborhood Association (SWNA) Board of Directors submits this supplemental opposition to Ordinance [File No. 260132](#) and its duplicated backup, [File No. 260397](#). We formally request that the Committee reject this legislation in its entirety.

It is clear that SOMA's housing development is being sacrificed, both on paper and in reality, to shield wealthier, well-resourced neighborhoods on the West Side from the transit-rich upzoning that state law requires. This pattern of SOMA carrying an additional burden in order to protect other neighborhoods formed the very basis of [our Fair Housing & Civil Rights complaint](#), and it is laid bare once again during this legislative process. The April 13 amendments, coupled with the underlying parcel data, demonstrate a concerted effort to preserve SOMA as a high-poverty containment zone. Please see the below details as further evidence of our concerns. We are also submitting it to state regulators under our active HCD complaint (Case #HAU 3256).

Capacity Harvesting and Regulatory Evasion

- **Artificial Baseline Reduction:** The Planning Department transmittal admits that it "narrowly misses the requirements that each individual parcel within the SB 79 geographies, and each SB 79 station area, allow at least 50% the density allowed by SB 79" ([page 21](#)). If the City leaves SOMA in the SB 79 equation, the State requires a massive amount of housing capacity because SOMA is transit-rich.

To solve this, the City plays a capacity harvesting game by classifying 359 acres of the SOMA and Mission area as an "Industrial Employment Hub". In doing so, the City permanently excludes those 1,915 parcels from the SB 79 calculations entirely. By legally erasing SOMA from the map, the City artificially shrinks the total baseline capacity it has to prove to the State. This is quite literally sacrificing our neighborhood's future housing capacity to protect the exclusionary zoning

status quo in the rest of the city, in particular the West Side.

- **Perpetuation of Discretionary Review:** The claim during the hearing that this ordinance is only about SB 79 and that “there’s nothing preventing the board from taking up other zoning changes in the future” is disingenuous. SB 79 grants ministerial approval (by-right streamlining) for mixed-income housing. By permanently excluding our parcels from this specific state law, the City is intentionally blocking that by-right streamlining. If the City revisits local zoning later, any new housing in SOMA will still be subject to discretionary review. Hence, the Board of Supervisors keeps the power to block projects and subject developers to years of environmental review delays by locking SOMA into a discretionary trap.

Exemption Requirements Not Met

The City justifies permanently excluding SOMA by classifying our SALI and WMUO parcels as an "Industrial Employment Hub." This classification violates two explicit statutory prerequisites of SB 79 (California Government Code Section 65912.160(e)(2)).

- **Item 1 (Housing is a Principally Permitted Use):** To qualify for the exemption, the statute dictates an absolute standard: "housing shall not be a permitted use on any of the sites so excluded." During the April 13 hearing, the City claimed residential uses were only conditionally permitted. The City's own Planning Code indicates this is incorrect. [Section 846](#) of the Planning Code explicitly lists Affordable Housing Projects as "P#" (principally permitted) in the SALI district. The specific provisions further codify that "Affordable Housing Projects are principally permitted in this District".

In addition, the code dictates that during a declared shelter crisis, homeless shelters "shall be P, principally permitted". Both WMUO and SALI zones also explicitly permit Accessory Dwelling Units. Because residential housing is a principally permitted and active use on these sites, applying this permanent exclusion would be a violation of state law.

- **Supporting Information (Existing Residential Density):** While the City attempts to downplay the residential reality of these zones by arguing previous housing was only conditionally allowed, these areas already contain substantial housing stock. Regardless of how these specific developments were historically entitled, their existence proves that housing is an active, permitted use within the exclusion zone, which triggers the statutory prohibition. Examples of existing residential housing within these supposedly industrial SALI zones include:
 - Design Center Lofts at 428 8th Street (36 units)
 - McLea Court Apartments at 2 Mclea Ct (29 units)
 - H2O Lofts at 1247 Harrison Street (28 units)
 - Stagehouse Lofts at 465 10th Street (19 units)
 - 480-484 6th Street (14 units)
 - 449-451 9th Street (11 units).
- **Item 2 (Not Dedicated to Industrial Use):** The statute dictates that parcels must be "primarily dedicated to industrial use" as defined by Section 65912.121(f)(3). SOMA parcels fail this strict legal definition. The parcels are actively occupied by consumer-facing businesses, including [Costco](#), [Room & Board](#), [Mood & Moves Dance School](#), [Lennon Music Rehearsal Studio](#), [MooKoos Turkish Coffee Shop & Bakery](#), [LetsSweet Hong Kong Kitchen](#), [Agrodolce Provisions](#)

[Restaurant](#), a [FedEx Consumer Office/Shipping Retail Shop](#), [FireFly Hair Salon](#), and [Social Cafe Coffee Shop](#). All of these locations appear on the proposed [Permanent Industrial Exclusions](#), yet are not currently used for industrial purposes. Quite the contrary, these blocks would be the perfect place for commercial to residential conversions, bringing with them additional business customers, Downtown Revitalization, and much-needed housing supply.

- **Supporting Information (Massive Vacancy):** Far from a bustling industrial sector, the area is plagued by long-term vacancy and vacant offices. Properties like the 6,700 square foot office at [414-424 9th Street](#), vacant since 2021, fail the statutory requirement that a vacant site must have been "occupied within the past three years" to retain an industrial classification. A sampling of currently vacant properties categorized under this industrial exemption includes numerous vacancies, mostly office buildings, totaling over 150,000 square feet:
 - [88 Merlin Street](#): 4,200 square feet of industrial space for lease
 - [250 Dore Street](#): 14,000 square feet of flex space, vacant and for lease
 - [350 11th Street \(WMUO\)](#): 25,000 square feet of retail and office use for lease
 - [414-424 9th Street](#): 6,700 square feet of fully renovated office space, available for lease since 2021
 - [428 11th Street](#): 20,000 square feet of vacant land for sale
 - [440 9th Street](#): 4,900 square feet of office space with kitchens and conference rooms, available for lease since March 2022
 - [449 10th Street](#): over 9,000 square feet of office space, vacant and for sale since at least May 2025
 - [450 9th Street](#): 27,000 square feet of office space available for lease
 - [455-457 9th Street](#): 14,000 square feet of office building, vacant and for sale
 - [460-464 9th Street](#): 16,000 square feet of flex space available for lease
 - [660 Bryant Street](#): 6,000 square feet of industrial space available for lease since May 2025
 - [772 Bryant Street](#): 6,000 square feet of office space available for lease
 - [933 Harrison Street](#): 6,000 square feet of industrial space for lease
 - [1112 Bryant Street](#): 1,500 square feet of office space for lease

Discriminatory Siting and Weaponization of Blight

- **Dual Regulatory System:** The City selectively utilizes state streamlining when it serves its containment strategy. The City eagerly allows residential uses for high-acuity crisis facilities while disingenuously citing industrial protections in its proposal to ban market-rate mixed-income housing on the following SALI-zoned parcels:
 - **428 11th Street (Recovery Cabins):** In September 2025, the City invoked by-right streamlining (AB 101) to relocate a 60-unit Recovery Cabin village to this vacant SALI-zoned parcel. The City bypassed CEQA and issued approvals in just eight days.
 - **1275 Harrison Street (Salvation Army):** A SALI-zoned parcel operating as a 110 to 150-bed residential live-in rehab and withdrawal management facility.
 - **444 6th Street (RESET Center):** The City's newly proposed sobering center is located within this exact SALI zoning. It has only languished as a vacant site up to this point due to its limited zoning uses. We note that the City failed to secure a [Chapter 124 exemption](#) when approving this new site in our already service-saturated neighborhood.

- **Exploitation of Low Resource Designations:** During the April 13 hearing, the Committee amended the legislation to add SOMA to a second, temporary exemption list for "Low Resource" parcels until 2032.

The City's own [updated Legislative Digest](#) admits to this maneuver, stating the Committee *"amended the tables of parcels eligible for temporary exclusion from SB 79 due to being located in low-resource areas. These additional parcels are already exempt because they are located in 'industrial employment hubs.'* This amendment provides an additional basis for exempting these parcels". This is confirmed with the additions of SALI and WMUO parcels to the updated Low Resource v2 exemptions ([pages 497-506](#)).

For decades, the City deliberately divested from SOMA, stripping it of basic infrastructure and oversaturating it with crisis services. Now, the City is using the resulting low resource designation as a legal shield to block SB 79. The City is weaponizing the symptoms of its own exclusionary zoning to protect the containment zone from the exact mixed-income housing and economic revitalization that would correct it.

In doing so, the City is also transparently searching for another pretextual reason to exclude SOMA in order to protect well-resourced neighborhoods.

We need mixed-income housing near our transit systems, not exclusionary zoning that preserves blight. We request that the Committee reject the proposed ordinance in its entirety, abandon the discriminatory Alternative Plan, and work with District 6 Supervisor Matt Dorsey to implement the default provisions of SB 79 early in SOMA.

Sincerely,

Board of Directors
SOMA West Neighborhood Association

cc:

Supervisor Chyanne Chen
Supervisor Bilal Mahmood
Supervisor Matt Dorsey
Adam Thongsavat, Liaison to the Board of Supervisors, Office of Mayor Daniel Lurie
Ned Segal, Chief of Housing and Economic Development
Planning Commission
Sarah Dennis-Phillips, Planning Director
Rachael Tanner, Director of Citywide Planning
Joshua Switzky, Deputy Director of Citywide Planning
Sarah Richardson, Community Planning
California Department of Housing & Community Development (Case File #HAU 3256)

From: [Board of Supervisors \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [De Asis, Edward \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Carroll, John \(BOS\)](#); [BOS-Operations](#); [BOS Legislation, \(BOS\)](#)
Subject: File No. 260132 CA SB-79 Transit-Oriented Development - 2 Letters
Date: Monday, April 13, 2026 9:07:37 AM
Attachments: [260132 - SB 79 Transit-Oriented Development.pdf](#)

Hello Supervisors,

Please see the attached 2 letters from members of the public regarding:

File No. 260132: Ordinance 1) temporarily excluding certain sites from the provisions of California Senate Bill No. 79 (SB 79) that require local jurisdictions to allow residential uses at various densities, heights, and floor area ratios on sites within one-half mile of a transit-oriented development stop; 2) permanently excluding from those provisions of SB 79 sites located in industrial employment hubs, including certain sites zoned M (Industrial), SALI (Service/Arts/Light Industrial), PDR (Production, Distribution, Repair), WMUG (WSoMa Mixed Use-General), and P (Public), and sites with a walking path of more than one mile to the closest transit development stop; 3) amending the Planning Code to permit additional density and height for residential projects on certain parcels within one-half mile of a transit-oriented development stop; 4) adopting an Alternative Plan to SB 79, including making findings that the Alternative Plan provides equivalent development capacity; 5) making findings that these exemptions and the City's residential capacity meet the requirements of SB 79; and 6) directing the Clerk of the Board of Supervisors to transmit a copy of this Ordinance to the California Department of Housing and Community Development; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making public necessity, convenience, and welfare findings under Planning Code, Section 302.

Sincerely,

Justice Alcantar
Office of the Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
Phone: (415) 554-5184 | Fax: (415) 554-5163
board.of.supervisors@sfgov.org | www.sfbos.org



CALIFORNIANS FOR
HOMEOWNERSHIP



Apr 10, 2026

City of San Francisco
49 S Van Ness Ave Suite 1400
San Francisco, CA 94103

By Email: ChanStaff@sfgov.org; ChanStaff@sfgov.org; DorseyStaff@sfgov.org;
Jackie.Fielder@sfgov.org; MahmoodStaff@sfgov.org; MandelmanStaff@sfgov.org;
MelgarStaff@sfgov.org; SauterStaff@sfgov.org; SherrillStaff@sfgov.org;
Shamann.Walton@sfgov.org; Board.of.Supervisors@sfgov.org;

CC: cityattorney@sfcityatty.org; sarah.dennis-phillips@sfgov.org;

Re: Illegal Prohibition on Use of State Density Bonus Law

Dear San Francisco Board of Supervisors and Planning Department,

The California Housing Defense Fund (“CalHDF”) and Californians for Homeownership submit this letter as a public comment regarding item 3, file number 260132, for the Board of Supervisors, Land Use and Transportation Committee meeting of April 13, 2025, an amendment to the City’s zoning code to implement the provisions of SB 79.

The proposed code amendment violates state law, as it prohibits the use of State Density Bonus Law (DBL).

The proposed ordinance seeks to implement an alternative plan pursuant to Government Code section 65912.161, subdivision (a). As part of this plan, the ordinance will upzone certain parcels to 50% of the density allowed by Government Code section 65912.157.

However, proposed code section 207.11(b)(5) forbids applicants who use this increased zoning capacity from invoking the benefits of the DBL: “Is not seeking a density bonus pursuant to Section 206.6.”

This provision is illegal, as discussed below.

Background

State law contains many provisions that grant rights and protections to proposed housing developments and applications for proposed housing developments. These include the DBL,

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hi@calhdf.org

codified at Government Code section 65915 et seq. The DBL furthers pro-housing policies by, among other things, allowing proposed housing developments that include affordable units to reduce or avoid local zoning and other land use restrictions, as well as to receive increased density. The DBL calculates density bonuses using a “base density,” defined as “the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan.” (Gov. Code, § 65915, subd. (o)(6).)

The proposed ordinance upzones certain parcels so that the City can avoid the primary provisions of SB 79 by implementing an alternative plan. The aforementioned state laws then further expand the allowed range of housing projects on these parcels, providing for even greater density and even more forgiving standards for projects.

However, proposed code section 207.11(b)(5) attempts to defeat the DBL entirely. If not for this provision, housing project applicants would be able to propose projects under this upzoning and then provide further affordable housing (and market rate units) under the DBL. Thus, the critical question is: does proposed section 207.11(b)(5) have any legal effect? As explained below, the answer is no. Developers may use both this upzoning and the DBL.

The City Cannot Forgo the Application of State Law

State law preempts local law. (Cal. Const., art. XI, § 7.) This is a foundational constitutional principle, and it is no less true in the land use context than anywhere else. As a corollary to this principle, local governments “cannot choose to forgo application of land use policies imposed by the Legislature.” (*Ailanto Properties, supra*, 142 Cal.App.4th at 595.) Proposed section 207.11(b)(5), however, attempts to do exactly that: it states, in effect, that state land use laws do not apply to projects proceeding under the proposed upzoning. Code section 207.11(b)(5)’s intended purpose is unmistakably to “forgo application of land use policies imposed by the Legislature,” as caselaw and the California constitution forbid. (*Ibid.*)

The DBL does not allow local governments to circumvent or opt out of these rules. The attempt to do so, in section 207.11(b)(5) of the proposed SB 79 ordinance, does not pass legal muster, and project applicants will be entitled to ignore it.

Project Applicants Cannot Waive State Law Protections to Which They Are Entitled

Just as the City cannot waive the application state land use and housing laws, neither can developers. “[A] law established for a public reason cannot be contravened by a private agreement.” (Civ. Code, § 3513.) In other words, if a law is designed to accomplish a public benefit (possibly in addition to private benefits), the law’s provisions cannot be waived. (See, e.g., *County of Riverside v. Superior Court* (2000) 86 Cal.App.4th 211, 220 [holding employment protections for public safety officers, although they benefitted individual officers, also served a broader public purpose and could not be waived].) The legislature has made clear

that pro-housing laws serve the broader public interest.¹ (See, e.g., Gov. Code, §§ 65915, subd. (u); 65913.4, subd. (u); 65582.1; Stats. 2024, ch. 294, § 1; Stats. 2023, ch. 783, § 1.) The legislative history for these laws, moreover, confirms they are intended to serve the public by expanding the supply of housing and affordable housing. (See *Doskocz v. ALS Lien Services* (2024) 102 Cal.App.5th 107, 115-116 [legislative history is relevant in deciding whether law serves a public purpose and hence cannot be waived].) Hence, project applicants have no authority to disclaim the application of the DBL, as the City’s proposed SB 79 ordinance would have them do.

Two additional reasons prevent project applicants from waiving their right to pursue state law protections.

First, as with all legal waivers, such a waiver must be voluntary. (*Harvey v. County of Kern* (1930) 107 Cal.App. 590, 597.) As currently framed, the SB 79 ordinance does not ask project applicants to voluntarily waive their state law rights. It instead makes waiver *mandatory* for any project applicant. No waiver can occur through such an ultimatum; to the extent that the issue is unclear, moreover, the ambiguity resolves against the existence of a waiver. (See *Perini v. Perini* (1964), 225 Cal.App.2d 399.)

Second, waiver requires “an abandonment of a right that could be enforced or a privilege that could be exercised.” (*Estate of Goyette* (1971) 14 Cal.App.3d 224, 232 [internal citations omitted].) Thus, for an applicant to be able to waive the application of state law to a project, it must be the case that the applicant could, absent the waiver, enforce the application of the relevant state law. And it must be the case, from there, that the applicant could choose *not* to waive their rights and instead apply state law protections and bonuses to their project. In this way, the City faces a catch-22, and however it resolves the dilemma, developers will be able to use both the SB 79 upzoning and state law.

Even if the City Can Prohibit the Application of State Law, the Density Bonus Law Gives Project Applicants the Legal Right to Circumvent the City’s Prohibition

Even if the above legal rules do not neutralize the City’s attempt to avoid state law, any project eligible for the DBL will be able to defeat the application of proposed 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 the proposed upzoning except for section 207.11(b)(5) – because it seeks

¹ On one occasion, California courts found that a law establishing time limits for housing permit application processing primarily benefitted project applicants and not the general public, and hence project applicants could waive them. (*Bickel v. City of Piedmont* (1997) 16 Cal.4th 1040, 1049-1052.) The legislature immediately rebuked the Courts and overturned the *Bickel* holding through legislation. (See *Riverwatch v. County of San Diego* (1999) 76 Cal.App.4th 1428, 1439.)

benefits under the DBL – and the application of section 207.11(b)(5) would physically preclude the project by eliminating its eligibility for the density available under the upzoning, then the City cannot apply that section to the project. To the extent the City doubts or intends to contest this, CalHDF and Californians for Homeownership remind the City that the DBL, by its terms, “shall be interpreted liberally in favor of producing the maximum number of total housing units.” (*Id.* at subd. (r).) Flouting the law on this point also carries severe penalties, including mandatory payment of attorney’s fees to a project applicant who challenges the City in court. (*Id.* at subd. (e)(1).)

Similarly, the DBL defines the “base density” on which an applicant may seek benefits under the DBL, as “the greatest number of units allowed under the zoning ordinance ... or, if a range of density is permitted ... the greatest number of units allowed by the specific zoning range ...” The City’s proposed SB 79 ordinance, regardless of whether it includes language to prevent projects from using the DBL, increases the “base density” for DBL purposes. Thus, project applicants can avail themselves of the DBL’s benefits using the newly zoned density. Language to the contrary in the City’s ordinance is so much useless ink.

Sincerely,



Matthew Gelfand
Californians for
Homeownership



Dylan Casey
CalHDF

From: [James Lloyd](#)
To: [ChanStaff \(BOS\)](#); [DorseyStaff \(BOS\)](#); [Fielder, Jackie \(BOS\)](#); [MahmoodStaff](#); [MandelmanStaff \(BOS\)](#); [MelgarStaff \(BOS\)](#); [SauterStaff](#); [SherrillStaff](#); [Walton, Shamann \(BOS\)](#); [Board of Supervisors \(BOS\)](#)
Cc: [Cityattorney](#); [Dennis Phillips, Sarah \(CPC\)](#)
Subject: public comment re item 3, file number 260132, for the BOS Land Use committee meeting of April 13, 2025
Date: Friday, April 10, 2026 3:14:00 PM
Attachments: [San Francisco - SB 79 - 10 Apr 2026.pdf](#)

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Dear San Francisco Board of Supervisors and Planning Department,

The California Housing Defense Fund (“CalHDF”) and Californians for Homeownership submit the attached letter as a public comment regarding item 3, file number 260132, for the Board of Supervisors, Land Use and Transportation Committee meeting of April 13, 2025, an amendment to the City’s zoning code to implement the provisions of SB 79.

Sincerely,

James M. Lloyd
Director of Planning and Investigations
California Housing Defense Fund
james@calhdf.org
CalHDF is grant & donation funded
Donate today - <https://calhdf.org/donate/>



San Francisco Board of Supervisors (re: file #260132)

April 10, 2026

We write to oppose Section 3 of board file #[260132](#), which would permanently exclude several transit-rich parts of San Francisco from SB 79.

[SB 79](#) recognizes that San Francisco is in dire need of new housing, especially near public transit. It thus allows dense mixed-income housing near rail stations and rapid bus lines citywide. With rents skyrocketing and our public transit systems in peril, it is critical to embrace state laws like SB 79 that allow more housing near transit in San Francisco.

We know that you agree: in July 2025, a supermajority of the Board [voted](#) against efforts to oppose SB 79, and many Board members have affirmatively endorsed it.

The Planning Department's proposal seeks to accomplish two distinct objectives. The first is to temporarily exclude parts of the city from SB 79 — largely on the North and West side — where the city does or will allow sufficient density, thanks in part to the Family Zoning Plan. We recognize that the city crafted the Family Zoning Plan in part to provide a local alternative to SB 79 in these areas. We are not writing to oppose this first objective.

However, Section 3 of the proposed ordinance pursues a second, entirely distinct objective. This section **permanently** exempts several transit-rich areas of the city from SB 79 (visualized in Figure 6 in [The Planning Commission's staff report](#)), meaning **mixed-income housing will be illegal to build there**. We **strongly oppose** this effort to permanently exclude transit-rich areas of the city from mixed-income housing, and recommend that the Board remove this section from the proposed ordinance. We also encourage the Board to adopt findings affirming that the parts of these areas where SB 79 applies are suitable for mixed-income housing.

When a supermajority of the Board blocked efforts to oppose SB 79 last July, SB 79's provision allowing for these permanent exclusions was not present. We encourage the Board to allow the version of SB 79 that they reviewed in July 2025 to come into effect, and thus to oppose this ordinance unless it is amended.

Kenneth Russell
Volunteer Lead, SF YIMBY

Sachin Agarwal
GrowSF

From: [Kenneth Russell](#)
To: [Board of Supervisors \(BOS\)](#); [BOS-Supervisors](#); [Board of Supervisors \(BOS\)](#); [MahmoodStaff](#); [MelgarStaff \(BOS\)](#); [ChenStaff](#); [Carroll, John \(BOS\)](#)
Cc: david.broockman@gmail.com; sachin@growsf.org; steven@growsf.org; [Dennis Phillips, Sarah \(CPC\)](#); [Tanner, Rachael \(CPC\)](#); afryman@spur.org; laura@vimbyaction.org
Subject: Letter from SF YIMBY & GrowSF re: file 260132_1
Date: Friday, April 10, 2026 5:42:10 PM
Attachments: [YIMBY_Grow SB 79 Letter.pdf](#)

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Please see attached for our letter. Thank you!

From: [Soma West Neighborhood Association](#)
To: [Melgar, Myrna \(BOS\)](#)
Cc: [Carroll, John \(BOS\)](#); [Dorsey, Matt \(BOS\)](#); [DorseyStaff \(BOS\)](#); [Chen, Chyanne \(BOS\)](#); [MahmoodStaff](#); [MelgarStaff \(BOS\)](#); [ChenStaff](#); [Mahmood, Bilal \(BOS\)](#); [Thongsavat, Adam \(MYR\)](#)
Subject: Opposition to File #260132 (Planning Code: Transit-Oriented Residential Development / SB 79 Alternative Plan)
Date: Sunday, April 12, 2026 7:41:35 PM
Attachments: [image_1](#)

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Chair Melgar,

The SOMA West Neighborhood Association (SWNA) Board of Directors strongly urges the Land Use Committee to reject the proposed SB 79 Alternative Plan ([Ordinance File No. 260132](#)) unless Section 3 is removed.

We stand in full agreement with SF YIMBY and GrowSF in opposing Section 3 of this ordinance ([see their blog post](#)). This section permanently exempts transit-rich areas of our city from SB 79, which effectively makes mixed-income housing illegal to build in these transit corridors in SOMA. A supermajority of the Board already voted against efforts to oppose SB 79 in July 2025, and we ask that you honor that commitment and allow the original intent of SB 79 to take effect.

For SOMA West specifically, this legislation acts as a mechanism for economic suppression. Without SB 79, our neighborhood lacks the ministerial approvals we desperately need to spur mixed-income development. As highlighted in the April 4 [San Francisco Chronicle coverage](#) of our neighborhood's [fair housing complaint to the State](#), SWNA is actively asking for more market-rate housing. We want more people to come live in our neighborhood because more people walking on the sidewalk creates safety, supports retail, and prevents the conditions that allow open drug use and encampments.

The State of California is already investigating these exclusionary practices. SWNA currently has an active fair housing and civil rights complaint pending with the California Department of Housing and Community Development ([Case #HAU 3256](#), see page 24-25). Instead of facilitating integration, the City is utilizing a mathematically pretextual methodology to justify a permanent containment zone to state regulators:

-

SALI Exemption Contradiction: The City cannot block a parcel from being zoned for mixed-income housing by classifying it as an industrial employment hub while simultaneously allowing shelters and 100% affordable housing on those exact same parcels. This zoning is not preserving a thriving industrial base; it is preserving blight. Under this framework, market-rate housing is banned while poverty concentration is encouraged.

- **WMUG Capacity Contradiction:** The legislation's title and Legislative Digest explicitly state the City is permanently excluding WMUG parcels by classifying them as industrial employment hubs. However, the codified Table of Permanent Exclusions contains zero WMUG parcels, they are WMUO. Instead, the City placed these WMUG parcels onto its Table Demonstrating Housing Capacity to satisfy the State's Alternative Plan requirements.
- **Regulatory Bad Faith:** The City cannot statutorily define WMUG or WMUO as an industrial hub to evade state mandates while concurrently relying on those identical parcels to claim residential capacity on paper. Claiming capacity on paper while subjecting those exact same parcels to discretionary review intentionally denies them the ministerial streamlining mandated by state law.

We need mixed-income housing near Civic Center Station, not exclusionary zoning that preserves blight. We strongly request that the Committee remove Section 3 from the proposed ordinance and adopt formal findings affirming that the transit-rich areas of SOMA are suitable for mixed-income housing.

In addition, we ask the Committee to amend the ordinance to implement the full provisions of SB 79 early in SOMA. State law provides a path to opt into SB 79 early in specific areas without having to go through the California Environmental Quality Act (CEQA) review process. We specifically ask District 6 Supervisor Matt Dorsey to champion this pro-housing early implementation for our neighborhood. SOMA West is ready to welcome this growth, and we cannot afford to wait.

Sincerely,

Board of Directors
SOMA West Neighborhood Association

cc:

Supervisor Chyanne Chen
Supervisor Bilal Mahmood
Supervisor Matt Dorsey

Adam Thongsavat, Liaison to the Board of Supervisors, Office of Mayor Daniel Lurie

From: [Kenneth Russell](#)
To: [Board of Supervisors \(BOS\)](#); [BOS-Supervisors](#); [Board of Supervisors \(BOS\)](#); [MahmoodStaff](#); [MelgarStaff \(BOS\)](#); [ChenStaff](#); [Carroll, John \(BOS\)](#)
Cc: david.broockman@gmail.com; sachin@growsf.org; steven@growsf.org; [Dennis Phillips, Sarah \(CPC\)](#); [Tanner, Rachael \(CPC\)](#); afryman@spur.org; laura@vimbyaction.org
Subject: Letter from SF YIMBY & GrowSF re: file 260132_1
Date: Friday, April 10, 2026 5:42:19 PM
Attachments: [YIMBY_Grow SB 79 Letter.pdf](#)

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Please see attached for our letter. Thank you!



San Francisco Board of Supervisors (re: file #260132)

April 10, 2026

We write to oppose Section 3 of board file #[260132](#), which would permanently exclude several transit-rich parts of San Francisco from SB 79.

[SB 79](#) recognizes that San Francisco is in dire need of new housing, especially near public transit. It thus allows dense mixed-income housing near rail stations and rapid bus lines citywide. With rents skyrocketing and our public transit systems in peril, it is critical to embrace state laws like SB 79 that allow more housing near transit in San Francisco.

We know that you agree: in July 2025, a supermajority of the Board [voted](#) against efforts to oppose SB 79, and many Board members have affirmatively endorsed it.

The Planning Department's proposal seeks to accomplish two distinct objectives. The first is to temporarily exclude parts of the city from SB 79 — largely on the North and West side — where the city does or will allow sufficient density, thanks in part to the Family Zoning Plan. We recognize that the city crafted the Family Zoning Plan in part to provide a local alternative to SB 79 in these areas. We are not writing to oppose this first objective.

However, Section 3 of the proposed ordinance pursues a second, entirely distinct objective. This section **permanently** exempts several transit-rich areas of the city from SB 79 (visualized in Figure 6 in [The Planning Commission's staff report](#)), meaning **mixed-income housing will be illegal to build there**. We **strongly oppose** this effort to permanently exclude transit-rich areas of the city from mixed-income housing, and recommend that the Board remove this section from the proposed ordinance. We also encourage the Board to adopt findings affirming that the parts of these areas where SB 79 applies are suitable for mixed-income housing.

When a supermajority of the Board blocked efforts to oppose SB 79 last July, SB 79's provision allowing for these permanent exclusions was not present. We encourage the Board to allow the version of SB 79 that they reviewed in July 2025 to come into effect, and thus to oppose this ordinance unless it is amended.

Kenneth Russell
Volunteer Lead, SF YIMBY

Sachin Agarwal
GrowSF

From: [Michael Nulty](#)
To: [Carroll, John \(BOS\)](#)
Cc: [MelgarStaff \(BOS\)](#); [ChenStaff](#); [MahmoodStaff](#)
Subject: Support for File No. 260132 – Ordinance amending the Planning Code – Transit-Oriented Residential Development
Date: Sunday, March 1, 2026 9:55:22 PM

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March 1, 2026

To the Honorable Members of the San Francisco Board of Supervisors
Land Use and Transportation Committee
City and County of San Francisco

Re: Support for File No. 260132 – Ordinance amending the Planning Code – Transit-Oriented Residential Development (Introduced by the Mayor)

Dear Supervisors,

The Alliance for a Better District 6 strongly supports the proposed Ordinance (File No. 260132, Version 1), which thoughtfully addresses the implementation of California Senate Bill No. 79 (SB 79) while protecting the unique character, economic vitality, and employment base of San Francisco's District 6 and downtown areas.

SB 79, effective July 1, 2026, mandates that local jurisdictions allow transit-oriented housing developments at specified densities, heights, and floor area ratios on sites within one-half mile of qualifying transit-oriented development (TOD) stops. While we recognize the state's goal of increasing housing production near transit to promote affordability, sustainability, and reduced vehicle miles traveled, a one-size-fits-all approach risks undermining San Francisco's industrial and employment hubs, which are critical to the city's economy and the livability of District 6.

This Ordinance provides a balanced, compliant response by:

1. Temporarily excluding certain sites from SB 79's provisions to allow for careful evaluation and planning.
2. Permanently excluding industrial employment hubs, including sites zoned M (Industrial), SALI (Service/Arts/Light Industrial), PDR (Production, Distribution, Repair), WMUG (WSoMa Mixed Use-General), and P (Public), as well as sites where the walking path to the closest TOD stop exceeds one mile. These protections are essential to preserve jobs, arts and creative spaces, production uses, and public resources in District 6, preventing the displacement of vital economic activities.
3. Amending the Planning Code to permit additional density and height for residential projects on certain parcels within one-half mile of TOD stops, enabling targeted housing growth where it aligns with neighborhood context and

infrastructure.

4. Adopting an Alternative Plan to SB 79, with findings that it provides equivalent or greater development capacity overall, ensuring the City meets state requirements without blanket overrides.
5. Making necessary findings that the exemptions and the City's overall residential capacity fully comply with SB 79.
6. Directing transmittal of the Ordinance to the California Department of Housing and Community Development (HCD) for review.

This approach safeguards District 6's role as a hub for employment, innovation, and mixed-use vitality while advancing housing goals. It aligns with the General Plan, the eight priority policies of Planning Code Section 101.1, and findings of public necessity, convenience, and welfare under Section 302. It also affirms the Planning Department's CEQA determination.

We urge the Board to advance and adopt this Ordinance promptly to provide certainty for residents, businesses, and developers in District 6 and across the City.

Thank you for your consideration.

Michael Nulty
Executive Director
Alliance for a Better District 6

Michael Nulty

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