



Association of Bay Area Governments



Technical Assistance
for Local Planning
HOUSING

This document provides a summary and links to recently updated to inclusionary zoning regulations across multiple jurisdictions in the Bay Area. It was prepared for the Zoning for Affordability workgroup in 2023.

Recently Updated Inclusionary Zoning Ordinances

City	Date of Change	Summary of Change	Link to Staff Report and Ordinance Change
Berkeley	2023	Imposes an inclusionary requirement with in-lieu alternative instead of a mitigation fee with an on-site option and switches from per-unit to per-square-foot fee. Exempts projects of 5,000 square feet or less. Allows projects with family sized units to set aside 20 percent of square feet instead of 20 percent of units.	<ul style="list-style-type: none"> • Berkeley 2022 affordable housing requirements amendment staff report • Berkeley 2023 affordable housing requirements amendment staff report • Berkeley Mitigation and Fees • Berkeley BMR rental information for owners and property managers

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Concord	2022 (proposed)	Proposal to reduce the fee to improve feasibility, begin immediate implementation of the ordinance, allow moderate-income units to satisfy requirement and remove minimum project size threshold for applying the inclusionary requirement.	<ul style="list-style-type: none"> • Concord affordable housing ordinance • Concord staff report on proposed affordable housing ordinance changes
Fremont	2022	Created a live/work local preference.	<ul style="list-style-type: none"> • Fremont affordable housing ordinance
Richmond	2020	Switched from an inclusionary fee based on construction costs to an inclusionary fee based on the square footage of a residential project. Modified the fee and on-site requirements geographically to make projects more feasible in hard-to-develop areas. Lengthened the required term of affordability.	<ul style="list-style-type: none"> • Richmond inclusionary housing and affordable housing linkage fee • Richmond inclusionary housing ordinance
San Francisco	2019	Changed from per-unit to per-square-foot fee.	<ul style="list-style-type: none"> • San Francisco inclusionary affordable housing program
San Jose	2021	Created geographic areas for higher and lower fees to reflect development feasibility. Changed from per-unit to per-square-foot fee structure. Created new compliance options including option for clustering affordable units into 100 percent affordable buildings.	<ul style="list-style-type: none"> • San Jose inclusionary housing code • San Jose 2021 inclusionary housing program amendments • San Jose ordinances and fees programs
San Mateo	2020	Incentive for larger units with more bedrooms.	<ul style="list-style-type: none"> • San Mateo 2023 BMR program amendments

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Santa Rosa	2019	Reduced inclusionary requirements to improve financial feasibility for new developments. Created new compliance options and financial incentives to encourage on site affordable units. Created geographically differentiated fees.	<ul style="list-style-type: none"> • Santa Rosa inclusionary housing policy • Santa Rosa inclusionary housing analysis, reports
Sunnyvale	2022	Increased homeownership inclusionary zoning.	<ul style="list-style-type: none"> • Sunnyvale 2021 inclusionary housing program ordinance amendment • Sunnyvale special housing needs code