
MotionCount

Bay Area Housing and Land Use

Municipal Intelligence — Policy Monitor

MotionCount LLC

April 13, 2026

191 Relevant Items	60 Bay Area Cities	6 Statewide Precedents	577 Cities Monitored
-----------------------	-----------------------	---------------------------	-------------------------

Practitioner-grade intelligence covering 191 housing and land use items across 60 Bay Area jurisdictions, filtered for precedent value and actionable specificity. Identifies six cross-jurisdictional items with statewide reach.

Source: MotionCount continuous monitoring of 577 municipal agendas. All items sourced from public meeting materials. Official records remain the authoritative source.

Executive Summary

Six items in this period have implications beyond their originating jurisdiction. Each establishes or tests precedent that could reshape practice statewide.

Sheetz Fee Precedent	Palo Alto parkland fee protest (\$3.5–4M dispute) tests whether Mitigation Fee Act credit logic applies to Quimby Act parkland fees post-Sheetz. If successful, exposes every CA municipality with legacy parkland dedication ordinances that do not credit demolition offsets.
Local Condo Density Bonus	Berkeley designing local bonus for ownership projects that pays in-lieu fees for all units instead of on-site BMR. No precedent found. Could unlock 1,849 stalled pipeline units and provide template for any jurisdiction where for-sale BMR cross-subsidy is uneconomic.
Builder's Remedy 2.0	Palo Alto 3606 El Camino Real: live constitutional test of whether traffic/pedestrian safety (Safe Routes to School) constitutes "specific, adverse impact upon public health or safety" sufficient to deny under the HAA. Decision deadline April 26, 2026.
AB 1397 Enforcement	Emeryville missed January 31, 2026 by-right rezoning deadline and negotiated post-deadline cure with HCD. First documented case. HCD response will signal enforcement posture for dozens of lagging jurisdictions.
SB 79 Template	Oakland's three-tier exclusion framework (adopted 8-0) is the most sophisticated deferral mechanism in the dataset. Likely template for urban jurisdictions preserving local planning control through 2032.
AB 130 + Historic Resources	San Jose first known city to narrow "demolition" definition to close the AB 130 CEQA exemption gap for substantial alterations to historic structures. No jurisdiction has adopted implementing ordinance yet.

1. SB 79: The Statewide Reset

SB 79 takes effect July 1, 2026. The Bay Area response is the broadest in the state, with cities deploying every available exclusion mechanism—density sufficiency tests, aggregate density thresholds, historic overlays, and full alternative plans.

OAKLAND

SB 79 Three-Tier Exclusion Strategy

ADOPTED | SB 79 | ZONING (26-0397, Council 3/16/26, 8-0)

Oakland adopted the most sophisticated SB 79 exclusion framework in the dataset:

- Exclusion 1 (50% density/FAR threshold): Parcel-level, covering most commercial/mixed-use zones
- Exclusion 2 (40% aggregate density, low-resource areas only): Zone-level, 6 of 9 Tier 1 BART stations plus all 39 Tier 2 BRT stops
- Exclusion 3 (historic resource overlay): All locally designated properties as of January 1, 2025

Planning Commission recommended removing Ashby, MacArthur, and Rockridge from Exclusion 1 (high-resource areas). Staff disagreed and retained all three. All exclusions expire January 31, 2032 or one year after 7th Housing Element adoption.

Oakland's three-tier exclusion framework is the most sophisticated deferral mechanism in the dataset and the likely template for urban jurisdictions seeking to preserve local planning control through 2032.

S-14 Housing Sites Overlay Amendment

ADOPTED | HOUSING ELEMENT | ZONING (26-0395, Council 3/16/26, 8-0)

New CUP required for non-housing development on RHNA sites with mandatory No Net Loss finding. Coordinated development allowance permits cross-site residential production within 0.25 miles under same ownership, with City permit withholding for phasing. Work/live standards harmonized with 2025 California Building Code 50% nonresidential cap.

SAN FRANCISCO

SB 79 Alternative Plan

HEARING | SB 79 (260132, Land Use Committee 4/13/26)

San Francisco's Alternative Plan strategy is defensive posture at scale. The City argues its Family Zoning Plan (December 2025, Ordinance Nos. 243-25, 244-25, 245-25) already delivers equivalent capacity, preempting SB 79's rigid approach. New Sec. 207.11 allows +50% density and/or 40-foot minimum height on residential-zoned parcels within 0.5-mile transit where existing zoning falls below SB 79 minimums. Density bonus projects excluded from Sec. 207.11 (cannot stack).

SB 79 applies to 75%+ of assessor parcels, covering approximately 65% of city land area. Permanent exemptions for industrial employment hubs (M, SALI, PDR, WMUG, P zones). Temporary exemptions for

low-resource parcels expire 1 year after next Housing Element adoption.

SAN JOSE

SB 79 Industrial Employment Hub Ordinance

ADOPTED | SB 79 | INDUSTRIAL (26-252, Council 3/17/26)

Five industrial hubs totaling 5,576 acres exempted. The novel element: properties with residential overlays (TERO, AHO, MIHO, HERO) remain eligible for SB 79 housing even within industrial hubs with industrial General Plan designation. This bifurcated approach requires overlay-by-overlay analysis for site eligibility.

CAMPBELL

SB 79 Site Exclusion Interim Ordinance

HEARING | SB 79 | URGENCY (Council 3/24/26)

Campbell adopting urgency interim ordinance (four-fifths supermajority required) to establish site exclusions before July 1, 2026. Approximately 25% of city land area falls within 0.5 miles of 4 VTA light rail stations. SB 79 would enable approximately 40,409 additional units versus 2,977 RHNA assignment—a 10x expansion.

Staff recommends deferring TOD Alternative Plan pending MTC official maps and HCD guidance (Option 2). Interim methodology uses Google Maps and manual tracing for pedestrian walking distance, acknowledging methodology “may be superseded once ABAG’s official maps are adopted.”

HCD Review Deadline: Approximately June 2, 2026 • Key Metric: 40,409 potential units vs. 2,977 RHNA (10x)

SAN CARLOS

SB 79 Temporary Exclusion Ordinance

HEARING | SB 79 (Council 3/23/26, effective 5/13/26)

All four mixed-use/multifamily zoning districts within 0.25 miles of Caltrain station qualify for temporary exclusion under the 50% density/FAR sufficiency test. 188 parcels, 32.4 acres. Exclusion valid until one year after 7th-cycle Housing Element adoption. City population under 35,000 limits SB 79 to 0.25-mile radius only.

BURLINGAME

SB 79 Implementation Study

STUDY | SB 79 (26-0158, Council 3/16/26)

Comprehensive staff analysis of SB 79 impact. Burlingame is in San Mateo County (urban transit county with 15+ stations). All land within 0.5 miles of qualifying stops is affected. Four implementation options under consideration, including TOD Alternative Plan. Key data point: if Burlingame increases TOT above current rates, the additional revenue is exempt from SB 79 constraints.

SUNNYVALE

SB 79 / AB 130 Legislative Review

STUDY | SB 79 | AB 130 (26-0098, Council 2/10/26)

Staff review of SB 79 and AB 130 legislative impacts. SB 722 (pending) would exempt mobile home parks from SB 79. Sunnyvale has 3,862 mobile home units across 13 parks (6.3% of housing stock).

ATHERTON

SB 79 Development Standards

PENDING | SB 79

SB 79 development standards must be finalized by the July 1, 2026 effective date, with 90-day HCD review. No draft standards presented yet.

PALO ALTO

SB 79 Implementation Study

STUDY | SB 79

Item removed from agenda before hearing (Council, March 9, 2026). Staff analysis: 325+ acres across three Caltrain station areas. Four approaches under consideration, from no action to full TOD Alternative Plan (\$500K+ consultant costs).

2. Builder's Remedy and Density Bonus at the Limits

Builder's Remedy 2.0 and aggressive density bonus applications are testing the outer boundaries of state housing law. The projects below establish whether municipalities retain meaningful discretion over entitlements when developers invoke state preemption.

PALO ALTO

3606 El Camino Real Builder's Remedy 2.0

HEARING | BUILDER'S REMEDY | HAA | AB 130 (Council 4/13/26)

321-unit, 7-story project under AB 1893 (Builder's Remedy 2.0). Base density raised to 3x permitted (108 du/ac = 284 units) plus 24.5% density bonus = 335 units allowed. 37 units (13%) at low-income. AB 130 CEQA exemption with strict April 26, 2026 decision deadline.

Planning and Transportation Commission voted 3-2-1 to recommend denial based on traffic safety (Safe Routes to School on Matadero Avenue). Staff recommends approval, finding PTC concerns do not constitute unmitigable public safety impacts under the HAA standard. Transportation analysis not completed within AB 130 timeline, added as post-approval condition.

This is a live test of whether traffic/pedestrian safety can support denial of a Builder's Remedy 2.0 project under the HAA's "specific, adverse impact upon public health or safety" standard.

Deadline: April 26, 2026 (AB 130) • PTC Vote: 3-2-1 for denial; staff recommends approval • Units: 321 proposed (335 allowed under AB 1893 + density bonus) • Affordability: 37 units (13%) at low-income

BERKELEY

Density Bonus / Labor Concession Appeals: 2425 Durant, 2298 Durant, 2109 Virginia

HEARING | DENSITY BONUS | LABOR

Building trades challenging concessions for HARDHATS Ordinance and prevailing wage as improper use of Density Bonus Law. Staff recommends denial of appeals, asserting City cannot make statutory findings to deny under state law's limited exceptions. The 2425 Durant project claims \$16.56M in cost savings from three concessions. These are test cases for whether labor standards constitute "development standards" subject to concession under Sec. 65915.

LOS ALTOS

901 Fremont Avenue Density Bonus

HEARING | DENSITY BONUS | WAIVERS (D24-0008, PC 3/19/26)

9-unit project requesting 12 density bonus waivers simultaneously, including elimination of upper-story step-backs, balconies abutting R-1 zones, and zero-setback landscaping. Staff analysis is essentially a pre-emptive brief against HAA/density bonus challenges, citing Bankers Hill 150 and Schreiber v. City of Los Angeles to establish that waivers must be granted if standards would "physically preclude" construction at permitted density.

The concession eliminating the mixed-use/commercial requirement (CN zone) on grounds of economic infeasibility is aggressive and may be replicated by future projects.

ANTIOCH

Wildflower Senior Apartments

HEARING | DENSITY BONUS | AFFORDABLE (DR2025-0021, PC 4/1/26)

183-unit, 100% affordable senior housing at 48.54 du/acre (base 35, via State Density Bonus). The project requests 12 waivers from objective development standards and 3 concessions, with height increased to 46.5 ft. Despite proximity to Antioch BART qualifying the project for parking exemption, applicant proposes 136 spaces (0.74 stalls/unit).

The waiver count (12) is aggressive for a senior project. Track whether Antioch grants all or negotiates down.

Units: 183 at 48.54 du/acre (100% affordable senior) • Waivers: 12 waivers + 3 concessions

CUPERTINO

SummerHill Evulich 51-Unit Townhome

HEARING | AB 130 | CEQA | FIRE HAZARD (26-14975, Council 4/1/26)

First apparent application of AB 130 CEQA exemption in Cupertino. Project in Very High Fire Hazard Severity Zone, cleared via fire mitigation compliance. AB 130 mandates 30-day approval/denial deadline from tribal consultation conclusion. Tribal consultation with Tamien Nation concluded January 4, 2026 without mutual agreement.

Stevens Creek Office Center 122-Unit

ADOPTED | SB 330 | DENSITY BONUS (25-14593, Council 4/7/26)

SB 330 lock-in from April 2024 preliminary application. Site was NOT a Priority Housing Site at filing. 12 density bonus waivers granted (staff analysis cites Bankers Hill 150 v. City of San Diego and Schreiber v. City of Los Angeles). Planning Commission flagged retail displacement policy gap.

3. Housing Element Compliance Under Duress

Multiple jurisdictions are confronting structural failures in their Housing Element compliance frameworks—missed statutory deadlines, No Net Loss triggers, and RHNA shortfalls that cannot be resolved within existing ordinance parameters.

CUPERTINO

No Net Loss Compliance (SB 166) Emergency

STUDY | NO NET LOSS | HOUSING ELEMENT (Council 3/3/26)

Cupertino triggered No Net Loss failure on December 16, 2025 with 180-day statutory cure deadline of June 13, 2026. The violation stems from the Vallco Town Center/Rise settlement (2024): Phase 1 affordability downscoped from 581 lower-income to 232 units. Current deficit: 327 lower-income units and 22 moderate-income units.

Structural problem: City's BMR program requires only 15% low-income (rental) / 20% moderate-income (ownership), but 6th Cycle RHNA mandates 57.5% affordable. This 37.5-point gap generates shortfalls on every approved project on Priority Housing Sites:

Project	Lower-Income Deficit	Moderate-Income Deficit	Above-Moderate Surplus
SummerHill I	-59 units	-12 units	+6
Toll Brothers (United Furniture)	0	-82 units	+41
Dividend Homes I	-45 units	-12 units	+6
SummerHill II	-31 units	-8 units	+6
Cumulative	-327 units	-22 units (after credits)	+808 units

Each project individually worsens the shortfall because BMR percentages (15–20%) structurally cannot produce units at the income tiers RHNA assumes. This is not a market cycle problem; it is an ordinance design failure that will persist until the BMR rate or income targeting is restructured.

Cure Deadline: June 13, 2026 (180 days from trigger) • Consultant: PlaceWorks, \$468,450 base + up to \$515,425

EMERYVILLE

Missed AB 1397 Deadline—Housing Element Implementation

HEARING | AB 1397 | HOUSING ELEMENT (Council 4/7/26)

Emeryville missed the mandatory January 31, 2026 AB 1397 deadline for by-right affordable housing rezoning on designated sites. City notified HCD of "logistical impossibility" (6 weeks' notice). HCD apparently accepted revised timeline. This is the first documented case of a city failing to meet the January 31, 2026 deadline and negotiating with HCD.

Whether HCD formally accepts the revised schedule or later escalates will set enforcement precedent for other lagging jurisdictions. The by-right designation (new Sec. 9-5.215) applies only to projects with minimum 20% affordable units on eight specific Housing Element parcels.

ALAMEDA COUNTY

Zoning Ordinance Updates for 6th Cycle Housing Element Densities

HEARING | HOUSING ELEMENT | ZONING | SB 79 (Eden Area MAC 4/14/26)

The County is establishing 17 new overlay designations implementing SB 79 compliance at Bay Fair BART, with densities from 22 to 125 du/acre. Key specifics:

- BTA-HDR-125-GC-HE (Bay Fair BART): FAR increase from 3.0 to 6.0; interior side setback reduced to zero feet (enables tower clusters); rear setback 10 ft (from 15 ft if adjacent residential)
- Ministerial approval via checklist for projects meeting objective standards across all density bands; MAC hearings limited to 1–2 informational sessions, then deemed approved
- SB 35 streamlining track available only at BTA-HDR-125-GC-HE: expedited SDR for affordable projects meeting 20% affordability plus labor standards
- By-right approval pathway (Sec. 17.31.040(C)) for sites designated Low Income or Mixed Income in Housing Element if 20% affordable to lower-income and minimum 20 du/ac

Novel mechanism: The tiered hearing structure creates explicit market differentiation. Mixed-income developers on the BART site face full SDR; 100% affordable sponsors get streamlined review. This is an intentional friction differential.

Risk flag: Planning Commission recommended rejection of the Housing Element (November 18, 2024), but the Board adopted it anyway (December 12, 2024). A challenge to Housing Element sufficiency could unravel the by-right approval pathway.

Density Range: 22 to 125 du/acre across 17 overlays

RHNA Transfer Agreement with Pleasanton

HEARING | RHNA

The 18-unit above-moderate-income transfer for the Merritt Property (46.4 acres) demonstrates a clean Sec. 65584.07(d) compliance pathway. The methodology pegs transfer amount to current County zoning capacity (20-unit max at 0.44 units/acre), not the City's higher approved density (111 units). County loses credit for only 18 units permanently even if City project stalls indefinitely.

Hearing: April 16, 2026 • ABAG Deadline: May 4, 2026 • Transfer: 18 above-moderate units, Merritt Property (46.4 acres)

SANTA ROSA

Housing Element Implementation Zoning Amendments

ADOPTED | HOUSING ELEMENT | MISSING MIDDLE (ORD-2026-003, Council 3/24/26, 6-0-1)

Comprehensive code modernization including:

- Missing Middle Housing as permitted use in R-3/TV-R
- Tiny Homes on Wheels (400 sf max, no parking required, MUP in R-1/R-2)
- ADU floor area increase to 1,200 sf detached
- 60-calendar-day deemed approval for ADUs

- Low-Barrier Navigation Centers permitted by right in most zones

4. Inclusionary Architecture in Motion

Inclusionary housing policy across the Bay Area is in active restructuring—new programs, novel compliance pathways, and fundamental rethinking of how affordability mandates interact with market feasibility.

BERKELEY

Local Density Bonus for Condominiums

REFERRAL | DENSITY BONUS | OWNERSHIP (Council 4/14/26)

This is the most novel policy mechanism in the dataset. Berkeley is designing a local density bonus program exclusively for ownership (condo) projects that allows developers to pay in-lieu fees for all units rather than providing on-site BMR. The rationale: state density bonus law requires on-site BMR for ownership projects, but for-sale BMR pricing cannot be cross-subsidized by market-rate units because ownership costs (mortgage, insurance, property tax, HOA) exceed rental-equivalent burden.

Only 101 condo units were built in Berkeley 2020–2025 (67 new construction, 34 conversions); zero via state density bonus. Nine stalled rental projects with zoning permits represent 1,849 proposed units. The program contemplates retroactivity to projects with vested zoning permits before January 1, 2025.

Current affordable housing in-lieu fee: \$62.83/sq ft (effective July 1, 2025). Council considering removing first 5,000 sq ft exemption. No precedent found in referenced jurisdictions for a local bonus program explicitly carving out ownership projects and decoupling the state on-site requirement.

Pipeline Impact: 1,849 stalled units across 9 projects • In-Lieu Fee: \$62.83/sq ft (effective 7/1/25)

MOUNTAIN VIEW

490 E. Middlefield Road Development Agreement

ADOPTED | DEVELOPMENT AGREEMENT | INCLUSIONARY (205958, Council 3/24/26)

460-unit mixed-use with 99-unit density bonus (27.5%). Development Agreement includes:

- 55 BMR units in perpetuity at 65% AMI blended
- 5 additional “Community Benefit BMR units” at 90–100% AMI with 10-year floor
- Master Lease Guarantee Option: City may designate 30–60 additional units as “City Rent Guaranteed Units” for 7+ years
- \$3.5M in upfront contributions (\$1.1M EWPP fee + \$1.2M recreational + \$1.2M tenant improvements)
- Impact fees frozen at December 23, 2024 rates for 8-year term; no new impact fees
- AB 130 CEQA exemption

The Master Lease Guarantee mechanism is novel: City selects occupants and subsidizes rents on additional units beyond deed-restricted affordable, potentially reaching 26% of project at affordable levels.

Units: 460 (including 99-unit density bonus) • Total Affordable: Up to 26% of project (BMR + master lease)

ALAMEDA

Inclusionary Housing Ordinance Update

HEARING | INCLUSIONARY (2026-5911, Planning Board 4/13/26)

The updated ordinance (AMC Sec. 30-16) locks in 15% inclusionary at 5+ units with a restrictive in-lieu fee cap at 9 units or fewer. Most coastal CA jurisdictions allow in-lieu for 10–15+ unit projects. The 59-year affordability covenant is standard, but the concurrent construction/occupancy phasing requirement (affordable units completed before market-rate COs issued, Sec. 30-16.8e) is moderate-to-strict and will compress construction schedules.

The density bonus exclusion language (Sec. 30-16.4b) explicitly states bonus units under Gov. Code Sec. 65915(b)(1)–(b)(2) do not count toward the inclusionary base. This is favorable for density bonus applicants and should be cited in negotiations where cities attempt to calculate inclusionary on total post-bonus units.

The waiver standard (Sec. 30-16.12a) explicitly bars “mere economic hardship or diminution in value” as grounds. Combined with a 10-day appeal window, this is a tight framework for hardship relief.

What’s missing from the record: In-lieu fee amount (set by resolution, not in ordinance text); nexus study supporting fee; specifics of the Affordable Housing Guidelines referenced in Sec. 30-16.4d.

Rate: 15% at 5+ units • Covenant: 59 years

MENLO PARK

68 Willow Road Dual BMR Agreement

HEARING | INCLUSIONARY | NOVEL MECHANISM (Housing Commission 4/1/26)

50-unit townhouse project with 8 BMR units submitting two concurrent BMR agreements: one for-sale (moderate at 120% AMI) and one for-rent (low at 80% AMI). Applicant must elect tenure type before building permit issuance. This dual-track mechanism hedges market risk while maintaining affordability commitment.

Units: 50 total, 8 BMR • Mechanism: Dual concurrent agreements (for-sale or for-rent)

ANTIOCH

Inclusionary Housing Ordinance

REFERRAL | INCLUSIONARY

Forwarded to City Council from Planning Commission (4-0, February 4, 2026). Rate to be set by Council resolution, not ordinance. The AB 2011 labor standards integration into Housing Trust Fund policies is described by the consultant as unprecedented in their experience. Constitutional validity opinion from Assistant City Attorney not yet delivered. Resident preference language (Antioch-only priority) flagged as legally uncertain.

ATHERTON

RM-10 Exclusion from Inclusionary Housing

ADOPTED | INCLUSIONARY (PC Resolution 12/10/25, 5-0)

Planning Commission carved RM-10 sites out of the 20% inclusionary requirement over staff objection. Staff warned this eliminates lower-income unit generation and increases reliance on ADUs with no confirmed pipeline. Chair Polito cited density pressures on RM-10 sites.

The critical staff admission: exclusion of RM-10 from local inclusionary does NOT prevent state Density Bonus Law applications. Developers can still invoke Sec. 66411 to obtain additional density and concessions by voluntarily providing affordability, bypassing local policy. This candid acknowledgment of Density Bonus Law inevitability may inform negotiations in other affluent communities resisting inclusionary mandates.

SAN JOSE

Inclusionary Housing Ordinance Amendment

HEARING | INCLUSIONARY (26-073, Council 1/27/26)

Source limitation: The characterization that proposed amendments would allow approximately 75% of required affordable units to rent above market average comes from the REAL Coalition opposition letter, not the staff report, which was not in the available materials. The actual ordinance text, affordability percentages, and staff rationale are absent from the record reviewed here.

REAL Coalition (50 core nonprofit members) formally requested postponement citing no published nexus study or economic analysis. Process critique establishes record for administrative challenge, but the substantive accuracy of the 75% claim cannot be independently verified from these materials.

Downtown Residential Incentive Program Expansion

ADOPTED | INCLUSIONARY | CONVERSION (26-074, Council 1/27/26)

Inclusionary in-lieu fee reduced to \$0 for commercial-to-residential conversions (pre-2021 buildings, 20+ units, 5% at 110% AMI). Fee waiver triggers prevailing wage under SJMC Sec. 14.10. Building permit deadline: December 31, 2026.

MARTINEZ

Condominium Conversion Ordinance

ADOPTED | TENANT PROTECTION | INCLUSIONARY (Ord. 1486, Council 4/1/26)

Complete 47-year-old ordinance rewrite with one-to-one replacement unit requirement for conversions of 11+ units. In-lieu fee alternative requires applicant-prepared nexus study with peer review at applicant expense. Relocation fees: 3–4 months fair market rent plus \$2,500 per vulnerable category (stacks). Right-to-return with rent limits per CA Tenant Protection Act.

Aligned with MTC Transit-Oriented Communities Policy for OBAG funding eligibility.

Replacement: 1:1 for conversions of 11+ units

Community Services Overlay District

ADOPTED | AFFORDABLE HOUSING | BY-RIGHT (Ord. 1448, 9/27/23, 5-0)

By-right development pathway for affordable housing on religious institution and 501(c)(3) nonprofit-owned land (as of January 1, 2024). Density 21–50 du/ac. Density bonus applies in addition to CSO entitlement. 55-year rental / 45-year ownership deed restriction.

5. Development Economics and the Sheetz Question

Fee disputes, feasibility walls, and the post-Sheetz legal landscape are reshaping how cities structure development exactions. The Palo Alto parkland fee protest may set the broadest precedent.

PALO ALTO

Geng Road Parkland Fee Sheetz Protest

HEARING | IMPACT FEES | SHEETZ (Council 3/16/26)

The 145-unit townhome project at 2100–2400 Geng Road (24PLN-00356) has triggered a fee protest under Sheetz v. County of El Dorado that may be the most consequential development economics precedent in this dataset. The dispute: Palo Alto's parkland dedication in-lieu fee was calculated at \$6,372,600 without crediting the demolition of 192,000 sf of existing office buildings on the site.

The applicant contends that post-Sheetz, the Mitigation Fee Act's credit/offset logic applies to parkland dedication fees, and that the failure to net out existing office use overstates the project's marginal impact on park demand by \$3.5–4M.

The fee formula: 336 sf/unit x 145 units = 48,720 sf (1.12 acres), valued at \$5.7M/acre. The formula treats the site as if generating demand from a vacant lot, ignoring the existing 192,000 sf office building that already generates park demand from its workforce.

If the protest succeeds or forces settlement, it establishes that parkland dedication ordinances must account for existing use displacement—requiring fee study updates across jurisdictions statewide.

Project: 145-unit townhome at 2100–2400 Geng Road • Fee at Issue: \$6,372,600 (336 sf/unit at \$5.7M/acre) • Claimed Credit: \$3.5–4M for 192,000 sf office demolition

San Antonio Road Area Plan

STUDY | PLANNING (Council 4/6/26, preferred alternative 6/8/26)

3,800–7,400 units over 25-year horizon. Financial memo finding: only townhomes currently financially feasible; midrise rental and office show negative residual land value. \$20–25M park funding shortfall identified at Maxar Site.

SANTA CLARA

El Camino Real Specific Plan

HEARING | SPECIFIC PLAN (26-246, PC 4/8/26)

Five new General Plan land use designations, new zoning districts, and EIR. No details available in agenda materials. Obtain full documents before advising clients.

Downtown Community Task Force Financial Analysis

STUDY | FEASIBILITY (26-220, 3/4/26, only townhomes feasible)

All development prototypes show negative residual land value except townhomes. Mid-rise rental: -\$127/sf RLV. Proposed \$42.19/sf community benefits fee would add 8.3% to construction costs. Staff report states fee-based community benefits “would reduce already-slim development margins, further decreasing the likelihood of development occurring.”

LOS ALTOS HILLS

Inclusionary Housing and Impact Fee Study

STUDY | IMPACT FEES | FEASIBILITY (PC 4/2/26)

Study session reveals rental inclusionary is not currently feasible. Negative residual land value across all inclusionary scenarios for rental. Ownership at 15% moderate-income is feasible for townhome/condo prototypes.

Prototype	Max Nexus Fee	Peer Adopted Rates
Medium SFR	\$91/sf	\$10–\$24/sf
Large SFR	\$134/sf	\$10–\$24/sf
Townhome	\$104/sf	\$10–\$24/sf

Maximum nexus-justified fees are substantially higher than peer adopted rates (Palo Alto, Cupertino, Santa Clara: \$10–\$24/sf). City may adopt rates well below maximum.

MARIN COUNTY

Development Impact Fee Initiation of Proceedings

ADOPTED | IMPACT FEES | SB 330 (Board of Supervisors 4/7/26, 9 pending apps / 466 units)

The County is invoking Gov. Code Sec. 66474.2(b) to preserve fee authority over projects with SB 330 preliminary applications. Nine applications totaling 466 units already pending. Resolution adopted April 7, 2026 puts all future applications on notice that new DIFs may attach even if tentative maps deemed complete before final DIF adoption.

Offsite Objective Design and Development Standards (ODDS) for road standards anticipated late summer 2026. Form-Based Code (January 2023) covers onsite only; ODDS addresses offsite infrastructure gaps.

SAN FRANCISCO

Transfer Tax Rate Reduction

HEARING | TAX (260178, Budget Committee 3/25/26)

50% reduction for transactions \$10M+: 5.5% to 2.75% at \$10–25M; 6% to 3% at \$25M+. Single-family residential exempt from reductions. Effective July 1, 2026.

HAYWARD

Business-Friendly Ordinance Amendments

HEARING | ZONING | COMMERCIAL (PH 26-015, PC 4/9/26)

Massive commercial zoning code overhaul consolidating eight commercial districts. The most significant provision: new Major Conditional Use Permit (MCUP) category for data centers 50+ MW requiring City Council final decision (\$15,000 initial deposit). Data centers now permitted in Industrial Park district (previously General Industrial only).

Massage establishments in downtown now require CUP (was by-right) due to commercial prostitution linked to permitted businesses. Temporary moratorium adopted December 16, 2025.

New Accessory Commercial Unit pilot limited to properties with single-family residences south of Tennyson Road. Restaurants excluded from ACU uses pending pilot success.

SUNNYVALE

490 E. Middlefield Road Office/R&D Development Agreement

ADOPTED | COMMERCIAL | DEVELOPMENT AGREEMENT (Ord. 3250-25, Council 1/13/26)

294,500 sf office/R&D with 8-year vesting. \$3.1M community benefit payment at Core and Shell permit. No new fees/assessments for 8 years unless citywide and Prop. 218 compliant. Lab uses explicitly excluded from current EIR; require separate CEQA. LEED Platinum all-electric required. Public parking ratio adjustment at developer discretion subject only to Director concurrence and 5-day public notice.

6. New Pathways and Local Innovation

Novel regulatory mechanisms, ministerial tracks, adaptive reuse programs, and local control experiments—tools that do not fit neatly into the SB 79, density bonus, or inclusionary categories but may prove equally consequential.

BERKELEY

SB 684 Implementation

ADOPTED | MINISTERIAL | SUBDIVISION (Ord. 8,002-N.S.)

Creates ministerial pathway for small-lot residential subdivisions with 60-day approval clock. Minimum lot size: 600 sq ft. Inclusionary phasing constraint: 50%+ affordable units must receive building permits before 50%+ market-rate permitted. Cross-lot covenant ties unsold parcels to inclusionary requirement.

PITCH Rezoning

REFERRAL | REZONING | DENSITY (Consent 3/10/26, 5,705-unit capacity)

Telegraph Avenue from 3-story to 8-story/85 ft/FAR 8.0, creating capacity for 5,705 units. Dual-corridor strategy pairing transit-rich Telegraph with historically exclusionary Claremont. Funding: \$250K, partially from councilmember's office budget.

ADU Condominium Sales Ordinance

ADOPTED | ADU | OWNERSHIP (Ord. 7,999-N.S., 1/20/26, 7-0)

Ministerial pathway for ADU condo conversion under Gov. Code Sec. 66342. Novel tenant protections: 90-day exclusive purchase window (shortened from standard), 5-year no-fault eviction screen, rent-control fee waiver option (65% CPI cap). Lender consent is mandatory gate with no appeal mechanism.

SAN JOSE

Historic Resources / AB 130 Definition of Demolition

REFERRAL | AB 130 | CEQA | HISTORIC (26-253, Council 3/17/26)

First known attempt by a California city to narrow the definition of "demolition" to close the AB 130 CEQA exemption gap for substantial alterations to historic structures. Would define substantial alteration removing 10%+ of external wall surface facing public streets as demolition. No California city has implemented ordinance amendments yet under SB 79 + AB 130 combined historic framework.

SANTA ROSA

CUP Streamlining

HEARING | MINISTERIAL | HOME RULE (Council 4/7/26)

City creating Director-level CUP process relying on municipal charter (Section 51) to treat local CUP procedures as “municipal affair” exempt from Gov. Code Sec. 65905 hearing mandates. Untested home-rule assertion.

SAN FRANCISCO

Historic Buildings Adaptive Reuse

ADOPTED | ADAPTIVE REUSE | HISTORIC (250886)

New unified Sec. 202.11 dramatically expands permitted uses in historic properties citywide. Mission District geographic carve-out preserves restrictions. PDR conversion: up to 50% without replacement requirement for Article 10 landmarks; 75% if developer deed-restricts remaining PDR at 50% below market for 55+ years.

One Oak Street

HEARING | ENTITLEMENT | CEQA (260083)

Podium height increase from 120 to 140 ft enabling 541 units (up from 304 in 2017; 460 in 2022). CEQA addendum for +78% unit increase. Aggressive position on addendum adequacy.

PLEASANTON

Early Project Review Policy

ADOPTED | PROCESS | LOCAL CONTROL (Council 3/17/26)

New gating mechanism for legislative amendments requiring City Council resource allocation authorization before formal application submission. Council may decline authorization, triggering 2-year resubmission bar for substantially similar applications. Council-imposed project modifications during authorization hearing become prerequisites for formal application filing. Mandatory development agreement for all advancing projects.

This creates a de facto pre-application negotiation under Council direction with enforceability teeth. The 2-year bar is unusually punitive (standard is 1 year). 100% affordable housing projects are exempt.

MENLO PARK

Downtown Parking Plazas RFP

STUDY | DEVELOPMENT | BALLOT RISK (Council 2/10/26)

Three developer proposals for 345–500 units on city-owned parking plazas. 100% parking replacement (556+ spaces) required with no City financial contribution. November 3, 2026 ballot measure could require voter approval before diminishing downtown parking, creating post-selection veto risk. Housing Element Program H4.G: 345+ affordable units programmed on these sites; failure to implement triggers HCD enforcement pathway.

Proposals: 3 developers, 345–500 units • Ballot Risk: November 3, 2026

BENICIA

Senior Affordable Housing DDA

HEARING | AFFORDABLE | SURPLUS LAND (PC 4/9/26)

Eden Housing selected for 90+ unit affordable senior housing on two city-owned sites (Scout Property + Senior Center). Surplus Land Act compliance via two separate exemption pathways: small parcel exemption (Sec. 54221(f)(1)(B)) for Scout and exempt surplus (Sec. 54221(f)(1)(F)) for Senior Center with HCD confirmation (December 5, 2024). DDA executed before preliminary design complete. City retains perpetual ownership/operation of replacement Senior Center.

Developer: Eden Housing • Units: 90+ affordable senior

YOUNTVILLE

Commons Zoning Referendum

HEARING | REFERENDUM | LOCAL CONTROL (Council 4/7/26, ballot deadline ~8/7/26)

Valid referendum petition certified against Ordinance No. 26-539 (Commons Zoning Ordinance, adopted February 3, 2026). 240 signatures qualified. Ordinance suspended since March 16, 2026. Council must choose: repeal or November 3, 2026 voter election. One-year re-adoption bar applies to "same" ordinance; "different" ordinance permitted. Election cost: \$10K–\$75K, unbudgeted.

MARIN COUNTY

Local Coastal Program Amendments

STUDY | COASTAL | HOUSING ELEMENT (PC 4/6/26)

County implementing Housing Element via coastal zone regulatory overhaul: Housing Overlay Designation combining district, 45-foot height limit for mixed-use/multifamily, Form-Based Code for coastal areas as temporary objective design standards. CDP requirement maintained for all development in coastal zone.

MOUNTAIN VIEW

R3 Zoning District Update

STUDY | ZONING | DENSITY (205483, Council 2/10/26)

14+ change areas with densities of 50–110 du/acre. Council directed staff to develop incentive package more attractive than density bonus law. Full EIR required; scoping meeting July 23, 2025.

7. What to Watch

Date	Jurisdiction	Item
4/13/26	Palo Alto	3606 El Camino Real Builder's Remedy decision deadline 4/26/26
4/13/26	San Francisco	SB 79 Alternative Plan, Land Use and Transportation Committee
4/14/26	Alameda County	Eden Area MAC, zoning ordinance updates for HE densities
4/16/26	Alameda County	RHNA transfer agreement, ABAG submission deadline 5/4/26
4/21/26	Calistoga	City Council, Missing Middle Housing combining district
5/4/26	Alameda County	ABAG submission deadline for Pleasanton RHNA transfer
5/11/26	Marin County	Planning Commission hearing on Development Code amendments
5/19/26	Benicia	City Council DDA consideration for senior affordable housing
6/2/26	San Francisco	Special election, \$535M ESER Bond (GO bond with 50% tenant pass-through)
6/8/26	Palo Alto	San Antonio Road Area Plan preferred alternative selection
6/13/26	Cupertino	No Net Loss cure deadline (180 days from 12/16/25 trigger)
6/18/26	San Francisco	Planning Commission deadline on 100% affordable ground-floor exemption (File 251213)
7/1/26	Statewide	SB 79 effective date
7/1/26	Atherton	SB 79 development standards compliance deadline
7/1/26	San Francisco	Transfer tax rate reduction operative
7/1/26	San Jose	AB 507 adaptive reuse ministerial approval operative
8/7/26	Yountville	Approximate deadline to add Commons referendum to November ballot
11/3/26	Menlo Park	Potential ballot measure on downtown parking
11/3/26	Yountville	Potential Commons referendum vote
H2 2026	Mountain View	R3 Zoning District Update adoption
Late Summer	Marin County	ODDS road standards adoption
Q4 2026	Fairfield	Inclusionary housing/commercial linkage fee ordinance expected

Methodology and Limitations

MotionCount continuously monitors municipal agendas across the Bay Area as posted by city clerks and planning departments, at agenda stage—typically days to weeks ahead of staff reports being finalized or decisions being published. This report reviewed activity across 60 jurisdictions, identifying 191 items filtered for precedent value and actionable specificity.

Coverage extends to 577 municipalities; the jurisdictions in any given report reflect which had actionable activity, not monitoring limits.

Source attribution. All items referenced in this report are derived from public meeting materials accessible through motioncount.com, where original agenda text, attachments, and related documents are available. Items are cited with their municipal file number where the jurisdiction assigns one.

Limitations. All data drawn from public meeting materials; no privileged information. This document does not constitute legal advice. MotionCount analysis is assistive and interpretive; official records remain the definitive source. Municipalities may remove or restrict access to source documents after publication.

Personalized briefs available. This report applies a broad housing and land use lens across the Bay Area pipeline. MotionCount also produces profile-specific intelligence briefs—including project-level tracking for entitled sites, inclusionary compliance monitoring, and SB 79 impact analysis for specific station areas—configured for your coverage universe and practice priorities. Contact iban@motioncount.com to scope a customized brief.

Report generated April 13, 2026.