

Legislative Update



Understanding California Senate Bill 10 (SB-10)

California Senate Bill (SB) 10, which Gov. Gavin Newsom **signed into law on Sept. 16, 2021, and will take effect on Jan. 1, 2022**, provides that local agencies may adopt an ordinance to allow up to 10 dwelling units on any parcel, at a height specified in the ordinance, if the parcel is located within a transit-rich area or urban infill site. Pursuant to SB 10, adoption of such an ordinance would not be subject to the California Environmental Quality Act (CEQA).

- In adopting an ordinance pursuant to SB 10, a local agency must declare that the zoning ordinance is adopted pursuant to SB 10, clearly demarcate the areas that are zoned pursuant to this section and make findings that the increased density supports the agency's duty to affirmatively further fair housing.
- A local agency that approves a zoning ordinance pursuant to SB 10 shall not subsequently reduce the density of any parcel subject to the ordinance.
- Up to two accessory dwelling units (ADUs) or junior ADUs (JADUs) would be permitted on each parcel, and these would not count toward the 10-unit threshold.
- For a parcel to qualify as being located in a "transit-rich area", the parcel must be within one half mile of a major transit stop or on a high-quality bus corridor (a fixed route bus service with qualifying times and intervals, as further defined in the Bill).
- For a parcel to qualify as being located in an "urban infill site", there are various sites that qualify, such as:
 - A parcel located anywhere in a city, if that city includes some portion of an urbanized area or urban cluster as designated by the US Census Bureau
 - A parcel in an unincorporated area, if the parcel is located wholly within the boundaries of an urbanized area or urban cluster
 - A parcel in a site, if 75% of the site's perimeter adjoins parcels that are developed with urban uses
 - A parcel in a site that is zoned/has a general plan for residential use or residential mixed use development, with at least 2/3 of the square footage of the development designated for residential

Limitations of SB 10 include the following:

- It does not apply to parcels in a very high fire severity zone, nor would it apply to parcels in open space, park or recreational lands approved by the voters.
- A project may not be divided into smaller projects to avoid limitations in SB 10.
- The authorization extends until Jan. 1, 2029, however, the operative date of an ordinance adopted under this subdivision may extend beyond January 1, 2029.

For reference purposes only. Information is deemed reliable but not guaranteed.
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB10

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