

UNDERSTANDING CALIFORNIA SB10



On September 16th, 2021, California Senate Bill No.10 (SB 10) was signed into law and will take effect Jan. 1, 2022. Senate Bill 10 (SB 10) would authorize a city or county to pass an ordinance, notwithstanding any local restrictions on zoning ordinances, to zone any parcel for up to 10 units of residential density, at a height specified by the ordinance, if the parcel is located in a **transit-rich area**, a **jobs-rich area**, or an **urban infill site**. Here are some takeaways:

- Only local governments are authorized to rezone neighborhoods for increased housing density if that local government chooses to do so.
- Local government may adopt an ordinance to zone a parcel for up to 10 units of residential density per parcel, at a height specified by the local government in the ordinance, if the parcel is located in one of the following:
 - a. **A Transit-Rich area**
“Transit-rich area” means a parcel within one-half mile of a major transit stop, as defined in Section 21064.3 of the Public Resources Code, or a parcel on a high-quality bus corridor.
 - b. **An Urban Infill site**
An “Urban Infill site” is a site that satisfies all of the following: (i) it is a legal parcel or parcels located in a city if, and only if, the city boundaries include some portion of either an urbanized area or urban cluster, or, for unincorporated areas, a legal parcel or parcels wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau; (ii) a site in which at least seventy-five percent (75%) of the perimeter of the site adjoins parcels that are developed with urban uses (parcels that are only separated by a street or highway shall be considered to be adjoined); and (iii) a site that is zoned for residential use or residential mixed-use development, or has a general plan designation that allows residential use or a mix of residential and nonresidential uses, with at least two-thirds of the square footage of the development designated for residential use.
- The creation of up to two accessory dwelling units (“ADUs”) or junior ADUs (“JADUs”) per parcel is allowed, and these units would not count towards the ten unit count.
- SB 10 does not apply to parcels located within a high or very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, but this restriction does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
- SB 10 also does not apply to any local restriction enacted or approved by a local ballot initiative that designates publicly owned land as open space land, as defined in Section 65560(h), or for park or recreational purposes. Furthermore, a project may not be divided into smaller projects in order to exclude the project from the limitations of SB 10.

Senate Bill No.10 is extensive, be sure to consult with your legal advisor or your Local Agency for information. Learn more about this package of legislation here: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=20210220SB10.

“Chicago Title would require a Certificate of Compliance prior to issuing title insurance for the split parcels. A Certificate of Compliance is a method for the Planning Department to certify that a parcel of land was created in compliance with SB 10 in effect at the time the parcel was divided.”