



CALIFORNIA
COASTAL
COMMISSION

SB 10: MULTI-FAMILY UPZONING IN THE COASTAL ZONE

GOVERNMENT CODE SECTION 65913.5
PLANNING & ZONING LAW

SB 10

OVERVIEW

- Adds a new [Section 659I3.5](#) to the Planning and Zoning Law
- Gives local governments the option to adopt an ordinance to zone a parcel for up to 10 units of residential density per parcel in qualifying areas, despite local restrictions on adopting zoning ordinances

WHAT SB 10 ALLOWS

- Adoption of a zoning ordinance that allows for up to 10 residential units per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area or an urban infill site

Gov. Code Section 65913.5(a)(1)

INCENTIVES TO ADOPT AN SB 10 ORDINANCE

- Ordinances adopted under the new law are exempt from review under the California Environmental Quality Act (CEQA)
Gov. Code Section 65913.5(a)(3)
- Allows local governments to adopt an upzoning ordinance even if it would conflict with other local ordinances
Gov. Code Section 65913.5(a)(1)

WHERE SB 10 APPLIES

Parcels must be in either:

- **Transit-rich area**

A parcel within 0.5 mile of a major transit stop, or a parcel on a high-quality bus corridor

OR

- **Urban infill site**

A site: (a) located in certain urban areas, (b) in which at least 75% of the perimeter of the site adjoins parcels that are developed with urban uses, and (c) 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.

Gov. Code Section 65913.5(a)(1), (e) (see statute for further definition of terms)



WHERE SB 10 DOES **NOT** APPLY

- Very high fire hazard severity zones without adopted fire hazard mitigation measures

Gov. Code Section 65913.5(a)(4)(A)

- Publicly owned land designated by local initiative as open-space or for park or recreational purposes

Gov. Code Section 65913.5(a)(4)(B)

SB 10 IN THE COASTAL ZONE

- SB 10 applies in the coastal zone.
- The new statute allows local governments to override other “**local restrictions** on adopting zoning ordinances enacted by the jurisdiction that limit the legislative body’s ability to adopt zoning ordinances....”
Gov. Code Section 65913.5(a)(1)
- But the statute does not allow local governments to override state laws, like the Coastal Act, that limit local governments’ ability to enact ordinances that zone parcels for up to 10 units of residential density. Accordingly, local governments cannot use SB 10 to override certified LCP policies to enact this kind of upzoning ordinance.
- Local governments can amend their LCPs to allow for such upzoning when consistent with their LCP and the Coastal Act.

SB 10 ORDINANCE REQUIREMENTS

*GOV. CODE SECTION
65913.5(b)*

Must include a declaration by the legislative body that the ordinance is adopted pursuant to Section 65913.5

Must clearly demarcate the areas subject to the ordinance

The legislative body must make a finding that the ordinance is consistent with the city or county's obligation to affirmatively further fair housing

Must be adopted by a 2/3 vote if the ordinance supersedes any zoning restriction established by local initiative

SB 10 LIMITATIONS

Any ordinance adopted pursuant to SB 10 cannot:

- Allow for ministerial or by right approval of a project with more than 10 residential units, except in certain circumstances
Gov. Code Section 65913.5(c)
- Reduce the density of any parcel subject to the ordinance
Gov. Code Section 65913.5(d)

DEADLINE

- Upzoning ordinances under SB 10 must be adopted prior to January 1, 2029

Gov. Code Section 65913.5(a)(2)