

Date of Hearing: April 23, 2025

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Juan Carrillo, Chair

AB 1061 (Quirk-Silva) – As Amended March 28, 2025

**SUBJECT:** Housing developments: urban lot splits: historical resources

**SUMMARY:** Changes the provisions of SB 9 (Atkins), Chapter 162, Statutes of 2021 (SB 9), to include properties located in state or local historic districts under certain conditions. **Specifically, this bill:**

- 1) Applies SB 9, which established a streamlined and ministerial process for single family properties to be subdivided (urban lot split provision) with two units built on each resulting lot (duplex provisions), to properties located in state or local historic districts.
- 2) Prohibits the consideration of housing development project under SB 9 if the housing development project proposes the demolition of more 25% of the exterior wall area or affects the character-defining exterior features of the principal elevation of a contributing structure of a historic district.
- 3) Removes the prohibition on local agencies from establishing setbacks on an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
- 4) Allows a local agency to adopt objective standards that prevent adverse impacts on a property that is included on the State Historic Resources Inventory, as specified.
- 5) Allows a local government to adopt objective standards for the purposes of maintaining the historical value of historic district listed in the California Register of Historical Resources.
- 6) Requires a local agency to ministerially approve an urban lot split under SB 9 if the parcel is not located within a historical landmark property, instead of a historic district or historical landmark, included on the State Historic Resources Inventory, as specified.
- 7) Requires a local agency to ministerially approve an urban lot split under SB 9 if the urban lot split does not require the demolition of either of the following:
  - a) A contributing structure located in a historic district that is on the California Register of Historical Resources or within a historic district listed or designated pursuant to city or county ordinance.
  - b) An existing exterior structural wall of a property.
- 8) Allows a local agency to adopt objective standards that prevent adverse impacts on a property that is included in the State Historic Resources Inventory, as specified.
- 9) Provides that no reimbursement is required by this bill pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this bill.

**EXISTING LAW:**

- 1) Requires, pursuant to SB 9, the streamlined and ministerial approval by a local agency of a duplex in a single-family zone [Government Code (GOV) Section 65852.21], and the urban lot split of a parcel zoned for residential use into two parcels (GOV § 66411.7). Specifically:
  - a) Requires a city or county to ministerially approve either or both of the following, as specified:
    - i) A housing development of no more than two units (duplex) in a single-family zone (GOV § 65852.21); and
    - ii) The subdivision of a parcel zoned for residential use into two parcels, each at least 40% of the original lot's size (urban lot split), as specified. (GOV § 66411.7)
  - b) Prohibits an urban lot split if the lot was previously split under SB 9 and prohibits an owner or related party from splitting adjacent lots to prevent circumvention of the two-lot limit. (GOV § 66411.7)
  - c) Provides that an application for a duplex or a lot split must be considered and approved or denied by the local agency within 60 days from the date the local agency receives a completed application. Further provides that:
    - i) If a local agency denies an application for a duplex or lot split, the permitting agency must provide, in writing, a full set of comments to the applicant, with a list of items that are defective or deficient, and a description of how the application can be remedied by the applicant; and
    - ii) If the local agency has not approved or denied the application within 60 days and the application meets all qualifying criteria, the application is deemed approved. (GOV § 66411.7, GOV § 65852.21)
  - d) Prohibits a local agency from imposing objective standards on a proposed duplex that do not apply uniformly to developments within the underlying zoning district. Otherwise, allows a local agency to adopt or impose objective zoning standards, objective subdivision standards, and objective design standards on development authorized by SB 9 as follows:
    - i) If those standards are more permissive than applicable standards in the underlying zone;
    - ii) If the standards would not physically preclude the construction of up to two units or physically preclude either of the two units from being at least 800 square feet in floor area;
    - iii) A city or county may require a setback of up to four feet from the side and rear lot lines; and
    - iv) A city or county may not require setbacks for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure. (GOV § 66411.7, GOV § 65852.21)

- e) Prohibits a city or county from requiring more than one parking space per unit for either a proposed duplex or a proposed lot split. Prohibits a city or county from imposing any parking requirements if the parcel is located within one-half mile walking distance of either a high-quality transit corridor or a major transit stop, or if there is a car share vehicle located within one block of the parcel. (GOV § 66411.7, GOV § 65852.21)
  - f) Allows a local agency to impose objective standards for a proposed lot split so long as they are related to the design or to the improvements of a parcel. (GOV § 66411.7)
  - g) Requires an applicant for an urban lot split to sign an affidavit stating they intend to occupy one of the housing units as their primary residence for at least three years following the lot split. (GOV § 66411.7)
  - h) Prohibits units created from being used as short-term rentals (i.e., they must be rented for terms longer than 30 days). (GOV § 66411.7, GOV § 65852.21)
  - i) Requires the Department of Housing and Community Development (HCD) to notify a local government if it has taken an action in violation of SB 9, and authorizes HCD to notify the Attorney General (AG) if the local government is in violation of SB 9, at HCD's discretion. (GOV § 65585, GOV § 65585.1)
- 2) Establishes the State Historical Resources Commission (SHRC), a nine-member state review board, appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. [Public Resources Code (PRC) 5020, PRC § 5020.2]
  - 3) Defines a "historic district" as a definable unified geographic entity that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. (PRC § 5020.1)
  - 4) Defines a "historic landmark" as any historical resource which is registered as a state historical landmark through a process involving the Commission and the Department of Parks and Recreation. (PRC § 5020.1, PRC § 5021)
  - 5) Requires the Commission to evaluate and recommend historical resource designations by reviewing applications for the National Register, California Register, and state historical landmarks, while maintaining comprehensive records and criteria for preservation. (PRC § 5020.4)
  - 6) Recognizes that the long-term preservation and enhancement of historical resources is dependent on the good will and cooperation of the general public and of the public and private owners of those resources, and states that the Legislature intends that public agencies, including the Commission, shall endeavor to elicit the cooperation of the owners of both identified and unidentified resources, to encourage the owners to perceive these resources as assets rather than liabilities, and to encourage the support of the general public for the preservation and enhancement of historical resources. (PRC § 5020.7)
  - 7) Establishes the California Register of Historical Resources as an authoritative guide for identifying and protecting significant historical resources in the state. (PRC § 5024.1)

- 8) Sets criteria and procedures for listing historical resources based on significance in California's history, architecture, and archaeology, including alignment with National Register standards. (PRC § 5024.1)
- 9) Allows for the listing of eligible resources even if an owner objects. (PRC § 5024.1)
- 10) Provides for the delisting of resources that no longer meet eligibility criteria due to changes or destruction. (PRC § 5024.1)

**FISCAL EFFECT:** This bill is keyed fiscal and contains a state mandated local program.

**COMMENTS:**

- 1) **Bill Summary.** This bill allows the provisions of SB 9 to be used in historic districts, with some caveats, but not on state or local individual landmark properties.

Under this bill, the duplex provisions of SB 9 would be permissible in historic districts so long as they don't result in the demolition of more than 25% of an existing exterior wall of a historic resource or a contributing structure for a property included on a state or local historic registry. The urban lot split provision of SB 9 would be allowed in historic districts as long as there is no demolition proposed to the exterior walls or a contributing structure of a site listed on a state or local historic registry.

This bill is authored by California YIMBY.

- 2) **Author's Statement.** According to the author, "SB 9 has been a critical tool in addressing California's housing crisis by allowing homeowners to build additional units on their property. For too long, outdated rules have kept families from building the housing they need, even when it can be done responsibly. We can expand housing access without erasing our history. AB 1061 protects the integrity of our historic neighborhoods while allowing homeowners to build more housing for the next generation."
- 3) **Subdivision Map Act.** The Subdivision Map Act (Map Act) governs how local officials regulate the division of real property into smaller parcels for sale, lease, or financing. Cities and counties adopt local subdivision ordinances to carry out the Map Act and local requirements. City councils and county boards of supervisors use the Map Act to control a subdivision's design and improvements. Local subdivision approvals must be consistent with city and county general plans.

Under the Map Act, cities and counties can attach scores of conditions. The Map Act allows local officials to require, as a condition of approving a proposed subdivision, the dedication of property within a subdivision for streets, alleys, drainage, utility easements, and other public easements and improvements. Once subdividers comply with those conditions, local officials must issue final maps. For smaller subdivisions that create four or fewer parcels, local officials usually use parcel maps, but they can require tentative parcel maps followed by final parcel maps. The Map Act also constrains the dedications and improvements that local cities and counties can require as a condition of a subdivision of four or fewer lots to only the dedication of rights-of-way, easements, and the construction of reasonable offsite and onsite improvements for the parcels being created.

- 4) **Duplexes and Subdivisions.** In 2021, the Governor signed SB 9, which allowed up to four homes on lots where currently only one exists. It did so by allowing existing single-family homes to be converted into duplexes. It also allowed single-family parcels to be subdivided into two lots, while allowing for a new two-unit building to be constructed on the newly formed lot.

The changes to land use law created by SB 9's passage have the potential to help address the state's multi-million unit housing deficit. According to a 2021 study from the UC Berkeley Turner Center for Housing Innovation, the passage of SB 9 increased the amount of market-feasible homes statewide by 700,000. However, a 2023 analysis from the Turner Center determined that, in its first year, the effect of the law had been relatively limited. Los Angeles had the most activity, with 211 applications for new units under SB 9 in 2022. The state's other large cities all reported very few applications for lot splits or new units. For example, the City of San Diego reported receiving just seven applications for new SB 9 units in 2022.

- 5) **Historic Preservation.** At the federal level, historic preservation efforts are guided by the National Historic Preservation Act (NHPA) of 1966, which was enacted in response to the widespread destruction of historic and cultural sites during postwar infrastructure expansion and urban renewal projects. The NHPA established the National Register of Historic Places, the nation's official inventory of historic sites, and created procedural protections requiring federal agencies to assess the impact of federal activities on historic resources. It also established a framework for state and local governments, tribal nations, and preservation organizations to participate in historic preservation efforts.

In California, the Office of Historic Preservation (OHP), under the California State Parks, "administers federally and state mandated historic preservation programs to further the identification, evaluation, registration, and protection of California's irreplaceable resources." According to the latest version of California's Statewide Historic Preservation Plan, historic preservation efforts have evolved over the past two decades beyond merely identifying and documenting historic resources. Preservation is now integrated into land use planning, economic development, affordable housing policy, disaster preparedness, and environmental quality initiatives.

There are many historic districts in California, with the stated purpose of preserving the state's architectural, cultural, and historical heritage. These districts are designated at the local, state, and federal levels, each with distinct regulatory frameworks, benefits, and potential development challenges. Local historic districts are formed through city or county ordinances, often requiring historic surveys, community support, and approval by local historic preservation commissions or city councils. Local designation may regulate the scope of alterations or demolitions that can be conducted within a given district. State historic districts are included in the California Register of Historical Resources, and are established through a state nomination process. Development in state historic districts are typically subject to the requirements of the California Environmental Quality Act (CEQA), which requires analysis of potential adverse impacts from future development. The criteria for designation on the California Register of Historical Resources include:

- a) Association with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.

- b) Association with the lives of persons important in our past.
- c) Embodiment of the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- d) Yield of information important in prehistory or history.

Lastly, federal historic districts are listed on the National Registry of Historic Places and must meet national criteria for historic significance and integrity. Notably, federal designation does not automatically prevent development in most of the country. In other states, federal designation simply triggers NHPA reviews if federal funding, permits, or projects are involved. However, in California, development on federally designated properties typically involves CEQA review, and properties that are listed on the National Registry of Historic Places are automatically added to California's State Historic Resources Inventory, affording them the same protections as state resources.

Within historic districts, not all buildings or structures carry the same level of significance. "Contributing properties" are those built during the district's period of significance, retain their historic integrity, and contribute to the overall historical, architectural, or cultural character of the district. Non-contributing properties may exist within a district, meaning that despite their geographic location they lack historic significance due to alterations or later construction. Preservation efforts also focus on character-defining features, which are the architectural and physical elements that give a historic district or landmark its distinctive identity. These may include architectural elements, materials, and spatial relationships.

Historical landmarks are also included on the California Register. Landmarks are individual sites, buildings, or structures recognized for their exceptional historical, architectural, or cultural significance. These landmarks are associated with key historical events, individuals, or architectural styles and are officially designated by the California Office of Historic Preservation. Once designated, they typically receive regulatory protections under CEQA.

- 6) **Nomination to the California Register of Historical Resources.** Generally, all nominations for historic properties or districts must be submitted to the OHP, and reviewed and approved by the State Historical Resources Commission (SHRC). Properties already listed on the National Register of Historic Places or designated as California Historical Landmarks (#770 or higher) are automatically added to the California Register. The SHRC is established by PRC and contains nine members appointed by the Governor. All nominations for inclusion on the California Register must provide detailed documentation of the resource's historical, architectural, or cultural significance, including historical research, photographs, maps, and a justification for eligibility under California Register criteria. Any person or group, including historical societies, advocacy organizations, or members of the public, may prepare and submit a nomination to the SHRC.

Even if a property owner, or local government, objects, the SHRC can still review a nomination for inclusion on the California Register. While a property owner objection prevents the property from being formally listed in the California Register, it may still be determined "eligible for listing" by the SHRC. A property that is "eligible for listing" is typically treated the same as a property that is officially designated a historic resource for

purposes of CEQA when it comes to development proposals. It is not uncommon for nominations for historic districts to go directly to the SHRC rather than first trying to obtain local designation.

- 7) **SB 9 and Historic Districts.** As part of their general police powers, local governments have the authority to designate historic districts, which set specific regulations and conditions to protect property and areas of historical and aesthetic significance. Landmarks, historic properties, and historic districts are currently exempt from SB 9.

Within three months of becoming law, the city of Pasadena adopted an urgency ordinance to exempt Pasadena from the provisions of SB 9. The urgency ordinance prohibited the development of SB 9 duplexes in Pasadena's "landmark districts." In a letter to Pasadena dated March 15, 2022, Attorney General Rob Bonta notified the City of Pasadena that the urgency ordinance identifying landmark districts was inconsistent with any exemption under SB 9. The letter also identifies a staff report accompanying Pasadena's ordinance that noted that the Pasadena Planning Commission would explore creating a citywide historic overlay district. The Attorney General stated that "adopting a citywide historic overlay for the purpose of evading SB 9 would be an abuse of discretion."

Through collaboration between the City of Pasadena and the Attorney General, the City adopted a local ordinance, which replaced the earlier urgency ordinance, which brought the city into compliance with state law.

More recently, in November 2023, the San Mateo Heritage Alliance, initiated a proposal to designate the over 400 homes in the Baywood neighborhood of San Mateo as a state historic district by submitting a nomination to the OHP. The San Mateo Heritage Alliance maintains that these efforts seek to preserve the neighborhood's architectural heritage.

On February 27, 2025, the San Mateo County Board of Supervisors (County) adopted a resolution opposing the establishment of a historic district in Baywood. While the County does not control zoning decisions within the city of San Mateo, the board's resolution urged the San Mateo Heritage Alliance to withdraw its application and called on the State Historical Resources Commission to reject it.

In the resolution, the County stated that this designation "could potentially lead to new requirements for obtaining permits for homeowner improvements, restrict the autonomy and freedom of homeowners to make changes to their homes, and limit the development of new housing." The County further argued in its resolution that the Heritage Alliance "circumvented the City of San Mateo's historic designation process and is attempting to bypass State housing laws that support equitable and affordable housing production." The County raised numerous affirmatively furthering fair housing (AFFH) issues with the proposed historic designation of San Mateo's only "Segregated Area of White Wealth", as is specified in the resolution. The local debate continued at a March 17, 2025 Special Meeting of the San Mateo City Council, where the Council voted 4-0 to send a letter to OHP asking the state to delay the historic district nomination process.

While not a direct effort to specifically undermine SB 9, this example spotlights the tension between historic preservation, single-family neighborhoods, housing production, and compliance with state housing law.

- 8) **Previous Legislation.** SB 450 (Atkins), Chapter 286, Statutes of 2024, amended the process established by SB 9 (Atkins), Chapter 162, Statutes of 2021 for the ministerial approval of a duplex in a single-family zone and the lot split of a parcel zoned for residential use into two parcels.

SB 9 (Atkins), Chapter 162, Statutes of 2021, required the ministerial approval by a local agency of a duplex in a single-family zone and the lot split of a parcel zoned for residential use into two parcels.

- 9) **Arguments in Support.** California YIMBY writes in support, “California has a severe shortage of middle-income housing and small multi-family developments near jobs, transit, and high-opportunity areas. The problem: restrictive single-family zoning covers over 70% of residential land, limiting the construction of diverse housing options. To address this, the California HOME Act (SB 9) was enacted in 2021, allowing homeowners to split lots and build up to four homes, promoting small-scale infill development.

“However, SB 9 has been significantly underutilized due to loopholes that cities and individuals exploit to block housing. A key obstacle is its exclusion of historic districts, which prohibits new housing on any property within these areas at both the state and local levels. This restriction has led to a surge in historic designations, particularly in exclusionary neighborhoods, as a tactic to prevent new development.

“AB 1061 will close this loophole by allowing SB 9 to streamline lot splits and duplexes in historic districts, provided no existing historic structures are demolished.”

- 10) **Arguments in Opposition.** The League of California Cities writes in opposition to a previous version of the bill, “State-driven ministerial or by-right housing approval processes fail to recognize the extensive public engagement associated with developing and adopting zoning ordinances and housing elements certified by the California Department of Housing and Community Development. Housing elements require local jurisdictions to analyze how historic preservation impacts development and requires cities to contend with balancing the jurisdiction's housing demands while maintaining community history and feel. This measure would overrule local planning departments' diligent work balancing these equally essential issues.

“Historic districts in many communities across California are critical for promoting tourism, local history, and economic development. Most historic districts are hubs for social and commercial activity, providing residents and visitors with options for retail, restaurants, mixed-use housing, and walkable communities. Historical districts are vital for downtown revitalization in many situations. By limiting local review and planning in these districts, local governments will struggle to promote smart economic growth and development in historic districts.”

- 11) **Double Referral.** This bill is double-referred to the Assembly Housing and Community Development Committee, where it passed on an 8-2 vote on March 26, 2025.



**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Yimby (Sponsor)  
Buildcasa  
California Community Builders  
East Bay Yimby  
Fremont for Everyone  
Grow the Richmond  
House Sacramento  
Leadingage California  
Mountain View Yimby  
Napa-solano for Everyone  
Northern Neighbors  
Peninsula for Everyone  
People for Housing - Orange County  
Redlands Yimby  
Santa Cruz Yimby  
Santa Rosa Yimby  
Sf Yimby  
South Bay Yimby  
Student Homes Coalition  
Ventura County Yimby  
Westside for Everyone  
Yimby Action  
Yimby LA  
Yimby Slo

**Opposition**

City of Hawthorne  
League of California Cities

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