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THIRD READING

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Bill No: AB 1061  
Author: Quirk-Silva (D), et al.  
Amended: 7/10/25 in Senate  
Vote: 21

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SENATE HOUSING COMMITTEE: 7-2, 6/17/25  
AYES: Wahab, Arreguín, Cabaldon, Caballero, Cortese, Durazo, Grayson  
NOES: Seyarto, Ochoa Bogh  
NO VOTE RECORDED: Gonzalez, Padilla

SENATE LOCAL GOVERNMENT COMMITTEE: 5-2, 7/9/25  
AYES: Durazo, Arreguín, Cabaldon, Laird, Wiener  
NOES: Choi, Seyarto

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 45-14, 5/19/25 - See last page for vote

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

**SOURCE:** California Yimby

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**DIGEST:** This bill modifies historic resource designations that limit the single-family parcels eligible for ministerial approval of an urban-lot split or a duplex development under SB 9 (Atkins, Chapter 162, Statutes of 2021).

**ANALYSIS:**

Existing law:

- 1) Requires, relative to duplexes and urban-lot splits under SB 9 (Atkins) a city or county to ministerially approve either or both of the following, as specified:
  - a) A housing development of no more than two units (duplex) in a single-family zone; or,

- b) The subdivision of a parcel zoned for residential use, into two approximately equal parcels (urban-lot split), as specified.
- 2) Provides that a duplex development that is located within a historic area, as specified is not eligible for the ministerial approval described in 1).
- 3) Authorizes a city or county to impose objective zoning, subdivision, and design review standards that do not conflict with state standards, as specified.
- 4) Establishes, relative to historic resources, 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.
- 5) 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
- 6) 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
- 7) Requires the SHRC 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.

This bill:

- 1) Deletes the absolute exemption for historic districts in SB 9 and instead excludes SB 9 duplex developments and urban lot splits on parcels or properties individually listed as historic resources or landmarks, as specified.
- 2) 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.

## Background

*SB 9 (Atkins).* SB 9 (Atkins, Chapter 162, Statutes of 2021) 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 up to two units to be constructed on each newly formed lot. According to the Turner Center, that bill had the potential to allow for the development of nearly 6 million new housing units. Assuming only five percent of the parcels impacted by this bill created new two-unit structures; this bill could result in nearly 600,000 new homes.<sup>1</sup>

*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.

## Comments

*Author's Statement.* "The California Home Act 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."

*Creating History.* Historic sites and districts are currently excluded from the provisions of SB 9 entirely. Additionally, under normal housing development approval processes, a site as that is identified as historic is subject to more extensive environmental review before a local agency can approve the project. 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 the California Environmental Quality Act (CEQA) when it comes to development proposals. It is

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<sup>1</sup> David Garcia, *Single-Family Zoning Reform: An Analysis of SB 1120*. (Turner Center for Housing Innovation, University of California, Berkeley, July 30, 2020) <https://turnercenter.berkeley.edu/blog/sb-1120/>

not uncommon for nominations for historic districts to go directly to the SHRC rather than first trying to obtain local designation.

CEQA requires lead agencies approving a project to determine if the project may have a significant effect on the environment, and specifies that substantial adverse changes to historical resources constitute a significant effect on the environment. If a project has a significant impact on a historical resource, the lead agency must prepare an Environmental Impact Report (EIR) and impose feasible mitigation measures on project to avoid impacts. Under CEQA, a project that is listed, or “eligible” to be listed on the National Register, must be considered a historic resource, thus triggering a full EIR under CEQA, and requiring the lead agency responsible for approving the project to impose mitigation requirements. Mitigation could include requiring the project proponent to preserve the existing building, or to adopt design modifications to avoid impacts.

*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 SB 9 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.

**FISCAL EFFECT:** Appropriation: No   Fiscal Com.: Yes   Local: Yes

**SUPPORT:** (Verified 8/19/25)

California Yimby (Sponsor)  
Abundant Housing LA

California Apartment Association  
California Community Builders  
California Council for Affordable Housing  
Circulate San Diego  
East Bay Yimby  
Fremont for Everyone  
Grow the Richmond  
House Sacramento  
Housing Action Coalition  
Housing Trust Silicon Valley  
Midpen Housing  
Mountain View Yimby  
Napa-solano for Everyone  
Northern Neighbors  
Peninsula for Everyone  
People for Housing - Orange County  
People for Housing Oc  
Redlands Yimby  
San Francisco Yimby  
Santa Cruz Yimby  
Santa Rosa Yimby  
Sf Yimby  
Sloco Yimby  
South Bay Yimby  
Student Homes Coalition  
The Two Hundred  
Ventura County Yimby  
Westside for Everyone  
Yimby Action  
Yimby Los Angeles

**OPPOSITION:** (Verified 8/19/25)

California Contract Cities Association  
City of Beverly Hills  
City of Lake Forest  
City of Los Alamitos  
City of Norwalk  
City of Simi Valley  
Orange County Council of Governments  
South Bay Cities Council of Governments

**ARGUMENTS IN SUPPORT:** California YIMBY writes in support, “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.”

**ARGUMENTS IN OPPOSITION:** The City of Beverly Hills writes in opposition, “Our local planning process-guided by a state-certified housing element-requires cities to identify and assess the impact of development on historic resources, both formally designated and contextually significant. AB 1061 would limit that ability by defaulting to ministerial approvals unless a site has been formally designated a landmark, which fails to account for properties located in historic districts or those eligible for designation, and it disregards community efforts to maintain architectural integrity and neighborhood continuity. Moreover, many neighborhoods in Beverly Hills are already built out and carefully zoned based on a combination of infrastructure capacity, safety considerations, and community input. By requiring ministerial approval of duplexes on virtually any parcel in a single-family zone, this bill bypasses the public and environmental review processes that help ensure responsible development.”

ASSEMBLY FLOOR: 45-14, 5/19/25

AYES: Addis, Aguiar-Curry, Ahrens, Alvarez, Ávila Farías, Bains, Berman, Bonta, Bryan, Caloza, Carrillo, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Nguyen, Ortega, Patel, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ward, Wicks, Wilson, Rivas

NOES: Boerner, Castillo, Chen, Davies, DeMaio, Ellis, Gallagher, Hadwick, Macedo, Patterson, Sanchez, Ta, Tangipa, Wallis

NO VOTE RECORDED: Alanis, Arambula, Bauer-Kahan, Bennett, Calderon, Connolly, Dixon, Flora, Jeff Gonzalez, Hart, Hoover, Irwin, Lackey, Muratsuchi, Pacheco, Papan, Pellerin, Petrie-Norris, Valencia, Zbur

Prepared by: Hank Brady / HOUSING / (916) 651-4124  
8/20/25 23:28:46

\*\*\*\* END \*\*\*\*