

# CALIFORNIA HOUSING LAW IMPACT ON HISTORIC PRESERVATION

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**City Attorney's Office**

**Cultural Heritage Board**

Agenda Item #5  
February 19, 2025



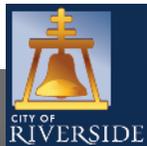
# HOUSING SHORTAGES & INCREASED COSTS

**The State Legislature has continued to respond to housing shortage and increased housing costs by passing legislation to**

- Encourage density and infill
- Encourage more affordable housing

**Legislation with potential impacts to historic resources include:**

- SB 9 & SB 450
- SB 713
- SB 330
- SB 897, SB 1211, & AB 2221
- SB 4
- SB 6 & AB 2243
- AB 2011
- SB 35 & SB 423



# SB 9/SB 450

**Ministerial approval of a housing development proposed within a single-family residential zone that includes no more than two residential units.**

- Only objective standards related to the design or improvements of a parcel may be imposed.
- No denial for specific, adverse impact upon the physical environment.

**The proposed development must not be within:**

- a historic district or property included on the State Historic Resources Inventory, or
- within a site that is designated or listed as a city landmark or historic property or district pursuant to city ordinance.



## **Local agency is prohibited from disapproving a housing development project for affordable housing without specific findings.**

- Requires historic determination when project is deemed complete that cannot be changed/updated during processing except for tribal, archaeological, or paleontological resources encountered during construction.
- Limits local agencies to applying only objective standards when evaluating a project.

# SB 713 (AMENDED 2023)

**Provides density bonuses for affordable housing that are ministerial and not subject to zoning limits.**

- Concession or incentive not required if such concession or incentive would have a specific, adverse impact on any real property that is listed in California Register of Historical Resources which there is no feasible mitigation.

## ADU/JADU:

- Only impose objective standards and standards that prevent adverse impacts on any real property that is listed in the California Register of Historical Resources.
- An applicant cannot be required to provide written notice or post a placard for demolition of detached garages, unless they are in a designated historic district.

# SB 4 (JANUARY 1, 2023)

**Ministerial approval of certain development applications for 100 percent affordable housing on land owned by an independent institution of higher education or a religious institution.**

- Objective design criteria
- No exemption for impacts to historic buildings

# SB 6/AB 2243

- Allows residential development on parcels zoned for retail, commercial, office and parking without needing to rezone the property.
- Also applies to “regional malls” of less than 100 acres for “use by right” of streamlined, ministerial review.

# AB 2011

- CEQA-exempt, ministerial approval process for multifamily housing projects on site where office, retail or parking is the principally permitted use.
- Not applicable to development that would require the demolition of a historic structure that was placed on a national, state, or local historic register.

# SB 35/SB 423

**Ministerial review for multi-family housing meeting certain criteria in localities that had failed to meet their Regional Housing Needs Assessment goals.**

- Requires generally applicable objective planning standards.
- Exempts demolition of designated historic structures.