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TO: City of Cupertino, Legislative Review Committee
FROM: Anthony, Jason, and Paul Gonsalves
SUBJECT: Consider Adopting A Position On AB 916
(Assemblymember Salas and Quirk-Silva) Zoning:
Accessory Dwelling Units: Bedroom Addition.
DATE: **September 12, 2022**

Bill Information:

The official text of AB 916 can be found [here](#)¹:

Summary:

AB 916 makes changes to existing law governing accessory dwelling units (ADUs) to allow for additional residential square footage on existing residential properties. This bill prohibits a city or county from adopting or enforcing an ordinance requiring a public hearing for reconfiguring existing space to increase the bedroom count within an existing dwelling unit. Additionally, AB 916 increases the height limit allowance for ADUs to 18 feet, or not less than 25 feet if ADU is within a half mile of a major transit stop or a high-quality transit corridor. The ADU could also have a height limitation of not less than 25 feet or the height limitation in the local zoning ordinance that applies to the primary dwelling, whichever is lower, if ADU is attached to a primary dwelling.

SUPPORT:

According to the author, "We are facing a housing crisis in California with both a lack of affordable housing and a pandemic of homelessness, especially for low- and moderate-income communities and communities of color. ADU's enable the creation of easy-to-build housing on land that is already utilized for housing, thus

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB916

bringing down the cost of creating new housing – an opportunity to build for the “missing middle”. It is critical that we ensure that ADU creation is streamlined and that more bedrooms can be created in the state without being held up by the public hearing process. Reallocating underutilized space for legal bedrooms, will increase density thus bringing down the average price per occupant in a dwelling. Furthermore, by repurposing habitable space in a manner that is more efficient will reduce the cost of creating more housing.”

Supporters:

California Rental Housing Association (source)
Apartment Association of Greater Los Angeles
Apartment Association of Orange County
Berkeley Property Owner's Association
California Apartment Association
California Association of Realtors
California YIMBY
Casita Coalition
City of Santa Monica
City of Santa Rosa
East Bay Rental Housing Association
Nor Cal Rental Property Association
North Valley Property Owners Association
San Francisco Bay Area Planning & Urban Research Association (SPUR)
Santa Barbara Rental Property Association
Small Property Owners of San Francisco
Southern California Rental Housing Association

OPPOSITION:

Written opposition received came from a few cities, local organizations, and community associations concerned about local control and opposing the increased height limit for ADUs. A letter from the City of Beverly Hills stated, “AB 916 goes too far to inhibit the City’s ability to review projects that add bedrooms to existing residential dwellings.”

Opposition:

City of Beverly Hills
City of Pleasanton
City of Rancho Palos Verdes
City of Santa Clarita
City of Thousand Oaks
Mission Street Neighbors
San Francisco Land Use Coalition
South Bay Cities Council of Governments

One individual

Status:

AB 916 was amended and passed to engrossing and enrolling on August 30, 2022.

Legislative Platform:

This bill falls under Cupertino's 2022 Legislative Platform in the Local Authority Section on pg. 3, #1 and 2:

1. Oppose preemption of local authority.
2. Oppose new program mandates that are unfunded or underfunded.

and in the Housing and Community Development Section on pg. 7, #2, 3, and 6:

2. Oppose legislation that may reduce municipal authority, with an emphasis on land use policy, local review, and design standards.
3. Oppose efforts to erode local decision making over the appropriate location, scale, and character of residential development or that may reduce public hearing or oversight.
6. Oppose legislation that would impact the ability of a local municipality to regulate ADUs.

Recommended Action:

Consider adopting an oppose position on AB 916 and authorize the Mayor to send letters to the Governor.