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LEGISLATIVE REVIEW COMMITTEE STAFF REPORT

Meeting: June 25, 2019

Subject

Consider adopting a position on AB 881 (Bloom) – Accessory Dwelling Units

Recommended Action

Adopt positions opposing Assembly Bill 881 and authorize the Mayor to send a letter of opposition to the State Legislature

Summary

AB 881 makes a number of changes to existing law governing accessory dwelling units. Specifically, the measure limits the criteria by which a local agency may determine where ADUs may be permitted due to the adequacy of water and sewer services and the impact of ADUs on traffic flow and public safety; requires local agencies to ministerially approve ADUs on lots with multifamily residences and within existing garages; and removes, until January 1, 2025, existing authority for local agencies to require ADU applicants to be owner occupants and eliminates the authority for local agencies to require owner occupancy of their the ADU or the primary dwelling.

The Legislature is considering additional ADU measures in the current session. Below is a chart of the major provisions of each measure. It is likely that all three bills will receive additional amendments, and may be amended into a single bill to comprehensively deal with ADUs.

| | AB 68 (Ting) (6/12/19) | AB 881 (Bloom) (4/11/19) | SB 13 (Wieckowski) (5/17/19) |
|-----------------------------|---|--|--|
| Ministerial approval | Requires ministerial approval of a permit for one ADU and one JADU per lot; one detached, new, single-story ADU that may be combined with a JADU; multiple ADUs within existing | Requires ministerial approval of a permit for an ADU within an existing structure, as specified. | Requires ministerial approval of a permit for one ADU per lot, as specified. |

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| | structures; up to two detached ADUs on a lot. | | |
| Size requirements | Requires an ADU ordinance that establishes minimum or maximum size to allow at least an 800 sq. ft. ADU and at least a 16-foot high ADU | | Requires an ADU ordinance that establishes minimum or maximum size to allow at least an 850 sq. ft. ADU or 1,000 sq. ft. if more than one bedroom |
| Owner occupancy requirement | Prohibits owner occupancy requirement | Prohibits owner occupancy requirement until Jan. 1, 2025 | Prohibits owner occupancy requirement |
| Impact fees | | | Provides for a tiered structure of fees based on size of ADU |
| Parking requirements related to demolition of off-street parking | Prohibits requirement of replacement parking when a garage, carport, or covered parking structure is demolished for, or converted to, an ADU. | | Prohibits requirement of replacement parking when a garage, carport, or covered parking structure is demolished for, or converted to, an ADU. |
| Prohibition on parking requirements near ½ mile of transit | | Specifies that the ½ mile shall be measured in walking distance and defines public transit as a bus stop, bus line, light rail, street car, car share drop off or pickup, or heavy rail stop | |

Status

Passed the Assembly 71-2. Passed Senate Housing Committee 9-1 on 6/18. Referred to the Senate Governance and Finance Committee. Not yet scheduled for a hearing.

Support

The supporters of AB 881 state that California's housing shortage is well documented and the State currently needs over three million new units to address existing housing need. ADUs are an innovative and affordable housing option for many Californians. Because they are relatively affordable to build and are constructed by homeowners themselves, they also create units without depleting limited affordable housing funds. The ADU permitting process was streamlined significantly in 2016

through AB 2299 (Bloom) and cities around California embraced ADUs, adopting ordinances that have resulted in some confusion and uncertainty that has created unnecessary barriers to the construction of these units. This bill provides much-needed updates and clarifications to ADU statute that will help facilitate the construction of more housing.

Supporters of the measure include: California YIMBY (Sponsor), Bay Area Council, California Apartment Assn, California Assn of Realtors, California Forward Action Fund, Non-Profit Housing Assn of Northern California, and United Dwelling.

Opposition

A number of the cities that are opposed to AB 881 are concerned that by prohibiting a local agency from requiring a property owner to live in the main home, or one of the accessory structures, this measure could incentivize large investors to purchase single-family homes for the purpose of adding ADUs and maximizing the rents on both structures.

Opponents of the measure include: Marin County Council of Mayors and Council Members, South Bay Cities Council of Governments, and the Cities of Los Alamitos, San Dimas, San Marcos, and Thousand Oaks.

Potential Impact

AB 881 would result in modifications to the manner in which ADUs are reviewed and approved in the City. The measure could result in an increased number of requests to build ADUs, particularly from properties that are not owner occupied. Additionally, this measure would remove some local discretion for ADUs that are built within an existing garage on lots with multifamily residences.

Prepared by: Townsend Public Affairs