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TO: City Of Cupertino, Legislative Review Committee
FROM: Anthony, Jason, And Paul Gonsalves
SUBJECT: Consider adopting a position on Assembly Bill 2221
(Quirk-Silva) – Accessory Dwelling Units
DATE: **MAY 31, 2022**

Bill Information:

The official text of AB 2221 can be found [here](#)¹:

Summary:

AB 2221 by Assemblymember Quirk-Silva proposes to add front setbacks to the list of local development standards that local governments cannot impose if they would preclude construction of an attached or detached ADU of at least 800 square feet, that is at least 16 feet in height, and that has at least four-foot side and rear yard setbacks.

Additionally, AB 2221 states that, in ministerially approving an application for a building permit (within 60 days) to create one detached, new construction ADU on a lot with a single-family dwelling in a zone that allows residential use, a local agency must not impose any objective planning standards that conflict with the ability for the ADU to be at least 800 square feet, at least 16 feet in height, and have at least four-foot side and rear yard setbacks

Support:

According to the author, “Before the COVID 19 pandemic, our state was facing the nation’s worst housing crisis and in the last two years we have seen several families become housing insecure. Some Californians have had their homes

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2221

foreclosed on, while others are at a greater risk of homelessness. Homeownership rates in California are the second lowest in the nation. Last year, California broke the \$800,000 median home price mark for the first time in history. Accessory dwelling units (ADUs) can play an important role in solving California's complex housing crisis. AB 2221 would make it easier to build ADUs by clarifying elements of existing law."

AB 2221 is sponsored by California YIMBY and has the support of the California Association of Realtors, Fremont for Everyone, Mountain View YIMBY, People for Housing Orange County, Sustainable Growth Yolo, YIMBY Action and Gilroy City Councilmember, Zach Hilton.

Opposition:

Opponents state that AB 2221 would harm the communities with negligible impact on increasing the supply of affordable housing. As an unfunded mandate, it adds cost-burden on cities, when the burden to show compliance with city ordinances belongs to the applicant. "City staff work under difficult conditions, yet you would add to their workload a requirement to write comprehensive explanations to developers. This policy allows developer/investor to call the shots."

AB 2221 is opposed by Catalysts for Local Control.

Status:

AB 2221 is currently on the Assembly Floor awaiting a vote of the full Assembly.

Legislative Platform:

This bill falls under Cupertino's 2022 Legislative Platform in the Housing & Community Development Section Items #6 on page 7, "Oppose legislation that would impact the ability of a local municipality to regulate ADUs."

Recommended Action:

Adopt an oppose position on AB 2221 and authorize the Mayor to send letters to the state legislature.