

Dear Planning Commission Members

10/2/23

The creation of the new STR law should not take away rights given to AOB dwellings under the long established AOB law.

The application of the AOB law is a discretionary decision as applied to the STR ordinance and serves as a rationale to take away rights given to AOB dwellings by long established AOB law. There are two exceptions to the AOB code (A and B) that would allow the occupancy to support an STR. Planning has put forward only one, which is exception B, and has chosen not to put exception A on the table for consideration.

331.5-17. Changes in Occupancy.

The occupancy of a structure constructed in accordance with a permit issued pursuant to this chapter by anyone other than the owner-builder of that structure constitutes a change in occupancy.

Upon a change in occupancy, no new occupancy of the structure shall occur until either:

(a) Each new adult occupant files with the Chief Building Official a statement under penalty of perjury stating that he/she is occupying the structure with the knowledge and understanding that the structure was not built pursuant to Uniform Building Codes and that this may create risks of injury or damage which the occupant freely assumes and from which the occupant holds the County, its officers, employees and agents harmless. The occupant shall also agree, as a condition of the new occupancy permit, to abide by all applicable conditions of the building permit under which the structure was constructed; or

(b) The building is brought into compliance with the provisions of Title 25, Article 10, of the California Administrative Code or the appropriate Uniform Building Code standard.

Planning offers: Exception b)

61.05.10.1.4.1 AOB dwellings may be permitted after-the-fact, pursuant the building code in effect at the time of permit issuance.

Building director Keith Ingersoll has given me much time to come up with a solution. Although very helpful, this is basically my problem to solve. Here is the path forward under exception B.

- Numerous meetings with Building to determine the requirements. Every permit will be different.
- \$2800.00 initial application fee. More if referred to other agencies.
- Set of construction plans
- Install a continuous foundation.
- Structural analysis by a licensed engineer.
- Electrical, plumbing and mechanical certification that the codes and regulations are met.
- Demonstrate that onsite septic standards are met.
- Sprinklers if constructed during the period of time they were required.

AOB dwellings are essential to the livelihood of many. Understanding that, here are 4 points to consider:

1 Exception A suggest the County has the burden of liability for the permitted AOB which allows them to control the use as and to limit the risk. However this liability burden can be transferred to the sole owner of the dwelling by a simple HOLD HARMLESS agreement between AOB owners and the County.

2 AOB dwelling are less costly for an individual to build and provide an affordable structure which is also addressing the affordable housing needs. However, having it limited to the sole owner for occupancy does not allow the dwelling to be rented to others which negatively impacts affordable housing. Also, it is unclear if the structure could be sold without the new buyer required to assume the "sole occupancy" clause. Additionally, with the County holding the liability responsibility, is there a clear title issue?

3 Planning has recognizing that an AOB dwelling can be used as a STR if certain conditions are met. The conditions should be similar to those required by all STR permitted dwellings.

4 AOB/ADU dwellings used as a STR provides income for many who have decided to stay in the area, and use the STR income to pay the Mortgage on their primary residence. This was brought up by several folks at the public workshop, also at the workshop testimony was given by many folks who rely on the income for health issues for themselves or their partners.

I strongly urge the decision makers to take a hard look at how AOB owners (our neighbors) will be impacted by the STR Ordinance. **The STR ordinance should embrace AOB dwellings who meet the conditions of the proposed STR ordinance and allow the continued occupancy by long term renter or used as STR.**

Thanks for your time, John Rotter

As a FYI here was what I was required to do to get my AOB permit .It took 3 years (cost excluded).

- CDP and Special permit from the County and the CC
- DEH permitted SDS
- Cultural Resource report
- Bluff study
- CDFW Streamside Management Agreement
- Division of Water Rights Diversion Permit
- Civil Engineered Soils Report
- SRA fire requirements.
- AOB Building Permit Inspections:
 1. Temporary Pole
 2. Pre-Site Inspection
 3. Under floor plumbing
 4. Rough out electrical
 5. Subpanel
 6. Emergency Escape & Rescue
 7. Top Out
 8. Pex Line tubing test
 9. Line test house
 10. Line test yard
 11. Setbacks