

Monique - Add These to the list.

Larry

*#7
Draft
owmp*



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Review w/ Paula

November 1, 2007

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Re: Suggested change to OWMP draft - clarification of definition of 'moderate, low, very low income' to conform to state law and definitions

Dear Mr Fuz:

Below is feedback that I suggest be considered for the OWMP draft document, published by EDC, 10/25/2007 version. The purpose of the change is to clarify the 'affordable housing' categories per state law.

from Page 5, OWMP Draft, Affordable Housing - Text reads currently as follows:

"Development projects that propose a minimum of 10 percent of the dwelling units as income restricted affordable units shall be granted a reduction in the amount of oak woodland canopy that is required to be protected under Option A, or the amount of fee to be paid under Option B, as set forth in Table 2." (table)

Proposed Change ---> *Would define moderate, low income and very-low income affordable categories per existing state law:*

"For purposes of this section, dwelling units that are income restricted as moderate, low-income and very-low income affordable categories shall be income restricted as defined by state Health & Safety Code § 50093, §50052.5, § 50053, which defines income levels for moderate, low income and very low income. For example, to be eligible for the canopy and/or fee reduction, under §50052.5 an owner occupied housing project's housing costs shall not exceed the following: **Moderate-income households:** housing cost shall not exceed the product of 35 percent times 110 percent of area median income adjusted for family size appropriate for the unit; **Lower income households** whose gross incomes exceed the maximum income for very low income households, housing costs shall not exceed the product of 30 percent times 70 percent of the area median income adjusted for family size appropriate for the unit; for **Very Low income households**, housing costs shall not exceed the product of 30 percent times 50 percent of the area median income adjusted for family size appropriate for the unit. Rental units would qualify for the canopy/fee reductions if rental rates do not exceed the moderate income, lower income and very low income levels as defined by Health & Safety Code § 50093, § 50053."

Thank you for the opportunity to submit this proposed change to the OWMP draft.

Best,

Zack Schmidt
Zack Schmidt
President

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The County encourages the creation of defensible space around existing structures and the provisions of the OWMP are by no means intended to impede the fuels reduction required by law to protect existing structures. However, oak tree removal in the 100 foot defensible space zone, and fuel modification actions pursuant to a County approved Fire Safe Plan, inside and outside of the 100 foot defensible space zone for all new development projects, is not exempt from Policy 7.4.4.4 mitigation. The 100 foot defensible space zone, and fuels modification necessary for a Fire Safe Plan, is part of the project footprint and oak woodland canopy removed shall be counted in the project total oak canopy removal. Any oak trees that can be safely retained, even if separated from the oak woodland, will count as oak canopy retained.

The County encourages developers and landowners to review the 100 foot defensible space information available from CAL FIRE; specimens of oak trees and native habitat can be retained in the 100 foot defensible space by keeping lower branches of oak trees pruned, removing surface litter, separating trees and shrubs (horizontally), and reducing ladder fuels (vertically separating trees and shrubs). See CAL FIRE's website or brochures for detailed information.

Additionally, the OWMP provides for reductions to oak woodland canopy mitigation for affordable housing projects as described below and provides for an exemption for public road safety projects.

Affordable Housing – Development projects that propose a minimum of 10 percent of the dwelling units as income restricted affordable units shall be granted a reduction in the amount of oak woodland canopy that is required to be protected under Option A, or the amount of fee to be paid under Option B, as set forth in Table 2.

Table 2: Affordable Housing Reduction

Affordable Housing Type	% Reduction of Oak Woodland Canopy Mitigation for portion of project that is income restricted
Very Low	200%
Lower	100%
Moderate	50%

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Example: A project proposes 25% of the units to be affordable in the lower income category. The amount of on-site retention or Conservation Fund In-Lieu Fee may be reduced by 25%. A moderate income project that provides all units at that income level may reduce the retention and/or fee by 50%. A project with 20% very low income units would receive a 40% reduction. (Note: PRC §21083.4(d) provides exemptions for affordable housing projects in urbanized areas for lower income households.)

Public Road Safety Projects – Oak woodland canopy removal necessary to complete capital improvement projects which affect the health and safety of the public in existing public road rights-of-way, or removal of oak woodland canopy necessary to comply with the safety regulation of the Public Utilities Commission and necessary to maintain a safe operation of utility facilities, within a public road right-of-way or utility easement is exempt from Policy 7.4.4.4.