

RESOLUTION NO. 3931-2016

RESOLUTION OF THE FORT BRAGG CITY COUNCIL AUTHORIZING THE CITY MANAGER TO DECLINE THE RIGHT OF FIRST REFUSAL TO PURCHASE 435 N WHIPPLE UNIT B, AN INCLUSIONARY HOUSING UNIT, AND INSTEAD AUTHORIZE THE OWNER OF 435 N WHIPPLE UNIT B TO SELL THE UNIT, SUBJECT TO CITY APPROVAL, TO AN INCOME QUALIFIED PERSON WITH PREFERENCE TO ESSENTIAL PUBLIC SERVICE EMPLOYEES (TEACHERS, FIREFIGHTERS, POLICE, ETC.)

WHEREAS, the City of Fort Bragg adopted an Inclusionary Housing ordinance in 2004; and

WHEREAS, in 2006, Charles Dimock received approval by the Planning Commission for a Subdivision (DIV 3-06) and Design Review (DR 4-06) authorizing construction of three detached single family residences at 435 N. Whipple street and division of the property into five condominium units;

WHEREAS, as part of the project review and approval process, the project was found in compliance with Land Use and Development Code Section 18.31.020(A)(1) which required that 20 percent of the total number of proposed dwelling units be reserved for low income residential unit, so long as the applicant complied with various Special Conditions of the permit including:

1. Prior to approval of the Final Map, the applicant shall submit an Inclusionary Housing Plan, consistent with Section 18.32.100 of the LUDC, that details how the provisions of Chapter 18.32 (Inclusionary Housing) of the LUDC shall be implemented for the proposed residential project. This Plan shall be reviewed by the Community Development Director and the City Attorney to ensure compliance with the City's Inclusionary Housing Program and the final map cannot be recorded unless and until the City Council approves the Inclusionary Housing Program.
2. Prior to issuance of building permits for any of the proposed residences, inclusionary housing agreements, resale restrictions, deed restrictions, and/or other documents, all of which shall be reviewed and approved by the City Attorney for consistency with the requirements of Chapter 18.32 of the LUDC, shall be recorded against the parcel(s) having the inclusionary unit.

WHEREAS, in compliance with these Special Conditions, Charles Dimock entered into a recorded regulatory agreement with the City of Fort Bragg regarding the inclusionary housing unit (435 N Whipple Unit B) of the project; and

WHEREAS, the recorded regulatory agreement provides the City with a right of first refusal to purchase the affordable unit at the "affordable Sales Price" within 60 days following the City's receipt of a written notice that the homeowner intends to sell; and

WHEREAS, the City is not in a position to purchase or manage this unit of affordable housing; and

WHEREAS, the property owner has submitted written notice of their intent to sell the property; and

WHEREAS, the unit must be sold to, and occupied by, a person or household whose income does not exceed 120 percent of the Area Median Income; and

WHEREAS, per the regulatory agreement, the purchaser of the inclusionary unit must be approved by the City of Fort Bragg and must agree to be bound by and honor the Subdivider's obligations and covenants pursuant to the regulatory agreement;

WHEREAS, the regulatory agreement will remain in force for 30 years from the signature date of 2008 and thereby ensure ongoing affordability of the unit through 2038; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. The intent of the Inclusionary Housing Ordinance and the recorded regulatory agreement for 435 N Whipple Unit B can be achieved through the sale of this unit to a qualified person or household.
2. The affordability of the unit shall continue through 2038.

NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby authorize the City Manager to decline the City's right of first offer to purchase 435 N Whipple Unit B.

The above and foregoing Resolution was introduced by Councilmember Cimolino, seconded by Councilmember Peters, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 12th day of September 2016, by the following vote:

AYES: Councilmember Cimolino, Deitz, Hammerstrom, Peters, and Mayor Turner.
NOES: None.
ABSENT: None.
ABSTAIN: None.
RECUSED: None.



DAVE TURNER,
Mayor

ATTEST:



June Lemos
City Clerk