

**RESOLUTION NO. \_\_\_\_-2023**

**RESOLUTION OF THE FORT BRAGG CITY COUNCIL AUTHORIZING  
THE CITY MANAGER TO EXECUTE AFFORDABLE HOUSING AGREEMENT  
WITH HOUSING MENDOCINO COAST TO STEWARD AN INCLUSIONARY  
HOUSING UNIT LOCATED AT 435 N. WHIPPLE ST., UNIT B**

**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; and

**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 units, 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 property owner of the subject inclusionary housing unit (435 N Whipple Street Unit B) provided 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 as set forth by California Department of Housing and Urban Development on an annual basis; and

**WHEREAS**, the City has selected to transfer stewardship of the subject inclusionary housing unit (435 N Whipple Street Unit B) to Housing Mendocino Coast, a California nonprofit public benefit corporation; and

**WHEREAS**, an Affordable Housing Agreement has been drafted and approved in form by the City Attorney to be executed between the City and Housing Mendocino Coast, attached herein; and

**WHEREAS**, the Affordable Housing Agreement will remain in force from the signature date 2023 and thereby ensure ongoing affordability of the unit; and

**WHEREAS**, based on all the evidence presented, the City Council finds that the intent of the City's Inclusionary Housing Ordinance and original recorded regulatory agreement for 435 N. Whipple Street, Unit B can be achieved through transferring stewardship of this unit to Housing Mendocino Coast.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council does hereby authorize the City Manager to execute Affordable Housing Agreement with Housing Mendocino Coast during the resale of 435 N. Whipple Street, Unit B.

**The above and foregoing Resolution was introduced by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 27<sup>th</sup> day of February 2023, by the following vote:**

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**
- RECUSED:**

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**BERNIE NORVELL,**  
**Mayor**

**ATTEST:**

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**June Lemos, MMC**  
**City Clerk**