



Legislation Text

File #: 16-343, **Version:** 1

Adopt City Council Resolution Authorizing City Manager to Decline the Right of First Refusal to Purchase 435 N Whipple Unit B, an Inclusionary Housing Unit, and Instead Authorize 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.)

The City of Fort Bragg adopted an Inclusionary Housing ordinance in 2004. 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. As part of the approval process, the project was required to comply with Land Use and Development Code Section 18.31.020(A)(1) which required that 20 percent of the total units (in this case one unit) be reserved for a low income household. The applicant entered into a recorded regulatory agreement with the City of Fort Bragg regarding the inclusionary housing unit (435 N Whipple Unit B). The 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. The homeowner has submitted written notice of his intent to sell the unit. The City is not in a position to purchase or manage this unit of affordable housing. However, in compliance with the regulatory agreement, the inclusionary unit must be sold to, and occupied by, a person or household whose income does not exceed 120 percent of the Area Median Income. Additionally, 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. 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 and the affordability of the unit will continue through 2038.