

**DECISION DATE:** August 11, 2025

**PREPARED BY:** G. Leinen

**PRESENTED BY:** G. Leinen



**CITY OF FORT BRAGG**

*Incorporated August 5, 1889*  
416 N. Franklin Street  
Fort Bragg, California 95437  
tel. 707.961.2823  
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**AGENDA ITEM SUMMARY REPORT**

**APPLICATION NO.:** Minor Use Permit 1-25 (MUP 1-25)

**OWNER APPLICANT:** Sabine Brunner

**REQUEST:** Minor Use Permit to allow a change of use and associated construction to convert 669 square feet of office space to residential space and permit a Live/Work Use.

**LOCATION:** 221/223 E. Redwood Ave.

**ASSESSOR'S PARCEL NO.:** 008-154-28  
**ZONING:** Central Business District

**ENVIRONMENTAL DETERMINATION:** Categorically Exempt from CEQA pursuant to Section 15301 – Existing Facilities

**SURROUNDING LAND USES:** NORTH: Commercial (Central Business District)  
SOUTH: Commercial (Central Business District)  
EAST: Commercial (Central Business District)  
WEST: Commercial (Central Business District)

**APPEALABLE PROJECT:**  Can be appealed to the Planning Commission

## PROJECT DESCRIPTION:

The property at 221/223 E. Redwood Ave. historically is composed of two smaller commercial buildings with a history of retail use. The owner wishes to live at the rear of the buildings which would only be allowed with a Minor Use Permit for approval of a Live/Work Use.

The applicant is currently living in the back of the property with her family, and if approved she would have to move out of the back of the property prior to issuance of the building permit for the construction process. If not approved, the City can engage in code enforcement and require her to move her residence from the property.

## ANALYSIS:

The use of commercially zoned property for a Live/Work unit is covered under the Inland Land Use and Development Code (ILUDC) section 18.42.090 and requires a Minor Use Permit. The Live/Work unit must function predominantly as a work space with incidental residential accommodations that meet basic habitability requirements. Currently the property hosts the "Little Cup Antiques" business, a retail store. This business has been present and licensed for 9 years. The Land Use is allowed pursuant to ILUDC 18.22.030, Tab 2-6. The live/work unit and use, as designed is compatible with and meets the requirements of ILUDC section 18.42.090 including complying with residential density restrictions, occupancy requirement, design standards including floor area requirements, separation and access, facilities for commercial activities, and the integration of living and working space.

The two buildings have sufficient square footage to accommodate both the commercial and residential use to comply with the required 60/40 commercial/residential ratios. However, to be a live-work unit, the two buildings must be joined. Special Condition 1 is recommended,

**"Special Condition 1** – The two identified structures on the property shall be joined with a fully enclosed and covered, climate conditioned space, joining the structures to provide occupant access from one to the other."

Mendocino County Planning and Building Services has reviewed the application and floorplan and requested a building permit to establish the property as a residential use. The building permit will need to include occupancy separations, fire sprinkler determination, energy code requirements, and egress requirements. Special Condition 2 is recommended,

**"Special Condition 2** – Applicant will comply with all requirements to obtain building permits for the scopes of work and changes of use of the building to accommodate the Live/Work requirements and to comply with all local, state, and federal fire, health and safety, and building codes. The applicant shall comply with all stated conditions of occupancy and building permits prior to final inspection of the building permits and issuance of certificates of occupancy."

The project site has not been tested for any chemicals of concern. The applicant, at their own discretion, may pursue environmental testing. An agency comment was received from the Mendocino County Environmental Health Department stating that unless there would be commercial food service on site, no further comment would be forthcoming.

No parking analysis has been performed as ILUDC section 18.36.080(C) establishes there is no minimum automobile parking requirements for areas within the Central Business District. The 200 block of E. Redwood Ave. is posted with "2 hour parking signs." Currently and for the past several years, the City of Fort Bragg has not actively enforced the timed parking ordinance, but is likely to at some point in the future.

Any outdoor lighting installation required as part of a building permit must comply with the requirements of ILUDC 18.30.070 – Outdoor Lighting.

## **GENERAL FINDINGS**

1. The proposed project is consistent with the purpose and intent of the zoning district, as well as all other provisions of the General Plan, Inland Land Use and Development Code (ILUDC) and the Fort Bragg Municipal Code in general;
2. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity as there are numerous residential units within the Central Business District including mixed/use and live/work use;
3. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located;
4. The project complies with Specific Use Regulations established for the project; and,
5. For the purposes of the California Environmental Quality Act (CEQA), this project was found to be exempt under Section 15301 – Existing facilities.

## **USE PERMIT FINDINGS**

1. The proposed use is consistent with the General Plan and any applicable specific plan;
2. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this Development Code and the Municipal Code;
3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;
4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the type, density, and intensity of use being proposed would not endanger, jeopardize, or otherwise constitute a hazard to the public interest, health, safety, convenience, or welfare, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zoning district in which the property is located.
5. The proposed use complies with any findings required by Section 18.22.030 (Commercial District Land Uses and Permit Requirements).

## **SPECIAL CONDITIONS**

1. The two identified structures on the property shall be joined with a fully enclosed and covered, climate conditioned space, joining the structures to provide occupant access from one to the other.

2. Applicant will comply with all requirements to obtain building permits for the scopes of work and changes of use of the building to accommodate the Live/Work requirements and to comply with all local, state, and federal fire, health and safety, and building codes. The applicant shall comply with all stated conditions of occupancy and building permits prior to final inspection of the building permits and issuance of certificates of occupancy.
3. The applicant shall maintain a business license to operate the “work” portion of the building prior to final inspection of a building permit to convert any portion of the building to a residential use.
4. The residential space shall be occupied by at least one individual employed in the business conducted within the live/work unit. Should use of the live/work unit cease to comply with this standard, the Minor Use Permit shall be void and the building shall be converted to an allowable use, pursuant to ILUDC Section 18.42.091(H).
5. No residential use may take place on the property prior to final inspection of the building permit for work in conformance with the proposed floor plan submitted as part of this Minor Use Permit application.
6. No portion of the live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit. Should use of the live/work unit cease to comply with this standard, the Minor Use Permit shall be void and the building shall be converted to an allowable use, pursuant to ILUDC Section 18.42.091(H).
7. No more than two persons, who do not reside in the live/work unit, may work in the unit. The employment of three or more persons who do not reside in the live/work unit would require an amendment to this permit, and may only be allowed based on an additional finding that the employment will not adversely affect parking and traffic conditions in the immediate vicinity of the unit. Should use of the live/work unit cease to comply with this standard, the Minor Use Permit shall be void and the building shall be converted to an allowable use, pursuant to ILUDC Section 18.42.091(H).
8. After approval, the live/work unit shall not be converted to entirely business use unless authorized through Use Permit approval.
9. Prior to issuance of the Minor Use Permit, the applicant shall pay applicable change of use capacity fees to convert 669 square feet of office space to residential space.
10. Prior to final inspection of a building permit to convert office space to residential space, the applicant shall install a reduced pressure backflow device adjacent to the existing water meter to the satisfaction of the Public Works Department.

## **STANDARD CONDITIONS**

1. This action shall become final on the 11th day following the decision unless an appeal to the City Council is filed pursuant to ILUDC Chapter 18.92 - Appeals.
2. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City. Any condition directly addressing an element incorporated into the application exhibits shall be controlling and shall modify the application. All other plans, specifications, details, and information contained within application shall be specifically applicable to the project and shall be construed as if directly stated within the condition for approval. Unless expressly stated otherwise, the applicant is solely responsible for satisfying each condition prior to issuance of the building permit.

3. The application, along with supplemental exhibits and related material, shall be considered elements of this permit, and compliance therewith is mandatory, unless an amendment has been approved by the City.
4. This permit shall be subject to the securing of all necessary permits for the proposed development from City, County, State, and Federal agencies having jurisdiction. All plans submitted with the required permit applications shall be consistent with this approval. All construction shall be consistent with all Building, Fire, and Health code considerations as well as other applicable agency codes.
5. The applicant shall secure all required building permits for the proposed project as required by the Mendocino County Building Department.
6. If any person excavating or otherwise disturbing the earth discovers any archaeological site during project construction, the following actions shall be taken: 1) cease and desist from all further excavation and disturbances within 100 feet of the discovery; and 2) notify the Director of Public Works within 24 hours of the discovery. Evidence of an archaeological site may include, but is not necessarily limited to shellfish, bones, flaked and ground stone tools, stone flakes produced during tool production, historic artifacts, and historic features such as trash-filled pits and buried foundations. A professional archaeologist on the list maintained by the Northwest Information Center of the California Historical Resources Information System or Listed by the Register of Professional Archaeologists shall be consulted to determine necessary actions.
7. This permit shall be subject to revocation or modification upon a finding of any one or more of the following:
  - (a) That such permit was obtained or extended by fraud.
  - (b) That one or more of the conditions upon which such permit was granted have been violated.
  - (c) That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare, or safety or as to be a nuisance.
  - (d) A final judgment of a court of competent jurisdiction has declared one or more conditions to be void or ineffective, or has enjoined or otherwise prohibited the enforcement or operation of one or more conditions.
8. Unless a condition of approval or other provision of the Inland Land Use and Development Code establishes a different time limit, any permit or approval not exercised within 24 months of approval shall expire and become void, except where an extension of time is approved in compliance with ILUDC Subsection 18.76.070 (B).

## **ATTACHMENTS**

1. Location Map
2. Site Plan
3. Emailed response from Mendocino County Environmental Health
4. Emailed response from Mendocino County Planning and Building Services
5. Planning Application
6. Site Photo #1
7. Site Photo #2

## Flynn, Maria

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**From:** cdd  
**Sent:** Monday, June 30, 2025 10:43 AM  
**To:** Leinen, George  
**Subject:** FW: Notice of Pending Action 221/223 E. Redwood Ave.

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**From:** Jacob Patterson <jacob.patterson.esq@gmail.com>  
**Sent:** Monday, June 30, 2025 10:36 AM  
**To:** cdd <cdd@fortbraggca.gov>  
**Subject:** Re: Notice of Pending Action 221/223 E. Redwood Ave.

This definitely needs a hearing because it doesn't meet the ILUDC requirements for these units, including having excessive floor area that is over the maximum 40% allowed.

On Mon, Jun 30, 2025 at 10:29 AM Leinen, George <[gleinen@fortbraggca.gov](mailto:gleinen@fortbraggca.gov)> wrote:

Good morning,

Please see attached.

George Leinen

Community Development Department/Code Enforcement Officer

416 N. Franklin St.

Fort Bragg, CA 95437

(707) 961-2823, Ext 118

[gleinen@fortbraggca.gov](mailto:gleinen@fortbraggca.gov)

## Flynn, Maria

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**From:** Jacob Patterson <jacob.patterson.esq@gmail.com>  
**Sent:** Tuesday, July 1, 2025 5:02 PM  
**To:** cdd  
**Cc:** Whippy, Isaac  
**Subject:** Re: Notice of Pending Action 221/223 E. Redwood Ave.

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CDD,

Please accept this email as a written comment concerning the live/work permit application identified in this notice. Objectively, there is a significant issue with the application and the preliminary staff recommendation because the two buildings cannot be considered a single integrated structure as designed with a mere conditioned hallway between them. Our code requires a live/work unit to be contained entirely within a single structure, which requires common functional space. A small hallway, even if conditioned space, is not a functional space. (Moreover, even if it were, the 20+ square feet of the proposed hallway would bring the living space in the proposed live/work unit above the maximum by at least 9 square feet but that was omitted in the diagrams and plans.)

Moreover, the square footage requirements for live/work units allocation of space between the living space and the workspace cannot be met within either of the two buildings as currently configured without significant alterations to the interior spaces in each. (They would have to be two separate live/work units anyway because they are separate buildings but that is not what is proposed.) In order for the Little Cup Building to serve as a live/work unit, a full bathroom needs to be added as well since a full bathroom is only currently present in the other adjacent structure (i.e., having full sanitation facilities in a separate building is not sufficient or permitted). George did not appear to recognize this fundamental issue during his review nor did the applicant but that is why these discretionary permits are subject to an entitlement review process involving both internal reviews within the City but also a public participation component.

I copied a detailed explanation with examples that I found helpful below. The source material regarding how the EPA treats this issue for purposes of evaluating energy efficiency of a development project can be found at: <https://portfoliomanagerhelp.zendesk.com/hc/en-us/articles/30185800550171-What-constitutes-a-single-structure-What-if-multiple-buildings-are-connected-via-walkways-or-common-space#:~:text=However%2C%20if%20you%20want%20,eligible%20for%20ENERGY%20STAR%20certification.>

This is also reflected in the Uniform Building Code (UBC) as amended and adopted in California as the California Building Code (CBC). Unless we provide different formal definitions for terms in our own local codes, we use the definitions and meanings from the CBC when we apply our own codes because we have adopted those codes by reference and as such, they govern all development in Fort Bragg.

Please note that I have no conceptual objection or concern about a live/work unit, including one in either of the proposed structures but want to draw your attention to this issue in an objective and neutral

manner. We have these specific regulations for several reasons, including trying to ensure that our commercial districts like the CBD remain vibrant and active rather than taken over by less active uses, including excessive residential spaces within downtown buildings.

Best regards,

--Jacob

## What constitutes a single structure? What if multiple buildings are connected via walkways or common space?

- Updated 28 days ago

In general, it's best to benchmark each building separately, even if there are connections between or underneath the buildings, such as underground parking or ground floor retail.

However, if you want 2 seemingly separate buildings to qualify as a "single structure" it must share an actual, physical connection that is **complete and indivisible**. In other words, the two buildings must share **functional** space such as underground parking, an atrium, ground floor retail, or a lobby to be considered a single structure. Walkways between buildings **are not considered functional, shared space, even if they are lighted and/or heated**. The building's ownership, metering, and shared HVAC system have no impact on whether a building is a single structure.

\*\*This determination is not always straightforward, and it may need to be considered by EPA on a case-by-case basis. [Send us a question](#) if you are unsure about your building, because your certification eligibility could be affected.

EPA's best practice is to benchmark each building separately because that will isolate potential problems and help you find the most cost-effective improvements. However, we know it's not always possible. If you have a property that cannot qualify as a single structure, and the buildings are not separately metered, you may benchmark it as a single property, but you will not be eligible for ENERGY STAR certification. If you want to be eligible for certification, you will need to install additional meters to separately meter each building.

Here are some examples to help you determine if you can pass the "single structure" test.

### Example 1 - Single structure:

- Single tower with an office on floors 1-8 and a hotel on floors 9-14. Although you may think of the office and hotel as separate and they may even be run by separate companies, this is one single tower and must receive certification at the whole building level, including both the office and

hotel. Properties that are vertically stacked like this, are ALWAYS a single structure because they share **an indivisible actual, physical connection**.

- Side-by-side buildings that share a wall are considered separate buildings. These buildings in the photo below would be considered 4 separate buildings because they do not share any **functional** space (such as a lobby, or underground parking).



### Example 2 - NOT a single structure

- An office complex that consists of 2 buildings connected by an outdoor (covered) walkway is NOT considered a single structure.
- An office complex that consists of 3 buildings connected by underground walkways that allow workers to move between the buildings without going outside. These 3 buildings are NOT considered a single structure. The energy use (and GFA) from the underground walkway in this example (lights/heating/cooling) also needs to be included. Since it will most likely be very minimal, it doesn't matter which building you add it to. Or, if the tunnel energy is sub-metered, you could divide the energy among the separate buildings.



### Example 3 - Either a single structure or multiple buildings:

- Two office towers and a hotel are built on top of a street level mall. You can walk from one tower to the other through the mall. You have two options:
  - **Best Practice: Benchmark each tower and the hotel separately**, and divide the mall proportionally between the 3 properties.
  - **Benchmark the whole thing as one property** - which is ok because the mall constitutes a seamless connection between buildings, and thus this property could be considered a single structure.



### Example 4 - Underground Parking below multiple buildings

- If two office towers are built on top of an underground shared parking garage, this may also be considered a single structure. You have two options:
  - **Best Practice: Benchmark each tower separately**. If the parking is separately metered, exclude the parking energy. If the parking is not separately metered, then it depends on

how it is billed. If the garage energy is included in just one of the towers' energy bills, then put the entire parking garage GFA in that building's use details.

- Benchmark the buildings and parking as a single property.

#### **Example 5 - Above ground Parking used for multiple buildings**

- If two office towers share an above ground parking garage, this is NOT considered a single structure; it would be considered 3 separate buildings. If the buildings and parking are on the same meter, you have two options:
  - **Best Practice:** Submeter and benchmark each tower separately.
  - Benchmark the buildings and parking as a single property, this property would not be eligible for certification, but you can still track your energy use over time.

On Mon, Jun 30, 2025 at 10:29 AM Leinen, George <[gleinen@fortbraggca.gov](mailto:gleinen@fortbraggca.gov)> wrote:

Good morning,

Please see attached.

George Leinen

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**From:** Jacob Patterson <jacob.patterson.esq@gmail.com>

**Sent:** Monday, August 11, 2025 4:59 PM

**To:** cdd <cdd@fortbraggca.gov>

**Subject:** Planning vs Building concerns

CDD,

Something came up in the administrative hearing today that I think merits clarification because it appears to be affecting planning reviews. George brought up the difference between planning and building issues but misapplied the concepts. The building official reviews applications and projects to identify building code and building permit process concerns. They do not review an application concerning any of our local planning requirements. Anything that is listed in the ILUDC is a planning and not a building requirement and only the City itself reviews applications for compliance with planning requirements.

In this case, the relevant planning requirement is that a live/work unit is fully contained within a single integrated structure. That requirement has absolutely nothing to do with building code requirements or the scope of the building official's review. George mentioned deferring to the building official but there is nothing to defer to here because the single structure requirement is not a building code requirement.

I mentioned the building code simply because it provides the criteria and definition about what constitutes a single structure. The building official and building code don't care about if a proposed live/work unit is in a single structure or spread over multiple structures nor is it relevant to whether a building permit is required. The building code definition is only relevant because we don't define what a single integrated structure is within the ILUDC so we then turn to any relevant definitions we have adopted locally through our adoption of the CA building code. If it isn't found there either, we turn to basic dictionary definitions. Since there is a definition of what is required to be considered a single integrated structure in the building code, we normally use that rather than trying to come up with our own local requirements about that on an ad hoc basis from one application to another. A consistent approach across different applications is required.

# The Forrester Building

301- 309 E. Redwood Ave.  
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707-633-4366

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[cynthsumner@gmail.com](mailto:cynthsumner@gmail.com)

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## **Application for Minor Use Permit MUP I-25**

As owners and operators of the Forrester Building, we fully support approving a minor use permit for Live/Work at 223 E. Redwood. Continued occupancy and presence are essential throughout the central business district for Fort Bragg to remain vital and thriving, not only for tourism but also for its residents.

Sabine Brunner, through her studio and store, Little Cup, encourages visitors to explore Redwood Avenue beyond Franklin Street, which benefits all businesses on E. Redwood. She has also collaborated with Larry Spring in promoting community events for all ages. We believe a residential presence at Little Cup will significantly benefit the community as a whole.

Given that Live/Work is a permitted use in the Central Business District, we do not believe there is a legitimate reason to deny MUP I-25.

Cynthia Sumner      Randy Tuell

Owners / Operators  
The Forrester Building