



City of Fort Bragg

416 N Franklin Street
Fort Bragg, CA 95437
Phone: (707) 961-2823
Fax: (707) 961-2802

Meeting Agenda Planning Commission

Wednesday, October 22, 2025

6:00 PM

Town Hall, 363 N.Main Street and Via Video
Conference

MEETING CALLED TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PLANNING COMMISSIONERS PLEASE TAKE NOTICE

Planning Commissioners are reminded that pursuant to the Council policy regarding use of electronic devices during public meetings adopted on November 28, 2022, all cell phones are to be turned off and there shall be no electronic communications during the meeting. All e-communications such as texts or emails from members of the public received during a meeting are to be forwarded to the City Clerk after the meeting is adjourned.

ZOOM WEBINAR INVITATION

This meeting is being presented in a hybrid format, both in person at Town Hall and via Zoom.

You are invited to a Zoom webinar!

When: Oct 22, 2025 06:00 PM Pacific Time

Topic: Planning Commission October 22, 2025

Join from PC, Mac, iPad, or Android:

<https://us06web.zoom.us/j/86372006460>

Join via audio:

+1 669 444 9171 US

Webinar ID: 863 7200 6460

International numbers available: <https://us06web.zoom.us/j/86372006460>

To speak during public comment portions of the agenda via zoom, please join the meeting and use the raise hand feature when the Chair or Acting Chair calls for public comment on the item you wish to address.

1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR

ITEMS

MANNER OF ADDRESSING THE COMMISSION: All remarks and questions shall be addressed to the Planning Commission; no discussion or action will be taken pursuant to the Brown Act. No person shall speak without being recognized by the Chair or Acting Chair. Public comments are restricted to three (3) minutes per speaker.

TIME ALLOTMENT FOR PUBLIC COMMENT ON NON-AGENDA ITEMS: Thirty (30) minutes shall be allotted to receiving public comments. If necessary, the Chair or Acting Chair may allot an additional 30 minutes to public comments after Conduct of Business to allow those who have not yet spoken to do so. Any citizen, after being recognized by the Chair or Acting Chair, may speak on any topic that may be a proper subject for discussion before the Planning Commission for such period of time as the Chair or Acting Chair may determine is appropriate under the circumstances of the particular meeting, including number of persons wishing to speak or the complexity of a particular topic. Time limitations shall be set without regard to a speaker's point of view or the content of the speech, as long as the speaker's comments are not disruptive of the meeting.

BROWN ACT REQUIREMENTS: The Brown Act does not allow action or discussion on items not on the agenda (subject to narrow exceptions). This will limit the Commissioners' response to questions and requests made during this comment period.

WRITTEN PUBLIC COMMENTS: Written public comments received after agenda publication are forwarded to the Commissioners as soon as possible after receipt and are available for inspection at City Hall, 416 N. Franklin Street, Fort Bragg, during normal business hours. All comments will become a permanent part of the agenda packet on the day after the meeting or as soon thereafter as possible, except comments that are in an unrecognized file type or too large to be uploaded to the City's agenda software application. Public comments may be emailed to CDD@fortbraggca.gov.

2. STAFF COMMENTS

3. MATTERS FROM COMMISSIONERS

4. CONSENT CALENDAR

All items under the Consent Calendar will be acted upon in one motion unless a Commissioner requests that an individual item be taken up under Conduct of Business.

[25-440](#) Approve the Minutes of the October 8, 2025 Planning Commission Meeting

Attachments: [10082025 Planning Commission Minutes.](#)

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

6. PUBLIC HEARINGS

It is the policy of the City of Fort Bragg to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities.

If you need assistance to ensure your full participation, please contact the City Clerk at (707) 961-2823. Notification 48 hours in advance of any need for assistance will enable the City to make reasonable arrangements to ensure accessibility.

This notice is in compliance with the Americans with Disabilities Act (28 CFR, 35.102-35.104 ADA Title II).



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Text File

File Number: 25-440

Agenda Date: 10/22/2025

Version: 1

Status: Public Hearing

In Control: Planning Commission

File Type: Minutes

Agenda Number:

Approve the Minutes of the October 8, 2025 Planning Commission Meeting



City of Fort Bragg

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Meeting Minutes Planning Commission

Wednesday, October 8, 2025

6:00 PM

Town Hall, 363 N.Main Street
and Via Video Conference

MEETING CALLED TO ORDER

Chair David Jensen called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

- Present** 4 - Commissioner Jary Stavely, Chair David Jensen, Commissioner Katie Turner, and Vice Chair Richard Neils
- Absent** 1 - Commissioner Ryan Bushnell

1. PUBLIC COMMENTS ON: (1) NON-AGENDA & (2) CONSENT CALENDAR ITEMS

- (1) None.
- (2) None.

2. STAFF COMMENTS

Associate Planner Sarah Peters gave an update on staffing changes in the Community Development Department, the upcoming planning projects and closures of parking at C.V.Starr. Peters also mentioned City Hall will be closed Monday, October 13. Permit Technician Maria Flynn gave an update on upcoming community events.

3. MATTERS FROM COMMISSIONERS

Commissioner Turner provided information on the upcoming 100 Women Strong event. Commissioner Stavely mentioned the League of Women Voters is encouraging all to vote. Vice Chair Neils brought attention to the Veterans Day celebration. Chair Jensen welcomed Maria Flynn back.

4. CONSENT CALENDAR

4A. [25-334](#) Approve Minutes of the July 9, 2025 Planning Commission Meeting

A motion was made by Vice Chair Neils, seconded by Commissioner Stavely, that the Minutes be approved. The motion carried by the following vote:

Aye: 4 - Commissioner Stavely, Chair Jensen, Commissioner Turner and Vice Chair Neils

Absent: 1 - Commissioner Bushnell

5. DISCLOSURE OF EX PARTE COMMUNICATIONS ON AGENDA ITEMS

Commissioner Stavely disclosed he volunteers at the Friends of the Library book sale.

6. PUBLIC HEARINGS

- 6A. [25-390](#) Receive a Report, Hold a Public Hearing, and Consider Adopting a Resolution Approving Use Permit 4-25 (UP 4-25), Design Review 7-25 (DR 7-25), and Sign Permit 5-25 (SP 5-25) to Construct a 3,348 Square Foot Library Annex with Associated Parking and Signage at 421 N. Whipple Street; Categorically Exempt from CEQA Pursuant to Section 15332 (Infill Development)

Chair Jensen opened the public hearing at 6:08 P.M.

Associate Planner Sarah Peters gave a report describing the Library Annex Project. Applicant Janice Marcell and Project Agent Marie Jones were available to answer questions. Commissioner Stavley asked clarifying questions about bicycle parking. Applicant Janice Marcell provided information about the project. Project Agent Marie Jones gave information about the next phases of the Annex project.

Public Comment: None.

Commissioners asked questions.
Project Agent Marie Jones responded.

Public Hearing closed at 6:38 P.M.

Discussion: Under deliberation, Commissioners discussed parking, electric pole, and allowing for roof top solar without screening.

This Planning Resolution was adopted as amended.

Aye: 4 - Commissioner Stavely, Chair Jensen, Commissioner Turner and Vice Chair Neils

Absent: 1 - Commissioner Bushnell

Enactment No: RES PC18-2025

7. CONDUCT OF BUSINESS

None.

ADJOURNMENT

Chair Jensen adjourned the meeting at 6:45 P.M.



City of Fort Bragg

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Phone: (707) 961-2823
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Text File

File Number: 25-438

Agenda Date: 10/22/2025

Version: 1

Status: Public Hearing

In Control: Planning Commission

File Type: Planning Resolution

Agenda Number:

Receive a Report, Conduct Public Hearing, and Consider Appeal of Administrative Decision on Minor Use Permit 1-25 (MUP 1-25), Special Conditions 5, 11 and 12



PLANNING COMMISSION STAFF REPORT

TO: Planning Commission **DATE:** October 22, 2025

DEPARTMENT: Community Development Department

PREPARED BY: Sarah Peters, Associate Planner

PRESENTER: Sarah Peters, Associate Planner

AGENDA TITLE: Receive Report, Conduct Public Hearing and Consider Appeal of Administrative Decision on Minor Use Permit 1-25 (MUP 1-25), Special Conditions 5, 11 and 12

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

APPLICANT: Sabine Brunner

OWNER: 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 Avenue, Fort Bragg, CA

APN: 008-154-28

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

SURROUNDING LANDUSES:

- NORTH: Rear section of parcel (no building) /Central Business District
- EAST: Retail Commercial / Central Business District
- SOUTH: Retail Commercial / Central Business District
- WEST: Vacant Lot / Central Business District

APPEALABLE PROJECT: Planning Commission decision can be appealed to City Council

AGENDA ITEM NO. 6A

RECOMMENDATION

Staff recommends that the Planning Commission deny the appeal and uphold the Administrative Decision approving Minor Use Permit 1-25 (MUP 1-25), including Special Conditions 5, 11 and 12.

ALTERNATIVES:

1. Approve the appeal, overturning the Administrative Decision and approving MUP 1-25 without Special Conditions 5, 11 and 12.
 2. Continue the public hearing to allow for additional information or analysis prior to a decision.
 3. Refer the matter to the Director or Commission for further consideration if new or different evidence is presented, per FBMC Section 18.92.030(E)(2).
-

BACKGROUND

On April 17, 2025, Sabine Brunner submitted an application for a Minor Use Permit (MUP 1-25) to establish a mixed use unit at 223 E. Redwood Avenue in the Central Business District. As this property did not qualify for a mixed use, the applicant subsequently modified the application to establish a live/work unit.

On August 11, 2025, a public hearing was held to consider Minor Use Permit 1-25 (MUP 1-25) to allow a change of use and associated construction to convert 669 square feet of office space located behind an existing retail store to residential space and to permit a live/work use at 221-223 E. Redwood Avenue. It was initially proposed that the two buildings, 221 E. Redwood and 223 E. Redwood, be joined via a covered, enclosed hallway for tenant access to the shower at the back of the building at 221 E. Redwood Ave. The business at 223 E. Redwood Avenue is Little Cup, a vintage store; the business at 221 E. Redwood Avenue is a letterpress studio and gallery/sales space.

At the August 11, 2025, hearing, the Acting Director received a report from staff, considered testimony from interested parties, deliberated and advised attendees that a determination would be made within ten (10) calendar days. On August 21, 2025, a decision was rendered approving the project with nine (9) standard conditions and thirteen (13) special conditions and a Notice of Final Action with findings and conditions was sent to the applicant (Attachment 3 – NOFA 08212025).

Per Inland Land Use and Development Code (ILUDC) Section 18.92.020, decisions made by the Director on a Minor Use Permit may be appealed to the Commission and decisions of the Commission may be appealed to the Council. On September 2, 2025, the Community Development Department received a timely appeal of the Acting Director's determination

from the applicant, Sabine Brunner. On September 9, 2025, a subsequent appeal letter was received that corrected a few typos in the original letter (Attachment 4 – Appeal Letter).

The applicant takes issue with conditions 5, 11, and 12. Condition 5 provides that the property may not be used for residential purposes until there is a final inspection of the building permit work shown in the proposed floor plan. Because of restrictions in the ILUDC, Conditions 11 and 12 essentially provide that the two businesses must switch locations because the live-work unit can only be allowed in conjunction with the printing press business.

Both the appeal and permit are now subject to Planning Commission review determination. This staff report presents an analysis of the appeal. For a full description of the project, please refer to the original Staff Report prepared for the project (Attachment 2 – Staff Report).

DISCUSSION AND ANALYSIS

Appeal of Director Decision

The primary issues raised in the appeal are listed below and discussed in detail thereafter:

1. Residential use should be permitted on the property through a Limited Term Permit (LTP) prior to final inspection of the building permit.
2. Under the ILUDC, the sale of goods is limited to items produced within the live/work unit. Because *Production* is not defined in the ILUDC, its interpretation should be extended to include the vintage pieces collected and curated by the Applicant.
3. Prohibiting the Applicant from maintaining the retail store at its current location, 223 E. Redwood Avenue, is burdensome and inconvenient.
4. The City’s determination that the retail space should relocate to 221 E. Redwood Avenue is based on flawed reasoning and is inconsistent with the business-friendly approach promoted by the City.

1. Residential use should be allowed on the property through a Limited Term Permit (LTP) prior to final inspection of the building permit.

The Applicant’s appeal letter references LUDC Section 17.71.030 as the basis for allowing residential use during construction through a Limited Term Permit (LTP). The applicable provision, however, is ILUDC Section 18.71.030(F)(6)(b), which allows an existing dwelling unit or a temporary structure on the property to be used during the construction phase of an approved minor development project. The area behind the shop at 223 E. Redwood Avenue is not an existing dwelling unit or a temporary structure and, therefore, does not qualify for residential use under an LTP.

2. Under the ILUDC, the sale of goods is limited to items produced within the Live/Work unit. Because *Production* is not defined in the ILUDC, its interpretation should be extended to include the vintage pieces collected and curated by the Applicant.

Summary

City staff has reviewed the Applicant's interpretation of the term *produced* as it applies to live/work units under the ILUDC. The Applicant contends that the curation and resale of vintage goods constitute *production* within the meaning of the code. However, based on the ILUDC's language, intent, and historical application, and rules of interpretation, *produced* should be interpreted to refer to goods made or created on-site, such as artwork, furniture, or other handcrafted items. The resale of vintage merchandise does not meet this standard.

Applicable Code Provisions

Live/work units are allowed in the Central Business District where these properties are located with a minor use permit and subject to the requirements of ILUDC Section 18.42.090.

The ILUDC defines a *live/work Unit* as:

"An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multifamily, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

1. Complete kitchen space and sanitary facilities in compliance with the building code; and
2. Working space reserved for and regularly used by 1 or more occupants of the unit."

ILUDC Section 18.42.090(G)(3) further provides that a live/work unit is subject to the following:

"On-premises sales of goods are limited to those produced within the live/work unit, provided the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows."

Context and Intent of the Live/Work Use

The live/work use was originally permitted only in industrial zones, where the term *production* had an industrial meaning, generally referring to the fabrication or creation of tangible goods.

When the ILUDC was subsequently revised to allow live/work uses within commercial zones, the focus shifted toward artist-oriented activities. This intent is reflected in the reference to *open studio programs and gallery shows* within the operating requirements for these types of units, emphasizing the creation and display of art and similar creative works.

Interpretation of *Produced*

While the ILUDC does not explicitly define the term *produced*, the City’s longstanding interpretation has been that goods sold from the work portion of the live/work unit must be **made or created on-site**. Examples include woodworking, photography, painting, sculpture, or similar artistic or craft-based production.

To date, the only live/work use approved within the Central Business District (CBD) consistent with this interpretation was for a photographer. In that instance, the photography studio was located in the front of the unit for display and limited retail sales, while the photographer resided in the rear.

By contrast, the resale of vintage goods does not meet the City’s established interpretation of *production*. Such resale activity involves the collection and redistribution of existing items rather than the creation or manufacture of new goods.

Applicant’s Proposed Interpretation

The Applicant proposes that *curation* – as in the act of selecting and arranging vintage goods – should qualify as *production* within the meaning of the ILUDC. However, this interpretation is inconsistent with both the intent and historical application of the ILUDC. Any retail establishment could claim to “curate” merchandise by selecting and arranging items for sale. Accepting this interpretation would effectively render the term *produced* meaningless and extend the live/work use to encompass all forms of retail activity – contrary to the express purpose and limitations of the code.

Application of the More Restrictive Standard

The ILUDC specifies that, where conflicts or ambiguities arise, the more restrictive standard must apply. Given the absence of a definition for *production*, the City’s interpretation, consistent with prior City practice and the intent of the live/work provisions, constitutes the more restrictive and therefore controlling standard in this case.

3. Prohibiting the Applicant from maintaining the retail store at its current location, 223 E. Redwood Avenue, is burdensome and inconvenient.

The retail store may continue to operate in its current location in the absence of a live/work residence behind the store. In reviewing the application for this Minor Use Permit, staff evaluated whether the proposal met the design standards and operating requirements outlined in ILUDC Section 18.42.090 – Live/Work Units. Staff’s review is limited to determining whether an application complies with the applicable development code, not to assess convenience or business operations.

4. The City's determination that the retail space should relocate to 221 E. Redwood Avenue is based on flawed reasoning and is inconsistent with the business-friendly approach promoted by the City.

The City is in the process of updating several ordinances to facilitate business operations and support successful commercial activity within the City's commercial districts. While the City strives to maintain a business-friendly approach, this does not include waiving existing code requirements based on convenience. City staff are responsible for reviewing applications to determine compliance with the applicable Land Use and Development Code (LUDC). Although the Acting Director could have denied the application due to the existing retail use, an alternative configuration was provided to allow for approval of a compliant live/work unit.

GENERAL PLAN CONSISTENCY ANALYSIS

The project as administratively approved through the Minor Use Permit process is consistent with the following General Plan policies and programs:

- **Policy LU-3.1 Central Business District:**

Retain and enhance the small-scale, pedestrian friendly, and historic character of the Central Business District (CBD)

- **Program LU-3.1.2:** *Residential uses are permitted only above the ground floor or at the rear of buildings on the ground floor.*

Consistency: The project, as conditioned, includes a residential use at the rear of the building on the ground floor, where the living and work spaces of the live/work unit are combined within a single structure.

- **Policy LU-3-6: Re-Use of Existing Buildings:**

Encourage the adaptive re-use and more complete utilization of buildings in the Central Business District and other commercial districts.

Consistency: The project, as conditioned, converts an existing storage area within a building in the CBD to a residential use with complete bathroom facilities, thereby promoting the efficient and adaptive reuse of existing space.

USE PERMIT FINDINGS

An application for a Use Permit or Minor Use Permit may be approved, approved with conditions, or disapproved by the review authority. The following findings are required for approval of a Minor Use Permit in accordance with ILUDC Section 18.71.060:

1. *The proposed use is consistent with the General Plan and any applicable specific plan;*

Consistent as conditioned – see the General Plan Consistency Analysis section above.

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;*

The proposed use is permitted within the Central Business District (CBD). However, the project as proposed does not comply with ILUDC Section 18.42.090.G.3 which limits on-premises sales of goods to those produced within the live/work unit, provided that retail sales activity remains incidental to the primary production work within the unit.

As discussed under appeal issue No. 2, the City interprets *produced* to refer to items created within the live/work unit – such as various forms of artwork - and finds that extending this definition to include *curated* or *collected* vintage items would render the provision ineffective in the context of commercial retail use. Accordingly, without Special Conditions 11 and 12, **Finding No. 2 cannot be made.**

3. *The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;*

Consistent as conditioned. The proposed live/work unit, with an associated retail component, would be compatible with existing and future land uses within the downtown retail area of the Central Business District.

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.*

The California Building Code (CBC) establishes minimum standards to safeguard life, health, property, and public welfare by regulating the design, construction, and occupancy of buildings. Under Title 24, Part 2, Chapter 1, Section 111 (A) 111.1 – Change of Occupancy, a building or structure may not be used or occupied, in whole or in part, until a Certificate of Occupancy (C of O) has been issued by the Building Official.

A C of O is required upon completion of new construction or when the occupancy classification of a building changes (e.g., from commercial to residential use). The certificate confirms that the building complies with applicable codes and safety

standards and may be legally occupied. The Building Official must review and approve the change of occupancy to ensure that structural and life-safety requirements are met for residential use.

Because a Certificate of Occupancy cannot be issued prior to final inspection of the building permit, and in the absence of Special Condition 5, **Finding No. 4 cannot be made.**

5. *The proposed use complies with any findings required by §18.22.030 (Commercial District Land Uses and Permit Requirements).*

The applicable finding under §18.22.030 requires that:

“The use complements the local, regional and tourist-serving retail, office and services functions of the CBD, and will not detract from this basic purpose of the CBD. Uses proposed for the intense pedestrian-oriented retail shopping areas of the CBD, which include the 100 blocks of East and West Laurel Street, the 300 block of North Franklin Street, and the 100 and 200 blocks of Redwood Avenue, shall be limited to pedestrian-oriented uses on the street-fronting portion of the building.”

A properly configured live/work unit does not detract from the basic purpose of the CBD because the street facing portion of the live/work unit would be pedestrian-oriented. Therefore, **Finding No. 5 can be made.**

In summary, because not all five required findings can be made, the project cannot be approved as proposed. Specifically, Findings No. 2 and No. 4 cannot be supported without the inclusion of Special Conditions 5, 11, and 12. These conditions are necessary to ensure compliance with the ILUDC and applicable building code requirements.

LIVE/WORK FINDINGS

Section 18.42.090 of the ILUDC provides that the approval of a Use Permit for a live/work unit requires that the following findings be made, in addition to those findings required for Use Permit approval by 18.71.060 – (Use Permit and Minor Use Permit):

1. *The proposed use of each live/work unit is a bona fide commercial or industrial activity consistent with Subsection C of ILUDC 18.42.090, Section C (Limitations on Use);*

Consistent. The proposed use is not an adult business, vehicle maintenance or repair business, or any other activity deemed incompatible with residential use or potentially detrimental to the health or safety of live/work unit residents, as determined by the Director.

2. *The establishment of live/work units will not conflict with nor inhibit commercial uses in the area where the project is proposed;*

Consistent. The proposed residential unit, located at the rear of the building and conditioned accordingly, would not conflict with or inhibit surrounding commercial uses.

3. *The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;*

Consistent. As conditioned, the live/work unit is compatible with existing and future land uses in the neighborhood, as it is situated at the rear of a commercial building within the Central Business District.

4. *Any changes proposed to the exterior appearance of the structure will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses;*

Consistent. The project does not include any such changes.

All required findings for approval of a live/work unit can be made, provided the project complies with the conditions of approval outlined in the Minor Use Permit.

FISCAL IMPACT/FUNDING SOURCE:

The City of Fort Bragg collects sales tax for all retail businesses.

ENVIRONMENTAL ANALYSIS:

The project is exempt from CEQA per CEQA Guidelines Section 15301 Existing Facilities, which exempts minor interior and exterior alterations. There are no exceptions to the exemption under CEQA Guidelines Section 15300.2. There are no similar projects in the same place which would create a cumulative impact. The minor alterations to the interior of the building which are allowed by the ILUDC do not create an unusual circumstance which would cause a significant effect, nor do they create a substantial adverse change in an historical resource or damage to scenic resources. The project is not located on a hazardous waste site.

COMMUNITY OUTREACH

1. Provided legal noticing as required for a Minor Use Permit pursuant to ILUDC Section 18.71.060.E.2.a.
2. Conducted Public Hearing pursuant to ILUDC Section 18.71.060.E.2.b and Chapter 18.96.
3. Receipt and consideration of comments from members of the public.

ATTACHMENTS:

1. MUP 1-25 Resolution
2. Administrative Staff Report with Public Comments

3. Notice of Final Action
4. Appeal Letter with Public Comment

NOTIFICATION:

1. Applicant, Sabine Brunner
2. City of Fort Bragg Planning Commission
3. Property Owners within 300 feet
4. Notify Me subscriber lists: Current Planning Permits, Fort Bragg Downtown Businesses, Public Hearing Notices

RESOLUTION NO. *PC XX-2025*

A RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION DENYING THE APPEAL OF THE ACTING COMMUNITY DEVELOPMENT DIRECTOR'S LAND USE DETERMINATION FOR MINOR USE PERMIT 1-25 (MUP 1-25) SPECIAL CONDITIONS 5, 11, AND 12, FOR A LIVE/WORK UNIT LOCATED AT 223 EAST REDWOOD AVENUE (APN 008-154-28)

WHEREAS, on April 17, 2025, Sabine Brunner ("Applicant") submitted an application to the City of Fort Bragg ("City") for a Minor Use Permit to establish a Mixed Use unit at 223 East Redwood Avenue; and

WHEREAS, Planning staff determined that this parcel is not eligible for Mixed Use, as the residential component of a Mixed Use building is only allowed on second or upper floors; and

WHEREAS, the Applicant subsequently modified the application to establish a Live/Work unit at 221/223 East Redwood Avenue ("Project"), with the proposed project spanning two adjacent parcels within the Central Business District (APN 008-154-28 and 008-154-29) where the westernmost building is situated on both parcels; and

WHEREAS, on June 10, 2025, the Applicant submitted revised floor plans for the Live/Work Project; and

WHEREAS, on June 16, 2025, City deemed the application complete and issued a completeness letter to the Applicant; and

WHEREAS, on June 30, 2025, notice was sent to property owners within a 300-foot radius of the Project parcels, stating that MUP 1-25 - establishing a Live/Work unit at 221/223 East Redwood Avenue - would be approved unless a written request for a public hearing was submitted prior to 5:00 PM, Monday, July 14, 2025; and

WHEREAS, on July 10, 2025, the Community Development Department received a written request for a public hearing; and

WHEREAS, after giving the required notice the Acting Community Development Director conduct a duly noticed public hearing on August 11, 2025, to consider the application; and

WHEREAS, on August 21, 2025, the City issued a Notice of Final Action (NOFA) regarding the Project (MUP 1-25) at 223 East Redwood Avenue; and

WHEREAS, the administrative decision included Special Conditions 5, 11, and 12, concerning limitations on residential use, operational limitations of the retail business, and the retail sales of items procured off-site, respectively; and

WHEREAS, On September 2, 2025, the Applicant filed a timely appeal of these special conditions, asserting that they were flawed, excessively restrictive, burdensome, and inconvenient; and

WHEREAS, on October 22, 2025, the Planning Commission held a duly noticed public hearing to consider the merits of the appeal, during which evidence and testimony were presented by City staff and the Appellant; and

WHEREAS, the Planning Commission reviewed the administrative record, including staff reports, findings, public testimony, and the grounds for appeal; and

WHEREAS, based on the evidence presented, the Planning Commission finds that the special conditions are necessary to ensure compliance with the Fort Bragg Inland Land Use and Development Code and to make the required findings for approval; and

WHEREAS, the Planning Commission further finds that the Appellant has not demonstrated that the administrative decision contained a legal or factual error or that the special conditions are unreasonable or arbitrary;

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF FORT BRAGG DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The administrative decision of the Acting Community Development Director as set forth in the Notice of Final Action dated August 21, 2025, and all conditions thereto is **upheld**, and the appeal by Sabine Brunner, of Special Conditions 5, 11, and 12 is **denied** in accordance with Title 18 (Inland Land Use and Development Code) of the Fort Bragg Municipal Code.

SECTION 2. In taking this action the Planning Commission makes the following findings in accordance with Section 18.71.060 of the Inland Land Use Development Code:

1. *The proposed use is consistent with the General Plan and any applicable specific plan;*

Consistent as conditioned –

- **Policy LU-3.1 Central Business District:**
Retain and enhance the small-scale, pedestrian friendly, and historic character of the Central Business District (CBD)
 - **Program LU-3.1.2:** *Residential uses are permitted only above the ground floor or at the rear of buildings on the ground floor.*

Consistency: The project, as conditioned, includes a residential use at the rear of the building on the ground floor, where the living and work spaces of the live/work unit are combined within a single structure.

- **Policy LU-3-6: Re-Use of Existing Buildings:**
Encourage the adaptive re-use and more complete utilization of buildings in the Central Business District and other commercial districts.

Consistency: The project, as conditioned, converts an existing storage area within a building in the CBD to a residential use with complete bathroom facilities, thereby promoting the efficient and adaptive reuse of existing space.

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;*

The proposed use is permitted within the Central Business District (CBD). However, the project as proposed does not comply with ILUDC Section 18.42.090.G.3 which limits on-premises sales of goods to those produced within the live/work unit, provided that retail sales activity remains incidental to the primary production work within the unit.

As discussed under appeal issue No. 2, the City interprets “produced” to refer to items created within the live/work unit – such as various forms of artwork - and finds that extending this definition to include *curated* or *collected* vintage items would render the provision ineffective in the context of commercial retail use. Accordingly, without Special Conditions 11 and 12, **Finding No. 2 cannot be made.**

3. *The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;*

Consistent as conditioned. The proposed live/work unit, with an associated retail component, would be compatible with existing and future land uses within the downtown retail area of the Central Business District.

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.*

The **California Building Code (CBC)** establishes minimum standards to safeguard life, health, property, and public welfare by regulating the design, construction, and occupancy of buildings. Under **Title 24, Part 2, Chapter 1, Section 111 (A) 111.1 – Change of Occupancy**, a building or structure may not be used or occupied, in whole or in part, until a **Certificate of Occupancy (C of O)** has been issued by the Building Official.

A C of O is required upon completion of new construction or when the occupancy classification of a building changes (e.g., from commercial to residential use). The certificate confirms that the building complies with applicable codes and safety standards and may be legally occupied. The Building Official must review and

approve the change of occupancy to ensure that structural and life-safety requirements are met for residential use.

Because a Certificate of Occupancy cannot be issued prior to final inspection of the building permit, and in the absence of **Special Condition 5, Finding No. 4 cannot be made.**

5. *The proposed use complies with any findings required by §18.22.030 (Commercial District Land Uses and Permit Requirements).*

The applicable finding under §18.22.030 requires that:

“The use complements the local, regional and tourist-serving retail, office and services functions of the CBD, and will not detract from this basic purpose of the CBD. Uses proposed for the intense pedestrian-oriented retail shopping areas of the CBD, which include the 100 blocks of East and West Laurel Street, the 300 block of North Franklin Street, and the 100 and 200 blocks of Redwood Avenue, shall be limited to pedestrian-oriented uses on the street-fronting portion of the building.”

A properly configured live/work unit does not detract from the basic purpose of the CBD because the street facing portion of the live/work unit would be pedestrian-oriented. Therefore, **Finding No. 5 can be made.**

SECTION 3. In taking this action the Planning Commission makes the following findings in accordance with Section 18.42.090 of the Inland Land Use Development Code:

1. *The proposed use of each live/work unit is a bona fide commercial or industrial activity consistent with Subsection C of ILUDC 18.42.090, Section C (Limitations on Use);*

Consistent. The proposed use is not an adult business, vehicle maintenance or repair business, or any other activity deemed incompatible with residential use or potentially detrimental to the health or safety of live/work unit residents, as determined by the Director.

2. *The establishment of live/work units will not conflict with nor inhibit commercial uses in the area where the project is proposed;*

Consistent. The proposed residential unit, located at the rear of the building and conditioned accordingly, would not conflict with or inhibit surrounding commercial uses.

3. *The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity;*

Consistent. As conditioned, the live/work unit is compatible with existing and future land uses in the neighborhood, as it is situated at the rear of a commercial building within the Central Business District.

4. *Any changes proposed to the exterior appearance of the structure will be compatible with adjacent commercial or industrial uses where all adjacent land is zoned for commercial or industrial uses;*

Consistent. The project does not include any such changes.

SECTION 4. The Planning Commission finds that the project is exempt from CEQA per CEQA Guidelines Section 15301 Existing Facilities, which exempts minor interior and exterior alterations. There are no exceptions to the exemption under CEQA Guidelines Section 15300.2. There are no similar projects in the same place which would create a cumulative impact. The minor alterations to the interior of the building which are allowed by the ILUDC do not create an unusual circumstance which would cause a significant effect nor do they create a substantial adverse change in an historical resource or damage to scenic resources. The project is not located on a hazardous waste site.

SECTION 5. The findings are based on the entirety of the administrative record whether specifically set forth herein or not.

SECTION 6. The decision of the Planning Commission shall become final on the 11th calendar day following the decision unless an appeal to the City Council is filed pursuant to ILUDC chapter 18.92 (Appeals).

The above and foregoing Resolution was introduced by Commissioner _____, seconded by Commissioner _____, and passed and adopted at a regular meeting of the Fort Bragg Planning Commission held on the 22nd day of October 2025, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

David Jensen, Chair
Planning Commission

ATTEST:

Lisi Horstman, Administrative Assistant

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
 fax. 707.961.2802

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

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

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> 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

Flynn, Maria

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 liked 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> 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

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.
Fort Bragg, CA 94357
707-633-4366

www.theforresterbuilding.com
cynthsumner@gmail.com

randy@tuellreynolds.com

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



CITY OF FORT BRAGG

Incorporated August 5, 1889
416 N. Franklin Street, Fort Bragg, CA 95437
Phone: (707) 961-2827 Fax: (707) 961-2802
www.FortBragg.com

NOTICE OF FINAL ACTION

On August 21, 2025, final action was taken by the City on the following Minor Use Permit application:

PERMIT TYPE & NO.: Minor Use Permit 1-25 (MUP 1-25)

OWNER: Sabine Brunner

APPLICANT: Sabine Brunner

AGENT: N/A

LOCATION: 221/223 E Redwood Ave, Fort Bragg

APN: 008-154-28

DESCRIPTION: 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.

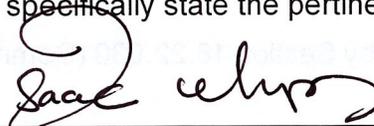
DATE OF ACTION: August 21, 2025

ACTION BY: Acting Director of Community Development

ACTION TAKEN: Approved (See attached Findings and Conditions)

THIS PROJECT IS: Appealable to the City of Fort Bragg Planning Commission.

Decisions of the Community Development Director shall be final unless appealed to the Planning Commission within ten (10) days after the decision is rendered. An appeal shall be submitted in writing, along with the appeal fee of \$375.00, to the Community Development Department and shall specifically state the pertinent facts and the basis for the appeal.



Isaac Whippy, Acting Director of Community Development

8/21/25
Date

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.

MINOR USE PERMIT FINDINGS

Based on the evidence presented, the Hearing Officer finds that the proposed use, as conditioned:

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. The proposed use provides for a compatible live/work use while ensuring that commercial activity remains appropriately regulated and accessible to the public.
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).

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.
 - (e) That the use is not conducted in full compliance with all conditions of approval
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).

9. The project shall comply with all applicable provisions of the Fort Bragg Municipal Code, General Plan, and adopted policies and standards.

SPECIAL CONDITIONS

1. 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.
2. The applicant is not required to construct a covered, connecting hallway between 221 and 223 E. Redwood Avenue.
3. The applicant shall submit revised site and floor plans for review and approval by the Community Development Department that reflect the following:
 - (a) The live/work unit's residential living space shall be contained entirely within 223 E. Redwood Avenue, with no living space permitted in 221 E. Redwood Avenue.
 - (b) The residential living space within 223 E. Redwood Avenue shall not exceed 40% of the total floor area of that building consistent with ILUDC requirements.
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 entirely to business use unless authorized through Use Permit approval.
9. Prior to issuance of the Building Permit, the applicant shall pay applicable change of use capacity fees for conversion 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.

11. The applicant shall not operate their existing vintage retail business from 223 E. Redwood Avenue. Operations at 223 E. Redwood Avenue shall be limited to instruction for students and the sale of items fabricated on-site (e.g., letterpress work or other art/items created by the applicant or her students).
12. Any retail sales of items created or procured off-site shall be limited exclusively to 221 E. Redwood Avenue.
13. The applicant shall maintain minimum business hours and shall be open to the public at least 50% of operating hours per week at both 221 E. Redwood Avenue and the commercial storefront within 223 E. Redwood Avenue.

RE: Appeal of Final Action for MUP 1-25

Permit type & number: Minor Use Permit 1-25
Owner/Applicant: Sabine Brunner
Agent: N/A
Location 221 & 223 E Redwood Ave, Fort Bragg
APN: 008-154-28
Date of Action: August 21, 2025
Date of Appeal: September 2, 2025
Attachments: Site Documentation & Floor Plans (Rev. 9-2-25)

City of Fort Bragg
Received
SEP 09 2025

Introduction:

Owner /Applicant is appealing Special Contions 5, 11 and 12 of Final Action for MUP 1-25. Prior to giving justification for appealing each special condition, Applicant/Owner wishes to give a brief overview of how MUP 1-25 came to be.

Applicant has two historic buildings on one assessor's parcel, number 008-154-28, with street addresses of 221 and 223 East Redwood Ave in the Central Business District of Fort Bragg. She wishes to operate two distinct businesses on the parcel. A letterpress studio and classroom space in 221, and Live/Work Space in 223 consisting on an Art, Antique and Collectibles store and residential space that is under 40% of total floor area for that space. This Minor Use Permit was instigated by an anonymous complaint which caused a red tag.

After finalizing her divorce early this year, applicant moved into her property at 223 E Redwood where she has owned and operated a retail business for 10 years. In April she applied for a Minor Use Permit to convert 223 into a Live/Work space where she could maintain her residence while continuing her art, antique and collectibles retailing. Staff reviewed her application and recommended combining the two structures via an fully enclosed hallway and the applicant complied. Staff recommended approval of her MUP based on connecting the two separate buildings via a fully enclosed hallway to add the bathing facility located in 221 to the living space since 223 has toilet and hand sink but no tub or shower. However the notice of final action omitted the hallway feature, so she will add a bathing facility to 223.

The notice of final action specifies thirteen special conditions. This appeal has to do with Special Conditions: #5, #11 and #12. Following is an argument for overturning these conditions in favor of the applicant.

Special Condition #5 : “No Residential use may take place on the property prior to final inspection of the building permit for work in conformance to the proposed floor plan submitted as part of this MUP application.”

Applicant requests this condition be modified to allow residential use under 17.71.030 (F)(6)(b) which states:

17.71.030 - Limited Term Permit

F. Allowed short-term activities. A Limited Term Permit may authorize the following short-term activities within the specified time limits, but in no event for more than 12 months. Other short-term activities that do not fall within the categories defined below shall instead comply with the planning permit requirements and development standards that otherwise apply to the property.

6. Temporary occupancy during construction.

b. Minor development projects. An existing dwelling unit or a temporary structure and property may be used during the construction phase of an approved minor development project (e.g., residential projects with four or fewer dwelling units). The structure or property may be used as a temporary residence, an office, or for the storage of equipment and/or tools.

As mentioned above, Applicant moved into the space due to divorce as she owns this property and CBD zoning allows for Live/Work units. Over the years, she has invested a great deal of money, energy and time into the property so is fully invested (literally and figuratively) in making it a viable live/work space where she can continue to enhance the down town Fort Bragg while living and working in her property. Currently, the town has an abundance of empty store fronts and businesses that are seldom, if ever, open to the public which are causing a blight as evidenced by the City's recent survey of what can be done to reduce vacant store fronts in Fort Bragg. Applicant wishes to do her part to change this unfortunate trend by operating not one, but two thriving businesses with storefronts on E Redwood Ave and doing so will take time and money. She needs to live on site while work is done as this is the only property she owns and she has no where else to go. Also, her limited finances are geared toward setting up the letterpress studio and living space so the added burden of rent would hinder, or make impossible any progress on those.

Special Condition #11: "The applicant shall not operate their existing vintage retail business from 223 E Redwood Ave. Operations at 223 E Redwood Ave. shall be limited to instruction for students and the sale of items fabricated on-site (e.g. letterpress work or other art/items created by the applicant or her students.)"

Special Condition #12: "Any retail sales of items created or produced off-site shall be limited exclusively to 221 E Redwood Avenue."

Applicant wishes to enter the definition of Live Work Space from the Definitions portion of the The Fort Bragg Municipal Inland Land Use and Development Code into consideration. It states,

"Chapter 17.100 -Definitions

Live/Work Unit. An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes:

- 1. Complete kitchen space and sanitary facilities in compliance with the Building Code; and*
- 2. Working space reserved for and regularly used by one or more occupants of the unit."*

As already stated, applicant is prepared to add a bathing facility to 223 E Redwood which is the only item lacking to complete number 1 (no pun intended) of this definition.

Notice of Action is relying on verbiage from 18.42.090G(3) for the City's determination that the retail space should move from 223 to 221. Applicant believes this is flawed logic as it directly contradicts the business friendly character the City supposedly practices in the down town area. Instead of supporting an existing retail business, the City is using the following to justify Special Condition 11:

"18.42.090 - Live/Work Units

A. Purpose. This Section provides standards for the development of new live/work units and for the reuse of existing commercial and industrial structures to accommodate live/work opportunities where allowed by Article 2 (Zoning Districts and Allowable Land Uses). A live/work unit shall function predominantly as work space with incidental residential accommodations that meet basic habitability

requirements. The standards of this Section do not apply to mixed use projects, which are instead subject to § 18.42.100 (Mixed Use Projects).

G. Operating requirements.

3. *On-premises sales. On-premises sales of goods are limited to those produced within the live/work unit, provided the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows. "*

Apparently Special Condition #11 boils down the origin of the items being retailed at 223 and the City's apparent insistence they be "produced" by the applicant on-site in order to have a live/work space. This seems an excessively restrictive criteria. Mendocino County's Inland Code definition of Live/Work makes no mention of on-premises production of items sold as shown below so one has to wonder if this is unique to Fort Bragg.

Sec. 20.008.040 Definitions (L). from county's inland zoning

B) "Live/work space" means a space where personal living space and professional workspace is combined in such a way that neither is compromised, such as in an artist's studio or where a loft or apartment is built above a store and/or office.

(C) "Live-work use" means a type of residential use that physically integrates the resident's commercial or manufacturing workspace within the same building or site.

Production is not defined in the Fort Bragg's LUC so is apparently open to interpretation. Lawinsider.com defines production as

What is the legal definition of production? ^

Production means a method of obtaining goods including manufacturing, assembling, processing, raising, growing, breeding, mining, extracting, harvesting, fishing, trapping, gathering, collecting, hunting and capturing.

<https://www.lawinsider.com>

PRODUCTION OR PRODUCE Definition - Law Insider

In this case, the on-premises sales at 223 are of art, antiques and collectibles are all curated by Applicant and in keeping with her unique aesthetic. One could argue that the collection of items is the resulting 'product' of her life & education in Europe, worldwide travels and creative vision. More to the point though is the nature of items collected by applicant are vintage and/or antique meaning they're at least 25yrs old or older and given their age have enough wear and tear to need some degree of repair or restoration which Applicant does herself on site. Applicant also does research on site to properly identify the items as provenance is an essential part of the antique and collectibles market. Additionally once the items are fixed, she arranges them into vignettes or assemblages for sale. So the Applicant does 'produce' the goods sold on site through the processes described.

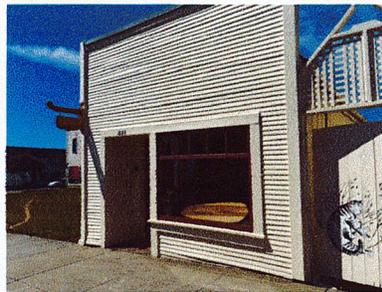
Further, while the City is not denying Applicant's right to sell art, antiques and collectibles on her property, but merely wants her to move the store into the space next door at 221, (and the letterpress/classroom operation to move into 223), it is a burdensome and inconvenient requirement. A great deal of a retail store's success is based on its brand and interior design. There's a billion dollar industry dedicated to this facet of retailing. To think one can simply move everything into a different

space are recreate a beloved shop simply isn't the case. But beyond that, the logistics of reallocating the spaces of her operations is not feasible from a physical standpoint because the letterpress unit's heft would require the raised floor in 223 to be structurally modified to support its weight. Not only is this not desirable for logistical, financial and interior design/branding reasons, it's also not necessary for the reasons stated in the previous paragraph. Finally, allowing the letterpress operation to remain in its proposed location would further enhance the streetscape on E. Redwood as pedestrians would be treated to seeing a dying craft brought to life through the storefront window while the letterpress is in operation (see photos below).

Conclusion:

The Applicant is a firm believer in Fort Bragg and its potential. So much so that she has literally invested her life's savings in this town leaving her with no extra money to move. She is completely invested (figuratively and literally) in making her business ventures a success. She has an established store that with an established track record that enhances the CBD. Eventually, she will sell some items produced at 221 in the 223 live/work space, but would like to intersperse them with her carefully curated collection. While she works towards meeting the special conditions of the August 21, 2025 Notice of Final Action, she respectfully requests the City and Planning Commission work with her in the manners described in this appeal so as to benefit all concerned.

Photo Exhibit:

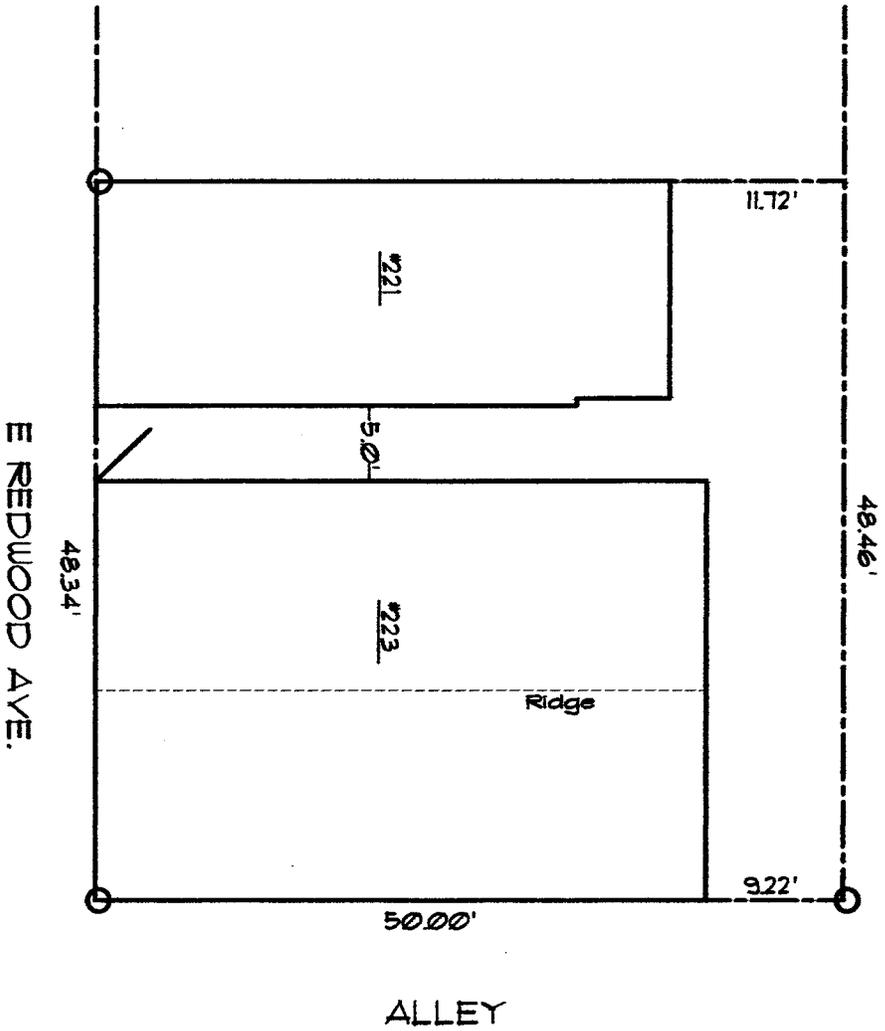


Exterior photo of the proposed Letterpress Studio Storefront



Panoramic photo of the Letterpress Studio interior, in process of being set-up, (taken 9-1-25)

SITE DOCUMENTATION & FLOOR PLANS
FOR MINOR USE PERMIT (REV. 9-2-25)
FOR SABINE BRUNNER
221 & 223 E REDWOOD AVE
FORT BRAGG CA



SITE PLAN

SCALE: 1" = 12'

NOTE: SEE FLOORPLANS FOR BLDG DIMENSIONS

From: [Jacob Patterson](#)
To: [cdd](#)
Cc: [Whippy, Isaac](#)
Subject: Follow-up Comment to Applicant's Appeal of MUP 1-25 Special Conditions
Date: Monday, September 8, 2025 3:48:52 PM

CDD,

As you process Sabine's appeal of the approval of her live/work permit application, I have some follow-up now that I read through the grounds for her appeal, in which she objects to three of the special conditions.

First, I think she has a good argument that Special Condition #5 is not necessary nor does it have a basis in our ILUDC or Inland General Plan, the two sources that could justify incorporating particular special conditions. I agree with her and recommend removal of Special Condition #5, which I also think wouldn't be enforced anyway unless the implementation process for this permit stretches out to an unreasonable extent.

However, regarding Special Conditions #11&12, which are related to each other, the positions raised in her appeal are not reasonable or justified based on how the ILUDC is currently written. Frankly, her grounds for appeal basically boil down to her thinking our explicit code requirement that only items produced within the live/work unit may be sold from the live/work unit shouldn't be a requirement. Not liking a code requirement, even if you think it goes beyond what it should, is not a legitimate ground for appeal. How Mendocino County, or any other jurisdiction for that matter, regulates their live/work units is totally irrelevant to how Fort Bragg regulates them. Even if staff or the commissioners agree that the requirement likely is too burdensome as a matter of policy, that doesn't mean we can disregard it for the purposes of reviewing this application. If we want to change the regulations for future potential live/work permit reviews, we can, but that has to happen first even if some don't like the result that applying our current ILUDC provisions has to this or any other application.

When we developed our Inland General Plan and ILUDC, we balanced various policy interests and determined that live/work units were not intended for retail business but instead were limited to artists and artisans producing their own creative work and unique products and items for sale. If that policy-balancing doesn't suit this particular applicant, that may be unfortunate but it doesn't provide any means to change the code to fit the business. Rather, the entire purpose of special conditions is to change the application/business to fit the code so we can approve rather than deny the application. If the live/work requirements on the books don't suit Sabine's business, her remedy is not to request we ignore the code so she can still live there, it is for her to live elsewhere and continue operating her business the way it is without a live/work component. Alternatively, she could apply to amend the ILUDC to remove this requirement and then reapply if and when the ILUDC is amended. We have local precedent for that in that some of our cannabis regulations were the result of an applicant-funded and initiated effort rather than the City undertaking the revisions on its own. But that is not before us in the current appeal...

Sabine also appears to misinterpret what the special conditions actually require, which is simply that she cannot sell anything within the live/work unit that she doesn't produce there. The live/work unit is limited to 223 E Redwood. 221 E. Redwood is a separate building and she can continue to offer letter press and classes there--neither special condition requires her to relocate any part of her business to 223 E. Redwood--as well as sell vintage items or even offer retail sales of non-vintage items and the products produced by others off-site. What she can't do, is turn 223 E. Redwood into a live/work unit and sell anything that was not produced therein either by her in the form of her arts and other creative efforts, or through her classes. Vintage items even if curated by her and the result of her unique life experiences are still items produced elsewhere and they are strictly prohibited because we made the policy choice to not extend live/work units to retail sales of goods produced off-site.

Moreover, Sabine offers an alternative argument to re-define "produce" to include what she calls curating. Unfortunately, that is way off base and can't be how we interpret our explicit code language because it would effectively render the explicit prohibition in the ILUDC meaningless. Any retail store's inventory can be considered "curated" by the shop owner or their employees or agents and trying to stretch this requirement to allow for sales of vintage items, regardless of her reasons for including arranging them as she does, violates basic rules of code interpretation. It is a basic rule of statutory and code interpretation that you can't interpret an undefined term in such a way that it defeats the underlying purpose of the provision or renders the purported distinction meaningless; basically every word and every provision is to be given substantive effect. (This canon of statutory interpretation is formally called the "Rule Against Surplusage".) Unfortunately, her suggestion would do just that even if she can find a dictionary that includes activities like curation or collection in their possible definitions for the term "produce". To illustrate, I provide the substantive differences between produce and curate:

"Produce" and "curate" are not synonyms. While related, they refer to two distinct actions within creative work.

Aspect	Produce	Curate
Primary Action	Creating original content or a finished product from scratch.	Selecting, organizing, and presenting existing material created by others.
Role	The maker or creator.	The editor, organizer, or expert who adds context and value to an existing body of work.
Output	A new and original creation, such as a painting, film, article, or unique item.	A collection of items with an intentional theme or story, such as a museum exhibit, playlist, collection, or list of resources.
Time Investment	Often time- and resource-intensive, requiring significant effort to create.	Generally less time-consuming than creation, as it involves working with existing assets.

Fort Bragg only allows live/work units for people who live in their workspace where they create/produce their own products even if some other jurisdictions would extend live/work units to a traditional retail context. Here, we permit a retail business owner to also live in the same building as their shop but it has to be in a separate and distinct residential unit and not contained within their shop. The residential units are also required to be on upper and not ground floors. In order to do that, Sabine would need to significantly remodel her buildings to create a full second story and have an apartment above her shop. What she cannot do is have a live/work unit associated with retail sales of items produced elsewhere. The other live/work unit in the CBD illustrates the distinction. There, we have a photographer living in the same one-story building as their photography studio and gallery. There are no retail sales of off-site merchandise. Similarly, we would permit live work units for businesses like tailors and clothes-makers to practice their craft and also live in the same space. Another example would be a baker living in the back of their bakery where they sell their baked goods. We don't have the employees of Reynolds living in the back of that retail store nor do we have the frame shop staff living there even though they have a mix of products created on site (i.e., custom frames) and a variety of other "curated" items for sale in the same shop. Little Cup is no different but Sabine is asking to be treated in a way that no other business in the CBD is. We cannot do this under the ILUDC as it is currently written. Without Special Conditions #11&12, Sabine's permit would need to be denied because how her current business is configured and operated is incompatible with the ILUDC requirement to only sell items produced within the live/work unit itself. I understand she doesn't like

the ramifications of this restriction but that doesn't exempt her application and permit from having to follow the rules.

Frankly, she should be happy to have had her permit approved at all because it was something of a stretch. Her attempted reliance on what she claims was "staff" recommending approval of her application is also misplaced. First, the staff person in question is no longer employed by the City and he wasn't even a qualified planner, he was our former Code Enforcement Officer who didn't even bother to cite let alone analyze the live/work provision in the ILUDC other than the single integrated building requirement. He also didn't prepare any of the findings that are necessary for approval of live/work permits. Staff also isn't the review authority, in this case the initial review authority was the Acting Community Development Director and it is now the Planning Commission for this appeal. Staff has no decision-making authority and merely makes recommendations. Honestly, removing Special Conditions #11&12 would amount to an abuse of discretion, which is likely why the Acting Community Development Director included them as part of his approval.

Regards,

--Jacob

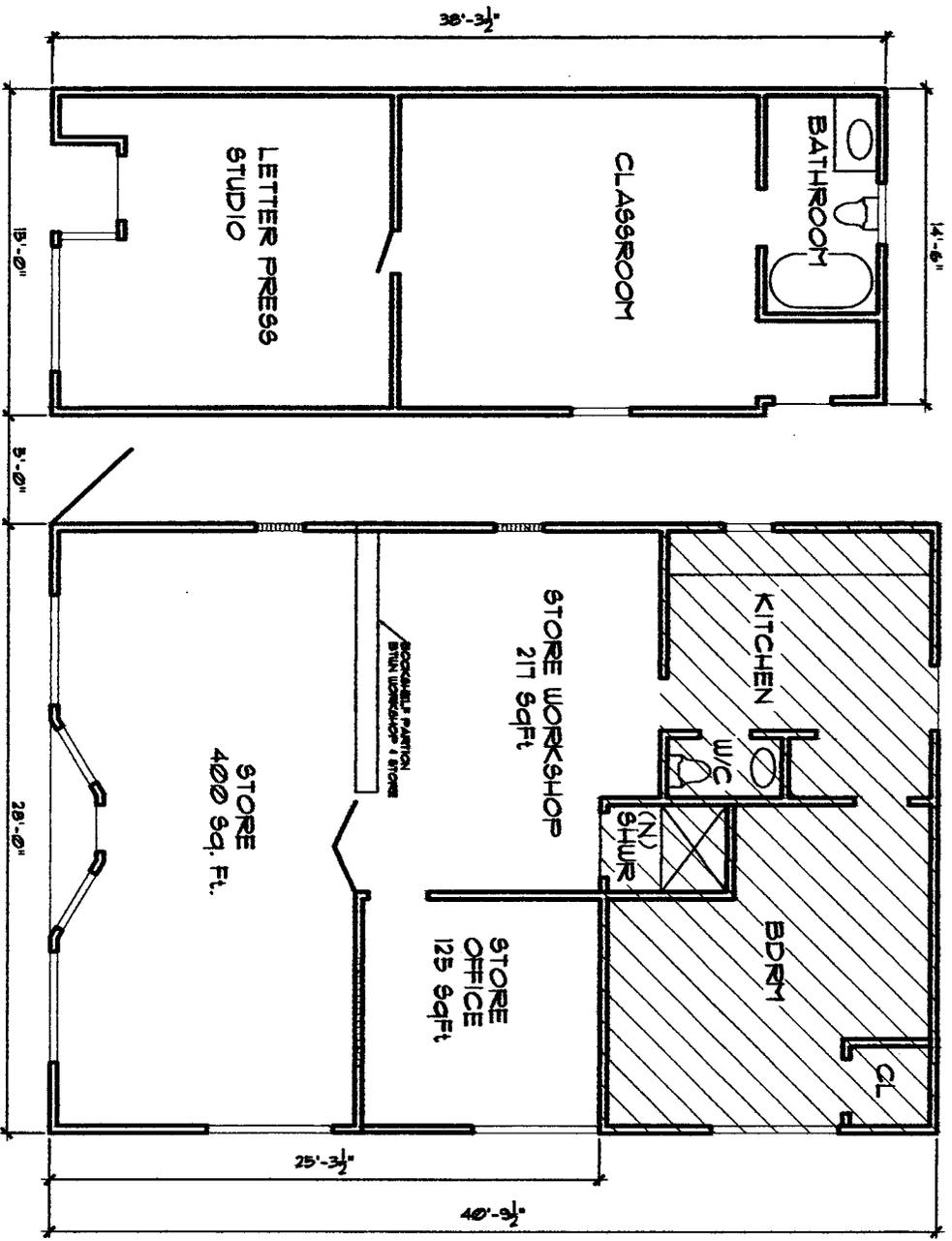
SITE DOCUMENTATION & FLOOR PLANS
FOR MINOR USE PERMIT (REV. 9-2-25)
FOR SABINE BRUNNER
221 & 223 E REDWOOD AVE
FORT BRAGG CA

W/C • WATER CLOSET
 W/ TOILET &
 HAND SINK

• EXISTING WALL

• EXISTING WALLED IN
 OPENING

SCALE: 1/8" = 1'



#221 = 559 Gross Sq. Ft.

#223 = 1142 Gross Sq. Ft.

□ INDICATES LIVING SPACE ON FLOORPLANS

sf • SQUARE FEET

LIVEWORK SQ FT CALCULATIONS:

BLDG #223 = 1142 SF GROSS
 40% OF 1142 SF FOR RESIDENTIAL
 USE = 456 SF

#223 RETAIL STORE SF	400 SF
#223 STORE OFFICE SF	125 SF
#223 STORE WORKSHOP SF	217 SF
#223 TOTAL RETAIL SF	742 SF
#223 RESIDENTIAL SF	+ 400 SF
	1,142 SF

400 SF IS 35% OF 1142 SF AND IS LESS THAN 456 SF LIMIT



Public Comment -- 10/22/25 PC Mtg., Item No. 6A, Little Cup Appeal

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

Date Fri 10/17/2025 2:29 PM

To cdd <cdd@fortbraggca.gov>

Cc Whippy, Isaac <iwhippy@fortbraggca.gov>; Peters, Sarah <speters@fortbraggca.gov>

Planning Commission,

As always, I participated in the earlier stages of this project review and want to express my full support for the staff recommendations and analysis in Sarah's appeal staff report. That includes her discussion concerning Special Condition #5 because Sarah's analysis changed my mind--my prior public comments suggested I didn't think Special Condition #5 was necessary--and I now agree that that condition is merited. As noted in the appeal staff report, the Acting CDD Director easily could have denied this application because it is something of a stretch to approve it as submitted (and even as conditioned) but I think it is always best to try to figure out a way to get to "yes" on a permit application and that usually involves project modifications and special conditions. I believe the project as conditioned strikes the appropriate balance and encourage you to uphold Isaac's prior determination.

Best regards,

--Jacob

Public Comment regarding Sabine Brunner's Appeal

From Annie Ritchey <annieritchey@gmail.com>
Date Wed 10/22/2025 2:59 PM
To cdd <cdd@fortbraggca.gov>

To Whom it May Concern:

As a former Fort Bragg retail business owner, I fully support Sabine's appeal to the ridiculous and unenforceable rules written by the City of Fort Bragg, I'm sure with Jacob Patterson looking over their shoulder. As a former business owner, I can tell you from experience that the city of Fort Bragg is not business friendly and does not encourage innovation or walkability. Ten years ago, I asked for better signage on Franklin and it's been ten years...and it looks like the only signs were made by the business owners. Which by the way, it was illegal to put up sandwich boards when I had my business. I don't know if this is a rule simply not enforced, or it's changed.

This is a liability for the city as it sets a precedent for future retail businesses and does not align with their vision for mixed use zoning: Policy H-1.2 Mixed-Use Development: Encourage the development of mixed-use projects that include multi-family residential uses (upstairs and at the rear of properties) in conjunction with commercial enterprises on the street frontage in commercial zones and use Design Review to minimize conflicts between residential and commercial uses.

Additionally, this is a punitive and discriminatory action that does not reflect existing structures in the vicinity and all of the downtown planning code that is enforced depending on who you are. There are numerous examples of code violations in downtown— for example these buildings cannot be used as storage — see Matt Huber's hoarding pile on Franklin. I have attached pictures of the these buildings across the street from Sabine who all have no open store front and unpermitted living units. These exist all over Fort Bragg — and they should. So why are you punishing the one person who is trying to do this correctly?

Thank you,
Annie Ritchey
707-397-0775







October 22, 2025 - Planning Commission Meeting for – MUP 1-25 Appeal
Owner/Applicant: Sabine Brunner

Introduction:

After reading through the Staff Report for this meeting I have prepared this package. In the report, the interpretation of production is discussed and it acknowledges my appeal mentions collecting and curating, but neglects to mention my letter's explanation of how I work on my pieces prior to selling them. This presentation illustrates the process of how I produce the pieces I sell in my live/work space.

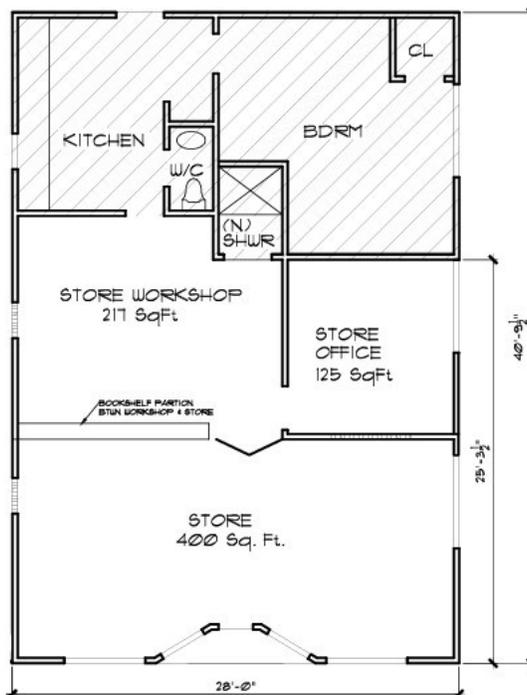
Contents include:

- Floor plan of 223 E Redwood showing store/living ratio and square footage calculations
- Photographs illustrating the 'production' process done in my store's workshop
- Testimonials from antique and collectibles retailers regarding their experience 'producing' items for sale

1. Ronalie Silveria – Market Place Antiques
2. Suzanne Tennyson – Retropolitan
3. Sandy Brown – Pacific Pearl, plus
4. Cynthia Sumner & Randy Tuell, owners of Forrester Bldg, letter in support

Floor Plan for 223 E. Redwood Live/Work Unit:

Per the Notice of Final Action dated August 22, 2025 my appeal letter contained a revised floor plan to comply with Special Condition 3 A and B, however the Staff Report for this meeting did not have it so I am submitting it here. It shows my live-work unit having less than 40% of the square footage dedicated to residential use as required. The only thing lacking is the shower.



	INDICATES LIVING SPACE ON FLOORPLANS
SF = SQUARE FEET	
<u>LIVE/WORK SQ FT CALCULATIONS:</u>	
BLDG #223 = 1,142 SF GROSS	
40% OF 1142 SF FOR RESIDENTIAL USE = 456 SF	
#223 RETAIL STORE SF	400 SF
#223 STORE OFFICE SF	125 SF
#223 STORE WORKSHOP	217 SF
#223 TOTAL RETAIL SF	742 SF
#223 RESIDENTIAL SF	+ 400 SF
	1,142 SF
400 SF IS 35% OF 1142 SF AND IS LESS THAN 456 SF LIMIT	

#223 = 1142 Gross Sq. Ft.

Photographs:

To give a better idea of what kind of work I do prior to putting items out for sale, following are a few images of items currently in my workshop waiting to be refinished.



A 'work in progress' image of shelf brackets I'm redoing. Both looked like the one on the right when I started.



Large mirror frame that'll be repaired and refinished



Lamp that I will replace the hard-ware on



Small table that I will be refinishing

Obviously, even though I didn't make these things my work (done on site in the workshop space of the live/work unit) does go towards producing them into something people want to buy.

Following are some letters from current and former antique and vintage retailers detailing their experience preparing merchandise for sale.

Re: Sabine Brunner's Live-Work Space

Dear Planning Commission,

I'm Ronalie Silveria and for 27 years had a store called Market Place Antiques on North Franklin Street here in downtown Fort Bragg. I'm writing to relay my firsthand experience as it relates to getting antiques ready for sale.

Basically, every used item needs some kind of work. Sometimes it's just a quick cleaning but most things require more time and attention. The work needed depends on the piece. Typical fixes I regularly had to do included sanding out scratches from wood and touching up the finish, gluing and clamping loose corners, reframing artwork, changing out broken hardware etc. As you can tell, there was substantial hands-on time with the pieces before putting them out for sale.

I closed my store in 2010 and for a long time many of my regular customers were disappointed at the lack of antiques and collectibles shops in town. So when these shops started opening up on East Redwood, it was a good thing for the town. Not only locals but visitors really enjoy these places.

I personally support people living and working in the same building and ask that you allow Sabine Brunner to have her home and collectibles sales under the same roof. It's a good thing for everyone!

Yours truly,



Ronalie Silveria
Owner of Market Place Antiques
October 20, 2025

Re: Fort Bragg Planning Commission hearing of MUP 1-25

Dear Commissioners,

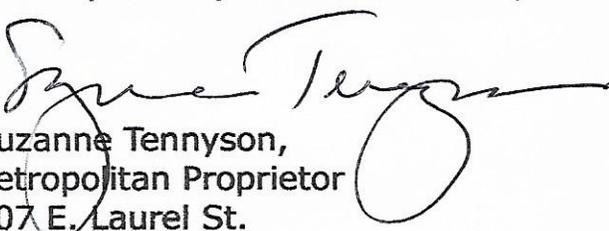
My name is Suzanne Tennyson and I own and operate Retropolitan, a vintage and antique store on 107 East Laurel street in downtown Fort Bragg.

I have been at this current location for about 4 years and prior to that have been in the same business since the late 1990's and can attest that the sale of vintage and antique items more often than not requires the seller to have hands-on time for repair or refurbishing of the items sold. Not many used items are in pristine condition when they reach the resale market and broken or damaged goods are not sale-able so we use our skills, aesthetic and time to fix them and make them so.

I was surprised to learn that Sabine's permit for live/work space at 223 East Redwood is being held up due to the items retailed there not being 'produced' on the premises. Would she have the same problem if she were a patchwork quilt maker, or someone who had a business that refinished wooden tables prior to selling them out of their live/work space? I don't think so and ask you to reconsider what it means to 'produce' something.

Being a business owner in the Central Business District I would very much like to see more live/work units here. Her current business store location is an asset to our retail district and town.

Thank you for your consideration,


Suzanne Tennyson,
Retropolitan Proprietor
107 E. Laurel St.
Fort Bragg CA 95437
707-813-4630



PACIFIC PEARL

UPCYCLE MERCANTILE
ARTISAN CO-OP

Dave and Sandy Brown
Pacific Pearl Upcycle Mercantile
327 N Franklin Street
Fort Bragg CA 95437

October 20, 2025

Dear Fort Bragg Planning Commissioners,

We are a building owner and shop owner of Pacific Pearl. We are a consignment cooperative that sells, among other things, vintage and antique items.

We have become aware of and support Sabine Brunner's application for a live and work minor use permit for her store on East Redwood Avenue.

From what we understand, the basis of the live/work permit being held up is due to Ms. Brunner's business not making or creating the items herself for sale. Surely this is a mistake in interpretation. Producing vs. Processing. Ms. Brunner, as property owner and business owner should have the right to continue retailing in her current space. It is standard practice for vintage and antique retailers to process items by completing the inspection, research, touch ups or fixing before becoming available for sale. Also the layout of the planned residence and retail are within City requirements in regards to square footage per area.

Please take these comments to heart to grant Ms. Brunner's appeal allowing her to keep her shop where it is along with her residence. Please feel free in contacting us for further information.

Thank you for your time and consideration.

Sincerely,

Sandy Brown
pacificpearlusa@gmail.com
pacificpearlusa.com
707.205.7736

The Forrester Building

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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