



## PLANNING COMMISSION STAFF REPORT

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**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

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## **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).
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## **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