

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.

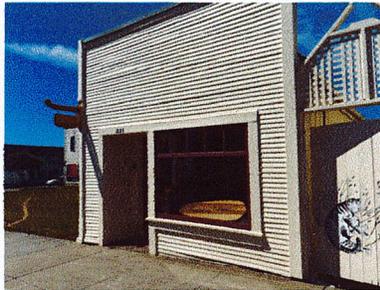
Further, while the City is not denying Applicant's right to sell art, antiques and collectibles on her property, but merely wants her to move the store into the space next door at 221, (and the letterpress/classroom operation to move into 223), it is a burdensome and inconvenient requirement. A great 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:

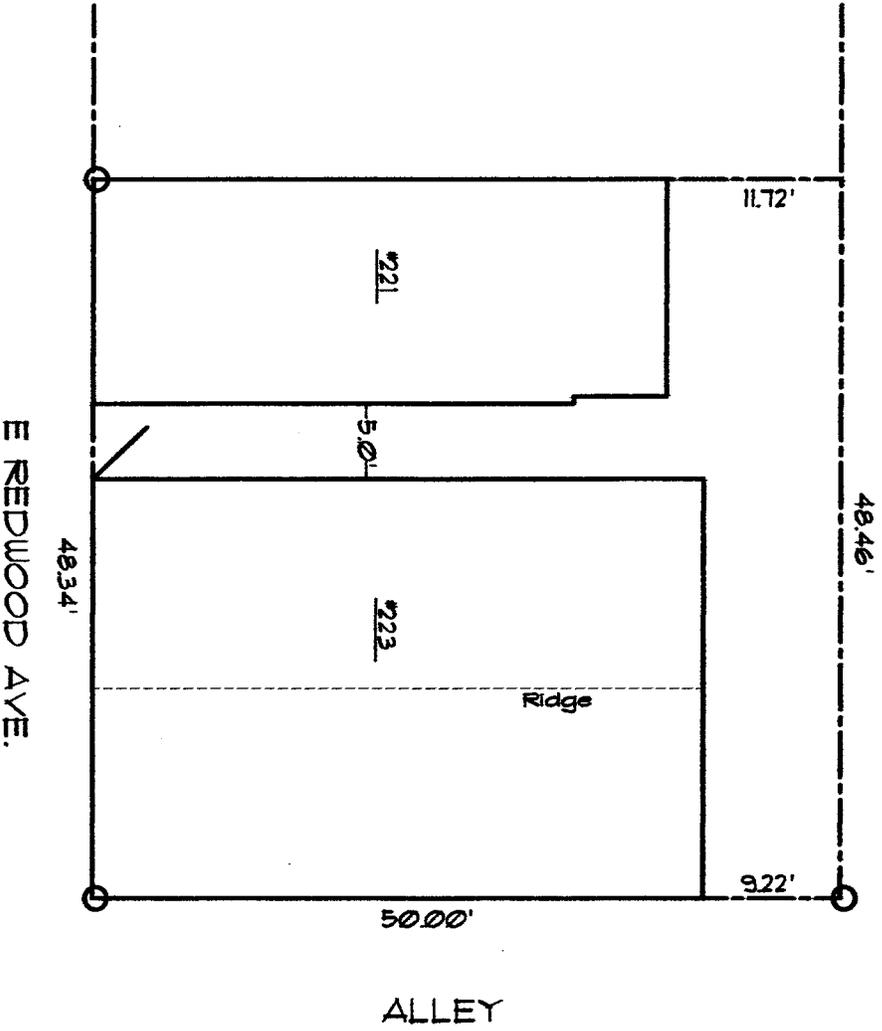


Exterior photo of the proposed Letterpress Studio Storefront



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

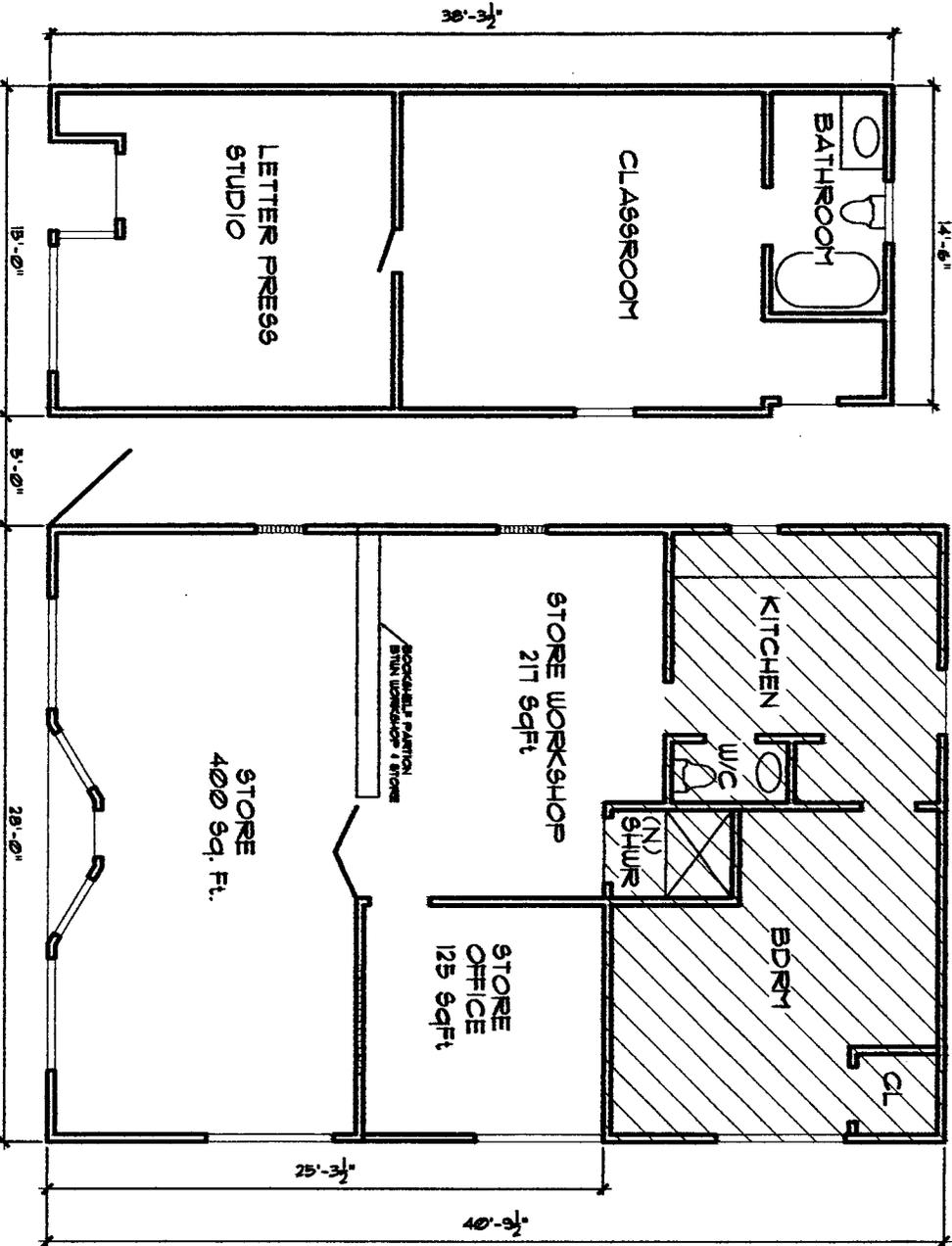


• EXISTING WALL



• EXISTING WALLED IN
OPENING

SCALE: 1/8" = 1'



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	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

*221 = 559 Gross Sq. Ft.

*223 = 1142 Gross Sq. Ft.

