

RESOLUTION NO. *PC XX-2025*

A RESOLUTION OF THE FORT BRAGG PLANNING COMMISSION UPHOLDING THE APPEAL OF THE ACTING COMMUNITY DEVELOPMENT DIRECTOR'S LAND USE DETERMINATION FOR MINOR USE PERMIT 1-25 (MUP 1-25) SPECIAL CONDITIONS 11, AND 12, AND DENYING THE APPEAL RELATING TO CONDITION 5 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 as part of the appeal of Special Condition 5 requested that she be allowed to occupy the property under a Limited Term Permit; and

WHEREAS, the staff report that was prepared for the hearing before the Planning Commission addressed Applicant's issues on appeal, including the request for occupancy under a Limited Term Permit; 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, the Appellant, and the public; 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 directed staff to return with a resolution that would allow the live/work unit to be developed at 223 E. Redwood Avenue (Special Conditions 11 and 12) and allow Applicant to continue to reside in the structure under a Limited Term Permit (LTP) during the building permit application review and subsequent construction process, for up to twelve months (Special Condition 5), revocable if Applicant has not received a Certification of Occupancy within that 12-month period; and

WHEREAS, the public hearing was continued until November 12, 2025 at which time the Planning Commission further considered the matter; and

WHEREAS, after the public hearing, staff reached out to the County Building Official who indicated that the premises cannot be used for residential occupancy under the building code until all of the life safety measures are completed, which would include fire sprinkler installation, and until completion of final inspection;

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

SECTION 1. Special findings. In response to the appeal hearing, the Planning Commission makes the following special findings:

A. Special conditions 11 and 12 are hereby deleted, thereby allowing Applicant to build a live/work unit in the building addressed as 223 W. Redwood Avenue in conjunction with the existing vintage retail business. The Commission's determination that this is in compliance with the Inland Land Use and Development Code (ILUDC) is based on the following findings:

1. There is no definition in the ILUDC as to what it means that on-premises sales of good are limited to those "produced" in the live/work unit. The Applicant does more than simply purchase and curate the vintage items that are for sale. In addition, the Applicant restores, repairs, and enhances these items which satisfies

the requirements of producing goods on site and furthermore, such work is an artistic endeavor.

2. The vintage retail business located at 223 E. Redwood Avenue and the printing press business located at 221 E. Redwood Avenue are licensed under one business license and therefore the businesses should be considered together. Both of these businesses include the production of work within the business.

3. Allowing the live/work unit in the 223 E. Redwood Avenue building implements the Land Use Element of the General Plan which recognizes the Central Business District as the civic, cultural, and commercial center of the community with pedestrian-oriented uses. The business located at 221 and 223 E. Redwood is pedestrian-oriented. Allowing a live/work unit supports a type of mixed-use development that encourages a more complete utilization of the buildings without interfering with the pedestrian-oriented commercial use and also helps to promote the economic vitality of existing commercial areas by making sure that the businesses can continue to operate.

B. Special condition 5 provides that no residential use may take place on the property prior to final inspection. This condition may not be modified as it would be in violation of the building codes to allow the residential occupancy of a commercial building prior to all life safety measures being completed and the Planning Commission has no authority to override the building codes.

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 relating to Minor Use Permits:

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

Consistent as conditioned –

As set forth in the Land Use Element, the Central Business District (CBD) is the core of the downtown which is the civic, cultural, and commercial center of the community. The uses and site development patterns are typically pedestrian-oriented. Residential units on upper floors or on the ground floor at the rear of buildings are encouraged. The vintage shop and paper press businesses are the types of businesses that belong in this neighborhood and they are pedestrian friendly as the businesses face the street and the live-work unit will be in the rear of the building. This type of use is to be encouraged in the CBD. More specifically, the proposed use is consistent with the following:

Goal LU-3 Ensure that the Commercial Business District remains the historic, civic, and commercial core of the community.

- **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.

- **Policy LU-3.2 Mixed Uses:** *Support mixed use development (i.e., a combination of residential and commercial uses) in the Central Business District that does not conflict with the primary retail function of this area.*

Consistency: The project provides a type of mixed use development and does not conflict with the retail function of the area.

- **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). ILUDC Section 18.42.090.G.3 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. The Commission finds that the term “produced” within the live/work unit includes refurbished vintage items. Additionally, the vintage shop and paper press business share one business license so that the items being produced include the items from the paper press side. Accordingly, Finding No. 2 can 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. Accordingly, Finding No. 3 can be made.

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.*

A live/work unit in the proposed location would have adequate public services and utilities and the creation of this unit would not endanger, jeopardize, or create a hazard to the public interest, health, safety, convenience or welfare. The proposal is

to add one live/work unit in an area where residential uses are encouraged. There is no expansion of the existing building.

However, in order to make this finding, it is necessary to impose Special Condition No. 5 as originally drafted in order to ensure the type of use, i.e., residential, will not endanger the health and safety of Applicant.

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 in relation to a live/work unit:

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. Based on the above, the appeal by Sabine Brunner of Special Conditions 5, 11, and 12 relating to the live/work unit is **upheld** as to conditions 11 and 12 and **denied** as to condition 5 and the applications for the live/work unit and minor use permit are approved subject to the conditions and special conditions attached hereto as Exhibit A.

SECTION 5. 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 6. The findings are based on the entirety of the administrative record whether specifically set forth herein or not.

SECTION 7. 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 12th day of November 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

David Jensen, Chair
Planning Commission

ATTEST:

Lisi Horstman, Administrative Assistant