

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