

RESOLUTION NO. 24- 16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BENICIA, CA,
AMENDING THE HEIGHT LIMIT OF THE TOWN CORE ZONE IN THE
DOWNTOWN MIXED USE MASTER PLAN**

WHEREAS, the City of Benicia recognizes the need to amend the Town Core (TC) Zone to allow for an exception by use permit to the building height within the Downtown Mixed Use Master Plan (DMUMP) to facilitate opportunities for existing and prospective development to expand, or modify, their operations within the TC zone and to support the vitality of the downtown; and

WHEREAS, at its regularly scheduled meeting on December 19, 2023, the City Council of the City of Benicia directed staff to move forward with amending the development standards in the Town Core Zone in the DMUMP to allow a height of up to four stories (50 feet) with use permit requirements; and

WHEREAS, the aforementioned amendments to the DMUMP would preserve all other existing development standards, floor area ratio, use standards, and procedures applicable to site development in the TC Zone and, further, would establish form-based standards to promote compatible site development and screening; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing at a regular meeting on February 8, 2024, and recommended that the amendment to the DMUMP be omitted from the proposed ordinance and that the City Council direct the Community Development Department to conduct further public outreach; and

WHEREAS, pursuant to Benicia Municipal Code (BMC) Section 17.120.040 (Public hearing scope and notice) and California Government Code Section 65091 (Notification Procedures), notice of the public hearing for the proposed zoning amendments and DMUMP amendment was duly published in the Benicia Herald, a newspaper of general circulation, and displayed at City Hall on Friday, February 23, 2024; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the City Council find this project to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15301, 15305, and 15332 which apply to existing facilities, minor alterations to land use limitations, and infill development, respectively; and

WHEREAS, although the proposed amendments to the TC Zone would allow an exception to height to increase building height from 2.5 stories to 4 stories and/or allow an additional ten (10) feet of building height, all other governing parameters of the TC Zone would remain in place, including the maximum floor area ratio (FAR), form-based building standards and frontage types and build-to lines and design guidelines, and that these standards work together to ensure that the establishment of a use permit exception process, by itself, would not result in any changes in land use or density; and

WHEREAS, it is clarified that while the text amendments themselves are deemed to be categorically exempt from further CEQA review, new projects or developments regulated with the

updated amendments may still be subject to CEQA review on a case-by-case basis to ensure that any significant environmental impacts are adequately addressed; and

WHEREAS, the City Council of the City of Benicia conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Benicia does hereby find that the proposed DMUMP amendments are consistent with the purposes of Title 17, and the following goals and programs of the Benicia General Plan:

- Goal 2.5: Facilitate and encourage new uses and development which provide substantial and sustainable fiscal and economic benefits to the City and the community while maintaining health, safety, and quality of life. These amendments further Goal 2.5 because it broadens the potential land uses in a way that could encourage new development that is compatible with the existing community.

- Goal 2.12: Strengthen the Downtown as the City’s central commercial zone. DMUMP Amendment to the allowed height exception in the town core zone would enhance opportunities for existing and prospective hotels possibly resulting increased city tax revenues.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BENICIA DOES HEREBY RESOLVE AS FOLLOWS:

The height standards for the Town Core Zone of Chapter 4 (Form Based Code) of the Downtown Mixed Use Master Plan is hereby amended to read as follows and shall be inserted into the document in a format consistent with its publication:

Height		
Building Min.	22'	
Building Max.	2.5 stories and 40'	K

Max. to Eave/Top of Parapet	35'	K
Ancillary Building Max.	2 stories and 25'	
Finish Ground Floor Level	6" max. above sidewalk	L
First Floor Ceiling Height	12' min. clear	M
Upper Floor(s) Ceiling Height	8' min. clear	N
Notes		O

Mansard roof forms are not allowed.

Any section along the BTL not defined by a building must be defined by a 2'6" to 4'6" high fence or stucco or masonry wall.

Any building over 50' wide must be broken down to read as a series of buildings no wider than 50' each.

Except for areas under San Francisco Bay Conservation and Development Commission (BCDC) Shoreline jurisdiction, a height exception may be authorized by a use permit to allow structures up to four stories and 50' in the Town Core (TC), subject to compliance with all other applicable standards of this code and the following standards:

Building Massing. at least one of the following features shall be incorporated:

- Upper floor modulation of at least four feet in depth (either recess or projection) for at least 30 percent of the front facade length. See Figure 17.26-4 in the Benicia Municipal Code; or
- A vertical facade break for all floors with a minimum depth of six feet for a minimum of 15 percent of the front facade length. Non-recessed building walls shall not exceed a width of 50 feet. See Figure 17.26-5 in the Benicia Municipal Code.

Buildings Exceeding Three Stories. Buildings exceeding three stories must incorporate at least one of the following additional features:

- A fourth story recessed stepback facing the primary street of at least four feet for the entire facade length. See Figure 17.26-6 in the Benicia Municipal Code. Recessed area may be used as a balcony, terrace, or other usable open space.
- A fourth story recessed stepback facing the primary street of at least 10 feet for a minimum of 35 percent of the facade length. See Figure 17.26-7 in the Benicia Municipal Code. Recessed area may be used as a balcony, terrace, or other usable open space.
- Other comparable method, as determined by the review authority through the use permit or development agreement process, to break down the massing of large building facades and complement the surrounding context.

Residential Transitions. In addition to the foregoing, all of the following standards apply to new development of three or more stories that adjoin a single-family residence in the TC-O, NG or NG-O zone:

a. Wall or Fence. A sight-obscuring wall or fence six feet high shall be provided along the adjoining residential property line. A sight-obscuring fence must have an opacity of at least 85 percent. Bushes, vines, and other vegetation may be incorporated into the design of a required fence.

b. Yard. Buildings shall be located a minimum of 15 feet from the adjoining single-family residential property line.

c. Building Stepback. Buildings adjoining a single-family residential property line shall be no taller than 25 feet at the required rear setback. If proposed, third or fourth stories shall be stepped back a minimum of five feet from the setback line. Recessed area(s) may not be used as a balcony, terrace, or other usable open space. See Figure 17.26 in the Benicia Municipal Code.

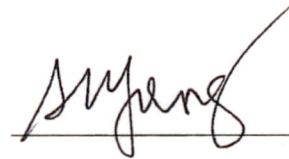
On motion of Council Member **Macenski**, seconded by Council Member **Birdseye**, the above Resolution was adopted by the City Council of the City of Benicia at a regular meeting of said Council held on the 5th day of March 2024 by the following vote:

Ayes: **Council Members Birdseye, Macenski, Scott, and Mayor Young**

Noes: **None**

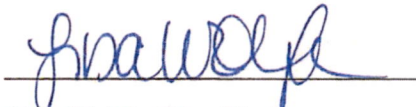
Absent: **None**

Abstain: **Council Member Campbell**

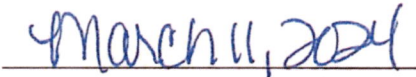


Steve Young, Mayor

Attest:



Lisa Wolfe, City Clerk



Date