Community Development Department
MEMORANDUM

Date: August 19, 2014
To: Historic Preservation Review Commission
From: Suzanne Thorsen, Associate Planner
Re: Design Review in Historic Districts

BACKGROUND:
The Historic Preservation Review Commission's Priority List of Discussion Items identifies an update to the Downtown Historic Conservation Plan (DHCP) as a priority and includes several sub-topics for discussion. Design Review process is included as Item 2e on the Priority List as it relates to the Downtown Historic Conservation Plan.

During the Commission meeting on July 24, 2014, Commissioners raised a number of questions related to Design Review, including the "triggers" for design review on minor projects, particularly those for non-historic buildings; design review requirements for reversion to original materials; and whether the design review process should be separate from the Downtown Historic Conservation Plan. Commissioners also briefly discussed options to provide guidance or assistance to applicants prior to submittal of an application for design review.

SUMMARY:
Relation of Design Review to Benicia Municipal Code
Design Review purposes, requirements, and procedures are established in Chapter 17.08 (Design Review) of the Benicia Municipal Code (BMC). With respect to the historic districts specifically, Section 17.08.020.A (Applicability) states that "Design approval shall be required prior to issuance of a zoning permit for all projects that involve demolition, construction, or changes in exterior colors or materials, except signs." The chapter further goes on to establish the sequence, scope, requirements, and review responsibilities for Design Review, including administrative and commission-level design review. Section 17.108.060 (Review responsibilities) establishes review responsibilities which are applicable citywide, except as modified by an adopted conservation plan (such as the Downtown or Arsenal Historic Conservation Plans).

Chapter 17.54 (Historic Overlay District) also addresses design review for historic districts and states, in Section 17.54.100 (Demolition and design review procedures), "Except as modified by an adopted conservation plan, design

review in an H district or of a proposed alteration, enlargement or demolition of a designated landmark shall be conducted as prescribed by Chapter 17.108 BMC."

In conclusion, the design review process for all buildings within the Downtown Historic District and Arsenal Historic District is outlined in the DHCP (p. 25, 28 – 29) and AHCP (p. 21, 24-25) respectively.

Relation of Design Review to Historic Conservation Plan
Although the focus of the Commission's discussion is on the DHCP, staff thought it would be helpful to provide a comparison between the DHCP and AHCP. The AHCP has not been revised since its adoption in 1992.

Each plan contains design review exemptions, which are summarized in Table 1 below. In general, routine maintenance, repairs and in-kind replacement are exempt for structures in the historic district. However, there are differences between the two plans. Notably, the AHCP includes an exemption for reversion of contemporary materials to historic materials, and the DHCP generally allows fewer exemptions for non-historic buildings.

Table 1. Design Review Exemptions		DHCP	AHCP
Replacement of existing features with identical ones.		X	X
Emergency repairs to rehabilitate an unsafe building.		X	X
Examples pf routine maintenance & repair [1]	Re-paint	X [2]	X [3]
	Reroof (same material)	X	X
	Replace siding/trim with new siding/trim (same material and appearance)	X	X
	Replace windows/doors with new windows/doors (same dimension, finish, overall appearance)	X	X
	Replace contemporary materials/details with those originally used on structure (applied in original manner)		X
	Other repairs and replacements	X	X

1. Exemption only applies to designated historic structures in Downtown Historic District
2. Admin. review is required for non-historic single family and duplexes in central area
3. Same color

Design Review procedures are divided among minor and major projects within each plan. Design review can be conducted either at the administrative (staff) level or by the commission, through a public hearing. The plans do not describe the rationale or purpose for dividing project types into major and minor categories, nor the specific basis for assigning administrative or commission-level review for projects of different types. However the AHCP relies more heavily on administrative review of "minor" projects (especially for non-historic buildings),

while the DHCP requires commission level review for nearly all exterior alterations regardless of historic designation, excluding paint.

The design review procedures for specific types of projects vary from plan to plan. Three notable examples are described below:

1. Exterior alterations to a non-historic structure

   AHCP: administrative design review; for commercial and industrial structures, commission design review is required if the alteration or addition exceeds 2,500 square feet.

   DHCP: commission level design review.

2. Accessory buildings

   AHCP: administrative design review (new accessory building or modification to existing accessory building).

   DHCP: a new accessory building may receive administrative design review *only* if it is on a lot containing a contributing structure and if the accessory building is not visible from a public right-of-way (which includes both streets and alleys). A new accessory building on a property containing a landmark or non-historic building is subject to commission-level design review. A modification to an accessory building, regardless of the principal structure's designation, requires commission-level design review unless it is otherwise exempt (see Table 1).

3. Awnings

   AHCP: administrative design review.

   DHCP: commission-level design review as an "exterior alteration" (awnings are customary in the downtown and encouraged in the DHCP per Guideline 7.3).

While the purpose of administrative review is not articulated in the DHCP, the AHCP states (p.20) that "smaller projects and those which do not involve alterations to historic buildings will be reviewed by the Planning Director." It further states (p.21) that, "to streamline the design review process under this Conservation plan, design review of certain projects which do not affect historic properties will be conducted administratively by the Planning Director". Within the DHCP, the Community Development Director has the authority to refer administrative applications to the Commission for design review (p.24).

Historic Preservation Review Commission Cases 2010-2014

In order to assess the Commission's design review activity in recent years, staff reviewed cases for the Downtown and Arsenal Historic Districts between January, 2010 and July, 2014. In this period of time, the HPRC acted on 45 applications for design review within the districts and approved all design review

projects brought forward. Of these, 64% were approved without any modification to the design or the conditions of approval.

Non-Historic Design Review

Design review for non-historic buildings accounts for about half of the Commission's total case load (22 cases between 2010 and 2014). The vast majority (90%) are associated with the Downtown Historic District. A large proportion of the HPRC's design review for non-historic properties from 2010 to 2014 was devoted to minor alterations, such as installation of a railing along a side façade, window replacement, accessory structures and decks, and renovation or restoration work in accordance with the DHCP guidelines.

Often, very minor or straightforward design review cases are placed on the consent calendar. Over the past 3.5 years, consent calendar items comprised about a quarter of the Commission's case load (11 projects). Of these eleven cases, ten were associated with non-historic buildings (the remaining case, 117 West I Street, was a design review for alteration of a non-historic garage on a property containing a contributing structure).

Historic Design Review

From 2010 to 2014, the HPRC acted on 23 design review applications for properties with historic structures (contributing and landmark). Of these, 19 cases (83%) were associated with the Downtown Historic District.

Most of the Commission's design review cases for historic property involved rehabilitation or alterations to the building exterior; one was related to landscaping alterations. In many cases, the Commission approved design review with modifications to the project or conditions of approval that were necessary to better align with the DHCP or Secretary of Interior Standards, or to provide options for the applicant in moving forward with a project (e.g., a choice between two acceptable building materials).

However, some of the 23 design review cases over this time period could be classified as minor based on the scope of work and/or findings of compliance with the DHCP design guidelines. Staff reviewed the files for design review on historic buildings and identified 9 such cases (about 40% of case load for properties with historic buildings).

Considerations Regarding Design Review

The DHCP and the BMC are clear that exterior alterations, demolition, and new construction in a historic district require Design Review. The questions raised by the Commission at their July 24 meeting, a subsequent review of the Conservation Plans and BMC, and the Commission's recent case load, indicate that there is a need to evaluate and modify the City's design review

procedures and evaluate the disparities with the design review process between the two historic districts.

Recommendation

Staff recommends that the Commission discuss the issues raised at the July 24 meeting, including:

- The "triggers" for design review on minor projects, particularly those for non-historic buildings;
- Design review requirements for reversion to original materials; and
- Whether the design review process should be separate from the Downtown Historic Conservation Plan.

Upon conclusion of discussion provide direction to staff.

Attachments:

- Summary of HPRC Cases January, 2010 through July, 2014
- Downtown Historic Conservation Plan – Design Review Procedures
- Arsenal Historic Conservation Plan – Design Review Procedures

HPRC Historic Design Review
January 2010 – July 2014

HPRC Design Review January 2010- July 2014

Address	Agenda Date	Historic District	Contributing/ Landmark	Project Summary	Consent Calendar?	Approved
255 West K Street	1/28/2010	DT	C	New detached garage	N	Approved with modifications
127 First Street	3/25/2010	DT	-	Paint color on front door	Y	Approved
251 West G Street	4/29/2010	DT	-	Restore original siding Replace window New entry door Brick veneer on foundation	Y	Approved
560 First Street	4/29/2010	DT	-	Remove recessed entry and windows New walls and ATM	N	Approved
153 West E Street	6/24/2010	DT	-	Second story railing Replace windows with doors Remove fountains Add decorative streetlights	Y	Approved with modifications
271 West J Street	6/24/2010	DT	C	New carport in rear yard Modify front porch	N	Approved
146 West E Street	7/22/2010	DT	-	New roof New windows New door Replace stucco finish Lighting Fence replacement	N	Approved
250 East L Street	7/22/2010	DT	L	Carport with PV panels Non-historic retaining wall Landscaping	N	Approved
235 East L Street	9/23/2010	DT	L	Remove addition New windows New doors New siding Restore porches Remodel exising barn	N	Approved
128 West F Street	10/28/2010	DT	C	Rear addition (167 s.f.) New windows New paint, gutters, roof, trim, siding Rebuild exterior staircase	N	Approved with modifications
289 West I Street	11/18/2010	DT	-	Relocate door Remove 3 windows Install 3 windows in new location	Y	Approved

HPRC Design Review January 2010- July 2014

Address	Agenda Date	Historic District	Contributing/ Landmark	Project Summary	Consent Calendar?	Approved
250 East L Street	1/27/2011	DT	L	Replace windows aluminum to wood	N	Approved
832 First Street	1/27/2011	DT	-	Reconfigure doors for new access ramp	N	Approved with modifications
963 Jefferson Street	7/28/2011 9/22/2011	A	C State Landmark	Demolish retaining wall Construct new retaining wall Expand/construct moat Reconstruct veranda Replace porch elements Enlarge south entry porch New sunken courtyard	N	Approved with modifications
724 First Street	3/24/2011	DT	-	Paint walls and trim Replace front door	N	Approved
321 First Street	6/23/2011	DT	-	Install railing	Y	Approved
301/305 First Street	8/25/2011	DT	C	Raise building 301 First Street Install service delivery ramp and door (305 First Street)	N	Approved with modifications
519 First Street	10/27/2011	DT	-	New entry door (storefront addition)	Y	Approved
410 West J Street	10/27/2011	DT	C	Replace five windows	N	Approved with modifications
938 Tyler Street	12/15/2011	A	L	Restore front façade Remove nonhistoric shed	N	Approved
938 Tyler Street	1/26/2012	A	L	Landscaping modifications	N	Approved with modifications
153 West E Street	3/22/2012	DT	-	Enclose rear porch and stairs	N	Approved
141 West F Street	3/22/2012	DT	C	Rear addition (378 sf) Deck	N	Approved
827-857 First Street	5/24/2012	DT	-	Window replacement	N	Approved
321 First Street	8/23/2012	DT	-	Rear addition (1,169 s.f.)	N	Approved with modifications
916 West Third Street	10/25/2012	DT	-	Window Replacement	Y	Approved
475 East I Street	10/25/2012	DT	L	Roof replacement	N	Approved

HPRC Design Review January 2010- July 2014

Address	Agenda Date	Historic District	Contributing/ Landmark	Project Summary	Consent Calendar?	Approved
133 West E Street	10/25/2012	DT	C	New foundation Increase height by 1.75 feet Move house 2.75 feet to east	N	Approved
821 East 2nd Street	1/24/2013	DT	-	Repair masonry to match building	Y	Approved
1209 Polk Street	1/24/2013	A	-	Raise roof height	N	Approved with modifications
283 West H Street	1/24/2013	DT	-	Window replacement	N	Approved with modifications
932 Grant Street	4/25/2013	A	C	Roof replacement slate to shingle	N	Approved
907 First Street	5/23/2013	DT	C	New awning	N	Approved
1209 Polk Street	6/27/2013	A	-	Raise roof height (modify prior approval)	N	Approved with modifications
150 West I Street	8/13/2013	DT	C	Replace deck	N	Approved with modifications
180 West H Street	10/24/2013	DT	C	Replace windows Enlarge rear deck	N	Approved with modifications
271 West J Street	11/21/2013	DT	C	Enclose carport Install skylights	N	Approved
127-135 First Street	11/21/2013	DT	-	Access to Bay Trail	N	Approved with modifications
155 West J Street	3/27/2013	DT	C	Install two basement windows on rear	N	Approved
305 First Street	3/27/2013	DT	C	Replace aluminum siding Replace windows	N	Approved
145 East D Street	3/27/2013	DT	-	Construct rear addition (465 sf) Two enclosed porches on rear	N	Approved
121 East G Street	4/24/2014	DT	-	Replace windows and screen doors aluminum to vinyl.	Y	Approved
180 East G Street	7/24/2014	DT	-	Construct carport	Y	Approved
117 West I Street	7/24/2014	DT	C	Modify door on detached garage	Y	Approved

Downtown Historic Conservation Plan
Design Review Procedures

Applicability and Exemptions

The policies outlined above with respect to the design review process apply equally to individual designated landmark properties as well as all structures and sites in designated historic districts. Replacement of existing building features or elements with identical ones and routine maintenance are exempt from design review as are repairs of emergency nature to rehabilitate an unsafe building. Painting is administrative review for non-historic single-family residences and duplexes in the Central Area only. The following are specific examples of routine maintenance and repairs which are exempt from design review. These examples apply only to designated historic structures.

- Painting
- Reroofing with the same material
- Replacement of existing siding or trim or siding or trim of the same material and appearance.
- Replacement of existing windows or doors with windows or doors of the same dimension, finish and overall appearance
- Other repairs or replacements as determined by planning staff.

Criteria and Application Procedure

The criteria for review are those which are presented in the following sections of this conservation plan. Upon adoption of the Downtown Conservation Plan, the design review policies and the procedures outlined above will supercede the interim review procedures formerly in effect for First Street. The application process and materials to be submitted are described in Chapter 17.108 Design Review and 17.112 Development Plan Review of the Benicia Zoning Ordinance.

However, under this conservation plan, where review is administrative, the Planning Director will be given discretion in prescribing the materials and documents to be submitted by the applicant in accordance with the scope of the proposed project. Furthermore, administrative design review of non-historic single-family residential projects should be completed by the Community Development Director within 10 working days rather than 30 days. Where review is not administrative, application shall be made as specified in Chapter 17.108 and 17.112 of the Benicia Zoning Ordinance, unless modified by City Council Resolution 09-26.

As the design guidelines and regulations contained within this conservation plan will be used by the city staff and commissions in reviewing applications for development and alterations in the historic district, the first step a property owner should taken is to determine what level of review will be required for a give project. The following tables (1 and 2) are provided to simplify this process. All number of alterations are listed in the first column

DHCP

TABLE 1

Design Review and Approval Process for Minor Projects [1]

* Final Review Authority

	Administrative Design Review	Historic Preservation Review Commission
EXTERIOR ALTERATIONS – PAINTING ONLY		
• All Historic Structures		Exempt
• Non-Historic Single Family in the Central Area only	*	
• Non Historic Duplexes in the Central Area only	*	
• All Other Structures	*	
EXTERIOR ALTERATIONS – OTHER MODIFICATIONS OR RELOCATION [2]		
• Non-Historic Single Family Residence (not including Eastern Residential Area or any other future enclaves which are exempt)		*
• Historic Single Family Residence		*
• Non-Historic Duplex (not including Eastern Residential Area or any other future enclaves which are exempt)		*
• Historic Duplex		*
• All Other Structures		*
NEW CONSTRUCTION		
• Single Family Residence		*
• Duplex		*
• All Other Structures[3]		*
DEMOLITION		
• Historic Building (possible waiting period up to 180 days may be required.)		*
• Non-Historic Building	*	
SIGNS	*	
SIDEWALK OR OTHER PUBLIC ENCROACHMENTS	*	
TREE REMOVAL	*	
EXCEPTIONS TO LAND USE REGUATIONS OF BASE ZONING DISTRICT	*	

[1] Projects that involve construction or alterations of less than 2,500 square feet of new floor area; single-family and all duplex residential units, regardless of size. For Non-Historic single family residences and duplexes MINOR shall mean: Alterations such as new or different siding or cladding, changes to roofs, windows, and doors.

[2] The Community Development Director may, at his discretion, review and approve minor alterations to non-landmark, historic single-family structures, provided that the alteration does not result in a permanent, irreversible change to the structure, meets the guidelines of the plan, and is not visible from the public right-of-way.

[3] The Community Development Director may, at his discretion, review and approve the design of new accessory buildings to be constructed on a residential or commercial lot containing a historic structure. Any such structure which is highly visible from a public right-of-way, or located on a lot containing a landmark structure, shall be reviewed by the Historic Preservation Review Commission. For Second-Units pursuant to Government Code Section 65852.150 are ministerial.

Note: Some uses may not be permitted in certain zoning districts. Other uses may require use permit. Refer to underlying zoning district regulations

DHCP

TABLE 2

Design Review and Approval Process for Major Projects [1]

* Final Review Authority

	Administrative Design Review	Historic Preservation Review Commission
EXTERIOR ALTERATIONS – (Including Relocation and Painting unless otherwise noted.)		
• Non-Historic Multi-Family Residence (3 or more units)		*
• Historic Multi-Family Residence (3 or more units)		*
• All Other Structures		*
NEW CONSTRUCTION		
• Multi-Family Residence (3 or more units)		*
• All Other Structures [2]		*
DEMOLITION		
• Historic Building (possible waiting period up to 180 days may be required.)		*
• Non-Historic Building	*	
SIGNS	*	
SIDEWALK OR OTHER PUBLIC ENCROACHMENTS	*	
TREE REMOVAL	*	
EXCEPTIONS TO LAND USE REGUATIONS OF BASE ZONING DISTRICT	*	

[1] Projects that involve construction or alterations of 2,500 square feet or more of new floor area; excluding non-historic single-family and duplex residential units. For Non-Historic single family residences and duplexes in the Central Area. MAJOR shall mean: Alterations such as new or different siding or cladding, changes to roofs, windows, and doors.

[2] For Second-Units pursuant to Government Code Section 65852.150 are ministerial.

Note: Some uses may not be permitted in certain zoning districts.
Other uses may require a use permit. Refer to underlying zoning district regulations.

DHCP

Arsenal Historic Conservation Plan
Design Review Procedures

only smaller projects in H districts. Larger projects in the H district were formerly reviewed by the Planning Commission.

However, to streamline the design review process under this Conservation plan, design review of certain projects which do not affect historic properties will be conducted administratively by the Planning Director, rather than by the Design Review Commission. Specifically, all projects involving new or existing non-historic single family residences and existing non-historic duplexes, including relocation and demolitions, will be reviewed administratively, as will certain smaller non-residential projects. Other multi-family projects, new commercial construction, and alterations to or demolition of any historic building would be reviewed by the Design Review Commission.

With respect to industrial projects, the Design Review Commission will have review authority over any such project located in any of the Subdistricts designated in Figure 10, except for projects involving less than 2,500 square feet of new floor area. These smaller industrial projects shall be reviewed administratively along with all industrial projects outside the boundaries of the four subdistricts, regardless of size. In addition, in accordance with existing city policy, pipelines, tanks, and similar operating mechanical equipment and industrial equipment installations are not subject to design review. The plan allows expansion and modification of such equipment within existing properties. The use and expansion of such facilities is consistent with the goals of the historic district, and with those of the General Plan related to the industrial area. **A complete listing of design review responsibilities is provided in Tables 1 and 2.**

Applicability and Exemptions

The policies outlined above with respect to the design review process apply equally to individually designated landmark properties as well as all structures and sites in designated historic districts. Replacement of existing building features or elements with identical ones and routine maintenance are exempt from design review, as are repairs of an emergency nature to rehabilitate an unsafe building. **Specific examples of routine maintenance and repairs which are exempt from design review include the following:**

- Repainting with the same color(s)
- Reroofing with the same material
- Replacement of existing siding or trim with siding or trim of the same material and appearance
- Replacement of existing windows or doors with windows or doors of the same dimension, finish and overall appearance
- Replacement of contemporary materials or details with those originally used on the structure when applied in the original manner
- Other repairs or replacements as determined by planning staff.

Criteria and Application Procedure

The criteria for review are those which are presented in the following sections of this conservation plan. These design review policies take effect upon adoption of the Arsenal Historic Conservation Plan. They supersede any other design review procedures formerly in effect for the area. The application process and materials to be submitted are described in

TABLE 1

Design Review and Approval Process for Minor Projects[1] in the Historic Overlay District

● Advisory Only
✱ Final Review Authority

	Administrative Design Review	Public Hearing by Design Review Commission
EXTERIOR ALTERATIONS - PAINTING ONLY		
• All Single Family Residences	Exempt	
• All Other Structures	✱	
EXTERIOR ALTERATIONS - OTHER MODIFICATIONS OR RELOCATION		
• Non-Historic Single Family Residence or Duplex	✱	
• Historic Single Family Residence or Duplex	●	✱
• Existing Non-Historic Commercial and Industrial Structures	✱	
• All Other Historic and Non-Historic Structures	●	✱
NEW CONSTRUCTION		
• Single Family Residence	✱	
• Duplex	●	✱
• Industrial Structures Outside Subdistrict Boundaries (see Figure 10 - Page 54)	✱	
• All Other Structures	●	✱
DEMOLITION		
• Historic Building (Possible waiting period of up to 180 days may be required)	●	✱
• Non-Historic Building	✱	
SIGN / AWNINGS / ACCESSORY BUILDINGS	✱	
SIDEWALK OR OTHER PUBLIC ENCROACHMENTS	✱	
TREE REMOVAL	✱	
EXCEPTIONS TO LAND USE REGULATIONS OF BASE ZONING DISTRICT	✱	

[1] Projects that involve exterior alterations to existing structures of less than 2,500 square feet or the construction of less than 2,500 square feet of new floor area; all single family and duplex residential units, regardless of size.

Note: Some uses may not be permitted in certain zoning districts.
Other uses may require use permit. Refer to underlying zoning district regulations

TABLE 2

Design Review and Approval Process for Major Projects[1] in the Historic Overlay District

● Advisory Only
✱ Final Review Authority

	Administrative Design Review	Public Hearing by Design Review Commission
EXTERIOR ALTERATIONS (Including Relocation and Painting unless otherwise noted.)		
• Industrial Structures Outside Subdistrict Boundaries (see Figure 10 - Page 54)	✱	
• All Other Structures: Historic and Non-Historic	●	✱
NEW CONSTRUCTION		
• Multi-Family Residence (3 or more units)	●	✱
• Industrial Structures Outside Subdistrict Boundaries (See Figure 10 - Page 54)	✱	
• All Other Structures	●	✱
DEMOLITION		
• Historic Building (Possible waiting period of up to 180 days may be required.)	●	✱
• Non-Historic Building	✱	
SIGNS / AWNINGS / ACCESSORY BUILDINGS	✱	
SIDEWALK OR OTHER PUBLIC ENCROACHMENTS	✱	
TREE REMOVAL	✱	
EXCEPTIONS TO LAND USE REGULATIONS OF BASE ZONING DISTRICT	✱	

[1] Projects that involve exterior alterations to existing structures of 2,500 or more square feet or the construction of 2,500 or more square feet of new floor area; excluding single family and duplex residential units, regardless of size.

Note: Some uses may not be permitted in certain zoning districts.
Other uses may require use permit. Refer to underlying zoning district regulations.