AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION
JUNE 28, 2018
BUSINESS ITEMS

TO : Historic Preservation Review Commission

SUBJECT : **ADOPTION OF THE DOWNTOWN HISTORIC DISTRICT DESIGN GUIDELINES; AN AMENDMENT TO THE DOWNTOWN HISTORIC CONSERVATION PLAN (DHCP) TO REMOVE CHAPTER 3 (DESIGN REVIEW PROCEDURES), CHAPTER FOUR (DESIGN GUIDELINES FOR COMMERCIAL BUILDING TYPES) AND CHAPTER FIVE (DESIGN GUIDELINES FOR RESIDENTIAL BUILDING TYPES) PLUS APPENDICES; AND AMENDMENTS TO THE BENICIA MUNICIPAL CODE CHAPTER 17.108 (DESIGN REVIEW) REGARDING HISTORIC DISTRICT DESIGN REVIEW PROCEDURES; AFTER A DETERMINATION THAT THE PROJECT IS EXEMPT FROM CEQA.**

EXECUTIVE SUMMARY:
The proposed project is the adoption of guidelines that address the treatment of historic properties, alterations to non-historic buildings, and the design of new infill structures in the Downtown Historic District and amendments to the design review procedures of Benicia Municipal Code Chapter 17.108. The Historic Preservation Review Commission (HPRC) will make recommendations to the City Council on two separate actions:

1. Adopt Downtown Historic Design Guidelines and amend the Downtown Historic Conservation Plan (DHCP) to remove Chapters 3, 4, 5 plus appendices, which will be superseded by the guidelines and subsequent code amendments for design review procedures.
2. Amend Chapter 17.108 (Design Review) of the Benicia Municipal Code to update the Design Review chapter and establish historic district design review procedures.

RECOMMENDATION:
Consider the proposed design guidelines, amendments to the Downtown Historic Conservation Plan (DHCP) and amendments to the Benicia Municipal Code Chapter 17.108 (Design Review) and adopt resolutions recommending City Council approval.

OVERVIEW:
The City of Benicia is updating the design guidelines within the Downtown Historic Conservation Plan (DHCP) to provide user-friendly guidelines for the treatment of historic properties, alterations to non-historic buildings, and the design of new infill structures within the

historic district, as well as to update design review procedures. This project is expected to bring Benicia into alignment with historic preservation "best practices," including the Secretary of Interior Standards for Treatment of Historic Properties, and streamline design review procedures. The design guidelines are partially funded by a Certified Local Government (CLG) grant from the California Office of Historic Preservation.

Open Government
Consistent with the findings of the Fair Political Practices Commission determinations regarding ownership of property in the downtown, commissioners with a financial conflict of interest related to this agenda item due to ownership of property or businesses in the downtown include Commissioners Maccoun, Haughey, Van Landschoot, von Studnitz and Chair Reynolds. The two architects on the commission, Commissioners McKee and Delgado, have a conflict of interest if it is reasonably foreseeable that the decision will have a material financial effect on any source of income.

Commissioners Haughey and von Studnitz are the designated historic district property owners on the HPRC and need not recuse themselves. In order to take action on this agenda item a quorum of commissioners must participate; therefore, it may be necessary to "draw straws" to determine which commissioners will hear the agenda item.

Commissioners who cannot participate in the decision due to a conflict of interest must leave the room during the deliberation on the item, except that an interested commissioner may speak on the issue at the time that the general public speaks on the issue pursuant to Government Code Section 87105.

BACKGROUND:
The design guidelines for the Downtown Historic District were established in 1990 with the adoption of the DHCP. The guidelines are being updated to ensure consistency in the design review process, reinforce the character of the historic district, and provide the basis for clear and fair decision-making in the district.

On September 19, 2017, the City Council adopted a resolution approving an agreement with the State Office of Historic Preservation for a Certified Local Government Grant in the amount of $40,000, to update the Historic Design Guidelines within the DHCP, authorizing the City Manager to execute the agreement on behalf of the City, and allocating funds in the FY2017-18 Budget.

On October 26, 2017 the HPRC adopted Resolution No. 17-10 in support of the initiation of an update to the DHCP design guidelines and appointed Chair Tim Reynolds to serve on the advisory group for the project.

Ad Hoc Advisory Group
An ad hoc advisory group was assembled in November 2017 to provide guidance and feedback through the process of developing the draft guidelines. The advisory group was comprised of individuals with design or construction expertise and with experience working on projects or owning property in the historic district. The group met on four occasions and provided feedback

on specific topics relating to the usability of the design guidelines and design review procedures. Feedback from the advisory group has been summarized for the HPRC through monthly updates and staff reports.

Community Outreach
The Planning Division conducted public meetings for the design guidelines on January 18 and 19, 2018 to obtain community comments, concerns and priorities; a community open house was held on April 26, 2018 to present the public review draft document. In addition to ongoing web updates and periodic media releases, the city mailed notice of the design guidelines to district residents in April and June 2018. City staff also provided monthly agenda items to the HPRC to provide updates and obtain feedback. Despite sparse attendance at the public meetings, some community members provided comments on the public review draft, which are included as an attachment to this memorandum. The proposed revisions to the guidelines and draft design review procedures address a number of community comments including:

- Improved organization through numbering and table of contents;
- Clarification of relation to Downtown Mixed Use Master Plan (p.4 and 12);
- References to California Historic Building Code (p.76);
- Additional references that support preservation requirements, notably the Secretary of Interior Standards and Technical Preservation Briefs (p. 16, 25, 53, 59, 60, 61, 64, 67, 74, 75, 79, 82, 168);
- Clarification of guidelines applicability to historic and nonhistoric building types (p.13);
- Revisions to guidelines for outdoor dining (p. 35-36);
- Guidelines for additions and alterations that have gained significance (p.77);
- Clarification re: new and raised foundations (p.85);
- Increased opportunities for administrative review of projects that conform to guidelines;
- Clarification of projects subject to design review via proposed text amendment.

SUMMARY

Downtown Historic Conservation Plan
The DHCP contains five chapters plus appendices, which will be revised to make way for adoption of the new Downtown Historic District Design Guidelines and the zoning text amendment for design review procedures. The remaining elements of the DHCP will remain in place; at a future date they will be updated based upon information contained in the Historic Context Statement and reformatted in a manner consistent with the design guidelines.

	DHCP Chapter	**Proposed Amendment**
	Preface	Retain
1	Plan Overview	Retain
2	Historic Resources	Retain
3	Design Review Procedures	*Remove* – will be addressed in amendment to BMC Chapter 17.108
4	Design Guidelines for Commercial Building Types	*Remove* – will be replaced by Downtown Historic District Design Guidelines

5	Design Guidelines for Residential Building Types	*Remove* – will be replaced by Downtown Historic District Design Guidelines

DHCP Appendices

A	Designation of Historic Properties within the Downtown Historic H Overlay District	*Remove* – Included in Appendix of Downtown Historic District Design Guidelines
B	Glossary of Terms	*Remove* – Included in Appendix of Downtown Historic District Design Guidelines
C	Historic Conservation Plan Resource Survey Form	*Remove* – Superseded by Historic Survey (2009) - used DPR 523 form
D	City Council Resolution No. 92-201 Amending DHCP	*Remove* – this Resolution amended sections of the DHCP that would be replaced by proposed guidelines and text amendment.
E	City Council Resolution No. 05-91 Delisting 195 East F Street	*Remove* – this action is captured in subsequent adoption of Historic Survey.
F	City Council Resolution No.08-62 Amending DHCP re: Design Review for non-historic residences	*Remove* – this Resolution amended sections of the DHCP that would be replaced by proposed guidelines and text amendment.
G	City Council Resolution No. 09-26 adopting historic survey and amending DHCP	*Remove* – this Resolution is referenced in the Appendix of the Downtown Historic District Design Guidelines.

The elements of the downtown policy framework will be assembled into an online compendium of information that is readily available to inform decision-making in the historic district including:

1. Downtown Historic District Design Guidelines plus appendices
2. DHCP (remaining sections subject to future administrative update)
3. Downtown Mixed Use Master Plan
4. Historic Context Statement
5. Historic Survey
6. Downtown Streetscape Plan

Downtown Design Guidelines
The Downtown Design Guidelines are a graphic and resource-based approach to preservation, rehabilitation and new construction in the Downtown Historic District. The guidelines carry over some aspects of the current DHCP; additionally, they provide additional information about planning a preservation project and align with the Secretary of Interior Standards for Treatment of Historic Properties. The outline of the Guidelines is as follows:

1. Introduction
2. General Design Guidelines for All Projects
3. Design Guidelines for Historic Structures

4. Guidelines for New Construction
5. Signs

Appendix
- Glossary
- Historic Property Addresses in the Downtown District
- Advisory Guidance for Environmental Sustainability

The Guidelines were initially presented to the HPRC on April 26, 2018; commissioners provided individual comment and collectively discussed the topic areas of awnings and canopies; balconies and galleries; building additions; and window materials on May 24, 2018. Review comments were compiled and submitted to the consultant, Winter and Co., in May 2018 resulting in subsequent revisions including:

- Update images and maps; provide glossary.
- Revise the Introduction "Which Chapters Apply?" to provide example projects for improved usability especially for small projects (p.10-11).
- Reference DPR forms (see p.19 and Appendix).
- Incorporate Secretary of Interior's Standards for Rehabilitation (p.25) and reference National Park Service Preservation Briefs throughout.
- Update "Before and After Images" (p.17-18).
- Revise outdoor dining guidelines (p.35-36 including parklets).
- Update guidelines for awnings, canopies, balconies and galleries including historical references (p.43-45).
- Update masonry guidance and reference Preservation Brief (p.61, 74).
- Clarify guidelines for fences (materials), street trees (p. 38, 40).
- Update guidance for structured parking, especially relating to First Street frontage (p.42).
- Update storefront context (p.56) and guidance, including materials and treatment of transoms (p.78-79).
- Update alternative materials guidance, including disallowing vinyl (p.63-64).
- Update guidelines for Accessibility, including reference to California Historic Building Code (p.76).
- Provide guidance for handrails (p.76, 83, 105).
- Update guidelines for residential additions and provide "connector" images (p.86-91).
- Update guidelines for building materials and windows on new residential construction and non-contributing structures and specifying acceptable materials (p.105-107, 120).

Additional revisions were completed in the interest of clarity at the suggestion of staff. The guidance for environmental sustainability was placed in an appendix as it is highly contextual and relates to items that would not necessarily require design review, such as maintenance and landscaping. The sustainability guidelines are available for use by homeowners and potential project applicants and may be referenced in the design of new buildings and additions.

Design Review Procedures
The Historic Preservation Review Commission discussed a framework recommendation for design review procedures at their meeting on May 24, 2018. Based on HPRC and community comments, the overall objective for design review procedures is threefold:

- Preserve existing historic buildings;
- Encourage property owners to renovate historic buildings and restore those buildings to their original materials and design;
- Provide a framework and guidelines for property owners when designing remodels, additions, or new buildings.

During the commission meeting on May 24, a framework approach was presented that would result in four tracks for review: "streamlined", administrative review, administrative public hearing and HPRC public hearing.

Following feedback from the commission, this approach was revised to result in two levels of review in addition to an exempt category. A modification to current procedures is proposed to provide notice of pending action to nearby property owners for any activity subject to administrative design review citywide. Currently, the Zoning Ordinance provides an appeal mechanism for administrative design review decisions but does not establish a means by which to notify potentially interested parties of an application.

Level of Review	**Nature of Activity**	**Notice/Hearing**
Commission	- Demolish, partially demolish or remove historic structure; relocate historic structure; remove, destroy, alter, obscure character-defining feature of historic structure; install alternative exterior building materials on historic structure; alter primary or highly visible secondary façade of historic structure; construct new building or addition visible from public street.	Notice of Public Hearing / HPRC public hearing.
Administrative	Any activity that is not exempt and does not require HPRC review	Notice of Pending Action / No hearing unless appealed.
Exempt	- Repair and maintenance; emergency stabilization of unsafe condition excluding demolition; roof replacement without structural or architectural changes; landscaping, fences or landscape features; replacement of windows or doors that restore original materials and design. - Alteration to non-historic structure in Eastern Residential Area.	None

The proposed amendment to Chapter 17.108 of the Benicia Municipal Code would apply these design procedures to all H- Overlay districts, which currently include the Downtown Historic District and the Arsenal Historic District. The draft ordinance would preserve the existing procedural requirements of the Arsenal Historic Conservation Plan at this time, as those procedures have not yet been reviewed.

The proposed amendments reorganize Chapter 17.108 to consolidate information and eliminate outdated or unnecessary procedures. Many of the procedural steps outlined in Chapter 17.108 are now embodied in State law (Permit Streamlining Act); additionally, the city maintains an up-to-date list of submittal requirements that are readily available on the city website and in the Community Development Department. Staff also proposes to allow the Community Development Director to determine when a project is exempt or subject to administrative design review, or refer an application to the HPRC. Under the proposed amendments, an application may be deemed withdrawn if there is no activity (including submission of information or plans) after a period of 120 days (four months).

The Zoning Ordinance specifies that signs are exempt from Design Review (Section 17.108.020); staff is preparing a minor amendment to the Sign Ordinance (Title 18) to clarify that signs are subject to any adopted design guidelines. The Planning Commission will consider this amendment. Sign guidelines are in place for both the Downtown and Arsenal Historic Conservation Districts.

NEXT STEPS

Following the HPRC public hearing, this matter will be forwarded to the Planning Commission for an additional public hearing and to the City Council for adoption. The Planning Commission public hearing is tentatively scheduled for August 9. A date has not been set for the City Council hearing; however, the guidelines must be adopted by September 30, 2018.

Staff recommends the city adopt the design guidelines and review the amended regulations one-year after adoption. The purpose of the review is to evaluate the effectiveness of the guidelines and regulations and make minor adjustments as needed. This recommended review is reflected in the draft Resolutions.

GENERAL PLAN:

General Plan	Community Development and Sustainability Goal 2.1 Preserve Benicia as a small-sized city. ➢ Policy 2.1.1: Ensure that new development is compatible with adjacent existing development and does not detract from Benicia's small town qualities and historic heritage.
	Community Identity Goal 3.1: Maintain and enhance Benicia's historic character ➢ Policy 3.1.4 Promote the preservation and enhancement of historic neighborhoods, commercial areas and governmental districts.

	➢ Policy 3.1.5 Permit new development, remodeling and building renovation in historic districts when consistent with the policies of the applicable Historic Conservation Plan. Goal 3.7: Maintain and reinforce Benicia's small-town visual characteristics. ➢ Policy 3.7.1: Ensure that new development is compatible with the surrounding architectural and neighborhood character.

CEQA:

CEQA Analysis	The project is exempt from environmental review under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15331 which exempts projects that are consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties, and Section 15305 Minor Alterations in Land Use Limitations, which consists of minor changes to land use limitations which do not result in any changes in land use or density. The project establishes design guidelines that advance local historic preservation priorities, implement the Secretary of Interior Standards, and modify procedures for design review to implement the guidelines.

CONCLUSION:
The Historic Preservation Review Commission's action will be a recommendation to the City Council.

Attachments:
1. Draft Resolution – Amendment to Downtown Historic Conservation Plan and Adoption of Downtown Historic District Design Guidelines
2. Draft Resolution – Amendments to BMC Chapter 17.108 Design Review
3. Final Draft Historic District Design Guidelines *(provided under separate cover; available for viewing at Benicia Community Development Department or download at www.ci.benicia.ca.us/downtowndesign)*
4. Downtown Historic Conservation Plan *(provided under separate cover; available for viewing at Benicia Community Development Department or download at www.ci.benicia.ca.us/downtowndesign)*
5. Resolution No. 17-10 (HPRC)
6. Community comments on Public Review Draft
    a. Trevor Marcenski – April 19, 2018
    b. Leann Taagepera – May 16, 2018
    c. Brian Harkins – June 6, 2018
7. Draft Design Review Amendments – redline
8. Draft Design Review Amendments – clean

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RESOLUTION NO. 18- (HPRC)

A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA RECOMMENDING TO CITY COUNCIL APPROVAL OF AMENDMENTS TO THE DOWNTOWN HISTORIC CONSERVATION PLAN AND ADOPTION OF THE DOWNTOWN HSITORIC DISTRICT DESIGN GUIDELINES

WHEREAS, City of Benicia is updating the design guidelines within the Downtown Historic Conservation Plan (DHCP) to provide user-friendly guidelines for the treatment of historic properties, alterations to non-historic buildings, and the design of new infill structures within the historic district, as well as to update design review procedures; and

WHEREAS, this project is expected to bring Benicia into alignment with historic preservation "best practices," including the Secretary of Interior Standards for Treatment of Historic Properties, and streamline design review procedures. The design guidelines are partially funded by a Certified Local Government (CLG) grant from the California Office of Historic Preservation; and

WHEREAS, the Downtown Historic Conservation Plan was adopted in 1990 and has been subsequently amended; and

WHEREAS, the city conducted public meetings for the design guidelines on January 18 and 19, 2018 to obtain community comments, concerns and priorities; a community open house on April 26, 2018 to present the public review draft; provided complete information on the city webpage and periodic media releases; made monthly updates to the Historic Preservation Review Commission and mailed notice of the design guidelines to district residents in April and June 2018; all in the interest of public information and outreach; and

WHEREAS, the proposed design guidelines are a graphic and resource-based approach to preservation, rehabilitation and new construction that carry over many existing guidelines, provide additional information and align with the Secretary of Interior Standards for Treatment of Historic Properties; and

WHEREAS, proposed amendments to the Design Review procedures will replace Chapter 3 of the Downtown Historic Conservation Plan; and

WHEREAS, the Downtown Historic District Design Guidelines will replace Chapters 4 and 5 of the Downtown Historic Conservation Plan; and

WHEREAS, the Historic Preservation Review Commission at a regular meeting on June 28, 2018, conducted a hearing, heard public comment and reviewed the guidelines and found them to be consistent with the City of Benicia General Plan and Secretary of Interior Standards for Treatment of Historic Properties;

NOW, THEREFORE, BE IT RESOLVED that the Historic Preservation Review Commission of the City of Benicia hereby recommends the City Council adopt a Resolution

amending the Downtown Historic Conservation Plan to remove Chapters 3, 4 and 5 plus the appendices and to adopt the Downtown Historic District Design Guidelines. The Commission recommends that the City Council authorize review of the guidelines after one year, whereby the effectiveness of the guidelines may be evaluated and subsequent amendments considered as appropriate

BE IT FURTHER RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia finds that:

a) The proposed amendments and design guidelines are exempt from environmental review under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15331 which exempts projects that are consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties, and Section 15305 Minor Alterations in Land Use Limitations, which consists of minor changes to land use limitations which do not result in any changes in land use or density. The project establishes design guidelines that advance local historic preservation priorities, implement the Secretary of Interior Standards, and modify procedures for design review to implement the guidelines.

b) The proposed amendments and design guidelines are consistent with the Benicia General Plan, particularly Goal 2.1 Preserve Benicia as a small-size city; Goal 3.1 Maintain and enhance Benicia's historic character; and Goal 3.7 Maintain and reinforce Benicia's small-town visual characteristics. The proposed action supports implementation of guidelines for historic preservation and compatible new development consistent with the city's preservation priorities, the Secretary of Interior Standards for Treatment of Historic Properties, and current best practices.

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On motion of Commissioner , seconded by Commissioner , the above Resolution is introduced by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of the Commission held on the 28th day of June 2018 and adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

_____
Tim Reynolds, Chair

_____
Date

RESOLUTION NO. 18- (HPRC)

A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA RECOMMENDING CITY COUNCIL APPROVAL OF AMENDMENTS TO THE BENICIA MUNICIPAL CODE TITLE 17 (ZONING) REGARDING DESIGN REVIEW PROCEDURES

WHEREAS, City of Benicia is updating the design guidelines within the Downtown Historic Conservation Plan (DHCP) to provide user-friendly guidelines for the treatment of historic properties, alterations to non-historic buildings, and the design of new infill structures within the historic district, as well as to update design review procedures; and

WHEREAS, design review requirements are currently contained within the DHCP while procedures are referenced in the Benicia Municipal Code; and

WHEREAS, it is in the interest of public convenience and clarity to include design review requirements and procedures within the Benicia Municipal Code; and

WHEREAS, the objective of the amendments for design review procedures is to preserve existing historic buildings, encourage property owners to renovate and restore historic buildings, and provide a framework for property owners when designing new construction; and

WHEREAS, the proposed amendments to Chapter 17.108 Design Review are consistent with the objectives, support implementation of design guidelines and uphold the purposes of the H- overlay district designation; and

WHEREAS, the Historic Preservation Review Commission at a regular meeting on June 28, 2018, conducted a hearing, heard public comment and reviewed the draft ordinance found it to be consistent with the City of Benicia General Plan;

NOW, THEREFORE, BE IT RESOLVED that the Historic Preservation Review Commission of the City of Benicia hereby recommends the City Council approve an Ordinance amending the Benicia Municipal Code to update the Design Review chapter and establish historic district design review procedures. The Commission recommends that the City Council authorize review of the amended regulations after one year, whereby the effectiveness of the regulations may be evaluated and subsequent amendments completed as appropriate

BE IT FURTHER RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia finds that:

a) The proposed amendments are exempt from environmental review under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15331 which exempts projects that are consistent with the Secretary of Interior's Standards for the Treatment of Historic Properties, and Section 15305 Minor Alterations in Land Use Limitations, which consists of minor changes to land use limitations which do not result in any changes in land use or density. The project establishes design

guidelines that advance local historic preservation priorities, implement the Secretary of Interior Standards, and modify procedures for design review to implement the guidelines.

b) The proposed amendments are consistent with the Benicia General Plan, particularly Goal 2.1 Preserve Benicia as a small-size city; Goal 3.1 Maintain and enhance Benicia's historic character; and Goal 3.7 Maintain and reinforce Benicia's small-town visual characteristics. The amendments support implementation of guidelines for historic preservation and compatible new development and establish design review procedures for exterior alterations in a H-overlay district.

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On motion of Commissioner , seconded by Commissioner , the above Resolution is introduced by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of the Commission held on the 28th day of June 2018 and adopted by the following vote:

Ayes:

Noes:

Absent:

Abstain:

_____
Tim Reynolds, Chair

_____
Date

Downtown Historic District Design Guidelines

The final draft of the Downtown Historic District Design Guidelines may be viewed online at www.ci.benicia.ca.us/downtowndesign; in the offices of the Community Development Department at 250 East L Street; or in the Benicia Public Library at 150 East L Street

Downtown Historic Conservation Plan

The Downtown Historic Conservation Plan may be viewed online at www.ci.benicia.ca.us/downtowndesign; in the offices of the Community Development Department at 250 East L Street; or in the Benicia Public Library at 150 East L Street

RESOLUTION NO. 17-10 (HPRC)

A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA IN SUPPORT OF THE INITIATION OF AN UPDATE TO DOWNTOWN HISTORIC CONSERVATION PLAN HISTORIC DESIGN GUIDELINES AND PROCESS, AND APPOINTNG A COMMISSIONER TO SERVE ON THE COMMUNITY ADVISORY GROUP ESTABLISHED FOR THE PROJECT.

WHEREAS, the Downtown Historic Conservation Plan, which includes Design Review Procedures and Design Guidelines which have a text-heavy procedural focus, and was adopted in 1991, prior to substantial updates to the Secretary of Interior Standards for Treatment of Historic Properties; and

WHEREAS, the current design guidelines within the Downtown Historic Conservation Plan do not align with the City of Benicia Historic Context Statement (2011), Historic Survey (2009), and Downtown Mixed Use Master Plan (2007), which is a form-based code that governs a portion of the downtown area within the Downtown Historic Conservation District; and

WHEREAS, the design guidelines are difficult to interpret and implement due to the organization, narrative style, and poor graphic quality of the document; and

WHEREAS, the design guidelines are heavily focused on design review procedures, causing frustration for property owners and deterring projects that are beneficial to the integrity of historic buildings; and

WHEREAS, the preparation of new design guidelines for the Downtown Historic Conservation Plan have been included on the Historic Preservation Review Commission annual work program since 2011; and

WHEREAS, the purpose of the project is to update the Downtown Historic Conservation District Design Guidelines and Design Review Procedures consistent with current preservation standards, including the Secretary of Interior Standards for Treatment of Historic Properties and other relevant historic standards; and

WHEREAS, the updated design guidelines will provide a clear framework for preserving the character of established streetscapes and evaluating additions and alterations to existing structures and infill development, particularly in residential areas; and

WHEREAS, the State Office of Historic Preservation has notified the City that its application for a grant in the amount of $40,000 has been selected for

funding under the Certified Local Government Grant Program, subject to a required local match; and

WHEREAS, on September 19, 2017, the City Council accepted the terms of the grant; and

WHEREAS, the project will include public involvement and outreach for HPRC commissioners and the community, including a community advisory group, community survey, outreach to stakeholders, community workshop and hearings, public information including a web page and other media; and

WHEREAS, the project is directly related to the scope of the Historic Preservation Review Commission's established purpose and purview; and

WHEREAS, the success of the project will be enhanced through the active support of the Historic Preservation Review Commission and members of Benicia's historic preservation community.

NOW, THEREFORE, BE IT RESOLVED THAT the Historic Preservation Review Commission of the City of Benicia does hereby support the initiation of an update to the Downtown Historic Conservation Plan Historic Design Guidelines and Process and encourages Benicia citizens to contribute to the project and participate in the process.

BE IT FURTHER RESOLVED that the Historic Preservation Review Commission of the City of Benicia does hereby appoint Chair Reynolds to serve on the Community Advisory Group established for the project.

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On motion of Commissioner Haughey, seconded by Commissioner Van Landschoot, the above Resolution is introduced and passed by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of the Commission held on the 26th day of October, 2017 and adopted by the following vote:

Ayes:	Commissioners Haughey, Maccoun, McKee, Van Landschoot, and von Studnitz
Noes:	None
Absent:	Commissioner Delgado

Timothy Reynolds, Chair

10/26/2017

These Design Guidelines have been developed to help preserve the Benicia Downtown Historic District's ("Downtown District") character and historic resources. This document provides guidance to assist in the preservation, treatment and maintenance of their buildings and properties in the district. In addition, this document provides design guidelines for construction of new buildings that are compatible with the district.

Benicia Historic Preservation Goals

- The method that requires the least intervention is always preferred.
- The highest degree of integrity will be maintained.

Why Have Design Guidelines?

The design guidelines promote preservation of historic, cultural and architectural heritage within Benicia. They seek to maintain Benicia as a cohesive, livable place and avoid the inappropriate alteration or demolition of historic resources. Maintaining historic fabric and the context is a fundamental concept.

The design guidelines provide a basis for making consistent decisions about the appropriateness of improvements that are subject to approval in the City's design review process. In addition, they serve as educational and planning tools for property owners and design professionals who wish to improve a historic property or who propose new construction in the Downtown District.

While the design guidelines are written for use by the layperson to plan improvements, property owners are strongly encouraged to enlist the assistance of qualified design and planning professionals, including architects and preservation consultants, before beginning a project in the historic district.

Who Uses the Design Guidelines?

Property Owners

Owners should use the guidelines when planning improvements to properties in the Downtown District to establish an appropriate approach for rehabilitation and new construction. For owners of historic properties, the guidelines also provide information that will help promote good stewardship.

City Staff and the Historic Preservation Review Commission

City staff and the Historic Preservation Review Commission use the design guidelines to review historic rehabilitation and new construction projects. In doing so, they consider how each project meets the guidelines and promotes the design goals set forth here.

The Community

The guidelines also convey the City's expectations to the public so they can better understand what design elements are appropriate in Benicia.

Summary of Comments on Downtown_Design_Guidelines_PublicReview_04062018_WEB TWM4-19-2018.pdf

Page: 3

Author: tmacenski Subject: Sticky Note Date: 4/19/2018 8:31:20 AM

I think we should give a short list of the activities right up front... something like this. Please edit those that do not apply.

These Guidelines apply to the following types of projects and require some level of design review:
Rehabilitation, remodel, or any alteration affecting the exterior appearance of a building, including, but not limited to:
a change in exterior materials;
a change in paint colors;
cleaning, repair, or replacement of masonry;
window replacement, including transom windows;
replacing or removing design features such as molding and corruces;
replacing or removing threshold features such as marble, tile, and stairs;
awnings and canopies;
rear entrances;
all mechanical equipment;
placement of security gates or grills;
repair or replacement of damaged or worn materials .
Signs, including the removal, repair, or repainting of historic signs;

CULTURAL

This component of sustainability relates to the maintenance of the community's cultural traditions. Preserving historic places and patterns promotes cultural sustainability by supporting everyday connections between residents and the cultural heritage of the community. Benicia's history and a description of many of its historic buildings can be found in its Historic Context Statement that is available at the Benicia City Hall, Planning Division.

Many properties in the Benicia Historic Conservation District provide direct links to the past. These links convey information about earlier ways of life that help build an ongoing sense of identity within the community. It is this sense of a connection with the past and participation within a broader tradition that engages residents, business owners and visitors to celebrate Benicia through civic participation and individual investment.

The historic development pattern of the district promotes a high quality of life and helps build a sense of community. Benicia developed as a small town centered around the First Street business district and waterfront industries. As a result, the neighborhoods around First Street are compact and walkable with vistas toward the Carquinez Strait. The physical arrangement of the downtown provides opportunities to meet and greet along the street and waterfront paths. Storefronts, plazas, sidewalks and other direct connections to the public spaces provide opportunities for community interaction.

ENVIRONMENTAL

This is the most often cited component of sustainability. It relates to maintenance of the natural environment and the systems that support human development.

Rehabilitation of historic resources is an important part of environmental sustainability and green building initiatives. It directly supports environmental sustainability through conservation of embodied energy, adaptability and other factors that keep historic buildings in use over long periods of time.

Embodied Energy

Embodied energy is the amount of energy used to create and maintain the original building and its components. Preserving a historic structure retains this embodied energy by preserving the energy and resources invested in its construction, and reduces the need for producing new construction materials, which require more energy to produce. Studies confirm that the loss of embodied energy by demolition takes three decades or more to recoup, even with the reduced operating energy costs in a replacement building.

Building Materials

Many of the historic building materials used in the district contribute to environmental sustainability though local sourcing and long life cycles. Buildings constructed with locally sourced material, such as wood and stucco, were

Figure 4. Creating a sense of a connection with the past and participation within a broader tradition engages residents, business owners and visitors.

Figure 5. Preserving a historic structure retains its embodied energy by preserving the energy and resources invested in its construction.

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Author: tmacenski Subject: Sticky Note Date: 4/19/2018 8:42:55 AM

NATIONAL REGISTER OF HISTORIC PLACES
For a building to be listed on the National Register of Historic Places, either individually or as part of a district, means it must be determined to be historically significant for its association either with an important event, person, and/ or architectural style. For a property to qualify for the National Register it must meet the National Register Criteria for Evaluation by:
• being associated with an important historic context; and
• retaining the historic integrity of those features necessary to convey its significance.

Benicia's Historic Conservation District represents the development of commerce in the City from X to Y. It also provides a diverse and well designed collection of commercial buildings, the architecture of which is unmatched in Solano County. Although the district has changed its appearance somewhat since 19XY, it retains a high degree of architectural integrity, and building improvements have maintained an association to the historic period.

PRESERVATION AND ENHANCEMENT
PHILOSOPHY
The intent of the Design Guidelines is to ensure that the characteristics, which justified designating the Benicia Historic Conservation District are maintained
and, where necessary, revitalized. Thus, it is crucial that the existing harmony of proportions and materials be enhanced and revitalized with new construction, reconstruction, alterations, and additions. The characteristics of each individual structure must
remain within the vocabulary of details consistent with its particular style. Construction, reconstruction, or rehabilitation of any building within the district must be accomplished within the parameters of scale, materials, and detailing typical of pre-19XY structures, and must be of a design that is consistent or compatible with an architectural style authentic to the District.

Step 3: What Type of Existing Building?

All existing structures in the Downtown District are classified with respect to their historic significance, using criteria established by the National Park Service. A historic survey inventory serves as the starting point for determining historic significance. However, in some cases, conditions may have changed or new information is now available that would influence a determination of significance. The City will work with the property owner to confirm the status of historic significance. Three classifications are used:

Landmark Structure

A "landmark" is a building that is determined to be historically significant. Designations of historic significance are based upon the period between 1847-1940, which is defined as the historic district's "period of significance." A landmark will possess sufficient integrity to convey its history, or is capable of yielding important information about that period, and is a unique resource to the community. They are significant in national and/or local history, architecture, engineering and culture. For all landmark properties, the Preservation Track shall apply. The design guidelines will be applied rigorously.

Contributing Property

A "contributing property" is one determined to be historically significant. Designations of historic significance are based upon the period between 1847-1940, which is defined as the historic district's "period of significance." A contributor will possess sufficient integrity to convey its history, or is capable of yielding important information about that period.

Note that some designated historic properties may have been altered from their original designs. These alterations may include window replacement, cornice removal, a porch enclosure or covering of a building's original materials. Nonetheless, these altered properties may retain sufficient building fabric to be considered contributors. For all contributing properties, the Preservation Track shall apply. Some flexibility may be allowed in the application of the design guidelines.

Non-Contributing Property

The classification of "non-contributing" applies to those lacking historic significance. This includes a range of properties. Some are of more recent construction (those less than 50 years old.) Others are older (more than 50 years) but have been so substantially altered that they no longer retain their integrity. The New Construction Track applies to these properties, except as noted below.

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Author: tmacenski Subject: Highlight Date: 4/19/2018 8:46:07 AM

which retains its original architecture, scale, mass, and other features to the degree that it contributes to the historical sense of time and place of the district.

Author: tmacenski Subject: Sticky Note Date: 4/19/2018 8:45:52 AM

A noncontributing building may become contributing through rehabilitation and the application of the design criteria. Therefore, non-contributing buildings may also have historic relevance of their own associated with their period of construction, and are also subject to the provisions of these Guidelines.

Character-Defining Features

This section provides specific guidance for historic building types and identifies character-defining features that should be maintained. These guidelines should be followed in addition to the guidelines beginning in the "Architectural Details" section on page 55.

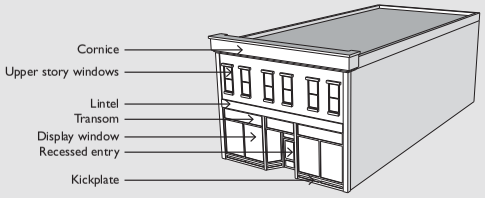
HISTORIC COMMERCIAL PROPERTIES

Many building fronts along First Street in Benicia's downtown have commercial building components, such as storefronts, that should be preserved. The repetition of these character-defining features creates a visual unity at the street level that defines the historic use of the buildings and encourages patrons to explore the business district. These features should not be altered, obscured or removed.

3.4 Preserve these character-defining features on a commercial building front:

- Cornice: A decorative band at the top of the building
- Upper-story windows: Windows located above the street level, often having a vertical orientation
- Lintel or mid-belt cornice: A decorative band at the top of the first floor
- Sign band: A flat band running above the transoms to allow for the placement of signs
- Storefront: A composition of the following features:
  - Transom: The upper portion of the storefront system, separated by a frame
  - Display windows: The main portion of glass, often located within the storefront system, where goods and services are displayed. In Benicia, display windows also appear as ganged and individual windows placed within the building facade.
  - Entry: Usually set back from the sidewalk in a protected recess, also sometimes a part of a storefront system; in Benicia entries for corner buildings may be set at an angle to the corner
  - Kickplate: Found beneath the display window within the storefront system
  - Architectural details: Trim, moldings, etc. (sometimes with stylistic influence)

CHARACTER-DEFINING FEATURES OF A COMMERCIAL FAÇADE



The following illustration represents some, but not all, of the typical character-defining elements of commercial building façades. See the Architectural Styles section in the Appendix to identify key features of other commercial façade styles.

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It is the storefront, which includes many of these elements, that is often considered the most important architectural feature of a commercial building. The storefront also plays a crucial role in a store's advertising and merchandising strategy to draw customers and increase business. Not surprisingly, then, the storefront has become the feature most commonly altered in a historic commercial building.

Metal Storefronts
Rehabilitating metal storefronts can be a complex and time consuming task. Before steps are taken to analyze or treat deteriorated storefronts, it is necessary to know the type of metal involved because each has unique properties and distinct preservation treatments. Storefronts were fabricated using a variety of metals, including cast iron, bronze, copper, tin, galvanized sheet iron, cast zinc, and stainless steel. Cast iron is shaped by molds and can withstand great compressive loads and is the most commonly used metal storefront material in Benicia's Downtown. (Insert Picture of East I and 1st Street)

Wood Storefronts
The key to the successful rehabilitation of wooden storefronts is a careful evaluation of existing physical conditions. Moisture, vandalism, insect attack, and lack of maintenance can all contribute to the deterioration of wooden storefronts. Paint failure should not be mistakenly interpreted as a sign that the wood is in poor condition and is therefore irreparable. Wooden storefronts were historically painted to deter the harmful effects of weathering, as well as to define and accent architectural features. Repainting exterior woodwork is thus an inexpensive way
to provide continued protection from weathering and to give the storefront a fresh appearance. (Insert Picture of Pacifica Pizza) Storefront.

Masonry Storefronts
Some storefronts are constructed of brick or stone, and, like their metal and wooden counterparts, also may have been subjected to physical damage or alterations over time. Although mortar may have disintegrated, inappropriate surface coatings applied, and openings reduced or closed, careful rehabilitation will help restore the visual and physical integrity of the masonry storefront. (Insert Picture of Adobe Building East J and 1st)

Figure 71. Provide a storm window that is simple in design. Its framing components should be designed to match the width of the historic windows side, top, middle and bottom rails, if placed externally.

Figure 72. Unfinished metal storm windows such as these alter the character of window openings, and should not be used on primary elevations. A metal storm window may be appropriate if the frame matches the proportions and profiles of the original window and has a painted finish.

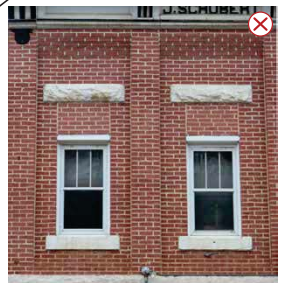

Figure 73. Restore a historic window opening that previously existed.

3.22 Design a storm window to minimize its visual impacts.

- Install full exterior storm windows to provide protection and enhance energy efficiency.
- If a window did not historically have a storm window, consider locating a new storm window internally to avoid exterior visual impacts, when feasible.
- Provide a storm window that is simple in design. Its framing components should be designed to match the width of the historic windows side, top, middle and bottom rails, if placed externally.
- It should also match the material and finish of the historic window.
- Storm windows should provide a full view of the original window.

3.23 Restore a historic window opening that has been altered, when feasible.

- Restore a historic window opening that previously existed.
- Place a new window to fit within the historic opening.

3.24 When necessary, locate and design a new window opening to preserve the overall rhythm and arrangement of windows on a secondary or rear building wall.

- Locate a new window opening to match the general arrangement of historic windows in a building wall.
- Design a new window opening to match historic window proportions on the same façade.

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AWNINGS

Awnings can become an important element of storefront design. The use of awnings is an effective means of creating an inviting space in front of a store where people may step away from the flow of traffic and find a shady, protected area. An awning should not dominate the storefront; instead, it should be an effective element coordinated with the overall building or storefront image. The valance of an awning can be used as an integral and creative location for signs, perhaps serving as the primary message area.

The canvas awning was an important design element in the traditional storefront. It provided cover, added color, and served as a transition between the storefront and the upper facade. Most buildings that face the sun had awnings. An awning can be attached above the display windows and below the cornice or sign panel. It may be mounted between the transom and the display window, which allows light into the store while shading the merchandise and pedestrians from the sun. An awning should reinforce the frame of the storefront and should not cover the piers or the space between the second-story window sills and the storefront cornice.

Awnings, like signs, can be used to excess on building facades. Care must be taken not to overpower a building with awnings, and not to cover up or destroy the architectural quality of a building. Illustration #1 is an example of how NOT to improve your building with awnings (Insert Picture of East G and 1st St North/West Corner). Instead, a more appropriate solution would have been to install individual awnings at each window. Some buildings, because of their design, will not adapt to awnings successfully, as shown in Illustration #2. (Insert Picture of East G and 1st St South/East Corner)

Leann Taagepera's Comments on DHCP Draft May 16, 2018

Acknowledgement Page - The DHCP "Stakeholder" Group seems to have been inadvertently left out of the Acknowledgements at the beginning of the document. This group is composed of individuals with longs histories of involvement in historic preservation in Benicia. I respectfully ask that you give this group credit by including it on this page. Curiously, the "Ad Hoc Advisory Group" was included on the Acknowledgement page. While this group has members with an interest in Benicia, it must be known that the individuals were chosen by staff to participate, with the exception of the specific members of the two Commissions, and other members of the community were not provided the opportunity to become members of this group.

Same page – the disclaimer on the right appears to term this document a "historic context statement" instead of a conservation plan.

Overall comment - Many times the term "rehabilitation" is used, but it is not apparent that the document is referring to this term as defined in the Standards. It seems like it is also referring potentially to restoration/rehabilitation as the case may be with specific projects that could come up.

Page 3 – Under "Goals" is stated "The highest degree of integrity will be maintained." This is not currently required by the DHCP and the Secretary of the Interior Standards offers flexibility. I would add "while also considering cost."

Page 4 – First sentence "The …Guidelines…and updated in 2017." Is this date referring to this current update? Perhaps this should say 2018. The "Downtown District Design Guidelines" is not a separate document. There is only one design review document for the Downtown District and that is the Downtown Historic Conservation Plan. I think it is confusing for the reader to have a heading on the top of "Background for the Design Guidelines" and then talking about the subject when the Design Guidelines and the DHCP are the same thing – the same document. So when it says at the end of that paragraph that "The documents described below provide the basis for the design guidelines" and then it lists and describes the DHCP, these two documents are the same document.

Same page, under BMC. Last paragraph says that "The BMC also sets parameters for land use and site development that are applied in combination with the design guidelines in the Downtown Historic District." Is this accurate? The DMUMP took the place of zoning within those blocks of the District that it regulates. So the other areas of the District follow the zoning in the BMC.

Same page, under Benicia DMUMP. This section states that "The Form-Based Code replaces many zoning aspects of the Benicia Municipal Code…" What zoning aspects does it not replace? I thought it completely replaced zoning. The last sentence should be revised to reflect that part of the District falls under regular zoning in the BMC and part under the DMUMP. So, it should say "Where there is a conflict between the DMUMP <u>or the BMC</u> and the guidelines, as determined through the design review process, the guidelines take priority."

Page 5 – Three properties are subject to the design guidelines, but are outside of boundaries. Beware that if the boundary ever changes, this page and the document need to be reprinted. The boundary line should wrap around the southwest boundary as part of the boundary line appears to be have left off.

As a separate matter, staff should consider analyzing the appropriate location for the District boundary. As it apparent, it has been gerrymandered in different locations to take out properties. The boundary line in location makes no design or historic sense. It was probably moved away from a property owner who asked to not be included.

Strangely, the map depicts my western property line in an inaccurate location as it shows the garage/ 2nd unit of the neighboring property on W H St (perhaps 286 W H St.) as being on my property. Here and there, the property lines look skewed and perhaps others are inaccurate. A new lot was created at W. 2nd and W. I St. and a house was built in that location, but the base map doesn't reflect this. Also the new house on W I St. one house from W. 2nd St. is not shown on the map. This needs to be checked for all sites.

Page 6 - The photo above that with a caption about preserving the City's historic places shows the non-historic tannery building. I suggest using a photo that shows a historic building, such as the really nice one below in Figure 2Page 12 does not show the whole district Eastside areas not shown.

P 7 – Second paragraph. The "District" is called here the "Benicia Historic Conservation District" but in other locations and in the current DHCP, it is referred to as the "Downtown Historic District." The language should be consistent.

P 8 – Figure 6 shows the Tannery building, which is not a historic building. Use a photo of a historic building instead to illustrate the point in the caption.

P 9 – While Carol's house in Figure 8 is really great, this photo is the third one used in the document. I suggest using other photos to include more examples of historic properties.

P 9 – The HPRC currently does not review signs – will this be changed in the new design review process tables?

P 11 – First paragraph about "Which Zoning District?" - It would be helpful for the user of the document if this stated that the DMUMP applies to First Street, the 100 blocks and the first parcel of the 200 blocks (I believe this is correct.) So, some properties refer to the BMC and others refer to the DMUMP.

P 11 – First paragraph – this says that in the DMUMP, "the design guidelines MAY supersede the Form-Based Code where in conflict…" This is not what the current DHCP plan and what is stated earlier in this document. This needs to be changed to be consistent with the earlier language that says "Where there is a conflict between the DMUMP <u>or the BMC</u> and the guidelines, as determined through the design review process, the guidelines take priority." If this is left at "MAY supersede" this is the huge loophole that will be used to make sure that it does not supersede. There wouldn't be a point to the DHCP if zoning could supersede when there was a conflict and this seems like it would be inconsistent with the Secretary of the Interior Standards and then not exempt from CEQA.

P 11 - Different standards of review for “Landmark” and non-landmark buildings – we have never done this before. This status was applied without criteria and somewhat haphazardly. Why should there be flexibility for non-landmarks? Are they less important? Why should owners of properties that were somewhat arbitrarily termed to be Landmarks be subject to more stringent requirements? The standards should be the same for all contributing properties. There’s never been a problem with applying design review requirements in the same way for all buildings before. It even would seem to be more difficult for a commission if it could decide to let a Contributor get away with not following some design requirements. Which requirements are those buildings allowed not to follow? This would be setting up an inherent inconsistency in the review of buildings in the District, creating unfairness between property owners. This has already occurred over time and it results in a lot of resentment and a loss of support of preservation planning by the affected property owners.

P 12 – This combination zoning map, DMUMP map, and partial boundary of the Downtown Historic District is confusing to the reader. Also the entire Downtown District is not included. Is there a reason to include this in the DHCP? A note on the map states “See downtown mixed use master plan zoning districts map on right for larger view.” There isn’t a map on the right and view is incorrectly spelled. Consider removing this figure unless it furthers something in the DHCP.

P 13 – Under Step 3, it says “The City will work with the property owner to confirm the status of historic significance.” Why is this sentence here? The City recently adopted a list of designated historic structures. This County-adopted list provides the status of each building and if it was determined to be listed as historic or not. There would appear to be no need to “confirm the status of historic significance.” I suggest removing this sentence.

P 13 – This page states that for Landmark buildings “The design guidelines will be applied rigorously” and that for Contributors “Some flexibility may be allowed in the application of design standards.” Did someone request that this change be made to the DHCP? All properties have always received the same level of protection before and all of them have been reviewed with the standards. I believe this is a mistake and that it should be removed from this revised DHCP. Who will decide what “some flexibility” “may be allowed?” So, some property owners get a free pass to not follow some parts of the design guidelines and the Secretary of the Interior Standards? As I said below, this is a recipe for disaster and method to help property hate the preservation requirements as some buildings would arbitrarily be required different standards than others.

Page 14 - shows the district boundary and buildings historic status. Every dot should be checked as 251 W G St is not listed and there could be other errors. From looking at this map, it may be that other blue dots are missing. I don’t see a dot on 216 W I St. After the newest historic resource survey was approved, a map was first produced that had errors, so staff should be aware that this map may not be correct.

However, I have always said that this map showing designated structures should not be included this in the DHCP. I think it should be a living document so that if here are additions or deletions the City doesn't have to reprint it and so people's copies won't have different versions.

Page 18 and 19 - The before and after photos do not show the success of Benicia's historic preservation program! These are just some older photos and more recent photos. The second photos on page 18 show inappropriate alterations and don't illustrate some sort of success. Also, the dates of the top photos stated that they are from 1977. The photo of the Majestic Theater is clearly not from 1977.

P 19 1st St. looking toward I St. – this photo wasn't taken from the same location, so it isn't a good comparison.

P 22 – Top paragraph states "The rear wall is sometimes the least important (except for free-standing landmark, those along waterfronts or certain institutional buildings)…" Why would a rear wall not be the least important for a "freestanding" landmark (could the consultant define this?) or along waterfront or the institutional building. If the point is that the back wall can't be seen from a public place, shouldn't it still remain the least important and not being able to be seen be the criteria and not whether it is along a waterfront, etc.?

P 22 – B states "Preservation is preferred, especially on Historic Landmark buildings." I recommend striking out "especially on Historic Landmark buildings." If preservation is preferred, it should be preferred on all buildings or no buildings. There should be consistency in the treatment of buildings.

P 22 and 23 – Shouldn't this also present a situation of a building on a corner lot? Which façade is considered primary – both?

P 24 – The three approaches refer to a "financial assistance" – who would be getting and giving such assistance? What form would this assistance take?

P 29 – Figure 14 doesn't show entire district. This map doesn't look accurate either. There's no boundary on the SW and it looks wrong on Gull Point.

P 34 – This appears to not allow dining on First St. – why would we want to do this? It says "A dining area should be located to the side or rear of a building. See the city for other potential locations." This seems very odd and I think it should be removed. This means that we couldn't have all of the outdoor seating that we have at restaurants with tables on First Street now. Also, the part that says "See the city for other potential locations" should be stricken. What would staff say if someone walked in and asked – what other locations? This seems odd and not appropriate.

P 34 – The section states that dining areas are to be "flush with the sidewalk." Does this mean not raised above the sidewalk? I don't understand why we would allow dining to the side of a building to be raised anyway or why a property owner would want it to be raised.

P 34 – It then says that if the dining area not on First St. isn't flush with the sidewalk, but is greater than 2 feet above the sidewalk, it should be set back at least 15 feet from the front façade. Why should this be and since most buildings not on First St. are of a different type (smaller and actually mostly single family homes), why would the not-flush dining need to be 15 feet from the front façade. Maybe this isn't appropriate in Benicia, but worked in another area with a different layout.

P 34 - Why does it say that "outdoor dining should be open to the sky?" What does that mean; diners can't have an umbrella, awning or any shade? What does that have to do with historic preservation?

Page 36 – Is this section proposing regulating fencing? Are we saying that the City will require design review and fees for fencing? This is currently not done and fences do not need building permits either. It should be clear that this is for advisory purposes only and that property owners will not be required to follow these standards or be charged fees for a review.

P 36 – This section states "Do not increase the height of a retaining wall or fence." Is this saying that a house or other building in the District is not allowed the increase the height of a wall or fence? I believe this should be removed. This does not appear to further the historic preservation of buildings or the district and presents an unfair requirement only to buildings in the district.

Page 37 – "Site Lighting" – would the addition of this section require that lighting on houses be subject to design review? It should be clear that this is for advisory purposes only and that property owners will not be required to follow these standards or be charged fees for a review.

P 39 – This section states "Do not damage or remove existing street trees." Trees are allowed to be removed under the municipal code and if trees are damaging sidewalks or other property, those trees should be removed. Perhaps more information could be added here or this section should be removed.

P 50 – This section states "The highest degree of historic integrity should be maintained when improving a historic property." This would unfairly financially burden historic property owners. Who decides what the "highest degree" is? This is not consistent with the Standards are replacement materials are allowed under various circumstances. This section also says "the method that requires the least intervention is always preferred." I recommend that "always" be removed. It would appear that cost should be a factor for the historic property owner.

P 58 – the word "Metal" is listed as a bullet point, when it appears to be a heading.

P 59 – Are the alternative materials recommended to be used? These types of materials (aluminum siding etc.) were not allowed on historic buildings in the past. Is Figure 64 indicating that "hardi-plank" is acceptable? In the past, I don't believe it was considered so.

P 62 – Some windows cannot be repaired and this section should acknowledge that.

P 62 – Windows – what about using wavy glass? Re-using historic glass should be encouraged. Also, any divided windows were required to be true-divided windows in the past.

P 66 - The section is correct that "Preservation of historic garages is encouraged, but isn't required." Since currently no mechanism exists for preserving accessory buildings, as none were adopted as "historic" by the Council, design review cannot be required for them. Section states "Garage doors and windows may be replaced with alternative material when they are located along an alley." Since this section is encouraging the preservation of historic garages, why would it state that "garage doors and windows may be replaced with alternative material when they are located along the alley?" The alley

may be the only place from which the public could view the garage/carriage house, so the alley façade would be the prominent, easily view-able wall. I think the writer of this section may not have realized that the alley is probably the only way to access these buildings and the only way the public could see them. 3.30 states "Maintain historic garage doors on the front of the building, when feasible." The front of the building, to the public, is the side facing the garage, it would seem. This contradicts 3.29 saying that the garage doors and windows could be replaced with other materials. If these buildings are encouraged to be preserved, then I suggested that it state that garage doors and windows may be replaced with alternative material when they cannot be seen from a public location. The next section (3.31) speaks about when replacing a garage door that faces the street. Perhaps this where it should say "that faces the street or alley." Where there are alleys in the District, the garages or carriage houses typically face them.

P 66 – This states that "a new garage door should not compete with the architectural style of the historic building." This is vague and open to a lot of interpretation. This section should be revised to indicate what the door should look like. How will staff or the public interpret "compete?"

P 67 and 69 – Light fixtures and gutters are currently not regulated. These sections should make clear that they are advisory. It is not financially feasible for most property owners to install wooden or even metal gutters. I don't want the light fixture and gutter police going around the District and regulating these items and charging property owners fees.

P 71 Section on paint – Paint for historical residences is currently not regulated. It is only regulated for non-historic due to a fluke when adding design review for these buildings. It should be clear that this is for advisory purposes only and that property owners will not be required to follow these standards or be charged fees for a review. Paint can always be changed. The section states "Using a historic color scheme is encouraged." Originally houses older than a certain time were painted entirely white as paint technology had not evolved. A "historic color scheme" may be a modern invention. Also, if houses were required to only have paint that was used during a certain time period, we never would have gotten San Francisco's Painted Ladies.

P 72 – It would be helpful if guidelines for accessibility for commercial building be included. How should buildings on First Street include accessibility so that the integrity of the District is protected?

P 74 – It would be helpful if this section provided suggestions for replacement a non-historic door with a more appropriate door in a commercial building. Many buildings on First St. do not have original doors.

P 80 – Some porches were enclosed decades ago and have obtained significance. The City should not require that already-enclosed historical porches be un-enclosed and this section does not call for that. Also, section 3.65 states "do not enclose an open porch." I recommend this refer to a porch that can be seen by the public or a front porch. If a back porch were enclosed that faces a private yard, the public wouldn't see it.

P 83 – Section 3.73 and 3.74 refer to allowing a residential building to be raised. Is this section allowing a single-story house to be raised to be a two-story house? This is currently not allowed. There was at least one building that was de-listed during the last survey due to being raised an entire level and being turned into a two-story house. This section appears to be allowing such raising, which I thought was not consistent with the Standards.

P 85 – This section should provide guidance on the size allowed for an addition to a historic building. During the last survey and designation process, at least two building were de-listed as a result of additions which were larger than the original building and another building was denied listing for this reason. Figure 101 appears to show a large addition that may be larger than the original house.

P 91 – What is the point of these photo montages? It seems like they should relate to a standard or some point that the document is making. Text should accompany the figures or else they are just photos with no meaning.

P 112 – The section states "The preferred location of a balcony is on the rear or secondary façade of the home." Some historic homes in Benicia include balconies on the front façade so this isn't unheard of, historically in the District. Also, this pushes the new balcony onto the back of a house which could result in the removal of privacy from all adjoining and even nearby yards as the new balcony creates a location from which those residents can easily look into other people's properties.

P 112 – and nearby sections – why not clarify that new additions or new construction should not place windows that look directly into historic or existing residence's windows or back yards? New additions should respect the layout of the existing neighborhood and privacy of residences.

Chapter 4 and overall DHCP – The previous DHCP had design guidelines for Lower First Street and Upper First Street and transitional areas. The Lower First and Upper First historical context seems to have been lost. Previously, this was considered important. Does the new plan address what was termed "transitional" areas anymore? If not, why not?

P 126 – Sustainability. This section should make it clear that it is partly advisory as landscaping is not included in design review for residential buildings.

P 143 – A-board signs – are they really that bad? Why say they "aren't appropriate on First Street"? These signs are already on First Street. Is this already in the BMC? If they aren't allowed, then staff would need to visit all the business owners with these signs on First Street now. Otherwise, why not take this out of the BMC and the design guidelines and let businesses have A-board signs. These signs can have information that is helpful to potential customers.

Also regarding signs, the updated regulatory table should be clear as to whom or what body approves signs. In the past, signs were not allowed to be approved by the HPRC, yet sign regulations are in the DHCP and signs can be very important to the aesthetics of the District. If a project is before the HPRC for design review approval, it doesn't make sense and doesn't seem fair to the applicant by forcing the

project to go before the PC also or to pay separate and more fees for sign review. Is this section consistent with the existing regulations for signs in the BMC? Does this supersede the BMC regarding signs? What if the guidelines are silent on a type of sign if the BMC is not?

P 155 – It looks like “Barber Pole” above the graphic was coped from previous page and the graphic should be labeled something else.

From: Brian Harkins
To: Suzanne Thorsen
Cc: Adrian Lopez
Subject: Comments Historic District Design Guidelines
Date: Wednesday, June 6, 2018 11:10:17 AM

Dear Suzanne,

Thank you for the opportunity to review the DOWNTOWN HISTORIC DISTRICT DESIGN GUIDELINES PUBLIC REVIEW DRAFT 04.06.2018. My comments are as follows:

General:

1. Explain the relationship of the CBC to the California Historic Building Code (CHBC). I believe the CHBC does not apply to non-contributing structures or new structures (ref CHBC Preface). Assuming that is correct, please state clearly that compliance to CBC is required and use of CBHC is not allowed for projects on non-contributing and new structures.

2. By definition non-contributing structures are not equal in historic value to contributing or landmark structures. Still, to benefit the Historic District it may be appropriate to require non-contributing structures to comply with certain guidelines. However, any guidelines that increase project costs should be justified considering other goal like reducing exposure to lead (and other toxic materials often present in older residential units), conserving energy, environmental sustainability, encouraging owners to perform basic property maintenance, low cost housing, and improving life safety (from falls, fire and seismic events).

3. Consider the Impact of historic preservation guidelines on the cost of multi-family housing. Particularly since owners of multi-family structures will likely pass costs for historic preservation on to tenants.

4. The document outline format is confusing. The relationship of guidelines to each other is not clear because the document lacks a traditional paragraph outline system. Specifically, clarify which guidelines are the topics, subtopics, sub-subtopics etc. Also provide cross references to reduce subjectivity and contradictions.

5. Ministerial guidelines are needed for decisions on changes to windows on historic and non-contributing structures. The consultant and staff should review and pre-approve specific materials, designs, and functional requirements to limit and clarify what is allowed and what is not allowed, without requiring subjective reviews by staff and HPRC. The current practice of paying fees, preparing staff reports, and submitting proposals for subjective HPRC review is burdensome to the community, yields inconsistent results, and is generally unproductive.

6. The Draft Guide lacks supporting references. In the Introduction please identify and cite references that serve as the fundamental basis for preservation requirements. Particularly for requirements that impact new construction and non-contributing structures that are also required by law and the Benicia Building Department to comply with current California Building Code (CBC).

7. Please cite references that allow and govern deviations from current building codes for purposes of historic preservation. Identify any limitations on the use of those references.

Additional comments with document references:

In the Table on Page 10 add a separate track to better focus guidelines for non-contributing structures instead of combining them with guidelines for new structures. Particularly since goals

and code status of non-contributing structures are not the same as new construction.

On pages 29 and 110 identify specific routine projects that can be approved by staff over the counter without design review, possibly to include upgrades to windows and roofing materials and other changes that comply with CBC, addition of solar panels, and maintenance painting. Historic preservation guidelines should be sufficiently clear so that routine projects can be approved by staff over the counter without requiring subjective reviews by HPRC. It is particularly important to provide the community with as many ministerial decisions as possible given recent fee increases effecting cost and the time and effort it requires to have HPRC review.

On Page 11, provide separate guidelines to cover existing non-contributing buildings, so that differences from new construction are identified and addressed appropriately and consistent with overall goals (reference general comments above). Existing structures face difficulties and complexities not found in new construction. Separate guidelines are required to ensure that all priorities are evaluated and considered on non-contributing and multi-family structures, not just historic preservation of the community as is currently the case at HPRC.

On Page 13, add specific citations for the sentence that reads "The New Construction Track applies to these properties, except as noted below."

On Page 18, provide words to explain the claim "the before and after photos show success of Benicia HPRC program."

On Page 97, clarify that "inappropriate materials" on this page apply to wall surfaces only, and not roofs. Composition shingles are valid options to meet cool roof and fire rating requirements in CBC.

On Page 136, add a note that deconstruction of structures built before 1978 must address risk of exposure to lead, asbestos and other toxic materials.

Please feel free to contact me if you have any questions about my comments.
Regards,

Brian Harkins
707-853-5108

17.108.010 Purposes.

Design review is intended to implement general plan policies. More specifically, the purposes of design review are to:

A. Ensure that the location and configuration of structures are visually harmonious with their sites and with surrounding sites and structures, and do not unnecessarily block scenic views from other buildings or public parks or dominate their surroundings to an extent inappropriate to their use;

B. Ensure that the architectural design of structures, their materials and colors are visually harmonious with surrounding development and with the natural landforms and vegetation of the areas in which they are proposed to be located;

C. Ensure that plans for the landscaping of open spaces conform with the requirements of this title, and that they provide visually pleasing settings for structures on the site and on adjoining and nearby sites and blend harmoniously with the natural landscape;

D. Prevent excessive and unsightly grading of hillsides, and preserve natural landforms and existing vegetation where feasible;

E. Ensure the provision of adequate, safe and efficient parking and circulation areas, which conform to the requirements of this title;

F. Provide a functional, efficient, and attractive site design which is sensitive to existing uses in the area and to the topography and conditions of the site;

G. Ensure that new development is consistent with specific design guidelines developed for use within the community, where applicable, and to any specific plan or planned development plan.

17.108.020 Applicability.

A. In an H Historic Overlay District. Design approval shall be required prior to issuance of a permit for any project that involves demolition, construction, or exterior alterations as provided in Section 17.108.030.

B. In All Other Districts. Design approval shall be required prior to issuance of a permit for all projects that involve new construction, exterior alterations and additions or requests for an exception to criteria.

C. Exemptions. The following projects are exempt from design review:

1. Single-family residences and related accessory buildings that are located outside of an H- overlay district, unless otherwise specified in an adopted planned development plan;

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2. Site alterations and buildings in the IL, IG, IW, and IP districts that are less than 50,000 square feet in gross floor area and do not require a use permit or variance;
3. Emergency shelters;
4. Accessory dwelling units; and
5. Signs.

17.108.030 Review responsibilities.

A. Administrative. The community development director shall be responsible for design review for the following applications:

1. In the industrial districts: for projects greater than 50,000 square feet of gross floor area;
2. Outside the industrial districts: for projects that involve construction of less than 2,500 square feet of floor area;
3. In a H- overlay district: for projects that are specified in Section 17.108.040;
4. Exceptions to criteria: for requests for exceptions to zoning criteria as specifically authorized in this Title.

B. Commission. The historic preservation review commission shall be responsible for design review of the following applications:

1. Projects that are not exempt as specified in Section 17.108.020 and that are not subject to administrative review.

2. In an H- overlay district: for projects that are specified in Section 17.108.040

3. Administrative projects that the community development director refers to the commission where the director determines that the project may substantially change the design of a building or character of a neighborhood; generate significant public interest; involve matters of public policy; or require other land use entitlements subject to approval by the zoning administrator or planning commission.

17.108.040 Design review in an H- Overlay District.

The design review procedures specified herein shall apply to exterior alterations of any structure in a H- overlay district; except for exterior alteration of a non-historic residence in the Eastern Residential Area of the Downtown Historic District or as modified by the Arsenal Historic Conservation Plan.

A. H- overlay exemptions. In addition to the exemptions of section 17.108.020, no design review shall be required for repairs and replacements of a minor, routine nature that do not modify the exterior appearance of a historic structure, as determined by the community development director, including the following activities:

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1. Emergency stabilization of an unsafe condition to address an imminent threat to public health and safety, without demolition;

2. Replacement of a roof when there are no structural or architectural changes;

3. Landscaping, fences or landscape features;

4. Projects that do not require a building or demolition permit;

5. Replacement of doors or windows that restore a building to its original materials and design.

B. Administrative. The community development director shall review any project in an H-overlay district that is not subject to review by the historic preservation review commission as specified herein. The director shall refer a project to the commission for a public hearing upon a determination that it does not conform to the adopted design guidelines for the historic district.

C. Commission. The historic preservation review commission shall review projects that would:

1. Demolish, partially demolish or remove a historic structure;

2. Relocate a historic structure;

3. Remove, destroy, alter or obscure a character-defining feature of a historic structure as determined by the community development director;

4. Install alternative (non-original) exterior building materials on a historic structure as such materials are described in the adopted design guidelines;

5. Alter the primary or highly visible secondary façade for any historic structure; or

6. Construct a building or new addition that is visible from the public street, except as otherwise specified in Section 17.108.020.C.

17.108.050 Procedures.

A. Initiation. A design review project shall be initiated by filing a completed application, signed by the property owner or authorized agent, accompanied by a fee established by city council resolution, and such plans and documentation as shall be prescribed by the community development director.

B. Public notice.

1. Administrative. Notice of pending administrative action shall be given to owners of property located within 100 of the subject property and posted prominently on the project site. Notice shall be provided at least 10 days prior to the administrative action on a form set by the community development director and shall include the project location, a description of the project, a reference to materials on file in the

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community development department, a statement that any interested party may provide comment, and a date on which the decision is to be made.

2. Commission. A public hearing shall be required for design review by the historic preservation review commission. Notice of public hearing shall be given pursuant to the procedures prescribed herein and the requirements of California Government Code sections 65090 and 65091.

a. Posted Notice. Notices shall be posted at least 10 days prior to the hearing on the site of the project.

b. Mailed or Delivered Notice. At least 10 days prior to the hearing, notice shall be mailed to the applicant and all owners of property within 500 feet of the boundaries of the site, as shown on the last equalized property tax assessment roll.

C. Decision. A decision to approve, conditionally approve, or deny an application shall be based on the findings that the application is in compliance with the purposes of this chapter and any applicable design guidelines or planned development plan. Any conditions imposed shall be reasonable and designed to assure attainment of the purposes and standards established by this title. Changes in a project required as a condition of approval shall not include use, density, floor area ratio, parking, or loading requirements more restrictive than those prescribed by applicable district regulations or a valid use permit or variance.

D. Applications deemed withdrawn. The community development director may deem an application withdrawn if the applicant has been notified that more information is needed to process the application and there is no submittal of new or revised information to complete the application for a period of 120 days, unless the community development director determines there is good reason to grant a further extension to provide the needed information.

17.108.090 Effective date – Lapse and renewal – Alterations.

A. Effective Date. Design review decisions shall become effective at the end of the appeal period, unless appealed as provided in Chapter 1.44 BMC.

B. Lapse of Approvals. Design approval shall lapse two years from its effective date unless:

1. A building permit has been issued and construction diligently pursued; or

2. An occupancy permit has been issued; or

3. The approval is renewed.

C. Renewal. The community development director may renew design approval for a period of one year upon determining that the findings made remain valid. Application

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shall be made in writing prior to the lapse of the original approval, but no more than 120 days prior to that date.

D. Changed Plans. The community development director may approve changes to approved plans or in conditions of approval without a public hearing upon determining that the changes in conditions are minor and are consistent with the intent of the original approval. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications.

17.108.100 Appeals.

A. Rights of Appeal and Review. Design review decisions of the community development director may be appealed by any interested party to the historic preservation review commission. Design review decisions of the historic preservation review commission may be appealed, by any interested party, to the planning commission.

B. Procedures – Public Hearings. Procedures for appeals shall be as prescribed by Chapter 1.44 BMC.

C. Limits on Appeals. Appeal decisions of the historic preservation review commission shall be final.

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17.108.010 Purposes.

Design review is intended to implement general plan policies. More specifically, the purposes of design review are to:

A. Ensure that the location and configuration of structures are visually harmonious with their sites and with surrounding sites and structures, and do not unnecessarily block scenic views from other buildings or public parks or dominate their surroundings to an extent inappropriate to their use;

B. Ensure that the architectural design of structures, their materials and colors are visually harmonious with surrounding development and with the natural landforms and vegetation of the areas in which they are proposed to be located;

C. Ensure that plans for the landscaping of open spaces conform with the requirements of this title, and that they provide visually pleasing settings for structures on the site and on adjoining and nearby sites and blend harmoniously with the natural landscape;

D. Prevent excessive and unsightly grading of hillsides, and preserve natural landforms and existing vegetation where feasible;

E. Ensure the provision of adequate, safe and efficient parking and circulation areas, which conform to the requirements of this title;

F. Provide a functional, efficient, and attractive site design which is sensitive to existing uses in the area and to the topography and conditions of the site;

G. Ensure that new development is consistent with specific design guidelines developed for use within the community, where applicable, and to any specific plan or planned development plan.

17.108.020 Applicability.

A. In an H Historic Overlay District. Design approval shall be required prior to issuance of a ~~zoning~~ permit for ~~all~~ any project~~s~~ that involves demolition, construction, or exterior alterations as provided in Section 17.108.030.

B. In All Other Districts. Design approval shall be required prior to issuance of a ~~zoning~~ permit for all projects ~~in all other zones~~ that involve new construction, ~~or~~ exterior alterations and additions or requests for an exception to criteria. ~~, except single-family residences and related accessory buildings, buildings in the IL, IG, IW, and IP districts that are less than 50,000 square feet, emergency shelters subject to BMC 17.70.390(D), and signs.~~

C. Exemptions. The following projects are exempt from design review:

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1. Single-family residences and related accessory buildings that are located outside of an H- overlay district, unless otherwise specified in an adopted ~~conservation plan or~~ planned development plan;
2. Site alterations and buildings in the IL, IG, IW, and IP districts that are less than 50,000 square feet in gross floor area and do not require a use permit or variance;
3. Emergency shelters;
4. Accessory dwelling units; and
5. Signs.

17.108.030 ~~Sequence of design review~~. Review responsibilities.

A. ~~By the Community Development Director~~ Administrative. The community development director shall be responsible for design review for the following applications:

1. In the industrial districts: for projects greater than 50,000 square feet of gross floor area ~~in the IG, IL, IW and IP districts~~;
2. Outside the industrial districts: for ~~and for~~ projects ~~outside the industrial districts~~that involve construction of less than 2,500 square feet of floor area;
3. In a H- overlay district: for projects that are specified in Section 17.108.040;
4. Exceptions to criteria: for requests for exceptions to zoning criteria as specifically authorized in this Title, ~~authorize reductions in stall size per BMC 17.74.100 B; timing of construction for an accessory structure, projection of detached garage in the RS District, separation between buildings per BMC 17.70.050 A; and an increase in lot coverage to accommodate an accessory dwelling unit per BMC 17.70.060 D.2.~~

B. ~~By the Historic Preservation Review Commission~~ Commission. The historic preservation review commission shall be responsible for design review of the following applications ~~in the RS (nonresidential structures only), RM, RH, C, OS, PS, PD and the H overlay districts, for~~:

1. ~~p~~Projects that are not exempt as specified in Section 17.108.020 and that are not subject to c~~ommunity development director~~ administrative review.

2. In an H- overlay district: for projects that are specified in Section 17.108.040

3. Administrative projects that the community development director refers to the commission where the director determines that the project may substantially change the design of a building or character of a neighborhood; generate significant public interest; involve matters of public policy; or require other land use entitlements subject to approval by the zoning administrator or planning commission. ~~The historic preservation review commission shall hold a public hearing, as provided in BMC~~

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~~17.108.080, and shall approve, conditionally approve, or disapprove applications for design approval. Decisions of the design review commission may be appealed to the planning commission in accordance with Chapter 1.44 BMC.~~

~~Design review shall consist of two steps:~~

~~A. Preliminary consultation between the project sponsor and the community development director to discuss design guidelines and establish design criteria applicable to the site and use.~~

~~B. Design review by the community development director or the historic preservation review commission, as prescribed by this chapter. Approval shall require the findings prescribed in BMC 17.108.040(A).~~

17.108.040 ~~Scope of design review.~~ Design review in an H- Overlay District.

The design review procedures specified herein shall apply to exterior alterations of any structure in a H- overlay district; except for exterior alteration of a non-historic residence in the Eastern Residential Area of the Downtown Historic District or as modified by the Arsenal Historic Conservation Plan.

A. H- overlay exemptions. In addition to the exemptions of section 17.108.020, no design review shall be required for repairs and replacements of a minor, routine nature that do not modify the exterior appearance of a historic structure, as determined by the community development director, including the following activities:

1. Emergency stabilization of an unsafe condition to address an imminent threat to public health and safety, without demolition;

2. Replacement of a roof when there are no structural or architectural changes;

3. Landscaping, fences or landscape features;

4. Projects that do not require a building or demolition permit;

5.Replacement of doors or windows that restore a building to its original materials and design.

B. Administrative. The community development director shall review any project in an H-overlay district that is not subject to review by the historic preservation review commission as specified herein. The director shall refer a project to the commission for a public hearing upon a determination that it does not conform to the adopted design guidelines for the historic district.

C. Commission. The historic preservation review commission shall review projects that would:

1. Demolish, partially demolish or remove a historic structure;

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2. Relocate a historic structure;

3. Remove, destroy, alter or obscure a character-defining feature of a historic structure as determined by the community development director;

4. Install alternative (non-original) exterior building materials on a historic structure as such materials are described in the adopted design guidelines;

5. Alter the primary or highly visible secondary façade for any historic structure; or

6. Construct a building or new addition that is visible from the public street, except as otherwise specified in Section 17.108.020.C.

~~A. Required Findings. Design approval shall require a finding that the design of a project is consistent with the purposes of this title.~~

~~B. Limits on Conditions Required. Changes in a project required as a condition of design approval shall not include use, density, FAR, private open space, parking, or loading requirements more restrictive than those prescribed by applicable district regulations or a valid use permit or variance.~~

17.108.050 ~~Initiation of design review.~~ Procedures.

A. Initiation. A design review project shall be initiated by filing a completed application, signed by the property owner or authorized agent, accompanied by a fee established by city council resolution, and such plans and documentation as shall be prescribed by the community development director. Projects in an H-overlay district that are exempt from design review as provided in section 17.108.040 shall be subject to staff review and a fee, established by city council resolution, to evaluate the exemption and determine compliance with the purposes of this chapter.

B. Public notice.

1. Exempt. No notice shall be required for projects that are exempt from design review.

2. Administrative. Notice of pending administrative action shall be given to owners of property located within 100 feet of the subject property and posted prominently on the project site. Notice shall be provided at least 10 days prior to the administrative action on a form set by the community development director and shall include the project location, a description of the project, a reference to materials on file in the community development department, a statement that any interested party may provide comment, and a date on which the decision is to be made.

3. Commission. ~~The historic preservation review commission shall hold a public hearing, as provided in BMC 17.108.080, and shall approve, conditionally approve, or disapprove applications for design approval.~~ A public hearing shall be required for design review by the historic preservation review commission. Notice of public

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hearing shall be given pursuant to the procedures prescribed herein and the requirements of California Government Code sections 65090 and 65091.

a. Posted Notice. Notices shall be posted at least 10 days prior to the hearing on the site of the project.

b. Mailed or Delivered Notice. At least 10 days prior to the hearing, notice shall be mailed to the applicant and all owners of property within 500 feet of the boundaries of the site, as shown on the last equalized property tax assessment roll.

C. Decision. A decision to approve, conditionally approve, or deny an application shall be~~. All decisions shall be~~ based on the findings that the application is in compliance with the purposes of this chapter ~~required by BMC~~ ~~17.108.040~~ and any applicable design guidelines or planned development plan. Any conditions imposed shall be reasonable and designed to assure attainment of the purposes and standards established by this title. Changes in a project required as a condition of ~~design~~ approval shall not include use, density, ~~FAR~~ floor area ratio, ~~private open space,~~ parking, or loading requirements more restrictive than those prescribed by applicable district regulations or a valid use permit or variance.

D. Applications deemed withdrawn. The community development director may deem an application withdrawn if the applicant has been notified that more information is needed to process the application and there is no submittal of new or revised information to complete the application for a period of 120 days, unless the community development director determines there is good reason to grant a further extension to provide the needed information.

~~A. Preliminary Consultation. Preliminary consultation shall be initiated by requesting an appointment with the community development director or a designated representative.~~

~~B. Design Review. Design review shall be initiated by filing the following with the community development director:~~

~~1. A completed application form; and~~

~~2. Six sets of t~~The following ~~information~~:

~~a. A fully dimensioned site plan showing the locations of existing and proposed structures, driveways, walks, walls, fences and open spaces, property lines, right-of-way lines, dedications and easements, and the relation of the site to the surrounding area;~~

~~b. A fully dimensioned landscape plan including specification of landscape species and sizes as if required by BMC~~ ~~17.70.190~~;

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c. An improvement plan or preliminary engineering plan including stormwater management;

d. Scaled building elevations that depict existing and proposed buildings or alterations. Building materials shall be specified. The community development director may additionally require Architectural drawings, renderings, or sketches drawn to scale showing elevations of proposed structures and describing exterior materials. P color elevations, photo simulations, perspective drawings or scale models in order to aid the community understanding of the project also may be required at the discretion of the community development director;

d. Floor plans showing the proposed use and exterior wall openings;

e. Roof plans and Pproposed screening of all exterior equipment and electrical equipment including specification of materials;

f. Photometric plans and proposed exterior lighting fixtures using catalog cuts or sketches; and

g. Samples, catalog cuts or manufacturer's specifications or descriptions of all proposed exterior materials and paint colors, including surfacing materials for paved areas.

C. Consolidated Review. An applicant may request simultaneous design review and approval of development plans under Chapter 17.112 BMC if:

1. Development plans and materials are submitted in lieu of, or in addition to, plans and materials required for design review;

2. All other requirements for a zoning permit have been met; and

3. The applicant acknowledges in writing an understanding of the risk of loss if development plans are disapproved or substantial redesign is required. (Ord. 87-4 N.S., 1987).

17.108.060 Review responsibilities.

Except as modified by an adopted conservation plan the following review responsibilities will apply:

A. By the Community Development Director. The community development director shall be responsible for design review for the following applications:

1. In the industrial districts: for projects greater than 50,000 square feet of gross floor area in the IG, IL, IW and IP districts;
2. Outside the industrial districts: for and for projects outside the industrial districtsthat involve construction of less than 2,500 square feet of floor area;

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3. Exceptions to criteria: for requests for exceptions to zoning criteria, authorize reductions in stall size per BMC 17.74.100 B; timing of construction for an accessory structure, projection of detached garage in the RS District, separation between buildings per BMC 17.70.050 A; and an increase in lot coverage to accommodate an accessory dwelling unit per BMC 17.70.060 D.2.

B. By the Historic Preservation Review Commission. The historic preservation review commission shall be responsible for design review in the RS (nonresidential structures only), RM, RH, C, OS, PS, PD and the H overlay districts, for of projects not subject to community development director review. The historic preservation review commission shall hold a public hearing, as provided in BMC 17.108.080, and shall approve, conditionally approve, or disapprove applications for design approval. Decisions of the design review historic preservation review commission may be appealed to the planning commission in accordance with Chapter 1.44 BMC.

17.108.070 Review process and time limits.

A. Prerequisite for Review. Unless an applicant selects consolidated review, as provided in BMC 17.108.050(C), review of development plans shall follow design review.

B. By Community Development Director (IG, IL, IW, and IP Districts). The community development director shall review plans submitted for design approval within 30 days of receipt and u shall approve, conditionally approve, or disapprove the plans. Within five working days after a decision, notice shall be mailed to the applicant.

C. By Design Review Commission (R, C, OS, PS and PD Districts, and H Overlay District). After a duly noticed public hearing, the design review commission shall approve, conditionally approve or disapprove the plans. Within five working days of a design review commission decision, the secretary of the commission shall mail notice of the decision to the applicant.

D. Action Required. All decisions shall be based on the findings required by BMC 17.108.040. Any conditions imposed shall be reasonable and designed to assure attainment of the purposes and standards established by this title.

17.108.080 Notice and public hearing by historic preservation review commission.

A. Time of Hearing. Within three working days after acceptance of a complete application for design review, the community development director shall set a date, time, and place for the hearing. A public hearing shall be held within 60 days of receipt of the application, unless the applicant agrees to a later date.

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~~B. Notice. Notice of a public hearing required by this chapter shall be given in the following manner:~~

~~1. Posted Notice. Notices shall be posted at least 10 days prior to the hearing on the site of the project.~~

~~2. Mailed or Delivered Notice. At least 10 days prior to the hearing, notice shall be mailed to the applicant and all owners of property within 500 feet of the boundaries of the site, as shown on the last equalized property tax assessment roll.~~

~~C. Public Hearing. At the time and place set for the public hearing, the commission shall hear comments on the proposed design. The commission may continue a public hearing without additional notice.~~

17.108.090 Effective date – Lapse and renewal – Alterations.

A. Effective Date. Design review decisions shall become effective at the end of the appeal period, unless appealed as provided in Chapter 1.44 BMC.

B. Lapse of Approvals. Design approval shall lapse two years from its effective date unless:

1. A building permit has been issued and construction diligently pursued; or
2. An occupancy permit has been issued; or
3. The approval is renewed.

C. Renewal. The community development director ~~or the historic preservation review commission, as the case may be,~~ may renew design approval for a period of one year upon determining that the findings made remain valid. Application shall be made in writing prior to the lapse of the original approval, but no more than 120 days prior to that date.

D. Changed Plans. The community development director ~~or the historic preservation review commission, as the case may be,~~ may approve changes to approved plans or in conditions of approval without a public hearing upon determining that the changes in conditions are minor and are consistent with the intent of the original approval. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications.

17.108.100 Appeals.

A. Rights of Appeal and Review. Design review decisions of the community development director may be appealed by any interested party to the historic preservation review commission. Design review decisions of the historic preservation review commission may be appealed, by any interested party, to the planning commission.

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B. Procedures – Public Hearings. Procedures for appeals shall be as prescribed by Chapter 1.44 BMC.

C. Limits on Appeals. Appeal decisions of the historic preservation review commission shall be final.

~~17.108.110 Design review guidelines.~~

~~The historic preservation review commission may adopt guidelines for design review consistent with the purposes of this chapter to facilitate the review process.~~

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