

**AGENDA ITEM
 HISTORIC PRESERVATION REVIEW COMMISSION
 MEETING DATE – MAY 24, 2018
 BUSINESS ITEMS**

TO : Historic Preservation Review Commission

SUBJECT : **PROCEDURAL RECOMMENDATIONS: DOWNTOWN HISTORIC DISTRICT DESIGN GUIDELINES**

EXECUTIVE SUMMARY:

The City 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. The consultant for the design guidelines, Winter & Co., has provided design review procedural recommendations for the city’s consideration. A summary of the recommendations, as well as public comments received to date, is provided for discussion.

RECOMMENDATION:

Provide feedback regarding procedural recommendations for design review.

BACKGROUND:

The design guidelines for the Downtown Historic District were established in 1990 with the adoption of the DHCP. The downtown design guidelines are being updated with a Certified Local Government (CLG) grant 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.

In April, 2018 the public review draft of the guidelines was released. The HPRC will have the opportunity to further discuss the draft design guidelines under a separate agenda item at its May 24, 2018 meeting.

GENERAL PLAN:

General Plan	<p>Goal 3.1: Maintain and enhance Benicia’s historic character</p> <ul style="list-style-type: none"> ➤ 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.
---------------------	---

INFORMATION

The new guidelines document would provide improved information to the community and ensure consistent review standards. As part of the design guidelines update, Title 17 (Zoning) of the Benicia Municipal Code (BMC) will be amended to update and clarify the design review procedures for the downtown historic district. The HPRC will make a recommendation to the City Council regarding adoption of the historic design guidelines and BMC amendments at a public hearing on June 28, 2018.

Upon completion of the project, procedural requirements will be located in the Benicia Municipal Code and will no longer be embedded in the guidelines.

Ad Hoc Advisory Group

The Ad Hoc Advisory Group reviewed current design review procedures during their meetings on March 16 and April 22, 2018. The consensus of participants (which also included interested community members) was that design review procedures should accomplish the following:

- Encourage early consultation.
- Encourage maintenance and facilitate stabilization of unsafe conditions.
- Establish procedures that allow people to avoid public hearings for minor projects.
- Require design review for exterior alterations.
 - Staff level review may be appropriate where there the original appearance is retained (or where there is a return to historic materials);
 - HPRC hearings are appropriate where alteration is highly visible, affects primary façade, etc.
- Eliminate design review requirement where another review process takes precedence (e.g., tree removal, public art), unless the action would alter a historic structure.

Online Public Comment

The city invited online public comment regarding design review procedures and preferences from April 19 to May 6, 2018. A total of 30 responses were received from participants who included residents or employees of the historic district, but also those who live outside of the historic district.

The public hearing process for design review was cited as a factor in decision-making about a potential project with the primary concerns being financial cost, time/project delays, and the predictability of the outcome. Respondents generally support administrative procedures for design review. Most respondents support some level of design review for exterior changes and new construction on historic buildings, and new construction relating to non-historic buildings.

The general theme of additional comments was a support for historic preservation, a desire to support property owners in maintaining their buildings and a preference for objective information.

Procedural Recommendations

The consultant provided recommendations for design review procedures. In general, the recommendations include the following:

- Clarify applicability of design guidelines;
- Eliminate distinction between major and minor projects;
- Revise design review requirements for paint;
- Conduct commission-level review of alterations to historic landmarks and to the primary/highly visible secondary sides of other structures;
- Provide clarity around the exemption for routine maintenance and repairs.

Initial Staff Recommended Framework

Staff will be drafting the text of proposed amendments to Chapter 17.108 Design Review based on the HPRC's direction and present the amendments on June 28. To assist this discussion and direction, staff recommends the following considerations and approach for the design review process.

Purpose/Approach

Based on HPRC and public comment, the overall objective for the downtown historic district is to preserve existing historic and landmark buildings. A secondary objective is to encourage property owners to renovate existing historic and landmark buildings and restore those buildings to their original materials and design. A third objective is to provide a framework and guidelines for property owners when designing remodels, additions, or new buildings.

Process

To accomplish the objectives outlined above, the consultant and staff recommend creating an easy, inexpensive path or procedure for any project that preserves and/or restores original materials and architectural features to an existing building or structure. Similarly, staff and the consultant recommend requiring HPRC review and approval for all new construction, new additions on First Street, and any project that does not comply with the new design guidelines. This approach will ensure that new construction and projects that deviate from the design guidelines are subject to extra scrutiny, a noticed public hearing, and the HPRC's consideration. Through this process, the HPRC could choose to approve a project that does not fully comply with the guidelines if the Commission finds the overall project provides benefits to the historic district.

To address projects between these two ends of the spectrum, the consultant and staff recommend creating two administrative processes. One process would require notice, but not a hearing, for additions and alterations to primary facades of residential structures that meet the design guidelines. The second process would be administrative (staff level) design review that requires both a notice and public hearing for changes to the rear or side of non-single family residential structures and signs that meet the design guidelines. In both cases, the staff level decisions could be appealed to the HPRC. In addition, staff would have the discretion to elevate a decision to the HPRC.

Finally, staff and the consultant recommend requiring HPRC approval for any project that requires other discretionary approval in the historic district. For example, if a project requires a variance, use permit, or subdivision, the HPRC would review proposed design changes.

Next Steps

Following the HPRC's discussion, staff will prepare an outline for draft amendments to BMC Chapter 17.108 Design Review, which will be presented concurrently with the public hearing process for the design guidelines.

ATTACHMENTS:

1. Procedural Recommendation memo
2. Summary of Ad Hoc Advisory Group feedback
3. Summary of online community feedback

For more information contact: Suzanne Thorsen, Principal Planner

Phone: 707.746.4382

E-mail: SThorsen@ci.benicia.ca.us



MEMORANDUM

TO: Suzanne Thorsen
CC: Shawna Brekke-Read, Adrian Lopez, Noré Winter, Marcia Klopf,
FROM: Julie Husband
DATE: May 15, 2018
RE: Benicia Design Review Procedures Recommendations.

Winter & Company has identified the following design review procedures recommendations. These consider the public comment gathered online by the City, Design Guidelines Update Public Open House and Advisory Group. They also consider the structure of the existing Design Review and Approval Process from the 1990 Downtown Historic Conservation Plan.

The design review procedures recommendations are presented in the following categories: introductory text, organization, and topic changes.

Introductory text changes

- Clean up the introductory text to reflect changes noted below and use correct terminology. Also, clearly identify where the design guidelines apply, the review authorities and the design guidelines take precedence over form-based code where conflict may occur.

Design Review Procedures Chart Organization:

- Consolidate the tables on pages 28 & 29. It appears unnecessary to identify minor and major projects.
- Add a column to identify those projects that are exempt from review.
- Remove references to land use.
- Incorporate Landmarks, contributing and noncontributing buildings as appropriate.

Topic changes to chart:

- Painting/Color update to reflect the following for Landmarks, contributing, and noncontributing buildings:
 - All paint color should be reviewed administratively until a paint palette is adopted, unless there isn't a change in color.
 - All projects along 1st Street should be reviewed even once a paint palette is adopted.

- Exterior Alterations
 - Alterations to Landmarks should be reviewed by HPRC.
 - Alterations to rear and secondary elevations on contributing and noncontributing buildings could be reviewed by staff, provide DG chart that identifies these locations (this excludes additions-see new construction below).
 - Clarify new construction includes new buildings, and additions to Landmarks, contributing, and noncontributing buildings. These should be reviewed by HPRC.
 - Foundation replacements to address seismic issues could be reviewed by staff.
 - Ancillary structures could be reviewed by staff.
 - Fences could be reviewed by staff.

- Routine Maintenance and Repairs
 - Replacement of in-kind materials (trim, siding, doors or windows): clarify this action is only exempt if the replacement of in-kind material is for historic fabric and the historic fabric is beyond repair. This action doesn't apply to replacing non-historic fabric with in-kind non-historic fabric on a contributing building.

	Project Types in Current Framework	Agree	Disagree	Summary of Comments
Currently Exempt	Routine maintenance	X		There is general agreement that routine maintenance should be exempt from design review. It is important to clearly define the parameters of routine maintenance; consider thresholds such as whether a building permit would be required or whether the work would require the expertise of a contractor. An overarching comment is that maintenance should be encouraged and this exemption should not be unnecessarily complicated to administer.
	Repairs of emergency nature - unsafe building	X		The group commented that this exemption should really be focused toward stabilization of an unsafe condition, but that at the earliest opportunity there should be review by the HPRC if the repair would result in a change to the structure. There is a need to educate people about the types of activities that require a building permit. The term "emergency" should be defined.
	Painting	X	X	The participants commented that the current structure of exemptions for painting does not make sense. They commented that in general, painting should be an exempt activity and that more informational resources about period-appropriate paint colors should be available. Again, an overarching theme of the discussion was to avoid creating barriers to maintenance. A suggestion was made to put this information on the city webpage. There were some comments that a change in paint colors in the commercial downtown should require design review.
	Reroofing with same material	X		The group had consensus about re-roofing as an exempt activity but clarified that it should not result in changes to the pitch, eaves, overall appearance. Some consideration for solar shingles and reversion to historical materials should be provided.
	Replace siding/trim/windows/doors with same	X	X	There was general consensus that it discouraging to require Design Review for replacement of aluminum windows with wood and that more staff discretion should be provided to facilitate the changes that are encouraged. Like-for-like replacement should not require design review; if the replacement is of the same material and generally consistent appearance it should be exempt. Some participants commented that there should be an emphasis on the visual context and overall appearance rather than the material of the window or door specifically. Historic doors should be retained where feasible. In addition to the discussion prompts, the group discussed an overall interest in providing clarity around the design review

Attachment 2 - Summary of Ad Hoc Advisory Group Feedback

				procedures, encouraging early consultation, and establishing administrative or task force level review to avoid public hearings for minor projects.
	Painting Historic Structures (new color)	X	X	See painting above.
	Accessory Dwelling Unit (state law)	N/A		
Currently Require Design Review	Painting non-historic structures (new color)	X	X	See painting above.
	Any exterior alteration regardless of historic designation	X		The group commented that some level of design review should be required. Focus on primary/most visually prominent part of the building and potential impact on landmark; example, corner building. Primary façade alteration should require design review. Staff level may be appropriate for retain/return to original appearance, consistent with guidelines, and changes to secondary/rear elevations. Reward preservation efforts by streamlining to the extent possible.
	New construction - all	X		Participants felt that small additions and secondary structures that do not impact primary façade should be done at staff levels. Additions/new construction that are highly visible should have HPRC design review.
	Signs			<i>(Did not discuss)</i>
	Sidewalks/public encroachment		X	There was consensus that temporary encroachments should not require design review. Permanent changes, such as parklets, should go have design review.
	Tree removal		X	The group commented that this is already being reviewed through tree removal permit – Planning involvement does not add value; there should not be design review.
Currently Unclear	Landscaping & Fences	X		The participants stated that fences on a primary façade property line should have design review at staff level. If a fence doesn't meet the guidelines maybe it should go to the HPRC. Front fencing especially should match the neighborhood
	Monuments		X	Participants stated that monuments probably need design review. They should not obstruct views of the primary structure or attach to a historic building.

Attachment 2 - Summary of Ad Hoc Advisory Group Feedback

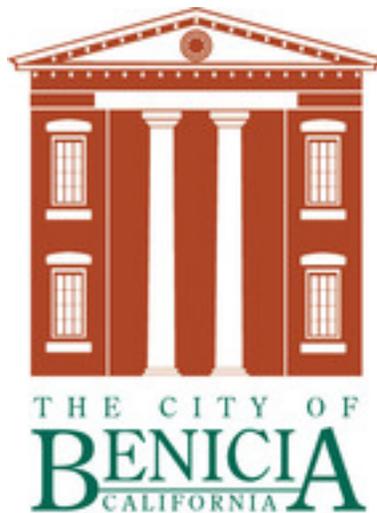
	Art Installations		X	Advisory group members stated that Design Review probably isn't necessary most of the time -discussion about current commissions/processes. If it is in an area that hasn't already been designated for public art or would impact a landmark or contributor (such as obscure primary façade or be painted on the building) then HPRC should be involved.
--	-------------------	--	---	---

Evaluating City Procedures for Design Review

Obtain public comment on design review procedures and preferences, which will be used to help develop recommendations to the Historic Preservation Review Commission

All Responses sorted chronologically

As of May 9, 2018, 8:03 AM



Benicia Town Hall is not a certified voting system or ballot box. As with any public comment process, participation in Benicia Town Hall is voluntary. The responses in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

Evaluating City Procedures for Design Review

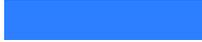
Obtain public comment on design review procedures and preferences, which will be used to help develop recommendations to the Historic Preservation Review Commission

Responses

Which of the following apply to you? Check all that apply.

		%	Count
I live in the Downtown Historic District.		23.3%	7
I own property in the Downtown Historic District.		26.7%	8
I own a business or work in the Downtown Historic District.		20.0%	6
I live in Benicia, but not in the Historic District.		70.0%	21
I plan to purchase or occupy property in the Downtown Historic District		13.3%	4

If you own property in the Downtown Historic District, do you plan to do one or more of the following to your property in the next 3-5 years? Check all that apply.

		%	Count
Build an addition		5.0%	1
Build a new detached garage or accessory dwelling		20.0%	4
Renovate the interior of the building		15.0%	3
Renovate the exterior of the building		15.0%	3
None of the above		75.0%	15

Have you applied for or obtained design review for an application in the historic district?

		%	Count
Yes		20.0%	6

Evaluating City Procedures for Design Review

Obtain public comment on design review procedures and preferences, which will be used to help develop recommendations to the Historic Preservation Review Commission

		%	Count
No		80.0%	24

Would you decide whether to complete work on a building in the Historic District on the basis of whether a public hearing for design review approval is required?

		%	Count
Yes		56.7%	17
No		43.3%	13

What concerns do you have related to public hearing design review procedures? Check all that apply.

		%	Count
Financial Cost		76.7%	23
Time/Project delays		86.7%	26
Ability to predict outcome of design review		63.3%	19
Participating in public hearing/public speaking		33.3%	10
None		6.7%	2
Other		23.3%	7

How do you feel about administrative (staff level) design review without a public hearing for certain types of projects that meet the design guidelines? Check all that apply

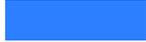
		%	Count
I prefer this procedure always		33.3%	10
I prefer this procedure if it saves money		63.3%	19

Evaluating City Procedures for Design Review

Obtain public comment on design review procedures and preferences, which will be used to help develop recommendations to the Historic Preservation Review Commission

		%	Count
I prefer this procedure if it saves time		60.0%	18
I do not prefer this procedure because design review should require a public hearing		13.3%	4
I am indifferent/prefer not to answer		6.7%	2

What types of projects do you think should require design review on a historic building in the Historic District? Check all that apply.

		%	Count
Maintenance and repair		23.3%	7
Emergency repairs (due to earthquake, fire, etc.)		20.0%	6
New color scheme (painting) - historic residence		53.3%	16
New color scheme (painting) - historic commercial		56.7%	17
Changing roof material or color		56.7%	17
Changing the material, style or size of windows or doors		53.3%	16
Changing or removing an architectural detail		76.7%	23
A new accessory building		60.0%	18
A new building addition		80.0%	24
Other		13.3%	4

What types of projects do you think should require design review on a non-historic building in the Historic District? Check all that apply.

Evaluating City Procedures for Design Review

Obtain public comment on design review procedures and preferences, which will be used to help develop recommendations to the Historic Preservation Review Commission

		%	Count
Maintenance and repair		16.7%	5
Emergency repairs (due to earthquake, fire, etc.)		20.0%	6
New color scheme (painting) - historic residence		26.7%	8
New color scheme (painting) - historic commerical		30.0%	9
Changing roof material or color		23.3%	7
Changing the material, style or size of windows or doors		26.7%	8
Changing or removing an architectural detail		40.0%	12
A new accessory building		66.7%	20
A new building addition		73.3%	22
Other		16.7%	5
