

Proposed Amendments shown as Mark-Up

Benicia General Plan, Land Use and Growth Management (pp. 23-24)

The pattern of general plan land uses is reflected in the pocket diagram at the back of the document. The largest category is industrial (31%), followed closely by parks/open space (25%) and residential (21%). Non-industrial/commercial uses represent a relatively small portion (3%). This pattern indicates the community's priorities in terms of types of land uses within the city limits. The ~~new~~ general plan slightly shifts the existing pattern of land use in the northern area toward more open space (refer to Appendix B - Land Use Changes). This reflects the community's desire to contain development and grow at a slower rate.

It is the intent of this General Plan that land be used efficiently to reduce traffic, preserve land at urban fringes, reduce infrastructure costs, and minimize the loss of farmland, wetlands, and open space. By doing these things, it is hoped that Benicia can avoid the costs of sprawl and erosion of the quality of life.

For each category of land, the General Plan must establish standards of population density and building intensity. For residential land, the Plan will stipulate densities in housing units per gross acre. Potential population density will be obtained by multiplying the number of units per acre by the number of persons per unit (three persons/unit for low density, two persons/unit for medium and high density. In the event of a discrepancy between residential units per acre and persons per acre, the unit density—and not the population density—will govern.)

For nonresidential uses, the Plan specifies a maximum Floor Area Ratio (FAR), calculated as the ratio of gross floor area to site area.

An adequate supply of housing, and land zoned to accommodate future housing need, is an essential element of community sustainability. A land use plan that accommodates housing uses in compatible infill settings is consistent with the overarching goals and specific policies of this General Plan. Accordingly, where sites are specifically identified in the Housing Opportunity Sites Inventory of the current adopted Housing Element, residential use at the density specified within the Housing Element inventory shall be considered consistent with the following land use categories and shall be permitted at a density of up to 30 dwelling units per acre: Residential (all), Community Commercial, Business and Professional Offices, Public and Quasi Public.

The specific uses mentioned in each definition of the land use categories are intended to be general and illustrative (as opposed to specific and all-inclusive).

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Division III. Overlay Zoning Districts

[17.50 HD Hillside Development Overlay District](#)

[17.54 H Historic Overlay District](#)

[17.58 S Shoreline Protection Overlay District](#)

[17.62 NC Neighborhood Conservation Overlay District](#)

[17.64 HOS Housing Opportunity Sites Overlay District](#)

[17.66 IS Interim Study Overlay District](#)

[17.68 MP Master Plan Overlay District](#)

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17.08.030 Applicability of land use and development regulations

C. Establishment of Overlay Zoning Districts. Overlay zoning districts, one or more of which may be combined with a base district, are established as follows:

Overlay District Designator	Overlay District Name	Chapter
HD	Hillside Development Overlay District	17.50
H	Historic Overlay District	17.54
S	Shoreline Protection Overlay District	17.58
NC	Neighborhood Conservation Overlay District	17.62
<u>HOS</u>	<u>Housing Opportunity Sites Overlay District</u>	<u>17.64</u>
IS	Interim Study Overlay District	17.66
MP	Master Plan Overlay District	17.68

New Proposed Chapter (No Markup Shown)
Chapter 17.64
HOUSING OPPORTUNITY SITES OVERLAY DISTRICT

17.64.010 Specific Purposes

- A. Accommodate housing in infill locations and at densities that are consistent with the General Plan; and
- B. Provide appropriate standards and criteria for reviewing proposals for new construction and other development subject to the provisions of this title.

17.64.020 Applicability and zoning map designator

- A. **Applicability.** This Housing Opportunity Sites Overlay District shall be combined with any parcel that is identified on the Housing Opportunity Sites Inventory of the current adopted Housing Element of the Benicia General Plan and is located in a Single Family Residential (RS), Medium Density Residential (RM), High Density Residential (RH), Public and Semipublic (PS), Community Commercial (CC) or Office Commercial (OC) District, or in a zone of the Downtown Mixed Use Master Plan.
- B. **Limited Application.** The regulations of this Chapter shall be applicable to site development involving the residential land uses specified by section 17.64.030.

17.64.030 Land use regulations

- A. Allowed uses are those that are permitted or conditionally permitted in the base zoning district. In addition, the following residential uses are permitted:

- P – Permitted
- U – Use Permit

Residential Use	
Group Residential	P
Multifamily Residential	P
Supportive Housing	P
Transitional Housing	P

- B. Residential uses shall be permitted on the ground floor if compliant with the provisions of this Chapter.
- C. For C and PS Districts, and in the Town Core (TC) Zone of the Downtown Mixed Use Master Plan, the following apply:
 - 1. In a C or PS District, a permitted or conditionally permitted Public and Semipublic or Commercial use of at least 1,000 square feet gross floor area shall be provided as a ground floor use within the same structure (vertical mixed use) or separate structure (horizontal mixed use). An existing, occupied nonresidential structure (e.g., an office

or retail store) may be deemed to meet this requirement if the structure would not be altered or demolished to accommodate the residential site development, regardless of whether the structure is at least 1,000 square feet. Such nonresidential use may be located on-site or on a contiguous parcel under the same ownership.

2. In the TC Zone, a permitted or conditionally permitted nonresidential use must be provided along the entire ground floor frontage of First Street to a minimum depth of 50 feet as measured perpendicular from the front façade adjoining First Street.
3. The ground floor of a new nonresidential use must be accessible from and adjoin the front or corner side yard of the parcel on which it is located.
4. A new nonresidential use as required herein shall receive approval of final occupancy prior to, or concurrently with, the residential occupancy.

17.64.40 Development regulations

- A. Development regulations shall be those specified in the base district, except as modified by the following standards.

	Standard	Additional Regulation
Site Area Per Unit (sq. ft.)	1,452	(A)
Maximum Height (ft)	35	(B)
Maximum Height (stories)	3	

1. For a parcel legally existing as of January 1, 2023, four multifamily dwelling units are permitted on the parcel regardless of the parcel size, provided that the project complies with all other applicable standards.
2. The maximum permitted height in the Town Core District shall be 40 feet.

- B. In the PS District, minimum required yards shall be as specified.

Minimum Yard (ft.)	Distance from Property Line
Front	15
Side	5
Corner Side	10
Rear	15

- C. The front yard for any parcel in an R or C District may be reduced to the average setback of the blockface, where lots comprising 40 percent of the frontage on a blockface are improved with buildings¹. The average setback of the blockface is determined by calculating the front

¹ Definition per BMC Chapter 17.12: “Blockface” means the properties abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, unsubdivided land, watercourse, or city boundary.

yard depths for existing structures (excluding detached garages or carports) on each developed site on the blockface.

- D. Where a standard of this Overlay District is in conflict with the base zoning regulations of the Zoning Ordinance or Downtown Mixed Use Master Plan Form Based Code, the standard that is more permissive of housing production shall prevail.

17.64.050 Design Standards

- A. Objective Planning Standards. Any housing proposed in this overlay district shall comply with the City of Benicia's Objective Planning and Design Standards for Mixed-Use Residential and Multifamily Development pursuant to section 17.70.430.
- B. Projects in an R, C, or PS District shall comply with the following:
 - 1. Upper Story Massing. A third story must be stepped back from the primary street at least 10 feet for a minimum of 35 percent of the façade length. Recessed area may be used as a balcony, terrace, or other usable open space.
 - 2. Balconies. A balcony above the ground floor shall not project more than three feet from any exterior building wall that faces the side yard of an adjacent residential use.

17.64.060 Development Plan Review

Except where pre-empted by State law, design review shall be required for any residential development proposed pursuant to this chapter and shall be conducted as specified in BMC Chapter 17.108 in a manner consistent with the requirements of the Housing Accountability Act (Government Code section 65589.5).

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17.28.020 CC, CO,CG, and CW districts – Land use regulations

In the following schedules, the letter “P” designates use classifications permitted in commercial districts. The letter “L” designates use classifications subject to certain limitations prescribed by the “Additional Use Regulations” that follow. The letter “U” designates use classifications permitted on approval of a use permit, as provided in Chapter 17.104 BMC. The letters “P/U” designate use classifications permitted on the site of a permitted use, but requiring a use permit on the site of a conditional use. Letters in parentheses in the “Additional Regulations” column refer to the “Additional Use Regulations” following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all classifications under the heading.

CC, CO, CG, and CW Districts: Land Use Regulations

- P – Permitted
- U – Use Permit
- L – Limited (See “Additional Use Regulations”)
- – Not Permitted

	CC	CO	CG	CW	Additional Regulations
Residential					(A), (B)
Group Residential	–	–	U	–	
Work/Live Quarters	P	–	P	P	
Multifamily Residential	L1	L1	–	P	
Residential Care, Limited	–	–	–	P	
Single-Family Residential	L1	L1	–	L1	
Supportive Housing	L1	L1	–	L21	
Transitional Housing	L1	L1	–	L21	

(B) Sites designated in two consecutive prior Housing Elements, as described in Chapter III Sites Inventory and shown in Appendix D, Table A of the 2023-2031 Housing Element, shall be approved by ministerial action pursuant to Government Code section 65583.2(i) where at least 20 percent of units are provided as affordable to extremely low-, very low- or low-income households.

(Ed. Note: All other additional regulations, B through P, to be renumbered sequentially)

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Town Core Regulations

Table 4.1: Town Core (TC) Zone Allowed Land Uses and Permit Requirements		
Land Use Type	Permit Required	Specific Use Regulations
Residential		
Home occupation		
< 300 sf, 2 or fewer employees	P ²	
> 300 sf, 3 or fewer employees	P ²	
> 300 sf, 3 or more employees	NA	
Mixed use project residential component	P ²	<u>A</u>
Dwelling: Multi-Family - Rowhouse	P ²	<u>A</u>
Dwelling: Multi-Family – Duplex	P ²	<u>A</u>
Dwelling: Multi-Family – Triplex	P ²	<u>A</u>
Dwelling: Multi-Family - Fourplex	P ²	<u>A</u>
Accessory Dwelling Unit	P ²	<u>A B</u>
Ancillary Building	P	
Residential Care, 7 or more clients	P ²	
Residential Care, 6 or fewer clients	P ²	
Supportive Housing	P	
Transitional Housing	P	
Specific Use Regulations		
<u>A - Sites designated in two consecutive prior Housing Elements, as described in Chapter III Sites Inventory and shown in Appendix D, Table A of the 2023-2031 Housing Element, shall be approved by ministerial action pursuant to Government Code section 65583.2(i) where at least 20 percent of units are provided as affordable to extremely low-, very low- or low-income households.</u>		
<u>A B – Accessory Dwelling Units shall comply with the provisions of BMC 17.70.060.</u>		

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17.108.010 Design Review Purpose

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 City-designated scenic views and vistas as identified in the Benicia General Plan and any adopted conservation plan or specific plan ~~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-~~ include commonalities 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~~ unnecessary 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; and

~~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;~~

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

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17.108.040 Scope of design review.

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

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.