



AGENDA ITEM
HISTORIC PRESERVATION REVIEW COMMISSION
MEETING DATE – MARCH 22, 2018
BUSINESS ITEMS

TO : Historic Preservation Review Commission

FROM : Suzanne Thorsen, Principal Planner

SUBJECT : **DOWNTOWN HISTORIC DISTRICT DESIGN GUIDELINES**

EXECUTIVE SUMMARY:

The City has been awarded a Certified Local Government (CLG) grant from the State Office of Historic Preservation (OHP) to partially fund an update to the Design Guidelines within the Downtown Historic Conservation Plan (DHCP). The objective of the project is 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 update to the design guidelines is an ongoing project that is expected to be completed in September, 2018.

RECOMMENDATION:

Provide initial feedback on the current framework for design review requirements. The initial feedback will be evaluated in preparation of a framework for community discussion about design review procedures in April, 2018.

BACKGROUND:

The design guidelines for the Downtown Historic District were established in 1990 with the adoption of the DHCP. Opportunities to improve the downtown design guidelines have been identified by staff, the HPRC, and community members. The updated design guidelines will 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.

Information relating to the Downtown Historic District Design Guidelines is available to the public on the project webpage, www.ci.benicia.ca.us/downtowndesign.

GENERAL PLAN:

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.

INFORMATION

Design Review Procedures

The new guidelines document is intended to provide improved information to the community and ensure consistent review standards. The city anticipates that design review requirements will be updated concurrently or shortly following adoption of the guidelines. To this end, the scope of work for the design guidelines includes recommendations from the city's consultant regarding procedural improvements, which will be developed based upon community feedback.

The discussion prompt, which reflects the current framework for design review requirements and is provided as Attachment 1, will be used to provide initial feedback to staff regarding this topic.

Project Schedule

In accordance with the grant agreement for this project, the design guidelines must be adopted by the end of September, 2018. The project remains on schedule: the first round of public workshops was completed in January, 2018 with feedback received from a range of community participants as reflected in the attached meeting summaries. A public review draft of the guidelines is expected to be released in April, 2018, and a community open house is scheduled for April 25, 2018.

Ad Hoc Advisory Group

The Ad Hoc Advisory Group met on Friday, March 16, 2018 to provide initial feedback about design review procedures based on the current framework in the Downtown Historic Conservation Plan. The discussion prompt provided in Attachment 1 was also included in the advisory group's packet and formed the basis of discussion. Staff will provide a verbal summary of the Ad Hoc Advisory Group's discussion during the presentation of this agenda item.

ATTACHMENTS:

1. Discussion Prompt – Design Review
2. CDD Memorandum re: Design Review in Historic Districts (August 19, 2014)
3. Benicia Municipal Code Excerpt, Chapter 17.108 Design Review
4. Benicia Municipal Code Excerpt, Section 17.54.100 Demolition and Design Review Procedures

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	Project Types in Current Framework	Agree	Disagree	Comments
Exempt	Routine maintenance			
	Repairs of emergency nature - unsafe building			
	Painting			
	Reroofing with same material			
	Replace siding/trim/windows/doors with same			
	Painting Historic Structures (new color)			
	Accessory Dwelling Unit (state law)	N/A		
Require Design Review	Painting non-historic structures (new color)			
	Any exterior alteration regardless of historic designation			
	New construction - all			
	Signs			
	Sidewalks/public encroachment			
	Tree removal			
Unclear	Landscaping & Fences			
	Monuments			
	Art Installations			



Community Development Department
MEMORANDUM

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

BACKGROUND:

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

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

SUMMARY:

Relation of Design Review to Benicia Municipal Code

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

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

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

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

Relation of Design Review to Historic Conservation Plan

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

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

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

¹ Exemption only applies to designated historic structures in Downtown Historic District

² Admin. review is required for non-historic single family and duplexes in central area

³ Same color

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

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

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

1. Exterior alterations to a non-historic structure

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

DHCP: commission level design review.

2. Accessory buildings

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

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

3. Awnings

AHCP: administrative design review.

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

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

Historic Preservation Review Commission Cases 2010-2014

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

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

Non-Historic Design Review

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

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

Historic Design Review

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

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

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

Considerations Regarding Design Review

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

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

Recommendation

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

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

Upon conclusion of discussion provide direction to staff.

Attachments:

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

**HPRC Historic Design Review
January 2010 – July 2014**

HPRC Design Review January 2010- July 2014

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

HPRC Design Review January 2010- July 2014

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

HPRC Design Review January 2010- July 2014

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

Downtown Historic Conservation Plan Design Review Procedures

Applicability and Exemptions

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

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

Criteria and Application Procedure

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

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

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

TABLE 1

Design Review and Approval Process for Minor Projects ¹

* Final Review Authority

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

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

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

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

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

TABLE 2

Design Review and Approval Process for Major Projects ¹

* Final Review Authority

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

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

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

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

Arsenal Historic Conservation Plan Design Review Procedures

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

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

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

Applicability and Exemptions

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

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

Criteria and Application Procedure

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

TABLE 1
Design Review and Approval Process
for Minor Projects¹ in the Historic Overlay District

- Advisory Only
- * Final Review Authority

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

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

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

TABLE 2
Design Review and Approval Process
for Major Projects¹ in the Historic Overlay District

- Advisory Only
- * Final Review Authority

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

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

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

Chapter 17.108 DESIGN REVIEW

Sections:

- [17.108.010](#) Purposes.
- [17.108.020](#) Applicability.
- [17.108.030](#) Sequence of design review.
- [17.108.040](#) Scope of design review.
- [17.108.050](#) Initiation of design review.
- [17.108.060](#) Review responsibilities.
- [17.108.070](#) Review process and time limits.
- [17.108.080](#) Notice and public hearing by historic preservation review commission.
- [17.108.090](#) Effective date – Lapse and renewal – Alterations.
- [17.108.100](#) Appeals.
- [17.108.110](#) Design review guidelines.

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. (Ord. 92-9 N.S. § 23, 1992; Ord. 87-4 N.S., 1987).

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 projects that involve demolition, construction, or changes in exterior colors or materials, except signs.

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, 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. (Ord. 14-11 § 11; Ord. 13-15 § 10; Ord. 07-21 § 11; Ord. 01-6 N.S., 2001; Ord. 89-1 N.S. § 49, 1989; Ord. 87-4 N.S., 1987).

17.108.030 Sequence of design review.

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\(A\)](#). (Ord. 13-07 § 2; Ord 87-4 N.S., 1987).

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.

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. (Ord. 87-4 N.S., 1987).

17.108.050 Initiation of design review.

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 the following:

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 if required by BMC [17.70.190](#);

- c. Architectural drawings, renderings, or sketches drawn to scale showing elevations of proposed structures and describing exterior materials. Perspective drawings or scale models also may be required at the discretion of the community development director;
- d. Floor plans showing the proposed use and exterior wall openings;
- e. Proposed screening of all exterior equipment and electrical equipment;
- f. Proposed exterior lighting fixtures using catalog cuts or sketches; and
- g. Samples 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 projects greater than 50,000 square feet of gross floor area in the IG, IL, IW and IP districts, and for projects outside the industrial districts that involve construction of less than 2,500 square feet of floor area.

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 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 commission may be appealed to the planning commission in accordance with Chapter [1.44](#) BMC. (Ord. 13-15 § 10; Ord. 13-07 § 2; Ord. 07-67 § 1; Ord. 07-21 § 12; Ord. 01-6 N.S., 2001; Ord. 99-1 N.S.; Ord. 92-15 N.S. § 20, 1992; Ord. 92-9 N.S. § 24, 1992; Ord. 89-1 N.S. § 51, 1989; Ord. 87-4 N.S., 1987).

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 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. (Ord. 13-15 § 10; Ord. 13-07 § 2; Ord. 01-6 N.S., 2001; Ord. 92-9 N.S. § 24, 1992; Ord. 89-1 N.S. §§ 52, 53, 1989; Ord. 87-4 N.S., 1987).

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.

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. (Ord. 14-02 § 3; Ord. 13-07 § 2; Ord. 92-9 N.S. §§ 24, 25, 1992; Ord. 89-1 N.S. § 54, 1989; Ord. 87-4 N.S., 1987).

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. (Ord. 13-15 § 10; Ord. 13-07 § 2; Ord. 07-67 § 2; Ord. 92-9 N.S. § 24, 1992; Ord 89-1 N.S. §§ 55, 56, 1989; Ord 87-4 N.S., 1987).

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. (Ord. 07-67 § 3; Ord. 92-9 N.S. § 24, 1992; Ord. 87-4 N.S., 1987).

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. (Ord. 13-07 § 2; Ord. 92-9 N.S. § 24, 1992; Ord. 87-4 N.S., 1987).

The Benicia Municipal Code is current through Ordinance 18-1, passed January 16, 2018.

Disclaimer: The City Clerk's Office has the official version of the Benicia Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

17.54.100 Demolition and design review procedures.

A. In General. Except as modified by an adopted conservation plan, design review in an H district or of a proposed alteration, enlargement or demolition of a designated landmark shall be conducted as prescribed by Chapter [17.108](#) BMC. Design review and approval shall be the responsibility of the community development director or the historic preservation review commission, as the case may be.

The building official shall not issue a permit for construction, alteration, enlargement, or demolition of a building or structure located in an H district or of a designated landmark without the prior approval of the community development director or the historic preservation review commission. Prior approval of the community development director or the historic preservation review commission is not required for permit applications of an emergency nature to rehabilitate an unsafe building or to demolish the structure for the same reasons.

B. Criteria. In addition to the requirements of Chapter [17.108](#) BMC, the community development director or historic preservation review commission, as the case may be, shall consider the proposed demolition, new construction, or alteration in the context of the adopted conservation plan and the architectural or historical value and significance of the site and structure in relation to the overlay district. These considerations shall include the visual relationship of proposed architectural design elements to the surrounding area, including scale, height, rhythm of spacing, pattern of windows and doorways, building siting and relationship to landscaping, roof pitch, architectural style, and structural details, materials, colors, and textures.

C. Required Findings. No demolition permit shall be issued for demolition of any historic structure within an H district or for demolition of a designated landmark without prior review and approval by the historic preservation review commission. Demolition permits for nonhistoric structures within the H district may be approved by the community development director. To assist any evaluation by the historic preservation review commission, the community development director shall submit a report and recommendation to the historic preservation review commission.

1. For Demolitions.

a. If, after review of the request for a demolition permit, the historic preservation review commission determines that the structure itself has historical, architectural or cultural interest or value, the commission may withhold approval for demolition for 180 days (from the date of commission action) or until environmental review is completed, whichever occurs later.

During the 180 days, the historic preservation review commission may direct the planning department to consult with recognized historic preservation organizations and other civic groups, public agencies and interested citizens; make recommendations for acquisition of property by public or private bodies or agencies; explore the possibility of moving one or more structures or other features; and take any other reasonable measures.

At the end of the 180-day period, the demolition permit shall be issued if environmental review determines there will not be a significant impact on the environment and all requirements of this title are met or, if there may be substantial environmental damages, that specific economic, social or other considerations make infeasible the mitigation measures or alternatives identified during environmental review.

b. If, after review of the request for a demolition permit, the historic preservation review commission determines that the building or structure has no substantial historical, architectural, or cultural interest or value, a building permit for demolition may be issued.

2. For New Construction or Alterations. The director or the commission shall not grant design approval for new construction or alterations unless it finds that the proposed new construction or alteration will be compatible with and help achieve the purposes of the H district.

3. For Removal or Alteration of Certain Landscape Materials. The director's or commission's approval shall be required for removal or alteration of landscape materials identified as significant resources by the historic district conservation plan. Removal or alteration of such landscape materials shall require a finding that the proposed removal or alteration will not affect the character of the H district, or that the safety of persons or property requires the removal or alteration. No provisions of this subsection shall be construed as restricting routine maintenance of landscape materials.

D. Economic Hardship Waiver. If an applicant for design concept or design approval presents evidence of inability to meet the cost of complying with a condition of approval, the director or the commission may grant the approval with the requirement that all conditions be met within a period of up to five years. If such conditions are not met within five years, the property owner shall be subject to the enforcement provisions of Chapter [17.128](#) BMC.

E. Effective Date – Appeals. Decisions of the director or commission shall be final on the tenth business day after the date of the decision, unless appealed in accordance with Chapter [1.44](#) BMC. (Ord. 13-07 § 2; Ord. 07-59 § 2; Ord. 93-1 N.S. § 5, 1993; Ord. 87-4 N.S., 1987).
