

# Solano County

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## Agenda Submittal

<b>Agenda #:</b>	2	<b>Status:</b>	ALUC-Regular-CS
<b>Type:</b>	ALUC-Document	<b>Department:</b>	Airport Land Use Commission
<b>File #:</b>	AC 23-043	<b>Contact:</b>	Nedzlene Ferrario
<b>Agenda date:</b>	11/09/2023	<b>Final Action:</b>	
<b>Title:</b>	ALUC-23-14 (City of Benicia's Design Review)		
	Determine that Application No. ALUC-23-14 (City of Benicia's Design Review) is consistent with the Travis Air Force Base Land Use Compatibility Plan		
<b>Governing body:</b>	Airport Land Use Commission		
<b>District:</b>			
<b>Attachments:</b>	<a href="#">A - Airport Compatibility Zones Criteria</a> , <a href="#">B - City of Benicia and Compatibility Zones</a> , <a href="#">C - Proposed Ordinance Changes</a> , <a href="#">D - ALUC Application</a> , <a href="#">E - Draft Resolution</a>		

Date:	Ver.	Action By:	Action:	Result:
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### **RECOMMENDATION:**

Determine that Application No. ALUC-23-14 (City of Benicia's Design Review) is consistent with the Travis Air Force Base (AFB) Land Use Compatibility Plan (LUCP).

### **DISCUSSION:**

Section 21676 (d) of the State Aeronautics Act requires Airport Land Use Commission (ALUC) review of any zoning ordinance change within an Airport Influence Area. The City of Benicia proposes to repeal and replace the Design Review Ordinance and amend procedural requirements of the Downtown and Arsenal Historic Conservation Plans and update the Zoning Ordinance. The purpose is to streamline design review requirements citywide, expand activities that are exempt from design review and clarify objective (ministerial) review procedures. The proposed changes, included as Attachment C, do not establish new residential or commercial densities or change building heights.

A majority of the City is located within Zone D and a small portion lies within Zone E of the Travis AFB Land Use Compatibility Plan. The compatibility zones do not restrict residential densities or uses. Based on the review, staff recommends the ALUC find that the proposed changes comply with the requirements of these zones to protect flight and are consistent with the Travis AFB Land Use Compatibility Plan (LUCP).

### **AIRPORT PLANNING CONTEXT & ANALYSIS**

Zoning code amendments must undergo review by the ALUC for consistency with the applicable LUCPs (State Aeronautics Act section 21676). The proposed amendments would apply City wide, which is located in Compatibility Zones D and E of the Travis AFB LUCP (Attachment B). In general, Compatibility Zones D and E criteria require review of structural heights of objects and/or hazards related to bird attraction, electrical inference, glare and other flight hazards.

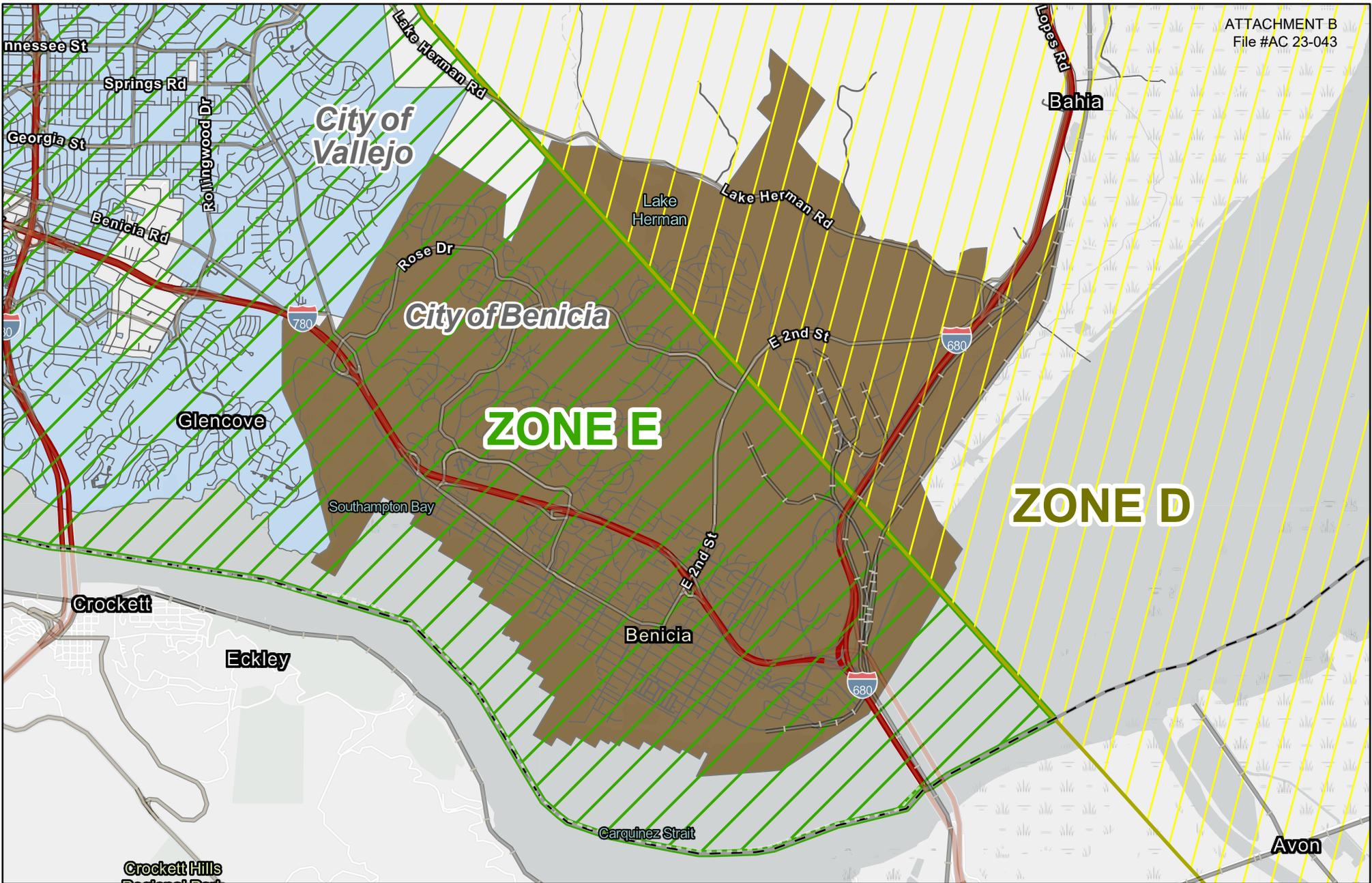
Staff evaluated the City's project using the Zone Compatibility criteria for Zone D and E of the Travis AFB LUCP, and the zoning consistency test criteria contained in the California Airport Land Use Planning Handbook. Staff analysis of the project is summarized in Attachment A.

**Analysis Finding**

Based on the review, staff finds that the proposed changes comply with the requirements of the zones to protect flight and are consistent with the Travis AFB Land Use Compatibility Plan.

## Travis AFB Land Use Compatibility Zone Criteria ALUC-23-14 (City of Benicia’s Design Guidelines)

Compatibility Zone Criteria	Consistent	Not Consistent	Comment
<b>Zone D</b>			
Max Densities – No limits	X		The proposed ordinance does not increase densities
Prohibited uses: hazards to flight	X		The proposed ordinance does not introduce hazards to flight
ALUC review required for objects > 200 feet AGL	X		No objects above 200 feet tall proposed
All proposed wind turbines must meet line-of-sight criteria in Policy 5.6.1(b)	X		No wind turbines proposed
All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review	X		No commercial solar facilities proposed
All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review	X		No meteorological towers proposed
For areas within the Bird Strike Hazard Zone, reviewing agencies shall prepare a WHA for projects that have the potential to attract wildlife that could cause bird strikes. Based on the findings of the WHA, all reasonably feasible mitigation measures must be incorporated into the planned land use.	X		City of Benicia is located outside of the Bird Strike Hazards Zone
For areas outside of the Bird Strike Hazard Zone but within the Outer Perimeter, any new or expanded land use that has the potential to attract the movement of wildlife that could cause bird strikes are required to prepare a WHA.	X		City of Benicia is located outside of the Outer Perimeter.
<b>Zone E</b>			
Max Densities – No limits	X		The proposed ordinance does not increase densities
Prohibited uses - None	X		The proposed ordinance is not in conflict
ALUC review required for objects > 200 feet AGL	X		No objects above 200 feet tall proposed
All proposed wind turbines must meet line-of-sight criteria in Policy 5.6.1(b)	X		No wind turbines proposed
All new or expanded commercial-scale solar facilities must conduct an SGHAT glint and glare study for ALUC review	X		No commercial solar proposed
All new or expanded meteorological towers > 200 feet AGL, whether temporary or permanent, require ALUC review	X		No meteorological towers proposed
Outside of the Bird Strike Hazard Zone but within the Outer Perimeter, any new or expanded land use that has the potential to attract the movement of wildlife that could cause bird strikes are required to prepare a WHA.	X		City of Benicia is located outside of the Outer Perimeter

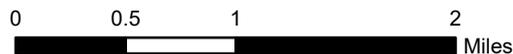


# Travis AFB Compatibility Zones in City of Benicia

- Zone D
- Zone E
- City of Benicia
- City of Vallejo
- Solano County Boundary



Disclaimer: The information shown is intended to be used for general display only and is not to be used as an official map.



## RESOLUTION NO. 23- (HPRC)

### A RESOLUTION OF THE HISTORIC PRESERVATION REVIEW COMMISSION OF THE CITY OF BENICIA RECOMMENDING ADOPTION OF AMENDMENTS TO THE ZONING ORDINANCE (TITLE 17), ARSENAL HISTORIC CONSERVATION PLAN AND DOWNTOWN HISTORIC CONSERVATION PLAN PERTAINING TO DESIGN REVIEW PROCEDURES

**WHEREAS**, the City of Benicia's (City's) design review procedures are found in the Benicia Municipal Code (BMC), Chapter 17.108 Design Review as well as Chapter 17.54 H Historic Overlay District, the Downtown Historic Conservation Plan and Arsenal Historic Conservation Plan; and

**WHEREAS**, the City Council has identified streamlining of design review requirements, including revisions to the BMC and adding a limited update to conservation plans to consolidate procedural requirements in the BMC, as a priority project for Fiscal Year 2023-2024; and

**WHEREAS**, the City Council,, Planning Commission, and Historic Preservation Review Commission (HPRC) conducted study sessions on July 25 and July 27, 2023 to receive public comments and offer feedback on a potential approach that includes expansion and clarification of exempt activities; clarification of ministerial review processes; expansion of administrative design review; focusing HPRC review on historic districts and structures; and directing some design review activities to the Planning Commission to consolidate hearing requirements outside of a historic district; and

**WHEREAS**, in accordance with Benicia Municipal Code (BMC) Section 17.120.040 (Notice and public hearing) and California Government Code Section 65090 (Notice of hearing), notice of public hearing was posted at Benicia City Hall and mailed to interested parties on August 8, 2023 and published in the Benicia Herald on August 13, 2023.

**WHEREAS**, the HPRC, at a regular meeting on August 24, 2023 conducted a public hearing, accepted public comment and reviewed the proposed project; and

**WHEREAS**, the HPRC has reviewed and considered exemptions under the California Environmental Quality Act ("CEQA") prior to taking action on this Resolution and approves such exemptions.

**NOW, THEREFORE, BE IT RESOLVED** that the HPRC does hereby find that this amendment to the Zoning Ordinance (Title 17), Arsenal Historic Conservation Plan and Downtown Historic Conservation Plan is categorically exempt from CEQA, pursuant to CEQA Guidelines Sections 15301 Existing Facilities, as it would clarify exemptions to design review for maintenance, repair and minor alterations to existing structures with

negligible or no expansion of use. Additionally, it is categorically exempt pursuant to Section 15303 New Construction or Conversion of Small Structures, as it would allow limited exemptions from design review and ministerial permitting for multifamily housing development up to four units outside of a historic district and within the City's urbanized areas. The action is further exempt pursuant to section 15331 Historical Resource Restoration/Rehabilitation as the ordinance would codify the applicability of the Secretary of Interior's Standards as part of the design review process for discretionary projects in a historic district.

**BE IT FURTHER RESOLVED** that the HPRC hereby finds that the proposed amendment is in the public interest and consistent with the City's General Plan goals, policies and objectives, notably the following:

- 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.
- Housing Element Goal 2.1: Benicia shall be an active leader in attaining the goals of the City's Housing Element.
  - Policy 1.01: To the extent possible and within the City's control, the City shall facilitate the production of housing that is affordable to people with a wide range of incomes.

**BE IT FURTHER RESOLVED** that the HPRC hereby recommends that the City Council adopt an ordinance amending portions of BMC Title 17, Chapters 17.12 (Definitions) and 17.108 (Design Review) related to procedures for design review, by approving the text additions or modifications presented in "Exhibit A," attached hereto and incorporated herein by reference.

**BE IT FURTHER RESOLVED** that that the HPRC hereby recommends that the City Council approve amendments to the Chapter 3 of the Arsenal Historic Conservation Plan (“Exhibit B”) and Downtown Historic Conservation Plan (“Exhibit C”) to strike text and tables defining review procedures, review authority and exemptions, add new text providing reference to BMC Chapter 17.108 and make other minor corrections.

**BE IT FURTHER RESOLVED** that, if any section, subsection, clause or phrase of this Resolution is for any reason, held to be invalid, such decision shall not affect the validity or the remaining portions of sections of this Resolution.

\*\*\*\*\*

On motion of Commissioner \_\_\_\_\_ and seconded by Commissioner \_\_\_\_\_, the above Resolution is introduced and adopted by the Historic Preservation Review Commission of the City of Benicia at a regular meeting of the Commission held on the 24th day of August 2023 and adopted by the following vote:

Ayes: Commissioners

Noes: Commissioners

Absent: Commissioners

Abstain: Commissioners

\_\_\_\_\_  
Brandon Marshall, Chair

\_\_\_\_\_  
Date

## **Chapter 17.12**

*(add below new definitions in alphabetical order)*

“Historic” means a structure that is designated as a landmark building or contributing building to a historic district (-H Historic Overlay District).

“Housing Development Project” shall have the same meaning as set forth in Government Code section 65589.5(h)(2) as it currently exists or may hereinafter be amended; as of the date of adoption of this section Government Code section 65589.5(h)(2) defines a Housing Development Project as a project including:

- Residential units only;
- Mixed-use development consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use; or
- Transitional housing or supportive housing.

“Use by Right” shall have the meaning set forth in Government Code Section 65583.2(i) as it currently exists or may hereinafter be amended.

## **Chapter 17.108**

*(repeal/replace Ch. 17.108)*

17.108.010 Purposes

17.108.020 Applicability

17.108.030 Review Responsibilities

17.108.040 Procedures for Discretionary Design Review

17.108.050 Procedures for Objective Design Review

17.108.060 Effective date – Lapse and renewal – Alterations.

17.108.060 Appeals

### **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 do not block City-designated scenic views and vistas as identified in the Benicia General Plan and any adopted conservation plan or specific plan;

B. Ensure that the architectural design of structures, their materials and colors include commonalities with surrounding development and 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;

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

**17.108.020 Applicability.**

A. In an H Historic Overlay District. Design review approval shall be required prior to issuance of a building permit(s) for projects that involve demolition, construction, or exterior alteration as set forth in Section 17.108.030.

B. In All Other Districts. Design review approval shall be required prior to issuance of a building permit for projects that involve new construction, exterior alterations and additions.

C. Objective Ministerial review. For projects that are not otherwise exempt as set forth in section 17.108.020 E., design review shall be conducted ministerially for the following pursuant to the procedures of section 17.108.050 (Procedures for Objective Design Review):

1. Use by Right. Housing development projects identified as use by right pursuant to the applicable provisions of state law.

2. Multifamily and mixed use.

a. Mixed use and multifamily housing development of up to four units outside of an -H Overlay District, consistent with the applicable standards of Chapter 17.64 BMC;

b. Multifamily and mixed use residential development up to two stories in the MU-L and MU-I districts consistent with applicable standards in Chapter 17.26 BMC.

D. Discretionary review. For projects that are not otherwise exempt as set forth in section 17.108.020 E., and that are not subject to section 17.108.050, design review shall be conducted as a discretionary action pursuant to the responsibilities and procedures of section 17.108.040.

E. Exemptions. The following projects are exempt from design review, subject to compliance with all other applicable requirements of the Municipal Code and

determination by the community development director or their designee prior to building permit issuance:

1. Repairs and replacements of a minor, routine nature that do not modify the exterior appearance of a structure, including but not limited to:
  - a. Replacement of a roof when there are no structural or architectural changes.
  - b. Replacement of an existing door or window:
    - i. On a historic structure. Replacement of a door or window with a new door or window of the same dimensions, textural and visual material characteristics, and overall appearance as the existing feature or to restore the door or window to the original design and materials based on evidence or documentation.
    - ii. On a non-historic structure. Replacement of a door or window with a new door or window of the same overall appearance.
  - c. Removal of a roof projection or mechanical appurtenance, where there is no alteration to a fireplace or chimney flue affixed to an exterior wall.
  - d. Repair of a porch, stair or handrail, including repairs that require limited changes to dimensions only for purposes of compliance with the requirements of the California Building Code or California Residential Code (e.g., rise of stair treads, height of handrail, spacing of pickets).
  - e. Replacement of a building foundation where the height of a structure does not increase by more than 18" and there is no change in the number, size or arrangement of window openings, building entrances or exterior cladding material.
  - f. Repainting an existing painted exterior surface.
2. Single-family residences and related accessory structures that are located outside of an -H Historic Overlay District, unless otherwise specified in an adopted planned development plan or specific plan;
3. Exterior alteration of a non-historic residence in the Eastern Residential Area of the Downtown Historic District;
4. Accessory dwelling units and carriage units;
5. An accessory structure located in a rear yard that does not exceed 250 square feet;

6. Exterior alteration to the rear or side wall of a non-historic building or exterior alteration of an accessory structure, where the alteration does not result in the vertical nor horizontal expansion of the building;
7. Signs, fabric awnings, light fixtures, mailboxes, mechanical equipment and similar appurtenances;
8. Site alterations and buildings in the IL, IG, IW, and IP districts that are not located in an -H historic overlay district and are less than 50,000 square feet;
9. Landscaping or landscape features, inclusive of fences up to six feet in height, landscape planters, retaining walls up to four feet in height, rear yard decks and platforms, where no grading permit is required;
10. Sidewalks and public access ways; and
11. Emergency stabilization of an unsafe condition to address an imminent threat to public health and safety, without demolition.

#### **17.108.030 Review responsibilities.**

##### A. Outside of an -H Historic Overlay District

###### 1. Administrative.

- a. The community development director shall be responsible for design review for:
  - i. Projects greater than 50,000 square feet of gross floor area and/or equivalent site alteration in the IG, IL, IW and IP.
  - iii. Projects outside the industrial districts that involve construction of less than 2,500 square feet of floor area and/or equivalent site alteration.
  - iv. Projects utilizing Tier 1 incentives under the city's community benefit program per BMC 17.70.440 (Community Benefits Program).
  - iv. Projects subject to objective design review pursuant to section 17.108.050.

2. Commission. The planning commission shall be responsible for design review for projects that are not subject to administrative review as specified in section 17.108.030.A.

B. In an -H Historic Overlay District

1. Administrative. The community development director shall be responsible for design review for:

- a. Projects subject to objective design review pursuant to section 17.108.020 C.
- b. Any project that is not subject to review by the historic preservation review commission as specified in subsection B.2.

2. Commission. The historic preservation review commission shall conduct design review for any project that would:

- a. Demolish, partially demolish, relocate or remove a historic building.
- b. Alter the street-facing building wall or the character-defining feature(s) of any historic building. "Character-defining features" means the overall shape of the building, its materials, craftsmanship and decorative details, inclusive of those features identified on a Historic Resources Inventory (State of California DPR Form 523A or equivalent).
- c. Construct a principal structure or building addition with one or more exterior walls that are parallel to and visible from a public street. "Visible from a public street" means that the building addition can be viewed at a perpendicular angle from a public street, without consideration to landscape features or vantage point.

C. Referral to Commission. The community development director may refer any discretionary design review application pursuant to section 17.108.030.A.1 or 17.108.030.B.1 to the respective commission for public hearing and decision.

D. Exceptions to Criteria.

1. The community development director or their designee may authorize minor deviations from the following standards: timing of construction for an accessory structure, projection of detached garage in the RS district, separation between buildings per BMC 17.70.050 (Accessory Uses and Structures), and modifications in vehicle space size requirements per BMC 17.74.100 (Application of Dimensional Requirements).

2. In an -H Historic Overlay District, the director or their designee may authorize an exception to criteria for the replacement or repair of an existing nonconforming historic structure without the need for a zoning variance or use permit, where it is determined that the replacement or repair is consistent with the historical footprint and scale of the structure and the pattern of development within the historic district.

#### **17.108.040 Procedures for Discretionary Design Review.**

##### **A. Initiation.**

1. A design review project ("development application") shall be initiated by filing an application, authorized 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.
2. Where determination of exemption is necessary prior to issuance of a building permit as set forth in section 17.080.020.E, an application shall be filed 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. Review.**

1. The project shall be reviewed for completeness and consistency with the applicable policies of the Benicia General Plan, the requirements of this Title and the design guidelines and policies of the applicable historic conservation plan, planned development plan or specific plan.
2. A housing development project shall be reviewed for consistency with the objective planning and design standards of the city, pursuant to section 17.70.430.

##### **C. Public notice.**

1. Administrative.
  - a. Following a determination that the application is complete, notice of a pending design review decision by the community development director shall be given to owners of property located within 300 feet of the subject property and shall be posted on the project site.
  - b. 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.

2. Commission. A public hearing shall be required for design review by the Planning Commission and Historic Preservation Commission. Following a determination that the application is complete, notice of public hearing shall be given pursuant to the procedures prescribed herein and the requirements of 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.

#### D. Decision.

1. Findings. A decision to approve, conditionally approve, or deny an application shall be based on the findings of compliance with the purposes of this chapter set forth in section 17.108.010 and any applicable design guidelines or planned development plan.
  - a. For discretionary design review in an -H Historic Overlay District, a decision to approve, conditionally approve or deny an application shall also include findings of consistency with the Secretary of Interior's Standards for Treatment of Historic Properties.
  - b. A mixed use or multifamily housing development that is consistent with the Objective Planning and Design Standards, as provided in section 17.70.430, shall be deemed consistent with the required findings set forth in this subsection.
2. Any conditions imposed shall be reasonable and designed to assure attainment of the purposes and standards established by this Title.
  - a. 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.
  - b. Conditions of approval for a housing development project shall include standard conditions of approval for residential development of two or more units, which are objective and broadly applicable to housing

development projects in the City of Benicia. Any additional conditions of approval shall be in accordance with the requirements of Government Code section 65589.5 as it currently exists or may hereinafter be amended.

- c. The review authority shall approve or conditionally approve a housing development project unless it makes written finding(s) in accordance with Government Code Section 65589.5 as it currently exists or may hereinafter be amended.

#### **17.108.050 Procedures for Objective Design Review.**

- A. Initiation. An objective design review project shall be initiated by filing an application, authorized 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. Review. The project shall be reviewed for completeness and consistency with the objective planning and design standards of the city, pursuant to section 17.70.430.
- C. Decision. A decision to approve or deny an objective design review application shall be rendered by the community development director or their designee and shall be based on the findings of compliance with the objective planning and design standards of the City of Benicia pursuant to section 17.70.430.
  1. Conditions of approval shall be limited to the City of Benicia's standard conditions of approval for residential development of two or more units, which are objective and broadly applicable to housing development projects.
  2. The community development director or their designee shall approve or conditionally approve a housing development project unless they make written finding(s) in accordance with Government Code Section 65589.5 as it currently exists or may hereinafter be amended.

#### **17.108.060 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;
  2. An occupancy permit has been issued; or

3. The approval is renewed.

- C. Renewal. The community development director may approve a one-time renewal of design approval for a period of one year upon determining that the findings and conditions of approval remain valid. Application for renewal 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.

**17.108.070 Appeals.**

Appeals shall be subject to the procedures of Chapter 1.44 BMC, except that design review decisions of the community development director for properties in an -H historic overlay district shall be appealed to the historic preservation review commission and decisions of the historic preservation review commission shall be appealed directly to the City Council.

# Chapter Three

# Design Review Procedures



## Objectives

The purpose of the policies and design guidelines of this plan is to highlight the important architectural resources of the Arsenal and ensure that the changes that occur serve to preserve, enhance and reinforce them. Specifically, they are intended to achieve the following objectives:

1. Establish and reinforce the distinct qualities of individual subdistricts.
2. Preserve, maintain and promote appropriate adaptive reuse of historic buildings, especially those recognized as being of landmark quality.
3. Preserve important natural features, including hillsides, slopes and vegetation which have been identified as integral to the district's character or to a particular building's setting.
4. Maintain established plantings which are an integral feature of a building's historic setting.
5. Maintain key views of historic structures and the water.
6. Maintain the character of existing site improvements and

features such as retaining walls, timber guard rails, and so on, which are appropriate to the scale and design of nearby buildings.

7. Encourage public and private site and urban design improvements which harmonize with each subdistrict's character and clarify key access points and circulation routes.

## Design Review Process

In accordance with the H Historic District Overlay regulations, this conservation plan addresses a range of issues relating to design and land use. Procedures for design review are established in the Benicia Municipal Code, Title 17 (Zoning), Chapter 17.108 (Design Review) ~~Among these is a list of alterations and projects which are subject to design review. In the absence of any conservation plan, the city's policy had been to require design approval for all projects except single family residences and demolitions which were outside the Downtown Commercial District. That policy is superseded by the policies contained in this conservation plan. However, the two current procedures for design review will remain in effect. These include administrative review and Design Review Commission review, both of which are summarized below.~~

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~~Administrative review~~ is presently conducted by the Planning Director for signs and all projects in the IO General Industrial and IW Water Related Industrial districts which comprise much of the land area of the Arsenal Historic District. In addition, the Planning Director is generally responsible for design review of projects involving the construction of less than 2,500 square feet in all other zoning districts except for two: the CD Downtown Commercial and H Historic Overlay districts. However, even in the H district, design review of all duplexes is conducted administratively by the Planning Director; along with review of all signs, sidewalk encroachments, tree removal and non-historic building relocation and demolition. This review process may take up to 30 days before a decision is rendered. No public hearing is involved. At the Planning Director's discretion, requests for design review approval may be referred to the Design Review Commission.

~~The Design Review Commission~~ is currently empowered to review all projects which are subject to design review in any H district with the exception of those subject to administrative review only, as listed above. The Commission's review of these projects is final and is rendered at a public hearing which is usually held within 60 days of receipt of a completed application. In addition to these responsibilities, the Design Review Commission also reviews development plans for projects in other zoning districts with the exception of the IG and IW districts where design review is administrative. Until recently, the commission's recommendation on certain projects was only advisory to the Planning Commission, not final. However, a recent amendment to the zoning ordinance has shifted responsibility for design review from the Planning Commission to the Design Review Commission. Decisions of the Design Review Commission, however, may be appealed to the Planning Commission. Appeal decisions of the Planning Commission are final.

## ~~Design Review in Historic Districts~~

~~In accordance with the city's adopted policies regarding the administration of design review, certain projects which were previously exempt are subject to design approval upon enactment of the Historic Overlay zoning designation. In particular, exterior alterations to single family residences in the Historic Overlay District, other than painting, will require design approval. Projects which have been under administrative review may be subject to higher level design review under this new zoning designation.~~

~~For the most part, smaller projects and those which do not involve alterations to historic buildings will be reviewed by the Planning Director. These include non-historic single family residences and duplexes, and small additions or alterations to non-historic commercial and industrial buildings. Other projects, even those in the underlying IG and IW districts, will be reviewed by the Design Review Commission. Demolition requests for historic buildings will be considered by the Design Review Commission. Review of demolition requests for non-historic buildings remains an administrative function of the Planning Director. Design review of all signs, awnings, accessory buildings and painting also remains an administrative function.~~

~~Projects which have not been subject to any design review in the past will be under this conservation plan. In particular, any proposed exterior alteration to an existing single family residence, except painting, will be subject to design review. According to the city's recently revised Design Review Ordinance, the Design Review Commission should assume responsibility for review of all projects in the H district. Prior to the amendment, the commission was responsible for reviewing~~

~~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. Activities that are exempt from design review are specified in Chapter 17.108 of the Benicia Municipal Code. 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. Application requirements and procedures for design review are described in Chapter 17.108 of the Benicia Municipal Code. 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~~

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~~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. For example, a change in exterior paint color for a building might require only a set of paint chips and photographs of the existing and adjacent structures. Furthermore, administrative design review of non-historic single family residential projects should be completed by the Planning Director within 10 working days rather than 30 days. Where review is not administrative, application shall be made as specified in Chapters 17.108 and 17.112 of the Benicia zoning ordinance.~~

~~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 take is to determine what level of review will be required for a given project. The following tables (1 and 2) are provided as a guide.** Table 1 applies to minor projects including single family residences, all duplexes and non-residential projects involving less than 2,500 square feet of floor area. Table 2 applies to major projects including multi-family residential projects of 3 or more units and non-residential projects with 2,500 square feet of new floor area. A number of alterations are listed in the first column followed by a symbol in the appropriate column to designate the level(s) of review which apply. Where the Design Review Commission has final authority, the Planning Director and/or staff will provide advisory review.~~

It is important to remember that **these guidelines and regulations supplement those of the underlying zoning district (see Figure 4).** Any regulations pertaining to land use and use permit procedures contained therein are still in effect. However, under the Historic Overlay zoning regulations, the Planning Director may grant a use permit for an exception to the land use regulations of the base district. Such exceptions are permitted only where necessary to ensure the preservation or restoration of a historic or architecturally significant building, structure or site.

## Review of Demolition Permits

In accordance with the provisions of the H Historic Overlay zoning regulations, design review is required prior to issuance of a demolition permit. ~~The procedure for review shall be as described above and summarized in Tables 1 and 2.~~ This requirement is in addition to any other demolition permits required by the city under building or other codes. Exceptions to the design review requirement may be granted for permit applications of an emergency nature to demolish a structure which has been deemed unsafe by the Building Safety Division, subject to review, if required, by the State Office of Historic Preservation. In addition, the California Environmental Quality Act states that any "project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment" (Public Resources Code § 21084.1). Under the provisions contained in that section, any historic structure identified within this Conservation Plan, or any historic district listed on the National Register, would be presumed to be a "historical resource", unless the preponderance of evidence demonstrates that the structure is not historically significant.

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~~Except where review of demolition permit applications is performed administratively, all requests for approvals must be reviewed and approved by the Design Review Commission.~~ To assist in evaluating the request, the Planning Community Development Director will first submit a report and recommendation to the commission. The report should state the age, condition, structural integrity, historical/architectural/cultural significance of the structure and describe its potential for rehabilitation or adaptive reuse. The structure's seismic safety should be assessed as well as the economic feasibility of rehabilitation. The site's potential for archaeological resources should also be noted. The Planning Community Development Director may require the applicant to submit documentation sufficient to allow preparation of this report at the time of application including requisite analysis pursuant to the California Environmental Quality Act (CEQA).

~~The Design Review Commission shall withhold approval of demolition for one hundred eighty (180) days, or until environmental review is completed, unless the preponderance of evidence in the report indicates that the building is not a historical resource. If the Commission determines that the structure is not a historical resource, the permit for demolition shall be issued.~~

**As part of the environmental review process, the city may require engineering studies, cost estimates or other reports to identify any mitigation measures and/or alternatives to demolition, including possible relocation of the structure.** If the Commission's review determines that there will not be a substantial adverse impact on the historical resource, the demolition permit shall be issued. If substantial damage may occur as a result of the proposed demolition but specific economic, social or other considerations as determined by the Commission make the mitigation measures or alternatives infeasible, the demolition permit shall be issued. In

determining whether to allow the demolition of a historic structure, ~~or to require rehabilitation of that structure as part of any new development,~~ the Commission should also consider the following factors:

- Whether the structure is structurally sound or capable of rehabilitation for the proposed use without an unreasonable cost to the owner;
- Whether the cost of maintaining the structure without allowing the proposed use would be unreasonably burdensome for the owner;
- Whether the location of the historic structure seriously interferes with or precludes the owner's ability to reasonably use and develop the property.

The Commission is also empowered to direct that other organizations and groups be consulted or other measures and alternatives to demolition be investigated and may withhold approval for up to 180 days while this investigation takes place.

**The precise review procedures and the criteria for issuance of demolition permits for designated landmarks and structures in an H district are spelled out in more detail in Chapter 17.54 of the Benicia zoning ordinance.** The appeals procedure ~~for decisions rendered by the Planning Director or the Commission~~ is described in Chapter 1.44 of the Municipal Code 17.124. The determination of a structure's historical, architectural or cultural significance or value should be made by the ~~Design Review~~ Commission primarily on its rating in the historic resource inventory, that is, a landmark structure has a higher degree of significance than a contributing structure; and on whether the structure is listed on or eligible for listing on the National

**TABLE 1**

**Design Review and Approval Process  
for Minor Projects' in the Historic Overlay District**

- Advisory Only
- ✗ Final Review Authority

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

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

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

**TABLE 2**  
**Design Review and Approval Process**  
**for Major Projects<sup>1</sup> in the Historic Overlay District**

● Advisory Only  
 ✕ Final Review Authority

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

<sup>1</sup>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.

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Register. But additional factors such as the building's integrity, its potential to be restored, its role in the district and any new research or information brought to light at public hearings should also be considered. Furthermore, except for applications of an emergency nature, an application for demolition should normally be considered with concurrent design review of the structure or project which will replace it. In that way, the relative merits and feasibility of the proposals can be compared.

It is intended that the historic structures designated in this plan be maintained in good repair consistent with the existing provisions of the Historic Overlay Zoning District. However, it is not the intent of the City to impose an unreasonable economic burden on the owner of the structures by reason of the maintenance requirement. If another use is proposed for a site containing a designated historic structure, and the proposed use requires demolition of a historic structure, the City will review the request for a demolition permit in accordance with the procedures described above.

## Application and Intent of Design Guidelines

The area encompassed by the **proposed** boundaries of the Arsenal Historic District is unique with respect to its location, topography, range of building types and land uses, and its architectural and historical significance. The promontory occupied by the Clocktower building affords panoramic views of the Carquinez Strait, as do the higher elevations of Park Road and the hills surrounding the Camel Barns. At lower elevations, water views, often dramatically framed by historic structures, are numerous. This dramatic setting has never had the benefit of an overall master plan for development, although some clustering

of building types (e.g., residences) and land uses, has occurred under both the military and civilian control.

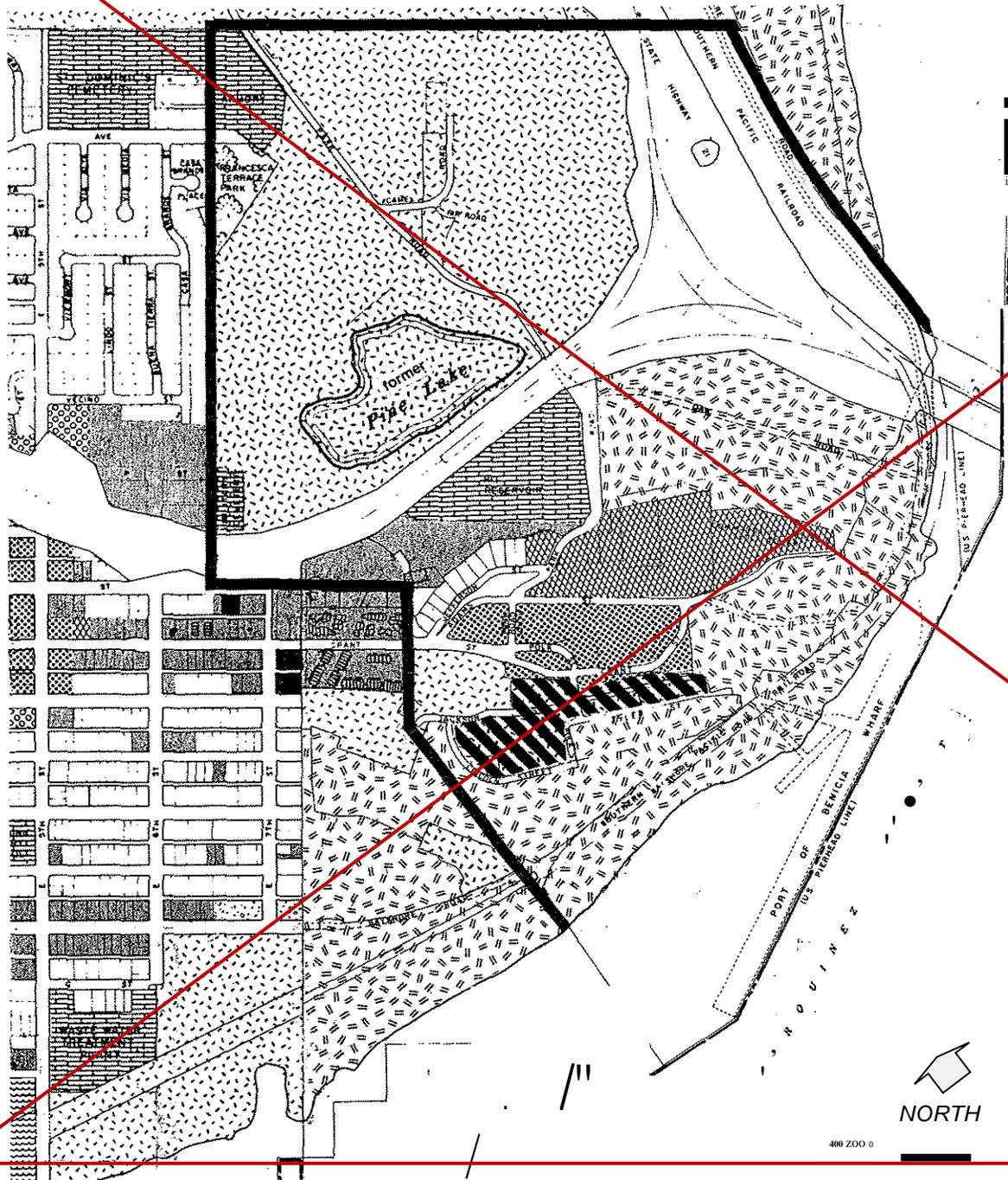
The abandonment of the site as a military installation in 1964 marked the end of unified use and control of the site. Although briefly owned by the city, the site was leased to Benicia Industries for development as an industrial park and ultimately deeded to them in 1975. Since that time portions of the lower Arsenal have been subdivided and sold to other private investors, most notably the site adjacent to the former entry gate where new multi-family housing has been developed. Many of the historic properties found in the lower Arsenal are also under other private ownerships, including a number of as yet undeveloped in-fill sites. The City retained ownership of several landmark buildings, including the Clocktower, the Commandant's Residence and the Camel Barns; however, very little land was retained under City ownership surrounding certain buildings.

Much of the area of the historic district, including the entire waterfront and northern sector, is still owned by Benicia Industries. Here they operate the Port of Benicia, with the waterfront dedicated to port-related industrial uses, principally the importation of automobiles and the off-loading of oil from tankers to the nearby refinery. Because these uses are largely separated from most of the Arsenal's historic buildings, they are not necessarily incompatible and in fact provide the Arsenal's residents and commercial tenants with views of an active, working waterfront.

One of the Arsenal's oldest surviving structures, the Post Hospital has in fact, been converted for use as the administrative offices of Benicia Industries. Other historic buildings, both landmarks and contributing buildings, have been adapted for light industrial uses which are not dissimilar to their original

Figure 4

# Zoning Map



## LEGEND

-  RS Single Family Residential
-  RM Medium Density Residential
-  CO Commercial Office
-  CG General Commercial
-  IG General Industrial
-  IW Water Related Industrial
-  PS Public and Semi-Public
-  OS Open Space
-  PD Planned Development

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functions as shop buildings or storehouses.

However, in the future as in-fill development proceeds and the needs of industrial and commercial users change over time, conflicts between the old and new are likely to arise. Maintaining the integrity and dramatic natural settings of certain structures, notably the Camel Barns and the Clocktower building, will become increasingly difficult in the absence of a master plan or Specific Plan for the area. Likewise, infill development in the commercially zoned areas at the core of the southern sector of the district may conflict with maintaining the settings of certain historic structures if development is not carefully sited and compatibly designed.

The lack of an overall plan for the Arsenal and the uncertainty regarding its potential future use, particularly in the more sparsely developed upper areas, has made the framing of guidelines for future development a challenge. It is important to note that this conservation plan cannot take the place of a master plan, but does attempt to provide some interim guidelines for areas where uncertainty is the rule, while ensuring that historic resources throughout the district are afforded the protection warranted by their significance, which extends well beyond the local to the state and national levels. This significance is evidenced by the four districts listed on the National Register of Historic Places and the many landmark structures listed on the National Register as well as the Historic American Buildings Survey.

For these reasons, the approach to preparing design guidelines and policies for the Arsenal District differs from that used in the downtown or in more traditional historic district where land uses tend to be cohesive and development less widely dispersed. In addition to guidelines that address buildings and building

types, policies which address broader urban design issues such as building siting, view corridors, landscaping and public area improvements are also provided. **These broad design policies and guidelines apply throughout the historic district. They are presented in Chapter Four.**

**Chapter Five contains guidelines for historic buildings of all types.** These are intended to guide renovations and additions to those recognized historic buildings identified in Figure 3, including both landmarks and contributing buildings within the Arsenal District and on the adjacent Pacific Mail Steamship/Yuba site.

**Four distinct subdistricts have been identified for the purpose of framing site specific design guidelines.** These correspond closely to the zoning district boundaries in which most of the historic resources are located. Maps of these zoning districts and subdistricts follow (**Figures 4 and 10**).

**Included within the site specific subdistrict design policies in Chapter Six are guidelines for building and site design and signage within particular subdistricts.** These guidelines are more detailed and address specific building types and/or uses, as well as site improvements and signage. The building design guidelines in this chapter are intended principally to guide new construction, including renovations or additions to existing non-historic buildings, whereas the guidelines for site improvements and signage are applicable to historic buildings as well.

**There are no specific building design guidelines provided herein for structures in industrially zoned areas or planned development districts with the following exceptions.** Historic buildings located in both these zoning districts are

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**TABLE 3**  
**Application of Design Guidelines and Policies in the Historic District**

<b><u>Designation</u></b>	<b><u>Determining Factor</u></b>	<b><u>Applicable Design Guidelines or Policies</u></b>
All Properties	Designated Sight Lines and View Corridors (Figure 6 - Page 37)	View Preservation Policies (Chapter Four - Page 36)
	Location in a Special Review Area (Figure 7 - Page 41)	Strict Adherence with All Applicable Guidelines to Ensure Integrity of National Register Historic Districts and Properties
	Location in one of Four Subdistricts (Figure 10 - Page 54)	Design Policies and Guidelines for Subdistricts (Chapter Six)
Historic Properties	Designated Historic Resource (Figure 3 - Page 9)	Historic Buildings (Chapter Five)
Industrial Zoning	All Properties	Benicia Industrial Design Guidelines (Separate Document)

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subject to the design guidelines for historic buildings found in Chapter Five. Those industrially zoned areas which are located within Subdistrict 4 are governed by building design guidelines which are specific to that subdistrict as well. In addition, the design guidelines for commercial properties would also apply to properties in commercial zones which are designated for planned development.

**The city has also adopted a separate set of Industrial Design Guidelines** which are applicable to industrially zoned properties. These guidelines are more directly applicable to the non-historic industrial properties, however. They are available as a separate document from the city.

**Table 3 is provided to assist the user in determining which guidelines and policies apply in a given situation.** All of these guidelines and policies will also apply in addition to other regulations outlined in the city's Zoning Ordinance, and the Benicia Industrial Design Guidelines. **In the case of conflict, the guidelines or standards of the conservation plan take precedence.**

Except for certain signage guidelines which specify maximum allowable areas or heights, **application of the design guidelines which follow is intended to be flexible rather than rigid, and to take into account the full scope of goals and policies for the area as set forth in the City's General Plan.** Most of the guidelines are stated in terms of general principles, rather than as absolutes, so that innovation and originality in design are not precluded. Therefore, staff and decision making bodies should use discretion in applying them, allowing exceptions as warranted by the particular circumstances, characteristics or qualities of an individual building or site. In addition, flexibility may also be warranted in the review and approval of proposed development plans to further the restoration or preservation of significant sites, views, or buildings. In certain situations, the city may consider exceptions to development intensity standards to allow the owner or developer of a site to avoid the loss of development rights. In appropriate cases, the economic development potential of private properties may be maintained through a transfer of development rights or other methods.

# Chapter Three

# Design Review Procedures



## Objectives

The purpose of these design guidelines is to highlight the important architectural resources of the downtown area and ensure that the changes that occur serve to preserve, enhance and reinforce them. Specifically, the guidelines are intended to achieve the following objectives:

1. Preserve the integrity of individual historic buildings and the architectural features which are integral to them.
2. Minimize alterations and new construction that weaken the historic integrity of individual buildings and the scale, character and streetscape of the district overall.
3. Encourage new development that respects and enhances the visual character of the area, without attempting to replicate literally the buildings of another era.
4. Emphasize and enhance First Street as the retail and pedestrian focus of the downtown as well as its historic link to the waterfront.
5. Promote improvements within the public right-of-way which will unify both residential and commercial areas into a cohesive and recognizable district.
6. Recognize the unique waterfront location of the district and the opportunities it affords.
7. Preserve the existing residential character of those commercially zoned streets which intersect with First Street.

## Design Review Process

In accordance with the H Historic District Overlay regulations, this conservation plan addresses a range of issues relating to design and land use. ~~Among these is a list of alterations and projects which are subject to design review. In the absence of any conservation plan, the city's policy had been to require design approval for all projects except single family residences and demolitions which were outside the Downtown Commercial District. That policy is superseded by the policies contained in this conservation plan.~~

~~"However, the two current procedures for design review will remain in effect. These include administrative review and Design Review Commission review. These two procedures are summarized below:"~~

~~Administrative Review~~ is conducted informally by the Community Development Director (i.e. Staff Level Design Review) for:

- ~~• Signs (including those within the H District)~~
- ~~• Projects in the IG, IL, and IW Zone Districts~~
- ~~• Projects less than 2,500 sq. ft. in all zone districts, except for those within the H Overlay Districts~~
- ~~• Sidewalk encroachments~~
- ~~• Tree removal~~
- ~~• Demolitions of non-historic structures~~

~~This review process may take up to 30 days before a decision is rendered. No public hearing is involved. At the Community Development Director's discretion, requests for design review approval may be referred to a higher authority, i.e., The Historic Preservation Review Commission. Decisions of the Community Development Director may be appealed the Historic Preservation Review Commission.~~

~~Historic Preservation Review Commission Review~~ is currently in effect for:

- ~~• Projects not subject to administrative review~~
- ~~• For all larger projects in residential and commercial zones~~
- ~~• Most projects in the H District~~
- ~~• Demolition of historic structures~~

~~The Commission's review of these projects is final and is rendered at a public hearing which is usually held within 60 days of receipt of a completed application. Decisions of the Historic Preservation Review Commission may be appealed to the Planning Commission~~

Procedures for design review are established in the Benicia Municipal Code, Title 17 (Zoning), Chapter 17.108 (Design Review).

## ~~Design Review in Historic Districts~~

~~In accordance with the city's adopted policies regarding the administration of design review, certain projects which were exempt will be subject to design approval upon enactment of the Historic Overlay zoning designation. In particular, exterior alterations to historic single family residences in the Historic Overlay District, other than painting, will require design approval. Other projects which have been under administrative review would be subject to higher level design review under this new zoning designation.~~

~~"For the most part, smaller projects involving less than 2,500 square feet will be reviewed by the Historic Preservation Review Commission rather than the Planning Director. Larger projects and demolition requests will also be considered by the Historic Preservation Review Commission. For demolition of non-historic buildings, the review will remain an administrative function of the Planning Director. Design review of all signs will also remain an administrative function."~~

~~Projects which have not been subject to any design review in the past will be under this conservation plan. Specifically, any~~

## 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. Activities that are exempt from design review are specified in Chapter 17.108 of the Benicia Municipal Code.~~ 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. Application requirements and procedures for design review are described in Chapter 17.108 of the Benicia Municipal Code. ~~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~~

~~followed by a symbol in the appropriate column to designate the level(s) of review which apply. Where Planning Commission review is prescribed, the Planning Director and Design Review Commission will first provide an advisory review. Where the Design Review Commission has final authority, the Planning Director and/or staff will provide advisory review.~~

It is important to remember that these guidelines and regulations supplement those of the underlying zoning district. Any regulations pertaining to land use and use permit procedures contained therein are still in effect. However, under the Historic Overlay zoning regulations, the Planning Community Development Director may grant a use permit for an exception to the land use regulations of the base district. Such exceptions are permitted only where necessary to ensure the preservation or restoration of an historic or architecturally significant building, structure or site.

## Review of Demolition Permits

In accordance with the provisions of the H Historic Overlay zoning regulations, design review is required prior to issuance of a demolition permit. ~~The procedure for review shall be as described above and summarized in Tables 1 and 2.~~ This requirement is in addition to any other demolition permits required by the city under building or other codes. Exceptions to the design review requirement may be granted for permit applications of an emergency nature to demolish a structure which has been deemed unsafe by the Building Safety Division, subject to review, if required, by the State Office of Historic Preservation. ~~Except where review of demolition permits is performed administratively, all requests for approvals must be reviewed and approved by the Design Review Commission."~~

To assist in evaluating the request, the Planning Community Development Director will first submit

a report and recommendation to the commission. The report should state the age, condition, structural integrity and historical/architectural/cultural significance of the structure and describe its potential for rehabilitation or adaptive reuse. The structure's seismic safety should be assessed as well as the economic feasibility of rehabilitation. The site's potential for archaeological resources should also be noted. The Planning Community Development Director may require the applicant to submit documentation sufficient to allow preparation of this report at the time of application, including requisite analysis pursuant to the California Environmental Quality Act (CEQA). Upon reviewing the report the commission will determine whether the structure has substantial historical, architectural or cultural interest or value. If the commission makes this determination, it may withhold approval of demolition for one hundred eighty (180) days, ~~or until environmental review is completed~~. If the Commission does not make that determination, the permit for demolition shall be issued.

As part of the environmental review process, the city may require engineering studies, cost estimates or other reports to identify any mitigation measures and/or alternatives to demolition; including possible relocation of the structure. If the review determines that there will not, be a significant environmental, social or cultural impact, the demolition permit shall be issued. If substantial damage may occur as a result of the proposed demolition but specific economic, social or other considerations as determined by the Commission make the mitigation measures or alternatives infeasible, the demolition permit shall be issued. The Commission is also empowered to direct that other organizations and groups be consulted or other measures and alternatives to demolition be investigated and may withhold approval for up to 180 days while this investigation takes place.

The precise review procedures and the criteria for issuance of demolition permits for designated landmarks and structures in

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an H district are spelled out in more detail in Chapter 17.54 of the Benicia zoning ordinance. The appeals procedure ~~for decisions rendered by the Planning Director or the Commission~~ is described in Chapter 1.44 of the Municipal Code 17.124. The determination of a structure's historical, architectural, or cultural significance or value should be made by the ~~Design Review~~ Commission based in part on its rating in the historic resource inventory; that is, a landmark structure has a higher degree of significance than a potentially contributing structure. But additional factors such as the building's integrity, its potential to be restored, its role in the district and any new research or information brought to light at public hearings should also be carefully weighed. Furthermore, except for applications of an emergency nature, no application for demolition permit should be considered without concurrent design review of the structure or project which will replace it. In this way, the relative merits and feasibility of the proposals can be compared.

## Application and Intent of Design Guidelines

The ~~proposed~~ boundaries of the Downtown Historic District encompass a mixture of land uses and building types - residential, commercial, civic, religious and institutional - as well as architectural styles. Within the area zoned for commercial use are former residences used for business purposes and residences used for dwellings. To further blur the distinctions, some of Benicia's earliest commercial structures bear more resemblance to dwellings than to the commercial blocks that followed in subsequent decades. Interspersed among residential and commercial building types are civic, religious and institutional buildings dating from various periods. Regardless of their present use, buildings in Benicia can be

divided into three types, based on their form and original use: commercial, institutional and residential.

The **commercial** buildings fall into two broad categories, those with clearly visible pitched roofs and those with roofs concealed wholly or partially behind a vertical parapet wall. The former predominate on lower First Street, the latter on upper First Street. The styles of commercial buildings are loosely related to these two types, with the early buildings on lower First Street favoring the simpler forms and lines of the classical revival styles popular in the 1850s and 1860s.

The **institutional category** as used here includes buildings intended for civic, religious public and quasi-public uses such as schools, churches, fraternal lodges, and civic buildings. The elements commonly shared by buildings of this type are the visible roof form and landscaped setback from the street and/or adjacent structures. These buildings encompass almost all of the architectural styles found in downtown Benicia and mirror what was popular in their time.

**Residential** buildings in downtown Benicia represent the third category of building type. Virtually all of the residential buildings which contribute to the character of the district were built as single family residences, although some may have been converted to multi-family residential or commercial use. Apartment houses came much later to downtown Benicia. Residential building types are found throughout the downtown but particularly on the east-west streets of the district's central area. The buildings found in the district's eastern residential area are all residential building types. Again, a wide range of styles is represented by this type, but they share common features similar to those of institutional buildings: visible roof forms and landscaped setbacks. A further characteristic of the residential

**TABLE 1**

**Design Review and Approval Process for  
Minor Projects<sup>1</sup>**

\* Final Review Authority

	Administrative Design Review	Historic Preservation Review Commission
<b>EXTERIOR ALTERATIONS – PAINTING ONLY</b>		
<del>All Historic Structures</del>		Exempt
<del>Non Historic Single Family in the Central Area only</del>	*	
<del>Non Historic Duplexes in the Central Area only</del>	*	
<del>All Other Structures</del>	*	
<b>EXTERIOR ALTERATIONS – OTHER MODIFICATIONS OR RELOCATION<sup>2</sup></b>		
<del>Non Historic Single Family Residence (not including Eastern Residential Area or any other future enclaves which are exempt)</del>		*
<del>Historic Single Family Residence</del>		*
<del>Non Historic Duplex (not including Eastern Residential Area or any other future enclaves which are exempt)</del>		*
<del>Historic Duplex</del>		*
<del>All Other Structures</del>		*
<b>NEW CONSTRUCTION</b>		
<del>Single Family Residence</del>		*
<del>Duplex</del>		*
<del>All Other Structures<sup>3</sup></del>		*
<b>DEMOLITION</b>		
<del>Historic Building (possible waiting period up to 180 days may be required.)</del>		*
<del>Non Historic Building</del>	1*	
<b>SIGNS</b>	1*	
<b>SIDEWALK OR OTHER PUBLIC ENCROACHMENTS</b>	1*	
<b>TREE REMOVAL</b>	1*	
<b>EXCEPTIONS TO LAND USE REGULATIONS OF BASE ZONING DISTRICT</b>	1*	

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

**TABLE 2**

**Design Review and Approval Process for Major Projects<sup>1</sup>**

\* Final Review Authority

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

<sup>1</sup>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.

<sup>2</sup>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.

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building type in Benicia is the absence of obtrusive garages. This occurs in part because many of the structures predate the automobile, but also due to the availability of mid-block alleys to allow off-street access to garages set back behind the houses.

Because Benicia's downtown area has such a rich mixture of buildings and uses, it is not easily divided into neat and legible subdistricts for the purpose of defining design guidelines. In fact, this approach works well only along the First Street Corridor and principally for commercial buildings. Therefore, the application of design guidelines is by building type for the most part, rather than location.

The guidelines for commercial buildings are presented first by locations which are site specific, such as upper and lower First Street, and transitional areas. In each of these locations the guidelines call for a distinct building form or type which is traditionally found in that area. These include "street wall" buildings with roofs or with parapets and "setback" buildings. These site specific guidelines are followed by those which are applicable to certain buildings or conditions, including historic buildings and parking areas.

The residential design guidelines are organized into four categories: new construction, historic buildings, site improvements and commercial features. These guidelines apply to all residential building types; that is, buildings originally built as residences, regardless of their location, zoning designation or present use.

Institutional buildings should follow the guidelines for the building type most prevalent in their particular zoning district. For commercially zoned properties, Type 3 Commercial Building Guidelines and/or Historic Building Guidelines would be applicable. For residentially zoned institutional properties,

all four of the subcategories of the Residential Building Type Guidelines should be followed to the extent they are applicable. To assist the user in determining which guidelines apply in a given situation, the following tables are provided. Table 3 identifies which design guidelines will apply to various building types in commercial zoning districts. Table 4 lists the specific design guidelines to be followed for the two building types, residential and institutional, found in residential zoning districts.

To determine whether a property is located in a commercial zoning district, refer to Figure 4. Those properties within the Downtown Historic District Boundary which are not indicated as commercially zoned are zoned for residential use. It is important to note that these design guidelines will apply in addition to other regulations outlined in the city's Zoning Ordinance. In general, the guidelines are supplementary to the zoning regulations. In the case of signs, however, they may be more restrictive. In case of conflict, the guidelines or standards of the conservation plan take precedence.

Except for certain signage guidelines which specify maximum allowable areas or heights, application of the design guidelines which follow is intended to be flexible rather than rigid. Most of the guidelines are stated in terms of general principles, rather than as absolutes, so that innovation and originality in design are not precluded. Therefore, staff and decision making bodies should use discretion in applying them, allowing exceptions as warranted by the particular circumstances, characteristics or qualities of an individual building or site.

TABLE3  
 Design Guidelines for Commercially Zoned Properties

<u>Building Type</u>	<u>Determining Factor</u>	<u>Applicable Design Guidelines</u>
Commercial	Upper First Street Location (See Figure 4) <ul style="list-style-type: none"> <li>• New Construction . . . . .</li> <li>• All Buildings</li> </ul>	Commercial Building Types - (Chapter 4) <ul style="list-style-type: none"> <li>• Type 1: Street Wall Buildings with Parapet</li> <li>• Types 1 and 2: Street Wall Commercial Buildings</li> </ul>
	Lower First Street Location (See Figure 4) <ul style="list-style-type: none"> <li>• New Construction . . . . .</li> <li>• All Buildings</li> </ul>	Commercial Building Types (Chapter 4) <ul style="list-style-type: none"> <li>• Type 2: Street Wall Buildings with Roof</li> <li>• Types 1 and 2: Street Wall Commercial Buildings</li> </ul>
	Other Commercially Zoned Locations (See Figure 4) . . . . .	Commercial Building Types (Chapter 4) <ul style="list-style-type: none"> <li>• Type 3: Setback Buildings</li> </ul>
Institutional	All Institutional Building Types in Commercially Zoned Locations	Commercial Building Types (Chapter 4) <ul style="list-style-type: none"> <li>• Type 3: Setback Buildings</li> </ul>
Commercial or Institutional	Is it historic? (See Figures 1 and 2) . . . . .	Commercial Building Types (Chapter 4) <ul style="list-style-type: none"> <li>• Historic Buildings</li> </ul>
	Is there on-site parking? . . . . .	Commercial Building Types (Chapter 4) <ul style="list-style-type: none"> <li>• Parking and Service Areas</li> </ul>
Residential	All Residential Building Types in Commercially Zoned Locations	Residential Building Types (Chapter 5) <ul style="list-style-type: none"> <li>• Site Improvements</li> </ul>
	Is it historic? (See Figures 1 and 2) <ul style="list-style-type: none"> <li>• If yes . . . . .</li> <li>• If no . . . . .</li> </ul>	Residential Building Types (Chapter 5) <ul style="list-style-type: none"> <li>• Historic Buildings</li> <li>• New Construction</li> </ul>

TABLE 4  
 Design Guidelines for Residentially Zoned Properties

<u>Building Type</u>	<u>Determining Factor</u>	<u>Applicable Design Guidelines</u>
Residential	All Residential Building Types, Regardless of use . . . . .	Residential Building Types: (Chapter 5) • Site Improvements
	Is it historic? (Figures 1 and 2) •If yes . . . . . •If no . . . . .	Residential Building Types: (Chapter 5)  • Historic Buildings • New Construction
	Is it in commercial or office use?	Residential Building Types: (Chapter 5)
Institutional	All Institutional Building Types	Residential Building Types: (Chapter 5) • New Construction • Site Improvements • Commercial Features
	Is it historic? •If yes . . . . . •If no . . . . .	Residential Building Types: (Chapter 5)  • Historic Buildings • New Construction

## Solano County Airport Land Use Commission

675 Texas Street Suite 5500  
Fairfield, CA 94533  
Tel 707.784.6765  
Fax 707.784.4805  
SolanoALUC@solanocounty.com

### LAND USE COMPATIBILITY DETERMINATION: APPLICATION FORM

TO BE COMPLETED BY STAFF		
APPLICATION NUMBER:	FILING FEE:	
DATE FILED:	RECEIPT NUMBER:	
JURISDICTION:	RECEIVED BY:	
PROJECT APN(S):		
TO BE COMPLETED BY THE APPLICANT		
I. GENERAL INFORMATION		
NAME OF AGENCY: <b>City of Benicia</b>	DATE: <b>09/21/2023</b>	
ADDRESS: <b>250 East L Street, Benicia, CA 94510</b>		
E-MAIL ADDRESS: <b>jhade@ci.benicia.ca.us</b>	DAYTIME PHONE: <b>(707) 746-4277</b>	FAX:
NAME OF PROPERTY OWNER: <b>N/A - Citywide Ordinance</b>		DATE:
ADDRESS: <b>N/A - Citywide Ordinance</b>		DAYTIME PHONE:
NAME OF DOCUMENT PREPARER: <b>Jason Hade, Planning Manager</b>		DATE: <b>09/21/2023</b>
ADDRESS: <b>250 East L Street, Benicia, CA 94510</b>	DAYTIME PHONE: <b>(707) 746-4277</b>	FAX:
NAME OF PROJECT: <b>Amendments to Title 17: Zoning Ordinance</b>		
PROJECT LOCATION: <b>N/A - Citywide Ordinance</b>		
STREET ADDRESS: <b>N/A - Citywide Ordinance</b>		

EMAIL APPLICATION PACKET TO [SOLANOALUC@SOLANOCOUNTY.COM](mailto:SOLANOALUC@SOLANOCOUNTY.COM) OR CALL (707) 784-6765 FOR AN APPLICATION APPOINTMENT

**LAND USE COMPATIBILITY DETERMINATION APPLICATION**

**TO BE COMPLETED BY THE APPLICANT**

**II. DESCRIPTION OF PROJECT – include additional sheets as necessary**

The proposed project will repeal and replace the Design Review Ordinance, Chapter 17.108 of the Benicia Municipal Code (BMC) and make corresponding amendments to the definitions provided by BMC Section 17.12.030 (Definitions). Additionally, the project will amend the procedural requirements of the Downtown and Arsenal Historic Conservation Plans, with the overall effect being to consolidate requirements for design review procedures into the Zoning Ordinance, BMC Title 17.

The project will streamline design review requirements citywide through modifications to review authority, expansion of activities exempt from design review, and clarification of objective (ministerial) review procedures.

EMAIL APPLICATION PACKET TO [SOLANOALUC@SOLANOCOUNTY.COM](mailto:SOLANOALUC@SOLANOCOUNTY.COM) OR CALL (707) 784-6765 FOR AN APPLICATION APPOINTMENT





September 21, 2023

Nedzlene Ferrario  
Solano County Department of Resource Management  
Planning Services Division  
675 Texas Street, Suite 5500  
Fairfield, CA 94533-6341

RE: Referral of Municipal Code Amendments to Airport Land Use Commission

Dear Ms. Ferrario,

Enclosed please find an application to the Solano County Airport Land Use Commission, requesting the Commission's review of proposed text amendments to the Benicia Municipal Code for compatibility with the Travis Air Force Base Land Use Compatibility Plan (AFB LUCP). The project would repeal and replace the Design Review Ordinance, Chapter 17.108 of the Benicia Municipal Code (BMC) and make corresponding amendments to BMC Section 17.12.030, Definitions. Pending public hearing and approval, this ordinance will be effective city-wide. The majority of the City is in Zone E of the Travis AFB LUCP, although a portion is located within Zone D as well.

The City of Benicia hopes that you will review the enclosed application and documents to advise us of the application's completeness and any comments you may have.

Thank you for your assistance and consideration.

Sincerely,

Jason Hade  
Planning Manager  
JHade@ci.benicia.ca.us



## Historic Preservation Review Commission Staff Report

August 24, 2023

**Project:** Amendments to Title 17 (Zoning) of the Benicia Municipal Code and the Arsenal and Downtown Historic District Conservation Plans pertaining to Design Review Procedures

### **Staff Recommendation**

Conduct the public hearing and move to adopt the resolution (Attachment 1) recommending that the City Council of the City of Benicia amend Title 17 (Zoning) of the Benicia Municipal Code (BMC) and the Arsenal and Downtown Conservation Plans, after a public hearing and determination that the project is exempt from CEQA.

### **Project Description**

The project would repeal and replace the Design Review Ordinance, Chapter 17.108 of the BMC and make corresponding amendments to the Definitions, BMC section 17.12.030. Additionally, the project would amend the procedural requirements of the Downtown and Arsenal Historic Conservation Plans, with the overall effect being to consolidate requirements for design review procedures into the Zoning Ordinance, BMC Title 17.

The project would streamline design review requirements citywide through modifications to review authority, expansion of activities exempt from design review, and clarification of objective (ministerial) review procedures.

### **Background**

The City's design review procedures are found in BMC Chapter 17.108 Design Review as well as BMC Chapter 17.54 H Historic Overlay District, the Downtown Historic Conservation Plan and the Arsenal Historic Conservation Plan.

The City has made efforts over the past decade to reform and clarify its design review procedures. The project is identified as a City Council Priority Project for Fiscal Year 2023-2024:

**Priority Project 2.4:** Streamline design review requirements, including revisions to the Benicia Municipal Code, and adding a limited update to conservation plans to consolidate procedural requirements to BMC. Present to Council for adoption by December 2023.

Upon adoption of the updated User Fee Study and Master Fee Schedule in May 2023, the City Council directed staff to defer implementation of updated user fees for design review in an H Overlay District until January 1, 2024 to allow time for completion of the subject streamlining amendments.

### Study Sessions, July 2023

Two study session meetings were conducted by the City in July 2023 to accept public comment and consider a recommended approach that includes the following:

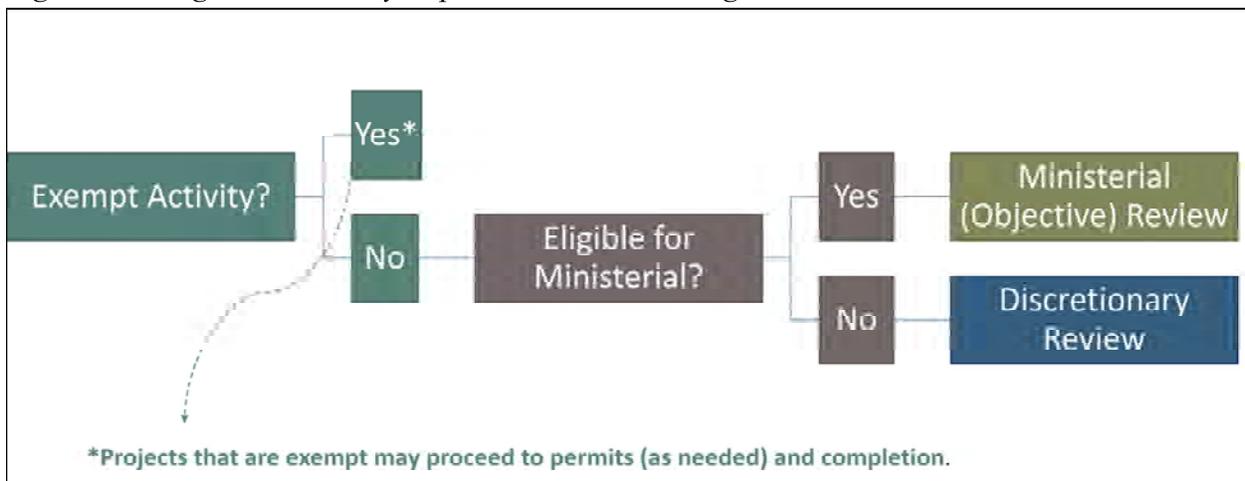
- Consolidation of procedural requirements into the BMC;
- Expansion and clarification of exempt activities;
- Clarification of ministerial review processes;
- Expansion of administrative design review;
- Focusing HPRC review on historic districts and structures; and
- Directing some project types to the Planning Commission to consolidate hearing requirements.

Copies of the agenda items for both meetings, including associated attachments, presentations and public comment, can be viewed at [www.ci.benicia.ca.us./agendas](http://www.ci.benicia.ca.us./agendas).

To organize the discussion and identify priorities, a “Key Topics Framework” was presented during the July 25 and 27, 2023 study session meetings:

- What types of activities should require design review?
- What type of review is needed (ministerial vs discretionary)?
- For Discretionary Review:
  - Is a public hearing needed?
  - Which decision body is appropriate?
- For Ministerial (Objective) Review:
  - How best to align with State laws?
  - How best to align with Benicia policies?.

Figure 1: Design Review “Key Topics Framework” Diagram



During the July 25, 2023 joint City Council and Planning Commission study session, eleven community members offered public comment concerning a range of topics including their design review experience, delegation of review authority to staff, timelines required for project permitting, concerns for scale and consistency with the Secretary of Interior's Standards and the meaning of project compatibility. Following some discussion, the Council and Planning Commission expressed support for the approach recommended by staff.

During the July 27, 2023 Historic Preservation Review Commission (HPRC) study session, three community members offered public comment. Following discussion, the Commission stated their support for maintaining the City's historic preservation program. Commissioners generally expressed consensus on the following themes:

- The focus of the HPRC should be on the historic districts and historic resources.
- The HPRC should review new principal structures in a historic district.
- Staff-level design review may be appropriate for a wider range of changes to buildings that are not designated historic, than what is currently allowed.

During the course of its discussion, the HPRC considered a range of topics and requested clarification of various concepts and outlined the following priorities or concerns concerning design review procedures:

- Commissioners were generally receptive to the exemptions that were outlined, except that the Commission wanted to better understand the details of exemptions and review authority for porches.
- The commission discussed but did not reach consensus about the review authority for side additions and second story additions.
- Windows received a significant amount of discussion. The relocation, addition and removal of windows on side and rear sides of historic homes was considered. Commissioners did not form a consensus around the appropriate review authority for changes of these nature.

The HPRC asked staff to provide case studies or examples of how various types of projects would be reviewed.

#### *Public Comment*

Following the HPRC study session on July 27, 2023, staff met with representatives from the Benicia Historical Society on August 8, 2023. They generally agreed that the focus of the HPRC should be on the historic districts and historic resources but wanted to better understand the proposed changes to design review authority and the amendments to the Arsenal and Downtown Historic District Conservation Plans. They supported the idea of partnering with the City to provide historic preservation training to the HPRC, staff, and interested members of the public.

Following the meeting, the Benicia Historical Society provided written comments (Attachment 2). The Historical Society advocates that evaluation of historic significance be evaluated prior to issuance of demolition permits for structures that are 50 years of age or older and recommends incentives for historic preservation and renovation as well as a demolition by neglect ordinance.

Public comment for the study session meetings can be viewed at [www.ci.benicia.ca.us/agendas](http://www.ci.benicia.ca.us/agendas).

### **Project Analysis**

The draft ordinance would repeal and replace BMC Chapter 17.108 Design Review in its entirety (Attachment 1, Exhibit A), corresponding changes would be made to the Definitions in BMC section 17.12.030. In addition, line edits would be made to Chapter 3 of both the Downtown and Arsenal Historic Conservation Plans (Attachment 1, Exhibits B and C).

The proposed ordinance was developed to correspond to the above key topics, informed by community, Council and commission comment, as outlined below:

- 17.108.010 Purposes. This section defines the purposes, or reasons, why design review is conducted in Benicia. The purposes of the Design Review Ordinance were recently amended by Ordinance No. 23-3 to provide improved objectivity and would not be further modified by the proposed project.
- 17.108.020 Applicability. This section establishes design review as a precursor to building permits for demolition, construction or exterior alterations, except where exempt.
  - The distinction between objective ministerial review and discretionary review is established.
  - Exemptions from design review are listed. Projects that are exempt from design review shall not be required to obtain design review approval. Further discussion of exemptions is provided in the body of this report.
- 17.108.030 Review Responsibilities. This section identifies the review responsibilities of the staff (Administrative), HPRC and Planning Commission.
  - Outside of a -H Historic Overlay District. The administrative review responsibilities are the same as what currently existing in the Zoning Ordinance, except that objective design review is also added to administrative responsibilities. A key change is that the Planning Commission would be responsible for design review or projects not subject to administrative review.
  - In a -H Historic Overlay District. Administrative review would be conducted for objective design review and any project not subject to review by the HPRC. The HPRC would review the demolition of a

historic building, a change to the street-facing building wall or character-defining features of any historic building, or the construction of a principal structure or certain building additions. Further discussion of HPRC design review is provided in the body of this report.

- The Community Development Director may refer a discretionary design review application to the HPRC or Planning Commission, as applicable to their review responsibilities, for review and final decision (consistent with current ordinance).
- The Community Development Director or their designee may authorize minor deviations for a specific set of zoning standards (consistent with current ordinance). In a historic district, this would include repair or replacement of nonconforming structures within the historical footprint of the structure without the need for a zoning variance.

17.108.040 Procedures for Discretionary Design Review.

- Initiation. Design review applications and determinations of exemption, where necessary, are initiated by filing an application and the required fee.
- Review. Projects are reviewed for completeness and consistency with the adopted standards, policies and guidelines of the City.
- Public Notice. For administrative review, notice of pending design review decision is provided at least 10 days prior to administrative action to owners of record within 100 feet of the subject property and posted on-site. For commission review, notice of public hearing is provided at least 10 days prior to the public hearing to owners of record within 500 feet of the subject property and posted on-site. (These procedures are consistent with the current ordinance).
- Decision. A decision to approve, conditionally approve or deny an application shall be based on findings of compliance with the purposes of design review and any applicable design guidelines or planned development plan. The proposed ordinance specifies that for discretionary design review in an -H Historic Overlay District, a decision shall also include findings of consistency with the Secretary of Interior's standards for Treatment of Historic Properties.

17.108.050 Procedures for Objective Design Review. Procedures are established for initiation, review and decision of ministerial applications, including reference to the city's Objective Planning and Design Standards and Government Code Section 65589.5.

- 17.108.060 Effective date – Lapse and renewal – Alterations. Provisions for effective date and lapse of approval are consistent with the current ordinance.
- The Community Development Director may approve a one-time renewal of design review for up to one year, upon determining that the findings and conditions of approval remain valid. The current ordinance does not establish a limit on the number of design review renewals.
  - The Community Development Director may approve changes to approved plans or conditions upon determining that those changes are minor and consistent with the intent of original approval. This is consistent with City’s existing standard conditions of approval.
- 17.12.30 Appeals. Appeals are subject to the procedures of Chapter 1.44, except that decisions of the Community Development Director in an -H Historic Overlay District shall be appealed to the HPRC and decisions of the HPRC shall be appealed directly to the City Council. This is a slight reorganization of appeal procedures that is intended to align with the ordinance in its entirety.
- 17.12.30 Definitions. New definitions are proposed for the purposes of clarification.

Arsenal Historic Conservation Plan. Within Chapter 3, text and tables defining review procedures, review authority and exemptions would be stricken. An outdated zoning map (Figure 4) would be stricken. New text would be added providing reference to BMC Chapter 17.108. Minor text edits would be made to update commission and Community Development Director titles.

Downtown Historic Conservation Plan. Within Chapter 3, text and tables defining review procedures, review authority and exemptions would be stricken. New text would be added providing reference to BMC Chapter 17.108. Minor text edits would be made to update commission and Community Development Director titles.

### *Design Review Exemptions*

The proposed ordinance specifies exemptions to design review, meaning that these are actions that must comply with the City’s zoning regulations and may require subsequent permitting but do not require design review. Projects that are not exempt will require either administrative or commission level design review. The list of proposed design review exemptions is provided below.

1. Repairs and replacements of a minor, routine nature that do not modify the exterior appearance of a structure, including but not limited to:
  - a. Replacement of a roof when there are no structural or architectural changes.

- b. Replacement of an existing door or window: [Note: this is drafted for consistency with the Interpretive Guidance for Replacement of Residential Windows in a Historic District, issued in 2022 and provided as Attachment 3.]
    - i. On a historic structure. Replacement of a door or window with a new door or window of the same dimensions, textural and visual material characteristics, and overall appearance as the existing feature or to return to the original design based on evidence or documentation.
    - ii. On a non-historic structure. Replacement of a door or window with a new door or window of the same overall appearance.
  - c. Removal of a roof projection or mechanical appurtenance, where there is no alteration to a fireplace or chimney flue affixed to an exterior wall.
  - d. Repair of a porch, stair or handrail, including repairs that require limited changes to dimensions only for purposes of compliance with the life safety requirements of the California Building Code or California Residential Code (e.g., rise of stair treads, height of handrail, spacing of pickets). [Note: alterations to porches that fall outside of these parameters would require design review.]
  - e. Replacement of a building foundation where the height of a structure does not increase by more than 18” and there is no change in the number, size or arrangement of window openings, building entrances or exterior cladding material.
  - f. Repainting an existing painted exterior surface.
2. Single-family residences and related accessory structures that are located outside of an -H Historic Overlay District, unless otherwise specified in an adopted planned development plan or specific plan; [Note: consistent with existing ordinance.]
  3. Exterior alteration of a non-historic residence in the Eastern Residential Area of the Downtown Historic District; [Note: this is an existing provision of the Downtown Historic Conservation Plan]
  4. Accessory dwelling units and carriage units; [Note: consistent with existing ordinance.]
  5. An accessory structure located in a rear yard that does not exceed 250 square feet; [Note: this was increased from the 200 square foot concept that was presented on July 27, 2023 to allow for a structure that can more reasonably accommodate a standard 1-car garage.]
  6. Exterior alteration to the rear or side wall of a non-historic building or exterior alteration of an accessory structure, where the alteration that does not result in the vertical nor horizontal expansion of the building;

7. Signs, fabric awnings, light fixtures, mailboxes, mechanical equipment and similar appurtenances;
8. Site alterations and buildings in the IL, IG, IW, and IP districts that are not located in an - H historic overlay district and are less than 50,000 square feet; [Note: consistent with existing ordinance.]
9. Landscaping or landscape features, inclusive of fences up to six feet in height, landscape planters, retaining walls up to four feet in height, rear yard decks and platforms, where no grading permit is required;
10. Sidewalks and public access ways; and
11. Emergency stabilization of an unsafe condition to address an imminent threat to public health and safety, without demolition. [Note: consistent with existing ordinance.]

#### *HPRC Review Scope*

During the July 27 study session, the HPRC discussed its review responsibilities related to exterior alterations and building additions in a historic district. The proposed ordinance specifies the following items to be directed to the HPRC for a public hearing and decision (proposed section 17.108.030.B.2):

Commission. The historic preservation review commission shall conduct design review for any project that would:

- a. Demolish, partially demolish, relocate or remove a historic building.
- b. Alter the street-facing building wall or the character-defining feature(s) of any historic building. "Character-defining features" means the overall shape of the building, its materials, craftsmanship and decorative details, inclusive of those features identified on a Historic Resources Inventory (State of California DPR Form 523A or equivalent).
- c. Construct a principal structure or building addition with one or more exterior walls that are parallel to and visible from a public street. "Visible from a public street" means that the building addition can be viewed at a perpendicular angle from a public street, without consideration to landscape features or vantage point.

Design review for all other projects, except where exempt, would be conducted as an administrative review. Whether conducted at the commission or administrative level design review requires public notice, findings of consistency with the guidelines of the conservation plan and analysis pursuant to the California Environmental Quality Act (CEQA). Administrative design review does not require a public hearing.

During the July 27 study session, commissioners expressed consensus about the appropriateness of HPRC review for exterior alterations to the front façade of a historic building. As to changes to side and rear sides, it was noted that some changes may be of a minor nature that do not necessitate a public hearing, while others could have a potential impact on the integrity of the historic building. The proposed ordinance incorporates the concept of “character-defining features” as the basis of commission review. This means that where an alteration to any building face would change the essential historic qualities of a building, those changes would be considered by the HPRC.

Concerning building additions, commissioners asked about how the term “visible from a public street” may be defined and commented that the HPRC should review second story additions. As proposed, the ordinance would require HPRC design review for side additions, side dormers, upper story additions and most building additions on corner lots. Smaller building additions that are confined to the rear of a property would require administrative design review. Staff recommends this approach because certain building additions and new buildings, notably those that “max out” the permitted zoning envelope, can have an impact on the visual integrity of a blockface or setting within a historic district due to their scale and form and would therefore best be considered through a HPRC review and hearing process.

*Sample Projects*

The HPRC has requested some sample projects to demonstrate whether they would be exempt or, if not, how review would be conducted. The table below provides a conceptual scope of work and a comparison of potential exemptions or review authority.

Example Projects	Exempt?		Design Review Authority	
	Current	Proposed	Current	Proposed
<i>Residential Examples (All in Historic District)</i>				
Historic: Replace non-original garden window with new double hung wood window in existing opening to match original design.	No	Yes	HPRC	N/A - Exempt
Historic: Construct a side addition, relocate windows, modify porch orientation and detail.	No	No	HPRC	HPRC
Historic: Remove existing transite siding over original lap siding; re-open existing enclosed front porch; replace door with wood window to match original; remove awnings; install new wood window.	No	No	HPRC	HPRC

Historic: Repair and reconstruct front porch stairs and railing, reverting from composite/plastic materials to wood, with no change in overall appearance, except that railing height will increase to 42”.	No	Yes	HPRC	N/A - exempt
Historic: Install or replace front yard fence.	No	Yes	HPRC	N/A - exempt
Non-historic: Enclose rear porch, replace windows, remove chimney and repaint exterior.	No	No	HPRC	Admin.
Non-historic Multifamily: New landscape wall, paver walkway and landscaping.	No	Yes	HPRC	N/A - exempt
Non-historic Multifamily: Replace existing wood windows with vinyl windows of same style and dimension.	No	Yes	HPRC	N/A - exempt
<i>Commercial and Mixed-Use Examples (All in Historic District)</i>				
Historic: Replace rear upper story windows, upper story side door; modify side and decking and stairs, modify gravel lot. No change to front façade (First Street).	No	No	HPRC	Admin.
Historic: Replace aluminum storefront windows and doors in kind, repaint building, replace awning (change in style), modify existing ramp for ADA compliance	No	Yes	HPRC	N/A - exempt
Non-historic: Replace windows and doors including removal of existing clerestory windows on front facade.	No	No	HPRC	Admin.
Non-historic: Window replacement (change to style/materials) on front façade of commercial structure.	No	No	HPRC	Admin.
Any: New or expanded rear outdoor dining area limited to pavers, landscaping, etc.	No	Yes	HPRC	N/A - exempt
<i>Other Examples</i>				
Historic Civic Building: Replace aluminum windows with new wood windows that match the original design/dimension.	No	Yes	HPRC	N/A - exempt.
New Wireless Tower Outside of H District	No	No	HPRC	PC

**Consistency with the 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.
- Housing Element Goal 2.1: Benicia shall be an active leader in attaining the goals of the City’s Housing Element.
  - Policy 1.01: To the extent possible and within the City’s control, the City shall facilitate the production of housing that is affordable to people with a wide range of incomes.

### **Secretary of the Interior’s Standards for Treatment of Historic Properties**

The Secretary of the Interior’s Standards for the Treatment of Historic Properties identify four distinct approaches to the treatment of historic properties—preservation, rehabilitation, restoration and reconstruction. Most often, design review applications for historic buildings are considered rehabilitation. Rehabilitation is defined as “the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.”

Whether design review is conducted by a commission or by staff, discretionary permitting for historic buildings pursuant to the California Environmental Quality Act (CEQA) includes an analysis of consistency with the Secretary of the Interior’s Standards for Rehabilitation.

### **California Environmental Quality Act**

This project is categorically exempt pursuant to CEQA Guidelines Sections 15301 Existing Facilities, as it would clarify exemptions to design review for maintenance, repair and minor alterations to existing structures with negligible or no expansion of use. Additionally, it is categorically exempt pursuant to Section 15303 New Construction or Conversion of Small Structures, as it would allow limited exemptions from design review and ministerial permitting for multifamily housing development up to four units outside of a historic district and within the City of Benicia’s urbanized areas. The action is further exempt pursuant to section 15331 Historical Resource Restoration/Rehabilitation as the ordinance would codify the applicability of the Secretary of Interior’s Standards as part of the design review process for discretionary projects in a historic district.

Specific project review and analysis would still be required pursuant to the CEQA for all discretionary design review applications.

## **Public Noticing**

In accordance with California Government Code Section 65090 (Notice of hearing), notice of public hearing was posted at Benicia City Hall and mailed to interested parties on August 8, 2023 and published in the Benicia Herald on August 13, 2023.

## **Next Steps**

### *Planning Commission*

The Planning Commission shall conduct a public hearing and provide a recommendation to the City Council on any amendment to the Zoning Ordinance pursuant to BMC section 1.120.050 and California Government Code sections 65854 and 65855. The Planning Commission's public hearing on this item is tentatively scheduled for September 14, 2023.

### *Solano Airport Land Use Commission*

Pursuant to the Public Utilities Code (PUC) section 21676, any local agency whose general plan includes areas covered by an airport land use compatibility plan shall refer a proposed zoning ordinance or building regulation to the airport land use commission for review. The airport land use commission shall determine whether the proposal is consistent with the adopted airport land use compatibility plan. Benicia falls within the jurisdiction of the Travis Air Force Base Airport Land Use Compatibility Plan; therefore, proposed zoning amendments must be reviewed by the Solano County Airport Land Use Commission (ALUC). The purpose of the hearing is to evaluate the consistency of the proposed zoning amendments with the Travis Air Force Base Airport Land Use Plan. At this time, a date for ALUC review has not been scheduled.

### *City Council Hearings*

Upon receipt of the Planning Commission's recommendation, the City Council must conduct two readings on the proposed amendment. If adopted at the second reading, the amendments would become effective 30 days later. City Council review of the proposed amendments is tentatively scheduled for November 2023.

## **Attachments:**

1. Draft Resolution with Exhibits A, B and C
2. Public Comment: Benicia Historical Society (August 14, 2023)
3. Interpretive Guidance for Replacement of Residential Windows in a Historic District

*For more information contact: Suzanne Thorsen, Community Development Director*

*Phone: 707.746.4280*

*E-mail: sthorsen@ci.benicia.ca.us*

**SOLANO COUNTY AIRPORT LAND USE COMMISSION  
RESOLUTION NO. 23-\_\_**

**RESOLUTION REGARDING CONSISTENCY WITH  
AIRPORT LAND USE COMPATIBILITY PLANS  
(City of Benicia Design Review – City of Benicia)**

**WHEREAS**, pursuant to California Public Utilities Code section 21675 the Solano County Airport Land Use Commission (“**Commission**”) has the responsibility to prepare and adopt airport land use plans for any public and military airports within Solano County and to amend any such adopted plan as necessary; and

**WHEREAS**, pursuant to such authority, the Commission has adopted airport land use compatibility plans for Travis Air Force Base, Rio Vista Municipal Airport, and the Nut Tree Airport, and the Solano County Airport Land Use Compatibility Review Procedures (the “**Compatibility Plans**”); and

**WHEREAS**, in enacting the sections within the State Aeronautics Act (the “**Act**”) that provide for airport land use commissions, the California Legislature has declared that the purposes of the legislation include: (1) to provide for the orderly development of each public use airport in this state; (2) to provide for the orderly development of the area surrounding these airports so as to promote the overall goals and objectives of the California airport noise standards; (3) to provide for the orderly development of the area surrounding these airports so as to prevent the creation of new noise and safety problems; (4) to protect the public health, safety, and welfare by ensuring the orderly expansion of airports; and (5) to protect the public health, safety, and welfare by the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses (Pub. Util. Code, § 21670, subd. (a)); and

**WHEREAS**, the Act provides that an airport land use commission's powers and duties include: (a) to assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity of those airports is not already devoted to incompatible uses; (b) to coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare; (c) to prepare and adopt an airport land use compatibility plan pursuant to Public Utilities Code section 21675; and (d) to review the plans, regulations, and other actions of local agencies and airport operators pursuant to Public Utilities Code section 21676 (Pub. Util. Code, § 21674); and

**WHEREAS**, the Act provides that the purpose of compatibility plans is to provide for the orderly growth of the airports and the area surrounding the airports, and to safeguard the general welfare of the inhabitants within the vicinity of the airport and the public in general (Pub. Util. Code, § 21675, subd. (a)); and

**WHEREAS**, Public Utilities Code section 21675, subdivision (a), authorizes the Commission, in formulating a compatibility plan, to develop height restrictions on buildings, specify the use of land, and determine building standards, including sound-proofing adjacent to airports; and

**WHEREAS**, Public Utilities Code section 21675, subdivision (b), directs the Commission to prepare a compatibility plan for areas surrounding military airports, and the Legislature's intent in enacting subdivision (b) was to protect the continued viability of military installations in California,

to protect the operations of military airports from encroachment by development, and to encourage land use policies that reflect the contributions military bases make to their communities, as well as their vital importance in the state’s economy and in the defense of our nation; and

**WHEREAS**, pursuant to such authorities, the Compatibility Plans set forth criteria to be applied by the Commission when evaluating local land use plans and specific development proposals; and

**WHEREAS**, Public Utilities Code section 21676, subdivision (b), requires that prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or building regulation within the planning boundary established by the Commission, local agencies within Solano County are required to first refer the proposed action to the Commission for a consistency determination; and

**WHEREAS**, the City of Benicia (“**Local Agency**”) is considering approving the following project (the “**Project**”), as set forth in greater detail in the Staff Report and its Attachments concerning “Item AC 23-043” of the Commission’s November 9, 2023 Regular Meeting (“**Staff Report**”): “Determine that Application ALUC-23-14 (City of Benicia Design Review) is consistent with the Travis Air Force Base Land Use Compatibility Plan,” and

**WHEREAS**, the Commission has duly considered the Project, at a noticed public meeting, in order to ensure consistency of the Project with the Compatibility Plan.

**RESOLVED**, that after due consideration and based upon the administrative record, the Commission does adopt and incorporate by this reference as its findings and determinations the analysis, conclusions, and recommended findings of the Staff Report.

**RESOLVED**, that after due consideration and based upon the administrative record, the Commission does find and determine that the Project is consistent with the provisions of the Travis Air Force Base Land Use Compatibility Plan.

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**RESOLVED**, that after adoption of this Resolution Staff is authorized to correct any clerical errors in this Resolution or the Staff Report.

I certify that the foregoing resolution was adopted at a regular meeting of the Solano County Airport Land Use Commission on November 9, 2023 by the following vote:

AYES: Commissioners \_\_\_\_\_

\_\_\_\_\_

NOES: Commissioners \_\_\_\_\_

ABSTAIN: Commissioners \_\_\_\_\_

ABSENT: Commissioners \_\_\_\_\_

By \_\_\_\_\_

Ross Sagun, Chair  
Solano County Airport Land Use Commission

Attest:

By: \_\_\_\_\_

Terry Schmidtbauer  
Secretary to the Commission