



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

**TO :** Historic Preservation Review Commission

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

**EXECUTIVE SUMMARY:**

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

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and amend the Downtown Historic Conservation Plan (DHCP) to remove Chapters 3, 4, 5 plus appendices, which will be superseded by the guidelines and subsequent code amendments for design review procedures.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

**RECOMMENDATION:**

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

**OVERVIEW:**

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

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

### **Open Government**

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

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

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

### **BACKGROUND:**

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

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

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

### *Ad Hoc Advisory Group*

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

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

### *Community Outreach*

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

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

## **SUMMARY**

### *Downtown Historic Conservation Plan*

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

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

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

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

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

#### *Downtown Design Guidelines*

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

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

## 5. Signs

### Appendix

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

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

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

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

### *Design Review Procedures*

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

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

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

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

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

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

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

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

## **NEXT STEPS**

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

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

## **GENERAL PLAN:**

<b>General Plan</b>	Community Development and Sustainability Goal 2.1 Preserve Benicia as a small-sized city. <ul style="list-style-type: none"><li>➤ 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.</li></ul>
	Community Identity Goal 3.1: Maintain and enhance Benicia's historic character <ul style="list-style-type: none"><li>➤ Policy 3.1.4 Promote the preservation and enhancement of historic neighborhoods, commercial areas and governmental districts.</li><li>➤ Policy 3.1.5 Permit new development, remodeling and building</li></ul>

	<p>renovation in historic districts when consistent with the policies of the applicable Historic Conservation Plan.</p> <p>Goal 3.7: Maintain and reinforce Benicia’s small-town visual characteristics.</p> <ul style="list-style-type: none"> <li>➤ Policy 3.7.1: Ensure that new development is compatible with the surrounding architectural and neighborhood character.</li> </ul>
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#### CEQA:

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

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

#### Attachments:

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



*For more information contact: Suzanne Thorsen, Principal Planner*  
*Phone: 707.746.4382*  
*E-mail: SThorsen@ci.benicia.ca.us*