

CITY OF BENICIA
Downtown Mixed Use Master Plan
September 2007



Prepared By:



OPTICOS

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A Vision for Benicia's Downtown

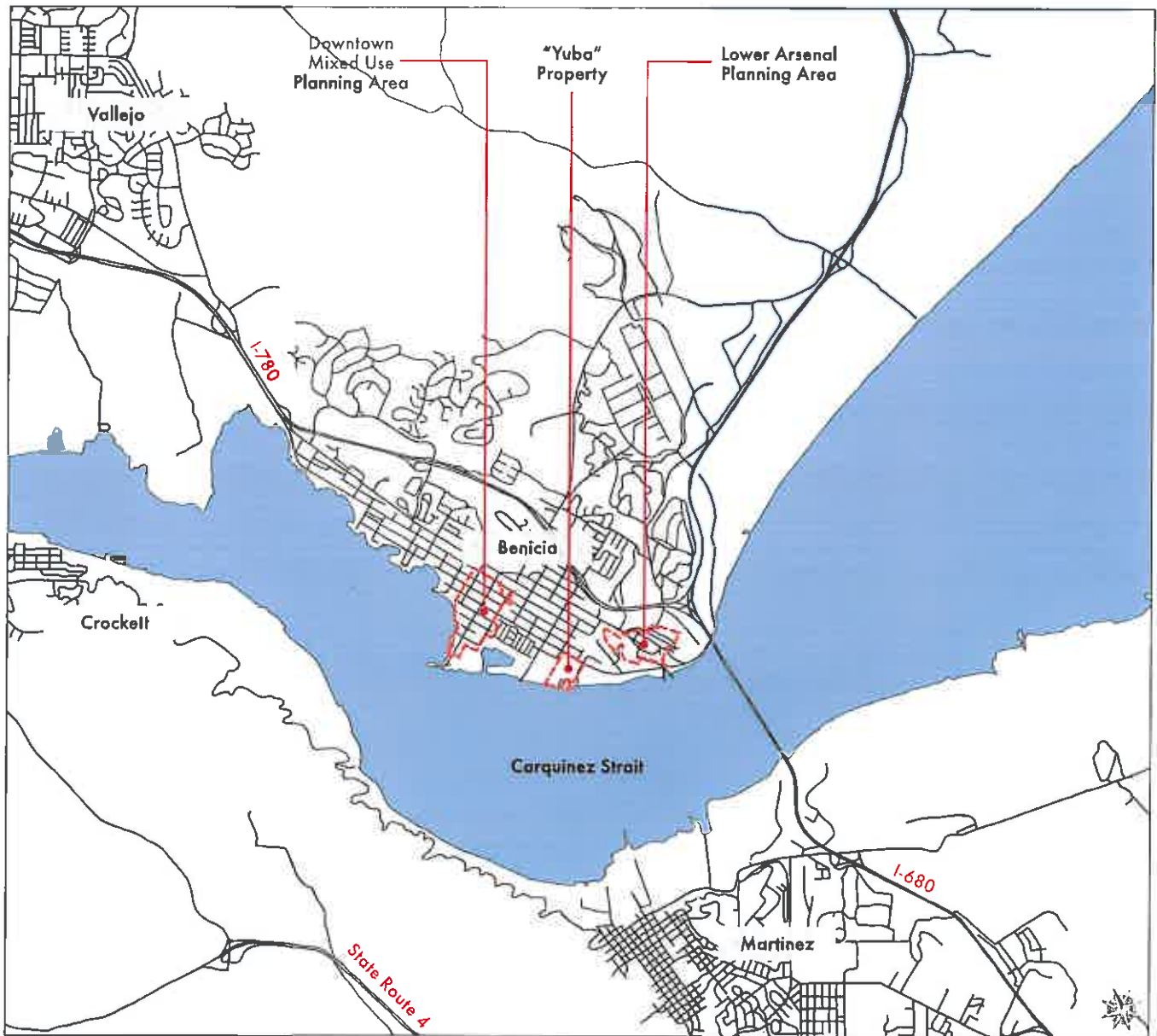
The Downtown Mixed Use Master Plan (DMUMP) presents a vision for the Downtown Mixed Use Project Area that comprises a large portion of the Downtown Historic District. It provides strategies for improvements in the First Street Historic District in the context of its existing historic fabric. The Master Plan seeks to present sensitive and place-specific design recommendations that relate closely to existing conditions, and aims to promote healthy growth and continued reinvestment in the area in the spirit of community sustainability.

Purpose of the Master Plan

This Master Plan seeks to implement the vision for mixed-use development as it was defined in the 1999 Benicia General Plan, which encourages “a mix of compatible uses adjacent to the Downtown, upgrading of existing buildings, preservation and adaptive reuse of historic buildings, and introduction of new, compatible mixed-use buildings.” The General Plan directed that “design standards be developed to ensure that mixed-use development is compatible with and contributes to the character of the street, the Downtown, and adjoining neighborhoods.”

Central to this document is the Form-Based Code (Chapter 4), which provides a regulatory framework for the implementation of mixed use in the project area.

*Above left:
Residential Fabric
Above right:
Commercial Shop-
fronts along First
Street.*



Location and Overview

The project area is located in downtown Benicia, California, and is bounded roughly by West Second Street to the west, C Street to the south, East Second Street to the east, and K Street to the north. The project area comprises approximately 88 acres. The majority of the project area is contained within the Downtown Historic District.

Above: The Downtown Mixed Use project area is an 88-acre portion of downtown Benicia centered along First Street and located in eastern Benicia in the northern Bay Area.

Summary of Process

An intense public process and extensive data collection phase was conducted for the Downtown Mixed Use Master Plan. The evolution of this plan is the result of site visits, reviews of documents, interviews, meetings, a design workshop or “charrette,” and community cooperation and input.

Plans and Documents

The following documents were reviewed and considered during the initial data collection phase of the planning and design process: Benicia General Plan and EIR, Zoning Code, Downtown Streetscape Design Plan, Downtown Benicia Parking Study, Benicia Downtown Market Study, Downtown Historic Conservation Plan, and Benicia: Portrait of an Early California Town by Robert Bruegmann. The design team also consulted the University of California, Berkeley, Fire Insurance Map database and internet-based aerial mapping resources.

Site Tour and Project Kickoff

The consultant team met with city staff, discussed project goals, and toured the project areas on August 3, 2006. The purpose of this visit was to gain a general understanding of context, constraints, and opportunities and to document various conditions in and around the project areas, such as traffic and circulation, building form, architecture, public realm, pedestrian access, and other conditions. As part of this process, members of Opticos Design prepared physical analysis diagrams and base maps.

Discovery Interviews and Visioning Workshop

Initial public input was gathered over a two-day period (August 22 and 23, 2006) through a series of nearly ninety interviews with key stakeholders. This two-day session culminated in a Visioning Workshop, which was open and accessible to the public, in the evening on the second day.

The consultant team interviewed property owners, business owners, residents, and representatives of organizations, such as the Benicia Historic Society. The interviews were private, 30-minute sessions aimed at getting an in-depth understanding of community concerns and priorities.

At the Visioning Workshop on August 23, 2006, the consultant team presented initial physical and background analysis of the study area and received valuable information from community members. After the consultant’s presentation, the audience broke out into smaller groups to discuss relevant sub-topics, such as housing, appropriate land use typologies, and identification of those areas that need to be preserved or attended to. This information was used to guide the design process and to define a series of overriding design principles.



Top: Project kickoff walking tour with City staff; Center: Community member presenting design ideas at initial visioning workshop; Bottom: Lunchtime briefing during the community workshop.



An exercise conducted during the Visioning Workshop that focused on the First Street project area produced interesting results. Community members had strong positive feelings about the historic State Capitol building at First and G Streets, the completed section of the Bay trail along the shoreline south of F Street, the "First Street Green" open space at the end of First Street, and the City Park, among others.

Community members cited concentrations of ground-floor office uses along First, such as in buildings near the intersection of First and H Streets as negative aspects in the area. Other major negative comments addressed the overflow parking lot along E Street and the abandoned shipyard between D and C Streets along the shoreline.

Community members indicated that significant opportunities for improvement exist at the end of First Street, and in the overflow parking lot along E Street, among others.

Key

- Positive Aspects
- Negative Aspects
- Key Opportunities
- Downtown Historic District
- - - Mixed Use Project Area

The interviews and workshop produced many commonalities in perception and understanding among the participants and provided good direction for city staff and the consultant team. The following summarizes some of the major types of comments received:

- Make the Downtown more of a destination for residents, tourists, and events.
- Preserve and enhance First Street as an old-fashioned, small-scale main street.
- Move personal and professional businesses to second floors to allow more ground-floor retail.
- Provide economic incentives for historic renovation.
- Enhance Downtown with landscaping, benches, flower plantings, lighting, etc.
- Establish a greater presence of Benicia's artist colony.
- Improve wayfinding with better signage.
- Extend the Bay Trail from Downtown to the Arsenal.
- Improve pedestrian safety.
- Consider providing additional parking.

Physical and Economic Analysis

After the Visioning Workshop the consultant team conducted four weeks of intensive physical and economic analysis. Physical analysis included the creation of maps tracing Downtown's historic development, land use patterns, transportation and circulation systems, and built fabric. Economic analysis included research on demographic and market conditions in the project area.

Community Design Workshop

For the second workshop (September 18-22nd, 2006), members of the consultant team returned to Benicia for a five-day intensive working session to establish an illustrative vision plan and a land use "regulating" plan for the area. During this time the design team worked to produce an urban design plan for the study area that responded to interactive community input. The process was designed so that "feedback loops" were ongoing and immediate, keeping infeasible ideas from being fully developed and concentrating on the community's desired results for the Downtown planning area.

The community design workshop allowed for a variety of interaction among the consultant team and members of the community. This occurred through organized presentations, informal evening pinups, group discussions, and facilitation of stakeholder meetings. Physical improvements, infill building types, and implementation strategies, among other topics, were discussed and illustrated.

During the design workshop, the appropriate strategy for Form-Based Coding was also explored. Based on community, stakeholder, and staff input, the consultant team developed a "zone-based" code, which sets different standards of form and intensity for designated areas. However, the code also pays careful consideration to building types, focusing on the use, mass, height, and bulk of different building types and how they may be used to implement the plan.

Downtown Mixed Use Master Plan
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Top: Community members attend a lunchtime session during the community design workshop; Center: Consultant team members discuss downtown plan; Bottom: Community members discuss plan concepts with consultant team.

Plan Organization

The Downtown Mixed Use Master Plan is organized as follows: Chapter 2 assesses the project area's existing conditions and presents findings on its key issues and opportunities. Chapter 3 provides a qualitative vision for the project area as it emerged through the community charrette process, containing information on circulation and transportation policies and programs, and suggested strategies for phasing and implementation.

Chapter 4 provides regulatory development standards for the implementation of this vision through a Form-Based Code. The Code provides form-based zoning regulations for the project area and is intended for adoption into the Benicia Zoning Ordinance.

The Appendix provides a glossary of terms used in the development code and throughout the Master Plan.



Introduction

This chapter provides regulatory standards governing land use and building form within the Downtown Mixed Use Master Plan project area. The Form-Based Code is a reflection of the community vision for Benicia's downtown area and implements the intent of the 1999 Benicia General Plan that "design standards be developed to ensure that mixed-use development is compatible with and contributes to the character of the street, the Downtown, and adjoining neighborhoods."

The Form-Based Code is organized as follows:

The Regulating Plan (page 4-3) allocates plan zones and their corresponding land uses. Building Form Standards (pages 4-5 through 4-32) provide regulations for buildable areas, required frontage conditions, and acceptable land uses for each zone of the Regulating Plan. Additional Standards (page 4-33) provide regulations for frontage types and parking requirements.

The Form-Based Code is intended for adoption in the Zoning Ordinance for the City of Benicia. Upon adoption it will supersede and replace the City Zoning Ordinance provisions regarding zoning districts, allowable land uses, permit requirements, and site development standards.

The Downtown Mixed Use Master Plan project area includes a large part, but not all, of the Downtown Historic District as it was defined through the 1990 Historic Conservation Plan. The Historic Conservation Plan will continue to provide additional design guidelines for proposals within the Historic District. In the event of a conflict between the Downtown Historic Conservation Plan and the DMUMP, the Downtown Historic Conservation Plan will apply.

Administration

As part of the City's Municipal Code, The Benicia City Council, the Benicia Planning Commission, the Historic Preservation Review Commission, the Community Development Director, the Planning Department, the Public Works Department, and the TPBS Committee shall administer this Form-Based Code. These are individually and collectively referred to in the Code as the "Review Authority."

The Form-Based Code and its corresponding regulations used a combination of mapping resources and field measurements and documentation conducted by the City of Benicia and the DMUMP project team. It is the intent of this Code that the final locations of buildings, streets, and blocks will be in substantial compliance with the illustrations and regulations provided herein. Final interpretation of the Form-Based Code, in the context of verified field conditions, will be the judgment of the Review Authority.

Regulating Plan

Downtown Mixed Use Master Plan Area and Parcels South of B Street



Zoning Districts

- Town Core
- Town Core-Open
- Neighborhood General
- Neighborhood General - Open
- Public & Semi-Public

Zone Descriptions

Town Core (TC):

The primary intent of this zone is to enhance the vibrant, pedestrian-oriented character of First Street. The physical form and uses are regulated to reflect the urban character of the historic shopfront buildings.

How mixed use is defined within this zone: Mixed use within this zone primarily refers to vertical mixed use where retail or commercial are on the ground floor and residential or commercial are above.

Town Core-Open (TC-O):

The primary intent of this zone is to regulate the physical form of shopfront buildings along the side streets between First Street and Second Street in order to provide an appropriate transition from First Street into the residential neighborhoods. The physical form of a shopfront building is regulated while allowing flexibility in use.

How mixed use is defined within this zone: Mixed use within this zone is defined by the flexibility and compatibility in use, allowing retail, commercial, or residential live/work uses in a shopfront form.

Neighborhood General (NG):

The primary intent of this zone is to protect the integrity and quality of the downtown residential neighborhoods.

How mixed use is defined within this zone: Appropriately-scaled ancillary buildings are allowed that can accommodate residential, home-office, or workshop uses.

Neighborhood General-Open (NG-O):

The primary intent of this zone is to ensure a residential physical form to relate to adjacent residential buildings along the side streets between First Street and Second Street in order to provide an appropriate transition from First Street into the residential neighborhoods. The physical form of a residential building is regulated while allowing flexibility in use. This zone is applied to buildings with an existing residential form that has been compromised by on-site or adjacent development making pure residential use inappropriate.

How mixed use is defined within this zone: Commercial or residential uses are allowed in this area in a residential form both in the main buildings as well as in ancillary buildings.

Town Core (TC) Standards



Town Core (TC):

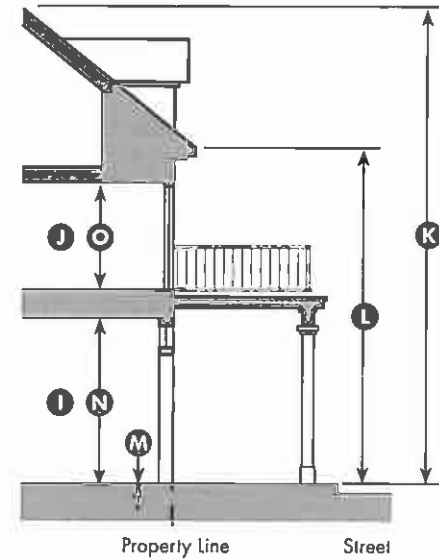
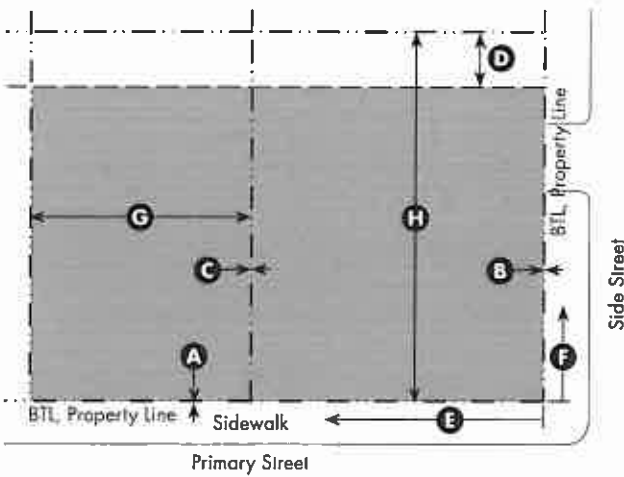
The primary intent of this zone is to enhance the vibrant, pedestrian-oriented character of First Street. The physical form and uses are regulated to reflect the urban character of the historic shopfront buildings.

How mixed use is defined within this zone: Mixed use within this zone primarily refers to vertical mixed use where retail or commercial are on the ground floor and residential or commercial are above.

How “primary street” is defined within this zone: The primary street is always First Street.

Illustrative examples of buildings in a Town Core area

Town Core (TC) Standards



Key

- Property Line
- Setback Line
- Build-to Line (BTL)
- Building Area

Building Placement

Build-to Line (Distance from Property Line)

Front	0'	A
Side Street	0'	B

Setback (Distance from Property Line)

Side	0'	C
Rear		
Adjacent to NG Zone	8'	D
Adjacent to any other Zone	5'	D

Building Form

Primary Street Façade built to BTL	80% min.*	E
Side Street Façade built to BTL	30% min.*	F
Lot Width	125' max.	G
Lot Depth	100' max.	H

*Street façades must be built to BTL along first 30' from every corner.

Notes

- All floors must have a primary ground-floor entrance that faces the primary or side street.
- Loading docks, overhead doors, and other service entries are prohibited on street-facing façades.
- Any building over 50' wide must be broken down to read as a series of buildings no wider than 50' each.

Use

Ground Floor	Service, Retail, or Recreation, Education & Public Assembly*	I
Upper Floor(s)	Residential or Service*	J

*See Table 4.1 for specific uses. Ground floors that face the waterfront shall be nonresidential and shall not include parking, garages, or similar uses.

Height

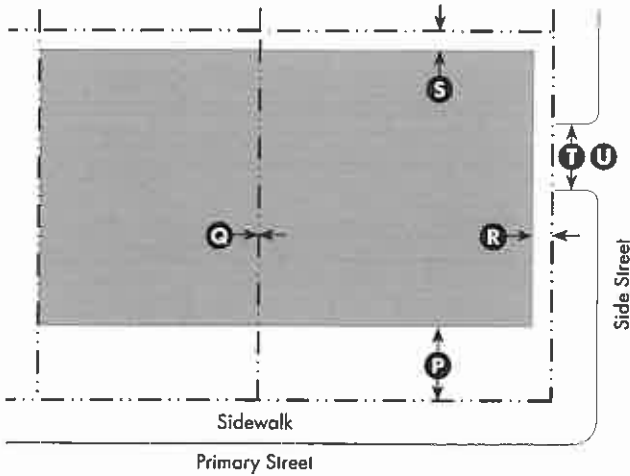
Building Min.	22'	K
Building Max.	2.5 stories and 40'	K
Max. to Eave/Top of Parapet	35'	L
Ancillary Building Max.	2 stories and 25'	
Finish Ground Floor Level	6" max. above sidewalk	M
First Floor Ceiling Height	12' min. clear	N
Upper Floor(s) Ceiling Height	8' min. clear.	O

Notes

- Mansard roof forms are not allowed.
- Any section along the BTL not defined by a building must be defined by a 2'6" to 4'6" high fence or stucco or masonry wall.

I-2-29

Town Core (TC) Standards



Key

- Property Line
- Parking Area

Parking

Location (Distance from Property Line)

Front Setback	30'	P
Side Setback	0'	Q
Side Street Setback	5'	R
Rear Setback	5'	S

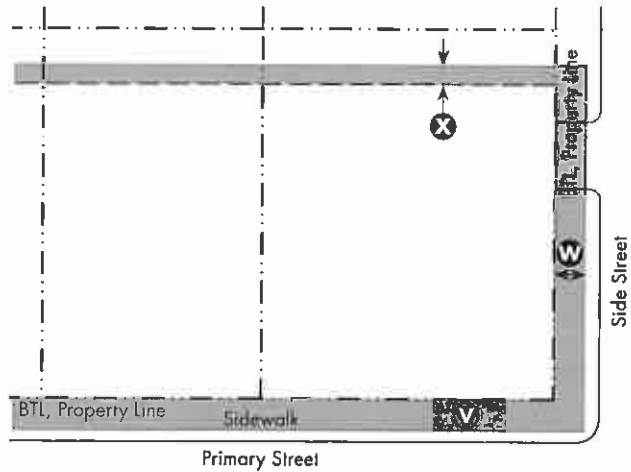
Required Spaces

Ground Floor	
Uses <3,000 sf	No off-street parking required
Uses >3,000 sf	1 space/500 sf
Upper Floors	
Residential uses	1 space/unit; .5 space/studio
Other uses	1 space/1,000 sf

Notes

- Parking Drive Width 15' max. **T**
- On corner lots, parking drive shall not be located on primary street. **U**
- Parking may be provided off-site within 1,300' or as shared parking.
- Bicycle parking must be provided and in a secure environment.
- Parking drives are highly discouraged along First Street and only permitted if there is no other option for access to parking areas.

Downtown Mixed Use Master Plan
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Key

- Property Line
- Setback Line
- Build-to Line (BTL)
- Encroachment Area

Encroachments

Location

Front	12' max.	V
Side Street	8' max.	W
Rear	4' max.	X

Notes

- Canopies, Awnings, and Balconies may encroach over the BTL on the street sides, as shown in the shaded areas. Balconies may encroach into the setback on the rear, as shown in the shaded areas.
- Upper-story galleries facing the street must not be used to meet primary circulation requirements.

Allowed Frontage Types (see page 4-26)

Gallery	
Clearance	1' min. back from curb line
Height	9' min. clear, 2 stories max.
Awning	
Depth	10' max.
Forecourt	
Depth	15' min., not to exceed width
Width	20' min., 50% of lot width max.

I. 2. 30

Town Core (TC) Standards

Table 4.1: Town Core (TC) Zone Allowed Land Uses and Permit Requirements

Land Use Type	Permit Required	Specific Use Regulations	Land Use Type ¹	Permit Required	Specific Use Regulations
Recreation, Education & Public Assembly			Residential		
Commercial recreation facility: Indoor			Home occupation		
< 1500 sf	MUP		< 300 sf and 2 or fewer employees	P ²	
> 1500 sf	UP		> 300 sf and 3 or fewer employees	P ²	
Health/fitness facility			> 300 sf and 3 or more employees	NA	
< 1500 sf	MUP		Mixed use project residential component	P ²	
> 1500 sf	UP		Dwelling: Multi-Family-Rowhouse	P ²	
Library, museum	P		Dwelling: Multi-Family-Duplex	P ²	
Meeting facility, public or private	MUP		Dwelling: Multi-Family-Triplex	P ²	
Park, playground	MUP		Dwelling: Multi-Family-Fourplex	P ²	
School, public or private	MUP		Ancillary Building	P	
Studio: art, dance, martial arts, music, etc.			Residential Care, 7 or more clients	P ²	
< 1500 sf	P		Residential Care, 6 or fewer clients	P ²	
Theater, cinema, or performing arts			Retail		
< 5000 sf	P		Artisan Shop	P	
> 5000 sf	UP		Bar, tavern, night club, except with any	P	
			of the following features		
			Operating between 9 pm and 7 am	UP	
			General retail, except with any of the	P	
			following features:		
			Alcoholic beverage sales	UP	
			Floor area over 8000 sf	MUP	
			On-site production of items sold	MUP	
			Operating between 9 pm and 7 am	MUP	
			Neighborhood market < 10,000 sf	P	
			Restaurant, café, coffee shop	P	

Key	
P	Permitted Use
MUP	Minor Use Permit Required - staff review only
UP	Use Permit Required
NA	Not an allowed use

End Notes

¹A definition of each listed use type is in the Glossary.

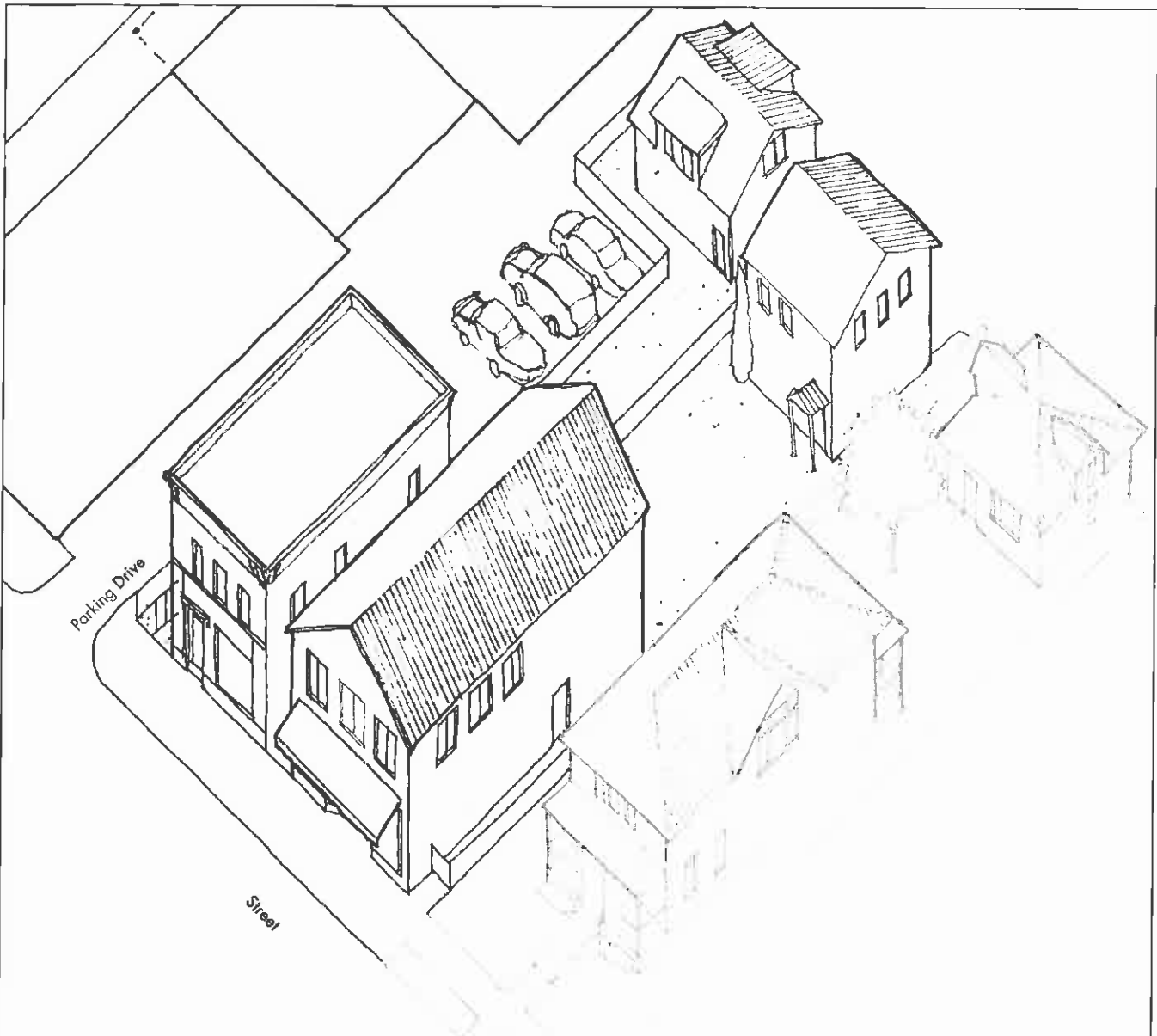
²Allowed only on upper floors or behind ground floor use.

³Body art and piercing requires use permit approval and is allowed only as an ancillary use.

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Land Use Type ¹	Permit Required	Specific Use Regulations
Services: Business, Financial, Professional		
ATM or bank	P	
Business support service	P	
Medical services: Doctor Office	P ²	
Medical services: Extended Care	P ²	
Office: Business, service	P	
Office: Professional, administrative	P	
Services: General		
Financial Services	P ²	
Bed & breakfast		
4 guest rooms or less	P ²	
Greater than 4 guest rooms	P ²	
Day care center: Child or adult	P ²	
Day care center: Large family	P ²	
Day care center: Small family	P ²	
Lodging	MUP	
Personal services	P ³	
Transportation, Communications, Infrastructure		
Parking facility, public or commercial	UP	
Wireless telecommunications facility	MUP	

Town Core-Open (TC-O) Standards



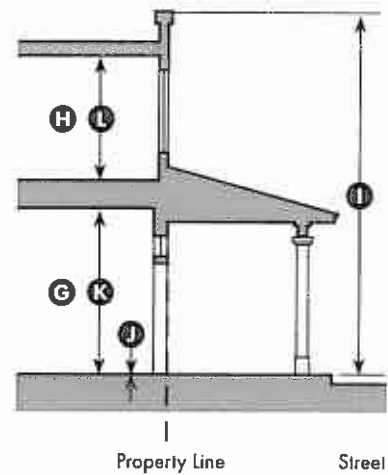
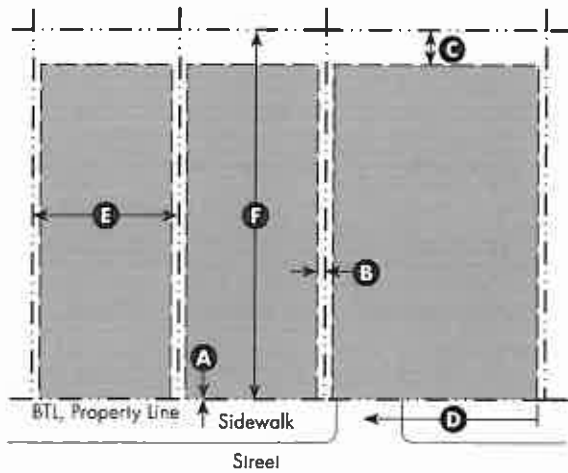
Town Core-Open (TC-O):

The primary intent of this zone is to regulate the physical form of shopfront buildings along the side streets between First Street and Second Street in order to provide an appropriate transition from First Street into the residential neighborhoods. The physical form of a shopfront building is regulated while allowing flexibility in use.

How mixed use is defined within this zone: Mixed use within this zone is defined by the flexibility and compatibility in use, allowing retail, commercial, or residential live/work uses in a shopfront form.

Illustrative examples of buildings in a Town Core-Open Area

Town Core-Open (TC-O) Standards



Key

- Property Line
- Setback Line
- Build-to Line (BTL)
- Building Area

Building Placement

Build-to Line (Distance from Property Line)		
Front	0'	A
Setback (Distance from Property Line)		
Side	3'	B
Rear		
Adjacent to NG Zone	8'	C
Adjacent to any other Zone	5'	C

Building Form

Street Façade built to BTL	80% min.*	D
Lot Width	75' max.	E
Lot Depth	150' max.	F

Notes

All floors must have a primary ground-floor entrance which faces the street.

Loading docks, overhead doors, and other service entries are prohibited on street façades.

Any building over 50' wide must be broken down to read as a series of buildings no wider than 50' each.

Use

Ground Floor	Service, Retail, or Recreation, Education & Public Assembly*	G
Upper Floor(s)	Residential or Service*	H

*See Table 4.2 for specific uses.

Height

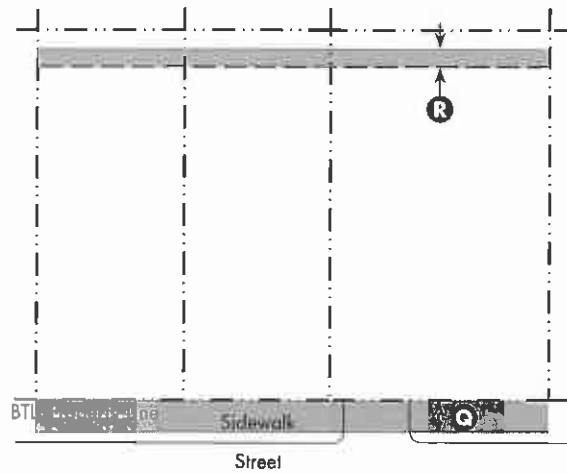
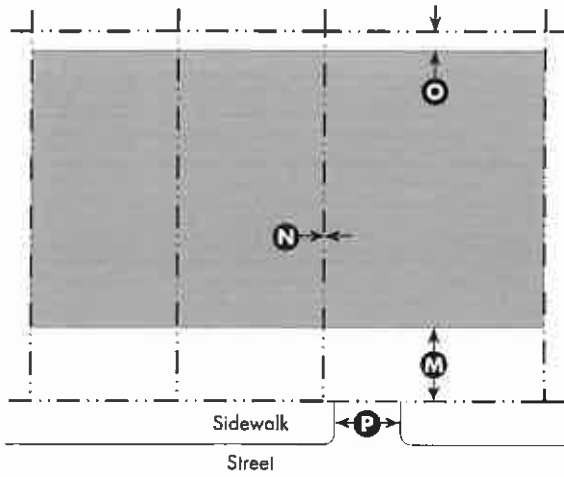
Building Min.	16'	I
Building Max.	2 stories and 25'	I
Ancillary Building Max.	2 stories and 25'	
Finish Ground Floor Level	12" max. above sidewalk	J
First Floor Ceiling Height	12' min. clear	K
Upper Floor(s) Ceiling Height	8' min. clear	L

Notes

Mansard roof forms are not allowed.

Any section along the BTL not defined by a building must be defined by a 2'6" to 4'6" high fence or stucco or masonry wall.

Town Core-Open (TC-O) Standards



Key

- Property Line
- Parking Area

Parking		
Location (Distance from Property Line)		
Front Setback	20'	(M)
Side Setback	0'	(N)
Rear Setback	5'	(O)

Required Spaces	
Ground Floor	
Uses < 3,000 sf	No off-street parking required
Uses > 3,000 sf	1 space/500 sf
Upper Floor(s)	
Residential uses	1 space/unit; .5 space/studio
Other uses	1 space/1,000 sf

- Notes**
- Parking Drive Width 15' max. (P)
 - Parking may be provided off-site within 1,300' or as shared parking.
 - Bicycle parking must be provided and in a secure environment.
 - 50% of the on-street parking spaces adjacent to lot can count toward parking requirements.

Key

- Property Line
- Setback Line
- Build-to Line (BTL)
- Encroachment Area

Encroachments		
Location		
Front	12' max.	(Q)
Rear	4' max.	(R)

- Notes**
- Canopies, Awnings, and Balconies may encroach over the BTL on the street sides, as shown in the shaded areas. Balconies may encroach into the setback on the rear, as shown in the shaded areas.
 - Upper story galleries facing the street must not be used to meet primary circulation requirements.

Allowed Frontage Types (see page 4-26)	
Gallery	
Clearance	1' min. back from curb line
Height	9' min. clear, 2 stories max.
Awning	
Depth	10' max.
Forecourt	
Depth	15' min., not to exceed width
Width	20' min., 50% of lot width max.

I. 2.35

Town Core-Open (TC-O) Standards

Table 4.2: Town Core-Open (TC-O) Zone Allowed Land Uses and Permit Requirements

Land Use Type ¹	Permit Required	Specific Use Regulations
Recreation, Education & Public Assembly		
Commercial recreation facility: Indoor		
< 1500 sf	MUP	
Library, museum	P	
Meeting facility, public or private	MUP	
Studio: art, dance, martial arts, music, etc.		
< 1500 sf	P	
Residential		
Home occupation		
< 300 sf and 2 or fewer employees	P	
> 300 sf and 3 or fewer employees	P	
Live/work unit	P	
Mixed use project residential component	P	
Dwelling: Multi-Family-Rowhouse	P	
Dwelling: Multi-Family-Duplex	P	
Dwelling: Multi-Family-Triplex	P	
Dwelling: Multi-Family-Fourplex	P	
Ancillary Building	P	
Residential Care, 7 or more clients	UP	
Residential Care, 6 or fewer clients	MUP	

Key	
P	Permitted Use
MUP	Minor Use Permit Required - staff review only
UP	Use Permit Required
NA	Use Not Allowed

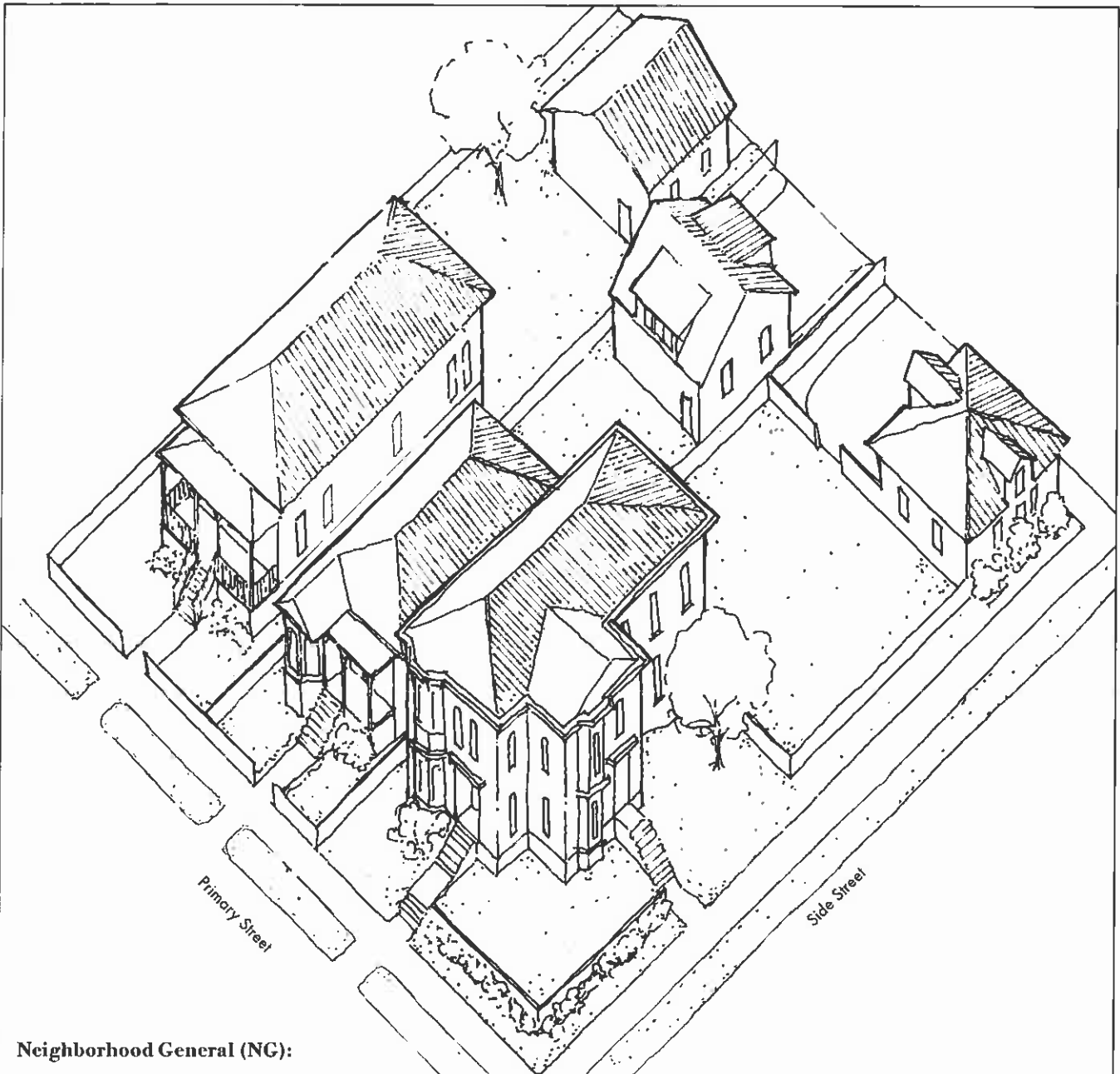
End Notes
¹ A definition of each listed use type is in the Glossary.

Land Use Type ¹	Permit Required	Specific Use Regulations
Retail		
Artisan Shop	P	
Bar, tavern, night club, except with any of the following	UP	
Operating between 9 pm and 7 am	NA	
General retail, except with any of the following features:	P	
Alcoholic beverage sales	UP	
Floor area over 8000 sf	NA	
On-site production of items sold	MUP	
Operating between 9 pm and 7 am	NA	
Neighborhood market <10,000 sf	P	
Restaurant, café, coffee shop	MUP	
Services: Business, Financial, Professional		
ATM or Bank	MUP	
Business support service	P	
Medical services: Clinic, urgent care	MUP	
Medical services: Doctor office	P	
Medical services: Extended Care	MUP	
Office: Business, service	P	
Office: Professional, administrative	P	
Services: General		
Financial Services	P	
Bed & Breakfast		
4 guest rooms or less	P	
Greater than 4 guest rooms	P	
Lodging	MUP	
Personal services	P	
Transportation, Communications, Infrastructure		
Wireless telecommunications facility	MUP	

I.2.36

Land Use Type ¹	Permit Required	Specific Use Regulations
Services: Business, Financial, Professional		
ATM or Bank	P	
Business support service	P	
Medical services: Clinic, urgent care	MUP	
Medical services: Doctor office	P	
Medical services: Extended Care	MUP	
Office: Business, service	P	
Office: Professional, administrative	P	
Services: General		
Financial Services	P	
Bed & Breakfast		
4 guest rooms or less	P	
Greater than 4 guest rooms	MUP	
Day care center: Child or adult	MUP	
Day care center: Large family	UP	
Day care center: Small family	P	
Personal services	P	
Transportation, Communications, Infrastructure		
Wireless telecommunications facility	MUP	

Neighborhood General (NG) Standards



Neighborhood General (NG):

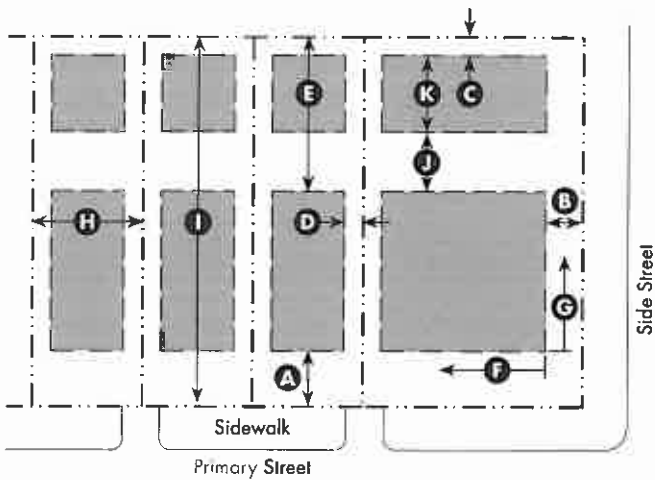
The primary intent of this zone is to protect the integrity and quality of the downtown residential neighborhoods.

How mixed use is defined within this zone: Appropriately-scaled ancillary buildings are allowed that can accommodate residential, home-office, or workshop uses.

How “primary street” is defined within this zone: The primary street is always the East/West running street.

Illustrative examples of buildings in a Neighborhood General area

Neighborhood General (NG) Standards



Key

- Property Line
- Setback Line
- Build-to Line (BTL)
- Building Area

Building Placement

Build-to Line (Distance from Property Line)		
Front	20' *	A
Side Street	10'	B
Rear, Ancillary Building	5'	C

*May be reduced to meet furthest back adjacent BTL if adjacent BTL is less than 20' from property line.

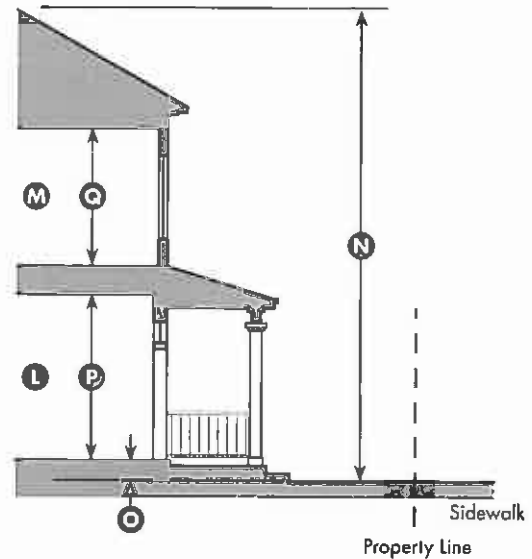
Setback (Distance from Property Line)

Side	4' one side, 8' other	D
Rear, Main Building	40'*	E

* Setback shall be 120' measured from front property line if no alley adjoins the property.

Building Form

Primary Street Façade built to BTL	50% min.	F
Side Street Façade built to BTL	30% min.	G
Lot Width	50' max.	H
Lot Depth	150' max.	I
Distance between buildings	10' min.	J
Depth of ancillary building	28' max.	K
Footprint of ancillary building	700 sf max.	



Use

Ground Floor	Residential, or Services	L
Upper Floor(s)	Residential, or Services	M

*See Table 4.4 for specific uses.

Height

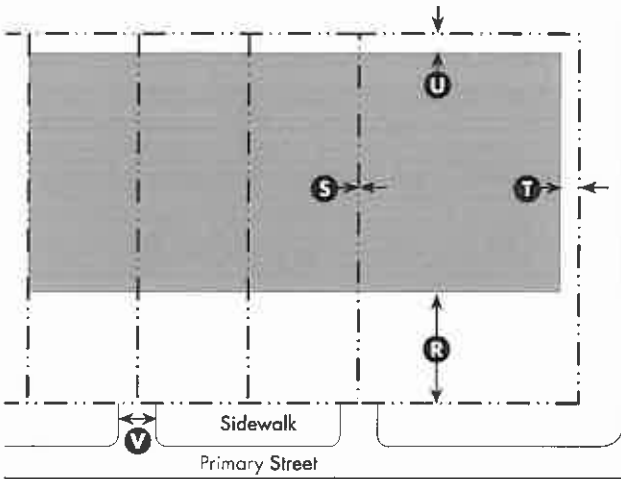
Building Max.	2.5 stories and 30' max.	N
Ancillary Building Max.	1.5 stories and 15' max.	
Finish Ground Floor Level	18" min. above sidewalk*	O
First Floor Ceiling Height	10' min. clear	P
Upper Floor Ceiling Height	8' min. clear	Q

*6" on downslope lots.

Notes

- Mansard roof forms are not allowed.
- The windows along any portion of a building that project beyond the rear façade of adjacent homes must be privacy windows if the façade is 10' or less from the side property line.
- Any decks on the rear of homes greater than 2' above grade must have a privacy screen toward neighboring lots.

Neighborhood General (NG) Standards



Key

- Property Line
- Parking Area

Parking		
Location (Distance from Property Line)		
Front Setback	20'	R
Side Setback	0'	S
Side Street Setback	5'	T
Rear Setback	5'	U

Required Spaces

Residential Uses	
Studio unit	½ space
1-2 bedroom unit	1 space
3+ bedroom unit	1 space plus additional ½ space for every bedroom over two
Other uses	
Uses < 3,000 sf	No off-street parking required

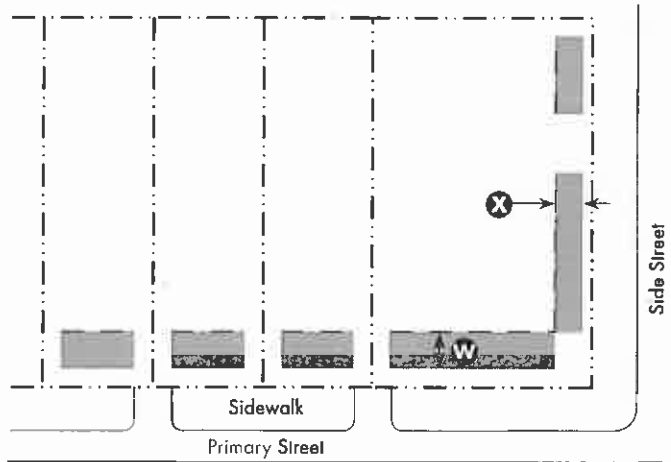
On lots without alley access, a one-unit ancillary structure up to 400 sf may be built without requiring additional parking.

Notes

Parking Drive Width	11' max.	V
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No more than a single space of parking is allowed in front of the front façade plane.

50% of the on-street parking spaces adjacent to lot can count toward parking requirements.



Key

- Property Line
- Setback Line
- Build-to Line (BTL)
- Encroachment Area

Encroachments		
Location		
Front	10' max.	W
Side Street	8' max.	X

Notes

Porches, Balconies, and Bay Windows may encroach into the setback on the street sides, as shown in the shaded areas.

Allowed Frontage Types (see page 4-26)

Stoop		
Depth	4' min., 6' max.	
Forecourt		
Depth	20' min., not to exceed width	
Width	20' min., 50% of lot width max.	
Porch		
Depth	8' min.	
Height	2 stories max.	
Common Lawn		
Porch Depth	8' min.	

Neighborhood General (NG) Standards

Table 4.4: Neighborhood General (NG) Zone Allowed Land Uses and Permit Requirements

Land Use Type ¹	Permit Required	Specific Use Regulations
Recreation, Education & Public Assembly		
Park, playground	MUP	
School, public or private	MUP	
Residential		
Dwelling: Single family	P	
Home occupation		
< 300 sf, 2 or fewer employees	P	
> 300 sf, 3 or fewer employees	P	
Dwelling: Multi-family-Duplex	P	
Ancillary Building	P	
Retail		
General retail, except with any of the following features:	P	
Alcoholic beverage sales	NA	
Floor area over 8000 sf	NA	
On-site production of items sold	P ²	
Operating between 9 pm and 7 am	NA	
Services: Business, Financial, Professional		
Office: Professional, administrative	P ²	
Services: General		
Bed & Breakfast		
4 guest rooms or less	P	
Greater than 4 guest rooms	MUP	
Day care center: Child or adult	MUP	
Day care center: Large family	UP	
Day care center: Small family	P	
Transportation, Communications, Infrastructure		
Wireless telecommunications facility	MUP	

Key	
P	Permitted Use
MUP	Minor Use Permit Required - staff review only
UP	Use Permit Required
NA	Not an allowed use

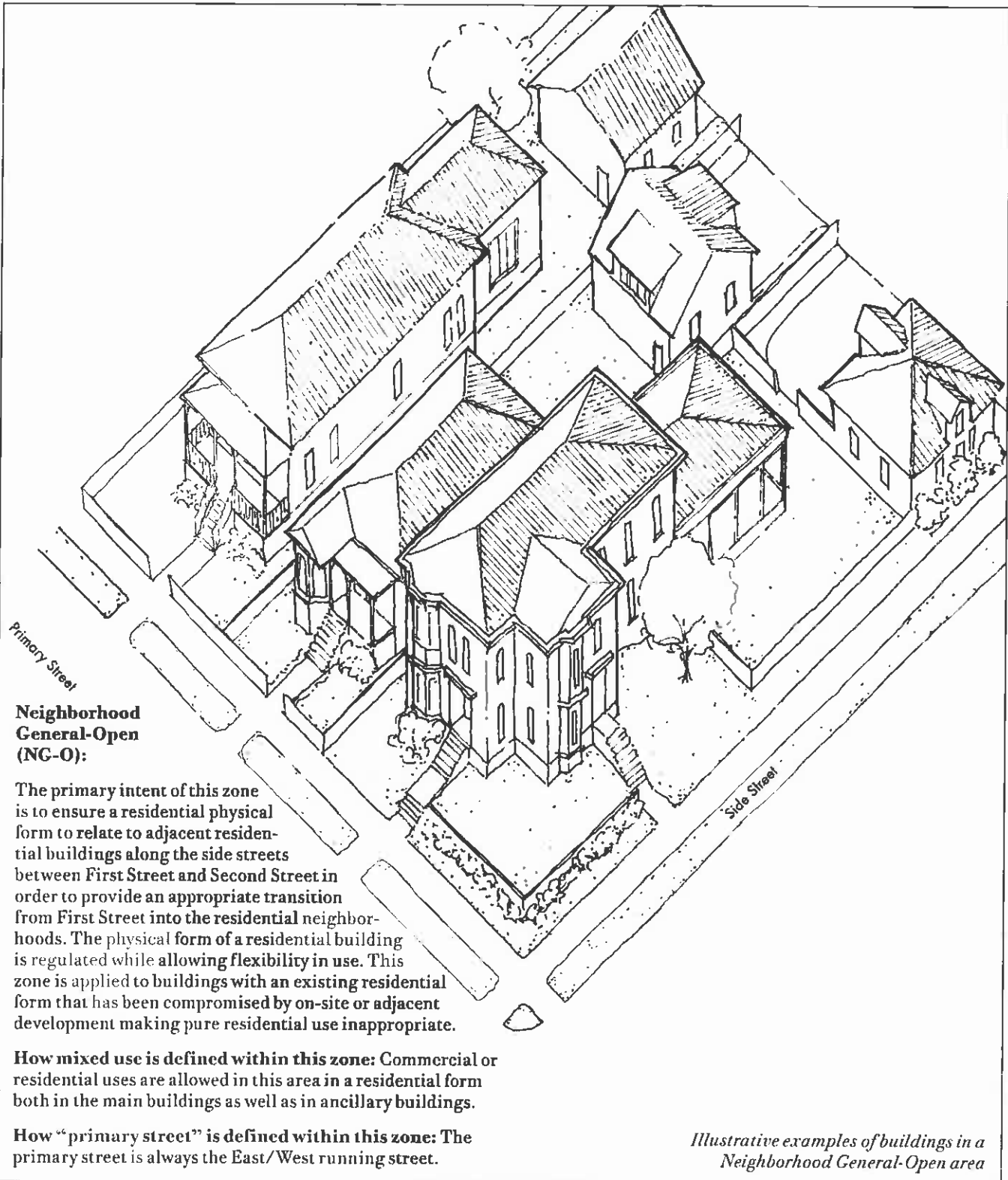
End Notes

¹ A definition of each listed use type is in the Glossary.

² Allowed only in ancillary buildings

I.2.41

Neighborhood General-Open (NG-O) Standards



Neighborhood General-Open (NG-O):

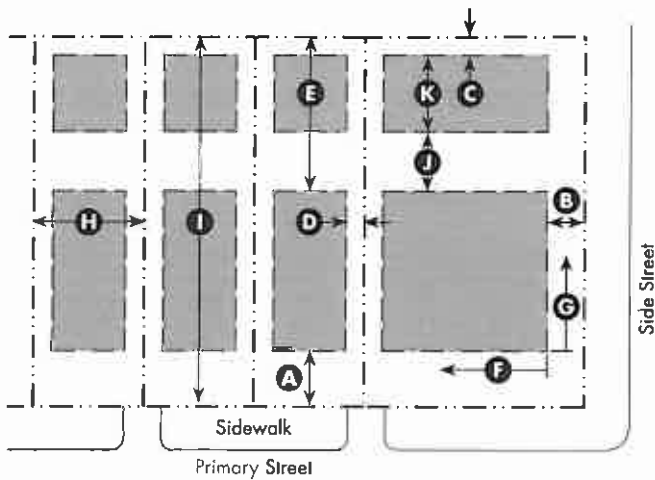
The primary intent of this zone is to ensure a residential physical form to relate to adjacent residential buildings along the side streets between First Street and Second Street in order to provide an appropriate transition from First Street into the residential neighborhoods. The physical form of a residential building is regulated while allowing flexibility in use. This zone is applied to buildings with an existing residential form that has been compromised by on-site or adjacent development making pure residential use inappropriate.

How mixed use is defined within this zone: Commercial or residential uses are allowed in this area in a residential form both in the main buildings as well as in ancillary buildings.

How "primary street" is defined within this zone: The primary street is always the East/West running street.

Illustrative examples of buildings in a Neighborhood General-Open area

Neighborhood General-Open (NG-O) Standards



Key

- Property Line
- Setback Line
- Build-to Line (BTL)
- Building Area

Building Placement

Build-to Line (Distance from Property Line)		
Front	20' *	A
Side Street	10'	B
Rear, Ancillary Building	5'	C

*May be reduced to meet furthest back adjacent BTL if adjacent BTL is less than 20' from property line.

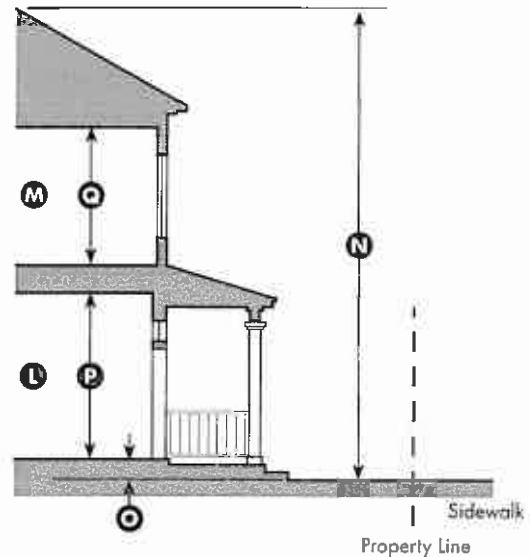
Setback (Distance from Property Line)

Side	4' one side, 8' other	D
Rear, Main Building	35' *	E

* Setback shall be 120' measured from front property line if no alley adjoins the property.

Building Form

Primary Street Façade built to BTL	50% min.	F
Side Street Façade built to BTL	30% min.	G
Lot Width	50' max.	H
Lot Depth	150' max.	I
Distance between buildings	10' min.	J
Depth of ancillary building	28' max.	K
Footprint of ancillary building	1000 sf max.	



Use

Ground Floor	Residential, Retail, or Service	L
Upper Floor(s)	Residential	M

*See Table 4.5 for specific uses.

Height

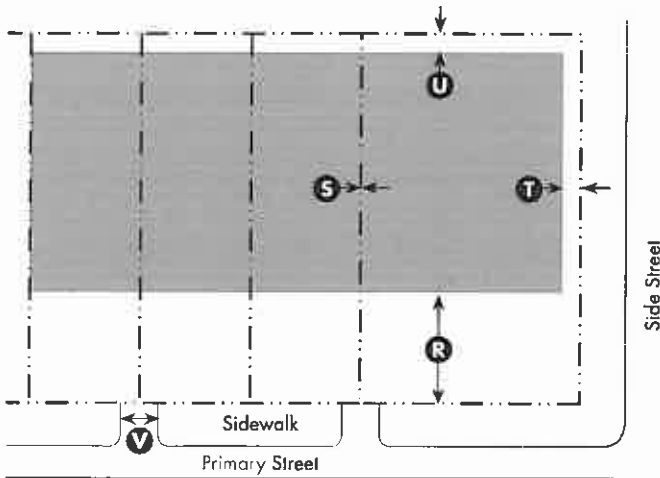
Building Max.	2.5 stories and 30' max.	N
Ancillary Building Max.	1.5 stories and 15' max.	
Finish Ground Floor Level	18" min. above sidewalk*	O
First Floor Ceiling Height	10' min. clear	P
Upper Floor Ceiling Height	8' min. clear	Q

*6" on downslope lots.

Notes

- Mansard roof forms are not allowed.
- The windows along any portion of a building that project beyond the rear façade of adjacent homes must be privacy windows if the façade is 10' or less from the side property line.
- Any decks on the rear of homes greater than 2' above grade must have a privacy screen toward neighboring lots.
- Monument and illuminated signs are prohibited.

Neighborhood General-Open (NG-O) Standards



Key

- Property Line
- Parking Area

Parking

Location (Distance from Property Line)

Front Setback	20'	R
Side Setback	0'	S
Side Street Setback	5'	T
Rear Setback	5'	U

Required Spaces

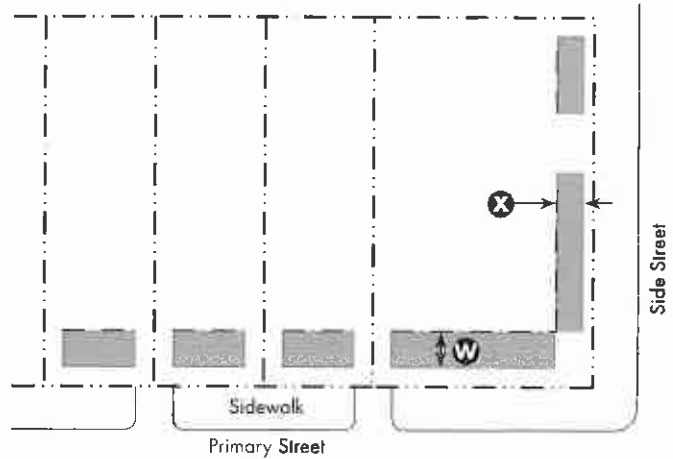
Residential Uses

Studio unit	½ space
1-2 bedroom unit	1 space
3+ bedroom unit	1 space plus additional ½ space for every bedroom over two

Other uses 1 space/1,000 sf
 On lots without alley access, a one-unit ancillary structure up to 400 sf may be built without requiring additional parking.

Notes

- Parking Drive Width 11' max. **V**
- No more than a single space of parking is allowed in front of the front façade plane.
- 50% of the on-street parking spaces adjacent to lot can count toward parking requirements.



Key

- Property Line
- Setback Line
- Build-to Line (BTL)
- Encroachment Area

Encroachments

Location

Front	10' max.	W
Side Street	8' max.	X

Notes

Porches, Balconies, and Bay Windows may encroach into the setback on the street sides, as shown in the shaded areas.

Allowed Frontage Types (see page 4-26)

Stoop		
Depth	4' min., 6' max.	
Forecourt		
Depth	20' min., not to exceed width	
Width	20' min., 50% of lot width max.	
Porch		
Depth	8' min.	
Height	2 stories max.	
Common Lawn		
Porch Depth	8' min.	

I. 2.44

Neighborhood General-Open (NG-O) Standards

Table 4.5: Neighborhood General (NG-O) Zone Allowed Land Uses and Permit Requirements

Land Use Type ¹	Permit Required	Specific Use Regulations
Recreation, Education & Public Assembly		
Meeting facility, public or private	MUP	
Park, playground	P	
School, public or private	MUP	
Studio: art, dance, martial arts, music, etc.		
< 1500 sf	MUP	
> 1500 sf	NA	
Theater, cinema, or performing arts	MUP	
Residential		
Dwelling: Single family	P	
Home occupation		
< 300 sf and 2 or fewer employees	P	
> 300 sf and 3 or fewer employees	P	
> 300 sf and 3 or more employees	P	
Live/work unit	P	
Mixed use project residential component	P	
Dwelling: Multi-Family-Duplex	P	
Ancillary Building	P	
Residential Care, 7 or more clients	UP	
Residential Care, 6 or fewer clients	MUP	

Key	
P	Permitted Use
MUP	Minor Use Permit Required - staff review only
UP	Use Permit Required
NA	Not an allowed use

End Notes

¹A definition of each listed use type is in the Glossary.

Land Use Type ¹	Permit Required	Specific Use Regulations
Retail		
Artisan Shop	P	
General retail, except with any of the following features:	P	
Alcoholic beverage sales	NA	
Floor area over 8000 sf	NA	
On-site production of items sold	MUP	
Operating between 9 pm and 7 am	NA	
Restaurant, café, coffee shop	MUP	
Services: Business, Financial, Professional		
Business support service	P	
Medical services: Doctor office	P	
Office: Business, service	P	
Office: Professional, administrative	P	
Services: General		
Financial Services	P	
Bed & Breakfast		
4 guest rooms or less	P	
Greater than 4 guest rooms	MUP	
Day care center: Child or adult	MUP	
Day care center: Large family	UP	
Day care center: Small family	P	
Lodging	MUP	
Personal services	P	
Transportation, Communications, Infrastructure		
Wireless telecommunications facility	MUP	

I.2.45

Additional Standards for all FBC Zones

Parking	
Required Space Sizes	
Off-Street Space	9'x18' min.
Compact Space	8'x16' min.*
Standard Vehicle Space Requirements	
See Table 4.6	
Notes	
Wider parking drives may be required to accommodate emergency access.	
Off-street spaces do not have to be covered.	
Tandem parking is allowed for off-street parking as long as both spaces are behind the front façade plane.	
Shared drives are encouraged between adjacent lots to minimize curb cuts along the street.	
All parking areas shall be screened by a 3'6" min. height hedge, wall or fence.	
Malibu Drives with central planting strips are encouraged.	
If required minimum space total is not a whole number, it must be rounded up to the nearest whole number.	
Drives are not allowed off of streets on lots along alleys.	

Table 4.6: Standard Vehicle Space Requirements

Angle	Space Width	Space Depth*	Space Length	One-way Aisle Width	Two-way Aisle Width
Parallel	9'	9'	20'	12'	24'
30° *	9'	18'	20'	12'	N/A
45° *	9'	20'6"	20'	14'	N/A
60° *	9'	22'	20'	18'	N/A
Perpendicular	9'	18'	18'	24'	24'

*Measured perpendicular to aisle

Table 4.7: Compact Vehicle Space Requirements

Angle	Space Width	Space Depth*	Space Length	One-way Aisle Width	Two-way Aisle Width
Parallel	8'	8'	18'	12'	24'
30° *	8'	15'6"	16'	12'	N/A
45° *	8'	17'	16'	14'	N/A
60° *	8'	18'	16'	18'	N/A
Perpendicular	8'	16'	16'	24'	24'

*Measured perpendicular to aisle

Max. Percentage Allowed Compact Spaces

Zone	Max %
Town Core	75
Town Core-Open	60
Neighborhood Center	60
Neighborhood General-Open	60
Neighborhood General	50

Open Space Requirements

No additional private or public open space requirements shall apply to the Form-Based Code Zones.

Other Requirements

Placement of Story Poles

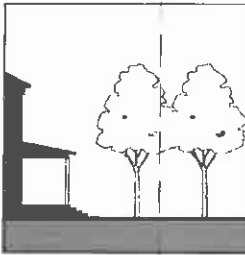
Story poles shall be placed in a manner that accurately depicts proposed structure location, mass, bulk, and height prior to action on any project application.

Green Building Incentives

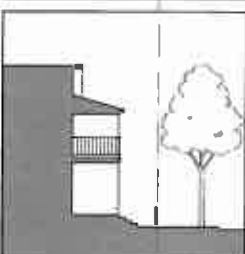
Projects shall receive priority for processing and review that include green building techniques in compliance with the U.S. Green Building Council LEED rating system or similar certification standards.

Frontage Types

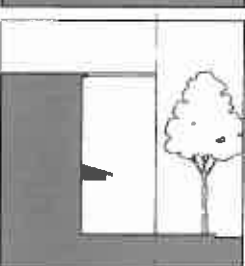
Frontage Line ◀



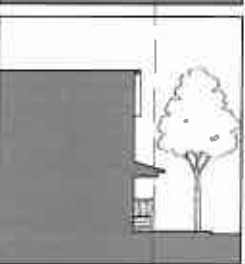
Common Lawn: The main façade of the building has a large setback from the frontage line. The resulting front yard can be defined or undefined at the frontage line. This edge is typically defined by a fence or hedge within a traditional neighborhood or left undefined within more rural areas or subdivisions. Large common lawns are typical for larger homes within historic neighborhoods. A front porch is optional, but if it is used, it can be one or two story.



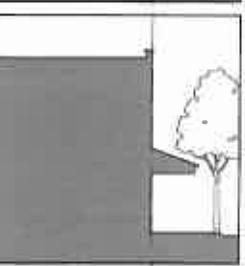
Porch: The main façade of the building has a small setback from the frontage line. The resulting front yard is typically very small and can be defined by a fence or hedge. The porch can encroach into the setback to the point that the porch extends to the frontage line. The porch can be one or two stories. A minimum depth of 6' clear is required within the development standards to ensure usability.
 On downslope lots the setback is typically minimized to improve the development feasibility of the lot. On upslope lots it is maximized to reduce visual impact of the building on the streetscape.



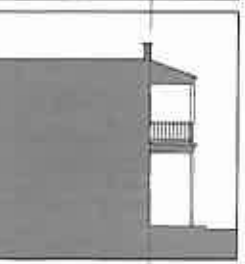
Forecourt: The main façade of the building is at or near the frontage line and a small percentage of it is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial zones. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort. This frontage type should be used sparingly and should not be repeated within a block. A short wall, hedge, or fence should be placed along the undefined edge.



Stoop: The main façade of the building is near the frontage line and the elevated stoop engages the sidewalk. The stoop should be elevated a minimum of 24 inches above the sidewalk to ensure privacy within the building. The stairs from the stoop may lead directly to the sidewalk or may be side loaded. The minimum width and depth of the stoop should be 5 feet. This type is appropriate for residential uses with small setbacks.



Awning: The main façade of the building is at or near the frontage line and the canopy or awning element may overlap the sidewalk. The canopy is a structural, cantilevered, shed roof and the awning is canvas or similar material and is often retractable. The coverings should extend far enough from the building to provide adequate protection for pedestrians. This type is appropriate for retail and commercial uses only because of the lack of a raised ground story.



Gallery: The main façade of the building is at the frontage line and the gallery element overlaps the sidewalk. The entry should be at the same grade as the sidewalk. This type can be one or two stories and is intended for retail uses. The gallery should extend close enough to the curb so that a pedestrian cannot bypass it. Due to the overlap of the right-of-way, an easement is usually required. A minimum depth is required within the development standards to ensure usability. This type is appropriate for ground floor commercial uses.

I-2.47

Glossary

Alcoholic Beverage Sales - Off-Premise: The retail sale of beer, wine, and/or spirits in sealed containers for off-site consumption, either as part of another retail use, or as a primary business activity.

Ancillary Building: A building customarily incidental to, related and clearly subordinate to the primary building on the same parcel, which does not alter the primary use nor serve property other than the parcel where the primary building is located.

Apartment: A dwelling unit sharing a building and a lot with other dwellings and/or uses. Apartments may be for rent or for sale as condominiums.

Artisan Shop: Premises available for the creation, assemblage, and/or repair of artifacts, using hand-powered and table-mounted electrical machinery, and including their retail sale.

ATM or Bank: An automated teller machine (computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel), located outdoors at a bank, or in another location. Does not include drive-up ATMs. Includes banks. See also "Financial Institutions" for other financial organizations. Does not include check-cashing stores.

Bar, Tavern, Night Club:

Bar, Tavern: A business where alcoholic beverages are sold for on-site consumption, which are not part of a larger restaurant. Includes bars, taverns, pubs, and similar establishments where any food service is subordinate to the sale of alcoholic beverages. May also include beer brewing as part of a microbrewery ("brew-pub"), and other beverage tasting facilities.

Night Club: A facility serving alcoholic beverages for on-site consumption, and providing entertainment, examples of which include live music and/or dancing, comedy, etc. Does not include adult oriented businesses.

Bed & Breakfast Inn: A residential structure with one or more bedrooms rented for overnight lodging, where meals may be provided subject to applicable Environmental Health Department regulations.

Building Type: The structure defined by the combination of configuration, disposition and function.

Build-to Line (BTL): A line appearing graphically on the regulating plan or stated as a setback dimension, along which a building façade must be placed.

Business Support Service: An establishment within a building that provides services to other businesses. Examples of these services include:

computer-related services (rental, repair) (see also "Maintenance Service - Client Site Services"), copying, quick printing, and blueprinting services, film processing and photofinishing (retail), mailing and mail box services.

Carriage Unit: A Carriage unit is an auxiliary housing unit located above or adjacent to the garage of the primary housing unit on the lot, with the front door and access directed towards an alley. A carriage unit constitutes a residential second unit in compliance with the Government Code Section 65852.2 and, as provided by the Government Code, is not included in the maximum density limitations.

Child Day Care: See "Day Care Center."

Civic: A term defining not-for-profit organizations, dedicated to arts, culture, education, religious activities, government, transit, municipal parking facilities and clubs.

Commercial: A term defining workplace, office and retail use collectively.

Commercial Recreation Facility - Indoor: An establishment providing indoor amusement and entertainment services for a fee or admission charge, including:

bowling alleys, coin-operated amusement arcades, electronic game arcades (video games, pinball, etc.), ice skating and roller skating, pool and billiard rooms as primary uses.

This use does not include sex oriented businesses. Four or more electronic games or amusement devices (e.g., pool or billiard tables, pinball machines, etc.) in any establishment, or a premises where 50 percent or more of the floor area is occupied by electronic games or amusement devices, are considered a commercial recreation facility; three or fewer machines or devices are not considered a land use separate from the primary use of the site.

Day Care Center, Child or Adult: A state-licensed facility that provides non-medical care and supervision for adult clients or minor children for periods of less than 24 hours for any client. These facilities include the following, all of which are required to be licensed by the California State Department of Social Services.

1. **Large Family Day Care Home:** As defined by Health and Safety Code Section 1596.78, a day care facility in a single dwelling where an occupant of the residence provides family day care for seven to 14 children, inclusive, including children under the age of 10 years who reside in the home.
2. **Small Family Day Care Home:** As defined by Health and Safety Code Section 1596.78, a day care facility in a single residence where an occupant of the residence provides family day care for eight or fewer children, including children under the age of 10 years who reside in the home.

Director: The Community Development Director of the City of Benicia, or his duly appointed representative.

Dwelling, Dwelling Unit, or Housing Unit: A room or group of internally connected rooms that have sleeping, cooking, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

Dwelling, Multi-Family: A residential structure containing two or more dwelling units.

1. **Duplex:** A building with two separate dwellings located either side by side or one on top of the other.
2. **Fourplex:** A building with four separate dwellings.
3. **Triplex:** A building with three separate dwellings.
4. **Rowhouse:** A building with two or more single-family dwellings located side by side, with common walls on the side lot lines, the façades reading in a continuous plan.

Façade: The vertical surface of a building, generally set facing a street ("front façade").

Financial Services: Includes banks and trust companies, credit agencies, holding (but not primarily operating) companies, lending and thrift institutions, other investment companies, securities/commodity contract brokers and dealers, secu-

rity and commodity exchanges, vehicle finance (equity) leasing agencies. Does not include check-cashing stores.

Frontage Line: The property lines of a lot fronting a street or other public way, or a park, green or paseo.

Front Porch: A roofed structure, that is not enclosed, attached to the façade of a building.

Frontage Type: See Chapter 4 (Frontage Type Standards).

Gallery: As a building frontage type, a roofed promenade extending along the façade of a building and supported by columns on the outer side.

General Retail: Stores and shops intended to serve the City as destination retail, rather than convenience shopping. Examples of these stores and lines of merchandise include:

art galleries, retail, art supplies, including framing services, books, magazines, and newspapers, cameras and photographic supplies, clothing, shoes, and accessories, collectibles (cards, coins, comics, stamps, etc.), drug stores and pharmacies, dry goods, fabrics and sewing supplies, furniture and appliance stores, hobby materials, home and office electronics, jewelry, luggage and leather goods, musical instruments and-carried), parts, accessories, small wares, specialty grocery store, specialty shops, sporting goods and equipment, stationery, toys and games, variety stores, videos, DVD's, records, CD's, including rental stores.

Health/Fitness Facility: A fitness center, gymnasium, health and athletic club, which may include any of the following:

exercise machines, weight facilities, group exercise rooms, sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, archery and shooting ranges and other indoor sports activities, indoor or outdoor pools.

Height: A limit to the vertical extent of a building that is measured in number of stories. Height limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads, and similar structures, which may be of any height approved by the Director.

Home Occupation: Residential premises used for the transaction of business or the supply of professional services. Home occupation shall be limited to the following: agent, architect, artist, broker, consultant, draftsman, dressmaker, engineer, interior decorator, lawyer, notary public, teacher, and other similar occupations, as determined by the Director. Such use shall not simultaneously employ more than 1 person in addition to residents of the dwelling. The total gross area of the home occupation use shall not exceed 25 percent of the gross square footage of the residential unit. The home occupation use shall not disrupt the generally residential character of the neighborhood. The Director shall review the nature of a proposed home occupation use at the time of review of a business license for such use, and may approve, approve with conditions, continue or deny the application.

Library, Museum: Public or quasi-public facilities, examples of which include: aquariums, arboretums, art galleries and exhibitions, botanical gardens, historic sites and exhibits, libraries, museums, planetariums, and zoos. May also include accessory retail uses such as a gift/book shop, restaurant, etc.

Live-Work Unit: An integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which

includes:

1. Complete kitchen space and sanitary facilities in compliance with the Building Code; and
2. Working space reserved for and regularly used by one or more occupants of the unit.

Lodging: A facility (typically a hotel or motel) with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging; for example, restaurants, meeting facilities, personal services, etc. Also includes accessory guest facilities such as swimming pools, tennis courts, indoor athletic facilities, accessory retail uses, etc.

Medical Services - Clinic, Urgent Care: A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include:

medical offices with five or more licensed practitioners and/or medical specialties, out-patient care facilities, urgent care facilities, other allied health services

These facilities may also include incidental medical laboratories. Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative."

Medical Services - Doctor Office: A facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five or more licensed practitioners is instead classified under "Medical Services - Clinic, Urgent Care." Counseling services by other than medical doctors or psychiatrists are included under "Offices - Professional/Administrative."

Medical Services - Extended Care: Residential facilities providing nursing and health-related care as a primary use with in-patient beds. Examples of these uses include: board and care homes; convalescent and rest homes; extended care facilities; and skilled nursing facilities. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care."

Meeting Facility, Public or Private: A facility for public or private meetings, including:

community centers, religious assembly facilities (e.g., churches, mosques, synagogues, etc.), civic and private auditoriums, Grange halls, union halls, meeting halls for clubs and other membership organizations, etc.

Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use, and which are typically used only by on-site employees and clients, and occupy less floor area on the site than the offices they support. Does not include:

cinemas, performing arts theaters, indoor commercial sports assembly or other commercial entertainment facilities.

Related on-site facilities such as day care centers and schools are separately defined, and separately regulated by this Development Code.

Mixed-use: Multiple functions within the same building or the same general area through superimposition or within the same area through adjacency.

Museum - See "Library, Museum."

Neighborhood Market: A neighborhood serving retail store of 3,500 square feet or less in gross floor area, primarily offering food products, which may also carry a range of merchandise oriented to daily convenience shopping needs, and may be combined with food service (e.g., delicatessen).

Office: Business, Service, Administrative, and Professional.

Business, Service: Establishments providing direct services to consumers. Examples of these uses include employment agencies, insurance agent offices, real estate offices, travel agencies, utility company offices, elected official satellite offices, etc. This use does not include "Bank, Financial Services," which are separately defined.

Professional, Administrative: Office-type facilities occupied by businesses that provide professional services, or are engaged in the production of intellectual property. Examples of these uses include:

accounting, auditing and bookkeeping services, advertising agencies, attorneys, business associations, chambers of commerce, commercial art and design services, construction contractors (office facilities only), counseling services, court reporting services, design services including architecture, engineering, landscape architecture, urban planning, detective agencies and similar services, doctors, educational, scientific and research organizations, financial management and investment counseling, literary and talent agencies, management and public relations services, media postproduction services, news services, photographers and photography studios, political campaign headquarters, psychologists, secretarial, stenographic, word processing, and temporary clerical employee services, security and commodity brokers, writers and artists offices.

Park, Playground: An outdoor recreation facility that may provide a variety of recreational opportunities including playground equipment, open space areas for passive recreation and picnicking, and sport and active recreation facilities.

Parking Facility, Public or Private: Parking lots or structures operated by the City, or a private entity providing parking for a fee. Does not include towing impound and storage facilities.

Personal Services: Establishments that provide non-medical services to individuals as a primary use. Examples of these uses include:

barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), locksmiths, massage (licensed, therapeutic, non-sexual), nail salons, pet grooming with no boarding, shoe repair shops, tailors, tanning salons.

These uses may also include accessory retail sales of products related to the services provided.

Prohibited Uses: The following are examples of uses not permitted anywhere within the Downtown Mixed-Use Master Plan area:

animal hatcheries; boarding houses; chemical manufacturing, storage, or distribution; any commercial use in where patrons remain in their automobiles while receiving goods or services, except service stations; enameling, painting, or plating of materials, except artist's studios; kennels; the manufacture, storage, or disposal of hazardous waste materials; mini-storage warehouses; outdoor advertising or billboards; packing houses; prisons or detention centers, except as accessory to a police station; drug and alcohol treatment and rehab

centers; thrift stores; soup kitchens and charitable food distribution centers; sand, gravel, or other mineral extraction; scrap yards; tire vulcanizing and retreading; vending machines, except within a commercial building; uses providing goods or services of a predominantly adult-only or sexual nature, such as adult book or video stores or sex shops; and other similar uses as determined by the Director.

Residential: Premises used primarily for human habitation. Units shall not be less than 375 square feet in net area.

Residential Care, 6 or Fewer Clients: A single dwelling or multi-unit facility with six or fewer clients, licensed or supervised by a Federal, State, or local health/welfare agency that provides 24-hour nonmedical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Does not include day care facilities, which are separately defined.

Residential Care, 7 or more Clients: A single dwelling or multi-unit facility with seven or more clients, licensed or supervised by a Federal, State, or local health/welfare agency that provides 24-hour nonmedical care of unrelated persons who are handicapped and in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual in a family-like environment. Does not include day care facilities, which are separately defined.

Restaurant, Cafe, Coffee Shop: A retail business selling ready-to-eat food and/or beverages for on- or off-premise consumption. These include eating establishments where customers are served from a walk-up ordering counter for either on- or off-premise consumption (“counter service”); and establishments where customers are served food at their tables for on-premise consumption (“table service”), that may also provide food for take-out, but does not include drive-through services.

School, Public or Private: Includes the following facilities:

Elementary, Middle, Secondary: A public or private academic educational institution, including elementary (kindergarten through 6th grade), middle and junior high schools (7th and 8th grades), secondary and high schools (9th through 12th grades), and facilities that provide any combination of those levels. May also include any of these schools that also provide room and board.

Specialized Education/Training: A school that provides education and/or training, including tutoring, or vocational training, in limited subjects. Examples of these schools include:

art school, ballet and other dance school, business, secretarial, and vocational school, computers and electronics school, drama school, driver education school, establishments providing courses by mail, language school, martial arts, music school, professional school (law, medicine, etc.), seminaries/religious ministry training facility

Does not include pre-schools and child day care facilities (see “Day Care”). See also the definition of “Studio - Art, Dance, Martial Arts, Music, etc.” for smaller-scale facilities offering specialized instruction.

Secondary Building: A building that accommodates the secondary use of the site.

Setback: The mandatory distance between a property line and a building or appurtenance. This area must be left free of structures that are higher than 3 feet excluding Streetwalls, except as noted in the Urban Regulations.

Shared Parking: Any parking spaces assigned to more than one use, where persons utilizing the spaces are unlikely to need the spaces at the same time of day.

Single Family Dwelling: A residential structure containing a single dwelling unit. Includes for the purposes of this Development Code Rowhouses.

Shopfront: The portion of a building at the ground floor that is made available for retail or other commercial use. Shopfronts shall be directly accessible from the sidewalk.

Story: A habitable floor level within a building, typically 8' to 12' high from floor to ceiling. Individual spaces, such as lobbies and foyers may exceed one story in height. In Shopfront spaces, the ceiling height of the first story may be as high as 16'.

Studio: Art, Dance, Martial Arts, Music, etc: Small scale facilities, typically accommodating no more than two groups of students at a time, in no more than two instructional spaces. Examples of these facilities include:

individual and group instruction and training in the arts; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics instruction, and aerobics and gymnastics studios with no other fitness facilities or equipment.

Also includes production studios for individual musicians, painters, sculptors, photographers, and other artists.

Substantial Compliance: It occurs when physical improvements to the existing development site are completed which constitute the greatest degree of compliance with current development provisions.

Theater, Cinema or Performing Arts: An indoor facility for group entertainment, other than sporting events. Examples of these facilities include:

civic theaters, facilities for "live" theater and concerts, and movie theaters

Wireless Telecommunications Facility: Public, commercial and private electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections.

Zoning Code or Zoning Ordinance: The City of Benicia Zoning Code, Title 17 of the City of Benicia Municipal Code.