

## **Chapter 17.26**

# **MIXED USE DISTRICTS**

Sections:

**17.26.010 Districts – Purpose.**

**17.26.020 Mixed use infill (MU-I) district.**

**17.26.030 Mixed use limited (MU-L) district.**

**17.26.040 Additional standards for all mixed use districts.**

**17.26.010 Districts – Purpose.**

A. General. The purpose of the mixed use districts is to:

1. Ensure that new development enhances Benicia's unique sense of place and quality of life;
2. Promote sustainable development patterns through infill development and the development of vacant parcels and underutilized properties;
3. Encourage a mix of residential and commercial uses to promote transportation alternatives, including walking, biking, and transit;
4. Encourage the production of new housing, including housing for seniors, affordable housing, and housing for artists;
5. Create a safe, active, and welcoming environment for pedestrians;
6. Accommodate a diversity of neighborhood-serving businesses, including restaurants, retailers, and personal services; and
7. Ensure high-quality development that is carefully designed to fit into and complement its surrounding context.

B. Specific.

1. Mixed Use Infill (MU-I) District. In addition to the general purpose in subsection (A) of this section (General), the specific purpose of the MU-I district is to:

Land Use	Permit
<b>Residential Uses</b>	
Family Day Care, Large	L1
Family Day Care, Small	P
Group Residential	L2
Work/Live Quarters	L2
Multifamily Residential	L2
Residential Care, Limited	L2
Supportive Housing	L2
Transitional Housing	L2
<b>Public and Semipublic Uses</b>	
Adult Day Health Care	U
Clubs and Lodges	L2
Convalescent Facilities	L2
Cultural Institutions	P
Day Care Center	U
Emergency Shelter	L4
Government Offices	L2
Parks and Recreation Facilities	P
Public Safety Facilities	U
Religious Assembly	U
Residential Care, General	U
Schools, Public or Private	U
Utilities, Minor	P
<b>Commercial Uses [1]</b>	
Animal Sales and Services	
Animal Grooming	P
Animal Hospitals	L3
Animals – Retail Sales	L8
Artists' Studios	P

Land Use	Permit
Commercial Filming, Limited	P
Religious Assembly	U
Retail Sales, Outdoor	U
Key: P = Permitted; U = Use Permit; L = Limited (See Notes)	

Notes:

[1] See BMC [17.26.020\(A\)\(2\)\(d\)](#) for additional permit requirements that apply to commercial uses greater than 3,000 square feet on certain properties fronting Military East and/or East Fifth Street.

L1: Permit requirements for large family day care homes in the mixed use districts are the same as in the residential districts. See BMC [17.24.020\(P\)](#).

L2: A use permit is required when the use occupies ground floor space facing the street in locations shown in Figure 17.26-1. In all other locations, the use is permitted ("P"). See BMC [17.26.020\(A\)\(2\)](#). For residential use limitations in existing shopping centers, see BMC [17.26.020\(A\)\(3\)](#).

L3: Permit requirements for animal boarding and animal hospitals are the same as in the CG district. See BMC [17.28.020](#), Note L15.

L4: See BMC [17.70.390](#).

L5: A bar or tavern which is not part of a larger restaurant and operates between 9:00 p.m. and 7:00 a.m. requires a use permit. All other eating and drinking establishments with full alcoholic beverage service are permitted ("P").

L6: Only limited take-out service, as defined in Chapter [17.16](#) BMC, is allowed. Drive-up take-out service is not allowed.

L7: Only service stations existing in a shopping center as of December 31, 2022, are allowed. A use permit shall be required to replace or make a major alteration to an existing service station. For the purposes of this section, "major alteration" means the construction or alteration of 2,500 square feet or more of new floor area and/or any change of use or alteration that would increase the number of parking spaces by 10 percent or more than the total number required prior to the alteration.

L8: Permitted use ("P") only in a shopping center. Not allowed in all other locations.

**Figure 17.26-1: MU-I District Allowed Use Limitations**

(B) The project complies with BMC [17.26.040](#)(G) (Primary Entrance Design) and (H) (Blank Walls).

iii. The front yard area between the sidewalk and the street-facing building wall must contain at least two trees per 50 linear feet of parcel street frontage. Tree species must provide minimum 20-foot canopy per tree at maturity.

b. Ground Floor Office.

i. Except as provided in subsection (A)(2)(b)(ii) of this section, use permit approval by the planning commission is required for ground floor office uses facing the street in locations shown in Figure 17.26-1.

ii. A use permit is not required to establish a new office use in an existing tenant space that was previously occupied by an office use as of February 17, 2022. In such a case, the office use is not considered a nonconforming use under Chapter [17.98](#) BMC. A new office use may be established in the existing tenant space at any time, subject to the applicant supplying documentation of the prior office use, without the need to obtain a use permit. An “existing tenant space” means a tenant space that occupies the same building, location and floor area as existed on February 17, 2022.

c. East L and Fourth Street Corner Property. On the parcel on the corner of East L and East Fourth Street shown in Figure 17.26-1, all land uses listed under the “Commercial Uses” and “Temporary Use” headings in Table 17.26-1 are not allowed.

d. Large Commercial Uses. Proposed commercial uses with a single tenant occupying a space greater than 3,000 square feet require a use permit.

3. Residential Use Limitations – Shopping Centers Existing on December 31, 2022. Residential development within a shopping center shall not reduce commercial gross floor area to less than 75 percent of the commercial gross floor area that existed as of December 31, 2022.

B. Development Standards.

1. General. Table 17.26-2 identifies development standards in the MU-I district.

**Table 17.26-2: Development Standards – MU-I District**

Standard
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Notes:

[1] Mixed use with at least two-thirds residential floor area may have a floor area of up to 2.0 FAR. All other projects shall be limited to 1.2 FAR.

[2] See BMC [17.70.180](#) for building features that may project above the permitted building height. Roof decks must comply with BMC [17.26.040\(F\)](#) (Roof Decks).

[3] See BMC [17.70.150](#) for allowed projections into required yards.

[4] Includes covered and uncovered porches, terraces, platforms, decks, patios, stairs, and other similar features. Projections into yards allowed in BMC [17.70.150\(B\)](#) do not also apply.

[5] Shared open space not required for units with private open space. See BMC [17.26.040\(D\)](#). Shared open space may be located within required yards.

[6] There is no maximum front setback in all other locations.

**Figure 17.26-2: MU-I Development Standards for Commercial and Mixed Use Residential Projects**



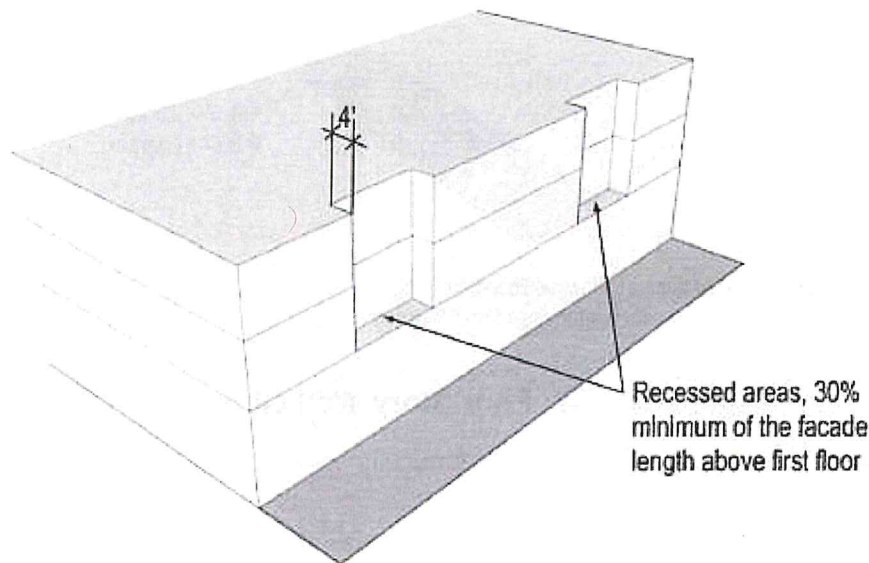
**Figure 17.26-3: MU-I Development Standards for Residential Projects**

must incorporate at least one of the following additional features:

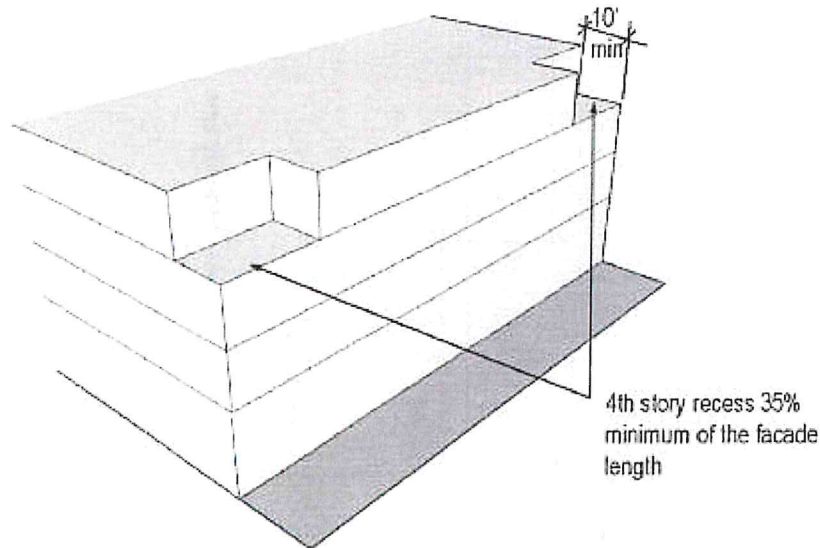
- i. A fourth story recessed stepback facing the primary street of at least four feet for the entire facade length. See Figure 17.26-6. Recessed area may be used as a balcony, terrace, or other usable open space.
- ii. A fourth story recessed stepback facing the primary street of at least 10 feet for a minimum of 35 percent of the facade length. See Figure 17.26-7. Recessed area may be used as a balcony, terrace, or other usable open space.
- iii. Other comparable method, as determined by the review authority through the use permit or development agreement process, to break down the massing of large building facades and complement the surrounding context.

c. Building Width on Shopping Center Sites Existing on December 31, 2022. On the site of an existing shopping center, the width of a newly constructed building measured parallel to the adjacent street frontage shall not exceed 300 feet.

**Figure 17.26-4: Upper Floor Modulation**



**Figure 17.26-5: Vertical Facade Break**



**Note:** Figure does not show additional building massing standards required for all buildings

4. Residential Transitions. The following standards apply to new development projects adjoining a parcel outside of the MU-I district with an existing single-family use:

- a. Wall or Fence. A sight-obscuring wall or fence six feet high shall be provided along the adjoining residential property line. A sight-obscuring fence must have an opacity of at least 85 percent. Bushes, vines, and other vegetation may be incorporated into the design of a required fence.
- b. Yard. Buildings shall be located a minimum of 15 feet from the adjoining single-family residential property line.
- c. Building Stepback. Buildings adjoining a single-family residential property line shall be no taller than two stories or 25 feet at the required 15-foot setback line. If proposed, third stories shall be stepped back a minimum of five feet from the setback line (i.e., 20 feet from the adjoining property line). Recessed area may not be used as a balcony, terrace, or other usable open space. See Figure 17.26-8.

**Figure 17.26-8: Residential Transitions**

Land Use	Permit
Residential Care, Limited	P
Single-Family Residential	P
Supportive Housing	P
Transitional Housing	P
<b>Public and Semipublic Uses</b>	
Adult Day Health Care	U
Clubs and Lodges	U
Convalescent Facilities	U
Cultural Institutions	P
Day Care Center	U
Government Offices	U
Parks and Recreation Facilities	P
Residential Care, General	U
Schools, Public or Private	U
Utilities, Minor	P
Public Safety Facilities	U
<b>Commercial Uses</b>	
Artists' Studios	P
Offices, Business and Professional	L2
Personal Improvement Services	L2
Personal Services	L2
Bed and Breakfast Inns	U
Key: P = Permitted; U = Use Permit; L = Limited (See Notes)	

Notes:

L1: Permit requirement the same as in the residential districts. See BMC [17.24.020\(E\)](#).

L2: Community development director use permit required.

2. Multifamily Uses. For a parcel legally existing as of February 22, 2022, four multifamily dwelling units are permitted on the parcel regardless of the parcel size, provided the project complies with all other applicable standards.



<b>Standard</b>	
Abutting an alley	None
Not abutting an alley	15 ft.
<b>Minimum Open Space</b>	
Private	None required
Shared	100 sq. ft. per unit [7]
<b>Parking</b>	
Number of spaces	As required by BMC <a href="#">17.74.030</a>
Design	See BMC <a href="#">17.26.040(C)</a>

Notes:

[1] See BMC [17.26.030\(A\)\(2\)](#) for additional density allowance.

[2] Maximum 1.5 FAR allowed for four-story building when allowed under BMC [17.26.030\(B\)\(2\)](#).

[3] See BMC [17.26.030\(B\)\(2\)](#) for additional height allowed in specified locations.

[4] See BMC [17.70.180](#) for building features that may project above the permitted building height. Roof decks must comply with BMC [17.26.040\(F\)](#) (Roof Decks).

[5] See BMC [17.70.150](#) for allowed projections into required yards.

[6] Includes covered and uncovered porches, terraces, platforms, decks, patios, stairs, and other similar features. Projections into yards allowed in BMC [17.70.150\(B\)](#) do not also apply.

[7] Shared open space not required for units with private open space. See BMC [17.26.040\(D\)](#). Shared open space may be located within required yards.

**Figure 17.26-9: MU-L Development Standards**

### 3. Multifamily and Mixed Use Residential Projects.

a. **Applicability.** The standards in this subsection apply to multifamily and mixed use residential development in the MU-L district.

b. **Required Compliance.** A two-story project that is exempt from design review pursuant to BMC [17.108.020\(B\)](#) must conform with the standards of this section, in addition to other applicable standards in the zoning ordinance and objective planning and standards.

c. **Allowed Deviation.** For projects that require discretionary design review, the review authority may allow deviation from one or more of these standards through the design review process.

#### d. Standards.

i. **Building Width.** To reflect the existing scale and rhythm of buildings in the MU-L district, buildings shall comply with one of the following:

(A) The width of the building measured parallel to the primary street frontage does not exceed 50 feet.

(B) The street-facing building wall is modulated so that building wall segments closest to the street do not exceed a width of 40 feet. The facade break area (i.e., building frontage inset area) must have a minimum depth of eight feet and minimum width of 15 feet. See Figure 17.26-10.

ii. **Upper Story Massing.** A third story (and fourth story for four-story buildings) must be stepped back from the primary street at least 10 feet for a minimum of 35 percent of the facade length. Recessed area may be used as a balcony, terrace, or other usable open space.

iii. **Balconies.** Balconies above the ground floor facing an adjacent residential property are prohibited. This prohibition applies only to balconies with a platform that extends more than three feet from the exterior building wall.

iv. **Neighbor Privacy.** Windows facing adjacent dwellings must be staggered to limit visibility into neighboring units. The vertical centerline of a window may not intersect the window of an adjacent dwelling.

v. **Garages.** Garage doors facing the street:

a. Nonresidential Ground Floor Uses. The following standards apply to development with nonresidential ground floor uses facing the street, as shown in Figure 17.26-11:

i. If right-of-way conditions require buildings to be set back from the street by more than 12 feet, the sidewalk shall be extended to the building.

ii. Curbside sidewalk tree wells shall be four feet in width by eight feet in length minimum, six feet by 12 feet maximum, with a corresponding zone of pervious paving aligned with and extending between tree wells.

iii. A minimum clear width of eight feet shall be provided between tree wells and the building frontage.

b. Residential Ground Floor Uses. The following standards apply to development with residential ground floor uses facing the street, as shown in Figure 17.26-12:

i. If right-of-way conditions require buildings to be set back from back of sidewalk by more than 15 feet, required frontage landscaping shall be expanded to fill the excess area.

ii. Curbside sidewalk tree wells shall be six feet in width by six feet or more in length, with a corresponding zone of pervious paving aligned with and extending between tree wells.

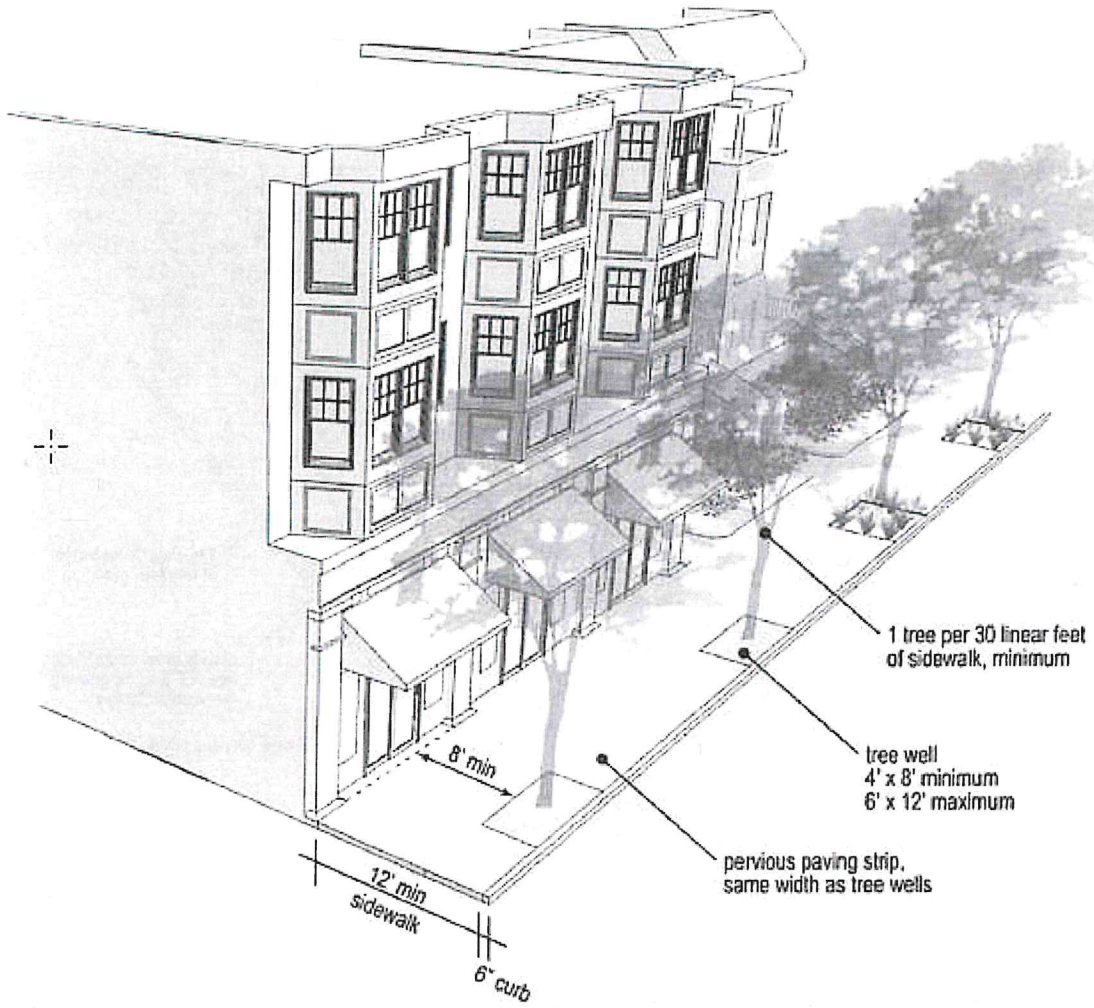
iii. Tree wells shall include additional low-growing ornamental planting to enhance residential frontages.

2. If the existing public right-of-way area between the curb and the property line is insufficient to meet the minimum standard above, extension of the sidewalk onto the property, with corresponding public access easement, shall be provided.

3. Applicability – Shopping Centers.

a. For development on a site with a shopping center existing on December 31, 2022, streetscape improvements required by this section shall be installed along the property frontage that abuts:

i. The area of disturbance; and



**Figure 17.26-12: Streetscape Standards – Residential Ground Floor Uses**

2. Shared open space shall be designed so that a horizontal rectangle within it has no dimension less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas.

**E. Landscaping.**

1. All areas between a building and adjoining sidewalk shall be landscaped with live plant materials, except for:

- a. Areas required for vehicular or pedestrian access to the property; and
- b. Courtyards, outdoor seating areas, and other similar outdoor spaces for residents, customers and/or the general public.

2. Landscaping shall consist of any combination of trees and shrubs, and may include grass or related natural features, such as rock, stone, or mulch. At maturity, plantings must comprise a minimum of 75 percent of the total landscape area.

3. Up to 65 percent of the tree canopy (at maturity) above ground amenities such as seating and public art may be included in the landscape area calculation.

4. In all cases the front yard area between the sidewalk and the street-facing building wall must be landscaped with live plant materials as shown in Table 17.26-5.

**Table 17.26-5: Minimum Front Yard Landscaping**

<b>Ground Floor Use Facing the Street</b>	<b>Percent of Front Yard Area That Must Be Landscaped</b>
Nonresidential	15% [1]
Residential	35%

Notes:

[1] Only for projects where building is set back from edge of sidewalk. May be provided with upright growing shrubs or small trees in raised planters and/or pots.

**F. Roof Decks.**

1. Features to accommodate a roof deck, including railings, terraces, and other similar structures, may project above the maximum building height in cases where the roof deck provides common open space for residents.

- d. Special architectural elements, such as columns, porticos, and ornamental light fixtures;
- e. Projecting entries or projecting bays in the facade;
- f. Recessed entries or recessed bays in the facade; and
- g. Changes in roofline or articulation in the surface of the wall in the area surrounding the entrance.

#### H. Blank Walls.

1. The area of a blank building wall fronting a public street may not exceed a square area where the height and width are both 10 feet.
2. A break in a blank building wall may be provided by any of the following:
  - a. Doors, windows, or other building openings.
  - b. Building projections or recesses, doorway and window trim, or other details that provide architectural articulation and design interest.
  - c. Varying wall planes where the wall plane projects or is recessed at least six inches.
  - d. Nonfabric awnings or canopies over a window or door, or arcades.
  - e. Substantial variations in building material. For example, adding brick or stone veneer to a stucco building or changing from vertically oriented board and batten style siding to horizontally oriented lap siding.
  - f. A permanently attached trellis or architectural feature for landscaping.
  - g. A living wall.
  - h. A mural or public art attached to the building wall.
3. The following do not qualify as a break in blank wall:
  - a. Variation in exterior building wall color.
  - b. Standalone planted vegetation or landscaping not attached to a building wall.