



**Igor Tregub, Councilmember District 4**

**REVISED**  
**AGENDA MATERIAL**  
**for Supplemental Packet 2**

**Meeting Date:** 4.14.2026

**Item Number:** 20

**Item Description:** **Amendments to BMC Title 3.24 (Landmarks Preservation Commission) to Revise Procedures for Designating Landmarks, Historic Districts and Structures of Merit and Incorporate Technical Edits**

**Submitted by:** **Councilmember Igor Tregub (Author)**

**Summary of Changes:** Changes are made to the “Exceptions” language in either the Kesarwani or the Tregub alternatives as detailed in the item to conform the timeline of applicability with Senate Bill (SB) 330.



**Igor Tregub, Councilmember, District 4**

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Igor Tregub (Author)

**Subject:** Amendments to BMC Title 3.24 (Landmarks Preservation Commission) to Revise Procedures for Designating Landmarks, Historic Districts and Structures of Merit and Incorporate Technical Edits

**RECOMMENDATION**

Accept changes to the “Exceptions” language in either the Kesarwani or the Tregub alternatives as detailed below.

**RATIONALE FOR RECOMMENDATION**

This recommendation addresses a current misalignment between the timeline following which an SB 330-compliant application is declared lapsed (2.5 years) and the five-year timeline provided in this office’s previous referral.

**CURRENT SITUATION AND ITS EFFECTS**

The Berkeley District 4 Council office met with representatives from the Landmarks Preservation Commission and Berkeley Architectural Historical Association (BAHA) and was made aware regarding a misalignment between the timeline following which an SB 330-compliant application is declared lapsed (2.5 years) and the five-year timeline provided in this office’s previous referral. As such, the following amendments are being proposed to both alternatives.

Section 7. BMC Chapter 3.24.120 be amended to read as follows:

Alternative 1 (Kesarwani):

C. Exception. **No designation shall be initiated for any structure, site, or area on a parcel that is the site of a housing development project protected from the**

**application of new ordinances, policies, and standards by the Housing Crisis Act of 2019 (Senate Bill (SB) 330).** Any such designation shall not be processed for ~~five (5)~~ **years-30 months** following the receipt of a Preliminary Development application under SB330 (~~the Housing Crisis Act of 2019~~) by the City of Berkeley, unless initiated by the property owner of record.

Alternative 2 (Tregub):

C Exception. **No designation shall be initiated for any structure, site, or area on a parcel that is the site of a housing development project protected from the application of new ordinances, policies, and standards by the Housing Crisis Act of 2019 (Senate Bill (SB) 330).** Any such designation shall not be processed for ~~five (5)~~ **years-30 months** following the receipt of a Preliminary Development application under SB330 (~~the Housing Crisis Act of 2019~~) by the City of Berkeley, unless initiated by the property owner of record.

For reference, the applicable section of SB 330<sup>1</sup> is below (applicable language bolded for reference).

Section 65589.5(o)(2)(D) of the Government Code is amended to read:

*(D) The housing development project has not commenced construction within **two and one-half years** following the date that the project received final approval. For purposes of this subparagraph, “final approval” means that the housing development project has received all necessary approvals to be eligible to apply for, and obtain, a building permit or permits and either of the following is met:*

*(i) The expiration of all applicable appeal periods, petition periods, reconsideration periods, or statute of limitations for challenging that final approval without an appeal, petition, request for reconsideration, or legal challenge having been filed.*

*(ii) If a challenge is filed, that challenge is fully resolved or settled in favor of the housing development project.*

### **CONTACT PERSON**

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<sup>1</sup> [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB330](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330)