



Igor Tregub, Councilmember District 4

REVISED
AGENDA MATERIAL
for Supplemental Packet 3

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: **Additional changes (from CM Tregub's Supplemental 2) are made to the "Exceptions" language in both the Kesarwani and the Tregub alternatives following input from the City Attorney's Office.**



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 both the Kesarwani and 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 as well as other misalignments.

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.

In both alternatives, the following “Exceptions” language is suggested per consultation with the City Attorney’s Office (additions in **bold**, strikeouts in ~~strikethrough-format~~).

Proposed language as follows (for both the Kesarwani and Tregub alternatives):

C. Exception. Any such designation shall not be processed 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. This exception shall expire (a) if the Preliminary Development application is withdrawn; or (b) 30 months after the final approval of the housing development project for which the Preliminary Development application was submitted.

This language would replace the following language in CM Tregub's Supplemental 2:

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 330¹ 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

Councilmember Igor Tregub, Council District 4
510-981-7140, ltregub@berkeleyca.gov

¹ https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330