



Planning & Development
Land Use Planning Division

MEMORANDUM

Date: September 24, 2026

To: Landmarks Preservation Commission

From: Allison Riemer, LPC Secretary

Subject: Changes to the Demolition Referral Process for SB 330 Vested Housing Development Projects

BACKGROUND

Pursuant to Berkeley Municipal Code (BMC) Section 23.326.070(C)(1) an application for a Use Permit or Administrative Use Permit (AUP) to demolish a non-residential building or structure that is 40 or more years old is forwarded to the Landmarks Preservation Commission (LPC) for review to initiate a Landmark or Structure of Merit designation, or to forward to the Zoning Adjustments Board (ZAB) or Zoning Officer its comments on the application. This action occurs before consideration of the Use Permit or AUP entitlement application by the ZAB or Zoning Officer. This review is commonly referred to as a *demolition review* or *demolition referral*.

Senate Bill 330 “Housing Crisis Act of 2019” (SB 330) is a State law focused on expediting the approval process for and suspending or eliminating restrictions on housing development projects¹. Applicants are eligible to vest their project which preserves the applicability of development standards, ordinances, and policies in effect at the time of the application filing. A project is *vested* when a complete SB 330 Preliminary Housing Development Project Application is submitted and fees are paid.

POLICY CHANGE

As part of the technical edits to implement State law, a Zoning Code amendment was advanced and established an exception to exclude SB 330 vested projects from the demolition referral process. BMC Section 23.326.070(C)(1)(a) includes the exception below:

Exception. Projects that are vested pursuant to SB 330 shall be exempt from demolition review.

¹ **Housing development project** is defined as a residential use, a mixed-use development with at least two-thirds of its square footage designated for residential use, or transitional/supportive housing (Gov. Code § 65589.5).