



October 27, 2025

Dear Councilmembers:

The Board of Directors of the Berkeley Architectural Heritage Association (BAHA) is firmly opposed to the proposed amendments to the Landmarks Preservation Ordinance (LPO) in Item 12 of the November 10 City Council agenda.

These changes are presented as minor refinements but, in fact, deeply undermine public participation in historic preservation in Berkeley. By dramatically increasing the resident signature requirements for citizen-led landmark designations, the proposal effectively repeals the primary avenue for citizen participation in preservation efforts while exacerbating preservation inequities. We oppose for the following reasons:

- **The requirement for neighbor signatures creates severely inequitable thresholds for designation, handicapping the citizens in denser West and South Berkeley neighborhoods. (See analysis on pages 2 and 3.)**
- **The proposed amendments are contrary to the Berkeley General Plan and the Certified Local Government Program. (See analysis on page 4.)**
- **The proposed LPO amendments are unsupported by the facts, as presented in the four Staff Report case studies (See analysis on pages 4 and 5.)**
- **Alternative proposals would better protect housing production without muzzling citizen participation in historic preservation.**

To the last point, contrary to the Staff Report, there is no ongoing threat of housing obstruction through landmark applications. SB330 protects almost any housing project, from a duplex to a 100-unit high-rise, and the City Council has articulated a clear position against landmarking projects with an SB330 preliminary application.

The City should simply formalize this guidance and direct staff not to accept or process landmark applications to designate properties with a complete SB 330 Preliminary Application. Whether achieved through legislation or a simple memorandum, such a measure would effectively eliminate the risk of housing obstruction through landmarking without handicapping citizen participation in the designation process generally.

It is through the volunteer efforts of community members that many of Berkeley's treasured landmarks have been documented and preserved. Because the City of Berkeley has never funded historic preservation, it is community members and civic groups that have taken on the task of gathering archives, surveying properties, and researching designations.

For 50 years BAHA has undertaken this task, assisting all community members—whether homeowners, developers, preservationists, or scholars—to learn more about the rich history of our unique urban fabric. After years of encouraging the public to engage in historic preservation, we are dismayed that the City Council is considering a proposal that would serve to alienate Berkeleyans from our shared architectural heritage.

The LPO is not blocking new housing, and your Council should decline to adopt these two amendments.

Thank you for considering our comments.

Leila H. Moncharsh

Leila H. Moncharsh, BAHA President
On Behalf of the BAHA Board

Analysis: requiring signatures from nearby residents creates severely inequitable thresholds for designation.

The requirement that citizen-led landmarking applications obtain signatures from 51% of residents within 300’ sets up wildly uneven requirements for preservation efforts. In low-density neighborhoods relatively few neighboring households would need to sign on, and most signatures would simply need to belong to Berkeley residents. In parts of the city with more apartment buildings, however, the number of required neighbor signatures would be many times higher, and every signature would need to belong to a neighbor.

The two landmarked properties below demonstrate the extent of this inequity:

10 Greenwood Common

This Modernist home is part of a group of Greenwood Common Landmarks recognizing a Modernist infill development of national importance. Greenwood Common was initiated for a designation by a petition of residents in 1990. If the home was to be initiated by petition according to the requirements of this proposal, it would require:

- Signatures of a resident from **35** of 68 dwelling units within 300 feet (See Fig. 1 below.)

David Brower House (2232–2234 Haste Street)

This multi-family property was the childhood home of one of Berkeley’s most famous native sons, a founder of the modern environmental movement. It was landmarked by petition in 2008. If the home was to be initiated by petition according to the requirements of this proposal, it would require:

- Signatures of a resident from **274** of 536 dwelling units within 300 feet. (See Fig. 2 below.)

Initiation of the David Brower House would require **nearly 8 times the number of neighbor signatures** required at 10 Greenwood Common. The only reason for this incredibly unequal threshold is the difference in neighborhood density. It has nothing to do with the property’s historic significance or the effect of its preservation on housing production.

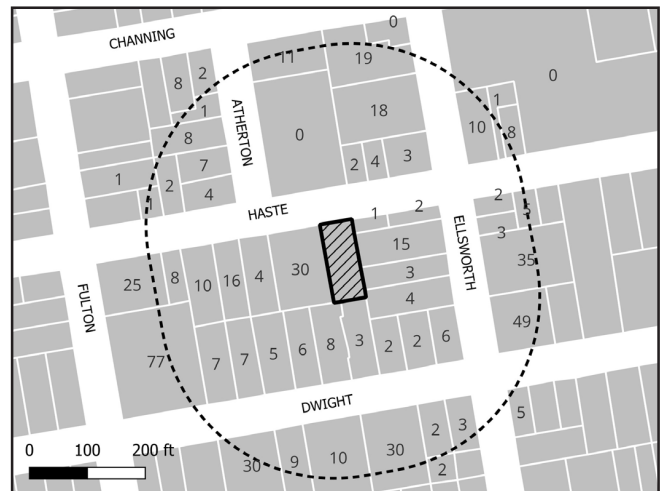
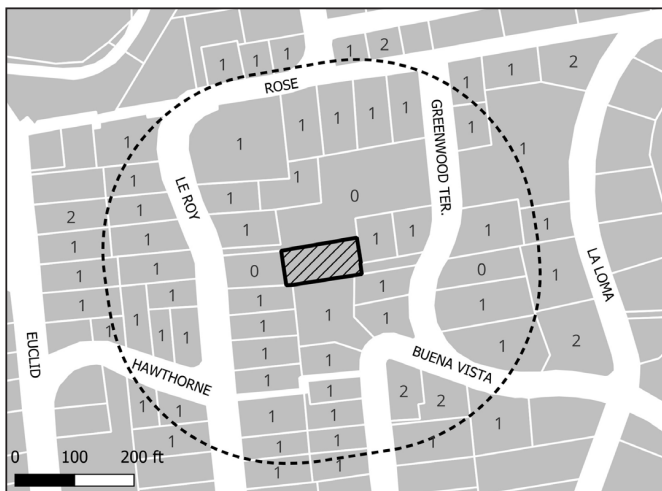


Fig 1: Map of dwelling units on lots within 300’ of 10 Greenwood Common ¹ Fig 2: Map of dwelling units on lots within 300’ of 2232-34 Haste ²

It flies against any sense of equity that neighborhoods contributing the most housing to the City should have the highest barriers for honoring their history. The more effectively a neighborhood seeks to balance preservation with housing production, the heavier the burden to seek landmark status for any of its historic resources. The Staff Report provides no justification for such a policy impact.

Another effect of the neighbor signature requirement is that neighborhoods adjacent to high-density commercial corridors will have very unequal signature requirements. A lot 250’ from a 100-unit mixed-use building could have a much higher threshold than a lot two doors down that is 350’ away from the same building.

1. Dwelling unit counts based on permit records, real estate databases, and Berkeley Rent Registry.
 2. Dwelling unit counts based on Berkeley Rent Registry and electrical meters.

Analysis: the proposed amendments are contrary to the Berkeley General Plan and the Certified Local Government Program.

- The Urban Design and Preservation Element of the Berkeley General Plan explicitly calls on the City to “**encourage widespread public participation** in the identification and designation of historically or culturally important buildings, sites, and areas.”³
- This proposal does exactly the opposite by raising the threshold for citizens to designate landmarks.
- The requirement for neighborhood signatures also sends the message that widespread participation doesn’t matter.
- The City of Berkeley has been a Certified Local Government for decades. This qualifies the city for a variety of Federal grants. The Certified Local Government program requires a local government to “**provide for adequate public participation** in the local historic preservation program.”⁴ This proposal may threaten Berkeley’s certification.

Analysis: the claim that four landmark applications prove the need for the amendments is unsupported by the facts.

Page 2 of the Staff Report alleges that having a “low threshold” for Berkeleyans to apply for landmark status “has led to disputes between neighbors and homeowners, and – for larger proposed developments – uncertainty and delay as well as significant amounts of work for city workers.” As evidence, the report cited four case studies that contend show there have been “frivolous” citizen applications. As shown below, this basis for the amendments is inaccurate.

a. 1915 Berryman Street: This involved a 2020 application when SB330 had just become law. BAHA was not involved in it, and we learned recently that the project never went through. The dispute was primarily over the owner/developer’s destruction of two mature oak trees without a permit.

b. 910 Indian Rock Avenue: BAHA opposed demolition of a Walter Ratcliff designed house in favor of a new single-family home, a project that included removing a rental unit in violation of SB 9. A satisfactory solution was arrived at for all parties that preserved the original structure (and rental unit).

c. 2425 Durant Avenue, 2442 Haste Street, and 2138 Kittredge Street:

BAHA did not just “frivolously” file landmark applications, and the LPC did not just grant them without awareness of SB 330. BAHA communicated numerous times with the City planner assigned to the LPC, and the LPC commissioners repeatedly reviewed the City Attorney’s decision at that time. The record is very clear—the City Attorney found that SB 330 allowed landmarking, but that designation would not prevent any project vested under SB 330 from going forward. Therefore, if for any reason the project did not proceed, and the property changed hands, the landmarking would then require consideration of mitigations of any new project, if necessary, to preserve the property’s historical features. After two of three developers appealed (the owner and developer of 2442 Haste did not appeal), the City Council refused to uphold the LPC’s decision based on the prior City Attorney’s interpretation of SB 330.

In Berkeley, the LPO has consistently provided the community and the City with a process for preserving historic structures, including those that represent cultural values and not necessarily just architecture. Everything from the City Council’s recent landmarking of a San Pablo Avenue commercial building with an interesting cultural history to a rock – the Founder’s Rock – have been successfully preserved and made part of what makes Berkeley a unique and desirable place to live and visit and not just “USA Everywhere.” BAHA has been here for all of it.

³ Action D, Policy UD-1 Techniques, “Urban Design and Preservation Element,” *City of Berkeley General Plan*, 2002, 12.

⁴ Appendix G, Certified Local Government Application and Procedures, August 1999, pp 41-47