



Igor Tregub
Councilmember District 4

REVISED AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: November 10, 2025

Item Number: 12

Item Description: Referral to Amend Berkeley Municipal Codes 3.24.120 and 3.24.300 to Improve Procedure for Designating Landmarks, Historic Districts and Structures of Merit

Submitted by: Councilmember Igor Tregub

The revised material amends the item as revised in Supplemental 1 to improve consistency, reduce the staff time associated with administering revisions to BMC Section 3.24.300, and provide a stronger nexus to the stated issue the item seeks to address. Specifically, it raises the threshold for the number of residents needed to sign the verified application to initiate a landmarking designation to 200 in all cases and restricts an initiation of landmarking designation for five (5) years following the receipt of a Preliminary Use Permit application under SB 330 (the Housing Crisis Act of 2019) by the City of Berkeley, unless initiated by the property owner of record.



Igor Tregub
Councilmember District 4

CONSENT CALENDAR
November 10, 2025

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Igor Tregub

SUBJECT: Referral to Amend Berkeley Municipal Codes 3.24.120 and 3.24.300 to Improve Procedure for Designating Landmarks, Historic Districts and Structures of Merit

RECOMMENDATION

This supplemental provides refinements to Item 10 to improve consistency, reduce the staff time associated with administering revisions to BMC Section 3.24.300, and provide a stronger nexus to the stated issue the item seeks to address. Track changes associated with the supplemental are below.

Refer to the City Manager and City Attorney to amend two related Berkeley Municipal Code (BMC) sections: 3.24.120, "Landmarks, Historic Districts and Structures of Merit-Designation-Initiation Procedures," and its related BMC section 3.24.300, "Appeals-Procedures Required-City Council Authority."

This referral recommends refinements to the procedure for designating landmarks, historic districts, and structures of merit to discourage frivolous designations, often of sites that are planned to be redeveloped to address our City's housing shortage.

Proposed amendments include the following two changes to the BMC:

- 1) Raising the threshold for the number of residents needed to sign the verified application of initiation of designation from 50 to 200[†]; and requiring the property owner's approval of the designation; or
- 2) ~~For properties located in residential zoning districts,[†] require 51 percent of the residents within a 300-foot radius of the subject building/structure to be among the applicants signing on to initiate the landmark / structure of merit designation, similar to the threshold used for other City procedures by the~~

[†] As defined in Berkeley Municipal Code section 23.202–
<https://berkeley.municipal.codes/BMC/23.202>

~~Planning and Public Works departments.² We note that this second requirement may necessitate the collection of more than 200 signatures.~~

- 2) ~~For those properties that do not have the owner's approval to designate as a landmark, historic district, or structure of merit, raising the threshold for the number of residents needed to sign the verified application of initiation of designation to 400. Restricting an initiation of designation for five (5) years following the receipt of a Preliminary Use Permit application under SB 330 (the Housing Crisis Act of 2019) by the City of Berkeley, unless initiated by the property owner of record.~~

Specifically, the proposed amendments to the Berkeley Municipal Code (BMC) 3.24.120, "Landmarks, Historic Districts and Structures of Merit-Designation-Initiation Procedures" would read as follows:

Initiation of designation shall be by the commission, or by a resolution of intention of the City Council, or by the Planning Commission, or by the Civic Arts Commission, or by the verified application of the owners of the property to be designated or their authorized agents, or by the verified application of at least ~~fifty~~ 200 residents of the City ~~and the consent of the property owner; and, for properties located in residential zoning districts, requiring 51 percent of the residents residing within a 300 foot radius of the subject property.; or, by the verified application of at least 400 residents if the property owner has not provided consent of the designation process.~~³ Any such application shall be filed with the commission upon forms prescribed by the commission and shall be accompanied by all data required by the commission. Further, any such designation shall not be processed for five (5) years following the receipt of a Preliminary Use Permit application under SB 330 (the Housing Crisis Act of 2019) by the City of Berkeley, unless initiated by the property owner of record. Where such application is submitted for designation of an historic district, the application must be subscribed by or on behalf of a majority of the property owners or residents of the proposed district. (Ord. 5686-NS § 1 (part), 1985: Ord. 4694-NS § 4, 1974).^{1 4}

Similarly, BMC 3.24.300(A)(1) is proposed to read as follows:

An appeal may be taken to the City Council by the City Council on its own motion, by motion of the Planning Commission, by motion of the Civic Art Commission, by the verified application of the owners of the property or their authorized agents, or by the verified application of at least ~~fifty~~ 200 residents. Further, any such designation shall not be processed for five (5) years following the receipt of a Preliminary Use Permit application under SB 330 (the Housing Crisis Act of 2019) by the City of Berkeley, unless initiated by the property owner of record. ~~and the consent of the property owner; or, if the property owner has not provided consent, by the verified application of at least 400 residents, for properties located in residential zoning districts, requiring 51 percent of the residents residing within a 300 foot radius of the subject property of the City~~ aggrieved or affected by any determination of the commission made under the provisions of this chapter.⁵

^{1 4} Berkeley Municipal Code section 3.24.120: <https://berkeley.municipal.codes/BMC/3.24.120>

FISCAL IMPACTS

Staff time on a one-time basis to amend and incorporate the re-worded code sections into the BMC, and minor ongoing savings to staff time over the proposal in Supplemental 1.

RATIONALE FOR RECOMMENDATION

This supplemental provides refinements to Item 10 to improve consistency, reduce the staff time associated with administering revisions to BMC Section 3.24.300, and provide a stronger nexus to the stated issue the item seeks to address. Specifically, by simplifying the number of signatures needed to initiate a landmark application to a single number (200), it addresses the stated intent of the original proposal to prevent applications deemed to be frivolous while avoiding the need for city staff to process applications with two different signature requirements and determining a process for how support of a property owner to a landmarking designation would be determined. The second part of the supplemental, which restricts landmarking applications for five years following the receipt of an initial SB 330 designation by the city, other than by the property owner, proximately addresses the specific concerns described in the original item.

CONTACT PERSON

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