

## FULL TEXT OF MEASURE LL

ORDINANCE NO. 6,958—N.S.

### REPEALING AND REENACTING BERKELEY MUNICIPAL CODE (BMC) CHAPTER 3.24 (LANDMARKS PRESERVATION)

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Chapter 3.24 is repealed and reenacted to read as follows:

#### Article I General Provisions

- 3.24.010 Findings and purposes of provisions.
  - 3.24.020 Established—Powers and duties transferred when.
  - 3.24.030 Membership—Appointments—Organization and officers.
  - 3.24.040 Preservation incentives.
  - 3.24.050 List of structures and sites—To be established and maintained—Contents.
  - 3.24.060 List of structures and sites—Landmarks, historic districts and structures of merit designated—Permit application review.
  - 3.24.070 Powers and duties generally.
  - 3.24.080 Annual report required.
- #### Article II Initiation and Designation
- 3.24.100 Landmarks, historic districts and structures of merit—Designation—Procedures required—Controls and standards.
  - 3.24.105 Definitions.
  - 3.24.110 Landmarks and historic districts—Criteria for consideration.
  - 3.24.115 Structures of merit—Criteria for designation.
  - 3.24.120 Summary of procedures and timelines for initiating and designating historic resources.
  - 3.24.125 Process for initiating and designating landmarks, structures of merit and historic districts—No Application pending.
  - 3.24.126 Process for initiating and designating landmarks, structures of merit and historic districts—Application pending.
  - 3.24.127 Process for considering Requests for Determination—No Application pending.
  - 3.24.128 Process for considering Requests for Determination—Application pending.
  - 3.24.130 Reserved.
  - 3.24.140 Notice of public hearings—Hearing procedure.
  - 3.24.150 Reserved.
  - 3.24.160 Designation proposal—Notice of deci-

sion required.

- 3.24.170 Reserved.
  - 3.24.180 Landmarks, historic districts and structures of merit—Designation—Recording required.
  - 3.24.190 List of designated and initiated resources—referral of applications to Commission.
- #### Article III Regulatory Authority and Environmental Review
- 3.24.200 Construction, alteration or demolition—Approval required.
  - 3.24.210 Ordinary maintenance and repairs.
  - 3.24.220 Environmental review.
  - 3.24.230 Permit application—Public hearing notice requirements.
  - 3.24.240 Permit application—Decision—Time limitations—Review standards and criteria.
  - 3.24.250 Notice of decision.
  - 3.24.260 Reserved.
  - 3.24.270 Reserved.
  - 3.24.280 Landmarks, historic districts or structures of merit—Unsafe or dangerous conditions—Effect.
  - 3.24.290 Landmarks, historic districts and structures of merit—Good repair and maintenance required.
- #### Article IV Appeals
- 3.24.300 Appeals—Procedures required—City Council authority.
- #### Article V Miscellaneous Provisions
- 3.24.310 Advice and guidance.
  - 3.24.320 Property owned by public agencies—Cooperation—Consultation and report requirements.
  - 3.24.330 Other procedures authorized.
  - 3.24.340 Landmarks, historic districts or structures of merit—Filing fees required when.
  - 3.24.350 Applicability of provisions.
  - 3.24.360 Enforcement—Exemption for financial hardship when.
  - 3.24.370 Enforcement—Authority.
  - 3.24.380 Enforcement—Methods authorized.
  - 3.24.390 Violation—Penalty.
  - 3.24.400 Declaration of purpose of revision—Severability.

#### Article I

##### General Provisions

#### 3.24.010 Findings and purposes of provisions.

A. It is found that structures, sites and areas of special character or special historical, architectural, archaeological or aesthetic interests or value have been and continue to be unnecessarily destroyed or impaired, despite the fea-