

City Planning Department  
Current Planning Division  
Landmarks Preservation Commission

## NOTICE OF DECISION

FOR MEETING OF: February 7, 2000

PROPERTY ADDRESS: Three blocks bounded by University Avenue, Hearst Avenue, I-880 and 4<sup>th</sup> Street, including: 620 Hearst Ave, 1916 2<sup>nd</sup> St, 1930 2<sup>nd</sup> St, 1920 2<sup>nd</sup> St, 642 Hearst St, 701 University Ave, 1900 4<sup>TH</sup> St and the northbound off-ramp (eastern side) of I-880, the public right-of-ways of 2<sup>nd</sup> St, 3<sup>rd</sup> St and 4<sup>th</sup> Street between Hearst and University Ave, the railroad track bed on 3<sup>rd</sup> St between Hearst Street and University Ave and the strip of land along 3<sup>rd</sup> Street tracks identified as parcel 057-2104-00300 (this is not public right-of-way and has no street address).

DESIGNATION NOTES: It is important to note that the designation does not include any current above ground buildings, railroad tracks, ties gravel, signal gates, barriers or structures. Designation does include the site itself and all items found subsurface including artifacts from the earliest native habitation, such as but not limited to native tools, ornaments, and human burials. In addition, it would include any Victorian era items, 20<sup>th</sup> century industrial era, including but not limited to artifacts found from the Pioneer Starch & Grist Mill, West Berkeley's first smokestack factory, and the Monarch (later Keystone) Oil Refinery (the Largest refinery of its time east of the Rockies) both of which were located in blocks currently used by Truitt & White Lumber Co. Designation would also include the Strawberry Creek creek bed, both the original course and the current course (both having historical importance ) and native or historic articles found beneath or around Spenger's parking lot (former Willow Grove Park).

ALSO KNOWN AS: The West Berkeley Shellmound

OWNERS OF PROPERTY: Frank Spenger, Timothy Hassler, White West Properties, Richard and Charlene DeVecchi, D.J.J.&W. Enterprises(Truitt & White), City of Berkeley, Cal-Trans, Union Pacific Railroad.

ACTION: Approval of Landmark designation

APPLICANT: Stephanie Manning

WHEREAS, the significance of Willow Grove Park/ Lower Strawberry Creek play in the history of West Berkeley the natural history of Berkeley, and the native "pre-contact" period of history and

WHEREAS, the West Berkeley Shellmound is most highly significant to native descendants as a sacred burial ground and,

WHEREAS, the Shellmound's cultural resource lies in its age, the fact that it is the oldest and one of the largest mounds established around the bay, that it represents ancient culture, that it was built by the earliest humans in the area and,

WHEREAS, it is recognized that this historical resource has yielded and is likely to yield information important in prehistory or history and,

WHEREAS, the Shellmound plays an important role in the history of the changing shoreline and the change in attitude towards the use of natural resources and,

WHEREAS, on December 6, 1999 a public hearing was opened, duly held and continued to January 3, 2000 and continued again to February 7, 2000 regarding the above property and the Landmarks Preservation Commission, being fully advised, voted to APPROVE the designation of the West Berkeley Shellmound as a City of Berkeley Landmark.

NOW, THEREFORE, be it resolved by the Landmarks Preservation Commission of the City of Berkeley that the decision is deemed final unless it is reversed, upon appeal, by the City Council of the City of Berkeley.

VOTE: 7-0-1

Aye: Edwards, Emmington, Kehlmann, Morse, Olson, O'Malley, Eichenfield

Nay:

Abstain: Dishnica

**DATE NOTICE MAILED: March 10, 2000. THE APPEAL PERIOD EXPIRES (15 DAYS) AT 5 PM: March 27, 2000. As the appeal expires on a Saturday, the deadline is extended to the next business day.**

**Appeal must be filed with City Clerk By This Date.**

ATTEST:



**Margaret Kavanaugh-Lynch**  
Secretary, Landmarks Preservation Commission

cc: City Clerk  
Property Owners  
Redevelopment Agency

**LEGAL LIMITATIONS:**

If you object to this project or any city action or procedure relating to this project application, any lawsuit which you may later file may be limited to those issues raised by you or someone else in the Public Hearing on this project or in written communications presented at or prior to the Public Hearing. The time limit within which to commence any lawsuit or legal challenge related to this (these) application(s) is governed by Section 1094.6 of the Code of civil

Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-administrative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge which is not filed within that 90-day period will be barred.

**COMMUNICATION ACCESS:**

To request a meeting agenda in large print, Braille, or on audio cassette, or to request a sign language interpreter for the meeting, call (510) 644-6480 (voice) or 644-6915 (TDD); at least FIVE working days notices will ensure availability.

1. Street Address: Three blocks bounded by University Ave., Hearst Ave.,  
I-880 and 4th Street  
County: Alameda City: Berkeley ZIP: 94710

2. Assessor's Parcel Number:

West side of 2nd St. between  
Hearst and University:

- 1. 620 Hearst Ave. 057-2105-00105
- 2. 1916 2nd St. 057-2105-00203
- 3. 1930 2nd St. 057-2105-00401
- 4. 1920 2nd St. 057-2105-00503  
(entire block)

East side of 2nd St. between  
Hearst and University (Truitt & White):

- 5. 642 Hearst Ave. 057-2104-00203
- 6. 3rd Street (strip of land along tracks) 057-2104-00300  
(entire block)

Spenger's Parking Lot:

- 7. 1900 4th St. 057-2101-00103
- 8. 701 University Ave. 057-2101-00500
- 9. 3rd St. 057-2101-00600  
(entire block)

10. Northbound off-ramp I-880 (no parcel number)

In addition, this application includes:  
the northbound offramp on the eastern side of the Freeway and  
2nd Street, 3rd Street, the railroad trackbed on 3rd Street and  
4th Street between University Avenue and Hearst Ave.



RESOLUTION NO. 60,806-N.S.

DESIGNATING THE BERKELEY SHELLMOUND AS A CITY OF BERKELEY  
LANDMARK BY OPERATION OF LAW; AND DISMISSING THE APPEALS

WHEREAS, on December 6, 1999 the Landmarks Preservation Commission initiated the Berkeley Shellmound, being all lands, public and private, bounded by the southern edge of the Hearst Avenue right-of-way from the western edge of the east Frontage Road to the eastern edge of the Fourth Street right-of-way, south to the northern edge of the University Avenue right-of-way, west to the eastern edge of the northbound off-ramp from Interstate 80, and then north along the western edge of the east Frontage Road to the starting point, as a City of Berkeley Landmark; and

WHEREAS, on February 7, 2000, after conducting a public hearing, the Landmarks Preservation Commission, in light of all the evidence presented, designated the Berkeley Shellmound as a City of Berkeley Landmark based on the findings stated in the attached Notice of Decision; and

WHEREAS, the owners of the parcels at 620 Hearst Avenue and 1920 Second Street and the Berkeley City Manager filed appeals of the decision of the Landmarks Preservation Commission; and

WHEREAS, on July 18, 2000 the City Council opened a public hearing and, after hearing testimony from more than thirty speakers, voted to continue the hearing to September 19 to allow Staff to draft regulations that would protect the Shellmound while addressing concerns about process and criteria; and

WHEREAS, on September 19, 2000, the City Council, at Staff's recommendation, continued the public hearing to the meeting of October 17, 2000 to allow additional time for Staff to develop a regulatory approach and meet with the affected parties in an effort to resolve issues raised in the appeals; and

WHEREAS, Section 3.24.300C of the Berkeley Municipal Code (Landmarks Preservation Ordinance) requires the Council to act on an appeal of a Landmarks Preservation Commission decision within thirty days of the date the hearing is opened, which would have required Council action at the meeting of September 26, 2000.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Berkeley Shellmound is designated as a City of Berkeley Landmark by operation of law and the appeals are dismissed; and that the attached Notice of Decision, Landmarks Preservation Commission, March 10, 2000 is incorporated by reference.

BE IT FURTHERED RESOLVED, that the City Clerk is hereby directed to notify the appellants and other parties to the appeal of this action and to advise them of their legal rights pursuant to the Code of Civil Procedure Section 1094.6 (b).

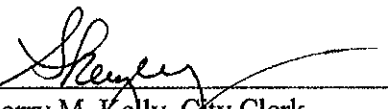
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The foregoing Resolution was adopted by the Berkeley City Council on October 17, 2000  
by the following vote:

Ayes: Councilmembers Armstrong, Breland, Maio, Olds, Shirek, Spring, Worthington  
and Mayor Dean

Noes: None

Absent: Councilmember Woolley

Attest:   
Sherry M. Kelly, City Clerk

  
Shirley Dean, Mayor



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