

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).

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