

RESOLUTION NO. 61,334-N.S.

AMENDING THE BOUNDARIES OF THE BERKELEY SHELLMOUND, A CITY OF BERKELEY LANDMARK

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 30 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 30 days of the date the hearing is opened, which would have required Council action at the meeting of September 26, 2000; and

WHEREAS, on October 17, 2001 the City Council adopted Resolution No. 60,806 - N.S. pursuant to the Landmarks Preservation Ordinance, affirming the designation of the Berkeley Shellmound as a City landmark and dismissing the appeals; and

WHEREAS, the owners of certain properties west of Second Street that had been included in the boundaries of the Berkeley Shellmound as designated, commonly known as 620 Hearst Street, and 1916, 1920 and 1930 Second Street, challenged this decision by filing a petition for writ of mandate in the Alameda County Superior Court; and

WHEREAS, on October 3, 2001 the Court issued its writ of mandate commanding the City to amend the boundaries of the Berkeley Shellmound so as to exclude the properties west of Second Street;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley, that the boundaries of the City landmark known as the Berkeley Shellmound, as described in the Notice of Decision attached hereto, are amended to delete from the designated landmark the following properties:

1. 620 Hearst Street (APN 057-2105-00105)
2. 1916 Second Street (APN 057-2105-00203)
3. 1920 Second Street (APN 057-2105-00503)
4. 1930 Second Street (APN 057-2105-00401)

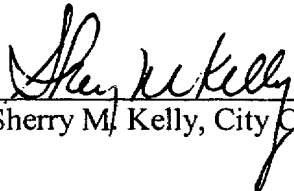
The foregoing Resolution was adopted by the Berkeley City Council on November 13, 2001 by the following vote:

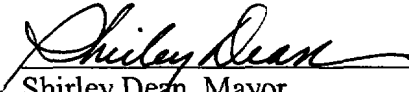
Ayes: Councilmembers Armstrong, Breland, Hawley, Maio, Olds, Shirek, Spring, Worthington and Mayor Dean

Noes: None.

Absent: None.

Attest:


Sherry M. Kelly, City Clerk


Shirley Dean, Mayor