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Designation for Native American burial grounds in Berkeley may impede planned housing development



A rendering of the 1900 Fourth Street project in Berkeley. The project proposes to include 260 residential units, 50% of which would be affordable to low income households (less than 80% area median income).



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A Native American burial ground under a Berkeley site slated to be transformed into affordable housing just won special designation from the National Trust for Historic Preservation as one of "America's 11 Most Endangered Historic Places," throwing a wrench into development plans.

The "shellmound" site is one of the most important and earliest known Ohlone settlements on the shores of the bay and includes a village dating back 5,700 years. According to the National Trust for Historic Preservation, the site served as a burial and ceremonial ground, as well as a lookout and communications site, with a repository of shells, ritual objects and artifacts that formed a huge mound.

Shell material was later removed by Gold Rush settlers to fertilize farms and line streets. The site was mapped in 1907, and UC Berkeley archaeologists removed 94 human burials and 3,400 artifacts before the shellmound was leveled in the 1950s.

The new historic designation comes after a years-long battle over the project – located at a parking lot at 1900 Fourth St. – which for decades served as a parking area for Spenger's Fish Grotto, a 100-year-old seafood restaurant that shuttered in 2018. The property owners – the Frank Spenger Company and Ruegg & Ellsworth – submitted new plans to develop 260 housing units – 50% affordable – on the site the same year.

The owners had hoped to speed up approvals under SB35, a 2017 state law that allows for

streamlined approval of transit-oriented projects with elevated levels of affordable housing, but in June 2018, the city of Berkeley told the developer at the time that the 1900 Fourth St. project didn't apply to SB 35 since the site was a designated city landmark.

In August 2018, then-developers West Berkeley Investors left the project, but lot owners Ruegg & Ellsworth and Frank Spenger Company pushed forward with the plan, suing the city in November for denying the SB35 application.

In October, a judge rejected the streamlined application, agreeing with Berkeley's rationale that the project was disqualified from SB35 provisions because it required the demolition of a historic structure. The owners have appealed that ruling, arguing that a shellmound underneath pavement isn't a structure, and a final decision is expected next June, according to [the San Francisco Chronicle](#).

The designation from the National Trust For Historic Preservation isn't legally binding, but it may still function as an effective deterrent for the development. The organization told the San Francisco Chronicle that of the more than 300 sites on its most endangered lists over the past 30 years, less than 5% have been destroyed.