

Berkeley Architectural Heritage Association
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June 19, 2021

Honorable Chief Justice Tani Cantil-Sakauye and Associate Justices
California Supreme Court
350 McAllister, Room 1295
San Francisco, California 94102-4797

Re: Supreme Court Case No. S269012
City of Berkeley & Confederated Villages of Lisjan
v. Ruegg & Ellsworth and Frank Spenger Company;
Amicus Curiae Letter in Support of Petition for Review

By Stephanie Manning on Behalf of Berkeley Architectural
Heritage Association

Honorable Chief Justice Cantil-Sakauye and Associate Justices:

Pursuant to Rule 8.500 subdivision (g) of the California Rules of Court, the Berkeley Architectural Heritage Association, a non-profit preservation organization of 1,000 members, requests that the Supreme Court grant the Petition for Review filed in the above case by the City of Berkeley and the Confederated Villages of Lisjan.

We wish to state our support for overturning the lower appeals court decision to allow development on the foundation of the oldest extant structure in the Bay Area, West Berkeley Shellmound (CA-Ala-307) at 1900 Fourth Street in Berkeley and find in favor of the City's desire to preserve the site. Preservation of this important historical site is critical to the history of Berkeley as well as to native history.

Designated a City Landmark and listed on the California Registry of Historical Places and eligible for inclusion on the U.S. National Register of Historic Places, as well as listed as one of the 11 Most Endangered

Historic Places in the U.S., West Berkeley Shellmound represents the oldest village site in the Bay Area. It is the place where the first people established a village that survived over 45 centuries. Established in the archaic period about 3700 B.C., over many centuries, it became a well-established maritime fishing village. It is a remarkable age and pre-dates the pyramids of Egypt, the Greek and Roman Empires, and the founding of Christianity and Islam.

Settled at the foot of Strawberry Creek along San Francisco Bay, the mounded village grew very large on its foundation, one of the biggest of all the bay's mounded structures. It extended from the Bay to Fifth Street, according to archaeologist Nels Nelson who surveyed all 425 of the bay

mounds in 1909-10 and who went on to become the President of the American Archaeological Association and the Director of the American Museum of Natural History in NYC.

Berkeley Architectural Heritage Association, founded in 1974, has sought to preserve historic structures both commercial and residential. We have much experience evaluating the significance of landmark structures and find that the significance of West Berkeley Shellmound far outweighs all other considerations. In recent years, the preservation community has sought to identify historic structures significant to people of color which have been long-neglected throughout history. West Berkeley Shellmound is Berkeley 's oldest native cultural resource. It is a structure with tremendous significance both for its age and for the fact that it was the first of its kind in the Bay Area.

It gives us the opportunity to educate the community about its earliest architectural history and its native history. Its preservation should continue to serve as a teaching tool for future generations about the history of the Bay Area and the history of Native America.

Other preserved examples of significant places include Miami Circle located in highly developed downtown Miami. This site dates back many centuries. All that is left is underground. Because the site is surrounded by dense commercial development, much like West Berkeley Shellmound, there is much pressure by developers to build there. And yet, it stays open space due to its major significance in the native pre-history of Florida.

As the first habitation site in the Bay Area, 5700 years old, West Berkeley Shellmound is even more significant. It is sacred to the Lisjan Ohlone people. (It should be noted that none of the Ohlone factions in the Bay Area are federally recognized.) It constitutes the early pre-history of the Bay Area, the first of the 424 shellmounds that followed over the centuries. Even the nearby Emeryville Shellmound is much younger. The West Berkeley Shellmound was already over 3,000 years old by the time of Emeryville Shellmound's settlement in 600B.C.

Preservation of the West Berkeley Shellmound gives our organization an opportunity, in our educational mission, to talk about natural history as well. It followed the end of the Ice Age and the beginning of the Holocene. As the ice melted, the seas rose and 10,000 years ago sea water rushed in through the Golden Gate and created the Bay according to Ingram. Only once the rising water slowed its increase did an ecosystem form that was conducive to human habitation, a habitation site like West Berkeley Shellmound.

Furthermore, the West Berkeley Shellmound is important to me as a historian living two blocks away on Fifth Street for 30 years (1976-2006). My husband and I rehabilitated our tiny Victorian fixer-upper. Historic racism and redlining made certain that Berkeley west of 6th Street became a crime-ridden ghetto of rentals with absentee landlords. It was the only place where we could afford to live. For years, this neighborhood fought the onslaught of a misbegotten redevelopment project which destroyed 42 historic houses west of 6th Street, including the home of Capt. Jacobs, Berkeley's first anglo settler. It was a bitter pill to see those worthy houses demolished. Few knew about West Berkeley Shellmound other than archaeologists, but I had found out about it in my research on the neighborhood's history. And the State Office of Historic Preservation knew about it and put a moratorium on the demolitions around it. Since that time in the 1970s and 80s,

a vast body of research has uncovered the size, location and true significance of the West Berkeley Shellmound. I compiled all the information available twenty years ago and completed the documentation for city landmark status. Since the City designated it a landmark, more and more researchers, historians, teachers, students, native people and archaeologists have studied the site. Scientists have concluded that the foundation of that ancient place continue to lie deep down in the ground.

In addition, this neighborhood has suffered mightily from segregation, poverty, the demolition of houses and crime. But in recent years, it became clear that housing was very necessary. Even with many of the remaining houses being restored, there still was not enough housing. And although we did not like it, we tolerated the construction of twelve or more apartment buildings immediately adjacent to our house and the West Berkeley Shellmound, severly increasing the density of units in the area. Apartment buildings line the lower portion of University Avenue just south of the site. While it is true that the state needs housing, West Berkeley has absorbed its share of new housing.

In conclusion, all of Berkeley, including the native community, the field of archaeology, the preservation community, the student population, the religious community and the community at large would be adversely affected if we were to lose this, the most important piece of history of all. We request that you grant the Petition for Review.

Sincerely,
Berkeley Architectural Heritage Association

Stephanie Manning
Member, Board of Directors
Co-Founder and Former President, Berkeley Historical Society
Former City Landmarks Preservation Commissioner