

ORDINANCE NO. 7,899-N.S.

ORDINANCE AUTHORIZING ACQUISITION OF REAL PROPERTY LOCATED AT 1900
FOURTH STREET

BE IT ORDAINED, by the City Council of Berkeley, as follows:

Section 1. Purpose and Intent.

The purpose and intent of this Ordinance are to rematriate a portion of the historic West Berkeley Shellmound to the Ohlone people from whom the land was unjustly taken without compensation or consent prior to the founding of the City of Berkeley.

Section 2. Findings.

A. The Ohlone people, indigenous to the region now known as Berkeley, represent an enduring culture with deep connections to the land. The Ohlone had a balanced rather than exploitative relationship with the land and lived in harmony with the natural environment.

B. The Shellmound Site is one of the most significant and earliest known Ohlone settlements on the shores of San Francisco Bay, with a village dating back 5,700 years. It served as a burial and ceremonial ground, as well as a lookout and communications site, with the repository of shells, ritual objects, and artifacts forming an impressive mound.

C. In the late 19th Century and early 20th Century, shellmounds throughout the Bay Area, including the West Berkeley Shellmound, were desecrated. Gold Rush settlers removed Shell material to fertilize farms and line streets. UC Berkeley archeologists removed human burials and an estimated 3,400 artifacts in the 1950s, by which time the leveling of the site was complete.

D. The West Berkeley Shellmound is one of the few remaining shellmound sites that have not been completely destroyed; although it was leveled near the turn of the 20th Century, and UC Berkeley archeologists removed many artifacts and human remains from the site. The material beneath the current grade has not been excavated.

E. To preserve some of what little is left of the Ohlone people in Berkeley, in 2000 the City designated the Shellmound a Landmark and listed it on the California Register of Historical Resources.

F. The Sogorea Te Land Trust desires to rematriate the portion of the West Berkeley Shellmound that can be restored to the control of the Ohlone people.

G. The City Council finds that the rematriation of this, the oldest and one of the largest shellmounds established in the Bay Area, could partially rectify a historic wrong committed by the ancestors of the people of Berkeley against the Ohlone people, while promoting historical and cultural understanding of the broader community.

H. The City has not committed, and nothing in this Ordinance commits the City, to approve any changes in the land use designation, zoning, or uses currently permitted on the West Berkeley Shellmound.

Section 3. Exemption from Environmental Review.

The City Council finds that rematriation of the Shellmound site to the Ohlone people does not commit the City to implement any public improvement or to take any action that may result in physical changes in the environment. Under Section 21065 of the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21065) and Section 15378 of the CEQA Guidelines (14 Cal. Code Regs. § 15378), the rematriation is not a “project” as defined in CEQA. By approving this Ordinance and restoring title to the Shellmound site to the Ohlone people, the City has not, and is not, making any commitment to (a) issue a lease, permit, license, certificate, or other entitlement for use, or (b) develop, construct, or improve any facilities or cause any other physical changes in the environment. The rematriation of the Shellmound is further exempt from environmental review under CEQA Guidelines Section 15061, paragraphs (b)(2) and (b)(3), and Sections 15301, 15304, and 15325.

Section 4. Acquisition and Transfer of Property.

The City Manager is hereby authorized to acquire on behalf of the City of Berkeley, the real property located at 1900 Fourth Street, Berkeley, CA, APNs 057-2101-001-03 and 057-2101-005-00 for the price of \$27,000,000.00, and to execute all contracts and other documents necessary and any other necessary actions to complete the acquisition. The City Manager is also authorized to transfer the aforementioned real property to the Sogorea Te Land Trust and to execute all contracts and other documents necessary to complete the transfer.

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King, Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a special meeting of the Council of the City of Berkeley held on March 12, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Hahn, Humbert, Kesarwani, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.