This mitigated negative declaration was prepared pursuant to the California Environmental Quality Act and Guidelines (Public Resources Code, Division 13 and California Code of Regulations, Title 14, Chapter 3) for the project that is described in the initial study that can be viewed at the Permit Service Center, 2120 Milvia Street, Berkeley, CA, and briefly described as follows:

**PROJECT DESCRIPTION**
156 UNIT MIXED-USE DEVELOPMENT

**PROJECT LOCATION**
1885 University Avenue (northwest corner of MLK Jr. Way and University Avenue)
Berkeley, CA 94703
Assessor’s Parcel No. 057-2060-001

**PROJECT SPONSOR**
1950 MLK, LLC
c/o Christopher Hudson & Evan McDonald
2140 Shattuck Avenue, Suite 302
Berkeley, CA 94704

**MANDATORY FINDING OF SIGNIFICANCE**
The project sponsor made or agreed to revisions in the project plans or proposals before this mitigated negative declaration and initial study were released for public review. These revisions avoid significant environmental effects or mitigate the effects to a point where clearly no significant effects would occur. These revisions are described in the following Mitigation Measures section. Therefore, there is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

**MITIGATION MEASURES**

**Mitigation Measure V.1:** If an archaeological resource is accidentally uncovered during demolition or construction activities for the proposed project, the project applicant shall be required to notify the City of Berkeley immediately and all excavation work within ten feet of the find shall cease immediately. A qualified archaeologist shall be consulted to determine the necessity for monitoring the remaining excavation and to evaluate any cultural resource exposed during construction. Construction activity shall resume upon consultation with the City of Berkeley and upon implementation of the recommendations of the archaeologist. Cultural resources include, but are not limited to, railroad ties, foundations, privies, shell and bone artifacts, ash and charcoal. Identified cultural resources shall be recorded on DPR 523 (historic properties) forms.

**Mitigation Measure V.2:** If a paleontological resource is accidentally uncovered during demolition or construction activities for the proposed project, the project applicant shall be required to notify the City of Berkeley immediately and all excavation work within ten feet of the find shall cease immediately. A
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qualified paleontologist or archaeologist shall be consulted to determine the necessity for monitoring any excavation and to evaluate any paleontological resource exposed during construction. Construction activity shall resume upon consultation with the City of Berkeley and upon implementation of the recommendations of the paleontologist or archaeologist.

Mitigation Measure V.3: In the event that human skeletal remains are encountered during demolition or construction activities for the proposed project, the project applicant shall immediately notify the County Coroner and the City of Berkeley. If the County Coroner determines that the remains are Native American, the Coroner shall contact the California Native Heritage Commission, pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code. In addition, all excavation work within ten feet of the find shall cease immediately.

Mitigation Measure VII.1: Obvious soil contamination discovered during demolition, grading, or excavation shall be removed, segregated, and covered. The soil shall be profiled for off-site disposal and be removed from the site within 48-hours. The applicant shall contract with a competent professional to collect verification soil samples to ensure complete soil removal, and the City of Berkeley Toxics Management Division shall be notified of all soil contamination requiring removal.

Mitigation Measure VIII.1: Prior to issuance of a building permit, the project shall demonstrate compliance with the requirements of the City’s National Pollution Discharge Elimination System (NPDES) permit as described in Berkeley Municipal Code Section 17.20. The project qualifies as a Group 1 project having 1 acre or more of impervious surfaces, and such projects area required to design and install stormwater treatment systems to the maximum extent practical, in addition to controlling construction-related drainage and erosion. The following conditions apply:

- The project plans shall identify site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants into the City’s storm drainage system, regardless of season or weather conditions.
- The project plans shall include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system, in accordance with BMC Chapter 17.20.
- Trash enclosures and/or recycling areas shall be covered; no other area shall drain onto these areas. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. The applicant shall contact the City and East Bay Municipal Utility District (EBMUD) for specific connection and discharge requirements prior to building permit issuance. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City and EBMUD.
- Landscaping shall be designed with efficient irrigation to reduce runoff and promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and were feasible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
Mitigation Measure VIII.2: If dewatering is required as part of project excavation, the applicant shall obtain a permit from the Berkeley Department of Public Works and RWQCB for discharge of groundwater generated by construction dewatering into the storm drain system and East Bay Municipal Utility District for discharge into the sewer system. Permit regulations may require treatment of groundwater generated by construction dewatering activities prior to discharge into the storm drain system or sewer system.

Mitigation Measure XI.1: Prior to the issuance of building permits, the applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program should include, but shall not be limited to, the following measures:

- Noise barrier at the site boundary adjacent to the abutting residential property, if the acoustical analysis proves such a barrier to be substantially effective in reducing noise impact at the adjacent residential property.

- Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds, wherever feasible).

- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, which could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.

- Stationary noise sources shall be located as far from sensitive receptors as possible, and they shall be muffled and enclosed within temporary sheds, or insulation barriers or other measures shall be incorporated to the extent feasible.

- Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the on-site complaint and enforcement manager, and the City’s Noise Enforcement Officer, in the event of problems.

- An on-site complaint and enforcement manager shall be available to respond to and track complaints. The manager will be responsible for responding to any complaints regarding construction noise and for coordinating with the adjacent land uses. The manager will determine the cause of any complaints and coordinate with the construction team to implement effective measures (considered technically and economically feasible) warranted to correct the problem. The telephone number of the coordinator shall be posted at the construction site and provided to neighbors in a notification letter. The manager shall notify the City’s Noise Enforcement Officer
of all complaints within 24 hours. The manager will be trained to use a sound level meter and should be available during all construction hours to respond to complaints; and

- Prior to the issuance of a building permit, a pre-construction meeting shall be held with the Noise Enforcement Officer and the general contractor/on-site project manager to confirm that noise mitigation and practices are completed (including construction hours, neighborhood notification, posted signs, etc.).

Mitigation Measure XV.1: The following transportation improvements, subject to minor modifications and approval by the Office of Transportation, shall be implemented by the project applicant prior to occupancy of the project, consistent with the recommendations of the traffic impact analysis:

- The MLK Jr. Way / Berkeley Way intersection shall be signalized.
- The northbound approach to the Berkeley Way / MLK Jr. Way intersection shall be reconfigured to include a left turn lane.
- All on-street parking along the west side of MLK Jr. Way between Berkeley Way and University Avenue shall be removed. Parking on the east side of MLK Jr. Way between Hearst Avenue and University Avenue shall be prohibited between the hours of 3 p.m. and 7 p.m., Monday through Saturday.
- On-street parking on the east side of MLK Jr. Way between Berkeley Way and Hearst Avenue shall be removed.
- The existing northbound merge lane on MLK Jr. Way between Berkeley Way and Hearst Avenue shall be moved north of Hearst Avenue.
- The eastbound approach to the Berkeley Way / MLK Jr. Way intersection would be reconfigured to include two lanes (plus the left turn lane for the new traffic signal).
- The phasing of the eastbound approach to the University Avenue / MLK Jr. Way intersection shall be changed from permissive phasing to protected-plus-permissive.

Mitigation Measure XV.2: Prior to building permit issuance, a construction management plan shall be submitted for approval by the Office of Transportation, Public Works Department, and Planning Department. This plan shall indicate locations of pedestrian walkways and bike lanes adjacent to the site, directional signage, material and equipment storage, trailers, and worker parking, and shall include a schedule of site operations that may block traffic, and provisions for traffic control. The plan shall also indicate the designated routes for construction-related traffic. The City Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles to protect the health, safety, or convenience of the surrounding neighborhood. All contractors shall be required to comply with the provisions of the construction management plan.
**Mitigation Measure XV.3:** The Office of Transportation shall consult with the Fire Department and Police Department regarding the design and emergency access requirements of any traffic barrier proposed for Berkeley Way, prior to its approval.

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Initial Study.