

Class 32 Categorical Exemption

CEQA Guidelines Section 15332 identifies the Class 32 categorical exemption for projects characterized as in-fill development. This exemption is intended to promote infill development within urbanized areas. Class 32 covers benign infill projects that satisfy Criteria (a)–(e) (Part 1) and do not trigger the exceptions in § 15300.2 (Part 2), both analyzed below.

The proposed project at 2433 Mariner Square Loop would replace four 1980s office buildings and surface parking with an eight-story, 356-unit apartment community on a 2.36-acre parcel.

Part 1 – Qualifications

The proposed project meets the following thresholds:

Criterion (a) – The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The site lies in the Mixed Use land use designation of the City’s General Plan and is zoned M-2-PD and within the Multifamily Residential (MF) Overlay. The proposal satisfies CEQA Guidelines § 15332(a) because it is consistent with both the General Plan and applicable zoning regulations.

The site’s Mixed Use General Plan designation allows multifamily housing at an FAR of 0.25–5.0. The project provides 356 apartments at FAR of approximately 4.7, within the envelope, and advances, among others, General Plan policies on housing supply (LU-15; H-1, H-2), transit-oriented infill (LU-16), complete streets (ME-10), design (LU-26; LU-27), and interior noise (HS-56). Under the MF Overlay, multifamily is permitted by right at ≥ 30 du/ac. The project provides approximately 152 du/ac, and at approximately 85 feet complies with the applicable 100-foot M-2 height limit. Accordingly, the project is consistent with applicable General Plan and zoning designations and policies/standards.

Criterion (b) – The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The 2.36-acre parcel lies inside City limits and is surrounded by existing urban development (offices, storage units, multifamily housing, ground-level parking, and paved roads).

Criterion (c) – The project site has no value as habitat for endangered, rare or threatened species.

The parcel is fully urbanized and remains covered by buildings, pavement, and ornamental landscaping. The site contains approximately 54 trees and the applicant agreed to retain 12 trees, consistent with City requirements. Out of an abundance of caution during the nesting season, the City’s conditions require projects to prepare a nesting bird survey prior to the removal or disturbance of large trees. The project site has limited value for habitat and is not known to provide habitat for endangered, rare, or threatened species, so § 15332(c) is satisfied.

Criterion (d) – Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The project does not result in significant impacts to traffic, noise, air quality, or water quality:

Traffic/VMT. The *Transportation Impact Analysis* (Fehr & Peers) concludes the project is screened out from vehicle miles traveled (VMT) significance because (1) VMT per capita is more than 15 percent below the Bay Area regional average and therefore below the CEQA threshold of significance, and (2) the property lies 0.4 mile from AC Transit Line 51A, a high-quality transit corridor with 12-minute peak headways. The Analysis projects 1,245 net new daily trips (88 AM / 85 PM peak-hour); however, all study intersections would continue to operate at LOS C or better after project traffic, and recommended minor striping/median changes keep driveway operations safe without shifting LOS. The project will also implement a Transportation Demand Management program to reduce the automobile trips generated by the project. Because the project is below VMT thresholds and does not trigger intersection or safety impacts, it would not produce a significant VMT or traffic effect under CEQA.

Noise & Vibration. The *Noise and Vibration Assessment* (Illingworth & Rodkin) confirms that interior living spaces will meet the City's 45 dBA Ldn target. Construction would last about 19 months, but at the closest homes (120 feet west) average construction noise is projected at ≤ 73 dBA Leq, below the 80 dBA residential threshold, and will be further reduced by the City's required best-management practices and limited work hours. Operationally, rooftop HVAC units (screened by parapets) and project-generated traffic add ≤ 2 dBA to existing ambient levels, an increment the General Plan deems less than significant. Ground-borne vibration from the heaviest equipment (vibratory roller) is below the 0.3 in/sec conventional-building threshold, ensuring no risk of structural damage or excessive annoyance. Accordingly, the project would not create a significant noise or vibration impact under CEQA Guidelines § 15332(d).

Air Quality & Health Risk. The *Air Quality and Health-Risk Assessment* (Illingworth & Rodkin) shows that both construction and operation would remain below all BAAQMD significance thresholds with implementation of a Tier-4 interim equipment condition of approval and standard best-management practices. All modeled health-risk metrics – cancer risk, chronic hazard, and annual PM_{2.5} increment – are below the applicable BAAQMD significance thresholds, including cumulative health risk impacts. Accordingly, the project poses no potentially significant air-quality or health-risk impact, satisfying Criterion (d).

Water Quality. Pursuant to the COAs, the project must provide a stamped C3 certification, an O&M plan, a C3-LID maintenance agreement, and install a State Water Board-certified full trash-capture device with “No Dumping—Drains to Bay” inlet markers. Construction will also follow a project-specific SWPPP, with best-management practices, installed and inspected before site work. Together, these measures route stormwater through bioretention planters and trash filtration before it enters the municipal system, preventing off-site erosion and pollutant loading and satisfying Criterion (d).

Criterion (e) – The site can be adequately served by all required utilities and public services.

Electrical power will be provided by Alameda Municipal Power (AMP). The City's conditions obligate the applicant to submit load calculations, coordinate with AMP to confirm circuit capacity, and install any pad-mounted transformers and joint-trench upgrades that AMP specifies before building permits are issued. Water will tie into existing EBMUD mains, with a sanitary-sewer flow analysis and private-lateral compliance certificate required prior to construction. Public Works and Fire reviews ensure emergency-vehicle access meets City standards. The anticipated population growth at the project site would be within the growth anticipated in the City's General Plan and Housing Element, based on its land use designation. These conditions ensure that adequate electricity, water, sewer, solid-waste, and safety services will be in place, satisfying Criterion (e).

Part 2 – Exceptions

Application of a categorical exemption is limited by the factors described in CEQA Guidelines Section 15300.2. None of these exceptions apply, as described in the discussion below.

1. ***Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.***

Since the project qualifies as a Class 32 Urban Infill exemption, this criterion is not applicable.

2. ***Cumulative Impacts. The Class 32 exemption is unavailable if “the cumulative impact of successive projects of the same type in the same place over time is significant.” (§ 15300.2(b).)***

No successive multifamily residential projects are known or expected to occur over time in the immediate area that would result in cumulatively considerable impacts. Therefore, § 15300.2(b) does not bar the Class 32 exemption.

3. ***Unusual Circumstances. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.***

The project is a typical, mid-rise apartment building on a fully urban infill lot. Nothing about its size, location, or operation sets it apart from other Class 32 projects. There is no unusual site feature and no evidence of a resulting significant impact, so the unusual-circumstances exception does not apply.

4. ***Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic***

buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The nearest state-designated scenic corridor is I-580 through Oakland, roughly 2 miles east of Alameda Island. All other roadways in the project vicinity lack scenic-highway status. Because the site is outside the viewshed of the nearest designated corridor, the scenic-highway exception does not apply.

5. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project site is not on the Cortese list or the City's separate list of hazardous materials cleanup sites (General Plan EIR Appendix D).

6. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The four 1980s-era office buildings proposed for demolition lack historic merit, and no listed or eligible resources adjoin the property; therefore, the project will not cause a substantial adverse change in the significance of a historical resource.