



Notice of Exemption

To: Office of Planning and Research
P.O Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Lead Agency)
San Francisco Bay Area Rapid Transit District
2150 Webster Street, Oakland, CA 94612
(510) 464-6000

County Clerk, Counties of:

- Alameda
- Contra Costa
- San Francisco
- San Mateo
- Santa Clara

Project Title: Walnut Creek Tower DISH Wireless

Project Applicant: San Francisco Bay Area Rapid Transit District (BART)

Project Location - Specific: 2576 Camino Diablo, Walnut Creek, CA 94549 (APN# 177-200-007)

Project Location – County: Contra Costa

Project Location – City: Walnut Creek

Description of Nature, Purpose and Beneficiaries of Project:

The BART District constructed a 173-foot-tall monopole tower with communications antennas, a communications shelter, and a generator on the project site in 2013. The proposed project would mount antennas for the Dish Wireless network on the existing monopole. The Dish antennas would be mounted midway up the monopole, at approximately 90 feet above ground level. The antenna array itself would consist of three individual antennas evenly spaced around the monopole and extending approximately 7 feet from the monopole, creating an array approximately 16 feet in diameter. A 7-foot by 10-foot concrete equipment pad would be constructed for power and fiber optic cable equipment at ground level. The equipment cabinets would be approximately 6-feet high.

Name of Public Agency Approving the Project: San Francisco Bay Area Rapid Transit District

Name of Person or Agency Carrying Out Project: Same

Exempt Status: (check one):

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption: 15301, Class 1, Existing Facilities
- Categorical Exemption: 15303, Class 3, New Construction or Conversion of Small Structures
- Statutory Exemptions: _____

Reasons why project is exempt:

None of the exceptions listed in CEQA Guidelines Section 15300.2, which would prohibit the use of a categorical exemption, apply to the project. The proposed antenna would be placed on an existing structure. The proposed use is consistent with existing uses and expansion of the current use is negligible. The additional antenna is small and would not be a substantial new element to the visual environment. The concrete pad and equipment cabinets are small facilities/structures. Project implementation would require minimal construction with no effect on adjacent communities.

Lead Agency

Contact Person: Donald Dean

Phone/Email: 510-287-4844 / ddean@bart.gov

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No



Signature: _____ **Date:** 11/29/2023 **Title:** Mgr. of Environmental Review

Donald Dean

Signed by Lead Agency

Signed by Applicant

Authority cited: Sections 21083 and 21110. Public Resources Code.
Reference: Sections 21108, 21152, and 2112.1, Public Resources Code.

Date Received for filing at OPR: _____



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

2150 Webster Street, Oakland, CA 94612

NOTICE OF CEQA EXEMPTION

Project Name: Walnut Creek Tower DISH Wireless
 Project Address: 2576 Camino Diablo, Walnut Creek, CA 94549
 Parcel No. 177-200-007
 Counties: Contra Costa
 BART Project No.: BRTMOBL – Digital Railway
 Project Sponsor: BART Telecommunications Program
 Project Contact: Jeremy Kangas
 jeremy.kangas@bart.gov/510-320-6659

Date of CE Determination: November 29, 2023

This CE will be filed internally []

This CE will be filed with the County Clerk:
Contra Costa []

PROPOSED PROJECT

Project Location

The project site is located on property owned by the San Francisco Bay Area Rapid Transit District (BART) at 2576 Camino Diablo (Lat. 37.897225, Long. -122.07615) in the City of Walnut Creek.

Project Background

The BART District constructed a 173-foot-tall monopole tower with communications antennas, a communications shelter, and a generator on the project site in 2013. The BART District determined that the project was exempt from environmental review under the California Environmental Quality Act (CEQA) per Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, and a Categorical Exemption was filed for the project on January 16, 2013. The communications tower currently serves BART train communications and the East Bay Regional Communications Systems Authority (EBRCSA) Radio network.

Project Description

The proposed project (Project) would mount antennas for the Dish Wireless network on the existing monopole. The Dish antennas would be mounted midway up the monopole, at approximately 90 feet above ground level. The antenna array itself would consist of three individual antennas evenly spaced around the monopole and projecting to three different sectors. The individual antennas would extend approximately 7 feet from the monopole, creating an approximately 16-foot diameter for the antenna array.

A 7-foot by 10-foot concrete equipment pad would be constructed for power and fiber optic cable equipment at ground level. It would be located at the west end of the existing communications shelter just west of the monopole. Cabinets for power and fiber optic cable would stand approximately 6 feet above the pad. Underground conduit and cable trays would connect the ground-level equipment with offsite fiber connections and the antennas on the tower.

Attachments

Figure 1: Proposed Dish Wireless Antenna and Equipment Installation

ENVIRONMENTAL EVALUATION

This program would add an antenna array to an existing communications tower. The project would take place on a previously developed site already being used for communications purposes. Ground disturbance would be limited to the 7-foot by 10-foot ground-level equipment pad. Potential impacts to physical resources (soils, water, biology, air quality.) would be negligible. The low height (6 feet) of the proposed control equipment would be barely visible to offsite views.

The size and nature of the proposed Dish Wireless antennas would be consistent with the existing communications antennas on the monopole and not readily distinguishable from them. The colocation of the Dish antennas on the existing monopole would represent a negligible expansion of use. The change to the viewshed and any potential visual quality would also be negligible. The project would not alter the existing landforms and would not introduce new visual elements that would substantially alter the visual landscape or area's visual character.

State Route 24 (SR 24) passes close to the project site on its southern side and is an officially designated State Scenic Highway from the eastern portal of the Caldecott Tunnel to Interstate 680 in Walnut Creek. Although the project site would be visible to motorists on SR 24, generally it would only be within the peripheral view of the motorists. At typical travel speeds, motorists would pass the project site quickly. As a result, given the minor changes to the communications tower, implementation of the project would not interfere with views or attributes that contribute to the designation of SR 24 as a State Scenic Highway.

Project installation would require minimal construction activity, all of which would take place on BART property.

Possible Exceptions to CE

If a project is ordinarily exempt under any of the potential categorical exemptions, CEQA Guidelines Section 15300.2 provides specific instances where exceptions to otherwise applicable exemptions apply. In these cases, the CEQA exemption would not apply to a project.

Yes	No	Would the project be precluded from a Categorical Exemption due to the following exception per Guidelines Section 15300.2?
	X	(a) 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 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.
	X	(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
	X	(c) Significant Effect. 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.
	X	(d) 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.
	X	(e) 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.
	X	(f) 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.

Relevant Exemptions

The project would meet the criteria of CEQA Guidelines Section 15301-Existing Facilities, a Class 1 exemption and CEQA Guidelines Section 15303, Class 3, New Construction or Conversion of Small Structures.

	Statutory Exemption: 15275(a), Specified Mass Transit Projects
	Ministerial Exemption
X	Categorical Exemption: 15301, Class 1, Existing Facilities
X	Categorical Exemption: 15303, Class 3, New Construction or Conversion of Small Structures
	Emergency Exemption
	Other Exemption

15301. Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

15303. New Construction or Conversion of Small Structures

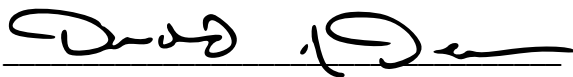
Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

The project is determined to meet the qualifications for a Categorical Exemption for the following reasons among others:

1. None of the exceptions listed in CEQA Guidelines Section 15300.2, which would prohibit the use of a categorical exemption, apply to the project.
2. The proposed antenna would be placed on an existing structure.
3. The proposed use is consistent with existing uses and expansion of the current use is negligible.
4. The additional antenna is small and would not be a substantial new element to the visual environment.
5. The concrete pad and equipment cabinets are small facilities/structures.
6. Project implementation would require minimal construction with no effect on adjacent communities.

DETERMINATION

No further environmental review is required. The project is categorically exempt under CEQA. An exemption from environmental review pursuant to the provisions of CEQA has been considered and approved:



By Donald Dean
BART Manager of Environmental Review

11/29/2023
Date

Figure 1: Proposed Dish Wireless Antenna and Equipment Installation

