SECOND ADDENDUM TO THE PREVIOUSLY ADOPTED INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE GILROY CAMPUS MODERNIZATION PROJECT
(State Clearinghouse Number 2012092051)

A. INTRODUCTION

On November 13, 2012, the Board of Trustees (“Board”) of the Gavilan Joint Community College District (“College”) adopted the Initial Study and Mitigated Negative Declaration (“IS/MND”) for the Gilroy Campus Modernization Project, described as the implementation of several facilities and infrastructure upgrades at the College’s Gilroy campus (“Project”), including but not limited to water storage, tank distribution, and well improvements. The Project was approved by the Board on November 13, 2012, and a Notice of Determination was filed on November 20, 2012. On March 11, 2014, the College adopted a first Addendum to the IS/MND.

The Project includes the replacement of the College’s water tank, which is necessary to protect the safety of the College’s students and faculty. Specifically, the College desires to add more water tank storage to reduce the refill rate of its tanks, which will result in the College replacing a 1,000,000 gallon tank with two 669,000 gallon tanks. The College also needs to construct and install a new water main connecting the replaced water tanks with the College’s Gilroy campus.

The Project studied in the IS/MND includes the construction, installation, and maintenance of the new water main. Figures 2 and 3 in the IS/MND depict the boundaries of the Project site, however, the new water main is planned to be located outside of the boundaries shown on the maps. The other figures contained in the IS/MND clearly show the location of the new water main. However, the College wishes to clarify that the water main will be located outside the boundaries shown on Figures 2 and 3. The proposed water line is shown on Figure 5 of the IS/MND, and was thus considered as part of the College’s overall CEQA analysis.

When a change occurs to a proposed project or its surrounding circumstances following certification of an environmental impact report (“EIR”) or negative declaration, further CEQA review may be required in certain instances. (See, Pub. Resources Code § 21166.) As detailed below, an addendum is appropriate in this case because the clarification that the new water main will be located outside the Project boundaries shown on Figures 2 and 3 at most requires only a minor, technical change to the IS/MND, and does not result in any additional significant impacts or increases in the severity of previously-identified impacts, nor does it alter the analyses regarding any mitigation measures adopted or not adopted by the Board. (See, Cal. Code Regs., tit. 14, § 15162(a).)

B. APPLICABLE LAW

According to section 15162(a) of the CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000, et seq.), when a negative declaration has been adopted for a project, no
subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

   a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

   b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

   c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

   d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(Emphasis added.)

Section 15162(b) states that if changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise, the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation. Per Section 15164(b), an addendum to an
adopted negative declaration may be prepared if only minor technical changes or
additions are necessary or none of the conditions describe in CEQA Guidelines section
15162 calling for the preparation of a subsequent EIR or negative declaration have
occurred.

C. PREVIOUSLY ADOPTED IS/MND AND ADDITION OF WATER MAIN

On behalf of the College, David J. Powers & Associates, Inc., prepared and circulated the
Draft IS/MND for the Project on September 25, 2012. The MND concluded that the
Project could have a potentially significant effect on the environment, however, there
would not be a significant effect because mitigation measures described in the IS/MND
would reduce the impacts to a less than significant level. (MND, pg. 14.) Following the
30-day public comment period, the Board approved the IS/MND and the Project on
November 13, 2012.

The Project consists of several facilities and infrastructure upgrades at the College’s
Gilroy campus, including the following:

− Water Storage, Tank Distribution and Well Improvements
− Gilroy Early College Academy (GECA) Consolidation
− Parking Lot C Expansion
− Outdoor Classrooms
− Demolition of Former Police Academy Portables
− Demolition of Building CJ500

With regard to the Water Storage Tank, Distribution, and Well Improvements, the
College currently operates a 1,000,000 gallon water tank and existing water well. The
existing and proposed water tanks are located on real property that is owned by the
College (“Water Tank Property”). The tanks supply water to property on which the
College operates its Gilroy College Campus (“College Campus”). However, the existing
water tank is damaged and no longer meets refresh rate standards set by the National Fire
Protection Agency, putting the College out of compliance with the fire code. Thus, the
College is replacing the existing tank with two 669,000-gallon tanks. The existing
water main connecting the water tank site to the College’s Gilroy campus (“Existing Main”) is
a 12-inch asbestos cement pipe that is approximately 60 years old, and is inadequately
sized to support the new water tanks, which will have the capability to deliver 3,500
gallons per minute of water, as required by the fire code. Thus, the College is required to
construct and install a new water main (“New Main”).

The New Main was included as part of the Project analyzed in the IS/MND, as shown on
Figure 5 therein. The New Main is part of the overall water distribution system that was
studied for purposes of CEQA, and any potential environmental impacts that may result
from the Project, including the New Main, have been thoroughly and adequately
identified and mitigated. The College wishes only to clarify that the New Main runs
between and connects the non-contiguous parcels shown on Figures 2 and 3, and is
therefore technically located outside of the boundaries shown on those figures.
D. CONCLUSION

The clarification set forth herein does not constitute substantial changes to the Project or the circumstances under which the Project is undertaken. (CEQA Guidelines, § 15164(a)(1)&(2).) It does not require major revisions to the previously-adopted MND. (Id.) As discussed above, the New Main was included as part of the Project that was analyzed in the IS/MND, notwithstanding that it is planned to be located outside of the boundaries shown on Figures 2 and 3. This clarification does not involve any new significant environmental effects or a substantial increase in the severity of previously identified effects. (Id.) In fact, there is no change in the severity of previously identified effects.

In short, there is no change in the analysis regarding significant impacts and mitigation measures or alternatives presented in the IS/MND. None of the circumstances set forth in CEQA Guidelines section 15162 calling for the preparation of a subsequent EIR or MND have occurred, and at most, the Project boundary clarification would require only a minor technical change to the previously-adopted IS/MND. Therefore, an addendum to the MND is appropriate, and no subsequent EIR or negative declaration is required to be prepared.