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.

The IS/MND identified two alternative locations for the well improvements, denoted as Option A and Option B, within a narrowly defined area (estimated to be less than 1500 feet apart). The potential impacts of developing a well under either Option A or Option B were already analyzed in the IS/MND. Since the MND was approved, the College has conducted testing and determined that Option A is the preferable option for its new well and related improvements. 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 confirmation of location of the well within the already narrowly defined area 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 SUBSEQUENT CONFIRMATION OF NEW WELL LOCATION
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 water well is located on real property that is not owned by the College, known as 4395 Monterey Road, Gilroy, California, APN 808-23-004 (“Monterey Road Property”), pursuant to easement rights held by the College. The IS/MND explained that the College proposed to build a replacement water system for the existing 1,000,000 gallon water tank with two new 669,000 gallon reservoir tanks at the same location in the foothills above the campus. (Initial Study (“IS”), pg. 4.) Water supply to the tanks will be provided by implementing improvements to the existing well and installing an additional well directly to the east to provide supplemental water supply (“Option A”). (Id.) According to the IS/MND, the College initially considered installing two new wells adjacent to Mesa Road in the agricultural fields east of the project site, while decommissioning the existing well (“Option B”). (Id.) However, the College had been unsuccessful in contacting the owners of the property on Mesa Road (“Mesa Road Property”) after repeated efforts, and therefore concluded that Option B may not be feasible. (Id.) The College also believes that Option A results in the least amount of burden on neighboring property owners, since it would install a new well on the same property as the existing well.

According to the IS/MND, in both Option A and Option B, the two wells would only be run simultaneously after a time of high water demand on campus, such as a fire event. In normal operation the wells would alternate in service. (Id.) Either option would be capable of delivering adequate water supply to re-fill the water tanks within the National Fire Protection Association requirement of eight hours. Since the IS/MND was adopted and the Project approved, the College has obtained a License Agreement with the owners of the Monterey Road Property, and has conducted preliminary testing of such Property. Based on the testing results, the College’s design team concluded that a new well in the area described as Option A could reliably yield from 360 gpm to 540 gpm. The data substantiated a high probability of achieving a production rate that equals or exceeds the existing well and corresponds with the assumptions made as part of the Project. Based on this data, the College has confirmed that Option A is the preferable option. The College is in the process of attempting to acquire easement rights encumbering the Monterey Road Property in order to install a new well and related improvements under Option A.
The impacts of the well improvements were analyzed in the IS/MND, and did not depend on whether Option A or Option B was chosen. The following is a summary of the impacts and mitigation measures described and included in the IS/MND. As discussed below, selection of Option A for the location of the new well will not result in any additional potentially significant impacts, nor will it increase the severity of those already identified.

- **Aesthetic Impacts**: The IS/MND concluded that the Project as a whole, inclusive of the new well, would have less than significant aesthetic and visual impacts. Specifically, the Project proposes several facilities and infrastructure upgrades that will result in minor changes to the aesthetic character of the campus. (IS, pg. 22.) The well improvements are not part of the on-campus upgrades and thus are not part of the facilities and infrastructure that may result in minor changes to the aesthetic character of the campus. With regard to the water well improvements, the IS/MND concluded that the installation of underground water distribution lines and wells proposed by the Project would not result in aesthetic changes to the project site and surrounding area because the distribution lines would be underground and the wells would be at ground-level. (Id.) This conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well.

- **Agricultural**: The IS/MND concluded that the Project as a whole, inclusive of the new well, would not have any impact on agricultural land, agricultural activities, or forest resources, and the well improvements specifically would not result in the conversion of farmland to non-agricultural use. (IS, pg. 26.) This conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well.

- **Air Quality**: The IS/MND concluded that the Project as a whole, inclusive of the new well, would have less than significant impacts on air quality. With regard to regional and local impacts, the only identified impact related to the well improvements is that the improved water distribution system may result in a slight increase in electricity use related to the increased pumping of water. Indirect air emissions from these potential increase in electricity use would be negligible. (IS, pg. 31.) Also, construction activities such as earthmoving, construction vehicle traffic, and wind blowing over exposed earth, would temporarily affect local air quality. (Id.) It was concluded that the Project would not result in significant air quality impacts, and that implementation of Avoidance Measure AQ-1.1 would further reduce air quality impacts with the construction of the Project. (IS, pg. 32.) This conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well.
• Biological Resources: The IS/MND concluded that the Project as a whole, inclusive of the new well, could result in significant impacts to various special-status animal and plant species. (IS, pgs. 42-49.) It was also found that the outdoor classroom and Parking Lot C expansion could result in significant impacts to riparian habitat and protected wetlands. (IS, pgs. 49-51.) As a result of these potentially significant impacts, the College adopted mitigation measures MM BIO-1.1 through MM BIO-9.2. (IS, pgs. 52-62; MND, pgs. 2-11.) The resulting conclusion was that with implementation of these mitigation measures, the Project would not result in significant impacts to biological resources. (IS, pg. 62.) This conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well.

• Cultural Resources: The IS/MND concluded that the Project as a whole, inclusive of the new well, could result in potentially significant impacts on the environment. (IS, pg. 66.) Namely, construction activities associated with the proposed project could result in impacts to buried and paleontological resources, should they be discovered on the site. (IS, pgs. 64-65.) Implementation of mitigation measures MM CUL-1 and MM CUL-2 would result in a less than significant cultural resources impact. (IS, pg. 66; MND, pg. 11.) This conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well.

• Geology: The IS/MND concluded that the Project as a whole, inclusive of the new well, would not result in any potentially significant impacts on the environment in terms of geology. (IS, pg. 71.) With regard to the water wells specifically, the tanks would be connected to the wells by a water distribution system consisting of pipelines traversing the entire site, portions of which would be located in the sloped areas of the hillside adjacent to the water tanks, which are subject to creep and possible surficial instability related to heavy rainfall, and other portions of which would be located within the Santa Clara Fault Rupture Zone associated with the Carnadero fault trace. (IS, pg. 70.) In addition, it was concluded that the wells and portions of the pipelines would be located within a liquefaction hazard zone. (Id.) The IS/MND concluded that implementation of the recommendations in the site-specific geotechnical investigation prepared for the proposed water distribution system improvements (Appendix C to the IS/MND), along with standard engineering practices, would ensure that no significant geology and soils impacts would occur from implementation of the Project, including impacts related to unstable soil, expansive soil, soil erosion, and the loss of topsoil. (Id.) This conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well.

• Greenhouse Gas (GHG) Emission: The IS/MND found that the Project as a whole, including the well improvements, would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment,
nor would it conflict with any existing GHG Laws, plans, policies, or regulations adopted by the California legislature, the CARB, or BAAQMD. Therefore, GHG impacts would be less than significant. (IS, pg. 74.) This conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well.

- **Hazards and Hazardous Materials:** With regard to the Project as a whole, inclusive of the new well, the IS/MND identified two potentially significant impacts related to hazards and hazardous materials. First, hazardous materials contamination in the agricultural fields east of campus and in the vicinity of the maintenance yard could pose a risk to construction workers and future users of the outdoor classroom. (IS, pg. 79.) Second, lead-based paint could present a risk to workers during demolition on the site. (Id.) With implementation of mitigation measures MM HAZ-1.1 to MM HAZ-2.3, the IS/MND concluded that these impacts would be less than significant. (IS, pgs. 80-81; MND, pg. 12.) Neither of these impacts are affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property.

The water wells would be located in the agricultural fields east of campus, and would supply water to the campus. (IS, pg. 79.) The IS/MND found that it is common to find arsenic, lead, and DDT residue in the soil in Santa Clara County from historic farming operations. (Id.) These contaminants could leach into groundwater beneath the soils. (Id.) Groundwater in the Project area also contains elevated levels of nitrates. (Id.) As a result, the Project includes drilling test wells in the vicinity of the proposed wells to confirm that the untreated well water meets federal Safe Drinking Water Act and California Department of Public Health primary and secondary drinking water standards (Title 22). (Id.) This testing remains to be completed.

None of the conclusions related to hazards and hazardous materials impacts are affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusions are not altered by the College’s confirmation of Option A for its new well.

- **Hydrology and Water Quality:** With regard to the Project as a whole, inclusive of the new well, the IS/MND identified one potentially significant impact related to hydrology and water quality: construction activities could temporarily contaminate stormwater runoff from the site. (IS, pg. 87.) With implementation of mitigation measure MM HYD-1, the IS/MND concluded that these impacts would be less than significant. (IS, pg. 89; MND, pg. 13.) This impact is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property.

With regard to the water wells, either Option A or Option B would involve wells located in areas where the known geomorphology should support water production as high as 500 gpm or greater per well head. (IS, pg. 87.) The Project proposed that a test well would be drilled in the vicinity of the proposed wells to provide a current, accurate assessment of geomorphology. (Id.) The testing would ensure that
sufficient groundwater is available to provide the desired pumping rates on an ongoing basis, without lowering the groundwater table or contributing to drawdown of other nearby wells. *(Id.)* The IS/MND also concluded that the Project would not increase the student capacity of the overall campus, and would not increase water demand on the site; the new wells are primarily proposed to ensure sufficient fire flow and storage tank recharge rates. *(Id.)* The wells would be used alternately, only to be combined during times of high water demand on-campus, such as fire events. *(Id.)* For these reasons, the Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table. *(Id.)*

Also, the groundwater basin in the Project area contains elevated levels of nitrates, and the Project would include drilling test wells in the vicinity of the proposed wells to confirm that the untreated well water meets federal Safe Drinking Water Act and California Department of Public Health primary and secondary drinking water standards (Title 22). *(Id.)* This testing remains to be completed.

The College has since completed preliminary testing of the Option A well site, which substantiated a high probability of achieving a production rate that equals or exceeds the existing well and corresponds with the assumptions made as part of the Project. The testing data and confirmation of Option A for the new well do not affect any of the conclusions in the IS/MND.

- **Land Use:** The IS/MND concluded that the Project is consistent with the General Plan and Zoning Ordinance, and that the Project would not physically divide an established community, conflict with applicable plans or policies, or result in any other significant land use impacts. *(IS, pg. 91.)* This conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well.

- **Mineral Resources:** The IS/MND concluded that the Project would not result in any significant impacts from the loss of availability of a known mineral resource. *(IS, pg. 92.)* This conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well.

- **Noise:** Regarding the Project as a whole, inclusive of the new well, the IS/MND identified noise impacts related to demolition of existing structures construction of the Project, however, it concluded that those impacts would be less than significant. *(IS, pgs. 94-96.)* Nevertheless, the Project still implemented Avoidance Measure AM NOISE-1.1 to further reduce noise impacts on neighboring properties. *(IS, pgs. 95-96.)* The IS/MND concluded that the Project would not result in significant noise impacts, and that conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well.
• **Population and Housing:** The IS/MND concluded that the Project as a whole, inclusive of the new well, would have a less than significant impact on population and housing. (IS, pg. 97.) This conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well.

• **Public Services:** The IS/MND concluded that the Project as a whole, inclusive of the new well, would not result in adverse physical impacts associated with a need for new public safety or recreational or educational facilities in order to maintain acceptable levels of service. (IS, pg. 99.) This conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well.

• **Recreation:** The IS/MND concluded that the Project as a whole, inclusive of the new well, would not result in any significant adverse impact to recreation facilities within the City of Gilroy and surrounding area of unincorporated Santa Clara County. (IS, pg. 100.) This conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well. The College recognizes that the IS erroneously referenced the City of Mountain View in its discussion of impacts related to recreation on page 100, and hereby corrects that error through this Addendum.

• **Transportation:** The IS/MND concluded that the Project as a whole, inclusive of the new well, would have less than significant transportation impacts. (IS, pg. 103.) This conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well.

• **Utilities and Service Systems:** The IS/MND concluded that the Project as a whole, inclusive of the new well, would not result in significant impacts to utilities and service systems. (IS, pg. 109.) With regard to the well improvements specifically, the IS/MND states that in either Option A or Option B, two wells would only run simultaneously after a fire event; in normal operation the wells would alternate in service. (IS, pg. 106.) Both options would be capable of delivering adequate water supply to re-fill the water tanks within the National Fire Protection Association requirement of eight hours. (Id.) The physical improvements proposed by the Project would not increase the student capacity of the overall campus, and would not increase water demand on the site. (Id.) With implementation of the proposed improvements, adequate water supply would be available to serve the site. (Id.) There were no significant impacts relating to utilities and service systems identified in the IS/MND. This conclusion is not affected by the location of the new well(s) on the Mesa Road Property or the Monterey Road Property, thus, the conclusion is not altered by the College’s confirmation of Option A for its new well.
D. CONCLUSION
The College’s confirmation that it will move forward with Option A as the location of its new water well and pipelines does not alter any of the analyses or conclusions contained in the IS/MND, in particular because the impact of a new well under either Option A or Option B was already analyzed in the IS/MND. This confirmation does not constitute substantial changes to the Project or the circumstances under which the Project is undertaken. (15164(a)(1)&(2).) It does not require major revisions to the previously-adopted MND. (Id.) As discussed above, this confirmation of location 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. Also, while the testing data confirming the desired location of the new well could technically constitute “new information” for purposes of the CEQA Guidelines, such information does not show: (1) that the Project would have one or more significant effects not discussed in the previously-adopted MND, (2) that the significant effects previously examined will be substantially more severe than shown in the previously-adopted MND, (3) that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, or (4) that mitigation measures or alternatives which are considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but the Project proponents decline to adopt the mitigation measure or alternative. (CEQA Guidelines, § 15164(a)(3).)

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 confirmation of location 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. In fact, there is truly no technical change because the impacts of either Option A or Option B were already analyzed in the IS/MND. Nevertheless, this Addendum has been prepared to maximize transparency and to allow for public comment through consideration and adoption at a publicly noticed meeting.