

CITY OF SAN BERNARDINO
DEVELOPMENT SERVICES
ADDENDUM

CITY OF SAN BERNARDINO
INITIAL STUDY
MITIGATED NEGATIVE DECLARATION

ADDENDUM

FOR

**Gate City Beverage Expansion
Development Permit No. 12-03
Tentative Parcel Map No. 19361 (Subdivision No. 12-02)**

Introduction

The City of San Bernardino (the City) has prepared this Addendum pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq) in response to a change to the Parcel Map for the Gate City Beverage Expansion project. The City previously prepared an Initial Study and adopted a Mitigated Negative Declaration for the project.

Purpose of an Addendum

CEQA authorizes a Lead or Responsible Agency to prepare an Addendum to a previously certified EIR or adopted Negative Declaration if some changes or additions are necessary to a previously analyzed project and none of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a Subsequent Negative Declaration or CEQA Guidelines Section 15163 requiring the preparation of a Supplement to a Negative Declaration are met.

Pursuant to Section 15162 of the CEQA Guidelines, a Subsequent EIR or Negative Declaration may only be prepared if:

- (a) *When an EIR has been certified or a negative declaration 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*

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- (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.*
- (b) *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.*
- (c) *Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.*
- (d) *A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.*

Pursuant to CEQA Guidelines Section 15163:

- (a) *The Lead or Responsible Agency may choose to prepare a Supplement to an EIR rather than a Subsequent EIR if:*
 - (1) *any of the conditions described in Section 15162 would require the preparation of a Subsequent EIR, and*
 - (2) *only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.*
- (b) *The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.*
- (c) *A supplement to an EIR shall be given the same kind of notice and public review as is given the draft EIR under Section 15087.*
- (d) *A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.*
- (e) *When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.*

Pursuant to CEQA Guidelines Section 15164:

- (a) *The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
- (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 described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- (c) *An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- (d) *The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- (e) *A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

