

RESOLUTION NO. OC SAN 23-13

A RESOLUTION OF THE ORANGE COUNTY SANITATION DISTRICT BOARD OF DIRECTORS RECEIVING AND FILING THE ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR THE BAY BRIDGE PUMP STATION AND FORCE MAINS REPLACEMENT PROJECT NO. 5-67 AND APPROVING THE MODIFIED PROJECT

WHEREAS, the Orange County Sanitation District (“OC San”) certified an environmental impact report for the Bay Bridge Pump Station and Force Mains Replacement Project (“Project”) No. 5-67 on February 24, 2021 (“EIR”);

WHEREAS, on April 1, 2021, Bayside Village Marina filed a Verified Petition for Writ of Mandate against OC San in Orange County Superior Court alleging that the EIR failed to comply with CEQA on numerous grounds, Orange County Superior Court Case No. 30-2021-01194238;

WHEREAS, on December 16, 2022, Judge William Claster of the Orange County Superior Court issued a ruling that upheld the EIR in all respects except one; the Court issued a limited writ directing OC San to sufficiently identify the project’s proposed construction staging areas (the “Court Ruling”);

WHEREAS, the Court Ruling also questioned the enforceability of Mitigation Measure AES-1;

WHEREAS, OC San has prepared an Addendum, “Attachment A,” to the EIR in response to the Court Ruling (the “Addendum”);

WHEREAS, OC San has also modified the Project (“Modified Project”) and certain mitigation measures as described in the Addendum;

WHEREAS, the Addendum finds that the Modified Project would not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts and that no further environmental review is required pursuant to Public Resources Code Section 21166 and California Code of Regulations, Title 14, Sections 15162 and 15164; and

WHEREAS, the Board of Directors of OC San has considered the Addendum and the EIR prior to making a decision regarding the Modified Project.

NOW, THEREFORE, BE IT RESOLVED THAT OC San does hereby find and determine as follows:

Section 1. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Pursuant to Public Resources Code Section 21081.6(b) and California Code of Regulations, Title 14, Section 15126.4(a)(2), Mitigation Measure AES-1 is hereby incorporated into the Project's design.

Section 3. The Addendum is hereby received and filed.

Section 4. The following condition of approval is imposed on the Modified Project:

"The constructor contractor will not have discretion to select any construction staging or material storage sites. The construction staging or material storage sites for this project are identified in the Addendum to the certified Bay Bridge Pump Station and Force Mains Replacement Project Environmental Impact Report."

Section 5. The Modified Project is hereby approved, subject to the condition of approval stated in Section 3, above.

PASSED, APPROVED, and ADOPTED at the Orange County Sanitation District Board of Directors meeting held on this 26th day of July 2023.

Chad P. Wanke
Board Chairman

ATTEST:

Kelly A. Lore, MMC
Clerk of the Board

APPROVED AS TO FORM:

Bradley R. Hogin
General Counsel

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

I, Kelly A. Lore, Clerk of the Board of Directors of the Orange County Sanitation District, do hereby certify that the foregoing Resolution No. OC SAN 23-13 at a regular meeting of said Board on the 26th day of July 2023, by the following vote, to wit:

AYES:
NOES:
ABSTENTIONS:
ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of Orange County Sanitation District this 26th day of July 2023.

Kelly A. Lore, MMC
Clerk of the Board of Directors
Orange County Sanitation District