

RESOLUTION NUMBER R-307740

DATE OF FINAL PASSAGE OCTOBER 15, 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN DIEGO GRANTING THE APPEAL OF THE ENVIRONMENTAL
DETERMINATION FOR THE ECKO METALS PROJECT, PROJECT
NO. 241664.

WHEREAS, Ecko Metals filed an application with the City of San Diego for a Neighborhood Use Permit (NUP) and Neighborhood Development Permit (NDP) for the Ecko Metals Project, Project No. 241664(Project), located at 2846 Commercial Street on a 0.56-acre site in the I-1 zone of the Southeastern San Diego Planned District within the Southeastern Community Plan area; and

WHEREAS, on June 12, 2012, the Environmental Analysis Section of the Development Services Department determined the Project to be exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines section 15301, Existing Facilities (Environmental Determination); a Notice of Right to Appeal the environmental determination was posted on June 15, 2012 in accordance with San Diego Municipal Code §112.0310; and

WHEREAS, on June 26, 2012, Maria Riveroll, Chair of the Southeastern Community Planning Group, filed an appeal of the Environmental Determination (Appeal); and

WHEREAS, the Appeal was set for a public hearing to be conducted by the City Council of the City of San Diego on October 9, 2012; and

WHEREAS, on October 9, 2012, the City Council voted to continue the Appeal to allow staff additional time to determine the existing uses on the project site; and

WHEREAS, the matter was set for public hearing on October 15, 2012, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, a project is exempt from CEQA under CEQA Guidelines section 15301 if it involves the “operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private or public structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination”; and

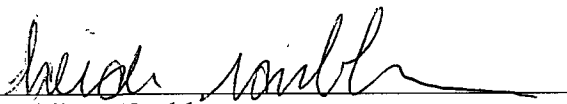
WHEREAS, the project site is currently operated as a transfer and storage facility, and the NUP and NDP would allow for Ecko Metals to import recyclable materials from local businesses and government agencies and then sort and reload those materials for transfer to Los Angeles; and

WHEREAS, the change in use proposed by the project would involve more than a negligible expansion of use beyond the existing use on site; and

WHEREAS, under San Diego City Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Appeal is granted and the Environmental Determination is set aside.

APPROVED: JAN GOLDSMITH, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney

HKV:hm
10/18/2012
Or.Dept:DSD
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