

**FINAL ENVIRONMENTAL IMPACT REPORT**  
**EQUILON ENTERPRISES, LLC, LOS ANGELES REFINERY**  
**CARB PHASE 3 PROPOSED PROJECT**

**RESPONSE TO COMMENTS**

**INTRODUCTION**

This document, together with the Draft Environmental Impact Report (DEIR) Volumes I, II, and III, and Volume I, II and III of the Final Environmental Impact Report (FEIR) constitutes the FEIR for the proposed Equilon CARB Phase 3 Reformulated Fuels Project.

The Initial Study, Notice of Preparation (NOP) of a DEIR, and the DEIR were circulated for public review and were otherwise available at the South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, California 91765-4182 or by phone at (909) 396-3600. Portions of the DEIR can also be downloaded by contacting the SCAQMD's CEQA web pages at <http://www.aqmd.gov/ceqa/nonaqmd.html>.

The DEIR for the proposed project was released on July 13, 2001 for a 45-day public review and comment period. The DEIR contained responses to all comments received on the NOP. In addition, the DEIR contained a detailed project description, the environmental setting for each environmental resource where the NOP determined there was a potential significant impact, an analysis of the potentially significant environmental impacts, including cumulative impacts, project alternatives, and other areas of discussion as required by CEQA. The discussion of environmental impacts included a detailed analysis of air quality, geology/soil, hazards and hazardous materials, noise, solid/hazardous waste, and transportation/traffic.

The SCAQMD received nine comment letters on the DEIR during the public comment period and one comment letter after the close of the comment period. Responses to each comment letter are presented in this Appendix.

**Comments Received on Draft EIR**

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**CITY OF SIGNAL HILL**

2175 Cherry Avenue • Signal Hill, California 90806

July 23, 2001

Mr. Michael Krause  
South Coast Air Quality Management District  
Office of Planning/ CEQA  
21865 E. Copley Drive  
Diamond Bar, AC 91765-4182

RE: Equilon Enterprises LLC - Los Angeles Refinery Clean Fuels Project

Dear Mr. Krause:

The City of Signal Hill has received the Draft EIR for the Equilon Enterprises LLC - Los Angeles Refinery Clean Fuels Project involving the Signal Hill Terminal at 2457 Redondo Avenue. I have reviewed the DEIR and have the following comments:

1. The Signal Hill facility was apparently constructed in the early 1960's and predates the adoption of the Signal Hill Zoning Ordinance. As such, the facility is considered a nonconforming use. There is no conditional use permit, environmental document or other information in the City records. Apparently, the facility was not subject to City discretionary review. City files do contain building permits for certain tanks and buildings.

The current zoning is GI - General Industrial. New refineries, tank farms and terminals are not permitted in this zoning district. However, existing nonconforming uses may continue in accordance with the Nonconforming Uses Ordinance with certain limitations (SHMC Chapter 20.82, Attached). The provisions of Chapter 20.82 generally prohibit the construction, establishment, alteration, modification, reconstruction or enlargement or a nonconforming use in any way that increases the nonconformity. In order for the City to determine that the proposed improvements do not constitute an illegal enlargement of a nonconforming use please provide me with the following:

Baseline Data

- A. Existing total tank capacity.
- B. Throughput capacity.
- C. Historical average throughput.

1-1

Improvements are mandated by regulatory agency

- A. State law or mandates that requires that Equilon construct the proposed improvements. 1-2
- B. Statement that the facility cannot remain in compliance with state laws or mandates without construction of the proposed improvements. 1-3

Improvements do not constitute an enlargement or an expansion of the facility

- A. An explanation of why the construction of the proposed improvements should not be considered an enlargement or an expansion of the facility. 1-4
- 2. The City of Long Beach Fire Department provides fire protection services to the City of Signal Hill and the Equilon facility. Provide documentation that the City of Long Beach Fire Department has reviewed and commented on the proposed project. 1-5
- 3. Streetscape landscaping along Redondo is substandard. The negative visual impact of the proposed tank should be mitigated by the concurrent construction of new landscaping along the Redondo Avenue frontage of the facility. 1-6

Please include these comments and appropriate responses in the Final EIR. Should you have any questions please call me at (562) 989 - 7345.

Regards,



Gary Jones  
Director of Community Development

cc: City Manager  
Planning Commission

## Chapter 20.82

### NONCONFORMING LOTS, BUILDINGS, AND USES\*

#### Sections:

- 20.82.010 Purpose of provisions.
- 20.82.020 Continuation of nonconforming uses permitted.
- 20.82.024 Nonconforming industrial uses in residential zones.
- 20.82.030 Permitted repairs and alterations.
- 20.82.040 Permitted additions and expansion.
- 20.82.050 Nonconforming lots.
- 20.82.060 Effect of discontinuance.
- 20.82.070 Provisions applicable to lawful uses only.

\* Prior ordinance history: Prior code §§ 19.80.010—19.80.060; Ord. 557 § 406 as amended by Ord. 582 § 1(59, 60) and Ords. 69-10-647, 78-9-808 and 79-11-833.

#### 20.82.010 Purpose of provisions.

Within the districts established by this title there exist lots, buildings, and uses which were lawful before the ordinance codified in this title was passed or amended, but which would be prohibited, regulated, or restricted under the terms of the zoning ordinance or future amendment. It is the intent of this chapter to permit these nonconformities to continue subject to certain conditions. For the purpose of protecting the public health, safety, and general welfare, however the enlargement or alteration of such nonconformities shall be regulated. Nothing within this chapter shall be deemed to permit the continuation of a public nuisance. (Ord. 88-12-1023 § 1 (part))

#### 20.82.020 Continuation of nonconforming uses permitted.

Except as otherwise provided in this chapter, nonconforming lots, structures, or uses existing in any zoning district may be continued but may not be constructed, established, altered, modified,

reconstructed, replaced, or enlarged in any way which increases the nonconformity. (Ord. 88-12-1023 § 1 (part))

#### 20.82.024 Nonconforming industrial uses in residential zones.

A. For any property containing a nonconforming industrial use in a residential zone, the use may be continued, sold or ownership transferred without forfeiting any nonconforming rights previously established, but subject to the limitations of Sections 20.82.020 and 20.82.030.

B. For any property containing a nonconforming industrial use in a residential zone, a less intensive industrial use may be permitted on the property without loss of all nonconforming status, subject to the approval of the director of planning. The director of planning shall determine, based upon the standards contained in this section what constitutes a less intensive industrial use. Once the property has been changed to a less intensive use, it may not be restored to the more intensive use.

C. Factors which the director of planning may consider in making a determination of what constitutes a less intensive industrial use may include, but are not limited to the following:

1. Whether the proposed use will generate less odor, dust, or fumes than the prior nonconforming use;
2. Whether the proposed use will generate less noise which may negatively impact nearby residents than the prior use;
3. Whether the proposed use will generate less traffic than the prior use, or will otherwise diminish traffic congestion in the area or will promote traffic safety more than the prior use;
4. Whether the proposed use would lessen any danger of water contamination or degradation, soil contamination, or other environmental hazard; and
5. Whether the proposed use is harmonious with surrounding residential uses, and promotes the goals of the zone more than the previous use.

D. In making a determination that a particular use is a less intensive industrial use, the director of planning may require repair and/or exterior rehabili-

tation of an industrial building to reduce or mitigate the building's aesthetic impact on surrounding residential areas.

E. On any application for a determination of less intensive industrial use, the party seeking the determination shall provide the director of planning with such information as the director of planning deems necessary to make the determination.

F. The director of planning shall advise the applicant of the determination in writing and shall state the reasons therefor. (Ord. 90-03-1060 § 1)

#### **20.82.030 Permitted repairs and alterations.**

A. Repairs and alterations which do not enlarge or increase the size or scope of a nonconforming structure or use may be made, provided that the aggregate value of all such repairs or alterations from the time the structure or use became nonconforming shall not exceed fifty percent of the reasonable replacement value of the nonconforming building or use immediately prior to such repair and/or alterations.

B. Notwithstanding the provisions of Section 20.82.020, the provisions of this chapter shall not prevent the reconstruction, repair, or rebuilding of any nonconforming commercial or industrial building or of any building in which a nonconforming use is conducted when such building is damaged by fire, explosion, or act of God, provided that the cost of such reconstruction, repair, or rebuilding shall not exceed fifty percent of the reasonable replacement value of the building immediately prior to the damage.

C. For purposes of this chapter, "reasonable replacement value" shall be based upon current per/square/foot building valuation data as published periodically by the International Conference of Building Officials for the structure and occupancy type of the destroyed or damaged structure. "Cost of repair" shall be based upon the average of at least two bona fide bids submitted by contractors licensed by the state of California to perform such repairs.

D. A nonconforming residential structure damaged or destroyed by fire, explosion, or act of God

may be reconstructed in conformity with all applicable provisions of the zoning ordinance in effect at such time as the original building permits were issued for such structure subject to the following:

1. The density, height, and lot area coverage of a replacement structure or reconstructed structure shall not exceed that of the destroyed or damaged structure;

2. Setback dimensions, open space area, and the number of garages and on-site parking shall not be less than that which existed prior to damage or destruction;

3. A nonconforming residential structure for which building permits were issued prior to April 7, 1964, and which is damaged by any means may be reconstructed in conformity with the provisions of the zoning ordinance in effect as of April 7, 1964, and subject to subparagraphs 1 and 2 of subsection D of this section.

E. A nonconforming residential structure in a district in which residential uses are no longer permitted may be reconstructed regardless of the extent of damage, subject to the applicable zoning ordinance as determined in subsection D. Development standards for reconstruction shall be those of the residential district of the applicable zoning ordinance which allows maximum permissible densities not greater than the density represented by the sum of all residential units on the subject property immediately prior to damage, provided the reconstructed habitable floor area and number of units do not exceed that of the destroyed structure(s). (Ord. 88-12-1023 § 1 (part))

#### **20.82.040 Permitted additions and expansion.**

A. Structures which are nonconforming only as to setbacks and/or building height may be expanded subject to present development standards of the zoning ordinance provided that the total floor area of all such expansions permitted subsequent to April 7, 1964, is not greater than fifty percent of the floor area of the original structure.

B. Residential structures in districts permitting residential uses and which are nonconforming only

as to on-site parking may be expanded provided that, if cumulative expansion from the time the structure became nonconforming exceeds two hundred square feet of habitable area, such structures shall be brought into conformity as to present on-site parking requirements.

C. Additions to single-family and duplex structures with nonconforming sideyard setbacks may be constructed so as to extend the building wall(s) adjoining such nonconforming sideyard(s) provided the cumulative habitable area of all such additions does not exceed two hundred square feet.

D. Any addition or expansion permitted pursuant to this chapter shall comply with all present development standards contained in the zoning ordinance applicable to the nonconforming structure or use. (Ord. 88-12-1023 § 1 (part))

with the zoning ordinance codified in this title. (Ord. 88-12-1023 § 1 (part))

#### **20.82.050 Nonconforming lots.**

Legally created residentially-zoned lots of record as of the effective date of the ordinance codified in this chapter which are nonconforming as to minimum lot area may be developed with not more than one dwelling unit. (Ord. 88-12-1023 § 1 (part))

#### **20.82.060 Effect of discontinuance.**

A. The discontinuance of use of a nonconforming structure, or use for a continuous period of one hundred eighty days, or the intentional abandonment of a nonconforming building or use, shall be deemed to constitute abandonment of any nonconforming rights ascribed to the property under this chapter.

B. Any change in a nonconforming lot, building, or use to a more restrictive or conforming status shall constitute abandonment of the previous nonconforming rights.

#### **20.82.070 Provisions applicable to lawful uses only.**

This chapter applies only to nonconforming lots, buildings, and uses lawfully established and used and conducted in accordance with all applicable laws, except to the extent of the nonconformity



**Chapter 20.84**

**VARIANCES**

**Sections:**

- 20.84.010 Purpose and authority.**
- 20.84.020 Conditions required prior to granting variance.**
- 20.84.030 Application procedure.**
- 20.84.040 Filing fee.**
- 29.84.050 Investigation.**
- 20.84.060 Commission hearing—Date and notice.**
- 20.84.070 Commission hearing—Decision rendering.**
- 20.84.080 Conditions of commission decision.**
- 20.84.090 Appeals of commission decisions—Council hearing and decision.**
- 20.84.100 Revocation for noncompliance—Voiding of variance.**
- 20.84.110 Minor deviations.**
- 20.84.120 Reapplication.**

**20.84.010 Purpose and authority.**

When practical difficulties, unnecessary hardships, or results inconsistent with the general intent and purpose of this title occur by reason of strict interpretation of any of its provisions, the planning commission, upon its own motion may, or upon a verified application shall, initiate proceedings for consideration of a variance from the provisions of this title. (Prior code § 19.84.010 (Ord. 557 § 407 (part), 1964))

**20.84.020 Conditions required prior to granting variance.**

The planning commission, before it may grant a variance, shall make a finding that in the evidence presented all five of the following conditions exist in reference to the property being considered:

A. There are exceptional or extraordinary circumstances or conditions applicable to the property

involved or to the intended use of the property which do not apply generally to other property in the same district.

B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant, which right is possessed by other property owners under like conditions in the same district.

C. The granting of such a variance will not be materially detrimental to the public welfare or injurious to property and improvement in the district in which the property is located.

D. The granting of such a variance will not be contrary to the objectives of the general plan.

E. A variance is for the purpose of permitting the use of a lot to the same level as other lots in the same district, and under no conditions shall such variance be used to grant special privilege or the development of uses not specifically permitted in the district. (Prior code § 19.84.020 (Ord. 557 § 407(A), 1964))

**20.84.030 Application procedure.**

A. Application for a variance shall be filed by the owner or lessee of the property for which the variance is sought, or by the authorized representative of either the owner or lessee, or a person who is or will be the plaintiff in an action in eminent domain to acquire the property.

B. Application shall be made to the commission on forms furnished by the city, shall set forth in detail the reasons for the requested variance, shall show how the conditions set forth in Section 20.84.020 are satisfied, and shall provide other information as may be prescribed by the commission to assist in determining the validity of the request.

C. The building inspector, or a person delegated by him, shall verify the accuracy and completeness of the application. The date of verification shall be noted on the application, and such date shall be deemed to be the filing date. Verification shall be made within fifteen days of the date of the filing of the application.