



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

August 3, 2017

TO: Doug Smith, Chair
David W. Louie, Vice Chair
Laura Shell, Commissioner
Elvin W. Moon, Commissioner
Pat Modugno, Commissioner

FROM: Richard Marshalian, Regional Planner *RM*
Community Studies North Section

SUBJECT: **BAN ON DRIVE-THROUGH ESTABLISHMENTS IN ACTON CSD**
PROJECT NO. 2017005014-(5)
ADVANCE PLANNING NO. RPPL2017007836
August 16, 2017 – AGENDA ITEM NO. 5

BACKGROUND

The Acton Community Standards District (CSD), which was adopted in 1995 and amended in 2012, regulates the uses and development standards for the residential and commercial areas of Acton in order to protect and enhance the rural, equestrian and agricultural character of the Acton community.

Due to an increasing number of new businesses applying for permits to operate drive-through services within the community of Acton, on July 5, 2016, the Los Angeles County (County) Board of Supervisors (Board) passed a motion directing the Director of Planning to pursue an amendment to the Acton CSD to preclude all new drive-throughs within the Acton CSD.

SUMMARY OF THE JULY 19, 2017 PUBLIC HEARING

On July 19, 2017, your Regional Planning Commission (Commission) held a public hearing to consider the amendment to the Acton CSD to preclude all new drive-throughs within the Acton CSD. Legally required public notice for the project was met. Four speakers gave testimony to your Commission during the hearing.

The testimony and comments in support of the amendment, including written correspondence from the Acton Town Council, primarily addressed community disapproval of drive-through establishments, and their desire to restrict the expansion of those types of facilities.

Written comments received in opposition included one letter from a resident, with concerns that the proposed amendment would restrict new dining businesses and limit

new employment opportunities and dining options, and cause hardships to the physically impaired.

After hearing public testimony, your Commission continued the matter to August 16, 2017 for additional information and Commission attendance.

ADDITIONAL INFORMATION

The County Code's Zoning Code (Title 22) is the primary resource that the County uses to regulate uses and activities. The County uses CSD's to limit, or place additional standards on uses in specific communities, depending on community needs. While the zoning code is more regulatory in nature, the Area Plan describes the policy and objectives for the vision of the community.

Existing Zoning Regulations for Drive-Through Establishments

The County Code currently regulates drive-through establishments through zoning and CSDs.

Zoning

Within the County Code's Zoning Code (Title 22), there are two zones that explicitly regulate permitting of drive-through services: C-RU (Rural Commercial), and MXD-RU (Rural Mixed Use Development). In both zones, a Conditional Use Permit (CUP) is required to authorize drive-through services.

These zones were mapped within the Antelope Valley as part of the Antelope Valley Area Plan (AV Plan) zoning consistency effort, which was adopted by the Board in June 2015.

CSDs

There are also several CSDs that regulate drive-throughs to implement community-specific goals and policies, and/or address community character and needs. These include:

CSD (AREA)	PERMITTING BY ZONE
Altadena (Lake Avenue)	Prohibited in C-3*
East Los Angeles (Whittier Boulevard)	CUP in C-3 (General Commercial)
Florence-Firestone (Florence Avenue)	CUP in C-3
La Crescenta-Montrose (Foothill Boulevard West Town)	CUP in C-1 (Restricted Business), C-3
La Crescenta-Montrose (Foothill Boulevard Mid-Town)	CUP in C-2 (Neighborhood Business)

**Please note that as part of the Altadena CSD Update effort, approved by the Board in June 2017 and pending final adoption, drive-through facilities were updated to be permitted with a CUP in all commercial zones within Altadena.*

Recent Drive-Through Establishment Projects in Acton

Several drive-through establishments were recently proposed in Acton.

Project R2014-00881-(5) "Primo Burger"

Project R2014-00881-(5) was approved by the Board on November 15, 2016 on appeal, and was approved with a drive-through facility for a restaurant as part of a larger commercial center. A CUP was required to authorize a commercial center in the C-RU-DP (Rural Commercial – Development Program) zone, and for drive-through service in C-RU. The project had a number of residents in support and opposing the drive-through aspect of the project, with the majority opposing the project. The Acton Town Council was in support of the project with the exception of the drive-through.

Project R2014-02996-(5) "Taco Bell"

Project R2014-02996-(5) was approved by the Board on May 3, 2016 on appeal, and was approved without a drive-through facility. A CUP was required to authorize a restaurant in the then C-2-DP (Neighborhood Business – Development Program) zone. (The property was rezoned to C-RU-DP with the AV Plan; however the applicant chose to continue processing under the complete application already filed.) The project had a number of residents and the Acton Town Council express support or opposition to the project, with the majority opposing. Initial approval of the project by the Commission was appealed to the Board, where 860 residents signed letters expressing opposition to the proposed project.

Existing Drive-Through Establishments in Acton

In addition to one drive-through facility approved as discussed above, there are two other existing drive-through facilities in Acton. The zoning on these properties was rezoned to C-RU with the AV Plan and as such, the drive-through service that was established by right now will require a CUP at the cessation of the 5-year amortization period, which was begun at the effective date of the Antelope Valley Area Plan.

The drive-through facility approved with a CUP as described above was granted in perpetuity.

STAFF ANALYSIS

The County regulates land use using the Zoning Code, and modifies countywide permitting and standards to meet the needs and desires of specific communities through CSDs. The CSDs apply specific standards to communities to affect community character or address issues specific to that community.

The community of Acton has expressed a strong desire to not have additional drive-through establishments in Acton as part of their desire to remain a rural town and preserve their rural community character. This desire was expressed and reflected in the AV Plan through the Rural Preservation Strategy and community-specific land use concepts for Acton as well as at multiple public hearings for proposed new restaurant projects with drive-through facilities.

While many existing CSDs regulate drive-through services in order to address pedestrian character concerns, the AV Plan clearly describes Acton as a community with commercial areas intended to allow low-intensity local commercial uses that serve community

residents and to prohibit high-intensity regional commercial uses that serve travelers along State Route 14. Furthermore, the Board moved in July 2016 to direct Regional Planning to prepare an ordinance precluding all new drive-through establishments.

There are two existing drive-through establishments that have already received entitlement within the area of the Acton CSD: one through a CUP, and one that will be subject to a CUP after the amortization period. This amendment does not affect the amortization period nor the grant term for the existing drive-through establishments.

Acton Community Standards District Boundary

At your July 19 hearing, a comment was made that a map of the boundaries of the Acton CSD included in the proposed draft did not match the boundaries of the current map in Title 22.

The discrepancy arises from the lack of precision in earlier maps due to the technological limitations of the era. The map included in the proposed CSD amendment shows the Acton CSD boundaries which were updated using Geographical Information Systems (GIS), and generally follow the ridgelines along the north and north-east boundaries of the CSD.

STAFF RECOMMENDATION

Staff recommends that your Commission close the public hearing, and recommend to the Board approval of the amendment to the Acton CSD.

I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING, AND RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF THE AMENDMENT TO THE ACTON COMMUNITY STANDARDS DISTRICT.

MC:SMT:RM

08/03/17

Attachment 1: Revised Draft Resolution

Attachment 2: Correspondence Received

**RESOLUTION
THE REGIONAL PLANNING COMMISSION
COUNTY OF LOS ANGELES
PROJECT NO. R2017-005014-(5)
ADVANCE PLANNING NO. RPPL2017007836**

WHEREAS, pursuant to Article 1 of Chapter 4 of Division 1 of Title 7 of the Government Code of the State of California (commencing with Section 65800), Los Angeles County ("County") is authorized to adopt amendments to Title 22 of the County Code ("Zoning Ordinance");

WHEREAS, in 1995, the County adopted the Acton Community Standards District ("CSD"), a supplemental district to provide a means of implementing special development standards contained in adopted area plans within the unincorporated County;

WHEREAS, the County proposes the adoption of Project No. R2017-005014-(5), which includes Advance Planning No. RPPL2017007836, which proposes to amend the Acton CSD for consistency with the Antelope Valley Area Plan ("Area Plan");

WHEREAS, the Regional Planning Commission of the County ("Commission") has conducted a public hearing in the matter of an amendment to the Zoning Ordinance of the County Code relating to the Acton CSD Update on July 19, 2017 and August 16, 2017; and

WHEREAS, the Regional Planning Commission finds as follows:

1. On July 5, 2016, the County Board of Supervisors ("Board") instructed the Director of Planning to pursue an amendment to the Acton CSD to preclude all new drive-throughs within the Acton CSD.
2. The unincorporated community of Acton is within the Fifth Supervisorial District of the County. This area is bordered by the unincorporated community of Agua Dulce on the west, the Angeles National Forest to the south, the unincorporated community of Littlerock and unincorporated Antelope Valley ("AV") to the east, and the City of Palmdale to the north.
3. The Acton CSD was established in 1995, with a subsequent amendment in 2012, as a supplemental district to provide a means of implementing development standards that address concerns unique to the community of Acton. The Acton CSD was established to protect and enhance the rural, equestrian and agricultural character of the community and its sensitive features, including significant ecological areas, floodplains, hillsides, National Forest, archaeological resources, multipurpose trail system, and Western heritage architectural theme
4. The project is an update to the Acton CSD to prohibit all new drive-through establishments. No land use designation or zone changes are proposed as part of

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the CSD update. The update is applicable only to properties within the boundary of the Acton CSD area.

5. The Area Plan, a component of the County General Plan, was adopted by the Board on June 16, -2015 after extensive community and stakeholder participation. The Area Plan contains a chapter on Community-Specific Land Use Concepts, which further describes communities in the AV as part of the Area Plan's vision and Rural Preservation Strategy.

The Area Plan's Rural Preservation Strategy -is a framework of rural town centers, rural town areas, rural preserve areas, and economic opportunity areas, that identify environments within the AV to preserve the rural character of the region, conserve environmental resources, and protect residents from potential hazards while allowing for additional growth and development. Economic opportunity areas and rural town centers are intended for more intense or focused development than rural town areas and rural preserve areas.

The Area Plan describes Acton as a community concerned with the urbanization of the area, and wishing to remain a rural community with a unique identity. Most of Acton is considered a rural town area with surrounding rural preserve area. The community has a rural town center that is intended to serve the daily needs of residents and provide local employment opportunities. Other areas of Acton outside the rural town center, are also designated to acknowledge existing uses and additional commercial services and local employment opportunities. The intent of these designations is to allow low-intensity local commercial uses that serve community residents and to prohibit high-intensity regional- commercial uses that serve travelers along State Route 14 (SR-14).

6. The commercial areas within Acton, including those surrounding the Crown Valley Road on-ramp and off-ramp of SR-14, are mostly zoned C-RU (Rural Commercial). In Zone C-RU, drive-through establishments are currently allowed with a Conditional Use Permit ("CUP"). This proposed amendment would prohibit all new drive-through establishments within the Acton CSD, including those areas zoned C-RU and M-1 (Light Manufacturing).

The Acton CSD is a supplemental district within the Zoning Ordinance to provide a means of implementing development standards that address concerns unique to the community of Acton. The Acton CSD was established to protect and enhance the rural, equestrian and agricultural character of the community and its sensitive features, including significant ecological areas, floodplains, hillsides, National Forest, archaeological resources, multipurpose trail system, and Western heritage architectural theme. This proposed amendment to prohibit all new drive-through establishments within the Acton CSD, would support protecting its rural character.

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7. Pursuant to the provisions of Sections 22.60.174 and 22.60.175 of the County Code, the public hearing notice was published in The Antelope Valley Press and Acton Agua Dulce Weekly News on June 19, 2017. Staff also informed members of the Acton Town Council about the project on June 15, 2017.
8. ~~No~~ Two comments were received by the public. The comments were evenly split in support and opposition to the proposed amendment. Correspondence in support of the project primarily addressed community disapproval of drive-through establishments, and their desire to restrict the increase in those types of facilities. Written correspondence in opposition expresses concerns that the proposed amendment would restrict new restaurant or dining businesses, and limit new employment opportunities and dining options, and cause hardships to the physically impaired.
9. Pursuant to California Environmental Quality Act ("CEQA") Guidelines §15378 and §21065, this update is not considered a project subject to CEQA. CEQA Guidelines §15378 and CEQA statute §20165 define the term "project" as the whole of an action which has the potential for resulting in either a direct physical change in the environment, or a reasonable foreseeable indirect physical change in the environment. This amendment to prohibit all new drive-through establishments would not have the potential to result in a direct or indirect physical change in the environment as this amendment affects future drive-throughs that do not exist today. A drive-through establishment is currently subject to a discretionary CUP within Acton, and must be found consistent with the AV Plan goals and policies, including those specific to Acton, before approved. This amendment implements adopted County policy regarding drive-through establishments within Acton, and therefore would not result in a change.

If determined otherwise, this proposed amendment would be exempt pursuant to CEQA Guidelines §15061(b)(3), which states that a project is exempt from CEQA if the activity is covered by a general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This amendment would not have the potential for causing a significant effect on the environment as it applies to future drive-through establishments which would otherwise be subject to a discretionary process.

10. On July 19, 2017, the Commission held a duly-noticed public hearing for the project. A presentation on the project was given by Department staff. Four speakers from the community gave testimony to the Commission.
11. During the July 19 public hearing, the testimony was in support for the proposed amendment. Testimony primarily expressed a support for the preservation of the rural community character in Acton and concern that drive-through establishments increase traffic and garbage.

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~~40-12.~~ After hearing all testimony, the Commission ~~closed~~ continued the public hearing matter to August 16, 2017 for additional information and Commission attendance, and recommended to the Board that the Board approve the CSD amendment. [TO BE UPDATED AFTER PUBLIC HEARING]

~~41-13.~~ The Commission finds that the proposed amendment to the Zoning Ordinance is not considered a project pursuant to the CEQA guidelines and statutes.

~~42-14.~~ The Commission finds that the CSD update is consistent and implements the goals and policies of the adopted Area Plan. The Area Plan's community-specific vision for Acton is to accommodate low-intensity local commercial uses that serve community residents and prohibit high-intensity regional commercial uses that serve travelers along SR-14. This proposed amendment to prohibit all new drive-through establishments within the Acton CSD, implements the Area Plan's vision for Acton.

~~43-15.~~ The Commission finds that the proposed amendment to prohibit all new drive-through establishments within the Acton CSD is consistent with the purpose of the Acton CSD. The CSD is intended to protect the rural, equestrian, and agricultural character of the Acton community.

~~44-16.~~ The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, Hall of Records, 320 West Temple Street, 13th Floor, Los Angeles, CA 90012. The custodian of such documents and materials shall be the Section Head of the Community Studies North Section, Los Angeles County Department of Regional Planning.

NOW, THEREFORE, BE IT RESOLVED THAT, the Regional Planning Commission recommends to the Board of Supervisors of the County of Los Angeles as follows:

1. Hold a public hearing to consider Project No. R2017-005014-(5), which includes Advance Planning No. RPPL2017007836, to amend the Acton Community Standards District;
2. Determine that proposed amendment to the Zoning Ordinance is not considered a project pursuant to California Environmental Quality Act ("CEQA") guidelines and statutes;
3. Find that the proposed amendment is consistent with the goals and policies of the Antelope Valley Area Plan; and therefore

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- 4. Adopt Advance Planning No. RPPL2017007836

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I hereby certify that the foregoing resolution was adopted by a majority of the voting members of the Regional Planning Commission of the County of Los Angeles on ~~July~~ August 16, 2017.

Rosie O. Ruiz, Secretary
County of Los Angeles
Regional Planning Commission

APPROVED AS TO FORM:

MARY C. WICKHAM
County Counsel

By

Starr Coleman
Deputy County Counsel

VOTE:

Concurring:

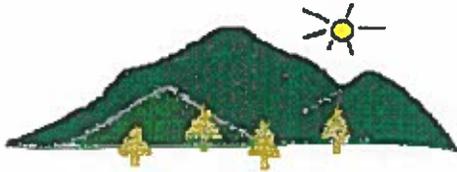
Dissenting:

Abstaining:

Absent:

Action Date: ~~July~~ August 196, 2017

MC:SMT:RDM
78/63/17



ACTON TOWN COUNCIL
P.O. BOX 810, ACTON CA. 93510

July 19, 2017
Agenda Item: #8

Regional Planning Commission
County of Los Angeles
320 West Temple Street
Los Angeles, CA 90012
Electronic copy submitted to RRuiz@planning.lacounty.gov

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DO NOT REMOVE

Subject: Acton Town Council Comments in Support of Project 2017-005014-(5).

Reference: Regional Planning Commission Hearing Agenda Item #8.

Honored Commissioners;

The Acton Town Council appreciates this opportunity to comment on the proposed amendment to the Acton Community Standards District ordinance prohibiting new "drive-through" developments in Acton. The Acton Town Council supports this amendment to the CSD, and respectfully requests that the Regional Planning Commission ("Commission") approve the ordinance as written.

As the Commission is aware, the Community of Acton has opposed new freeway-serving commercial development in general, and freeway serving "drive-through" development in particular, for more than two decades because the traffic, trash, and other impacts created by such developments degrade Acton's rural and equestrian profile. The Community of Acton's opposition to such development has, over the years, manifested itself in many ways, including petition drives that resulted in thousands of signed affirmations, multiple survey results, and countless letters and public testimony from concerned residents. At the hearing tomorrow, the Acton Town Council will bring evidence of the Community's steadfast and unwavering opposition to such development, and will invite inspection of such evidence by the Commission and any interested persons. The Acton Town Council supports the proposed ordinance based on the firm belief that it will secure for the Community of Acton the long-sought protections from freeway-serving commercial development.

The Acton Town Council recognizes that, in addition to language prohibiting new "drive-through" facilities in Acton, the proposed ordinance includes other modifications to the Acton Community Standards District, and also re-arranges a number of provisions. The Acton Town Council has carefully reviewed these modifications, and concludes that they do not materially alter existing CSD requirements and are predominantly "structural" in nature. On that basis, the Acton Town Council does not contest these additional changes.

The Acton Town Council apologizes for not submitting this letter of support earlier; it was delayed in order to provide council members the time required to review and consider the "structural" changes noted above. In any event, the Acton Town Council greatly appreciates the efforts undertaken by the Department of Regional Planning and the County Counsel's office to develop the proposed ordinance that has been long-sought by the Community of Acton.

DO NOT REMOVE
Respectfully submitted;

/S/ Tom Costan
Tom Costan
Acton Town Council President

Cc: Donna Termeer; Deputy to 5th District Supervisor Kathryn Barger
Suzie Tae, Department of Regional Planning

Richard Marshalian

From: Acton Towncouncil <atc@actontowncouncil.org>
Sent: Thursday, July 20, 2017 11:35 AM
To: Rosie Ruiz; Richard Marshalian; Susan Tae; Acton Towncouncil
Subject: RPC hearing on Project 2017-005014-(5) Continued to August 16, 2017 - Caltrans signage in Acton
Attachments: Caltrans freeway sign 1 in Acton.jpeg; Caltrans freeway sign 2 in Acton.jpeg
Follow Up Flag: Follow up
Flag Status: Flagged
Categories: Public Comment, Acton CSD Update - Drive-Through Ban

Dear Ms. Ruiz;

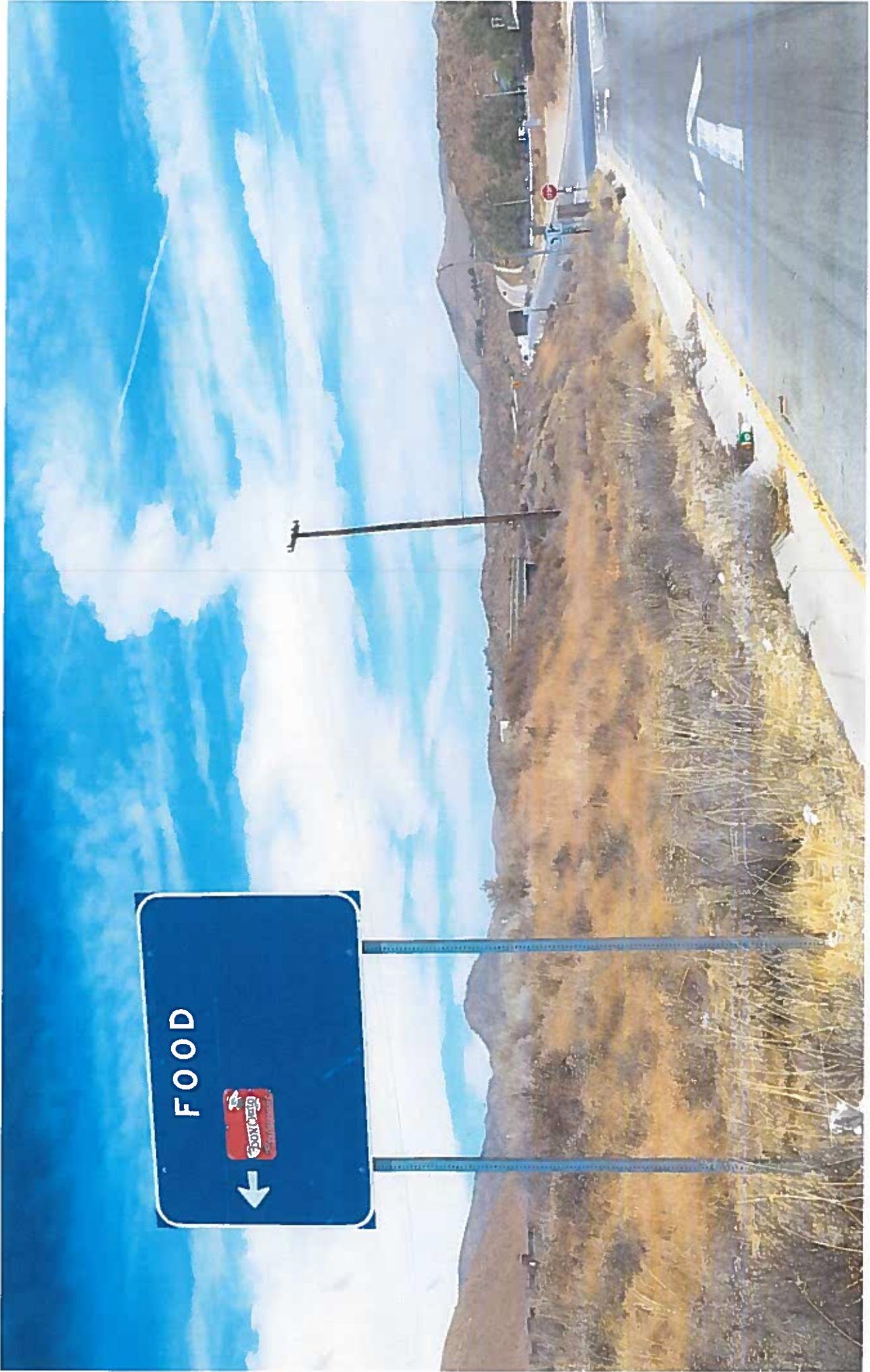
I ask that you forward this email and the attending attachments to all the Regional Planning Commissioners. This email is sent in response to the questions asked by Commissioner Louie at the Regional Planning Commission hearing held yesterday regarding Agenda Item 8 and whether or not Caltrans signage exists for businesses in Acton. As you can see from the attached photographs, Caltrans signage is used to promote Acton businesses. Please note that these photos depict only a portion of the Caltrans signs in Acton; if the Planning Commission wishes to know what other Caltrans signs are in Acton, please let me know and I will endeavor to provide additional information. Please do not hesitate to contact the Acton Town Council at atc@actontowncouncil.org if you require further information.

Respectfully submitted,

Jacqueline Ayer
Correspondence Secretary
Acton Town Council

FOOD NEXT EXIT





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←