



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Richard J. Bruckner
Director

August 16, 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
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

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.

ADDITIONAL INFORMATION

Attached for your consideration is additional public comments received after the initial staff memo.

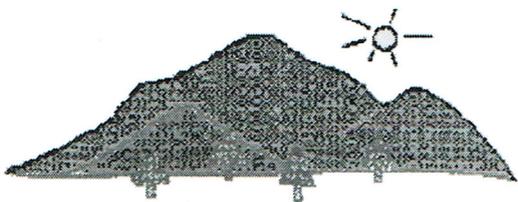
STAFF RECOMMENDATION

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
08/16/17**

Attachment 1: Correspondence Received



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

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

August 12, 2017

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

Reference: Regional Planning Commission Hearing Agenda Item #5.

Honored Commissioners;

With this letter, the Acton Town Council seeks to convey its steadfast support of the proposed revision to the Acton Community Standards District that is set forth in the draft Ordinance now before you, and also address concerns that were raised at the Regional Planning Commission ("Commission") hearing on July 19, 2017.

As a preliminary note, the Acton Town Council wishes to clarify that, contrary to what has been claimed, the draft ordinance does not preclude the development of "new dining establishments" in Acton, and it certainly does not prevent such establishments from providing customers with flexible options for "ordering and picking up food". In fact, "curbside delivery" to customers waiting in their cars has always been an option for dining establishments in Acton, and it is an option that has long been supported by the Acton Town Council. Moreover, the type of "community serving" dining establishments advocated in Acton by the Antelope Valley Area Plan will offer such conveniences as a matter of course because their primary objective will be to serve Acton residents, including those with limited mobility. Therefore, there is no merit in the argument that the draft ordinance eliminates "choice in dining establishments" or flexibility to "order and pickup food". Furthermore, every one of the fast-food "drive-through" businesses that have been proposed in Acton over the last 10 years have rejected the "curbside delivery" option when proposed as an alternative to the "drive-through" facilities. Some of these "drive-through" businesses rejected the "curbside delivery" alternative based on a claim that the technology was unavailable, while others rejected it because it would not support the freeway-based customer volume projected by their business model. Still others simply rejected the "curbside delivery" alternative out of hand without providing a reason. The Acton Town Council points out that the technology necessary to accommodate "curbside delivery" is similar to that required to accommodate "drive-through" delivery, and that the implementation of "curbside delivery" services by "community serving" eating

establishments will serve to increase local customer volume because of the convenience that it provides. Simply put, there is nothing in the draft ordinance which prevents the development of convenient dining options that fully serve all Acton residents including those with impaired mobility. Therefore, the Commission can rest assured that the draft ordinance will not cause hardships to the physically impaired or limit choices for Acton residents.

Additionally, the ordinance does not limit the choice of convenient dining options for Acton's visitors, either. This is because visitors to Acton will have the same dining options and dining conveniences as Acton residents, and such dining options and dining conveniences remain unaltered by the ordinance. What the ordinance does do is discourage businesses that rely on freeway commuters and travelers for their customer base, and it does so in a manner that is wholly consistent with the Antelope Valley Area Plan. In fact, Chapter 7 of the Antelope Valley Area Plan explicitly authorizes the prohibition of "drive-through" development in Acton. To be clear, the ordinance simply discourages freeway travelers and commuters from exiting the freeway for the purpose of buying fast food or gasoline, thus it does not create undue burdens on visitors to Acton in any way, shape or form.

Because the ordinance discourages freeway travelers and commuters from exiting the freeway, it will preserve existing traffic patterns, avoid deleterious traffic impacts, and prevent future traffic increases at already congested intersections in Acton. Without exception, every single traffic study prepared for every "drive-through" business proposed in Acton over the last 10 years has conclusively proven that such businesses result in substantially higher traffic loads at sensitive locations near the middle school and library within the Community of Acton. In other words, the premise that adverse traffic impacts do not result from the thousands of new vehicle trips that are generated by new, freeway-serving "drive-through" businesses is patently false and contradicted entirely by every drive-through fast food business traffic study ever prepared for Acton.

Additionally, the single biggest source of trash within the Community of Acton is the freeway serving fast-food drive-through and convenience store businesses along Sierra Highway at Crown Valley. The Acton Women's Club sponsors the "clean-up" effort along Crown Valley Road under the California's "Adopt a Highway Program", and the trash that is collected by the dedicated membership of this organization is predominated by fast food wrappers and drink containers from the businesses located in that area. There is no doubt that freeway-serving "drive through" fast food businesses significantly diminish Acton's "rural character" based solely on the quantity of trash that such businesses generate.

Finally, it is pointed out that ordinance will not cause hardships to the physically impaired or prevent new dining businesses from establishing in Acton or limit choice or prevent employment opportunities. The fact is, nothing in the ordinance limits the scope, quantity, or extent of dining choices or dining establishments in Acton because every conceivable manner of dining option is allowed. The draft ordinance does not eliminate all "order and pickup" options and it certainly does not eliminate dining fare deliveries that allow customer to remain in the car at all times. Therefore, it does not create hardships for the

physically impaired or eliminate choice or convenience. Because it does not preclude any particular dining establishments in Acton, it does not reduce employment opportunities nor prevent new dining businesses from being established in Acton. What it does do is protect Acton from the types of freeway-serving businesses that are explicitly prohibited by the Antelope Valley "Town & Country" Plan, and is therefore reasonable, appropriate, and entirely justified in every conceivable way.

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. Therefore, the Acton Town Council is resolved and committed in its support for this ordinance based on the factual determination that it will secure for the Community of Acton the long-sought protections from freeway-serving commercial development. Moreover, the Board of Supervisors directed the Department of Regional Planning to pursue this Ordinance more than a year ago, and the language it embodies is precisely compliant with the Board's directive. So there seems to be little room for debate regarding the efficacy of this ordinance.

Sincerely and Respectfully Submitted,

Tom Costan
Acton Town Council President

A handwritten signature in black ink that reads "Tom Costan". The signature is written in a cursive style with a long horizontal stroke extending to the left of the first letter.

August 14, 2017

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

Subject: Comments in Support of Project 2017005014-(5)
Reference: Regional Planning Commission Hearing August 16, 2017, Agenda Item #5

Dear Commissioners,

My name is Kelly Teno, my husband Roger Teno and I are 25 year residents of Acton. I'm writing you today to let you know of my support for the proposed amendment to the Acton Community Standards District. We moved to Acton to live in a small town atmosphere and to raise our five children. Most of the people we have met over the last twenty- five years moved to Acton for pretty much the same reasons we did. My husband and I have always been very involved in our community. We have worked with different groups in different capacities to ensure Acton keeps its same rural character.

We have seen many changes over the years. The biggest change being the amount of traffic coming through on the 14 Freeway and Sierra Highway. The Antelope Valley Area Plan gives Acton some protection against high intensity freeway serving businesses. The following is this excerpt from Acton's portion of the plan: "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." We feel that this proposed amendment only strengthens and clarifies that language. My husband and I don't feel that it stops growth but encourages community serving businesses.

We are tired of developers coming and asking Acton to change its standards for them when instead they should be fitting to our standards. We have sat in many meetings where developers have said that the commercial land near Crown Valley and the 14 Freeway is prime real estate. They say that fast food establishments with drive throughs make the most sense because of being so close to the freeway and the population of Acton is just not large enough. So again the language in this proposed amendment to the Acton CSD will only strengthen and clarify the language in the Antelope Valley Area Plan, there to protect Acton.

We did a little research and have found several communities all over California and the United States that have put bans on drive throughs in the past twenty years. So we don't feel we are out of the ordinary in asking you to support this change. We feel that since this proposed amendment to the Acton Community Standards District was a directive from the Board of Supervisors, the only question that should be raised is if the language is satisfactory to Acton. We have to say the majority of the people we have spoken to support the change as we do. Thank You so much for your consideration of our comments.

Sincerely,
Roger and Kelly Teno
35256 Shannondale Rd
Acton, CA 93510

Geralyn Vander Vis
PO Box 496
Acton, CA 93510
[\(661\) 269-8212](tel:(661)269-8212)
gavandervis@gmail.com

August 15, 2017

Dear Supervisor Kathryn Barger,

ACTON CSD UPDATE - RESTAURANT DRIVE-THRU PROHIBITION

Project No. R2017-005014-(5) / Advance Planning Case No. RPPL2017007836

I am a long time resident of Acton and I strongly oppose the update to the Acton Community Standards District which would prohibit restaurants from having a drive-thru.

Your Board of Supervisors has established some wonderful priorities that you are working diligently to accomplish. You have made it a priority to address the needs of an aging population. You have made it a priority to encourage economic development.

Allowing this change into the Acton Community Standards District is a step in the wrong direction for those priorities. Passing this amendment hinders the ability for businesses to make life easier for the disabled, an aging population, and a mom with a car full of kids. It would be another impediment to establishing a business in the area. And since there would be less local economic development, it would force people, especially young people, to find employment farther in the Antelope Valley necessitating the use of a car instead of a bicycle. Contrary to what was mentioned at the previous Regional Planning Commission meeting, having a business take valuable employee time to hand deliver a purchase to your car is NOT a viable option. That's why so few businesses offer that service!

As I mentioned in my letter to you last month, I implore you to direct the Department of Regional Planning and the Regional Planning Commission at the scheduled August 16 hearing to deny or drop the proposed amendment/update to the Acton CSD. Not doing so will:

- Cause unnecessary hardships to the physically impaired and elderly
- Limit choice to the residents and visitors of Acton
- Prevent additional employment opportunities for our young people of Acton that are just starting out
- Prevent new dining businesses from establishing in Acton due to unnecessary and burdensome restrictions and from the "not in my backyard" few residents

Thank you for listening and I look forward to more convenient dining choices in Acton.

Sincerely,

Geralyn Vander Vis

cc:

Richard Bruckner, Director of Regional Planning

Richard Marshalian, Regional Planner, Community Studies North Section