



# Los Angeles County Department of Regional Planning

*Planning for the Challenges Ahead*



**Amy J. Bodek, AICP**  
Director of Regional Planning

**Dennis Slavin**  
Chief Deputy Director,  
Regional Planning

## REPORT TO THE REGIONAL PLANNING COMMISSION

---

DATE ISSUED: July 1, 2019

MEETING DATE: 7/17/2019 AGENDA #7  
ITEM:

PROJECT NUMBER: 2017-005014-(5)

PROJECT NAME: Acton CSD Amendment related to Future Drive-Through Establishments

PLAN NUMBER(S): Advance Planning No. RPPL2019003022

SUPERVISORIAL DISTRICT: 5

PROJECT LOCATION: Unincorporated Community of Acton

PROJECT PLANNER: Richard Marshalian, AICP, Senior Regional Planner

RMarshalian@planning.lacounty.gov

---

### **RECOMMENDATION**

The Department of Regional Planning staff ("Staff") recommends that the Regional Planning Commission adopt the attached resolution recommending approval to the Los Angeles County ("County") Board of Supervisors ("Board") of the amendment to the Acton Community Standards District ("CSD") related to future drive-through establishments, Advance Planning Plan No. RPPL2019003022.

Staff recommends the following motion:

**I MOVE THAT THE REGIONAL PLANNING COMMISSION CLOSE THE PUBLIC HEARING AND ADOPT THE ATTACHED RESOLUTION RECOMMENDING APPROVAL TO THE LOS ANGELES COUNTY BOARD OF SUPERVISORS OF THE ACTON CSD AMENDMENT RELATED TO FUTURE DRIVE-THROUGH ESTABLISHMENTS, ADVANCE PLANNING PLAN NO. RPPL2019003022.**

**PROJECT DESCRIPTION**

**A. Project**

Advance Planning Plan Number RPPL2019003022 is an amendment to the Acton CSD to clarify the definition of a “new drive-through facility or service,” as directed by the Board in their motion dated April 16, 2019 (please see Exhibit C).

This amendment adds language to the Acton CSD that further clarifies the term “new drive-through facility or service” in the CSD.

No new or additional standards are proposed or modified as a part of this project.

**B. Project Background**

The Acton CSD, which was first adopted in 1995, regulates the uses and development standards for the community of Acton and was established “to protect and enhance the rural, equestrian, and agricultural character of the community...”.

On July 19, 2017 and August 16, 2017, Regional Planning Commission conducted public hearings on Advance Planning Plan Number RPPL2017007836 to consider a prohibition on new drive-through establishments in Acton. On August 16, 2017, the Acton CSD amendment was recommended for approval. On December 5, 2017, the Board held a public hearing and indicated their intent to approve the project. On June 6, 2018, the Board adopted the Acton CSD amendment and it became effective on July 6, 2018.

On April 16, 2019, the Board directed the Staff to study and report upon a zoning amendment to the Acton CSD to clarify the term “new drive-through facility or service” (Exhibit C).

**PROJECT LOCATION**

This project seeks to amend the Acton CSD, which encompasses the area described in the map below.



**ANALYSIS**

**A. Draft Ordinance**

This proposed amendment to the Acton CSD clarifies the term “new drive-through facility or service”. The term “new drive-through establishment or service” does not include those establishments or services that were lawfully established or approved by the final decision maker as of the effective date of the earlier amendment to the Acton CSD, or July 6, 2018.

Within the Acton CSD area, these are the known drive-through establishments that would not be considered a “New Drive-Through Facility or Service”, pursuant to this draft ordinance:

	<b>Drive-Through Establishment Address</b>	<b>APN(s)</b>	<b>Established Use(s)</b>
1	2211 Sierra Highway, Acton, CA 93510	3057019004	Restaurant with Drive-Through
2	3830 Sierra Highway, Acton, CA 93510	3217021023	Restaurant with Drive-Through
3	3750 Sierra Highway, Acton, CA 93510	3217021019 3217021020	Restaurant with Drive-Through
4	3910 Sierra Highway, Acton, CA 93510	3217021022	Restaurant with Drive-Through
5	3820 Sierra Highway, Acton, CA 93510	3217021024	Gas Station Car Wash

These were existing or approved establishments as of the time of the effective date of the Acton CSD, July 6, 2018, and would not be considered to be new.

**Non-Conforming Uses and Amortization**

For the previous 2018 amendment to the Acton CSD (RPPL2017007836), Staff reported that drive-through establishments in Acton were subject to an amortization period of 5 years as a result of the zone changes and ordinance amendments associated with the Antelope Valley Area Plan. This was based on the understanding that the non-conforming use would be operated in a conforming structure as understood in Chapter 22.172 (Nonconforming Uses, Buildings and Structures) of the County Code.

However, after further review and consideration, it is understood that the drive-through establishments could have included structural improvements that were made specifically for the drive-through component of the use. These improvements may include outdoor message boards, lighting, microphone and speaker systems, among other features. As a result, the structures would be non-conforming. The amortization period of non-conforming uses in nonconforming structures, such as the drive-through establishments identified above within the community of Acton, is 20 years or longer depending on the type of structure.

At the end of the amortization period as defined in Chapter 22.172 (Nonconforming Uses, Buildings and Structures) of the County Code, for the known establishments listed above within Acton the operator must either abandon the drive through use, or obtain a Conditional Use Permit pursuant to Section 22.24.030 (Land Use Regulations for Rural Zones) and Chapter 22.158 (Conditional Use Permits) of the County Code. Those establishments authorized through a separate grant must comply with the conditions of that grant.

**B. Land Use Compatibility**

The Acton CSD falls within the Antelope Valley Area Plan. There are no changes proposed to the land use categories of the Antelope Valley Area Plan as part of this amendment.

**C. Neighborhood Impact**

The proposed amendment clarifies language in the Acton CSD and does not make any substantive changes.

**D. Design Compatibility**

This proposed amendment clarifies the Acton CSD related to the prohibition of new drive-through establishments.

**E. Community Plan Compatibility**

The proposed amendment is a clarification of the language in the existing CSD, and compatible with the Antelope Valley Area Plan.

**ENVIRONMENTAL ANALYSIS**

Pursuant to California Environmental Quality Act ("CEQA") statute §21065 and guideline §15060(c)(2), your Commission's action is not subject to CEQA, and is otherwise exempt pursuant to guideline §15061(b)(3).

CEQA Guideline §15060(c)(2) states that a project is not subject to CEQA if "...[the] activity will not result in a direct or reasonably foreseeable indirect physical change to the environment..." This proposed amendment defines a term in the Acton CSD to clarify new drive-through establishments subject to the prohibition. Because the amendment is not changing the standards for establishments or otherwise amending the development standards for those existing drive-through establishments, there is no potential to result in either a direct or indirect physical change in the environment.

If deemed otherwise, this proposed amendment would be exempt pursuant to CEQA Guideline §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 because it clarifies the term "new drive-through establishment" in the Acton CSD, and does not change the standards that apply to existing or approved drive-through establishments.

**OUTREACH AND ENGAGEMENT**

**A. County Department Comments and Recommendations**

Staff has not received any comments at the time of report preparation. The proposed CSD amendment clarifies a definition within the Acton CSD and comments from other County Departments are not expected.

**B. Project Outreach and Engagement**

Affected properties, stakeholders and individuals on the relevant Zoned District Courtesy Lists were informed of the project via mailed courtesy postcard notices on June 13, 2019. A notice of the project hearing date and information was published in the Acton / Agua Dulce Weekly newspaper on June 17, 2019, and information was available at the Acton / Agua Dulce Library, the Antelope Valley Field Office, and at Regional Planning downtown headquarters starting June 13, 2019. In addition, interested parties inquiring about the project were contacted via email on June 13, 2019.

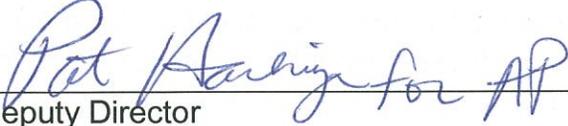
**C. Public Comments**

A total of one (1) letter was received regarding the project from a local resident. (Exhibit D – Public Correspondence) The letter commented on the timing of the public hearing during a time the resident could not attend, and requested the hearing be postponed to a later date when the resident could attend.

See Exhibit D for copies of correspondence(s).

---

Report  
Reviewed By:   
Susan Tae, Supervising Regional Planner

Report  
Approved By:   
Deputy Director

---

LIST OF ATTACHED EXHIBITS	
EXHIBIT A	Ordinance
EXHIBIT B	Draft Resolution
EXHIBIT C	2019 Acton CSD Drive-Through Motion
EXHIBIT D	Public Correspondence

# DRAFT ORDINANCE

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Title 22 – Planning and Zoning – of the Los Angeles County Code related to the Acton Community Standards District.

**SECTION 1.** Section 22.302.060 is hereby amended to read as follows:

...

**22.302.060 Community Wide Development Standards**

...

L. Drive-Through Establishments. No new drive-through facility or service shall be permitted. For the purposes of this subsection, the term "new drive-through facility or service" does not include those facilities or services which, prior to the effective date of this subsection, July 6, 2018, were: 1) lawfully established in compliance with all applicable ordinances and laws; or 2) approved by the final decision maker, as set forth in section 22.222.010, et. seq.

**RESOLUTION  
THE REGIONAL PLANNING COMMISSION  
COUNTY OF LOS ANGELES  
PROJECT NO. 2017-005014-(5)  
ADVANCE PLANNING NO. RPPL2019003022**

**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 Project No. R2017-005014-(5), Advance Planning No. RPPL2019003022, which amend the Acton CSD related to the term “new drive-through establishments;”

**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 17, 2019; and

**WHEREAS**, the Regional Planning Commission finds as follows:

1. On June 6, 2018, the County Board of Supervisors (“Board”) adopted an amendment to prohibit new drive-through establishments with the Acton CSD area (“2018 Amendment”), which went into effect on July 6, 2018.
2. On April 16, 2019, the County Board of Supervisors (“Board”) instructed the Director of Planning to pursue an amendment to the Acton CSD to clarify that the term “new drive-through facility or service” as set forth in the Acton CSD was not intended to include: 1) any drive-through facilities that were already in existence at the time of the enactment of the 2018 Amendment; or 2) any proposed drive-through facilities that were approved by the Board prior to the enactment of the 2018 Amendment.
3. 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 Antelope Valley (“AV”) to the east, and the City of Palmdale to the north.
4. The Acton CSD was established in 1995, with subsequent amendments in 2012 and 2018, 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

**REGIONAL PLANNING COMMISSION  
PROJECT NO. 2017-005014-(5)  
ADVANCE PLANNING PLAN NO. 2019003022  
DRAFT RESOLUTION  
PAGE 2**

significant ecological areas, floodplains, hillsides, National Forest, archaeological resources, multipurpose trail system, and Western heritage architectural theme.

5. The project is a clarification of the language within the existing Acton CSD related to “new drive-through establishment.” No land use designation or zone changes are proposed as part of this CSD amendment. This amendment is applicable only to properties within the boundary of the Acton CSD area.
6. The Antelope Valley Area Plan (“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).

7. 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”). However, all new drive-through establishments within the Acton CSD, including those areas zoned C-RU and M-1 (Light Manufacturing), were prohibited as part of the 2018 Amendment.
8. 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

**REGIONAL PLANNING COMMISSION  
PROJECT NO. 2017-005014-(5)  
ADVANCE PLANNING PLAN NO. 2019003022  
DRAFT RESOLUTION  
PAGE 3**

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 clarifies the term “new drive-through establishment.” Pursuant to the provisions of Sections 22.222.180 of the County Code, the public hearing notice was published in the Acton Agua Dulce Weekly News on June 13, 2019. Staff also contacted affected properties and stakeholders, and individuals on the relevant Zoned District Courtesy Lists via mailed courtesy postcard notices on June 13, 2019. Staff also made project information available at the Acton / Agua Dulce Library, the Antelope Valley Field Office, and at Regional Planning downtown headquarters starting June 13, 2019.

9. One comment was received from the public for the Commission public hearing on July 17, 2019. The comment requested the hearing to be rescheduled or continued to a later date so the resident could attend.
10. Pursuant to California Environmental Quality Act (“CEQA”) Statute §21065 and Guideline §15060(c)(2) this project has no potential to result in either a direct or indirect physical change in the environment and therefore is not subject to CEQA. CEQA Guideline §15060(c)(2) states that a project is not subject to CEQA if the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment. This amendment defines a term in the Acton CSD to clarify language new drive-through establishments subject to the prohibition. Because the amendment is not changing the standards for establishments or otherwise amending the development standards for those existing drive-through establishments, there is no potential to result in a direct or indirect physical change in the environment

If determined otherwise, this proposed amendment would be exempt pursuant to CEQA Guideline §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 because it clarifies the term “new drive-through establishment” in the Acton CSD, and does not change the standards that apply to existing or approved drive-through establishments.

11. On July 17, 2019, the Commission held a duly-noticed public hearing for the project.

**12. HOLD FOR HEARING PROCEEDINGS**

**REGIONAL PLANNING COMMISSION  
PROJECT NO. 2017-005014-(5)  
ADVANCE PLANNING PLAN NO. 2019003022  
DRAFT RESOLUTION  
PAGE 4**

13. After hearing all testimony, the Commission closed the public hearing and recommended to the Board that the Board approve the CSD amendment.
14. The Commission finds that the proposed amendment to the Zoning Ordinance is not subject to CEQA, pursuant to the CEQA guidelines and statutes.
15. 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 clarifies the language regarding new drive-through establishments within the Acton CSD.
16. The Commission finds that the proposed amendment to clarify the language regarding new drive-through establishments within the Acton CSD is consistent with the purpose of the Acton CSD.
17. 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, 13<sup>th</sup> 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. 2017-005014-(5), Advance Planning No. RPPL2019003022, to amend the Acton Community Standards District;
2. Determine that proposed amendment to the Zoning Ordinance is not subject to CEQA pursuant to 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
4. Adopt Advance Planning No. RPPL2019003022.

**REGIONAL PLANNING COMMISSION  
PROJECT NO. 2017-005014-(5)  
ADVANCE PLANNING PLAN NO. 2019003022  
DRAFT RESOLUTION  
PAGE 5**

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 17, 2019.

---

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

APPROVED AS TO FORM:

MARY C. WICKHAM  
County Counsel

By \_\_\_\_\_  
Elaine Lemke  
Assistant County Counsel

VOTE:

Concurring:

Dissenting:

Abstaining:

Absent:

Action Date:

SMT:RDM  
7/2/19

MOTION BY SUPERVISOR KATHRYN BARGER

APRIL 16, 2019

**ACTON CSD AMENDMENT**

On July 19, 2017, the Regional Planning Commission ("RPC") conducted a public hearing to consider an amendment to section 22.44.126 of the Los Angeles County Code, also known as the Acton Community Standards District ("Acton CSD"), to ban new drive-through establishments ("Amendment"). After hearing public comments, RPC continued the public hearing to August 16, 2017. Five letters were received, three in support of the Amendment, two opposed. On December 5, 2017, the Board of Supervisors ("Board") approved the Amendment. On June 6, 2018, County Counsel prepared and returned to the Board the Amendment, which provides that: "No new drive-through facility or service shall be permitted" in Acton CSD.

The purpose of this motion is to direct the RPC to study and report upon a zoning amendment to Acton CSD to clarify that the term "new drive-through facility or service," as set forth in the Amendment, is not intended to include: 1) any drive-through facilities that were already in existence at the time of the enactment of the Amendment; or 2) any proposed drive-through facilities that were approved prior to the enactment of the Amendment, regardless of any subsequent legal challenges to such project.

**I, THEREFORE, MOVE** that the Board request the RPC to:

- 1) Study, hold a public hearing, and provide a recommendation upon an amendment to the Acton CSD defining the term "new drive-through facility or service" in accordance with the Board's intent expressed herein.

# # #

KB:cpo  
actoncscdamendment041619

MOTION

SOLIS \_\_\_\_\_

RIDLEY-THOMAS \_\_\_\_\_

KUEHL \_\_\_\_\_

BARGER \_\_\_\_\_

HAHN \_\_\_\_\_

## Richard Marshalian

---

**From:** Jacki Ayer <airspecial@aol.com>  
**Sent:** Tuesday, June 18, 2019 9:24 AM  
**To:** Richard Marshalian  
**Subject:** Re: Acton Drive-Through Ban Update

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thanks Richard!

Then I guess I would like to request that the hearing be delayed until August so that I can attend. I appreciate that written comments will be included into the public record.

Thank you again.  
Jacki

-----Original Message-----

From: Richard Marshalian <RMarshalian@planning.lacounty.gov>  
To: Jacki Ayer <airspecial@aol.com>  
Sent: Mon, Jun 17, 2019 6:34 pm  
Subject: RE: Acton Drive-Through Ban Update

Hi Jackie,

We did not purposefully schedule this item for a time when you were not available. However, I realize that you may have comments or feedback on the project. If you submit any written comments, they will be made available to the Regional Planning Commission and entered into the public record.

If you need anything else, please let me know.

Sincerely,  
Richard

Richard Marshalian | County of Los Angeles, Department of Regional Planning  
Email: [RMarshalian@planning.lacounty.gov](mailto:RMarshalian@planning.lacounty.gov)  
Office: 213.974.6476

CONFIDENTIALITY NOTICE: This email message, including any attachments, from the Department of Regional Planning is intended for the official and confidential use of the recipients to whom it is addressed. It contains information that may be confidential, privileged, work product, or otherwise exempted from disclosure under applicable law. If you have received this message in error, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately by reply email that you have received this message in error, and destroy this message, including any attachments.

**From:** Jacki Ayer <airspecial@aol.com>  
**Sent:** Thursday, June 13, 2019 6:24 PM  
**To:** Richard Marshalian <RMarshalian@planning.lacounty.gov>  
**Subject:** Re: Acton Drive-Through Ban Update

you mean questions other than how is it you would scheduled this hearing for a time when I am unavailable?

-----Original Message-----

From: Richard Marshalian <[RMarshalian@planning.lacounty.gov](mailto:RMarshalian@planning.lacounty.gov)>  
To: Jacki Ayer <[airspecial@aol.com](mailto:airspecial@aol.com)>  
Cc: Susan Tae <[stae@planning.lacounty.gov](mailto:stae@planning.lacounty.gov)>

Sent: Thu, Jun 13, 2019 6:11 pm  
Subject: RE: Acton Drive-Through Ban Update

Hi Jackie!

We didn't separately email the town council, but they should be getting the notice in the mail. I dropped it off already. Please let me know if you have any other questions.

Sincerely,  
Rich

Richard Marshalian | County of Los Angeles, Department of Regional Planning  
Email: [RMarshalian@planning.lacounty.gov](mailto:RMarshalian@planning.lacounty.gov)  
Office: 213.974.6476

CONFIDENTIALITY NOTICE: This email message, including any attachments, from the Department of Regional Planning is intended for the official and confidential use of the recipients to whom it is addressed. It contains information that may be confidential, privileged, work product, or otherwise exempted from disclosure under applicable law. If you have received this message in error, be advised that any review, disclosure, use, dissemination, distribution, or reproduction of this message or its contents is strictly prohibited. Please notify us immediately by reply email that you have received this message in error, and destroy this message, including any attachments.

**From:** Jacki Ayer <[airspecial@aol.com](mailto:airspecial@aol.com)>  
**Sent:** Thursday, June 13, 2019 5:44 PM  
**To:** Richard Marshalian <[RMarshalian@planning.lacounty.gov](mailto:RMarshalian@planning.lacounty.gov)>  
**Subject:** Re: Acton Drive-Through Ban Update

well that is convenient; I am scheduled to be out of the country on that date.

Have you informed the Acton Town Council?

Thank you  
Jacki

-----Original Message-----

**From:** Richard Marshalian <[RMarshalian@planning.lacounty.gov](mailto:RMarshalian@planning.lacounty.gov)>  
**To:** Jacki Ayer <[jayer@actontowncouncil.org](mailto:jayer@actontowncouncil.org)>  
**Sent:** Thu, Jun 13, 2019 4:23 pm  
**Subject:** Acton Drive-Through Ban Update

Hello Jacki,

I just wanted to reach out to inform you that the Acton Drive-Through Ban Update Project has been scheduled for public hearing at the Regional Planning Commission on July 17, 2019, at 9:00 am. Project information has been posted on the project webpage at [http://planning.lacounty.gov/acton\\_csd\\_amendment](http://planning.lacounty.gov/acton_csd_amendment). If you have any questions, please let me know.

Sincerely,  
Rich