



Los Angeles County  
Department of Regional Planning

*Planning for the Challenges Ahead*



Richard J. Bruckner  
Director

July 6, 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 *SMT for*  
Community Studies North Section

**SUBJECT:** **BAN ON DRIVE-THROUGH ESTABLISHMENTS IN ACTON CSD**  
**PROJECT NO. R2017-005014-(5)**  
**ADVANCE PLANNING NO. RPPL2017007836**  
**JULY 19, 2017 – AGENDA ITEM NO. 8**

### 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 (please see Attachment A).

### PROJECT

The proposed amendment to the Acton CSD is a zoning ordinance amendment to prohibit all new drive-through establishments within the Acton CSD (Attachment B).

Please note that in addition to the substantive amendment related to drive-through establishments, other minor amendments are shown in the draft ordinance to reflect the new formatting under the Technical Update effort. The Technical Update is a comprehensive update to Title 22 of the County Code (Zoning Ordinance) to reorganize and simplify the existing code, correct errors and omissions, streamline administrative procedures, and remove obsolete and redundant regulations. Technical Update was approved by the Board on October 27, 2015, and County Counsel was directed to return with the final ordinance.

## **PLAN AND ZONING CONSISTENCY**

### Antelope Valley Area Plan

The Antelope Valley Area Plan (Area Plan), adopted in June 2015 after extensive community and stakeholder participation, contains a chapter on Community-Specific Land Use Concepts, which further describes communities in the Antelope Valley as part of the Plan's vision and Rural Preservation Strategy.

The 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 Antelope Valley 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).

### Zoning

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, C-RU-DP (Rural Commercial – Development Program) and M-1 (Light Manufacturing).

The Acton CSD is 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. This proposed amendment to prohibit all new drive-through establishments within the Acton CSD, would support protecting its rural character.

## **OUTREACH AND PUBLIC NOTIFICATION**

Staff notified members of the Acton Town Council on June 15, 2017 of the pending CSD amendment. The legal notice of public hearing was advertised in the Antelope Valley Press and Acton-Agua Dulce News on June 19, 2017. Copies of hearing materials were also available at the Acton Agua Dulce Library and County Department of Regional Planning's Antelope Valley field office.

## **CORRESPONDENCE**

No correspondence has been received as of time of writing.

## **ENVIRONMENTAL ASSESSMENT**

Pursuant to California Environmental Quality Act (CEQA) Guidelines §15378 and §21065, your Commission's action is not considered a project and therefore not 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 that would have otherwise been subject to a discretionary process.

## **STAFF ANALYSIS**

The Area Plan's Community-Specific Land Use Concepts describe how the Rural Preservation Strategy applies in each community, and refines the framework for each community's individual needs. The expectations described for how Acton may change and grow, are ultimately implemented through a CSD. Therefore, the Plan's vision for Acton to accommodate low-intensity local commercial uses that serve community residents and prohibit high-intensity regional commercial uses that serve travelers along SR-14, will be implemented through this proposed CSD amendment to prohibit all new drive-through establishments within the Acton CSD.

**STAFF RECOMMENDATION**

Staff recommends that your Commission close the public hearing, and recommend to the Board of Supervisors 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

07/06/17

Attachment 1: Board Motion

Attachment 2: Draft Ordinance

Attachment 3: Draft RPC Resolution

MOTION BY SUPERVISOR MICHAEL D. ANTONOVICH

JULY 5, 2016

The Antelope Valley Area Plan stipulates that the unincorporated community of Acton does not allow freeway serving commercial businesses in its commercial zones. Residents have expressed concerns over an increasing number of new businesses applying for permits to operate drive-through services, which are considered uses that attract motorists off the freeway. The proliferation of these uses may negatively impact the rural character of the community of Acton and should be prohibited.

**I, THEREFORE, MOVE** that the Board of Supervisors instruct the Director of Regional Planning to pursue an amendment to the Acton Community Standards District precluding all new drive-throughs within the Acton Community Standards District.

# # #

MDA:evo

MOTION

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

KUEHL \_\_\_\_\_

KNABE \_\_\_\_\_

ANTONOVICH \_\_\_\_\_

SOLIS \_\_\_\_\_

# 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 22.44.126 is hereby amended to read as follows:

## **22.44.126 Acton Community Standards District**

### **A. Intent and Purpose**

The Acton Community Standards District (“CSD”) is 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. The standards are intended to ensure reasonable access to public riding and hiking trails, and to minimize the need for installation of infrastructure such as sewers, streetlights, concrete sidewalks, and concrete flood control systems that would alter the community’s character, while providing for adequate drainage and other community safety features.

### **B. Definitions**

(Reserved)

### **BC. Description of District Boundary Map**

The boundaries of the district this CSD are shown on the map following this section on Map 22.44.126: Acton CSD Boundary, at the end of this Section.

### **D. Applicability**

The standards shall apply as appropriate to any land division, building permit for either a new structure or a specified addition to an existing structure, or grading permit.

### **E. Application and Review Procedures**

A site plan review application shall be required for the determination of whether or not a proposed development complies with the provisions and development standards prescribed in this Section. Where a site plan is required in an application for a permit, variance, nonconforming use or structure review, said site plan shall be considered a part of said application and shall not require separate approval under the provisions of this Section.

# DRAFT ORDINANCE

## **CF. Community-Wide Development Standards**

Except where a more specific application is prescribed, or prior to the approval of a new structure or addition to an existing structure where the cumulative area of all additions made after the adoption of this section ~~CSD~~ adds at least 400 square feet to the footprint of either primary or accessory structures, a site plan review application shall be submitted to and approved by the Planning Director to assure compliance with the following development standards:

...

### **11. Home Occupations.**

...

- x. That the person proposing a home occupation use has signed a covenant and agreement suitable for recordation and running with the land indicating that he or she has read and understands the mandatory conditions of operation enumerated above and such other conditions that the director may impose, and will faithfully abide by each and every one of said conditions and restrictions. Said covenant shall be recorded as a condition of approval and shall indicate that the failure of the applicant to conform with and adhere to each and every condition of operation shall result in the revocation of the director's approval for the home occupation use.

~~12. Applicability. The preceding standards shall apply as appropriate to any land division, building permit for either a new structure or a specified addition to an existing structure, or grading permit. Modifications to any standards in this subsection are only available pursuant to the terms and conditions of a conditional use permit, as provided for in Part 1 of Chapter.22.56.~~

12. Drive-Through Establishments. No new drive-through facility or service shall be permitted.

## **G. Zone Specific Development Standards**

(Reserved)

## **DH. Area-Specific Development Standards**

...

### **E. Director's Review.**

~~A director's review, as set forth in Part 12 of Chapter 22.56, shall be required for the determination of whether or not a proposed development complies with the provisions and development standards prescribed in this section. Where a site plan is required~~

## DRAFT ORDINANCE

~~in an application for a permit, variance, nonconforming use or structure review, said site plan shall be considered a part of said application and shall not require separate approval under the provisions of this subsection.~~

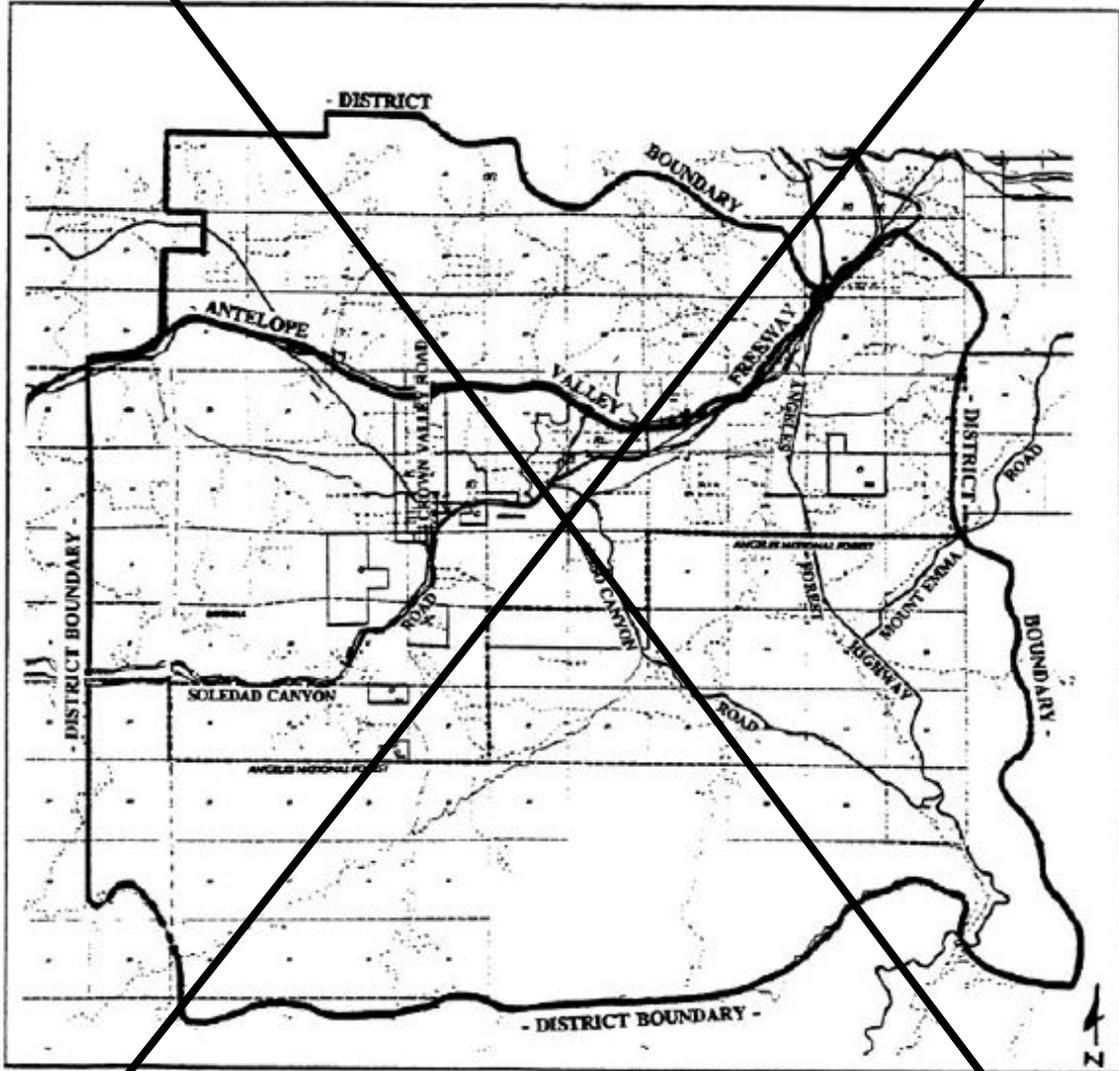
### **I. Modification of Development Standards**

Modifications to any standards in this Section are only available pursuant to the terms and conditions of a Conditional Use Permit (Part 1 of Chapter 22.56) application.

# DRAFT ORDINANCE

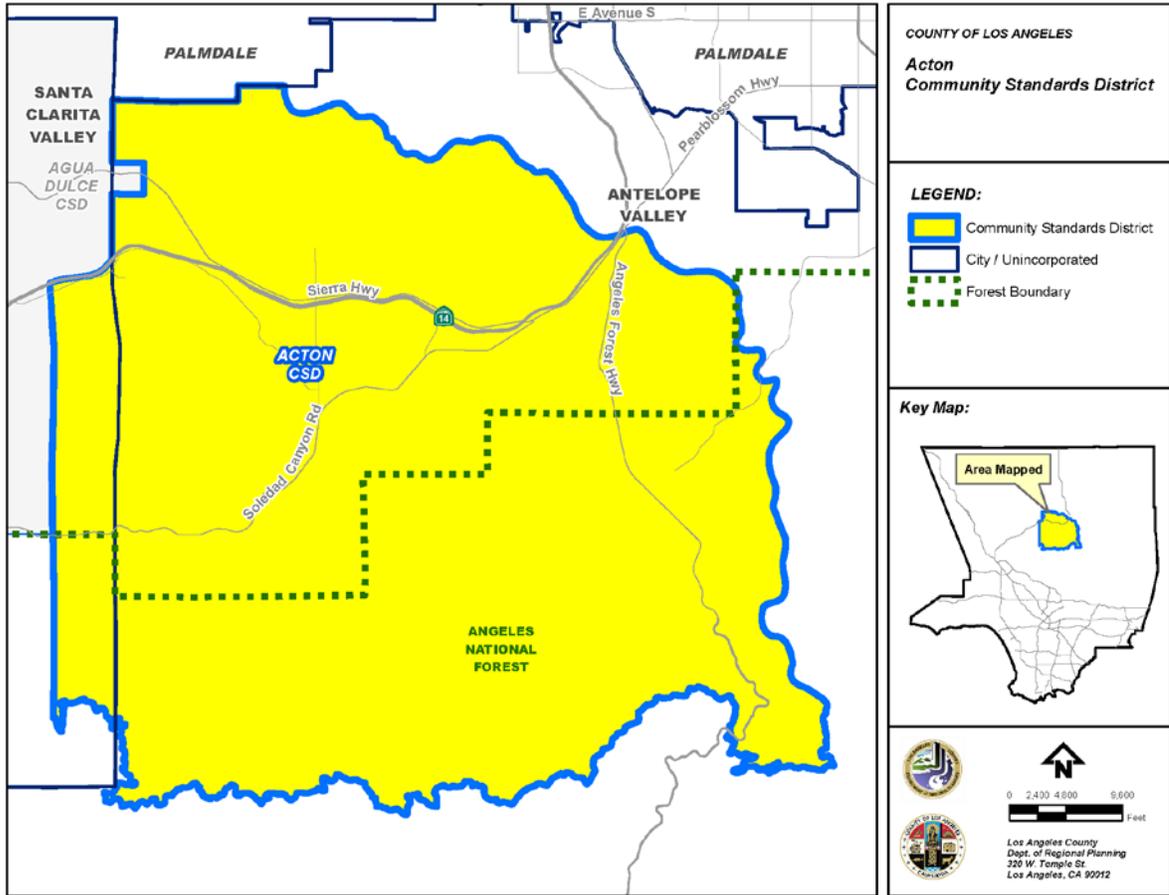
## ACTON COMMUNITY STANDARDS DISTRICT

### -DISTRICT BOUNDARY-



# DRAFT ORDINANCE

## MAP 22.44.126: ACTON CSD BOUNDARY



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**DRAFT ORDINANCE**

**APPENDIX I ~~FOR SECTION 22.44.126~~  
ACTON COMMUNITY STANDARDS DISTRICT ARCHITECTURAL  
STYLE GUIDELINES**

**I. Background**

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**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

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

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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.

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

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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 comments were received by the public.
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. After hearing all testimony, the Commission closed the public hearing and recommended to the Board that the Board approve the CSD amendment. **[TO BE UPDATED AFTER PUBLIC HEARING]**
11. The Commission finds that the proposed amendment to the Zoning Ordinance is not considered a project pursuant to the CEQA guidelines and statutes.
12. 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.

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13. 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.
14. 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. 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
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 19, 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 19, 2017

MC:SMT:RDM  
7/6/17