Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead

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September 24, 2019

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

HEARING ON THE ACTON COMMUNITY STANDARDS DISTRICT UPDATE
DRIVE-THROUGH PROHIBITION AMENDMENT
PROJECT NO. 2017-005014-(5)
ADVANCE PLANNING NO. RPPL2019003022
SOLEDAD, MOUNT GLEASON, AND MOUNTAIN PARK ZONED DISTRICT
(FIFTH SUPERVISORIAL DISTRICT) (3-VOTES)

SUBJECT

This action is to adopt an amendment to the Acton Community Standards District (CSD) to clarify the definition of a "new drive-through facility or service," as directed by the Board of Supervisors (Board) in their motion dated April 16, 2019.

This amendment adds language to the 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 part of this project.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Find that the Acton CSD Amendment is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Statute §21065 and Guideline §15060(c)(2), and is otherwise exempt pursuant to Guideline §15061(b)(3).

2. Indicate your intent to approve the proposed Acton CSD Amendment, Advance Planning No. RPPL2019003022, as recommended by the Regional Planning Commission (RPC); and

3. Instruct County Counsel to prepare the final ordinance to amend the Action CSD as directed for consideration by the Board at a future meeting.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The Acton CSD Amendment is a Zoning Ordinance amendment to the existing Acton CSD. It was initiated after a 2019 Board motion that directed the Department of Regional Planning (DRP) to prepare an amendment clarifying the intent of a previous 2016 Board motion and Acton CSD Amendment (RPPL2017007836).

The objective of this Zoning Ordinance amendment is to make clear the intent of the Board in their earlier 2016 Board motion to ban future drive-through establishments in Acton.

This amendment to the Acton CSD will not affect the existing drive-through establishments, affect the maximum number of possible drive-through establishments or change the nature of the prohibition on new drive-through establishments.

This amendment will not entitle any specific proposed project, but will make clear that a drive-through project that was in a state of approval as of the effective date of the Acton CSD Amendment will be able to continue the entitlement process and, if approved in that process, is not subject to the prohibition.

This amendment does not modify the ban on future drive-through establishments, which was enacted to implement the Antelope Valley Area Plan (Area Plan), therefore, it will be in conformity with the Area Plan because it continues the ban on future drive-through establishments and only clarifies the usage of a term in the CSD.

Consistency with the Countywide General Plan

As an implementation action of the Area Plan, which is itself a component of the Los Angeles Countywide General Plan (General Plan), the Acton CSD must be consistent with the General Plan. The Acton CSD Amendment is consistent with the following General Plan policies:

- **LU 6.1:** Protect rural communities from the encroachment of incompatible development that conflict with existing land use patterns and service standards; and

- **LU 6.3:** Encourage low density and low intensity development in rural areas that is compatible with rural community character, preserves open space, and conserves agricultural land.

The CSD Amendment does not impact the prohibition on future drive-through establishments but clarifies the original intent of the Board to prohibit drive-through establishments in Acton that had not been approved by the effective date of the ban.

Consistency with the Area Plan

The Area Plan was adopted in June 2015, after extensive community and stakeholder participation, and contains a chapter on community-specific land use concepts which further describe communities within the Antelope Valley. The Area Plan describes Acton as a community concerned with urbanization that wishes to remain a rural community with a unique identity.

As this Acton CSD Amendment seeks to clarify the Board's intent in the prohibition of new drive-through facilities in the Acton CSD, and does not create, remove, or modify any regulations or standards in the Acton CSD, it will be consistent with the Area Plan.

Implementation of Strategic Plan Goals

The County's 2016-2021 Strategic Plan, *Creating Connections: People, Communities, and Government,* was adopted on November 15, 2016, and provides the vision, mission, and values to ensure that the County's efforts are aligned with the Board's priorities.

This Acton CSD amendment promotes Goal II: Foster Vibrant and Resilient Communities and Strategy II-2: Support the Wellness of our Communities, by incorporating changes in the Acton CSD that clarify the intent of the Board in fulfilling the vision for the rural community of Acton.

FISCAL IMPACT/FINANCING

Implementation of the Acton CSD Amendment will not result in significant new costs to DRP or other County departments. The adoption of the amended CSD will not result in the need for additional DRP staffing. Therefore, a request for financing is not being made at this time.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Summary of Process

On July 17, 2019, the RPC conducted a public hearing to consider the amendment to the Acton CSD. A presentation on the project was given by DRP staff. Six individuals

provided testimony to the RPC; all speakers supported the amendment. Testimony primarily addressed that this amendment would allow a previously approved drive-through establishment in Acton to correct an environmental deficiency found by a court and re-apply for approval.

Two comments were also submitted on the project before the date of the public hearing. One comment requested the hearing be postponed, and the other theorized about the impact of the ordinance on a proposed drive-through establishment at 3910 Sierra Highway. Both comment letters were from the same individual and expressed opposition to the amendment.

After hearing all testimony, on July 17, 2019, the RPC closed the public hearing and recommended that the Board approve the Acton CSD Amendment.

Legal Requirements

A public hearing by the Board is required pursuant to Section 22.16.200 of the County Code and Section 65856 of the California Government Code. Required notice must be given pursuant to the procedures and requirements set forth in Section 22.16.200 of the County Code. These procedures comply with the standards of Sections 6061, 65090, 65856 of the California Government Code relating to notice of public hearing.

ENVIRONMENTAL DOCUMENTATION

DRP staff has determined that the project is not subject to CEQA because it is not a project as defined in Statute §21065 and Guideline §15060(c)(2). The amendment to the Acton CSD does not have the potential to result in a direct or indirect physical change in the environment because this amendment only seeks to expound upon a term used in the Acton CSD to clarify the intent of the Board, and does not create, remove or modify any standards that apply to a drive-through establishment. It will not bestow any entitlement on any projects.

Moreover, this proposed amendment is exempt pursuant to CEQA Guidelines §15061(b)(3), which states that a project is exempt from CEQA if the activity does not have the potential for causing a significant effect on the environment, which is the case here because the amendment only clarifies the use of a CSD term in a way that does not change its meaning. Furthermore, the clarification of the term "new drive-through establishment" in the Acton CSD, does not change the standards that apply to existing or approved drive-through establishments.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the proposed Acton CSD Amendment will not significantly impact our County services.

For further information, please contact Richard Marshalian, Community Studies North Section at (213) 974-6476 or rmarshalian@planning.lacounty.gov.

Respectfully submitted,

AMY J. BODEK, AICP
Director of Regional Planning

AJB:MSH:RDM:ems

Attachments:
- Ordinance
- Resolution
- Board Motion
- Correspondence
- RPC Packages

c: Executive Office, Board of Supervisors
Assessor
Chief Executive Office
County Counsel
Public Works

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