



CITY OF POMONA COUNCIL REPORT

November 20, 2017

To: Honorable Mayor and Members of the City Council

From: F-Zone Ad Hoc Committee¹

Submitted By: Linda Lowry, City Manager

Prepared By: Andrew L. Jared, Assistant City Attorney²

Subject: **Report and Recommendation of the F-Zone Ad Hoc Committee**

OVERVIEW

Recommendation – That the City Council direct staff to forward changes recommended by the F-Zone Ad Hoc Committee to the Planning Commission for consideration and for the adoption of modifications to Pomona Zoning Ordinance (PZO) section .435, *et seq.*, to repeal and amend the current code to address the adverse impacts on the community.

Fiscal Impact – None with this action. Further work by staff will produce costs that depend on the amount of outreach, number of meetings, and series of draft code amendments conducted, and therefore cannot be estimated at this time.

Public Noticing Requirements – None.

Previous Related Action – On December 7, 1970, the City Council approved Ord. No. 2450 added a zoning district known as the “F” Fairgrounds Zone. (Att. 1). On October 2, 2004, the City Council approved Ord. No. 4012 amending Pomona Zoning Ordinance sections .435-.437 relating to the “F” (Fair) Zone.

1 The F-Zone Ad Hoc Committee was created as a result of the joint meeting with the Fairplex Board on April 24, 2017. The F-Zone Ad Hoc Committee is a Mayor-appointed comprised of Mayor Sandoval, Councilmember Carrizosa, and Councilmember Torres.

2 The report has been prepared by the Office of the City Attorney to communicate the conclusions of the F-Zone Ad Hoc Committee based on its meetings since May 2017. Any reference to decisions of or actions by the F-Zone Ad Hoc Committee reflect the majority-view of the councilmembers comprising the board, not necessarily a consensus of all members of the board or a unanimous view of the issue being addressed.

On September 14, 2015, the City Council received reports regarding existing land uses allowed in the F-zone for discussion of the uses allowed in that zone. Council subsequently directed staff to bring back a discussion item pertaining to the F-zone at a future meeting.

On December 9, 2015, the Los Angeles County Department of Regional Planning adopted an Airport Land Use Plan regarding land uses within the vicinity of Brackett Airport. Such plan is titled the “Bracket Field Airport Land Use Compatibility Plan” (ALUCP). The ALUCP imposes regulations and restrictions regarding future development and uses of the northwestern portions of the F-zone, in addition to those regulations in the PZO.

On October 17, 2016, the City Council received reports regarding existing land uses allowed in the F-zone for discussion of the uses allowed in that zone. Council subsequently directed staff to bring back a discussion item pertaining to the F-zone at a future meeting.

On February 13, 2017, the City Council received a report from staff regarding the historical activities at the Fairplex and the F-Zone. Such meeting resulted in a Joint meeting of the City Council and the Fairplex Board of Directors being requested.

On April 24, 2017, the City Council and the Fairplex Board of Directors convened a meeting of the two bodies to address the concerns of the City as to recent activities in the F-Zone and the impacts of such on the City. During such meeting, it was clarified by the Fairplex that it was engaging in a master planning process which would address the Board’s vision for the use of the Fairplex. (Attachment 1).

At the conclusion of such meeting, the Mayor appointed an *ad hoc* committee comprised of Mayor Sandoval, Councilmember Carrizosa, and Councilmember Torres (collectively, “F-Zone Ad Hoc Committee”) to consider various options and issues surrounding the F-zone and return to the Council with a recommendation on further action.

EXECUTIVE SUMMARY

The Ad Hoc Committee recommends that the Planning Commission consider the adoption of modifications to Pomona Zoning Ordinance (PZO) section .435, *et seq.*, to amend the current code to address the adverse impacts on the community, as indicated below.

DISCUSSION

The present land use designation of the Fairplex is under the common designation of “F” – Fairgrounds Zoning District” as found in PZO sec. .435 to .437 (commonly referred to as “the F-Zone”).

Provided below is the current adopted language of the Zoning Ordinance regarding the F-Zone.

The original provisions, as adopted by Ordinance 2450, are shown in plain text. The F-Zone provisions, as amended in 2004 by Ord. 4012, are underlined.

§ .435. - "F" Fairgrounds Zoning District intent and purpose.

“The fairgrounds zoning district is intended to provide for the use of the public fairgrounds in a manner so as to not create smoke, gas, odor, dust, sound, vibration, soot or lighting or other nuisance in any degree which might be termed obnoxious or offensive to persons residing in or near the Fairplex and is intended to allow a range of public entertainment, exhibition, commercial, conference, equine, and other events and uses on a year-round basis as previously permitted by Ordinance No. 2450. Notwithstanding any other provision herein, the uses, structures and events permitted and conditionally permitted in the F zoning district are subject to the application of all applicable city building permit and grading permit review, and that no temporary use permit shall be required for permitted uses under Section .436 hereof. The City's design review process shall apply to conditionally permitted uses under Section .437 hereof.”

§ .436. - Uses permitted.

No building or structure or land shall be used, and no building or structure shall be designed, erected, structurally altered or enlarged except as provided herein.

1. The following fair related uses shall be permitted within this zone without any permit except for building and grading permits as applicable:
 - a.) Child Care.
 - b.) Commercial uses related to other permitted uses in structures less than 30,000 sq. ft.
 - c.) Consumer Shows.
 - d.) Drag Racing.
 - e.) Exhibitions.
 - f.) Fairs and Festivals.
 - g.) Filming and photographic shoots.
 - h.) Financial Services.
 - i.) Fireworks Displays.
 - j.) Food Service including banquets, catering and concessions.
 - k.) Horse Exhibition, Sales, Racing, Wagering including Satellite Wagering.
 - l.) Live Entertainment.
 - m) Livestock, Pet and other animal exhibitions, training and sales.
 - n.) Meetings and Conferences.
 - o.) Outdoor Recreation including but limited to camping, picnics, rallies, social events and sporting events.
 - p.) Religious, educational, charitable, community and political activities.
 - q.) Testing and demonstration of mechanical equipment and devices to the extent that such uses do not violate the City's noise ordinance.

- r.) Trade Shows.
 - s.) Business Support services for permitted uses.
 - t.) Facility and Vehicle maintenance for permitted uses.
2. The following fair related structures may be maintained, altered, expanded or erected within this zone without any permits except for building and grading permits as applicable:
- a.) Auditoriums and Meeting Halls.
 - b.) Banks and ATMs.
 - c.) Bars and drinking facilities.
 - d.) Campgrounds.
 - e.) Caretaker and/or employee residential quarters.
 - f.) Child Care Centers.
 - g.) Community and Cultural Centers.
 - h.) Concert and Performing Art Theaters, both indoor and outdoor.
 - i.) Drag Racing Facility.
 - j.) Equestrian Facilities including horse race tracks, equine hospitals, off-track wagering facilities, paddocks, sales pavilions, show rings, trails and water quality systems.
 - k.) Exhibit Buildings.
 - l.) Governmental Buildings and sponsored uses.
 - m.) Grandstand/Suite Complex.
 - n.) Libraries and Museums.
 - o.) Livestock Stables.
 - p.) Offices for Administrative purposes.
 - q.) Off-Street Parking.
 - r.) Outdoor Public Address Systems except as restricted by Section .437.1(a.).
 - s.) Parking Structures.
 - t.) Pipeline and Utility Lines.
 - u.) Public Safety Facilities.
 - v.) Recreational Vehicle (RV) Parks.
 - w.) Restaurants.
 - x.) Signs and signage, onsite only.
 - y.) Trade & Conference Centers.
 - z.) Tents and Temporary Structures.
 - aa.) Warehouses.

§ .437. - Uses permitted by conditional use permit.

- 1. The following uses shall be permitted only upon the granting of a conditional use permit:
 - a) Use of outdoor public address systems between 10 P.M. to 9 A.M. at times other than during the regular fair season.
 - b) Convention Centers.
 - c) Sports Arenas.
 - d) Wireless Communication Facilities (subject to Section .5809-15 of the Zoning Ordinance.
 - e) Hotels and motels.
 - f) Heliports.

- g) Amateur/ham radio antenna greater than 35 ft. in height.
 - h) Commercial/Retail developments in excess of 30,000 sq. ft.
 - i) Residential developments except for caretaker/employee quarters.
 - j) Other uses not specifically listed.
- 2. Before approving any such conditional use permit, the Planning Commission shall make the findings required in Section .580 of the Zoning Ordinance.
- 3. The fairgrounds delineated for conditional use permit applications shall include all buildings and parking areas used by the subject use and the amount of permit fee to be determined by this area.
- 4. The conditionally permitted use listed above shall also comply with the requirements of the provisions of the California Environmental Quality Act (CEQA) guidelines, as applicable.

Much of the discussion of the Ad Hoc Committee focused on the year-round nature of the use of the Fairplex grounds and the increasing impact this has on the surrounding community.

The term “fair related” was added to .436.1 and .436.2 in 2004. During the adoption of the F-Zone in 2004, the meaning of “fair-related” was raised by Commissioner Gwen Urey at the Planning Commission meeting of July 29, 2004 (See Att. 2 to February 13, 2017 report, at page 5 of 22 of Att. 2 of Staff report in support of Ord. 4012). The explanation given by Planning Manager Matt Bassi at that time was that “fair related” meant not just activities that historically went on during the operation of the Fair: “There are uses [proposed in the revisions.436] that occurs [*sic*] throughout the year and not just the 17 days of the L.A. County Fair; but that has [*sic*] been happening for 80 years.” (Id.). As explained at that same meeting by Dwight Richards, Vice President of Operations for the Fair Association, the intent behind the amendment was,

“not to expand the current Fairplex in any way. [Fairplex] want[s] to clarify the meaning of the original code and modify it to come to current requirements. [Fairplex] wish[es] to preserve the historical rights of the Fairplex.” (Id., at page 6 of 22 of Att. 2 of Staff report in support of Ord. 4012).

Accordingly, as previously identified in prior reports to Council, the legislative intent behind Ord. 4012 does not appear to support the position that “fair related” was meant to expand the operation of Fairplex activities, but rather to support the meaning “that which happened *at* the fairgrounds historically prior to enacting Ord. 4012.”

During the deliberations of the Ad Hoc Committee, the majority opinion was that the activities at the Fairplex have gone beyond the intent expressed by the applicant and staff in 2004, and therefore warrant further review and amendment of the code.

Ad Hoc Committee Proposed Amendment

The Ad Hoc Committee requested that the Office of the City Attorney draft an amendment of the F-Zone which reflected their opinions stated as to how the F-Zone should be managed. The following is a version of the code which addresses such opinion, which would need to be considered by the

Planning Commission prior to adoption by the City Council.

The current version of the F-Zone is shown in plain text or bold strike through text. The proposed added language is shown in bold and underlined text.

Sec. .435. - "F" the fairgrounds zoning district intent and purpose.

The fairgrounds zoning district is intended to provide for the use of the public fairgrounds in a manner so as to not create smoke, gas, odor, dust, sound, vibration, soot or lighting or other nuisance in any degree which might be termed obnoxious or offensive to persons residing in or near the Fairplex and is intended to allow a range of public entertainment, exhibition, commercial, conference, equine, and other events and uses on a year-round basis as previously permitted by Ordinance No. 2450. Notwithstanding any other provision herein, the uses, structures and events permitted and conditionally permitted in the F zoning district are subject to the application of all applicable city building permit and grading permit review, and that no temporary use permit shall be required for permitted uses under Section .436 hereof. The City's design review process shall apply to conditionally permitted uses under Section .437 hereof. **As used within this Chapter, "fair related" shall mean those activities actually occurring during the Los Angeles County Fair, and as historically occurring during the Los Angeles County Fair.**

Sec. .436. - Uses permitted.

No building or structure or land shall be used, and no building or structure shall be designed, erected, structurally altered or enlarged except as provided herein.

1. The following fair related uses shall be permitted within this zone, without any permit except for building and grading permits as applicable, **provided such uses are conducted within existing structures and with a maximum attendance of no more than 10,000 persons.**

- a.) Child Care.
- b.) Commercial uses ~~related to other permitted uses in structures less than 30,000 sq. ft.~~
- c.) Consumer Shows.
- d.) Drag Racing.
- e.) Exhibitions.
- f.) Fairs and Festivals.
- g.) Filming and photographic shoots.
- h.) Financial Services.
- i.) Fireworks Displays.
- j.) Food Service including banquets, catering and concessions.
- k.) Horse Exhibition, Sales, Racing, Wagering including Satellite Wagering.
- l.) Live Entertainment
- m.) Livestock, Pet and other animal exhibitions, training and sales.
- n.) Meetings and Conferences.
- o.) Outdoor Recreation including but limited to camping, picnics, rallies, social events and sporting events.
- p.) Religious, educational, charitable, community and political activities.
- q.) Testing and demonstration of mechanical equipment and devices **during weekdays during hours of 8 a.m. to 6 p.m. and** to the extent that such uses do not violate the

City's noise ordinance.

r.) Trade Shows.

s.) Business Support services **conducted by the Los Angeles County Fair Association** for permitted uses.

t.) Facility and Vehicle maintenance for permitted uses.

2. The following fair related structures may be maintained, ~~altered, expanded or erected~~ within this zone without any permits except for building and grading permits as applicable:

a.) Auditoriums and Meeting Halls.

b.) Banks and ATMs **for Fairplex users**.

c.) Bars and drinking facilities.

d.) Campgrounds.

e.) Caretaker and/or employee residential quarters.

f.) Child Care Centers.

g.) Community and Cultural Centers.

h.) Concert and Performing Art Theaters, both indoor and outdoor.

i.) Drag Racing Facility.

j.) Equestrian Facilities including horse race tracks, equine hospitals, off-track wagering facilities, paddocks, sales pavilions, show rings, trails and water quality systems.

k.) Exhibit Buildings.

l.) Governmental Buildings and sponsored uses.

m.) Grandstand/Suite Complex.

n.) Libraries and Museums.

o.) Livestock Stables.

p.) Offices for Administrative purposes.

q.) Off-Street Parking.

r.) Outdoor Public Address Systems except as restricted by Section .437.1(a.).

s.) Parking Structures.

t.) Pipeline and Utility Lines.

u.) Public Safety Facilities.

v.) Recreational Vehicle (RV) Parks.

w.) Restaurants.

x.) Signs and signage, onsite only.

y.) Trade & Conference Centers.

z.) Tents and Temporary Structures.

~~aa.) Warehouses.~~

Sec. .437. - Uses permitted by conditional use permit.

1. The following uses shall be permitted only upon the granting of a conditional use permit:

a) Use of outdoor public address systems between 10 P.M.to 9 A.M. at times other than during the regular fair season.

b) Convention Centers.

c) Sports Arenas.

d) Wireless Communication Facilities (subject to Section .5809-15 of the Zoning Ordinance.

e) Hotels and motels.

f) Heliports.

- g) Amateur/ham radio antenna greater than 35 ft. in height.
 - h) Commercial/Retail developments in excess of 30,000 sq. ft.
 - i) Residential developments except for caretaker/employee quarters.
 - j) **Warehouses**
 - k) **Uses permitted in Sec. .436 occurring outside of duration of the Los Angeles County Fair**
 - l) Other uses not specifically listed.
 - m) **All uses, including uses listed in Sec. .436.1 with a planned or anticipated attendance over 10,000 persons.**
 - n) **All uses which would alter, expand or erect structures in the zone.**
2. Before approving any such conditional use permit, the Planning Commission shall make the findings required in Section .580 of the Zoning Ordinance. **In place of a Conditional Use Permit, a party may apply for a Temporary Use Permit for a single event, for those items subject to subsections k) and m) of section .437.1 above.**
3. The fairgrounds delineated for conditional use permit applications shall include all buildings and parking areas used by the subject use and the amount of permit fee to be determined by this area.
4. ~~The e~~Conditionally permitted **and temporarily permitted** uses ~~listed above~~ shall also comply with the requirements of the provisions of the California Environmental Quality Act (CEQA) guidelines, as applicable.

CONCLUSION

While no action can be taken on the above proposed action at this Council Meeting, direction can be provided to staff to take policy level Council direction to the Planning Commission for consideration in a Public Hearing on amendment of the F-Zone.

The recommendation of the Ad Hoc Committee is that the City Council direct staff to prepare the appropriate documents for introduction and consideration of the above proposed amendment of the F-Zone by the Planning Commission at the appropriate noticed hearings.

Attachment: Council Report dated April 24, 2017