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# CITY OF POMONA

## CITY COUNCIL

## STAFF REPORT

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November 21, 2022

To: Honorable Mayor and Members of the City Council

From: James Makshanoff, City Manager

Submitted By: Anita D. Gutierrez, AICP, Development Services Director

**SUBJECT: SECOND AMENDMENT TO INTERIM USE AGREEMENT WITH  
FAIRPLEX REGARDING PROCESSING OF SPECIFIC PLAN  
APPLICATION AND INTERIM USE OF PROPERTY**

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### **RECOMMENDATION:**

It is recommended that the City Council approve a Second Amendment (Attachment No. 1) to the Interim Use of Fairplex Agreement (“Agreement”) and authorize the Mayor to execute on behalf of City.

### **EXECUTIVE SUMMARY:**

The City Council will consider a request to amend the Agreement to extend the term by two years to August 20, 2025. The Agreement between the Fairplex and the City, outlines Fairplex’s commitment to apply for a specific plan and the City’s commitment to process the specific plan application, including preparation of an Environmental Impact Report and an extensive public review process, in lieu of pursuing unilateral changes to the F-zone.

### **FISCAL IMPACT:**

There is no significant cost to the City to consider a specific plan application. The applicant bears the cost of preparing and processing a specific plan, including the preparation of the Environmental Impact Report. The Agreement establishes a mitigation fund to fund certain public safety measures and infrastructure around the Fairplex venue in order to address immediate impacts from music and continued, historical year-round events that will be held during the Specific Plan planning period. The Second Amendment includes a provision to continue depositing funds into the mitigation fund for a period of six (6) years from the Effective Date of the original Agreement (August 20, 2019) by implementing the revenue generating measures set forth in this Section 7(e) of the agreement. The current fund balance is \$726,000.

### **PREVIOUS RELATED ACTION:**

On July 29, 2019, City Council approved the Agreement (Attachment No. 2) which was executed and became effective on August 20, 2019 (Effective Date). The purpose of the agreement was twofold, first to memorialize an express intent to proceed with a specific plan to plan and impose

regulations on the Fairplex that will add certainty to development standards and ensure compatibility with the surrounding neighborhood. Secondly, the agreement established limits on certain types of events that it may host on site (no raves, no cannabis-related events) and limited the number of large-scale music events that it would hold for the duration of the agreement. The agreement anticipated that it would take about three years to complete Specific Plan process. It was the shared understanding of the City and Fairplex that the Specific Plan planning process would be comprehensive and entail robust, interactive and largely in-person community engagement. In February of 2020, pursuant to the terms of the Agreement, the Fairplex filed a Specific Plan application with the City and began meeting with staff to develop the project schedule and community outreach plan. However, due to the COVID-19 pandemic shelter-in place orders beginning in March of 2020, the Fairplex and the City were unable to proceed with the community outreach as contemplated. The full scope, duration and impact of the COVID-19 pandemic could not have been predicted at the outset of the agreement and presented significant challenges in meeting the previously agreed upon timelines.

Due to the delays caused by the COVID-19 pandemic, on December 21, 2020 the City Council approved a First Amendment (Attachment No. 3) was approved and then executed on March 9, 2021. The full staff report outlining the terms of the agreement as agreed to in 2019, as well as the 2020 staff report are included as Attachment No. 4.

**DISCUSSION:** Over the last year, City Staff has worked with the Fairplex team to develop a project description that would be used to kick-off the environmental review process. The City has retained an environmental consultant that will analyze all potentially significant effects of the project on the environment once a Draft Specific Plan is available. Additionally, City staff continues to coordinate with the Fairplex team on community outreach and the development of a meaningful and broad based community outreach effort. Table 1, below provides the most recent estimated project schedule.

**Table 1: Fairplex Specific Plan Tentative Milestone Schedule**

<b>TASK</b>	<b>DATE</b>
Community Meeting No. 2	August 31, 2022
Design Meeting with City	October 17, 2022
Community Meeting No. 3	November 16, 2022
City Council Update Meeting	November 21, 2022
Publish Notice of Preparation (NOP)	Week of January 2, 2023
EIR Scoping Meeting 1	January 2023
EIR Scoping Meeting 2 (Voluntary)	February 2023
Prepare Draft Specific Plan	January 2023 – December 2023
Prepare Draft Environmental Impact Report	January 2024 – June 2024
Publish Draft EIR	June 2024
Publish Final EIR	October 2024
City Planning Commission Hearing	November 2024
City Council Hearing	January 2025

\*Future dates are estimated and subject to change.

\*Community Outreach will be conducted throughout the drafting of the Specific Plan and the environmental process.

### ***Update from Fairplex***

Fairplex is a non-profit 501(c)(5) organization that serves as a place, a convener and a creator of memories to strengthen the community and economy through arts and entertainment, agriculture, education and commerce. As Fairplex celebrates its 100-year anniversary, it seeks to reimagine the possibilities for the 487-acre Los Angeles County Fairgrounds in partnership with the City of Pomona (“City”).

To achieve this goal, in August, 2019, Fairplex and the City entered into an Agreement to collaborate on a Specific Plan to accommodate the growing and diverse needs of our community for the next 100 years. Since then, the Specific Plan process has progressed significantly despite interruptions caused by the COVID-19 pandemic. This progress includes ongoing community outreach in the form of two Community Open Houses in partnership with the City, Specific Plan Workshops hosted by “PlaceIt” to encourage community input, working group meetings to incorporate community feedback into conceptual designs, and public engagement opportunities at the 2021 “Bite-sized Fair” and the 2022 LA County Fair. A third Community Open House is scheduled for mid-November, 2022.

This interactive process, combined with data and analysis from the 2018 Strategic Plan and 2019 ULI Study has informed the development program proposed in the draft Specific Plan, which addresses everything from land use and circulation to open space and infrastructure. This program has been brought to life with conceptual designs for development options created by the architectural studio, Agency Artifact. Fairplex has also been working closely with the City to initiate the environmental review process pursuant to the California Environmental Quality Act (“CEQA”), with the Notice of Preparation (“NOP”) targeted for publication in January along with a public Scoping Meeting. Environmental review is scheduled to continue through 2023, with final adoption by the City anticipated in January, 2024.

### ***Fairplex Mitigation Fund Advisory Committee***

The Agreement established a revenue source to be set aside for improvements meant to mitigate impacts of the music and continued, historical year-round events, such as impacts to traffic and public safety. The Committee first met in October 2020 and now regularly meets three times per year in the months of March, June, and October on the third Wednesday of the month. The group consists of a total of nine Committee Members. Seven of the nine Committee Members are residents of the mitigation area, each of which have been appointed by a Councilmember or the Mayor. The Fairplex and Los Angeles County are represented with one member each. The group has explored and discussed various topics related to future proposed projects in the mitigation area using the Fairplex Mitigation Funds. At a recent special study session called in August 2022, the group began forming a priority list of possible uses of the funds that will be forthcoming with a recommendation to the City Council in the Fall of 2023. At the October 19, 2022 Committee meeting, a brief report was provided on the status of the Fairplex Mitigation Fund; the latest balance is approximately \$726,000 to date.

Prepared by:



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Anita D. Gutierrez  
Development Services Director

ATTACHMENTS:

- Attachment No. 1 - Proposed Second Amendment
- Attachment No. 2 – 2019 Executed Interim Use of Fairplex Agreement
- Attachment No. 3 – First Amendment
- Attachment No. 4 – 2019 and 2020 Staff Reports