

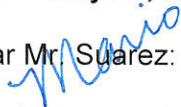


May 25, 2018

VIA EMAIL

Mario Suarez
Development Services Director
505 S. Garey Avenue
Pomona, CA 91766
Mario_Suarez@ci.pomona.ca.us

Re: May 21, 2018 Email re F-Zone (Fairgrounds)

Dear Mr.  Suarez:

I am in receipt of your email dated May 21, 2018 (enclosed herein as Attachment A for reference) and writing to request clarification of your proposal to meet to revise the Ad Hoc Committee's F-Zone (Fairgrounds) Amendment (the "F-Zone Amendment") given the clear direction to staff from the Planning Commission that the amendments as proposed be set aside and a new outreach process be initiated. The speakers in attendance at the May 9, 2018 meeting (the "May Meeting") also supported the direction of the Commission to initiate broader outreach and restart to the process of evaluating options to addressing potential concerns regarding Fairplex.

The Planning Commissioners responded to your report and testimony from the public with specific and virtually unanimous instructions to staff regarding next steps. As detailed in the attached May 10, 2018 *San Gabriel Valley Tribune* article recapping the May Meeting, the Planning Commissioners "agreed to halt the process" and "called for a renewed effort with broader input." See Attachment B. To be certain, the direction was not to proceed with the amendments as proposed or revise them without outreach. Instead, the Planning Commission made clear that the next steps would be the following:

- i. Initiate a new process, in accordance with the Planning Commission's bylaws, to fully consider any and all concerns related to Fairplex operations;
- ii. Initiate meaningful outreach, including public meetings prior to the next Commission hearing, for the purpose of soliciting input from all stakeholders including Fairplex, the County of Los Angeles, residents near Fairplex, and other interested residents, businesses, and stakeholders in the City;
- iii. Consider all possible solutions to addressing concerns related to Fairplex, not just the amendments to the F-Zone proposed by Council;
- iv. Consult with Fairplex and the County of Los Angeles throughout the process and prior to reconsideration by the Commission; and

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- v. Report to the Planning Commission on how the process for outreach and soliciting input would be executed by City staff.

Given the explicit instructions to staff, I am confused by your proposal to “get going on crafting some changes to the Ad Hoc Committee text amendment.” How is this approach consistent with the need to first conduct outreach to Fairplex, the County and stakeholders before evaluating potential solutions? It is also concerning that correspondence after the May Meeting from Fairplex counsel requesting to meet and confer have gone unanswered by the City Attorney. While Fairplex is happy to meet with you to discuss our concerns and our ongoing efforts to enhance relations with our neighbors, I first seek confirmation that this requested engagement will occur with participation by the County of Los Angeles as part of a new outreach process. I also seek confirmation on how city staff intends to follow the instructions provided by the Planning Commission.

The new process as directed by the Planning Commission should include a genuine effort to resolve the procedural issues and other concerns raised by Fairplex and the County of Los Angeles. To this end, I respectfully request a response to my prior November 20, 2017 letter regarding Fairplex’s questions about the amendments to the F-Zone (see Attachment C). This letter has gone unanswered for six months, and a response to Fairplex’s questions would be a productive start to this new process.

Please do not hesitate to contact Walter Marquez at (909) 865-4203 should you have any questions.

Sincerely,



Miguel A. Santana
President & CEO

SMRH:486464903.2

cc: Linda Lowry, City Manager
Luis M. Juarez, Chairperson, Planning Commission

Attachments:

- Attachment A: Email from Mario Suarez to Miguel Santana re “F’ Fairgrounds Zoning” dated May 21, 2018 at 5:44 p.m.
- Attachment B: “Back to the drawing board for new rules that could govern what goes on at Pomona Fairplex,” *San Gabriel Valley Tribune*, May 10, 2018
- Attachment C: Fairplex letter to City Council dated November 20, 2017

From: Mario_Suarez@ci.pomona.ca.us
Sent: May 21, 2018 5:44 PM
To: santana@fairplex.com
Cc: Linda_Lowry@ci.pomona.ca.us
Subject: "F" Fairgrounds Zoning

Hi Miguel:

Before I get going on crafting some changes to the Ad Hoc Committee text amendment I thought it would be good to meet with you and other Fairplex folks that have ideas about what if we are going to change – what would be acceptable in addressing the concerns raised by the public – trash, traffic, noise and other review processes. If we could carve out an hour or two maximum to talk in a dialogue with me that would be great.

I'm available tomorrow from 3:00 PM to 6:00 PM or Wednesday 11AM-1PM – I'll bring lunch.

Look forward to your response.

Mario Suarez, AICP, CNU-A | Development Services Director

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"Whenever and wherever societies have flourished and prospered rather than stagnated and decayed, creative and workable cities have been at the core of the phenomenon. Decaying cities, declining economies, and mounting social troubles travel together. The combination is not coincidental."

Jane Jacobs

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Back to the drawing board for new rules that could govern what goes on at Pomona Fairplex



Visitors attend the first day of the 62nd annual Los Angeles Boatshow at the Fairplex in Pomona Thursday January 18, 2018. (Photo by Will Lester-Inland Valley Daily Bulletin/SCNG)

By **LISET MÁRQUEZ** | Imarquez@scng.com | Inland Valley Daily Bulletin

PUBLISHED: May 10, 2018 at 11:14 am | UPDATED: May 10, 2018 at 3:50 pm

Living next to Fairplex isn't easy, residents say. So Pomona set out to create new rules about the activities — and their impacts — that can go on there.

But, after city planners and several council members spent months on proposed new rules for the so-called F-Zone, compiling them in a document, the Pomona Planning Commission said Wednesday it falls short. They called for a renewed effort with broader input.



Los Angeles County Fair on Sunday, September 3, 2017 in Pomona, Ca. (Micah Escamilla, Inland Valley Daily Bulletin/SCNG)

For the past several months, the city's planning staff had been reviewing recommendations a City Council ad hoc committee – comprised of the mayor and two council members – had made for the F-Zone.

But on Wednesday, after hearing from nearly 75 speakers, including lawyers for Los Angeles County and Fairplex who argued the process was exclusive, the five commissioners present agreed to halt the process.

"I still this see this as a burdensome document," Commissioner Carolyn Hemming said. "I appreciate the different points of views and there should be a document, but this isn't it. It doesn't have the viewpoints of a wide variety of people."

Instead, the commission directed staff to augment or form a new ad hoc committee with representatives from Los Angeles County, the Los Angeles County Fair Association and residents. Los Angeles County owns Fairplex, but it is operated by the Fair Association.

The commissioners envision all the parties coming together to rewrite the document, they said.

Mario Suarez, Pomona's director of Development Services, told commissioners he would bring back an item, most likely in June, with an outline of new recommendations for their approval. Ultimately, the commissioners will make a recommendation to the City Council, which has the final say, he said.



RL Grime performs on the main stage at the 2015 HARD Summer Music Festival at Fairplex in Pomona. (File photo by Watchara Phomicinda/San Gabriel Valley Tribune)

The commission was missing two of its members Wednesday night. To avoid any conflicts, commissioners Tom Ursua and Mario Ramos recused themselves from the discussion because they live near Fairplex.

Many of the residents who have been [lobbying for more oversight](#), shared stories Wednesday night about issues with noise levels, increased traffic and unwanted activity in their front yards as a result of programming at Fairplex.

One of the key recommendations from the committee proposed setting up conditional use permits — like the name suggests, permits issued by the city granting permission for specific uses with specific conditions attached — for various events. Not all the commissioners favored that direction.

Commissioner Kyle Brown believes the ad hoc committee places too much “faith” in the permits to solve some of the neighbors’ beefs. The issuing of permits is discretionary and oversight could be lax, he told the more the 100 gathered Wednesday night in the council chambers.

Whose voice is being heard

Assistant City Attorney Andrew Jared said Fairplex did not have an initial say because the ad hoc committee was city-created. It is not uncommon for the city to rezone land without including every property owner, he said.

“This process is no different than every other lot in the city that has been rezoned,” Jared said.

Still, some asked for a restart button because the process excluded those most associated with the zone.

“I was very surprised on Friday to find this was on the agenda with no notice to the county,” said Joyce Chang with the real estate division for County of Los Angeles’ Chief Executive Office, adding Fairplex is a very important county asset. “We request to work with the city to address our concerns before its brought to the council,” she told commissioners.

Residents joined a chorus of speakers calling for more public input. Beth Brooks lives across the street from Fairplex and said the organization has grown during the past 14 years to become an educational regional magnet as well as an economic engine for Pomona.

Throughout the last 15 years, Fairplex has made mistakes, learned from them, and made appropriate corrections, she said. “I don’t understand why they weren’t granted a seat at the table.”

Jared said the Planning Commission’s review of the ad hoc committee’s suggestions — made with the neighbors’ concerns at heart — was the opportunity for the public to weigh in.

Resident Kristie Kerchevale, a supporter of Protect our Neighborhood, backed the proposed changes and process.

“Finally, as neighbors, our voices we are being heard. We are not asking for Fairplex to be shut down, we like the Fair. There are things, such as traffic, that need to be looked over,” she said.

Reyna Garcia-Ramos said Protect Our Neighborhood, a group of residents troubled by what they say has been Fairplex's unchecked growth since 2004, has been stereotyped "as anti-Fair." Garcia-Ramos said it's not true; she's a third-generation Pomonan who loves the Fair.

"When I come to you about zoning, it's not about me, it's not about my home. It's about what's good for this city," she said.

Frustration with the process

Brown said like the Los Angeles County's counsel, he, too, was concerned the process was backward, with recommendations coming from the City Council first, then going to the Planning Commission, seeking a recommendation to the City Council — and it possibly violated the city charter.

Miguel Santana, president and chief executive officer of the Los Angeles County Fair Association, said the amendments, as they were proposed, would cripple the association's ability to compete with other venues outside Pomona.

The irony is the proposal comes "at a time when we're hearing from the city that they're in need for more revenue," Santana said, adding he believes it is "inappropriate to try and micromanage a business using land use as a tool."

No affect to NHRA

The proposed changes left many wondering whether they would affect events such as the National Hot Rod Association drag races. Jared said they would not.

"That is an ongoing event with an existing (permit) and nothing in this code text change would alter that," he said.

If the commission wants to void an existing conditional use permit, it would need to go through a public hearing process, Jared said.

"That's the first time we heard that," Santana said. "The NHRA is one activity that takes place on the campus. We have 500 events of which the NHRA is one."

Tags: **community**, **government**, **LA County Fair**, **Pomona Fairplex**, **Top Stories IVDB**, **Top Stories SGVT**



0031_liset_marquez

Liset Márquez

Liset Márquez covers the cities of Pomona, Claremont, La Verne and San Dimas for the Inland Valley Daily Bulletin. A beat reporter for the Bulletin since 2006, she previously wrote for the Chattanooga Times Free Press. She keeps a watchful eye on city councils and the Dodgers.

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November 20, 2017

Mayor Tim Sandoval
 Pomona City Council Members
 City of Pomona
 505 Garey Avenue
 Pomona, CA 91766

Honorable Mayor Sandoval and Members of the City Council:

At the onset of the Council's review of the F-Zone earlier this year, as the new President and Chief Executive Officer of Fairplex, I stated that we welcome the opportunity to discuss ways to mitigate the impacts of Fairplex events on the surrounding neighborhood and are open to amendments to the F-Zone. To help facilitate this dialog, at the last public Council meeting on this matter held on the Fairplex campus, your Council supported the creation of an Ad Hoc Committee as a means of establishing common ground among the neighbors, Fairplex and the City. Unfortunately, this report does not include input from Fairplex and the County and if implemented, will significantly reduce the revenue generated from the campus to the County, City and Fairplex. **We therefore respectfully request that the City Attorney's report and recommendations not be approved at this time to allow for a more transparent and inclusive process.** Fairplex remains committed to work cooperatively and in partnership with the City and the community on potential amendments to the zoning code in a deliberate and thoughtful manner.

Last Wednesday evening I was provided my first opportunity to see the report prepared by the City Attorney on the F-Zone and to meet with the Committee and the City Attorney to ask questions. While the report only impacts activities on the Fairplex campus, neither I nor representatives of the County of Los Angeles, which owns the land leased by the Los Angeles County Fair Association, were offered the opportunity to provide the City Attorney input prior to the release of the report. Some of the questions raised at this meeting that remain unanswered are attached.

Based on the significant issues that remain unanswered, it is clear that the report was prepared without benefit of an understanding of the impacts the proposed amendments to the F-Zone will have on existing activities on the Fairplex campus, including the Fair, the National Hot Rod Association (NHRA) Drag Races and other signature events that have taken place in the community for decades.

Your Council is being asked to take action today on the F-Zone amendments and to forward these changes to the Planning Commission "for consideration and for the adoption of modifications to Pomona Zoning Ordinance..." In so doing, through this action you will be providing direction to the Planning Commission and establishing your intention.

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Should you approve this report, you will be acting on proposed language that is unclear on fundamental issues:

1. What problem is being addressed or mitigated through this amendment?
2. How will these amendments address this problem?
3. Who will ultimately give Fairplex permission to proceed with existing and future events, the Council or Planning Department?
4. What criteria will be used to grant permission?
5. What are the likely consequences of the proposed language on existing Fairplex events, like the NHRA Drags, Pomona Swap Meet and Classic Car Show and other signature events?
6. What is the impact on City revenues generated on the campus as a result of a reduction in Fairplex events?

For example, the proposed amendments will have a significant impact on the NHRA drag races that have taken place on our site since the 1950s and draw well in excess of 10,000 guests. These events are a part of our heritage, are nationally televised and shine a positive light on Pomona. Future NHRA drag races will not be allowed unless a Conditional Use Permit (CUP) is granted.

The process to obtain a CUP requires the preparation of an application, the drafting of an environmental document and approvals after a public hearing. This may sound easy, however the approvals may be appealed and the environmental document for a use like this may be a full Environmental Impact Report (EIR). The preparation of these documents is both time consuming and expensive. This could take more than a year. Both the approval and the environmental document may be challenged leading to a protracted legal battle. This will clearly impact next year's schedule.

After reviewing the proposed amendments, the NHRA has already informed us that they have serious concerns with undergoing a new permit process for an event that has taken place in this community for more than half a century. The cost and time delay associated with this process and uncertainty in its outcome will force them to consider taking the drag races to another community.

The NHRA Drag Races ranks second only to the Annual LA County Fair as the top revenue generator on the campus. A loss in revenue due to the drags no longer taking place in Pomona not only impacts Fairplex operations, but will also result in a reduction of tax revenue to the City that helps support vital services.

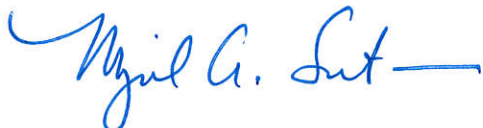
There are several venues in Southern California that compete for hosting events. To the extent that there is uncertainty in the approval of events, increased costs or potential for delay, Fairplex will not be a competitive venue and revenues will decline. A decrease in the events and the resulting decline in revenues impacts all of us. The City receives sales tax from the novelty items and food and beverage sales, every car parked at an event pays a parking fee to the City, and events boost the rate and occupancy at the Sheraton Hotel, all of which impacts the hotel tax received by the City. There are many other ways Fairplex impacts the City both directly and

indirectly, such as the sales made by both Fairplex and our vendors in the city and the constituents who are employed either full time or part-time on our site.

I understand that the report is in response to impacts to the surrounding neighborhoods from large events at Fairplex, including concerns about public safety, traffic, noise, the lack of rest rooms and trash. We are sympathetic to those neighbors who are impacted. However, this report recommends radical changes to our operations that go well beyond addressing these concerns.

We respectfully request that these recommendations be set aside to allow for further review by the City's professional staff, including the Planning Department, the community, Fairplex and the County. We are prepared to work with the City to look at potential amendments to the zoning code in an informed and deliberate manner.

Sincerely,

A handwritten signature in blue ink, reading "Miguel A. Santana", followed by a horizontal line.

Miguel A. Santana
President & CEO

Enclosure

Cc: Linda Lowry, City Manager
Andrew Jared, City Attorney

ATTACHMENT 1: QUESTIONS

Does the proposal grandfather uses that have been a tradition at Fairplex?

1 435. What does the term 'Fair related' mean? If the activity is in support of the fair but occurs before or after is it 'fair related'? As the proposed language says 'actually occurring during...' does this include the days the Fair is not open? Does it include the 6-8 weeks necessary to prepare the site for the Fair and the 4 weeks following that is require to disassemble the Fair?

2 436 1. This section raises several questions, specifically..., 'provided such uses are conducted within existing structures and with a maximum attendance of no more than 10,000 persons'

A. Does the use have to be less than 10,000 attendance and within an existing structure?

B. The uses listed in this area include fireworks, outdoor recreation, and drag racing, given these uses what does 'within existing structures' mean? Indoors?

C. How do you intend to interpret 10,000 persons, daily, peak daily, over the course of the event?

D. Section q limits testing during certain hours, does this relate to amusement rides,

E. Section s Business Support to 'services conducted by the Los Angeles County Fair Association' does this preclude the outsourcing of business services? Does this require vendors to hold job fairs and any accounting related to their on-site activities to occur off-site?

436 2. This section limits banks and ATMS 'for Fairplex Users', does this include guests in the Sheraton not attending the fair? Does it include parents at the child care and learning center? This section also deletes warehouse uses, how does this impact the fair and it's vendors who have on-site storage?

This section also permits maintenance of structures for the listed uses but eliminated the ability to alter or expand the uses, presumably without some sort of planning permit. What is the nature of the word 'alter'? Would restroom upgrades to meet ADA standards be included? Does the interior retrofit of buildings for new attractions fall under 'altered'?

437 1. Is it intended that all uses occurring outside of the duration of the Fair require a Conditional Use Permit? Is there any threshold? Does a small food truck event require a use permit? Does a hiring fair need a conditional use permit or temporary use permit? Does the Sheriff's training clinics require use permits?

437 2. This section permits a 'single event' to apply for a temporary use permit in place of a conditional use permit. What does 'single event' mean? Does it include a two day music festival? A two day car show? A weekend RV sales event?

437 4. This section is proposed to say that 'Conditionally permitted and temporarily permitted uses... ', shall comply with CEQA. What is the intent of the addition of 'temporarily permitted'? Is there a spearheaded temporary use permit process they could apply for? What is the difference between conditionally permitted and temporarily permitted uses?