



CITY OF POMONA

PLANNING COMMISSION REPORT

DATE: August 8, 2018

TO: Chairperson and Members of the Planning Commission

FROM: Mario Suarez, AICP, CNU-A Development Services Director

SUBJECT: **Present Results of Staff Meetings with Community Members, Fairplex and Los Angeles County, Recommendations for City Council Draft Ordinance, and Provision of an Alternative Fairgrounds District Ordinance and Next Steps 601-1101 W. McKinley Avenue and 2250 Fair Avenue (File Case No. 9778-2018)**

EXECUTIVE SUMMARY

Within the past two months, staff met with Fairplex CEO/President, Los Angeles County and community members from Protect Our Neighborhood, Mountain Meadows, and Ganesha Hills. In addition, a meeting was held with the City Manager and both stakeholder groups to receive comments pertaining to Fairplex concerns and adjacent communities. Staff will be presenting the results of the community meetings, including comments of the City Council text amendment draft, Alternative Fairgrounds District Ordinance and review recommended next steps.

COMMUNITY MEETINGS

- 1. Los Angeles County and Fairplex Meeting.** On June 26, 2018, staff met with members of Los Angeles County Fair and Fairplex. The discussion generally lasted a couple of hours with the objective for staff to understand the County and Fairplex positions on the proposed City Council text amendment.

On July 30, 2018, staff received a letter from the Fairplex confirming the issues addressed at the meeting. (Attachment 1)

General Issues. One of the major concerns noted from the County and the Fairplex was trying to make sense of the problems the City Council was trying to fix. They felt that the Planning Commission should start from the beginning by supporting a cooperative effort to update the zoning to be consistent with the General Plan Update policies.

Both Los Angeles County and Fairplex are in support of a developing a specific plan similar to what was developed in the City of Laverne. In 2013, the City of La Verne prepared a specific plan for Old Town La Verne, which included the north side of the Fairgrounds located within the La Verne City Boundary. The Fairplex indicated that they are not prepared to ask for changes and would like time to work on the steps in considering compliance and consistency with the General Plan. The Fairplex opposes the process used by the City Council and commented that the proposed City Council draft ordinance is not consistent with the General Plan Update. Their suggestion is for the Planning Commission to hold a transparent process and to start with the articulation of the issues.

Trash. The areas that are tangible for Fairplex relate to communicating to the public that the street landscaping along White Avenue or any other landscaping within the public right-of-way are not maintained by the Fairplex, but rather the responsibility of the City. However, Fairplex is interested in entering into an agreement or joining a program to assist with maintaining the median landscape areas along White Avenue. The Fairplex notes that within the past year not a single call on trash was received

by the Fairplex even after a large event was held. The Fairplex does not understand the context of the trash issues pointed out by the City Council.

Fairplex noted that when they apply for Special Event permits the process is completed in full collaboration with the City. Mitigation measures related to traffic, security and other actions are completed in a cooperative manner with the City. They noted the issue of the 2015 rave event is no longer relevant since raves are no longer permitted by Fairplex or Los Angeles County.

Traffic. The Fairplex does acknowledge issues with traffic due to large events or because attendance patterns changes due to weather conditions and last minute surge of Fair goers attending the Fair. This year the Fair is making efforts to provide incentives for patrons of the Fair to visit early so that a large last minute Fair attendance is avoided; therefore, reducing high attendance surges during the last week of the Fair. The Fairplex noted that the best laid out traffic plans sometimes do not cover every single issue. However, from lessons learned there will be a future improved system approach with future Special Events. The provision of toll free number to take complaints and working with the Police Department on better approaches to address traffic/parking concerns will continue to be explored.

Noise. Fairplex noted that all events will shut down at 10:00 p.m. across the board; Fairplex staff does have acoustic measurement equipment to continuously monitor the noise generated by the Fairplex events; advance notice on events is provided in a monthly letter to area residents and monthly events are posted on their website: <https://fairplex.com/events/upcoming-events>

Operational, business licensing, taxes, fees and other non Zoning/Land Use Concerns. Development Services staff and Fairplex understand that the non Zoning and Land Use issues are not part of the text amendment and are a separate discussion. The Planning Commission is also aware of the difference between zoning/land use issues and other economic concerns of the City Manager's office, Finance, and City Council.

2. **Protect Our Neighborhood (PON) and Mountain Meadows Meeting.** On July 11, 2018, Development Services and City Manager's office met with members of the PON group and Mountain Meadows Home Owners Association. The discussion generally lasted a couple of hours with the objective for staff to understand concerns from community about the Fairplex Zoning and Land Use issues.

General Concerns. The community members provided their historical concerns with past rave event, traffic, noise, and trash. The residents noted that they want the Fairplex to be transparent and inclusive with the surrounding neighborhood. In addition, new projects should be further reviewed for environmental impacts through appropriate environmental studies. The group also noted a concern for methodology used for measuring sound generated by Fairground uses. It was noted that sound level measurements should be taken in C waited frequency which generally translates to review of sound at a higher frequency (sound greater than 100 dBs). Furthermore, residents requested that the City Manager look into legal options related to allowing Planning Commission members that are in conflict with reviewing a project within 500 feet of property owned by a Commission member. Issues with recent Spa Event sign twirler located at Ganesha Park, which left trash in the area the sign twirler was working. Mountain Meadows noted an issue related to the use of Mountain Meadows private property by sign petitioners who were instructed to locate in an area by Fairplex staff.

Fairplex Toll Free Number Complaint System. The group noted making several calls to the Fairplex complaint system and never receiving a voice response or written response on the solution or how the issue was fixed or addressed. The phone line is available, but not responsive or effective because of the nonresponsive experience by the residents.

Family Events versus Adult Events. The group generally felt that the Fairplex has been moving away from holding more family oriented events to adult events which has also been a problem.

City Council Draft Text Amendment. The group was in favor of the proposed amendments related to requiring conditional use permit for new uses which would provide the ability to address environmental concerns and the mitigation proposed to address traffic, noise and other environmental impacts.

Concerns with Proposed Use Ideas. The residents were concerned about specific uses such as utilizing the fairgrounds for storage containers, homeless shelter facilities, marijuana events, and storage of motor homes.

Other non Zoning/Land Use Issues Communicated. The residents did express their concerns with wanting to have representation on the Board and how fees/taxes other revenue work and where is the revenue is being allocated to. Is the revenue being reinvested back into the community?

3. **Fairplex, PON, Ganesha Hills and Mountain Meadows Meeting.** On July 30, 2018, Development Services and City Manager's office met Fairplex Staff and Chairman of the Board and residents. The discussion generally lasted a couple of hours on various topics related to Fair operations, zoning and land use and other areas of concern by residents.

General topics. City Manager updated the group with current meetings held with both groups; City Manager also provided an update on request from residents related to conflicts of interests with Planning Commission members and looking into an FPCC (Fair Political Practices Commission) Waiver; The Mountain Meadows noted and clarified issues with homeless surveilling the neighborhood and coming from nearby public parks and surrounding community; the residents requested that the Fairplex consider having a resident appointed to the Fairplex Board of Directors with decision making authority; residents communicated continued concerns with traffic, noise and trash and how complaints and issues are being handled in responding to residents; the residents voiced concerns about knowing who to contact at Fairplex and the City; concern from residents on not being able to meet with the Fairplex Board of Directors; request from residents to see the Task Force Report recently completed on the Fair; and the residents noted their support for more restrictive zoning/land use oversight from the residents because of reoccurring traffic, noise and trash concerns from the fairgrounds which occur during and after their events are held.

Traffic/Parking Issues. Residents voiced concerns related to issues of Fair visitors parking in residential neighborhoods and also using the Dudley Street exit from the I-10 (San Bernardino Freeway) off ramp as an alternative route to the Fairgrounds. Fair and/or events with high attendance numbers cut through the rear side of the Ganesha Hills and Dudley Street/Val Vista Street. These neighborhoods are heavily impacted by cut through traffic going to White Avenue causing congestion issues that last for hours in the area. Residents are having problems exiting their driveways and some Fair goers are parking in the neighborhood and walking to the Fair because of the issues with automobile congestion in getting to the Fair parking areas. Fairplex noted the concern and indicated that approximately 1,700 new parking spaces were being obtained at off-site locations for the Fair and other large events.

Meeting with Board of Directors. After hearing requests from residents about wanting to meet with the Board of Directors at this meeting, the Chairman of the Board of Directors invited the residents to a meeting with the Board of Directors.

Alcohol Controls. The residents voiced concerns and details on when last call of alcohol is served, asked about how Fairplex screens visitors that may already be intoxicated and whether or not the number of drinks could be limited per patron.

Board of Directors and Community Meeting. While concerns and objections were voiced about more restrictive zoning / land use regulatory requirements, at the end of the meeting a future date between the residents and Fairplex Board of Directors would need to be scheduled by Fairplex.

Events and other Uses Happening at the Fair. Fairplex responded that a list of Fair events and happenings was available on their website calendar. A list of events could be found by month of the year. Staff did review the electronic calendar but could only find events for current month and proceeding months after. Older events occurring early in the year are not available. The major issue with Fair temporary events is that there is an assumption by the Fair that because they are Fair Uses that have occurred on the site or “grandfathered” in that no CUP is required. The balance of trying to understand where the line is drawn with allowing existing Fair uses to continue or require new permit such as a CUP or TUP is not completed. The question staff has in drafting any future ordinance or specific plan, will the City Council or community interests be addressed without first understanding where the line should be drawn.

Time for Change and General Plan Support for Change. The residents noted that after 14 years, the code is outdated and more oversight of land uses is required at the Fairgrounds. The residents of the surrounding neighborhoods, stated their support of the Fair, but also noted that continued areas of similar and repeated concerns was the cause of the communities request for more oversight over zoning / land use approvals at the fairgrounds.

RECOMMENDATIONS FOR CITY COUNCIL DRAFT ORDINANCE

On May 9, 2018, staff provided analysis of the City Council Draft Ordinance parsing each part of the recommended amendments. This was the first time staff had a chance to explain the requested code requirements in a public setting. This was also when the connection between the General Plan Update and Zoning were also made. The General Plan Update, adopted in 2014, provides the City’s all-encompassing plan and vision in a document that provides substantial background, analysis and support for future change.

Special Campuses. The Fairplex is one of four Special Campuses in the City. The other Special Campuses include Civic Center, Lanterman Center, & Cal Poly Pomona. The General Plan states the following about Fairplex Campus:

“The Fairplex will continue to be characterized by regional attractions and event spaces. Large underutilized areas such as surface parking lots could provide complementary new commercial, visitor-serving entertainment residential and public uses. A future Metrolink and/or Gold Line extension station would provide year-round, auto-free regional access. As a result, new development should be as pedestrian- and transit oriented as possible.

In order to maximize the mutually beneficial relationship between the Fairplex and Pomona, Fair related entertainment and activity should be more regional in nature to strengthen the City’s hierarchy of activity centers (see above) and not adversely compete with other centers in Pomona, particularly Downtown. Furthermore, future development of the Fairplex

campus should incorporate smaller blocks and streets that align with adjacent City streets and avoid uses that could create conflicts with adjacent neighborhoods along the Fairplex's borders. To the extent possible, development should not "turn its back" on or wall off City streets in a way that detracts from the value of neighborhood interfaces." (Page 69, GPU)

There is an Implementation section in the General Plan Update that provides Goals and Policies and one section is dedicated to the Fairplex, which is also included in this staff report for the Planning Commission to consider in considering its recommendation to the City Council. The City has been poised for change for several decades and the first goal has been achieved with the adoption of the General Plan Update. If the Fairplex wants to understand the City Council's approach, it starts with the General Plan which clearly sets the tone for the City to see zoning / land use change. In essence, this is a growing pain with several decades almost a century of layers related to the Fairplex Campus.

Review of City Council's Draft Ordinance. In order for the Planning Commission to consider making a recommendation to the City Council about the draft ordinance staff recommends forwarding the following major reasons why the Code Amendment needs to be reconsidered for reorganization and possibly set aside to complete a Specific Plan for the Fairplex Campus.

1. The proposed code changes are difficult to comprehend from a technical and interpretive manner that it provides a challenge for staff to implement. For example, the issue of what is "fair related" use in Section .435 becomes a circular argument with a client who has never had to document or list the uses for the City. In addition, a second example is with the addition of "... uses are conducted within existing structures. . ." language in Section .436. This language is confusing because the uses below include outdoor uses such as drag races, fireworks displays, horse racing, outdoor recreation and testing and demonstration of mechanical equipment which may occur outside. Another more noticeable problem is continuation of allowing drag racing use as a permitted use instead of requiring a conditional use permit which may be more appropriate in addressing sensitive issues related to noise, public address systems, large crowds and other areas of concern by the surrounding neighborhood and City of La Verne.

The regulating of building attendance in two areas instead of including this requirement in one area is hard to follow. Staff will eventually get to the requirement, but will have to go back and forth between permitted attendances under 10,000 and permitted attendance over 10,000 conducted within existing structures, but outdoor venues with more than 10,000 in attendance may be exempt.

2. In Section .436 1., the addition to Business Support Services "**Conducted by the Los Angeles County Fair Association**" for permitted uses is also hard to interpret or understand without a definition of Business Support Services. Fair activities have business support activities to many different users which may be provided by the Fair or subcontracted through the fair by other entities such as allowing the Hotel to provide its own business support services but rather have to receive business support services only provided by the Los Angeles County Fair Association.
3. Section .436 4 is including temporary use permits to comply with the California Environmental Quality Act (CEQA). While there is usually very little judgement necessary, Pomona has regarded TUPs as ministerial which requires no further CEQA analysis. The Zoning Code provides direction and path for allowing a TUP by just following code requirements related to compliance with planning, building, fire and public works requirements as necessary. Very little to no discretion is permitted. In Pomona, TUPs are exempt from CEQA analysis because there are code requirements available in current code and very little to no discretion involved in these decisions.

4. The proposed code amendments do not contemplate compliance with the General Plan Update. It is difficult to consider whether or not the proposed text amendments are consistent with the future vision for the Fairplex site without contemplating Specific Plan requirement that would address the “*lack of synergy with major institution*” such as the Fairplex as noted in the General Plan. A Specific Plan requirement would be consistent with the General Plan statements in “*Shaping land use/economic development policies and strategies that build on these assets will be to both the City’s and the institutions mutual benefit.*”

The General Plan includes eight Strategic Action Areas which make efforts in achieving a better vision for Pomona’s institutions such as the Fairplex. Strategic Action Area for Fairplex is in Priority 4 – Institutions. In priority four the Planning Approach states to “*Retain existing institutions and work with relevant organizations to encourage the eventual transition of their campuses to greater land use efficiency and mixture of complementary uses.*” There are three Strategy areas that are listed in the General Plan recommended in Priority 4 which include:

- *Support the expansion/strategic change of these important City assets.*
- *Plan for the type of development that will both support and capture value from the institutions on and around these campuses.*
- *Work with the institutions such as Cal Poly, the Fairplex, Lanterman Center, the Pomona Valley Hospital Medical Center, and Western University of Health Sciences to identify missed opportunities that can benefit both the City and the institutions.*

Furthermore, the General Plan Update Implementation Goals and Policies should be referenced when considering proposed text amendments. A Specific Plan requirement will help Fairplex transition from its present state of growing pains into formulating a tangible vision for the future. The additional goals and policies to consider include:

Goal: 6C.G5 Maintain the Fairplex facility as a vital part of Pomona.

Goal: 6C.G6 Encourage intensification and development of a wider array of uses at the Fairplex.

Goal: 6C.G7 Ensure that new development is in scale and compatible with surrounding districts and neighborhoods.

Policy 6C.P4 Work with the Fairplex to ensure that future plans for the facility benefit both the Fairplex and the City.

Policy 6C.P5 Permit new commercial and visitor-serving activity.

Policy 6C.P6 Require an appropriate planning/land use study approved by the City Council for commercial development above 250,000 square feet of space or any residential development. Encourage the study or plan to addresses:

- *Location and distribution of various land uses and activities.*
- *Location and distribution of public parks and plazas.*
- *Compatibility of development with the adjacent residential neighborhoods.*
- *Implementation of required mitigation and improvements to circulation and infrastructure, including phasing—which shall all be the responsibility of the developer(s) at the time of development.*
- *Integration of on-site components—as well as connectivity to the surrounding neighborhoods—via pedestrian linkages, landscaping, public spaces, street network, appropriate building scale and bulk transitions and buffers for sensitive land uses.*

- *Design standards and guidelines.*

Policy 6C.P7 If any new residential development is permitted as a result of any subsequent land use study in the future, require provision of new public neighborhood and community parks at a ratio consistent with City standards.

Policy 6C.P8 Require development to create an internal street network that integrates the Fairplex into the rest of the community rather than isolating it.

Policy 6C.P9 Require an appropriate transition between new development and adjacent single-family neighborhoods by using massing techniques and locating smaller scale buildings along the edge of adjacent neighborhoods.

Policy 6C.P10 Maintain consistency with the Los Angeles County Airport Land Use Compatibility Plan [once adopted] as it pertains to Brackett Field.

Policy 6C.P11 Require new development to have a transit oriented pattern. To the extent possible, organize land uses and development intensities to maximize Metrolink, Metro Gold Line, or future Bus Rapid Transit (BRT) ridership. Establish street patterns and pathways to provide clear, well-defined access to the station and promote walkability within the district.

Policy 6C.P12 Strengthen the connection between the Fairplex and Downtown along White Avenue.

Copy of the “blue box” analysis completed on May 9, 2018 is attached. (Attachment 2)

ALTERNATIVE ORDINANCE TO CONSIDER

Alternative Ordinance. Staff has prepared an Alternative Ordinance for Planning Commission review and possible recommendation to the City Council to serve as a model to work with the Fairplex in finalizing an Alternative Ordinance (Attachments 3 and 4). In addition, allow the community an opportunity to review this draft document. The alternative ordinance is staff’s effort in providing a “stop gap” measure that is more restrictive, yet allows existing Fair uses to continue to operate. The restrictive part is really about implementing the General Plan Update goals and policies which have also been accepted by the County of Los Angeles, Fairplex, and the Community.

The restrictiveness in the draft alternative code serves to connect the General Plan Update with future land use / zoning decisions. The alternative ordinance attempts to transition from an incremental / no vision document into preparation of a document that establishes a future tangible vision for the Fairplex and the Community. The draft alternative also provides some leeway to review projects via processing of a Conditional Use Permit with appropriate CEQA compliance.

The use of Temporary Use Permits and Conditional Use Permit could possibly be expanded to address immediate special events while a permanent planning document is prepared.

Los Angeles County Code – Events with Over 10,000 Participants. Attachment 5 incorporates the Los Angeles County Code, Chapter 11.07 – Public Events with Daily Attendance of Over 10,000 Participants. The Planning Commission may want to also incorporate similar language into the alternative code.

NEXT STEPS

The Commission and staff have reviewed over five years of staff reports and relative historical context about Fairground regulations and more recent City General Plan policy pertaining to the future growth and development of the Fairplex. The Alternative Ordinance provides a temporary fix and connection to the General Plan Update. The Alternative Ordinance also makes efforts in working with the Fairplex in transitioning from current Zoning Code and transition to a Specific Plan that will more adequately address the future vision and concerns of the community. The Commission may consider the following next steps:

1. Direct staff to forward this report to the City Council as the Commission's recommendations. This may include consideration of working with Fairplex and the Community on finalizing the Alternative Ordinance (modifications/amendments/other may also be incorporated prior to sending to the City Council); or
2. Direct staff to finalize the Alternative Ordinance as a formal Text Amendment Project and set a public hearing to consider recommendation in adopting the Alternative Ordinance for the August 22, 2018 Planning Commission meeting; or
3. Provide other direction to staff.

Respectfully Submitted By:

Mario Suarez, AICP, CNU-A
Development Services Director

PC ATTACHMENTS:

- 1) 7-30-2018 Letter Received – Fairplex
- 2) May 9, 2018 “Blue Box” Analysis of Draft City Council Ordinance (without attachments)
- 3) Alternative Ordinance with Redlines
- 4) Alternative Ordinance without Redlines
- 5) Los Angeles County Code, Chapter 11.07 – Public Events with Daily Attendance of Over 10,000 Participants