

MIDTOWN SEGMENT OF THE POMONA CORRIDORS SPECIFIC  
PLAN.

**Item continued from September 12, 2018.**

Development Services Director Suarez reported staff is requesting that this item be continued to the next meeting in October in order to review the various correspondences the City Staff has received with regards to the project. He stated there was an agreement with the property owner, however, he is not the applicant, the applicants are 7-Eleven and at this point they are in objection to having it continued and so the only other option is to hear this item later tonight, if we consider moving up Item 7.

Chair Brown clarified that because new information has been received, in terms of petitions and so forth related to this item (F-3), and the ABC permit staff is requesting to continue this item to the next Planning Commission Meeting, October 10, 2018.

Chair Brown opened the public hearing and asked for a motion to continue this item.

**Motion by Commissioner Arias, seconded by Commissioner Hemming, carried by a unanimous vote of the members present (6-0-0-0), to continue the approval of conditional use permit (CUP 9509-2018) to October 10, 2018.**

**Commission Member Ursua left the meeting before discussion commence for Item F7.**

F-7

CODE AMENDMENT (CODE 9778-2018) REVIEW OF CITY COUNCIL AD HOC COMMITTEE'S DRAFT CODE AMENDMENT (CODE 9778-2018) TO AMEND SECTION .435. "F" FAIRGROUNDS ZONING DISTRICT, GENERALLY LOCATED AT 601-1101 W. MCKINLEY AVENUE AND 2250 FAIR AVENUE.

**Motion by Commissioner Juarez, second by Commission Kercheval, carried by a unanimous vote of the members present (6-0-0-0), to move Item 7 after Item 3.**

Development Services Director Suarez, Development Services Director, provided a presentation on the item. He stated the Commission may recommend denying, approving, providing an alternative version or making other recommendations. He spoke about actions taken to address the operational issues by the Fairplex during the 2018 annual Fair to be a good neighbor (traffic controls, Uber/Lyft drop off points, additional signage) and provided additional analysis for the Commission and public to review.

Commissioner Kercheval asked if staff spoke with the County about doing an EIR and was wondering how the County responded.

Development Services Director Suarez replied that call wasn't made; he stated Commissioner Kercheval's concerns about L.A. County being for or against an EIR, relates directly to the project which hasn't been defined and the idea of a CEQA document is a little early.

Commissioner Juarez asked if currently only buildings or projects that are 30,000 square feet or larger come through a Conditional Use Permit process.

Development Services Director Suarez responded yes.

Commissioner Juarez inquired if there was a specific change in the F-code amendment pertaining to that Conditional Use Permit.

Development Services Director Suarez responded that has not recommended. It's at the discretion to the Commission and could be added as a modification to Item B.

Commissioner Juarez clarified if traffic in the Memorandum of Understanding refers to adjacent neighborhoods or the logistics of ingress and egress.

Development Services Director Suarez responded it is a comprehensive look at all traffic issues as it relates to all events related to the Fair.

Commissioner Juarez reported it took him an hour this Saturday to get from the Fair to the street. He asked if the Commission could we request specific items to be addressed in the Memorandum of Understanding other than the noise, traffic, trash and lighting.

Development Services Director Suarez responded absolutely, the Commission can add additional terms to the Memorandum of Understanding and then get feedback from the Fairplex about they feel about. He noted it would be the preferred way to get that dialogue going.

Chair Brown opened the public hearing; limited speakers to two minutes or less.

**Miguel Santana**, CEO Fairplex, thanked the Commission for its thoughtful and objective approach. He stated the Fairplex is requesting the Planning Commission recommend to City Council to deny the proposed amendment to the F-zone and engage the Fairplex to develop a Memorandum of Understanding based on the term sheet created in collaboration with the Planning Department to deal with the specific issues of trash, noise, traffic and lighting. He reported the Fairplex has already begun working on those issues based on input from neighbors and will continue doing so regardless of the outcome. He shared efforts engaged so far include improvement of traffic patterns along McKinley by creating a special drop-off zone, sending out crews to clean the streets, and engaging on reducing sound during the periods of time people are sleeping. He stated the Fairplex would also like to pursue a Specific Plan working with the County and the City to think about the future of the complex, conducting an EIR, various traffic studies and additional mitigations as projects evolve.

**Alfredo Fraijo, Jr.**, Counsel for Fairplex, stated the Fairplex supports the adoption of resolution C and D as was acknowledged by Mr. Suarez. He noted resolution C is the preferred option. He summarized the correspondence submitted to the Commission for consideration regarding the development of a Specific Plan as a long term solution that will realize Fairplex Strategic Plan goals while also addressing stakeholder groups concerns. He reported the Fairplex is already collaborating with staff to draft a term sheet for the creation of a Memorandum of Understanding. He commented the Commission has already expressed support for resolution C at the August 8<sup>th</sup> Committee meeting, per meeting minutes and the adoption of an F-zone amendment now will not only contradict the Planning Commission's recommendations.

**Joyce Change**, County of Los Angeles, stated the County supports approval of options C and D, which denies the F-zone amendment. She commented the proposed F-zone amendment is confusing and will negatively impact this important County asset. She stated the County supports a Memorandum of Understanding between the City and Fairplex to specific target issues related to traffic, noise, trash and lighting and a Specific Plan process will address planning issues at Fairplex in a thoughtful and transparent manner, in which, the County would have an opportunity to participate. She provided a statement from Supervisor Hilda Solis's representative, Norma Martinez.

**Thomas Faughnan**, Senior Assistant County Counsel, County of Los Angeles; stated the County supports the approval of options C and D proposing denial of the F-zone amendment and recommending a Specific Plan process and a Memorandum of Understanding with the Fairplex to address immediate concerns over traffic, noise, trash and lighting. He commented that both proposed ordinances unfairly restrict long standing permitted uses of the property which will likely have significant economic impacts on the Fairplex, County

and the City if enacted. The County believes the community concerns voiced to date regarding traffic, noise, trash and lighting can and should be addressed by Fairplex in the proposed Memorandum of Understanding and land use concerns should be addressed in a transparent Specific Plan process that would involve all stakeholder groups including the County of Los Angeles.

**Walter Marquez**, Vice-President Fairplex, spoke in opposition and for Option C being developed through a collective process of discussion and that this option is a no vote to the F-zone amendment and a recommendation to supports the Memorandum of Understanding until a Specific Plan is adopted. He noted the idea of a Specific Plan and Memorandum of Understanding was not originated by Fairplex, but through a shared conversation with City staff and selected community members. He requested the Commission vote no on the F-zone amendment, vote no on the F-zone amendment modification and recommend City Council adoption the Memorandum of Understanding and the Specific Plan for the Fairplex campus.

**Judith St. John**, spoke in support of an approval. She stated the Conditional Use Permit process gives the City the best ability to have oversight over the land use. She stated parking problems and trash issues could be eliminated with a Conditional Use Permit process requiring parking be included in the ticket price and once the City establishes that a certain type of event works well you can give the Fairplex a permanent Conditional Use Permit. She spoke about the importance of having a traffic study and expressed concerns with parking on Canyon Way.

**Mario Ramos**, spoke in support of option A (or B), and noted A is preferable. He expressed concerns with the Memorandum of Understanding just addressing operational items that City should already be handling and stated he doesn't understand its relevance of if it legally binding. He spoke about the process taking a long time (300 days, almost 10 months), so to be venturing to some other long term analysis would be unfair to our community. He commented that this is 500 acres of land, a big issue for everybody and Conditional Use Permit's make sense.

**Jesus Campos**, not present.

**Denise Marquez**, spoke in support of 7-A, and noted 7-B is a strong alternative; She commented the Ad-Hoc Committee is part of the City Council, and the City Council answers to the community, therefore, they have a vested interest in doing what's best for the people of Pomona. She noted the Fairplex will continue to be successful and she supports having oversight in writing. She requested clarification for the public if the Memorandum of Understanding is a legally binding document.

**Stella M Ibarra**, not present, supports.

**Edward Sevilla**, not present, supports.

**Susan Tantee**, not present, supports.

**Judy Phillips**, 799 Yorba Drive, spoke in support of F-A. She shared her experience living behind the maintenance area and expressed concerns with a lack of "no parking" signage by her home, that the Fairplex was charging \$25 for handicapped to park, calling it the VIP section and about maintenance starting too early, especially on Sundays. She spoke about wanting to know what's happening behind her house to protect her privacy and security.

**Jack Phillips**, not present, supports.

**Elda Sevilla**, not present, supports.

**Brenda Morris**, does not wish to speak, support

**Berry Anderson**, Yorba Drive, spoke in support of 7A. He commented the City Council should have revoked the F-zone ordinance when the L.A. times investigation and government audits exposed financial abuses and deadly raves.

**Tina Loza**, Vice-Chairman of the Board at the Fairplex, 1111 Oak Knoll Rd, Ganesha Hills. Spoke in opposition. She urged the Commission to vote no on the F-zone amendment and spoke in support of a Memorandum of Understanding to move forward on the issues of trash, noise, traffic and lighting and requested the City work with the Fairplex and the County to come up with a Specific Plan.

**Dr. Cid Pinedo**, Chairman of the Board at Fairplex, spoke in opposition. He supports Item C and about his desire to work with the Planning Commission, City Council and staff to develop a comprehensive plan of how to move forward. He requested the Commission deny the F-zone amendment and support a Memorandum of Understanding and Specific Plan. He commented working together collaboratively in a transparent process is what's best for the City and the Fairplex.

**Lucas Rivera**, not present, opposes.

**Amos Young**, spoke in opposition and in support of a Memorandum of Understanding, a Specific Plan and the denial of the current text amendment language. He stated theses processes provide stakeholders (City, Staff, Planning Commission, elected and shareholders and nearby residents) the continued opportunity to address the issues and to ensure that our fellow partners, LA County and the Fairgrounds are included. He shared her had a conversation with US Senator Diane Feinstein and that as a ranking member of the judiciary committee she stated she would do all she can to support a blue print for success for the City of Pomona. He stated a blueprint must include all stakeholders including institutions which he feels would be found through a Specific Plan and a denial of the current text amendment language.

**David McElwain**, Chairperson of the Board of Directors Pomona Chamber of Commerce; spoke in opposition. He supports of a no vote on the current proposed F-zone amendment, because it limits the ability of Fairplex to serve as a premier destination for entertainment, commercial events and cultural celebrations. He stated the Pomona Chamber of Commerce supports the Fairplex as a unique and indispensable part of Pomona's history and future and feels they are working to address resident concerns. He noted the business community relies upon the synergy of Fairplex as an economic engine and a partner.

**Ron Vandermolten**, spoke in support of a Specific Plan. He encouraged the Planning Commission to have an all encompassing discussion about what the Fairplex means to the City and what the City means to Fairplex and the County.

**Patricia Anderson**, spoke in support. She spoke about the history of the land being given by ranchers for agricultural type of programming and the loss of oversight and local control, since the changing of the F-zone in 2004. She expressed concerns the Fairplex has not been open with the community and mentioned the results of the investigation, the Fairplex non-profit status and a master plan that includes transitional housing

**Sol Gara**, spoke on behalf of Diana Contreras in support. She urged the Commission to support a the ordinance provided by City Council. She stated the Memorandum of Understanding may not be legally binding and City already has language to resolve these issues in ordinances. She requested in the future that it be noted within public comments, if someone was in support or opposition.

**Efren Herrera**, not present, supports.

**Reyna Garcia-Ramos**, not present, supports.

**Daniel Betanzos**, not present, supports.

**Yolanda Gomez**, not present, supports.

**Brian Brooks**, shared he lives 184 feet south of Gate 19 and has been there 31 years. He spoke in support of A, B and C. He shared he likes the rules and living in Mountain Meadows with a Specific Plan and commented that a Memorandum of Understanding should include enforcement provisions or it doesn't mean a thing.

**Juana Marquez**, not present, supports.

**Hilario Marquez**, not present, supports.

**James Gayles**, not present, supports.

**Lisa Gomez**, not present, supports.

**Deanne Puetthong**, not present, supports.

**Tania Vasquez**, not present, supports.

**Kathryn Have**, not present, supports.

**John Mendoza**, 1602 N. Park Ave, she spoke in support of oversight of the Fairplex and urged the Planning Commission to put the ordinance in affect. She commented that Miguel Santana will not be here forever and the City Council will eventually change.

**Anne Henderson**, Yorba Drive; spoke in opposition. She supports a no vote for Item A and B and requested the Commission adopt the Memorandum of Understanding between the City and Fairplex to address the trash, lighting, traffic and the noise and go with the Specific Plan which is a thoughtful and deliberate process with all of the stakeholder involved.

**Erica Frausto**, not present, opposes.

**Michael Driebe**, 1528 Hillcrest Dr., Spoke in support of Option D and C and the denial of the proposed F-zone amendment and its modifications. He requested the City enter into a Memorandum of Understanding with Fairplex and create a Specific Plan.

He stated the amendment as proposed by the Ad-Hoc committee and the modification as proposed by the City staff would hobble one of the City's greatest assets doing irreparable damage to a business that generates more than that 2.7 million dollar in direct taxes.

**Ann Tomkins**, not present.

**Ed Tessier**, not present, opposes.

**Margaret Purnell**, does not wish to speak.

**Nicholas Warren**, not present, opposes.

**Elizabeth Brooks**, not present, opposes.

Chair Brown read into record the names of those not wishing to speak.

- Richard Eaz, support for 7A
- Erik Sanchez, support for 7A
- Jane Brooks, supports 7A

- Karen Loehr, opposes
- Julie Mestas, opposes
- Patricia Newton, opposes
- Chris Faull, opposes
- Rikky Fine, opposes
- Rick Debruyne, opposes
- Jason Warren, opposes

**Joe Silva**, Protect our Neighborhood, spoke in supports of A. He commented that his response is based on the Fairplex letter of 9/21/18 circulating their neighborhood about traffic, noise and trash. He commented this small stuff is deflecting from the management of the Fairplex association. He spoke about a mission statement in the articles of incorporation dated December 13, 1940 which lists the purposes of the Fair, which are mainly education and agriculture and expressed concerns that the policies in the staff report do not comport with this list. He noted the Protect our Neighborhood would gladly meet with the Fairplex Board or Association, but not the staff or lawyers.

Chair Brown closed the public hearing.

Commissioner Hemming reported the Commission already recommended resolution C to City Council and they somewhat disregarded any suggestion of a Memorandum of Understanding or a Specific Plan. She stated Council said they wanted a yes or no on this code amendment; therefore she makes a motion for Item D, denial, but feels that would be neglecting the Commissions duty, so she would also like to include resolution C to give a positive direction to the Council.

Assistant City Attorney Jared clarified the Memorandum of Understanding provides a basis for deal points on the Specific Plan, but in and of itself, it is not enforceable. He stated only a Specific Plan, zoning code amendment or development agreement would be enforceable. He noted a development agreement is one option that hasn't been mentioned here but is alluded to in the Planning Commission alternative recommendations as Option E.

Commissioner Hemming stated that is why she thought the Memorandum of Understanding was combined with the Specific Plan, so the two documents would work together. She commented the commission is not given the option of "and/or" and asked if she could eliminate the Memorandum of Understanding from Item C.

Assistant City Attorney Jared responded the Memorandum of Understanding component is incorporated so that there is some continuity of language and proposals that have been gone back and forth from Fairplex to staff on that issue.

Commissioner Hemming stated her motion stands as she made it.

Development Services Director Suarez stated Commissioner Hemming made a good point and maybe somewhere in improvement of Item C they could include additional language to have staff explore the option of a development agreement as part of the entire package of Item C.

Commissioner Juarez asked if a Conditional Use Permit process is developed within a Specific Plan or does it forego with the Conditional Use Permit processes.

Development Services Director Suarez responded yes that's possible. He stated the Specific Plan can do many things, it depends on how its developed, usually if the process is successful and everybody is in agreement there are agreed upon processes for a use permit or other mechanisms.

Commissioner Juarez spoke about adding land uses and asked if there would be a Conditional Use Permit process placed in that Specific Plan.

Development Services Director Suarez responded yes, that's a process that can be utilized.

Commissioner Juarez asked if this would only impact the developments that are 30,000 square feet and above.

Development Services Director Suarez replied no it would be starting from scratch (with a whole new code).

Commissioner Kercheval asked about a previous Memorandum of Understanding with Fairplex or the Sheraton regarding payment.

Development Services Director Suarez replied he can't say for sure, he thinks it was a Conditional Use Permit.

Commissioner Kercheval commented she appreciates that the Fairplex is making moves to do the traffic patterns, however, there haven't been any specific numbers or studies therefore the Commission really know when traffic becomes a problem. She spoke in support of move forward with A or B. She expressed concerns with the Memorandum of Understanding not being a fair and open process and stated leadership changes and could impact the Memorandum of Understanding.

Chair Brown spoke in support of the motion made by Commissioner Hemming for a Specific Plan and Memorandum of Understanding. He stated it is his belief that working towards a Specific Plan is the best solution for the community and the Fairplex because it allows the opportunity to be more specific about land use decisions by their geographic location in relationship to neighborhoods. He commented he understand that the Memorandum of Understanding has limitations and many of the issues it proposes to address are enforceable by other nuisance ordinances that exist, however, the Memorandum of Understanding is an important good faith effort for both sides to come together.

**Motion by Commissioner Hemming, seconded by Commissioner Arias, fails by a vote of the members present (3-2-1-0), Commission Members Ursua and Juarez voted to Deny and Grajeda voted to abstain, to approve a recommendation of resolution C and D to City Council.**

Assistant City Attorney Jared advised the Commissioners that an alternative motion could be made. He reminded the Commission that the request by the City Council was to act on this matter failure to act would be deemed an approval of the proposed ordinance.

---

**Motion by Chair Brown, seconded by Commissioner Hemming, approved by a majority vote of the members present (4-2-0-1) with Commission Members Juarez and Kircheval voting to deny, to approve a recommendation of resolution D to City Council.**

---

F-4

TENTATIVE TRACT MAP (TRACTMAP 4852-2016) TO APPROVE APPLICATION FOR A TENTATIVE TRACT MAP TO DEVELOP NINE CONDOMINIUM UNITS IN THE R-2 (MULTIPLE-FAMILY RESIDENTIAL) ZONING DISTRICT ON PROPERTY LOCATED AT 1535 SOUTH RESERVOIR STREET.

**Continued from September 12, 2018.**

Ata Khan, Senior Planner, provided presentation on the item.