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Appeal of the Planning Commission's Decision

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CITY OF ANAHEIM

An appeal of any action taken by the Planning Commission regarding Reclassifications, Conditional Use Permits, Variances, Public Convenience or Necessity Determinations, Tentative Tract and Parcel Maps must be filed within 10 calendar days of the Planning Commission meeting at which such action took place. The appeal shall be made in written form to the Office of the City Clerk and be accompanied by the appeal fee in the amount of \$350 (check/money order/Visa/Mastercard).

DATE: August 31, 2016

PROJECT: LT Platinum Center, Development Project No. 2015-00024

LOCATION: 2040 South State College Boulevard

FROM PLANNING COMMISSION MEETING OF (DATE): August 22, 2016

APPELLANT NAME: Angels Baseball LP

MAILING ADDRESS: 2000 Gene Autry Way Anaheim CA 92806
Street Address City State Zip Code

TELEPHONE (DAYTIME NUMBER): 714.940.2000

E-MAIL ADDRESS: Alex Winsberg: alex.winsberg@angels.com

BRIEF DESCRIPTION FOR APPEALING THE PROJECT:

The Angels object to the City's use of an addendum to analyze the Project. A preliminary review of the materials reveals that the Project will result in new or more severe environmental impacts that were not addressed in previous environmental documents. The Project also conflicts with the City's General Plan and other policy documents that govern development in the Platinum Triangle. In addition, the Staff Report and Addendum do not adequately describe the authority for the proposed transfer of development intensity. The Angels will be submitting additional correspondence, comments and expert reports and analysis in advance of the City Council hearing. Please refer to attachment.

SIGNATURE: Dennis Kuhl DATE: August 31, 2016
Dennis Kuhl, Chairman, Angels Baseball LP

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LATHAM & WATKINS LLP

August 31, 2016

**VIA EMAIL**

The Honorable Tom Tait  
Mayor of Anaheim  
200 S Anaheim Boulevard  
7th Floor  
Anaheim, CA 92805

Members of the Anaheim City Council  
200 S Anaheim Boulevard  
7th Floor  
Anaheim, CA 92805

Re: Appeal of Planning Commission Actions Regarding LT Platinum Project

Dear Mayor Tait and Members of the City Council:

Angels Baseball LP (“Angels”) submits the following appeal of the City of Anaheim (“City”) Planning Commission’s August 22, 2016 recommendation that the City Council approve the requested land use changes and entitlements for the LT Platinum project (“Project”) in the Platinum Triangle area. While it is not clear that an appeal is strictly required under Anaheim Municipal Code section 18.60.130.010, the Angels submit this appeal to preserve their rights to object to the Project at the City Council hearing and exhaust administrative remedies.

The Angels are very supportive of developing the Platinum Triangle area but are concerned about how this complex application is being processed with very limited environmental review and no opportunity for public review—which is not typical for a project of this magnitude. As described below, the Angels object to the City’s use of a limited “addendum” to analyze this very substantial, new proposal that highly concentrates mixed-use development in an unprecedented manner within the Platinum Triangle and will create a new neighbor immediately adjacent to Angel Stadium of Anaheim. While the Angels have only had a matter of days to review the August 22, 2016 Planning Commission Report (“Staff Report”) and Addendum No. 6 (“Addendum”) to Final Subsequent Environmental Impact Report No. 339 (“SEIR No. 339”), even a preliminary review of the materials reveals that the Project will result in new or more severe environmental impacts that were not addressed in previous environmental documents. Moreover, the Addendum falls far short of a number of mandatory California Environmental Quality Act (“CEQA”) requirements. Accordingly, a project-specific

environmental impact report ("EIR") is required, complete with an analysis of project alternatives and an opportunity for public review and comment.

The Project conflicts with the City's General Plan and other policy documents that govern development in the Platinum Triangle. The Project would reduce the amount of available housing in the Platinum Triangle in contravention of the City's housing goals for this area. The Project could also have negative impacts on other nearby projects and property owners, which are not addressed in the Staff Report or Addendum.

In addition, the Staff Report and Addendum do not adequately describe the authority for the proposed transfer of development intensity, and do not provide a site-by-site accounting for the proposed transfers. Such a novel and unexpected change in policy and past practice hardly seems to fall within the scope of the very different "project" last approved in 2010. Moreover, required notice to all affected property owners has not been provided.

Finally, there has been a lack of public outreach on this major Project. The Angels submitted a letter to the City on March 30, 2015 outlining several concerns about the Project, including concerns about the Project's impacts on parking at Angel Stadium of Anaheim. The City responded in a letter dated April 16, 2015, confirming that the City had identified "significant issues" in the Project's initial plans, and promising to "consider how LT's project fits into the City's vision for the Platinum Triangle and how it impacts surrounding properties." However, the City did not reach out further to the Angels for input on the Project design or to ascertain how the Project could "impact surrounding properties."

Enclosed as Attachment 1 is a more detailed summary of concerns regarding the LT Global project. In addition, the Angels will be submitting additional correspondence, comments, and expert reports and analysis in advance of the City Council hearing.

In sum, the Angels are not opposed to reasonable development in the Platinum Triangle or at this site. However, it is essential that the public and affected parties are given an adequate opportunity to participate in the process. Accordingly, the Angels request that the City Council require a full EIR with a proper public comment period before proceeding with this Project.

Sincerely,



George J. Muhlsten  
of LATHAM & WATKINS LLP

cc: Dennis Kuhl, Chairman, Angels Baseball LP  
Alex Winsberg, Director, Legal Affairs & Risk Management, Angels Baseball LP  
David Belmer, Planning & Building Director  
G. Scott Koehm, Senior Planner  
Kristin Pelletier, Acting City Attorney  
Paul Emery, City Manager

**Attachment 1**

The Angels submit the following non-exhaustive list of objections.

- The Project cannot rely upon a programmatic EIR and addendum to provide adequate environmental review, because the Project is outside the scope of SEIR No. 339's analysis for the Platinum Triangle and must be treated as a new project.
- Even if the Project could rely on the SEIR No. 339, the Addendum is fundamentally flawed for the following reasons:
  - The Addendum fails to satisfy basic CEQA requirements:
    - The Addendum does not properly describe the Project, rendering the analysis confusing and incomplete.
    - The Addendum fails to adequately disclose specific impacts of the Project.
    - The Addendum ignores basic CEQA requirements to compare the Project to existing physical conditions.
  - Notwithstanding that a new EIR is required, a supplemental or subsequent EIR is also appropriate because: (1) there have been substantial changes to the "project" and project circumstances analyzed in SEIR No. 339; and (2) new information shows the Project could result in new or more severe environmental impacts.
  - The environmental analysis fails to meet basic substantive CEQA requirements and ignores recent regulatory changes and CEQA case law, including:
    - Health risks are not properly quantified or disclosed and additional mitigation must be considered.
    - Air quality impacts are not properly quantified or disclosed and additional mitigation must be considered.
    - The greenhouse gas analysis fails to implement all feasible mitigation measures, ignores a recent California Supreme Court decision on greenhouse gas emissions analysis, and is not supported by substantial evidence.
    - Pedestrian safety impacts are not analyzed or disclosed.
    - The aesthetics analysis is deficient and related mitigation measures are improperly vague.
    - Hazardous conditions and impacts on emergency routes are not adequately disclosed.

- The Project's water supply assessment must be updated and focused on the new proposed mixed use.
- The traffic analysis is fundamentally flawed and arbitrarily recommends changes that are not contemplated by any prior analysis or approved planning document.
- The environmental document fails to identify and analyze a reasonable range of alternatives.
- The environmental document fails to identify all feasible mitigation measures.
- The use of an addendum precludes public comment and informed decision-making given the size and prominence of this Project.
  - The public should have the opportunity to review and comment on the Project's environmental impacts and major changes to the Platinum Triangle land uses.
  - The City has not been informed of reasonable project alternatives, including placing "excess" development intensity elsewhere.
- The Project would conflict with the General Plan and other policy documents.
  - The Project would conflict with the City's stated goals and policies for the Platinum Triangle.
    - The Project would eliminate planned residential uses in the Gateway District.
    - Incorporating portions of the Project into the Stadium District may affect existing and planned commercial development from the Stadium District.
    - The Project is inconsistent with the City's Housing Element and goals to add new housing in the City and the Platinum Triangle.
    - The Project is inconsistent with other General Plan policies for green development, reducing noise impacts, and safe pedestrian access.
  - The City is unable to make the required findings for the Project entitlements.
    - The City cannot make the required findings for the modification to the Platinum Triangle Mixed Use Overlay Zone because the Project would "limit or adversely affect the growth and development of adjoining lands."

- The Master Land Use Plan would not “be compatible with existing and proposed development in the surrounding neighborhood.”
  - The City cannot make the required findings for the conditional use permit because the proposed use would generate traffic, imposing an undue burden upon streets and highways designed and improved to carry traffic in the area.
- The City failed to provide adequate notice to donor properties that the density of their properties would be impacted by the Project.