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Kristin Aline Pelletier
Deputy City Attorney
City of Anaheim
200 South Anaheim Boulevard, Suite 356
Anaheim, CA 92805

Re: Proposed Disneyland Resort Eastern Gateway Project

Dear Ms. Pelletier:

This office represents a number of hoteliers and business owners located along Harbor Boulevard in Anaheim. Because their businesses are located on the block directly across from Disneyland, they will be significantly affected by the proposed Eastern Gateway Project (the “Eastern Gateway Project” or the “Project”). That Project will soon come before the Planning Commission for review and approval. Our clients have engaged us to convey some of their concerns regarding it. Specifically, no approval should be granted for the construction of the Eastern Gateway Project absent community participation, consideration and resolution of the following issues:

- (1) There has been a lack of meaningful materials put forth by the City of Anaheim (the “City”) or Walt Disney Parks and Resort U.S., Inc. (“Disney”) for review by the community;
- (2) There has been insufficient public discussion as to the safety and reasonableness of housing the security screening gateway directly behind the business on Harbor Boulevard;
- (3) The proposed pedestrian bridge design is out of scale and out of character with the neighboring properties and the community as a whole;
- (4) The pedestrian bridge must allow for access from Harbor Boulevard; and,
- (5) The Project as currently proposed promotes unfair competition.

1. Lack of materials for review by the community.

To date there has been a lack of any meaningful material put forth by Disney or the City for review and comment by the community as a whole, or the businesses located on the block where the Project is situated. This includes a lack of information regarding the anticipated environmental and business impacts this massive Project will have on the neighborhood itself. This is particularly troubling considering this information is - or should be - a matter of public record. Indeed, the City's own website proudly proclaims, under the heading "Transparency in City Government," that it "is committed to providing free access to information and key documents about how the city spends tax dollars and provides services to our community."

Neither the City nor Disney has been forthcoming with information necessary to permit the community to fully evaluate the proposed Project. Our clients' have spent months attempting to obtain such information. At most, the City has allowed Robert Harbin, our client's liaison, to briefly peruse a voluminous plan set with planning staff looking on. He was not permitted copies, or allowed take photos, of any plans, details, renderings or design standards on the basis that such information was "not yet final." In addition, and only after considerable diligence (e.g. numerous emails, phone calls and two separate meetings), did Disney provided Mr. Harbin with an recent acoustical study and several digital images that purported to show: (i) a site plan; (ii) an aerial perspective of the Security Gateway; (iii) Northbound and Southbound street-level images of the pedestrian bridge; and, (iv) an elevation of the Eastern Gateway Pedestrian Connector.

The scant material provided to date is insufficient, incomplete, and is far less than Mr. Harbin requested. This frustrates our clients' ability to evaluate the substantial impacts of the Project. For example, the material contains no information regarding any EIR conducted with respect to the Eastern Gateway Project as currently configured, and omits details on that portion of the Project located to the southwest of the U.S.C.I.S. facility. That portion appears to be within the "Disneyland Resort Specific Plan" and is subject to different regulations formulated, reviewed and approved more than two decades prior to discussion of the current Project. We do not believe the Disneyland Resort Specific Plan can possibly contain an EIR addressing the anticipated impact from the Eastern Gateway Project as currently contemplated. If it does, we would like to see it.

Even the "site plan" Disney provided to Mr. Harbin is disingenuous in that it depicts - at best - one half of the entire the Project. The actual Project is bounded by Disney Way on the South, Harbor Boulevard on the West and Manchester Avenue on the North and East. Nonetheless, the site plan provided to our clients (and to the public at large) omits a fair portion of this entire block, thus presenting a less-than-realistic depiction of the Project. Also omitted from the material provided is any fiscal assessment of the impact the Project will have on those businesses located on the block when guests are guided directly into the Disneyland Resort, whisked past -- or more accurately, over -- these establishments, and a

safety assessment as to those businesses located within the blast-zone of the proposed new security screening gateway (discussed in greater detail in Section 2, below).

Simply put, neither the City nor Disney has been forthcoming with information needed to permit an informed community the ability to voice its opinions and concerns. There has been an inadequate disclosure of documents related to the impact the Project will have on the block, and on the community as a whole. This appears to have been a conscious decision given that Disney's proposed plans have been formally before the City since August 2016 (and informally since February). The City has an obligation to all constituents that mandates it make information regarding the Project available for community review well in advance of any hearings on the proposed Project. The City must not favor a single business over the collective interest of the community, no matter how influential that particular business might be.

2. Insufficient public discussion as to reasonableness of housing security screening gateway directly behind hotels and business.

As currently planned, Disney's proposed security screening gateway is to be located directly behind directly hotels and business located on Harbor Boulevard. It is our understanding that this move follows concerns about a terrorist event, including the detonation of a powerful explosive, at the entrance to Disneyland (which we understand is an area of primary concern for federal agencies). While moving the security screening in light of such concerns may be logical, locating it directly adjacent to guest rooms of neighboring hotels is irrational and dangerous. It unnecessarily places at risk guests and businesses on Harbor Boulevard, shifting the risk from the presumptive target to the innocent bystanders. This is morally questionable, placing the brunt of the burden on those who benefit least from the move.

At the very least, there has been insufficient vetting, public discussion and commentary as to the reasonableness of this issue. And again, neither Disney nor the City has provided the community with written materials or other information related to it. We do not know what steps were taken to study the implications of that proposed location, who made the decision to locate it adjacent to hotel guest rooms, the security qualifications of this decision-maker, the factual underpinning of that particular decision, or the analysis and due diligence the City, Disney and/or law enforcement engaged in before concluding that locating the security gateway adjacent to neighboring businesses and hotel rooms was the *best* solution available.

If the purpose of moving the security gateway away from the Disneyland Resort is to protect park visitors, then moving it to a location where the blast-zone includes off-property business and customers makes little sense from a public policy and urban planning perspective. The City's commitment to the community as a whole should weigh heavily in its consideration of the Project as currently configured. It should not permit Disney to shift its own inherent risk to innocent business and guests on the block, all for sake of protecting Disney's own interest. The City owes a duty to all.

3. Proposed pedestrian bridge is out of scale and out of character with neighboring properties.

The pedestrian bridge itself is out of scale and out of character with neighboring properties and the community as a whole. While the street-level images produced by Disney barely depict the neighboring properties, that which can be seen is troubling: the bridge is monolithic and behemoth; it is sandwiched between the neighboring hotels, and abuts the sidewalk with no setback. This is particularly surprising given that every property on the block is required to observe a set back from the sidewalk. This set back creates a sense of airiness, space, and provides for a street-level view extending straight down the block. The bridge promises to put an end to this. Given its size and shape, it cuts off the street-level view with a massive wall, occupying the set back required of other properties with concrete and mass. It is as if Disney proposes to build a freeway on-ramp/overpass midblock, directly adjacent to our clients' properties. The massive structure blocks views and creates an uncomfortably claustrophobic, inhospitable, undesirable and uninviting environment for the businesses nearby. Many of these businesses anticipate a resulting loss of income and are prepared to take legal action to stop it.

The proposed bridge also is inconsistent with the look and feel of the surrounding neighborhood. The City has gone to great lengths to create a unified urban plan for areas frequented by visitors. This includes the design of the new Anaheim Convention Center and the ARTIC train station. Both have an expansive, spacious and state-of-the-art feel. This contrasts sharply with heavy, battle-ready, fortified ramparts of the proposed bridge. No one disputes that on top of the bridge, Disney will create a pleasant experience for those guests walking across, but as currently designed, Disney proposes an eyesore for everyone else. Disney's commitment to providing guests with an excellent customer experience may be a worthy desire, but the City cannot permit that to come at the expense of Disney's neighbors. Substantial changes must be implemented before the City approves the Project.

4. Walkway and bridge must allow for pedestrian access from Harbor Boulevard.

Consistent with the City's commitment to a public/private partnership where it represents the interests of all citizens, the proposed Eastern Gateway bridge must allow for pedestrian access *from* Harbor Boulevard. As currently configured, the only access is from the Eastern Gateway itself. Thus, despite its proximity, visitors to nearby hotels and businesses along Harbor Boulevard would have travel by car, shuttle, taxi or bus to the Eastern Gateway in order to access the connector into the park. This makes no sense and creates an unreasonable burden on the community. It also unnecessarily adds to the very traffic congestion this walkway purports to alleviate. The City therefore should *require* that the pedestrian bridge allow for access on (or from) Harbor Boulevard. This inclusive solution would avoid the inherent problem of cutting off park visitors from the businesses along Harbor.

5. The Project as currently proposed promotes unfair competition.

As currently proposed, the Project will choke off businesses located on Harbor Boulevard. Given that "way-finding" signs on City streets will shepherd guests from the I-5 freeway directly into the Disney Eastern Gateway Project, visitors will completely by-pass local businesses on the block. The cynical view is that this is a concerted effort by a competing business to drive all customers for food, lodging, souvenirs and sundries to Disney-owned coffers. A less cynical view is that it is simply a gross oversight by the City. Either way, it is unacceptable because - intended or not - City-sanctioned by-passing of these businesses allows Disney to unfairly compete for and capture limited resources that stem from visitor dollars. If this is allowed to happen, the natural consequence is the certain demise of these businesses. The City should neither condone nor contribute to such a result, but that is precisely the role it plays if it approves the Project as currently configured. Again, the City owes a duty to all, not only to the biggest business in town.

It is precisely because of this that my clients bring these issues before the City. It alone has the right to approve - or disapprove - the proposed Project, including the pathway design. Here more than ever, the City must look out for the community as a whole, because unless it does, no one else will. Basic fairness mandates the City's expenditure on this project (be it direct or indirect) should not inflict any harm. City approval for the Project must be conditioned on all appropriate and inclusive changes.

Finally, I note that my clients recognize that City staff has worked long and hard to bring this Project to near commencement, and we applaud these efforts. We have no doubt that - once the issues addressed above have been worked out - the Project will be of the highest quality. As a final step, however, the City must investigate the issues identified above, taking into account the *entire* community.

We appreciate you giving this matter all due consideration.

Very truly yours,



Jonathan S. Pink of
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cc: Mr. Robert Harbin