



April 22, 2019

Chris Zapata, City Manager
City of Anaheim
200 S. Anaheim Blvd., 7th floor
Anaheim, CA 92805

RE: Request pursuant to California Public Records Act to inspect and copy public records regarding land use agreements with and incentives for Amazon

Dear Mr. Zapata:

This is a request, under the California Public Records Act (Government Code Section 6250 et seq.), for you to make certain public records available for inspection and copying and to produce copies of the same. This request pertains to the City of Anaheim's land use development agreements, permits, zoning variances, environmental reviews, exemptions from environmental review, development fees or fee waivers, and other City documents related to Amazon.com Inc. and its various divisions and subsidiaries in support of its internet retail operations, including the development of fulfillment centers and other logistics and warehouse facilities. We want to obtain a copy of all records and communications related to applications submitted to the City, City review or approval of applications or agreements, and agreements entered into by the City for facilities used by Amazon.com, Inc.

Definitions Used in this Request

In order to provide as specific a description as possible of the requested public records, the following definitions are provided with regard to the requests that follow:

AMAZON means Amazon.com, Inc. and any of its departments or subsidiaries, including but not limited to Amazon Prime, AmazonGlobal, Prime Air, Whole Foods Market, Amazon Web Services, Amazon Prime Video, Amazon Studios, Amazon Fresh, Fulfillment by Amazon, or Amazon Warehouse.

AREA PLAN and **COMMUNITY PLAN** mean the regulations that are part of the **GENERAL PLAN**, but focused on a smaller areas or neighborhoods, and addressing issues pertinent to a particular area or community within the **CITY**.

BUILDING PERMIT or **BUILDING PERMITS** means the type of authorization granted by the CITY government before the construction of a new or existing building can legally occur.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) means the 1970 California legislative requirements for state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed development projects, and to reduce those environmental impacts to the extent feasible. This includes Negative Declarations and Environmental Impact Reports (EIRs).

CIRCULATION ELEMENT means the regulations applying to existing and proposed major roads, transit routes, terminals, and public utilities and facilities, as stated in the CITY's general plan. This also means traffic safety, heavy truck routing and protection of CITY infrastructure.

CITY or **THE CITY** means the City of Anaheim, and all of its departments, officials and employees.

COMMUNICATION or **COMMUNICATIONS** means any **RECORD** that refers to or constituted the transmission of information of any kind between one person or entity and another person or entity, including but not limited to emails, text messages, telephone conversations, notes of conversations (whether in person or by other means), notes of meetings (however recorded), recordings of verbal communications or meetings, documents distributed or conveyed at in person or virtual meetings (by means of teleconference or videoconference), including presentations projected or shown on computer screens.

DEVELOPMENT AGREEMENT or **DEVELOPMENT AGREEMENTS** means the binding contract between a developer and the CITY establishing the conditions under which a particular development may occur, for an agreed upon period of time.

EASEMENT INTEREST means a portion of the rights to real property, such as the right to travel over the property or the right to build structures. Examples include travelways, utilities and open space are some common uses of easements.

FEE-FREE LOCATIONS allow production companies to use CITY-owned locations at no charge.

FEE or **FEES** mean an amount of money charged for a service or for the use of something.

FINANCIAL ASSISTANCE means any tax reduction, tax rebate, tax deferment, preferential property tax assessment, FEE waiver, FEE reduction, FEE deferment, investment credit, wage credit, job training, below-market-value land sale, swap, or LEASE, EASEMENT INTEREST, bond financing, revenue bond, loan, loan guaranty, or other financial incentive or subsidy. This includes any as-of-right incentive programs, available to any company that meets the requirements.

GENERAL PLAN means the CITY's planning guidelines for its future development goals, and policy statements to achieve those development goals.

LAND SWAP means the exchange of public land for parcels owned by private landowners or other jurisdictions in order to obtain desirable assembly of parcels for development.

LAND USE REGULATION means any action by the CITY to authorize construction or improvement of a facility occupied by Amazon, including zoning approval or variance and BUILDING PERMIT approval.

LEASE means the contract by which a property owner or manager conveys land, property, services, etc. to another for a specified time, usually in return for a periodic payment.

MUNICIPAL BOND means either general obligation backed by the full faith and credit of the CITY or revenue bonds repaid by monies derived from the sale of commodities or from the use of facilities.

NOISE ELEMENT means the regulations for identifying, appraising and mitigating noise problems within the CITY, as stated in the CITY's general plan. These regulations influence the distribution of land uses.

OPEN SPACE ELEMENT means plans and measures for preserving open-space for natural resources, outdoor recreation, public health and safety, and for agriculture.

POLLUTION EXPOSURE REDUCTION means plans and measures for improving or maintaining air quality for the promotion of CITY's residents and environmental health, as mandated by California Senate Bill 1000.

RECORD or RECORDS means and includes both paper documents and electronic representations of information, including handwriting, typewriting, printing, photographing, photocopying, transmitting by electronic mail, facsimile, text message, messaging through any electronic device connected to the internet, and every other means of recording upon any tangible thing, any form of COMMUNICATION or representation, including letters, words, pictures, sounds, or

symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored. The term includes such representations of information wherever they are located or whoever has actual physical custody of them, such as and including backup systems and archived emails.

SPECIFIC PLAN means the regulations that describe allowable land uses, identify open space, and detail infrastructure availability and financing for a portion of the community.

VARIANCE or **VARIANCES** means a request to deviate from the current zoning requirements in the CITY. If granted, it permits the land owner to use it in a way that is ordinarily not permitted by the CITY zoning ordinance.

ZONING means the written regulation and law that defines how property in specific geographic zones of the CITY can be used.

Separate Requests Requiring Separate Responses

Subject to the foregoing definitions, the RECORDS we wish to inspect and of which we may require copies, are specified below. Please treat each of these numbered paragraphs below as a separate request under the California Public Records Act and respond to each separately as to (1) the existence of such documents; (2) whether you intend to make such documents available; (3) if you claim any exemption or privilege with respect to such documents, the documents as to which the privilege or exemption is claimed; and (4) when documents are produced or made available, the paragraph to which such documents are intended to respond. This procedure is intended to obviate the waste of sending separate requests as to each of these categories of documents. Unless I hear promptly from you to the contrary, I will assume this will not be necessary.

Specification of Documents Requested

Unless another date is specified, the requests below extend to RECORDS prepared or COMMUNICATIONS transmitted, on or after January 1, 2013. I request that you provide the following RECORDS:

1. RECORDS constituting or referring to any analysis, approval, disapproval, enforcement, waiver, or postponement of any LAND USE REGULATION of properties where an AMAZON facility is located including: AREA PLAN conformance, BUILDING PERMITS, CIRCULATION ELEMENT conformance, COMMUNITY PLAN conformance, DEVELOPMENT AGREEMENTS, FEES, GENERAL PLAN conformance, NOISE ELEMENT conformance, OPEN SPACE

ELEMENT conformance, POLLUTION EXPOSURE REDUCTION, SPECIFIC PLAN conformance, VARIANCES, and ZONING conformance.

2. RECORDS constituting or referring to any analysis, approval, disapproval or findings regarding any FINANCIAL ASSISTANCE for a facility owned or leased by Amazon, including any below-market-value land sale, EASEMENT INTEREST, FEE waiver, FEE reduction, FEE deferment, land LEASE, LAND SWAP, loan, loan guaranty, MUNICIPAL BOND financing, publicly funded job training, tax reduction, tax rebate, tax deferment, tax revenue sharing, or other financial incentive or subsidy. This includes any as-of-right incentive programs available to any company that meets a specified requirement.
3. RECORDS constituting or referring to CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) reviews, or exemptions from review, to analyze the environmental impacts of actions related to facilities owned or occupied by Amazon.

Specific Requests Regarding Compliance with CPRA

As noted, I have tried to be as specific as I can be in designating public records without having access to all the records themselves. If you find any of these requests insufficiently focused or effective, I request that you provide that assistance required by Government Code Section 6253.1.

As you know, Government Code Section 6253(c) requires a response to this request within 10 days. If you are unable to fully comply with all the foregoing requests within 10 days, or any extension permitted by law, I request that you comply with those requests with which you can comply within 10 days.

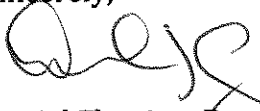
If you believe a portion of the information we have requested is exempt from disclosure by express provisions of the law, Government Code Section 6253(a) additionally requires segregation and deletion of that material in order that the remainder of the information may be released.

Where the information is available in electronic format, I request pursuant to Government Code Section 6253.9 that such information be provided, if available, in one of the following formats: Excel (*.xls, *.xlsx, or *.csv,) Word (*.DOC or *.DOCX), or Adobe (*.PDF). If the information is available in more than one of the foregoing formats, I request that it be provided in the format first listed in the prior sentence. I am prepared to pay the actual cost of making the copies requested, if you notify me of the amount in advance.

Chris Zapata, City Manager
April 22, 2019
Page 6

If we can provide any clarification that will help expedite your attention to my request, please contact us. Thank you in advance for your timely attention to this request.

Sincerely,



Daniel Flaming, President
Economic Roundtable

Los Angeles, CA 90012

|
!