

Nunez, Guille

From: martin117a@gmail.com
Sent: Tuesday, July 09, 2019 7:26 PM
To: Reyes, David
Cc: Nunez, Guille; Fuentes, Theresa
Subject: Re: cup applications

The statute calls for the records to be produced “promptly” and to be made available for public inspection at all times during the office hours of your department.

The 10 day rule is for a determination on whether or not you have the records and if they are exempt from public disclosure. You do not need 10 days to determine this because in this case the records have already been identified as being held by you (indeed you have already posted redacted copies of the records) and the information I seek (like information regarding Harvest’s attempts (if any) to demonstrate compliance with the Waste Management requirements of Code Section 8.11.070) cannot conceivably be exempted from public disclosure.

Indeed, Harvest’s demonstration of its plan (if it exists) to comply with city codes is in the vital public interest.

In addition, copies of CUP applications are routinely provided to the public as part of Pasadena’s hearing process.

Similarly, nothing in this case justifies the additional 14-day extension of the 10 day rule. None of the records sought are out of the possession of Ms. Nunez. No other agencies have any interest in this request and there is no need to compile electronic records or data.

Neither the 10-day response period for responding to a request for a copy of records nor the additional 14-day extension may be used to delay or obstruct the inspection of public records.

From: Reyes, David
Sent: Tuesday, July 9, 2019 6:25 PM
To: martin117a@gmail.com
Cc: Nunez, Guille ; Fuentes, Theresa
Subject: Re: cup applications

We will comply with PRA processing times and rules.

David Reyes
Director of Planning & Community Development
City of Pasadena
626-744-7171

On Jul 9, 2019, at 5:04 PM, "martin117a@gmail.com" <martin117a@gmail.com> wrote:

CAUTION: This email was delivered from the Internet. Do not click links or open attachments unless you know the content is safe.

The posting of the redacted Harvest CUP application on the city website does not satisfy my outstanding public records act request.

I would like full unredacted copies of the Harvest and Sweetflower applications.

To the extent that you are redacting information, please provide a signed notification citing the legal authorities on which you rely if you have determined that any of the information is exempt and will not be disclosed.

For example, you have completely redacted all of the pages relating to “Adherence to Required Codes” from the online document you have posted for Harvest.

I submit that none of the information relating to code compliance is properly subject to redaction.

Please provide any information contained in the Harvest CUP application demonstrating compliance with the following Municipal Code requirements:

Section 5.78.150 Records and Record Keeping

Section 5.78.170 Consumption; Cannabis out of sight; Reporting and Tracking of Sales; State Licensed Facilities; Emergency Contact; Signage and Notices; Minors; Display Licenses; Background Check; Loitering.

Section 5.78.210 Inspection and Enforcement

Section 8.11.040 Retail Cannabis Facilities Licensing; Health Protection Operating Criteria; Permanently constructed structure; State permitted items; Must be packaged and labeled; Alcohol and Tobacco Prohibited; Permanent Food Facility; Giveaways Prohibited; On=Site Consumption Prohibited; Temperature Requirements; Cannabis Sourcing Requirements

Section 8.011.050 Required In-Store Safety Information

Section 8.11.070 Waste Management Plan

Section 8.11080 Record Keeping

Section 8.11.090 Track & Trace

Section 8.11.100 Employee Health

Section 8.11.110 Cannabis Facility Training Program

Section 8.11.120 Responsible Cannabis Retailing Education Required

Section 8.11.130 Inspection

Section 8.11.140 Cannabis and Cannabis Product Quality Assurance

Section 17.50.066(D) Commercial Cannabis Permit Required; Use Permit Required; Limitation on Number of Retailers; Maximum Square Feet; Location Requirements; Operating Requirements; Hours of Operation; Delivery Services; Conditions of Approval; Discontinuance of Use.

Based on my inspection of the documents provided by Ms. Nunez for inspection on July 3, all of this information was missing from Harvest’s CUP application. When specifically asked about this

missing information, Ms. Nunez stated that the only items held back from my public inspection in this section were related to security.

None of this information asked for above can be properly redacted from public disclosure.

If you can not provide copies of this information promptly (by Thursday) then I wish to inspect this information in-person tomorrow.

I suspect that this required information is not present in the Harvest application and wish to confirm that fact as quickly as possible.

I am copying the city attorney's office in this email to help encourage a speedy determination, and would likewise be happy to discuss my request with her at any time.

Thank you for your attention to this matter.

Martin Truitt
626-354-4550