



LUBIN OLSON & NIEWIADOMSKI LLP

THE TRANSAMERICA PYRAMID

600 MONTGOMERY STREET, 14TH FLOOR SAN FRANCISCO, CALIFORNIA 94111

TEL 415 981 0550 FAX 415 981 4343 WEB lubinolson.com

March 5, 2021

SHAWN J. ZOVOD

Direct Dial: (415) 955-5017

Email: szovod@lubinolson.com

VIA ELECTRONIC MAIL

joseph.lawlor@dcd.cccounty.us

Joseph Lawlor, Project Planner
Contra Costa County
30 Muir Road
Martinez, CA 94553

Re: Board of Supervisors Hearing on March 23, 2021 Re Appeal of County Planning Commission (“CPC”) Action on January 27, 2010 regarding LP20-2020 (Diablo Valley Farms, 4425 Sellers Avenue)

Dear Mr. Lawlor:

We represent Diablo Valley Farms (“DVF”) and Robert Nunn with respect to the application for a land use permit to operate a commercial indoor micro-seedling cannabis nursery at 4425 Seller Avenue (“Project”) pursuant to the conditions specified in LP 20-2020. On January 27, 2021, the Contra Costa County Planning Commission (“CPC”) upheld an appeal by the City of Brentwood (“Brentwood” or “City”) and denied issuance of LP20-2020 on the grounds that Sunset Park located in Brentwood is a youth center and as such, Contra Costa County Municipal Code (“County Code”) Section 88-28.410(b)(3)(A) prohibits a cannabis business to be located within 1000’ of Sunset Park. This letter provides legal authority confirming that as a matter of law Sunset Park is not a youth center. We would appreciate if you would include this letter in the Staff Report that you are preparing for the Board of Supervisors hearing on March 23, 2021.

Project Background.

After adopting Zoning Ordinance Chapter 88-28 (“Cannabis Regulation”) on June 26, 2018, the County issued a request for proposals seeking qualified applicants for commercial cannabis cultivation. On December 10, 2019, the Project applicant’s proposal for commercial cannabis cultivation at DVF was selected by the County Board of Supervisors (“BOS”) as one of eight RFP respondents invited to apply for a land use permit as required by the Cannabis Regulation. The applicant submitted an application for a land use permit, LP20-2020, (“Permit”) to establish the Project at DVF, which is an existing micro-plant nursery.

The Permit, including conditions of approval, was approved by the Zoning Administrator on November 2, 2020. Brentwood appealed the Zoning Administrator’s decision approving the Permit to the CPC. On January 27, 2021, the CPC upheld Brentwood’s appeal and denied LP20-

2020 even though the Project complies with all requirements of the Cannabis Regulation and County Staff has consistently recommended approval of the Permit. For the reasons described below, the CPC decision, which relied on testimony by three members of the Brentwood City Council, is legally and factually inconsistent with the County's Cannabis Regulation, and the BOS should approve the Project.

Legal Analysis

The law clearly establishes that Sunset Park is not a youth center under the County's Cannabis Regulation. Sunset Park is a "playground," (which is a facility that provides parks, ballfields and general recreational areas for children), not a "youth center," and the County explicitly chose not to include broader parks uses (i.e., "playgrounds") in the Cannabis Regulation. Moreover, the City of Brentwood, during its ordinary course of business (and before its CPC appeal) concluded the City does not have any youth centers and sought to explore the feasibility of creating a youth center at the Brentwood Education and Technology Center.

1. The County adopted the County Cannabis Regulation on June 26, 2018. Section 88-28.410 (b) of the Cannabis Regulation provides location requirements and buffer zones to restrict the location of cannabis cultivation, manufacturing, distribution and sale. Section 88-28-410(b)(3)(A) provides:

"A business may not be located within one thousand feet of any of the following located in the unincorporated County or in a city: a school providing instruction in kindergarten or any grades one through twelve, a day care center; or a youth center; or a drug treatment center. (Exhibit 1).

The definition of a youth center is expressly set forth in the Cannabis Regulation. Section 88-28.206(a) of the Cannabis Regulation provides:

'Except as otherwise provided in subdivision (b), the definitions set for in Division 10 of the Business and Professions Code, and the definitions set forth in Health and Safety Code Section 11362.7, apply to this Chapter.' (Exhibit 2, attached)."

Division 10 of the Business and Professions Code provides that a "youth center" has the same meaning as in Section 11353.1 of the Health and Safety Code (Exhibit 3, Cal. Business and Professions code Section 26001(av), attached.) Health and Safety Code Section 11353.1(e)(2) states:

"Youth center" means any public or private facility that is primarily use to host recreational or social activities for minors, including but not limited to private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities."

Sunset Park is defined as a "Playground" under Health and Safety Code Section 11353 (e)(1):

“Playground” means any park or any recreational area specifically designed to be used by children which has play equipment installed including public grounds designed for athletic activities such as baseball, football, soccer, or basketball, or any similar facility located on public or private school grounds, or on city county or state parks.” (Exhibit 4, attached).

As a matter of law Sunset Park is NOT a “youth center” as defined by the Cannabis Regulation.

2. The uses to be included in the buffer zone were deliberated very carefully and thoughtfully by the BOS. The legislative history of the adoption of the Cannabis Regulation demonstrates that the BOS considered and ultimately rejected inclusion of parks (i.e., playgrounds as defined under state law) within the category to be included in the buffer zone, and deliberately chose only to include state-defined youth centers as distinct from parks.

Consideration of the operative provisions of the Cannabis Regulation was held during multiple BOS hearings and after many months of County Staff research into the practices of commercial cannabis cultivation, delivery, and sale in other jurisdictions. During the public hearings on this issue, and particularly on April 24, 2018 and June 26, 2018, proponents and opponents of commercial cannabis cultivation in the County offered their opinions to the BOS for consideration. In particular, the BOS spent considerable effort identifying the location and buffer requirements that are set forth in the Cannabis Regulation.

On April 24, 2018, the BOS heard three options for location requirements. ***The BOS expressly rejected Option C which would have included parks within the 1000’ buffer zone requirement.*** (See Exhibit 5, Contra Costa county Framework for Regulating Cannabis Cultivation.) During its deliberations on June 26, 2018 the BOS considered and expressly rejected any type of variance procedure to the buffer zone requirement. The BOS anticipated that there would continue to be opposing points of view on the location of cultivation of commercial cannabis, but it expressly adopted the terms and conditions that are set forth in the Cannabis Regulation.

The applicant has invested significant time and tens of thousands of dollars in reliance on the County’s application of its standards on a fair and equitable basis.

3. On November 19, 2020, the Brentwood City Council held a special public meeting of the Youth Commission to discuss a “potential Youth Center at the Brentwood Education and Technology Center¹.” (See Exhibit 6, attached). During the meeting, which was attended by current City Councilmembers Rodriquez and Staton, City Manager Tim Ogden, and Bruce Mulder, Brentwood’s Director of Parks and Recreation, the City explicitly found that “the City currently has a variety of facilities utilized by youth however, it does not have a dedicated youth center.” In fact, the City has allocated funds to investigate the creation of a “youth center” within the City. And members of the Youth Commission very clearly articulated the nature of

¹ The Brentwood Education and Technology Center is located more than a mile away from DVF.

Joseph Lawlor, Project Planner

March 5, 2021

Page 4

the youth activities a Youth Center in Brentwood should provide, including “mentorship program,” “enrichment classes for students to have the opportunity to learn foreign languages,” “college field trips”, “a study room” and “a college mentor” — None of these programs are offered at Sunset Park.

Clearly the three Councilmembers who testified at the CPC hearing did not provide substantial evidence that Sunset Park is a “youth center” as defined by the County. This underscores that the City’s current effort to redefine a youth center (based on Wikipedia definitions), is simply nothing more than a disingenuous effort by the City to rewrite the County’s Cannabis Regulation. It also demonstrates that the Councilmembers’ testimony and the City’s appeal describing activities at the park, confirms that Sunset Park is a “playground” under the state law definition, and not a defined youth center.

***** ***** ***** *****

For the reasons discussed above, the Project complies with the County’s Cannabis Regulation, and the BOS should implement its Cannabis Regulation by approving LP20-2020. Thank you for careful consideration of this matter.

Very truly yours,



Shawn J. Zovod

cc: Robert Nunn
 Lisa Borba
 Deborah Castles

EXHIBIT 1

CONTRA COSTA COUNTY MUNICIPAL CODE 88-28.410(b)(3)(A)

88-28.410 - Standards applicable to all commercial cannabis activities.

(b) Location Requirements.

(3) A business shall meet the following buffer requirements:

(A) A business may not be located within one thousand feet of any of the following located in the unincorporated County or in a city: a school providing instruction in kindergarten or any grades one through twelve; a day care center; or a youth center; or a drug treatment center.

EXHIBIT 2

CONTRA COSTA COUNTY MUNICIPAL CODE 88-28.206(a)

88-28.206 - Definitions.

- (a) Except as otherwise provided in subdivision (b), the definitions set forth in Division 10 of the Business and Professions Code, and the definitions set forth in Health and Safety Code section 11362.7, apply to this chapter.

EXHIBIT 3

**CALIFORNIA BUSINESS AND PROFESSIONS
CODE
Section 26001**

State of California

BUSINESS AND PROFESSIONS CODE

Section 26001

26001. For purposes of this division, the following definitions apply:

(a) “A-license” means a state license issued under this division for cannabis or cannabis products that are intended for adults who are 21 years of age and older and who do not possess a physician’s recommendation.

(b) “A-licensee” means any person holding a license under this division for cannabis or cannabis products that are intended for adults who are 21 years of age and older and who do not possess a physician’s recommendation.

(c) “Applicant” means an owner applying for a state license pursuant to this division.

(d) “Batch” means a specific quantity of homogeneous cannabis or cannabis product that is one of the following types:

(1) Harvest batch. “Harvest batch” means a specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals.

(2) Manufactured cannabis batch. “Manufactured cannabis batch” means either of the following:

(A) An amount of cannabis concentrate or extract that is produced in one production cycle using the same extraction methods and standard operating procedures.

(B) An amount of a type of manufactured cannabis produced in one production cycle using the same formulation and standard operating procedures.

(e) “Bureau” means the Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation.

(f) “Cannabis” means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

(g) “Cannabis accessories” has the same meaning as in Section 11018.2 of the Health and Safety Code.

(h) “Cannabis concentrate” means cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product’s potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this division. A cannabis concentrate is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

(i) “Cannabis products” has the same meaning as in Section 11018.1 of the Health and Safety Code.

(j) “Child resistant” means designed or constructed to be significantly difficult for children under five years of age to open, and not difficult for normal adults to use properly.

(k) “Commercial cannabis activity” includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis and cannabis products as provided for in this division.

(l) “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(m) “Cultivation site” means a location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

(n) “Customer” means a natural person 21 years of age or older or a natural person 18 years of age or older who possesses a physician’s recommendation, or a primary caregiver.

(o) “Day care center” has the same meaning as in Section 1596.76 of the Health and Safety Code.

(p) “Delivery” means the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform.

(q) “Director” means the Director of Consumer Affairs.

(r) “Distribution” means the procurement, sale, and transport of cannabis and cannabis products between licensees.

(s) “Dried flower” means all dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(t) “Edible cannabis product” means a cannabis product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Division 15 (commencing with Section 32501) of the Food and Agricultural Code. An edible cannabis product is not considered food, as defined by Section 109935 of the Health and Safety Code, or a drug, as defined by Section 109925 of the Health and Safety Code.

(u) “Fund” means the Cannabis Control Fund established pursuant to Section 26210.

(v) “Kind” means applicable type or designation regarding a particular cannabis variant, origin, or product type, including, but not limited to, strain name, trademark, or production area designation.

(w) “Labeling” means any label or other written, printed, or graphic matter upon a cannabis product, upon its container or wrapper, or that accompanies any cannabis product.

(x) “Labor peace agreement” means an agreement between a licensee and any bona fide labor organization that, at a minimum, protects the state’s proprietary interests by prohibiting labor organizations and members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the applicant’s business. This agreement means that the applicant has agreed not to disrupt efforts by the bona fide labor organization to communicate with, and attempt to organize and represent, the applicant’s employees. The agreement shall provide a bona fide labor organization access at reasonable times to areas in which the applicant’s employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment. This type of agreement shall not mandate a particular method of election or certification of the bona fide labor organization.

(y) “License” means a state license issued under this division, and includes both an A-license and an M-license, as well as a testing laboratory license.

(z) “Licensee” means any person holding a license under this division, regardless of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.

(aa) “Licensing authority” means the state agency responsible for the issuance, renewal, or reinstatement of the license, or the state agency authorized to take disciplinary action against the licensee.

(ab) “Live plants” means living cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

(ac) “Local jurisdiction” means a city, county, or city and county.

(ad) “Lot” means a batch or a specifically identified portion of a batch.

(ae) “M-license” means a state license issued under this division for commercial cannabis activity involving medicinal cannabis.

(af) “M-licensee” means any person holding a license under this division for commercial cannabis activity involving medicinal cannabis.

(ag) “Manufacture” means to compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

(ah) “Manufacturer” means a licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

(ai) (1) “Medicinal cannabis” or “medicinal cannabis product” means cannabis or a cannabis product, respectively, intended to be sold or donated for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found in Section 11362.5

of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician’s recommendation, or in compliance with any compassionate use, equity, or other similar program administered by a local jurisdiction.

(2) The amendments made to this subdivision by the act adding this paragraph shall become operative upon completion of the necessary changes to the track and trace program in order to implement the act adding this paragraph, as determined by the Department of Food and Agriculture, or on March 1, 2020, whichever occurs first.

(aj) “Nursery” means a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for the propagation and cultivation of cannabis.

(ak) “Operation” means any act for which licensure is required under the provisions of this division, or any commercial transfer of cannabis or cannabis products.

(al) “Owner” means any of the following:

(1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.

(2) The chief executive officer of a nonprofit or other entity.

(3) A member of the board of directors of a nonprofit.

(4) An individual who will be participating in the direction, control, or management of the person applying for a license.

(am) “Package” means any container or receptacle used for holding cannabis or cannabis products.

(an) “Person” includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(ao) “Physician’s recommendation” means a recommendation by a physician and surgeon that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.

(ap) “Premises” means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

(aq) “Primary caregiver” has the same meaning as in Section 11362.7 of the Health and Safety Code.

(ar) “Purchaser” means the customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.

(as) “Sell,” “sale,” and “to sell” include any transaction whereby, for any consideration, title to cannabis or cannabis products is transferred from one person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.

(at) “Testing laboratory” means a laboratory, facility, or entity in the state that offers or performs tests of cannabis or cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the state.

(2) Licensed by the bureau.

(au) “Unique identifier” means an alphanumeric code or designation used for reference to a specific plant on a licensed premises and any cannabis or cannabis product derived or manufactured from that plant.

(av) “Youth center” has the same meaning as in Section 11353.1 of the Health and Safety Code.

(Amended by Stats. 2020, Ch. 370, Sec. 21. (SB 1371) Effective January 1, 2021. Note: This section was added on Nov. 8, 2016, by initiative Prop. 64.)

EXHIBIT 4

**CALIFORNIA HEALTH AND SAFETY CODE
Section 11353.1**

State of California

HEALTH AND SAFETY CODE

Section 11353.1

11353.1. (a) Notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of Section 11353, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

(1) If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for one year.

(2) If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high, or high school, during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for two years.

(3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) As used in this section the following definitions shall apply:

(1) "Playground" means any park or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, football, soccer, or basketball, or any similar facility located on public or private school grounds, or on city, county, or state parks.

(2) "Youth center" means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

(3) "Video arcade" means any premises where 10 or more video game machines or devices are operated, and where minors are legally permitted to conduct business.

(4) "Video game machine" means any mechanical amusement device, which is characterized by the use of a cathode ray tube display and which, upon the insertion of a coin, slug, or token in any slot or receptacle attached to, or connected to, the machine, may be operated for use as a game, contest, or amusement.

(5) "Within 1,000 feet of the grounds of any public or private elementary, vocational, junior high, or high school" means any public area or business establishment where minors are legally permitted to conduct business which is located within 1,000 feet of any public or private elementary, vocational, junior high, or high school.

(6) "Child day care facility" has the meaning specified in Section 1596.750.

(f) This section does not require either that notice be posted regarding the proscribed conduct or that the applicable 1,000-foot boundary limit be marked.

(Amended by Stats. 1993, Ch. 556, Sec. 1. Effective January 1, 1994.)

EXHIBIT 5

BOS CANNABIS FRAMEWORK DOCUMENT



**FRAMEWORK FOR
REGULATING CANNABIS IN THE
UNINCORPORATED AREA OF
CONTRA COSTA COUNTY**

Approved by the Board of Supervisors on April 24, 2018



**PREPARED FOR THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS
BY
THE CONTRA COSTA COUNTY DEPARTMENT OF CONSERVATION AND DEVELOPMENT**

**30 Muir Road
Martinez, CA 94553
(925) 674-7775**

I. Introduction

In response to California voter approval of Proposition 64 (Adult Use of Marijuana Act) in November 2016, the Contra Costa County Board of Supervisors has directed the County staff¹, to initiate the process of preparing regulations for the establishment of commercial cannabis businesses in the unincorporated areas of the County. The regulations will also address cultivation of cannabis for personal use at home.

This document is intended to provide an overview of potential cannabis regulations being formulated for the unincorporated areas of the County based on guidance from the County Board of Supervisors at previous meetings. The draft zoning ordinance will reflect the general provisions described in this document.

In addition to preparation of land use and health regulations for commercial cannabis uses, the Board has also initiated the process of analyzing and preparing a potential taxing program for the various commercial cannabis uses. It is anticipated that no commercial cannabis uses would be authorized until such time as a cannabis tax ballot measure has been approved by County voters. A County cannabis tax initiative could be considered by voters at the next General Election in November 2018, so regulations permitting commercial cannabis uses are not expected to become effective until that time at the earliest.

No decision to adopt regulations to implement this Framework has been made by the Board. Currently, and unless or until new regulations are approved by the Board of Supervisors, the commercial cultivation, distribution, storage, manufacturing, processing, and sale of medical cannabis and adult use cannabis and the outdoor cultivation of cannabis for personal use *are prohibited* within the unincorporated areas of the County.

II. Types of Commercial Cannabis Uses to be Permitted

The County is considering regulating and permitting the establishment of various commercial cannabis uses. The types of commercial cannabis uses to be permitted include:

- **Commercial Cultivation**-Refers to the growing of cannabis for commercial use, including artificial, mixed light and natural light cultivation (i.e. indoor, greenhouse and outdoor).

¹ Staff from the following County Departments have been involved: County Administrators Office, County Counsel, Sheriff's Office, District Attorney, Health Services Department (HSD), Probation, Treasurer-Tax Collector, Agriculture, and Conservation and Development (DCD). DCD is taking the lead with respect to developing land use regulations. HSD is taking the lead with developing health regulations.

- **Retail Storefront-** Refers to the sale of cannabis to retail customers from a storefront that sells only cannabis products. Deliveries from the storefront business to retail customers would also be allowed.
- **Delivery-Only Retail-** Refers to a business that delivers cannabis from a non-storefront facility to retail customers. The premises would not be open to the public and customers would not be able to purchase cannabis on-site. Permits will include provisions to help ensure deliveries are only made to those adults legally able to purchase cannabis. [Staff to provide more information when the draft ordinance returns to the Board on state requirements and how delivery requirements will be enforced]
- **Manufacturing/Processing-** Involves the processing of cannabis or cannabis products into various marketable forms. Manufacturing may include the extraction of cannabinoid oils from the raw plant as well as the infusion of those oils into products intended for human consumption and/or topical use. Some examples of infused products include: edibles, beverages, oils, and tinctures. Since non-volatile processing techniques are safer, only non-volatile processing, as defined in state regulations, are proposed to be allowed.
- **Distribution Center-** A cannabis distribution center refers to a site where cannabis or cannabis products are warehoused and distributed to licensed cannabis retailers. The retail sale of cannabis or cannabis products is not permitted from cannabis distribution centers.
- **Testing-** A cannabis testing facility is a facility where cannabis and cannabis products are tested for potency, quality, and health and safety requirements.

III. Land Use Permitting Process

All applications for commercial cannabis uses are proposed to be subject to the County *Land use Permitting Process* (Article 26-2.20 of County Code). Under the land use permitting process, applications for all commercial cannabis uses would be subject to the following procedures:

- Review of application for completeness.
- Solicitation of comments from other County, State, and community agencies/organizations.
- Review of project for compliance with the California Environmental Quality Act.

- Mailing of public hearing notice to all property owners within 300-feet of property where use is proposed.
- Public hearing before the County Zoning Administrator.
- Discretionary decisions would be made by the County Zoning Administrator who could approve or deny applications. Zoning Administrator decisions can be appealed to the County Planning Commission and decisions by the Planning Commission can be appealed to the County Board of Supervisors.
- Applications for retail storefront and commercial cultivation permits would only be accepted in response to a Request for Proposals issued by the County in order to enforce caps on the numbers of these types of businesses (see below for additional detail).
- All decisions to issue permits would need to be supported by findings that the proposed use is consistent with defined standards. In addition to typical findings required for all land use permits, staff recommends additional findings be required for cannabis uses to prevent adverse impacts to neighbors and communities. These findings will include demonstration that the use will not impact a broad array of sensitive receptors, including but not limited to parks and libraries.

Each permitted use would be subject to specific conditions intended to protect public health, safety and welfare (further discussion of key examples of protections is provided below). The permits would be subject to suspension or termination under specific circumstances, including, for example, where a State license is suspended or revoked, or where the business is operated in such a way as to cause a public nuisance. A permit would have an initial 5-year term. A permit could be renewed for one or more successive five-year terms if certain conditions are met. A compliance review approved by the Zoning Administrator would be required one, two and four years after the issuance of the initial land use permit. If a land use permit were issued to continue a previously-approved use for an additional five-year term, the zoning administrator would require compliance review two and one-half years into the five-year term. These reviews would generally be performed without the necessity of convening a public hearing, except that a public hearing before the Zoning Administrator would be required for the first such review of any business as well as for any review in which the Zoning Administrator determines the business is not in compliance. Local Health Licenses or operator permits for retailers and edible manufacturing may be required on an annual basis to be consistent with how the Division of Environmental Health regulates and inspects other consumer good businesses.

It is important to note that additional permits from the County (as well as a state license) will be required. For example, Environmental Health is proposing to require applicants to seek and

receive a local health license, consistent with the handling and sales of consumer goods (see Section IX). Business licenses would also be required. Building permits may also be required.

The permitting sequence would be as follows:

- 1) Land use permit (which would be conditioned to require subsequent granting of other permits and licenses)
- 2) State license
- 3) Local health license
- 4) Business license and any necessary building permits

IV. Potential Cap on Number of Permits

In order to help ensure the establishment of safe, orderly and accessible commercial cannabis businesses, caps will be placed on the number of retail storefronts and commercial cultivation sites. The cap amount will be reviewed and possibly adjusted after an initial three year period. Due to the lesser impact of specific commercial cannabis uses such as testing, manufacturing, delivery-only retail and distribution, no caps on these uses will be established initially.

- **Commercial Cultivation**-- Maximum of ten (10) during the initial three-years. This cap will be reviewed thereafter.
- **Retail Storefront**- Maximum of four (4) during the initial two years. This cap will be reviewed thereafter.
- **Delivery-Only Retail** – No limit initially.
- **Manufacturing**-- No limit initially for all manufacturing uses other than a manufacturing use that is within an agricultural zoning district and not associated with a cultivation operation. For manufacturing uses that are within an agricultural zoning district and are not associated with a cultivation permit, a maximum of two (2) may be permitted during the initial three years. This cap will be reviewed thereafter.
- **Distribution Center**-- No limit initially.
- **Testing Facility**-- No limit initially.

V. Applicant Selection Process

As described in Section II, in order to ensure the establishment of safe and accessible commercial cannabis uses, all applications for commercial cannabis uses would be subject to

the County's land use permitting (LUP) process and any other applicable regulations (e.g. Environmental Health permits and building permits). For the commercial uses subject to a cap (Retail Storefront and Commercial Cultivation), the Board will in the future establish a selection process to determine how available permits will be allocated and facilitate permitting of projects with more benefits and fewer impacts.

Under the future selection process, the County would solicit proposals for establishment of certain commercial cannabis uses utilizing a request for proposals (RFP). The proposals submitted in response to the RFP would be scored utilizing a pre-defined, Board-approved scoring system. The scoring system is recommended to be based on criteria that reflect the County's public safety, land use and health policy goals with respect to cannabis, such as providing well-regulated access to adults while avoiding proximity to youth and discouraging abuse, compatibility with neighboring land uses and minimization or avoidance of potential impacts to public health, safety and welfare (proximity to sensitive receptors, particularly those not included in the selected buffer scenario B, will be a criterion). The proposals with the highest scores would then be invited to submit a formal land use permit application, the application would be processed under the County LUP process and would be subject to denial, or conditional approval, by the County Zoning Administrator, County Planning Commission or Board of Supervisors. If a permit was denied, the highest ranked proposal just below the initial cut-off could be invited to apply until the cap on permits is reached. The screening process could be done in phases. For instance, the County could initially invite submission of concise and simple pre-proposals (less detailed and costly to complete than full proposals), review and rank the pre-proposals, then invite the proponents with the highest ranking pre-proposals to submit full proposals which would be screened again to determine who would be invited to submit a formal land use permit application (this is similar to some grant selection processes).

Please note, applications for a land use permit for commercial cannabis uses would only be accepted for qualifying properties located within the appropriate zoning district, outside of any approved buffer areas and outside any exclusion areas (see Sections VI and VII, below).

(Document continues on next page)

VI. Eligible Locations

The County has prepared a matrix and Preliminary Cannabis Use Maps [include link to maps here] identifying the zoning districts where specific commercial cannabis uses could be eligible to apply for a discretionary permit. The draft matrix is below. The draft maps are in an attachment.

LEGEND ZONING DISTRICT	CULTIVATION			PROCESSING AND MOVEMENT			SALES	
	Artificial Light	Mixed Light	Natural Light	Distribution Center	Manufacturing	Testing	Retail Delivery Only	Retail Storefront
Agricultural Zoning Districts (A-)	Land Use Permit	Land Use Permit	Land Use Permit		Land Use Permit (in conjunction with cultivation permit only, unless selected through an RFP to apply for one of 2 available permits for manufacturing on ag w/out cultivating at the same premises)			
Area-Wide Planned Unit Development (P-1)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Retail-Business (R-B)							Land Use Permit	Land Use Permit
General Commercial (C)				Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Controlled Manufacturing (C-M), Light Industrial (L-I), Heavy Industrial (H-I)	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit	Land Use Permit
Potential Sustainability Requirements	100% Renewable Energy and served by a public water agency		Served by a public water agency		Potential limits on number of employees/trips outside ULL			
Key Considerations	Maximum 22, 000 sf		Max 2 acres	only within ULL	Potential limits on number of			only within ULL

and Limitations by Use	Ag Districts: maximum 10,000 sf structure or in existing structure	Greenhouse only inside ULL or within 1 mile of ULL	Cultivators may distribute own produce to retailers	employees/trips outside ULL	only within ULL	only within ULL	500 ft from another retail location
---------------------------------------	---	--	---	--------------------------------	-----------------------	-----------------------	--

Note: 1: ULL refers to Urban Limit Line

Note 2: Microbusinesses (operations that grow, process and sell cannabis products to retail customers at a small-scale site) are also under consideration where cultivation is allowed inside the ULL.

Note 3: For the area-wide P-1 zoning districts in North Richmond, El Sobrante, Rodeo, Contra Costa Centre and Bay Point, suitable areas for commercial cannabis are limited to those with underlying General Plan land use designations of Business Park, Commercial, Commercial Recreational, Light Industrial, Heavy Industrial, and Mixed Use. Subsequent to approval of the zoning ordinance, the County would need to draft and approve amendments to the site-specific provisions of each of these districts. These amendments would establish precisely which commercial cannabis uses would be allowed where in these five area-wide P-1 districts. As these amendments and associated detailed site analysis have yet to be performed, the current draft maps show in yellow all of the areas within these five P-1 districts that have a General Plan land use designation that is compatible with one or more commercial cannabis use, but do not specify precisely which commercial cannabis use is proposed to be eligible on any given parcel within the yellow area.

Properties with incompatible zoning could apply to be rezoned, but this is a long and complex process requiring Board approval. Outside of the Area-Wide P-1 zoning districts that cover the former Redevelopment Areas and El Sobrante (and that may be eligible for cannabis uses per the above matrix), other lands that are zoned P-1 (Planned Unit Development) could go through a process other than rezoning to become eligible for cannabis uses if they have a compatible General Plan designation. They could apply for a Development Plan modification to include a cannabis use as an eligible use, which would require separate approval but not necessarily by the Board. It is recommended that new P-1 zones outside the ULL not be eligible for commercial cannabis.

Exclusion areas: overlay zone to further restrict commercial cannabis: To restrict eligible sites for retail storefront, delivery-only retail, manufacturing, distribution centers and testing to areas near the two primary freeways serving the shoreline areas of the County where development of new industries has been targeted by the County, to separate these uses from less compatible communities, and to avoid siting in remote areas that are more difficult to oversee and are far from most of the customer base, staff recommends an overlay be added to the Retail Business and General Commercial zoning districts that are located more than four miles from Highway 4 or Interstate 80. Such zoning districts are located in Alamo, Saranap, Contra Costa Centre [another way to accomplish this would have been to not amend the Development Plan associated with the P-1 zoning in Contra Costa Centre—possible we may

propose an alternate approach to the Board] Bethel Island and Hotchkiss Tract in between Oakley and Bethel Island. No commercial cannabis uses would be permitted in these districts within the overlay.

VII. Buffer Zones

In addition to being located within compatible zoning districts and outside of exclusion areas covered by a zoning overlay, all commercial cannabis uses would be subject to specific buffer requirements in order to protect certain sensitive uses from potential cannabis influence or to prevent cannabis businesses from being located too close to each other.

Under current State law a buffer of 600 feet is required between any cannabis business licensed by the State and any K-12 school, day care center or youth center. A County ordinance may include more or larger buffers. A County ordinance may also establish buffers between cannabis businesses.

For comparison purposes, the County Code currently restricts the establishment of new tobacco retail establishments within 1,000 feet of any school, playground, park or library and within 500 feet of any existing tobacco retailer.

The Preliminary Cannabis Use Maps attached to the April 24 Board report show three alternatives.

- Option A reflects the state-mandated 600 foot buffers from any K-12 school, day care center or youth center.
- Option B reflects 1000 foot buffers from any K-12 school, day care center or youth center, as well as 1000 foot buffers from drug treatment shelters.
- Option C reflects 1000 foot buffers from schools, day care centers, youth centers, community parks/playgrounds, libraries, drug treatment centers, and homeless shelters, 500 foot buffers from residential zoning districts. Option C closely mirrors the most comprehensive buffer scenario contemplated in the Board's November 2017 Preliminary Framework, while also accounting for the state regulations regarding minimum buffers from day care and youth centers.

County staff recommends Option B combined with 500 foot buffers between retail storefront establishments. The Board concurred with Option B.

VIII. Security and Nuisance Abatement Requirements

In order to ensure that commercial cannabis uses are operated in a safe and secure manner, commercial uses are proposed to be subject to substantial security measures incorporated into the regulations. Examples of security measures may include (the below are examples only—many additional measures could be considered during development of the detailed regulations):

- Require that cannabis establishments be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties. Require submission and approval of an odor management plan.
- Require design measures and an enforceable security plan to ensure the applicant will secure the premises twenty-four hours per day, seven days per week. Require approval and submission of a security plan demonstrating compliance with all security measures set forth in state regulations and any additional security measures outlined in County regulations. Examples of security measures that may need to be included in security plans include: security cameras; establishing limited access areas accessible only to authorized personnel; storing all finished cannabis products in a secured and locked room; preventing off-site impacts to adjoining or near properties; and limiting the amount of cash on the premises.

Examples of operational conditions of approval include:

- Requiring permitted facilities (other than retail space in storefronts) to be closed to the general public; prohibiting transporter deliveries and pick-ups between the hours of, for example, 7:00 p.m. and 8:00 a.m.
- No production, distribution, storage, display or wholesale of cannabis and cannabis-infused products shall be visible from the exterior of the building where the commercial cannabis activity is being conducted.
- Operational requirements and standards to prevent underage persons from acquiring cannabis that equal or exceed state standards.

IX. Public Health Safeguards

Contra Costa Health Services recommends that the Board adopt a local health ordinance that establishes permitted activity, and the conditions under which consumer products which contain cannabis can be manufactured and sold to consumers. Adopting a local health ordinance will also allow county staff to inspect, regulate and enforce appropriate state and

local laws pertaining to the cannabis industry. The primary reasons for crafting a local regulatory health ordinance are:

- Provide authority for local environmental health staff to inspect and enforce the numerous state laws pertaining to: i) the manufacturing of food and beverage products that contain cannabis (termed “edible cannabis products”); and ii) the retail sale and dispensing of cannabis products including, but not limited to, leaf, bud, edibles, beverages, tinctures, candies, etc.
- Provide local authority to establish, inspect, and enforce additional rules and restrictions on the manufacturing and sale of consumer products which contain cannabis.
- Provide local authority to restrict use of cannabis in public places and smoking of cannabis in multi-unit housing. Currently, the County has a second hand smoke ordinance that bans the smoking of cannabis products in the unincorporated area of the County in all of the same places where tobacco smoking is prohibited. Additionally, in March of 2018 the Board adopted a prohibition on smoking in multiunit residences that is inclusive of the use of cannabis. The current and proposed smoking prohibitions also restrict the use of electronic smoking devices (vaping). In addition, the County could consider an outright ban on the use of cannabis in any form at certain public events and venues.

Specific examples of the kinds of safeguards that are being considered for inclusion in new regulations include the following:

- Consider limiting the sale of edible cannabis products to those where dosing is a maximum of 10mg THC/dose and packaged as a single dose. Consumers would be allowed to purchase up to the limit allowed in state law.
- Prohibit sale of flavored leaf and bud.
- Consistent with recent legislation in Colorado, consider prohibiting the sale of edible products that mimic the shape and appearance of animals, humans, or fruit, including gummy bears.
- Prohibit sale of flavored e-juices.
- Establish a limit on the number of edible products that can be purchased in a single transaction.
- Prohibit all self-service vending of all cannabis and products which contain cannabis.

A report from Contra Costa Health Services with detailed recommendations and analysis of health issues is available on the County webpage about cannabis in the section with materials from the Board meeting on October 24, 2017 or by clicking this [link](#).

X. Cost Recovery

The County will establish fees on cannabis businesses to cover County costs associated with application review and monitoring compliance with permit conditions. To apply for and maintain a land use permit, applicants will be required to cover the full costs of the County to review the application and oversee compliance with a resulting permit. Costs of a land use permit are typically covered through a \$2700 initial deposit and payment of County costs on a time and materials basis thereafter. For those prospective businesses responding to the RFP an earlier initial deposit will be required to cover County costs in administering the selection process. If County costs do not reach the amount of the deposit when reviewing a proposal or land use permit application, the difference will be refunded.

XI. Taxation

A ballot measure to seek approval for taxes on certain commercial cannabis uses is under consideration. It is anticipated that no commercial cannabis uses would be authorized until such time as a cannabis tax ballot measure has been approved by County voters. A County cannabis tax initiative could be considered by voters at the next General Election in November 2018. The tax measure could provide funding for a variety of public purposes, including but not limited to enhanced public safety, improved public health, drug treatment and education, and enhanced code enforcement capability.

XII. Personal Cultivation

In addition to providing comprehensive regulations for the establishment of commercial cannabis uses, the County cannabis ordinance will also address cultivation for personal use. Under current County cannabis regulations, limited indoor cultivation is permitted. The current regulations for personal indoor cultivation have been provided below.

- **Indoor Personal Use Cultivation**- *Under the County's current cannabis regulations*, six or fewer cannabis plants may be cultivated indoors at a private residence, or inside a fully-enclosed and secured accessory structure to a private residence located on the grounds of the private residence, if all of the following conditions are met:
 1. The private residence or accessory structure, and all lighting, plumbing, and electrical components used for cultivation, must comply with applicable zoning, building, electrical, and plumbing codes and permitting requirements.
 2. All living cannabis plants, and all cannabis in excess of 28.5 grams produced by those plants, must be kept in a locked room and may not be visible from an

adjacent property, right-of-way, street, sidewalk, or other place accessible to the public.

3. The private residence must be lawfully occupied by the person who cultivates the cannabis plants within the private residence or within the accessory structure. If the private residence is not owner-occupied, written permission from the owner of the private residence must be obtained before cannabis plants may be cultivated.

The final regulations are proposed to continue the current restrictions on indoor cultivation for personal use and include new provisions to allow for limited outdoor cultivation for personal use.

- **Outdoor Personal Use Cultivation**- Suggestions on restrictions on outdoor cultivation for personal use that could be considered in lieu of outright prohibition include:
 1. Not more than three marijuana plants are cultivated outdoors at one time (total indoor and outdoor may not exceed six).
 2. No part of the plants being cultivated is within ten feet of any property line.
 3. Plants must never exceed five feet in height.
 4. Plants must not be visible from streets or public areas.
 5. Plants must be inside a fenced area with locked gates

XIII. Enforcement

In order to ensure the orderly establishment of commercial cannabis uses and to prevent and discourage the establishment of unregulated cannabis uses, robust enforcement capacity should be a component of the regulatory program. County staff is working to more fully explore the most effective enforcement mechanisms and to better identify enforcement roles and resource needs.

XIV. Retail delivery from businesses established outside the unincorporated area of Contra Costa County

The state may require that retail delivery businesses located outside of the unincorporated area of the County be able to make deliveries to customers within the unincorporated area without violating county regulations. To address this and provide clarity, staff recommends that such licensed business that are operating in compliance with state and local law and permits and incorporate measures to ensure deliveries are only made to those adults legally able to purchase cannabis, be authorized to make deliveries in the unincorporated area of the County.



Pursuant to Section 54956 of the California Government Code, a special meeting of the City Council is hereby noticed for:
Thursday, November 19, 2020
6:30 p.m.

SPECIAL MEETING AGENDA

Date/Time: Thursday, November 19, 2020, 6:30 p.m.

Location: The Special Youth Commission meeting will be hosted on WebEx at:
<https://www.brentwoodca.gov/youthmeetingonline>

Purpose: Special Youth Commission Meeting to discuss a potential Youth Center at the Brentwood Education and Technology Center.

Agenda:

PUBLIC COMMENTS

At this time the public is permitted to address the City Council present on items that are on the Agenda. Unless otherwise stated by the, persons addressing the City Council are required to limit their remarks to three (3) minutes unless an extension of time is granted by the Mayor, subject to approval of the Council.

A. NEW BUSINESS

- A.1 DISCUSSION: A discussion among the Youth Commission and an opportunity to receive public comment regarding a City of Brentwood Youth Center.

As a quorum of the City Council may be present at this Special Youth Commission meeting, this special meeting notice is being issued for the purpose of the Brown Act pursuant to Government Code section 54956. Members of the City Council present will not formally convene as a body; rather, Councilmembers may be in attendance at this event. The City Council will thus not take any formal action at this Special Youth Commission meeting.

Dated: November 18, 2020

/s/

Margaret Wimberly, MMC
City Clerk

NOTICE

If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's Office at (925) 516-5440 or fax (925) 516-5441. Sufficient notification prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}

POSTING STATEMENT

On November 18, 2020, a true and correct copy of this agenda was posted on the Posting Boards outside City Hall, 150 City Park Way, Brentwood, CA 94513 and outside Brentwood Community Center, 35 Oak Street, Brentwood, CA 94513; and at our website www.brentwoodca.gov

**6:30 P.M. – SPECIAL YOUTH COMMISSION MEETING
CITY OF BRENTWOOD COMMUNITY FORUM – YOUTH CENTER**

CALL TO ORDER & ROLL CALL

PUBLIC COMMENTS At this time the public is permitted to address the Youth Commission on items that are **not** on the agenda. Persons addressing Youth Commission are required to limit their remarks to five (5) minutes unless an extension of time is granted by the chair subject to approval of the Youth Commission. Please file your name with the Chair. Forms are provided at the podium. Speakers desiring answers to questions should direct it to the Youth Commission and, if relevant, the Youth Commission may direct it to the appropriate staff member.

A. NEW BUSINESS

- A.1 **DISCUSSION:** A discussion among the Youth Commission and an opportunity to receive public comment regarding a City of Brentwood Youth Center.

ADJOURNMENT

Any disclosable public records related to an agenda item for the open session of this meeting distributed to all or a majority of the Youth Commission less than 72 hours before this meeting is available for inspection at City Hall, located at 150 City Park Way, during normal business hours. These writings will also be available for review at the Youth Commission meeting in the public access binder in the entrance of the City Council Chambers

NOTICE

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available at the City Hall parking lot. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's Office at (925) 516-5440 or fax (925) 516-5441. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}

POSTING STATEMENT

On November 16, 2020, a true and correct copy of this agenda was posted on the City Hall Bulletin Board, outside City Hall, 150 City Park Way, Brentwood, CA 94513 and at our website www.brentwoodca.gov

A complete packet of information is available for public review at the Brentwood Community Center.



**6:30 P.M. – SPECIAL YOUTH COMMISSION MEETING
CITY OF BRENTWOOD COMMUNITY FORUM – YOUTH CENTER**

CALL TO ORDER & ROLL CALL: Chair Memory called the meeting to order on November 19, 2020 at 6:32 p.m.

Present: Commissioners Ceja, Habon, Memory, Raimondi, Renner, Siao, Trehan, Valdillez and City Staff Liaison Dempsey.

Absent: Commissioner Phan and Police Liaison Rucker.

PUBLIC COMMENTS - None

A. NEW BUSINESS:

A.1 **DISCUSSION:** A discussion among the Youth Commission and an opportunity to receive public comment regarding a City of Brentwood Youth Center.

City Staff Liaison Dempsey introduced the Youth Commissioners, City Council Ad-hoc Members Rodriguez and Staton, City Manager Tim Ogden, Parks and Recreation Director Bruce Mulder and Recreation Manager Kris Farro.

Director Mulder presented a slideshow of the possibility of a youth center at the site of the Brentwood Education and Technology Center (BETC).

Background: In 2019, the Parks, Trails and Recreation Master Plan Update and City of Brentwood Strategic Plan were approved, which included initiatives for a pilot program for teen programming areas and initiative to expand opportunities for youth and teen programming. In 2020, City Council expressed an interest in creating an ad-hoc committee to explore the concept of re-purposing the BETC as a facility to provide youth services and programming. City Council approved contracting an architectural firm in an amount not to exceed \$100,000 to draft plans and determine the cost to convert the space to a youth center. Council Members Rodriguez and Staton were assigned to the ad-hoc committee. The ad-hoc committee has researched other youth centers and toured the Concord Community Youth Center.

Brentwood has over 15,000 youth enrolled in its school system, which represents approximately twenty-five percent of Brentwood's population. The City currently has a variety of facilities utilized by youth however; it does not have a dedicated youth center.

Building Layout & Specifications: The 22,000 square foot building was originally a grocery store. The site's current layout is the configuration used by the community college and consists of classrooms, labs, administrative offices, restrooms and a loading zone. A video walkthrough provided prospective of the site. The location has plentiful parking, access to trail networks and public transportation.

Discussion: Director Mulder provided suggestions to facilitate discussion.

Next Steps: Winter 2021 – Use community feedback to develop scope for the architectural RFP. Spring 2021 – Council to approve architectural contract. Late Spring/Early Summer 2021 – Bring proposed plans and budget to Council for review and approval.

Council Member Rodriguez advised there is more space adjacent to the BETC that is currently used by the REACH Project and another non-profit group. He thanked the community and those participating the meeting. He sees the youth center as an important facility for young people and the community and a great opportunity to have a place for youth to do activities, build relationships, create mentors and offer educational services. He has received support from the school district superintendents.

Council Member Staton thanked the Commission for the opportunity to participate in the meeting. She walked the BETC site. She is very interested in hearing what the Youth Commission would like to see offered at the Youth Center. She would like to see the science lab remain and hopes it could be utilized.

Public Comments:

Mickie Marchetti, REACH Project: Recreation Manager Farro read the public comment submitted via email from Mr. Marchetti. His email described the positive benefits that an active youth center can provide as well as enhance young people's sense of connection to a safe and valued community.

Linda Green, The Exceptional Programs: The non-profit organization provides recreational classes and social opportunity for kids, teens and young adults with special needs. They have operated for 30 years in Antioch. Sports and recreation programs are ideal for those with special needs. Approximately, forty students from the Brentwood area participate when they have hosted classes, dances and proms. There is a big need for everyone in the community to have access to their programs. They work closely with local high schools and teens to provide volunteer opportunities for them to buddy with class participants, and develop experience for those looking to enter such a career path.

Mark Libbey: Mr. Libbey thanked and acknowledged the Council and Commission for pursuing the youth center. It is an incredible opportunity for the City and youth to provide

support, give structure and guidance through sports, art, tutoring, and social and emotional support. It would provide youth with a perceived disability to have a safe place to engage with other people and participate in activities. It is also a great opportunity for the City to be a model for East County and beyond.

Youth Commissioner Comments:

Commissioner Ceja would like the Center to host sessions and services to educate youth about relevant City politics, how to register to vote and properly complete a ballot.

Commissioner Habon would like the Center to include study rooms, have a college mentor available for students, and offer internships.

Chairperson Memory would like the Center to model after the Concord Youth Center as they have offered so many programs, offer college field trips, and help students find colleges to attend.

Commissioner Raimondi would like the Center to have a food or beverage offering, such as coffee or smoothie place to attract students. He would like to see the Center involved with the Chamber of Commerce and the small business community to create a mentorship program. The back science lab can be utilized for stem research for high school students with Los Medanos College instructors.

Commissioner Renner, along with Commissioner Valdillez, would like the Center to offer enrichment classes for students to have the opportunity to learn foreign languages. Parents are interested in foreign language classes but opportunities in Brentwood are limited.

Commissioner Valdillez feels that although learning a foreign language can be hard, it is also beautiful and exposes the student to a new culture and perspective in life.

Commissioner Siao would like the Center to offer life skill classes, such as personal money management, that can prepare students for life after high school. It can also be a mental health center resource with opportunities for students to talk with a counselor.

Commissioner Trehan would like the Center to offer a career exploration program for students to investigate potential careers, where parents and adults can educate youth on their chosen career, and provide job-shadowing opportunities. The Center can offer tutoring and study rooms, and offer book clubs.

Council Member Staton asked the Commissioners what types of sports activities are of interest to them. The Youth Commissioners responded with interests in ping-pong,

gymnastics, martial arts, judo, ballet, technology games/eSports, high school student athletes can mentor younger children, and sports that are offered in middle and high school that not all can participate.

Superintendent Eric Volta, Liberty Union High School District: Mr. Volta is a past president of the North Coast Section of the California Interscholastic Federation (CIF) and stated there is a huge following for the eSports program offered by the CIF. He offered to assist with making introductions to the CIF.

City Council Rodriguez offered suggestions for a computer room, youth employment, and the opportunity to work with special needs students. The Center will bring equity for all kids to have opportunities within the community.

Stephanie Williams-Rogers suggested a pool table and snack bar, via the chat feature.

Staff Comments:

Director Mulder expressed his excitement to hear the outstanding ideas presented and feels there are great opportunities for synergy with school programs, athletic programs and community college programs.

City Manager Ogden stated it was very inspiring to hear the comments from the youth leaders. He thanked the commissioners for participating and sharing their thoughts.

Recreation Manager Farro stated how impressed she was of the Youth Commissioners and thanked them for their participation in the community forum and for their ongoing involvement with the Youth Commission.

Recreation Supervisor Dempsey complimented the Youth Commissioners for their work on the Youth Commission in addition to school responsibilities. She appreciated the thought and research they put into their suggestions. She encouraged the public to attend the regular Youth Commission meetings. She thanked them for their participation and hard work.

Closing Comments:

Commissioner Habon inquired about operating hours of the youth center. Director Mulder advised that the hours will depend on the programming but would look accommodate as much as possible for after school hours and weekends. Council Member Rodriguez agreed that hours will be determined by programming.

Commissioner Raimondi inquired about the funding options to make it feasible for the project to move forward. Director Mulder advised that all options are on the table for

consideration. Although the City has approved funding for an architect, funding is not identified for operations. The City has some funding available for building improvements. He feels it is an opportunity to work with the private sector, non-profits, and to look for partnerships that work to build up local non-profit service clubs and City resources. Council Member Rodriguez offered ideas to reach out to community based organizations, foundations, state and federal funding, collaboration with school districts, and City resources. He feels it should not be a single entity but rather a group effort to support the project. Council Member Staton suggested grant-funding options.

Council Member Staton thanked the Commissioners for the amazing ideas. Council Member Rodriguez thanked the Commissioners for the time and participation.

ADJOURNMENT

Motion to adjourn the meeting on November 19, 2020 at 7:39 p.m.

Moved by Raimondi; seconded by Trehan.

Vote: Motion carried 8-0-0-1
Yes: Ceja, Habon, Memory, Raimondi, Renner, Siao, Trehan, Valdillez
No: 0
Abstain: 0
Absent: Phan

Respectfully Submitted,

Michelle Inglis
Administrative Assistant II