



April 17, 2021

VIA EMAIL

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Regarding: Appeal of Planning Commission denial of LP20-2020 (Diablo Valley Farms, 4425 Sellers Avenue)

The City of Brentwood urges the Contra Costa County Board of Supervisors to uphold the Contra Costa County Planning Commission’s denial of a Cannabis Cultivation Permit (LP20-2020) adjacent to Brentwood. The Brentwood City Council on March 9, 2021 unanimously approved a resolution requesting that the County Planning Commission decision be upheld.

Diablo Valley Farms proposed a cannabis cultivation operation at 4425 Sellers Avenue within 170 feet of the Sunset Park Athletic Complex- a major youth sports facility. County regulations prohibit cannabis production facilities within 1000 feet of youth centers. Sunset Park Athletic Complex is a a “youth center”.

The City can demonstrate that the athletic complex is primarily used, and was intended for use, by minors and is thus is, by the County’s own definition, a youth center.

The site of the proposed Cannabis Production Facility, located at 4425 Sellers Avenue, should be disqualified by the location requirements per Contra Costa County Code 88-28.410(b)(3)(A), which states, “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.” A youth center is defined as a facility that is primarily used by minors. The proposed cannabis operation is located approximately 170 feet to the east of the City’s Sunset Park Athletic Complex, which is a major youth sports facility within the City of Brentwood.

The Athletic Complex is a 37.9-acre sports complex located at 655 Sunset Road, in the City of Brentwood. The complex offers six softball/baseball fields that can

accommodate base paths of up to 70 feet on four fields, 80 feet on two, and 90 feet on one of the six fields. The ball fields feature spectator bleachers for “home and visitor” spectators. A playground and grass areas are available, as well as two restrooms, concession buildings, picnic tables and barbeques. Soccer fields are available in a variety of configurations with the largest size at 70 yards by 110 yards. The athletic complex is open only for programmed use.

The Athletic Complex is predominantly used by youth. Seventy Five percent (75%) of all users are minors. During the last non- pandemic year there were 93,489 youth users and 123,615 total users. It is worth noting that the predominance of youth use is even greater if only daytime or weekend use is considered. Adult Nearly 100% of all daytime/weekend users are minors. The only times there is significant adult usage is after 6:00pm on weekdays.

The County Cannabis Regulation section 88-28.206(a), states that except as otherwise provided, 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 the chapter. The Business and Professions Code states that “Youth Center” has the same meaning as in Section 11353.1 of the Health and Safety Code.

Section 11353.1 states:

“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.”

County Staff and the Diablo Valley Farms have claimed that because athletic complexes and are not specifically listed as examples of youth centers in the above section, they are to be excluded, however, this is an erroneous reading of the text. The code includes the statement “but not limited to” which means that the examples listed are **NOT** exclusive, explicitly that there are other locations that are “youth centers”.

The code indicates that the definition of “youth center” is “any public or private facility that is primarily used to host recreational or social activities for minors,...” As shown above, Sunset Park Athletic Complex primarily serves minors and thus meets this definition of youth center exactly.

Further, common definitions for youth center are listed below:

- Law Insider defines youth centers as “any public or private facility that is primarily used to host recreational or social activities for minors.”
- Oxford Languages defines youth centers as “a place or organization providing leisure activities for young people.”
- Collins Dictionary defines youth centers as “a center providing leisure activities for young people, often associated with a church or community center.”
- Contra Costa County’s Code defines Youth Center as “a facility primary used by minors.”

By every definition, the Sunset Park Athletic Complex is clearly a youth center and should be regarded as such for purposes of evaluating the land use permit for cannabis cultivation. A 1000 foot buffer is required from a youth center and the proposed cannabis production facility is 170 feet away from the athletic complex. This disqualifies the proposed application.

Furthermore, the adjacency to the proposed cannabis facility to the very busy Athletic Complex (170 feet) and trails (114 feet) is a threat to public safety. Cannabis facilities with their high value product and large cash transaction attract organized criminal activities. There are numerous incidents of highly armed robberies at facilities like this, including many where firearms were discharged. Placing such a facility next to a busy youth sports complex and trail, within the range of firearms is unconscionable.

The City of Brentwood respectfully requests that Contra Costa Board of Supervisors uphold the Planning Commission’s denial of the Cannabis Cultivation Permit (LP20-2020) for Diablo Valley Farms at 4425 Sellers Avenue.

Sincerely,



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