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**MEMORANDUM**

DATE: August 28, 2018  
TO: PLANNING COMMISSION  
FROM: Scott Perkins  
SUBJECT: Cannabis Ordinance and Youth Centers

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The Inland Land Use and Development Code (ILUDC) amendment public hearing involves revisions to Articles 2, 4 and 10 to permit and regulate cannabis businesses in the City. Article 4 includes the following requirement:

18.42.057(E) Cannabis Retail uses shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, day care center, or youth center that is in existence at the time the license is issued, pursuant to Chapter 9.30.

Chapter 9.30 defines a “youth center” as follows:

9.30.020 **YOUTH CENTER.** Shall have the same definition as California Health and Safety Code 11353.1, meaning 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 teenager club facilities, video arcades, or similar amusement park facilities, but does not include small family day care homes, as defined in ILUDC Section 18.100.020(D).

The prohibition of cannabis businesses within 600 feet of schools, day care centers and youth centers is not required by the State—a local jurisdiction could decide to permit a cannabis business within this buffer, change size of the buffer, or change the definition of youth center. Commissioner Roberts asked staff for clarification of the youth center definition, specifically if the gymnasium attached to City Hall qualifies as a youth center.

The City Hall gymnasium is available to rent by the general public. It is utilized for numerous youth activities, including youth basketball league practices, youth basketball camps, skate night, and 16+ volleyball games. It is also rented by the Farmers’ Market through the winter, a craft fair, CERT training, and one-off parties and events like the Noyo Center bone articulation. Upwards of 75% of the gymnasium’s usage is comprised of youth-related activities.

Since the definition of a youth center in Chapter 9.30 is borrowed from the California Health and Safety Code, it is utilized by numerous jurisdictions in their cannabis ordinances. For reference. Culver City interprets the definition as facilities where “more than 50% of the onsite activities are oriented towards children under the age of 18. This could include, but is not limited to, martial arts studios, dance studios, gymnastics studios, indoor playgrounds, birthday party facilities, art studios, children's activity centers, tutoring centers, etc.”

Martinez City also has the same definition of youth center and the 600-foot buffer requirement. The Martinez Planning Commission approved a permit for a cannabis dispensary next door to a private gym that had a large youth clientele, ultimately deciding that the gym was not a youth-center in part because it was open to the entire public and the fact that the gym was not established as a youth facility when it opened—it just happened to be who the clientele ended up being. The decision was appealed to the Martinez City Council, which ultimately directed staff to revise their cannabis ordinance to define a youth center as a facility that serves minors exclusively, thereby permitting the dispensary adjacent to the gym.

The Planning Commission could consider the following options regarding cannabis businesses and youth centers:

**1. Keep the proposed ordinance language**

The Commission could keep the existing language in the proposed ordinance prohibiting cannabis businesses within 600-feet of youth centers and keep the statewide definition. This would require the Director to determine whether or not a land use qualifies as a youth center on a case-by-case basis using the proposed definition.

**2. Clarify the definition of youth centers to expressly incorporate facilities like the gymnasium attached to City Hall**

If the Commission is concerned about a cannabis business opening near a facility like the gymnasium due to the youth activities that take place, the definition of a youth center could be revised as follows:

9.30.020 **YOUTH CENTER.** Means any public or private facility used to host recreational or social activities for minors, where youth-serving activities comprise over 50% of the clientele, which could include, but is not limited to, private youth membership organizations or clubs, social service teenager club facilities, video arcades, or similar amusement park facilities, rental halls and public gymnasiums, but does not include small family day care homes, as defined in ILUDC Section 18.100.020(D).

**3. Clarify the definition of youth centers to expressly exclude facilities like the gymnasium attached to City Hall**

If the Commission does not wish to prohibit cannabis businesses opening near a facility like the gymnasium due to the youth activities that take place, the definition of a youth center could be revised as follows:

9.30.020 **YOUTH CENTER.** Shall have the same definition as California Health and Safety Code 11353.1, meaning 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 teenager club facilities, video arcades, or similar amusement park facilities, but does not include small family day care homes, as defined in ILUDC Section 18.100.020(D), and does not include public facilities available for rent for general purposes, such as rental halls or gymnasiums.

Alternatively, the Commission could consider revising the definition to state that facilities only qualify as youth centers if they serve minor exclusively, similar to the Martinez City example above.

**4. Remove the term “youth center” from to 600-foot buffer requirement**

The Commission could recommend removing “youth center” from the buffer requirement as follows:

18.42.057(E) Cannabis Retail uses shall not be located within a 600-foot radius of a school providing instruction in kindergarten or any grades 1 through 12, or day care center, ~~or youth center~~ that is in existence at the time the license is issued, pursuant to Chapter 9.30.

This option would remove the ambiguity and interpretation of what is or is not a youth center. This approach would expand the permissiveness of cannabis businesses. However, the review authority (the Director for a Minor Use Permit, and the Commission on appeal), could still deny any application for a cannabis business if it were deemed incompatible with the existing land uses in the vicinity, or if the business would endanger, jeopardize or otherwise constitute a hazard to the public interest, health, safety, convenience or welfare to uses in the vicinity (ILUDC 18.71.060(F)).