

REVISED LEGISLATIVE DIGEST

(3/1/2022, Amended in Board)

[Planning Code - Massage Establishment Zoning Controls]

Ordinance amending the Planning Code to revise Massage Establishment zoning controls to regulate Massage Establishments generally consistent with Health Services, with some exceptions, including to make Massage Establishments principally permitted if accessory to a Health Service; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1, and public necessity, convenience, and general welfare findings pursuant to Planning Code, Section 302.

Existing Law

Pursuant to Planning Code Sections 2, 7 and 8, Massage Establishment zoning controls are generally consistent with zoning controls for Health Services, with certain exceptions. One such exception is that Massage Establishments in certain zoning districts require conditional use authorization above the first floor, where Health Services may be principally permitted. Another exception is that, notwithstanding an otherwise applicable conditional use authorization requirement, Massage Establishments are principally permitted on any floor if accessory to a Hotel or Personal Service.

Amendments to Current Law

The ordinance would amend various zoning controls in Planning Code Articles 2, 7 and 8 to make Massage Establishments principally permitted on any floor if accessory to Health Services, except in the NC-2 Zoning District, in which a Massage Establishment use that is accessory to a Personal Service, Health Service or Hotel would be permitted subject to conditional use authorization on the second floor and above if within certain geographic boundaries. The ordinance would also amend Section 840 of the Planning Code to make Massage Establishments principally permitted on the 1st floor, subject to conditional use authorization on the 2nd floor, and not permitted on the 3rd floor and above, except that Massage Establishments would be principally permitted on all floors if accessory to a Hotel, Personal Service or Health Service.

Background Information

Ordinance No. 233-21, effective January 22, 2022, amended the Planning Code to revise Massage Establishment zoning controls, including, among other things, to 1) add Sole Practitioner Massage Establishments to the definition of Health Services in Articles 1 and 8 and remove it from the definition of Massage Establishments; 2) regulate Massage Establishments generally consistent with Health Services, with some exceptions; 3) eliminate

the three-month period to establish abandonment of certain nonconforming Massage Establishment uses; 4) prohibit Personal Services uses for three years at any location where a Massage Establishment use was closed due to a violation of the Planning Code or Health Code; 5) eliminate the exception from the conditional use authorization requirement for massage uses accessory to a dwelling unit; 6) rename Medical Services to Health Services in Article 8 and make other conforming amendments; and 7) delete related provisions that have expired through the passage of time.

Among other things, Ordinance No. 233-21 amended various zoning tables in Articles 2, 7 and 8 of the Planning Code to make Massage Establishments principally permitted on any floor if accessory to a Hotel or Personal Service.

This ordinance includes amendments that were previously approved in Ordinance No. 233-21. Except as stated herein, the amendments in Ordinance No. 233-21 would remain in effect and this ordinance would not in any way alter Ordinance No. 233-21. This ordinance does amend Section 711 of the Planning Code as it was previously amended by Ordinance No. 233-21, to the following extent: in Table 711, in the "Controls by Story" column, 1st Story, the designation "C(13)" is replaced by the designation "P(9)."

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