FILE NO. 180053

LEGISLATIVE DIGEST

[Planning Code - Massage Establisments in the Union Street NCD]

Ordinance amending the Planning Code to conditionally permit Massage Establishments, as defined, in the Union Street Neighborhood Commercial District; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and findings of public convenience, necessity, and welfare under Planning Code, Section 302.

Existing Law

The Planning Code defines "Massage Establishments" as "a Retail Sales and Service Use defined by Section 29.5 of the Health Code." It also specifices that "[f]or purposes of the Planning Code only, "Massage Establishment" shall include both a "Massage Establishment" and a "Sole Practitioner Massage Establishment," as these terms are defined in Section 29.5 of the Health Code."

The Health Code, in turn, defines "Massage Establishments" as "a fixed place of business where more than one individual administers Massage for Compensation, excluding those locations where Massage is provided only on an outcall basis," and "Sole Practitioner Massage Establishments" as "a fixed place of business solely owned by a Massage Practitioner permit holder or California Massage Therapy Council Certified Practitioner, which individual is the only person who provides Massage for Compensation."

Currently Massages Establishments are not permitted in the Union Street Neighborhood Commercial District (NCD).

Amendments to Current Law

This legislation would amend the Planning Code to provide that Massage Establishments, as defined in the Planning Code, are permitted in the Union Street NCD, with a Conditional Use authorization. It further provides that "existing massage establishments that can demonstrate to the Zoning Administrator that they have been in operation prior to 12/31/17 need only do a change of use under Section 312."

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