

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/23/2018)

[Planning Code - Massage Establishments 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 specifies 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 Massage 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 “any Massage Establishment that has continually operated without the benefit of a building permit within the Union Street NCD since prior to December 31, 2017 shall not require a Conditional Use authorization to legally establish the Massage Establishment. However, such establishments must file a building permit application by May 1, 2020 to legally establish the Massage Establishment use, and such building permit application will be subject to neighborhood notification pursuant to Planning Code Section 311.”

FILE NO. 180053

Background Information

This Revised Legislative Digest was prepared to accompany amendments made to this Ordinance at Land Use Committee, on July 23, 2018.

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