

CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
February 26, 2026

PROJECT TITLE

ZONING CODE AMENDMENTS
PERTAINING TO MASSAGE
ORDINANCE

APPLICANT

N/A

ADDRESS/LOCATION

Citywide

PROPERTY OWNER

N/A

ASSESSOR'S PARCEL NUMBER

Citywide

FILE NUMBERS

N/A

APPLICATION DATES

N/A

APPLICATION COMPLETION DATES

N/A

REQUESTED ENTITLEMENTS

N/A

FURTHER ACTIONS REQUIRED

City Council Ordinance Adoption

PROJECT SITE ZONING

N/A

GENERAL PLAN DESIGNATION

N/A

PROJECT PLANNER

Lou Kirk, Senior Building Inspector

RECOMMENDATION

Recommend adoption to City Council

Agenda Item #11.3

For Planning Commission Meeting of: February 26, 2026

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: LOU KIRK, SENIOR BUILDING INSPECTOR
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SUBJECT: ZONING CODE AMENDMENTS PERTAINING TO MASSAGE
ORDINANCE

AGENDA ACTION: ADOPTION OF RESOLUTION

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by resolution, recommend to the City Council the adoption of Zoning Code amendments to Chapter 20-49 entitled Massage Regulation and Massage Establishment Registration.

EXECUTIVE SUMMARY

In March of 2025, the City Council passed and adopted Ordinance ORD-2025-004, amending the Santa Rosa City Code and bringing comprehensive new massage establishment regulations to the City. In order to facilitate required background checks of certain massage establishment owners and employees, City staff must be authorized by the California Department of Justice (DOJ) to conduct Live Scan electronic fingerprinting.

The proposed amendments to the Massage ordinance are primarily driven by the need to align City Code with DOJ and FBI criteria, allowing local authorization for national fingerprint-based background checks. The amendment establishes definitions for ownership and partnership, creating the legal nexus required to deny permits based on disqualifying criminal histories. Beyond this, the amendments refine the City's administrative framework by clarifying the role of Zoning Clearances in the application process; by establishing transparent criteria for permit approvals and denials; by adding operational requirements pertaining to the use and storage of liquids, creams, or other preparations used in the operation of the massage establishment; and by making additional minor changes that will facilitate the reading and use of the ordinance.

BACKGROUND

On February 27, 2025, the Planning Commission adopted Resolution No. PC-RES-2025-001, unanimously recommending that the City Council adopt an ordinance related to regulatory requirements for massage establishments. Subsequently, on March 18, 2025, the Santa Rosa City Council adopted Ordinance ORD-2025-004, a comprehensive update to the City's regulatory framework for massage establishments aimed at enhancing public safety and ensuring business legitimacy. A critical component of this framework, codified in Section 20-49.040(A)(6), mandates that owners and non-certified employees undergo thorough criminal background investigations via the Live Scan fingerprinting process. To implement these checks, the City must obtain "Applicant Agency" status from the California DOJ, which requires the City Council to adopt a formal resolution and amend the Zoning Code to align with Federal Bureau of Investigation (FBI) PL 92-544 criteria.

In addition to the background check protocols, the ordinance has now undergone a period of initial implementation, and staff have identified several areas in need of minor administrative refinement. The proposed Zoning Code amendments seek to address these needs by clarifying the application process; reducing regulatory ambiguity and facilitating more effective integrated enforcement of the City's massage regulations.

PROJECT DESCRIPTION

The proposed project includes the recommendation to amend elements of Chapter 20-49, which includes the addition of new definitions; the addition of clarifying language pertaining to cooperative business arrangements and Zoning Clearances; the addition of significant new language pertaining to the review, and approval or denial of applications; the addition of operational requirements pertaining to the use and storage of liquids, creams, or other preparations used in the operation of the massage establishment; the addition of other minor clarifying refinements; and the minor renumbering of sections where the need is so dictated by the amendment process.

ANALYSIS

The proposed amendments serve as the technical implementation of the Federal Bureau of Investigation's (FBI) PL 92-544 criteria within the Santa Rosa City Code. This federal statute allows the FBI to share national, fingerprint-based criminal history records with local governments for specific licensing and employment purposes. By integrating this required language into the Zoning Code, the City establishes the necessary legal nexus to conduct comprehensive vetting for massage-related licensing, ensuring that sensitive criminal history data can be accessed for specific applicants. While the City Council will concurrently consider a resolution to formally authorize staff to seek "Applicant Agency" status, these Zoning Code amendments serve as an administrative counterpart by ensuring that local regulatory definitions are strictly compliant with DOJ standards for data access. This transition to an interstate/national

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oversight model ensures that the City's reviewing officers have the data necessary to identify disqualifying criminal histories, providing a necessary tool for the effective enforcement of the City's massage regulations.

Beyond achieving federal compliance, this amendment provides a timely opportunity to refine the ordinance based upon "lessons learned" during its first year of implementation, reducing ambiguity and providing applicants with a more transparent regulatory path. Specifically, the amendments improve procedural clarity by better describing the application workflow and the integration of Zoning Clearances into the overall process. The proposal also codifies transparent and defensible criteria for the approval, denial, or revocation of permits to ensure administrative consistency. Furthermore, the amendment enhances hygiene and safety by adding operational requirements pertaining to the professional use and storage of liquids, creams, and other topical preparations. Finally, technical corrections are included to improve the ordinance's overall readability and usability for both staff and the public.

FISCAL IMPACT

There is no direct fiscal impact related to adoption of the proposed Zoning Code amendments.

ENVIRONMENTAL IMPACT

The proposed amendments to the Zoning and Municipal Codes have been reviewed in compliance with the California Environmental Quality Act (CEQA) and it has determined that the proposed action is exempt from CEQA pursuant to CEQA Guidelines 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment, and because it is not a project as defined in CEQA Guidelines Section 15378, as it has no potential for resulting in a physical change in the environment, directly or indirectly. Additionally, or alternatively, the Ordinance is exempt from CEQA under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that this Ordinance or its implementation of the Amendments would have a significant effect on the environment, would not be detrimental to the public interest, health, safety, convenience, or welfare of the City. The Ordinance is also exempt from CEQA pursuant to CEQA Guidelines section 15301 in that no new development or construction is authorized by the Ordinance and nothing in the Ordinance permits any expansion of use beyond the level of land uses already existing in the City.

NOTIFICATION

Pursuant to Zoning Code Section 20-66.020(D), Alternative to Mailing, if the number of property owners to whom notice would be mailed would exceed 1,000, the City may, as an alternative to mailing and on-site posting, provide notice by placing an advertisement of one-eighth page in at least one newspaper of general circulation 10 days prior to the hearing. The proposed ordinance will affect all properties within the commercial and industrial zoning districts, as well as additional properties which are adjacent or proximal

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to these zones, which would result in the number of mailings by far exceeding 1000 properties. Therefore, a one-eighth page advertisement was placed in the Press Democrat. The notice was posted at City Hall and upon the City website. Pursuant to Government Code Section 65091, where necessary, the City has incorporated notice procedures to the blind, aged, and disabled communities. These procedures include audio amplifier/assistive listening device support at public meetings, closed captioning, and optical character recognition conversion of electronic notices.

ISSUES

No issues have been identified at this time.

ATTACHMENTS

Attachment 1 – Draft Ordinance (redline) amending Chapter 20-49 of the Zoning Code Resolution

CONTACT

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