RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ROSA MAKING FINDINGS AND DETERMINATIONS AND RECOMMENDING TO CITY COUNCIL AMENDMENTS TO TITLE 6 AND TITLE 20 OF THE SANTA ROSA CITY CODE BY REPEALING CHAPTER 6-32 ENTITLED MASSAGE THERAPY, MASSAGE BUSINESS OR ESTABLISHMENT IN ITS ENTIRETY; ADDING A NEW CHAPTER 20-49 ENTITLED MASSAGE REGULATION AND MASSAGE ESTABLISHMENT REGISTRATION; AMENDING SECTIONS 20-23.030 AND 20-24.030 REGARDING PERMITTING REQUIREMENTS FOR MASSAGE RELATED USES; AMENDING SECTIONS 20-50.020(A), 20-52.060 AND 20-62.030(B)(2) BY ADDING ADMINISTRATIVE ADJUSTMENT PROVISIONS;AND AMENDING SECTION 20-70.020 REGARDING DEFINITIONS OF MASSAGE RELATED USES AND BUSINESSS SERVICE

WHEREAS, the City of Santa Rosa ("City") is a charter city organized pursuant to Article XI of the California Constitution; and

WHEREAS, on September 27, 2008, the Legislature adopted Senate Bill 731, which created the California Massage Therapy Council ("CAMTC") to provide voluntary statewide certification of massage practitioners and therapists; and

WHEREAS, on March 9, 2010, the City Council of the City of Santa Rosa adopted Ordinance No. 3937, amending Chapter 6-32 "Massage Therapy, Massage Business or Establishment," of the Santa Rosa Municipal Code ("SRCC") and establishing regulations for the operation of massage establishments and massage therapists within the City; and

WHEREAS, on September 18, 2014, the Legislature adopted Assembly Bill 1147, effective January 1, 2015, which revised existing law regulating certified massage professionals and allowed local agencies to impose reasonable zoning, business licensing, and health and safety requirements on massage establishments; and

WHEREAS, the Massage Therapy Act, codified under California Business and Professions Code sections 4600 through 4621, established CAMTC and statewide regulations for massage and massage establishments; and

WHEREAS, section 51030 of the Government Code provides that the legislative body of a city may enact an ordinance which provides for the licensing for regulation of the business of massage conducted within the city; and

WHEREAS, local jurisdictions may enact an ordinance relating to massage or massage establishments provided such ordinances do not conflict with State law; and

WHEREAS, the City of Santa Rosa desires to protect the health, safety, and welfare of its residents by providing for the orderly regulation of Massage Establishments, as defined herein, and to prevent and discourage the misuse of Massage Therapy as a front for prostitution and related activities in violation of state law; and

WHEREAS, in the provision of such orderly regulation, the City of Santa Rosa does not want to unnecessarily limit the options available to Massage Practitioners and Massage Establishments that have received their certification from or through a certifying body deemed equivalent or superior to CAMTC in terms of demonstrating proficiency in the practice of massage; and

WHEREAS, the City of Santa Rosa wishes to amend portions of the Municipal Code to ensure that the City regulates massage practitioners and massage establishments in compliance with the provisions of AB 1147 and other applicable laws; and

WHEREAS, the Planning Commission finds that repealing Chapter 6-32 and adding a new Chapter 20-49 is required to modernize local Massage Therapy and Massage Establishment regulations, maintain consistency with State law, incorporate best practices, and protect the public health, safety, and welfare; and

WHEREAS, the modernization of Massage Therapy and Massage Establishment regulations in Chapter 20-49 necessitates corresponding amendments to additional City Zoning Code Sections that cross-reference or associate with massage uses and/or which are otherwise essential to further and properly differentiate massage uses as distinct and separate from adult entertainment uses; and

WHEREAS, Planning Commission finds that corresponding amendments of Sections 20-23.030, 20-24.030, 20-52.060 and 20-70.020 of the Zoning Code are required to support the new Chapter 20-49, maintain internal code consistency, incorporate best practices, and protect the public health, safety, and welfare; and

WHEREAS, on January 14, 2025, staff held a community meeting with employees, owners, and members of the local massage establishment community in order to present an overview of the conceptual new ordinance, answer questions and solicit input to better inform the ordinance writing process; and

WHEREAS, on February 27, 2025, the Planning Commission of the City of Santa Rosa held a duly noticed public hearing to consider recommending to the City Council adoption of City Code Text Amendments to modernize local massage therapy and massage establishment regulations, maintain consistency with State law, incorporate best practices, and protect the public health, safety, and welfare; and

WHEREAS, the Planning Commission has received, reviewed and given due consideration to the records and reports herein, and the oral and other evidence received at the public hearing, from the public and City staff.

NOW, THEREFORE, BE IT RESOLVED that based on the evidence presented and the records and files herein, and pursuant to City Code Section 20-64.050 (Findings), the Planning Commission of the City of Santa Rosa finds and determines:

A. The proposed amendments are consistent with the goals and policies of all elements of the General Plan, and all applicable specific plans, in that they prioritize the health and safety of its residents; promote a healthy and diverse local economy; establish clear standards ensuring ethical operations; preserve and enhance the character of the community; protect consumers and the community from crime; and maintain public order by fostering a legitimate, harmonious and sustainable massage therapy industry.

B. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the City in that the amendments are intended to provide for the orderly regulation of Massage Establishments and to prevent and discourage the misuse of Massage Therapy as a front for prostitution and related activities which violate state law.

C. The proposed amendments are internally consistent with other applicable provisions of the Zoning and Municipal Codes. Specifically, as part of the proposed amendments, changes have been incorporated into specific sections of the Zoning and Municipal Codes which historically addressed massage uses.

D. 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.

BE IT FURTHER RESOLVED that, after public hearing on February 27, 2025, the Planning Commission of the City of Santa Rosa finds that amending the Santa Rosa Zoning Code, as follows, is required for public convenience, necessity, and general welfare:

Section 1. Repeal Chapter 6-32 of Title 6 of the Santa Rosa City Code – Massage Therapy, Massage Business or Establishment in its entirety.

Section 2. Add Chapter 20-49 to Title 20 of the Santa Rosa City Code – Massage Regulation and Massage Establishment Registration to read as follows:

"CHAPTER 20-49 – MASSAGE REGULATION AND MASSAGE ESTABLISHMENT REGISTRATION"

20-49.010 Purpose.

A. In enacting this chapter, the city council acknowledges the valuable health and therapeutic services that commercial Massage Therapy can provide to the public. However, the council also recognizes the potential for unlawful activities associated with Massage Therapy, which can threaten the quality of life in the community if not properly regulated. Therefore, the purpose of this chapter is to protect public health, safety, and welfare by establishing clear regulations for Establishments providing Massage Therapy services, prohibiting prostitution and other illegal activities conducted under the guise of Massage Therapy, and setting specific sanitation, health, and operational standards for Massage Establishments.

B. Additionally, this chapter aims to mitigate neighborhood blight and protect the integrity of both residential and commercial districts. It also seeks to strengthen enforcement of criminal laws pertaining to illegal activities conducted by Massage Establishment operators and employees.

C. It is the council's further purpose to implement the statewide regulations governing Massage Therapists and Establishments, as outlined in Business and Professions Code Section 4600 et seq. These regulations, enacted in 2008 and subsequently amended, will be used to restrict commercial massage practice in the city to only those Individuals certified by the California Massage Therapy Council. Additionally, the chapter will establish provisions for the registration and regulation of Massage Establishments to ensure public health and safety, within the limits of applicable law.

20-49.020 Definitions.

Unless the context indicates otherwise, the definitions provided in this section shall apply to the interpretation and application of terms used in this chapter. Any term not specifically defined herein or in chapter 20-70 of this Code shall be given its ordinary and commonly understood meaning. Where differing definitions may be found in this Code, the definitions contained in this section shall apply for purposes of this Chapter. As used in this Code, the following terms shall have the meanings specified below:

"Business" means any occupation, vocation, or calling, whether conducted for profit or not, that involves the time, attention, or labor of one or more persons.

"**Business Owner**" refers to any of the following Individuals:

1. The sole proprietor of a Massage Business or Establishment;

2. Any general partner of a partnership that owns and operates a Massage Business or Establishment; or

3. Any Individual who has an ownership interest in a corporation that owns and operates a Massage Business or Establishment.

"**California Massage Therapy Council**" or "**CAMTC**" means the Massage Therapy organization formed pursuant to California Business and Professions Code Section 4602. CAMTC is considered a Certifying Body as defined in this Chapter.

"**Certified Massage Therapist**" or **"Therapist"** means any Individual certified by CAMTC as a Certified Massage Therapist pursuant to California Business and Professions Code Section 4600 et seq, or by another Certifying Body deemed equivalent or superior to CAMTC in terms of demonstrating proficiency in the practice of massage, who, for compensation, performs or engages in any act of Massage as defined in this section. Pertaining to this chapter, the terms "masseur," "masseuse," "certified massage practitioner," or "Independent Therapist or Practitioner" shall have the same meaning as "Certified Massage Therapist" or "Therapist" when certified from or through a Certifying Body.

"**Certified Massage Therapist Certificate**" means the certificate issued by a Certifying Body, required by this chapter, authorizing a Certified Massage Therapist to practice Massage Therapy in conjunction with a certified Massage Establishment.

"**Certified Massage Establishment**" or **"Establishment"** means a Massage Business, including, but not limited to, a sole proprietorship; a Massage Business operating under the benefit of a certified Massage Establishment Registration Certificate issued by the city; and a Massage Business where each Business Owner, Employee, Independent Therapist, or other Individual who practices Massage Therapy for compensation, is a Certified Massage Therapist as defined herein.

"Certified Massage Establishment Certificate" means the Registration Certificate issued by the city upon submission of satisfactory evidence that a Massage Establishment employs or uses only Certified Massage Therapists pursuant to this chapter and is at all times operated in compliance with relevant sections of this Code and all other laws.

"**Certifying Body"** means an organization, entity or authority that establishes standards, which can include, but are not limited to educational requirements, examinations, experience, and background checks, in order to evaluate and recognize competency in the field of massage, and through which certification satisfactorily demonstrates qualifications and commitment to professional standards. Examples of certifying bodies include but are not limited to state boards and national organizations.

"**Compensation**" or **"Compensated"** means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money, services, or anything else of value.

"**Employee**" means any Individual employed by a Massage Establishment who may render any service to the Establishment, and who receives any form of compensation from the Establishment, including but not limited to Individuals acting as Therapists and Independent Therapists.

"**Health Officer**" means a representative from Sonoma County Environmental Health or their designee, and/or a Reviewing Officer as defined in this section.

"Home-Based" means a use that is being conducted as or from:

1. A Home Occupation, subject to Section 20-42.070 and the provisions of this Chapter; or

2. A "live/work" or "work/live" unit, subject to Section 20-42.080 and the provisions of this Chapter.

Home-Based Massage services may be permitted, subject to Administrative Adjustment pursuant to Section 20-49.090(D) or (E) of this Chapter.

"Independent Therapist" shall mean an Individual who holds a Certified Massage Therapist Certificate and provides services within a Massage Establishment for less than 10 cumulative days within any 30-day period, is not considered a permanent Employee, and is responsible for their own taxes and benefits;

"Manager" means an Employee responsible for the day-to-day operations of the Massage Establishment, whose duties include but are not limited to the overseeing of staff; scheduling appointments; managing finances; and ensuring strict compliance with all local, state, and federal regulations. The Manager may or may not be a Business Owner or a licensed Massage Therapist but remains subject to the requirements of this chapter.

"Massage," and "Massage Therapy" are used interchangeably in this chapter and refer to the professional application of touch by a Therapist for compensation. This includes, but is not limited to, techniques such as pressure, friction, stroking, kneading, rubbing, tapping, pounding, compressing, stimulating, or other movements of the external body surfaces. These techniques are used for remedial, health, or hygienic purposes to promote increased awareness, relaxation, circulation, pain relief, injury rehabilitation, or neuromuscular reeducation. The term also includes, but is not limited to, treatments that utilize mechanical or electrical apparatus, supplemental aids like rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments, or similar preparations, as well as various types of baths, including Turkish, Russian, Swedish, Japanese, vapor, shower, electric tub, sponge, mineral, or fomentation baths.

"**Massage Business" or "Massage Establishment"** means any commercial operation having a fixed place of business where a Therapist, for any compensation, performs or engages in any act of Massage as defined in this section, regardless of

whether other facilities or services are offered. Any Business that includes Massage Therapy services with adjacent uses such as bath facilities, including, but not limited to, showers, baths, wet and dry heat rooms, pools, and hot tubs, shall be deemed a Massage Business under this chapter. The term "Massage Business" also includes a sole Business Owner, operator or Employee operating as a sole proprietorship.

"**Mobile Massage Service**" means the engaging in or carrying on, either as a Certified Massage Establishment, Independent Therapist, or Sole Proprietor, of Massage for compensation at a location other than a Massage Establishment that has been permitted pursuant to this chapter or a Massage Business otherwise allowed to operate subject to section 20-49.090 of this chapter. Mobile Massage service may be permitted, subject to Administrative Adjustment pursuant to Section 20-49.090(C) of this Chapter.

"Non-Therapist Employee" means a class of Employee who renders service to and receives compensation from the Establishment but is not a Business Owner or Manager and does not in any way practice Massage.

"**Patron**" means a customer who is on the premises of a Massage Establishment for the purpose of receiving Massage Therapy services, in exchange for compensation, from a certified Massage Establishment while seeking relaxation, pain relief, or other health benefits.

"**Person**" or **"Individual"** means any person or Individual as commonly defined, as well as any firm, association, partnership, corporation, joint venture, limited liability company, or combination thereof.

"Property Owner" for purposes of this chapter means the responsible party, person or entity owning the real property upon which a Massage Business or Massage Establishment is located, as shown on the last equalized tax assessment roll maintained in the Sonoma County Assessor's office; or any person, co-partnership, agent, operator, firm, association, corporation, or fiduciary having a legal or equitable interest in the property or who otherwise exercises control of the property, including the trustee or guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered by a court of competent jurisdiction to take possession or control of the real property.

"**Reception and Waiting Area**" means the area immediately inside the main entry door of the Massage Establishment dedicated to the reception and queuing of Patrons and visitors, and which is not a treatment area or otherwise used for the provision of Massage Therapy services.

"Registration" means the certified Massage Establishment Registration Certificate required by this chapter to operate a Massage Establishment.

"**Reviewing Officer**" means the Code Enforcement Officer or other person, or persons designated by the City to conduct any application reviews or inspections as required or permitted under this chapter.

"School of Massage" means any school or institution of learning that is recognized as an approved school pursuant to California Business and Professions Code Section 4600 et seq, as currently drafted or as may be amended.

"Sole Proprietor" means a single individual who has the exclusive legal right or title to a massage business as the solitary owner/employee. A Sole Proprietor as used in this Chapter is subject to all of the provisions of Section 20-49.030.

"Spa" means any establishment or place of business that provides a variety of services focused on enhancing overall well-being through relaxation, rejuvenation, and the improvement of physical appearance or health.

"**Treatment Area**" means the specific area or areas of an Establishment used for the provision of Massage Therapy services.

"Visitor" means any Individual not retained or employed by the Massage Business or Massage Establishment and not receiving or waiting to receive Massage Therapy services but excluding law enforcement personnel, Reviewing Officers, or other governmental officials performing governmental business.

20-49.030 Required Certification and local Establishment Registration.

A. Individuals. Within 180 days of the effective date of this chapter and at all times thereafter, except where a specific exemption is applicable pursuant to Section 20-49.090(A), it shall be unlawful for any Individual to practice Massage Therapy for compensation as a sole proprietorship or Employee of a Massage Business or Establishment, or in any other capacity within the city unless that Individual is a currently Certified Massage Therapist.

B. Establishments. Within 180 days of the effective date of this chapter, and at all times thereafter, it shall be unlawful for any Business or Establishment to provide Massage Therapy for compensation within the city unless all of the following apply:

1. All Individuals performing Massage Therapy services are employed by the Massage Business or Establishment as an Employee, Independent Therapist, or sole proprietor;

2. All Individuals performing Massage Therapy services are Certified Massage Therapists; and

3. Said Business has obtained a valid certified Massage Establishment certificate from the City as provided in Section 20-49.040.

20-49.040 Massage Establishment Registration and Certification.

A. Application. The Registration application for a Massage Establishment certificate shall include all of the following:

1. Legal name, address, and telephone number of the Massage Establishment. The Establishment name shall correspond to the named lessor on any lease agreement, and with the entity named on the Zoning Clearance and Business Tax Certificate.

2. Legal name(s), residential and business address(es), and telephone number(s) of all Business Owner(s). In the event that the owner is an LLC or other corporate business entity, documents attesting to the form of business under which the Massage Establishment will be operating (i.e., corporation, general or limited partnership, limited liability company, or other form) will be provided, along with the legal names, addresses and telephone numbers of all listed members of the entity.

3. An approved Zoning Clearance, or Use Permit, for the proposed location, as required by Division 2 of this code, and a copy of a current business tax certificate issued pursuant to Chapter 6-04 of this code.

4. A dimensioned digital plan, clearly detailing the entirety of the Massage Establishment and demonstrating compliance with all provisions of Section 20-49.050 of this chapter.

5. A list of all of the Massage Establishment's Employees; Therapists; and Independent Therapists who are engaged to perform Massage for more than 10 cumulative days within any 30-day period, along with their current proof of certification status.

6. Each Business Owner and Employee of the Massage Establishment who is not a Certified Massage Therapist or Non-Therapist Employee shall submit an application for a background check, including the following: Live Scan documents; the Individual's business, occupation, and employment history for the five (5) years preceding the date of the application; the inclusive dates of such employment history; the name and address of any Massage Business or Establishment, spa, wellness facility, sauna, hot tub facility, bathhouse, or similar Business owned or operated by the Individual whether inside or outside the county of Sonoma and its incorporated cities. Such application shall be accompanied by a fee as specified by city council resolution.

7. For all Business Owners and Non-Therapist Employees, a valid and current driver's license and/or identification issued by the state of California.

8. For all Business Owners, a signed statement that all of the information contained in the application is true and correct under penalty of perjury; that all Business Owners shall be responsible for the conduct of the Business's Employees or Independent Therapists providing Massage services; and acknowledging that failure to comply with the California Business and Professions Code Section 4600 et seq.; any local, state, or federal law; or the provisions of this chapter may result in revocation of the Business's Massage Establishment certificate.

B. Issuance. Upon complete provision by the Massage Establishment of the foregoing documentation, and approval thereof, the Reviewing Officer shall issue to the Massage Business a city Massage Establishment certificate, which shall be valid through December 31 of the second calendar year following issuance. Where any application or renewal is denied stemming from the revocation of an Establishment Certificate for procedural violations of this chapter, pursuant to Section 20-49.120(A)(1), no reapplication will be accepted for a period of two (2) years. Where such denial or revocation stems from a gross violation of this chapter, pursuant to Section 20-49.120(A)(2), application or renewal will not be considered at any time. The Reviewing Officer may deny the issuance of an Establishment certificate if any of the required information is not true, complete, or correct, or if an Individual required to submit to a background check pursuant to subsection (A)(6) of this Section fails to pass such background check. City Massage Establishment certificates may not be issued to a Massage Business seeking to operate at a particular location if:

1. Another Massage Business or Establishment is, or was, operating at that particular location and that Massage Business or Establishment is, or was, in the process of revocation for procedural violations pursuant to Sections 20-49.120(A)(1) and (E)(1), during the pendency of the revocation and one (1) year following revocation.

2. Another Massage Business or Establishment is, or was, operating at that particular location and that Massage Business or Establishment is, or was, in the process of revocation for gross violations pursuant to Sections 20-49.120(A)(2) and (E)(2), during the pendency of the revocation and two (2) years following revocation.

C. Amendment. A Massage Establishment shall apply to the city to amend its city Massage Establishment certificate within 10 days after any change in the Registration information, including, but not limited to, resignations, terminations, transfers (in or out), or hirings of Massage Therapists or Employees; or changes in the Business Owner's addresses and/or telephone numbers. All certifications and/or background check requirements as provided for in this chapter, and payment of all associated fees, shall be observed.

D. Renewal. A Massage Establishment shall apply to the city to renew its city Registration Certificate no sooner than 60 days prior to the expiration of said city Registration Certificate, and in no case will the renewal application be accepted if submitted after the expiration date. The purpose of the renewal process is to verify that no changes from the initial application and subsequent amendments have occurred; to post costs associated with annual inspections over the renewed Registration period; and to ensure that any outstanding fines or fees owing pursuant to this chapter are remitted. If an application for renewal of a city Registration Certificate and all required information is not timely received and the certificate expires, no right or privilege to provide Massage shall exist, until a new application is submitted to and approved by the Reviewing Officer.

E. Fees. The Registration application, and any amendment to or renewal of an existing Massage Establishment certificate shall be accompanied by a fee, as established by City Council resolution. The provisions of this section shall not prevent the city from imposing supplemental inspection fees when multiple additional inspections are prescribed pursuant to Section 20-49.060, and for the background checks and fingerprinting fees for Business Owners and Employees of a Massage Business or Establishment who are not certified and who are subject to such background checks pursuant to this chapter. All City generated fees, including fees for appeal, are established by city council resolution.

20-49.050 Operational Requirements.

General Operational Requirements. On or after 120 days from the effective date of this chapter, no person shall engage in, conduct, carry on, or permit any Massage within the city unless all of the following operational requirements are met:

A. Establishment signage and on-site identification of personnel.

1. All signage shall be in conformance with provisions of subsection (G)(2)(b)&(c) of this section and Chapter 20-38 of this code. Neon/LED signage and the outlining of windows or architectural elements with neon tubing are specifically prohibited.

2. Certification placards for every currently employed Massage Therapist shall be clearly and permanently displayed at all times in the Reception and Waiting Area of the Massage Establishment premises so as to be visible to anyone within the area. Such placards must be original documents and shall not be laminated or altered in any way.

3. Certification ID cards shall be kept in close proximity to every Massage Therapist's person at all times during their working hours and when engaged in providing Massage services. Such identification shall be immediately provided to any Reviewing Officer or any other person requesting it during business hours.

4. Certificates of former Employees and/or Independent Therapists shall be removed immediately upon those Massage Therapists no longer being employed by or offering services through the Massage Establishment.

5. A Massage Therapist shall operate only under their legal name as specified in their currently issued Massage Establishment certificate.

6. A Massage Establishment shall operate only under the Business name specified in its Massage Establishment certificate.

7. The city Massage Establishment certificate and city Business Tax Certificate shall all be clearly and permanently displayed at all times in the Reception and Waiting Area of the Massage Establishment premises so as to be visible to anyone within the area.

B. Hours of Operation

1. Massage shall only be provided between the hours of 7:00 a.m. and 10:00 p.m. daily. No Massage Establishment shall be open, and no Massage shall be provided between the hours of 10:00 p.m. and 7:00 a.m. The hours of operation of the Massage Establishment shall be clearly and permanently displayed at all times in the Reception and Waiting Area of the Massage Establishment premises so as to be visible to anyone within the area and shall additionally be clearly and permanently posted in any front window so as to be visible to anyone outside of the Massage Establishment. Patrons and Visitors shall be permitted in treatment areas only during the hours of operation.

2. A Massage commenced prior to 10:00 p.m. shall nevertheless terminate at 10:00 p.m., and, in the case of a Massage Establishment, all Patrons shall exit the treatment areas at that time.

3. It is the obligation of the Massage Establishment to inform Patrons of the requirement that services must cease, and that the building must be completely vacated of all Patrons, by 10:30 p.m.

4. During the hours of operation, except as otherwise provided herein, no Visitors shall be permitted in treatment areas, break rooms, dressing rooms, showers, or any other room or part of the Massage Establishment premises other than the bathrooms or Reception and Waiting Area.

5. Other than actively working custodial, maintenance, or management staff, no persons shall be permitted within the premises of a Massage Establishment between the hours of 11:00 p.m. and 6:00 a.m., except in the event of an emergency where the Property Owner, Business Owner, or other Individuals need to be present.

C. Listing of services and costs

1. A comprehensive list of all services available and the cost of such services shall be clearly posted in the Reception and Waiting Area within the Massage Establishment and shall be described in readily understandable language.

2. No Business Owner or Manager shall permit, and no Massage Therapist shall offer or perform, any services other than those specifically posted or listed as required herein.

3. No Business Owner, Manager, or Massage Therapist shall request or charge a fee for any service other than those on the list of services available and posted in the reception area of the Establishment.

D. Record keeping

1. For each Massage service provided, every Massage Establishment shall keep a complete and legible written record of the following information:

a. the date and hour that the service was provided;

b. the actual service or services provided;

c. the name and contact information of the Individual receiving the service;

d. the name or initials of the Employee entering the information; and

e. the name and certification number of the Massage Therapist administering the service.

2. Such records shall be open to inspection and copying by police officers or Reviewing Officers charged with enforcement of this chapter.

3. These records shall not be used by any Business Owner, Manager, Massage Therapist, or any other Establishment Employee for any purpose other than as records of services provided and shall not be provided to other parties unless otherwise required by law.

4. Such records shall be retained on the premises of the Massage Establishment for a period of three (3) years and shall be immediately available for inspection during business hours pursuant to section (2), above.

E. Clothing/Uniforming

1. All Massage Establishment Business Owners, Managers, Employees, and Massage Therapists shall wear clean, nontransparent outer garments.

2. Said garments shall not expose, emphasize, or draw attention to the genitals, pubic areas, buttocks, chest, or undergarments, or be worn in a manner that constitutes a violation of Section 314 of the California Penal Code.

3. Swim attire shall only be allowed to be worn by a Therapist in the course of providing an industry-approved, water-based massage modality.

F. Hygiene.

Except as otherwise specifically provided in this chapter, the following health and safety requirements shall be applicable to all Massage Establishments located within the city:

1. Massage Establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings, and linens, and all massage tables shall be covered with a clean sheet or other clean covering for each Patron. Clean towels, coverings, and linens shall be stored in enclosed cabinets. Towels and linens shall not be used on more than one Patron, unless they have first been laundered and disinfected by regular commercial laundering, or by a noncommercial laundering process acceptable to the Sonoma County Health Officer. Disposable towels and coverings shall not be used on more than one Patron. Soiled linens and paper towels shall be deposited in separate, approved receptacles.

2. All bathrobes, bathing suits, and/or other garments that are provided for the use of Patrons shall be either fully disposable and not used by more than one (1) Patron or shall be laundered after each use pursuant to subsection (F)(1) of this Section.

3. All combs, brushes, and/or other personal items of grooming or hygiene that are provided for the use of Patrons shall be either fully disposable and not used by more than one (1) Patron or shall be fully disinfected after each use in a manner acceptable to the Sonoma County Health Officer.

4. Massage tables shall be waterproof by design, or covered in a waterproof material, and shall be cleaned and maintained between use by each Patron in a manner acceptable to the Sonoma County Health Officer.

5. All walls, ceilings, floors, and other physical facilities for the Establishment shall be maintained in good repair and in a clean and sanitary condition.

6. Wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bathrooms, tanning booths, whirlpool baths, pools and bathtubs shall be thoroughly cleaned and disinfected as needed, and at least once

each day the premises are open, with an appropriate disinfectant approved by the Sonoma County Health Officer. Bathtubs shall additionally be thoroughly cleaned after each use with a disinfectant approved by the Sonoma County Health Officer.

7. Instruments utilized in performing Massage shall not be used on more than one Patron unless they have been sterilized, using approved sterilization methods approved by the Sonoma County Health Officer.

8. A minimum of one wash sink for Employees shall be provided at all times. The sink shall be located within or as close as practicable to treatment areas. Hot and cold running water shall be provided at all times. Sanitary towels shall also be provided at each sink.

9. Hand sanitizer dispensers shall be maintained in all treatment and reception areas.

10. Adequate dressing and toilet facilities shall be provided for Patrons.

G. Interior areas of the Massage Establishment

1. Generally

a. All Massage Establishments shall comply with all adopted building, safety, fire, property maintenance, and other code standards pursuant to Title 18 of this code;

b. All Massage Establishments shall comply with all local, state, and federal laws and regulations for Patrons, Visitors, and Employees with accessibility needs;

c. All interior doors, including to/from treatment areas or cubicles, but excluding to/from individual dressing rooms and bathrooms, shall be incapable of being locked and shall not be blocked to prevent opening. Draw drapes, curtain enclosures, or accordion-pleated closures in lieu of doors are acceptable on all inner treatment areas or cubicles;

d. Except for a Patron who is inside a treatment area, no Patrons, Visitors, or Employees shall be permitted in or on the Massage Establishment premises at any time who are less than fully clothed in outer garments of nontransparent material, or who display or expose themselves in underclothing or similar intimate apparel;

e. Any locker facilities that are provided for the use of Patrons shall be fully secured for the protection of the Patrons' valuables, and each Patron shall be given control of the key or other means of access;

f. No Massage Establishment shall at any time have within its premises any sexual paraphernalia, including but not limited to sex toys; condoms, dental dams, internal condoms, and similar products; lubricants or personal care products which are specifically designed for sexual activities; bondage/restraint items; novelty items, such as costumes and games that are sexually based; pornographic materials of any kind; or other adult, sexually oriented objects or materials;

g. Excepting Home Occupations or "Live/work" or "work/live" units that have received Administrative Adjustment approval pursuant to Section 20-49.090, no Massage Establishment shall allow any person to reside within the Establishment or in attached structures, trailers, recreational or passenger vehicles thereupon which are owned, leased, or controlled by the Massage Establishment.

2. Reception and Waiting Areas

a. One (1) main entry door shall be provided for Patron entry to the Massage Establishment, which shall open directly into the interior Reception and Waiting Area of the Massage Establishment. Except during emergency egress situations, all Patrons, and any persons other than Individuals employed or retained by the Massage Establishment shall be required to enter and exit through the main entry door. The main entry door shall remain unlocked during business hours when the Establishment is open for business or when Patrons are present unless the Massage Establishment is a business entity owned by a sole proprietor and there is no additional staff available to assure security;

b. No Massage Establishment located in a building or structure with exterior windows fronting a public street, highway, parking area or walkway (including interior common areas and hallways) shall, during business hours, block visibility into the interior Reception and Waiting Area through the use of curtains, closed blinds, tints, signage, or any other material that obstructs, blurs, or unreasonably darkens the view into the premises;

c. For the purpose of this subsection, there is an irrebuttable presumption that visibility is impermissibly blocked if more than 15 percent of the square footage of windows or more than 10 percent of the square footage of clear doors is covered so as to obstruct views of the interior Reception and Waiting Area.

3. Treatment areas

a. Massage tables having a minimum height of eighteen (18) inches shall be used for all non-water-based modalities of Massage Therapy, with the exception of "Thai," "Shiatsu," and similar forms of Massage

Therapy, which may be provided on a padded mat on the floor, provided the Patron is fully attired in loose clothing, pajamas, scrubs, or similar style of garment;

b. Beds, floor mattresses, and waterbeds are not permitted on the premises of the Massage Establishment;

c. During the designated hours of operation, Patrons shall be permitted in treatment areas only if at least one (1) duly authorized Certified Massage Therapist is present on the premises of the Massage Establishment. Patrons shall not be permitted in any Employee break room on the premises;

d. During the designated hours of operation, Visitors shall not be permitted in treatment areas except as follows:

i. The parents or guardian of a Patron who is a minor child may be present in the treatment area with that minor child;

ii. The minor child of a Patron may be present in the treatment area with the Patron when necessary for the supervision of the child; or

iii. The conservator, aide, or other caretaker of a Patron who is elderly or disabled may be present in the treatment area with that elderly or disabled person.

H. Prohibited activities

1. No alcoholic beverages shall be sold, served, or furnished to any Patron; nor shall any alcoholic beverages be kept or possessed on the premises of a Massage Establishment unless a valid California Department of Alcoholic Beverage Control (ABC) license or exemption, and all required city approvals have first been obtained. No person shall be in possession of or using any drugs except pursuant to a prescription for such drugs. The Business Owner, Manager, or Massage Therapist shall not permit any such person violating these provisions to enter or remain upon such premises;

2. No Massage Establishment shall operate as a School of Massage or use the same facilities as that of a School of Massage unless an Administrative Adjustment is granted pursuant to section 20-49.090(B) of this Chapter;

3. No invasive procedures shall be performed on any Patron. Invasive procedures include, but are not limited to:

a. Application of electricity that contracts the muscle;

b. Penetration of the skin by metal needles;

c. Abrasion of the skin below the nonliving, epidermal layers;

d. Removal of skin by means of any razor-edged instrument or other device or tool;

e. Use of any needle-like instrument for the purpose of extracting skin blemishes; or

f. Other similar procedures;

4. No Massage Establishment shall place, publish, advertise, or distribute any sexually suggestive content relating to Massage services, or cause the same to occur, including but not limited to advertising that depicts any portion of the human body that reasonably suggests to prospective Patrons that any service is available other than those services listed as an available service pursuant to subsection (C) of this section and the provisions of this chapter. All advertising shall list the name and Registration number of the Establishment listed on the Registration Certification application, or, if a sole proprietor or Independent Therapist, the name under which the Therapist is certified as well as the Therapist's certification number;

5. No Massage service shall be given unless the Patron's genitals are, at all times, fully covered. A Massage Therapist shall not, in the course of administering any Massage, make physical contact with the genitals, or anus, of any other person regardless of whether the contact is over or under the person's clothing. Providing Massage of female breasts without the written consent of the person receiving the Massage and a referral from a licensed California health care provider is prohibited.

20-49.060 Inspection by Officials

The investigating and enforcing officials of the city, including, but not limited to, police officers; Reviewing Officers; and the county health department, shall have the right to enter the premises, unannounced, from time to time during regular business hours for the purpose of making reasonable inspections to observe and enforce compliance with building, fire, electrical, plumbing or health and safety regulations; other applicable regulations, laws, and statutes; and the provisions of this chapter. In circumstances where multiple inspections are required in response to persistent complaints or evidence of repeated violations, the city may elect to charge appropriate fees as established by city council resolution and this chapter, to cover the cost of such multiple inspections.

20-49.070 Notifications.

A. The Business Owner, Manager, or sole proprietor of a Massage Establishment shall notify the Reviewing Officer, or their designee, of any changes requiring amendment of the Massage Establishment permit as described in Section 20-49.040(C), pursuant to the timelines specified therein;

B. Additionally, the Business Owner, Manager, or sole proprietor of a Massage Establishment shall report to the Reviewing Officer any of the following within 72 hours of occurrence:

1. Arrests of any Business Owner, Manager, sole proprietor, Massage Therapist, or Independent Therapist for any offense other than a misdemeanor traffic offense;

2. Any event involving the Massage Establishment, or any Business Owner, Manager, sole proprietor, Massage Therapist, or Independent Therapist employed therein, that constitutes a violation of this chapter or state or federal law;

C. This provision requires reporting to the Reviewing Officer even if the Business Owner, Manager, or sole proprietor of a Massage Establishment believes that the Reviewing Officer has or will receive the information from another source.

20-49.080 Change of location or name.

No certified Massage Establishment shall advertise or operate under any name or conduct any Massage Establishment use under any designation or at any location not specified on the approved city Massage Establishment certificate.

20-49.090 Exemptions and Administrative Adjustments.

The provisions of this chapter shall not apply to the following, as provided for below:

A. Exempted classes of Individuals or businesses while engaged in the performance of their official duties:

1. Physicians, surgeons, chiropractors, osteopaths, podiatrists, nurses, physical therapists, acupuncturists, or any other person duly licensed to practice any healing art in the state of California pursuant to Business and Professions Code, Division 2 (commencing with Section 500) or the Chiropractic Act, and persons working directly under the supervision of or at the direction of such licensed persons, working at the same location as the licensed person, and administering Massage services subject to review or oversight by the licensed person;

2. Barbers, estheticians and beauticians who are duly licensed under the laws of the state of California pursuant to Business and Professions Code, Division 3, Chapter 10 while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face and/or scalp, hands and/or feet of the Patrons;

3. Hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the state of California, and Employees of those licensed institutions, while acting within the scope of their employment;

4. Accredited high schools, junior colleges, colleges, or universities whose coaches, trainers and/or students of Massage are acting within the scope of their employment or training;

5. Trainers of amateur, semi-professional, or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes; and trainers working in conjunction with a specific athletic event;

6. Individuals administering Massages or health treatment involving Massage to persons participating in single-occurrence athletic, recreational, or festival events, such as health fairs, farmer's markets, county fairs, road races, track meets, triathlons, and other similar events; provided, that all of the following conditions are satisfied:

a. The Massage services are made equally available to all participants in the event;

b. The event is open to participation by the general public or a significant segment of the public such as Employees of sponsoring or participating corporations;

c. The Massage services are provided at the site of the event and either during, immediately preceding or immediately following the event; and

d. The sponsors of the event have been advised of and have approved the provisions of Massage services.

B. Classes of Massage Businesses which are engaged in Massage services as only a minor or incidental component of a larger use, such as may be found in the operation of Spas; Fitness Centers and Gyms; Hotel/Motel; Salons and Barber Shops; Yoga Studios; Schools of Massage; and substantially similar uses as determined by the Director or designee, may seek an Administrative Adjustment to obtain relief from certain Registration, Certification and Operational Standards contained in this Chapter.

1. A request for Administrative Adjustment will be made to the Director of Planning and Economic Development or their designee.

2. Such request will be accompanied by supporting documentation that the Massage component use is minor and incidental to the scope of the overall business.

3. If a finding for approval is made by the Director of Planning and Economic Development or their designee, an Administrative Adjustment may be granted to allow Massage services as a minor or incidental component of a larger use, thereby providing a Massage Business relief from some or all of the specific Registration, Certification and Operational Requirements provisions contained in Sections 20-49.040(A)(6,7); 20-49.050(B)(5); 20-49.050(C)(1); and 20-49.050(G)(2). If a finding for denial is made by the Director of Planning and Economic Development, or their designee, the Massage Business will be subject to the full requirements of this Chapter.

4. A request for Administrative Adjustment does not relieve the Massage Business from any of the requirements of this chapter other than those provisions specifically referenced in section (3) above.

5. The findings of the Director of Planning and Economic Development or their designee shall be considered final unless appealed to the Planning Commission in the manner provided for in Section 20-62.030.

C. Massage Businesses or Massage Therapists engaged in Mobile Massage services, whether as a minor or incidental component of a larger use or as a sole proprietor operating as a (exempt) Home Occupation pursuant to Section 20-42.070(C)(1) and (2), may seek an Administrative Adjustment to deviate from certain Registration, Certification, Operational and Inspection Standards contained in this Chapter.

1. An Administrative Adjustment request for Mobile Massage will be made to the Director of Planning and Economic Development or their designee.

2. Such request will be accompanied by supporting documentation that the Mobile Massage use will be compliant with all relevant sections of this Chapter not otherwise specifically excluded in section 20-49.090(C)(3) below.

3. If a finding for approval is made by the Director of Planning and Economic Development or their designee, an Administrative Adjustment may be granted to allow Mobile Massage services, thereby providing a Massage Business relief from some or all of the specific Registration, Certification, Operational and Inspection Requirements provisions contained in Sections 20-49.040(A)(3,4,5); 20-49.050(A)(1,2,4,7); 20-49.050(B)(5); 20-49.050(C)(1); 20-49.050(G); and 20-49.060. If a finding for denial is made by the Director of Planning and Economic Development or their designee, the Massage Business will be subject to the full requirements of this Chapter.

4. Notwithstanding the relief provided from Section 20-49.040(A)(3), a Mobile Massage use will apply for and maintain a City business tax certificate.

5. Notwithstanding the relief provided from Section 20-49.050(C)(1), a Mobile Massage use will maintain a comprehensive list of all services available and the cost of such services, described in readily understandable language. No services other than those specifically listed shall be performed, and no fee shall be charged for any service other than those listed.

6. A Mobile Massage use will demonstrate how, to the greatest extent practicable, they will comply with the hygiene provisions of Section 20-49.050(F).

7. A request for Administrative Adjustment does not relieve the Massage Business from any of the requirements of this chapter other than those provisions specifically referenced in section 20-49.090(C)(3) above.

8. The findings of the Director of Planning and Economic Development or their designee shall be considered final unless appealed to the Planning Commission in the manner provided for in Section 20-62.030.

D. Massage Businesses or Massage Therapists wishing to operate as a (non-exempt) Home Occupation pursuant to Section 20-42.070(C)(3) may seek an Administrative Adjustment to deviate from certain Operational Standards contained in this Chapter.

1. Minor Conditional Use Permit approval shall be obtained prior to consideration of an Administrative Adjustment. If approved, the use will be subject to additional standards, including but not limited to those contained in Section 20-42.070(D).

2. An Administrative Adjustment request to operate a Massage Business as a Home Occupation will be made to the Director of Planning and Economic Development or their designee. Such request will be accompanied by supporting documentation that the use will be compliant with all relevant sections of this Chapter not otherwise specifically excluded in section (3) below.

3. If a finding for approval is made by the Director of Planning and Economic Development or their designee, an Administrative Adjustment may be granted to allow Massage services as a Home Occupation, thereby providing a Massage Business relief from some or all of the specific Operational Requirements provisions contained in Sections 20-49.050(A)(1); 20-49.050(B)(5); and 20-49.050(G)(2). If a finding for denial is made by the Director of Planning and Economic Development or their designee, the Massage Business will be subject to the full requirements of this Chapter.

4. A request for Administrative Adjustment does not relieve the Massage Business from any of the requirements of this chapter other than those provisions specifically referenced in section 20-49.090(D)(3) above.

5. The findings of the Director of Planning and Economic Development or their designee shall be considered final unless appealed to the Planning Commission in the manner provided for in Section 20-62.030.

E. Massage Businesses or Massage Therapists wishing to operate from a "live/work" or "work/live" unit pursuant to Section 20-42.080 may seek an Administrative Adjustment to deviate from certain Operational Standards contained in this Chapter.

1. A Zoning Clearance, Minor Use Permit, or Conditional Use Permit, as may be required pursuant to Sections 20-22.030, 20-23.030, 20-24.030 and 20-42.080, shall be obtained prior to consideration of an Administrative Adjustment. If approved, the use will be subject to additional standards, including but not limited to those contained in Section 20-42.080.

2. An Administrative Adjustment request to operate a Massage Business from a "live/work" or "work/live" unit will be made to the Director of Planning and Economic Development or their designee. Such request will be accompanied by supporting documentation that the use will be compliant with all relevant sections of this Chapter not otherwise specifically excluded in section 20-49.090(E)(3) below.

3. If a finding for approval is made by the Director of Planning and Economic Development or their designee, an Administrative Adjustment may be granted to allow Massage services from a "live/work" or "work/live" unit, thereby providing a Massage Business relief from some or all of the specific Operational Requirements provisions contained in Sections 20-49.050(B)(5) and 20-49.050(G)(2)(a). If a finding for denial is made by the Director of Planning and Economic Development or their designee, the Massage Business will be subject to the full requirements of this Chapter.

4. A request for Administrative Adjustment does not relieve the Massage Business from any of the requirements of this chapter other than those provisions specifically referenced in section 20-49.090(E)(3) above.

5. The findings of the Director of Planning and Economic Development or their designee shall be considered final unless appealed to the Planning Commission in the manner provided for in Section 20-62.030.

20-49.100 Violations and penalties.

A. Unless otherwise exempted by the provisions of this chapter, every Employee, Business Owner, Property Owner, Manager, Massage Therapist, Independent Therapist or other person who gives Massages or conducts a Massage

Establishment in violation of this chapter; Certifying Body regulations; the most current version of the Massage Therapy Act; or any other applicable federal, state, county, or local law, shall be charged with a misdemeanor. The city attorney or their designee may reduce the penalty to an infraction;

B. Any Massage Establishment operated, conducted, or maintained contrary to the provisions of this chapter shall constitute an unlawful business practice pursuant to Business and Professions Code Section 17200 et seq., and the city attorney or district attorney may, in the exercise of discretion, in addition to or in lieu of taking any other action permitted by this chapter, commence an action or actions, proceeding or proceedings in the Superior Court of Sonoma County, seeking an injunction prohibiting the unlawful business practice and/or any other remedy available at law, including, but not limited to, fines, attorneys' fees and costs;

C. Mobile Massage and Home-Based services are specifically prohibited unless an Administrative Adjustment has been previously approved pursuant to Section 20-49.090 of this Chapter. Any Individual conducting Mobile Massage or Home-Based services without first receiving Administrative Adjustment approval shall be charged with a misdemeanor.

D. All remedies provided for in this chapter are cumulative and may be pursued individually or in combination with other enforcement tools.

20-49.110 Administrative citations, fines, and remedies.

A. It shall be unlawful and a public nuisance for any Employee, Business Owner, Property Owner, Manager, Massage Therapist, Independent Therapist, or other person to violate any provision of, or to fail to comply with, any requirement of this chapter, or of any other applicable local, County, State, or Federal law. Violations of this chapter may be enforced through any combination of remedies, including, but not limited to those outlined in Chapters 1-28 and 1-30 of this Code. Enforcement as described herein may be in addition to, and cumulative of, all other remedies, criminal or civil, which may be pursued by the City of Santa Rosa to address any violation of its ordinances, up to and including revocation of the Massage Establishment certificate;

B. Violations. Upon a finding by the Reviewing Officer that an Establishment has violated any provision of this chapter, the officer may issue an administrative citation and assess administrative fines pursuant to, but in no case exceeding, the maximum fine amounts established pursuant to California Government Code Section 36900 et seq, or subsequent amendments thereof;

C. Separate Violations. Each individual violation of any provision of this chapter may constitute a separate violation. Each Patron to whom Massage is provided or offered in violation of this chapter shall constitute a separate violation. Each

day upon which a Massage Establishment remains open for business in violation of this chapter may also constitute a separate violation;

D. Outstanding fines or fees. All outstanding fines or fees resulting from administrative citations or supplemental inspections conducted pursuant to sections 20-49.040(E) and 20-49.060 of this chapter shall be remitted prior to the issuance or renewal of any Registration;

E. Order to cease and desist. Upon a finding of gross violation occurring upon or within an Establishment pursuant to section 20-49.120(A)(2), the Reviewing Officer shall issue an order to the Establishment to cease and desist from all operation pending review, appeal, and/or revocation. A failure of any Business Owner, Manager, or sole proprietor to comply with this order shall be deemed a misdemeanor.

F. Appeals. Appeals of administrative citations may be made pursuant to the appeal procedures in Chapter 1-30.

20-49.120 Denial and revocation of Registration Certificates.

A. Findings. City Massage Establishment certificates may be revoked by the Reviewing Officer upon a finding that procedural or gross violations have occurred upon or relative to the premises of a Massage Establishment, or have been committed by any Employee, Business Owner, Manager, Massage Therapist, Independent Therapist, Non-Therapist Employee, or other person in the following manners:

1. Procedural violations. Within any consecutive two (2) year period, there have been three (3) or more instances of any combination of the following procedural violations being found to occur:

a. An actively performing Massage Therapist not in possession of, or no longer in possession of, a current and valid Massage Therapist certificate issued by an accepted Certifying Body;

b. An active Massage Establishment not in possession of, or no longer in possession of, a current and valid Massage Establishment certificate issued by the city;

c. A Massage Establishment not in possession of, or no longer in possession of, as applicable, any required city Business tax certificate, Business improvement area tax certificate, zoning clearance, construction permit for prior or current tenant improvements, or other required city approvals;

d. The city determines that a factual misrepresentation was included on the application for a registration or renewal of a Massage Establishment certificate;

e. Violation of any operational requirement pursuant to section 20-49.050, excepting subsections (E)(1)&(2); (G)(1)(f); and (H)(1),(4)&(5);

f. Failure to allow any inspection pursuant to section 20-49.060;

g. Violation of any federal, state, or local law, including any provision of this chapter that is not otherwise referenced in this section.

2. Gross violations. Within any period of time, there is a single (1) instance of any of the following gross violations occurring:

a. A violation by any Employee, Business Owner, Manager, sole proprietor, Massage Therapist, Independent Therapist, Non-Therapist Employee or other person within a Massage Establishment of California Business and Professions Code Section 4609;

b. Any violation by any Employee, Business Owner, Manager, sole proprietor, Massage Therapist, Independent Therapist, Non-Therapist Employee, or other person within a Massage Establishment of section 20-49.050(E)(1)&(2); (G)(1)(f); or (H)(1),(4)&(5);

c. An Employee, Business Owner, Manager, sole proprietor, Massage Therapist, Independent Therapist, Non-Therapist Employee, or other person being required to register under the provisions of California Penal Code Section 290 (sex offender registration);

d. A Business Owner, Manager, or sole proprietor convicted of California Penal Code Sections 236.1(a) (Human Trafficking – Labor Trafficking); 236.1(b) (Human Trafficking – Sex Trafficking); 236.1(c) (Human Trafficking of a minor); 266h (pimping); 266i (pandering); 315 (keeping or residing in a house of ill-fame); 316 (keeping disorderly house); 318 (prevailing upon person to visit a place for prostitution); 647(b) (engaging in or soliciting prostitution); or 653.23 (supervision of prostitute);

e. A Business Owner, Manager, or sole proprietor having a Massage-related Business permit or license denied, revoked, restricted, or suspended by any agency, board, city, county, territory, or state in response to a finding of any violation by such jurisdiction that is equivalent in severity to subsection (d) above;

f. A Business Owner, Manager, or sole proprietor subject to an injunction for nuisance pursuant to California Penal Code Sections 11225 through

11235 (red light abatement); California Health and Safety Code Section 11570 et seq. (Drug Abatement Act); or California Civ. Code 3480 (Public Nuisance);

g. An Employee, Business Owner, Manager, sole proprietor, Massage Therapist, Independent Therapist, Non-Therapist Employee or other person being convicted of a felony offense involving the sale of a controlled substance specified in sections 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code, or any crime involving dishonesty, fraud, deceit, violence, or moral turpitude;

h. A Business Owner, Manager, or sole proprietor being convicted in any other state of an offense which, if committed in this state, would have been punishable as one or more referenced offenses in this subdivision; or

i. Any current disciplinary action by an accepted Certifying Body (not including nonpayment or insufficient education).

3. Gross violations - multiple Establishments owned by same Business Owner. Upon any finding of gross violation at one of multiple Massage Establishments owned by the same Business Owner, comprehensive inspections of all of the additional Massage Establishments shall immediately be performed, with multiple inspections conducted when deemed necessary, pursuant to Section 20-49.060.

B. Procedures. When notices of violation or administrative citations are issued upon findings that procedural or gross violations have occurred as provided by this section, and revocation of a Massage Establishment Certification and/or an Administrative Adjustment is indicated, the revocation procedure will be initiated in the manner prescribed by Section 20-54.100.

C. Effective Date of Revocation. Revocation issued pursuant to subsection (B) of this section will be effective immediately upon the issuance of the order, unless an appeal is filed in accordance with subsection (D) of this section;

D. Appeal. Appeals will be administered in accordance with Chapter 20-62 of this code;

E. Reapplication. A Massage Establishment which has been subject to revocation proceedings may reapply for a Massage Establishment Registration Certificate as follows:

1. Where revocation was the result of Procedural violations, reapplication by the Establishment will be considered two (2) years after the original certificate was revoked;

2. Where revocation was the result of gross violations, reapplication by the Establishment will not be considered at any time, and an application for a different or new Establishment shall not be considered upon the same property for two (2) years.

Section 3. Section 20-23.030 of the Santa Rosa City Code, Commercial district land uses and permit requirements, Table 2-6 is amended to add "Massage related uses" under Services-General to read as follows:

TABLE 2-6 Allowed Land Uses and Permit Requirements for Commercial Zoning Districts*	P MUP CUP S —	Permitted Use, Zoning Clearance required Minor Conditional Use Permit required Conditional Use Permit required See Specific Use Regulations for permit requirement Use not allowed								
PERMIT REQUIRED BY DISTRICT										
LAND USE (1)	CO	CN (7)	CG	CV	CMU	SMU	MMU	CSC (2)	TV-M	Specific Use Regulations
SERVICES--GENERAL										
Massage Related Uses	P	P	P	P	P	P	P	P	P	Chap 20-49

Section 4. Section 20-24.030 of the Santa Rosa City Code, Industrial district land uses and permit requirements, Table 2-10 is amended to add "Massage related uses" under Services-General to read as follows:

TABLE 2-10 Allowed Land Uses and Permit Requirements for Industrial Districts*	P MUP CUP S —	Permitted Use, Zoning Clearance required Minor Conditional Use Permit required Conditional Use Permit required See Specific Use Regulations for permit requirement Use not allowed		
PERMIT REQUIRED BY ZONE (2)				
LAND USE (1)	BP	IL	IG	Specific Use Regulations
SERVICES--GENERAL				
Massage Related Uses	P	P	--	Chap 20-49

Section 5. Section 20-50.020(A) of the Santa Rosa City Code, entitled Authority for land use and zoning decisions, Zoning Code. Table 5-1 (Review Authority), is amended to update the "Minor Adjustment" type of action, under Land Use Permits/Development Decisions to read "Administrative or Minor Adjustment."

Section 6. Section 20-52.060 of the Santa Rosa City Code, entitled Variance, Sign Variance and Minor Adjustment, is amended to read Variance, Sign Variance, Minor Adjustment and Administrative Adjustment.

Section 7. Section 20-52.060(C) of the Santa Rosa City Code, entitled Applicability, is amended to add a new subsection 20-52.060(C)(5) to read as follows:

5. Allowable Administrative Adjustments. Administrative Adjustments may be considered for certain classes of Massage Related Uses, subject to the specific provisions and requirements of Sections 20-49.040(B), (C), (D), or (E). Administrative Adjustments are discretionary actions and not subject to the Project notice and hearing requirements of Section 20-52.060(F).

Section 8. Section 20-52.060(D) of the Santa Rosa City Code, entitled Review Authority, is amended to add a new subsection 20-52.060(D)(5) to read as follows:

5. Administrative Adjustments. The Director may grant Administrative Adjustments or may defer action and refer the application to the Commission, in compliance with Subsection 20-52.060(C)(5) (Allowable Administrative Adjustments), above.

Section 9. Section 20-52.060 of the Santa Rosa City Code, Variance, Sign Variance and Minor Adjustment, is amended by adding subsection 20-52.060(G)(4)(a), (b) & (c) to read as follows:

4. Findings for Administrative Adjustments. The review authority may approve an Administrative Adjustment for a Massage Related Use, with or without conditions, subject to the specific provisions and requirements of Sections 20-49.040(B), (C), (D), or (E), only after first making the following findings.

a. Unique Circumstances: There are unique circumstances applicable to the business, property and/or associated structure, so that the strict application of this Zoning Code denies the business owner privileges enjoyed by other similar uses in the vicinity and under identical zoning districts or creates an unnecessary and non-self created hardship or unreasonable regulation which makes it obviously impractical to require compliance with the applicable operational standards;

b. Compatibility and Neighborhood Character: The proposed massage use is compatible with the existing character of the neighborhood;

c. No Detriment to Public Welfare: The proposed massage use will not be detrimental to the public health, safety, or welfare.

Section 10. Section 20-62.030(B)(2) of the Santa Rosa City Code, entitled Filing and processing of appeals, Timing and form of appeal, Review authority, Table 6-1, is amended to update the "Minor Adjustment" permit type to read "Administrative or Minor Adjustment."

Section 11. Section 20-70.020 of the Santa Rosa City Code, Definitions of specialized terms and phrases, is amended to add the definition "Massage related uses" to read as follows:

"Massage related uses. A commercial operation where any act of Massage is offered or performed. See Chapter 20-49"

Section 12. Section 20-70.020 of the Santa Rosa City Code, Definitions of specialized terms and phrases, is amended to revise the term “Business/Service” under definition “Office” to read as follows:

> **“Business/Service.** Establishments providing direct services to customers. Examples of these uses include employment agencies, holistic practitioners, insurance agent offices, real estate offices, travel agencies, utility company offices, etc. This use does not include "Bank, Financial Services," which are separately defined.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Santa Rosa recommends that the City Council adopt Zoning and Municipal Code text amendments as stated herein.

REGULARLY PASSED AND ADOPTED by the Planning Commission of the City of Santa Rosa on the 27th day of February 2025 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
KAREN WEEKS, CHAIR

ATTEST: _____
JESSICA JONES, EXECUTIVE SECRETARY