CITY OF SANTA ROSA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT FOR PLANNING COMMISSION
February 27, 2025

PROJECT TITLE

Consideration of Massage Ordinance Municipal Code Amendments and Adult Entertainment Business Zoning Ordinance Amendment

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, Assistant Chief Building Official

RECOMMENDATION

Recommend adoption to City Council

Agenda Item #11.1
For Planning Commission Meeting of: February 27, 2025

CITY OF SANTA ROSA
PLANNING COMMISSION

TO: CHAIR AND MEMBERS OF THE PLANNING COMMISSION

FROM: LOU KIRK, ASSISTANT CHIEF BUILDING OFFICIAL
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

SUBJECT: MASSAGE ORDINANCE MUNICIPAL CODE AMENDMENTS AND ADULT ENTERTAINMENT BUSINESS ZONING CODE AMENDMENT

AGENDA ACTION: TWO RESOLUTIONS

RECOMMENDATION

It is recommended by the Planning and Economic Development Department that the Planning Commission, by two resolutions, recommend to the City Council adoption of Zoning and Municipal Code amendments to: 1) repeal Municipal Code Chapter 6-32 entitled Massage Therapy, Massage Business or Establishment; add a new Zoning Code Chapter 20-49 entitled Massage Regulation and Massage Establishment Registration; amend Zoning Code Sections 20-23.030 and 20-24.030 regarding permitting requirements for “massage related uses”; amend Sections 20-50.020(A), 20-52.060, and 20-62.030(B)(2) adding Administrative Adjustment provisions; and amend Section 20-70.020 revising the definition of “office – business/service” and adding a definition for “massage related uses”; and 2) amend Zoning Code Sections 20-23.030 and 20-24.030 regarding permitting requirements for “adult entertainment business.”

EXECUTIVE SUMMARY

In April and May of 2024, heightened concerns regarding the apparent proliferation of illicit massage establishments in the City were raised by residents and law enforcement officials, and several community meetings were held. Concerns raised included the high potential for human trafficking, negative community impacts, and threats to public health and safety. In response to this issue.

The Planning and Economic Development Department has embarked on a comprehensive redesign of City Code provisions pertaining to massage regulation. The objectives of the new regulations are to bring the City into conformity with current State regulations; provide strong enforcement tools; and create minimal-impacts to the success of legitimate massage uses in the City.

The update includes repealing the current regulations in Chapter 6-32 of the Municipal Code and adding new Massage Regulations in Chapter 20-49 of the Zoning Code. Additional corresponding amendments to portions of Title 20 are proposed to support the new Chapter 20-49, maintain internal code consistency, incorporate best practices, and protect the public health, safety, and welfare.

Staff is also recommending adding permitting requirements in Zoning Code Sections 20-23.030 and 20-24.030 for “adult entertainment business,” which is currently not addressed for such uses.

The item before the Planning Commission requests the review of these proposed amendments to the Municipal Code and Zoning Code and the making of a recommendation to the City Council to facilitate their subsequent review of the proposal.

BACKGROUND

On March 9, 2010, the City Council 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.

This ordinance amendment came about after the adoption by the California State Legislature of Senate Bill 731, creating the California Massage Therapy Council (“CAMTC”) and providing voluntary statewide certification standards in 2008. In 2014, the Legislature adopted Assembly Bill 1147 which further 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.

In April and May of 2024, a series of meetings were held in response to community concerns raised about the proliferation of illicit massage businesses within the City. As of this date, approximately 130 known massage businesses exist within the City; not all are permitted, and it is not yet known how many are operating illicitly. Staff during this time determined that the existing City massage ordinance was no longer adequate as an enforcement tool. Staff presented the concept of a massage establishment ordinance update to the Public Safety Subcommittee in October of 2024, where consensus and direction to draft a comprehensive replacement of the regulations was received, and on January 14, 2025, staff held a community meeting with members of

the local massage establishment community in order to present an overview of the conceptual new ordinance, answer questions and solicit input.

Through the review of the Zoning Code, staff also identified missing permitting requirements in Zoning Code Section 20-23.030 and 20-24.030 related to adult entertainment business.

PROJECT DESCRIPTION

The proposed project includes recommendations to repeal Chapter 6-32 entitled Massage Therapy, Massage Business or Establishment and the adoption of Zoning Code amendments to add a new Chapter 20-49 entitled Massage Regulation and Massage Establishment Registration; to amend Section 20-23.030 and Section 20-24.030 regarding permitting requirements for “adult entertainment business” and “massage related uses”; to amend Sections 20-50.020(A), 20-52.060, and 20-62.030(B)(2) adding Administrative Adjustment provisions; and to amend Section 20-70.020 revising the definition of “office – business/service” and adding a definition for “massage related uses.”

ANALYSIS

1. Massage Ordinance

The proposed amendments to the Municipal Code and Zoning Code related to massage regulations have been developed to complement the proposed addition of new regulations in Title 20 of the City Code, enhancing overall Code clarity and internal Code consistency. Below is a summary of the proposed Zoning Code amendments:

A. Repeal of Chapter 6-32 – Massage Therapy, Massage Business or Establishment

Chapter 6-32 currently contains the existing regulations applicable to massage uses, which are now over 10 years old and do not adequately address changes that have occurred in State law over the intervening years.

As proposed, Chapter 6-32 would be repealed, and replaced with new land use regulations to be contained in Chapter 20-49.

B. Addition of Chapter 20-49 – Massage Regulation and Massage Establishment Registration

As proposed, the ordinance is structured in 12 Sections:

20-49.010	Purpose
20-49.020	Definitions

20-49.030	Required Certification and local Establishment Registration
20-49.040	Massage Establishment Registration and Certification
20-49.050	Operational Requirements
20-49.060	Inspection by Officials
20-49.070	Notifications
20-49.080	Change of location or name
20-49.090	Exemptions and Administrative Adjustments
20-49.100	Violations and penalties
20-49.110	Administrative citations, fines, and remedies
20-49.120	Denial and revocation of Registration Certificates

The ordinance, briefly summarized below, requires that all Massage Establishments register and receive certification to operate within the City. To receive this certification, an establishment must first show proof of a Zoning Clearance to verify that the use is allowed; demonstrate certification; and meet certain operational requirements. Key operational requirements broadly include:

- Signage and Identification
- Hours of Operation
- Services and Costs
- Record Keeping
- Clothing/Uniforms
- Hygiene
- Interior Areas
- Prohibited Activities

The ordinance's regulations include exemptions and relief for certain individuals and businesses performing massage within their official duties or scope of practice.

Massage businesses offering massage as a minor component (such as spas or gyms, hotels and resorts, schools of massage); mobile massage businesses, and those operating from home occupations or live/work or work/live units can request a Director level Administrative Adjustments to obtain relief from certain registration, certification, operational, and inspection standards. Each request requires distinctive documentation and, in some cases, prerequisite approvals demonstrating compliance with applicable code sections. All Administrative Adjustment decisions are Director determinations which are appealable to the Planning Commission.

Massage Establishment Certificates are generally valid for two years and will

have a simplified and streamlined renewal process. Application and renewal costs have been crafted to be minimally impactful to businesses while still recovering staff costs.

Violations are structured into two categories: “Procedural” or relatively minor violations, and “Gross” or major violations. Establishment Certificates can be subject to revocation upon a third procedural violation occurring within any consecutive two-year period, or upon a single Gross violation occurring at any time.

C. Amendment of Section 20-23.030 and Section 20-24.030 - Land Use Tables

The Zoning Code Land Use Table 2-6, contained in Section 20-23.030, establishes allowable land uses within the commercial zoning districts. Similarly, Zoning Code Land Use Table 2-10, contained in Section 20-24.030, establishes allowable land uses within the industrial zoning districts.

To address permitting requirements specific to massage businesses and provide a reference to the proposed new regulations in Chapter 20-49, a new land use of “Massage Related Uses” is proposed for insertion into Zoning Code Tables 2-6 and 2-10 (please see Sections 3 and 4 of the proposed ordinance). Under these tables, with the exception of the General Industrial (IG) Zone, Massage Related Uses will be allowed in all of the commercial and industrial zones, subject to issuance of a Zoning Clearance and the provisions of the proposed new Chapter 20-49. It should be noted that while the name of the massage business land use has been updated, the location of the zoning districts where such uses are allowed is not proposed to change.

D. Amendment of Section 20-50.020(A) – 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.” (please see Section 5 of the proposed ordinance).

E. Amendment of Section 20-52.060 – Variance, Sign Variance and Minor Adjustment

Santa Rosa City Code Section 20-52.060 is amended to include "Administrative Adjustments" alongside variances and minor adjustments.

F. Amendment of Section 20-62.030(B)(2) – Filing and processing of appeals; Timing and form of appeal; Review authority

Zoning Code Table 6-1 is amended to update the "Minor Adjustment" permit type to read "Administrative or Minor Adjustment." (please see Section 10 of the proposed ordinance).

G. Amendment of Section 20-70.020 – Glossary/Definitions

Under the current Code, massage businesses are included within the definition of "office – business/service." Staff is proposing to eliminate that reference and add a definition for Massage Related Uses.

2. Adult Entertainment Businesses

In addition to the proposed changes related to massage businesses, staff is also recommending a change to Land Use Tables 2-6 and 2-10 to clarify the permitting requirements for "adult entertainment business" uses. While this is not directly related to the Massage Ordinance, through the review of the Zoning Code, staff identified an error in Zoning Code Sections 20-23.030 and 20-24.030 related to permitting requirements in the Commercial and Industrial Zoning Districts. Specifically, Tables 2-6 and 2-10 do not identify what, if any, permits are required for adult entertainment businesses.

The commercial and industrial land use tables simply include an "S," which stands for "see specific use regulations for permit requirements," and refers the reader to Chapter 20-40, Adult Entertainment Businesses. However, while the specific regulations located in Chapter 20-40 include applicability and location requirements, it refers back to the Allowed Land Uses and Permit Requirements tables in Division 2 for permitting requirements. As such, there is no Code provision that currently specifies what, if any, permits are required for adult entertainment businesses.

Staff recommends adding the requirement for a Conditional Use Permit (CUP) for adult entertainment businesses in the City's commercial and industrial zoning districts. Given that the purpose of Chapter 20-40 is "to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of sexually-oriented businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, parks and residentially zoned districts or uses," requiring a CUP, which would be acted on by the Planning Commission, is appropriate to allow the review and analysis necessary to ensure compatibility with surrounding uses.

FISCAL IMPACT

Staff will be proposing new fees, which will be considered by Council on March 4, 2025, that will be set at a level to achieve full cost recovery for the newly formed certification, renewal, and administrative adjustment prosses created under the proposed ordinance. As such, a fiscal impact is not anticipated.

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 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 – Resolution – Proposed Text Amendment – Message Ordinance

Attachment 2 – Resolution – Proposed Text Amendment – Adult Entertainment Business Land Use

CONTACT

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