

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: GABE OSBURN, DIRECTOR PLANNING AND ECONOMIC
DEVELOPMENT DEPARTMENT
SUBJECT: CONSIDERATION OF ZONING CODE AMENDMENTS
PERTAINING TO MASSAGE ORDINANCE AND ADOPTION OF A
RESOLUTION AUTHORIZING DEPARTMENT OF PLANNING
AND ECONOMIC DEVELOPMENT STAFF ACCESS TO
SUMMARY CRIMINAL HISTORY INFORMATION

AGENDA ACTION: INTRODUCTION OF ORDINANCE AND ADOPTION OF
RESOLUTION

RECOMMENDATION

The Planning Commission and the Planning and Economic Development Department recommend that the Council: 1) approve the first reading and introduce an ordinance entitled Ordinance of the Council of the City of Santa Rosa amending title 20 of the Santa Rosa City Code by amending chapter 20-49 entitled Massage Regulation and Massage Establishment Registration, to amend City Code Chapter 20-49 pertaining to Massage Regulation and Massage Establishment Registration; and 2) by resolution, authorize City staff to access summary criminal history information (“Live Scan” requests) for individuals seeking Massage Establishment Certifications by applying for “Applicant Agency” status from the Department of Justice. These items have no impact on current fiscal year budget.

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 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 attached resolution – Council approval of which is an essential step for the City to gain this DOJ authorization – was prepared in strict accordance with DOJ direction and required their approval prior to introducing it to Council. Over the course of this process, several minor amendments to the existing massage ordinance became necessary in order to align it with the resolution to the satisfaction of both the DOJ and our City Attorney’s Office. Staff is further leveraging this amendment opportunity by proposing several additional clarifying revisions.

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GOAL

This item relates to Council Goal #4 - Foster a Safe, Healthy, and Inclusive Community and provides strong enforcement tools for the City to impose reasonable health and safety requirements on massage establishments.

BACKGROUND/PRIOR COUNCIL REVIEW

On March 18, 2025, the Santa Rosa City Council adopted Ordinance ORD-2025-004, first introduced on March 4, 2025, a significant legislative action that comprehensively updated the City's regulations concerning massage establishments. This ordinance amended the Santa Rosa City Code, introducing a new set of requirements designed to enhance public safety and ensure the legitimacy of massage businesses operating within city limits.

One critical component of this new regulatory framework is detailed in Section 20-49.040(A)(6) of the ordinance. This section mandates that certain individuals seeking to own or work as employees in a massage establishment must undergo a thorough background investigation. A key part of this check involves the use of the Live Scan process, which utilizes state-of-the-art electronic fingerprinting technology.

The live scan process digitally captures an individual's fingerprints and transmits them to relevant state and federal agencies, most notably the Federal Bureau of Investigation (FBI) and the California Department of Justice (DOJ). These agencies then cross-reference the fingerprints against their criminal databases to provide a comprehensive criminal history report to the City. Unlike traditional ink-and-roll methods, Live Scan provides faster, more accurate results, significantly reducing the time required for a background check.

For the City's Department of Planning and Economic Development staff to legally and operationally implement this mandated background check, it must be granted "Applicant Agency" status by the California DOJ. The granting of this status is prerequisite to allowing the City to submit Live Scan requests and receive confidential criminal history information. The resolution currently before the City Council is a crucial administrative step in this process, as it formally authorizes staff to pursue this status, facilitating integrated enforcement of Ordinance 2025-004 and furthering public safety efforts in the community.

ANALYSIS

The resolution and accompanying amendments to the existing massage ordinance will satisfy DOJ requirements by meeting the Federal Bureau of Investigation's PL92-544 Criteria – a federal statute allowing the FBI to share criminal history records with state

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and local governments for specific licensing and employment purposes – providing a legal path for the city to conduct fingerprint-based background checks and ensuring that sensitive criminal history data can be accessed for specific license applicants.

The proposed resolution formally authorizes Santa Rosa's Department of Planning and Economic Development staff to utilize the Live Scan process for vetting business owners and other employees not otherwise certified through the California Massage Therapy Council (CAMTC). This action transitions the City's background check process from a localized review to an interstate/national oversight model, ensuring that the "Reviewing Officer" in Code Enforcement has the comprehensive data necessary to identify disqualifying criminal histories that may exist either within or outside of our jurisdiction. This administrative link between background checks and permit eligibility is a necessary tool for the effective enforcement of the city's updated Massage Regulations.

The proposed amendment serves as an administrative counterpart to the resolution, translating federally required language into our local code while also providing an opportunity for fine-tuning of the massage ordinance after nearly a year of initial use. This effort reduces ambiguity and provides applicants with a more transparent regulatory path by better describing the application process as it relates to Zoning Clearances; 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.

FISCAL IMPACT

Approval of this action does not have a fiscal impact on the General Fund.

ENVIRONMENTAL IMPACT

The proposed actions have been reviewed in compliance with the California Environmental Quality Act (CEQA). Pursuant to CEQA Guidelines Section 15060(c)(2), the activity is not subject to CEQA because it will not result in a direct or reasonably foreseeable indirect physical change in the environment.

Additionally, pursuant to CEQA Guidelines Section 15378, the proposed actions are not a "project" subject to CEQA, as they involve organizational, administrative, and regulatory activities that have no potential for resulting in a physical change in the environment.

In the alternative, the proposed actions are exempt pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption), as it can be seen with certainty that there is no possibility that the actions may have a significant effect on the environment.

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Accordingly, no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

On February 26, 2026, the Planning Commission held a public hearing to consider making a recommendation to Council on the proposed ordinance amendments. Staff will report out to the Council on the Planning Commission's action during the March 10, 2026 Council meeting.

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.

ATTACHMENTS

- Attachment 1 – Redline showing proposed amendments of Chapter 20-49 of the Santa Rosa City Code
- Ordinance
- Resolution

PRESENTER(S)

Lou Kirk, Plan Review Coordinator