



3.7

DEPARTMENT OF
NEIGHBORHOODS, PLANNING
AND DEVELOPMENT SERVICES

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814-2998

PLANNING DIVISION
916-264-5381
FAX 916-264-7185

May 8, 1998

APPROVED
BY THE CITY COUNCIL

MAY 19 1998

City Council
Sacramento, California

OFFICE OF THE
CITY CLERK

Honorable Members in Session:

SUBJECT: An ordinance adding Sections 2-C-79, 2-E-62, 11-A-3-1 and, 22-A-139 and amending Section 2-C-36 of the Comprehensive Zoning Ordinance (Ordinance No. 2550, 4th Series, as amended) relating to Somatic Practitioners.

LOCATION: Citywide

RECOMMENDATION:

Staff, the City Planning Commission and the Law and Legislation Committee recommend that the City Council approve the attached Zoning Ordinance amendments relating to Somatic Practitioners..

CONTACT PERSON: Sharon Caudle, Associate Planner
Planning & Development Department, 264-8269

FOR CITY COUNCIL MEETING OF: May 19, 1998

SUMMARY:

In December of 1983 the City Council adopted a Zoning Ordinance amendment (M83-145) requiring adult related businesses and establishments to obtain a Special Permit. Massage parlors were one of the types of uses listed as an adult-related business in the City. Qualified massage therapists with only two options: obtain a special permit or work in a medical facility. This provision has been a concern of qualified massage therapists for sometime, and in 1997 a team composed of representatives of City staff and the massage therapist profession was formed to

City Council
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May 19, 1998

review current regulations and to address their concerns. The attached ordinance revision as well as proposed changes to the City Code are the result of this group's effort.

COMMITTEE/COMMISSION ACTION:

On March 26, 1998, by a vote of nine ayes, the Planning Commission voted to recommend approval of the proposed Zoning Ordinance amendment establishing Somatic Practitioners.

On May 7, 1998, by a vote of four ayes, the Law and Legislation Committee voted to recommend approval of the proposed Zoning Ordinance amendment. The committee also recommended that the ordinance be amended to allow Somatic Practitioners to be a permitted home occupation (no clients permitted at the home office but allowing somatic practitioners to visit clients in their homes). As a result of the committee's discussion staff also amended the land use section to increase the zones permitting somatic practitioners to include the Residential Office (RO), Residential Mixed Use (RMX), Highway Commercial (HC), Limited Commercial (C-1), and Hospital (H) zones. These changes are reflected in the attached ordinance.

BACKGROUND INFORMATION:

Presently the Zoning Ordinance restricts the location of adult entertainment establishments to General Commercial and Industrial zones as long as are 1000 feet from schools, child care, churches, other adult businesses, agriculture, and residential zones. The adult entertainment business must also obtain a special permit to operate. As noted above, massage parlors are also considered an adult establishment so all massage therapists subject to the adult business regulations except those therapists who conduct their job through a doctor's office or medical facility.

In 1997 a group of massage therapists began to meet with representatives of the Police Department and City Revenue Division. They felt that it was unfair that massage therapists that receive proper training and are members in good standing of professional associations devoted to the profession of massage of massage and bodywork should be classified as an adult entertainment business. The group began to work with City staff to develop standards for a category of massage therapists to be known as Somatic Practitioners and make changes to City Code and Zoning Ordinance to allow Somatic Practitioners to practice in specified areas of the City with fewer restrictions if they met the new standards.

The proposed amendments to the City Code for Somatic Practitioners includes the following requirements:

- ▶ Possess a diploma or certificate from one or more recognized schools of massage that result in a completed combined curriculum of no fewer than 250 hours of classroom instruction.
- ▶ Be a member in good standing of one of a state or national professional association devoted to the profession of massage and bodywork.
- ▶ Complete no fewer than 12 hours of continuing education in the practice of massage or bodywork during the previous calendar year.

City Council
M98-006
May 19, 1998

- ▶ Provide the address of a properly zoned location where the practice will be conducted and provide written consent of the owner of the real property location.
- ▶ Provide fingerprints required for a background check to ensure that applicant has not been convicted of certain specific criminal offenses.
- ▶ Provide proof of liability insurance of \$1.0 million.
- ▶ Pay the required permit fees.

Somatic Practitioner permits must be renewed annually and certain permit requirements and/or qualifications must be updated and maintained. One of the proposed requirements is that no more than (10) Somatic Practitioner permit holders are allowed to practice at any one business location.

The City's Revenue Division and Police Department will be responsible for code compliance relating to Somatic Practitioners permits.

The proposed amendments to the Zoning Ordinance create the Somatic Practitioner land use category. If a massage therapist can meet the requirements of the City Code for a Somatic Practitioner permit, the therapist can be classified under the Somatic Practitioner land use category of the Zoning Ordinance rather than being classified as a adult entertainment establishment. Staff finds that the proposed land use is similar in nature to a doctor's, dentist's, chiropractor's, or physical therapist's office and recommends that Somatic Practitioners be permitted by right in the Office Building, Residential Office, Residential Mixed Use, Shopping Center, Highway Commercial, Central Business District, General Commercial, Light Industrial, Heavy Industrial and Hospital zones (RO, RMX, OB, HC, SC, C-1, C-2, C-3, C-4, M-1, M-2; and H zones). As the proposed City Code amendment limits Somatic Practitioners to no more than ten at one location, staff finds that the parking impact are similar to a general office use. The amendments also add the Somatic Practitioner definition to the Zoning Ordinance and delete the word "masséur" from the reducing salon category (2-C-36) in order to be consistent with City Code provisions.

The proposed Zoning Ordinance amendment is attached.

Three community meetings have been held regarding the proposed changes to the Zoning Ordinance and City Code; on March 2 and April 2 with members of the massage therapy profession and on March 16th with the Neighborhood Association Advisory Group (NAAG). Neighborhood groups throughout the City were sent notices for the March 26th Planning Commission hearing. Two people spoke in support of the proposed Zoning Ordinance amendment at the hearing.

FINANCIAL CONSIDERATIONS:

None.

ENVIRONMENTAL CONSIDERATIONS:

City Council.
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May 19, 1998

This project will not have a significant effect on the environment and is exempt from environmental review pursuant to State EIR Guidelines {California Environmental Quality Act, Section 15061(b)(1) and Section 15061(b)(3)}.


POLICY CONSIDERATIONS:

This proposed amendment will not effect the previous regulations adopted by the City Council regarding adult entertainment establishments and businesses. The proposed Zoning Ordinance and City Code amendments add a new category, Somatic Practitioners, and develop specific regulations for this use.

MBE/WBE EFFORTS:


There is no requirement for the purchase of goods or services associated with this item.

Respectfully submitted,



GARY STONEHOUSE, DIRECTOR
PLANNING DIVISION


RECOMMENDATION APPROVED:
WILLIAM EDGAR
CITY MANAGER



JACK CRIST, DEPUTY CITY MANAGER
NEIGHBORHOODS, PLANNING AND
DEVELOPMENT SERVICES

Attachment: Zoning Ordinance Amendment pertaining to Somatic Practitioners.

APPROVED
BY THE CITY COUNCIL

MAY 19 1998

OFFICE OF THE
CITY CLERK

ORDINANCE NO. 98-021

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE ADDING SECTIONS 2-C-79, 2-E-62, 11-A-3-i AND 22-A-139 TO,
AND AMENDING SECTION 2-C-36 OF THE COMPREHENSIVE ZONING
ORDINANCE (ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED),
RELATING TO SOMATIC PRACTITIONERS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, as amended, is hereby amended by adding Section 2-C-79 to read as follows:

C. Commerical

USE	R E	R I	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 4 A	R 5	R O	R M X	O B	H C	S C	C 1	C 2	C 3	C 4	M1 M1 (S)	M2 M2 (S)	A	F	A O S	H	M I P	S P X	M R D	T C	
79. Somatic Practitioner													62	62	62	62	62	62	62	62	62	62	62				62					

SECTION 2.

The Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, as amended, is hereby amended by adding Section 2-E-62 to read as follows:

- 62. Permitted subject to meeting the qualifications of Chapter 28.08 of the Sacramento City Code. The parking ratio for a somatic practitioner's office shall be the same as for a general office use.

SECTION 3.

The Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series as amended, is hereby amended by adding Section 22-A-139 to read as follows:

Somatic Practitioner: A massage technician who meets the requirements for and who holds a valid permit under the regulations set forth in Chapter 28.08 of the City Code.

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

SECTION 4.

The Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, as amended, is hereby amended by deleting masseur from Section 2-C-36.

SECTION 5.

The Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series as amended, is hereby amended by adding Section 11-A-3-i to read as follows:

- i. Somatic Practitioners

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____



PASSED FOR
PUBLICATION
& CONTINUED
TO 5.19.98

1.3
3-7

NEIGHBORHOODS, PLANNING
AND DEVELOPMENT SERVICES
DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814-2904

PLANNING DIVISION
916-264-5381
FAX 916-264-5328

May 4, 1998

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: AN ORDINANCE ADDING SECTIONS 2-C-79, 2-E-62 11-A-3-i AND 22-A-139 TO,
AND AMENDING 2-C-36 OF THE COMPREHENSIVE ZONING ORDINANCE
(ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED) RELATING TO
SOMATIC PRACTITIONERS - M98-006**

LOCATION AND DISTRICT: Citywide

RECOMMENDATION:

It is recommended that the item be passed for publication of title and continued to May 19, 1998.

CONTACT PERSON: Sharon Caudle, Associate Planner, 264-8269

FOR COUNCIL MEETING OF: May 12, 1998

SUMMARY:


This item is presented at this time for approval of publication of title pursuant to City Charter, Section 32.

ZOA - M98-006
May 4, 1998

BACKGROUND INFORMATION:

Prior to publication of an item in a local paper to meet legal advertising requirements, the City Council must first pass the item for publication. The City Clerk then transmits the title of the item to the paper for publication and for advertising the meeting date.


Respectfully submitted,



GARY L. STONEHOUSE
Planning Director

FOR CITY COUNCIL INFORMATION:
WILLIAM H. EDGAR
CITY MANAGER

APPROVED:



JACK CRIST, DEPUTY CITY MANAGER
NEIGHBORHOODS, PLANNING AND
DEVELOPMENT SERVICES
DEPARTMENT

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

**AN ORDINANCE ADDING SECTIONS 2-C-79, 2-E-62, 11-A-3-i AND 22-A-139 TO,
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79. Somatic Practitioner													62	62	62	62	62	62	62	62	62	62	62				62					

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The Comprehensive Zoning Ordinance, Ordinance No. 2550, Fourth Series, as amended, is hereby amended by adding Section 2-E-62 to read as follows:

- 62. Permitted subject to meeting the qualifications of Chapter 28.08 of the Sacramento City Code. The parking ratio for a somatic practitioner's office shall be the same as for a general office use.

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FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

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- i. Somatic Practitioners

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____



1.3

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AND DEVELOPMENT SERVICES
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May 4, 1998

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: AN ORDINANCE ADDING SECTIONS 2-C-79, 2-E-62 AND 22-A-139 TO, AND AMENDING 2-C-36 OF THE COMPREHENSIVE ZONING ORDINANCE (ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED) RELATING TO SOMATIC PRACTITIONERS - M98-006

LOCATION AND DISTRICT: Citywide

RECOMMENDATION:

It is recommended that the item be passed for publication of title and continued to May 19, 1998.

CONTACT PERSON: Sharon Caudle, Associate Planner, 264-8269

FOR COUNCIL MEETING OF: May 12, 1998

SUMMARY:

This item is presented at this time for approval of publication of title pursuant to City Charter, Section 32.

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

AN ORDINANCE ADDING SECTIONS 2-C-79, 2-E-62, AND 22-A-139 TO, AND AMENDING SECTION 2-C-36 OF THE COMPREHENSIVE ZONING ORDINANCE (ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED), RELATING TO SOMATIC PRACTITIONERS

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C. Commercial

USE	R E	R 1	R 1 A	R 1 B	R 2	R 2 A	R 2 B	R 3	R 3 A	R 4	R 4 A	R 5	R O	R M	O B	H C	S C	C 1	C 2	C 3	C 4	M1 M1 (S)	M2 M2 (S)	A F	A S	H P	M I	S P	M R	T C	
79. Somatic Practitioner													62			62		62	62	62	62	62	62								

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FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

SECTION 4.

The Comprehensive zoning Ordinance, Ordinance No. 2550, Fourth Series, as amended, is hereby amended by deleting masseur from Section 2-C-36.

DATE PASSED FOR PUBLICATION:

DATE ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

FOR CITY CLERK USE ONLY

ORDINANCE NO.: _____

DATE ADOPTED: _____

ALL ITEMS LISTED ON THE CONSENT CALENDAR ARE CONSIDERED AND ACTED UPON BY ONE MOTION. A MEMBER OF COUNCIL OR STAFF MAY REQUEST AN ITEM TO BE REMOVED FOR SEPARATE CONSIDERATION.

Public Review Items - Informational Only

None.

Sacramento Housing and Redevelopment

None.

City Council

- 1.1 U/V Alley Sewer, 14th-16th Street Project (PN: XM38) - transfer funds in the amount of \$150,000 from the 42nd Street Improvement Project to the U/V Alley Sewer Project, and award contract to Sierra National Construction, Inc. for an amount not to exceed \$168,019. (D-4)

RECOMMENDATION OF STAFF: **ADOPT RESOLUTION AWARDDING**
CONTRACT

- 1.2 Sacramento River Water Treatment Plant Pump Station vault replacement/foundation repair and clearwell roof repair (PN:ZE21), located at the Sacramento River Water Treatment Plant on Bercut Drive - approval of Consultant Services Agreement with Montgomery Watson for an amount not to exceed \$332,109. (D-1)

RECOMMENDATION OF STAFF: **ADOPT RESOLUTION APPROVING**
AGREEMENT

- 1.3 Ordinance adding Sections 2-C-79, 2-E-62 and 22-A-139 to, and amending Section 2-C-36 of the Comprehensive Zoning Ordinance (Ordinance No. 2550, Fourth Series, as amended), relating to Somatic Practitioners. (M98-006) (D-All)

RECOMMENDATION OF STAFF: **PASS FOR PUBLICATION OF TITLE AND**
CONTINUE TO MAY 19, 1998

- 1.4 An ordinance adding Chapter 28.08 to Title 28 [Permits] of the Sacramento City Code, relating to an alternative permit process for certain massage technicians meeting the qualifications for Somatic Practitioner status, and amending Section 28.06.073 of the Sacramento City Code, relating to exclusions from adult-related establishment regulations. (D-All)

RECOMMENDATION OF STAFF: **PASS FOR PUBLICATION OF TITLE AND**
CONTINUE TO MAY 19, 1998