



## Agenda Report

19-1106

Agenda Date: 10/8/2019

### REPORT TO COUNCIL

#### **SUBJECT**

Action on Adoption of Ordinance No. 2006 Amending Chapter 5.40 ("Massage Services And Massage Establishments") of Title 5 ("Business Licenses And Regulations"), and Chapters 18.34 ("Regulations For CN-Neighborhood Commercial Zoning Districts"), 18.36 ("Regulations For CC-Community Commercial Zoning Districts"), 18.42 ("Regulations For CP-Commercial Park Zoning Districts"), 18.56 ("Planned Development-Master Community Zoning Districts"), 18.70 ("Use Regulations Applicable To Specified Regulated Businesses") and 18.104 ("Massage Establishments") of Title 18 ("Zoning") of "The Code of The City of Santa Clara, California" to Amend Regulations Relating To Massage Establishments

#### **BACKGROUND**

At the September 24, 2019 Council meeting, proposed Ordinance No. 2006 was introduced and passed for the purpose of publication. Pursuant to City Charter Sections 808 and 812, a summary of proposed Ordinance No. 2006 was published by The Weekly on October 2, 2019, and copies were posted in three public places. The Ordinance now comes to Council for final adoption.

#### **DISCUSSION**

The proposed ordinance would modify Title 5 ("Business Licenses and Regulations") and Title 18 ("Zoning") of the Santa Clara City Code (SCCC) to modify regulatory and land use regulations applicable to massage establishments. The revisions to Title 5 would modify the massage establishment permit process by providing a streamlined appeal process, establishing new visibility requirements, requiring the posting of human trafficking notices, and enhancing the responsibilities of establishment owners. The ordinance would also eliminate the requirement for a conditional use permit to open a new massage establishment, and would allow existing legal nonconforming establishments to continue to operate in their current locations. Without this change, legal nonconforming establishments would have been forced to close by December 31, 2019.

The proposed amendments to the Zoning Ordinance would change the permissible locations for new massage establishments within the City to (1) 10-acre sites with at least 20,000 square feet of retail space; (2) wellness centers in businesses with 500 employees or more; and (3) hotels with at least 100 guest rooms. At the September 24, 2019 Council meeting, the City Council also instructed staff to allow for massage establishments at certain kinds of gymnasiums or fitness centers. Staff is in the process of preparing appropriate verbiage to allow for this additional location, and will return to the Council in the near future with an additional amendment to allow for such uses. Given the need for the other changes to be effective by December 31, 2019, however, the ordinance before the Council tonight does not include the provision for gymnasiums.

**ENVIRONMENTAL REVIEW**

The action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

**FISCAL IMPACT**

There is no fiscal impact to the City other than staff time.

**COORDINATION**

This report has been coordinated with the Police Department and Community Development Department.

**PUBLIC CONTACT**

A summary of proposed Ordinance No. 2006 was published to the Santa Clara Weekly on October 2, 2019, and copies were posted in three public places.

Public contact was made by posting the Council agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

**RECOMMENDATION**

Adopt Ordinance No. 2006, Amending Chapter 5.40 (“Massage Services And Massage Establishments”) of Title 5 (“Business Licenses And Regulations”), and Chapters 18.34 (“Regulations For CN-Neighborhood Commercial Zoning Districts”), 18.36 (“Regulations For CC-Community Commercial Zoning Districts”), 18.42 (“Regulations For CP-Commercial Park Zoning Districts”), 18.56 (“Planned Development-Master Community Zoning Districts”), 18.70 (“Use Regulations Applicable To Specified Regulated Businesses”) and 18.104 (“Massage Establishments”) of Title 18 (“Zoning”) of “The Code of The City of Santa Clara, California” to Amend Regulations Relating To Massage Establishments.

Reviewed by: Brian Doyle, City Attorney

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Introduction Ordinance No. 2006