



REPORT TO PLANNING COMMISSION City of Sacramento

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915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING
June 28, 2007

To: Members of the Planning Commission

Subject: Somatic Practitioner Establishment (M07-039).

- A. Environmental Determination:** Categorical Exemption pursuant to CEQA Section 15061(b)(3);
- B. Zoning Code Amendment:** An Ordinance amending sections 17.16.010, 17.24.030, 17.24.050, 17.108.020(B), and 17.108.030(B) of Title 17 of the Sacramento City Code (Zoning Code) relating to Somatic Practitioners' Establishments.

Location/Council District: Citywide

Recommendation: Staff recommends that the Planning Commission recommend approval of the proposed zoning code amendments and forward their recommendation to the City Council.

Contact: Robert W. Williams, Assistant Planner, (916) 808-7686

Summary: Staff has prepared an ordinance that amends the Zoning Code in relationship to Somatic Practitioners' Establishments. The City Council recently amended City Code, Title 5, Chapter 5.124, relating to the licensing requirements for Somatic Practitioners' by establishing a new type of license for a business that may offer Somatic services, without requiring the owner of the business to be licensed as a Somatic Practitioner. Staff is proposing changes to Title 17 (Zoning Code) to be consistent with these new licensing requirements in City Code Section 5.124. In addition, staff is proposing changes to the Del Paso Boulevard Special Planning District which will allow Somatic Practitioners Establishments with a Planning Commission Special Permit.

Background Information: Councilmember Steve Cohn requested city staff amend City code to allow different business models to conduct massage based on recent trends in the industry. Staff of the City Finance Department presented proposed revisions to Chapter 5.124 of the City Code (Somatic Practitioners Alternative Permit Process) to the Law and Legislation Committee, on April 17, 2007. The committee voted unanimously to approve the code amendment, with direction given to staff to also amend the Zoning Code to restrict the use in the Del Paso Boulevard Special Planning District. The City Council adopted the revisions to Chapter 5.124 on June 12, 2007. .

Proposed Amendments to Title 17 (Zoning Code):

The ordinance amendment adds the definition of Somatic Practitioners' Establishment to Section 17.16.010, the Definitions Chapter of the Zoning Code:

“Somatic practitioner establishment” means a business that for pecuniary compensation, consideration, hire, or reward, offers massage or bodywork services and that meets the requirements for and holds a valid permit under the regulations set forth in Chapter 5.124 of this code.

The existing definition of Somatic Practitioner in Section 17.16.010 of the Zoning Code will remain unchanged:

“Somatic practitioner” means a massage technician who meets the requirements for and who holds a valid permit under the regulations set forth in Chapter 5.124 of this code.

These definitions refer directly to the existing Somatic practitioner definition and proposed Somatic practitioners' establishment definition in Section 5.124.020.

The ordinance amendment also revises the Land Use matrixes in Section 17.24.030A and 17.24.030(B). The current line on the matrix “Somatic Practitioner” will now be labeled as “Somatic practitioner / somatic practitioner establishment”.

Finally the use of “Somatic practitioner or somatic practitioner establishment” is added to the list of uses which are allowed with a Special Permit in the Del Paso Boulevard Special Planning District (SPD). The use is added to both Section 17.108.020(B), which lists the uses which are allowed with a Special Permit in the C-2 (General Commercial) zoned portion of the SPD, and to Section 17.108.030(B), which lists the uses which are allowed with a Special Permit in the M-1 (Light Industrial) zoned portion of the SPD.

Public/Neighborhood Outreach and Comments: Revenue staff conducted stakeholder meetings about the proposed changes to Chapter 5.124 of the City Code on March 19, 2007.

Environmental Considerations: The proposed ordinance is exempt from the provisions of the California Environmental Quality Act (Section 15061(b)(3)).

Policy Considerations: The proposed ordinances are consistent with the City's Strategic Plan, three year goal, to achieve sustainability and livability and foster economic development in the City of Sacramento. The proposed ordinances also are consistent with the Development Services Department's strategic areas to promote an appropriate regulatory environment.

Respectfully submitted by: Robert W. Williams
ROBERT W. WILLIAMS
Assistant Planner

Recommendation Approved:

Sandra L. Yope
SANDRA YOPE
Senior Planner

Attachments:

- Attachment 1
- Attachment 2

- Redlined Ordinance Amending Zoning Code
- Ordinance Amending Zoning Code

**Redlined
ORDINANCE NO.**

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTIONS 17.16.010, 17.24.030, 17.24.050, 17.108.020, AND 17.108.030 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO SOMATIC PRACTITIONERS' ESTABLISHMENTS (M07-039)

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

SECTION 1. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Section 17.16.010 is amended by adding the definition of "Somatic Practitioners' Establishment" to read as follows:

"Somatic practitioner establishment" means a business that for pecuniary compensation, consideration, hire, or reward, offers massage or bodywork services and meets the requirements for and holds a valid permit under the regulations set forth in Chapter 5.124 of this code.

B. Except as specifically amended by adding the definition of "somatic practitioner establishment", all other provisions of section 17.16.010 remain unchanged and in full force and effect.

SECTION 2. Section 17.24.030 Commercial Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix for "Somatic practitioner" set forth in Table 17.24.030 (A) is amended to read as follows:

	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 5	R M X	R O	O B
Use											67	67/ 69	67	67/ 18
Somatic practitioner/ <u>somatic practitioner establishment*</u>											67	67/ 69	67	67/ 18

B. The matrix for "Somatic practitioner" set forth in Table 17.24.030 (B) is amended to read as follows:

Use	E C	H C	S C	C 1	C 2	C 3	C 4	M 1	M 1 (S)	M 2	M 2 (S)	M I P	M R D	H	S P X	T C	A	A O S	F	A R P- F
Somatic practitioner/ <u>somatic practitioner establishment*</u>	67/ 53	67/ 16	67/ 15	67	67	67	67	67	67/ 20	67	67/ 20			67						

C. Except as specifically amended by the amendment to the matrix for “Somatic practitioner” in Tables 17.24.030 (A) and (B), all other provisions of section 17.24.030 remain unchanged and in full force and effect.

SECTION 3. Section 17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 67 of Section 17.24.050 is amended to read as follows:

67. Somatic Practitioner / Somatic Practitioner Establishment.

Permitted subject to meeting the qualifications requirements of Chapter 5.124 of this code. The parking ratio for a somatic practitioner's office practitioner or a somatic practitioner establishment shall be the same as for a general office use.

B. Except as specifically amended by the amendment to Footnote 67, all other provisions of section 17.24.050 remain unchanged and in full force and effect.

SECTION 4. Section 17.108.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (B) of Section 17.108.020 is amended to read as follows:

B. Planning Commission Approval Required.

The following uses, although generally discouraged because of over-concentration problems and the potential nuisance and other problems associated with such uses, are permitted in the C-2 zone in the special planning district, subject to the issuance of a special permit by the planning commission, provided that, in addition to other findings required by Chapter 17.212 of this title, the planning commission must find that the use will meet one or more of the goals set forth above:

1. Auto service and repair, rental;

2. Bed and breakfast inn;
3. Hotel;
4. Motel;
5. Social services;
6. Thrift stores/pawn shops.

7. Somatic practitioner or somatic practitioner establishment.

B. Except as specifically amended by the amendment to subsection (B), all other provisions of section 17.108.020 remain unchanged and in full force and effect.

SECTION 5. Section 17.108.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

- A. Subsection (B) of Section 17.108.030 is amended to read as follows:
 - B. Planning Commission Approval Required.

The following uses, although generally discouraged because of over-concentration problems and the potential nuisance and other problems associated with such uses, are permitted in the M-1 zone in the special planning district, subject to the issuance of a special permit by the planning commission, provided that, in addition to other findings required by Chapter 17.212 of this title, the planning commission must find that the use will meet one or more goals for the Triangle Area, as set forth in Section 17.108.010(B) of this chapter.

1. Auto service and repair, rental;
2. Bed and breakfast inn;
3. Hotel;
4. Motel;
5. Social services;
6. Thrift store.

7. Somatic practitioner or somatic practitioner establishment.

B. Except as specifically amended by the amendment to subsection (B), all other provisions of section 17.108.030 remain unchanged and in full force and effect.

ORDINANCE NO.

Adopted by the Sacramento City Council

Date Adopted

AN ORDINANCE AMENDING SECTIONS 17.16.010, 17.24.030, 17.24.050, 17.108.020, AND 17.108.030 OF TITLE 17 OF THE SACRAMENTO CITY CODE (THE ZONING CODE) RELATING TO SOMATIC PRACTITIONERS' ESTABLISHMENTS (M07-039)

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

SECTION 1. Section 17.16.010 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Section 17.16.010 is amended by adding the definition of "Somatic Practitioners' Establishment" to read as follows:

"Somatic practitioner establishment" means a business that for pecuniary compensation, consideration, hire, or reward, offers massage or bodywork services and that meets the requirements for and holds a valid permit under the regulations set forth in Chapter 5.124 of this code.

B. Except as specifically amended by adding the definition of "somatic practitioner establishment", all other provisions of section 17.16.010 remain unchanged and in full force and effect.

SECTION 2. Section 17.24.030 Commercial Land Use Chart of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. The matrix for "Somatic practitioner" set forth in Table 17.24.030 (A) is amended to read as follows:

	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Use	E	1	A	B	2	A	B	3	A	4	5	X	O	B
Somatic practitioner/ somatic practitioner establishment*											67	67/ 69	67	67/ 18

B. The matrix for "Somatic practitioner" set forth in Table 17.24.030 (B) is amended to read as follows:

Use	E C	H C	S C	C 1	C 2	C 3	C 4	M 1	M 1 (S)	M 2	M 2 (S)	M I P	M R D	H	S P X	T C	A	A O S	F	A R P- F
Somatic practitioner/ somatic practitioner establishment*	67/ 53	67/ 16	67/ 15	67	67	67	67	67	67/ 20	67	67/ 20			67						

C. Except as specifically amended by the amendment to the matrix for “Somatic practitioner” in Tables 17.24.030 (A) and (B), all other provisions of section 17.24.030 remain unchanged and in full force and effect.

SECTION 3. Section '17.24.050 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Footnote 67 of Section 17.24.050 is amended to read as follows:

67. Somatic Practitioner /Somatic Practitioner Establishment.

Permitted subject to meeting the requirements of Chapter 5.124 of this code. The parking ratio for a somatic practitioner or a somatic practitioner establishment shall be the same as for a general office use.

B. Except as specifically amended by the amendment to Footnote 67, all other provisions of section 17.24.050 remain unchanged and in full force and effect.

SECTION 4. Section 17.108.020 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (B) of Section 17.108.020 is amended to read as follows:

B. Planning Commission Approval Required.

The following uses, although generally discouraged because of over-concentration problems and the potential nuisance and other problems associated with such uses, are permitted in the C-2 zone in the special planning district, subject to the issuance of a special permit by the planning commission, provided that, in addition to other findings required by Chapter 17.212 of this title, the planning commission must find that the use will meet one or more of the goals set forth above:

1. Auto service and repair, rental;
2. Bed and breakfast inn;

3. Hotel;
4. Motel;
5. Social services;
6. Thrift stores/pawn shops.
7. Somatic practitioner or somatic practitioner establishment.

B. Except as specifically amended by the amendment to subsection (B), all other provisions of section 17.108.020 remain unchanged and in full force and effect.

SECTION 5. Section 17.108.030 of Title 17 of the Sacramento City Code (the Zoning Code) is amended as follows:

A. Subsection (B) of Section 17.108.030 is amended to read as follows:

B. Planning Commission Approval Required.

The following uses, although generally discouraged because of over-concentration problems and the potential nuisance and other problems associated with such uses, are permitted in the M-1 zone in the special planning district, subject to the issuance of a special permit by the planning commission, provided that, in addition to other findings required by Chapter 17.212 of this title, the planning commission must find that the use will meet one or more goals for the Triangle Area, as set forth in Section 17.108.010(B) of this chapter.

1. Auto service and repair, rental;
2. Bed and breakfast inn;
3. Hotel;
4. Motel;
5. Social services;
6. Thrift store.
7. Somatic practitioner or somatic practitioner establishment.

B. Except as specifically amended by the amendment to subsection (B), all other provisions of section 17.108.030 remain unchanged and in full force and effect.