



REPORT TO LAW & LEGISLATION COMMITTEE City of Sacramento

915 I Street, Sacramento, CA 95814-2671

3

CONSENT
August 9, 2007

Honorable Members of the
Law and Legislation Committee

Title: Somatic Practitioner Establishments (M07-039)

Location/Council District: Citywide

Recommendation: Staff recommends that the Law and Legislation Committee review and recommend approval of 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 (Zoning Code) of the Sacramento City Code to be forwarded to the City Council.

Contact: Robert W. Williams, Associate Planner; (916) 808-7686, Sandra Yope, Senior Planner, (916) 808-7158

Presenters: Robert W. Williams, Associate Planner

Department: Development Services

Division: Current Planning

Organization No: 4881

Description/Analysis

Issue: On June 12, 2007, the City Council amended City Code Chapter 5.124 (Somatic Practitioners Alternative Permit Process). The ordinance included a change to establish a new Somatic Practitioner Establishment license. This license is for an owner of a business establishment that offers Somatic (massage or bodywork) services, but does not require the business owner to be a licensed Somatic Practitioner. At the Law and Legislation Committee meeting on April 17, 2007, the proposed changes to City Code Chapter 5.124 were heard and the item was forwarded to City Council. At that meeting, Councilmember Sheedy directed staff to return with an ordinance restricting the use of Somatic Practitioners and Somatic Practitioner Establishments in the Del Paso Boulevard Special Planning District.

In order to be consistent with the proposed changes in Chapter 5.124, staff has proposed amending Title 17 (Zoning Code) to add the definition of Somatic

Practitioners Establishment to Chapter 17.16 (Definitions) and also to modify the existing Land Use Matrix Charts along with footnote 67 of Chapter 17.24 (Land Use Regulations) relating to Somatic Practitioners. Staff has proposed amending Chapter 17.108 (Del Paso Boulevard Special Planning District) to allow Somatic Practitioners and Somatic Practitioners Establishments to the list of uses which are allowed within the district with a Special Permit.

Policy Considerations: The proposed ordinance is consistent with the City's Strategic Plan Focus Area to achieve sustainability and livability and foster economic development within the City of Sacramento.

Committee / Commission Action: The proposed ordinance was reviewed by the Planning Commission On June 28, 2007. The Planning Commission voted eight ayes, zero noes, and one absent to recommend approval of the proposed Zoning Code amendments.

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

Rationale for Recommendation: The proposed amendments will create consistency between Title 5 (Business Licenses and Regulations) and Title 17 of the City Code (Zoning Code) and will provide for greater flexibility for Somatic Practitioner business models.

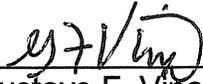
Financial Considerations: None

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by:  _____
David Kwong
Planning Manager

Approved by:  _____
William Thomas
Director of Development Services

Recommendation Approved:



Gustavo F. Viña
Assistant City Manager

Table of Contents:

Report	Pg	1
Attachments		
1 Redlined Ordinance Amending Zoning Code	Pg	4
2 Ordinance Amending Zoning Code	Pg	7

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.

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
<u>Somatic practitioner/ 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/ 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 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.

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	O
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.