REPORT TO COUNCIL
City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www. CityofSacramento.org

PUBLIC HEARING
August 21, 2007

Honorable Mayor and
Members of the City Council

Title: Somatic Practitioner Establishments (M07-039)

Location/Council District: Citywide

Recommendation: Conduct a public hearing and upon conclusion 1) adopt a **Resolution** approving an exemption under CEQA Guidelines Section 15061(b)(3); and 2) adopt 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 practitioner establishments

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: 4885

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 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 require a

special permit for somatic practitioners and somatic practitioner's establishments.

Notice of the public hearing for the Zoning Code amendment has been given by publication for August 21, 2007 pursuant to Sacramento Cide Code Section 17.208.010 and 17.200.010(C)(2)(a).

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 heard 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. At the time of the writing of this report, the proposed City Code amendments were to be reviewed by the Law and Legislation Committee at their August 9, 2007 meeting.

Environmental Considerations: The proposed ordinance is exempt from the provisions of the California Environmental Quality Act under CEQA Guidelines Section 15061(b)(3): projects which have no potential for causing a significant effect on the environment.

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: The recommendations contained in this report do not result in a fiscal impact.

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:

_____
for Ray Kerridge
City Manager

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Attachment 1

RESOLUTION NO.

Adopted by the Sacramento City Council

DETERMINING PROJECT EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (M07-039)

BACKGROUND

A. On June 28, 2007, the City Planning Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve the Amendment to the Zoning Code Relating to Somatic Practitioner Establishments in the Del Paso SPD (M07-039)

B. On August 21, 2007 the City Council conducted a public hearing, for which notice was given by publication pursuant Sacramento City Code Section 17.208.010 and 17.200.010(C)(2)(a), and received and considered evidence concerning the Amendment to the Zoning Code Relating to Somatic Practitioner Establishments in the Del Paso SPD (M07-039).

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the City Council finds that the Project is exempt from review under Section 15061(b)(3) of the California Environmental Quality Act Guidelines (projects with no potential for causing significant effect on environment) as follows:

> Exemption 15061 (b) (3) consists of an activity covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Attachment 2

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:

Use	RE	R1	R1A	R1B	R2	R2A	R2B	R3	R3A	R4	R5	RMX	RO	OB
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	EC	HC	SC	C1	C2	C3	C4	M1	M1 (S)	M2	M2 (S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-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.

Attachment 3

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:

Use	RE	R1	R1A	R1B	R2	R2A	R2B	R3	R3A	R4	R5	RMX	RO	OB
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	EC	HC	SC	C1	C2	C3	C4	M1	M1 (S)	M2	M2 (S)	MIP	MRD	H	SPX	TC	A	AOS	F	ARP-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.