



**City Council**

June 19, 2018

Public Hearing

Long Beach Municipal Code Amendments

Chapter 5.58 and Title 21 (ZCA17-012)

Regulation of Massage Uses

## Background – State Law

- 2008 – Senate Bill 731 (SB 731) creates the California Massage Therapy Council (CAMTC), a non-profit certification body. Massage operators/practitioners who received certification were not subject to local land use regulations.
- 2014 – Assembly Bill 1147 (AB 1147) allows cities to require CAMTC certification for all operators/practitioners. Also restores local regulatory and land use authority by allowing local governments to impose reasonable conditions on licensing, operations, and business locations.
- 2016 – Assembly Bill 2194 (AB 2194) extends AB 1147 through 2020 and expands sections of AB 1147 related to regulatory fees, facility standards, and CAMTC background checks.



## Existing Massage Regulations

### LBMC Title 5 – Regulation of Businesses, Trades, and Professions

#### Chapter 5.58 - Massage Establishments

- Massage Establishment Permit and Health Permit requirements
- Facilities and operating requirements
- Inspections, enforcement, and penalties

### LBMC Title 21 – Zoning Regulations

#### Chapter 21.15.110

- Primary use massage establishments are regulated as an Adult Entertainment Business

#### Chapter 21.45.110

- Special Development Standards for Adult Entertainment Businesses include location restrictions, hours of operation, parking, and security requirements

#### Chapter 21.51.243

- Massage therapy as a non-adult business is permitted as an accessory use only



## Proposed Title 5 Amendments

- Require that all massage technicians be certified by the California Massage Therapy Council (CAMTC) within 1 year from the passage of this ordinance.
- Require massage establishment owners who are not certified by CAMTC and who do not intend to practice massage therapy to complete background checks by LBPD prior to issuance of a massage permit and business license.
- Businesses who currently offer massage therapy services as an accessory use will have 180 days from the effective date of this ordinance to apply for and be issued a massage establishment permit and license.
- This ordinance does not apply to professions where the scope of their state license includes activities that would fall under the definition of massage or to entities engaged in the performance of their duties in compliance with applicable law. For example, Physicians, Chiropractors, barbers, cosmetologists, hospitals, hotels with 100 rooms or more, etc.



## Proposed Title 21 Amendments

- Removes businesses offering primary use massage services from the Adult Entertainment Business definition and creates new Massage Establishments definition.
- Classifies primary use Massage Establishments as a personal service use subject to approval of an Administrative Use Permit, a discretionary permit acted upon at a noticed public hearing.
- Special Development Standards for primary use Massage Establishments added to Chapter 21.52:
  - Minimum 750' buffer between primary use Massage Establishments
  - Street-facing window coverage restrictions (i.e. interior reception/waiting area shall be visible from the exterior of the building)
  - Conspicuous posting of a human trafficking resources poster



## Recommendation

- Planning Commission recommended action:
  - Receive supporting documentation into the record, conclude the public hearing, approve ZCA17-012, and adopt the Title 21 amendments, as proposed, and Negative Declaration 05-17; and
  - Adopt a Resolution to the California Coastal Commission to certify a Local Coastal Program Amendment (LCPA17-007) to the Certified Local Coastal Program.
- Adopt amendments to Chapter 5.58, as proposed.