



# CITY OF LONG BEACH

# H-3

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

June 19, 2018

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, and adopt Negative Declaration (ND) 05-17;

Declare an Ordinance amending and restating in its entirety Chapter 5.58; and amending various sections of Title 21 (Zoning Regulations) of the Long Beach Municipal Code, all relating to regulation of massage establishments, read the first time and laid over to the next regular meeting of the City Council for final reading; and,

Adopt a Resolution directing the Director of Development Services to submit a request to the California Coastal Commission to certify an amendment to the Certified Local Coastal Program. (Citywide)

## DISCUSSION

The Long Beach Municipal Code (LBMC) contains regulations for massage establishments and massage technicians for the protection of public health, safety, and welfare in both Title 5, Regulation of Businesses, Trades, and Professions, and Title 21, Zoning. LBMC Title 5 sets forth licensing and operational standards while LBMC Title 21 sets forth land use and location standards. Changes in State law have triggered the need to update the City's regulation of massage establishments. In 2008, Senate Bill 731 (SB 731) authorized the creation of the Massage Therapy Act (effective through December 31, 2014). Subsequently, Assembly Bill 1147 (AB 1147) was enacted (effective January 1, 2015) to replace and "fix" SB 731.

SB 731 was intended to professionalize the massage industry and create universal, State-wide standards for massage businesses and practitioners. SB 731 prohibited local jurisdictions from imposing land use regulations on massage businesses that were different from those imposed on other professional services, provided operators and practitioners were certified by the California Massage Therapy Council (CAMTC). This stripping of local controls had the unintended consequence of causing the proliferation of unpermitted massage establishments and an increase in prostitution and human trafficking cases in many jurisdictions.

AB 1147 restored local regulatory authority of massage businesses and practitioners by allowing jurisdictions to use their regulatory and land use authority to ensure the best interests of the community are met via the establishment of reasonable regulations on licensing, operations, and business locations. SB 1147 also standardized the certification of massage practitioners through the CAMTC, managed solely by the State, thereby dividing regulatory responsibility between the State and local governments. Assembly Bill 2194 (AB 2194) extended the Massage Therapy Act for an additional four years and clarified a local jurisdiction's right to impose and enforce reasonable and necessary fees and regulations on massage businesses, among other provisions.

The proposed Ordinance responds to provisions of AB 1147 and AB 2194 and is reflective of the gradual erosion of stigmas associated with massage establishments. Massage is now seen as a mainstream practice with recognizable therapeutic benefits. Properly regulated massage uses have evolved into a personal service suitable for location within shopping centers and other commercial areas.

#### LBMC Title 5 Amendments

Currently, Title 5 of the LBMC contains massage operator and practitioner licensing requirements, facility standards, and inspection criteria. These regulations, contained in LBMC Chapter 5.58, Massage, and last amended in 1998, are proposed to be amended and restated entirely. The proposed amendments to LBMC Title 5 are intended to provide safeguards against personal injury and economic loss due to improperly trained or undereducated massage practitioners and safeguards against prostitution, sex trafficking, and other unlawful sexual activities that have been known to occur in establishments offering massage services. The proposed amendments further seek to maintain consistency with changes in State law.

Specific amendments to LBMC Title 5 include requiring CAMTC certification for all individuals providing massage therapy services. Individuals currently providing massage therapy services under a City permit will have one year from the effective date of this Ordinance to become certified by the State to continue operating in the City. Massage establishment owners who are not certified by the State will undergo background checks to be completed by the Long Beach Police Department. Massage establishments will be required to obtain a Massage Establishment Permit, Business License, Health Permit, and Administrative Use Permit (where massage is the primary use). 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, the massage establishment permit and license. The massage permit requirements do not apply to hotels over 100 rooms, physicians, chiropractors, barbers, cosmetologists, hospitals, and other specified persons and entities engaged in the performance of their duties and operating in compliance with applicable law.

City officials, and their authorized designees, will have inspection rights for purposes of enforcing massage regulations. Massage establishments will be required to follow facilities and operating requirements, including meeting specified standards to ensure health and cleanliness, a requirement that massage activities take place between 7:00

HONORABLE MAYOR AND CITY COUNCIL

June 19, 2018

Page 3 of 5

a.m. and 10:00 p.m., and a prohibition on the use, possession, or sale of adult-oriented merchandise, alcohol, or controlled substances, except where authorized by law and, where applicable, approved by the Development Services Department.

LBMC Title 21 Amendments

On February 15, 2018, the Planning Commission held a public hearing on amendments to Chapters 21.15, 21.32, 21.33, 21.34, 21.35, and 21.52 related to defining and permitting massage establishments (Attachment A – Planning Commission Report). The Planning Commission received a staff presentation, closed the public hearing, deliberated, and found the amendments consistent with the General Plan. The Planning Commission unanimously recommended that the City Council approve the Zoning Code Amendment.

Currently, LBMC Title 21, Zoning, identifies uses where massage services are the primary business conducted on the premises as a massage parlor and classifies them as an Adult Entertainment Business, as defined in Section 21.15.110. Other uses sharing this classification include adult book stores, adult motion picture theaters, cabarets, and sexual encounter centers. Adult Entertainment Business uses are subject to Special Development Standards located in Section 21.45.110. These standards include separation from residential zones, schools, parks, churches, and other Adult Entertainment Businesses; a prohibition along street sections identified by the Long Beach Police Department as problematic (experiencing a high rate of arrests for prostitution, lewd behavior, and disorderly conduct); a restriction on business hours (mandatory ceasing of operations between 12:00 a.m. and 9:00 a.m.); and site security requirements. Massage services are a permitted, by-right accessory use (accessory use being defined in the City of Long Beach as no more than 49 percent floor area occupancy within an establishment) when associated with a primary use hotel over 100 rooms, a physician's or chiropractor's office, health club, beauty salon, nail salon, or similar business. Massage services are prohibited as a home occupation use.

Proposed LBMC Title 21 amendments redefine a business offering massage services as a Massage Establishment (Attachment B – Draft Zoning Code Amendments). The amendments remove primary massage uses from the Adult Entertainment Business classification and reclassify them as personal service uses subject to approval of an Administrative Use Permit (AUP) in all commercial zones and Planned Development District subareas that permit commercial uses. The AUP process allows for public notification of new requests, a decision in a public forum (Zoning Administrator action, subject to Planning Commission appeal), and a case-by-case evaluation of the proposed location and business operations. Additionally, the AUP requirement creates an additional enforcement tool for permitted establishments that are found to be in violation of their conditions of approval. Enforcement actions could include a revocation hearing for those permitted establishments that do not come into compliance for identified violations. Massage services as an accessory use to specific commercial uses, will remain a permitted, by-right approval; and, massage services, as a home occupation, will remain prohibited.

The amendments include the addition of special development standards for primary use Massage Establishments to Chapter 21.52. These conditions include a 750-foot buffer between primary use Massage Establishments, street-facing window coverage restrictions, and a requirement to post an on-premises notice containing resource information related to human trafficking. When added to the operating and licensing restrictions proposed in LBMC Title 5 and possible, request-specific conditions added through the AUP process, the special development standards for primary use Massage Establishments will prevent an overconcentration of such uses and ensure such uses will have minimal impact on the surrounding community.

This recommendation is consistent with the General Plan, specifically upholding the Land Use Element's emphasis on maintaining and improving the quality of life and the Public Safety Element's emphasis on creating safer physical environments.

Public hearing notices were published in the Long Beach Press-Telegram and distributed on May 25, 2018, and no responses were received as of the date of preparation of this report.

In accordance with the Guidelines for implementation of the California Environmental Quality Act (CEQA), a Negative Declaration (ND 05-17) was prepared for the proposed massage amendments (Attachment C – Negative Declaration). The Negative Declaration was made available for a 30-day public review and comment period that began on December 20, 2017, and ended on January 19, 2018. No comment letters were received.

A Resolution directing the Director of Development Services to submit a request to the California Coastal Commission to certify an amendment to the Certified Local Coastal Program has been prepared.

This matter was reviewed by Deputy City Attorney Monica J. Kilaita on May 31, 2018 and by Budget Management Officer Rhutu Amin Gharib on June 1, 2018.

#### TIMING CONSIDERATIONS

City Council action is requested on June 19, 2018, to ensure implementation of the amendments occurs expeditiously. Pursuant to Section 21.25.103 of the Zoning Regulations, this request must be presented to the City Council within 60 days of the Planning Commission hearing, which took place on February 15, 2018. However, due to the significant changes made to Title 5, the City required additional time.

#### FISCAL IMPACT

There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP  
DIRECTOR OF DEVELOPMENT SERVICES



JOHN GROSS  
DIRECTOR OF FINANCIAL MANAGEMENT

LFT:CT:MH  
Message v5 CA-LT.docx

City Council Ordinance  
City Council Resolution  
Attachment A – Planning Commission Report  
Attachment B – Draft Zoning Code Amendments  
Attachment C – Negative Declaration

APPROVED:

  
\_\_\_\_\_  
PATRICK H. WEST  
CITY MANAGER

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING AND RESTATING IN ITS ENTIRETY CHAPTER 5.58; AMENDING SECTION 21.15.110, SECTION 21.15.1725, SECTION 21.32.035, TABLE 32-1 OF CHAPTER 21.32, SECTION 21.33.050, SECTION 21.34.030, AND SECTION 21.35.030; ADDING SECTION 21.52.030; AND REPEALING SECTION 21.51.243, ALL REGARDING MASSAGE ESTABLISHMENTS.

WHEREAS, in 2008, the California Legislature passed Senate Bill 731, adding a new Chapter 10.5 to the California Business and Professions Code which provided for the formation of a nonprofit Massage Therapy Organization to oversee a state-sanctioned program of voluntary certification for massage practitioners so that such persons could avoid being required to obtain local massage permits; and

WHEREAS; Senate Bill 731 had a sunset date of January 2, 2015; and

WHEREAS, in September 2014, the California Legislature adopted Assembly Bill 1147, the Massage Therapy Act, amending the laws enacted by Senate Bill 731 and the various amendments thereto; and

WHEREAS, Assembly Bill 1147, which became effective January 2015, restored much of the local and land use authority to local governments which had been usurped by Senate Bill 731 and the various amendments thereto, and allows the City to use its regulatory and land use authority to ensure the best interests of the community, such as ensuring public safety, reducing human trafficking, and enforcing local standards for the operation of massage therapy businesses within Long Beach; and

1                   WHEREAS, Assembly Bill 1147 further provides that the California  
2 Massage Therapy Council (CAMTC) may regulate the individuals who apply for  
3 certification to provide massage therapy services; and

4                   WHEREAS, Assembly Bill 1147 prohibits the City from (1) prohibiting a  
5 person of one sex from engaging in the massage of a person of the other sex; (2)  
6 defining a massage establishment as an adult entertainment business, or otherwise  
7 regulating a massage establishment as adult entertainment; (3) requiring a massage  
8 establishment to have windows or walls that do not extend from the floor to ceiling or  
9 have other internal physical structures (such as windows) that interfere with a client's  
10 privacy; (4) imposing client draping requirements or otherwise requiring clients to wear  
11 special clothing; (5) prohibiting a massage establishment from locking its external doors  
12 if the business is owned by one individual with one or no employees; (6) requiring a  
13 massage establishment to post any notice in an area that may be viewed by clients that  
14 contain explicit sexual language; (7) requiring a person certified by the CAMTC to take  
15 any test, medical examination or background check; (8) requiring a person certified by  
16 the CAMTC to get a license, permit or other authorization to provide massage unless  
17 that person is a business owner; (9) imposing a dress code stricter than that imposed by  
18 Assembly Bill 1147; or (10) prohibiting massage techniques permitted by the CAMTC;  
19 and

20                   WHEREAS, Assembly Bill 2194, which went into effect on January 1,  
21 2017, revised the Massage Therapy Act, and extended the Act for an additional four  
22 years, clarified that local governments may impose and enforce reasonable and  
23 necessary fees and regulations on massage businesses and massage establishments,  
24 in keeping with the requirements of existing law and being mindful of the need to protect  
25 legitimate business owners and massage professionals, particularly sole providers; and

26                   WHEREAS, Assembly Bill 2194 further mandated that local governments  
27 cannot require massage businesses or establishments to have a shower or bath, should  
28 give strong consideration to establishing a registration program that they have the ability

1 to either suspend or revoke a registration of a massage business for specific violations,  
2 and cannot require a CAMTC certificate holder to submit fingerprints for a state or  
3 federal background check; and

4 WHEREAS, the City wishes to amend the LBMC to exercise its authority  
5 granted by, and to remain in compliance with, Assembly Bills 1147 and 2194;

6 NOW, THEREFORE, the City Council of the City of Long Beach ordains as  
7 follows:

8  
9 Section 1. Chapter 5.58 of the Long Beach Municipal Code is amended  
10 and restated in its entirety to read as follows:

11 Chapter 5.58

12 MESSAGE ESTABLISHMENTS

13  
14 5.58.010 Purpose and intent.

15 The purpose of this Chapter is to promote the public health, safety  
16 and welfare as follows:

17 A. This Chapter will regulate lawful massage businesses  
18 pursuant to Government Code sections 51030, et seq., and 37101, and  
19 California Business and Professions Code sections 4600, et seq., 16000,  
20 and 16100, and by virtue of Section 7 of Article XI of the Constitution of the  
21 State of California.

22 B. There is significant risk of injury to massage clients by  
23 improperly trained and/or uneducated massage therapists and this Chapter  
24 provides reasonable safeguards against injury and economic loss.

25 C. There is opportunity for acts of prostitution, sex trafficking,  
26 and/or other unlawful sexual activity to occur in massage establishments,  
27 and this Chapter provides safeguards against these practices.

28 D. The permit requirements and restrictions imposed by this

1 Chapter are reasonably necessary to protect the health, safety and welfare  
2 of the citizens of the City of Long Beach, as well as to ward against illegal  
3 sexual commerce.

4 5.58.020 Definitions.

5 A. "Acupuncture" is the stimulation of a certain point or points on  
6 or near the surface of the body by the insertion of needles to prevent or  
7 modify the perception of pain or to normalize physiological functions,  
8 including pain control, for the treatment of certain diseases or dysfunctions  
9 of the body and includes the techniques of electro acupuncture, cupping,  
10 and moxibustion; "Acupressure" is based on a theory similar to acupuncture  
11 except that it stimulates acupuncture points by the application of pressure  
12 rather than needling.

13 B. "Adult-oriented merchandise" is any sexually-oriented  
14 implements, paraphernalia, or novelty items, such as but not limited to:  
15 condoms and sexually-oriented items that are designed or marketed  
16 primarily for the stimulation of human genital organs.

17 C. "Applicant", in the case of a massage establishment permit,  
18 means an individual, or if not an individual, the general partner, chief  
19 executive officer, chief advisor, or other person(s) responsible for the  
20 ownership and operation of the massage establishment, who applies to  
21 obtain a permit under this Chapter.

22 D. "California Massage Therapy Council" or "CAMTC" means the  
23 Massage Therapy organization formed pursuant to California Business and  
24 Professions Code Sections 4600, et seq.

25 E. "Certified massage practitioner" or "practitioner" means a  
26 person who is currently certified as a massage practitioner by the CAMTC.

27 F. "City" shall mean the City of Long Beach, California.

28 G. "Chief of Police" is the Chief of Police of the Long Beach

1 Police Department or his or her designee.

2 H. "Director of Financial Management" is the Director of Financial  
3 Management or his or her designee.

4 I. "Employee" means any owner, partner, operator, manager,  
5 supervisor or worker, (whether part-time, full-time, temporary, or  
6 permanent) whether paid or not, who renders personal services of any  
7 nature in the operation of a massage establishment in exchange for any  
8 form of compensation from the business.

9 J. "Independent contractor" means a certified massage  
10 practitioner who works at a separate massage establishment, but is not a  
11 salaried employee and does not share a percentage of massage proceeds  
12 with that massage establishment. An independent contractor is also  
13 considered an individual massage establishment for purposes of  
14 compliance with this Chapter.

15 K. "Massage", "massage therapy", or "bodywork" means the  
16 skillful application of touch, including but not limited to, pressure, stroking,  
17 kneading, compression on or movement of the external surfaces of the  
18 body to produce increased awareness, relaxation, pain relief, injury  
19 rehabilitation, or neuromuscular re-education. Examples of massage  
20 include but are not limited to Swedish massage, sports massage, shiatsu,  
21 polarity therapy, rolfing, hellerwork and reflexology.

22 L. "Massage establishment" means any business that offers  
23 massage therapy in exchange for compensation. Any business that offers  
24 any combination of massage and bath facilities, including, but not limited to,  
25 showers, baths, wet and dry heat rooms, pools and hot tubs shall be  
26 deemed a massage establishment under this Chapter. Massage  
27 establishment includes a certified massage practitioner who is the sole  
28 owner or operator of a massage establishment, or operating as a sole

1 proprietorship.

2 M. "Massage therapist" means any person, including an  
3 independent contractor, who provides or administers massage therapy  
4 services to another person for any form of consideration or compensation  
5 whether for the massage, as part of other services or a product, or  
6 otherwise. For purposes of this definition, "massage therapist", "massage  
7 technician", "massage practitioner" and "masseur" shall have the same  
8 meaning.

9 N. "Managing employee" is any employee of a massage  
10 establishment who has been designated by the massage establishment  
11 permittee to manage the business.

12 O. "Massage Establishment Permit" means the Massage  
13 Establishment Permit to engage in the business of massage therapy where  
14 required by this Chapter and as issued by the Director of Financial  
15 Management.

16 P. "Permittee" is any person possessing a permit required and  
17 issued under this Chapter, or any owner or operator of the permitted  
18 massage establishment.

19 Q. "Person" means any individual, co-partnership, firm,  
20 association, joint stock company, corporation, joint venture, or combination  
21 of individuals of whatever form or character.

22 R. "Sexual or genital part" means the genitals, pubic area, anus,  
23 perineum of any person and the breasts of any female.

24 S. "Sole proprietorship" means and includes any legal form of  
25 business organization where the business is owned by one individual (or  
26 "sole proprietor").

27 5.58.030 Massage Establishment Permit – required.

28 A. No person shall engage in, carry on, or conduct the business

1 of a massage establishment without first having obtained a Business  
2 License as prescribed by the provisions of Chapter 3.80, and, where  
3 required by this Chapter, a Massage Establishment Permit, a Health Permit,  
4 and an Administrative Use Permit as prescribed in Title 21.

5 B. No person shall engage in, conduct, or carry on the function of  
6 a massage therapist, whether as an independent contractor, employee or  
7 owner of a massage establishment, without being certified by the CAMTC  
8 as a certified massage therapist, certified massage practitioner, or  
9 conditionally certified massage practitioner pursuant to California Business  
10 and Professions Code Sections 4600 et seq. Persons practicing  
11 acupressure under the direction of a licensed State of California  
12 acupuncturist shall obtain CAMTC certification as required in this Chapter.

13 C. Massage Establishment Permit: A massage establishment,  
14 except an independent contractor, must be issued a Massage  
15 Establishment Permit. A Massage Establishment Permit issued under this  
16 Chapter does not authorize the permittee to commence operations pursuant  
17 to the permit until the permittee has complied with all business license  
18 requirements, zoning/planning requirements, and all other applicable  
19 federal, state, and City of Long Beach laws and regulations. A Massage  
20 Establishment Permit does not authorize the permittee to provide massage  
21 therapy services, and it is unlawful to do so without valid CAMTC  
22 certification.

23 D. Health Permit. A massage establishment, except an  
24 independent contractor, must be issued a Health Permit. A Health Permit  
25 shall be issued by the Health Officer when investigation has determined that  
26 the proposed massage establishment and its facility and method of  
27 operation meets the specifications or conforms to the requirements of this  
28 Chapter and any applicable laws and regulations. A Health Permit, once

1 issued, is nontransferable and shall only be valid for the person or entity,  
2 location, type of services or activities, and, unless suspended or revoked,  
3 for the time period indicated. Any Health Permit fees, including recovery and  
4 enforcement costs, shall be determined by resolution of the City Council.

5 E. Administrative Use Permit (AUP) for massage as a Primary  
6 Use. A massage establishment, other than an independent contractor,  
7 where massage is the primary use (over 50%) of the business must apply  
8 for and be issued, prior to operation, an Administrative Use Permit (AUP),  
9 and such AUP shall be maintained, in accordance with Chapters 21.25 and  
10 21.32 of the Long Beach Municipal Code.

11 F. A massage establishment shall not be issued a Business  
12 License without a Massage Establishment Permit, Health Permit, or  
13 Administrative Use Permit when required by this Chapter.

14 5.58.040 Massage Establishment Permit – exemptions.

15 A. The permit requirements of this Chapter shall not apply to the  
16 following persons or entities while engaged in the performance of their  
17 duties and operating in compliance with any applicable federal, state and/or  
18 local law:

19 1. Physicians, surgeons, chiropractors, osteopaths,  
20 nurses, physical therapists, or acupuncturists who are duly licensed to  
21 practice their respective professions in the State.

22 2. Barbers, beauticians, cosmetologists, and estheticians  
23 who are duly licensed under the laws of the State while engaging in  
24 practices within the scope of their licenses.

25 3. Hospitals, nursing homes, sanitariums, or any other  
26 health facility duly licensed by the State.

27 4. Accredited high schools, junior colleges, colleges, or  
28 universities whose coaches and trainers are acting within the scope of their

1 employment.

2 5. Accredited colleges or universities that offer massage  
3 therapy programs whose instructors and students are acting within the  
4 scope of their employments or within the scope of their curriculum.

5 6. Trainers of amateur, semiprofessional or professional  
6 athletes or athletic teams while engaging in their training responsibilities for  
7 and with athletes; and trainers working in conjunction with a specific athletic  
8 event such as road races, track meets, triathlons, biathlons, or similar single  
9 occurrence athletic or recreational events.

10 7. Hotels with over one hundred (100) rooms.

11 5.58.050 Massage Establishment Permit application process.

12 A. Each applicant for a Massage Establishment Permit shall, for  
13 each separate massage establishment or place of business where massage  
14 is to occur, complete and file an application on forms provided by the  
15 Director of Financial Management. Such application forms shall require, at  
16 a minimum, the following information:

17 1. The name, address and telephone number of the  
18 applicant and all other persons or owners having a financial interest in the  
19 operation of the massage establishment.

20 2. The location of the massage establishment or place of  
21 business where massage is to occur.

22 3. A brief description of the nature of the business and  
23 services to be provided.

24 4. Proof of Live Scan completion by a representative of  
25 the Long Beach Police Department and proof of fingerprint submission to  
26 the Department of Justice for processing pursuant to this Chapter for each  
27 owner, only if the owner is not CAMTC certified.

28 5. If an applicant, himself or herself, intends to engage in,

1           conduct, or carry on the function of a massage therapist, said applicant  
2           must provide written proof of the applicant's current, valid certification by  
3           CAMTC, and applicants must provide proof of CAMTC certification for any  
4           employee(s) who will perform massage services at the applicant's massage  
5           establishment and who are known to the applicant at the time of application.

6                         6.       Such other information the Director of Financial  
7           Management, the Health Officer, or any concerned City department shall  
8           deem necessary for the proper processing and review of the application, in  
9           accordance with existing law.

10                        B.       The person whose signature appears on the application shall  
11           attest that he or she is a duly authorized representative of the applicant and  
12           that the information contained in the application is true and correct.

13                        C.       The application shall be filed under the penalty of perjury.  
14           False statements therein will constitute grounds for denial, suspension or  
15           revocation as applicable.

16                        D.       An incomplete application shall not be accepted for  
17           processing.

18                        E.       If required, each application shall be accompanied by a  
19           nonrefundable fee, in an amount established by resolution of the City  
20           Council. The application fee shall be used to defray, in part, the costs of the  
21           investigation, and is not made in lieu of any other fees or taxes required  
22           under this Code. Applicants are required to make separate payment to the  
23           Police Department for fingerprinting services as required by this Chapter.

24                        F.       Upon receipt of a completed Massage Establishment Permit  
25           application, the Director of Financial Management shall refer the application  
26           to all concerned City departments. Such departments shall file a report  
27           providing recommendations regarding the approval or denial of the permit  
28           with the Director of Financial Management within sixty (60) calendar days

1 after the completed application is filed, except where circumstances beyond  
2 the control of the City justifiably delay such response.

3 5.58.060 Massage Establishment Permit – issuance.

4 A. The Director of Financial Management shall make or cause to  
5 be made an investigation of the place of business and the manner in which  
6 the massage establishment is to be conducted, and if it is found that all  
7 provisions of this Code and all applicable laws have been and will be  
8 complied with, the Director of Financial Management shall issue the  
9 Massage Establishment Permit; otherwise, the application for a Massage  
10 Establishment Permit shall be denied.

11 B. Massage Establishment Permits shall be valid for one (1) year  
12 from the date of issuance, and shall be automatically renewed every year  
13 upon payment of the required permit fee, provided that the Director of  
14 Financial Management determines that the permittee has complied with the  
15 provisions of this Chapter and applicable laws during the preceding permit  
16 term.

17 C. Every person maintaining, carrying on or conducting any  
18 business for which a permit is required by the provisions of this Chapter  
19 shall pay a permit fee in an amount established by the City Council by  
20 resolution adopted pursuant to Section 5.04.040 of this Code.

21 5.58.070 Massage Establishment Permit – denial.

22 A. If a City department determines that the applicant does not  
23 satisfy applicable requirements of this Chapter, the Director of Financial  
24 Management shall deny said permit application in accordance with the  
25 provisions set forth in Subsection 5.06.020.A of this Code. The applicant  
26 shall have the right of appeal as set forth in Section 5.06.030 of this Code.

27 B. The Chief of Police shall recommend denial of a Massage  
28 Establishment Permit if, upon completion of a background check for an

1 individual owner(s) who is not CAMTC-certified, it is determined the  
2 owner(s) meets any of the following disqualifying grounds:

3 1. The applicant has been successfully prosecuted under  
4 the Red Light Abatement Act (California Penal Code section 11225 et seq.)  
5 or any similar law in another jurisdiction.

6 2. The applicant has been convicted of any of the  
7 following offenses during the ten (10) years preceding the date of the  
8 application:

9 a. Conduct which requires registration under  
10 California Penal Code section 290, or which is a violation of Penal Code  
11 sections 220, 245.3, 245.5, 266(h), 266(i), 266(j), 286, 288, 314, 315, 316,  
12 318, 647(a), 647(b), 647(d), the sections in Part 1, Title 9, Chapters 7.5 or  
13 7.6 of the Penal Code or equivalent offenses under the laws of another  
14 jurisdiction, or any offense involving sexual misconduct with children or  
15 adults even if expunged pursuant to Penal Code section 1203.4.

16 b. Conviction of, or entry of a plea of guilty or no  
17 contest to, an offense involving the sale of a controlled substance specified  
18 in sections 11054, 11055, 11056, 11057, 11058, 11351, 11352, 11358  
19 through 11363 or 11378 through 11380 of the California Health and Safety  
20 Code, or equivalent offenses under the laws of another jurisdiction, even if  
21 expunged pursuant to Penal Code section 1203.4.

22 c. Crimes that are designated in California  
23 Government Code section 51032(b).

24 d. Any crime involving dishonesty, fraud, deceit,  
25 violence, or moral turpitude.

26 e. Conspiracy or attempt to commit any of the  
27 aforementioned designated offenses.

28 f. Convictions to a charge of a violation of

1 California Penal Code sections 415 or 602, or any lesser included or related  
2 offense, in satisfaction of, or as a substitute for, any of the previously listed  
3 crimes, or any crime committed while engaged in the ownership of a  
4 massage establishment or the practice of massage therapy.

5 g. Conviction of Health and Safety Code section  
6 11550 or any offense involving the illegal sale, distribution or possession of  
7 a controlled substance specified in Health and Safety Code sections 11054,  
8 11055, 11056, 11057 or 11058.

9 h. Convictions under the laws of other jurisdictions  
10 which proscribe the same or similar conduct as the crimes designated  
11 above. Convictions that have been expunged and convictions under the  
12 laws of other jurisdictions which proscribe the same or similar conduct as  
13 the crimes designated above shall be reported.

14 3. The applicant has been subjected to a permanent  
15 injunction against the conducting or maintaining of a nuisance pursuant to  
16 California Penal Code sections 11225 et seq. or any similar provisions of  
17 law in a jurisdiction outside the state.

18 C. The Chief of Police may postpone decision on a permit  
19 application until the City of Long Beach receives the applicant's fingerprint  
20 review results from the California Department of Justice.

21 5.58.080 Suspension or revocation of Massage Establishment Permit.

22 A. Noncompliance. Failure to comply with any provision of this  
23 Chapter pertaining to a Massage Establishment Permit issuance, or any  
24 rule or regulation adopted pursuant hereto, or with any other provision or  
25 requirement of law, including, but not limited to, this Code and any grounds  
26 that would warrant the denial of initial issuance of a permit hereunder, will  
27 constitute grounds for suspension or revocation of the permit. The  
28 suspension or revocation of the permit shall be governed by the provisions

1 of Chapter 5.06 of this Code.

2 B. Cease activity. No person shall conduct any business or  
3 activity regulated by this Chapter during the pendency of a permit  
4 application or at any time after permit denial or revocation, or during the  
5 time a permit therefor has been suspended. Any person who engages in  
6 any business after a permit has been suspended or revoked and before  
7 such permit has been reinstated or a new permit issued, shall be guilty of a  
8 misdemeanor.

9 C. Unless otherwise specifically provided by law, the burden is  
10 on the applicant or permittee in any hearing under this Chapter to prove that  
11 the determination of the City or an authorized representative which he or  
12 she is appealing is unreasonable, erroneous, or clearly abusive of  
13 discretion.

14 5.58.090 Massage Establishment Permit reapplication.

15 A. Whenever a Massage Establishment Permit application has  
16 been denied or a Massage Establishment Permit has been revoked, no  
17 other such application or permit shall be considered for a period of one (1)  
18 year from either the date notice of the denial or revocation was mailed, or  
19 the date of the final decision of the City Council, whichever is later.

20 B. For the purposes of this Section, the massage establishment  
21 business license and the Massage Establishment Permit shall be one and  
22 the same, and in the event one is suspended, denied or revoked, the other  
23 is simultaneously and automatically deemed suspended, denied or revoked.

24 C. This Section applies to any person whose Massage  
25 Establishment Permit was revoked or whose Massage Establishment  
26 Permit application was denied who later becomes a director or officer of a  
27 corporation, profit or nonprofit, or a member of a partnership, or a person  
28 owning or possessing fifty percent (50%) or more of the shares of a

1 corporation, who seeks to obtain a new Massage Establishment Permit.  
2 This shall also apply to a corporation, profit or nonprofit, whose permit was  
3 revoked or application denied, and to any of its directors or officers or to  
4 any person who owned fifty percent (50%) or more of its shares, who  
5 attempts by way of a new corporation or by the use of their individual  
6 names or by becoming a member of a partnership or a director, officer or  
7 person owning or possessing fifty percent (50%) or more of the shares in  
8 another corporation to obtain a new Massage Establishment Permit.

9 Whenever any Massage Establishment Permit is suspended, the provisions  
10 of this Section shall apply to the permittee during the period of suspension.

11 5.58.100 Massage Establishment Permit nontransferable.

12 A. No Massage Establishment Permit issued hereunder shall be  
13 sold, transferred, or assigned by the permittee, or by operation of law, to  
14 any other person, or from one location to another location for any purpose.  
15 Any such sale, transfer, assignment, attempted sale, attempted transfer or  
16 attempted assignment shall constitute an immediate revocation of the  
17 permit, and the permit shall thereafter be null and void.

18 B. No permittee shall operate under any name or conduct any  
19 massage establishment under any designation or location not specified in  
20 the permit.

21 C. If the information required in the permit application changes, a  
22 new Massage Establishment Permit is required before the business may  
23 continue to operate as a massage establishment. For example, if an owner  
24 or operator to whom a permit has been issued changes a business location,  
25 that owner or operator must apply for a new permit prior to operating a  
26 massage establishment at the new location; or, if the massage  
27 establishment business is sold or otherwise has a change in ownership, the  
28 new owner(s) must apply for a new permit for that location before the

1 business may operate as a massage establishment.

2 D. Any application for an expansion of a building of a massage  
3 establishment shall require compliance with this Chapter and all other  
4 applicable laws.

5 5.58.110 Minimum age requirement.

6 A. No person shall be employed in a massage establishment or  
7 perform massage therapy or manage or hold an ownership interest in a  
8 massage establishment who is not at least 18 years of age.

9 B. It is a misdemeanor for the owner, proprietor, managing  
10 employee, or any other person in charge of any massage establishment to  
11 employ any person under eighteen (18) years of age.

12 5.58.120 Display of permit and certifications.

13 The Massage Establishment Permit and a copy of the CAMTC  
14 certification of each and every massage therapist employed in the massage  
15 establishment shall be displayed in an open and conspicuous place on the  
16 premises. The City massage establishment business license and the  
17 Massage Establishment Permit shall be one and the same, as one  
18 document shall be issued upon business license and permit approval.

19 5.58.130 Facilities and operating requirements.

20 A. Every massage establishment and every massage therapist  
21 shall comply with local, state, and federal standards for such businesses  
22 and practitioners and the following facilities and operations requirements:

23 1. The massage establishment's premises and facilities  
24 shall meet and be maintained in a condition to comply with all applicable  
25 code requirements of the City, county, and state, including, but not limited  
26 to, those related to the safety of structures, adequacy of the plumbing,  
27 lighting, heating, ventilation, waterproofing of rooms in which showers,  
28 water or steam baths are used, and the health and cleanliness of the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

facility.

2. Massage establishments and massage therapists shall at all times have an adequate supply of clean sanitary towels, coverings, and linens. Towels, non-disposable coverings, and linens shall not be used on more than one client, unless they have first been laundered and disinfected. Disposable towels and disposable coverings shall not be used on more than one client. Soiled linens and paper towels shall be deposited in separate receptacles.

3. In the massage establishment, wet and dry heat rooms, steam or vapor rooms or cabinets, toilet rooms, shower and bathrooms, tanning booths, whirlpool baths, and pools shall be thoroughly cleaned and disinfected with a disinfectant as needed, and at least once each day when the premises are open. Bathtubs shall be thoroughly cleaned with a disinfectant after each use. All walls, ceilings, floors, and other physical facilities for the establishment shall be in good repair, and maintained in a clean and sanitary condition.

4. All equipment used in the massage therapy operation shall be maintained in a clean and sanitary condition. Instruments utilized in performing massage therapy shall not be used on more than one client unless they have been sterilized, using standard sterilization methods.

5. Adequate dressing rooms shall be provided to patrons. Dressing rooms may be occupied by no more than one person at a time. Dressing rooms need not be separate from the room in which the massage therapy is being performed.

6. Separate toilet facilities and washbasins are required for each sex as provided by Sections 8.26.050 and 8.26.060 of this Code. All single-user toilet facilities shall be identified as all-gender toilet facilities by signage that complies with Title 24 of the California Code of Regulations,

1 and designated for use by no more than one occupant at a time or for family  
2 or assisted use, per California Health and Safety Code section 118600.  
3 Toilet facilities shall be provided in convenient locations within the massage  
4 establishment and shall include lavatories or wash basins provided with  
5 soap and both hot and cold running water either in the toilet room or  
6 vestibule.

7 7. A minimum of one wash basin for employees shall be  
8 provided at all times. The basin shall be located within or as close as  
9 practicable to the area devoted to performing of massage therapy services.  
10 Soap and sanitary towels shall also be provided at each basin.

11 8. Massage therapy shall be provided or given only  
12 between the hours of 7:00 a.m. and 10:00 p.m. No massage establishment  
13 shall be open and no client shall be in the establishment between 10:00  
14 p.m. and 7:00 a.m.

15 9. No alcoholic beverages shall be sold, served,  
16 furnished, kept, consumed, or possessed on the premises of any massage  
17 establishment, except where authorized by law and, where applicable,  
18 approved by the Department of Development Services.

19 10. Controlled substances must not be consumed in a  
20 massage establishment unless the person has a prescription for the  
21 substance.

22 11. No owner, manager, operator, responsible managing  
23 employee, or permittee shall permit, and no massage therapist contractor  
24 shall offer or perform, any service other than those permitted under this  
25 Chapter.

26 12. No permittee or employee of a massage establishment  
27 shall:

28 a. Expose the sexual or genital part of the

1 permittee or employee in the course of a massage therapy.

2 b. Touch or expose the sexual or genital part of  
3 any other person in the course of a massage therapy.

4 c. Perform massage therapy on a patron with the  
5 intent or purpose of arousing, appealing to, or gratifying the sexual desires  
6 of said patron.

7 d. Perform any task or service associated with the  
8 massage establishment in attire prohibited by California Business and  
9 Professions Code section 4609(10).

10 13. No permittee or employee of a massage establishment  
11 shall place, publish or distribute or cause to be placed, published or  
12 distributed any advertising matter that depicts any portion of the human  
13 body that would reasonably suggest to prospective customers that any  
14 service is available that is prohibited under this Chapter nor shall any  
15 massage establishment employ language in any advertising text or  
16 business name that would reasonably suggest to a prospective client that  
17 any service is available that is prohibited under this Chapter.

18 14. The use or possession of adult-oriented merchandise  
19 in or on any part of a massage establishment is expressly prohibited.

20 15. Condoms must not be kept or used for any purpose in  
21 the massage establishment.

22 16. Recordings.

23 a. No electrical, mechanical or artificial device shall  
24 be used by the operator and/or manager, massage therapist or any  
25 employee of the massage establishment for audio and/or video recording or  
26 for monitoring the performance of a massage therapy, or the conversation  
27 or other sounds in the massage rooms without the knowledge and written  
28 consent of the patron.



1                   22.    Massage establishment personnel or any massage  
2 therapist must not inquire as to whether any client is a peace officer.

3                   23.    Artificial or natural light must be provided to produce a  
4 minimum of ten (10) foot candles of light in all parts of the massage  
5 establishment, in accordance with OSHA Regulations, Standard – 29 CFR,  
6 Standard Number 1926.56, Title – Illumination, table D-3, and Article 220 of  
7 the National Electric Code.

8    5.58.140    Responsibility of employer/permittee.

9                   A.    It shall be the responsibility of the massage establishment  
10 permittee who employs or allows any person acting or purporting to act as a  
11 massage therapist, or the employer of any person acting or purporting to  
12 act as a massage therapist, to ensure that such person complies with the  
13 requirements of this Chapter and all laws, including obtaining and  
14 maintaining CAMTC certification.

15                  B.    The massage establishment permittee shall be held  
16 responsible for the conduct of all persons on the premises who engage in  
17 providing the service of massage therapy. Any act or omission of any  
18 person giving massage therapy, or any service of massage therapy, shall  
19 be deemed the act or omission of the holder of the Massage Establishment  
20 Permit for the purposes of determining whether the permit may be revoked,  
21 suspended, or denied. Proof of knowledge of any violation of this section  
22 shall not be required for purposes of suspension, revocation, or denial of a  
23 Massage Establishment Permit.

24    5.58.150    Applicability to existing businesses.

25                  A.    Any business establishment operating as a massage  
26 establishment under an existing business license on the effective date of  
27 this Chapter shall be brought into full compliance with the provisions of this  
28 Chapter not later than one hundred eighty (180) days following the effective

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

date of this Chapter, except where otherwise specified herein.

B. All persons currently holding a valid massage technician permit issued by the Chief of Police shall have one (1) year following the enactment of this Chapter in which to become a CAMTC certified massage therapist, certified massage practitioner, or conditionally certified massage practitioner pursuant to California Business and Professions Code Sections 4600 et seq.; failure to comply with this requirement shall result in immediate suspension and/or revocation of the existing permit and/or related license.

C. Any business that holds itself out as a massage establishment in any way including, without limitation, the advertising and soliciting of massages, will be subject to the provisions of this Chapter, unless expressly exempt by this Chapter.

5.58.160 Cease of business.

A Massage Establishment Permit issued pursuant to this Chapter shall become null and void upon the cessation of the business operations and/or the relocation of the business to a different property or address. Permittees shall notify the Director of Financial Management in writing if at any time during the duration of a permit issued under this Chapter a permittee ceases to do business as a massage establishment.

5.58.170 Inspections.

A. The Director of Financial Management, the Health Officer, the Chief of Police, and authorized representatives of concerned City departments are empowered to enter any massage establishment, or other place of business where massage occurs or is suspected of occurring, during any hour in which a massage establishment, or other place of business where massage occurs or is suspected of occurring, is operating, for the purpose of inspection, including the taking of photographs, samples

1 or other items that are plainly visible, to the extent permissible by law, and  
2 to enforce any of the provisions of this Chapter, or of any applicable law,  
3 rule or regulation governing such places in the City.

4 B. No person shall refuse to permit or allow the Director of  
5 Financial Management, the Health Officer, any authorized inspector, or any  
6 representatives of concerned City departments, to enter, inspect or  
7 examine any portion of any massage establishment or other place of  
8 business where massage occurs. No person shall interfere with, hinder, or  
9 harass, in any manner, any City representative in the inspection or the  
10 examination of such massage establishment or other place of business  
11 where massage occurs.

12 5.58.180 Enforcement and penalties.

13 A. It is the duty of the Chief of Police, or other authorized City  
14 officials and their designees, to enforce the rules and regulations in  
15 accordance with this Chapter.

16 B. Each day a violation exists constitutes a separate and distinct  
17 offense. Suspension or revocation of a Massage Establishment Permit shall  
18 be governed by the provisions of this Chapter.

19 C. Pursuant to the City's prosecutorial discretion, the City may  
20 enforce violations of the provisions of this Chapter as criminal actions, and  
21 the City may also enforce violations of this Chapter as civil and/or  
22 administrative actions.

23 D. If a person falsely states or advertises or puts out any sign or  
24 card or other device, or falsely represents to the public through any print or  
25 electronic media, that he or she or any other individual is licensed, certified,  
26 or registered by a governmental agency as a massage therapist or  
27 massage practitioner, that person shall be subject to a civil penalty not to  
28 exceed two thousand five hundred dollars (\$2,500) for each violation, to be

1 assessed and collected in a civil action brought by the City Attorney, District  
2 Attorney, or Attorney General.

3 E. Unless otherwise stated in this Chapter, violation of any  
4 provision of this Chapter is a misdemeanor and is punishable by a fine of  
5 not more than one thousand dollars (\$1,000) or by imprisonment for not  
6 more than six (6) months or by both such fine and imprisonment.

7 Revocation of a license or permit or certificate shall not be a defense  
8 against prosecution.

9 F. Any massage establishment operated, conducted or  
10 maintained contrary to the provisions of this Chapter shall be unlawful and a  
11 public nuisance, and the City may, in addition to or in lieu of prosecuting a  
12 criminal action hereunder, commence an action(s) or proceeding(s) for the  
13 abatement, removal and enjoinder thereof, in a manner provided by law.

14 5.58.190 Severability.

15 If any section, subsection, subdivision, paragraph, sentence, clause  
16 or phrase of this Chapter, or its application to any person or circumstance, is  
17 for any reason held to be invalid or unenforceable, such invalidity or  
18 unenforceability shall not affect the validity of enforceability of the remaining  
19 sections, subsections, subdivisions, paragraphs, sentences, clauses or  
20 phrases of this Chapter, or its application to any other person or  
21 circumstance. The City of Long Beach declares that it would have adopted  
22 each section, subsection, subdivision, paragraph, sentence, clause or  
23 phrase hereof, irrespective of the fact that any one (1) or more sections,  
24 subsections, subdivisions paragraphs, sentences, clauses or phrases  
25 hereof be declared invalid or unenforceable.

26 //

27 //

28 //

1                   Section 2.    Section 21.15.110 of the Long Beach Municipal Code is  
2 amended to read as follows:

3                   21.15.110    Adult entertainment business.

4                   "Adult entertainment business" refers to any use defined in this  
5 Section.

6                   A.        "Adult bookstore" means an establishment having twenty  
7 percent (20%) or more of its stock in trade in books, magazines and other  
8 periodicals, videotapes or other similar materials on display or available for  
9 sale or viewing on the premises which are distinguished or characterized by  
10 their emphasis on matter depicting, describing or relating to specified  
11 sexual activities or specified anatomical areas.

12                  B.        "Adult mini motion picture theater" means an enclosed  
13 building with a capacity for less than fifty (50) persons, which is used for  
14 presenting, on a regular and substantial basis, material distinguished or  
15 characterized by an emphasis on matter depicting or relating to specified  
16 sexual activities or specified anatomical areas for observation by patrons in  
17 the facility.

18                  C.        "Adult motion picture arcade" means any place to which the  
19 public is permitted or invited and where coin or slug operated or  
20 electronically, electrically or mechanically controlled still or motion picture  
21 machines, projectors or other image producing devices are maintained to  
22 show images on a regular and substantial basis, where the images so  
23 displayed are distinguished or characterized by an emphasis on depicting  
24 or describing specific sexual activities or specified anatomical areas.

25                  D.        "Adult motion picture theater" means an enclosed building  
26 with a capacity of fifty (50) or more persons, which is used for representing  
27 on a regular and substantial basis, material distinguished or characterized  
28 by an emphasis on matter depicting, describing or relating to specified

1 sexual activities or specified anatomical areas for observation by patrons in  
2 the facility.

3 E. "Cabaret" means a nightclub, theater or other establishment  
4 which features live performances by topless and/or bottomless dancers,  
5 exotic dancers, strippers, wrestlers, or similar entertainers, and where such  
6 performances are distinguished or characterized by an emphasis on  
7 specified sexual activities or display specified anatomical areas.

8 F. "Model studio" means any premises on which there is  
9 conducted any business where, for any fee, compensation, consideration or  
10 gratuity, figure models who display specified anatomical areas are provided  
11 to be observed, sketched, drawn, painted, sculptured, photographed or  
12 otherwise depicted by persons paying such consideration or gratuity. For  
13 the purposes of this Section, "model studio" shall not be deemed to include:

14 1. Any art studio or art gallery maintaining a business  
15 license in the City where the activity described in this Subsection is carried  
16 on as an activity that is accessory to the principal use, provided that the  
17 operator complies with the additional conditions and specifications as set  
18 forth in Chapter 21.51 entitled "Accessory Uses"; or

19 2. Live nude art drawing or painting, or classes related  
20 thereto, that are conducted at an educational institution such as a private or  
21 public school, vocational school, college, or university qualified by the State  
22 Board of Education to give general academic instruction.

23 G. "Sexual encounter center" means any business, agency or  
24 person who, for any form of consideration or gratuity, provides a place  
25 where three (3) or more persons may congregate, assemble or associate  
26 for the purpose of engaging in specified sexual activities or exposing  
27 specified anatomical areas.

28 H. For the purposes of this Section, "specified anatomical areas"

1 include the human male or female genitals, pubic hair, anus, cleft of the  
2 buttocks, or vulva with less than a fully opaque covering and/or covered  
3 male genitals in a turgid state. This provision may not be complied with by  
4 applying an opaque covering simulating the appearance of the specific  
5 anatomical part required to be covered.

6 I. For the purpose of this Section, "specified sexual activities"  
7 include:

8 1. Actual or simulated sexual intercourse, anal  
9 intercourse, oral or anal copulation, bestiality, pedophilia, necrophilia, direct  
10 physical stimulation of unclothed genitals, flagellation or torture in the  
11 context of sexual relationship, or the use of excretory functions in the  
12 context of a sexual relationship; or

13 2. Clearly depicted human genitals in a state of sexual  
14 stimulation, arousal or tumescence; or

15 3. Use of human or animal masturbation, sodomy, oral  
16 copulation, coitus, ejaculation; or

17 4. Fondling or touching of nude human genitals, pubic  
18 region, buttocks or female breast; or

19 5. Masochism, erotic or sexually oriented torture, beating  
20 or the infliction of pain; or

21 6. Erotic or lewd touching, fondling or other contact with  
22 an animal by a human being; or

23 7. Human erection, urination, menstruation, vaginal or  
24 anal irrigation.

25 J. For the purpose of this Section, "regular and substantial  
26 basis" means presenting such material on four (4) or more days within any  
27 calendar month. Presenting such material on three (3) or fewer  
28 nonconsecutive days within a calendar month with at least seven (7) days

1 between the days the material is presented shall be deemed occasional or  
2 incidental and not a violation. However, presenting such material on  
3 consecutive days or with less than a seven (7) day interval between  
4 showings is a violation. An establishment under one ownership or  
5 management at one (1) location shall be considered one (1) "business"  
6 even though there may be more than one (1) screening room or viewing  
7 room at that location.

8  
9 Section 3. Section 21.15.1725 of the Long Beach Municipal Code is  
10 amended to read as follows:

11 21.15.1725 Massage establishment.

12 "Massage establishment" means any business that offers massage  
13 therapy in exchange for compensation, as more particularly defined in  
14 Section 5.58.020.L of this Code. "Massage establishment" includes  
15 massage as a primary use, or as an accessory use for a hotel over one  
16 hundred (100) rooms, physician, chiropractor, health club, beauty salon, nail  
17 salon, and the like.

18  
19 Section 4. Section 21.32.035 of the Long Beach Municipal Code is  
20 amended to read as follows:

21 21.32.035 Adult entertainment business.

22 Any business considered an "adult Entertainment business" as  
23 defined in Subsection 21.15.110 of this Title shall be subject to special  
24 locational standards as indicated in Chapter 21.45 (Special Development  
25 Standards).

26 //

27 //

28 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Section 5. Table 32-1 "Uses in All Other Commercial Zoning Districts" of Chapter 21.32 of the Long Beach Municipal Code shall be amended by amending "Massage therapy" and by adding "Massage Establishment (Primary Use)" as follows:

TABLE 32-1 Uses in All Other Commercial Zoning Districts										
	Neighborhood			Community				Regional	Other	
Massage Establishment	A	A	A	A	A	A	A	A	A	Accessory use for hotel over one hundred (100) rooms, a physician, chiropractor, health club, beauty salon, nail salon, and the like.
Massage Establishment (Primary Use)	AP	AP	AP	AP	AP	AP	AP	AP	AP	

Section 6. Section 21.33.050 of the Long Beach Municipal Code is amended to read as follows:

21.33.050 Adult entertainment businesses.

Any business considered an "adult entertainment business," as defined in Subsection 21.15.110 of this Title, shall be subject to the special locational standards contained in Chapter 21.45 (Special Development Standards).

//  
//  
//  
//

1                   Section 7.    Section 21.34.030 of the Long Beach Municipal Code is  
2 amended to read as follows:

3           21.34.030    Adult entertainment business.

4                   Any business considered an "adult entertainment business" as  
5 defined by Subsection 21.15.110 of this Title shall be subject to special  
6 locational standards as indicated in Chapter 21.45 (Special Development  
7 Standards).

8  
9                   Section 8.    Section 21.35.030 of the Long Beach Municipal Code is  
10 amended to read as follows:

11           21.35.030    Adult entertainment business.

12                   Pertaining to the proximity of such uses to parks, any business  
13 considered an "adult entertainment business" as defined by Subsection  
14 21.15.110 of this Title shall be subject to special locational standards as  
15 indicated in Chapter 21.45, "Special Development Standards".

16  
17                   Section 9.    Section 21.52.030 is added to the Long Beach Municipal  
18 Code to read as follows:

19           21.52.030    Massage establishments.

20                   The following conditions shall apply to massage establishments  
21 indicated in Table 32-1 where massage is the primary use:

22                   A.    For new massage establishments, the proposed location for  
23 the massage establishment must not be fewer than seven hundred fifty  
24 (750) feet from another massage establishment as measured from the  
25 property lines. For existing massage establishments that are located within  
26 seven hundred fifty (750) feet of another massage establishment at the time  
27 this Section is enacted, those massage establishments are not required to  
28 relocate but are subject to the provisions of Chapter 5.58 and Title 21 of the

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Long Beach Municipal Code, and any other applicable federal, state and local law.

B. No massage establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs or substantially darkens the view into the premises at any time. The interior of the business shall be plainly visible from the exterior of the business by passing vehicles and pedestrians.

C. A massage establishment shall post, near the public entrance of the establishment or in another conspicuous place in clear view of the public and employees where similar notices are customarily posted, a notice sized at least 8.5 inches by 11 inches with a minimum of 16-point font stating as follows:

**If you or someone you know is being forced to engage in any activity and cannot leave —whether it is commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity— call the National Human Trafficking Resource Center at 1-888-373-7888 or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2-FRE(EDOM) or 1-888-539-2373 to access help and services.**

Section 10. Section 21.51.243 of the Long Beach Municipal Code is hereby repealed.

//  
//  
//  
//  
//  
//

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Section 11. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS TO THE LONG BEACH ZONING REGULATIONS TO THE CALIFORNIA COASTAL COMMISSION FOR APPROVAL

WHEREAS, on \_\_\_\_\_, 2018, the City Council of the City of Long Beach amended certain provisions of the Long Beach Zoning Regulations, Title 21 of the Long Beach Municipal Code, relating to massage establishments; and

WHEREAS, it is the desire of the City Council to submit the above referenced zoning regulation amendments to the California Coastal Commission for its review; and

WHEREAS, the Planning Commission and City Council gave full consideration to all facts and the proposals respecting the amendments to the zoning regulations at a properly noticed and advertised public hearing; and

WHEREAS, the City Council approved the proposed amendments to the zoning regulations by adopting amendments to Title 21. The proposed zoning regulation amendments are to be carried out in a manner fully consistent with the Coastal Act and become effective in the Coastal Zone immediately upon Coastal Commission certification; and

WHEREAS, the City Council hereby finds that the proposed amendments will not adversely affect the character, livability or appropriate development in the City of Long Beach and that the amendments are consistent with the goals, objectives and provisions of the General Plan.

///

///

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 2018, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City Clerk

OFFICE OF THE CITY ATTORNEY  
CHARLES PARKIN, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664



AGENDA ITEM No. 6

**CITY OF LONG BEACH**

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-8068

February 15, 2018

**CHAIR AND PLANNING COMMISSIONERS**

City of Long Beach

California

**RECOMMENDATION:**

Recommend that the City Council adopt Negative Declaration ND-05-17, and approve a Zoning Code Amendment (ZCA17-012) and submittal of a Local Coastal Program Amendment (LCPA17-007) to amend the Long Beach Municipal Code Chapter 21.15 and Sections 21.32, 21.33, 21.34 and 21.35, related to defining and permitting Massage Establishments. (Citywide)

**APPLICANT:** City of Long Beach  
333 West Ocean Boulevard  
Long Beach, CA 90802  
(Application No. 1705-04)

**DISCUSSION**

The Long Beach Municipal Code contains regulations for massage establishments and massage technicians for the protection of public health, safety, and welfare. The regulations are located in both Title 5, Regulation of Businesses, Trades, and Professions, and Title 21, Zoning. Title 5 sets forth definitions and operational standards while Title 21 sets forth which zoning districts allow accessory massage establishments. Changes in State law triggered the need for cities to update regulation of massage establishments. In 2008, Senate Bill 731 was signed into law and authorized the creation of the Massage Therapy Act (set to conclude at the end of 2014). Subsequently, Assembly Bill 1147 (AB 1147) was enacted (effective January 1, 2015) to replace – and to some extent, “fix” – Senate Bill 731. The proposed ordinance responds to provisions of AB 1147.

**State Law**

The primary goals of SB 731 were to professionalize the massage industry and create universal, State-wide standards for massage businesses and practitioners. The Bill prohibited local jurisdictions from imposing land use regulations on massage businesses that were different from those imposed on other professional services, provided operators and practitioners within the establishment were certified by the California Massage Therapy Council (CAMTC). The CAMTC is a nonprofit public benefit corporation created under the Bill to oversee a voluntary certification process for massage practitioners. This stripping of local controls had the unintended consequence of causing the proliferation of illicit

## CHAIR AND PLANNING COMMISSIONERS

February 15, 2018

Page 2 of 4

massage establishments and an increase in prostitution and human trafficking cases in many jurisdictions.

Adoption of AB 1147 restored local regulatory authority over massage businesses and practitioners by allowing local governments to impose reasonable conditions on licensing, operations, and business locations. The Bill also made CAMTC certification mandatory, thereby dividing regulation responsibility between State and local governments. Assembly Bill 1147 allows local governments to use their regulatory and land use authority to ensure the best interests of the community, such as ensuring public safety, reducing human trafficking, and implementation of local standards.

Assembly Bill 2194, which went into effect on January 1, 2017, extended AB 1147 for an additional four years and expanded sections of the original bill related to regulatory fees, facility standards, and CAMTC background check policy.

### Proposed Ordinance Amendments

Current Title 5 contains massage operator and practitioner licensing requirements, facility standards, and inspection criteria. These regulations, in Section 5.58, Massage Establishments, and last amended in 1998, are proposed to be amended and restated entirely. The proposed amendments to Title 5 are intended to provide safeguards against personal injury and economic loss due to improperly trained or undereducated massage practitioners and safeguards against prostitution, sex trafficking, and other unlawful sexual activities that have been known to occur in establishments offering massage services.

Specific amendments to Title 5 include requiring mandatory CAMTC certification – and certification maintenance; certification is for a two-year time period – for all massage practitioners, Police Department review of all massage operator and practitioner license applications, a prohibition on operating hours between 10:00 p.m. and 7:00 a.m., and a prohibition on the use, possession, or sale of adult-oriented merchandise, alcohol, or controlled substances. Information on the proposed Title 5 amendments is included in this report (and detailed in the report's ordinance exhibit) for contextual purposes only. The requested Planning Commission action is for a recommendation on proposed amendments to Title 21, only.

Currently, Title 21 identifies uses where massage services are the primary business conducted on the premises as a "Massage Parlor" and classifies them as an Adult Entertainment Business, as defined in Section 21.15.110. This classification includes uses such as adult book stores, adult motion picture theaters, cabarets, and sexual encounter centers. However, the stigma associated with massage uses has changed over time. By and large, massage establishments are now perceived as a personal service suitable to be located within shopping centers or other commercial areas.

Adult Entertainment Business uses are subject to Special Development Standards located in Section 21.45.110 that include restrictions on possible locations (separation

requirements from residential zones, schools, parks, churches, other Adult Entertainment Businesses). This section also includes outright prohibition of such uses on specific street sections identified by the Long Beach Police Department as problematic (experiencing a high rate of arrests for prostitution, lewd behavior, and disorderly conduct), business hours of operation (mandatory ceasing of operations between 12:00 a.m. and 9:00 a.m.), and site security.

The following section describes the proposed Zoning Code changes, which are contained in the Draft Zoning Code Amendment (Exhibit A – Draft Zoning Code Amendment and Redlined Text).

The proposed modifications to Title 21 would redefine a business engaged in primary use massage services as a "Massage Establishment". It would remove the use from the Adult Entertainment Business classification, instead defining it as a personal service use subject to approval of an Administrative Use Permit (AUP) in all commercial zones and Planned Development Districts that permit commercial uses. The AUP process would allow for public notification of new requests, a decision in a public forum (Zoning Administrator action, subject to Planning Commission appeal), and a case-by-case evaluation of the proposed location and business operations. Additionally, the AUP requirement creates an additional enforcement tool for permitted establishments that are found to be in violation of their conditions of approval. Such enforcement actions could include a revocation hearing for those permitted establishments that do not come into compliance for identified violations.

Massage services will remain a permitted, by-right accessory use (accessory use being defined in the City of Long Beach as no more than 49 percent floor area occupancy within an establishment) when associated with a primary use hotel over one-hundred (100) rooms, physician's or chiropractor's office, health club, beauty salon, nail salon, or similar business. Massage Establishments as a home occupation use will remain expressly prohibited.

Special development standards for Massage Establishments as a primary use will be added to Chapter 21.52. These conditions include a 500-foot buffer between primary use Massage Establishments, window coverage restrictions, and a requirement to post an on-premises notice containing resource information related to human trafficking. These special conditions when added to the operating and licensing restrictions proposed in Title 5 and the request-specific conditions added through the AUP process will ensure minimal impact on surrounding land uses and the prevention of overconcentration of Massage Establishment uses.

The Municipal Code does not set forth required findings for approval of a Zoning Code Amendment. However, the proposed amendments are consistent with the General Plan, specifically upholding the Land Use Element's emphasis on maintaining and improving the quality of life and the Public Safety Element's emphasis on creating safer physical environments. Staff recommends that the Planning Commission recommend that the City



REDLINED VERSION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

21.15.110 - Adult entertainment business.

Adult entertainment business" refers to any use defined in this Section.

A. "Adult bookstore" means an establishment having twenty percent (20%) or more of its stock in trade in books, magazines and other periodicals, videotapes or other similar materials on display or available for sale or viewing on the premises which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

B. "Adult mini motion picture theater" means an enclosed building with a capacity for less than fifty (50) persons, which is used for presenting, on a regular and substantial basis, material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons in the facility.

C. "Adult motion picture arcade" means any place to which the public is permitted or invited and where coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images on a regular and substantial basis, where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specific sexual activities or specified anatomical areas.

D. "Adult motion picture theater" means an enclosed building with a capacity of fifty (50) or more persons, which is used for representing on a regular and substantial basis, material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons in the facility.

OFFICE OF THE CITY ATTORNEY  
CHARLES PAKSON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 E. "Cabaret" means a nightclub, theater or other establishment which  
2 features live performances by topless and/or bottomless dancers, exotic dancers  
3 strippers, wrestlers, or similar entertainers, and where such performances are  
4 distinguished or characterized by an emphasis on specified sexual activities or  
5 display specified anatomical areas.

6 ~~F. "Massage parlor" means an establishment regulated as a~~  
7 ~~massage parlor pursuant to Chapter 5.58 of the municipal code where, for any~~  
8 ~~form of consideration or gratuity, massage, alcohol rub, administration of~~  
9 ~~fomentations, electric or magnetic treatments or any other treatment or~~  
10 ~~manipulation of the human body occurs.~~

11 ~~A massage parlor is a principal land use where the massage service~~  
12 ~~is the primary business conducted on the premises.~~

13 GF. "Model studio" means any premises on which there is conducted  
14 any business where, for any fee, compensation, consideration or gratuity, figure  
15 models who display specified anatomical areas are provided to be observed,  
16 sketched, drawn, painted, sculptured, photographed or otherwise depicted by  
17 persons paying such consideration or gratuity. For the purposes of this Section,  
18 "model studio" shall not be deemed to include:

19 1. Any art studio or art gallery maintaining a business license in the  
20 City where the activity described in this Subsection is carried on as an activity that  
21 is accessory to the principal use, provided that the operator complies with the  
22 additional conditions and specifications as set forth in Chapter 21.51 entitled  
23 "Accessory Uses"; or

24 2. Live nude art drawing or painting, or classes related thereto, that  
25 are conducted at an educational institution such as a private or public school,  
26 vocational school, college, or university qualified by the State Board of Education  
27 to give general academic instruction.

28 HG. "Sexual encounter center" means any business, agency or

1 person who, for any form of consideration or gratuity, provides a place where three  
2 (3) or more persons may congregate, assemble or associate for the purpose of  
3 engaging in specified sexual activities or exposing specified anatomical areas.

4 H. For the purposes of this Section, "specified anatomical areas"  
5 include the human male or female genitals, pubic hair, anus, cleft of the buttocks,  
6 or vulva with less than a fully opaque covering and/or covered male genitals in a  
7 turgid state. This provision may not be complied with by applying an opaque  
8 covering simulating the appearance of the specific anatomical part required to be  
9 covered.

10 J. For the purpose of this Section, "specified sexual activities"  
11 include:

- 12 1. Actual or simulated sexual intercourse, anal intercourse, oral or  
13 anal copulation, bestiality, pedophilia, necrophilia, direct physical stimulation of  
14 unclothed genitals, flagellation or torture in the context of sexual relationship, or  
15 the use of excretory functions in the context of a sexual relationship; or
- 16 2. Clearly depicted human genitals in a state of sexual stimulation,  
17 arousal or tumescence; or
- 18 3. Use of human or animal masturbation, sodomy, oral copulation,  
19 coitus, ejaculation; or
- 20 4. Fondling or touching of nude human genitals, pubic region,  
21 buttocks or female breast; or
- 22 5. Masochism, erotic or sexually oriented torture, beating or the  
23 infliction of pain; or
- 24 6. Erotic or lewd touching, fondling or other contact with an animal by  
25 a human being; or
- 26 7. Human erection, urination, menstruation, vaginal or anal irrigation.

27 K. For the purpose of this Section, "regular and substantial basis"  
28 means presenting such material on four (4) or more days within any calendar

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

month. Presenting such material on three (3) or fewer nonconsecutive days within a calendar month with at least seven (7) days between the days the material is presented shall be deemed occasional or incidental and not a violation. However, presenting such material on consecutive days or with less than a seven (7) day interval between showings is a violation. An establishment under one ownership or management at one (1) location shall be considered one (1) "business" even though there may be more than one (1) screening room or viewing room at that location.

21.15.1725 - Massage ~~therapy~~Establishment.

"Massage ~~therap~~establishment" means ~~the non-adult entertainment business of massage. Non-adult entertainment massage is limited to an access~~ use to a physician, chiropractor, health club or beauty salon any business that offers massage therapy in exchange for compensation, as more particularly defined in Section 5.58.020.J of this Code. "Massage establishment" includes massage as a primary use, or as an accessory use for a hotel over one hundred (100) rooms, physician, chiropractor, health club, beauty salon, nail salon, and the like.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

21.32.035 - Adult Entertainment business.

Any business considered an "adult Entertainment business" as defined in Subsections 21.15.110.A through 21.15.110.K of this Title shall be subject to special locational standards as indicated in Chapter 21.45 (Special Development Standards).

TABLE 32-1

Uses in All Other Commercial Zoning Districts

	Neighborhood			Community				Regional	Other	
Massage <del>therapy</del> Establishment	A	A	A	A	A	A	A	A	A	Accessory use for a hotel over one hundred (100) rooms, physician, chiropractor, health club, beauty salon, nail salon, and the like. Special conditions (see Section 21.51.243).  Special adult entertainment standards for massage parlor (see Section 21.45.110).
Massage Establishment (Primary Use)	AP	AP	AP	AP	AP	AP	AP	AP	AP	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

21.33.050 - Adult entertainment businesses.

Any business considered an "adult entertainment business," as defined in Subsections 21.15.110.A through 21.15.110.K of this Title, shall be subject to the special locational standards contained in Chapter 21.45 (Special Development Standards).

21.34.030 - Adult entertainment business.

Any business considered an "adult entertainment business" as defined by Subsections 21.15.110.A through 21.15.110.K of this Title shall be subject to special locational standards as indicated in Chapter 21.45 (Special Development Standards).

21.35.030 - Adult entertainment business.

Pertaining to the proximity of such uses to parks, any business considered an "adult entertainment business" as defined by Subsections 21.15.110.A through 21.15.110.K of this Title shall be subject to special locational standards as indicated in Chapter 21.45, "Special Development Standards".

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

21.52.030 – Massage Establishments.

The following conditions shall apply to Massage Establishments indicated in Table 32-1 where massage is the primary use:

A. For new Massage Establishments, the proposed location for the Massage Establishment must not be fewer than seven hundred fifty (750) feet from another Massage Establishment as measured from the property lines. For existing Massage Establishments that are located within seven hundred fifty (750) feet of another Massage Establishment at the time this Section is enacted, those Massage Establishments are not required to relocate but are subject to the provisions of Chapter 5.58 and Title 21 of the Long Beach Municipal Code, and any other applicable federal, state and local law.

B. No massage establishment located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting area through the use of curtains, closed blinds, tints, or any other material that obstructs or substantially darkens the view into the premises at any time. The interior of the business shall be plainly visible from the exterior of the business by passing vehicles and pedestrians.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

C. A Massage Establishment shall post, near the public entrance of the establishment or in another conspicuous place in clear view of the public and employees where similar notices are customarily posted, a notice sized at least 8.5 inches by 11 inches with a minimum of 16-point font stating as follows:

If you or someone you know is being forced to engage in any activity and cannot leave —whether it is commercial sex, housework, farm work, construction, factory, retail, or restaurant work, or any other activity— call the National Human Trafficking Resource Center at 1-888-373-7888 or the California Coalition to Abolish Slavery and Trafficking (CAST) at 1-888-KEY-2-FRE(EDOM) or 1-888-539-2373 to access help and services.

~~21.51.243 – Massage therapy.~~

~~Massage therapy as a nonadult entertainment business shall be limited to an accessory use for a physician, chiropractor, health club, beauty salon, or hotel over one hundred (100) rooms.~~



**Long Beach  
Massage Establishment  
Municipal Code Amendment**

NEGATIVE DECLARATION

ND 05-17

*Prepared by:*

**City of Long Beach**  
Department of Development Services  
Planning Bureau

## INITIAL STUDY

**Project Title:**

Long Beach Massage Establishment Municipal Code Amendment

**Lead agency name and address:**

City of Long Beach  
333 W. Ocean Boulevard, 5<sup>th</sup> Floor  
Long Beach, CA 90802

**Contact person and phone number:**

Craig Chalfant, Senior Planner  
(562) 570-6368

**Project Location:**

City of Long Beach, County of Los Angeles, California.

**Project Sponsor's name and contact information:**

City of Long Beach, Long Beach Development Services  
c/o Christopher Koontz  
333 W. Ocean Boulevard, 5<sup>th</sup> Floor  
Long Beach, CA 90802  
(562) 570-6288

**General Plan:**

The proposed Massage Establishment Municipal Code Amendment would cover all General Plan Land Use Districts that apply to any commercial zoning district, Specific Plan or Planned Development (PD) district that permit commercial land uses in the City of Long Beach.

**Zoning:**

The proposed Municipal Code Amendment applies to all commercial zoning districts, except for the CS Commercial Storage district, and all Specific Plans and Planned Development districts that permit commercial land uses in the City of Long Beach.

**Project Background:**

In 2008 the State of California legislature adopted Senate Bill (SB) 731. The intent of this bill was to professionalize the massage industry and create universal, State-wide standards for massage establishments and practitioners. This bill prohibited local jurisdictions from imposing land use regulations on massage establishments that were different from those imposed on other professional services, provided operators and practitioners within the establishment were certified by the California Massage Therapy Council (CAMTC), a nonprofit public benefit corporation created under this bill to oversee a voluntary certification process for massage practitioners. This loss of local controls had the unintended consequence of causing the proliferation of illicit massage

establishments and a jump in prostitution and human trafficking cases in many jurisdictions. Efforts by local police departments to address these issues were met with resistance due to SB 731.

Assembly Bill (AB) 1147, effective January 1, 2015, restored local regulatory authority over massage establishments and practitioners by allowing local governments to impose reasonable conditions on licensing, operations, and business locations. This bill also made CAMTC certification mandatory, thereby dividing regulatory responsibility between the state and local governments. AB 1147 allows local governments to use their regulatory and land use authority to ensure the best interests in the community, such as ensuring public safety, reducing human trafficking, and implementation of local standards.

**Project Description:**

The proposed project (Application No. 1705-04), which includes a Zoning Code Amendment (ZCA17-012) and Local Coastal Program Amendment (LCPA17-007), involves amendments to the Long Beach Municipal Code (LBMC) to expand the procedural and operating requirements for massage establishments. Amendments to LBMC Title 5 (Regulation of Businesses, Trades and Professions) include mandatory CAMTC certification for all massage practitioners, Police Department review of all massage license applications, a prohibition on operating hours between 10:00 p.m. and 7:00 a.m., and a prohibition on the use, possession, or sale of adult-oriented merchandise, alcohol, or controlled substances. Amendments to LBMC Title 21 (Zoning Regulations) include removing primary use massage establishments from the “Adult Entertainment Business” definition, changing the “Massage Therapy” definition to “Massage Establishment,” and requiring an Administrative Use Permit for primary Massage Establishment uses in commercial zoning districts. Additionally, special conditions for primary use Massage Establishments will be added to LBMC Chapter 21.52. These conditions include a 500-foot buffer between primary use Massage Establishments, window coverage restrictions, and a requirement to post an on-premises notice containing resource information related to human trafficking. Massage operations in conjunction with select commercial uses (hotel over 100 rooms, physician, chiropractor, health club, beauty salon, nail salon, and similar uses) will remain a permitted as an accessory use only to these select commercial uses.

**Surrounding land uses and settings:**

The City of Long Beach is adjacent to the following municipalities: City of Los Angeles (Wilmington, Port of Los Angeles), Carson, Compton, Paramount, Bellflower, Lakewood, Hawaiian Gardens, Cypress, Los Alamitos and Seal Beach. It is also adjacent to the unincorporated communities of Rancho Dominguez and Rossmoor. In addition, the City of Signal Hill is completely surrounded by the City of Long Beach.

**Public agencies whose approval is required:**

Long Beach Planning Commission (recommend City Council adopt Negative Declaration 05-17 and approve Application No. 1705-04)

Long Beach City Council (adopt Negative Declaration 05-17 and approve Application No. 1705-04)

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages:

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Population and Housing
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards and Hazardous Materials	<input type="checkbox"/> Public Services
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Hydrology and Water Quality	<input type="checkbox"/> Recreation
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Land Use and Planning	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Utilities and Service Systems
<input type="checkbox"/> Geology and Soils	<input type="checkbox"/> Noise	<input type="checkbox"/> Mandatory Findings of Significance

**DETERMINATION:**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis, as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

---

Craig Chalfant  
Senior Planner

---

Date

## EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are supported adequately by the information sources a lead agency cites in the parenthesis following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration; Less Than Significant With Mitigation Incorporation” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or Negative Declaration (per Section 15063(c)(3)(D)). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effect were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Supporting information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 7) The explanation of each issue should identify:
  - a) The significance criteria or threshold. If any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

**I. AESTHETICS**

**a. Would the project have a substantial adverse effect on a scenic vista?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The proposed Massage Establishment Municipal Code Amendment (Massage Establishment MCA) would not result in significant adverse effects to any scenic vistas or public views of scenic vistas. The City topography is relatively flat, with scenic vistas of the ocean to the south and Palos Verdes to the west. In addition, distant views of the San Gabriel and San Bernardino Mountains to the north as well as the Santa Ana Mountains to the east are occasionally available to the public on days of clear visibility (primarily during the winter months).

The Massage Establishment MCA involves amendments to the City's Municipal Code regarding the regulation of massage establishment land uses. Implementation of the proposed Massage Establishment MCA would allow for the orderly operations of massage establishments in a manner providing greater public protection from potential adverse effects of such land use operations (e.g., operating in unsanitary conditions). This proposed project would not result in any negative impacts to the City's visual environment. Therefore, no further analysis of this environmental issue is necessary.

**b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

There are no State scenic highways located within the City. No scenic resources, trees or rock outcroppings would be damaged as a result of Massage Establishment MCA implementation. There would therefore be no impact to any natural scenic resource and no further analysis is required.

**c. Would the project substantially degrade the existing visual character or quality of the site and its surroundings?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section I.a. and b. above for discussion.

**d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

All future massage establishment operations would be required to comply with all applicable regulations, including Long Beach Municipal Code Chapter 9.37 (Long Beach Nuisance Code). Since Massage Establishment MCA implementation would not directly or indirectly create any adverse light or glare impacts, no further analysis is required.

**II. AGRICULTURE RESOURCES**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

**a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**c. Would the project involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

For Sections II. a., b. and c. - There are no agricultural zones within the City of Long Beach, which is a fully urbanized community that has been built upon for over half a century. The Massage Establishment MCA would have no effect upon agricultural resources within the City of Long Beach or any other neighboring city or county.

### III. AIR QUALITY

The South Coast Air Basin is subject to some of the worst air pollution in the nation, attributable to its topography, climate, meteorological conditions, large population base, and dispersed urban land use patterns.

Air quality conditions are affected by the rate and location of pollutant emissions and by climatic conditions that influence the movement and dispersion of pollutants. Atmospheric forces such as wind speed, wind direction, and air temperature gradients, along with local and regional topography, determine how air pollutant emissions affect air quality.

The South Coast Air Basin has a limited capability to disperse air contaminants because of its low wind speeds and persistent temperature inversions. In the Long Beach area, predominantly daily winds consist of morning onshore airflow from the southwest at a mean speed of 7.3 miles per hour and afternoon and evening offshore airflow from the northwest at 0.2 to 4.7 miles per hour with little variability between seasons. Summer wind speeds average slightly higher than winter wind speeds. The prevailing winds carry air contaminants northward and then eastward over Whittier, Covina, Pomona and Riverside.

The majority of pollutants found in the Los Angeles County atmosphere originate from automobile exhausts as unburned hydrocarbons, carbon monoxide, oxides of nitrogen and other materials. Of the five major pollutant types (carbon monoxide, nitrogen oxides, reactive organic gases, sulfur oxides, and particulates), only sulfur oxide emissions are produced mostly by sources other than automobile exhaust.

**a. Would the project conflict with or obstruct implementation of the applicable Air Quality Attainment Plan?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Southern California Association of Governments (SCAG) has determined that if a project is consistent with the growth forecasts for the subregion in which it is located, it is consistent with the South Coast Air Quality Management District (SCAQMD) Air Quality Management Plan (AQMP), and regional emissions are mitigated by the control strategies specified in the AQMP. Since the Massage Establishment MCA does not propose any specific developments or growth inducing projects that would conflict with the SCAG growth forecasts, it would be consistent with the AQMP and therefore no further analysis is required.

**b. Would the project violate any air quality standard or contribute to an existing or projected air quality violation?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Massage Establishment MCA implementation would not significantly lower air quality standards or contribute to an air quality violation. Therefore, the Massage Establishment MCA impact on air quality would be less than significant and no further environmental analysis is required.

**c. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Sections III.a. and b. above for discussion.

**d. Would the project expose sensitive receptors to substantial pollutant concentrations?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The CEQA Air Quality Handbook defines sensitive receptors as children, athletes, elderly and sick individuals that are more susceptible to the effects of air pollution than the population at large. Facilities that serve various types of sensitive receptors, including, schools, hospitals, and senior care centers, are located throughout the City. The Massage Establishment MCA proposes specific

permit and operating requirements to protect the public from any potential adverse effects of massage establishments. Please see Sections III.a. and b. above for further discussion.

**e. Would the project create objectionable odors affecting a substantial number of people?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. Potential sources of odors during construction include use of architectural coatings and solvents, and diesel-powered construction equipment. SCAQMD Rule 1113 limits the amount of volatile organic compounds (VOCs) from architectural coatings and solvents, which lowers odorous emissions.

The Massage Establishment MCA would not allow operations that could directly or indirectly result in any significant adverse odors or intensification of odors beyond those typically associated with construction activities. No further environmental analysis is necessary.

**IV. BIOLOGICAL RESOURCES**

**a. Would the project have a substantial adverse impact, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Wildlife habitats within the City are generally limited to parks, nature preserves, and water body areas. The Massage Establishment MCA would not promote activities that would remove or impact any existing or planned wildlife habitats. No further environmental analysis is required.

**b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Land uses subject to this proposed project would occur in established urbanized areas and would not remove or impact any riparian habitat or other sensitive natural communities. No further environmental analysis is required.

**c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Future Massage Establishment MCA implementation would occur in established urbanized areas and would not promote or involve alteration of any protected wetland areas. No further environmental analysis is required.

**d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Future Massage Establishment MCA implementation would occur in established urbanized areas and would not alter or adversely impact any native resident or migratory fish or wildlife species, corridors or nursery sites. No further environmental analysis is required.

**e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Massage Establishment MCA implementation would be consistent with the General Plan and in conformity with all local policies and regulations. It would not alter or eliminate any existing or future policy or ordinance protecting biological resources. No further environmental analysis is required.

**f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional, or state habitat conservation plan?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA would not have any adverse effects on any existing or future habitat conservation plans. Please see Sections IV.a. through e. above for further discussion.

**V. CULTURAL RESOURCES**

**a. Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section §15064.5?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The City of Long Beach is an urbanized community and nearly all properties within the City (with the exception of areas such as protected park lands) have been previously disturbed and/or developed. The Massage Establishment MCA would not promote, encourage or enable projects or activities that could remove, degrade or in any way adversely impact local historic resources. No further environmental analysis is required.

**b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section §15064.5?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA would establish special facilities and operating requirements for massage establishments. Massage Establishment MCA implementation would not result in any specific construction activities involving

extensive excavation, and therefore would not be anticipated to affect or destroy any archaeological resources due its geographic location. Please see Section V.a. above for further discussion.

**c. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA does not propose any projects that would be anticipated to result in extensive excavation that could adversely impact any paleontological resources or geologic features. Please see Sections V.a. and b. above for further discussion.

**d. Would the project disturb any human remains, including those interred outside of formal cemeteries?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA does not propose any projects that would involve extensive excavation that could result in the disturbance of any designated cemetery or other burial ground or place of interment. Please see Sections V.a. through c. above for further discussion.

**VI. GEOLOGY AND SOILS**

**a. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:**

- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Per Plate 2 of the Seismic Safety Element of the General Plan, the most significant fault system in the City is the Newport-Inglewood fault zone. This fault zone runs in a northwest to southeast angle across the southern half of the City.

All land uses subject to the provisions of this project would be required to comply with applicable building codes that account for the possibility of seismic events. No further environmental analysis is necessary.

**ii) Strong seismic ground shaking?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Newport-Inglewood fault zone could create substantial ground shaking if a seismic event occurred along that fault. Similarly, a strong seismic event on any other fault system in Southern California has the potential to create considerable levels of ground shaking throughout the City. However, numerous variables determine the level of damage to a specific location. Given these variables, it is not possible to determine the level of damage that may occur on the site during a seismic event. All land uses must conform to all applicable State and local building codes relative to seismic safety. Please see Section VI.a.i. above for further discussion.

**iii) Seismic-related ground failure, including liquefaction?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Per Plate 7 of the Seismic Safety Element, most of the City is located in areas of either minimal or low liquefaction potential. The only exceptions are in the southeastern portion of the City, where there is significant liquefaction potential, and the western portion (most of the area west of Pacific Avenue and south of the 405 freeway), where there is either moderate or significant liquefaction potential. Please see Section VI.a.i. above for further discussion.

**iv) Landslides?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Per the Seismic Safety Element, the City is relatively flat and characterized by slopes that are not high (less than 50 feet) or steep (generally sloping flatter than

1-1/2:1, horizontal to vertical). The State Seismic Hazard Zone map of the Long Beach Quadrangle indicates that the lack of steep terrain (except for a few slopes on Signal Hill and Reservoir Hill) results in only about 0.1 percent of the City lying within the earthquake-induced landslide zone for this quadrangle. Therefore, no impact would be expected and no further environmental analysis is required. Please see Section VI.a.i. above for further discussion.

**b. Would the project result in substantial soil erosion or the loss of topsoil?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

All land uses subject to the regulations of this proposed project would be required to adhere to all applicable construction standards regarding erosion control, including best management practices to minimize runoff and erosion impacts from earth-moving activities such as excavation, recontouring and compaction. No further environmental analysis is necessary.

**c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section VI.b. above for discussion. All land uses subject to the regulations of this project would be constructed in compliance with all applicable building code requirements regarding soil stability.

**d. Would the project be located on expansive soil, as defined in the Uniform Building Code, creating substantial risks to life or property?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Sections VI.b. and c. above for explanation.

**e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The entire City is served by an existing sewer system and therefore has no need for septic tanks or any other alternative wastewater disposal systems. No further environmental analysis is required.

## VII. GREENHOUSE GAS EMISSIONS

### a. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

California is a substantial contributor of global greenhouse gases (GHGs), emitting over 400 million tons of carbon dioxide per year. Climate studies indicate that California is likely to see an increase of three to four degrees Fahrenheit over the next century. Methane is also an important GHG that potentially contributes to global climate change. GHGs are global in their effect, which is to increase the earth's ability to absorb heat in the atmosphere. As primary GHGs have a long lifetime in the atmosphere, accumulate over time, and are generally well-mixed, their impact on the atmosphere is mostly independent of the point of emission.

The Massage Establishment MCA would not result in direct or indirect significant GHG impacts, but rather would establish special facilities and operating requirements for massage establishments. No further environmental analysis is needed.

### b. Would the project conflict with an applicable plan, policy, or regulations adopted for the purpose of reducing the emissions of greenhouse gases?

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section VII.a. above for discussion. The proposed project would not permit any land use operations that would conflict with any plans, policies or

regulations related to the reduction of greenhouse gas emissions. No further environmental analysis is needed.

**VIII. HAZARDS AND HAZARDOUS MATERIALS**

**a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The types of land uses which would be subject to the provisions of this proposed project would not be anticipated to involve any substantial transport, use or disposal of any hazardous materials. In addition, any future handling and disposal of hazardous or potentially hazardous materials would be in full compliance with Long Beach Municipal Code Sections 8.86 through 8.88 as well as all existing State safety regulations. No further environmental analysis is required.

**b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section VIII.a. above for discussion.

**c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter-mile of an existing or proposed school?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section VIII.a. above for discussion.

**d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code**

**Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Any future land uses that would be regulated by the provisions of this proposed project would not create any significant hazards to the public or the environment by operating at a location included in the Cortese List. Please see Section VIII.a. above for further discussion.

**e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Long Beach Airport is located within the City, just north of the 405 freeway between Cherry Avenue and Lakewood Boulevard. The Massage Establishment MCA would not alter air traffic patterns or encourage future projects that could conflict with established Federal Aviation Administration (FAA) flight protection zones. All future development in the vicinity of the Long Beach Airport would be in compliance with all applicable local and FAA requirements. Please see Section VIII.a. above for further discussion.

**f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

There are no private airstrips located within or adjacent to the City. No further environmental analysis is required.

**g. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA would not encourage or otherwise set forth any policies or recommendations that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No further environmental analysis is required.

**h. Would the project expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The City is a highly urbanized community and there are no properties located adjacent to wild lands and there is no risk of exposing people or structures to a significant risk of loss, injury or death involving wild land fires. No further environmental analysis is required.

**IX. HYDROLOGY AND WATER QUALITY**

The Federal Emergency Management Agency (FEMA) has produced a series of Flood Insurance Rate Maps (FIRMs) designating potential flood zones (based on the projected inundation limits as well as the 100-year flood as delineated by the U.S. Army Corps of Engineers).

**a. Would the project violate any water quality standards or waste discharge requirements?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA would be consistent with all chapters of the General Plan, including the Conservation Element. All massage establishments would be required to be in full compliance with all applicable federal, State and local water quality standards and regulations. No further environmental analysis is required.

**b. Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section IX.a. above for discussion. The City is a highly urbanized community with the water system infrastructure fully in place to accommodate future development consistent with the General Plan.

**c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The proposed Massage Establishment MCA does not encourage or enable any alterations to existing drainage patterns or to the course of streams or rivers. Please see Section IX.a. above for further discussion.

**d. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Sections IX.a. and c. above for discussion.

**e. Would the project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Sections IX.a. and c. above for discussion. The City's existing storm water drainage system is adequate to accommodate runoff from any future land uses subject to the Massage Establishment MCA provisions. The Massage Establishment MCA would not adversely affect provisions for retention and infiltration of stormwater consistent with the City's Low Impact Development (LID) policies.

**f. Would the project otherwise degrade water quality?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Sections IX.a. and c. above for discussion. All future massage establishments would be subject to all applicable water quality standards, regulations and best management practices.

**g. Would the project place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

According to the Federal Emergency Management Agency (FEMA), most of Long Beach is located in Zone X, which is outside of the 100 year flood hazard area. The proposed project applies to certain permitted by-right land uses only and would not directly or indirectly result in placing any residential land uses in flood hazard areas. No further environmental analysis is necessary.

**h. Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section IX.g. above for discussion.

**i. Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section IX.g. above for discussion. The City of Long Beach is not located in the proximity of a levee or dam.

**j. Would the project result in inundation by seiche, tsunami or mudflow?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

According to Plate 11 of the Seismic Safety Element, the majority of Long Beach is not within a zone influenced by the inundation of seiche, tsunami, or mudflow. Potential tsunami hazards would be limited to properties and public improvements near the coastline. The proposed project would not result in any increased risk of inundation to any properties. Please see Section IX.g. for further discussion.

**X. LAND USE AND PLANNING**

**a. Would the project physically divide an established community?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA establishes facilities and operating requirements for massage establishments. The proposed regulations would not directly or indirectly divide any established community, but rather would provide controls on massage establishments that would protect the public from potential adverse effects (e.g., operating in unsanitary conditions). No further environmental analysis is required.

**b. Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

See Section X.a. above for discussion. The Massage Establishment MCA would not conflict with the City's General Plan. The proposed project would amend sections of the Municipal Code related to massage establishments, upon adoption the Massage Establishment MCA would not conflict with other sections of the Municipal Code, or any other applicable land use plans and policies. Impacts to existing local regulations would therefore be less than significant.

**c. Would the project conflict with any applicable habitat conservation plan or natural communities conservation plan?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

See Sections X.a. and b. above for discussion. The City is a highly urbanized environment characterized by in-fill development projects that recycle previously developed properties. No habitat conservation plan or natural communities conservation plan would be impacted by project implementation.

**XI. MINERAL RESOURCES**

Historically, the primary mineral resources within the City of Long Beach have been oil and natural gas. However, oil and gas extraction operations have diminished over the last century as the resources have become depleted. Today, extraction operations continue but on a reduced scale compared to past levels.

**a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA does not propose any alteration of local mineral resource land uses and there are no mineral resource activities that would be altered or displaced by implementation. No further discussion is required.

**b. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XI.a. above for discussion.

**XII. NOISE**

Noise is defined as unwanted sound that disturbs human activity. Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. Noise level measurements include intensity, frequency, and duration, as well as time of occurrence.

Some land uses are considered more sensitive to ambient noise levels than other uses due to the amount of noise exposure and the types of activities involved. Residences, motels, hotels, schools, libraries, churches, nursing homes, auditoriums, parks and outdoor recreation areas are more sensitive to noise than are commercial and industrial land uses.

**a. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Future construction activities related to land uses subject to the provisions of this project could involve various types of short-term noise impacts from trucks, earth-moving equipment, and paving equipment. However, all construction activities and land use operations must be performed in compliance with the City's Noise Ordinance (Long Beach Municipal Code Section 8.80). Massage Establishment MCA implementation would not alter the Noise Ordinance provisions or exempt any future land uses or improvement projects from local noise controls. The local Noise Ordinance would continue to regulate all future land use construction and operational noise levels. No further environmental analysis of this issue is necessary.

**b. Would the project result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XII.a. above for discussion. All future Massage Establishment MCA implementation would occur in compliance with local noise and vibration controls.

**c. Would the project create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XII.a. above for discussion.

**d. Would the project create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XII.a. above for discussion.

**e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Long Beach Airport is located within the City just north of the 405 freeway between Cherry Avenue and Lakewood Boulevard. All future development in the vicinity of the Long Beach Airport would be in compliance with all applicable local and FAA requirements. The Massage Establishment MCA would not alter air traffic patterns or encourage developments that could conflict with established Federal Aviation Administration (FAA) flight protection zones. No further environmental analysis is necessary.

**f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area excessive noise levels?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

There are no private airstrips located within or adjacent to the City. No further environmental analysis is required.

**XIII. POPULATION AND HOUSING**

The City of Long Beach is the second largest city in Los Angeles County. At the time of the 2000 Census, Long Beach had a population of 461,522, which was a 7.5 percent increase from the 1990 Census. The 2010 Census reported a total City population of 462,257.

**a. Would the project induce substantial population growth in an area, either directly or indirectly?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA sets forth special facilities and operating requirements for massage establishments. It is not intended to directly or indirectly induce population growth. No further environmental analysis is required.

**b. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA does not set forth or encourage any policies, projects or implementation measures that would directly or indirectly displace existing residential units in the City. No further environmental analysis is required.

**c. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XIII.b. above for discussion. The Massage Establishment MCA does not set forth or encourage any policies, projects or implementation measures that would directly or indirectly displace people residing in the City.

#### XIV. PUBLIC SERVICES

Fire protection would be provided by the Long Beach Fire Department. The Department has 23 stations in the City. The Department is divided into bureaus of Fire Prevention, Fire Suppression, the Bureau of Instruction, and the Bureau of Technical Services. The Fire Department is accountable for medical, paramedic, and other first aid rescue calls from the community.

Police protection would be provided by the Long Beach Police Department. The Department is divided into bureaus of Administration, Investigation, and Patrol. The City is divided into four Patrol Divisions: East, West, North and South.

The City of Long Beach is served by the Long Beach Unified School District, which also serves the City of Signal Hill, Catalina Island and a large portion of the City of Lakewood. The District has been operating at or over capacity during the past decade.

**Would the proposed project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

**a. Fire protection?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA sets forth special facilities and operating requirements for massage establishments. It is not intended to directly or indirectly induce population growth that could result in increased demand for fire protection services or fire protection facilities. No further environmental analysis is required.

**b. Police protection?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Similar to Section XIV.a. above, the Massage Establishment MCA would not significantly increase demands for police protection service, nor require provision of new police facilities.

**c. Schools?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Similar to Section XIV.a. above, the Massage Establishment MCA would not result in any significant increased demand for public school services or facilities.

**d. Parks?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Similar to Section XIV.a. above, the Massage Establishment MCA would not generate any significant additional demand for provision of park services or facilities by the City.

**e. Other public facilities?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

No other impacts have been identified that would require the provision of new or physically altered governmental facilities.

**XV. RECREATION**

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA establishes special facilities and operating requirements for massage establishments. It is not intended to directly or indirectly induce population growth that could result in increased demand for recreational facilities. No further environmental analysis is required.

**b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XV.a. above. No further environmental analysis is required.

**XVI. TRANSPORTATION/TRAFFIC**

**a. Would the project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA establishes special facilities and operating requirements for massage establishments. It is not intended to directly or indirectly induce population or employment growth that could result in increased number of vehicle trips, volume to capacity ratios, or traffic congestion. No further environmental analysis is required.

**b. Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XVI.a. for discussion. Since the Massage Establishment MCA would not encourage or plan for significant traffic growth, there would be no significant impacts on levels of service.

**c. Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA regulatory requirements would have no impact on air traffic patterns. No further environmental analysis is required.

**d. Would the project substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA would not create or encourage any hazardous transportation related design features or incompatible uses. No further environmental analysis is required.

**e. Would the project result in inadequate emergency access?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA would not propose or encourage any specific land uses or development projects or transportation network modifications that would have the potential to result in deficient or inadequate emergency access routes. No further environmental analysis is required.

**f. Would the project conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishmen MCA would not propose or encourage any specific land uses or development projects or transportation network modifications that would conflict with adopted policies supporting alternative transportation. No further environmental analysis is required.

## XVI. TRIBAL CULTURAL RESOURCES

**Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, that is:**

- a. Listed or eligible for listing in the California Register of Historic Resources, or in a local register of historic resources as defined in Public Resources Code Section 5020.1(k)?**

Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section V. above. Massage Establishment MCA implementation would not result in any specific construction activities involving extensive excavation, and therefore would not be anticipated to significantly affect or destroy any Native American tribal cultural resources. No further environmental analysis is required.

- b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

Please see Section XVI.a. above. No further environmental analysis is required.

**XVIII. UTILITIES AND SERVICE SYSTEMS**

**a. Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**b. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**c. Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**d. Would the project have sufficient water supplies available to serve the project from existing entitlement and resources, or are new or expanded entitlement needed?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**e. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**f. Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

**g. Would the project comply with federal, state, and local statutes and regulations related to solid waste?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

For Sections XVIII.a. through g. The Massage Establishment MCA regulatory requirements would not be expected to place an undue burden on any utility or service system. The City of Long Beach is an urbanized setting with all utilities and services fully in place. Future demands for utilities and service systems have been anticipated in the General Plan goals, policies and programs for future growth. No further environmental analysis is necessary.

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE**

**a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

As determined in Section IV. Biological Resources and Section V. Cultural Resources, the Massage Establishment MCA would have no significant adverse impacts on biological or cultural resources. The proposed project would not degrade the quality of the environment, impact any natural habitats, effect any fish or wildlife populations, threaten any plant or animal communities, alter the number or restrict the range of any rare or endangered plants or animals, or eliminate any examples of the major periods of California history or prehistory.

**b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that**

**the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The Massage Establishment MCA regulatory requirements would not contribute to any cumulative growth effects beyond what is anticipated for the City's future in the General Plan.

**c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

- Potentially Significant Impact       Less Than Significant with Mitigation Incorporation       Less Than Significant Impact       No Impact

The land use requirements of this proposed project would not directly or indirectly cause any substantial adverse effects on human beings. For this reason, the City has concluded that the proposed Massage Establishment MCA can be implemented without causing significant adverse environmental effects and determined that the Negative Declaration is the appropriate type of CEQA documentation.