

289-06

FILE NO. 050176

ORDINANCE NO.

1 [Amending the Planning Code to Make All Massage Establishments Conditional Uses.]

2
3 **Ordinance amending Sections 218.1, 710.54, 711.54, 712.54, 713.54, 716.54, 717.54,**
4 **718.54, 719.54, 720.54, 721.54, 722.54, 723.54, 724.54, 725.54, 726.54, 727.54, 728.54,**
5 **729.54, 730.54, 810.54, 811.54, 812.54, 790.60 and 890.60 of the Planning Code to define**
6 **massage establishments per Section 1900 of the Health Code, to provide that all**
7 **massage establishments shall be permitted as conditional uses, to provide that non-**
8 **incidental massage establishments must first obtain all required permits from the**
9 **Health Department before seeking a conditional use permit, and making findings of**
10 **consistency with the priority policies of Planning Code Section 101.1 and the General**
11 **Plan.**

12 Note: Additions are single-underline italics Times New Roman;
13 deletions are ~~strikethrough italics Times New Roman~~.
14 Board amendment additions are double underlined.
15 Board amendment deletions are ~~strikethrough normal~~.

16 Be it ordained by the People of the City and County of San Francisco:

17 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco
18 hereby finds and determines that:

19 (a) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
20 ordinance will serve the public necessity, convenience and welfare.

21 (b) Pursuant to Planning Code Section 101.1, the Board of Supervisors finds that this
22 ordinance is consistent with the Priority Policies of Section 101.1(b) of the Planning Code and
23 with the General Plan and hereby incorporates a report containing those findings as if fully set
24 forth herein. A copy of said report is on file with the Clerk of the Board of Supervisors in File
25 No. 050176.

1 Section 2. The San Francisco Planning Code is hereby amended by amending Section
 2 218.1, to read as follows:

3 **Sec. 218.1 Massage Establishments**

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	
<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<u>CP</u>	<p>4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p>Massage establishments, as defined by <u>Section 1900 of the San Francisco Health Code Section 2700 of Part II, Chapter VIII of the San Francisco Municipal Code (Police Code)</u>, provided that: <u>(a) the massage establishment has first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code, except that such proviso shall not apply where: (1) massage services are incidental to the institutional uses permitted in Sections 217(a) through (d) or to the use by an individual member of the facilities of a health club, gymnasium or other facility with a regular membership which health club, gymnasium or other facility is used primarily for instruction and training in body building, exercising, reducing, sports, dancing or similar physical activities, or (2) the only massage service provided is chair massage, such service is visible to the public, and customers are fully-clothed at all times, (b) the use is so located that the premises upon which it is conducted are not less than 1,000 feet from the premises of any other massage establishment; except that such proviso shall not apply where massage services are incidental to the institutional uses permitted in Sections 217(a) through (d) or to the</u></p>

1 **SEC. 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT**

2 **NC-1 ZONING CONTROL TABLE**

			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
Retail Sales and Services					
710.54	Massage Establishment	§ 790.60, § 2700 Police Code 1900 <u>Health Code</u>			

9
10 Section 4. The San Francisco Planning Code is hereby amended by amending Section
11 711.54, to read as follows:

12 **SEC. 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT**

13 **NC-2 ZONING CONTROL TABLE**

			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
711.54	Massage Establishment	§ 790.60, § 2700 Police <u>Code</u> 1900 <u>Health Code</u>	C		

18
19 Section 5. The San Francisco Planning Code is hereby amended by amending Section
20 712.54, to read as follows:

21 **SEC. 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT**

22 **NC-3 ZONING CONTROL TABLE**

			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+

712.54	Massage Establishment	§ 790.60, § 2700 Police <u>Code1900 Health Code</u>	C	C	
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Section 6. The San Francisco Planning Code is hereby amended by amending Section 713.54, to read as follows

SEC. 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT

NC-S ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
713.54	Massage Establishment	§ 790.60, § 2700 Police <u>Code1900 Health Code</u>	C	C	

Section 7. The San Francisco Planning Code is hereby amended by amending Section 714.54 to read as follows:

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
714.54	Massage Establishment	§ 790.60, § 2700 Police <u>Code1900 Health Code</u>	<u>PC</u>	C	

1 Section 8. The San Francisco Planning Code is hereby amended by amending Section
2 715.54, to read as follows:

3 **SEC. 715.1. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

4 **ZONING CONTROL TABLE**

5

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
6 715.54	7 Massage Establishment	8 § 790.60, 9 § 2700 Police Code 1900 Health Code	PC	C	

10

11 Section 9. The San Francisco Planning Code is hereby amended by amending Section
12 716.54, to read as follows:

13 **SEC. 716.1. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL**
14 **DISTRICT.**

15 **ZONING CONTROL TABLE**

16

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
17 716.54	18 Massage Establishment	19 § 790.60, 20 § 2700 Police Code 1900 Health Code	C		

21

22
23 Section 10. The San Francisco Planning Code is hereby amended by amending
24 Section 717.54, to read as follows:

1 **SEC. 717.1. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL**
 2 **DISTRICT.**

3 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
717.54	Massage Establishment	§ 790.60, § <i>2700 Police</i> <i>Code 1900 Health</i> <i>Code</i>			

10 Section 11. The San Francisco Planning Code is hereby amended by amending
 11 Section 718.54, to read as follows:

12 **SEC. 718.1. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL**
 13 **DISTRICT.**

14 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
718.54	Massage Establishment	§ 790.60, § <i>2700 Police</i> <i>Code 1900 Health</i> <i>Code</i>	C		

22 Section 12. The San Francisco Planning Code is hereby amended by amending
 23 Section 719.54, to read as follows:

24 **SEC. 719.1. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
719.54	Massage Establishment	§ 790.60, § 2700 Police <u>Code 1900 Health</u> <u>Code</u>	C		

Section 13. The San Francisco Planning Code is hereby amended by amending Section 720.54, to read as follows:

SEC. 720.1. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL DISTRICT.

ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
720.54	Massage Establishment	§ 790.60, § 2700 Police <u>Code 1900 Health</u> <u>Code</u>	C		

Section 14. The San Francisco Planning Code is hereby amended by amending Section 721.54 o read as follows:

SEC. 721.1. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

ZONING CONTROL TABLE

			Controls by Story		

No.	Zoning Category	§ References	1st	2nd	3rd+
721.5	Massage Establishment	§ 790.60, § 2700 Police <u>Code 1900 Health</u> <u>Code</u>	C	C	

Section 15. The San Francisco Planning Code is hereby amended by amending Section 722.54 to read as follows:

SEC. 722.1. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

ZONING CONTROL TABLE

			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
722.5	Massage Establishment	§ 790.60, § 2700 Police <u>Code 1900 Health</u> <u>Code</u>	C		

Section 16. The San Francisco Planning Code is hereby amended by amending Section 723.54 to read as follows:

SEC. 723.1. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

ZONING CONTROL TABLE

			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
723.54	Massage Establishment	§ 790.60, § 2700 Police	C		

		<i>Code 1900 Health</i>			
		<i>Code</i>			

Section 17. The San Francisco Planning Code is hereby amended by amending Section 724.54, to read as follows:

SEC. 724.1. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
724.54	Massage Establishment	§ 790.60, § 2700 Police <i>Code 1900 Health</i> <i>Code</i>			

Section 18. The San Francisco Planning Code is hereby amended by amending Section 725.54, to read as follows:

SEC. 725.1 UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
725.54	Massage Establishment	§ 790.60, § 2700 Police <i>Code 1900 Health</i> <i>Code</i>			

1 Section 19. The San Francisco Planning Code is hereby amended by amending
 2 Section 726.54 to read as follows:

3 **SEC. 726.1. VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

4 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
726.54	Massage Establishment	§ 790.60, § <i>2700 Police</i> <i>Code 1900 Health</i> <i>Code</i>	C		

11 Section 20. The San Francisco Planning Code is hereby amended by amending
 12 Section 727.54, to read as follows:

13 **SEC. 727.1. 24TH STREET - MISSION NEIGHBORHOOD COMMERCIAL DISTRICT.**

14 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
727.54	Massage Establishment	§ 790.60, § <i>2700 Police</i> <i>Code 1900 Health</i> <i>Code</i>	C		

21 Section 21. The San Francisco Planning Code is hereby amended by amending
 22 Section 728.54, to read as follows:

1 SEC. 728.1. 24TH STREET - NOE VALLEY NEIGHBORHOOD COMMERCIAL
 2 DISTRICT.

3 ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
728.54	Massage Establishment	§ 790.60, § 2700 <i>Police</i> <i>Code 1900 Health</i> <i>Code</i>	C		

10 Section 22. The San Francisco Planning Code is hereby amended by amending
 11 Section 729.54, to read as follows:

12 SEC. 729.1. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

13 ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
729.54	Massage Establishment	§ 790.60, § 2700 <i>Police</i> <i>Code 1900 Health</i> <i>Code</i>			

20 Section 23. The San Francisco Planning Code is hereby amended by amending
 21 Section 730.54, to read as follows:

22 SEC. 730.1. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.

23 ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
730.54	Massage Establishment	§ 790.60, § 2700 Police <u>Code 1900 Health</u> <u>Code</u>	C		

Section 24. The San Francisco Planning Code is hereby amended by amending Section 810.54, to read as follows:

Section 810.1 Chinatown Community Business District

ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
.54	Massage Establishment	§ 890.60, § 2700 Police <u>Code 1900 Health</u> <u>Code</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Section 25. The San Francisco Planning Code is hereby amended by amending Section 811.54, to read as follows:

Section 811.1 Chinatown Visitor Retail District

ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
.54	Massage Establishment	§ 890.60,	<u>PC</u>	<u>PC</u>	<u>PC</u>

		§ 2700 Police Code 1900 Health Code			
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Section 26. The San Francisco Planning Code is hereby amended by amending Section 812.54, to read as follows:

Section 810.1 Chinatown Residential Neighborhood Commercial District

ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
.54	Massage Establishment	§ 890.60, § 2700 Police Code 1900 Health Code	PC		

Section 27. The San Francisco Planning Code is hereby amended by amending Section 790.60, to read as follows:

SEC. 790.60. MASSAGE ESTABLISHMENT.

A retail use as defined in Section 1900 of the Health Code Section 2700 the Police Code, provided that the massage establishment has first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code, and provided that the use is located no less than 1000 feet from the premises of any other massage establishment; except that this these requirements shall not apply where: (a) massage services are incidental to the institutional uses permitted in Sections 790.44 and 790.50 of this Code or to the use by an individual member of the facilities of a health club, gymnasium, or other facility with a regular membership which health club, gymnasium or other facility is used primarily for

1 instruction and training in body building, exercising, reducing, sports, dancing, or other similar
2 physical activities, (2) the only massage service provided is chair massage, such service is
3 visible to the public, and customers are fully-clothed at all times.

4 Section 28. The San Francisco Planning Code is hereby amended by amending
5 Section 890.60, to read as follows:

6 **SEC. 890.60. MASSAGE ESTABLISHMENT.**

7 A retail use as defined in Section 1900 of the Health Code Section 2700 the Police
8 Code, provided that the massage establishment has first obtained a permit from the Department of
9 Public Health pursuant to Section 1908 of the San Francisco Health Code, and provided that the use
10 is located no less than 1000 feet from the premises of any other massage establishment;
11 except that ~~this~~ these requirements shall not apply where: (a) massage services are incidental
12 to the institutional uses permitted in Sections 790.44 and 790.50 of this Code or to the use by
13 an individual member of the facilities of a health club, gymnasium, or other facility with a
14 regular membership which health club, gymnasium or other facility is used primarily for
15 instruction and training in body building, exercising, reducing, sports, dancing, or other similar
16 physical activities, or (2) the only massage service provided is chair massage, such service is
17 visible to the public, and customers are fully-clothed at all times.

18 Section 29. The Planning Department concluded environmental review of this
19 ordinance pursuant to the California Environmental Quality Act. Documentation of that review
20 is on file with the Clerk of the Board of Supervisors in File No. 050176.

21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By:

24 
25 John D. Malamut
Deputy City Attorney

Supervisor Ma
BOARD OF SUPERVISORS



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 050176

Date Passed: January 4, 2006

Ordinance amending Sections 218.1, 710.54, 711.54, 712.54, 713.54, 716.54, 717.54, 718.54, 719.54, 720.54, 721.54, 722.54, 723.54, 724.54, 725.54, 726.54, 727.54, 728.54, 729.54, 730.54, 810.54, 811.54, 812.54, 790.60 and 890.60 of the Planning Code to define massage establishments per Section 1900 of the Health Code, to provide that all massage establishments shall be permitted as conditional uses, to provide that non-incidental massage establishments must first obtain all required permits from the Health Department before seeking a conditional use permit, and making findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

June 7, 2005 Board of Supervisors — RE-REFERRED: Land Use Committee

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

September 19, 2006 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 1 - Alioto-Pier

October 24, 2006 Board of Supervisors — AMENDED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval

Excused: 1 - McGoldrick

October 24, 2006 Board of Supervisors — CONTINUED AS AMENDED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval

Excused: 1 - McGoldrick

November 7, 2006 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Alioto-Pier, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval

Noes: 1 - McGoldrick

Absent: 1 - Daly

Excused: 1 - Ammiano

November 14, 2006 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval

Noes: 1 - McGoldrick

File No. 050176

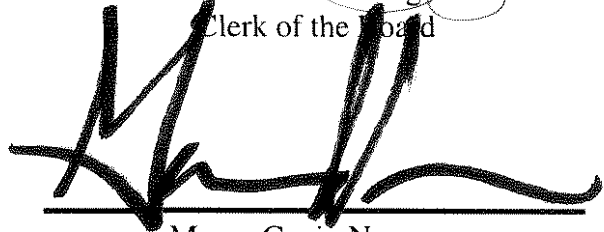
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on November 14, 2006 by the Board of Supervisors of the City and County of San Francisco.

11 / 20 / 06

Date Approved



Gloria L. Young
Clerk of the Board



Mayor Gavin Newsom