

**ORDINANCE NO. 809 C.S.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA INITIATING A ZONING TEXT AMENDMENT TA-104-16 AMENDING TITLE 9, CHAPTER 4, ARTICLE 10 OF THE PACIFICA MUNICIPAL CODE RELATING TO PERMITTED AND CONDITIONAL USES IN THE C-1, NEIGHBORHOOD COMMERCIAL DISTRICT**

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The City Council of the City of Pacifica, State of California, ORDAINS as follows:

**WHEREAS**, on February 8, 2016, the City Council of the City of Pacifica considered introduction of an ordinance enacting new licensing standards for massage businesses and directed staff to make revisions to the ordinance in order to prevent unlawful activities while not precluding or creating an onerous process for licensed therapists who provide a valuable service; and

**WHEREAS**, in the course of implementing City Council direction, staff noted that a Use Permit is required for massage establishments in certain commercial districts which appears to be an antiquated requirement and redundant for smaller scale operators with enactment of licensing requirements administered by the Pacifica Police Department; and

**WHEREAS**, the proposed ordinance, attached as Exhibit A, would remove the Use Permit requirement for massage establishments under 640 square feet of treatment floorspace, instead referencing Massage Licensing requirements contained in the Municipal Code; and

**WHEREAS**, the proposed amendment is consistent with the City's General Plan and Local Coastal Land Use Plan; and

**WHEREAS**, the proposed amendment is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3) of the CEQA Guidelines;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Pacifica does hereby initiate an amendment to Title 9, Chapter 4, Article 10 of the Pacifica Municipal Code;

**BE IT FURTHER RESOLVED** that the City Council of the City of Pacifica does hereby recommend approval of the zoning text amendment described in Text Amendment TA-104-16 (Exhibit "A").

**Section 1. Recitals.** The City Council of the City of Pacifica does hereby find that the above referenced recitals are true and correct and material to the adoption of this Ordinance.

**Section 2. Environmental Review.** The proposed amendment is exempt from environmental review under CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that removal of the Use Permit requirement for massage establishments may have a significant effect on the environment.

**Section 3. Amendments.** Title 9, Chapter 4, Article 10, Section 9-4.1001 of the Pacifica Municipal Code is hereby amended and shall read as follows:

**Article 10. - C-1 Neighborhood Commercial District**

**Sec. 9-4.1001. - Permitted and conditional uses.**

(a) *Permitted uses.* The following uses shall be permitted in the C-1 District:

- (1) Retail uses, including but not limited to, food markets, drug stores, liquor stores and retail restaurants, but excluding firearms sales;
- (2) Personal services, such as professional offices, shoe repair, barber and beauty shops, laundries and dry cleaning establishments, banks and financial

institutions, and massage establishments under 640 square feet of treatment floorspace (see licensing requirements Title 5, Chapter 19);

(3) Business and administrative offices when located entirely above the ground floor of any commercial structure;

(4) Art galleries and instructional studios for dance and arts or crafts and craft production shops; and

(5) In the Coastal Zone, visitor-serving commercial uses, as defined in Section 9-4.4302(av) of Article 43 of this chapter.

(b) *Conditional uses.* Conditional uses allowed in the C-1 District, subject to obtaining a use permit, shall be as follows:

(1) Service stations;

(2) Retail alcohol sales in conjunction with service stations;

(3) Mini-markets and similar retail uses in conjunction with service stations;

(4) Conversion of service stations from full-service to self-service;

(5) Motels and drive-in restaurants;

(6) Veterinary hospitals and clinics (small animals);

(7) Special care and child care facilities;

(8) Business and administrative offices, if located on the ground floor;

(9) Amusement machine arcades as a new or a part of an existing use;

(10) Massage establishments with 640 square feet or larger of treatment floorspace;

(11) One or more dwelling units in the same building as a commercial use when located entirely above the ground floor. Density shall be controlled by a minimum lot area per dwelling unit of 2,000 square feet;

(12) Restaurants and fast food restaurants; and.

(13) Pet care and sales establishments, including boarding and grooming.



**Section 4. Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

**Section 5. Publication.** The City Clerk is hereby ordered and directed to certify the passage of this Ordinance by the City Council of the City of Pacifica, California, and cause the same to be published once in The Pacifica Tribune, a newspaper of general circulation, published and circulated in the City of Pacifica, California.

**Section 6. Effective Date.** This Ordinance shall be in full force and effective thirty (30) days after its adoption and shall be published and posted as required by law. For properties located in the Coastal Zone, this ordinance shall not become effective until approved or deemed approved by the California Coastal Commission pursuant to Public Resources Code section 30513.

The City Clerk shall publish this ordinance according to law.

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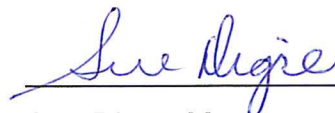
Introduced at a regular City Council meeting held on August 8, 2016. PASSED AND ADOPTED this 12th day of September, 2016, by the following vote:

AYES, Councilmembers: Keener, Nihart, Ervin, O'Neill, Digre


NOES, Councilmembers: None

ABSTAIN, Councilmembers: None

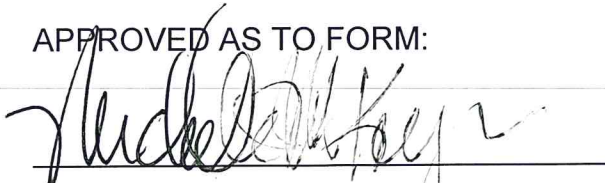
ABSENT, Councilmembers: None

  
\_\_\_\_\_  
Sue Digre, Mayor

ATTEST:

  
\_\_\_\_\_  
Kathy O'Connell, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Michelle Kenyon, City Attorney

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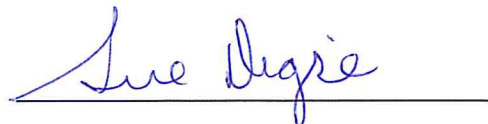
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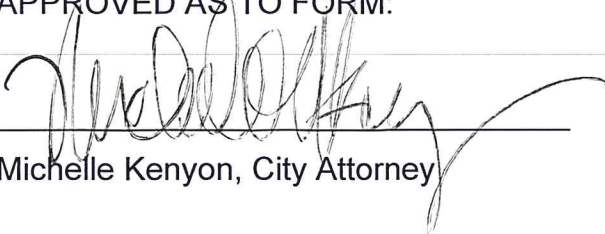
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