

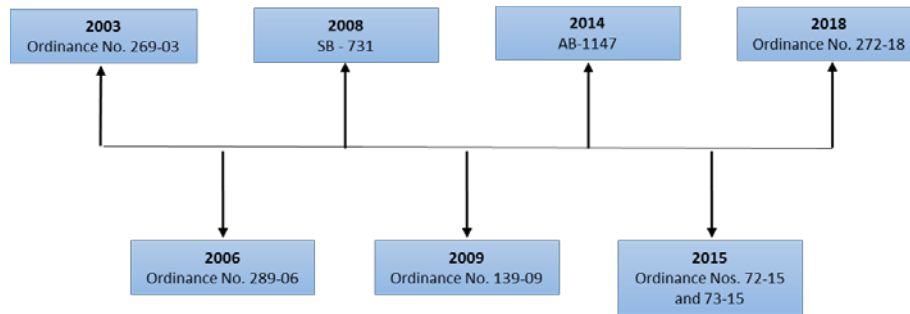
Opening and Operating Massage Establishments in San Francisco: Issues, Considerations, and Policy Options

EXECUTIVE SUMMARY

In the City and County of San Francisco, eight significant pieces of legislation affecting the massage industry have been implemented since 2003 at both the local and State level. At present, prospective general massage establishment or sole practitioner massage establishment owners must submit an onerous application and engage in a cost prohibitive conditional use and neighborhood notification process, respectively. The rationale behind this has much to do with the fact that the massage industry has been maligned by an assumption that it is linked with illicit commercial sex activities and human trafficking. Notwithstanding those burdens, local land use policy extraordinarily limits where a massage establishment may open within the City and thereby has made it virtually impossible to open a new massage business. As compared with other health services, massage business owners face insurmountable challenges that lead many to choose work outside of the City and County of San Francisco, to leave the industry, or most precariously, to work outside of current regulatory controls. There are, however, opportunities for reasonable and common sense regulatory amendments that would not only serve legitimate massage business owners, but would also retain the integrity of controls put into place in order to prevent illicit sex work and human trafficking. As discussed in this paper, the City and County of San Francisco should significantly amend the Planning Code in order to align massage land use controls with health service land use controls; amend Article 29 of the Health Code in order to streamline massage business permitting pathways, reassess and reduce the massage business fee structure, and implement a Safe and Healthy Massage San Francisco Program. Should the recommendations set forth in this topic paper be taken, they would greatly serve legitimate massage business owners and would ensure the continued abatement of illicit sex work and human trafficking.

LOCAL AND STATE LEGISLATIVE HISTORY

Since 2003, there have been a number of local and State laws passed that have affected the economic vitality of massage businesses.



One of the first, Board of Supervisors (BOS) [Ordinance No. 269-03](#), provided for the Director of Health to have authority over the licensing and regulation of massage practitioners through the Health Code and repealed the Police Code’s authority over the regulation of the sector¹. Massage businesses had previously been regulated through the Police Code due to a widely accepted perception that massage businesses writ large served as conduits for illicit commercial sex activities and human trafficking. This was significant for San Francisco massage businesses in that it legitimized, through legislation, the linkage between massage therapy and health care.

In 2006, however, the BOS passed [Ordinance No. 289-06](#) and mandated that massage establishments be subject to conditional use authorizations in most commercial districts². This was responsive to challenges that emerged due to variations in massage business land use controls across the city. Where in some neighborhoods massage was principally permitted³, in others they were subject to a [Conditional Use Authorization](#)⁴, or they were not permitted at all. This likely led to an overconcentration of massage businesses, both legitimate and illegal, in certain areas of the city and limited the opportunity for legitimate massage business representation in others.

Two years later in 2008, the State of California passed [SB-731](#)⁵. In part, this bill established the California Massage Therapy Council (CAMTC) and authorized it to implement a statewide massage certification program. The bill also limited local land use controls relative to massage businesses. Specifically, it required localities to apply land use and zoning controls to massage businesses as they are applied to other professional and personal service businesses⁶. In this regard, California counties saw an exponential growth in the number of massage establishments⁷. Localities across

¹ BOS File No.269-03

² BOS File No.286-03

³ Principally Permitted means that a land use is permitted as a right in the District described.

⁴ Conditional Use Authorization applications, administered by the Planning Department, require that a Planning Commission hearing in order to determine if the use is necessary or desirable to the neighborhood, whether it may potentially have a negative effect on the surrounding neighborhood, and whether the use complies with the San Francisco General Plan. The applicant is responsible for all Conditional Use Authorization related fees.

⁵ http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0701-0750/sb_731_cfa_20080811_184036_asm_floor.html

⁶ <https://www.cacities.org/Resources-Documents/Member-Engagement/Professional-Departments/City-Attorneys/Library/2015/2015-Spring-Conference/5-2015-Spring-Patrick-Sullivan-AB-1147-Requirement.aspx>

⁷https://www.sfdph.org/dph/hc/HCAgen/HCAgen2015/March%203/SFDPH_MassageLegislation_Final-1.pdf

California also experienced a higher volume of complaints of illegal commercial sex activity and human and sex trafficking.

This was followed by [Ordinance No. 139-09](#) in 2009. This restricted permitted accessory massage and required that all other massage establishments be subject to a Conditional Use Authorization, except for those establishments that employed massage therapists who were fully licensed by CAMTC⁸. Those massage establishments who employed only CAMTC licensed massage practitioners would now be considered Medical Services under the Planning Code and therefore allowed to principally operate where Medical Service uses would be allowed to operate. The CAMTC exception was written in to the local legislation to ensure compliance with State law, SB-731. Notably, this was before the current definition of “Health Services” was codified in the San Francisco Planning Code. This was undoubtedly administratively challenging and likely informed many of the changes that would be legislated in 2015.

In 2014, the California legislature passed [AB-1147](#) which fully returned land use controls to local jurisdictions regarding massage establishments. This was responsive to many localities reporting that they were not able to effectively regulate the massage establishments in their respective areas. BOS Ordinance Nos. [73-15](#) and [72-15](#) were subsequently passed in 2015.

Ordinance No. 73-15 significantly regulated land use controls with regard to massage establishments⁹. First, it defined “massage establishment” as its own unique land use. In doing so, once again, massage was differentiated from being a medical or health service. It also established distinct land use controls for massage establishments considered to be either a “[General] Massage Establishment” or a “Sole Practitioner Massage Establishment”.

“[General Massage] Establishments” (which would be defined under Ordinance No. 72-15¹⁰, explained later in the paper) would be considered to be fixed businesses that employ massage therapists and where the owner need not also be massage therapist. All “General Massage Establishments” would now be subject to Conditional Use Authorizations. “Sole Practitioner Massage Establishments”, also defined under Ordinance 72-15, would be considered to be fixed businesses owned and operated by a sole massage therapist. “Sole Practitioner Massage Establishments” would be subject to [Neighborhood Notification procedures](#)¹¹.

Ordinance No. 73-15 also significantly limited which zoning districts massage establishments, General or Sole, could operate in. This was largely justified due to a reported overconcentration of

⁸ BOS File No. 139-09

⁹ BOS File No. 73-15

¹⁰ BOS File No. 72-15

¹¹ Neighborhood Notification processes are administered by the Planning Department. When required, the Neighborhood Notification is mailed to residents and owners of properties located within 150 feet of the subject property and to registered neighborhood groups for a 30-day public review period.

massage establishments in certain areas of the city¹². Additionally, according to a 2014 Department of Public Health (DPH) presentation, 30-50% of existing massage businesses were estimated to be illegally operating and potential conduits for illicit commercial sex activities and human trafficking¹³. Note, in 2014, there was not a distinction made between a General Massage Establishment or Sole Proprietor Massage Establishment.

Ordinance No. 73-15 was introduced as companion legislation to Ordinance No. 72-15. Ordinance No. 72-15 comprehensively amended the Article 29 of the Health Code. Specifically, it:

- 1) Removed the regulatory exemption for establishments who only employed CAMTC licensed therapists that had been allowed through SB-731;
- 2) Increased the number of instructional hours required for San Francisco massage practitioner permits from 100 hours to 500 hours in order to align with CAMTC requirements;
- 3) Provided DPH with the authority to deny massage business permits to applicants who have been convicted of criminal acts related to human trafficking;
- 4) Aligned attire requirements with State law;
- 5) Incorporated State human trafficking information posting requirements into local law for enforcement purposes;
- 6) Revised the timing and criteria for granting, denying, suspending, and revoking massage practitioner permits, massage establishment permits, sole practitioner permits, and outcall massage permits;
- 7) Specified the massage practitioner permit application and annual license fee amounts; and,
- 8) Updated the application and fee amounts for massage related permits.

In addition, Ordinance No. 72-15 established more explicit licensing requirements for massage practitioners. Massage practitioners who operate in San Francisco would be required to obtain a DPH Massage Practitioner Permit unless they:

- 1) Already held a CAMTC certification;
- 2) Were a physician, surgeon, chiropractor, osteopath, nurse or any physical therapists who is duly licensed to practice their respective profession in the State of California *and* persons working directly under the supervision of or at the direction of such licensed persons, working at the same location as the licensed person, and administering massage services subject to review or oversight by the licensed person;

¹² <https://sfgov.legistar.com/View.ashx?M=F&ID=3683271&GUID=A2FD51E3-7BF5-47FD-96BB-49DCEC382309>

¹³ https://www.sfdph.org/dph/hc/HCAgen/HCAgen2015/March%203/SFDPH_MassageLegislation_Final-1.pdf

- 3) Were a barber and/or cosmetologist who is duly licensed under the laws of the State of California, while engaging in practices within the scope of their licenses, and limited to the massaging of the neck, face, scalp, hands or feet of the clients;
- 4) Were employees of hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the State of California, while acting within the scope of their employment.

As explained more fully below, DPH no longer issues Massage Practitioner permits and instead, requires CAMTC certification of all those who practice massage therapy in San Francisco. However, DPH still honors previously issued DPH Massage Practitioner licenses.

Ordinance No. 72-15 also established the requirements for three types of DPH administered massage *business* permits: 1) [General] massage establishments; 2) Sole practitioner massage establishments; and, 3) Outcall massage. The Ordinance established that the owner (or anyone with ownership interest) of a massage business as described above must submit the following:

1. An application as provided by the Director of DPH;
2. Provide a complete set of fingerprints in the manner required by the Director of DPH;
3. A non-refundable application fee;
4. An agreement to permit inspection of any massage facilities proposed to be operated under the permit by all relevant City departments;
5. Applicant information:
 - a. The name(s), address(es), and any other identifying information regarding the owner(s) as requested by the Director;
 - b. A description of all services to be rendered by the massage business;
 - c. The address of any facilities proposed to be operated under the Massage Establishment or Sole Practitioner Massage Establishment permit facilities thereof and, a copy of the rental agreement or lease showing the names of the landlord and all of the tenants or lessees who are parties to the rental agreement, or, if the Owner owns the premises, a copy of the deed and a disclosure of any other person or entity with a shared ownership interest in the premises;
 - d. The number of individuals to be employed by the massage business, and, except in the case of a Sole Practitioner Massage Establishment, the names and permit or certificate numbers of any massage practitioners or CAMTC Certified Practitioners who shall operate under that permit;
 - e. All permits, certificates, or licenses related to the practice of massage or the operation of a Massage Establishment or Massage Service, currently or formerly held by an Owner, issued in San Francisco or issued elsewhere, including any discipline imposed by the issuing authority and a statement whether the permit holder is currently the subject of a disciplinary process;
 - f. All felony or misdemeanor convictions for the applicant each person with an ownership interest in the Massage Business; and,

- g. Any additional information as requested by the Director.
6. Organizational Owners: If the owner of a Massage Establishment or Outcall Massage Service is or includes a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation together with the names and residence addresses of each of the officers, directors, and each stockholder holding more than 10 percent of the stock of the corporation. If the owner includes a partnership the application shall set forth the name and the residence address of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this subsection 29.26(c) pertaining to corporate applicants applies. The applicant shall provide the information provided in subsections (a)(2), (b)(1), (b)(5), and (b)(6) of Section 26.26 for each officer, director, and stockholder holding more than 10 percent of the stock of the corporation, or for each partner, including limited partners.
7. Proof of Massage Practitioner Permit or CAMTC Certification for Sole Practitioners. An applicant for a Sole Practitioner Massage Establishment permit must provide proof that he or she holds a current, valid, Massage Practitioner permit or CAMTC certificate.
8. Massage Establishment Compliance with Planning Code Notice Requirement. An applicant for a Massage Establishment permit shall also submit proof of compliance with any applicable Planning Code requirements regarding notice and posting of the proposed Massage Establishment.

Additionally, under Ordinance No. 72-15, Sole Practitioners would be permitted to share their commercial space with up to three other Sole Practitioners. They would also be required to obtain their own respective Sole Practitioner Massage Establishment Licenses.

Notably, few exceptions are administered by DPH with respect to issuing Massage Establishment and Outcall Massage business permits. These include:

1. Businesses providing services performed by a physician, surgeon, chiropractor, osteopath, nurse or any physical therapists who is duly licensed to practice their respective profession in the State of California *and* persons working directly under the supervision of or at the direction of such licensed persons, working at the same location as the licensed person;
2. Businesses providing massage services performed solely by barbers and/or cosmetologists who are duly licensed under the laws of the State of California, while engaging in practices within the scope of their licenses, and limited to the massaging of the neck, face, scalp, hands or feet of the clients; and,
3. Businesses that are hospitals, nursing homes, mental health facilities, or any other health facilities duly licensed by the State of California, performed by employees while acting within the scope of their employment.

Ordinance No. 72-15 also describes requirements for Massage Facilities. These include that massage establishments must provide or have:

1. Toilet rooms for customers in convenient locations; construction of rooms used for toilets, as well as rooms used for tubs, steam baths, and showers must be made waterproof with hard nonabsorbent materials that are easily cleaned and installed according to San Francisco Building Code; urinals may be substituted for toilets after one toilet has been provided; doors to toilets rooms shall open inward and be self-closing.
2. Handwashing facilities that are within or adjacent to toilet rooms and must be equipped with an adequate supply of hot and cold running water under pressure; provide soap in a dispenser and sanitary towels; be readily accessible to the massage practitioner(s).
3. Light by means of windows, skylights, or approved artificial light. And, adequate ventilation that must be provided through windows or a mechanical operating ventilating system. Toilet, dressing, and massage rooms must have at least 108 lux candles of light. Light and ventilation systems must be installed in compliance with San Francisco Electrical Code.

Operating requirements are also described and include that massage establishments must:

1. Be kept clean and operate in a sanitary condition. This includes providing adequate and suitable space for the storage of linens, including but not limited to sheets, towels, and apparel. Clean linens must be provided, laundered after each use, and stored in a sanitary manner. If laundry facilities are not on the premises, no lines shall be laundered on site. Receptacles that are clearly labeled for the storage of soiled linens must be provided. Soiled refuse must be appropriately bagged and disposed of. Wet and dry heat rooms, shower compartments, and toilet rooms must be cleaned every day. Bathtubs must be thoroughly cleaned and sanitized after each use;
2. Provide a room, enclosure, or designated area where clients can change and store their clothes;
3. Provide an employee area to be used for the sole purpose of storing the employees' belongings and not be accessible by the public;
4. Prohibit employing minors who are not at least 18 years of age;
5. Ensure that all practitioners are properly licensed to practice massage and keep a register of all practitioners that must be made available to DPH upon their request;
6. Acknowledge that they are responsible for their practitioners and must ensure that individuals do not wear improper attire or engage in lewd conduct;
7. Ensure that treatment rooms not be equipped with locks or any device designed to prevent, impede, or delay entry, and ensure that exterior doors remain unlocked during operating hours unless there is only one employee on the premises, exclusive of the establishment owner;
8. Do not provide or allow the consumption of alcohol or illegal drugs;
9. Post State required notices of human trafficking information and telephone hotline numbers in English, Spanish, Chinese, and other appropriate languages as determined by DPH;

10. Not be used as a residence;
11. Display in a conspicuous place, their DPH permit to operate;
12. Not operate between the hours of 10:00pm and 7:00am;
13. Not advertise in any way or cause to advertise in any way for services that would violate Article 29; and,
14. Do not also operate a massage school or otherwise provide instruction in massage on the premises.

Massage establishment owners must also make themselves available for inspection by DPH at the will of DPH.

Ordinance No. 72-15 also describes the conditions under which a Massage Establishment Permit would be denied, suspended, or revoked. These include:

1. A determination that the massage establishment permit applicant does not meet the massage establishment requirements as determined by the Director of DPH;
2. If the massage establishment permit holder refuses to permit a lawful inspection;
3. If the massage establishment permit holder has engaged in any conduct in connection with the massage establishment operating requirements, and/or any rules or regulations related to massage business operations;
4. If the massage establishment permittee, employee, or independent contractor has engaged in conduct that violates any state or local laws or, neglected to prohibit such conduct;
5. If the massage establishment is conducting its operations without regard to public health; and/or,
6. The Director of DPH finding good cause to suspend or revoke the massage establishment permit as they are authorized to do under local Business and Tax Regulations.

The massage establishment owner will be given a hearing where they would be able to refute allegations of violations massage establishment regulations.

Further, under Ordinance No. 72-15, if a massage business is found to be operating without a massage business permit, they may be subject to an administrative fine of up to \$1,000 a day. Such a finding may also result in the massage business owner being ineligible to apply for a massage business permit for 180 days. Penalties become more severe for repeat violators. Additional fines may be administered for finding that a massage establishment has engaged in or been found to have engaged in solicitation or trafficking. Solicitation may result in an administrative fee of \$5,000 paid by the massage establishment owner and a massage establishment permit suspension. Trafficking would result in a revocation of the existing massage establishment permit and the holder would be ineligible subsequent massage establishment permits at any San Francisco

location. A more comprehensive description of violations and associated fees can be found under Section 29.45 of the Ordinance.

Additionally, General or Sole Massage Establishment owners may not, under any circumstances, transfer their permit to operate if they sell their business.

Importantly, Ordinance No. 72-15 also established a temporary massage business permits which afforded existing legitimate massage establishments an opportunity to comply with the new regulatory requirements.

The most recent local regulation affecting massage businesses became operative in November of 2018 through Ordinance No. [272-18](#)¹⁴. Amendments included:

1. Authorizing the Director of Health to access local, state, and federal criminal history information of permit applicants and holders;
2. Eliminating temporary massage practitioner permits (as allowed under Ordinance No. 72-15);
3. Amended the number of Sole Practitioner Massage Practitioners who would be allowed to share a commercial space from four and limited to two.
4. Clarifying the administrative process by which permit applicants and permit holders may appeal a decision to deny, suspend, or revoke a permit;
5. Adding or revising massage establishment operating standards relating to vermin, employee areas, locked doors, residential use, and advertising;
6. Prohibiting a massage business from operating a massage school on the same premises as a massage establishment;
7. Establishing a massage establishment re-inspection fee of \$191 per hour;
8. Updating administrative and permit penalties;
9. Authorizing the imposition of a lien on a property that has contributed to a violation of Article 29 of the Health Code to collect unpaid administrative penalties, enforcement costs, fines, interest, and attorneys' fees;
10. Authorizing the City Attorney to institute civil proceedings for injunctive and monetary relief for violations of Article 29;
11. Declaring violations of select provisions of Article 29 to be public nuisances; and
12. Discontinuing the acceptance of applications for San Francisco massage practitioner permits effective January 1, 2019.

The background information provided in the legislative digest for this File No. explains that “one purpose of Article 29 is to ensure that massage establishments do not become outlets of the sex trade and engage in human trafficking and other human rights violations”. And as such, the above explained amendments “would close enforcement loopholes and discourage conduct that puts worker and client safety at risk”.

¹⁴ 180757

EXISTING LAW

Health Code

Article 29 of the Health Code explains the current licensing of and regulatory requirements for massage. It is administered by DPH's Environmental Health Department. Article 29 defines massage as "any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft pads of the body with the hands or with the aid of any apparatus or appliance." As previously discussed, there are three types of massage business permits that are issued by DPH: 1) General Massage Establishment; 2) Sole Practitioner Massage Establishment; or, 3) Outcall Massage Service. Additionally, in order to practice massage one must either hold a Massage Practitioner Permit issued by DPH or, be licensed through the California Massage Therapy Council (CAMTC).

Before a permit to operate a General Massage Establishment or a Sole Practitioner Massage Establishment is issued, the applicant must satisfy two major requirements. First, the applicant must submit a 19-page application and an \$892.00 application fee for General Massage Establishments or a \$635 application fee for Sole Practitioner Massage Establishments. Included in the application are requirements to:

1. Submit a letter of intent;
2. Provide a list all massage practitioners expected to be working and their home addresses and dates of birth;
3. Provide the business owner information;
4. List previous massage establishment license history;
5. Complete a Planning Department application and deposit for a plan check (~\$824 to Planning and a \$156 zoning referral fee);
6. Complete a Department of Building Inspection referral;
7. Completed Fire Marshall application (\$130 referral fee) and inspection form;
8. Provide a declaration for a healthy and safe working environment;
9. Provide a copy of the lease, rental agreement, or a copy of the deed; and,
10. Submit drawings of the establishment's floor plan.

If the applicant is not CAMTC certified, they must also submit a background check request form to the San Francisco Policy Department (SFPD).

The annual license fee for General Massage Establishments for FY18-19 was listed as \$1,389. The annual license fee for Sole Practitioner Massage Establishments for FY19-20 was listed as \$686¹⁵. Additionally, any prospective massage establishment must meet all of the requirements as discussed above and codified through Ordinance No. 72-15 and described in Article 29.

¹⁵https://www.sfdph.org/dph/files/EHSdocs/ehsFees/SF_EHB_Fees.pdf

When applying for an Outcall Massage Service business permit, applicants must submit: a standard application for permit to operate a massage establishment form; written operational procedures; a background check form with SFPD; a declaration of safe and healthy work place; and a \$471 application fee. The annual license fee for Outcall Massage Service for FY18-19 was listed as \$350. Note, if an individual holds a Sole Practitioner Massage Establishment permit, they are not required to also obtain an Outcall Massage Service business permit. Importantly, it is not clear that DPH has authorization to administer regulatory oversight with regard to online platforms like Sooth and Zeel, who facilitate connecting clients and massage therapists.

An important exception and opportunity for clarity exists when a massage therapist conducts their work out of a chiropractor's office. If the massage therapist is an employee or independent contractor working for and under the supervision of a duly licensed chiropractor, they need not acquire their massage practitioner license and the chiropractic business need not obtain a massage business permit. The chiropractic office also need not be operating in a zone that specifically allows massage, though they should be operating in a commercial space zoned for health services. However, if a sole practitioner massage therapist rents commercial space from a chiropractor (or other similar health service), and operates their own business that is completely separated from the chiropractor (or other similar health service), that sole practitioner massage therapist must obtain a massage business permit, their massage practitioner permit, and ensure that the land where they are renting is zoned for massage.

Planning Code

Where General and Sole Practitioner massage establishments may operate is regulated through the Planning Code. Currently, out of 224 Commercial Zoning Districts, General and Sole Practitioner massage establishments may operate in 91 of them, or ~40% of Commercial Zoning Districts¹⁶. Of the 91, 62 are on the first story only. All General Massage Establishments must also apply for a permit to operate through the Conditional Use Authorization application process. All Sole Practitioner massage establishments are principally permitted in the same zoning districts where General Massage Establishments are allowed to operate in however, they are required to engage in the Neighborhood Notification Process.

Notably, a Massage Establishment is not required to go through the Conditional Use Authorization process if it is considered to be an accessory use to a dwelling unit, or it is an accessory use to a Tourist Hotel with 100 or more rooms or an Institutional Use. A 'dwelling unit' is defined as "A Residential Use defined as a room or suite of two or more rooms that is designed for, or is occupied by, one family doing its own cooking therein and having only one kitchen". The exception which allows massage as an accessory use to a dwelling unit currently conflicts with the Health Code.

¹⁶ See Attachment 1.

Additionally, once a Conditional Use Authorization has been granted to a particular parcel, massage as a land use will exist until the use is abandoned for three years.

ISSUES AND CONSIDERATIONS

Demographics of Massage Therapists

Utilizing U.S. government data and consumer surveys, the [American Massage Therapy Association](#) (AMTA) estimates that nationally, massage therapists are mostly female at an estimated 88% and are most likely to be sole practitioners¹⁷. And, this is supported by a 2017 report on the Diversity of Healthcare Occupations from the Department of Health and Human Services (HHS), which states that nationally, 82% of all massage therapists are estimated to be female¹⁸. The report also details that nationally, 72% of massage therapists identify as white, 11% as Hispanic, 7.5% as Asian, 5.5% as black, .5% as American Indian/Native, .1% as Native Hawaiian/Pacific Islander, and 2.5% as Multiple Race/Other.

Further, AMTA also reports that most enter the massage therapy profession as a second career and estimates that the median age of a massage therapist is 44. Their average work week was reported to be ~26.6 hours in 2018. AMTA also reports that massage therapists are also highly dependent on repeat clients. Additionally, the federal Bureau of Labor Statistics (BLS) estimated in May of 2018 that 2,160 massage therapists were employed in the San Francisco, Oakland, Hayward metro area¹⁹. Using that information, we can estimate that ~1,900 female massage therapists are employed in the San Francisco, Oakland, Hayward metro area. BLS also reported that in 2018, massage therapists earned a yearly median income of \$42,890 in the San Francisco, Oakland, Hayward metropolitan area²⁰. Importantly, according to a 2018 report from the Department of Housing and Urban Development, an annual salary of \$82,000 would put a single adult in the low-income bracket²¹. BLS also projects that projected employment for massage therapists is expected to grow faster nationally than other industries with a projected percent change of +26%.

Massage as a Health Service

As previously discussed, in San Francisco, massage businesses were historically regulated through local Police Code. This was due to a largely accepted belief that massage businesses were inextricably linked with illegal activities. In 2003, when massage business regulation was legislated to fall under the authority of DPH, it was a significant milestone in shifting the existing massage regulatory paradigm. It signaled to massage therapists and legitimate massage business owners that the City and County of San Francisco was beginning to view massage as a health service.

¹⁷ https://www.amtamassage.org/infocenter/economic_industry-fact-sheet.html

¹⁸ <https://bhw.hrsa.gov/sites/default/files/bhw/nchwa/diversityushealthoccupations.pdf>

¹⁹ <https://www.bls.gov/oes/current/oes319011.htm>

²⁰ file:///Users/dominicadonovan/Downloads/AvailableWorkforce_Wages.pdf

²¹ <https://www.huduser.gov/portal/datasets/il/il2018/2018summary.odn>

Unfortunately, between 2008 and 2015 the perception that massage businesses served primarily as conduits for illicit commercial sex activity and human trafficking reemerged and flourished. This was largely due to bad actors who took advantage of regulatory loopholes that were created by SB-731, as described above. In 2015, after local control over massage business regulation was restored, BOS Ordinance Nos. 72-15 and 73-15 passed. These two pieces of legislation effectively codified massage as a service distinct from other like-health services.

Codifying massage as its own land use also contributed to the stigma that legitimate massage businesses have been working to correct on their own for decades. Concerns relating to this were raised numerous times during public comment during a 2015 BOS Land Use and Transportation meeting²² and the subsequent BOS Meeting²³. Indeed, it seemed that these concerns were also shared by then Supervisor Scott Weiner. And, he specifically requested that follow up legislation address this issue. However, it is unclear as to whether or not follow-up legislation was ever considered to this effect.

That massage services should be seen as health services is also a recommendation that the [Polaris Project](#) made in a 2017 report on Human Trafficking in Illicit Massage Businesses. The Polaris Project leads national advocacy, research, and public education efforts combatting human and sex trafficking in the United States. From the report, one of the strongest recommendations to combat illicit massage establishments is for localities to regulate massage businesses with other commercial licensed businesses. For example, Delaware now considers massage businesses to be health businesses and are regulated as such²⁴.

Indeed, the medical community has long been touting the health benefits that massage therapy can have for various ailments. According to a 2012 published National Institute of Health (NIH) newsletter, "Some common reasons for getting a massage are to relieve pain, heal sports injuries, reduce stress, relax, ease anxiety or depression, and aid general wellness."²⁵ And, according to a factsheet published by the National Center for Complementary and Integrative Health at NIH, massage can be used as supportive care for cancer patients, those experiences symptoms or fibromyalgia, and for those living with HIV/AIDS²⁶. The Mayo Clinic also notes that massage can be used as part of complementary and integrative medicine for myofascial pain syndrome and temporomandibular joint pain²⁷.

Massage therapists primarily administer four types of massage therapy, Swedish, Deep Tissue, Sports, and Chair, with each having their respective benefits. Though the exact number of the types

²²http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=10&clip_id=22647&meta_id=434207

²³http://sanfrancisco.granicus.com/MediaPlayer.php?view_id=10&clip_id=22724&meta_id=435721

²⁴ <https://polarisproject.org/sites/default/files/Executive%20Summary%20-%20Human%20Trafficking%20in%20Illicit%20Massage%20Businesses.pdf>

²⁵ <https://newsinhealth.nih.gov/2012/07/massage-therapy>

²⁶ <https://nccih.nih.gov/health/massage/massageintroduction.htm>

²⁷ <https://www.mayoclinic.org/healthy-lifestyle/stress-management/in-depth/massage/art-20045743>

of massage varies, ~65 have been accounted for by the AMTA²⁸. Though the medical community agrees that more research is needed to affirm the precise health benefits of massage treatments, they agree that the health benefits can be powerful.

Conditional Use and Neighborhood Notification Requirements

For prospective General Massage Establishments who would like to open in a commercial space where a massage use has not yet been established, they are subject to the requirements detailed under Conditional Use Authorizations. The Conditional Use Authorization process can take up to nine months or longer to process²⁹. Not only is this a significant time-cost for prospective massage business owners, it is a significant monetary cost. Where applicants must currently hold a lease for the commercial space that they are attempting to conditionally authorize for a massage use, they must also pay rent on that space. Where massage business permits are not authorized until Planning Permits are obtained, prospective massage businesses may not operate until the Conditional Use Authorization Process is complete which will allow for DPH to move forward with their final inspections of the massage business. This ultimately leads to significant sunk costs for the applicant.

For prospective Sole Practitioner Massage Establishments who would like to operate in a commercial space where a massage use has not yet been established, they are subject to the requirements detailed under the Neighborhood Notification Process. Although this is supposed to take 30 days, the timeline is dependent upon the Planning Department's own capacity to process those applications. Like with General Massage Establishments, a prospective Sole Practitioner Massage Establishment may not operate while the Planning Department finalizes the land use permits, but they must still pay rent for the commercial space where they would like to operate. This is an even greater burden for Sole Practitioners who likely have much less access to capital than General Massage Establishment owners.

The Current Zoning Structure is a Significant Barrier to Entry for Massage Businesses

Of 224 possible commercial zoning districts, massage uses are allowed in just 91 of them and primarily on the ground floor. Massage uses are only allowable on the 2nd story or above in just 29 zoning districts.

This is challenging for two important reasons. First, 2nd story and above commercial spaces tend to be much less expensive and are more aligned to the needed use size than ground floor commercial space. As such, commercial spaces on the 2nd floor and above would be much more economically accessible to massage businesses, particularly for Sole Practitioner Massage Businesses. It is unreasonable to expect that a Sole Practitioner Massage Establishment Business Owner would have the capital available to rent ground floor commercial space in San Francisco. And second,

²⁸ <https://amta-wa.org/page/massagemodalities>

²⁹ https://sfbos.org/sites/default/files/BLA.CommclVacancies.UMC_.Permitting.030519.pdf

availability of ground floor commercial space that would meet a Sole Practitioner massage establishment owner's needs is likely low to non-existent. Typically, Sole Practitioner Massage Establishments need much less than 1000sq feet of space in order to conduct their business. Such commercial spaces are, however, 2nd story and above commercial units are likely more available and, likely exist where other health services are permitted to operate.

Permit Fee Structure is a Significant Barrier to Entry for Massage Businesses

As compared to like-services, massage businesses must pay extraordinarily high City mandated fees. For General Massage Establishments, total start-up fees, including the Annual License fee, is ~\$3,291. When combined with costs associated with the Conditional Use Authorization application, that cost can quickly increase to as much as ~\$30,000+.

For Sole Practitioner Massage Establishments, there is also a significant cost burden that can quickly become a barrier to entry. Total start-up fees, including the Annual License Fee, is ~\$2,431. This is not inclusive of costs associated with the Neighborhood Notification Process which could contribute to a cost increase in the thousands of dollars. Additionally, many Sole Practitioner Massage Therapists have indicated that sharing spaces with other Sole Practitioner Massage Therapists can significantly reduce costs and as such, make renting commercial space within the current land use regulatory structure much more accessible. However, there is a lack of clarity with regard to how to successfully navigate the permitting structure. Lastly, only two Sole-Practitioners may share a space. Where larger ground floor commercial space is primarily what is accessible to Sole-Practitioners, it is within reason to consider reverting the law to allow for more than two practitioners to share a space.

Other Administrative Concerns

Many local massage business owners have cited their frustration with the regulatory requirement that exterior doors remain unlocked at all times. They have noted that they have been issued Notices of Violation relative to this that they feel were administered unfairly. Most report that when they do keep their exterior doors locked, it is for safety and security reason. Some have also reported that they do not completely understand how the locked door requirement is administered and they do not fully understand what exceptions, if any, exist.

Additionally, local massage business owners have cited that being required to submit the names, addresses, and dates of birth of their employees can be administratively cumbersome, particularly when the massage business owners are also submitting their employees' CAMTC practitioner license and/or DPH practitioner license.

Lastly, there are many concerns with the existing Outcall Massage permitting structure. Specifically, with regard to the intersection with online platforms that act as a conduit for clients and massage therapists. Effectively, these platforms serve as virtual massage establishments. Under the current permitting structure, there is little clarity for how such online platforms should

be treated. As such, DPH appears to have little to no oversight authority. For this reason, many Outcall Massage Practitioners may be put at risk when providing services to clients at the client's requested location. As explained in a recent Gizmodo article, "users [of the platform] enjoy convenience and expediency, often at the expense of worker protections...[and] a growing number of workers are being sent by apps into the homes of the affluent to provide them personal services...and the companies that facilitate those services claim minimal liability. They offer their contractors minimal support—only the consolation that the company will uphold its own terms and services, and discharge offending users"³⁰.

Massage and Sex Trafficking

When considering the many challenges that existing and prospective legitimate massage business owners face, it is also important to acknowledge that many bad actors across the nation have historically manipulated the massage business industry in order to propagate illicit activities. And, that this was indeed a challenge for regulators in the City and County of San Francisco.

BOS Ordinance No. 72-15 appropriately addressed this through the substantial regulation of massage business licenses, facilities, operations, and massage therapist licensing requirements as discussed above. These regulatory changes were also largely compatible with recommendations made by the Polaris Project³¹ and likely had an immediate and positive impact. Where the number of Article 29 violations averaged at 306 per year from 2015-2017, only 88 violations were noticed in 2018³². A significant reduction. In this regard, we may infer that instances of illicit activities have also been reduced.

POLICY OPTIONS

Between 2017 and 2019 there have been, on average, ~160 active General Massage Establishment permits. Between 2017 and 2019, there have been, on average, ~28 active Sole Practitioner Massage Establishment permits. That the number of active General and Sole Practitioner Massage Establishment permits has not changed significantly indicates that this sector has likely flattened out. As such, despite the Bureau of Labor Statistics indicating that growth is projected to be faster than average for massage therapist positions, there is not a high likelihood of new establishments opening. Moreover, on August 21, 2019 DPH issued ~200 warning letters to massage businesses who were alleged to have been operating outside of the existing regulatory environment. While many appear to have current San Francisco Business Licenses and DPH or CAMTC massage practitioner permits, most likely do not have their massage business permits and/or are operating in areas that are not zoned for massage uses. We may draw two important conclusions: 1) those

³⁰ https://gizmodo.com/theyre-putting-people-at-risk-sexual-misconduct-har-1837439618?utm_medium=sharefromsite&utm_source=gizmodo_facebook&utm_campaign=sharebar&%2Fsession&fbclid=IwAR3J9_Gq8LJR-P09EnAn6-2SZJgglOdEb1qj0_IIBg2fUY2P7BxfPoX8Xiw&/session

³¹ <https://polarisproject.org/sites/default/files/Executive%20Summary%20-%20Human%20Trafficking%20in%20Illicit%20Massage%20Businesses.pdf>

³² DPH Public Records Request, July 30, 2019.

who received the letter were unaware of their responsibilities with regard to running a massage business; and 2) they were operating in areas not zoned for massage uses because commercial units that did meet existing land use control requirements were not available or were not affordable.

The Board of Supervisors and the Mayor's Office should consider the following recommendations for amending the Planning Code and Article 29 of the Health Code. These changes would likely activate this sector, ensure that the massage businesses and therapists could easily interpret their legal responsibilities in operating massage establishments, also would also retain the integrity of safety and security measures meant to abate bad actors.

Amend the Planning Code:

1. Amend the definition of "Health Service" to include "Massage Service". In this regard, this would allow massage businesses to open in the same zoning areas where other health services operate. Not only would this serve to destigmatize massage businesses, it would also serve a reasonably practical purpose. Areas of the City where health services are permitted (including in 2nd story+ spaces) are host to commercial spaces that more appropriately meet massage business needs, i.e., smaller exam rooms and are most affordable. In limiting where massage services are allowed, the land use controls also severely limit the supply for reasonable and affordable commercial space. (*Planning Code Sec. 102 Definitions, Service, Health and Massage*).
The existing definition of massage service would also be retained. This would allow for more flexibility in administering massage controls as needed.
2. Provide for clarification as to whether massage may be conducted as an accessory use to a residence. Currently, pursuant to Health Code Sec.29.31(j), it is not allowed. However, the Planning Code allows for massage to be an accessory to a dwelling unit (*Planning Code Sec.102 Definitions, Massage Establishment, (b)(1)(A)*).
3. Amend the Planning Code to require that where a massage establishment is an accessory use to a Tourist Hotel that contains 100 or more rooms, that it be required to go through the Conditional Use Authorization process. For context, the hospitality industry is widely known to be attractive to those engaging in sex trafficking (*Planning Code Sec.102 Definitions, Massage Establishment, (b)(1)(B)*)).

Amend the Health Code

1. Establish a program similar to "Healthy Nails SF" for massage businesses, which may be called "Healthy Massage SF". This program would oversee public education and outreach around massage regulations and ensure that massage businesses have the information that they need to not only operate in a legitimate manner but also, to be successful. It would also create a registry of compliant massage establishments that could be made available to the public. This program would also establish a massage establishment rating system. Such a system would be easily accessible by the public and would list out violations by nature and type, if an establishment had previously received a notice of violation. Such a system

could be modeled after the food establishment rating system.

2. Amend requirements around locked exterior doors (*Health Code: Sec.29.31(g) and Sec.29.45.(a)(17)*). As we know, most massage therapists and massage businesses are women owned. And unfortunately, women are consistently more at risk for being victims of nonviolent and violent attacks. Health Code: Sec. 29.31(g) should provide for an exception to the locked exterior door requirement due to extreme cases beyond the control of the massage practitioner.
3. Reform the massage establishment permit structure. (*Health Code: Sec. 29.25*)
 - o Streamline the massage general establishment permit and sole practitioner massage establishment application process and, reassess the fee structure. The application is onerous and serves as a deterrent to many would-be business owners.
 - o Amend the Outcall Massage permitting pathway to include a provision that would effectively regulate online platforms that facilitate massage therapy appointments and would ensure the safety and security of massage practitioners who serve as independent contractors of the platforms.
4. Amend the requirement that massage establishment business permit applicants provide the home addresses and dates of birth of their employees expected to work at the establishment. Rather, require that massage business establishment owners maintain a copy of their employees' CAMTC or SF Massage License is kept with the register. (*Health Code: Sec. 29.26*)

Other Administrative Reforms:

1. Require that City agencies remove "Massage Parlor" from their respective codes and/or guidance documents and replace it with "Massage Establishment". The term "massage parlor" is associated with illicit sexual activity whereas "Massage Establishments" are where legitimate massage activities take place.

Attachment 1

SF Planning Code	Use Districts	Message Establishment	Message - Sole Practitioner	Services - Health	Services - Personal	Key	
Sec. 710	NC-1 Neighborhood Commerical Cluster District (1st Story)	NP	NP	P	P	Key	
	NC-1 Neighborhood Commerical Cluster District (2nd Story)	NP	NP	NP	NP	NP	Not permitted
	NC-1 Neighborhood Commerical Cluster District (3rd+ Story)	NP	NP	NP	NP	P	Permitted
Sec. 711	NC-2 Small-Scale Neighborhood Commercial District (1st Story)	C	P*	P	P	C#	
	NC-2 Small-Scale Neighborhood Commercial District (2nd Story)	NP	NP	P	P	C	Conditional
	NC-2 Small-Scale Neighborhood Commercial District (3rd+ Story)	NP	NP	NP	NP	N/A	Not available
Sec. 712	NC-3 Moderate-Scale Neighborhood Commercial District (1st Story)	C	P*	P	P		
	NC-3 Moderate-Scale Neighborhood Commercial District (2nd Story)	C	P*	P	P		
	NC-3 Moderate-Scale Neighborhood Commercial District (3rd+ Story)	NP	NP	P	P		
Sec. 713	NC-5 Neighborhood Commercial Shopping Center (1st Story)	C	P*	P	P		
	NC-5 Neighborhood Commercial Shopping Center (2nd Story)	C	P*	P	P		
	NC-5 Neighborhood Commercial Shopping Center (3rd+ Story)	NP	NP	NP(1)	NP(1)		
Sec. 714	Broadway Neighborhood (1st Story)	C	P*	P	P		
	Broadway Neighborhood (2nd Story)	C	P*	P	P		
	Broadway Neighborhood (3rd+ Story)	NP	NP	NP	NP		
Sec. 715	Castro Neighborhood (1st Story)	C	P*	P	P		
	Castro Neighborhood (2nd Story)	C	P*	P	P		
	Castro Neighborhood (3rd+ Story)	NP	NP	C	C		
Sec. 716	Inner Clement Neighborhood (1st Story)	C	P*	P	P		
	Inner Clement Neighborhood (2nd Story)	C	P*	C	C		
	Inner Clement Neighborhood (3rd+ Story)	NP	NP	NP	NP		
Sec. 717	Outer Clement Neighborhood (1st Story)	NP	NP	P	P		
	Outer Clement Neighborhood (2nd Story)	NP	NP	NP	NP		
	Outer Clement Neighborhood (3rd+ Story)	NP	NP	NP	NP		
Sec. 718	Upper Fillmore Street Neighborhood (1st Story)	C	P*	P	P		
	Upper Fillmore Street Neighborhood (2nd Story)	NP	NP	P	P		
	Upper Fillmore Street Neighborhood (3rd+ Story)	NP	NP	NP	NP		
Sec. 719	Haight Street Neighborhood (1st Story)	C	P*	NP	P		
	Haight Street Neighborhood (2nd Story)	NP	NP	C	C		
	Haight Street Neighborhood (3rd+ Story)	NP	NP	NP	NP		
Sec. 720	Excelsior Outer Mission St Neighborhood (1st Story)	C	P*	P	P(4)		
	Excelsior Outer Mission St Neighborhood (2nd Story)	C	P*	P	P(4)		
	Excelsior Outer Mission St Neighborhood (3rd+ Story)	NP	NP	P	P(4)		
Sec. 721	Japantown Neighborhood (1st Story)	C	P*	C	P		
	Japantown Neighborhood (2nd Story)	C	P*	P	P		
	Japantown Neighborhood (3rd+ Story)	C	P*	P	C		
Sec. 722	North Beach Neighborhood (1st Story)	C	P*	NP	P		
	North Beach Neighborhood (2nd Story)	NP	NP	C	P		
	North Beach Neighborhood (3rd+ Story)	NP	NP	C	NP		
Sec. 723	Polk Street Neighborhood (1st Story)	NP	NP	NP	P		
	Polk Street Neighborhood (2nd Story)	NP	NP	C	P		
	Polk Street Neighborhood (3rd+ Story)	NP	NP	C	NP		
Sec. 724	Sacramento Street Neighborhood (1st Story)	NP	NP	C(4)	C		
	Sacramento Street Neighborhood (2nd Story)	NP	NP	P	NP		
	Sacramento Street Neighborhood (3rd+ Story)	NP	NP	P	NP		
Sec. 725	Union Street Neighborhood (1st Story)	C(1)	P*	P	P		
	Union Street Neighborhood (2nd Story)	C(1)	P*	C	P		
	Union Street Neighborhood (3rd+ Story)	NP	NP	NP	C		
Sec. 726	Pacific Avenue Neighborhood (1st Story)	NP	NP	C	P		
	Pacific Avenue Neighborhood (2nd Story)	NP	NP	NP	C		
	Pacific Avenue Neighborhood (3rd+ Story)	NP	NP	C	NP		
Sec. 728	24th Street Noe Valley Neighborhood (1st Story)	C	P*	P	P		
	24th Street Noe Valley Neighborhood (2nd Story)	NP	NP	NP	C		
	24th Street Noe Valley Neighborhood (3rd+ Story)	NP	NP	C	NP		
Sec. 729	West Portal Avenue Neighborhood (1st Story)	NP	NP	P	P		
	West Portal Avenue Neighborhood (2nd Story)	NP	NP	NP	P		
	West Portal Avenue Neighborhood (3rd+ Story)	NP	NP	C	NP		
Sec. 730	Inner Sunset Neighborhood (1st Story)	C	P*	C	P		
	Inner Sunset Neighborhood (2nd Story)	NP	NP	NP	C		
	Inner Sunset Neighborhood (3rd+ Story)	NP	NP	P	NP		
Sec. 731	Noriega Street Neighborhood (1st Story)	C	P*	P	P		
	Noriega Street Neighborhood (2nd Story)	NP	NP	P	C		
	Noriega Street Neighborhood (3rd+ Story)	NP	NP	NP	NP		
Sec. 732	Irving Street Neighborhood (1st Story)	C	P*	P	P	C	
	Irving Street Neighborhood (2nd Story)	NP	NP	P	NP		
	Irving Street Neighborhood (3rd+ Story) Taraval	NP	NP	NP	P		
Sec. 733	Street Neighborhood (1st Story) Taraval	C	P*	P	C		
	Street Neighborhood (2nd Story) Taraval	NP	NP	P	NP		
	Street Neighborhood (3rd+ Story)	NP	NP	NP	P		
Sec. 734	Judah Street Neighborhood (1st Story)	C	P*	P	C		
	Judah Street Neighborhood (2nd Story)	NP	NP	P	NP		
	Judah Street Neighborhood (3rd+ Story)	NP	NP	NP	P(7)		
Sec. 758	Regional Commerical District (1st Story)	C	P*	P(6)(7)	P		
	Regional Commerical District (2nd Story)	C	P*	NP	NP		
	Regional Commerical District (3rd+ Story)	NP	NP	P	P		
Sec. 750	NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1 - 1st Story	NP	NP	NP	NP		
	NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1 - 2nd Story	NP	NP	NP	NP		
	NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1 - 3rd+ Story	NP	NP	P	P		
Sec. 751	SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2 - 1st Story	C	P*	P	P		
	SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2 - 2nd Story	NP	NP	NP	NP		
	SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2 - 3rd+ Story	NP	NP	P	P		
Sec. 752	MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-3 - 1st Story	C	P*	P	P		
	MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-3 - 2nd Story	C	P*	P	P		
	MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-3 - 3rd+ Story	NP	NP	P	P		
Sec. 753	Soma (NCT) Neighborhood - 1st Story	C	P*	P	P		
	Soma (NCT) Neighborhood - 2nd Story	NP	NP	NP	NP		
	Soma (NCT) Neighborhood - 3rd+ Story	NP	NP				

Sec. 754	Mission Street (NCT) Neighborhood - 1st Story	C	P*	P	P
	Mission Street (NCT) Neighborhood - 2nd Story	C	P*	P	P
	Mission Street (NCT) Neighborhood - 3rd+ Story	NP	NP	P	P
Sec. 755	Ocean Avenue (NCT) Neighborhood - 1st Story	C	P*	C(5)	P
	Ocean Avenue (NCT) Neighborhood - 2nd Story	NP	NP	P	P
	Ocean Avenue (NCT) Neighborhood - 3rd+ Story	NP	NP	P	NP
Sec. 756	Glen Park (NCT) Neighborhood - 1st Story	C	P*	P	P
	Glen Park (NCT) Neighborhood - 2nd Story	NP	NP	P	P
	Glen Park (NCT) Neighborhood - 3rd+ Story	NP	NP	NP	NP
Sec. 757	Folsom Street (NCT) Neighborhood - 1st Story	C	P*	P (7)(8)	P (8)
	Folsom Street (NCT) Neighborhood - 2nd Story	C	P*	NP	P (8)
	Folsom Street (NCT) Neighborhood - 3rd+ Story	NP	NP	NP	NP
Sec. 759	Divisadero Street Neighborhood (1st Story)	C	P*	P	P
	Divisadero Street Neighborhood (2nd Story)	NP	NP	P	P
	Divisadero Street Neighborhood (3rd+ Story)	NP	NP	NP	NP
Sec. 760	Fillmore Street Neighborhood (1st Story)	C	P*	P	P
	Fillmore Street Neighborhood (2nd Story)	C	P*	P	P
	Fillmore Street Neighborhood (3rd+ Story)	NP	NP	P	NP
Sec. 761	Hayes-Gough (NCT) Neighborhood - 1st Story	C	P*	C	P
	Hayes-Gough (NCT) Neighborhood - 2nd Story	NP	NP	P	P
	Hayes-Gough (NCT) Neighborhood - 3rd+ Story	NP	NP	C	C
Sec. 762	Valencia Street (NCT) Neighborhood - 1st Story	C	P*	P	P
	Valencia Street (NCT) Neighborhood - 2nd Story	C	P*	C	C
	Valencia Street (NCT) Neighborhood - 3rd+ Story	NP	NP	NP	C
Sec. 763	24th Street - Mission (NCT) Neighborhood - 1st Story	C	P*	P	P
	24th Street - Mission (NCT) Neighborhood - 2nd Story	NP	NP	C	C
	24th Street - Mission (NCT) Neighborhood - 3rd+ Story	NP	NP	NP	NP
Sec. 764	Upper Market (NCT) Neighborhood - 1st Story	C	P*	P	P
	Upper Market (NCT) Neighborhood - 2nd Story	C	P*	P	P
	Upper Market (NCT) Neighborhood - 3rd+ Story	NP	NP	C	C
Sec. 750	NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1 - 1st Story	NP	NP	P	P
	NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1 - 2nd Story	NP	NP	NP	NP
	NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1 - 3rd+ Story	NP	NP	NP	NP
Sec. 751	SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2 - 1st Story	C	P*	P	P
	SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2 - 2nd Story	NP	NP	P	P
	SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2 - 3rd+ Story	NP	NP	NP	NP
Sec. 752	MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-3 - 1st Story	C	P*	P	P
	MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-3 - 2nd Story	C	P*	P	P
	MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-3 - 3rd+ Story	NP	NP	P	P
Sec. 753	Soma (NCT) Neighborhood - 1st Story	C	P*	P	P
	Soma (NCT) Neighborhood - 2nd Story	NP	NP	P	P
	Soma (NCT) Neighborhood - 3rd+ Story	NP	NP	NP	NP
Sec. 754	Mission Street (NCT) Neighborhood - 1st Story	C	P*	P	P
	Mission Street (NCT) Neighborhood - 2nd Story	C	P*	P	P
	Mission Street (NCT) Neighborhood - 3rd+ Story	NP	NP	P	P
Sec. 755	Ocean Avenue (NCT) Neighborhood - 1st Story	C	P*	C(5)	P
	Ocean Avenue (NCT) Neighborhood - 2nd Story	NP	NP	P	P
	Ocean Avenue (NCT) Neighborhood - 3rd+ Story	NP	NP	P	NP
Sec. 756	Glen Park (NCT) Neighborhood - 1st Story	C	P*	P	P
	Glen Park (NCT) Neighborhood - 2nd Story	NP	NP	P	P
	Glen Park (NCT) Neighborhood - 3rd+ Story	NP	NP	NP	NP
Sec. 757	Folsom Street (NCT) Neighborhood - 1st Story	C	P*	P (7)(8)	P (8)
	Folsom Street (NCT) Neighborhood - 2nd Story	C	P*	NP	P (8)
	Folsom Street (NCT) Neighborhood - 3rd+ Story	NP	NP	NP	NP
Sec. 759	Divisadero Street Neighborhood (1st Story)	C	P*	P	P
	Divisadero Street Neighborhood (2nd Story)	NP	NP	P	P
	Divisadero Street Neighborhood (3rd+ Story)	NP	NP	NP	NP
Sec. 760	Fillmore Street Neighborhood (1st Story)	C	P*	P	P
	Fillmore Street Neighborhood (2nd Story)	C	P*	P	P
	Fillmore Street Neighborhood (3rd+ Story)	NP	NP	P	NP
Sec. 761	Hayes-Gough (NCT) Neighborhood - 1st Story	C	P*	C	P
	Hayes-Gough (NCT) Neighborhood - 2nd Story	NP	NP	P	P
	Hayes-Gough (NCT) Neighborhood - 3rd+ Story	NP	NP	C	C
Sec. 762	Valencia Street (NCT) Neighborhood - 1st Story	C	P*	P	P
	Valencia Street (NCT) Neighborhood - 2nd Story	C	P*	C	C
	Valencia Street (NCT) Neighborhood - 3rd+ Story	NP	NP	NP	C
Sec. 763	24th Street - Mission (NCT) Neighborhood - 1st Story	C	P*	P	P
	24th Street - Mission (NCT) Neighborhood - 2nd Story	NP	NP	C	C
	24th Street - Mission (NCT) Neighborhood - 3rd+ Story	NP	NP	NP	NP
Sec. 764	Upper Market (NCT) Neighborhood - 1st Story	C	P*	P	P
	Upper Market (NCT) Neighborhood - 2nd Story	C	P*	P	P
	Upper Market (NCT) Neighborhood - 3rd+ Story	NP	NP	C	C
Sec 209.1	RH-1 (D)	NP	NP	NP	NP
Sec 209.1	RH-1	NP	NP	NP	NP
Sec 209.1	RH-1(S)	NP	NP	NP	NP
Sec 209.1	RH-2	NP	NP	NP	NP
Sec 209.1	RH-3	NP	NP	NP	NP
Sec 209.2	RM-1	NP	NP	NP	NP
Sec 209.2	RM-2	NP	NP	NP	NP
Sec 209.2	RM-3	NP	NP	NP	NP

<u>Sec 209.2</u> RM-4	NP	NP	NP	NP
<u>Sec 209.3</u> RC-3	NP	NP	P (4)	P (4)
<u>Sec 209.3</u> RC-4	NP	NP	P (4)	P (4)
<u>Sec 209.4</u> RTO	NP	NP	NP	NP
<u>Sec 209.4</u> RTO-M	NP	NP	NP	NP
<u>Sec. 210.1</u> C-2 Community Business Districts	C	P*	P	P
<u>Sec. 210.2</u> C-3-O Downtown Office District	C	P*	P	P
<u>Sec. 210.2</u> C-3-O (SD) Downtown Office Special Development District	C	P*	P	P
<u>Sec. 210.2</u> C-3-R Downtown Retail District	C	P*	P	P
<u>Sec. 210.2</u> C-3-G Downtown General Commercial District	C	P*	P	P
<u>Sec. 210.2</u> C-3-S Downtown Support District	C	P*	P	P
<u>Sec. 210.3</u> PDR-1-B Production Distribution and Repair - Light Industrial Buffer	NP	NP	P (3)	P(1)
<u>Sec. 210.3</u> PDR-1-D Production Distribution and Repair - Design	NP	NP	P (8)	P (10)
<u>Sec. 210.3</u> PDR-1-G Production Distribution and Repair - General	NP	NP	P (8)	P (9)
<u>Sec. 210.3</u> PDR-2 Core Production Distribution and Repair - Bayview	NP	NP	P (5)	P(1)
<u>Sec. 210.4.</u> Light Industrial Districts - M1	C	P*	P	P
<u>Sec. 210.4.</u> Heavy Industrial Districts - M2	C	P*	P	P
<u>Sec. 249.64</u> PM-R - Parkmerced Residential District	NP	NP	NP	NP

PM-MU1 - Parkmerced Mixed Use - Social Heart District	C	P*	P	P
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PM-MU2 - Parkmerced Mixed Use - Neighborhood Commons	C	P*	P	P
PM-S - Parkmerced School District	NP	NP	NP	NP

PM-CF - Parkmerced Community/Fitness District	NP	NP	NP	NP
PM-OS - Parkmerced Open Space District	NP	NP	NP	NP
<u>Sec. 810</u> CCB - Chinatown Community Business District - 1st Story	C#	P*	P	P
<u>Sec. 810</u> CCB - Chinatown Community Business District - 2nd Story	C#	P*	P	P
<u>Sec. 810</u> CCB - Chinatown Community Business District - 3rd+ Story	C#	P*	P	P
<u>Sec. 811</u> CVR - Chinatown Visitor Retail District - 1st Story	C#	P*	NP	NP
<u>Sec. 811</u> CVR - Chinatown Visitor Retail District - 2nd Story	C#	P*	P	P
<u>Sec. 811</u> CVR - Chinatown Visitor Retail District - 3rd+ Story	C#	P*	NP	NP
<u>Sec. 812</u> CR/NC - Chinatown Residential /Neighborhood Commercial District - 1st Story	C#	P*	P	P
<u>Sec. 812</u> CR/NC - Chinatown Residential /Neighborhood Commercial District - 2nd Story	NP	NP	NP	NP
<u>Sec. 812</u> CR/NC - Chinatown Residential /Neighborhood Commercial District - 3rd+ Story	NP	NP	NP	NP
<u>Sec. 813</u> RED - Residential Enclave District	NP	NP	NP	NP

<u>Sec. 814</u> South Park District	C	P*	P	P
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<u>Sec. 827</u> RH-DTR - Rincon Hill Downtown Residential	C#	P*	P	P
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<u>Sec. 828</u> TB-DTR - Transbay Downtown Residential District	C	P*	P	P
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Redevelopment documents are silent, controls in this Code pertaining to the C-3-O District shall apply. The C-3-O District permits construction of Accessory Dwelling Units pursuant to Section 207(c)(4) of this Code.

<u>Sec. 829</u>	SB-DTR - South Beach Downtown Residential	C#	P*	P	P
<u>Sec. 840</u>	MUG - Mixed Use - General	NP	NP	P	P
<u>Sec. 841</u>	MUR - Mixed Use - Residential	NP	NP	P	P
<u>Sec. 842</u>	MUO - Mixed Use - Office	NP	NP	P	P
<u>Sec. 843</u>	UMU - Urban Mixed Use	NP	NP	P	P
<u>Sec. 844</u>	WMUG - Western SoMa Mixed Use - General	C	P*	P	P
<u>Sec. 845</u>	WMUO - Western SoMa Mixed Use - Office	NP	NP	P	P
<u>Sec. 846</u>	SALI - Service/Arts/Light Industrial	C	P*	P	P
<u>Sec. 847</u>	RED-MX - Residential Enclave District - Mixed	NP	NP	NP	P
<u>Sec. 848</u>	CMUO - Central SOMA Mixed-Use Office District	NP	NP	P	P
<u>Sec. 906</u>	MB-R-1 - Mission Bay Lower Density Residential District	NP	NP	NP	NP
<u>Sec. 907</u>	MB-R-2 - Mission Bay Moderate Density Residential District	NP	NP	NP	NP
<u>Sec. 908</u>	MB-R-3 - Mission Bay High Density Residential District	NP	NP	NP	NP

<u>Sec. 909</u>	MB-NC-2 - Mission Bay Small Scale Neighborhood Commercial District	NP	NP	P	P
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<u>Sec. 910</u>	MB-NC-3 - Mission Bay Moderate Scale Neighborhood Commercial District	C	P*	P	P
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<u>Sec. 911</u>	MB-NC-S - Mission Bay Neighborhood Commercial Shopping Center District	NP	NP	P	P
<u>Sec. 912</u>	MB-O - Mission Bay Office District			P	P
<u>Sec. 913</u>	MB-CI - Mission Bay Commercial-Industrial District			P	P
<u>Sec. 914</u>	MB-H - Mission Bay Hotel District			P	P
<u>Sec. 915</u>	MB-CF - Mission Bay Community Facilities District	NP	NP	NP	NP
<u>Sec. 916</u>	MB-OS - Mission Bay Open Space District	NP	NP	NP	NP

Treasure Island and Yerba Buena

SF Planning Code	Use Districts	25. Massage Establishment	Message - Sole Practitioner	Services - Health	Services - Personal	11. Beauty or Cosmetology Salon	26. Offices, Professional, Medical, and Business	21. Health Clubs, Fitness Centers, Gyms and Athletic Clubs
<u>Sec. 249.52</u>	TI-R - Treasure Island-Residential	IC	IC			P**†	P**†	P ((IC*)†
	TI-MU - Treasure Island-Mixed Use	IC	IC			P	P	P
	TI-OS - Treasure Island-Open Space							IC*
	TI-PCI - Treasure Island-Public/Civic/Institutional						P	P

YBI-R - Yerba Buena Island-Residential	IC	IC	P**†	P**†	P (IC*)†
YBI-MU - Yerba Buena Island-Mixed Use	IC	IC	P	P	P
YBI-OS - Yerba Buena Island-Open Space					IC*
YBI-PCI - Yerba Buena Island-Public/Civic/Institutional				P	P

- IC Island Control
- Island Conditional Use Permit required if facility is greater than 15,000 SF;
- IC* †limited to location on the first two floors, with direct entries from ground floor
- * Not to exceed 10,000 SF for any single tenant
- † limited to location on the first two floors, with direct entries from ground floor