

ORDINANCE NO. 2861

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-014-2015, A ZONING TEXT AMENDMENT TO PORTIONS OF CHAPTERS 9.04, 9.16, AND 9.18 OF TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE PERTAINING TO MASSAGE ESTABLISHMENTS AND OTHER USES AT WHICH MASSAGE SERVICES ARE PROVIDED

City Attorney Summary

This Ordinance approves text amendments to portions of Chapters 9.04 (Definitions), 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), and 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code to update the references, definitions, development standards, and operational conditions pertaining to massage establishments and other types of uses at which massage services are provided to be consistent with the City Massage Regulations set forth in Chapter 5.12 of the Garden Grove Municipal Code and the State Massage Therapy Act. Pursuant to this Ordinance, massage establishments are treated as a separate commercial use, rather than as an adult entertainment business, and may be located in the C-2 (Community Commercial), GGMU (Garden Grove Mixed Use), and NMU (Neighborhood Mixed Use) zones, subject to approval of a Conditional Use Permit, provided they are not located within 1000 feet of another massage establishment, meet specified development, operational, and minimum parking standards, possess a valid and current massage operator's permit issued by the Police Chief, and comply with all other requirements of the City Massage Regulations in Chapter 5.12. Existing legally established and permitted massage establishments will be deemed legal nonconforming uses that are subject to the provisions of Chapter 5.12 (Massage Regulations) and Chapter 9.36 (Nonconformities) of the Garden Grove Municipal Code. This Ordinance also updates the definitions, references, conditions and standards applicable to Athletic and Health Clubs, Spas or Gyms that provide massage services, and permits massage services to be provided as part of a salon, spa or similar facility located in, and incidental to the operation of, a Hotel that contains at least one hundred fifty (150) rooms located anywhere in the City.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, Amendment No. A-014-2015 was initiated by the City of Garden Grove and is a zoning text amendment to portions of Chapters 9.04 (Definitions), 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards), and 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code pertaining to massage establishments and other types of uses at which massage services are provided;

WHEREAS, effective January 1, 2015, Assembly Bill 1147, also referred to as the "Massage Therapy Act," restored local land use and regulatory control over massage establishments, subject to specific limitations;

WHEREAS, on May 26, 2015, the Garden Grove City Council adopted Ordinance No. 2856 amending Chapter 5.12 (Massage Regulations) of the Garden Grove Municipal Code to update the City's Massage Regulations in accordance with the Massage Therapy Act;

WHEREAS, pursuant to the Massage Regulations of Chapter 5.12, all owners and operators of massage establishments in the City are required to maintain a City massage establishment operator's permit issued by the Police Chief and to adhere to specified standards of conduct and conditions of operation;

WHEREAS, the proposed Amendment would amend the City's Land Use Code (Title 9) to update the references, definitions, development standards, and operational conditions applicable to massage establishments and other types of land uses at which massage services are provided to be consistent with the City Massage Regulations in Chapter 5.12 and the Massage Therapy Act;

WHEREAS, following a Public Hearing held on September 3, 2015, the Planning Commission adopted Resolution No. 5849-15 recommending approval of Amendment No. A-014-2015;

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the proposed adoption of this Ordinance was held by the City Council on October 27, 2015, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter; and

WHEREAS, the City Council hereby makes the following findings regarding Amendment No. A-014-2015:

A. The proposed Code Amendment is internally consistent with the goals, policies, and elements of the General Plan. Pursuant to the proposed Amendment, massage establishments and athletic and health clubs, spas or gyms with massage would be permitted, subject to conditional use permit approval, in the C-2 (Community Commercial), GGMU (Garden Grove Mixed Use), and NMU (Neighborhood Mixed Use) zones, subject to approval of a Conditional Use Permit, provided they are not located within 1000 feet of another massage establishment, meet specified development, operational, and minimum parking standards, possess a valid and current massage operator's permit issued by the Police Chief, and comply with all other requirements of the City Massage Regulations set forth in Chapter 5.12 of the Garden Grove Municipal Code. The C-2 zoning district implements the Light Commercial (LC) land use designation of the General Plan's Land Use Element, which is intended to allow a range of commercial activities, such

as retail service establishments, that serve local residential neighborhoods and the larger community. The GGMU and NMU zoning districts implement the Residential/Commercial Mixed Use land use designations of the General Plan's Land Use Element, which are intended to provide for a mix of residential and commercial uses. The operation of commercial uses incorporating massage services in the prescribed zones is thus consistent with the intent of the General Plan land use districts in which they would be located. Goal LU-4 / Policy LU-4.5 of the General Plan Land Use Element directs the City to develop uses that are compatible with one another, while requiring that commercial developments be adequately screened and buffered from residential uses. The proposed Amendment is designed to ensure compatibility with other uses by limiting massage establishments and other uses incorporating massage services to the proposed zones, requiring conditional use permit approval, and imposing specified development standards and concentration limits.

B. The proposed Code Amendment will promote the public health, safety and welfare. Pursuant to the proposed Amendment, massage establishments and athletic and health clubs, spas or gyms with massage would be permitted only in certain locations with a conditional use permit and will be required to meet specified development, operational, and minimum parking standards, possess a valid and current massage operator's permit issued by the Police Chief, and comply with all other requirements of the City Massage Regulations set forth in Chapter 5.12 of the Garden Grove Municipal Code. These zoning and development standards will ensure that massage-related uses do not create a nuisance to the public, adjacent uses, or nearby properties.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: The above recitals are true and correct.

SECTION 2: The City Council finds that the proposed Ordinance is not subject to the California Environmental Quality Act ("CEQA"; Cal. Pub. Resources Code Section 21000 et seq.) pursuant to Section 15061(b)(3) of the State CEQA Guidelines (Cal. Code of Regs., Title 14, Section 15000 et seq.) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 3: Amendment No. A-014-2015 is hereby approved pursuant to the findings set forth herein and the facts and reasons stated in Planning Commission Resolution No. 5849-15, a copy of which is on file in the Office of the City Clerk, and which is incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 4: The definition of "Adult Entertainment Business" in Subsection 1 of Subdivision C of Section 9.04.060 (Definitions) of Chapter 9.04 (General Provisions) of Title 9 of the Garden Grove Municipal Code is hereby amended as

follows to remove "massage parlor or bathhouse" from said definition (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

"Adult Entertainment Businesses." Adult Entertainment Businesses shall be defined as follows:

- a. "Adult Bookstore" means an establishment having, as a substantial or significant portion of its stock in trade, books, magazines or other periodicals, prerecorded motion picture film or videotape, whether contained on an open reel or in cassette form, and other materials that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale, display, or viewing of such materials.
- b. "Adult Motion Picture Theater" means an enclosed building with a capacity of fifty or more persons used for presenting material distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- c. "Adult Mini Motion Picture Theater" means an enclosed building with a capacity of less than fifty persons used for presenting materials distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.
- d. "Adult Hotel or Motel" means a hotel or motel where material is presented that is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- e. "Adult Motion Picture Arcade" means any establishment required to obtain a permit under Chapter 5.60 of this code, or any other place to which the public is permitted or invited, wherein coin, token, or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.
- f. "Cabaret" means a nightclub, theater or other establishment that features live performances by topless and bottomless dancers, "go-go" dancers, exotic dancers, strippers, or similar entertainers,

where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

g. "Escort Bureau and Introductory Services" means any establishment required to obtain a permit pursuant to Chapter 5.55 of this code.

~~h. "Massage Parlor or Bathhouse" means any establishment required to obtain a permit pursuant to Chapter 5.12 of this code, where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs.~~

~~ih.~~ "Model Studio" means any business where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.

~~ji.~~ "Sexual Encounter Center" means any business, agency or person who, for any form of consideration or gratuity, provides a place where three or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in specified sexual activities or exposing specified anatomical areas.

~~kj.~~ Any other business or establishment that offers its patrons services, products, or entertainment characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas can also be defined as an adult entertainment business.

~~lk.~~ For purposes of the above definitions, "emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas" is found to be in existence when one or more of the following conditions exist:

1. The area devoted to merchandise depicting, describing or relating to specified sexual activities or specified anatomical areas exceeds more than fifteen percent of the total display or floor space area open to the public, or is not screened and controlled by employees;
2. One of the primary purposes of the business or establishment is to operate as an adult entertainment establishment, as evidenced by the name, signage, advertising or other public promotion utilized by said establishment;

3. One of the primary purposes of the business or establishment is to operate as an adult entertainment establishment, as demonstrated by its services, products or entertainment constituting a regular and substantial portion of total business operations and/ or a regular and substantial portion of total revenues received; where such services, products or entertainment are characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas. For purposes of this section, "regular and substantial portion" is defined to mean greater than fifteen percent of total operations or revenues received.
4. Certain types of "adult merchandise" are displayed or merchandised. For purposes of this section, "adult merchandise" means adult, sexually-oriented implements and paraphernalia, such as, but not limited to: dildos, auto sucks, sexually oriented vibrators, edible underwear, benwa balls, inflatable orifices, anatomical balloons with orifices, simulated and battery operated vaginas, and similar sexually-oriented devices."

SECTION 5: Sub-subsection g of Subsection 2 (Required Performance Standards) of Subdivision C (Conditional Use Requirement) of Section 9.16.020.070 (Adult Entertainment Uses) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to delete the reference to "massage parlors" in the list of performance standards applicable to adult entertainment uses (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

- "g. It is unlawful to permit patrons or employees under the age of 18 in a structure occupied by an adult business, including adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, escort-dating services, ~~massage parlors~~ or sexual encounter establishments."

SECTION 6: Subdivision I of Section 9.18.050.070 (Required Performance Standards) of Section 9.18.050 (Adult Entertainment Uses) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to delete the reference to "massage parlors" in the list of performance standards applicable to adult entertainment uses (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

- "I. It shall be unlawful to permit patrons or employees under the age of 18 in a structure occupied by an adult business, including adult arcades, adult bookstores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, escort dating services, ~~massage parlors~~ or sexual encounter establishments."

SECTION 7: The existing definition of "Athletic and Health Clubs, Spas or Gyms with Massage and/or Bathhouse" in Subsection 1 of Subdivision C of Section 9.04.060 (Definitions) of Chapter 9.04 (General Provisions) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

"Athletic and Health Clubs, Spas or Gyms with Massage ~~and/or Bathhouse~~" means an establishment which is open to the public and provides recreational activities for health and fitness, which also ***provides*** includes massage services ~~and/or a bathhouse~~.

SECTION 8: Subsection 13 of Subdivision C of Section 9.04.060 (Definitions) of Chapter 9.04 (General Provisions) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to delete the existing definition of "Massage Parlor or Bathhouse" in its entirety and to add new definitions for "Massage" and "Massage Establishment," to be placed in alphabetical order (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

~~"Massage Parlor or Bathhouse" means any establishment required to obtain a permit pursuant to Chapter 5.12 of this code, where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or other treatment or manipulation of the human body occurs, excepting therefrom massage or bathhouse facilities in conjunction with an athletic club, health club, health spa or gym approved through a Conditional Use Permit pursuant to the provisions of Section 9.16.20.050.~~

"Massage" or "Massage Services" shall have the same meaning as prescribed in Chapter 5.12 of this Code and includes, without limitation, any method of applying pressure on, causing friction against, stroking, kneading, rubbing, tapping, pounding, vibrating, acupressure, stimulating, compression on or movement of the external parts of the human body of another, either directly via the use of hands or some other body part, with or without the aid of or by means of any mechanical or electrical apparatus, or other appliance or device, for money or any form of consideration, with or without the incorporation of supplementary aids such as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or other similar preparations commonly used in this practice. Except as otherwise provided by State law, for purposes of compliance with Title 9, Massage Services subject to Chapter 5.12 may only be provided in conjunction with legally authorized Massage Establishments or Athletic and Health Clubs, Spas or Gyms with Massage, or as part of a salon, spa or similar facility located in, and incidental to the operation of, a Hotel located anywhere in the city that contains at least one hundred fifty (150) rooms.

"Massage Establishment" means any business or establishment required to obtain an Operator's Permit pursuant to Chapter 5.12 of this Code and shall have the same meaning as prescribed in Chapter 5.12. Unless otherwise defined in Chapter 5.12, a Massage Establishment includes, without limitation, any business or establishment with a fixed location where any individual, firm, association, partnership, limited liability company, corporation, or combination of individuals, offers, engages in, conducts, carries on or permits to be engaged in, conducted or carried on, Massage within the city. Any type of business or establishment at which Massage services are provided shall be considered a Massage Establishment, regardless if the business holds itself out as something other than a Massage Establishment and/or also offers or provides other types of products or services. Any business or establishment that offers any combination of Massage services and bath facilities, including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs, shall be deemed a Massage Establishment. Notwithstanding the foregoing, for purposes of this Title 9 only, neither (i) Hotels containing at least one hundred fifty (150) rooms that offer Massage Services as part of a salon, spa or similar facility located in, and incidental to the operation of, the Hotel, nor (ii) Athletic and Health Clubs, Spas or Gyms with Massage facilities that are expressly authorized to offer incidental Massage services pursuant to an approved Conditional Use Permit, shall be considered "Massage Establishments."

SECTION 9: Table 1 entitled "City of Garden Grove Land Use Matrix" of Section 9.16.020.030 (Uses Permitted) of Section 9.16.020 (Permitted Uses in Commercial, Office Professional, Industrial, and Open Space) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to update the description of the "Athletic and Health Clubs, Spas, or Gyms with Massage" use listed in Table 1 and to add "Massage Establishment" as a new separate conditionally permitted use in the C-2 (Community Commercial) zone, to be placed in alphabetical order in the list of Personal Service uses in Table 1 (deletions shown in ~~strikethrough~~, additions shown in ***bold-italics***):

Table 1 CITY OF GARDEN GROVE LAND USE MATRIX

COMMERCIAL							
Personal Service	O-P	C-1	C-2	C-3	M-1	M-P	O-S
...
Athletic and Health Clubs, Spas, and or Gyms with Massage and/or Bathhouse			C*				
...
Massage Establishment			C*				
...

SECTION 10: Subdivision E of Section 9.16.020.050 (Special Operating Conditions and Development Standards) of Section 9.16.020 (Permitted Uses in Commercial, Office Professional, Industrial, and Open Space) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) of Title 9 of the Garden Grove Municipal Code establishing special operating standards and conditions for Athletic and Health Clubs, Spas, and Gyms with Massage and/or Bathhouse Facilities is hereby amended as follows to update the name of the use and to establish new and revised operating standards and conditions (deletions shown in ~~strikethrough~~; additions shown in **bold-italics**):

- E. Athletic and Health Clubs, Spas, and ~~or~~ Gyms with Massage and/or Bathhouse Facilities. ***Such uses shall require*** Subject to a conditional use permit and ***shall be subject to*** the following conditions:
1. ~~Facilities where massage and/or bathhouse services are proposed shall be subject to the following:~~
 - a. ~~The operator and each masseur or masseuse shall obtain a permit as required in Chapter 5.12;~~
 - b. ~~Minimum occupancy shall be 15,000 square feet;~~
 - c. ~~No alcoholic beverage control license shall be issued for the premises;~~
 - d. ~~No entertainment shall be permitted on the premises;~~
 - e. ~~Operation of the facility shall not be permitted before 6:00 a.m. or after 10:00 p.m.;~~
 - f. ~~The establishment shall be open to the public, and shall provide facilities for men and women; except the massage and bathhouse areas shall be segregated by gender;~~
 - g. ~~No one under 18 years of age shall be permitted within the establishment unless accompanied by a parent;~~

- ~~h. Specified anatomical areas, as stated in Section 9.16.020.070, shall be clothed with opaque material at all times in the massage and bathhouse areas;~~
- ~~i. A conditional use permit for an athletic or health club, spa or gym with massage and/or a bathhouse shall be considered to be null and void if the establishment ceases operation for 30 or more consecutive days;~~
- ~~j. All conditional use permits shall expire three years after issuance unless, upon application, a conditional use permit is extended by the hearing body upon finding that the use has been operated in compliance with all conditions of approval and applicable codes, and is not a nuisance to surrounding properties.~~

- 1. The facility, each owner, operator and manager thereof, and each person providing massage services on the premises shall comply with all provisions of Chapter 5.12 (Massage Regulations) of this Code at all times.**
- 2. Each person engaged in the business of massage on the premises shall obtain and maintain an Operator's Permit from the Police Chief pursuant to Chapter 5.12. No massage services may be provided on the premises without a current and valid Operator's Permit for the premises.**
- 3. Permitted hours of operation of that portion of the facility, in which massage services are provided, may not exceed those set forth in Chapter 5.12.**
- 4. No alcoholic beverages or controlled substances shall be sold, served, furnished, kept, consumed, or possessed on the premises at any time.**
- 5. No live entertainment shall be permitted on the premises.**
- 6. The establishment shall be open to the public, and shall provide facilities for men and women.**

SECTION 11: Section 9.16.020.050 (Special Operating Conditions and Development Standards) of Section 9.16.020 (Permitted Uses in Commercial, Office Professional, Industrial, and Open Space) of Chapter 9.16 (Commercial, Office

Professional, Industrial, and Open Space Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended (a) to add the following new Subdivision establishing special operating conditions and development standards for Massage Establishments, to be placed in alphabetical order following "Mail Address/Business Operations Tax Certificate" and before "Meat Market," and (b) to re-letter the subsequent Subdivisions accordingly:

- "AM. Massage Establishment. All massage establishment uses shall require a conditional use permit and shall be subject to the following conditions:
1. No massage establishment shall be located closer than 1,000 feet from any other massage establishment.
 2. Unless infeasible due to existing structural or physical constraints and otherwise authorized in conjunction with approval of a Conditional Use Permit, the entrance to a massage establishment shall be oriented, accessed, and visible from a principal, major, or primary arterial street, as defined in the General Plan Circulation Element. In no case shall the entrance to a massage establishment be oriented toward a residential street or toward residential uses.
 3. The massage establishment, each owner, operator and manager thereof, and each person providing massage services on the premises shall comply with all provisions of Chapter 5.12 (Massage Regulations) of this Code at all times.
 4. Each person engaged in the business of massage on the premises shall obtain and maintain an Operator's Permit from the Police Chief pursuant to Chapter 5.12. No massage services may be provided on the premises without a current and valid Operator's Permit for the premises.
 5. Permitted hours of operation may not exceed those set forth in Chapter 5.12."

SECTION 12: The Table in Section 9.16.040.150 (Parking Spaces Required) of Section 9.16.040 (Commercial/Office, Industrial Development Standards) of Chapter 9.16 (Commercial, Office Professional, Industrial, and Open Space Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to include parking requirements for a "Massage Establishment" as a stand-alone commercial use and to eliminate the separate parking requirements for a "Massage Parlor" as an adult entertainment use (deletions shown in ~~strikethrough~~; additions shown in ***bold-italics***):

USE	REQUIRED MINIMUM PARKING SPACES
...	...
B. Commercial Uses.	
...	...
13. Massage establishment	1 space per 200 sq. ft. of gross floor area
...	...
F. Commercial Recreation.	
...	...
13. Adult entertainment uses	
a. Adult bookstores including video rental and video arcade	1 space per 90 sq. ft.
b. Adult motion picture theater/mini picture theater	1 space per 3 seats, plus 5 spaces for employees
c. Cabaret	1 space per 25 sq. ft. of gross floor area
d. Massage parlor	1 space per 200 sq. ft. of gross floor area
e. d. Escort bureau / introductory services	1 space per 200 sq. ft. of gross floor area

SECTION 13: Table 9.18-1 entitled "Use Regulations for the Mixed Use Zones" of Section 9.18.020.030 (Uses Restricted to Indoor) of Section 9.18.020 (Uses Permitted) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to delete the existing comment pertaining to "Athletic and Health Clubs, Gyms," and to add "Athletic and Health Clubs, Spas, or Gyms with Massage" and "Massage Establishment" as separate conditionally permitted uses in the GGMU (Garden Grove Mixed Use) and NMU (Neighborhood Mixed Use) zones, to be placed in alphabetical order in the Table (deletions shown in ~~strikethrough~~, additions shown in **bold-italics**):

**TABLE 9.18-1
 Use Regulations for the Mixed Use Zones**

Permitted Uses	Zones							Additional Regulations and Comments
	GGMU	CC				NMU	AR	
	-1, -2, and -3	-1	-2	-3	-OS			
Commercial/Office								
Personal/Service								
Athletic and Health Clubs, Gyms								See Section 9.18.030.055 (Athletic and Health Clubs, Spas, and Gyms with Massage and/or Bathhouse facilities) where use includes massage and/or bathhouse facilities.
1,500 sf and smaller	P	P	P	P	-	P	P	
Larger than 1,500 sf	C	-	-	C	-	C	C	
<i>Athletic and Health Clubs, Spas, or Gyms with Massage</i>	<i>C*</i>	-	-	-	-	<i>C*</i>	-	<i>See Section 9.18.030.055 (Athletic and Health Clubs, Spas, or Gyms with Massage).</i>
...
<i>Massage Establishment</i>	<i>C*</i>	-	-	-	-	<i>C*</i>	-	<i>See Section 9.18.030.245 (Massage Establishment).</i>
...

SECTION 14: Section 9.18.030.055 (Athletic and Health Clubs, Spas, and Gyms with Massage and/or Bathhouse Facilities) of Section 9.18.030 (Specific Uses – Special Operating Conditions and Development Standards) of Chapter 9.18 of Title 9 of the Garden Grove Municipal Code is hereby amended as follows to update the name of the use and to establish new and revised operating standards and conditions (deletions shown in strikethrough; additions shown in **bold-italics**):

9.18.030.055 Athletic and Health Clubs, Spas, and ~~and~~ ***or*** Gyms with Massage and/or Bathhouse Facilities.

Such uses shall require a conditional use permit and shall be subject to the following conditions:

- ~~A. Facilities where massage and/or bathhouse services are proposed shall be subject to the following:~~
- ~~1. The operator and each masseur or masseuse shall obtain a permit as required in Chapter 5.12 (Massage Regulations);~~
 - ~~2. Minimum occupancy shall be 15,000 square feet;~~
 - ~~3. No alcoholic beverage control license shall be issued for the premises;~~
 - ~~4. No entertainment shall be permitted on the premises;~~
 - ~~5. Operation of the facility shall not be permitted before 6:00 a.m. or after 10:00 p.m.;~~
 - ~~6. The establishment shall be open to the public, and shall provide facilities for men and women; except the massage and bathhouse areas shall be segregated by gender;~~
 - ~~7. No one under 18 years of age shall be permitted within the establishment unless accompanied by a parent;~~
 - ~~8. Specified anatomical areas, as stated in Section 9.16.020.070 (Specified Sexual Activities and Anatomical Areas), shall be clothed with opaque material at all times in the massage and bathhouse areas;~~
 - ~~9. A conditional use permit for an athletic or health club, spa or gym with massage and/or a bathhouse shall be considered to be null and void if the establishment ceases operation for 30 or more consecutive days;~~
 - ~~10. All conditional use permits shall expire three years after issuance unless, upon application, a conditional use permit is extended by the hearing body upon finding that the use has been operated in compliance with all conditions of approval and applicable codes, and is not a nuisance to surrounding properties.~~

A. The facility, each owner, operator and manager thereof, and each person providing massage services on the premises shall comply with all provisions of Chapter 5.12 (Massage Regulations) of this Code at all times.

B. Each person engaged in the business of massage on the premises shall obtain and maintain an Operator's Permit from the Police Chief pursuant to Chapter 5.12. No massage services may be provided on the premises without a current and valid Operator's Permit for the premises.

C. Permitted hours of operation of that portion of the facility, in which massage services are provided, may not exceed those set forth in Chapter 5.12.

D. No alcoholic beverages or controlled substances shall be sold, served, furnished, kept, consumed, or possessed on the premises at any time.

E. No live entertainment shall be permitted on the premises.

F. The establishment shall be open to the public, and shall provide facilities for men and women.

SECTION 15: New Section 9.18.030.245 establishing special operating conditions and development standards for Massage Establishments is hereby added to Section 9.18.030 (Specific Uses-Special Operating Conditions and Development Standards) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code to read as follows:

"9.18.030.245. Massage Establishment.

All massage establishment uses shall require a conditional use permit and shall be subject to the following conditions:

- A. No massage establishment shall be located closer than 1,000 feet from any other massage establishment.
- B. Unless infeasible due to existing structural or physical constraints and otherwise authorized in conjunction with approval of a Conditional Use Permit, the entrance to a massage establishment shall be oriented, accessed, and visible from a principal, major, or primary arterial street, as defined in the General Plan Circulation Element. In no case shall the entrance to a massage establishment be oriented toward a residential street or toward residential uses.
- C. The massage establishment, each owner, operator and manager thereof, and each person providing massage services on the premises shall comply with all provisions of Chapter 5.12 (Massage Regulations) of this Code at all times.
- D. Each person engaged in the business of massage on the premises shall obtain and maintain an Operator's Permit from the Police Chief pursuant to Chapter 5.12. No massage services may be provided on the premises without a current and valid Operator's Permit for the premises.

E. Permitted hours of operation may not exceed those set forth in Chapter 5.12."

SECTION 16: Table 9.18-11 entitled "Required Parking Spaces" of 9.18.140.030 (Parking Spaces Required) of Section 9.18.140 (Parking) of Chapter 9.18 (Mixed Use Regulations and Development Standards) of Title 9 of the Garden Grove Municipal Code is amended to include parking requirements for a "Massage Establishment" as a stand-alone commercial use, to be placed in alphabetical order within the list of Commercial Uses in said Table (deletions shown in ~~strikethrough~~; additions shown in ***bold-italics***):

**Table 9.18-11
 Required Parking Spaces**

Use	Required Minimum Parking Spaces
...	...
Commercial Uses	
...	...
<i>Massage establishment</i>	<i>1 space per 200 sq. ft. of gross floor area</i>
...	...

SECTION 17: Any land use constituting a "Massage Establishment" or an "Athletic and Health Club, Spa, or Gym with Massage," as defined in Sections 7 and 8 of this Ordinance, respectively, that was legally established and operating with a valid business license, a valid operator's permit issued pursuant to Chapter 5.12 of the Garden Grove Municipal Code, and all other required City permits or approvals prior to the effective date of this Ordinance, and that is made nonconforming by this Ordinance because no approved Conditional Use Permit for the use exists, the use is not located in a zoning district in which such a use is permitted pursuant to the provisions adopted or amended by this Ordinance, and/or the use does not comply with locational restrictions or development standards adopted or amended pursuant to this Ordinance, shall be considered a nonconforming use subject to the provisions of Chapter 9.36 (Nonconformities) of Title 9 of the Garden Grove Municipal Code; provided, however, that all such nonconforming uses shall be subject to the requirements of Chapter 5.12 of the Garden Grove Municipal Code, as amended.

SECTION 18: If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion

thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 19: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____.

ATTEST:

MAYOR

CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, TERESA POMEROY, Deputy City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on October 27, 2015, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BEARD, BUI, JONES, PHAN, NGUYEN
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE