

[REDACTED]

[REDACTED]

[REDACTED]

RE: [REDACTED]

Dear [REDACTED]:

In response to your letter regarding the current zoning to allow massage as a personal service for the above referenced property, the following information is being provided:

**Zoning & General Plan:** The subject property is in the CG Commercial General Zoning District. The property has a General Plan Land Use/Transportation Diagram designation of Neighborhood/Community Commercial. Personal Service is allowed in this Zoning District.

The proposed land use is a Personal Service and not defined as a massage parlor, because the massage will be conducted by an establishment that has only state-certified massage therapists/practitioners. **Personal Service is permitted by right in this CG Commercial General Zoning District.** A state-certified massage therapist/practitioner has been issued a certificate by the California Massage Therapy Council, pursuant to Chapter 10.5 of the California Business and Professional Code. Each person administering massage at this location must have their own state-issued certificate.

Listed below are the persons who have received a certificate from the California Massage Therapy Council, which has been verified by the City of San Jose as currently valid:

1. [REDACTED] Certificate # [REDACTED] Expires [REDACTED]

**Note:** If the list of persons administering massage changes, it shall be the responsibility of the applicant to submit a new Public Information Letter Application in order for the City of San Jose to verify the certification of any additional staff.

**Please be aware** that if you intend to operate a massage parlor or massage business in the City of San Jose, then the site of the massage parlor and its business operation must meet all the requirements of the Massage Business Ordinance, Chapter 6.44 of Title 6 and the Adult Uses regulations of Part 1 of Chapter 20.80 of Title 20 of the San Jose Municipal Code. The entire San Jose Municipal Code, including Chapter 6.44, can be viewed online at [http://www.amlegal.com/sanjose\\_ca/](http://www.amlegal.com/sanjose_ca/).

**You should also be aware** that this letter is intended to provide information only and it does not in any way provide a legal excuse or defense to a violation of the San Jose Municipal Code. This Division also has been further advised that the mandatory requirements of the above-cited provisions of the San Jose Municipal Code are misdemeanors and any person who violates them is subject to

criminal prosecution. In addition, any condition in violation of any provision of the Code is a public nuisance that may be abated by the City. This Division has been further advised that the City of San Jose may enforce these mandatory requirements in superior court through a civil lawsuit for injunctive relieve and the assessment of civil penalties in an amount not to exceed \$2,500.00 per day for each day that the violation continues. Additionally, the City may enforce these provisions under the Administrative Remedies Ordinance, Chapter 1.14 of Title 1 of the San Jose Municipal Code, which authorizes the Director of Planning, Building and Code Enforcement to issue a compliance order for continuing violations of the San Jose Municipal Code. If the violations cited in the compliance order are not remedied within the time granted in the order, the Director may pursue an order to correct and administrative penaltics at a hearing before the City of San Jose Appeals Hearing Board. The Board is authorized to assess administrative penalties not to exceed \$2,500.00 per day with a total administrative penalty not to exceed \$100,000.00, exclusive of administrative costs and interest, which it is also authorized to impose on a violator.

If you have any questions about the requirements of the Massage Business Ordinance, Chapter 6.44 of Title 6 of the San Jose Municipal Code, please contact the San Jose Police Department Permits Unit at (408) 277-4452.

Should you have any further questions regarding the above matters, please contact me by email at [\[REDACTED\]@SanJoseCA.gov](mailto: [REDACTED]@SanJoseCA.gov).

Sincerely,

[REDACTED]

Planner, Permit Center