



DATE: November 3, 2025

TO: Council Economic Development Committee

FROM: City Attorney
Development Services Director
Police Chief

SUBJECT: Proposed Interim Ordinance Pursuant to Government Code section 65858, Imposing a Temporary Moratorium on New Massage Businesses in Downtown Hayward.

RECOMMENDATION

That the Council Economic Development Committee provides feedback regarding proposed adoption of an interim ordinance imposing a temporary moratorium on new massage businesses in downtown Hayward.

SUMMARY

Staff propose to present an interim ordinance for consideration by the City Council that would impose a temporary moratorium on new massage businesses. Under current zoning regulations, massage businesses are allowed by right in the downtown core, but require a conditional use permit in other commercial areas, and are completely prohibited in other parts of the City. Additionally, massage businesses must obtain an operating permit from the Hayward Police Department pursuant to Hayward Municipal Code Chapter 6, Article 10.

State law (Government Code section 65858) authorizes adoption of an interim ordinance that would establish a temporary moratorium on specified uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the City is considering, studying, or intends to study within a reasonable time. The urgency ordinance requires a 4/5 vote of the legislative body and can last for up to 2 years.

BACKGROUND/DISCUSSION

HPD has become aware of instances of commercial sex work taking place at permitted massage businesses within the City. Although there are mechanisms in place to revoke existing permits for these types of violations, the lack of land use controls for massage businesses downtown creates challenges in processing new operating permit applications, and increases the risk that these new establishments will become hosts for commercial sex activity and human trafficking. A temporary pause in the issuance of new permits for massage

businesses downtown would allow city staff to consider alternative approaches to land use approval of these businesses.

New regulations, including stricter controls around massage establishments, could be incorporated into the Business Friendly Hayward project, an effort aimed at “right-sizing” the use permit process among other things, which is currently underway and expected to be adopted in Spring 2026. The Planning Division is leading the Business Friendly Hayward Project and has already been in communication with Hayward Police Department staff about potential changes to the Downtown Code, Zoning Ordinance, and Massage Permit Process to help address the issues discussed above.

FISCAL IMPACT

The recommendations provided herein will have no additional fiscal impact.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the six priorities outlined in the Council’s Strategic Roadmap.

NEXT STEPS

The proposed ordinance is tentatively scheduled for consideration by the City Council during the December 16, 2025 City Council meeting. If adopted by the Council, the moratorium will be in place for 45 days initially. A second hearing is tentatively scheduled for January 20, 2026 to consider extension of the moratorium for up to 1 year 15 days while staff prepares updated regulations as part of the Business Friendly Hayward Project for consideration by the Council.

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