

File No. 141302

Committee Item No. 1

Board Item No. 6

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date May 4, 2015

Board of Supervisors Meeting

Date May 19, 2015

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
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Completed by: Andrea Ausberry Date April 30, 2015

Completed by: _____ Date _____

1 [Health Code - Massage Practitioner and Business Permits, Associated Fees]

2
3 Ordinance amending the Health Code to comprehensively revise regulation of massage
4 practitioners, massage establishments, massage outcall services, and sole practitioner
5 massage establishments by, among other things: 1) eliminating the exemption for
6 massage businesses that employ solely massage practitioners certified by the
7 California Massage Therapy Council from the permitting and regulatory authority of the
8 Department of Public Health; 2) increasing the number of instructional hours required
9 for massage practitioner permits; 3) denying massage business permits to applicants
10 who have been convicted of criminal acts related to human trafficking; 4) aligning
11 massage practitioner attire requirements with State law; 5) incorporating State human
12 trafficking information posting requirements into local law for enforcement purposes;
13 6) revising the timing and criteria for granting, denying, suspending, and revoking
14 massage practitioner permits, massage establishment permits, sole practitioner
15 massage establishment permits, and outcall massage service permits; 7) specifying
16 massage practitioner permit application and annual license fees; 8) updating the
17 application and annual license fee amounts for massage establishments, outcall
18 massage services, and sole practitioner massage establishments to reflect the
19 currently authorized amounts; and 9) grouping related requirements and making other
20 changes to enhance clarity and promote compliance.

21 NOTE: Unchanged Code text and uncodified text are in plain Arial font.
22 Additions to Codes are in single-underline italics Times New Roman font.
23 Deletions to Codes are in ~~italics Times New Roman font~~.
24 Board amendment additions are in double-underlined Arial font.
25 Board amendment deletions are in ~~Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code
subsections or parts of tables.

1 Be it ordained by the People of the City and County of San Francisco:

2 Section 1. Article 29 of the Health Code is hereby amended by renumbering and
3 revising, with the new section number in parentheses, Sections 29.1 (29.5), 29.2 (29.10), 29.3
4 (29.11), 29.4 (29.12), 29.5 (29.13), 29.6 (29.15), 29.7 (29.16), 29.8 (29.18), 29.10 (29.25),
5 29.11 (29.26), 29.12 (29.27 and 29.32), 29.13 (29.28), 29.14 (29.29), 29.15 (29.32), 29.16
6 (29.32), 29.17 (29.32), 29.18 (29.32), 29.19 (29.33), 29.20 (29.31), 29.21 (29.34), 29.22
7 (29.12 and 29.29), 29.23 (29.4), 29.24 (29.14 and 29.30), 29.25 (29.2 and 29.3), 29.26
8 (29.40-29.42), 29.27 (29.45), 29.28 (29.46), 29.29 (29.47), 29.30 (29.48), 29.31 (29.49), and
9 29.32 (29.50); deleting Section 29.9; and adding new Sections 29.1, 29.40, and 29.51, to read
10 as follows:

11 **ARTICLE 29**

12 **LICENSING AND REGULATION OF**

13 **MASSAGE PRACTITIONERS AND MASSAGE BUSINESSES**

14 **GENERAL PROVISIONS**

15 **SEC. 29.1 FINDINGS AND PURPOSE.**

16 **SEC. 29.2 ADMINISTRATION AND ENFORCEMENT.**

17 **SEC. 29.3 COMPLAINT LINE.**

18 **SEC. 29.4 TRANSFER OF PERMIT.**

19 **SEC. 29.5 DEFINITIONS.**

20 **MASSAGE PRACTITIONER PERMITS**

21 **SEC. 29.10 PERMIT REQUIRED FOR MASSAGE PRACTITIONER; EXEMPTIONS.**

22 **SEC. 29.11 APPLICATION FOR MASSAGE PRACTITIONER PERMIT.**

23 **SEC. 29.12 ISSUANCE OF MASSAGE PRACTITIONER PERMIT.**

1 SEC. 29.13. TEMPORARY MASSAGE PRACTITIONER PERMIT.

2 SEC. 29.14. EDUCATIONAL MATERIALS.

3 SEC. 29.15. MASSAGE PRACTITIONER IDENTIFICATION CARD.

4 SEC. 29.16. MASSAGE PRACTITIONER ANNUAL LICENSE FEE.

5 SEC. 29.17. MASSAGE PRACTITIONER CONDUCT REQUIREMENTS.

6 SEC. 29.18. SUSPENSION OR REVOCATION OF MASSAGE PRACTITIONER
7 PERMIT.

8
9 MASSAGE BUSINESS PERMITS

10 SEC. 29.25. MASSAGE BUSINESS PERMIT REQUIRED; EXEMPTIONS.

11 SEC. 29.26. APPLICATION FOR MASSAGE ESTABLISHMENT, SOLE
12 PRACTITIONER MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE PERMIT.

13 SEC. 29.27. REQUIREMENTS FOR MASSAGE FACILITIES.

14 SEC. 29.28. REFERRAL OF MASSAGE ESTABLISHMENT AND SOLE
15 PRACTITIONER MASSAGE ESTABLISHMENT PERMIT APPLICATIONS TO OTHER
16 DEPARTMENTS; POLICE DEPARTMENT NOTIFICATION.

17 SEC. 29.29. ISSUANCE OF MASSAGE ESTABLISHMENT, SOLE PRACTITIONER
18 MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE PERMIT.

19 SEC. 29.30. ANNUAL LICENSE FEE.

20 SEC. 29.31. OPERATING REQUIREMENTS.

21 SEC. 29.32. INSPECTION.

22 SEC. 29.33. SUSPENSION OR REVOCATION OF MASSAGE ESTABLISHMENT, SOLE
23 PRACTITIONER MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE PERMIT.

24
25 FEES

1 SEC. 29.40. MASSAGE PRACTITIONER FEES.

2 SEC. 29.41. MASSAGE ESTABLISHMENT, SOLE PRACTITIONER MASSAGE
3 ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE FEES.

4 SEC. 29.42. ADJUSTMENT OF FEES.

5
6 ENFORCEMENT AND PENALTIES

7 SEC. 29.45. VIOLATIONS AND ADMINISTRATIVE PENALTIES.

8 SEC. 29.46. COST RECOVERY.

9 SEC. 29.47. VIOLATIONS AND CRIMINAL PENALTIES.

10 SEC. 29.48. COOPERATIVE EFFORTS WITH LAW ENFORCEMENT.

11 SEC. 29.49. UNDERTAKING FOR THE GENERAL WELFARE.

12 SEC. 29.50. SEVERABILITY.

13 SEC. 29.51. NO CONFLICT WITH STATE OR FEDERAL LAW.

14
15 GENERAL PROVISIONS

16 SEC. 29.1. FINDINGS AND PURPOSE.

17 (a) Massage professionals and businesses providing massage therapy promote public health
18 and well-being with therapeutic practices that temper aches and pains, ease stress, reduce blood
19 pressure, and provide other valuable health benefits.

20 (b) In 2008, the Legislature enacted uniform statewide regulations pertaining to massage
21 therapy (Senate Bill No. 731 (2008), amended by Assembly Bill 619 (2011)) codified in Business and
22 Professions Code Sections 4600 et seq. The regulations created a private nonprofit benefit
23 corporation, the California Massage Therapy Council ("CAMTC"), which was authorized to regulate
24 and standardize the issuance of certificates to massage professionals throughout the state.

1 (c) The 2008 law, as amended, also served to exempt massage practitioners and massage
2 therapists who are certified by the CAMTC and massage businesses that employ only CAMTC-certified
3 practitioners from local permitting and other regulatory requirements except for reasonable health and
4 safety standards. This has had a preemptive effect on the ability of cities and counties to effectively
5 regulate massage businesses.

6 (d) The lack of local regulation has led to a marked increase in the number of massage
7 businesses that have opened in San Francisco, especially in some areas of the City that now exhibit a
8 significant concentration of such establishments.

9 (e) The lack of regulation has also allowed many illicit massage businesses to open,
10 sometimes using deceptive euphemisms like “relaxation spa” or “health club.” These illicit businesses
11 are generally outlets of the sex trade, and some engage in human trafficking and other human rights
12 violations. Such massage businesses are detrimental to the health and safety of the community and
13 adversely impact the local economy by driving legitimate business away, potentially affecting the
14 vitality of neighborhoods and the provision of adequate services for residents and visitors alike.

15 (f) In 2014, the Legislature passed, and Governor Brown signed, Assembly Bill No. 1147.
16 (“AB 1147”), which authorizes local governments to use their regulatory and land use authority to
17 ensure the public’s safety, reduce human trafficking, and enforce local standards for the operation of
18 the business of massage therapy in the best interests of the affected community.

19 (g) Under AB 1147, cities and counties regained broad authority over the ability to regulate
20 businesses that provide massage therapy, and CAMTC retained authority over regulating those
21 individuals who hold a CAMTC certificate to practice massage therapy.

22 (h) Through this Article 29, the City seeks to exercise its authority under AB 1147 to
23 regulate all massage businesses, including those that employ only CAMTC-certified practitioners, and
24 to regulate massage practitioners who do not hold a CAMTC certificate.

25 **SEC. 29.2. ADMINISTRATION AND ENFORCEMENT.**

1 This Article 29 shall be administered and enforced by the Department of Public Health. The
2 Director may adopt rules and regulations to carry out the provisions of this Article.

3 **SEC. 29.3. COMPLAINT LINE.**

4 The Director shall maintain a phone line for inquiries and complaints regarding massage
5 businesses and practitioners.

6 **SEC. 29.4. TRANSFER OF PERMIT.**

7 No permit issued under this Article 29 shall be transferable under any circumstances, including
8 but not limited to the sale of the massage business.

9 **SEC. 29.15. DEFINITIONS.**

10 For the purposes of this Article 29:

11 "Approved School" or "Approved Massage School" means a school that provides instruction
12 and training in massage and meets the requirements of California Business and Professions Code
13 Section 4601(a).

14 "CAMTC" means the California Massage Therapy Council as ~~defined~~established in ~~the~~
15 California Business and Professions Code ~~§ 4600(e)~~ Section 4602, or any successor agency.

16 "CAMTC Certified Practitioner" means an individual who administers massage for
17 compensation and holds a valid and active certificate to practice massage issued by CAMTC pursuant
18 to California Business and Professions Code Sections 4604 or 4604.2.

19 "City" means the City and County of San Francisco.

20 "Compensation" means a payment, loan, advance, donation, contribution, deposit, forgiveness
21 of debt, or gift of money or anything of value.

22 "Convicted" means having pled guilty or having received a verdict of guilty, including a
23 verdict following a plea of nolo contendere, to a crime.

24 "Department" means Department of Public Health.

1 "Director" means the Director of the Department of Public Health or any individual
2 designated by the Director to act on his or her behalf.

3 "Massage" means any method of pressure on or friction against, or stroking, kneading,
4 rubbing, tapping, pounding, vibrating, or stimulating ~~of~~ the external soft pads of the body with
5 the hands or with the aid of any ~~mechanical electrical~~ apparatus or appliances, ~~with or without~~
6 ~~such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, lotions, ointments, or~~
7 ~~other similar preparations.~~

8 "Massage Business" means Massage Establishment, Outcall Massage Service, and Sole
9 Practitioner Massage Establishment, collectively.

10 "Massage ~~e~~Establishment" means a fixed place of business where more than one
11 ~~person individual administers engages in or carries on, or permits to be engaged in or carried on, the~~
12 ~~practice of m~~Massage for Compensation, excluding those locations where Massage is provided only
13 on an outcall basis.

14 "Massage ~~p~~Practitioner" means any individual ~~who, for any monetary consideration~~
15 ~~whatsoever, engages in the practice of massage who administers Massage for Compensation pursuant~~
16 ~~to a permit issued by the Director under this Article 29. Notwithstanding the previous sentence,~~

17 "Massage ~~p~~Practitioner" ~~shall include both general massage practitioners and advanced massage~~
18 ~~practitioners, as provided in Section 29.2 does not include CAMTC Certified Practitioner.~~

19 "~~Non-profit organization" means any fraternal, charitable, religious, benevolent, or any other~~
20 ~~nonprofit organization having a regular membership association primarily for mutual social, mental,~~
21 ~~political, and civic welfare, to which admission is limited to the members and guests and revenue~~
22 ~~accruing therefrom to be used exclusively for the benevolent purposes of said organization and which~~
23 ~~organization or agency is exempt from taxation, under the Internal Revenue Laws of the United States~~
24 ~~as a bona fide fraternal, charitable, religious, benevolent, or non-profit organization.~~

1 "Outcall ~~m~~Massage ~~s~~Service" means any business other than a not permitted as a
2 ~~m~~Massage ~~e~~Establishment or Sole ~~p~~Practitioner ~~m~~Massage ~~e~~Establishment that provides under
3 the provisions of this Article, wherein the primary function of such business is to engage in or carry on
4 mMassage for Compensation not at a fixed location but at a location designated by the client or
5 customer rather than on its premises.

6 "Owner" means any individual, partnership, firm, association, corporation, or combination of
7 individuals of whatever form or character with an ownership interest in a business that provides
8 Massage services.

9 "Permittee" means the owner, proprietor, manager, or operator of a massage establishment,
10 outcall massage service, or solo practitioner massage establishment.

11 "Person" means any individual, partnership, firm, association, joint stock company,
12 corporation, or combination of individuals of whatever form or character.

13 "Recognized school for massage" means any school or institution of learning which teaches the
14 theory, ethics, practice, profession, and work of massage, which requires a resident course of study of
15 not less than 100 hours to be completed before the student shall be furnished with a diploma or
16 certificate of graduation, and which has been approved pursuant to California Education Code
17 Sections 94301 et seq., or, if said school or institution is not located in California, has complied with
18 standards commensurate with those required in said Sections 94301 et seq. and has obtained
19 certification under any similar state approval program, if such exists.

20 "Sole Practitioner" means a Massage Practitioner permit holder or CAMTC Certified
21 Practitioner who provides Massage for Compensation without any partners, associates, or employees,
22 and absent any business relationship with a Massage Establishment.

23 "Sole ~~p~~Practitioner ~~m~~Massage ~~e~~Establishment" means a fixed place of business where
24 a person holding solely owned by an advanced ~~m~~Massage ~~p~~Practitioner permit holder or CAMTC
25 Certified Practitioner, engages in or carries on, or permits to be engaged in or carried on, the practice

1 of which individual is the only person who provides mMassage for Compensation. The business
2 location Said fixed place of business may be shared by two to four ~~advanced mMassage~~
3 ~~pPractitioners or CAMTC Certified Practitioners in any combination, or two to four advanced~~
4 ~~massage practitioners and one or more health or healing arts practitioners~~, except as otherwise
5 provided pursuant to Section 29.2914(e).

7 MESSAGE PRACTITIONER PERMITS

8 SEC. 29.102. PERMIT REQUIRED FOR MESSAGE PRACTITIONER; 9 EXEMPTIONS.

10 (a) Permit Required. It shall be unlawful for any individual ~~who is not certified as a~~
11 ~~massage practitioner or therapist by the CAMTC pursuant to the California Business and Professions~~
12 ~~Code to engage in the practice to administer mMassage for Compensation~~ without first obtaining a
13 Massage Practitioner permit from the Director, unless that individual is exempt from the permit
14 requirement under subsection (b).

15 (b) Exemptions. The following massage service providers are exempt from the permit
16 requirement in subsection (a):

17 (1) CAMTC Certified Practitioners.

18 (2) Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists
19 who are duly licensed to practice their respective professions in the State of California and persons
20 working directly under the supervision of or at the direction of such licensed persons, working at the
21 same location as the licensed person, and administering massage services subject to review or
22 oversight by the licensed person.

23 (3) Barbers and cosmetologists who are duly licensed under the laws of the State of
24 California, while engaging in practices within the scope of their licenses, and limited to the massaging
25 of the neck, face, scalp, hands or feet of the clients.

1 (4) Employees of hospitals, nursing homes, mental health facilities, or any other health
2 facilities duly licensed by the State of California, while acting within the scope of their employment.

3 ~~(b) An individual may receive a permit as either a general massage practitioner or an~~
4 ~~advanced massage practitioner, as provided in Section 29.3. As used in this Article, the term "massage~~
5 ~~practitioner" shall refer to both general massage practitioners and advanced massage practitioners,~~
6 ~~unless otherwise specifically provided in this Article.~~

7 ~~(c) A permit is not required where the individual is a licensed or certificated health care~~
8 ~~practitioner practicing massage as part of his or her health care practice. For purposes of this Section,~~
9 ~~"health care practitioner" shall mean any person whose activities are licensed or regulated under~~
10 ~~Division 2 of the California Business and Professions Code or any initiative act referred to in that~~
11 ~~division.~~

12 ~~(d) A permit is not required where the individual is a barber, cosmetologist, esthetician, or~~
13 ~~manicurist licensed or certificated pursuant to Division 3, Chapter 10, of the California Business and~~
14 ~~Professions Code, practicing massage as part of his or her work as a barber, cosmetologist,~~
15 ~~esthetician, or manicurist and within the scope of any relevant state restrictions on the practice of~~
16 ~~massage by members of those professions.~~

17 ~~(e) An individual practicing massage under the direction of a non-profit organization, and the~~
18 ~~organization itself are exempt from permit and license fees under this Article, but the individual and the~~
19 ~~organization must obtain the necessary permits and licenses and otherwise comply with all relevant~~
20 ~~requirements.~~

21 **SEC. 29.113. APPLICATION FOR MASSAGE PRACTITIONER PERMIT, ~~GENERAL~~**
22 **~~AND ADVANCED PRACTITIONERS NOT CERTIFIED BY THE CAMTC.~~**

23 (a) Permit Application. ~~Unless certified as a massage practitioner or therapist by the CAMTC~~
24 ~~pursuant to the California Business and Professions Code, e~~Every applicant for a m~~Message~~
25 p~~Practitioner permit shall:~~

1 (1) File an application with the Director upon a form provided by the Director;

2 (2) Provide a complete set of fingerprints in the manner required by the Director for the
3 purpose of undergoing a criminal background check; and

4 (3) Pay a non-refundable application fee, as set forth in Section 29.2640.

5 (b) Applicant Information. The application form for a massage practitioner permit shall
6 require the applicant to provide set forth, under penalty of perjury, the following information:

7 (1) The applicant's Name and residence address of the applicant;

8 (2) A unique identifying number from at least one government-issued form of
9 identification, such as a social security card, a state driver's license or identification card, or a
10 passport;

11 (3) Written evidence that the applicant is at least 18 years of age;

12 (4) The Applicant's height, weight, and color of hair and eyes;

13 (5) The applicant's work history Business, occupation, or employment of the applicant
14 for the five years immediately prior to the date of application; this information shall include, but
15 not be limited to, a statement as to whether or not the applicant, in working as a massage practitioner
16 or bodywork technician or similar occupation under a permit or license, has had such permit or license
17 revoked or suspended, and the reasons therefor; and

18 (6) All permits, certificates, or licenses related to the practice of Massage currently
19 or formerly held by the applicant in San Francisco or elsewhere, including any discipline imposed by
20 the issuing authority and a statement whether the applicant is currently the subject of a disciplinary
21 process; and

22 (7) All felony or misdemeanor convictions; and

23 (8) Any additional information as required by the Director.

24 (c) Minimum Educational Requirements. An applicant for a general mMassage
25 pPractitioner permit shall provide, as part of the application, the name and address of the recognized

1 ~~school for massage attended, the dates attended, and the original of the diploma or certificate of~~
2 ~~completion awarded the applicant, in a form acceptable to the Director, documentation~~ showing that
3 the applicant has completed not less than ~~500~~100 hours of instruction in Massage and related
4 subjects at an Approved Massage School. ~~An applicant for an advanced massage practitioner permit~~
5 ~~shall provide, as part of the application, the name and address of the recognized school or schools for~~
6 ~~massage attended, the dates attended, and the original of the diploma(s) or certificate(s) of completion~~
7 ~~awarded the applicant showing that the applicant has completed not less than 200 hours of instruction.~~
8 ~~The additional 100 hours of instruction required for the advanced massage practitioner permit may be~~
9 ~~completed at one or more schools. If the applicant already holds a current general massage~~
10 ~~practitioner permit, he or she need only submit documentation for the additional 100 hours of~~
11 ~~instruction necessary for the advanced massage practitioner permit.~~

2 (d) Proficiency Test. The Director shall administer a ~~culturally sensitive~~ test to all
13 applicants, in each the applicant's own language, to confirm basic proficiency in mMassage
14 before issuing a permit.

15 ~~(e) The Director is hereby authorized to require in the application any other information~~
16 ~~including, but not limited to, any information necessary to discover the truth of the matters set forth in~~
17 ~~the application.~~

18 **SEC. 29.124. ISSUANCE OF MASSAGE PRACTITIONER PERMIT. FOR**
19 **PRACTITIONERS NOT CERTIFIED BY THE CAMTC.**

20 (a) Time for Decision. ~~Within 14 days following a hearing, or, if no hearing is held, within~~
21 60 business days following receipt of a completed application for a mMassage pPractitioner
22 permit, ~~for a practitioner who is not certified as a massage practitioner or therapist by the CAMTC~~
23 ~~pursuant to the California Business and Professions Code~~ the Director shall either issue the permit
24 or mail a written statement of his or her reasons for denial thereof to the applicant. If the
25 Director takes neither action, the permit shall be deemed issued.

1 **(b) Hearing on Application.** *The Director may, in his or her discretion, hold a hearing on any*
2 *pending application for a Massage Practitioner permit. The Director shall give the applicant at least*
3 *10 days' written notice of the time and place of the hearing.*

4 **(cb) Grounds for Denial.** No ~~m~~Massage ~~p~~Practitioner permit shall be issued if the
5 Director finds:

6 (1) The applicant is exempt from the permit requirement pursuant to Section 29.10; or

7 (2) The applicant has provided materially false information, documents, or
8 testimony in support of the application or in any other matter before the Director; or

9 ~~(2) The applicant has not complied fully with the provisions of this Article; or~~

10 (3) Within five years immediately prior to the date of application, the applicant
11 has had any license, certificate, or permit related to the practice of mMassage revoked or, if
12 from another jurisdiction, suspended under circumstances that qualify for revocation under this Article
13 29, or is currently the subject of an unresolved disciplinary process that may result in suspension or
14 revocation; or

15 (4) The applicant has been eConvicted of any of the following offenses or
16 convicted of an offense outside the State of California that would have constituted any of the following
17 offenses if committed within the State of California:

18 (A) Any felony involving the use of coercion, or force, or and violence
19 upon another person; or

20 (B) Any misdemeanor sexual battery; or

21 (C) Any offense involving sexual misconduct with children; or

22 (D) Any offense requiring registration pursuant to Section 290 of the
23 California Penal Code or, for Convictions outside California, any offense requiring registration in
24 California under Penal Code Section 290.005; or

1 (5) The applicant has failed to satisfy the education requirements or pass the Massage
2 proficiency test; or

3 (6) The Director concludes that there is good cause to deny the permit in accordance
4 with Section 26 of the Business and Tax Regulations Code.

5 (de) Discretionary Exception for Criminal Convictions. The Director may issue a
6 ~~m~~Massage pPractitioner permit to any individual ~~e~~Convicted of one of the offenses listed in
7 ~~s~~subsection ~~(c~~~~b~~)(4) of this Section if the Director finds that the offense was not violent, the
8 conviction occurred at least five years prior to the date of application, and the applicant has
9 not been ~~e~~Convicted subsequently of ~~one of those a listed~~ offenses.

10 (e~~f~~) Right to Director's Hearing. If an application for a ~~m~~Massage pPractitioner permit is
11 denied, and provided that the Director did not hold a hearing on the application as provided in
12 subsection (b) of this Section 29.12, within 30 days of the date of receipt of the notice of denial, the
13 applicant may appeal the ~~decision denial~~ denial within 30 days of receipt of the notice of denial by
14 notifying the Director in writing and explaining ~~The notice shall set forth~~ in detail the ground or
15 grounds for the appeal. ~~Within 30 days of receipt of the notice of appeal,~~ The Director shall
16 conduct a hearing to consider the appeal within 30 days of receiving the notice of appeal and. ~~At~~
17 ~~least 10 days prior to the hearing, the Director~~ shall notify the applicant of the time and place of
18 the hearing at least 10 days in advance of the hearing. The Director shall oversee the hearing,
19 provide the applicant an opportunity to speak at the hearing, and issue a ruling within 30 days
20 of the conclusion of the hearing. ~~its conclusion.~~ The Director's ruling shall be the final decision of the
21 Department. If the Director does not rule within 30 days of the conclusion of the hearing, the permit
22 denial shall be deemed sustained.

23 **SEC. 29.135. TEMPORARY AND TRAINEE MASSAGE PRACTITIONER PERMITS;**
24 **~~TRAINEE PERMIT FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.~~**

1 (a) ~~Temporary Permit During Application Period. A practitioner of Massage who holds a~~
2 ~~valid permit, license, or certificate to practice Massage issued by another jurisdiction and who has~~
3 ~~been practicing Massage in that jurisdiction may request a temporary Massage Practitioner permit~~
4 ~~Upon completion and submission of an application for a mMassage pPractitioner permit for a~~
5 ~~practitioner who is not certified as a massage practitioner or therapist by the CAMTC pursuant to the~~
6 ~~California Business and Professions Code, as required in Section 29.3 of this Article, and upon~~
7 ~~payment of all fees for the permit, an applicant may request a temporary massage practitioner~~
8 ~~permit. If requested, the Director shall issue the temporary mMassage pPractitioner permit,~~
9 ~~which is shall be valid for the period during which the application is under review, but in no~~
10 ~~event for more than 60 business days. The Director may revoke the temporary permit at any~~
11 ~~time if he or she finds that the applicant has failed to meet any of the requirements of Section~~
12 ~~29.412 or violated any provision of this Article 29 or any rules or regulations promulgated by the~~
13 ~~Director related to the practice of Massage.~~

14 (b) ~~Trainee Permits. The Director may adopt rules and procedures for issuing trainee permits,~~
15 ~~not to exceed three months in duration, to persons who have otherwise successfully completed an~~
16 ~~application for a massage practitioner permit, and who are currently registered in an Approved~~
17 ~~recognized school of massage, and who seek to fulfill the training requirement imposed by the school.~~

18 **SEC. 29.14. EDUCATIONAL MATERIALS.**

19 The Director shall provide all persons receiving a Massage Practitioner permit with culturally
20 and linguistically appropriate educational materials regarding the City and County of San Francisco
21 Sanctuary policy, employee rights, and information on a variety of resources, including linkages to
22 health services, victim assistance services, and emergency numbers and hotlines to call for information
23 and assistance.

24 **SEC. 29.156. MASSAGE PRACTITIONER IDENTIFICATION CARD. FOR**
25 **PRACTITIONERS NOT CERTIFIED BY THE CAMTC.**

1 The Director shall provide each all mMassage Practitioners granted a permit, who are not
2 certified as a massage practitioner or therapist by the CAMTC pursuant to the California Business and
3 Professions Code, with a photo identification card. Massage establishments must post practitioner
4 identification cards at all times in a public area for all massage practitioners working at any massage
5 establishment or solo practitioner massage establishment. The Massage Practitioner must present the
6 identification card must be presented to any City health inspector or law enforcement officer
7 upon request. at all times during the regular business hours of any massage establishment or solo
8 practitioner massage establishment.

9 **SEC. 29.167. MASSAGE PRACTITIONER ANNUAL LICENSE FEE.**

10 Every mMassage pPractitioner shall pay to the Tax Collector an annual license fee, as
11 set forth in Section 29.2640.

12 **SEC. 29.17. MASSAGE PRACTITIONER CONDUCT REQUIREMENTS.**

13 (a) Required Attire. Massage Practitioners shall remain fully clothed while administering
14 massage or otherwise visible to clients on business premises, including premises designated by the
15 client through an Outcall Massage Service. The Massage Practitioner's attire shall not include:
16 (1) attire that is transparent, see-through, or that substantially exposes the Practitioner's
17 undergarments; (2) swim attire, unless the Practitioner is providing a water-based massage modality
18 that has been approved by CAMTC; or (3) attire that exposes the individual's breasts, buttocks, or
19 genitals.

20 (b) Lewd Conduct Prohibited. Massage Practitioners shall not engage in lewd conduct on
21 business premises, including locations designated by the client through an Outcall Massage Service.
22 Lewd acts include, but are not limited to: the performance of acts or simulated acts of sexual
23 intercourse, masturbation, sodomy, bestiality, copulation (oral, anal or vaginal), or flagellation; the
24 actual or simulated caressing or fondling by one adult human being of the anus or genitals of another

1 adult human being; the actual or simulated displaying of the pubic hair, anus, vagina, penis, vulva,
2 buttocks, areola, or any other external genitalia of the human body.

3 **SEC. 29.18. SUSPENSION OR REVOCATION OF MASSAGE PRACTITIONER**
4 **PERMIT, ~~FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.~~**

5 (a) Grounds for Suspension or Revocation. The Director may revoke or suspend any
6 ~~m~~Massage ~~p~~Practitioner permit ~~for a practitioner who is not certified as a massage practitioner or~~
7 ~~therapist by the CAMTC pursuant to the California Business and Professions Code,~~ after a public
8 hearing, if the Director finds:

9 (1) Facts sufficient to support denial of a Massage Practitioner permit on any ground
10 set forth in Section 29.12 ~~The Massage Practitioner has willfully violated any of the provisions of this~~
11 Article; or

12 (2) The Massage Practitioner has violated the conduct requirements in Section 29.17
13 ~~The massage practitioner has provided materially false documents or testimony;~~ OR

14 (3) The Director finds that there is good cause to suspend or revoke the permit in
15 accordance with Section 26 of the Business and Tax Regulations Code ~~Within five years immediately~~
16 ~~prior to the date of application, the massage practitioner has had any license or permit related to the~~
17 ~~practice of massage revoked;~~ or

18 (4) The ~~m~~Massage ~~p~~Practitioner has violated any of the provisions of this Article 29
19 or a rule or regulation adopted by the Director *related to the practice of Massage.*

20 (b) Hearing. A Massage Practitioner who has been cited by the Department for a violation of
21 any provision of this Article 29 shall be scheduled to appear at a hearing before the Director. Before
22 any hearing is conducted under this Section, ~~the~~ The Director shall provide the ~~m~~Massage
23 ~~p~~Practitioner at least 2010 days' written notice. ~~The notice shall include~~ of the time, place, and
24 grounds for the hearing. If requested by the ~~m~~Massage ~~p~~Practitioner, the Director shall make
25 available all documentary evidence against him or her within five two-business days of the

1 request no later than 15 days prior to the hearing. If the Director does not provide the requested
2 documentary evidence within five days, the Massage Practitioner may request, and the Director shall
3 grant, a continuance of the hearing date. At the hearing, the ~~m~~Massage ~~p~~Practitioner shall be
4 provided an opportunity to refute all evidence against him or her. The Director shall oversee
5 the hearing and issue a ruling within ~~20~~30 days of ~~its~~ the conclusion of the hearing. If the
6 Director fails to issue a ruling within this time period, the permit shall not be suspended or revoked.
7 The Director's ruling shall be the final decision of the Department.

8 (c) Summary Suspension. The Director may suspend summarily any ~~m~~Massage
9 ~~p~~Practitioner permit issued under this Article 29 pending a noticed suspension or revocation
10 hearing ~~on revocation or suspension~~ when, in the opinion of the Director, the public health or
11 safety requires such summary suspension. The Director Any affected permittee shall provide
12 given written notice of such summary suspension to the Massage Practitioner by hand delivery in
13 writing delivered to said permittee in person or by registered mail-letter.

MESSAGE BUSINESS PERMITS

SEC. 29.9. REGISTRATION OF MESSAGE ESTABLISHMENTS THAT EMPLOY ONLY CAMTC CERTIFIED PRACTITIONERS.

17 (a) ~~All massage establishments that employ only massage practitioners who are certified by~~
18 ~~the CAMTC pursuant to the California Business and Professions Code, must provide copies of those~~
19 ~~certificates, and the home and work addresses of those massage practitioners to the San Francisco~~
20 ~~Department of Public Health for all massage practitioners employed by the establishment. The~~
21 ~~massage establishment must provide notice of any changes within thirty (30) days.~~

22 (b) ~~All massage establishments that employ only massage practitioners who are certified by~~
23 ~~CAMTC must notify the Department if any CAMTC certified massage practitioner loses their CAMTC~~
24 ~~certification.~~
25

1 (e) ~~Any massage establishment that employs any massage practitioner who is not certified by~~
2 ~~CAMTC must obtain a permit to operate a massage establishment from the San Francisco Department~~
3 ~~of Public Health in accordance with this Article 29.~~

4 (d) ~~Upon notice from CAMTC, that the CAMTC certification of a massage practitioner has~~
5 ~~been suspended or revoked, the Department shall send written notice to the massage establishment that~~
6 ~~it must obtain a permit from the San Francisco Department of Public Health in order to continue to~~
7 ~~operate, and that it must apply for the permit within thirty (30) days of the notice. Failure to either~~
8 ~~apply for a San Francisco permit or to regain exempt status by employing only CAMTC certified~~
9 ~~massage practitioners within thirty (30) days, may result in administrative penalties as set forth in this~~
10 ~~Article 29, Section 29.27.~~

11 **SEC. 29. 2510. MESSAGE BUSINESS PERMIT REQUIRED; EXEMPTIONS. FOR A**
12 **MESSAGE ESTABLISHMENT, SOLO PRACTITIONER; MESSAGE ESTABLISHMENT, OR**
13 **OUTCALL MESSAGE SERVICE, EXEMPTIONS FOR PRACTITIONERS NOT CERTIFIED BY**
14 **THE CAMTC.**

15 (a) Permit Required. It shall be unlawful for any person Owner of a Massage Establishment,
16 Sole Practitioner Massage Establishment, or Outcall Massage Service to operate that Massage
17 Business engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or
18 upon at any location premises in the City the operation of a massage establishment, solo practitioner
19 massage establishment, or outcall massage service without first obtaining a permit for such Massage
20 Business from the Director. In the event that a business owner or operator disclaims that the business
21 is a Massage Business, the Director may hold a hearing to determine whether a permit under this
22 Section 29.25 is required, , unless all persons employed by that establishment or service are certified as
23 massage practitioner(s) or therapist(s) by the CAMTC pursuant to the California Business and
24 Professions Code.

1 (b) Exemptions. The following businesses may provide Massage services without obtaining a
2 Massage Business permit:

3 (1) Businesses providing Massage services performed solely by physicians, surgeons,
4 chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their
5 respective professions in the State of California and persons working directly under the supervision of
6 or at the direction of such licensed persons, working at the same location as the licensed person, and
7 administering massage services subject to review or oversight by the licensed person.

8 (2) Businesses providing Massage services performed solely by barbers or
9 cosmetologists who are duly licensed under the laws of the State of California, while engaging in
10 practices within the scope of their licenses, and limited to the massaging of the neck, face, scalp, hands
11 or feet of the clients.

12 (3) Hospitals, nursing homes, mental health facilities, or any other health facilities duly
13 licensed by the State of California, providing Massage services performed solely by their employees
14 acting within the scope of their employment.

15 ~~(b) Hospitals, nursing homes, and other State licensed health care facilities providing massage~~
16 ~~services to their patients shall not be required to obtain a permit under this Section, where the services~~
17 ~~are provided by a licensed or certificated health care practitioner or an individual practicing massage~~
18 ~~under the direction of a health care practitioner. For purposes of this Section, "health care~~
19 ~~practitioner" shall mean any person whose activities are licensed or regulated under Division 2 of the~~
20 ~~California Business and Professions Code or any initiative act referred to in that division.~~

21 ~~(e) A permit shall not be required under this Section where the services are provided on the~~
22 ~~premises (1) by a licensed or certificated health care practitioner or (2) by a barber, cosmetologist,~~
23 ~~esthetician, or manicurist, licensed or certificated pursuant to Division 3, Chapter 10, of the California~~
24 ~~Business and Professions Code, practicing massage as part of his or her work as a barber,~~
25 ~~cosmetologist, esthetician, or manicurist, and within the scope of any relevant state restrictions on the~~

1 ~~practice of massage by members of those professions. A non-profit organization providing massage~~
2 ~~services on its premises, and the individuals providing the massage services, are exempt from permit~~
3 ~~and license fees under this Article, but the organization and the individuals must obtain the necessary~~
4 ~~permits and licenses and otherwise comply with all relevant requirements.~~

5 (c) Previously Exempt Massage Businesses. A Massage Business previously exempt from the
6 Massage Business permit requirement under prior Section 29.9 but not currently exempt under
7 subsection (b) of this Section 29.25 may continue to operate without a permit until its application for a
8 permit is submitted and decided; provided that the Owner submits a completed application within 90
9 days of the effective date of the ordinance deleting former Section 29.9; and further provided that the
10 Massage Business complies with all provisions of this Article 29 and any rules and regulations that
11 apply to Massage Businesses during the interim period in which it operates without a permit. The
12 Director may conduct a public hearing on the application, as provided in Section 29.29(b). The
13 Director may deny the application for a Massage Business permit on any ground enumerated in
14 Sections 29.29 and 29.33, grant the permit, or grant the permit with conditions.

15 **SEC. 29.2611. APPLICATION FOR MASSAGE ESTABLISHMENT, SOLE~~Ø~~**
16 **PRACTITIONER MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE**
17 **PERMIT. ~~FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.~~**

18 (a) Application Requirements. Unless all massage practitioners or therapists providing
19 services are certified as a massage practitioner or therapist by CAMTC pursuant to the California
20 Business and Professions Code, every applicant To apply for a mMassage eEstablishment, sSole~~Ø~~
21 pPractitioner mMassage eEstablishment, or oOutcall mMassage sService permit, the Owner
22 shall:

- 23 (1) ffile an application with the Director upon a form provided by the Director;
24 (2) pProvide a complete set of fingerprints in the manner required by the Director
25 from any person with an ownership interest in the Massage Business, through the Live Scan process, or

1 ~~any comparable successor technology~~, for the purpose of a undergoing a criminal background
2 check; and

3 (3) ~~Pay~~ a non-refundable application fee, as set forth in Section 29.2641; ~~and~~

4 (4) Permit inspection of any Massage facilities proposed to be operated under the
5 permit by all relevant City departments.

6 (b) Applicant Information. The application form shall require the applicant to provide set
7 forth, under penalty of perjury, the following information:

8 (1) The name(s), address(es), and any other identifying information regarding the
9 Owner(s) as requested by the Director;

10 (2) ~~The exact nature~~ A description of the all services to be rendered by the
11 Massage Business;

12 (23) The address of ~~the proposed place of business~~ any facilities proposed to be
13 operated under a Massage Establishment or Sole Practitioner Massage Establishment permit facilities
14 thereof, and a copy of the rental agreement or lease showing the names of the landlord and all
15 of the tenants or lessees who are parties to the rental agreement; or, if the Owner owns the
16 premises, a copy of the deed and a disclosure of any other person or entity with a shared ownership
17 interest in the premises;

18 (34) The number of individuals to be employed by the Massage bBusiness, and,
19 except in the case of a ~~sole~~ Sole massage pPractitioner Massage eEstablishment, the names and
20 permit or certificate numbers of any ~~m~~Massage pPractitioners or CAMTC Certified Practitioners
21 who shall operate under that permit;

22 ~~(4) The name, residence address, and date of birth of each applicant;~~

23 (5) ~~Any history of previous massage~~ All permits, certificates, or licenses related to
24 the practice of Massage or the operation of a Massage Establishment or Massage service, currently or
25 formerly held by an Owner, issued in San Francisco or issued by CAMTC or elsewhere, including

1 any discipline imposed by the issuing authority and a statement whether the permit holder is currently
2 the subject of a disciplinary process, including whether any such permit or license has been revoked
3 and the reasons therefor, for each applicant, and

4 (6) All felony or misdemeanor convictions for ~~the applicant~~ each person with an
5 ownership interest in the Massage Business. within the preceding ten years, including, but not limited
6 to, felony sexual assault; sexual battery (Cal. Penal Code 243.4), rape (Cal. Penal Code 261);
7 statutory rape (Cal. Penal Code 261.5); prostitution offenses related to pimping (Cal. Penal Code 266
8 and applicable subsections); pandering (Cal. Penal Code 266i); sex crimes for which registration is
9 required under the Sex Offender Registration Act (Cal. Penal Code 290); keeping or residing in house
10 of ill fame (Cal. Penal Code 315); keeping disorderly house (Cal. Penal Code 316); human trafficking
11 (Cal. Penal Code 236.1); convictions in any other state of any offense which, if committed or attempted
12 in this state, would have been punishable as one or more of the referenced offenses of this subdivision;
13 and, conspiracy or attempt to commit any such offense described in the subsections above.; and

14 (e7) Any additional information as required by the The Director., is hereby authorized
15 to require in the application any other information including, but not limited to, information related to
16 the health, hygiene, and sanitation of the premises. and any information necessary to confirm the
17 accuracy of the matters set forth in the application.

18 (e) ~~The Director is hereby authorized to require in the application any other information~~
19 ~~including, but not limited to, information related to the health, hygiene, and sanitation of the premises~~
20 ~~and any information necessary to confirm the accuracy of the matters set forth in the application.~~

21 (cd) Organizational Owners. If an applicant for a massage the Owner of the Massage
22 eEstablishment or eOutcall mMassage sService permit is or includes a corporation, the name of
23 the corporation shall be set forth exactly as shown in its articles of incorporation together with
24 the names and residence addresses of each of the officers, directors, and each stockholder
25 holding more than 10 percent of the stock of the corporation. If the Owner application is or

1 includes a partnership, the application shall set forth the name and the residence address of
2 each of the partners, including limited partners. If one or more of the partners is a
3 corporation, the provisions of this ~~Section subsection 29.26(c)~~ pertaining to corporate applicants
4 applies. The applicant shall provide the same permit and criminal history information required of
5 ~~individual applicants, set forth~~ in subsections (a)(2), (b)(1), (b)(5), and (b)(6) of this Section 29.26-
6 ~~above~~ for each officer, director, and stockholder holding more than 10 percent of the stock of
7 the corporation, or for each partner, including limited partners.

8 (de) Proof of Massage Practitioner Permit or CAMTC Certification for Sole Practitioners. In
9 addition to the information required under subsections (b) and (e) of this Section 29.26, an
10 applicant for a ~~sole~~ Sole pPractitioner ~~m~~Massage ~~e~~Establishment permit shall provide proof that
11 he or she holds a current, valid ~~advanced m~~Massage pPractitioner permit or CAMTC certificate.
~~issued by the Director under Section 29.2.~~

13 (ef) Massage Establishment Compliance with Planning Code Notice Requirement. An
14 Applicants for a Massage Establishment permit shall also submit proof of compliance with any
15 applicable Planning Code requirements regarding notice and posting of the proposed Massage
16 eEstablishment.

17 ~~(g) An advanced-massage practitioner holding a solo practitioner-massage-establishment~~
18 ~~permit shall not be required to pay any additional permit fee for an outcall massage-service permit.~~

19 ~~(h) Within 14 days following a hearing, or, if no hearing is held, within 60 business days~~
20 ~~following receipt of a completed application for a permit for a massage-establishment that does not~~
21 ~~solely employ practitioners-certified as a massage practitioner or therapist by the State of California~~
22 ~~pursuant to the California Business and Professions Code the Director shall either issue the permit or~~
23 ~~mail a written statement of his or her reasons for denial thereof to the applicant. If the Director takes~~
24 ~~neither action, the permit shall be deemed issued.~~

25 ~~(i) No massage-establishment permit shall be issued if the Director finds:~~

1 ~~(1) The applicant has provided materially false documents or testimony; or~~
2 ~~(2) The applicant has not complied fully with the provisions of this Article; or~~
3 ~~(3) Within five years immediately prior to the date of application, the applicant has had~~
4 ~~any license or permit related to the operation of a massage establishment revoked by the City, another~~
5 ~~City or County, or by the CAMTC; or~~

6 ~~(4) The applicant has been convicted of any of the following offenses or convicted of an~~
7 ~~offense outside the State of California that would have constituted any of the following offenses if~~
8 ~~committed within the State of California, within the last five years: felony sexual assault; sexual battery~~
9 ~~(Cal. Penal Code 243.4), rape (Cal. Penal Code 261); statutory rape (Cal. Penal Code 261.5);~~
10 ~~prostitution offenses related to pimping (Cal. Penal Code 266 and applicable subsections); pandering~~
11 ~~(Cal. Penal Code 266i); sex crimes for which registration is required under the Sex Offender~~
12 ~~Registration Act (Cal. Penal Code 290); keeping or residing in house of ill fame (Cal. Penal Code 315);~~
13 ~~keeping disorderly house (Cal. Penal Code 316); supervision of a prostitute (Cal. Penal Code 652.23);~~
14 ~~human trafficking (Cal. Penal Code 236.1); convictions in any other state of any offense which, if~~
15 ~~committed or attempted in this state, would have been punishable as one or more of the referenced~~
16 ~~offenses of this subdivision; and, conspiracy or attempt to commit any such offense described in the~~
17 ~~subsections above; or,~~

18 ~~(5) A massage establishment permit at the same location was revoked within the prior~~
19 ~~24 months.~~

20 ~~(j) If an application for a massage practitioner permit is denied, within 30 days of the date of~~
21 ~~receipt of the notice of denial, the applicant may appeal the decision by notifying the Director in~~
22 ~~writing. The notice shall set forth in detail the ground or grounds for the appeal. Within 30 days of~~
23 ~~receipt of the notice of appeal, the Director shall conduct a hearing to consider the appeal. At least 10~~
24 ~~days prior to the hearing, the Director shall notify the applicant of the time and place of the hearing.~~

1 ~~The Director shall oversee the hearing, provide the applicant an opportunity to speak at the hearing,~~
2 ~~and issue a ruling within 30 days of its conclusion. The Director's ruling shall be final.~~

3 **SEC. 29.2712. OPERATING REQUIREMENTS FOR ALL MASSAGE FACILITIES.**

4 **ESTABLISHMENTS.**

5 ~~All proposed massage facilities~~ All massage establishments must comply with the following
6 ~~reasonable health and safety~~ requirements:

7 (a) Toilet Rooms and Other Rooms. Toilet rooms shall be provided for ~~patrons~~ clients in
8 convenient locations.

9 (1) Construction of rooms used for toilets, as well as rooms used for, tubs,
10 steam baths, and showers shall be made waterproof with hard nonabsorbent materials ~~which~~
11 ~~that~~ are easily cleaned and shall be installed in accordance with the San Francisco Building
Code.

12 (2) Plumbing fixtures in toilet rooms as well as rooms used for, tubs, steam
13 baths, and showers shall be installed in accordance with the San Francisco Plumbing Code.

14 (3) Urinals may be substituted for toilets after one toilet has been provided.

15 (4) Doors to toilet rooms shall open inward and be self-closing.

16 (5) ~~Toilet rooms shall be designated as to the gender accommodated therein.~~

17 (b) Handwashing Facilities. Handwashing facilities shall be provided within or adjacent
18 to the toilet rooms and shall be equipped with an adequate supply of hot and cold running
19 water under pressure.

20 (1) ~~Lavatories or wash basins~~ Handwashing facilities must ~~have~~ provide soap in a
21 dispenser and sanitary towels.

22 (2) Handwashing facilities shall be readily accessible to ~~the~~ massage
23 practitioners.
24

1 (c) Light and Ventilation. All portions of the ~~massage e~~Establishment shall be provided
2 with adequate light ~~and ventilation~~ by means of windows, ~~or skylights,~~ ~~or with an area of not less~~
3 ~~than of the total floor area, or shall be provided~~ with an approved artificial light. Adequate
4 ventilation shall be provided by means of windows or and a mechanical operating ventilating
5 system.

6 (1) Toilet, dressing, and massage rooms shall be provided with at least 108 lux
7 (10 foot candles) of light.

8 (2) All electrical equipment shall be installed in accordance with the
9 requirements of the San Francisco Electrical Code.

10 ~~(d) A room, enclosure, or designated area shall be provided where patrons can change and~~
11 ~~store their clothes.~~

12 ~~(e) A room, enclosure, or designated area, which is separate from the toilet, massage room(s),~~
13 ~~steam room, or other common areas shared by the patrons shall be made available for each employee.~~

14 ~~(f) Every portion of a massage establishment, including appliances and apparatus, shall be~~
15 ~~kept clean and operated in a sanitary condition.~~

16 ~~———— (1) Adequate and suitable space shall be provided for storage of clean linens,~~
17 ~~including, but not limited to, sheets, towels, apparel.~~

18 ~~———— (2) Every massage establishment shall provide clean laundered sheets and towels and~~
19 ~~shall launder them after each use and store them in a sanitary manner.~~

20 ~~———— (3) No towels or sheets shall be laundered or dried in any massage establishment~~
21 ~~unless such massage establishment is provided with laundry facilities for such laundering and drying.~~

22 ~~———— (4) The massage establishment shall provide smooth, cleanable appropriately labeled~~
23 ~~receptacles for the storage of soiled linens and paper towels.~~

24 ~~———— (5) The massage establishment shall appropriately bag and dispose of soiled refuse.~~

25

1 ~~(6) Every massage establishment shall thoroughly clean its wet and dry heat rooms,~~
2 ~~shower compartments, and toilet rooms each business day.~~

3 ~~(7) Bathtubs shall be thoroughly cleaned and sanitized after each use.~~

4 ~~(g) Any room in which a massage establishment provides massage services shall not be used~~
5 ~~for residential or sleeping purposes; provided, however, that the Director may allow such room to be~~
6 ~~used for residential or sleeping purposes if the Director finds that the health and safety of the patrons~~
7 ~~of the massage establishment will not be jeopardized.~~

8 ~~(h) Massage practitioners shall not engage in lewd or lascivious acts on the premises of a~~
9 ~~massage establishment during business hours, including but not limited to: the performance of acts, or~~
10 ~~simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, copulation (oral, anal or~~
11 ~~vaginal), flagellation; the actual or simulated caressing or fondling by one adult human being of the~~
12 ~~anus or genitals of another adult human being; the actual or simulated displaying of the pubic hair,~~
13 ~~anus, vagina, penis, vulva, buttocks, areola, or any other external genitalia of the human body.~~

14 ~~(i) Massage practitioners shall be fully clothed in clean, non-transparent clothing at all times~~
15 ~~that shall not expose their genitals, pubic area, buttocks or chest, nor shall the operator of a massage~~
16 ~~business allow or permit any person providing services at the massage establishment to dress in non-~~
17 ~~conforming clothing~~

18 ~~(j) Massage Establishment interior and exterior doors shall remain unlocked during business~~
19 ~~hours except in establishments where all practitioners are certified by the CAMTC, when there is no~~
20 ~~staff available to ensure security for clients and massage staff who are behind closed doors.~~

21 ~~(k) No alcoholic beverages or drugs may be sold, served, used, or possessed on the premises of~~
22 ~~any massage establishment during business hours. "Alcoholic beverage" includes a mixture of one or~~
23 ~~more alcoholic beverages ingested separately or as a mixture as defined in Section 23004 of the~~
24 ~~California Business and Professions Code. "Drug" shall include all narcotics, drugs, or controlled~~

1 ~~substances as defined in Chapter 2 (commencing with Section 11053) of Division 10 of the California~~
2 ~~Health and Safety Code.~~

3 ~~(4) Unless the massage establishment operator and all practitioners are CAMTC certified, the~~
4 ~~operator of the massage establishment must post a notice informing the public and victims of human~~
5 ~~trafficking of telephone hotline numbers to seek help or report unlawful activity in English, Spanish,~~
6 ~~Cantonese and Vietnamese, and other appropriate languages as determined by the Department in a~~
7 ~~conspicuous place near the public entrance of the massage establishment or in another conspicuous~~
8 ~~location in clear view of the public and employees where similar notices are customarily posted~~
9 ~~pursuant to Cal. Civil Code Section 52.6.~~

10 **SEC. 29.2813. REFERRAL OF MASSAGE ESTABLISHMENT AND SOLE**
11 **PRACTITIONER MASSAGE ESTABLISHMENT PERMIT APPLICATIONS TO OTHER**
12 **DEPARTMENTS; POLICE DEPARTMENT NOTIFICATION, FOR PRACTITIONERS NOT**
13 **CERTIFIED BY THE CAMTC.**

14 ~~(a) Code Compliance. The Director, within 10 days of receiving an application for a~~
15 ~~permit to operate a mMassage eEstablishment or sole Sole pPractitioner mMassage~~
16 ~~eEstablishment permit where one or more practitioners are not certified as a massage practitioner or~~
17 ~~therapist by the CAMTC pursuant to the California Business and Professions Code, shall refer the~~
18 ~~application to the City Department of Building Inspection and the City Police, Fire, and~~
19 ~~Planning Departments. Said departments shall inspect the premises facilities proposed to be~~
20 ~~operated as a mMassage eEstablishment or a sole Sole pPractitioner mMassage~~
21 ~~eEstablishment and shall make written findings to the Director concerning compliance with~~
22 ~~codes that they administer.~~

23 ~~(b) Law Enforcement. The Director shall notify the Police Department of all approved~~
24 ~~and denied Massage Business permit applications.~~

1 **SEC. 29.2914. ISSUANCE OF MASSAGE ESTABLISHMENT, SOLE**
2 **PRACTITIONER MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE**
3 **PERMIT. ~~FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.~~**

4 (a) ~~Within 14 days following a hearing, or, if no hearing is held, within~~ 60 business days,
5 following receipt of a completed application for a ~~m~~Massage Business establishment permit, or,
6 for applications subject to referral under Section 29.28, within 30 days of receiving all written findings,
7 whichever is later, solo practitioner massage establishment, or outcall massage service permit where
8 one or more practitioners are not certified as a massage practitioner or therapist by the CAMTC
9 pursuant to the California Business and Professions Code, the Director shall either issue the permit
10 or mail a written statement of his or her reasons for denial thereof to the applicant. If the
11 Director takes neither action, the permit shall be deemed issued.

12 **(b) Hearing on Application. The Director may, in his or her discretion, hold a hearing on any**
13 **pending application for a Massage Establishment, Sole Practitioner Massage Establishment, or Outcall**
14 **Massage Service permit. The Director shall give the applicant at least 10 days' written notice of the**
15 **time and place of the hearing.**

16 **(cb) No ~~m~~Massage ~~e~~Establishment, ~~s~~Sole ~~p~~Practitioner ~~m~~Massage ~~e~~Establishment, or**
17 **~~e~~Outcall ~~m~~Massage ~~s~~Service permit shall be issued if the Director finds:**

18 (1) The applicant has provided materially false information, documents, or
19 testimony in support of the application or in any other matter before the Director; or

20 (2) The facilities operation as proposed by the applicant would not comply with
21 all applicable laws including, but not limited to, the facilities requirements set forth in Section
22 29.27, the City Building, Planning, Housing, and Fire Codes, or any rule or regulation related to
23 Massage facilities adopted by the Director pursuant to this Article 29; or

24 (3) Within one year prior to the application, the applicant has had any license or
permit of any kind suspended or revoked by the Director; or

1 (4) Within five years immediately prior to the date of application, the applicant
2 has had any license, certificate, or permit related to the practice of ~~m~~Massage or operation of a
3 Massage Establishment or Massage service revoked; or

4 (5) The applicant ~~and any other individual who will be directly engaged in the~~
5 ~~management and operation of the massage establishment, solo practitioner massage establishment, or~~
6 ~~outcall massage service~~ has been ~~e~~Convicted of any of the following offenses ~~or convicted of an~~
7 ~~offense outside the State of California that would have constituted any of the following offenses if~~
8 ~~committed within the State of California:~~

9 (A) Any felony involving the use of coercion, ~~or force,~~ ~~and~~ or violence
10 upon another person; or

11 (B) Any misdemeanor sexual battery; or

12 (C) Any offense involving sexual misconduct with children; or

13 (D) Pimping or pandering; or

14 (E) Any offense related to human trafficking; or

15 (F) ~~Any offense requiring registration pursuant to Section 290.190 of the~~
16 ~~California Penal Code; or, for offenses committed outside California, any offense requiring~~
17 ~~registration in California pursuant to Penal Code Section 290.005; or~~

18 (6) The Director revoked permission to operate a Massage Business at the same
19 location within the prior 12 months; or

20 (7) The Director concludes there is good cause to deny the permit in accordance with
21 Business and Tax Regulations Code Section 26; or

22 (8) The Director finds that the premises or the Massage Business will be or is being
23 managed, conducted, or maintained in such a manner as to endanger the health and safety of the
24 employees or clients, or to coerce any employee to engage in illegal conduct.
25

1 (de) Discretionary Exception for Criminal Convictions. The Director may issue a permit
2 otherwise authorized under this Section to any individual Owner ~~e~~Convicted of one of the
3 offenses listed in ~~S~~subsection (c)(5) (b)(4) of this Section 29.29 if the Director finds that the
4 offense was not violent, the conviction occurred at least five years prior to the date of
5 application, and the applicant has not been convicted subsequently of any of the listed one of
6 ~~those~~ offenses.

7 ~~(d) The Director may refuse to issue any permit authorized under this Section in any case~~
8 ~~where there is reasonable grounds to determine that the premises or the business will be or are being~~
9 ~~managed, conducted, or maintained in such a manner as to endanger the health or safety of the~~
10 ~~employees or patrons thereof or to coerce any employee to engage in any illegal conduct.~~

11 (e) Sole Practitioner Massage Establishments. Notwithstanding the provisions of Section
12 29.15, the Director may issue a ~~sole~~ Sole pPractitioner ~~m~~Massage ~~e~~Establishment permit
13 authorizing more than four ~~sole m~~Massage pPractitioners or CAMTC Certified Practitioners to
14 operate out of the same ~~place of business~~ location if the Director finds good cause exists and
15 the operation of the Sole Practitioner Massage eEstablishment will not have a negative impact
16 on the neighborhood.

17 (f) Right to Director's Hearing. If an application for ~~a~~ a Massage Establishment, Sole
18 Practitioner Massage Establishment, or an Outcall Massage Service permit ~~authorized under this~~
19 ~~Section~~ is denied, and provided that the Director did not hold a hearing on the application as
20 provided in subsection (b) of this Section, the applicant may appeal the denial within 30 days ~~of the~~
21 ~~date~~ of receipt of the notice of denial, ~~the applicant may appeal the decision~~ by notifying the
22 Director in writing and explaining. The notice shall set forth in detail the ground or grounds for the
23 appeal. Within 30 days of receipt of the notice of appeal, the Director shall conduct a hearing
24 to consider the appeal. At least 10 days prior to the hearing, the Director shall notify the
25 applicant of the time and place of the hearing. The Director shall oversee the hearing, provide

1 the applicant an opportunity to speak at the hearing, and issue a ruling within 30 days of ~~its~~ *the*
2 conclusion *of the hearing. If the Director fails to rule within this time period, the permit denial shall*
3 *be deemed sustained.* The Director's ruling shall be *the final decision of the Department.*

4 **SEC. 29.30. ANNUAL LICENSE FEE.**

5 *Every Massage Establishment, Sole Practitioner Massage Establishment, or Outcall Massage*
6 *Service permit holder shall pay to the Tax Collector an annual license fee as set forth in Section 29.41.*

7 ~~SEC. 29.15. EMPLOYMENT OF MASSAGE PRACTITIONERS.~~

8 ~~It shall be the responsibility of every operator of a massage business or outcall massage~~
9 ~~service, or the employer of any individual purporting to act as a massage practitioner, to ensure that~~
10 ~~such individual is certified as a massage practitioner or therapist by the CAMTC pursuant to the~~
11 ~~California Business and Professions Code or has obtained a permit pursuant to this Article.~~

12 ~~SEC. 29.16. REGISTER OF EMPLOYEES.~~

13 ~~The operator of a massage establishment, solo practitioner massage establishment, or outcall~~
14 ~~massage service must maintain a register of all individuals employed as massage practitioners and~~
15 ~~their CAMTC certificate or Department permit numbers. Such register shall be available for inspection~~
16 ~~by the Department of Public Health at all times during regular business hours.~~

17 ~~SEC. 29.17. EMPLOYMENT OF PERSONS UNDER THE AGE OF 18 PROHIBITED.~~

18 ~~It shall be unlawful for any permittee to employ any individual who is not at least 18 years of~~
19 ~~age.~~

20 ~~SEC. 29.18. DISPLAY OF PERMIT; HOURS OF OPERATION.~~

21 ~~(a) Every permit to operate a massage establishment or solo practitioner massage~~
22 ~~establishment shall be displayed in a conspicuous place within the establishment so that the permit may~~
23 ~~be readily seen by individuals entering the premises. Every permit to operate an outcall massage~~
24 ~~service must be made available for inspection by the Department of Public Health at all times while~~
25 ~~providing massage services.~~

1 ~~(b) No massage establishment, solo practitioner massage establishment, or outcall massage~~
2 ~~service shall operate or provide massage services during the hours between 10:00 p.m. and 7:00 a.m.~~

3 **SEC. 29.31. OPERATING REQUIREMENTS.**

4 Massage Establishments, Sole Practitioner Massage Establishments, and Outcall Massage
5 Services must comply with the following operating requirements to the extent applicable:

6 (a) Cleanliness and Hygiene. Massage facilities, including all appliances and apparatuses,
7 shall be kept clean and operated in a sanitary condition.

8 (1) Adequate and suitable space shall be provided for storage of clean linens,
9 including, but not limited to, sheets, towels, and apparel.

10 (2) Clean sheets and towels shall be provided, laundered after each use, and stored in
11 a sanitary manner.

12 (3) No towels or sheets shall be laundered or dried on the premises in the absence of
13 suitable laundry facilities.

14 (4) Smooth, cleanable, and appropriately labeled receptacles for the storage of soiled
15 linens and towels shall be provided.

16 (5) Soiled refuse shall be appropriately bagged and disposed of.

17 (6) Wet and dry heat rooms, shower compartments, and toilet rooms shall be
18 thoroughly cleaned each business day.

19 (7) Bathtubs shall be thoroughly cleaned and sanitized after each use.

20 (b) Changing Area. A room, enclosure, or designated area shall be provided where clients
21 can change and store their clothes.

22 (c) Employee Area. A room, enclosure, or designated area that is separate from the toilet,
23 massage room(s), steam room, or other common areas shared by the clients shall be made available to
24 employees at all times.

1 (d) Employment of Minors Prohibited. It shall be unlawful to employ any individual who is not
2 at least 18 years of age.

3 (e) Register of Practitioners. Every Massage Establishment or Outcall Massage Service that
4 hires or contracts with individuals to provide Massage services shall ensure at all times that each such
5 individual holds a valid and current Massage Practitioner permit or CAMTC certificate. The Massage
6 Establishment or Outcall Massage Service shall maintain a register of practitioners that includes each
7 practitioner's permit or CAMTC certificate number, which shall be available for inspection by the
8 Department at all times.

9 (f) Practitioner Conduct. Massage Establishments shall be responsible for the conduct of all
10 individuals providing Massage for Compensation on their business premises and shall ensure that such
11 individuals do not wear improper attire or engage in lewd conduct as set forth in Section 29.17.

12 (g) Doors to Remain Unlocked. Massage Establishment interior and exterior doors shall
13 remain unlocked while the Massage Establishment is open. Exterior doors may remain locked if the
14 Massage Establishment is owned by one individual with no more than one employee or independent
15 contractor.

16 (h) No Alcohol or Illegal Drugs Permitted on Premises. No alcoholic beverages or drugs may
17 be sold, served, used, or possessed on business premises during business hours. "Alcoholic beverage"
18 includes a mixture of one or more alcoholic beverages ingested separately or as a mixture as defined in
19 Section 23004 of the California Business and Professions Code. "Drug" shall include all narcotics,
20 drugs, or controlled substances as defined in Chapter 2 (commencing with Section 11053) of Division
21 10 of the California Health and Safety Code.

22 (i) Human Trafficking Information Notices. Massage Establishments must comply with the
23 requirements of California Civil Code Section 52.6. The required notices of human trafficking
24 information and telephone hotline numbers shall be posted in English, Spanish, Cantonese,
25 Vietnamese, and other appropriate languages as determined by the Department.

1 (j) Residential Use. Massage facility premises shall not be used as a sleeping room or for any
2 other residential purpose.

3 (k) Establishment Permit to be Displayed. Every permit to operate a Massage Establishment
4 or Sole Practitioner Massage Establishment shall be displayed in a conspicuous place within the
5 Establishment such that the permit may be readily seen by individuals entering the premises.

6 (l) Outcall Massage Service Permit Subject to Inspection. Every permit to operate an Outcall
7 Massage Service must be made available for inspection by the Department at all times while providing
8 Massage services.

9 (m) Hours of Operation. No Massage Business shall operate or provide Massage services
10 during the hours between 10:00 p.m. and 7:00 a.m.

11 **SEC. 29.3219. INSPECTION.**

12 (a) Any member of the Department of Public Health may make an inspection of any
13 Massage Establishment or Sole Practitioner Massage Establishment in the City for the
14 purpose of determining that to determine whether the Establishment is operating in compliance
15 with the provisions of State law or this Article 29, or for the purpose of providing health and
16 safety information educational materials to employees of the Establishment in culturally and
17 linguistically appropriate languages regarding the City and County of San Francisco Sanctuary City
18 policy, employee rights, and information on a variety of resources, including linkage to health care
19 services, victim services, and emergency numbers and hotlines to call for information and assistance.

20 The Director shall adopt regulations under Section 29.25 governing the use of double doors or
21 other structural devices that interfere with reasonable inspections and do not have legitimate
22 safety or security purposes. (b) Nothing in this Section shall be construed to limit or restrict the
23 lawful authority of a police officer or other City employee to enter premises licensed under this
24 Article 29. (1) pursuant to a search warrant signed by a magistrate and issued upon a showing of
25 probable cause to believe that contraband is present or that a crime has been committed or attempted,

1 ~~(2) without a warrant in the case of an emergency or other exigent circumstances, or (3) as part of any~~
2 ~~other lawful entry in connection with a criminal investigation or enforcement action.~~

3 ~~SEC. 29.20. MASSAGE ESTABLISHMENT, SOLO PRACTITIONER MASSAGE~~
4 ~~ESTABLISHMENT, OR OUTCALL MASSAGE SERVICE LICENSE FEE.~~

5 ~~(a) Every person holding a massage establishment, solo practitioner massage establishment,~~
6 ~~or outcall massage service permit shall pay to the Tax Collector an annual license fee, as set forth in~~
7 ~~Section 29.26; provided, however, that the annual license fee shall be \$10 for any person holding a~~
8 ~~massage establishment permit who is over 60 years old and does not employ others and whose gross~~
9 ~~receipts from the massage business operated under the authority of said permit for the previous year~~
10 ~~were less than \$1,000.~~

11 ~~(b) An advanced massage practitioner holding a solo practitioner massage establishment~~
12 ~~permit shall not be required to pay any additional annual license fee for an outcall massage service~~
13 ~~permit.~~

14 ~~SEC. 29.3321. SUSPENSION OR REVOCATION OF MASSAGE ESTABLISHMENT,~~
15 ~~SOLE PRACTITIONER MASSAGE ESTABLISHMENT, OR OUTCALL MASSAGE~~
16 ~~SERVICE PERMIT FOR PRACTITIONERS NOT CERTIFIED BY THE CAMTC.~~

17 ~~(a) Grounds for Suspension or Revocation. The Director may revoke or suspend any~~
18 ~~mMassage eEstablishment, sSolo pPractitioner mMassage eEstablishment, or eOutcall~~
19 ~~mMassage sService permit issued to massage establishments where all of the practitioners are not~~
20 ~~certified as a massage practitioner or therapist by the CAMTC pursuant to the California Business and~~
21 ~~Professions Code, after a hearing, if the Director finds:~~

22 ~~(1) Facts sufficient to support the denial of such permit on any ground set forth in~~
23 ~~Section 29.29; The permittee has violated any of the provisions of this Article; or~~

24 ~~(2) The permittee has refused to permit a lawful inspection of any duly authorized~~
25 ~~City health inspector to inspect the its business premises or its the operations therein; or~~

1 (3) The permittee has engaged in any conduct in connection with the operation
2 of the business that violates the operating requirements set forth in Section 29.31, any rules or
3 regulations related to Massage Business operations, or any State or local laws; or

4 (4) ~~in the case of a massage establishment or outcall massage service permit, a~~ Any
5 employee or independent contractor of the permittee has engaged in ~~any~~ conduct that violates
6 any state or local laws at permittee's place of business, and the permittee had or, in the
7 exercise of due diligence, should have had ~~actual or constructive~~ knowledge by due diligence of the
8 prohibited illegal conduct ~~In the case of a solo practitioner massage permit, the permittee no longer~~
9 ~~holds a current, valid advanced massage practitioner permit issued by the Director;~~ or

10 (5) The Director determines ~~by clear and convincing evidence~~ that such Massage
11 ~~Business~~ is being managed, conducted, or maintained without regard for public health or the
12 health of clients patrons, customers, or employees, or without due regard ~~to~~ for proper sanitation
13 and hygiene; or

14 (6) The Director finds good cause to suspend or revoke the permit in accordance with
15 Business and Tax Regulations Code Sections 24 and 26. The permittee has violated a rule or regulation
16 adopted by the Director pursuant to Section 29.25.

17 (b) Hearing. A permit holder cited for a violation of any provision of Article 29 or the rules
18 and regulations promulgated by the Director under Section 29.2 shall be scheduled to appear at a
19 hearing held by the Director. Before any hearing is conducted under this Section, ~~t~~The Director shall
20 provide the permittee at least 2010 days' written notice of the ~~-The notice shall include the~~ time,
21 place, and grounds for the hearing. If requested by permittee, the Director shall make
22 available all documentary evidence against permittee within five days of the request no later than
23 15 days prior to the hearing. If the Director does not provide the requested documentary evidence
24 within five days, the permit holder may request, and the Director shall grant, a continuance of the
25 hearing date. At the hearing, the permittee shall be provided an opportunity to refute all

1 evidence against him or her. The Director shall oversee the hearing and issue a ruling within
2 2030 days of the its conclusion of the hearing. If the Director fails to issue a ruling in this time
3 period, no suspension or revocation shall be imposed. The Director's ruling shall be the final
4 decision of the Department.

5 (c) Summary Suspension. The Director may suspend summarily any mMassage
6 eEstablishment, sSole pPractitioner mMassage eEstablishment, or eOutcall mMassage
7 sService permit issued under this Article 29 pending a noticed revocation or suspension hearing
8 on revocation or suspension when, in the opinion of the Director, the public health or safety
9 requires such summary suspension. Any affected permittee The Director shall provide written be
10 given notice of such summary suspension to the permit holder by hand delivery or registered mail.
11 in writing delivered to said permittee in person or by registered letter.

12 SEC. 29.22. HEARINGS.

13 The Director may fix a time and place for a hearing on any application for a permit under this
14 Article, which shall not be held more than 45 days after the receipt of the completed application, or, in
15 the case of a permit to operate a massage establishment or solo massage practitioner establishment,
16 more than 30 days after receiving the findings required under Section 29.13 of this Article.

17 SEC. 29.23. TRANSFER OF PERMIT.

18 No permit issued under this Article shall be transferable.

19 SEC. 29.24. BUSINESS TAX AND ZONING INFORMATION, RESOURCES FOR MASSAGE
20 PRACTITIONERS.

21 (a) Upon issuing or renewing any registration or permit issued under this Article, the Director
22 and the Tax Collector shall also provide the permit holder with general information, including
23 appropriate referrals to other City departments, regarding (1) the need and procedure for registering a
24 business with the Tax Collector, and, (2) possible zoning restrictions on the operation of a massage
25 practice.

1 ~~(b) The Director shall provide all persons receiving a massage practitioner permit with~~
2 ~~educational materials regarding their rights and informing them of available resources such as health~~
3 ~~services and victim assistance, as well as emergency numbers and hotlines to call for information and~~
4 ~~assistance.~~

5 ~~SEC. 29.25. RULES AND REGULATIONS; COMPLAINT LINE.~~

6 ~~(a) The Director, after a noticed public hearing, may adopt rules and regulations to carry out~~
7 ~~the provisions of this Article. Such rules and regulations shall take effect no sooner than 15 days after~~
8 ~~the public hearing. Violation of any such rule or regulation may be grounds for administrative action~~
9 ~~against the permittee, including suspension or revocation of the permit as provided in Sections 29.8~~
10 ~~and 29.21 or an administrative fine as provided in Section 29.27, but the Director shall whenever~~
11 ~~possible give the permittee a reasonable opportunity to cure the violation before seeking penalties.~~

12 ~~(b) The Director shall maintain a phone line for inquiries and complaints regarding massage~~
13 ~~businesses and practitioners.~~

14

15 **FEES**

16 **SEC. 29.4026. MASSAGE PRACTITIONER FEES.**

17 The application fee for a Massage Practitioner permit shall be \$146. The annual license fee for
18 a Massage Practitioner permit shall be \$123. The fee shall be due annually on March 31 of each year,
19 pursuant to Section 76.1, Article 2 of the Business and Tax Regulations Code.

20 **SEC. 29.41. MASSAGE ESTABLISHMENT, SOLE PRACTITIONER MASSAGE**
21 **ESTABLISHMENT, AND OUTCALL MASSAGE SERVICE FEES.**

22 (a) Massage Establishments. The application fee for a ~~m~~Massage ~~e~~Establishment permit,
23 as provided in Section 29.11, shall be ~~\$681~~658. The annual license fee for a ~~m~~Massage
24 ~~e~~Establishment, as provided in Section 29.20, shall be ~~\$1,214,173~~. The ~~F~~fee shall be due
25

1 annually on March 31 of each year, pursuant to Section 76.1, Article 2 of the Business and
2 Tax Regulations Code.

3 (b) Sole Practitioner Massage Establishments. The application fee for a ~~sole~~ Sole
4 pPractitioner mMassage eEstablishment permit, ~~as provided in Section 29.11,~~ shall be \$497480.
5 The annual license fee for a ~~sole~~ Sole pPractitioner mMassage eEstablishment, ~~and for massage~~
6 ~~establishments where all practitioners are certified by the CAMTC, as provided in Section 29.20,~~ shall
7 be \$599579. The ~~F~~fee shall be due annually on March 31 of each year, pursuant to Section
8 76.1, Article 2 of the Business and Tax Regulations Code.

9 (c) Outcall Massage Services. The application fee for an ~~o~~Utcal mMassage sServices
10 permit, ~~as provided in Section 29.11,~~ shall be \$351480. The annual license fee for an ~~o~~Utcal
11 mMassage sService, ~~as provided in Section 29.20,~~ shall be \$306579. The ~~F~~fee shall be due
12 annually on March 31 of each year, pursuant to Section 76.1, Article 2 of the Business and
13 Tax Regulations Code.

14 (d) Exception. An advanced mMassage pPractitioner or CAMTC Certified Practitioner
15 holding a ~~sole~~ Sole pPractitioner mMassage eEstablishment permit shall not be required to pay
16 any additional permit application or annual license fee for an ~~o~~Utcal mMassage sService
17 permit.

18 **SEC. 29.42. ADJUSTMENT OF FEES.**

19 (e) Beginning with fiscal year 2008-2009, fees set forth in this Article may be adjusted
20 each year, without further action by the Board of Supervisors, ~~asset forth in this Section.~~ Not
21 later than April 1, the Director shall report to the Controller the revenues generated by the fees
22 for the prior fiscal year and the prior fiscal year's costs of operation, as well as any other
23 information that the Controller determines appropriate to the performance of the duties set
24 forth in this Section. Not later than May 15, the Controller shall determine whether the current
25 fees have produced or are projected to produce revenues sufficient to support the costs of

1 providing the services for which the fees are assessed and that the fees will not produce
2 revenue which is significantly more than the costs of providing the services for which the fees
3 are assessed. The Controller shall, if necessary, adjust the fees upward or downward for the
4 upcoming fiscal year as appropriate to ensure that the program recovers the costs of
5 operation without producing revenue which is significantly more than such costs. The adjusted
6 rates shall become operative on July 1.

7
8 **ENFORCEMENT AND PENALTIES**

9 **SEC. 29.4527. VIOLATIONS AND ADMINISTRATIVE PENALTIES.**

10 (a) Any person who violates any provision of this Article 29 or any rule or regulation
11 adopted pursuant to Section 29.252 may, after being provided notice and an opportunity to be
12 heard, be subject to the following monetary and permit penalties ~~and/or permit penalties.~~

13 (1) Massage Business Establishment Operating Without a Massage Business
14 Permit from the San Francisco Department of Public Health.

15 (A) Administrative fine: Up to \$1,000 per day of operating without a
16 permit; and

17 (B) Permit penalty: Business location and Owner of Massage Business
18 Revocation, and Massage Establishment location and permittee are ineligible for a Massage Business
19 new permit from the San Francisco Department of Public Health for 180 days.

20 (C) Repeat violations: Same penalties as (a)(1)(A) and (a)(1)(B).

21 (2) ~~Establishment Violating Conditions of California Business and Professions Code~~
22 ~~Sections 4600-4620 and all Implementing Regulations.~~

23 (A) ~~Administrative fine: Up to \$1,000 per day of operating without a permit;~~
24 ~~and~~

1 ~~(B) Permit penalty: Massage Establishment location and permittee are~~
2 ~~ineligible for a permit from the San Francisco Department of Public Health for 180 days.~~

3 ~~(C) Repeat violations: Same penalties as (a)(2)(A) and (a)(2)(B).~~

4 (23) Massage Business Establishment Employing Any Person Under 18 Years of Age
5 Underage Practitioner as Defined in Section 29.17.

6 (A) Administrative fine: None.

7 (B) Permit penalty: Mandatory 60-120 days suspension of ~~m~~ Massage
8 Business Establishment permit.

9 (C) Repeat violations: Revocation for second occurrence within 36
10 months of first occurrence; ~~and Massage Business Establishment location and permittee are~~
11 ~~ineligible for a new~~ subsequent permit for 180 days.

12 (34) Solicitation Charges or Convictions, as Defined by California Penal Code
13 Section 647(a) or (b) and/or San Francisco Police Code Section 225, for Anyone Working at
14 Massage Establishment.

15 (A) Administrative fine: \$5,000 to be paid by Massage Establishment
16 permittee; and

17 (B) Permit penalty: Mandatory 60-120 days suspension of Massage
18 Establishment permit.

19 (C) Repeat violations: Revocation; permittee ineligible for a subsequent
20 ~~new~~ Massage Establishment permit ~~from the San Francisco Department of Public Health,~~ at any
21 location.

22 (45) Trafficking Charges or Convictions, as Defined by California Penal Code
23 Section 236.1, for Anyone Working at Massage Establishment.

24 (A) Administrative fine: None.

1 (B) Permit penalty: Revocation; ~~and P~~ permittee ineligible for a subsequent
2 ~~new~~ Massage Establishment permit, at any location.

3 (C) Repeat violations: Same penalty as (a)(~~45~~)(B).

4 (56) Massage Establishment or Outcall Massage Service Knowingly Employing
5 Unlicensed or Uncertified Individual Without Massage Practitioner Permit or CAMTC Certification To
6 Administer Massage Practitioner or Therapist.

7 (A) Administrative fine: \$1,000 to be paid by Massage Establishment
8 permittee.

9 (B) Permit penalty: None.

10 (C) Repeat violations: 15-30 days suspension and up to \$2,500 fine for
11 2ndsecond occurrence within a 24 month period; 30-60 days suspension or ~~permit~~ revocation,
12 and up to \$5,000 fine for 3rdthird occurrence within 24 months.

13 (67) Establishment Massage Facilities Used for Residential Sleeping Purposes,
14 Without Authorization by the City and County of San Francisco Director of Public Health.

15 (A) Administrative fine: Up to \$1,000.

16 (B) Permit penalty: None.

17 (C) Repeat violations: 15-30 days suspension and up to \$2,500 fine
18 ~~and~~ for 2ndsecond occurrence within 24 months; 30-60 days suspension and up to \$5,000 fine
19 for 3rdthird occurrence within 24 months.

20 (78) Presence of Beds Instead of Massage Tables.

21 (A) Administrative fine: None.

22 (B) Permit penalty: Notice of violation only None.

23 (C) Repeat violations: Up to \$1,000 fine for second2nd occurrence within
24 24 months; 15-30 day suspension and up to \$2,500 fine and for 3rdthird occurrence within 24
25 months.

1 (89) Massage Practitioner Any Massage Service Provider Improperly Attired in
2 Violation of Section 29.17(a) Not Wearing Attire as Described in Section 29.12(i).

3 (A) Administrative fine: Up to \$250 per person to be paid by Massage
4 Business Establishment permittee; ~~and,~~

5 (B) Permit penalty: Notice of violation None.

6 (C) Repeat violations: Up to \$500 fine per person to be paid by Massage
7 Business permittee for ~~2nd~~second and each subsequent occurrence; ~~and~~ 60-day suspension
8 ~~for of~~ Massage pPractitioner permit and 60-day suspension per person ~~of for~~ Massage Business
9 Establishment permit.

10 (910) ~~Sanitation Issues~~Violations; Pursuant to Section 29.12(f)32(a).

11 (A) Administrative fine: None.

12 (B) Permit penalty: Notice of violation None.

13 (C) Repeat violations: Up to \$250 fine and 60-days suspension ~~of for~~
14 Massage Business Establishment permit.

15 (1011) Massage Business Establishment Operating Past Between the Hours of 10:00
16 p.m. and 7:00 a.m.

17 (A) Administrative fine: Up to \$1,000.

18 (B) Permit penalty: None.

19 (C) Repeat violations: 15-30 days suspension and up to \$2,500 for ~~2nd~~
20 second occurrence within 24 months; 30-60 days suspension and up to \$5,000 fine for ~~3rd~~third
21 and each subsequent occurrence within 24 months.

22 (1112) Practicing Massage for Compensation Without a Massage Practitioner
23 Permit or CAMTC Certification.

24 (A) Administrative fine: \$250 fine.

25 (B) ~~Permit penalty: None.~~

1 (~~CB~~) Repeat violations: \$500 fine for ~~2nd~~ second occurrence within 24
2 months; \$1,000 fine for ~~3rd~~ third and each subsequent occurrence within 24 months and
3 individual Practitioner ineligible for Massage Practitioner San Francisco Department of Public Health
4 permit for 180 days.

5 (~~1213~~) Anyone Engaged In Lewd Conduct or Performing Sex Acts as Defined in
6 Section 29.12(~~h~~)17(b) on Massage Business Establishment Premises During Business Hours.

7 (A) Administrative fine: \$1,000 to be paid by Massage Business
8 Establishment permittee, and

9 (B) Permit penalty: 60-day permit suspension of Massage Business
10 Establishment permit.

11 (C) Repeat violations: Permit + Revocation of Massage Practitioner permit
12 and both practitioner and Massage Business Establishment permittee. Permit holder permanently
13 ineligible for subsequent Massage Practitioner or Massage Business Permit.

14 (~~1314~~) Failure to Post Notices as Required by Section 29.12(~~4~~)32(i).

15 (A) Administrative fine: Written warning for first violation, \$250 for
16 second and each subsequent violation within 12 months.

17 (B) Permit Penalty: 30-day suspension of Massage Business permit for
18 third and subsequent violations within 24 months.

19 (~~1415~~) All Other Violations of San Francisco Health Code Article 29, and Any
20 Massage Program Rules and Regulations.

21 (A) Administrative fine: Up to \$1,000 fine; and

22 (B) Permit penalty: Possible \$s suspension or revocation.

23 (C) Repeat violations: Up to \$2,500 fine for the second violation in a 24-
24 month period and possible permit suspension or revocation; up to \$5,000 for the third and
5 subsequent violations in a 24-month period, and permit suspension or revocation.

1 (b) Notice to Property Owner. Written notice of each Massage Business permit holder
2 violation shall be provided to the owner(s) of the property upon which the Massage Business
3 Establishment is located.

4 (c) Revenue from Fines. Administrative fines collected under this Section shall be used
5 to support the Department of Public Health and its Health Code enforcement functions.

6 (d) No Bar to Prosecution. Nothing in this Section shall preclude the prosecution of
7 anyone under Health Code Section 29.2947, the laws of the State of California, or the laws of
8 the United States of America.

9 **SEC. 29.4628. COST RECOVERY.**

10 Any person who is assessed an administrative fine or whose permit is suspended or
11 revoked under this Article, regardless of whether any fine, suspension, or revocation is held in
12 abeyance by the Department, shall be liable to the City for its costs incurred in enforcing this
13 Article, including but not limited to the costs of inspection, investigation, administration, ~~hearing~~
14 ~~officer~~, administrative proceedings, court proceedings, monitoring, and attorneys' fees if, at the
15 conclusion of all proceedings, the fee or permit action is substantially sustained. Within ~~ten business~~
16 ~~days of the termination of the administrative hearing or other proceeding~~ 30 days of the final decision,
17 the Department ~~of Public Health~~ shall calculate ~~the amount of its~~ costs. The Director may reduce
18 the bill of costs for good cause.

19 (a) Criminal Violations. ~~Any Massage Business permit holder that violates the requirements~~
20 ~~of Section 29.10, 29.15, 29.25, or subsections (d), (e), (j), (k), or (l) of Section 29.31. Any permittee, as~~
21 ~~defined in Section 29.1, of a massage establishment or outcall massage service or any employer of a~~
22 ~~massage practitioner who violates Health Code Section 29.2 which requires a permit to engage in the~~
23 ~~practice of massage, Health Code Section 29.6 which requires presentation of an identification card to~~
24 ~~any City health inspector, Health Code Section 29.10 which requires practitioners not certified by the~~
25 ~~CAMTC pursuant to the California Business and Professions Code to obtain a permit to operate a~~

1 ~~massage establishment, solo practitioner massage establishment, or outcall massage service, Health~~
2 ~~Code Section 29.12(g) which prohibits the use of any room in which massage services are provided to~~
3 ~~be used as a sleeping room, Health Code Section 29.15 which requires every permit holder or employer~~
4 ~~to ensure that a massage practitioner, who is not certified by the CAMTC, has obtained a permit,~~
5 ~~Health Code Section 29.16 which requires a register of practitioners to be available for inspection,~~
6 ~~Health Code Section 29.17 which prohibits the employment of any individual under the age of 18,~~
7 ~~Health Code Section 29.18, which requires display of a permit and prohibits operation between the~~
8 ~~hours of 10 p.m. and 7 a.m., or any rule or regulation adopted pursuant to Section 29.25, shall be~~
9 guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000
10 or by imprisonment in the County Jail not to exceed six months, or by both. A person
11 convicted of violating any listed this Section shall be deemed guilty of a separate offense for
every day such violation shall continue.

13 (b) No Bar to Prosecution. Nothing in this Section 29.47 shall preclude the prosecution
14 of anyone under the laws of the State of California or of the United States of America.

15 **SEC. 29.4830. COOPERATIVE EFFORTS WITH LAW ENFORCEMENT.**

16 The Director ~~of Public Health~~ shall work with the Chief of Police on issues of common
17 concern affecting the massage industry, such as protections against violence in massage
18 establishments, crimes against massage practitioners, forced labor, or trafficking.

19 ~~During the six month period between adoption of this Article and its effective date, the Director~~
20 ~~of Public Health shall work with the Chief of Police to develop procedures to verify that permit~~
21 ~~applicants do not have prior criminal convictions that would disqualify the applicants from receiving a~~
22 ~~permit under this Article.~~

23 **SEC. 29.4931. UNDERTAKING FOR THE GENERAL WELFAREDISCLAIMER.**

24 In regulating massage businesses and massage services as provided in this Article,
25 the City is assuming an undertaking only to promote the general welfare. It is not assuming,

1 nor is it imposing on its officers and employees, an obligation for breach of which it is liable in
2 money damages to any person who claims that such breach proximately caused injury.

3 **SEC. 29.5032. SEVERABILITY.**

4 If any of the provisions of this Article 29 or the application thereof to any person or
5 circumstance is held invalid, the remainder of this Article, including the application of such part
6 or provisions to persons or circumstances other than those to which it is held invalid, shall not
7 be affected thereby and shall continue in full force and effect. To this end, the provisions of
8 this Article are severable.

9 **SEC. 29.51. NO CONFLICT WITH STATE OR FEDERAL LAW.**


10 Nothing in this Article 29 shall be interpreted or applied so as to create any requirement,
11 power, or duty in conflict with any federal or State law.

12
13 Section 2. Effective Date. This ordinance shall become effective 30 days after
14 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
15 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
16 of Supervisors overrides the Mayor's veto of the ordinance.

17
18 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
19 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
20 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
21 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
22 additions, and Board amendment deletions in accordance with the "Note" that appears under
23 the official title of the ordinance.

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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
SHERRI SOKELAND KAISER
Deputy City Attorney

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LEGISLATIVE DIGEST
(Substituted 4/28/2015)

[Health Code - Massage Practitioner and Business Permits, Associated Fees]

Ordinance amending the Health Code to comprehensively revise regulation of massage practitioners, massage establishments, massage outcall services, and sole practitioner massage establishments by, among other things: 1) eliminating the exemption for massage businesses that employ solely massage practitioners certified by the California Massage Therapy Council from the permitting and regulatory authority of the Department of Public Health; 2) increasing the number of instructional hours required for massage practitioner permits; 3) denying massage business permits to applicants who have been convicted of criminal acts related to human trafficking; 4) aligning massage practitioner attire requirements with State law; 5) incorporating State human trafficking information posting requirements into local law for enforcement purposes; 6) revising the timing and criteria for granting, denying, suspending, and revoking massage practitioner permits, massage establishment permits, sole practitioner massage establishment permits, and outcall massage service permits; 7) specifying massage practitioner permit application and annual license fees; 8) updating the application and annual license fee amounts for massage establishments, outcall massage services, and sole practitioner massage establishments to reflect the currently authorized amounts; and 9) grouping related requirements and making other changes to enhance clarity and promote compliance.

Existing Law

Article 29 of the Health Code provides a comprehensive permitting and regulatory framework for massage practitioners and massage businesses over which the Department of Public Health (DPH) has jurisdiction.

A massage practitioner requires a permit issued by DPH in order to provide massage services unless the practitioner holds a certificate to practice issued by the California Massage Therapy Council ("CAMTC"). Similarly, a massage business requires a permit from DPH in order to operate unless it employs only CAMTC-certified massage practitioners.

Applicants for a DPH massage practitioner permit need to complete 100 hours of instruction in massage in order to receive a permit. An advanced permit is awarded to practitioners who have completed 200 hours of instruction.

Applicants for a DPH massage business permit are required to pass criminal background checks and supply substantial information about their proposed business. Massage business permit holders must satisfy a number of requirements and restrictions in operating their business and are subject to inspections for non-compliance. Both massage practitioners and massage business owners are entitled to DPH Director's hearings for permit denials, suspensions, or revocations.

Amendments to Current Law

Under the Ordinance as amended, massage businesses employing only state-certified massage practitioners would now require a DPH permit and would be subject to all of the same requirements as other massage businesses in the City. Applicants for a massage practitioner permit would have to complete 500 hours of instruction to receive a permit, and there is no longer a distinction between general and advanced massage practitioner permits. The amended Ordinance would also deny a massage business permit if anyone with an ownership interest in the proposed business has been convicted of criminal acts related to human trafficking. The amended Ordinance also conforms the provision of Article 29 governing massage practitioner attire and posting requirements for human trafficking information to state law for the purpose of ensuring that DPH will have local enforcement authority.

The amended Ordinance would adjust the timing and criteria for various permit actions and clarifies the amount of fees due for each type of permit. It also contains a major reorganization of existing provisions to gather the related requirements together, ensure consistency among the various requirements, promote compliance, and facilitate effective enforcement.

n:\egana\as2014\1500236\01011532.doc

**Health Commission
City and County of San Francisco
Resolution No. 15-5**

**RESOLUTION TO SUPPORT THE CODIFICATION OF CALIFORNIA STATE A.B. 1147 AND
ADDITIONAL AMENDMENTS TO INCREASE HEALTH AND SAFETY OF MASSAGE
ESTABLISHMENTS.**

WHEREAS, the mission of the San Francisco Department of Public Health (SFDPH) is to protect and promote the health of all San Franciscans, particularly San Francisco's vulnerable populations; and

WHEREAS, SFDPH recognizes the many therapeutic benefits of the practice of massage therapy, which include tempering aches and pains, easing stress, and reducing blood pressure; and

WHEREAS, SFDPH has a long history of working in partnership with many of San Francisco's massage establishments and practitioners to support their operation in compliance with the Health Code; and

WHEREAS, the San Francisco Health Code authorizes the Director of Public Health or his/her designee to implement the licensing and regulations of massage practitioners and establishments; and

WHEREAS, in order to ensure the health of San Franciscans, the Director of Public Health has designated the Health Officer and his/her staff of the Environmental Health Branch to implement the Health Code as it relates to permitting and licensing requirements for massage establishments and massage practitioners; and

WHEREAS, in recent years, a change in State law created an unintended loophole that impacted the ability of cities and counties to use their authority to regulate and zone massage establishments; and

WHEREAS, in San Francisco, the inability to impose local regulation has led to a marked increase in the number of massage establishments, especially in some areas of the City that now exhibit a significant concentration of such establishments; and

WHEREAS, in San Francisco and other parts of California, the lack of local regulation has also resulted in the opening of many illicit massage establishments, which have a great impact on vulnerable populations as they are often associated with illegal and criminal activity such as human trafficking and other human rights violations; and

WHEREAS, illicit massage establishments are detrimental to health and safety of the community and also impact the local economy, as they drive legitimate business away, potentially affecting the vitality of neighborhoods and the provision of adequate services for residents and visitors alike; and

WHEREAS, the loophole created by State law has made oversight of local massage establishments under the San Francisco Health Code difficult to enforce and has propagated the closure and subsequent reopening of many illicit establishments; and

WHEREAS, in recognition of these unintended consequences, in September 2013, California enacted Assembly Bill No. 1147 ("A.B. 1147"), which, among other things, amended state law to enable local governments to more effectively zone and regulate massage establishments; and

WHEREAS, to ensure that SFPDH can continue to protect and promote health through the regulation of all massage establishments in San Francisco, San Francisco Health Code must be amended to align local law with A.B. 1147;

NOW THEREFORE BE IT RESOLVED, that to ensure public health, safety and welfare, the Health Commission supports the codification of A.B. 1147, which will restore the ability of SFPDH to regulate all massage establishments and charge cost recovery fees; and be it

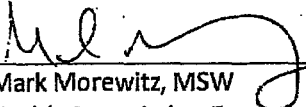
FURTHER RESOLVED, that the Health Commission supports additional amendments to the Health Code to enhance enforcement, transparency and education by providing SFPDH with tools to more effectively regulate massage establishments while providing appropriate oversight that allows the law-abiding massage industry to flourish.

FURTHER RESOLVED, that the Health Commission supports collaboration with members of the local massage community to develop amendments to the Health Code that support the ability of massage professionals and businesses to promote their profession and protect public health and safety.

FURTHER RESOLVED, the Environmental Health Branch shall explore options which mitigate the overall burdens of licensing, costs and regulation on massage practitioners and establishments, while maintaining net fiscal neutrality and ensuring public health and safety.

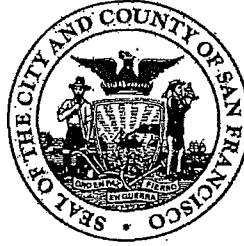
FURTHER RESOLVED, that the Health Commission supports future evaluation of the impact of these regulatory amendments to the Health Code to ensure that identified public health, safety and welfare goals are met.

I hereby certify that the San Francisco Health Commission at its meeting on March 3, 2015 adopted the foregoing resolution.



Mark Morewitz, MSW
Health Commission Executive Secretary

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Barbara A. Garcia, Director, Department of Public Health
Jose Cisneros, Treasurer, Office of the Treasurer-Tax Collector
Donna Levitt, Division Manager, Office of the Labor Standards Enforcement
Greg Suhr, Chief, Police Department
Joanne Hayes-White, Chief, Fire Department
John Rahaim, Director, Planning Department

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee,
Board of Supervisors

DATE: April 30, 2015

SUBJECT: SUBSTITUTED LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Tang on April 28, 2015:

File No. 141302

Ordinance amending the Health Code to comprehensively revise regulation of massage practitioners, massage establishments, massage outcall services, and sole practitioner massage establishments by, among other things: 1) eliminating the exemption for massage businesses that employ solely massage practitioners certified by the California Massage Therapy Council from the permitting and regulatory authority of the Department of Public Health; 2) increasing the number of instructional hours required for massage practitioner permits; 3) denying massage business permits to applicants who have been convicted of criminal acts related to human trafficking; 4) aligning massage practitioner attire requirements with State law; 5) incorporating State human trafficking information posting requirements into local law for enforcement purposes; 6) revising the timing and criteria for granting, denying, suspending, and revoking massage practitioner permits, massage establishment permits, sole practitioner massage establishment permits, and outcall massage service permits; 7) specifying massage practitioner permit application and annual license fees; 8) updating the application and annual license fee amounts for massage establishments, outcall massage services, and sole practitioner massage establishments to reflect the currently authorized amounts; and 9) grouping related requirements and making other changes to enhance clarity and promote compliance.

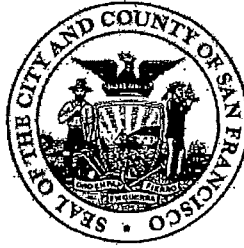
Referral from the Board of Supervisors
Land Use and Transportation Committee
April 30, 2015
Page 2

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:

Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health
Amanda Kahn Fried, Office of the Treasurer-Tax Collector
Christine Fountain, Police Department
Inspector John Monroe, Police Department
Kelly Alves, Fire Department
Scott Sanchez, Planning Department
Sarah Jones, Planning Department
Viktoriya Wise, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Jeanie Poling, Planning Department

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Tom Hui, Director, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: January 13, 2015

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, introduced by Supervisor Tang on December 16, 2014:

File No. 141302

Ordinance amending the Health Code to comprehensively revise regulation of massage practitioners and establishments by, among other things; 1) eliminating the exemption of massage establishments employing only State-certified massage practitioners from the permitting and regulatory authority of the Department of Public Health; 2) increasing the number of instructional hours required for general and advanced massage practitioner permits; 3) denying massage establishment permits to applicants who have been convicted of or are currently charged with criminal acts related to human trafficking; 4) aligning massage practitioner attire requirements with State law; 5) incorporating State human trafficking information posting requirements into local law for enforcement purposes; 6) revising the timing and criteria for granting, denying, suspending, and revoking general and advanced massage practitioner permits, massage establishment permits, outcall massage service permits, and sole practitioner massage establishment permits; 7) specifying massage practitioner permit application and annual license fees; 8) updating the application and annual license fee amounts for massage establishments, outcall massage services, and sole practitioner massage establishments to reflect the currently authorized amounts; and 9) grouping related requirements and making other changes to enhance clarity and promote compliance.



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

May 1, 2015

Ms. Angela Calvillo, Clerk of the Board
Board of Supervisors
City Hall room 244
1 Carlton B. Goodlett Place
San Francisco, CA 94102-4694

Re: File BOS File No. 141302 [Health Code – Massage Establishments]

Small Business Commission Recommendation: **Recommended to approve.**

Dear Ms. Calvillo:

On April 6, 2015, the Small Business Commission (SBC) voted unanimously 7-0 to approve BOS File No. 141302. While the SBC was not able to review the substituted legislation the majority of the proposed amendments were in line with the SBC recommendations.

Since the passage of AB 731 there have been two essential loopholes that have allow for the proliferation of illicit operations to exist under the guise of a legitimate massage establishments.

1. AB731 did not establish an authorizing agency to issue a permit to operate and require it for establishments or for the means of a local or state entity to conduct health and safety inspections for establishments that have only CAMTC certified massage healthcare professionals. This created a Wild West type of environment for illicit operators to open under the guise of massage establishment. Establishing a permit to operate is fundamentally be the most important change of the two pieces of legislation and is the strongest tool DPH needs to close illicit operations.
2. An individual is able obtain a massage practitioner permit with only 100 hours of massage instruction for a general practitioner permit and 200 hours for an advanced practitioner permit. Since the passage of AB731, the Department of Public health could have raised bar for the number of hours to qualify as a general or advanced DPH practitioner permit to match California Massage Therapy Council's (CAMTC) requirement qualify for certification and the massage schools requirement to 500 hours to graduate.

The passage of AB1127 now creates a means for local government to required permit to operate and conduct health and safety inspections for establishments that have CAMTC only certified massage healthcare practitioners. The establishment permits is where the greatest means of enforcement will lies.



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

The Small Business Commission key areas of recommendation centered around the need for

1. Acknowledge in the findings section, the usefulness, validity and public service of massage as a profession
2. Require all massage establishments to hold a SF Department of Public Health (DPH) establishment permit.
3. Require applicants for a DPH Massage Practitioner permit to provide a complete set of fingerprints for the purpose of undergoing a criminal background check (in line with California Massage Therapy Council (CAMTC) certification requirement).
4. Remove tiered General and Advanced Practitioner permits, and require massage practitioners to complete 500 hours of instruction (in line with CAMTC certification requirement).
5. Require the Public Health Director to provide all persons receiving a Massage Practitioner Permit with educational materials regarding their rights and available resources, such as health services and victim assistance.
6. Conform local requirements to state law regarding practitioner attire, human trafficking posting requirements, and external door locking.
 - a. *Special Note: DPH apply reasonable application to such rules around the external door locking, primarily for small establishments that do not have reception areas.*
7. Expansion for the grounds for denial of a DPH Massage Establishment permit to include.
8. Include the definitions of a "Massage Business" and "Sole Practitioner."
9. Remove provision allowing for Temporary practitioner permits, except for those who are coming out of state (with 60-day maximum) and remove the provision allowing for Trainee permits.
10. Revise requirement that massage practitioner permits be displayed in public area of establishment.
11. Practitioner permits must instead be made available upon request by a health inspector. (Establishment permits must be displayed, however).
12. Ensure that health and sanitation requirements are in conformity with the actual practice of massage.
13. Require that the Police Department be notified of all denied permit applications.
14. State that the Public Health Director "may" hold hearings for CAMTC-exempt businesses applying for permits instead of "shall."

The Small Business Commission does support including Health Care Practitioners as defined in the California Business and Profession Code, that have massage as an accessory use, be exempt from a massage establishment permit especially when the Health Care Practitioner leases the room the massage practitioner, which would trigger a solo practitioner establishment license.



SMALL BUSINESS COMMISSION
OFFICE OF SMALL BUSINESS



CITY AND COUNTY OF SAN FRANCISCO
EDWIN M. LEE, MAYOR

The Small Business Commission recommends that DPH allow for businesses where massage is an accessory use to open and operate the other aspects of the business while the business has to go through the CU process.

The Small Business Commission comments have also noted that the City needs to do:

Real-time Tracking:

In addition to performing a summary analysis in three years, both DPH and Planning should maintain a real-time list of businesses affected the new approval and permitting process. Planning should track how many businesses are required to go through the CU process, and how many are forced to close or relocate. Solo practitioner exemptions should also be tracked. The number of illegitimate businesses closed as a result of the new process should also be tracked to monitor the desired outcome of this legislation. The tracking results should be made available for periodic review.

Recognize CMTs and CMPs as healthcare professionals:

The SBC does recommendation that the City and County of SF officially support the need to recognize Certified Massage Therapists (CMTs) and Certified Massage Practitioner (CMPs) as health care providers and treat them on par with similar health care professionals in the massage ordinance. The SBC also acknowledges that it would be beneficial for the massage therapist industry to continue to lobby at the State level to be classified as Health Care Practitioners under the California Business and Professions Code Division 2.

Sincerely,

Regina Dick-Endrizzi
Director, Office of Small Business

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director
Small Business Commission, City Hall, Room 448

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Economic Development
Committee, Board of Supervisors

DATE: January 13, 2015

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS
Land Use and Economic Development Committee

The Board of Supervisors' Land Use and Economic Development Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 141302

Ordinance amending the Health Code to comprehensively revise regulation of massage practitioners and establishments by, among other things; 1) eliminating the exemption of massage establishments employing only State-certified massage practitioners from the permitting and regulatory authority of the Department of Public Health; 2) increasing the number of instructional hours required for general and advanced massage practitioner permits; 3) denying massage establishment permits to applicants who have been convicted of or are currently charged with criminal acts related to human trafficking; 4) aligning massage practitioner attire requirements with State law; 5) incorporating State human trafficking information posting requirements into local law for enforcement purposes; 6) revising the timing and criteria for granting, denying, suspending, and revoking general and advanced massage practitioner permits, massage establishment permits, outcall massage service permits, and sole practitioner massage establishment permits; 7) specifying massage practitioner permit application and annual license fees; 8) updating the application and annual license fee amounts for massage establishments, outcall massage services, and sole practitioner massage establishments to reflect the currently authorized amounts; and 9) grouping related requirements and making other changes to enhance clarity and promote compliance.

Referral from the Board of Supervisors
Land Use and Economic Development Committee
January 15, 2015
Page 2

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:

Greg Wagner, Department of Public Health
Colleen Chawla, Department of Public Health
Amanda Kahn Fried, Office of the Treasurer-Tax Collector
Christine Fountain, Police Department
Inspector John Monroe, Police Department
Kelly Alves, Fire Department
Scott Sanchez, Planning Department
Sarah Jones, Planning Department
Viktoriya Wise, Planning Department
AnMarie Rodgers, Planning Department
Aaron Starr, Planning Department
Joy Navarrete, Planning Department
Jeanie Poling, Planning Department



THE JUNIOR LEAGUE OF SAN FRANCISCO, INC.

Empowering our Community Through Life Skills Education

30 April 2015

Supervisor Scott Weiner
Supervisor Malia Cohen
Supervisor Jane Kim
SF City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, Ca 94102-4689

RE: SUPPORT for File #141302 – Public Health Regulations of Massage Establishments

Dear Supervisors Weiner, Cohen and Kim

On behalf of the Junior League of San Francisco (JLSF), I am writing to inform you of our position of support on File #14132- Public Health Regulations of Massage Establishments, related to employment of massage therapist and protection from human trafficking.

We agree that human trafficking is a serious issue that impacts victims, their families, and communities across our county. This is an intricate and complex issue, because of the power and control exerted over the victim has sexual, physical, emotional and/or psychological consequences.

Historically, The Junior League of San Francisco has taken position statements on issues relevant to the League's work in the community. On January 5, 2015 we established an official position taking a stand against human trafficking.

"The Junior League of San Francisco, Inc. supports efforts to eliminate human trafficking and the commercial sexual exploitation of children by supporting programs, advocacy efforts and legislation designed to protect the victims and increase public awareness."

Recently, San Francisco has been identified by the FBI as being one of the top three hubs for human trafficking in the nation. The JLSF is actively involved in advocating on behalf of victims of human trafficking and sexual assault who would directly benefit from such File#141302. Specifically, over the past several years, our membership has participated in trainings to raise awareness of domestic violence and human trafficking in our community.

The JLSF, a non-partisan, all-volunteer organization, of over 2,000 women has been involved in community-based advocacy since we were established in 1911. The JLSF is an organization of women committed to promoting volunteerism, developing the potential of women, and improving communities through the effective action and leadership of trained volunteers.

We hope that you will also support Supervisor Katy Tang who has authored this important bill to help make this beautiful city we live in safe for everyone in our community. Please feel free to contact me if there is anything else we can do to support you in this effort.

Kind regards,

Rosalind Navarro Solon
Senior Delegate-CA State Public Affairs Committee
Public Affairs Council Director
Junior League of San Francisco
415 577-6460
rnsjlsf@gmail.com
www.jlsf.com
www.californiaspnc.com

Ausberry, Andrea

From: irene crescio [iac349@aol.com]
Sent: Monday, May 04, 2015 1:06 PM
To: Wiener, Scott; Cohen, Malia (BOS); Kim, Jane (BOS); Ausberry, Andrea
Subject: Fwd: Files 141302 and 141303

Good Afternoon,

correction: the massage parlor address in question is not 2809 San Bruno Avenue, but 2633 San Bruno Avenue.

Sincerely,

Irene Crescio

-----Original Message-----

From: irene crescio <iac349@aol.com>
To: Scott.Wiener <Scott.Wiener@sfgov.org>; malia.cohen <malia.cohen@sfgov.org>; jane.kim <jane.kim@sfgov.org>; andrea.ausberry <andrea.ausberry@sfgov.org>
Sent: Sun, May 3, 2015 4:23 pm
Subject: Files 141302 and 141303

Good afternoon,

I am writing to give my support to Files 141302 and 141303 returning land use and regulatory controls over massage establishments to the city's jurisdiction. I reviewed the updated legislation and hope that these changes will help close all massage parlors that continue to have prostitution and human trafficking.

There was one sentence in the updated legislation that stated "Ensure that health and sanitation requirements are in conformity with the actual practice of massage".

I did not see any indication where Health Inspectors can make unexpected periodical visits to these establishments.

For sometime now, we have been aware of one massage parlor at 2809 San Bruno Avenue in the Portola District that is known for having prostitution and human trafficking. They have had two public hearing, but each time nothing is done except the owner and the girls were fined. We almost had this establishment closed on the second public hearing, but when we were in attendance, it turned out that the original owner transferred the business to another owner. Consequently, we are back to square one and the girls are still working.

Sincerely,

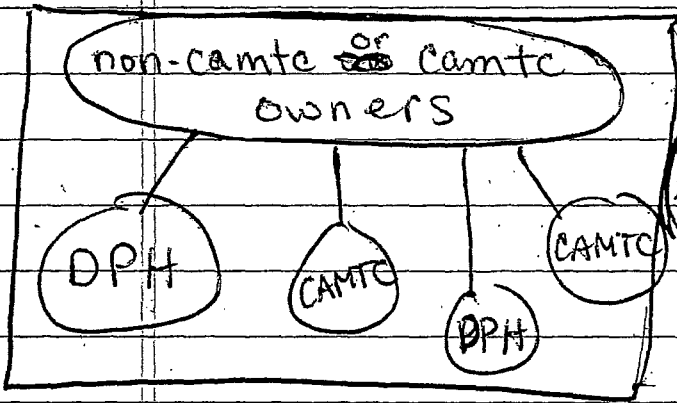
Irene Crescio, Board Member
Portola Neighborhood Association (PNA)

Message Businesses

Message Providers

General Massage Establishment

40



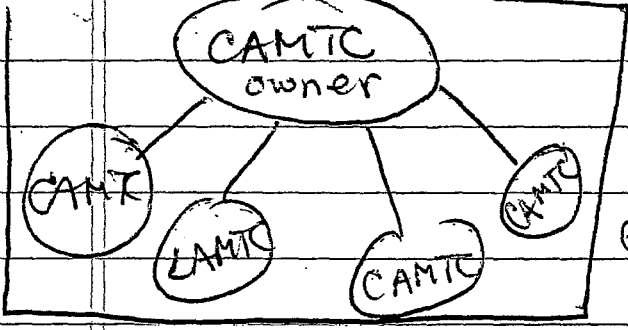
proposed \$681/\$1214
currently \$658/\$1173

DPH \$146/\$123
General Practitioner
100 hours

DPH
Advanced Practitioners
200 hours

"Declaration of Exemption" → Certified Establishment

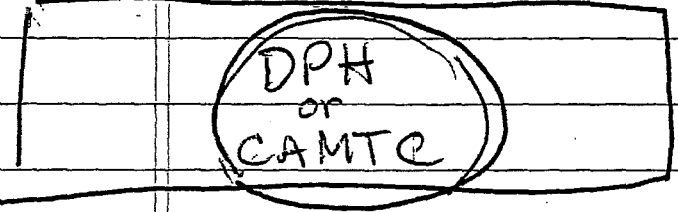
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suggested same fee as General Massage Establishment

DPH Practitioner
500 hours

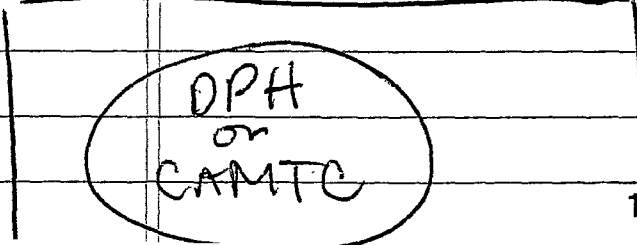
Sole Practitioner (Solo (fixed)/Outcall Establishment)



\$497/\$599 (currently \$480/\$579)

CAMTC
Certified Massage Therapist
500 hours "CMT"

Outcall



\$351/\$306 (currently \$339/\$296)

CAMTC
Certified Massage Practitioner
"CMP"
250 hours

Ausberry, Andrea

From: Quizon, Dyanna (BOS)
Sent: Thursday, April 30, 2015 1:55 PM
To: Ausberry, Andrea
Subject: FW: illegal massage parlors

Dyanna Quizon, Legislative Aide
Office of Supervisor Katy Tang
Phone: 415-554-7460

From: Brian Veit [<mailto:veit@seal-rock.com>]
Sent: Thursday, April 16, 2015 6:34 PM
To: Kim, Jane (BOS); Wiener, Scott; Cohen, Malia (BOS); Ausberry, Andrea
Cc: Quizon, Dyanna (BOS); Tang, Katy (BOS); Jane Manning
Subject: illegal massage parlors

I want to support the proposed legislation making it more difficult to hide illegal prostitution behind massage parlor facades.

I am a neighborhood watch captain, and one establishment, "JJ's" at 3800 Noriega at 46th and Noriega, regularly gets a lot of complaints. It is totally illegitimate and is a blight on our community. I am not addressing the morality, just the reality. It doesn't belong, especially given that it is in line with a burgeoning retail renaissance, and only half a block from the nearby school "Noriega Preschool". Yet it is virtually impossible to get rid of now that it's there.

Making it harder to begin with is not a complete solution but it's a good start. Please support this legislation, Files 141302 and 141303.

Thank you,

Brian Veit

1 Letterman Dr Bldg C Main Floor Ste CM400, San Francisco CA 94129
Cell: 415-672-2485
veit@seal-rock.com



April 17, 2015

Supervisors Malia Cohen, Supervisor Jane Kim & Supervisor Scott Weiner
City of San Francisco
Board of Supervisors
Land Use & Transportation Committee

RE: Letter of Support - Files 141302 & 141303

On behalf of the board of the Portola Neighborhood Association (PNA), I would like to express our full support for files 141302 and 141303 pertaining to legislation returning land use and regulatory controls over massage establishments to the city's jurisdiction.

Since 2002, members of the PNA have been working tirelessly to revitalize the San Bruno Avenue Corridor, to make it a clean, safe and family-oriented commercial area for everyone to enjoy. Since we first learnt of state legislation AB1147 from Supervisor Katy Tang's office in 2014, the PNA has been in full support of the two major components of that legislation that i) requiring all massage establishments to obtain a Department of Public Health establishment permit and ii) for all new massage establishments to require Conditional Use approval from the City's Planning Department.

Over the last several years, our neighborhood has experienced noticeable increase in illegal activities at massage parlors on San Bruno Avenue. These establishments, following complaints filed by residents, have faced multiple fines for employing unlicensed massage practitioners and non-compliance to health regulations; however, they remain in operations despite those violations. Having this authority returned to local governments will not only deprive operators of illegitimate businesses under the auspices of massage therapy from engaging in prostitution and human trafficking.

Furthermore, during the same period, the lack of proper land use controls to stem the growth of illegitimate massage practices have resulted in a proliferation of these shadowy businesses. On more than one occasion, we have heard from our business community that prospective massage business owners were offering large sums of cash to acquire family-owned retail businesses. Since the illegitimate massage businesses are lucrative as they generally require little operations costs and often avoid paying taxes, they can support much higher rent than the average family-owned community-serving retail business, forcing upward pressure in the commercial rents and destabilizing our family-owned business community.

The Portola neighborhood, like many other neighborhoods in San Francisco, currently faces the challenge of being unable to prevent the opening of illegitimate massage parlors under current regulatory controls. By returning these controls to the City of San Francisco, it simply ensures that similar safeguards that is already in place for business types such as restaurants, bars and marijuana dispensaries.

We hope the committee can provide unanimous support to this legislation and help empower our neighborhood.



Jack Tse
Corridor Manager
Portola Neighborhood Association (PNA)

Ausberry, Andrea

From: tamara poole [tpoole94122@gmail.com]
Sent: Friday, April 17, 2015 4:42 PM
To: Ausberry, Andrea
Subject: Legislation on Massage Parlors

Please do everything that is possible to pass Supervisor Tang's legislation to make it harder to operate Massage Parlors in the Sunset. It would certainly help curb human trafficking.

Thank you.

Tamara Poole

Ausberry, Andrea

From: Vi Huynh [vhuynhsfsu@yahoo.com]
Sent: Thursday, April 16, 2015 11:18 PM
To: Cohen, Malia (BOS)
Cc: Tang, Katy (BOS); Quizon, Dyanna (BOS); Ausberry, Andrea
Subject: FILE No. 141302 and 141303

Dear Supervisor Cohen:

The lack of local regulation has allowed the number of massage establishments to open in San Francisco at an alarming rate. I'm writing to express my support for the legislation District Supervisor Katy Tang has introduced – FILE No. 141302 and 141303 – Health Code - Massage Practitioners, Establishments, and Associated Fees. For instance, if enacted, this legislation would enable the City to deny massage establishment permits to applicants who have been convicted of or are currently charged with criminal acts related to human trafficking.

In essence, the legislation introduced by Supervisor Tang would enable San Francisco to exercise its authority under Assembly Bill 1147 (AB 1147), passed by the Legislature and signed by Governor Brown in 2014. AB 1147 authorizes local governments to use their regulatory and land use authority to ensure the public's *safety, reduce human trafficking, and enforce local standards* for the operation of the business of massage therapy in the best interests of the affected community. Under this AB 1147, San Francisco can regain broad control over its ability to regulate establishments that provide massage services.

The lack of local regulation has allowed many of these massage establishments to open under the guise of being "health clubs." While in reality, some of these "health clubs" are actually commercial front brothels claim to specialize in Asian techniques by pretending to offer legitimate services such as massages and acupuncture – they are actually providing commercial sex. The victims are often Asian women, both documented and undocumented. Not to mention, these massage establishments are harmful to the health and safety of the community and adversely impact the local economy by driving legitimate businesses away.

While human trafficking may be difficult to spot in the open, there are some tell-tale signs of massage parlors engaging in human trafficking. Some of the signs are: suggestive or obvious sexual advertising – darkened-tinted, obstructed, or covered windows – customers coming and going at odd hours – clientele are mostly male – services are performed by Asian women, predominantly Chinese, Vietnamese, Thai, Korean and other Asian ethnic women. The truth is, these businesses are predominantly outlets for the sex trade, and some engage in human trafficking and other human rights violations. Buying sex from another person dehumanizes the victim because it puts a price on a person's self-worth.

To ensure the public's safety and to reduce human trafficking, I urge you to do the right thing and support Supervisor Tang's legislation - Files No. 141302 and 141303 - Health Code - Massage Practitioners, Establishments, and Associated Fees. San Francisco should and must exercise its authority under AB 1147 to regulate all massage establishments, including those that employ only CAMTC certified practitioners as well as to regulate those practitioners who do not hold a CAMTC certificate.

I urge you to support this legislation to safeguard the public's health and very importantly, to reduce human trafficking. Our civilized society just cannot turn its back on these victims of human trafficking. To do so is unconscionable! Thank you for taking so much time to consider this important issue.

Sincerely,

Vi Huynh – District 4
Central Sunset Neighborhood Watch
Community Policing Advisory Board

Ausberry, Andrea

From: Victor Lara [victor8010@sbcglobal.net]
Sent: Thursday, April 16, 2015 3:55 PM
To: Quizon, Dyanna (BOS); jack@portolasf.org; iac349@aol.com
Cc: Wiener, Scott; Cohen, Malia (BOS); Kim, Jane (BOS); Ausberry, Andrea; Tang, Katy (BOS)
Subject: Re: Massage Legislation

Follow Up Flag: Follow up
Flag Status: Completed

Hello,
I strongly support the new legislation reg. Massage Parlors Files #14102 & 14103

Thank you for all your hard work.

Sincerely,
Henni Lara

On Thursday, April 9, 2015 1:21 PM, "Quizon, Dyanna (BOS)" <dyanna.quizon@sfgov.org> wrote:

Good afternoon:

Our office has introduced legislation returning land use and regulatory controls over massage establishments to the city's jurisdiction. The two most significant changes are that all massage establishments will have to have a Department of Public Health establishment permit and all new massage establishments will have to receive Conditional Use approval with certain exceptions. This will allow the City to better regulate massage establishments and allow neighborhood notification and input of their opening.

If you would like to send letters or emails of support for the legislation, please send them to the members of the Land Use & Transportation Committee noting your support of Files 141302 and 141303, preferably by Friday, April 17. You can email the members of the committee directly (and copy Supervisor Tang and me) at:

Supervisor Scott Wiener
Scott.Wiener@sfgov.org

Supervisor Malia Cohen
Malia.Cohen@sfgov.org

Supervisor Jane Kim
Jane.Kim@sfgov.org

Andrea Ausberry (Clerk)
Andrea.Ausberry@sfgov.org

I've attached a summary of our proposed legislation to this email and some information you may want to include.

For the text of the Health Code amendments (File# 141302), visit: <https://sfgov.legistar.com/LegislationDetail.aspx?ID=2103557&GUID=5808A348-212D-42F0-B447-DF4DEDA2C2BA&Options=ID|Text|&Search=141302>

For the text of the Planning Code amendments (File# 141303), visit: <https://sfgov.legistar.com/LegislationDetail.aspx?ID=2103559&GUID=C407BA0A-14E7-4B0A-9F7E-CE2798B304C0&Options=ID|Text|&Search=141303>

Please let me know if you have any additional questions!

Best,
Dyanna

Dyanna Quizon, Legislative Aide
Office of Supervisor Katy Tang
Phone: 415-554-7460

Ausberry, Andrea

From: Brian Veit [veit@seal-rock.com]
Sent: Thursday, April 16, 2015 6:34 PM
To: Kim, Jane (BOS); Wiener, Scott; Cohen, Malia (BOS); Ausberry, Andrea
Cc: Quizon, Dyanna (BOS); Tang, Katy (BOS); Jane Manning
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Thank you,

Brian Veit

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Cell: 415-672-2485

veit@seal-rock.com





*San Francisco Commission on the Status of Women
Resolution in Support of San Francisco Massage Establishment Ordinances 141302 & 141303*

BE IT KNOWN That the Commission on the Status of Women of the City and County of San Francisco hereby issue and authorize the execution, by the subscribing Commissioners, of the following resolution:

WHEREAS, The Department on the Status of Women has focused efforts on responding to modern day slavery since 2008 and now staffs the Mayor's Task Force on Anti-Human Trafficking, convened by Mayor Edwin M. Lee in 2013, including a committee on Illicit Massage Parlors, the target of a national campaign by Polaris which runs the National Human Trafficking Resource Center to address human trafficking occurring in establishments posing as massage parlors; and,

WHEREAS, The Department recognizes that while there are many law abiding massage establishments, the Department of Public Health estimates that 30-50% of massage establishments in San Francisco are fronts for commercial sexual activity and that 1 out of 4 women employed by establishments inspected by the Department of Public Health evidence signs of being trafficked; and,

WHEREAS, Supervisor Katy Tang has provided strong leadership in the effort to eradicate human trafficking from massage establishments., including contributing to the recent passage of Assembly Bill 1147 that enables local governments to more effectively regulate massage establishments, and gives San Francisco a vital opportunity to prevent and identify trafficking through its regulation and inspections of massage establishments; and,

WHEREAS, Supervisor Tang has introduced two ordinances to amend the Planning Code and the Health Code to strengthen regulations governing massage establishments; and, as part of these amendments, the Department of Public Health is incorporating the innovative use of bilingual health outreach workers into its inspections of massage establishments to provider referrals to women who may be trafficked;

NOW THEREFORE BE IT RESOLVED That the San Francisco Commission on the Status of Women supports the amendments to the Health Code and the Planning Code contained in File numbers 141302 and 141303 as a strategy for eradicating human trafficking from massage establishments in San Francisco.

Nancy Kirshner-Rodriguez
Nancy Kirshner-Rodriguez, President

Andrew Shorter
Andrew Shorter, Vice President

Amy Ackerman
Amy Ackerman

Alicia Gamez
Alicia Gamez

Mary Jung
Mary Jung

Julie D. Soo
Julie D. Soo

Ausberry, Andrea

From: irene crescio [iac349@aol.com]
Sent: Saturday, April 11, 2015 9:38 AM
To: Wiener, Scott; Cohen, Malia (BOS); Kim, Jane (BOS); Ausberry, Andrea
Cc: Tang, Katy (BOS); Quizon, Dyanna (BOS)
Subject: Files 141302 and 141303

To everyone concerned:

I am writing to show my support to the changes being made pertaining to Massage Parlors in Files 14102 and 14103.

This is long overdue, however I would like clarification to the phrase "with certain exceptions." as shown that all new massage establishments will have to receive Conditional Use approval with certain exceptions.

Also, what will happen with Massage Parlors that currently have Human Trafficking? Will they go on with business as usual?

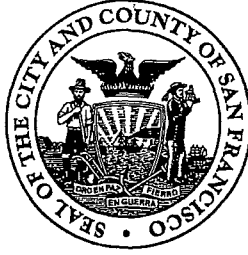
We definitely know of one Massage Parlor located at 2633 San Bruno Avenue in our Portola District that has twice been brought before the Department of Health at a public hearing for unlicensed and uncertified massage practitioners, various sanitary problems and other violations. It is a given that human trafficking is going on at this location and the girls are still at work behind a locked front door that is illegal for a massage parlor.

Some of us here in the Portola District have met with both Katy and Dyanna showing our concern of the increase in massage parlors here in our neighborhood. Two more have opened in the last year, and we are concerned that they to are fronts for prostitution..

Sincerely,

Irene Crescio, Board Member
Portola Neighborhood Association (PNA)

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Monday, April 20, 2015

Time: 1:30 p.m.

Location: Legislative Chamber, Room 250, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 141302. Ordinance amending the Health Code to comprehensively revise regulation of massage practitioners and establishments by, among other things: 1) eliminating the exemption of massage establishments employing only State-certified massage practitioners from the permitting and regulatory authority of the Department of Public Health; 2) increasing the number of instructional hours required for general and advanced massage practitioner permits; 3) denying massage establishment permits to applicants who have been convicted of or are currently charged with criminal acts related to human trafficking; 4) aligning massage practitioner attire requirements with State law; 5) incorporating State human trafficking information posting requirements into local law for enforcement purposes; 6) revising the timing and criteria for granting, denying, suspending, and revoking general and advanced massage practitioner permits, massage establishment permits, outcall massage service permits, and sole practitioner massage establishment permits; 7) specifying massage practitioner permit application and annual license fees; 8) updating the application and annual license fee amounts for massage establishments, outcall massage services, and sole practitioner massage establishments to reflect the currently authorized amounts; and 9) grouping related requirements and making other changes to enhance clarity and promote compliance.

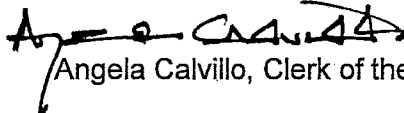
If the legislation passes, the following massage practitioners and establishment fees shall be charged and/or increased:

- 1) New fee for the application for a massage practitioner permit shall be \$146.00;
- 2) New fee for the annual license for a massage practitioner shall be \$123.00;
- 3) Increase of fee for the application for a massage establishment permit would be increased from \$658.00 to \$681.00;

- 4) Increase of fee for the annual license for a massage establishment would be increased from \$1,173.00 to \$1,214.00;
- 5) New fee for the annual license shall be \$10 for any establishment permit holder who is over 60 years old, does not employ others, and whose gross receipts from the establishment for the previous year were less than \$1,000;
- 6) Increase of fee for the application for a sole practitioner massage establishment permit would be increased from \$480.00 to \$497.00;
- 7) Increase of fee for the annual license for a sole practitioner massage establishment would be increased from \$579.00 to \$599.00;

All massage practitioner and establishment annual fees shall be due annually on March 31 of each year, pursuant to Business and Tax Regulations Code, Section 76.1, Article 2.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, April 17, 2015.


Angela Calvillo, Clerk of the Board

DATED: April 9, 2015
PUBLISHED/POSTED: April 10 & 16, 2015

LEGAL ADVERTISING



To ADVERTISE IN SAN MATEO COUNTY CALL: 650-556-1556 • To ADVERTISE IN SAN FRANCISCO CALL: 415-314-1835

Public Notices

or subcontractor may be awarded a contract for public work on a public works project unless registered with the DIR pursuant to Labor Code section 1725.5. This Project is subject to compliance monitoring and enforcement of prevailing wage requirements by the California Department of Industrial Relations and the San Francisco Office of Labor Standards Enforcement.

The objective of the project is to landscape a lot near the College Hill Reservoir in San Francisco. The work is to be performed in SF, CA. The Engineer's estimate is \$446,000. The Contract will be awarded to the lowest responsible and responsive bidder.

Bid discounts may be applied as per San Francisco Administrative Code Chapter 14B. The LBE subcontracting goal is 16% and ONLY San Francisco (Local) Small & Micro-LBEs can be utilized to meet this requirement (Firms certified by SF Contract Monitoring Division). SFPUC-LBEs cannot be utilized to meet the 16% LBE subcontracting goal requirement. Please contact Regina Chan at 415 551-4395 for further information. SFPUC is offering opportunities to include, but not limited to, the following major types of work:

grading and earthwork, concrete foundations, paving, fencing, custom fixture installation for solar panels, electrical, plumbing, irrigation installation, various landscape features, and animal housing units.

Interested bidders are encouraged to attend a pre-bid and contractor networking conference to be held at SFPUC Contractor's Assistance Center, 5 Thomas Mellon Circle Suite 168 at 10AM on April 22, 2015. Prime bidder's attendance at this conference is worth 15 points toward Chapter 14B "Good Faith Outreach" requirements. Bidders must achieve at least 80 points (out of a possible 100 points), as determined by CMD, to be deemed compliant with the "Good Faith Outreach" requirements, unless bidder is exempt from performing good faith outreach efforts under Section 145.8(B) of the Administrative Code. A site inspection will be held after the pre-bid conference.

A Class "A or C-2" California Contractors License is required to bid. Furthermore, each listed subcontractor must possess appropriate active licenses for the work each subcontractor will be performing.

In accordance with San Francisco Administrative Code Chapter 6, no bid is accepted and no contract in excess of \$400,000 is awarded by the City and County of San Francisco until such time as (a) the General Manager, SFPUC awards the contract for and (b) the SFPUC then issues a resolution awarding the contract. Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds. Bidders are hereby advised that the Contractor to whom the Contract is awarded must be certified by the Contract Monitoring Division as being in compliance with the Equal

Public Notices

Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award by the SFPUC General Manager.

This Project is subject to the requirements of the San Francisco Local Hiring Policy for Construction ("Policy") as set forth in Section 6.22(G) of the San Francisco Administrative Code. Bidders are hereby advised that the requirements of the Policy will be incorporated as a material term of any contract awarded for the Project. Refer to Contract Section 00 73 30 for more information.

If a bidder objects on any ground to any bid specification or legal requirement imposed by this Advertisement for Bids, the bidder shall, no later than the 10th working day prior to the date of Bid opening, provide written notice to the Manager, Contract Administration Bureau, setting forth with specificity the grounds for the objection.

CITY AND COUNTY OF SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY INVITATION FOR PROPOSALS

Sealed Bids will be received at One South Van Ness Ave., 3rd Floor, San Francisco, California 94103, before 3:00 p.m., on May 21, 2015 for the following public work:

Unity Plaza Development Project

(Contract No. 1283)

A. Proposal Bid Submittal Deadline and Bid Opening: A Bidder must submit its Proposal to the San Francisco Municipal Transportation Agency (SFMTA) at One South Van Ness Ave., 3rd Floor, San Francisco, California in the format and with the documents required herein before 3:00 p.m. on May 21, 2015. Bids shall be publicly opened immediately after 3:00 p.m. on May 21, 2015 at One South Van Ness Ave., 3rd Floor Conference Room.

B. Summary of the Work Description of work: The work to be done under this Contract is located within the City of San Francisco as shown on the Plans. This generally consists of the construction of a Plaza to the east of an affordable housing complex, and the City College Pedestrian Connector between the City College Ocean Ave. campus west of Phelan Ave. and MTA bus stops at the City College Terminal.

Work to be performed under the project includes, but not limited to, the following:

- Unity Plaza - Asphalt paving, curbs, fencing, trees and shrubs, and the furnishing and installation of poured-in-place integrally colored concrete paving, concrete walls, concrete planters, retractable bollards, safety surface, climbing structure, light poles and recessed wall lights.
- Unity Plaza - Site drainage system, automated irrigation system and landscaping.
- CCSF Connector - Asphalt paving, curbs, fencing, trees and shrubs, and the procurement and installation of a poured-in-place concrete stair case, stainless steel handrails, concrete walls, concrete curbs, wall recessed lights, chain link fencing, tile

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art. installation and a rain garden.

- CCSF Connector - Site drainage system, automated irrigation system and landscaping.

The above description of the Work is a general summary only and does not modify the requirements set out in the Specifications, Drawings or other Contract Documents. The estimated cost for this work is \$2.0 million.

C. Requirements of Bidders

1. No contractor or subcontractor may be listed on a bid proposal for a public works project (submitted on or after March 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].

2. No contractor or subcontractor may be awarded a contract for public work on a public works project (awarded on or after April 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.

3. This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

4. All Proposals must be made on the Proposal form bound with the Specifications for the Work.

5. All Bidders must possess the proper license at the time of Contract award. A California State Contractor's License Classification A is required of the prime Bidder for this Contract. Each subcontractor must possess the appropriate license covering the subcontracted Work it will perform.

6. To be eligible for award of the Contract, if it be awarded, Contractor must demonstrate that it has the experience, expertise, financial and bonding capacity, personnel, and equipment to perform the Work.

7. Bidders are hereby notified that the SFMTA has designated this Contract to be set-aside for Small Business Enterprise (SBE) prime bidders only. There will be no SBE goal. However, the SBE prime bidders will be required to demonstrate that they will perform no less than 30% of the work and that SBEs will perform 100% of the work, with the exception of the placement and installation of Lithocrete design elements (waves, chevron, and sun).

8. A pre-bid conference will be held at 1 South Van Ness, Third Floor, Civic Center Conference room, San Francisco, California, at 10:00 A.M., on May 6, 2015, to discuss the salient aspects of the Project, construction issues, the SBE/Non-discrimination requirements, and to answer questions from the prospective Bidders.

A pre-bid site visit will be conducted after the pre-bid conference starting at 11:30 am. All bidders are strongly encouraged to attend the pre-bid site visit. Bidders are to meet at 1100 Ocean Avenue at the designated time. All participants must wear proper safety vest and shoes.

9. The Contractor shall comply

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with all applicable Equal Employment Opportunity laws and regulations.

10. The Contractor and its subcontractors shall fully comply with the requirements of the State Apprenticeship Program as set forth in the California Labor Code, Division 3, Chapter 4 (commencing at section 3070) and section 1777.5.

11. The Contractor shall submit proof of a current Business Tax Registration Certificate.

12. The City and County of San Francisco hereby notifies all Bidders that it will affirmatively ensure that in regard to any contract entered into pursuant to this advertisement, small business enterprises will be afforded full opportunity to submit Bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.

13. The award of this Contract is subject to the concurrence of the United States Department of Transportation (DOT). All Bidders will be required to certify that they are not on the United States Controller General's list of ineligible contractors.

D. Access to Reference Materials, Designs and Specifications

No deposit is required for the Bid Documents, which may be procured from the SFMTA on the 3rd Floor, One South Van Ness Ave., San Francisco, California 94103. Bid documents may also be obtained by mailing a request to Mr. Allan Andaya at the aforementioned address, faxing a request to (415) 701-4300 or e-mailing a request to allan.andaya@sfmta.com.

The Work described in these Specifications is to be financed with the assistance of a grant from the Federal Transit Administration. All Work described in these Specifications shall be performed in accordance with Federal Transit Administration guidelines and regulations.

E. Evaluation of Bids

The award (if an award is made), will be made as provided in these Bid Documents, provided that, if the City believes that the public interest will be best served by accepting other than the lowest Evaluated Bid, it shall have the authority to accept the Bid that will best serve the public interest. At any time prior to award, the Agency may in its sole discretion cancel the solicitation or reject all bids received and rebid the Contract or issue a different contract for all or some portion of the Work identified herein.

F. Requirements for Award of Contract

1. In accordance with San Francisco Administrative Code Chapter 6, no Bid is accepted and no contract in excess of \$100,000 is awarded by City and County of San Francisco until such time as the Department Head recommends the contract for award and the board or commission that has jurisdiction over that department then adopts a resolution awarding the contract. Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller

Public Notices

as to the availability of funds.

2. The selected Bidder shall cooperate with SFMTA in meeting its commitments and objectives with regard to ensuring nondiscrimination in the award and administration of Department of Transportation (DOT)-assisted contracts and shall use its best efforts to ensure that barriers to participation of SBEs do not exist.

3. To be eligible for participation in the Contract, each subcontractor whose estimated cost of work exceeds \$10,000 must fully comply with the requirements of the "Standard Federal Equal Employment Opportunity Contract Specifications (Executive Order 11246)" and the provisions of the Notice to Bidders, "Small Business Enterprise Program", copies of which are attached to and made part of the Contract Documents.

4. A certified check or corporate surety bond of not less than 10 percent of the amount of the Bid must accompany each Proposal. Each Bidder shall submit with its Bid the names and quotations of all subcontractors as stated in INSTRUCTION FOR PREPARATION AND EXECUTION OF FORMS, AGREEMENT AND BONDS.

5. The Contract will provide for progressive payments. Liquidated damages for failure to complete the work within the specified time are included in the Specifications, and all Bids must cover the entire Work required under this Contract. The City reserves the right to reject any or all Bids.

6. Contractor is required to pay prevailing wages as provided in federal law and the San Francisco Administrative Code. Copies of the prevailing rate of per diem wages, as determined by the Director of the State of California Department of Industrial Relations, are on file at the SFMTA, at One South Van Ness Ave., 3rd Floor San Francisco, California, 94103, and are available to any interested party upon request.

NOTICE OF PUBLIC HEARINGS

NOTICE OF PUBLIC HEARINGS - Tuesday, April 28, 2015 - 1:30 PM City Hall, Room 400, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, at a Regular Meeting of the SAN FRANCISCO PUBLIC UTILITIES COMMISSION, and if necessary, May 12, 2015 City Hall, Room 400, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, at a Regular Meeting of the SAN FRANCISCO PUBLIC UTILITIES COMMISSION, and if necessary, May 26, 2015 City Hall, Room 400, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102, at a Regular Meeting of the SAN FRANCISCO PUBLIC UTILITIES COMMISSION: Public Hearing, discussion and possible action to adopt a schedules of electric rates and charges for customers of the San Francisco Public Utilities Commission (SFPUC) for phase one of the Community Choice Aggregation Program for renewable power procurement within San Francisco. The detailed

Public Notices

agenda and related files will be available at least 72 hours before the scheduled meetings at the SFPUC website www.sfwater.org, or by calling (415) 554-3165.

NOTICE OF PUBLIC HEARING LAND USE AND TRANSPORTATION COMMITTEE SF BOARD OF SUPERVISORS APRIL 20, 2015 - 1:30 PM CITY HALL, LEGISLATIVE CHAMBER, RM 250 1 DR. CARLTON B. GOODLETT PL. SF, CA 94102

NOTICE IS HEREBY GIVEN THAT THE Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 141302. Ordinance amending the Health Code to comprehensively revise regulation of massage practitioners and establishments by, among other things: 1) eliminating the exemption of massage establishments employing only State-certified massage practitioners from the permitting and regulatory authority of the Department of Public Health; 2) increasing the number of instructional hours required for general and advanced massage practitioner permits; 3) denying massage establishment permits to applicants who have been convicted of or are currently charged with criminal acts related to human trafficking; 4) aligning massage practitioner attire requirements with State law; 5) incorporating State human trafficking information posting requirements into local law for enforcement purposes; 6) revising the timing and criteria for granting, denying, suspending, and revoking general and advanced massage practitioner permits, massage establishment permits, outcall massage service permits, and sole practitioner massage establishment permits; 7) specifying massage practitioner permit application and annual license fees; 8) updating the application and annual license fee amounts for massage establishments, outcall massage services, and sole practitioner massage establishments to reflect the currently authorized amounts; and 9) grouping related requirements and making other changes to enhance clarity and promote compliance.

If the legislation passes, the following massage practitioners and establishment fees shall be charged and/or increased:

1. New fee for the application for a massage practitioner permit shall be \$146.00;
2. New fee for the annual license for a massage practitioner shall be \$123.00;
3. Increase of fee for the application for a massage establishment permit would be increased from \$658.00 to \$681.00;
4. Increase of fee for the annual license for a massage establishment would be increased from \$1,173.00 to \$1,214.00;
5. New fee for the annual

LEGAL ADVERTISING



TO ADVERTISE IN SAN MATEO COUNTY CALL: 650-556-1556 • TO ADVERTISE IN SAN FRANCISCO CALL: 415-314-1835

Public Notices

GOVERNMENT

NOTICE OF PUBLIC HEARING LAND USE AND TRANSPORTATION COMMITTEE SF BOARD OF SUPERVISORS APRIL 20, 2015 1:30 PM CITY HALL LEGISLATIVE CHAMBER, RM 250 1 DR. CARLTON B. GOODLETT PL. SF, CA 94102

NOTICE IS HEREBY GIVEN THAT THE Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows at which time all interested parties may attend and be heard: File No. 141932. Ordinance amending the Health Code to comprehensively revise regulation of massage practitioners and establishments by, among other things: 1) eliminating the exemption of massage establishments employing only State-certified massage practitioners from the permitting and regulatory authority of the Department of Public Health; 2) increasing the number of instructional hours required for general and advanced massage practitioner permits; 3) denying massage establishment permits to applicants who have been convicted of or are currently charged with criminal acts related to human trafficking; 4) aligning massage practitioner title requirements with State law; 5) incorporating State human trafficking information posting requirements into local law for enforcement purposes; 6) revising the timing and criteria for granting, denying, suspending, and revoking general and advanced massage practitioner permits, outcall massage services permits, and sole practitioner massage establishment permits; 7) specifying massage practitioner permit application and annual license fees; 8) updating the application and annual license fee amounts for massage establishments, outcall massage services, and sole practitioner massage establishments to reflect the currently authorized amounts; and 9) grouping related requirements and making other changes to enhance clarity and promote compliance.

If the legislation passes, the following message practitioners and establishment fees shall be charged and/or increased:

- New fee for the application for a massage practitioner permit shall be \$146.00.
- New fee for the annual license for a massage practitioner shall be \$123.00.
- Increase of fee for the application for a massage establishment permit would be increased from \$658.00 to \$881.00.
- Increase of fee for the annual license for a massage establishment would be increased from \$1,179.00 to \$1,214.00.
- New fee for the annual

Public Notices

license shall be \$10 for any establishment permit holder who is over 60 years old, does not employ others, and whose gross receipts from the establishment for the previous year were less than \$1,000.

- Increase of fee for the application for a sole practitioner massage establishment permit would be increased from \$487.00 to \$589.00.
- Increase of fee for the annual license for a sole practitioner massage establishment would be increased from \$578.00 to \$680.00.

All massage practitioners and establishments applying for annual fees shall be due annually on March 31 of each year, pursuant to Business and Professions Code, Section 76.1, Article 2.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter will submit written comments to the City prior to the time the hearing begins. These comments will be made a part of the official public record in this matter and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Cavillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter will be available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, April 17, 2015.

NOTICE OF REGULAR MEETING SF BOARD OF SUPERVISORS LAND USE AND TRANSPORTATION COMMITTEE APRIL 20, 2015 1:30 PM CITY HALL LEGISLATIVE CHAMBER, RM 250 1 DR. CARLTON B. GOODLETT PL. SF, CA 94102

The agenda packet and legislative files are available at www.sfbos.org. In RM 244 at the address listed above, or by calling (415) 554-5184.

ADVERTISING FOR BIDS CITY & COUNTY OF SAN FRANCISCO DEPARTMENT OF PUBLIC WORKS CONTRACT NO. 22303 (ID NO. F0E16071) ER TAYLOR ELEMENTARY SCHOOL SAFE ROUTES TO SCHOOL PROJECT (FEDERAL AID PROJECT NO. CML-5934(173))

Sealed bids will be received at 1155 Market Street, 4th Floor, San Francisco, California 94103 until 2:30 p.m. on May 13, 2015, after which they will be publicly opened and read. Digital files of Bid Documents, Plan Holders Documents, and Addenda may be downloaded at no cost from the Department of Public Works (DPW) Electronic Bid Documents Download site at www.sfdpw.org/bidsdocs, or purchased on a CD format from 1155 Market Street, 4th Floor, San Francisco, California 94103, telephone 415-554-6228, for a non-refundable \$15.00 fee paid by

Public Notices

cash or check to "Department of Public Works". Please visit the DPW's Contract, Bid Opportunities and Payments webpage at www.sfdpw.org for more information. Notices regarding Addenda and other changes will be distributed by email to Plan Holders. The Work is located at the intersection of Bacon and Goodstein Streets in San Francisco, California and consists of pavement renovation, curb ramp and bulb-out construction, drainage work, and all associated work. The time allowed for completion is 60 consecutive calendar days. The Engineer's estimate is approximately \$200,000. For more information, contact the Project Manager, Amy Lam at 415-437-7048.

On July 1, 2014, the registration program under section 1725.5 of the California Labor Code went into effect. The program requires that all contractors and subcontractors who bid or work on a public works project register and pay an annual fee to the California Department of Industrial Relations ("DIR"). Effective March 1, 2015, no contractor or subcontractor may be listed in a bid for a public works project unless registered with the DIR as required by Labor Code section 1725.5 (with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)). Effective April 1, 2015, no contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the DIR as required by Labor Code section 1725.5. This Project shall incorporate the required partnering elements for Partnering Level 1. Refer to Section 01 31 33 for more details.

Pursuant to San Francisco Administrative Code (SFAC) Section 6.25, "Clean Construction" is required for the performance of all work. The Specifications include liquidated damages. Contract will be on a Lump Sum Bid Items With Unit Prices basis. Progressive payments will be made.

The Contract will be awarded to the lowest responsible responsive bidder. A bid may be rejected if the City determines that any of the bid item prices are materially unbalanced to the potential detriment of the City. Bidders are advised that this is a federal-aid project subject to equal employment opportunity provisions and California Race-Conscious Disadvantaged Business Enterprise (DBE) program. CDM Bid documents are available to be used to calculate the DBE participation goal is 25%. Only contractors certified as a Disadvantaged Business Enterprise (DBE) may be used to calculate the DBE participation. Call Selormey Dzikuza at 415-558-4058 for details.

A pre-bid conference will be held on April 21, 2015, 10:00 a.m., at 1680 Mission Street, 2nd Floor. Contractor shall perform not less than 30 percent of the original contract work with the Contractor's own organization.

Public Notices

A corporate surety bond or certified check for ten percent (10%) of the amount bid must accompany each bid. SFAC Sec. 6.22(a) requires all construction greater than \$25,000 to include performance and payment bonds for 100% of the contract award.

Class "A" license required at time of award.

In accordance with San Francisco Administrative Code Chapter 6, no bid is accepted and no contract in excess of \$400,000 is awarded by the City and County of San Francisco until such time as the Mayor or the Mayor's designee approves the contract for award, and the Director of Public Works then issues an order of award. Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds.

Minimum wage rates for this project must comply with the current General Prevailing Wage as determined by the State Department of Industrial Relations and the Federal General Prevailing Wage Determinations of the Secretary of Labor under the Copeland Act. Minimum wage rates other than applicable to General Prevailing Wage must comply with SFAC Chapter 12P Minimum Compensation Ordinance.

Bidders are hereby advised that the Contractor to whom the Contract is awarded must be certified by the Human Rights Commission as being in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award.

If a bidder objects on any ground to any bid specification or legal requirement imposed by this Advertisement for Bids, the bidder shall, no later than the 10th working day prior to the date of Bid opening, provide written notice to the Contract Administration Division, Department of Public Works, setting forth with specificity the grounds for the objection.

Right reserved to reject any or all bids and waive any minor irregularities.

Public Notices

California 94103, telephone 415-554-6228, for a non-refundable \$15.00 fee paid by cash or check to "Department of Public Works". Please visit the DPW's Contract, Bid Opportunities and Payments webpage at www.sfdpw.org for more information. Notices regarding Addenda and other changes will be distributed by email to Plan Holders. The Work is located along Guerrero Street, San Jose Avenue, and Corbett Avenue and includes pavement renovation, curb ramp, bulb-out and island construction, sewer replacement, drainage and water work, traffic routing, and all associated work. The time allowed for completion is 390 consecutive calendar days. The Engineer's estimate is approximately \$6,000,000.

For more information, contact the Project Manager, Ramon Kong at (415)-554-8280.

On July 1, 2014, the registration program under section 1725.5 of the California Labor Code went into effect. The program requires that all contractors and subcontractors who bid or work on a public works project register and pay an annual fee to the California Department of Industrial Relations ("DIR"). Effective March 1, 2015, no contractor or subcontractor may be listed in a bid for a public works project unless registered with the DIR as required by Labor Code section 1725.5 (with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)). Effective April 1, 2015, no contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the DIR as required by Labor Code section 1725.5. This Project shall incorporate the required partnering elements for Partnering Level 2. Refer to Section 01 31 33 for more details.

Pursuant to San Francisco Administrative Code (SFAC) Section 6.25, "Clean Construction" is required for the performance of all work. The Specifications include liquidated damages. Contract will be on a Lump Sum Bid Items With Unit Prices basis. Progressive payments will be made.

The Contract will be awarded to the lowest responsible responsive bidder. A bid may be rejected if the City determines that any of the bid item prices are materially unbalanced to the potential detriment of the City. Bidders are advised that this is a federal-aid project subject to equal employment opportunity provisions and California Race-Conscious Disadvantaged Business Enterprise (DBE) program. CDM Bid documents are available to be used to calculate the DBE participation goal is 25%. Only contractors certified as a Disadvantaged Business Enterprise (DBE) may be used to calculate the DBE participation. Call Selormey Dzikuza at 415-558-4058 for details.

A pre-bid conference will be held on April 21, 2015, 10:00 a.m., at 1680 Mission Street, 2nd Floor. Contractor shall perform not less than 30 percent of the original contract work with the Contractor's own organization.

Public Notices

LBE participation exceeds the above subcontracting goal by 35% will not be required to meet the good faith efforts requirements.

A pre-bid conference will be held on April 23, 2015, 10:30 p.m., at 1680 Mission Street, 3rd Floor. For information on the City's various versions of plans, specifications and bidding documents are available at 525 Golden Gate Avenue, 1st Floor, Customer Services Unit, San Francisco, CA 94102 for a non-refundable \$150 fee paid by cash or by check payable to SFPUIC Call (415) 551-4608 for further information. A CD version is available for a fee of \$10. Visit <http://sfaweb.org> for contracts for updates.

On July 1, 2014, the registration program under section 1725.5 of the California Labor Code went into effect. The program requires that all contractors and subcontractors who bid or work on a public works project register and pay an annual fee to the California Department of Industrial Relations ("DIR"). Effective March 1, 2015, no contractor or subcontractor may be listed in a bid for a public works project unless registered with the DIR as required by Labor Code section 1725.5 (with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)). Effective April 1, 2015, no contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the DIR as required by Labor Code section 1725.5. This Project shall incorporate the required partnering elements for Partnering Level 2. Refer to Section 01 31 33 for more details.

Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds.

Minimum wage rates for this project must comply with the current General Prevailing Wage as determined by the State Department of Industrial Relations and the Federal General Prevailing Wage Determinations of the Secretary of Labor under the Copeland Act. Minimum wage rates other than applicable to General Prevailing Wage must comply with SFAC Chapter 12P Minimum Compensation Ordinance.

This Project is subject to the requirements of the San Francisco Local Hiring Policy for Construction ("Policy") as set forth in Section 6.22(G) of the San Francisco Administrative Code. Bidders are hereby advised that the requirements of the Policy will be incorporated as a material term of any contract awarded for this Project. Refer to Section 00 73 30 of the Project Manual for more information. Bidders are hereby advised that the Contractor to whom the Contract is awarded must be certified by the Human Rights Commission as being in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award.

If a bidder objects on any ground to any bid specification or legal requirement imposed by this Advertisement for Bids, the bidder shall, no later than the 10th working day prior to the date of Bid opening, provide written notice to the Contract Administration Division, Department of Public Works, setting forth with specificity the grounds for the objection.

Right reserved to reject any or all bids and waive any minor irregularities.

Public Notices

Avenues & Anderson/Elsworth/Ingalls/Mapiem/Mouline Streets Sewer Replacement Contract No. WW-602

Sealed bids will be received at 525 Golden Gate Avenue, 1st Floor, Customer Services Unit, San Francisco, CA 94102, until 2:00 P.M. on 5/7/2015. Hard copy versions of plans, specifications and bidding documents are available at 525 Golden Gate Avenue, 1st Floor, Customer Services Unit, San Francisco, CA 94102 for a non-refundable \$150 fee paid by cash or by check payable to SFPUIC Call (415) 551-4608 for further information. A CD version is available for a fee of \$10. Visit <http://sfaweb.org> for contracts for updates.

On July 1, 2014, the registration program under section 1725.5 of the California Labor Code went into effect. The program requires that all contractors and subcontractors who bid or work on a public works project register and pay an annual fee to the California Department of Industrial Relations ("DIR"). Effective March 1, 2015, no contractor or subcontractor may be listed in a bid for a public works project unless registered with the DIR as required by Labor Code section 1725.5 (with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)). Effective April 1, 2015, no contractor or subcontractor may be awarded a contract for public work on a public works project unless registered with the DIR as required by Labor Code section 1725.5. This Project shall incorporate the required partnering elements for Partnering Level 2. Refer to Section 01 31 33 for more details.

Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds.

Minimum wage rates for this project must comply with the current General Prevailing Wage as determined by the State Department of Industrial Relations and the Federal General Prevailing Wage Determinations of the Secretary of Labor under the Copeland Act. Minimum wage rates other than applicable to General Prevailing Wage must comply with SFAC Chapter 12P Minimum Compensation Ordinance.

This Project is subject to the requirements of the San Francisco Local Hiring Policy for Construction ("Policy") as set forth in Section 6.22(G) of the San Francisco Administrative Code. Bidders are hereby advised that the requirements of the Policy will be incorporated as a material term of any contract awarded for this Project. Refer to Section 00 73 30 of the Project Manual for more information. Bidders are hereby advised that the Contractor to whom the Contract is awarded must be certified by the Human Rights Commission as being in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award.

If a bidder objects on any ground to any bid specification or legal requirement imposed by this Advertisement for Bids, the bidder shall, no later than the 10th working day prior to the date of Bid opening, provide written notice to the Manager, Contract Administration Bureau, setting forth with specificity the grounds for the objection.

Public Notices

Bidders must achieve at least 80 points (out of a possible 100 points), as determined by DMC, to be deemed compliant with the "Good Faith Outreach" requirements, unless bidder is exempt from performing good faith outreach efforts under Section 148.8(B) of the Administrative Code. Bidders are encouraged to pay special attention to the listing qualifications in Specification Section 33 01 00-00-00-00.

A Class "A" California Contractors' License is required to bid. Furthermore, each listed subcontractor must possess appropriate active licenses for the work each subcontractor will be performing.

In accordance with San Francisco Administrative Code Chapter 6, no bid is accepted and no contract in excess of \$400,000 is awarded by the City and County of San Francisco until such time as (a) the General Manager, SFPUIC recommends the contract for award and (b) the SFPUIC then adopts a resolution awarding the contract. Pursuant to Charter Section 3.105, all contract awards are subject to certification by the Controller as to the availability of funds.

Bidders are hereby advised that the Contractor to whom the Contract is awarded must be certified by the Human Rights Commission as being in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award.

This Project is subject to the requirements of the San Francisco Local Hiring Policy for Construction ("Policy") as set forth in Section 6.22(G) of the San Francisco Administrative Code. Bidders are hereby advised that the requirements of the Policy will be incorporated as a material term of any contract awarded for this Project. Refer to Section 00 73 30 of the Project Manual for more information. Bidders are hereby advised that the Contractor to whom the Contract is awarded must be certified by the Human Rights Commission as being in compliance with the Equal Benefits Provisions of Chapter 12B of the City's Administrative Code within two weeks after notification of award.

If a bidder objects on any ground to any bid specification or legal requirement imposed by this Advertisement for Bids, the bidder shall, no later than the 10th working day prior to the date of Bid opening, provide written notice to the Manager, Contract Administration Bureau, setting forth with specificity the grounds for the objection.

CIVIL

ORDER TO SHOW CAUSE FOR CHANGE OF NAME

Case No. CIV15-00587 Superior Court of California, County of San Mateo

Petitioner: Rosa M. Manring for Change of Name

To ALL INTERESTED PERSONS: Rosa M. Manring filed a petition with this court for a decree changing names as follows: Rosa Moreno Manring to Rosa M. Moro

The Court orders that all

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date _____

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [141302]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

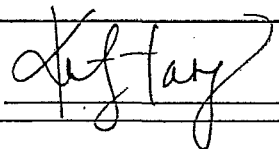
Sponsor(s):

Tang

Subject:

Health Code - Massage Practitioner and Business Permits, Associated Fees

The text is listed below or attached:

Signature of Sponsoring Supervisor: 

For Clerk's Use Only:

