

**ALAMEDA COUNTY
BOARD OF SUPERVISORS'
UNINCORPORATED SERVICES COMMITTEE**

Wednesday, February 22, 2012

Supervisor Nate Miley, Chair
Supervisor Wilma Chan

Location: San Lorenzo Village Homes Association
377 Paseo Grande
San Lorenzo, CA 94580

Summary Action Minutes

PUBLIC COMMENT

None

I. Housing Element Implementation

Angela Robinson Piñon provided a brief overview of the County's housing element. As part of the 2003 Housing Element, the Board of Supervisors authorized the formation of an Ordinance Review Committee to act as an advisory panel to the Planning Department in revising and updating the County Zoning Ordinance. The 2009-2014 Housing Element also makes reference to the Ordinance Review Advisory Committee and enlists their involvement in the development of amendments to the ordinance. There were no objections to the amendments drafted by staff.

Staff asked for public comments/testimony on the proposed amendments. There was no public comment/testimony given at this meeting.

II. Update on massage facilities regulations within unincorporated area/Status of moratorium

Rodrigo Orduna, County Planning Department, provided an update on the status of regulation of massage facilities in Alameda County, in addition to an update on the Boards' moratorium of such establishments.

Senate Bill 731 and Assembly Bill 619 adopted and amended a section of the California Business and Professions Code related to the practice of massage. The legislation was intended to protect individuals who receive massages, protect communities from prostitution and illicit activity and also facilitate legitimate massage practitioners and therapists by creating centralized regulation of education and background checks and permitting.

Pursuant to legislation massage providers may voluntarily apply for and receive a certificate from the state's California Massage Therapy Council. Once an individual obtains a certificate he or she is able to practice in any city and county without being required to obtain a local license (except for business) or permit. Similarly a massage business that uses only CAMTGC-certified massage practitioners is not required to obtain a separate local license or permit.

The Board of Supervisors issued a moratorium last year on massage which will expire in April against new massage facilities. Enacted due to State Law – any certified practitioner or therapist is to be allowed as long as they allow personal or professional care services. If we require CUP for the professionals, then we can apply that to massage therapists and practitioners. Can verify state certification and require inspections for health and safety reasons.

The Board of Supervisors adopted a moratorium on the establishment of new massage facilities on April 12, 2011 and extended it to May 17, 2011. The moratorium expires on April 12, 2012.

II. Update on massage facilities regulations within unincorporated area/Status of moratorium *(continued)*

Requiring registration and verifying their certifications and regulate that they are adequately dressed;

Planning Department rewrite rules to eliminate facilities that are not state certified.

Currently there are about ten (10) facilities that are located in unincorporated Alameda County in the commercial corridors, i.e. Hesperian, East 14th Street and Castro Valley Boulevard.

Speakers

Kathy Gil: Massage facilities that had illegal activity, were they certified or licensed?

Rodrigo Orduña: If any certified facility is caught in prostitution, their certification is removed and the county can either fine them or require them to shut down. There was at least one certified facility that had possible prostitution activity.

Kathy Martins: There are two (2) illegal massage facilities are currently operating on Hesperian Blvd, they do not have conditional use permits and one does not have a business license. One facility stays open until midnight.

Rodrigo Orduña: Refer those businesses to the County code enforcement department. The County could restrict hours of operation on all professional businesses within the County.

Diane Martin: Does the enforcement fall on the jurisdiction of the County? What happens when new employees are hired, who checks to see if they are certified?

Rodrigo Orduña: The state will leave the inspections of health and safety as well as enforcement up to the local jurisdiction. The County will be allowed to do a yearly inspection, and at time of inspection facilities are required to have a list of employees and their certifications. They should submit certifications of new employees to the County.

Rodrigo Orduña: certification fining them or make them shutdown. Make sure we come down at least one facility Environmental Health Department will be doing inspection

Robert Campisi: He has participated in community meetings and wanted to thank the Board to the County Officer that made the presentation. On behalf of George Graves worked to bring the massage parlor incidents to the attention of the County.

III. Traffic Enforcement Update

California Highway Patrol Sergeant Steve Perea and Officer Drayson McCullough with the Special Enforcement Unit reported on traffic enforcement in the unincorporated area.

- Programs: senior driver safety program, free to the public
- Start smart teen driver program
- April is distracted driver awareness month
- Spear heading getting together with the schools to find out what their concerns are: trying to address every single traffic safety issue:
- Cherryland Elementary: The CHP was sent out to the school because people were making unlawful left turns, causing grid loc. The CHP cited several parents and a few teachers for the unlawful left turn and cited several parents for driving without a license.
- Several people cited for passing school buses

III. Traffic Enforcement Update *(continued)*

- Double fine zones signs: CHP has been in dialogue – legislation expired; Signs will come down, in order to renew the double fine zones, legislation is required
- Car seats – new law – 8 years old or four feet 9 inches tall and in the backseat.
- DUI - a lot of people are still driving drunk, and under the influence of marijuana very prevalent
- Cited commercial drivers on Lewelling Boulevard

ADJOURNMENT

The meeting was adjourned to March 26, 2012.

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