

COUNCIL MEETING  
August 4, 2009

**SUPPLEMENTAL MATERIAL**

Honorable Mayor and Members  
of the City Council  
City Hall  
Torrance, California

Members of the Council:

**SUBJECT: Supplemental Material to Council Item No. 12A**

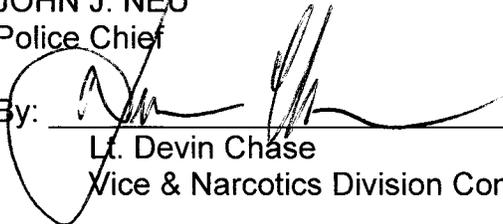
Attached are three documents regarding this agenda item. Attachment A is an email from Council Member Numark forwarding an email from Raymond L. Cordova for Imperial Spa. Attachment B is the City staff's response to the questions. Attachment C is a redline of changes to section 35.14.080(c), which deals with minimum lighting requirements. The revision to section 35.14.080(c) should be included in the revised ordinance.

Respectfully submitted,

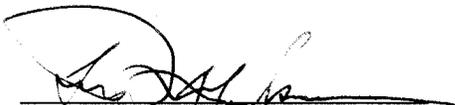
ERIC E. TSAO  
Finance Director

By:   
Kenneth Flewellyn  
Assistant Finance Director

JOHN J. NEU  
Police Chief

By:   
Lt. Devin Chase  
Vice & Narcotics Division Commander

CONCUR:

  
LeRoy J. Jackson  
City Manager

- Attachments: A) Email from Council Member Numark  
B) Staff's response to the questions  
C) Redline of changes to section 35.14.080(c)



**Tsao, Eric**

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**From:** Numark, Cliff  
**Sent:** Friday, July 31, 2009 12:34 PM  
**To:** Jackson, LeRoy; Neu, John; Tsao, Eric  
**Subject:** Massage Ordinance

I received the email regarding the massage ordinance. Perhaps this will provide additional feedback that can be used by staff for perfecting the proposed ordinance.

Thank you,

Cliff

----- Forwarded Message -----

**From:** Ray Cordova <Ray@socountylabor.org>  
**To:** Cliff Numark <cliff@cliffnumark.com>  
**Sent:** Tuesday, July 28, 2009 4:06:36 PM  
**Subject:** RE: Massage Ordinance

Cliff,

Thank you for the email and heads up re the new 'massage' ordinance. We agree with nearly all portions of the ordinance as it will hinder the 'scofflaws' from engaging in illicit practices under the name of massage therapy.

We have several areas of concern: The first is the requirement to keep a record of our patrons Name, Birth Date and Address as an official record and kept for one year. We know this is a requirement for 'health purposes'. I know of no other business except for our personal physicians where this requirement is mandatory.

Second: Hours of operation. 7:a.m. – 10 P.M. and no patrons in the establishment after 10:00 p.m. The ordinance states that no massage therapy after 10:00 p.m. and all patrons must be out of the establishment by 10:00 p.m. We have no qualms about not performing massage beyond 10:00 p.m. However, we offer much more than massage and a large number of our customer base come to the spa for the Jacuzzi's, sauna's, salt rooms, jade rooms, clay rooms and even our fitness exercise room where we have our cardio exercise equipment. Our Las Vegas Spa does not offer massage therapy after 10 p.m., but many customers come in to enjoy all the other amenities. If the ordinance were amended to state NO Massage after 10:00 p.m. and facility closure by 12:00 a.m., we could live with that. Additionally, many of our customers want to enjoy the Spa before going to work, we would request at least a 6:00 a.m. opening and we can live with the no massage before 7:00 a.m.

Third: The monthly reporting requirement to the city of all employees. This requirement states we must notify the city on a monthly basis no later than the 5<sup>th</sup> day of each month, a list of all employees licensed to give massage. We keep an up to date record of all our licensed personnel in each facility. In the city of Las Vegas we have been open since April of 2008 and the city has been out with license inspectors at least 3 times and the first thing they ask for is our employee log. It is a requirement that this log be kept up to date and accurate. If we have to live with the monthly reporting we will do so, but this is again another burden in doing business.

Fourth: On page 5 of the article it defines massage and bodywork to include any "method of friction" etc. There are two types of 'friction' performed in our spas. One is the regular work by a massage therapist and the other is the friction done by 'Body Scrubbers'. A Massage therapist will not perform a body scrub as they consider this to be 'dirty work' and their license elevates them to a higher level of work. There are a large number of our customers who enjoy the 'body scrub' and do not use the massage services. Does the ordinance now require the body scrubbers to have a massage therapist license?

Cliff, I will try to make the meeting if I can cancel my meeting in Fullerton this evening.

Thank you for the email and best wishes,

Raymond L. Cordova for Imperial Spa



## ATTACHMENT B

**COUNCIL ITEM 12A – FINANCE AND POLICE DEPARTMENT**  
MESSAGE ORDINANCE

**Q: Thank you for the email and heads up re the new ‘massage’ ordinance. We agree with nearly all portions of the ordinance as it will hinder the ‘scofflaws’ from engaging in illicit practices under the name of massage therapy. We have several areas of concern: The first is the requirement to keep a record of our patrons Name, Birth Date and Address as an official record and kept for one year. We know this is a requirement for ‘health purposes’. I know of no other business except for our personal physicians where this requirement is mandatory. (Raymond L. Cordova)**

**A: Staff believes such records are essential for public health and safety. They provide health officials with the ability to contact patrons should health issues arise with a customer, practitioner, or therapist. The records also assist licensing and enforcement officials in monitoring and curbing illegal massage activity. Staff further believes that legitimate massage patrons will not have an issue with providing, nor with the business retaining, this information as required by the proposed ordinance. (John J. Neu, Chief of Police)**

**Q: Second: Hours of operation. 7:a.m. – 10 P.M. and no patrons in the establishment after 10:00 p.m. The ordinance states that no massage therapy after 10:00 p.m. and all patrons must be out of the establishment by 10:00 p.m. We have no qualms about not performing massage beyond 10:00 p.m. However, we offer much more than massage and a large number of our customer base come to the spa for the Jacuzzi’s, sauna’s, salt rooms, jade rooms, clay rooms and even our fitness exercise room where we have our cardio exercise equipment. Our Las Vegas Spa does not offer massage therapy after 10 p.m., but many customers come in to enjoy all the other amenities. If the ordinance were amended to state NO Massage after 10:00 p.m. and facility closure by 12:00 a.m., we could live with that. Additionally, many of our customers want to enjoy the Spa before going to work, we would request at least a 6:00 a.m. opening and we can live with the no massage before 7:00 a. m. (Raymond L. Cordova)**

**A: This ordinance addresses Massage Establishments. All activities occurring in the licensed premises fall within the ordinance. At Council direction, staff completed a survey of massage businesses in four surrounding communities. The survey revealed that the most frequent opening time Monday through Saturday is 10:00 AM and closing time is 9:00 PM, the most frequent opening time Sunday is 10:00 AM and closing time is 10:00 PM. Staff found that the survey revealed most massage establishments operate fewer business hours than staff’s original proposal of 7:00 AM to 10:00 PM. Staff supports the survey results and recommends changing the proposed ordinance to reflect these hours. (Kenneth Flewellyn, Assistant Finance Director)**

- Q: Third: The monthly reporting requirement to the city of all employees. This requirement states we must notify the city on a monthly basis no later than the 5<sup>th</sup> day of each month, a list of all employees licensed to give massage. We keep an up to date record of all our licensed personnel in each facility. In the city of Las Vegas we have been open since April of 2008 and the city has been out with license inspectors at least 3 times and the first thing they ask for is our employee log. It is a requirement that this log be kept up to date and accurate. If we have to live with the monthly reporting we will do so, but this is again another burden in doing business. (Raymond L. Cordova)**
- A: Staff believes this requirement is essential for public health and safety, to monitor public health as noted in Question No. 1 above, as well as to ensure businesses are employing only licensed massage therapists, all for the protection of the consumer. Due to the high turnover rate experienced by some massage establishments and the portability of the state licenses, therapists and practitioners can work for multiple businesses. It is in the interest of public health and safety that the city has a need to know who is working where. As stated during last week's Council Meeting, this reporting could be accomplished via email and staff does not believe this requirement will create a burden that outweighs the positive factors. (John J. Neu, Chief of Police)
- Q: Fourth: On page 5 of the article it defines massage and bodywork to include any "method of friction" etc. There are two types of 'friction' performed in our spas. One is the regular work by a massage therapist and the other is the friction done by 'Body Scrubbers'. A Massage therapist will not perform a body scrub as they consider this to be 'dirty work' and their license elevates them to a higher level of work. There are a large number of our customers who enjoy the 'body scrub' and do not use the massage services. Does the ordinance now require the body scrubbers to have a massage therapist license? (Raymond L. Cordova)**
- A: As described in the question, "Body Scrubbers" do not necessarily require a Massage Therapist license. But this service must be provided by a Massage Therapist, Massage Practitioner, Cosmetologist, or Esthetician licensed by the State of California. (Patrick Q. Sullivan, Deputy City Attorney)

## Section 35.14.080

(c) ~~Minimum lighting equivalent to at least one 40-watt light will be provided in each massage therapy room or cubicle as required by California Building Code section 1205.3 or any successor section.~~