

COUNCIL MEETING
October 26, 2010

SUPPLEMENTAL#2 TO ITEM 13A

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

Members of the Council:

SUBJECT: SUPPLEMENTAL #2 TO COUNCIL AGENDA ITEM 13A

Staff is not proposing any exemptions in connection with tonight's item to extend the existing moratorium on the issuance of permits for massage and acupuncture establishments. Staff has, however, identified a number of possible scenarios in which Your Honorable Body might wish to allow exemptions.

Pending Applications: Prior to adoption of the urgency interim ordinance on September 14, 2010, the City had received a number of applications for new massage establishments that were not finished the licensing process:

HONG YUN SPA (Yujing Li) – 24474 HAWTHORNE BLVD – Denied per TPD's report, facility does not meet TMC requirements.

A+ DAY SPA MASSAGE (Mike Hwan Choi) – 1515 CRENSHAW BLVD, #102 – TPD interview/report done 9/14/2010, after the moratorium date.

ELEGANT MASSAGE INC (Xinyun Huang) – 3881 PACIFIC COAST HWY – PD interview/report done 10/7/2010, after the moratorium date.

SHANYA MASSAGE (Hongwei Zhang) – 1730 SEPULVEDA BLVD – Originally scheduled for License Review Board meeting of 9/7/2010, but arrived after the Board had adjourned.

RIVIERA HEALTH SPA (Sung W Kim & Mina MK Kim) – 3601 LOMITA BLVD – Originally scheduled for LRB meeting of 9/7/2010, but they were not present at that meeting.

All of the above applications were received on or before 9/7/2010.

BODY OASIS DAY SPA (application to convert skin care facility to massage facility received 9/13/2010).

Massage Incidental to Primary Business:

TOTAL WOMAN GYM & DAY SPA; RIVIERA HEALTH SPA

Land Use Entitlements Approved:

TOTAL WOMAN GYM & DAY SPA

Vesting/Substantial Completion of Improvements:

RIVIERA HEALTH SPA

Proposed Relocation:

FAMILY ACUPUNCTURE CLINIC

Proposed Sale or Transfer:

JUST MASSAGE

The city attorney has also received several communications with respect to the proposed extension of the moratorium: letters from Sequita Howard, the owner of Body Oasis Day Spa and Total Woman Gym & Day Spa; letters from and to Michael Duffy, attorney for Shanya Massage; and an email from Judy Kim on behalf Of Family Acupuncture Clinic. Copies of this correspondence are attached.

Respectfully submitted,



John L. Fellows III, City Attorney

CONCUR:



LeRoy J. Jackson, City Manager

Attachment A: correspondence

Contact: Sequita H. Davis
Body Oasis Day Spa
23829 Hawthorne Blvd.
Torrance, CA. 90505
(310) 378-5678 W
(310) 918-1555 C

BIOGRAPHY



Sequita Howard-Davis, has been in the beauty and wellness industry since 1987 and holds licenses in Manicuring, Esthetics and also a Certified Massage Technician Certification. With an emphasis in Paramedical Aesthetics & Corrective Skin Care, she is an expert on anti-aging & anti-acne modalities.

An accomplished writer, and former industry educator, Howard-Davis has authored several published feature articles for trade journals. Additionally, she has produced two tutorial videos: **The Professional Approach to Aesthetic Pedicures** and **Effleugage: The Art of Back Massage**.

Boasting an extensive catalog of credentials in her perspective fields; Howard-Davis decided to integrate her knowledge and began creating innovative day spa treatments. One such signature service is the **Ginseng Rejuvenator®**, featured in **SELF** Magazine.

In May 2001 Davis opened Body Oasis Day Spa in Redondo Beach, California and has since relocated to a stunning 2,000 square facility located in Torrance, California.

Body Oasis Day Spa's staff of 4 offers guest a Disney level of customer service. "We continually receive referrals as a result of gift certificate purchases and referrals from a prominent local Dermatologist".

Total WOMAN Gym & Day Spa

OFFICE OF THE
MAYOR & COUNCIL

2010 OCT 20 PM 3:07

October 18, 2010

TO: Mayor and City Council

FR: Karen Wischmann

RE: Total Woman Gym and Day Spa

I am writing this letter out of concern for the moratorium on massage licenses as it may pertain to Total Woman Gym & Day Spa. By way of reference, I appeared in front of the planning commission for the CUP hearing on July 21, 2010. I had submitted plans for the proposed improvements and the uses and received approval for our new location within Torrance Towne Center at that meeting. At the meeting, Commissioner Browning mentioned that the City had strict regulations concerning establishments that offer massages, however, at no point did anyone say, whether it be in the meeting or thereafter during our permitting process, that there will be a moratorium coming down the road, or you must get your business license right away to be ahead of the moratorium. Further, on August 24, 2010, the City Council as a matter of an administrative consent calendar approved the Recognition and Attornment Agreement for recognition of our lease which was then executed by the City and returned to us on or around August 31, 2010. Therefore we assumed that C.U.P took care of all our uses which include ancillary usage of massage related services (represents 13% of revenues). Our location here in Torrance consists of 10,000 square feet of which only on an ancillary portion is dedicated to spa treatments.

As you know our operation is completely a female occupancy business and our female therapists will only be working on females and we do not want to be considered in the "massage parlor" business. We have finished the permitting process for our interior improvement plans through the City of Torrance, a permit has been issued, construction has commenced on our improvements and we anticipate opening later this year. As of today we have pre-sold over 600 memberships where people have signed up anticipating a women's only gym with related spa services, and we would be greatly damaged if we do not provide the service which we have offered.

We understand the concern cities have with the influx in massage parlors which may or may not be legitimate. However, we like to think of Total Woman as a business (fitness center), which like a hotel, might have a massage offered as part of its spa treatment. We therefore are requesting to be excluded from the moratorium due to extreme hardship. Since I will be in Atlanta next Tuesday, I will be sending Bonnie Gilles to attend the council meeting to be held on October 26, 2010 pertaining to our case.

Total Woman Gym and Day Spa is the largest full service women's only gym and day spa in the western United States. The company has been in business for over 45 years and to date has nine operating stores serving over 23,000 members. The ownership group RLH Equity Partners (Richard Riordan, former Mayor of Los Angeles, Chris Lewis and Pat Haden, current USC Athletic Director) upholds the highest standards for business ethics and professionalism and Total Woman reflects these values.

Sincerely,



Karen Wischmann
President & CEO
Total Woman Gym & Day Spa

cc: John Fellows, City Attorney
cc: Brian Sunshine, Asst. City Manager
cc: Jeff Gibson, Director, Planning Department

WR #009349

MICHAEL P. DUFF

Law Offices of
MICHAEL P. DUFF
345 West 9th Avenue
Suite 200
Escondido, California 92025

Telephone (760) 546-0520
Facsimile (760) 546-0525

September 30, 2010

John L. Fellows, III
Office of the City Attorney
City of Torrance
3031 Torrance Blvd.
Torrance, California 90503-5059

RE: Shanya Massage
Business license Number BUS-0118324

Dear Mr. Fellows:

I have been retained by Shu Wang, owner and operator of Shanya Massage located at: 1730 Sepulveda Blvd., Torrance, California, City of Torrance Business License Number BUS-0118324, in an effort to obtain her business license for the above mentioned business.

On September 7, 2010, my client was scheduled to have her final interview regarding the issuance of her business license for Shanya Massage, exclusively specializing in ancient Chinese foot massages. When my client arrived at the business licence office she was told to return on September 21, 2010, because she had arrived 8 minutes late for her interview. The reason my client was late was due to the fact that my client thought that the interview was to be conducted at the Torrance Police Department. My client had passed every other aspect of the permit and licensing process, and has expended over \$50,00.00, in capital improvements in doing so.

My client was unable to return on September 21, 2010, because unknown to my client, the City of Torrance was in the process of enacting a moratorium on the issuance of permits and business licenses for new massage and acupuncture establishments. My client has meet every requirement currently in place for massage establishments and has passed all inspections and has paid all fees associated with the business license process. At this time it is requested that my client's business license be issued as my client should not be considered a new applicant, and therefore not subject to the City Counsel's moratorium. I look forward to your response.

Sincerely,



Michael P. Duff
Attorney at Law



CITY OF TORRANCE

**OFFICE OF THE
CITY ATTORNEY**

CITY ATTORNEY

JOHN L. FELLOWS III

ASSISTANT CITY ATTORNEY

PATRICK Q. SULLIVAN

DEPUTY CITY ATTORNEYS

TATIA Y. STRADER

DELLA D. THOMPSON-BELL

GILLIAN S. STUDWELL

JOCELYN N. POBLETE

LAW OFFICE ADMINISTRATOR

ALICE RUSA

October 19, 2010

JOHN L. FELLOWS III

writer's direct dial:

310-618-5808

e-mail: JFellows@TorranceCA.gov

BY TELECOPIER AND U.S. MAIL

(760) 546-0525

Michael P. Duff, Esq.
345 West 9th Avenue
Suite 200
Escondido, CA 92025

Re: Shanya Massage, Business License Application BUS-0118324

Dear Mr. Duff,

I have read your letter of September 30, 2010. Please allow me to clear up a few misconceptions. First, your client's September 7 appointment was not an administrative interview; it was the City's License Review Board's consideration whether to grant final approval of your client's business license application.

Second, at your client's interview with the Torrance Police Department, the City provided your client with a letter advising the date, time and place of the hearing. On September 7, your client did not appear in the City's West Annex Commission Hearing Room prior to the Board's adjournment. Admittedly, it was a very short meeting because two license applicants failed to appear, but the Board was well within its rights in adjourning.

Third, your client was mailed a letter by my office advising that on September 14, 2010, the City Council would consider imposing a moratorium on the issuance of new business licenses for massage establishments. On September 13, 2010, the day before the Council meeting, at approximately 3:25 P.M., I spoke with a person who identified himself as Jerry, calling on behalf of Shanya Massage. I advised Jerry that on the following day, September 14, the City Council would consider adopting an urgency ordinance establishing a moratorium on the issuance of new business licenses for massage.

{54379_1.DOC}

3031 Torrance Blvd. • Torrance, CA 90503-5059 • Telephone 310/618-5810 • Facsimile 310/618-5813

Michael P. Duff, Esq.
October 19, 2010
Page 2

and acupuncture establishments. I also suggested that a representative of Shanya Massage might want to appear to seek an exemption.

At its meeting of October 26, at 7:00 P.M., or as soon thereafter as the matter can be heard, the City Council will consider extending the moratorium for an additional ten months and fifteen days. If your client wishes to urge the Council to provide Shanya Massage with an exemption from the moratorium in the event the moratorium is extended, your client should be prepared to make that request at the meeting of October 26.

Very truly yours,



John L. Fellows III

cc: Jill Weldin, Business License Division

** TX REPORT **

TRANSMISSION OK

TX/RX NO 4598
CONNECTION TEL 917805460525
SUBADDRESS
CONNECTION ID
ST. TIME 10/19 09:54
USAGE T 03'12
PGS 3
RESULT OK



CITY OF
TORRANCE

CITY ATTORNEY
FAX COVER SHEET

DATE: OCTOBER 19, 2010

<p>TO: MICHAEL P. DUFF, ESQ.</p> <p>PHONE:</p> <p>FAX No: (760) 546-0525</p> <p>CC:</p>	<p>FROM: JOHN L. FELLOWS III CITY ATTORNEY OFFICE OF THE CITY ATTORNEY CITY OF TORRANCE 3031 TORRANCE BLVD. TORRANCE, CA 90503-5059</p> <p>PHONE: (310) 618-5808</p> <p>FAX PHONE: (310) 618-5813</p>
---	--

Number of pages (including cover): 3

RE: Shanya Massage, Business License Application BUS-0118324

REMARKS:

NOTICE: The information contained in this facsimile message is intended only

Fellows, John

From: Judy Kim [judykim2001@yahoo.com]
Sent: Tuesday, October 26, 2010 2:01 PM
To: Fellows, John
Subject: Fw: Moratorium on issuance of any permits or license for new massage and acupuncture establishments

--- On Tue, 10/26/10, Judy Kim <judykim2001@yahoo.com> wrote:

> From: Judy Kim <judykim2001@yahoo.com>
> Subject: Moratorium on issuance of any permits or license for new
> massage and acupuncture establishments
> To: JFellows@TorrancCA.gov
> Cc: drkcohen@hotmail.com
> Date: Tuesday, October 26, 2010, 1:53 PM
> Dear Mr. Fellows,
>
> Thank you for speaking with me on the phone today. As we discussed, my
> husband, Kichul Oh, is a licensed acupuncturist at Family Acupuncture
> Clinic located at 23332 Hawthorne Blvd, Suite 205, Torrance, CA
> 90505. His practice is located in a medical building and he has been
> considering expanding his practice to a larger suite within
> the same medical building. Pursuant to this moratorium
> that is being considered this evening, our concern is that
> he will not be able to expand to a larger suite within the
> same medical building as a result of the moratorium.
>
> We respectfully request that the City Council consider an exception
> for established and legitimate acupuncture clinics that are
> relocating, such as in our case where we seek to expand the business
> to a larger suite.
>
> Thank you for your time and consideration.
>
> Sincerely,
> Judy Kim and
> Kichul Oh, L.Ac.
> Family Acupuncture Clinic, Inc.
> 23332 Hawthorne Blvd., Suite 205
> Torrance, CA 90505
> (310)303-3338
>
>
>
>
>