

August 20, 2019

Dear Planning Commissioners:

I write this letter regarding the item on your agenda tonight for the M-1 Zone and Shockboxx Gallery.

By all appearances, this is nothing more than a request by the spouse of a current City Councilmember to have his business retroactively legitimized after years of illegal operation. This request has been fast-tracked through the City process via a “spontaneous” ten minutes deliberation in response to a public comment. As a long-time member of the Hermosa Beach business community, I am aware of no other business in a similar circumstance would have been granted such favoritism, or been the beneficiary of the selective (read: nonexistent) code enforcement that would have allowed it to survive long enough to request the changes you are being asked to make tonight.

As you know, per the Code and express statements by staff, “art galleries” retail, classes, and event space rental are not an allowable uses in the M-1 zone. Yet for years, Shockboxx has been allowed to open a business in a zone that prohibited its use, build without permits or inspections, operate without a business license, serve free alcohol without required licenses, and hold countless events without payment or approval. Having now been caught up in litigation, the City can no longer permit them to operate “organically” and the unintended use of “Temporary Special Event Permits” has run its course. The obvious solution to the problem of an illegal business would be to shutter it. But this business owner is married to a member of the City Council, so that’s not an option.

Contrary to your City Attorney’s recent statements, the City Council and Staff had full knowledge of the illegal conditions at Shockboxx as early as May 2017. Yet the City Council allowed it to continue, attended events, presented the business with an award, and promoted it via City channels. In fact, the City Council was so dismissive of the potential for code enforcement action that it hosted political fundraisers there! .

What does this say to our business community? It appears to say that there is one set of rules for the businesses that are not politically connected, and a second set of rules for those who are.

The reality is that by allowing Shockboxx Gallery to operate illegally as the only for-profit retail art gallery in zone, the City gave the owners a monopoly by preventing law abiding business owners from the option to legally open a competing business and participating in the economy. Events at Shockboxx spilled out into the street on a weekly basis, at the very same time members of our gym were cited for jogging on the very same street under a code provision that requires “all uses shall be conducted wholly within a building enclosed on all sides...”. This exact provision was improperly used as a weapon to destroy our business and was intentionally ignored for others.

There are countless examples, but the misuse of power, selective enforcement, political favoritism and lack of transparency in official dealings in Hermosa Beach has impacted how Hermosa deals with our businesses, schools, concerts on the beach, events, our downtown, non-profits, and how “ad hoc” committees and “community organizations” are proxies for the City Council. As an entrepreneur, I have respect for those who venture a new business and support the passion Shockboxx has put into creating something they feel deeply about. But there are many other business owners that put the same love, effort, and financial resources into businesses that are not politically tied or favored and have to operate by a totally different set of standards.

In closing, if you want to give Shockboxx the right to operate an art gallery, sell retail, allow event space, classes, that is your prerogative. They should, however, go through the zoning application process that we all are required to do. If they find the process expensive and time consuming as we all do, perhaps that is a different matter to all-together. There is no question that most experienced operators find operating in Hermosa a burdensome process that often

makes the risk not worth the venture. And finally, should you allow this, the rights and opportunities afforded to one business should also be provided to all willing businesses in the M-1 zone not just the politically favored. Please clean up and return our city government to one that truly represents all of its businesses and residents.

Sincerely,

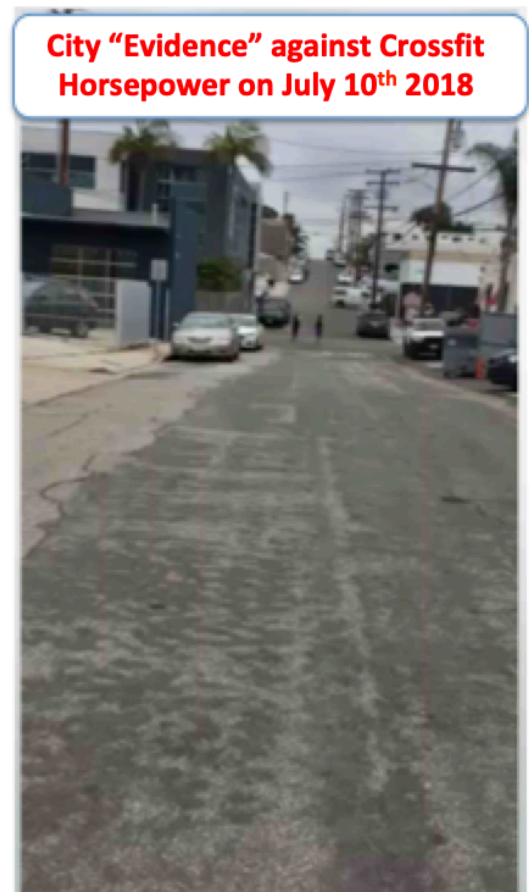
Jed Sanford

Hermosa Business Owner

Past President - Hermosa Beach Chamber of Commerce

Shockboxx two days before Crossfit Horsepower gym being found Hermosa's first public nuisance based in part by the "city's evidence" of outside activities as seen in the photos below.

HBMC 17.28.030 "All uses shall be conducted wholly within a building enclosed on all sides".



Shockboxx Gallery four days after the August 28, 2018 hearings in which Crossfit Horsepower gym was required to soundproof its entire building within 90 days or “ceast and desist usings any and all weights. “



ShockBoxx

September 2, 2018 · 🌐

Last night was dogs, hogs, and clogs. See you today from one to five.
(Photo by [Hung Viet Nguyen](#)). Oh, and if you need a good plumber, call JB at (310) 372-6272. They let us keep that [Amber Goldhammer](#) and [Davia King](#) mural flying.



Kevin Sousa, Brent Broza and 14 others

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Mayor Duclos at a Shockboxx event several days after Crossfit Horsepower gym was cited by the City for its first and only ticket for patrons jogging in the Crossfit Horsepower parking lot.

