

Shawn & Susan Darcy
502 The Strand
Hermosa Beach, CA 90254

June 13, 2007

RECEIVED

JUN 18 2007

COMMUNITY DEV. DEPT.

Community Development Department
Planning Division, City Hall
1315 Valley Drive
Hermosa Beach, CA 90254

Re: Conditional Use Permit 07-07 for 727 Pacific Coast Highway, Hermosa Beach, CA

Dear Planning Commissioners:

As residents and property owners in Hermosa Beach, and as a parents of two young children, we are writing to express concerns over the proposed Adult Store at the above-referenced site. Based on my interpretation of Zoning Ordinance Section 17.40.060 the Planning Commission is not in a position to deny the requested CUP out of general principle.

However, there is the matter of a parking nonconformity. The staffs' conclusion that the proposal will not intensify parking demand is inaccurate. The basis for their conclusion was that the parking requirement for this type of establishment (one stall per 250 s.f. of gross floor area) is the same as the legal requirement for the existing furniture store. However, the actual number of spots which will be in use for this type of establishment is considerably higher than that of a furniture store.

The average transaction cost at the proposed store will be significantly lower than the average transaction cost in the furniture store. The higher number of transactions translates to more patrons which in turn will require more parking. Additionally, the nature of this kind of business may be such that customers remain in the store for longer durations also resulting in higher demand for parking. Therefore, though it may make sense to waive the parking nonconformity for a retail store that sells big-ticket items, it does not make sense to do so for the proposed retail establishment.

If the CUP is not denied, then include the following Conditions of Approval to mitigate detrimental effects on the neighborhood:

- Do not allow signage on the exterior of the building (including the store name) to include any references to sexual paraphernalia, erotic products or

products used in connection with sex (such as condoms). There are so many grade school and middle school children that cross at that intersection twice a day that a Crossing Guard is required. The children range in age from 8 years old (3rd graders) up to 14 years old (8th graders). They are capable of reading and are highly impressionable.

- **Require that any windows into the premises be covered with an opaque material** so as not to expose those items which are not "X-rated" and therefore not required to be behind the partition, but are "R-rated" and therefore inappropriate for 8-14 year olds to be exposed to twice a day on their way to and from school.
- **Restrict parking on 8th Street from Pacific Coast Highway to Ardmore to "Resident Parking by Permit Only"**
- **Require a uniformed security guard to be posted in the parking lot during business hours and for one hour after the store is closed**
- **Restrict left turn ingress into the parking lot from 3:00 pm to 7:00 pm** to avoid traffic congestion on 8th Street and Pacific Coast Highway. Because of the proximity of the parking lot entrance to the intersection, fewer than four cars need to be waiting at the light on 8th Street before left-turn access into the parking lot will be blocked. Cars waiting to turn into the parking lot will block traffic on the west-bound lane of 8th Street which will likely back up into the far right lane of PCH restricting traffic flow.
- **Restrict left-turn egress out of the parking lot at all times** to reduce the impact of increased traffic on 8th Street and to avoid the blockage of east-bound traffic on 8th Street, particularly when the light is green.
- **Restrict store hours from 11:00 am to 8:00 pm Monday through Saturday, with the store to be closed on Sundays**
- **Require a uniformed security guard to be posted in front of the "Adults Only" area during store hours** in order to ensure that access to the restricted retail area is properly monitored. A cashier has numerous responsibilities and may be too busy and distracted to properly enforce the Adults Only restriction.
- **Clarify how Condition #4, which requires that "every portion of the premises is visible immediately upon entrance and so that the entire body of any patron is also visible immediately upon entrance to the premises" works with Conditions #6 and #9 which require that the areas designated for adult videos and adult paraphernalia shall be partitioned and screened from view.**

- **Require that the 748 s.f. be a permanent partition, not a free-standing partition in order to ensure that there can be no significant change to the interior layout without prior City approval.**
- **Specify as a Condition of Approval what items must be included within the restricted 748 s.f. and what items may be displayed in the unrestricted area.** The definitions of X-rated and adult paraphernalia need to be subject to the strictest of interpretations.

Is the area designated for adult videos, which is required to be partitioned and screened from view, and accessible only to persons over 18, included in the 748 s.f.? Will the stock-in-trade materials whose covers have been covered with an opaque material so as not to expose any display of specified anatomical areas or specified sexual activities to the general public be in the unrestricted area and therefore available to minors?

The Condom Revolution website describes their stores as “filled with erotic products of every description. From the largest assortment of condoms to be found in any single location to every kind of lubricant and erotic toy, it’s all here. From specialty fetish items, lingerie, leather apparel and accessories to bondage gear and costumes, ConRev offers all the popular and exotic products from the highest-quality manufacturers. You’ll also find a variety of books, candles, cards, gifts and erotic videos.”

With the exception of the condoms, almost all of these items appear to meet the City’s criteria of “X-rated” and/or “adult paraphernalia” which includes but is not limited to: 1. apparel primarily intended to accentuate specified anatomical areas in order to induce or enhance sexual arousal, 2. any lotions, ointments, oils or similar preparations primarily intended to induce or enhance sexual arousal through external application, and 3. any apparatus intended to induce or enhance sexual arousal.

Lastly, we would like to suggest that **this CUP be subject to a mandatory annual review** to determine whether there have been any violations or whether it is deemed necessary to amend or add any conditions to mitigate detrimental effects on the neighborhood resulting from the subject use.

Thank you for your consideration,

Sincerely,

Shawn & Susan Darcy

JUN 18 2007

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June 13, 2007

Community Development Department, Planning Division
City Hall
1315 Valley Drive
Hermosa Beach, CA 90254

Subject: Important Public Notice - 727 Pacific Coast Highway

To whom it may concern:

We are writing to express our concern over the development of 8th Street as a pornography site in Hermosa Beach .

We have two TWO concerns:

1. The expansion of the Tender Box which seems to be adding another whole building to its current facility - with additional viewing booths. That means the entire northwest corner of PCH will be a shop that sells pornographic ("adult") films and paraphernalia. We have coexisted with the smaller shop but now it will occupy the entire corner with the related increase in traffic and parking problems.
2. A new retail business called "Con Rev" short for Condom Revolution will be on the southwest corner that will include up to 20% pornographic materials.

So now both west corners of 8th Street will be occupied by businesses related to pornography? We are very nervous about what might begin to occur in that parking lot - the kind of people who frequent those shops are NOT the people I want in MY BACK YARD!

Children pass the corner of 8th Street and PCH in the morning and in the afternoon on their way to and from school; we even have a crossing guard posted there to help them. This is not what we want them to see on their way to school.

We don't want the image of Hermosa Beach to be one of "the porn capital" of the South Bay. We don't want 8th Street frequented day and night by people seeking pornography. There are enough troubles on 8th Street without having this added. Please do not let this happen.

We are personally opposed to this development in our neighborhood. We believe it will add to traffic congestion, bring an undesirable element to our family oriented neighborhood, and detract from our property values.

Joey Mendelsohn
Lisa Mendelsohn

Joey & Lisa Mendelsohn - homeowners
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Hermosa Beach, CA 90254
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