



**HERMOSA BEACH POLICE DEPARTMENT**  
***Office of the Chief of Police***

**MEMORANDUM**

DATE: October 10, 2023

TO: Carrie Tai, Community Development Director

FROM: Chief Paul LeBaron

RE: Review of Pedone's Pizza  
1132 Hermosa Avenue, Suite 10, Hermosa Beach

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**Background**

Pedone's Pizza is a restaurant located at 1332 Hermosa Avenue, Suite 10 Hermosa Beach in the downtown district. The business received a transferred ABC license Type 41 (On-Sale Beer and Wine – Eating Place) on December 10, 2004.

**Police and Crime Analysis**

The restaurant has incurred two alcohol-related violations between August 20, 2023, and September 6, 2023.

Police Activity:

- August 20, 2023: The Hermosa Beach Police Department and the California Department of Alcohol and Beverage Control conducted an undercover investigation and observed service and consumption of alcohol after 2:00 a.m., in violation of State law and the conditions of the Conditional Use Permit.
- September 6, 2023 – The Hermosa Beach Police Department observed service and consumption of alcohol after 2:00 a.m., once again in violation of State law and the conditions of the Conditional Use Permit.

## Administrative Violations:

- The Conditional Use Permit for Pedone's Pizza authorizes hours of operation from 8:00 a.m. to 11:00 a.m. Sunday through Thursday, and 8:00 a.m. through 12:00 a.m. on Friday and Saturday. Both of the above violations took place during hours that are outside of the permitted operating hours of the CUP.

## **Statistics**

The Police Department dedicates a disproportionate amount of resources to the downtown, Pier Plaza, area during late-night hours. Between 2017 and 2021 the downtown area (RD 105 & 106) resulted in the following statistical data related to the use of police resources.

- Approximately 20% of all calls for service citywide occurred in the downtown area.
- 50% of calls were related to a "Section Check" by officers or related to alcohol.
- Nearly 100% of citywide arrests related to fights and resisting arrest occurred in the Downtown Area.
- 62% of all calls for service in the downtown area occurred on Friday, Saturday and Sunday.
- The majority of calls for service in the downtown area occurred between the hours of 8:00 p.m. and 4:00 a.m.

The City of Hermosa Beach relies on the Police Department as a critical partner in maintaining public safety for all residents, businesses, and visitors. The Police Department prioritizes community concerns such as traffic safety, property crime, quality of life crime and parking enforcement. When the limited police resources are required to respond to the downtown area and its small footprint, those same resources cannot adequately address the concerns brought forward by the community. When a business blatantly violates its operating conditions and engages in activity that contributes to the need for police resources, the entire city feels the impact and public safety is compromised.

## **Recommendations**

The Hermosa Beach Police Department recommends a 7-day suspension of the Conditional Use Permit be imposed. And the condition #14 be added and the remaining condition of BZA Resolution #159-556 remain in full effect.

1. Service of alcoholic beverages shall be in an establishment that operates a full kitchen and provides a full menu (complete lunches and/or dinners, with hot entrees) and the primary purpose of the establishment is the service of food.

2. All alcoholic beverages shall be consumed within the premises and sold only in conjunction with food.
3. Posting of sign inside advising illegality of open containers on public streets, sidewalks, Strand and beach.
4. If, in the judgement of the Police Department, it is deemed necessary, policemen will be assigned as doormen at the business' expense during hours of operation.
5. Operators of the business must police the sidewalks which are directly adjacent to the business for litter and maintain in a clean and orderly manner on a daily basis.
6. Any changes to the interior design of the establishment shall require that it be returned to the Board of Zoning Adjustment.
7. Maximum permissible occupancy must be clearly posted at all times and may not be exceeded at any time. If the Police and/or Fire Departments determine that the maximum permissible occupancy of the building is being violated, they may cite the business and initiate a conditional use permit revocation.
8. Hours of operation shall be from 8:00 a.m. to 11:00 p.m. all days except Friday and Saturday at which time the hours of operation shall be from 8:00 A.M. to 12:00 A.M.
9. This conditional use permit is issued exclusively for and so long as the premises remain a restaurant, which is defined as having gross sales as follows: not less than 65% food and 35% beer and/or wine sales computed monthly. The applicant shall maintain separate books and records identifying sales of food/alcoholic beverages. The City shall have the right during business hours upon 15 days' notice to inspect the books and records of the applicant to determine the gross sales of food and/or the gross sales of alcoholic beverages. Upon request at the time the City inspects the books and records of the applicant, the applicant shall also submit to the City copies of all records submitted to the State Board of Equalization for purposes of computing sales tax. Applicant gives the right to the city to review the records of the State Board of Equalization for the purposes of verifying the applicant's books and records, with the understanding that these reviews are confidential.
10. This conditional use permit is to be for this current use as defined in the present conditions; any change in use or nonobservance of any condition of operation will be cause for revocation of the permit.
11. There will be a four month review and hereafter one or two year reviews.

12. In the event that any one condition is found to be illegal and unenforceable by a court of competent jurisdiction, then the parties agree that all other conditions shall remain in full force and effect. The parties understand that the applicant is represented by counsel at all steps of these proceedings and it is the opinion of the City Attorney that the conditions meet Constitutional requirements, and in the event that either attorney is in error both parties agree that no action for damages shall be brought against the other party and that the exclusive remedy on behalf of the applicant is for a Mandate of Declaratory Relief to make the determination that any one or more conditions is illegal and unenforceable and parties waive all rights to damages under the Civil Rights Act as promulgated by recent Supreme Court decision.
13. A fence or wall of 42" in height shall be installed to clearly separate the outside dining area from the public sidewalk.
14. In addition to any other remedy provided by law, if the business operating pursuant to this CUP violates any condition of this CUP, the Police Chief or designee may meet and confer with the business to clarify the reason for the violation and to formulate a course of action to mitigate the risk for any future violation. If the business operating pursuant to this CUP continues to violate this CUP (i.e., either a repeat violation or another violation) within any six (6) month period following a meet and confer with the Police Chief, then, at the sole discretion of the Police Chief, modified or additional operational requirements may be imposed by the Police Chief to temporarily curtail the violations until the matter is brought before the Planning Commission. These modifications include, but are not limited to, a reduction in operating hours, the required number of staff members during operational hours, additional training for existing staff, and/or any other measures deemed appropriate by the Police Chief. The Planning Commission shall consider any modification or additional operational requirement(s) imposed by the Police Chief during its discussion of the matter. The Police Chief's determination will remain in effect until considered by the Planning Commission.