



**CITY OF
HERMOSA BEACH**
Community Development
Code Enforcement

August 28th, 2023

PEDONE'S PIZZA & FINE FOODS
MICHAEL SRIBNEY
1332 HERMOSA AVE # 10
HERMOSA BEACH, CA 90254

ISSUANCE OF ADMINISTRATIVE CITATION AC8287

**RE: Business located at 1332 Hermosa Ave # 10, Hermosa Beach, CA 90254.
APN #4183-013-069, HERMOSA BEACH MUNICIPAL CODE VIOLATIONS**

Dear Michael Sribney,

After receiving staff complaints, carefully reviewing Pedone's Conditional Use Permit, and reviewing evidence provided by Hermosa Beach Police Department, I was able to determine Pedone's was in violation of the following Hermosa Beach Municipal Codes:

- Chapter 17.74 Penalty
 - **17.74.030 Violation of Conditional Use Permits and Precise Development Plans.**
 - No person shall violate any conditions of a conditional use permit or precise development plan. Such violations shall be subject to the administrative penalty provisions of Chapter 1.10 in addition to the measures set out in Chapter 17.70 regarding revocation of the permit.

- Chapter 8.24 Noise Control
 - **8.24.040 Specific prohibited noises.**
 - Placement of Stereo Speakers. The amplification of music or any other sound on private property, through speakers located either (1) outdoors, or (2) in one (1) or more windows or doorways, when such speakers are directed towards, and such music is plainly audible on, an immediately adjacent public right-of-way.

On August 21st, 2023, I/Code Enforcement Officer Musick received an email regarding a possible Municipal Code violation at Pedone's Pizza (1332 Hermosa Ave. # 10), related to the sale of an alcoholic beverage outside allowable hours. Upon reviewing the law enforcement evidence, I observed that food and alcohol service explained below (see Section # 1) was being conducted after 12:00 A.M. in violation of Pedone's Conditional Use Permit Section # 8:

- 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 service of food.
- 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.

After reviewing responding Officers' bodycam footage, I observed what appeared to be televisions and speakers directed toward open doors and windows, causing music to be plainly audible on the immediate adjacent public right-of-way.

Due to the fact that the establishment (Pedone's) violated a section (#8) of their respective Conditional Use Permit, Administrative Citation # 8287 has been issued for HBMC 17.74.030.

Due to the fact that music was plainly audible on the immediate adjacent public right-of-way, the televisions and speakers appear to be directed at an open door and window, I added the violation of HBMC 8.24.040 (A) to the indicated Administrative Citation.

Please be advised that pursuant to H.B.M.C. 1.10.070(B): "Service of Citation by Mail." If the enforcement officer is unable to locate the responsible person, the administrative citation shall be mailed to the responsible person by certified mail, postage prepaid with a requested return receipt. Simultaneously, the citation may be sent by first class mail. If the citation is sent by certified mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the citation sent by first class mail is not returned."

Please pay the \$200 fine at the Finance Cashier's Office, Room 101, by **September 28th, 2023**. Further occurrences/violations of a similar nature will result in the issuance of additional Administrative Citation(s) with increased fines and fees.

Thank you for your anticipated cooperation. If you have any questions, please contact me at (310) 318-0234 Monday through Thursday from 7:00am-6:00pm or at bmusic@hermosabeach.gov.

Respectfully,

Brandon Musick

Code Enforcement Officer

Cc: Carrie Tai, Community Development Director; Guillermo Hobelman, Building Official; Melanie Chavira, City Prosecutor; Suzanne Calderon, Code Enforcement Officer.