

Attachment No. PC 3

Police Department Memorandum

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**NEWPORT BEACH POLICE DEPARTMENT
DETECTIVE DIVISION**

MEMORANDUM

TO: Jenny Tran, Associate Planner

FROM: Wendy Joe, Police Civilian Investigator

DATE: May 23, 2025

SUBJECT: Arc Carne and Cantina
2902 West Coast Hwy
PA2025-0057

At your request, the Police Department has reviewed the project application for Arc Carne and Cantina, a new restaurant located at 2902 West Coast Highway, Newport Beach. Per the project description, the applicant is seeking approval for a Type-47 (On Sale General) Alcoholic Beverage Control License for a restaurant that will close at midnight, daily. An Operator Permit will be required due to the late hours in conjunction with alcohol sales. Live entertainment and dancing are not proposed.

Statistical Data

Attached is a summary report, which provides detailed statistical information related to alcohol establishments in and around the applicant's place of business at 2902 West Coast Highway. Business and Professions Code §23958.4 finds "undue concentration" for an applicant premises in two ways: 20% higher crime (with an alcohol nexus) in a Reporting District as compared to the City-wide average, or an over-saturation of alcohol licenses in a census tract compared to the county.

Crime Statistics

The Police Department divides the City into areas referred to as Reporting Districts. This allows the Police Department to create statistical data, as well as better communicate officer locations while policing. The proposed applicant location is within Reporting District (RD) 25 which is located within the Mariner's Mile area.

Per Business and Professions Code §23958.4, the Police Department is required to report offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors (except traffic citations) to the Department of Alcoholic Beverage Control (ABC). These figures make up the "Crime Count" which is indicated on the attached statistical data form.

This reporting district is reported to ABC as a high crime area as compared to other reporting districts in the City. The RD's Crime Count is 172, 54% over the City-wide crime count average of 112. Since this area has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the City, the area is found to have undue concentration. In comparison, neighboring RD 24 is 173% above the City-wide average, RD 26 is 40% higher, and RD 15 is 389% higher. Of 38 Reporting Districts in Newport Beach, we reported 10 to ABC as high-crime areas for 2024.

The highest volume crime is theft/larceny and the highest volume arrest is driving under the influence.

DUI, Public Intoxication, and liquor law violations make up 34% of arrests in this reporting district. In comparison, the figure for neighboring RD 24 is 19%, RD 26 is 21%, and RD 15 is 41%.

This location meets the legal criteria for undue concentration as it relates to crime. (B&P §23958.4).

Alcohol License Statistics:

The applicant premise is located within census tract 0634. This census tract has an approximate population of 4,776 residents with 17 active on-sale retail alcohol licenses. That is a per capita ratio of one license for every 281 residents. Per the Business and Professions code, we compare this per capita ratio to Orange County's per capita ratio of one license for every 822 residents. Since the area's ratio exceeds the ratio of on-sale retail licenses to population in the county, the area is deemed to have an undue concentration of alcohol licenses.

This location meets the legal criteria for undue concentration as it relates to over saturation of alcohol licenses (B&P §23958.4).

DISCUSSION AND RECOMMENDED CONDITIONS OF APPROVAL

The Police Department has no concerns with the project. The applicant has a proven track record of successful projects in the City which are not a burden on police resources. Should this project be approved, an Operator License will be required.

The Police Department requests the following or similar conditions be imposed:


1. The applicant shall comply with all federal, state, and local laws, and all conditions of the Type 47 (On-Sale General) Alcoholic Beverage License. Material violation of any of those laws or conditions in connection with the use is a violation and may be cause for revocation of the use permit.
2. The eating and drinking establishment shall close no later than 12:00 midnight, daily.
3. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code.
4. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for

selling alcoholic beverages within 60 days of hire. This training must be updated every 3 years regardless of certificate expiration date. The certified program must meet the standards of the certifying/licensing body designated by the State of California. The establishment shall comply with the requirements of this section within 60 days of approval. Records of each owner's manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.

5. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
6. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs that are clearly visible to the exterior shall constitute a violation of this condition.
7. Live entertainment and dancing are prohibited.
8. Strict adherence to maximum occupancy limit is required.
9. Food service shall be made available to patrons until closing.
10. The operator of the restaurant facility shall be responsible for the control of noise generated by the subject facility. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code.
11. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the City.
12. "VIP" passes or other passes to enter the establishment, as well as door charges, cover charges, or any other form of admission charge, including minimum drink order of the sale of drinks is prohibited (excluding charges for prix fixe meals).
13. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of onsite media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
14. The applicant shall maintain a security recording system with a 30-day retention and make those recordings available to police upon request. The area shall include the outdoor patio area.
15. An Operator License is required pursuant to Chapter 5.25 of the Municipal Code, may be subject to additional and/or more restrictive conditions such as a security plan to regulate and control potential late-hour nuisances associated with the operation of the establishment.

Arc Carne and Cantina
PA2025-0057

If you have any questions as to the content of this memorandum, please contact Investigator Wendy Joe at (949)644-3705 or wjoe@nbpd.org.



Wendy Joe

Police Civilian Investigator, Special Investigations Unit



CHIEF DAVE MINER

NEWPORT BEACH POLICE DEPARTMENT

2024 CRIME AND ALCOHOL-RELATED STATISTICS

Summary for Arc Carne and Cantina Restaurant at 2902 West Coast Hwy (RD25)

Subject:	DISPATCH EVENTS	REPORTED CRIMES				ARRESTS					CITATIONS
		GROUP A OFFENSES	GROUP B OFFENSES	CRIME RATE	HIGHEST VOLUME	ALL ARRESTS	DUI ALCOHOL	PUBLIC INTOXICATION	LIQUOR LAW	HIGHEST VOLUME	ALCOHOL RELATED
2902 West Coast Hwy	11	0	0	N/A	N/A	0	0	0	0	N/A	0
Subject RD: RD25	3,064	153	95	5,479.94	THEFT/LARCENY	129	33	11	0	DUI	4
Adjacent RD: RD15	8,172	428	431	25,955.12	THEFT/LARCENY	425	90	76	9	DISORDERLY CONDUCT	92
Adjacent RD: RD24	6,305	314	159	13,271.34	SIMPLE ASSAULT	235	20	23	2	NARCOTICS	5
Adjacent RD: RD26	3,396	151	85	5,375.58	THEFT/LARCENY	107	17	5	0	NARCOTICS	8
Newport Beach	99,093	4,342	2,318	5,008.42	THEFT/LARCENY	2,976	421	288	31	NARCOTICS	305

This report reflects City of Newport Beach data for 2024. The NIBRS Group A Offense category is made up of 49 offenses used to report crimes committed within a law enforcement agency's jurisdiction. NIBRS Group B Offenses are less serious offenses that require an arrest to be reportable. Crime Rate refers to the number of Group A Crimes per 100,000 people.

Subject:	ACTIVE RETAIL ABC LICENSES (Numbers frequently change)							Subject:	ABC CRIME COUNT		
	Population	ON-SALE Licenses	ON-SALE License Per Capita	OFF-SALE Licenses	OFF-SALE License Per Capita	TOTAL RETAIL LICENSES	TOTAL RETAIL LICENSES PER CAPITA		CRIME COUNT	DIFF FROM AVG	%DIFF FROM AVG
2902 West Coast Hwy	N/A	0	N/A	0	N/A	0	N/A	2902 West Coast Hwy	0	N/A	N/A
Subject Census Tract: 634	4,776	17	281	0	0	17	281	Subject RD: RD25	172	+60	+54%
Adjacent Census Tract: 635	4,938	65	76	6	823	71	70	Adjacent RD: RD15	548	+436	+389%
Adjacent Census Tract: 636.03	6,450	6	1,075	5	1,290	11	586	Adjacent RD: RD24	306	+194	+173%
Adjacent Census Tract: 630.05	1,447	7	207	3	482	10	145	Adjacent RD: RD26	157	+45	+40%
Newport Beach	86,694	279	311	66	1,314	345	251	Newport Beach	4,245	RD Average = 112	
Orange County	3,186,989	3,876	822	1,842	1,730	5,718	557				

All Population figures taken from 2020 US Census. Per BP 23958.4, the "ABC Crime Count" includes offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors (except traffic citations).

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