

Attachment No. PC 2

Police Department Memorandum

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**NEWPORT BEACH POLICE DEPARTMENT
DETECTIVE DIVISION**

MEMORANDUM

TO: Jenny Tran, Assistant Planner

FROM: Wendy Joe, Police Civilian Investigator

DATE: August 26, 2025

SUBJECT: SOL Mexican Cocina
251 East Coast Hwy
PA2023-0144

At your request, the Police Department has reviewed the project application for Sol Mexican Cocina located at 251 East Coast Hwy., Newport Beach. The applicant is seeking a use permit to make a temporary outdoor patio, permanent. No other changes are proposed.

Statistical Data

Attached is a summary report which provides detailed statistical information related to alcohol establishments in and around the applicant's proposed place of business at 251 E. 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 as compared to the County's per capita ratio.

Crime Statistics:

The Police Department divides the City into areas referred to as Reporting Districts. This allows the Police Department to compile statistical data, as well as better communicate officer locations while policing. The proposed applicant location is within Reporting District (RD) 41 which encompasses the Back Bay area south to Harbor Island.

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 (all Part I crimes), 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 120, 7% above the City-wide crime count average

of 112. In comparison, neighboring RD 26 is 40% above the City-wide average, RD 39 (Fashion Island) is 393% above the average, and RD 44 (CDM) is 167% above the average. Of 38 reporting districts in Newport Beach, we reported 10 to ABC as high crime areas.

The highest volume crime in this area is theft/larceny. The highest volume of arrests in the area are narcotics related offenses.

DUI, Public Intoxication, and liquor law violations make up 24% of arrests in this reporting district. In comparison, the figure for neighboring RD 26 is 21%, RD 39 is 18% and RD 44 is 32%.

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

Alcohol License Statistics:

The applicant premise is located within census tract 630.05. This census tract has an approximate population of 1,447 residents with 7 active on-sale alcohol licenses. That is a per capita ratio of one license for every 207 residents. Per the Business and Professions code, we compare this per capita ratio to Orange County's on-sale per capita ratio of one on-sale license for every 822 residents and we find census tract 635.05 is over-saturated with alcohol licenses per the specified criteria.

This location meets the legal criteria for undue concentration pertaining to alcohol licenses (B&P §23958.4).

Calls for Service

There were 42 calls for service in 2024 and 14 thus far in 2025. A review of all calls revealed most were not related to the restaurant, rather the restaurant's address was used to geographically tag the general area. No calls were the result of poor business practices, no calls were due to the temporary patio, and no calls were due to an over-consumption of alcoholic beverages.

Discussion and Recommendations

The Police Department has no concerns with the application. We request the below conditions below (or similar conditions) be imposed.

1. The Alcoholic Beverage Control License shall be limited to a Type 47 (On-Sale General). Any substantial change in the ABC license type shall require subsequent review and potential amendment of the Use Permit.
2. The applicant shall comply with all federal, state, and local laws, and all conditions of the 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.
3. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible beverage service within 60 days of hire. The certified program must meet the standards of the State of California. Records of each owner'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.

4. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
5. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
6. Any event or activity staged by an outside promoter or entity, where the applicant, operator, owner or his employees or representatives share in any profits, or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge is prohibited.
7. The applicant shall install and maintain a physical barrier to the outdoor patio between any area used and adjacent common pedestrian walkways in accordance with the requirements of the State Department of Alcoholic Beverage Control.
8. The Applicant shall obtain and maintain authorization from the State Department of Alcoholic Beverage Control (ABC) for all areas where the sale, service or consumption of alcohol is under the control of the applicant. The establishment shall abide by all applicable regulations of the State Department of Alcoholic Beverage Control.
9. The sale of alcohol "to go" to patrons that dine within the expanded outdoor patios shall be prohibited.

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

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CHIEF DAVE MINER

NEWPORT BEACH POLICE DEPARTMENT

2024 CRIME AND ALCOHOL-RELATED STATISTICS

Summary for Sol Mexican Cocina at 251 East Coast Hwy (RD41)

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
251 East Coast Hwy	42	2	1	N/A	N/A	1	1	0	0	N/A	0
Subject RD: RD41	2,460	118	60	4,226.36	THEFT/LARCENY	75	12	5	1	NARCOTICS	4
Adjacent RD: RD26	3,396	151	85	9,157.06	THEFT/LARCENY	107	17	5	0	NARCOTICS	8
Adjacent RD: RD39	9,607	564	234	23,837.70	THEFT/LARCENY	370	32	32	3	THEFT/LARCENY	9
Adjacent RD: RD44	6,762	249	192	8,864.36	THEFT/LARCENY	202	25	35	4	NARCOTICS	58
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							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
251 East Coast Hwy	N/A	1	N/A	0	N/A	1	N/A	251 East Coast Hwy	3	N/A	N/A
Subject Census Tract: 630.05	1,447	7	207	3	482	10	145	Subject RD: RD41	120	+8	+7%
Adjacent Census Tract: 634	4,776	17	281	0	0	17	281	Adjacent RD: RD26	157	+45	+40%
Adjacent Census Tract: 630.08	2,408	32	75	4	602	36	67	Adjacent RD: RD39	552	+440	+393%
Adjacent Census Tract: 627.02	4,515	15	301	6	753	21	215	Adjacent RD: RD44	299	+187	+167%
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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