

Attachment No. PC 5
Newport Beach Police Department
Memorandum

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**NEWPORT BEACH POLICE DEPARTMENT
DETECTIVE DIVISION**

MEMORANDUM

TO: Laura Rodriguez, Assistant Planner
FROM: Wendy Joe, Police Civilian Investigator
DATE: January 14, 2026
SUBJECT: The Nice Guy
2607 West Coast Highway
PA2025-0252

At your request, the Police Department has reviewed the project application for The Nice Guy Restaurant located at 2607 West Coast Highway, Newport Beach. The applicant is seeking a conditional use permit for a new restaurant with late hours, a Type 47 (On Sale General) Alcoholic Beverage Control License, and live entertainment.

An Operator License will be required due to the late hours and live entertainment.

Statistical Data and Public Convenience or Necessity

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 2607 West Coast Highway, Newport Beach.

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 at 2607 West Coast Highway:

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) 25. This RD is situated between Newport Blvd. and Mariner's Mile.

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 15 is 389% above the City-wide average, RD 24 is 173% above the City-wide average and RD 26 is 40% 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 arrest in the area is DUI.

DUI, Public Intoxication, and liquor law violations make up 34% of arrests in this Reporting District. In comparison, the figure for neighboring RD 15 is 41%, RD 24 is 23% and RD 26 is 21%.

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

Alcohol License Statistics at 2607 West Coast Highway:

The standard which ABC utilizes to identify an area over-saturated with alcohol licenses is outlined in Business and Professions Code §23958.4. A census tract is classified as having "undue concentration" when there is a higher retail license to resident ratio than that of the county.

The applicant premise is located within census tract 634. This census tract has an approximate population of 4,776 residents with 17 active on-sale alcohol licenses. That is a per capita ratio of one on-sale license for every 281 residents. Per the Business and Professions code, we compare this per capita ratio to Orange County's on-sale per capita ratio of one license for every 822 residents and we conclude that undue concentration exists in this area.

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

Calls for Service at 2607 West Coast Highway:

There were eight calls for service to this location in 2024 and four in 2025.

Discussion and Recommendations

Per NBMC 5.25.010, an Operator License will be required if the project is approved due to the addition of live entertainment in conjunction with alcohol. That application and required security plan have been submitted and is being reviewed concurrently.

We have requested a condition requiring a security recording system with a 30-day retention. The Police Department recommends participation in the Fusus program. Information will be provided to the applicant.

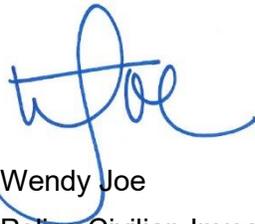
The Police Department will defer to Code Enforcement when offering judgement on the noise/live entertainment component of the application. There have been no police calls for service regarding loud music or noise disturbances at this location since January 1, 2019.

Despite the undue concentration, the Police Department has no objection to this project as a restaurant with alcohol service has been in this location since a least 1998 with live entertainment and late hours being previous approvals. Should this application be approved, the Police Department requests the following (or similar) conditions be imposed.

1. The approval is for an eating and drinking establishment with on-sale alcoholic beverage service. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be a Type 47 (On-Sale General – Eating Place) license in conjunction with the restaurant as the principal use of the facility.
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 may be cause for revocation of the use permit.
3. The restaurant shall close at midnight, daily (with the exception of New Year's Eve).
4. The Operator of the establishment shall secure, maintain, and abide by an Operator License pursuant to Chapter 5.25 of the Municipal Code.
5. 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.
6. Food service shall be made available to patrons until closing.
7. "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 requirement or the sale of drinks is prohibited (excluding charges for prix fixe meals).
8. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code.
9. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
10. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
11. There shall be no reduced price alcoholic beverage promotions after 9:00 p.m.
12. The sale of alcoholic beverages for consumption off the premises is prohibited.

13. 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 which are clearly visible to the exterior shall constitute a violation of this condition.
14. There shall be no dancing allowed on the premises.
15. The removal or relocation of tables, chairs, stools, or other furniture to accommodate an area for standing or dancing shall be prohibited.
16. 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 is prohibited.
17. 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.
18. Strict adherence to maximum occupancy limits is required.
19. The applicant shall maintain a security recording system with a 30-day retention and make those recording available to police upon request.
20. 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.

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