

Attachment No. PC 5

Police Memorandum

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**NEWPORT BEACH POLICE DEPARTMENT
DETECTIVE DIVISION**

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MEMORANDUM

TO: Daniel Kopshever, Assistant Planner

FROM: Wendy Joe, Police Civilian Investigator

DATE: May 29, 2025

SUBJECT: El Cholo Restaurant Expansion
3520 East Coast Highway
PA2025-042

At your request, the Police Department has reviewed the project application for the El Cholo restaurant. The applicant is seeking a use permit to permit an expansion of the outdoor dining area, previously permitted under a temporary use permit.

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 3520 East 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) 44, which encompasses Corona Del Mar, from Coast Hwy, south to the ocean.

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 299, 167% above the citywide crime count average of 112. In comparison, neighboring RD 39 (Fashion Island) is 393% above the citywide average, RD 43 is 70% below the average, and RD 45 is 82% below the average. Of 38 reporting districts in Newport Beach, we reported 10 to ABC as high crime areas for the 2024 calendar year.

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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 32% of arrests in this reporting district. In comparison, the figure for neighboring RD 39 is 18%, RD 43 is 21% and RD 45 is 21%.

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 627.02. This census tract has an approximate population of 4,515 residents with 15 active on-sale alcohol licenses. That is a per capita ratio of one license for every 301 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 find census tract 627.02 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 have been no calls for service in 2025. There were 11 calls in 2024, and 6 calls in 2023. No calls were the result of poor business practices, noise, or ill management of the patio.

Discussion and Recommendations

The Police Department has no concerns with the application. The use permit the business is operating within is old so we request the following or similar conditions be imposed to bring the permit current with modern practices. We also recommended the 11:00 p.m. closing hour be conditioned as staying open after 11:00 p.m. would trigger an Police Operator License.

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. The restaurant shall close at 11:00 p.m., daily.
4. Live entertainment and dancing are prohibited.
5. 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.

6. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
7. Food service shall be made available to patrons during alcohol service.
8. Strict adherence to maximum occupancy limits is required.
9. 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.
10. 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.
11. 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 California Department of Alcoholic Beverage Control.
12. 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.
13. 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.
14. The Applicant shall obtain and maintain authorization from the California Department of Alcoholic Beverage Control (ABC) for all areas where the sale, service or consumption of alcohol is under the control of the applicant. Alcohol service and alcohol consumption must occur in the ABC licensed areas only.

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