

## **Attachment No. PC 3**

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: September 4, 2024  
SUBJECT: Uchi  
2510 West Coast Highway  
PA2024-0068

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At your request, the Police Department has reviewed the project application for Uchi Restaurant located at 2510 West Coast Highway, Newport Beach. The applicant has requested a use permit for a new restaurant establishment with a Type 47 (On-Sale General) Alcoholic Beverage Control License. The restaurant will be open from 5:00 p.m. to 11:00 p.m. daily.

**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 2510 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 compile statistical data, as well as better communicate officer locations while policing. The proposed applicant location is within Reporting District (RD) 26 which encompasses the Mariner's Mile area from Dover Drive to Tustin Avenue.

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 189, 60% over the City-wide crime count average of 118. Since this area has a 20% or 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 25 is 31% above the City-wide average, RD 28 is 132% above the City-wide average, and RD 41 is 3% below the average. Of 38 reporting districts in Newport Beach, we reported 12 to ABC as high crime areas.

The highest volume crime in this area is theft. The highest volume of arrests in the area are drug-related offenses.

DUI, Public Intoxication, and liquor law violations make up 27% of arrests in this reporting district. In comparison, the figure for neighboring RD 25 is 25%, RD 28 is 5% and RD 41 is 34%.

*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 634. This census tract has an approximate population of 4,776 residents with approximately 17 active on-sale alcohol licenses. That is a per capita ratio of 1 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 1 license for every 822 residents and conclude this area has undue concentration.

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

#### **Discussion and Recommendations**

Due to the lack of late hours and the type of alcoholic beverage license requested, the Police Department has no concerns with the application provided the conditions below (or similar conditions) are imposed

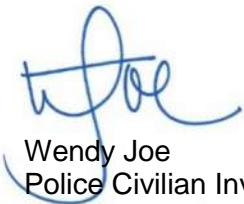
1. The Alcoholic Beverage Control License shall be limited to a Type 47 (On-Sale General). Any substantial change in the ABC license type shall require subsequent review and potential amendment of the Use Permit.
2. The applicant shall comply with all federal, state, and local laws, and all conditions 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 methods and skills for selling alcoholic beverages within 60 days of hire. 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.

4. The eating and drinking establishment shall close no later than 11:00 p.m., daily. Food or alcohol service after 11:00 p.m. is prohibited.
5. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code.
6. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
7. There shall be no live entertainment or dancing allowed on the premises.
8. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
9. Food service from the regular menu shall be made available to patrons until closing.
10. 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.
11. 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.
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. Strict adherence to maximum occupancy limits is required.
14. The applicant shall maintain a security recording system with a 30-day retention and make those recording available to police upon request.
15. 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.
16. 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.
17. Strict adherence to maximum occupancy limit is required.
18. 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

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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](mailto:wjoe@nbpd.org).



Wendy Joe  
Police Civilian Investigator, Special Investigations Unit



CHIEF JOSEPH L. CARTWRIGHT

# NEWPORT BEACH POLICE DEPARTMENT

## 2023 CRIME AND ALCOHOL-RELATED STATISTICS

Summary for Uchi at 2510 West Coast Hwy (RD26)

Subject:	DISPATCH EVENTS	GROUP A OFFENSES	REPORTED CRIMES			ARRESTS					CITATIONS
			GROUP B OFFENSES	CRIME RATE	HIGHEST VOLUME	ALL ARRESTS	DUI ALCOHOL	PUBLIC INTOXICATION	LIQUOR LAW	HIGHEST VOLUME	ALCOHOL RELATED
2510 West Coast Hwy	0	0	0	N/A	N/A	0	0	0	0	N/A	0
Subject RD: RD26	1,363	230	74	8,237.82	THEFT/LARCENY	107	19	10	0	NARCOTICS	3
Adjacent RD: RD25	1,192	172	58	10,430.56	THEFT/LARCENY	83	14	7	0	NARCOTICS	2
Adjacent RD: RD28	1,341	377	32	15,934.07	THEFT/LARCENY	114	6	0	0	NARCOTICS	2
Adjacent RD: RD41	906	104	43	3,702.39	THEFT/LARCENY	58	12	8	0	DUI	0
Newport Beach	40,526	5,102	1,439	5,885.07	THEFT/LARCENY	2,732	291	339	7	NARCOTICS	67

This report reflects City of Newport Beach data for 2022. 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 as of 07/18/2023							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
2510 West Coast Hwy	N/A	0	N/A	0	N/A	0	N/A	2510 West Coast Hwy	0	N/A	N/A
Subject Census Tract: 634	4,776	17	281	0	0	17	281	Subject RD: RD26	189	+71	+60%
Adjacent Census Tract: 636.03	6,450	6	1,075	5	1,290	11	586	Adjacent RD: RD25	154	+36	+31%
Adjacent Census Tract: 630.1	6,698	8	837	2	3,349	10	670	Adjacent RD: RD28	274	+156	+132%
Adjacent Census Tract: 630.05	1,447	7	207	3	482	10	145	Adjacent RD: RD41	115	-3	-3%
Newport Beach	86,694	279	311	66	1,314	345	251	Newport Beach	4,502	RD Average = 118	
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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