

# **Attachment No. PC 2**

Police Department Memorandum

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**NEWPORT BEACH POLICE DEPARTMENT  
DETECTIVE DIVISION**

**MEMORANDUM**

TO: Jerry Arregui, Assistant Planner

FROM: Wendy Joe, Police Civilian Investigator

DATE: April 3, 2025

SUBJECT: Restaurant at 3025 and 3027 East Coast Hwy  
3025 and 3027 East Coast Hwy  
PA2024-0231

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At your request, the Police Department has reviewed the project application for a new restaurant space which will be located at 3025 and 3027 East Coast Highway. Per the project description, the applicant is seeking a Use Permit to allow for a new restaurant (unknown tenant), which will have a Type 47 (On-Sale General) Alcohol Beverage Control License and close at 10:00 p.m., daily. This restaurant will take the place of a closed drycleaner and what is currently La Fogata. Live entertainment nor dancing are proposed.

**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 place of businesses at 3025 and 3027 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 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) 44, which encompasses Corona Del Mar.

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% over the City-wide crime count average of 112. Since this area has a 20% or greater number of reported crimes than the average number

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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 43 is 70% below the City-wide average, RD 45 is 82% below, and RD 47 is 35% below the City-wide average.

The highest volume crime in this area is Theft. The highest volume arrests in the area are for drugs. DUI, Public Intoxication, and Liquor Law violations make up 32% of arrests in this reporting district. In comparison, the figure for neighboring RD 43 is 21%, RD 45 is 21% and RD 47 is 31%.

The Newport Beach Police Department reported 10 Reporting Districts to ABC for the year 2024 for being high crime/undue concentration areas.

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

### Alcohol License Statistics

The standard which ABC utilizes to identify an area that is over-saturated with alcohol licenses is outlined in Business and Professions Code §23958.4. Instead of reporting districts, the code requires us to compare census tracts. A Census Tract is classified as having “undue concentration” pertaining to alcohol licenses when there is a higher retail alcohol license to resident ratio than that of the entire county.

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 on-sale 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. We find this area is over-saturated per the code.

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

### Discussion and Recommendations

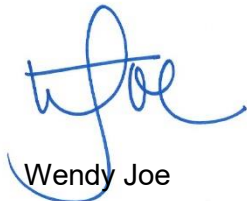
The Police Department has no concerns with the application provided the conditions below (or similar conditions) are imposed.

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. 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.

4. The eating and drinking establishment shall close no later than 10:00 p.m.
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. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
8. Live entertainment and dancing is prohibited.
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. Strict adherence to maximum occupancy limits is required.
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. 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.
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.

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

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