

Attachment No. PC 4

Police Department Memorandum

INTENTIONALLY BLANK PAGE



**NEWPORT BEACH POLICE DEPARTMENT
DETECTIVE DIVISION**

MEMORANDUM

TO: Kelly Ribuffo, Consultant Planner
FROM: Wendy Joe, Police Civilian Investigator
DATE: February 6, 2026
SUBJECT: Konpa Nikkei Restaurant
3333 East Coast Highway
PA2025-0152

At your request, the Police Department has reviewed the project application for Konpa Nikkei Restaurant located at 3333 East Coast Highway, Newport Beach. The application is for a Minor Use Permit for a Type 41 (On Sale Beer and Wine). There are no late hours or live entertainment associated with this application therefore an Operator License will not be required.

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 business at 3333 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. Below is a brief summary of how this area relates to the Code.

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 (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 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 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 45 is (82%) below the City-

Konpa Nikkei Restaurant

PA2025-0078

wide average, RD 39 (Fashion Island) is 393% above, 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 drug-related offenses. DUI, Public Intoxication, and Liquor Law violations make up 37% of arrests in this reporting district. In comparison, the figure for neighboring RD 45 is 21%, RD 39 is 20% and RD 47 is 31%.

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. A reporting district 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 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 definition.

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 41 (On Sale Beer and Wine) or 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. 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.
9. Strict adherence to maximum occupancy limits is required.
10. 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.
11. 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.
12. 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

INTENTIONALLY BLANK PAGE



CHIEF DAVE MINER

NEWPORT BEACH POLICE DEPARTMENT

2024 CRIME AND ALCOHOL-RELATED STATISTICS

Summary for Konpa Nikkei Restaurant at 3333 Coast Highway E (RD39)

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
3333 Coast Highway E	1	1	1	N/A	N/A	0	0	0	0	N/A	0
Subject RD: RD39	9,607	564	234	20,200.57	THEFT/LARCENY	370	32	32	3	THEFT/LARCENY	9
Adjacent RD: RD38	770	23	17	1,394.78	THEFT/LARCENY	23	7	2	0	DUI	1
Adjacent RD: RD43	1,033	30	28	1,267.96	BURGLARY	28	37	37	1	ASSAULT	0
Adjacent RD: RD47	1,237	64	43	2,278.39	THEFT/LARCENY	54	16	1	0	DUI	1
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 <small>(Numbers frequently change)</small>							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	Subject:	CRIME COUNT	DIFF FROM AVG	%DIFF FROM AVG
3333 Coast Highway E	N/A	1	N/A	0	N/A	1	N/A	3333 Coast Highway E	1	N/A	N/A
Subject Census Tract: 630.08	2,408	32	75	4	602	36	67	Subject RD: RD39	552	+440	+393%
Adjacent Census Tract: 630.07	6,699	1	6,699	0	0	1	6,699	Adjacent RD: RD38	31	-81	-72%
Adjacent Census Tract: 627.01	2,667	11	242	2	1,334	13	205	Adjacent RD: RD43	34	-78	-70%
Adjacent Census Tract: 626.42	2,849	1	2,849	2	1,425	3	950	Adjacent RD: RD47	73	-39	-35%
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).

INTENTIONALLY BLANK PAGE