

Attachment O

Police Department Memorandum and Statistics



**NEWPORT BEACH POLICE DEPARTMENT
DETECTIVE DIVISION**

MEMORANDUM

TO: Makana Nova, Assistant Planner
FROM: Wendy Joe, Police Civilian Investigator
DATE: July 15, 2019
SUBJECT: Vivante Senior Housing Project
850 and 856 San Clemente Drive

At your request, the Police Department has reviewed the project application for Vivante Senior Housing located at 850 and 856 San Clemente Drive, Newport Beach. Per the project description, the applicant is seeking Type 47 (On Sale General) and Type 57 (Special On Sale General) Alcoholic Beverage Licenses. There are no late hours requested.

Statistical Data and Public Convenience or Necessity

Attached is a summary report compiled by Newport Beach Police Department (NBPD) Crime Analyst, Kristi Kondo, which provides detailed statistical information related to alcohol establishments and crime in and around the applicant's proposed place of business at 850 and 856 San Clemente Drive.

Crime Statistics:

The Police Department divides the City into areas referred to as Reporting Districts. This allows the Police Department to create statistical data, as well as better communicate officer locations while policing. The proposed applicant location is within Reporting District (RD) 39 which encompasses the Fashion Island entertainment area.

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 1 crimes), combined with all arrests for other crimes, both felonies and misdemeanors (except traffic citations) to 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 491, 253% over the City-wide crime count average of 134. 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 37 is 42% lower than the City-wide average, RD 38 is 65% lower, and RD 43 is 70% lower.

The highest volume crime is shoplifting and the highest volume arrest are drug-related offenses.

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

Alcohol License Statistics:

The applicant premise is located within census tract 0630.08. This census tract is within an entertainment district with very few residents. It has an approximate population of 857 residents with 70 active alcohol licenses. That is a per capita ratio of 1 alcohol license for every 12 residents. Per the Business and Professions code, we compare this per capita ratio to Orange County's per capita ratio of 1 license for every 467 residents. Since the area's ratio exceeds the ratio of on-sale retail licenses to population in the county, the area is deemed to have an undue concentration of alcohol licenses. It's important to note there are 41 licensed establishments. Many establishments in this area hold more than one license.

This location meets the legal criteria for undue concentration as it relates to over saturation of alcohol licenses (B&P §23958.4).

Discussion and Recommendations

The above crime and alcohol license statistics are provided for reference when considering an expansion to the applicant's licensed drinking area. The Police Department has no objections to this project as this business is not open to the general public and has no late hours.

RECOMMENDED CONDITIONS OF APPROVAL

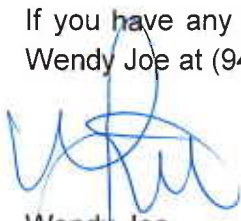
The Police Department requests the following changes to the permit conditions.

- 1) Alcohol service shall be limited to 7:00 a.m. through 11:00 p.m., daily.
- 2) Alcohol service shall be limited to a Type 47 (On Sale General) and Type 57 (Special On Sale General) Alcoholic Beverage Control License.
- 3) Only residents and their guests may be served in the dining halls, café, and lounge areas. The dining halls, café, and lounge areas shall not be open to the general public for food and/or alcohol service.
- 4) Security cameras with at least a two-week retention period must be installed in and around the alcohol consumption area in the Lounge, Café, and Dining Hall areas. Those recordings shall be made available to police upon request in a timely manner.
- 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 sixty (60) days of hire. This training must be updated every three (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 sixty (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) Approval does not permit the premises to operate as a "bar, tavern, cocktail lounge or nightclub" as defined by the Newport Beach Municipal Code. The Newport Beach Municipal Code defines bars, lounges, and nightclubs as an establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public

premises license from the California State Department of Alcoholic Beverage Control (ABC) (i.e. ABC License Type 42 (On-Sale Beer and Wine – Public Premises), ABC License Type 48 (On-Sale General – Public Premises), and ABC License Type 61 (On-Sale Beer – Public Premises)). Persons under twenty-one (21) years of age are not allowed to enter and remain on the premises. The establishment shall include any immediately adjacent area that is owned, leased, rented, or controlled by the licensee.

- 7) No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
- 8) No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
- 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) Food service shall be available when alcohol is being served.
- 11) Strict adherence to maximum occupancy limit is required.
- 12) The operator 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.
- 13) The operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in all areas surrounding the alcoholic beverage outlet and adjacent properties during business hours.
- 14) A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.

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

*SRK, LT *1218*
Steve Rasmussen
Detective Lieutenant



NEWPORT BEACH POLICE DEPARTMENT

2018 CRIME AND ALCOHOL-RELATED STATISTICS

CHIEF JON T. LEWIS

SUMMARY FOR VIVANTE SENIOR HOUSING AT 850 & 856 SAN CLEMENTE (RD39)

Subject:	Part I Crime	Diff From Avg	% Diff From Avg	Part I Arrests	Diff From Avg	% Diff From Avg	Part II Crime	Diff From Avg	% Diff From Avg	Part II Arrests	Diff From Avg	% Diff From Avg	Crime Count	Diff From Avg	% Diff From Avg
850 & 856 SAN CLEMENTE	0	N/A	N/A	0	N/A	N/A	4	N/A	N/A	6	N/A	N/A	6	N/A	N/A
Subject RD: RD39	227	+169	+294%	49	+44	+817%	291	+200	+220%	264	+183	+225%	491	+352	+253%
Adjacent RD: RD37	57	-1	-1%	2	-3	-63%	48	-43	-47%	23	-58	-72%	80	-59	-42%
Adjacent RD: RD38	26	-32	-55%	1	-4	-81%	22	-69	-76%	23	-58	-72%	49	-90	-65%
Adjacent RD: RD43	22	-36	-62%	1	-4	-81%	23	-68	-75%	20	-61	-75%	42	-97	-70%
Newport Beach	2,192	RD Average = 59		203	RD Average = 6		3,456	RD Average = 89		3,088	RD Average = 74		5,280	RD Average = 134	

Part I Crimes are the 8 most serious crimes as defined by the FBI Uniform Crime Report - Homicide, Rape, Robbery, Aggravated Assault, Burglary, Larceny, Auto Theft, and Arson. This report reflects City of Newport Beach data for 2017.

Per BP 23958.4, crime count is the sum of Part I Crime plus Part II Arrests.

Subject:	ABC Info			
	Population	Active Licenses	License Per Capita	Licensed Establishments
850 & 856 SAN CLEMENTE	N/A	0	N/A	0
Subject Census Tract: 630.08	857	70	12	41
Adjacent Census Tract: 630.04	5,917	33	179	26
Adjacent Census Tract: 630.07	6,958	8	870	6
Adjacent Census Tract: 627.01	2,800	18	156	14
Newport Beach	85,186	451	189	389
Orange County	3,010,232	6,452	467	5,561



= Subject Location

7/8/2019

Number of Active ABC Licenses is the total of all types of retail licenses known to the NBPD as of 3/19/2018.
All Population figures taken from the 2010 US Census.