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MOTION

I MOVE that the matter of Hearing Comments relative to an Application for Determination of Public Convenience or Necessity for the sale of alcoholic beverages for off-site consumption at *Viva LA Beer Market,* located at 1001 South Vermont Avenue, #105, **Item 2** (CF 26-1366) on today's Council Agenda, **BE AMENDED** to **ADOPT** the following:

1. DETERMINE that the Public Convenience or Necessity **will not** be served by the sale of alcoholic beverages for off-site consumption at *Viva LA Beer Market,* located at 1001 South Vermont Avenue, #105, inasmuch as the site is situated within Census Tract 2133.20, which is already severely saturated with alcoholic beverage licenses. Because the surrounding area is already overburdened at three to four times the prescribed statutory limits, adding another off-site alcohol retailer directly exacerbates acute overconcentration rather than responding to any unmet public necessity.

2. DENY the Application for Determination of Public Convenience or Necessity for the sale of alcoholic beverages for off-site consumption at *Viva LA Beer Market,* located at 1001 South Vermont Avenue, #105, based upon the above finding and the negative influence associated with the sale of alcohol in the concerned community.

3. INSTRUCT the City Clerk to transmit this determination to the State Department of Alcoholic Beverage Control as required findings under Business and Professions Code Section 23958.4.

PRESENTED BY: _____
HEATHER HUTT
Councilmember, 10th District

SECONDED BY: _____

ORIGINAL

November 10, 2026
MD

DENY Item 2 · CF 26-1366 CD 10 HEARING COMMENTS relative to an Application for Determination of Public Convenience or Necessity for the sale of alcoholic beverages for off-site consumption at Viva LA Beer Market, located at 1001 South Vermont Avenue, #105 Applicant: Xiomara Menjivar - Viva La Beer Market, LLC Representative: Wil Nieves - Nieves and Associates Community impact statement None submitted (Motion required for Findings and Council recommendations for the above application) TIME LIMIT FILE - DECEMBER 27, 2026 **LAST DAY FOR COUNCIL ACTION - DECEMBER 15, 2026**

FINDINGS

The subject site is situated within Census Tract 2133.20, which is already severely saturated with alcoholic beverage licenses. Under statutory licensing criteria administered by the California Department of Alcoholic Beverage Control (ABC), Census Tract 2133.20 is allocated a maximum threshold of only one (1) off-sale license and three (3) on-sale licenses. At present, the tract contains two (2) active off-sale licenses—operating at 200% of the statutory threshold—and twelve (12) existing on-sale licenses, representing a 400% saturation rate. Approving an additional off-sale license would result in three (3) active off-sale retail establishments, escalating tract saturation to 300% of state guidelines. Because the surrounding area is already overburdened at three to four times the prescribed statutory limits, adding another off-site alcohol retailer directly exacerbates acute overconcentration rather than responding to any unmet public necessity.

The associated Conditional Use record for Case No. ZA-2026-1634-CUB identifies ten (10) sensitive community and institutional facilities located within a 1,000-foot radius of the tenant space. These facilities include Berendo Middle School at 1157 South Berendo Street, Monsignor Oscar Romero Charter School at 2670 West 11th Street, Rainbow Preschool at 937 South New Hampshire Avenue, the Korean American Educational Research Center at 975 South Vermont Avenue #202, Sae Nuri Church and Korean Baptist Church School at 964 South Berendo Street, Don & Esther Mission Center Southern Baptist College at 975 South Berendo Street, Iglesia Cristiana Pentecostes at 924 South Vermont Avenue, World Mission Church at 927 Menlo Avenue, Dharma Karuna Church at 938 Menlo Avenue, and numerous contiguous multi-family residential communities. Despite this dense concentration of youth-serving educational institutions and places of worship, the record contains zero empirical impact analysis or physical operational buffering to mitigate the daily exposure of school-age minors and vulnerable community populations to off-site alcohol retail.

Under Business and Professions Code Section 23958.4, a Finding of Public Convenience or Necessity may only be approved where the applicant affirmatively demonstrates a distinct public need that is not currently fulfilled by existing local commerce. Here, the applicant's own public testimony established that the surrounding neighborhood is already comprehensively served by established off-site alcohol vendors operating in the immediate vicinity. These existing vendors include Hannam Supermarket Center at 2740 West Olympic Boulevard, which provides a full-line grocery store with off-site alcohol sales, and El Turco Meat Market Butcher Shop at 1101 South Vermont Avenue, which provides a specialty retail market with off-site beer and wine. Off-site beer and wine represents an intoxicating commercial commodity rather than an essential neighborhood service such as fresh produce, banking, pharmacy, childcare, or medical facilities. Because surrounding residents, workers, and visitors already possess proximate and convenient access to off-site beer and wine through existing grocery markets, introducing an additional retail merchant yields no genuine public amenity or necessity sufficient to overcome statutory license caps.

The applicant's operating schedule of 6:00 a.m. to 1:00 a.m., 365 days a year, introduces an active land-use conflict that threatens public welfare and neighborhood safety. An opening hour of 6:00 a.m. directly coincides with early morning commutes and pedestrian routes for students walking to Berendo Middle School, Monsignor Oscar Romero Charter School, and Rainbow Preschool. Children walking along the primary corridors of Vermont Avenue and Olympic Boulevard between 7:00 a.m. and 8:30 a.m. are placed in immediate, daily contact with morning off-site alcohol purchases and related parking lot activity. Furthermore, existing off-sale retailers in the same census tract operate under substantially more restrictive, community-sensitive business hours, with Hannam Supermarket terminating sales at 10:00 p.m. and El Turco Meat Market closing at 6:00 p.m. Authorizing alcohol retail until 1:00 a.m. creates an active late-night regional magnet for off-site alcohol acquisition and secondary street nuisances—including loitering, open container violations, and late-night vehicular disturbances—in direct conflict with the public convenience and necessity standard.

Since Census Tract 2133.20 is already experiencing acute statutory undue concentration, is located within 1,000 feet of ten sensitive educational and religious institutions, is thoroughly served by existing off-site alcohol purveyors, and presents unmitigated public safety concerns through its proposed 6:00 a.m. to 1:00 a.m. schedule,

A Finding of Public Convenience or Necessity (PCN) cannot be substantiated and is hereby DENIED.