

March 3, 2022

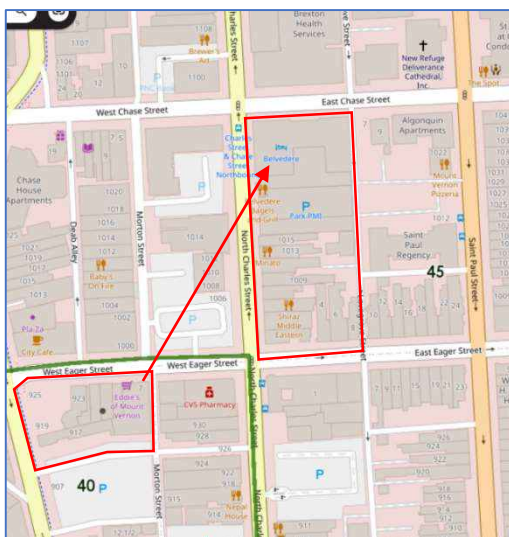
VIA ELECTRONIC MAIL

The Honorable Paul G. Pinsky
Chair, Education, Health, and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, Maryland 21401

Re: SB 430 – Baltimore City – Alcoholic Beverages – Transfer

Dear Chairman Pinsky:

This firm represents 13 West Eager, LLC, which is redeveloping the property known as 7 W. Eager Street in the Midtown Belvedere area of Mount Vernon (the “Property”), with a 7-story apartment building anticipated to contain ±100 units. The Property, which is located in the 40th alcoholic beverages district, is currently occupied by the Eddie’s of Mount Vernon grocery store (“Eddie’s”), which operates with a Class A Beer, Wine, and Liquor License. As part of the Property’s redevelopment, Eddie’s is proposed to be relocated to ground-level retail space in The Belvedere Hotel (specifically, the ±4,900-SF lower-level space fronting on 1023 N. Charles Street that formerly housed the Red Square restaurant and lounge). This new space is located in the 45th alcoholic beverages district, so as explained in more detail below, our client requests the favorable recommendation of Senate Bill 1210 as it would permit the Eddie’s to relocate with its Liquor License across district lines.



Proposed Relocation of Eddie’s of Mount Vernon from the 40th to the 45th Alcoholic Beverages District



Google Streetview Image of 1023 N. Charles Street

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As background, Section 12-1707 of the Alcoholic Beverages Article generally prohibits a liquor license from being transferred into a different alcoholic beverages district (alcoholic beverages district boundaries are coterminous with the current legislative district boundaries). Accordingly, the relocation of the Eddie's Class A Liquor License from the 40th District to the 45th District would not be permitted under current law.

There are, however, certain enumerated instances written into the Alcoholic Beverage Article by which certain liquor licenses have been authorized to be transferred into a different alcoholic beverages district. For example, the enactment of Senate Bill 354 in 2012 permitted Spirits of Mount Vernon to have a B-D-7 license transferred from the 45th District to its establishment in the 40th District.

If enacted, HB 1210 would create a similar exception in that it would allow a Class A liquor license to be transferred from the block on which Eddie's is currently located, to the block that includes The Belvedere Hotel. Notably, while this legislation would permit the transfer into the 45th alcoholic beverages district, Eddie's would still have submit an application to the Liquor Board and obtain their approval following a public hearing.

For your reference, the request has the support of the Mount Vernon Belvedere Association (MVBA). They are delighted that Eddie's will remain in the community. We accordingly encourage you and the Baltimore City Delegation to support the passage of the Bill, subject to one minor amendment to correct the reference to the liquor license.

Minor Amendments

We respectfully request two minor amendments to the legislation:

1. **Correct the Reference to the Proper Liquor License.** As drafted, the legislation refers to a "Class A beer and light wine license," however, Eddie's operates with a Class A beer, wine, *and liquor* license." Accordingly, we have prepared the enclosed amendment to be offered to the Committee to insert that provision.
2. **Clarify that the License can be Transferred Notwithstanding the Distance Restriction from Place of Worship or School.** While the Eddie's License is proposed to be transferred to a location formerly occupied by Red Square Bar and Lounge that can only accessed from N. Charles Street and is located within a separate tax/condominium parcel from The Belvedere Hotel, a concern has

been raised that because The Belvedere Hotel building is within 300' of the church at 1110 St. Paul Street, the distance restriction in Section 12-1605 of the Alcoholic Beverages Article is implicated. Accordingly, we have prepared the enclosed amendment to clarify that the distance provision shall not apply to a liquor license transferred under the Act.

Note: As precedent, I note there is already a codified provision (§ 12-1605(a)(2)(iii)) exempting newly created Class B-D-7 Licenses in the Old Goucher Revitalization District from the distance restriction. Additionally, in 2018, Senate Bill 118 contained a uncodified provision pertaining to a specific license transfer, directing that "a license in the 600 block of South Montford Avenue would be considered unexpired...notwithstanding § 12-1706(d)(1)(i) of the Alcoholic Beverages Article."



Depiction of Distance of Proposed Premises from Nearest Place of Worship

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Thank you in advance for your consideration. Please let us know if we can provide you with more information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Justin A. Williams", with a long horizontal flourish extending to the right.

Justin A. Williams

JAW

Enclosures

cc: The Honorable Antonio Hayes (via electronic mail)
Nicholas Blendy, Esq., Deputy Executive Secretary,
Board of Liquor License Commissioners
for Baltimore City (via electronic mail)
13 West Eager, LLC (via electronic mail)
Caroline L. Hecker, Esq. (via electronic mail)

**AMENDMENT TO SENATE BILL 430
(First Reader Copy)**

Proposed by: 13 West Eager, LLC

{To be offered to the Education, Health, and Environmental Affairs Committee}

Amendment No. 1:

On page 2, in line 18, strike “and light wine” and substitute “**, WINE, AND LIQUOR**”

Amendment No. 2:

On page 2, after line 23, insert:




SECTION 2. AND BE IT FURTHER ENACTED, That, a Class A beer, wine, and liquor license transferred under this Act to a premises with a main entrance on the 1000 block of North Charles Street shall not be considered to be in a building within 300 feet from the nearest point of the building of a place of worship or school for purposes of § 12-1605(a)(1)(a) of the Alcoholic Beverages Article.

On page 2, in line 24, strike “2.” and substitute “3.”


Depiction of Distance from Place of Worship

Proposed Licensed Premises for Eddie's of Mount Vernon

Legend

-  Circle Measure
-  New Refuge Deliverance Cathedral, Inc.
-  Proposed Eddie's Store



 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Annotated Code of Maryland
Alcoholic Beverages (Refs & Annos)
Division II. Provisions Affecting Individual Jurisdictions [Titles 9-33] (Refs & Annos)
Title 12. Baltimore City (Refs & Annos)
Subtitle 16. Licensing Conditions; Multiple Licensing Plans (Refs & Annos)
Part I. Licensing Conditions (Refs & Annos)

MD Code, Alcoholic Beverages, § 12-1605
Formerly cited as MD CODE, Art. 2B, § 9-204.1; MD CODE, Art. 2B, § 9-204.3

§ 12-1605. Distance restriction from place of worship or school

Effective: July 1, 2021

Currentness

In general

(a)(1)(i) Except as otherwise provided in this subsection, a new license may not be issued for and an existing license may not be moved to a building that is within 300 feet of the nearest point of the building of a place of worship or school.

(ii) In the 45th legislative district, a new Class A license of any type may not be issued for a building that is within 500 feet of the nearest point of the building of a place of worship or school.

(2) Paragraph (1)(i) of this subsection does not apply to:

(i) a Class B beer and wine license outside the 46th legislative district;

(ii) a Class B beer, wine, and liquor license outside the 46th legislative district;

(iii) a Class B-D-7 license in the Old Goucher Revitalization District under § 12-1603(e) of this subtitle;

(iv) a Class C beer and wine license; and

(v) a Class C beer, wine, and liquor license.

(3) A license for use in a building that is within 300 feet of the grounds of a place of worship or school may be renewed or extended for the same building.

(4)(i) This paragraph applies only to an area bounded by:

1. High Street on the west, Pratt Street on the north, Central Avenue on the east, and Eastern Avenue on the south;
2. West Cross Street and Amity Street on the west, Clifford Street on the north, Scott Street on the east, and Carroll Street on the south; or
3. Holliday Street on the west, Saratoga Street on the north, Gay Street on the east, and Lexington Street on the south.

(ii) The Board may waive the distance restrictions in paragraph (1)(i) of this subsection for an application for the transfer of a license into an area specified in subparagraph (i) of this paragraph if:

1. the application is approved by:
 - A. each community association representing the area;
 - B. each business association in the area; and
 - C. the ordained leader and the board or council for each place of worship that is within 300 feet of the proposed location of the establishment for which the license transfer is sought; and
2. a memorandum of understanding is executed by the applicant for the license transfer and each community association in the area.

46th alcoholic beverages district

(b)(1) This subsection:

(i) applies only in the 46th alcoholic beverages district; and

(ii) does not apply to a licensed restaurant in:

1. ward 4, precinct 1;
2. ward 22, precinct 1;
3. a residential planned unit development for Silo Point as approved by the Mayor and City Council in Ordinance 04-697 on June 23, 2004; or

4. subject to paragraph (3) of this subsection, the area that is bounded as follows: from the intersection of West Ostend Street and Race Street, north on Race Street to Seldner Place, then east on Seldner Place to Clarkson Street, then north on Clarkson Street to West Cross Street, then east on West Cross Street to South Hanover Street, then north on South Hanover Street to Race Street (also known as Winter Street), then west/southwest on Race Street to West Cross Street, then west on West Cross Street to Leadenhall Street, then south on Leadenhall Street to West Ostend Street, then east on West Ostend Street back to the intersection of West Ostend Street and Race Street.

(2) The Board may not issue or approve the transfer of a license if the licensed premises would be:

(i) within 300 feet of the nearest point of a place of worship or school; or

(ii) closer to the nearest point of a place of worship or school than the licensed premises was on June 1, 2004.

(3) For an establishment that is within 300 feet of the nearest point of a place of worship or school, the Board may issue a license in or approve the transfer of a license into the area specified in paragraph (1)(ii)4 of this subsection only if the Board:

(i) has executed a memorandum of understanding with a community association in the area specified in paragraph (1)(ii)4 of this subsection regarding the nature of the establishment; and

(ii) enforces the memorandum of understanding against any license holder that obtains a license under paragraph (1)(ii)4 of this subsection and seeks to renew or transfer the license.

Credits

Added by Acts 2016, c. 41, § 2, eff. July 1, 2016. Amended by Acts 2016, c. 736, § 1, eff. July 1, 2016; Acts 2017, c. 81, § 1, eff. April 11, 2017; Acts 2020, c. 372, § 1, eff. July 1, 2020; Acts 2021, c. 555, § 1, eff. July 1, 2021; Acts 2021, c. 556, § 1, eff. July 1, 2021.

MD Code, Alcoholic Beverages, § 12-1605, MD AL BEV § 12-1605

Current with all legislation from the 2021 Regular Session and 2021 First Special Session of the General Assembly. Some statute sections may be more current, see credits for details.

SENATE BILL 118

A2

EMERGENCY BILL

8lr1351
CF HB 151

By: **Senator Ferguson**

Introduced and read first time: January 11, 2018

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2018

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Waivers – License Transfers**

3 FOR the purpose of authorizing the Board of License Commissioners of Baltimore City to
4 waive the minimum capital investment requirement and the minimum seating
5 requirement for an additional licensed restaurant under certain circumstances;
6 authorizing the transfer of certain alcoholic beverages licenses from certain areas in
7 Baltimore City to other areas in Baltimore City; specifying that a certain license is
8 considered unexpired until a certain date for a certain purpose; specifying that,
9 unless transferred to another location, a certain license expires not later than a
10 certain date; making this Act an emergency measure; and generally relating to
11 alcoholic beverages licenses issued in Baltimore City.

12 BY repealing and reenacting, without amendments,
13 Article – Alcoholic Beverages
14 Section 12–102
15 Annotated Code of Maryland
16 (2016 Volume and 2017 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Alcoholic Beverages
19 Section 12–1609 and 12–1706(b)
20 Annotated Code of Maryland
21 (2016 Volume and 2017 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 2. the Board enforces the memorandum of understanding
2 against any license holder that obtains a license under § 12–1604 of this title and seeks to
3 transfer the license.

4 (ii) The Board may not allow a license to be transferred out of the
5 area described in subparagraph (i) of this paragraph and into any other area of ward 24,
6 precinct 5.

7 **SECTION 2. AND BE IT FURTHER ENACTED, That, a Class D (7–day) beer and**
8 **light wine license issued for a premises in the 600 block of South Montford Avenue in ward**
9 **1, precinct 3:**

10 **(1) shall be considered to be unexpired until the end of July 1, 2019, for**
11 **purposes of being transferred to another owner and location, notwithstanding**
12 **§ 12–1706(d)(1)(i) of the Alcoholic Beverages Article; and**

13 (2) if not transferred to another owner and location by the end of July 1,
14 2019, shall be considered to have expired.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
16 measure, is necessary for the immediate preservation of the public health or safety, has
17 been passed by a yea and nay vote supported by three–fifths of all the members elected to
18 each of the two Houses of the General Assembly, and shall take effect from the date it is
19 enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.