



**BALTIMORE CITY COUNCIL
COMMITTEE ON ECONOMIC AND COMMUNITY
DEVELOPMENT**

Mission Statement

On behalf of the Citizens of Baltimore City, the Committee on Economic and Community Development (ECD) is responsible for supporting strong thriving communities ECD will review proposed zoning and land use changes, tackle issues related to economic development, oversee housing policy, and promote equitable economic opportunity for all Baltimore residents.

The Honorable Sharon Green Middleton

PUBLIC HEARING

March 9, 2021

2:00 PM

Virtual Webex Meeting

City Council Resolution #21-0015R

**Approval for the Exchange of a Class B-D-7 License to a Class A-7 License -
2139 Pennsylvania Avenue**

CITY COUNCIL COMMITTEES

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Ryan Dorsey
Antonio Glover
Odette Ramos
Robert Stokes
Staff: Jennifer Coates

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Committee: Economic and Community Development

City Council Resolution 21-0015R

**Approval for the Exchange of a Class B-D-7 License to a Class A-7 License –
2139 Pennsylvania Avenue**

Sponsor: *Councilmember Torrence*

Purpose:

For the purpose of providing the required approval under Md. Code Ann., Alc. Bev. § 12-902.1(d)(1) to allow the license holder holding a valid Class B-D-7 Beer, Wine, and Liquor License issued for use at 2139 Pennsylvania Avenue, Baltimore, Maryland 21217 to apply to the Board of Liquor License Commissioners for Baltimore City to exchange their Class B-D-7 Beer, Wine, and Liquor License for a Class A-7 Beer, Wine, and Liquor License.

Effective Date: Date of Enactment

AGENCY REPORTS

City Solicitor	
Board of Liquor License Commissioners	
Police Department	
Health Department	
Department of Transportation	
Department of Finance	Not Opposed

Analysis

Board of License Commissioners for Baltimore City

The State of Maryland grants the Board of License Commissioners for Baltimore City authority to issue beer, wine and liquor licenses (BWL). In its deliberations, the Board determines whether a license is reasonably necessary for the convenience of the public. The Board also considers the number of beer, wine, and liquor outlets in a given area and the number of days the outlets are open, rather than the nature of the outlets.

Exchange of Class B-D-7 License

Section 12-902.1(d)(1) of the Alcoholic Beverages Article of the Annotated Code of Maryland authorizes a license holder of a valid Class B-D-7 BWL license issued on or before July 1, 2018, to apply to the Board to exchange the license for a Class A-7 BWL license if the license holder first obtains approval by resolution of the Baltimore City Council. The Board may not issue a Class A-7 BWL license on or after July 1, 2022.

If approved, City Council Resolution 21-0015R would grant the holder of a Class B-D-7 BWL license issued for use at **2139 Pennsylvania Avenue** authority to apply to the Board for a Class A-7 BWL license. *Attached is a License Detail Report from the Boards database.*

Class B-D-7 Beer, Wine and Liquor License

The Class B-D-7 beer, wine and liquor license holder is authorized to sell beer, wine, and liquor at retail at the place described in the license, for on- and off-premises consumption.

The hours of operation for Class B-D-7 license holders are 9 a.m. to 10 p.m. The annual license fee is \$1,320.

Class A-7 Beer, Wine and Liquor License

The Class A-7 beer, wine and liquor license holder is authorized to sell beer, wine, and liquor at retail at the place described in the license, for off-premises consumption.

The hours of operation for Class A-7 license holders are Monday through Sunday from 10 a.m. to midnight. The annual license fee is \$1,500.

Additional Information

Fiscal Note: Not Available

Information Source(s): Resolution 21-0013R; Annotated Code of Maryland, Alcoholic Beverage Article, Division II, Title 12, Agency Reports; Baltimore City Board of License Commissioners – License Detail Sheet.

Analysis by: Jennifer L. Coates

Direct Inquiries to: (410) 396-1260

Analysis Date: March 3, 2021



Liquor Board System

Version 1.0

Annual-Renewal ▾ | License-Transfer ▾ | One-Day ▾ | Add New License ▾ | Query ▾ | Help ▾

License Detail

Close the License

Print License

Print Renewal Letter

<< Go Back

License Info

License Num: **LBD7 098**

Cert Num: **0535**

Fee: **\$1,320.00**

Status: **Renewed**

License Date: **5/1/2020**

License Year: **2020**

CR Number: **14620540**

Payment Date: ********

2019 - 2020 TPP Paid

2020 Trader's License

Update Info

Click to Start License Renewal

Add Adult Entertainment License

Add New Adult Entertainment License

Location

Corp Name: **CLUB 4040, INC.**

Trade Name: **CLUB 4040 LIQUOR & GROCERY**

Zone Code: 19

Phone: **410-383-1881**

Block Num: **2139-43**

City: **BALTIMORE**

Street: **PENNSYLVANIA AVENUE**

State: **MD**

Zip: **21217**

CR Number: **14620540**

Portion of Business Used:

USE FIRST FLOOR OF 2139-43 PENNSYLVANIA AVENUE FOR A TAVERN WITHOUT LIVE ENTERTAINMENT

Restriction:

Edit the License Location Info

Alternate Mailing Address

License Owners

First Name	Last Name	Street	City	State	Zip	Action	Change Owner
GOYA	CHOI	2137 PENNSYLVANIA AVENUE	BALTIMORE	MD	21217	Edit	Remove Owner
JIN MYUNG	SEO	2122 TURNBERRY WAY	WOODSTOCK	MD	21163	Edit	Remove Owner
ALFONZO LEE	WIGGNS	1931 DRUID HILL AVENUE	BALTIMORE	MD	21217	Edit	Remove Owner

Comments

Date	Comment	Action
11/25/2019	Mailed letter of recognition for underage drinking compliance check on 11/12/19 & 11/21/19 /kk	Delete
10/18/2019	Mailed letter of recognition for underage drinking compliance check on 10/16/2019 /kk	Delete
03/19/2019	Alcohol Awareness expires on 03/07/23 certified by Korean-American Social Agency (Goya Choi)..... /ab	Delete
12/14/2018	Mailed letter of recognition for underage drinking compliance check on 12/12/18 /kk	Delete
09/04/2018	8/30/2018 - Public Hearing RE: Violation of Rule 4.20(c)(iii) Class BD7 Licensees: Open and Operating Tavern at all times - DISMISSED - NO FINE ASSESSED...../jr	Delete
05/06/2015	Alcohol Awareness expies 3/13/2019 (Goya Choi)	Delete
01/02/2014	12/05/2013 Public Hearing re: Violation of rule 4.01 (a) GUILTY \$ 500 Admin Fee & 125 Total Fine \$625 Paid Fine	Delete
09/13/2011	9/11 Transfer of ownership, BD7-BWL, Goya Choi, Hin Myung Seo, Jyong Ja Yun, Club 4040, Inc.	Delete
10/06/2010	09/30/10 Public Hearing re: Violation of rule 5.03.DECISION: GUILTY \$500/SUSPENDED \$375.FINE \$125 + \$125 ADM.FEE = \$250	Delete

Print History (Print Card)

License num: LBD7 098

Address: 2139-43 PENNSYLVANIA AVENUE

Trade Name: CLUB 4040 LIQUOR & GROCERY

Comment:

Add Comment

Hold Info

Powered by:



**CITY OF BALTIMORE
COUNCIL BILL 21-0015R
(Resolution)**

Introduced by: Councilmember Torrence

Introduced and read first time: January 25, 2021

Assigned to: Economic and Community Development Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Liquor License Commissioners, Police Department, Healthy Department, Department of Transportation, Department of Finance

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Approval for the Exchange of a Class B-D-7 License to a**
3 **Class A-7 License – 2139 Pennsylvania Avenue**

4 FOR the purpose of providing the required approval under Md. Code Ann., Alc. Bev. § 12-
5 902.1(d)(1) to allow the license holder holding a valid Class B-D-7 Beer, Wine, and Liquor
6 License issued for use at 2139 Pennsylvania Avenue, Baltimore, Maryland 21217 to apply to
7 the Board of Liquor License Commissioners for Baltimore City to exchange their Class B-D-
8 7 Beer, Wine, and Liquor License for a Class A-7 Beer, Wine, and Liquor License.

9 **Recitals**

10 Under Md. Code Ann., Alc. Bev. § 12-902.1(d)(1), a City Council resolution is required
11 to allow a current holder of a valid Class B-D-7 Beer, Wine, and Liquor License issued on or
12 before July 1, 2018, to apply to the Board of Liquor License Commissioners for Baltimore City
13 (the “Board”) to exchange their Class B-D-7 Beer, Wine, and Liquor License for a Class A-7
14 Beer, Wine, and Liquor License.

15 The Class A-7 License authorizes the license holder to sell beer, wine, and liquor at retail at
16 the place described in the license for off-premise consumption. The holder of a Class A-7
17 License may sell beer, wine, and liquor on Monday through Sunday from 10:00 a.m. to midnight.

18 The license holder wishes to apply to the Board to exchange the Class B-D-7 License issued
19 for use at 2139 Pennsylvania Avenue for a Class A-7 License. Accordingly, representatives of
20 the license holder have applied to the Baltimore City Council for approval of the exchange.

21 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, That the City
22 Council authorizes, by and through this resolution, that the current holder of a Class B-D-7 Beer,
23 Wine, and Liquor License located at 2139 Pennsylvania Avenue, Baltimore, Maryland 21217,
24 may apply to the Board of Liquor License Commissioners for Baltimore City (the “Board”) to
25 exchange its Class B-D-7 Beer, Wine, and Liquor License for a Class A-7 Beer, Wine, and
26 Liquor License and may be afforded all the privileges and responsibilities of that license class
27 and type under the Alcoholic Beverages Article for the State of Maryland.

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter deleted by amendment.

Council Bill 21-0015R

1 **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the Executive
2 Secretary of the Board of Liquor License Commissioners for Baltimore City.

COMMITTEE ON ECONOMIC AND COMMUNITY DEVELOPMENT

City Council Resolution 21-0015R

AGENCY REPORTS

@03-04-21

City Solicitor	Favorable
Board of Liquor License Commissioners	
Police Department	
Health Department	
Department of Transportation	
Department of Finance	Not Opposed

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW

JAMES L. SHEA
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

March 5, 20210

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 20-0015R – Approval for the Exchange of a Class B-D-7 License
Class A-7 License – 2139 Pennsylvania Ave.

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0015R for form and legal sufficiency. The bill provides the required approval under Md. Code Ann., Alc. Bev. § 12-902.1(c)(4) to allow the license holder holding a valid Class B-D-7 Beer, Wine, and Liquor License issued for use at 2139 Pennsylvania Ave., Baltimore, Maryland 21217 to apply to the Board of Liquor License Commissioners for Baltimore City to exchange their Class B-D-7 Beer, Wine, and Liquor License for a Class A-7 Beer, Wine, and Liquor License.

The Md. Ann. Code Alcoholic Beverages Art. Sec. 12-902.1 allows a license holder who holds a valid Class B-D-7 beer, wine, and liquor license issued on or before July 1, 2018, may apply to the Board to exchange the license for a Class A-7 license if the license holder first obtains approval by resolution of the Baltimore City Council.

This resolution complies with the State law. The Law Department is prepared to approve it for form and legal sufficiency.


Sincerely,

Elena R. DiPietro
Chief Solicitor

cc: James L. Shea, City Solicitor
Nina Themelis, Mayor's Legislative Liaison
Nikki Thompson, President's Legislative Director

Natawna Austin
Hilary Ruley, Chief Solicitor
Ashlea Brown, Special Solicitor
Victor Tervalá, Chief Solicitor
Avery Aisenstark

BaltAC

FROM	NAME & TITLE	Robert Cenname, Chief	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Bureau of the Budget and Management Research Room 432, City Hall (410) 396-4774		
	SUBJECT	City Council Bill 21-0015R—Approval for the Exchange of a Class B-D-7 License to Class A-7 License-2139 Pennsylvania Avenue		

TO

DATE:

The Honorable President and
Members of the City Council
City Hall, Room 400

March 5, 2021

Position: Does Not Oppose

The Department of Finance is herein reporting on C City Council Bill 21-0015R, the purpose of which is to approve the exchange of a Class B-D-7 License to a Class A-7 License for 2139 Pennsylvania Avenue.

Background

The passage of Senate Bill 519, Baltimore City-Alcoholic Beverages-Class A-7 License, in the 2018 Maryland General Assembly session authorized the Baltimore City Board of License Commissioners to issue a Class A-7 license. A Class A-7 License authorizes the sale of beer, wine, and liquor from 9:00am to 10:00pm Monday through Sunday and prohibits on-site consumption. The current license for 2139 Pennsylvania Avenue, Class B-D-7, authorizes the sale of beer, wine, and liquor for on- and off-premises consumption from 6:00am to 2:00am.

Fiscal Impact

The annual license fee for an A-7 license is \$1,500, compared to \$1,320 for a Class B-D-7 License. The City will receive an additional \$180 from this license change. While the license change reduces hours of operation, the City does not receive sales revenue from these purchases.

Conclusion

This bill approves the exchange of a Class B-D-7 License to a Class A-7 License for 2139 Pennsylvania Avenue, as authorized by the Maryland General Assembly. There is minimal fiscal impact of this license change.

For the reasons stated above, the Department of Finance does not oppose City Council Bill 21-0015R.

cc: Henry Raymond
Natasha Mehu
Nina Themelis