



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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LOWELL D. KERN
Chair

JESSE R. BODINE
District Manager

December 23, 2020

Vincent G. Bradley
Chairman
New York State Liquor Authority
80 S. Swan Street, 9th Floor
Albany, New York 12210

**Re: Lotus West Corp
d/b/a La Pulperia
623 Ninth Avenue, NY NY (West 44/45 Streets)
Serial# 1332247**

Dear Chairman Bradley:

Manhattan Community Board 4 (MCB4) writes¹ to supplement its recommendation -- voted on at its September 2, 2020 full board meeting and submitted together with this letter -- regarding the application for an OP license for Lotus West Corp d/b/a La Pulperia, 623 Ninth Avenue, NY NY (West 44/45 Streets). Although that recommendation has not changed, MCB4 wishes to bring to the Liquor Authority's attention information learned since MCB4's September 2020 vote and to stress that any license issued here should require the applicant to operate these premises as a single, unified establishment with one trade name, one concept and method of operation, and one social media presence.

These premises are located on the corner of Ninth Avenue and West 44th Street, with an entrance on Ninth Avenue to the main dining room and an entrance on West 44th Street to a much smaller storefront, with the spaces connected internally. Prior operators at this location have been Italian restaurants, which used the small storefront principally to sell pizza to go.

At the August 11, 2020 meeting of the Business Licenses and Permits (BLP) Committee of MCB4, local residents and the West 44th Street Better Block Association raised as a primary concern the use and the hours of the West 44th Street storefront. The applicant assured the BLP Committee that the premises would be operated as one establishment, with the West 44th Street storefront used principally for take-out and delivery (as it had been in the past) and for overflow from the main dining room. The applicant agreed to earlier closing hours for that storefront to lessen the possibility of noise and disruption on the residential side street.

The applicant's submissions and statements to MCB4 made clear that its operation would be called "La Pulperia." In September 2020, however, signage and an awning appeared on the West 44th Street storefront labelling it "Mr Bar Roz," "South American Wine Bar" -- not "La Pulperia." (See attached photo.) MCB4 wrote promptly to the applicant reminding the applicant of its commitments regarding use of the West 44th Street storefront. On September 29, 2020, the applicant responded that their intention

¹ The current comment period ends before the next MCB4 Full Board meeting, and this letter is subject to ratification by the Full Board members on Wednesday, January 6, 2021.

remained to operate the entire premises as "one full-service restaurant," that "the name on the sign is a play on the last name of Carlos Barroz, one of the principals," and that the West 44th Street storefront signage "is being changed to add the approved trade name La Pulperia 44."

Despite these reassurances and ongoing inquiries by MCB4, the applicant failed to change the signage and instead increased its branding of the West 44th Street storefront as "Mr Bar Roz." The applicant created both a website and an Instagram account under the "Mr Bar Roz" name, using the address of 401 West 44th Street; additional signage appeared at the location using the "Mr Bar Roz" name. (See attached photos.)

Concerns about the operations at this location were heightened by reports from nearby residents in early December 2020. Although MCB4 has no ability to confirm this information, residents reported lines of approximately 10 to 20 people waiting to enter the West 44th Street storefront and noise of patrons coming from the main corner dining room, whose windows were entirely covered with paper. (See attached photos.)

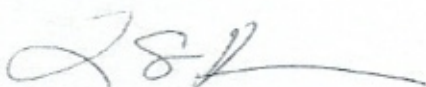
When asked about these reports, the applicant, via his attorney on December 8, 2020, responded that the lines of people were likely patrons waiting for take-out orders or, depending on the day, applicants for jobs. (Residents, however, reported seeing only individuals entering the establishment and no one leaving -- with or without take-out.) The applicant noted that, as advertised on the "Mr Bar Roz" website, they had hosted occasional private parties with a maximum of 10 guests and assured that no alcohol was being consumed on the premises. The applicant's attorney stated that the paper covering the windows would be removed the next day -- which it was -- and that the applicant would cease the separate "Mr Bar Roz" branding.

The reported behaviors at these premises, while not individually in violation of regulations, did give rise to an unease about what was occurring here. The West 44th Street storefront has only 8 seats (at regular capacity and with no social distancing), so the advertised private parties for up to 10 guests presumably would need to be held in the main corner dining room, whose windows were papered over, although patrons apparently used the less-conspicuous West 44th Street storefront entrance. (The reported events occurred during the period when indoor dining in NYC was permitted at 25% capacity.) Given the papered-over windows, no one outside could observe what was happening in the corner dining room -- including the number of patrons, the adherence to social distancing and other COVID regulations, and the absence of alcohol consumption (as the premises are not currently licensed).

In sum, MCB4 urges the Liquor Authority carefully to evaluate this applicant and to ensure that any license requires this establishment to be operated as one establishment with a single trade name. MCB4 also renews its request that the stipulations concurrently submitted to the Liquor Authority, and to which the applicant has agreed, be included as terms of any license.

Thank you for your attention and cooperation with this application.

Sincerely,



Lowell D. Kern
Chair



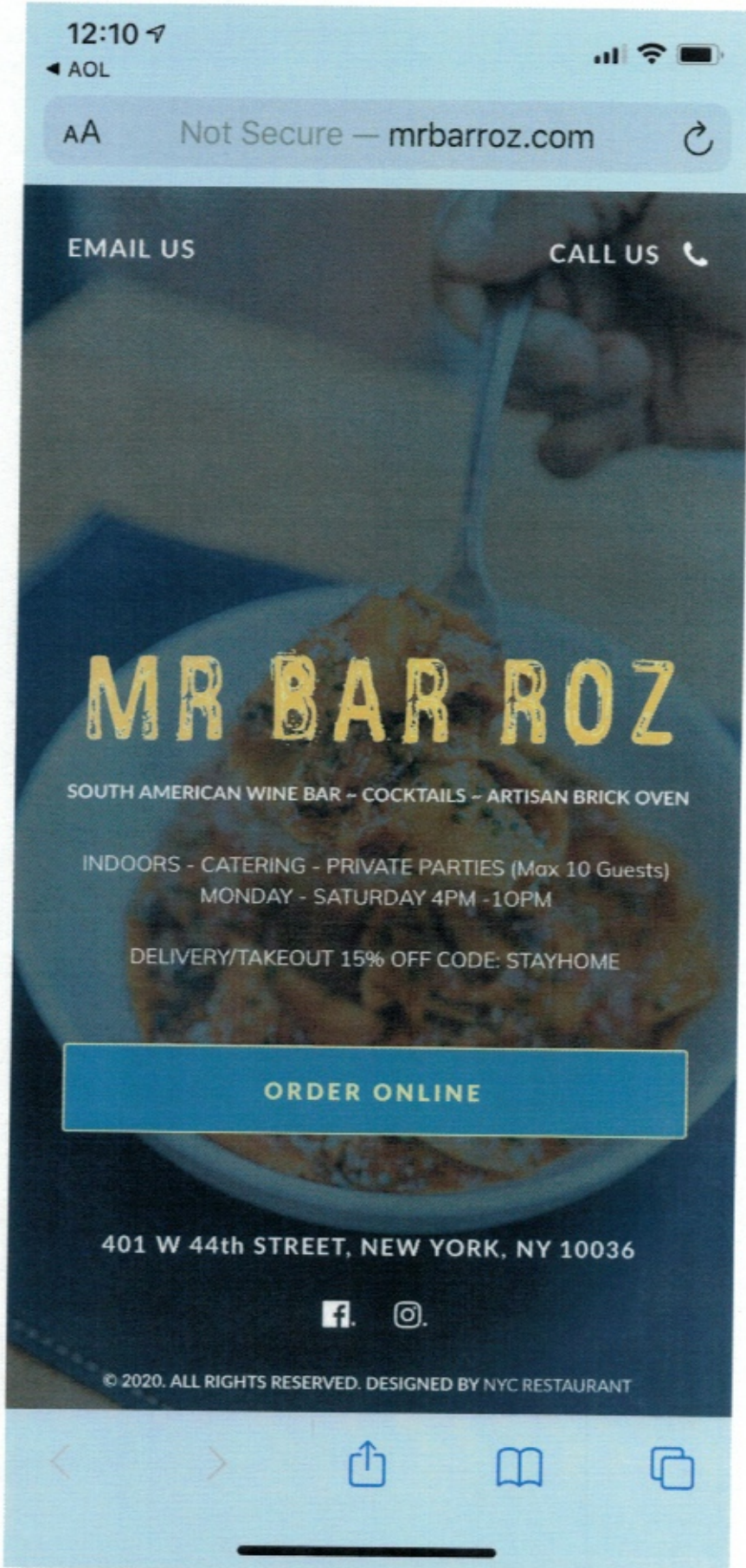
Burt Lazarin
Co-Chair
Business Licenses & Permits
Committee



Frank Holozubiec
Co-Chair
Business Licenses & Permits
Committee



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MR BAR ROZ
South American Wine Bar - Cocktails - Brick Oven Pizza-
401 West 44th Street
NYC
(Open for take-out and delivery!)
mrbarroz.com

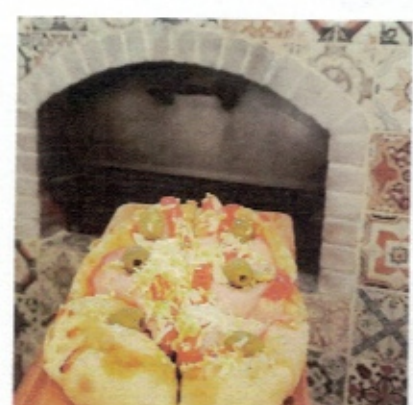


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