



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD No. 4**

330 West 42<sup>nd</sup> Street, 26<sup>th</sup> floor New York, NY 10036  
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**J. LEE COMPTON**  
Chair

July 27, 2006

Beverly Gotay  
Assistant Director of Licensing  
Department of Consumer Affairs  
42 Broadway, 8<sup>th</sup> floor  
New York, NY 10004

**Re: Sidewalk Café Application – Denial**

**Applicant:** 9<sup>th</sup> Avenue Saloon, Inc. d/b/a Rudy's Bar and Grill  
**Location:** 627 Ninth Avenue (44/45)  
**DCA License No.:** 1229522  
**Type:** New Application – Unenclosed Sidewalk Café  
**Tables/Seats:** 3 tables/9 seats

Dear Ms. Gotay:

At its June 21, 2006 meeting, Manhattan Community Board No. 4's Transportation Planning Committee heard from the above applicant and reviewed plans for an unenclosed sidewalk café. The Committee received two written objections: from a resident and from the 44<sup>th</sup> Street Better Block Association.

The major concern voiced by the Committee and by the Block Association is that the sidewalk cafe would disrupt the flow of pedestrian traffic considerably. Currently, bar patrons smoking cigarettes regularly block a substantial portion of the sidewalk. In addition, the Community Board has not endorsed a sidewalk cafe at any establishment that was entirely a bar and does not want to create such a precedent. Rudy's is easily distinguishable as a bar rather than a restaurant—it does not serve any food other than free popcorn and hot dogs, and does not have a menu. Given these issues, the Committee voted to recommend denial.

On July 26, 2006 the Full Board also voted to recommend denial of this sidewalk café license.

Sincerely,

J. Lee Compton  
Chair  
Manhattan Community Board No. 4

Jay Marcus  
Chair  
Transportation Planning Committee

cc: Applicant  
Local elected officials