

Manhattan Community Board 4

Liquor License/Sidewalk Cafe Stipulations Application

(All Fields Must Be Completed)

CORPORATION NAME		DOING BUSINESS AS (DBA)	
Particle Ink NY LLC		TBD	
STREET ADDRESS		CROSS STREETS	ZIP CODE
771 9th Avenue		W 51st /W 52nd Streets	10019
OWNER <small>(Attach a list of all the people that will be associated/listed with the license)</small>	NAME: Cassandra Rosenthal	ATTORNEY/ REPRESENTATIVE	NAME: Robert Bookman-Pesetsky and Bookman
	PHONE: 917-620-4783		PHONE: 212-513-1988
	EMAIL: cassandra@particleink.com		EMAIL: rbookman@pb.law
MANAGER	NAME: TBD	LANDLORD	NAME: 771 Ninth Property LLC & CS 771 Ninth LLC
	PHONE: TBD		PHONE: 212-244-6650
	EMAIL: TBD		EMAIL: ben@aetnarealty.com
APPLICATION TYPE (<input checked="" type="checkbox"/> Liquor License <input type="checkbox"/> Unenclosed Sidewalk Cafe)			
<input checked="" type="radio"/> New	Has applicant owned or managed a similar business?	YES	<input checked="" type="radio"/> NO
	What is/was the name and address of establishment?		
	What were the dates applicant was involved with this former premise?		
<input type="radio"/> Corp Change/Class Change/Removal	What is the license # and expiration date?		
	Is applicant making any alterations or operational changes?	YES	NO
	If alterations or operational changes are being made, please describe list all changes.		
<input type="radio"/> Alteration	What is the current license # and expiration date?		
	Please list/describe the nature of all the changes and attach the plans:		
METHOD OF OPERATION			
TYPE OF ALCOHOL	<input checked="" type="radio"/> Liquor/Wine/Beer & Cider <input type="radio"/> Beer & Cider <input type="radio"/> Wine/Beer & Cider		
ESTABLISHMENT TYPE	<input type="radio"/> Restaurant <input type="radio"/> Cabaret <input type="radio"/> Night Club <input type="radio"/> Hotel <input checked="" type="radio"/> Bar/Tavern <input type="radio"/> Catering Establishment <input type="radio"/> Adult Entertainment <input type="radio"/> Wine Bar <input type="radio"/> Dance Club <input type="radio"/> Sports Bar <input type="radio"/> Club (Fraternal Organization – Members Only)		
Has applicant/owner filed with the SLA? If yes, when? If no, when do you plan to file?	YES	<input checked="" type="radio"/> NO	As soon as we receive CB approval
Is the 500 Foot Rule applicable? If yes, please attach a diagram of the On-Premise liquor license establishments within a 500 ft. radius of your establishment and the Public Interest Statement.	<input checked="" type="radio"/> YES	NO	
Is the 200 Foot Rule applicable? If yes, please attach a diagram of the schools and houses of worship that trigger the rule.	YES	<input checked="" type="radio"/> NO	
Has applicant/owner(s) read MCB4 Policy Regarding Concentration and Location of Alcoholic-Serving Establishments?	<input checked="" type="radio"/> YES	NO	

OPERATIONAL DETAILS (*Closing time will be when establishment is vacated of all patrons)

HOURS* <i>(Indoor Only)</i>		MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY	
	Operation	6:30 pm 12:00 am	6:30 pm 12:00 am	6:30 pm 12:00 am	6:30 pm 12:00 am	6:30 pm 12:00 am	2:00 pm 2:00 am	2:00 pm 2:00 am	6:30 pm 12:00 am
	Kitchen	6:30 pm 12:00 am	6:30 pm 12:00 am	6:30 pm 12:00 am	6:30 pm 12:00 am	6:30 pm 12:00 am	2:00 pm 2:00 am	2:00 pm 2:00 am	6:30 pm 12:00 am
	Music	6:30 pm 12:00 am	6:30 pm 12:00 am	6:30 pm 12:00 am	6:30 pm 12:00am	6:30 pm 12:00am	2:00 pm 2:00 am	2:00 pm 2:00 am	6:30 pm 12:00 am

If you plan to have music, what type(s)?
(Circle all that apply)

BACKGROUND
 LIVE MUSIC
 DJ
 JUKE BOX
 KARAOKE

OCCUPANCY

	Capacity (Certificate of Occupancy)	Maximum # of Persons You Anticipate Occupying Premises (Including Employees)	Number of Tables	Number of Seats	Number of Service Only Bars	Number of Stand-Up Bars	Number of Seats at Stand-Up Bar
INSIDE		126 74	13	34	0	1	9
OUTSIDE <i>(Other than sidewalk café)</i>		0	0	0	0	0	0
SIDEWALK CAFÉ		0	0	0			

How many floors are there? What is the capacity for each floor? Basement Floor

How frequently will the owner(s) be at the establishment? Weekly

Will there be dancing? YES NO

Will applicant have bottle or table service for beverage alcohol? YES NO

Will you be hosting private; promotional or corporate events? YES NO

Will outside promoters be used on a regular basis? If yes please describe. YES NO

Will you have a security plan? If, yes please attach. YES NO

Will security plan be implemented? YES NO

Will State certified security personnel be used? YES NO

Will New York Nightlife Association and NYPD Best Practices be followed? YES NO

Will applicant be using delivery bicycles? If yes, how many? YES NO

Will delivery bicycles be clearly marked with the name of the restaurant and will staff wear attire clearly noting name as described by NYC Law? YES NO n/a

Where will delivery bicycles be stored during the day when not in use? n/a

LOCATION & ZONING			
Is this a Special District? If yes, is it Clinton, West Chelsea or Hudson Yards?	YES	NO	Clinton
Does the building have a Certificate of Occupancy ("C of O") or a letter of no objection?	YES	NO	Pending
Is a Public Assembly permit required?	<input checked="" type="radio"/> YES	NO	
Are your plans filed with DOB?	<input checked="" type="radio"/> YES	NO	

Community Notification/Relations			
NOTIFICATION: List all block associations; tenant associations, co-op boards or condo boards of residential buildings; and community groups that applicant has notified regarding its application. For each please list both the organization and individual you contacted	# 1	On March 24, 2019, a mass email was sent to all of the contacts	
	# 2	on the Block Association list that was provided by the	
	# 3	community board.	
	# 4		
	# 5		
Please provide dates when applicant met with the groups listed above.		See above	
Who was your contact person at each group you met with?		See above	
When did applicant post the notice that was provided?		Monday March 25, 2019	
Where did applicant post the notice that was provided?		In front of the premises	
Will applicant provide owner cell phone number to neighbors and respond to complaints that arise? Please provide number in space provided.		YES	<input checked="" type="radio"/> NO
Will applicant inform the Community Board office of its job openings and/or provide a hyperlink to applicants jobs webpage?		YES	<input checked="" type="radio"/> NO

BUILDING DESIGN			
State the name and type of business previously located in the space.	Benajmin Moore Paint Store and Storage		
Has a liquor-licensed establishment previously occupied this space at any time? If yes, please provide the name of the business.	YES	<input checked="" type="radio"/> NO	
Do you plan any changes to the existing façade? If yes, please describe.	YES	<input checked="" type="radio"/> NO	
Will applicant have a vestibule within the establishment?	<input checked="" type="radio"/> YES	NO	
Will applicant use a storm enclosure?	YES	<input checked="" type="radio"/> NO	
Will applicant agree not to place any items or obstructions on the sidewalk, for example, sandwich boards, sidewalk signs, freestanding menus and plants, as per the law?	<input checked="" type="radio"/> YES	NO	
Will applicant comply with the NYC noise code?	<input checked="" type="radio"/> YES	NO	
Will the establishment have any of the following: (circle all that apply)	FRENCH DOORS	GARAGE DOORS	WINDOWS THAT CAN BE OPENED
Will applicant close all windows, French doors, garage doors when any music or amplified sound (including televisions) is played inside the establishment?	<input checked="" type="radio"/> YES	NO	
Will applicant close all windows, French doors, garage doors by 11 PM Friday and Saturday and 10 PM on all other days even if no music or amplified sound is played inside the establishment?	<input checked="" type="radio"/> YES	NO	
Has applicant obtained an acoustical report from a certified sound engineer to assess potential noise disturbance to the neighboring residents and buildings?	<input checked="" type="radio"/> YES	NO	
Will applicant follow the recommendations of a certified sound engineer to mitigate potential noise disturbance to the neighboring residents and buildings, including placing speakers on the floor of the establishment?	<input checked="" type="radio"/> YES	NO	
Will the kitchen exhaust system extend to the roof?	YES	NO	n/a
Will the establishment have an illuminated sign?	<input checked="" type="radio"/> YES	NO	Projection
Will the establishment have a canopy extending over the sidewalk?	YES	<input checked="" type="radio"/> NO	
Where will the air conditioner be located? What type is it?	HVAC, location TBD		
When was the air conditioner installed?	Will be installed in upcoming months		

OUTDOOR ITEMS - OTHER THEN SIDEWALK CAFÉ	Not Applicable	
Has the applicant/owner(s) read MCB 4 Rear Yard Rooftop Policy?	YES	NO
Will applicant use any outdoor spaces: rooftop, rear yard, patio, porch, balcony, pavilion, tents, deck or gazebo? If yes, which one(s)?	YES	NO
Are the floorplans for the outdoor space(s) included?	YES	NO
Will applicant close and vacate the outdoor space(s) by 11PM on Friday & Saturday and 10 PM on all other days?	YES	NO
Will the service and consumption of alcohol in any outdoor space only be via seated food service?	YES	NO
Will applicant not allow standing space for patrons to drink or smoke in any outdoor space(s)?	YES	NO
Will there be no amplified music, as per the law?	YES	NO
If amplified sound is played inside the establishment, will windows and doors be closed?	YES	NO
Will applicant agree to post signs outside asking customers to respect the neighbors'?	YES	NO
Will applicant agree to train staff to encourage a peaceful environment?	YES	NO
Will applicant provide effective sound control (landscaping enclosure, soundproofing tenants apartments)	YES	NO
Will there be a lighting plan that allows safe usage of the outdoor space without disrupting neighbors?	YES	NO

OUTDOOR ITEMS – SIDEWALK CAFÉ Not Applicable

Has the applicant/owner(s) read MCB4 Sidewalk Café Policy?	YES	NO	
Will applicant be applying for a sidewalk café now or in the future?	YES	NO	
Is applicant in this application seeking to include a sidewalk café in its liquor license?	YES	NO	
If yes, has applicant submitted an application and plans to NYC Dept. of Consumer Affairs? Please attach application and plans.	YES	NO	
Will applicant close and vacate the sidewalk café by 11 PM on Friday & Saturday and 10 PM on all other days?	YES	NO	
Will applicant be serving alcohol in the sidewalk café? If so, will you have waiter service?	YES	NO	
Will the café have a 3 ft. wide serving aisle running the entire length of the sidewalk cafe?	YES	NO	
Will applicant mark the perimeter of the café on the sidewalk?	YES	NO	
Will the service and consumption of alcohol in the sidewalk café only be via seated food service?	YES	NO	
Will the sidewalk café not provide standing space for drinking or smoking?	YES	NO	
Will applicant use any portable natural gas heaters? If so, do you have the requisite approvals from DOB & the Fire Department?	YES	NO	
Will applicant have a lighting plan that will allow safe usage of the outdoor space without disrupting neighbors?	YES	NO	
Will all furniture, plants and barricades be stored inside between the evening closing hours and the morning opening hours?	YES	NO	
Will all furniture be stored inside between December 21 st and March 21 st . and any other day when it rains or snows?	YES	NO	
Will applicant use umbrellas?	YES	NO	
If construction or construction protection has reduced the sidewalk width, will applicant always maintain an 8 foot clear path of sidewalk between the perimeter of the café and the closes obstruction including construction barricades?	YES	NO	

ADDITIONAL STIPULATIONS: (Office Use Only)

L1 AND SERVICE AND CONSULTATION
ON PATIENT FLOOR ONLY.

NO
THERE WILL BE ~~NO~~ LINES OR
OUTSIDE QUEUING ON
5th FL. OR NINETEEN.

THERE WILL BE NO USE OF
RECEPTION OR ANY OUTSIDE
SPACE.

LICENCED PERSONS ~~WILL~~ IN PATIENT
WILL BE EXPO TO THEATRE
PATIENT ONLY.

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.

ADDITIONAL STIPULATIONS: (Office Use Only), Continued

~~THEATRE PATRONS WILL NOT
BE DIRECTED~~

~~STAFF WILL:~~

THEATRE STAFF WILL NOT DIRECT
OR ENCOURAGE THEATRE PATRONS
TO RETURN TO BAYSHORE PARK AFTER
~~FOLLOWING~~ THE PERFORMANCES.

~~THEATRE WILL WORK WITH
COMMUNITY TO ~~ENHANCE~~ DEVELOP
KNOWLEDGE + EXISTING ~~RESOURCES~~
~~DO NOT~~ MAKE ~~STRUCTURE~~
CAUSE ~~OF~~ DELAYED CONSTRUCTION.~~

To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.

ADDITIONAL STIPULATIONS: (Office Use Only)

Applicant committed to
working with community
to ~~develop~~ develop ~~flexible~~
flexible exit strategies to ~~reduce~~ reduce
financial contribution.

Payment DAC will clear
no later than ~~the~~ end
of the first performance.


To the extent any additional stipulation on pages 7 and 8 of this application conflicts with any response on pages 1 - 6 of this application, the stipulations on pages 7 and 8 control.

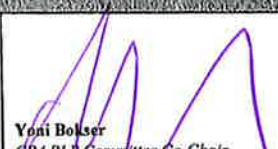
Manhattan Community Board 4 (MCB4) recommends:
 (MCB4's recommendation is based on a vote taken at its
 May 1, 2019 full board meeting, with 35 members voting in favor
 of the recommendation, 1 members opposed, 3 members
 abstaining and 0 present but not eligible)

Denial unless all stipulations agreed to by applicant/owner are part of the method of operation
 Denial Approval

CB4 REPRESENTATIVES



 Nelly Gonzalez
 CB4 Assistant District Manager


 Frank H Mozubiec
 CB4 BLP Committee Co-Chair


 Yoni Bokser
 CB4 BLP Committee Co-Chair

APPLICANT AGREEMENT WITH THE COMMUNITY

Applicant agrees to these stipulations as the basis for the community support of this application and acknowledges that all of these stipulations are essential prerequisites to the MCB4 recommendation regarding this application. Applicant agrees to have these stipulations incorporated in the method of operation of its liquor license. The stipulations in this application constitute the entire agreement between MCB4 and applicant and may only be altered in writing signed by MCB4 and applicant. These stipulations supersede any oral statements or representations in connection with this application.

SIGN HERE →	CASSANDRA SANFORD ROSENTHAL		3/27/19
	PRINT NAME OF APPLICANT	SIGNATURE OF APPLICANT	DATE

JENNIFER TURT
 PRODUCER



4/9/19

Proximity Report for Location:

March 26, 2019

771 9 Ave, New York, NY, 10019

* This report is for informational purposes only in aid of identifying establishments potentially subject to 500 and 200 foot rules. Distances are approximated using industry standard GIS techniques and do not reflect actual distances between points of entry. The NYS Liquor Authority makes no representation as to the accuracy of the information and disclaims any liability for errors.

Closest Liquor Stores

Name	Address	Approx. Distance
ROYAL WINES & LIQUORS INC	789 9TH AVE	245 ft
WEST 54 LIQUORS LLC	453 W 54TH ST	760 ft
54 WINES & SPIRITS INC	400 W 55TH ST AKA 839 9TH AVE	860 ft
706 9TH AVE LIQUORS INC	706 9TH AVE	865 ft
CELLAR 53 WINE & SPIRITS INC	785 10TH AVE	945 ft
SHON 45 LIQUORS INC	840 8TH AVENUE	1065 ft
ADRIATIC WINE & LIQUOR LLC	714 10TH AVENUE	1070 ft

Churches within 500 Feet

Name	Approx. Distance
Saint Benedict's Roman Catholic Church	475 ft

Schools within 500 Feet

Name	Address	Approx. Distance
PS/IS 111 ADOLPH S. OCHS SCHOO	440 W 53RD ST	365 ft

On-Premise Licenses within 750 Feet

Name	Address	Approx. Distance
AGEHA JAPANESE FUSION INC	767 9TH AVE	45 ft
PGNV LLC	765 9TH AVE	75 ft
COVADONGA INC	763 9TH AVE	100 ft
MORNINGSIDE TERRACE CORP	772 9TH AVE	115 ft
AGGIEPOLO INC	761 9TH AVE	120 ft
INISTIOGE INC	768 9TH AVE	120 ft
ARRIBA ARRIBA MEXICAN RESTAURANTS INC	762 9TH AVENUE	160 ft
7 WASHINGTON LANE CORP	369 W 51ST ST	170 ft
TWO BIG BOYS INC	405 WEST 51ST STREET	170 ft
785 CAFE INC	785 9TH AVENUE	195 ft
SURYA HELLS KITCHEN INC	788 9TH AVE	220 ft
OXIDO CORP	753 9TH AVE	230 ft
HIGHLANDERS 756 INC	756 NINTH AVE	235 ft
SHERIDIN FAST FOOD INC	789 9TH AVE	245 ft
LARRY KEVIN K CORP	751 9TH AVE	255 ft
VYNL LLC	754 9TH AVE	260 ft

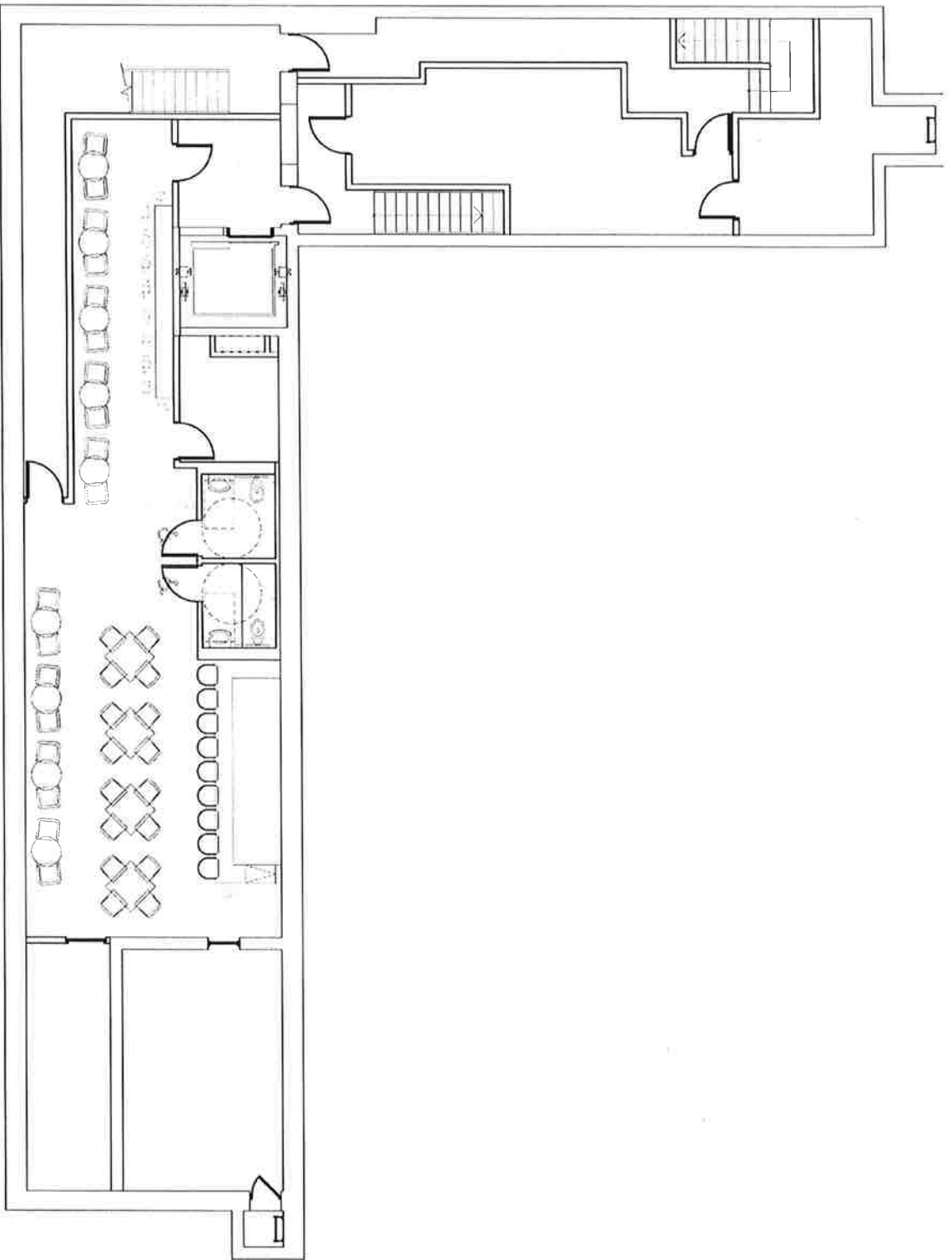
Name	Address	Approx. Distance
FLAMING SADDLES NYC 1 LLC	793 9TH AVE	295 ft
HELLS KITCHEN THAI INC	750 9TH AVE	305 ft
UNCLE NICKS INC	747 9TH AVENUE	305 ft
798 NINTH RESTAURANT LLC	798 9TH AVE	330 ft
BASERA INDIAN CUISINE INC	745 9TH AVE	330 ft
IDEALIZE INC	362 W 53RD ST	350 ft
DREAM TEAM PARTNERS LLC	744 9TH AVENUE	370 ft
SAINT NEOT LLC	401 W 53RD ST	390 ft
MORALES CABRERA CORP	741 9TH AVE	395 ft
401 W 50 TAVERN INC	401 W 50TH STREET	405 ft
BOXERS ENTERPRISES LLC	742 9TH AVE	415 ft
STOKES & MCGINLEY INC	800 9TH AVE	420 ft
ELYMAR RESTAURANT CORPORATION	365 W 50TH STREET	445 ft
S SCOTTY ENTERPRISES INC	802 9TH AVE	455 ft
MONTAFON LLC	344 346 W 52ND ST	475 ft
BAR 9 ENTERTAINMENT CORP	807 9TH AVE	480 ft
WESTVILLE HK LLC	809 9TH AVE	495 ft
SOUND BITE RESTAURANT LLC, THE	735 739 9TH AVE	505 ft
TWO GUYS AND TOM INC	348 W 52ND ST	520 ft
MEDI WINEBAR LLC	811-13 9TH AVENUE	520 ft
733 RESTAURANT CORP	733 9TH AVENUE	530 ft
PRIVY LLC	346 W 52ND STREET	540 ft
SPOONFED NEW YORK COUNTRY GROUP LLC	331 W 51ST ST	550 ft
329 BLEECKER CORP	329 W 51ST ST	565 ft
WOO LAE OAK 50 INC	350 WEST 50TH STREET	575 ft
TPMJV BAR & REST CORP	815 9TH AVE	605 ft
IPPUDO NY LLC	321 323 W 51ST ST	620 ft
SCOOPS 359 INC	359 W 54TH ST	665 ft
WASHINGTON JEFFERSON HOTEL LLC	318 W 51ST ST	665 ft
NEW WORLD STAGES HOLDING CO LLC &	340 W 50TH ST	670 ft
CHOW DOWN INC	824 NINTH AVENUE	675 ft
KIOSK 50 CORP	322 W 50TH STREET	695 ft
BACCO 828 9TH AVE CORP	828 9TH AVE	725 ft
AURA LLC AND SCOTT STERNICK AND RICHARD WINKELMAN	350 W 49TH ST	740 ft
CERTA GENTE LLC	325 W 51ST STREET	740 ft
SHIMIZU & TODO LLC	318 324 W 51ST STREET	750 ft

Pending Licenses within 750 Feet

Name	Address	Approx. Distance
GUSTALY LLC	796 9TH AVE	305 ft
LUCKY RICEBURGER LTD	746 9TH AVE	355 ft
UOGASHI NEW YORK INC	318 W 51ST ST	665 ft

Unmapped licenses within zipcode of report location

Name	Address
------	---------



fireplay

HOUSE MADE SEASONAL PICKLES

Hakurei Turnip, Garlic Scape, Turmeric Cauliflower, Spicy Lemon Beet
\$11

BELUGA LENTIL SALAD

Rancho Gordo Lentils, Lemon, Purslane, Corn, Seeded Bread Crostini
\$15

FLAT GRILLED CHEESE

Fontina, Arugula Pesto, Pita Bread
\$11

WATERMELON FETA SALAD

Preserved Lemon Marinated Feta, Basil Oil
\$14

FENNEL SPICY SAUSAGE

Toast and Toothpicks
\$16

EGG IN TOAST

Parmesan, Green Onion, Lost Bread Co Rolls
\$14

SHRIMP SHU MAI

Black Vinegar, Soy Sauce, Garlic
\$12

DUCK RIELLET

Preserved Peaches, Seeded Bread Crostini
\$18

PAPAS BRAVAS

Parmesan, Saffron Aioli, Baked Egg (add \$2)
\$11

POPCORN

Parmesan, Truffle Spritz
\$12



CITY OF NEW YORK
 MANHATTAN COMMUNITY BOARD No. 4
 330 West 42nd Street, 28th floor New York, NY 10036
 Tel: 212-738-4536 Fax: 212-247-9512
 www.nyc.gov/mob4

BURT LAZARUS
 Chair
 JESSIE BOONE
 District Manager

PUBLIC NOTICE

Business Licenses and Permits Committee
 will discuss an application submitted by

Particle Ink NY LLC
771 9th Avenue

An application for a liquor, wine, beer & cider
 license for a Bar/Tavern Establishment with
 Recorded Music

DATE:	Tuesday, April 9, 2019
TIME:	6:30 PM
PLACE:	Fountain House 425 W 47 th Street, Lower Level

We invite you to attend this meeting and give your comments on this application.
 Alternately, you may mail, fax or email us at the address listed above.
 For more information, please call 212-738-4536.

Posted according to the Administrative Code of the City of New York section 10-119. Please do not remove until after the above meeting date.

for recessions, having in-
 verted before each of the
 last seven recessions as
 measured by the National

A contractor with Amazon in Los Angeles picks up bags of groceries to deliver to Whole Foods customers.

from...
 statements.
 Granting...
 Granting...
 Granting...

ADVERTISEMENT

How do I diversify with

TD Ameritrade

Turn to page R8 to see how our specialists can answer all your futures questions.

THE WALL STREET JOURNAL

DDW JONES | News Corp

MONDAY, MARCH 26, 2019 - VOL. CCLXXXIII NO. 69

WSJ.com

★★★★

Week: D/JA 25802.32 ▼ 346.55 1.3% NASDAQ 7622.67 ▼ 0.6% S&P 500 2768.03 ▼ 1.3% 10-YR-TREASURY ▲ 1/6/32, Yield 2.459% OIL \$59.04 ▲ \$0.22 EURO \$1.1305

Mueller Finds No Trump Collusi

Report makes no firm...
 order General William...
 with congressional Demo...
 mizing the fin

Janovic
Paint & Decorating

WILL BE **MOVING** UP THE BLOCK ON JUNE 26th

766 10th Ave.
(corner of 52nd St)



JANOVIC
MOVED TO
766 10th Ave
(corner of 52nd St)

771 9th Avenue

Particle Ink Traffic and Access Study

Prepared For:
Particle Ink, LLC



James Heineman

EQUITYENVIRONMENTAL.COM

500 International Drive, Suite 150

Mount Olive, NJ 07828

4/8/2019

Equity Environmental has reviewed the traffic and parking generation associated with the proposed Particle Ink immersive art venue, proposed for a location at 771 9th Avenue and 406 West 52nd Street in Manhattan Community District Four. Based on our understanding of the venue's operations and the area's land use and transportation context, we believe that it can operate at this location without adversely affecting traffic, parking or community character. This evaluation is based on our study of the site area and surrounding neighborhood and an analysis of the traffic generating characteristics for the proposed space. At the end of this report, a summary of strategies and approaches for managing traffic and access at Particle Ink is provided to facilitate arrivals and departures to the venue.

Venue

The proposed venue is located within the cellar through fourth floor space of the building located at 771 9th Avenue (Block 1061, Lot 14) and the cellar and first floor of 406 West 52nd Street (Block 1061, Lot 136), as shown in **Figure 1**. The buildings join at the rear to form an L-shape with frontage on 9th Avenue at on West 52nd Street. The project is planned as an immersive art space where audience members move from one area to another within the building over the course of an approximately two-hour performance. The present SLA application is for a bar/lounge area in the cellar of the building, where ticketed patrons would be served prior to and following the performance to be held on the upper floors of the venue. All food and beverages would be consumed in the cellar lounge, and would not be permitted within the rest of the venue spaces. Proposed operations are discussed further below. The proposed use is permitted by the site's R8/C1-5 zoning.

EXISTING CONDITIONS

Area Context

The Hell's Kitchen neighborhood in which the planned venue is proposed features a mix of medium-density residential and commercial spaces with a variety of retail, service and eating/drinking establishments. The site is zoned R8/C1-5, a zone intended to permit medium density residential and community facility uses along with commercial retail and office uses primarily serving a local market. This highly walkable neighborhood, shown in **Figure 3**, features a vibrant commercial streetscape with wide sidewalks, and is centrally located in close proximity to the 50th Street station of the C and E subway lines. An M11 bus stop is directly adjacent curbside to the 9th Street frontage of the venue – where drop-off and pick-ups from the venue will have to be considered with bus's alighting.

Streets, Sidewalks and Traffic

The patron entrance is located on West 52nd Street, which runs in an eastbound direction. It has a single moving lane for traffic with curbside parking/loading on both sides and a total roadway width of 30 feet. The south sidewalk immediately in front of the site has a width of 15 feet.

A review of average annual daily traffic (AADT) recorded by NYS Department of Transportation was evaluated for major road segments abutting the project site. The latest available data identified an AADT of 6,075 cars on West 52nd Street, with heaviest volumes during the 8 to 9 AM hour (474 vehicles). Heaviest traffic during the venue's active hours is during the 7 to 8 pm hour (340 vehicles). 9th Avenue had an AADT of 31,017 vehicles, with peak hours of 9 to 10 AM (1,785 vehicles) and a peak during the venue's active hours of 1,699 vehicles during the 7 to 8 PM hour.

Parking

West 52nd Street directly in front of the site has no parking 8 am to 6 PM except Sunday. The north side of West 52nd Street, across the street from the project site, is signed for No Parking from 8 AM to Midnight, except Sunday. A bus stop occupies the curb lane in front of the 9th Avenue frontage of the site. The remainder of this block is signed for No Standing 7 AM to 10 AM and 4 PM to 7 PM Monday to Saturday, with metered commercial parking between 10 am and 4 PM, and metered parking between 7 PM and 11 PM, when the venue would be active. The east side of 9th Avenue has metered commercial parking from 7 AM to 7 PM except Sunday, and metered parking from 7 PM to

11 PM, when the venue would be active. There are several off-street parking facilities in the vicinity, as detailed in the following table and shown in **Figure 2**.

Table 1: Off-Street Parking within Vicinity of Project Site

Operator Name	Address	Parking Spaces
53-10 Associates	792 10th Avenue	198
53rd Parking Corp	301 West 53rd Street	53
HJ Parking LLC	851 8th Avenue	226
JAY B Realty Corp	354 West 52nd Street	18
Hudson View Garage LLC	747 10th Avenue	107
331 50th St Parking Corp	336 West 51st Street	124
311 Parking Corp	311 West 50th Street	60
Theatre 50 Parking LLC	305 West 50th Street	63

Based on discussions with the operators of these facilities, these facilities are busiest during daytime business hours and there is ample capacity available during the proposed venue's peak evening hours of operation

Transit

The 50th Street station of the IND C and E trains is accessible at 8th Avenue and 51st Street, one block west and one block south of the project site. The M11 bus operates uptown on 10th Avenue and downtown on 9th Avenue.


Bicycle Share

Citibike docking stations are located at 9th Avenue and 50th Street and at 9th Avenue and 54th Street.

Figure 1: Project Access Map



Legend

 771 9th Avenue

0 20 40 80 120 160 US Feet



Figure 2: Transit & Parking Assets Map



Legend

- 771 9th Avenue
- Bus Stops
- Bus Routes
- Subway Entrances
- Subway Routes
- Off-Street Parking Locations

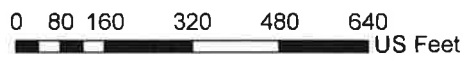


Figure 3: Neighborhood Aerial Map



Legend

- 771 9th Avenue
- Bus Stops
- Bus Routes
- Subway Entrances
- Subway Routes

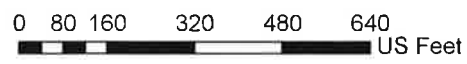


Photo 1: 9th Ave Frontage



Photo 2: 52nd Street Frontage



Proposed Venue

Particle Ink is an immersive art venue featuring live performers and projected visual elements. The immersive experience would guide patrons through the entire venue comprising four floors (cellar through third). Each showing would last approximately two hours, with two waves of patrons, the first starting 30 minutes after the second. Total attendance at each showing would be up to 175 persons, with 85 in one wave and 90 in the other. Prior to and following their ticketed admission times, patrons would be able to purchase food and beverages in a cellar-level bar/lounge waiting area. There would be two showings on Tuesday and Wednesday evenings, three showings on Thursday and Friday, and four on Saturday and Sunday. The venue would be closed on Monday. Proposed licensed hours would be from 6:30 PM to midnight Tuesday to Thursday and Sunday, and from 2 PM to 2 AM on Friday and Saturday.

Venue Traffic and Access Analysis

Access to the venue is via a set of double doors on West 52nd Street. These doors would open into a 500 square foot receiving area, where tickets would be checked. Patrons would then proceed immediately to the cellar level waiting area/bar lounge. Given the size of the receiving area and waiting area, and the number of patrons in each wave, patrons would enter the venue directly, without any queuing outside.

The worst-case conditions would occur when a showing is sold out, with 175 patrons visiting the venue in a two-hour period. It is expected that most patrons would arrive within a 30-minute window prior to their ticketed time, with earlier arrivals spending time in the bar/lounge waiting area. Departures would follow a similar pattern, with some patrons departing immediately and some stopping in the bar/lounge. With two waves of 85 and 90 patrons respectively, on a 30-minute stagger, it is expected that the entire attendance of 175 persons would arrive and then depart within a one-hour period before and after each showing.

These factors were utilized to build arrival and departure models for the proposed licensed space and then broken down into travel mode to identify the number of private cars, cabs/car service, and pedestrian trips associated with the venue. These projections serve as a basis of assessment for potential traffic impact and identify operational measures for optimal functioning within the context of the neighborhood.

The assessment below assumes private car and cab/car service occupancy to be an average of 2 patrons per vehicle. Net cab/car service trips are assumed to consist of both an arriving and departing movement. Non-drop-off private car trips are counted as pedestrian arrivals at the door as the models below assume that these vehicles would seek curbside or off-street parking accommodations elsewhere in the area. There is no on-site parking proposed.

Assessment of Arrivals and Departures for the Venue Space

The worst-case condition for traffic would occur with patrons arriving during the peak evening period of background traffic, identified as 7 to 8 PM. Because showings would consist of two staggered waves, the patronage of 175 persons would be spaced evenly over the entire hour, rather than concentrated during a shorter period.

It is conservatively expected the venue would generate 35% of its patrons from cab/car-service which would drop-off at the West 52nd Street entrance, or around the corner on 9th Avenue. 20% would take private auto and park at a local public parking facility, and 45% would walk or use transit and walk to site. For the peak arrival and departure periods for a worst-case 175-person attendance, this would equal 30 vehicular arrival/departures at the entrance on West 52nd Street or 9th Avenue. Because it is expected that most patrons taking a taxi or ride share to the venue would be arriving from the east, at least 50% would likely choose 9th Avenue for drop-off/pick-up, rather than circling around via 10th Avenue to the West 52nd Street entrance. Additionally, since the venue's address is identified as 771 9th Avenue, this would be the destination drivers would be directed to by GPS devices. It is anticipated that this number of vehicular arrival and drop-off trips at both frontages to the venue, when considered over an hour pre and post-performance, would result in an averaged cab arrival every third minute and perhaps 4-5 over the busiest five-minute arrival period.

An additional 114 pedestrian arrival/departures would occur, including people walking from local origin points, from transit, or from nearby parking facilities.

Traffic and Venue Access Management Recommendations

This section proposes recommendations based on the venue's neighborhood context and its trip generation characteristics.

The recommended measures can assist in minimizing traffic impacts to neighbors while enhancing efficient operation and interface with adjacent land uses. It should be noted that the findings of this report are only an estimate or forecast of how the venue might perform under 'worst-case' conditions and that the most important recommendation is for venue management to monitor and adapt to real world operational situations. The overriding goal of this study is to provide a method of evaluating patron arrivals and departures that can guide staffing and security approaches under the varying conditions of future operations. The recommendations below include management and staff protocols, fixed signage, street and curbside access controls, technology-based wayfinding/access guidance, and the notion of continuous operational evaluation and improvement.

1. Curb Access, Coordination and Signage Controls

- a. Currently the south side of West 52nd Street is available for curbside parking after 6 pm, and therefore would likely be unavailable for drop-offs and pick-ups during peak periods. However, the north side of West 52nd Street, where there is no parking until midnight, would be available. 9th Avenue has metered parking after 7 PM and it is expected that curbside drop-off space would therefore be available, and additionally a bus stop where it is likely quick drop-offs and pick-ups would occur. Venue drop interaction with the M11 bus stop adjacent to the 9th Street frontage should be monitored and assessed during arrival periods to assure that this curbside area is kept clear for MTA bus operations.

2. Active Access Management

- a. Staffed managed entry and egress.
 - i. To prevent patron sidewalk queuing and to assure prompt departure particularly after 2am close so as not to disturb residential neighbors.
- b. Active curbside monitoring at peak arrival and departure periods.
 - i. To prevent vehicular queuing, idling and to quickly transition patron arrivals and departures to keep street clear and traffic moving, staff should be deployed as needed to manage pedestrian and traffic movements at the curbside during peak arrival and departure periods.

3. Access Technology and Social Media

- a. Venue access should include active social media to provide details on arrival and departure options, including directions for access, links to uber that directs drivers and patrons. Messaging protocol should provide information to patrons on where to hail Uber or TLC cabs, and provide links to private parking lots, directions and schedules for public transit access.
 - i. Signage should be placed at key locations in the interior of the building indicating that hailing ride services should occur on 9th Avenue.
- b. In order to maximize the site's locational advantages and ensure that patron traffic flows smoothly, the venue operators should make efforts to provide patrons with timely information on parking, traffic conditions including construction, and phone numbers for local cab/limo companies. This information can be provided on the facility's Web site, either directly or via links to transportation providers' Web sites, via e-mail or social media (Twitter, Facebook, etc.)

4. Post Operation Traffic/Access Assessment

- a. Evaluate arrivals and departures after 6 months of operation and adapt access management approaches based on findings. The above recommended curbside and access area management strategies should be adjusted based on these findings and neighbors' input, and access plans developed based on experience.

Conclusion

The venue is located in a pedestrian-friendly, transit-rich section of Hell's Kitchen that allows for multiple modes of access. It is further noted that the venue's size and its use of timed, ticketed admissions ensures that it will not draw an unforeseen large number of visitors. Finally, when introducing the access management recommendations above, calling for a combination of staffed monitoring and control of entry and curbside access in coordination with fixed signage and drop-off protocols and the provision venue access information via social media and messaging technology, it is this study's conclusion that Particle Ink can successfully operate in and positively contribute to the neighborhood without adversely impacting traffic operations in the area. The key to assuring this conclusion is to continually and thoughtfully evaluate operations and adapt strategies that minimize adverse impacts while striving to enhance neighborhood character and vitality.



Melissa Morales <melissa@pb.law>

Particle Ink - 771 Ninth Ave

1 message

Cassandra Rosenthal <cassandra@particleink.com> Sun, Mar 24, 2019 at 12:47 PM
To: Cassandra Rosenthal <cassandra@particleink.com>, Jennifer Tuft <jennifertuft@gmail.com>
Bcc: melissa@pb.law

Dear Neighbor,

We are the founders of Particle Ink, a leader in Mixed Reality storytelling. We're creating the first universe in an experiential art gallery where live performers and projected characters seamlessly bring a graphic novel to life in ways most people have never seen or experienced. It's an exciting take on performance art, and we're thrilled to come to the neighborhood.

We've found a permanent home at 771 Ninth Avenue, where the old Benjamin Moore store was. Once we are up and running, we'll be having regular performances at this location, where instead of remaining in seats like in a traditional theater, guests will walk through the space and experience the story around them. It's like *Tony and Tina's Wedding* on steroids. Our performances will end at midnight on weeknights and 2am on weekends.

Us and our partners are industry veterans, and our work spans across premium companies such as Cirque du Soleil, Blue Man Group, Walt Disney, Creative Artists Agency, BBC, Google, Shakespeare Theatre and many more.

Like any theatre, ours will also have a lounge area where guests can purchase food, soft drinks, and alcoholic beverages. Food and drinks will be limited to the lounge area - guests will not be permitted to bring food or drinks into the performance space. There will be recorded background music in the lounge area. Only ticketed guests will be permitted to enter.

We'll be appearing at Community Board 4's Business Licenses and Permits Committee at Fountain House (425 W 47 St - Lower Level) on Tuesday April 9 at 6:30 to explain our concept further. You can watch a preview of the magic [HERE](#). If you have any questions in advance of the meeting, I really hope you'll give us a call at 917.620.4783 (Cassandra) or 917.771.5174 (Jennifer), or feel free to send us an email.

We believe our concept will enrich the neighborhood with the unique form of art we plan on offering. We look forward to hearing from you!

Thank you,

Cassandra Rosenthal and Jennifer Tuft
Founders and co-CEO's

From: **HK5051 Neighborhood Association** <hk5051@gmail.com>

Date: Thu, Mar 28, 2019 at 1:27 PM

Subject: 771 Ninth Avenue

To: Jesse Bodine <jbodine@cb.nyc.gov>, Nelly Gonzalez <negonzalez@cb.nyc.gov>, Holozubiec, Frank <fholozubiec@kirkland.com>

Dear BLP Board Members.

I am writing you in regards to 771 Ninth avenue.

The current applicant for a liquor license is looking to use the entire space for an immersive performance show that uses projection and mixed reality to tell a compelling story.

They had contacted us two months prior to attending the April 9th BLP Meeting.

They have been well received by the community.

They are applying for a liquor license for a lounge in the basement area for theater patrons only.

They have a side entrance on 52nd Street that is long enough to contain any queueing for the shows. Therefore there will be no outside lines. They will be soundproofing the entire space.

The soundproofing is to make sure no outside sound affects the performance going on in the inside. It has the added affect of making sure neighbors are not affected who live in the surrounding area.

They stated that they have no interest in a rooftop bar or in using any outdoor space.

We are grateful for all the outreach they have done.

We feel this applicant is a good fit for our community and look forward to having them as a member.

Sincerely,

-

Steve Belida

Chair

HK5051 Block Association