



THE CITY OF NEW YORK
 MANHATTAN COMMUNITY BOARD 3
 59 East 4th Street - New York, NY 10003
 Phone (212) 533-5300
 www.cb3manhattan.org - mn03@cb.nyc.gov

Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

Community Board 3 Liquor License Stipulations for Administrative Approval

I, Justin Fracani, as a qualified representative of Viva Natural Pizza Inc
 located at 248 East 5th Street, New York, NY agree to the following stipulations:

- I will operate a full-service restaurant, specifically a (type of restaurant) _____
 Kitchen open and serving food every night during all hours of operation.
- My hours of operation will be:
 Mon 11 AM - 12 AM; Tue 11 AM - 12 AM; Wed 11 AM - 12 AM;
 Thu 11 AM - 12 AM; Fri 11 AM - 12 AM; Sat 11 AM - 12 AM; Sun 11 AM - 12 AM.

(I understand opening is no later than specified opening hour & all patrons are to be cleared from business at specified closing hour)

- I may apply for sidewalk and/or roadbed dining as allowed by the temporary Open Restaurants program but will close all outdoor dining by 10:00pm all days and not have any music, speakers or tv monitors. I will not have commercial use of backyard, sideyard, or rooftop. Any approved outdoor space will close no later than 10:00 p.m.
- I will close any front or rear façade doors and windows at 10:00 P.M. every night or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances. I will have a closed fixed façade with no open doors or windows except my entrance door will close by 10:00 P.M. or when amplified sound is playing, including but not limited to DJs, live music and live nonmusical performances.
- I will not have DJs, live music, promoted events, any event at which a cover fee is charged, scheduled performances, more than _____ private parties per _____
- I will play ambient recorded background music only. _____ number of TVs
- I will not apply for an alteration to the method of operation or for any physical alterations of any nature without first coming before CB 3.
- I will not seek a change in class to a full on-premises liquor license without first obtaining approval from CB 3.
- I will not participate in pub crawls or have party buses come to my establishment.
- I will not have unlimited drink specials, including boozy brunches, with food.
- I will not have a happy hour drink specials with or without time limitations OR I will have happy hour and it will end by 7 pm.
- I will not have wait lines outside. I will have a staff person responsible for ensuring no loitering, noise or crowds outside.
- I will conspicuously post this stipulation form beside my liquor license inside of my business.
- Residents may contact the manager/owner at the number below. Any complaints will be addressed immediately. I will revisit the above-stated method of operation if necessary in order to minimize my establishment's impact on my neighbors.

Name: Justin Fracani Phone Number: (917) 226-6972

15. I will: _____

I hereby certify that the information provided above is truthful and accurate based upon my personal belief.

Signed Justin Fracani Dated 01/13/2022
 Sworn to this 13th day of January 2022
 Notary Public

FRANK W. PALILLO
 Notary Public, State of New York
 No. 24-010412
 Qualified in Kings County
 Commission Expires April 18, 2022



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Community Board 3 Liquor License Application Questionnaire

Today's Date: January 4, 2022

APPLICANT

1. Name of applicant and principle(s): Viva Natural Pizza Inc - Justin Iracani and Nick DeMaria
2. Premise address: 248 East 5th Street aka 85 2nd Avenue
3. Cross streets: Corner of Second Avenue
4. Trade name (DBA): Viva Cucina
5. Check which you are applying to: New liquor license Alteration of an existing license Sale of assets
6. If alteration, describe nature of alteration: _____
7. Is location currently licensed? Yes No
8. Type of license: Restaurant Wine
9. Previous or current use of the location: Restaurant
10. Corporation and trade name of current location: Nai Tapas Restaurant Corp
11. Type of building and number of floors: 5 story brick
12. Does premise have a valid Certificate of Occupancy and all appropriate permits, including for any back or side yard use? Yes No 12a. What is the permitted occupancy indoors and outdoors? 144
13. Do you plan to apply for Public Assembly permit? Yes No
14. What is the zoning designation (check zoning using map: <http://gis.nyc.gov/doitt/nycitymap/> - please give specific zoning designation, such as R8 or C2): R7A C2-5
15. How many licensed establishments are within 1 block? SEE ATTACHED
16. How many On-Premise (OP) liquor licenses are within 500 feet? SEE ATTACHED
17. Is premise within 200 feet of any school or place of worship? Yes No

PROPOSED METHOD OF OPERATION

18. Describe your method of operation: Restaurant
19. Will any other business besides food or alcohol service be conducted at premise? Yes No
20. If yes, please describe what type: _____
21. What are the proposed days / hours of operation (specify days / hours each day and hours of outdoor space if applicable): 11AM - 12AM
22. Total number of table: 46 23. Total number of seats: 113
24. How many stand-up bars / bar seats are located on the premise? 1/14
(A stand-up bar is any bar or counter, whether with seating or not, over which a patron can order, pay for, and receive an alcoholic beverage.)

25. Describe all bars (length, shape, and location): 1. Approx 17'0" L. Shape/1st floor 2. Approx 10'0" / Straight/2nd floor
26. Does premise have a full kitchen? Yes No
27. What are the hours kitchen will be open? All hours of operation
28. What type of food is available for sale? Italian
29. Will a manager or principal always be on site? Yes No If yes, which? _____
30. How many employees will there be? 10-12
31. Do you have or plan to install? French doors accordion doors windows currently exist
32. Will there be TVs / monitors? Yes No If Yes, how many? _____
33. Will premise have music? Yes No 33a. If Yes, what type of music? Live Music Jukebox
 DJ Tapes / CDs / iPod
34. If other type, please describe: _____
35. What will be the music volume? Background (quiet) Entertainment level
36. Please describe your sound system: small speakers computer generated
37. Will you host any promoted events, scheduled performances or any event at which a cover fee is charged?
 Yes No
38. If Yes, what type of events or performances are proposed and how often? No
39. How do you plan to manage vehicular traffic and crowds on the sidewalk caused by your establishment? _____
One employee will be designated to insure that crowds do not congregate on the sidewalk
40. Will there be security personnel? Yes No 40a. If Yes, how many and when? _____
41. How do you plan to manage noise inside and outside your business so neighbors will not be affected? _____
Interior - noise will be carefully monitored and only true background noise music, that does not interfere with conversation, will be played
42. Do you have sound proofing installed? Yes No Exterior - One employee will be designated to insure that front of these premises do not become noisy.
43. If not, do you plan to install sound-proofing? Yes No

APPLICANT HISTORY

44. Has this corporation or any principal been licensed previously? Yes No If yes, please indicate name of establishment(s): Nicky D's, Inc
45. Address: 2602 Gerritsen Ave Brooklyn NY 45a. Community Board 15 (BK)
46. Dates of operation: 1996-1999
47. Has any principal had work experience similar to the proposed business? Yes No If yes, explanation of experience or resume. ① Cafe Viva 2578 Broadway NYC
48. Does any principal have other business in the area? Yes No If yes, give trade name and describe type of business: _____
49. Has any principal had SLA reports or action within the past 3 years? Yes No If yes, attach list of violations and dates of violations and outcomes.

COMMUNITY OUTREACH

Please see the Community Board website to find block associations or tenant associations in the immediate vicinity of your location for community outreach. Applicants are encouraged to reach out to community groups.

Pharmacy
 Coffee Store
 Vacant
 Calxico 99 2nd Ave.
 Residential
 Vacant
 Residential
 Pub on Second 93 2nd Ave.
 Residential
 Toy Store
 S&P Wines 89 2nd Ave.
 Coopers 87 2nd Ave. AKA 239 E. 5th Ave

APPLICANT

Residential
 Clothing
 Deli
 Brick Lane
 (wine, beer)
 Sauced Up (wine, beer)
 Vacant
 Smoke Shop
 Bakery
 Pizzeria
 Groceries

Sestina
 84 E. 4th St.
 Double Zero
 65 2nd Ave.
 Residential

300'
 300'

AREA SURVEY

248 E. 5th Street

New York, NY

November 27, 2021

2nd Avenue

NOT TO SCALE

East 6th Street

Florist
 Deli
 Vacant
 Community Center
 Residential
 Vacant
 Residential
 Local 92 (wine, beer)
 Marufuku Ramen (wine, beer)
 Frank 88 2nd Ave.
 Residential
 Eros 88 2nd Ave.

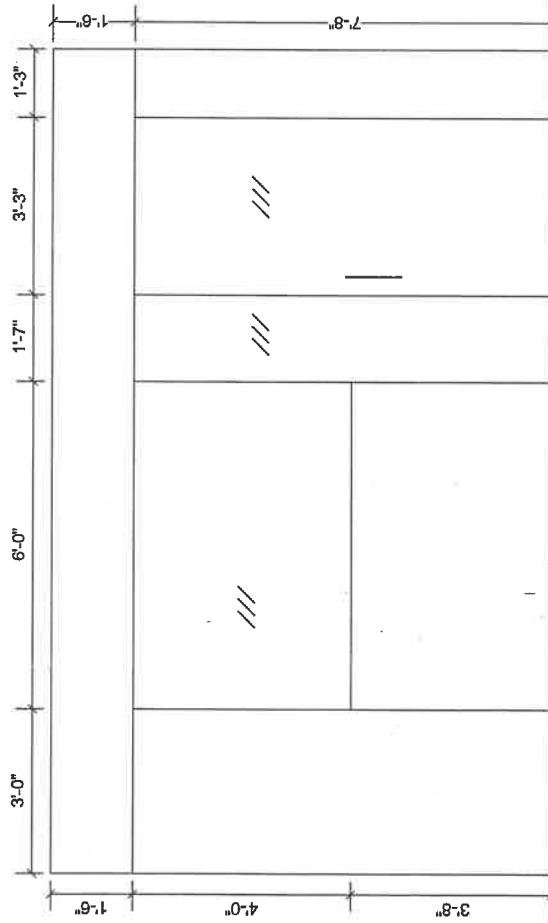
East 5th Street

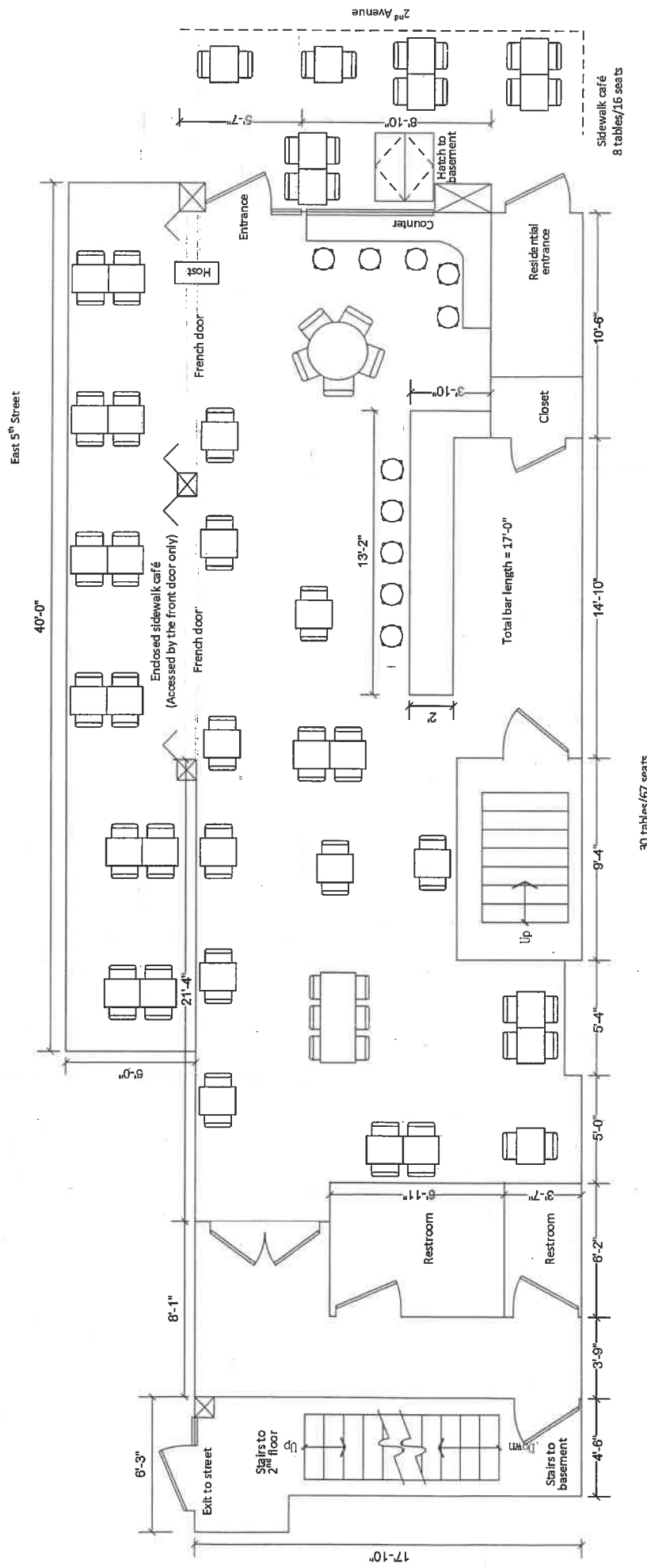
Sushi by M
 (wine, beer)
 Residential
 Vacant
 Vacant
 Smoke Shop
 Residential
 Cacio e Vino (wine, beer)
 Residential
 Nomad (wine, beer)
 2nd Avenue Church
 72 2nd Ave.
 Residential
 Cleaners
 Bank

East 4th Street

Queen
 68 2nd Ave.
 Smoke Shop
 Bike Store

FRONT ELEVATION
248 East 5th Street
New York, NY
November 22, 2021
NOT TO SCALE





INTERIOR DIAGRAM - 1st Floor
 248 East 5th Street
 New York, NY
 November 22, 2021

NOT TO SCALE

30 tables/67 seats

Sidewalk café
 8 tables/16 seats

17'-10"

East 5th Street

2nd Avenue

Exit to street

Stairs to 2nd floor

Stairs to basement

Restroom

Restroom

Up

Total bar length = 17'-0"

Closet

Residential entrance

Counter

Hatch to basement

Entrance

Host

French door

French door

Enclosed sidewalk café
 (Accessed by the front door only)

40'-0"

5'-0"

8'-1"

21'-4"

5'-0"

5'-4"

9'-4"

14'-10"

10'-6"

13'-2"

2

1

3'-10"

5'-7"

8'-10"

5'-7"

3'-9"

4'-6"

6'-2"

5'-0"

5'-4"

9'-4"

14'-10"

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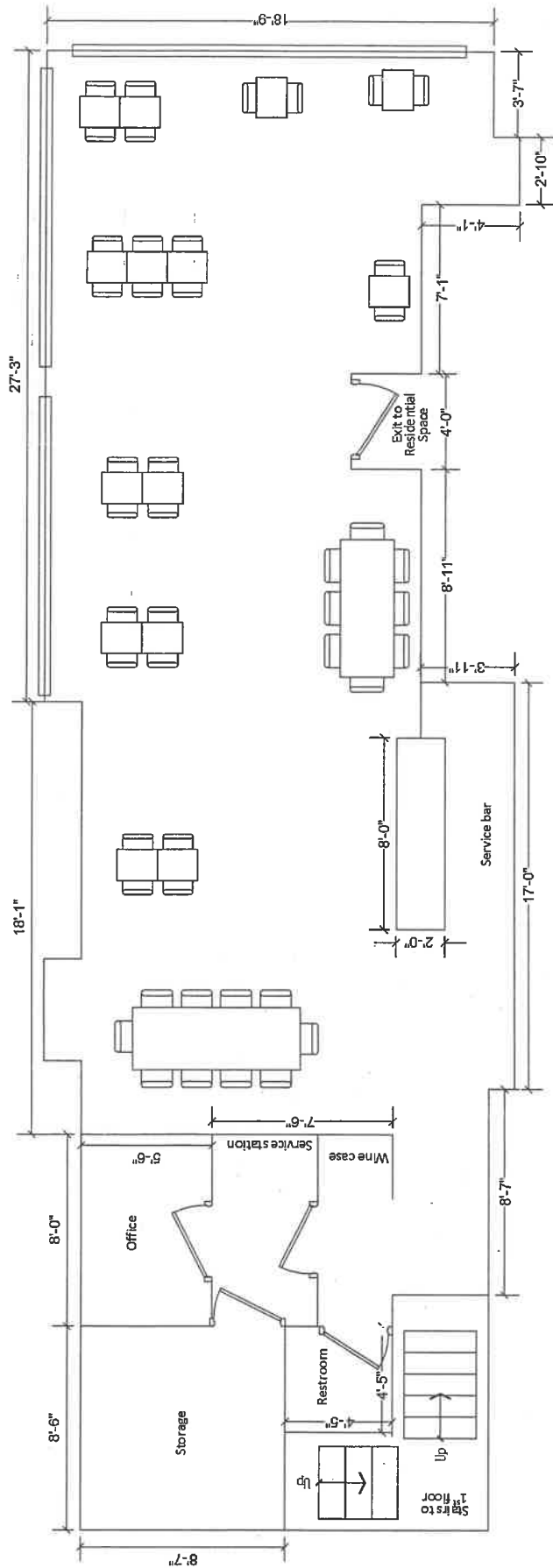
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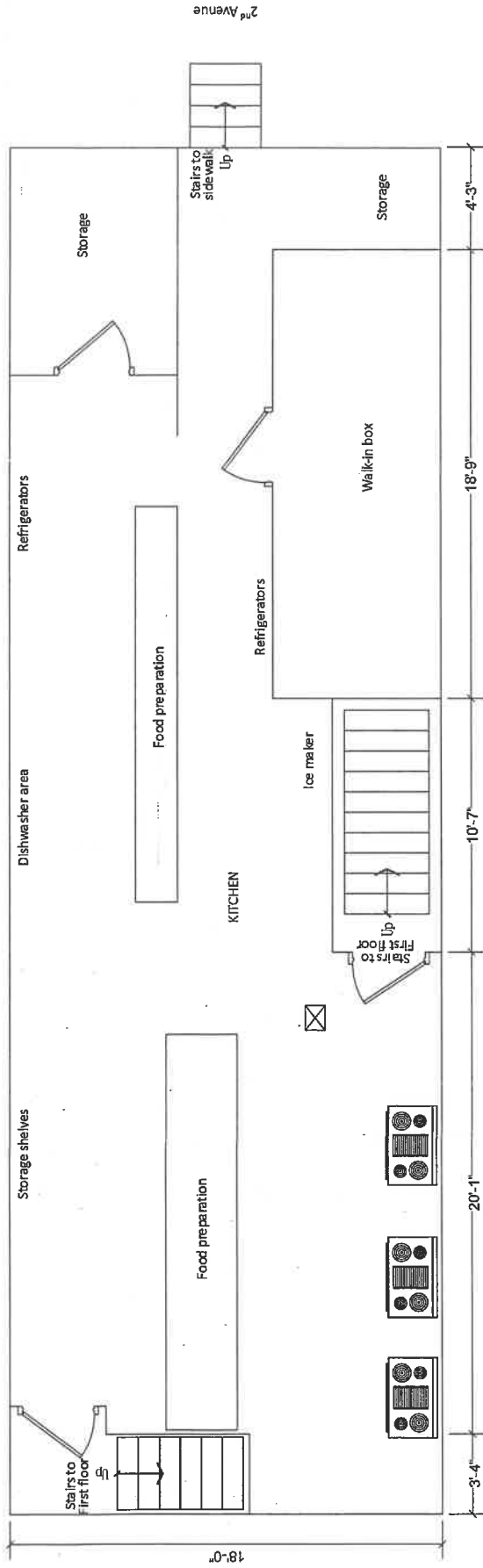
INTERIOR DIAGRAM – 2nd Floor

248 East 5th Street
 New York, NY
 November 22, 2021

NOT TO SCALE

16 tables/46 seats

East 5th Street



INTERIOR DIAGRAM -- Basement

248 East 5th Street

New York, NY

November 22, 2021

NOT TO SCALE