



Food Retail Expansion to Support Health

FRESH CORE APPLICATION

Submit your electronically completed Core Application via email to your assigned Project Manager as a Word Document file or a Word Document saved as a PDF.

A. APPLICANT OVERVIEW

Applicant Name (the "Applicant"): 2395 Abram LLC	Name of operating company (if different from Applicant): 2395 CDM Meat & Produce Corp.
Operating company Address: 2395 Frederick Douglas Boulevard, New York, NY 10027	Website address:
EIN #:	NAICS Code: 445110
State and date of incorporation or formation: 5/30/2017	Qualified to conduct business in NY? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Applicant is (check one of the following, as applicable):	
<input type="checkbox"/> General Partnership	<input type="checkbox"/> Limited Partnership
<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Natural Person
	<input type="checkbox"/> Business Corporation
	<input checked="" type="checkbox"/> S Corporation
<input type="checkbox"/> Other:	
Is the Applicant publicly traded? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Is the Applicant affiliated with a publicly traded company? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, name the affiliated company:

B. APPLICANT CONTACT INFORMATION

	Name/Title	Company	Address	Email	Phone	Primary ¹
Applicant Contact Person	Diomedes Abreu	2395 CDM Meat & Produce Corp.	5249 Broadway, Bronx, NY 10463	Bravo2395@gmail.com		<input type="checkbox"/>
Attorney	Steven Polivy	Akerman LLP	666 Fifth Avenue, 20th Floor, New York, NY 10103	steven.polivy@akerman.com		<input checked="" type="checkbox"/>
Accountant	Mel	Interactive Business Services	229 Jericho Tpke, New Hyde Park, NY 11040	documents@ibstax.com		<input type="checkbox"/>
Consultant/Other						<input type="checkbox"/>

C. APPLICABLE FINANCIAL ASSISTANCE

Provide the estimated value of each of the following types of Project Financial Assistance being requested. Discuss the estimation of the Requested Financial Assistance with your assigned Project Manager, if needed.

Requested Financial Assistance	Estimated Value of Requested Financial Assistance
Real Estate Tax Benefits	\$2.7M (NPV)
Sales Tax Waiver	\$25,000 (Nominal)
Mortgage Recording Tax Benefit	\$0.00

D. APPLICANT BACKGROUND

Provide a brief description of the Applicant's history and the nature of its business. Feel free to include information from Applicant's website or other official documentation describing the Applicant. Include information such as when the Applicant was founded, who founded the Applicant, a brief history of the Applicant, the Applicant's primary services and market, and the number of the Applicant's employees in NYC and elsewhere. **Limit the description to 250 words.** Diomedes Abreu opened the original Bravo Supermarket in 1991. It was located at 2395-99 Frederick Douglass Boulevard (f/k/a Eighth Avenue). In 2001, his landlord acquired an adjacent building located on Lot 14. Mr. Abreu hoped to eventually expand his original supermarket to nearly double its size on that property. Due to a variety of circumstances, Mr. Abreu was not able to make progress on his expansion plan until recently.

¹ Please select the individual to whom questions should be directed and who may speak on behalf of the Applicant.
45976488;1

Through a variety of channels, Mr. Abreu identified JCAL Development ("JCAL"), a developer with extensive experience in residential and mixed-use development. The parties entered into a joint-venture whereby JCAL will be the lead developer, overseeing the mixed-use development, including the residential tower to be constructed above the first floor supermarket. Mr. Abreu will focus on supermarket development and operations.

Mr. Abreu operated the upper Manhattan Bravo Supermarket for 26 years until January 2017 when it was closed in advance of the demolition of the building to make way for a mixed-use development, including affordable housing, that would realize his ambition of expanding the store. The demolition was completed in June 2017 and the construction of the new mixed-use project, which will contain his new store, commenced in July 2017.

E. PROPOSED PROJECT ACTIVITIES

Describe the proposed Project, including its purpose and Project Location, in the text box below. Refer to the example below.

The project is the construction and equipping of an 86,000 gsf, 15-story mixed use facility comprised of (i) a ground floor supermarket of approximately 7,341 s.f. + approximately 6,011 cellar storage and prepared foods "prep" space, (ii) additional ground floor retail of approximately 974 s.f. and (iii) 75 affordable housing units on floors 2-14. The new supermarket replaces a small grocer that was previously in operations at the site within Lot 12. Upon completion, the new FRESH supermarket, Bravo Supermarket, will nearly double the size of the grocer at that location.

Example: [Applicant Name] ("Applicant") is a [supermarket operator and/or supermarket developer]. Applicant is seeking financial assistance in connection with the [list Project activities, such as acquisition, construction, furnishing, equipping, etc.] of a [] square foot [building or retail condominium] (the "Project") [to be located within a [] square foot mixed-use facility] on a [] square foot parcel of land at [address] (the "Facility"). The Facility will be owned by [Applicant or Holding Company] and operated by [Company Name] as a [Banner] supermarket. The total development cost is approximately [Project cost]. The anticipated closing date is []. The project is anticipated to be completed in ____ [months or years].

F. PROJECT LOCATION DETAIL

Complete this table for *each* Project Location with a distinct Block/Lot. For Projects with more than one Block/Lot, copy the Project Location table below and paste it directly underneath to complete it.

Project Location Information		
Project Address: 2395 Frederick Douglass Blvd		Location # 1 of 1
Borough/Block/Lot: Manhattan, Block 1955, Lots 12 and 14	Community Board #: 10	Neighborhood: Harlem
Square footage of land: 9,625	Square footage of existing building: 0	Number of Floors: 1 + 6,011 cellar space
How is the anticipated Project Location currently used and what percentage is currently occupied? 86,000 sf total building; 7,341 s.f. 1st floor and 6,011 s.f. of the cellar for a total of 13,341 s.f. dedicated to FRESH supermarket. An additional 974 s.f. will be used for non-supermarket retail.		
In the case of relocation, what will happen with the Applicant's current facility? n/a		
Is there any space at the Project Location that is currently being/will be occupied and/or used by any entity other than the Applicant or operating company, whether Affiliates or otherwise? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, attach a separate page and provide details about tenants such as (1) name of tenant business(es) (whether Affiliates or otherwise), (2) square footage of tenant operations, (3) tenant occupancy commencement and termination dates, and (4) copies of leases, licenses, or other documents evidencing a right to possession or occupancy. For the purposes of this question, any license or other right of possession or occupancy granted by the Applicant or operating company with respect to the Project Location shall be deemed a tenancy.		
Construction Information		
Construction Start Date (as defined in the Policies and Instructions): July 2017		
Facility Operations Start Date (as defined in the Policies and Instructions): est. 1 st Quarter 2019		
Does the Project involve the construction of a new building or an expansion/renovation of an existing building? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
If yes, please complete the following questions and attach a separate page and provide drawings, plans, or a description of the proposed work.		
Does the Project involve subsurface disturbance or excavation? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Anticipated square footage of Facility after construction and/or renovation: 13,352		

Anticipated square footage of *non-building improvements* after construction and/or renovation (e.g. parking lot construction): n/a
 Please describe any *non-building improvements* on a separate page.
 Square feet of grocery space created: 7,341 s.f.
 Percentage of retail space for perishable goods: a minimum of 2,250 s.f.
 Square feet of retail space for fresh produce: a minimum of 500 s.f.
 Are energy efficiency improvements or the installation of a renewable energy system anticipated as part of the Project?²

Which of the below statements best reflects your current stage in the contractor procurement process?

A contractor has been selected and the procurement process is complete.
 The procurement process has begun but a contractor has not been selected. Selection is anticipated by:
 The procurement process has not begun. Procurement is anticipated to begin by:
 Other:
 Not applicable

Zoning Information

Current zoning of Project Location: R7-2 with C1-4 overlay
 Is a zoning variance or special permit required for the Project to proceed at this Location? Yes No
 If yes, attach a separate page and describe the zoning variance or special permit required, which agencies are involved, and the anticipated schedule for zoning approval.
 Is the Project subject to any other city, state or federal approvals? Yes No
 If yes, attach a separate page and describe the approval required, and if applicable, list any other environmental review that may be required.
 Is the Project subject to a tax lot or condominium apportionment? Yes No
 If yes, attach a separate page and describe the approvals required, and the anticipated schedule for approval.
 Is the Project Location a designated historic landmark or located in a designated historic district? Yes No
 Is the Project Location within the NYC Coastal Zone Boundary? Yes No

Intended use(s) of site (check all that apply): Non-Supermarket Retail % Office % Restaurant % Other %
 Residential 83 % For residential use, please describe number of units, % affordable and affordable housing financing 74 Affordable housing units will comprise floors 2 – 14 of the 14 story building. HPD financing, is being used for affordable housing financing.

G. ANTICIPATED OWNERSHIP

1. Check the accurate description of the Project Location's anticipated ownership.

<input type="checkbox"/> Applicant or an Affiliate is/expects to be the Project Location's fee simple owner.	(Projected) Acquisition date:
<input checked="" type="checkbox"/> Applicant or an Affiliate leases/expects to lease the Project Location. <input type="checkbox"/> Lease is for an entire building and property. <input checked="" type="checkbox"/> Lease is for a portion of the building and/or property.	(Projected) Lease signing date: June 7, 2016 (Projected) Possession date:
<input type="checkbox"/> Neither of the above categories fully describes Applicant's interest or intended interest in the Project Location. Describe the anticipated ownership of the Project Location premises:	

Does/will an Affiliate own/control the Project Location? Yes No

If yes, complete the table below:

Name of Affiliate:	Address of Affiliate:
Affiliate is (check one of the following, as applicable): <input type="checkbox"/> General Partnership <input type="checkbox"/> Limited Partnership <input type="checkbox"/> Business Corporation <input type="checkbox"/> Other: <input type="checkbox"/> Limited Liability Company <input type="checkbox"/> Natural Person <input type="checkbox"/> S Corporation	

H. PROJECT FINANCING

1. **Sources of Financing.** Provide amounts as aggregates for all Project Locations. Add table rows, if needed.

Sources	Total Amount	Percent of Total Financing
Equity	\$ n/a	n/a %
Commercial Loan (Bank Name:)	\$ n/a	n/a %
New York City Public Funds	\$ n/a	n/a %

² More information on free energy efficiency advisory services can be found [here](#).

Source:	\$ n/a	n/a %
Source:	\$ n/a	n/a %
New York State Public Funds	\$ n/a	n/a %
Other:	\$ n/a	n/a %
Total	\$ n/a	n/a %

- Mortgage amount on which tax is levied (exclude SBA 504 financing³): n/a
- Anticipated closing date between the Issuer and the Project Company: n/a
- Uses of Financing.** Provide amounts as aggregates for all Project Locations

Uses	Total Amount	Percent of Total Financing
Land and Building Acquisition	\$ n/a	n/a %
Construction Hard Costs (i.e. site excavation, building materials, labor, landscaping, construction materials, etc.)	\$ n/a	n/a %
Construction Soft Costs (i.e. pre-planning, legal, financing, design, etc.)	\$ n/a	n/a %
Furnishings, Fixtures, & Equipment (FF&E) and Machinery & Equipment (M&E) (i.e. generators, desks, chairs, electronic equipment, specialized manufacturing equipment, assembly equipment, etc.)	\$250,000	n/a %
FF&E purchased in NYC	\$ n/a	n/a %
M&E purchased in NYC	\$ n/a	n/a %
Closing Fees (costs associated the execution of deal, i.e. debt service reserve fund, financing fees, loan origination fees, attorney fees, pre-payment penalties, etc.)	\$ n/a	n/a %
Other (please describe):	\$ n/a	n/a %
Total	\$ n/a	n/a %

4a. Indicate anticipated budgeting of Hard Costs: Electrical: n/a % Carpentry: n/a % Painting: n/a % Plumbing: n/a %
 Excavation or Demolition: % Other: %

4b. Indicate anticipated budgeting of Soft Costs: Architecture: n/a % Engineering: n/a % Design: n/a % Other: n/a %

I. EMPLOYMENT INFORMATION

The following information will be used as part of the Agency's calculation of the Project's benefit to the City, and as a basis for comparison with the employment information that the Applicant will be required to report on an annual basis for the term of the Project Agreement (as defined in the Policies and Instructions).

1. Job Creation Schedule for the Applicant

For all responses in the table below, part-time ("PT") employees are defined as those working between 17.5 and 35 hours per week on average, and full-time ("FT") employees are defined as those working 35 hours or more per week. Hourly wages in Columns E & F should represent the pay rate and are exclusive of overtime. For salaried employees, divide the annual salary by 1,820 working hours per year to calculate an hourly wage.

Information included in Column C below will be used to determine eligibility for participation in the HireNYC Program. For program information, see Additional Obligations document. If eligible for the HireNYC Program participation, NYCEDC will provide additional details.

A Job Category	B # of NYC jobs retained by Project	C # of jobs to be added in each year at Project Location in first 3 years of operation to be employed by Applicant			D Total # of Jobs at Project Location in first 3 years of operation (Sum of all Columns B and C)	E Average hourly wage for Year 1	F Lowest hourly wage for Year 1	G Average Fringe Benefit for retained jobs	H Average Fringe Benefit for created jobs
		Year 1: 20	Year 2: 20	Year 3: 20					
FT Executive level	1	0	0	0	1	\$37.14	\$37.14	\$	\$0.00

³ The SBA 504 Loan Program, administered by the Small Business Administration, is designed to provide small businesses with long-term financing to acquire and improve major fixed assets, such as owner-occupied commercial real estate and heavy machinery.

FT Manager level	1	0	1	0	2	\$18.54		\$	\$
FT Staff level	6	1	1	0	8	\$11.83		\$	\$
Total FT Employees	8	1	2	0	11	\$	\$	\$	\$
Total PT Employees	3	1	1	0	3	\$	\$	\$	\$

2. Of the Total Jobs at Project Location in Column D, how many employees are/will be NYC residents?
3. Does the Project currently have, or anticipate having, contract or vendor employees⁴ at the Project Location? Yes No
4. Generally describe all other forms of compensation and benefits that permanent employees will receive (i.e. healthcare, employer contributions for retirement plans, on-the-job training, reimbursement for educational expenses, etc.), including amounts for different employee titles. n/a
5. Will the Applicant or any of its Affiliates be required to provide health coverage to its employees pursuant to the federal Patient Protection and Affordable Care Act (the "Act")? Yes No
If yes, provide an overview of the applicable requirements under the Act and an explanation of how Applicant plans to comply with such requirements. If no, explain why and provide a FT employee count using the Act "[FTE Employee Calculator](#)". **The company has fewer than 50 employees and is therefore exempt under the Act.**
6. Is the Applicant currently providing paid sick time to employees in accordance with the Earned Sick Time Act (Chapter 8 of Title 20 of the NYC Administrative Code) and otherwise in compliance with such law? Yes No
If yes, provide an explanation of your company's paid and unpaid sick time policy. If No, explain why and provide a table which outlines the number of anticipated employees and hours worked per calendar year.⁵
7. **Will the Project use an apprenticeship program approved by the New York State Department of Labor? Yes No**

J. LABOR

The Applicant and its Affiliates hereinafter will be referred to collectively as the "Companies" or individually as a "Company." If none of the following questions apply to any of these Companies, answer *No*. For any question that does apply, be sure to specify to which of the Companies the answer is relevant.

1. Have any of the Companies during the current calendar year or any of the five preceding calendar years experienced labor unrest situations, including actual or threatened labor strikes, hand billing, consumer boycotts, mass demonstrations or other similar incidents?
 Yes No If Yes, explain on an attached sheet.
2. Have any of the Companies received any federal and/or state unfair labor practices complaints asserted during the current calendar year or any the five calendar years preceding the current calendar year?
 Yes No If Yes, describe and explain current status of complaints on an attached sheet.
3. Do any of the Companies have pending or threatened requests for arbitration, grievance proceedings or other labor disputes during the current calendar year or any of the five calendar years preceding the current calendar year?
 Yes No If Yes, explain on an attached sheet.
4. Are any of the Companies' employees *not* permitted to work in the United States?
 Yes No If Yes, provide details on an attached sheet.
5. Is there any period for which the Companies did not complete and retain or do not anticipate completing and retaining all required documentation related to this inquiry, such as Employment Eligibility Verification (I-9) forms?
 Yes No If "Yes," explain on an attached sheet.
6. Has the United States Department of Labor, the New York State Department of Labor, the New York City Office of the Comptroller or any other local, state or federal department, agency or commission having regulatory or oversight responsibility with respect to workers and/or their working conditions and/or their wages, inspected the premises of any Company or audited the payroll records of any Company during the current or preceding three year calendar years?

⁴ Contract or vendor employees are independent contractors (i.e. persons who are not "employees") or are employed by an independent contractor, who provide services at a Project Location.

⁵Information on the Paid Sick Leave Law can be found: [here](#)

Yes No

If "Yes," use an attached sheet to briefly describe the nature and date of the inspection and the inspecting governmental entity. Briefly describe the outcome of the inspection, including any reports that may have been issued and any fines or remedial or other requirements imposed upon any of the Companies as a consequence.

7. Have any of the Companies incurred, or potentially incurred, any liability (including withdrawal liability) with respect to an employee benefit plan, including a pension plan?

Yes No

If "Yes," use an attached sheet to quantify the liability and briefly describe its nature. Refer to any governmental entities that have had regulatory contact with the Company in connection with the liability.

8. Are the practices of any of the Companies now, or have they been at any time during the current or preceding five calendar years, the subject of any complaints, claims, proceedings or litigation arising from alleged discrimination in the hiring, firing, promoting, compensating or general treatment of employees?

Yes No

If "Yes," provide details on an attached sheet. Note "discrimination" includes sexual harassment.

K. FINANCIALS

1. Has the Applicant, Affiliate(s), Principal(s), or any close relative of the Principal(s), ever received, or is any such person or entity currently receiving, financial assistance or any other kind of non-discretionary benefit from any Public Entities?

Yes No

If Yes, provide details on an attached sheet.

2. Has Applicant, or any Affiliate or Principal, or any existing or proposed occupant at the Project Location(s), obtained, or is any such person or entity in the process of obtaining, or contemplating obtaining, other assistance from the NYCIDA/Build NYC and/or other Public Entities?

Yes No

If Yes, provide details on an attached sheet.

3. Has Applicant, or any Affiliate or Principal, ever defaulted on a loan or other obligation to a Public Entity?

Yes No

If Yes, provide details on an attached sheet.

4. Has real property in which Applicant, or Affiliate or Principal, holds or has ever held an ownership interest and/or controlling interest of 25 percent or more, now or ever been (i) the subject of foreclosure (including a deed in lieu of foreclosure), or (ii) in arrears with respect to any type of tax, assessment or other imposition?

Yes No

If Yes, provide details on an attached sheet.

5. Does Applicant, or any Affiliate or Principal, have any contingent liabilities not already covered above (e.g., judgment liens, lis pendens, other liens, etc.)? Include mortgage loans and other loans taken in the ordinary course of business only if in default.

Yes No

If Yes, provide details on an attached sheet.

6. Has Applicant, or any Affiliate or Principal, failed to file any required tax returns as and when required with appropriate governmental authorities?

Yes No

If Yes, provide details on an attached sheet.

7. In the table below, provide contact information for the Applicant's references. If the space provided below is insufficient, provide complete information on an attached sheet. List any "Major Customers" (those that compose more than 10% of annual revenues) and any "Major Suppliers" (those that compose more than 10% of goods, services, and materials).

Reference Type	Company Name	Address	Contact Person	Phone	Fax	Email	% of Inventory
Major Suppliers	Consolidated Supermarkets Supply, LLC	65 West Lake Oak Lane, White Plains, NY 10604	Dennis Wallin	914-697-5200	914-697-4454 or 914-697-5373	Denniswallin410@icloud.com	%
							%
Unions							
Banks	Chase Bank	90 West 225th Street, Bronx, NY 10463	Ignacia Fernandez	718-733-4919			

L. ANTI-RAIDING

1. Will the completion of the Project result in the relocation of any plant or facility located within New York State, but outside of New York City, to New York City? Yes No

If "Yes," provide the names of the owners and addresses of the to-be-removed plant(s) or facility(ies):

2. Will the completion of the Project result in the abandonment of any plants or facilities located in an area of New York State other than New York City?
 Yes No

If "Yes," provide the names of the owners/operators and the addresses of the to-be-abandoned plant(s) or facility(ies):

If the answer to question 1 or 2 is "Yes," answer questions 3 and 4.

3. Is the Project reasonably necessary to preserve the competitive position of this Applicant, or of any proposed occupants of the Project, in its industry?
 Yes No
4. Is the Project reasonably necessary to discourage the Applicant, or any proposed occupant of the Project, from removing such plant or facility to a location outside New York State?
 Yes No

If the answer to question 3 or 4 is "Yes," provide a detailed explanation in a separate document.

M. COMPLIANCE WITH LAW

1. The Applicant and any owner or occupant of the proposed project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations. Yes No
2. The proposed project, as of the date of this application, is in compliance with all provisions of Article 18-A of the General Municipal Law, including, but not limited to the provisions of Section 859-a and Section 862(1) thereof. Yes No

N. SUPERMARKET DEVELOPMENT & OPERATIONS

1. Will the Project Location participate in the Supplemental Nutrition Assistance Program ("SNAP")? Yes No
 If "No," please describe why:
2. Will the Project Location participate in the Special Supplemental Nutrition Program for Women, Infants and Children ("WIC")? Yes No
 If "No," please describe why:
3. Please describe the Applicant pricing strategy for Project Location and Affiliate track record of success operating supermarkets in other New York City neighborhoods

The main warehouse sets the various prices for the merchandise they supply and have weekly promotions for each department. All other items are priced with as close a profit margin as possible in order to offer lower prices than the competition. On fast moving merchandise, the company generally takes advantage of sale pricing at the warehouse level by buying in larger quantities than they ordinarily might. Bravo Supermarkets operated their store continuously for 26 years, from 1991 until 2017, when operations ceased in order to commence the mixed-use development in which the new supermarket will reside.

4. Will the Project Location participate in any other community-focused programs or partnerships (e.g. senior discounts, cooking demonstrations, volunteer days, etc.)? Yes No
 If "Yes," please describe each activity and its frequency (e.g. daily senior discounts, weekly healthy cooking demonstrations, etc.): The store has senior citizen and college student discount days, and makes donations to the community each time the community has a neighborhood event.
5. Do Applicant and/or its Affiliates own and/or operate other supermarkets or supermarket-related businesses in New York City?
 Yes No
 If "Yes," please complete the following table and add rows as needed:

Store & Company Name	Address	Size (sf)	Years in Operation	Owned or Leased

6. Do the Applicant and/or its Affiliates own and/or operate any other businesses in New York City? Yes No

If "Yes", please describe the nature of business and years in operation:

7. Has the Project Location been approved for/is currently seeking FRESH Zoning benefits? Yes No

If "Yes", please describe the applicable FRESH Zoning benefits (i.e. additional development rights, reduction in required parking, larger as-of-right in M1), primary applicant company, and anticipated schedule for approval: **On February 1, 2017, the City Planning Commission voted to approve ULURP Nos. N170084 ZCM (FRESH Zoning Bonus Certification) and N170083 ZAM (FRESH Zoning Height Authorization) for 2395 Frederick Douglass Boulevard located in the Central Harlem neighborhood. The Applicant obtained a FRESH Zoning Bonus Certification that provided 1 square foot of residential floor area bonus for each square foot of ground floor FRESH food store that was provided for a total zoning bonus of 7,341 square feet of floor area. The Applicant also obtained a FRESH Zoning Height Authorization to permit an additional 15 feet of building height above what is permitted to enable the project to fit all of the FRESH zoning bonus within the building envelope.**

O. ADDITIONAL QUESTIONS

1. How does the Applicant intend to utilize the tax savings provided through the NYCIDA? **The super market business operates on extremely narrow profit margins. The real property tax savings that will be realized by this operation will make it possible for the business to keep their prices at levels that are affordable for the residents in the surrounding community.**
2. What are the primary sources of revenue supporting Applicant's operations? **Sale of perishable and non-perishable foods to the public.**
3. If the Applicant's income statement categorizes any revenues as "Other operating revenues," describe what revenues are captured in that category:
 N/A
4. If the Applicant's income statement categorizes any revenues as "Other general and administrative," describe what revenues are captured in that category:
 N/A

CERTIFICATION

I, the undersigned officer/member/partner of Applicant, on behalf of Applicant and its Affiliates, hereby request, represent, certify, understand, acknowledge and agree as follows:

I request that this Application, together with all materials and data submitted in support of this Application (collectively, these "Application Materials"), be submitted for review to the Agency's Board of Directors (the "Board"), in order to obtain from the Board an expression of intent to provide the benefits requested herein for the Project.

I certify that I have the authority to sign these Application Materials on behalf of, and to bind, Applicant and its Affiliates.

I certify under penalty of perjury to the best of my knowledge and belief, after due investigation, that the information contained in these Application Materials is accurate, true and complete and does not contain a misstatement of a material fact or omit to state a material fact necessary to make the statements contained herein not misleading. I understand that an intentional misstatement of fact, or, whether intentional or not, a material misstatement of fact, or the providing of materially misleading information, or the omission of a material fact, may cause the Board to reject the request made in the Application Materials. I understand that the Agency will rely on the information contained within these Application Materials in producing and publishing a public notice and convening a public hearing. If any information in these Application Materials is found to be incorrect, the Applicant may have to provide new information and a new public notice and public hearing may be required. If a new public notice and public hearing is required, they will be at the Applicant's expense.

I acknowledge that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any financial assistance and the reimbursement of an amount equal to all or part of any tax exemptions claimed by reason of Agency involvement in the project.

I further understand and agree as follows:

That notwithstanding submission of this Application, the Agency shall be under no obligation to present Applicant's proposed Project to the Board for approval. If the Agency presents Applicant's proposed Project to the Board for approval, the Agency does not guaranty that such approval will be obtained. If upon presenting Applicant's proposed Project to the Board for approval the Agency obtains such approval, such approval shall not constitute a guaranty from the Agency to Applicant that the Project transaction will close.

That preparation of this Application and any other actions taken in connection with the proposed Project shall be entirely at Applicant's sole cost and expense. Under all circumstances, the Application Fee is non-refundable, including but not limited to the circumstance where the Agency decides, in its sole discretion, to not present Applicant's proposed project to the Board for Approval.

That each of Applicant and each of its Affiliates (collectively, the "Indemnitors") hereby releases the Agency and NYCEDC and their respective directors, officers, employees and agents (collectively, the "Indemnitees") from and against any and all claims that any Indemnitor has or could assert and which arise out of, or are related to, any Application Materials, any actions taken in connection therewith or any other actions taken in connection with the proposed Project (collectively, the "Actions"). Each Indemnitor hereby indemnifies and holds harmless each of the Indemnitees from and against any and all claims and damages brought or asserted by third parties, including reasonable attorneys' fees, arising from or in connection with the Actions. As referred to herein, "third parties" shall include, but shall not be limited to, Affiliates.

That in the event the Agency discloses the Application Materials in response to a request made pursuant to FOIL, Applicant hereby authorizes the Agency to make such disclosure and hereby releases the Agency from any claim or action that Applicant may have or might bring against the Agency, their directors, officers, agents, employees and attorneys, by reason of such disclosure; and that Applicant agrees to defend, indemnify and hold the Agency and the NYCEDC and their respective directors, officers, agents, employees and attorneys harmless (including without limitation for the cost of reasonable attorneys' fees) against claims arising out of such disclosure as such claims may be made by any party including the Applicant, Affiliate, Owner or Principal, or by the officers, directors, employees and agents thereof.

That capitalized terms used but not defined in this Application have the respective meanings specified in the Policies and Instructions.

I acknowledge and agree that the Agency reserves its right in its sole and absolute discretion to request additional information, waive any requirements set forth herein, and/or amend the form of this Application, to the full extent permitted by applicable law.

Requested, Represented, Certified, Acknowledged, Understood and Agreed by Applicant,

I certify that, using due care, I know of no misstatement of material fact in the Application Materials, and know of no material fact required to be stated in the Application Materials to make the statements made therein not misleading. **Certified by Preparer,**

This 21st day of July, 2017. _____

Name of Applicant: DIOMEDES ABREU _____

Signatory: DIOMEDES ABREU _____

Title of Signatory: MANAGING MEMBER

Signature: _____

This 25th day of July, 2017.

Name of Preparer: Wendy Rossi _____

Signatory: Wendy Rossi _____

Title of Signatory: Sr. Proj. Mgr – Akerman LLP

Signature: _____

FRESH APPLICATION: ATTACHMENTS CHECKLIST

Submit the following attachments to your NYCIDA application by the Complete Application Package Submission Deadline associated with your targeted Board Meeting date.

- A. **Full Environmental Assessment Form or Short Environmental Assessment Form** (SEAF, provided by NYCIDA)
- B. Completed **Environmental Audit Report (Phase I)** certified to the Agency. Based upon the Agency's review, a Phase II may be requested.
- C. **Internal Background Investigation Questionnaire** (provided by NYCIDA). Complete the form for the Applicant and any Affiliate. Mail the final page (notarized) with the original signature to:
Strategic Investments Group
NYCEDC
110 William Street
New York, NY 10038
- D. **Doing Business Data Form** (Provided by NYCIDA)
- E. Past three years of **financial statements** for the Applicant, Affiliates, and/or guarantors (as applicable). If your financials have line items noted as "Other," provide a short description explaining what the line item entails.
- F. **Operating Pro Forma** for three years following Facility Operations Start Date, or until solvency.
- G. Current **payroll** (or Affiliate payroll if operations comparable).
- H. **Year 1 employee count by title and average hourly wage.**
- I. **Hiring, professional development, and promotion policies plan**
- J. Past four calendar quarters of **NYS-45 MN or ATT filings** for the Applicant and its Affiliates. Redact employee names and Social Security numbers or provide NYS-45 MN summary page.
- K. Signed **Inducement Letter** on company letterhead. Letter should include a brief description of the Applicant, the Project, a determination that the Project would not be completed without receiving NYCIDA benefits, and the immediate impact of the Project (500 word limit).
- L. **Short Bios and/or Resumes** for principals and key management staff that include employment history and education.
- M. **Contract of Sale/Lease Agreement** for acquiring title or leasehold title to the proposed site.
- N. Executed **Commitment Letter or Term Sheet** from financial institution(s) providing financing that clearly indicates portion(s) in connection with which assistance is being sought.
- O. **Organizational Chart** of Applicant and related affiliates.
- P. **Floor Area Diagram** (including square footage for selling area by department, storage/processing area, mezzanine or office area)
- Q. **Any marketing materials**, renderings or banner/cooperative logos
- R. **Any documents reflecting support** from community based organizations, local elected officials, etc.
- S. **Market studies or other assessments** that demonstrate the need for new, expanded or improved supermarket space at the Project Location.
- T. **Non-refundable \$5,000 application fee** payable to NYCIDA, mailed to
Strategic Investments Group
NYCEDC
110 William Street
New York, NY 10038
- U. Policies and Instructions document **signature page** (provided by NYCIDA)
- V. Additional Obligations document **signature page** (provided by NYCIDA)
- W. **Acord Certificate of Liability Insurance**