

NEW YORK CITY INDUSTRIAL DEVELOPMENT AGENCY
PROJECT COST/BENEFIT ANALYSIS
November 14, 2024

APPLICANT

Devoe LandCo LLC
370 Jay Street, 7th Floor
Brooklyn, New York 11201

PROJECT LOCATION

439 Devoe Avenue
Bronx, New York 10460

A. Project Description:

Devoe LandCo LLC, a Delaware limited liability company (the “Company”), is a solely owned subsidiary of LandCo Clean Energy, LLC (“LandCo”). LandCo is a wholly owned subsidiary of NineDot Energy, LLC (“NineDot”). NineDot is a community distributed energy generation developer. The Company is seeking financial assistance in connection with the construction and equipping of (i) two battery energy storage systems with an estimated capacity of 9.8 Megawatts (MW) each consisting of batteries and other equipment including transformers and switchgears, metering 39.2 MW hours of energy storage capacity total per day (collectively, the “Battery System”); and (ii) two solar canopy systems consisting of photo-voltaic system mounted on the roof of a vault that will house switchgears and metering for the battery systems, with an estimated solar power generation of 120 kilowatt hours total per day (collectively, the “Solar System”). The Battery System and Solar System will total 1,640 and 1,010 square feet, respectively, and will be located on a to-be-subdivided parcel of land totaling 16,892 square feet located at 439 Devoe Avenue, Bronx, New York (the “Facility”). The Facility will be owned by the Company and operated as a Battery System capable of charging from and discharging into the New York power grid, as well as a Solar System connected to the Battery System.

NPV 10 years @ 6.25%

B. Costs to City (New York City taxes to be exempted):

Mortgage Recording Tax Benefit:	\$79,625
Sales Tax Exemption:	\$1,106,370
Total Cost to NYC	\$1,185,995

C. Benefit to City from Operations and Renovation

(Estimated NYC direct and indirect taxes to be generated by Company):

\$11,075,159

D. Benefit to City from Jobs to be Created

(Estimated NYC direct and indirect taxes to be generated by Company):

\$213,294.33

NYCIDA 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"): Devoe LandCo LLC	Name of operating company (if different from Applicant):
Operating company address: 370 Jay Street, 7th Floor, Brooklyn, NY 11201	Website address: www.nine.energy
EIN #: [REDACTED]	NAICS Code: 221122
State and date of incorporation or formation: DE, 10/23/2023	Qualified to conduct business in NY? ☒ Yes ☐ No
Applicant is (check one of the following, as applicable): ☐ General Partnership ☐ Limited Partnership ☐ Business Corporation ☐ Other: ☒ Limited Liability Company ☐ Sole Proprietorship ☐ S Corporation	
Is Applicant publicly traded? ☐ Yes ☒ No	
Is Applicant affiliated with a publicly traded company? ☐ Yes ☒ No	If yes, name the affiliated company:

B. APPLICANT CONTACT INFORMATION

	Name/Title	Company	Address	Email	Phone	Primary ¹
Applicant Contact Person	Sam Brill, VP of Strategic Development	NineDot Energy	370 Jay St, 7th Fl, Brooklyn, NY 11201	[REDACTED]	[REDACTED]	☒
Attorney	Steven P. Polivy	Akerman LLP	1251 Avenue of the Americas, 37th Fl New York, NY 10020	[REDACTED]	[REDACTED]	☐
Accountant	Shin Takiguchi, Controller	NineDot Energy	see above	[REDACTED]	[REDACTED]	☐
Consultant/Other						☐

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	\$
Sales Tax Waiver	\$1,850,000
Mortgage Recording Tax Benefit	\$

D. APPLICANT BACKGROUND

Provide a brief description of Applicant's history and the nature of its business. Feel free to include information from Applicant's website or other official documentation describing Applicant. Include information such as when Applicant was founded, who founded the Applicant, a brief history of the Applicant, the Applicant's primary services and market, and the number of Applicant's employees in NYC and elsewhere. **Limit the description to 250 words.**

¹ Select the individual to whom questions should be directed and who may speak on behalf of Applicant.

The parent company of the Applicant, NineDot Energy, LLC (NineDot) is a leading community-scale, clean energy developer with a growing portfolio of projects across a range of technologies. NineDot is creating innovative energy solutions that support a more resilient electric grid, deliver economic savings, and reduce carbon emissions. Currently, NineDot's focus is on developing battery energy storage systems in the New York City metropolitan area. We plan to develop, build and operate more than 400 megawatts of clean energy systems by 2026 that will strengthen the local power grid infrastructure and provide clean, reliable, and resilient power to tens of thousands of New York homes and businesses. We strongly support New York State's mission to achieve 100% clean energy by 2035 with a goal of 6,000 megawatts of energy storage deployment by 2030, aligned with New York City's target of 500MW installed by 2025.

NineDot is one of a small number of community-scale clean energy developers operating in New York City. According to data collected from ConEdison regarding requests for interconnection studies, NineDot and two other entities are developing the vast majority of retail energy storage projects within the City. Of this small group, NineDot has led by a growing margin in recent months, and we believe this trend will continue.

NineDot, formerly doing business as CertainSolar, Inc, was founded in 2015 by clean energy financing experts and is based out of the Urban Future Lab, New York City's premiere clean-tech incubator run by New York University in collaboration with the Economic Development Corporation. NineDot has more than 60 full-time employees.

E. PROPOSED PROJECT ACTIVITIES

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

Devoe LandCo LLC ("Applicant") is a wholly owned subsidiary of NineDot Energy, LLC ("NineDot"), a community distributed energy developer. Applicant is seeking tax benefits in connection with the construction of battery energy storage systems ("BESS") that will have an estimated capacity of 9.8MW along with two solar arrays each of approximately 20 kW capacity (the "Project"). The Project will be located within Block 4003, Lot 10 in the Borough of the Bronx, known by the address of 439 Devoe Avenue (the "Project Site"). The Project Site is currently under contract by Applicant to purchase, with a due diligence period lasting until an expected closing date in December 2024, during which time Applicant will study the financial feasibility of the Project and has sole discretion to terminate the contract.

The Project is a "front-of-the-meter" storage solution, meaning it will be interconnected with the electrical grid following capital improvements funded by Applicant and made in collaboration with Consolidated Edison, Inc. ("ConEd"). Following completion, the Project will provide greater grid resiliency, lower utility costs, and a reduced reliance on high-emission, high-cost "peaker" plants during summer hours when grid demand exceeds available capacity. The batteries themselves will comprise approximately 1,640 square feet (sf), in addition to auxiliary equipment and structures, while the two solar arrays to be located on the roof of the high-tension vaults will comprise approximately 1,010 sf. The per-day energy capacity will be 39.2 MWh for the BESS and 120 kWh for the solar systems.

NineDot has a proven track record of developing BESS in New York City with minimal community impacts and on expedited timelines. By way of example, NineDot operates a 3.0 MW BESS in the northeast Bronx adjacent to a mixed-use neighborhood, whose construction activities lasted less than one year. NineDot engaged with local elected officials and community leaders, with Borough President Vanessa Gibson attending a ribbon-cutting ceremony. NineDot also built a relationship with the nearby Bronx Charter School for Better Learning, with regular workshops for students to learn about climate change and energy, as well as a collaborative arts project wherein students and a local artist designed a mural which covers the fencing for the site. Here, NineDot plans similar engagement activities with the surrounding community, including outreach to individuals associated with the public park and garden adjacent to the site.

The total cost of the project is estimated to be nearly \$35 M. The sum includes a cost of \$4.9M to purchase the land; construction costs of approximately \$13.5M, nearly all in hard costs; approximately \$16M in equipment (including batteries); and other costs which include those for NYCIDA closing fees, insurance, and initial operations and maintenance before the battery is fully online. An NYCIDA sales tax exemption would yield approximately \$1.85M in sales tax savings before the Project Fee.

Applicant's capital stack includes 100% financing of the land cost, as well as equity provided by Applicant's investors. Applicant expects to close on the NYCIDA transaction as soon as possible following Board approval. The Project is anticipated to be placed in commercial operation date estimated to be in Q4 of 2026.

The construction will consist of civil work and electrical work. The civil construction will consist of excavating the site and bringing the site to appropriate grade. Concrete pads will be poured to hold the electrical equipment on top. Batteries, transformers, switchgears, and various other pieces of equipment will be installed on top of the pads and will be electrically connected. All of this equipment in addition to the solar canopies will be connected to Con Edison's distribution grid. The site will be closed in by screening to match the aesthetic of the neighborhood.

Example: [Applicant Name] ("Applicant") is a [describe general business activity, such as food processor, real estate developer, plastics manufacturer, etc.]. Applicant is seeking financial assistance in connection with the [list Project activities, such as construction, furnishing, equipping, etc.] of a [] square foot building on a [] square foot parcel of land located at [address] (the "Facility"). The Facility will be owned by [Applicant or holding company] and used as a [describe specific business activities associated with the Project such as warehouse, commercial office space, manufacturing facility, etc.]. The total 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: 439 Devoe Avenue, Bronx, NY 10460	Location # 1 of 1	
Borough/Block/Lot: BX / 4003 / 10	Community Board #: 6	Neighborhood: West Farms
Square footage of land: approx. 16,892sf	Square footage of existing building: n/a	Number of Floors: n/a
How is the anticipated Project Location currently used and what percentage is currently occupied?		
The Project Location is currently vacant. After closing, the Applicant will subdivide the existing tax lot into two equally-sized tax lots.		
In the case of relocation, what will happen with Applicant's current facility? N/A		
Does the Project Location have access to rail and/or maritime infrastructure? no		
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?		
☐ Yes ☒ 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):	December 2024
Facility Operations Start Date (as defined in the Policies and Instructions):	May 2026
Does the Project involve the construction of a new building or an expansion/renovation of an existing building? ☐ Yes ☒ No	
If yes, 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? ☒ Yes ☐ No	
Anticipated square footage of Facility after construction and/or renovation:	approx. 13,900sf
Anticipated square footage of <i>non-building improvements</i> after construction and/or renovation (e.g. parking lot construction):	approx. 13,900sf
Please describe any non-building improvements on a separate page. (see Proposed Project Activities)	
Square feet of wet lab space created:	Square feet of wet lab space preserved:
Percentage of total building size dedicated to wet lab space:	
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: Design / engineer / architect services have been procured and a contractor has been selected. Procurement for a general contractor for construction activities is anticipated to begin by December 2024.	
☐ Not applicable	
Percentage of tenancy expected at Facility Operations Start Date:	n/a
Percentage of tenancy expected six months after Facility Operations Start Date:	
Percentage of tenancy expected 12 months after Facility Operations Start Date:	
Percentage of tenancy expected 18 months after Facility Operations Start Date:	
Zoning Information	

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

Current zoning of Project Location:
 Is a zoning variance or special permit required for the Project to proceed at this Project 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 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): ☐ Retail % ☒ Manufacturing/Industrial % ☐ Office %

G. ANTICIPATED OWNERSHIP

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

☒ Applicant or an Affiliate is/expects to be the Project Location's fee simple owner.	(Projected) Acquisition date: Purchase agreement signed February 2024; closing expected December 2024
☐ Applicant or an Affiliate leases/expects to lease the Project Location. ☐ Lease is for an entire building and property. ☐ Lease is for a portion of the building and/or property.	(Projected) Lease signing date:
☐ 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:	

2. 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 a (check one of the following, as applicable): ☐ General Partnership ☐ Limited Partnership ☐ Business Corporation ☐ Other: ☐ Limited Liability Company ☐ Sole Proprietorship ☐ 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	\$30.07 M	86.0%
Commercial Loan (Bank Name: SolaREIT, for land financing)	\$4.9 M	14.0%
New York City Public Funds	\$	%
Source:	\$	%
Source:	\$	%
New York State Public Funds	\$	%
Other:	\$	%
Total	\$34.97 M	100%
2. Mortgage amount on which tax is levied (exclude SBA 504 financing ³): \$4,900,000		
3. Anticipated closing date between the [lender(s)]/[financing party(s)]/[financial institution(s) and/or funder(s)] and Applicant: New York Green Bank funding has already closed; land financing from SolaREIT will close upon purchase of the property, estimated in December 2024.		

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.

4. Uses of Financing. Provide amounts as aggregates for all Project Locations.		
Uses	Total Amount	Percent of Total Financing
Land and Building Acquisition	\$4.90 M	14.0%
Construction Hard Costs (i.e. site excavation, building materials, labor, landscaping, construction materials, etc.)	\$12.48 M	35.7%
Construction Soft Costs (i.e. pre-planning, legal, financing, design, etc.)	\$.97 M	2.8%
Furnishings, Fixtures, & Equipment (FF&E) and Machinery & Equipment (M&E) (i.e. generators, desks, chairs, electronic equipment, specialized manufacturing equipment, assembly equipment, etc.)	\$15.85 M	45.3%
FF&E purchased in NYC	\$0.0	
M&E purchased in NYC	\$15.85 M	
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.)	\$0.48 M	1.4%
Other (describe): Initial insurance and operations / maintenance before system is fully online	\$0.29 M	0.8%
Total	\$34.97 M	100%

4a. Indicate anticipated budgeting of Hard Costs: Electrical: 50% Carpentry: % Painting: % Plumbing: %
 Excavation or Demolition: 10% Other: 40% (other civil engineering)

4b. Indicate anticipated budgeting of Soft Costs: Architecture: % Engineering: 75% Design: 25% Other: %

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 Applicant will be required to report on an annual basis for the term of the Project Agreement (as defined in the Policies and Instructions).

NYCIDA staff has advised us to estimate the jobs that will be required operationally as a result of the Project, even if employees will not necessarily work on-site at the Project Location. Estimates are given in the table below accordingly.

In addition, we note that, depending on the progress of construction, there will be anywhere from 5-15 contractors on site performing construction work prior to the Project becoming operational, with the average amount most likely being between 6-8 workers at once. The wages of these construction workers will range from \$50,000-\$120,000, with the majority of the employees on the lower end of the range.

Once the site is operational, we will engage with contracted personnel to maintain the project. This will consist of a local landscaping contractor who, depending on the scope and size of the work, could charge between \$200-\$2,000 per visit. They will be expected to visit the site 10-30 times a year depending on weather conditions. There will also be two maintenance personnel who are expected to maintain the electrical equipment on site. There will be one mandatory site visit for testing once a year, with the expectation that maintenance may have to occur another 1-5 times per year.

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.

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: 2026	Year 2: 2027	Year 3: 2028					
FT Executive level						\$		\$	\$
FT Manager level									\$
FT Staff level	2	.5	.5		3.0	\$66.48	\$66.48	\$34,650	\$36,300
Total FT Employees	2	.5	.5		3.0	\$66.48	\$66.48	\$34,650	\$36,300
Total PT Employees						\$	\$	\$	\$

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.

2. Job Creation Schedule for tenants at the Facility not affiliated with the Applicant

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			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 Employees						\$	\$	\$	\$
PT Employees						\$	\$	\$	\$

3. Of the Total Jobs at Project Location in Column D in Table 1, how many employees are/will be NYC residents?

NineDot currently has a hybrid work policy which requires employees to work at our downtown Brooklyn office at least two days per week. We do not require employees to be NYC residents, so it is difficult to predict how many new hires will live within the five boroughs. Currently the vast majority of our full-time employees are NYC residents.

4. How many employees at the Project Location will be paid below living wage⁴ at Project Start Date (as defined in the Policies and Instructions)?

None.

5. Does the Project currently have, or anticipate having, contract or vendor employees⁵ at the Project Location? ☒ Yes ☐ No

6. 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.).

NineDot employees are eligible for employer-provided medical insurance, life insurance, short-term disability insurance, employer contributions to a 401(k) plan, reimbursement for certain training and workshop expenses subject to manager approval, and possible compensation of stock options.

7. Will 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

⁴ For information regarding living wage, see Additional Obligations document.

⁵ 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.

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](#)".

NineDot employees are eligible for ACA-compliant medical insurance.

8. Is 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.⁶

Full-time employees are eligible to receive up to seven (7) paid sick days each year. If the employees will be out of work due to illness, they must call in and notify their supervisor as early as possible, but at least by the start of the workday. If the employees call in sick for three (3) or more consecutive days, they may be required to provide their supervisor with a doctor's note on the day they return to work. While sick days are intended to cover only the employee's own illnesses, sick days may be used to care for a family member's (including civil union partners') illness as well.

9. Will the Project use an apprenticeship program approved by the New York State Department of Labor? ☐ Yes ☒ No

The Project will use an apprenticeship program approved by the federal Department of Labor, as part of a requirement to receive additional Investment Tax Credits under the Inflation Reduction Act.

J. LABOR

Applicant and its Affiliates hereinafter will be referred to collectively as the "Companies" or individually as a "Company." If none of the following questions applies 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. Has 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. Has 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?
☐ 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. Has 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.

⁶Information on the Paid Sick Leave Law can be found [here](#).

K. FINANCIALS

- Has Applicant, Affiliate(s), Principal(s), or any close relative of any 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- In the table below, provide contact information for 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 Revenues
Major Customers	Consolidated Edison Inc.	4 Irving PL, NY, NY 10003	n/a	[REDACTED]	[REDACTED]	[REDACTED]	100%
							%
Major Suppliers	Elgin Power Solutions	214 Industrial Park Rd, Beaver, WV 25813	Aaron Kolquist	[REDACTED]		[REDACTED]	
	Tesla	3500 Deer Creek Rd, Palo Alto, CA 94304	Jamie Myers	[REDACTED]		[REDACTED]	
Unions							
Banks	Silicon Valley Bank	3003 Tasman Drive Santa Clara, CA 95054	Danny Donovan	[REDACTED]		[REDACTED]	
	First Citizens Bank	75 N. Fair Oaks Avenue, Pasadena, CA 91103	Danny Bizjak	[REDACTED]		[REDACTED]	
	JPMorgan Chase	270 Park Avenue, New York, NY	Daniel Peak	[REDACTED]		[REDACTED]	

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 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 on a separate sheet of paper.

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. ADDITIONAL QUESTIONS

1. Is the Applicant considering alternative Project Locations outside of New York City? ☒ Yes ☐ No

a. If "Yes," where?

NineDot Energy seeks to develop clean energy solutions in the New York metropolitan area. If project sites are not financially feasible within the five boroughs, we would seek to increase our footprint in Westchester and Long Island.

2. What uses are being considered for the Project Location other than those described in the Proposed Project Activities?

none by Applicant

3. How does the Applicant intend to utilize the tax savings provided through the NYCIDA?

The tax savings provided through NYCIDA will allow Applicant to make construction and operation of the energy storage system described in Proposed Project Activities financially feasible.

4. What are the primary sources of revenue supporting Applicant's operations?

The primary source of revenue for Applicant are fees paid by the utility company for our energy storage system's discharge of power into the grid during peak hours. This reimbursement is made primarily, though not solely, according to New York State's Value of Distributed Energy Resources (VDER) program.

5. If the Applicant's income statement categorizes any revenues as "Other operating revenues," describe what revenues are captured in that category:
☒ N/A
6. 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, 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 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 understand the following: that Applicant and Principals will be subject to a background check and actual or proposed subtenants may be subject to a background check, and if such background check performed by the Agency with respect to Applicant or any Affiliates reveals negative information, Applicant consents to any actions that the Agency or NYCEDC may take to investigate and verify such information; that the Agency may be required under SEQRA to make a determination as to the Project's environmental impact and that in the event the Agency determines that the Project will have an environmental impact, Applicant will be required to prepare, at its own expense, an environmental impact statement; that the decision of the Board to approve or to reject the request made in the Application Materials is a discretionary decision; that no Bonds may be issued (if Bonds are being requested) unless such Bonds are approved by the Mayor of the City; that under the New York State Freedom of Information Law ("FOIL"), the Agency may be required to disclose the Application Materials and the information contained therein (see the Disclosure Policy section of the Policies and Instructions document provided to Applicant and signed by Applicant on or about the date hereof (the "Policies and Instructions")); and that Applicant shall be entirely responsible and liable for the fees referred to in these Application Materials.

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 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 7th day of September, 2024. _____	This day of , 20 .
Name of Applicant: Devoe LandCo LLC	Name of Preparer: _____
Signatory: Samuel Brill	Signatory: _____
Title of Signatory: VP, Strategic Development	Title of Signatory: _____
Signature: <i>Samuel Brill</i>	Signature: _____

ATTACHMENT - ADDITIONAL RESPONSES

K. FINANCIALS

1. Has Applicant, Affiliate(s), Principal(s), or any close relative of any 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.

In July 2023, Affiliates of the Applicant closed on a revolving credit facility with the New York Green Bank. This credit facility is intended to serve as a bridge loan to allow NineDot Energy, LLC and its subsidiaries to pay for early-stage deposits required by Con Edison for interconnection costs, prior to when full project financing is obtained. These costs represent a portion of the capital expenditures necessary to develop an initial portfolio of project sites controlled by NineDot Energy, LLC or its subsidiaries.

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.

Several Affiliates of the Applicant have obtained Inducement and Authorizing Resolutions from NYCIDA for BESS projects. These Affiliates were all, like the Applicant, wholly-owned subsidiaries of NineDot Energy, LLC.

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: 439 Devoe Avenue			
Project Location (describe, and attach a location map): 439 Devoe Avenue, Bronx, NY - Block 4003, Lot 10			
Brief Description of Proposed Action: Devoe LandCo LLC proposes construction of battery energy storage systems ("BESS") that will have an estimated capacity of 9.8MW along with two solar arrays each of approximately 20 kW capacity.			
Name of Applicant or Sponsor: Devoe LandCo LLC		Telephone: [REDACTED]	
		E-Mail: [REDACTED]	
Address: 370 Jay Street, 7th Floor			
City/PO: Brooklyn		State: NY	Zip Code: 11201
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO ☒	YES ☐
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO ☒	YES ☐
3. a. Total acreage of the site of the proposed action?		< 1 acres	
b. Total acreage to be physically disturbed?		< 1 acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		< 1 acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. ☒ Urban ☐ Rural (non-agriculture) ☐ Industrial ☒ Commercial ☐ Residential (suburban)			
☐ Forest ☐ Agriculture ☐ Aquatic ☒ Other(Specify): vacant			
☒ Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	☐	☒	☐
b. Consistent with the adopted comprehensive plan?	☐	☒	☐
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	☐	☒	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	☒	☐	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	☒	☐	
b. Are public transportation services available at or near the site of the proposed action?	☐	☒	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	☐	☒	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	☐	☒	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ Unmanned facility - no potable water required. _____	☒	☐	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ Unmanned facility - no wastewater required _____	☒	☐	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places?	NO	YES	
	☐	☒	
Former Bronx Consumers Ice Company (00501.001831): NR Eligible, ~100ft southwest	☐	☒	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	☐	☒	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☒	☐	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ The Bronx River is located adjacent to the west of the proposed project. Site plans do not indicate any encroachment outside existing property lines into the wetland area; all equipment is proposed to be setback ~30ft from the property line adjoining the Bronx River _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: ☐ Shoreline ☐ Forest ☐ Agricultural/grasslands ☐ Early mid-successional ☐ Wetland ☒ Urban ☐ Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	☒	☐
16. Is the project site located in the 100-year flood plan?	NO	YES
	☐	☒
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
a. Will storm water discharges flow to adjacent properties?	☒	☐
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	☐	☐
If Yes, briefly describe: _____ Stormwater runoff currently conveys to municipal curb and storm drains, and this will remain the same post-development. _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	☒	☐
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	☒	☐
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	☐	☒
Site of proposed action formerly occupied by an auto repair shop as early as the 1980s until late the 2010s. The potential exists for the former auto repair shop to impact subsurface conditions. Further, three remediation site are located within 2,000 feet of the Site.		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Devoe LandCo LLC</u> Date: <u>9/7/2024</u>		
Signature: <u>Sam Brill</u> Title: <u>VP, Strategic Development, NineDot Energy</u>		



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes