

THE NEIGHBORHOOD ENTREPRENEUR LAW PROJECT

Our Mission:

The Neighborhood Entrepreneur Law Project (NELP) of the City Bar Justice Center was founded in 2003 to provide legal services to NYC-based micro-entrepreneurs of limited economic resources to help them start their small businesses on sound legal footing.

To date, NELP has assisted over 20,000 entrepreneurs and small businesses and has worked with volunteer attorneys from over 100 different law firms and corporate in-house legal departments to deliver legal services to individuals who see entrepreneurship as a means of creating economic stability for their households and their communities.



LEGAL ISSUES WE ADDRESS

NELP focuses on transactional legal issues relevant to small businesses. These include:

- Choosing and setting up the right business structure (sole proprietorship, partnership, corporation or LLC)
 - Protecting intellectual property rights through trademark and copyright
 - Drafting and reviewing business contracts
 - Helping clients understand their legal obligations as employers
 - Reviewing commercial leases and assisting in lease negotiations
- We do not provide assistance with non-profit entity formation, litigation, collection matters or disputes.



OUR SERVICES

We deliver our services in three ways:

Presentations

- Attorneys discuss topics of interest to entrepreneurs such as:
 - Business Structure
 - Commercial Leasing
 - Intellectual Property
 - Worker Classifications
 - Crowd Funding
- Presentations are open to all entrepreneurs, regardless of income.

Legal Clinics

- Entrepreneurs get on-the-spot legal advice during a 45-minute appointment with an attorney or team of attorneys about their business law issues.
- Clinics are open to all entrepreneurs, regardless of income


Direct Pro Bono Representation

- Entrepreneurs can get full legal representation for a particular issue, such as forming a limited liability company, through NELP. They are not charged any legal fees, but are responsible for any filing fees.
- Direct pro bono representation is only available to those NYC-based entrepreneurs who qualify for assistance in line with NELP's income guidelines.


Contact us for more information or for help:

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 nelp@nycbar.org

 [Neighborhood Entrepreneur Law Project](#)

 212-382-6633





FINDING THE SPOT

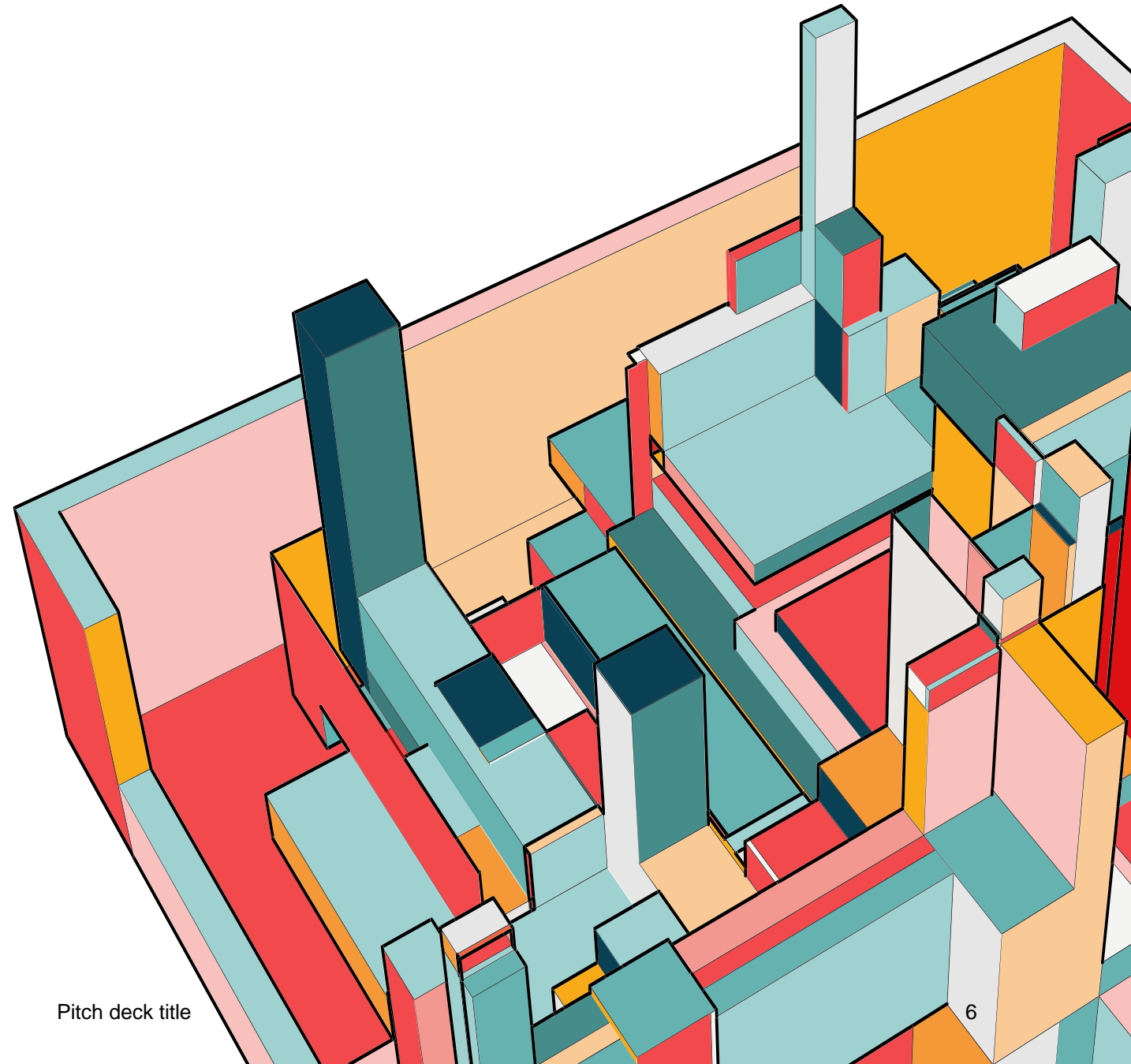
CANNABIS REAL ESTATE, LAND USE, AND LOCAL APPROVAL

Heather Kumer, Esq.

Kumer & Hopper Law LLP

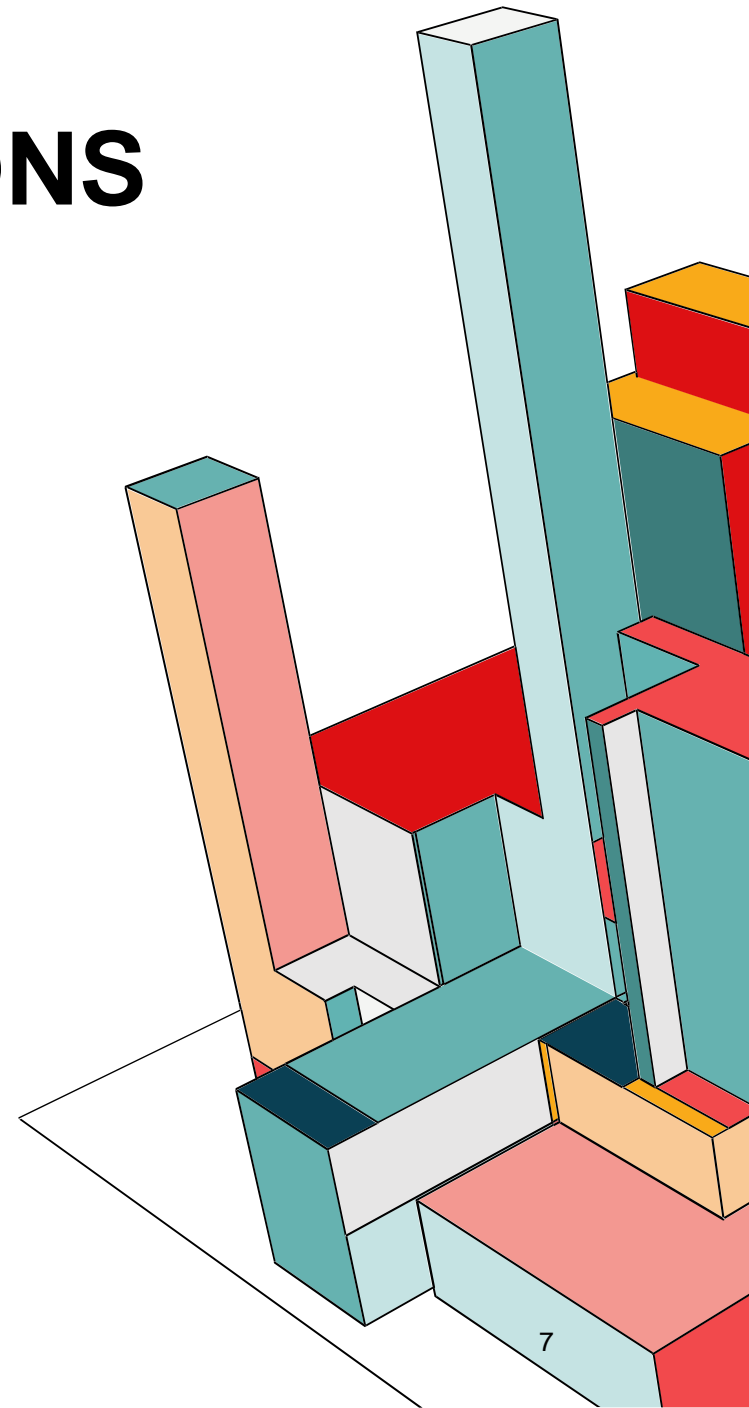
AGENDA

1. Overview of State Regulations
2. Real Estate
 1. Considerations & Strategy
 2. Search Tools
 3. Contracts
3. Land Use Approval Process
4. Discussion



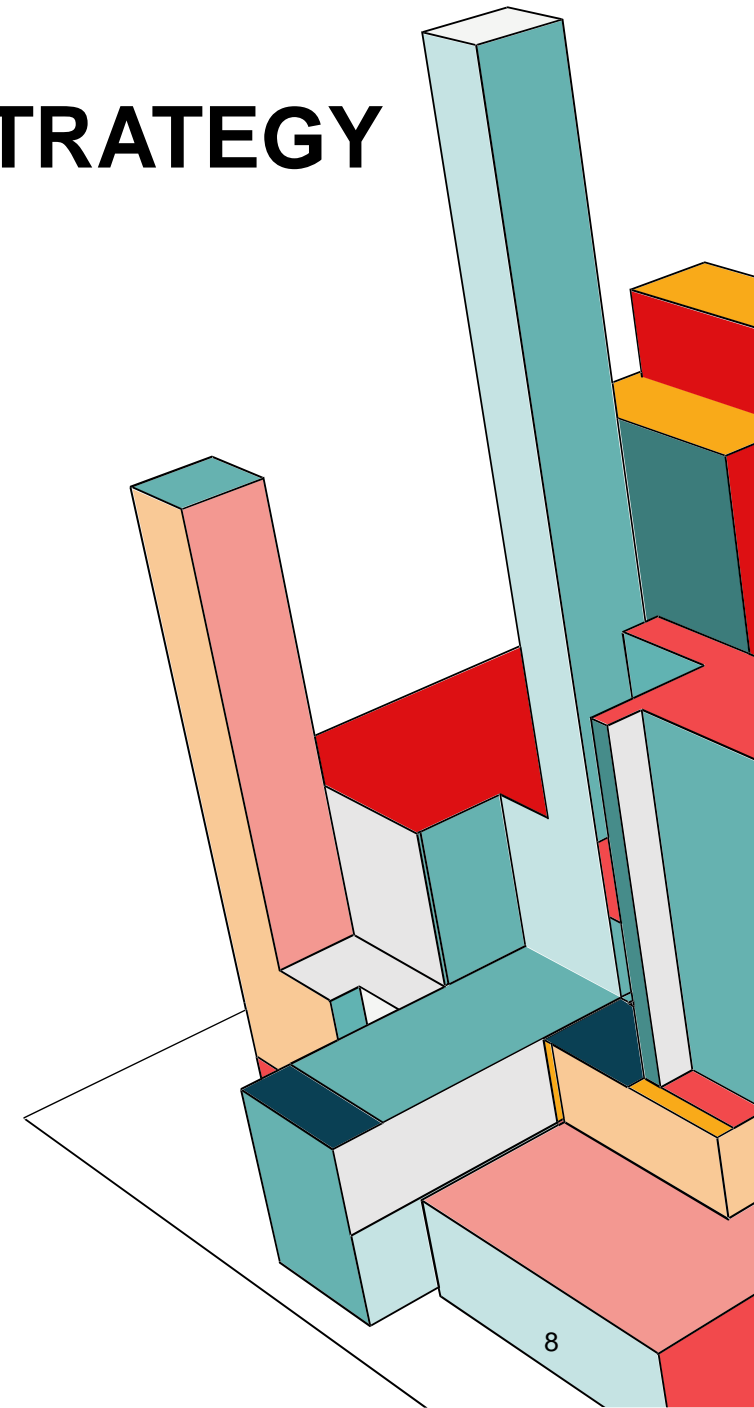
OVERVIEW NY STATE REGULATIONS

1. Opt-In and Opt-Out: Retail & Consumption
2. Permitted Uses for Industrial and Manufacturing
3. Municipal Support Letter
4. Conditional Licenses
5. The MRTA requires applicants seeking retail licenses to have identified the location for their business at the time the license application is submitted. Specifically, the applicant must either own the property, have a valid lease in place or provide proof that they will possess the property within 30 days of being granted a license for a term that equals the license period (which is renewed every 2 years). This requirement severely limits the viable locations for cannabis businesses, given the legal and tax complications associated with seeking a mortgage from a federally backed bank or leasing from a property owner who is paying a mortgage on the premise



REAL ESTATE: CONSIDERATIONS & STRATEGY

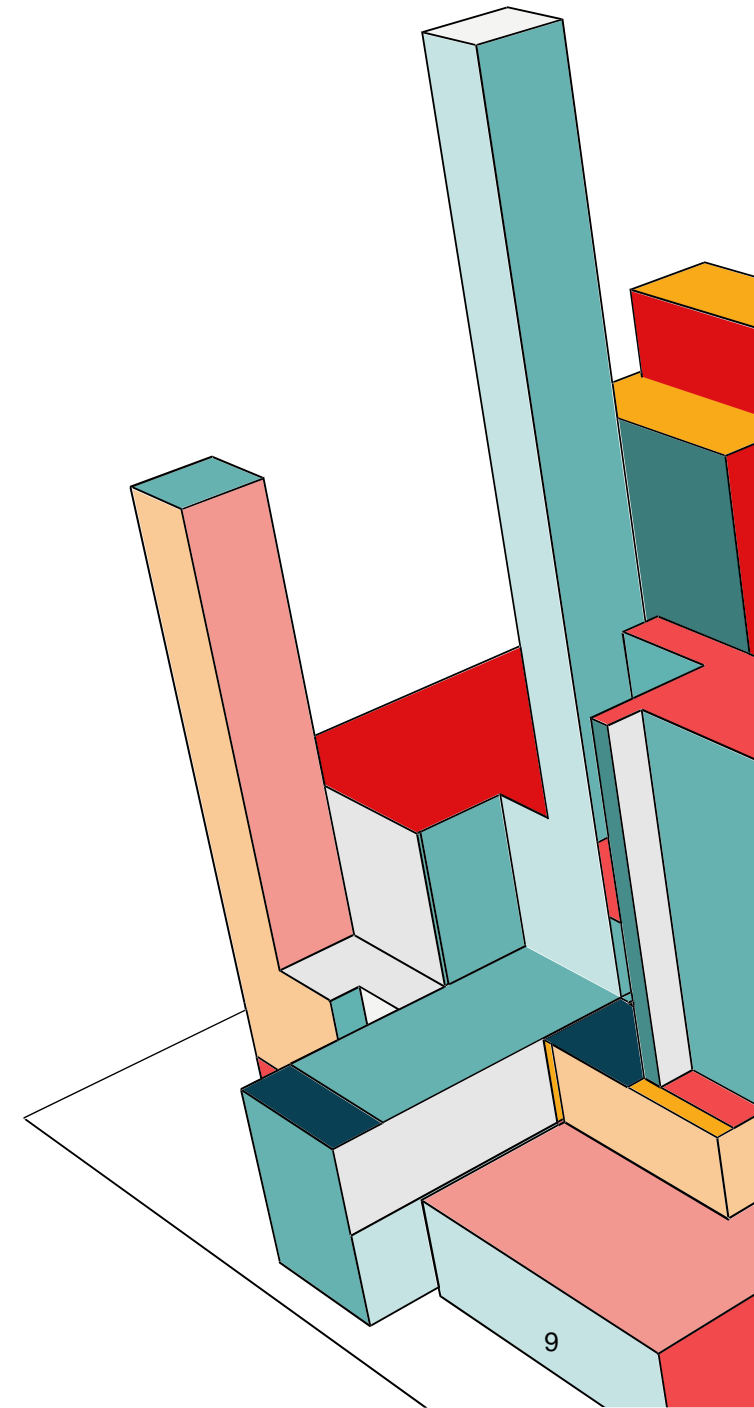
1. BUY OR LEASE?
2. EXISTING STRUCTURE OR NEW BUILD?
3. SQUARE FOOTAGE
4. TYPE OF USE
5. BUFFER AREAS
6. COMPETITION
7. UTILITIES
8. ENVIRONMENTAL ISSUES INCLUDING FLOODING
9. NYBISM



REAL ESTATE: SEARCH TOOLS

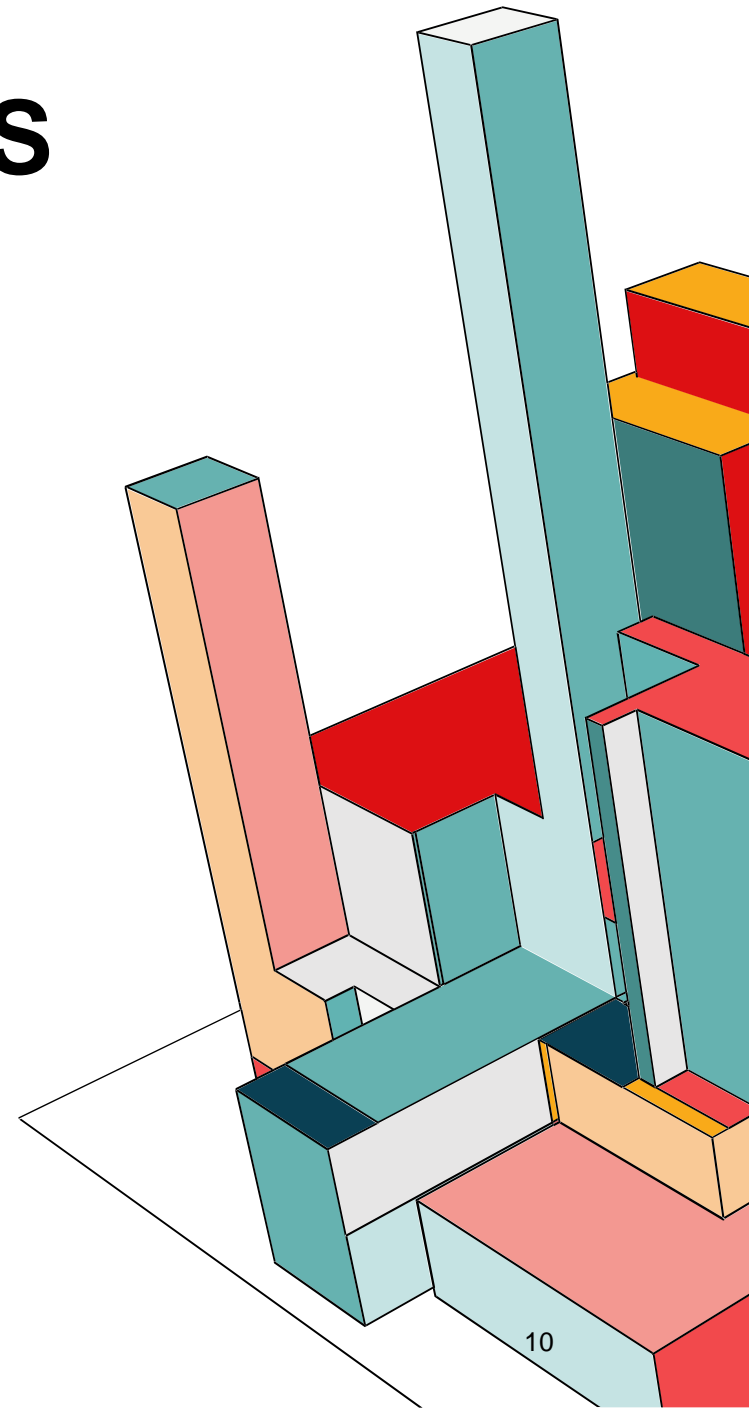
- 1.ZOLA- NYC PROPERTY
- 2.NY COUNTY PROPERTY TOOLS
- 3.FEMA FLOOD MAPS
- 4.OPT-IN DATABASE

INTERACTIVE TUTORIAL



REAL ESTATE CONTRACT TERMS

1. Contingency Term
2. Right of Reentry
3. Right of First Refusal
4. Option to Purchase
5. Sublease/ Development Entity
6. Non-Disclosure
7. Permitted Use Acknowledgement
8. No Federal Reference
9. Third Party Audit
10. Guarantor



LAND USE APPROVAL PROCESS



NYC PLANNING | APPLICATION PROCESS

STEP 1

FIND OUT WHAT'S ALLOWED

How can I use my land/property/parcel?

1. ZoLa
2. Zoning Handbook
3. Zoning Resolution
4. Zoning Help Desk (212-720-3291)

STEP 2

BEGIN THE APPLICATION PROCESS

Informational Meeting

Contact your [borough office](#) to schedule an Informational Meeting to discuss the scope of your project. A planner will direct you to a checklist of materials to bring to your meeting.

Pre-Application Statement (PAS)

The planner will direct you to the [Pre-Application Statement \(PAS\)](#) which provides basic pertinent information about your proposed project to formally begin the pre-certification process.

Inter-Divisional Meeting

The [Interdivisional Meeting](#) is an opportunity for you to present your proposal to the assigned DCP staff from the various divisions that will be responsible for reviewing your application materials.

RWCDS Memo

The Reasonable Worst Case Development Scenario (RWCDS) is an analysis framework used to determine the required [environmental process](#)

STEP 3

PREPARATION OF ENVIRONMENTAL & LAND USE APPLICATIONS

Submit Draft Environmental Analysis

Submit Draft Land Use Application

DCP coordinated review and comments

STEP 4

FILING & PAYING FEES

File Land Use & Environmental Review Applications

Pay Fees

DCP final review and determination of application completeness

STEP 5

PUBLIC REVIEW OR AGENCY APPROVAL

Certification/Referral

ULURP Process




To be approved, a number of applications will have to go through New York City's [Uniform Land Use Review Procedure](#), which codifies the public review process.

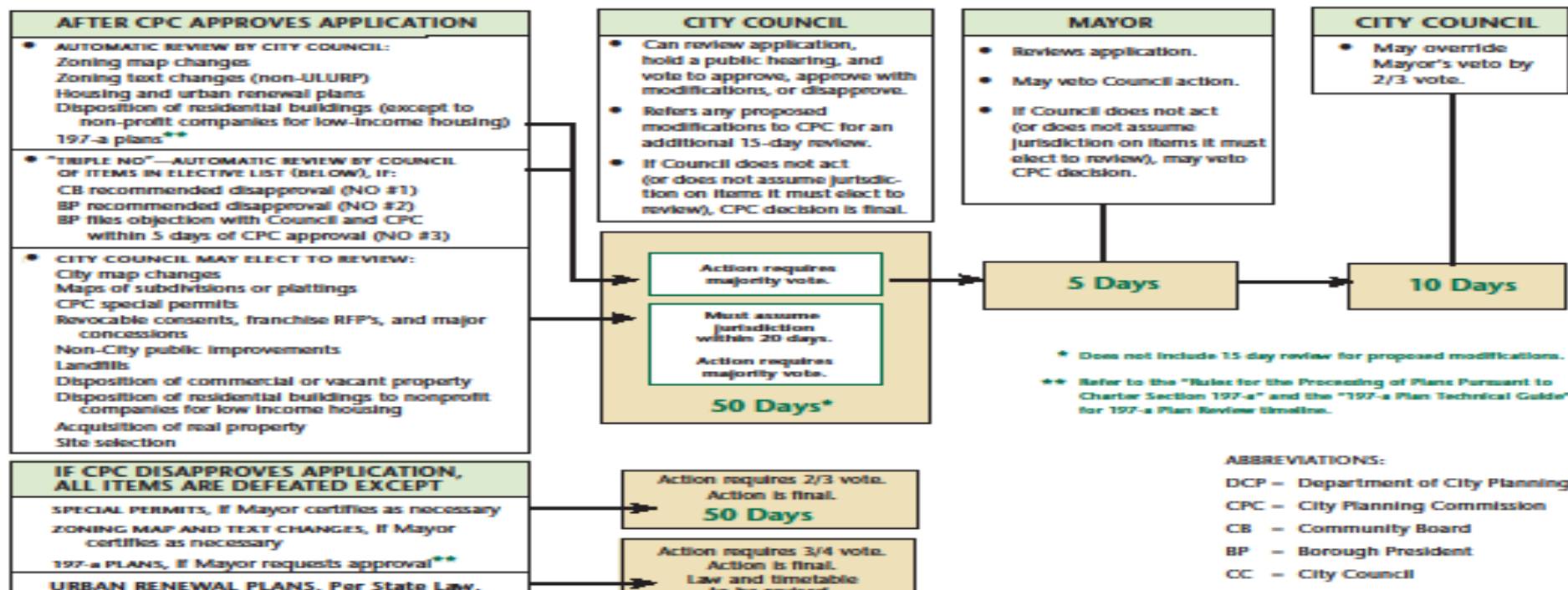
Non- ULURP

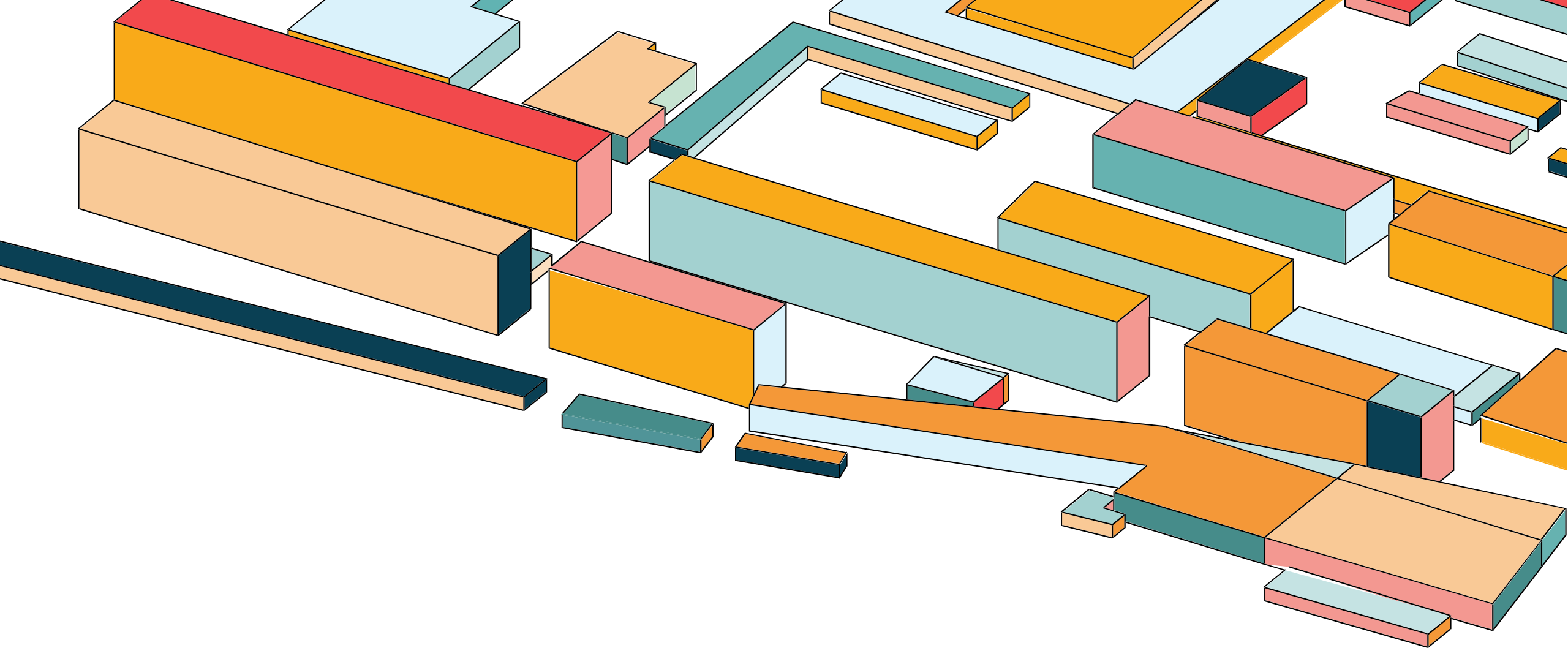
- BD – Business Improvement District application
- BS – Bus Franchise
- CM – Follow-up, Renewal of Previous Application
- EC – Enclosed Sidewalk Café application
- HC – Minor Change
- HG – Urban Renewal Designation
- HK – Landmark or Historic District application
- MD – Amended Drainage Plan
- ME – Easement Delineation (May Include Acquisition)
- MY – Administrative Demapping
- NP – 197-a Plan
- PX – Office Space
- RA – South Richmond District Authorization
- RC – South Richmond District Certification
- ZA – Zoning Authorization ZC – Zoning Certification ZR – Zoning Text Amendment to Zoning Resolution

ULURP REQUIRED

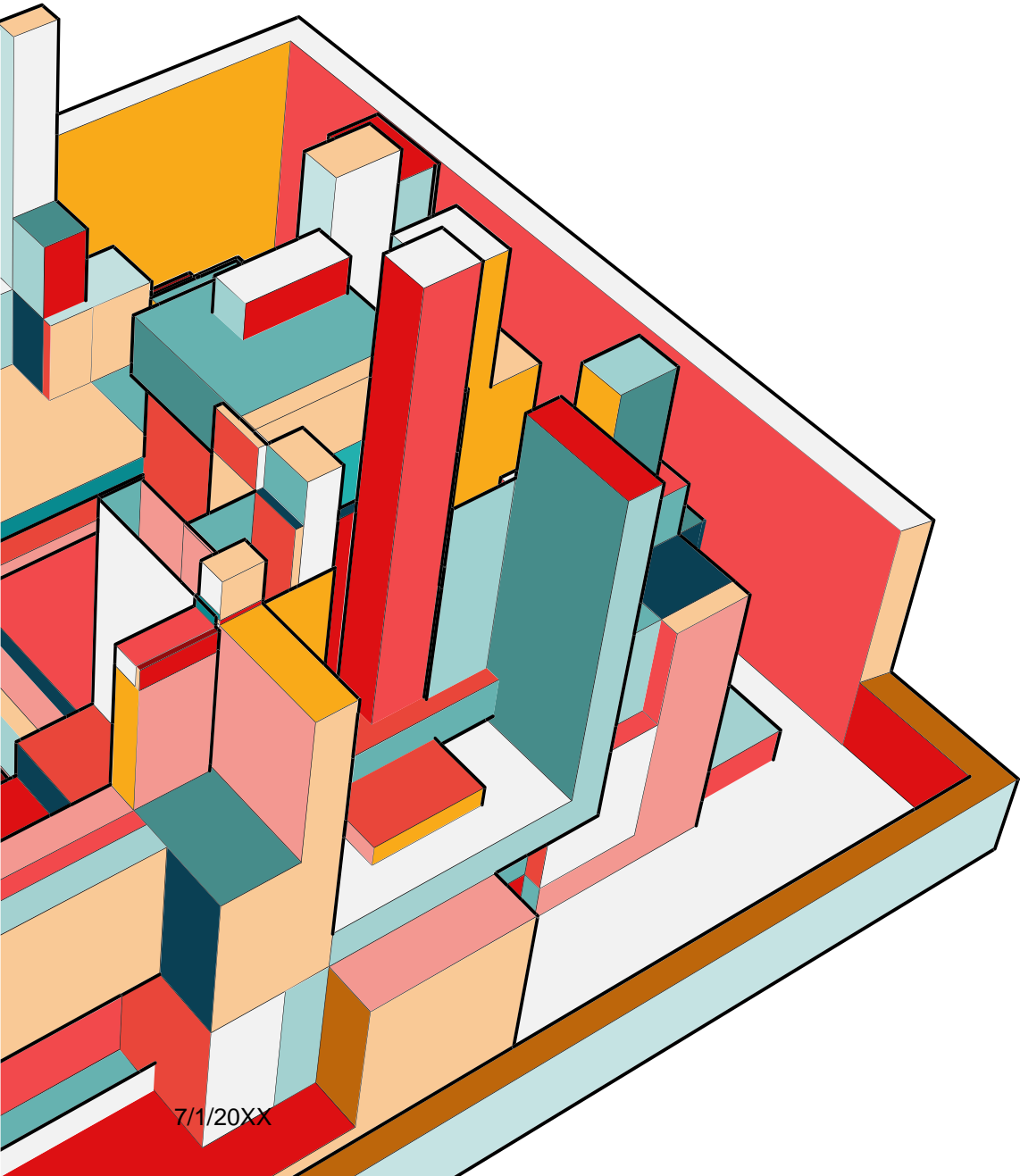
- MM- Changes to the City Map. The City Map is the official adopted map of the city. It shows the location, dimension and grades of streets, parks, and other public places. The Director of City Planning is the custodian of the City Map.
- ZM- Zoning Map Amendment
- ZS- Special Permits within the Zoning Resolution requiring approval of the City Planning Commission (CPC). Special permits are discretionary approvals that can modify zoning controls such as use, bulk and parking.
- PF- Site selection for capital projects. This includes the selection of sites for new city facilities such as sanitation garages, fire houses, libraries and sewage treatment plants. A capital project is the construction or acquisition of a public improvement classified as a capital asset of the City. Revocable consents, requests for proposals and other solicitations or franchises, and major concessions.

CITY MAP CHANGES MAPS OF SUBDIVISIONS PLATTINGS ZONING MAP CHANGES CPC SPECIAL PERMITS REVOCABLE CONSENTS FRANCHISE RFP'S MAJOR CONCESSIONS NON-CITY PUBLIC IMPROVEMENTS HOUSING AND URBAN RENEWAL PLANS LANDFILLS DISPOSITION OF REAL PROPERTY ACQUISITION OF REAL PROPERTY SITE SELECTION	DEPARTMENT OF CITY PLANNING Application and Pre-Certification	COMMUNITY BOARD	BOROUGH PRESIDENT and BOROUGH BOARD	CITY PLANNING COMMISSION	SEE FLOW CHART BELOW FOR THE PROCESS FOR CITY COUNCIL AND MAYORAL REVIEW (Charter Section 197-d)
	<ul style="list-style-type: none"> Receives application and related documents. Forwards application and documents within 5 days to CB, BP, and CC (and BB, if project affects more than one CB). Certifies application as complete. 	<ul style="list-style-type: none"> Notifies public. Holds public hearing. Submits recommendation to CPC, BP (and BB). Can waive rights on franchise RFP's and leases. 	<ul style="list-style-type: none"> BP submits recommendation to CPC or waives right to do so. BB (if project affects more than one CB) may hold a public hearing and submit recommendation to CPC or waive right to do so. 	<ul style="list-style-type: none"> Holds public hearing. Approves, modifies or disapproves application. Files approvals and approvals with modifications with City Council. Disapprovals are final, except for zoning map changes, special permits, and urban renewal plans. 	
PROCESS TAKES	No Specified Time Limit (after 6 months, applicant or BP in some cases, may appeal to CPC for certification).	60 Days	30 Days	60 Days	
<i>Clock = 1 Year</i>					
TOTAL DAYS		60 Days	90 Days	150 Days	





QUESTIONS



THANKS!

CONTACT INFORMATION:

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