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.
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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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

7/1/20XX
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
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.
<table>
<thead>
<tr>
<th>Process</th>
<th>Timeframe</th>
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<tbody>
<tr>
<td>No Specified Time Limit (after 6 months, applicant or BP in some cases may appeal to CPC for certification)</td>
<td>60 Days</td>
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<tr>
<td>Clock after 1 year</td>
<td>90 Days</td>
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<tr>
<td>TOTAL DAYS</td>
<td>150 Days</td>
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**After CPC Approves Application**
- Examine review application, notify a public hearing, and vote to approve, with or without modifications, or disapproves.
- refers any proposed modifications to CPC for an additional 15 day review.
- If Council does not act (or does not assume jurisdiction on items it must elect to review), CPC decision is final.

**City Council**
- MAY ELECT TO REVIEW:
  - City may change
  - Maps of subdivisions or plottings
  - CPC special permits
  - Revocable consents, franchise BFPs, and major
  - Concessions
  - Non-City public improvements
  - Landfills
  - Disposition of commercial or vacant property
  - Disposition of residential buildings to nonprofit companies for low-income housing
  - Acquisition of real property

**Mayor**
- MAY override Mayor's veto by 2/3 vote.

**CITY COUNCIL**
- Action requires majority vote.
  - Must assume jurisdiction within 30 days.
  - Action requires majority vote.

**CITY COUNCIL**
- 150 Days

**If CPC Disapproves Application, all Items are Defeated Except**
- Special Permits, if Mayor certifies as necessary
- CPC special permits
- Major

**Avenue**
- Action requires 2/3 vote.
  - Action is final.

**Avenue**
- Action requires 3/4 vote.
  - Action is final.

**Avenue**
- 50 Days

**Avenue**
- 10 Days

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**Abbreviations**
- DCP: Department of City Planning
- CPC: City Planning Commission
- CB: Community Board
- BP: Borough President
- CC: City Council
QUESTIONS
THANKS!

CONTACT INFORMATION:

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