

Life Sciences in Commercial Zoning Districts

To: Alicia Glen, Deputy Mayor for Housing and Economic Development
From: DOB: Thomas Fariello, First Deputy Commissioner
DCP: Carl Weisbrod, Commissioner
EDC: Maria Torres-Springer, President
Subject: Life Sciences in Commercial Zoning Districts
Date: December 13, 2016

This memo summarizes the conclusions based upon discussion among the Department of Buildings (DOB), the Department of City Planning (DCP) (collectively, “the agencies”) and the Economic Development Corporation (EDC) about the zoning implications of life sciences research, testing, and development (“Life Sciences”) in commercial zoning districts.

- A. Scope of research and testing: As stated in ZR 32-18 (Use Group 9A), “*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates....*” are permitted in C2, C4, C5, C6, C8, M1, M2, and M3 districts. The agencies and EDC are in agreement that the synthesis and manipulation of chemical substances, biological matter, and animal models (as described further below) are integral activities in commercial medical laboratories devoted to research and testing, as referenced in ZR 32-18. Activities in these laboratories may also include the assembly of medical technologies, diagnostic devices, and research instrumentation for use in prototype experimentation, pre-clinical studies or clinical testing.
- B. Regulation of objectionable effects: ZR 32-18 further defines Use Group 9A as “*not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects*”. Due to regulatory guidelines at the city, state and federal levels, commercial life sciences laboratories are not permitted to conduct operations that pose danger of objectionable effects, as cited in ZR 32-18. These laboratories must be designed and certified by licensed professionals and are subject to the same guidelines followed by non-profit medical laboratories. Accordingly, the agencies and EDC understand that commercial medical laboratories do not carry objectionable effects if, as applicable, they meet the necessary environmental health and safety guidelines of agencies such as:
- a. Fire Department of New York (FDNY)
 - b. National Fire Protection Association (NFPA)
 - c. NYC Department of Health and Mental Hygiene (DOHMH)
 - d. NY State Department of Health (DOH)
 - e. NYC Department of Environmental Protection (DEP),
 - f. NY State Department of Environmental Conservation (DEC)
 - g. Environmental Protection Agency (EPA)
 - h. National Institutes of Health (NIH)
 - i. Center for Disease Control (CDC)

C. Representative facilities and operations: Pursuant to item A. above, early-stage life sciences research and development is typically performed in facilities that may include offices, meeting rooms, common pantries, and medical laboratory space. With specialized and appropriate mechanical, electrical, plumbing and ventilation systems, these commercial laboratories accommodate the safe operation of research and testing protocols, including but not limited to:

- Small-scale chemistry experimentation and synthesis
- Small-scale molecular biology and biotechnology experimentation or biological engineering
- Physical prototype development activities, such as 3D printing, assembly of devices or materials with medical or research applications
- Small animal husbandry for the production of animal testing models in pre-clinical trials

Such protocols constitute examples of pilot production activities that are integral to the principal use of research and testing, and meet the performance standards related to such principal use

D. Scope of principal use: The principal use of medical laboratories for research or testing may include research and development of technologies with commercialization potential or the development and piloting of processes to enable such research and development – e.g.:

- The creation and/or testing of therapeutics technologies, including but not limited to:
 - Small molecules
 - Biologics
 - Gene therapies
 - Cell therapies
 - Vaccines
- The creation and/or testing of non-therapeutics technologies, including but not limited to:
 - Mechanical/Electronic medical devices (e.g. prosthetics)
 - Diagnostic devices (e.g. EKG sensors)
 - Molecular diagnostics (e.g. genetic tests)
 - Treatment devices (e.g. intravenous pumps)
 - Research instrumentation (e.g. gene sequencing machines)
 - Bio-materials (e.g. artificial tissue)

E. Non-research life sciences facilities: Commercial life sciences establishments may also be seeking facilities primarily for the production, storage, and distribution of pharmaceutical or scientific products available for sale. The agencies and EDC are in agreement that these establishments are permitted to perform such activities in M-districts under Use Group 17, or in C6 districts by way of a Special Permit from DCP under ZR Section 74-48.



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