

New York City Aims to Bolster the Life Science, Laboratory and Biotech Economy with its “City of Yes” Zoning Text Amendments

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In late 2023 the Mayor and the Department of City Planning, as part of the “City of Yes” initiative, proposed a wide range of zoning text amendments to amend various zoning limits that they believe are out of step with a 21st Century economy. Laboratories and biotech companies are likely to see the biggest benefit from the proposed amendments that are presently undergoing public review. Among many other changes, the City would:

- Amend Zoning Resolution 32-17 to replace former Use Group 7[1] with a new one covering laboratories and offices. The amendment creates a new definition of permissible labs in Use Group 7: “Laboratories not involving any danger of fire or explosion nor offensive noise, vibration, smoke and other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects.” The Amendment also allows laboratories in all commercial “C” zones except for C3 (waterfront recreation) zoning districts.
- Amend Zoning Resolution 74-171 to allow the City Planning Commission to issue a special permit allowing commercial, for-profit laboratories to be co-located with research, educational or similar community facilities that may be located in a residential zoning district. Currently, only nonprofit laboratories can co-locate with a community facility that happens to be in a residential zoning district. A companion amendment to 74-901 would allow the City Planning Commission to issue a special permit that varies bulk limits on such laboratories.

Community boards have traditionally been wary of laboratories in residential zoning districts and upcoming public hearings are likely to focus on this issue.

The City has proposed three sets of zoning text amendments under the “City of Yes” program: Carbon Neutrality, Economic Opportunity and Housing Opportunity. The City Council approved Carbon Neutrality on December 23, 2023. Economic Opportunity is undergoing public review and the City Planning Commission and City Council will vote in mid-2024. Housing Opportunity, for which the City has not yet released the proposed text amendments, is the most expansive and will likely begin the formal public review process in spring 2024.

[1] Former Use Group 7, hotels, becomes Use Group 5.

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