

Zoning for Quality and Affordability

Summary of proposed changes to Article II, Chapter 8 – The Quality Housing Program

Overview: Article II, Chapter 8 of the Zoning Resolution establishes the standards and requirements for buildings that participate in the “Quality Housing” Program. These standards and requirements apply to some of the medium- and high-density bulk regulations stipulated in Article II, Chapter 3, and pertain to certain aspects of the building such as refuse storage and indoor recreation space. The goal of these standards and requirements is to foster better neighborhoods and buildings. The proposal aims to clarify the applicability of this program, and make some changes to the building standards such that they match the modifications proposed in Article II, Chapter 3 to accommodate current best practices in residential building design. More specifically, the proposal:

- Clarifies applicability of Quality Housing provisions to certain community facilities with residential characteristics.
- Removes redundant references to bulk regulations. Each underlying bulk chapter now specifies that for buildings in contextual districts, or for buildings using the Quality Housing program in non-contextual districts, the quality housing bulk regulations are mandatory.
- Removes references to rooming units, which is an obsolete term.
- Removes minimum unit size requirements as other regulations, including the Housing Maintenance Code and the Building Code, sufficiently govern room and apartment sizes. Density regulations in Section 23-20 will still apply.
- Removes redundant requirement for double glazed windows, because equal or greater standards exist in the Building Code.
- Creates floor area exemption for interior ramps provided in residential buildings to accommodate elevated ground floor units.
- Allows skylights in ground floor level enclosed recreation space and laundry rooms provided under the new provisions for permitted obstructions in rear yards for senior or inclusionary housing buildings in certain districts to qualify for the minimum window square footage requirements required pursuant to Sections 28-13 and 28-22.
- Allows corridors with windows facing onto a small inner or outer court (complying with the new provisions of Section 23-80) to qualify for the floor area deduction.
- Migrates planting requirement from Section 23-892 to this chapter to allow for easier reference for commercial equivalents.
- References to re-numbered or re-titled sections are updated. Terms removed or revised in the proposal are updated. Other edits for general clarity are also included.

If you would have comments or questions on this draft, please send them to ahousing@planning.nyc.gov.

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article II - Residence District Regulations

Chapter 8 The Quality Housing Program

28-00 GENERAL PURPOSES

The Quality Housing Program is established to foster the provision of multifamily housing and certain ~~community facilities~~ that:

- (a) are ~~is~~ compatible with existing neighborhood scale and character;
- (b) provides on-site ~~recreation~~ amenity spaces to meet the needs of the residents ~~its occupants~~; and
- (c) ~~is~~ are designed to promote the security and safety of the residents.

Commented [DCP1]: Updating general purposes to more clearly reflect applicability of Quality Housing regulations to certain community facility uses.

28-01 Applicability of this Chapter

The Quality Housing Program is a specific set of standards and requirements that, in conjunction with the ~~bulk~~ provisions for Quality Housing buildings set forth in Article II, Chapter 3, and Article III, Chapter 5, as applicable, apply to ~~for~~ buildings containing residences, long-term care facilities or philanthropic or non-profit institutions with sleeping accommodations, or some combination thereof as follows:

- (a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in the equivalent Commercial Districts listed in Sections 34-111 and 34-112, all such buildings shall comply with the Quality Housing Program standards and requirements as set forth in this Chapter. ~~In R5D Districts, only the requirements set forth in Sections 26-41 (Street Tree Planting), 28-2321 (Refuse Storage and Disposal), 28-33 (Planting Areas) and 28-53 (Location of Accessory Parking) shall apply.~~
- (b) In other R6, R7, R8, R9 or R10 Districts, and in the equivalent Commercial Districts listed in Sections 34-111 and 34-112, ~~residential developments, residential enlargements, where permitted, all developments and enlargements~~ of such buildings ~~electing to use the optional~~ utilizing the Quality Housing bulk regulations in Article II, Chapter 3, shall comply with the Quality Housing Program

Commented [DCP2]: Updating to more clearly reflect applicability of Quality Housing provisions to certain community facility uses. These uses are permitted to utilize this chapter in Article II, Chapter 4, but it is unclear how these regulations should be applied.

Commented [DCP3]: Moving to (c) below.

Commented [DCP4]: Updating to reflect applicability of provisions to both residential uses certain community facility uses.

standards and requirements set forth in this Chapter.

- (c) In R5D Districts, only the requirements set forth in Sections 28-12 (Refuse Storage and Disposal), 28-23 (Planting Areas) and 28-43 (Location of Accessory Parking) shall apply.
- (d) In R6 through R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, for #developments# and #enlargements# of #community facility buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, or portions of #buildings# containing such #uses#, where such #building# utilizes the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3 in R6 through R10 Districts with a letter suffix, or the height and setback regulations for #Quality Housing buildings# in Article II, Chapter 3 in R6 through R10 Districts without a letter suffix, the Quality Housing Program standards and requirements of this Chapter shall apply, except that the provisions of Sections 28-12 (Refuse Storage and Disposal) shall be optional.
- (e) The provisions of Article VII, Chapter 8 (Large-Scale Residential Developments), are not applicable to #Quality Housing buildings#.
- (f) The provisions of this Chapter shall not apply to #dwelling units converted# pursuant to Article I, Chapter 5, unless such #conversions# meet the requirements for #residential developments# of Article II (Residence District Regulations).

Commented [DCP5]: Moving from (a) above.

Commented [DCP6]: Adding provisions to clarify which portions of Quality Housing Program apply to listed community facilities.

28-02 Definitions

Vertical circulation core

A "vertical circulation core" is an elevator core (consisting of one or more elevators) or a central stairwell in a non-elevator #building#.

Dwelling unit

For the purposes of applying the provisions of this Chapter to philanthropic or non-profit institutions with sleeping accommodations and to #long-term care facilities#, the term #dwelling unit# shall include #dwelling units# and #rooming units#, as set forth in the Housing Maintenance Code.

Commented [DCP7]: Adding definition to provide greater clarity on how provisions apply to listed community facility uses.

28-03 Quality Housing Program Elements

The Quality Housing Program consists of four components: neighborhood impact, #building# interior, recreation

space and planting, and safety and security, and parking requirements.

Commented [DCP8]: Updating list of program elements to reflect various changes in proposal.

The neighborhood impact component controls the effect of the #Quality Housing building# on the neighborhood and includes mandatory #bulk# regulations.

Commented [DCP9]: Removing the neighborhood impact component because its only provision is a confusing circular reference to applicable bulk regulations in other individual chapters.

The #building# interior component sets a minimum size of a #dwelling unit#, mandates sets forth special refuse storage and disposal systems, and encourages laundry facilities and daylight in corridors.

Commented [DCP10]: Removing to reflect proposal's removal of this provision.

The recreation and planting component establishes minimum space standards for indoor and outdoor recreation space and requires planting of open areas between the front #building# wall and the #street#.

The safety and security component encourages fewer #dwelling units# per corridor.

The parking component screens #accessory# parking spaces from the public realm.

Commented [DCP11]: Providing title for existing provision.

Each #Quality Housing building# shall comply with the mandatory requirements of this Chapter.

**28-10
NEIGHBORHOOD IMPACT**

Commented [DCP12]: Removing section with no remaining applicability.

**28-11
Bulk Regulations**

The #bulk# regulations for #Quality Housing buildings# are set forth in the provisions applicable to the Quality Housing Program in Article II, Chapter 3; Article II, Chapter 4; Article III, Chapter 4 and Article III, Chapter 5.

Commented [DCP13]: Removing confusing circular reference. Applicability of bulk regulations in contextual districts and Quality Housing option are set forth in individual chapters.

**28-10 28-20
BUILDING INTERIOR**

Commented [DCP14]: Re-numbering.

**28-11 28-21
Elevated Ground Floor Units
Size of Dwelling Units**

A #dwelling unit# shall have an area of at least 400 square feet of #floor area#.

Commented [DCP15]: Removing provision requiring minimum a unit size of 400 square feet to allow for a greater mix of unit sizes in a building. Applicable density factors, Building Code and Housing Maintenance Code will continue to apply.

For all #Quality Housing buildings# with entryways at #curb level# that accommodate ramps, stairs, or lifts to #dwelling units# that are elevated above #curb level# on the first #story# of the #building#, up to 100 square feet of such entryways may be excluded from the definition of #floor area# for each foot of difference between the floor level of such #dwelling units# and #curb level#. However, no more than a maximum of 500 square feet may be excluded from the definition of #floor area# for each #building#.

Commented [DCP16]: Adding provision for a limited floor area exemption for interior ramps to help encourage residential ground floor units lifted above grade.

~~28-22~~

~~Windows~~

All windows in the #residential# portion of a #development# or #enlargement# shall be double glazed.

Commented [DCP17]: Removing obsolete provision for windows that has been superseded by the Building Code.

~~28-12 28-23~~

Refuse Storage and Disposal

In R6 through R10 Districts, #developments#, with nine or more #dwelling units# or #rooming units# per #vertical circulation core#, and #enlargements#, #extensions# or #conversions# that result in nine or more #dwelling units# or #rooming units# per #vertical circulation core#, shall comply with the provisions of this Section.

Commented [DCP18]: Re-numbering.

Commented [DCP19]: Removing obsolete term in this paragraph.

In R5D Districts, #developments# with nine or more #dwelling units# per #zoning lot#, and #enlargements#, #extensions# or #conversions# that result in nine or more #dwelling units# per #zoning lot#, shall comply with the provisions of this Section. Such provisions shall also apply to any #zoning lot# with less than nine units where such #zoning lot# and any adjacent #zoning lot# with a total of nine or more #dwelling units# are #developed# or #enlarged# under common ownership or control.

The storage of refuse shall occur entirely within an enclosed area on the #zoning lot# and appropriate locations within the #zoning lot# shall be delineated for this purpose: at least one for #residential uses#, #long-term care facilities#, and philanthropic or non-profit institutions with sleeping accommodations, as applicable, and at least one for #community facility# and #commercial uses#. #Residential# storage and removal locations shall be provided at the rate of 2.9 cubic feet per #dwelling unit# or 1.15 cubic feet per #rooming unit#.

Commented [DCP20]: Clarifying applicability for building with listed community facility uses.

Commented [DCP21]: Removing obsolete term.

A refuse disposal room of not less than twelve square feet with no dimension less than three feet shall be provided on each #story# that has entrances to #dwelling units# or #rooming units#. Twelve square feet of floor space allocated to such refuse disposal storage room shall be excluded from the definition of #floor area# per #story#.

Commented [DCP22]: Removing obsolete term.

Commented [DCP23]: Modifying provision to clarify original intent.

~~28-13 28-24~~

Laundry Facilities

If the #building# provides the following, then that portion of the laundry room which is used to meet these minimum requirements shall be excluded from the definition of #floor area#:

Commented [DCP24]: Re-numbering.

- (a) at least one washing machine per 20 #dwelling units# or #rooming units# and at least one dryer per 40 #dwelling units# or #rooming units#;
- (b) such machines are located in a room or rooms with an additional three square feet of unobstructed floor space equipped with chairs and tables for folding laundry for each machine provided;

Commented [DCP25]: Removing obsolete term.

- (c) such rooms have at least one exterior wall with windows, or ceilings with skylights, measuring not less than 9.5 percent of the total floor space of the rooms; ~~and~~
- (d) ~~such windows meet the applicable requirements of Section 24-60 (COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND LOT LINES)~~ where windows are provided to meet such requirement, they face a #street#, #yard# or #court# that meets the applicable regulations set forth in Article II, Chapter 3; ~~and~~
- (e) where skylights are provided to meet such requirement, they are located in a #yard# or #court# that meets the regulations set forth in Article II, Chapter 3, and are unobstructed from their lowest level to the sky, except by permitted obstructions set forth in Section 23-87 (Permitted Obstructions in Courts).

Commented [DCP26]: Providing greater flexibility by allowing windows on small inner or outer courts to quality.

Commented [DCP27]: Allowing laundry facilities in the rear yard area to meet the minimum window requirements through skylights.

Commented [DCP28]: Re-numbering.

~~28-14 28-25~~

Daylight in Corridors

Fifty percent of the square footage of a corridor may be excluded from the definition of #floor area# if a window with a clear, non-tinted, glazed area of at least 20 square feet is provided in such corridor, provided that such window:

- (a) shall be directly visible from at least 50 percent of the corridor or from the #vertical circulation core#. This standard shall be achieved when a visually unobstructed straight line can be drawn between such corridor, elevator or stairwell, and the window; and
- (b) is ~~located at least 20 feet from a wall or a #side# or #rear lot line# measured in a horizontal plane and perpendicular to the rough window opening~~ facing a #street#, #yard# or #court# that meets the applicable regulations set forth in Article II, Chapter 3.

Commented [DCP29]: Providing greater flexibility by allowing windows on small inner or outer courts to quality.

Commented [DCP30]: Re-numbering.

~~28-20 28-30~~

RECREATION SPACE AND PLANTING AREAS

~~28-21 28-31~~

Required Recreation Space

All #developments# with nine or more #dwelling units#, and #enlargements#, #extensions# or #conversions# that result in nine or more #dwelling units#, ~~with nine or more #dwelling units# or #rooming units#~~, shall provide at least the minimum amount of recreation space as set forth in the table in this Section.

Commented [DCP31]: Removing obsolete term.

The amount of recreation space required is expressed as a percentage of the total #residential floor area# ~~or #community facility floor area#~~ allocated to #long-term care facilities# or philanthropic or non-profit institutions

with sleeping accommodations, as applicable, of the #development#, #enlargement#, #extension# or #conversion#, and may be aggregated in one type, indoors or outdoors.

Commented [DCP32]: Updating to more clearly address listed community facility uses.

The floor space of indoor recreation space provided in accordance with the standards set forth in Section ~~28-32~~ 28-22 (Standards for Recreation Space), not exceeding the amount required in the table, shall be excluded from the definition of #floor area#.

Commented [DCP33]: Reversing order of table below for greater clarity and updating to accommodate applicable community facilities.

Minimum Required Recreation Space (as a percentage of the #residential floor area#)	District
3.3	R6 R7
2.8	R8 R9 R10

District	Minimum Required Recreation Space (as a percentage of the #residential floor area# or applicable #community facility floor area#)
R6 R7	3.3
R8 R9 R10	2.8

~~28-22 28-32~~

Commented [DCP34]: Re-numbering.

Standards for Recreation Space

- (a) All recreation space shall be accessible to the residents of the #building#. In a mixed use #building#, the recreation space shall be accessible only from the #residential# portion of the #building#, or the #community facility# portion of a #building# allocated to #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as applicable.
- (b) The minimum dimension of any recreation space shall be 15 feet. The minimum size of any outdoor recreation space shall be 225 square feet, and the minimum size of any indoor recreation space shall be 300 square feet.
- (c) Outdoor recreation space shall be open to the sky except that #building# projections, not to exceed seven feet in depth, may cover up to ten percent of the outdoor recreation space, provided that the lowest level of the projection is at least ten feet above the level of the outdoor recreation space.
- (d) Any indoor recreation room located in a #story# shall have at least one exterior wall with windows, or

Commented [DCP35]: Updating to more clearly address listed community facility uses.

ceiling with skylights, that measure not less than 9.5 percent of the total floor space of the room and such windows shall meet the applicable requirements of Section 24-60 (COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES). Where windows are provided to meet such requirement, they shall face a #street#, #yard# or #court# that meets the applicable regulations set forth in Article II, Chapter 3. Where skylights are provided to meet such requirement, they shall be located in a #yard# or #court# that meets the applicable regulations set forth in Article II, Chapter 3 and shall be unobstructed from their lowest level to the sky, except for permitted obstructions set forth in Section 23-87 (Permitted Obstructions in Courts).

Commented [DCP36]: Providing greater flexibility by allowing windows on small inner or outer courts to qualify, as well as skylights when the room is located in the rear yard area.

28-23 28-33

Planting Areas

Commented [DCP37]: Re-numbering.

The area of the #zoning lot# between the #street line# and the #street wall# of the #building# shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, pursuant to the provisions of Section 23-892 (In R6 through R10 Districts).

Commented [DCP38]: Rewriting provision below to provide greater clarity regarding planting requirement for non-residential uses by moving existing provision in 23-692 to here.

The area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between non-residential uses other than philanthropic or non-profit institutions with sleeping accommodations and long-term care facilities and the #street line#. No #zoning lot# shall be altered in any way that will either create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

28-30 28-40

SAFETY AND SECURITY

Commented [DCP39]: Re-numbering.

28-31 28-41

Density per Corridor

Commented [DCP40]: Re-numbering.

If the number of #dwelling units# or #rooming units# served by a #vertical circulation core# and corridor on each #story# does not exceed the number set forth in the following table, 50 percent of the square feet of the corridor serving such #dwelling units# or #rooming units# on such #story# may be excluded from the definition of #floor area#.

Commented [DCP41]: Removing obsolete terms in this paragraph.

#Dwelling units# with entrance doors on more than one corridor (duplex and triplex units), may count each entrance door as a fraction of the total number of doors to such #dwelling unit# when determining the number of #dwelling units# served per corridor.

DENSITY OF

DWELLING UNITS PER CORRIDOR

Number of #Dwelling Units# and #Rooming Units# Served by a Corridor per #Story#	District
11	R6 R7
10	R8
8	R9 R10

Commented [DCP42]: Reversing order of table for greater clarity, and removing obsolete term.

District	Number of #Dwelling Units# Served by a Corridor per #Story#
R6 R7	11
R8	10
R9 R10	8

~~28-40 28-50~~

PARKING FOR QUALITY HOUSING

Except as modified by the provisions of this Section, #accessory# off-street parking shall be provided as set forth in the applicable underlying district regulations.

Commented [DCP43]: Re-numbering.

~~28-41 28-51~~

Screening

All open #accessory# off-street #group parking facilities# shall be screened from #dwelling units#, adjacent #zoning lots# and #streets# in accordance with paragraph (a) of Section 25-66.

Commented [DCP44]: Re-numbering.

~~28-42 28-52~~

Special Regulations for Off-Site Accessory Parking

Commented [DCP45]: Re-numbering.

Off-site #accessory# parking spaces may be unenclosed, provided that the #zoning lot# on which such spaces are located does not contain a #residential use#.

~~28-43 28-53~~

Location of Accessory Parking

On-site #accessory# off-street parking shall not be permitted between the #street line# and the #street wall# of a #building# or its prolongation.

However, on #through lots# measuring less than 180 feet in depth from #street# to #street#, #accessory# off-street parking may be located between the #street line# and any #street wall# located beyond 50 feet of such #street line#.

END

Commented [DCP46]: Re-numbering.