**Zoning Resolution**

THE CITY OF NEW YORK
**Zohran K. Mamdani, Mayor**

CITY PLANNING COMMISSION
**Sideya Sherman, Chair**

# Chapter 2 - Special Scenic View District (SV-1)

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# Chapter 2 - Special Scenic View District (SV-1)

## 102-00 - GENERAL PURPOSES

LAST AMENDED
10/24/1974

The "Special Scenic View District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

(a) to preserve, protect and prevent obstruction of outstanding scenic views as seen from a mapped public park or an esplanade or a mapped public place directly accessible to the public; and

(b) to promote the most desirable use of land and direction of building development, to assure the maintenance and enhancement of the aesthetic aspects of scenic views, to conserve the value of land and buildings and to protect the City's tax revenues.

## 102-01 - Definitions

LAST AMENDED
2/2/2011

Definitions specially applicable to this Chapter are set forth in this Section. The definitions of other defined terms are as set forth in Section 12-10 (DEFINITIONS).

Scenic view

A "scenic view" is an outstanding or unique view from a mapped #public park# or an esplanade or a mapped public place which is protected by the regulations of this Chapter. #Scenic views# shall be limited to:

(a) distant landscapes of scenic grandeur which contain natural features such as hills, palisades or similar features;

(b) outstanding views of large bodies of water such as rivers, streams, lakes, harbors, waterfalls or similar aquatic features; or

(c) panoramic views of the waterfront profile of the skyline formed by built and natural elements.

The minimum horizontal distance between the #scenic view# and a #view reference line# shall be at least 1,500 feet and shall not contain distractions which reduce the quality of such view. The specific view to be preserved under the regulation of this #Special Scenic View District# shall be described and made part of this Chapter.

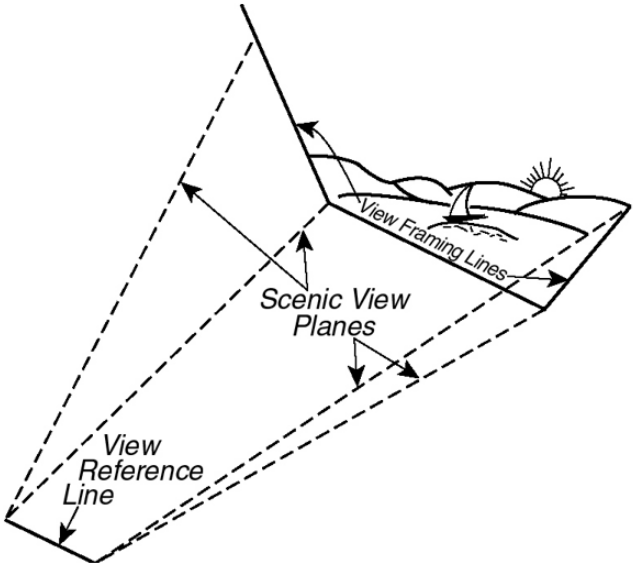
View framing line

The "view framing line" is a line or lines which establish the outer edge of the #scenic view# to be protected. For each #scenic view#, the #view framing line# or #lines# and their elevation are to be located and identified and made part of this Chapter.

View plane

A "view plane" is an imaginary plane above which no obstruction shall be permitted within a #Special Scenic View District# unless authorized by the City Planning Commission. Position of the #view

plane# may be conical surfaces. Such #view plane# or #planes# are established by joining the #view reference line# with the #view framing lines# as illustrated below:




#View planes# and their elevation, length and slopes applicable to each #Special Scenic View District# are to be located and identified and made part of this Chapter.

View reference line

The "view reference line" is a line within a mapped #public park# or an esplanade or a mapped public place from which at any point an outstanding #scenic view# may be observed. A #view reference line# and its elevation applicable to each #Special Scenic View District# are to be located and identified and made part of this Chapter.

The mapped #public park# or an esplanade or a mapped public place in which such #view reference line# is located shall be directly accessible from a #street#.

## 102-02 - General Provisions

LAST AMENDED
2/2/2011

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Scenic View District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as so modified, all the applicable regulations of the underlying districts shall be in effect.

#Special Scenic View Districts# may be mapped only in areas where the control of the height of a #building or other structure#, including #signs#, is necessary to preserve outstanding #scenic views# from a mapped #public park# or an esplanade or a mapped public place.

## 102-021 - Requirement for application

LAST AMENDED
2/2/2011

An application to the City Planning Commission for a special permit pursuant to Section 102-30, shall include maps, plans or other documents showing topography, elevations, and site plans showing arrangement and spacing of #buildings or other structures#, and other information necessary to determine the impact of the proposal on the #scenic view# to be protected.

## 102-023 - Relationship to public improvement projects

LAST AMENDED
2/2/2011

In all cases, the City Planning Commission shall deny a special permit application whenever the proposal will interfere with a public improvement project (including highways, public #buildings# and facilities), redevelopment or renewal projects, or rights-of-way for sewers, transit, or other public facilities) which is approved by or pending before the Board of Estimate, the City Planning Commission, or the Site Selection Board as determined from the calendar of each such agency issued prior to the date of the public hearing on the application for a special permit.

## 102-10 - HEIGHT REGULATIONS FOR BUILDINGS, SIGNS OR STRUCTURES

LAST AMENDED
2/2/2011

Notwithstanding any other provisions of this Resolution, no portion of any #building or other structure# hereafter constructed, or of any #sign# hereafter erected, or of any existing #building or other structure# hereafter relocated, #enlarged# or reconstructed, shall penetrate a #view plane# unless authorized by the City Planning Commission, pursuant to Section 102-30 (SPECIAL PERMIT PROVISIONS).

## 102-11 - Damage, Destruction or Demolition

LAST AMENDED
10/24/1974

If an existing #building or other structure# which penetrates the #view plane# of a #Special Scenic View District# is damaged, destroyed or demolished by any means, such #building or other structure# may be reconstructed provided that such reconstruction shall not create a new #non-

compliance# nor increase the pre-existing degree of #non-compliance#.

## 102-20 - MANDATORY LANDSCAPING PLAN

LAST AMENDED
10/24/1974

The requirements of this Section shall apply to #zoning lots#, any portion of whose finished ground elevation is within 30 feet of the elevation of the #view plane# located above the #zoning lot#. At the time of filing with the Department of Buildings, for any application for an excavation permit or a building permit for a #development# or #enlargement# or site improvement on such

#zoning lots# within a #Special Scenic View District#, a landscaping plan shall be submitted to the City Planning Commission indicating that future landscaping on the site will not impair #scenic views# from the #view reference line#. Such plan shall indicate existing topography, trees, shrubs, #buildings or other structures# and proposed landscaping. All future landscaping on the site shall be in accordance with the approved landscaping plan on file with the Commission. The Commission shall submit a copy of the approved landscaping plan to the Department of Buildings or other appropriate city agency having jurisdiction.

## 102-30 - SPECIAL PERMIT PROVISIONS

LAST AMENDED
2/2/2011

On all #zoning lots# located entirely or partially within a #Special Scenic View District#, the City Planning Commission, by special permit, may allow penetration by a #sign# or #building or other

structure# of a #view plane# and grant minor modifications of #open space#, #lot coverage#, #yards# and height and setback regulations of the underlying district. As a condition for such modifications, the Commission shall find:

(a) that any penetration of a #view plane# shall not significantly obstruct the #scenic view# which is to be protected by the provisions of this Chapter;

(b) that any penetration of a #view plane# will cause the minimal obstruction consistent with reasonable development and #bulk# distribution on the #zoning lot#; and

(c) that any #bulk# modifications on a #zoning lot# will not affect adversely any other #zoning lots# outside the development, by restricting access of light and air.

In reaching a determination for such modifications, the Commission shall be guided by the description of the #scenic view# to be made part of this Chapter at the time of the designation of a #Special Scenic View District#.

The Commission may prescribe appropriate conditions and safeguards to protect the #scenic view# and to minimize the adverse effects on the character of the surrounding areas.

## 102-40 - SPECIAL DISTRICT DESIGNATION ON PUBLIC PARKS

LAST AMENDED
10/24/1974

When a #Special Scenic View District# is designated on a #public park# or portion thereof, any future landscaping, erection of new #signs# or #buildings or other structures#, thereon, shall not penetrate a #view plane# unless authorized by the City Planning Commission. As a condition for such authorization, the Commission shall find that any penetration of a #view plane# shall not significantly obstruct the #scenic view# which is to be protected by the provisions of this Chapter.

## 102-50 - SPECIAL PROVISIONS FOR CITY-OWNED LANDS

LAST AMENDED
10/24/1974

For any #development# or site improvement on a city-owned #zoning lot# located within a #Special Scenic View District#, the provisions of this Chapter shall apply except that modifications permitted under Section 102-30 (SPECIAL PERMIT PROVISIONS) may be approved by authorization of the City Planning Commission.

## 102-60 - SPECIAL SCENIC VIEW DISTRICTS SPECIFIED

LAST AMENDED
10/24/1974

## 102-61 - SV-1 Brooklyn Heights Scenic View District

LAST AMENDED
10/24/1974

The SV-1 "Brooklyn Heights Scenic View District" is hereby established. The regulations of Sections 102-00 to 102-50, inclusive, as well as the regulations of this Section, inclusive, shall be applicable in this Special District.

## 102-611 - District boundary description

LAST AMENDED
10/24/1974

The boundaries of the SV-1 District as shown on the #zoning maps# shall be interpreted in accordance with the following description.

The SV-1 District is bounded by:

(a) the #view reference line# located along the westerly face of the Brooklyn Heights Promenade;

(b) the northwesterly edge of the #view plane# which forms an angle of 160 degrees measured in a horizontal plane with respect to the #view reference line# at point A;

(c) the southwesterly edge of the #view plane# which forms an angle of 145 degrees, measured in a horizontal plane, with respect to the #view reference line# at point A1; and

(d) the pierhead line which is located between the intersection of the northwesterly and southwesterly #view framing lines# and the pierhead line.

## 102-612 - View reference line

LAST AMENDED
10/24/1974

The #view reference line# of the SV-1 Special District is a line at an elevation of 66 feet located along the westerly vertical face of the Brooklyn Heights Promenade and which is approximately four feet above the Promenade. The #view reference line# is formed by joining two end points, A and A1, as

shown in Diagram 1.

Point A is located at the intersection of the westerly face of the Promenade and the prolongation of the north side of Orange Street.

Point A1 is located 50 feet north of the intersection of the westerly face of the Promenade and the prolongation of the north side of Remsen Street.

## 102-613 - View framing line

LAST AMENDED
10/24/1974

The #view framing line# of the SV-1 Special District is a line which establishes the outer edge of the #scenic view# to be protected. The two extreme ends of the #view framing line# are points B1 and B4 (Diagram 1).

The elevation of the #view framing line# at all points between B1 and B4 is 2.5 feet as shown in Diagram 2.

## 102-614 - View plane

LAST AMENDED
10/24/1974

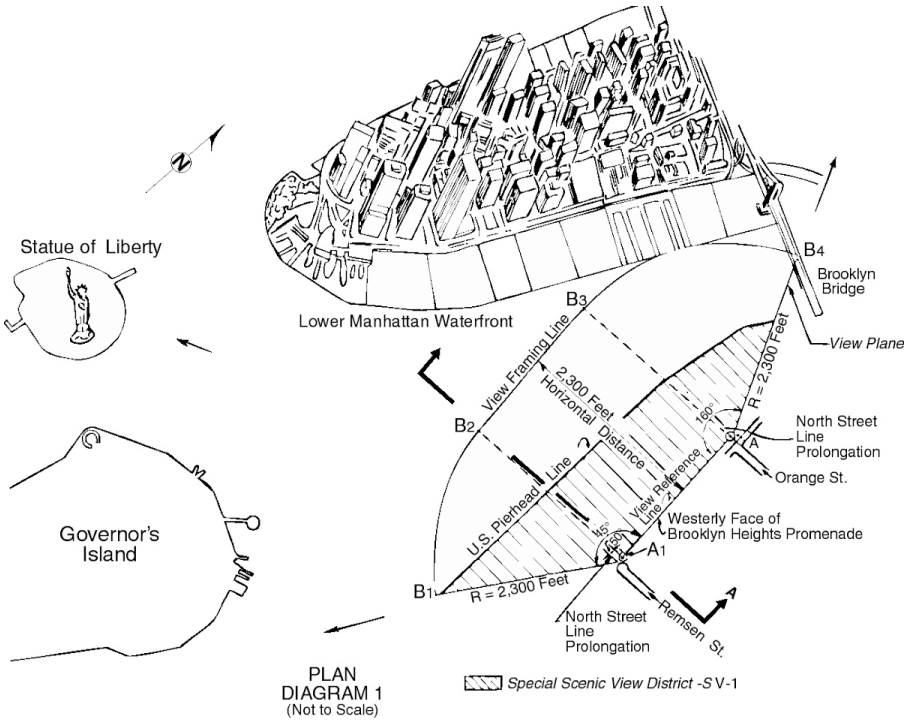
The #view plane# of the SV-1 Special District is an imaginary plane formed by joining the elevation of the #view reference line# with the elevation of the #view framing line# as shown in Diagram 2. The horizontal distance between the #view reference line# and the #view framing line# is 2,300 feet.

Those portions of the plane formed by points A, B3, B4 and A1, B1, B2 are conical surfaces.

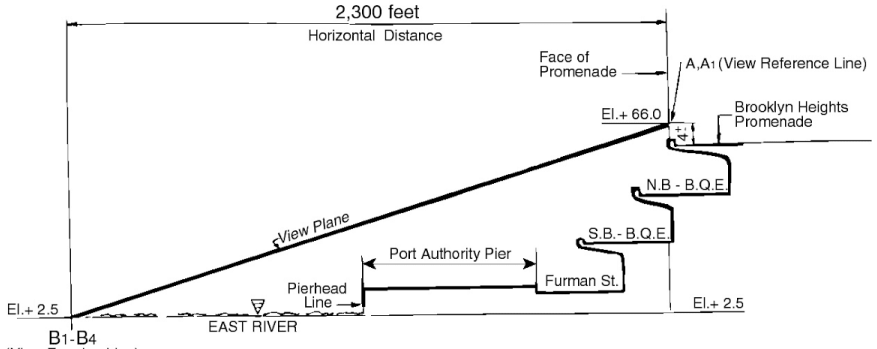
## 102-615 - Description of scenic view

LAST AMENDED
10/24/1974

The #scenic view# to be protected pursuant to the provisions of this Section includes: the panoramic view of the lower Manhattan skyline which includes such landmarks as the Brooklyn Bridge archway, the South Street Seaport, the Whitehall Ferry Terminal, and the vistas of the Statue of Liberty and Governors Island.




PLAN
DIAGRAM 1
(Not to Scale)




SECTION A-A
DIAGRAM 2
(Not to Scale)

# SV-1 BROOKLYN HEIGHTS SCENIC VIEW DISTRICT