

CITY OF SOLANA BEACH

635 SOUTH HIGHWAY 101, SOLANA BEACH, CA 92075 PH. (858) 720-2440

STRUCTURE DEVELOPMENT PERMIT APPLICATION

This application package is for use by individuals proposing to build a structure in excess of 16 feet in height. A separate and different application is required for those individuals requesting a View Assessment Committee review, which is based on the standards and criteria established by Solana Beach Municipal Code Section 17.63.

This application package contains:

1. Structure Development Permit Application
2. Required Plan Submittal Information Handout
3. Applicant's Submittal Certification Form
4. Public Notice Preparation Procedure Handout
5. Appendix A – Property Owner List Example
6. Story Pole Height Certification Form
7. Fee Schedule
8. Chapter 17.63, Solana Beach Municipal Code
9. Use of Story Poles
10. Story Pole Illustration Exhibit
11. View Assessment Process Flow Chart

Please review this material and when you are ready to initiate the permit you should submit items 1 through 7 along with the optional Mediation Letter, the required stamped envelopes, assessor map(s), two sets of plans and \$744 filing fee to the City of Solana Beach Community Development Department.

STRUCTURE DEVELOPMENT PERMIT APPLICATION

Fee Paid _____
Application # _____
Date Filed _____

Applicant Information and Project Summary

1. Applicant/Owner's Name: _____ Ph.# _____
(Last, First & Middle Initial or Company Name)
2. Applicant's Email Address: _____ Cell# _____
3. Preferred Method of Contact: _____
4. Applicant/Owner's Address: _____
5. Applicant's Representative: _____ Ph.# _____
6. Representative's Email Address: _____ Cell# _____
7. Representative's Address: _____
8. Project Address: _____
9. Project Tax Assessors Parcel No.: _____
10. Project Description: _____

11. Proposed architectural finishing details: _____

12. Existing neighborhood description: _____

13. Description of any discussions about this project with any potentially affected neighbors and/or homeowners associations: _____

REQUIRED PLAN SUBMITTAL INFORMATION

VIEW ASSESSMENT ORDINANCE

- 1. Site Plan (the following information shall be included). Use as checklist guide.
 - a. Building footprint
 - b. Setbacks of existing and new structures compared to legal required setbacks affecting building placement (eg. front yard, rear yard, side yards, bluff, and easements)
 - c. Key indicating existing and proposed building walls
 - d. Existing and proposed building square footage by floor
 - e. North arrow
 - f. Scale (on all plans)
 - g. Project address and Assessors Parcel Number
 - h. Lot size in acres or square feet
 - i. Name and telephone number of Applicant and Representative
 - j. Existing structure's footprint and proposed addition's footprint
 - k. Quantity of grading in cubic yards (cut and fill)
- 2. Rough floor plans with new or remodeled areas/elements clearly delineated.
- 3. Existing and proposed grades labeled and clearly delineated.
- 4. Elevations of all sides of structure with maximum heights delineated. Maximum height shall be measured as the vertical distance between the **lower** of the pre-existing grade or finished grade to the highest point of the structure, excluding **approved** architectural features and appurtenances such as, but not limited to, chimneys vents and antennas.
- 5. Story pole height and plot plan. The entire three-dimensional building envelope of the proposed structure(s) must be story poled including portions below 16 feet in height, chimneys and balconies.
- 6. A Story Pole Height Certification form that certifies story pole height and location certified by a licensed surveyor.
- 7. **If an application for view assessment is filed, additional information is required for the View Assessment Committee (VAC) meeting.** This information, at a minimum, includes: building and site cross-sections, roof plans, and plans showing existing topography, etc. Depending upon any special circumstances, additional clarification may be required.

Please note the following:

1. Story pole heights and maximum heights shown on project plans must correspond.
2. At the building permit phase, the building permit plans must **not** show construction outside the three-dimensional building envelope that was approved with the SDP.
3. **Once you begin construction after SDP approval and building permits have been issued, before your framing inspection you will be required to submit a height certification showing that framing and roofing materials will not exceed the maximum height certified with your story poles.**

APPLICANT'S SUBMITTAL CERTIFICATION

I hereby certify under penalty of perjury that I or my authorized representative delivered to the City of Solana Beach Community Development Department the following:

1. Two complete sets of preliminary plans including site plan and all exterior elevations with proposed building heights as measured from both finished and existing grades folded to 8-1/2" x 11" size (See Required Plan Submittal Information); and
2. Reproducible property owner list prepared on the City provided Appendix A with addresses obtained from the latest San Diego County Tax Assessor's Role for all property owners within 300 feet of the exterior boundary of the subject property or for the nearest 20 properties, whichever is greater; and
3. Reproducible "occupant/resident" list prepared on the City provided Appendix A for all non-owner occupied property within 300 feet of the exterior boundary of the subject property or for the nearest 20 properties, whichever is greater; and
4. Mailing envelopes with proper postage (stamps, not metered) and with all addresses from the above lists 2 and 3 individually affixed (Do Not include a return address); and
5. San Diego County Assessor's Map(s) showing the entire project property clearly outlined, with a line encircling all the properties at a distance of 300 feet outward from the project property lines; and
6. Story Pole Plot Plan and Story Pole Cut Sheet (see use of story poles) with the accuracy verified by a signed statement of a licensed surveyor.
7. (Optional) Applicant may submit a written offer to submit any view impairment matter to mediation by a professional mediator.
8. I authorize a City of Solana Beach Community Development Department staff member access to the project site to post a notification with information pertaining to this permit request, which will be removed once a determination on the project is rendered.

Applicant or Authorized Representative's Signature

Date

Applicant or Authorized Representative's Printed Name

CITY OF SOLANA BEACH PUBLIC NOTICE PREPARATION PROCEDURE AND CERTIFICATION

VIEW ASSESSMENT ONLY

The City Zoning Ordinance (Chapter 17.63, SBMC) requires public notices for your project. The following material should be submitted as part of your Structural Development Permit application.

1. San Diego County Assessor's Map(s) showing the entire project property clearly outlined, with a line encircling all the properties at a distance of 300 feet outward from the project property lines. The property owner and property occupant of each Assessor Parcel that falls wholly or partially within this circle will be sent a public notice of the proposal.
2. One typed list of each Assessor Parcel No. with corresponding property owner's name and address for property falling wholly or partially within the 300-foot radius as identified in Step No. 1 above. (Use Appendix "A" attached for listing names and addresses; and restrict each name, address and assessor parcel number within the grid lines so the list can be reproduced.)

A minimum of twenty different property owners names and addresses must be included within the submittal. If less than twenty properties exist within 300 feet, then sufficient additional adjacent properties shall be added to the list. Should a condominium development exist within the 300 foot radius, only the corresponding homeowners association, manager's office and rental office need to be included on the list. In addition, the mailing list shall include the name and address of the applicant and the agent or individual responsible for the request.

- 3 One typed list of each Assessor Parcel No. with corresponding site address for all non-owner occupied property falling wholly or partially within the 300-foot radius as identified in Step No. 1 above. The mailing label shall be addressed to "Occupant".
4. One set of stamped and addressed (typed) business envelopes without return addresses for each entity identified on the list from Steps No. 2 and No. 3 above. The City will provide a return address. Postage metering is not acceptable. Should you prepare your own list from the Assessor's Office public files, you may type the name; address and assessor parcel number for each property on sticky labels and then photocopy them. This will save you retyping a list as required in No. 2 and No. 3 while providing a set for any subsequent City Council public hearing and/or State of California Coastal Commission permit filing requirements. (For a nominal fee, the County Assessor's Office at 619/531-5550, can provide assistance in preparing your public notice list. However, you are responsible for providing the Assessor Parcel Numbers.)

APPENDIX A

(Property Owner List)

City of Solana Beach
Planning Department
635 South Highway 101
Solana Beach, CA 92075

USE OF STORY POLES

BACKGROUND:

Story poles are used to show the elevations and silhouette of a proposed building or an addition to an existing building. The entire three-dimensional building envelope of the proposed addition must be story poled, including portions below 16 feet in height, as well as chimneys and balconies.

Story poles are intended to aid neighbors, City Staff, and decision-makers with their evaluation of a proposed project.

USE OF STORY POLES:

The City of Solana Beach requires applicants to erect story poles upon submittal of an application for any structure which exceeds 16 feet in height as measured from pre-existing to the top of the proposed structure, including roofing materials. The accuracy of the structural outline established by the story poles shall be verified by a signed statement from a licensed surveyor on a story pole plot plan. The applicant may request a waiver from the story pole requirement only if there is no possibility of view impairment to adjacent surrounding properties. The applicant will be required to obtain signed letters from adjacent surrounding properties attesting to the fact.

A story pole site plan must be submitted to staff that includes the following:

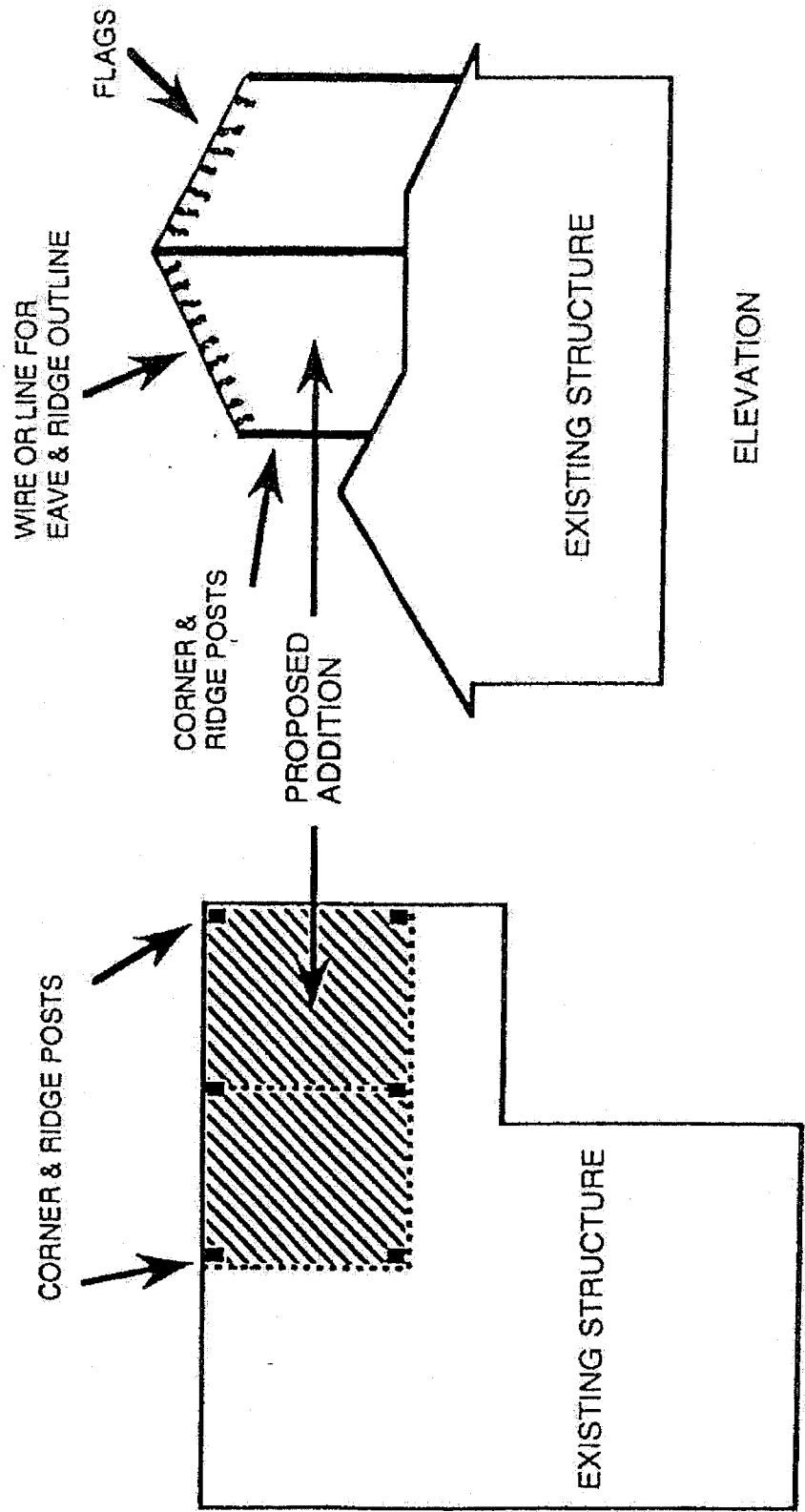
1. The dimensioned location of the story poles in relation to lot lines and the proposed development, as well as the height of each pole.
2. A signed statement by a Licensed Surveyor stating that the location and height of the poles is true and accurate.

INSTALLATION:

Staff recommends that 2' x 4" lumber be utilized, in combination with wire or line, to show roof lines. PVC type tubing large enough such that bending does not occur may also work.

The attached sketch illustrates a typical story pole installation. Wooden posts are shown erected at all corners of the proposed addition and at roof ridges, provide bracing as required. Wire or line is then strung between these posts to indicate locations and heights. Small pieces of brightly colored cloth are tied around the wire or line to facilitate accurate viewing of the proposed structure.

STORY POLE ILLUSTRATION





CITY OF SOLANA BEACH

635 SOUTH HIGHWAY 101 • SOLANA BEACH, CALIFORNIA 92075-2215 • (858) 720-2400
www.ci.solana-beach.ca.us FAX (858) 792-6513 / (858) 755-1782

STORY POLE HEIGHT CERTIFICATION

Date: _____

Assessor's Parcel No.: _____

Site Address: _____

Owner's Name: _____

This is to certify that on _____ the story poles located on the above referenced site were surveyed by the undersigned, and found to be in conformance with the attached story pole plot plan. In addition, the following measurements were found:

Highest point of the story poles: _____ (M.S.L.)*

Natural grade elevation: _____ (M.S.L.)*

Finished grade elevation: _____ (M.S.L.)*

Finished floor elevation: _____ (M.S.L.)*

TOTAL MAXIMUM HEIGHT: _____

➔ **PLEASE NOTE: The story poles must show and the total height must include roofing materials.** At framing inspection, a **Height Certification** will be required which must be in exact conformance with the maximum height shown on this Story Pole Height Certification.

For additional information, please contact me at: _____ (ph. number)

Licensed Land Surveyor

Seal of Registration:

* Mean Sea Level – all measurements must utilize a benchmark established off-site that will not change over the course of the project

FEE SCHEDULE

VIEW ASSESSMENT/STRUCTURE DEVELOPMENT PERMIT

Structure Development Permit Application (paid by applicant requesting a building permit)	\$744
Application for View Assessment (paid by each neighbor)	\$600
(paid by original applicant) *	\$600
Appeal to City Council (paid by original applicant and/or each neighbor)	\$300

A partial refund of these fees may be approved if mediation is utilized and view issues are successfully resolved early in the process – please see Ordinance 201, Section 17.63.040.c of the Solana Beach Municipal Code for details.

*** Note:** If a View Assessment application is filed, then the original applicant shall also be required to pay the additional \$600. Failure to pay the \$600 fee will void the building permit application process.

Chapter 17.63

VIEW ASSESSMENT

Sections:

- 17.63.010 Purpose and intent.
- 17.63.020 Definitions.
- 17.63.030 Application of zoning regulations.
- 17.63.040 Procedures and requirements for structure development permits.
- 17.63.050 Exemptions.
- 17.63.060 Expiration of permits.

17.63.010 Purpose and intent.

The hillsides, canyons, and natural geographic features of the city of Solana Beach constitute a limited natural resource in their scenic value to all city residents and visitors. These unique features have also led to a development pattern whereby vista points and views from lots have been created. The community character and property values will be adversely affected if the impact of new construction on existing viewsheds is not assessed and regulated. It is therefore the purpose and intent of this chapter:

A. To provide a process for the view assessment committee to review all feasible solutions for development and choose that alternative which provides the best balance between the owner's desire to develop his/her property in accordance with applicable regulations and the neighbor's desire to protect his/her view. This chapter does not create a right to an unobstructed view.

B. To preserve the existing character of established residential neighborhoods, and the desire to protect, where feasible, public and private views, aesthetics, and other property values in a manner which is compatible with reasonable development of property.

C. To implement those sections of the general plan land use element which call for the adoption of ordinances to encourage the preservation of private views where feasible.

D. To promote the health, safety and general welfare of the public by preventing the needless destruction and impairment of these limited, unique, and irreplaceable views for this and future generations.

E. To provide a public notification process to encourage the resolution of view impairment issues by those property owners directly affected

without further involvement of the city. (Ord. 201 § 1, 1994)

17.63.020 Definitions.

For purposes of this chapter the following words, phrases and terms shall have the following meanings:

A. "Building setback" means the minimum distance as prescribed by this title between any property line, or private easement boundary used for vehicular and/or pedestrian access, and the closest point on any building or structure above ground level on the property.

B. "Lot coverage" means that portion of a lot or building site which is occupied by any building or structure.

C. "Neighborhood character" means the existing characteristics of a neighborhood in terms of the following:

1. Scale of residences in the vicinity of the subject property;
2. Style of residences in the vicinity of the subject property;
3. Building setbacks to other property in the same zone.

D. "Owner" means the person who has submitted an application for a structure development permit.

E. "Privacy" means reasonable protection from intrusive visual observation and/or noise.

F. "Scale" means the total square footage, apparent bulk and lot coverage of a residence and accessory structures.

G. "Structure" shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which is located on or on top of the ground, and exceeding seven feet in height.

H. "Style" shall mean design elements which consist of the following:

1. Height of structure;
2. Open space between structures;
3. Roof shape;
4. The mass of the structure;
5. Number of stories.

I. "Viewing area" shall be that area of the structure (excluding bathrooms, hallways, garages or closets) or lot (excluding the building setback areas) where the view assessment committee, or the city council on appeal, determines the best and

most important view exists. The finished floor elevation of any viewing area must be at or above existing grade adjacent to the exterior wall of the part of the building nearest to that viewing area. The determination shall be made by balancing the nature of the view to be protected and the importance of the area of the structure or lot from where the view is taken.

J. "View assessment committee" shall be a committee of seven persons appointed by the city council and vested with authority to administer this chapter. The terms and qualifications for service on the committee shall be established by the city council. The committee shall consist of resident members who are also property owners within the city of Solana Beach. The community development director or the community development director's designee shall be an ex officio member of the committee. The city council adopted "guidelines and toolkit" shall be applied to assist in the implementation of this chapter and shall be binding on the view assessment committee. (Ord. 201 § 1, 1994)

17.63.030 Application of zoning regulations.

Building height, building coverage, and building setback regulations for all zones shall be as set forth in the applicable provisions of this title, subject to specific design modifications as determined necessary by the view assessment committee or the city council on appeal to achieve the purpose and intent of this chapter. The city council adopted "guidelines and toolkit" shall be utilized in conjunction with this chapter. (Ord. 201 § 1, 1994)

17.63.040 Procedures and requirements for structure development permits.

A. Application for Structure Development Permit. Any owner proposing to construct a new structure, or an addition to an existing structure, exceeding a height of 16 feet above existing grade, shall be required to submit an application for a structure development permit to the city. The application shall be in a form established by the community development director and shall contain sufficient information and plans to permit review pursuant to this chapter, including a complete set of preliminary plans, a site plan and all exterior elevations. The applicant (sometimes called "owner" in this chapter) shall also submit a current property owner list, postage, and one set of mailing

labels for all property owners and occupants within 300 feet of the subject property or for the nearest 20 properties, whichever is greater. An application processing fee in an amount established by city council resolution shall be paid at the time of submission of the application. In the case of very minor additions to existing structures, the community development director has the authority to determine whether or not a structure development permit is required. The community development director also has the authority to waive the requirement, established by subsection B of this section, to erect story poles as a part of the application for a structure development permit for projects where there is no likelihood of a view impairment; provided, however, that if an application for review of the project is filed, the view assessment committee may require that story poles be erected. When a project requires both a city council discretionary permit under the applicable provisions of this title and a structure development permit under this chapter, the applications shall be consolidated and the matter heard by the city council according to the procedures established elsewhere in this title. An application for view assessment under subsection E of this section is required for a hearing on a consolidated application. Notice of the review period will be mailed by city staff in accordance with the above requirements and applications for view assessment must be reviewed within 30 days in accordance with subsection E. The city council shall decide the consolidated application based on the standards of both the zoning ordinance and this chapter. Prior to the city council hearing, staff shall refer the consolidated application to the view assessment committee for a report, which report shall be filed within 60 days.

B. Roofline "Story" Poles. Unless waived by the community development director pursuant to subsection A of this section, as a part of the application for a structure development permit including permits consolidated with a city council discretionary permit, the applicant shall erect, or cause to be erected, temporary poles connected with string marked with colored pennants sufficient to show the height and general outline of the proposed structure. If the community development director has waived the requirement for story poles, the view assessment committee may require the poles upon a determination by the committee that the poles will aid in making the required determinations under this chapter. The accuracy of the struc-

tural outline established by the story poles shall be verified by a signed statement of a licensed land surveyor on a story pole plot plan. Conformance of the structure, as approved or conditionally approved, to the structural outline established by the story poles, or by the conditionally approved structure development permit if different, shall be verified before final inspection of the framing by a licensed land surveyor.

C. Mediation. At the time that an application for a structure development permit is filed the applicant may make an offer in writing to submit the matters of any view impairment to mediation by a private independent mediator. When a person accepts an owner's offer to submit a matter to mediation, or when the owner accepts an offer to mediate made by a person whose view may be impaired, either party to the mediation shall notify the community development director that the matter will be submitted to mediation and all time periods for action by the community development director or the view assessment committee shall be stayed until the owner notifies the community development director in writing that mediation has been concluded. If the matter of view impairment is successfully mediated, the owner shall submit revised plans showing any revisions agreed to during the mediation process along with a written statement of the mediator that the matter has been successfully mediated. If the matter is successfully mediated, the community development director shall refund the application fee paid by the owner, unless the proposed project also requires a city council discretionary permit under the zoning ordinance in which case the portion of the fee which is attributable to the view review process shall be refunded. If more than one person from more than one property have accepted an owner's offer to mediate or have voluntarily offered to submit the matter of a view impairment to mediation, the amount of the owner's application fee refunded for a

successful mediation shall be proportional to the number of successfully resolved disputes. Further, if the matter is successfully mediated, the community development director shall refund to any person who has filed a request for view assessment, and with whom the owner has successfully mediated, the fee for filing the application for view assessment. If the matter is not successfully mediated, the conclusions of the mediator shall not be submitted to, or considered by, the view assessment committee. It is the intention of the city council that mediation be used to resolve view impairment issues whenever feasible. To that end, the community development director is authorized to keep a list of private mediators for reference. Any person who is qualified to act as a professional mediator and requests to be included on the list of mediators shall be included on the list. The cost of mediation shall be borne by the parties according to the usual practices of the mediator. The city council further finds that the refund of application fees to persons who successfully mediate disputes through private mediation serves the public interest by encouraging mediation and by reducing the staff time necessary to review and process applications.

D. Notice. Except where the community development director determines a project to be exempt from the permit requirement, the city shall mail written notice to all property owners and occupants within a 300-foot radius of the subject site or the nearest 20 property owners, whichever is greater, of the pending application. Notice shall not be given until roofline, "story" poles have been erected. Only one notice (addressed to the homeowners' association) shall be required for all properties within a condominium subdivision. Notice shall be deemed given on the date of mailing of the notice. The notice shall include all of the following:

1. A brief description of the structure;

2. A statement that the application and plans for the structure are available for public review in the planning department office;

3. A statement that residents who believe that their views may be impaired by the structure are encouraged to contact the subject property owner directly to work out a mutually acceptable solution;

4. A statement informing all property owners of their right to file an application for view assessment within 30 days of the date of the notice; and

5. If the owner has made an offer to submit the matter to mediation, the fact of that offer.

E. Application for View Assessment. Any person who owns or has lawful possession of a residence from which a view may be impaired by the proposed structure, or in the case of an impact to a public view, any person who owns or has lawful possession of a residence in the City or the Community Development Director, may, within 30 days of the date of notice, file an application for view assessment. The application shall include a description of the "viewing area" as defined in this chapter and the extent of impairment. An application processing fee in an amount established by city council resolution for applications involving impacts to a residence (but there shall not be a fee for applications based on impacts to public views) shall be paid at the time of submission of the application.

If an application for view assessment is filed, all issues in dispute including, if necessary, the determination of a viewing area, shall be resolved by the view assessment committee. The view assessment committee shall hold a public meeting not more than 30 days after the last date for filing an application for view assessment. All applications for view assessment with respect to a proposed project shall be heard at the same hearing. Unless the applicant for the permit consents to a longer

time period, the view assessment committee shall render its decision within 30 days following the first meeting on the application. If during the view assessment committee meeting the project is redesigned to extend outside the originally proposed three-dimensional building envelope, the meeting shall be continued and the new design renoticed in conformance with subsection D. The decision of the view assessment committee shall be incorporated as a condition of the structure development permit and any other discretionary permits required for the proposed structure. Written notice of the view assessment committee's decision shall be sent to the owner and all parties who filed for view assessment.

If no application for view assessment is filed within 30 days of the original date of notice, all rights to review are waived and the community development director shall grant the structure development permit unless any other city council discretionary permit is required by this title or the application does not comply with other applicable zoning or building laws.

F. Findings. In making a decision on a matter for which view assessment has been requested, the view assessment committee shall be required to make the following findings:

1. The applicant for the structure development permit has made a reasonable attempt to resolve the view impairment issues with the person(s) requesting view assessment. Written evidence of a good faith voluntary offer to meet and discuss view issues, or of a good faith voluntary offer to submit the matter to mediation, is hereby deemed to be a reasonable attempt to resolve the view impairment issues.

2. The proposed structure does not significantly impair a view from public property (parks, major thoroughfares, bike ways, walkways, equestrian trails) which has been identified in the city's general plan, local coastal program, or city designated viewing areas.

3. The structure is designed and situated in such a manner as to minimize impairment of views.

4. There is no significant cumulative view impairment caused by granting the application. Cumulative view impairment shall be determined by: (a) Considering the amount of view impairment caused by the proposed structure; and (b) considering the amount of view impairment that would be caused by the construction on other parcels of structures similar to the proposed structure.

5. The proposed structure is compatible with the immediate neighborhood character.

G. Appeals. The decision of the view assessment committee may be appealed to the city council by the owner or the person(s) who requested the view assessment only after written documentation that interested parties participated in mediation or some other nonbinding form of alternative dispute resolution. Subsection C of this section authorizes the community development director to keep a list of private mediators for reference. The cost of mediation shall be borne by the participants according to the usual practices of the mediator. Mediation must be requested in writing within 10 days of the date of notice of the decision of the view assessment committee with a copy of the written request also shared with the community development director. If upon completion of mediation, the dispute has not been resolved, only those parties who participated in the mediation may file an appeal of the view assessment committee decision. The decision of the mediator will be reviewed by the community development director to confirm that the mediated agreement is consistent with all provisions of the SBMC. If the mediated agreement meets the SBMC standards, the city council shall adopt a resolution of approval. If the mediated decision does not meet SBMC standards, it shall be returned to the mediator. If the mediator provides a written statement that the

parties were unable to resolve the issues, then an appeal may be filed in accordance with the following provisions:

1. A notice of appeal must be filed in writing with the community development director (a) within but no later than 10 days after the date of a written decision by a mediator following confirmation by the community development director that the decision is final, or (b) within 10 days of written notification that mediation has not been successful, or (c) within 60 days of the date of the decision of the view assessment committee. The 60-day period may be extended if progress is being made through mediation and all parties in mediation agree to the extension. If mediation has been successful and the decision becomes final, then no appeal is necessary. Assuming the design, conditions and standards associated with the mediation project meet all city standards, the community development director will prepare a resolution for city council approval on the consent calendar. The notice of appeal shall contain a statement of the grounds for the appeal. The community development director shall mail the notice of appeal to all persons who submitted oral or written testimony to the view assessment committee at the hearing on the project. The appellant shall pay the cost of the mailing.

2. At the time of filing a notice of appeal, an appeal fee to cover the cost of the appeal in an amount established by city council resolution shall be paid to the extent that payment is required by the city council resolution establishing the fee.

3. Within 10 days following the filing of a notice of appeal the appellant shall file with the community development director a statement on appeal which includes: (a) the grounds for the appeal; (b) a summary of the evidence presented to the view assessment committee; (c) a summary of the evidence presented during mediation as well as any written conclusions from the mediator; and (d) any argument the appellant wishes to make

17.63.060

supporting the appeal. Upon receipt of the statement, the community development director shall make the statement available as a public record.

4. At a subsequent city council meeting which is more than 10 days after the filing of the appellant's statement on appeal, the city council shall conduct a hearing on the appeal.

5. Notice of the hearing on appeal shall be mailed 10 days prior to the hearing to the appellant(s), to the owner, to all persons who requested view preservation review and to all persons who appeared at the view assessment committee meeting or submitted comments for consideration by the view assessment committee. The determination of the city council on appeal includes a consideration of the following matters: (a) the issues submitted to the view assessment committee and identified in the notice of appeal; (b) the evidence presented to the committee at the hearing on the matter and any additional evidence which the city council finds could not reasonably have been submitted to the view assessment committee; (c) the resolution of the view assessment committee; (d) a transcript of the hearing before the committee if one has been prepared by the appellant(s) or other person and presented to the city council for its consideration; (e) written statements by persons authorized to appear at the public hearing; and (f) oral presentations by persons appearing at the public hearing. The city council shall permit any person who appeared at the committee hearing or who submitted written comments to the committee to be heard at the hearing on appeal and may permit any other person to be heard. The city council may exercise its independent judgment as to the matter, but shall not overturn the decision of the committee except on the affirmative vote of three members of the city council. The decision of the city council is final. (Ord. 317 § 1, 2003; Ord. 312, 2003; Ord. 288 § 1, 2002; Ord. 201 § 1, 1994)

17.63.050 Exemptions.

A structure development permit pursuant to SBMC 17.63.040 shall not be required for the following development:

A. Any development project in conformance with a valid, unexpired site development plan, site development permit or building permit approved, conditionally approved or issued before the effective date of the ordinance codified in this chapter.

B. Any development project for which a site development plan, site development permit, or building permit has been requested and stamped as conditionally approved for processing prior to February 5, 1990.

C. The reconstruction of a structure which has been destroyed, in whole or in part, by fire or natural disaster, subject to the provisions for nonconforming uses as set forth in Chapter 17.16 SBMC. (Ord. 201 § 1, 1994)

17.63.060 Expiration of permits.

Unless a different time is otherwise specifically stated in the permit, structure development permits shall expire and become void 24 months from the date of final approval unless a building permit is issued in accordance with the permit and construction is commenced and diligently pursued toward completion. This requirement shall apply to all structure development permits issued under this chapter. With respect to permits issued pursuant to Ordinance No. 133, the permit shall expire 24 months after the date of adoption of the ordinance enacting this chapter. The community development director shall give written notice by first class mail of the 24-month expiration period to each holder of a permit under Ordinance No. 133 for which building permits have not been issued and construction commenced. The notice shall be mailed within 30 days of the date of adoption of the ordinance enacting this chapter. (Ord. 201 § 1, 1994)

