

Article 18. Design Review: Requirements and Procedure*

* Article 18 entitled "Precise Plans of Design: Requirements and Procedures," consisting of §§ 9-4.1801–9-4.1808 codified from Ordinance No. 107-NS, as renumbered by Ordinance No. 173-NS and amended by Ordinance Nos. 142-NS, 385-NS and 713-NS, was amended in its entirety by Section 1, Ordinance No. 1177-NS, eff. April 27, 1993.

Sec. 9-4.1800. Purpose.

It is hereby found and declared that the City and the larger community of the Conejo Valley is situated in a unique natural setting of rolling hills, mountains, open space and natural scenic beauty; that the retention of this natural setting must be fostered while recognizing that this unique historic and scenic environment will be a catalyst for attracting a variety of new developments and encouraging upgrading of existing projects; that the design of these new projects needs to take into consideration this natural setting, the relationship to nearby development and a desired semi-rural environment, particularly along freeway corridors and major highways; that new or modified buildings or parking structures should be visually and functionally compatible yet distinctive within a nearby development area and, in the development of single-family residential homes, to achieve compatibility and to preserve the character and permanency of desirable nearby residential development area without physical and visual over intensification on established lots; that developing and maintaining an appropriate appearance of all sections within the City is necessary to uphold and enhance its economic position within the region in order to stabilize, protect and maintain property values, retain environmentally sensitive and natural open space areas, promote trade and commerce, and to ensure a continued managed growth in accordance with the adopted General Plan and to retain the well-being of its economy and its people.

While encouraging quality and creative architectural and landscaping designs and without depriving a property owner of any authorized uses of property, the development and architectural design of buildings and structures in the City shall comply with the architectural design guidelines adopted by resolution of the City Council. The intent of the guidelines is to encourage architectural creativity and to be used as standards for design, construction and development to ensure that the aesthetic environment of the City will become culturally matured and will have a material or substantially beneficial effect upon the historic, economic, social and cultural well-being and development of the community or the peace, health, safety, and general economic welfare of its inhabitants.

(§ 1, Ord. 1177-NS, eff. April 27, 1993)

Sec. 9-4.1801. Architectural design review required.

(a) No person shall erect any structure, and no permit or zone clearance shall be issued for any new structure or for any exterior modification of a structure unless and until an architectural design review is first conducted in accordance with this article and approval of the design is obtained. It shall be unlawful for any person to proceed with the construction or exterior modification of any structure without first obtaining such approval and complying with all of the terms and conditions thereof.

(b) Architectural design review and approval is required in connection with any application for, or modification of, a development permit, residential planned development permit, trailer park development permit, planned development permit, special use permit, hillside planned development permit, or any similar entitlement required by this chapter, and which would authorize the construction or modification of a structure, except for single-family subdivisions and individual townhome and condominium units where architectural design review shall be conducted in conjunction with the submittal of a minor modification or precise plan of design application.

(c) If the property is located within a subdivision governed by CC&R's which require approval of modifications to the property by a Property Owners Association or other private entity, the property

owner(s) are advised to obtain appropriate approvals prior to submitting an application to the City. Project approvals by the City do not constitute compliance with any applicable CC&R.

(§ 1, Ord. 1177-NS, eff. April 27, 1993, as amended by § 4, Ord. 1481-NS, eff. July 12, 2007)

Sec. 9-4.1802. Precise plan of design required.

When none of the discretionary approvals set forth in Sections 9-4.904(h) and 9-4.1801(b) are required, a precise plan of design approval shall be required prior to the issuance of a residential building permit, for each of the following:

- (a) New single-family detached residential dwelling unit(s);
- (b) Any second-story room addition, a balcony, a second-story deck, or an exterior stairway to the second story, except that no precise plan of design permit shall be required where the addition is confined within the existing volume of the house with no change to the exterior dimensions of the house at the second story, and the addition does not add windows on the second story that could affect privacy of adjacent residential property;
- (c) First floor room addition to the footprint of the principal structure to an existing single-family detached dwelling unit where the added floor area is more than 1,000 square feet;
- (d) Addition of a carport (detached or attached);
- (e) Garage conversion in conjunction with the construction of a new garage and/or a carport, if applicable;
- (f) Addition of an attached or detached wooden deck over sloping terrain;
- (g) Addition or expansion of a detached accessory structure;
- (h) Addition or alteration of any residential sports facility;
- (i) Installation or alteration of light pole(s) and lighting fixtures for residential sports facilities.
- (j) In addition to any of the other applicable types of improvements set forth in this Section, the following types of improvements at an existing individual townhouse or multi-family condominium unit:
 - (1) Expansion of the building footprint or living area.
 - (2) Enclosure or expansion of an existing balcony.
 - (3) Change to the existing building height or roofline.
 - (4) Redesign of the building that would result in a change to the approved architectural theme of the development in which it is located.

(§ 3, Ord. 1210-NS, eff. May 24, 1994, as amended by § 13, Ord. 1412-NS, eff. August 14, 2003, § 5, Ord. 1481-NS, eff. July 12, 2007, § 4, Ord. 1486-NS, eff. October 11, 2007, § 32, Ord. 1620- NS, eff. August 12, 2016, and Part 4, Ord. 1678-NS, eff. February 28, 2020)

Sec. 9-4.1803. Single-family detached residential and individual townhouse and condominium exceptions.

(a) Notwithstanding Section 9-4.1802, no precise plan of design application shall be required for the following types of construction to single family detached dwellings or individual townhouses or condominium units:

- (1) Reroofing without change of roof elevation;
- (2) Adding or altering patio covers;

- (3) Replacing exterior windows and doors, including garage doors;
 - (4) Adding or altering freestanding walls;
 - (5) Adding or altering pools, spas and related equipment;
 - (6) Adding or altering any attached/detached wooden decks over substantially level ground;
 - (7) First floor room addition to an existing single family detached dwelling unit of less than the applicable threshold defined by Section 9-4.1802(c) of this article;
 - (8) Adding or altering fireplace chimneys;
 - (9) Addition of skylights;
 - (10) Addition of prefabricated tool and storage sheds not exceeding one hundred twenty (120) square feet in floor area individually and not exceeding three hundred (300) square feet cumulatively on a lot, and provided that the shed is architecturally compatible with the residence if visible to the public;
 - (11) Addition of architectural features such as, but not limited to, eaves, cornices, belt courses and sills;
 - (12) Addition of a bay window and/or a greenhouse window;
 - (13) Addition of certain accessory structures that are architecturally compatible with the residence, limited to gazebos, detached patio covers, pool cabanas, storage buildings, and similar structures not to exceed four hundred (400) square feet in area;
 - (14) Addition of a playhouse;
 - (15) Addition of a front porch;
 - (16) Addition of a breezeway;
 - (17) Addition of patio enclosure(s);
 - (18) Adding or altering pilasters.
- (b) Notwithstanding Section 9-4.1802, no precise plan of design application shall be required for the following types of construction to individual townhouse and condominium units:
- (1) Reroofing without change of roof elevation;
 - (2) Replacing exterior windows and doors, including garage doors;
 - (3) Altering existing freestanding fences and walls;
 - (4) Adding or altering pools, spas and related equipment;
 - (5) Adding or altering any attached/detached wooden decks over substantially level ground;
 - (6) Repair or alteration of existing fireplace chimneys;
 - (7) Addition of skylights;
 - (8) Addition of architectural features such as, but not limited to, eaves, cornices, belt courses and sills;
 - (9) Addition of a bay window and/or a greenhouse window;
 - (10) Addition of a front porch;

(11) Adding or altering pilasters.

(§ 1, Ord. 1177-NS, eff. April 27, 1993, as renumbered by § 2 and amended by § 4, Ord. 1210-NS, eff. May 24, 1994, § 1, Ord. 1249-NS, eff. January 9, 1996, § 14, Ord. 1412-NS, eff. August 14, 2003, § 6, Ord. 1481-NS, eff. July 12, 2007, § 33, Ord. 1620-NS, eff. August 12, 2016, and Part 5, Ord. 1678-NS, eff. February 28, 2020)

Sec. 9-4.1804. Multi-family residential and non-residential exceptions.

Notwithstanding any of the provisions of this Code, the Community Development Director or designee may approve the following modifications to existing multi-family residential and non-residential projects through a Design Review application or zone clearance without hearing or notice and without the need for modification to any underlying permit:

- (a) Repainting of structure(s) using the same color(s), or colors allowed within the Architectural Design Guidelines Resolution;
- (b) Replacement of windows and doors with those of the same general type and design, or the addition of new windows and doors in compliance with the Architectural Design Guidelines Resolution;
- (c) Reroofing without a change in roof elevation;
- (d) Reroofing or minor roof changes with roof materials consistent with the project entitlement conditions, or as allowed by the Architectural Design Guidelines Resolution;
- (e) Addition, modification or repair of trash enclosures, freestanding walls, lighting standards, flag poles and/or other miscellaneous improvements on the site;
- (f) Modifications to parking areas within the scope authorized by Section 9-4.2404(f)(2) of this chapter;
- (g) Any other minor exterior building and site improvements consistent with the overall building and site design and the provisions of the City's Architectural Design Guidelines Resolution.

(§ 1, Ord. 1177-NS, eff. April 27, 1993, as renumbered by § 2 and amended by § 5, Ord. 1210-NS, eff. May 24, 1994, and § 34, Ord. 1620-NS, eff. August 12, 2016)

Sec. 9-4.1805. Precise plan of design applications.

Whenever a precise plan of design application is required for a project which requires none of the discretionary approvals set forth in Section 9-4.1801(b), an application shall be submitted to the Community Development Department as an independent precise plan of design (PPD) application on a form provided by said department along with supporting information as required by said department and the required fee for said application, which shall be set by resolution of the City Council.

(§ 1, Ord. 1177-NS, eff. April 27, 1993, as renumbered by § 2, Ord. 1210-NS, eff. May 24, 1994)

Sec. 9-4.1806. Architectural design review guidelines.

To implement the intent and purposes of this article, the City Council shall, by resolution, adopt architectural design review guidelines and standards for considering and approving a precise plan of design entitlement and in the review of discretionary land use approvals as set forth in Section 9-4.1801(b). Said architectural design review guidelines and standards, or any amendment thereto, shall be adopted by the City Council after recommendation from the Planning Commission and after a noticed public hearing as required for zoning amendments, as set forth in Article 29 of this chapter.

(§ 1, Ord. 1177-NS, eff. April 27, 1993, as renumbered by § 2, Ord. 1210-NS, eff. May 24, 1994)

Sec. 9-4.1807. Design review criteria.

In applying the adopted architectural design guidelines to discretionary land use approvals and to the review of applications for precise plan of design approval, the Community Development Department, the Planning Commission and City Council, on appeal, shall review and consider the following site and neighboring development area issues and impacts:

- (a) The site's dimensions with relation to the proposed structures and permitted uses;
 - (b) The adequacy, compatibility and harmony of the exterior building design, colors, materials and architectural features with the existing environment and the adopted guidelines;
 - (c) The location of the property in relation to surrounding property zoned for a less dense use, such as a residential use;
 - (d) The relationship of topography and grade to finished floor elevations of the site being improved;
 - (e) The proper orientation of the main elevation with respect to nearby streets and improvements;
 - (f) Any other matters relevant to implement the purpose set forth in Section 9-4.1800 of this article.
- (§ 1, Ord. 1177-NS, eff. April 27, 1993, as renumbered by § 2, Ord. 1210-NS, eff. May 24, 1994)

Sec. 9-4.1808. Design review procedure.

(a) Architectural design review in conjunction with another entitlement. When the architectural design of buildings or structures, or modifications thereto, is reviewed and considered as part of another permit or entitlement application pursuant to Section 9-4.1801(b) of this article, the hearing body or officer reviewing the underlying application shall include architectural design review in the review and decision on said application. In rendering a decision, said hearing body or officer shall consider:

- (1) The Architectural Design Review Guidelines and standards adopted pursuant to Section 9-4.1806 of this article; and
- (2) The design review criteria set forth in Section 9-4.1807 of this article.

Hearing, notice, and appeal requirements for said underlying permit or entitlement application shall be as set forth in Article 28 of this chapter and Chapter 12 of this title.

(b) Precise plan of design permit review. When a precise plan of design application is submitted pursuant to Section 9-4.1802, it shall be processed administratively as set forth in Section 9-4.2804 of this chapter, unless any of the following conditions apply, in which case the precise plan of design application shall be referred directly to the Planning Commission:

- (1) For existing single family detached homes located in developments that are exclusively single-story per the original tract entitlements:
 - (i) Two-story additions;
 - (ii) Demolition and rebuilding of a single family detached home exceeding one hundred fifty (150%) percent of the original building footprint.
- (2) For existing single family detached homes located in developments that are a mix of single-story and two or more story homes per the original entitlements:
 - (i) Two-story additions or second floor additions, where the added floor area exceeds fifty (50%) percent of the original building footprint;
 - (ii) Demolition and rebuilding of a single family detached home where either the total floor area exceeds one hundred fifty (150%) percent of the original building floor area, or where the second story floor area exceeds seventy-five (75%) percent of the original building footprint.

(c) Precedent-setting issues. If, in the opinion of the Community Development Director or the Director's designee, the precise plan of design application presents potentially precedent-setting issues, the Director shall schedule the application for a public hearing before the Planning Commission. Hearing and appeal requirements shall be as provided in Article 28 of this chapter, and notice shall be given as required by Chapter 12 of this title.

(d) Planning Commission hearings required. Whenever a precise plan of design is reviewed as part of the application for another permit requires a public hearing to be held prior to approval, or is otherwise reviewed by the Planning Commission, whether on original jurisdiction or appeal, a public hearing shall be held to review the precise plan of design application. Hearing and appeal requirements shall be as provided in Article 28 of this chapter, and notice of said hearing shall be given in the manner required by Chapter 12 of this title.

(e) Conduct of hearings and findings. The decision-making officer or body shall review the precise plan of design to ensure that the functional arrangement and the general appearance of the structure(s) conform to the intent and requirements of this article. The decision-maker may approve, conditionally approve, or deny the precise plan. A precise plan of design shall be denied if any one of the following findings are made:

(1) The design would be substantially and materially incompatible or out of scale with the natural environment and surrounding properties; or

(2) The design would deter an orderly and attractive development of the community in general and surrounding property in particular; or

(3) The design would otherwise adversely affect the public peace, safety, or general economic welfare; or

(4) The design would not materially comply with the adopted architectural design guidelines and standards.

(5) The design would not be compatible with neighboring properties to ensure a minimal loss of privacy and visual impact on adjacent properties where reasonable designs have not been explored to allow for solar access to adjacent gardens, patios, pools or rooms and where privacy of neighboring properties has been substantially compromised without careful positioning and/or limitation of the size, mass and height of the new construction.

(§ 1, Ord. 1177-NS, eff. April 27, 1993, as renumbered by § 2 and amended by §§ 6, 7, Ord. 1210-NS, eff. May 24, 1994, and §§ 5, 6, Ord. 1414-NS, eff. October 2, 2003, and § 1, Ord. 1469-NS, eff. October 13, 2006, as amended by § 7, Ord. 1481-NS, eff. July 12, 2007, and § 35, Ord. 1620-NS, eff. August 12, 2016)

Sec. 9-4.1809. Appeals.

(a) Decisions by the Community Development Director or designee. Notwithstanding any other provision of this Code, any decision by the Community Development Director, or the Director's designee, to approve, conditionally approve or deny a precise plan of design application may only be appealed to the Planning Commission as follows:

(1) If the decision is made to approve an application pursuant to Section 9-4.1808(b), the decision may be appealed by any aggrieved person or City official.

(2) Any decision to deny the application may only be appealed by the applicant.

(3) The City Council may, on its own motion, elect to submit a decision of approval to the Planning Commission for consideration and decision.

All appeals of decisions by the Community Development Director, or Director's designee, as well as City Council decisions to require review of an administrative decision by the Planning Commission, shall be made in accordance with the procedural requirements of Section 9-4.2807.

(b) Decisions by the Planning Commission. Notwithstanding any other provision of this Code, any decision by the Planning Commission to approve, conditionally approve or deny a precise plan of design application may only be appealed to the City Council as follows:

(1) If the decision is made to approve any matter originally reviewed by the Planning Commission, or any of the items set forth in Section 9-4.1808(b) and considered on appeal by the Planning Commission, the decision may be appealed by any aggrieved person or City official.

(2) Any decision to deny the application may only be appealed by the applicant.

(3) Notwithstanding the above, the City Council may, on its own motion, elect to review and consider any decision of the Planning Commission.

All appeals of decisions by the Planning Commission, as well as City Council decisions to require its own review of a decision made by the Planning Commission, shall be made in accordance with the procedural requirements of Section 9-4.2808.

(§ 1, Ord. 1177-NS, eff. April 27, 1993, as renumbered by § 2 and amended by § 8, Ord. 1210-NS, eff. May 24, 1994, as amended by Part 6, Ord. 1446-NS, eff. October 25, 2005)

Sec. 9-4.1810. Inapplicability of article to repainting of residences.

Nothing in this article is intended to require either a building permit or architectural design review prior to repainting a residential structure, unless otherwise stated in the conditions imposed upon a discretionary permit under which the structure was constructed.

(§ 1, Ord. 1177-NS, eff. April 27, 1993, as renumbered by § 2, Ord. 1210-NS, eff. May 24, 1994)

Sec. 9-4.1811. Exceptions for redevelopment projects.

The development guidelines and standards set forth in this article may be waived or modified for refurbishing existing nonresidential buildings or structures located in an approved redevelopment project area pursuant to Section 9-4.2702.5.

(§ 1, Ord. 1177-NS, eff. April 27, 1993, as renumbered by § 2, Ord. 1210-NS, eff. May 24, 1994)