



Meeting Date: 10 / 18 / 2011

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

I-7

Prepared By: Susan L. Martin, AICP, Planning Manager Agenda Item No. _____

Reviewed By: City Manager [Signature] City Attorney SMF Finance [Signature] Other (Specify) _____

DATE: October 7, 2011

TO: City Council

FROM: Susan L. Martin, AICP, Planning Manager [Signature]
Development Services Department

SUBJECT: Consent to Amendment to Covenants, Conditions and Restrictions (CC&Rs) for the Channel Island Business Center (CIBC).

RECOMMENDATION

That City Council adopt a resolution approving an amendment to the CC&Rs for the CIBC regarding City approval of sustainable energy power generation equipment on rooftops. The CIBC area is generally located between Rose Avenue to the east, the railroad tracks to the west, Wooley Road to the north, and Oxnard Boulevard to the south.

DISCUSSION

The CC&Rs for the CIBC provide that property owners of the CIBC may amend the CC&Rs only "with the written consent of the City of Oxnard." The CIBC Owners' Association proposes to amend Article III Section I (7) of the CC&Rs (see Attachment #1) to allow equipment intended for sustainable energy power generation to be placed on the rooftop without screening after obtaining approvals from the City of Oxnard Building and Engineering Services and the Architectural Committee of the CIBC Owners' Association.

While the City's goals and policies require screening of rooftop equipment, there have been some instances where the proposed equipment is designed to resemble an architectural feature, rather than typical roof-mounted equipment. In circumstances such as these, staff could consider such designs to essentially camouflage the nature of the equipment, and would consider such requests individually as part of a building permit application. Therefore, staff can support this request proposed in the CIBC.

Several previous amendments to the CIBC CC&Rs have been considered by the City Council. A previous amendment in 2006 substituted the City Manager or designee for the City Council in the procedure to obtain the City's consent to changes to the CC&Rs. This would allow future amendments to be handled administratively. For unknown reasons, that allowance was not included in the recorded document of the CIBC CC&R amendments at that time. As the City Council had previously

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unanimously supported the substitution allowing the City Manager or designee consent to future changes, staff recommends, with concurrence by the attorney representing the CIBC Owners' Association, to include the described substitution as shown in Attachment #2.

FINANCIAL IMPACT

None.

Attachment #1 – Proposed Amendment to CIBC CC&Rs

Attachment #2 – Resolution Approving Amendment to CIBC CC&Rs

PROPOSED AMENDMENT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS ("CC&Rs")

OF

CHANNEL ISLANDS BUSINESS CENTER OWNERS ASSOCIATION

(Recorded November 18, 1995 as document no. 131890 in the Ventura County Recorder's Office: Lots within Tract nos. 4065-1 and 4065-2 in the City of Oxnard)

This proposed amendment to the CC&Rs would revise Article III Section I (7) found on page 12 of the CC&Rs to state:

7. All mechanical equipment, including air conditioning, located on the exterior of the building, including upon the roof, shall be screened in a manner satisfactory to the Architectural Committee so that such equipment shall not be visible from the adjacent street or adjoining site. *Notwithstanding the foregoing of this Section 7, equipment intended for sustainable energy power generation (such as wind turbines and solar panels) may be placed on a building rooftop without screening after first obtaining prior written approval from the City of Oxnard Building and Engineering Services and then obtaining prior written approval from the Architectural Committee of the Association. The Architectural Committee shall have no duty to review any Owner's plans and/or application for sustainable energy power generation on a building rooftop until the same is approved by the City of Oxnard. Notwithstanding any other provision of this Declaration to the contrary, no Owner's plans and/or application for rooftop sustainable energy power generation shall be presumed to be approved by the Architectural Committee until actually approved in writing by the Architectural Committee.*

(The language in italics has been added.)

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
CONSENTING TO AMENDMENTS TO THE COVENANTS, CONDITIONS AND
RESTRICTIONS (CC&Rs) OF THE CHANNEL ISLANDS BUSINESS CENTER
(CIBC).

WHEREAS, the CC&Rs for the CIBC provide that amendments to the CC&Rs may be approved by property owners in the CIBC "with the written consent of the City of Oxnard"; and

WHEREAS, the City Council has carefully reviewed the Planning Commission action recommending thereof, subject to certain conditions, the staff report, and minutes of testimony at the public hearing.

NOW, THEREFORE, the City Council of the City of Oxnard resolves and consents to the following amendments to the CC&Rs of the CIBC:

1. Article III Section I (7) is amended to read as follows:

"All mechanical equipment, including air conditioning, located on the exterior of the building, including upon the roof, shall be screened in a manner satisfactory to the Architectural Committee so that such equipment shall not be visible from the adjacent street or adjoining site. Notwithstanding the foregoing of this Section 7, equipment intended for sustainable energy power generation (such as wind turbines and solar panels) may be placed on a building rooftop without screening after first obtaining prior written approval from the City of Oxnard Building and Engineering Services and then obtaining prior written approval from the Architectural Committee of the Association. The Architectural Committee shall have no duty to review any Owner's plans and/or application for sustainable energy power generation on a building rooftop until the same is approved by the City of Oxnard. Notwithstanding any other provision of this Declaration to the contrary, no Owner's plans and/or applications for rooftop sustainable energy power generation shall be presumed to be approved by the Architectural Committee until actually approved in writing by the Architectural Committee."

2. In Article VI, the reference to "the written consent of the City of Oxnard" is revised to refer to "the written consent of the City Manager or designee of the City of Oxnard".

PASSED AND ADOPTED this 18th day of October 2011, by the following vote:

AYES:

NOES:

ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

APPROVED AS TO FORM:

Daniel Martinez, City Clerk



Alan Holmberg, City Attorney