



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: MAY 21, 2019

FROM: COMMUNITY & ECONOMIC DEVELOPMENT WARD: 1
DEPARTMENT

SUBJECT: TERMINATION OF COVENANT AND AGREEMENT AND GRANT OF
EASEMENT FOR PARKING PURPOSES RECORDED ON MAY 30, 1990 FOR
PROPERTY LOCATED AT 4201 AND 4280 BROCKTON AVENUE WITH
BROCKTON V, LLC

ISSUE:

Termination of a Covenant and Agreement and Grant of Easement for Parking Purposes with Brockton V, LLC, the current property owner, to support an auxiliary parking lot at 4280 Brockton Avenue, to serve the office building located at 4201 Brockton Avenue.

RECOMMENDATIONS:

That the City Council:

1. Consent to the termination of the Covenant and Agreement and Grant of Easement for Parking Purposes with Brockton V, LLC; and
2. Authorize the City Manager, or his designee, to execute the Termination of Covenant and Agreement and Grant Easement for Parking Purposes with Brockton V, LLC, including making minor and non-substantive changes. .

BACKGROUND:

On December 13, 1989, the Design Review Board approved Planning Case DR-078-890 for the construction of a three-story, 16,766-square-foot office building located at 4201 Brockton Avenue, at the southwest corner of Brockton Avenue and Twelfth Street. The approved development included 35 on-site parking spaces and an auxiliary parking lot with 15 parking spaces located at 4280 Brockton Avenue (Attachment 1). The Design Review Board required that a parking agreement be recorded to formalize the auxiliary parking spaces that would serve the proposed office development. On May 30, 1990, a Covenant and Agreement and Grant of Easement for Parking Purposes (Covenant) was recorded against both properties specifying that the Covenant may not be extinguished or otherwise altered without the prior written consent of the City Council (Attachment 2).

On June 20, 2018, the Cultural Heritage Board (CHB) approved Planning Case P17-0899, a

Certificate of Appropriateness for the demolition of a single-family residence located at 4154 Twelfth Street located west of 4201 Brockton Avenue to accommodate the expansion of the office building parking lot (Attachment 3). The parking lot expansion was completed in January 2019 increasing the on-site parking spaces serving 4201 Brockton Avenue to a total of 58; only 45 parking spaces are required.

DISCUSSION

The property owner wants to sell the auxiliary surface parking lot property at 4280 Brockton Avenue to an institutional purchaser who intends to take title free and clear of recorded encumbrances (Attachment 4).

The expansion of the on-site parking facilities at 4201 Brockton Avenue resulted in a total of 58 on-site parking spaces. This exceeds the required 45 on-site parking spaces for the office building per the requirements of the Zoning Code. The auxiliary parking lot is no longer needed to serve the office building. Staff supports the request to terminate the Covenant (Attachment 5).

FISCAL IMPACT:

There is no fiscal impact associated with this action, since all project costs are borne by the applicant, Brockton V, LLC.

Prepared by:	David Welch, Community & Economic Development Director
Certified as to	
availability of funds:	Edward Enriquez, Chief Financial Officer/City Treasurer
Approved by:	Rafael Guzman, Assistant City Manager
Approved as to form:	Gary G. Geuss, City Attorney

Attachments:

1. Location Map
2. Recorded Covenant and Agreement and Grant of Easement for Parking Purposes
3. Previously Approved Parking Lot Expansion (Reference Only)
4. Property Owner Request
5. Termination of Covenant and Agreement and Grant of Easement for Parking Purposes