



## AGENDA REPORT

**Meeting Date:** February 21, 2012

**Item Number:** F-11

**To:** Honorable Mayor & City Council

**From:** Susan Healy Keene, AICP, Director of Community Development

**Subject:** TERMINATION OF A COVENANT THAT REQUIRES THE PROPERTIES LOCATED AT 121-145 NORTH ROBERTSON BOULEVARD TO BE HELD AS A SINGLE SITE.

**Attachments:**

1. Original Covenant
2. Proposed Covenant

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### **RECOMMENDATION**

It is recommended that the City Council authorize the City Manager to execute and record a new covenant terminating the previously recorded covenant that requires the subject properties to be held as a single site.

### **BACKGROUND**

On June 10, 2003, the owner of the properties located at 121-145 North Robertson Boulevard entered into a covenant with the City that required the subject properties to be held as a single site, effectively tying the four properties together as one. The covenant was recorded by the property owner in anticipation of an application he was going to submit to allow for a single, new development that would occupy all four lots. The purpose of the covenant was to ensure that the subject properties could not be sold independently once built over with a single development.

Subsequent to the recordation of the covenant, the property owner decided to abandon the multi-lot development and maintain the properties as-is, without a project ever being approved or entitled. To date, the properties and improvements remain in the same condition they were in in 2003, with the exception of minor tenant improvements. Despite the fact that there was not a project approved on the subject properties and that no new development has occurred, the properties remain encumbered by the 2003 single-site covenant, which can only be terminated

February 21, 2012  
121-145 North Robertson Boulevard

at the direction of the Council. Currently, the property owner is exploring the possible sale of one or more of the subject properties, and seeks to terminate the single-site covenant so that it does not impede any transactions associated with the properties. If the covenant is terminated, the properties could be sold independently, just as they could have been prior to 2003. Each lot is individually an existing, legally nonconforming lot, consistent with the size and shape of other lots in the same block.

**RECOMMENDED ACTION**

Due to the fact that the covenant is no longer required since a multi-lot development was never approved or developed on the subject properties, staff recommends that the City Council authorize the City Manager to execute and record a new covenant terminating the previously recorded covenant that requires the subject properties to be held as a single site.

**FISCAL IMPACT**

Termination of the covenant will not result in any fiscal impacts.

**PUBLIC NOTICE**

Notice is not required for termination of a single-site covenant.

Susan Healy Keene, AICP  
Director of Community Development

  
Approved By \_\_\_\_\_

**ATTACHMENT 1**  
**ORIGINAL COVENANT**

This page is part of your document - DO NOT DISCARD

03 2577374

RECORDED/FILED IN OFFICIAL RECORDS  
RECORDER'S OFFICE  
LOS ANGELES COUNTY  
CALIFORNIA  
10:01 AM SEP 04 2003

TITLE(S) :

\_\_\_\_\_



LEAD SHEET

FEE

D.T.T

FEE \$ 28 SS

8

CODE  
20

DA. FEE Code 20 \$ 2.00

CODE  
19

CODE  
9

Assessor's Identification Number (AIN)

To be completed by Examiner OR Title Company in black ink.

Number of Parcels Shown

THIS FORM NOT TO BE DUPLICATED

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Recording requested by  
and when recorded mail to:

03 2577374

City Clerk  
City of Beverly Hills  
455 North Rexford Drive  
Beverly Hills, CA 90210-4817

COVENANT  
(To Hold Property as Single Site)

This covenant is made and entered into as of the 10<sup>th</sup> day of JUNE, 2003, by and among the undersigned, [insert names of all record owners] ROBERTSON PLAZA LLC

(herein called "Record Owner") with respect to the following facts:

RECITALS:

A. The Record Owner hereby represents and warrants that it is the record owner of the following described real property (herein called the "Property") generally located at 128 - 145  
N. ROBERTSON BLVD.

[street address of the Property] in the City of Beverly Hills, County of Los Angeles, State of California, identified by Los Angeles County Assessor's Parcel Number(s) 4334-004-027, 4334-004-028, 4334-004-029, 4334-004-030

[fill in APN(s) for the Property] and more particularly and legally described as follows:

LOTS 27-28-29 & 30

TRACTS 7005

BK 72

Page 28

[fill in legal description]

B. Record Owner desires to develop the Property with \_\_\_\_\_

[briefly described proposed development] (herein called the "Project").

C. The Property includes multiple parcels. As a condition of development approval for the Project, the City of Beverly Hills (herein called the "City") has required the Record Owner to record a covenant to hold the Property as a single site. This covenant is provided to satisfy that condition.

NOW, THEREFORE, in consideration of the foregoing and as a condition of development approval, the Record Owner does hereby covenant, promise and agree for the benefit of the City, the City's public property, and the Property, as follows:

1. The Record Owner hereby covenants and agrees, in favor of the City, that the Property shall be held as a single site, such that no portion thereof shall be sold, transferred, conveyed, leased, hypothecated, or encumbered separate or apart from any other portion thereof.

2. This covenant shall be recorded in the office of the County Recorder for the County of Los Angeles.

3. The Record Owner agrees to indemnify, hold harmless and defend City, City Council and each member thereof, and every officer, employee and agent of City, from any liability or financial loss (including, without limitation, attorneys fees and costs) arising, either directly or indirectly, from any City permit or permits authorizing the construction of the Project from the Property, including, without limitation, the agreement to hold the Property as a single site as required by this covenant.

4. It is the intention hereof that this covenant shall constitute a covenant running with the land owned by the Record Owner. This covenant shall be enforceable by and shall inure to the benefit of the City and shall be jointly and severally binding upon the Record Owner, and each of the Record Owner's heirs, representatives, successors and assigns. This covenant and agreement shall remain in effect until released in writing by the order of the City Council upon a determination that this covenant is no longer required.

- Signatures Begin on Next Page -

**03 2577374**

Executed this 10<sup>th</sup> day of June, 2003.

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CITY OF BEVERLY HILLS:

Approved as to content:

Ronald B. Clark  
Ronald B. Clark  
Director of Building  
and Safety

RECORD OWNER:

ROBERTSON PLAZA, LLC \*  
(Name of Owner)

By: [Signature] \*  
Name: \_\_\_\_\_  
Title: MGR.

By: [Signature] \*  
Name: LEONARD ROSENBLATT  
Title: MANAGING MEMBER

By: \_\_\_\_\_ \*  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_ \*  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_ \*  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Approved as to form:

[Signature] for.  
Laurence S. Wiener  
City Attorney

\*/ Note if any of the Record Owners is a corporate entity, signatures from two corporate officers of such entity are required as follows: it must be signed by the chairman of the board, president, or any vice president, and also by any one of the following officers: 1) the secretary, 2) any assistant secretary, 3) the chief financial officer, or 4) any assistant treasurer of the corporation.

03 2577374

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California  
County of Los Angeles } ss.

On June 11, 2003 before me, Davina L. Dardashti  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")  
personally appeared Leonard Rosenblatt  
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal  
Davina L. Dardashti  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

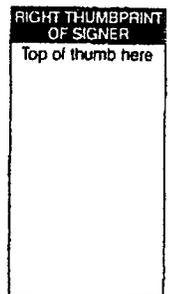
**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_  
Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_  
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

- Signer's Name: \_\_\_\_\_
- Individual
  - Corporate Officer — Title(s): \_\_\_\_\_
  - Partner —  Limited  General
  - Attorney-in-Fact
  - Trustee
  - Guardian or Conservator
  - Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



03 2577374

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**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California  
County of Los Angeles } ss.

On June 10, 2003 before me, Dawina L. Dardashti  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")  
personally appeared Marim Markowitz  
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) ~~are~~ subscribed to the within instrument and acknowledged to me that ~~he~~/she/they executed the same in ~~his~~/her/their authorized capacity(ies), and that by ~~his~~/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal  
Dawina L. Dardashti  
Signature of Notary Public

**OPTIONAL**

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

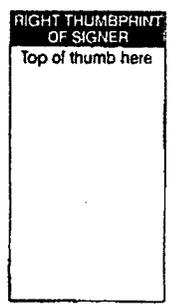
Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



03 2577374

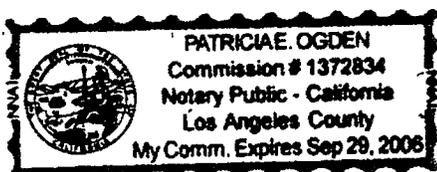
7

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }  
County of Los Angeles } ss.

On July 7, 2003 before me, Patricia E. Ogden, notary  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")  
personally appeared Ronald B. Clark  
Name(s) of Signer(s)

personally known to me  
 proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Patricia E. Ogden  
Signature of Notary Public

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: Covenant (To Hold Property as Single Site)

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

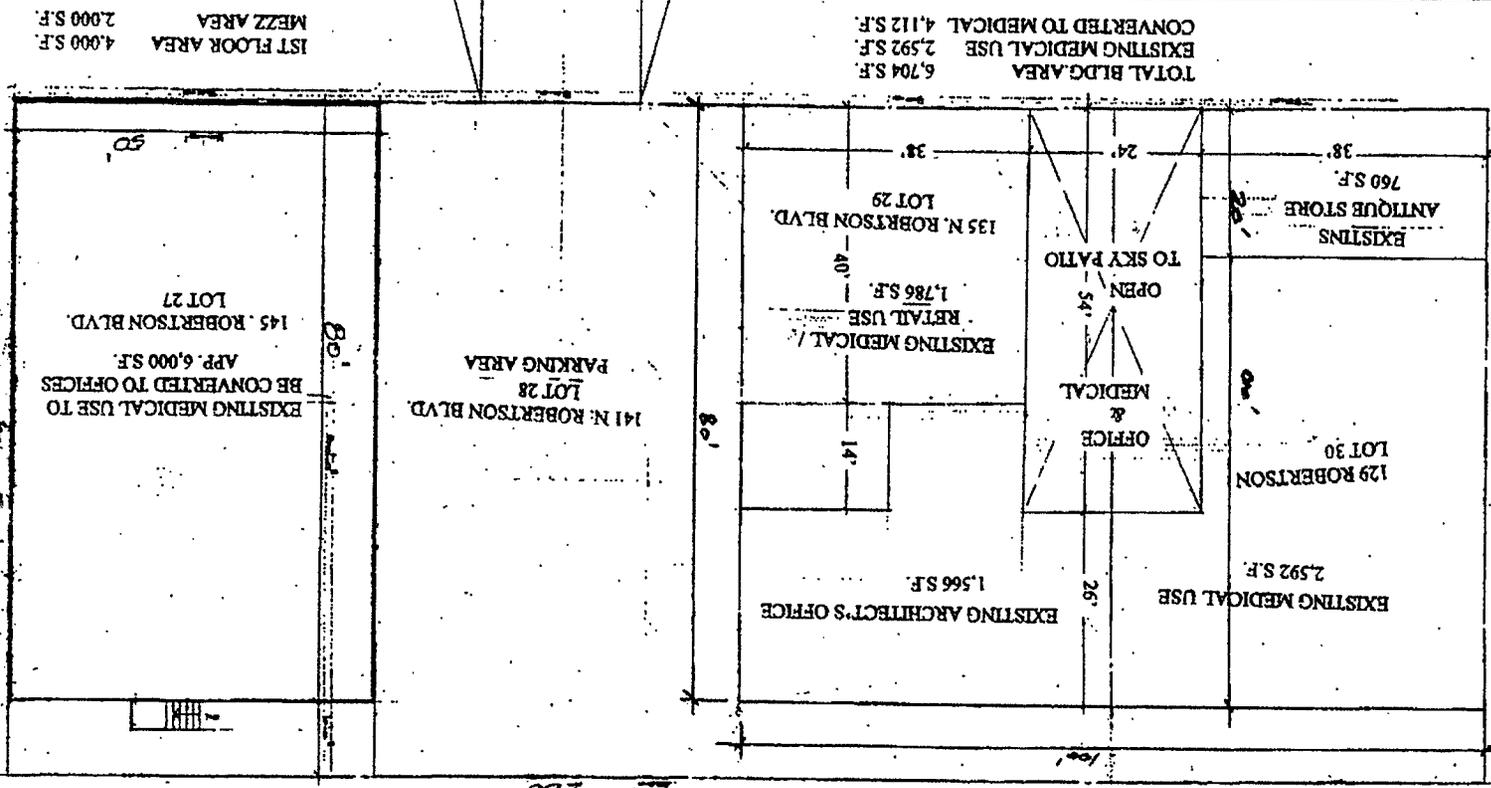


03 2577374

**SITE PLAN**

ROBERTSON BLVD.

*ALLEY*



03 2577874

141 N. ROBERTSON BLVD.  
ROBERTSON BLVD.

BIJAN DARDASHI  
ARCHITECT  
1417 Wilshire Blvd., Suite 100  
Los Angeles, CA 90017  
Tel: (213) 477-1111  
Fax: (213) 477-1112

**ILLEGIBLE NOTARY SEAL DECLARATION**

**GOVERNMENT CODE 27361.7**

I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:

Name of Notary Davina L Dardashti

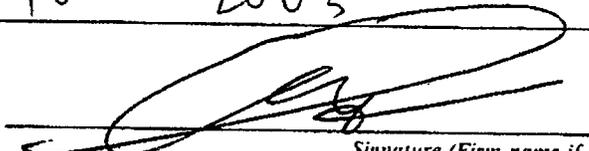
Date Commission Expires Mar 23, 2006

Notary Identification Number 1347832  
(For Notaries commissioned after 1-1-1992)

Manufacturer/Vendor Identification Number NNA 1  
(For Notaries commissioned after 1-1-1992)

Place of Execution of this Declaration L.A.

Date 6-10-2003

  
Signature (Firm name if any)

03 2577374

**ATTACHMENT 2**  
**PROPOSED COVENANT**

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

City Clerk  
City of Beverly Hills  
455 North Rexford Drive  
Beverly Hills, CA 90210-4817

[Space Above Line For Recorder's Use]

Recording Fee: Exempt pursuant to California Government Code Section 27383

### TERMINATION OF COVENANT AND AGREEMENT

A. On the 4th day of September, in the year 2003, a Covenant and Agreement (hereinafter the "Covenant," a copy of which is attached hereto as Exhibit "A") was recorded as Document Number 03 2577374 in the Official Records of the County of Los Angeles, affecting the property identified by Los Angeles County Assessor's Parcel Numbers 4334-004-027, 4334-004-028, 4334-004-029, and 4334-004-030 commonly known as: 121-145 North Robertson Boulevard (the "Property"). The Property is legally described as follows. [Check appropriate box depending on how legal description will be provided.]

- See attached Exhibit B; or,  
 Legal description:

Lots 27, 28, 29, and 30 of Tract 7005 in Map Book 72, Page 28.

The Community Development Department of the City of Beverly Hills (the "City") required that the Covenant be recorded against the Property for the following reason(s):

To hold the subject property as a single site in order to facilitate a new, multi-lot development project on the subject property.

On February 21, 2012 the City Council determined that the Covenant is no longer necessary and can be terminated for the following reason(s):

The proposed development that necessitated the single-site covenant has been abandoned by the property owner and is no longer proceeding through the entitlement process, and therefore a single site covenant is no longer required.

Based on the foregoing, the City of Beverly Hills hereby terminates the Covenant, and the Covenant shall be of no further force or effect upon recordation of this termination.

- Signatures Begin on the Next Page -

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_.

\_\_\_\_\_  
Name: Laurence S. Wiener  
Title: City Attorney

I/We am/are the owner(s) of record of the Property as described above and do hereby approve the termination of the Covenant.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_.

OWNER:

Robertson Plaza, LLC \*  
Name of Owner

By: \_\_\_\_\_ \*  
Name: Leonard Rosenblatt  
Title: Managing Member

**\*/Attach ALL PURPOSE ACKNOWLEDGMENT**

**NOTE:** If any Owner is a corporate entity, signatures from two corporate officers are required. One signature must be from any officer in Group A, and one signature must be from any officer in Group B as follows:

Group A: the chairman of the board, the president, or any vice president

Group B: the secretary, any assistant secretary, the chief financial officer, or any assistant treasurer of the corporation