

280507

WHEN RECORDED MAIL TO:

CITY CLERK
City of Riverside
City Hall, 3900 Main Street
Riverside, California 92522

Project: Zoning Case VR-019-934
3259 Orange Street
Riverside, California

RECEIVED FOR RECORD
AT 8:00 O'CLOCK

JUL 13 1994

Recorded in Official Records
of Riverside County, California

Recorder

Fees \$ 17

COVENANT AND AGREEMENT AND
DECLARATION OF RESTRICTIONS

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 13th day of July, 1994, by SHAYNE MARSTEN MUNGER and DINA D. MUNGER, husband and wife ("Declarants"), with reference to the following facts:

A. Declarants are the fee owners of the following described real property ("the Property") situated in the City of Riverside, County of Riverside, State of California:

That portion of Block 2, Range 6, according to Map of Town of Riverside, as shown by map recorded in Book 7, page 17 of Maps, San Bernardino County Records, described as follows:

Beginning on the westerly line of Orange Street, 107 feet northerly from the southeasterly corner of Block 2, Range 6;

Thence north along said westerly line of Orange Street, 50 feet;

Thence at a right angle westerly and parallel with the northerly line of Third Street, 157-1/2 feet, more or less, to a 15 foot alley;

Thence at a right angle southerly along the easterly line of said alley, 50 feet;

Thence at a right angle easterly and parallel with said northerly line of Third Street, 157-1/2 feet, more or less, to the point of beginning.

B. The Property, known as 3259 Orange Street, Riverside, California, is in the Multiple-Family Residential (R-3) Zone and

DESCRIPTION APPROVAL 7/6/94
Walter R. Jags by _____
SURVEYOR, CITY OF RIVERSIDE

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is an approximately 7,750-square-foot lot developed with a two story residential building containing two dwelling units and an accessory building at the rear of the Property containing a third dwelling unit. The main dwelling building was constructed in 1910 and is listed by the City of Riverside as a historic structure of merit. The accessory building to the rear was constructed as a garage providing two covered parking spaces for the main dwelling. The accessory building was later converted without benefit of a building permit into the 320-square-foot efficiency dwelling unit containing a bedroom, bathroom and kitchen.

C. Declarants have filed a variance request with the City of Riverside ("City") to legalize the conversion of the accessory building into a dwelling unit in Variance Case VR-019-934. The application for the variances filed by Declarants included the following:

Variance A - To delete the required on-site parking spaces where three covered and two uncovered parking spaces are required.

Variance B - To allow approximately 1,250-square-feet of designated common open space where 2,500-square-feet is required.

Variance C - To delete the required 250-square-foot private open space area enclosed by a 6-foot-high wall or fence for the three bedroom ground floor unit in the main dwelling unit.

Variance D - To allow an efficiency unit containing approximately 320-square-feet where a minimum of 400-square-foot is required.

D. On March 22, 1994, the City Council of City denied the variances requested by Declarants but approved variances to exceed the maximum permitted 35 percent rear yard lot coverage and to provide less than the minimum required 25 feet of maneuvering area to the opposite side of the alley as necessary to allow the construction of a carport at the rear of the Property subject to the following conditions:

1. The Declarants shall remove the kitchen facilities from the accessory building and record a covenant and agreement to the specifications of the Planning and Legal Departments prohibiting its future use as a separate dwelling unit;

2. The Declarants shall construct a carport at the rear of the Property containing two standard 9 x 20 foot parking spaces as required by Chapter 19.74 of the Riverside Zoning Code with access provided from the adjacent alley subject

to the approval of the Planning Department; and

3. The Declarants shall obtain the required building permits to legalize the accessory building as a guest house and to construct the carport.

E. Declarants desire to restrict the use of the Property to comply with a condition imposed by City for the granting of the variances in Variance Case VR-019-934 and to use the accessory building for accessory living quarters only.

F. "Accessory living quarters" is defined by Section 19.04.020 of the Riverside Municipal Code to mean living quarters within an accessory building located on the same premises with the main building, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling.

NOW, THEREFORE, for the purposes of complying with a condition to the granting of variances in Variance Case VR-019-934 and in consideration of such approval, Declarants hereby covenant and agree with City that the following restrictions shall apply to the Property:

1. The single-family house and the accessory building shall be used as one dwelling unit.

2. No kitchen facilities shall be permitted, maintained or installed in the accessory building.

3. Neither the accessory building nor the existing house shall be sold, rented or leased separately from the other.

4. Except as otherwise permitted by Title 19 of the Riverside Municipal Code, no commercial or business activity shall be conducted on the Property.

5. The required on-site covered parking shall be maintained at all times.

6. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors and assigns. Should the City of Riverside bring an action to enforce any of the terms of this Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to court costs, including reasonable attorneys' fees.

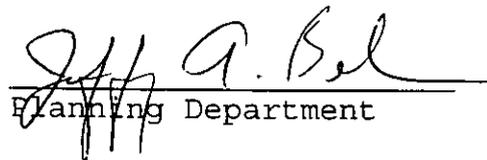
7. This Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon Declarants, their heirs, successors and assigns, and shall continue in effect until such time as released by the City Council of the City of Riverside, California.

IN WITNESS WHEREOF the Declarants have caused this Covenant and Agreement and Declaration of Restrictions to be executed the day and year first written above.

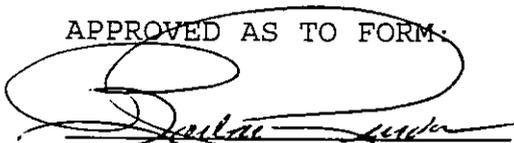

Shayne Marsten Munger


Dina D. Munger

APPROVED AS TO CONTENT:


Planning Department

APPROVED AS TO FORM:


Assistant City Attorney