

WHEN RECORDED MAIL :

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

Project: C-39-834  
3595 Van Buren Boulevard

COVENANT AND AGREEMENT AND  
DECLARATION OF RESTRICTIONS

This Covenant and Agreement and Declaration of Restrictions is made and entered into this 25 day of JULY, 1986, by MC DONALD'S TACO TIA, INC., a California corporation, the owner of record of the following described real property situated in the City of Riverside, County of Riverside, State of California, which property is referred to herein by parcel number or collectively as the property:

Parcels 1 and 3 of Record of Survey, as shown by map on file in Book 54, Page 86 of Record of Surveys, records of Riverside County, California.

WHEREAS the undersigned desires to construct a fast-food restaurant on Parcel 3; and

WHEREAS the Riverside Municipal Code requires that off-street parking be provided for a fast-food restaurant on the same lot or within one hundred fifty feet; and

WHEREAS the undersigned desires to provide a portion of the required off-street parking on Parcel 1; and

WHEREAS the undersigned desires to develop the property as a unified development with shared ingress, egress and parking; and

WHEREAS the undersigned desires to restrict the property with certain easements and obligations as contained herein;

NOW, THEREFORE, the undersigned hereby covenants and agrees with the City of Riverside as follows:

1. Nonexclusive ingress and egress easements appurtenant to and for the use and benefit of Parcels 1 and 3 are hereby established over and across Parcels 1 and 3 excluding therefrom those portions of such parcels currently developed or developed in the future with buildings constructed pursuant to Conditional Use Permit C-39-834 and building permits issued by the City of Riverside.

176287

DESCRIPTION APPROVAL  
C. J. ...  
7/25/86

RECEIVED FOR RECORD  
Min. Post 10:00 AM

JUL 25 1986

Recorded in Official Records  
of Riverside County, California  
William E. ...  
RECORDER  
Fees \$

2. The ingress and egress easement areas described in paragraph 1 above shall be kept in a free and open condition at all times to permit unimpeded access between Parcels 1 and 3 and to permit unimpeded access to and from the parking easement areas described in paragraph 3 below.

3. Nonexclusive parking easements appurtenant to and for the use and benefit of Parcels 1 and 3 are hereby established over and across Parcels 1 and 3 excluding therefrom those portions of such parcels currently developed or developed in the future with buildings constructed pursuant to Conditional Use Permit C-39-834 and building permits issued by the City of Riverside. At all times parking spaces shall be provided on the property in the amount required by the Riverside Municipal Code for all of the uses on the property.

4. Nothing contained in paragraphs 1 through 3 above shall limit the ability of the undersigned to establish driveways, walkways, curbs, gutters, parking spaces and landscaped areas on the property as approved by the City of Riverside. Each easement area described in paragraphs 1 and 3 above shall be maintained by the owner of the burdened parcel in accordance with the standards of the City of Riverside for parking lots and in a good, usable and safe condition at all times and in accordance with Conditional Use Permit C-39-834 and the parking requirements of the Riverside Municipal Code.

5. The parking easement area on Parcel 1 as described in paragraph 3 above shall be improved with the number of parking spaces required by the Riverside Municipal Code for the uses located or located in the future on Parcel 1 plus at least six standard parking spaces, each measuring nine feet by twenty feet, for the use and benefit of Parcel 3.

6. In the event any of the property is sold or leased or the ownership is otherwise changed, as the parcels are conveyed, the grantor shall grant and/or reserve, as appropriate, the above-described ingress and egress easements and parking easements.

7. The terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors or assigns, or by any owner or tenant of any of the property. Should the City or any owner or tenant 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 reasonable attorneys' fees, expert witnesses' fees and reasonable costs of suit.

8. This Covenant and Agreement and Declaration of Restrictions shall run with the land and shall be binding upon

the undersigned, its successors and assigns and shall continue in effect until such time as it is released by the City Council of the City of Riverside.

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

MC DONALD'S TACO TIA, INC.,  
a California corporation

*Al McDonald*  
Signature

*Al McDonald*  
Name

*President*  
Title

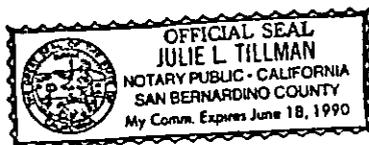
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

STATE OF CALIFORNIA

COUNTY OF San Bernardino } ss



On this 25<sup>th</sup> day of July, in the year 1986  
before me, the undersigned, a Notary Public in and for said State, personally appeared  
Alfred Edward McDonald

and \_\_\_\_\_, personally known to me  
(or proved to me on the basis of satisfactory evidence) to be the persons who executed the  
within instrument as the President and the Secretary,  
respectively, of the Corporation therein named, and acknowledged to me that the Corporation  
executed it pursuant to its by-laws or a resolution of its board of directors

WITNESS my hand and official seal

*Julie L. Tillman*  
Notary Public in and for said State

City Council  
Transmittal and Summary Sheet

APPEAL

Date: June 18, 1984

Agenda Description: Zoning Case C-39-834: Proposed conditional use permit of A. McDonald to construct a new fast food drive-thru restaurant (Taco Tia) at 3565 Van Buren Boulevard, situated on the northeast corner of Van Buren Boulevard and Andrew Street in the C-3 - Restricted Commercial Zone.

Property & Neighborhood Description:

Surrounding land use: mixed commercial, single family residential, City Fire Station, vacant

Surrounding zoning: R-1-65, C-2, P

Environmental Findings: No EIR recommended. A Negative Declaration has been prepared and action on this matter by the City Council may occur after June 28, 1984.

Staff Recommends: Approval subject to conditions

Planning Commission Action: On June 7, 1984, by a vote of 6 ayes and 0 noes, approved C-39-834 subject to staff's recommended conditions.

Conditions - Refer to Attachment.



cc: Legal  
City Manager  
161-68

APPROVED CONDITIONS

ZONING CASE: C-39-834

PLANNING COMMISSION HEARING DATE: 6/7/84

1. The plot plan shall be revised, subject to Planning Department staff approval, to include the following:
  - a. Increase the planter area at the street corner to follow the edge of the drive-thru lane indicated by a painted line.
  - b. Design the 3 parking spaces nearest the trash enclosure to compact car size criteria.
  - c. Provide a 4-foot-wide planter along the northwesterly property line, from the trash enclosure to the Van Buren property line.
  - d. Increase the size of the planter on the street side of the handicapped parking space to 10' wide by 20' long.
2. On- and off-site fire protection facilities shall be provided to the specifications of the Fire Department.
3. All landscaping plans, irrigation plans and walls, sign and building elevations shall be submitted to the Design Review Board for review and approval prior to issuance of building permits.
4. Signs shall be permitted in accordance with Chapter 19.76 of the Zoning Regulations.
5. Street trees and parkway landscaping shall be provided to the specifications of the Park and Recreation Department.
6. All on-site lighting shall be directed away from adjacent properties and public right-of-way. Freestanding pole lights shall not exceed a maximum height of 14 feet.
7. Parking shall be in conformance with Chapter 19.74 of the Municipal Code.
8. Size and number and location of driveways shall be approved by the Traffic Division.
9. No structure shall be constructed higher than 35 feet.
10. The applicant shall provide a Covenant and Agreement for Parking and Access to permit the location of required parking on the adjacent parcel. Submit a draft copy for Planning and Legal Department approval prior to recordation of the document.

11. The Commission makes the necessary findings in the applicant's favor to grant the following variance. As justification, the applicant's written justifications as augmented by staff below are referenced:

a. To permit an approximately <sup>3</sup>8-foot-wide planter along a portion of the ~~Van Buren Boulevard~~ property line immediately adjacent to the driveway opening and the drive-thru lane. (See staff alternate in DR-132-834 dated 2-5-86)

Andrew Street  
Practical differences in site development result from the irregular shape of the corner parcel and limited choices for driveway locations. The additional 16 feet of property required for street purposes and the common driveway across the rear tend to create some unusual conditions in the efficient design of the project. A smaller planter area along a portion of the street property line can be mitigated by a larger planted area in the corner without being detrimental to the neighborhood. The objectives of the General Plan Circulation Element to provide special landscaping for Van Buren Boulevard can be met through overall site design.

12. There shall be a one-year time limit in which to commence construction of the project beginning the day following approval by the City Council.
13. Enumeration of the above conditions shall not exclude or excuse compliance with all applicable rules and regulations in effect at the time this permit is exercised.
14. Failure to abide by all conditions of this permit shall be cause for revocation.
15. Deed for widening Van Buren to 60 feet with corner cutoff from monument centerline to Public Works specifications.
16. Installation of curb and gutter at 50 feet from monument centerline, sidewalk and matching pavement on Van Buren to Public Works specifications.
17. Removal of existing improvements on Van Buren.
18. Installation of a Class II Bikeway on Van Buren to Public Works specifications.
19. Closure of unused driveway openings on Van Buren.
20. Closure of unused driveway openings on Andrew.
21. Storm Drain Construction will be contingent on engineer's drainage study.
22. Off-site improvement plans to be approved by Public Works and a surety posted to guarantee the required off-site improvements prior to building permit being issued.
23. Removal and/or relocation of irrigation facilities.
24. Removal and/or relocation of trees as required.

25. A covenant and agreement subject to the City Attorney's approval shall be recorded by the developer to ensure that any future buyers or users of the property are informed that the property will not be served by an opening in the future Van Buren median.
26. Cash payment for 1/3 the cost of the future median construction in Van Buren Boulevard to Public Works specifications.
27. Size and location of driveways to Public Works Specifications.
28. Because of the bikeway, no parking will be allowed on Van Buren.
29. Only one standard two-way driveway will be permitted on Van Buren and one standard two-way driveway on Andrew with one additional (exit only) driveway on Van Buren at drive-through exit to Public Works specifications.

C-39-834 (Revised)

