

DOC # 2002-009156

01/07/2002 08:00A Fee:NC

Page 1 of 4

Recorded in Official Records

County of Riverside

Gary L. Orso

Assessor, County Clerk & Recorder



WHEN RECORDED MAIL TO:

City Clerk  
City of Riverside  
City Hall, 3900 Main Street  
Riverside, California 92522

Project: CU-022-012  
5026 College Avenue  
Riverside, California 92505

M	S	U	PAGE	SIZE	DA	PCOR	NOCOR	SMF	MISC.
	1		4						
					5			LM	
A	R	L			COPY	LONG	REFUND	NCHG	EXAM

COVENANT AND AGREEMENT  
AND DECLARATION OF RESTRICTIONS

(AUXILIARY DWELLING UNIT RESTRICTION)



THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 29<sup>th</sup> day of November, 2001, by **TONY PATINO** and **SARA PATINO**, husband and wife, as Joint Tenants ("Declarants"), with reference to the following facts:

DESCRIPTION APPROVAL 11/29/01  
Walton R. Orso  
SURVEYOR, CITY OF RIVERSIDE

A. Declarants are the fee owners of the real property (the "Property") situated in the City of Riverside, County of Riverside, State of California, which legal description is described as follows:

Lot 13 of Butler Subdivision Unit No. 1 as shown by Map on File in Book 24, Pages 80 and 81 of Maps, Records of Riverside County, California.

B. The Property, known as 5026 College Avenue, Riverside, California, is zoned Single Family Residential (R-1-65) and is approximately 0.2 of an acre in size and is developed with an approximately 1,231 square foot single family residence and a 460 square foot attached garage.

C. Declarants have applied to the City of Riverside for a minor conditional use permit to convert the existing attached garage consisting of 460 square-feet into an auxiliary dwelling unit consisting of approximately 800 square-feet comprised of one bedroom, a living room, a kitchen/nook with an eating area, a laundry room and one bathroom. A 317 square foot attached carport will also be constructed.

D. "Auxiliary dwelling unit" is defined by Title 19 of the Riverside Municipal Code ("Zoning Code") to mean a dwelling unit located on a property zoned for single family residential use which is a subsidiary to the primary dwelling unit situated on that property. Such a unit is to be established by a conditional use permit, and pursuant to specific criteria as set forth in said Zoning Code. The following variances have been granted: (A) The granny flat is 800 square feet, 184.5

CIA 750

more square feet than would be allowed by the Zoning Code; and (B) to allow tandem parking in a carport located approximately 27 feet from the rear property line. Additionally, the auxiliary dwelling unit and carport will maintain an appearance similar to other dwellings on the block and the proposed unit will be attached to the existing residence.

E. Prior to the minor conditional use permit becoming effective and the issuance of building permits, the City of Riverside is requiring Declarants to execute and record a covenant limiting the occupancy of the auxiliary dwelling unit to a maximum of two persons, each of whom is sixty (60) years of age or older; assuring that the legal owner(s) of the Property will continually occupy either the primary or the auxiliary dwelling unit; and assuring that the kitchen facilities will be removed and the unit will not be used a separate dwelling unit should the use authorized by the minor conditional use permit cease or fail to comply with the foregoing occupancy restrictions.

F. Declarants are willing to record a covenant and agreement and declaration of restrictions ("Covenant") to put future owners and successors-in-interest on notice of the above-stated restrictions on the use and occupancy of the auxiliary dwelling unit.

NOW, THEREFORE, for the purposes of complying with the conditions imposed by the City of Riverside for the granting of a minor conditional use permit and building permits in case number CU-022-012, and restricting the use of the Property to that of a single-family house and an attached auxiliary dwelling unit, Declarants hereby covenant and agree with the City of Riverside that the following restrictions shall apply to the Property:

1. The applicant shall remove 11 feet of the existing driveway approach to the garage and construct a new driveway approach to the proposed carport to Public Works specifications.
2. The existing garage door shall be removed and replaced with appropriate wall materials that match the design of the existing dwelling. A landscaped planter area shall be added and maintained in front of the converted garage.
3. The number of occupants of the auxiliary dwelling unit shall be no more than two (2).
4. Each occupant of the auxiliary dwelling unit shall be sixty (60) years of age or older.
5. The legal owner(s) of the Property will continually occupy either the primary or the auxiliary dwelling unit.
6. The kitchen facilities will be removed and the unit will not be used a separate dwelling unit should the use authorized by the minor conditional use permit cease or fail to comply with the foregoing occupancy restrictions.
7. Except as otherwise permitted by the provisions of Title 19 of the Riverside Municipal Code, no commercial or business activity shall be conducted on the Property.
8. The auxiliary dwelling unit shall have no separate address or house number.



2002-009156  
01/07/2002 08:00A  
2 of 4

C/A 750<sup>2</sup>

9. The auxiliary dwelling unit shall have full utility and sanitary hookups in conjunction with the primary dwelling unit; separate utility meters and laterals shall not be installed.

10. The on-site covered parking required by Title 19 of the Riverside Municipal Code shall be maintained at all times.

11. The use of the auxiliary dwelling unit is only authorized in accordance with the stated terms and conditions of approval including the granting of the following variances: (A) The granny flat is 800 square feet, 184.5 more square feet than would be allowed by the Zoning Code; and (B) tandem parking is allowed in the carport structure located approximately 27 feet from the rear property line. Should the use cease or fail to comply with the stated terms and conditions, the minor conditional use permit will be subject to expiration or revocation.

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

13. 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 Planning Director of the City of Riverside, California, by a writing duly recorded.

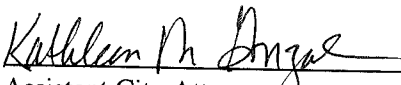
FURTHER, Declarants and each of them hereby represent and warrant that they have the legal power, right and actual authority to subject the Property to the restrictions, terms and conditions stated herein.

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

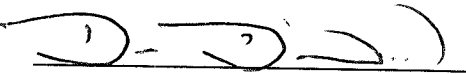
  
\_\_\_\_\_  
TONY PATINO

  
\_\_\_\_\_  
SARA PATINO

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Planning Department



2002-009156  
01/07/2002 08:00A  
3 of 4

CIA 750<sup>-3</sup>

STATE OF CALIFORNIA )  
 )  
COUNTY OF RIVERSIDE )

On Nov, 29<sup>th</sup>, 2001, before me, FRANCES FUENTES, the undersigned, a notary public in and for said State, personally appeared TONY PATINO personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

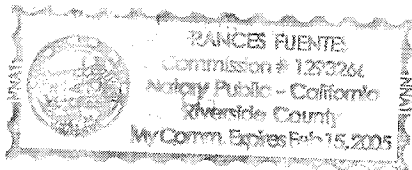


Frances Fuentes  
Notary Public

STATE OF CALIFORNIA )  
 )  
COUNTY OF RIVERSIDE )

On Nov. 29, Th, 2001, before me, FRANCES FUENTES, the undersigned, a notary public in and for said State, personally appeared SARAH JOANN PATINO personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Frances Fuentes  
Notary Public



2002-009156  
01/07/2002 08:00A  
4 of 4

CIA 750<sup>4</sup>