

**DECLARATION OF RESTRICTIONS**

**TRACT 576**

THIS DECLARATION, made this 24<sup>th</sup> day of March, 1959 by **SALTON RIVIERIA MARINA, INC.** a California corporation, having its principal place of business in the City of Los Angeles, Los Angeles County, California, hereinafter referred to as the Declarant.

WHEREAS the Declarant is the owner of that certain Tract No. 576, Imperial County, California, as per plat thereof recorded in Book, 6 Pages 20, records of said County, and

WHEREAS the Declarant is about to sell, dispose of or convey the lots in said Tract No. 576, above described, and desires to subject the same to certain protective covenants, conditions, restrictions (hereinafter referred to as "Conditions") between it and the asquirers and/or users of the lots in said Tract.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Declarant hereby certifies and declares that it has established and does hereby establish general plan for the protection, development and improvement of said Tract, that

THIS DECLARATION is designed for the mutual benefit of the lots in said Tract and Declarant has fixed and does hereby fix the protective conditions upon and subject to which all lots, parcels and portions of said Tract shall be held, leased, or sold, and/or conveyed by them as such owners, each and all of which is and are for the mutual benefit of the lots in said Tract and of each owner thereof, and shall run with the land and shall inure to and pass said Tract and each and every parcel of land therein, and shall apply to and bind the respective successors in interest thereof, and are and each thereof is imposed upon said Tract as a mutual, equitable servitude in favor in favor of each and every parcel of land therein as the dominant tenement or tenements.

SAID CONDITIONS ARE AS FOLLOWS:

That all of Block 4, Block 5, Block 6, Block 7, Block 9, Block 10, Block 11, and Block 16 shall be designated as C-2 and shall be improved, used, and occupied for commercial purposes under the conditions hereinafter set forth under ZONE C-2 REGULATIONS.

RESERVING THEREFROM:

All that portion for the lots within above numbered blocks lying from the building setback lines to the street.

AN EASEMENT FOR INGRESS, EGRESS, PUBLIC UTILITIES, DRIVEWAYS, AND PARKING TO BE USED IN COMMON WITH OTHERS.

That all of Block 1, lots 19 through 35 inclusive of Block 2, Block 3, Block 8, Block 12, block 13, and Block 15 shall be designated as multiple residence lots and shall be improved, used, and occupied under CLASS I - ZONE R-3 REGULATIONS.

COMMITTEE  
OF  
ARCHITECTURE

II. GENERAL

A. No building, fence, patio, or other structure shall be erected, altered, added to, placed, or permitted to remain on said lots or any of them or any part of any such lot until and unless the plans showing floor areas, external design and the ground location of the intended structure along with a plot plan and a checking fee in the amount of \$5.00 have been first delivered to and approved in writing by any two (2) members of a "Committee of Architecture" which shall be initially composed of Lorne B. Pratt, Bishop Moore, August Damon, and J. A. Nicholson, provided that any vacancy on such committee caused by death, resignation, or disability to serve shall be filled on the nomination of SALTON RIVIERA, INC. It shall be the purpose of this committee to provide for the maintenance of high standard of architecture and construction in such a manner as to enhance the aesthetic properties of the developed subdivision. Notwithstanding other requirements imposed, this committee shall require not less than twelve hundred (1,200) square feet of floor area for any single family residence INCLUDING carport, garage, covered porches, covered contiguous patios, etc., with a minimum floor area of eight hundred (800) square feet for living area in the dwelling portion of the structure. All structures shall basically be of ONE LEVEL construction and no 2-story structure shall be permitted unless, in the opinion of the Committee of Architecture such a structure conforms to the over-all design and pattern of development. On commercial structures submitted for approval, this committee may require changes, deletions, or revisions in order that the architectural and general appearance of all such commercial buildings and grounds be in keeping with the architecture of the neighborhood and such as not to be detrimental to the public health, safety, general welfare and architectural appearance effecting the property values of the community in which such use or uses are to be located.

B. It shall remain the prerogative and in the jurisdiction of the "Committee of Architecture" to review application and grant approvals for exceptions to this declaration. Variations from requirements and, in general other form of deviation and deviations do, in no way, detract from the appearance of the premises, not in any way be detrimental to the public welfare or the property of other persons located in the vicinity thereof, in the sole opinion of the Committee.

~~C. All buildings shall have a septic tank and leeching pit or pits, as may be required, installed in the rear yard, per specifications attached hereto and made a part hereof. In the event a lot is used for multiple residence purposes and additional pits are found necessary to that in the rear. The responsibility for determining the need for additional pits shall be vested in the Desert Shores Community Services District. The Community Services District is vested with the responsibility and authority for the enforcement of these provisions.~~  
Under California Health and Safety Code (Section 5000) and California Government Code (Section 54300), all buildings shall connect with wastewater collection system where available. When wastewater collection system is unavailable, a leeching septic tank system may be until such time as the water wastewater collection system becomes available at which time connection will be mandatory.

SEWAGE  
DISPOSAL

III. RESIDENTIAL ZONES:

- A. As used in this declaration, "Residential Zones" means zones R-1, R-2, and R-3.
- B. A person shall not use any premises in any residential zone, which is designed, arranged or intended to be occupied or used for any purpose, other than expressly permitted in this declaration.
- C. In any building project, during construction and sixty (60) days thereafter, property in a residential zone may be used for the storage of materials used in the construction of the individual buildings in project and for the contractor's temporary office. Said construction

STORAGE  
OF  
MATERIALS

period shall not exceed ninety (90) days, unless specifically approved by the Committee of Architecture

LIVESTOCK

- D. A person shall not keep or maintain any live pig or hog or livestock or goats, cows or fowl of any age in any residential zone, whether such animals are kept or maintained for the personal use of the occupants or otherwise.

SIGNS

- E. No person shall cause to be erected a sign, advertisement, billboard or advertising structure of any kind of any of the unimproved residential lots, except that a temporary permit, limited to a ninety-day period, for signs for houses to be sold or exhibited be first obtained by application to the architectural committee. The architectural committee may approve the location of these signs within the front set-back of the lot.

TEMPORARY BUILDINGS

- F. No temporary buildings, basement, cellar, tent, shack, garage, barn or other outbuilding or structure shall, at any time, be used for human habitation, temporarily or permanently.

TRAILER USE

- G. A trailer may be used as a residence of the owner and his family during construction by such owner of a permanent residence, but only after approval has been gained from the architectural committee for such residence, but in no event shall said trailer be used longer than ninety days.

BUILDING EXTERIOR

- H. The exterior portions of all buildings, which are constructed of wood, stucco or cement shall be painted or stained immediately upon completion or shall have color mixed in the final structural application.

PLUMBING

- I. Residences shall have complete and approved plumbing installations before occupancy.

TEMPORARY OFFICES

- J. A temporary Real Estate tract office, for the purpose of conducting the sale of property in sub-division, upon which such office is located, for a period not to exceed one year, provided such tract office is not used for conducting a general real estate business. Any structure, used for such purpose permitted in the zone in which it is located.

STORAGE OF TOOLS TRASH

- K. The storage of tools, landscaping instruments, household effects, machinery or machinery parts, empty or filled containers, boxes, or bag, trash, materials, or other miscellaneous items that shall, in appearance, detract from the aesthetic values of the property, shall be so placed and stored to be concealed from view from the public right of way. Trash for collection may be placed at the street line on regular collection days for a period not to exceed eighteen hours, prior to pick up.

ZONE R-1 REGULATIONS

1. PROPERTY IN ZONE R-1 MAY BE USED FOR:

- A. A single family residence, together with outbuildings customary to such use, located on the same lot or parcel of land, including:
1. A private garage with a capacity not to exceed three (3) automobiles.
  2. A boat repair or storage building for the personal use of the occupant.
  3. A children's playhouses.
  4. Lath or greenhouses.
  5. Tool houses.
  6. Hobby shops not used commercially.
- B. Churches, temples, or other places used exclusive for religious worship shall be permitted within this zone upon approval of location and development plans by the "Committee of Architecture."
- C. The following auxiliary uses, if they do not alter the character of the premises as single family residence:

1. One detached guest house on the same premises and not less than twenty (20) feet from the main building, for the use of temporary guests of the occupants of the premises, if such quarters have no kitchen or kitchen facilities and are not rented or otherwise used as a separate dwelling.
2. Fences, walls or hedges may be erected, started or maintained to height of 72" above the adjacent grade, when used as a property line or boundary separation, except that no fence, wall or hedge may be used for this purpose in the front setback area of a lot in excess of 42" above the adjacent grade.

2. BUILDING SETBACKS:

- A. Front yard setbacks shall conform to a minimum depth of twenty-five (25) feet and maximum depth of thirty-five (35) feet from the front property line to the furthest structural projection, including eaves, overhangs, porches of any building or structure.
- B. Side yard setbacks. A side yard shall be maintained of at least five (5) feet in depth from all side property lines to the building line of any structure, with a minimum clearance of 30" from eaves or other projections to the side property line, except that on corner lots a setback, equal to the narrowest width of the lot facing a street, shall be maintained from any portion of the furthest structural projection to the property line facing and parallel to the street adjacent to the longest side of the lot. In no case shall this required setback equal less than ten (10) feet or more than thirty-five (35) feet. An attached garage, a detached garage or other auxiliary buildings or structures, not intended or used for human habitation, shall be located to provide a minimum 12" clearance from the side property line to eaves or other projections, when the auxiliary building or structure is a minimum of twenty (20) feet to the rear of the front wall of the rear of the front wall of the residence nearest the street if attached, or forty (40) feet to the rear of the residence nearest the street if detached.
- C. Rear yard set back. A rear yard shall be maintained of at least twelve (12) feet from the property line to the furthest structural projection, excepting fences, walls and hedges when used as a boundary line separation, which shall be ten (10) feet from the rear property line.

3. VEHICLE STORAGE:

Every dwelling or other structure in Zone R-1, designed for or intended to be used as a dwelling, shall have on the same lot or parcel of land automobile storage space conveniently accessible from the street and not located at any place where the erection of a structure is prohibited. This space shall be of sufficient capacity so as to not exceed maximum vehicle storage requirements as outlined above.

4. SUBDIVISION OF LOTS:

No lot or parcel of land shall be divided into smaller lots or parcels under any conditions or circumstances, whether for lease, sale, or rental purposes.

5. REQUIRED LAND AREA:

A person shall not erect, construct, occupy or use more than one single family residence on any parcel of land or lot, except that the parcel of land or lot shall contain a minimum of ten thousand (10,000) square feet of area for each residence.

6. BUILDING HEIGHT LIMITATION:

All structures shall be of ONE-LEVEL construction unless as otherwise provided for under GENERAL of these restrictions.

ZONE R-2 REGULATIONS

1. PROPERTY IN ZONE R-2 MAY BE USED FOR:

A. Any use permitted in Zone R-1, except that a private garage may have a capacity of five (5) automobiles.

2. BUILDING SETBACKS:

A. Front yard, side yard and rear yard setbacks shall conform to those imposed in Zone R-1

3. VEHICLE STORAGE:

A. Vehicle storage shall conform to those requirements imposed in Zone R-1, except that the vehicle capacity shall be sufficient to accommodate one (1) automobile for each family for the permanent housing of which each dwelling of structure on the property is designed.

4. SUBDIVISION OF LOTS:

Subdividing lots or parcels of land into smaller areas shall be prohibited for any purposes or uses, whether for sale, lease or rent.

5. REQUIRED LAND AREA:

A person shall not erect, construct, occupy or use more than one two-family residence or two one-family residence or any parcel of land or lot, except that the parcel of land or lot shall contain a minimum of ten thousand (10,000) square feet of area for each two-family residence or five thousand (5,000) square feet of area for each single family residence.

6. REQUIRED BUILDING AREA:

Notwithstanding other requirements imposed by these restrictions under GENERAL the "Committee of Architecture" shall in two-family residences require not less than five hundred (500) square feet of living area for each one bedroom unit, or not less than six hundred (600) square feet of living area for each two bedroom unit, in addition to a minimum floor area of four hundred (400) square feet of attached garage, attached carport, covered porches, covered contiguous patios, etc.

7. BUILDING HEIGHT LIMITATION:

All structure shall be of ONE-LEVEL construction unless as otherwise provided for under GENERAL of these restrictions.

ZONE R-3 REGULATIONS

1. The following regulations shall apply in Zone R-3 Multiple Dwelling Districts:

A. CLASS I

1. Any use permitted in R-2.

2. Multiple dwellings or 3 one-family dwellings of a permanent nature on each lot.
3. Hotels and motels in which incidental business may be conducted for the convenience of the residents of the buildings.
4. Apartment buildings

B. CLASS II.

The following uses shall be classified under this zoning and shall be permitted if use, location and development plan is approved by the "Committee of Architecture."

1. Trailer Parks
2. Colleges and Universities
3. Private Schools

II. BUILDING SETBACKS:

- A. Front yard setbacks shall conform to a minimum depth of twenty (20) feet from the front property line to the furthest structural projection, including eaves, overhangs and porches of any building or structure.
- B. Side yard setbacks shall conform to those required in Zone R-1, except the maximum setback from a side street shall be reduced to thirty (30) feet from any portion of the furthest structural projection to the property line facing and parallel to the street adjacent to the longest side of the lot.
- C. Rear yard setback shall conform to those as required in Zone R-1.

III. VEHICLE STORAGE:

Every dwelling, apartment house or structure in Zone R-3, designed for or intended to be used as a dwelling or apartment house, shall have on the same lot or parcel of land automobile storage space conveniently accessible from the street, and not located at any place where the erection of structures is prohibited, of sufficient capacity to accommodate one (1) automobile for each family for the permanent housing of which such dwelling, apartment house or other structure is designed.

IV. SUBDIVISION OF LOTS:

No lot or parcel of land shall be divided into smaller lots or parcels under any conditions or circumstances whether for lease, sale or rental purposes.

V. REQUIRED BUILDING AREA:

Notwithstanding other requirements imposed by these restrictions, under GENERAL, the "Committee of Architecture" shall, in all apartment buildings designed or intended to house three (3) or more families, require not less than five hundred (500) square feet of living area for each one bedroom unit, or not less than six hundred (600) square feet of living area for each two bedroom unit. In all buildings or establishments designed for, intended for, or used as Hotel or Motels, the "Committee of Architecture" shall require that each unit, room suite or apartment capable of designed or intended bathrooms and/or kitchens where included in the individual accommodation as outlined above. In such instances where a common or share bath or kitchen is present, only 50% of the area of such shared facilities can be contributed to the required floor area of two hundred fifty (250) square feet. In such instances where a public bathroom or toilet room or kitchen is present as only such facilities available, the minimum required livable floor area of each individual accommodation shall contain two hundred (200) square feet.

VI. BUILDING HEIGHT LIMITATIONS:

All structures shall be of ONE-LEVEL construction unless as otherwise provided for under GENERAL of these Restrictions.

ZONE C-1 REGULATIONS

The conditions for which the uses described and permitted in Zone C-1 are as follows:

1. That all goods, other than nursery stock, offered for sale shall be displayed within a building enclosed by a roof and all sides by walls.
2. That no commercial structure shall exceed a height of two stories, including the basement but excluding the cellar and advertising signs, which are part of the structure.
3. No enterprise is permitted, which produces or causes any dust, gas smoke, noise, fumes, odors, or vibrations, which are or may be detrimental to other property in the neighborhood or to the welfare of the occupants thereof.
4. PROPERTY IN ZONE C-1 MAY BE USED FOR:
  - A. Any use permitted in Zone R-3.
  - B. Retail stores, shops or businesses, including, but not limited to those listed in the following:
    1. Antiques
    2. New automobiles
    3. Automobile courts
    4. Automobile parts
    5. Bakeries, retail
    6. Banks
    7. Bars (no dancing)
    8. Barber shop
    9. Cafes or Restaurants (no dancing or entertainment)
    10. Clothing shops
    11. Clubs
    12. Cocktail lounge (no dancing)
    13. Comfort stations
    14. Drug stores
    15. Dyeing, retail dyeing and cleaning agency and pressing only.
    16. Employment agency
    17. Escort Bureaus
    18. Fine arts galleries
    19. Floors - the caring or retail sale of or both of floors.
    20. Food market
    21. Furniture store, new only, retail
    22. Furrier shop
    23. Gasoline filling stations, providing that no garage or mechanical repair or tire re-building or automobile washing areas of more than five hundred (500) square feet is used.
    24. Greenhouses
    25. Hardware store

## ZONE C-2 REGULATIONS

### PROPERTY IN ZONE C-2 MAY BE USED FOR:

1. Any use permitted in Zone C-1, but not subject to any of the conditions listed in Zone C-1.
2. Sale, at retail only, of:
  - A. Feed
  - B. Grain
  - C. Monuments, tombstones, flagstone or any other architectural masonry, brick or tile.
3. Stores or shops for the conducting of retail or wholesale business, including, but not limited to:
  - A. Auction house
  - B. Bird or pet shop
  - C. Plumbing shop, if outside storage of pipe or fixtures or both, if any, be enclosed with a solid fence, not less than six (6) feet in height.
  - D. Billiard hall and/or bowling alley
  - E. Boxing or sports arena
  - F. Commercial carnival show operated at one particular location not longer than one (1) week in any six-month period.
  - G. Frozen food locker
  - H. Furniture re-upholstering
  - I. Public garages
  - J. Gas distribution depot of a public utility or company selling and distributing gas.
  - K. Glass etching, beveling and/or silvering in connection with the sale of glass.
  - L. Gymnasium
  - M. Hospitals
  - N. Commercial laundries
  - O. Mortuaries
  - P. Pool halls
  - Q. Printer or publisher or both
  - R. Skating rinks
  - S. Tire re-treading
  - T. Trailer rentals
  - U. Truck or automobile
  - V. Truck or transfer companies
  - W. Light manufacturing on the ground floor only, incidental to the retail sale of goods from the premises, providing:
    1. Seventy-five (75%) percent or more of the total ground floor area of the premises shall be used for retail sales, display space of goods and office space.
    2. A commercial appearance shall be maintained by office or window display space or both, across all of the street frontage of the building.
  - X. The manufacture of clothing, providing:
    1. Not more than one hundred (100) individuals are employed therein.
    2. Adequate area for street parking is provided for all employees.
    3. A commercial appearance shall be maintained by office or window display space or both, across all of the street frontage of the building.

4. Off-street loading and unloading space is provided and so located that there will be no interference with the free flow of traffic on any street, highway or alley.
- Y. The manufacture of ceramics, if the total volume of the kiln space does not exceed sixteen (16) cubic feet.
- Z. Automobile repair garages, if all operations are conducted within a building.
- AA. Other similar enterprises or businesses falling within this category but not specifically mentioned, shall be subject to the approval of the Committee of Architecture.

These conditions shall run with the land and shall be binding upon all parties and all persons claiming under them until January 1, 1968, at which time said Conditions and Covenants shall be automatically extended for successive periods of ten (10) years, unless by vote of the owners of a majority of the lots in said Tract, it is agreed to change said Conditions in whole or in part.

PROVIDED, FURTHER, that if any paragraph, section, sentence, clause or phrase of the restrictions, conditions, and covenants herein contained shall be or become illegal, null or void, for any reason or shall be held by any court of competent jurisdiction to be illegal, null, or void, the remaining paragraphs, sections, sentences, clauses or phrases herein contained shall not be effected thereby. It is hereby declared that these restrictions, conditions, and covenants, herein contained would have been and are imposed and each paragraph, section, sentence, clause or phrase thereof, irrespective of the fact that any one or more other paragraphs, sections, sentences clauses or phrases are or shall become or be illegal, null or void.

PROVIDED FURTHER, that if any owner of any lot in said property or his heirs, or assigns, shall violate or attempt to violate any of the conditions, covenants and/or restrictions herein, it shall be lawful for any other person or persons owning any other lots in said property to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such conditions, covenants, and/or restrictions and either to prevent him or them from so doing or to recover damages or other dues for such violation.

PROVIDED FURTHER, that a breach of any of the foregoing conditions, covenants, and/or restrictions shall not defeat or render invalid the lien of any mortgage, or deed of trust in good faith, and for value, as to said property or any part thereof; but such conditions, covenants, and/ or restrictions shall be binding upon and effective against any owner of any lot or lots in said property whose title is acquired by foreclosure, trustee's sale, or otherwise.

IN WITNESS WHEREOF, SALTON RIVIERA, INC., has caused its corporate name and seal to be here unto affixed by its officers thereunto duly authorized this 24<sup>th</sup> day of March, 1959.

(Owner) SALTON RIVIERA, INC.

By \_\_\_\_\_  
President

By \_\_\_\_\_  
Secretary