

LESTER, CANTRELL & KRAUS, LLP
ATTORNEYS AT LAW

Writer's E-Mail Address:
nkraus@lc-lawyers.com

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Via Personal Delivery & Email

Honorable Mayor and City Council
City of Riverside
3900 Main Street, 3rd Floor

**Re: *Appeal of Planning Case PR-2021-001026*
(MCUP and Design Review for 10030 Indiana Avenue)
Our File No.: 1665-001**

Dear Honorable Mayor and City Council:

This office represents Gustav G. Kuhn doing business as Arlington Business Plaza (“ABP”). This letter is submitted on behalf of ABP. ABP is filing an appeal of the decision of the City of Riverside Planning Commission on November 6, 2025, regarding approval of Planning Case PR-2021-001026, authorizing a Minor Conditional Use Permit (“MCUP”) and Design Review for an outdoor RV and trailer storage yard at 10030 Indiana Avenue by Steve Richardson of Richardson’s RV (the “Applicant”) for the reasons outlined below in this letter.

ABP has consistently opposed this project since the Applicant’s original application for the MCUP in early 2022, and continues to maintain that the project fails to meet the City’s General Plan, Zoning Code, and Design Review standards, while posing significant traffic, aesthetic, environmental, and safety impacts on the surrounding Arlington South business community. Furthermore, ABP now also questions the fairness of both the procedures leading up to the Planning Commission hearing and the hearing itself.

I. Procedural Violations and Due Process Concerns

Riverside Municipal Code (“RMC”) Section 19.710.070(A) requires that an appeal be placed on the next available Planning Commission agenda. ABP’s original appeal was filed on December 12, 2022, yet it was not heard until nearly three years later, on November 6, 2025. This delay violates the procedural requirement for timely hearings and undermines the principles of fairness, due process, and public participation. Over that time, project conditions changed, evidence became stale, and the applicant was allowed to modify and supplement its application—without reopening the public review process.

Furthermore, after ABP’s presentation and rebuttal, two Commissioners described taking site visits to 10030 Indiana Avenue and stated how those experiences impacted their votes. They also specifically described various current code violations occurring on the subject property and how granting the application would provide a remedy for such violations. ABP was not allowed to consider this evidence outside the record prior to the hearing nor rebut it at the hearing. We

also have concerns that *ex parte* communications may have taken place between the Applicant's team and the Planning Commissioners and staff before and during the public hearing that were not revealed to ABP. These tactics amount to "trial by ambush" and fail in offering substantive due process.

Such delay and lack of evidentiary safeguards constitute arbitrary and capricious decision-making warranting reversal of the Planning Commission's approval and requiring the applicant to restart the Development Review Committee process.

II. Environmental Review Deficiencies

The City's determination that the project is categorically exempt under CEQA is unfounded. The South Coast Air Quality Management District requires a Health Risk Assessment when new paving or development may generate emissions or expose sensitive receptors, such as the residences south of the proposed project. The record contains no HRA, yet the project includes new pavement, grading, and outdoor operations—qualifying it as new development under RMC 19.130.040. Additionally, the Planning Commission's record omitted the Air Quality Memorandum, Noise Study, and Preliminary Water Quality Management Plan cited in staff's report. Without access to these documents, neither ABP, the public, nor the decision-makers could evaluate the project's environmental impacts, violating both CEQA and procedural fairness.

III. Substantive Conflicts with General Plan and Zoning Code

The project directly conflicts with the City's adopted General Plan and Business and Manufacturing Park (BMP) Zone intent:

- (1) General Plan Objective LU-40 seeks to "reinforce Arlington South's historic development patterns." This project introduces an incompatible, low-value storage use instead of the job-creating industrial or office uses envisioned by the Plan.
- (2) Policy LU-41 calls to "spur the economic revitalization of the neighborhood." Outdoor storage provides no local employment or public benefit and discourages investment by diminishing aesthetics and perceived area quality.
- (3) RMC 19.285.010 establishes outdoor storage regulations to ensure compatibility and avoid impacts. This project fails that test: it is visually intrusive, generates noise and light pollution, and creates operational disturbances.
- (4) RMC 19.730.010 requires that MCUP uses be "compatible with other uses in the area and not detrimental to health, safety, or welfare." The proposed use is incompatible with adjacent commercial and professional offices, creating traffic congestion, safety hazards, and neighborhood blight.

To approve the applicant's conditional use permit, the Committee was required to find all of the following:

A. The proposed use is substantially compatible with other uses in the area, including factors relating to the nature of its location, operation, building design, site design, traffic characteristics and environmental impacts.

B. The proposed use will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to the environment or to the property or improvements within the area.

C. The proposed use will be consistent with the purposes of the Zoning Code.

D. The proposed use is in conformance with specific site location, development and operation standards as may be established in the Zoning Code for the particular use.

The proposed recreational vehicle (“RV”) storage yard fails all of these tests: (a) it is not substantially compatible with surrounding uses because there are no outdoor storage yards in this area, which is predominantly indoor commercial space; (b) it will detract from the commercial character of the surrounding area and unfairly penalize incumbent business owners and investors; (c) Richardson’s site plan cannot meet the Zoning Code’s requirements for outdoor storage yards due to inadequate screening; and (d) the proposed use is not consistent with the City’s general plan.

First, the proposed RV yard is not substantially compatible with surrounding uses because there are no RV storage yards—and virtually no outdoor storage of any kind—in this area, which is predominantly indoor commercial space. In response to ABP’s concerns on this issue, the Committee concluded—wrongly—that “the proposed outdoor storage yard and office is compatible with the variety of uses surrounding the project site[.]” (Report, p. 5 [Response to Concern No. 1].) Yet the only example of an ostensibly similar use the Committee could cite was the self-storage facility to the west of the Richardson property at 10090 Indiana Avenue. (*Id.*) However, this self-storage facility is clearly not outdoor storage. Instead, it has rows of indoor storage buildings accessible by outdoor drive corridors. Of the hundreds of self-storage units on that property, which presumably contain tens of thousands of stored items, not one stored item is visible from the street or any neighboring property.

Second, the proposed RV storage yard will detract from the commercial character of the surrounding area and unfairly penalizes incumbent business owners and investors. Richardson’s site plan fails to avoid these impacts. As ABP has stated in its previous letters, even if *minimum* screening requirements are met, the outdoor storage would be visible from the upper-floor windows and walkways of two adjacent building sites on ABP’s property. Tenants will be much less likely to rent space in these buildings, as opposed to space in other nearby parcels that do not have unsightly adjacent outdoor storage areas—to wit, none of the surrounding areas have adjacent outdoor storage. The Report fails to confront this obvious problem with the proposed use. (See Report, p. 6 [Responses to Concern Nos. 2, 3].) The Committee attempts to paper over this issue by insisting that since the proposed RV storage yard represents a use of otherwise vacant property for ostensibly commercial reasons, it necessarily will “spur the economic revitalization of the neighborhood.” Under this interpretation of “economic revitalization,” any conceivable commercial or industrial use of a parcel would count, even if such use would economically

devitalize the commercial prospects for many of the longtime incumbent property owners in the area, and, indeed, for the area overall.

Contrary to what appellant may argue, the economic harm to adjacent properties is relevant under RMC, § 19.730.040. Section 19.730.040(b) requires that the applicant's use not be "injurious" to improvements in the area. Economic injury *must* be considered an injury under that code section. If subsection (b) referred only to physical injury it be superfluous as obviously a new use that physically damaged adjacent property could never be allowed. Additionally, the economic harm to abutting properties is not speculative. ABP has significant experience in property rental and, in its expert opinion, the economic harm is a near certainty. The argument that the applicant's project would be an improvement from the pre-existing vacant lot is nonsensical. From that point of view, any use could be permitted as an improvement from the existing property.

Third, the proposed RV storage yard should be rejected because Richardson's site plan fails to meet the Zoning Code's requirements for outdoor storage yards due to inadequate screening. Specifically, "[s]torage shall be visually screened *from all adjacent building sites and public streets and alleys* by a solid masonry wall *of a height sufficient to screen all materials stored outdoors* or by a building." (Emphasis added.) Mr. Richardson's most recent proposal opts to use a 10-foot high metal fence and trees as visual screening instead of masonry. Landscaping for screening is permitted by the Code, but only "provided that the required visual screening is achieved." Zoning Code § 19.285.040(A). Such screening must be "established at or before the time any area is used for outdoor storage." *Id.*, § 19.285.040(B).

In response to ABP's concerns on the screening issue, the Committee stated that the Richardson proposal provided "several site improvements to provide effective screening of the outdoor storage area to the adjacent building" owned by ABP and used by its tenants. However, the proposed methods of achieving "effective screening" will not effectively screen the outdoor storage yard from ABP's property. Furthermore, the ten foot metal fence that was added to Richardson's revised June 2022 site plan fails to cure the inadequate screening. The adjacent building sites on ABP's property sit at a higher elevation than the proposed outdoor RV storage yard. A 10-foot metal fence would not adequately screen the outdoor parking of RVs from patrons standing outside the adjacent commercial office buildings, let alone tenants and visitors located on the second floor of these buildings looking toward the unsightly outdoor RV storage.

Fourth, the proposed use is not consistent with the City's general plan. A city's land use decisions must be consistent with the policies expressed in its general plan. *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal. 3d 553, 570 (1990); *Lesher Communications, Inc. v. City of Walnut Creek*, 52 Cal. 3d 531, 536 (1990); Cal. Gov. Code § 65860. "[T]he propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements." *Citizens of Goleta Valley*, 52 Cal. 3d at 570.

The proposed RV lot and its steel stand-alone carport and house-office are not consistent with the policies and objectives set forth in the Riverside General Plan 2025 (amended August 2019) for the Arlington South neighborhood (the "Riverside General Plan") where the subject property is situated. Objective LU-40 is to "[r]einforce Arlington South's historic development

patterns[.]” The proposed RV lot would run counter to decades of historic development patterns, one specific example of which is the City shutting down Richardson’s prior use of this parcel as an unpermitted RV storage lot. Policy LU-40.2 is to “[e]ncourage owners of industrial properties to keep those properties in industrial use in a manner that would benefit the community as a whole.” As set forth throughout this letter and our prior letters, the proposed RV lot would be a *detriment* to the local community—not a benefit. Objective LU-41 is to “[s]pur the economic revitalization of the neighborhood.” Lowering real estate prices and rents by using the property as an RV lot will do the opposite. Policy LU-41.2 is to “[e]nsure that commercial properties are well maintained and compatible with adjacent residential land uses.” Mr. Richardson’s proposed RV lot is not likely to be well maintained if history is any guide.

There are at least three more examples why Richardson’s proposed plans for the Richardson Property have various architectural design deficiencies that violate the above-cited California law and the Riverside General Plan. First, the plans include a 63-foot by 23-foot covered carport parking area. This carport appears to be a bare steel building shell with a corrugated sheet metal roof and no architectural design features to make it compatible with any of the neighboring developed commercial properties. Second, the proposed use of the existing house as an office facility includes no architectural design features that make it compatible with the buildings developed in the entire neighborhood. No underground utilities are proposed, and the building will continue to look like a house after completion of the project. Finally, the parking design for the office use is poor: if one car is parked adjacent to the existing house, it will encourage visitors to park in the parking lot on the ABP property at 10020 Indiana Avenue. Many people connected with the Richardson Property already use the ABP property for parking and view the lot as available for “public use.” Richardson has done nothing to cure this improper use, and the proposed development of the Richardson Property will only continue the improper use. The proposed parking on the Richardson Property must be designed to mitigate this chronic problem. The developers of commercial properties in the neighborhood have had to comply with all of the foregoing requirements that Richardson is attempting to escape, which is unacceptable.

In sum, the applicant’s project failed to meet zoning requirements, is not in harmony with existing property, and would injure the existing nearby property.

IV. Community and Economic Impacts

The Arlington South business community overwhelmingly opposes this project: over 60 local business owners (over 80% within a ½ mile area) have expressed opposition. Their reasons include:

- (1) Traffic and circulation hazards caused by unloading and maneuvering large RVs and trailers along Indiana Avenue, a high-speed, multi-lane corridor.
- (2) Visual blight, inconsistent with surrounding architectural and design standards, creating a “junkyard” aesthetic.
- (3) Increased risk of crime and vandalism associated with open-lot storage, including loitering and dumping.

- (4) Noise, lighting, and environmental disturbances from early-morning or late-night vehicle movements and potential fluid leaks.
- (5) Reduced property values and investment potential in the area, undermining decades of small business revitalization efforts.

V. Conclusion and Requested Action

The City Council should grant this appeal and revoke the Planning Commission's approval of the MCUP and Design Review for 10030 Indiana Avenue because the project:

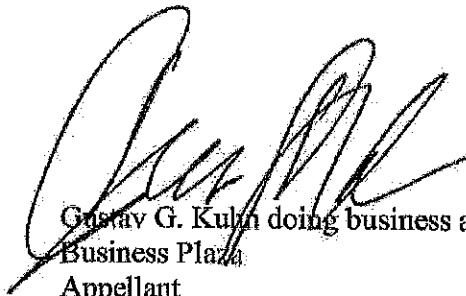
- (1) Violates procedural and substantive due process and RMC timing requirements;
- (2) Lacks adequate CEQA review and environmental documentation;
- (3) Conflicts with the City's General Plan and zoning standards; and
- (4) Imposes substantial adverse community, safety, and aesthetic impacts.

ABP and the Arlington South business community urge the City Council to deny the MCUP and Design Review, or alternatively, require a complete redesign and new environmental review process to ensure compatibility with community goals. For the reasons stated in ABP's original appeal, and the additional reasons stated above, the Appeal should be granted, and the MCUP should be revoked.

Respectfully submitted,



Matthew J. Kraus
Lester, Cantrell & Kraus, LLP
Attorney for Appellant
1770 Iowa Ave # 110 9980
Riverside, CA 92507
Phone: (951) 300-2690



Gustav G. Kuhn doing business as Arlington
Business Plaza
Appellant
Indiana Ave. Suite 1
Riverside, CA 92503
Phone: (951)858-6541

Cc: Brian Norton (bnorton@riversideca.gov)
Chris Christopoulos (cchristopoulos@riversideca.gov)
Richard Kirby (dbkirby@att.net)
Judy Eguez (jeguez@riversideca.gov)
Alyssa Berlino (aberlino@riversideca.gov)
Regine Osorio (rosorio@riversideca.gov)