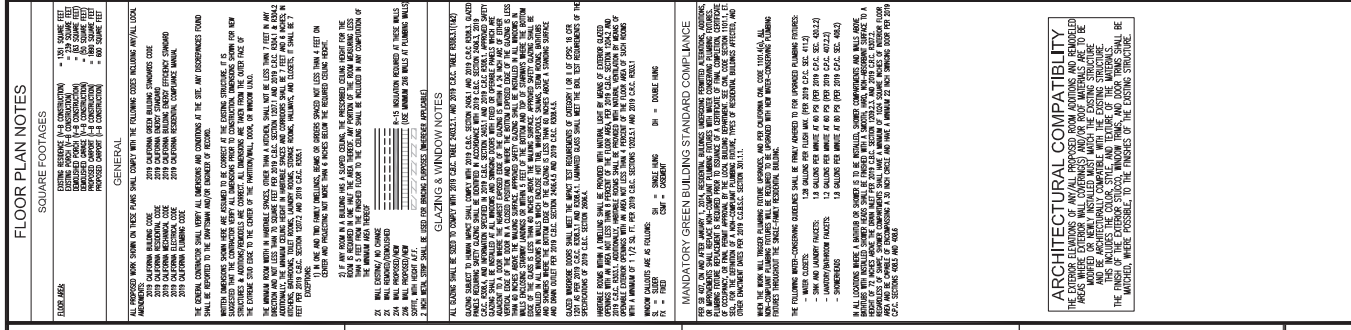
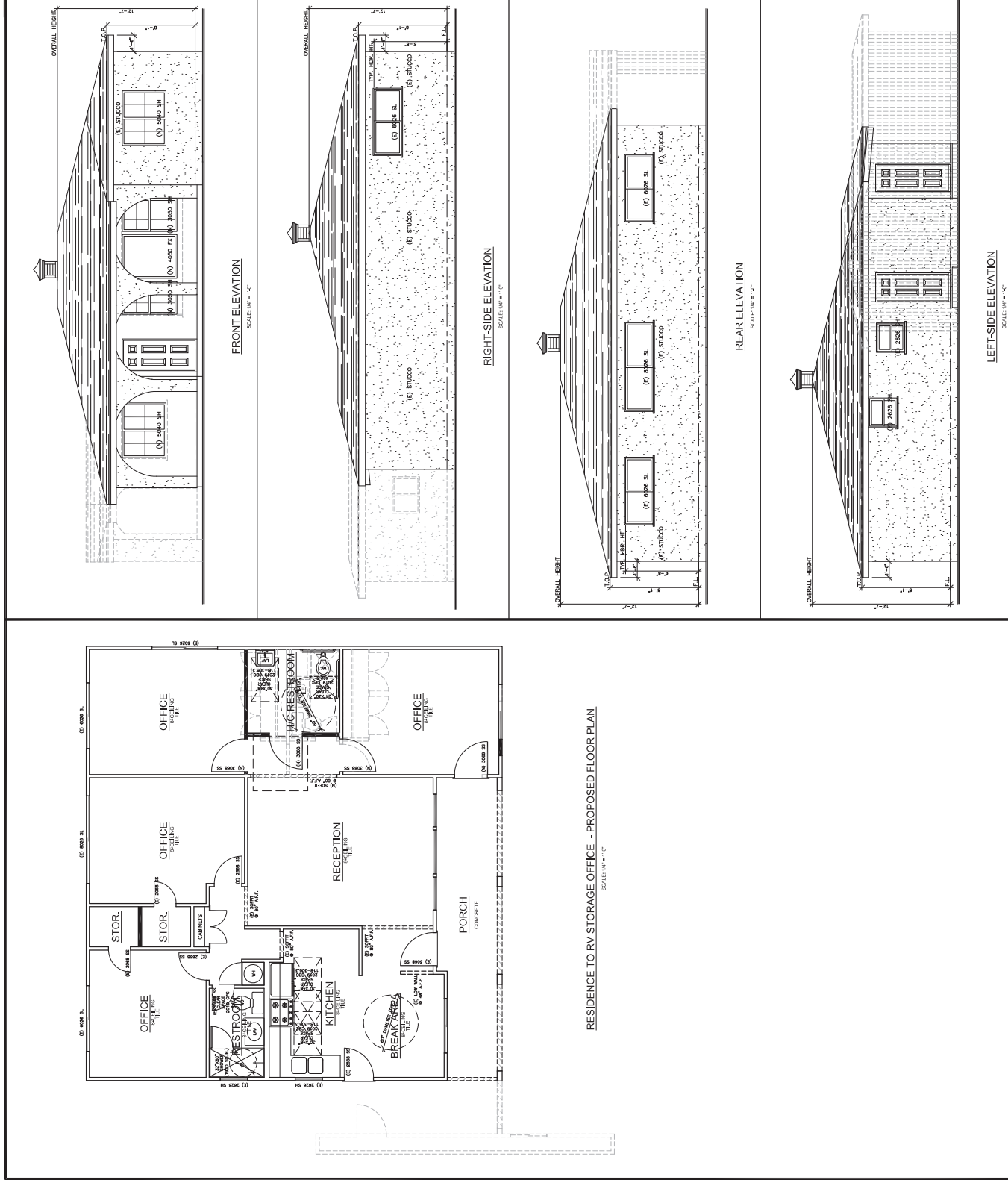




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MARCH 2023



TIMBER		BOTANICAL NAME		SIZE	QTY	WT
TRUNKS						
	CARPASSUS SUPERBIVENS	ITALIAN CYPRESS	24" DIA	21	0.5 L	
	ULMUS PARVIFLORA	AUSTRALIAN WILLOW	16.5 AL	7	0.5 L	
BRANCHES						
	LOSTBURY "MOUNTAIN" TEAKWOOD	TRUNK PARTS	5 GAL	50	0.5 M	
	GALEATINUS V. LITTLE JOINT	LITTLE JOINT BOTTLEBRUSH	5 GAL	64	0.3 L	
	RAHAPLETES NERCA	SWAMP WHITE	5 GAL	18	0.5 M	
	WHITE EUCALYPTUS	SWAMP WARTWORT	1 GAL	23	0.5 M	
	HYDROPHILUS HYPERBOLUS	RED KALANCHOE	1 GAL	32	0.5 M	
	NOUNO D. WOODS SWAMP					
GRASS COVERS / ANISES						
	HYPOPHYL PEAR TOLLUM	HYPOPHYL	1 GAL	125.5 FT	0.5 L	

NOTE:

1. ALL PLANTER AREAS SHALL RECEIVE MIN 3" DEPTH LAYER OF NITROGEN-STABILIZED SHREDDED BARK MULCH.
2. INSTALL LINEAR ROOT BARRIER TO ALL TREES WITHIN 6' OF HARDSCAPE.
3. EXTEND ALL GROUND COVER BENEATH SHRUBS AND TREES WHERE APPLICABLE.

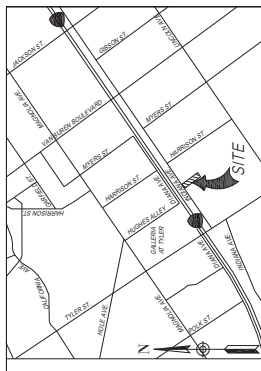
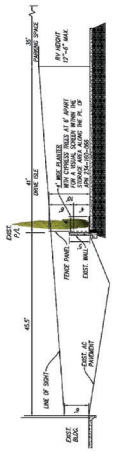
IRRIGATION NOTE:
 1. ALL IRRIGATED SHALL BE NON-IRRIGATED

10300 INDIANA AVE.		ANNUAL WATER BUDGET:		ESTIMATED TOTAL WATER USE:		TOTAL FOR ALL HYDROZONES:	
	(Revised)		sf	Hydrozone # 1	Hydrozone # 2	Hydrozone #1	Hydrozone #2
Elb.	56.65	Elb.	56.65	Elb.	56.65	Hydrozone #1	56.65
Conv. Factor (Gals) 0.62		Conv. Factor 0.62		Conversion factor 0.62	Conversion factor 0.62	Hydrozone #1	56.65
ET Adjustment 0.65		Crop Coefficient 0.50		Crop Coefficient 0.50	Crop Coefficient 0.50	Hydrozone #1	56.65
T.L.A.	4,564	Hydrozone Area 3,343		Hydrozone Area 3,343	Hydrozone Area 1,221	Hydrozone #1	56.65
Special Area 0.00		Irrigation Efficiency 90.00		Irrigation Efficiency 90.00	Irrigation Efficiency 90.00	Hydrozone #1	56.65
MAWA= 104,196		Special Area 0.00		Special Area 0.00	Special Area 0.00	Hydrozone #1	56.65
Special Area 0.00		ETWU= 69,068		ETWU= 69,068	ETWU= 15,136	Hydrozone #1	56.65
						Hydrozone #2	15,136
						ETWU TOTAL=	84,204

EXISTING TREE NOTE:
UNLESS NOTED OTHERWISE, NO TREES OR SHRUBS ARE CURRENTLY EXISTING ON-SITE. NEW TREES SHALL BE PLANTED AS PER THE CONCEPTUAL PLANTING PLAN.

RIGHT OF WAY NOTE:
NO RIGHT OF WAY IS TO BE DEDICATED AS PART OF THIS PROJECT.

RIGHT OF WAY NOTE:
NO RIGHT OF WAY IS TO BE DEDICATED AS PART OF THIS PROJECT.



VICINITY MAP

OWNER/APPLICANT

ENGINEER

LANDSCAPE ARCHITECT

TOPOGRAPHY SOURCE
EXISTING TOPOGRAPHY IS BASED ON CITY OF RIVERSIDE CADASTRAL
DATA, 1985, AND 1990, RECORD NUMBER 1111.

LEGAL DESCRIPTION

ASSESSOR PARCEL NC

ACREAGE
APN 256-160-009

ZONING/LAND USE/GENERAL PLAN
EXISTING ZONING (734-160-009) ... BUSINESS & MANUFACTURING PARK

UTILITY PROVIDERS

FEMA FLOOD ZONE DESIGNATION

[illegible]



Community & Economic Development Department

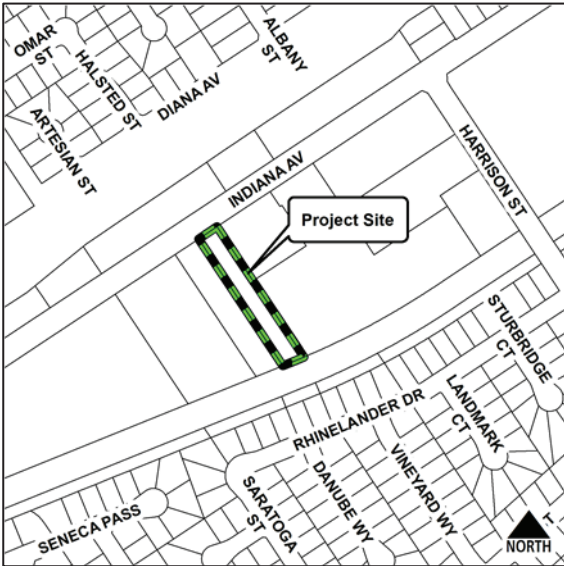
3900 Main Street, Riverside, CA 92522 | Phone: (951) 826-5371 | RiversideCA.gov

Planning Division

MINOR CONDITIONAL USE PERMIT AND DESIGN REVIEW

Development Review Committee Date: March 10, 2021

Approval Date: November 30, 2022

Case Number	PR-2021-001026 (Minor Conditional Use Permit, Design Review)	
Request	Proposal to consider the following entitlements: 1) Minor Conditional Use Permit to permit the establishment of an outdoor storage yard for the storage of Recreational Vehicles; convert an existing 1,351 square foot residence into an office; and 2) Design Review of project plans.	
Applicant	Steve Richardson of Richardson's RV	
Project Location	10030 Indiana Avenue, situated on the south side of Indiana Avenue between Harrison and Tyler Streets	
APN	234-160-009	
Project Area	1 acre	
Ward	5	
Neighborhood	Arlington South	
General Plan Designation	B/OP – Business/Office Park	
Zoning Designation	BMP – Business and Manufacturing Park	
Staff Planner	Alyssa Berlino, Associate Planner 951-826-5628 aberlino@riversideca.gov	

PROPERTY BACKGROUND/PROJECT DESCRIPTION

The 1-acre project site is partially developed with an existing 1,351 square foot residence and 239 square foot attached front porch. The project site has a long, narrow configuration with a lot width of 78-feet and a lot depth of approximately 555-feet. Access to the site is provided from Indiana Avenue by a single two-way driveway.

Surrounding land uses include commercial retail to the north (across Indiana Avenue), a self-storage facility to the west, AT&SF railroad to the south, and a mix of office and light industrial uses to the east.

The applicant is requesting a Minor Conditional Use Permit and a Design Review for an Outdoor Storage Yard and to convert the existing 1,351 square foot residence into an office for Richardson's RV storage.

The development consists of:

- Paving approximately 33,763 square feet of the lot for outdoor storage purposes;
- Striping forty-five 9 x 35-foot stalls for storage of vehicles;
- Conversion of the existing residence into an office;
- Construction of fences and walls; and
- Landscaping.

The business will operate Monday through Friday from 8:00 a.m. to 5:00 p.m. with four employees on-site. Recreational vehicles and trailers will be transported to and from the storage yard as required for inventory control.

Plans indicate the storage yard will be secured and screened as follows:

- A new 6-foot-high opaque tubular steel fence and opaque rolling gate on the north side of the storage yard;
- A combination of an existing 5-foot-high decorative stucco perimeter wall and new 10-foot-high decorative opaque metal fence along the east side property line;
- A combination of an existing 6-foot-high CMU wall and new landscaping along the south property line, adjacent to the AT&SF Railroad; and
- An existing self-storage building along the west side property line.

No sales of recreational vehicles, maintenance, washing or fueling are proposed to take place on-site.

PROJECT ANALYSIS

	Consistent	Inconsistent
General Plan 2025 The proposed project is consistent with the underlying General Plan 2025 land use designation of B/OP – Business/Office Park, which provides for single or mixed light industrial uses that do not create nuisances or heavy truck traffic. The proposed outdoor storage and office provide a light industrial use that contribute to the goals and objectives of the B/OP land use designation. The proposed project is also consistent with General Plan 2025 Land Use and Urban Design Element Objectives, Goals and Policies of the Arlington South neighborhood and will further the intent of the General Plan 2025 through consistency with the following objective:	☒	☐

Objective LU-41: Spur the economic revitalization of the Arlington South neighborhood.		
Zoning Code Land Use Consistency (Title 19) The project site is zoned BMP – Business and Manufacturing Park, consistent with the B/OP – Business/Office Park General Plan land use designation. The BMP – Business and Manufacturing Park Zone allows for an Outdoor Storage Yard subject to approval of a Minor Conditional Use Permit and compliance with the applicable Site Location, Operation and Development Standards outlined in Chapter 19.285 (Outdoor Storage Yard). The proposed project was analyzed for consistency with all applicable development standards, and the project was found to be consistent.	☒	☐
Compliance with Citywide Design & Sign Guidelines The proposed project meets the objectives of the Citywide Design and Sign Guidelines for industrial development. The proposed site has been designed to include elements consistent with the Citywide Design Guidelines for Industrial development including controlled site access, screened storage areas located at the rear of the building, convenient access, on-site circulation, and landscaping.	☒	☐

COMPLIANCE WITH APPLICABLE DEVELOPMENT STANDARDS

Chapter 19.130 – Business and Manufacturing Park Development Standards					
Standard			Proposed	Consistent	Inconsistent
Floor Area Ratio	1.50		0.04	☒	☐
Max. Building Height	45 feet		12 feet, 7 inches	☒	☐
Min. Building Setbacks	Front Yard	20 feet	34 feet	☒	☐
	Rear Yard	0 feet	26 feet, 4 inches	☒	☐
	Side Yard	0 feet	9 feet (west) 27 feet (east)	☒	☐
Min. Landscape Setback	Front Yard	20 feet	27 feet	☒	☐

Chapter 19.285 – Outdoor Storage Yard Site Location, Operation, and Development Standards				
Standard		Proposed	Consistent	Inconsistent
Location of Operations and Activities	The storage area and drive aisles shall be paved with not less than two and one-half inches of asphaltic concrete or an equivalent surfacing meeting the established standards and specifications of the Public Works Department, except for any required landscape setback areas as stipulated in item 5 below.	Outdoor storage yard will be paved with two and one-half inches of asphaltic concrete.	☒	☐
	All such areas shall be graded and drained so as to dispose of all surface water in a manner consistent with water quality control standards enforced by the Public Works Department.	A Preliminary Water Quality Management Plan was approved by Public Works to ensure all areas will be graded and drained consistent with Public Works Department standards.	☒	☐
	All such areas shall be maintained in good repair, in a clean, neat and orderly condition.	All areas will be maintained accordingly.	☒	☐
	All such areas shall be provided with internal circulation, safe entrances and exits meeting the established standards and specifications of the Planning Division and Public Works Department.	All areas are provided with internal circulation, safe entrances and exits.	☒	☐
Screening	Storage 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. Such walls shall be limited in height to three feet within the required front or street side yard area, or, where no front or street side yard area is required, such wall shall	A combination of masonry walls, metal fencing, and landscaping are used to achieve the required screening.	☒	☐

Chapter 19.285 – Outdoor Storage Yard Site Location, Operation, and Development Standards				
Standard		Proposed	Consistent	Inconsistent
	be limited in height to three feet within ten feet of the street property line. Alternative screening methods including, but not limited to, fences, landscaping, earthen berms or some combination thereof may be approved by the Community & Economic Development Director or his/her designee provided that the required visual screening is achieved.			

ENVIRONMENTAL DETERMINATION

The Planning Division of the Community & Economic Development Department has determined that this project is categorically exempt from further California Environmental Quality Act (CEQA) review pursuant to Section 15301 (Existing Facilities), Section 15303 (New Construction or Conversion of Small Structures), and Section 15332 (In-Fill Development Projects).

PUBLIC NOTICE AND COMMENTS

On February 25, 2022, public notices were mailed to property owners within 300 feet of the project site. Staff received a comment letter from Lester, Cantrell, and Kraus Attorneys at Law on behalf of Gustav Kuhn of the Arlington Business Plaza with the following concerns:

1. Concern: The proposed project does not comply with Sections 19.730.040(a) and (b) - Minor Conditional Use Permit – Required Findings because the use is incompatible with the existing uses in the neighborhood that are predominantly indoor commercial office, retail, warehouse space. In addition, the proposed gravel base in the storage area will create unnecessary particulate dust and will result in loose gravel outside of the project site therefore will injure the environment and the property and improvements in the area.

Response: The absence of a storage yard in the neighborhood does not determine its compatibility within the neighborhood. Section 19.730.040(a) requires that, “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.

The project site is surrounded by the BMP - Business and Manufacturing Park Zone to the east and west, the RWY – Railway Zone to the south, and the MU-V-S-2-X- Mixed Use-Village- Building Stories (Two-Story Maximum) and Building Setback (10-Foot Landscaped Setback from Indiana Avenue) Overlay Zones to the north (across Indiana Avenue). Surrounding uses include a self-storage facility to the west, a mix of office and light industrial uses to the east, and office/retail uses to the north (across Indiana Avenue). The proposed outdoor storage yard and office is compatible with the variety of uses surrounding the project site, specifically the self-storage facilities to the west as the use operates in a similar manner.

The outdoor storage area, previously proposed to have loose gravel, has been revised to be paved with asphaltic concrete. Therefore, no additional particulate dust will be created because of the proposed use.

2. Concern: The proposed use will not be consistent with the purposes of the Zoning Code, specifically to, "avoid any impacts associated with" the use in the BMP - Business Manufacturing Park Zone and the use will detract commercial value of all nearby properties based on years of unpermitted outdoor storage use on the property.

Response: The proposed use is consistent with all the required site location, operation, and development standards as well as the screening of outdoor storage provisions. The outdoor storage area will be screened from the property to the east by the installation of a 10-foot-high decorative metal fence panel behind an existing 5-foot-high masonry wall and a 4.5-foot-wide planter consisting of a row of 36-inch box cypress trees conditioned to be planted 72 inches on-center.

3. Concern: The use will detract from the commercial value of all nearby properties, including the Arlington Business Plaza due to inadequate screening of the outdoor storage to the offices with windows facing the storage area, lack of paving, and inadequate grading on the project site.

Response: The project incorporates several site improvements to provide effective screening of the outdoor storage area to the adjacent building site to the east. Outdoor storage areas are required to screen the use from the adjacent building site. Building site or "Site, building" is defined as, "the ground area of a building or group of buildings together with all open spaces as required by this title". Therefore, the building site that needs to be screened from view of the outdoor storage yard does not include the second floor of the adjacent office building in the Arlington Business Plaza. The applicable building site will be entirely screened from view with the proposed 10-foot-high decorative metal fence along the entire east side property line, however, additional screening above the minimum requirements will be incorporated by planting cypress trees along approximately 127 feet of the northeast portion outdoor storage area which extends approximately 50 feet south of where the subject office building ends to provide additional screening.

4. Concern: The proposed use fails to meet the requirement in Section 19.285.030 that the property be graded and drained to dispose of all surface water in a manner consistent with the water quality control standards enforced by the Public Works Department.

Response: As a result of the proposed paving of the outdoor storage area, the applicant prepared, and staff accepted a Preliminary Water Quality Management Plan to ensure the project site complies with all required drainage and necessary water quality treatment.

5. Concern: The proposed use is inconsistent with the General Plan, specifically the policies and objectives of the Arlington South Neighborhood Objective LU-40, 40.2, and 41.2.

Response: The General Plan is a policy document that does not require consistency with every policy and objective identified as not all policies are applicable to the project. For example, LU-40 is to, "Reinforce Arlington South's historic development patterns, conserving the predominant single family residential character". The project site is not located within a historic district nor is it individually locally or nationally designated as historic. In addition, the project complies with the Objective LU-41: Spur the economic revitalization of the neighborhood. The project site has been unimproved for a number of years and the proposed improvements and legal operation of the site will allow for the

proposed business to operate on an unconventionally shaped parcel. Finally, the proposed project retains the existing single-family residential structure, repurposing it internally to an office, unlike the adjacent use which demolished what was on site and replaced it with completely non-residential, large, 2-story structures. This project is compatible with the General Plan policy.

Based upon the comments provided in the comment letter above, the applicant revised portions of the project to include additional screening along the eastern boundary of the project and provide asphalt paving throughout the storage area. On November 10, 2022, a second notice was mailed to property owners. Staff received an additional letter from Lester, Cantrell, and Kraus Attorneys at Law on behalf of Gustav Kuhn of the Arlington Business Plaza.

While both letters generally raised the same concerns, below are additional comments in the second letter:

1. Concern: The project still fails to meet the requirements of the applicable Zoning Code provisions based on the required findings for a Minor Conditional Use Permit.

Response: The letters are incorrect. Staff has provided responses above in support of the project for each of the required findings. Please refer to the "Findings".

2. Concern: The proposed project will have environmental impacts that will interfere with the surrounding uses.

Response: The comment letter does not provide any evidence as to why the proposed use will still have environmental impacts after the modifications to the previously proposed loose gravel in the storage area were modified to be asphaltic concrete.

3. Concern: The proposed project fails to satisfy Section 19.285.040's screening requirements for outdoor storage because it, "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" at or before the area is used for outdoor storage. The proposed fence and landscaping fail to screen the outdoor storage from the second floor of the office buildings in the Arlington Business Plaza.

Response: The letters misunderstand the Zoning Code. The Zoning Code allows alternative screening material including fences and landscaping to be approved by the Community and Economic Development Director or his/her designee. As previously stated, the outdoor storage will be sufficiently screened with the implementation of the 10-foot-high decorative metal fence from the adjacent building site, which includes the ground area of a building as defined by the Zoning Code. Additional screening beyond the Zoning Code requirements will be added by conditioning the planting of 36-inch box cypress trees along the east side property line adjacent to the frontmost two-story building with the Arlington Business Plaza that has several windows facing the project site.

4. Concern: The RV lot, carport, and former house to be used as an office are not consistent with the policies and objectives set forth in the Riverside General Plan 2025 for the Arlington South neighborhood Objective LU-40 to, "Reinforce Arlington South's historic development patterns, conserving the predominant single family residential character".

Response: As previously stated, the project site is not located within a historic district nor is it individually locally or nationally designated as historic. As also stated above, unlike the commercial buildings next door, this project retains a single-family structure for adaptive reuse.

5. Concern: There are architectural deficiencies that violate the General Plan 2025 due to the design of the corrugated metal carport, lack of architectural design features, and compatibility with the neighborhood architecture, and parking design due to lack of employee parking.

Response: The letters are again mistaken. The General Plan 2025 does not provide specific architectural design standards. The proposed site has been designed to include elements consistent with the Citywide Design Guidelines for Industrial development including controlled site access, screened storage areas located at the rear of the building, convenient access, on-site circulation, and landscaping. The 45 designated stall and ADA compliant space allows for the parking of standard vehicles and recreational vehicles.

APPEAL INFORMATION

Actions by the Development Review Committee including any environmental finding, may be appealed to the Planning Commission within ten calendar days after the decision. Appeal filing and processing information may be obtained from the Planning Division front counter, 3rd Floor, City Hall.

DEVELOPMENT REVIEW COMMITTEE DECISION

Development Review Committee Staff concur that the project is **approved**, subject to the conditions of approval from each Department/Division.

EXHIBITS

1. Lester, Cantrell, and Kraus Attorneys at Law Comment Letter – April 1, 2022
2. Lester, Cantrell, and Kraus Attorneys at Law Comment Letter – November 28, 2022



CONDITIONS OF APPROVAL

Case Numbers: PR-2021-001026 (Minor Conditional Use Permit, Design Review)

Planning

1. The subject property shall be developed and operated substantially as described in the text of this report and as shown on the plot plan and floor plan on file with this case except for any specific modifications that may be required by these conditions of approval.
2. The applicant is advised that the business or use for which this Minor Conditional Use Permit is granted cannot be legally conducted on the subject property until all conditions of approval have been met to the satisfaction of the Planning Division.
3. *Advisory:* Signs shall be permitted in accordance with Chapter 19.620 of the Zoning Code. A separate sign application and fees will be required prior to permit issuance.

Prior to Grading Permit Issuance

4. A 40-scale precise grading plan shall be submitted to the Planning Division and include the following:
 - a. Hours of construction and grading activity are limited to between 7:00 a.m. and 7:00 p.m. weekdays and 8:00 a.m. and 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or Federal Holidays;
 - b. Compliance with City adopted interim erosion control measures;
 - c. Compliance with all recommendations of the required Project specific Water Quality Management Plan;
 - d. Compliance with any applicable recommendations of qualified soils engineer to minimize potential soil stability problems; and
 - e. Include a note requiring the developer to contact Underground Service Alert at least 48 hours prior to any type of work within pipeline easement.

During Grading and Construction Activities

5. Construction and operation activities on the property shall be subject to the City's Noise Code (Title 7), as well as the County of Riverside's Noise Code (Title 9) which limits construction noise to 7:00 a.m. to 6:00 p.m. weekdays, and 8:00 a.m. to 5:00 p.m. Saturdays. No construction noise is permitted on Sundays or federal holidays.
6. The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport of urban pollutants, and flooding.
7. The Construction Contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.

8. The Construction Contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.
9. To reduce construction related particulate matter air quality impacts of projects the following measures shall be required:
 - a. The generation of dust and fugitive dust shall be controlled as required by SCAQMD Rule 403;
 - b. Grading activities shall cease during period of high winds (greater than 25mph);
 - c. Trucks hauling soil, dirt or other emissive materials shall have their loads covered with a tarp or other protective cover as determined by the City Engineer;
 - d. Contractor shall prepare and maintain a traffic control plan, prepared, stamped and signed by either a licensed Traffic Engineer or a Civil Engineer. The preparation of the plan shall be in accordance with Chapter 5 of the latest edition of the Caltrans Traffic Manual and the State Standard Specifications. The plan shall be submitted to Public Works Department for review and approval. The Traffic Plan shall include, but is not limited to, rerouting construction related traffic off congested streets, consolidating truck deliveries, and providing temporary dedicated turn lanes for movement of construction traffic to and from site. Work shall not commence without an approval traffic control plan from the Public Works Department;
 - e. Streets shall be swept at the end of the day if visible soil material is carried onto adjacent paved public roads;
 - f. Trucks and other equipment shall be washed when leaving the site;
 - g. Ground cover in disturbed areas shall be replaced immediately after construction;
 - h. Disturbed/loose soil shall be kept moist at all times; and
 - i. A 15 mile per hour speed limit shall be enforced on unpaved portions of the construction site.
10. The applicant shall be responsible for erosion and dust control during both the grading and construction phases of the project.
11. To reduce diesel emissions associated with construction, construction contractors shall provide temporary electricity to eliminate the need for diesel powered generators or provide evidence that electrical hook ups at construction sites are not cost effective or feasible.
12. The project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
13. Noise reducing design features shall be utilized consistent with standards in Title 24 California Code of Regulations and Title 7 of the Municipal Code.

Prior to Building Permit Issuance:

14. **Landscaping and Irrigation Plans** shall be submitted to the Planning Division for review. Design modifications may be required as deemed necessary. Separate applications and filing fees are required.
 - a. A minimum 5-gallon Texas Privet shrub shall be planted 30 inches on center along the east side property line adjacent to the driveway; and
 - b. A minimum 36-inch box Italian Cypress Tree shall be planted 72 inches on center along the planter area on the northeast side of the outdoor storage area.
15. **Fence and Wall Plan:** Revise the wall and fence plan such that the plan provided for building permit plan check incorporates the following changes:
 - a. The 10-foot-high opaque metal fencing shall be constructed of a decorative material approved by Planning Staff; and
 - b. Specify the color and materials of all proposed walls and fences.

16. **Photometric/Lighting Plan:** A photometric study and manufacturer's cut sheets of all exterior lighting on the building, in the landscaped areas, parking lots and pedestrian paths shall be submitted.
- a. All on-site lighting shall provide a minimum intensity of one foot-candle and a maximum of ten foot-candles at ground level throughout the areas serving the public and used for parking, with a ratio of average light to minimum light of four to one (4:1);
 - b. The light sources shall be hooded and shielded to minimize off-site glare, shall not direct light skyward and shall be directed away from adjacent properties and public rights-of-ways;
 - c. If lights are proposed to be mounted on buildings, down-lights shall be utilized;
 - d. Light poles shall not exceed 25 feet in height, including the height of any concrete or other base material; and
 - e. For safety, all pedestrian paths shall be adequately lighted throughout the project.

During Construction:

17. The project shall comply with all existing State Water Quality Control Board and City storm water regulations, including compliance with NPDES requirements related to construction and operation measures to prevent erosion, siltation, transport or urban pollutants, and flooding.
18. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Riverside County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the Riverside County Coroner determines the remains to be Native American, the Native American Heritage Commission must be contacted within 24 hours. The Native American Heritage Commission must then immediately identify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants shall then make recommendations within 48 hours, and engage in consultations concerning the treatment of the remains as provided in Public Resources Code 5097.98 and the Treatment Agreement described.

Prior to Release of Utilities

19. Install the landscape and irrigation per the approved plans and submit the completed "Certificate of Substantial Completion" (Appendix C of the water Efficient Landscaping and Irrigation Ordinance Summary and Design Manual) signed by the Designer/auditor responsible for the project. Contact the Case Planner to schedule the final inspection at least one week prior to needing the release of utilities.

Operational Characteristics

20. Outdoor storage shall not be permitted outside of the designated stalls.
21. No vehicle washing, repair, fueling, or sales operations are permitted on-site.

Standard Conditions

22. There shall be a one-year time limit in which to commence the project beginning the day following approval by the Development Review Committee, unless a public hearing is held by City Council; in that event the time limit begins the day following City Council approval.
23. Prior to November 30, 2023, if building permits have not been obtained, a time extension request shall be submitted to the Planning Division. The request shall include a letter stating the reasons for the extension of time and associated fee shall be submitted to the Planning Division. **PLEASE BE ADVISED THAT THE APPLICANT WILL NOT BE NOTIFIED BY THE PLANNING DIVISION ABOUT THE PENDING EXPIRATION OF THE SUBJECT ENTITLEMENT.**

24. The Project must be completed per the Minor Conditional Use Permit approved by the Development Review Committee, including all conditions listed in this report. Any substantial changes to the Project must be approved by the Development Review Committee or by Planning Staff. Upon completion of the Project, a Staff inspection must be requested, and **UTILITIES** will not be released until it is confirmed that the approved plans and all conditions have been implemented.
25. Within 30 days of approval of this case by the City, the developer shall execute an agreement approved by the City Attorney's Office to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers, or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning this approval, which action is brought within the time period provided for in Section 66499.37 of the Government Code. The City will promptly notify the developer of any such claim; action or proceeding and the City will cooperate in the defense of the proceeding.
26. This approval is for design concept only and does not confirm the project has been thoroughly checked for compliance with all requirements of law. As such, it is not a substitute for the formal building permit plan check process, and other changes may be required during the plan check process.
27. This Project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may become effective and applicable thereafter, and in accordance with the terms contained within the staff report and all testimony regarding this case. Failure to do so will be grounds for Code Enforcement action, revocation or further legal action.

Fire

Prior to the issuance of building permits

28. Fire sprinkler, fire alarm, fixed extinguishing system, emergency radio systems, standpipes or any other type of fire protection systems that are required by the California Fire Code, California Building Code or City Ordinance, shall be submitted by a California Licensed contractor, under separate permit to Riverside Fire Department for approval and permit issuance prior to any work on such systems.
29. Provide for fire department access to the facility. "Knox" key devices are available for use in the city. Contact the Fire Department for applications and details.
30. To comply with all applicable requirements per CFC, Chapter 33 (Fire Safety During Construction and Demolition).
31. Requirements for construction shall follow the currently adopted California Building Code and California Fire Code with City of Riverside amendments.
32. Construction plans shall be submitted and permitted prior to construction.
33. Fire Department access shall be maintained during all phases of construction.

Public Works

Conditions to be fulfilled prior to permit issuance unless otherwise noted

34. Prior to issuance of a building or grading permit, the applicant shall submit to the City for review and approval, a project-specific WQMP that:

Addresses Site Design BMP's such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas and conserving natural areas;

Incorporates the applicable Source Control BMP's as described in the Santa Ana River Region WQMP and provides a detailed description of their implementation;

Incorporates Treatment Control BMP's as described in the Santa Ana River Region WQMP and provides information regarding design considerations;

Describes the long-term operation and maintenance requirements for BMP's requiring long-term maintenance; and

Describes the mechanism for funding the long-term operation and maintenance of the BMP's requiring long-term maintenance.

35. Prior to issuance of any building or grading permits, the property owner shall record a "Covenant and Agreement" with the County-Clerk Recorder or other instrument acceptable to the City Attorney to inform future property owners of the requirement to implement the approved project-specific WQMP. Other alternative instruments for requiring implementation of the approved project-specific WQMP include: requiring the implementation of the project-specific WQMP in the Home Owners Association or Property Owners Association Conditions, Covenants and Restrictions (C,C&R's); formation of Landscape, Lighting and Maintenance Districts, Assessment Districts or Community Service Areas responsible for implementing the project-specific WQMP; or equivalent may also be considered. Alternative instruments must be approved by the City prior to the issuance of any building or grading permits.
36. If the project will cause land disturbance of one acre or more, it must comply with the statewide General Permit for Storm Water Discharges Associated with Construction Activity. The project applicant shall cause the approved final project-specific WQMP to be incorporated by reference or attached to the project's Storm Water Pollution Prevention Plan as the Post-Construction Management Plan.
37. Prior to building or grading permit closeout or the issuance of a certificate of occupancy or certificate of use, the applicant shall:

Demonstrate that all structural BMP's described in the project-specific WQMP have been constructed and installed in conformance with approved plans and specifications;

Demonstrate that applicant is prepared to implement all non-structural BMP's described in the approved project-specific WQMP; and

Demonstrate that an adequate number of copies of the approved project-specific WQMP are available for the future owners/ occupants.

Public Works – Traffic

Prior to issuance of building permits unless otherwise noted

38. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct a stop sign (R1-1), stop bar, stop legend, at the project driveways. All signage and striping improvements must comply with the most current California Manual of Uniform Traffic Control Devices (MUTCD) standards. The contractor shall complete the construction work with an approved Public Works Permit. The installation of the signage and striping shall be completed to the satisfaction of the Director of Public Works. The applicant is solely responsible for the procurement and installation of this infrastructure improvement.
39. Prior to the issuance of a Certificate of Occupancy, the applicant shall construct a bike rack that can accommodate a minimum of two bikes. The installation of the bike racks shall be completed to the satisfaction of the Director of Public Works. The applicant is solely responsible for the procurement and installation of this infrastructure improvement.

LESTER, CANTRELL & KRAUS, LLP

ATTORNEYS AT LAW

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April 1, 2022

Via Email:

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ABerlino@riversideca.gov

**Re: Planning Case PR-2021-001026
(MCUP and Design Review for 10030 Indiana Avenue)**

Dear Ms. Berlino,

We are counsel for Arlington Business Plaza (ABP). This letter follows conversations and meetings between representatives of ABP and the City Planning Division relating to the proposed Minor Conditional Use Permit and Design Review to permit the establishment of an outdoor storage yard for the storage of Recreational Vehicles at 10030 Indiana Avenue by Steve Richardson of Richardson's RV. For the reasons set forth herein, the MCUP application should be denied.

The Minor Conditional Use Permit Application Should Be Rejected Because It Fails to Meet the Requirements of the Applicable Zoning Code Provisions

As you are aware, the primary use of property as an outdoor storage yard is not automatically permitted in areas zoned as "Business Manufacturing Park" (BMP); rather, such use requires a Minor Conditional Use Permit (MCUP). *See* Zoning Code § 19.150.020.

An MCUP can only be granted if:

from the facts available in the application and determined by investigation, all of the following written findings can be made:

- 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.

Zoning Code § 19.730.040.

Outdoor storage yards are further regulated by Section 19.285.010 of the Zoning Code, which provides: “The purpose of regulating outdoor storage yards is *to ensure compatibility of such uses with surrounding uses and properties* and *to avoid any impacts associated with such uses.*”

The proposed RV storage yard fails all of these tests. First, the proposed outdoor storage is not substantially compatible with surrounding uses and properties under the factors laid out in Section 19.730.040(A). The surrounding area is predominantly used for indoor commercial office, retail, and warehouse space. There are no other outdoor storage yards in the general vicinity. Moreover, the design submitted by Richardson will have detrimental environmental impacts, in that heavy vehicles will be driven over loose gravel and dirt, creating unnecessary particulate dust that is unsightly and will discourage people from becoming potential tenants and customers of businesses in this area. Second, for this same reason, the proposed RV lot fails under Section 19.730.040(B), as it will injure the environment and the property and improvements in the area.

Third, the RV lot will not be consistent with the purposes of the Zoning Code, one of which is to “avoid any impacts associated with” the use of BMP areas as outdoor storage yards. Zoning Code § 19.285.010. As set forth above, allowing the property, which sits in the middle of a busy commercial zone, to be used as an RV lot will detract from the commercial value of all nearby properties, including ABP’s. ABP has invested significant money into developing the adjacent property with high quality commercial office, retail, and warehouse buildings. The side of its office building that faces the proposed outdoor storage area is lined with windows that face the proposed outdoor storage area. The RV lot will create an unsightly view for ABP’s tenants, which will detract from ABP’s property value and rental value. COVID-19 has already put a strain on commercial property owners because there has been a shift toward remote, at-home, work. This RV lot will only worsen this trend for ABP, other Arlington South property owners, and their tenants and customers.

The incompatibility is evidenced by Richardson’s prior misuse of the property involving years of ongoing code violations. The enclosed aerial photos show a 10-year history of illegal outdoor storage on the property. This resulted in a ABP having to bring a code enforcement action

against Richardson, which was eventually successful after years of complaints. This history of misusing the property demonstrates the negative impact allowing outdoor storage will have on the neighboring property.

Fourth, the proposed use of the property as an RV lot is not “in conformance with specific site location, development and operation standards as may be established in the Zoning Code for the particular use.” Specifically, the RV lot proposed in the Site Plan that Mr. Richardson submitted to the Planning Division does not—and cannot—meet the Zoning Code’s requirements for outdoor storage yards in Chapter 19.285 for at least three reasons: inadequate screening, inadequate paving, and inadequate grading.

The proposed RV lot fails Section 19.285.040’s screening requirements for outdoor storage. 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 proposal fails to provide for any screening of the Recreational Vehicles that would be stored on his property. Instead, Mr. Richardson appears to rely on the existing six-foot masonry wall that runs along the entire property line between 10030 Indiana Avenue and ABP’s property. If Mr. Richardson’s previous unpermitted storage of RV’s on this property is any guide, the proposed lot would house RV’s up to 14 feet high. As evidenced by the enclosed photographs, the existing wall would not screen these RV’s from the adjacent property from ground level, let alone from the first-floor office and retail spaces and second-floor offices and balconies used by ABP tenants.

To comply with Section 19.285.040 and visually screen the RV’s that Mr. Richardson intends to store at 10030 Indiana Avenue, he would need to install a wall at least 20 feet tall along the shared property line. A wall that high would be unsightly and potentially unfeasible from an engineering perspective, which again would cause unacceptable impacts on the use of the surrounding properties by ABP, its tenants, and its neighbors. Likewise, planting trees or other landscaping to act as an acceptable screen will take time to mature, and even after maturation, it is not likely to create an effective screen because there will be spaces between the trees and ABP’s second-floor users will be able to see over the foliage.

The proposed RV lot also fails Section 19.285.030’s requirement that the “storage area and drive aisles shall be paved with not less than two and one-half inches of asphaltic concrete[.]” According to the Site Plan submitted by Mr. Richardson, the proposed RV lot would be paved with Class 2 aggregate base. This is insufficient to meet the requirement of Section 19.285.030, and would also create a dust problem adversely impacting ABP, its tenants, and their neighbors.

Finally, the proposed RV lot fails the requirement in Section 19.285.030 that the property be “graded and drained so as to dispose of all surface water in a manner consistent with water quality control standards enforced by the Public Works Department.” If the RV lot is eventually permitted, it must be conditioned on compliance with the paving and grading requirements of Section 19.285.030.

The Minor Conditional Use Permit Application Should Be Rejected Because It Is Inconsistent with the 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); *Leshner 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 is not consistent with the policies and objectives set forth in the Riverside General Plan 2025 (amended August 2019) for the Arlington South neighborhood 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, 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.

If the Minor Conditional Use Permit Is Granted, the City Must Impose Additional Conditions

The RV lot proposed in the Site Plan that Mr. Richardson submitted to the Planning Division fails to meet the minimum requirements of Chapter 19.285. If it is to be permitted at all, the proposed Site Plan must first be significantly altered to address its current shortcomings, by including the following conditions in the MCUP:

- Sufficient masonry or landscape screening from adjacent first-floor and second-floor views (Section 19.285.040);
- Adequate paving (Section 19.285.030);
- Adequate grading and stormwater drainage (Section 19.285.030);
- Appearance restrictions to preserve neighborhood character and commercial appeal;
- Restrictions prohibiting any other use of this property, aside from neat and orderly storage (i.e., no repairs, fueling, or other RV-related services);
- One-year probation with revocation at or before one year if violations of conditional use are demonstrated to the City.

Re: Planning Case PR-2021-001026

April 1, 2022

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Thank you for considering these important issues. Please do not hesitate to contact the undersigned if you have any questions or would like to discuss further.

Cordially,



Matthew J. Kraus
Coleman D. Heggi
Lester, Cantrell & Kraus, LLP

Cc: Chris Christopoulos (cchristopoulos@riversideca.gov)
Richard Kirby (dbkirby@att.net)
Gustav Kuhn (ggemkuhn@yahoo.com)
Karl Kuhn (kkuhn@sagelawpartners.com)

Encls.



Legend

- 10030 Indiana Ave
- Feature 1
- Feature 2
- Thompson Brewing Company

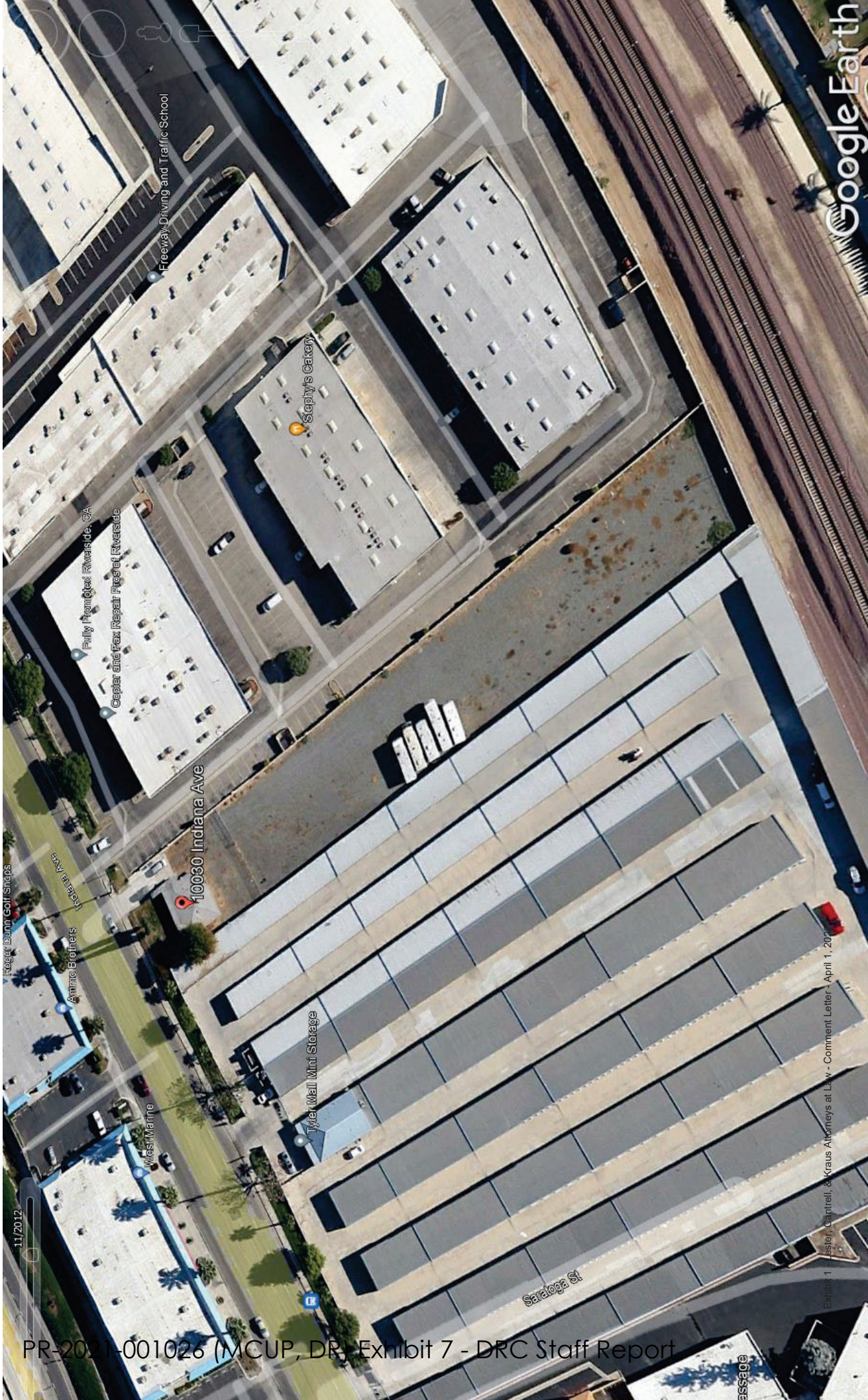
10030 Indiana

06/28/06

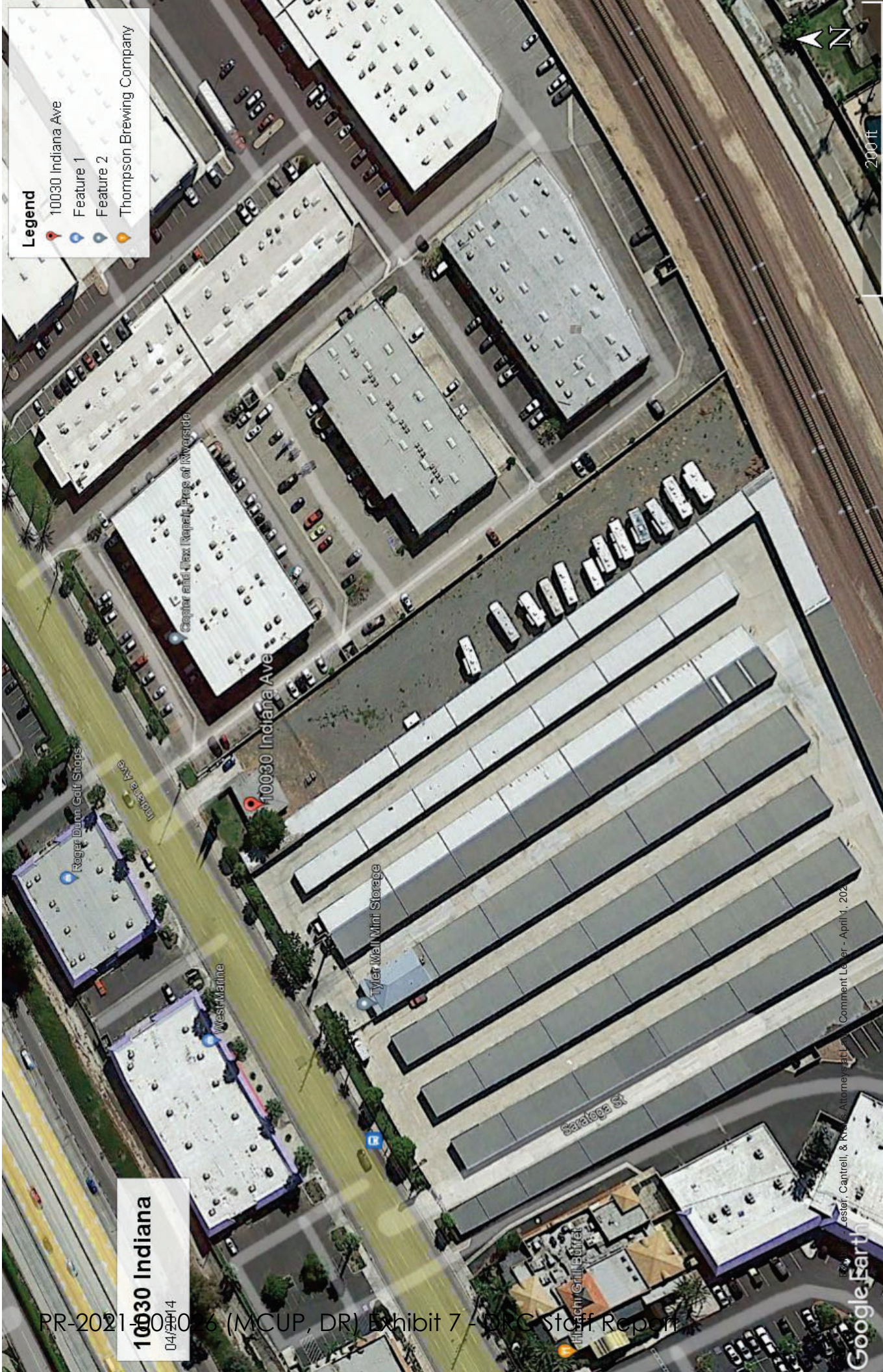
PR-2021-00026 (MCUP, DR) Exhibit 7 - DRC Staff Report

Google Earth
Exhibit 1 - Lesier, Cantrell, & Kraus Attorneys at Law - Comment Letter - April 1, 2022

Image: USDA Farm Service Agency







Legend

10030 Indiana Ave

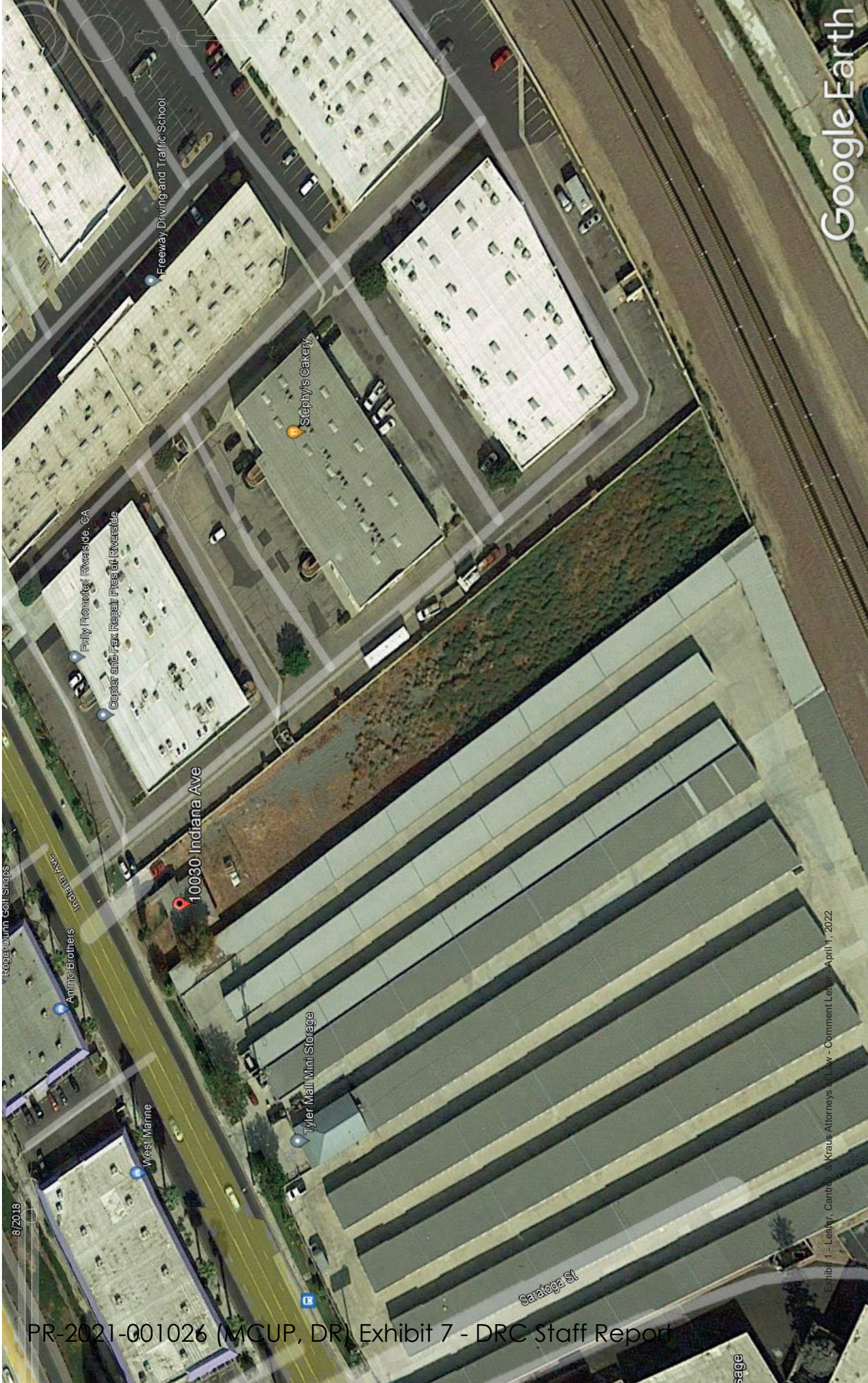
Feature 1

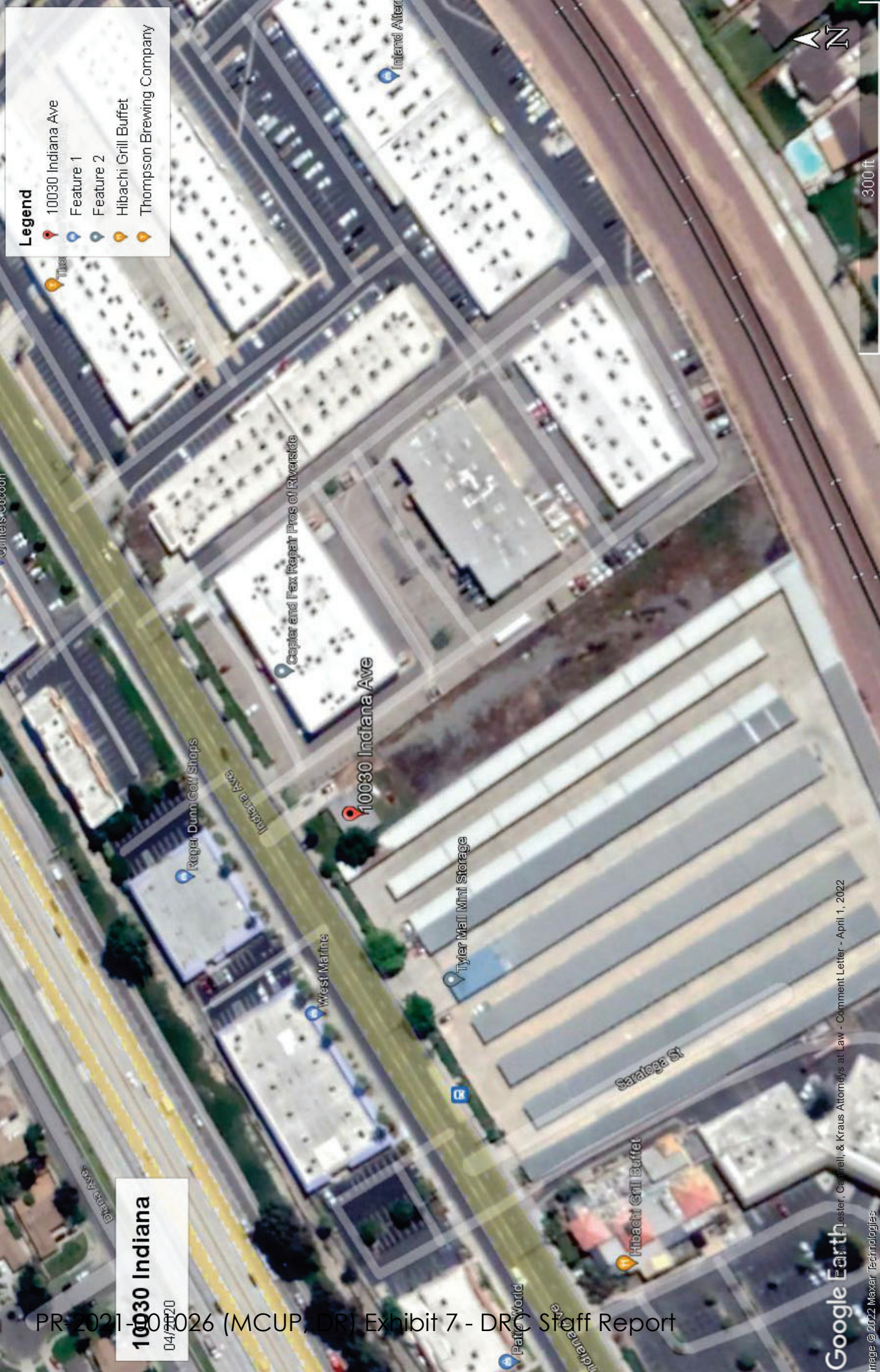
Feature 2

Thompson Brewing Company

10030 Indiana

04/20/14

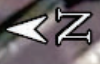




Legend

- 10030 Indiana Ave
- Feature 1
- Feature 2
- Hibachi Grill Buffet
- Thompson Brewing Company

300 ft



10030 Indiana
04/2020

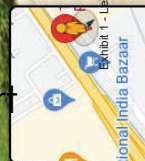


Photograph of prior unauthorized RV storage



Street view of driveway into
proposed RV storage lot.

Exhibit 1 - Lister, Cannell, & Kraus Attorneys at Law - Comment Letter - April 1, 2022



10031 Indiana Ave
Riverside, California
Google
Street View - Aug 2021