



Community & Economic Development Department

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

Planning Division

RiversideCA.gov

**PLANNING COMMISSION HEARING DATE: JULY 14, 2022
AGENDA ITEM NO.:1A**

PROPOSED PROJECT

Case Number	PR-2022-001384 (MISC)	
Request	To waive the Sunshine Ordinance by two-thirds vote, pursuant to Riverside Municipal Code Section 4.05.05(D)(1)(b) to consider a determination of General Plan Conformity and Site Acquisition Findings for the Riverside Unified School District (RUSD)	
Applicant	Sergio San Martin, RUSD	
Project Location	2882 Arlington Avenue, situated on the southeast corner of Arlington Avenue and Anna Street	
APN	235-260-086	
Project Area	2.83 acres	
Ward	3	
Neighborhood	Victoria	
Specific Plan	Not applicable	
General Plan Designation	PF – Public Facilities	
Zoning Designation	R-1-13000 – Single Family Residential Zone	
Staff Planner	Judy Egüez, Senior Planner 951-826-3969 jeguez@riversideca.gov	

RECOMMENDATIONS

Staff recommends that the Planning Commission:

1. **WAIVE** the Sunshine Ordinance, by a two-thirds vote, pursuant to Riverside Municipal Code Section 4.05.05(D)(1)(b).

BACKGROUND

The City Planning Commission received a notice from the RUSD on June 23, 2022 regarding their proposed acquisition of the subject property for school site purposes (Exhibit 1).

Public Resources Code Section 21151.2 requires that written notice be provided to the Planning Commission of the District's intent to acquire the site for school purposes, and that the Planning Commission provide a written report and recommendation within 30 days concerning the RUSD's acquisition of the site. As a separate item, and also pursuant to Government Code Section 65402, the RUSD requests that Community & Economic Development Department review the site for conformity related to school uses and the adopted General Plan within 40 days.

PROPOSAL

In order to respond to the RUSD within the timeframe provided by the State Law, staff is requesting to waive the Sunshine Ordinance to allow the Planning Commission to issue a written report and recommendation of conformity.

Riverside Municipal Code Sections 4.05.050(D) provides that the Sunshine Notice Requirement may be excused if the minimum notice requirements of the City Charter and the Brown Act have been met and one of the excuses set forth in that section applies. Section 4.05.050(D)(1) provides for the excuse of the Sunshine Notice Requirements if the following applies:

1) The local body, by a two-thirds of those members present, adopts a motion determining that, upon consideration of the facts and circumstances, it was not reasonably possible to meet the additional notice requirements under this section and any one of the following exists:

(b) There is a need to take immediate action which relates to federal, state, county or other governmental agency legislation or action or the local body's eligibility for any grant or gift.

Delaying this response would lead the RUSD to conclude that the Commission has no recommendation and that the site considered for acquisition is in conformance with the General Plan.

ENVIRONMENTAL REVIEW

The request to waive the Sunshine Ordinance is not a project pursuant to Sections 15061(b)(3) and 15378 of the California Environmental Quality Act (CEQA) guidelines as the action to waive the Sunshine Ordinance will not result in direct or indirect physical changes to the environment.

PUBLIC NOTICE AND COMMENTS

This item does not require a public hearing because the Planning Commission's action is limited to making a recommendation to waive the Sunshine Ordinance.

EXHIBIT LIST

1. RUSD request letter dated June 23, 2022

Prepared by: Judy Egüez, Senior Planner

Approved by: Mary Kopaskie-Brown, Acting Community & Economic Development Department
Acting Deputy Director and City Planner