

TO: James L. App, City Manager
FROM: Ron Whisenand, Community Development Director
SUBJECT: Code Amendment 09-001: Reasonable Accommodation
DATE: May 19, 2009

Needs: To consider a City-initiated amendment to the Zoning Code to revise the regulations to allow for reasonable accommodation.

Facts:

1. A public hearing on the referenced code amendment has been noticed for the City Council's meeting of May 19, 2009. A copy of that notice is attached.
2. The Planning Commission is scheduled to conduct a public hearing on this code amendment on May 12, 2009.
3. For many years, the City often scheduled code amendments for "back-to-back" hearings before the Planning Commission and City Council, and in doing so, commonly used a single newspaper advertisement, such as the attached, to give notice for both hearings.
4. The California Appellant Court recently ruled that, for matters such as code amendments, which require that the City Council take action following a recommendation by the Planning Commission, public notice of the City Council meeting may not be published until after the Planning Commission has made its recommendation.
5. To comply with the court decision, the hearing on this code amendment must be re-published.

Analysis and Conclusion: The next available Council meeting date for which proper notice may be given is June 16.

Options: Upon receipt of public comments, take one of the following actions:

- a. Continue the public hearing for the project to June 16, 2009.
- b. Amend, modify, or reject the foregoing option.

Attachment: Newspaper Notice

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PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: Tribune

Date of Publication: April 28, 2009

Hearing Date: May 12, 2009
(Planning Commission)
May 19, 2009
(City Council)

Project: Zoning Code Amendment 09-001
(City - Reasonable Accommodations)

I, Lonnie Dolan, employee of the Community Development Department, Planning Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 
Lonnie Dolan

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**CITY OF EL PASO DE ROBLES
NOTICE OF PUBLIC HEARINGS**

Amendment to Zoning Code Establishing
Regulations for Reasonable Accommodations
Code Amendment 09-001

NOTICE IS HEREBY GIVEN that the Planning Commission and City Council of the City of El Paso de Robles will hold Public Hearings to consider Code Amendment 09-001, initiated by the City of Paso Robles, to amend the Zoning Code (Title 21 of the Municipal Code) to establish regulations for making reasonable accommodations when such accommodations may be necessary to afford individuals with disabilities an equal opportunity to housing. This ordinance implements mandates imposed on local governments by the Federal Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act.

These hearings will take place in the Conference Room at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 pm on the following dates:

Planning Commission: Tuesday, May 12, 2009
City Council: Tuesday, May 19, 2009

All interested parties may appear and be heard at the above hearings.

Comments on the proposed code amendment may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or e-mailed to CDdirector@prcity.com provided that such comments are received prior to the time of the respective hearings.

If you challenge the Code Amendment in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council at, or prior to, the public hearing.

Ed Gallagher, City Planner
April 28, 2009 6813454