County of Santa Cruz

REDEVELOPMENT AGENCY

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TOM BURNS, AGENCY ADMINISTRATOR

September 11, 2003

Agenda: September 23, 2003

Board of Supervisors
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Resolution of Intention to Update Ordinance for the Soquel Village Parking and Business Improvement Area

Dear Members of the Board:

The Redevelopment Agency acts as the administrator for the Soquel Village Parking and Business District. In that capacity, staff periodically reviews and updates the pertinent County Ordinances to insure that the ordinances are in compliance with State and local laws. Recently, it has come to staffs attention that there is a minor inconsistency within the County's Ordinance which should be updated to reflect the current and historical practices.

Background

The current fee formula was developed by the Soquel Village businesses as a means of providing an equitable assessment and sharing of costs for the maintenance of the public parking and landscaping within the Soquel Village Improvement Area. This current fee formula was inherited from the Soquel Village businesses by the Redevelopment Agency and has been used since the late 1990's. However, recently it has come to Parking and Business Improvement Area Advisory Board's attention that the historical use of this established fee formula is not consistent with the language of Chapter 9.42 of the County Code which provides for and regulates the administration of the Soquel Village Parking and Business Improvement Area (PBIA), including the methodology for assessing fees.

The existing ordinance language requires the assessment of restaurants at a higher rate than the rate which has historically been assessed based on the fee formula. This matter was reviewed and discussed with the PBIA Advisory Board, and the PBIA Board unanimously recommended that staff revise the ordinance to reflect this historical method of assessing restaurants.

Staff concurs with this recommendation and is therefore proposing a minor adjustment to

reflect the use of this historical fee formula. If approved, the proposed ordinance amendment will not result in any change to the PBIA fees.

In order to revise the ordinance in a manner consistent with the County and State codes, the Board of Supervisors must first adopt a Resolution of Intention which states the proposed modification prior to a public hearing. A public hearing regarding this matter must be held not less than twenty days or more than 30 days after the adoption of the Resolution of Intent. Notice of the public hearing must be published and mailed to each owner of a business affected by the proposed modification, in accordance with state and local laws.

It is therefore **RECOMMENDED** that your Board:

1. Adopt the attached Resolution of Intention proposing to consider amending Chapter 9.42 of the County Code to assess restaurants at the same rate as professional offices, as has historically occurred;

2. Set a public hearing for October 21, 2003 to consider the proposed ordinance amendment: and

3. Direct the clerk of the Board to publish the public hearing notice, per the requirements of Chapter 9.42 of the County Code.

Very truly yours,

Tom Burns
Redevelopment Agency Administrator

TB:slb

RECOMMENDED:

Susan A. Mauriello

County Administrative Officer

Attachment

cc. RDA

ATTACHMENT 1

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO._____

On the motion of Supervisor _____ duly seconded by Supervisor _____ the following resolution is adopted:

RESOLUTION OF INTENTION TO MODIFY CHAPTER 9.42 OF THE COUNTY CODE TO CONTINUE TO ASSESS RESTAURANTS AT THE SAME RATE AS PROFESSIONAL OFFICES AS HAS HISTORICALLY OCCURRED FOR THE SOQUEL VILLAGE PARKING AND BUSINESS IMPROVEMENT AREA

WHEREAS, on December 12, 1989, the Board of Supervisors adopted an ordinance, Chapter 9.42 of the Santa Cruz County Code, establishing a parking and business improvement area in Soquel Village under the provisions of the Parking and Business Improvement Area Law of 1979, as amended being Part 6 Division 18 of the Streets and Highways Code 36500 through 36581 of said Streets and Highways Code of the State of California;

WHEREAS Chapter 9.42 of the Santa Cruz County Code provides for the establishment of annual assessment charges according to the benefits received from Benefit Zone B of the parking and business improvement area as described in Section 9.42.060 and 9.42.074;

WHEREAS it has come to the Board of Supervisors attention that the fee formula historically used for assessing restaurants is not consistent with a portion of the language of Chapter 9.42 and the historically used fee formula assesses restaurants at the same rate as professional offices;

WHEREAS the Board of Supervisors understands that the Soquel Village Parking and Business Improvement Area Advisory Board recommends that Chapter 9.42 be revised to reflect this historical method of assessing restaurants at the same rate as that used for professional offices and that this revision will not result in any change in the PBIA fees;

WHEREAS the Board of Supervisors intends to revise Chapter 9.42 to continue to allow restaurants to be assessed at the same rate as professional offices as has historically occurred;

WHEREAS the Board of Supervisors will hold a public hearing on October 21, 2003 to hear and consider any and all protests to this proposed ordinance amendment, as set forth in County Code Section 9.42.078; and

WHEREAS the Board of Supervisors intends to provide the required published and mailed notice regarding the proposed amendment pursuant to both State and County regulations.

NOW THEREFORE, the Board of Supervisors of Santa Cruz County hereby binds, determines, declares and resolves its intention to hold a public hearing to consider amending Chapter 9.42 of the County Code to continue to assess restaurants at the same rate as professional offices as has historically occurred and that this amendment will not result in any change to the PBIA fees.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 23rd day of September of 2003, by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

_____
CHAIRPERSON OF THE BOARD OF SUPERVISORS

ATTEST:_____
Clerk of said Board

Approved as to form:

_____
Assistant County Counsel

Distribution: County Counsel
Redevelopment Agency

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