

MONTEREY COUNTY BOARD OF SUPERVISORS

MEETING:	AGENDA NO.: 6-3
SUBJECT: It is recommended that the Board of Supervisors a) Receive a report on the status of Code Enforcement Case #CE020302, Property located in Moss Landing owned by Loan Exchange Group L.P	
DEPARTMENT: RMA – Building Services Department	

RECOMMENDATION:

It is recommended that the Board of Supervisors

- a) Receive a report on the status of Code Enforcement Case #CE020302, Property located in Moss Landing owned by Loan Exchange Group L.P

SUMMARY/DISCUSSION:

This case involves a parcel of land in Moss Landing upon which there are four auto dismantling yards in operation, without county approval through issuance of a General Development Plan and Coastal Development Permit, as required by Monterey County Code Sections 20.90.040A and 20.26.030A. Loan Exchange Group L.P. (LEG) is the overall property owner of the parcel. Jim Petit Auto Wreckers, Richness Auto Wreckers, Lopez Auto Dismantling and All Import/All Auto Wreckers are the business currently operating on this parcel.

In August of 2002, the owners of this property were notified by Monterey County Department of Health that numerous health and safety code violations persisted on the property. Following some unsuccessful incomplete attempts to obtain the necessary permits and approvals, a second notice of violation was issued in May of 2006 concerning the illegal operation of automotive dismantling and wrecking yards on the property. A third notice and order to discontinue operation of these business was sent out in January of 2007. Various appeals were filed by the property owner; however, none have been successful to date.

The Board of Supervisors denied LEG's appeal to stay or overturn the administrative order to cease operations at Parcel D (2007). Shortly thereafter, LEG filed suit and obtained a stay order from the Court preventing Code Enforcement (CE) effectively halting CE's process to immediately remove LEG (Court Order 1/2/08).

The Office of the County Counsel struggled for over a year and a half to get the matter before the Court, and to be allowed to enforce the cease and desist order.

The stay was to provide time for LEG and the other operator on Parcels A, B, and C to resolve certain issues, as to which party/operator should pay for site improvements and costs. These matters went to arbitration which was completed on or about December 2009.

During this time, CE made repeated requests for the Court to consider ordering LEG to submit a complete planning agreement, or application for a use permit to County Planning, and that failure to do so should be considered grounds to remove the stay on CE's order to quit (6/10/09, 9/23/09, and 106/09). On October 22, 2009, the Court ordered the matter to trail on April 5, 2010. On December 31, 2009, CE filed its motion to remove the stay of CE's enforcement of its cease and desist order.

At the settlement conference held on March 5, 2010, CE renewed its motion to lift the stay of the County's cease and desist order, submitted on February 5, 2010. On March 11, 2010, the Court lifted the stay of the cease and desist order.

The parties agreed, as to any remaining issues, to submit litigation to the Administrative Law Judge (ALJ), if LEG desired to further litigate the matter. Subsequently, LEG's attorney, Mark Hafen, informed CE that LEG desired to resolve all issues and leave the site without going through the ALJ process. Unfortunately, Mr. Hafen passed away shortly thereafter. Attorney Michelle Noble-McCain now represents LEG.

CE staff are preparing a case report to the County Hearing Officer and the Administrative Law Judge Hearing is scheduled for February 7, 2011. The case will be presented by Leslie Girard. CE staff are seeking an order to remove LEG and its tenants and to require clean up and environmental study of the dismantling sites including, but not limited to \$8,211.50 in Administrative costs.

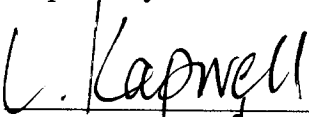
OTHER AGENCY INVOLVEMENT:

The Monterey County Health Department, Environmental Health Division

FINANCING:

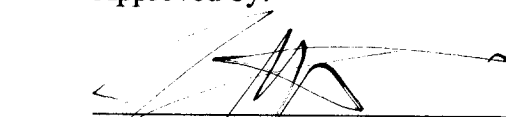
It is anticipated that the costs will be collected through litigation, however, there may be an impact to the Code Enforcement budget.

Prepared by:



Lori Kapwell
Administrative Secretary
RMA Building Services

Approved by:



John Hurlley
Management Analyst
RMA Building Services