

Earthquake 1989 - City of Santa Cruz

# Coffee Roasting owners file suit

## Action stems from collapsed bookstore wall in October quake

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SANTA CRUZ — The owners of the Santa Cruz Coffee Roasting Co. filed suit Monday claiming they were unnecessarily put out of business on the Pacific Garden Mall by the Oct. 17 earthquake.

Colleen Crosby and her husband, Bronson Baker, filed the suit against their landlords, Bernard and Kay Zwerling; the owner of an adjacent building, Ron Lau; and his tenant, Bookshop Santa Cruz owner Neil Coonerty; and the city of Santa Cruz.

Crosby and Baker claim that the Bookshop Santa Cruz building on Pacific Avenue should have been reinforced years before the earthquake so that a common brick wall could not have fallen through their business.

Crosby and Baker said they never would have negotiated a lease with the Zwerlings if they had known of the danger.

Two employees were killed and a third injured in the collapse of that wall. The injured woman and relatives of one of

those killed recently settled a lawsuit against Lau. Terms of that agreement have not been made public, and Lau's attorney has refused comment about the case.

The roasting company owners also have sued engineers Donald Ifland and Donald C. Urfer & Associates, claiming they surveyed the bookshop building in 1982 and found dangerous conditions but failed to warn Crosby and Baker of the danger.

Crosby and Baker have named the city of Santa Cruz in the suit, claiming that when the city certified the bookshop building as an historic building in 1976 and later adopted the state historic building code, it should have ensured that the building was safe.

Finally, Crosby and Baker claim that the Zwerlings have not lived up to a post-earthquake agreement to repair the front part of their building so that the Santa Cruz Coffee Roasting Co. could return to business there. It currently is operating on Walnut Avenue. The suit did not mention the amount of damages being sought.

Bernard Zwerling would not comment on that allegation Monday, saying he had not seen a copy of the suit.

Assistant City Attorney Vince Hurley said he, too, had not received a copy of the suit, but said there was no law in effect at the time of the earthquake which would have required the city to force a property owner to retrofit his building to make it earthquake safe.

The city could have ordered repairs under public nuisance-abatement authority, Hurley said, but the city would have had to have known there was a problem.

"The primary issue (in these cases) is whether the property owners knew the condition of their buildings," Hurley said.