

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

729 FRONT STREET, SUITE 500

SANTA CRUZ, CA 95060-4508

VOICE (831) 427-4863 FAX (831) 427-0877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Jarl E. Saal

Mailing Address: 1111 Estates Drive

City: Aptos

Zip Code: CA

Phone: 831-234-1111

SECTION II. Decision Being Appealed

1. Name of local/port government:

Santa Cruz County

2. Brief description of development being appealed:

Commercial Building

3. Development's location (street address, assessor's parcel no., cross street, etc.):

2000 McGregor Aptos, CA 95003

Santa Cruz County APN 36-061-08 & adjoining county property

4. Description of decision being appealed (check one.):

Approval; no special conditions

Approval with special conditions;

Denial

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

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JUN 01 2007

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-SC0-07-029

DATE FILED: June 1, 2007

DISTRICT: Central Coast

CCC Exhibit 5
(page 1 of 24 pages)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: April 25, 2007

7. Local government's file number (if any): 04-0650

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Randy Zar
2000 Mc Gregor Drive
Aptos, CA 95003

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Kim Tschantz
P.O. Box 1844
Aptos, CA 95003

(2)

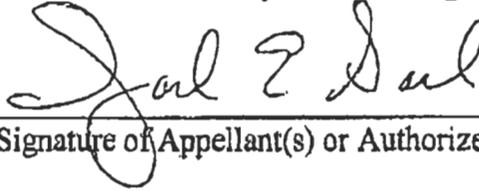
(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.



Signature of Appellant(s) or Authorized Agent

Date: 5-1-07

Note: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____
to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**SECTION IV. Reasons Supporting This Appeal****PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

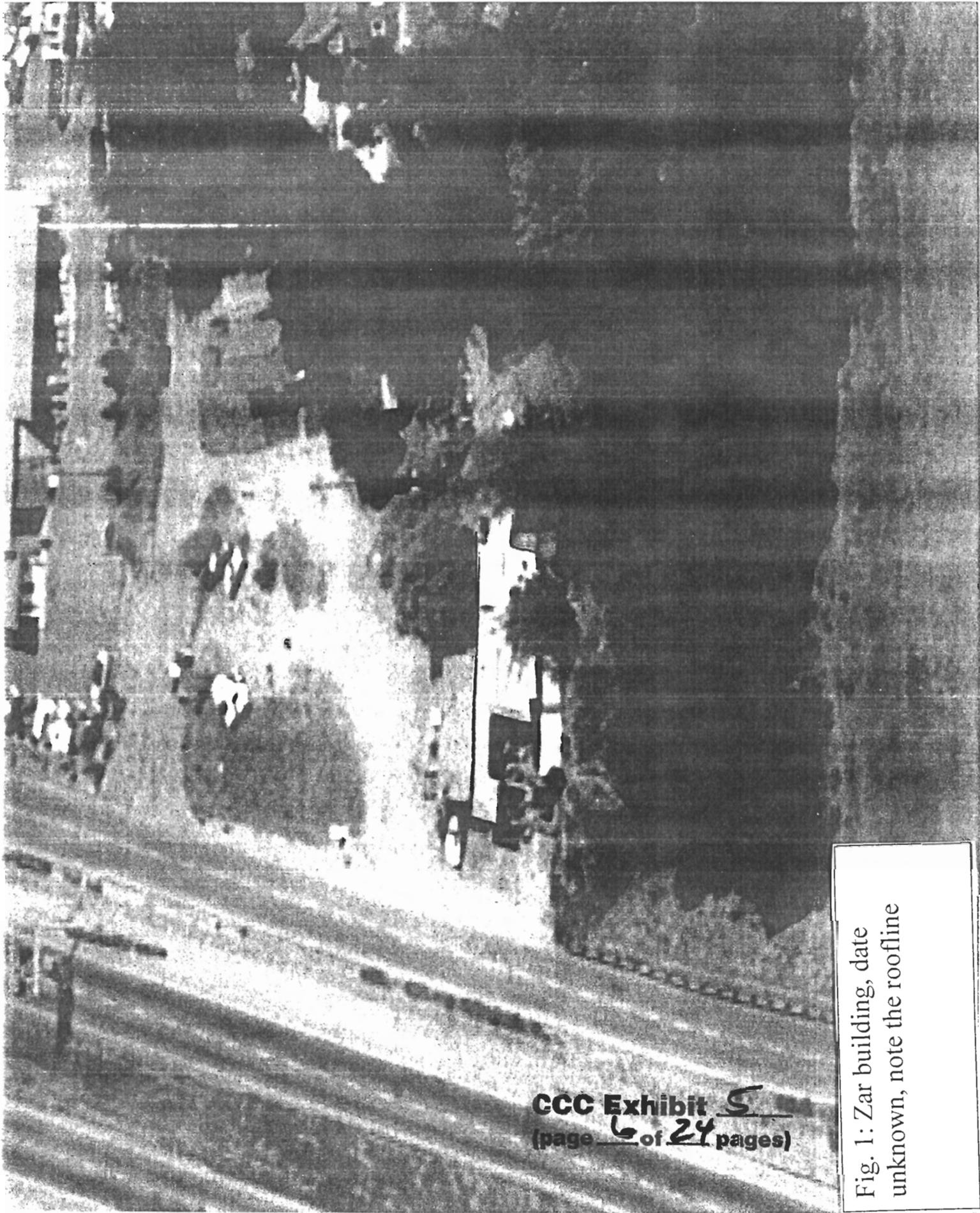
Santa Cruz County has an appeal fee over \$3000⁰²

See Exhibit A

Exhibit A

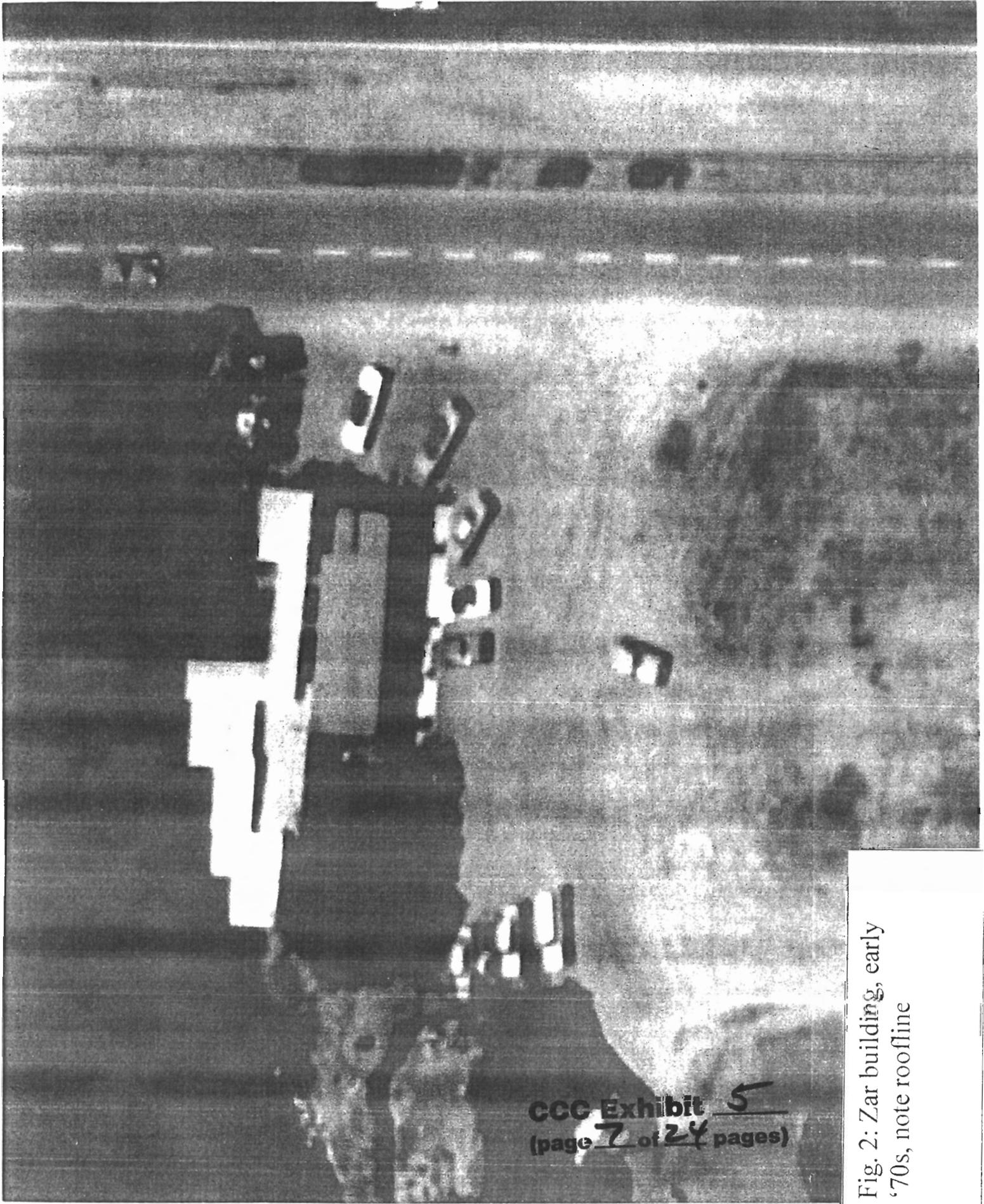
The application seeks to regularize a commercial building that has been constructed and used for commercial purposes within the highway 1 scenic corridor and coastal riparian corridor in complete violation of the letter and spirit of stated and local regulations.

1. The site consist of more then 2,000 cubic yards of uncompacted fill, much of it placed on the site in violation of the law during applicant's ownership.
2. Winter rains have caused erosion of the illegal fill into the adjacent coastal creek bed, resulting in environmental degradation and impairment of the habitat of both protected and non-protected species. The county permit conditions failed to require the application to address and remediate these impacts.
3. The site has been determined by county staff and the applicant's privately-hired consultant to be dangerous and unstable. Nothing in the county conditions of approval protects people from injury by forbidding use and occupancy of the site and the building until it has been brought into conformity with the law and made safe.
4. Gravity and water saturation combined with the weight of the illegal structure and uncompacted fill are causing cracking and movement of the soil and structure towards the creek bed. This has the unavoidable consequence of destabilizing the adjoining site owned by the appellant. Some cracking has been observed. The county has given the applicant to long to correct these unlawful conditions, thereby threatening financial loss to appellant and /or possible injury to appellant's employees.
5. Appellant's structure, which was build in strict conformity with county and state law including all coastal standards, is immediately adjacent to the property line and less then 5 feed from the illegal structure on the applicant's site. Appellant's structure houses a burglary, fire and central station, which is a vital part of protecting the lived and property of people in the coastal zone under both ordinary and foreseeable emergency conditions, such as earthquake. The instability of the applicant's site could lead to a major failure during a large flood, earthquake, and foreseeable result would be to disrupt the important emergency communication links which operate from appellant's building.
6. The county permit conditions give applicant an unreasonably long time to cure these dangerous and illegal conditions, Thereby perpetuating the existing harm to the environment already caused and threatening further loss to wildlife, the public, appellant and others. The county conditions contain no good progress milestones for applicant to render increments of performance, and the applicant has already informed the appellant he is considering not complying and merely intents to collect rent and wait until expiration of the lengthy permit period.



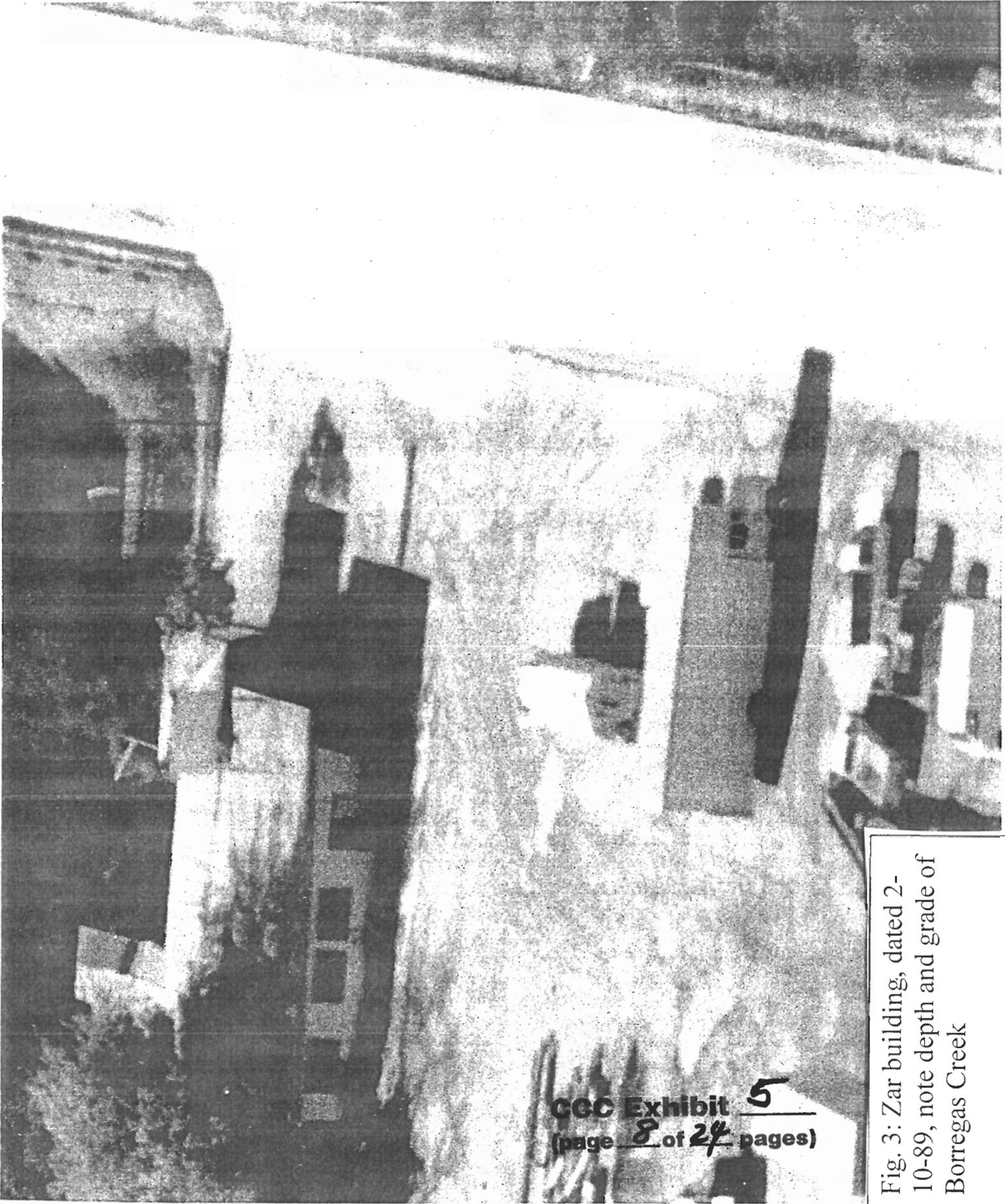
CCC Exhibit 5
(page 6 of 24 pages)

Fig. 1: Zar building, date unknown, note the roofline



CCG Exhibit 5
(page 7 of 24 pages)

Fig. 2: Zar building, early '70s, note roofline



CGC Exhibit 5
(page 8 of 24 pages)

Fig. 3: Zar building, dated 2-10-89, note depth and grade of Borregas Creek

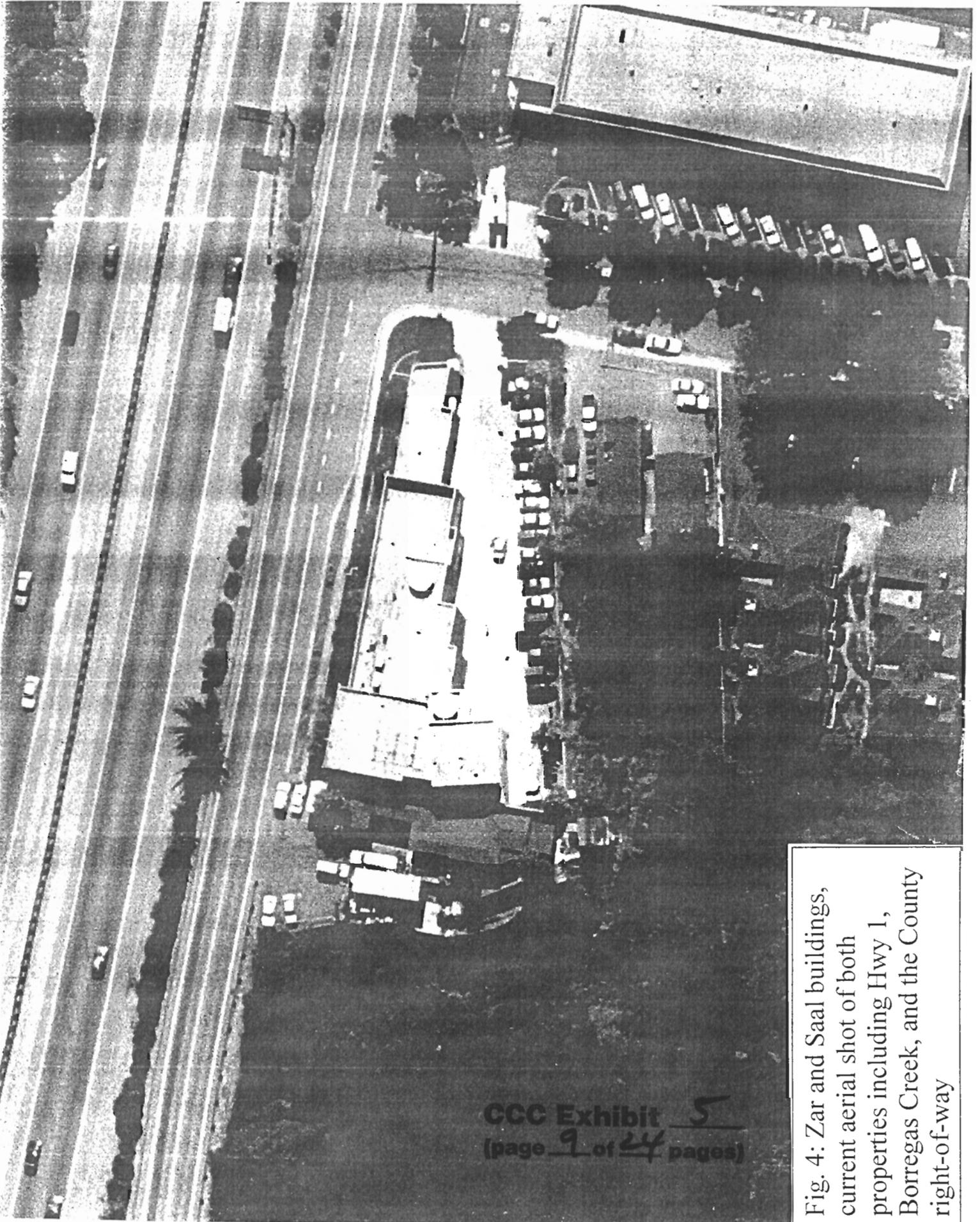


Fig. 4: Zar and Saal buildings, current aerial shot of both properties including Hwy 1, Borregas Creek, and the County right-of-way

CCC Exhibit 5
(page 9 of 24 pages)



Fig. 5: Aptos Gardens entrance, mid-'70s to early '80s

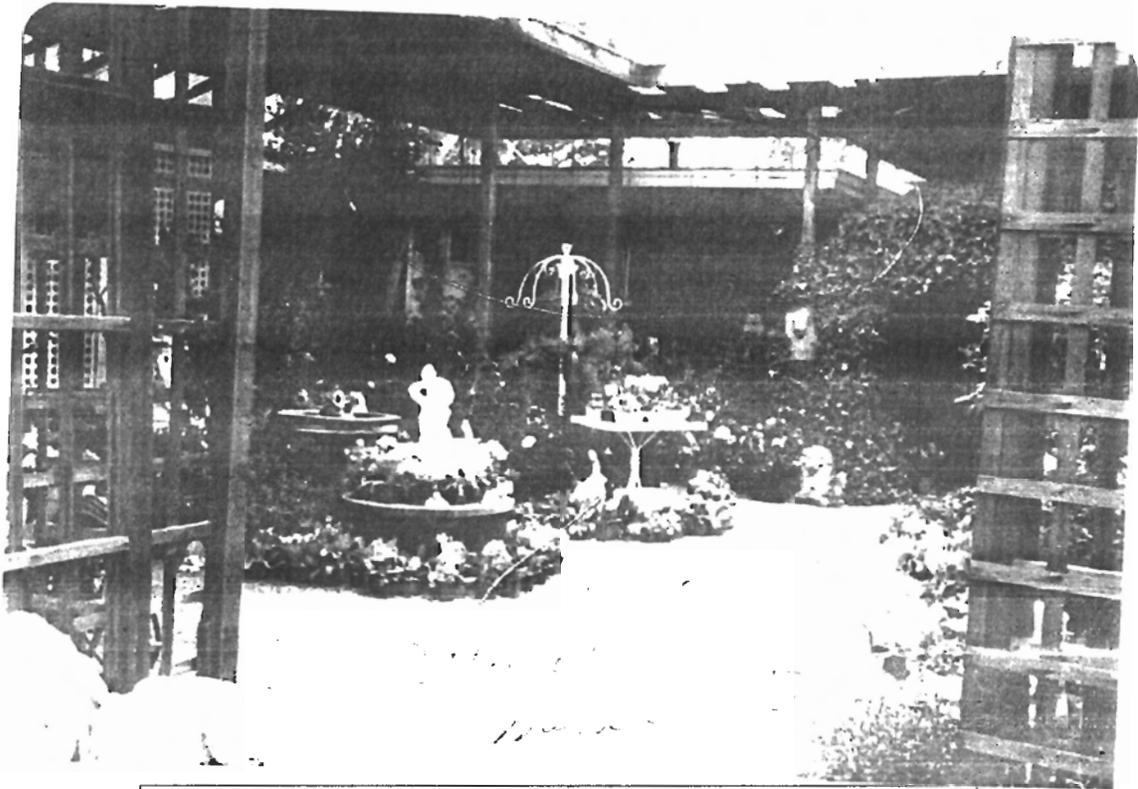


Fig. 6: Aptos Gardens interior, mid-'70s to early '80s, note roof and open sides

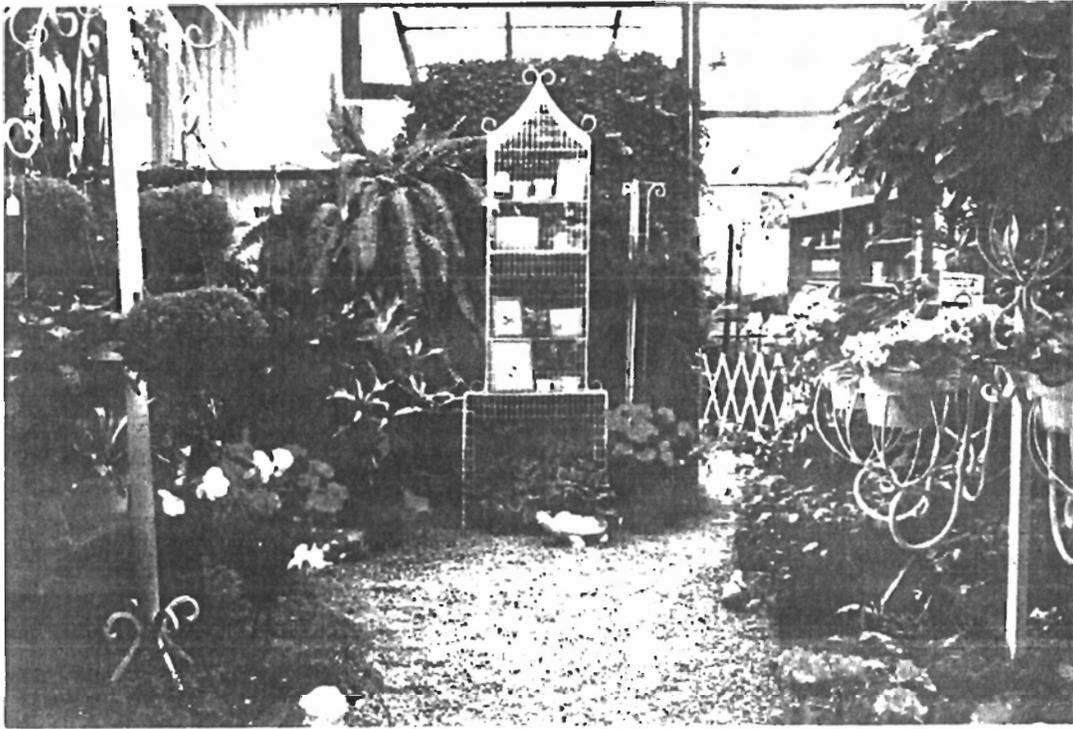


Fig. 7: Aptos Gardens interior, mid-'70s to early '80s, note plastic walls

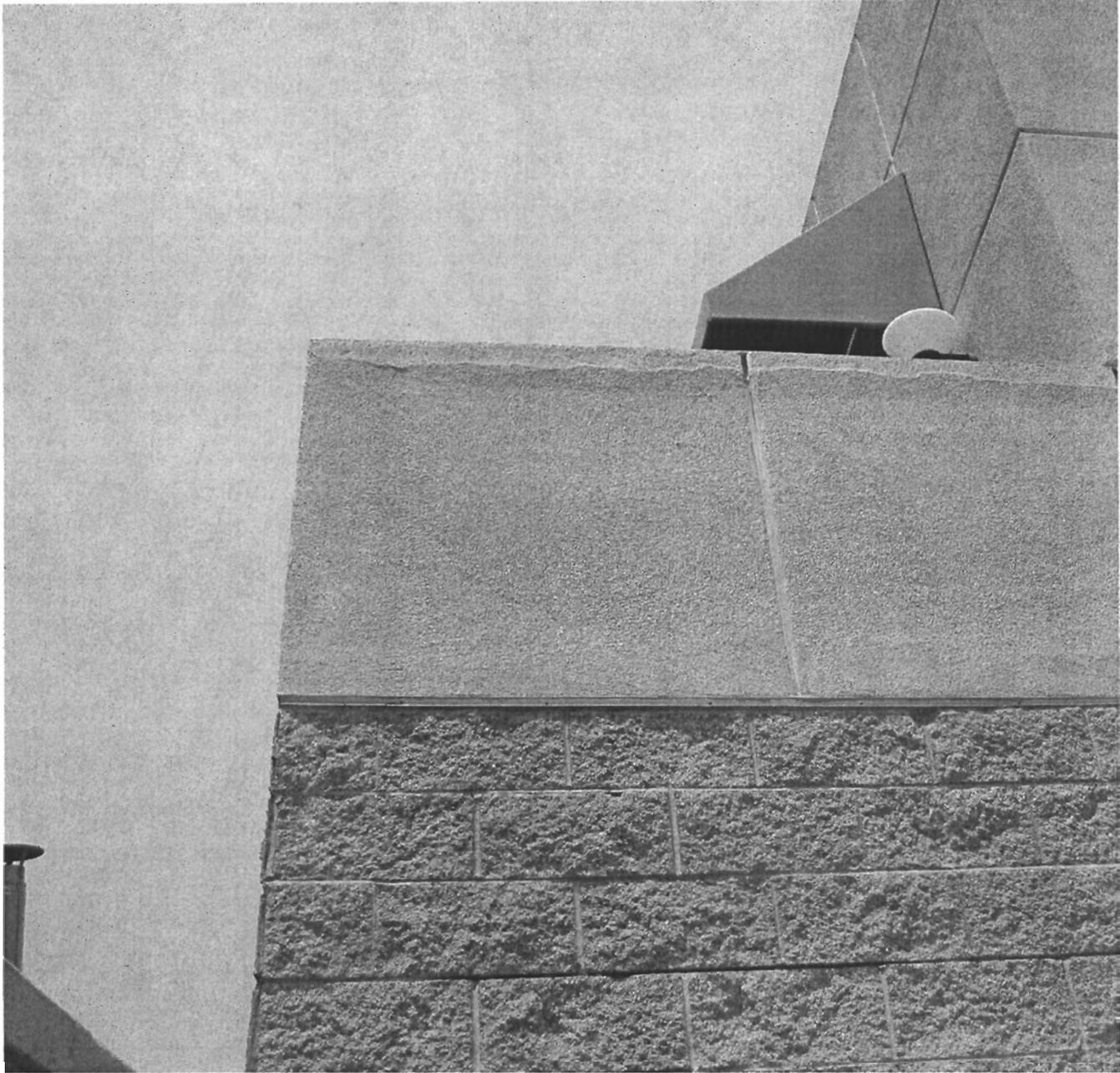


Fig. 8: Cracking on Saal property



Fig. 10: Rubber patching on Saal property

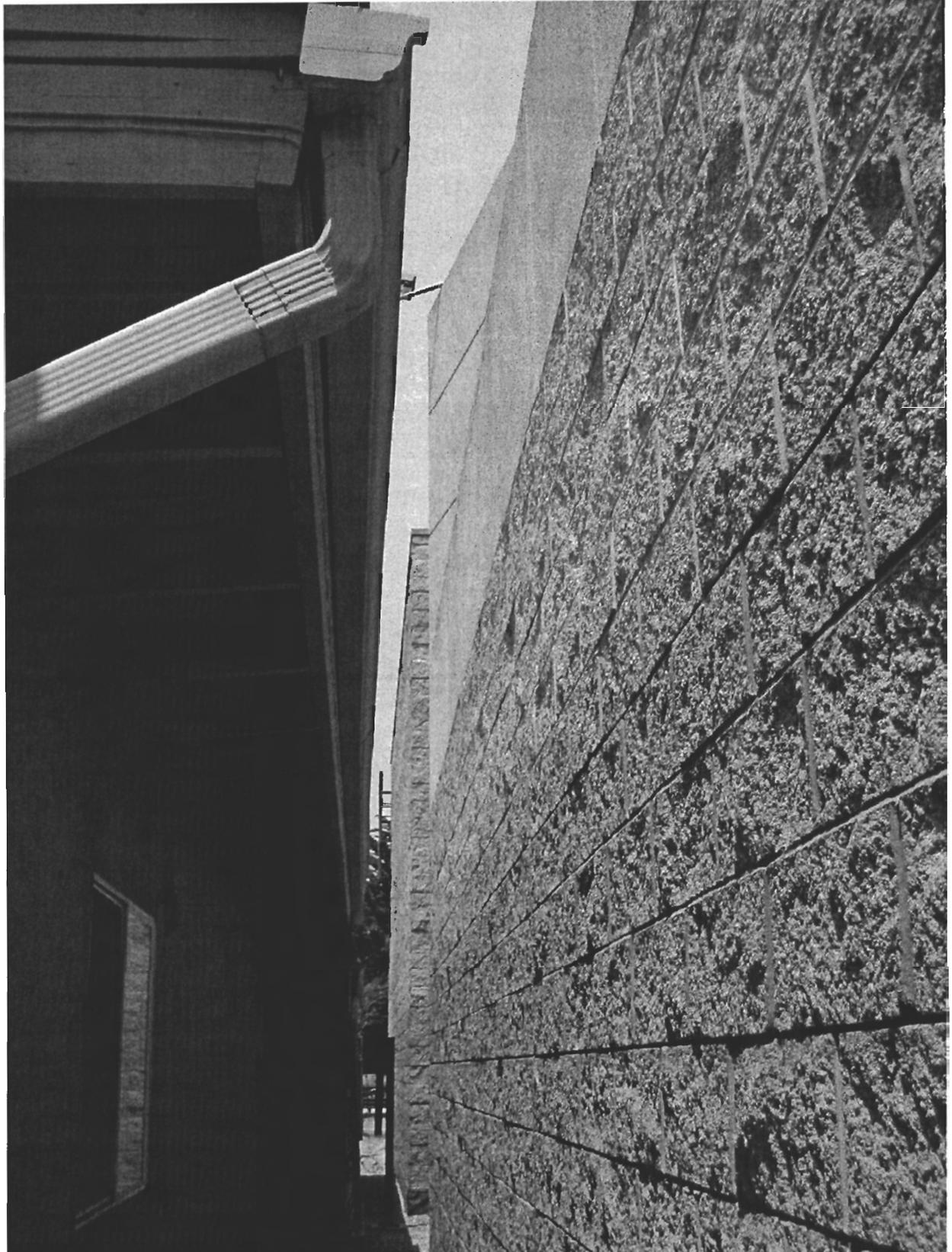


Fig. 11: Distance between Zar and Saal properties

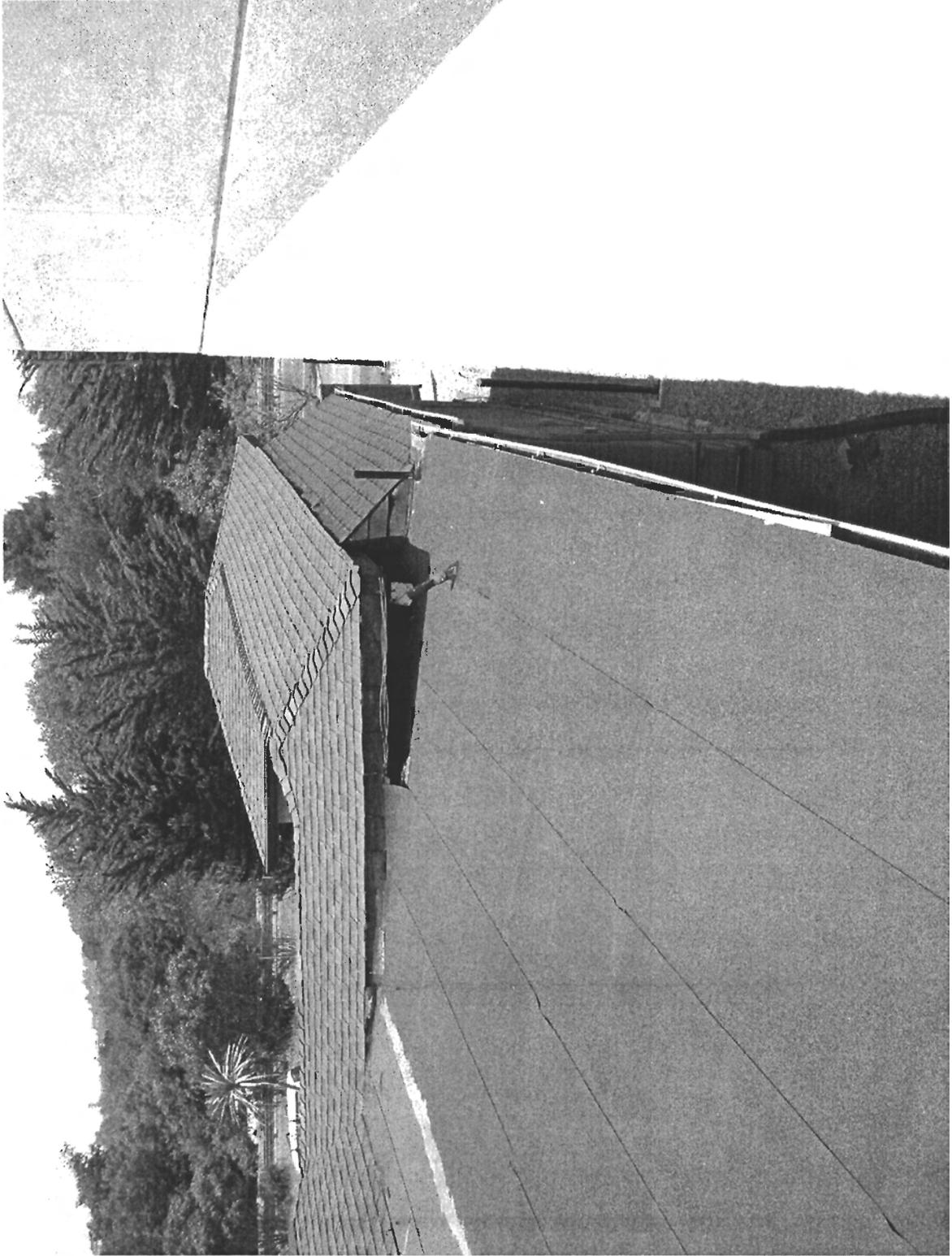


Fig. 12: Distance between Zar and Saal properties



Fig.13: Rear addition set to be demolished by CDP

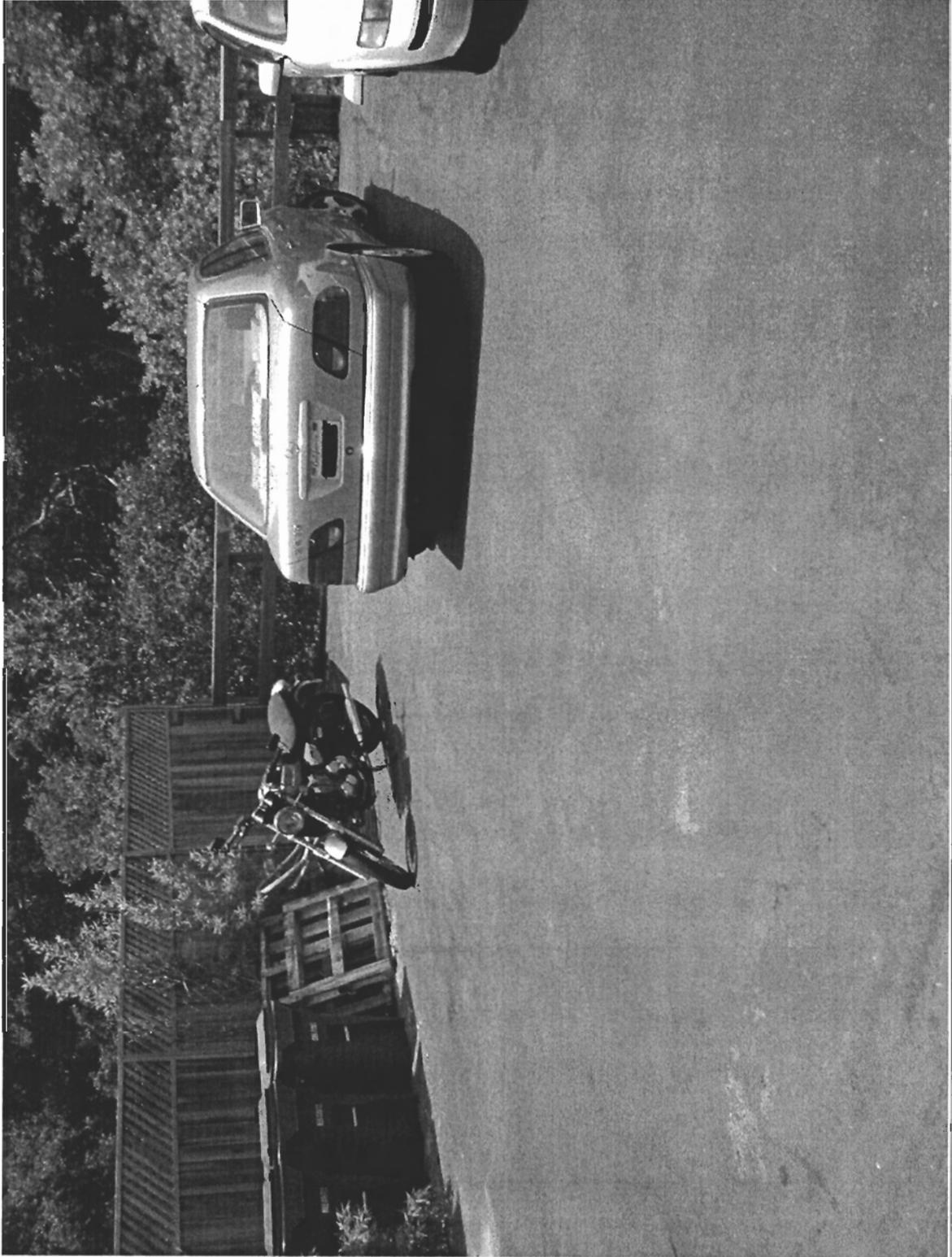


Fig. 14: Zar parking lot/County right-of-way

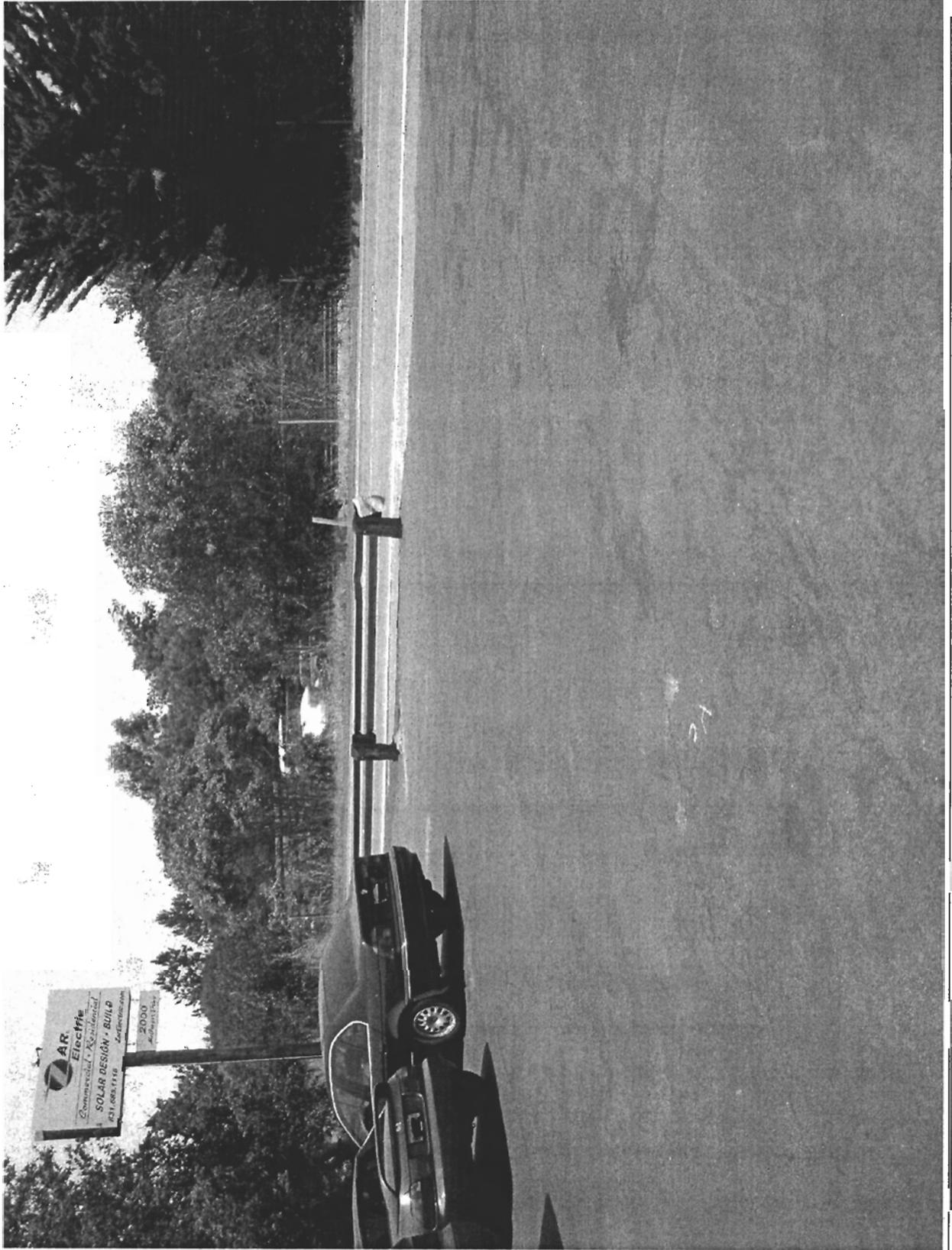


Fig. 15: Zar parking lot/ County right-of-way

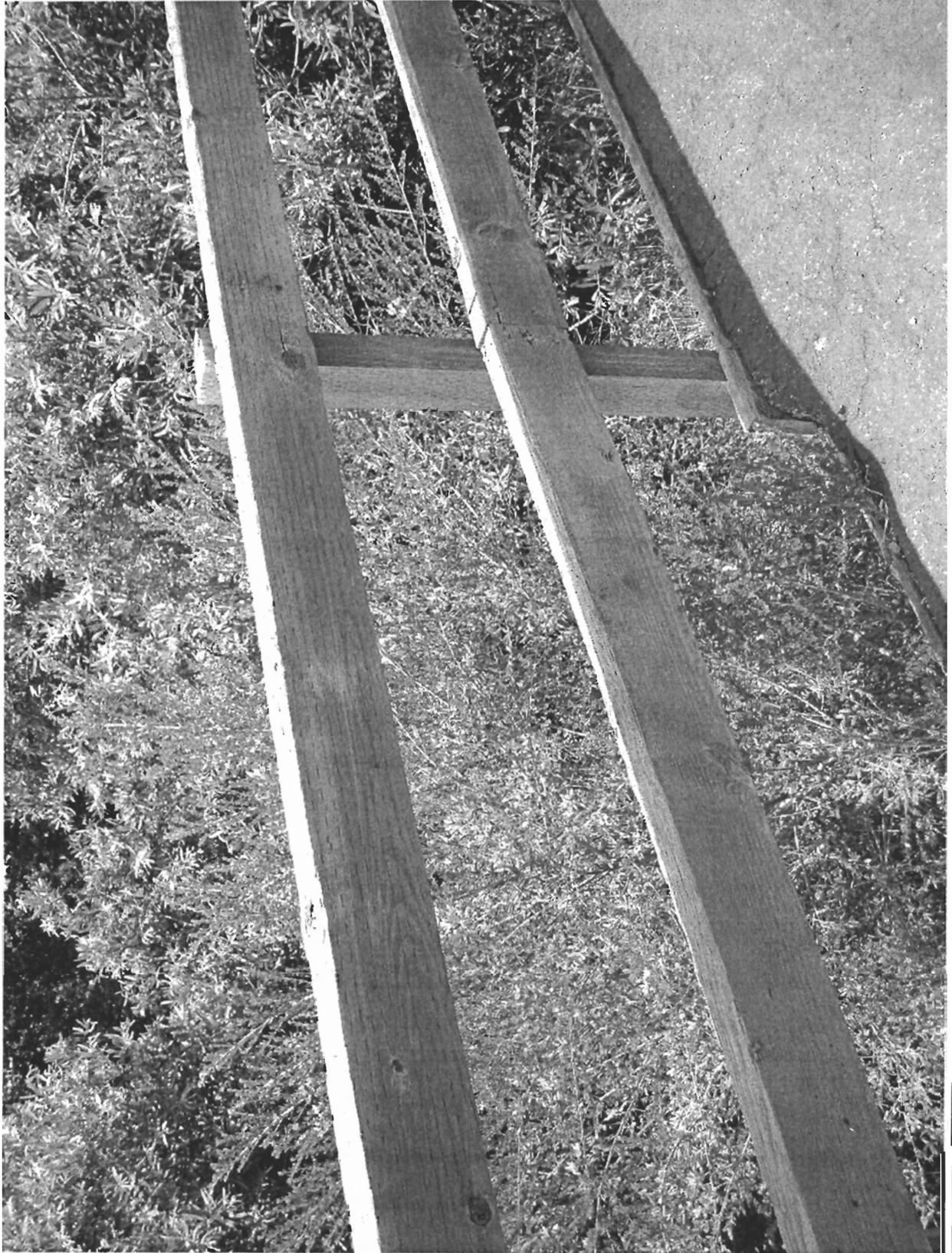


Fig. 16: Railing above Borregas Creek

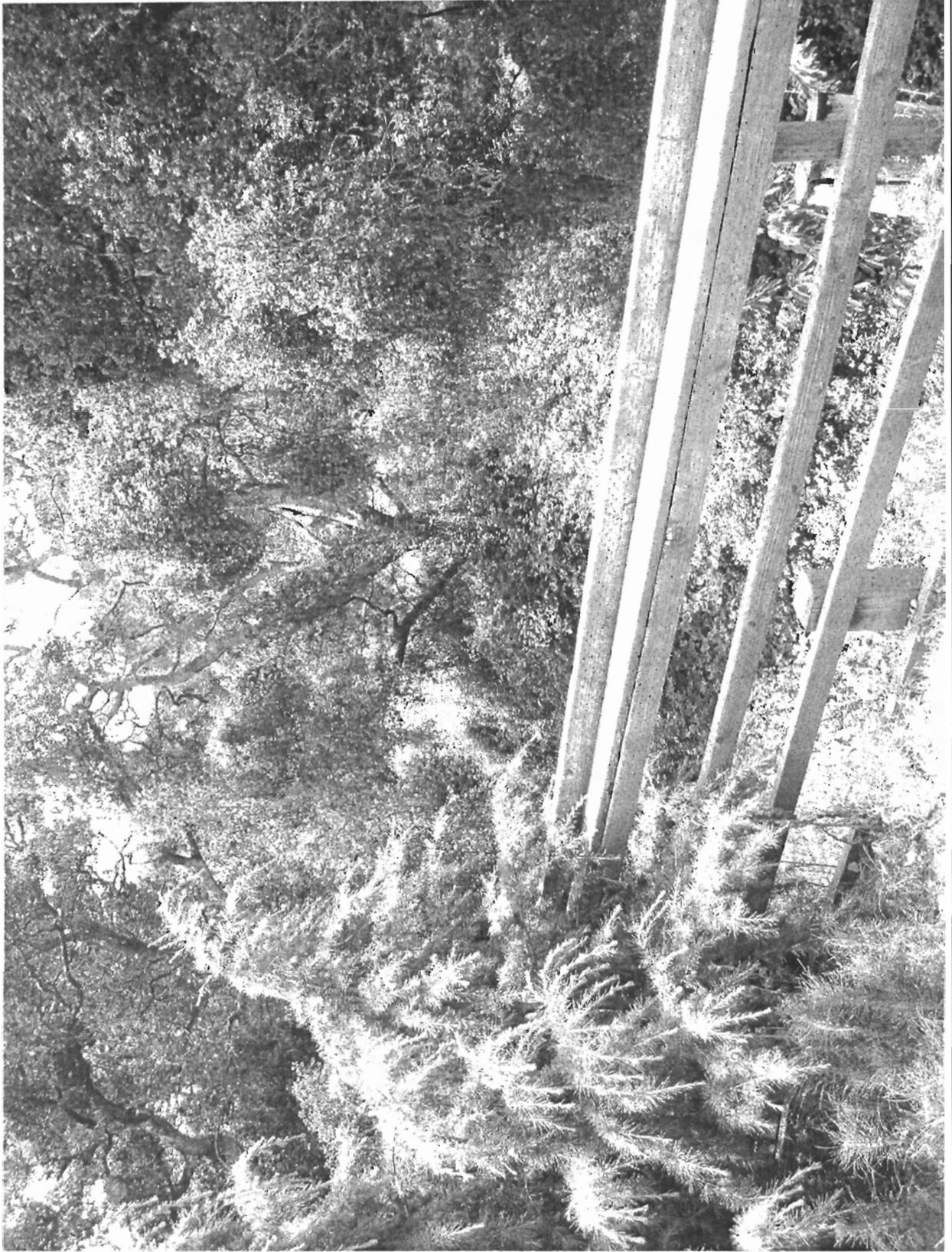


Fig. 17: Railing above Borregas Creek

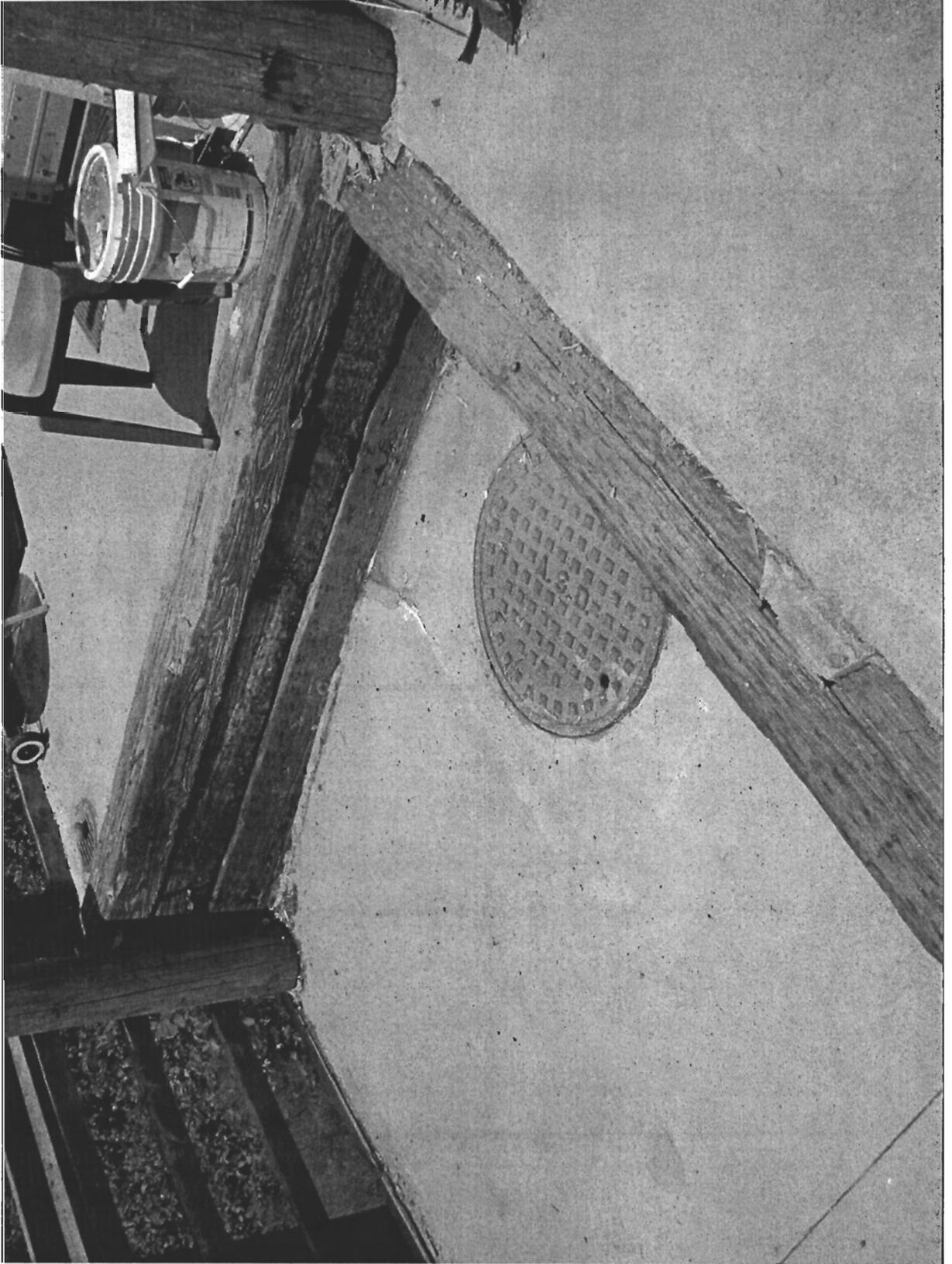


Fig. 18: Uncovered manhole



Fig. 19: Borregas Creek vegetation

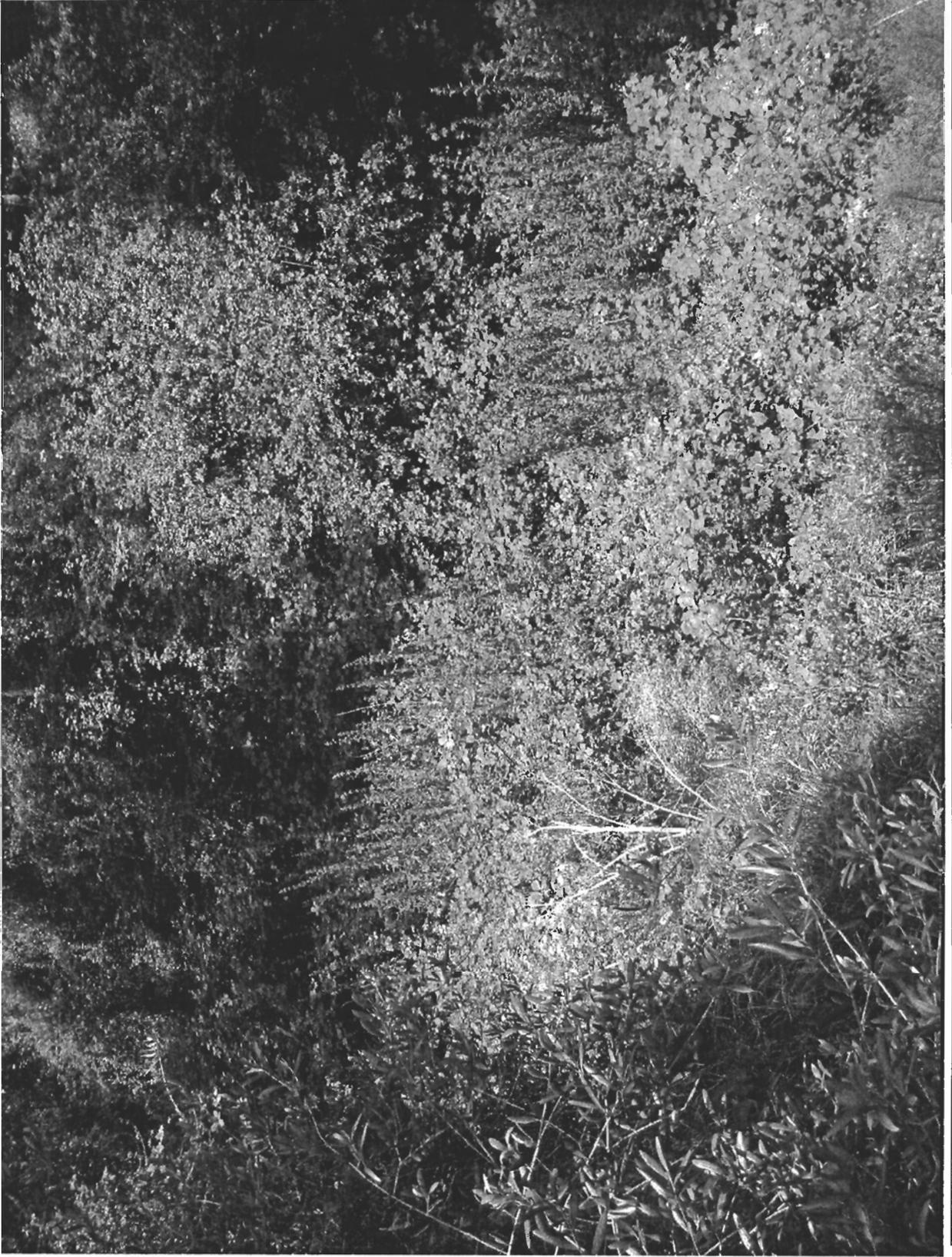


Fig. 20: Borregas Creek Vegetation



Fig. 21: Borregas Creek vegetation