

# Court rules against foes of Overlook

## Appeal planned; opponents cite housing need

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WATSONVILLE — The City of Watsonville has won in court over a group opposing the Overlook Shopping Center the city proposes to build on land just north of Ram-say Park.

Superior Court Judge Samuel Stevens ruled Friday that the city's plans comply with all state regulations, said Charles Eadie, assistant interim community development administrator for the city.

The lawsuit was filed in May by the law firm Parkin & Sugar on behalf of three plaintiffs groups — a human rights organization, a coalition of downtown merchants and an environmental group. The groups claimed the city council should have required a new environmental impact report before approving the center in February. The groups' attorneys said the new EIR should address the effects of a shopping center on existing businesses.

"Basically, Judge Stevens said there was no validity to any of the claims," Eadie said. "Obviously, he had made a close reading of the general plan. He found that the city had met all the requirements under state

law."

Two EIRs had been done for the site, but the opposition claimed those were for residential projects.

Attorney Bill Parkin said that the city has "built-in" discretionary provisions in its general plan to overlook conditions for land use. In his opinion, downtown businesses would be hurt by a nearby large shopping center and that residents would lose space for needed housing.

A Target department store is proposed for the site.

"Folks like Gottschalks are less likely to go in (downtown) if we are building strip malls all around. This site was zoned for residential," Parkin said. "Three hundred units could be built there, while Watsonville pursues rezoning (farm land) for affordable housing west of Highway 1."

The shopping center plans for the 33-acre site include a Safeway grocery store, a Longs drug store outlet and a Staples office supply, plus a few smaller stores in addition to the Target. The shopping center is expected to create 590 jobs ranging in pay from \$80,000 a year to minimum wage.

Builder Don Orosco said he couldn't speculate when construction might begin. Winter weather plus the prospect of an appeal keeps "turning dirt" on the Overlook a future prospect, he said.

Additional legal obstacles are possible, too, he said.

"I don't expect an appeal, but I don't not expect an appeal," Orosco said.

David Leland, spokesman for Wetlands Watch, an environmental group opposing the shopping center, said the groups will file an appeal.

"We plan to file an appeal — definitely," Leland said. "We will file on

the basis that building commercial enterprises on land zoned for residential housing will further exacerbate Watsonville's affordable housing problem."

Watsonville Human Rights Committee activist Olga Diaz said now that opponents of the development have lost the suit she is concerned the city will plan to "meet housing needs by developing west of Highway 1.

"It's organic agriculture on that side," Diaz said. "I'm worried about suburban sprawl."

Omar James, attorney for the Tai property, to which Diaz referred, a 350-acre parcel at Lee Road and Harkins Slough, said the group is right in that there is a "tremendous need for housing" in Watsonville. He has been working for six years on a proposal to allow Watsonville to

annex the property, which is owned by San Francisco-based property developers Tai Associates.

"What's significant for me is — there's no doubt in my mind that the (Stevens decision) will be challenged in the courts — that some will say why vote for anything? The environmentalists are going to shoot us down," James said. "Some will say, 'Why subject the city to the cost of an appeal?'"

An appeal, by virtue of being filed on behalf of losing case, has to show "some sort of wrongdoing" by the (city) council, said City Attorney Alan Smith. The "benefit of doubt" must be given to the city because the city won at the trial, he said.

"In my opinion, their chances (of winning an appeal) are slim to none," Smith said.