

# Judge gives the go-ahead for Marinovich demolition

By KEN McLAUGHLIN

Santa Cruz County Superior Court Judge Chris Cottle Monday lifted a temporary restraining order that had prevented Wells Fargo Bank from demolishing the 81-year-old Marinovich Building.

Giving no reasons, Cottle issued a two-sentence statement saying the request by Chuck Rowe and the Environmental Law Fund for a preliminary injunction had been denied and the restraining order had been "dissolved."

Cottle declined to comment, saying that the lawsuit against the bank and the city of Watsonville was "still pending." (Technically, the lawsuit remains alive until it is formally dropped or resolved in an appeals court.)

Rowe, a former senior planner for the city, said this morning that he and other historic preservationists still hadn't decided whether to appeal the decision. He said he preferred to resolve the issue out of court rather than take further legal action.

A senior vice president for Wells Fargo, he said, had promised to listen to alternatives to the building demolition, but not while the case was still in court.

That bank official, Dan Livingston, said this morning from San Francisco

that Wells Fargo will "certainly review" the community's concerns before moving ahead with the demolition.

"We want to do what's best for the community," he said, adding that "the direction" will come from local bank officials.

Attorneys for the bank had argued in Superior Court Friday that it needed to tear down the building for 18 additional parking spaces. Otherwise, the lawyers said, the bank would be forced to move from the downtown.

Carmel environmental attorney Zan Henson, however, contended that the demolition would provide only 17 more spaces and that seven of those could be obtained by simply eliminating the rear shed from the building.

Jeff Hoffman of Hoffman and Associates, the design and development firm that renovated the 110-year-old Mansion House, said this morning that "I'm very interested in seeing what can be done to work something out among us." He said he'd be flexible in negotiating a lease or purchase agreement with the bank so that his firm could rehabilitate the building.

Hoffman commented that the Marinovich Building is "in two to three times better shape than the

Mansion House was."

The Mansion House, he said, had "structural failure" that had to be corrected with steel supports."

Hoffman is familiar with the inside of the Marinovich Building because he and his brother had an office there until they moved to the Mansion House several months ago.

Livingston said he planned on talking to Monte Lewis, one of the several people who met with him a few weeks ago.

Lewis, in turn, said today that he hoped Wells Fargo would meet with preservationists, city officials and downtown redevelopment advocates "so that we can put something together that will work for everybody."

He said he hoped that the Jericho Alpha firm, recently hired by the city to do a downtown master plan, could be called into the discussion.

Rowe and the Environmental Law Fund filed their lawsuit in December, contending that the city had failed to require "environmental review" of the project.

City Attorney Don Haile, however, argued in court Friday that the issuance of the demolition permit was a "ministerial act," meaning city officials had "no discretion" in deciding whether to issue the permit.