

10-28-87

Supervisors give 'final' Wingspread OK

By DONALD MILLER

Sentinel Staff Writer

SANTA CRUZ — It ain't over 'til it's over, as the saying goes. And the Wingspread Beach project, despite "final" approval by the County Board of Supervisors Tuesday, still has a race to run before its backers can rest.

Before any earth is ever turned, the project faces a hearing by the state Coastal Commission.

It also faces a probable countywide vote. That vote already is shaping up as a controversy worthy

Project still faces coastal panel, probable county vote

of Wingspread, a project that seems to define the word "divisive."

Supervisors approved Wingspread by a 3-2 vote, including recommendations by the County Counsel and county Planning Department that limited the county's liability should the project fail, and clarified several other provisions in the county's "gift-lease" agreement with the developer.

The agreement calls for developer Ryland Kelley to give his lease on the Porter-Sesnon property, where he proposes to build Wingspread, to the county in exchange for the project's approval.

Kelley then would lease back the property for 75 years, paying millions of dollars in rent to the county and millions of dollars in subsidies to a foundation to operate

and maintain a performing-arts complex.

Tuesday's vote maintained the majority — supervisors Robley Levy, Dan Forbus and Sherry Mehl — that in August supported in concept the plan to allow Kelley's Wingspread organization, Conference Associates, to build the complex. As it now stands, the project will include 468 hotel-style con-

dominium units, a three-hall performing-arts complex, a conference center, restaurants, shops and sports fields on the 66 acres of ocean-bluff property in Aptos.

The board first tentatively approved a Wingspread concept more than 19 months ago, after several years of debate.

The meeting Tuesday, though sparsely attended compared to other

Wingspread hearings, was every bit as acrimonious.

The major issue seemed to be the ballot measure, first proposed in August by board chairwoman Levy, the crucial swing vote on Wingspread.

Wingspread opponents — supervisors Gary Patton and Joe Cucchiara and Friends of Porter Sesnon, the group that has spearheaded community opposition to the development — wanted to require the countywide vote be taken before the pro-

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ject's approval and submission to the Coastal Commission.

They failed.

County Counsel Dwight Herr will return Jan. 26 with a ballot proposal for the board to consider.

Herr told the supervisors that a referendum-type election after the board's and the Coastal Commission's final approval would be "preferable" to an advisory vote that would not be legally binding on supervisors.

Patton said a vote after the board's approval of Wingspread would be a "waste of money and an insult to voters."

He asked Herr what would happen should the Coastal Commission fail to act on the project by March 1, which Herr said is the deadline to put the measure on the June ballot.

Herr said an election before the commission's hearing could keep that agency from deciding the project, because it still would need county approval.

Levy said the commission must act on a project within 60 days after it is submitted. The agency is due to meet in December and again in March in Northern California.

Both Patton and Cucchiara noted that the project approved Tuesday contained no provision requiring an election.

Mitchell Page, lawyer for Friends of Porter Sesnon, said the timing of the election is confusing. He said the election's purpose is "murky," as the board already has approved the project and sent it to the Coastal Commission.

Levy, however, said she is confident the board will abide by the election results.

Celia Scott-Von Der Muhll of Friends of Porter Sesnon said the board majority was trying "to get a leg up on the project to undercut the opposition" by sending it to the commission.

She said the public might be more willing to approve Wingspread if the Coastal Commission has approved it.

Cucchiara said approval without requiring a ballot measure was an attempt to "deceive" the commission, and said his own "professional ethics" could not allow him to support approval.

There also was wrangling over several other Wingspread issues, including:

- The Performing Arts complex. Patton charged that the 50-plus member foundation that will oversee the complex is stacked in favor of Kelley-dominated appointees. This set off a debate on the merits of the foundation directors and what and who the public really is. But the board did not change the way the foundation board is chosen.

- The possibility Wingspread could be annexed by the city of Capitola or a potential city of Aptos if that area decides to incorporate. Cucchiara said the project is vulnerable to an annexation, with a resulting "substantive loss of revenue" to the county. Herr said that provisions in the agreement with Conference Associates protect the county.

- Herr and Cucchiara differed on whether the gift-lease arrangement violates an ordinance prohibiting the county from becoming financially involved in the development. Cucchiara said the county is "placing at risk" its financial resources, costing taxpayers money that could be used elsewhere. Herr said the county is under "no obligation" to spend any money on Wingspread and is not violating the law.

Opponents have threatened to sue on this issue.

- The county is asking for a "market feasibility study" on Wingspread from a "qualified professional," and subject to review by the county at an unspecified time. Page called the future study "an embarrassment to the county," and said it would be made after the project was approved. The county, he said, is "following a Pied Piper" in trying to get money for things such as the performing arts complex.

After nearly five hours of discussion, and after the board majority voted down a series of motions by Patton, Levy called for the vote that will send the project on to the Coastal Commission.

Levy said later that Tuesday's action provided "finality and substance" to the Wingspread issue as far as the board is concerned — at least until the ballot measure comes up in January. That discussion is certain to spark yet more fierce debate.