

# Supervisors restrict use of Porter Sesnon property

By BUD O'BRIEN

If the beachfront Porter Sesnon property in Aptos is ever privately developed, the developers will be restricted to building 130 visitor-accommodation units of no more than 600-square feet each.

At least, if the zoning adopted by the Board of Supervisors Tuesday for that valuable 66-acre parcel sticks, those will be the limitations.

The action by the board majority represented something of a victory for the potential developers of the property, the Palo Alto firm of Hare, Brewer and Kelley. That company has a 99-year lease on the Porter Sesnon acreage, which is owned by the University of California.

Earlier, in its efforts to adopt a land use plan for the Local Coastal Program (LCP), the board had tentatively placed a zoning on the property that would have restricted the number of units to about 50. But when attorneys for Hare, Brewer and Kelley hollered foul at that, the board asked the county counsel and the planning staff to make sure that whatever restrictions were placed on the property were consistent with the law. It was on the advice of those two departments that the board acted Tuesday.

The battle over how the precious piece of property, now completely undeveloped, will eventually be used has been long, complicated and bitter. In one aspect, it is another in the series of battles fought in this county between environmentalists and the advocates of private development.

The former want the property to become a part of the state park system and the three-member environmentalist majority on the Board of Supervisors accommodated that viewpoint by giving the property a "preferred use" designation of parks and recreation, with a provision for 115-130 campsites for visitors. Because their legal advisor told them they couldn't leave it at that, what with the lease on the land held by a private party, the supervisors reluctantly applied an "alternate use" designation on the property.

That alternate use would allow

a private development of visitor accommodations at the same density (115-130) as the campsite allowance.

Then came the argument over how campsite density could be related to the density (size of the building, number of people to be accommodated, etc.) of individual housing units. The upshot was the board's decision Tuesday to allow as many as 130 individual housing units, but restricting them in size to 600 square feet.

Such a restriction, of course, would probably mean the end of any plans to build a performing arts center on the property in conjunction with the vacation rentals. That would mean that developer Ryland Kelley's plan (dream?) of developing a complex including vacation rentals, conference quarters, performing arts buildings, shopping facilities and more than 100 "affordable housing" units couldn't be realized.

And, of course, there is still the possibility that the state will buy Kelley's lease and add the land to the adjacent New Brighton State Beach. There is considerable doubt that that will ever happen, however, even though the state has budgeted some \$4 million this year for just that purpose.

Kelley has said he won't sell and the state has indicated it isn't prepared to take the matter to court in condemnation proceedings, which would be its only option if Kelley refused to sell.

There are other possible scenarios. Kelley has indicated that he might be willing to sell part of the lease to the state for public use and develop the rest. But he said Tuesday he hadn't made any formal offers in that regard and that, in fact, he wasn't prepared to take any further official steps until the environmental impact report that was prepared to gauge the impact of his original Wingspread Beach proposal has been released and studied.

That EIR, which has been prepared by the Capitola firm of Coats Consulting, is expected to be released within the next few days.

Opponents of Kelley's Wingspread proposal, which include

residents of the area and the so-called "environmental mafia" of the county, have maintained that any development approaching the scale of Wingspread would be more than the resources (water, sewage, traffic, etc.) of the property could accommodate.

Kelley has maintained all along that there is no reasonable way to judge those impacts until the EIR — which, he points out, is being prepared by an engineering firm independent of his company — is completed.

Another possible avenue for Kelley to take, and one which could in theory lead to the full realization of the Wingspread Beach plan, would be to seek an amendment to the LCP that would change the designation on the property. Such an amendment would require the approval of the Board of Supervisors. The current board — with anti-Wingspread supervisors Robley Levy, Gary Patton and Joe Cucchiara in the majority — wouldn't be likely to approve such an amendment, but a future board could be more receptive.

But for the present, Kelley is confronted with the designation approved Tuesday by the board. Kelley's lawyer, Richard Allen, told the board that the 600-square-foot limitation per unit was too restrictive and that the developer "couldn't live with it."

But this morning, Tim Welch, a spokesman for Kelley, said that "we're looking at it to see whether it makes any sense," indicating that the firm intends to keep all its options open.

REFERENCE