

# wingspread developers issue virtual ultimatum to county

By BUD O'BRIEN

In a reaction with strong political overtones, developer Ryland Kelley is threatening to drop his plans for a development that would include performing arts and recreation facilities for the community on the Porter Sesnon property.

Whether intentional or not, the "ultimatum" that has been issued on Kelley's behalf concerning the fate of the so-called Wingspread Beach development puts County Supervisor Robley Levy squarely on a spot she would probably rather avoid as she begins a tough campaign for reelection to her Second District seat.

In a press release issued this week, Kelley's organization says in effect that unless it can be assured quickly that the Board of Supervisors approves "the concept and the public benefits" of the bigger of the two alternative developments being proposed for Porter Sesnon, plans for the bigger project will be dropped and the company will proceed with its application to build a smaller project on the land. That would mean that none of the performing arts or recreational facilities would be constructed.

Kelley had won broad support for his larger development from many people in the arts and music community because of his pledge to build the performing arts complex, and from other segments of the community for his promise to include athletic fields in the project. All those facilities would be

turned over to non-profit organizations for community use, under Kelley's proposal.

There has also been powerful opposition to almost any private development on the 66-acre parcel, located on the coastline across the freeway from Cabrillo College. Environmentalists and other groups have fought to have the acreage included in the state park system, or otherwise be reserved for park or camping use. But Kelley, in possession of a 99-year lease from the University of California, which owns the property, has refused all offers for the land and has expressed his determination to develop the property.

In an unusual if not unique procedure, Kelley's firm of Conference Associates submitted simultaneous applications for two alternate Wingspread projects — one which would consist only of 195 "visitor serving" units, and one which

would consist of 295 (some say 585) units and include the performing arts and recreational facilities.

Kelley obviously would prefer to build the larger project, and with the public facilities as a "carrot," he rallied considerable support for it.

But last week, something of a bombshell was dropped into the situation when County Counsel Dwight Herr said that in his opinion, before the county could consider the bigger project, another environmental impact report (EIR) would have to be prepared by Conference Associates on that project. It had been the contention of Kelley and his associates that an EIR prepared several years ago for an even larger project — one that had since been abandoned — along with several "supplemental" reports, was sufficient environmental review for the currently proposed projects.

But, faced with the county counsel's opinion, Conference Associates was moved to issue the statement that has all the appearance of an ultimatum — and the effect of putting most of the onus on Supervisor Levy.

That's because Levy is the "swing vote" on the board in the Wingspread matter. Both conservative supervisors, E. Wayne Moore Jr. and Dan Forbus, reiterated today their long-known support of the larger project. Liberal Supervisor Gary Patton, who has openly supported a park use on the land, said today he hadn't changed his views, and there is no reason to believe his fellow liberal, Joe Cucchiara — who could not be reached — would change his views, which were identical to Patton's.

Only Levy, who represents the district in which Porter Sesnon is located, has not taken a position on the Wingspread proposals — although she, too, has said in the past that she would like to see the property become a park.

Levy could not be reached for comment today. But her position on the Wingspread proposals, reiterated a number of times during the June primary campaign, has been that she won't make up her mind until all the facts are in and all the questions about environmental impacts and public benefits are answered.

Faced with the prospect of having to prepare another expensive and time-consuming EIR, Kelley's attorney, Richard Allen, said in the press release: "We have advised the

county that we have no choice but to drop Plan B (the larger project) if we cannot get some direction from the Board of Supervisors at this time. We cannot sit back waiting yet another year for a supplemental EIR. We have, therefore, reluctantly advised the county to proceed with Plan A without Plan B."

Since county law makes no provision for the board to give "conceptual approval" to a project, there is no way it could act formally on Plan B until it receives a "negative declaration" — i.e., completes all required environmental review work.

That doesn't mean, of course, that supervisors as individuals can't indicate they like and would probably approve a project if it finally meets all the environmental requirements, even if they could not officially commit themselves.

Tim Welch, a representative of Kelley, said this morning that such assurances from a majority of the board would probably be sufficient to induce Kelley to continue working for approval of the large project, with its community facilities. Lacking such assurances, however, Welch said it seemed almost certain that Kelley would give up on the big project and settle for the

smaller development. Kelley himself is out of the country on vacation and is not expected back until next week.

Supervisors Forbus and Moore made it clear this morning that they will do everything within their power, and within the law, to salvage the larger project.

"This is the last chance we have to get performing arts facilities," Forbus said. "I think the project without the arts center and all that is just not good for Santa Cruz County. It's just another visitor-serving thing and won't do anything for the citizens of the county."

Moore agreed, and added: "I think a signal needs to be given by the board that we favor this project."

Supervisor Patton, however, pointed out that the county had tried five years ago to get Kelley to delay preparing an EIR until an "exact project" had been proposed. But Kelley sued and won the right to do an EIR for a more general project, Patton said, and now that action has come back to haunt him.

"It's their own fault," Patton said, adding he is "not going to be interested" in amending county law or in any other way providing special treatment for Kelley.

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