

Wingspread delay miffs Patton

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SANTA CRUZ — With board Chairman Gary Patton warning darkly of a "hidden" agenda, county supervisors Tuesday voted to continue their consideration of Wingspread Plan A until Jan. 14, when they are slated to take up Plan B, the larger of Palo Alto developer Ryland Kelley's two controversial proposals for the Porter-Sesnon property in Aptos.

Patton, who made it clear that he wanted the board to vote for denial of Plan A Tuesday, came close to accusing fellow-supervisor Robley Levy of playing into Kelley's hands after Levy moved to continue consideration of the developer's proposal to construct a 197-unit condominium-conference center facility on the 66-acre Porter-Sesnon parcel.

Kelley leased the land from the University of California for 99 years in 1978, for \$1.75 million. He later purchased six acres of adjoining land.

The Planning Commission last month recommended that supervisors reject Plan A, but then urged approval of Kelley's Plan B, which calls for the construction of 295 condominium units, a conference center, a three-hall performing arts complex and several athletic fields

on the Porter-Sesnon site.

Kelley subsequently appealed the commission's recommendation on Plan A, which Kelley spokesman Tim Welch openly called a "fall-back plan."

Chief among the commission's reasons for turning Plan A down was a finding that the proposal violated a Local Coastal Plan (LCP) restriction limiting "visitor-serving" facilities on the land to between 115 and 130 units.

Ironically, while the commission found that the 197-unit Plan A development was inconsistent with the LCP, commissioners voted to relax coastal-plan density restrictions to accommodate the much larger Plan B.

Plan A came to the board Tuesday under a legal gun. Under a state-imposed deadline for action on development proposal, supervisors were theoretically bound to make a decision on Plan A or see it approved by default.

But Kelley's attorney, Richard Allen of Watsonville, said his client wanted the board to consider Plan A at the same time as Plan B. And County Counsel Dwight Herr said that if Kelley requested a continuance, the developer could not later argue in court that Plan A should be automatically approved because the board had not acted on it Tuesday.

Levy, who represents the Aptos area on the board, then moved to continue the matter to Jan. 14, prompting Patton to charge, "There may be a hidden reason to continue this."

The board chairman asserted that Kelley, and by implication, Levy, were seeking to put off a decision on Wingspread Plan A Tuesday in order to avoid jeopardizing Plan B.

"It has to do with the findings (on Plan A)," Patton said. "The findings say when the LCP says 115 units it means 115 units."

If supervisors were to adopt the Planning Commission's recommendation for denial of Plan A Tuesday, he explained, the board would also be endorsing the commission's finding that the plan violated coastal-plan density restrictions.

And if the board endorsed that finding, Patton said, it would be hard for supervisors to support a subsequent relaxation of LCP restrictions for Plan B.

The board chairman said Plan A was "not a good project," and said he was ready to vote against the proposal.

"If we believe that the LCP means what it says, we can adopt these findings (for denial of Plan A)," Patton said. The supervisors chairman said the board should adopt the findings for Plan A's denial, "so (they) can provide some guidance to us" in future deliberations on Wingspread.

Patton called Levy's motion for a continuance a "vast accommodation to a developer — not for this project at all, but for some other project (Plan B) that isn't before us."

"We gain nothing by a continuance, other than obfuscation," said Patton, whose opposition to a further

postponement of a vote on Plan A was shared by Supervisor Joe Cucchiara. "This," said Patton, "is a shame."

Levy, whose motion to continue the hearing was supported by supervisors Dan Forbus and E. Wayne Moore Jr., said supervisors should consider plans A and B together because that had been the board's intent all along.

She also said she favored a delay on the Plan A vote because, "It's very important in dealing with both projects to (make) the most careful ... decision possible."

"We all know that no matter how the decision goes, we're going to be in court," she said.

Allen contended Tuesday that Plan A did not violate coastal-plan density restrictions because the development's 197 600-square-foot condominiums were "studio units." Each unit, Allen said, counted for only three-fourths of a regular visitor accommodation. Allen also said Plan A's overall density should be based on the number of units on Kelley's total, 72-acre development, not just on the 66-acre Porter-Sesnon property. If Plan A's condominiums were counted as 197 studio units on 72 acres, Allen said, the project would meet LCP density restrictions.

Celia Scott-Von der Muhll, an attorney for Friends of Porter-Sesnon, which opposes both Wingspread projects, told supervisors that calculations of that sort would "undermine" area zoning.

In any case, she said, density calculations based on the total "developable" acreage of the Wingspread site would support construction of only 105 units on the property.

Planners will look at Wingspread Plan B

SANTA CRUZ — While county supervisors skirmished over Wingspread Plan A Tuesday, county planners were poised for another go-around over its larger sister proposal, Plan B.

The Planning Commission was scheduled to grapple once again this afternoon with a set of findings and conditions on Plan B, which commissioners approved in concept last month.

Findings and conditions for the project's approval must be OK'd by the commission before the development proposal can be forwarded to the Board of Supervisors.

Plan B's progress toward board consideration stalled two weeks ago when commissioners and planning staffers were unable to agree on just how the proposal should be sent to the board.

Staffers said changes in the project recommended by the commission were so significant that additional environmental review would be required. But, they said,

Wingspread developers could not be expected to incorporate the changes in their plans until told to do so by supervisors. And without revised plans, they said, it would be impossible to conduct an environmental review.

Accordingly, said staffers, angering a number of planning commissioners, Plan B would have to come back to the commission again, after review by supervisors.

Commissioner Ree Burnap, who represents the Aptos area on the commission, was so upset by the staff's position that she vowed to return today with her own set of findings and conditions for approval of Plan B.

Among findings recommended for the commission's adoption today was a stipulation that Plan B could be found consistent with Local Coastal Plan density restrictions provided condominium construction on the Porter-Sesnon property is restricted to "substantially less" than the 295 units called for in the current development plan.

REFERENCE

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