

Wingspread developer meets county demand

By STEVE SHENDER

Sentinel Staff Writer

SANTA CRUZ — Palo Alto developer Ryland Kelley has met a demand by county supervisors that he reduce the size of his controversial Wingspread Beach project as one condition for final approval of the development.

County planner Marc Eymard said today that Kelley had submitted new plans for the project showing a 20-percent reduction in the number of condominium units to be built on the Porter-Sesnon property in Aptos.

The cutback in the number of units was one of the major conditions imposed by supervisors when they voted 3-2 to OK the project, "in concept," in March.

Eymard said Kelley, who submitted revised plans to the county Tuesday, had also cut back the project's square footage and "footprint" — the amount of land actually covered by structures or paving — by more than 20 percent.

Eymard also said that the developer had substituted a more conventional theater design for the domed three-hall performing arts complex proposed in his original plans.

And he said Kelley had submitted plans for freeway access to the Wingspread site, as demanded by the pro-Wingspread board majority.

The freeway offramp requirement 'is something that's going to have to be detached from the rest of the development, because it could take years for approval.'

— *Wingspread developer Ryland Kelley*

But Eymard also said that Kelley had submitted alternate plans which did not include the freeway link.

Kelley indicated Tuesday that he may ask supervisors to cut him some slack on the freeway access condition. Unless supervisors relent on that item, political complications associated with it could stall the Wingspread project indefinitely.

Kelley additionally indicated that he believes his offer of a gift of land to the county in exchange for final approval of Wingspread will work to his advantage in negotiations concerning other questions still to be resolved before the development can go ahead.

The developer, who hopes to build a condominium/conference center-performing arts facility on 72 acres of land he leases and owns adjacent to New Brighton Beach State Park, said his revised project had been "significantly reduced in scale and impact" from his original proposal for the 66-acre Porter-Sesnon prop-

erty, which he leased from the University of California in 1979 for \$1.75 million.

Kelley had proposed to construct 295 condominium units, each subdividable into two separate rental units, on the site. But when supervisors approved the Wingspread project, the board majority, led by Aptos Supervisor Robley Levy, told him he would have to reduce the number of condo units 20 percent in order to secure final board approval.

Supervisors also said final approval would not be forthcoming unless Kelley agreed to provide direct access to the Porter-Sesnon site from the adjacent freeway.

Tuesday, the developer submitted plans for southbound freeway offramps and onramps to serve the Wingspread site. But he also indicated that he planned to ask the board to relax the freeway access condition.

"We'll do it (build the freeway

Please see Page A5

link) if we can," he said, "but it's something that's going to have to be detached from the rest of the development, because that's something that could take years to get approval."

Kelley cannot build the Wingspread freeway connection — even if he's willing to pay for it out of his own pocket — without the approval of the county Transportation Commission. Under state law, the 10-member commission must vote to include the project in the county's Regional Transportation Improvement Plan before Caltrans, which has jurisdiction over road projects along Highway 1, will consider it.

Two members of the commission, Board of Supervisors Chairman Gary Patton and San Lorenzo Valley Supervisor Joe Cucchiara, are already opposed to Wingspread and would likely vote against inclusion of the freeway ramp project in the local transportation plan. Two other commission members, Santa Cruz City Council members John Laird and Mardi Wormhoudt, are close allies of Patton's and considered unsympathetic to Kelley's development plans.

An unfriendly commission could stall Kelley's entire project if supervisors insist on construction of the freeway ramp in tandem with the rest of the Wingspread development.

Freeway access was proposed by Levy as a way of reducing the development's impact on traffic in adjoining neighborhoods. Kelley suggested Tuesday that it might not be needed in any event.

"Some of the other mitigations and things advanced by traffic engineers (will) have more effect on existing conditions (than the ramp)," he said.

The developer made his comments as supervisors learned that Kelley had offered to give the county his Porter-Sesnon lease, and title to a neighboring six-acre parcel, in exchange for final approval of the Wingspread project and a long-term concession agreement.

According to County Counsel Dwight Herr, an outright gift of the land will enable the county and Kelley to go ahead with the concession deal without violating a tentatively adopted ordinance barring county financial participation in the Wingspread project.

Supervisors voted unanimously Tuesday to adopt the measure, which first emerged as a ballot initiative.

Wingspread opponents secured more than 11,400 signatures to qualify the initiative for the ballot after supervisors authorized County Administrative Officer George Newell to negotiate a concession agreement with Kelley involving county purchase of the developer's Porter-Sesnon lease.

Newell said then that such an agreement would net the county more revenues than taxes on an independent development and said it would prevent the loss of those revenues to the county if the Wingspread site were ever annexed into a city.

The ballot measure, which supervisors adopted word for word, stated that the county could not "own, operate, lease, maintain or participate financially in any form whatsoever through the use of public funds," in the Wingspread project. The

Councilman would rather be a spectator on Wingspread

By STEVE SHENDER

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SANTA CRUZ — The Wingspread issue is one hot seat on which Santa Cruz City Councilman John Laird would just as soon not sit.

Normally Laird would be no more than a spectator to the ongoing saga of Palo Alto developer Ryland Kelley's battle to win approval for his controversial condominium/conference center-performing arts complex in Aptos. But the councilman, who is a member of the county Transportation Commission, may have to vote on whether to include freeway onramps and offramps for the project in the county's Regional Transportation Improvement Plan.

Construction of the ramps is currently a condition for final approval of the development. But even if Kelley is willing to pay for them, the ramps cannot be built without the local commission's OK.

Laird said Tuesday that he hopes he'll never be asked to give his consent.

"I'm hoping it (Wingspread) gets resolved somehow before it gets to the Transportation Commission, and I'm desperately hoping not to have to take a position," said the two-term councilman and former mayor.

Usually, commission action on highway improvement proposals are "pro forma," Laird said. "If the agency that makes the request is willing to fully fund a project, the commission is usually a rubber stamp," he explained.

"But in this case, there will be tremendous pressure for us to vote on the merits, and vote for what's in the best interest of our individual jurisdictions."

Laird said that in the case of his "jurisdiction," the city of Santa Cruz, "There are issues about where a performing arts center would be located.

"It's possible that our effort to renovate the Civic Auditorium could be jeopardized."

The City Council has approved a plan to remodel the gymnasium-like Civic and turn it into a performing arts hall, at an estimated cost of \$6.2 million. But there is still no financing for the project.

Laird said that he had still not made up his mind on the merits of Wingspread. "And," he added, "I don't want to have to."

measure specifically barred the county from using public money to acquire the development site.

In an opinion much disputed Tuesday by initiative authors and supervisors Patton and Cucchiara, Herr said the measure would not prohibit a concession deal if Kelley were to give the site to the county, because no public funds would be expended.

Kelley said Tuesday that he would have preferred to develop Wingspread without any county participation in the project. He said the gift idea, and the whole concession plan, had been proposed first by Newell's office.

But the developer, who will realize a tax writeoff of between \$4.6 million and \$6.6 million from the proposed property gift, also indicated that county acceptance of the gift-concession arrangement would strengthen his hand in future negotiations on Wingspread.

"We would just as soon have gone

ahead with an independent, private development, with (the county) not having the land," Kelley said. "But we've agreed to it and we can live with it."

Kelley noted that while a majority of the board supports Wingspread, final approval of the development is still not assured.

"We were in a position where we wanted very much to have the continued approvals that the county has control over for the project," said the developer, who said the county would not actually get his lease on the Porter-Sesnon site or title to the adjoining six-acre parcel until construction begins on the Wingspread project.

"The majority of the board has approved the project ... but they're also in a position to exercise tough final negotiations with us, and this (gift) is a part of those negotiations," Kelley explained.