

A close call for Wingspread

Levy hastily yanks project from Coastal Commission

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As Santa Cruz County officials watched their chance for Coastal Commission approval of Wingspread evaporate at a meeting yesterday, they abruptly withdrew the controversial hotel/conference center project from commission consideration.

Faced with a bare quorum of commissioners present, most of them deemed unsympathetic to Wingspread, Supervisor Robley

Levy told them she would rather they didn't consider the project just yet.

Levy was named official county representative by the supervisors on a 3-2 vote last Tuesday.

At the commissioners' December meeting, Levy had argued forcibly that they should specially rearrange their calendar to hear Wingspread yesterday, even though the meeting was in the Los Angeles area, and therefore largely inaccessible

to interested parties from Santa Cruz County.

The commissioners had obliged, some over their own inner reservations, as they remarked stinging yesterday.

Because of the special consideration granted Levy's earlier request, several commissioners said yesterday's hearing should go on, and pointed to the dozen opponents of Wingspread who had flown to the Marina del Rey meeting, at no small cost, to make their

statements to the commission.

"You are playing loose with the procedures of this commission," Commissioner Charles Warren admonished Levy.

With that, the august state body became privy and partner to a home-county political donnybrook that stunned both observers and participants.

Supervisors Joe Cucchiara and Gary Patton, both of whom have opposed Wingspread throughout its lengthy gestation, leapt up to the speaker's

lectern to deny that Levy had the authority to withdraw the matter from consideration.

Both Patton and Cucchiara, who is board president this year, asserted such an action required approval by a majority of the board. Levy hotly disputed this contention. Patton paced the room and snapped rubberbands between his hands. "(Levy and the board majority) asked for a special roll of the dice, and got it, and this is what they got," Cucchiara said to a roar of approval from

project opponents.

County Counsel Dwight Herr and the commission's own attorney were repeatedly called upon to try to make legal sense out of the political snarl.

Herr, without granting absolutely that Levy had the right to withdraw the matter, said he thought she did. Then he told the eight commissioners present, "The county would need seven affirmative votes for

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... approval. (Today) it would be denied. The county did not realize it would be faced with the burden of winning virtually unanimous approval."

"Is this your county counsel or a politician?" demanded Commissioner Warren.

Commissioner Lily Cervantes said the county would still be faced with the burden of persuading seven commissioners to vote for the project, even if all 12 were present.

But the county clearly felt it would stand a better chance of garnering seven votes if some of the missing members were present.

Herr then said the board of supervisors had already decided to have county voters vote the project up or down, with a binding referendum in June.

"No, sir!" burst out Patton from the rear of the room, striding once more toward the microphone.

In fact, the supervisors are slated to debate and approve final ballot language this coming Tuesday. They have approved "in concept" the idea of a binding referendum.

Herr continued to address the commission, despite Patton's outburst.

"If the matter is heard today, and we fail to get the votes, we would be denying the people of Santa Cruz the chance to vote on the matter," Herr said.

But commission attorney Ralph Faust Jr. said the county threat to withdraw the Wingspread matter put the commission "in the middle of a very significant legal thicket."

He said the withdrawal might lead to an inadvertent commission approval of the project, if the county did not file for a rehearing within 90 days. At Faust's behest, and after two votes, one of which failed, the commissioners decided that rather than let the county complete a technical withdrawal, they had better officially postpone ("continue") the hearing, so as to keep jurisdiction over Wingspread.

Commissioners said they absolutely would not hear the matter again before Santa Cruz County voters had their say on the project, and then only in San Francisco.

This decision was somewhat disheartening to Wingspread opponents, who expect a close vote on the matter. They were hoping the commission would stifle the project now. Conversely, proponents were angling for commission approval, which was expected to carry weight with the voters.

"We would have preferred Coastal Commission action first," said Levy regretfully, fresh from her lectern battle.

Throughout the quarrel between county officials, the dozen Wingspread opponents on hand for the meeting occasionally let out derogatory rumblings against Levy and Herr. It was a bitterly disappointing day for them, with the termination of the project nearly within reach, then snatched away by the county's startling maneuver.

They left the meeting grimly preparing for trench warfare over the ballot measure this spring.

But Wingspread developer Ryland Kelley said he was pleased by the results.

Kelley, evidently confident of victory at the polls, said, "It will be wonderful to have the people vote ... The commission will begin to look at exact land-use issues, instead of who's putting the political pressure on."

Kelley had earlier criticized the Coastal Commission staff report, which recommended denial of the amendments to the Local Coastal Plan necessary to accommodate Wingspread.

He earlier called the local commission staff "a totally politicized collection," a charge which provoked a ringing defense of the staff from Commission Chairman Michael Wornum yesterday.

Despite Kelley's assertion that a vote of the people would relieve Wingspread of political pressures, it was evident yesterday that both supporters and opponents of the project had been pulling any political string available. According to commissioners, politicians as diverse and distant as Lt. Gov. Leo McCarthy, San Francisco-area state Sen. Quentin Kopp, and Santa Clara County Assemblyman John Vasconcellos had weighed in with opinions on Wingspread. Both McCarthy and Kopp, according to one

commissioner, favor the project.

State Sen. Henry Mello was reported by Commissioner Robert Franco to be opposed to Wingspread.

Kelley said he knew nothing about McCarthy's support.

At least one commissioner was struck by the strangeness of it, however.

"I don't know what double dealings are going on, but it's clear to me that something funny's going on," said Commissioner David Malcolm. He said it was hard to explain McCarthy's interest in a Santa Cruz project.

There were other mysteries yesterday, too, such as exactly why three of the most conservative Coastal Commissioners simply oozed away from the meeting without apology or fanfare, just as the Wingspread matter came up for consideration.

For every enigma, however, there was at least one theory or allegation.

To Patton, "This was a very successful manipulation of the Coastal Commission by a rich man. Mr. Kelley smiles. The Deukmejian(-appointed) people all walked out. They did it in order to precipitate this. That's my opinion. Because they knew they didn't have the votes (for approval)."

Patton said voter approval for the project would place "greater emotional pressure" on the commissioners to approve Wingspread.

The Wingspread issue appears to have the county about equally divided between those who want to preserve the 66-acre Porter Sesnon property as open space, and those who yearn for the three-hall performing arts complex and sports playing fields Kelley has promised as part of the deal he made with the county. Business interests, longing for a complex that will bring in the same tourists and conventioners as Pacific Grove's Asilomar, are beguiled by the prospect of a 468-unit hotel with conference space and health spa.

Correspondence to commissioners ran almost 50-50, for and against, with opponents having the slight edge.

Santa Cruz supervisors will take up the Wingspread matter again on Tuesday, when they discuss how to phrase the ballot measure.