

wingspread lease legality questioned

By BUD O'BRIEN

The opponents of the proposed Wingspread Beach development on the Porter-Sesnon property in Aptos are questioning the legality of the lease by which the developers gained a 99-year hold on the property.

The Wingspread proposal, advanced by the Palo Alto development firm of Hare, Brewer and Kelley, is one of the most controversial land use issues to emerge in the county for years. If realized, it would result in a project containing more than 500 housing or lodging units, as well as a "theater district" with shops and a performing arts complex, on the 60-acre parcel fronting on Monterey Bay across Highway 1 from Cabrillo College.

Conference Associates, an arm of Hare, Brewer and Kelley, obtained a 99-year lease on the acreage from the Regents of the University of California, owners of the land, in 1979. Opposition arose immediately from area residents, environmentalists and other foes of development to the elaborate plans for the property put forth by Conference Associates.

The county Board of Supervisors was strongly lobbied to place a designation on the property that would ban such a development. The board, in devising a Local Coastal Program, made it extremely difficult for such a development by placing a "preferred use" designation as a state park. It did allow an alternate use for private development along the lines of Wingspread but at a much reduced scale, limiting the number of housing units to 130.

This county action is expected to be ratified by the State Coastal Commission at its Monday meeting in Monterey. In that event, Conference Associates would have to get a General Plan and LCP amendment approved, an involved and lengthy process, before it could put anything like the Wingspread project on the property.

Opponents of Wingspread, spearheaded by an organization called the Friends of Porter-Sesnon, are now attacking on another front. Although they are not commenting officially,

it is known that they are preparing to challenge the procedure through which the lease between Conference Associates and the university was reached.

Vicki Powell, chairman of Friends of Porter-Sesnon, would only say that "we're questioning" the procedures used in the lease approval. She would not comment on whether a court challenge was being prepared.

It is known, however, that opponents are ready to claim the UC Regents ignored some of the provisions of the state's environmental quality laws (CEQA) in processing the lease. Specifically, there is a section in the law stating that in leasing state land that might be subject to environmental impacts, the leasing agency must either prepare an environmental impact report, issue a "negative declaration" (indicating no adverse impact would occur), or be exempted from the terms of the law.

Foes of Wingspread are claiming that neither of the first two courses were taken and that, even if the Regents claimed a "categorical exemption" from the terms of the law, they didn't do so properly because the public did not have the required notice so that appeals or objections could be raised.

The Regents made the decision pertaining to the lease in closed session, which opponents of Wingspread are saying at least casts a cloud over the whole affair.

But Gary DeWeese, real estate officer for the university, brushed off all the allegations. He said the Regents "decided the lease was exempt" from CEQA, that the terms of the lease stipulate that Conference Associates must abide by all the local land use regulations (if the property were to be used for university purposes, it would be exempt from local regulation) and that "they're not entitled to any special favors."

Some people familiar with land use laws on both the state and county level are not so sure that procedural questions don't exist, however, and the chances are that the issue won't go away soon.