

**COUNTY OF SANTA CRUZ REFERENDUM ORDINANCE
MEASURE A
(Full Text of Ordinance)**

**ORDINANCE
APPROVING AMENDMENTS TO THE COUNTY GENERAL PLAN, COUNTY LOCAL
COASTAL PROGRAM LAND USE PLAN AND THE SANTA CRUZ
COUNTY CODE TO AUTHORIZE A HOTEL/CONFERENCE CENTER,
A PERFORMING ARTS CENTER,
AND RECREATIONAL AND BEACH ACCESS FACILITIES
ON THE PORTER-SESNON PROPERTY**

The People of the County of Santa Cruz, State of California, do ordain as follows:

SECTION I

The County General Plan and County Local Coastal Plan land use designation on Assessor's Parcel Nos. 38-051-03 and 38-091-01 is changed from "Parks and Recreation" and "Regional Park" to "Visitor Accommodations" and "Community Park" as shown on Exhibit A.

SECTION II

Local Coastal Plan Policies 7.1.27 and 7.2.1, Local Coastal Program Table 7.2.2, and Local Coastal Program Table 7.3.3 are hereby amended to authorize as an alternative use of the Porter-Sesnon property a hotel/conference center development of 468 visitor accommodation units, a performing arts center, and recreational and beach access facilities as shown on Exhibits B and C.

SECTION III

Section 13.10.333 of the Santa Cruz County Code entitled "Development Standards For Commercial Districts" is hereby amended by adding Subsection (d) to read:

(d) Heights of Structures-Exceptions.

Building heights exceeding those specified in Subsection (a) above are allowed as specified in Table 7.3.3 of the Local Coastal Program Land Use Plan.

SECTION IV

Chapter 10.09 of the Santa Cruz County Code entitled "Fiscal Responsibility (Porter-Sesnon Property)" is hereby amended by adding Section 10.09.020 to read as follows:

10.09.020 COUNTY LEASEHOLD OR FEE TITLE INTEREST

Nothing contained in this Chapter shall be construed to prohibit the County of Santa Cruz from accepting a leasehold or fee title interest in the Porter-Sesnon property provided that the County does not expend or commit any County funds to acquire such a property interest.

SECTION V

Chapter 13.10 (Zoning Ordinance) of the Santa Cruz County Code is hereby amended by amending the following County Zoning Plan Maps:

Sectional District Map Nos.: Section 11, 12, 13, 14 T11S & R1W

Index Map Nos.: 94, 107

Assessor's Parcel Nos.: 038-051-03; 038-091-01

To change that property shown on the diagram attached as Exhibit D from the Parks, Recreation and Open-Space Zone District with the Designated Park Site Combining Zone District (PR-D) to the Visitor Accommodations Zone District (VA) and to the Visitor Accommodations Zone District with the Designated Parks Site Combining Zone District (VA-D).

SECTION VI

Nothing in this ordinance shall prevent the Board of Supervisors of the County of Santa Cruz from recodifying the substantive provisions of this ordinance from time to time to incorporate its provisions into the County Code in the most appropriate location.

SECTION VII

Except as otherwise provided in Section IX below, no substantive provision of this ordinance shall be amended or repealed without a vote of the people.

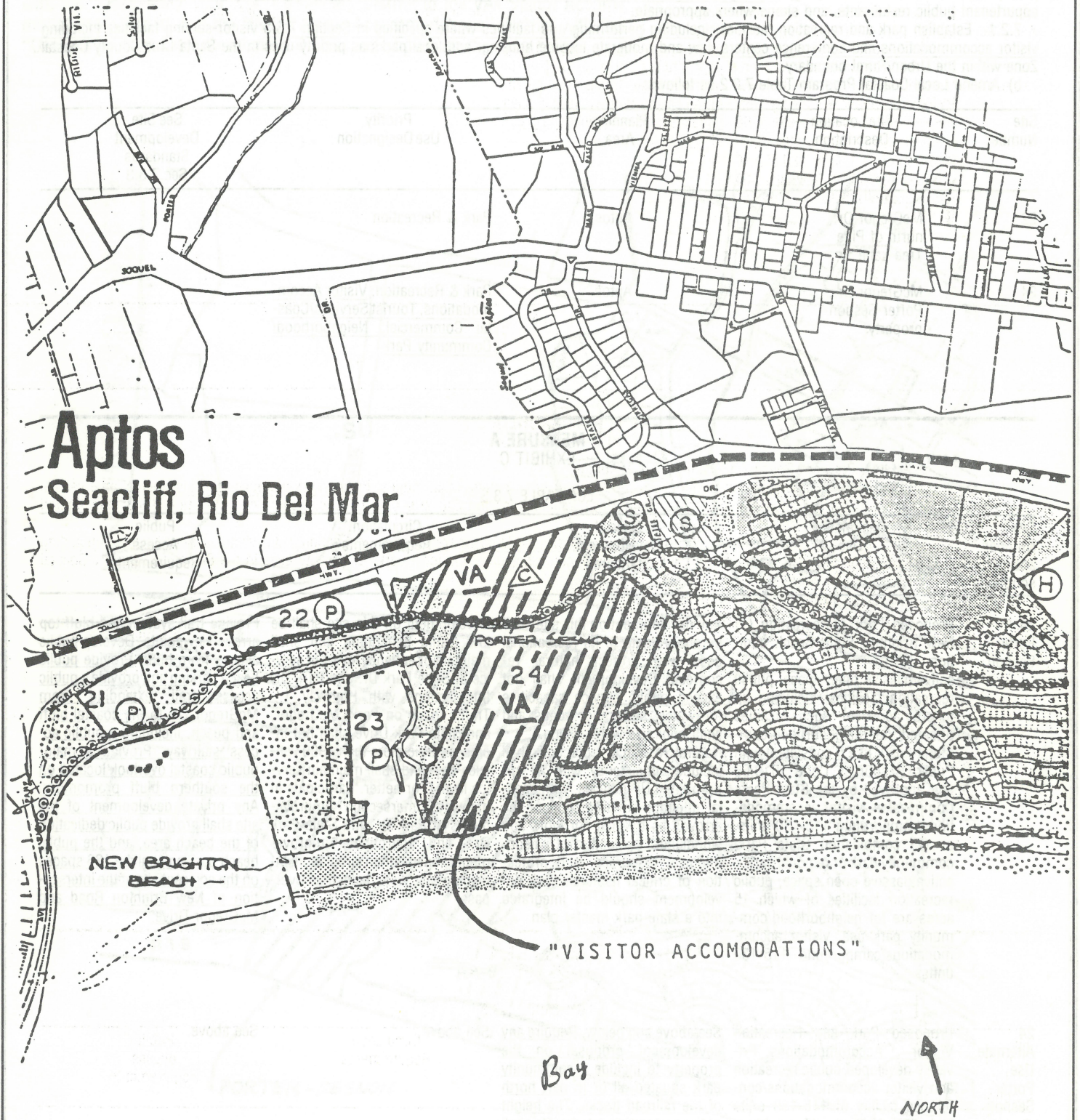
SECTION VIII

If any provision of this ordinance or the application thereof is held invalid for any reason, that invalidity shall not affect any other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this extent the provisions of this ordinance are severable.

SECTION IX

This ordinance shall become effective as provided by law upon certification by the California Coastal Commission of the Local Coastal Program Amendments included within Sections I, II, III, and V of this ordinance. In the event the California Coastal Commission certifies the Local Coastal Program Amendments with modifications, the Board of Supervisors shall be authorized to amend this Ordinance as necessary to conform with the modifications approved by the California Coastal Commission, and the Ordinance as amended would then take effect as provided by law. In the event for any reason development permits for the proposed Wingspread Beach Project on the Porter-Sesnon property are not exercised prior to their expiration, the Board of Supervisors shall be authorized and directed to repeal this ordinance.

MEASURE A
EXHIBIT A



Aptos
Seacliff, Rio Del Mar

NEW BRIGHTON
BEACH

"VISITOR ACCOMODATIONS"

Bay



Monterey

Amend the General Plan and Local Coastal Plan Land Use designation for APN: 038-051-03 and 038-091-01 from Parks and Recreation/Regional Park to Visitor Accommodations/Community Park.

**MEASURE A
EXHIBIT B**

a) Amend Local Coastal Program Policy 7.1.27 and 7.2.1 as follows:

7.1.27 Allow in the Visitor Accommodation designation, motels, horizontal hotels, inns, lodges, including conference facilities; recreational vehicle parks, hostels, commercial camping; ancillary recreational facilities including performing arts centers where specified in Section 7.3.3; and limited appurtenant public restaurants, and shops where appropriate.

7.2.1 Establish park and recreation facilities, including performing arts facilities where specified in Section 7.3.3 visitor-serving facilities including visitor accommodations and conference centers, low and moderate income housing, and local parks as priority uses in the Santa Cruz County Coastal Zone within the Urban/Rural boundary.

b) Amend Local Coastal Program Table 7.2.2 as follows:

Site Number	Site Location Description	Planning Area	Priority Use Designation	See Site Development Standards Sec.7.3.3
22	McGregor Dr., north of Pine Tree Lane	Aptos	Park & Recreation	
24	McGregor Dr., Porter-Sesnon property	Aptos	Park & Recreation, Visitor Accommodations, Tourist Services/Coastal Commercial, Neighborhood Community Park	*

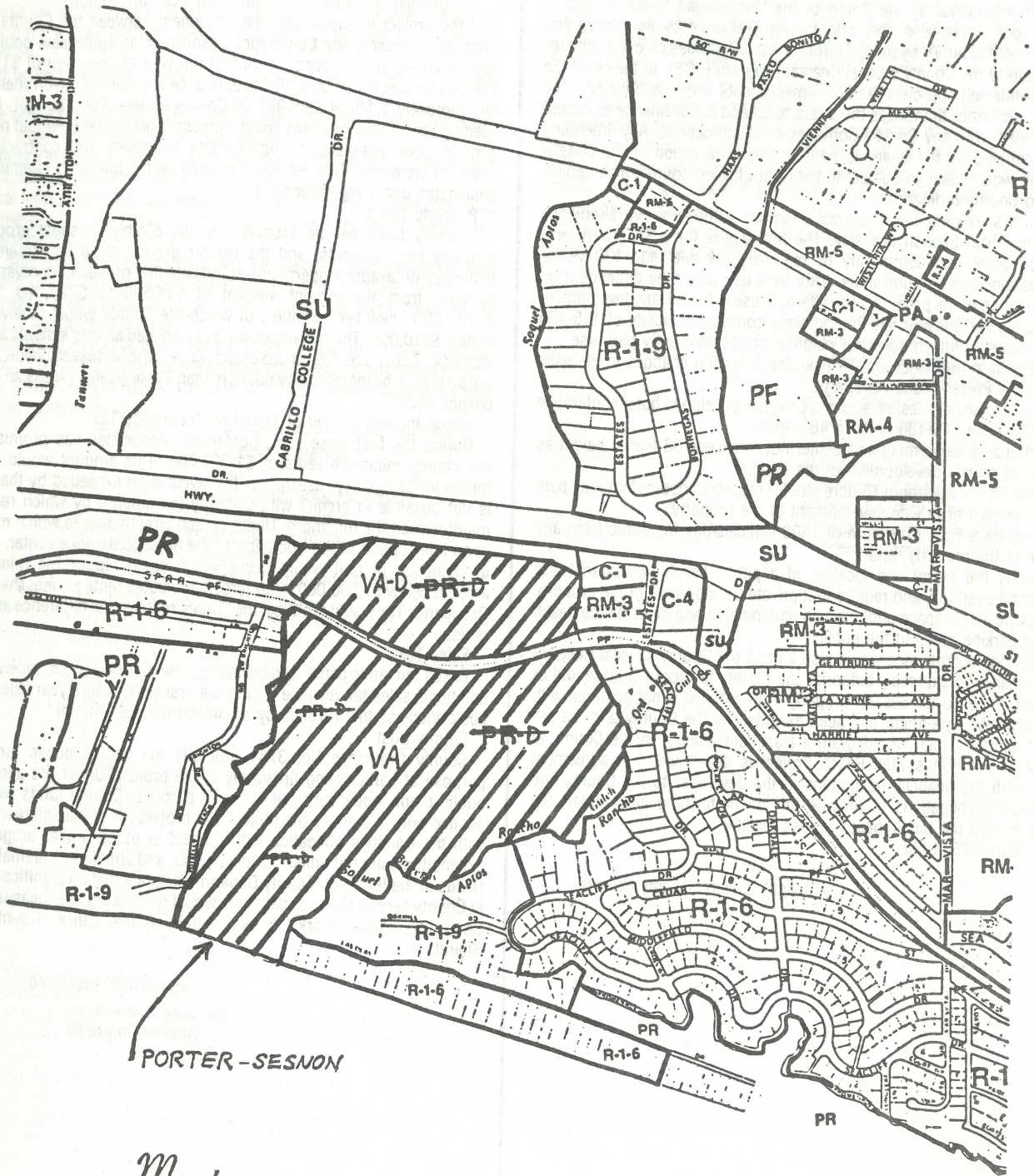
**MEASURE A
EXHIBIT C**

LCP TABLE 7.3.3

Site Number and Description	Designated Use	Special Development Standards	Circulation Requirements	Public Access Requirements
24 Porter-Sesnon	Proposed Park & Recreation (1) New Brighton State Beach addition: active/passive open space, public recreation facilities, including up to 15 acres of such facilities oriented to neighborhood/community park use if consistent with Public Resources Code 5019.56 and approved by the State Parks Commission, visitor accommodations/campground 115-130 units; or (2) combination State Park/community park or regional park: active/passive open space, public recreation facilities of which 15 acres are for neighborhood/community park use, visitor accommodations/campground 115-130 units.	Any development on this site shall be subordinate to its recreational uses and protect natural resources. Development shall not exceed public service capacities for water, sewers or roads and shall minimize water usage. Natural resource protection shall include consistency with all appropriate LUP policies, with special attention to protection of the arroyos as riparian corridors and woodlands, protection of paleontological resources, and protection of critical habitats. Park development should be integrated into a state park master plan.	Development on this site shall be low traffic generating and shall maintain or enhance levels of service at State Park Dr. and Park Dr. Intersections with Highway 1. Traffic loads on Park, McGregor, and State Park Drive shall not increase traffic more than 1300 vehicles day, and shall maintain service level C or better. Participate in highway intersection improvements at Park Dr. and State Park Dr., and appropriate improvements in pedestrian circulation, including Mar Vista pedestrian overpass.	Provide trail system and bluff top arroyo viewpoints. Develop public access from bluff. Provide public beach parking and provide a public access trail extending from McGregor Dr. to the coastal bluff and beach, including a public access stairway. Provide a major public coastal overlook located on the southern bluff promontory. Any private development of the site shall provide public dedication of the beach area, and the public beach parking shall be 126 spaces on the adjacent site at the intersection of New Brighton Road and McGregor Drive.
24 Alternate Use Porter-Sesnon	Proposed Park and Recreation Visitor Accommodations: Privately developed public recreation and visitor accommodations/conference facility of 115-130 units including 15 acres of neighborhood community park use. 468 units, ancillary conference, performing arts and other public and private recreational facilities, and limited appurtenant commercial facilities.	See above and below. Require any development proposal on the property to include a community park situated all or in part north of the railroad tracks. The height of the performing arts facility shall not exceed 58 feet above the grade of the railroad tracks.	See above.	See above.

MEASURE A
EXHIBIT D

Rezone the property from PR-D-“Parks, Recreation, and Open Space” District with the “Designated Park Site” Combining District to the VA-“Visitor Accommodations” District and the VA-D-“Visitor Accommodations” District with the “Designated Park Site” Combining District, as shown on the map below:



Monterey

Bay



**IMPARTIAL ANALYSIS BY COUNTY COUNSEL
MEASURE A**

This referendum ordinance is being submitted to a County-wide vote by the Board of Supervisors for voters to decide whether to approve certain amendments of the County General Plan, County Local Coastal Plan, and the County Code relating to the Porter-Sesnon property, a 66-acre unimproved parcel located in the mid-county area near Cabrillo College and lying between State Highway 1 and the Pacific Ocean. A majority of the Board of Supervisors approved in concept the proposed amendments together with an application for the proposed Wingspread Beach Project, consisting of a 468-unit hotel/conference center with private recreational facilities, a performing arts center, limited supporting commercial facilities, sports fields, and beach access facilities. Final approval by the Board of the Wingspread Beach Project is dependent upon approval of this referendum ordinance by the voters and upon subsequent approval by the California Coastal Commission of the amendments relating to the County's Local Coastal Program (LCP). In the event the Coastal Commission approves the LCP Amendments with modifications, the referendum ordinance authorizes the Board to amend the ordinance as necessary to conform with any Coastal Commission modifications. Any amending ordinance adopted by the Board to conform with the action of the Coastal Commission would itself be subject to the right of referendum which applies generally to County ordinances.

The County's existing Local Coastal Program authorizes two alternative uses for the Porter-Sesnon property. The first use is for a State park or a combination State park/community or regional park with 115-130 visitor accommodations/campground units. This park use would be dependent on public acquisition of the property. The alternate use is for private development of the property for a visitor accommodations/conference facility of 115-130 units and including fifteen acres for neighborhood/community park use.

The referendum ordinance would make the following changes in the uses allowed on the Porter-Sesnon property:

- Increase the permissible size of a privately developed hotel/conference center from 115-130 units to 468 units;
- Authorize a performing arts center not to exceed 58 feet in height as part of private development of the property;
- Eliminate the minimum 15-acre size for neighborhood/community park use as part of private development of the property;
- Eliminate a fixed maximum of 1300 vehicles/day for traffic from any use of the property; and
- Specify the extent and location of a public beach access trail and coastal overlook, and require that private development of the property provide a 126-space public beach parking area and dedicate the beach and parking areas to the public.

The referendum ordinance would also amend the County's Fiscal Responsibility Ordinance to expressly authorize the County to receive a leasehold or title interest in the Porter-Sesnon property if the interest is not acquired with County funds. An agreement has been executed by the County and the developer in escrow which would grant a leasehold interest to the County at such time as the Wingspread Beach Project is developed. The agreement also sets forth the financial obligations of the developer to the County and the developer's obligations to provide for the performing arts center, the sports fields, and the public beach access facilities.

Dated: March 25, 1988

s/ Dwight L. Herr, County Counsel

**FISCAL IMPACT STATEMENT BY COUNTY AUDITOR-CONTROLLER
MEASURE A**

This measure would allow the Board of Supervisors to approve construction of a 468 unit luxury hotel/conference center with performing arts center, recreational facilities, and public beach access. The effect on County revenues CANNOT be predicted with certainty, as the project's success is dependent on such factors as:

- Favorable feasibility study
- Project completion
- Successful marketing strategy
- Favorable business and economic conditions
- Potential annexation by another political jurisdiction

If the project is successful, the agreement between the County of Santa Cruz, as sublessor, and Conference Associates, as sublessee, could provide new revenues to the County in its first full year of operation of \$1,250,000. These revenues would be available to finance any County government activity, and represent 1.1% of the 1987-88 County General Fund budget. Each succeeding year, these revenues could increase. Such increase would result from general price increases, occupancy rate increases, and contractual rental payment increases. This estimate is based on the following revenue sources anticipated under the agreement.

Property Taxes

Property taxes will be assessed on the eligible personal property, real property improvements, and the master ground lease agreement. Current estimates of taxable property values indicate that property tax revenues could increase from the current amount of \$17,500 to \$790,000, producing \$772,500 in new tax revenues, of which the County would receive approximately \$210,000. The remainder would be divided among schools and special districts. Taxes are 1% of assessed value. The assessed value of taxable property may be increased by no more than 2% annually, unless an ownership change occurs.

Rental Income In Lieu of Transient Occupancy Tax

During the first lease year, Conference Associates has promised to pay the County minimum rents of \$1,000,000. This amount would increase if minimum occupancy, useage, or fee levels were exceeded by the project. It is not possible to predict with certainty the amount by which rent revenue might exceed the minimum. Under certain circumstances which might result in an interruption of the operation of the hotel/conference center, abatement or reduction of rent would occur which could reduce the minimum rent amount below \$1,000,000, or to zero. If computed rents are less than Transient Occupancy Tax would produce, the County receives the difference as additional rents.

Sales Tax

Based on anticipated taxable sales, the County could receive \$40,000 additional sales tax revenue during the first year. Future year sales increases could increase this revenue by an indeterminable amount.

County Cost

County Ordinance No. 3781 prohibits the use of public funds for the purpose of participating financially in the project. Under the agreement, no public funds would be used for such purpose. County funds would be expended only to oversee the project and protect the public interest, consistent with the County's obligation with respect to other similar programs. Such expenditures are not unique to this project, and should be minimal in amount. Heads of the following County Departments state that no significant increases in County service levels or net costs would result from this measure: Auditor-Controller, Public Works, Parks, Administrative Office, County Counsel, Sheriff.

Respectfully submitted,
s/ Gary A. Knutson
Auditor-Controller

ARGUMENT IN FAVOR OF MEASURE A

We represent the local, non-profit organizations who will operate the community performance halls and sports fields for the benefit of local citizens, and we ask you to vote "YES" on "A" for these reasons:

(1) The County and its residents will receive significant coastal benefits: the hotel is public, the beach will be dedicated, and 126 public parking spaces along with public restrooms, beach trail, and bluff lookout are provided.

(2) 80% of the land will be open space, and only 5% of the site will have buildings.

(3) The project will pay for a major three-theater performing arts center for everyone's use, plus sports fields for soccer and baseball for community use---all together \$12 million in community improvements at no cost to taxpayers.

(4) These performing halls will operate without costing taxpayers anything. The hotel pays a minimum of \$500,000 a year to operate and subsidize performances.

(5) The project pays the County over \$1,000,000 per year for county-wide needs.

(6) The project pays \$700,000 for traffic improvements which, when completed, will make traffic flow better than today.

(7) County Supervisors approved these plans after years of study, with exacting conditions, after the toughest EIR ever.

(8) Local performing groups have first choice for the performing halls, and both the County and Cabrillo College will appoint representatives to the Board operating the performing halls.

(9) Off site, a public softball field will be donated, and donations also made toward construction of lights for the Aptos High football field.

Wingspread will be a beautiful hotel, conference retreat, and cultural attraction of which we can all be proud.

IF WINGSPREAD BEACH ISN'T BUILT HERE, THEN ANOTHER VISITOR FACILITY WILL BE ---- BUT WITH NO COMMUNITY HALLS OR COMMUNITY FIELDS OR COUNTY REVENUES. The land WILL NOT remain vacant, so let's use it for the community good!

s/ Rowland K. Rebele
President
Wingspread Arts Foundation
s/ Robert E. Swenson
s/ Kent W. Thompson, M.D.
President
Coastal Community Sports Foundation
s/ Ann M. Soldo
s/ Norman S. Lezin

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE A

ON THE CONTRARY:

FACT: Most of the Coastal Benefits will be limited to affluent tourists. The beach access trail, WHICH ALREADY EXISTS, will be moved, widened to eight feet and paved. State Park ownership, ALREADY FUNDED BY THE LEGISLATURE, would provide sports fields, public restrooms, bluff lookouts and real trails.

FACT: Nearly 50% of the developable acreage on the site will be paved over by buildings, roads, parking lots, etc. The beautiful meadow will be GONE.

FACT: The proponent's figures are based solely on the developer's projections. They are not based on ANY independent economic study.

FACT: Traffic improvements for 7,000 added cars per day on Hwy. 1 consist of traffic lights and three stop signs. Inevitably, the Park Avenue interchange will have to be rebuilt. THE TAXPAYERS WILL PICK UP THAT TAB.

FACT: Performing groups from out of the area will have first priority for the performing halls 60% of the time. The board controlling the performing halls has already been hand picked by the developer. Only four seats out of thirty have been allocated to appointments by elected officials.

Three supervisors have been fooled by promises. When evaluating finances, the occupancy rate used was projected unrealistically high. When evaluating traffic, a lower occupancy rate was used. The impact of Wingspread on already grid-locked Hwy. 1 was not evaluated at all. Other promises have already been broken.

Don't be fooled. Wingspread is a bad dream.

VOTE NO ON MEASURE A.

s/ Bruce Bratton
Columnist, Broadcaster
s/ Charles Peet
Member, Board of Directors
Santa Cruz Performing Arts Alliance
s/ Carli Stevens
Member, Santa Cruz County
Co-Ed Soccer League
s/ Michael Routh
Member, Capitola City Council
s/ Peter Smithey, Chairperson
Aptos Neighbors Assoc.,
Local Contractor

ARGUMENT AGAINST MEASURE A

We urge a "No" vote on Measure A.

Measure A will commit the County to even more massive traffic problems on already jammed Highway 1. Measure A will allow over 7,000 cars per day from the Wingspread project.

Measure A will commit the County to a high density hotel and shopping center for an exclusive group instead of the much needed parks, open space and recreation uses now permitted by the County General Plan on the beautiful coastal meadow of the Porter-Sesnon Property.

Our County has a well deserved reputation for its vigilant protection of our coast line. Now a majority of the Board of Supervisors has been enticed by a wealthy developer promising fast bucks, sports fields and performing arts center - good things but not at the price of the integrity and live-ability of our community.

Do not trust these promises. The County has agreed to become a financial partner in Wingspread, despite provisions of the Fiscal Responsibility Ordinance prohibiting such an arrangement. Even worse, the County has never required an independent analysis of the financial viability of the developer's project.

Will the people of Santa Cruz County end up holding the bag if the project fails to deliver? There is an alternative: The State Parks Department has allocated millions of dollars for the purchase of the developer's interest in the property.

The Board has already failed to require the new freeway interchange originally promised to alleviate the traffic problems caused by Wingspread.

Don't let this developer push you around the way he has pushed around the Board of Supervisors. The future of our County is at stake. Please keep Santa Cruz a special place. Vote No on Measure A, the Wingspread boondoggle.

s/ Celia B. Organista
National Woman of the Year
s/ Joe Cucchiara, Chairman of the
Board of Supervisors
s/ Nancy Matlock, Member of
Cabrillo College Board of Trustees
s/ Peter Smithey, Chairperson
Aptos Neighbors Assoc., Local Contractor
s/ Jack Hillis, Past Chairperson
Gray Panthers

REBUTTAL TO ARGUMENT AGAINST MEASURE A

The opposition statement on the Wingspread proposal simply does not deal with the facts.

Highway 1 is not a related issue. Whatever needs to be done to the highway will be done with or without Wingspread, and three studies prove that Wingspread traffic will have only a minute impact on the freeway, not occur at peak traffic times, and Wingspread stoplights and ramp improvements will improve present traffic conditions.

A 5% site coverage is not a high density hotel, and rooms per acre is among the nation's lowest. The meadow is kept natural.

A legal contract with the county assures that the county is not at financial risk. The project cannot go forward unless it is financially feasible. The county can't end up holding any bag except one filled with \$1.0 million a year from the project.

State Parks could condemn the land; they say they won't. A state park alternative is a loser for the county: no theaters, sports fields, no tax base.

We share the belief that this is a special place. It will be even more so as a place for our flourishing cultural and recreational activities. We want tourism to give us economic strength; we want to use Wingspread to give us all community benefits.

s/ Rowland K. Rebele
President
Wingspread Arts Foundation
s/ Kent W. Thompson, M.D.
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Coastal Community Sports Foundation
s/ Robert E. Swenson
s/ Ann M. Soldo
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