

Coastal permit needed for Seascape lodge

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Aptos Seascape Corp.'s contention that it doesn't have to obtain a coastal-zone permit in order to build a lodge on its golf course in Rio del Mar was rebuffed again last week.

The company must now decide whether to take the matter to court or apply for a permit that could place expensive conditions on the project.

Santa Cruz County supervisors, following the advice of County Counsel Dwight Herr, told the company last Tuesday it must apply for a permit to build in the county's coastal zone before constructing the 101-unit lodge.

A coastal-zone permit would require the company to go back through a process that could be time-consuming and result in onerous conditions being placed on any approval of the lodge project.

Seascape Attorney Dennis Kehoe took issue with Herr's position on the legal status of the situation. He argued that a 1974 Superior Court decision gave Seascape unshakeable, or "vested," rights to build the lodge according to the land-use laws of the early 1970s, regulations much less restrictive than those that have taken effect since. The coastal-zone permit is required under terms of the state Coastal Act, which did not become law until 1976.

Kehoe said the 1974 court

ruling prevented the county, as well as the state, from placing further restrictions on the project.

When Kehoe tried this argument on the Coastal Commission in April, the commissioners told him to go back to the county and apply for a coastal-zone permit or go to court and ask a judge to rule on his legal arguments.

Robert Curtiss, a retired attorney representing the Rio del Mar Improvement Association, which opposes the golf lodge, told the supervisors last week that Kehoe was "beating a dead horse" with his argument that the 1974 ruling prevented the county, as well as the state, from enforcing the Coastal Act.

"That judgment could not conceivably reach out to the future and apply to something that was not in effect," Curtiss said.

Kehoe said he was not surprised by the supervisors' unanimous decision to require the coastal-zone permit.

"It's really up to Seascape to pursue its rights in court," Kehoe said.

Seascape may sue the county or the Coastal Commission for their failures to acknowledge the company's claim to vested rights, he said.

Dean Wise, vice president of Seascape Corp., said the company had not yet decided if it would take the matter to the courts.