

Legal Snag Poses a New Threat to Huntington Beach Pier Plan

By **BILL BILLITER**
TIMES STAFF WRITER

S.A. Jones - 8-5-90
HUNTINGTON BEACH—State regulators have warned city officials that they cannot legally build more restaurants on the ocean side of Pacific Coast Highway—a stand that could threaten a key piece of the city's multimillion-dollar redevelopment effort.

The powerful State Lands Commission has also hinted that it would go to court to halt construction of any restaurants in the controversial Pierside Village project.

"The state, based upon the advice of the office of the attorney general, continues to assert that the entire area is a dedicated public access and beach recreational area," said Dwight E. Sanders, chief of the State Lands Commission's division of research and planning.

Sanders made the comment last month in a blistering letter to city officials in which he stated that the commission strongly disagreed with the city's environmental impact report on Pierside Village.

The city's assessment, released



Los Angeles Times

in late July, concluded that the restaurant project would have no major impact on the ocean-bluff land at Main Street and Pacific Coast Highway. But the State Lands Commission contends that the city is legally bound to keep public easements near the municipal pier free of further commercial construction.

Plans for Pierside Village call for at least three major restaurants, including a new building for the existing Maxwell's restaurant. The project also includes plazas, promenades, multilevel public parking and small takeout food services for beach-goers.

Supporters of Pierside Village, including Councilman John Erskine, criticized the State Lands Commission this week for opposing the project, which they consider an important part of redevelopment at the pier.

"I think the documentation shows the project is an asset to the city and to the community," Erskine said. "I see no environmental impact that can't be mitigated."

The city's environmental report on Pierside Village states that land use was among issues "not considered to be of significant concern" in the restaurant project.

But critics of Pierside say that land use is at the heart of their opposition and that the city should not build any more commercial structures on the ocean side of Pacific Coast Highway.

Please see PIER, B16



PIER: Legal Question Fuels Controversy

Continued from B8

Agreeing with the project's critics, the commission said in its letter to the city that "the [environmental impact report's] indication that there is no potential impact is seriously flawed."

But Erskine noted that much of the land-use criticism centers on charges of "visual pollution." He said the environmental report clearly shows that there would be little loss of ocean view if Pierside Village was built.

"I think the [report] goes into a lengthy review of the visual impact," Erskine said. "I think the visual impacts are very minimal, and the visual enhancement is very significant for those people who would be able to stand on the promenade and view the ocean and the surfing action."

Geri Ortega, chairwoman of the city's Planning Commission and a critic of Pierside Village, also dis-

putes the project's environmental impact report.

"I agree with the State Lands Commission in their concern about this," Ortega said. "There is a larger question involved, and that is about the appropriate use of this

city eventually won a court order that granted a public-access easement over the beach land.

The State Lands Commission contends that the city is the permanent custodian of that public easement and, therefore, cannot

Critics of Pierside say that land use is at the heart of their opposition and that the city should not build any more commercial structures on the ocean side of Pacific Coast Highway.

public beach. The land is encumbered, it has an easement for public access."

In 1932, the city of Huntington Beach sued several powerful owners of beach property near the municipal pier, including Standard Oil, the Southern Pacific Railway and the Huntington Beach Co. The

allow construction of any non-recreational buildings on oceanfront land.

Debbie Cook, a spokeswoman for an environmental group called Save Our Parks, said she is dismayed that the city is trying to build on the public easement.

"I can't, for the life of me, see

why the city is still proceeding with this, staring in the face of opposition from the State Lands Commission and the attorney general's office," she said.

Cook and her husband, John Fisher, led a move earlier this year to qualify a ballot measure for the city's Nov. 6 election. That measure, a proposed city charter amendment, would forbid the city from selling or leasing any beach or parkland unless specifically directed to by a vote of the people.

Cook said that if that proposal is approved by a majority of city voters, the Pierside Village project will grind to a halt.

"We know from polls taken in the city that Pierside Village is very unpopular," she said. "So I am certain that if this charter amendment passes, the people will never approve Pierside Village. I know they would reject more restaurants on the beach."