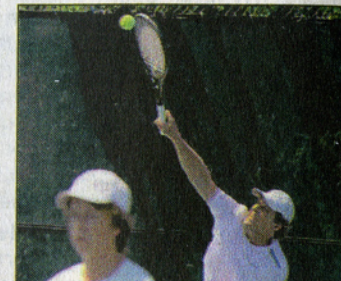


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PALOS VERDES ESTATES

Judge rules land swap illegal

City must decide whether to appeal ruling; parties due back in court Aug. 10

By Nereida Moreno
and Ed Pilolla

John Harbison is expected to attend Tuesday's city council meeting, where officials may decide whether to appeal a June 29 Superior Court decision that ruled a 2012 land swap on Via Panorama was illegal.

Judge Barbara Meiers ruled that the city of Palos Verdes Estates and the Palos Verdes

Homes Association illegally transferred public parkland to homeowners Robert and Delores Lugliani. Meiers reversed the sale, ordered the removal of illegal encroachments and determined the city and its homes association acted illegally in making the deal that transferred 1.7 acres of public parkland to the couple.

The decision transfers the
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FILE PHOTO BY CHUCK BENNETT/STAFF PHOTOGRAPHER

Parkland adjacent to 900 Via Panorama was illegally sold, a judge ruled.

Swap

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land back to the Homes Association and prohibits future sales of public land in Palos Verdes Estates.

Harbison, who leads the group Citizens for Enforcement of Parkland Covenants, which filed the lawsuit, said the ruling not only protects the open space in question on Via Panorama but also 800 acres that includes school district property and parkland property the city owns.

"This ruling is a big win for all Palos Verdes Estates residents who value our open space, which is a critical ingredient in what makes PVE a truly special place to live," Harbison said.

City Attorney Christi Hogin said the ruling may actually threaten open space elsewhere in Palos Verdes Estates.

"Even though the lawsuit is described as being for parkland, it's really just focusing on one particular property only in a certain respect," Hogin said. "The lawsuit is basically focused on a tree at the expense of a forest."

Tuesday will be the first time city leaders will meet with their legal counsel to discuss options. The judge set Aug. 10 for the parties in the lawsuit to come together in Superior Court and begin planning to implement the ruling.

In May 2012, the Luglianis' lucrative \$1.5 million donation to the Palos Verdes Peninsula Unified School District ended a long-running legal battle between the district and homes association over the purchasing rights of two separate parcels of public parkland.

In a closed-door deal,

the homes association transferred ownership of two parcels in Lunada Bay between Palos Verdes Drive and Via Pacheco to the city in exchange for a 1.7-acre parkland that wraps around the Luglianis' Via Panorama property.

The association sold the land to the Luglianis for just \$500,000 — \$400,000 to the homes association and \$100,000 to the city of Palos Verdes Estates — and forgave the Luglianis for past illegal encroachments on the parkland.

The Luglianis' newly acquired property became a privately owned open space, as per city law, and satisfied all parties involved in the deal, which was touted by officials as a "win-win."

But when the couple later tried to have it rezoned as residential property, residents became angered by the city's lack of transparency while negotiating the deal.

Harbison and the CEPC filed suit against the city, the Palos Verdes Homes Association, the school district and the Luglianis in May 2013, claiming the deal violated the community's strict land-use covenants. The district later was dropped from the suit the following year.

Hogin said the 2012 agreement ensured that future deed restrictions prohibiting the conversion of parkland into residential homes would be honored.

Referring to the court ruling, Hogin said, "The court misunderstands the city's role in this agreement... Our role in this agreement is to promote the interests of preserving parkland."

Harbison maintained that the judge's ruling has broad reach throughout the city.

"It applies to all properties," Harbison said.

Attorneys for the PV Homes Association and the Luglianis did not respond to requests for comment. Hogin anticipates those parties appealing the ruling.

"It's my impression that the homes association and the property owners are likely to appeal," Hogin said. "That's my guess."

So far, the city has spent about \$55,000 in legal fees related to the case, Hogin said.

Jeff Lewis, attorney for the CEPC, said he has represented residents pro bono, but Lewis plans to make an application for an award of attorney's fees and court costs at the conclusion of the case when a judgement is signed.

"If my fee application is granted, all the defendants will be required to pay my firm a fee in the low six figures," Lewis said. "If the defendants decide to appeal and they lose that appeal, the fees payable to my firm could rise to the mid six figures depending on how long the appeal takes and how complex it is."

Harbison, who said he has never sued anyone before or been involved in a lawsuit, said that if the ruling is appealed, the case could take a couple years to reach trial.

About 150 residents either signed the CEPC petition or wrote letters of support, most of whom do not live near the Luglianis' Via Panorama property, Harbison said.

"I love where we live. I love how it's set up and just felt that the parkland was very special. It's part of our heritage," Harbison said. "Once they sell parkland and get away with it, it sets a bad precedent that makes the other acres vulnerable."