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## PALOS VERDES ESTATES

# City, PVHA weigh appeal

Judge's ruling reversed transfer of parkland to encroaching couple

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Palos Verdes Estates residents are urging the city council and the Palos Verdes Homes Association not to appeal a judge's ruling reversing the sale of public parkland to a wealthy couple.

About a dozen homeowners spoke before both bodies at separate meetings in council chambers Tuesday, though neither an-

nounced a decision.

No residents argued in favor of challenging Superior Court Judge Barbara Meiers' June ruling, which rendered the transfer of 1.7 acres of parkland to Robert and Delores Lugliani for \$500,000 illegal and barred the future sale of public parkland in the city. The ruling also ordered the removal of encroachments — including a wrought iron gate, gazebo, athletic field and other structures — from the land wrapping around their Via Panorama home.

The sale was part of a complex agreement between the city, school district, homes association and Luglianis in 2012, which ended a long-running legal bat-

tle between the district and the homes association over the purchasing rights of two separate parcels. The Luglianis also made a generous \$1.5 million donation to the school district, which had sought to sell the land to developers during a period of steep budget cuts.

The deal was initially praised on all sides, but when the Luglianis later tried to have the land rezoned to residential, some members of the community were outraged.

Citizens for the Enforcement of Parkland Covenants, a group of residents who filed a lawsuit challenging the deal in 2013, say the deal threatened long term pres-

ervation and rewarded the couple for building on parkland.

But the city argues the deal protected parkland by preventing the district from being able to sell land to housing developers.

City Attorney Christi Hogin said the judgement inadvertently gives the plaintiffs special power to go before Judge Meiers to regulate anything they believe constitutes an encroachment on parkland.

"It takes the choice of how the city is going to enforce deed restrictions to keep encroachments off of parkland out of the hands of elected officials and puts it into the hands of a non-resident judge

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# Parkland

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and a particular group," she said.

An attorney for the Luglianis has filed a notice to appeal the ruling. The city and homes association have until Nov. 30 to make a decision.

Hogin said she was not aware of any feedback from residents supporting an ap-

peal by the city.

On Tuesday, Palos Verdes Homes Association Board President Mark Paulin told residents that the board did not vote to appeal at a special meeting Oct. 9, though three days later, attorney Sidney Croft filed a court document saying the board had indeed reached such a decision that day.

Paulin later said the board met to vote on seeking a stay of judgement,

but wanted to hear from residents before deciding whether to appeal.

"Mr. Paulin definitely dances around Mr. Croft's statement that a decision to appeal had been made on Oct. 9, neither admitting nor denying that a decision had been made," said Renata Harbison, whose husband, John Harbison, is a plaintiff in the case. "I'd like to see the minutes of that meeting from Oct. 9, though I doubt they'd ever

come to light."

Paulin told the audience that the association's insurance carriers would carry any cost of an appeal.

Several residents asked the board to outline the rationale behind appealing during the at-times spirited discussion.

Paulin said one of a list of potential reasons is that the homes association will have to pay \$400,000 it does not have to remove the Luglianis' encroach-

ments that the city "allowed to be put there when we had nothing to do with it. We gave the parklands away in 1940 and suddenly we're stuck with spending half our endowment on cleaning the hillside."

Paulin said the association has spent "hundreds of thousands in defense of parklands. None of us are on this board volunteering so we can sell parklands and take away open space."

Many of the residents

who addressed the homes association board repeated their comments to the city council.

Ann Hugh said she has "great sympathy" for both the council and homes association.

"I think you've received really bad legal advice and you've gotten yourself in a pickle," she said. "Don't send our good money after bad. Please don't appeal, because reason is not on your side."