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Guest commentary

City, PVHA should listen to residents

In the Oct. 29 cover story “City, PVHA weigh appeal,” PVE City Attorney Christi Hogin incorrectly states that the recent parklands ruling “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 and a particular group.”

This is another example of the poor legal advice that the city and Palos Verdes Homes Association have been getting from their lawyers that got them into trouble in the first place. The June ruling condemns as “ultra vires” (illegal) the city and PVHA’s sale of parkland to a private owner since that directly violates the deed restrictions mandating that all of PVE’s parklands “be used and administered forever for park and/or recreational purposes only... for the benefit of residents” and that the parklands “shall not be sold or conveyed... except to a body suitably constituted by law to take, hold, maintain and regulate public parks.”

The judge found that the 2012 series of transfers from the city to the PVHA to the Luglianis clearly violated these restrictions, and hence ordered the sale voided and the underlying encroachments removed.

This past week, Ms. Hogin’s statement was echoed by our city manager and at least one city council member in conversations with residents. The claim is not true. The only scenario in which the court would again get involved would be if the city/PVHA once again acted illegally by violating the deed restrictions — for instance by closing access to parklands or once again selling parkland to a private party

for private use. The city is free — without court interference — to make parkland modifications that are for public recreational use, such as the addition or modification of trails, adding a skateboard park or playground, or other improvements that enhance public recreational use.

Last week 20-30 people appeared in front of both the PVHA and the PVE city council to express their support of the judgment and to urge our governing bodies not to appeal. Over 160 people have signed petitions, written letters and/or given speeches in city council sessions in support of the efforts to reverse the illegal sale; none have advocated appeal.

Over 80 percent of those people do not live in the immediate neighborhood of the Via Panorama parkland — this is not a NIMBY issue. It’s time our representatives listen to their constituents and not the self-serving advice of lawyers that continue to benefit financially by prolonging an unwinnable case that if won, would be a dark day for our valuable parklands, potentially putting them into play for future development.

Our government officials need to fulfill their fiduciary responsibility and put the public’s interest ahead of their own self-interest in maintaining power and flexibility to attempt more illegal acts in the future.

John Harbison is a PVE resident and plaintiff in a lawsuit against the city and homes association in which a Los Angeles Superior Court Judge ruled in late June that the 2012 transferring of parkland to a private couple was illegal.