Communication from Public

Name:	Doug Ross
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Council File No:	24-0711-S1
Comments for Public Posting:	It appears Councilmember?McOsker is now conflating Motion?24-0711 with the failed appeals on this project—so I will address both issues swiftly. If he wishes to merge his unlawful discretionary interference in a ministerial permit with an unjustified invocation of Charter?§245 to undo a year of legally sound LAMC decisions. Using Sectioon 245 as a backup plan is an abuse of power. please see attached for remainder of comment

To the Council President and Honorable Members of the Council:

I am writing not to dispute compliance—that has been conclusively established—but to call out Councilmember McOsker's biased, defamatory actions and unlawful interference in a purely ministerial process. His repeated false statements to the media about the developer and the project's environmental status in both Motion 24-0711 and Motion 24-0787 cross into libel and prove he cannot impartially oversee this matter. This discretion-busting stunt benefits only a small faction of NIMBY opponents who recycle baseless claims while ignoring the families, veterans, retirees, and working people this park is meant to serve. Under the most basic principles of fairness, ethics, and separation of powers, he must recuse himself, the original and supplemental motions must be rescinded, and proper administrative procedures restored.

It appears Councilmember McOsker is now conflating Motion 24-0711 with the failed appeals on this project—so I will address both issues swiftly. If he wishes to merge his unlawful discretionary interference in a ministerial permit with an unjustified invocation of Charter §245 to undo a year of legally sound LAMC decisions, here is why that cannot stand:

1 · He is claiming they were not heard — they were heard, three times, in fact

- Appellants, represented by counsel, had equal time as our attorney was given. They had **three separate appeals**, with over 40 additional public comment speakers versus our three to five.
- All three appeals rehashed the **same claims** and offered no new evidence, and **each determination expressly confirmed the project is a by-right ministerial approval under LAMC §14.00 A.7.** If they truly believed they were silenced, why didn't they direct their attorney to add those "unheard" issues? The record shows they were heard; they simply disliked the outcome.
- **A true by-right ministerial approval has no resident appeal built into City code, yet these opponents were nevertheless allowed three full appeals—proving the "not heard" narrative is patently false.**
- **Under the law, an appeal of a ministerial permit can only claim that staff misapplied objective standards—not debate whether RV parks are appropriate citywide or lobby for a policy change.** These appeals did none of that; they simply repeated the same disproven talking points.
- Also, Council held a closed door meeting about the case before the court on Oct 15, 2024, opposing residents were allowed to comment even at this time.

- This is McOsker's bid to drag the matter into his jurisdiction, where his extreme bias guarantees it will not be reviewed based on the law. The same as city ordinances not being applied when he filed his first motion.

2 · This is pure political theater ·

- Rehashing an issue already resolved by staff in **multiple City departments**, three appeal levels, and numerous reports serves only to stall a by-right, **ministerial** permit. **Every single appeal reiterated the same facts, and each ruling unequivocally confirmed the decision is in full accordance with the law.**
- McOsker's voting record shows he **consistently sides with NIMBY arguments**, undermining the City's housing goals.
- The project followed City ordinances **exactly as written** and has zero violations, yet his motions—riddled with knowingly false assertions—downgraded compliance to a distant second behind political optics.
- McOsker has not taken one minute of his time to meet the tenants that were scheduled to move into the park in July 2024.He has shown no concern for the damage he caused them emotionally and financially Many already resided in his district but his time has been dedicated to opposing residents.

3 · Chief Deputy City Attorney (2000)

- In 2000 Tim McOsker served as **Chief Deputy City Attorney** and would have overseen the drafting of LAMC §14.00 and its performance-standards framework—explicitly designed to keep politics out of ministerial approvals.
- Having supervised its creation, he now injects the very discretionary interference the ordinance was written to preclude. This hypocrisy exposes the purely political nature of his actions.
- **The intent of §14.00 was crystal-clear:** subsection **14.00(A)** provides a by-right path for projects that meet objective standards, while **14.00(B)** reserves a Conditional Use Permit for those that cannot. It was enacted to streamline approvals and eliminate political meddling.
- **Despite learning about this project three months before permits were issued and then also knowing about the project receiving final environmental clearance in March 2024, McOsker waited six months—until construction was nearly complete—to intervene, underscoring the purely political motivation behind his actions.**

4 · Calculated interference & rushed process

- Emails between McOsker's office and LADBS in **March 2024** confirm he knew the project had environmental clearance; other emails show he was aware of the permit application since **January 2024**—yet he only intervened when construction neared completion in **June 2024** stating that he had just become aware of this project. **This delayed intervention, despite documented prior knowledge, raises serious concerns about the fairness and legality of his actions.**
- Lacking any valid reason, he relied on claims he knew were false to justify intervention.
- When this interference began in June 2024, McOsker bypassed PLUM sub-committee review—which would have been standard procedure except for his time constraints to stop the project before it could be completed. Subcommittee is where his motion's falsehoods would have been exposed–the motion was rushed straight to a full Council vote, giving the developer only **60 seconds** to speak during general comments time. Who truly wasn't heard here?
- **During our sole meeting with Councilmember McOsker,** he displayed open disdain— he refused to review documents, —hardly neutral conduct, and even threatened, ***"I have 300 attorneys to your one; I can keep this tied up in court for years."*** *He was not acting like our councilman, he was acting like a bully.*

5 · Knowingly false statements underpin these motions

- In March 2024, the City issued environmental clearance—emails show McOsker's office received proof of clearance that month. We also hand-delivered all reports and clearances to him well before he took his motion to Council.
- His repeated assertion that Oceans 11 still owns Wilmington parks is flatly false—he acknowledged our correction in person—yet he pressed the claim to manufacture controversy in multiple motions.
- **Having already misled the full Council with statements and motions he knew were false, McOsker cannot credibly claim neutrality—his bias is evident and disqualifying.**
- **His conduct resembles a personal vendetta more than legitimate legislation.** Despite advice from the City Attorney's Office urging adherence to the ministerial process, he ignored that counsel—actions that will ultimately cost the City significant legal fees and further erode public trust.
- **Openly partisan conduct:** McOsker issued formal letters of support to the opposing residents and made public statements signaling his intent to hold this project up indefinitely—proof that he is neither impartial nor willing to uphold the City Charter or LAMC.
- **Collaboration with opponents' counsel:** At the Planning Commission hearing, Attorney Glushon—who represented the appellants—testified that he and McOsker had worked together on Charter reform in 2000 and the very ordinance now at issue (§ 14.00 A). Glushon's further statements shows he already knew the Council would use Charter §245 to take jurisdiction, (listen on this link at 24.25 minutes)demonstrating coordination long before the appeals concluded. It was,

infact, filed so quickly after the Planning Commission made their ruling that it had to already be prepared.

- **While Charter §245 permits Council to assume jurisdiction over Planning Commission decisions, deploying it as a pre-arranged "backup plan" to override valid administrative findings—especially when tainted by bias—constitutes an abuse of that power and is vulnerable to legal challenge.** This shows a premeditated backup plan to overturn the appeals once they inevitably failed on the merits.

6 · Ongoing violations of law and rights

- **LAMC §14.00 A.7:** prohibits discretionary review when performance standards are met.
- **Permit Streamlining Act (Gov. Code §65920 et seq.):** bars arbitrary delays to compliant, by-right projects.
- **Separation-of-powers principle:** Council may not usurp or delay an administrative, ministerial process.
- **Due-Process Clauses (Cal. & U.S. Const.):** the developer is denied fair notice, hearing, and neutral decision-making.
- **Takings Clauses (Cal. & U.S. Const.):** vested property rights are effectively seized without just compensation.
- **Arbitrary permit closure:** terminating a valid ministerial permit without notice or cure violates City procedure and occurs only here—other identical projects proceed uninterrupted. The Code contains no provision allowing such arbitrary closure, nor any path for the permit holder to appeal that closure—yet opposing residents have already enjoyed three full appeals simply because they dislike the lawful outcome.
- **Manufactured no-exit trap:** By closing the active permit, blocking issuance of a needed supplemental permit, and empowering opponents with three appeals while denying the developer any administrative remedy, McOsker has deliberately engineered an unappealable stalemate—only to invoke Council jurisdiction now and give those same opponents a fourth shot at reversing a lawful project.
- **Vested-rights doctrine:** the developer's substantial expenditures and good-faith reliance on the issued permit create rights that cannot be revoked.
- **Escalating City liability:** each new interference compounds the City's legal exposure.
- **Runaway defense costs:** the City is burning through taxpayer dollars to defend these blatantly unlawful actions—an irresponsible drain on scarce funds at a time of severe budget constraints and an ethics issue that demands oversight.

- **Breach of public trust:** By openly flouting the City Charter and LAMC, McOsker undermines residents' confidence in civic leadership and has already forced the developer to incur substantial, needless costs—leaving his motion devoid of credibility.
- **Unequal treatment:** A nearly identical RV-park project was approved and permitted *after* this project's permit was closed and has proceeded with no political interference—further evidence that McOsker's actions here are selectively and politically motivated.
- **No effort to amend the law:** Despite his objections, McOsker has taken **no steps to amend or repeal §14.00 over the last year and a half**. Meanwhile, other projects have been approved under this ordinance since June 2024 without interference, proving his obstruction here is **arbitrary, politically motivated and an abuse of power**.
- **Potential overturn liability:** By delaying the project with the questionable Motion 24-0711 and now seeking to overturn the denied appeals on a nearly completed, rule-compliant development, Council exposes the City to significant financial liability should a court find these actions arbitrary, capricious, or violative of the developer's rights. **Council is now trying to intervene in an appeal that was already decided on the facts and proper application of City ordinances.**

7 · Supporting Evidence

- Determination letters for the **first two appeals and Planning commission all came to the exact same conclusion**.
- Reports from LADBS, LAFD, Planning, Public Works,(available on the original motion 24-0711) confirming full compliance and the permit's ministerial nature.
- Recording of the June 26 planning commission meeting.

8 · Additional evidence available

- I hold inter-agency emails that prove every assertion above: they show Councilmember McOsker was briefed on the project **three months before any permit was issued** and received confirmation of completed environmental clearance in **March 2024—three months before he filed his motion in June**—leaving no legitimate basis for his last-minute interference, which relied on knowingly false information. **These communications prove McOsker knowingly presented false statements to the full Council to secure approval of his motion.**

9 · Conclusion & recommendation

- **Council is attempting to merge this failed appeal with ongoing litigation—blurring the line between fact and fiction.** Trying to conflate a live lawsuit with separate appeals, especially amid the procedural irregularities outlined above, appears designed to undermine the litigation and could expose the City to significant legal consequences. The determinations are clear, and §245 cannot be invoked merely out of dissatisfaction with legally sound decisions.
- These are **two distinct matters**: (1) Council's unlawful interference in a ministerial permit pending in Superior Court; (2) three resident appeals already settled on facts and law.
- The reason given for invoking Section 245 is just another false statement made to facilitate more discretionary interference in a by-right project. Having exhausted all three appeals—each ending with the same by-right determination—McOsker now seeks to shift the matter into full Council jurisdiction to give opponents a fourth bite at the apple and manufacture a different outcome.
- The developer has **never** been heard by the full Council or subcommittee on the original motion to comment on the inaccuracies, nor allowed equal media time to counter McOsker's misinformation.
- Multiple requests, accompanied by documentary proof, have been submitted to the Council, the City Attorney's Office, and the City Clerk demanding that false statements be removed from the public record and retracted in the media—yet the misinformation remains, underscoring the malicious intent behind McOsker's actions and the urgent need for factual correction.
- The record shows the developer has done **nothing wrong** and is being unfairly targeted. Families who planned to move in and employees who lost jobs because the park was frozen are collateral damage.
- **proof his obstruction here is arbitrary and abusive.** • Two determination letters, three full project reviews, and two separate staff reports to Council all reach the same conclusion: the project is fully compliant and by-right. What, then, is Councilmember McOsker really trying to accomplish—other than to ignore the ordinance he once helped craft? These arbitrary actions will ultimately be tested in court.
- **Given McOsker's demonstrated bias, disregard for ordinances, and the extreme financial harm he has caused, he is now weaponizing section 245 to subvert unanimous decisions.**

Action: Councilmember McOsker must be recused; the original and supplemental motions must be rescinded; and ministerial procedures restored.

Thank you for your attention, —

Doug Ross