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Ref: 85397-0001

November 17, 2025

VIA E-MAIL (clerk.plumcommittee@lacity.org)

Hon. Chair Bob Blumenfield and Members of the Planning and Land Use Management Committee
Attn: Candy Rosales, Legislative Assistant
City of Los Angeles
200 N. Spring Street, Room 272
Los Angeles, California 90012
(213) 978-1078

Re: Case Number: DIR-2024-7352-BSA-1A
Consideration of veto and remand or consideration of the determination and findings of the Los Angeles City Planning Commission, dated October 30, 2025, denying appeal in part of Concerned Residents of Green Meadows West – Harbor City
Property Address: 23416 S President Ave., Los Angeles
Planning and Land Use Management Committee hearing date: November 17, 2025

Dear Hon. Chair Blumenfield and Members of the Planning and Land Use Management Committee:

We represent Oceans 11 RV Park ("Oceans 11"), LLC, the applicant for the proposed Silver RV Park located at 23416 and 23514 South President Avenue (the "Project"). The Project is **by-right and ministerial, requiring only the issuance of a building permit, which Oceans 11 obtained on March 22, 2024.**

Since then, the City Council has asked the Planning Department and the Department of Building and Safety ("DBS") numerous times whether this Project requires a conditional use permit ("CUP") and whether it meets the applicable performance standards. Each time, the answer has been unequivocal: the Project does not require a CUP and it meets the objective standards for ministerial approval. Additionally, this matter has already been reviewed through administrative appeals before DBS, the Zoning Administrator, the Planning Director, and the Planning Commission twice, and all of these decisionmakers have likewise found that this Project meets the performance standards under LAMC §14.00 A.7 and is therefore a by-right, ministerial Public Benefit Project.

Importantly, the Los Angeles Superior Court has already adjudicated these issues and conclusively found that no CUP is required for the Project, the Project compiles with the performance standards, and the City "failed to perform its ministerial duty by revoking Petitioner's permit and refusing to reissue the permit or the supplemental permit."

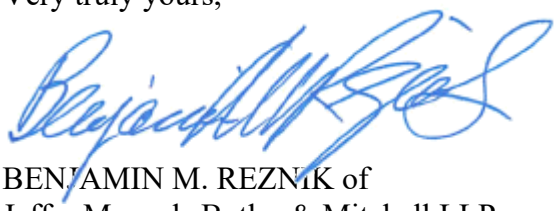
We respectfully ask how many more times this same question must be asked and answered when the law and the facts remain unchanged.

Most recently, the Planning Commission heard the administrative appeal by Concerned Residents of Green Meadows West – Harbor City for a second time on October 9, 2025, and denied the appeal in nearly all respects, carving out only a limited request that compliance with Performance Standards 3, 4, and 5 be verified yet again prior to permit issuance. In other words, **the Planning Commission did not find any noncompliance**; it merely seeks to confirm compliance yet again. As detailed in our letter to the Planning Commission in advance of the October 9, 2025 hearing (attached hereto as Exhibit A), the City already cleared and confirmed compliance with performance standards 3-5 multiple times and apparently wants to do so over and over again. Oceans 11 is providing a 20-foot front-yard setback, which exceeds the 18.20-foot prevailing setback that the City properly calculated (performance standard no. 4); the RV spaces do not encroach into the side-yard setback[1] (and any minor adjustment to the site plan could be made within minutes and DBS properly noted in its report that "the areas delineated for RV spaces are for diagrammatic purposes only and should not be interpreted as actual spaces") (performance standard no. 5); and the City only asks for verification of the fence location to the extent the front yard setback is not met, which it is (performance standard no. 3). The performance standards are fully satisfied. The partial grant of the appeal does not establish any kind of noncompliance or justification for withholding permits. It simply requests yet another verification of performance standard compliance that the City has already conducted numerous times. This matter is now before PLUM for a second time and we are left to wonder how many more times the City will repeat this process, and to what end.

[1] Any claim that RV spaces must not encroach into required side yards is incorrect, as there are no Performance Standards in LAMC §14.00 et seq. relating to side yards, and the zoning code's side yard requirements do not apply to Public Benefits Projects. Instead, state law and regulations—specifically those enforced by the California Department of Housing and Community Development and clarified in IB 2008-10—govern park construction and manufactured home installation, including setback and separation standards. Local regulation of setbacks within the park is precluded by HSC §18300(g)(5), and the City may only enforce performance standards for RV Parks that are not preempted by state law. Since there is no local performance standard for side yard setbacks, only state standards apply.

Additional arguments and supporting evidence are set forth in Exhibit A. We appreciate your attention to these matters and reserve the right to supplement our arguments.

Very truly yours,



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Jeffer Mangels Butler & Mitchell LLP

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EXHIBIT A

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Ref: 85397-0001

October 6, 2025

BY EMAIL ONLY

President Lawshe
Members of the City Planning Commission
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Los Angeles, CA 90012
Attn: Eva Bencomo, Commission Executive Assistant I
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Re: Case Number: DIR-2024-7352-BSA
Property Address: 23416 S President Ave., Los Angeles
City Planning Commission Hearing Date: October 9, 2025

Dear President Lawshe and Members of the City Planning Commission:

We represent Oceans 11 RV Park ("Oceans 11"), LLC, the applicant for the proposed Silver RV Park located at 23416 and 23514 South President Avenue (the "Property"). In November 2023, Oceans 11 applied for a building permit to develop a recreational vehicle ("RV") park as a **by-right and ministerial Public Benefit Project** under LAMC Section 14.00A(7) (the "Project"). Since then Councilmember McOsker has orchestrated a campaign to block this Project, resurrecting the same baseless arguments that have been defeated at every turn. Moreover, three separate appeals by Appellant Concerned Residents of Green Meadows West – Harbor City (the "Appellant")—first to DBS, then to the Planning Director, and finally to the City Planning Commission—have each been denied after the decisionmakers found the Project fully complies with all twelve performance standards and is thus entitled to ministerial approval.

Before you is the very same appeal this Commission correctly denied on July 14, 2025. It has been returned for "further review and consideration" after the City Council (at McOsker's direction) asserted jurisdiction under Charter section 245 and sent it back to the Commission.

Every issue before you has now been fully litigated and decisively rejected by the Los Angeles Superior Court. In Oceans 11's lawsuit against the City, captioned *Oceans 11 RV Park, LLC v. City of Los Angeles*, Case No. 24STCV16728 (the "Lawsuit"), the Court held that:

1. No Conditional Use Permit is required for this Public Benefit Project;

2. The Project complies with the performance standards and therefore is entitled to ministerial approval; and

3. The City "has failed to perform its ministerial duty by revoking Petitioner's permit and refusing to reissue the permit or the supplemental permit."

Accordingly, the Court ruled that Oceans 11 is entitled to a writ of mandate "directing the City to process Petitioner's applications, reinstate its permits, issue the supplemental permit, and approve the PBP [Public Benefit Project] pursuant to LAMC § 14.00.A.7." (*See* Minute Order, September 11, 2025 ("Lawsuit Minute Order"). The Court similarly stated at the demurrer hearing in the Lawsuit: "This does not look good for the City when I have a memo that says they're entitled to this…." "This is a strange case to me….I don't get a case where the staff says, yeah. They're entitled to the permit but we're just not giving it to them."

The City presented every argument it could muster to avoid the Court ordering permit issuance, but the Court rejected them all. **The Planning Commission has no legal authority to countermand the Superior Court's Order directing DBS to immediately issue ministerial permits for the Project.**

The Court's findings confirm what the Director of Planning, the DBS General Manager, the DBS plan checkers, Planning staff, the Zoning Administrator ("ZA"), and this Planning Commission have already determined: the Project complies with the performance standards and is thus entitled to ministerial approval. The Planning Department and DBS long ago issued a formal, joint inter-departmental memorandum from Planning Director Vince Bertoni and DBS General Manager Osama Younan analyzing each performance standard in detail and concluding that the Project "is in compliance with the Public Benefit performance standards per LAMC Section 14.00 A.7" and that "[t]he City does not have an ability to impose additional conditions, outside of the Public Benefits provisions, for the use of land associated with the proposed RV Park, which the project meets." (*See* Exhibit A to Oceans 11's June 13, 2025, letter to the Planning Commission.)

The Project has not changed since the Commission first reviewed it. What has changed is that a Court has now concluded what every City official, department, and Commission has determined many times: that the City must issue the permits. There is no reason the Commission would decide the matter differently. The Commission must again deny the appeal. Any other outcome would defy the binding Court Order, undercut the findings of every relevant City official, department, and reviewing body, and expose the City to further liability.

I. Procedural Objection Under Charter Section 245

As a threshold issue, we object to the manner in which this Appeal has been returned to the Planning Commission because the City Council's action exceeds the authority granted by

Charter Section 245. Section 245 gives the Council two options once it asserts jurisdiction over a Planning Commission decision: (1) substitute its own judgment for that of the Commission by taking final action on the matter itself; or (2) veto the Commission's decision and remand the case back to the Commission for a new, final determination.

The Council chose the second path. It vetoed the Commission ruling and remanded the Appeal for "further review and consideration." Charter Section 245 does not authorize a hybrid procedure whereby the Council both remands and simultaneously instructs the Planning Commission to send the matter back to the Council. Once a remand occurs, the Commission becomes the sole decision-making body, and its new decision is final.

Any directive that the Planning Commission refer its forthcoming decision back to the Council as suggested in the staff report would be void and in excess of jurisdiction. We therefore preserve our objection to this procedurally unauthorized refer-back instruction and demand that the Commission once again issue its own final decision on the appeal as the Charter mandates.

II. Neither DBS Nor The Planning Director Erred or Abused Its Discretion

Neither DBS nor the Planning Director erred or abused its discretion, and the Planning Commission should deny this appeal just as it did on July 14, 2025.

A. A Conditional Use Permit Is Not Required for a Public Benefit Project Meeting Performance Standards

The City has already analyzed whether a CUP is required for a Public Benefit Project at least five times and always correctly found that one is not. The ZA here in its staff report has again correctly confirmed that "a City-issued Conditional Use Permit is not required for all new RV parks. An RV park can be approved ministerially…"

Appellant contends that the RV Park requires a CUP because of the definition of "recreational vehicle park" in Section 12.03 of the LAMC, which states in relevant part: "Any lot or portion of a lot permitted by conditional use to provide rental or lease sites for individual recreational vehicles which are occupied for temporary purposes." As the Court in Oceans 11's Lawsuit correctly held, "Section 12.03 is a definition, not the permitting standards in section 14.00 governing the use. Further, the definition of 'recreational vehicle park' was added to section 12.03 in 1986, whereas the City enacted section 14.00, Public Benefit Projects in 2000…[which] controls because it is the more specific and recently enacted statute." (Lawsuit Minute Order, p. 9.) Instead, the required process for permitting an RV Park is set forth in Section 14.00A.7. Under Section 14.00A.7, an RV Park meeting the twelve performance standards is permissible by right without a discretionary entitlement. This is confirmed by Section 14.00.B, which provides that, "[i]f a proposed public benefit project does not comply with the performance standards delineated in Subsection A., the applicant may apply for approval of a conditional use permit pursuant to Sec. 13B.2.2. (Class 2 Conditional Use Permit) of Chapter 1A of this Code." As detailed below, the City (and now the Court) has consistently

and repeatedly found that this Project meets all twelve performance standards and must be permitted ministerially.

The Court in Oceans 11's Lawsuit has definitively held that a CUP is not required for a Public Benefit Project that meets the performance standards. (Lawsuit Minute Order). The Court agreed that the City's interpretation of its municipal code is entitled to deference. However, the Court found that the City's longstanding interpretation aligns with Oceans 11's position, rather than the new "interpretation" advanced by the City Attorney. For example, the Court cited the City's own procedural guidebook for Public Benefit Projects, which states that "If all performance standards for a use are met, and answered 'yes', in the appropriate checklist, a project is ALLOWED BY RIGHT." (Lawsuit Minute Order, p. 10.) The Court identified substantial additional evidence in the record demonstrating that the City has consistently treated projects meeting the performance standards as ministerial. Consequently, the Court concluded, "Because it conflicts with the City's own long-standing, consistent interpretation of section 14.000, the City's new litigation position that section 14.00 requires a conditional use permit for an RV park is not entitled to any deference from this court."

Appellant also contends that the California Special Occupancy Parks Act (the "Act") forces the City to require a CUP for all RV parks. The Court addressed this argument too, holding that the Act merely provides that an applicant may file a conditional permit application with the California Department of Housing and Community Development ("HCD") for a conditional permit. The Court further explained that although a local jurisdiction can elect to assume responsibility in lieu of HCD, the City of Los Angeles has not done so. Therefore, RV parks are required to comply with State regulations in addition to complying with the requirements of the LAMC. The Court noted that "[t]he City has not cited and the court has not found, any provisions in the [Act], or other state law, mandating local governments to require conditional use permits for RV Parks, particularly given that "state law vests cities…with the 'maximum degree of control over local zoning matters'." (Lawsuit Minute Order, pp. 10-11.)

In short, the plain text of the LAMC, the City's own practice, the State's regulatory scheme, and every administrative and judicial determination to date converge on a single point: the Project qualifies for ministerial approval, and no CUP is required.

B. The Project Meets the Performance Standards

On the performance standards, and just as with the CUP issue every City reviewer—DBS plan checkers, the DBS General Manager, the Planning Director, the Department of City Planning, the ZA, the Planning Director on appeal, this Planning Commission, and even the City Attorney's Office in the Lawsuit—all agreed: the Project fully complies with the performance standards. (Lawsuit Minute Order, p. 9 ["[T]he City does not dispute that LADBS and City Planning determined that Petitioner satisfied all 12 performance standards…and that Petitioner is entitled to building permits as a matter of right."].) There is no serious argument to the contrary.

But now, almost two years after the original permit was applied for, the ZA for the first time strives to create doubt about the clarity of that compliance. Even so, the report identifies no specific instance of noncompliance, much less any error or abuse of discretion. The most the ZA could bring herself to say was that "it is unclear whether Performance Standard Nos. 3, 4, and 5 have been met." Yet, as demonstrated below, compliance with Performance Standards 3-5 is anything but unclear. The ZA merely seeks **again**, "in an abundance of caution," additional confirmation of compliance, which falls far short of establishing any error or abuse of discretion.

Oceans 11 briefly responds regarding Performance Standard Nos. 3-5, compliance with which the ZA now seeks to reaffirm. Please also refer to Oceans 11's letters to the Planning Commission dated June 13, 2025 and June 23, 2025 for additional commentary regarding the Appeal.

Performance Standard No. 3:

Performance Standard No. 3 states that there must be "a solid decorative masonry or wrought iron wall/fence at least eight feet in height, or the maximum height permitted by the zone, whichever is less. The wall/fence encircles the periphery of the property and does not extend into the required front yard setback."

Although the ZA concluded that "it is unclear whether Performance Standard No[]. 3…ha[s] been met," this is simply not accurate. The ZA specifically acknowledged in her staff report that "the project plans comply with this performance standard if the required front yard setback is determined to be not more than 20 feet by a DBS plan check engineer." In other words, the ZA concedes that Oceans 11 satisfies Performance Standard No. 3 by providing the required "solid decorative masonry or wrought iron wall/fence." The only issue raised is a hypothetical one: if the City were to find noncompliance with Performance Standard No. 4's setback requirement, then the otherwise compliant fence would be located within the noncompliant setback area.

Performance Standard No. 3 speaks solely to the presence and dimensions of required fencing or masonry walls. Attempting to question compliance based on the wall's location—which is addressed by the separate Performance Standard No. 4 establishing the required front-yard setback and does not in any event encroach into it—manufactures an appearance of noncompliance where none exists. (*See* discussion below on Performance Standard No. 4).

Furthermore, as explained at the prior Planning Commission hearing, the Appellant has provided no credible evidence that the Project fails to comply with Performance Standard No. 3. To the contrary, on August 1, 2024, the Planning Department approved Oceans 11's plans submitted with the Supplemental Permit application, which showed new 8-foot-tall wrought iron fences along the front and rear property lines and existing 8-foot-tall concrete block walls on the sides. The plans clearly demonstrate that 8-foot-tall walls/fences fully encircle the property's

periphery. Thus, compliance with Performance Standard No. 3 is indisputable and the ZA **agrees**.[1]

Performance Standard No. 4:

Performance Standard No. 4 requires a front yard setback at least as deep as the underlying zone. The Site is zoned R1-1XL-O, which requires a minimum front yard setback that is 20% of the lot depth, but that does not need to be greater than 20 feet, or a prevailing setback if 40% or more of the lots along the frontage observe a front yard setback that varies not more than 10 feet.

The original ZA confirmed that he used DBS's Prevailing Setback Calculator and entered the dimensions and setbacks observed by 37 lots along the subject easterly frontage of President Avenue. That calculation resulted in a prevailing setback of 18.20 feet. The ZA again concluded that "Based on the 18.20-foot prevailing front yard setback calculated by the ZA, a project that observes a front yard setback would be in compliance with the front yard setback required by the zone."

The ZA is not claiming there is a mistake in the calculation, much less any error or abuse of discretion in finding compliance with Performance Standard No. 4. Instead, she merely noted that "**confirmation of the prevailing setback calculation…can be readily verified by a DBS plan check engineer to ensure that the 20-foot setback shown on the plans meets or exceeds the prevailing setback**." But the possibility of repeating the calculation does not suggest any defect in the original analysis. Nor does it establish any error or abuse of discretion in finding compliance with Performance Standard No. 4. Indeed, the ZA expressly concluded that "***the project plans comply with this performance standard*** if the required front yard setback is determined to be not more than 20 feet by a DBS plan check engineer." Such confirmation has already been provided by a plan check engineer, and no basis has been identified to question the original calculation.

Moreover, both the City and Oceans 11 independently calculated a prevailing setback of less than 20 feet. Oceans 11's plans provide for a 20-foot setback, which exceeds the prevailing

[1] After DBS issued the Original Permit, it abruptly closed that permit in response to Councilmember McOsker's June 28, 2024 motion and instructed Oceans 11 to file a supplemental application relocating one park wall to meet a 20-foot front-yard setback despite having previously approved the wall's original placement. Oceans 11 promptly complied, submitting revised plans on or about July 1, 2024 that move the wall back to the 20-foot line. Yet, even after reviewing and approving these plans multiple times, and specifically requesting that the wall be relocated to the 20-foot setback line, the ZA now suggests that the City must again confirm the applicable setback before determining whether the already-relocated wall is sufficient.

setback calculated by both parties. Accordingly, the plans plainly comply with Performance Standard No. 4.

Because there is no evidence whatsoever of noncompliance with Performance Standard No. 4, there is likewise no basis to suggest noncompliance with Performance Standard No. 3 based on the location of the wall setback 20 feet.

Performance Standard No. 5:

Performance Standard No. 5 requires a "ten foot landscaped buffer along the periphery of the property, which is maintained and is equipped with an automatic irrigation system."

After the City improperly closed Oceans 11's Original Permit, the City requested that Oceans 11 more clearly identify the 10-foot landscaped buffer on the site plan. Oceans 11 submitted a revised plan the very next day. By July 9, 2024, the revised plans were deemed complete, and by August 17, 2024, Oceans 11 had secured all required City clearances.

The ZA agrees that Oceans 11's site plan provides for a 10-foot landscape buffer, but speculates for the first time that there ***may*** be unpermitted encroachments in buffer area: (1) "what may be a trash enclosure, though obscured and not labeled, surrounds a dumpster and encroaches into the northwesterly buffer"; and (2) "a portion of the RV spaces, though not labeled, may encroach into the rear buffer." The ZA's speculation that an encroachment *might* exist cannot establish noncompliance or error or abuse of discretion, particularly when the approved plans on file show no such encroachments.

Regarding the alleged "trash enclosure," no such structure appears on the site plan. What is shown is simply a mobile "dumpster" on wheels, which is not a "structure" under the Los Angeles Municipal Code and may be placed anywhere onsite. Moreover, there is currently no trash enclosure or dumpster on the site, and Oceans 11 has no intention of building one or placing its movable dumpsters within the landscaped buffer. At most, the City could have requested that Oceans 11 remove the word "dumpster" from the site plan, a minor correction that could have been made at any point over the last nearly 1.5 years. As the ZA herself noted, even if clarification were necessary, it would amount to a simple mark-up of the plan, not evidence of noncompliance with Performance Standard No. 5.

The same is true of the claim that RV spaces "***may***" overlap the landscaped buffer. The approved site plan shows no such encroachment. The ZA appears to assume noncompliance from the site's existing condition before construction is complete. Compliance can only be evaluated after the permit is active, the project is built, and City inspectors assess the completed work against the approved plans. It cannot be judged by the site's present condition.

Likewise, the speculative comment that "electrical plans that conflict with DCP clearances may present a problem later in the process" is not evidence of existing noncompliance with Performance Standard No. 5. Completion of construction is when a property is brought into

compliance with its permit. Pre-construction site conditions cannot be used to guess future compliance.[2]

In sum, Oceans 11's approved plans include the required 10-foot landscaped buffer. The ZA identified no evidence of an actual encroachment, only speculation that one *might* exist. This certainly could not form the basis for finding error or abuse of discretion in DBS' finding of Compliance with Performance Standard No. 5.

III. CONCLUSION

Every City official, department, and reviewing body has confirmed that the Project satisfies every performance standard and is subject only to ministerial approval. Critically, the Court examined these same matters and ruled that Oceans 11 is entitled to a writ of mandate expressly directing the City to immediately reinstate the Original Permit and issue the Supplemental Permit. **In light of the Court ruling, the Planning Commission should and must deny the Appeal as it did before and instruct DBS to comply with the Court's Order without further delay.**

We appreciate your attention to these matters and reserve the right to supplement our arguments.

Sincerely,

BENJAMIN M. REZNIK
MATTHEW D. HINKS
LARA R. LEITNER of
Jeffer Mangels Butler & Mitchell LLP

cc: Kristina Kropp, Luna & Glushon (Appellant Representative)

[2] As explained, Appellant is arguing prematurely about current onsite conditions before Project completion, final inspections and permits. Moreover, even the suggestion that current onsite utilities negate compliance with the landscaping requirements is ludicrous. Performance Standard No. 5 states that the landscaped buffer must be "maintained and is equipped with an automatic irrigation system." In other words, Performance Standard No. 5 contemplates utilities in the buffered strip and landscaping that will surround that infrastructure.