

Communication from Public

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Date Submitted: 10/13/2024 03:40 PM

Council File No: 24-1168

Comments for Public Posting: as we have never been given the opprotunity to defend our project as it was closed without notice and no violation was issued (unlawful) and thew motion was based on false statements , i iam posting this information to try to be heard. it will clearly shoe the city has no legal defense for its actions..

Subject: Request for Immediate Issuance of Land Use Permit and Certificate of Occupancy

Dear Council Members,

I am writing to once again bring attention to the **unlawful closure of our land use permit [23020-10000-02232](#) and delays** in the issuance of a **supplemental land use permit [24026-10000-00086](#) and the certificate of occupancy [266648](#)** for our project. This project is strictly a **land use-only permit**, and more importantly, it qualifies as a **ministerial project**.

As there is a **closed-door meeting** next week regarding this project, I want to highlight that we have **never been given an opportunity to appeal** any decision, and I was only given **one minute to speak** to the council when **motion 24-0711** was passed. I believe this information is highly relevant to any discussion surrounding this motion, which is why I am posting it to all four relevant motions and **emailing it** to ensure it is considered.

From the very start, we have been treated with disregard, and this has resulted in **significant financial losses** for us. To date, we have invested over **\$2 million** into this project—a sum that I think everyone can agree is **substantial**. I would ask each of you to consider how you would feel to have such a large amount of money **sitting idle**, not generating any income for you as well as the potential for substantial financial losses due to the project not being realized.

It has now been **four months**, and we still have not received any response as to when we will be issued our **supplemental permit** or when our original permit will be reopened. The process outlined in the **LAMC** was not followed regarding its closure. According to the **LAMC**, we should have been given proper notice with a reason for the closure and an opportunity to be heard before any action was taken. None of that was done, and the way this situation has been handled exposes the City to potential legal damages.

This project is fully compliant, and the continued delays due to **unlawful discretionary interference** are unfair and unwarranted.

Land Use is By Right

It is important to emphasize that the **land use** for this project is **by right** and qualifies as **ministerial** for two key reasons:

1. The **California Department of Housing and Community Development (HCD)** has **preemptive governing authority** over RV parks.
2. The project meets the **performance standards of LAMC 14.00(A)7**.

As you are aware, under both **state and local law**, ministerial projects must be approved when they comply with all applicable regulations and standards. In our case, we have fully complied with all relevant **zoning requirements** through performance standard compliance. Given this, the City is **legally obligated** to issue the necessary permits without further discretionary intervention.

Permit Streamlining Act and Legal Obligations

It is crucial to emphasize that the California Permit Streamlining Act (PSA) mandates timely approval of such projects. Our project has passed all zoning requirements, and the State of California holds preemptive authority over additional aspects of the project related to construction and operation. Any further delay in issuing the permit and certificate of occupancy would violate not only the PSA but also the City's own ordinances and multiple other state laws.

Misleading CUP Argument

Additionally, I would like to address a misleading argument that has been presented regarding the requirement of a Conditional Use Permit (CUP) based on an outdated definition. The ordinance clearly establishes two processes for approval: LAMC 14.00A or LAMC 14.00B. The definition being referenced does not reflect the full intentions of the LAMC changes that were made long after the definition was established. To rely on this outdated definition as a basis for requiring a CUP is unfounded and counterproductive, especially when the ordinance is explicit about the appropriate processes.

Never an Issue of Compliance

It is important to note that this issue has never been about environmental compliance, the requirement of a CUP, or any other compliance issue. Throughout the course of this project, we have remained compliant, had no violations during construction, and passed every inspection without issue. Despite this, Councilman McOsker decided to file motions based on information he knew to be incorrect.

This obstruction started when Councilman McOsker was contacted by residents who opposed the existence of this park in their neighborhood. As there is no legal basis for interference with this project, the only course of action McOsker could take was to file a motion based on false statements and attempt to link this project to unrelated parks in Wilmington that the developer does not own and has no control over in terms of their operations or condition.

By doing so, Councilman McOsker has shown extreme bias. His bias is further demonstrated in his public statements to the media and on social media, where he has even thanked these NIMBY residents for signing a petition against the park. This is clearly not reflective of a council member representing all constituents equally. They have ignored the social and moral obligation to address the housing shortage and homelessness. His actions directly harm people who are at risk of homelessness and the most vulnerable members of the population, a majority of the people this park is meant to serve.

Unlawful Closure of Land Use Permit [23020-10000-02232](#) issued March 22, 2024

According to [LAMC Article 2, Section 22.02](#), the City has the authority to revoke or suspend permits only under certain circumstances and must follow a clear procedure, including providing notice with reason for closure and the opportunity to respond.

As stated in this section: "No such permit or certificate shall be revoked or suspended until a hearing upon written notice to the permittee or certificate holder shall have been had by the Board, Commission or other person having authority to do so. Written notice of such hearing shall be served upon the permittee or certificate holder in the manner provided for the giving of notice in Section [11.00](#) of this Code. Such notice shall state: (a) The grounds for complaint or reasons for the revocation or suspension in clear and concise language. (b) The time when and the place where such hearing is to be held."

The abrupt closure of our permit occurred without any violations being cited, without an intent to revoke letter, and without providing a clear path to appeal violates this section of LAMC. This action also directly violated our rights to due process under both **local and state laws** and has obstructed our ability to complete the project. We request the immediate reopening of the permit or a valid reason for its closure, along with an opportunity to appeal the decision as required by law.

Request for Immediate Action

Given that this is a ministerial matter and that the HCD has preemptive authority, the City's role is strictly administrative in nature. You have no discretion to deny or further delay approval, provided that all legal standards are met—which they have been in this case.

I respectfully request that you comply with your legal obligations by immediately stopping interfering with the issuance of the land use permit and certificate of occupancy for this project. Any further delay in doing so would not only continue to cause undue financial harm but also put the City in violation of city ordinances, and multiple state laws, for which there are legal consequences.

I am attaching all of the information showing the biased and unlawful treatment we have received from city officials. It shows a clear pattern of ethical violations and noncompliance with city ordinances and state law. Let me conclude that the dislike of something is not grounds for the actions taken against this project. The city needs to follow its own ordinances and stop the discretionary interference with this project.

I am also submitting a formal request for Councilman McOsker to be recused from any further discussions related to this project.

Thank you for your immediate attention to this matter.

Sincerely,
Doug Ross
Oceans 11 RV Park LLC

Please find the following items attached:

1. When state law is preemptive in the context of the Special Occupancy Parks Act
2. Zoning Compliance of Project
3. This Project holds vested rights
4. Rights of the Developer Being Violated
5. Violations of Los Angeles Ethics Ordinances and Guidelines by City Officials
6. Social Equity Violations
7. False/Misleading Information Provided by Councilman McOsker in Motions and to Public
8. Request for Recusal

1. When state law is preemptive in the context of the Special Occupancy Parks Act

(which governs RV parks and mobile home parks), **state law overrides local regulations** on matters that the state has already legislated. The **City of Los Angeles**, including the City Council, cannot create, enforce, or impose additional requirements or restrictions that conflict with or go beyond what is allowed under state law in these areas. In practical terms, **preemption** ensures that the state has exclusive authority over certain matters, and local governments must defer to the state's regulations.

What This Means for the Los Angeles City Council:

1. Limited Jurisdiction:

- The **City Council cannot exercise its typical governing powers** (e.g., requiring additional permits, imposing stricter regulations, or adding local approval processes) over aspects of a project that fall under the state's preemptive authority.
- **Special Occupancy Parks**, such as RV parks, are governed by the **California Department of Housing and Community Development (HCD)** under the Special Occupancy Parks Act, meaning the state's rules and processes govern construction, operation, safety standards, and occupancy in these parks.

2. Ministerial Actions Only:

- The **City Council's role is reduced** to administrative or ministerial actions in areas where the state law preempts local law. For example, they must approve permits if the project complies with zoning and other locally applicable laws, but **they cannot impose discretionary decisions** or add conditions that are not part of state law.

3. No Additional Requirements:

- The council **cannot require additional permits** or approvals if state law already governs and provides for all the necessary regulatory oversight. This also means that any attempts to **impose additional discretionary review processes** would be unlawful under the preemption principle.

4. Obligation to Comply with State Law:

- The **City must comply with the state's framework** for RV park operations as defined under the Special Occupancy Parks Act. The state preemptive law effectively limits the City Council's ability to interfere with projects that fall under this category.

5. Issuance of Permits and Certificates:

- Since the **HCD** governs construction and operational permits, **local authorities must issue land use permits and certificates of occupancy** when the project meets local zoning requirements. The City Council is **obligated to issue these permits**, as long as the project complies with zoning and performance standards, and cannot delay or deny them based on discretionary powers.

In Summary:

Preemption in the Special Occupancy Parks Act means that the **City of Los Angeles cannot act as the governing body** over matters already regulated by the state. The City Council is restricted to enforcing **zoning compliance** and other municipal codes that do not conflict with state law. They must **defer to the state's authority** and ensure that they **do not obstruct** the state's processes or impose additional burdens.

2. Zoning Compliance of Project

I would like to reiterate that our project has fully met all zoning requirements through multiple levels of verification, leaving no valid basis for any continued delays in the issuance of our permit or subsequently, the certificate of occupancy. Here are the specific ways our project complies with the zoning regulations:

1. Plans Stamped :

- Our submitted plans have been **stamped and approved by the Zoning Department**, Planning Department, and LADBS three times. Thus affirming that the project complies with all applicable zoning laws. These stamps is a critical step in the approval process and confirm that the project adheres to local ordinances

2. Building and Safety Report:

- A formal **report requested by the council from the Department of Building and Safety** in motion 24-0711 further supports our compliance with all zoning regulations. The report explicitly states - that the project meets performance standards, ensuring conformity with all required codes and ordinances.
- Page 4 states (referring to LAMC 14.300(A)7): “If a proposed RV Park is **located in the A, R or C Zone**, and it complies with the 12 performance standards, **it is permitted by right**”.

3. Performance Standard Compliance:

- The project was reviewed based on **performance standards**, and we successfully demonstrated compliance. These standards serve as the criteria by which zoning conformity is assessed, ensuring that the project meets the criteria for land use, safety, and environmental considerations.
- Report in item 2 states on page 7: “The review by City Planning staff found that the RV Park located at 23416 President Avenue is in compliance with the Public Benefit performance standards per LAMC Section 14.00 A.7 (Recreational vehicle parks and mobile home parks in the A, R or C Zones). The 12 performance standards are reflected on the original stamped plan set and supplemental plans submitted in November 2023. A covenant was recorded by the applicant with Los Angeles County on Page 8 November 21, 2023. As demonstrated above, the project’s compliance with each performance standard was either identified on the plans or the covenant”.

4. Zoning guide effective January 4, 2023

- A guide sent out by the Office of Zoning Administration titled *List of Uses Permitted in Various Zones* by the Chief Zoning Administrator (attached) clearly states if looked up by zone or by use, “MOBILE HOME PARK, according to Section 14.00 A. 7”. It also states on page 25: “Recreational Vehicle Park – (see Mobile Home Park)”

5. No Zoning Variances or Exceptions Required:

- It is also important to note that this project has not required any variances or exceptions. We have strictly adhered to all relevant ordinances set forth by the city, ensuring that the project was designed within the allowed zoning and land use parameters and excluding discretionary interference.

Each of these steps confirms that we have satisfied the zoning requirements. Given these facts, the City's continued delay in issuing the land use permit and subsequently the certificate of occupancy is unwarranted and constitutes a violation of the **developer's rights** and a number of relevant laws. The City has an obligation to issue the permits without further discretionary intervention.

3. This Project holds vested rights

Which legally protects our ability to complete the project based on approvals already obtained and substantial investments made in reliance on those approvals. Below are the reasons that establish our vested rights:

1. Government Approvals and permits Already Secured:

- Our project has received multiple approvals from the City, including **zoning compliance** (as demonstrated by the stamped plans) and confirmation of safety standards (as per the report from the Department of Building and Safety). Furthermore, our **original permit was issued on March 22, 2024**, granting us the legal right to proceed with construction and all related activities. These approvals entitle us to continue and complete the project as planned, free from discretionary interference.

2. Final Approval from HCD:

- We have also received our **final approval from the California Department of Housing and Community Development (HCD)**, which governs the construction and operation of this project. The only remaining requirement is the issuance of a **certificate of occupancy**, which the City is obligated to provide. HCD's approval reaffirms that the project has met all regulatory standards, and no further conditions can be imposed by the City.

3. Substantial Investment and Construction:

- A significant **investment of over \$2 million** has been made in this project, entirely from the **personal resources of the developer**. Construction was already at **95% completion when Councilman McOsker interfered**, and further delays are causing great **financial hardship**. The substantial progress and financial investment were made based on the City's prior approvals. Any reversal or imposition of new requirements would not only violate our vested rights but also result in significant financial damage.

4. Reliance on Existing Laws and Regulations:

- The project has been executed in reliance on existing laws, including the **zoning ordinances** under LAMC 14.00(A) and (B), which define the specific processes for land use projects like ours. Since we adhered to these rules, the City is legally obligated to honor the approvals granted and cannot introduce additional conditions or roadblocks without violating our vested rights.

5. Right to Complete and Operate:

- Having obtained all necessary approvals, including from **HCD**, and having invested substantial resources, we are entitled to complete the project and begin operations. Any attempt to prevent this completion or impose new requirements at this late stage would infringe upon the **vested rights** we have acquired through compliance with the law.

In conclusion, the vested rights doctrine protects our project from being halted or subject to new discretionary conditions. The City is legally obligated to issue the necessary permits and **certificate of occupancy**, as any further delay would constitute an infringement upon our vested rights and a violation of the **Permit Streamlining Act**.

4. Rights of the Developer Being Violated

Right to Due Process

- Due process refers to the constitutional right to fair treatment under the law. In the context of land use and development:
 - The right to due process means that the developer is entitled to a fair and consistent application of laws and regulations by the City without arbitrary decisions or delays.
 - The City must follow legally prescribed procedures for approving permits, issuing certificates of occupancy, and making decisions regarding land use.
 - Any action taken by the City that significantly impacts the developer's property rights or project must be done with proper notice, an opportunity for the developer to be heard, and a fair decision based on established legal standards.
 - By failing to issue permits or causing delays without valid legal reasons, the City may be violating the developer's right to due process, as these actions could be seen as arbitrary and capricious.

Right of Land Use

- Right of land use refers to the developer's legal rights to use their property in accordance with the law. These rights are often protected by zoning laws and permits issued by local governments.
 - Once a developer has secured the necessary zoning approvals and permits, they have the right to use the land for the approved purpose (in this case, an RV park).
 - The right of land use is also tied to the vested rights doctrine, which means that once the developer has made substantial investments and received approvals, they are entitled to complete the project and use the land as per the approved plans.
 - The City's failure to issue the certificate of occupancy or additional permits, despite zoning compliance and HCD approval, infringes upon the developer's right to use the land as intended and in accordance with the law.

By denying the developer's right to due process and interfering with their right of land use, the City is not only obstructing the completion of the project but also violating fundamental legal principles that protect property owners and developers from unjust actions.

4.1 To break that down further

Rights of the Developer Being Violated:

1. Right to Rely on Issued Permits and Approvals:

The developer has the right to rely on the validity of the permits and approvals that were lawfully issued, including the original permit issued on March 22, 2024, and the final approval from the California Department of Housing and Community Development (HCD). The City's refusal to proceed with the issuance of the certificate of occupancy violates this right.

2. Right to Non-Interference in Ministerial Projects:

This project is ministerial, meaning that as long as it complies with all applicable zoning and safety laws (which

it does), the City Council has no discretionary authority to interfere. Continued interference by delaying the permit issuance is a violation of this right.

3. Right to Timely Permit Issuance under the Permit Streamlining Act:

Under the California Permit Streamlining Act, the developer has the right to have permits issued within the legally prescribed timeframes. The City's delay in issuing the required certificate of occupancy and other necessary permits puts the City in violation of this act.

4. Right to Completion Based on Substantial Investment:

The developer has invested over \$2 million into the project, relying on the City's prior approvals. Denying the completion of the project despite substantial progress (95% complete) violates the developer's vested rights to complete and operate the project. Furthermore, waiting until the construction was days away from completion, after the developer invested over \$2 million into the project, further assures the developer's vested rights.

5. Right to Equal Treatment Under the Law:

The developer has the right to be treated equally under applicable laws and ordinances, including LAMC 14.00(A). In the last 24 months 54 permits were issued using 14.00(A)7 and our permit is the only one that has seen this discretionary interference. The City's imposition of discretionary processes or additional requirements, despite the project meeting all zoning and performance standards, constitutes unequal and unfair treatment.

6. Right to Protection from Arbitrary or Capricious Government Actions:

Government authorities are required to act in a fair and consistent manner. The City's arbitrary decision to delay the issuance of permits and the certificate of occupancy, even after the project has complied with all necessary regulations, is a violation of the developer's rights.

7. Right to Protection from Financial Harm Due to Government Delays:

The developer is facing significant financial hardship due to the City's unjustified delays in issuing the necessary permits and the certificate of occupancy. The developer has the right to expect the City to act promptly to prevent unnecessary financial losses.

8. Right to Complete the Project Under Vested Rights:

By law, the developer has vested rights to complete the project once substantial progress has been made and permits have been issued. The City's refusal to allow the project to move forward violates these vested rights.

9. Right to Due Process:

The developer has the right to due process, which includes fair treatment and the opportunity to complete the project under established regulations. The City's continued obstruction without valid legal cause is a violation of this right.

- **Unlawful Closure of Original Permit:** The City closed the original permit without issuing any violations, without providing an intent to revoke letter, and without giving a path to appeal the closure. This violated the developer's rights to due process because it denied them the opportunity to challenge the closure of the permit, which directly impacts their vested rights to complete the project. This action is unlawful, as it obstructs the developer's ability to complete the project and removes their right to appeal a decision that negatively affects their progress.

5. Violations of Los Angeles Ethics Ordinances and Guidelines by City Officials

Violations of Los Angeles Ethics Ordinances and Ethics Commission Guidelines that have occurred in relation to this project. The conduct of Councilman McOsker and the Department of Building and Safety raises serious concerns regarding ethical governance, transparency, and fairness. Below is a list of ethics violations that I believe have taken place. All of these are supported in the LAMC Ethic ordinances and in the Ethics Handbook for City Officials:

1. Conflict of Interest

- Violation: Decisions regarding our project appear to have been influenced by personal or political interests, which may constitute a conflict of interest. Blocking or delaying a ministerial project for reasons unrelated to public interest violates this ordinance.

2. Discretionary Decisions on Ministerial Projects

- Violation: City officials are prohibited from using their position to influence discretionary decisions on ministerial projects. The continued interference in my project, which is legally ministerial, is a violation of this ordinance.

3. Abuse of Power

- Violation: Councilman McOsker appears to be using his positions to improperly influence decisions, causing unjustified delays to my project. This is an abuse of power prohibited by the ethics ordinance. In ordering LADBS to halt approvals and close permits, he has interfered in executive functions as he is only authorized to take such action if there is fraud or corruption involved, of which, there is none.

4. Transparency and Accountability

- Violation: Decisions affecting this project have been made without adequate transparency, and information regarding the status of permits has not been provided in a timely or open manner. This lack of transparency is in violation of ethics guidelines.

5. Misuse of Public Resources

- Violation: It appears that public resources have been misused to delay and obstruct the progress of my project. Using city personnel or resources to impose unjust delays is a misuse of public assets, which violates this ordinance.

6. Unwarranted Interference in Ministerial Actions

- Violation: The City Council and other officials cannot interfere with ministerial projects that have met all legal requirements. The ongoing interference in this project after meeting all zoning and safety standards is a violation of this rule.

7. Unwarranted Delays and Obstruction

- Violation: The repeated and unexplained delays in the issuance of permits and certificate of occupancy constitute unjustified obstruction. Delays imposed without legitimate cause are a clear violation of ethics ordinances.

9. Discriminatory Conduct

- Violation: Our project is being treated differently compared to other projects under similar circumstances, potentially in favor of specific political or constituent groups. This unequal treatment violates the ordinance prohibiting discriminatory conduct in decision-making.

10. False and Misleading Statements

- Violation: False statements and misinformation regarding the ownership of unrelated properties and status of my project have been presented to the public and to other city officials. This violates the ethics ordinance against making false or misleading statements.

11. Extreme Bias (Equal Treatment and Non-Discrimination)

- Violation: Councilman McOsker has demonstrated extreme bias against this project, as evidenced by his comments made to the press and on social media. These comments clearly show that he is siding with a group of opposing neighbors who have adopted a NIMBY (Not In My Backyard) stance. His actions and statements reflect a failure to represent the entire community fairly, as required by the City's ethics ordinance on equal treatment. This bias has influenced his efforts to block the project, which violates the ethics of fair and impartial governance.

12. Retaliation or Intimidation

- Any punitive actions taken in response to my filing of an ethics complaint or challenging the obstruction of our project would be a violation of the city's rules against retaliation or intimidation.

These violations represent serious breaches of ethical conduct by city officials, particularly in the areas of non-interference with ministerial projects, misuse of public resources, bias, and lack of transparency. I urge the City Council to take immediate corrective action to address these violations and restore fairness and accountability to the process.

Request for Recusal Due to Bias (see number 8)

Given the extreme bias shown by Councilman McOsker, please find the attached formal request that he be recused from any discussions or decisions related to this project. His comments in the press and on social media reveal a clear preference for opposing neighbors, making it impossible for him to fairly or impartially represent all constituents. To ensure ethical compliance, McOsker must not be involved in any further matters pertaining to this project.

6. Social Equity Violations

1. Discriminatory Conduct (LAMC Sec. 49.5.8)

- **Violation:** The obstruction of our project disproportionately harms potential tenants, many of whom rely on recreational vehicles as affordable living spaces. The City's favoritism toward a group of politically vocal, opposing neighbors reflects a failure to treat all constituents fairly. This bias undermines the City's commitment to social equity.

2. Unequal Access to Housing and Services

- **Violation:** Our project aims to provide affordable housing and services for individuals who rely on **recreational vehicles**, as defined in **LAMC Sec. 12.03**. Blocking this project worsens the housing crisis and restricts access to affordable living spaces for vulnerable populations, in violation of the principles of social equity.

3. Unfairness of Obstructing the Project

- **Violation:** It is fundamentally **unfair** to block this project, as the ordinance clearly allows recreational vehicle parks in all zones. This strategic expansion into **all zones** reflects a comprehensive urban planning strategy aimed at dispersing housing solutions more evenly and preventing the concentration of affordable housing in only certain areas. The ordinance encourages developers to consider a **wider range of locations**, bringing much-needed housing solutions to **underserved regions**.
- By allowing recreational vehicle parks in all zones, the city is promoting **spatial justice** and ensuring that housing solutions are **evenly distributed** across all neighborhoods. Blocking this project in favor of a group of opposing neighbors fosters **NIMBY (Not In My Backyard) sentiments**, which stifle necessary housing projects. Every neighborhood should play a role in addressing the housing shortage.

4. Failure to Address Social Equity Needs

- **Violation:** By obstructing a project that provides an affordable housing solution, City officials are failing to meet the social equity goals laid out in the mayor's emergency declaration. The delays and opposition are preventing the creation of critical housing that serves vulnerable populations, disproportionately affecting low-income residents who depend on alternative housing options like RV parks.

5. Project Alignment with the Mayor's Declared State of Emergency on Housing

- **Recreational Vehicle Definition:** Under **LAMC Sec. 12.03**, a **recreational vehicle** is defined in part, as a vehicle designed for **emergency living quarters**. This definition directly supports the mayor's declared **state of emergency** on housing, where alternative and affordable housing solutions are critical to addressing the crisis. The use of recreational vehicles aligns perfectly with the need for immediate, accessible housing solutions in the face of the city's housing emergency.
- **Alignment with the Mayor's Goals:** Our project directly supports the mayor's goals by offering safe, regulated spaces for individuals who need affordable housing options. Delaying or obstructing this project runs counter to the urgent need for housing solutions as declared by the mayor in her **state of emergency**. Blocking or delaying this project contradicts the mayor's declared goals and harms those in need of affordable housing. Again, these are not "encampment RVs" as seen on the side of streets around the city, these are fully functional RVs that must be kept in good condition to be allowed in the park.

7. False/Misleading Information Provided by Councilman McOsker in Motions and to Public:

1. Council File 24-0787

- **False Information:** Councilman McOsker falsely claimed that Oceans 11 RV Park LLC owned the properties referenced in the motion and subsequent amendment.
- **Proof of Claim:** Councilman McOsker was informed of the correct ownership during the June 14th meeting. Stuart Silver informed him that the properties had been sold—one over 4.5 years ago and the other more than a year ago. McOsker’s response, “Well, that concerns me even more, how do I know you won’t just turn around and sell this one?” demonstrates that he knew of the ownership change. Despite his clear acknowledgment, McOsker included incorrect ownership details in the motion.

2. Council File 24-0711

- **False Information:** This motion, like 24-0787, falsely claims that Oceans 11 still owned the properties in question. Additionally, it incorrectly asserts the need for a CalGEM Construction Site Well Review (CSWR) and that the Office of Petroleum and Natural Gas Administration (OPGNAS) needed to be involved in that review.
- **Proof of Claim:** The CSWR report and extensive environmental reports were already provided to LADBS and LAFD during the initial permitting process. If Councilman McOsker had done any research or wanted to present his motion factually, he could have obtained this information from those departments. However, he definitely had the reports by June 14th. When asked to review the reports during the June 14th meeting, McOsker responded, “I have people to do that,” demonstrating his complete disregard for the facts and his intention to push the motion based on false statements to the full council.
- **Baseless and Misleading Environmental Claims:** In motion 24-0711, Councilman McOsker stated, “The growing environmental footprint of RV Parks includes land degradation, energy consumption, water usage and conservation, water waste and pollution, waste management issues, noise and light pollution.” This statement is baseless, as McOsker provided no proof to support these claims, and most of these concerns are addressed in the performance standards of LAMC 14.00(A)7.

3. Council File 24-1005

- **False Information:** McOsker falsely stated that the project required a Conditional Use Permit (CUP), and in motion 24-1105, he claimed that the CUP condition had inadvertently been removed from the LAMC.
- **Proof of Claim:** This is misleading, as the CUP condition was never removed—it is still shown under LAMC 14.00(B). The project proceeded under LAMC 14.00(A), which does not require a CUP. The outdated definition he used to justify this requirement is irrelevant and does not reflect the changes made to the LAMC over time. This misuse of outdated information can delay the project unnecessarily.
- It is critical to understand that ordinances define the legal standards and practices, from which definitions should be derived—not the other way around. Definitions serve as clarifying tools within our legal framework. The motion presented by Councilman McOsker, which attempts to enforce an outdated definition contrary to more recent legislative updates, is fundamentally flawed. By trying to make a definition control the application of the law, rather than updating the definition to reflect current ordinances, the motion stands in opposition to logical legal structuring and effective urban planning. Such a backward approach not only contradicts the progressive direction of our municipal legislation but also renders the motion itself invalid as it misinterprets the purpose and function of legal definitions within our municipal code.

4. Council File 24-1168

- **False Information:** This motion requests a closed-door meeting with the city attorney for an update on the lawsuit between Oceans 11 and the city. However, McOsker incorrectly linked it to Council File 24-0787. While this is not a major infraction, it shows a lack of attention to detail, and a callous attitude in filing motions that affect a long-time businessman who has contributed significantly to the city's tax base and employs over 100 people through his other businesses.
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Summary:

1. **Ownership Misinformation:** Councilman McOsker knew from our June 14th meeting that Oceans 11 RV Park LLC no longer owned the properties, yet continued to claim otherwise in 24-0787 and 24-0711 to support his motion.
 2. **Motion Misinformation:** His dismissive attitude during the June 14th meeting and refusal to review the reports demonstrate a blatant disregard for the truth. Furthermore, his claim in 24-0711 that OPGNAS needed to be part of the review is baseless, as their own report attached to the motion confirms that such involvement is beyond their scope. This shows that McOsker's use of false information lacked legal basis for his discretionary interference.
 3. **Permit Misinformation:** He incorrectly claimed in 24-1105 that the project required a CUP under LAMC 14.00(B), ignoring the fact that LAMC 14.00(A) was added years after the definition was created and does not require a CUP. The outdated definition used to support this claim is irrelevant, and the definition must be updated to reflect the clear intentions of the ordinance.
 4. **Incorrect Motion Linkage:** In 24-1168, McOsker incorrectly linked the lawsuit update request to 24-0787, showing a lack of attention to detail. Although not a major infraction, it reflects a careless approach to motions affecting a long-time business figure in the city who has made significant contributions to the local economy.
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Dissemination of False Information to the General Public

- **False Information:** McOsker went beyond including false and misleading information in his motions. He actively stated this misinformation through newspapers, television interviews, and on his social media pages, despite knowing it was factually incorrect. The developer provided the correct information to him during the June 14th meeting, and it has since been provided to the councilman, the city attorney, and the full council multiple times, accompanied by a demand to correct the false information.

Councilman McOsker's reckless dissemination of this false information constitutes libel and defamation, and could result in a substantial lawsuit settlement if the developer chooses to pursue legal action. However, this is currently not being considered, as all the developer wants is to be treated fairly, for the City to follow its own ordinances and state law, and to issue the required permits and the certificate of occupancy without introducing any further discretionary interference with this legally compliant project.

Legal Violations:

Councilman McOsker is obligated by Los Angeles Municipal Code (LAMC) and California state law to ensure that the information he presents in his motions and to the public is factual and not misleading. Specifically:

1. Ethics standards prohibit public officials from making false or misleading statements in their official capacity. This ordinance mandates that council members must not knowingly present inaccurate information to the public or in official motions, as doing so undermines public trust and violates ethical standards.
2. California Government Code Section 87100 under the Political Reform Act prohibits public officials from using their positions to mislead or deceive the public, particularly in ways that may benefit their own interests, and the interests of a specific group, or create unnecessary obstructions to legally compliant projects.

By presenting false or misleading information in his motions, and disseminating it through media and social platforms, Councilman McOske is violating these local and state requirements, which are intended to promote transparency, fairness, and public accountability.

Doug Ross
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October 9, 2024

Council President Marqueece Harris-Dawson
Los Angeles City Council
200 N Spring St, Room 430
Los Angeles, CA 90012

Subject: Request for Recusal of Councilman McOsker from Further Discussions and Decisions Regarding 23416 President Ave, Oceans 11 RV Park LLC, Silver RV Park, and Stuart Silver

Dear Council President Harris-Dawson,

I am writing to formally request that Councilman McOsker be recused from any further discussions or decisions related to 23416 President Ave, Oceans 11 RV Park LLC, Silver RV Park, and Stuart Silver. This request is based on clear indications of extreme bias shown by Councilman McOsker, which compromise his ability to fairly and impartially handle matters involving these properties and parties.

Reasons for Recusal Request:

- 1. Filing of Motions with False and Misleading Information**
Councilman McOsker has repeatedly presented false and misleading information in multiple motions, including Council File 24-0787 , 24-0711 , and 24-1005. Despite being provided with accurate information during our June 14th meeting, where ownership and compliance details were made clear, Councilman McOsker has continued to spread incorrect details. These motions falsely claim that Oceans 11 RV Park LLC owns properties it does not, and falsely suggest that required reports were missing when, in fact, all reports were provided. Multiple requests have been made since these motions were filed to correct the false information .
- 2. Dissemination of False Information Through Media**
Councilman McOsker has gone beyond filing motions with incorrect information. He has actively disseminated these false claims through newspapers , television interviews, and on his social media platforms, despite knowing the facts. His actions violate ethical standards and the obligation to present truthful information in both official capacities and public communications. Such reckless dissemination of false information constitutes libel and defamation under California state law.
- 3. Ethics Violations: Use of False or Misleading Information**
According to LAMC Sec. 49.5.10, public officials are prohibited from making false or misleading statements in their official capacity. Councilman McOsker's actions violate this ordinance by knowingly presenting inaccurate information in motions and public statements. Further, under California Government Code Section 87100, the Political Reform Act prohibits public officials from using their positions to mislead or deceive the public, particularly in ways that create unnecessary obstructions to legally compliant projects. Councilman McOsker's continuous spread of misinformation regarding my project clearly violates these provisions.
- 4. Bias in Favor of Opposing Neighbors**
Councilman McOsker has shown clear bias in favor of a small group of opposing neighbors with NIMBY (Not In My Backyard) attitudes, as evidenced by his public statements, social media activity, and his

participation in opposition petitions. His repeated expressions of support for these neighbors, rather than the fair representation of all constituents, make it impossible for him to impartially represent the broader community, including those who would benefit from this project. Such bias runs counter to the responsibilities of a council member to serve all constituents equally.

5. Violation of Due Process

By introducing discretionary interference in a project that is ministerial by nature, Councilman McOsker has violated the due process rights of the developer. As a ministerial project, the California Department of Housing and Community Development (HCD) has preemptive authority over RV parks, and the City has no discretionary power to interfere in the issuance of permits and certificates of occupancy once compliance has been demonstrated. His attempts to block or delay the project, despite full compliance, further reflect his bias and disregard for legal obligations.

Request for Immediate Action

In light of these repeated violations of ethical standards, dissemination of false information, and clear bias, I respectfully request that Councilman McOsker be recused from any further discussions, votes, or decisions related to 23416 President Ave, Oceans 11 RV Park LLC, Silver RV Park, and Stuart Silver.

Councilman McOsker's extreme bias and his disregard for both local and state laws undermine the fairness of any decisions made while he remains involved in these matters. To ensure a fair and impartial process, his recusal is both necessary and warranted.

Thank you for your attention to this serious matter. I trust that you will act in the interest of fairness, transparency, and ethical governance.

Sincerely,
Doug Ross
Oceans 11 RV Park LLC

Proof of claims:

: [Council File 24-0787 - Los Angeles City Clerk](#)
: [Public Submission - Correction Request for 24-0787](#)
: [Council File 24-0711 - Los Angeles City Clerk](#)
: [City Clerk - Public Records Related to the Motion](#)
: [Daily Breeze Article - Wilmington RV Park Inspection](#)
: [MSN National Outlet - Wilmington RV Park Inspection](#)
: [ABC News Video - RV Park Project Halt](#)
: [Article: RV Park Objections](#)

Social media past

[Facebook](#)

[Instagram](#)