



● **McQUISTON ASSOCIATES**

6212 Yucca St, Los Angeles, CA 90028-5223

(323) 464-6792 FAX same

consultants to technical management

June 20, 2014

CF14-0650 & 0651

ITEMS 5 & 6, COUNCIL 6/24/14

P. Lattimore

**STATEMENT of J.H. McQUISTON on
PROPOSED VIOLATION of STATE GOVERNMENT CODE and ENVIRONMENTAL CODE**

Honorable President and Members of the Council:

This Statement incorporates my Statement of June 14 to PLUM filed under CF14-0650.

CEQA and Govt Code, per California and Federal Courts' decisions, say:

CEQA requires specific preservation of the limited California land area. (Citations available)

The City is prohibited by law from approving this zone-change in this way, because the City's General Plan requires protection of single-family zoning. "The tail does not wag the dog", per Court decisions.

Govt Code requires first a General Plan Amendment, to re-zone such Plan-protected parcels, but forbids as "special privilege" re-zoning just one parcel of similar parcels. (Citations available)

1. CEQA requires addressing the comments in the June 14 Statement, and to take action in response.

That Statement opposed not following General Plan requirements, e.g. the Design and Development Land-use standards **requiring transitions** between commercial and residential uses, and **requiring preservation of single-family and "livable neighborhoods"**.

Instead, proposal only seeks justification from a Special District enactment. **But that District preserved the single-family zoning on this parcel. Thus the "District excuse" falls per CEQA to allow re-zoning.**

The Report relies also on bare statement that there is no unmitigated environmental effect, to forgo an environmental analysis. But inasmuch as necessary CEQA concerns were not addressed it was improper to forgo environmental analysis, particularly with impacts on adjacent single-family parcels prohibited from similar conversion without substantially-similar process and expense.

If similar conversion is allowable, then **the R-1 restriction is merely arbitrary and thus is unlawful.**

2. Present General Plan's "essential" is to preserve single-family residences.

Developing the CD13-CD4 Vermont-Western Station Neighborhood Area Plan (SNAP), Planning did not "preserve single family housing". Although hundreds of such housing were in Plan's area, **Planning Assistant Director testified to Planning Commission that there were no single family homes therein.** That statement directly opposed East Hollywood Community Assn's census given to Commission, and it induced the Commission to believe the census was a lie.

The only way to validate the Assistant Director's testimony is that the single-family residences' rezoning from R-1 to a less-restrictive zoning after the houses were built **means Planning will not preserve any single family residence not "zoned R-1"**, notwithstanding the Plan's direction otherwise.

In this case, however, the parcel is zoned R-1, and the General Plan requires R-1 preservation until the Plan is *appropriately* amended to **abandon preservation of single-family residences.** See Const Art I §7.

Respectfully submitted, J. H. McQuiston

J.H. McQuiston

c: Interested parties