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ITEM 2, PLUM-12/9/14

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**STATEMENT of J.H. McQUISTON on  
SINGLE-FAMILY SUBDIVISION in BEL-AIR MULTI-FAMILY PLAN**

Honorable Chairman and Members of the Committee:

I spoke at the Commission hearing on this matter. I noted the opposition arguments and said that the arguments were directed at the Plan and should have been presented when the Plan was argued. The Commission could not by-law administratively support them. And it did not.

**However, I failed to consider a substantial flaw in the proposal, a flaw which no speaker addressed:**

The General Plan is the "Constitution" which must not be violated by zoning or variance. *See, e.g., deVita v County of Napa*, 9 Cal 4<sup>th</sup> 763, 772-73 (S Ct 1995), citing its *Leshar Communications v City of Walnut Creek*, 52 Cal 3d 531, 540 (S Ct 1990) decision. **Substituting single-family housing for a multiple-unit building means removing renters from the zone specifically Planned for non-owners. It requires a General Plan amendment to do so.**

**In Bel-Air there is a scarcity of land Planned for renters with lower incomes, which serve the estates there. The environmental effect of reducing the stock of parcels for multiple-rentals disrupts the Plan's purposes such-as to reduce transportation and to effect an equitable dispersion of people with disparate incomes.**

Moreover, each Plan contains an inventory of types of residents based on a population goal. To disrupt the availability of housing for renters by overpopulating property owners promotes economic apartheid and defeats a Plan's goal.

**Over and over I hear specious developer-arguments, that administratively-substituting small-lot subdivision for parcels Planned for apartments "reduces density", as if that benefits the Plan.**

**And, at the Commission's hearing the Planning Department merely put-forth that the subdivision-issue is only a "mere drawing of lines on a map". Jae Kim testimony for Planning.**

Surely the issue really is that the Plan's goals are disrupted, by effectively-stopping rental units ever to be developed where the Plan requires them, and thereby destroying the Plan's balance.

**Think about that prospect whenever parcels not intended for single-family residence are to be subdivided to make single-family small lots. I advise you to restrict such subdivisions to Plans' single-family residential parcels.**

Otherwise you fail to "conserve California's limited land", which conservation is required by Govt Code and CEQA. Such act disrupts the City General Plan and is void ab initio, per *Leshar*, Section 65860, and City cases.

Respectfully submitted,

J.H. McQuiston