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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 4th 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

c:Interested parties