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## L.A. City Council takes heat over building exemption in Bel-Air

**Homeowner groups are upset over the council's approval of a proposed hillside home whose height will exceed L.A. rules.**

By Emily Alpert Reyes

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Homeowner groups from areas spanning the Santa Monica Mountains are accusing the Los Angeles City Council of undercutting hillside building restrictions by allowing a Bel-Air home to exceed height limits by nearly 40%. advertisement

"Little by little, they are dismantling" hillside development limits enacted three years ago, said Marian Dodge, president of the nonprofit Federation of Hillside and Canyon Assns.

The latest flare-up in the long-standing battle over hillside construction, encompassing some of Los Angeles' priciest neighborhoods, centers on a home proposed for Bellagio Road in Bel-Air. Developer M & A Gabae asked to build a roughly 20,000-square-foot residence that rises as much as 50 feet above part of the site. City rules normally would limit the height to 36 feet.

A city zoning official cleared the way for the taller structure, but a neighbor appealed to the West Los Angeles Area Planning Commission, which rejected the added height.

Councilman Paul Koretz, who represents the area, asked his colleagues to overturn the planning commission decision, arguing that the increased height is appropriate because of challenges created by the slope of the property and a creek cutting through the site. Stacey Brenner, project manager for the developer, said the home wouldn't tower over neighbors because it would sit in a "bowl."

"The bottom line is, it's not an easy property," Koretz said. In such cases, "we don't want to be unreasonable by holding to the exact letter of the requirements — as opposed to using some common sense." The City Council voted Wednesday to allow the taller building.

Opponents said the decision sets a bad precedent citywide. Rules passed three years ago to regulate the size, height and other features of hillside homes were supposed to ensure that development conformed to the terrain.

"If we have a law and these guys are just tossing it aside, what is the point?" asked Patricia Bell Hearst, chair emeritus of the Federation of Hillside and Canyon Assns. "It is totally egregious."

Wednesday marks the second time in six months the council has exempted a home in the area from height limits. The same developer sought and received City Council permission to build a taller home on nearby Stone Canyon Road. A zoning official and a local planning commission rejected the proposal, but Koretz asked lawmakers to allow it because the property had "unique circumstances."

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Bel-Air resident Janice Lazarof, who opposed the building height increase on Bellagio Road, fought the Stone Canyon decision in court. In papers seeking a temporary restraining order, Lazarof said the added height would give the area "a canyon-like, almost urban feel."

The Los Angeles City Charter allows the council to veto commission decisions, and it periodically does. But Doug Suisman, president of the BOCA Neighborhood Assn. in Pacific Palisades, said overriding a planning commission "leaves the council open to charges that individual council members are providing special or favored treatment to individual constituents."

One of the M & A Gabae partners, Arman Gabay, has personally given a total of more than \$5,000 in campaign donations since 2006 to council members, including City Council President Herb Wesson and Councilmen Jose Huizar, Mitch O'Farrell and Mike Bonin, according to city campaign records. His wife, Elenor Beroukhim-Gabay, has also donated a total of more than \$5,000 to Wesson, Huizar, Bonin, Koretz and Councilman Paul Krekorian during that time.

Koretz acknowledged he has known the property owner "for many years," but said he had also sought exemptions for other Angelenos whose names he can't remember.

Brenner said that it isn't unusual for property owners in the area to donate to political campaigns and that the height exemption for the Bellagio Road residence was allowed "purely on the facts." She characterized the opposition as "one neighbor who's gotten two or three friends to rally in support of her."

But opponents say the case's importance reaches beyond Bellagio Road. "If it can happen in Bel-Air," Lazarof's attorney Victor Marmon said, "it can happen in anyplace."

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