

SANTA MONICA RENT CONTROL BOARD
REGULAR MEETING MINUTES
June 5, 2008

1. CALL TO ORDER

Commissioner Koury called the Rent Control Board meeting to order at 7:03 p.m. followed by the pledge of allegiance. After the pledge of allegiance, Commissioner Koury, read a passage from the First Amendment of the U.S. Constitution.

2. ROLL CALL

Members Present: Jennifer Kennedy
Marilyn Korade-Wilson
Joel Koury
Zelia Mollica
Jeff Sklar

Others Present: Tracy Condon, Administrator
Michaelyn Jones, General Counsel
Marcia Zimmer, Hearings Dept. Mgr.
Keith Kresge, Staff Attorney
Laima Noseworthy, Budget Coordinator
Glenda Jacobs, Board Secretary

3. APPROVAL OF THE MINUTES: May 8, 2008

Commissioner Korade-Wilson, seconded by Commissioner Kennedy, moved to adopt the minutes of May 8, 2008. The motion unanimously passed in a roll call vote.

4. SPECIAL AGENDA ITEMS

Administrator Tracy Condon announced that Administrative Item 9A would be pulled and rescheduled for the Board meeting on July 10, 2008. She also announced that staff was presenting a tenant seminar on Tuesday, June 17, 2008 from 6:30 to 9 p.m. at the main library and if anyone is interested in attending they should contact Norma Diaz at (310) 458-8751.

6. CONSENT CALENDAR

A. Appeal

- 1) D-4374: 1142 23rd St., Unit C, Appellant – T. Peyman (LL) by J. Jacobson (Rep)
Landlord appeals hearing officer decision which granted rent decreases.

Staff Attorney Keith Kresge presented a summary of the staff report. Interpreter was present but tenant was absent. J.L. Jacobson addressed the Board. Following a discussion, Commissioner Sklar, seconded by Commissioner Korade-Wilson, moved to adopt staff recommendation to deny the landlord's appeal and affirm the hearing officer decision. The motion unanimously passed in a roll call vote.

- 2) E-1555: 1438 19th St., Applicant – Moayery
Hearing officer recommends that the Board deny exemption for owner-occupancy, three or fewer units.

There were no requests to speak on this item. Commissioner Sklar, seconded by Commissioner Kennedy, moved to adopt the hearing officer recommendation to deny exemption for owner-occupancy, three or fewer units. The motion unanimously passed in a roll call vote.

7. JURISDICTIONAL ITEM

A. Exemption – Owner Occupancy

1) 1553: 1253 26th St., Applicant – Kimia

Applicant requests an exemption of a three-unit or less property based upon owner-occupancy pursuant to section 1801(c)(4) of the Rent Control Law.

Recommendation: Grant

Commissioner Sklar, seconded by Commissioner Korade-Wilson, moved to grant the owner-occupied exemption pursuant to section 1801(c)(4) of the Rent Control Law. The motion unanimously passed in a roll call vote

C. Removal

1) 419R-C: 3005 Main St., Unit 219, Applicant – Finkman (LL) by K. Kozal (Rep)

Owner seeks removal permit claiming unit is uninhabitable and not economically feasible to rehabilitate.

Staff Attorney Kresge presented a summary of the staff report. Kevin Kozal made a brief comment to the Board. Commissioner Sklar, seconded by Commissioner Korade-Wilson, moved to grant the removal application on the grounds that the unit is uninhabitable and cannot be made habitable in an economically feasible manner. The motion unanimously passed in a roll call vote.

8. PUBLIC HEARINGS

A. Supplemental Staff Report on Proposed 2008 Annual General Adjustment.

Administrator Condon presented a summary of the supplemental staff report which recommended a ceiling of \$41 on the general adjustment if the Board elected to establish a ceiling. The report also indicated a special utility adjustment for units master-metered for electricity was not warranted this year.

B. Proposed Annual General Adjustment – 2008

Administrator Condon presented a PowerPoint summary of the proposed 2.7% general adjustment. Commissioner Koury opened the public hearing and the following persons addressed the Board: Joy Fullmer; J.L. Jacobson; Michael Millman; Susan Schoen; Cathie Lamm; Christopher Piano; Pam Edgar; Priscilla Nee; and Doug Schoen. Commissioner Koury closed the public hearing.

Following a lengthy discussion, Commissioner Sklar, seconded by Commissioner Mollica, moved to adopt the staff recommendation of a 2.7% general adjustment with no ceiling. After further discussion, the motion passed in 3-2 roll call vote. Commissioners Kennedy and Korade-Wilson voted no.

C. Proposed Regulation 3030 – General Adjustment Number 31

Commissioner Sklar, seconded by Commissioner Koury, moved to adopt proposed Regulation 3030, General Adjustment Number 31. The motion passed in a 3-0-2 roll call vote. Commissioners Kennedy and Korade-Wilson abstained from the vote.

At 9:15 p.m., a break was called in the proceedings and the meeting resumed approximately 15 minutes later.

A. Adoption of 2008/2009 Proposed Operating Budget.

Administrator Condon presented a brief summary of the proposed operating budget. Commissioner Koury opened the public hearing. Since there were no requests to speak on this item, Commissioner Koury closed the public hearing. Commissioner Sklar, seconded by Commissioner Kennedy, moved to adopt the 2008/2009 operating budget. The motion unanimously passed in a roll call vote.

9. ADMINISTRATIVE ITEM

A. Discussion of City's proposal to regulate smoking in multi-family buildings.

This item was continued to July 10, 2008.

13. REQUESTS TO SPEAK

The following persons addressed the Board: Susan Schoen.

14. REPORT OF CLOSED SESSION

A. Special Closed Session May 19, 2008.

General Counsel Michaelyn Jones reported that the Board authorized the retention of outside counsel for anticipated litigation.

15. ADJOURNMENT

At 9:50 p.m. Commissioner Koury adjourned the meeting in memory of Joe Natoli.