

SANTA MONICA RENT CONTROL BOARD
REGULAR MEETING MINUTES
January 8, 2009

1. CALL TO ORDER

Commissioner Koury called the Rent Control Board meeting to order at 7:00 p.m. followed by the pledge of allegiance. Commissioner Koury read passages from the Twentieth Amendment of the U.S. Constitution.

2. ROLL CALL

Members Present: Jennifer Kennedy
Marilyn Korade-Wilson
Joel Koury
Robert Kronovet
Zelia Mollica

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

3. APPROVAL OF THE MINUTES: November 20, 2008

After a correction to the minutes, Commissioner Korade-Wilson, seconded by Commissioner Kennedy, moved to adopt the minutes of November 20, 2008. The motion passed unanimously in a roll call vote.

4. SPECIAL AGENDA ITEM

Welcome to Commissioner Kronovet.

Patricia Hoffman addressed the Board and welcomed Commissioner Kronovet. The Commissioners also welcomed Mr. Kronovet to the Board.

6. CONSENT CALENDAR

A. Appeals

1) M-0738: 1827 18th St., Unit A, Appellant – S. Scott (LL)

Owner appeals Hearings Department Manager's dismissal of her excess rent complaint.

Staff Attorney Amy Regalado presented a summary of the staff report. Rosario Perry, owner representative, addressed the Board. Following a lengthy discussion, Commissioner Kennedy, seconded by Commissioner Korade-Wilson, moved to adopt staff recommendation and affirm the Hearings Department Manager's decision to dismiss the landlord's excess rent complaint for lack of jurisdiction. The motion passed in a 4-1 roll call vote. Commissioner Kronovet voted no.

- 2) L-0007: 529 Hill Street, Owner – D. Seligman

Hearing officer recommends Lapse of Owner Occupancy Exemption.

Staff Attorney Keith Kresge presented a summary of the staff report. Matilda Callahan addressed the Board. After a discussion, Commissioner Kennedy, seconded by Commissioner Kronovet, moved to adopt staff recommendation to affirm the hearing officer's recommendation to lapse the exemption as of November 1, 1998 and adopt the proposed findings of fact and conclusions of law set forth in the recommended decision. The motion unanimously passed in a roll call vote.

7. JURISDICTIONAL ITEMS

B. Exemptions

4. Owner Occupancy

- 1) 1564: 907 – 909 11th St., Applicants – Roberts
- 2) 1566: 834 Maple St., Applicant – Jacobson
- 3) 1568: 2958 Exposition Blvd., Applicant – Phelan

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

Recommendations: Grant

Following questions to staff by Commissioner Kennedy, Commissioner Korade-Wilson, seconded by Commissioner Mollica, moved to grant the owner-occupied exemptions listed above pursuant to section 1801(c)(4) of the Rent Control Law. The motion passed unanimously in a roll call vote.

5. New Construction

- 1) 1565: 624 23rd St., Applicant – KN Family Trust by S. Khajavi, Trustee

Applicant requests exemption based on new construction pursuant to section 1801(c)(5) of the Rent Control Law. Recommendation: Grant

Commissioner Kennedy, seconded by Commissioner Kronovet, moved to grant the new construction exemption pursuant to section 1801(c)(5) of the Rent Control Law. The motion unanimously passed in a roll call vote.

- 2) 1567: 2520 Virginia Ave., Units 7 and 8, Applicant – H. Yassine

Applicant requests exemption based on new construction pursuant to section 1801(c)(5) of the Rent Control Law. Recommendation: Grant

Staff Attorney Kresge presented a summary of the staff report. Following a discussion, Commissioner Kronovet, seconded by Commissioner Kennedy, moved to grant the new construction exemption pursuant to section 1801(c)(5) of the Rent Control Law. The motion passed in a 4-1 roll call vote.

Commissioner Korade-Wilson voted no.

C. Removal

- 1) 427R-C: 426 Ashland Ave., Unit 426 ½, Applicant – D. Ortiz

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

Staff Attorney Kresge presented a summary of the staff report. Mr. Ortiz answered questions for the Board. After a discussion, Commissioner Kronovet,

seconded by Commissioner Mollica, moved to adopt staff recommendation to grant the removal permit application for unit 426 ½ as it is uninhabitable and cannot be made habitable in an economically feasible manner and to adopt the proposed Findings of Fact and Conclusions of Law. The motion passed unanimously in a roll call vote.

At 8:17 p.m. a break was called in the proceedings and the meeting resumed approximately 15 minutes later.

9. ADMINISTRATIVE ITEMS

A. Christine Minnehan, Lobbyist

Ms. Minnehan presented the Final 2008 Housing Legislation report. Following her report, the Board thanked Ms. Minnehan for her time and report.

B. Ellis Activity Update

Administrator Condon presented a brief summary of Ellis activity during the last 12 months. This was an information item and no action was taken. The Administrator advised the Board that the annual Ellis Report would be provided in the spring.

C. Annual Selection of Chairperson and Vice-Chairperson

Commissioner Kronovet, seconded by Commissioner Korade-Wilson, moved to nominate Commissioner Koury to remain as the Chairperson for another year. The motion passed in a 4-0-1 roll call vote. Commissioner Koury abstained.

Commissioner Mollica, seconded by Commissioner Kennedy, nominated Commissioner Korade-Wilson as Vice-Chair. Commissioner Kronovet, seconded by Commissioner Koury, made a substitute motion and nominated Commissioner Kennedy for Vice-Chair. Following a roll call vote on the first nomination, Commissioner Korade-Wilson was elected Vice-Chair in a 4-1 roll call vote. Commissioner Koury voted for Commissioner Kennedy.

11. BOARD DISCUSSION ITEM

A. Authority to Regulate Smoking in Common Areas of Multi-Unit Residential Rental Properties – Commissioner Kronovet.

Commissioner Kronovet presented his views on the issue of the Council's jurisdiction to regulate smoking in common areas of multi-unit residential rental properties. Following his comments, Commissioner Kronovet, seconded by Commissioner Koury, moved to allow members of the public to speak on this issue during Board discussion of this item. The motion failed in a 2-3 roll call vote. Commissioners Korade-Wilson, Kennedy and Mollica voted no. Public discussion on this item was heard under item 13 – Request to Speak.

Upon further discussion, Commissioner Kronovet, seconded by Commissioner Koury, moved to meet in a closed session for further discussion of this issue. Again, the motion failed in a 2-3 roll call vote with Commissioners Korade-Wilson, Kennedy and Mollica voting no.

13. REQUESTS TO SPEAK

The following persons addressed the Board: Esther Schiller; Marlene Gomez; Dolores Press; Joe Lohmar; J.L. Jacobson; Patricia Hoffman; Ella Bronstein, and Beth Miller.

15. ADJOURNMENT

At 10:24 p.m. Commissioner Koury adjourned the meeting in memory of City Councilman Herb Katz.