

SANTA MONICA RENT CONTROL BOARD
REGULAR MEETING MINUTES
March 12, 2009

1. CALL TO ORDER

Commissioner Kennedy called the Rent Control Board meeting to order at 6:00 p.m. and recessed to closed session.

RECESS TO CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation

- a) Galloway v. Santa Monica Rent Control Board,
Case No. SS 016658

California Government Code section 54956.9

At 6:55 p.m. the closed session recessed and the open meeting reconvened at 7:11 p.m. Following 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
Robert Kronovet
Zelia Mollica

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

3. APPROVAL OF THE MINUTES: February 12, 2009

Commissioner Korade-Wilson, seconded by Commissioner Kennedy, moved to adopt the minutes of February 12, 2009. The motion unanimously passed in a roll call vote.

4. SPECIAL AGENDA ITEM

Administrator Condon announced that agenda item 6A-1, D-4405/D-4406: 1329 19th Street, Appellant – Moulinos, had been continued at the owner's request to a date uncertain. She also announced that due to personal reasons Kim O'Cain, the City's Water Resources Specialist, who was to make a presentation to the Board under Item 9B, could not attend the meeting but that there was a draft water conservation tip sheet available for their review. The Board has expressed concerns for water conservation and would like Ms. O'Cain to be invited back at a later date.

6. CONSENT CALENDAR

A. Appeal

- 1) D-4405/D-4406: 1329 19th St., Units A and E, Appellant – P. Moulinos(LL)
Landlord appeals hearing officer decision that granted rent decrease.
This item was continued to a date uncertain.

7. JURISDICTIONAL ITEMS

B. Exemption – Owner Occupancy

- 1) 1571: 1034 Bay St., Applicant – Pennington
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 Kronovet, 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.

9. ADMINISTRATIVE ITEMS

A. Jeff Silberman, Social Services Commission

Mr. Silberman gave a brief presentation on the services provided by the Social Services Commission.

7. JURISDICTIONAL ITEMS (continued)

C. Removal

- 1) 428R-C: 1305 2nd St., Units 1B and 2B, Applicant – F. Brownell
Continued from 2/12/09

Owner seeks removal permit claiming two units are uninhabitable and cannot be made habitable in any feasible manner. Recommendation: Grant

Staff Attorney Kresge presented a summary of the staff report. Following a discussion, Commissioner Kronovet, seconded by Commissioner Korade-Wilson, moved to adopt staff recommendation to grant the removal permit application for units 1B and 2B as they are uninhabitable and cannot be made habitable in any manner and to adopt the proposed Findings of Fact and Conclusions of Law. The motion unanimously passed in a roll call vote.

9. ADMINISTRATIVE ITEMS (continued)

B. Kim O’Cain, Water Resources Specialist, Office of Sustainability & the Environment
This item was continued to have Ms. O’Cain attend a future Board meeting.

C. Proposed Regulation 9010 – No Evictions for Smoking in Multi-Unit Common Areas
General Counsel Michaelyn Jones presented a summary of the proposed regulation. Mat Millen, Marlene Gomez, Esther Schiller and Trisha Roth addressed the Board. William Dawson’s email was read by the Chair and submitted into the record. Board members discussed how property owners should be informed of the city’s new smoking ordinance. Administrator Condon announced that news of the smoking ordinance would be in the April Rent Control Newsletter which is mailed to owners and tenants and information will also be on the Board’s webpage.

Following a lengthy discussion, Commissioner Kennedy, seconded by Commissioner Mollica, moved to set this matter for public hearing at the Board's next meeting. The motion passed in a 4-1 roll call vote. Commissioner Kronovet voted no.

D. The Impact of Market Rate Vacancy Increases: 1/01/1999 – 12/31/2008

Public Information Manager Michael Dominguez gave a PowerPoint presentation of the market rate vacancy report. The Board thanked Mr. Dominguez for his report. This was an informational item and no action was taken.

E. Mid-Year Budget Report 2008/2009

Administrator Condon presented a summary of the budget report. Ms. Condon and Ms. Noseworthy answered questions asked by the Board. This was an informational item and no action was taken.

13. REQUESTS TO SPEAK

The following persons addressed the Board: Michael Millman and Susan Schoen.

14. REPORT OF CLOSED SESSION

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The Board declined the settlement proposal.

15. ADJOURNMENT

At 9:31 p.m. Commissioner Koury adjourned the meeting.