

SANTA MONICA RENT CONTROL BOARD
REGULAR MEETING MINUTES
April 23, 2009

1. CALL TO ORDER

Commissioner Koury called the Rent Control Board meeting to order at 7:04 p.m. followed by the pledge of allegiance. Commissioner Koury read a passage from the Sixteenth Amendment to 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
 Keith Kresge, Staff Attorney
 Michael Dominguez, Information Systems Mgr.
 Joseph Jaurequi, Information Analyst
 Glenda Jacobs, Board Secretary

3. APPROVAL OF THE MINUTES: March 12, 2009

Commissioner Kennedy, seconded by Commissioner Kronovet, moved to adopt the minutes of March 12, 2009. The motion unanimously passed in a roll call vote.

4. SPECIAL AGENDA ITEM

Administrator Condon announced that at the request of both the tenant and owner, agenda item 6A-1, D-4405/D-4406 will be continued to the June meeting. Item 9C the legislative report is also continued to the June Board meeting. Christine Minnehan had to testify before the State Budget Committee this afternoon and could not attend tonight's meeting.

6. CONSENT CALENDAR

A. Appeals

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 the Board meeting in June.

2) D-4392/D-4396: 901 3rd St., Units 209 and 306, Appellants – R. Liza Salvatore (TT), Santa Monica Properties (LL) by J.L. Jacobson (Rep.)
Landlord and tenant appeal hearing officer decision granting rent decreases.
Staff Attorney Keith Kresge presented a summary of the staff report. Liza Salvatore, J.L. Jacobson and Roberta Roskam addressed the Board. Following a

lengthy discussion, Commissioner Koury, seconded by Commissioner Korade-Wilson, moved to adopt staff recommendation to reverse the \$3 decrease for the removal of the tenant's business name from the building directory. The motion unanimously passed in a roll call vote.

After further discussion, Commissioner Koury, seconded by Commissioner Korade-Wilson, moved to adopt a finding of fact so that the hearing officer would consider an alternative means to bring the jacuzzi into compliance. The motion passed in a 4-1 roll call vote. Commissioner Kronovet voted no.

Commissioner Kennedy, seconded by Commissioner Korade-Wilson, moved to deny the appeal and affirm the decrease for the sauna with an additional finding of fact that the hearing officer may consider alternative means of compliance to restore the service for the timer on the sauna. The motion passed in a 3-2 roll call vote. Commissioners Kronovet and Koury voted no.

At the final vote, Commissioner Koury, seconded by Commissioner Kennedy, moved to deny the tenant's appeal of the hearing officer's denial of the decrease for the fireplace. The motion unanimously passed in a roll call vote.

7. JURISDICTIONAL ITEM

B. Exemptions

4. Owner Occupancy

1) 1572: 139 Wadsworth Ave., Applicant – Golding

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.

Recommendations: Grant

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

8. PUBLIC HEARING

A. Proposed Regulation 9010 – No Evictions for Smoking in Multi-Unit Common Areas

General Counsel Michaelyn Jones presented a summary of the proposed regulation. Marlene Gomez, Esther Schiller, Trisha Roth, Rosario Perry, Phillip Paley, Myra Morris and J.L. Jacobson addressed the Board. Following a discussion, this item was tabled for further thought by counsel and would be re-addressed before the end of the meeting.

9. ADMINISTRATIVE ITEMS

A. Kim O'Cain, Water Resources Specialist, Office of Sustainability & the Environment, Water Shortage Response Plan

Ms. O'Cain presented a PowerPoint presentation of the Water Shortage Response Plan. After questions from the Board, they thanked Ms. O'Cain for her presentation.

B. Danielle Noble, Sr. Administrative Analyst, Human Services Division, Direction on New Funding Opportunity – Department of Housing and Urban Development Homeless Prevention and Rapid Re-Housing Program

Ms. Noble presented a summary of temporary limited funding opportunities for the homeless or near homeless. The Board thanked Ms. Noble for her presentation and invited her back for an update on the program implementation later in the year.

C. Christine Minnehan, Legislative Presentation
Continued to the Board meeting in June.

D. Impact of the Ellis Act – January through December 2008

Joe Jaurequi, Information Analyst and Ellis Coordinator, presented a PowerPoint presentation of the Ellis report. Following the report, the Board directed staff to send the report to the City Council. They also thanked Mr. Jaurequi for his informative report.

There was a short break in the proceedings and the meeting resumed approximately ten minutes later.

8. PUBLIC HEARING (continued)

A. Proposed Regulation 9010 – No Evictions for Smoking in Multi-Unit Common Areas

Upon further consideration, to clarify the purpose of the regulation, General Counsel proposed an amendment to the title of Regulation 9010 to read “No Evictions for Violating Santa Monica Municipal Code Section 4.44.040 Which Prohibits Smoking in Multi-Unit Common Areas”. A further clarification was added in a new paragraph confirming this regulation does not affect the existing just causes for eviction set forth in the Rent Control Charter Amendment.

After a brief discussion, Commissioner Koury, seconded by Commissioner Korade-Wilson, moved to adopt the proposed amendment to the title and added section. The motion passed in a 4-1 roll call vote. Commissioner Kronovet voted no.

9. ADMINISTRATIVE ITEMS (continued)

E. Ratification of Memoranda of Understanding between Employees Action Committee (EAC) and the Santa Monica Rent Control Board. Contract effective January 1, 2009 through December 31, 2011.

Administrator Condon presented a summary of the MOU. Commissioner Koury, seconded by Commissioner Mollica, moved to adopt the contract. The motion unanimously passed in a roll call vote.

13. REQUESTS TO SPEAK

The following persons addressed the Board: Susan Schoen.

15. ADJOURNMENT

At 10:28 p.m. Commissioner Koury adjourned the meeting.