



CITY OF SANTA MONICA RENT CONTROL BOARD  
REGULAR MEETING MINUTES  
Civic Center Auditorium, 1855 Main Street  
Thursday, November 9, 2017

1. CALL TO ORDER

Vice-Chairperson Foster called the regular Rent Control Board meeting to order at 6:10 p.m. with Chairperson Duron and Commissioner Torosis absent.

ROLL CALL

Members Present: Chairperson Steve Duron (Arrived at 6:40 p.m.)  
Vice-Chairperson Anastasia Foster  
Todd Flora  
Nicole Phillis  
Caroline Torosis (Arrived at 6:20 p.m.)

Others Present: Tracy Condon, Executive Director  
Stephen Lewis, General Counsel  
Amy Regalado, Hearings Manager  
Dan Costello, Acting Public Information Manager  
Hakhamanesh Mortezaie, Staff Attorney  
Lonnie Guinn, Board Secretary

2. RECESS TO CLOSED SESSION

1. *Conference with Legal Counsel – Existing Litigation (Government Code Section 54956.9(d)(1)): One Item*

*SMRCB v. Allston Street LP*

2. *Conference with Legal Counsel – Anticipated or Potential Litigation (Government Code 54956.9(d)(2)): Two items*

There was no one present to address the Board on these items. The Board recessed to closed session at 6:11 p.m. with Chairperson Duron and Commissioner Torosis absent.

3. RECONVENE TO OPEN SESSION

The open meeting reconvened at 7:10 p.m. with all members present. Chairperson Duron led the assemblage in the Pledge of Allegiance.

4. REPORT OF CLOSED SESSION

General Counsel Lewis announced that the Board authorized General Counsel to enter into a settlement of costs with respect to Item 1 and that there was no reportable action with respect to Item 2.

5. APPROVAL OF THE MINUTES: October 12, 2017

Vice-Chairperson Foster, seconded by Commissioner Flora, moved to approve the minutes of the regular Board meeting of October 12, 2017. The motion was approved unanimously by voice vote.

6. SPECIAL AGENDA ITEMS

Staff Attorney Mortezaie made two announcements.

The City will host the first of multiple community meetings concerning the seismic retrofit program in the Civic Auditorium, East Wing, on Monday, November 13, 6 p.m.

The Rent Control Agency and the Consumer Protection Division of the City Attorney's Office will hold the annual landlord/tenant forum in the MLK Auditorium, Main Library on Tuesday, December 12, 9:30 a.m.

7. PUBLIC COMMENT

The following member of the public addressed the Board on rent control-related issues not on the agenda: Nicholas Gross.

10. JURISDICTIONAL ITEMS

A. Exemption – Owner-Occupancy

1) 1765: 2467/2469 Hill Street, Applicants – D. Minor and M. Minor

*Applicants seek an owner-occupancy exemption for a property with three or fewer units, under Charter Section 1801(c)(4). Recommendation: Grant.*

Staff Attorney Mortezaie summarized the staff report. No members of the public were present to address the Board. Vice-Chairperson Foster, seconded by Commissioner Phillis, moved to grant the exemption. The motion was approved by the following roll call vote:

AYES: Commissioners Flora, Phillis, Torosis, Vice-Chairperson Foster,  
Chairperson Duron

NOES: None

ABSENT: None

B. Appeals

1) D-4965: 801 2<sup>nd</sup> Street, Unit 313, Appellant – S. Riaz

*Tenant appeals denial of rent decreases for certain conditions raised in his petition.*

After discussion, Commissioner Phillis, seconded by Vice-Chairperson Foster moved to deny a late continuance requested by the appellant. The motion was approved by the following roll call vote:

AYES: Commissioners Phillis, Torosis, Vice-Chairperson Foster

NOES: Commissioner Flora, Chairperson Duron

ABSENT: None

Staff Attorney Mortezaie summarized the staff report. No members of the public were present to address the Board. After discussion, Commissioner Phillis, seconded by Vice-Chairperson Foster, moved to affirm the hearing officer's decision. The motion was approved by the following roll call vote:

AYES: Commissioners Flora, Phillis, Torosis, Vice-Chairperson Foster,  
Chairperson Duron

NOES: None

ABSENT: None

2) N-0254: 418 Pier Avenue, Unit 204, Appellant – S. Wendel

*Tenant appeals hearing officer's decision to grant a petition for a tenant-*

*not-in-occupancy and set a new maximum allowable rent under Regulation 3304.*

Staff Attorney Mortezaie summarized the staff report. The following member of the public was present to address the Board: Charles Brackins (landlord representative). After discussion, Commissioner Phillis, seconded by Commissioner Torosis, moved to affirm the hearing officer's decision. The motion was approved by the following roll call vote:

AYES: Commissioners Flora, Phillis, Torosis, Vice-Chairperson Foster,  
Chairperson Duron  
NOES: None  
ABSENT: None

12. ADMINISTRATIVE ITEM

A. *Keyser Marsden Associates will present results of a study commissioned by the Santa Monica City Council encompassed in their report "The Ellis Act and Its Effects on Rent-Stabilized Housing in Santa Monica: A Study of Factors Leading to Withdrawal and Possible Mitigation Strategies."*

Kathe Head of Keyser Marsden Associates, with input from City Housing Division Manager Barbara Collins and Senior Administrative Analyst Elsa Brown, made a presentation on the results of the Ellis Study. The following member of the public was present to address the Board: Jennifer Kennedy. After questions, suggestions and discussion by the Board members, no action was taken on this informational item.

14. BOARD DISCUSSION ITEM

A. *At the request of Commissioner Nicole Phillis: If the Board enacts regulations permitting landlords to pass through to their tenants a portion of earthquake retrofitting costs, to what extent, if any, should existing pass-throughs for local assessments be limited?*

Commissioner Phillis outlined her request. The following member of the public was present to address the Board: Michael Millman. After discussion, the Board directed staff to come back with potential amendments to the regulations regarding pass-throughs.

Commissioner Torosis asked staff to bring back a resolution in support of the City finding financing options to assist cost-burdened landlords during the retrofit process.

16. ADJOURNMENT


Commissioner Phillis, seconded by Vice-Chairperson Foster, moved to adjourn at 9:30 p.m. The motion was approved unanimously by voice vote.

ATTEST:



Lonnie Guinn  
Secretary

APPROVED:



Steve Duron  
Chair