



CITY OF SANTA MONICA RENT CONTROL BOARD
REGULAR MEETING MINUTES
Council Chamber, City Hall, 1685 Main Street
Thursday, March 22, 2018

1. CALL TO ORDER

Chairperson Foster called the regular Rent Control Board meeting to order at 6:02 p.m. with Vice-Chairperson Torosis and Commissioner Duron absent.

ROLL CALL

Members Present: Chairperson Anastasia Foster
Vice-Chairperson Caroline Torosis (arrived at 6:15 p.m.)
Steve Duron (arrived at 6:40 p.m.)
Todd Flora
Nicole Phillis

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

2. RECESS TO CLOSED SESSION

1. *Conference with Legal Counsel – Pending Litigation (Government Code 54956.9(d)(1))*

3 items

1042 20th Street LLC v. Santa Monica Rent Control Board (LASC Case No. SS028966)

ASN Santa Monica v. Santa Monica Rent Control Board (LASC Case Nos. SS029136 and SS026542)

2. *Conference with Labor Negotiator – Personnel (Government Code 54957.6)*

a. *City Negotiator: Tracy Condon, Executive Director*

Employee Organizations: Employees Action Committee (EAC), Hearing Examiner Representational Organization (HERO), Society for Union Employment (SUE) and Miscellaneous Non-Represented Employees

There was no one present to address the Board on these items. The Board recessed to closed session at 6:04 p.m. with Vice-Chairperson Torosis and Commissioner Duron absent.

3. RECONVENE TO OPEN SESSION

The open meeting reconvened at 7:02 p.m. with all members present. Chairperson Foster led the assemblage in the Pledge of Allegiance.

4. REPORT OF CLOSED SESSION

General Counsel Lewis announced that the Board approved an appeal of the Superior Court's decision in the cases listed in Item 1 once a judgment is rendered. He also announced there was no reportable action on Item 2.

5. APPROVAL OF THE MINUTES: March 1, 2018

Vice-Chairperson Torosis, seconded by Commissioner Flora, moved to approve the minutes of the regular Board meeting of March 1, 2018. The motion was approved unanimously by voice vote.

6. SPECIAL AGENDA ITEMS

Executive Director Condon made a trio of announcements.

The next Rent Control seminar, "Owning Rental Property in Santa Monica," is scheduled for Tuesday, April 3, 2018, 9:30 a.m. at the Santa Monica Main Library.

The 2018 Fair Housing Workshop will be held on April 24, 2018, 9 a.m. at the Santa Monica Main Library. The workshop is sponsored by the Consumer Protection Division of the City Attorney's Office, the Rent Control Board, Santa Monicans for Renters' Rights, the Apartment Association of Greater Los Angeles and Action Apartment Association.

Anyone interested in receiving email communications from the Rent Control Board is urged to sign up on the Board's website: www.smgov.net/rentcontrol.

7. PUBLIC COMMENT

The following members of the public addressed the Board on rent control-related issues not on the agenda: Eric Ruhman and Marc Stern.

10. JURISDICTIONAL ITEMS

A. Exemptions – Owner Occupancy

1) 1770: 363 18th Street, Applicant – M. Weithorn

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

2) 1771: 2230 Delaware Avenue, Applicant – V. Yermian

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

There were no members of the public present to address the Board. Commissioner Phillis, seconded by Vice-Chairperson Torosis, moved to approve both owner occupancy exemptions as recommended by staff. The motion was approved by the following roll call vote:

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

NOES: None

ABSENT: None

B. Appeals

- 1) D-4877: 2601 23rd Street, Unit 2603, Appellant – S. Hagen (Tenant)
Tenant appeals hearing examiner's decision denying rent decreases.

Item 10B.1 (Appeal D-4877) was continued to the April 12, 2018 Board meeting.

- 2) D-4983 (untimely): 943 Euclid Street, Unit 943, Appellant – D. Ronen, managing member, 949 Euclid St., LLC (Landlord)

Landlord appeals hearing examiner's decision granting a rent decrease due to loss of laundry facilities.

Staff Attorney Mortezaie summarized the staff report. The following member of the public was present to address the Board: David Ronen (landlord representative). Commissioner Phillis, seconded by Vice-Chairperson Torosis, moved to reject the appeal as untimely and deny the appeal on the merits. The motion was approved by the following roll call vote:

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

NOES: None

ABSENT: None

11. PUBLIC HEARING

- A. *Consideration of whether—and, if so, how—the Board should amend Regulation 3120, respecting limitations on surcharges that may be added to controlled rents, to impose further limitations.*

General Counsel Lewis summarized the staff report. The following members of the public were present to address the Board: G. Bonart, Dominic Gomez, Bill Davids, Linda Lancaster, Michael Tarbet, David Miller, Wendie Olshan, Elaine Golden-Gealer, Elizabeth Vagner, Shari Davis, Nani Grenell, Lori Brown, Rosario Perry, Rosemarie Inde, Richard Tahvildaran Jesswein, Michael Soloff, Robert Gomez, Sonya Sultan, Denny Zane, Doug Hedlund, Pat Cramer and Jennifer Kennedy. After questioning of speakers and discussion, the Board directed staff to return to the April 12, 2018 Board meeting with further information on the issue.

12. ADMINISTRATIVE ITEMS

- A. *2017 Annual Report: Consolidated report includes status of controlled rental housing, impact of market rent vacancy increases, impact of the Ellis Act and departmental overviews.*

Vice-Chairperson Torosis, seconded by Commissioner Phillis, moved to have Item 12A continued to the April 12, 2018 Board meeting. The motion was approved by the following roll call vote:

AYES: Commissioners Duron, Phillis, Vice-Chairperson Torosis

NOES: Commissioner Flora, Chairperson Foster

ABSENT: None

B. *Consideration of whether to recommend that the City Council place on the ballot for the 2018 municipal general election a measure to amend the City Charter to reestablish vacancy control in the City of Santa Monica if statewide voters approve The Affordable Housing Act (Costa-Hawkins Repeal) at the November 2018 California general election.*

General Counsel Lewis summarized the staff report. The following members of the public were present to address the Board: Chris Metz, Larry Gillis, Michael Millman, Cindy Liu, Lori Brown, Rosario Perry, Rosemarie Inde, Peter Borrissen, Pat Cramer, Scott Richardson, David Miller and Elaine Golden-Gealer. After questioning of speakers and discussion, the Board took no action but asked staff to return with additional information.

14. BOARD DISCUSSION ITEM

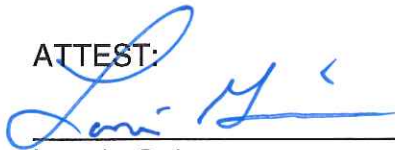
A. *Commissioner Nicole Phillis would like the Board to consider retaining counsel to conduct an independent analysis of whether the Rent Control Charter Amendment permits the pass-through of surcharges on top of a unit's maximum allowable rent, including surcharges related to voter-approved bond measures adopted in 2012 or later.*

Commissioner Phillis outlined her discussion item. After discussion, the Board asked that staff agendaize the item for the April 12, 2018 Board meeting.

16. ADJOURNMENT

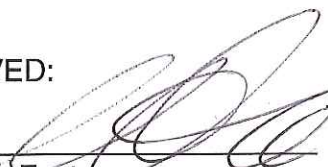
Vice-Chairperson Torosis, seconded by Commissioner Duron, moved to adjourn at 11:30 p.m. with all members present.

ATTEST:



Lonnie Guinn
Secretary

APPROVED:



Anastasia Foster
Chair