



CITY OF SANTA MONICA RENT CONTROL BOARD  
REGULAR MEETING MINUTES  
Council Chamber, City Hall, 1685 Main Street  
Thursday, February 14, 2019

1. CALL TO ORDER

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

ROLL CALL

Members Present: Chairperson Caroline Torosis  
Vice-Chairperson Nicole Phillis (arrived at 6:12 p.m.)  
Anastasia Foster  
Naomi Sultan

Member Absent: Steve Duron

Others Present: Tracy Condon, Executive Director  
Stephen Lewis, General Counsel  
Lynn Naliboff, 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 – Anticipated Litigation (Government Code 54956.9(d)(2))*

2 items

1. *ENA 1, LLC v. SMRCB*

2. *ENA10, LLC v. SMRCB*

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

3. RECONVENE TO OPEN SESSION

The open meeting reconvened at 7:09 p.m. with Commissioner Duron absent. Chairperson Torosis led the assemblage in the Pledge of Allegiance.

4. REPORT OF CLOSED SESSION

General Counsel Lewis reported that the Board took no reportable action on the closed session items.

5. APPROVAL OF THE MINUTES: January 10, 2019

Commissioner Foster, seconded by Commissioner Sultan, moved to approve the minutes of the regular Board meeting of January 10, 2019. The motion was approved by voice vote with Commissioner Duron absent.

6. SPECIAL AGENDA ITEMS

Executive Director Condon made three announcements.

Lynn Naliboff is attending her first meeting as the newly promoted Hearings Department Manager.

The next Rent Control Board seminar is scheduled for March 6, 2019, 9:30 a.m., at the Main Library. The subject will be owning rental property in Santa Monica. Pre-registration is available at 310-458-8751 or by emailing [rentcontrol@smgov.net](mailto:rentcontrol@smgov.net).

The annual Fair Housing Workshop will be held on April 23, 2019, 9 a.m., at the Main Library. The event is co-sponsored by the Rent Control Board, City Attorney's Office, Apartment Association of Greater Los Angeles, ACTION Apartment Association and Santa Monicans for Renters' Rights.

7. PUBLIC COMMENT

The following member of the public addressed and was questioned by the Board on rent control-related issues not on the agenda: Jay Johnson.

10. JURISDICTIONAL ITEMS

A. *Exemption – Owner Occupancy*

1) E-1785: 2718 Broadway, Applicant – E. Sedaghatfar

*Applicant seeks an owner-occupancy exemption for a property with three or fewer units, under Charter Section 1801(c)(4). The hearing officer recommends that the Board deny the exemption.*

Chairperson Torosis recused herself from this item and left the dais.

Staff Attorney Mortezaie summarized the staff report. The following members of the public were present to address the Board on this item: Eliza Sedaghatfar (applicant), Nahid Sedaghat, Zach Crosuer, Jonathan Nikfarjam, Nelly Nikfarjam and Peter Magadini (tenant). After questioning of E. Sedaghatfar and discussion, Commissioner Foster, seconded by Commissioner Sultan, moved to adopt the hearing officer's recommendation to deny the exemption and to correct the typo in finding 28 as recommended by staff. The motion failed by the following roll call vote:

AYES: Commissioners Foster, Sultan

NOES: Vice-Chairperson Phillis

ABSENT: Commissioner Duron and Chairperson Torosis

Pursuant to Section 1801(c)(7) of the Rent Control Charter Amendment, the exemption is deemed approved as of March 6, 2019, because the Board did not

act upon the completed exemption application within the 90 days of its filing, nor by the date of the owner's 30-day waiver (March 6, 2019).

Chairperson Torosis returned to the dais.

*B. Appeal*

1) *D-5097: 2010 3<sup>rd</sup> Street, Unit 108, Appellant – M. Kang (Tenant)*

*Tenant appeals decision denying a rent decrease for an alleged reduction in a housing service.*

Staff Attorney Mortezaie summarized the staff report. The following member of the public was present to address the Board on this item: Scott Brody (landlord representative). After discussion, Chairperson Torosis, seconded by Commissioner Foster, moved to affirm the hearing officer's decision and deny the appeal. The motion was approved by the following roll call vote:

AYES: Commissioners Foster, Sultan, Chairperson Torosis

NOES: None

ABSTAIN: Vice-Chairperson Phillis

ABSENT: Commissioner Duron

*C. Removal*

1) *457R-D: 1453 10<sup>th</sup> Street, Applicant – Magnolia Villas EAH, LLC (Landlord)*

*Applicant seeks a removal permit for three controlled units to develop a 40-unit affordable housing project in which 39 units will be deed-restricted as affordable to low-income persons. Recommendation: Grant.*

Staff Attorney Mortezaie summarized the staff report. The following member of the public was present to address the Board on this item: Steven Spielberg (applicant representative). After discussion, Commissioner Foster, seconded by Chairperson Torosis, moved to grant the removal permit. The motion was approved by the following roll call vote:

AYES: Commissioners Foster, Sultan, Vice-Chairperson Phillis,  
Chairperson Torosis

NOES: None

ABSENT: Commissioner Duron

14. BOARD DISCUSSION ITEMS

*A. Request of Chairperson Torosis for the Board to consider whether to agendize for a future meeting a discussion of making rent decreases retroactive to the date the reduction in services commenced.*

Chairperson Torosis introduced her item. After discussion, the Board directed staff to agendize the item at a future Board meeting.

*B. Request of Vice-Chairperson Phillis that the Board agendize for a future meeting consideration of adopting a resolution to the City Council*

*recommending:*

- a. *a temporary stay on granting development agreements on previously rent-controlled properties in the Pico neighborhood until:*
  - i. *the City Council finalizes its evaluation of possible zoning restrictions on post-Ellis uses; and*
  - ii. *the Pico Neighborhood Plan is adopted and finalized; and*
- b. *that the City Council consider re-examining the in-lieu fees for affordable housing when new condominium developments replace previously rent-controlled housing.*

Vice-Chairperson Phillis introduced her item. After discussion, the Board directed staff to draft resolutions addressing these items and bring them back at a future Board meeting.

16. ADJOURNMENT

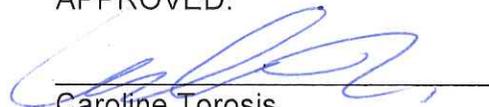
Commissioner Foster, seconded by Vice-Chairperson Phillis, moved to adjourn at 9:20 p.m. with Commissioner Duron absent.

ATTEST:



Lonnie Guinn  
Secretary

APPROVED:



Caroline Torosis  
Chair