

January 5, 2016

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The Honorable Trish Herrera Spencer
Mayor of the City of Alameda
2263 Santa Clara Ave
Alameda, CA 94501
(510) 747-4701
tspencer@alamedaca.gov

Re: Rent Stabilization Proposals for January 5, 2016

Mayor Spencer:

I was informed late in the process regarding Council deliberations over the response of the City of Alameda to unquestionably rising housing rental rates, but I wish to make my story known on the record to help guide policy decisions now and in the future. I apologize for the state of this letter, but I literally wrote it the evening before your hearing on January 5. I intend to be present at the hearing to discuss it and answer questions.

In 2013 I chose Alameda as my home, relocating from Dublin and selecting a beautiful apartment at Marina View Towers, located at 1100 Pacific Marina on the City's north side. Apartment 802 on the building's top floor had an incredible view of Oakland, a balcony, modern appliances, and hardwood flooring. I never had a single maintenance issue or any other problem with the building's prior owners, which is impressive for a building of that size built in the 1960s; I actually had a fantastic relationship with the owners and, since I am a computer networking professional, was negotiating 100 Mbps fiber on the owner's behalf to provide better connectivity. This incredible home cost me an already-steep **\$2,150/month**; indeed, this property was already out of reach of many Alamedans and I could only live there due to my privilege.

Before a year had lapsed on my lease, a group of about a dozen bankers toured my apartment at our manager's request. I was happy to comply because I didn't realize the purpose. I learned why when San Francisco-based Carmel Partners, via a purpose-made holding company CP IV Marina View LLC, purchased the building and evicted all residents of Marina View Towers. We were told that during the purchasing process an inspection had revealed significant structural deficiencies and that eviction and retrofitting were mandatory for safe living. I was also promised that as soon as construction was complete, I was to be given back my apartment.

Re: 6-C
1-5-16

Despite my repeated attempts to contact Carmel Partners via the contact information I was given during the sale, my telephone call was never returned. I now know from speaking with past and present employees of Carmel that this behavior was intentional and planned.

In September 2014, Carmel opened the newly-renamed “Panomar” for leasing to the general public. I immediately called from the perspective of a new client and was informed that my apartment had already been rented to someone else; however, other units were, of course, available. Hesitantly, I toured the property, and was dealt the first big blow: a comparable apartment one floor **below** my prior apartment now cost **\$3,575/month** (a rent increase of 66.2% YoY). In addition, I noted that Carmel had renovated the **entire property**, including adding a roof lounge, completely repurposing and demolishing some of the first floor, and installing new appliances to replace already-new appliances. This was not a seismic retrofit.

Desperate to return home, I reluctantly executed a lease after securing a roommate to absorb the increased cost. It is now clear to me that Carmel Partners performed the evictions to avoid a rent increase review process and skirt the spirit, if not the letter, of Alameda law.

Being a relatively privileged member of the technical community, I value accessibility and diversity as I am very aware of the negative effects my industry can have on local communities. I think it is easy for the technical industry to overlook collateral damage, so I take a very keen interest in being aware of my own privilege and how I am disrupting the lives of those around me, and how I can help minimize this damage. With that context in mind, the first change I noticed right away is that Carmel had evicted the culturally-diverse, artistic and creative community that was present in Marina View Towers. In Panomar, we were left with the tech industry, professionals, and the government (the only three groups that can really afford such housing) and community quality suffered **drastically**. Carmel had succeeded in replacing a community it determined to be unsavory (and unprofitable) with limitless return on investment.

Even beyond the community, the newly-renovated building was immediately plagued with severe maintenance and safety issues. To save money, Carmel decommissioned an entire freight elevator shaft; they renovated the other freight elevator (which caused over a dozen separate incidents of complete elevator failure once opened, trapping people inside on occasion) and, because they allowed their construction crew to use the only other elevator during renovation, introduced a plethora of issues to even the center passenger elevator. The elevators after Panomar opened were nothing short of a complete nightmare. In my almost entire year of living under the prior owners, not one of the three elevators experienced **a single issue**. I can recall nearly two dozen separate elevator incidents with the two remaining shafts after Carmel’s remodel, which is a serious safety threat in that eight-story building: residents with disabilities who are unable to navigate stairs are in big trouble if all of the operational elevators fail. They did on **three separate occasions** under Carmel’s management in the six months of my lease.

In addition to the elevators, Panomar regularly experienced issues even operating a boiler. On more than one night, former community manager Odis James was left running to Home Depot

and buying residents space heaters because the heating had totally failed with no fix in sight. My roommate and I also experienced multiple maintenance issues in our new apartment that, in one case, went as long as six months without a fix. I reported one issue upon move-in that, at the termination of my lease, still had not been resolved. All of these maintenance issues were present in a building that Carmel had **just acquired** and was appraised at over \$10 million in 2014; I was repeatedly told that Carmel had invested millions of dollars on the renovation, but I had a difficult time reconciling this with the poor performance and workmanship of the construction.

That was not the end of the problems for me, however.

In February 2015 Carmel entertained and courted my roommate to obtain a place of her own. My roommate requested that Carmel not communicate her plans to me, which put them in a position of a serious conflict of interest given that they were handling two separate leases and knowingly withholding information from one lessee. I returned home from work to find that my roommate had moved out with no notice, leaving me with the entire \$3,575 rental to manage on my own. Worse still, Carmel had moved her into another unit in the same building not fifty feet from my doorstep, knowingly skirting their own financial requirements (she does not make the income to justify two leases above \$3,000/month) in order to fill the building and enrich their own pocket.

After Carmel's behavior with my roommate and much legal threatening and posturing, they informed me that at renewal time, six months after my initial lease, my rent would increase to **\$3,755/month** but only if I accepted a year-long lease. If I let my residency transition to a month-to-month arrangement, my rent would increase to **\$4,575/month**. To justify this increase, Mr. James cited properties in Jack London Square as comparable to Panomar, pointing out that an apartment in Jack London Square easily sells for above \$4,000/month. **Not a single competitive property presented to me to justify the rent increase was located in Alameda.**

I invoked the RRAC to contest the rent raise and was heard in RRAC Case #336 on April 6, 2015. I made the case that Carmel's behavior was in bad faith and, even though I technically consented to it, the RRAC should review the entire case of my residency from the perspective of my prior rent before Carmel purchased the building. The Committee expressed their displeasure at my treatment but, unfortunately, their hands were tied from considering the overall rent increases as well as the reprehensible behavior of Carmel in tenant relationships. They were legislatively bound to only examine the increase from \$3,575 to \$3,755, a 5% increase (and amenable to them), even though it really represented a 74.7% increase in practicality. As a result, the RRAC was of no help to me and I was forced to abandon my home.

I now live in a 400 square-foot studio for around the same rent I paid for a one-bedroom apartment at Marina View Towers when this whole situation with my housing started. So, in two years, I have regressed in housing through arguably no fault of my own, merely because I chose Alameda and happened to live in a building that Carmel Partners viewed as an investment.

It is difficult for me to complain about this because I am well-paid and have the luxury of choosing housing, and there are many Alamedans who suffer from far worse plights than me. Rather than create the impression of entitlement, I feel it important to discuss these issues because **I am one of the lucky ones**. I had a place to go. Those with lower incomes and other constraints upon their lives are not as lucky as me, and it is crucial that we consider those of all backgrounds and financial situations as we debate how to respond to these issues as a City.

Panomar represents, to my knowledge, Carmel's first and currently only investment in the City. It is extremely important that city leadership take heed of Carmel's behavior and treatment of tenants in this investment, as it represents the future of Alameda if the Council does not intervene to stop greedy developers. I do not need to explain to Your Honor nor the Council that Alameda is a prime redevelopment target to capitalize upon runaway housing costs.

I have reviewed all three ordinance proposals before your Council, as well as the positions of Mr. Joshua Howard of the CAA, Ms. Maria Dominguez of the Alameda Renters Coalition, as well as Misters Schrader and Muzio. Mr. Schrader writes:

First, the very premise on which the actions taken since early September, 2014 as a result of the BAE report is questionable — that there is a 'rent crisis' in Alameda. [...] So — I ask "Just where is the crisis?"

The answer is that the crisis is right here, in my own life.

Marina View Towers/Panomar represents a turning point for the City of Alameda that most commentators are disingenuously overlooking or unaware is happening. Mr. Schrader correctly points out that there are "exceptional cases of egregious landlord actions" and implores the City to deal with them as "the exceptions they are." I pose the following question: if Carmel's behavior is an exceptional circumstance, how does Mr. Schrader propose that the City of Alameda intervene? I tried every avenue available to me and still lost my home because nothing could be done under the City's current legal framework. We need to improve on **that** deficiency, not lobby for caution to maintain the status quo and let the damage be done to the City.

Developers intend to gentrify Alameda **now** and this is already happening in several locations. Without intervention, Alameda is going to rapidly change in the next couple of years, and I fear the charm and character of our city will be gone before anybody realizes what happened.

Mr. James bragged to me three days after I moved out that he already had someone in my apartment. The demand is there, and I fear that the people taking advantage of supply are coming to Alameda from elsewhere. These new tenants represent opportunity for many Alameda landlords and those with a stake in the City, because if those residents pay a premium for an apartment like that, they're willing to part with their dollars in other ways. As a result, I feel that opinion on this matter is very tongue-in-cheek and skewed toward lining the pockets of a subset of Alamedans, at the expense of lower-income residents who have become "undesirable."

I strongly caution the Council against accepting counsel from parties with an interest in serving developers, as much of the correspondence I reviewed in this matter is egregiously self-serving. I hope my story and counsel stands apart because **I've already lost my home**. I have nothing to gain from Council's deliberations aside from a better City; I don't own rental property at this stage in my life nor do I have investments in organizations that do. I do, however, fear for the hundreds of threatened individuals who are one rent raise away from losing their home and, potentially, losing their ability to live in the city. I also strongly lament the treatment of people in this situation by some, particularly Mr. Schrader again:

It is a privilege to live in Alameda, not an entitlement. Not everyone can meet the challenges to do so...

This sentiment is disgusting because it represents populist opinion on this matter: that people who run into a residency problem with a landlord feel that they are *entitled* to housing. I do not feel that I am entitled to anything. In contrast to most folks in my line of work, I came from the back half of Detroit with nothing. I worked for everything I have and yes, I have found success, but I had to travel through some awful circumstances to get here. I nonetheless feel that housing in Alameda needs some serious attention, because people unable to argue these issues are being harmed by developers who wax poetic about Keynesian market forces and "entitlement."

My impassioned plea before the Council of the City of Alameda is to act now to take a stand, and serve the interests of renters before developers. Much of the correspondence before you discusses revenue arising from real estate rentals and, as an engineer myself, I understand the value in making decisions based upon data. However, one must objectively conclude whether the developers who are altering Alameda as we speak have the best interest of its residents in mind; sure, the rent increases are fine, but you will have a completely different group of people living in the City and paying for them. I believe anybody who speaks out against Council intervention wants this to happen and has found an ideal platform on which to alter Alameda to their will, and it's a clever disguise for their actual opinion which is to gentrify "undesirables" to other cities, to take homes away from everyday working families in Alameda.

I urge Your Honor and the Council to adopt strict plans to protect renters. I believe the third ordinance to be strictest, and I feel it has the best chance of protecting Alamedans from pain that I have experienced. We have to do something before we can iterate to see what works, and the longer that moratoriums extend the status quo, the worse the situation will become.

Thank you for your consideration,

Jed Smith



Dan Faller, AOA President

AOA TODAY

FROM THE PRESIDENT

THE ORGANIZATION WITH

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3. World View - to support a strong belief in Biblical principles and individual responsibility. We are taxpayers for less government who also support the U.S. Constitution as originally intended.

4. Political - to educate, motivate and organize the strongest group of owners in the state who are dedicated to winning back our American Economic System of Free Enterprise and correcting the injustices of our eviction, rent control and taxation laws!



Rent Control is Not the Solution for California's Housing Crisis

The below speech was recently given by Roger Sanders to the California Association of Local Housing Finance Agencies (CAL-ALHFA) at their November 12th annual conference in Sacramento. Roger Sanders was the former Finance Director of the San Francisco Mayor's Office of Housing and Community Development. He is currently retired.

Since 1984, I have lived primarily in San Francisco. Before I moved to my home in Oakland in 2004 I lived in a one bedroom apartment in a 12-unit building at the top of Russian Hill – one block from the “crookedest street in the world”. When I moved, I was paying \$640 in monthly rent and at the time, my family income was \$180,000 a year - I was the Director of Community Development for San Francisco.

Shortly after I moved, my landlord put this 12 unit building on the market for \$1.2 million – (\$100,000 per unit). This is when condos in the neighborhood cost

from \$700,000 to more than \$1 million. Although I may have looked at home ownership during the time I lived on Russian Hill,

Rent control is a public subsidy based on the transferring rental income from a property owner to a tenant. If a tenant pays \$1,000 for a rent controlled apartment and the market rental is \$2,000 the subsidy is \$1,000 monthly. The property owner receives no public funding or exemptions from property taxes and is not allowed to record the financial loss.

I could never find ANYTHING compared to the value I had in one of the most expensive neighborhoods in one of the most expensive cities in the world. I am

Provided by Phil Jaber

sharing my experience because it highlights many of the problems with our housing policy.

Any discussion on rent control should include the California housing crisis where not enough housing is being built to meet population growth or **Supply and Demand**.

In 1950, California's population was 10.5 million which increased to 37.3 million in 2010 or an increase of 252%. How communities reacted to this population growth was dramatically different. San Jose went from 95,000 to 946,000 ... a whopping 893% increase. To meet the demand, San Jose constructed more than 280,000 housing units or a 917% increase (from 31K).

During the same period, San Francisco, with its slow growth policies, saw a population change from 775,000 to 805,000 – a 1.3 percent increase. **(California 252% - San Francisco a 1.3% increase)** Yes - San Francisco - 30,000 to California's 26.8 million. In one of the most desirable locations in the world, San Francisco allowed little growth without even acknowledging that this would impact the housing market.

This shortage of housing in California has worsened as more communities adopt slow growth practices. From 2010 through 2014, the state population increased by 1.55 million while throughout all of California only 312,000 permits for new housing were approved or one unit for every five new residents. Significantly, the urban counties (10 Northern counties and sev-

en Southern counties) approved only 200,000 units or only one for approximately eight new residents.

Affordable Housing

Without providing any solutions to housing shortages, some California cities implemented programs for addressing needs of residents being priced out of housing. These programs include rent control and expanding public housing programs. Both programs represent those housing units receiving one or more forms of public subsidies. And both programs alleviate the high cost of housing by passing on costs to private housing markets.

Public Housing

Public housing has been re-

branded "affordable housing". The major difference is that oversight has been transferred from government housing authorities to non-profit housing developers and much of the funding has moved from taxpayers to market rate renters and home buyers through "inclusionary" and other housing fees.

Housing subsidies to non-profits include:

- Government purchasing property and transferring title to the non-profit;
- Forgivable and no-interest or low-interest loans for new construction and rehabilitation;
- Exemptions from property taxes; and direct HUD subsidies.
- Rent Control

(continued on page 10)

**The fear of the Lord is
the beginning of wisdom,
and knowledge of the
Holy One is understanding.**

PROVERBS 9:10



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Although most people won't acknowledge it, rent control is a public subsidy based on the transferring rental income from a property owner to a tenant. If a tenant pays \$1,000 for a rent controlled apartment and the market rental is \$2,000 the subsidy is \$1,000 monthly. The property owner receives no public funding or exemptions from property taxes and is not allowed to record the financial loss and the tenant does not have to declare the income. And unlike other government programs, there is no accountability.

The Most Unfair Element of Rent Control

The most unfair element of rent control is that a significant number of residents are in rent controlled units even though they are ineligible for all government programs for low income people. The landlord must pay for the cost of the government program regardless of tenant income.

Rent Controlled Buildings Become Undervalued

The most unintended impact of rent control is

that over time rent controlled buildings become undervalued.

Appraised value of rental property is based land value, rental income and operational expenses. In a building in which rental income falls below other properties in the neighborhood, then the property becomes undervalued. This is what happens when you have a building that has been "rent-controlled" for many years and rental income falls significantly below fair market value. The difference between fair market and the undervalued amount is based on the total amount of the rent subsidies to all building tenants. On Russian Hill, the market rent was \$2,800 so my subsidy was worth more than \$25,000 a year

Rent control is ultimately about governments demanding private housing providers "provide for free" the entire cost of a government program even though these same governments provide huge subsidies and/or direct payments to non-profit housing developers to provide the same level of service.

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(and incredibly, nine of 12 tenants were paying less than my rent).

What is commonly regarded as real estate speculation is actually what happens when there is a transfer of wealth in an undervalued building back to ownership. If the longtime owner does not have financial resources to survive the multi-year process of turning undervalued property into market rate opportunities than the property may be sold to another buyer who has the resources to "flip" the property.

The biggest rent control myth is that landlords and developers are responsible for high housing costs.

The argument that landlords control the price of rental housing is almost nonsensical when you review the skyrocketing costs for home ownership. Just like the rise in prices for condominiums and single family homes, market rents are controlled by the supply and demand of available housing units. And the homeowner gets the SKYROCKING increase

in home value and does not even have to share any of the cost of the government rent control program.

SUMMARY

Housing, like food and medicine is a basic quality of life issue. Can you imagine any private market that could succeed under that same regulatory environment as housing? Can you imagine the problems if we limited food production and controlled food markets like we have restricted housing? Problems like starvation, steep increases in prices for a limited supply of food. Can you imagine the havoc if while restricting farmers' production of food, the cities passed on the cost of the Food Stamp program to the supermarkets and mom and

pop groceries? Can you imagine the outrage if cities passed on the cost of Medical and Medicaid to the local hospitals without any reimbursement? We have done this with housing.

Rent control is ultimately about governments demanding private housing providers "provide for free" the entire cost of a government program even though these same governments provide huge subsidies and/or direct payments to non-profit housing developers to provide the same level of service.

Rent Control and Affordable Housing are Band-Aids and not solutions for California's housing crisis. Neither addresses the need to build housing to accommodate California's population growth.

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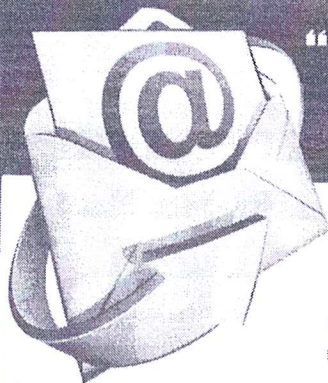
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Here's what others are saying about AOA's email alerts...

Thank you so much for notifying us of this fraud.

Your members appreciate these kind of alerts ...keep up the great work – D. Cowen

Thank you for the information. We are fortunate to be part of your association. – G. Viramontes

Thanks for the info as always.

I'm glad I am a member of AOA, the benefits are really worth it. – J. Chu Ellis

Thanks for keeping us informed.

I think it's a great idea to inform your subscribers of the latest news – D. Merlino



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LARA WEISIGER

From: Trish Spencer
Sent: Monday, January 04, 2016 11:37 PM
To: Kris Motola
Cc: Liz Warmerdam; Janet Kern; DEBBIE POTTER; LARA WEISIGER
Subject: RE: Council Meeting on Rent Control

Dear Ms. Motola,

Thank you for your comprehensive email. I appreciate your comments and concerns, and I will consider them in my decisions.

Sincerely,

Trish Spencer
Mayor, City of Alameda

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

From: Kris Motola <krismotola@gmail.com>
Date: 01/04/2016 4:07 PM (GMT-08:00)
To: Trish Spencer <TSpencer@alamedaca.gov>
Subject: Council Meeting on Rent Control

I am writing as an Alameda resident to express my feelings on the sometimes contentious issue of rent control. Having previously lived in SF for more than 15 years as a renter and property owner I saw firsthand the results of rent control. Rents are artificially high due to constrained supply from renters not moving when they ordinarily would absent rent control (better job, getting married, having kids). The apartments suffer from serious deferred maintenance because the costs cannot be passed on to renters and there is little incentive for landlords because vacant apartments rent for a premium regardless of condition. Rent control has several unintended consequences as well such as not benefiting the intended recipients of the benefits - the people who benefit the most are the most are not the middle or lower income, it is the people who rented first. Because rent control has no means testing there are a number of high income renters that are subsidized because they have been living in an apartment for many years while people of lesser means are priced out. Additionally, there a lot of apartments in SF that are now just pied a terres for people who rented them long ago but have since moved to bigger places in the suburbs but the rent is so low they just use it on the weekends and let friends use it occasionally. This just results in fewer apartments available and higher rents.

There is also the issue of fairness. If the residents of Alameda want rent control or other restrictions on landlords then the city should pay for it and there should be higher taxes. Instead these proposals would force private individuals (many of whom live in Alameda) to subsidize other private citizens.

I encourage the city council to think hard about the long term effects and unintended consequences of rent control. It has not worked in SF and there is no reason to think it would be any different in Alameda.

Thank you for your consideration,
Kris Motola

Dec 30, 2015

FILED
DEC 30 2015
CITY OF ALAMEDA
CITY CLERK'S OFFICE

TO: The Mayor and Council Members, City of Alameda

cc. City Manager

RE: City Council Meeting, January 5, 2016, Agenda Item 6-C 2016-2405 Cap on Annual Rent Increases, Limitation of No-Cause Eviction – Impact on Historical Buildings

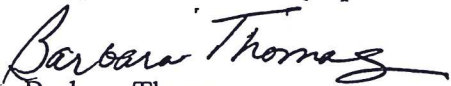
The undersigned are owners of rental properties in Alameda which were built before 1942, some of which are included in the City's Historical Building Study List and/or in George Gunn's two books listing historical properties from 1854 to 1904 and 1905 to 1909. The addresses of our properties are attached.

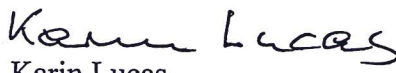
The purpose of the City of Alameda's Historical Preservation Ordinance is

...to promote the educational, cultural, and economic welfare of the City by preserving and protecting historical structures, sites, parks, landscaping, streets, and neighborhoods which serve as a visible reminder of the history and cultural heritage of the City, State or Nation. Furthermore, it is the purpose of this chapter to strengthen the economy of the City by stabilizing and improving property values in historic areas.... (Municipal Code section 13.21.1.)


Section 13.21.5 c.1 of the Municipal Code states: Every..... resource listed on the Historical Building Study List shall be maintained in good repair by the owner to preserve all character defining elements against decay and deterioration.

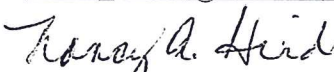
The undersigned believe that any cap on annual rent increases as well as any restriction of no-cause eviction as permitted by California law will have a severe economic impact on our ability to restore, preserve, maintain and manage our historical properties and will lead to the deterioration of our historical neighborhoods. In order to be able to assess that impact we request that the Mayor and Council Members have an Environmental Impact Report prepared in compliance with CEQA prior to approving any ordinance affecting our historical properties.



Barbara Thomas
Barbarathomas@comcast.net


Karin Lucas
Karin_Lucas@hotmail.com


Maria Dominguez



Maria Love


Nancy A. Hird


Jim Smallman


Bruce Carnes


Ken Gutleben


Mark Landreth


Mike Calpestri


Kevin Chan


Lisa Lawley

<u>Property Address</u>	<u>Owner's name</u>
2252 & 2254 Encinal Avenue	Karin Lucas
1833 & 1837 Clinton Avenue	Jim Smallman
2253 San Antonio Avenue	Maria Love
462 Santa Clara 1523 Willow	Bruce Carnes
215 Pacific	Nancy A. Hird
1221 – Ninth Street	Barbara Thomas
1542 Buena Vista Avenue 2146 San Antonio Avenue	Maria Dominguez
3234 Central Avenue	Mark Landreth
2066 & 2068 Alameda Avenue	Ken Gutleben
918 Lafayette Street	Mike Calpestri
2151 Lincoln Avenue	Lisa Lawley
2519 & 2521 Clement Avenue	Kevin Chan