

Council Considers Rent Control

By Cathy Tyson



The Lafayette City Council recently discussed a possible rent increase moratorium for larger apartment complexes like the one at 1038 Second Street. Photo C. Tyson

After hearing public testimony from many tenants complaining about unfairly soaring rents at a complex that recently changed hands, now known as 1038 on Second, and commentary from a number of local landlords who are providing what they believe to be under-market rates, the Lafayette City Council faced a dilemma. At issue was whether to institute a rent increase moratorium that could temporarily stabilize rental rate increases. Lafayette has never had rent control, and while council members were sympathetic to the tenants' plight, they were also concerned about establishing a precedent that may hurt smaller responsible landlords.

Many residents at the complex, located at the end of Second Avenue between Merrill Gardens and Highway 24, had received 60 days' written notice of rent increases, the new addition of utility charges and a requirement for renter's insurance, along with an expensive new pet policy.

In preparation for the May 11 city council meeting, city manager Steven Falk asked Kirby Sack of Sack Properties to prepare an action plan to address issues at the aging 1038 Second Street apartment buildings. A copy of the letter was available at the meeting; it acknowledged missteps but did not contain specifics to remedy the situation. The complex has some serious deferred maintenance that has accrued over many years, under the prior owners. According to its web-

site, new tenant rates for a two-bedroom, one-bath unit range from \$2,033 per month to \$3,660.

"It would be a huge step backwards to eliminate low-income units," said Kathy Merchant, development director of Las Trampas. Some of the developmentally disabled low-income Las Trampas clients live in the 1038 complex.

Another woman who lives in the apartments commented that the new management was willing to negotiate, offering instead of the 39 percent rent increase, a 33 percent increase – the equivalent of \$550.

Tenant Jennifer Brown encouraged the council to "implement safeguards." The rent on her 1950s apartment with no insulation, aging appliances, and single pane windows has gone up exponentially.

"We need affordable housing," said Jennifer Sutherland, urging much more reasonable rent increases, adding, "Sack (Properties) has lied to us in the past."

Bruce Whitten, who spoke up for his 80-year-old landlord mother who has a history of good relationships with long-term tenants, asked the council, "Why is it your place" to set limits on rents, calling it "landlord control."

A number of questions came up when Matt Siegel, staff attorney for the Berkeley Rent Stabilization Program, who is a Lafayette resident, stepped up to the podium.

... continued on page A9

Last Call for Monticello Road Home

By Cathy Tyson

In a last ditch effort before adoption of the official denial of their controversial home on Monticello Road at a recent city council meeting, property owner Linda Wight questioned the Lafayette City Council about the large proposed home, calling its decision "duplicious." She explained that due to the instructions from the city, the Wights moved the house location toward the eastern side of the hilly, almost 14-acre property. This necessitated a number of design changes, including bunkering the home into the hillside and making it two stories, which she said, "was not our preference or choice," as they are getting older and wanted a one-level home, but a "direct consequence of the city's direction to us."

A 21-page denial resolution was ready to go spelling out in great detail findings that couldn't be made at the council's April 13 meeting. On a split vote at that meeting, after years of discussion, the city council voted to deny the project. Usually a simple procedural matter on the consent calendar follows once a decision has been made, adopting the denial resolution, settling the matter.

Not so with the drama surrounding the Wight's home. Both Steve

and Linda Wight wrote a scathing letter to the city council on April 20 expressing their disappointment and belief that "we have been shabbily treated by this lengthy City process," adding that they have been "unnecessarily harmed by such a sustained delay in obtaining a decision from the City."

They concluded by urging the council to "thoughtfully consider our application and adopt the resolution of approval" at the upcoming May 11 meeting. The attorney for the couple, David Bowie, was in attendance arguing that years ago the city approved the site and massing for Phase I that required much less grading and was single story. "Then you created this bunkering situation" and disapproved Phase II, adding that it is "inappropriate and incorrect to say there is too much grading."

Ed Shaffer, attorney for the Glen Neighborhood, stated the denial lays out objective findings and there is no basis for "clearly arbitrary or capricious" claims.

Members of the city council didn't budge from their original votes, three in favor of denying the project, one in favor of approval and one abstention.

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