



City of Mountain View

CITY HALL
500 CASTRO STREET

Minutes

Rental Housing Committee

Committee Members Honey, Ramos, Pardo de Zela, Vice Chair Grunewald and Chair Ortiz

Monday, September 24, 2018

7:00 PM

Council Chambers - 500 Castro St.

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m.

2. ROLL CALL

Chair Evan Ortiz, Vice Chair Matthew Grunewald, Committee Members Vanessa Honey, Emily Ramos, Julian Pardo de Zela

Present 4 - Chair Evan Ortiz, Vice Chair Matthew Grunewald, Committee Member Vanessa Honey, and Committee Member Julian Pardo de Zela

Absent 1 - Committee Member Emily Ramos

3. MINUTES APPROVAL

3.1 Approve the minutes for August 27, 2018 RHC Meeting

MOTION: M/S - Grunewald/ Honey - To approve the minutes for August 27, 2018 RHC meeting.

Yes: 3 - Chair Ortiz, Vice Chair Grunewald, and Committee Member Honey

Absent: 1 - Committee Member Ramos

Abstain: 1 - Committee Member Pardo de Zela

4. ORAL COMMUNICATIONS FROM THE PUBLIC

Fred Kiani requested the RHC to adopt a policy allowing changes in a property's house rules to be considered as part of the original lease to be able to provide a "breach of lease" termination notice in case any house rules are not adhered to.

5. PUBLIC HEARING

5.1 Appeal(s) of Hearing Officer Decision(s):
CSFRA Case 17180006, 184 Centre Street, Mountain View, CA

Karen Tiedemann, Special Counsel, Goldfarb and Lipman, presented an oral presentation and responded to questions.

PRESENTATION AND ARGUMENTS BY PETITIONER-APPELLANT-LANDLORD Chris Hohn
PRESENTATION AND ARGUMENTS BY RESPONDENT-TENANTS Jason Tarricone
REBUTTAL BY PETITIONER-APPELLANT-LANDLORD Chris Hohn
REBUTTAL BY RESPONDENT-TENANTS Juliet Brodie

SPEAKING FROM THE FLOOR WITH COMMENTS:

Curtis Conroy
Job Lopez

MOTION 1: M/S - Ortiz/ Honey - (also accepting a friendly amendment by Pardo de Zela regarding section "C" below) To adopt the tentative appeal decision described below with clarifications as indicated below in section "C":

A. The Decision of the Hearing Officer calculating base year operating expenses and income is remanded. The calculation of base year operating expenses is remanded for the limited purpose of estimating 2015 operating expenses using the best information available.

B. The Decision of the Hearing Officer calculating base year property taxes is remanded for the limited purpose of identifying the property taxes paid for the Property in 2015.

C. The Decision of the Hearing Officer denying a Vega adjustment is remanded for the limited purpose of addressing whether the physical and/or market conditions in the base year applicable to the Property and Subject Units in 2015 justify the average monthly rents charged and received for the Subject Units in 2015, providing a clear analytical path to show the result is logical, based on the preponderance of the evidence in the record.

D. The Decision of the Hearing Officer identifying applicable CPI values for purposes of maintaining net operating income from the Property is affirmed.

E. The Decision of the Hearing Officer purporting to equally allocate rent increases among all units is remanded for the limited purpose of allowing for the recalculation of base year income and expenses, and addressing the Vega adjustment issue, each in accordance with this Tentative Appeal Decision, and to the extent any upward adjustment is warranted, then allocating such upward adjustment among the units in the Property and explaining why the allocation of the rent increase among the units at the Property supports the interest of justice and provides the Appellant-Landlord with a fair rate of return.

Yes: 4 - Chair Ortiz, Vice Chair Grunewald, Committee Member Honey, and Committee Member Pardo de Zela

Absent: 1 - Committee Member Ramos

MOTION 2: M/S - Grunewald/ Ortiz - To allow the Hearing Officer to consider the existing tenant hardship petitions submitted on the hearing record. The hearing record will remain open allowing respondents the opportunity to submit additional documentation to their hardship petition and allowing the appellant the opportunity to respond in writing to tenant hardship petitions.

Motion failed because of the need for three affirmative votes for passage

Yes: 2 - Chair Ortiz, and Vice Chair Grunewald

Absent: 1 - Committee Member Ramos

Abstain: 2 - Committee Member Honey, and Committee Member Pardo de Zela

6. UNFINISHED BUSINESS - NONE

The Committee recessed at 8:57 p.m. and reconvened at 9:09 p.m.

7. NEW BUSINESS

7.1 CSFRA/RHC Fund Results for the Fiscal Year Ended June 30, 2018

Finance and Administrative Services Director Kong presented an oral presentation and responded to questions.

SPEAKING FROM THE FLOOR WITH COMMENTS:

No public comments were received.

The RHC heard a presentation regarding the year-end results for the Community Stabilization and FAir Rent Act (CSFRA)/RHC Fund for the fiscal year ended June 30, 2018.

7.2 RHC Input for a Petition and Hearing Regulations Update Study Session

Karen Tiedemann, Special Counsel, Goldfarb and Lipman, presented an oral presentation and responded to questions.

SPEAKING FROM THE FLOOR WITH COMMENTS:

Curtis Conroy
Edie Keating
Fred Kiani
Joan MacDonald

The RHC heard a presentation and provided guidance regarding issues to be included in the October 22, 2018 study session to update regulations of the petition and hearing process.

7.3 Legal Services related to Redwood Villa, Inc. v. City of Mountain View and the Mountain View Rental Housing Committee

Associate Planner Van Deursen presented an oral presentation and responded to questions.

SPEAKING FROM THE FLOOR WITH COMMENTS:

No public comments were received.

MOTION: M/S - Grunewald/ Pardo de Zela - To authorize the Program Manager or other designee to designate funding litigation services by Goldfarb & Lipan related to the Redwood Villa case for Fiscal Year 2018-19 in an amount not to exceed \$75,000

Yes: 4 - Chair Ortiz, Vice Chair Grunewald, Committee Member Honey, and Committee Member Pardo de Zela

Absent: 1 - Committee Member Ramos

7.4 Rental Housing Committee Meeting Schedule for remainder of 2018 and 2019

To adopt a resolution deciding on a meeting schedule as proposed for the remainder of 2018 and calendar year 2019.

Associate Planner Van Deursen presented an oral presentation and responded to questions.

SPEAKING FROM THE FLOOR WITH COMMENTS:

No public comments were received.

MOTION: M/S - Honey/ Pardo de Zela - To adopt a resolution deciding on a meeting schedule as proposed for the remainder of 2018 and calendar year 2019.

Yes: 4 - Chair Ortiz, Vice Chair Grunewald, Committee Member Honey, and Committee Member Pardo de Zela

Absent: 1 - Committee Member Ramos

7.5 CSFRA Monthly Status Report August 2018

Administrative Analyst Black presented an oral presentation and responded to questions.

SPEAKING FROM THE FLOOR WITH COMMENTS:

No public comments were received.

The RHC heard a presentation regarding the CSFRA monthly status report for August 2018.

8. COMMITTEE/STAFF ANNOUNCEMENTS, UPDATES, REQUESTS, AND COMMITTEE REPORTS

9. ADJOURNMENT- At 10:02 p.m., Chair Ortiz adjourned the meeting to the next RHC Committee Meeting to be held on Monday, October 22, 2017 at 7:00 p.m. in the Council Chambers, 500 Castro Street.