

Gutierrez, Jeannette

From: Mendoza, Clarissa <CMendoza@rutan.com>
Sent: Thursday, September 9, 2021 3:08 PM
To: City Council
Cc: Francois, Matthew; Chopra, Krishan; Shrivastava, Aarti; Fahey, Carolyn
Subject: September 14, 2021 City Council Hearing - 570 S. Rengstorff Avenue (PL-2019-182 and PL-2019-185).
Attachments: 2021 0909 M. Francois Letter to City Council of Mountain View re 570 S. Rengstorff.pdf

Dear Mayor Kamei and Members of the City Council:

Attached please find written correspondence from Mr. Francois on behalf of Spieker Communities, Inc., in the above-referenced matter.

Please feel free to email or call with any questions or concerns.

Best,

Clarissa Mendoza

Legal Secretary

455 Market Street, Suite 1870 | San Francisco, CA 94105

O. (650) 263-7900 | D. (650) 320-1500 x7725

CMendoza@rutan.com | www.rutan.com



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September 9, 2021

VIA E-MAIL [citycouncil@mountainview.gov]

Honorable Ellen Kamei, Mayor
and Members of the City Council
City of Mountain View
500 Castro Street
Mountain View, CA 94041

Re: 570 S. Rengstorff Avenue (PL-2019-182 and PL-2019-185).

Dear Mayor Kamei and Members of the City Council:

We write on behalf of Spieker Companies, Inc. (“Spieker”), which has applied for a Planned Unit Development Permit, Development Review Permit, Vesting Tentative Map, and Heritage Tree Removal Permit in connection with its proposal to construct 85 rowhouses on a 4.07 acre site located at 570 S. Rengstorff Avenue (the “Project”). We write to respectfully ask the City Council to approve the Project at its September 14, 2021 meeting in accordance with the positive recommendation from City Staff. As explained below, we believe that this is the only legal action the Council can take with respect to the Project.

1. The Project site is appropriately planned and zoned for residential uses.

The Project site is planned and zoned for residential uses in accordance with the City’s General Plan and Zoning Ordinance. The Project consists of for-sale housing units, resulting in an increased number of units compared to those currently located on the site. The Project will result in an estimated payment of more than \$3.8 million to the City for affordable housing. Additionally, Spieker has agreed to an enhanced tenant relocation package, including extension of all leases to a date certain, waiver of the tenants’ obligation to provide 30 days’ move-out notice, and provision of additional assistance to eligible households with special circumstances.

2. Project approval is compelled by the Housing Accountability Act.

The Project complies with all applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards.¹ As such, the State Housing Accountability Act (“HAA”) restricts the City’s ability to disapprove or lower the density of the

¹ Objective standards are ones that “involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal.” (Gov. Code § 65913.4(a)(5).)

Honorable Ellen Kamei, Mayor
and Members of the City Council
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Project. In accordance with the HAA, the City could take those actions only if it made “written findings supported by a preponderance of the evidence on the record that both of the following conditions exist: (A) The housing development project would have a specific, adverse impact upon the public health or safety . . . [and] (B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact . . . other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.” (Gov. Code § 65589.5(j)(1).)

A “specific, adverse impact” means a “significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.” (Gov. Code § 65589.5(j)(1)(A).) Under the preponderance of evidence standard, a reviewing court “does not defer to the fact finder below and accept its findings whenever substantial evidence supports them,” but rather “weigh[s] all the evidence for itself and make[s] its own decision about which party’s position is supported by a preponderance.” (*Coastal Environmental Rights Foundation v. California Regional Water Quality Control Bd.* (2017) 12 Cal.App.5th 178, 188 [court further observes that “[t]he question is not whether any rational fact finder could make the finding below, but whether the reviewing court believed the finding actually was correct.”].)

There is no evidence, let alone a preponderance of the evidence on the record, as required, to support findings that the Project would have a specific, adverse impact upon the public health and safety and that there is no feasible way to mitigate or avoid such impact other than disapproval or approval conditioned on a reduction in density.

As such, we urge the City Council to act in accordance with the HAA and approve the Project.

3. Project approval comports with principles of Due Process and Equal Protection.

The touchstone of substantive due process is the protection of the individual against arbitrary government action; the due process clause was intended to prevent government officials from abusing their power or employing it as an instrument of oppression. (*Wolff v. McDonnell*, (1974) 418 U.S. 539, 558; *Collins v. City of Harker Heights* (1992) 503 U.S. 115, 126.) A violation of substantive due process rights occurs if a government agency’s actions are (1) irrational or arbitrary or (2) not rationally related to a legitimate government interest. (*Village of Euclid v. Ambler Realty Co.* (1926) 272 U.S. 365; *Lingle v. Chevron* (2005) 544 U.S. 528.) The test is disjunctive. Thus, a property owner need only demonstrate facts to support one of the two bases in order to state a viable due process claim.

The Fourteenth Amendment to the United States Constitution provides that no state shall deny to any person within its jurisdiction the equal protection of the laws. (*See also* Cal. Con., art. I, sec. 7.) The concept of equal protection has been defined to mean that no person or class of

Honorable Ellen Kamei, Mayor
and Members of the City Council
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persons may be denied the same protection of law that is enjoyed by other persons or other classes in like circumstances. (*Hawn v. County of Ventura* (1977) 73 Cal.App.3d 1009, 1018.) A claimant must show that the state “has adopted a classification that affects two or more *similarly situated* groups in an unequal manner.” (*Walgreen Co. v. City & County of San Francisco* (2010) 185 Cal.App.4th 424, 434 [emphasis in the original].) “[A] deliberate, irrational discrimination, even if it is against one person (or other entity) rather than a group, is actionable under the equal protection clause.” (*World Outreach Conference Center v. City of Chicago* (7th Cir. 2009) 591 F.3d 531, 538.)

The Ninth Circuit has upheld due process and equal protection claims brought by property owners that were discriminated against or treated unfairly by local agencies as part of the land use approval process. (*See, e.g., Del Monte Dunes, Ltd. v. City of Monterey* (9th Cir. 1990) 920 F.2d 1496, 1508 [court finds local agency’s land use decision, motivated by “political pressure from neighbors” instead of legitimate regulatory concerns, supported a substantive due process claim] and *Herrington v. County of Sonoma* (9th Cir. 1987) 834 F.2d 1488 [denial of proposed subdivision and subsequent downzoning violated property owner’s equal protection rights where there was evidence that county had approved sizable residential development projects on comparable properties].)

The City Council has approved similar projects at 1555 W. Middlefield Road, 2310 Rock Street, and 535-555 Walker Drive.² The City, of course, cannot be arbitrary or irrational in its actions. And, it must treat similarly situated parties in a fair and equal manner.

In sum, we urge the Council to act on the Project in a manner that respects Spieker’s due process and equal protection rights.

4. The City Council must timely act on the Project application which has been pending for over two years.

The Subdivision Map Act (“SMA”) and Permit Streamlining Act (“PSA”) impose clear deadlines on the City to act on the Project. The Project application was submitted on May 31, 2019. It was deemed complete on October 7, 2019.

At its August 11, 2021 meeting, the Zoning Administrator and Subdivision Committee recommended approval of the Project. The City Council thus is required to take action on the VTM at its September 14, 2021 meeting. (Gov. Code § 66452.2(a) and Mountain View Municipal Code [“MVZC”] § 28.18(b) [Council meeting/action required within 30 days from August 24, 2021, i.e., the next regular council meeting following the Subdivision Committee’s report].) “If no action is

² We hereby incorporate by reference into the record of proceedings for the Project, the agendas, staff reports, transcripts, minutes, and videos of the above-referenced projects as well as all public records concerning these projects.

Honorable Ellen Kamei, Mayor
and Members of the City Council
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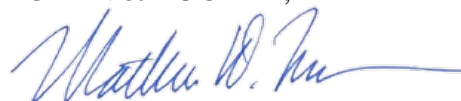
taken . . . by the legislative body within the time limits specified in this chapter . . . the tentative map as filed, shall be deemed to be approved. . . .” (Gov. Code §66452.4(a), MVZC § 28.18(c); *see also Orsi v. City Council* (1990) 219 Cal.App.3d 1576 [Sixth Appellate District rules that a residential development project was deemed approved by operation of law due to the city’s failure to act on the project within the timeframes specified by the PSA and SMA].)

While the PSA does not extend the time limits for acting on the VTM under the SMA (Gov. Code § 65952.1(b)), other Project entitlements are subject to the time limits under the PSA. The City has to act on those Project entitlements within 60 days from the date the Project was determined to be exempt from the California Environmental Quality Act (“CEQA”). (Gov. Code § 65950(a)(5).) At the very latest, the City determined the Project to be exempt from CEQA pursuant to the Class 32 exemption for Infill Development Project on August 11, 2021. Thus, the Council has to act on the Project by October 10, 2021, i.e., 60 days from the City’s exemption determination. If the City fails to act on a development project within this timeframe, “the failure to act shall be deemed approval of the permit application for the development project.” (Gov. Code § 65956(b); *Palmer v. City of Ojai* (1986) 178 Cal.App.3d 280 [court orders development permits issued based on a city’s failure to adhere to timeframe of the PSA].)

In short, we urge the Council to act on the Project in accordance with the timeframes specified by the SMA and PSA.

In closing, we respectfully ask the City Council to approve the Project in accordance with the HAA and related laws. Representatives of Spieker, including the undersigned, will be in attendance at the Council’s September 14, 2021 hearing on the Project, In the meantime, please do not hesitate to contact me or Kevin DeNardi at (408) 439-8325 with any questions regarding this correspondence.

RUTAN & TUCKER, LLP



Matthew D. Francois

MDF:cm

cc: Kevin DeNardi, *via email*
Richard Tod Spieker, *via email*
Krishan Chopra, City Attorney, *via email*
Aarti Shrivastava, Community Development Director, *via email*
Carolyn Fahey, Senior Planner, *via email*

Gutierrez, Jeannette

From: Emily Ramos [REDACTED]
Sent: Sunday, September 12, 2021 11:41 AM
To: Abe-Koga, Margaret; Matichak, Lisa; Showalter, Pat; Lieber, Sally; Hicks, Alison; Kamei, Ellen; Ramirez, Lucas
Cc: , City Clerk; City Council
Subject: SV@Home Comment: 6.1 - Rowhouse Development at 570 South Rengstorff Avenue
Attachments: 870 S Rengstorff.pdf

Dear Mayor Kamei, Vice Mayor Ramirez, and Councilmembers Abe-Koga, Matichak, Hicks, Lieber, and Showalter,

RE: 6.1 - Rowhouse Development at 570 South Rengstorff Avenue

On behalf of SV@Home and our members, we write to you today to express concern regarding the redevelopment proposal for 570 South Rengstorff Avenue, which would entail the demolition of an existing naturally affordable 70-unit apartment building and construction of 85 rowhomes for-sale. This type of redevelopment, where older and more affordable rental units are replaced by extremely expensive homes for sale, exacerbates the housing crisis in Mountain View, by further reducing the stock of homes at lower and moderate rents. While both State laws and recent policy changes in the city have sought to address these losses, this project should stand as a reminder that far more must be done.

Mountain View is a leader in tackling the region's housing crisis, but we must all acknowledge that the acute crisis of housing insecurity, rent burden, and displacement will not be addressed by simply replacing existing homes with newer, more expensive homes. As of the 2020 RHNA progress submission, the city has reported that three-fourths of the way through the current cycle it had permitted 422% its goals for market rate units, but only 26% of the allocation goals for homes affordable to lower and moderate income households. Meanwhile the vast majority of lower-income renters are rent-burdened in Mountain View and well over half report paying over 50% of their incomes towards rent.

Given the magnitude of the need, and the continuing challenges of building the affordable housing needed in response, cities like Mountain View must take actions to avoid losing existing naturally occurring affordable housing options or we are effectively taking one step forward and two steps back. Not only do many naturally-affordable apartments serve lower-income households for whom there are not enough deed restricted opportunities, they are often the only housing options for missing-middle households that struggle to afford the new high-rent apartments being built in Mountain View.

Developments like these highlight the desperate need for the upcoming council housing initiatives: R3 District Zoning Update and Housing Displacement Response Strategies.

Projects like this one are particularly harmful because they do so little to replace the affordable units that are lost. While there are clearly going to be cases when older units will need to be redeveloped, it is critical that local tools are in place to ensure that this redevelopment is at significantly higher densities, and that to the greatest extent possible the naturally affordable units that are lost are replaced with new deed restricted or replacement rent-controlled homes. The good news looking forward is that city staff are actively building these tools. This project, like the Rock Street and Montecito projects before it, are located in R3 (multi-family) zoning areas. Through the R3 District Zoning Update process you will have the opportunity to encourage through incentives and restrictions just this type of higher density infill development. We believe these changes can be crafted in ways to support growth while upholding the city's commitment to being both equitable and inclusive.

While tremendously important, the tools provided by the R3 zoning reforms must be supported by a robust Housing Displacement Response Strategy, including an Ellis Act ordinance with replacement provisions similar to SB330 to mitigate the loss of rent controlled units, and enhanced relocation benefits to increase opportunities for displaced households to remain in their communities. Other tools raised by this council in the past have included opportunities for non-profits or current residents to purchase at-risk properties, and the potential that tenants would have a right to return to new higher-density properties at an affordable rent. These challenges are not unique to Mountain View, but you will have an opportunity to be a regional leader as these policies are developed and brought forward for your consideration.

Finally, and to be clear, SV@Home's intention is not to single out one developer or proposed housing type. Rather we seek to call attention to the displacement challenge and encourage the Council to take this opportunity to think about how the Council initiatives: R3 District Zoning Update and Housing Displacement Response Strategies can provide you with tools that you do not have today to respond to the pressing housing needs of your city.

Sincerely,
Mathew Reed
Policy Director

Emily Ann Ramos
Preservation and Protection Associate, SV@Home
650.468.0493 | emily@siliconvalleyathome.org

350 W Julian St. #5, San José, CA 95110
[Website](#) [Facebook](#) [LinkedIn](#) [Twitter](#) [Become a Member](#)

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United Way Bay Area

Gina Dalma, Vice Chair
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Janikke Klem

Jan Lindenthal
MidPen Housing

Jennifer Loving
Destination: Home

Mary Murtagh
EAH Housing

Chris Neale
The Core Companies

Kelly Snider
Kelly Snider Consulting

Jennifer Van Every
The Van Every Group

Transmitted via email

September 11, 2021

Honorable Mayor Ellen Kamei and Members of the City Council
City of Mountain View
500 Castro Street
Mountain View, CA 94041

RE: 6.1 - Rowhouse Development at 570 South Rengstorff Avenue

Dear Mayor Kamei, Vice Mayor Ramirez, and Councilmembers Abe-Koga, Matichak, Hicks, Lieber, and Showalter,

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September 11, 2021

RE: 6.1 - Rowhouse Development at 570 South Rengstorff Avenue

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Sincerely,

Mathew Reed



Policy Director



Gutierrez, Jeannette

From: Karin. Bricker [REDACTED]
Sent: Sunday, September 12, 2021 3:56 PM
To: City Council; Kamei, Ellen; Matchak, Lisa; Pat Showalter; Lieber, Sally; Abe-Koga, Margaret; Ramirez, Lucas; Hicks, Alison; McCarthy, Kimbra; Shrivastava, Aarti; Fahey, Carolyn; Wright, Nicole; Williams, Stephanie
Subject: League of Women Voters Los Altos Mountain View: Letter to Mountain View Council re 570 S. Rengstorff
Attachments: Letter to Mountain View Council re 570 S. Rengstorff.pdf



September 12, 2021

Mayor Kamei and Members of the City Council
City of Mountain View
500 Castro Street
Mountain View 94041

Re: Council Meeting September 14th, Agenda Item - 6.1 – Rowhouse Development at 570 S.Rengstorff

Dear Mayor Kamei and Members of the City Council:

We strongly encourage Council to **vote no on this project** in its current form. We are particularly concerned that this proposed development results in the loss of 70 rent-controlled units but according to Staff is exempted from both SB 330 and from the Phase II Below-Market-Rate (BMR) requirements. As we wrote to the Zoning Administrator in August, we are concerned with displacement of low-income tenants and have consistently supported the City's efforts to help these tenants with the Tenant Relocation Assistance Ordinance (TRAO). We also believe in government that is transparent and accountable to the voters.

Despite having requested relevant documents, we did not learn until publication of the Staff report that the reason the project does not have to follow the replacement units/right of first refusal to new units is due to a process error. We believe SB 330 should apply because the change of applicant for this development after it was "deemed complete" should cause the application to be considered as a new application. Govt. Code 65941.1(a)(13) states that one of the documents to be provided so that the application is deemed complete is "the applicant's contact information". If contact information is incorrect or not complete then the application is not complete.

In addition to our concerns about the project's exemption from SB 330 requirements, we have not been provided with documentation we requested regarding the exemption from Phase II BMR requirements. The Administrative Guidelines for the Phase II BMR ordinance state that any additional information from the applicant requested by Staff had to be provided by 8/24/19 to claim this exemption. The Staff report on p.11 states that the applicant submitted additional information requested in the Staff's June 30, 2019, letter to the applicant by 8/24, but the Staff report also states that "no additional information was needed or requested for purposes of the grandfather provision" for Phase II BMRs.

The June 30th letter asked the developer to "Provide details of the affordable housing program for this project and how the project meets the City requirement...." The June 30th letter also asked the developer to "provide details of the project TRAO program...." Because the Phase II regulations require the developer to provide 25% of the new units as BMRs rather than a small in-lieu fee, what Staff asked the developer to provide regarding TRAO and the affordable housing program appears to be critical information to be provided by the developer by 8/24 for the project to be grandfathered. In the interest of transparency, this information is important to the community.

Our transparency concerns are not only procedural - they leave us questioning if the requirements of SB 330 and BMR Phase II should apply to this project. Due to these concerns, we cannot support the Staff recommendation to approve the project. (Please submit any questions about this letter to Donna Yobs at dmyobs@yahoo.com)

Karin Bricker, President LWV of Los Altos Mountain View
Donna Yobs, Co-Chair, Housing Committee

cc: Kimbra McCarthy Aarti Shrivastava Carolyn Fahey Nicole Wright Stephanie Williams

Gutierrez, Jeannette

From: Doug DeLong [REDACTED]
Sent: Monday, September 13, 2021 2:24 AM
To: Kamei, Ellen; Ramirez, Lucas; Lieber, Sally; Showalter, Pat; Hicks, Alison; Matichak, Lisa; Abe-Koga, Margaret; City Council
Cc: McCarthy, Kimbra; Shrivastava, Aarti; Fahey, Carolyn; Wright, Nicole; Williams, Stephanie
Subject: Council Meeting 9/14 Agenda Item 6.1 - Rowhouse Development at 570 S. Rengstorff
Attachments: AAH ltr MV CC re 570 S Rengstorff 20210914.pdf

Dear Mayor Kamei and Members of the City Council,

Advocates for Affordable Housing (AAH), a volunteer group of Mountain View residents who support affordable housing for all socioeconomic levels, is strongly opposed to the proposed development in its current form. Please see either the attached PDF or the plain text pasted below. This e-mail is being sent on behalf of Joan MacDonald for AAH.

Regards,
Doug DeLong

[Begin letter text]

Advocates for Affordable Housing
519 Emmons Drive
Mountain View, CA 94043
(650) 967-4427

September 13, 2021

Mayor Kamei and Members of the City Council
City of Mountain View
500 Castro Street
Mountain View, CA 94041

Re: Council Meeting September 14, Agenda Item 6.1 - Rowhouse Development at 570 S. Rengstorff

Dear Mayor Kamei and Members of the City Council:

Advocates for Affordable Housing (AAH), a volunteer group of Mountain View residents since 1993, wishes to express our concerns about the Rowhouse Development at 570 S Rengstorff which is on the current agenda.

City Council includes no net loss of affordable housing units and avoiding displacement as goals. Unfortunately, for the most part, both goals have not been met. Instead we see redevelopment after redevelopment happening after demolition of affordable housing with few if any affordable units replaced. This has or is happening on Rock St. and Middlefield, for examples. If the 570 S. Rengstorff redevelopment is approved, it will be another loss of affordable housing units. TRAO protections unfortunately offer few options in Mountain View since vacancies at tenants' current rent are rarely available.

Whether or not City Council desires this, gentrification seems repeatedly the outcome. AAH wants our city to

remain welcoming to residents at all levels of the socio-economic scale but reality appears to defy that wish. People who work here, have children who attend our schools, are parishioners of our places of worship deserve to and should be able to live here.

We have or will have created several all affordable housing developments but they haven't kept up with the displacement nor the need for low income or middle income housing. We appreciate the fact that Mountain View is clearly not alone in experiencing the housing crisis, but that doesn't excuse our continued pace to increase it.

In our previous letters re this development, we have noted our concern with the lack of transparency with details of criteria used to find it exempt from SB 330. We are still in the dark or unclear on that process. Meanwhile, this is the second redevelopment and oddly in close proximity filed by the same (and one newly named) developers. Since the Gamel Way redevelopment includes some BMRs and TRAO benefits, perhaps 570 S Rengstorff could also.

We implore you to disapprove this development as currently presented.

Sincerely,

Joan MacDonald for AAH


cc: Kimbra McCarthy
Aarti Shrivastava
Carolyn Fahey
Nicole Wright
Stephanie Williams

[End Letter Text]

**Advocates for Affordable Housing
519 Emmons Drive
Mountain View, CA 94043
(650) 967-4427**

September 13, 2021

Mayor Kamei and Members of the City Council
City of Mountain View
500 Castro Street
Mountain View, CA 94041

Re: Council Meeting September 14, Agenda Item 6.1 – Rowhouse Development at 570 S. Rengstorff

Dear Mayor Kamei and Members of the City Council:

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We implore you to disapprove this development as currently presented.

Sincerely,

Joan MacDonald for AAH
joanmacdonald@berkeley.edu

cc: Kimbra McCarthy
Aarti Shrivastava
Carolyn Fahey
Nicole Wright
Stephanie Williams

From: [D Offen or G Nyhan](#)
To: [Kamei, Ellen](#); [Ramirez, Lucas](#); [Hicks, Alison](#); [Lieber, Sally](#); [Showalter, Pat](#); [Abe-Koga, Margaret](#); [Matichak, Lisa](#); [City Council](#)
Subject: 570 S Rengstorff
Date: Monday, September 13, 2021 2:57:02 PM

CAUTION: EXTERNAL EMAIL - Ensure you trust this email before clicking on any links or attachments.

Dear Council member:

We urge you to vote NO on the proposal to demolish 70 rent controlled apartments at 570 S Rengstorff and replace them with 85 market rate rowhouses.

Our community needs to preserve affordable housing, which is required for our many low and middle income workers so vital to the local economy. Affordable housing should not be destroyed unless it will be replaced, and the developer paying a BMR in lieu fee of \$3 million is not sufficient to compensate for the loss of 70 affordable apartments. Please do not approve this project or at least require it to include affordable units.

Thank you for your consideration of our views,
Dave Offen and Gail Nyhan
Barbara Avenue

From: [Marilyn A Winkleby](#)
To: [Kamei, Ellen](#); [Ramirez, Lucas](#); [Hicks, Alison](#); [Lieber, Sally](#); [Showalter, Pat](#); [Abe-Koga, Margaret](#); [Matichak, Lisa](#); [City Council](#)
Subject: vote no against demolishing the 70 rent controlled apartments
Date: Monday, September 13, 2021 3:25:36 PM

CAUTION: EXTERNAL EMAIL - Ensure you trust this email before clicking on any links or attachments.

Dear Council Member,

I am writing to urge you to vote no against demolishing the 70 rent controlled apartments at 570 South Rengstorff Avenue.

If you do vote in favor of the demolition and in favor of replacing the units with market rate housing, I feel this project should only be approved if:

The 70 units are replaced by affordable housing (actual affordable housing) or

The project includes a sufficient number of affordable units; and

The BMR in lieu fee of \$3M is increased substantially to compensate for losing the 70 units.

If this trend of demolishing affordable units continues, Mountain View will become an elite community, without housing for our essential workers – those who teach our children, keep our residents safe, provide medical care, feed us good meals, help us maintain our homes and gardens, and provide many other essential services for a healthy, vibrant community.

Regards,

Marilyn Winkleby


Mountain View, CA 94041

Marilyn A. Winkleby, Ph.D., MPH

Professor of Medicine, Emerita

Stanford Prevention Research Center

Dept. of Medicine, Stanford University

3300 Hillview Avenue

Palo Alto, California 94304

Professor of Epidemiology, Lund University, Sweden

President, Access to Achievement Education Foundation


EMAIL: winkleby@stanford.edu

Faculty Profile:

http://med.stanford.edu/profiles/Marilyn_Winkleby/

Stanford Prevention Research Center:

<http://prevention.stanford.edu/>

Stanford Medical Youth Science Program:

<http://smysp.stanford.edu>

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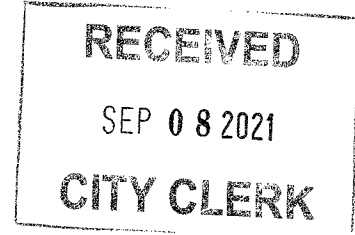
ANTHONY C. RODRIGUEZ
ATTORNEY AT LAW
1425 LEIMERT BOULEVARD
SUITE 101
OAKLAND, CALIFORNIA 94602-1808

TELEPHONE (510) 336-1536
FACSIMILE (510) 336-1537

September 1, 2021

VIA EMAIL AND U.S. MAIL

Krishan Chopra, City Attorney
City of Mountain View
500 Castro Street, Suite 300
Mountain View, California 94041-2010



Re: Proposed Mobilehome Rent Stabilization Ordinance

Dear Mr. Chopra:

This office represents the owners of the Sahara Village and Santiago Villa mobilehome parks, both of which are located in the City of Mountain View. I am writing regarding the proposed rent stabilization ordinance for mobilehome parks.

More specifically, I am writing to object to the inclusion of “park owned” mobilehomes under the proposed ordinance. During the City’s June 23, 2021 meeting with the parkowners, the City advised that “park owned” homes would *not* be subject to the proposed ordinance. However, on July 26, 2021, the City Attorney changed course, advising for the first time that “park owned” homes would be included under the proposed ordinance.

Because the parkowners were not allowed to comment on this subject, it would appear there are several factors the City Attorney has not considered, which could have been raised if rent control for “park owned” homes had been on the agenda for the June 23, 2021 meeting between the City and the parkowners.

First, although exact figures are not available at this time, it is estimated my client has invested between \$30 million and \$50 million to purchase mobilehomes at Sahara Village and Santiago Villa. If those “park owned” homes are subject to the proposed ordinance, my client will be entitled to a fair return on its investment in those homes. Thus, by including park owned homes, the City Attorney may have doubled or tripled my client’s “investment base” for rent control purposes, which is likely to result in higher rents, and lower sales prices, for those tenants who own their own mobilehomes.

Krishan Chopra, Esq.
September 1, 2021
Page 2

Second, my client has little interest in renting its “park owned” homes, if they are subject to rent control. Accordingly, there is a significant chance my client will either sell those homes, or remove them from the rental housing market. As a result, some or all of the people currently residing in those mobilehomes may have to come up with a down payment and qualify for a mortgage in order to purchase those homes, or lose their tenancies all together.

In addition to reversing the City’s position on “park owned” homes, City Staff apparently advised the tenants the City has no interest in an MOU, unless the allowable rent increases are the same as the non-discretionary increases allowed under the proposed rent control ordinance. Once again, the City may not have fully considered the consequences of such a position.

More specifically, under an MOU, my client would temporarily waive its rights to seek “fair return” and *Vega* adjustments, which could prevent space rents from being increased by \$300 to \$900 per month at many of the spaces at Sahara Village and Santiago Villa. Again, the parkowners could have discussed these issues in detail with City Staff, had they known the City would advise the tenants it would not accept an MOU that provided for rent increases greater than the non-discretionary increases allowed under the proposed ordinance.

Third, on January 28, 2021, my client pledged to limit annual space rent increases to the same levels allowed under the rent control ordinance for apartments, provided rent controls were not adopted at its properties. At that same time, my client established a rent credit program for low income tenants, and promised to keep Sahara Village and Santiago Villa open for at least ten years, so long as the parks remained free from price controls. As the California Legislature has already adopted a state wide rent control scheme, and as the City is considering even stricter controls, my client had no choice other than to withdraw those pledges, which it did last Thursday. (See Enclosures).

My client believes the City acted in bad faith by changing its position on “park owned” homes without warning. Accordingly, my client must reserve all of its rights, including its constitutional rights to (1) seek “fair return” and *Vega* adjustments, (2) to take park owned homes off the rental market, and/or (3) to close all or part of both parks. Nevertheless, my client remains willing to negotiate with the City in good faith, to arrive at a solution that keeps the parks open, with space rent increases limited to those set forth in its January 28, 2021 pledge. Below is a more detailed analysis of some of these issues.

I. Parkowners are Entitled to a Fair Return on Park Owned Homes: The owners of rent controlled properties have a constitutional right to a “fair return on investment.” *Cacho v. Boudreau* (2007) 40 Cal. 4th 341, 350. That right is so fundamental that if it is not specifically included in an ordinance, it “will be implied therein.” *152 Valparaiso Associates v. City of Cotati* (1997) 56 Cal. App. 4th 378, 383.

Although the courts have not mandated any specific formula for determining whether a property is generating a fair return, the United States Supreme Court has found the rate should be “commensurate with returns on investments in other enterprises having corresponding risks.” *Power Comm’n v. Hope Gas Co.*, (1943) 320 U.S. 591, 603.

By way of example, assume an investor purchases a 100-space mobilehome park for \$20 million, and a fair rate of return for such a mobilehome park is 8%. In that case, the parkowner would require a net operating income of \$1.6 million per year, in order to receive a fair return. ($\$20,000,000 \times .08 = \$1,600,000$).

Assume further that the parkowner purchases 50 mobilehomes for rental purposes, for \$12.5 million, and that a fair rate of return for mobilehome rentals is 10%. In that case, the parkowner’s “investment base” would be increased to \$32.5 million, while the blended rate of return would be 9%. As a result, the net operating income required to provide a fair return on investment would increase from \$1.6 million to \$2.925 million, requiring a rent increase of \$1,104.16 per space per month. ($\$1,325,000 \div 12 \text{ months} \div 100 \text{ spaces} = \$1,104.16 \text{ per space per month}$).

In this case, my client has purchased approximately 200 mobilehomes at Sahara Village and Santiago Villa, at a cost that is estimated to be between \$30 million and \$50 million, or more. If those mobilehomes are subject to rent control, my client’s “investment base” must also be increased by \$30 million to \$50 million, or more. As a result, expanding the “investment base” to include park owned homes will almost certainly increase the rent my client requires in order to receive a fair return on investment. Again, if the City had advised the parkowners that “park owned” homes would be included under the ordinance, my client could have raised these issues with the City during the June 23, 2021 conference call.

II. My Client is Entitled to Significant Vega Adjustments: Totally apart from whether a property is generating a fair return on investment, property owners may be entitled to a rent increase if their “base year” rents are significantly below market. The first case to

recognize the right to adjust “base year” rents was the California Supreme Court’s decision in *Birkenfeld v. City of Berkeley* (1976) 17 Cal. 3d 129, 165.

The *Birkenfeld* Court began its discussion of “base year” rents by noting that “[r]ent control enactments typically use the rent charged on a prior date as a starting point on the theory that it approximates the rent that would be charged in an open market without the upward pressures that the imposition of rent control is intended to counteract.” *Id.* at 166. The *Birkenfeld* Court noted also that the then existing Berkeley rent control ordinance had been criticized because it did not contain a provision allowing consideration “of factors that might have prevented the base rent from reflecting general market conditions.” *Id.* at 168.

In finding that the Berkeley ordinance was unconstitutional the *Birkenfeld* Court wrote as follows:

“Here the charter amendment drastically and unnecessarily restricts the rent control board’s power to adjust rents, thereby making inevitable the arbitrary imposition of unreasonably low rent ceilings. . . . For such rent ceilings of indefinite duration ***an adjustment mechanism is constitutionally necessary to provide for changes in circumstances and also to provide for the previously mentioned situations in which the base rent cannot reasonably be deemed to reflect general market conditions.***” *Id.* at 169. (Emphasis added).

Although a few published decisions mentioned “base year” rents in passing following the Supreme Court’s decision in *Birkenfeld*, no court actually analyzed the adjustment of “base year” rents until the Second District Court of Appeal’s decision some fourteen years later, in *Vega v. City of West Hollywood* (1990) 223 Cal. App. 3d 1342. Because the *Vega* Court was the first to actually order an increase in “base year” rents, such increases are now commonly referred to as *Vega* adjustments.

The *Vega* Court gave a detailed account of the facts supporting the right to an adjustment of “base year” rents in that case, including that the landlord was an elderly woman who had not raised rents for many years at most of her units. *Id.* at 1344. However, the *Vega* Court did ***not*** hold that an adjustment in “base year” rents could only be obtained under the same or similar fact patterns.

To the contrary, the *Vega* Court stated that “[w]hen base date rents can be adjusted to reflect prevailing rents for comparable units, everyone within the ambit of the rent control scheme participates on an equal footing.” *Id.* at 1349. In finding that “base year” rents had to be increased to reflect general market conditions, the *Vega* Court wrote as follows:

“Most significantly, the critical questions are not whether the base date rents establish a ‘fair and reasonable’ return and whether base date rents, even if low, are within the range that can be charged. . . . Rather, the critical question is whether the base date rents can reasonably be deemed to reflect general market conditions.” *Id.* at 1351.

The next significant published opinion concerning the adjustment of “base year” rents was the First District Court of Appeal’s decision in *Concord Communities, L.P. v. City of Concord* (2001) 91 Cal. App. 4th 1407. In that case, a recent purchaser of two mobilehome parks requested a *Vega* adjustment, in part because the previous owner had been able to keep his rents significantly below market due to his extraordinarily low operating expenses, including no debt service and pre-Proposition 13 property taxes. *Id.* at 1417-1418.

The City of Concord argued that a *Vega* adjustment was not warranted because the fact pattern was not the same as those in *Vega* or *Birkenfeld*. The *Concord Communities* Court rejected that argument, writing as follows:

“City’s argument that ‘unique or extraordinary circumstances’ must conform exactly to those factual scenarios set forth in *Birkenfeld* and *Vega* fails to recognize that those situations served merely as indicia of the type of circumstance that could rise to a level that could be labeled ‘unique or extraordinary,’ and did not purport to be exhaustive lists . . .

When base date rents can be adjusted to reflect prevailing rents for comparable units, everyone within the ambit of the rent control scheme participates on equal footing. . . .
However, when base date rents are significantly below market value due to ‘unique or extraordinary circumstances,’ the balance tips and tenants become beneficiaries of a windfall in perpetuity.” *Id.* at 1419. (Emphasis added).

As you may know, my client retained David Beccaria to perform market rent surveys with respect to Sahara Village and Santiago Villa in December of 2018. Mr. Beccaria is one of the most respected mobilehome park appraisers in California, having worked for cities and tenant organizations many times over the years, in disputes involving rent control.

Mr. Beccaria concluded that the fair market rent for spaces at Sahara Village was \$1,500 per month, while the fair market rent for Santiago Villa was \$2,000 per month. Although my client was willing to keep space rents for current tenants at below market levels for up to ten years if rent controls were not adopted, it would appear the City does not fully appreciate that offer, or the law regarding *Vega* adjustments.

Again, my client remains willing to negotiate an MOU that would enable long term tenants to keep below market space rents for at least ten years. On the other hand, should the City proceed with rent control, including rent control for “park owned” homes, my client will seek *Vega* adjustments at both parks. In many cases, those *Vega* adjustments will require rent increases for current tenants ranging from \$300 to \$900 per space per month, or more.

III. My Client Reserves the Right to Close All or Part of Both Parks: One of the most important rights of any property owner is the power to “exclude” others. In fact, the denial of that right requires the payment of just compensation. As stated by the United States Supreme Court in *Kaiser Aetna v. United States* (1979) 444 U.S. 164:

“In this case, we hold that the ‘right to exclude,’ so universally held to be a fundamental element of the property right, falls within this category of interests that ***the Government cannot take without compensation.***” (*Id.* at 179-180) (Emphasis added).

In *F.C.C. v. Florida Power Corp.*, (1987) 480 U.S. 245, 250-253, the Supreme Court ruled there was no physical taking, where a power company “invited” a utility company to use its property at a below market rent. However, the Court emphasized in a footnote that it was not deciding whether there would be a taking if the power company had been forced to “renew, or refrain from terminating” its lease with the utility company. *Id.* at fn. 6.

Similarly, in *Yee v. City of Escondido* (1992) 504 U.S. 519, 528, the Supreme Court found that “vacancy control” did not result in a physical taking of property, in part because the parkowner had “invited” the tenants to rent spaces in his park. Again, however, the *Yee*

Court stated that the result might be different if the parkowner was forced to continue renting spaces against his will, in perpetuity. The *Yee* Court addressed this issue as follows:

“A different case would be presented were the statute, on its face or as applied, *to compel a landowner over objection to rent his property or to refrain in perpetuity from terminating a tenancy.*” (*Id.* at 528). (Emphasis added).

Just two months ago, the United States Supreme Court held in unmistakable terms that property owners have a constitutional right to exclude others. *Cedar Point Nursery v. Hassid* 141 S. Ct. 2063, 2072-2074 (2021). More important, the Supreme Court rejected all attempts to classify the denial of that right as the mere “regulation” of property. *Id.* at 2077-2078 Accordingly, my client reserves the right to close all or part of both parks, as well as the right to challenge any attempt by the City to condition the exercise of that right on the purchase of the tenants’ mobilehomes. Should the City attempt to prevent the closure of Sahara Village and Santiago Villa, it is the City that must pay just compensation to the parkowner, not the other way around.

IV. My Client Will Not Accept an MOU that Leaves it Worse Off. Again, on January 28, 2021, my client committed to keep both of its parks open for at least ten years, while at the same time allowing virtually all homeowners to enjoy below market space rents. At that same time, my client created a “rent credit program,” that could allow tenants earning less than \$34,480 per year to avoid paying any rent increases at all. Again, however, those commitments were contingent upon the City not adopting rent controls.

The City has not only rejected my client’s ten year program, City staff has unilaterally expanded the scope of the proposed rent control ordinance to include “park owned” homes. Unfortunately, it is my understanding City staff has also advised the tenants the City will not negotiate an MOU, unless the rent increases are the same or less than the non-discretionary increases allowed under the proposed ordinance.

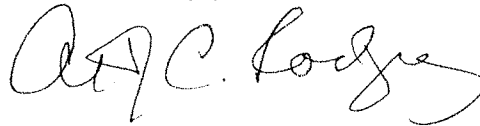
Despite the City’s apparent bad faith with respect to park owned homes, the parkowner remains willing to negotiate an MOU, whereby it temporarily waives its constitutional rights to close the parks and/or apply for *Vega* and “fair return” adjustments. However, the parkowner has no interest in waiving those valuable constitutional rights for nothing.

Krishan Chopra, Esq.
September 1, 2021
Page 8

If the City has an interest in negotiating an MOU that is fair to all sides, please advise as soon as possible. If the City insists on proceeding with its current proposal, including controls for “park owned” homes, the parkowner will have no alternative, other than to exercise one or more of the above described constitutional rights.

After you have had an opportunity to review this letter please advise whether the City has any interest in negotiating an MOU, or any other form of compromise, so as to avoid years of litigation regarding some or all of my client’s constitutional rights. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Anthony C. Rodriguez". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Anthony C. Rodriguez

cc: Mayor and City Council
Doug Johnson, WMA
Client

(all w/enclosures)

SANTIAGO VILLA MHP
1075 Space Park Way
Mountain View, California 94043
Telephone: (650) 969-0102

MEMORANDUM RE: TERMINATION OF 10 YEAR PLAN

TO: Homeowners, Residents and Tenants at Santiago Villa
FROM: Management
SUBJECT: Termination of Parkowner's Ten Year Plan
DATE: August 26, 2021

On January 28, 2021, management made a commitment to (1) limit annual rent increases to the increase in the inflation rate, (2) establish a rent subsidy program for qualifying low income tenants, and (3) keep the park open for at least ten years, *provided* rent control or other restrictions on rent were not placed on the property by any public entity, including the federal, state or local government.

The parkowner has honored each and every one of the commitments made in its January 28, 2021 memorandum, including limiting annual rent increases to the amount allowed under the Mountain View rent control ordinance for apartments. In fact, in some cases, the parkowner has increased rents *less* than the amount allowed under the Mountain View ordinance for apartments.

The state of California has recently adopted rent controls for mobilehome parks. In addition, the City of Mountain View is considering additional controls, that would be even more restrictive than the new California law.

As the parkowner's ten year plan was offered as an alternative to rent control, the parkowner is hereby withdrawing the commitments made in its January 28, 2021 memorandum, including the rent subsidy program for low income tenants. Although no final decisions have been made, the parkowner must begin exploring all of its options, including (1) applying for whatever rent increases it is entitled to under local, state and federal law, and (2) selling its park owned mobilehomes and/or removing them from the rental housing market.

SAHARA VILLAGE MHP
191 El Camino Real
Mountain View, California 94040
Telephone: (650) 968-7891

MEMORANDUM RE: TERMINATION OF 10 YEAR PLAN

TO: Homeowners, Residents and Tenants at Sahara Village MHP
FROM: Management
SUBJECT: Termination of Parkowner's Ten Year Plan
DATE: August 26, 2021

On January 28, 2021, management made a commitment to (1) limit annual rent increases to the increase in the inflation rate, (2) establish a rent subsidy program for qualifying low income tenants, and (3) keep the park open for at least ten years, *provided* rent control or other restrictions on rent were not placed on the property by any public entity, including the federal, state or local government.

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First Class Mail

Anthony C. Rodriguez

Attorney at Law

1425 Leimert Boulevard, Suite 101

Oakland, California 94602

To: The Mayor and City Council
City of Mountain View, Third Floor
500 Castro Street
Mountain View, California 94041-2010

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From: [Tim Larson](#)
To: [Hellman-Tincher, Micaela](#); [Kamei, Ellen](#); [Ramirez, Lucas](#); [Abe-Koga, Margaret](#); [Hicks, Alison](#); [Lieber, Sally](#); [Matichak, Lisa](#); [Showalter, Pat](#); [City Attorney](#); [Neighborhoods](#); [City Clerk](#); [City Council](#); [City Manager](#)
Cc: [MVMHA](#)
Subject: Comments on the Potential Mobile Home Ordinance
Date: Thursday, September 2, 2021 5:15:38 PM

CAUTION: EXTERNAL EMAIL - Ensure you trust this email before clicking on any links or attachments.

To: Mountain View City Councilmembers
City Attorney's Office
Community Development Department
Housing Manager Hellman-Tincher

From: Mountain View Mobile Home Alliance

Re: Comments on Potential Mobile Home Ordinance
Response to City Attorney's Memorandum of July 26, 2021

Date: September 2, 2021

We read the City Attorney's memorandum on the proposed Mobile Home Ordinance with interest. As we expected, the ordinance will be based on the CSFRA, and will be administered by the Rental Housing Committee. Our residents agreed that basing the ordinance on existing protections would avoid complications requiring city staff to do additional research, making it possible for City Council to approve the ordinance in a timely fashion.

The draft summary already contains most of the components we have proposed in meetings with the City Council, the Rental Housing Committee, and city staff in stakeholder events. We especially appreciate the City Attorney's recognition of the need to ensure affordability for all of Mountain View's mobile home park residents, including both mobile home owners and renters.

Because of the largely senior and disabled population of our mobile home parks, we would like to see annual increases tied to a portion of the CPI instead of equal to CPI. [This table](#) shows that most of the other mobile home park ordinances in California follow that guideline. Ideally, we'd like to see rents limited to 50% of CPI or 5%, whichever is lower.

On vacancy control, we appreciate the limitation of in-place transfer increases to 10%, but we'd like to see either no increase on turnover, or at most a secondary, out of band, application of the AGA. For the bonus AGA model, we'd like to see increases limited to CPI.

For capital passthroughs, we'd like to see RHC review petitions for increases, as they normally do, but would also like to see the ordinance define precisely what would constitute a fair ROI. One park owner has not cooperated with the City's requests to provide records on current rents and increases, so we would also like to make sure all mobile homes are covered by the citywide Rent Registry. We agree that park owners should be empowered to make necessary improvements, but mobile home residents should be consulted if major projects and additional amenities are considered with the intent to pass through costs.

Finally, we appreciate the City Attorney's recognition that mobile home residents who are renters have been denied CSFRA protections from the beginning, despite the fact that they sign the same California Apartment Association leases as Mountain View's apartment dwellers. We'd like to make sure those residents can file hardship petitions to limit their increases to CPI or lower, as is the case under CSFRA. Many of these tenants are long-term low-income residents who originally moved into mobile home parks because they were the most affordable option years ago. These renters report that they have been plagued by steep increases despite being on fixed incomes and they deserve the same protections as

other Mountain View tenants.

We hope you'll consider adopting these refinements in order to better ensure a fair and effective mobile home ordinance.

Respectfully,

Tim Larson, President of MVMHA
Mountain View Mobile Home Alliance Steering Committee



From: [runner_dude](#)
To: [Hellman-Tincher, Micaela](#); [Kamei, Ellen](#); [Ramirez, Lucas](#); [Abe-Koga, Margaret](#); [Hicks, Alison](#); [Lieber, Sally](#); [Matichak, Lisa](#); [Showalter, Pat](#); [City Attorney](#); [City Clerk](#); [City Council](#); [City Manager](#)
Subject: Mountain View Mobile Home Park Ordinance
Date: Sunday, September 5, 2021 2:13:00 PM

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Dear City Council, City Attorney, and City Staff:

Thank you so much for taking the time to read this and to hear my personal story.

I promise you, there are many more stories like this in our Community.

I've lived in the Mountain View area for the last 35 years.

I'm a senior, I'm disabled, I'm unable to work, and I don't have any family in the area.

For the last 20 plus years, I have rented a mobile home from my current landlord; ... 6 years at the landlord's park in Sunnyvale and now 14 plus years in my current mobile home rental in Mountain View.

I volunteer with the poor and the homeless in our City with a local non-profit helping the poor and homeless find housing and sign up for government benefits.

I am writing all of you to ask that you do everything possible to prevent me, and folks like me, from being displaced from our homes.

You have the power to stop displacement in our Community, so I beg you to use it.

Due to relentless development in our area, I've already been displaced twice over the last 25 years.

Once on Rock Street where my long-time rental home was torn down for development and once in the Sunnyvale mobile home park I referred to earlier where the landlord told me my home was being removed from the market and that I had to leave.

No-one can appreciate what it is like to be involuntarily displaced from one's home until it happens to you. And, as you can see, it has happened to me twice.

I do not want to be displaced again (a 3rd time) and I have no idea what I would do if I was.

As you know, recently all mobile home renters in Mountain View's 2 largest mobile home parks received letters from the landlord threatening to remove ALL rental homes from the market and to raise everyone's rents to the maximum allowable by law, irrespective of market conditions, in the event any form of rent control is passed at the federal, state, or local level.

So the very real threat of displacement has reared it's ugly head AGAIN.

As you can imagine, many folks are now scared senseless.

Personally, I have lost a lot of sleep over the fear of being displaced.

So please help ... You alone have the power to stop this from happening.

So please, I encourage you, to pass the STRONGEST Mountain View Mobile Home Park Ordinance possible.

The purpose of the Mountain View Mobile Home Park Ordinance should be to stabilize the community and keep people from being displaced from their homes, not to precipitate or foster such displacement.

The ordinance needs to:

- 1) ENSURE that no renter or owner will ever be displaced for any reason other than failure to pay rent or illegal activity.
- 2) MANDATE that rental leases be renewed as long as residents are paying their rent, obeying park rules, are good neighbors, and not breaking the law.
- 3) PREVENT rental homes from being removed from the market, as the landlord is threatening to do.
- 4) STABILIZE rents for renters and owners so folks aren't priced out of their homes, all while providing a fair return to landlords.
- 5) PRESERVE Mountain View's 6 mobile home parks as mobile home parks for generations to come.

Finally, and perhaps most importantly, I ask that the City Attorney identify under what use cases, under existing law, would a mobile home renter's displacement be warranted.

And once all those cases are identified, can the new Mountain View Mobile Home Park Ordinance provide mobile home renter displacement protections for those use cases ?

At the end of the day, if the Mountain View Mobile Home Ordinance prevents someone like me from being displaced, it will have succeeded. If not, it will have failed.

Thank you so much to all of you for your hard work and for doing everything possible to ensure folks, like me, are not displaced from our homes.

Sincerely,

Christopher Saleh
Mountain View

From: [B Rose](#)
To: [City Council](#); city.clerk@mountainview.gov; lisa.matichak@mountainview.gov; margaret.abe-koga@mountainview.gov; ellen.kamei@mountainview.gov; pat.showalter@mountainview.gov; alison.hicks@mountainview.gov; sally.lieber@mountainview.gov; lucas.ramirez@mountainview.gov; neighborhoods@mountainview.gov; micaela.hellman-tincher@mountainview.gov; [, City Clerk](#); [Matichak, Lisa](#); [Abe-Koga, Margaret](#); [Kamei, Ellen](#); [Showalter, Pat](#); [Hicks, Alison](#); [Lieber, Sally](#); [Ramirez, Lucas](#); [, Neighborhoods](#); [Hellman-Tincher, Micaela](#)
Cc: contact@mvmha.com
Subject: Mobile Home Ordinance September 14, 2021 meeting
Date: Monday, September 6, 2021 9:25:56 PM

CAUTION: EXTERNAL EMAIL - Ensure you trust this email before clicking on any links or attachments.

Dear City Council Members:

I have previously written a couple of emails to most of you since the MVMHA had their first meeting at City Hall in January of 2020 regarding the ongoing long struggle of getting rent control for mobile home owners. Recently I have had my second hip replacement so I have been not been able to attend their meetings the last few months due to excruciating hip pain. But I did not want to miss my chance to reiterate how important it is now to get an Ordinance in place. Here is a reminder of what I said during live oral communications during the City Council meeting on March 16, 2021, and I quote:

"Good evening, Speaking of living our dreams in Mt View, I have lived in Mountain View for over 20 years in my mobile home, which I had hoped was going to be my "forever home". I am retired, living on a fixed income. On discovering through conversations with neighbors and the MVMHA how unprotected our rents could be, I wanted my voice heard to ask each of you to prioritize the mobile home ordinance as high on the list as possible. It's been a long wait, and if not written, it could mean losing our homes and having no choice but to move out of the area, which for me would be difficult since my mother is in a nearby skilled nursing facility."

From what I have learned from reading the MVMHA weekly meeting reports the past few months is that the City Council is willing to draw up this Ordinance for mobile home owners in order to keep rising lot rents at a controllable rate for the future. I do hope this is the case and that we can finally see the light at the end of the tunnel on this issue. This is so important to all of us, especially those who are in the low income bracket, and if not written it would place us in a hardship position having no choice but to move out of the Bay Area.

Thank you for your consideration in this very important matter. I am looking forward to hearing good news soon.

Bonnie Rose
Moorpark MHP

From: [Smita Patel](#)
To: [Hicks, Alison](#); [van Deursen, Anky](#); chris.clark@mountainview.gov; [, City Clerk](#); contact@mvmha.com; [Kamei, Ellen](#); john.mcalistwer@mountainview.gov; [Matichak, Lisa](#); [Ramirez, Lucas](#); [Abe-Koga, Margaret](#)
Subject: Please help pass MH Rent Stabilization Ordinance!
Date: Tuesday, September 7, 2021 8:47:28 AM

CAUTION: EXTERNAL EMAIL - Ensure you trust this email before clicking on any links or attachments.

Hello city council members,

We are residents of Moorpark mobile homes for the last 6+ years. We moved here because rents were just too high and we were too vested in the community to move out. Our girls go to MVHS and we love everything about MV!

Both my spouse and I are not tech workers-I'm a scientist and my husband is an art teacher- and being immigrants we don't have the luxury of generational wealth to buy a million dollar house here in MV.

Manufactured homes are a great resource for folks like us who fall in between incomes to own.

With the lure of quick and really high real estate money park owners could easily turn lives of so many home owners upside down without rent protection.

Please help us to continue being good citizens in the city and country.

Please pass Mobile Home Rent Stabilization Ordinance!

Best,
Smita

On Fri, Mar 19, 2021 at 8:17 AM Smita Patel <[REDACTED]> wrote:

Hello City Officials,

Thank you for unanimously supporting moving forward with a Mobile Home Protection Ordinance!

Aug/Sept come soon.

Best,
Smita



Gutierrez, Jeannette

From: Perez, Jose [REDACTED]
Sent: Wednesday, September 8, 2021 8:20 AM
To: City Council; , City Clerk; Matichak, Lisa; Abe-Koga, Margaret; Kamei, Ellen; Showalter, Pat; Hicks, Alison; Lieber, Sally; Ramirez, Lucas; , Neighborhoods; Hellman-Tincher, Micaela
Cc: contact@mvmha.com
Subject: rent control

CAUTION: EXTERNAL EMAIL - Ensure you trust this email before clicking on any links or attachments.

Please help us, the mobile homes renters, get a rent control in Mountain View. Thank you very much.

From: [Eric Armstrong](#)
To: [City Council](#); [City Clerk](#); [Matichak, Lisa](#); [Abe-Koga, Margaret](#); [Kamei, Ellen](#); [Showalter, Pat](#); [Hicks, Alison](#); [Lieber, Sally](#); [Ramirez, Lucas](#); [Neighborhoods](#); [Hellman-Tincher, Micaela](#)
Cc: contact@mvmha.com
Subject: Rent Stabilization, please.
Date: Thursday, September 9, 2021 8:16:19 AM

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Hi. I just wanted you to know that I look forward to some kind of rent stabilization process in the near future.

As a matter of personal interest, it will ensure that this retiree will be able to remain in his home, instead of having to move while late in life and short on income!

I'm on a fixed income, and even moved into a senior's mobile home park here in Mountain View (New Frontier), so my rent goes up less than it does in other parks. But even so, the yearly raise exceeds the Social Security inflation adjustment. It's already painful. Eventually, it's going to be a real problem.

I'm all for maintaining the park and giving the owners a nice income, too. In the end, it comes down to a plan that's fair for everyone. But allowing rates to rise without control encourages real estate speculation.

(On the other hand, does absentee ownership by foreign interests go up or down, in relation to rates? Dunno.)

At any rate, I'm glad you're working on it.
thanks

eric
Breathe. Activate. Meditate. Connect.

Founder of [MeditateBetter.com](#)
Author of [Comprehensive Keys to the Green](#) (Amazon)
Originator of [Social Media Voting Advice](#)
Operating of [TreeLight.com](#) since 1998

From: [Barbara Davis](#)
To: [City Council](#); [City Clerk](#); [Matichak, Lisa](#); [Abe-Koga, Margaret](#); [Kamei, Ellen](#); [Showalter, Pat](#); [Hicks, Alison](#); [Lieber, Sally](#); [Ramirez, Lucas](#); [Neighborhoods](#); [Hellman-Tincher, Micaela](#)
Cc: contact@mvmha.com
Subject: Mobile Home Rent Control Ordinance
Date: Thursday, September 9, 2021 6:16:58 PM

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Dear City Council,

My name is Barbara and I live at Santa Villa MHP. I have been living in Mountain View for eight years, and I also work in downtown Mountain View. My son is a Junior at MVHS. I saved for a very long time to buy my mobile home, I love living here, and God-willing, I fully intend on living here for many years to come. I am not able to afford to rent an apartment in this city, or anywhere within a 40-mile radius for that matter. I need to work two jobs to pay my \$2060.45 space rent, plus my mortgage. The threatening letters from the park owner are stressing me out and causing me to suffer panic attacks. **I am scared.** If rent increases by much more, I'll have no other option than to be homeless or live in an RV. I need to stay at my job in Mountain View and my son needs to finish high school. Moving away is not an option for me and besides, I have no place else to go. We need an ordinance for protection - our lives depend on it.

Mobile home residents have been asking the City Council for rent control for **years**. Now is the time to take action and provide us with the protections that we deserve. In your deliberations, please consider these items: lower-than-the-CPI yearly increases for those of us who pay over \$2000 for space rent; right of first refusal (because I do not trust the park owner and because a resident-owned park would be the most optimal situation); and making capital improvements with residents' approval. Please also consider our plight and put yourselves in our shoes ... I'm sure you'll find that what we are asking for is right and it is reasonable.

City Council, please do the right thing and protect mobile home residents.

Thank you.

Sincerely,
Barbara Davis

From: [runner_dude](#)
To: [Hellman-Tincher, Micaela](#); [Kamei, Ellen](#); [Ramirez, Lucas](#); [Abe-Koga, Margaret](#); [Hicks, Alison](#); [Lieber, Sally](#); [Matichak, Lisa](#); [Showalter, Pat](#); [City Attorney](#); [City Clerk](#); [City Council](#); [City Manager](#)
Subject: Mountain View Mobile Home Park Ordinance
Date: Friday, September 10, 2021 11:48:56 AM

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Dear City Council, City Attorney, and City Staff:

Thank you for listening to my story and for incorporating my input into your upcoming Ordinance.

I sent everyone a letter with input on September 5th on the Mobile Home Park Ordinance, but I wanted to provide an update on recent developments.

A bit of history ...

I'm a senior and have lived in the Sahara Village Mobile Home Park for 15 years. I've actually rented from my current landlord for 20+ years (previously I was in his Sunnyvale park where I also got displaced). And I've lived in the area for 35 years.

I'm a renter, a good neighbor, and a model tenant and citizen of our City. I do volunteer work in the area for the poor and the homeless. I'm also disabled with a neurological disorder that impacts my mobility. I don't have family in the area.

So please consider this ...

If folks like me, who prefer renting, and who especially prefer renting mobile homes for a variety of reasons, get displaced as a result of the impending Mobile Home Ordinance, the Ordinance will have been a failure. **I ask ... what good is rent control if folks get displaced and 200+ mobile home rentals are removed from the market?**

Attached is a copy of the most recent letter sent out by the landlord to all residents (owners and renters) of Santiago Villa and Sahara, so you can get a sense of the latest thinking by the landlord.

The landlord has made it crystal clear that once rent control is implemented he intends to remove all rental homes from the market and exit the "rental home"

market ... 200 families in 2 parks, including me, would be impacted/displaced.

This will be the 3rd time since i moved to the area 35 years ago that I will be impacted by displacement and development ... I don't know if I can handle being displaced again ... moving, finding a new rental, acclimating to a new environment, etc etc . I think you get the picture.

As I understand the Ordinance being proposed, there are no or few prohibitions against him removing rental units and/or converting rental units to ownership units as he has threatened to do.

The landlord recently sent out a surveyor to measure all the rental homes to begin the process of assessing home value and possibly putting them on the market ... so he seems to be moving forward with his threats.

This, in my opinion, is a critical shortcoming of the Ordinance (as proposed) as it has cornered a barking dog (who wants nothing to do with rent control) into blowing up the whole mobile home rental market and displacing potentially 200 families who are renters.

I hope the ordinance will prevent this from happening.

So here are some ideas you might look at incorporating into the Ordinance to ensure renters, who wish to remain renters, aren't displaced. If the Ordinance is strong enough, it may change the landlord's calculus.

They are:

-- An **emergency displacement protection clause** in the ordinance prohibiting the removal or conversion of rental homes from the market as threatened by the landlord until appropriate protections can be researched and developed

-- A **mechanism** to allow the City to step in and **buy the 200+ rental homes** (the landlord states that he is entertaining offers)

-- A requirement that any rental homes that are removed and allowed by law, be offered **for sale to the current resident**, with the park providing financing and/or a rent to own option and/or the City providing financing ...

-- A minimum of **1 year advance notice** in the event a senior or a disabled person is displaced

-- **Relocation expenses and assistance for anyone displaced, irrespective of income ...**

(current law "means tests" the requirement to provide relocation assistance)

-- **Immediate release from tenant lease agreements and a freezing of rents** once the landlord files intent to remove a unit from the market

Once these ideas and concepts are incorporated into an Ordinance, Council may be able to alter the landlord's calculus and prevent any of these 200+ rental units from being removed from the market.

Council has one chance to get this Ordinance right with all the necessary protections.

So please make sure the 200+ renters aren't displaced and that they can continue renting their homes.

Thank you so much ...

Sincerely

 *christopher m. saleh*



SANTIAGO VILLA MHP
1075 Space Park Way
Mountain View, California 94043
Telephone: (650) 969-0102

MEMORANDUM RE: TERMINATION OF 10 YEAR PLAN

TO: Homeowners, Residents and Tenants at Santiago Villa
FROM: Management
SUBJECT: Future Plans if Rent Control Adopted
DATE: September 8, 2021

=====

On August 26, 2021, the parkowner withdrew its ten-year commitment regarding rent increases, park closure and rental assistance for low income residents, because the parkowner's ten year commitment had been offered as an alternative to rent control. Although the parkowner has reached out to the City of Mountain View in an attempt to negotiate a new plan, the City has not responded to that offer.

As it would appear the City has no interest in exploring a negotiated settlement prior to adopting a rent control ordinance, the parkowner is continuing to explore all of its options, including (1) applying for whatever rent increases it may be entitled to under local, state and federal law, and (2) selling its park owned mobilehomes and/or removing them from the rental housing market. A number of residents have asked for clarification regarding those options.

With respect to applying for additional rent increases, there is a line of cases under California law that allows landlords to apply for something called a "*Vega* adjustment." Under those cases, landlords may be entitled to have rents that were below market at the time rent control was enacted increased to reflect general market conditions. As the parkowner has kept the rents of long term tenants below market for many years, a *Vega* adjustment could enable the parkowner to increase the rent at all such spaces to at least \$2,000 per month, which was the market rate in 2018.

With respect to the park owned homes, the parkowner has invested between \$30 million and \$50 million in park owned homes in Mountain View. However, the parkowner has little interest in renting those homes, if they are subject to rent control. Accordingly, the parkowner is considering selling those homes and/or removing them from the rental housing market.

One option would be to sell all of those homes in a package to one buyer, who would then become the landlord with respect to those homes. Another option is to sell those homes on an individual basis, to be occupied by the new owner of each home. If you currently reside in a park owned home, please advise whether you would have any interest in purchasing that home at its current fair market value, should the parkowner decide to pursue that option.

From: [David Schiessler](#)
To: [City Council](#); [City Clerk](#); [Matichak, Lisa](#); [Abe-Koga, Margaret](#); [Kamei, Ellen](#); [Showalter, Pat](#); [Hicks, Alison](#); [Lieber, Sally](#); [Ramirez, Lucas](#); [Neighborhoods](#); [Hellman-Tincher, Micaela](#)
Cc: contact@mvmha.com
Subject: Mobile Home rent stabilization
Date: Friday, September 10, 2021 12:19:05 PM
Attachments: [Santiago Villa owner memo.pdf](#)
Importance: Low

CAUTION: EXTERNAL EMAIL - Ensure you trust this email before clicking on any links or attachments.

Hi,

As residents of Santiago Villa Mobile Home Park for nearly 8 years, we wanted to reach out and thank you for your efforts in addressing this very important matter on all of our behalf's; it is greatly appreciated!!

Being retired seniors, it is vital for us to maintain appropriate control over all of our cost. Of course our housing cost is right at the top. We have been extremely happy here and am hopeful we can live out our years here. We own our unit and pay the assigned space rent. Rent control for us seems extremely fair and logical as it does for renters of other domains. Sadly, since the progress on the councils move towards bringing us this protection, we have received 2 notices from the park owner (second one attached) that seem extremely retaliatory and threaten to actually raise our space rent by nearly 75% via the "Vega adjustment". This would be devastating! The owner also goes on about other negative options he says are all a direct reactions to you passing rent stabilization and says you aren't willing to discuss any other options with him.

Anyway, we are in full support of your actions and again, are very thankful for your action!

All the best,
Dave & Suzanne Schiessler
Santiago Villa [REDACTED]

Sent from [Mail](#) for Windows

SANTIAGO VILLA MHP
1075 Space Park Way
Mountain View, California 94043
Telephone: (650) 969-0102

MEMORANDUM RE: TERMINATION OF 10 YEAR PLAN

TO: Homeowners, Residents and Tenants at Santiago Villa
FROM: Management
SUBJECT: Future Plans if Rent Control Adopted
DATE: September 8, 2021

=====

On August 26, 2021, the parkowner withdrew its ten-year commitment regarding rent increases, park closure and rental assistance for low income residents, because the parkowner's ten year commitment had been offered as an alternative to rent control. Although the parkowner has reached out to the City of Mountain View in an attempt to negotiate a new plan, the City has not responded to that offer.

As it would appear the City has no interest in exploring a negotiated settlement prior to adopting a rent control ordinance, the parkowner is continuing to explore all of its options, including (1) applying for whatever rent increases it may be entitled to under local, state and federal law, and (2) selling its park owned mobilehomes and/or removing them from the rental housing market. A number of residents have asked for clarification regarding those options.

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One option would be to sell all of those homes in a package to one buyer, who would then become the landlord with respect to those homes. Another option is to sell those homes on an individual basis, to be occupied by the new owner of each home. If you currently reside in a park owned home, please advise whether you would have any interest in purchasing that home at its current fair market value, should the parkowner decide to pursue that option.

From: [Dorothy Martinez K](#)
To: [City Council](#); [City Clerk](#); [Matichak, Lisa](#); [Abe-Koga, Margaret](#); [Kamei, Ellen](#); [Showalter, Pat](#); [Hicks, Alison](#); [Lieber, Sally](#); [Ramirez, Lucas](#); [Neighborhoods](#); [Hellman-Tincher, Micaela](#)
Cc: contact@mvmha.com
Subject: Mobile Homes
Date: Friday, September 10, 2021 2:55:30 PM

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Dear City Council Members:

Thank you for supporting the ordinance to protect Mobile Home owners (and renters) from high increases in their rental payments. I have been a resident of Mountain View for the last 11 1/2 years. Previously I had lived in Sacramento in a mobile home for 25 years. When I moved to Mountain View, my space rent was a little more than twice the amount that I had been paying at my previous residence. I knew that prices here would be substantially more than I had previously experienced. But, in the intervening 11 1/2 year, my space rent has nearly doubled. (my retirement benefits did not begin to keep pace with the increases in housing costs).

I deeply appreciate your support of the ordinance that you will be voting on at your next meeting. I love this community and feel most fortunate to be able to find such a beautiful, diverse and civic-minded community in which to live.

Thank you.

Dorothy Martinez K
New Frontier Mobile Home Community

From: [Jeannie Son](#)
To: [City Council](#); [City Clerk](#); [Matichak, Lisa](#); [Abe-Koga, Margaret](#); [Kamei, Ellen](#); [Showalter, Pat](#); [Hicks, Alison](#); [Lieber, Sally](#); [Ramirez, Lucas](#); [Neighborhoods](#); [Hellman-Tincher, Micaela](#); [Rental Housing Committee](#); [REDACTED]
Subject: Mobile Home Rent Affordability Through Rent Control
Date: Saturday, September 11, 2021 8:12:45 AM

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From: Mountain View Mobile Home Alliance

Re: Comments on Potential Mobile Home Ordinance
Response to City Attorney's Memorandum of July 26, 2021

Date: September 2, 2021

We read the City Attorney's memorandum on the proposed Mobile Home Ordinance with interest. As we expected, the ordinance will be based on the CSFRA, and will be administered by the Rental Housing Committee. Our residents agreed that basing the ordinance on existing protections would avoid complications requiring city staff to do additional research, making it possible for City Council to approve the ordinance in a timely fashion.

The draft summary already contains most of the components we have proposed in meetings with the City Council, the Rental Housing Committee, and city staff in stakeholder events. We especially appreciate the City Attorney's recognition of the need to ensure affordability for all of Mountain View's mobile home park residents, including both mobile homeowners and renters.

Because of the largely senior and disabled population of our mobile home parks, we would like to see annual increases tied to a portion of the CPI instead of equal to CPI. [This table](#) shows that most of the other mobile home park ordinances in California follow that guideline. Ideally, we'd like to see rents limited to 50% of CPI or 5%, whichever is lower.

On vacancy control, we appreciate the limitation of in-place transfer increases to 10%, but we'd like to see either no increase on turnover or at most a secondary, out of band, application of the AGA. For the bonus AGA model, we'd like to see increases limited to CPI.

For capital pass-throughs, we'd like to see RHC review petitions for increases, as they normally do, but would also like to see the ordinance define precisely what would constitute a fair ROI. One park owner has not cooperated with the City's requests to provide records on current rents and increases, so we would also like to make sure all mobile homes are covered by the citywide Rent Registry. We agree that park owners should be empowered to make necessary improvements, but mobile home residents should be consulted if major projects and additional amenities are considered with the intent to pass-through costs.

Finally, we appreciate the City Attorney's recognition that mobile home residents who are renters have been denied CSFRA protections from the beginning, despite the fact that they sign the same California Apartment Association leases as Mountain View's apartment dwellers. We'd like to make sure those residents can file hardship petitions to limit their increases to CPI or lower, as is the case under CSFRA. Many of these tenants are long-term low-income residents who originally moved into mobile home parks because they were the most affordable option years ago. These renters report that they have been plagued by steep increases despite being on fixed incomes and they deserve the same protections as other Mountain View tenants.

We hope you'll consider adopting these refinements in order to better ensure a fair and effective mobile

home ordinance.

Respectfully,

--

Jeannie Son

[REDACTED]

Sylvan Avenue

Mountain View, CA 94041

[REDACTED]

Gutierrez, Jeannette

From: Jeannie Son [REDACTED]
Sent: Saturday, September 11, 2021 8:36 AM
To: City Council; , City Clerk; Matichak, Lisa; Abe-Koga, Margaret; Kamei, Ellen; Showalter, Pat; Hicks, Alison; Lieber, Sally; Ramirez, Lucas; , Neighborhoods; Hellman-Tincher, Micaela
Subject: Mountain View Mobile Home Ordinance

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Subject: Mountain View Mobile Home Ordinance

Dear

Please consider passing the MVMH ordinance for rent stabilization and protection for mobile home residents. I am a public school teacher and have the following reasons for needing this to pass:

- **Most of the residents in my park are seniors on fixed incomes.**
- **They are not wealthy people who can easily relocate to another over-priced residence that can easily raise already sky-high rents.**
- **The actual cost of living in this area is too high for a senior and public school teacher like myself. No wonder there's a shortage of teachers in public education. I struggle every day to keep my head above water and live in constant fear that the park I live in will be taken over by Google. I would have no place to go.**
- **We are not allowed any social security benefits and even if we were, they would not be enough to defray the high cost of living in the Bay area.**
- **Seniors cannot easily pick up and relocate, especially to higher rental homes.**
- **The park I live in has raised rent twice in the 8 years I have resided here. I see there is no stopping the frequency and/or amount of any future increases. We need a voice to speak on the part of mobile homeowners. We are such a vulnerable population.**
- **I need affordable housing to be able to continue to live and work here.**
- **The City has been approving a lot of new market-rate high-rises that don't have affordable and accessible units for seniors or the disabled.**
- **I am afraid our park owner is going to try to close our park and build expensive housing for the ultra-rich tech companies like Google.**
- **Why is rent stabilization the central concern for all apartments but not mobile homes? Residents in mobile homes are filled with many individuals who are disabled, senior and both, seniors on fixed incomes, and hard-working individuals who are trying to make a living in this area. These are honest, hard-working, good citizens in our society who are deserving of protection from sky-high rents or being evicted from their homes because a tech giant has bought out the mobile home**

park owner. This area is overrun with barons who take advantage of the most vulnerable citizens. Please protect us from them.

- I voted for Measure V in 2016, but mobile homes STILL aren't covered by Mountain View's rent control. Why is this? This ignores the needs of a significant population who need financial relief and protection from sky-high rents from unempathetic mobile home park owners. Please pass the ordinance for us!**
- Please help our seniors and public servants who are good citizens trying to work and make our contributions to society. Please don't ignore us. We need your compassion, help, and protection.**

--

Sincerely,
Jeannie Son
(Senior and Public School Teacher in Mountain View)
New Frontier Park

[REDACTED]
[REDACTED]
Mountain View, CA 94041

[REDACTED]
[REDACTED]

Gutierrez, Jeannette

From: Miriam Glazer [REDACTED]
Sent: Saturday, September 11, 2021 12:40 PM
To: , City Clerk
Subject: Mobile Home Rent Stabilization

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Hello City Council,

I have lived in the Santiago Villa Mobile home Park for 12 years. I am a 68 yr old NASA retiree, living on a reduced pension & social security, as I took an early out from NASA due to health concerns 10 yrs ago. We desperately need some kind of rent control here, as there's nothing stopping our greedy owner from jacking up our space rents to way beyond what we can afford. This has happened in many other parks & we are very scared about what could happen here.

I am almost priced out right now, as my space rent, monthly PG&E, sewer, trash, water (which keep going up every year), plus mortgage are nearly half my monthly income! We have gotten no, or very low cost of living increases in our pensions & Social Security over the past many years that do not at all keep up with inflation & the high cost of living here.

If this keeps up, my rent being raised 3-4% a year, I will be priced very soon & will be forced to sell my house for a lot less than it's worth. This is because the park jacks up new buyers' space rent to \$2000 a month & this causes us to lose equity in our homes. The policy for decades was that when a home was sold to a new buyer, they would inherit the space rent of the previous owner. Now, the owner charges all new buyers \$2000 (or more) monthly space rent, no matter what the previous space rent was. I believe that this increase should be limited to 10%, which seems more than fair to the owner.

If I am forced out because I can no longer afford to live here, I have no idea where I would go, as I have no family here & my health is not good. I have lived in Mountain View for over 40 years... it is my home & I want to stay here. Please help us to continue living in affordable housing, so we can stay in the city we love.

Sincerely,
Miriam Glazer

Gutierrez, Jeannette

From: ccray [REDACTED]
Sent: Saturday, September 11, 2021 1:02 PM
To: City Council; , City Clerk; Matichak, Lisa; Abe-Koga, Margaret; Kamei, Ellen; Showalter, Pat; Hicks, Alison; Lieber, Sally; Ramirez, Lucas; , Neighborhoods; Hellman-Tincher, Micaela
Subject: Rent Control for Mobile Homes

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Dear City Council Members - I tend to be 'wordy' but I will try to limit my comments here as I know this issue is coming up soon, 9/14 for you to make a decision if you will protect those residents of Mountain View that live in/own mobile homes.

It has been quite a few years ago that I started going to city meetings regarding those of us out in Santiago Villa, but lately due to health (and now the pandemic and a really old computer) I have had to sort of slide-back in my involvement of this issue. BUT, to be honest with you all, since receiving what I consider threatening notices from our owner, I have started worrying about my ability, as a senior on social security, to hang on to my home, in fact I am a bit terrified. The last one received on 9/8 states due to some vague law, called the 'Vega adjustment', he can raise my rent to \$2,000.00/month. Right now, my rent is above what I receive from social security, so I am dipping into my life's savings, which I hoped would last for my life-time, but with a nearly \$1,000 increase threatened, I now have doubts, which is not helping my spiking blood pressure, that I was told to lower.

I think, I have mentioned that I wonder how the owner has been able to justify rent increases in the past (one year it was 6% for me, and for some other seniors I have been told 8%) as very little is done for the residents and it seems that the workers at this park are continually busy with the rentals the owner has put in. I also am upset he raised rents for me in June 2020 and again in June 2021 which to me was a time he 'could of' felt some compassion or shown some, for the difficulties many were feeling. Even during the last year and half when all the amenities were closed to us, he justified rent raises. Months ago I asked the office manager, as he was setting up a date to have trimmers come in to trim a high hedge across the street from me, if they could also trim the trees that have branches hanging over my carport roof (I even said they didn't have to clean up, I would) and that the needles were clogging my rain gutter causing a leaking problem....I was told "No" as he said that the trees were not their problem, but according to law they are....so as a 75 year old women I am forced to climb a 12 foot ladder and get up there to attempt to cut the branches over my carport. But enough of complaining....what my reason was for this email was to ask you to please, please consider rent control for mobile home owners AND renters, to limit the amount he can raise in-place transfers as that will help those who want/need to sell their homes, and for the RHC (if they are given the task) to be able to review any and all request from this park owner to increase rents, to make him prove that he indeed did have the expenses he claims....and to inquire from the residents of the park if they indeed got the improvements (years ago we had a PG&E inspection and for a few weeks before they came the owner had the staff driving around and spray painting all our gas meters/main, so they looked good to P.G.&E. as mine was completely rust covered....I went out when they came for the inspection of mine and told them the problem of the obsolete turn off switch, they told the manager that they were to have it removed and a new one put one....NEVER HAPPENED and that is an expense they should have incurred, but never did). And lastly, please recognize the renters in the parks, for many of them are also people of limited income, who have moved here as affordable housing. Mountain View does list these mobile home parks as affordable housing in your housing stock....and

as such it would be a shame to lose this number of homes that provide affordable housing to so many of residents of this wonderful city.

Thank you for your time spent listening to us, to "hearing" us, and moving forwards to a solution that will save homes for so many. Again, thank you.....

--

Christine H. Cray-Rudin



Gutierrez, Jeannette

From: beelia [REDACTED]
Sent: Saturday, September 11, 2021 1:32 PM
To: City Council; , City Clerk; Matichak, Lisa; Abe-Koga, Margaret; Kamei, Ellen; Showalter, Pat; Hicks, Alison; Lieber, Sally; Ramirez, Lucas; , Neighborhoods; Hellman-Tincher, Micaela
Cc: Steering Committee; board
Subject: Comment on Agenda Item 7.1, 9/14/21, Mobile Home Ordinance

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Hello Council members and City staff,

I might not be able to stay up late enough next Tuesday to provide public comment, so here's my take on your upcoming review and discussion of the draft of the Mobile Home Ordinance.

This will be a long email, and I hope those of you who know the history of this issue will bear with me. We have a new Housing Manager (welcome, Micaela!), and I don't expect anyone on this year's Council to remember all of the details of our fight for mobile home rent stabilization. So here goes.

As most of you do know, I've been working on this project for over five years with my friends and neighbors in the Mountain View Mobile Home Alliance and the Santiago Villa Neighborhood Association. We started in late 2015 or early 2016, when many of our long term residents were starting to get larger than usual space rent increases (some between 5% and 10%). At one of City Council's meetings in 2017, our park's general manager was forced to admit that DeAnza Properties had started a long-range campaign to deliberately push all of our space rents to \$2000. (Thanks to the Council member who asked that key question. As I recall, it was Margaret Abe-Koga. Thanks, Margaret!)

In Santiago Villa's clubhouse in March of 2016, we had a raucous, well-attended, and angry meeting with Maria Ahmad, who manages two of Mountain View's mobile home parks. A *Mountain View Voice* reporter and photographer attended, and when they [published a report](#) on that meeting, Santiago Villa's residents learned they were not alone in their complaints against threats of eviction and space rent increases.

Our informal Santiago Villa Residents' Association had just been a directory up until that point, but with our new purpose, and with help from Lisa Matichak (Thanks, Lisa!), we formed a neighborhood association, and we started meeting regularly and starting our long journey towards rent stabilization.

During 2016, we worked with Evan Ortiz and the Mountain View Tenants Union, helping them gather signatures and distribute flyers for the initiative that became Measure V. When that task was completed and the initiative was on the ballot, we also worked with them to get it passed in November of 2016.

We thought that the resulting legislation, which became the Community Stabilization and Fair Rent Act, would cover mobile homes, and one of our residents tested the law by filing a petition for protection under the Act. But coverage was denied by the Rental Housing Committee, which was the

administering body created by Measure V. We later learned that the majority of the Rental Housing Committee was initially populated with members who not only did not support the law they were charged with administering, but were determined to work against its fair implementation.

The test case was focused on not just one petitioner, but inclusion of all of Mountain View's mobile home residents in the City's rental protections, and in February of 2018, the RHC voted again to exclude mobile home residents -- despite the fact that their attorneys advised them that Measure V included mobile homes. Because RHC's denial of protection was a matter that affected many of Mountain View's residents, we were able to find a lawyer who filed a pro bono lawsuit against them.

After a series of events during the next three years, which included an initial decision against our residents, a failed mediation, and an appeal, there was no longer any point in continuing the case. That's when we turned to you for help.

I won't include the 2018 and 2020 elections in this history, or bore you with additional commentary on the ill-fated Measure D. But we were active all through those years, keeping our residents up to date, building our organizations, and participating in other Mountain View organizations who have similar aims. I've described our history to this point simply to point out that we have never stopped working for rent stabilization and fair treatment for all of Mountain View's mobile home residents, and we never will.

You have our MVMHA President's recent correspondence on what we are looking for in the ordinance, so there's no need to add any more legislative details. There have been many bumps in the road, and we've had to adjust our expectations. We haven't just complained - we've listened to you and City staff and considered what you could help us with, and what you could not. We've complained about the unfair treatment we've received to date from some of the park owners, who are apparently against the very concept of affordable housing, but we now know that none of you on Council share that opinion.

We started an email campaign because of the lengthy agendas you must now maintain to keep your industrious and competent City staff comfortable with the prodigious efforts they have to keep up with their work load. We know that most of our residents, including yours truly, will not be able to participate in public comment during the meetings.

Many of our residents will not participate in our requests to send you emails either, because they are frightened of retaliation by the park owners. For residents of Santiago Villa and Sahara Village, this reluctance is a direct response to our park owner's unconscionable and incomprehensible threats. We don't oppose a fair rate of return for park owners, but we do draw the line at bullying and threats of eviction. You know that there are laws that will prevent our park owner from fulfilling his threats, but they do not, and the fear in our parks ratchets up palpably every time he sends out one of his threat-laden memos.

Finally, thank you all for your willingness to listen to us, to share your thoughts about our "unfinished business" with us, and to consider passing a Mobile Home Ordinance for us. We are lucky to have a Council that actually cares about its constituents.

Bee Hanson
President, Santiago Villa Neighborhood Association
Administrator, Mountain View Mobile Home Alliance

Gutierrez, Jeannette

From: Ken White [REDACTED]
Sent: Saturday, September 11, 2021 9:30 PM
To: City Council
Subject: Fwd: Mobile Home rental control for Mountain View

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Dear City Council Members:

It is the residents who define a city, not the buildings or structures which lay within its boundaries. It is the residents who reside here, who form their lives here, who continue to support the local business, and have continued to buoy up the city during and despite the pandemic. It is the residents who cumulatively are the city's soul. A city may have numerous buildings of varied design, purpose, and size, however, without the residents, there is no city. You would have a corporate village of buildings whose employees who may work here, create here, and flourish here, and yet while reaping the corporate benefits of the location have no ownership towards Mountain View. Indeed, a transient workforce.

If the Mayor's comment "*My council-member colleagues and I support a 'Community for All'*" is to be inclusive and therefore include all boundaries of economic, cultural, and social diversity, then indeed actions speak louder than words. Socioeconomic diversity is derived from a "*combination of education, income, and occupation parameters*", according to Yale University. This diversity includes a broad and wide-ranging spectrum of society. Cultural diversity, the "*existence of a variety of cultural or ethnic groups within a society*", makes every city unique by affording neighborhoods the ability to bring their own distinctiveness to the community at large, which in turn makes Mountain View that much more special. However, the residents which make Mountain View so identifiable need to be able to live here to continue to do so. These citizens are the very heart of the city. You, as leaders of this city have the option of slowly cutting it out piece by piece, or allowing it to thrive, for as the heart does, so does the city. Your actions will speak volumes as to how thoroughly you define 'community for all'.

I've lived in Santiago Villa since 1981 because I could afford it. As a new teacher just starting out and, as any other employee in the Bay Area, it was not easy to succeed occupationally or financially. However, for the past 40 years, Santiago Villa has grown to become my home and community, with friends and neighbors with whom I've come to know and trust. In recent years, I also have accepted the responsibility of care for my elderly Mother as she ages through her life which has impacted both our lives. Now, with both of us on fixed incomes, Mountain View and Santiago Villa MH

Park provides us both the proximity and affordability to maintain our primary contact for typical household needs, physician, medical, and other emergent needs as they arise. To be forced to relocate due to demonstrative rental increases would do more harm and would ultimately prove detrimental for numerous reasons including physical, financial, and medical.

When a landlord not only threatens the city with lawsuits and also threatens the residents of his mobile home parks with blanket rent increases (ours would be 84% increase), removal of rentals from the marketplace, as well as selling those rentals to another owner, the true sincerity of the park owner to actually and honestly care for the city and the residents should come into serious doubt. Such a display of the mantra “Me before Thee” should speak for itself.

When profits supersede people, humanity (Latin: *humanitatem* – “kindness, graciousness, consideration for others”) has been lost. I can only hope you consider all the people in your decision, and see to it that humanity remains a continual benchmark for the city of Mountain View.

Thank you for your time, Kenneth White

Gutierrez, Jeannette

From: Elizabeth Weiss [REDACTED]
Sent: Saturday, September 11, 2021 10:22 PM
To: City Council; , City Clerk; Matchak, Lisa; Abe-Koga, Margaret; Kamei, Ellen; Showalter, Pat; Hicks, Alison; Lieber, Sally; Ramirez, Lucas; , Neighborhoods; Hellman-Tincher, Micaela
Cc: contact@mvmha.com
Subject: Rent control for mobile home parks, one resident's thoughts

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Dear Council Members and all concerned Staff,

Thank you for seriously taking up this difficult issue. I am a senior (72) who has lived in my purchased mobile home in Sahara Mobile Village for nearly six years. At the time I purchased this home, it was the only way I could afford to stay in the area where my work, friends and activities are after losing my rented home in Old Palo Alto, a casualty of the market forces that doubled and tripled rents, seemingly overnight.

I had been in my rental for 33 years(!) when my 88-year-old landlord donated the home to Stanford University and gave all existing tenants 60 days to vacate. Stanford then sold the beautiful heritage property to Biagini Properties, who cheaply renovated it and rented my unit out for \$4000/month, more than doubling what I had been paying. In the rental housing market of 2014, working part-time and not yet collecting social security, I couldn't afford to use all of my retirement savings just to pay rent and found temporary lodging with friends and family for a year before finally finding what I could just manage to afford here in Mountain View.

So I was more than a little alarmed to learn that although my annual space rent increases over the last six years have not been outrageous (although the rent increases significantly faster than Social Security benefits), there is no limit as to what they could be, and that if I would ever need to sell my home, the landlord could make that almost impossible by raising the space rent beyond what anyone who wanted to live here could afford, thus forcing me to either accept a very low sale price or to essentially "give" the home to the landlord to add to his accumulating rental stock.

The several memoranda from our landlord that have been coming to my mailbox are also alarming -- they seem to be full of not-so-veiled threats. I heard the landlord's lawyer recently actually threaten the City Attorney with lawsuits if rent control is enacted. This is a climate of fear, which when added to COVID19 and the many other disturbing issues of our time leaves me coping with a steady diet of anxiety.

I think we need a remedy that gives landlords -- who, after all, did not pursue careers as Social Workers -- the ability to make a "fair" return on their investment (though dare I say that by now they must have already realized that return many times over), but that also preserves this scarce and precious affordable housing option, where hard-working families and retired people can live with dignity and some security in Mountain View.

Sincerely,
Elizabeth Weiss,
Sahara Mobile Village

"Do your little bit of good where you are; it's those little bits of good put together that overwhelm the world." -
Desmond Tutu

Gutierrez, Jeannette

From: Jim Schwartz [REDACTED]
Sent: Sunday, September 12, 2021 5:27 PM
To: City Council; , City Clerk; Matchak, Lisa; Abe-Koga, Margaret; Kamei, Ellen; Showalter, Pat; Hicks, Alison; Lieber, Sally; Ramirez, Lucas; , Neighborhoods; Hellman-Tincher, Micaela
Cc: contact@mvmha.com
Subject: In Support of Mobile Home Rent Stabilization

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Thank you for considering the much needed Mountain View Mobile Home Ordinance. So many of us living in these homes need this protection.

In Sahara Mobile Village where I live, our rent is raised every year, even as they offer discounts to prospective tenants in an effort to attract residents to empty rental units. On top of this, as you're aware, we receive threatening letters from management suggesting that our tenancy is in jeopardy should this ordinance pass.

My family and I rent our home and have for around ten years now. Frankly, we'd like to move if we can find something that's a step up for our needs and wishes. But it's been hard to do given the price of rentals. We're responsible people and our credit is good. But we're competing against people with huge incomes and haven't been able to get the few places we've wanted. We'd like to move, but don't want to be forced out with one kid still in the school system. Having to potentially leave the district would be a trauma for him. Others here have greater limitations and challenges, lack of income and resources, disability, advanced age, community, among them.

Please limit rent increases and provide protection from being evicted.

Jim Schwartz

Gutierrez, Jeannette

From: Kevin Ma [REDACTED]
Sent: Sunday, September 12, 2021 8:01 PM
To: Kamei, Ellen; Abe-Koga, Margaret; Matichak, Lisa; Ramirez, Lucas; Hicks, Alison; Lieber, Sally; Showalter, Pat
Cc: City Council; McCarthy, Kimbra; Shrivastava, Aarti
Subject: Re: 7.1 - Mobile Home Rent Stabilization Ordinance
Attachments: LTC - 7.1 - Mobile Home Rent Stabilization Ordinance.pdf

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To Mayor Kamei and members of the City Council,

MV YIMBY writes in support of the Mobile Home Rent Stabilization Ordinance.

One of [our tenets](#) is to *Increase Housing Stability*, and mobile home residents are a particularly vulnerable community as demonstrated in [Sunnyvale](#) and [San Jose](#). In the city-conducted [2020 Mobile Home Park Resident Survey Insights](#), 48% of respondents rely on a fixed income, and 49% make less than \$50,000 (compared to 17% for the city overall). As the city continues to study displacement response, we must ensure that current residents are not pressured out of the community in the meantime. This is further underscored by the various threatening notices mobile home park owners have been sending to their residents recently.

We are pleased to see that the City Attorney has taken [input from current residents and modified](#) the draft ordinance to include mobile home renters, a group uniquely left out in state tenant protection efforts until very recently. This action of inclusion is also in accordance with the [Rental Housing Committee's March recommendations](#).

We additionally concur with the points brought up by the Mountain View Mobile Home Alliance's September 2nd letter to council, in that given the high amount of those on fixed income where [annual income increases](#) do not keep up with local inflation, annual increase in rents should be indexed to a percentage of CPI as it does for [most parks in the county](#). After all, [CPI includes rising housing costs](#).

We additionally support shifting the Base Date, given that the city has discussed [mobile home protections as early as 2017](#). Mobile home park owners would have had enough time to raise rents in a bid against the clock, much as [we saw with landlords elsewhere](#) during the AB1482 inactive period.

We agree with staff's recommendation to remove the exemption on parks with voluntary accords. In accordance with the RHC letter, administration of the ordinance should be left to the RHC, as it is an impartial administrator with experience from CSFRA implementation.

Thank you for considering our input.

Kind regards,

Kevin Ma
On behalf of the members of MV YIMBY

Re: 7.1 - Mobile Home Rent Stabilization Ordinance

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Thank you for considering our input.

Kind regards,

Kevin Ma
On behalf of the members of MV YIMBY



Gutierrez, Jeannette

From: Doug DeLong [REDACTED]
Sent: Monday, September 13, 2021 1:40 AM
To: Kamei, Ellen; Ramirez, Lucas; Lieber, Sally; Showalter, Pat; Hicks, Alison; Matichak, Lisa; Abe-Koga, Margaret; City Council
Cc: McCarthy, Kimbra; Chopra, Krishan; Shrivastava, Aarti
Subject: Council Meeting 9/14 Agenda Item 7.1 - Mobile Home Rent Stabilization Ordinance
Attachments: AAH ltr MV CC re Mobile Home Rent Control 20210914.pdf

Dear Mayor Kamei and Members of the City Council,

Advocates for Affordable Housing (AAH), a volunteer group of Mountain View residents who support affordable housing for all socioeconomic levels, would like to offer our support for the proposed ordinance. Please see either the attached PDF or the plain text pasted below. This e-mail is being sent on behalf of Joan MacDonald for AAH.

Regards,
Doug DeLong

[Begin letter text]

Advocates for Affordable Housing
519 Emmons Drive
Mountain View, CA 94043
(650) 967-4427

September 13, 2021

Mayor Kamei and Members of the City Council
City of Mountain View
500 Castro Street
Mountain View, CA 94041

Re: Council Meeting September 14, Agenda Item 7.1 - Mobile Home Rent Stabilization Ordinance

Dear Mayor Kamei and Members of the City Council:

Advocates for Affordable Housing, a volunteer group of Mountain View residents since 1993, wishes to add our support for the Mobile Home Rent Stabilization Ordinance on your September 14th agenda. We have long recognized that Mobile Homes have been sources of affordable housing and need to be protected in essentially the same way that other affordable housing (apartments, etc) are protected by CSFRA.

We appreciate that the ordinance includes both space rent and mobile home rent protections — important needed elements since many residents live on fixed incomes, are seniors and/or disabled. The protections this ordinance provides will stem displacement thus giving stability to this vulnerable population.

The fair rate of return elements in the ordinance mirror those in CSFRA which have worked well for several years, so we are confident they will do so for the park owners. The AGA reflecting 50% of CPI appears

reasonable because expenses for this form of affordable housing are less than for brick and mortar housing. We are confident that the Rental Housing Committee has the experience and history of fair administration that will be applied to administration of this ordinance for Mobile Homes.

AAH appreciates the opportunity to weigh in on this significant matter.

Sincerely,

Joan MacDonald for AAH
joanmacdonald@berkeley.edu

cc: Kimbra McCarthy
Krishan Chopra
Aarti Shrivastava

[End Letter Text]

**Advocates for Affordable Housing
519 Emmons Drive
Mountain View, CA 94043
(650) 967-4427**

September 13, 2021

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City of Mountain View
500 Castro Street
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Re: Council Meeting September 14, Agenda Item 7.1 – Mobile Home Rent Stabilization Ordinance

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Sincerely,

Joan MacDonald for AAH
joanmacdonald@berkeley.edu

cc: Kimbra McCarthy
Krishan Chopra
Aarti Shrivastava

Gutierrez, Jeannette

From: Gloria Mungo [REDACTED]
Sent: Monday, September 13, 2021 8:30 AM
To: City Council; , City Clerk; Matchak, Lisa; Abe-Koga, Margaret; Kamei, Ellen; Showalter, Pat; Hicks, Alison; Lieber, Sally; Ramirez, Lucas; , Neighborhoods; Hellman-Tincher, Micaela
Cc: contact@mvmha.com
Subject: Mountain View Rent Increase Stabilization for All Mobile Home Parks in Mtn View

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Mobile Home Rent Increase Stabilization needs to pass
TY

Gutierrez, Jeannette

From: Serge Bonte [REDACTED]
Sent: Monday, September 13, 2021 1:37 PM
To: Kamei, Ellen; Matichak, Lisa; Ramirez, Lucas; Hicks, Alison; Abe-Koga, Margaret; Lieber, Sally; Showalter, Pat
Cc: McCarthy, Kimbra; , City Clerk
Subject: In support of an Ordinance Enacting Mobile Home Rent Stabilization (Agenda Item 7.1 9/14/21 Meeting)

CAUTION: EXTERNAL EMAIL - Ensure you trust this email before clicking on any links or attachments.

Honorable Mayor and City Council Members:

I am writing to register my full support for this long awaited Rent Stabilization ordinance for mobile home owners and renters in Mountain View. Many thanks to you and City Staff for developing such a strong rent stabilization framework for our mobile home neighbors.

I wanted to also comment on three points in the ordinance:

- drop the accord "loophole". As stated by Staff, it is highly unlikely that a park owner would voluntarily sign on an accord at least as strong as the ordinance. However, it would take considerable time and effort for the City to assess the strength of an ordinance. Let's not allow park owners to use the prospect of an acceptable accord as a way to further delay strong protections for our mobile home neighbors. Further, in arguments in favor of the 2020 Measure C (see: <https://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=31198>) there was no mention of an accord but of "rent control" and of "strong legally sound mobile home protections"

- rollback date: I would suggest the rollback date should be set to early 2020 when the City discussed that topic in preparation of Measure C. In fact, the arguments in favor of Measure C (signed by some City Council Members and published in early 2020) (see: <https://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=31198>) states clearly that:

"Measure C allows the City Council to adopt mobile home rent control without endless lawsuits. The Council is scheduled to adopt strong, legally sound mobile home protections in early 2020"

- annual rent increase: since many of the mobile home residents are seniors living on (small) fixed income, I would encourage the City to pick a smaller annual rent increase cap. One more in line with other mobile home rent control ordinances in the State.

Sincerely,

Serge Bonte
Lloyd Way, Mountain View