

From: Andrew Halprin
To: [van Deursen, Anky](mailto:van_Deursen_Anky); [Black, Patricia](mailto:Black_Patricia); EHislop@housing.org
Subject: Re: Tentative Appeal Decision 855/857 Park Drive: Cases 18190025, 18190026, 18190033
Date: Wednesday, February 27, 2019 7:44:29 AM
Attachments: [Andrew Halprin Response to Tentative Appeal Decision.pdf](#)

Dear Ms. van Deursen, Ms. Black, and Ms. Hislop,

Please find attached the following document: Andrew Halprin Response to Tentative Appeal Decision.pdf.

This document is my response to the Tentative Appeal Decision for Petition 18190025, 18190026 and 18190033 concerning 855/857 Park Drive for the Appeal Hearing scheduled during the next Rental Housing Committee meeting on March 4, 2019.

Please promptly provide this document to the Rental Housing Committee or otherwise advise me on how to submit it properly.

Please do confirm receipt of this e-mail and document.

Thank you very much.

Regards,

Andrew Halprin

On Feb 22, 2019, at 4:42 PM, van Deursen, Anky <Anky.vanDeursen@mountainview.gov> wrote:

Dear Affected Parties,

In accordance with CSFRA Regulations Chapter 5 (H)3.b, please find attached the Tentative Appeal Decision for Petition 18190025, 18190026 and 18190033 concerning 855/857 Park Drive for the Appeal Hearing scheduled during the next Rental Housing Committee meeting on March 4, 2019. Responses to the Tentative Appeal Decision are due five days prior to the scheduled hearing date (February 27, 2019).

Kind regards,

Anky van Deursen



(650) 903-6131

CSFRA Program Manager

<image001.gif>

<http://www.mountainview.gov/rentstabilization>

██████████
855 Park Drive ██████████
Mountain View, CA 94040
February 26, 2019

Rental Housing Committee
City of Mountain View
Mountain View, CA

Dear members of the Rental Housing Committee,

Thank you very much for your time and attention to this matter: Petition Nos. 18190025, 18190026, and 18190037, Hearing Officer Decision, and Appeal.

The Tentative Appeal Decision impresses me with its thoughtfulness, thoroughness, legal concepts, and overall effort invested to fairly evaluate the Hearing Officer's decision and the Appellants' appeal.

However, I am concerned that one piece of evidence may have been overlooked, when arriving at the modification of the remedy for the loss and value of the parking space (Section VI.4.e).

That piece of evidence is Petitioner Exhibit 5.

In light of the evidence within Petitioner Exhibit 5, I disagree with this statement in the Tentative Appeal Decision:

There is no evidence in the record indicating that the condition of the parking space changed significantly since the beginning of Ms. Wilson's tenancy (other than its use by Appellant-Landlord).

To the contrary, pages 11, 12, and 13 in Petitioner Exhibit 5 include photographs that show that indeed the condition of the parking space did change significantly since the beginning of Ms. Wilson's tenancy. In particular, the photograph on page 12 shows Ms. Wilson's parking space approximately seven years after her tenancy began. In this photograph, there is no foliage above her parking space. The recent photograph on page 13 shows the same spot with foliage above and directly adjacent to the vehicle in her parking space.

I also disagree with this statement in the Tentative Appeal Decision:

To be clear: the only reduction in housing services related to the automobile parking space occurred when either: (a) Appellant-Landlord physically occupied the space designated for Unit 8, or (b) Appellant-Landlord's actions indicated that the space designated for Unit 8 was no longer designated as such.

The photograph on page 9 of Petitioner Exhibit 5 shows the palm tree next to one of Ms. Curtis' automobiles, that was encumbering one of her parking spots. It was this palm tree that the landlords had professionally pruned. To my knowledge, the landlords never pruned the trees next to and now above the parking space assigned to Ms. Wilson, since Ms. Wilson began her tenancy. This evidence in the record indicates that the landlords selectively neglected to maintain housing services by attending to the foliage next to their own vehicles, while at the same time ignoring the foliage encroaching above Ms. Wilson's vehicle. Whether intentional or not, it was a reduction in housing services that is ongoing today.

Further, I suggest that the tentative ruling that states:

The Landlord shall ensure Ms. Wilson may use the parking space designated for Unit 8 in accordance with the applicable rental agreement (e.g. she or her guest(s) may park in the space, she may leave it vacant, etc...)

instead of affirming the ruling that:

The Landlords shall provide Ms. Wilson an alternative parking space or she will be entitled to an additional rent credit ...

in effect condones and perpetuates an ongoing reduction in housing services.

Since Ms. Wilson's petitions and my petition were consolidated into a single Hearing Record, it is understandable that the evidence I submitted in support of Ms. Wilson's petition, in response to the landlords' attorney's response to all three petitions, could have been overlooked by the Rental Housing Committee.

Whether overlooked or not, this evidence must be considered not only by the Hearing Officer, but also by the Rental Housing Committee. Just as Ms. Wilson provided evidence to be included in my petition (Declaration of Rent Increase Without Rollback), I similarly responded vocally to the questions about the parking space in her petition, during the hearing, and again in writing and with photographs in contention with statements made by the landlords' attorney. Had we been admonished to speak and submit only in support of our own individual petitions, then Ms. Wilson and I would have taken steps to provide all relevant evidence separately. Accordingly, the evidence I submitted, the same evidence that the Hearing Officer accepted into the Hearing Record, must be considered with regards to the contested modification to the Hearing Officer's Decision.

Please do review this evidence and reconsider your decision to modify section VI.4.e in light of this evidence.

By the way, should the Rental Housing Committee determine that the original ruling be affirmed as is, I suggest that it should be understood or stated that any such alternative space not be under the same trees that shed debris over the space assigned to apartment 8.

Thank you for your renewed attention to this matter.

Sincerely,

Andrew Halprin