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February 1, 2019

Via Mail Only

City of Mountain View
E. Alexandra DeLateur
Rental Housing Committee
P.O. Box 500
Mountain View, CA 94039

Re: Rental Housing Case Nos. 18190025, 18190026, 18190033

Dear Ms. DeLateur:

Enclosed with this letter please find an Appeal Request Form submitted by Landlords in case numbers 18190025, 18190026, and 18190033. From the date of receipt of the Hearing Decision, the Landlords have been out of the country in Mexico and have had limited access to the internet, and no access to a scanner or copy machine. As such, the Landlords have been unable to sign the Appeal Request Form in order to submit the request in a timely fashion. In order to preserve the Landlord's right to appeal within the allotted ten (10) day time frame, we are submitting the enclosed Request for Appeal of Petition Hearing Decision and will be providing a copy of the signed Request form as soon as possible to the City, upon the Landlords' return. Should you have any questions, please feel free to contact the undersigned.

Sincerely,

PAHL & McCAY
A Professional Law Corporation

A handwritten signature in blue ink that reads 'Lerna Kazazic'.

Lerna Kazazic

LK/ec
cc: Clients
Enclosures*4758/001 - 00673488.DOCX.1

RECEIVED

FEB 08 2019

Community Development
Department





COMMUNITY STABILIZATION AND FAIR RENT ACT (CSFRA)
REQUEST FOR APPEAL OF PETITION HEARING DECISION

Any Party to a petition may appeal the Decision by serving a written Request for Appeal on all applicable parties and then filing a copy of the completed form with the City within ten (10) calendar days after the mailing of the Petition Decision.

I hereby Appeal the Hearing Officer's Decision for the following Petition to the Rental Housing Committee:

Petition Case Number: 18190025, 18190026, 18190033
Name of Hearing Officer: E. Alexandra DeLateur Decision Date: January 23, 2019

For the following Property Address, including Unit Number(s), if applicable:

857 Park Drive # 8
(Street Number) (Street Name) (Unit Number)

Person Appealing the Hearing Officer Decision (if more than one person is appealing the petition decision, attach their contact information as applicable):

Name: Larry Vaytilla & Linda Curtis Phone: (408) 286-5000 c/o Lerna Kazazic, Esq.
Mailing Address: 857 Park Drive #1 Email: lkazazic@pahl-mccay.com
Mountain View, CA 94040

I am:

- A tenant affected by this petition. A landlord affected by this petition.

Reason for Appeal:

Please use the space below to clearly identify what issue and part of the Decision is the subject of the appeal (include section headings and subheadings, as necessary). Thoroughly explain the grounds for the appeal.

[Empty box for Reason for Appeal]

(Continue on the next page; add additional pages if needed)

Filing Instructions:

Once you have completed this form and attached all relevant documents, serve all parties with complete copies before formally filing the Appeal with the City.

Declaration:

I (we) declare under penalty of perjury under the laws of the State of California that the foregoing and all attached pages, including documentation, are true correct, and complete.

Signature: (SEE ENCLOSED COVER LETTER) Date:
Print Name:

Reason for Appeal (Continued)

Landlords are appealing the previously referenced petitions on several grounds, including but not limited to the following:

(1) Rent Credit - Annemarie Wilson's Petitions:

The Hearing Officer awarded Petitioner \$200.00 per month based on testimony that Petitioner watered the plants at the property until August 2018. However, in the calculation of rent credit, the hearing officer awards Petitioner \$200/month through January 2019, even though Petitioner testified that she stopped doing the agreed yard work in August 2018. Petitioner should not receive the \$200/month award for September, October, November and December, 2018, and January 2019. The award should be adjusted accordingly.

(2) Painting - The Hearing Officer awarded Ms. Wilson \$3,335.00 for "overdue painting" of Petitioner's unit from March 2015 through January 2019, at a rate of 5% per month. The Hearing Officer based this award on the language in the lease stating that the Landlord would "paint again soon." Enclosed with this appeal is Exhibit A, demonstrating two checks from August 2015 when Petitioner's unit was repainted. These checks were unavailable to Landlord at the time of the hearing but have been recovered since. Petitioner did in fact have her unit repainted in 2015, as promised by her lease.

(3) Parking - The Hearing Officer awarded Petitioner \$450.00 for alleged loss of parking at the property. Contrary to the statements in the decision about a tree growing nearby the parking space since Petitioner's move-in, the tree had been there since day 1 of Petitioner's tenancy. Petitioner parked her car there without a problem until she purchased a newer car and no longer wanted the sap from the tree on Petitioner's car. There was no reduction in service, rather decided not to use her parking space. In addition, Landlords attempted to rectify the situation by offering Petitioner a cover over the space; however, she refused. Instead Petitioner made the decision to park her vehicle on the street. Landlords have no control over the trees production of sap or needles. While Landlords concede that Mr. Voytilla had started parking in the vacant spot once Petitioner refused to use it, had Petitioner expressed any interest in using the space, Landlord would have immediately removed his vehicle. All other spaces at the property are occupied by other residents.

(4) Broken Bathroom Window - The hearing officer awarded Petitioner \$2,102.50 for a crack in the window of her bathroom between September 2016 until January 2019, equaling 5% of the rent. While the effect of the broken window is contested and remains contested, Landlords are specifically appealing the 5% amount that was awarded. The window, even while cracked, provided sufficient waterproofing and did not affect Petitioner's use of the bathroom or temperature regulation of the bathroom. Taking into account that hearing officer awarded \$25.00 per month for a parking space, can't it reasonably be said that a minor crack in a window is truly worth 5% of the monthly rent for the unit? If so, what is each window worth, of the Roof, or use of the Kitchen? Again, while the Petitioner may have claimed the water was entering the window when it rained, the days that it rains in Manhattan are extremely minimal. The only grievance that she had stated regarding her window was when it rained, meaning, if it was not raining, there were no issues with the use of the window. For the above stated reasons, Landlord is appealing the award and suggesting a 1% award. A photograph of the cracked window is attached hereto as Exhibit B.

(5) Living Room window: Landlords contest the award on the grounds that Petitioner did not inform them of issues with her window until the time of the hearing.

Andrew Halprin's Petition:

(1) Landlords are contesting the award of \$1,239.00 that was awarded to Petitioner on the grounds that Landlords believe they were in substantial compliance with the provisions of the CPRA.

Proof of Service of Request for Appeal

I declare that I am over eighteen years of age, and that I served one copy of the attached Notice of Appeal on the **affected party(ies) listed above by:**

Personal Service

Delivering the documents in person on the ____ day of _____, 20____, at the address(es) or location(s) above to the following individual(s).

(Print name and address of each party served.)

Mail

Placing the documents, enclosed in a sealed envelope with First-Class Postage fully paid, into a U.S. Postal Service Mailbox on the 1 day of February, 2019, addressed as follows to the following individual(s).

(Print name and address as shown on envelope of each party served.)

Andrew Halprin	Annemarie Wilson	City of Mountain View
855 Park Drive, #5	855 Park Drive, #8	Rental Housing Committee
Mountain View, CA 94040	Mountain View, CA 94040	P.O. Box 500
		Mountain View, CA 94039

Email

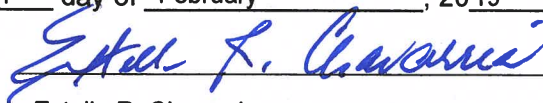
Emailing the documents on the ____ day of _____, 20____ at the email address(es) as follows to the following individual(s). Email is the normal mode of communication with the following individual(s).

(Print name and email address of each party served.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct:

Executed on this 1 day of February, 2019

Signature:



Print Name:

Estella R. Chavarria

Address:

225 W. Santa Clara Street, Suite 1600, San Jose, CA 95113