



Rent Stabilization Program

(650) 903-6149 | mvrent@mountainview.gov
Mountainview.gov/rentstabilization

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

Communications and submissions during the COVID-19 Pandemic: To the extent practicable, all communications, submissions and notices shall be sent via email or other electronic means.

Any Party to a petition may appeal the Decision by *servicing a written Request for Appeal on all applicable parties and then filing a copy of the completed form with the City within fifteen (15) calendar days* after the mailing of the Petition Decision. If no Appeals are filed within fifteen (15) calendar days, the decision will be considered final.

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

Petition Case Number: C23240032

Name of Hearing Officer: Alexandra DeLateur Decision Date: 4/22/2024

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

2200 California Street, Unit [REDACTED]

(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: The Arbors at Mountain View

Phone: [REDACTED]

Mailing Address: [REDACTED]

Email: [REDACTED]

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. For each issue you are appealing, provide the legal basis why the Rental Housing Committee should affirm, modify, reverse, or remand the Hearing Officer's Decision. (continue on the next page; add additional pages if needed)

Please see attached documents. The Base Rent calculated is incorrect and does not incorporate all utility payments as required by CSFRA regulations section 2(p). The correctly calculated base rent should be increased.

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. Once served, please file a copy of the completed form with the City of Mountain View via email (preferred method) to patricia.black@mountainview.gov or by mailing to 500 Castro Street, Mountain View, CA 94041.

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: [Signature]

Date: 5/8/2024

Print Name: Andrew Van Slyke

Este formulario está disponible en inglés y español. | 此表格有英文和中文版本

DISCLAIMER: Neither the Rental Housing Committee nor the City of Mountain View make any claims regarding the adequacy, validity, or legality of this document under State or Federal law. This document is not intended to provide legal advice. Please visit mountainview.gov/rentstabilization or call 650-903-6136 for further information.



ACTA DE ESTABILICACION COMUNITARIA Y RENTA JUSTA (CSFRA) SOLICITUD DE APELACIÓN DE PETICIÓN DE DECISIÓN DE AUDIENCIA

Comunicaciones y envíos durante la pandemia COVID-19: En la medida de lo posible, todas las comunicaciones, presentaciones y avisos se enviarán por correo electrónico u otros medios electrónicos.

Cualquier Parte de una petición puede apelar la Decisión *presentando una Solicitud de Apelación por escrito a todas las partes aplicables y luego presentando una copia del formulario completo ante la Ciudad* dentro de los **quince (15) días de calendario** posteriores a la fecha de envío de la Decisión de Petición. Si no se presentan las apelaciones dentro de los quince (15) días calendario, la decisión se considerará definitiva.

Por la presente presento una apelación a la decisión del Agente de la Audiencia para la siguiente Petición:

Numero del Caso de Petición: C23240032
Nombre del Agente de Audiencia: Alexandra DeLateur Fecha de Decisión: 4/22/2024

Para la siguiente dirección de propiedad, incluya el número(s) de unidad, si corresponde:
2200 California Street, Unit [REDACTED]

Persona que Apela la Decisión del Agente de Audiencia (si más de una persona está apelando la decisión de la petición, adjunte su información de contacto según corresponda):

Nombre: The Arbors at Mountain View Teléfono: [REDACTED]
Dirección: [REDACTED] Correo Electrónico: [REDACTED]

Yo soy: Un inquilino afectado por esta petición. Un propietario afectado por esta petición

Motivo de la apelación:

Utilice el espacio a continuación para explicar detalladamente qué asunto y parte de la decisión es el tema de la apelación (incluir títulos de la sección y subtítulos cuando sea necesario). Explique con detalles los motivos para la apelación. Para cada asunto que usted este apelando, provea las bases legales de porqué el Comité de Vivienda debe afirmar, modificar, revertir, o devolver a los Funcionarios de Audiencia. (Continúa en la siguiente página; agregue páginas adicionales si es necesario)

Please see attached documents. The Base Rent calculated is incorrect and does not incorporate all utility payments as required by CSFRA regulations section 2(p). The correctly calculated base rent should be increased.

Instrucciones de Presentación:

Una vez que haya completado este formulario y adjuntado todos los documentos pertinentes, entregue a todas las partes copias completas antes de presentar formalmente la apelación ante la ciudad. Una vez notificado, presente una copia del formulario completo a la ciudad de Mountain View por correo electrónico (método preferido) a patricia.black@mountainview.gov o por correo postal a 500 Castro Street, Mountain View, CA 94041.

Declaración: Por la presente presento una apelación a la decisión del Agente de la Audiencia para la siguiente Petición:

Yo (nosotros) declaramos bajo pena de perjurio bajo las leyes del Estado de California que lo anterior y todas las páginas adjuntas, incluida la documentación, son verdaderas, correctas y completas.

Firma: _____ Fecha: _____

Imprima Nombre: _____

This form is available in English and Chinese. | 此表格有英文和中文版本

DESCARGO DE RESPONSABILIDAD: Ni el Comité de Viviendas de Alquiler ni la Ciudad de Mountain View hacen ninguna afirmación respecto a la adecuación, validez o legalidad de este documento bajo la ley estatal o federal. Este documento no pretende ofrecer asesoramiento legal. Por favor, visite mountainview.gov/rentstabilization o llame al 650-903-6136 para más información.

Prueba de Entrega de la Solicitud de Apelación

Declaro que tengo más de dieciocho años de edad y que entregué una copia del Aviso de Apelación adjunto adjunto **a la(s) parte(s) afectada(s) mencionada anteriormente por:**

Servicio Personal

Entrega de los documentos en persona el ____ día de _____, 20____, en la(s) dirección(es) o ubicación(es) arriba a la(s) siguiente(s) persona(s).

(Escriba el nombre y la dirección de cada parte a la cual se le aviso).

Correo

Se colocan los documentos, encerrados en un sobre sellado con franqueo de primera clase totalmente pagado, en un buzón del servicio postal de EE.UU. El ____ día de _____, 20____, dirigido de la siguiente manera a las siguientes personas.

(Escriba el nombre y la dirección como se muestra en el sobre de cada parte a la cual se le aviso).

Correo Electrónico

Enviando los documentos por correo electrónico el ____ día de _____, 20____, a la(s) siguiente(s) dirección(es) de correo electrónico a la(s) siguiente(s) persona(s).

(Escriba el nombre y la dirección como se muestra en el sobre de cada parte a la cual se le aviso).

Encuestados

Abdul Campos
2200 California Street #5
Mountain View, CA 94040
abdulcampos99@yahoo.com

Declaro bajo pena de perjurio bajo las leyes del Estado de California que lo anterior es verdadero y correcto:

Ejecutado en este ____ día de _____, 20____

Firma: _____

Imprima Nombre: _____

Dirección: _____

1 **Spencer Fane LLP**
2 **Servando R. Sandoval, Esq.** (State Bar No. 205339)
3 **Andrew H. VanSlyke, Esq.** (State Bar No. 312741)
4 225 West Santa Clara Street
5 Suite 1500
6 San Jose, California 95113-1752
7 Telephone: (408) 286-5100
8 Facsimile: (408) 286-5722
9 Email: avanslyke@spencerfane.com

10 Attorneys for Landlords
11 Spieker Companies, Inc. and The Arbors at Mountain View

12 **RENTAL HOUSING COMMITTEE**

13 **CITY OF MOUNTAIN VIEW**

14	ABDUL CAMPOS)	REQUEST FOR APPEAL OF PETITION
15)	HEARING DECISION
16	Petitioner)	
17	v.)	Rental Housing Committee Case No.
18)	C23240034 and C23240033
19	SPIEKER COMPANIES, INC., AND THE)	Date: May 8, 2024
20	ARBORS AT MOUNTAIN VIEW)	
21)	
22	Respondents)	
23)	
24)	
25)	
26)	
27)	
28)	

29 This Request for Appeal of Petition Hearing Decision is submitted on behalf of Spieker
30 Companies, Inc., and The Arbors at Mountain View (collectively, “Landlord”) respondents in the
31 above referenced petition concerning 2200 California Street, Unit #5 in Mountain View, CA. This
32 Appeal is to of the Decision in “Petition A” dated April 24, 2024, issued in the above referenced
33 combined cases, specifically Paragraphs IX(1-4) of the Decision wherein the “Base Rent” was
34 calculated incorrectly.

35 **DECISION**

36 The Decision holds, in the “Unlawful Rent” section, that the Petitioner’s correct Base Rent
37 is \$2,033.39 and addresses the use of RUBS, specifically stating that the Respondent does not
38 need to submit a One-Time Utility Adjustment Petition to address the Mountain View phase out of
39 RUBS required by Chapter 13 of the Community Stabilization and Fair Rent Act (“CSFRA”).
40 Consequently, the decision functions as both a recalculation of the corrected Base Rent, as well as

1 the implementation of the CSFRA required phase-out of RUBS.

2 The Decision does not correctly calculate the Base Rent as it fails to consider and
3 incorporate the full cost, or number, of utilities used by the Tenant, resulting in an artificially
4 reduced Base Rent. This appeal is specifically for the Rental Housing Committee to consider the
5 full amount of utilities impacting the Property, and direct the Hearing Officer to utilize the correct
6 calculations.

7 **ARGUMENT**

8 Base Rent, as defined by the Community Stabilization and Fair Rent Act Section 2(p)
9 includes not just rent specified in the lease but “all payment and consideration demanded or paid
10 for parking, Utility Charges, pets, furniture, and/or subletting.” Utility Charges themselves are
11 defined in Section 2(v) as “[a]ny charges for gas, electricity, water, garbage, sewer, telephone,
12 cable, internet, or other service relating to the use and occupancy of a Rental Unit” with no
13 mention of where the payment is required to be made, or how these charges are assessed.

14 The Decision excludes payments that the tenant pays directly to Conservice and only
15 incorporates payments sent directly to Landlord. It is unclear why this distinction is made, as the
16 payments made to Conservice are for water, sewer and trash charges the tenant is responsible for.
17 The total utility payments sent by the tenants to the landlord from 11/2020 to 4/2021 was \$900.63,
18 while the total utility payments sent directly to Conservice from 5/2021 to 10/2021 were
19 \$1,193.42. The Base Rent calculation only in Section VIII(A) of the Decision only incorporated
20 the \$900.63 in utility bills but excluded the \$1,193.42 in utilities owed during this time. This full
21 amount was not included in the base rent computation.

22 Pursuant to Chapter 13(A)(1)(b) individually submetered utilities are excluded from the
23 prohibition on RUBS, and these would not be factored into the determination of the “Base Rent”
24 for the purposes of the One-Time Utility Adjustment Petition Process required by CSFRA Chapter
25 13(B). These Conservice utilities are not billed directly to the utility service provider and
26 consequently are not exempt. Their use should be factored into the relevant calculation. This
27 appeal specifically requests that the water, sewer, and trash utilities be incorporated into the Base
28 Rent determination.

1 A spreadsheet of the utilities for the unit was submitted as evidence prior to the February
2 16th, 2024, hearing. Attached as Exhibit A to this Appeal is the ledger specifically indicating the
3 utility payments that are directly sent to Conservice. This information was previously submitted
4 into the record, and is indicated as Respondent Exhibit #5, and is provided here to clearly indicate
5 the utilities which were not considered and to confirm that these water, sewer, and trash charges
6 were paid during the relevant Base Rent calculation period.

7 **CONCLUSION**

8 This appeal is submitted for the limited purpose of the correct calculation of the Base
9 Rent for the Property. The Decision fails to consider all required utilities and Respondent requests
10 that the relevant calculations be re-done to consider all billed utilities.

11
12 DATED: May 8, 2024

Spencer Fane LLP

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15 By: *Andrew Van Slyke*
Andrew VanSlyke, Esq.

16 Attorneys for Respondent/ Appellant
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