

From: [Anthony Rodriguez](#)
To: [City Council](#); [van Deursen, Anky](#); [, City Attorney](#)
Cc: ["Doug Johnson"](#); [Maria Ahmad](#); [REDACTED]
Subject: RE: AGENDA ITEM # 4.2 - Mobilehome Rent Stabilization and Urgency Ordinance
Date: Thursday, September 23, 2021 7:27:42 PM
Attachments: [De Anza - Mountain View - Letter to City Council Re Status of Park Owned Homes and Evictions - September 23 2021.pdf](#)

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

Mayor and City Council Members:

My client has never “threatened” to evict the tenants from its almost 200 “park owned” mobilehomes before the new ordinance could be enacted. To the contrary, my client has on at least two occasions asked the City if it is interested in purchasing each and every one of those mobilehomes. To date, the City has not responded.

If there is any doubt, please see the attached letter, confirming in writing that my client will *not* evict the tenants in its park owned homes before the new ordinance goes into effect. As you can see, my client intends to approach the tenants in the next week or so, to see if they are interested in purchasing the homes they currently rent. As you can also see, my client is once again asking the City if it has any interest in purchasing those homes.

Based on the record to date, any finding by the City Council that my client has threatened to evict its tenants prior to the new ordinance going into effect would be a false finding, and should be rejected by each of you.

Finally, please include this email and the attached letter in the record with respect to Agenda Item No. 4.2 for the City Council’s September 28, 2021 meeting.

Thank you.

Anthony C. Rodriguez

Law Office of Anthony C. Rodriguez
1425 Leimert Boulevard, Suite 101
Oakland, California 94602
Telephone: (510) 336-1536
Facsimile: (510) 336-1537
Email: arodesq@pacbell.net

IMPORTANT / CONFIDENTIAL

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From: Anthony Rodriguez [REDACTED]
Sent: Tuesday, September 14, 2021 4:28 PM
To: city.council@mountainview.gov; 'van Deursen, Anky' <Anky.vanDeursen@mountainview.gov>; , City Attorney <CityAttorney@mountainview.gov>
Cc: 'Doug Johnson' [REDACTED]
Subject: RE: AGENDA ITEM # 7.1 - Alternatives to Rent Control and Sale of Park Owned Homes to City

Mayor and City Council Members:

This office represents the owner of two of the six mobilehome parks in the City of Mountain View. On behalf of my client, attached please find its proposed alternatives to rent control, its objections regarding portions of the proposed ordinance, and its inquiry regarding the City’s interest in purchasing the almost 200 “park owned” mobilehomes at its parks. Although each of the attached documents have previously been provided to City officials, it is unclear if those officials have provided them to the Council, as they did not appear to be in the agenda packet that I saw on-line.

1. January 28, 2021 memos to all tenants at both parks regarding alternatives to rent control, including a rent credit program for low income tenants and a commitment to leave the parks open for at least 10 years;
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3. Letter to City Attorney regarding constitutional issues and unintended consequences of rent controls on park owned homes; and
4. Letter to City Attorney to determine whether City has interest in purchasing my client’s almost 200 park owned homes.

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From: Doug Johnson [REDACTED]
Sent: Tuesday, September 14, 2021 9:44 AM
To: city.council@mountainview.gov
Subject: AGENDA ITEM # 7.1

September 14, 2021

The Honorable Mayor and City Council
City of Mountain View
500 Castro Street, 3rd Floor
Mountain View, CA 94041-2010

city.council@mountainview.gov

RE: OPPOSITION TO MHP RENT CONTROL (Agenda Item # 7.1)

Dear Mayor Kamei & Councilmembers:

The Western Manufactured Housing Communities Association (WMA) is a nonprofit trade association representing the owners and operators of mobilehome communities throughout the state of California. Having been founded in 1945, WMA is one of the oldest, largest and most respected trade associations of its kind in the United States. WMA is firmly opposed to rent control. We believe it tears communities apart, diminishes affordable housing stocks, invites costly litigation and can rapidly deplete precious city resources during a time when COVID-19 is already wreaking havoc on municipal budgets throughout the state.

A better, fairer and more cost-effective alternative to rent control is a MOU. The Sunnyvale City Council unanimously approved a comprehensive MOU for ten of its mobilehome parks in July. An entire community — councilmembers, parkowners, park residents, city staff and professional consultants — worked together on this groundbreaking agreement that will protect mobilehome park affordability and sustainability for decades.

MOU stakeholder meetings were facilitated by the managing partner of BAE, an award-winning urban economics consulting group that has completed thousands of projects for local governments across the country. BAE provided services to the city of Mountain View on the San Antonio Precise Plan in 2014. The well-known law firm of Goldfarb & Lipman provided legal services to the stakeholder group and drafted the language of the Sunnyvale MOU agreement.

WMA and our member parkowners expressed our collective support for a MOU to a Mountain View City Council study session back in January 2020 and we also met with city staff in February 2020 to discuss this option in more depth. It is important to note that a MOU can be tailor-made for the unique and specific needs of Mountain View's six mobilehome communities.

The MOU work just completed in Sunnyvale could be easily and quickly replicated in Mountain View. The cities of Rancho Cucamonga and San Dimas also administer two highly successful, decades-long MOUs that were both recently renewed by their city councils. WMA respectfully urges the Mountain View City Council to authorize the development of a MOU and its collaborative approach, rather than impose a one-sided rent control ordinance.

Sincerely yours,

DOUG JOHNSON

Senior Regional Representative
Local Government & Public Affairs

WESTERN MANUFACTURED HOUSING COMMUNITIES ASSOCIATION

Northern California & Bay Area Regional Office
1667 Columbus Road
West Sacramento, CA 95691-4902
(916) 374-2702 Office
rdj2003@sbcglobal.net Email
www.wma.org Website

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ATTORNEY AT LAW
1425 LEIMERT BOULEVARD
SUITE 101
OAKLAND, CALIFORNIA 94602-1808
— —
TELEPHONE (510) 336-1536
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September 23, 2021

VIA EMAIL AND U.S. MAIL

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

**Re: Proposed Mobilehome Rent Stabilization Ordinance /
Potential Sale and/or Removal of Park Owned Mobilehomes**

Dear Mayor and City Council Members:

As you know, this office represents the owner 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.

It is my understanding the City Council is considering a “moratorium” and/or an “urgency ordinance” regarding evictions, so as to prevent my client from evicting its tenants from its almost 200 “park owned” mobilehomes before the proposed rent control ordinance goes into effect, sometime in late October. Although the City Council is of course free to consider such an ordinance if it chooses, *my client has **no** plans to evict those tenants, or to close its parks, before the new mobilehome rent control ordinance goes into effect.*

As I advised previously, my client has little interest in renting its “park-owned” homes, if they are subject to rent control. As a result, my client is exploring its options with respect to those homes. Those options include, but are not limited to selling them, either as a package, or individually. Whichever option my client chooses, that decision will not be made in September or October.

With respect to selling the “park owned” homes individually, my client intends to forward written surveys to the tenants at those homes in the next week or so. If all or most of those tenants are interested in buying the homes they are currently renting, my client may

provide them with an opportunity to do so. If those tenants express little or no interest in buying those homes, my client will continue with its efforts to find a person or entity that is interested in buying the entire portfolio.

Should my client determine it is not practical or possible to sell all or most of the “park owned” homes to the current tenants, or as a package to one person or entity, my client will explore other options, including (1) selling them to third parties on an individual basis, (2) removing them from the rental market and/or (3) using them for charitable purposes.

It is my understanding one of the City’s goals is to maintain the supply of mobilehomes at or near the current level. Although my client is still in the process of determining the fair market value of the almost 200 mobilehomes it owns, it is estimated to be somewhere between \$45 million and \$50 million. Accordingly, if my client decides to sell those homes as a package, the asking price is likely to be between \$45 million and \$50 million, although it could be more or less, depending on the circumstances at the time.

If my client decides to sell its almost 200 “park owned” homes as a package, please advise whether the City of Mountain View has any interest in purchasing them, in which case the City could become “the lessor” with respect to those units. Of course, my client would continue to be “the lessor” with respect to the underlying spaces, and the common area amenities.

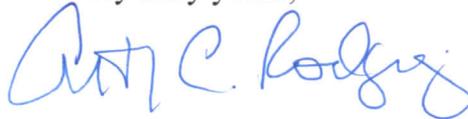
Although my client does not know what it will eventually decide to do with the almost 200 mobilehomes it owns in Mountain View, it will *not* be evicting anyone from those homes in order to take them off the rental market before the new rent control ordinance goes into effect. Again, although the City Council is free to consider either a “moratorium” or an “urgency ordinance” to prevent such evictions before the new ordinance goes into effect, there is no reason to do so, at least as far as Sahara Village and Santiago Villa are concerned.

Finally, I must again emphasize that my client does not waive any rights with respect to Sahara Village or Santiago Villa, including its constitutional rights to (1) go out of the home rental business after the new rent control ordinance goes into effect, (2) “exclude” tenants from its park owned homes before selling them to third parties, and/or (3) challenge any attempt by any governmental entity to make it pay its tenants in order to exercise its constitutional rights. See *Kaiser Aetna v. United States*, 444 U.S. 164, 179-180 (1979); See also *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063, 2072-2074, 2077-2078 (2021).

The Mayor and City Council
September 23, 2021
Page 3

If you have any questions or comments regarding these issues, or if the City of Mountain View is interested in purchasing the almost 200 “park owned” mobilehomes at Sahara Village and Santiago Villa, please do not hesitate to contact me. Thank you for your attention to this issue.

Very truly yours,



Anthony C. Rodriguez

cc: Client
Doug Johnson, WMA
Krishan Chopra, City Attorney
The Honorable Anna G. Eshoo
Aldo Toledo, The Mercury News

From: [Perez, Jose](#)
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: Thankyou
Date: Friday, September 24, 2021 8:10:31 AM

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

To all of you, thank you very much for the mobile home parks rent control. God bless you.

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: City Purchase of 200 Mobile Homes & The Mountain View Mobile Home Park Ordinance
Date: Sunday, September 26, 2021 3:31:01 PM
Attachments: [De Anza - Mountain View - Letter to City Council Re Status of Park Owned Homes and Evictions - September 23 2021.pdf](#)

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

Dear City Council, City Attorney, and City Staff:

I am writing on behalf of myself and 200 other families who **rent** their mobile homes in Mountain View.

In light of the recent mobile home park owner letter to City Council dated 09/23/21 (which I've attached), it's now **crystal clear** that the park owner no longer intends to own approximately 200 rental units.

His actions will now impact 200 families.

He states:

"As I advised previously, my client has little interest in renting its "park-owned" homes, if they are subject to rent control."

He goes on to state:

"Should my client determine it is not practical or possible to sell all or most of the "park owned" homes to the current tenants, or as a package to one person or entity, my client will explore other options, including (1) selling them to third parties on an individual basis, (2) removing them from the rental market and/or (3) using them for charitable purposes."

First, I would ask the City Attorney to see if "legally" he can do what he is telegraphing he intends to do. I believe the Ellis Act would prohibit him from doing #2 in a piecemeal fashion.

Secondly, I ask each of you to pro-actively get ahead of this inevitable development which will impact 200 families.

If the city steps in and buys these 200 "park owned" units, as the park owner is

**inviting
the City to do, it works out to about \$200,000 per unit
(\$40M / 200) . This is roughly double what the LifeMoves' tiny homes cost on
Leghorn, and
is a very cost-effective way to preserve affordable rental housing for 200
families in Mountain View.**

Anna Eshoo and Joe Simitian and the Santa Clara Housing Authority were able to come up with money to help in the purchase of the Buena Vista Mobile Home Park homes in Palo Alto, and I'm confident they would partner with the City to buy these homes.

Even Google would likely chip in money to help buy these homes and preserve them as rentals for 200 families, many of whom are Google employees (like my neighbor).

So there is precedence and willingness in the broader Community to make this happen.

I encourage all of you to think outside the box and respond to the park owner's request to sit down with the park owner and negotiate to buy these 200 rental units, so that 200 families lives will not be disrupted.

200+ families who are renters would be forever grateful.

And if you are unable or unwilling to do that, please recognize that 200 families will be involuntarily impacted in some way, shape, or form, which makes the need for additional, strong displacement protections even more critical as you enhance the TRA0 and develop comprehensive Right-of-Return protections for mobile home residents.

Thank you so much,

Sincerely

Christopher M. Saleh
A disabled senior renting in Sahara Village for 15+ years

ANTHONY C. RODRIGUEZ
ATTORNEY AT LAW
1425 LEIMERT BOULEVARD
SUITE 101
OAKLAND, CALIFORNIA 94602-1808
— —
TELEPHONE (510) 336-1536
FACSIMILE (510) 336-1537

September 23, 2021

VIA EMAIL AND U.S. MAIL

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

**Re: Proposed Mobilehome Rent Stabilization Ordinance /
Potential Sale and/or Removal of Park Owned Mobilehomes**

Dear Mayor and City Council Members:

As you know, this office represents the owner 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.

It is my understanding the City Council is considering a “moratorium” and/or an “urgency ordinance” regarding evictions, so as to prevent my client from evicting its tenants from its almost 200 “park owned” mobilehomes before the proposed rent control ordinance goes into effect, sometime in late October. Although the City Council is of course free to consider such an ordinance if it chooses, *my client has **no** plans to evict those tenants, or to close its parks, before the new mobilehome rent control ordinance goes into effect.*

As I advised previously, my client has little interest in renting its “park-owned” homes, if they are subject to rent control. As a result, my client is exploring its options with respect to those homes. Those options include, but are not limited to selling them, either as a package, or individually. Whichever option my client chooses, that decision will not be made in September or October.

With respect to selling the “park owned” homes individually, my client intends to forward written surveys to the tenants at those homes in the next week or so. If all or most of those tenants are interested in buying the homes they are currently renting, my client may

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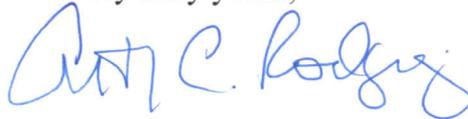
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Finally, I must again emphasize that my client does not waive any rights with respect to Sahara Village or Santiago Villa, including its constitutional rights to (1) go out of the home rental business after the new rent control ordinance goes into effect, (2) “exclude” tenants from its park owned homes before selling them to third parties, and/or (3) challenge any attempt by any governmental entity to make it pay its tenants in order to exercise its constitutional rights. See *Kaiser Aetna v. United States*, 444 U.S. 164, 179-180 (1979); See also *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063, 2072-2074, 2077-2078 (2021).

The Mayor and City Council
September 23, 2021
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If you have any questions or comments regarding these issues, or if the City of Mountain View is interested in purchasing the almost 200 “park owned” mobilehomes at Sahara Village and Santiago Villa, please do not hesitate to contact me. Thank you for your attention to this issue.

Very truly yours,



Anthony C. Rodriguez

cc: Client
Doug Johnson, WMA
Krishan Chopra, City Attorney
The Honorable Anna G. Eshoo
Aldo Toledo, The Mercury News

From: [Michael Mehr](#)
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: Thank you for your vote on Mobile Home rent control
Date: Monday, September 27, 2021 11:39:51 AM

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

Dear Council,
Thank you for voting on our behalf, whether favorable or not.
I appreciate that there are (at least) two sides to every question, so thank you for considering all those options and caring about the citizens of Mountain View.
Best wishes,
Mike Mehr

From: [Anthony Rodriguez](#)
To: [City Council](#); [van Deursen, Anky](#); [, City Attorney](#)
Cc: ["Doug Johnson"](#); [Maria Ahmad](#); [REDACTED]
Subject: RE: AGENDA ITEM # 4.2 - Mobilehome Rent Stabilization and Urgency Ordinance
Date: Monday, September 27, 2021 5:22:40 PM
Attachments: [De Anza - Mountain View - Letter to City Council Re Vacancy Control, Sales Prices, MOU and Brown Act - September 27 2021.pdf](#)

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

Mayor and City Council Members:

Please see the attached letter regarding the proposed mobilehome rent control ordinance, the vacancy decontrol amendment, the sales prices of mobilehomes in Mountain View, the proposed MOU, capital improvement pass-throughs, and the Brown Act. Please include this email and the attached letter in the record with respect to Agenda Item No. 4.2 for the City Council's September 28, 2021 meeting.

Thank you.

Anthony C. Rodriguez

Law Office of Anthony C. Rodriguez
1425 Leimert Boulevard, Suite 101
Oakland, California 94602
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Cc: 'Doug Johnson' [REDACTED] Maria Ahmad [REDACTED]
[REDACTED]
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Sent: Tuesday, September 14, 2021 9:44 AM
To: city.council@mountainview.gov
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September 14, 2021

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500 Castro Street, 3rd Floor
Mountain View, CA 94041-2010

city.council@mountainview.gov

RE: OPPOSITION TO MHP RENT CONTROL (Agenda Item # 7.1)

Dear Mayor Kamei & Councilmembers:

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professional consultants — worked together on this groundbreaking agreement that will protect mobilehome park affordability and sustainability for decades.

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Sincerely yours,

DOUG JOHNSON

Senior Regional Representative
Local Government & Public Affairs

WESTERN MANUFACTURED HOUSING COMMUNITIES ASSOCIATION

Northern California & Bay Area Regional Office
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— —
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September 27, 2021

VIA EMAIL AND U.S. MAIL

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

**Re: Proposed Mobilehome Rent Stabilization Ordinance /
Vacancy Decontrol and Sales Prices of Mobilehomes/
Demand for Correction of Brown Act Violation/**

Dear Mayor and City Council Members:

As you know, this office represents the owner of the Sahara Village and Santiago Villa mobilehome parks. During the City Council's September 14, 2021 meeting regarding the proposed rent control ordinance, one of the Council Members asked for information regarding the prices mobilehomes sell for in the Mountain View mobilehome parks. Although that information was not provided by City Staff, the City Council nevertheless voted to amend the proposed ordinance, to reduce the amount rents can be increased following a tenant-to-tenant sale, from 10%, to the increase in the Consumer Price Index.

As the public was not provided an opportunity to comment on that amendment before it was passed, I am providing the Council with information regarding sale prices in the Mountain View mobilehome parks during the past two years, in the tables on page six of this letter. However, my client must also object to the above described amendment, because it does nothing to preserve or increase the supply of affordable housing in the Mountain View mobilehome parks. To the contrary, that amendment virtually guarantees that the tenants who actually live in those parks will ultimately be required to pay more for their housing.

The Mountain View parkowners have constitutional rights, which the City of Mountain View cannot take away. Those rights include (1) the right to a "fair return" on

investment, including investment in capital improvements, (2) the right to apply for a *Vega* adjustment, (3) the right to close all or part of the park, and (4) the right to go out of the mobilehome rental business.

Over the years, the owner of Sahara Village and Santiago Villa has kept the rents for its long term tenants far below market, increasing the rent at those spaces to market *only* when a new tenant buys a mobilehome, *and* demonstrates he or she has the financial ability to pay the rent and other charges of the park. As a result of my client's policies, many of the long term tenants at Sahara Village and Santiago Villa have rents that are \$300 to \$900 per month below market, or more.

It is beyond dispute that controlling rents on resale will increase the price new tenants must pay for their mobilehomes. This concept was recognized by the Fourth District Court of Appeal in *Yee v. City of Escondido* (1990) 224 Cal. App. 3d 1349, 1352-1353, as follows:

“Mobilehomes and mobilehome park spaces are what economists refer to as complimentary goods. Because they are used together, there is a direct and necessarily inverse relationship between the prices for complementary goods. . . .

. . . It is thus inevitable that where government acts to reduce (or at least limit increases in) rental prices charged for mobilehome spaces, the price of mobilehomes will increase.” (*Id.* at 1352-1353). (Emphasis added).

In addition to increasing the price new tenants must pay for their mobilehomes, the above described amendment prevents parkowners from obtaining rents that reflect “general market conditions,” while at the same time making it more difficult for them to earn a “fair return” on investment. As a result, parkowners will be more likely to file *Vega* adjustment and “fair return” petitions, which often results in years of litigation for all concerned parties.

It must also be noted that if a parkowner is successful in such litigation, the parkowner may be entitled to a *Kavanau* adjustment, which allows the parkowner to recover additional rent increases, for the rent that was lost while the fair return and/or *Vega* petitions were pending. Of course, the possibility of a *Kavanau* adjustment can create other unwanted problems for tenants, especially those who want to sell their mobilehomes, as incoming

tenants may not want to accept that uncertainty.

Because mobilehomes are depreciating assets, their “stand alone” value should go down each year. As a result, mobilehomes that were manufactured in the 1970s or 1980s may have a market value of only **\$20,000**, or less, if sold from a mobilehome dealer’s lot. However, as you can see from the tables at the end of this letter, the average price of mobilehomes sold in the Mountain View parks during the past two years exceeds **\$200,000**, with at least one unit selling for more than \$400,000.

In short, by amending the ordinance to limit rent increases on tenant-to-tenant sales to the increase in the Consumer Price Index, these are the outcomes the City Council is promoting, whether intentionally or unintentionally:

- X Allowing tenants who are *leaving* the Mountain View parks to sell their mobilehomes for amounts far in excess of their depreciated value;
- X Requiring new tenants to buy mobilehomes at prices far in excess of their depreciated value;
- X Limiting the pool of potential new tenants to those who can afford the rent, plus the mortgage, taxes and insurance for a mobilehome with an artificially inflated purchase price;
- X Limiting the revenue parkowners can make on turnover from new tenants, thereby forcing parkowners to pursue *Vega* adjustments and “fair return” petitions, which in turn increase the rent for long term tenants, who in many cases have less ability to pay;
- X Making it more likely parkowners and tenants will become involved in years of litigation, with the possibility of *Kavanau* adjustments, creating animosity and uncertainty for all concerned; and
- X Making it more likely parkowners will go out of business, forcing existing tenants to move, potentially losing all or most of the money they paid for mobilehomes with artificially inflated purchase prices.

With respect to that final point, it must be stressed that the Supreme Court recently affirmed the constitutional right of land owners to “exclude” others from their property.

Cedar Point Nursery v. Hassid, 141 S. Ct. 2063, 2072-2074, 2077-2078 (2021). As a result, any attempt by the government to force landlords to pay tenants tens of millions of dollars in order to go out of business would appear to be unconstitutional. If that is the case, the City's policies may not only encourage parkowners to go out of business, tenants who paid hundreds of thousands of dollars for mobilehomes at artificially inflated prices may end up with nothing, or next to nothing.

In addition to the above, the proposed ordinance appears to be illegal or unconstitutional for at least two other reasons. First, it does not allow parkowners to "break even" on capital improvements, let alone recover a fair return on those expenditures, in violation of the Ninth Circuit's decision in *Sierra Lake Reserve v. City of Rocklin*, 938 F. 2d 951, 958 (9th Cir. 1991). Second, it suggests capital improvement pass throughs are not rent, in violation of Civil Code Section 798.31, and numerous published decisions interpreting that provision. In order to avoid litigation over those issues, the City Council is also requested to amend the capital improvement pass through provisions of its proposed ordinance, so as to be consistent with state and federal law.

The City Council is of course free to ignore all of these points. However, the courts are not likely to do the same, particularly with respect to the parkowners' constitutional rights.

The simple truth is my client's January 28, 2021 ten-year plan provided the tenants with *more* protection than the City can provide, because my client was willing to waive most of the above described constitutional rights for up to ten years, in exchange for slightly higher rent increases on tenant-to-tenant sales. Such rent increases are eminently reasonable, as they would be paid by new tenants, who must show they have the financial ability to pay the rent and other charges of the park, while selling tenants would still be able to sell their mobilehomes for significantly more than their depreciated value, as evidenced by the tables at the end of this letter.

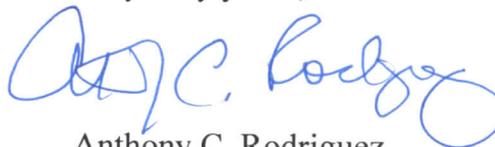
Contrary to what the City Council may have been advised, ***it is rent control that causes tenants to become involved in litigation and/or face park closures, not MOUs.*** In fact, in more than 36 years of representing parkowners throughout California, I am not aware of a single lawsuit regarding an MOU. As an MOU could enable the parkowners, the tenants and the City to avoid years of litigation regarding some or all of the above issues, my client hereby requests the City Council to postpone its vote on this deeply flawed ordinance and instead attempt to negotiate an agreement that is fair to all concerned.

Although I cannot speak for the other parkowners, my client is willing to limit the annual rent increases at both of its parks to the amounts set forth in its January 28, 2021 ten-year plan while those negotiations are pending, with increases on tenant-to-tenant sales limited to \$200 or twenty percent, whichever amount is less. In addition, my client will not evict any tenant in order to take its “park owned” homes off the market while those negotiations are pending. If the City is willing to participate in such negotiations, please advise at the earliest possible time.

Finally, even if the City has no interest in negotiating an agreement that is fair for all concerned, the public was not provided an opportunity to comment on the above described amendment before it was introduced and passed. As a result, my client also objects to the passage of that amendment under the Brown Act. Accordingly, my client requests the City Council to cure that violation, as required by law. See *Government Code Sections 54960.1 and 54954.2*.

As always, my client does not waive any rights with respect to Sahara Village or Santiago Villa, including its constitutional rights to (1) petition for “fair return,” *Vega* and *Kavanau* adjustments, (2) go out of the mobilehome rental business after the new rent control ordinance goes into effect, (3) “exclude” tenants from its “park owned” homes before selling them to third parties, and/or (4) challenge any attempt by any governmental entity to make it pay its tenants tens of millions of dollars in order to exercise its constitutional rights. See *Kaiser Aetna v. United States*, 444 U.S. 164, 179-180 (1979); See also *Cedar Point Nursery v. Hassid*, 141 S. Ct. 2063, 2072-2074, 2077-2078 (2021).

Very truly yours,



Anthony C. Rodriguez

cc: Client
Doug Johnson, WMA
Krishan Chopra, City Attorney
The Honorable Anna G. Eshoo
Aldo Toledo, The Mercury News

CITY OF MOUNTAIN VIEW / SALE OF MOBILEHOMES
 (September 16, 2019 through September 16, 2021)

Park Name	No. of Spaces	No. of Sales	Original Price (Average)	Resale Price (Average)	Resale Price (Difference)	Resale Price (Maximum)
Moffet MHP	143	5	\$141,590	\$177,900	\$36,310.00	\$228,500
Moorpark MHP	138	8	\$165,115.62	\$268,260.25	\$103,144.63	\$359,000
New Frontier MHP	141	8	\$189,112.50	\$258,887.38	\$69,774.88	\$373,100
Sahara Village	206	13	\$95,595.69	\$168,361.85	\$77,772.16	\$260,000
Santiago Villa	358	37	\$122,395.76	\$167,917.76	\$45,522.00	\$287,000
Sunset MHP	144	18	\$212,554.22	\$301,655.22	\$89,111.00	\$412,875
TOTAL	1,130	89	\$13,139,138	\$18,938,316		\$1,920,475
AVERAGE	188	15	\$147,630.76	\$212,790.07	\$65,159.31	\$320,079.17

Mobilehomes are depreciating assets. During the two-year period from September 16, 2019 through September 16, 2021, eighty nine (89) mobilehomes were reported as sold in the six Mountain View parks. Although mobilehomes are depreciating assets, the average resale price of those 89 mobilehomes exceeded the original price for those same homes by **44.13%**, from **\$147,630.76** to **\$212,790.07**. By contrast, a similar survey between February of 2016 and February of 2018 showed average resale prices increasing by only **26.7%**.

Park Name	No. of Spaces	No. of Sales	Original Price (Totals)	Resale Price (Totals)
Moffet MHP	143	5	\$707,950	\$889,500
Moorpark MHP	138	8	\$1,320,925	\$2,146,082
New Frontier MHP	141	8	\$1,512,900	\$2,071,099
Sahara Village	206	13	\$1,242,744	\$2,188,704
Santiago Villa	358	37	\$4,528,643	\$6,212,957
Sunset MHP	144	18	\$3,825,976	\$5,429,974
TOTAL	1,130	89	\$13,139,138	\$18,938,316
AVERAGE	188	15	\$147,630.76	\$212,790.07

From: [REDACTED]
To: [City Council](#)
Subject: 9/28 Meeting agenda item 5 (Public comment -- Middlefield/Shoreline turn pockets)
Date: Monday, September 27, 2021 10:54:29 PM
Attachments: [Eastbound Middlefield at Shoreline - Queues in turn pocket.pdf](#)

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

To: Mountain View City Council
From: Joel Dean, [REDACTED] Mountain View
Subject: 9/28/21 meeting agenda item 5 (Public comments: Turn pockets on Middlefield at Shoreline)

The footnotes below are (1) DPW Director Cameron's explanation to Mr. Albert Jeans of the technical reasons why two-lane left turn pockets on Middlefield Road at Shoreline Boulevard are supposedly necessary; and (2) my reaction to that explanation, previously submitted to the PRC and the Council.

Based on observations of the subject location during the 8 AM hour on five weekdays since September 20, I have to confess to being wrong on a couple of points. The queue did in fact extend beyond the eastbound pocket over periods of 5-15 minutes. My second mistake was assuming the signal control is demand-responsive. Sometimes it was, sometimes it wasn't. And when it wasn't, that -- not some phantom "demand volumes" concocted by a computer model -- was the cause of the overflows of the turn pocket.

While traffic was light, the signal was timed to give left turns 10-15 seconds of green and 3 seconds of yellow each cycle. That allowed at most 5-6 vehicles to complete the turn. It worked OK until the usual small AM peak noted in official traffic counts kicked in, at which point the system should have increased the green time for lefts. It generally did not until several cycles had passed and queues had lengthened beyond the pocket. When the signal control finally threw in one or more 25-seconds-plus green phases, the overly long queues dissipated -- with no need for a second lane. All of which could have been avoided if the system had responded to the initial increase in left-turn demand.

It was notable that the turn queues which extended into the leftmost through lane never seriously interfered with through traffic, which could scooch to the right without difficulty. The most dangerous actions observed were unexpected scooches out of the turn pocket into the through lane, vehicles exiting the Arco station intending to turn left onto Shoreline, and red-light running.

Attached are simple abstracts of the videos on which these observations are based. I invite interested Council members to view the videos before the October 26 meeting.

Thank you for your attention.

FOOTNOTES

(1) "The traffic count data presented in your slides that lead to your conclusion that the average queue length was 7 cars is based on the assumption that the vehicle count is equal to vehicle demand. This intersection (and the entire Shoreline Blvd corridor) is in oversaturated condition during the AM and PM peaks. There are more vehicles that want to move through the intersection than are actually getting through and when the left-turn lane is full, the overflow can block the through lanes, which in turn can block vehicles further back in the through lanes that want to access the left turn lane. The count volumes are used as a basis for the analysis, but the actual analysis (under oversaturated conditions) is based on demand volumes. Demand volumes are developed by adjusting count volumes in a traffic analysis model to reflect observed field conditions. Using demand volumes, the average queue length is in fact much higher, and the maximum queue length during both the AM and PM peaks exceeds the turn pocket storage length. The proposed improvements increase intersection throughput by 10%, which ultimately results in reduced delay, queueing, and vehicle emissions."

(2) Vehicle count does in fact equal demand for every interval in which the queue at the beginning of the green signal phase clears before the light changes. Maximum counts of left- and U-turning vehicles from EB Middlefield in any 15-minute period were 43 in 2017 and 49 in both 2018 and 2019, and occurred beginning at either 8:15 or 8:30 AM. Evening peak counts were considerably lower. During peak 15-minute periods, there are six 2-1/2 minute signal cycles. There are more and shorter cycles off-peak. Thus, an average queue length of 7-8 vehicles in the turn pocket is reasonable. That many can clear the intersection within the 20 seconds of green time ordinarily given to protected left turns. The signal system is demand-responsive, so if there are a few more queued up than usual, a few seconds of green are added, and as many as 11 vehicles can make it through. When it is working properly, it works well, leaving no unsatisfied "demand vehicles." If there were any, they would show up in counts subsequent to the peak interval, which they do not. The existing left-turn pocket can hold 10 cars, and rarely backs up into the adjacent through lane. If it does, it is not caused by excessive demand, and isn't much of a problem, since (a) left-turning vehicles and those in the through lane have enough room to get out of each other's way; (b) left turns get a green light before through traffic does and will be clear of the through lane by the time the light changes; and (c) peak period for left turns do not occur when congestion is at its worst at Shoreline and Middlefield.

Eastbound Middlefield at Shoreline

Left turn pocket vehicle counts during 8 AM hour

Dur = Phase length (sec.) = Green + 3 sec. yellow

Queue = # vehicles in LT queue at start of green phase

Lefts = # vehicles completing LT during phase, incl.
red-light runners

Stuck = # vehicles in queue unable to make left turn

Arr = Arrived in queue during subsequent red phase

Mon 9/20

Dur	Queue	Lefts	Stuck	Arr
13	14-15	5	9-10	4-5
16	~14	3	~11	x
15	11+x	7	4+x	6-x
36	10	10	0	-
avg	12.4			

Tue 9/21

Dur	Queue	Lefts	Stuck	Arr
16	0	1	0	11
16-17	11	7	4	6
?	10	5	5	6
28	11	11	0	7
15	7	6	1	5
15	6	5	1	4
21	5	5	0	3
15	3	3	0	6
16	6	6	0	7
17	7	5	2	-
Avg	6.6			

Wed 9/22

Dur	Queue	Lefts	Stuck	Arr
13	9	5	4	8
19	12	5	7	8-9
15	15-16	5	10-11	6-7
15	17-18	6	11-12	7-8
15	18-20	5	13-15	5
17	18-20	6	12-14	2-4
25	16	6	10	0-4
22	10-14	8	2-6	0-4
20	6	5	1	-
Avg	11.2			

Thu 9/23

Dur	Queue	Lefts	Stuck	Arr
17	3	3	0	4
15	4	4	0	6
23	6	8	0	4
15	4	4	0	12
14	12	6	6	8
17	14	7	7	4
19	11	9	2	9
27	11	11	0	6
16	6	5	1	8
28	9	9	0	6
28	6	6	0	-
Avg	7.8			

Mon 9/27

Dur	Queue	Lefts	Stuck	Arr
15	3	4	0	6
17	6	6	0	8
25	8	8	0	9
15	9	4	5	6
15	11	5	6	1
26	7	7	0	2
20	2	2	0	3
19	3	4	0	-
Avg	6.1			

THE END

From: [Karin, Bricker](#)
To: [City Council](#); [Kamei, Ellen](#); [Ramirez, Lucas](#); [Showalter, Pat](#); [Abe-Koga, Margaret](#); [Hicks, Alison](#); [Lieber, Sally](#); [Matichak, Lisa](#); [McCarthy, Kimbra](#)
Subject: Letter from the League of Women Voters Los Altos Mountain View with questions about GBI
Date: Saturday, September 25, 2021 10:45:44 AM
Attachments: [GBI Letter.pdf](#)

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



September 25, 2021

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

Dear Mayor Kamei and Members of the City Council:

The League of Women Voters is interested in your proposed Guaranteed Income Initiative using \$1,000,000 of the city's American Recuse Plan Act money. We understand that the Council is scheduled to have a study session to discuss the initiative on Tuesday, September 28. We respectfully submit the following questions to be added to your discussion:

1. Will data be collected to evaluate the program and its long-term effect? If so, will there be a control group who does not receive income?
2. Will the recipients have to continue to live in Mountain View?
3. What criteria will be used to choose the participants?
 - a. Racial diversity equal to that of the community?
 - b. Representation of individuals as well as families?
 - c. Stably and unstably housed ?
 - d. Minimum length of Mountain View residency?
4. It will be difficult to stop paying the funds when the Federal ARPA funds are expended. Will you discuss this and find ways to help families transition back?

We look forward to seeing the final plan.

Karin Bricker, President
League of Women Voters of Los Altos - Mountain View

From: [Christopher Chiang](#)
To: [City Council](#)
Subject: I urge the city council to focus the limited funds in a UBI pilot exclusively on Mountain View's needed families.
Date: Saturday, September 25, 2021 4:29:09 PM

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Dear the Honorable City Council,

I am proud that Mountain View may on September 28 implement an universal basic income pilot program.

I urge the city council to focus the limited funds in this pilot exclusively on Mountain View's needed families. Focusing on families is a logical and powerful extension to the county's existing UBI pilot focused on foster children.

Recent increased in the federal child tax credit have cut in the child poverty rate by 25%. The single greatest question around UBI is whether small amounts can lead to lasting change. Small amounts invested in children change trajectories directly for the child, their family, and the community of Mountain View.

Small funds can eliminate hunger, fund enrichment that more affluent families take for granted, or seed college funds. The younger in age we invest our public dollars, the better the public return on that investment.

Families can be trusted to make responsible use of basic income. Those facing the greatest long-term negative impacts from this pandemic are children. It is only fitting that Mountain View's children be the focus of the pandemic relief funds used for a possible UBI pilot.

Christopher Chiang
MVWSD School Board Trustee
Opinions expressed above are his own and not necessarily that of the school board.

Reference:

<https://www.mv-voice.com/square/2021/04/30/in-wake-of-the-pandemic-mountain-view-seeks-to-launch-universal-basic-income-pilot>

<https://www.mv-voice.com/news/2020/07/28/santa-clara-county-rolls-out-ubi-program-for-youth-transitioning-out-of-foster-care>

<https://www.povertycenter.columbia.edu/news-internal/monthly-poverty-july-2021>

From: [Karin, Bricker](#)
To: [City Council](#); [Kamei, Ellen](#); [Ramirez, Lucas](#); [Showalter, Pat](#); [Abe-Koga, Margaret](#); [Hicks, Alison](#); [Lieber, Sally](#); [Matichak, Lisa](#); [McCarthy, Kimbra](#); [Williams, Stephanie](#); [Shrivastava, Aarti](#); [Netto, Margaret](#)
Subject: League of Women Voters Los Altos Mountain View: Letter to Mountain View Council re: Gamel Way
Date: Sunday, September 26, 2021 3:26:34 PM
Attachments: [Letter to Mountain View Council re Gamel Way \(1\).pdf](#)



September 26, 2021

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

Re: Council Meeting September 28th, Agenda Item - 7.1 – Gamel Way Residential Development

Dear Mayor Kamei and Members of the City Council:

The LWV has consistently supported strategies to prevent displacement and we commend the City for negotiating with the developer to provide significant tenant relocation benefits. Because the City is not required to sell Gamel Way to the developer, it has leverage to negotiate a better package for displaced tenants.

We have attended the community meetings on the Gamel Way project, including the recent meetings where the details for the below-market-rate (BMR) purchase program have been explained. Many issues are unresolved. One potential problem mentioned in the Staff report is that there is no HOA emergency reserve provided here as the City requires for typical BMR programs. In addition, many tenants may not qualify to purchase a BMR either because their credit is poor or they cannot afford the down payment and closing costs. Another issue is that there are 6 very-low-income (VLI) BMRs being provided, but apparently many more VLI tenants at Gamel Way.

We are concerned, also, that if the Gamel Way tenants who choose not to purchase BMRs are not offered apartments in other Spieker properties it may be difficult for them to find another rental, either due to credit issues or landlord income qualification requirements, problems that may have been exacerbated by the COVID pandemic.

(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 Margaret Netto Stephanie Williams

From: [Monica Tsang](#)
To: [City Council](#)
Subject: Re: Public Hearing 7.1.6: Comments for City Council Meeting for Redevelopment of 1970 Latham Street (photos attached)
Date: Monday, September 27, 2021 2:08:33 PM

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Hi Mountain View City Council,

For Public Hearing 7.1-6

We want to ask:

Will the 121-unit residential development will have 2 parking spots per unit?

We already have a parking problem with the existing housing stock, where neighbors in front of 1970 Latham Street have to park to the East side of Escuela Avenue. Some cars are parked far away that there are frequent broken car windows from theft.

Having such high density housing without adequate parking for two vehicles per unit will create havoc to the nearby neighborhood driveways.

Also, there are nests of western bluebirds fly between the trees in front of 1945 Latham St. and 1970 Latham Street. Are we trying to get rid of the bluebird nests from the neighborhood by cutting down heritage trees?

Please advise.

Best,

Monica Tsang
Neighbor

Hi Mountain View City Council,

For We want to ask:

Will the 121-unit residential development will have 2 parking spots per unit?

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create havoc to the nearby neighborhood driveways.

Also, there are nests of western bluebirds fly between the trees in front of 1945 Latham St. and 1970 Latham Street. Are we trying to get rid of the bluebird nests from the neighborhood by cutting down heritage trees?

Please advise.

Best,

Monica Tsang
Neighbor



TEXAS
PDD-7173

COOPER S

WALKER'S
2818



California
8V20745

From: [Michelle Trejo-Saldivar](#)
To: [Kamei, Ellen](#); [Showalter, Pat](#); [Hicks, Alison](#); [Lieber, Sally](#); [Abe-Koga, Margaret](#); [Matichak, Lisa](#); [Ramirez, Lucas](#)
Cc: [City Council](#); [City Manager](#); [McCarthy, Kimbra](#); [Shrivastava, Aarti](#); [City Clerk](#)
Subject: Fwd: 1919-1945 Gamel Way Redevelopment Project - Agenda Item 7.1
Date: Monday, September 27, 2021 5:15:12 PM
Attachments: [2021-09-27-Letter to MV City Council.pdf](#)

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

Dear Honorable City Councilmembers,

Attached please find correspondence regarding the 1919-1945 Gamel Way Redevelopment Project, which is designated as Agenda Item 7.1 for tomorrow's City Council Meeting.

Best,
Michelle Trejo-Saldivar

--

MICHELLE TREJO-SALDIVAR, ESQ. | LAW FELLOW, HOUSING PROGRAM

pronouns: she/her/hers

Community Legal Services in East Palo Alto

Phone: (650) 422-2117 | Fax: (866) 688-5204

1861 Bay Road | East Palo Alto, CA 94303

www.clsepa.org

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**COMMUNITY
LEGAL SERVICES**
IN EAST PALO ALTO

September 27, 2021

Via Electronic Mail

The Honorable Mayor Ellen Kamei and
The Honorable Members of the Mountain View City Council
City Hall
500 Castro Street, 3rd Floor
Mountain View, CA 94041

Re: 1919-1945 Gamel Way Redevelopment Project

Dear Mayor Kamei and Honorable Councilmembers,

We are writing on behalf of our client, the Gamel Way Tenants' Union, which is comprised of the remaining families residing at 1919-1945 Gamel Way in Mountain View. The purpose of this letter is to express the Gamel Way residents' excitement for the opportunity to purchase units in the new redevelopment, but also to convey their concerns about the seemingly insurmountable barriers to homeownership.

First and foremost, the Gamel Way residents would like to sincerely thank the City Council, City Staff, and the Applicant for all their efforts to present the offer of relocation benefits. The residents appreciate the recognition that having to move from their long-time residences in the near future will be a challenge, and are thankful for the relocation assistance to ease the transition. The residents are also excited about the opportunity to purchase a below market rate (BMR) condominium. For many households becoming a homeowner in Mountain View would be a dream come true.

However, most of the Gamel Way residents who even dare to dream of this prospect will face some very real challenges in their attempts to purchase property. The vast majority of the Gamel Way residents are low income working class families or retired senior citizens on a fixed income, who will no doubt experience various financial impediments in their efforts to purchase a BMR unit. In this letter, we will highlight some of the most significant and broadly-applicable barriers to homeownership for our clients, but please recognize that each household's situation is unique and certain privacy concerns prevent us from sharing other specific challenges.

One significant barrier to entry will be coming up with a large lump sum down payment. Even with a purchase price calculated at an affordable housing cost, the unfortunate reality is that most, if not all, residents do not have such a large reserve of funds to allocate for a down payment. Even those residents who did manage to save some money had to deplete their savings during the pandemic when they faced job loss or insecurity, or other challenges presented during this difficult period of time.

Another barrier to homeownership will be finding a mortgage lender that will accommodate the residents' varied financial positions. In addition to having a lack of reserves, many may not be viewed as creditworthy, or their incomes may not be sufficient to secure such a large loan, especially for those who have experienced negative financial impacts as a result of the

pandemic. With lenders employing harsher criteria to evaluate mortgage applicants, it will likely be an uphill battle for most residents to find a lender that can accommodate their situations, let alone grant them final approval for a loan.

Furthermore, potential HOA fee increases are another impediment to BMR unit homeownership. The Gamel Way redevelopment does not include an HOA reserve requirement because it is not subject to BMR Phase II requirements. As such, as acknowledged by the City's Gamel Way Affordable Homeownership FAQ, "[i]f HOA fees increase significantly over the years or if there is a high special assessment it could impact the financial sustainability of homeownership for the BMR households, especially for very low income households." The inevitability that HOA fees will be increased and that special assessments will be levied over time will present ongoing affordability challenges for the owners of BMR units, in addition to the other one-time barriers described above.

In conclusion, while Gamel Way residents are enthusiastic about the opportunity to purchase a BMR unit, they are also very intimidated by the numerous barriers they will face in efforts to seize that opportunity. As such, the residents and their counsel would welcome the opportunity to work together with the City to find solutions and ways to overcome these barriers to becoming homeowners in Mountain View.

We very much appreciate the City Council and City Staff's continued advocacy, partnership, and attention to this matter. Please feel free to contact us by email at stowndsend@clsepa.org and mtrejosaldivar@clsepa.org, or by phone at (650) 391-0375 if you have any questions or would like to discuss this matter further.

Respectfully,



Stacy Townsend
Staff Attorney, Housing Program



Michelle Trejo-Saldivar
Law Fellow, Housing Program

Counsel for the Gamel Way Tenants' Union

cc: Kimbra McCarthy, City Manager
Aarti Shrivastava, Assistant City Manager/Community Development Director

From: [Ananta Chaitanya Das](#)
To: [Netto, Margaret](#); [City Council](#)
Subject: Meeting agenda Sept 28. Re: 1919 Gamel way PL-2018-074
Date: Monday, September 27, 2021 6:13:22 PM

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issues with this project:

1. The project is labelled as an infill project when the land is currently in use and contains a public road. While one parcel of land (on the southwest corner) is an infill, the removal of a whole public road (being used by multiple residences and providing space and public utilities to multiple residences) is not infill.

Correct, the vacation of Gamel Way is considered exempt from review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15332 ("Infill Development Projects").

Correct? There is no evidence that this qualifies as an infill project. The empty parcel of land at 574 Escuela might be "infill" but an entire block of habitable houses and a public street does not qualify as infill.

2. The CEQA guidelines are being waived completely, when this is not actually a high density project like in an inner city. There is plenty of space in Mountain View and buildings are spread out, with few buildings over 2 storeys high. We need an environmental review on this project. This will affect the removal of heritage trees and issues like construction noise and inconveniences for the neighboring communities, which has not been addressed.

The project qualifies as Categorical Exempt under the California Environmental Quality Act (CEQA), Section 15332 ("In-Fill Development Projects") because it is characterized as an in-fill development which is consistent with the applicable General Plan and zoning designation; is on a project site that is less than five acres; contains no value as habitat for endangered, rare, or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can adequately be served by all required utilities and public services.

There is interest in the neighborhood that this project does not proceed without an environmental review. The CEQA guidelines are there for a reason, to protect our environment and the public.

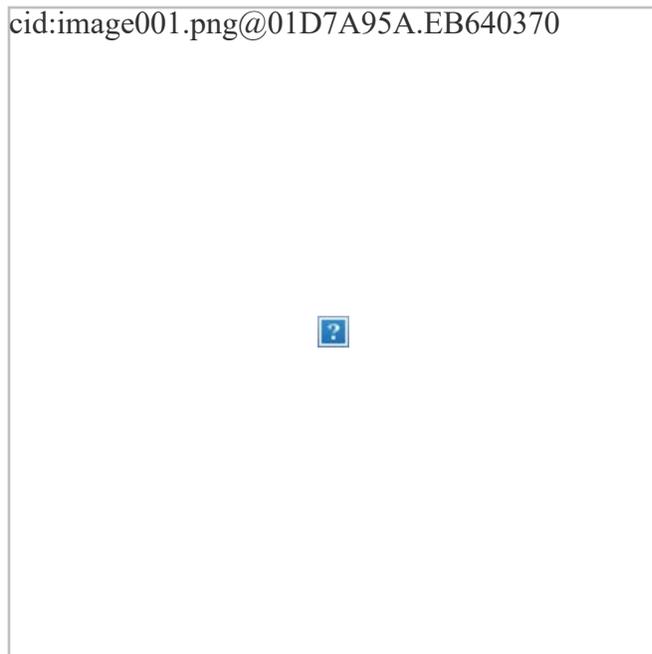
3. There has been no inconvenience fees offered to the residents of 1970 Latham St, who will have to bear the construction noise, pollution and reduced light and ventilation due to a new building, exceeding standard height and

density restrictions.

There are standard Conditions of Approval that will help with construction noise and pollution. Please see the attached Findings Report, specifically conditions under the "Construction Activities" heading and Condition #169. The project was reviewed by the City's Development Review Committee for architecture and site design and improvements to ensure consistency with the City's guidelines.

There has been no mitigation offered on those plans for the residents of 1970 Latham St.

4. The density bonus law does not allow demolition of functional rental units



4. The applicant is requesting 13 waivers in total! And this does not include CEQA waivers. There are numerous environmental and building code breaches being allowed, without any benefit to the neighboring community.

The density bonus is the **most common form of incentive used by inclusionary housing programs**. A density bonus provides an increase in allowed dwelling units per acre (DU/A), Floor Area Ratio (FAR) or height which generally means that more housing units can be built on any given site. The benefit to the community is that more housing is being constructed. Waivers are allowed with a density bonus application.

You say that "The benefit to the community is that more housing is being

constructed." However, this has no benefit to us. The new apartments will be far outside of our budget range and we will have to tolerate a construction site for years.

5. The applicant is requesting to buy public land, which is designated as a road, and is not for sale. Who has authorized, on behalf of the citizens of Mountain View, the sale of a public asset into the hands of private investors? The City council is not a speculative enterprise, but is meant to protect the public's assets to be used in the interests of the public. How can the public's assets be sold, without the approval of the public?

6. The City Council has the authority to buy and sell property on behalf of the City. When the City vacates a street or alley (all or portion) for the benefit of a development, the City requires the payment of compensation for the contributory value of the property rights conveyed or relinquished. This practice is based on two fundamental principles: (1) a developer should not benefit economically and financially from the conveyance or relinquishment of a City property right; and (2) if the City were acquiring the rights rather than conveying the rights, the City would be required by State law to offer to pay no less than the appraised value of those property rights.

An independent appraisal was prepared to estimate the enhanced value of the project with the vacation of Gamel Way, the relinquishment of the City's easement interest, and conveyance of that portion of Gamel Way that the City owns in fee. Staff and the developer reach a tentative agreement on the sale of the City's rights for a purchase price of \$4.8 million plus the tenant relocation assistance benefits described below conditioned on the Council's formal approval of the sale.

What is proposed to be done with the 4.8 million that will come from the property sale? The city of Mountain View could easily create new parks and public facilities, for example with the empty parcel of land at 1958 Latham St, but to take the money away from the community should not be allowed. You say "a developer should not benefit economically and financially from the conveyance or relinquishment of a City property right" but this is obviously the case.

7. There is not enough information given about the 22 BMR units being promised. How much will the units be sold or rented for? Who will own the units? How will the City council choose the 22 recipients and make sure they are eligible? What will be the size of the units? How much will the HOA fees be, and how much will these increase each subsequent year? All of this information should be provided to the public, who is giving the concession for this project to take place, to supposedly make housing more affordable.

This information is forthcoming.

When will it be forthcoming?

8. CEQA guidelines are being removed for the demolition of a tar sealed roadway,

full of toxic chemicals and engine oil, the demolition of numerous houses, as well as heritage trees. How will the environmental damage be assessed in the absence of these guidelines?

Please see the attached Findings Report. The 12 Heritage trees proposed for removal will be replaced with 106 new trees.

Trees are nice but planting a few trees does not veto a whole environmental care act.

9. Sanctioning this project will not solve population density or high rental prices in Mountain View. Mountain View has an abundance of apartment units and there are for lease signs on every corner. Adding another building will not help, as long as there are no rent control laws, and adding 11 low income units to a population of 80,000 is a laughable attempt at bringing down rental prices. This project will only cause a disturbance to a peaceful neighborhood.

The State Density Bonus Law also requires the replacement of all "protected" units on a site. These include units that are occupied by low or very-low-income households (80% or below AMI) and all CSFRA units. As a result, the project is required to replace all 29 units on-site, nine affordable to very low-income households (50% and below the Average Median Income or AMI), and 20 affordable to low-income households (80% or below AMI).

You say about affordable units "the project is required to replace all 29 units on-site" however this project only proposes 22 low income units.