



HOUSING DEPARTMENT RENT STABILIZATION DIVISION

298 Escuela Avenue
Mountain View, CA 94040

650-903-6136 | MountainView.gov/RentStabilization

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.

Recently, you received a Hearing Officer Decision for a Petition for Adjustment in Rent. If you disagree with the outcome(s) of the decision, you can request an Appeal Hearing before the Rental Housing Committee. Any Party to a petition may file an appeal of the Decision by *serving a written Request for Appeal on all applicable parties and then filing a copy of the completed form with the Rent Stabilization Division* within **fifteen (15) calendar days** after the mailing of the Petition Decision. If no Appeals are filed within fifteen (15) calendar days, the decision is final.

Please contact our office at 650-903-6136 if you have any questions or for more information about the appeal process. Please review the attached Appeal Information Sheet to learn more.

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

Petition Case Number: C24250022 and C24250023

Name of Hearing Officer: E. Alexandra DeLateur Decision Date: 5/2/2025

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

100 Whisman Road, 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: SI VI, LLC

Phone: [REDACTED]

Mailing Address: [REDACTED]

Email: [REDACTED]

I am: ☐ A tenant affected by this petition.



A landlord affected by this petition.

Instructions:

Please complete the information as requested on page 2. Once you have completed this form and attached all relevant documents, **serve copies on all parties to the petition**. Once served, please file a copy of the form with the Rent Stabilization Division via email (preferred method) to mvrent@mountainview.gov or by mailing to 298 Escuela Ave., Mountain View, CA 94040.

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: A. VanSlyke

Date: 5/21/2025

Print Name: Andrew VanSlyke

Este formulario está disponible en inglés y mandarín. | 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.

Appeal Request Instructions and Examples:

The Hearing Officer Decision states specific claims and requests a rent adjustment based on those claims. For each part of the decision you dispute, clearly state each claim that you are appealing and the legal basis for the appeal. *You can only appeal the matters addressed in the decision. You may submit arguments to support your appeal and refer to the evidence in the record to support your arguments but new evidence that was not previously submitted as part of the hearing record will not be accepted.* To clarify, no new documentation, or evidence will be accepted or considered by the Committee upon appeal.

Appeal Examples by Petition Type

The below provide examples of appeal claims. Each decision presents unique facts and the appeal request for your particular decision must only address the outcomes that are in the decision. Any portion of the hearing officer decision that you do not appeal will be considered final unless appealed by another party to the decision.

Appeal Request Example 1: *The hearing officer erred in finding that the rent violated the legally allowed rent because the hearing officer failed to consider proper rent increase notices that were included in the hearing record that were given consistent with the annual general adjustments.*

Appeal Request Example 2: *The hearing officer erred in finding that the landlord was not entitled to an upward adjustment of rent because the hearing officer failed to include in the calculation of Petition Year Operating Expenses valid operating expenses, evidence of which was submitted as part of the Petition and included in the hearing record, including specifically the failure to include self-performed labor expenses and management expenses.*

Appeal Request Example 3: *The hearing officer erred in finding that the tenant was entitled to a reduction in rent for a decrease in housing services resulting from tenant's parking space being unavailable because the hearing officer failed to consider evidence submitted by the landlord showing that an alternative parking space was made available to the tenant.*

Reasons (Claims) 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 and reference to relevant evidence). Thoroughly explain the grounds for the appeal. For each issue you are appealing, provide the legal basis why the Rental Housing Committee should modify, reverse, or remand the Hearing Officer's Decision. *(Continue on the next page; add additional pages if needed.)*

Please see attached.

Reasons (Claims) for Appeal (Continued):

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 modify, reverse, or remand the Hearing Officer's Decision. *(Continue on the next page; add additional pages if needed.)*

Proof of Service of Request for Appeal of Petition Hearing Decision

I declare that I am over eighteen years of age, and that I served one copy of the attached Appeal of Petition Hearing Decision after Remand on the affected party(ies) listed below by:

☐

Personal Service

Delivering the documents in person on the 21 day of May, 20258, at the address(es) or location(s) above to the following individual(s).

☒

Mail

Placing the documents, enclosed in a sealed envelope with First-Class Postage fully paid, into a U.S. Postal Service Mailbox on the 21 day of May, 20258, addressed as follows to the following individual(s).

☒

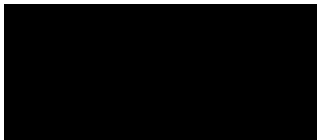
Email

Emailing the documents on the 21 day of May, 20258, at the email address(es) as follows to the following individual(s).

Respondents

Alysyn Martinez

CLSEPA



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

Executed on this 21 day of May, 20258

Signature:

Print Name:

Andrew VanSlyke

Address:

225 West Santa Clara, Suite 1500, San Jose CA

1 **Spencer Fane LLP**
2 **Andrew H. VanSlyke, Esq.** (State Bar No. 312741)

3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 Attorneys for Respondents
7 SI VI, LLC & Central Whisman Station

8 **RENTAL HOUSING COMMITTEE**

9 **CITY OF MOUNTAIN VIEW**

10 MARY WASHINGTON)	REQUEST FOR APPEAL OF PETITION
)	HEARING DECISION
11 Petitioners)	
)	Rental Housing Committee Case Nos.
12 v.)	C24250022 and C24250023
)	
13 SI VI, LLC, CENTRAL WHISMAN)	
STATION)	
)	
14 Respondents)	
)	
)	
)	
)	

16 _____
17 This Request for Appeal of the Hearing Decision is submitted on behalf of all respondents,
18 SI VI, LLC and Greystar Property Management (“Greystar”) (collectively, “Landlord” or
19 “Respondent”) in response to the Decision issued regarding 100 Whisman Road, Unit [REDACTED] in
20 Mountain View, CA (the “Property”). This Appeal is of Section VIII, Paragraph 8 of the Decision
21 dated May 2, 2025 (the “Decision”), issued in the above referenced case, challenging the findings
22 and rent reduction awards issued under Section VII, iii, C and H, regarding toilet clogs and a
23 leaking window.

24 To the extent the Decision is not reversed in full, the rent reduction award should be
25 limited and proportionately reduced. Even assuming arguendo that there was a basis for findings
26 regarding the leaking windows and toilet clogs, any rent reduction should only apply to the
27 specific time periods during which those conditions allegedly existed, rather than an
28 undifferentiated award spanning multiple months without evidentiary support.

1 **DECISION**

2 The Decision does not find habitability defects, but rather maintenance issues, and has
3 ordered an award of \$9,565.11 plus a continuing reduction of rent for the above referenced toilet
4 clogs and leaking window. It is uncontested that Respondents have taken action to repair and remedy
5 both conditions, however it is the testimony of Petitioners that these conditions have remained.

6 **A. Toilet Clogs**

7 The Hearing officer found in Section C, Repeated Toilet Clogs, that the toilets “needed to
8 be plunged regularly in order to flush” but confirmed that the problems did not render the unit
9 uninhabitable. The record also confirms that it is unknown from the records if there was ever a
10 time when both of the toilets were clogged or otherwise unusable at the same time, or if there was
11 always a working toilet. The record further does not establish the exact number of times the toilet
12 was clogged, and Petitioners have not provided documentation that each clog has been reported to
13 Respondents.

14 Without being given the opportunity to respond to each clog Respondents were unable to
15 engage in successive mitigation efforts. The vast majority of clogging issues went unreported. The
16 award also provides a reduction of rent for 41 months, from September 1, 2021, to the date of the
17 Decision, despite this condition being intermittent and temporary. There was no testimony that the
18 toilets were not clogged each day, rather than plunging was needed when a clog occurred, which
19 fixed the problem, however the reduction in rent awarded assumes that the problem continued
20 unabated for years.

21 While a 4% reduction may appear minor at first glance, over the course of the 41 months
22 ordered this results in an award of \$4,531.60. This award is excessive due to the temporary nature
23 of the clogs, which were not present during the entire 41 months of the award, and in the event
24 there was a clog it would have resolved in less than a day.

25 Given the isolated and resolved nature of many of the clogs, the lack of contemporaneous
26 reporting for the vast majority of the clogs, and the mitigation efforts made by Respondent, the
27 rent refund awarded does not reasonably reflect the rental value lost—if any. The amount awarded
28 reflects an arbitrary allocation rather than a fact-based assessment and should be vacated or

significantly reduced.

B. Window Leak

The Hearing Officer found in Section H, Leaky Dining Room Window, that there was a window leak in the dining room window that would soak the sill causing it to swell. Some water would then leak onto the floor from the window sill. The Decision confirms that Respondents replaced the window to fix the issue, however it is alleged to have continued.

The Decision confirms that the leak is only present when it is raining, or had just rained, which resulted in occasional water intrusion. There was no testimony that items were damaged due to the leak, rather that Petitioners had to clean up the water when it was found. Despite this condition only impacting the unit for when it was raining, the Decision ordered a rent reduction for 97 months. Again, this award reflects a reduction for a substantial period of time where the unit did not face any maintenance issues or water intrusion. The Decision does note that the condition was only temporary and this appears to be reflected in the award, however, the rent was reduced by 2% each month even when the condition absent, or when the window was being repaired.

The Hearing Officer confirms that there was not a habitability issue and that this is rather a maintenance issue, and that the damage and frequency of the issue is low, however, due to the length of time the total award is \$5,033.50, for what is not only an intermittent maintenance issue but one where the Respondents previously replaced the window to correct.

These individual leaks have not been individually reported to Respondents, and there has not been an opportunity to respond to each instance of water intrusion. The award of \$5,033.50 for this maintenance issue is excessive and should either be vacated or reduced.

C. Indefinite Nature of the Award

Petitioners have not reported either a leaking window or a toilet clog in the recent months prior to the issuance of the Decision. Further, the record does not establish whether either of these conditions continue to exist as of the date of the award, and Respondents testified they believed both had been resolved. However, the Decision orders a rent reduction for as long as these repairs remain outstanding. To the best of Respondents' knowledge, neither repair is outstanding, and

1 both the leak and the toilet issues have been resolved. It is the Respondents' position that both rent
2 reductions are therefore unnecessary and of no effect, as the relevant issues have been resolved.

3 Because the awards continue indefinitely, with no defined end date, it leaves Respondents
4 open to future claims from the Petitioners that their rent should be reduced if, at any point in their
5 tenancy, there is either a clogged toilet or water intrusion through a window. Respondents are
6 unable to confirm that either condition has been resolved unless and until it is reported to them by
7 Petitioner.

8 It is unclear from the order if, in the event there is a future toilet clog, the rent reduction
9 will apply retroactively for the entire tenancy up until that point, will only apply for the period of
10 time the toilet is clogged, or if no rent reduction would be permitted as the condition was fixed on
11 the date the Decision was released. Respondents request that the open-ended and indefinite nature
12 of the rent reductions be removed from the Decision, or that greater clarity be provided.

13 **CONCLUSION**

14 For the reasons set forth above, the Decision should be reversed or substantially modified.
15 The findings and award regarding the toilet clogs and leaking window was excessive and reflects a
16 reduction in rent for periods beyond when the conditions existed. Respondents further request that
17 the continuing rent reduction be removed, if either award is permitted to stand. Respondent
18 respectfully requests that the Rental Housing Committee reverse the Hearing Officer's Decision and
19 issue an amended order consistent with the law and evidence.

20 DATED: May 21, 2025

Spencer Fane LLP

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22 By: *Andrew Van Slyke*
23 Andrew VanSlyke, Esq.

24 Attorneys for Respondents
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