



Housing Advisory Commission

HOUSING ADVISORY COMMISSION

AGENDA

Regular Meeting Thursday, September 5, 2024 7:00 pm	South Berkeley Senior Center 2939 Ellis Street Anna Cash, Secretary HAC@berkeleyca.gov
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Written communications submitted by mail or e-mail to the Housing Advisory Commission by 5:00 p.m. the day before the meeting will be distributed to the members of the Committee in advance of the meeting and retained as part of the official record.

All agenda items are for discussion and possible action.

Public comment policy: Members of the public may speak on any items on the Agenda and items not on the Agenda during the initial Public Comment period. Members of the public may also comment on any item listed on the agenda as the item is taken up. Members of the public may not speak more than once on any given item. The Chair may limit public comments to 3 minutes or less.

1. **Roll Call**
2. **Land Acknowledgement** (Attachment 1)
3. **Agenda Approval**
4. **Public Comment**
5. **Approval of July 11, 2024 Meeting Minutes** (Attachment 2)
6. **Discussion and Possible Action: City of Berkeley's Draft Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Program Year 2023 (July 2023 through June 2024) – Staff/All** (Attachment 3)
7. **Discussion and Possible Action: Age-Friendly Action Plan Referral – Staff/All** (Attachments 4 and 5)
8. **Discussion and Possible Action to Recommend Funding for the BUSD Workforce Housing and St. Paul Terrace Projects – Staff/HTF Subcommittee** (Attachment 6)
9. **Discussion and Possible Action: Re-appoint the Civic Arts Joint Subcommittee**
10. **Update on Council Items (Future Dates Subject to Change)**
 - a. Substantial Amendments to the PY2018, PY2019, PY2020, and PY2021 Annual Action Plans to Reallocate Community Development Block Grant (CDBG) Funding to the City's Public Facility Improvement Program (7/23/2024)
(<https://berkeleyca.gov/sites/default/files/documents/2024-07-23%20Item%2017%20Substantial%20Amendments%20to%20the%20PY2018.pdf>)

- b. Public Facility Improvement Program Funds for Insight Housing's (formerly Berkeley Food and Housing Project) Dwight Way Center (7/23/2024)
(<https://berkeleyca.gov/sites/default/files/documents/2024-07-23%20Item%2006%20Public%20Facility%20Improvement%20Program.pdf>)
- c. Zoning Ordinance and General Plan Amendments Relating to Middle Housing (7/23/2024) (<https://berkeleyca.gov/sites/default/files/documents/2024-07-23%20Special%20Item%2001%20Zoning%20Ordinance%20and%20General.pdf>)
- d. Placing the Berkeley Tenant Protection and Right to Organize Act and Funding for Housing Retention on the November 5, 2024 Ballot (8/5/2024)
(<https://berkeleyca.gov/sites/default/files/documents/2024-08-05%20Special%20Item%2001b%20Placing%20the%20Berkeley%20Tenant%20Protection.pdf>)
- e. 2024-25 Housing Advisory Commission Work Plan (9/10/2024)

11. Announcements/Information Items

12. Future Items

13. Adjourn

Attachments

1. Land Acknowledgment
2. Draft July 11, 2024 Meeting Minutes
3. Kat Larrowe, HHCS, City of Berkeley's Draft Consolidated Annual Performance and Evaluation Report (CAPER) for Federal Program Year 2023 (July 2023 through June 2024)
4. HHCS Aging Services Division, Age-Friendly Berkeley Action Plan Executive Summary
5. Tanya Bustamante, HHCS, Companion Report: Achieving Goals of 2018 Berkeley Age-Friendly Action Plan
6. Asavari Devadiga, HHCS, Housing Trust Fund Recommendations for the Berkeley Unified School District Workforce Housing Project and the St. Paul Terrace Project

Correspondence

7. Urgent Follow-Up: Persistent Fire Alarm Issue: 2510 Bancroft St., Marlo Deonice De La Mora
8. Compliance with Elder Abuse Restraining Orders, Carol Denney
9. Case No. HF20064657, Carol Denney

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the Secretary of the commission. If you do not want your contact information

included in the public record, please do not include that information in your communication. Please contact the Secretary for further information.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting. Questions regarding this matter may be addressed to Mark Numainville, City Clerk, (510) 981-6900.

COMMUNICATION ACCESS INFORMATION:



To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

ATTACHMENT 1

Land Acknowledgement Statement

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.



Housing Advisory Commission

HOUSING ADVISORY COMMISSION

DRAFT MINUTES

Regular Meeting Thursday, July 11, 2024 7:03 pm	South Berkeley Senior Center 2939 Ellis Street Anna Cash, Secretary HAC@berkeleyca.gov
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1. Roll Call

Present: Nico Calavita, Theodore Gordon (alternate for Truman Braslaw), Karen Haycox, Mari Mendonca, Sadie Mae Palmatier (alternate for Sarah Bell), Debbie Potter, David Shere, and Alfred Twu (alternate for Keyanna Ortiz- Cedeño).

Absent: Leah Simon-Weisberg (unexcused).

Staff Present: Rhianna Babka, Anna Cash, Justin Horner, Mary-Claire Katz, and Kat Larrowe

Commissioners in attendance: 8 of 9

Members of the public: 8

Public Speakers: 6

2. Land Acknowledgement

3. Agenda Approval

Action: M/S/C (Twu/Gordon) to approve the agenda, with the following sequence of items: 1, 2, 3, 4, 5, 7, 11a, 6, 8, 9, 10, 11, 12, 13, 14.

Vote: Ayes: Calavita, Gordon, Haycox, Mendonca, Palmatier, Potter, Shere, and Twu.
Noes: None. Abstain: None. Absent: Simon-Weisberg (unexcused).

4. Public Comment

There was one speaker during public comment.

5. Approval of June 6, 2024 Meeting Minutes

Action: M/S/C (Calavita/Mendonca) to approve the June 6, 2024 Regular Meeting minutes.

Vote: Ayes: Calavita, Gordon, Haycox, Mendonca, Palmatier, Potter, Shere, and Twu.
Noes: None. Abstain: None. Absent: Simon-Weisberg (unexcused).

6. Receive Presentation and Possible Action on Middle Housing Zoning

Public Speakers: 4

Action: M/S/C (Twu/Gordon) to send a letter to the City Council to support the Planning Commission's recommendation, and recommend that City Council direct staff to evaluate Middle Housing Zoning changes alongside the Demolition Ordinance over time.

Vote: Ayes: Gordon, Haycox, Palmatier, Shere, and Twu. Noes: Calavita, Mendonca, and Potter. Abstain: None. Absent: Simon-Weisberg (unexcused).

7. Discussion and Possible Action: Public Facilities Improvement Program - Insight Housing and Larkin Street Youth Services

Public Speakers: 1

Action: M/S/C (Haycox/Palmatier) to recommend adoption of Staff's recommendation to:

1. Approve substantial amendments to the federal Program Years (PY) 2018, 2019, 2020, and 2021 Annual Action Plans (AAP), which propose a total reallocation of \$478,500 of Community Development Block Grant (CDBG) funds from the Senior Disabled (Home) Loan Rehabilitation Program (SDLRP) to the Public Facility Improvement Program;
2. Allocate \$450,000 of the reallocated funds to Insight Housing's (IH) existing public facility rehabilitation project at 2140 Dwight Way;
3. And allocate \$52,775 to Larkin Street Youth Services' (LSYS) existing public facility rehabilitation project at 3404 King St (\$28,500 from above reallocated funds and \$24,275 from available PY 2024 funds);

and to draw City Council's attention to the necessity of the leveraged funds for Insight Housing in order to ensure that the project moves forward.

Vote: Ayes: Calavita, Gordon, Haycox, Mendonca, Palmatier, Potter, Shere, and Twu. Noes: None. Abstain: None. Absent: Simon-Weisberg (unexcused).

8. Discussion and Possible Action: 2024 Local Hazard Mitigation Plan

9. Discussion and Possible Action: Berkeley Age-Friendly Action Plan

10. Discussion and Possible Action: Appoint Subcommittees

a. Housing Trust Fund Subcommittee

Action: M/S/C (Potter/Gordon) to form a subcommittee for the charge of reviewing Housing Trust Fund funding applications for the period of July 2024 through June 2025 comprised of Commissioners Bell, Haycox, and Mendonca.

Vote: Ayes: Calavita, Gordon, Haycox, Mendonca, Palmatier, Potter, Shere, and Twu. Noes: None. Abstain: None. Absent: Simon-Weisberg (unexcused).

b. Public Facilities Improvements Subcommittee

Action: M/S/C (Mendonca/Shere) to form a subcommittee for the charge of reviewing Public Facilities Improvements funding applications for the period of July 2024 through June 2025 of comprised of Commissioners Braslaw and Calavita.

Vote: Ayes: Calavita, Gordon, Haycox, Mendonca, Palmatier, Potter, Shere, and Twu.
Noes: None. Abstain: None. Absent: Simon-Weisberg (unexcused).

11. Update on Council Items (Future Dates Subject to Change)

- a. Zoning Ordinance Amendments to Berkeley Municipal Code Chapter 23.326
Demolition and Dwelling Unit Controls (6/25/2024)

12. Announcements/Information Items

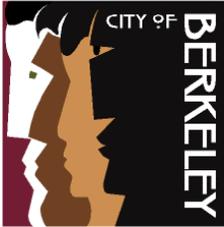
- a. August HAC Recess

13. Future Items

14. Adjourn

Action: M/S/C (Gordon/Mendonca) to adjourn at 10:02 pm.

Vote: Ayes: Calavita, Gordon, Haycox, Mendonca, Palmatier, Potter, Shere, and Twu. Noes:
None. Abstain: None. Absent: Simon-Weisberg (unexcused).



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Kat Larrowe, Community Service Specialist III

Date: August 27, 2024

Subject: **City of Berkeley's Draft Consolidated Annual Performance and Evaluation Report for Federal Program Year 2023 (July 2023 through June 2024)**

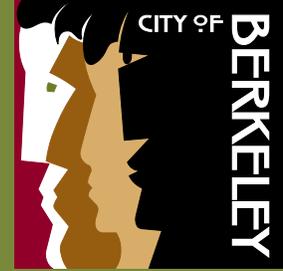
Beginning Friday, August 30, 2024, the HAC and public are able to review and comment on the City's Draft PY23 Consolidated Annual Performance and Evaluation Report (CAPER) for Program Year 2023 (July 1, 2023 to June 30, 2024). The draft CAPER will be available for public review on the City's website at:

<https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>

The CAPER is a report required by the U.S. Department of Housing and Urban Development (HUD) which tells HUD and the public how the City spent its federal funds in the prior year. The City must complete the CAPER and submit it to HUD no later than 90 days after the program year ends, including City responses to all written public comments. The HAC's review of the Draft CAPER is part of the City's Citizen Participation Process. Written comments must be received by no later than Monday, September 16, 2024 at 10:00 p.m. and can be submitted to klarrowe@berkeleyca.gov. Members or the public and the HAC can also provide comment on the draft CAPER at the HAC's September 5th meeting during an agenzized public hearing.

While staff make every effort to have as much of the information be as complete and accurate as possible for the draft CAPER, some areas remain unfinished in the current version. The draft CAPER indicates specific areas that are still in draft form. For example, some details on expenditures in PY23 remain incomplete until mid-September (after the draft CAPER has been published) when the City makes the final draw to HUD. Please also note that data, expenditures and/or other information may be added/edited/removed from the current draft.

Age-Friendly Berkeley Action Plan



Mayor's Letter

 On behalf of Berkeley, California and its residents, I am proud to present this three-year Age-Friendly Berkeley Action Plan. This roadmap, developed by residents, community organizations, and the city, demonstrates our commitment to a livable community where all generations are included and are able to thrive.

Older adults are at the heart of our community and a vital part of the fabric of our neighborhoods and civic life. Rapidly changing demographics drive the timing of this effort, with the number of residents 65 and older expected to more than double by 2030 to over 1 in 5 people in the city.

In 2016 under former Mayor Tom Bates, Berkeley was accepted into the World Health Organization and AARP's network of Age-Friendly Communities, which now includes over 300 US cities and 37 countries. This Action Plan addresses several areas identified by the World Health Organization as key to ensuring an aging-friendly environment.

Planning was driven by the community through surveys, focus groups and discussions with community non profits and city departments. Three objectives emerged from this work that inform the recommendations. The action plan is designed to:

- Enable people to remain in their homes and communities as they navigate the transitions of aging
- Maintain and enhance the ethnic and economic diversity of Berkeley
- Ensure that people of all ages and abilities can enjoy the social and cultural assets Berkeley has to offer.

We look forward to forming broad partnerships across all sectors of our community including residents, nonprofit organizations, business leaders, faith communities and others as we move forward with these recommendations. Because services and supports cross city and regional boundaries, we will continue to work with neighboring cities and counties to address common goals.

Berkeley is uniquely positioned to address the needs of our rapidly growing older adult population and maximize the benefits of creating a more inclusive, equitable and accessible city. An extensive 2 year planning process has engaged residents, city officials and staff, nonprofits and community partners. Continued collaboration will be vital as we move forward with our next steps.

Age-Friendly communities benefit all of us and this Action Plan is part of an evolving community process for generations to come. For questions or additional information see agefriendlyberkeley.org or contact Aging Services at (510) 981-5200.



Jesse Arreguin
Mayor, City of Berkeley

Executive Summary

Background and Context

The population of older adults in Berkeley will double in the next 10 years, resulting in 1 in 5 adults being over 65 years of age. According to a study by AARP and the Age-Friendly Berkeley community survey, the vast majority of older adults want to age in their homes and communities.¹ With this shift in demographics and the desire of people to stay and thrive in their communities, policy makers need to look at how our neighborhoods are designed, including the affordability of places to live, the inclusivity of social activities, the accessibility of infrastructure, and the availability of jobs for older people. This Action Plan builds on the work of the World Health Organization’s (WHO) Age-Friendly Cities and Communities Initiative, launched in 2005 in partnership with AARP in the United States. This network has expanded to over 37 countries around the world and to over 300 cities in the United States.

The Age-Friendly Berkeley initiative helps prepare Berkeley for its rapidly aging population by gathering input from the community and pulling together public and private leaders, resources, ideas, and strategies to address the issues raised. Age-Friendly Berkeley is a collective effort whose goal is to ensure that all Berkeley residents are connected, healthy, and engaged in their environments. Planning for Age-Friendly Berkeley was guided by a Leadership Team of individuals and organization representatives who have been key voices in community conversations about aging. It has members from the city, the health sector, and the nonprofit sector (See Appendix A) who worked together to ensure that the recommendations are relevant and feasible.

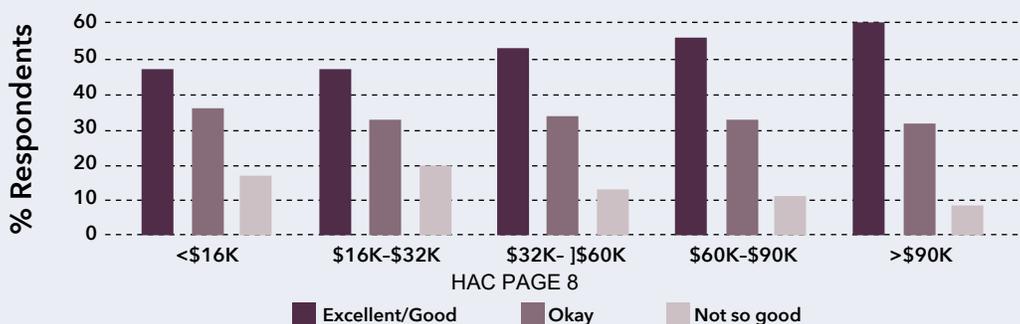
The Age-Friendly Communities movement focuses largely on collaborations with city and county governments to anticipate the wants and needs of their older populations, as well as on the growing demand for and cost of medical and social services. With Berkeley anticipating a doubling of its older adult population and with the support of former Mayor Tom Bates in 2016, the City of Berkeley completed an initial assessment, applied to and was accepted into the World Health Organization (WHO) and AARP’s Global Network of Age-Friendly Cities and Communities.

Needs Assessment

Thus began a needs assessment and a 2-year process using the WHO framework to support Age-Friendly planning. The needs assessment included a review of related research and plans from other cities, a survey of over 1400 Berkeley seniors, 5 focus groups, and interviews with 18 city staff and numerous community partners. The findings are summarized in Appendix B and indicate that the needs of older adults in Berkeley are representative of findings across international, national and local studies and surveys. The community responses indicate that residents appreciate the service/activity rich environment of Berkeley, as well its walkability and its diverse people. Strikingly, residents’ feelings on whether Berkeley is a good place to age varied significantly depending on income. Those earning less than \$32,000 annually were more than twice as likely to rate Berkeley poorly when compared to top earners.

¹ AARP, 2012 and Age-Friendly Community Survey 2018

Rating of Berkeley as a place to age by income group



HAC PAGE 8

Common issues raised by community responses included:

- The high cost of living
- Lack of affordable housing, including affordable home modification and in-home supports
- Limited reliability, coordination, and options of transportation
- Problems with sidewalks, poor lighting, lack of benches, and limited parking
- Crime
- Widespread homelessness
- Insufficient number of affordable, desirable settings for out-of-home assisted living
- Limited options for subsidized services for moderate income individuals
- Lack of “human touch” for information, referral and system navigation assistance.

The Age-Friendly planning process also leveraged and incorporated community feedback gathered as part of the city’s strategic planning process and the 2018 Health Status Report. The City’s strategic planning process includes a focus on affordable housing, improving ADA compatibility, investing in infrastructure and improving access to information. The Health Status Report found many strengths in Berkeley related to life expectancy, but troubling disparities for African Americans and other people of color. This Age-Friendly Plan is presented as a complementary, consistent and collaborative set of recommendations focused on creating a city that is inclusive, equitable, and accessible for people of all ages.



Approach

Several themes cut across the plan’s recommendations and actions. These include the need to:

- **create complete neighborhoods** that have a mix of housing types and land uses, affordable housing and transportation options, and access to healthy foods, schools, retail, employment, community services, parks and recreation options
- **foster ongoing collaborations** within large organizations, such as municipal entities, and across sectors and community organizations, as these are key to implementing policy and programs
- **leverage existing resources** to support, expand and coordinate a system of services and supports for aging in community
- **capture emergent opportunities** and leverage innovations in both technology and care/service delivery to support community-based living
- **strengthen intergenerational relationships** because while programs abound, they are mostly age-specific
- **work with other regional jurisdictions** and Age-Friendly cities to address overlapping issues and services and to find solutions to common challenges.

“Housing is not affordable.”

“It is a lively city with active people.”

“Does not have a welcoming downtown.”

Recommendations

The recommendations in this Action Plan are designed to build on what is already occurring in the community, improve impact, and address gaps. While recommendations are too numerous to list in the executive summary (see Appendix B), the leadership team reviewed local results using the 8 domains in the WHO framework and identified 4 priority areas and goals for the Action Plan: ²

HOUSING AND ECONOMIC SECURITY:

Develop a continuum of affordable, accessible housing options for older adults to age in their community regardless of their health or financial status.

TRANSPORTATION AND MOBILITY:

Advance a network of public and private transportation that equitably serves residents and connects them to services, social activities, and employment opportunities.

HEALTH AND WELLNESS:

Develop a more integrated system of services and supports that is person-centered and ensures that all residents have the opportunity to engage in health promoting activities.

SOCIAL PARTICIPATION AND CIVIC ENGAGEMENT:

Enhance neighborhood cohesion and social connectedness of all Berkeley residents with community events and activities that are inclusive, affordable, and accessible.

² Detailed information for all 8 domains is included in Appendix B where each domain includes relevant resources, current efforts that are in process, survey results and information from focus groups, GIS maps, and information from the 2016 Alameda County Plan for Older Adults and the Berkeley Age-Friendly Continuum needs assessment.

Implementation of the 3-year Action Plan

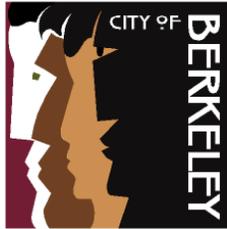
The prime objective of the Age-Friendly planning process was to develop a 3-year action plan to serve as a road map for collective action. Activities below are paced from Year 1 through Years 2-3, including evaluation and recommendations for continued improvement.

Year 1

- Designate Health, Housing and Community Services as the lead city department and the Aging Services division as the backbone agency to coordinate the initiatives
- Form a leadership team from relevant sectors of the community to work with the city
- Solidify action teams for the priority areas; prioritize recommendations
- Finalize budget and Identify funding opportunities
- Develop shared metrics and begin data collection
- Implement internal and external communication plans, set up a dashboard on the Age-Friendly website
- Catalogue and track efforts already in development.

Years 2-3

- Clarify desired outcomes and implement Year 2-3 recommendations
- Monitor progress and evaluate results using a Results Based Accountability framework
- Use the dashboard on the Age-Friendly website to track progress
- Integrate focus on aging into ongoing operations and partnerships
- Report back to the community on the status of all recommendations and begin to assess the next steps.



Office of the City Manager

CONSENT CALENDAR
May 7, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Tanya Bustamante, Interim Deputy Director, Health, Housing, and
Community Services Department
Subject: Companion Report: Achieving Goals of 2018 Berkeley Age-Friendly Action
Plan

RECOMMENDATION

Refer to the City Manager to review and prioritize the recommendations of the City of Berkeley's Age-Friendly Action Plan, in conjunction with the results of the Community Health Assessment that will be conducted by the Health, Housing, and Community Services Department in the 2024 calendar year. In addition, to consider the following referrals:

1. Refer to the Transportation Commission to collaborate with the Commission on Aging to assess the equitable accessibility of public transportation options for the older adult and disabled community in Berkeley
2. Refer to Housing Advisory Commission to collaborate with staff to assess the level of affordable, accessible housing options for older adults to age in the Berkeley community.
3. Refer the Commission on Aging's request for increased funding to the Budget and Finance Policy Committees for further deliberation.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts associated with this recommendation.

CURRENT SITUATION AND ITS EFFECTS

The Commission on Aging has requested that the City Manager take steps to act on the recommendations of Berkeley's Age-Friendly Action Plan, and address gaps by increasing funding for personnel and other services provided by the City. The City Manager does not disagree with the potential merit of this request, but rather recommends that Council consider a more specific and streamlined recommendation that encourages relevant commissions and staff to work together to outline feasible and realistic options that are evidence-based and community-driven.

Companion Report: Achieving Goals of 2018 Berkeley
Age-Friendly Action Plan

CONSENT CALENDAR
May 7, 2024

BACKGROUND

At its regular meeting on February 21, 2024, the Commission on Aging voted to recommend to Council to refer to the City Manager steps to develop plans to revisit and act on the recommendations in the Berkeley Age-Friendly Action Plan by building on what is already occurring in the community, expanding the Plan's impact, and addressing gaps, by increasing funding for personnel and other services currently being offered as well as others identified in the Age-Friendly Plan.

M/S/C: Chisholm, Cochran, Collins, Evans, Lavault, Orrick, Porter, Smith, Yamaguchi.

Noes: None.

Abstain: None.

Absent: None.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The Aging Services Division of the City's Health, Housing, and Community Services Department provides a wealth of services to Berkeley's older adult community, including senior center classes and activities, food and nutrition services, transportation services, and case management for high need older adults with complex needs. Given that the older adult population is the fastest growing segment of the population in the United States¹, it is prudent to clearly and thoughtfully assess the current needs of this population alongside the gaps and strengths that the results of the upcoming Community Health Assessment will highlight, and the thoughtful planning and deliberation of relevant commissions and staff.

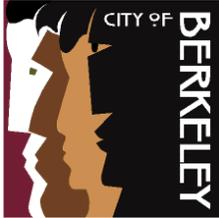
ALTERNATIVE ACTIONS CONSIDERED

Council could refer this request directly to the budget process.

CONTACT PERSON

Tanya Bustamante, Interim Deputy Director, HHCS, 510-981-5178.

¹ <https://www.census.gov>



Health Housing and
Community Services Department
Housing & Community Services Division

MEMORANDUM

To: Housing Advisory Commission

From: Asavari Devadiga, Community Development Project Coordinator

Date: September 5, 2024

Subject: **Housing Trust Fund Recommendations for the Berkeley Unified School District Workforce Housing Project and the St. Paul Terrace Project**

Recommendations:

Recommend that the City Council:

1. Reserve an additional \$2,000,000 for Satellite Affordable Housing Associates (SAHA)'s and Abode Communities' Berkeley Unified School District (BUSD) Workforce Housing project; and
2. Reserve an additional \$3,504,319 for Community Housing Development Corporation of North Richmond (CHDC)'s St. Paul Terrace project with the following conditions:
 - a. funds shall be reserved for a period of no more than 18 months from the date of Council approval, contingent on the development team obtaining all required land use approvals of the property and securing commitments for project funding that the City Manager or designee deems sufficient within the reservation period.
 - b. CHDC shall apply to alternative funding sources with the intent of reducing the need for these additional City funds. CHDC shall provide updates to the City on the applications submitted and the outcomes.

Current Situation and Its Effects:

On August 21, 2024 the Housing Trust Fund (HTF) Subcommittee of the Housing Advisory Commission voted to approve the staff recommendations as written above:

BUSD Workforce Housing Project:

M/S/C: Mendonca/Bell. Ayes: Bell, Haycox, Mendonca. Noes: None. Abstain: None. Absent: None.

A Vibrant and Healthy Berkeley for All

*Housing Trust Fund Recommendations for
the Berkeley Unified School District Workforce Housing Project and
the St. Paul Terrace Project
September 5, 2024*

St. Paul Terrace Project:

M/S/C: Bell/Mendonca. Ayes: Bell, Haycox, Mendonca. Noes: None. Abstain: None.
Absent: None.

The funding recommendations are based on the City's goal of supporting pipeline projects and increasing the number of affordable housing units in Berkeley.

The City of Berkeley recently received funding requests for two affordable housing projects with existing development funding reservations from the City. SAHA and Abode Communities submitted a request for \$2M for the BUSD Workforce Housing project at 1701 San Pablo Avenue, and CHDC submitted a request of \$3,504,319 for St. Paul Terrace at 2024 Ashby Avenue.

The HTF Guidelines allow developers to apply for City funding outside of a competitive process if their projects meet the definition of being at risk. Projects can qualify if they have documented state or federal funding commitments that they are at risk of losing, and if the developers can demonstrate the following:

- The urgency of the need;
- The steps they have taken to avoid the need for additional City funds; and
- That no other funds are available to meet the need.

A snapshot of the Housing Trust Fund is included for reference. It shows encumbrances, funding reservations approved by Council, pending requests, and the current balances in the various sources that fund the City's affordable housing programs.

Overview of Projects:

BUSD Workforce Housing Project

Located at 1701 San Pablo Avenue, the BUSD Workforce Housing project is a mixed-income housing project being developed by SAHA and Abode Communities (Abode). SAHA and Abode will create a joint venture limited liability corporation (LLC) and together will develop a 110-unit project with a leasing preference for BUSD employees and their households. On December 14, 2021, City Council approved \$24.5M funding reservation for SAHA and Abode to develop the project.

SAHA and Abode applied for and received an award from California Housing Finance Agency (CalHFA) which required them to receive a tax credit and bond allocation in 2024. They were successful in meeting that requirement and received a tax credit/bond allocation on August 6, 2024. With the CalHFA and bond awards, the project must close the construction financing by February 2, 2025 or it will lose the funding and have to restart the process of securing financing (which may take several years). SAHA applied for but did not receive State of California Infill Infrastructure Grant funds that would have fully funded the project. The development team reduced the scope of work by \$3M, yet has a \$2M gap.

*Housing Trust Fund Recommendations for
the Berkeley Unified School District Workforce Housing Project and
the St. Paul Terrace Project
September 5, 2024*

Staff considered the following factors and evaluated the funding application request:

- Developer Capacity (30%). Staff rating: High. Both SAHA and Abode are experienced developers with over 6,500 units completed.
- Feasibility (30%). Staff rating: Medium-High. The project is fully funded except for the \$2M requested. The hard cost contingency of 6.7% exceeds the 5% standard of many funders, but 10% would be preferable. However, the experience of the developers is an important factor in managing costs.
- Local Needs and Priorities (25%). Staff rating: High. The project meets the City's goals of sustainability and accessibility. Council reserved a portion of the Measure O bond funds specifically for an educator housing project, recognizing the high housing costs for teachers and other BUSD staff if they were to live near schools.
- Readiness to Proceed (15%). Staff rating: High. The project has all of its other funding and will be ready to start construction in early 2025.

Funding Considerations

Per the HTF guidelines, the project qualifies as at-risk and is eligible to apply for City funding outside of a competitive process. The CalHFA funding will be revoked if the project does not close its construction financing in the next six months, which represents an urgent need. SAHA and Abode were unsuccessful in filling the financing gap with the Infill Infrastructure Grant, and no other funding sources are feasible within the CalHFA timeline. If awarded the additional funds, the total City subsidy in the project would be \$26.5 million, equal to 34.6% of the total development cost.

For most HTF-funded projects, the final mix of funding sources is established shortly before the project's loan closing, and is based on current fund balances, and any restrictions the funds may carry. If approved, the additional \$2 million for the BUSD Workforce Housing project is likely to come from Measure O. The next bond issuance is anticipated sometime in 2025, so the funds may not be available at construction start.

St. Paul Terrace Project

Located at 2024 Ashby Avenue, the St. Paul Terrace is a 50-unit affordable housing project being developed by CHDC. To date, Council has approved a total of \$12,250,000 in City predevelopment and development funding for the project.

CHDC requested an additional \$3,504,319 to support the development of St. Paul Terrace to cover increased insurance, construction, and interest costs. Since CHDC submitted their first application to the City in 2021, the cost of construction increased significantly due to the the number of stories needed to get up to 50 units, i.e., five stories of wood framing above three stories of concrete. The increase in construction costs has made the project ineligible for the less competitive 4% tax credit/bonds, therefore CHDC is pursuing 9% tax credits. In addition to being more competitive, 9%

*Housing Trust Fund Recommendations for
the Berkeley Unified School District Workforce Housing Project and
the St. Paul Terrace Project
September 5, 2024*

tax credits are capped, which caused the project to have a gap and need additional soft funding.

Staff considered the following factors and evaluated the funding application request:

- Developer Capacity (30%). Staff rating: Medium-High. The project development team has extensive experience on development of similar projects. CHDC has hired highly experienced consultants and has developed five new construction multi-family rental projects, four of which they partnered with other experienced developers to complete.
- Feasibility (30%). Staff rating: Medium. Obtaining tax credits has become more competitive and difficult over the past five years. Due to the project's relatively high costs, it is ineligible for 4% tax credits and can only pursue the much more competitive 9% tax credits. If the project is not able to obtain tax credits within a year and the cost of construction increases, the project may still have a gap.
- Local Needs and Priorities (25%). Staff rating: High. There is a high level of support for affordable housing in the Adeline Corridor and a high level of demand for affordable housing in Berkeley. CHDC will incorporate the City's Climate Action Plan by using the Green Point Rating system to as required by the City to address sustainability and climate-sensitive design for the project.
- Readiness to Proceed (15%). Staff rating: Medium-High. The environmental review is in progress and CHDC plans to start construction in later 2025, pending its success in securing tax credits.

Funding Considerations

Per the HTF guidelines, the project qualifies as at-risk and is eligible to apply for City funding outside of a competitive process. If the project is awarded 9% tax credits in the current round, although not likely, CHDC would need to close construction financing within 180 days of the tax credit award. If CHDC needs to re-apply for tax credits in subsequent rounds, City requests that CHDC seek other sources that could potentially reduce the need for the additional City funding.

If awarded the additional funds, the total City subsidy for St. Paul Terrace would be \$15.7 million, equal to 22.7% of the total development cost. The 18-month reservation period would allow CHDC to participate in two more tax credit application rounds. If approved, this additional \$3.5 million in funding for the St. Paul Terrace project is likely to come from Measure O. The next bond issuance is anticipated sometime in 2025.

Affordable Housing Project Funding

8/12/2024

Projects	Units	Encumbered	Reservations	Pending Requests	Project Total
Berkeley Way BRIDGE Affordable	89	2,774,925			2,774,925
Berkeley Way - Hope Center PSH	53	7,727,630			7,727,630
Berkeley Way - Hope Center TH	44	16,964,507			16,964,507
The Grinnell (2527 San Pablo)	63	12,000,000			12,000,000
Maudelle Miller Shirek Community (2001 Ashby)	87	17,000,000			17,000,000
Woolsey Gardens	65	1,000,000			1,000,000
Russell Street Renovations	25	4,500,000			4,500,000
Golden Bear Homes (Homekey)	43	8,463,535			8,463,535
University Inn (Homekey 3)	42	8,500,000			8,500,000
NBB BRIDGE Phase 1 Project	120	905,661	10,657,975		11,563,636
NBB EBALDC Project	60	452,830	5,473,534		5,926,364
NBB BRIDGE Insight PSH Project	85	641,509	8,368,491		9,010,000
Ephesian Legacy Court	80	3,556,400	14,531,301		18,087,701
2321 10th Street (NCLT)	8	1,620,640	1,703,585		3,324,225
1740 San Pablo	54	7,500,000	4,496,669		11,996,669
St. Paul Terrace	50	3,698,960	8,551,040	3,504,319	15,754,319
BUSD Workforce Housing	110		24,500,000	2,000,000	26,500,000
Supportive Housing in People's Park	119		14,359,593		14,359,593
Ashby BART Projects*	425		26,500,000		26,500,000
Ashby Lofts	54		850,000		850,000
MLK House	11		2,000,988		2,000,988
Haste (NCLT)	8		500,000		500,000
California Street Apartments	12		3,585,548		3,585,548
FY25 Small Sites Program Allocation	tbd		1,325,492		1,325,492
NBB BRIDGE Phase 2 Project	116				0
	1,823	97,306,597	127,404,216	5,504,319	230,215,132

*Estimated affordable units, based on 50% affordability, subject to change based on final BART-City term sheet and developer proposals.

Affordable Housing Funds	Fund Balance	Encumbered	Reservations**	Pending**	Project Total	Unallocated
HTF (AHMF, inclusionary, condo conv, commercial fee, HOME)	52,961,667	19,737,602	29,451,038	257,646	49,446,286	3,515,380
Measure U1 Allocated to HTF Program	28,312,005	18,212,005	10,100,000	-	28,312,005	-
Measure O - issuances 1 + 2	72,783,190	41,518,455	31,264,735	(257,646)	72,525,544	257,646
Measure O - issuances 3 + 4***	55,330,000	-	47,909,593	5,504,319	53,413,912	1,916,088
Measure P Allocated to HTF Program	11,825,341	11,825,341	-	-	11,825,341	-
CA HCD Permanent Local Housing Allocation Funds****	8,391,467	1,138,194	4,800,000	-	5,938,194	2,453,273
CA HCD Local Housing Trust Funds	8,753,850	4,875,000	3,878,850	-	8,753,850	-
	238,357,519	97,306,597	127,404,216	5,504,319	230,215,132	8,142,387

**Exact amounts for each source subject to change prior to loan closings.

***Funds will be available after the 3rd and 4th issuances, estimated for 2025 and 2027.

****Includes \$3.45M in future PLHA funds for operating support for supportive housing. HAC PAGE 10
Total Unallocated Housing Funds 8,142,387
Total Available Currently (before 3rd + 4th Measure O Issuances) 6,226,299

From: [Marlo Donice De La Mora](#)
To: [Support](#)
Cc: [BFD Fire Prevention](#); [HCI](#); [Berkeley Fire Department](#); [Manager, C](#); [City Clerk](#); [Housing Advisory Commission](#); [All Council](#); [Rent Stabilization Board](#); [Williams, DeSeana](#); [Manager, C](#); [Public Health Mailbox](#); [Health, Housing & Community Services](#); [ADAMailbox](#)
Subject: Re: Urgent Follow-Up: Persistent Fire Alarm Issue: 2510 Bancroft St.
Date: Wednesday, August 7, 2024 10:32:59 AM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

I am following up on the persistent fire alarm issues at the Granada Apartments. Despite numerous complaints and supposed interventions, the situation remains unresolved.

This issue is still ongoing. Yesterday, the alarm went off four times. The fire department came out, and Captain Barlow was frustrated because there was still no Resident Manager on site, and the issue was not being resolved.

I need help fixing this issue. The management company is gaslighting us. They state, "We have a vendor working on this," but after over a year, nothing has been done to resolve this issue. This is a HUGE tragedy waiting to happen. If we were to have an actual fire, a lot of students would lose their lives since they do not come out anymore when the alarm goes off. They stay in their units because this has been a false alarm.

This ongoing issue is severely affecting our mental health and education due to the lack of sleep caused by these disruptions. The constant alarms are causing significant distress, making it challenging to focus on studies and daily activities.

I am deeply concerned for the safety and well-being of all residents. We urgently need a solution to this problem.

Thank you for your immediate attention to this matter.

Sincerely,

Marlo

Marlo De La Mora (She/Her)

Anthropology Major

•Regents Scholar ■Leadership Alumni Scholar
University of California, Berkeley

(805) 217-5651

mdelamoraa33@berkeley.edu



On Mon, Mar 4, 2024 at 1:53 PM Marlo Donice De La Mora <mdelamoraa33@berkeley.edu>

wrote:

Dear Brick +Timber,

I hope this message finds you well. I am following up on my previous communication regarding the ongoing fire alarm issue in our apartment building.

Since my initial email on July 27th, 2023, I regret to inform you that the fire alarm system remains unresolved. The frequency of alarm activations has increased, with yet another occurrence at 3:25 am early this morning. This disrupts my sleep and poses significant challenges during midterm exams at UC Berkeley.

The situation has reached a critical point where the alarms sound twice weekly, often in the early morning hours. This persistent disruption is taking a severe toll on my mental health and academic performance. As a resident who pays a significant sum to reside in these apartments, it is disheartening to endure ongoing issues that compromise our comfort and safety.

Furthermore, I'd like to bring to your attention the following dates and times of recent fire alarm activations within just these past few weeks:

- Feb 16: 1:05 am, 3:40 am
- Feb 19: 2:05 am, 6:20 am
- Feb 22: 8:00 pm
- Feb 23: 1:55 pm, 4:25 pm
- March 1: 1:40 pm
- March 2: 4:45 am
- March 4: 3:25 am

This repeated disruption underscores the urgency of resolving the issue promptly to ensure the safety and well-being of all residents.

I am scheduled to undergo surgery next week, and the current state of the fire alarms raises serious concerns about my ability to evacuate the building in case of a genuine emergency safely. The prolonged delay in addressing this matter not only jeopardizes our safety but also undermines the well-being of all residents.

I urge you to resolve this pressing issue immediately without further delay. It is unacceptable that the problem persists eight months after I first raised it. While I initially thought your company was actively addressing the issue, the lack of progress is deeply concerning.

Please prioritize repairing the fire alarm system and implementing necessary measures to prevent future disruptions. Residents' safety and peace of mind should be paramount, and I trust that you will take the steps needed to rectify this situation promptly.

I request regular updates on the progress toward resolving the fire alarm issue and the

anticipated timeline for its completion.
Thank you for your attention to this matter.
Sincerely,

Marlo De La Mora
University of California, Berkeley
Anthropology Student
(805) 217-5651
mdelamora33@berkeley.edu



On Thu, Aug 17, 2023 at 2:50 PM Support <2510bancroft@rentbt.com> wrote:

Aiko A. (Brick+Timber)

Aug 17, 2023, 2:50 PM PDT

Hi Marlo,

We already followed up on the proposal. Once received, it should be approved right away.
Thank you

Regards,

Aiko A.

Maintenance Coordinator

BRICK+TIMBER

1920 Market Street

San Francisco, CA 94102

O 415-449-9429

W www.rentbt.com

Aiko A. (Brick+Timber)

Aug 10, 2023, 5:07 PM PDT

Hi Marlo,

So sorry to know that. There is another vendor coming tomorrow to check this and send a quote to address this concern.

Good luck on your finals!!

Regards,

Aiko A.

Maintenance Coordinator

BRICK+TIMBER

1920 Market Street

San Francisco, CA 94102

O 415-449-9429

W www.rentbt.com

Marlo De La Mora

Aug 10, 2023, 4:36 PM PDT

Just an fyi, since my last email, the alarm has went off two more times. This is absolutely unacceptable, especially during finals week!

Aiko A. (Brick+Timber)

Aug 10, 2023, 3:53 PM PDT

Hi Marlo,

Just circling back here, another coordinator is constantly following up for a quote from vendor for the fire alarm concern here.

Will update you once more information has been given.

Thank you

Regards,

Aiko A.

Maintenance Coordinator

BRICK+TIMBER

1920 Market Street
San Francisco, CA 94102
O 415-449-9429
W www.rentbt.com

Aiko A. (Brick+Timber)

Aug 4, 2023, 12:18 PM PDT

Hi Marlo,

Noted on this. I'm so sorry about that. Forwarding this information to the assigned team.

Thank you so much!

Regards,

Aiko A.

Maintenance Coordinator

BRICK+TIMBER
1920 Market Street
San Francisco, CA 94102
O 415-449-9429
W www.rentbt.com

Marlo De La Mora

Aug 4, 2023, 11:00 AM PDT

Thank you for the update. Just am FYI, it went off again at 1:45 last Saturday, July 29th.

Aiko A. (Brick+Timber)

Aug 4, 2023, 9:42 AM PDT

Hi Marlo,

My apologies as I have not heard back from your Resident Manager, Sarah yet. I will let you know once there's more progress on this request.

I hope you have a wonderful weekend ahead!

Regards,

Aiko A.

Maintenance Coordinator

BRICK+TIMBER

1920 Market Street

San Francisco, CA 94102

O 415-449-9429

W www.rentbt.com

Aiko A. (Brick+Timber)

Jul 28, 2023, 10:28 AM PDT

Hi Marlo,

As per your Resident Manager, she was in touch with you yesterday about your concern on this. Resident Manager has advised us that she will reach out to person-in-charge about the plans and will follow up about this.

I will keep you looped in once more information is available about this. Thank you

Regards,

Aiko A.

Maintenance Coordinator

BRICK+TIMBER

1920 Market Street

San Francisco, CA 94102

O 415-449-9429

W www.rentbt.com

BFD Fire Prevention

Jul 28, 2023, 8:54 AM PDT

Hello Marlo:

Thank you for letting us know. I have reached out to our dispatchers and they confirmed the call

came in under different addresses. The 7/5 incident pulled under 2309 Telegraph Ave and the 7/20 incident pulled under 2305 Telegraph Ave address. I have spoken with the Fire Marshal and unfortunately since the property management company is actively working on fixing this issue there is nothing further Fire can do to assist. Please keep communication open with the property management team on updates.

Thank you,



Jennifer M. Lee

Fire Prevention Division
Asst Management Analyst
City of Berkeley – Fire Department
[2100 M.L. King Jr. Way; 2nd Floor](#)
[Berkeley, CA 94704](#)
(510) 981-5585

Marlo De La Mora

Jul 27, 2023, 2:09 PM PDT

Thank you for your quick response. There was an incident on July 5th at 4:25 am and another on July 20th at around 3:45 pm, where the fire department had to come out and reset the alarms.

Nicole L. (Brick+Timber)

Jul 27, 2023, 11:20 AM PDT

Hi Marlo,

Hope you are doing well. We are terribly sorry you are encountering these Fire Alarm System Issues. We sincerely apologize for any inconvenience this may have caused. I have forwarded your email to your resident manager to be aware of the issues that you are having and I will connect you now to our maintenance team to further assist.

Please let us know if you need any additional assistance. We're happy to help!

Best,

Nicole L.

Communications Administrator

BRICK +TIMBER

1920 Market Street
San Francisco, CA 94102
O 415-520-7290
W www.rentbt.com

Marlo De La Mora

Jul 27, 2023, 11:05 AM PDT

Dear Brick + Timber,

I am writing to bring to your attention a pressing issue affecting me since I moved here on June 15th. The fire alarm in our building has been going off every week, causing significant disruption and distress.

The most concerning aspect is that the alarms sound during the early morning hours. As a student, I need a restful night's sleep to perform well in my studies, and the constant disturbances adversely impact my health and schooling.

Moreover, I have an elderly dog who is extremely sensitive to loud noises. The repeated alarms are causing immense stress to my furry companion, and I fear it may have severe consequences on his health. I genuinely worry that it might even trigger a heart attack.

I understand that fines have been issued to the management company due to the malfunctioning fire alarm system. However, despite the payments being made, concrete action has yet to be taken to rectify the issue. This is a serious matter that requires immediate attention to ensure the safety and well-being of all residents.

Please take urgent action to fix the fire alarm system as soon as possible. Not only is it disrupting my daily life, but it is also causing anxiety and a lack of peace of mind for myself and my fellow residents. A functioning fire alarm system is vital for the safety of everyone in the building, and it is in everyone's best interest to address this matter promptly.

I hope you understand the gravity of the situation and the urgency of resolving it. Your assistance in this matter is greatly appreciated. Please keep me informed of the steps to rectify the issue and the expected timeline for the resolution.

Thank you for your prompt attention to this matter.

Sincerely,

Marlo De La Mora
Unit 307
805-217-5651



From: [Carol Denney](#)
To: [Alameda County Board of Supervisors](#); [All Council](#); [Manager, C](#); [M Poole](#); [Housing Advisory Commission](#); [Commission on Disability](#); [Bronson, Darlene](#); [Paul Kealoha Blake](#); [Andrea Pritchett](#); [Vance-Dozier, Okeya](#)
Subject: compliance with elder abuse restraining orders
Date: Saturday, August 10, 2024 6:47:52 PM

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To: Alameda County Board of Supervisors August 10, 2024
COUNTY ADMINISTRATION BUILDING
SUPERVISORS' CHAMBERS
1221 OAK STREET
FIFTH FLOOR, ROOM 512
OAKLAND, CALIFORNIA

Cc: Berkeley City Council, Berkeley City Manager, Marcia Poole, Commission on Disability, Housing Advisory Commission, Commission on Aging, Commission on Homelessness, Andrea Pritchett, Paul Kealoha Blake, ovance-dozier@berkeleyca.gov

DAVID HAUBERT, VICE-PRESIDENT DISTRICT 1

ELISA MÁRQUEZ DISTRICT 2

LENA TAM DISTRICT 3

NATE MILEY, PRESIDENT DISTRICT 4

KEITH CARSON DISTRICT 5

MISSION: TO ENRICH THE LIVES OF ALAMEDA COUNTY RESIDENTS THROUGH VISIONARY POLICIES AND

ACCESSIBLE, RESPONSIVE, AND EFFECTIVE SERVICES.

Dear Alameda County Board of Supervisors,

I've written to you before about receiving two elder abuse restraining orders against a man whom both Alameda County judges allowed access to my apartment building by virtue of having him sign up for In Home Support Services on behalf of a neighbor, resulting in more than six years of continued abuse.

The Family Violence Appellate Project successfully appealed the case; the appellate panel agreed that the judge in question erred in even considering a third party's (my neighbor's) concerns at all relevant considering the history of violence and the probability of continuing violence toward me, which continues to this day.

Despite this ruling, In Home Support Services of Alameda County continues to pay this individual, Mr. Wright, to assist my neighbor. The police continue to ignore the conditions of my restraining order keeping him entirely off the property for my safety despite the appellate decision. I continue to suffer physical violence and continuous vandalism to my property.

I fled for my safety -again- in May after my vehicle was riddled with bullet holes while it was sitting in our locked, allegedly secure apartment garage to which my abuser continues to be

allowed access. Neither the police in Berkeley nor the building manager, a friend of my abuser, have taken any steps to comply with the appellate decision.

I beg you again to bring IHSS policy into congruence with the law, and in particular with this appellate decision.[\[1\]](#) It would seem simple to adhere to California law and prohibit the employment and payment of IHSS workers on the property of people they have, according to the Alameda County Courts, violently abused . I have suffered six years of abuse and displacement, and continue to hope for assistance.

Thank you,

Carol Denney

1970 San Pablo Avenue #4

Berkeley, CA 94702

510-548-1512

[\[1\]](#) Superior Court for the County of Alameda

Hon. Tamiza Hockenhull • Case No. HF20064657

From: [Carol Denney](#)
To: [All Council](#); [Office of the Director of Public Accountability](#); [Housing Advisory Commission](#); [Knox, Kellie](#); [Bronson, Darlene](#); [Gregory, Thomas](#); [Vance-Dozier, Okeya](#); [Alameda County Board of Supervisors](#); [Margot Smith](#); [Marcia Poole](#)
Subject: Case No. HF20064657
Date: Wednesday, July 24, 2024 3:47:09 PM
Attachments: [July 24- 24 PAB et al re policy hearing.docx](#)

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

July 24, 2024

To: The Police Accountability Board (dpa@berkeleyca.gov);, the Housing Advisory Commission (hac@berkeleyca.gov) ;, the Community Health Commission (kknox@berkeleyca.gov);, the Berkeley City Council (council@berkeleyca.gov) ;, Commission on Aging (dbronson@berkeleyca.gov) ;, Commission on Disability (tgregory@berkeleyca.gov);, Commission on the Status of Women(ovance-dozier@berkeleyca.gov) ;, Alameda County Board of Supervisors (anika.campbell-belton@acgov.org) ;,

Re: Case No. HF20064657

From: Carol Denney

1970 San Pablo Avenue #4

Berkeley, CA 94702

Honorable Council and Commission members,

For over six years I have been deprived of my home, my family, my friends, my community, my political commitments, my music, my sleep, my health and health providers, and my safety. I've been repeatedly physically assaulted, suffered years and tens of thousands of dollars of vandalism including having my original car filled with urine and feces, the tires slashed and windshield smashed on my replacement car and lately riddled with bullet holes all in an allegedly secure apartment garage. I have yards of video of the perpetrator whose friendships with the building managers and the police is documented on police body camera video.

I've called and written to every commission and council and community group I can think of. I've filed official complaints despite serious injuries. Nobody is focused on elder abuse.

Nothing is clearer to me, **and to the Appellate Court**, than that California's commitment to strong elder abuse protections under the current law is being ignored by the Alameda County lower courts and in particular the Berkeley Police. Despite this, I received a notice on the same day of the July 24, 2024 Police Accountability Board hearing that each and every police officer I managed to file a specific complaint about **was not sustained**.

These officers had the simple opportunity over the course of six years to investigate the complete destruction of my first car, my second car, the series of physical assaults over six years one of which required major surgery and some of which were on video, and arrest the

perpetrator. *He was never arrested once.*

I was told that I needed to find out and report his birthday. I needed to have called the police sooner, even though I had suffered a documented concussion, and needed to flee for my safety, so the report date was three days late, apparently too late - after years of similar incidents - for the Berkeley police to investigate. All of this apparently does not disturb the Police Accountability Commission, the Berkeley City Council, or anyone aware of the likelihood that reporting secondhand smoke may induce retaliation.

According to the Appellate Court's decision as of a few months ago, these actions, or inactions, are in violation of the law; several laws, in fact, documented in our appellate brief (Case No. HF20064657). Yet I am still waiting for help from Berkeley's leadership, my apartment building's staff, and the Berkeley police to enable me to come safely home.

The First Appellate District Division Two court in San Francisco reversed a lower court's decision in response to an appeal filed by Hanson Bridgett, LLP and the Family Violence Appellate Project on my behalf after my being denied the renewal of my initial restraining order (one of two) on the grounds that I was obligated to prove additional abuse after years of court-affirmed and documented abuse.^[1] That is not the only legal violation committed by the lower court judge. But that should be enough to sustain a policy complaint about how elder abuse targets are treated by the Berkeley police.

I am deeply committed to making sure that nobody else is treated this way. I hope there are some allies in Berkeley ready to protect elders from the abuse I have suffered.

I *can* prove six years of additional abuse. The Berkeley police, however, elected to interpret my restraining order's enforcement in favor of the convenience of the violent abuser and his alleged "client" through the In Home Support Services organization of Alameda County. This group's disinterest in helping aged elders like me was of minimal interest to the Alameda County Board of Supervisors to whom I wrote repeatedly.

I have lost everything I ever had and valued. I now have a titanium neck and constant pain affecting every minute of my life.

The lower courts must respond to the California Court of Appeal, First Appellate District Division Two regarding Case No. HF20064657. But they're not in a hurry. Nor are the Berkeley Police, the Police Accountability Board, or any of the plethora of additional organizations I have contacted.

I am glad to provide anyone interested with the appellate brief, or speak with anyone willing to listen,

Carol Denney

1970 San Pablo Avenue, Apt. 4

Berkeley, CA 94702

510-548-1512

[\[1\]](#) I had provided documentation, but during the pandemic the court's ability to process the documentation was not timely enough to reach the court in time.