



## Berkeley Housing Authority

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*Office of the Executive Director*

Item 7B  
NEW BUSINESS  
June 19, 2025

To: Honorable Chairperson and Members of the Berkeley Housing Authority Board  
From: James Williams, Executive Director  
Subject: Allocation of 4 (Four) Project Based Section 8 Vouchers for North Berkeley BART  
1429 Delaware Street Berkeley, CA 94702 Pursuant to Application Based on Limited  
Opportunity for Selection Based on Previous Competition Only Under 24 CFR  
983.51(b)(2)

### RECOMMENDATION

1. Accept the Evaluation Committee's recommendation to adopt one resolution awarding 4 (four) Project- Based Vouchers (PBV) to an affordable housing project consisting of new construction, as follows:
  - (a) 4 PBVs to East Bay Asian Local Development Corporation (EBALDC) for North Berkeley BART (1429 Delaware Street Berkeley, CA 94702) - new construction (Attachment)

### EBALDC

Project to include 15 PBVs (Restore Rebuild (11) and PBVs (4)).

The North Berkeley BART Transit-Oriented Development Project is a public-private partnership between BART, the City of Berkeley, and NBHP. The entire site has been designed and entitled as a master- planned community, however each building will be independently financed, owned, and constructed by a member organization of North Berkeley Housing Partners (NBHP).

### **A summary of the amenities included at the property and within the dwelling units, include:**

The project site currently contains a paved parking lot associated with the North Berkeley BART station. The proposed project will consist of removing the parking lot and constructing a new six-story mixed-use building. The building will contain a total of 60 dwelling units. Other project components include ground-floor commercial space, bicycle parking, and over 2,500 square feet of private open space. The project will be 100% affordable to low-income and extremely low-income occupants.

Located in the resource rich North Berkeley neighborhood surrounding the North Berkeley BART station, the Project presents a rare opportunity for comprehensive integration of formerly homeless residents and lower income households into a robust existing community. Residents will have the ability

to access services at the property including clinical case management, employment and benefits training and referrals to other tenancy sustaining services in the community.

The proposed Project will redevelop the Site to provide connections to Ohlone Greenway, including a trellis area that will establish a welcoming gateway to the site and create places for neighbors to use with areas for bike parking, performance, swinging, ping pong, and seating. Other trails, garden like areas, and outdoor gathering areas for the public will be established around the transit station and developments. Community amenities on the first floor of multiple buildings will include neighborhood retail, a commercial childcare facility, and community kitchen facility.

**A summary of the sources and amounts of financing for this development includes:**

The project will be developed with funds from the City of Berkeley, State of California Housing and Community Development Department, low-income housing tax credit financing, and commercial loans. The total cost of the Project will be \$141 million.

**BACKGROUND**

BHA, and housing authorities locally, have generally allocated a maximum of between 20% to 25% of a development's units to be project-based. During the last PBV non-competitive award process, the Board also recommended a similar allocation since an award of at least 25% of the projects to be project-based was financially necessary, as well as feasible for BHA to support.

Staff believes that an allocation of up to 25% of total units for new construction applicants is an equitable and fair way to distribute the remaining PBVs. It is true that awarding a maximum of 25% will require that developers obtain additional funding from other sources to make up for the tax credit equity loss caused by the economic downturn.

Below is an excerpt from BHA's Administrative Plan regarding 25% general unit cap:

17-II.F. CAP ON NUMBER OF PBV UNITS IN EACH PROJECT 25 Percent per Project or 25 Units Cap [24 CFR 983.56(a), FR Notice 11/24/08, HUD Notice 2017-21 Implementation Guidance: Housing Opportunity Through Modernization Act of 2016 (HOTMA)]

In general, BHA may not select a proposal to provide PBV assistance for units in a project or enter into an agreement to enter into a HAP or a HAP contract to provide PBV assistance for units in a project, if the total number of dwelling units in the project that will receive PBV assistance during the term of the PBV HAP contract is more than 25 percent of the number of dwelling units (assisted or unassisted) or a total of 25 units in the project (whichever is greater). Exceptions to 25 Percent per Project Cap [24 CFR 983.56, FR Notice 1/18/17, PIH 2017-21]

Exceptions are allowed and PBV units are not counted against the 25 percent or 25 units per project cap if: Units exclusively serving elderly families; Units housing households eligible for supportive services available to all families receiving PBV assistance in the project. Units in projects that are in a census tract with a poverty rate of 20% or less are subject to a higher 40% cap.

## RATIONALE FOR RECOMMENDATION

The recommendation for award of Project Based Vouchers is based on BHA's desire to increase the number of stable, affordable units that will provide crucial housing options for eligible households, as well as a commitment to alleviating homelessness in Berkeley. BHA has an opportunity to provide subsidy for housing those with the highest need, in secure units that will be available for up to 40 years.

## CONTACT PERSON

James Williams, Executive Director, 981-5485

## Attachments:

1. Resolution awarding 4 PBVs to East Bay Asian Local Development Corporation (EBALDC) for North Berkeley BART (1429 Delaware Street Berkeley, CA 94702)

BERKELEY HOUSING AUTHORITY  
RESOLUTION NO.2025-13

APPROVING AN ALLOCATION OF 4 PROJECT BASED VOUCHERS TO COMMUNITY EAST BAY ASIAN LOCAL DEVELOPMENT CORPORATION (EBALDC) FOR NORTH BERKELEY BART UPON SATISFACTORY COMPLETION OF ALL HUD REQUIREMENTS AND APPROVALS, INCLUDING SUBSIDY LAYERING AND ENVIRONMENTAL REVIEWS, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT TO ENTER INTO A HOUSING ASSISTANCE PAYMENT CONTRACT (AHAP) PRIOR TO CONSTRUCTION, AND A HOUSING ASSISTANCE PAYMENT (HAP) CONTRACT ONCE CONSTRUCTION IS COMPLETE AND INSPECTED

WHEREAS, the Berkeley Housing Authority's (BHA) Administrative Plan requires staff, at least annually, to determine if there is voucher/funding capacity available to issue an allocation of Project-based vouchers, and make a recommendation to the Board;

WHEREAS, BHA has voucher capacity in the PBV program under the Housing Opportunity Through Modernization Act (HOTMA);

WHEREAS, this opportunity is limited to proposed developments that meet all the following requirements:

1. The PHA may select, without issuing an RFP, a proposal for housing assisted under a Federal, State, or local government housing assistance, community development, or supportive services program that required competitive selection of proposals, where the proposal has been selected in accordance with such program's competitive selection requirements within three years of the PBV proposal selection date. The PHA may not select a housing assistance proposal using this method if the competition involved any consideration that the project would receive PBV assistance." (e.g., HOME, Low-Income Housing Tax Credit, Community Development Block Grant, or American Rescue Plan Act).
  2. Proposed development must be in an incorporated area of the City of Berkeley.
  3. Construction has not started.
- WHEREAS, EBALDC met the above requirement by virtue of being awarded a competitive RFP as one of the developers at North Berkeley BART as evidenced by:
    - Signed EDD for Board item 22-461: <https://bart.legistar.com/LegislationDetail.aspx?ID=5946992&GUID=ABA28840-B1B5-4B2B-B4A3-2A5A8F315889&Options=&Search=>
    - Board Minutes from 12/1/22 : <https://bart.legistar.com/MeetingDetail.aspx?ID=991176&GUID=75BB0484-A187-4470-AB89-EEBE02AE062D&Search=>
    - ENA Sections 3.8 and 5 in particular reference EBALDC specifically.

WHEREAS, North Berkeley BART will provide long-term housing consistent with the goal of creating affordable units for households qualifying for Section 8 rental assistance;

WHEREAS, EBALDC plans to close on this project at the end of 2027;

WHEREAS, EBALDC agrees that prior to construction start: an Environmental Review must be performed; a Subsidy Layering Review must be conducted; EBALDC agrees to hire a Davis-Bacon wage monitor; and an Agreement to Enter into a Housing Assistance Payment Agreement (AHAP) must be signed with BHA including all subject compliances therein as outlined by HUD;

WHEREAS, post-construction, inspections of units must take place; signing of HAP contract, and, a BHA intake process of applicants must occur; and

WHEREAS, HUD regulations allow housing authorities to execute initial master HAP terms for up to 20 years, with an option to extend up to another 20 years after that period expires.

NOW THEREFORE, BE IT RESOLVED, that the recitals set forth above are true and correct and incorporated herein by this reference.

FURTHER BE IT RESOLVED, that the Executive Director is hereby authorized to allocate 4 Project Based Vouchers to EBALDC for North Berkeley BART, for an initial term of 20 years, subject to the satisfaction of conditions precedent to be provided by BHA as required by the U.S. Department of Housing and Urban Development (HUD).

FURTHER BE IT RESOLVED, that the Executive Director is hereby authorized to execute an Agreement to Enter into a Housing Assistance Payment Contract (AHAP) prior to construction, and a Housing Assistance Payment (HAP) Contract once construction is complete and project inspected.

The foregoing Resolution was adopted by the Board of the Berkeley Housing Authority on June 19, 2025 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest: \_\_\_\_\_  
James Williams, Secretary