



# Petition for Exemption – Instructions

## Oakland Municipal Code Section 15.27.050

These instructions accompany the Petition for Exemption available at the program website:  
<https://www.oaklandca.gov/topics/ssretrofit>.

### About the Petition for Exemption

Submitting a Petition for Exemption form is optional. The purpose of the Petition for Exemption is to allow an owner to show that the building in question is not a “subject building” and is therefore exempt from retrofit per Oakland Municipal Code (OMC) Chapter 15.27. OMC Section 15.27.030 (see the referenced code sections below) identifies subject buildings and is the basis for this Exemption Petition form.

### What Exemption means

A building that is exempt from OMC Chapter 15.27 is not necessarily “earthquake safe.” Being exempt means only that the building is not subject to this particular program. Even if your design professional determines that the building is exempt, and even if the Bureau of Building accepts your engineer's judgment and grants the exemption, the building might still have serious seismic deficiencies.

### Related materials

Related materials are available at the program website (see link above). These include:

- Frequently Asked Questions
- Petition for Change of Compliance Tier, with instructions. If you intend only to petition for a Change of Compliance Tier, do not submit this Petition for Exemption form.

### Preparing to complete the form

To complete the form, you will need to gather information about the building. In some cases you will also need to engage a licensed design professional and arrange a site visit for your design professional.

#### \_\_\_ Information about the building

- Exemption can be based on the age of the building (Part 2, Question 1), the number of dwelling units (Question 2), or the absence of a “Wood Frame Target Story” (Question 3).
- In most cases, the Bureau of Building will require appropriate documentation, or a determination by your design professional, in order to approve an exemption.

#### \_\_\_ Licensed design professional

- if you are claiming exemption based only on the age of the building or the number of dwelling units, you do NOT need to engage a design professional. See the instructions for Question 1 or Question 2.
- If you have documentation from Oakland's mandatory screening program of 2009-2010 showing an exemption approved by the City, you might not need to hire a design professional. Send or bring a copy of your documentation to the Bureau of Building, and Bureau staff will review it for you. Documentation from 2009-2012 does not guarantee exemption from the current program because the criteria of the two programs are different.
- If you are claiming exemption based on the absence of a Wood Frame Target Story and DO NOT have documentation of exemption from 2009-2010, you will need to engage a California-licensed design professional – an architect, civil engineer, or structural engineer – to complete the form.
- The City cannot recommend specific design professionals, but local associations offer referral lists:
  - [SEAONC Structural Engineer Referral List \(https://www.seaonc.org/page/referrallist\)](https://www.seaonc.org/page/referrallist)
  - [AIA SF Search \(https://www.iasf.org/page/FindanArchitect\)](https://www.iasf.org/page/FindanArchitect)

## Petition for Exemption – Instructions

### Page 2 of 7

#### \_\_\_ Site visit

- If you are claiming exemption based on the absence of a Wood Frame Target Story, your design professional will, in most cases, need to conduct a site visit.
- You will need to provide access to the building, especially the ground floor and any crawl spaces. It is best to provide access to all areas in the ground floor and/or basement, including storage areas, common areas, boiler rooms, parking areas, etc.
- Where required, it is your responsibility to provide advance notice to your tenants.

#### Submitting the completed form

There is no fee to submit the form. The deadline for submitting the form is February 21, 2020. If you discover after the deadline that your building is exempt, you may still submit a completed form, but if your building is not exempt, other program deadlines will still apply. For late submittals, the exemption will be based on the condition of the building on the effective date of the ordinance, January 22, 2019.

You may submit the form, properly signed, in any of three ways:

- By email
  - As a pdf attachment, to [MandatorySoftStoryRetrofit@oaklandca.gov](mailto:MandatorySoftStoryRetrofit@oaklandca.gov)
  - Put "Petition form submittal" in the email subject line
- By U.S. mail, to:  
Mandatory Soft Story Retrofit Program  
250 Frank H. Ogawa Plaza, Suite 2340  
Oakland, CA 94612
- In person, to the mailing address above.

#### Review and approval of the form

For forms submitted by email or by U.S. mail, the Bureau of Building will, within five business days of receipt, acknowledge receipt by email to the owner or authorized agent and to the email address submitting the form.

- If the form is incomplete, the acknowledgement email will identify what is missing. You will then be responsible for submitting a revised or completed form.
- If the form is complete, the Bureau will review the information submitted and, separate from the acknowledgement, will reply by email with a statement confirming that the building is either exempt from OMC Chapter 15.27 or is subject to OMC Chapter 15.27.
- The Bureau is authorized to request and review additional supporting information from the owner, authorized agent, and/or design professional before reaching a conclusion. In rare cases, the Bureau may need to conduct a site visit with City staff or consultants before reaching a conclusion.

## INSTRUCTIONS and NOTES

#### Parcel Number

The parcel number refers to the Assessor's Parcel Number shown at the top of your "Notice of Mandatory Seismic Retrofit" letter. If you did not receive such a letter, you can find the parcel number by entering the address at the Alameda County Assessor's website:

<http://www.acgov.org/assessor/resources/assessment-information.htm>

- If there are multiple parcel numbers for a single building, see the instructions at the bottom of Petition for Exemption page 1 regarding Condominium Owners.

#### Property Address

Enter the address of the building for which you are claiming exemption.

- If the address in your "Notice of Mandatory Seismic Retrofit" letter was incorrect, use the Petition for Exemption form to correct it, and add "CORRECTED:" in the Property Address line.
- If the parcel has multiple buildings, use the Property Address line to identify the building (or buildings) for which you are claiming exemption. You may identify the building by:
  - House number, if the buildings on the parcel have different addresses.
  - Building name or number, for example "Building A," if that is how the buildings are labeled at the site.

## Petition for Exemption – Instructions

### Page 3 of 7

- Unit numbers, if that is how the buildings are identified at the site.
- Other clear distinguishing features, such as “Building facing street” or “North building.”
- If you are claiming exemption for more than one building, you may use the same Petition for Exemption form only if the buildings are essentially identical in their age, size, use, and design. Otherwise, use separate forms for each set of similar buildings.

#### Owner(s)

Enter the name of the owner or owners of the building for which you are claiming exemption.

- If the name shown on your “Notice of Mandatory Seismic Retrofit” letter was incorrect, use the Petition form to correct it, and add “CORRECTED:” in the Property Address line.

## PART 1 – CONTACT INFORMATION

### Owner contact information

This information will be used only for correspondence regarding the Soft Story program. If the owner prefers that the City correspond with an individual who is not an owner (such as a relative or property manager), leave the Owner section blank, and complete the Authorized Agent section only. Otherwise, enter the telephone, email, and mailing address information for the owner identified at the top of the form.

- If the building has more than one owner, enter the contact information for one individual owner only.
- If the owner is not an individual (for example, a trust, LLC, or HOA), leave the Owner section blank, and complete the “Authorized Agent” section only.

### Authorized agent contact information

If the Owner section is left blank, enter the name and contact information for an individual authorized by the owner to correspond with the City on the owner’s behalf. This information will be used only for correspondence regarding the Soft Story program.

- If there is no Authorized Agent, leave this section blank.
- The Bureau will presume that the Authorized Agent is authorized by the owner to make decisions regarding the building with respect to the Soft Story program.
- Typically, the Authorized Agent section is a property manager already engaged by the owner, or another owner-designated individual with knowledge of and access to the building.
- Your design professional is not typically designated as an Authorized Agent.

## PART 2 – WORKSHEET

### Question 1. Building age

The wording of this question matches the definition of a subject building in OMC Section 15.27.030 (see the referenced code sections below).

- The question does not require you to know the actual age, construction date, permit date, or design code. Therefore, in most cases, the answer should require little or no research.
- If you are claiming exemption based on the age of the building, the Bureau will likely ask for documentation of the design or permit records. You are not required to submit the documentation with the form, but it is recommended that you add a brief explanation of the basis for your answer on the form under Question 1.
- The Bureau has not researched the permit or construction history of each building for which a Notice was sent. The City might or might not have such records. It is your responsibility to seek those records using normal Bureau procedures. See <http://www2.oaklandnet.com/government/o/PBN/OurServices/Documents/index.htm>
- The dates in this question refer only to the original design and construction. A more recent retrofit may be considered in responding to Question 3.
- Question 1 focuses on the age of the building. The fact that later design codes might be unchanged in some respects relative to the 1985 UBC is immaterial for purposes of OMC Chapter 15.27.
- If you answer No to Question 1, you are not required to engage a design professional.

### **Question 2. Number of dwelling units**

The wording of this question matches the definition of a subject building in OMC Section 15.27.030 and relies on the definition of Dwelling Unit in OMC Section 15.27.150 (see the referenced code sections below).

- If you answered No to Question 1, skip Question 2.
- The question does not require you to know the actual number of dwelling units in the building. Therefore, in most cases, the answer should require little or no research.
- If you are claiming exemption based on the number of dwelling units, the Bureau will likely ask for documentation. You are not required to submit the documentation with the form, but it is recommended that you add a brief explanation of the basis for your answer on the form under Question 2.
- Note that both vacant and unapproved residential units count as dwelling units.
- If you answer No to Question 2, you are not required to engage a design professional.

### **Question 3. Wood Frame Target Story**

The wording of this question matches the definition of a subject building in OMC Section 15.27.030 and relies on the definitions of Target Story and Wood Frame Target Story in OMC Section 15.27.150 (see the referenced code sections below).

- If you answered No to Question 1 or Question 2, skip Question 3.
- Question 3 involves a two-step determination: First, is any story a Target Story, and second, does that Target Story rely on wood frame walls for its strength or stiffness, making it a Wood Frame Target Story. If both conditions are true, the answer to Question 3 is Yes.
- If you are claiming exemption based on the lack of a Wood frame Target Story, the Bureau will likely ask for documentation. You are not required to submit the documentation with the form, but it is recommended that you add a brief explanation of the basis for your answer on the form under Question 3.
- If you answer Yes to Question 3, you are required to engage a design professional, who must complete the Design Professional portion of Part 3 of the form.

### **Target Story**

- This definition (see below) is not meant to require a thorough or quantitative structural evaluation. Rather, it is meant to rely on the judgment of the design professional, subject also to the judgment of the Bureau, as to whether the wall configuration of a given story is “substantially more vulnerable to earthquake damage” than that of the story above.
- Wall configuration may be measured by length, location, orientation, and openings. The strength of each wall line is also important, so the design professional should consider differences between unfinished spaces (with exposed wall studs) and finished spaces in which the studs are sheathed or finished on both sides. Wall configuration is often related to occupancy, as the layout and openings of a non-residential lower story are usually different from those of a residential story above.
- In practice, if most lengths of exterior walls and/or interior partitions in either direction do not align from story to story, or door and window openings change substantially from story to story, the lower story might be deemed “substantially more vulnerable.”
- Steel pipe columns or wood posts, which are common along the open side of a tuck-under parking area, should not be considered to provide any story strength or stiffness for purposes of assessing whether a Target Story exists. If such elements were specifically designed to provide story strength or stiffness, the Bureau may waive this restriction but will likely ask to review original documentation.
- An “underfloor area” can be a crawl space or cripple story, finished or not. However, an underfloor area in which the wood walls are solid-blocked and do not exceed 14 inches in height need not be considered a target story; this is consistent with 2016 CBC Table 2308.2.1, Section 2308.5.6, and Section 2308.6.6.2.
- A building can have more than one Target Story. Buildings on sloped sites often have conditions that involve more than one Target Story; see Example 1 below.

### **Wood Frame Target Story**

- This definition (see below) also requires judgment by the design professional and the Bureau, as to whether “a significant portion” of the Target Story strength or stiffness is provided by wood frame walls. The intent of the definition is to allow the design professional to ignore truly nominal or incidental lengths of wood frame walls.

## Petition for Exemption – Instructions

### Page 5 of 7

- If, in the judgment of the design professional and the Bureau, *all* of the existing wood frame walls in both directions could be removed from the Target Story with essentially no change in the expected performance, then the wood frame walls might be ignored for purposes of assessing whether a Target Story is also a Wood Frame Target Story.
- Most buildings will not raise questions about whether a Target Story is also a Wood Frame Target Story. The question is most likely to arise in buildings where the Target Story is partly below grade or where the grade varies around the building perimeter. In these cases, Target Story walls are more likely to include some combination of wood frame walls and concrete or masonry walls acting as retaining walls or foundation stem walls.
- A story can be a Target Story even if all of its walls are masonry or concrete. In this case, the building has a Target Story, but it does not have a Wood Frame Target Story, so the answer to Question 3 is No. See Example 2 below.

#### Special case: Prior retrofit

- If the building has already been retrofitted, and if your design professional will attest that the retrofitted story is no longer “substantially more vulnerable to earthquake damage” than the story above, you may claim exemption by answering No to Question 3. The Bureau cannot automatically make this assessment because until now, all retrofits have been voluntary and were therefore not reviewed for compliance with any particular standard.
- If you are claiming exemption based on prior retrofit, the Bureau will likely ask for documentation. You are not required to submit the documentation with the form, but it is recommended that you add a brief explanation of the basis for your answer on the form under Question 3.
- To claim exemption based on prior retrofit, the prior retrofit work must have been intentionally designed to address the collapse risk posed by a Wood Frame Target Story, but the design need not comply with all the requirements for mandatory retrofit under OMC Chapter 15.27. This allowance recognizes that consensus retrofit criteria have changed over time and that many buildings with various seismic deficiencies are nevertheless exempt from OMC Chapter 15.27.
- A nominal or partial retrofit (such as the installation of a steel frame or wood shearwall on just one line) will generally not be adequate for exemption.
- In general, the more recent the retrofit, the clearer the documentation of design criteria similar to those of OMC Chapter 15.27, and the clearer the documentation of construction quality, the more likely it is that the Bureau will approve the exemption.

#### Special case: SHOP retrofit

- Most buildings participating in Oakland’s SHOP program are also subject to OMC Chapter 15.27. As long as the SHOP retrofit is complete before the mandatory evaluation is due (see OMC Table 15.27.070 Step 3), the SHOP project will be deemed to comply with OMC Chapter 15.27 as if it were exempt for lack of a Wood Frame Target Story. This is possible because the SHOP retrofit criteria are essentially the same as the OMC Chapter 15.27 requirements, because the SHOP deadlines are sooner than the OMC Chapter 15.27 deadlines, and because the SHOP program assures design and construction quality through a plan review and construction inspection process. The Bureau will coordinate with the SHOP program manager to record each completed SHOP project as compliant with OMC Chapter 15.27.

## PART 3 – DESIGN PROFESSIONAL & OWNER AFFIDAVIT

### Design Professional

- If you answered No to PART 2 Question 1 or Question 2, you are not required to engage a design professional, so skip the Design Professional portion of PART 3.
- If you have documentation from Oakland’s mandatory screening program of 2009-2012 showing an exemption approved by the City, you might not need to hire a design professional. Send or bring a copy of your documentation to the Bureau of Building, and Bureau staff will review it for you. Documentation from 2009-2010 does not guarantee exemption from the current program because the criteria of the two programs are different.

**REFERENCED CODE SECTIONS and DEFINITIONS**

**15.27.030 Subject buildings (excerpt).** This Chapter shall apply to buildings constructed or permitted for construction before January 1, 1991 or designed based on an adopted version of the 1985 or earlier edition of the Uniform Building Code, and contain five (5) or more dwelling units, and have a wood frame target story.

**15.27.150 DEFINITIONS (excerpt)**

**Dwelling Unit.** A Dwelling Unit shall include any individual residential unit in a building with R-1 or R-2 occupancy, as well as any guest room, with or without a kitchen, in either a tourist or residential hotel or motel but shall not include a housekeeping room. Any unit occupied as a Dwelling Unit, whether approved or not approved for such use, shall be counted as a Dwelling Unit.

**Target Story.** A Target Story shall mean either (1) a basement story or underfloor area that extends above grade at any point or (2) any story above grade, where the wall configuration of such basement, underfloor area, or story is substantially more vulnerable to earthquake damage than the wall configuration of the story above, except that a story is not a target story if it is the topmost story or if the difference in vulnerability is primarily due to the story above being a penthouse or an attic with a pitched roof.

**Wood Frame Target Story.** A Wood Frame Target Story means a Target Story in which a significant portion of lateral or torsional story strength or story stiffness is provided by wood frame walls.



**Example 1: Building with multiple Wood Frame Target Stories**

The photo shows a 4-story building. Story 1 is a Target Story because at the end adjacent to the street (the right side of the photo), it is a partly above grade garage space with tuck-under parking. Story 2 is a Target Story because at the rear of the building (the left side of the photo), it is a mostly unoccupied crawl space.



**Example 2: Target Story, but *not* a Wood Frame Target Story**

The photo shows a 4-story building. Story 1 is a Target Story because it is an open parking area with few walls, but it is not a Wood Frame Target Story because the Story 1 structure is a concrete podium with concrete columns.

