

1458 E 33rd St. Oakland - Exemption Approved

From: Mandatory Soft Story Retrofit (mandatorysoftstoryretrofit@oaklandca.gov)

To: fhennefer@sbcglobal.net

Date: Wednesday, July 31, 2024 at 04:58 PM PDT

Hello,

Thank you for submitting a petition for exemption. Your petition has been reviewed and approved by the City staff. Please save the attached document for your records. There is no further action required by you in regards to the Mandatory Soft Story Ordinance. Thank you for your cooperation.

Mandatory Soft Story Program

Website: [City of Oakland](#) | [City of Oakland Mandatory Soft Story Retrofit...](#) (oaklandca.gov)

Extension: https://cao-94612.s3.amazonaws.com/documents/Fillable-Extension-Request-Form-for-Mandatory-Soft-Story-Ordinance-2022_2022-03-23-231024_jnuh.pdf

Exemption: [City of Oakland](#) | [Apply for Exemption - Mandatory Soft Story Retrofit](#) (oaklandca.gov)

Initial Affidavit of Compliance: [City of Oakland](#) | [Submit Initial Affidavit of Compliance - Mandatory...](#) (oaklandca.gov)

List of potential subject buildings <https://cao-94612.s3.us-west-2.amazonaws.com/documents/List-of-Subject-Properties-as-of-Aug-2023.pdf>

Apply for permit: [City of Oakland](#) | [Online Permit Center](#) (oaklandca.gov)

From: F Hennefer <fhennefer@sbcglobal.net>

Sent: Friday, July 19, 2024 6:59 PM

To: Mandatory Soft Story Retrofit <MandatorySoftStoryRetrofit@oaklandca.gov>

Cc: Frank Hennefer <fhennefer@sbcglobal.net>

Subject: Attached Petition for Exemption 1458 E33rd Street

Hello

Per your request I have attached the completed Petition for Exemption. Thank you for the email with instructions. That was very helpful in completing the form correctly.

Reach out to me if you have further need of my assistance.

Regards

Frank Hennefer Trustee Mary Nicoli Trust
426 36th Street
Oakland, CA 94609
510-305-5436

Sent from Yahoo Mail for iPhone



Exemption - 1458 E 33rd - signed.pdf

1.9MB






Exemption - 1458 E 33rd

Final Audit Report

2024-07-30

Created:	2024-07-30 (Pacific Daylight Time)
By:	Adora Reyes (AREyes2@oaklandca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAWmshhE4ktCGRw_Pi7jFi9Nk7BCTJPhXF

"Exemption - 1458 E 33rd" History

-  Document created by Adora Reyes (AREyes2@oaklandca.gov)
2024-07-30 - 1:18:44 PM PDT- IP address: 209.232.103.108
-  Document emailed to Alain Placido (agplacido@oaklandca.gov) for signature
2024-07-30 - 1:20:12 PM PDT
-  Email viewed by Alain Placido (agplacido@oaklandca.gov)
2024-07-30 - 2:47:57 PM PDT- IP address: 209.232.103.83
-  Document e-signed by Alain Placido (agplacido@oaklandca.gov)
Signature Date: 2024-07-30 - 2:48:27 PM PDT - Time Source: server- IP address: 209.232.103.83
-  Agreement completed.
2024-07-30 - 2:48:27 PM PDT



City of
Oakland

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Planning and Building Department
250 Frank Ogawa Plaza, 2nd Floor
Oakland, CA 94612

Petition for Exemption

Oakland Municipal Code Section 15.27.050

This petition form is provided for owners of buildings that might be subject to Oakland Municipal Code (OMC) Chapter 15.27: Mandatory Seismic Evaluation and Retrofit of Certain Multi-Unit Residential Buildings. The form is authorized by Section 15.27.050. Bureau of Building staff are authorized to require additional information as needed.

Instructions

1. Submit this form:
 - As a PDF attachment by email to MandatorySoftStoryRetrofit@oaklandca.gov, with "Petition for Exemption Form Submittal" in the subject line, or
 - As a hard copy by U.S. mail to:
Mandatory Soft Story Retrofit Program
250 Frank H. Ogawa Plaza Suite 2340
Oakland, CA 94612
2. To request a later Compliance Tier, do not use this form. Use the separate "Petition for Change of Compliance Tier" form.
3. This form might require the certification of a California licensed design professional (architect, civil engineer, or structural engineer). When required, it is the building owner's responsibility to engage a qualified design professional.
4. Terms shown in **bold, italic font** are defined in OMC Section 15.27.150. The definitions are provided after Part 2 below.
5. Additional line-by-line explanations and examples are provided in a separate document, Petition-for-Exemption-Instructions, available at <https://www.oaklandca.gov/topics/SSRetrofit>.

PARCEL NUMBER 022-0381-007-04
PROPERTY ADDRESS 1458 E. 33rd Street
OWNER(S) Mary Nicoli Trust

Does this petition replace or supplement a previously submitted petition for the same building?

Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>

PART 1 – CONTACT INFORMATION

510-305-5436 fhennifer@sbcglobal.net
Owner telephone Owner email

426-36th Street, Oakland, CA 94609
Owner mailing address

Frank Hennefer Trustee above above
Authorized agent (optional) Agent telephone Agent email

above
Agent mailing address

CONDOMINIUM OWNERS: Submit only one form with one set of contact information for each building. List all parcel numbers comprising the building here:

OMC Chapter 15-27: Petition for Exemption
Page 2 of 3

PARCEL NUMBER 022-0381-007-04

PART 2 – WORKSHEET

- | | |
|---|--|
| | <u>Yes</u> <u>No</u> |
| 1. Was the building originally 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? | <input checked="" type="checkbox"/> <input type="checkbox"/> |

Notes: _____

If Yes: Continue to Question 2.

If No: The building is tentatively exempt from OMC Chapter 15.27.

- Skip Questions 2 and 3.
- Complete the Owner/Agent portion of Part 3.
- Submit this petition form. Bureau of Building staff are authorized to require additional information as needed. If approved, the Bureau of Building will confirm the exemption in writing.

- | | |
|---|--|
| | <u>Yes</u> <u>No</u> |
| 2. Does the building contain five or more <i>Dwelling Units</i> ? | <input checked="" type="checkbox"/> <input type="checkbox"/> |

Notes: _____

If Yes: Continue to Question 3.

If No: The building is tentatively exempt from OMC Chapter 15.27.

- Skip Question 3.
- Complete the Owner/Agent portion of Part 3.
- Submit this petition form. Bureau of Building staff are authorized to require additional information as needed. If approved, the Bureau of Building will confirm the exemption in writing.

Question 3 requires the input of a California licensed design professional (architect, civil engineer, or structural engineer). It is the building owner's responsibility to engage a qualified design professional.

- | | |
|--|--|
| | <u>Yes</u> <u>No</u> |
| 3. Does the building have a <i>Wood Frame Target Story</i> ? | <input type="checkbox"/> <input checked="" type="checkbox"/> |

If No, indicate also which of these conditions is true:

- ☒ The building has no *Target Stories*.
- ☐ The building has one or more *Target Stories* but none is a *Wood Frame Target Story*.

Design Professional's Notes: _____

If Yes: The building is subject to OMC Chapter 15.27. Do not submit this petition form.

If No: The building is tentatively exempt from OMC Chapter 15.27.

- Complete all of Part 3.
- Submit this petition form. Bureau of Building staff are authorized to require additional information as needed. If approved, the Bureau of Building will confirm the exemption in writing.

DEFINITIONS (OMC Section 15.27.150)

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.

OMC Chapter 15-27: Petition for Exemption
Page 3 of 3

PARCEL NUMBER 022-0381-007-04

PART 3 – DESIGN PROFESSIONAL & OWNER AFFIDAVIT

DESIGN PROFESSIONAL

Under penalty of perjury, I certify that the information provided in Part 2 of this petition is based on information provided by the Owner/Agent identified below, on my personal review of the building and its records, or on review by others acting under my direct supervision, and is correct to the best of my knowledge.

Date stamped and signed

Name

Firm name (optional)

Telephone

Email

[Professional Stamp Here]

OWNER / AGENT

Under penalty of perjury, I certify that the information provided in Part 1 of this petition is correct to the best of my knowledge.

Theresa Henner, Trustee
Signature

July 19, 2024
Date

☐ Owner
☒ Agent

FOR BUREAU OF BUILDING USE ONLY

Form appears incomplete, or more information is needed regarding:

PART 2 – Worksheet

Pre-1991 or pre-1985 UBC ☐

Dwelling Units ☐

Wood Frame Target Story ☐

PART 3 – Design Professional &
Owner/Agent Affidavits ☐

The form appears complete and is assumed correct based on
Design Professional and Owner/Agent Affidavits. ☐

Building is subject to OMC Chapter 15.27. ☐

Building is exempt from OMC Chapter 15.27. ☒

BOB Reviewer: Alain Placido

Date: Jul 30, 2024

May 20, 2024

City of Oakland
Building Services Dept.
250 Frank H. Ogawa Plaza, Suite 2340
Oakland, CA 94612-2031

RE: 1458 E 33rd Street
Parcel Number: 022-0381-007-04
PTS#: SS110434

SUBJECT: Seismic Retrofit Ordinance

City of Oakland, Building Services Dept:

In April 2011 this property was previously determined by the city the building is exempt from the Soft Story ordinance, and removed from the Soft Story list.

I have attached the April 2011 city letter approving/exempting the property. I have also enclosed my correspondence in the time period.

I assume the city letter dated March 21, 2024 was sent out as a general reminder letter to all property owners throughout the city to comply with the ordinance. Most likely the city Building Department failed to cross-reference with the current approved/exempted property list.

Sincerely,



Frank Hennefer Trustee of the Mary Nicoli Trust
426 36th Street
Oakland, CA 94609
fhennefer@sbcglobal.net



CITY OF OAKLAND
COMMUNITY & ECONOMIC
DEVELOPMENT AGENCY

CITY OF OAKLAND

250 Frank H. Ogawa Plaza, Suite 2340 – Oakland, California 94612-2031

BUILDING SERVICES DEPARTMENT
Inspection Services Section

(510): 238-6402
FAX: 238-2959
TDD: 238-3254

April 4, 2011

NICOLI MARY TR
553 LEXINGTON AVENUE
EL CERRITO, CA 94530-3522

Subject: Oakland Municipal Code Chapter 15.26
Mandatory Seismic Screening of Multiple Story Residential Buildings

Re: 1458 E 33RD STREET
Parcel Number: 022-0381-007-04
PTS#: SS110434

Dear Property Owner:

We have received your request not to provide a Level I Seismic Screening for the building referenced above for the following reason(s):

- ☐ Building has less than five (5) residential units.
- ☒ Building does not have large openings in the ground-story.
- ☐ Building was seismically retrofitted with permit no. B

Based on the documentation you provided, we have determined that the building is exempt from the Soft-Story ordinance, and it will be removed from the Soft-Story list (no further action by you is necessary).

Should you have any questions please leave a message on the Code Enforcement voicemail at 510-238-6402.

Sincerely,

RAYMOND M. DERANIA
Deputy Director