

APPROVED AS TO FORM AND LEGALITY

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCIL PRESIDENT PRO TEMPORE KALB

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**ADOPT A RESOLUTION DIRECTING THE CITY ADMINISTRATOR TO WITHIN EIGHTEEN (18) MONTHS: (1) STUDY AND PRESENT TO THE CITY COUNCIL A STRATEGY FOR DEVELOPING A CITYWIDE PROGRAM THAT INCLUDES MANDATORY STANDARDS FOR EARTHQUAKE HAZARD REDUCTION OF EXISTING MULTI-STORY NON-DUCTILE CONCRETE BUILDINGS, AND DEVELOPING AN INVENTORY OF AND SCHEDULE FOR MANDATORY RETROFITTING OF EXISTING MULTI-STORY NON-DUCTILE CONCRETE BUILDINGS, AND (2) PRESENT A STATUS REPORT ON AN ORDINANCE REQUIRING THE RETROFITTING OF SUCH BUILDINGS IN ORDER TO PROTECT THE LIFE AND SAFETY OF OAKLAND RESIDENTS AND WORKERS, WITH THE GOAL OF PRESENTING AN ORDINANCE FOR THE PROGRAM TO THE CITY COUNCIL WITHIN TWO YEARS**

**WHEREAS**, the City of Oakland (“City”) is located in a geologic area of high seismicity and prone to earthquakes of significant magnitude; and

**WHEREAS**, world leading experts and scientists in seismicity have predicted major seismic activity in the Northern California region in the near future with catastrophic destruction potential; and

**WHEREAS**, a fault line known as the Hayward Fault runs through the extent of the City and the City of Oakland Safety Element has deemed the Hayward Fault an active earthquake fault; and

**WHEREAS**, earthquakes and seismic activity are known to have the potential to cause significant damage to buildings and related occurrences of possible injury, death, resident displacement, interruption to business and economic continuity; and

**WHEREAS**, the City’s inventory of older buildings, specifically multi-story, non-ductile concrete buildings, have been proven to have substandard performance in earthquakes; and

**WHEREAS**, prior building retrofit requirements of the City, such as the Mandatory Retrofitting of Soft-Story Buildings, resulted and continues to result in the strengthening and

retrofitting of some buildings; but many structures, such as multi-story non-ductile concrete buildings, remain un-retrofitted; and

**WHEREAS**, there are policies in Chapter 5 of the Safety Element of the City's General Plan that direct the study and evaluation of buildings that may be at risk in earthquakes, including those made of multi-story non-ductile (or inflexible) concrete; and

**WHEREAS**, it has been determined by experts, and is cited in the City's Safety Element, that use of multi-story, non-ductile concrete material was one of the factors associated with rampant building collapse caused by the February 2023 earthquakes in Turkey; and

**WHEREAS**, the safety of the City's residents, workforce, and visitors are of paramount concern to the City; and

**WHEREAS**, updating the City's requirements for seismic retrofit and strengthening of multi-story, non-ductile concrete buildings will allow greater performance of buildings during earthquakes and aftershocks and will lessen the chance of injury, death, and significant damage to buildings; and

**WHEREAS**, seismic retrofit of older, multi-story non-ductile concrete buildings will also provide a greater chance for continuity of building occupancy, business operation and resident habitation after a seismic event; and

**WHEREAS**, the rent increase pass-through allowance for seismic retrofitting expenses on multi-family residential buildings is already in place and should continue for any seismic retrofit requirement for multi-story, non-ductile, concrete buildings.

**WHEREAS**, California Health and Safety Code Sections 19101 and 19162-63.6 authorize and encourage local jurisdictions to establish seismic retrofit standards; and

**WHEREAS**, California Health and Safety Code Section 18941.5 provides that the City may establish more restrictive building standards if they are reasonably necessary due to local climatic, geological or topographical conditions; and

**WHEREAS**, based upon the above findings, which are adopted concurrently with this Resolution, the City Council has found that certain modifications and additions to the California Building Standards Code, relating to seismic retrofit, may be reasonably necessary based upon local climactic, topographic, and geological conditions and thereby requests the City Administrator, or their designee, to study and provide an update on this issue;

**WHEREAS**, the City Council also finds there is a need for a program to mandate the retrofitting of existing multi-story non-ductile concrete buildings to protect the life and safety of Oakland residents and workers; and now, therefore, be it

**RESOLVED:** That the City Council hereby adopts the above findings along with this Resolution; and be it

**FURTHER RESOLVED:** That the City Council hereby directs the City Administrator to within eighteen (18) months study and present to the City Council a strategy for developing a citywide program that includes mandatory standards for earthquake hazard reduction of older, existing multi-story, non-ductile concrete buildings, and developing an inventory of and schedule for mandatory retrofitting of existing multi-story, non-ductile concrete buildings; and be it

**FURTHER RESOLVED:** That the City Council hereby directs the City Administrator to within eighteen (18) months present a status report on the preparation of an Ordinance requiring the retrofitting of such buildings in order to protect the life and safety of Oakland residents and workers, with the goal of presenting an Ordinance for the Program to the City Council within two years; and be it

**FURTHER RESOLVED:** That the City Council finds that this Resolution is exempt from the California Environmental Quality Act (“CEQA,” Pub. Res. Code, § 21000 et seq) and the CEQA Guidelines (14 CCR, § 15000 et seq) on the basis that this Resolution directs the City Administration to study options for a retrofitting program, through a future Ordinance, that will assure the maintenance, restoration, or enhancement of existing multi-story, non-ductile concrete buildings throughout the City. As such, this Resolution falls within categorical exemptions under the CEQA Guidelines, as well as the general rule exempting activities where it can be seen with certainty the activities in question will not have a significant effect on the environment. In particular, the Resolution is exempt under Class 7 and Class 8 Exemptions codified in CEQA Guidelines sections 15307 (protection of natural resources) and 15308 (protection of the environment). In addition, the Resolution falls within Class 4 and Class 5 Exemptions, as codified in CEQA Guidelines sections 15304 (minor alterations) and 15305 (minor alterations in land use). The Resolution is also exempt under Class 1, codified at CEQA Guidelines section 15301 (existing facilities) since the program would impact only existing multi-story non-ductile concrete buildings. Resolution is also exempt under the “Common Sense” Exemption set forth in Title 14, California Code of Regulations, Section 15061(b)(3). Further, no exception to these exemptions would apply.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_

ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California