



RESIDENTIAL HOTEL STATEMENT OF EXEMPTION

Planning and Building Department

250 Frank H. Ogawa Plaza
2nd Floor, Suite 2114
Oakland, CA 94612
Tel (510) 238-3911
Fax (510) 238-4730

Instructions

As established by Ordinance No. 13509 C.M.S., if you believe you have evidence that your property is not a Residential Hotel, as defined in Planning Code Section 17.153.020 (see page 4 of this form), you must submit this Statement of Exemption form along with required supporting documentation in person to the Zoning Permit Counter on the 2nd floor of 250 Frank H. Ogawa or via mail to the Planning and Building Department by the **deadline in your notification letter**. If more space is needed than the form provides, additional pages may be attached. Please include the payment of fees (\$473.92) required to process the Statement of Exemption. In order to make the necessary determinations and verify information provided, the City also reserves the right to do inspections of the property, subject to the applicable fees. If the Planning and Building Director determines that the property is not a Residential Hotel, the fee for filing a Statement of Exemption and any inspection fees will be reimbursed. If the Statement of Exemption is denied, you will need to file an Initial Usage Report form within the remainder of the 180 days allotted for submittal of the Initial Usage Report per Code Section 17.153.030(B)(1).

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|---------------------------------------|------------------------|
| 1. GENERAL INFORMATION | |
| Name of Applicant: | Contact Number: |
| Mailing Address: | Email Address: |
| Site Address: | |
| Site Assessor's Parcel Number: | |
| <i>Office Use Only</i> | |
| <i>Receive Date:</i> _____ | |

Para un intérprete en español u otra ayuda, por favor envíe un correo electrónico cferracane@oaklandnet.com o llame al (510) 238-3903.

你需要手語, 西班牙語, 粵語或國語翻譯服務嗎? 請在會議前五個工作天電郵 dthai@oaklandnet.com 或致電 (510) 238-3584

2. PROPERTY OWNER AND APPLICANT INFORMATION

Owner: _____
Owner Mailing Address: _____
City/State: _____ **Zip:** _____
Phone No.: _____ **Fax No.:** _____ **E-mail:** _____

To be completed only if Applicant is not the Property Owner:

I authorize the applicant indicated below to submit the application on my behalf. _____

Applicant (Authorized Agent), if different from Owner: _____
Applicant Mailing Address: _____
City/State: _____ **Zip:** _____
Phone No.: _____ **Fax No.:** _____ **E-mail:** _____

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies may result in the revocation of determinations, as decided by the Planning and Building Director. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature above.

I certify that statements made to me about the time it takes to review and process this application are general. I am aware that the City has attempted to request everything necessary for an accurate and complete review of my proposal; however, that after my application has been submitted and reviewed by City staff, it may be necessary for the City to request additional information and/or materials. I understand that any failure to submit the additional information and/or materials in a timely manner may render the application inactive and that periods of inactivity do not count towards statutory time limits applicable to the processing of this application.

I HEREBY CERTIFY, UNDER PENALTY OF PERJURY, THAT ALL THE INFORMATION PROVIDED ON THIS APPLICATION IS TRUE AND CORRECT.

Signature of Owner or Authorized Agent

Date

4. DEFINITIONS - Planning Code Section 17.153.020, 17.09, 17.10 (for reference only)

“Commercial Activities” include the distribution and sale or rental of goods; the provision of services other than those classified as Civic Activities; and the administrative and research operations of private, profit-oriented firms, other than public utility firms. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

“Commercial Hotel” means a hotel that operates as a Commercial Activity, as defined in Section 17.10.260, which provides lodging to guests that is not used or is not intended to be used as a primary residence.

“Commercial Hotel Unit” means a Rooming Unit or Efficiency Unit, as defined in Section 17.09.040 of the Oakland Planning Code, that operates within a Commercial Hotel or has been granted a Conditional Use Permit for Conversion, as set forth in Section 17.153.050.

“Efficiency dwelling unit” means a dwelling unit containing only a single habitable room other than a kitchen, or containing a total of less than five hundred (500) square feet of floor area.

“Owner” means an owner of record of a Residential Hotel, or an entity or individual with a long-term lease or some form of equitable interest in a Residential Hotel.

“Permanent Residential Activities” include the occupancy of living accommodations on a thirty (30) days or longer basis, with none of the living units under the same ownership or management on the same lot being occupied on a shorter basis; but exclude institutional living arrangements other than state-licensed Residential Care Facilities for six (6) or fewer residents. However, such state-licensed Residential Care Facilities shall be subject to the three hundred (300) foot separation requirement in Section 17.103.010.B. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

“Residential Hotel” is defined in accordance with California Health and Safety Code Section 50519, and means any building built before 1960 containing six (6) or more Rooming Units, as defined in Section 17.09.040, intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by guests, which is also the primary residence of those guests, and where the entrances to the individual units are generally accessed via a shared lobby area. See also the process for Status Determination in Section 17.153.030. Any building or units that are constructed to satisfy the requirements of Section 17.153.050(A) shall be subject to the provisions of this Chapter.

“Residential Hotel Unit” means a Rooming Unit or Efficiency Dwelling Unit, as those terms are defined in Section 17.09.040 of the Oakland Planning Code, intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by guests, which is also the primary residence of those guests, and are located within a Residential Hotel. Any unit that is constructed to satisfy the requirements of Section 17.153.050(A) shall be subject to the provisions of this Chapter.

“Rooming Unit” means a room or suite of rooms, not including a kitchen, designed or occupied as separate living quarters, with or without common boarding provisions, but excluding such rooms where they accommodate a total of three (3) or fewer paying guests within a One Family Dwelling Residential Facility through the main portion of which access may be had to all such rooms; provided that in the case of student dormitories and similar group living arrangements, each two beds shall be deemed a rooming unit.

“Semi-Transient Residential Activities” include the occupancy of living accommodations partly on a thirty (30) days or longer basis and partly for a shorter time period, but with less than thirty percent (30%) of the living units under the same ownership or management on the same lot being occupied on a less-than-thirty (30) day basis; but exclude institutional living arrangements involving the provision of a special kind of care or forced residence, such as in nursing homes, orphanages, asylums, and prisons. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.

“Transient Habitation Commercial Activities” include the provision of lodging services to transient guests on a less-than thirty (30) day basis, other than in the case of activities classified by Section 17.10.120 Semi-Transient Residential Activities or Section 17.10.125 Bed and Breakfast Residential Activities. Examples include hotels and motels. This classification also includes certain activities accessory to the above, as specified in Section 17.10.040.