

City of San Clemente

Qualified STLU Operator Amortization Extension

Community Development Department, 910 Calle Negocio, San Clemente, California 92673



Based on the terms of the settlement agreement in *San Clemente Coastal Access Alliance et al. v. City of San Clemente, et al.*, qualified operators of a short-term lodging unit (STLU) may apply for an amortization extension. The term “Qualified STLU Operator” shall mean an individual or entity that, on June 16, 2018, based on current City records:

1. Possessed a valid STLU operator permit to operate an STLU located in a Residential Low (“RL”) or Residential Very Low (“RVL”) zone;
2. Possessed a valid STLU operator permit to operate an STLU located in the Coastal Zone;
3. Had timely paid all Temporary Occupancy Tax payments due and owing as of June 16, 2018; and
4. Has not committed sufficient violations of the San Clemente Municipal Code to cause the City to initiate revocation proceeding under San Clemente Municipal Code Section 3.24.067(A).

The term “Qualified STLU Operator” shall also mean an individual or entity that, on May 17, 2016, based on current City records:

1. Possessed a valid STLU operator permit to operate an STLU located in the areas depicted on the overlay maps attached hereto as Exhibit B;
2. Possessed a valid STLU operator permit to operate an STLU located in the Coastal Zone;
3. Had timely paid all Transient Occupancy Tax payments due and owing as of May 17, 2016;
4. Has not committed sufficient violations of the San Clemente Municipal Code to cause the City to initiate revocation proceeding under San Clemente Municipal Code Section 3.24.067; and
5. Could not obtain an STLU operator permit after passage of the 2018 STLU Ordinances for the sole reason that the applicant was not one of the first five successful applicants for a STLU operator permit for an unit within a multi-family-dwelling structure, and approval of the applicant’s application would have changed the multi-family-dwelling structure’s parcel classification to a hotel or motel use. However;
6. An otherwise qualified STLU Operator will not be considered a Qualified STLU Operator if granting the operator an extended amortization period and STLU operator permit would result in a single multi-family-dwelling structure having more than 20% of its units operated as an STLU.

Refer to the full terms of the settlement agreement for more information. **THE APPLICATION DEADLINE IS MONDAY, JULY 27, 2020 at 5:00 PM.** Please submit completed application form by either: (1) Emailing a .pdf copy to Planning@San-Clemente.org; or (2) Mailing or dropping off a hard copy at City Hall located at 910 Calle Negocio, San Clemente, CA 92673. Applications received after the deadline will not be considered for an amortization extension.

Please note that, if approved, this amortization extension shall extend to May 17, 2026, or until the sale or transfer of the property, whichever occurs first, provided that the STLU or STAR is operated according to the operational standards of the San Clemente Municipal Code with a valid STLU operating permit and in accordance with other local, state, and federal laws.

For questions, please contact the Planning Division at (949) 361-6197 or by email: Planning@San-Clemente.org.

APPLICATION FORM

Qualified STLU Operator Amortization Extension



PART 1: BACKGROUND INFORMATION

Please fill out all applicable spaces.

STLU Property Address:			
Property Owner Information			
Property Owner Name			
Property Owner Mailing Address		Street Address	
		City	State Zip Code
Property Owner Phone Number			
Property Owner E-Mail Address			
Agent Information			
Agent / Property Manager Name			
Agent / Property Manager Mailing Address		Street Address	
		City	State Zip Code
Agent / Property Manager Phone Number			
Agent / Property Manager E-Mail Address			
*Emergency Contact Person Name			
*Emergency Contact Phone Number			
* Emergency contact person shall be available 24-hours to respond, on-site if requested, within 30 minutes to complaints about the condition, operation, or conduct of STLU renters or their guests.			
STLU Property Information			
Square Footage of STLU		Number of Bedrooms	
Maximum Number of Overnight Renters/Guests **		Number of Legal Off-Street Parking Spaces	Garage/Carport
			Driveway (Uncovered)
Is the Property Governed by an HOA?	Yes No	Name of Governing HOA	
Is the STLU advertised online?	Yes	Website Address	
	No	Website Listing Number	

PART 2: ELIGIBILITY

Please answer each question.

Location			
In what area is the STLU property located? Circle one.	Residential Low (RL) Zone	Buena Vista Area	
	Residential Very Low (RVL) Zone	Montalvo/Lobeiro Area	
Legally Established			
Did the owner possess a valid STLU operator permit to operate a STLU located in the Coastal Zone?			Yes No
If so, what is the STLU operator permit number?			

Transient Occupancy Tax (TOT)	
Did the owner timely pay all TOT payments due and owed while the STLU operator permit was valid?	Yes No
If no TOT payments were owed to the City due to the STLU not being operational (e.g., long-term lease), did the owner file a "zero return" with the City? Circle one.	Not Applicable (N/A) Yes No
Municipal Code Violations	
Has the City initiated revocation proceedings related to Municipal Code violations associated with the prior operation of the STLU?	No Yes

Declaration Under Penalty of Perjury and Acknowledgement (*Required*)

I declare under penalty of perjury under the laws of the State of California, that the information that I have provided in this application is true and correct.

I also acknowledge (1) prior receipt and notice of the City's standard STLU conditions, (2) that I and others who act on my behalf must abide by these requirements, as well as all others imposed by the San Clemente Municipal Code and by state and federal law and regulation, in order to enjoy the benefit of the extended amortization period, and (3) that I may lose this benefit if I do not comply.

Property Owner's Name: _____

Property Address: _____

Property Owner's Signature _____ Date _____

FOR CITY USE ONLY	
Permit No.: _____	Submittal Date: _____
STAFF DETERMINATION:	
<input type="checkbox"/> APPROVED. This request meets the eligibility requirements for approval of an amortization extension pursuant to the <i>Coastal Access Alliance et al. v. City of San Clemente</i> settlement agreement. Proceed to Business Licensing to obtain a STLU Operators Permit. The property may not be rented for short-term lodging until a valid operators permit is issued by the City.	
<input type="checkbox"/> NOT APPROVED. This request does not meet the eligibility requirements for approval of an amortization extension.	
Signature: _____	Date: _____
Planner Name, Title: _____	