

CALIFORNIA COASTAL COMMISSION

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F20e

Prepared October 7, 2021 for October 15, 2021 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Esme Wahl, Coastal Planner

**Subject: STAFF REPORT ADDENDUM for F20e
LCP Amendment Number LCP-3-SLO-21-0024-1-Part C (DeCicco Property
Redesignation)**

The purpose of this addendum is to correct two minor and inadvertent errors in the staff report (dated prepared September 24, 2021) for the above-referenced item. Specifically, in the time since the staff report was distributed, the affected property owner, Franco DeCicco, and County staff have asked Commission staff to clarify the staff report discussion regarding Mr. DeCicco's prior lawsuit against the Commission (related to the hotel project that was denied by the Commission on appeal in 2018) and his reason for requesting a re-designation of his property from Commercial Retail to Residential Single-Family. Thus, the staff report is modified as shown below (where applicable, text in underline format indicates text to be added, and text in ~~strikethrough~~ format indicates text to be deleted). Importantly, these changes are minor corrections that do not alter the basic staff recommendation (which is still certification if modified to designate the subject property Residential Multi-Family) or the reasons for it.

Modify text in the second paragraph on staff report page 1 as follows:

... Most recently, Mr. DeCicco proposed a 19-unit hotel on the site, but, following the completion of litigation filed by Mr. DeCicco against the Commission's action determining that the County CDP decision was appealable to the Coastal Commission ~~substantial issue determination~~ (on which the Commission prevailed), the Commission found a substantial issue and took jurisdiction over the subject CDP application, and ultimately denied the hotel on appeal in 2018, primarily due to concerns over its proposed size, scale, and massing in the public viewshed (CDP Application A-3-SLO-09-058 (Cayucos Del Mar Hotel)). ...

Modify text in footnote 9 on staff report page 8 as follows:

Mr. DeCicco initially challenged whether the County's CDP approval was appealable to the Commission, and the Commission then held a public hearing and took an action determining that the County's approval was an appealable action on August 12, 2009 (Dispute Resolution 3-09-015-EDD). Mr. DeCicco sued the Commission over that

~~action, and The Commission found substantial issue on Appeal Number A-3-SLO-09-058 on August 12, 2009, and Mr. DeCicco subsequently sued the Commission over that determination, in part claiming that the County's GDP decision was not appealable. Ultimately, the Commission prevailed in that litigation in the Second District Court of Appeal, where the Commission's action was upheld in a published case. The Commission then found substantial issue and took jurisdiction over the subject CDP application on November 4, 2009.~~

Modify the third paragraph on staff report page 8 as follows:

*Although the Commission did not indicate as much in denying his project, focusing instead on the issues with the project as proposed in that case and not the use and/or some neighbor opposition to the use in general, Mr. DeCicco apparently believes that the Commission will not approve a hotel on the subject site is infeasible due to potential neighbor opposition. Based on this belief, Mr. DeCicco has requested that the County change the LCP designation for the property to Residential Single-Family, and this proposed amendment would do just that. See **Exhibit 3** for the proposed LUP re-designation.*