



Planning Commission
AGENDA

Wednesday, November 13, 2024, 6:00 p.m.

Council Chambers, 990 Palm Street, San Luis Obispo

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INSTRUCTIONS FOR PUBLIC COMMENT:

Public Comment prior to the meeting (must be received 3 hours in advance of the meeting):

Mail - Delivered by the U.S. Postal Service. Address letters to the City Clerk's Office at 990 Palm Street, San Luis Obispo, California, 93401.

Email - Submit Public Comments via email to advisorybodies@slocity.org. In the body of your email, please include the date of the meeting and the item number (if applicable). Emails *will not* be read aloud during the meeting.

Voicemail - Call (805) 781-7164 and leave a voicemail. Please state and spell your name, the agenda item number you are calling about, and leave your comment. Verbal comments must be limited to 3 minutes. Voicemails *will not* be played during the meeting.

**All correspondence will be archived and distributed to members, however, submissions received after the deadline may not be processed until the following day.*

Public Comment during the meeting:

Meetings are held in-person. To provide public comment during the meeting, you must be present at the meeting location.

Electronic Visual Aid Presentation. To conform with the City's Network Access and Use Policy, Chapter 1.3.8 of the [Council Policies & Procedures Manual](#), members of the public who desire to utilize electronic visual aids to supplement their oral presentation must provide display-ready material to the City Clerk by 12:00 p.m. on the day of the meeting. Contact the City Clerk's Office at cityclerk@slocity.org or (805) 781-7114.

1. CALL TO ORDER

Chair Cooley will call the Regular Meeting of the Planning Commission to order.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

At this time, people may address the Commission about items not on the agenda. Comments are limited to three minutes per person. Items raised at this time are generally referred to staff and, if action by the Commission is necessary, may be scheduled for a future meeting.

3. CONSENT

Matters appearing on the Consent Calendar are expected to be non-controversial and will be acted upon at one time. A member of the public may request the Planning Commission to pull an item for discussion. The public may comment on any and all items on the Consent Agenda within the three-minute time limit.

3.a CONSIDERATION OF MINUTES - SEPTEMBER 25, 2024 PLANNING COMMISSION MINUTES

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Recommendation:

To approve the Planning Commission Minutes of September 25, 2024.

4. PUBLIC HEARING

Note: Any court challenge to the action taken on public hearing items on this agenda may be limited to considering only those issues raised at the public hearing or in written correspondence delivered to the City of San Luis Obispo at, or prior to, the public hearing. If you wish to speak, please give your name and address for the record. Please limit your comments to three minutes; consultant and project presentations limited to six minutes.

4.a **280 CALIFORNIA BLVD. (USE-0625-2024) RE-REVIEW OF AN EXISTING CONDITIONAL USE PERMIT FOR A FRATERNITY**

9

Recommendation:

Adopt the Draft Resolution to modify the Conditional Use Permit, based on updated required findings and subject to revised conditions of approval. The project is categorically exempt from environmental review under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

5. COMMENT AND DISCUSSION

5.a **2025-2027 PLANNING COMMISSION GOAL-SETTING**

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Recommendation:

Review the 2023-2025 Planning Commission (PC) goals, take public testimony, and identify PC goals and work program items for the 2025-2027 Financial Plan.

5.b **STAFF UPDATES AND AGENDA FORECAST**

Receive a brief update from Deputy Community Development Director Tyler Corey.

6. ADJOURNMENT

The next Regular Meeting of the Planning Commission is scheduled for **December 11, 2024 at 6:00 p.m. in the Council Chambers** at City Hall, 990 Palm Street, San Luis Obispo. The Regular Meeting of November 27, 2024 will be cancelled due to the Thanksgiving Holiday.

LISTENING ASSISTIVE DEVICES for the hearing impaired--see the Clerk

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<https://www.slocity.org/government/mayor-and-city-council/agendas-and-minutes>.



Planning Commission Minutes

September 25, 2024, 6:00 p.m.

Council Chambers, 990 Palm Street, San Luis Obispo

Planning
Commissioners
Present:

Commissioner Sheryl Flores, Commissioner Bob Jorgensen,
Vice Chair Dave Houghton, Chair Justin Cooley

Planning
Commissioners
Absent:

Commissioner Steve Kahn, Commissioner Juan Munoz-Morris,
Commissioner Eric Tolle

City Staff Present:

Deputy Community Development Director Tyler Corey, Assistant
City Attorney Markie Kersten, Megan Wilbanks, Deputy City
Clerk, Deputy City Clerk Sara Armas

1. CALL TO ORDER

A Regular Meeting of the San Luis Obispo Planning Commission was called to order on September 25, 2024 at 6:00 p.m. in the Council Chambers at City Hall, 990 Palm Street, San Luis Obispo, by Chair Cooley.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Public Comment:

None

--End of Public Comment--

3. CONSENT

3.a CONSIDERATION OF MINUTES - SEPTEMBER 11, 2024 PLANNING COMMISSION MINUTES

Motion By Vice Chair Houghton

Second By Commissioner Flores

To approve the Planning Commission Minutes of September 11, 2024.

Ayes (4): Commissioner Flores, Commissioner Jorgensen, Vice Chair Houghton, and Chair Cooley

Absent (3): Commissioner Kahn, Commissioner Munoz-Morris, and Commissioner Tolle

CARRIED (4 to 0)

4. PUBLIC HEARING

4.a REVIEW OF PROPOSED STREET ABANDONMENT AND DETACHMENT APPLICATIONS TO ACCOMMODATE A NEW CAL POLY FACULTY AND STAFF HOUSING DEVELOPMENT AND CORRECT HISTORICAL BOUNDARY CROSSINGS ON SLACK STREET AND HATHWAY (ANNX-0219-2024, STAB-0038-2024)

Senior Planner Callie Taylor presented the staff report and responded to Commission inquiries. Public Works Director Matt Horn and Fire Marshal Kim Rapp responded to questions raised.

Applicant representative, Mike McCormick, Vice President of Facilities for Cal Poly, provided a brief overview of the project and responded to questions raised.

Chair Cooley opened the Public Hearing

Public Comment:

Donley Winger

--End of Public Comment--

Chair Cooley closed Public Comment

Motion By Commissioner Jorgensen

Second By Vice Chair Houghton

Adopt the Draft Resolution, which 1) finds that the right-of-way abandonment and detachment are consistent with the General Plan; 2) considers any constraints or conditions necessary for the street abandonment; and, 3) recommends that the City Council approve the abandonment and detachment applications on Slack Street and Hathway subject to findings and conditions of approval.

"A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN LUIS OBISPO RECOMMENDING THE CITY COUNCIL ADOPT A RESOLUTION OF INTENTION TO ABANDON A PORTION OF SLACK STREET AND RECOMMENDING CITY COUNCIL APPROVE THE DETACHMENT OF ABANDONED AREAS ON SLACK STREET AND PROPERTY ON HATHWAY FROM THE CITY OF SAN LUIS OBISPO (CAL POLY SAN LUIS OBISPO UNIVERSITY) ANNEX-0219-2024, STAB-0038-2024"

Ayes (4): Commissioner Flores, Commissioner Jorgensen, Vice Chair Houghton, and Chair Cooley

Absent (3): Commissioner Kahn, Commissioner Munoz-Morris, and Commissioner Tolle

CARRIED (4 to 0)

5. COMMENT AND DISCUSSION

5.a STAFF UPDATES AND AGENDA FORECAST

Deputy Community Development Director Tyler Corey provided the following update of upcoming projects:

- The October 9th meeting will be cancelled due to lack of items.
- Tentatively scheduled for the October 23rd meeting, is consideration of an Ordinance to amend Municipal Code Title 17 (Zoning Regulations) to update the City's Accessory Dwelling Unit (ADU) regulations to be consistent with State law.

6. ADJOURNMENT

The meeting was adjourned at 7:04 p.m. The next Regular Meeting of the Planning Commission is scheduled for October 23, 2024 at 6:00 p.m. in the Council Chambers at City Hall, 990 Palm Street, San Luis Obispo. The Regular Meeting of October 9, 2024 will be cancelled due to lack of items.

APPROVED BY PLANNING COMMISSION: XX/XX/2024

PLANNING COMMISSION AGENDA REPORT

SUBJECT: 280 CALIFORNIA BLVD. (USE-0625-2024) RE-REVIEW OF AN EXISTING CONDITIONAL USE PERMIT FOR A FRATERNITY

PROJECT ADDRESS: 280 California Blvd. **BY:** Hannah Hanh, Associate Planner
 Phone Number: (805) 781-7432
FILE NUMBER: USE-0625-2024 Email: hhanh@slocity.org

APPLICANT: Alpha Epsilon Pi **FROM:** Tyler Corey, Deputy Director

REPRESENTATIVE: Adam Wechsler, Fraternity President

RECOMMENDATION

Adopt the Draft Resolution to modify the Conditional Use Permit, based on updated required findings and subject to revised conditions of approval. The project is categorically exempt from environmental review under Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

SITE DATA

Applicant	Alpha Epsilon Pi
General Plan Land Use Designation	High Density Residential (HDR)
Zone	High-Density Residential (R-4)
Site Area	Approximately 0.3 acre
Environmental Determination	Categorically exempt from environmental review under CEQA Guidelines Section 15301 (Existing Facilities)

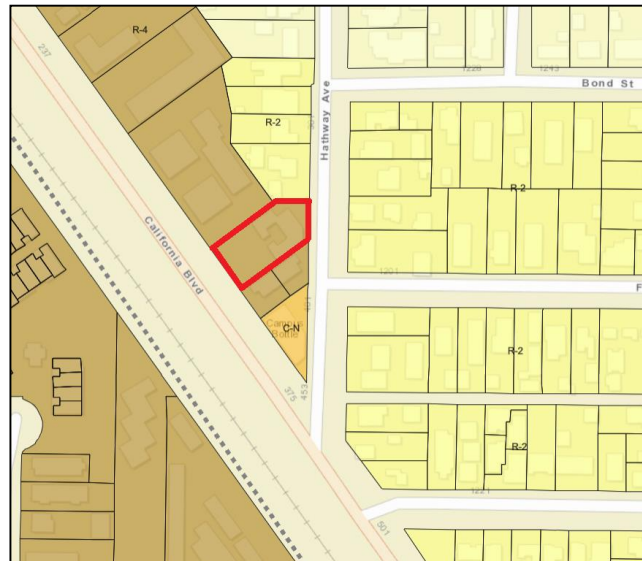


Figure 1 – Project Site

SUMMARY

On August 2, 1983, Alpha Epsilon Pi (Applicant) obtained approval of a Use Permit to allow their fraternity at 280 California Boulevard. Since the approval of this Use Permit, the Applicant has resided at and utilized the property for fraternity activities. Due to recent noise violations, the Community Development Director (Director) is referring the existing Conditional Use Permit to the Planning Commission for re-review. Re-review of the Conditional Use Permit may result in (a) added, modified, and/or removed conditions of approval to allow continuation of the fraternity in a manner compatible with existing and proposed uses in the vicinity; or (b) revocation if the required findings cannot be made.

USE-0625-2024
 Planning Commission Report – November 13, 2024

1.0 PROJECT BACKGROUND

1.1 Prior Conditional Use Permit Review and Approval

On August 2, 1983, the City Council denied an appeal and upheld the Planning Commission's approval of a Use Permit, U1099, to establish the fraternity for Alpha Epsilon Pi at 280 California Boulevard (Attachment B – Resolution No. 5189 [1983 Series]). Approval of the Use Permit included a residential addition/remodel and various site improvements to facilitate a 10-bedroom, approximate 3,680 square foot residence and 19 parking spaces to allow up to 19 residents. Since the approval of this Use Permit, the Applicant has improved and used the project site as their residence and for their fraternity activities.

1.2 History of Recent Violations and Code Enforcement Actions

On March 13, 2024, a Notice to Correct Code Violation(s) / Notice of Violation (i.e., courtesy warning) was issued due to multiple, confirmed code violations (Attachment C – Notice to Correct Code Violation(s), dated March 13, 2024). Records from the Police Department indicate that six (6) citations were issued for noise violations in 2023. After issuing this Notice, staff made contact with the property manager to discuss these issues.

On June 19, 2024, a subsequent Notice of Violation was issued due to multiple, confirmed Use Permit and code violations (Attachment D – Notice of Violation, dated June 19, 2024). Records from the Police Department indicate that three (3) citations were issued for noise violations after 10:00 p.m. in May 2024. After issuing this Notice, staff engaged in follow-up conversations with the property owner, property manager, and fraternity over the next several months to discuss these issues, including the referral for re-review by the Planning Commission.

1.3 Planning Commission's Purview / Changes to the Municipal Code

Due to repeat noise violations by the fraternity, the Director is referring the Use Permit to the Planning Commission for re-review in accordance with Condition No. 5 of Use Permit, U1099 (Resolution No. 5189). Condition No.

5 states the following:

“Use Permit shall be reviewed by the Planning Commission at any time, if any reasonable written citizen or Police Department complaint is received by the city. In review of the use permit, the Planning Commission may add, delete, or modify conditions of approval or may revoke the use permit.”

Municipal Code Changes

Since the approval of the original Use Permit, U1099, in 1983, it should be noted that there have been codified changes to the Municipal Code. These changes include updated findings and criteria for approval for fraternities as well as code requirements that directly address concerns regarding noise, public disturbances, and other disorderly conduct, as summarized below.

USE-0625-2024
 Planning Commission Report – November 13, 2024

Requirements for Approval

Per [Table 2-1](#) (Uses Allowed by Zone), the establishment of a fraternity in the R-4 zone requires approval of a Conditional Use Permit. Approval of a Conditional Use Permit for a fraternity is subject to the requirements, listed below, to ensure its consistency with the [General Plan](#) and [Zoning Regulations](#) and its compatibility with existing and future land uses in the vicinity:

- [Section 17.110.060](#) (Minor Use Permits and Conditional Use Permits – Criteria for Approval)
- [Section 17.110.070](#) (Minor Use Permits and Conditional Use Permits – Required Findings)
- [Section 17.86.130\(B\)](#) (Fraternities and Sororities – Required Findings)

Any changes (i.e., additions, modifications, and/or removals) to the conditions of approval for this Use Permit by the Planning Commission would consider the nature of the violations and the ability to make these required findings for allowing a fraternity.

Standard Conditions for Fraternities

Standard conditions for fraternities and sororities, outlined in [Section 17.86.130\(A\)](#) (Fraternities and Sororities – Applicability), were established as part of the comprehensive update to Title 17 (Zoning Regulations) in 2018. These standard conditions limit the number of permitted residents, regulate the number of attendees for meetings and gatherings, require affiliation and good standing with the university, and establish a responsible contact for the fraternity.

Title 9 (Public Peace, Morals, and Welfare) Updates

Since 1983, there have been incremental improvements as codified changes to [Title 9](#) (Public Peace, Morals, and Welfare) that directly address concerns regarding noise, public disturbances, and other disorderly conduct, regardless of a Use Permit approval. These code requirements apply to all uses in the City, and the key chapters that apply to fraternity activities are identified below:

- [Chapter 9.12](#) (Noise Control)
 - Ordinance adopted in 1985, latest revision in 2010
- [Chapter 9.13](#) (Unruly Gatherings)
 - Ordinance adopted in 2010, revised in 2015
- [Chapter 9.22](#) (Safety Enhancement Zones)
 - Ordinance adopted in 2004, latest revision in 2024

Improvements to Language in Conditions of Approval

In addition, should there be any imprecise language in the conditions of older Use Permit approvals that can, and should be, improved in a manner consistent with both Municipal Code limitations and constitutional requirements, staff recommends more precise language to reflect legally compliant conditions and to enhance clarity in enforcement for more recent fraternity applications and re-reviews.

USE-0625-2024

Planning Commission Report – November 13, 2024

2.0 PROJECT ANALYSIS

Staff has evaluated the fraternity and its noise violations against current standards and regulations, including the updated findings and criteria for approval as well as code requirements. At this time, staff recommends the Planning Commission allow continuation of the fraternity subject to a modified Use Permit, instead of revocation of the Use Permit. Updated findings and revised conditions are recommended based on the following analysis. The re-review, and any subsequent changes to the conditions of approval, are documented as part of an updated Conditional Use Permit, USE-0625-2024, application.

2.1 Consistency with the General Plan / Zoning Regulations

The project is consistent with the intent of both the High-Density Residential land use designation and zone, which allow dense housing in proximity to concentrations of employment and college enrollment. In addition, the project would advance [Land Use Element](#) Policy 2.6.5 (Fraternities & Sororities) and [Housing Element](#) Policy 8.5 (Special Housing Needs) by locating a fraternity in a High-Density residential area within 0.3-mile of Cal Poly SLO campus.

Fraternity Use – Standard Conditions

As outlined in [Section 17.86.130\(A\)](#) (Fraternities and Sororities – Applicability), standard conditions shall apply to the fraternity, as follows:

- Number of Residents – Occupancy shall be limited to not more than one (1) resident per 60 square feet of building area. The landlord shall allow the City to verify occupancy by allowing an inspection of the records or a visual inspection of the premises. Any inspection shall be at a reasonable time and shall be preceded by a 24-hour notice to the residents.

The project site contains an approximate 3,680 square foot residence with 10 bedrooms. The fraternity shall be limited to a maximum of 19 residents (approximately 194 square feet per resident), consistent with the prior Use Permit approval, because it is anticipated that all bedrooms, except for one (1), would provide for two (2) residents (Condition No. 3). The property owner shall also allow the City to verify occupancy by allowing an inspection of records or visual inspection of the premises at a reasonable time with at least 24-hour notice to the residents (Condition No. 3).

- Routine Gatherings – The maximum number of persons allowed on site for routine meetings and gatherings shall not exceed the limit established by the applicable Conditional Use Permit.

Prior approvals of Conditional Use Permits to establish fraternities/sororities have limited the number of people onsite for routine meetings and gatherings to 1.5 times the number of average population density. This calculation takes into consideration the number of residents, areas inside buildings, and number of parking spaces available in the vicinity.

Per Table 4 (Residential Population Assumptions) of the Land Use Element, the High Density Residential (HDR) land use designation, which corresponds to the R-4 zone where fraternities may be permitted, has an average population density of 55 people per acre. The project site at 280 California Blvd. is approximately 0.3-acre in size, which results in an average of 16.5 people for the property. Based on past practice, the maximum number of people for routine meetings and gatherings for this fraternity shall be limited to 25 people (rounded up from $24.75 = 16.5 \text{ people} \times 1.5$) (Condition No. 4).

- University Affiliation – The fraternity or sorority shall remain affiliated and in good standing with the Interfraternity Council of Student Life and Leadership at California Polytechnic University, San Luis Obispo. If the fraternity or sorority becomes unaffiliated or no longer held in good standing with California Polytechnic University, the Conditional Use Permit shall be revoked.

For the life of the organization, the fraternity shall remain affiliated and in good standing with the Interfraternity Council of Student Life and Leadership at California Polytechnic University, San Luis Obispo. If the fraternity becomes unaffiliated or is no longer in good standing, the Conditional Use Permit shall be revoked (Condition No. 5).

- Contact Information – The landlord shall provide names and telephone numbers of responsible persons to the Community Development Department and Neighborhood Services Manager of the Police Department on an annual basis. Responsible persons shall be available during all events and at reasonable hours to receive and handle complaints.

For the life of the organization, the fraternity shall provide the name and contact information (i.e., phone number and email address) of all responsible parties to the Community Development Department and Neighborhood Services Manager of the Police Department on an annual basis. If there is a change to the name and/or contact information of any responsible parties, the Community Development Department and Neighborhood Services Manager shall be notified immediately (Condition No. 6).

Parking Requirements

Per [Table 3-4](#) (Parking Requirements by Use), a fraternity is required to provide one (1) space per 1.5 occupants or 1.5 spaces per bedroom, whichever is greater. While the fraternity is required to provide 15 onsite spaces, based on 19 residents and a 10-bedroom residence, the original Use Permit approval required a greater number of 19 parking spaces to address concerns related to anticipated parking demand. As such, the fraternity shall continue to provide 19 spaces onsite (Condition No. 8).

Instead of only providing a maximum of six (6) bicycle spaces per the original Use Permit (Condition No. 2 of Resolution No. 5189), this requirement has been removed because the fraternity would be required to provide a higher number of bicycle spaces to comply with current bicycle requirements in [Table 3-6](#) (Parking Requirements by Use). Based on a maximum of 19 residents, the fraternity would be required to provide a minimum of 19 bicycle spaces (one per bed for each resident) (Condition No. 13).

2.2 Conditions to Address Noise and Large Gatherings

Based on recent noise violations, staff recommends the following new conditions, which are consistent with language in conditions of more recent approvals, to address concerns related to noise and large gatherings:

- Condition No. 2 establishes clear thresholds for re-reviews should future violations occur.
 - Note – This condition would replace procedures for handling complaints and re-reviews identified in Conditions No. 5 and 13 of the original Use Permit, U1099.
- Condition No. 4 limits routine meetings and gatherings to 25 people. Any event that includes more than 25 people is considered a special event and will require a separate, follow-up application for more detailed review.
 - Note – This condition would address concerns related to large gatherings and replace Conditions No. 12 and 14 of the original Use Permit, U1099.
- Condition No. 9 includes an extended range of hours between 10:00 p.m. and 9:00 a.m. (instead of only between 10:00 p.m. and 7:00 a.m. as required by the Municipal Code) for regular compliance with a lower exterior noise limit.
 - Note – This condition would directly address noise concerns and replace Condition No. 12 of the original Use Permit, U1099. It should be noted that people in private residences (e.g., residents of the fraternity) are legally allowed to gather and meet with guests without government interference into their private residences, relationships, and associations, provided that the number and conduct of those residents and guests conform to applicable regulations. Due to constitutional concerns with placing a condition that limits the type of people in private residences (i.e., residents vs. non-residents), Condition No. 9 was written to directly address noise concerns by identifying an extended range of hours between 10:00 p.m. and 9:00 a.m. for regular compliance with a lower exterior noise limit.
- Condition No. 10 requires that the fraternity establish and maintain ongoing communication with its neighbors in the vicinity.
- Condition No. 11 states that amplified noise-generating activities are prohibited.
- Conditions No. 4, 10, and 11 clarify that any requested exceptions from the Noise Ordinance will not be approved by the Director.

2.3 Other Changes to the Conditions

As part of the re-review, staff recommends revising the conditions to reflect updated language and for consistency with more recent approvals.

Other Conditions with Updated Language

Limitations and/or requirements detailed in Conditions No. 1, 2, 3, 8, 10, 11, and 14 of the original Use Permit, U1099, regulate the number of residents and parking spaces, and large gatherings. Most of these requirements are addressed as updated, standard conditions for fraternities and have been incorporated as recommended Conditions No. 1, 3, 4, 7, and 8 in the re-review.

Removed Conditions

Conditions No. 4, 6, 7, 9, 15, 16, 17, and 18 of the original Use Permit, U1099, required immediate improvements that have been satisfied (e.g., installation of replacement trees, smoke detectors, fire extinguishers, retaining walls, street frontage improvements, etc.) or are no longer relevant (i.e., street yard reduction along Hathway Avenue now meets the current street yard setback requirement). Therefore, these conditions are removed from the recommended conditions of this re-review.

3.0 ENVIRONMENTAL REVIEW

The project is exempt from environmental review under Section 15301 (Existing Facilities) of the CEQA Guidelines because it includes the continued operation and permitting of an existing residential use (i.e., fraternity) with revised findings and conditions of approval. The project does not include construction of a new building or additional building square footage. Therefore, the project involves no expansion of the existing residential use.

4.0 ALTERNATIVES

1. Continue review of the Conditional Use Permit. An action to continue review of the Conditional Use Permit should include a detailed list of additional information or analysis required to make a decision regarding added, modified, and/or removed conditions.
2. Revoke the Conditional Use Permit. An action to revoke the Conditional Use Permit should include findings that cite the basis for revocation and reference inconsistency with the General Plan, Zoning Regulations, and other policy documents.

5.0 ATTACHMENTS

- A - Draft PC Resolution (USE-0625-2024)
- B - Resolution No. 5189 (1983 Series) (Approval of the original Use Permit, U1099)
- C - Notice to Correct Code Violation(s), dated March 13, 2024
- D - Notice of Violation, dated June 19, 2024

RESOLUTION NO. PC-XXXX-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN LUIS OBISPO APPROVING MODIFICATIONS TO AN EXISTING CONDITIONAL USE PERMIT TO ALLOW THE CONTINUATION OF THE FRATERNITY AT 280 CALIFORNIA BOULEVARD. THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER SECTION 15301 (EXISTING FACILITIES) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES AS REPRESENTED IN THE STAFF REPORT AND ATTACHMENTS DATED NOVEMBER 13, 2024 (USE-0625-2024)

WHEREAS, the City Council of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, on August 2, 1983, to review an appeal of the Planning Commission's approval of a Use Permit to allow a fraternity at 280 California Boulevard, pursuant to a proceeding instituted under U1099; Alpha Epsilon Pi, applicant; and

WHEREAS, the City Council of the City of San Luis Obispo denied the appeal and upheld the Planning Commission's approval of the Use Permit, U1099, on August 2, 1983, after duly considering all evidence, including testimony of the applicant and general public and evaluation, and recommendations by staff presented at said hearing; and

WHEREAS, the City received complaints and issued citations for multiple, verified noise violations in 2023 and 2024; and

WHEREAS, the Planning Commission of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, on November 13, 2024, for a re-review of the existing Conditional Use Permit to allow the continuation of the fraternity at 280 California Boulevard, pursuant to a proceeding instituted under USE-0625-2024; Alpha Epsilon Pi, applicant; and

WHEREAS, the Planning Commission of the City of San Luis Obispo approved modifications to the Conditional Use Permit, USE-0625-2024, after duly considering all evidence, including the documented noise violations, testimony of the applicant and general public, and evaluation and recommendations by staff presented at said hearing; and

WHEREAS, notices of said public hearings were made at the time and in the manner required by law; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of San Luis Obispo as follows:

SECTION 1. Findings. The Planning Commission hereby approves modifications to the Conditional Use Permit to allow the continuation of the fraternity (USE-0625-2024), based on the following revised findings:

Conditional Use Permit / Fraternity Use

1. The project is consistent with the General Plan because the proposed fraternity is an allowable use as dense group housing in the High Density Residential (HDR) land use designation. In addition, the project would facilitate Land Use Element Policy 2.6.5 and Housing Element Policy 8.6 by locating a fraternity in proximity to the Cal Poly SLO campus and other student-oriented uses and housing.
2. The proposed fraternity is conditionally allowed within the High-Density Residential (R-4) zone. As conditioned, the project complies with applicable provisions of the Zoning Regulations because (a) the maximum number of 19 residents complies with the group housing maximum occupancy limits and (b) the revised parking configuration would provide 19 required spaces for 19 residents and comply with the City's Parking and Driveway Standards to improve the property.
3. The design, location, size, and operating characteristics of the project will be compatible with the existing and future land uses in the vicinity because the proposed fraternity would (a) be established in proximity to other dense group housing (i.e., other fraternities, sororities, multi-family, etc.), (b) located within walking distance (i.e., within 0.3-mile) of the Cal Poly campus, and (c) utilize an existing developed property with minor site improvements (i.e., parking and landscaping improvements).
4. The site is physically suitable in terms of (a) its design, location, shape, size, and operating characteristics of the project; (b) traffic generation and the provision of public and emergency vehicle (e.g., fire and medical) access; (c) public protection services (e.g., fire protection, police protection, etc.); and (d) the provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.). The project is surrounded by other developed properties with compatible dense housing uses, has access to the City's circulation system, and would be served by City utilities. The project utilizes an existing developed property and does not include activities that would generate service or utility demands beyond those anticipated with uses permitted in the vicinity.
5. As conditioned, the project will not be detrimental to the health, safety, and welfare of persons living or working at the site or in the vicinity because conditions have been included that place limits on the number of persons allowed on site, restrict activities, provide adequate parking, and limit potential disturbances to neighboring properties. The project will be compatible with the existing site constraints and the character of the neighborhood.

6. As conditioned, the establishment and subsequent operation or conduct of the project will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project includes conditions that (a) place limits on the number of persons allowed on site, (b) restrict activities, (c) provide adequate parking, and (d) limit potential disturbances to neighboring properties. The project would be compatible with the existing site constraints and the character of the neighborhood.

SECTION 2. Environmental Review. The project is exempt from environmental review under Section 15301 (Existing Facilities) of the CEQA Guidelines because it includes the continued operation and permitting of an existing residential use (i.e., fraternity) with revised findings and conditions of approval. The project does not include construction of a new building or additional building square footage. Therefore, the project involves no expansion of the existing residential use.

SECTION 3. Action. The Planning Commission hereby approves modifications to the Conditional Use Permit to allow the continuation of the fraternity (USE-0625-2024), based on the following revised conditions:

Planning Division – Community Development Department

1. The Conditional Use Permit shall be reviewed by the Community Development Director for compliance with the conditions of approval, or to determine whether a modification of the Conditional Use Permit is necessary upon significant change to the project as represented in the Staff Report dated November 13, 2024, or in the event of a change in ownership which may result in deviation from the project description or approved plans.
2. The Conditional Use Permit shall be reviewed by the Planning Commission as soon as practical if: 1) conduct on the permitted premises results in three (3) citations within any 12-month period for a violation of law or permit condition, 2) that citation is not contested or is upheld on appeal, and 3) the conduct for which the citation was issued resulted in adverse impacts to, or complaints from, residents or occupants of the surrounding neighborhood. At the time of the Conditional Use Permit review, to ensure ongoing compatibility with nearby uses, the conditions of approval may be added, modified, and/or removed, or the Conditional Use Permit may be revoked. The City shall notify Cal Poly if the Use Permit is revoked. A re-review by the Planning Commission shall be accompanied by the appropriate fee.
3. The fraternity shall be limited to a maximum of 19 residents for the property. The property owner shall allow the City to verify the maximum occupancy by allowing an inspection of records or visual inspection of the premises. Any inspection shall be scheduled at a reasonable time with at least 24-hour notice to the residents.

4. Routine meetings and gatherings for the fraternity shall be limited to a maximum of 25 people (rounded up from $24.75 = 16.5 \text{ people} \times 1.5$), except as otherwise approved by the Community Development Director for special events. If the fraternity hosts special events involving more than 25 people, a transportation management plan to reduce impacts to the surrounding neighborhood shall be submitted to the Community Development Department, at least 30 days prior to the event taking place, for review and approval. No exception from the Noise Ordinance shall be approved by the Director as part of the special event.
5. For the life of the organization, the fraternity shall remain affiliated and in good standing with the Interfraternity Council of Student Life and Leadership at California Polytechnic University, San Luis Obispo. If the fraternity becomes unaffiliated or is no longer in good standing, the Conditional Use Permit shall be revoked.
6. For the life of the organization, the fraternity shall provide the name and contact information (i.e., phone number and email address) of all responsible parties to the Community Development Department and Neighborhood Services Manager of the Police Department on an annual basis. If there is a change to the name and/or contact information of any responsible parties, the Community Development Department and Neighborhood Services Manager shall be notified immediately.
7. For the life of the organization, the property shall be maintained in a clean and orderly manner. All landscaping shall be replaced as necessary and maintained (e.g., trimmed, pruned, etc.) to the satisfaction of the Community Development Director.
8. A minimum of 19 parking spaces shall be provided and maintained at all times. These spaces shall remain available to residents of the fraternity and not designated for any individuals not residing on the property.
9. The fraternity use shall comply with Table 1 (Exterior Noise Limits) of Section 9.12.060 (Exterior Noise Limits) between the extended hours of 10:00 p.m. and 9:00 a.m.
10. Prior to a special event approved by the Community Development Director pursuant to Condition No. 4, the fraternity shall provide written notification of the event to occupants within 300 feet of the site. The written notification shall include the date, hours, and contact information for the responsible party for the special event. No exception from the Noise Ordinance shall be approved by the Director as part of the special event.
11. Live entertainment, bands, and/or amplified sounds are prohibited, unless otherwise approved through a special event by the Community Development Department. No exception from the Noise Ordinance shall be approved by the

Director as part of the special event.

- 12. Failure to comply with any of the above conditions or code requirements, or the conduct of the use so as to constitute a violation of Federal, State, or local law, or so as to constitute a public nuisance or so as to cause adverse impacts on the health, safety, or welfare of persons in the vicinity of this use is prohibited and may constitute grounds for the revocation of this permit.
- 13. Within 60 days of the re-review hearing with the Planning Commission on November 13, 2024, the fraternity shall install a minimum of 19 bicycle spaces (one bed for each resident) and contact the City for a follow-up inspection to verify that all required bicycle spaces have been installed.

Indemnification

- 14. The applicant shall defend, indemnify, and hold harmless the City and/or its agents, officers and employees from any claim, action or proceeding against the City and/or its agents, officers, or employees to attack, set aside, void or annul, the approval by the City of this project, and all actions relating thereto, including but not limited to environmental review (“Indemnified Claims”). The City shall promptly notify the applicant of any Indemnified Claim upon being presented with the Indemnified Claim and the City shall fully cooperate in the defense against an Indemnified Claim.

On motion by Commissioner _____, seconded by Commissioner _____, and on the following roll call vote:

- AYES:
- NOES:
- RECUSED:
- ABSENT:

The foregoing resolution was passed and adopted this 13th day of November 2024.

Tyler Corey, Secretary
 Planning Commission

RESOLUTION NO. 5189 (1983 SERIES)

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN LUIS OBISPO
DENYING AN APPEAL AND UPHOLDING A PLANNING COMMISSION ACTION
TO APPROVE USE PERMIT REQUEST ALLOWING A FRATERNITY HOUSE
ALPHA EPSILON PI AT 280 CALIFORNIA BOULEVARD

WHEREAS, the Council of the City of San Luis Obispo considered the appeal by Thomas J. Lee and conducted a public hearing on the matter; and

WHEREAS, the City Council determined that the proposed fraternity house as conditioned will not increase hazards to pedestrian and vehicles on Hathway Street or California Boulevard; and

WHEREAS, the council determined that the proposed fraternity house is consistent with the general plan and zoning ordinance requirements on density and parking; and

WHEREAS, the council concludes that the requested use is appropriate at the proposed site.

WHEREAS, the council finds that a revised site plan with parking and access off of the California Boulevard frontage is safer and more appropriate considering the neighborhood.

NOW, THEREFORE, the council resolves to deny the appeal and uphold the Planning Commission's approval with additional conditions based on the following findings:

1. The proposed use as conditioned will not be detrimental to the health, safety and welfare of persons living or working in the area.
2. The proposed use is appropriate at the proposed location and will be compatible with surrounding land uses.
3. The proposed use conforms to the general plan.
4. The proposed use meets zoning ordinance requirements.
5. The proposed use is categorically exempt from environmental determination, proposed site.

NOW, THEREFORE, BE IT RESOLVED that application No. U1099 is approved subject to the following conditions:

Resolution No. 5189 (1983 Series)
Use Permit U1099
Page 2

1. No more than 19 persons including resident manager shall reside at the house at any time.
2. A minimum of 19 on-site vehicular parking spaces, the maximum number of six bicycle spaces, and three motorcycle space to city standards shall be provided and maintained at all times for the intended use.
3. The property shall be maintained in a clean and orderly manner. All plant materials shall be replaced and maintained as necessary.
4. Applicant shall install two 36-inch box-sized specimen trees as replacement for the palm tree to be removed. Replacement tree type and location shall be as approved by the Architectural Review Commission.
5. Use permit shall be reviewed by the Planning Commission at any time, if any reasonable written citizen or Police Department complaint is received by the city. In review of the use permit, the Planning Commission may add, delete, or modify conditions of approval or may revoke the use permit.
6. Greek letter sign shall be allowed only on the building face or fence in accordance with sign ordinance regulations. Freestanding signs are prohibited. Variation of this condition may be considered if requested, reviewed, and approved by the Architectural Review Commission.
7. Applicant shall install an enclosed trash area to the approval of the Architectural Review Commission.
8. The structure shall be inspected by the Chief Building Official and Fire Marshal for code compliance. The applicant shall post the maximum occupancy limits as set by the Fire Marshal for the safety of persons living in the building, to the approval of the city Fire Marshal.
9. Smoke detectors and fire extinguishers shall be installed to the approval of the Fire Department.
10. Use as a fraternity shall be limited solely to the Alpha Epsilon Pi fraternity. Any other occupancy would require approval by the Planning Commission of an amended use permit.
11. Applicant shall allow the city, at any reasonable time, to verify that the occupancy of the house is limited to the residents, either by allowing an inspection of records or by visual inspection of the premises, provided that the inspection shall be preceded by notice to the residents of not less than one hour.
12. No meetings, parties or other types of activities involving persons other than residents living on the site shall be allowed between the hours of 10:00 p.m. and 9:00 a.m.

Resolution No. 5189 (1983 Series)

Use Permit U1099

Page 3

13. All reasonable written citizen or Police Department complaints received by the Community Development Department shall be forwarded to the representative of the Interfraternity Council and Panhellenic Council for their review and comment prior to review by the Planning Commission in accordance with a complaint review process established between the city and the Interfraternity Council and Panhellenic Council. Said review by representative of the Interfraternity Council and Panhellenic Council shall not include the names of the complaining parties unless said complaining parties consent to the use of their names.
14. Applicant shall prepare a valet-parking plan to be approved by the Community Development Director, and institute valet parking for any scheduled function held at the fraternity house.
15. Applicant shall paint the California Boulevard frontage curb red for a minimum distance of 70 feet on both sides of the driveway ramp serving the site and install "no parking" signs to the satisfaction of the Public Works Department staff.
16. Applicant shall revise the parking and access (driveway ramp) to the satisfaction of the Community Development Department staff.
17. Reduced street yard setback on Hathway Street frontage is hereby approved at 10 feet.
18. Applicant shall install and landscape a masonry wall along the Hathway Street frontage, approximately 5 feet in height, to the satisfaction of the Community Development Director.

On motion of Councilman Settle, seconded by Councilman Dunin,

and on the following roll call vote:


AYES: Councilmembers Settle, Dunin, Dovey, Griffin and Mayor Billig

NOYES: None

ABSENT: Absent

the foregoing resolution was passed and adopted this 2nd. day of August,

1983.


 Mayor Melanie C. Billig

ATTEST:


 City Clerk Pamela Voges



Notice to Correct Code Violation(s)/Notice of Violation
(Courtesy Warning Prior to Issuance of Administrative Citation)

March 13, 2024

Manda Properties LLC
% Comet Realty
1110 California Blvd #C
San Luis Obispo, CA 93401

SUBJECT ADDRESS: 280 California Blvd, San Luis Obispo, CA 93405

APN: 052-072-017

Code Case #: CODE-000074-2024

Dear Property Owner,

City of San Luis Obispo Community Development Department staff noted the following violations of the San Luis Obispo Municipal Code or other relevant codes at the above listed address:

1. Use Permit Violation (SLOMC 17.76.060)

“It shall be unlawful and a public nuisance for any person, firm or corporation, owning, leasing, occupying, or having possession of any private property in the City to maintain such property in such a manner that any of the following conditions are found to exist thereon:

I. Any violation of the provisions of a minor use permit, conditional use permit, planned development permit, architectural review approval, variance, or other land use entitlement or land use permit.”

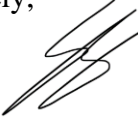
Condition number five of the use permit associated with the property indicates “Use permit shall be reviewed by the Planning Commission at any time, if any reasonable written citizen or Police Department complaint is received by the city. In review of the use permit, the Planning Commission may add, delete, or modify conditions of approval or may revoke the use permit.” Police Department records indicate that six citations were issued at the property in 2023 for noise violations. Due to the multiple, confirmed noise violations and the impact to the surrounding area, Code Enforcement staff will be recommending review of the use permit to the Deputy Director of Community Development. A determination made by the Deputy Director that the evidence submitted warrants review, modification, or revocation of the current use permit by the Planning Commission will be followed by notification to the property owner and other responsible parties.

We request that you voluntarily take action to correct the above noted violation(s). **Immediate compliance is required.** These violations constitute a public nuisance and must be abated. Failure to correct the violation(s) by the specified date will result in the issuance of an Administrative Citation requiring payment of FINES in accordance with SLOMC Chapter 1.24. For Municipal Code violations that remain uncorrected after issuance of an Administrative Citation, the City may seek enforcement by other civil or criminal remedies.

Any person having a title interest in the property may request a Director's review of this Notice by completing the enclosed Request for Director's Review Form and submitting it to the Community Development Department, 919 Palm Street, San Luis Obispo, CA 93406, within five (5) days of the date of this Notice. This Notice shall be deemed final unless you timely file a Request for Director's Review.

We look forward to working with you to resolve these violations and would like to thank you for your efforts to maintain your property and to help preserve the safety and beauty of our community. **If you have questions, please contact the undersigned Officer at (805) 783-7841 or ssheats@slocity.org.**

Sincerely,



Steve Sheats, Code Enforcement Officer

Cc: File

Enclosures: Request for Directors Review



Community Development

919 Palm Street, San Luis Obispo, CA 93401-3218
805.781.7170
slocity.org

Declaration of Service and Posting of Notice

SUBJECT ADDRESS: 280 California Blvd, San Luis Obispo, CA 93405

CASE NO.: CODE-000074-2024 Citation No.: 36143 Officer: Steve Sheats

I, the undersigned, declare that at all times herein mentioned, I was and now are a duly authorized employee of the Community Development Department, City of San Luis Obispo, State of California; that pursuant to Section 1.24.050G of the San Luis Obispo Municipal Code (SLOMC), Section 1101.4 of the Uniform Housing Code, or Section 401.4 of the Uniform Code for the Abatement of Dangerous Buildings, as adopted by Section 15.02.010 of the San Luis Obispo Municipal Code, I deposited in a receptacle for the U.S. Postal Service, in a sealed envelope, postage prepaid, by regular mail, and certified mail, return receipt requested the following:

- Notice to Correct,
Notice of Violation,
Administrative Citation,
Stop-Work Notice,
Notice of Hearing,
Notice of Proposed Lien,
Notice of Special Assessment

Notifying the owner of the property of the subject address referenced above of violations of the San Luis Obispo Municipal Code existing on the property and/or of related abatement proceedings.

The above notice was sent to each person having an interest in the property at their respective addresses as listed in the Notice, and a copy of the notice was posted at the subject address.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 20th day of June, 2024, San Luis Obispo, California

Officer or clerk effecting service by mail:

Steve Sheats
(Print Name)

[Signature]

1155/June 20, 2024
(Time/date)

Officer effecting service by posting:

Steve Sheats
(Print Name)

[Signature]

0924/June 20, 2024
(Time/date)



Notice of Violation

June 19, 2024

Manda Properties LLC
% Comet Realty
1110 California Blvd #C
San Luis Obispo, CA 93401

SUBJECT ADDRESS: 280 California Blvd, San Luis Obispo, CA 93405

APN: 052-072-017

Code Case #: CODE-000074-2024

Dear Property Owner,

City of San Luis Obispo Community Development Department staff noted the following violations of the San Luis Obispo Municipal Code or other relevant codes at the above listed address:

1. Use Permit Violation (SLOMC 17.76.060)

“It shall be unlawful and a public nuisance for any person, firm or corporation, owning, leasing, occupying, or having possession of any private property in the City to maintain such property in such a manner that any of the following conditions are found to exist thereon:

1. Any violation of the provisions of a minor use permit, conditional use permit, planned development permit, architectural review approval, variance, or other land use entitlement or land use permit.”

Condition number twelve (12) listed on the use permit to allow a fraternity at the subject property indicates *“No meetings, parties or other types of activities involving persons other than residents living on the site shall be allowed between the hours of 10:00 p.m. and 9:00 a.m.”* Police Department records indicate that three citations regarding violations of the city’s noise regulations were issued after 10:00 p.m. on May 10th, 17th and 31st of 2024. As a result of the continued violations, citations for each violation are enclosed with this notice.

Additionally, the Community Development Department requests you contact our office to participate in a meeting to discuss the continuing violations, the potential enforcement action and the best path forward to avoid further action by the City. **We request that you contact the undersigned officer within 15 days of this notice to coordinate a meeting.** If no contact is received within the requested timeframe, the matter will be forwarded to the Deputy Director of Community Development to begin the formal process of use permit review. Use permit review may result in modification or revocation of the currently issued use permit.

We request that you voluntarily take action to correct the above noted violation(s). These violations constitute a public nuisance and must be abated. Failure to correct the violation(s) by the specified date will result in the issuance of an Administrative Citation requiring payment of FINES in accordance with SLOMC Chapter 1.24. For Municipal Code violations that remain uncorrected after issuance of an Administrative Citation, the City may seek enforcement by other civil or criminal remedies.

Any person having a title interest in the property may request a Director's review of this Notice by completing the enclosed Request for Director's Review Form and submitting it to the Community Development Department, 919 Palm Street, San Luis Obispo, CA 93406, within five (5) days of the date of this Notice. This Notice shall be deemed final unless you timely file a Request for Director's Review.

We look forward to working with you to resolve these violations and would like to thank you for your efforts to maintain your property and to help preserve the safety and beauty of our community. **If you have questions, please contact the undersigned Officer at (805) 783-7841 or ssheats@slocity.org.**

Sincerely,



Steve Sheats, Code Enforcement Officer

Cc: File

Enclosures: Request for Directors Review, Administrative Citation and Invoice, Administrative Citation Appeal Form, Original Notice of Violation



Community Development

919 Palm Street, San Luis Obispo, CA 93401-3218
805.781.7170
slocity.org

REQUEST FOR DIRECTOR'S REVIEW

Person Requesting Review: _____ Phone: _____

Address: _____ Email: _____

Property Owner: _____ Tenant: _____ Case #: _____

Address of alleged violation: _____

Date of Notice to Correct/Violation: _____

Please identify the code violation or interpretation you are contesting. Please provide relevant information and explain why the alleged violation or interpretation should be reconsidered. You may attach additional pages, if necessary.

Multiple horizontal lines for providing details on the code violation or interpretation.

I hereby request a review of alleged violation or interpretation by the Community Development Director.

Signature of Appellant: _____ Date: _____

Please return form to: City of San Luis Obispo, Community Development Department, 919 Palm Street, San Luis Obispo, CA 93401 or Email: code@slocity.org

COMPLETED FORM MUST BE RECEIVED BY THE COMMUNITY DEVELOPMENT DEPARTMENT WITHIN 5 DAYS OF THE DATE OF THE NOTICE TO CORRECT/VIOLATION.



Community Development
919 Palm Street, San Luis Obispo, CA 93401-3218
805.781.7170
slocity.org

**ADMINISTRATIVE CITATION
AND ORDER TO COMPLY WITH
SAN LUIS OBISPO MUNICIPAL CODE**

1st Citation **2nd Citation** **3rd Citation** **Additional / Daily Fines**

ADDRESS OF VIOLATION: 280 California Blvd, San Luis Obispo, CA 93405 APN: 052-072-017
DATE OF VIOLATION: May 10, 2024 / May 17, 2024 / May 31, 2024
NAME: Manda Properties LLC
ADDRESS: 1110 California Blvd #C, San Luis Obispo, CA 93401

PURSUANT TO CHAPTER 1.24 OF THE SAN LUIS OBISPO MUNICIPAL CODE, YOU ARE HEREBY ORDERED TO IMMEDIATELY CORRECT THE VIOLATION(S) DESCRIBED BELOW AND PAY THE FINE. YOU ARE FURTHER ORDERED TO CEASE THE ACTIVITY GIVING RISE TO THE VIOLATION. WHEN CORRECTIONS ARE COMPLETE PLEASE SCHEDULE AN INSPECTION BY CALLING (805)781-7180. TO AVOID ADDITIONAL FINES COMPLIANCE MUST BE VERIFIED BY DEPARTMENT STAFF. IF DAILY FINES APPLY AS NOTED ABOVE, THE FINES SHALL ACCRUE DAILY UNTIL THE VIOLATION(S) ARE CORRECTED. FAILURE TO CORRECT THE VIOLATION(S) WILL RESULT IN THE ISSUANCE OF ADDITIONAL ADMINISTRATIVE CITATIONS AND ESCALATING FINES OR OTHER ENFORCEMENT ACTION.

CODE SECTION	DESCRIPTION OF VIOLATION	FINE
MC § 17.76.060	Use Permit Violation	\$50
MC § 17.76.060	Use Permit Violation	\$100
MC § 17.76.060	Use Permit Violation	\$200
	Amount Due	\$350

Failure to pay the fines may result in the suspension of any pending applications or permits. Unpaid fines become delinquent after 30 days and are subject to interest accrual of 8% per month as contained in SLOMC 1.24.070 C. The City may pursue all legal, equitable, and administrative remedies for the collection of unpaid civil administrative fines. Delinquent fines will be forwarded to a collection agency for payment.

**Mail Payments to: City of San Luis Obispo, Community Development Department
919 Palm Street, San Luis Obispo, CA 93401**

You may file an **APPEAL** of this Administrative Citation by submitting a request in writing to the Hearing Administrator within ten days of the date this Administrative Citation is issued as shown below. Each responsible party is individually required to file an appeal. **FAILURE TO FILE AN APPEAL WILL WAIVE YOUR RIGHT TO CONTEST THIS CITATION.** Please see the attached Appeal Form for more information.

**Mail Appeals to: City of San Luis Obispo, City Clerk
990 Palm Street, San Luis Obispo, CA 93401**

Issued By: Steve Sheats Signature:  Title: Code Enforcement Officer

RELATED CE CASE: CODE-000074-2024

DATE CITATION ISSUED: June 19, 2024

**INVOICE (00036143)
FOR CITY OF SAN LUIS OBISPO**

ATTACHMENT D

BILLING CONTACT

MANDA PROPERTIES LLC A CA LLC % OBISPO
INVESTMENTS INC
1110 California Blvd c
SLO, CA 93401



INVOICE NUMBER	INVOICE DATE	INVOICE DUE DATE	INVOICE STATUS	INVOICE DESCRIPTION
00036143	06/19/2024	07/19/2024	Due	NONE

REFERENCE NUMBER	FEE NAME	TOTAL
CODE-000074-2024	NSS 1st Admin Citation	\$50.00
	NSS 2nd Admin Citation	\$100.00
	NSS 3rd Admin Citation	\$200.00
280 California Blvd San Luis Obispo, CA 93405		SUBTOTAL
		\$350.00

TOTAL **\$350.00**



Administrative Citation Appeal Form

This request to appeal must be received by the City Clerk within 10 days of date of the citation to be considered timely filed.

Please submit any supporting documents or photos with this form.

1. **Appellant.** Name _____

Phone _____ Email _____

Mailing Address _____

City _____ State _____ Zip Code _____

(If Applicable)

Business Name _____ Business License # _____

2. **Interest in Citation.** (Place X in front of selection)

A. Charged personally

B. Charged as the owner of the property

C. Acting as the legally authorized Agent of the cited business or homeowner

3. **Administrative Citation.** Date of Citation _____ Citation Number _____

Address of property cited or location where an individual was cited:

Citation Address _____

Municipal code section(s) violated: _____

Code violation(s) being appealed: _____

4. **Reason for appeal.**

Give a brief statement of why you are appealing and why the notice of violation/administrative citation should be revoked, modified, or otherwise set aside. **The AMOUNT of the fine cannot be reduced on appeal.** Attach additional sheets as necessary. Any documents or photos you wish to submit in support of your appeal should be included with this form. (number of sheets attached _____)

COMPLETE BOTH SIDES



Administrative Citation Appeal Form

Questions about this form or the appeal process?
Contact the City Attorney's Office at Room 10, City Hall (990 Palm Street) or (805)781-7140

5. Election of Appeal Process.

Note: All Administrative Citations written for violation of Title 15 of the Municipal Code (building and related codes), even if other code violations are also cited, will be automatically heard by the Construction Board of Appeals. Election of Hearing Officer review is not valid and a check for the appeal fee must accompany this form.

For Administrative Citations that do not charge a violation of Title 15, you must make a choice of an appeal process. (1) At no charge, you may choose an expedited, less formal appeal process of review by a Hearing Officer, whose final decision may be appealed directly to the superior court for de novo review pursuant to Government Code Section 53069.4. (2) However, if you wish to retain your right to challenge the Administrative Citation, or any final city action related to the citation, in court by any writ action, you must appeal to the Administrative Review Board for a more formal, comprehensive hearing to ensure preparation of an adequate administrative record and pay an appeal fee indicated below.

Only one appeal process may be chosen, and once chosen, the election is final. Failure to make a selection will result in the appeal being assigned to a Hearing Officer for review and will constitute a failure to exhaust administrative remedies for purposes of any subsequently filed writ action.

I have read the above and choose: (Place X in front of selection)

<input type="checkbox"/> A.	\$1,339.57	My administrative citation includes a Title 15 violation requiring review by the <u>Construction Board of Appeals</u> . <i>I have included a check with this form.</i>
<input type="checkbox"/> B.	\$350.12	More formal appeal to <u>Administrative Review Board</u> . <i>I have included a check with this form.</i>
<input type="checkbox"/> C.	No charge	Expedited appeal to a <u>Hearing Officer</u> .

6. Election to forego an in-person hearing.

It is your right under San Luis Obispo Municipal Code Section 1.24, no matter which appeal process is chosen, to have an in-person hearing. However, you are under no obligation to appear. If you choose, you may select to have your appeal reviewed on the record (all documents, pictures, etc. submitted by yourself or the City).

I want my appeal heard on the record, so I do not need to appear

7. Truth of Appeal. I declare under penalty of perjury that all of the facts stated in this appeal are true and

that this appeal form was signed on: _____ at _____, _____
Date City State

If different from the address in Paragraph 1, the official mailing address to receive further notices from City relating to the appeal is:

Street Address City State Zip

Signature of Appellant

Print name of Appellant

**Once filled out entirely and signed, email to CityClerk@slocity.org or deliver by U.S. Mail or in person to:
City Clerk's Office, 990 Palm St., San Luis Obispo, CA 93401**



Notice to Correct Code Violation(s)/Notice of Violation
(Courtesy Warning Prior to Issuance of Administrative Citation)

March 13, 2024

Manda Properties LLC
% Comet Realty
1110 California Blvd #C
San Luis Obispo, CA 93401

SUBJECT ADDRESS: 280 California Blvd, San Luis Obispo, CA 93405

APN: 052-072-017

Code Case #: CODE-000074-2024

Dear Property Owner,

City of San Luis Obispo Community Development Department staff noted the following violations of the San Luis Obispo Municipal Code or other relevant codes at the above listed address:

1. Use Permit Violation (SLOMC 17.76.060)

“It shall be unlawful and a public nuisance for any person, firm or corporation, owning, leasing, occupying, or having possession of any private property in the City to maintain such property in such a manner that any of the following conditions are found to exist thereon:

1. Any violation of the provisions of a minor use permit, conditional use permit, planned development permit, architectural review approval, variance, or other land use entitlement or land use permit.”

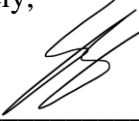
Condition number five of the use permit associated with the property indicates “Use permit shall be reviewed by the Planning Commission at any time, if any reasonable written citizen or Police Department complaint is received by the city. In review of the use permit, the Planning Commission may add, delete, or modify conditions of approval or may revoke the use permit.” Police Department records indicate that six citations were issued at the property in 2023 for noise violations. Due to the multiple, confirmed noise violations and the impact to the surrounding area, Code Enforcement staff will be recommending review of the use permit to the Deputy Director of Community Development. A determination made by the Deputy Director that the evidence submitted warrants review, modification, or revocation of the current use permit by the Planning Commission will be followed by notification to the property owner and other responsible parties.

We request that you voluntarily take action to correct the above noted violation(s). **Immediate compliance is required.** These violations constitute a public nuisance and must be abated. Failure to correct the violation(s) by the specified date will result in the issuance of an Administrative Citation requiring payment of FINES in accordance with SLOMC Chapter 1.24. For Municipal Code violations that remain uncorrected after issuance of an Administrative Citation, the City may seek enforcement by other civil or criminal remedies.

Any person having a title interest in the property may request a Director's review of this Notice by completing the enclosed Request for Director's Review Form and submitting it to the Community Development Department, 919 Palm Street, San Luis Obispo, CA 93406, within five (5) days of the date of this Notice. This Notice shall be deemed final unless you timely file a Request for Director's Review.

We look forward to working with you to resolve these violations and would like to thank you for your efforts to maintain your property and to help preserve the safety and beauty of our community. **If you have questions, please contact the undersigned Officer at (805) 783-7841 or ssheats@slocity.org.**

Sincerely,



Steve Sheats, Code Enforcement Officer

Cc: File

Enclosures: Request for Directors Review

RESOLUTION NO. 5189 (1983 SERIES)

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN LUIS OBISPO
DENYING AN APPEAL AND UPHOLDING A PLANNING COMMISSION ACTION
TO APPROVE USE PERMIT REQUEST ALLOWING A FRATERNITY HOUSE
ALPHA EPSILON PI AT 280 CALIFORNIA BOULEVARD

WHEREAS, the Council of the City of San Luis Obispo considered the appeal by Thomas J. Lee and conducted a public hearing on the matter; and

WHEREAS, the City Council determined that the proposed fraternity house as conditioned will not increase hazards to pedestrian and vehicles on Hathway Street or California Boulevard; and

WHEREAS, the council determined that the proposed fraternity house is consistent with the general plan and zoning ordinance requirements on density and parking; and

WHEREAS, the council concludes that the requested use is appropriate at the proposed site.

WHEREAS, the council finds that a revised site plan with parking and access off of the California Boulevard frontage is safer and more appropriate considering the neighborhood.

NOW, THEREFORE, the council resolves to deny the appeal and uphold the Planning Commission's approval with additional conditions based on the following findings:

1. The proposed use as conditioned will not be detrimental to the health, safety and welfare of persons living or working in the area.
2. The proposed use is appropriate at the proposed location and will be compatible with surrounding land uses.
3. The proposed use conforms to the general plan.
4. The proposed use meets zoning ordinance requirements.
5. The proposed use is categorically exempt from environmental determination, proposed site.

NOW, THEREFORE, BE IT RESOLVED that application No. U1099 is approved subject to the following conditions:

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1. No more than 19 persons including resident manager shall reside at the house at any time.
2. A minimum of 19 on-site vehicular parking spaces, the maximum number of six bicycle spaces, and three motorcycle space to city standards shall be provided and maintained at all times for the intended use.
3. The property shall be maintained in a clean and orderly manner. All plant materials shall be replaced and maintained as necessary.
4. Applicant shall install two 36-inch box-sized specimen trees as replacement for the palm tree to be removed. Replacement tree type and location shall be as approved by the Architectural Review Commission.
5. Use permit shall be reviewed by the Planning Commission at any time, if any reasonable written citizen or Police Department complaint is received by the city. In review of the use permit, the Planning Commission may add, delete, or modify conditions of approval or may revoke the use permit.
6. Greek letter sign shall be allowed only on the building face or fence in accordance with sign ordinance regulations. Freestanding signs are prohibited. Variation of this condition may be considered if requested, reviewed, and approved by the Architectural Review Commission.
7. Applicant shall install an enclosed trash area to the approval of the Architectural Review Commission.
8. The structure shall be inspected by the Chief Building Official and Fire Marshal for code compliance. The applicant shall post the maximum occupancy limits as set by the Fire Marshal for the safety of persons living in the building, to the approval of the city Fire Marshal.
9. Smoke detectors and fire extinguishers shall be installed to the approval of the Fire Department.
10. Use as a fraternity shall be limited solely to the Alpha Epsilon Pi fraternity. Any other occupancy would require approval by the Planning Commission of an amended use permit.
11. Applicant shall allow the city, at any reasonable time, to verify that the occupancy of the house is limited to the residents, either by allowing an inspection of records or by visual inspection of the premises, provided that the inspection shall be preceded by notice to the residents of not less than one hour.
12. No meetings, parties or other types of activities involving persons other than residents living on the site shall be allowed between the hours of 10:00 p.m. and 9:00 a.m.

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13. All reasonable written citizen or Police Department complaints received by the Community Development Department shall be forwarded to the representative of the Interfraternity Council and Panhellenic Council for their review and comment prior to review by the Planning Commission in accordance with a complaint review process established between the city and the Interfraternity Council and Panhellenic Council. Said review by representative of the Interfraternity Council and Panhellenic Council shall not include the names of the complaining parties unless said complaining parties consent to the use of their names.
14. Applicant shall prepare a valet-parking plan to be approved by the Community Development Director, and institute valet parking for any scheduled function held at the fraternity house.
15. Applicant shall paint the California Boulevard frontage curb red for a minimum distance of 70 feet on both sides of the driveway ramp serving the site and install "no parking" signs to the satisfaction of the Public Works Department staff.
16. Applicant shall revise the parking and access (driveway ramp) to the satisfaction of the Community Development Department staff.
17. Reduced street yard setback on Hathway Street frontage is hereby approved at 10 feet.
18. Applicant shall install and landscape a masonry wall along the Hathway Street frontage, approximately 5 feet in height, to the satisfaction of the Community Development Director.

On motion of Councilman Settle, seconded by Councilman Dunin,

and on the following roll call vote:

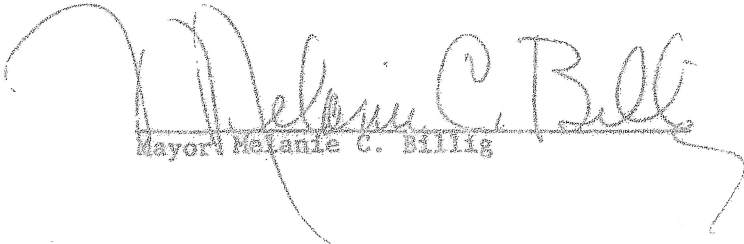
AYES: Councilmembers Settle, Dunin, Dovey, Griffin and Mayor Billig

NOYES: None

ABSENT: Absent

the foregoing resolution was passed and adopted this 2nd. day of August,

1983.


 Mayor Melanie C. Billig

ATTEST:


 City Clerk Pamela Voges

PLANNING COMMISSION AGENDA REPORT

SUBJECT: 2025-2027 PLANNING COMMISSION GOAL-SETTING

BY: Tyler Corey, Deputy Director
Phone Number: 805-781-7169
Email: tcorey@slocity.org

RECOMMENDATION

Review the 2023-2025 Planning Commission (PC) goals, take public testimony, and identify PC goals and work program items for the 2025-2027 Financial Plan.

1.0 SUMMARY

Bi-annually, the City adopts a budget and financial plan. To prepare for the budget process, all City departments and advisory bodies are asked to identify their goals and major work programs for the next two years. The City Council then uses this information, along with public comment and other input, to set community priorities and to allocate resources to accomplish the identified Major City Goals.

Input from City advisory bodies is specifically solicited, because the advisory body members are recognized as representatives of the community, that are committed to the long-term best interest of the City and its residents. Other key points as we embark on this goal-setting process are:

1. The Council is seeking advisory body input focused on the purview area of the advisory body and is also interested in input on other issues that are important to the community.
2. Advisory body input is highly valued by the Council and City staff.
3. Goals can include completing projects from a previous work program.
4. Identifying priorities implies recommending fewer rather than more goals to the Council. Advisory bodies are encouraged to only recommend activities that can reasonably be accomplished during a two-year financial plan cycle.

Objective

This is a public process and citizens participation is welcomed. The results of this process include a list of PC goals that will be forwarded to the City Council for consideration as part of the 2025-2027 financial planning and budget cycle.

2.0 GOAL SETTING

Current Recommended Goals: 2023 - 2025

The City last revised its goals and work programs starting in September 2023 in connection with the preparation of the 2023-2025 Financial Plan and budget cycle. The PC prioritized the following goals based on the evaluation of the completion status for the 2021-23 Major City Goals; community need, and input received over the past 2 years; and the availability of City resources to accomplish the identified goals and work programs within the financial plan timeframe. Below are the goals that the PC recommended during the 2023-2025 budget cycle:

1. Housing: Increase Affordable and Workforce Housing Supply

Emphasize affordable housing programs, encourage flexible use and non-traditional housing product types to facilitate development of workforce, elderly, and missing middle housing. Provide public information and educational materials that promote the construction of Accessory Dwelling Units.

2. Sustainability: Reduce GHG Emissions by Reducing VMT and Improving Residential Energy Efficiency

Implement the Climate Action Plan with emphasis on: 1) identify, implement and promote financial incentives to improve energy efficiency and encourage electrification in existing housing stock and create and distribute educational materials promoting this practice; 2) developing standards that support infrastructure improvements for alternative transportation and electric vehicles; and 3) focus on expanding open space and the urban forest.

3. Multi-Modal Circulation: Improve Walkability and Transit

Implement the Multi-Modal objectives identified in the LUCE and the Downtown Concept Plan by encouraging density and in-fill development that includes and prioritizes non-automobile alternatives to access commercial, services and recreational opportunities. Review the Upper Monterey Area Plan and Margarita Area Specific Plan with the intention of providing more housing opportunities to the elderly population, potential for a new transit center located in the Margarita area and encourage protected bike lanes in all new development projects in these areas.

4. Livability

Encourage project designs that promote accessible, convenient, and safe pedestrian, bicycle, and transit access with the goal of reducing project-generated vehicle miles traveled by 20-40% below average.

Future Recommended Goals: 2025-2027

As the City begins the 2025-2027 financial planning and budget cycle, the PC has the opportunity to review their current goals, update them as necessary, and identify any new goals.

Goal Setting Process

The Commission should review their 2023-2025 goals, followed by discussion and consideration of recommended goals to be included in the 2025-2027 Financial Plan. Typically, during goal setting sessions, the PC has followed the steps below.

Goal-setting Steps:

1. Evaluate previous goals and work programs. Determine which goals and programs were accomplished and can be deleted, or which ones are no longer needed;
2. Determine which goals and/or programs have not been completed and should be carried forward;
3. Identify new goals or programs for possible inclusion in the work program;
4. Prioritize the goals and programs, based on the PC's adopted goals and General Plan goals, community needs and input, opportunities, or special or urgent conditions; and
5. Identify activities which may require additional resources to accomplish. This may include references to possible community partnerships or outside funding sources.

3.0 NEXT STEPS

The Commission should take public testimony and identify Commission goals and work program items for the 2025-2027 Financial Plan. Advisory body goals are due by December 13th, 2024. The Council will receive the final report with all advisory body recommendations in late December 2024 before they begin the community goal-setting process.