

## PLANNING COMMISSION AGENDA REPORT

**SUBJECT:** REQUEST FOR A CONDITIONAL USE PERMIT TO ESTABLISH A FRATERNITY FOR UP TO 24 RESIDENTS, INCLUDING A REQUEST TO PROVIDE TWO (2) PARKING SPACES IN TANDEM ON AN EXISTING DRIVEWAY ALONG EAST FOOTHILL. THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW.

**PROJECT ADDRESSES:** 1264 and 1264 ½ East Foothill Boulevard; 1241, 1243, 1249, and 1251 Monte Vista Place

**FILE NUMBER:** USE-0331-2023

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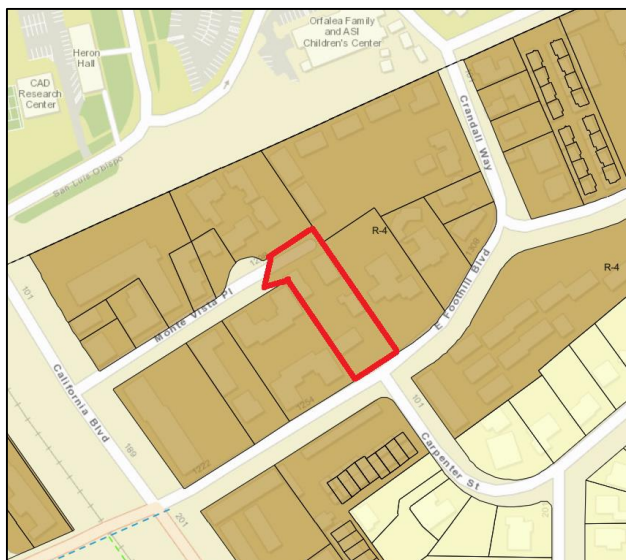
**FROM:** Tyler Corey, Deputy Director

## RECOMMENDATION

Adopt the Draft Resolution approving the project, based on findings and subject to 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

<b>Applicant</b>	Lambda Chi Alpha
<b>Zone</b>	High-Density Residential (R-4)
<b>General Plan Land Use</b>	High Density Residential (HDR)
<b>Site Area</b>	Approximately 0.58 acre
<b>Environmental Determination</b>	Categorically exempt from environmental review under CEQA Guidelines Section 15301 (Existing Facilities)



**Figure 1 – Project Site**

## SUMMARY

Lambda Chi Alpha (Applicant) has applied for a Conditional Use Permit to establish a fraternity for up to 24 residents at 1264 and 1264 ½ East Foothill Boulevard, and 1241, 1243, 1249, and 1251 Monte Vista Place. The site is an approximate 0.58-acre through lot that contains four (4), separate residential buildings with a total of six (6) units and has street access from both East Foothill Boulevard and Monte Vista Place. The project includes a request to allow tandem parking for two (2) spaces on the west driveway along

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East Foothill Boulevard. Minor site improvements (e.g., parking area restriping, installation of wheel stops, etc.) would be required to accommodate the fraternity on the property.

## 1.0 PLANNING COMMISSION'S PURVIEW

The Planning Commission's role is to review the project for consistency with the [General Plan](#), [Zoning Regulations](#), and applicable City development standards and regulations. Per [Table 2-1](#) (Uses Allowed by Zone), establishment of a fraternity requires approval of a Conditional Use Permit in the R-4 zone.

## 2.0 PROJECT INFORMATION

### 2.1 Site Statistics

<b>Present Development and Uses</b>	Developed property with six (6) residential units and site improvements, including access, parking, and landscaping
<b>Topography</b>	Minor upwards slope from East Foothill Boulevard and gradual level towards Monte Vista Place
<b>Access</b>	East Foothill Boulevard; Monte Vista Place
<b>Surrounding Zones and Uses</b>	<b>North:</b> R-4 zone / fraternity/sorority, multi-family residences, Cal Poly SLO <b>South:</b> R-4 zone / multi-family residences <b>East:</b> R-4 zone / fraternity/sorority, multi-family residences <b>West:</b> R-4 zone / multi-family residences

### 2.2 Prior Fraternity Use

On October 10, 2001, the Planning Commission reviewed and approved a Use Permit (U 86-01) to establish a different fraternity (Phi Delta Theta) at 1264 and 1264 ½ East Foothill Boulevard. Approval of this fraternity was limited to use of the three-bedroom and one-bedroom units, located towards East Foothill Boulevard, for a maximum of four (4) residents. This Use Permit (U 86-01) expired in 2021 due to inactivity.

### 2.3 Project Description

The Applicant is requesting a Conditional Use Permit to establish a fraternity (Lambda Chi Alpha) for up to 24 residents at 1264 and 1264 ½ East Foothill Boulevard, and 1241, 1243, 1249, and 1251 Monte Vista Place (Attachment B – Project Description, Attachment C – Project Plans). The site contains a total of six (6) units, which consists of a three-bedroom unit and one-bedroom unit on the East Foothill Boulevard side and two (2) duplexes (one- and three-bedroom units) on the Monte Vista side.

## 3.0 PROJECT ANALYSIS

Approval of a Conditional Use Permit to establish a fraternity is subject to requirements outlined in [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), and [Section 17.86.130\(B\)](#) (Fraternities and Sororities – Required

Findings) for consistency with the General Plan and Zoning Regulations and for compatibility of the proposed fraternity with existing and future land uses in the vicinity. Staff has evaluated the project against applicable policies and standards and found it to be in compliance as discussed in the following analysis.

### 3.1 Consistency with the General Plan

The project site is located in the High Density Residential (HDR) land use designation, which the [Land Use Element](#) (LUE) describes as primarily intended for attached dwellings (Table 1 – General Plan Land Use Designations). Allowable uses within this land use designation include a range of multi-family dwellings, single-family attached dwellings, and public and quasi-public uses. In addition, LUE Policy 2.6.5 (Fraternities & Sororities) and Housing Element Policy 8.5 (Special Housing Needs) state that fraternities and sororities should be limited to Medium-High and High-Density residential areas near Cal Poly campus if locations on campus cannot be provided.

As proposed, the project would be consistent with the land use designation and preceding policies by establishing a fraternity in a High-Density residential property located within 0.25-mile of the Cal Poly campus.

### 3.2 Consistency with the Zoning Regulations

The project site is located in the High-Density Residential (R-4) zone, which [Chapter 17.22](#) (R-4 Zone) describes as intended for attached dense housing that would be close to concentrations of employment and college enrollment.

#### Fraternity Use

Per [Table 2-1](#) (Uses Allowed by Zone), the establishment of a fraternity requires approval of a Conditional Use Permit in the R-4 zone. The standard conditions, detailed in [Section 17.86.130\(A\)](#) (Fraternities and Sororities – Applicability), shall apply 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 four (4), separate buildings (cumulative 5,778 square foot of building area) that provide a total of six (6) units, as described below:*

- 1264 East Foothill (Building A; three-bedroom unit): 1,237 square foot
- 1264 ½ East Foothill (Building B; one-bedroom unit): 853 square foot
- 1249 and 1251 Monte Vista (Building C; one- and three-bedroom units): 1,844 square foot duplex
- 1241 and 1243 Monte Vista (Building D; one- and three-bedroom units): 1,844 square foot duplex

*As proposed, the fraternity shall be limited to a maximum of 24 residents (approximately 240 square feet per resident) for the property because it is anticipated that each bedroom would provide for two (2) residents. 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. 4).*

- 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.

*Per Table 4 (Residential Population Assumptions) of the LUE, the HDR land use designation, which corresponds to the R-4 zone, has an average population density of 55 people per acre. The project site is approximately 0.58-acre in size, which results in an average of 32 people (rounded up from 31.9) for the property.*

*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, which takes into consideration the number of residents, areas inside the buildings, and number of parking spaces available in the vicinity. As such, routine meetings and gatherings for the fraternity shall be limited to a maximum of 48 people (32 people x 1.5). If the fraternity hosts special events involving more than 48 people, a transportation management plan shall be submitted to the Community Development Department, at least 30 days prior to the event taking place, for review and approval (Condition No. 5).*

- 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. 6).*

- 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. 7).*

### 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. The project would house a maximum of 24 residents on a property that includes a total of 12 bedrooms. As proposed, the fraternity is required to provide 18 parking spaces based on the greater of the following calculations:

Occupants: one (1) space x (24 / 1.5) occupants = 16 spaces

Bedrooms: 1.5 spaces x 12 bedrooms = 18 spaces

The existing parking layout, specifically the surface spaces accessed via East Foothill and located in tandem to the garages on Monte Vista, does not comply with the City's [Parking and Driveway Standards](#). As such, minor site improvements are conditioned to revise the parking layout and provide 18 spaces that would comply with the City's parking standards (Conditions No. 9, 14, and 15). Key revisions to the parking layout (Attachment C – Sheet T1.1 of Project Plans) are as follows:

- Restripe to facilitate seven (7) surface spaces (labeled as Spaces No. 10 through 16) accessed via East Foothill;
- Remove one (1) garage space in Building B to accommodate the restriped surface spaces;
  - Note – The area adjacent to the parking space within this proposed one-car garage is permitted as storage (Condition No. 13).
- Establish two (2) spaces in tandem on the west driveway along East Foothill;
- Remove six (6) non-compliant diagonal spaces located in tandem to the garages on Monte Vista; and
- Establish four (4) parallel surface spaces (labeled as Spaces No. 1 through 4) adjacent to the landscaping.

As part of the application, tandem parking is requested per [Section 17.72.090\(C\)\(1\)](#) (Tandem Parking – Residential Uses) to provide flexibility for the site and facilitate the project. Two (2) parking spaces (labeled as Spaces No. 17 and 18) are proposed in tandem on the west driveway along East Foothill Boulevard. It is noted that vehicles (in Spaces No. 9 through 17) may enter and exit using the east driveway, even if access is blocked on the west driveway because of a parked vehicle. Therefore, the two (2) tandem spaces would have little to no impact on overall vehicle maneuverability for this side of the property.

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#### **4.0 ENVIRONMENTAL REVIEW**

The project is exempt from environmental review under Section 15301 (Existing Facilities) of the CEQA Guidelines because it includes the operation, maintenance, permitting, licensing, and minor alteration of an existing residential development. The fraternity would continue the residential use with minor site improvements related to parking (e.g., parking space restriping, installation of wheel stops, etc.). The project does not include construction of a new building or additional building square footage. Therefore, the project involves no expansion of the former residential use.

#### **5.0 OTHER DEPARTMENT / DIVISION REVIEW**

The project has been reviewed by the Engineering Division, Building Division, and Fire Department. Any conditions of approval or informational notes from these departments and divisions have been incorporated into the Draft Resolution (Attachment A) for project approval.

#### **6.0 ALTERNATIVES**

1. Continue project. An action to continue the item should include a detailed list of additional information or analysis required to make a decision.
2. Deny the project. An action denying the project should include findings that cite the basis for denial and should reference inconsistency with the General Plan, Zoning Regulations, or other policy documents.

#### **7.0 ATTACHMENTS**

A - Draft Resolution (USE-0331-2023)

B - Project Description

C - Project Plans