

RESOLUTION NO. _____ (2024 SERIES)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO APPROVE A CONDITIONAL USE PERMIT TO ESTABLISH A FRATERNITY AT 1264 AND 1264 ½ EAST FOOTHILL BOULEVARD AND 1241, 1243, 1249, AND 1251 MONTE VISTA PLACE. THE PROJECT INCLUDES A REQUEST TO PROVIDE TWO (2) PARKING SPACES IN TANDEM ON AN EXISTING DRIVEWAY ALONG EAST FOOTHILL 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 COUNCIL AGENDA REPORT AND ATTACHMENTS DATED OCTOBER 15, 2024 (USE-0331-2023, APPL-0365-2024)

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 June 12, 2024, for the review of a Conditional Use Permit to establish a fraternity at 1264 and 1264 ½ East Foothill Boulevard and 1241, 1243, 1249, and 1251 Monte Vista Place, pursuant to a proceeding instituted under USE-0331-2023; Lambda Chi Alpha, applicant; and

WHEREAS, the Planning Commission of the City of San Luis Obispo conditionally approved the Conditional Use Permit, USE-0331-2023, 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, Residents for Quality Neighborhoods filed a timely appeal of the Planning Commission's decision to approve the Conditional Use Permit, APPL-0365-2024, on June 24, 2024; and

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 October 15, 2024, for the purpose of considering the appeal of the Planning Commission's decision to approve the Conditional Use Permit, APPL-0365-2024, and has duly considered all evidence, including the record of the Planning Commission hearing; testimony of the applicant, appellant, 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.

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

SECTION 1. Findings. The City Council hereby denies the appeal and grants final approval for the project (USE-0331-2023, APPL-0365-2024), based on the following 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 24 residents complies with the group housing maximum occupancy limits and (b) the revised parking configuration would provide 18 required spaces for 24 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., less than 0.25-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 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.) and landscaping (e.g., pruning, maintenance, 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.

SECTION 3. Action. The City Council hereby denies the appeal and grants final approval to the project (USE-0331-2023, APPL-0365-2024) with incorporation of the following conditions:

Planning Division – Community Development Department

1. Plans submitted for the building and/or site improvements permit(s) (i.e., parking lot improvements) shall be in substantial conformance with the project description and plans represented in the Council Agenda Report dated October 15, 2024.
2. 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 Council Agenda Report dated October 15, 2024, or in the event of a change in ownership which may result in deviation from the project description or approved plans.
3. The Conditional Use Permit shall be reviewed by the Planning Commission if the City receives substantiated written complaints from any citizen, Code Enforcement Officer, Fire Department or Police Department employee, which contains information and/or evidence supporting a conclusion that a violation of this Conditional Use Permit, or of City Ordinances, regulations, or Police Department resources (e.g., calls for service) applicable to the fraternity use has occurred. 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.

4. The fraternity shall be limited to a maximum of 24 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.
5. Routine meetings and gatherings for the fraternity shall be limited to a maximum of 48 people (32 people x 1.5), except as otherwise approved by the Community Development Director for special events. If the fraternity hosts special events involving more than 48 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.
6. 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.
7. 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.
8. For the life of the organization, the property shall be maintained in a clean and orderly manner. All landscaping shall be maintained (e.g., trimmed, pruned, replaced as needed, etc.) to the satisfaction of the Community Development Director.
9. A site improvement permit is required for parking area improvements to create a minimum of 18 parking spaces that comply with the City's Parking and Driveway Standards (i.e., parking space and driveway dimensions, aisle widths, striping, wheel stops, etc.). These parking spaces shall be inspected to verify compliance with City standards prior to establishing the fraternity.
10. Bicycle parking spaces shall be provided as required per Table 3-6 (Required Bicycle Parking) of the Zoning Regulations. For a total of 24 beds for the fraternity, the property owner and residents shall maintain a minimum of 18 long-term bicycle spaces and a minimum of six (6) short-term bicycle spaces. All required long-term bicycle parking shall be provided in an interior space, and required short-term bicycle spaces shall be consistent with the City Active Transportation Plan Design Guidelines and feature "hi-low style" campus racks

(such as “Peak Racks”). These bicycle spaces shall be inspected to verify compliance with City standards prior to establishing the fraternity, to the satisfaction of the Public Works and Community Development Directors.

11. A minimum of 18 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.
12. A building permit is required for proposed signage identifying the fraternity house. Any signage must be consistent with Chapter 15.40 (Sign Regulations) of the Municipal Code and compatible with the existing neighborhood to the satisfaction of the Community Development Director.
13. As part of the parking area improvements, the existing two-car garage for 1264 ½ East Foothill (labeled as Building B on the project plans) shall be a one-car garage in order to accommodate the revised surface parking layout. The area adjacent to the parking space within the proposed one-car garage is permitted as storage. Further review shall be required if any improvements (e.g., change in use and/or new construction) are proposed for this area.
14. 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., except as approved in writing as a special event by the Community Development Director.
15. Prior to a special event approved by the Community Development Director pursuant to Condition No. 5, 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.
16. Live entertainment, bands, and/or amplified sounds are prohibited, unless otherwise approved through a special event by the Community Development Department.

Engineering Division – Community Development / Public Works Departments

17. A building permit and/or site improvements permit is required for the proposed changes to establish the required parking spaces. Plans submitted for review shall show and note compliance with the City’s Parking and Driveway Standards. The plans shall show required dimensions and information for parking space, bay, aisle widths, striping, parallel space markings (i.e., T’s and L’s), and any existing or proposed wheel stops.

18. Plans submitted for review shall show and reference the floor plans for the existing garages to remain. The existing two-car garage proposed to accommodate only one car shall be included and noted on the plans. The plans shall clarify that garage door operation will not be affected by the proposed adjacent surface parking space. The plans shall clarify that the remaining garage space is to remain as garage storage/shop.

Indemnification

19. 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 Council Member _____, seconded by Council Member _____, and on the following roll call vote:

- AYES:
- NOES:
- ABSENT:

The foregoing resolution was passed and adopted this _____ day of _____ 2024.

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington, City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick, City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California on _____.

Teresa Purrington, City Clerk

R _____