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ATTACHMENT B

Applicant: \$ 1,862.77 Non-applicant \$ 745.35

For Office Use

Received by: _____

APPEAL TO THE CITY COUNCIL

SECTION 1. APPELLANT INFORMATION

Residents for Quality Neighborhoods P.O. Box 12604, SLO 93406
Name Mailing Address and Zip Code

N/A rqn.board@yahoo.com
Phone Email

Sandra Rowley [Redacted]
Representative's Name Mailing Address and Zip Code

Chairperson [Redacted] [Redacted]
Title Phone Email

SECTION 2. SUBJECT OF APPEAL

1. In accordance with the procedures set forth in Title 1, Chapter 1.20 of the San Luis Obispo Municipal Code or Title 17, Chapter 17.126 of the San Luis Obispo Municipal Code, I hereby appeal the decision of the:

Planning Commission
(Name of Officer, Committee or Commission decision being appealed)

2. The date the decision being appealed was rendered: June 12, 2024

3. The application or project was entitled: Review Conditional Use Permit (USE-0331-2023) to Establish a Fraternity for up to 24 Residents

4. I discussed the matter with the following City staff member:
Hannah Hanh, Community Development on June 20, 2024
(Staff Member's Name and Department) (Date)

5. Has this matter been the subject of a previous appeal? If so, when was it heard and by whom:
No

SECTION 3. REASON FOR APPEAL

Explain specifically what action/s you are appealing and why you believe the Council should consider your appeal. Include what evidence you have that supports your appeal. You may attach additional pages, if necessary. This form continues on the other side.

Reason for Appeal continued

Although we support a Conditional Use Permit (CUP) for 1264 E. Footkill and associated addresses located on the property, we are appealing this decision because we do not concur with findings ^{and #6} 5 that the current conditions are sufficient to adequately ensure that the use will not be detrimental to the health, safety and welfare of persons living or working in the area. And since the CUP goes with the land, we also have to look to the future as well as the present.

Four additional pages are attached, plus the previous and new CUP's for the property.

SECTION 4. APPELLANT'S RESPONSIBILITY

The San Luis Obispo City Council values public participation in local government and encourages all forms of citizen involvement. However, due to real costs associated with City Council consideration of an appeal, including public notification, all appeals pertaining to a planning application or project are subject to the following **filing fee, which must accompany the appeal form: Applicant = \$ 1,862.77, Non-applicant = \$ 745.35.**

Your right to exercise an appeal comes with certain responsibilities. If you file an appeal, please understand that it must be heard within 45 days from filing this form, except for matters arising under Title 17 (Zoning Regulations) of the San Luis Obispo Municipal Code shall be governed by those Chapters. You will be notified in writing of the exact date your appeal will be heard before the Council. You or your representative will be expected to attend the public hearing, and to be prepared to make your case. Your testimony is limited to 10 minutes.

A continuance may be granted under certain and unusual circumstances. If you feel you need to request a continuance, you must submit your request in writing to the City Clerk. Please be advised that if your request for continuance is received after the appeal is noticed to the public, the Council may not be able to grant the request for continuance. *Submitting a request for continuance does not guarantee that it will be granted; that action is at the discretion of the City Council.*

I hereby agree to appear and/or send a representative to appear on my behalf when said appeal is scheduled for a public hearing before the City Council.

6-24-2024
(Date)

**Deliver to:
City Clerk's Office
990 Palm Street
San Luis Obispo, CA 93401**

We support the conditional use permit (CUP), but we recognize the importance of the language of the conditions used to mitigate adverse impacts Lamda Chi Alpha may have on neighbors in the vicinity -- and we want to get it right. Since the CUP goes with the land we have to look to the future as well as the present, plus it may be used as a template for future fraternity CUP's.

The approved conditions do not support all of the Findings because they do not adequately address the impacts of gatherings, especially noise, that the fraternity house would likely have on those living nearby, including on the low-density residential neighborhood which is in very close proximity to the fraternity house(s). We, and others who provided written and/or oral comments, proposed conditions to mitigate those impacts.

We also believe that inaccurate information was given to the Planning Commission by the City Staff, including the implication that the fraternity could have large gatherings on the property, and violate the noise ordinance after 10 pm, if they got a special use permit.

I. BACKGROUND

There are 18 fraternities at Cal Poly, but only eight (8) CUPs for fraternities exist, including the fraternity subject to this appeal. Many have houses in multiple locations. One fraternity has two CUPs so there are still 11 fraternities without CUPs even though each of the fraternities has at least one fraternity house. The seven previous CUPs for fraternities issued by the Planning Commission have more restrictive conditions to mitigate the impacts of the fraternity houses on those living in the vicinity, including those living in low-density residential neighborhoods nearby. There was an existing CUP for 1264 E. Foothill with more restrictive conditions (See attached: Original CUP 1264 E. Foothill, 2001-2021). We believe it is important for there to be consistency among the fraternity CUP's.

The present CUP for 1264 E. Foothill was prepared by City Staff based on the most recent CUPs for sororities in 2016 and 2021. There is a big difference between sororities and fraternities.

Sororities are governed by the National Panhellenic Conference (NPC) which prohibits alcohol in sorority houses and the use of Panhellenic funds for alcohol; this means that sororities cannot host parties with alcohol in their houses. They can host social events at third-party venues, but mostly the sororities at Cal Poly attend fraternity parties at fraternity houses in San Luis Obispo neighborhoods.

Cal Poly posted a report online, mandated by Assembly Bill 524 (The Campus Recognized Sorority and Fraternity Transparency Act) that lists the "sanctioned events" of every fraternity and sorority at Cal Poly during the academic year 2022-2023, including the location of each party/event held. The sorority parties and events listed in the report are at fraternity house addresses or at a third-party venue.

Since sorority houses do not host large parties where alcohol is served, they do not have the same impact on neighborhoods as do fraternity houses. SLOPD records prove this because noise complaints are somewhat common for fraternity houses but not for sorority houses.

II. MITIGATING IMPACT OF CAL POLY'S FRATERNITY HOUSES ON THE NEARBY NEIGHBORHOODS

The Planning Commission pointed out that fraternities should be located on Cal Poly's campus. We agree. In fact, this is addressed in the City's General Plan:

Land Use Element: Policy 2.6.5: Student and Campus Housing, Fraternities & Sororities: The City shall work with Cal Poly to develop a proposal to locate fraternities and sororities on campus for consideration by the CSU Board. If locations on campus

cannot be provided, fraternities and sororities should be limited to medium-high and high-density residential areas near campus. (Adopted 2014)

Housing Element: Program 8.15: Fraternities and Sororities: Work with Cal Poly University Administration to secure designation of on-campus fraternity/sorority living groups.

Housing Element: Policy 8.5: Fraternities and Sororities: Locate fraternities and sororities on the Cal Poly University campus. Until that is possible, they should be located in medium-high and high-density residential zones near campus.

Cal Poly’s draft Master Plan in 2019, addressed the benefits of housing Greek life in the North campus area and stated, “The approach could resolve potential conflicts with [fraternities and sororities] off campus, an ongoing concern of neighbors and the City.”

Unfortunately, this was eliminated from Cal Poly’s final Master Plan. Therefore, the burden of the adverse impacts of Cal Poly’s fraternity houses falls onto the City and its neighborhoods. The high-density residential areas (R-4) on Foothill are directly adjacent to low and medium-density residential neighborhoods (R-1 and R-2), and a fraternity house hosting rush events and/or parties impacts those living nearby.

The section of Foothill Blvd (R-4) that abuts Hathway Avenue (R-1) has increasingly become filled with fraternity houses and we requested conditions in the CUP to mitigate the impact of Lambda Chi Alpha house(s) on the neighborhood so those who live and work nearby are not adversely affected.

Below is a map of the area, including the locations of current fraternity houses in red, with dates of their CUPs, and the latest CUP for Lambda Chi Alpha in orange. The fraternity is a couple hundred feet from the R-1 residential neighborhood; therefore, the statement that the project is surrounded by other developed properties with compatible dense housing uses provides only a partially correct picture.



III. CONDITIONS OF THE CONDITIONAL USE PERMIT FOR 1264 E. FOOTHILL BLVD

After discussing two new conditions, 14 and 15, the Commission suggested the meeting be continued so the language of these conditions could be drafted and brought back at a later meeting. Staff suggested the Commission could take a break to enable them to draft the new conditions. The intent of Condition #14, which the Commission said was based on specific requests from the public, was changed from the wording of the previous CUP (Resolution #5323-01, Condition #6) when staff re-drafted the language during that break.

Several individuals provided written and/or oral comments, recommending that this CUP be consistent with the previous CUP and with all but one other fraternity's CUP limiting occupancy from 10 p.m. to 9 a.m. to the number of people allowed for "residency," which is 24 in this case (unless they have a special event permit). However, Condition #5 says that routine meetings and gatherings for the fraternity are limited to a maximum of 48 people *without* a special event permit. That implies that 48 people are allowed to occupy the premises from 10 p.m. to 9 a.m.

During the hearing, staff said that a special use permit allows the fraternity to violate the noise ordinance after 10 p.m.¹ This appears to be a misrepresentation and to give a false impression to the fraternity *and* the community that the fraternity is allowed to have loud parties after 10 p.m. in violation of the noise ordinance. A special event permit for the fraternity would be granted under SLOMC section 17.86.260, which governs special event permits on private property so that events would have no potential to detrimentally affect anyone nearby. Loud noise, especially at night, does indeed have a detrimental effect on those nearby.

Specifically, SLOMC section 17.86.260 B.5. says, "At the discretion of the director, certain small-scale events with limited duration, consisting of activities with no potential to detrimentally affect those working and living in the vicinity, may be allowed through director's action, without a public hearing."

A fraternity party, especially one held outdoors with more than 48 attendees after 10 p.m., has the potential to adversely affect people in the vicinity. The City's noise ordinance prohibits any amplified sound, such as music, from crossing the property line, and prohibits noise greater than 50 decibels, which is very low - comparable to a quiet conversation or light rainfall - from crossing the property line after 10 p.m. It is not reasonable for the CUP to imply that a special event permit could be issued to allow a fraternity event after 10 p.m. because such an event could potentially violate the noise ordinance, which is not consistent with section 17.86.260. The noise ordinance should apply to the fraternity, as it does to all other occupants in residential neighborhoods within the City.

Additionally, it is also not reasonable for the CUP to imply that the fraternity is allowed to hold a party or event that could potentially violate the noise ordinance and has the potential to adversely affect those living nearby at any time of the day or night. We are of the opinion that parties/events that could violate the SLOMC noise ordinance should be held at a third-party venue, outside of the residential neighborhood. This is the only way to mitigate the impact of a noisy fraternity party or event on the neighborhood.

¹ Attorney Markie Kersten said, "[M]y understanding is that there could be, like other special events throughout the City, you know, we have music festivals that don't comply with our noise ordinance, and so there are situations where there could be special grants to not comply with our noise ordinance or other code requirements..." Community Development Deputy Director, Tyler Corey said, "That's how the special event permits work. They operate outside of our normal code requirements and so that's why they're called special events. And they might have times when noise might exceed the local municipal code standard..."

The Commission suggested that if the fraternity received four violations of the City's noise ordinance or property maintenance regulations within 12 months, the CUP would automatically be reviewed by the Planning Commission. This was recommended in public correspondence, and a similar condition (#10) was included in the previous CUP for this property. City Staff Tyler Corey said that condition is already covered in the CUP in Condition #3. However, there is a distinct difference between Condition #3 and the condition proposed by the Commission.

Condition #3 requires a written complaint from any citizen, whereas the condition suggested by the Commission would be an automatic trigger for review when a certain threshold of code and/or noise violations is met. The difference is that many residents do not feel comfortable signing their name to a complaint for fear of retaliation - which they are aware that some residents have experienced.

Even so, in February 2024 a written complaint was filed regarding noise violations of a different fraternity's CUP. In this case there were six noise citations, including two unruly gatherings, in 10 months. To date there has been no action taken to bring this to the Planning Commission. Since that submission said fraternity has had five additional noise violations, most with parties of 100 people. A second complaint against the fraternity's CUP was filed in June 2024 included those additional five noise complaints.

Without enforcement of the conditions, a CUP is meaningless. As the Commission said during the hearing, the CUP needs to have teeth.

The Commission also suggested violations should accumulate against the parcel (APN # 052-071-030) instead of separately against the six individual addresses on the parcel since it is one parcel, one owner, one CUP and the property is occupied exclusively by Lamda Chi Alpha. This was also suggested in written and oral comments. Staff said this already happens. However, it does not appear that it does happen, or will unless there is a condition that so states.

There are six separate addresses on the same parcel under this CUP. Potentially, each address could be issued a "first citation" for \$350 before the fines increase. Since there is one CUP for Lamda Chi Alpha that covers all six addresses it seems reasonable that a citation against any of them would be counted as a citation against the one property, the one CUP, and not treated separately. It is, in fact, one entity - the fraternity - that occupies each of the addresses on a single parcel. This condition would have held the fraternity collectively responsible for code and/or noise violations.

A condition included in most of the existing fraternity CUPs, as well as in the property's former CUP and recommended in public correspondence, but not discussed or included is as follows: "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."

Our aim with this appeal is in concert with the provisions of Land Use Element Policy 2.1, Neighborhood Focus which states: "The City shall preserve, protect and enhance the City's neighborhoods and strive to preserve and enhance their identity and promote a higher quality of life within each neighborhood." This is about the quality of life for those living or working in the Alta Vista neighborhood.

**PLANNING COMMISSION
RESOLUTION NO. 5323-01**

**A RESOLUTION OF THE SAN LUIS OBISPO PLANNING COMMISSION
APPROVING A USE PERMIT TO ALLOW A FRATERNITY AT
PROPERTY LOCATED ON FOOTHILL BOULEVARD BETWEEN
CALIFORNIA AND CRANDALL WAY;
1264 AND 1264 ½ FOOTHILL (U 86-01)**

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, San Luis Obispo, California, on October 10, 2001, for the purpose of considering Application U 86-01, Use Permit to allow a fraternity at 1264 and 1264 ½ Foothill Boulevard; and

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

WHEREAS, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

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

Section 1. Findings. Based upon all the evidence, the Commission makes 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, because limits on hours for events and numbers of persons allowed on site will restrict activities and limit disturbances to neighbors.
2. The subject use is appropriate at the proposed location, and will be compatible with surrounding land uses provided that the fraternity complies with all conditions at all times.
3. The proposed use conforms to the general plan because it is a group housing use, which the general plan says is appropriate for High-Density Residential areas.
4. The proposed use meets zoning ordinance requirements because it is a fraternity in a High-Density Residential (R-4) zone, where fraternities are allowed with approval of a Planning Commission use permit.
5. The proposed use is exempt from environmental review requirements because it is a residential use similar to the existing uses on the property (Class 1, Existing Facilities, Section 15301 of the CEQA Guidelines).

Section 2. Action. The Planning Commission approved Use Permit, U 86-01, subject to the following conditions:

Conditions

1. No more than five persons shall reside at the site at any time. The applicant shall allow the City to verify occupancy by allowing an inspection of the records or by 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.
2. A minimum of six on-site parking spaces to city standards shall be provided and maintained at all times for the intended use.
3. The applicants shall improve the existing parking lot to meet the City standards for parking space and driveway dimensions, aisle widths, striping and wheel stops prior to establishing the fraternity use, to the approval of the Community Development Director.
4. The property shall be maintained in a clean and orderly manner. All plant materials shall be maintained and replaced as necessary.
5. The maximum number of persons allowed on the site for routine meetings and gatherings is 18, except as specifically approved by the Community Development Director for special events. For such special events, the applicant shall also submit a parking and transportation plan.
6. No meetings, parties, or other types of similar activities involving persons other than residents are allowed between the hours of 10 p.m. and 9 a.m., except as approved by the Community Development Director.
7. The applicant shall institute and maintain a neighborhood relations program. This plan shall include at least the following elements:
 - Annual training of all members in community relations.
 - A program to inform neighbors of upcoming events at the house.
 - Submission of names and telephone numbers of responsible persons, including the alumni president and chief financial officer, to the Community Development Department and to the neighbors within two blocks of the house. Responsible persons shall be available during all events and at reasonable hours otherwise, to receive and handle complaints.

Evidence of implementation of said plan shall be submitted to the director for review each year. Failure to exercise reasonable efforts to implement said plan may be grounds for revocation of this permit.

8. Events, including meetings or parties, on site, shall be limited to those listed on a meeting and activities schedule, submitted to and approved by the Community Development Director in the fall of each year. The Community Development Director must approve exceptions to this schedule. If the Director determines the change is

significant and may have an adverse impact on the neighborhood, then it will be referred to the Planning Commission for consideration.

9. There shall be no freestanding signs on the premises. Signs shall be limited to signs located on building faces or fences.
10. Use permit shall be reviewed if the City receives any reasonable written citizen or Police or Fire Department complaints, or if two convictions are received for violations of the City's noise or property maintenance regulations within a six-month period. In review of the use permit, the Planning Commission may add, delete or modify conditions of approval, or revoke the use permit. The Planning Commission may consider adding a condition requiring fraternity officers to perform a community service project in the neighborhood.
11. If California Polytechnic State University revokes the fraternity's charter, the City shall review the use permit. In review of the use permit, the Planning Commission may add, delete or modify conditions of approval, or revoke the use permit.
12. The Community Development-Building Division and Fire Department shall inspect the property and house for compliance with City Building and Safety Standards. The use permit shall not become effective until the premise has been determined to be in compliance with all applicable City standards.
13. 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 revocation of this permit.

On motion by Commr. Cooper, seconded by Commr. Aiken, and on the following roll call vote:

AYES: Commrs. Caruso, Cooper, Aiken and Boswell
NOES: Commrs. Peterson and Osborne
REFRAIN: None
ABSENT: Commr. Loh

The foregoing resolution was passed and adopted this 10th day of October, 2001.



Ronald Whisenand
Planning Commission Secretary

RESOLUTION NO. PC-1085-24

A RESOLUTION OF THE CITY OF SAN LUIS OBISPO PLANNING COMMISSION APPROVING 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 STAFF REPORT AND ATTACHMENTS DATED JUNE 12, 2024 (USE-0331-2023)

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 has duly considered all evidence, including 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 grants final approval for the project (USE-0331-2023), 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 Planning Commission hereby grants final approval to the project 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 Staff Report dated June 12, 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 Staff Report dated June 12, 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 pm and 9:00 am, 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 Commissioner Steve Kahn, seconded by Commissioner Bob Jorgensen, and on the following roll call vote:

Resolution No. PC-1085-24
USE-0331-2023
1264 and 1264 ½ East Foothill; 1241, 1243, 1249, and 1251 Monte Vista

AYES: Commissioner Sheryl Flores, Commissioner Bob Jorgensen,
Commissioner Steve Kahn, Commissioner Eric Tolle, and Vice Chair
Dave Houghton.
NOES: None
ABSENT: Commissioner Juan Munoz-Morris and Chair Justin Cooley
RECUSED: None

The foregoing resolution was passed and adopted this 12th day of June 2024.



Tyler Corey, Secretary
Planning Commission