

**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 13<sup>th</sup> day of November 2024.

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Tyler Corey, Secretary  
Planning Commission