

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