

PLANNING COMMISSION AGENDA REPORT

SUBJECT: 1236 MONTE VISTA PLACE (USE-0332-2025). RE-REVIEW OF AN EXISTING CONDITIONAL USE PERMIT FOR A FRATERNITY. THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW.

PROJECT ADDRESS: 1236 Monte Vista Pl. **BY:** Mallory Patino, Assistant Planner
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FILE NUMBER: USE-0332-2025

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APPLICANT: Delta Chi

FROM: Tyler Corey, Deputy Director

REPRESENTATIVE: Jacob Zuckerman, Fraternity President

RECOMMENDATION

Adopt the Draft Resolution to modify the Conditional Use Permit, based on updated findings and subject to revised 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

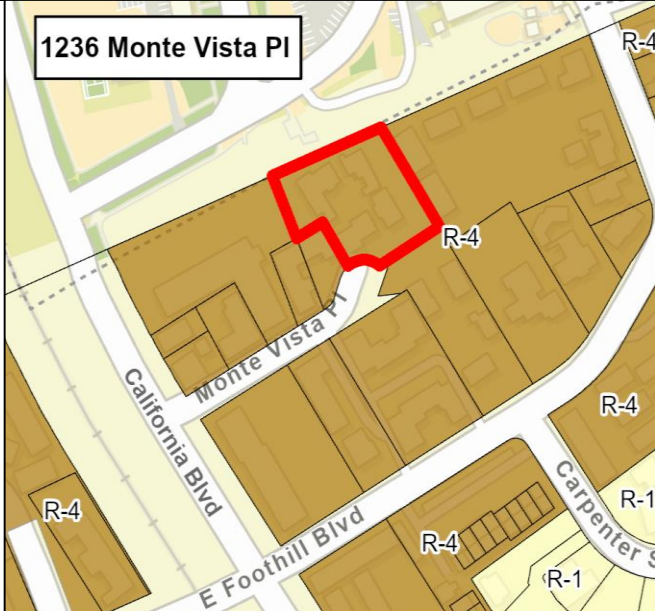
Applicant	Delta Chi	
General Plan Land Use Designation	High Density Residential (HDR)	
Zone	High-Density Residential (R-4)	
Site Area	Approximately 0.66 acre	
Environmental Determination	Categorically exempt from environmental review under CEQA Guidelines Section 15301 (Existing Facilities)	

Figure 1 – Project Site

SUMMARY

On August 12, 1998, the Planning Commission approved a Use Permit to allow a fraternity (Kappa Sigma) at the multifamily apartment complex at 1236 Monte Vista Place. Delta Chi (Applicant) has continued the use as a fraternity organization under the approved Use Permit since moving into 1236 Monte Vista Place in 2012. Since the approval of this Use

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Permit, a fraternity organization has resided at and utilized the property for fraternity activities. Due to recent violations, the Community Development Director (Director) is referring the existing Conditional Use Permit to the Planning Commission for re-review. Re-review of the Conditional Use Permit may result in (a) added, modified, and/or removed conditions of approval to allow continuation of the fraternity in a manner compatible with existing and proposed uses in the vicinity; or (b) revocation if the required findings cannot be made per [Section 17.102.020\(C\)\(7\)](#).

1.0 PROJECT BACKGROUND

1.1 Prior Conditional Use Permit Review and Approval

On August 12, 1998, the Planning Commission approved a Use Permit, U106, to allow the fraternity (Kappa Sigma) at the multifamily apartment complex at 1236 Monte Vista Place (Attachment B – PC Resolution No. 5230-98). Approval of this Use Permit allowed multiple two- and three-story multifamily structures comprising seven (7) two-bedrooms units and 12 one-bedroom units to be used by the fraternity. The Use Permit limited residents to a maximum of 35 people, and routine meetings or gatherings to a maximum of 53 people. Delta Chi began residing at 1236 Monte Vista Place in 2012, continuing the use of the site under the Use Permit as a fraternity organization. Since the approval of this Use Permit, the project site has been used as a residence for fraternity activities.

1.2 History of Active Violations and Code Enforcement Actions

Unpermitted Construction

On November 2, 2021, a Notice to Correct Code Violation(s) / Notice of Violation (i.e., courtesy warning) was issued due to unpermitted work to enclose balconies (upper story decks) that were not habitable space to become sleeping areas or habitable space (Attachment C – Notice to Correct Code Violation(s), dated November 2, 2021). Four apartment units were noted as having unpermitted work done and requiring corrections. Four building permit applications were submitted for the work to convert the spaces back into decks; three (3) applications were submitted in October of 2022 and one (1) application was submitted in December of 2023. Code Enforcement has been handling the violation and following up with the property owner to resolve the issue. The fraternity organization does not own the property. A private property owner leases the residences to the fraternity but is ultimately responsible for correcting the violations from unpermitted construction.

Use Permit Violations

Police Department Actions

Records indicate that the Police Department has issued three (3) citations for noise violations during the current Cal Poly academic calendar (September 2025 to present). Of these three:

- One citation, issued on March 3, 2025, was successfully appealed. The citation was dismissed by a Police Department Hearing Officer based on a lack of identifiable noise (music or other sounds) on the body camera footage of the issuing Officer at the property line or at 50 feet from the property line.
- Another of these citations was issued on March 15, 2025, the Saturday ahead of St. Patrick’s Day (locally referred to as “St. Fratty’s Day” weekend), for a large party occurring at 1236 Monte Vista Place. Code Enforcement conducted outreach to fraternity organizations ahead of St. Patrick’s Day weekend to encourage safe celebrations and deter unruly gatherings. The Police Department also conducted outreach ahead of the weekend to inform residents in the neighborhoods around Cal Poly about increased enforcement efforts for the weekend. The Police Department invested substantial resources during this weekend to ensure public safety of the neighborhood. Despite these efforts, an event still took place at 1236 Monte Vista Pl. that resulted in a noise violation citation.

Code Enforcement Actions

On March 19, 2025, Code Enforcement issued a Notice to Correct Code Violation(s) / Notice of Violation due to multiple, confirmed administrative citations, noise violations, and Use Permit violations (Attachment D – Notice to Correct Code Violation(s), dated March 19, 2025). After issuing this Notice, staff contacted the property owner, property manager, and fraternity over the next several months to discuss these issues, including the referral for re-review by the Planning Commission.

1.3 Planning Commission’s Purview

Due to active violations by the fraternity and on the property, the Director is referring the Use Permit to the Planning Commission for re-review in accordance with Condition No. 11 of Use Permit, U106, which states the following:

11. Use permit shall be reviewed if any reasonable written citizen or Police or Fire Department complaints are received by the city. 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.

1.4 Changes to the Municipal Code

Since the approval of the Use Permit, U106, in 1998, it should be noted that there have been codified changes to the Municipal Code that regulate fraternities and sororities. These changes include updated findings and criteria for approval for fraternities and sororities, as well as code requirements that directly address concerns regarding noise, public disturbances, and other disorderly conduct, as summarized below.

Requirements for Approval

Per Table 2-1 of the Municipal Code (Uses Allowed by Zone), the establishment of a fraternity in the R-4 zone requires approval of a Conditional Use Permit. Approval of a Conditional Use Permit for a fraternity is subject to the requirements, listed below, to ensure its consistency with the General Plan and Zoning Regulations and its compatibility with existing and future land uses in the vicinity:

- [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)
- [Section 17.86.130\(B\)](#) (Fraternities and Sororities – Required Findings)

The Planning Commission's role is to consider the above-discussed violations and determine what modifications, if any, to the Use Permit conditions are necessary for the Planning Commission to make the required findings for continued use of the property as a fraternity.

Standard Conditions for Fraternities

Standard conditions for fraternities and sororities, outlined in [Section 17.86.130\(A\)](#) (Fraternities and Sororities – Applicability), were established as part of the comprehensive update to Title 17 (Zoning Regulations) in 2018. These standard conditions limit the number of permitted residents, regulate the number of attendees for meetings and gatherings, require affiliation and good standing with the university, and establish a responsible contact for the fraternity.

Title 9 (Public Peace, Morals, and Welfare) Updates

Since 1998, there have been incremental improvements as codified changes to Title 9 (Public Peace, Morals, and Welfare) that directly address concerns regarding noise, public disturbances, and other disorderly conduct, regardless of a Use Permit approval. These code requirements apply to all uses in the City, and the key chapters that apply to fraternity activities are identified below:

- [Chapter 9.12](#) (Noise Control)
 - Ordinance adopted in 1985, latest revision in 2010
- [Chapter 9.13](#) (Unruly Gatherings)
 - Ordinance adopted in 2010, revised in 2015
- [Chapter 9.22](#) (Safety Enhancement Zones)
 - Ordinance adopted in 2004, latest revision in 2024

2.0 PROJECT ANALYSIS

Staff evaluated the fraternity and its violations against current standards and regulations, including the updated findings and criteria for approval as well as code requirements. At this time, staff recommends the Planning Commission allow continuation of the fraternity subject to a modified Use Permit, instead of revocation of the Use Permit. Updated findings and revised conditions are recommended based on the following analysis. The re-review, and any subsequent changes to the conditions of approval, are documented as part of an updated Conditional Use Permit, USE-0332-2025, application.

2.1 Consistency with the General Plan / Zoning Regulations

The project is consistent with the intent of both the High-Density Residential land use designation and zone, which allow dense housing in proximity to concentrations of employment and college enrollment. In addition, the project would advance Land Use Element Policy 2.6.5 (Fraternities & Sororities) and Housing Element Policy 8.5 (Special Housing Needs) by locating a fraternity in a High-Density residential area within 0.1-mile of Cal Poly SLO campus.

Fraternity Use – Standard Conditions

As outlined in Section [17.86.130\(A\)](#) (Fraternities and Sororities – Applicability), standard conditions shall apply to the fraternity, 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 an existing multi-family apartment complex with a total of approximately 13,764 square feet and 26 bedrooms. The fraternity shall be limited to a maximum of 35 residents (approximately 393 square feet per resident), consistent with the prior Use Permit approval. The proposed maximum occupancy allows for 17 bedrooms to each house one (1) resident, and nine (9) bedrooms to be shared by two (2) residents (Condition No. 3). 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. 3).

- 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.

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. This calculation takes into consideration the number of residents, areas inside buildings, and number of parking spaces available in the vicinity.

Per Table 4 (Residential Population Assumptions) of the Land Use Element, the High Density Residential (HDR) land use designation, which corresponds to the R-4 zone where fraternities may be permitted, has an average population density of 55 people per acre. The project site at 1236 Monte Vista Place is approximately 0.66-acre in size, which results in an average of 36.3 people for the property. Based on past practice, including recent City Council and Planning Commission actions, the maximum number of people for routine meetings and gatherings for this fraternity shall be limited to 54 people (rounded down from $54.45 = 36.3 \text{ people} \times 1.5$) (Condition No. 4). This proposed condition includes a slight increase of one (1) person from the 53 people allowed for routine gatherings under the original approval of Use Permit, U106 (Condition No. 4 of Resolution No. 5230-98), but would align with current practice of calculating gathering limits to provide consistency across all fraternity and sorority use permits.

- 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.

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 automatically revoked (Condition No. 5).

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.

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. The “responsible parties” are those that cause, maintain, allow, or are otherwise responsible for actions regulated by this Use Permit, or those that have an ownership interest in the real property (Condition No. 6).

Parking Requirements

Per Table 3-4 (Parking Requirements by Use) in [Section 17.72.030](#) (Required parking spaces), a fraternity is required to provide one (1) space per 1.5 occupants or 1.5 spaces per bedroom, whichever is greater. With a total of 35 residents and 26 bedrooms, the fraternity would be required to provide 39 spaces (i.e., the greater calculation based on bedroom count) under the current parking requirement. It is noted that a minimum of 32 spaces were required as part of the original Use Permit approval (Condition No. 2 of Resolution No. 5230-98), which is consistent with the parking space capacity of the apartment complex. Since there is no additional development (i.e., new construction or addition) or change in use proposed as part of this re-review per [Section 17.72.060](#) (Nonconforming Parking), the fraternity use may continue by maintaining a nonconforming number of 32 spaces onsite (Condition No. 8).

To facilitate the use of active transportation and address potential impacts on street parking by the fraternity, a minimum of 35 bicycle parking spaces (one bicycle space per bed), consistent with current requirements for 35 residents in Table 3-6 (Required Bicycle Parking) of [Section 17.72.070](#) (Bicycle parking standards), shall be required (Condition No. 9). This condition would increase the number of bicycle spaces from 10 to 35 for the site.

2.2 Conditions to Address Noise and Large Gatherings

Based on recent noise violations, staff recommends the following new conditions, which are consistent with language in more recent use permit fraternity conditions, to address concerns related to noise and large gatherings:

- Condition No. 2 establishes a clear threshold for re-reviews should future violations occur. The condition requires the Planning Commission to re-evaluate the Use Permit if the fraternity receives three (3) citations within any 12-month period for a violation of law or permit condition that (a) are not contested or are upheld on appeal, and (b) the conduct for which the citations were issued resulted in adverse impacts to, or complaints from, residents or occupants of the surrounding neighborhood.
 - Note – This condition would replace procedures for handling complaints and re-reviews identified in Conditions No. 11 of the original Use Permit, U106.
- Condition No. 4 limits routine meetings and gatherings to 54 people. Any event that includes more than 54 people is considered a special event and will require a separate, follow-up application for more detailed review.
 - Note – This condition would address concerns related to large gatherings and replace Conditions No. 4, 5, and 7 of the original Use Permit, U106.
- Condition No. 10 includes an extended range of hours between 10:00 p.m. and 9:00 a.m. (instead of only between 10:00 p.m. and 7:00 a.m. as required by the Municipal Code) for regular compliance with a lower exterior noise limit.

- Note – This condition would directly address noise concerns and replace Condition No. 5 of the original Use Permit, U106. It should be noted that people in private residences (e.g., residents of the fraternity) are legally allowed to gather and meet with guests without government interference into their private residences, relationships, and associations, provided that the number and conduct of those residents and guests conform to applicable regulations. Due to constitutional concerns with placing a condition that limits the type of people in private residences (i.e., residents vs. non-residents), Condition No. 10 was written to directly address noise concerns related to the fraternity use by identifying an extended range of hours between 10:00 p.m. and 9:00 a.m. for regular compliance with a lower exterior noise limit.
- Condition No. 11 requires that the fraternity establish and maintain ongoing communication with its neighbors in the vicinity.
 - Note – This condition would address concerns related to neighborhood relations and replace Condition No. 6 of the original Use Permit, U106.
- Condition No. 12 states that amplified noise-generating activities are prohibited.
- Conditions No. 4, 11, and 12 clarify that any requested exceptions from the Noise Ordinance will not be approved by the Director.

2.3 Other Proposed Changes to the Conditions

As part of the re-review, staff recommends revising the conditions to (a) reflect updated language for consistency with more recent approvals and (b) identify the necessary corrective actions based on current violations.

Other Conditions with Updated Language

Limitations and/or requirements detailed in Conditions No. 1, 2, 3, and 12 of the original Use Permit, U106, regulate the number of residents and parking spaces, require routine property maintenance, and clarify the grounds for revocation. These requirements are addressed as updated conditions and have been incorporated as recommended Conditions No. 3, 7, 8, and 14 in the re-review.

Conditions Proposed for Removal

Conditions No. 8, 9, and 10 of the original Use Permit, U106, pertain to property improvements (e.g., permitting signage, landscaping, and trash enclosure area) that have been satisfied as part of the initial review. Therefore, these conditions have been removed from the recommended conditions of this re-review. It is also noted that these aspects of the property, including any future proposed changes, would continue to be regulated by Municipal Code standards related to signage and general maintenance.

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Proposed New Condition

To comply with the provisions of Title 15 Buildings and Construction, Condition No. 13 was added to address the violations regarding the unpermitted conversion of non-habitable space (e.g., balconies and decks) to sleeping areas. The condition includes an expected time frame for work to be completed – six (6) months following the May 28, 2025 Planning Commission re-review hearing or prior to leasing the affected residential units to new tenants for the next academic year. It has been more than three years since Code Enforcement provided the property owner with notice of the violations, yet the four units remain in their unpermitted status. The provided time frame requires corrections to be completed sooner, rather than allowing fraternity members to continue living in unpermitted and potentially unsafe conditions.

3.0 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.

4.0 ALTERNATIVES

1. Continue review of the Conditional Use Permit. An action to continue review of the Conditional Use Permit should include a detailed list of additional information or analysis required to make a decision regarding added, modified, and/or removed conditions.
2. Revoke the Conditional Use Permit. An action to revoke the Conditional Use Permit should include findings that cite the basis for revocation and reference inconsistency with the General Plan, Zoning Regulations, and other policy documents.

5.0 ATTACHMENTS

- A. Draft PC Resolution (USE-0332-2025)
- B. PC Resolution No. 5230-98 (Approval of the Original Use Permit, U106)
- C. Notice to Correct Code Violation(s), dated November 2, 2021
- D. Notice to Correct Code Violation(s), dated March 19, 2025