

## PLANNING COMMISSION AGENDA REPORT

**SUBJECT:** 1304 FOOTHILL BOULEVARD AND 190 CRANDALL WAY (USE-0333-2025). RE-REVIEW OF AN EXISTING CONDITIONAL USE PERMIT FOR A FRATERNITY. THE PROJECT IS EXEMPT FROM ENVIRONMENTAL REVIEW.

**PROJECT ADDRESSES:** 1304 Foothill Boulevard and 190 Crandall Way

**FILE NUMBER:** USE-0333-2025

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**APPLICANT:** Sigma Nu

**FROM:** Tyler Corey, Deputy Director

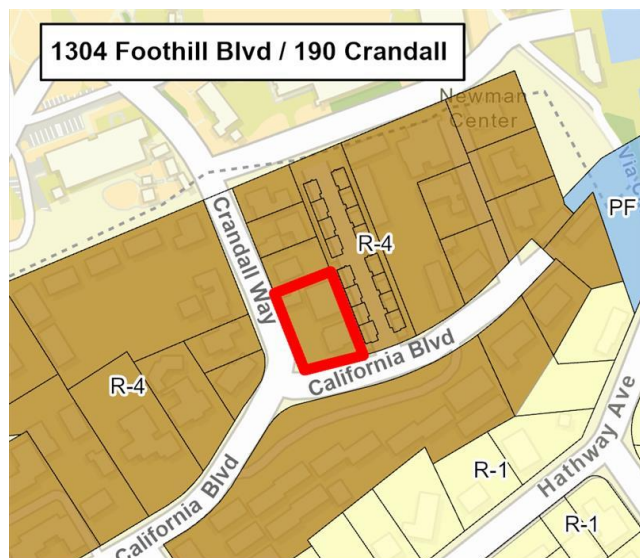
**REPRESENTATIVE:** Charlie Minor, Fraternity Eminent Commander

### 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

<b>Applicant</b>	Sigma Nu
<b>General Plan Land Use Designation</b>	High Density Residential (HDR)
<b>Zone</b>	High-Density Residential (R-4)
<b>Site Area</b>	Approximately 0.26 acre
<b>Environmental Determination</b>	Categorically exempt from environmental review under CEQA Guidelines Section 15301 (Existing Facilities)



**Figure 1 – Project Site**

### SUMMARY

On May 14, 1990, Sigma Nu (Applicant) obtained approval of a Use Permit to allow their fraternity at 1304 Foothill Boulevard. Annual re-reviews of the Use Permit were conducted in each of the two subsequent years, on May 8, 1991 and October 19, 1992, which

resulted in revised conditions after each re-review. The Applicant has resided and utilized the property for fraternity activities since the initial approval of, and subsequent modifications to, this Use Permit. Due to recent noise violations, the Community Development Director (Director) is referring the existing Conditional Use Permit to the Planning Commission for a 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.

## **1.0 PROJECT BACKGROUND**

### **1.1 Prior Conditional Use Permit Review and Approval**

On May 14, 1990, the Planning Commission approved the Use Permit, U1484, to allow the fraternity (Sigma Nu) at 1304 Foothill Boulevard (Attachment B – PC Resolution No. 5017-90). Approval of this Use Permit included a limited fraternity with routine activities confined to the residence addressed 1304 Foothill, with other units on the property only for residential use<sup>1</sup>, and did not allow onsite special events as those were proposed to be held off-site (e.g., Cal Poly campus and various halls or venues such as the Monday Club and Embassy Suites) at the time. This approval included a condition for a re-review following the first year of activities (Condition No. 13 of PC Resolution No. 5017-90).

On May 8, 1991, the Planning Commission reviewed the Use Permit after the fraternity's first year of activities and approved its continuation, subject to revised conditions (Attachment C – PC Resolution No. 5055-91). Approval of this modification to the Use Permit included revised conditions that (a) increase the number of people in routine gatherings from 16 to 19; (b) allow specific small-scale events with a maximum of 38 attendees; and (c) require a re-review following the second year of activities (Conditions No. 3, 11, and 13, respectively, of PC Resolution No. 5055-91).

On October 14, 1992, the Planning Commission reviewed the Use Permit after the fraternity's second year of activities and approved its continuation, subject to revised conditions (Attachment D – PC Resolution No. 5111-92). Approval of this modification to the Use Permit included the elimination of conditions related to (a) signage parameters to allow minor changes and (b) subsequent annual reviews because of demonstrated good behavior in the initial two (2) years (Condition No. 6 and 13, respectively, of PC Resolution No. 5055-91).

The Use Permit authorizes re-review by the Planning Commission on an as-needed basis if staff receive complaints from the public or from the Police or Fire departments (Condition No. 4 of PC Resolution No. 5055-91).

Since the initial approval of, and subsequent modifications to, this Use Permit, the Applicant has used the project site as a fraternity residence and for their fraternity activities.

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<sup>1</sup> The original Use Permit *limits the location of fraternity activities (e.g., gatherings and meetings) to the residence addressed 1304 Foothill Boulevard*, but notes that the rest of the apartment units addressed 190 Crandall Way Units 1-5 on the property are leased to fraternity members for residential purposes. As such, fraternity members are housed throughout all units on the property.

## 1.2 Prior General Plan Amendment and Rezone Review and Approval

On October 7, 2008, the City Council adopted [Ordinance No. 1521](#) (2008 Series), which included a General Plan Amendment and Rezone (GP/R 200-07) to change the land use designation and zone of several properties along Crandall Way and Foothill Boulevard, including the project site, from Medium-High Residential (MHDR, R-3) to High Density Residential (HDR, R-4). This was part of a larger amendment/rezoning effort intended to increase density potential and facilitate group housing uses (e.g., student housing projects, fraternities and sororities, etc.) in proximity to Cal Poly campus. The amendment/rezoning would support viable redevelopment of properties consistent with policies in the Land Use Element and Housing Element to provide housing that attracts and locates faculty and students closer to campus and reduce commute travel.

## 1.3 History of Recent Violations and Code Enforcement Actions

### Use Permit Violations

#### *Police Department Actions*

Records indicate that the Police Department has issued four (4) citations for noise violations during the current Cal Poly academic calendar (September 2025 to present).

#### *Code Enforcement Actions*

On January 8, 2025, Code Enforcement issued a Notice to Correct Code Violation(s) / Notice of Violation (i.e., courtesy warning) due to multiple, confirmed administrative citations, noise violations, and Use Permit violations (Attachment E – Notice to Correct Code Violation(s), dated January 8, 2025). Code Enforcement subsequently issued an Administrative Citation (in follow up to the previous notice) for violations of the Use Permit on April 2, 2025 (Attachment F – Administrative Citation, dated April 2, 2025). After issuing the Notice of Violation and Administrative Citation, 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.

## 1.4 Planning Commission's Purview

The multiple confirmed administrative citations, noise violations, and police calls associated with the fraternity have resulted in violations of Condition No. 8 of the Use Permit, U1484, which is as follows:

*8. Failure to comply with any of the above conditions or code requirements, or the conduct of the use 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.*

In accordance with Condition No. 4, the Director is referring the Use Permit for a re-review by the Planning Commission as detailed below:

4. *If a reasonable complaint is received in writing by the Community Development Department,*

- a. *The complaint shall be forwarded to the Interfraternity Council and the Planning Commission within one week of receipt for review and comment. The names of the people filing the complaint shall not be included without their consent. Copies of all correspondence will be sent to the Dean of Students and the fraternity.*
- b. *The complaint, and the comments from the Interfraternity Council if received, shall be forwarded by the Planning Division to the Planning Commission for consideration at the commission's next available meeting.*

### **1.5 Changes to the Municipal Code**

Since the original approval of, and subsequent modifications to, Use Permit, U1484, in 1990-1992, 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, as well as generally-applicable 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.

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

Since 1992, 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 and conduct in the City, and the key chapters that often 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-0333-2025, application.

### **2.1 Consistency with the General Plan and 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 three (3) residential structures (two apartment structures and one single-family structure) with a combined total of approximately 5,077 square feet and 12 bedrooms. The fraternity shall be limited to a maximum of 19 residents (approximately 267 square feet per resident), consistent with the prior Use Permit approval, because it is anticipated that most of the 12 bedrooms would be shared between two (2) residents while some may be used by single 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). This revision would replace Condition No. 1 of the old Use Permit.*

- **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 1304 Foothill Blvd / 190 Crandall Way is approximately 0.26-acre in size, which results in an average of 14.3 people for the property. The maximum number of people for routine meetings and gatherings for this fraternity shall be limited to 21 people (rounded down from  $21.45 = 14.3 \text{ people} \times 1.5$ ) (Condition No. 4). This proposed condition includes a slight increase of two (2) people from the 19 people allowed for routine gatherings under the original approval of Use Permit, U1484 (Condition No. 3 of Resolution No. 5111-92), 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 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 19 residents and 12 bedrooms, the fraternity would be required to provide 18 onsite spaces (i.e., the greater calculation based on bedroom count) under the current parking requirement. While approval of the original Use Permit required 14 spaces (Condition No. 2 of Resolution No. 5111-92), this requirement was satisfied through a combination of 12 car spaces (i.e., 10 surface spaces and two [2] garage spaces) and 10 bicycle spaces, *which in total equated to 14 spaces*<sup>2</sup>. 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 and maintain a nonconforming number of parking spaces (Condition No. 8). This new condition has been revised to clearly indicate the minimum 12 required *car* spaces, which is consistent with the number of spaces available onsite. Additional information related to the nonconforming number of parking spaces is provided in the following discussion on proposed conditions.

To facilitate the use of active transportation and address potential impacts on street parking by the fraternity, a minimum of 19 bicycle parking spaces (one bicycle space per bed), consistent with current requirements for 19 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 5 to 19 for the site.

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<sup>2</sup> At the time of the original approval and subsequent modifications, the parking requirements did not clearly distinguish between *car* and *bicycle* spaces. While 14 parking spaces were required for the fraternity, this requirement was satisfied through a combination of car and bicycle spaces. In the case of this fraternity, 12 car spaces and 10 bicycle spaces (five [5] bicycle spaces to equal one [1] car space and stored in the garage) were provided based on capacity of 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 conditions of more recent approvals, to address concerns related to noise and large gatherings:

- Condition No. 2 establishes clear thresholds 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 Condition No. 4 of the original Use Permit, U1484.
- Condition No. 4 limits routine meetings and gatherings to 21 people. Any event that includes more than 21 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. 3, 11, and 12 of the original Use Permit, U1484.

While the original Use Permit confined fraternity activities to the residence at 1304 Foothill<sup>3</sup> because of a parking concern, the proposed Condition No. 4 does not limit routine meetings or gatherings to a specific unit onsite. Typically, a Conditional Use Permit review would consider the overall use and its associated activities in relation to the entirety of the project site and immediate vicinity. In the case of this fraternity, the members are housed throughout all units on the property, and the allowable number of members is regulated by the Use Permit as a standard condition in fraternity reviews. Therefore, the scope of the Conditional Use Permit should encompass the entirety of the site and include units addressed 190 Crandall Way, Units 1-5 (instead of only 1304 Foothill) to avoid future confusion. There would be no practical or productive purpose in regulating where routine gatherings, which are intended to be controlled and small-scale, can occur on a site that

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<sup>3</sup> In previous reviews of the original Use Permit, there were concerns regarding the nonconforming number of parking spaces on the site. Despite all existing units being legally created, the property contains a limited number of spaces and would not satisfy parking requirements if the fraternity use was approved for the entire site at the time. Even though fraternity members live in all units and the allowable number of members throughout the property is regulated by this Use Permit, fraternity activities were confined to the residence at 1304 Foothill as a fraternity house (which had a higher parking requirement) and the other units at 190 Crandall were acknowledged as multifamily residences (which had a lower parking requirement) to meet the parking requirements.

For practical purposes, the fraternity utilizes the entire site as both a place of residence and activities, and should be recognized as such in this re-review. Aside from an increase to the number of bicycle spaces per Condition No. 9, there are no changes to the existing 12 parking spaces.

houses fraternity members throughout. Any concerns related to potential impacts from these gatherings (i.e., noise, unruly behavior, and other public disturbances) would be directly addressed through the recommended Use Permit conditions and Municipal Code requirements.

In addition, proposed Condition No. 4 does not attempt to identify acceptable types of special events (e.g., parent or alumni barbecues) or establish additional limitations for attendees of special events (e.g., maximum of 38 people), as detailed in Condition No. 11 of the old Use Permit. As proposed, this revised condition requires that any event involving more than 21 people would require additional review to appropriately evaluate and address potential impacts of each request.

- 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, U1484. 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 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 Conditions No. 7 and 12 of the original Use Permit, U1484.
- Condition No. 12 states that amplified noise-generating activities are prohibited.
  - Note – This condition would replace Condition No. 10 of the original Use Permit, U1484.
- Conditions No. 4, 11, and 12 clarify that any requested exceptions from the Noise Ordinance will not be approved by the Director.
  - Note – This condition would address concerns related to Condition No. 10 of the original Use Permit, U1484.

### 2.3 Other 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.

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Other Conditions with Proposed Updated Language

Requirements detailed in Condition No. 8 of the original Use Permit, U1484, related to grounds for revocation have been further refined and incorporated with updated language as Condition No. 13 in the re-review.

Conditions Proposed for Removal

Staff is not recommending that any conditions of the original approval be removed, except as discussed above in this report.

**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-0333-2025)
- B. PC Resolution No. 5017-90 (Approval of the Original Use Permit, U1484)
- C. PC Resolution No. 5055-91 (Review Following First Year)
- D. PC Resolution No. 5111-92 (Review Following Second Year)
- E. Notice to Correct Code Violation(s), dated January 8, 2025
- F. Administrative Citation, dated April 2, 2025