

## **RESOLUTION NO. PC-XXXX-25**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN LUIS OBISPO REVOKING THE CONDITIONAL USE PERMIT FOR A FRATERNITY AT 1236 MONTE VISTA PLACE. THE ACTION IS EXEMPT FROM ENVIRONMENTAL REVIEW.**

**WHEREAS**, on August 12, 1998, the Planning Commission of the City of San Luis Obispo revised a Use Permit to allow a fraternity (Kappa Sigma) at 1236 Monte Vista Place (Resolution No. 5230-98 (1998 Series)); and

**WHEREAS**, after Kappa Sigma vacated the project site, Delta Chi began residing at the project site in 2012 and continued the use as a fraternity organization under the provisions of Use Permit U106-98; and

**WHEREAS**, on November 2, 2021, a Notice to Correct Code Violation(s)/Notice of Violation was issued to the property due to unpermitted work to enclose upper story balconies to convert non-habitable space into sleeping areas. Building permits to convert the spaces back into decks were submitted in October 2022 and December 2023, but the work has not been completed; and

**WHEREAS**, the City received complaints, and, between September 2024 and May 2025, the Police Department issued three citations relating to noise violations at the property (one was successfully appealed) and one citation for an unruly gathering; and

**WHEREAS**, Code Enforcement issued a Notice of Violation on March 19, 2025, relating to the multiple, verified violations of the existing Use Permit; and

**WHEREAS**, in order to grant a conditional use permit, the Planning Commission must find, among other things, that the establishment and subsequent operation or conduct of the use 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 (SLOMC 17.110.070(A)(5)); and

**WHEREAS**, revocation of an existing Conditional Use Permit is appropriate if the Planning Commission cannot make one or more findings of San Luis Obispo Municipal Code Chapter 17.110 upon review of the permit due to violations thereof (SLOMC 17.102.020); and

**WHEREAS**, Condition No. 11 of Use Permit U106-98 requires Planning Commission re-review if complaints are received by the City, at which time the Planning Commission could add, delete, or modify conditions of approval, or revoke the use permit; 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 May 28, 2025, for the re-review of the Conditional Use Permit and to consider the continuation of the fraternity at 1236 Monte Vista, pursuant to a proceeding instituted under USE-0333-2025, Sigma Nu, applicant; and

**WHEREAS**, notice of said public hearing was provided at the time and in the manner required by, including publication on May 15, 2025, in the New Times newspaper of a legal ad for the public hearing; and

**WHEREAS**, at said hearing, the Planning Commission of the City of San Luis Obispo considered all evidence, including testimony of the applicant, public comment, and recommendations by staff; and

**WHEREAS**, the Planning Commission voted 5-0 (two members absent) to revoke the Conditional Use Permit and directed their legal counsel to prepare a Resolution of revocation for the Commission's adoption at the next regular meeting of the Planning Commission.

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

**SECTION 1. Findings.** The Recitals stated above are incorporated herein as Findings of the Planning Commission. In revoking the Conditional Use Permit pursuant to Municipal Code §17.102.020(C)(7), and without prejudice, the Planning Commission additionally finds:

1. The current use is not consistent with Fraternity regulations of Municipal Code Section 17.86.130 because:
  - a. The fraternity has been repeatedly cited for violations of the City's Noise Ordinance and unruly gatherings.
  - b. Since May 2024, ten (10) complaints have been made to the Police for noise violations at the property, resulting in several citations. One of these occurred after the property was served with a Notice of Violation of the Conditional Use Permit on March 19, 2025.
  - c. The fraternity was cited by Police on March 15, 2025, for the "St. Fratty's Day" party hosted on the property, during a safety enhancement zone and despite City staff's proactive outreach to fraternity organizations ahead of the St. Patrick's Day Weekend to encourage safe celebrations and deter unruly gatherings.
  - d. The fraternity was most recently cited for a noise violation on May 17, 2025, after the fraternity was provided notice of the Planning Commission hearing on re-review of the Conditional Use Permit.

- e. The maximum number of persons on site repeatedly exceeded the limit established by the Conditional Use Permit.
  - f. The fraternity has failed to apply for special event permits or parking and transportation plans as required by their Conditional Use Permit, despite hosting events which exceeded the routine gathering capacity limits of the Permit.
  - g. There have been a series of events detrimental to the health, safety, and welfare of the neighborhood.
  - h. There has been an institutional failure within the fraternity to educate its members about the existence and requirements of the Conditional Use Permit.
2. For the reasons stated above, the design, location, size, and operating characteristics of the current use is not compatible with residential uses in the vicinity. The Planning Commission was not satisfied that any set of conditions would secure these purposes. Therefore, the required finding in Municipal Code §17.110.070(A)(3) cannot be made.
3. For the reasons stated above, the continued use of the property as a fraternity under the Conditional Use Permit is not appropriate for the subject location, is incompatible with the neighborhood, and will be detrimental to the health, safety, and welfare of persons living or working at the site or in the vicinity. The Planning Commission was not satisfied that any set of conditions would secure these purposes. Therefore, the required finding in Municipal Code § 17.110.070(A)(5) cannot be made.

**SECTION 2. Environmental Review.** The project is exempt from environmental review under Section 15061(b)(3) (Common Sense Exemption) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the revocation of the Conditional Use Permit may have a significant effect on the environment. Additionally, CEQA does not apply to projects which a public agency rejects or disapproves. (CEQA Guidelines Section 15270.)

**SECTION 3. Action.** The Planning Commission hereby REVOKES the Conditional Use Permit U106-98, previously issued as to 1236 Monte Vista Place for use as a fraternity, based on the Findings stated above. Use as a fraternity shall cease immediately upon execution of this Resolution. Any subsequent application to establish a subsequent Conditional Use Permit for a fraternity at the location shall be subject to all requirements of the Municipal Code, including but not limited to Section 17.86.130 and Chapter 17.110.

**SECTION 4. Appeal.** This Resolution of the Planning Commission may be appealed to the City Council by filing an appeal with the City Clerk within ten (10) calendar days of date of this decision as stated below and in compliance with San Luis Obispo Municipal Code Chapter 17.126. The appellant must pay the appropriate appeal fee, if applicable.

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 11<sup>th</sup> day of June 2025.

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Rachel Cohen, Secretary  
Planning Commission