

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 1304 FOOTHILL BOULEVARD AND 190 CRANDALL WAY. THE ACTION IS EXEMPT FROM ENVIRONMENTAL REVIEW.

WHEREAS, on May 14, 1990, the Planning Commission of the City of San Luis Obispo revised a Use Permit to allow a fraternity at 1304 Foothill Boulevard (Resolution No. 5017-90 (1990 Series)); and

WHEREAS, on May 8, 1991, the Planning Commission of the City of San Luis Obispo reviewed a previously approved Use Permit allowing a fraternity at 1304 Foothill Boulevard, pursuant to a proceeding instituted under U1484; Sigma Nu, applicant (Resolution No. 5055-91 ((1991 Series)); and

WHEREAS, on October 14, 1992, the Planning Commission of the City of San Luis Obispo re-reviewed a previously approved and amended Use Permit allowing a fraternity at 1304 Foothill Boulevard, pursuant to a proceeding instituted under U1484; Sigma Nu, applicant (Resolution No. 5111-92 ((1992 Series)); and

WHEREAS, between September 2024 and May 2025, the City received complaints regarding conduct at 1304 Boulevard, and the Police Department issued four citations relating to noise violations and an unruly gathering at the property; and

WHEREAS, Code Enforcement issued a Notice of Violation on January 8, 2025, and an Administrative Citation on April 2, 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. 4 of Use Permit requires that the Planning Commission review complaints received by the City and consider whether to add, delete, or modify conditions of approval, or revoke the use permit; and

WHEREAS, pursuant to Condition No. 4 of the Use Permit, 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 use at 1304 Foothill Boulevard and 190 Crandall Way, 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. The maximum number of persons on site repeatedly exceeded the limit established by the Conditional Use Permit.
 - c. Since May 2024, nine (9) complaints have been made to the Police for noise violations at 1304 Foothill Blvd, resulting in several citations. A citation issued on November 1, 2024, documented 300 people in attendance at the property.
 - d. At least three citations for noise violations have been issued to the property since issuance of the Notice of Violation of the Conditional Use Permit in January 2025.
 - e. 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.

- f. There has been a series of events detrimental to the health, safety, and welfare of the neighborhood.
 - g. 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 U1484, previously issued as to 1304 Foothill Boulevard 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 11th day of June 2025.

Rachel Cohen, Secretary
Planning Commission