

RESOLUTION NO. 5527-09

**A RESOLUTION OF THE SAN LUIS OBISPO PLANNING COMMISSION
APPROVING USE PERMIT APPLICATION #U 36-09
FOR THE PROPERTY LOCATED AT 720 FOOTHILL BOULEVARD**

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, San Luis Obispo, California, on June 24, 2009, pursuant to a proceeding instituted under application #U 36-09, Delta Upsilon Fraternity, applicant; and

WHEREAS, notices of said public hearing were made at the time and in the manner required by law; and

WHEREAS, the Planning Commission has duly considered all evidence, including the testimony of the applicant, interested parties, and the evaluation and recommendations by staff, presented at said hearing.

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

Section 1. 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, because limits on hours for events and numbers of persons allowed on site will restrict activities and limit disturbances to neighbors.
2. The subject use is appropriate at the proposed location, and will be compatible with surrounding land uses provided that the fraternity complies with all conditions at all times.
3. The proposed use conforms to the General Plan because it is a group housing use, which the General Plan designates as potentially appropriate for High-Density (R-4) Residential areas.
4. The proposed use meets Zoning Ordinance requirements because it is a fraternity in a High Density Residential (R-4) zone, where fraternities are allowed with approval of a Planning Commission use permit.
5. The proposed use is consistent with General Plan Land Use policy LU 2.7.4 to reduce commute travel since it provides housing for students in close proximity to Cal Poly.

Section 2. Environmental Review. Categorically exempt under Class 32, Infill Development, Section 15332 of the CEQA Guidelines.

Section 3. Action. The Commission hereby approves Use Permit 36-09 allowing a total of fourteen residents at the Delta Upsilon Fraternity located at 720 Foothill Boulevard, subject to the following conditions:

Conditions

1. No more than fourteen (14) persons shall reside at the house at any time. The applicant shall allow the City to verify occupancy of the structure by allowing an inspection of the records or by 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.
2. The use permit shall not be effective until after the associated site development has been completed consistent with the related Architectural Review Commission application (ARC 36-09) and given final occupancy. ARC conditions of approval shall be complied with at all times including maintenance of landscaping and the site shall be kept in a clean and orderly manner.
3. On-site parking shall be maintained at all times for the intended use. The final parking configuration approved by the ARC shall include at least one parking space with enough area to be striped for handicap accessible use if needed in the future.
4. Due to potential noise disturbances to adjacent properties, plans submitted for final review by the ARC shall include designs to prohibit use of the open space area in the flag portion of the lot as a gathering area.
5. The property shall be maintained in a clean and orderly manner. All plant materials shall be maintained and replaced as necessary.
6. Proposed signage identifying the fraternity house shall be reviewed and approved by the Architectural Review Commission during project review of the new fraternity facility, subject to compatibility findings with the surrounding neighborhood based on size, location, style, etc. If any signs are proposed for temporary events in the future, they will be subject to review and approval of the Community Development Director.
7. Property will be subject to the City's Multi-Dwelling Residential Inspection Program and annual fee assessment.
8. The maximum number of persons allowed on the site for routine meetings and gatherings is 21, except as specifically approved by the Community Development Director for special events. For such special events, the applicant shall also submit a parking and transportation plan.
9. No meetings, parties, or other types of similar activities that would violate City Noise Ordinances or other City regulations are allowed; or that would exceed the maximum 21 persons provisions noted in the above condition may take place between the hours of 10 p.m. and 9 a.m., except as approved by the Community Development Director.
10. 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.
11. Provide names and telephone numbers of responsible persons including the landlord, to the Community Development Department and SLOPD Neighborhood Services Manager on a

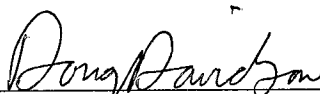
yearly basis. Responsible persons shall be available during all events and at reasonable hours otherwise to receive and handle complaints.

12. Events, including meetings or parties, on site, shall be limited to those listed on a meeting and activities schedule, submitted to and approved by the Community Development Director in the fall of each year. Exceptions to this schedule must be approved by the Community Development Director. If the Director determines the change is significant and may have an adverse impact on the neighborhood, then it will be referred to the Planning Commission for consideration.
13. The 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.
14. Failure to comply with any of the above conditions or code requirements, or the conduct of the use so as to constitute a violation of Federal, State, or local law, or 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.

On motion by Commissioner Boswell, seconded by Commissioner Drazee, and on the following roll call vote:

AYES: Commrs. Boswell, Drazee, Singewald, Multari, Stevenson, Meyer, and Whittlesey
NOES: None
REFRAIN: None
ABSENT: None

The foregoing resolution was passed and adopted this 24th day of June, 2009.



Doug Davidson, Secretary
Planning Commission