

CHAPTER 3: ZONING VIOLATIONS / CONCERNS – IS SLO CITY IN THE TWILIGHT ZONE ABOUT ZONING ISSUES?

As outlined previously, the SLOCGJ reviewed citizen complaints reporting “Illegal Fraternities” operating in residential zones (R-1/R-2). During interviews with City officials, five individuals confirmed their knowledge of the existence of illegal fraternities. City officials stated that identifying illegal fraternities is difficult but usually starts with a citizen complaint reported to law enforcement about a noisy event or party in an R-1/R-2 residential zone, which is the top citizen complaint happening most weekends while school is in session. Noise issues and complaints are usually handled by the police department. Municipal Code guidelines that address noise issues and enforcement are outlined in the “Exterior Noise Limits” section MC 9.12.060 and the “Enforcement” section MC 9.12.110. If found to be out of compliance, SLOPD may issue a warning or citation. Fines for cited noise violations escalate for each subsequent violation. Code enforcement gets involved if SLOPD or citizen complaints identify the location may be operating as a fraternity.

It is illegal per the Municipal Code for fraternities to operate in an R-1/R-2 neighborhood.

Due to the lack of on-campus student housing, some students must live off-campus. In some cases, fraternity members will rent houses in R-1/R-2 zones and may hold fraternity-sponsored events, which is not allowed by the Municipal Code. In 2023, using extensive citizen-generated data from a Cal Poly-generated report required by AB524, code enforcement started an investigation into the illegal fraternities. Based on the investigation, 30-40 Advisory Notices, and 22 Notice of Violations (NOVs) were sent to property owners. In response to the NOVs, the city advised that many of the property owners reported they were unaware of the fraternity events that were being held at their property.

At the time, Cal Poly and code enforcement were working together on the illegal fraternity issue. However, due to changes in policies, Cal Poly stopped assisting the city, stating privacy concerns, and revised their AB 524 report to remove some of the addresses that were previously provided in the document.

The current policies and enforcement approach is not conducive to a real time solution. Based on the SLOGJ investigation, the number of illegal fraternities may be more than 40 locations currently operating in the city. In addition, citizens have reported that several Cal Poly recognized fraternities listed in AB524 have multiple illegal fraternity locations operating within the city: some with as many as 7 separate locations.

In January 2025, due to detailed information received by code enforcement, from members of the public and several complaint calls, the code enforcement team was sent out on a Saturday night to the neighborhood adjacent to Cal Poly specifically looking for illegal fraternity activities. It is not the usual practice for code enforcement to be working on a weekend, at night, and on overtime, but due to the increasing attention to the problems, city officials believed it was appropriate. Results from the neighborhood review resulted in identifying and citing 12 locations that were found to be operating as fraternity houses in R-1/R-2 zones. The city is taking steps to address these violations. The city plans to continue working on the issues using the existing municipal codes and modifying them as needed. With the current fiscal situation and funding constraints, city officials plan to provide enforcement with current staff and resources and ensure they have a clear and concise process to use.

Based on comments from city officials, identifying illegal fraternity party houses is labor intensive since code enforcement has to prove that the party or activity is sponsored by a fraternity in an R-1/R-2 zone, which is a land use violation. Some indicators are Greek letters posted out front, social media posts advertising fraternity events, and citizen complaints. After investigating, if enough evidence exists, code enforcement will issue an NOV and if they are in an R-1/R-2 zone, tell them to cease all fraternity-related activities. Code enforcement will follow-up within 30 days to verify compliance.

Unfortunately, the city is regulated to reactive rather than proactive enforcement of municipal codes. Code enforcement complaints are often received after business hours or the following

day. The result is that they are limited in their ability to verify the code violation, as it is after the fact or violators are not easily identified.

CHAPTER 4: FRATERNITY PERMIT REQUIREMENTS

The City of SLO Municipal Code regulates land use, developments, and operations within the city. That Municipal Code restricts fraternities to zones R-3 and R-4 and requires a CUP (Municipal Code Section 17.10.020, Table 2-1) to operate. CUPs that allow fraternities are regulated by Municipal Code Section 17.86.130 which defines the standard conditions that shall apply to all:

1. "Occupancy" shall be limited to not more than one resident per sixty square feet of building area. The landlord shall allow the city to verify occupancy 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 twenty-four-hour notice to the residents,
2. 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,
3. 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,
4. The landlord shall provide names and telephone numbers of responsible persons to the community development department and SLOPD neighborhood services manager on an annual basis. Responsible persons shall be available during all events and at reasonable hours to receive and handle complaints

Additional conditions may be imposed by the planning commission when they approve the CUP. The permit stays with the parcel as long as the approved use continues, and the conditions are