



**Regular Meeting Agenda
Planning Commission**

MALISHA KUMAR - CHAIR
LAURA GONZALEZ- VICE-CHAIR
ESCOTO
LIAM DOWNEY - PLANNING COMMISSIONER
WAYNE TANDA - PLANNING COMMISSIONER
JOSEPH MUELLER - PLANNING COMMISSIONER
MOHAMMAD HABIB - PLANNING COMMISSIONER

Tuesday, January 25, 2022 7:00 PM

Virtual Meeting

VIRTUAL MEETING GUIDELINES AND PUBLIC COMMENT

In accordance with Executive Order N-25-20 and guidance from the California Department of Public Health on gatherings, remote public participation is allowed. Physical meetings will not be in the City Council Chamber until further notice.

Planning Commission meetings will be live streamed on Channel 17, on the City's website and on the City's Facebook page. Those members of the community that would like to participate in the meetings remotely may do so by join the virtual meeting at:

<https://bit.ly/PlanningCommissionMtg> or by calling in to: (669) 900-9128, then enter the webinar ID#: 862 0324 6251.

Public comment may be provided in the following ways:

- Join the virtual Planning Commission meeting via the link above, when public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes
- Join the virtual meeting by calling in to the number above, dial *9 to raise your hand and *6 when called upon to speak for up to 3 minutes
- Send public comments in writing to the Minutes Clerk at pcpubliccomment@morganhill.ca.gov

* Please note that comments made on Facebook are not considered public comment.

CALL TO ORDER

ROLL CALL ATTENDANCE

DECLARATION OF POSTING AGENDA

Pursuant to Government Code Section 54954.2

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

Members of the public are entitled to address the Planning Commission concerning any item within the Morgan Hill City Planning Commission's subject matter jurisdiction. Public comments are limited to no more than three minutes. Except for certain specific exceptions, the Planning Commission is prohibited from discussing or taking action on any item not appearing on the posted agenda. (See additional noticing at the end of this agenda)

ORDERS OF THE DAY

PUBLIC HEARINGS

1. **UP2021-0012: Monterey – D’ambrosio (Giorgio’s Italian Grill and Pizzeria): Conditional Use Permit to allow for the on-site general sale of alcoholic beverages at a “bona fide eating place”. The property, identified by Assessor Parcel Number(s) 726-14-013 and 014, is located on the southeast corner of Monterey Road and East Second Street.**

Recommendation:

Approval subject to the Findings and Conditions contained in the attached Resolution.

OTHER BUSINESS

2. **Introduction to the 2023-2031 Housing Element Update**

Recommendation:

Accept presentation by Staff regarding the City's 2023-2031 Housing Element Update process.

DIRECTOR'S REPORT/ANNOUNCEMENTS

ADJOURNMENT

NOTICE

January 25, 2022

Any documents produced by the City and distributed to the majority of the Planning Commission less than 72 hours prior to an open meeting, will be made available for public inspection at the front counter at City Hall located at 17575 Peak Avenue, Morgan Hill, CA, 95037 and at the Morgan Hill Public Library located at 660 West Main Avenue, Morgan Hill, California, 95037 during normal business hours. (Pursuant to Government Code 54957.5)

PUBLIC COMMENT

Members of the Public are entitled to directly address the Planning Commission concerning any item that is described in the notice of this meeting, before or during consideration of that item. If you wish to address the Planning Commission on any issue that is on this agenda, please complete a speaker request card located in the foyer of the Council Chambers and deliver it to the Minutes Clerk prior to discussion of the item. You are not required to give your name on the speaker card in order to speak to the Planning Commission, but it is very helpful. When you are called, proceed to the podium and the Chair will recognize you. If you wish to address the Planning Commission on any other item of interest to the public, you may do so during the public comment portion of the meeting following the same procedure described above. Please limit your comments to three (3) minutes or less.

Please submit written correspondence to the Minutes Clerk, who will distribute correspondence to the Planning Commission.

Persons interested in proposing an item for the Planning Commission agenda should contact a member of the Commission who may plan an item on the agenda for a future Commission meeting. Should your comments require Planning's action, your request may be placed on the next appropriate agenda. Planning Commission discussion or action may not be taken until your item appears on an agenda. This procedure is in compliance with the California Public Meeting Law (Brown Act) Government Code §54950.

City Council Policies and Procedures (CP 03-01) outlines the procedure for the conduct of public hearings. Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Commission at, or prior to the Public Hearing on these matters.

The time within which judicial review must be sought of the action by the Commission, which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.

For a copy of Commission Policies and Procedures CP 97-01, please contact the City Clerk's office (408) 779-7259, (408) 779-3117 (fax) or by email cityclerk@morganhill.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA)

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the City Clerk's Office at (408)779-7259, (408)779-3117 (fax) or by email cityclerk@morganhill.ca.gov. Requests must be made as early as possible and at least two-full business days before the start of the meeting.

PLANNING COMMISSION STAFF REPORT

MEETING DATE: January 25, 2022

PREPARED BY:

Rich Buikema, Contract Planner

APPROVED BY: Jennifer Carmen

UP2021-0012: MONTEREY – D’AMBROSIO (GIORGIO’S ITALIAN GRILL AND PIZZERIA): CONDITIONAL USE PERMIT TO ALLOW FOR THE ON-SITE GENERAL SALE OF ALCOHOLIC BEVERAGES AT A “BONA FIDE EATING PLACE”. THE PROPERTY, IDENTIFIED BY ASSESSOR PARCEL NUMBER(S) 726-14-013 AND 014, IS LOCATED ON THE SOUTHEAST CORNER OF MONTEREY ROAD AND EAST SECOND STREET.

RECOMMENDATION(S)

Approval subject to the Findings and Conditions contained in the attached Resolution.

PROJECT INFORMATION:

1. Location: Southeast corner of Monterey Road and East Second Street
2. Site Area: 0.38 Acres
3. General Plan: Mixed Use
4. Zoning: Downtown- Mixed Use
5. Request: Request for a Conditional Use Permit to allow a Type 47 liquor license for on-site general sale of alcoholic beverages at a "bona fide eating place"

BACKGROUND:

On December 7, 2021, John D'Ambrosio (FJL Foods, Inc.) filed a Conditional Use Permit application to allow the service of a full range of alcoholic beverages in conjunction with a new restaurant in an existing building. The restaurant proposes alcohol beverage service beyond beer and wine; therefore, a Conditional Use Permit is required in accordance with the Morgan Hill Downtown Specific Plan.

PROJECT DESCRIPTION:

Site Description

The 0.38 acre project site at the southeast corner of Monterey Road and East Second Street includes a 5,065-foot single-story commercial building and a 3,039 square foot covered patio totaling 8,104 square feet. The building underwent an extensive remodel in 2017 to include an outdoor covered patio.

Surrounding Uses

The site is centrally located in Downtown Morgan Hill with several restaurants, offices, and shops located on Monterey Road between First Street and Fourth Street to the south. The nearest residential property is approximately 100 feet to the east of the restaurant building on Second Street. The site is directly adjacent to a vacant commercial building formerly a restaurant use (Prova) to the south on Monterey Road.

Surrounding Uses

	General Plan Land Use	Zoning	Existing Use
North	Mixed Use	MU- D Downtown Mixed Use, Ground Floor Overlay	Restaurants, Offices
South	Mixed Use	MU- D Downtown Mixed Use, Ground Floor Overlay	Restaurants
East	Mixed Use	MU- D Downtown Mixed Use, Ground Floor Overlay	Parking, Residential
West	Mixed Use	MU- D Downtown Mixed Use, Ground Floor Overlay	Restaurants, Offices





ANALYSIS:

Proposed Project

The applicant (Giorgio's Italian Grill and Pizzeria) requests a Use Permit to allow the service of a full range of alcoholic beverages in conjunction with a new restaurant in an existing building. The restaurant proposes alcohol beverage service beyond beer and wine; therefore, a Conditional Use Permit is required in accordance with the Morgan Hill Downtown Specific Plan (Figure 8, Permitted Uses—Morgan Hill Downtown Specific Plan).

Specifically, the applicant will be subject to the limitations of a Type 47 liquor license from the California Department of Alcohol Beverage Control (ABC) that *authorizes the sale of beer, wine and distilled spirits for consumption on the licensed premises. Authorizes the sale of beer and wine for consumption off the licensed premises. Must operate and maintain the licensed premises as a **bona fide eating place**. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.*

The Type 47 is typical of other restaurants in the Downtown. Use Permits were most recently issued in 2016 to Betto's Bistro at 17385 Monterey Road (UP-16-03) and Willard Hicks and Opa at 17290, 17280 and 17270 Monterey Road (UP-16-04) to allow a full range of alcoholic beverages. According to the ABC correspondence (Attachment 2) the subject census tract has an overconcentration of Liquor Licenses and a determination of Public Convenience or necessity finding is required from the ABC prior to the issuance of the Type 47 license. This license is different from a Type 48 license-On-sale General-Public Premises (Bar, Night Club). Restaurants downtown that have been providing full alcohol service since prior to the adoption of the Morgan Hill Downtown Specific Plan in 2007 are legally nonconforming, and did not require a Conditional Use Permit. The requirement to

obtain a Conditional Use Permit does not apply outside the Downtown Specific Plan area. The Municipal Code was updated in 2018 to refine restaurants and bar definitions, but those updates did not and could not affect the regulations within the Downtown Specific Plan.

The proposed restaurant is considered a "sit-down restaurant" as defined by the Zoning Ordinance as the principal business is the sale of food, desserts, and beverages and includes a bar serving alcoholic beverages. As described in the applicant's statement of proposed operations (Attachment 3), the restaurant hours would be 11:00 am to 10:00 pm Sunday through Thursday, and 11:00 am to 11:00 pm Friday and Saturday. The restaurant will occupy a 5,065-foot single-story commercial building, with 1,760 square feet of seating area within the interior of the building and 2,832 square feet of outdoor dining. A detailed floor plan has been provided (Attachment 4). Any entertainment provided within the restaurant building or patio would require an Entertainment Permit from the Police Department.

Consistency with Adopted Plans and Policies

The proposed project was analyzed with respect to consistency with the: 1) General Plan; 2) Downtown Specific Plan; and 3) Zoning Ordinance.

1. General Plan Consistency

The Site has a General Plan designation of CBD Mixed Use and is located within the Downtown Specific Plan Area. When applied in accordance with the Downtown Plan, this designation covers 68 acres of smaller parcels in the downtown area. This designation is intended to encourage a mixture of commercial and residential uses. The proposed use would be commercial, consistent with this designation.

General Plan Policies

The proposed restaurant with a full range of alcoholic beverages in conjunction with a new restaurant is consistent with the following General Plan goals and policies:

GOAL ED-5 A downtown where residents and visitors of all ages can live, work, meet, shop, dine, participate in public celebrations, discover the story and past of our city, and share in the richness of Morgan Hill's community life.

GOAL ED-7 Thriving stores, restaurants, and shopping centers that meet local residents' shopping needs and attract regional shoppers and tourists.

Policy ED-5.4 Downtown as Cultural Center. Position downtown as the local focal point for fine dining, arts, culture, history, entertainment, and boutique retail activity

Policy CNF-15.1 Mix of Commercial Uses. Encourage a variety of commercial and office development to meet the needs of City residents.

The proposed restaurant will serve to both keep and attract people downtown. The allowance for alcohol sales is typical of most restaurants in the Downtown that operate under a Type 47 license and the addition of a new restaurant downtown will contribute

further towards making downtown the focal point of the community.

2. Downtown Specific Plan Consistency

The site is located within the Downtown Specific Plan. The Downtown Specific Plan boundary covers 18 blocks and approximately 110 acres. Downtown Morgan Hill is centered on Monterey Road and is bound by Main Avenue, Butterfield Boulevard, Dunne Avenue, and Del Monte Avenue. The Downtown Core is generally defined by Main Avenue, the railroad tracks, Dunne Avenue, and Del Monte Avenue.

The vision statement of the Downtown Specific Plan is: “Strengthening Downtown as the gathering place, a connecting force, the social and activity heart of Morgan Hill, is the overriding aspiration of this Plan - a place where residents from all segments of the community can live, work, meet, shop, dine and participate in public celebrations, and share in the richness of Morgan Hill’s community life. It will be a place like nowhere else - a place with its own scale, character and uses.” Consistent with this vision, the Specific Plan identifies that the downtown “will offer needed goods and services and well as provide a congenial home for new and unique businesses”.

Since the project is located within the Downtown Specific Plan, the listed permitted and conditionally permitted uses within the Specific Plan supersede the Morgan Hill Zoning Ordinance and provide the primary tool for the Plan's implementation. Since the use proposes alcohol beverage service beyond just beer and wine in conjunction with the restaurant, the request requires the approval of a Conditional Use Permit (Figure 8, Permitted Uses—Morgan Hill Downtown Specific Plan). Such use can be appropriate if it meets the City’s standards for conditional uses.

3. Zoning Code Consistency

The zoning designation for the site is Downtown Mixed Use (MU-D) with a Ground Floor (GF) Overlay District. The permitted land uses in the MU-D zoning district are identified in Figure 8 in the Downtown Specific Plan. A restaurant without a bar (beer and wine only) is a permitted use. A restaurant that serves more than beer and wine requires a Use Permit.

With the adoption of the Downtown Specific Plan and to encourage commercial development within Downtown, the City Council adopted a Resolution (Res.No. 6640) to exempt non-office uses from providing on-site parking.

FINDINGS:

Pursuant to the requirements in Section 18.108.030 of the Zoning Ordinance, the following findings are required:

1. The proposed use is allowed in the applicable district.

The zoning designation for the site is Downtown Mixed Use (MU-D) with a Ground Floor (GF) Overlay District. The permitted land uses in the MU-D zoning district are identified in Figure 8 in the

Downtown Specific Plan. A restaurant without a bar (beer and wine only) is a permitted use. A restaurant that serves more than beer and wine requires a Conditional Use Permit.

2. The proposed use is consistent with the general plan, zoning code, and any applicable specific plan or area plan adopted by the city council.

As discussed above, the proposed use is consistent with the general plan, zoning code, and Morgan Hill Downtown Specific Plan.

3. The site is suitable and adequate for the proposed use.

The 0.38 project site at the southeast corner of Monterey Road and East Second Street, a 5,065-foot single-story commercial building with a 3,039 square foot covered patio, is suitable and adequate for the proposed restaurant.

4. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the property.

The proposed restaurant is in Downtown Morgan Hill, which is the primary district for dining and entertainment and will add to the variety of available dining options.

5. The proposed use will not be detrimental to the public health, safety, and welfare.

As conditioned and as regulated by state and local laws, the project's operations would not adversely affect peace, health, safety, morals, or welfare of persons residing or working in surrounding areas. The project would not impair the utility or value of the property of other persons located in the vicinity of the site and will not be detrimental to the health, safety, or general welfare. Implementation of the project would include being compliant with building codes.

6. The proposed use would not have a substantial adverse effect on traffic circulation and on the planned capacity of the street system.

Development of the project is consistent with the General Plan land use and zoning designations, so the associated effects on local transportation facilities have already been anticipated by the city within the General Plan Circulation Element.

7. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

The proposed use is located within the city limits and utilities, such as gas, water, sewer, and electricity, and public services are available at the site and are adequately sized to support the use at the proposed location.

The proposed project will be adequately served by the existing and planned services and infrastructure.

CONCLUSION:

As discussed in this report, the City can make the required findings for approval of the requested Conditional Use Permit for the service of a full range of alcohol in conjunction with restaurants approval is recommended subject to the findings and conditions contained in the attached resolution.

CEQA (California Environmental Quality Act):

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities of the CEQA Guidelines as it consists of the operation of a

restaurant within an existing building involving a negligible expansion of use.

COMMUNITY ENGAGEMENT:

The proposed project was publicly noticed (mailing to property owners within 300 feet of the project and newspaper legal noticing) for the minimum 10-day period and a sign has been posted at the proposed business location per the Planning Division requirements. Information on the project is also available on the City's website.

WALL LEGEND

EXISTING INTERIOR & EXTERIOR WALLS (BY LANDLORD)
READY FOR INTERIOR FINISH
NEW FULL HEIGHT INTERIOR PARTITIONS
COVERED TILE W/ S.S. WALL BACKING OR WHITE FRP IN F.S. AREAS

2 WALL OR COUNTER WALL
COVERED TILE W/ FOOD SERVICE SIDE WHITE FRP.
PUBLIC SIDE TBO.

SOFFIT OR BEAM

INTERIOR ELEVATION

NOTE: VERIFY ALL DIMENSIONS @ SITE.
THESE ARE DESIGN DRAWINGS ONLY

EXISTING DOOR SCHEDULE

QTY	SIZE	MAT.	TYPE	FRAME	REMARKS
1	PAIR 3'-0" x 8'-4"	GLASS	A	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	B	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	C	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	D	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	E	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	F	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	G	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	H	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	I	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	J	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	K	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	L	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	M	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	N	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	O	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	P	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	Q	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	R	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	S	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	T	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	U	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	V	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	W	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	X	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	Y	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE
1	3'-6" x 7'-0"	GLASS	Z	METAL	EXISTING GLASS DOOR, SELF CLOSURE PUSH HARDWARE

ACCESSIBILITY ENTRY AND SYMBOL NOTES:

ALL DOORS ARE EXISTING PER LANDLORD CURRENT TI PLANS
REFER TO ALL OF ACCESSIBILITY PER CBC

AT ALL ENTRY DOORS ADD INTERNATIONAL SYMBOL
OF ACCESSIBILITY PER CBC

ALL THRESHOLD TO BE A MAX HEIGHT OF 1/2" ABOVE
FLOOR AND LANDING ON BOTH SIDES PER CBC

ALL DOORS THE MAX. DOOR OPENING EFFORTS TO BE NO MORE
THAN 5 LB. PER CBC

THE ENTRY AND EXIT DOORS ARE TO BE EQUIPPED W/
SINGLE-EFFORT, NON GRASP LEVER HARDWARE
CENTERED BETWEEN 30" AND 44" ABOVE FLOOR
PER CBC OR PANIC HARDWARE

THE GLASS DOOR ENTRIES TO HAVE A MIN. OF 10" KICK PLATE
AT BOTTOM OF GLAZED DOOR PER CBC

AT EACH EXIT DOOR PROVIDE A TACTILE EXIT SIGN THAT
COMPLIES WITH CBC

1. EACH GRADE LEVEL EXTERIOR DOOR-EXIT

2. EACH EXIT ACCESS DOOR FROM AN INTERIOR RM. OR AREA TO A
CORRIDOR OR HALLWAY THAT IS REQUIRED TO HAVE A VISUAL
EXIT SIGN-EXIT ROUTE

3. THE PATH OF TRAVEL SHOWN IS 36" WIDE

SIGN LEGEND: SEE LOCATIONS ON PATH OF TRAVEL PLAN

1. SIGN GRADE LEVEL EXTERIOR EXIT DOOR "EXIT"

2. EACH EXIT ACCESS DOOR FROM AN INTERIOR ROOM OR AREA
THAT THAT IS REQUIRED TO HAVE A VISUAL EXIT SIGN,
SHALL BE IDENTIFIED BY A TACTILE EXIT SIGN WITH THE
WORD "EXIT ROUTE", INSTALLED AS REQUIRED PER CBC

3. INTERNATIONAL SIGN OF ACCESSIBILITY PER
CBC

4. MAXIMUM OCCUPANCY LOAD SIGN ABOVE DOOR PER SECTION 1004.3

5. AT THE MAIN EXTERIOR DOOR A READILY VISIBLE, DURABLE SIGN
POSTED ON THE EXTERIOR SIDE OF ADJACENT STAGING
"THIS DOOR IS TO REMAIN UNLOCKED WHEN BUILDING IS
OCCUPIED", THIS SIGN SHALL BE 1" HIGH ON A CONTRASTING BACK
GROUND.

6. BUILDING ADDRESS (ON DOOR OR FRONT OF FRONT OF BUILDING)
6" x 3" STROKE WHEN 31'-50' FROM ACCESS. THE NUMBERS SHALL
BE IN CONTRAST WITH THEIR BACKGROUND. ADDRESS NUMBERS
SHALL BE PROVIDED IN ADDITIONAL LOCATIONS TO FACILITATE
EMERGENCY RESPONSE AND SHALL BE ARABIC NUMBERS OR
ALPHABETICAL LETTERS. WHERE ACCESS IS BY MEANS OF PRIVATE
ROAD AND BUILDING CANNOT BE VIEWED FROM PUBLIC WAY, A
MONUMENT, POLE OR OTHER SIGN OR MEANS SHALL BE USED TO
IDENTIFY THE STRUCTURE.

ADDRESS IDENTIFICATION TO COMPLY WITH THE CITY ENGINEER'S
REQUIREMENTS IN CALIFORNIA CITY CODE, CHAPTER 9,
ARTICLE IV HOUSING NUMBERS.
SEE ADA-PLAN FOR ADDITIONAL INFORMATION.

ACCESSIBILITY NOTES:

IT IS THE RESPONSIBILITY OF THE TENANT FOR THIS INTERIOR ALTERATION TO COMPLY WITH THE CURRENT
AMERICANS WITH DISABILITIES ACT (ADA) STANDARDS AND CA 1-24 FOR ACCESSIBILITY.

EVERY CORRIDOR SERVING AN OCCUPANT LOAD OF 10 OR MORE SHALL BE NOT LESS THAN 44" IN WIDTH.
CORRIDORS SERVING AN OCCUPANT LOAD OF LESS THAN 10 SHALL NOT BE LESS THAN 36" IN WIDTH.

CIRCULATION AISLES AND PEDESTRIAN WAYS SHALL BE SIZED ACCORDING TO FUNCTIONAL REQUIREMENTS
AND IN NO CASE SHALL BE LESS THAN 36" CLEAR WIDTH.

EVERY PORTION OF EVERY BUILDING IN WHICH ARE INSTALLED SEATS, TABLES, EQUIPMENT OR SIMILAR
MATERIALS SHALL BE PROVIDED WITH AISLES LEADING TO AN EXIT.

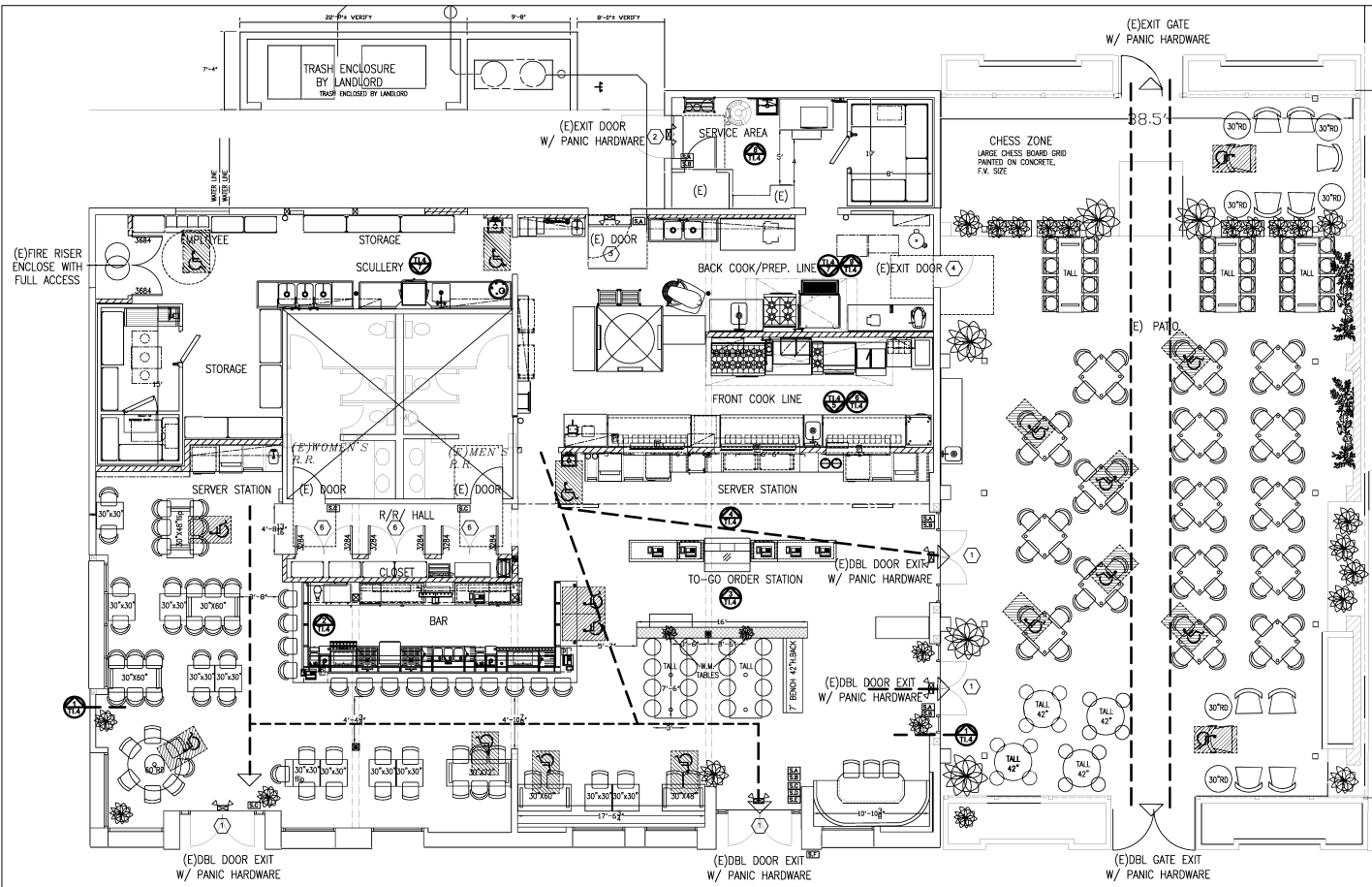
FOOD SERVICE AISLES SHALL BE A MINIMUM OF 36" IN CLEAR WIDTH WITH A PREFERRED WIDTH OF 42"
WHERE PASSAGE OF STOPPED WHEELCHAIRS BY PEDESTRIANS IS DESIRED. IF SELF-SERVICE SHELVES
ARE PROVIDED THEN A REASONABLE PORTION MUST BE WITHIN 34" OF THE FLOOR.

WHERE FIXED OR BUILT-IN SEATING, TABLES OR COUNTERS ARE PROVIDED FOR THE PUBLIC, AND IN
GENERAL EMPLOYEE AREAS, SE, BE, BUT NEVER LESS THAN 1 MUST BE ACCESSIBLE, AS REQUIRED.

THE TOPS OF HC ACCESSIBLE TABLES AND COUNTERS SHALL BE 28" TO 34" MAX FROM THE FLOOR.
IF SEATING FOR PEOPLE IN WHEELCHAIRS ARE PROVIDED AT FIXED TABLES OR COUNTERS, THEN KNEE
SPACES AT LEAST 27" HIGH, 30" WIDE AND 19" DEEP SHALL BE PROVIDED.

IF SEATING SPACES FOR PERSONS IN WHEELCHAIRS ARE PROVIDED AT FIXED TABLES OR COUNTERS, THEN
CLEAR FLOOR SPACE SHALL BE PROVIDED. SUCH CLEAR FLOOR SPACE SHALL NOT OVERLAP KNEE
SPACE BY MORE THAN 19".

WHERE A SINGLE COUNTER CONTAINS MORE THAN ONE TRANSACTION STATION, SUCH AS A RETAIL SALES
COUNTER WITH MULTIPLE REGISTER STATIONS, AT LEAST ONE, BUT NEVER LESS THAN 1, OF EACH TYPE OF
STATION SHALL BE LOCATED AT A SECTION OF COUNTER THAT IS AT LEAST 36" LONG AND NO MORE THAN
28" TO 34" MAX. HIGH.



T.I. INTERIOR & EXTERIOR OCC. PLAN SCALE 3/16"=1'-0"

PROJECT DATA

PARCEL NUMBER:	726-14-013 & 726-14-014
TENANT OCCUPANCY GROUP:	4-2
TYPE OF CONSTRUCTION:	V-B FIRE- SPRINKLERS
FIRE PROTECTION:	YES (INTERIOR)
TENANT IMPROVEMENT AREA:	FIRE ZONE: 3
PATIO AREA:	5065 SQ. FT
SERVICE TYPE:	3,039
EXISTING RESTROOMS:	405
FOOD SERVICES:	1137
EQUIPMENT/STORAGE (688/765):	1003
SEATING:	1760
HALLWAYS/SERVICE-TRAVELLING PATH:	364
WALLS/DEAD SPACE:	396±
TOTAL:	5065
EGRESS REQUIRED:	2
PATIO:	2832
SEATING:	207
SERVICE-TRAVELLING PATH:	3039
TOTAL:	2
EGRESS REQUIRED:	2

DOORS AND EXIT SIGNAGE

ALL HARDWARE AT THE EXISTING EXIT DOORS TO BE OBTAINED FROM INSIDE WITHOUT KEY SPECIAL KNOWLEDGE OR EFFORT.
A SIGN OVER THE EXIT DOOR (THIS DOOR IS TO REMAIN UNLOCKED DURING BUSINESS HOURS)
IS ONLY PERMITTED AT THE ONE MAIN EXIT FROM BUILDING (WHICH IS A SINGLE OR PAIR OF DOORS AT THE MAIN ENTRY/EXIT)
AND THAT WITH THIS SIGN ONLY "NO" HARDWARE ALLOWED (NOT INDICATOR OR TRIM-TURN HARDWARE, FOR EXAMPLE)

FIRE DEPARTMENT NOTES

1. G.C. SHALL PROVIDE PORTABLE FIRE EXTINGUISHERS AS REQUIRED BY FIRE MARSHALL
2. FIRE EXTINGUISHERS MUST BE PLACED WITHIN 75 FEET DISTANCE FROM ALL AREAS OF
TENANT SPACE. VERIFY EXACT PLACEMENT WITH INSPECTOR.

SUSAN McDONNELL AND ASSOCIATES
Interior, Commercial,
Restaurant Designer, CID
By Appointment:
1300 El Moro Dr.
Campbell, CA 95008
(408) 384-6848
susanmcdonnell.foodservice@gmail.com
www.mcdonnelldesign.com

These plans, ideas and designs
shown herein are the property
of the designer and shall not be
used, whole or in part for any
purposes for which they are not
intended without the written
permission of the designer.

REVISION: PRINT DATE:
08/22/2021

APPROVED HEALTH PLAN 11/15/2021
12/7/2021

PROJECT:
**GIORGIO'S ITALIAN
GRILL & PIZZERIA**
17380-17390
MONTEREY ROAD
MORGAN HILL, CA
95037

DWG. TITLE:
DATE: 07/19/2021

PROJ. NO:
SCALE: DWG. NO:
T1.2

FJL Foods, Inc.
1282 Hammerwood Ave.
Sunnyvale, CA 94089
(408) 541-0382
Fax: (408) 541-0387

October 27, 2021

Project Narrative/Letter of Request for 17390 Monterey St. Conditional Use Permit

We intend on revising the current site at 17390 Monterey St., Morgan Hill into a Giorgio's Italian Grill & Pizzeria, a family restaurant.

Giorgio's currently has two existing sites thriving in the bay. We offer a full menu with Italian food and pizza including beer, wine and liquor.

The project is currently under review at the Morgan Hill planning department. All plans have been or are in process to be submitted to all the usual planning departments, health, building, police, fire, epa, etc.

We see nothing but positive impacts on the current downtown area of Morgan Hill and the project conforms with the current zoning.

Thank you for your consideration

DocuSigned by:



3CC6C069733846D...

John D'Ambrosio

Owner

FJL Foods, Inc.

Giorgio's Italian Food & Pizzeria

1282 Hammerwood Ave.

Sunnyvale, CA 94089

(408) 541-0382

FJL Foods, Inc.
1282 Hammerwood Ave.
Sunnyvale, CA 94089
(408) 541-0382
Fax: (408) 541-0387

October 27, 2021

Statement of Proposed Operations for 17390 Monterey St. Conditional Use Permit

We intend on revising the current site at 17390 Monterey St., Morgan Hill into a Giorgio's Italian Grill & Pizzeria, a family restaurant.

Hours planned will be from 11am to 10pm Sunday thru Thursday and 11am to 11pm Friday & Saturday (possibly closed on Mondays). It is anticipated to need approximately 35-40 employees.

Hopefully this will be a busy Italian restaurant, offering food, beer, wine & liquor on-site. We will also offer food to be sold for take-out.

If average daily trips refer to number of expected customers – We hope to do a minimum of 50 customers at lunch and (+/-) 100 at dinner time.

It is a typical restaurant installation of walk-in refrigeration, steamtable, grill, cold tables, mixers, slicers, pizza oven, regular oven. Everything will be cooked on site.

The only hazardous materials would be Cox and nitrogen tanks for the draft beer system and soda dispensers.

Thank you for your consideration

DocuSigned by:

John D'Ambrosio

3CC6C069733846D...

John D'Ambrosio

Owner

FJL Foods, Inc.

Giorgio's Italian Food & Pizzeria

1282 Hammerwood Ave.

Sunnyvale, CA 94089

(408) 541-0382

From: Yee, Stanley@ABC <Stanley.Yee@ABC.ca.gov>
Sent: Tuesday, January 11, 2022 8:35 PM
To: Rich Buikema <Rich.Buikema@morganhill.ca.gov>
Subject: Re: [EXTERNAL] RE: Giorgio's ABC license Type 47 Morgan Hill

For an applicant PCN letter, we ask them to describe what makes them unique. Their cuisine, their menu, special ingredients, or techniques or services that make you stand out. If there are similar restaurants in the area, what/where, and how are you different from them.

Stanley Yee
Licensing Representative II
408-277-1991
Stanley.Yee@abc.ca.gov

From: Yee, Stanley@ABC <Stanley.Yee@ABC.ca.gov>
Sent: Tuesday, January 11, 2022 10:27 AM
To: Rich Buikema <Rich.Buikema@morganhill.ca.gov>
Subject: [EXTERNAL] RE: Giorgio's ABC license Type 47 Morgan Hill

You don't often get email from stanley.yee@abc.ca.gov. [Learn why this is important](#)

CENSUS TRACT - 5123.14 (GEOCODER)
OVER-CONCENTRATION - 9 ALLOWED / 30 ACTIVE – CENSUS TRACT IS OVER-
CONCENTRATED
HIGH CRIME - SECTOR 3 IS NOT HIGH CRIME
PCN DETERMINATION - YES, PROVIDED BY THE APPLICANT

Thank you,

Stanley Yee
Licensing Representative II
Department of Alcoholic Beverage Control
100 Paseo de San Antonio, Ste 119, San Jose, CA 95113
(408)277-1991
www.abc.ca.gov

RESOLUTION NO. ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORGAN HILL APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE FULL SERVICE OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A RESTAURANT AT 17390 AND 17380 MONTEREY ROAD IN THE CENTRAL BUSINESS/GROUND FLOOR OVERLAY DISTRICT (APN 726-14-013, 014).

WHEREAS, on December 7, 2021, John D'Ambrosio (FJL Foods, Inc.) submitted an application for a Conditional Use Permit to allow the service of a full range of alcoholic beverages in conjunction with a new restaurant in an existing building. The restaurant proposes alcohol beverage service beyond beer and wine; and

WHEREAS, such request was considered by the Planning Commission at its regular meeting of January 25, 2022; and

WHEREAS, pursuant to the Morgan Hill Municipal Code Section 18.136.050.A, the Director of Development Services determined the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Existing Facilities; and

WHEREAS, testimony received at a duly noticed public hearing, along with exhibits and drawings and other materials have been considered in the review process.

NOW, THEREFORE, THE MORGAN HILL PLANNING COMMISSION DOES RESOLVE AS FOLLOWS:

SECTION 1. The Project approved pursuant hereto is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of Guidelines for CEQA as it consists of the operation of a restaurant within an existing building involving a negligible expansion of use.

SECTION 2. The approved conditional use has been found consistent with the criteria for Conditional Use Permit approval contained in Section 18.108.030 of the Zoning Code and hereby adopted:

a. The proposed use is allowed in the applicable district.

The zoning designation for the site is Downtown Mixed Use (MU-D) with a Ground Floor (GF) Overlay District. The permitted land uses in the MU-D zoning district are identified in Figure 8 in the Downtown Specific Plan. A restaurant without a bar (beer and wine only) is a permitted use. A restaurant that serves more than beer and wine requires a Conditional Use Permit.

- b. **The proposed use is consistent with the general plan, zoning code, and any applicable specific plan or area plan adopted by the city council.**

The proposed use is consistent with the general plan, zoning code, and Morgan Hill Downtown Specific Plan, as restaurant uses are a permitted use. A restaurant that serves more than beer and wine requires the issuance of a Conditional Use Permit.

- c. **The site is suitable and adequate for the proposed use.**

The 0.38 project site at the southeast corner of Monterey Road and East Second Street, a 5,065-foot single-story commercial building and a 3,039 square foot covered patio is suitable and adequate for the proposed restaurant.

- d. **The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and future land uses in the vicinity of the property.**

The proposed restaurant is in Downtown Morgan Hill, which is the primary district for dining and entertainment and will add to the variety of available dining options.

- e. **The proposed use will not be detrimental to the public health, safety, and welfare.**

As conditioned and as regulated by state and local laws, the project's operations would not adversely affect peace, health, safety, morals, or welfare of persons residing or working in surrounding areas. The project would not impair the utility or value of the property of other persons located in the vicinity of the site and will not be detrimental to the health, safety, or general welfare. Implementation of the project would include being compliant with building codes.

- f. **The proposed use would not have a substantial adverse effect in traffic circulation and on the planned capacity of the street system.**

Development of the project is consistent with the General Plan land use and zoning designations, so the associated effects on local transportation facilities have already been anticipated by the city within the General Plan Circulation Element.

- g. **The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**

The proposed use is located within the city limits and utilities, such as gas, water, sewer, and electricity, and public services are available at the site and are adequately sized to support the use at the proposed location.

SECTION 3. The California Department of Alcohol Beverage Control (ABC) has stated that the subject census tract has an overconcentration of liquor licenses, and a determination of Public Convenience or necessity finding is required from the ABC prior to the issuance of the Type 47 license. While this finding is determined by ABC alone, the Planning Commission has reviewed the permit request and determined that the allowance for alcohol sales is typical of most restaurants in the Downtown that operate with a Type 47 license and will be consistent with the City's General Plan Goals by providing thriving restaurants that meet local resident's needs and attract tourists.

SECTION 4. The Planning Commission hereby approves the conditional use subject to the conditions set forth in Exhibit A, attached hereto and incorporated herein by this reference. Any expansion, intensification, or changes to the uses approved under this Conditional Use Permit shall be permitted only upon amendment of this Conditional Use Permit or approval of a separate Conditional Use Permit application.

PASSED AND ADOPTED THIS 25TH DAY OF JANUARY 2022, AT A REGULAR MEETING OF THE PLANNING COMMISSION BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS: NONE

NOES: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ATTEST:

APPROVED:

JENNA LUNA, Deputy City Clerk

MALISHA KUMAR, Chair

Resolution No. _____
Page 4

Date: _____

A F F I D A V I T

I, _____, applicant, hereby agree to accept and abide by the terms and conditions specified in this resolution.

_____, Applicant

Date: _____

EXHIBIT "A"

STANDARD CONDITIONS

APPLICATION: UP2021-0012: MONTEREY – DAMBROSIO

THE FOLLOWING APPROVAL REQUIREMENTS AND ANY SPECIAL CONDITIONS SHALL BE APPLIED THROUGH THE DEVELOPMENT APPROVAL PROCESS.

Legend

MHMC= Morgan Hill Municipal Code

MHARH= Morgan Hill Architectural Review Handbook

CMH= City of Morgan Hill

CFC= California Fire Code

I. PROJECT DESCRIPTION

The project includes a Conditional Use Permit to allow the service of a full range of alcoholic beverages in conjunction with a new restaurant in an existing building. The restaurant proposes alcohol beverage service beyond beer and wine.

II. PROJECT CONDITIONS OF APPROVAL

This Conditional Use Permit approval is limited to allowing the on-site general sale of alcoholic beverages at a “bona fide eating place”. The restaurant will be limited to a Type 47 liquor license from the California Department of Alcohol Beverage Control (ABC). The business shall operate and maintain the licensed premises as a bona fide eating place, shall maintain suitable kitchen facilities, and shall make actual and substantial sales of meals for consumption on the premises.

It shall be the responsibility of the Owner to ensure that any changes or modifications to the Project are following the original City Conditions of Approval of the Project, which are hereby incorporated herein as set forth in full.

DEFENSE AND INDEMNITY

- A. As part of, and in connection, with this application to the City of Morgan Hill, Applicant agrees to defend, indemnify, and hold harmless the City of Morgan Hill, its officers, agents, employees, officials and representatives (Indemnitees) from and against any and all claims, actions, or proceedings arising from any suit for damages or for equitable or injunctive relief which is filed against City to attack, set aside, void or annul its approval of this application or any related decision, or the adoption of any environmental documents which relates to said approval. The City shall promptly notify the Applicant of any such claim, action or proceeding and the City shall cooperate fully in the defense thereof. In the event that Applicant is required to defend Indemnitees in connection with the proceeding,

Indemnitees shall retain the right to approve (a) the counsel to so defend Indemnitees; (b) all significant decisions concerning the manner in which the defense is conducted; and (c) any and all settlements, which approval shall not be unreasonably withheld. This indemnification shall include, but is not limited to, (a) all pre-tender litigation costs incurred on behalf of the City, including City's attorney's fees and all other litigation costs and expenses, including expert witnesses, required to defend against any lawsuit brought as a result of City's approval or approvals; (b) reasonable internal City administrative costs, including but not limited to staff time and expense spent on the litigation, after tender is accepted; and (c) all damages, costs, expenses, attorney fees or expert witness fees that may be awarded to the prevailing party arising out of or in connection with the approval of the application or related decision. City may, in its sole discretion, participate in the defense of such action; but such participation shall not relieve Applicant of its obligations under this condition. The undersigned hereby represents that they are the Applicant or are fully empowered by the Applicant as their agent to agree to provide the indemnification, defense and hold harmless obligations, and the signature below represents the unconditional agreement by Applicant to be bound by such conditions.

TIME LIMITS

- A. **Term:** The Conditional Use Permit approval granted pursuant to this Resolution shall remain in effect for two years to January 25, 2024. Failure to obtain building permits within this term shall result in termination of approval unless an extension of time is granted with a showing of just cause prior to expiration date. **(MHMC 18.108.040)**

GENERAL

- A. **Mitigation Fee Act:** Notice is hereby given that, pursuant to the Mitigation Fee Act, the City of Morgan Hill charges certain fees (as such term is defined in Government Code Section 66000) in connection with approval of this development project for the purpose of defraying all or a portion of the cost of public facilities related to this development project (Mitigation Fee Act Fees). These fees do not include fees for processing applications for governmental regulatory actions or approvals, fees collected as part of development agreements, or as a part of the application for the City's Residential Development Control System. The Mitigation Fee Act Fees applying to this project are listed in the schedule of fees to be provided at building permit stage. Notice is also hereby given that the Developer has an opportunity to protest the imposition of the Mitigation Fee Act Fees within 90 days of the approval or conditional approval of this development project and that the 90-day protest period has begun.
- B. **Signed copies of Approval Certificate:** Submit two (2) signed copies of Approval Resolution No. ____ to the Planning Division prior to issuance of a building permit.

ENGINEERING DIVISION

- A. Public Works Impact fees may be required for this project and must be paid prior to the issuance of Building Permit.

BUILDING DIVISION

- A. The owner or designee shall follow all applicable building codes.

POLICE DEPARTMENT

- A. Entertainment as defined in Section 5.28 of the Morgan Hill Municipal Code may not be conducted unless an Entertainment Permit is approved by the Police Department.