

PLANNING COMMISSION

September 28, 2022

Action Minutes

WELCOME

ROLL CALL

PRESENT: Commissioners Oliverio, Lardinois, Ahluwalia, Barocio, Casey, Garcia, Ornelas-Wise, Young

ABSENT: Commissioner Cantrell

SUMMARY OF HEARING PROCEDURES

1. CALL TO ORDER & ORDERS OF THE DAY

Meeting called to order at: 6:30 p.m.

Access the video, agenda, and related reports for this meeting by visiting the City's website at:
<https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/commissions-and-hearings/planning-commission>

2. PUBLIC COMMENT

Public comments to the Planning Commission on non-agendized items. Please use the ‘raise hand’ feature in Zoom or click *9 to raise a hand to speak or contact 408-535-3505 to request to speak. Each member of the public may address the Commission for up to two minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:

- Responding to statements made or questions posed by members of the public; or
- Requesting staff to report back on a matter at a subsequent meeting; or
- Directing staff to place the item on a future agenda.

No Comments

3. DEFERRALS AND REMOVALS FROM CALENDAR

No items

4. CONSENT CALENDAR

ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO APPROVE CONSENT CALENDAR ITEMS 4.A. AND 4.B.

COMMISSIONER ORNELAS-WISE SECONDED THE MOTION (8-0-1; CANTRELL ABSENT)

- a. Review and Approve Action Minutes from [September 14, 2022](#).
- b. [CP22-015/ER22-115 \(Administrative Hearing\)](#). Conditional Use Permit to allow the conversion of an existing 6,700-square foot commercial tenant space for an indoor theater use, located on the northwest corner of Alum Rock Avenue and Eastgate Avenue (1783 Alum Rock Avenue) (Leung Yee Enterprises Inc., Owner). Council District 5. CEQA: Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities.
PROJECT MANAGER, KORA MCNAUGHTON
 1. **CONSIDER THE CATEGORICAL EXEMPTION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15303 FOR NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES.**
 2. **ADOPT A RESOLUTION APPROVING, SUBJECT TO CONDITIONS, A CONDITIONAL USE PERMIT TO ALLOW THE CONVERSION OF AN EXISTING 6,700 SQUARE-FOOT COMMERCIAL TENANT SPACE TO A 200-SEAT INDOOR THEATER USE ON AN APPROXIMATELY 1.03-GROSS ACRE SITE.**

5. PUBLIC HEARING

- a. [DA22-001](#). This is a hearing for the consideration of an Ordinance to approve a Third Amendment to the Development Agreement by and between the City of San Jose and Jackson-Taylor Partners LLC for the Japantown Corporation Yard Redevelopment Project (Ordinance No. 29528), as amended. The Third Amendment will revise the parties' Performance Center Site obligations. The City Council adopted this Development Agreement in 2014, which allows the development of 435 to 600 dwelling units, 16,000 to 25,000 square feet of retail, a site for a performance center for San Jose Taiko and Center for the Creative Arts (CCA), and a public park located on at the southeast corner of East Taylor Street and North 6th Street (City of San Jose, Owner). Council District 3. Determination of Consistency with the Japantown Corporation Yard Redevelopment Project Environmental Impact Report, adopted by City Council Resolution No. 74384, and addendum thereto.

PROJECT MANAGER, PATRICK KELLY

ACTION: COMMISSIONER LARDINOIS MADE A MOTION TO RECOMMEND TO THE CITY COUNCIL THE FOLLOWING:

- 1. DETERMINATION OF CONSISTENCY WITH THE FINAL ENVIRONMENTAL IMPACT REPORT WITH THE JAPANTOWN CORPORATION YARD REDEVELOPMENT PROJECT (RESOLUTION NO. 74384) AND ADDENDA THERETO (MAY 20, 2008, MAY 2, 2014, NOVEMBER 17, 2015).**
- 2. ADOPT AN ORDINANCE TO APPROVE THE THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH JACKSON TAYLOR PARTNERS, LLC, TO AMEND SECTIONS: (I) SECTION 3.C(1) DEVELOPER'S CREATION OF SEPARATE PARCELS; (II) SECTION 3.C(4) DESIGN REVIEW OF PERFORMANCE CENTER; (III) SECTION 3.C(5)(A), (IV) SECTION 3.C(5)(B), (V) SECTION 3.C(5)(C), (VI) SECTION 3.C(5)(D), AND (VII) SECTION 4.D LEGAL ACTIONS.**

COMMISSIONER CASEY SECONDED THE MOTION (8-0-1; CANTRELL ABSENT)

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

No items

7. GOOD AND WELFARE

a. Report from City Council

The Commission Secretary reported on City Council actions taken on September 20, 2022.

b. Subcommittee Formation, Reports, and Outstanding Business

No items

c. Commission Calendar and Study Sessions

The Planning Commission were advised, by staff, that they have up until Friday to submit their preferences for dates and topics for the 2022 Planning Commission Retreat, to be held on either October 21st or November 4th.

d. The Public Record

No items

8. ADJOURNMENT

Meeting adjourned at 6:52 p.m.