

CITY OF SAN JOSÉ, CALIFORNIA  
Department of Planning, Building and Code Enforcement  
801 North First Street, Room 400  
San José, California 95110-1795

Hearing Date/Agenda Number  
H.L.C. 10/05/05  
Item 5.a.

File Number  
H04-037

Application Type  
Site Development Permit

Council District  
3  
SNI  
NA

Planning Area  
Central

Assessor's Parcel Number(s)  
467-01-003

## STAFF REPORT

### PROJECT DESCRIPTION

Completed by: Ron Eddow

Location: Northwest corner of North 2<sup>nd</sup> Street and Devine Street

Gross Acreage: 0.09                      Net Acreage: 0.09                      Net Density: n/a

Existing Zoning: CG Commercial General                      Existing Uses: Vacant / paved, illegal surface parking lot

Proposed Zoning: DC Downtown Primary                      Proposed Use: Retail commercial building containing approximately 3,000 square feet Commercial

### GENERAL PLAN

Completed by: RE

Existing Land Use/Transportation Diagram Designations  
Residential Support for the Core (25+ dwelling units per acre)

Project Conformance:  
 Yes     No  
 See Analysis and Recommendations

### SURROUNDING LAND USES AND ZONING

Completed by: RE

North:        Commercial                      CG Commercial General

East:         Commercial                      CG Commercial General

South:       Parking Lot                      DC Downtown Primary Commercial

West:        Commercial                      CG Commercial General

### ENVIRONMENTAL STATUS

Completed by: RE

Use of San Jose 2020 General Plan  
 Negative Declaration circulated on  
 Negative Declaration adopted on

Exempt  
 Environmental Review Incomplete

### FILE HISTORY

Completed by: RE

Annexation Title: Original City

Date: 3/27/1850

### PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION

Recommend Approval                      Date \_\_\_\_\_                      Approved by: \_\_\_\_\_  
 Recommend Denial  
 Recommend to the Director of Planning

#### CURRENT OWNER

Walter Harding  
502 S. 2<sup>nd</sup> St.  
San Jose, CA 95112

#### DEVELOPER / ARCHITECT

Daryl Fazekas  
80 SW Main St.  
Los Gatos, CA 95030

---

---

PUBLIC AGENCY COMMENTS RECEIVEDCompleted by: RE

---

None

---

## Other Departments and Agencies

None

---

---

GENERAL CORRESPONDENCE

---

None

---

---

ANALYSIS AND RECOMMENDATIONS

---

**BACKGROUND**

The applicant has filed a Site Development Permit, file no. H04-037, that has been modified from the original submittal for residential to now propose a retail commercial building containing approximately 3,000 square feet on the subject site. Planning staff is interested in the Commission's feedback regarding the compatibility of the proposed building's site and architectural design with the Germania Hall City Landmark, before the Director makes a decision on the project.

The applicant, Daryl Fazekas, has on file an associated Conventional Rezoning for the site, file no. C04-067, from CG Commercial General Zoning District to DC Downtown Primary Commercial Zoning District. On October 4, 2005, the City Council will hold a public hearing to consider the proposed rezoning. The Director of Planning, Building and Code Enforcement and the Planning Commission recommended approval of the proposed rezoning.

On December 15, 2004, the Historic Landmarks Commission Design Review Committee recommended the project be redesigned so that the front unit of the former residential project would align with the King Conservatory of Music City Landmark, also known as Germania Hall. On February 2, 2005, the Historic Landmarks Commission stated that the historic and cultural contributions of the Germania Hall not be obscured by the residential project proposed, and that the design be further developed. Former HLC Chair Polcyn asked that the project return to the HLC prior to being considered by the Planning Commission. On April 6, 2005, the Commission said it was concerned about squeezing the City Landmark between two buildings.

**Historic Resources Description**

The project site itself does not have historic significance, however, the subject site is located adjacent to the Germania Hall City Landmark (HL86-38), located at 259-261 N. Second Street. Germania Hall is significant both for its architecture and its history. Constructed circa 1893, the Queen Anne style hall was the King Conservatory of Music and for seventy years San Jose's gathering place for the German-American community. Photos of the adjacent City Landmark are attached. The site is located outside the St. James Square Historic District. However, portions of the block to the south including Letcher Garage and the First Church of Christ Scientist are included within the District.

## **ANALYSIS**

### **Environmental Review**

The proposed project is Exempt from environmental review pursuant to CEQA Guidelines section 15303 which consists of construction and location of limited numbers of new, small facilities and structures. In urban areas, the exemption also applies to up to four commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

### **General Plan Conformance**

The proposed project conforms to the intent of the site's General Plan designation of Residential Support for the Core (25+ du/ac), in that it said land use designation supports commercial uses on the first two floors with residential development on the upper floors. Given the location of the site adjacent to a City Landmark, the development of a multi-story structure would obscure the architecture of said landmark and have a significant impact on the visibility of it from various vantage points. A single-story commercial structure would provide for commercial uses as supported by the land use designation as well as serve to protect the adjacent historic resource from the impacts of a multi-story building. Additionally, the proposed commercial project furthers the General Plan Downtown Revitalization Major Strategy that begins symbolically in the center city and continues outward. As the City grows there will be more emphasis on revitalization of older neighborhoods, business districts and employment centers throughout the City.

### **Project Description**

The site takes access from S. Second Street. One loading space is located at the corner of S. Second and Devine Streets. The proposed project would construct a one-story commercial building containing approximately 3,000 square feet. The building facades, that face both S. Second Street and Devine Street, are clad in brick veneer. The rear of the building is clad in stucco. Fenestration consists of aluminum storefront. The low-pitched roof is covered with composition shingles. Steel exit doors, steel trash enclosure doors, and exterior air conditioning units are located on the rear of the building facing the Germania Hall City Landmark.

The proposed building would align with Germania porch on S. Second Street. It would be located eight feet from the adjacent Germania Hall City Landmark. The applicant has not provided construction details or a material and color board. Staff requests the Commission's comments and recommendation regarding the compatibility of the proposed building with the Germania Hall City Landmark before the Director of Planning, Building, and Code Enforcement makes a decision on the proposed project. The proposed building's site and architectural design should be considered in terms of their relationship to the historic building and the neighborhood, and may be contemporary or may reference design motifs from the historic building. In either case, the new design should be differentiated from the historic building and be compatible in terms of materials and colors, features, size, scale and proportion in order to protect the integrity of the historic building.

## **COMMUNITY OUTREACH**

A public hearing notice for the rezoning was published in a local newspaper and mailed to all property owners and tenants within 500 feet of the subject site. Planning Staff has been available to discuss the proposal with members of the public. Additionally, prior to the HLC public hearing, an electronic version of the staff report was made available online, accessible from the Historic Landmarks Commission agenda, on the Planning

Divisions' website. Public outreach for the subject Site Development Permit will occur in accordance with the City Council Policy on public outreach.

### **RECOMMENDATION**

Planning staff recommends that the Historic Landmarks Commission make recommendations to the Director of Planning, Building and Code enforcement regarding the compatibility of the proposed building's site and architectural design with the Germania Hall City Landmark.