



# Memorandum

**TO:** RULES AND OPEN  
GOVERNMENT COMMITTEE

**FROM:** Richard Doyle  
City Attorney

**SUBJECT:** RESOLUTION CONFIRMING  
AND INDICATING CURRENT  
SUPPORT OF LAND USE  
DESIGNATIONS ON FORMER  
SAN JOSE MEDICAL CENTER  
SITE

**DATE:** February 5, 2009

## RECOMMENDATION

Consider agendizing for City Council consideration the attached draft resolution confirming and indicating current Council support for existing General Plan and zoning designations on the former San Jose Medical Center site (675 East Santa Clara Street), pursuant to that certain memorandum to the Rules Committee from Mayor Chuck Reed and Councilmember Sam Liccardo, dated January 9, 2009 (the "Rules Committee Memo").

## BACKGROUND AND ANALYSIS

At its meeting on January 21, 2009, under Item A.2.a.1, the Rules Committee directed the City Attorney to prepare a resolution in connection with the former San Jose Medical Center site that incorporated all of the following elements, pursuant to the Rules Committee Memo on this topic:

- Expression of the current City Council's strong support for the existing General Plan and zoning designations on the site;
- Direction to the City Manager to discourage, in writing, prospective applicants from submitting applications for development approvals to change the existing General Plan or zoning designations on the site;
- Direction to the City Manager to inform prospective applicants of the Council's adoption of this resolution; and
- Direction to the City Clerk to record a copy of this Resolution with the Recorder's Office of Santa Clara County.

February 5, 2009

**Subject: Draft Resolution Related Land Use Designations**

**On the Former San Jose Medical Center Site**

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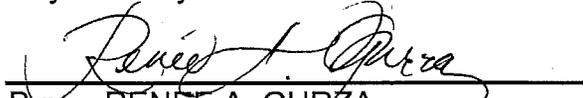
The attached draft Resolution has been prepared in response to this direction from the Rules Committee.

**CONCLUSION**

The attached draft Resolution incorporates all of the elements noted above, pursuant to the Rules Committee Memo on this subject and prior direction from the Rules Committee, and is ready for consideration by the Rules Committee for agendaing before the entire City Council.

RICHARD DOYLE

City Attorney



By: RENE E A. GURZA

Sr. Deputy City Attorney

cc: Debra Figone, City Manager

**RESOLUTION NO.**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CONFIRMING THE CURRENT GENERAL PLAN AND ZONING DESIGNATIONS APPLICABLE TO THAT CERTAIN REAL PROPERTY LOCATED AT 675 EAST SANTA CLARA STREET (APNS 467-14-1,2,3,6,7,8,9,10,52,82,86,87,88,and 89; 467-15-084), AFFIRMING CURRENT COUNCIL SUPPORT FOR THOSE EXISTING GENERAL PLAN AND ZONING DESIGNATIONS, DIRECTING THE ADMINISTRATION TO INFORM PROSPECTIVE APPLICANTS FOR DEVELOPMENT APPROVALS AT THIS SUBJECT REAL PROPERTY OF THE ADOPTION OF THIS RESOLUTION, DIRECTING THE ADMINISTRATION TO DISCOURAGE PROSPECTIVE APPLICANTS FOR DEVELOPMENT APPROVALS AT THIS SUBJECT PROPERTY FROM SUBMITTING SUCH DEVELOPMENT APPROVAL APPLICATIONS IN CERTAIN CIRCUMSTANCES, AND DIRECTING THE CITY CLERK TO RECORD THIS RESOLUTION WITH THE RECORDER'S OFFICE OF SANTA CLARA COUNTY**

**WHEREAS**, that certain real property located at 675 East Santa Clara Street, in the City of San José, County of Santa Clara, State of California, with Assessor's Parcel Number(s) 467-14-1, 2, 3, 6, 7, 8, 9, 10, 52, 82, 86, 87, 88 and 89 and 467-15-084, and more specifically described in that certain "Real Property Description" attached hereto as Exhibit "A" and incorporated herein by this reference (the "Subject Property") currently is designated under the City of San Jose 2020 General Plan for Public/Quasi-Public uses on the Land Use Transportation Diagram; and

**WHEREAS**, the Subject Property is currently zoned as A(PD) Planned Development Zoning District under City Ordinance No. 22109 (Planning Division File No. PDC85-039) under which hospital and support facilities, and a heliport facility, uses are allowed on the Subject Property; and

**WHEREAS**, the City Council of the City of San José ("City") has determined that the Subject Property, which is the site of the former San José Medical Center, currently remains a critical component of City's overall strategy for the provision of health care services within the central area of City; and

**WHEREAS**, the City Council desires to publicly confirm the existing General Plan and zoning designations on and applicable to the Subject Property and express and affirm, and impart public notice of, the Council's current, strong support for such existing General Plan and zoning designations applicable to the Subject Property until such time as the City Council has identified adequate means for the provision of health care services – including after-hours primary care services and health care services that address the health care needs of residents of all income levels -- near the Subject Property; and

**WHEREAS**, the City Council desires applicants for potential development approvals on the Subject Property, as well as the general public, to have notice of the existing General Plan and zoning designations on the Subject Property as of the date of this Resolution, as well as of City Council's current support for the existing General Plan and zoning designations for the Subject Property and the City Council's adoption of this Resolution; and

**WHEREAS**, the City Council believes that the adoption of this Resolution will further and protect the general public health, safety and welfare and is in the general public interest.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:**

**SECTION 1.** The City Council hereby confirms that the existing General Plan designation for the Subject Property as reflected on the City's Land Use Transportation Diagram as of the date of adoption of this Resolution is Public/Quasi-Public and that the existing zoning designation applicable to the Subject Property as of the date of adoption of this Resolution is A(PD) Planned Development Zoning District, as more particularly described in City Ordinance No. 22109 (Planning Division File No. PDC85-039).

**SECTION 2.** The current City Council hereby expressly acknowledges its current, strong support for the existing General Plan and zoning designations on the Subject Property as described in this Resolution.

**SECTION 3.** This City Council hereby directs the City Manager to cause the following elements to be provided to known prospective applicants for general plan amendments, rezonings or other real property development approvals or permits for the Subject Property, or any part thereof, until such time as the City Council has determined that the Council has found adequate means for the provision of health care – including after-hours primary care and care that addresses the needs of residents of all income levels – at or near the Subject Property:

- A. Notice of the adoption of this Resolution expressing the City Council's strong, current support for the current General Plan and zoning designations for the Subject Property; and
- B. Written discouragement from submitting applications for general plan amendments, rezonings, or other real property development approvals or permits for the Subject Property or any part thereof; provided however, that the City Manager shall not prohibit any entity from submitting any such development approval applications for the Subject Property.

