

RESOLUTION NO. 74856

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSÉ 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 José 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, to date, the identification by City, the owner of the Subject Property and interested members of the community of 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 has focused on the possible relocation and expansion of the Gardner Health Care Facility and a contribution towards that possible project by the owner of 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 JOSÉ 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 (excepting current, previously issued Planned Development Permit PD07-008 pertaining to certain demolition activities on the Subject Property and future permits or approvals necessary to implement the demolition activities allowed under said PD07-008), 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, which adequate means, to date, have focused on discussions between City, the owner of the Subject Property, and other interested parties on the relocation and expansion of the Gardner Health Care Facility and a contribution by the owner of the Subject Property towards that potential 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 information of the position of the City Council stated in this Resolution and in that certain Memorandum dated March 14, 2008 and approved by City Council on March 18, 2008 relating to "Consideration of the Final Recommendations of the Former San José Medical Center Stakeholder Advisory Committee;"

provided however, that the City Manager shall not prohibit any entity from submitting any such development approval applications for the Subject Property.

SECTION 4. The City Clerk is hereby directed to record or cause the recordation of a notice of adoption of this Resolution in the Office of the Recorder of the County of Santa Clara.

SECTION 5. The City Council may at any time, on its own motion or at the request of another, adopt a resolution repealing this Resolution and direct the City Clerk to record notice of the same in the Office of the Recorder of the County of Santa Clara. It is the City Council's present intent that the City Administration, or the City Council on its own motion, should bring forward for City Council consideration the repeal of this Resolution if an agreement 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 ever results from discussions between City, the owner of the Subject Property, and other interested parties.

ADOPTED this 7th day of April, 2009, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: NONE.

ABSENT: CHIRCO.

DISQUALIFIED: NONE.

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk