

REDEVELOPMENT AGENCY AGENDA

NOVEMBER 18, 2003

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES CHAIR

KEN YEAGER
TERRY GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO - VICE CHAIR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the Redevelopment Agency may consider agenda items out of order.

- **Call to Order and Roll Call**

9:30 a.m. - Closed Session, Room 600, City Hall

See Separate Agenda

1:30 p.m. - Regular Session, Council Chambers, City Hall

- **Orders of the Day**

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

Item 7.1 is to be considered in a joint Redevelopment Agency/City Council session.

See Item 10 on the City Council Agenda for description of any City Council agenda items relating to the Redevelopment Agency.

1 CEREMONIAL ITEMS

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the Agency and will be adopted by one motion. If a member of the Redevelopment Agency, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Acceptance of Agency Financial Reports

- (a) Monthly Financial Statements – September 2003
- (b) Capital Cost Report - September 2003
- (c) Cash Flow Projection - September 2003

2.2 Report of the Rules Committee – October 15, 2003.

Vice Mayor Dando, Chair

- (a) Review October 28, 2003 Draft Agenda.
- (b) Changes to the October 21, 2003 Agenda.
- (c) Staff reports outstanding for October 21, 2003.

2.3 Report of the Rules Committee – October 22, 2003.

Vice Mayor Dando, Chair

- (a) Review November 4, 2003 Draft Agenda.
- (b) Changes to the October 28, 2003 Agenda.
- (c) Staff reports outstanding for October 28, 2003.

2.4 Report of the Rules Committee – October 29, 2003.

Vice Mayor Dando, Chair

- (a) Review November 11, 2003 Draft Agenda. (Cancelled)
- (b) Changes to the November 4, 2003 Agenda. (Cancelled)
- (c) Staff reports outstanding for November 4, 2003.

3 NEIGHBORHOOD IMPROVEMENT STRATEGIES

4 HOUSING

5 PUBLIC FACILITIES AND SPACES

6 PRIVATE DEVELOPMENT

6.1 [Approval of a lease agreement with Mission West Properties to house the San Jose Bioscience Incubator and Innovation Center.](#)

Recommendation: Adoption of a resolution approving a lease agreement with Mission West Properties for Research and Development and Office Space at 5941 Optical Court, for the sole purpose of housing the San Jose Bioscience Incubator and Innovation Center, with a term of approximately nine years, an initial monthly payment for Common Area Maintenance (CAM) of \$10,978, followed by monthly rent and CAM charges commencing in the fourth year of the lease in the amount

of \$48,340. CEQA: Resolution No. 69699 and 70021, PP03-10-331 [Edenvale] [Deferred 10/28/03, Item 6.1]

6.2 Approval of an amendment to an Owner Participation Agreement (OPA) with SJ Plaza, LLC, 101 Park, LLC, and 177 Park, LLC, for a proposed seventeen-story, 516,000 square foot, Class A office tower development.

Recommendation: Approval of the second amendment to the Owner Participation Agreement with SJ Plaza, LLC, 101 Park, LLC, and 177 Park, LLC, controlled by Divco West Properties LLC, for a proposed seventeen-story, approximately 516,000 square foot, Class A office tower development, extending the Schedule of Performance for three years and, if within that period the development capacity secured by the OPA is required for another project in the Downtown, authorization for the Executive Director to terminate the agreement. CEQA: Resolution No. 68839, RH01-09-004 [PARK CENTER]

6.3 Approval of an amendment to the DDA relating to the development of the Montgomery Hotel.

Recommendation: Approval of the Second Amendment to the Amended and Restated Disposition and Development Agreement with the Montgomery Hotel Group, LLC, to substitute Paragon Restaurants, LLC, as the operator of the Montgomery Hotel restaurant. [SAN ANTONIO PLAZA]

7 JOINT REDEVELOPMENT AGENCY/COUNCIL

7.1 Approval actions related to a lease with BTN Restaurant, LLC (dba Lee's Sandwiches) for Agency-owned space located in the Fourth Street Garage.

Recommendations:

- (a) The City Council adopt a resolution accepting the summary of costs and findings of the Summary 33433 Report and the Estimated Reuse Valuation pursuant to the California Health and Safety Code Section 33433 for the lease of approximately 2,890 square feet at 88 South Fourth Street to BTN Restaurant, LLC (dba Lee's Sandwiches), making certain findings and approving the lease; and,
- (b) The City Council and Agency Board approve a lease between BTN Restaurant, LLC (Tenant), and the Agency (Landlord) for the space located at 88 South Fourth Street, with a ten-year term and four five-year options; and,

- (c) The City Council adopt a resolution authorizing the City Manager to execute a Certificate of Nondisturbance and Attornment and other documents necessary to effectuate the lease with BTN Restaurant, LLC (dba Lee's Sandwiches), under the terms of the Master Lease Between the City and the Agency.

CEQA: Resolution No. 68839, PP03-09-279 [CIVIC PLAZA]

- **Closed Session Report**
- **Open Forum - To be heard jointly with City Council Public Discussion.**
- **Adjournment**