

From: [Mendez, Zacharias](#)
To: [Tom, Vivian](#)
Cc: [Downtown West Project](#)
Subject: Fw: Maintenance Matrix
Date: Thursday, April 8, 2021 4:06:37 PM
Attachments: [20210408 maintenance matrix.pdf](#)

Hey Vivian,

I am looking to schedule time with our parks team to look at the maintenance matrix and may have some additional comments we would like to send your way to be submitted. We are under the impression this is still possible. Assuming so, do you have a deadline for comments? The earliest I was able to find time with our parks team was Monday, which I am hoping I won't have to push out.

For context, the is concerned that the maintenance matrix may be attempting to hold the public parks to a higher standard than is traditional. The anticipated increase in cost that may result in has not been discussed with the applicant. My meeting with the parks team is intended to determine whether this concern is valid, so comment would only come your way if we made that determination.

Thanks,
Zak

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Building Community Through Fun
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From: Burnham, Nicolle <nicolle.burnham@sanjoseca.gov>
Sent: Thursday, April 8, 2021 2:02 PM
To: Mendez, Zacharias <Zacharias.Mendez@sanjoseca.gov>
Cc: Yotam, Avi <Avi.Yotam@sanjoseca.gov>
Subject: Maintenance Matrix

Zak-

The attached file is a page of the maintenance matrix included in the DA. It frames out a series of requirements and standards for park maintenance that we did not discuss. Can you please review this with Avi (or whoever from his team he recommends) and make recommendations on what standards the city can actually meet? We may need to require modifications to this as a condition of approval.

I was going to send this to Torie but I see she is out and I suspect we will need to provide comments to Vivian ASAP.

-Nicolle

Exhibit: Downtown West Maintenance Matrix
April 5, 2021
NOTES

1. Ownership signifies Acceptance for maintenance and liability (subject to footnote #2). City's maintenance commences at Acceptance of each respective project.
2. Maintenance may be obligated to other parties through an MEP or other mechanism as described in the GDP. Maintenance includes upkeep, repair, restoration, and life cycle replacement. O&M CFD may be required to provide liability insurance as condition to MEP.
3. MEP may be handled as MOU pending resolution by City Attorney
4. Where the item is to be City maintained but constructed by the Developer, a standard initial maintenance liability period will be applied before transfer of responsibility to the City.
5. Items shown in the Maintenance column denoted # may be assigned to a third-party (PBID, HOA etc.) for maintenance at the Developer's discretion.

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ID	Category	Sub-Category	Specific Improvement: real property underlying	General Description	Jurisdiction	Ownership Party	Party Responsible for Maintenance	Notes
								Stormwater laterals are privately owned and maintained.
32	Public Rights-of-Way	Utilities	Storm Drain Conveyance System	Permanent gravity pipes; manholes, pump stations; pipe fittings, and catch basins/drain inlets, other appurtenances	City	City	City	Stormwater treatment systems are identified elsewhere in this document.
33	Public Rights-of-Way	Utilities	SJWC Water System	Permanent pipes, pipe fittings, valves, hydrants, laterals up to and including the meters in accordance with SJWC regulations	SJWC	SJWC	SJWC	Laterals and private fire water service lines are privately owned and maintained
34	City-owned or Dedicated Parks and Open Space	Park Facilities	Bike paths	Any bike paths that meander throughout the publicly-dedicated parks.	City	City	City	City will maintain bike paths that are of standard materiality. City will provide day-to-day custodial and maintenance services in City-dedicated Parks
35	City-owned or Dedicated Parks and Open Space	Park Facilities	Footpaths	Informal compacted dirt trails that meander throughout the publicly-dedicated parks. Compact and maintain as required.	City	City	City	City will maintain footpaths that are of standard materiality. City will provide day-to-day custodial and maintenance services in City-dedicated Parks
36	City-owned or Dedicated Parks and Open Space	Park Facilities	Los Gatos Creek Trail	Multi-use dirt and/or stabilized surfaced trails throughout the park, including the H20 loading rated access roads for Valley Water access to facilities	City	City	City	City will maintain the Los Gatos Creek Trail that are of standard materiality. City will provide day-to-day custodial and maintenance services on City-dedicated Trails
37	City-owned or Dedicated Parks and Open Space	Park Facilities	Urban park Plantings	Trees; understory plantings; seasonal vegetation; stabilized slope and bank protection (excluding street trees and riparian planting), includes irrigation	City	City	City	Special, non-standard vegetation to be maintained by O&M CFD. Re-vegetation of all planted and natural areas, irrigation, and landscaping will be handled by City-RPD. RPD responsible for standard landscaping, gardening and routine maintenance.
38	City-owned or Dedicated Parks and Open Space	Park Facilities	Dog Play Area	Off-leash dog area	City	City	City	City will be responsible for cleaning and maintaining the dog play areas on a daily basis (including maintenance of any bag receptacles and water bowl stations) in City-dedicated parks
39	City-owned or Dedicated Parks and Open Space	Park Facilities	Recreation Areas	Children's play areas; activity area (lawn); training circuit	City	City	City	* City-dedicated play areas will be maintained by the City-RPD. * City also responsible for all programming
40	City-owned or Dedicated Parks and Open Space	Park Facilities	Standard Parks and Open Space Elements	Standard furnishings; waste receptacles; drinking fountains/bottle filling stations; lighting	City	City	City	* City-RPD will be responsible for all standard fixtures and furnishings in City-dedicated Parks
41	City-owned or Dedicated Parks and Open Space	Park Facilities	Non-standard Parks and Open Space Elements	Non-standard furnishing; water features; stages/screens; public art / sculpture; shade canopy structures; stairs; waste receptacles; drinking fountains / bottle filling stations; lighting; bird paths; kiosks (provided that they are approved by the City)	City	City	City	City will be responsible for maintenance, repair, and replacement of all non-standard elements in City-dedicated Parks
42	City-owned or Dedicated Parks and Open Space	Park Facilities	Public Amenity Buildings	Public use pavilions, kiosks, and outdoor performance areas within publicly-dedicated parks.	City	City	City	City will maintain all City-owned amenity structures located within City-dedicated Parks
43	City-owned or Dedicated Parks and Open Space	Park Facilities	Retail	Concession stands and other small retail buildings	City	City	City	Concession stands within City-dedicated parks will remain City owned and maintained as per the City Charter.
44	City-owned or Dedicated Parks and Open Space	Park Facilities	Bathrooms	Public bathroom facilities for park and retail visitors.	City	City	City	City will be responsible for funding and maintaining the public bathrooms that are on public land and public accessible areas
45a	City-owned or Dedicated Parks and Open Space	Park Facilities	Park Irrigation - Alternative 1 (Developer-supplied recycled water)	including piping, meter, and controls	City	City	Developer #	
45b	City-owned or Dedicated Parks and Open Space	Park Facilities	Park Irrigation - Alternative 2 (City-supplied water)	including piping, meter, and controls	City	City	City	
46	City-owned or Dedicated Parks and Open Space	Park Facilities	Stormwater Facilities	Stormwater treatment controls in the Open Spaces; vegetation and soil media and aggregate matrix; underdrains, cleanouts, internal piping and fittings, overflow structures, and appurtenances. Storm drain piping in the Open Spaces; permanent gravity pipes; manholes, pump stations, pipe fittings, catch basins/drain inlets, other appurtenances	City	City	City	* Treats parcel and PROW stormwater. * City responsible for facility maintenance and repair. * Access agreement between HOA and Port or RPD
47	City-owned or Dedicated Parks and Open Space	Creek	Storm Drain Outfalls	Storm drain outfalls to Los Gatos Creek	Valley Water	City	City for pipe and outfall, VW for channel	* Generally Valley Water provides a maintenance easement to the City to access outfalls. City maintains outfall, but Valley Water maintains channel and is responsible for channel derived obstructions.
48	City-owned or Dedicated Parks and Open Space	Creek	Los Gatos Creek Restoration	Dead tree removal, log jam removal, invasive species removal, mitigation planting within channel banks, velocity refuge mitigation sites	Valley Water	Valley Water	Valley Water	* MOU needed with Valley Water for long term maintenance of the channel after capital project to ensure channel roughness is maintained to reduce flooding throughout development and surrounding parcels and maintenance of mitigation planting within channel.
49a	City-owned or Dedicated Parks and Open Space	Creek	Mitigation Planting	Mitigation planting for Los Gatos Creek restoration project located <u>within creek</u>	City	City	Valley Water	Valley Water to maintain after the initial establishment period.
49b	City-owned or Dedicated Parks and Open Space	Creek	Mitigation Planting	Mitigation planting for Los Gatos Creek restoration project located within the 50' setback from Creek, and within City-owned or Dedicated Parks.	City	City	City	City to maintain after Acceptance.
50	City-owned or Dedicated Parks and Open Space	Creek	Riparian buffer planting area	Planting areas within City-owned or Dedicated Parks and Open Space, that extends the riparian area within the 100' riparian setback zone but that is not mitigation planting. Includes irrigation.	City	City	City	
51	City-owned or Dedicated Parks and Open Space	Creek	Fencing	Wildlife-friendly fencing between the creek and Downtown West, where located in City-owned or Dedicated Parks and Open Space.	City	City	City	
52	City-owned or Dedicated Parks and Open Space	Creek	Bridges, boardwalks, and overlooks	Specific trail conditions and elements along the creek, where located within City-owned or Dedicated Parks and Open Space.	City	City	City	
52a	City-owned or Dedicated Parks and Open Space	Creek	Bridges, boardwalks, and overlooks	Private utilities integrated into bridge structure	City	Developer	Developer	Developer will own and maintain any private utilities that utilize a public bridge for crossing the creek.
53	Miscellaneous Public Improvements	Utilities	Sanitary Sewer Relocation within public easement in Parcel G1	Permanent gravity pipes, pipe fittings, manholes, other appurtenances	City	City	City	* Requires MOU to allow PWD access to pipes & appurtenances * PS location to be confirmed in subsequent design phases
54a	District Systems		Private Microgrid Alternative 1 - owned and operated by Developer	Sub station, 12/21 kV distribution, transformers, metering and ancillary equipment	City/State /Federal Agencies	Google	Google	Supplies to public infrastructure, Parks and streets will be secured from PG&E from existing networks.