

From: [Phan, Johnny](#)
To: [Downtown West Project](#)
Subject: FW: Google - Diridon/DW - DTW Maintenance Matrix Draft
Date: Tuesday, April 6, 2021 2:26:00 PM
Attachments: [DTW Maintenance Matrix - DA Attachment - Sheet1 \(2\)-c.pdf](#)

From: Miller, Gregg <[gmiller@coblenzlaw.com](mailto:gmillercoblenzlaw.com)>
Sent: Wednesday, February 3, 2021 10:36 AM
To: Phan, Johnny <Johnny.Phan@sanjoseca.gov>
Subject: Google - Diridon/DW - DTW Maintenance Matrix Draft

[External Email]

Johnny: please see attached. I understand that it would be helpful if Ryan Do and Vivian Tom have it in advance their discussions with Google this afternoon. Thanks,

Gregg Miller

Coblentz Patch Duffy & Bass LLP

One Montgomery Street, Suite 3000

San Francisco, CA 94104

Cell: 415-939-3142 | Direct Dial 415-772-5736 | Office 415-391-4800

[gmiller@coblenzlaw.com](mailto:gmillercoblenzlaw.com)

www.coblenzlaw.com

This transmittal is intended solely for use by its addressee, and may contain confidential or legally privileged information. If you receive this transmittal in error, please email a reply to the sender and delete the transmittal and any attachments.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

NOTES

1. Ownership signifies Acceptance for maintenance and liability (subject to footnote #2)
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.

CPRA Confidential Treatment Request, Not for Public Release - CPRA Exempt, Confidential and Proprietary Business / Siting Information, Pre-Decisional Draft - For Review Only

ID	Category	Sub-Category	Specific Improvement: real property underlying	General Description	Jurisdiction	Ownership Party	Party Responsible for Maintenance	Instrument Memorializing Maintenance Duties	Funding Source for Maintenance	Notes
1	Public Rights-of-Way	Street Elements	Standard Roadway up to edge of pavement, not including curb and gutter	City standard roadway including base paving, asphalt concrete wearing surface).	City	City	City			* Utility owner owns trench materials (backfill, bedding up to the bottom of the street pavement structural section.
2	Public Rights-of-Way	Street Elements	Non-Standard Roadway Treatment	Raised intersections; raised crosswalks, pavers, decorative paving, crosswalk art, flush curbs, valley gutters, and other non-standard materials in roadway (including planted mountable curb/buffer cycle track separator)	City	City	City			
3	Public Rights-of-Way	Street Elements	Standard Streetscape Improvements from edge of pavement (including curb and gutter) to property line	Includes sidewalk streetscape / street furnishing zone including pavers, landscape, courtesy strip and curb and gutters	City	City	Developer			*Ownership, maintenance and funding will be equivalent for standard and non-standard sidewalks
4a	Public Rights-of-Way	Street Elements	Streetscape Irrigation - Alternative 1 (Developer-supplied recycled water)	including piping, meter, and controls	City	City	Developer			
4b	Public Rights-of-Way	Street Elements	Streetscape Irrigation - Alternative 2 (City-supplied water)	including piping, meter, and controls	City	City	City			
5	Public Rights-of-Way	Street Elements	Standard Sidewalk Corner	Corner curb returns, curb ramps including the wings, sidewalk area at corners between extensions of the adjacent property lines	City	City	Developer			
6	Public Rights-of-Way	Street Elements	Sidewalk Bulb-outs	Sidewalk bulb-outs at corners within extensions of property lines and at mid-block locations, excluding the curb and gutter (including plantings).	City	City	Developer			
7	Public Rights-of-Way	Street Elements	Standard Green Stormwater Treatment Infrastructure	Permanent City stormwater infrastructure treating only public ROWs, including the treatment system, vegetation, soil media, aggregate matrix, underdrains, internal piping and fittings, overflow structures, clean outs, and laterals	City	City	City			Applies to stormwater management facilities located in public ROW that treat only runoff generated from public streets. City to maintain associated storm drain within ROW from curb line.
8	Public Rights-of-Way	Street Elements	Street Trees	Trees planted within the sidewalk landscape zone, fronting private property (including understory plantings in tree pits).	City	City	Developer			
9	Public Rights-of-Way	Street Elements	Standard Bus Stop Pad	City standard bus stop pads including base paving, PCC surface, curb and gutter	City	City	City			* Subject to MOU between City and VTA
10	Public Rights-of-Way	Street Elements	Bike Lanes (within the roadway)	Class II or III bike facilities in the roadway, including pavement and striping	City	City	City			
11	Public Rights-of-Way	Street Elements	Bike Paths (behind the curb)	Class I or IV bike facilities in the public right-of-way, including pavement, delineators, signing, striping, and median separators up to back of curb adjacent to vehicular roadway	City	City	City			On the basis that bike paths would normally be City maintained when on road.
12	Public Rights-of-Way	Street Elements	Standard Roadway Signage and Striping	Traffic Routing signage and striping per State and Federal Guidelines, including but not limited to stop signs, speed limit signs, travel lane striping and crosswalk striping	City	City	City			* SJDOT will maintain striping
13	Public Rights-of-Way	Street Elements	Non-Standard Roadway Signage	Any additional signage for wayfinding, interpretive, art, etc.	City	City	City			
14	Public Rights-of-Way	Street Elements	Standard Street Lights	Standard street lights, roadway lighting and pedestrian lighting, including poles, luminaires, electrical cables, pull-boxes and conduit	City	City	City			
15	Public Rights-of-Way	Street Elements	Traffic Signals	Traffic signal heads, poles, cabinets, conduits and all related appurtenances (excluding street lights)	City	City	City			
16	Public Rights-of-Way	Street Elements	Dynamic Lanes	Traffic management of the Dynamic Lanes including reconfiguration, temporary signage, traffic control and the like.	City	City	City			
17	Public Rights-of-Way	Street Elements	Driveways	Driveway sidewalk aprons including the curb (Curb Cut) along width of driveway	City	City	Developer			
18	Public Rights-of-Way	Furnishings	Seating	Benches or seating within the public right-of-way (not a City improvement)	City	City	City			Site furnishing within public ROW will be maintained by the City, developer will provide warranty and spare parts to City's storage locations
19	Public Rights-of-Way	Furnishings	City Standard Trash/Recycling Receptacles	Trash and/or Recycling Receptacles per City Standards	City	City	City			* Public Works will be responsible for repair and replacement of trash receptacles due to damage or life cycle degradation, developer may provide number of spares to City's storage locations
20	Public Rights-of-Way	Furnishings	Non-Standard Trash/Recycling Receptacles	Any trash or recycling receptacles which does not meet City standards	City	City	City			City still responsible for collecting trash and recycling from all trash receptacles in the public right-of-way. Standard or non-standard receptacles will be agreed with the City.
21	Public Rights-of-Way	Furnishings	Bollards (where allowed)	Various types at flush curb conditions or fire access terminus	City	City	City			*Bollards within the Public Right-of-Way must be approved by all affected City agencies.
22	Public Rights-of-Way	Furnishings	Non-Standard Furnishings	News racks, drinking fountains and bottle filling stations	City	City	City			Provision of any non-standard fixtures in the ROW will be agreed with the City and owned/maintained by the City.

NOTES

1. Ownership signifies Acceptance for maintenance and liability (subject to footnote #2)
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.

CPRA Confidential Treatment Request, Not for Public Release - CPRA Exempt, Confidential and Proprietary Business / Siting Information, Pre-Decisional Draft - For Review Only

								TBD - New Budget Period		
ID	Category	Sub-Category	Specific Improvement: real property underlying	General Description	Jurisdiction	Ownership Party	Party Responsible for Maintenance	Instrument Memorializing Maintenance Duties	Funding Source for Maintenance	Notes
23	Public Rights-of-Way	Furnishings	Bike Racks	City standard bike racks and approved non-standard bike racks	City	City	City			
24	Public Rights-of-Way	Furnishings	Bike Rental and Bike Share Stations	Non-standard bike rental and sharing facilities within the public right-of-way or public parks	City	Bike rent/share Operator	Bike rent/share Operator			* Operator may need to apply for a permit with Public Works for the facilities themselves.
25	Public Rights-of-Way	Furnishings	Parking Meters (if applicable)	City standard parking meters	City	City	City			* If applicable, parking meters will be maintained by City * Muni Code 11.40.250 - Arena/Diridon Area Parking Meter District (existing parking meter district)
26	Public Rights-of-Way	Furnishings	VTA Bus shelters	If new bus shelters are required, VTA is to construct and maintain these.	VTA	VTA	VTA			
27	Public Rights-of-Way	Utilities	PG&E Power System	Vaults, conduits, pull-boxes, ground rods, transformers, switch gears and appurtenances in accordance with SJ Rules and Regulations Governing Electrical Service	PG&E	PG&E	PG&E			
28	Public Rights-of-Way	Utilities	PG&E Gas System	Existing gas system reticulated through the project site will be unchanged, and continue to be owned and maintained by PG&E. Any relocation or changes to the route will be negotiated with PG&E and carried out by PG&E. No new natural gas reticulation is planned for the development.	PG&E	PG&E	PG&E			Gas meeting and valve vaults and Christie Boxes are maintained by utilities service providers
29	Public Rights-of-Way	Utilities	Non-City Utility Systems (if applicable)	Fiber & communications facilities, vaults, conduits, cabinets and pull-boxes	Utility	Utility	Utility			Utilities not accepted by the City will be owned by private utility providers.
30	Public Rights-of-Way	Utilities	Non-City Combined Utility Corridors (Utilidors) or direct-buried Private Utilities within public ROW.	Utility corridors/utilidors utilizing buried concrete culverts or direct buried infrastructure that allow for multiple private utilities to be housed in a common pathway, or direct-buried private utilities within the public ROW.	City	Developer	Developer			Subject to Encroachment Agreement
31	Public Rights-of-Way	Utilities	Sanitary Sewer System	Permanent gravity pipes, pipe fittings, manholes, other appurtenances that are not associated with the private sewer system feeding the on-site private waste water plant.	City	City	City			*Sewer 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 laterals are privately owned and maintained. 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

NOTES

1. Ownership signifies Acceptance for maintenance and liability (subject to footnote #2)
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.

CPRA Confidential Treatment Request, Not for Public Release - CPRA Exempt, Confidential and Proprietary Business / Siting Information, Pre-Decisional Draft - For Review Only

TBD - New District Projects										
ID	Category	Sub-Category	Specific Improvement: real property underlying	General Description	Jurisdiction	Ownership Party	Party Responsible for Maintenance	Instrument Memorializing Maintenance Duties	Funding Source for Maintenance	Notes
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	Developer or Private Owner	Developer or Private Owner			* Concession stands will be privately operated and maintained.
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 accesable 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.
49	City-owned or Dedicated Parks and Open Space	Creek	Mitigation Planting	Mitigation planting for Los Gatos Creek restoration project located within creek or in 50' setback from Creek	City	City	City			City or SCCVWD should maintain the creek after initial establishment period.
50	City-owned or Dedicated Parks and Open Space	Creek	Riparian buffer planting area	Planting areas that extend the riparian area within the 100' riparian setback zone but that are 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	City	City	City			City or SCCVWD should maintain the fence line
52	City-owned or Dedicated Parks and Open Space	Creek	Bridges, boardwalks, and overlooks	Specific trail conditions and elements along the creek	City	City	City			City or SCCVWD should maintain the trail along 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	Major Encroachment Agreement. Various - supply agreements and asset management plans. These are internal mangement documents - direct approval needs for City under discussion	Developer	Supplies to public infrastructure, Parks and streets will be secured from PG&E from existing networks.
54b	District Systems		Municipal Microgrid Alternative 2 - owned and operated by City	Sub station, 12/21 kV distribution, transformers, metering and ancillary equipment	City	City	City	Proposed Infrastructure and Supply Agreements for City Municipal Alternative to be included in the DA.	City of San Jose	Substation and environs will be the responsibility of the City under this alternative. The City distribution network will be routed through the utility (with an option for direct buried distribution).
54c	District Systems		PG&E Electrical Distribution Alternative 3	Sub station, 12/21 kV distribution, transformers, metering and ancillary equipment	PG&E	PG&E	PG&E	Interconnection and Facilities agreement with PG&E	Potential Google, PG&E and COSJ to fund via Rule 20A/B.	* Requires MOU to allow PWD access to pipes, appurtenances & pump station * PS location to be confirmed in subsequent design phases
55	District Systems		PG&E Transmission upgrades	Permanent 112 kV transmission undergrounding	PG&E	PG&E	PG&E	Interconnection and Facilities agreement with PG&E	Potential Google, PG&E and COSJ to fund via Rule 20A/B.	* Requires MOU to allow PWD access to pipes, appurtenances & pump station * PS location to be confirmed in subsequent design phases

NOTES

1. Ownership signifies Acceptance for maintenance and liability (subject to footnote #2)
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.

CPRA Confidential Treatment Request, Not for Public Release - CPRA Exempt, Confidential and Proprietary Business / Siting Information, Pre-Decisional Draft - For Review Only

CPRA Confidential Treatment Request, Not for Public Release - CPRA Exempt, Confidential and Proprietary Business / Siting Information, Pre-Decisional Draft - For Review Only										
TBD Next Design Review										
ID	Category	Sub-Category	Specific Improvement: real property underlying	General Description	Jurisdiction	Ownership Party	Party Responsible for Maintenance	Instrument Memorializing Maintenance Duties	Funding Source for Maintenance	Notes
56a	District Systems		Private waste and recycled water system alternative 1 - owned and operated by Developer	Permanent gravity, pressurised pipes included where required direct buried systems and discharge sewer to private system; manholes, pump stations; pipe fittings, and catch basins/drain inlets, other appurtenances. Recycled water network.	City/State Agencies	Developer	Developer	Major Encroachment Agreement. Various private documents - supply agreements and asset management plans. These are internal management documents - direct approval needs for City under discussion.	Developer	* Requires MOU to allow PWD access to pipes, appurtenances & pump station * PS location to be confirmed in subsequent design phases
56b	District Systems		Public waste and recycled water system alternative 2 - owned and operated by City / SJWC	Permanent gravity pipes; manholes, pump stations; pipe fittings, and catch basins/drain inlets, other appurtenances. Recycled water network.	City / SJWC	City / SJWC	City / SJWC	Major Encroachment Agreement. Various private documents - supply agreements and asset management plans. These are internal management documents - direct approval needs for City under discussion.	Developer	* Requires MOU to allow PWD access to pipes, appurtenances & pump station * PS location to be confirmed in subsequent design phases
57	District Systems		Thermal Systems	Distribution pipework for heating and cooling within Utilidor or direct buried within the right of way	City	Developer	Developer	Proposed Infrastructure and Supply Agreements for City Municipal Alternative to be included in the DA. Major Encroachment Agreement	Developer	* Requires MOU to allow PWD access to pipes, appurtenances & pump station * PS location to be confirmed in subsequent design phases
58	District Systems		Automated Waste Collection Systems	Distribution - vacuum network for waste consolidation within Utilidor or direct buried within the right of way	City	Developer	Developer	Proposed Infrastructure and Supply Agreements for City Municipal Alternative to be included in the DA. Major Encroachment Agreement	Developer	* Requires MOU to allow PWD access to pipes, appurtenances & pump station * PS location to be confirmed in subsequent design phases