

From: [Phan, Johnny](#)
To: [Downtown West Project](#)
Subject: FW: VTM Reso Clean-up Edits
Date: Tuesday, May 18, 2021 12:22:18 PM
Attachments: [Clean up Edits \(VTM Reso\).docx](#)

From: MWChan@perkinscoie.com <MWChan@perkinscoie.com>
Sent: Thursday, May 13, 2021 1:04 PM
To: Phan, Johnny <Johnny.Phan@sanjoseca.gov>
Cc: Gray, Matthew S. (SFO) <mgray@perkinscoie.com>; Colli, Garrett J. (Perkins Coie) <GColli@perkinscoie.com>
Subject: VTM Reso Clean-up Edits

[External Email]

Johnny,

Please find attached our clean-up edits/comments to the VTM resolution. Please let us know if you have any questions. Thanks,

Michelle

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VTM RESOLUTION

1. Page 1, first WHEREAS clause

WHEREAS, pursuant to the provisions of Chapter 19.13 of Title 19 of the San José Municipal Code, on October 7, 2020~~10, 2019~~, a concurrent application (File No. PT20-027) was filed by the applicant, Google LLC (“Subdivider” or “Developer”), with the City of San José (“City”) for a Vesting Tentative Map to subdivide 136 lots into no more than 178 lots and allow up to 5,900 residential condominiums and 20 commercial condominiums on an approximately 84-acre site,

2. Page 2, last WHEREAS clause

WHEREAS, at said hearing, this City Council received in evidence a development plan for the subject property entitled “Vesting Tentative Map for Condominium Purposes Downtown West,” dated October 7, 2020_____, said plan (hereafter the “Vesting Tentative Map”) is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested, and is attached hereto and made a part hereof by this reference as if fully set forth herein; and

3. Condition 15.C of the VTM Resolution

Subdivider may pursue a privately-owned Microgrid, meaning that Subdivider would not transfer the Microgrid infrastructure to either PG&E or the City. Under this option, Subdivider will own and operate the Microgrid. Prior to approval of a phased final map, Subdivider shall demonstrate to the Public Works Director’s reasonable satisfaction that Subdivider’s proposal for ownership and operation of the Microgrid is consistent with all applicable State, federal and City requirements. If, as a result of Subdivider’s engagement with the California Public Utilities Commission (“CPUC”), CPUC determines that Subdivider may own and operate the Microgrid without any CPUC regulation or oversight provisions, then Subdivider will be required to seek City Council approval prior to proceeding with construction of the privately-owned Microgrid to address applicable regulations concerning the safe operation of the Microgrid and the distribution of electricity to owners and tenants. Under this Microgrid option, a fee will be paid to the City in the amount of \$46 per lineal foot of utilidor within the public right of way, capped at \$120,000 annually for all public right of way use. The \$46 per lineal foot of utilidor within the public right of way and annual cap will remain constant throughout the life of the systems.

4. Condition 17. PG&E Property: Revised language is OK. We do not expect to obtain MOU by tomorrow. May need to update before the 25th if MOU/affidavits received before then.

5. Page 43, Exhibit B, Map Note 1: Language is OK and based on Muni Code. Please leave as-is.