



The Honorable Matt Mahan, Mayor of San José
and Members of the City Council
200 East Santa Clara Street, San José CA 95113
via email, sent March 21, 2025

re: March 25th Agenda item 7.1, "Report on the City Charter Regarding Parks"

Dear Mayor and Councilmembers,

We in the District 6 Neighborhood Leaders Group (D6NLG), an association of involved community representatives of the numerous District 6 neighborhoods and associations, are dedicated to preserving and enhancing the quality of life in a sustainable and equitable San José. We have long supported City Parks throughout the city, and we appreciate Staff's work at clarifying the definition of Charter Parks, culminating in Director Jon Cicirelli's report to Mayor and Council next week.

We support the report's recommendations, including:

- **Required level of "improvement."** We are pleased to see the report explicitly recognizes that Chartered Parks "includes open space in its natural condition with minimal or no improvements that are intended to be opened to the public."
- **Golf courses.** We appreciate the logic behind clarifying that they are Chartered Parks: they are green areas for public recreation. They may not be for everyone, but then again, neither are tot-lots or skateboard parks.
- **Community Centers.** We understand and accept the distinction the report makes in that centers built on or adjacent to a park are classified as Chartered whereas stand-alone centers are not. We are pleased to see that the Gardner Center at Biebrach Park is recognized as Chartered.

A concern: **Trails.** We understand the distinction that some trails are categorized as Chartered City Parks while others, like those along streams on Water District land, are not. But **we are concerned** by the sentence, "However, it would only be the 24' wide trail segment that would be considered a Charter Park and not the entire parcel to preserve open space, natural habitat, and limit the PRNS Department maintenance liabilities." We understand the Department's concerns that an "entire parcel" rule might open it up to excessive responsibilities: would a future Five-Wounds Trail segment near Story at Senter lead to PRNS assuming responsibility for the entire 50-acres of a former landfill? (Members of the public hope the landfill can someday become the future "Coyote Meadows Park" – but that should be its own separate discussion.) However, the 24-foot width seems too restrictive: it leaves little room on the side for landscaping or for trail users to step off the trail (and out of traffic) to stop and admire the view (or repair a flat).

Also, we note that there are trail segments that follow former railroad alignments, such as the Three Creeks Trail, where the right-of-way (ROW) is 60' wide, and the entire width has been landscaped. We appreciate that the entire parcel will be protected as Chartered by the phrase, "Pocket parks or improved areas adjacent to trail segments that meet the criteria would be considered Charter Parkland on their own."



Additional Concerns and Questions

Is the entirety of a park protected? When this topic was presented to the Parks & Rec Commission (PRC) in early 2024, the Commission was verbally assured that the entirety of a Chartered Park is protected: we'd like to see that documented in writing. We worry that an undeveloped portion of a park (e.g., the eastern portion of Kelley Park) might be traded, swapped, sold, or otherwise used. (And what about the remote eastern portion of Alum Rock Park – the upper hills along Alum Rock Falls Road and near Cherry Flat Reservoir have never been open to the public: is that protected as being part of the Chartered Park?)

What about undeveloped park land? The city does not buy fully developed parks, but instead it buys the land and then designs and constructs the parks. However, the undeveloped land is not protected by Chartered Park status until it has been developed and opened to the public. How can the city ever build a new park if the land can't be protected from confiscation until the park is completed? Specific examples of land purchased with park money, but not yet open to public (or even master planned) include Agnews (in D4), North Coyote (D4), Singer (D10), Tillman (D6), 460 Park Ave. (D6), and Del Monte Park Phase III on Home Avenue (D6). As District 6 residents, we are especially concerned about those last three properties: acquired with park trust funds but just sitting there unplanned and undeveloped: are these lands protected from a sale without the vote of the people, or could Council decide to sell or give it to the Housing Department on any given Tuesday? If the land was purchased with outside funds (e.g., from the Open Space Authority), do they have liens or easements that would restrict the resale of the land? And, even if some other agency paid full market value for the parkland they took, that is of little solace if there is no other land in the area available for purchase. We note that the City sometimes does land swaps, which might be beneficial (e.g., a proposed swap of an undeveloped City parcel for a Water District parcel along the Los Gatos Creek could improve a trail alignment), or it might not (as when Parks was told it had to provide portions of land from Agnews East for water wells, which complicates any future park development plans).

We are also concerned about parks that are promised and master-planned as part of a development project (e.g., Eiichi Sakauye Park on Seely Ave. in D4): could the City just change plans and build housing or some other city project on the promised parkland? With the State-mandated streamlining of the CEQA process, the cost of redoing an analysis might not be much of a deterrent.

Recommendation:

At the PRC meeting in January 2024, the Commissioners were told that the City Charter did not include language that would protect undeveloped parkland. The Commissioners were also told that the Charter was written in 1965 and that it would take a vote of the city's citizens to make any changes. However, we note that there have been a number of voter-approved changes to the Charter over the years, and while it might not be worth holding an election just to add language to protect undeveloped parkland, **we ask that the Council work with the PRNS Department** to craft proposed language that could be included the next time a vote is needed for some other Charter amendments.

A few other points:

- **Leased Land:** Some parkland has been leased to others. When the leases expire, that the land should revert back to being Chartered Parks. For example, the Empire Gardens Elementary School in D3 is built on land leased from Watson Park (for \$1/year): if the school were to close, the land should remain Chartered Park land.
- **Land Reversion.** Some park lands were authorized by the voters for other uses. Silver Creek Fire Station (D8) came from the Silver Creek Linear Park; Ramblewood Elementary School (D7) that was part of Ramblewood Park and Cassell Elementary in D5 on Cassell Park are both scheduled to close this June. These all should revert to parkland if/when their agencies abandon those uses.
- **Other Uses of Parkland:** Sometimes other agencies don't want to actually acquire the park land but instead just want to use it for their purposes, such as stormwater filtration as part of the Green Stormwater Infrastructure (GSI) program, or floodwater storage for the Water District. Director Cicirelli told the PRC that PRNS is working for win/win solutions where the public doesn't lose parklands but instead gets new amenities. The Director also insists that any needed maintenance of these features is the responsibility of the requesting agencies. We urge the Council to formalize the appropriate policies.

Parks are an important part of any city, and ever more so for us in San José as our city develops and densifies. There are many competing demands for land, but it's not an "either/or" but rather an "and": **we can have both housing and parks.** A city with housing but without parks is not a livable city.

We applaud both you and Staff for your work to clarify and formalize the Charter language and to protect and preserve our City Park lands. We urge you to document the various verbal assurances and to resolve the remaining ambiguities, and then to formally "accept" the report. We also ask you to work with Staff on proposed future Charter language to protect properties that are purchased with park trust funds but which are not yet "developed and open to the public" to give them protection as Chartered Parks.

In support of parks,

~Lawrence Ames, Chair, D6NLG.

cc: City Clerk; City Manager; PRNS Director Jon Cicirelli