



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Jon Cicirelli

SUBJECT: Report on the City Charter
Regarding Parks

DATE: March 3, 2025

Approved

Date

3/13/25

RECOMMENDATION

Accept the report on the historical implementation of Section 1700 of the City Charter (Charter Parks) and site inventory of Charter Parks as outlined in Attachment A and memorialize the policy on how Section 1700 on Charter Parks is applied.

SUMMARY AND OUTCOME

On November 29, 2022, the City Council accepted a report (Item 8.3) on site identification and operational consideration for the Quick-Build Emergency Interim Housing¹ and directed the City Manager to “develop a citywide definition for parkland-chartered status and a process to retroactively declare all Parks, Recreation and Neighborhood Services (PRNS) properties that meet the definition as Charter Parks.” The City Council’s direction was in response to the confusion surrounding Noble Park² in District 4 and whether Noble Park was a “Charter Park” as defined in Section 1700 of the City Charter.³

The purpose of this memorandum is to:

- 1) Encapsulate the City’s historical interpretation and application of Section 1700 of the City Charter since 1965;
- 2) Memorialize the criteria for how Section 1700 has been and will continue to be applied to all City public park properties;

¹ November 29, 2022 City Council Agenda:

<https://sanjose.legistar.com/View.ashx?M=M&ID=999878&GUID=CDB0A6FB-AC1C-4101-BF06-DB5E8796244A>

² Noble Park, also known as the Noble Site or Penitencia Creek Park Chain.

³ The City Council voted on November 29, 2022 to remove Noble Park from consideration for emergency interim housing.

- 3) Provide historical background on the City Charter⁴ as it relates to City public parks dating back to 1896; and
- 4) Develop an inventory of Charter Parks.

The City Charter addresses the use of City public parks in Sections 1700 through 1702 and has protected City public parks since 1896 with the current Section 1700 approved by the voters in 1965. Any changes to the City Charter would require voter approval. Section 1700 sets forth the general rule with respect to the use of City public parks:

- The City’s public parks shall be “inalienable⁵,” unless otherwise authorized by a majority of the voters.
- Without a vote, however, the City may lease its parks, including buildings or other structures located in the parks, or grant permits, licenses or concessions in the parks for a term not to exceed three years.
- Section 7 defines “public parks” as “...any and all City lands which are dedicated, improved, and opened to the public for public park purposes.”

Historically, the City has considered “public parks” as “Charter Parks” when the City owns the land (fee title), or has unrestricted access through an easement in perpetuity, the land has been improved with recreational or park improvements, and opened to the public for public park purposes (allowing the public to access and use the improved City land). The application of Section 1700 in the City Charter has generally been straightforward since 1965 with the exceptions of a few instances when City lands have not been fully improved consistent with the City’s long-term vision for the site but is opened to the public (such as Noble Park). In the past, there has been confusion as to whether these City lands are Charter Parks. This memorandum will provide clarity on the interpretation and application of Section 1700. As a result, as shown in **Attachment A**, the PRNS Department has begun the creation of a the Charter Parks inventory list that will be managed, updated, and posted on the City’s public website.

BACKGROUND

City Charter

The California Constitution authorizes the voters to adopt a city charter. A city charter operates as a “constitution” for a city and provides power to make and enforce all ordinances and regulations over its municipal affairs. The San José’s City Charter establishes rules and procedures the City must use to govern and operate. Sections 1700 through 1702 of the City Charter establishes the rules about the use of “public parks”. Public park is defined in the City Charter “...as any and all lands of the City

⁴ San José City Charter: <https://www.sanjoseca.gov/your-government/appointees/city-clerk/city-charter>

⁵ Inalienable means something that cannot be taken away or given up, like a basic right or freedom that belongs to everyone.

which have been or are dedicated, improved and opened to the public for public park purposes.” The PRNS Department’s role is to manage and operate the City’s park system. Thus, the staff memorandum focuses on the City properties and assets that are managed and operated by the PRNS Department.

The City Charter has protected City public parks since 1896 and reconfirmed this commitment as established by the voters in 1965 with the inclusion of Section 1700. The full text of Section 1700 is as follows:

“Except as otherwise provided elsewhere in this Charter, the public parks of the City ***shall be inalienable*** unless otherwise authorized by the affirmative votes of the majority of the electors voting on such a proposition in each case; provided and excepting, however, that the same or any interest therein, or any concessions or privileges therein or in any building or structure situate therein, may be leased by the City Council, or the City Council may grant permits or licenses for the same, without any vote of any electors, if the term of each such lease or permit does not exceed three (3) years. As used herein “public parks” means any and all lands of the City which have been or are ***dedicated, improved and opened to the public for public park purposes.***”

The current City Charter was adopted by the voters’ election in April of 1965, replacing the prior City Charter, which was adopted by the voters in 1915 and became effective in 1916. A prior version from 1896 states that “parks could not be leased or sold...without a vote of the people.” **Attachment B** provides a Summarized History of Section 1700 of the City Charter and how it has evolved over the years.

After reviewing different versions of the City Charter, dating back to 1896, it is clear that the voters of San José have intended to protect City public parks and want to make sure that City public parks are “inalienable” – meaning the use cannot change to a different use without voter approval. In fact, the language in the City Charter from 1916 and then in 1965 used the word “inalienable” to clearly illustrate their intention.

As explained in detail below, in most instances, the analysis of what a Charter Park is, is very simple. For example, the City has fee title to land, designs and constructs a park, and then opens it to the public. In other instances, the City may not have the resources to fully construct recreational or park improvements right away but would have fee title to the land. In these instances, if the City makes minimal improvements to a site to allow the public to use the land, then it would be considered Charter parkland. Some may argue that this does not meet the definition of “public parks” under the City Charter. However, as explained below, staff believes that in such instances the City has 1) made the land usable and safe for public access, and 2) has allowed public access to the land, thus meeting the definition of a Charter Park. This would seem to be consistent with the will and intent of the voters and consistent with the historical interpretation and application of Section 1700.

Identifying Chartered Parkland

In short, the City recognizes Chartered parkland as parkland when the following three-prong criteria is met:

1. The City owns the land (fee title), or has unrestricted access to the land through an easement in perpetuity;
2. The land has been improved with recreational or park improvements (passive or active improvements); and
3. The land is opened to the public for public park purposes (allowing the public to access and use the improved City land).

Applying these criteria to identify, define, and use public parkland has generally been a straightforward effort (since 1965); however, as available land in the City becomes more limited and unavailable to use for other purposes, it has become important to clarify what is considered Chartered parkland. More information and explanation about how these criteria are interpreted and applied is in the Analysis section below.

ANALYSIS

Consistent with City Council direction, PRNS Department has conducted a site inventory of lands that PRNS Department manages that meet the definition of a Charter Park. The PRNS Department currently manages 221 traditional park sites that are accessible and open to the public. Of those 221 parks, 207 parks qualify as a Charter Park per Section 1700 of the City Charter. These 207 parks are dedicated by the City, improved, and accessible to the public. The following section discusses how Section 1700 has been applied and will continue to be applied to all City public park properties.

Parks Dedicated and Opened to the Public

The definition of public parks under the City Charter has three-pronged criteria. Two of the criteria – dedicated and opened to the public for public park purposes – are straightforward, easy to determine, and definitive. The third criterion is improved and will be discussed later in the memorandum. The City has had a consistent interpretation and application of the criteria for dedicated and open for many years. Dedicated means the City either has ownership of the land in fee simple, or there is an easement in place in perpetuity providing the City full unrestricted access to the land for public park purposes. Opened to the public for public park purposes means that the public can access the park and enjoy the space. In other words, the City has made the space useable and safe for public use. This also includes open space in its natural condition with minimal or no improvements intended to be opened to the public.

Park Improvements

Although dedicated and opened to the public are straightforward, the improved criteria can at times create questions or confusion. The Penitencia Creek Park Chain Reach 2 Master Plan, adopted by City Council in 2002, also known as the Noble Park or Site, is a good example. This City parkland is owned by the City in fee simple. There is a City Council approved Master Plan for Penitencia Creek Park Chain & Trail system that includes extension of the Penitencia Creek Trail, as well as irrigated turf area for informal play, picnic sites, BBQ pits, restrooms, and other park improvements. The City has not implemented the Penitencia Creek Park Chain Reach 2 Master Plan but has made improvements to the site to allow the public to access and safely use the site. For example, the City has improved the Penitencia Creek Trail to an open gravel trail, and the City has improved the parking lot to allow patrons to park, installed various park signs, provided a gate, installed benches, a water drinking fountain, trash bins, and an irrigation system and has provided regular maintenance. The public can use the site as a passive open space similar to many other passive open spaces. The PRNS Department believes this meets the definition of being “improved” under the City Charter and is consistent with what the voters intended to protect as a Charter Park. The Penitencia Creek Park Chain is an example of the City’s consistent historical interpretation and application of “improved” which has meant any degree of improvements made to City land for the purpose of making it accessible and usable by the public for park and recreation purposes.

Staff has applied this three-prong criteria to all City public parks to develop an inventory of Charter Park statuses. Most public park sites meet the three-prong Charter Park criteria with little explanation needed. Also, community gardens, dog parks, and sports facilities are being treated the same as other public parks, in that if they meet the three-prong criteria, they are also considered Charter Parks. However, there are a few instances where it is prudent to clarify how the criteria was applied in the past, and provide additional background information on how the Charter Park status applies to these specific park asset types. These assets, which include golf courses, trails, and community centers, are discussed further below.

Golf Courses

The City owns the following golf courses: San José Municipal Golf Course, Rancho Del Pueblo Golf Course, and Los Lagos Golf Course. These municipal golf courses are under long term leases with a provider. Historically, golf courses were analyzed specifically depending on the purpose of the purchase of the land. For example, the San José Municipal Golf Course was purchased for the express purpose of use as a golf course and thus caused confusion about whether it should be considered a Charter Park even though it is for recreational use. Conversely, if a golf course was constructed on previously designated parkland, then historically it would be considered a Charter Park, even with a golf course present, which is the case with Los Lagos Golf Course.

For the purpose of consistency, staff considers all three stand-alone golf courses as Charter Parks since they meet the three-prong criteria of dedicated, improved and opened to the public. Some could argue that golf courses have limited public access because they are “pay to play” and thus should not be considered a Charter Park, for example golf courses have an admissions price. However, there are other Charter Parks that fit that operational model due to high maintenance and operational needs, including the Happy Hollow Park and Zoo, History San José, and the Action Sports Park, which are at Kelley Park and Lake Cunningham and meet the Charter Park criteria.

Trails/Linear Parks

Historically, trails have not been considered Charter Parks. Most trails are comprised of many parcels of varying ownerships that made it difficult to categorize trail segments and major alignments. Staff recommend applying a consistent approach across asset types and those trail segments that meet the definition of a Charter Park would be considered as such moving forward. Thus, trails that are City-owned, (without encumbrances or restrictions on City recreational or park uses), improved, and opened to the public will be considered a Charter Park. 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. In this instance, ownership includes a fee simple title held by the City. In instances where the City owns fee simple title but a third party, such as Valley Water, holds easements rights over City land, those City parcels would not meet the definition of a Charter Park. The final inventory will track trail segments that meet the criteria and those that do not. Pocket parks or improved areas adjacent to trail segments that meet the criteria would be considered Charter Parkland on their own.

Community Centers

The land beneath community centers that are located inside a public park is considered Charter Parkland because the underlying land meets the Charter Park criteria. In instances where a community center inside a Charter Park is demolished, the underlying land will still meet the Charter Park criteria⁶. However, the City also has several community centers that are considered stand-alone buildings and are not in a public park, meaning they are not surrounded by parkland with recreational use. These stand-alone buildings have not been considered to be on Charter Parkland in the past since they are not located in a Charter Park or surrounded by parkland. PRNS Department staff does not believe these stand-alone buildings meet the definition of being parkland under the City Charter, and have concluded this approach is consistent with what the voters intended, which is to protect parkland. Moving forward, PRNS

⁶ Accessory buildings, like restrooms, historic, or corporation-yard buildings that support the recreational use of the park are also considered meeting the Charter Park criteria.

Department will continue the historical interpretation and application that the land under stand-alone community centers is not Charter Parkland.

Inventory of Charter Parks

Based on the application of Section 1700 above, staff developed an inventory of Charter Parks that will be managed and updated administratively by the PRNS Department long term. This “living document” will include Charter Park statuses of all PRNS Department assets and will be updated regularly. The full inventory is not complete, however **Attachment A** is a focused list of the Charter Park status of the 221 public parks, plus community gardens, dog parks, sports facilities, golf courses and community centers. This staff memorandum only focuses on the 500 City properties and assets that are managed and operated by the PRNS Department, many of which are maintenance obligations but not parks. During staff review of these sites, it was determined that 14 of the 221 public parks do not meet the criteria to be a Charter Park. This is primarily because those 14 sites are owned and/or operated by a different City authority or outside public agencies. Table 1 below is a list of the 14 sites.

Table 1 - Public Parks Not Considered Charter Park

NAME	REASON NOT A CHARTER PARK
Senter and Serenade Park	is operated by Department of Transportation
Brenda Lopez Memorial Plaza	is operated by Department of Transportation
Parque de Los Pobladores	is operated by Department of Transportation
Nancy Lane Plaza	is operated by Department of Transportation
Russo Park	is operated by Department of Transportation
Our Park	is owned by PG&E and City of San José has an easement
Richard E. Huerta Park	is owned by PG&E
Hester Park	is owned by San José Unified School District
Castillero Tennis Courts	is owned by San José Unified School District and City has a Joint Use Agreement
Metcalf Park	is owned by Santa Clara County
Shady Oaks Park	is owned by Santa Clara County
Penitencia Creek Park	is owned by Santa Clara County
Pfeiffer Park	is owned by Valley Water District
Mariposa Park	is pending acquisition from CalTrans (August/September)

The full inventory includes trail parcels and other remnant sites that need additional vetting to reconcile ownership and thus additional time is required. The full inventory will also include future park sites and other properties the PRNS Department maintains. The inventory will be organized to include all applicable restrictions that restrict the sale or a change in parkland use in addition to the Charter Parkland protections. These

restrictions could include grant restrictions, joint use agreements, easements, or development obligations. The plan is for the full inventory list to be a living document and be maintained publicly and updated by PRNS staff so that it will be utilized as a resource by the PRNS department as well as other City departments acting as a reference tool on Charter Park statuses.

EVALUATION AND FOLLOW-UP

Acceptance of staff memorandum will enable staff to proceed with policy on how Section 1700 on Charter Parks is applied.

COORDINATION

This memorandum was coordinated with the City Attorney's Office and the City Manager's Budget Office.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the March 25, 2025 City Council meeting.

COMMISSION RECOMMENDATION AND INPUT

On January 25, 2024, the Parks and Recreation Commission accepted the report on the Definition of Chartered Parkland.

CEQA

Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

HONORABLE MAYOR AND CITY COUNCIL

March 3, 2025

Subject: Report on the City Charter Regarding Parks

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/s/

Jon Cicirelli
Director of Parks, Recreation
and Neighborhood Services

For questions, please contact Raymond Costantino, Deputy Director, at Raymond.Costantino@sanjoseca.gov or (408)535-3520.

ATTACHMENTS:

Attachment A - Charter Park Status for Traditional Parks List

Attachment B - Annotated History of Section 1700 of the City Charter

Attachment A – Charter Park Status for Traditional
Page 1

TRADITIONAL PUBLIC PARKS

CD	Park Name	Charter Status	Land Owner	Notes
1	Calabazas Park	Chartered Parkland	City of San Jose	
1	Frank M. Santana Park	Chartered Parkland	City of San Jose	
1	Gleason Park	Chartered Parkland	City of San Jose	
1	Gullo Park	Chartered Parkland	City of San Jose	
1	Hathaway Park	Chartered Parkland	City of San Jose	
1	John Mise Park	Chartered Parkland	City of San Jose	
1	Marijane Hamann Park	Chartered Parkland	City of San Jose	
1	Murdock Park	Chartered Parkland	City of San Jose	
1	Payne Ave Friendship Park	Chartered Parkland	City of San Jose	
1	Rainbow Park	Chartered Parkland	City of San Jose	
1	San Tomas Park	Chartered Parkland	City of San Jose	
1	Saratoga Creek Park	Chartered Parkland	City of San Jose	
1	Starbird Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 90% CSJ, 10% Valley Water
2	Basking Ridge Park	Chartered Parkland	City of San Jose	
2	Charlotte Commons	Chartered Parkland	City of San Jose	
2	Chynoweth Park	Chartered Parkland	City of San Jose	
2	Coy Park	Chartered Parkland	City of San Jose	
2	Danna Rock Park	Chartered Parkland	City of San Jose	
2	Edenvale Garden Park	Chartered Parkland	City of San Jose	
2	Golden Oak Park	Chartered Parkland	City of San Jose	
2	Great Oaks Park	Chartered Parkland	City of San Jose	
2	Meadows Park	Chartered Parkland	City of San Jose	
2	Melody Park	Chartered Parkland	City of San Jose	
2	Metcalfe Park	NOT Chartered	Santa Clara County	
2	Miner Park	Chartered Parkland	City of San Jose	
2	Palmia Park	Chartered Parkland	City of San Jose	
2	Parkview I Park	Chartered Parkland	City of San Jose	
2	Parkview II Park	Chartered Parkland	City of San Jose	
2	Parkview III Park	Chartered Parkland	City of San Jose	
2	Piercy Park	Chartered Parkland	City of San Jose	
2	Raleigh Park	Chartered Parkland	City of San Jose	
2	Ramac Park	Chartered Parkland	City of San Jose	
2	Senter and Serenade Site	NOT Chartered	City of San Jose	Newly Added - Not part of total count until July 1st; Not chartered due to DOT ownership
2	Shady Oaks Park	NOT Chartered	Santa Clara County	
2	Silver Leaf Park	Chartered Parkland	City of San Jose	
2	Vista Park	Chartered Parkland	City of San Jose	
2	Waterford Park	Chartered Parkland	City of San Jose	
3	Backesto Park	Chartered Parkland	City of San Jose	
3	Bestor Art Park	Chartered Parkland	City of San Jose	
3	Bonita Park	Chartered Parkland	City of San Jose	
3	Brenda Lopez Memorial Plaza	NOT Chartered	City of San Jose	Park Providing Agency is DOT; 90% DOT ROW
3	Cannery Park	Chartered Parkland	City of San Jose	
3	Forestdale Tot Lot	Chartered Parkland	City of San Jose	
3	Gran Paradiso Park	Chartered Parkland	City of San Jose	
3	Hacienda Creek Park	Chartered Parkland	City of San Jose	
3	Heinlenville Park	Chartered Parkland	City of San Jose	
3	John P. McEnery Park	Chartered Parkland	City of San Jose	
3	Luna Park	Chartered Parkland	City of San Jose	
3	Martin Park	Chartered Parkland	City of San Jose	
3	Newbury Park	Chartered Parkland	City of San Jose	
3	O'Donnell's Garden Park	Chartered Parkland	City of San Jose	
3	Orchard Park	Chartered Parkland	City of San Jose	
3	Parque de los Pobladores (Gore Plaza)	NOT Chartered	City of San Jose	Park Providing Agency is DOT; 100% DOT ROW
3	Parque de Padre Mateo Sheedy	Chartered Parkland	City of San Jose	
3	Pellier Park	Chartered Parkland	City of San Jose	
3	Plaza de Cesar Chavez	Chartered Parkland	City of San Jose	
3	Raymond Bernal Jr. Memorial Park	Chartered Parkland	City of San Jose	
3	Roosevelt Park	Chartered Parkland	City of San Jose	
3	Ryland Dog Park	Chartered Parkland	City of San Jose	
3	Ryland Park	Chartered Parkland	City of San Jose	
3	Selma Olinder Park	Chartered Parkland	City of San Jose	
3	St. James Park	Chartered Parkland	City of San Jose	
3	Tamien Park	Chartered Parkland	City of San Jose	
3	The Beautiful Way Park	Chartered Parkland	City of San Jose	Newly Added - Not part of total count until July 1st
3	Townsend Park	Chartered Parkland	City of San Jose	
3	Watson Park	Chartered Parkland	City of San Jose	
3	William Street Park	Chartered Parkland	City of San Jose	
4	Alum Rock Park	Chartered Parkland	City of San Jose	
4	Alviso Park	Chartered Parkland	City of San Jose	
4	Baypointe Interim Park	Chartered Parkland	City of San Jose	
4	Berryessa Creek Park	Chartered Parkland	City of San Jose	
4	Brooktree Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 70% CSJ and 30% PG&E
4	Bruzzzone Park	Chartered Parkland	City of San Jose	Newly Added - Not part of total count until July 1st
4	Cataldi Park	Chartered Parkland	City of San Jose	
4	Commodore Park	Chartered Parkland	City of San Jose	
4	Flickinger Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 80% CSJ and 20% PG&E
4	Iris Chang Park	Chartered Parkland	City of San Jose	
4	Mercado Park	Chartered Parkland	City of San Jose	Newly Added - Not part of total count until July 1st
4	Moltozo Park	Chartered Parkland	City of San Jose	
4	Noble Park	Chartered Parkland	City of San Jose	
4	Noble Site	Chartered Parkland	City of San Jose	Newly Added - Not part of total count until July 1st
4	Northwood Park	Chartered Parkland	City of San Jose	
4	Penitencia Creek Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 85% SCC, 5% Valley Water, 5% CSJ, and 5% School District
4	Penitencia Creek Park (County)	NOT Chartered	Santa Clara County	
4	River Oaks Park	Chartered Parkland	City of San Jose	
4	Riverview Park	Chartered Parkland	City of San Jose	
4	Vinci Park	Chartered Parkland	City of San Jose	
4	Vista Montaña (1 acre)	Chartered Parkland	City of San Jose	
4	Vista Montaña (5 acre)	Chartered Parkland	City of San Jose	
5	Capitol Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 80% CSJ, 10% School District, 10% PG&E
5	Children of the Rainbow Park	Chartered Parkland	Mixed Ownership	Mixed Ownership; Owners; 70%PG&E, 30% CSJ
5	Cimarron Park	Chartered Parkland	City of San Jose	
5	Delano Manongs Park	Chartered Parkland	City of San Jose	
5	Emma Prusch Farm Park	Chartered Parkland	City of San Jose	
5	Esther Medina Park	Chartered Parkland	City of San Jose	
5	Fleming Park	Chartered Parkland	City of San Jose	
5	Hillview Park	Chartered Parkland	City of San Jose	
5	Lo Bue Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 80% PG&E and 20% CSJ

Attachment A – Charter Park Status for Traditional Parks

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5	Madden Park	Chartered Parkland	City of San Jose	
5	Mayfair Park	Chartered Parkland	City of San Jose	
5	Mt. Pleasant Park	Chartered Parkland	City of San Jose	
5	Nancy Lane Plaza	NOT Chartered	City of San Jose	Park Providing Agency is DOT; 100% DOT ROW
5	Our Park	NOT Chartered	PG&E	
5	Overfelt Gardens	Chartered Parkland	City of San Jose	
5	Parque de la Amistad	Chartered Parkland	City of San Jose	
5	Plata Arroyo Park	Chartered Parkland	City of San Jose	
5	San Antonio Tot Lot	Chartered Parkland	City of San Jose	
5	Sylvia Cassell Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 60% CSJ, 40% School District
5	Zolezzi Park	Chartered Parkland	City of San Jose	
6	Biebrach Park	Chartered Parkland	City of San Jose	
6	Buena Vista Park	Chartered Parkland	City of San Jose	
6	Cahill Park	Chartered Parkland	City of San Jose	
6	Columbus Park	Chartered Parkland	City of San Jose	
6	Del Monte Park	Chartered Parkland	City of San Jose	
6	Del Monte Plaza	Chartered Parkland	City of San Jose	
6	Discovery Dog Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 99% VTA, 1% CSJ
6	Fuller Avenue Park	Chartered Parkland	City of San Jose	
6	Gregory Tot Lot	Chartered Parkland	City of San Jose	
6	Guadalupe River Park	Chartered Parkland	City of San Jose	
6	Hester Park	NOT Chartered	Private	
6	Hummingbird Park	Chartered Parkland	City of San Jose	
6	Lincoln Glen Park	Chartered Parkland	City of San Jose	
6	Municipal Rose Garden	Chartered Parkland	City of San Jose	
6	Newhall Park	Chartered Parkland	City of San Jose	
6	O'Connor Park	Chartered Parkland	City of San Jose	20% DOT ROW
6	Rincon South Park	Chartered Parkland	City of San Jose	
6	River Glen Park	Chartered Parkland	City of San Jose	
6	Rosemary Garden Park	Chartered Parkland	City of San Jose	
6	Roy Avenue Park	Chartered Parkland	City of San Jose	
6	St. Elizabeth Park	Chartered Parkland	City of San Jose	
6	Theodore Lenzen Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 90% CSJ, 10% Private
6	Wallenberg Park	Chartered Parkland	City of San Jose	
6	Wilcox Park	Chartered Parkland	City of San Jose	
6	Willow Street Frank Bramhall Park	Chartered Parkland	City of San Jose	
7	Bellevue Park	Chartered Parkland	City of San Jose	
7	Elaine Richardson Park	Chartered Parkland	City of San Jose	
7	Kelley Park	Chartered Parkland	City of San Jose	
7	La Raggione Tot Lot	Chartered Parkland	City of San Jose	
7	Lone Bluff Park	Chartered Parkland	City of San Jose	
7	Mariposa Park	NOT Chartered	Caltrans	Pending acquisition from Caltrans (August/September)
7	McLaughlin Park	Chartered Parkland	City of San Jose	
7	Nisich Park	Chartered Parkland	City of San Jose	
7	Ramblewood Park	Chartered Parkland	City of San Jose	
7	Roberto Antonio Balermino Park	Chartered Parkland	City of San Jose	
7	Rocksprings Park	Chartered Parkland	City of San Jose	
7	Solari Park	Chartered Parkland	City of San Jose	
7	Stonegate Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 90% CSJ, 10% School District
7	Tully Community Ballfields	Chartered Parkland	City of San Jose	
7	Turtle Rock Park	Chartered Parkland	City of San Jose	
7	Umbarger Pathway	Chartered Parkland	City of San Jose	
7	Vieira Park	Chartered Parkland	City of San Jose	
7	Vieira Park Overlook	Chartered Parkland	City of San Jose	
7	West Evergreen Park	Chartered Parkland	City of San Jose	
7	William Lewis Manly Park	Chartered Parkland	City of San Jose	
7	Windmill Springs Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 90% CSJ, 10% School District
8	Aborn Park	Chartered Parkland	City of San Jose	
8	Arcadia Ballpark	Chartered Parkland	City of San Jose	
8	Barberry Lane Walkway - Reach B - Reach C	Chartered Parkland	Mixed Ownership	Mixed Ownership: 60% CSJ and 40% Valley Water
8	Boggini Park	Chartered Parkland	City of San Jose	
8	Brigadoon Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 80% CSJ and 20% School District
8	Brigadoon Tot Lot	Chartered Parkland	City of San Jose	
8	Canyon Creek Park	Chartered Parkland	City of San Jose	
8	Dove Hill Park	Chartered Parkland	City of San Jose	
8	Evergreen Park	Chartered Parkland	City of San Jose	
8	Falls Creek Park	Chartered Parkland	City of San Jose	
8	Fernish Park	Chartered Parkland	City of San Jose	
8	Fowler Creek Park	Chartered Parkland	City of San Jose	
8	Groesbeck Hill Park	Chartered Parkland	City of San Jose	
8	Lake Cunningham Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 90% CSJ and 5% SCC and 5% Valley Water
8	Meadowfair Park	Chartered Parkland	City of San Jose	
8	Montgomery Hill Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 90% CSJ and 10% Private
8	Norwood Creek Park	Chartered Parkland	City of San Jose	
8	Scenic Meadows Park I, II and III	Chartered Parkland	Mixed Ownership	Mixed Ownership: 95% CSJ and 5% Private
8	Silver Creek Linear Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 95% CSJ and 5% PG&E
8	Silver Creek Linear Park II (Picnic Meadow)	Chartered Parkland	City of San Jose	
8	Welch Park	Chartered Parkland	City of San Jose	
9	Branham Park	Chartered Parkland	City of San Jose	
9	Butcher Park	Chartered Parkland	City of San Jose	
9	Camden Park	Chartered Parkland	City of San Jose	
9	Canoas Park	Chartered Parkland	City of San Jose	
9	Carolyn Norris Park	Chartered Parkland	City of San Jose	
9	De Anza Park	Chartered Parkland	City of San Jose	
9	Doerr Park	Chartered Parkland	City of San Jose	
9	Erikson Park	Chartered Parkland	City of San Jose	
9	Houge Park	Chartered Parkland	City of San Jose	
9	Kirk Park	Chartered Parkland	City of San Jose	
9	Lone Hill Park	Chartered Parkland	City of San Jose	
9	Paul Moore Park	Chartered Parkland	City of San Jose	
9	Richard E Huerta Park	NOT Chartered	PG&E	Was listed as Chartered
9	Rubino Park	Chartered Parkland	City of San Jose	
9	Russo Park	NOT Chartered	City of San Jose	90% DOT ROW; PRNS is not the providing park agency; Was listed as Chartered
9	Scottsdale Park	Chartered Parkland	City of San Jose	
9	Terrell Park	Chartered Parkland	City of San Jose	
9	Thousand Oaks Park	Chartered Parkland	City of San Jose	
9	William H. Cilker Park	Chartered Parkland	City of San Jose	
10	Albertson Parkway	Chartered Parkland	Mixed Ownership	Mixed Ownership: 60% CSJ and 40% PG&E
10	Almaden Lake Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 50% CSJ, 50% Valley Water
10	Almaden Meadows Park	Chartered Parkland	City of San Jose	
10	Almaden Winery Park	Chartered Parkland	City of San Jose	

Attachment A – Charter Park Status for Traditional Parks
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10	Avenida Espana Park	Chartered Parkland	City of San Jose	
10	Cahalan Park	Chartered Parkland	City of San Jose	
10	Calero Park	Chartered Parkland	City of San Jose	
10	Carrabelle Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 60% CSJ, 30% PG&E, 10% School District
10	Castillero Tennis Courts	NOT Chartered	Private	Owner: 100% School District; Current Status is closed and it appears the JUA may have expired in 2011
10	Cathedral Oaks Park	Chartered Parkland	City of San Jose	
10	Century Oaks Park	Chartered Parkland	City of San Jose	
10	Chris Hotts Park	Chartered Parkland	City of San Jose	
10	Comanche Park	Chartered Parkland	City of San Jose	
10	Foothill Park	Chartered Parkland	City of San Jose	
10	George Page Park	Chartered Parkland	City of San Jose	
10	Glenview Park	Chartered Parkland	City of San Jose	
10	Greystone Park	Chartered Parkland	City of San Jose	
10	Guadalupe Oak Grove	Chartered Parkland	City of San Jose	
10	Jeffery Fontana Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 60% CSJ, 30 PG&E, and 10% Valley Water
10	La Colina Park	Chartered Parkland	City of San Jose	
10	Los Paseos Park	Chartered Parkland	City of San Jose	
10	Miyuki Dog Park	Chartered Parkland	City of San Jose	
10	Parma Park	Chartered Parkland	City of San Jose	
10	Pfeiffer Park	NOT Chartered	Valley Water	100% owned by SCVWD
10	Playa Del Rey Park	Chartered Parkland	City of San Jose	
10	T. J. Martin Park	Chartered Parkland	Mixed Ownership	Mixed Ownership: 70% CSJ, 30% PG&E

Attachment A – Charter Park Status for Traditional Parks

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COMMUNITY GARDENS

CD	Name	Charter Status	Owner	Notes	Stand-alone or Within a park
1	Calabazas Community Garden	Chartered	City of San Jose		Stand-alone
1	Rainbow Community Garden	Chartered	City of San Jose		Stand-alone
1	Pueblo De Dios Community Garden	Chartered	City of San Jose	Within Payne Avenue Friendship Park	Within a park
2	Discovery Community Garden	Chartered	City of San Jose		Stand-alone
2	Rusty Areas Community Garden	NOT Chartered	County of Santa Clara		Stand-alone
3	Bestor Art Park Community Garden	Chartered	City of San Jose	Within Bestor Art Park	Stand-alone
4	Alviso Community Garden	Chartered	City of San Jose	Within Alviso Park	Within a park
4	Berrysa Community Garden	NOT Chartered	School District	Not Chartered due to School District ownership. Adjacent to Commodore Park	Stand-alone
5	Cornucopia Community Garden	Chartered	City of San Jose	Adjacent to Emma Prusch Farm Park	Stand-alone
5	Esther Medina Community Garden	Chartered	City of San Jose	Within Esther Medina Park	Within a park
5	El Jardin Community Garden	Chartered	City of San Jose	Adjacent to Emma Prusch Farm Park	Stand-alone
5	Mayfair Community Garden	Chartered	City of San Jose		Stand-alone
6	Guadalupe Gardens – Community Garden	NOT Chartered	City of San Jose	Not Chartered due to Federal Airport Administration (FAA) controlled	Stand-alone
6	Hamlane Community Garden	Chartered	City of San Jose		Stand-alone
6	Jesse Frey Community Garden	NOT Chartered	Mixed Ownership	Mixed Ownership: 80% owned by SCVWD and 20% CSJ	Stand-alone
6	Wallenberg Community Garden	Chartered	City of San Jose		Stand-alone
7	Coyote Creek Community Garden	Chartered	Mixed Ownership	Mixed Ownership: 60% City of San Jose and 40% Valley Water	Stand-alone
7	Nuestra Tierra Community Garden	Chartered	Mixed Ownership	Adjacent to La Raglone Tot; Park is Mixed Ownership: 99% City of San Jose and 1% Valley Water	Stand-alone
7	Vietnamese Heritage Community Garden	Chartered	City of San Jose	Within Kelley Park - Vietnamese Heritage Garden	Within a park
10	La Colina Community Garden	Chartered	City of San Jose		Stand-alone
10	Laguna Seca Community Garden	NOT Chartered	Valley Water	Not Chartered due to 100% owned by Valley Water	Stand-alone

DOG PARKS

CD	Name	Charter Status	Owner	Notes	Stand-alone or Within a park
1	Saratoga Creek Dog Park	Chartered	City of San Jose	Adjacent to Saratoga Creek Park	Stand-alone
2	Raleigh Dog Park	Chartered	City of San Jose	Adjacent and surrounded by Raleigh Park	Stand-alone
3	Cannery Park	Chartered	City of San Jose	Within Cannery Park	Within a park
3	Ryland Dog Park	NOT Chartered	City of San Jose	100% in DOT ROW	Stand-alone
3	Selma Olinder Dog Park	Chartered	City of San Jose	Adjacent to Selma Olinder Park	Stand-alone
3	Watson Dog Park	Chartered	City of San Jose	Adjacent and surrounded by Watson Park	Stand-alone
3	St. James Park	Chartered	City of San Jose	Within St. James Park	Within a park
4	Bruzone Park	Chartered	City of San Jose		Within a park
4	Penitencia Creek Park - Dog Park	Chartered	City of San Jose		Within a park
5	Esther Medina Park	Chartered	City of San Jose	Within Esther Medina Park	Within a park
6	Guadalupe Gardens	NOT Chartered	City of San Jose	Federal Airport Administration (FAA) controlled	Within a park
6	Del Monte Dog Park	Chartered	City of San Jose	Adjacent to Del Monte Park	Stand-alone
6	Discovery Dog Park	NOT Chartered	Mixed Ownership	Park is Mixed Ownership: 99% VTA and 1% CSJ	Stand-alone
7	Tully Community Ballfields	Chartered	City of San Jose	Within Tully Community Ballfields	Within a park
8	Welch Park	Chartered	City of San Jose	Within Welch Park	Within a park
9	Butcher Dog Park	Chartered	City of San Jose	Adjacent to Butcher Park	Stand-alone
10	Jeffery Fontana Dog Park	Chartered	City of San Jose	Adjacent to Jeffery Fontana Park	Stand-alone
10	Miyuki Dog Park	Chartered	City of San Jose	Not adjacent to any park	Stand-alone

COMMUNITY CENTERS

CD	Name	Charter Status	Owner	Notes	Stand-alone or Within a park
1	Calabazas Neighborhood Center	Chartered	City of San Jose	Within Calabazas Park	Within a park
1	Cypress Community & Senior Center	NOT Chartered	City of San Jose	Not Chartered due to no parkland - stand-alone center	Stand-alone
1	Hamann Neighborhood Center	Chartered	City of San Jose	Within Marianne Hamann Park	Within a park
1	Rainbow Neighborhood Center	Chartered	City of San Jose	Within Rainbow Park	Within a park
1	San Tomas Neighborhood Center	Chartered	City of San Jose	Within San Tomas Park	Within a park
1	Starbird Youth Center	Chartered	City of San Jose	Mixed Ownership: 90% CSJ and 10% Valley Water. Starbird Youth Center is within a parcel that is CSJ owned. Within Starbird Park	Within a park
2	Edenvale Community Center	NOT Chartered	School District	Not Chartered due to owned by school district (Oak Grove School District) - Joint Use	Stand-alone
2	Southside Community & Senior Center	NOT Chartered	City of San Jose	Not Chartered due to no parkland - stand-alone center	Stand-alone
2	Vista Park Neighborhood Center	Chartered	City of San Jose	Within Vista Park	Within a park
3	Backesto Neighborhood Center	Chartered	City of San Jose	Within Backesto Park	Within a park
3	Jacinto Siquig Northside Community Center	NOT Chartered	Private	Not Chartered due to owned by affordable housing	Stand-alone
3	Olinder Neighborhood Center	Chartered	City of San Jose	Within Selma Olinder Park	Within a park
3	Roosevelt Community Center	Chartered	City of San Jose	Within Roosevelt Park	Within a park
3	Spartan Keyes Neighborhood Center	NOT Chartered	Private	Not Chartered due to privately owned by Wachovia Affordable Housing	Stand-alone
3	Washington United Youth Center	Chartered	City of San Jose	Adjacent to Brenda Lopez Memorial Plaza and Biblioteca Latinoamericana Branch Library	Stand-alone
4	Alviso Youth Center	NOT Chartered	School District	Not Chartered due to owned by school district (San Jose and Santa Clara School District) - within Joint Use portion	Stand-alone
4	Berrysa Community Center	NOT Chartered	County of Santa Clara	Park is Mixed Ownership: 85% County of Santa Clara, 5% SCVWD, 5% CSJ, and 5% School District. Berrysa Community Center is	Within a park
4	Berrysa Youth Center	NOT Chartered	School District	Not Chartered due to owned by school district (Berrysa Union School District) - Joint Use	Stand-alone
4	Noble House Neighborhood Center	Chartered	City of San Jose	Within Noble Site	Stand-alone
4	Noble Modular Neighborhood Center	NOT Chartered	School District	Not Chartered due to owned by school district (Berrysa Union School District) - Joint Use	Stand-alone
5	Alum Rock Youth Center	NOT Chartered	School District	Not Chartered due to owned by school district (Alum Rock School District) - Joint Use	Stand-alone
5	Capitol Park Neighborhood Center	Chartered	City of San Jose	Mixed Ownership: 80% CSJ, 10% School District, 10% PG&E. Capitol Park Neighborhood Center is within one parcel that is city ow	Within a park
5	Hank Lopez Community Center	Chartered	City of San Jose	Within Hillview Park	Within a park
5	Mayfair Community Center	Chartered	City of San Jose	Within Mayfair Park	Within a park
5	Old Hillview Library	Chartered	City of San Jose	Within Hillview Park	Within a park
6	Bascom Library & Community Center	NOT Chartered	City of San Jose	Not Chartered due to no parkland - stand-alone center	Stand-alone
6	Bramhall Neighborhood Center	Chartered	City of San Jose	Within Willow Street Frank Bramhall Park	Within a park
6	Gardner Community Center	Chartered	City of San Jose	Within Liebrech Park	Within a park
6	Willow Glen Community & Senior Center	Chartered	City of San Jose	Within Lincoln Glen Park	Within a park
7	Alma Youth & Senior Center	Chartered	City of San Jose	Adjacent to Elia Park (future park)	Stand-alone
7	Seven Trees Community Center & Library	Chartered	City of San Jose	Adjacent to Solari Park (chartered park)	Stand-alone
7	Shirakawa Community Center	Chartered	City of San Jose	Playground present (improved)	Stand-alone
8	Evergreen Community Center	Chartered	City of San Jose	Within Evergreen Park	Within a park
8	Meadowfair Community Center	NOT Chartered	City of San Jose	Not Chartered due to no parkland - stand-alone center	Stand-alone
8	Millbrook Community Center	NOT Chartered	School District	Not Chartered due to owned by school district (Evergreen Elementary School District) - Joint Use	Stand-alone
8	Welch Park Neighborhood Center	Chartered	City of San Jose	Within Welch Park	Within a park
9	Camden Community Center	Chartered	City of San Jose	Within Camden Park	Within a park
9	Houge Park Neighborhood Center	Chartered	City of San Jose	Within Houge Park	Within a park
9	Kirk Community Center	Chartered	City of San Jose	Within Kirk Park	Within a park
10	Almaden Library & Community Center	Chartered	City of San Jose	Adjacent to Parma Park	Stand-alone
10	Almaden Winery Community Center	Chartered	City of San Jose	Within Almaden Winery Park	Within a park
10	Almaden Youth Center	NOT Chartered	School District	Not Chartered due to owned by school district (San Jose Unified) - Joint Use	Stand-alone
10	Los Paseos Youth Center	NOT Chartered	School District	Not Chartered due to owned by school district (Morgan Hill Unified School District) - Joint Use	Stand-alone

SPORTS FACILITY

CD	Name	Charter Status	Owner	Notes	Stand-alone or Within a park
5	P.A.L. Stadium Park	Chartered	City of San Jose		Stand-alone
7	Fair Swim Center	Chartered	City of San Jose		Stand-alone
7	Tully Community Ballfields	Chartered	City of San Jose		Stand-alone
8	Boys & Girls Club Soccer Field (Smythe Clubhouse)	Chartered	City of San Jose		Stand-alone
8	Arcadia Ballpark	Chartered	City of San Jose	Arcadia Ballpark is both a regional park and a sports facility	Stand-alone

CITY OWNED GOLF COURSES

CD	Name	Charter Status	Owner	Notes	Stand-alone or Within a park
3	San Jose Municipal Golf Course	Chartered Parkland	City of San Jose		Stand-alone
5	Rancho del Pueblo Golf Course	Chartered Parkland	City of San Jose		Stand-alone
7	Los Lagos Golf Course	Chartered Parkland	City of San Jose		Stand-alone

For questions on sites that may not be included on this list contact the Department at <ParkConcerns@sanjoseca.gov>.

Annotated History of Section 1700 of the City Charter

The current City Charter was adopted by the voters at an election in April of 1965, replacing the prior City Charter, which was adopted by the voters in 1915 and became effective in 1916.

The full text of Section 1700 adopted in 1965 reads as follows:

“Except as otherwise provided elsewhere in this Charter, the public parks of the City **shall be inalienable** unless otherwise authorized by the affirmative votes of the majority of the electors voting on such a proposition in each case; provided and excepting, however, that the same or any interest therein, or any concessions or privileges therein or in any building or structure situate therein, may be leased by the Council, or the Council may grant permits or licenses for the same, without any vote of any electors, if the term of each such lease or permit does not exceed three (3) years. As used herein “public parks” means any and all lands of the City which have been or are **dedicated, improved and opened to the public for public park purposes.**”

1916 Charter

The requirement that the parks be “inalienable” has appeared in the City’s Charter since the 1916 Charter. Under the general powers provision of the 1916 Charter, Section 2(a) provided that:

...the rights of the city in its streets, parks, waterfront and wharf property **shall be inalienable**, except as otherwise provided in this charter. All leases shall be made at public auction to the highest responsible bidder at the highest monthly rent after publication of notice thereof for at least one week in some daily newspaper of general circulation, published in the City of San Jose, which notice shall state explicitly the time and conditions of the lease, provided that the council may in its discretion reject any and all bids.

Article XIV of the 1916 Charter, specific to the PRNS Department, provided in Section 96 that:

The parks and reservations of the city **shall be inalienable** unless otherwise authorized by majority vote of the people...

Section 96 authorized leases or concessions in the parks according to the lease provisions set forth in Section 2 of the Charter, as outlined above, without a vote of the people, for a term not longer than three years. This Section also authorized a lease of a

portions of Alum Rock for hotel purposes under certain conditions including approval by vote of the people.¹

1896 Charter

The 1896 Charter, the Charter in effect prior to the 1916 Charter, did not use the term “inalienable” with respect to park property. However, the 1896 Charter specified that the parks could not be “hypothecated or mortgaged.” Additionally, the parks could not be leased or sold, except a portion of Alum Rock Park could be leased for hotel purposes as specified in the Charter without a vote of the people.

Development of the 1965 Charter’s Park provisions

There is little legislative history of the 1965 Charter’s Park Provisions that exist today. The definition of “public parks” in Section 1700 of the City Charter was approved by the voters in 1965 without any additional guidance on how to interpret and apply the definition of “public parks” (“dedicated, improved, and opened to the public for public park purposes”). However, what seems to be clear dating back to 1896 is that the voters of San José have intended to protect City Parks and want to make sure that City Parks are “inalienable” – meaning cannot change to a different use without voter approval. The language in the City Charter from 1916 and then in 1965 used the word “inalienable.”

¹ The full text of Section 96 set forth in the 1916 Charter, as amended and in effect as of January 31, 1963, states: The parks and reservations of the city shall be inalienable unless otherwise authorized by majority vote of the people; provided, however, that the same or any interest therein, or any concessions or privileges therein or in the building erected by the city thereon may be leased by the city council as provided in Section 2 of this charter for a period of not more than three years without submitting the matter to the people.

A lease as provided in Section 2 of this charter may be made of such portion of Alum Rock reservation as will not interfere with the free employment of the said reservation by the public, for a period of not more than twenty years, provided that within one year that the lessee erects thereon a hotel building to cost not less than fifty thousand dollars, the plans for and location of which have been approved by the city Planning Commission, and by the people at a general or special municipal election.