

11 March 2025

Re: 3/25/25 Item 7.1

Honorable Mayor Mahan,
Vice Mayor Foley,
Councilmembers Kamei, Campos, Salas, Cohen, Ortiz, Mulcahy, Doan, Candelas, and Casey,

We, the undersigned, are **park supporters**. We serve or have served in prominent roles as elected officials, park or planning commissioners, leaders of non-profits, members of City task forces or working groups, and/or as City or County staff. We write you to share our thoughts on parks and the City Charter's protection for "chartered" park land.

We believe park access for all residents is a fundamental quality-of-life issue. Parks provide health benefits by encouraging greater activity, and improve the surrounding environment by reducing climate change impacts. Whether residents choose to recreate in a minimally developed natural park or a highly developed urban park, the benefits accrue. All recreational activities in parks and trails, whether nature study or active sport, help strengthen connections of San José residents to this City that we love and serve.

We applaud and highly support the Parks, Recreational and Neighborhood Services Department for bringing forward clarification on the City's chartered parkland definition.

All park lands should be protected by the City charter language, whether the lands are

- less intensively developed natural parks or highly developed plazas;
- used primarily by children or seniors, pickleball or soccer players, golfers or gardeners;
- established parks or empty lands awaiting funding to implement their master plans; or
- off-street trails connecting people to nature or park-based community centers connecting neighbors to one other.

The Charter's protections for parkland serves as a strong expression of the City's commitment to its residents for quality-of-life, health benefits, and connection to nature and to each other. We support the clarification, and urge you to adopt them.

Sincerely,

Virginia Holby (Former San Jose Parks Commissioner)
 Vicki Alexander (Santa Clara Valley Open Space Authority Board - District 5)
 Eric Carruthers Principal Planner Ret Santa Clara County
 Rod Jordan, SR. County Supervisor, Dist 4, Ret.
 Dr. Gloria Duffy, Former President, Guadalupe River Park Conservancy
 Kelly Sutherland (Santa Clara Valley Open Space Authority, District 4)

RECEIVED
 SAN JOSE CITY CLERK
 2025 MAR 20 AM 10:17
 S.S. Mail

*Titles are for identification purposes only and do not imply endorsement of the respective organizations.

FW: I Support the Definition of Chartered Parkland (Agenda Item 7.1, File 25-292)

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 3/21/2025 1:53 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Edward Rooks [REDACTED]
Sent: Friday, March 21, 2025 1:38 PM
To: City Clerk <city.clerk@sanjoseca.gov>
Cc: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>
Subject: I Support the Definition of Chartered Parkland (Agenda Item 7.1, File 25-292)

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Dear San José City Council Members,

I urge Mayor Matt Mahan and Council members to approve the staff report and protect all eligible parks.

I am a wildlife artist and naturalist. I am a trained docent for the Santa Clara Valley Open Space Authority and a field trip leader at the Santa Clara Valley Bird Alliance.

My life has been shaped around communicating how wonderful and interesting nature is and getting the word out about the dangers we face because of how much of our wildlife and natural environment has been lost to development and pollution.

I support the inclusion of our 207 parks in the official Charter Park inventory (Attachment A).

I support the SCV Bird Alliance statements of 4 reasons why is this important to us and our wildlife:

Protects Public Parks Permanently – Ensures parkland remains inalienable unless approved by voters.

Provides Clarity & Transparency – Establishes a clear, consistent policy on how Charter Park status is determined.

Supports Wildlife & Green spaces – Parks provide vital habitat, recreation, and climate resilience.

Aligns with Historical Intent – San José has protected public parklands since 1896, with voters reaffirming these protections in 1965.

Edward Rooks

Wildlife Artist

[REDACTED]
San Jose, CA 95124

FW: Approve the staff report and protect all eligible parks

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 3/21/2025 1:59 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

From: Carolyn Straub [REDACTED]
Sent: Friday, March 21, 2025 12:38 PM
To: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>
Cc: City Clerk <city.clerk@sanjoseca.gov>
Subject: Re: Approve the staff report and protect all eligible parks

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Dear Mayor and City Council

On Tuesday, March 25, 2025, the San José City Council will discuss the Definition of Chartered Parkland under Section 1700 of the City Charter (Agenda Item 7.1, File 25-292). This discussion will help City Staff determine which city parks receive permanent protection from development or sale without voter approval.

All city park should be protected from development.

There is nothing more to say.

The idea that you would protect only certain parks is foolish.

Please amend your thinking and protect all city parks.

The LA fire was caused by years of build up and crowded city structures including homes. Does San Jose need to be reminded that more building leads to fire, as well as loss of mortgages and home owner's insurance?

Not to mention that our District 7 is very a crowded district.

Thank you for your interest.

Carolyn Straub

Stephen McHenry

[REDACTED]


San Jose

District 7

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FW: Definition and List of Chartered Parks: 3/25/25 Agenda Item 7.1

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 3/21/2025 1:54 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (258 KB)
210325 Joint letter on San Jose Parkland.pdf;

From: Shani Kleinhaus <[REDACTED]>
Sent: Friday, March 21, 2025 9:39 AM
To: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>; Costantino, Raymond <Raymond.Costantino@sanjoseca.gov>; City Clerk <city.clerk@sanjoseca.gov>
Cc: deb [REDACTED]; Katja Irvin [REDACTED] Dash Leeds
[REDACTED] Alice Kaufman <[REDACTED]>
Subject: Definition and List of Chartered Parks: 3/25/25 Agenda Item 7.1

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Dear Mayor Mahan and San José City Councilmembers,

The Santa Clara Valley Bird Alliance, Green Foothills, the Sierra Club Loma Prieta Chapter and Keep Coyote Creek Beautiful are environmental organizations working to protect parks, open space and other ecological and natural resources in the South Bay Area. We submit the attached letter in support of the Staff Report regarding the historical implementation of Section 1700 of the City Charter (Charter Parks), including the site inventory of Charter Parks as outlined in Attachment A, memorializing the policy on how Section 1700 is applied.

Respectfully,

Shani Kleinhaus, Ph.D.
Environmental Advocate
Santa Clara Valley Audubon Society

Katja Irvin, AICP
Guadalupe Group Conservation Chair
Sierra Club Loma Prieta Chapter

Alice Kaufman
Policy and Advocacy Director
Green Foothills

Deb Kramer
Executive Director
Keep Coyote Creek Beautiful

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March 21, 2025

Re: **Report on the City Charter Regarding Parks City Council 3/25/25 Agenda Item 7.1, File 25-292**

Dear Mayor Mahan and San José Council members,

The Santa Clara Valley Bird Alliance, the Sierra Club Loma Prieta Chapter, Green Foothills, and Keep Coyote Creek Beautiful are environmental organizations working to protect parks, open space and other ecological and natural resources in the South Bay Area. Our supporters in and around San José care deeply about city parks and open space. We urge the City Council to accept the report on the historical implementation of Section 1700 of the City Charter (Charter Parks), including the site inventory of Charter Parks as outlined in Attachment A, and to memorialize the policy on how Section 1700 is applied.

San José's City Charter has long recognized the importance of public parks and has protected them since 1896¹. Section 1700, adopted in 1965, ensures that designated parklands remain inalienable unless approved by a majority of voters. The Staff memo clarifies the definition of a Charter Park and establishes a transparent process for identifying and maintaining parkland protections. The Report appropriately reinforces the City's commitment to protecting and maintaining these essential public spaces.

We support the staff's interpretation that parkland should be considered a Charter Park if it meets the following criteria:

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

The memo provides needed clarity on sites where past ambiguity existed, particularly in instances where parkland has been minimally improved but is still publicly accessible and

¹ Alum Rock Park was founded in 1872 and is the oldest municipal park in CA.

intended for recreational use. We commend the City's consistent historical interpretation that "improvement" means any development that makes the land accessible and usable for park and recreation purposes. The inclusion of parks with trails, benches, signage, irrigation, and other amenities aligns with what voters have intended to protect as Charter Parks.

We further support the PRNS Department's decision to maintain an official, publicly accessible Charter Park inventory. This step will provide transparency, ensure proper management of San José's parklands, and prevent potential misclassification of protected spaces. The inventory confirms that 207 out of 221 traditional park sites qualify as Charter Parks, demonstrating San José's strong commitment to preserving open spaces for public use.

As San José continues to grow, parks are more important than ever, providing critical green infrastructure, wildlife habitat, and recreational opportunities for residents. It is essential that the City uphold the intent of the Charter and ensure that designated parks remain protected. We fully support the staff's recommendations and encourage the Council to adopt the report's findings and policies.

Respectfully,

Shani Kleinhaus, Ph.D.
Environmental Advocate
Santa Clara Valley Audubon Society


Katja Irvin, AICP
Guadalupe Group Conservation Chair
Sierra Club Loma Prieta Chapter

Alice Kaufman
Policy and Advocacy Director
Green Foothills

Deb Kramer
Executive Director
Keep Coyote Creek Beautiful

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

From City Clerk <city.clerk@sanjoseca.gov>
Date Fri 3/21/2025 1:54 PM
To Agendadesk <Agendadesk@sanjoseca.gov>

 1 attachment (291 KB)
D6NLG on Parks, Mar 2025.pdf;

From: Lames [REDACTED]
Sent: Friday, March 21, 2025 1:21 PM
To: The Office of Mayor Matt Mahan <mayor@sanjoseca.gov>; District1 <district1@sanjoseca.gov>; District2 <District2@sanjoseca.gov>; District3 <district3@sanjoseca.gov>; District4 <District4@sanjoseca.gov>; District5 <District5@sanjoseca.gov>; District 6 <district6@sanjoseca.gov>; District7 <District7@sanjoseca.gov>; District8 <district8@sanjoseca.gov>; District9 <district9@sanjoseca.gov>; District 10 <District10@sanjoseca.gov>
Cc: City Clerk <city.clerk@sanjoseca.gov>; Maguire, Jennifer <jennifer.maguire@sanjoseca.gov>; Cicirelli, Jon <Jon.Cicirelli@sanjoseca.gov>; Quevedo, Matthew <Matthew.Quevedo@sanjoseca.gov>; Ross, Rebekah <rebekah.ross@sanjoseca.gov>; Roth, Chris <Chris.Roth@sanjoseca.gov>; Costantino, Raymond <Raymond.Costantino@sanjoseca.gov>
Subject: March 25th Agenda item 7.1, "Report on the City Charter Regarding Parks"

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Honorable Mayor and Member of the San Jose Council,

Attached please find a letter from the District 6 Neighborhood Leaders Group (D6NLG).

Thank you,

~Lawrence Ames, Chair, D6NLG

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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